

# NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 67 DAISY STREET, Special Exception to permit a nonconforming use of lesser impact than the previous nonconforming use and to permit front yard parking in a RM-1 zone (Owner: City of New Haven. Applicant: Tri-Con Construction Managers, LLC. Agent: Thaddeus Stewart).

REPORT: 1438-19

ADVICE: Approval with condition

## PRINCIPAL APPLICABLE REGULATIONS

### Section 67(c)(3)a. Change of use

a. No nonconforming use of land or of a structure shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use, except such uses as are permitted in the district in which they are located, unless a special exception is granted under subsection 63(d) of this ordinance, upon a finding, among other things, that the new use will have a lesser impact upon the surrounding area than the old one.

### Section 29(c) Parking

c) No parking space shall be located within any required front yard, except that: parking spaces (whether enclosed or not) may be permitted to be located within a required front yard by special exception under subsection 63(d) of this ordinance upon a finding, among other things, that such parking spaces are necessary to the use with which they are connected, that they cannot be practically located elsewhere on the lot, that their location within a required front yard will not depreciate property values or cause vehicular or pedestrian traffic hazards or substantially decrease the open aspect of the street, and that such parking spaces are properly screened and otherwise arranged in accordance with the requirements of this ordinance.

### Section 63(d) concerning all Special Exception Standards

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## SITE CONDITIONS and BACKGROUND

The subject parcel (approximately 10,000 square feet) is part of a larger 18,937 square foot property located in both New Haven and Hamden just east of Dixwell Avenue. The Farmington Canal Heritage Trail runs along the western boundary of this property. The zoning designation for the New Haven portion is residential (RM-1) while the Hamden portion is Commercially zoned (T-4). The proposed use of the entire property will be changed from previous industrial use to office and file storage for a construction management company. Approximately 5,000 square feet of existing building will be demolished on the New Haven portion of the site leaving about 11,000 square feet of structure located on the site.

The portions of the existing building to be demolished will be replaced with on site parking lot to accommodate the new office use. This parking lot, located primarily along Gem Street and a portion of Daisy Street, will be screened from adjacent residential properties and will have driveway access on Gem Street. There will be a small three car parking lot in the rear of the facility that will require driving to the end of Daisy Street, but the loading doors located on the south side of the building that open up right to the street will be removed, limiting

business traffic on Daisy Street. The Special exceptions requested are a.) for the substitution of one existing nonconforming use (industrial) with a new nonconforming use of lesser impact (office/storage) and b.) to allow parking ranging in setback from the front property boundary of between 9 and 17 feet where 20 feet are required.

## **PUBLIC HEARING**

Mr. Thaddeus Stewart, Architect, appeared before the Board on behalf of the applicant, Tri-Con Construction Managers. He explained that this appearance represented the first step in a process that would involve not only a subsequent application to the City Plan Commission but also similar applications to the Town of Hamden. He described the nature of the proposed use in general but focused on the New Haven portion of the site. The demolition of nearly 5,000s.f. of existing building and its replacement with surface parking that is designed to minimize both traffic and visual impacts on the adjacent New Haven residences was also discussed.

There were no members of the public that spoke either in favor of or in opposition to the application

## **PLANNING CONSIDERATIONS**

### Special Exception Criteria

- *Nature of the Proposed Site:* See “Site Conditions and Background” above.
- *Resulting Traffic Patterns:* Daisy Street and Gem Street are both residential roadways. Consequently this plan was developed in a manner that to the greatest practical extent minimizes the impact of site originated traffic on these streets.
- *Nature of the Surrounding Area:* The current zoning designations for both the Hamden and New Haven portions of this property are reflective of their immediate surroundings. While the Hamden portion to the north is located close to a number of commercial properties the New Haven section to the south lies adjacent to primarily residential use. Location of parking, vegetative screening and landscaping as well as reduced building coverage have all been incorporated into this plan in a manner that is intended to improve the visual and functional relationship between this property and the New Haven residences situated to the south and east.
- *Proximity to Public Buildings:* Saint John the Baptist Church, the Walking in Holiness Church and Elm City College Preparatory Charter School are allocated within 500 feet of the subject property. This proposed use would not impact these existing facilities in any significant way.
- *The Comprehensive Plan:* Because the New Haven portion of the property is currently owned by the City and BZA approvals would facilitate its sale this proposal is in accordance with portions of the 2003 City of New Haven Comprehensive Plan of Development that call for “the stabilization and revitalization of publicly held property through a timely disposition process”. Also due to the extensive environmental site clean-involved in the redevelopment of this property it addresses issues of “environmental compliance” referred to in the POD.

Other Special Exception Considerations

Special Exceptions are requested in this application for both use and parking. The use related request would allow for the substitution of a previously existing metal finishing shop with an office and records storage facility. Section 67 requires a finding that the new use will have a lesser impact on the surrounding area than the old one. Evidence in support of such a finding includes:

1. Although the proposed use requires more on-site parking, less traffic will access Daisy Street and there will be no more truck loading/unloading in the Daisy Street cul-de-sac.
2. Building coverage will be reduced (in New Haven), landscaped screening will be provided (again, primarily in New Haven).
3. The overall character of the proposed use is such that it is much less likely than any industrial use to violate any City performance standards pertaining to noise, air pollution, or hazardous materials.

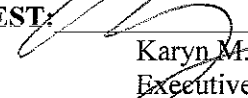
The parking related Special Exception would allow parking spaces within the required 20 foot RM-1 setback. Considerations of this include the fact that the plan shows minimal impact in the front yard (3 foot encroachment on the south side of the property along Daisy Street and 8 feet along Gem Street. Also, this proposed parking area helps to ensure that the Daisy Street cul-de-sac will not become a de facto employee parking lot.

**FINDING & ADVICE**

Based on the above findings and considerations the City Plan Commission recommends approval of both Special Exceptions with the following condition:

1. Application to be submitted to City Plan Commission for site plan approval.

**ADOPTED:** March 17, 2010  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg AIA  
Executive Director