

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 84 WHALLEY AVENUE, Use variance to allow a retail home/hardware store in a BB (Automotive Sales) District and a Special Exception to permit 75 on-site parking spaces where 98 are required. (Owner: Whalley Avenue Associates, Ltd.) [BZA, 11-82-V, 11-83-S].

REPORT: 1459-16

ADVICE: Approval

BACKGROUND:

Whalley Avenue Associates, Ltd. on behalf of Harbor Freight Tools Seeks a Use Variance to allow a retail hardware store; and a Special Exception to permit 75 on-site parking spaces where 98 are required in a BB (Automotive Sales) District. A recent site visit shows 84 Whalley Avenue is the former location of Staples the office store, and before that the Crest Lincoln-Mercury auto dealership. Whalley Avenue is a main thoroughfare through the Westville and Edgewood neighborhoods. The subject site borders mixed auto related/general business use including Midas Mufflers, U-Haul, Family Dollar store, and Rubber Match furniture. Behind the site are multifamily dwellings, where the RM-2 zoned Dwight neighborhood begins.

BZA Public Hearing December 13, 2011:

During the public hearing Attorney Anthony Avallone and Mr. Jason Glick presented the application. Mr. Avallone submitted a proposed floor and plan noted the layout is not dissimilar to that of the former Staples. He added he also presented the Harbor Freight proposal to the Dwight Management team who endorsed the use. No opposed the application; however, Ms. Sheila Masterson (Whalley Avenue Special Services District) spoke in favor of the application. In her testimony Ms. Masterson notes when ever New Haven dollars leaves town to buy hardware in North Haven it drives her crazy.

Prior CPC Action:

- Denied (CPC file 1435-07), Special Exception to permit 79 parking spaces where 87 spaces are required (Owner: Whalley Ave. Associates, L.P. Applicant: Morgan Foods d/b/a/ Save-a-Lot, Ltd. (BZA, 09-95-S) December 16, 2009.
- Granted with Conditions (CPC 1175-11) Special Exception to allow 82 parking spaces where 118 spaces are required; Variances to permit 0'and 0' Side Yard where 10'and 10' is required, Rear Yard of 0' where 10' is required; Use Variance to allow expansion of a non-permitted use (Office Supply Store) in a BB zone; May, 1994 (BZA 94-13-S, 94-14-V).
 1. The hours of operation shall be limited to (9:00 a.m. to 10:00 p.m.) seven days a week.
 2. Fencing and streetscape design shall be submitted for review and approval by the City Plan Department to assure conformance with the Boardway Commercial District standards.
 3. The Dwight Street egress shall be retained, gated and locked except for emergency access.

PLANNING CONSIDERATIONS:

Submitted plans include an A-2 class survey showing the subject lot and the adjoining 60 Whalley Avenue (former Rite Aide). Proposed signage photographs were also submitted as-well-as Web site photos showing a sample of tools sold by Harbor Freight Tools.

Use Variance:

At one time the Department resisted altering the character of the automotive BB zone. Yet, in light of changing franchise standards for new car dealers, the City recognized that retention of the Whalley Avenue auto row was becoming increasingly difficult. Subsequently Staples office supply was granted a use variance in 1994; however, said store closed operation in 2009. As the BB zone remains effective within lower Whalley Avenue the proposed use also requires a use variance.

Harbor Freight Tools (HFT) is a hardware store that was established in 1977 as a catalog company. Today they have over 370 stores nationwide in conjunction with web sales. Their products range from hand tools, garage and shop tools, as-well-as lawn and garden products.

Review of the site plans shows no building additions are planned. Still, minimal building alterations are envisioned; that is, new signage and other exterior modifications. Accordingly the submitted site plan shows 75 parking spaces, most sited along the lot periphery with a single gated access from Whalley Avenue, off street truck receiving is provided at the southern corner of the building.

The Commission notes truck maneuverability may be difficult when the parking lot is full due to serpentine access. The applicant notes proposed truck deliveries are Sunday evening after 5:00 p.m. and Thursday 6:00 a.m. After two months the deliveries will reduce to once a week either Thursday or Sunday. Floor plans of the 17,405 ± square foot building were omitted.

As planned the business hours will be Monday through Saturday 8:00 a.m. to 9:00 p.m. and Sunday 9:00 a.m. to 6:00 p.m. The store envisions a total of 30 employees of which 12 are full time. However, all thirty are not on site at one time.

The applicant asserts the proposed use is similar to the former Staples office supply with respect to impact on the business corridor of lower Whalley Avenue. They go on to say the proposed use is in harmony with the general purpose and intent of the zoning ordinance.

The Department notes the proposed use is in keeping with Section 63.C.2, as the planned hardware store will allow reasonable use of the property with sufficient off street parking. Staff concurs that the proposed retail use will not impair the essential character of the area as the scope of the lower Whalley Avenue BB zone has slowly evolved from automotive sales into a general business retail corridor. With that said staff notes it is unlikely that an automotive dealer will return to this location given the changing franchise standards for new car dealers.

Special Exception:

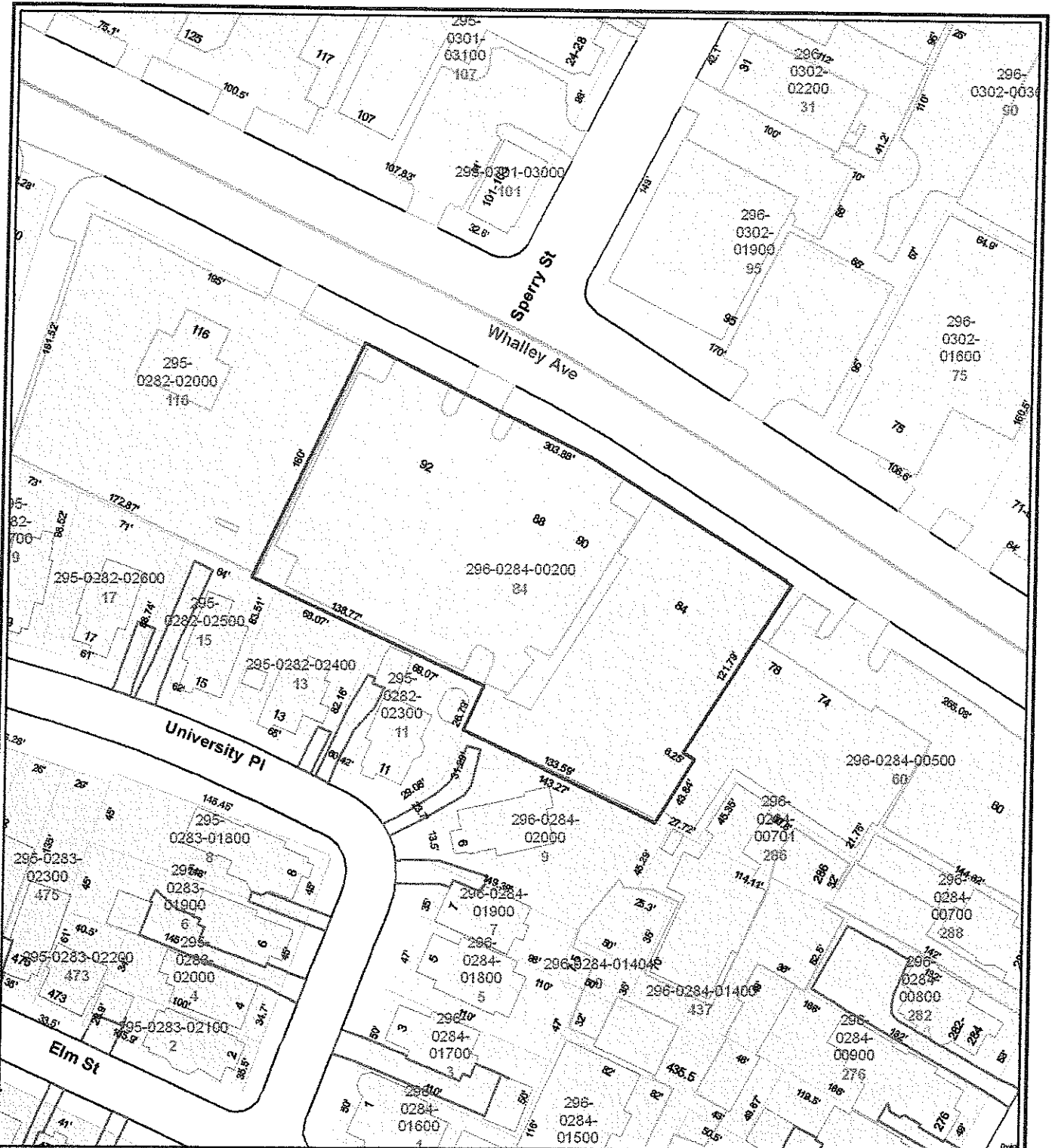
In conjunction with the aforementioned Use Variance the applicant has sought a Special Exception to adjust the parking requirement of Section 45.a.1 to permit 75 off-street parking spaces where 98 are required for the planned hardware store. The applicant states on the application that a similar sized store on the Boston Post Road in Orange, Connecticut has successfully operated with less than 75-parking spaces on site. Further review of the site plan shows 2 handicapped parking spaces at the store entrance and 73 customer-parking spaces. Staff notes however that 3 handicap parking spaces are required for a 75-space parking lot. One loading is currently exists at the far end of the building. The *Transportation, Traffic and Parking Department* has reviewed said site plans and noted that there are no transportation issues anticipated.


In 2009 the Commission recommend denial of the planned Save-a-Lot grocery store largely on the anticipated traffic affect on the immediate neighborhood. Given the nature of the use, and the one driveway access, the added tractor trailer truck deliveries alone would intensify the parking issue. Specifically, as the former Shaws supermarket was only ± 250 feet west of the site, the Commission noted that the application did not address the ability of the surrounding area to cope with any possible overflow. In contrast, the proposed use is less intensive and will not burden the neighborhood. The Commission further notes the Special Exception is only seeking to reduce the parking count by four spaces given the prior 1994 approval for Staples.

Therefore, because the proposed use is less intensive and will not adversely impact the surrounding area, and as said parking adjustment will simply reduce the existing parking capacity by 4 spaces, and as less frequent truck deliveries are anticipated, the Commission recommends approval.

ADOPTED: December 21, 2011
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg A.I.A.
Executive Director




 City of New Haven, Connecticut
 John DeStefano Jr., Mayor

84 Whalley Avenue BZA 11-82-V

Produced by the
 Office of Information Technology
 Geographic Data Viewer

- New Haven 2003
- Waterway
 - Lake - Pond
 - River
 - Shoreline
 - Stream
 - Wetland
 - Parcel
 - City Boundary Line
 - Schools
 - Administration
 - Food Service
 - Private School
 - Public School
 - Fire Station
 - Police Station
 - PD Headquarters
 - Substation
 - Health Centers
 - Hospital
 - Library
 - Railroad
 - Railroad Track
 - Abandoned Railroad Track
 - Airport Runway
 - Parcel Line_2005
 - Parks
 - Park
 - Triangle
 - Golf Course
 - Land Trust Preserves
 - Airport boundary
 - Shoreline

This map is intended for illustrative and Community-Based Planning processes. Every reasonable effort has been made to assure the accuracy of the map and data provided; nevertheless, some information may not be accurate. The City of New Haven assumes no responsibility arising from the use of this information.

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Scale: 1" = 85 ft

Created: December 5, 2011

