

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **31 FULTON STREET.** Use Variance to permit a Baseball Practice Facility with a batting cage and Coastal Site Plan Review. Zone: IH. (20-75-CAM) (Owner: Lakota Properties LLC.; Applicant: Benjamin Trachten)

REPORT: **1579-04**

ADVICE: **Coastal Site Plan: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 42: Use Table.

Social club, athletic club, lodge, veterans or fraternal organization, recreation facilities and community centers.

IH: X

Section 63(c)(1) Variances:

Where there is difficulty or unreasonable hardship in the way of carrying out the strict letter of the zoning ordinance, the Board of Zoning Appeals shall have power in a specific case to vary the application of any provision of the ordinance, if such variance will be in harmony with the general purpose and intent of the ordinance and if the public health, safety and general welfare will be served and substantial justice done.

Section 55: Coastal Management District

BACKGROUND

The applicant is seeking a variance to allow for the use of a Baseball Practice Facility with 3-4 batting cages in a Heavy Industrial zoning district. The proposal seeks to utilize approximately 3,400sf of the 17,275sf available within the structure on a 47,045sf parcel. The applicant proposes hours of operation to be Monday-Friday 10am-9pm and Saturday-Sunday 9am-8pm with 3 employees and a maximum occupancy of 20 youth, coaches, and support staff.

DECEMBER 8 PUBLIC HEARING

Attorney Benjamin Trachten presented the application stating that the parking requirements are satisfied for both the existing uses within the structure and the proposed use. The existing building has multiple vacancies and is located near a dense residential zone. The use is only related to a small portion of the building with minimal work being done within the interior of the structure. The site is almost entirely impervious surface with the proposed use having no impact on coastal resources. This will be a private facility and adhere to any and all health and safety procedures/regulations with applicant controlling access.

Six members of the public spoke either in support of this application, with three alders writing letters of support. A letter of support was also presented that contained 25+ signatures.

PLANNING CONSIDERATIONS:

Variance Considerations:

Difficulty or Unreasonable Hardship: The subject zone is highly regulated and restrictive in the allowable uses and prohibits the proposed use of a recreation facility despite being located within two local baseball facilities (Criscuolo Park and East Shore Park). The site is largely underutilized in an area that directly abuts an RM-2 (medium-high density) residential zoning district with a large youth population.

Harmony with general purpose and intent of ordinance: The proposed relief will allow for a recreational choice for the city's youth which is consistent with citywide efforts to provide meaningful opportunities for recreation either within or close to dense residential neighborhoods.

The public health, safety and general welfare will be served, and substantial justice done: The proposal will not have any adverse effects to the public health, safety, or welfare with the scope of work being consistent with the neighborhood.

Use Variance Considerations

The zoning regulations allow no reasonable use to be made of the property in question for reasons peculiar to the property and not applicable to the area as a whole:

The IH zone is the most restrictive business/industrial zone and therefore puts an unjust burden on the property owner to find tenants for the use that are permitted resulting in portions of the structure being vacant for an extended period of time.

The use proposed is the minimum variance necessary in order to allow a reasonable use of the property:

Commercial uses in industrial areas are limited due to the restrictive nature of the zoning ordinance, the proposed use relates to a small portion of the overall structure, is minimal and allows reasonable use of the property.

The use will not impair the essential character of the area or the objectives of the comprehensive plan of the City

The proposed use will take an otherwise underutilized structure and create a needed use with minimal impact to the layout of the interior of the structure.

COASTAL SITE PLAN REVIEW

The Board’s Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

Characteristics and Condition of Coastal Resources at or Adjacent to the site:

Coastal Flood Hazard Area (Flood Zone): The property is within Flood Zone AE Special Flood Hazard Area and X Areas determined to be outside of the 0.2% annual chance (100-year) floodplain Map# 09009C0442J (July 8, 2013).

Nearshore Waters: The site is approximately 2,230ft to the South-East of where the Quinnipiac River enters the Long Island Sound.

Shorelands: The site is within the coastal boundary on a previously developed non-waterfront or waterfront-adjacent site consisting of a paved parking lot and one building.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	None
2. Potential beneficial impacts	The project does not see an adverse or positive impact
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	Not waterfront
5. Have efforts been made to preserve opportunities for future water-dependent development?	Not waterfront
6. Is public access provided to the adjacent waterbody or watercourse?	Not waterfront
7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	No
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven CJL elevation is 4.6’.	No

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Coastal Site Plan to be essentially in harmony with the general purpose and intent of the ordinance and that the public health, safety, and general welfare will be served, and substantial justice done by its approval. Therefore, the Commission recommends approval.

ADOPTED: December 16, 2020
Ed Mattison
Chair

ATTEST: Aicha Woods
Aicha Woods
Executive Director, City Plan Department