

**NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT
NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW**

RE: 156 GANDO DRIVE, Special Permit and Coastal Site Plan Review for Outdoor Storage (more than 500 SF) of Vehicles in an IL Zone (Owner: 156 Gando LLC; Applicant: Anthony High Tech Auto Center II, Inc.).

REPORT: 1432-01

ACTION: Approval with Conditions

COASTAL FINDING: No Impact

CONDITIONS OF APPROVAL

The conditions of approval of this Special Permit under §64 of the New Haven Zoning Ordinance and Coastal Finding under §55 are as follows:

1. A Special Permit for storage of vehicles towed from City of New Haven streets due to parking and traffic violations only is issued and valid for a period of 5 years to September 16, 2012, provided a License from the Chief of Police has been issued for this site in compliance with Section 29-107 of the Code of Ordinances.
2. Any vehicles with accident damage or apparent leaking of fluids which potentially could negatively impact the environment shall not be permitted to be towed to this site or stored on the lot.
3. The special permit is granted to Anthony High Tech Auto Center II, Inc. for its sole use and is not transferable or assignable without the express approval of the Commission.
4. The applicant shall record on the City land records an original copy of this Special Permit report (to be provided by the City Plan Department) and shall furnish written evidence that the document has been so recorded (showing volume and page number) to the City Plan Department within 120 days of the date of publication of approval
5. The applicant shall hold the City of New Haven harmless for any and all damages to real and personal property associated with the storage of towed vehicles on the site.

Submission: Development Permit Application including Special Permit form, written description of activity 08/20/09, Special Permit \$120.00 fee, Site Plan Review including Coastal Site Plan Review \$240 fee, Survey by Land Surveying Services rev. 08/28/09 with location map.

BACKGROUND

Per the City of New Haven zoning regulations Section 42 T. Anthony High Tech Auto Center II, Inc. requests a special permit for vehicle storage on a site at 156 Gando Drive in the northeastern quadrant of the City in a Light Industrial (IL) zone, directly across the street from a residential zone to the southeast. 156 Gando Drive is a 35,033 SF site located on the west side of the street which parallels Middletown Avenue connecting to it at either end. The property is owned by 156 Gando, LLC. As the site where the vehicles are proposed to be stored is located within the Coastal Management Area, due to its proximity to the Quinnipiac River and to its location within the flood plain, the application also requires a Coastal Site Plan Review. A Certificate of Approval of Location (CAL) for a general repairer is also before the Commission at this time (see CPC 1432-02).

Current site conditions: There is one existing building on the site which is not proposed to be altered or rehabilitated. The building has an overhead door on the north side. The overall site is 90% paved. There is chain link fencing with privacy slats across the front of the site adjacent to the building, with a sliding chain link gate across the driveway opening. The fence is set back from the back of sidewalk in keeping with the original requirements of the Municipal Development Plan. The remainder of the site is enclosed at the perimeter with open chain link fencing. The property next door at 140 Gando Drive is in automotive use and owned by Monaco Investments, LLC, represented by the applicant to be the owner's son.

Zoning: The area proposed for vehicle storage is zoned Light Industrial (IL). More than 500 SF of outdoor storage within the IL Zone requires a Special Permit. Across Gando Drive from the site is a Low Middle

Density Residential zone (RM-1) zone. 156 Gando Drive is fully screened from the residential use. The site is located with the Coastal Management area and is within a Flood zone.

Proposed Activity: The applicant proposes outdoor storage of motor vehicles, trucks and passenger vehicles in the enclosed area (14,580 SF) adjacent to the building. The applicant has a General Repairer license from the Department of Motor Vehicles which he is refreshing with a new CAL (CPC 1432-02). A Site Plan shows 100 parking spaces within the area shown as the vehicle tow storage lot.

SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such *uses* and features upon neighboring *uses* and the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

a. *Burden of proof.* A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.

b. *Ordinance compliance.* The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the Commission.

Special Permit Criteria	Comments
<i>Comprehensive Plan of Conservation and Development.</i> The commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.	The Comprehensive Plan shows this site as Industrial Use, and the area is zoned Light Industrial (IL), suitable for transportation related and low intensity warehouse and storage uses.
<i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.	Gando Drive was created as part of the Middletown Avenue Municipal Development Plan where there were particular design standards and setbacks. The street is planted with street trees and there is an ample grassed setback between the back of sidewalk and the building and fencing. The storage use is totally enclosed by fencing and screened from the residential neighborhood across the street.
<i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.	Any lighting of the lot shall be compliant with the "Dark Skies" requirement. Zoning Ordinance Section 45(a)(3) requires that no direct light rays fall within the abutting residence district. Any vehicles with accident damage or apparent leaking of fluids which potentially could negatively impact the environment shall not be permitted to be towed to this site or stored on the lot.
<i>Historic preservation.</i> Features of historic significance shall not be significantly adversely affected by the granting of any special permit.	N/A
<i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to,	By virtue of the site's location within a MDP (expired) the building and fencing were established with the MDP required setbacks and guidelines. Tow trucks and any cars towed to the lot will not be permitted to be parked on the street.

<p>landscaping, drainage, access and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.</p>	
<p><i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p>As the use is compatible with the other industrial and automotive uses on Gando Drive, the outdoor storage of vehicles should not have a detrimental effect on the surrounding area.</p>
<p><i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p>	<p>While this is not anticipated to be a high volume traffic generator, tow trucks and towed vehicles will not be permitted to park in front of the building or on the street but must pull into the yard.</p>

PUBLIC HEARING ON SPECIAL PERMIT: At the public hearing on September 16, 2009 Attorney Anthony Avallone, representing the applicant Nicola Monaco, noted his client anticipated being in the towing business for perhaps the State and/or the City of New Haven and was applying for the Special Permit in anticipation of application for a towing license. He said the site was completely fenced and had at least 100 spaces for vehicles. The business would be operable 24/7 although there were very few vehicles towed to such yards at night. For the accompanying Certification of Approval of Location for a General Repairer’s license, he noted there would be no painting and spraying, and provided a letter stating that Monaco Investments, LLC intended to lease to Anthony’s High Tech Auto Center II, Inc. 10 parking spaces at 140 Gando Drive in accord with the site plan dated 08/28/09 and received 09/16/09. He noted these 10 spaces were in addition to the 100 spaces on site designated for towed vehicles.

INLAND WETLAND CONSIDERATIONS

The site plan shows that the relocated brook within the Middletown Avenue MDP , some which has been placed in conduit, is not within 50 feet of the site, nor is there any activity involving disturbance of the land as part of this proposal. Therefore an Inland Wetlands Permit is not required.

COASTAL PLANNING CONSIDERATIONS

The Commission'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.

The Commission will also consider whether the proposed application is consistent with the City's new Municipal Coastal Program.

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

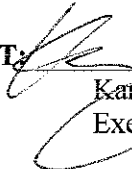
Coastal Flood Hazard Area: This property is located within Flood Zone A4, and area of 100 year flood according to Flood Insurance Rate Map 090084-0006C, where the flood elevation was established at 11 on 7/16/80. The submitted plan shows spot elevations around the building to be at elevation 12.5 or 13. The elevation at the back of sidewalk is approximately 11. The site is therefore above the minimum flood elevation. No additional impervious surface which would decrease storage of flood water in the area.

Coastal Program Criteria	Comments
Potential Adverse Impacts on Coastal Resources and Mitigation of Such Impacts	A potential adverse impact would be runoff of stormwater containing fluids/pollutants from parked vehicles. If the nearby watercourse were to flood the storage lot could be under water. Vehicles towed to this lot will be from parking violations and not accidents, and therefore there should be minimal fluid drips.
Degree of Water Dependency	N/A at this site.
Insurance of outstanding quality of design and construction to produce an environment that enhances its waterfront location	N/A at this site.
Consistency with the New Haven Coastal Program	The proposed land use is consistent with the proposed land use (industrial) in the 2006 New Haven Coastal Program.
Public Access	N/A at this site.

COASTAL FINDING

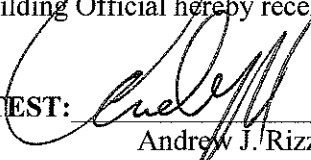
Taking into consideration all of the above information, the City Plan Commission finds the proposed activity consistent with all applicable goals and policies in Section 22a-92 of the Connecticut Coastal Management Act and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse effects on coastal resources. The Commission therefore makes a finding of no impact on coastal resources and approval for a coastal permit to be issued.

ADOPTED: September 16, 2009
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director

Coastal Site Plan Review, based upon the application and materials submitted by the applicant, was conducted at public hearing by the City Plan Commission of the City of New Haven in accordance with the Connecticut Coastal Management Act (CGS, Sections 22a-90 to 22a-112). The Building Official hereby receives the above written findings and any conditions thereof for his records.

DATE ADOPTED: 9/21/09

ATTEST: 
Andrew J. Rizzo, Jr.
Building Official