

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **61, 63 Kimberly Avenue, 482-483 Greenwich Avenue.** Special Exceptions to allow for transition parking and off-street parking spaces located within the front yard setback. Zone: RM-2/BA. Owner: Kelvin Lopez, 482 Greenwich Realty LLC. Applicant: Kelvin Lopez (22-80-S)

REPORT: **1623-06**

ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 13(b)(3)c. Transition parking as follows: In any case in which a business, industrial or residence-office district or districts abut directly upon a residence district and adequate property for off-street parking is not available in such business, industrial or residence-office district, the use of property in such residence district up to a distance of 150 feet from a business, industrial or residence-office district may be permitted for parking of passenger automobiles of employees, visitors and/or customers in connection with uses in such business, industrial or residence-office district or districts, provided that, in addition to such other conditions and safeguards as are found appropriate under subsection 63.(d) of this ordinance.

Section 29(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 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 29(i):The Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of parking spaces required and/or increase the maximum allowable walking distance to such parking spaces, but only upon a finding that either particular circumstance or mitigative measures qualify such action. Particular circumstance may include, but not be limited to availability of public parking, proximity to public transit or significant levels of pedestrian access. Mitigative measures may include, but not be limited to van and/or car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph shall be considered as special exceptions under subsection 63(d) of this ordinance. In the case of any religious or educational institution or any hospital, which has an overall parking plan for all of its facilities which has been approved by the Board of Zoning Appeals, the limit of 300 feet walking distance shall not apply. Amendments to a parking plan that covers an area which include a planned development must be submitted for approval per section 65 of this ordinance. All deviations from normal requirements by means of this subsection 29(i) shall be considered special exceptions under subsection 63(d) of this ordinance, and the Board of Zoning Appeals may impose time limits where it finds that the continued adequacy of such other parking standards cannot be fairly predicted.

Section 63 (d) - The Board of Zoning Appeals may grant a Special Exception if the proposed use is in accord with the public convenience and welfare, and may attach conditions and safeguards deemed necessary to protect the neighborhood.

Section 63. (d)(6)

In the following types of special exception cases, which involve more than conventional questions of use and may have a significant impact on surrounding areas and a substantial relationship to the comprehensive plan of the city, the Board of Zoning Appeals shall, following its hearing, refer the case including all exhibits to the City Plan Commission, which shall submit an advisory report, on such factors as it may deem relevant, to the Board within 30 days after receiving all records and documents in the case. This report of the City Plan Commission shall be taken into account in the decision of the Board.

c. Transition parking in residence districts: subsection 13(b)(3)c. and regulations of other residence districts.

f. Adjustment for parking and loading requirements: subsections 29(c); 29(h)(2); 29(i); 45(a)(6)b.; 45(a)(7).

BACKGROUND

The applicant operates C-Town Supermarket and is seeking Special Exceptions to allow for transition parking and off-street parking spaces located within the front yard setback as a result of a proposed 3,300sf addition to expand the existing market. As currently configured, there are 28 off-street parking spaces and the proposal seeks to continue to utilize the parking area with only one of the additional spaces located within the front yard. The proposal does result in the removal of a single-family home and will require going through the City Plan Commission for Site Plan Review if approved by this board.

THE BOARD OF ZONING APPEALS DECEMBER 13, 2022, PUBLIC HEARING

The attorney representing the applicant (Danielle Bercury) presented the application stating that this is an unusual lot configuration which consists of 3 separate lots with the existing structure located within the BA zone and the surface parking lot is within the RM-2 zone. The applicant is seeking to construct a 3,300sf addition and therefore additional off-street parking is required. The proposal seeks to consolidate the lots to allow for better access from Kimberly Avenue and increase the number of off-street parking spaces from 28 spaces to 43 with one of the proposed spaces located within the front yard setback. The proposal also seeks to demolish an existing 2-family structure located at 63 Kimberly Avenue. The owner Kelvin Lopez then spoke to reiterate what the attorney stated and added that the current number of parking spaces is not sufficient, and this application will seek to improve the parking conditions to better serve customers and the community. Emilia Perez spoke to the technical components of the drawing set stating that the proposal will result in an improvement in circulation and safety for those walking to and from their vehicles.

One member of the public spoke regarding the demolition of the structure at 63 Kimberly Avenue and the relocation of the current tenants. Mr. Lopez responded stating that he is the owner of this parcel and the current tenants are employees of the market and will work with them to ensure they are relocated and have adequate time to do so prior to demolition. One letter of support was received prior to the hearing.

PLANNING CONSIDERATIONS:**Special Exception Considerations**

- Nature of the Proposed Site: The site is unusual in its shape and size which has in turn limited the development of the property. The applicant proposes to merge the parcels and expand the supermarket while providing adequate parking for its customers. Development of the property is also restricted due to the zoning boundary going through the property (is not consistent with property lines).

- Resulting Traffic Patterns: The applicant seeks to add additional spaces with one space located within the front yard. By providing these spaces, staff does not feel the proposal will have an adverse effect on traffic patterns and circulation.
- Nature of the Surrounding Area: The parcel is located at the corner of Greenwich Avenue and Lamberton Street, and near the intersection at Dewitt Street. This area is surrounded by a range of commercial, mixed-use, and residential structures of varying density.
- The Comprehensive Plan: The application is in harmony with the New Haven Vision 2025 plan which identifies the Hill neighborhood as an opportunity to support various types of housing and development and a more robust community supported supermarket with adequate parking.

Additional Considerations for Transition Parking

- The property abuts directly on the lots occupied by the use or uses which such parking is connected, for at least 75 feet.
- No structures are erected or used for parking of automobiles on more than one level; no automobile sales, service, dead storage, or other such commercial enterprise is conducted upon such property; and no signs are erected thereon except signs complying with section 27 which are necessary to state the condition of use and to regulate traffic and parking.
- The area of the property used for parking is suitably paved and drained with significant lighting and landscaping and is arranged so that the flow of automobiles to and from streets will cause minimum interference with vehicular and pedestrian traffic.
- The surrounding residential areas are adequately protected by the location of entrances which will remain the same. The area will be suitably landscaped, between the paved parking area and all street lines in residence districts with a buffer strip of land at least five feet in width, located on such property between the paved parking area and all residentially-zoned land on which such property abuts directly, and the arrangement of artificial lighting is used for the parking area so that all direct rays fall entirely within the paved parking area.

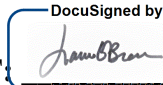
Additional Considerations for Front Yard Parking

- Such parking spaces are necessary to the use with which they are connected with only one of the proposed spaces to be located within the required front yard.
- The location of the spaces 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.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception is essentially in harmony with the general purpose and intent of the ordinance, the City's Comprehensive Plan and that the public health, safety, and general welfare will be served based on the location of this site and the surrounding infrastructure to support the granting of the special exception. Accordingly, the Commission recommends approval.

ADOPTED: January 18, 2023
Leslie Radcliffe
Chair

ATTEST:  January 19, 2023 | 12:5
Laura E. Brown
Executive Director, City Plan Department