



## Legislation Text

File #: OR-2024-0016, Version: 2

ZONING ORDINANCE TEXT AMENDMENT AND ZONING ORDINANCE MAP AMENDMENT APPROVING A PETITION BY CHAPEL HAVEN SCHLEIFER CENTER, INC. FOR A CHANGE OF ZONE FROM RM-2, HIGH-MIDDLE DENSITY RESIDENTIAL, TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT ON APPROXIMATELY 3.03 ACRES OF LAND KNOWN AS 1040 WHALLEY AVENUE (MAP 389/BLOCK 1139/PARCEL 01300), 34 EMERSON STREET (MAP 405/BLOCK 1138/PARCEL 03400), AND 38 EMERSON STREET (MAP 405/BLOCK 1138/PARCEL 03300).

WHEREAS, in accordance with the provisions of Article XIII, Sections 2A and 2E of the Charter of the City of New Haven ("City Charter") and Article VII, Section 64(d)(1) and Section 65 of the New Haven Zoning Ordinance ("Zoning Ordinance");

WHEREAS, Chapel Haven Schleifer Center, Inc. ("Chapel Haven") is the owner of certain tracts of land known as 1040 Whalley Avenue, 34 Emerson Street, and 38 Emerson Street (collectively, the "Site"), as more particularly described in the boundary map in Exhibit A and legal description in Exhibit B attached hereto;

WHEREAS, pursuant to Sections 64 and 65 of the Zoning Ordinance, Chapel Haven filed a petition/application to establish a new Planned Development District at the Site, together with general plans to amend the Zoning Ordinance and Zoning Map, to (i) change the existing zoning district of the Site from RM-2, High-Middle Density, to a new Planned Development District (the "Chapel Haven PDD"), (ii) establish the Permitted Uses allowed in the Chapel Haven PDD, including a newly defined "Independent Living Community" use, in order to permit the construction of a new Community Building at the Chapel Haven Campus and provide for the continuation of the existing residential and educational uses within the Chapel Haven PDD, and (iii) allow certain dimensional, parking and loading, and other deviations from the requirements of the underlying RM-2 zone (the "Petition");

WHEREAS, Chapel Haven submitted sufficient plans, traffic studies, and additional information in support of the Petition;

WHEREAS, the Petition was referred to the Board of Alders, which thereafter referred the Petition to the New Haven City Plan Commission for a hearing and report as required by Section 64(d) of the Zoning Ordinance and Article XIII, Sections 2A and 2E of the City Charter;

WHEREAS, on June 26, 2024, the City Plan Commission held a hearing on the Petition after provided due notice of such hearing as required by Section 64(d) of the Zoning Ordinance, Article XIII, Sections 2A and 2E of the City Charter, and state law;

WHEREAS, on **August 5, 2024**, the City Plan Commission rendered an advisory report to the Board of Alders after consideration of the factors set forth in Section 64(d)(2) and Section 65 of the Zoning Ordinance and favorably recommended the approval of the Petition as set forth in City Plan Commission Report No. 1651-09;

WHEREAS, on July 2, 2024, the Joint Community Development / Legislation Committee of the Board of Alders considered the Petition and rendered a favorable report recommending approval of the Petition;

WHEREAS, the Petition was referred to the City's Department of Transportation, Traffic and Parking for an advisory report in accordance with Section 65(d) of the Zoning Ordinance and such advisory report indicated that the proposed Chapel Haven PDD was not expected to have a significant impact on the traffic operations of the local roadway network;

WHEREAS, the proposed Chapel Haven PDD is consistent the standards set forth in Article XIII, Sections 2B and 2C of the City Charter, as described more particularly in the Petition;

WHEREAS, the proposed Chapel Haven PDD, as more particularly described in the Petition, is in accordance with Comprehensive Plan of Development of the City of New Haven entitled Vision 2025 and is consistent with the land uses and zoning classifications of neighboring parcels and the surrounding area; and

WHEREAS, the Petition satisfies the objectives for a planned development district, as set forth in Section 65 of the Zoning Ordinance, in that the proposed Chapel Haven PDD is:

- (1) In accordance with the comprehensive plans of the City, including all plans for redevelopment and renewal;
- (2) It is composed of such uses, and in such proportions, as are more appropriate and necessary for the integrated functioning of the planned development of the City;
- (3) It is so designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the City; and
- (4) So arranged as to provide a minimum of 250 square feet of usable open space per dwelling unit on the tract, except 125 square feet in the case of elderly housing units, subject to the specific minimum standards enumerated in Section 15(a)(1)(g) of the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alders of the City of New Haven that (i) the Petition and general plans for the Chapel Haven PDD are hereby approved, (ii) the text of the Zoning Ordinance is hereby amended to establish the Chapel Haven PDD in the manner requested by the Petition to include the permitted uses set forth in Exhibit C to the Petition and the modifications of the existing zoning requirements set forth in Exhibit D to the Petition, and (iii) the Zoning Map is hereby amended to designate the Site as a planned development district as set forth in the Proposed PDD Boundary Map and Legal Description provided in Exhibits A and B to the Petition.

Except as amended herein, the Zoning Ordinance and the Zoning Map of the City of New Haven shall remain in full force and effect.

BE IT FURTHER ORDAINED that the aforesaid amendments to the Zoning Ordinance and Zoning Map shall take immediate effect upon passage, subject to the requirements of Article IV, Section 3 of the City Charter.