

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 16 MILLER STREET. Special Exception to allow for a coffee shop/bakery. Zone: RM-2. (19-80-S) (Owner: Serena Neal-Sanjurjo; Applicant: Jamie Smarr)
REPORT: 1561-11
ADVICE: Special Exception: Approval

PRINCIPAL APPLICABLE REGULATIONS

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.

b) Convenience stores in residence districts: section 31, as provided for in the district regulations.

Section 31. (b) Convenience Uses: Where provided for in the District Regulations, the supplying of any of the following convenience goods and services, entirely at retail shall be considered a use which may be permitted by special exception under the conditions of this section 31:

(2) Baked goods, including incidental seating for a maximum of six people. No additional parking shall be required for incidental seating.

BACKGROUND

The applicant is seeking relief to permit a coffee shop/bakery in a residential (RM-2) zone. The property was approved by the City Plan Commission in September 2018 for the construction of 10 multi-family townhouses consisting of 56 residential dwelling units. The applicant proposes to add this use within the approved office meeting center abutting Tyler Street as a convenience to those that will reside at this complex as well as the neighboring properties. Proposed hours of operation will be 7am to 7pm daily with 2 employees at all times.

SEPTEMBER 17 PUBLIC HEARING

The applicant and architect representing the client (Kenneth Boroson) presented this application. He explained the location of the subject lot within the city, the approved CPC project and where the approximately 700sf coffee shop will be located within the site itself. One member of the public spoke in opposition of this application due to parking concerns.

PLANNING CONSIDERATIONS:

Special Exception Considerations

Reviewed in respect to applicable standards of Section 31(d) of the New Haven Zoning Ordinance staff offers the following:

(1) *There must be a finding by the City Plan Commission that space for such a use is not available in nearby areas which are zoned for business, and that such new use or expansion of an existing use is necessary to serve the immediate neighborhood adequately with convenience goods or services, giving due consideration, among other things, to the character of the neighborhood, the density of development, the shopping habits of neighborhood residents, and the availability of public and private transportation.*

Given the overall size of the site at approximately 4.5 acres and the abutting properties are a park to the west, vacant land to the North, a parking lot to the East, a cemetery to the South-East and residential structures to the South, there is no nearby use of a similar type, nor is there any real opportunity to do so elsewhere.

(2) The net floor area used for sales or other business purposes in any establishment (excluding space used for storage and similar purposes) shall not exceed 1,500 square feet.

The overall size of the proposed store is not listed in the application and compliance with this cannot be determined at this time.

(5) No business shall be conducted, and no goods, materials or equipment shall be stored, except in a fully enclosed building.

No outside use of the property is proposed; however floor plans do indicate a front porch where the entrance is located.

(7) The exterior presentation and design of storefront(s) shall be submitted as part of the special exception review. The following shall not be allowed on the exterior of a building or grounds: telephones; on-premises or off-premises signs, banners, or temporary advertising materials except those permitted pursuant to section 29(a)(9) [these regulations]; security gates covering window and door openings; and vending machines.

The structures and any exterior features have been previously approved by the City Plan Commission. An on-premise wall sign is shown on the elevations submitted, it is unclear if this is zoning compliant in regard to allowable square footage at this time, but a separate sign permit would be required and can be addressed then.

(8) The ground-floor storefront shall consist, at a minimum, of 50% non-opaque visible windows.

The storefront windows do appear to comply with the minimum 50% non-opaque visible window standard of Section 31(d)(8).

Section 63(d) of the New Haven Zoning Ordinance review in relation to the applicable criteria of this section results in the following comments:

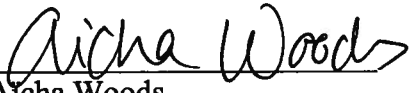
- **Nature of the Proposed Site:** As mentioned above the property was approved by the City Plan Commission in September 2018 for the construction of 10 multi-family townhouses consisting of 56 residential dwelling units and on-site parking. The lot is currently vacant and is awaiting construction.
- **Resulting Traffic Patterns:** The site will be providing 60 on-site parking spaces including 8 handicap accessible spaces with 2 being preserved specifically for employees. The applicants expect the majority of business to come from those living within the complex or nearby and given the amount of available parking on-site staff does not feel this will have a negative impact to traffic.
- **Nature of the Surrounding Area:** As mentioned above there is a variety of zoning designations located nearby with mostly larger, public areas, underutilized properties, and a parking lot with the exception of multi-family housing across Legion Avenue to the South of the subject lot.
- **The Comprehensive Plan:** The portion of the Comprehensive Plan, Vision 2025, that deals with Neighborhood Development encourages an appropriate mix of uses that would facilitate a high quality of life in the city's residential areas.

All though a member of the public spoke in opposition due to parking concerns as mentioned above, it is important to note that there are no parking standards for this use in a residential district and the applicant has incorporated on-site parking into the already approved Site Plan.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception 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, and therefore, recommends approval.

ADOPTED: September 18, 2019
Ed Mattison
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department