

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **595 CHAPEL STREET.** Special Exception to permit a coffee shop/bakery in a residential zone. Zone: RM-2. Owner: 597-601 Chapel St, LLC. Applicant: Chidi Onukwughu. (21-67-S)  
REPORT: **1589-15**  
ADVICE: **Special Exception: Approve**

### PRINCIPAL APPLICABLE REGULATIONS

#### Section 31(d):

New uses of the above types may be established, and existing uses expanded, only by special exception under subsection 63(d) of this ordinance

**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.

### BACKGROUND

The applicant is seeking a Special Exception to allow for a coffee shop/bakery in a residential zone which will serve beverages and snacks from a licensed bakery with no cooking at the location. The proposed hours of the establishment will be Monday-Sunday from 6am to 9pm and will have approximately 3-7 employees (2 in the morning and 1 in the afternoon/evening).

### JULY 13 PUBLIC HEARING

The applicant presented the item stating that the proposed use is something that would be beneficial to the neighborhood and given that the space had been previously utilized as a flower shop, the change in use and work within the structure would be minimal and consistent with the neighborhoods needs and shopping patterns. The establishment would be selling coffee and baked goods (baked goods are to be prepared off-site) during the hours stated above.

Four members of the public spoke in favor of this application, one of which was an alder, and one letter of support was received by City Plan staff prior to the hearing.

### 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 (bold):

*(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.*

**The subject property is located within the Wooster Square Historic District which is an area of the city that is largely residential. There is a BA (General Business) zone located to the South and a BD-1 (Central Business/Residential) zone located to the West with structures consisting of larger commercial uses such as retail, office, grocery and box-store establishments. While there is another coffee shop located approximately 900ft away, given the minimal size of the proposed establishment, staff finds that the use is adequate and keeping to the character of the neighborhood and shopping habits of it's residents.**

*(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 use is shown as consisting of approximately 600sf and does not exceed the allowable 1,500sf.**

*(3) 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.**

*(4)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 exterior of the building is to remain the same at this time. Any alterations to the exterior of the structure including signage requires approval by way of the Historic District Commission via a Certificate of Appropriateness.**

*(5)The ground-floor storefront shall consist, at a minimum, of 50% non-opaque visible windows. The existing storefront does meet and provide a minimum of 50% non-opaque windows.*

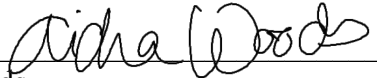
#### **Special Exception Considerations:**

- **Nature of the Proposed Site:** The commercial use of this location does not appear to be disruptive of the neighborhood and provides a compatible use with surrounding residential and multi-use properties conditional upon largely daytime hours of operation and anticipated patterns of activity and customer access.
- **Resulting Traffic Patterns:** Given the availability of on-street parking in the area, the pedestrian-orientation of the surrounding neighborhood, and access to public transportation staff does not anticipate traffic or parking issues associated with this use.
- **Nature of the Surrounding Area:** The surrounding area is largely residential with a mix of single-family and multi-family homes within the subject RM-2 zone. The neighboring BA and BD-1 zones is largely commercial as mentioned previously.
- **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. The proposed use appears to be a good complement to the area.

**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 and that the public health, safety, and general welfare will be served, and substantial justice done. Therefore, the Commission recommends approval.

**ADOPTED:** July 21, 2021  
Leslie Radcliffe  
Chair

**ATTEST:**   
Aïcha Woods  
Executive Director, City Plan Department