

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **121 SHELTON AVENUE.** Special Exception to allow for beautician services in a residential zoning district. Zone: RM-2. (20-67-S) (Owner: DDM Enterprises LLC; Applicant: Rahkiya Davis.)
REPORT: **1577-05**
ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 31(b): Uses provided for. 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:

(6): Beautician Services.

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 requesting a Special Exception to allow for beautician services in a Residence District. The proposed use “Kolour Beauty Boutique” would occupy the 1,326sf first floor of the 3-story, 3,208sf structure located on a 4,792sf parcel on the corner of Shelton Avenue and Gibbs Street. The most recent use of the space was for a barbershop, but this was done without the proper approvals, with the most recent legal use being that of a daycare.

NOVEMBER 10 PUBLIC HEARING

Hannah Abelow, representing the applicant, stated that: “Kolour Beauty Boutique” identifies this use as a need of the neighborhood, selling boutique items, tailoring, and beautician services. The City’s Economic Development office is helping the applicant to create a successful launch and is in support of the application. The uses are necessary and have minimal conflict with the existing uses in the neighborhood. Section 31 of the NHZO allows for uses that fit into the needs of the neighborhood but doesn’t necessarily have to be a convenience store. Alternative modes of transportation are located nearby, with a bus stop located on the corner of the subject property.

Two members of the public spoke in support of this application, as well as a letter of support provided by Alder Winter prior to the public hearing.

PLANNING 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.*

This area appears to be an obvious location for a neighborhood commercial area due to the structure consistently being used as Mixed-Use, specifically the first floor being laid out as a store front as opposed to residential. The property is located in an area of the city that is largely residential with the nearest commercially zoned area (along Dixwell Avenue to the South) is over 1200ft away. There is an IH (Heavy Industry) zone located across the street, however a beauty salon/barbershop is not permitted in that zone. With the distance to the nearest commercial zoning district being so vast, and no similar establishments located within the immediate vicinity staff finds that the use is adequate, 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 does not exceed the allowable 1,500sf as noted above.

(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.

*(5) The ground-floor storefront shall consist, at a minimum, of 50% non-opaque visible windows. **The existing storefront contains large windows at the entrance of the store along Shelton Avenue and appears to comply with the minimum 50% non-opaque visible window standard of Section 31(d)(8)***

Special Exception Considerations

- Nature of the Proposed Site: The continued 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 along with a handful of multi-use properties.
- 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.

The applicant has also proposed, in addition to the beautician services, a mixture of a tailoring and retail components that is accessory to the proposed use and therefor does not require further relief in itself.

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. Therefore, the Commission recommends approval.

ADOPTED: November 18, 2020
Ed Mattison
Chair

ATTEST: Aicha Woods
Aicha Woods
Executive Director, City Plan Department