

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **22-20-S. 65 Burr Street** (MBLU: 029 0893 00500).  
Special Exception to permit a neighborhood convenience use (Coffee Shop including the sale of baked goods) in a residential zone. Zone: RS-2. Owner: 65 Burr Street LLC.  
Applicant: Marissa Gandelman.

REPORT: **1606-05**  
ADVICE: **Special Exception: Approve**

### PRINCIPAL APPLICABLE REGULATIONS

In accordance with Section 63(d)(6) of the Zoning Ordinance, **“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.”**

Accordingly, Section 63(d)(6)(f) of the zoning ordinance requires the Planning Commission’s recommendation regarding **“Convenience stores in residence districts: section 31, as provided for in the district regulations.”**

### BACKGROUND

The applicant seeks to open and operate a coffee shop in the RS-2 Zoning District. This type of operation/business is permitted by special exception within this zone. The site was converted to a mixed-use structure in approximately 1958 according to Building Department Records.

In accordance with Section 45(a)(6)(b) of the Zoning Ordinance, **“A special exception is granted under the provisions of subsection 63(d), upon a finding, among other things, that the proposed joint use of parking or loading will meet the requirements of this ordinance for the two or more uses involved at the time when such uses are in operation.”** Consequently, the applicant seeks a special exception in the BD Zone.

Accordingly, the Board of Zoning Appeals must take into consideration the Planning Commission’s advisory report as part of the Board of Zoning Appeals decision. The Board of Zoning Appeals seeks guidance as to:

- Whether the nature of the surrounding area and the extent to which the proposed use or feature might impair its present and future development
- Whether the request for special exception is aligned with City’s Comprehensive Plan.

### **THE BOARD OF ZONING APPEALS APRIL 12, 2022 PUBLIC HEARING**

Attorney Trachten presented the application stating that the property is located at the corner of Burr and Concord. The structure is a mixed-use building with historically consistent commercial uses on the first floor and residential above with the commercial space being approximately 1,000sf. Proposed hours of operation are Mon-Sat 7am to 3pm, Sun 8am-2pm. New residents in Morris Cove have created a need for this type of use. Application is consistent with all standards set forth in the NHZO and is consistent

with the Comprehensive Plan. There is ample on-street parking available for patrons and the business deliveries will be made by small vehicles and will utilize available parking.

One member of the public spoke in opposition of this application. Thirteen (13) letters of support were received prior to the hearing, one of which being from the Alder.

## **PLANNING CONSIDERATIONS:**

### **Special Exception Considerations**

#### **1. The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures.**

- The applicant proposes to operate a coffee shop in this residential zone.
- The Parcel is a corner lot (Burr Street and Concord Street).
- The site is located within a built-out environment; wherein, the structure has been mixed-use.
- This has helped to define the existing character of the neighborhood.
- The site could be used for a neighborhood business (which the applicant is proposing) as a “non-residential” permitted use.
- These types of neighborhood businesses/convenience stores are typically found in residential neighborhood and serve as unique features, establishments or fixtures within the neighborhood.
- These types of uses give a neighborhood character.

#### **2. The resulting traffic patterns and adequacy of proposed off-street parking and loading.**

- There is transit (bus) service in the area.
- The site and surrounding area have sidewalks.
- There is on-street parking in surrounding area.
- There is opportunity to handle deliveries from the street without causing traffic impediments.
- The City’s Comprehensive Plan of Development states, “...there has been a significant shift in the City’s transportation policy over the past decade, from promoting automobile mobility...”

#### **3. The nature of the surrounding area and the extent to which the proposed use or feature might impair its present and future development.**

- The neighborhood is established and built-out which includes the site as a mixed-use structure.
- The site has been a mixed-used structure/use since approximately 1969, with a day care, liquor store and barber shop (over the years) along the ground floor and apartments above according to Building Department Records.

#### **4. The proximity of dwellings, churches, schools, public buildings and other places of public gathering.**

- Saint Bernadette Church and School is approximately 2 blocks west of the site.
- Nathan Hale Park is approximately 2 blocks west of the site.

#### **5. All standards contained in this ordinance.**

- The applicant meets the intent of the Zoning Ordinance.


**6. The comprehensive plan of the City of New Haven, and other expressions of the purpose and intent of this ordinance.**

- The Comprehensive Plan of Development states, **“Ensure design compatibility among diverse land uses by encouraging contextual infill developments that keep up with the (preferred) character of the area.”**
- The Comprehensive Plan of Development states, **“Promote sustainable and balanced economic growth.”**
- The Comprehensive Plan of Development states, **“Continue to promote business retention and attraction.”**
- The Comprehensive Plan of Development states, **“Support start-up and small businesses.”**
- The Comprehensive Plan of Development states, **“Promote an all-inclusive economy within the city by encouraging neighborhood-based economic development initiatives that take into account a neighborhood’s assets and opportunities and by supporting equitable distribution of resources.”**
- The Comprehensive Plan of Development states, **“Continue to encourage the location of locally-owned destination businesses and restaurants that add to the uniqueness of the city.”**
- Section 12(b)(2)(d) of the Zoning Ordinance states, **“Establishments providing convenience goods and services, as described and regulated by section 31 of this ordinance.”**
- This site could be viewed as a neighborhood business servicing the immediate 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, 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:** April 27, 2022  
Leslie Radcliffe  
Chair

**ATTEST:**   
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Laura E. Brown  
Executive Director, City Plan Department