

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **669 Dixwell Avenue.** Special Exception to allow for a neighborhood convenience use (convenience store/bakery) within a residential zone. Zone: RM-2. Owner: Abdessamad Bendki. Applicant: Benjamin Trachten. (23-49-S)

REPORT: **1630-21**

ADVICE: **Special Exception: Deny**

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:

Section 31 (b)(1):

Convenience stores, groceries and related goods, including incidental seating for a maximum of six people. No additional parking shall be required for incidental seating.

Section 31 (b)(2):

Baked goods, including incidental seating for a maximum of six people.

No additional parking shall be required for incidental seating.

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 operate as convenience store/bakery within a residential zone offering groceries and Halal food with proposed hours of operation being 7am to 10pm daily.

THE BOARD OF ZONING APPEALS JULY 11, 2023 PUBLIC HEARING

Attorney Trachten, representing the applicant, and the applicant Mr. Bendki presented the item stating that the space was previously used as a liquor/package store with the application proposing to convert the space selling Hallal groceries. The applicant is also the owner of the building and maintains the site. There is an increased demand for Halal products with the proposed use seeking to provide halal fruits and vegetables and food items consistent with a convenience store as well as hot food from a commercial kitchen. The next closest type of establishment is in West Haven so while there are other stores in the area a fire recently destroyed one of the larger convenience stores and the proposal seeks to provide service to a more niche clientele. The proposal does not have any parking requirement but the applicant foresees the clientele taking public transportation or walking to the establishment.

5 members of the public spoke in opposition and 2 members spoke in favor of this application. 53 letters of support were provided and 13 letters of opposition prior to the hearing.

PLANNING CONSIDERATIONS:

Special Exception Considerations:

- Nature of the Proposed Site: The parcel is located on the corner of Brewster Street and Dixwell Avenue with the existing use of the space being residential/commercial. The most recent use of the subject space was a package/liquor store. These types of neighborhood businesses/convenience stores are typically found in residential neighborhood and serve as unique features, establishments, or fixtures within the neighborhood
- Resulting Traffic Patterns: The structure has been utilized as mixed-use with first floor commercial and staff does not anticipate any adverse effects resulting from the establishment of the proposed use. Furthermore, there are no parking requirements for the proposed use, no seating is proposed, and there is a bus stop located nearby.
- Nature of the Surrounding Area: The neighborhood consists of residential properties generally ranging from 1-3 family structures with a religious institution located nearby. There are other existing convenience stores in the area.
- The Comprehensive Plan: The Comprehensive Plan states that we are to “Ensure design compatibility among diverse land uses by encouraging contextual infill developments that keep up with the (preferred) character of the area.” Also that we are to support small businesses as well as continue to promote business retention and attraction.

Additional Considerations:

- The proposed site is in close proximity to similar uses (convenience stores) in the neighborhood which residents have identified as causing nuisances and in general having a negative impact on health and safety in the area.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views that the Special Exception is not 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 not be served based on the location of this site. Accordingly, the Commission recommends denial.

ADOPTED: July 26, 2023
Leslie Radcliffe
Chair

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