

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 145 BLAKE STREET, Special Exception to permit a neighborhood convenience use (grocery) in a RM-1 zone (Owner: 145 Blake Street, LLC. Applicant: Fazlay Rabbi, 10-77-S).

REPORT: 1442-23

ADVICE: Denial

BACKGROUND

Fazlay Rabbi seeks a Special Exception to permit a neighborhood convenience use (grocery) in a RM-1 zone.

Previous History:

95-07-CAL. Denied. Used car sales.

03-74-S (1339-22). Denied. Neighborhood Convenience store.

05-01-CAL. Granted. Continuation of general repair.

1407-02. Denied. Request to restart auto repair. The business was affirmatively abandoned by owner.

At the BZA hearing on July 13, 2010 the Applicant's agent presented noting the proposed hours of operation will be 5:00 a.m. to 11:00 p.m. daily with one employee per shift. A closing time of 10:00 pm was under consideration. There will be no cooking on site and the store will sell dry goods, pre-package goods, cigarettes, cigars, lottery tickets and have a small coffee bar. It was noted the gas tanks have been removed and phase 1 and 2 environmental tests have been completed. There will be one employee at a time over two shifts.

PUBLIC HEARING:

Alderman Carl Goldfield gave a short site zoning history and noted his preferred use is residential. He said there are several stores selling convenience goods at the corner of Blake and Fitch Streets and that gasoline stations with convenience goods are located nearby on Fitch Street and Whalley Avenue in the area. He also said that added automobile traffic will impede pedestrian safety for children walking toward Beecher School. He noted the intersection is unsignalized and controlled by 4 stops signs. Mr. Goldfield expressed concern that without fencing the lot would be used as a cut through to avoid the stops signs, as had happened in the past.

Mr. Richard Bell of 76 Osborne Street said the store was unnecessary and noted the early proposed opening (5 a.m.) time would be disruptive to residential neighbors, and that all 4 corners were used for school bus stops. Mr. Bell noted the store would be vulnerable to robbery, citing recent robberies of convenience stores with late hours and few employees, and thus promote added crime in the neighborhood. He also noted that convenience stores generate significant litter from patrons.

Maria Lamberti of 33 Ruby Street submitted 12 letters of opposition into the record, and noted the property had been lightly used or vacant since the 1980's.

No one spoke in favor of the application.

The applicants indicated a willingness to open later in the day after school bus activity was over, and stated that in their opinion conversion to residential use would be prohibitively expensive.

PLANNING CONSIDERATIONS

In 2003 an application for a convenience store was denied. At that time auto repair was a permitted use, but the owner back then, Richard Lloyd chose to apply for Use Variance for a pizza restaurant and a Special Exception for a neighborhood convenience use.

City Plan Commission advisory report 1339-22 reflected the following concerns stated at the 2003 public hearing:

At the hearing the applicant agreed to forego the Use Variance portion of the request, leaving just the convenience use to be considered.

Mr. Lloyd (owner at that time) said that he had always sold convenience type goods as accessory to the main auto repair use. Also, he stated that a convenience use was the only marketable use for the property and that the prospective buyer had been the only person showing interested in buying the lot.

Twenty-two persons opposed the plan with six persons speaking. The issues the speakers raised were that traffic volume would be a hardship for the neighborhood, property values would suffer, there were too many similar uses and that the parking was unsatisfactory.

The City Plan Commission advised the Board that there already existed convenience goods within a short distance from neighborhood homes and that the use would conflict with the residential character of the neighborhood.

The Board denied the request after taking into account the City Plan Commission advisory report.

There are material differences between the previous applications and the present one. Automotive uses are no longer permitted at this site. Permitted uses are those stated in the RM-1 zone and Section 31 (neighborhood convenience uses by Special Exception). The issues of traffic, parking and similar uses will be addressed below.

The proposed floor plan shows the building renovated to include a double door entryway, typical store racks for dry goods, a coffee bar, coolers along east side, and counter/deli case along the west side. No inside or outside seating is proposed.

Changes to the exterior involve removing the garage doors and constructing a store front. The size and disposition of the building would remain the same. Site fencing would be removed. Landscaping improvements would include Junipers and Dakota Goldcharm at the Blake/Osborn intersection and also at the southeast and northwest corners.

There is no information as to signage and lighting. The Department notes that Section 27 only permits a belt sign for convenience uses. The existing pole sign (in which only the framing is left) cannot be used and would have to be removed.

Section 31(d)(4) gives the City Plan Commission authority in determining parking. The applicant has suggested seven parking spaces measuring 18'x 9' (162 sq. ft.), including one handicapped space. The size of the parking spaces does not comply with the district standard of 180 square feet. Also, four of the spaces are within the front yard setback. The Transportation Department commented that the plans were not adequate, that the parking might not function as proposed and would likely require backing over the side walk.

Section 31(d)(1) reads the City Plan Commission must make a finding of the following:

- *Space for such a use is not available in nearby areas which are zoned for business.* A BA zone is located approximately 1,480 feet to west at the intersection of Blake and Fitch Streets. There is a small plaza here but there is no space currently available, though there are several stores selling convenience goods. Another BA zone is located approximately 1,430 feet to the east at the intersection of Blake Street and Whalley Avenue. But here too, there is no space available. There are also stores at gas stations selling convenience and lottery tickets on Fitch Street west of Blake and on Whalley south of Fitch.
- *Such new use is necessary to serve the immediate neighborhood giving due consideration to:*
 - *The character of the neighborhood.* The subject property is in a RM-1 zone that extends to the north along Blake Street toward Fitch Street. A RS-2 zone is to the north east and a RM-2 zone is to the southeast. A large cemetery is across the street. The immediate and wider area can be characterized as residential.
 - *The density of development.* The residential areas around the site may be dense enough to support the use, but as indicated above there are already a number of stores selling similar merchandise within easy walking distance. A store here would be isolated, while the other stores in the general area are located in groups where several different types of goods and services are offered allowing shoppers to park once and access several different stores without driving to each of them separately. The corner site is small for today's type of stores which requires parking, and the parking ingress and egress would be located very close to the 4 way stop intersection. .
 - *The shopping habits of neighborhood residents.* The applicant has not submitted any information about the shopping habits of the residents. Absent a detailed market study this is a difficult criterion to assess. As noted above convenience goods are sold elsewhere within walking distance.

- *The availability of public and private transportation.* While this location is primarily served by private transportation, there is bus service a block away on Whalley Ave. It seems reasonable to assume that patrons would drive and or walk to this store most of the time.

In reviewing requests for Special Exceptions the following criteria as outlined Section 63(d)(3) are considered.

- Nature of the Proposed Site: This site was developed for automotive use in 1945. In 2007, the former owner affirmatively abandoned the auto-related use. The lot has been idle since. The site is undersized for the proposed use given today's driving and shopping habits. Developing this lot for residential use would entail demolishing the building, removing the asphalt and replacing it with clean fill. Also, there may still be gasoline tanks that would need to be removed, though at the hearing the applicants noted that this had been already accomplished and said that they had Phase I and II environmental reports, though these were not part of the application or the record..
- Resulting Traffic Patterns: The site is located on a route that is often used by motorists to avoid more congested Whalley Avenue and would likely draw patrons from well beyond the neighborhood. The site is located at an unsignalized intersection controlled by 4 stops signs, and the entry drives to the site are in close proximity to the intersection and could be frequently blocked by cars waiting at the stop signs. The site plan is sketchy and it is not clear how many city standard spaces could actually be provided and whether they could be entered and exited without backing over the sidewalk, endangering pedestrians.
- Nature of the Surrounding Area: The surrounding residential area is made up of single, two, and multi-family dwellings. It is a natural customer base upon which to draw, though it is already served by other locations nearby.
- Proximity to Public Buildings: Beecher School (PreK-8) is located about one block west on Blake Street.
- The Comprehensive Plan: The Comprehensive Plan supports neighborhood based businesses, where they will not disrupt neighborhood quality of life, as this location has the potential to do.

ADVICE

Per Section 31(d)(1), the Commission makes a finding that nearby areas zoned for business already offer convenience goods. The Blake/Fitch and Blake/Whalley intersections do not appear to have available empty store space within reasonable walking distance, generally ¼ mile (1,320 feet), however there are multiple stores offering convenience goods.

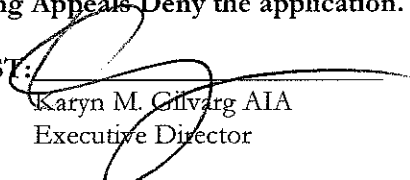
Per Section 31(d)(4), the Commission has also determined that seven parking spaces meeting the requirements of Section 29 are required. It is not clear from material submitted if this is possible on site, or if possible, if it can be accomplished safely and without backing over the side walk.

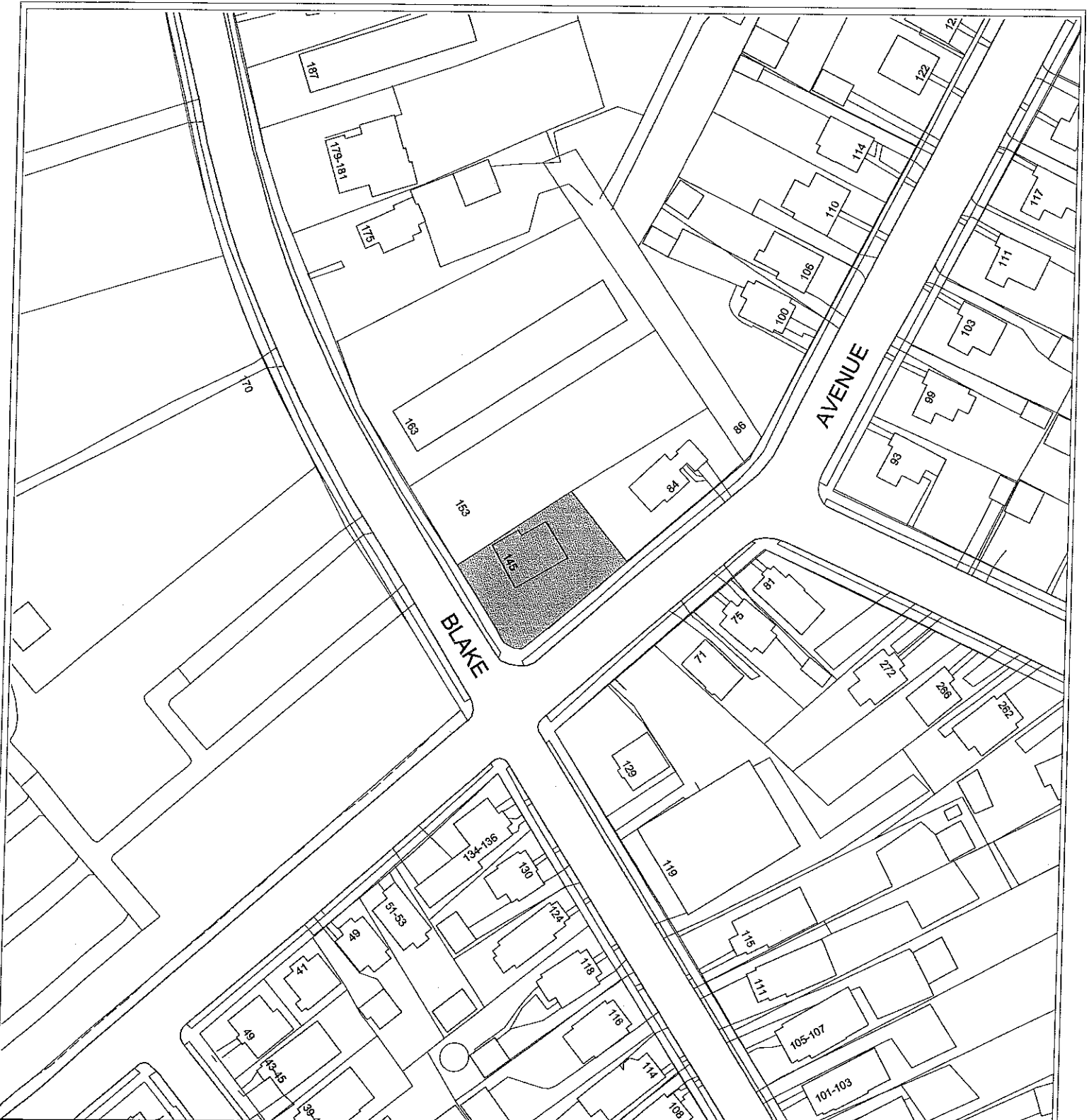
As to the neighborhood convenience use the Commission advises denial for the following reasons:

- The site is too small to adequately and safely hold a convenience store given that patrons are likely to arrive in vehicles.
- The lot can accommodate several parking spaces, however the location of the access and egress drives so close to the corner could cause conflicts between vehicles at the stop sign and cars waiting to enter or leave the site. Cars backing over the sidewalk could cause pedestrian/ vehicle conflicts. Therefore, there would be a negative impact on traffic patterns.
- The surrounding area is residential, and is adequately served elsewhere by stores selling convenience goods.
- An elementary school is located about one block west on Blake Street, and several school bus stops are located at this corner. Additional traffic so close to the corner would create potential for pedestrian vehicle conflicts.
- The Comprehensive Plan supports neighborhood convenience uses, where they can be safely supported and will not disrupt adjacent residential uses. The location at a busy corner intersection, the isolation from other business uses and the extended hours would disturb the quiet residential nature of the surrounding area..

The City Plan Commission therefore recommends the Board of Zoning Appeals Deny the application.

ADOPTED: July 21, 2010
Edward Mattison
Chair

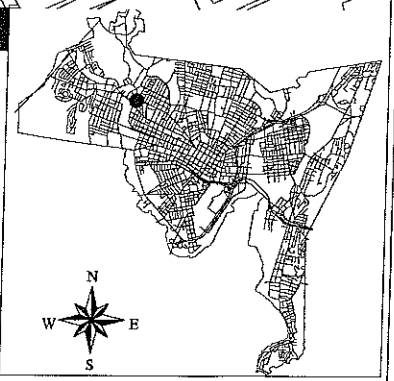
ATTEST: 
Karyn M. Gilvarg AIA
Executive Director



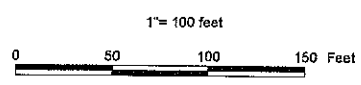
NEW HAVEN CITY PLAN DEPARTMENT

145 BLAKE ST

FILE
ADDRESS 145 BLAKE ST
MBP 354 1295 01900
OWNER LLOYD RICHARD E



This map is based on 1997 aerial mapping. The City of New Haven cannot accept any responsibility for accuracy or completeness of this map. There are no warranties, expressed or implied. Plot date: Jun 22, 2010; C:\CPCBZA\cpcbza_2_1_b.apr



NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 139 Blake Street, Special Exception to permit a Neighborhood Convenience Store (Grocery) and Front Yard Parking in a RM-1 (Low-Middle Density Residential) Zone (Sajjad Chaudhary; BZA 03-74-S).

REPORT: 1339-22

ADVICE: Denial

BACKGROUND

John Lambert, on behalf of Sajjad Chaudhary seeks a Special Exception to permit a Neighborhood Convenience Store (Grocery) with front yard parking, and hours of operation to be 6:00am to 8:15pm, Monday-Sunday in a RM-1 (Low-Middle Density Residential) zone. This site, formerly Lloyd's Automotive Service has been in limited operation for the past 18 months. The automotive uses at this site have been allowed by CAL since 1945. The applicant was formerly seeking a Use Variance to allow for the whole sale of pizza at this location, but dropped this request prior to the BZA Hearing.

Site Visit: 139 Blake Street is a corner lot at the intersection of Osborn Avenue in the Beaver Hills neighborhood of the City. The surrounding neighborhood is characterized by a variety of residential uses, but predominately contains multi-family homes and is bounded to the south by a cemetery.

Public Hearing :

At the Public Hearing on July 8th, Mr. Lambert presented the details of the proposed business, and outlined the attempts the applicant had made to meet the various neighborhood organizations. Mr. Lambert, representing what he thought to be the major concern for the neighborhood, suggested a condition of approval to be to have an employee walk at least one block in each direction of the store, at least twice a day, to clean debris associated with the store. Upon questioning by the Board of Zoning Appeals members, the applicant represented that he planned on selling cigarettes and lotto, but that he did not intend on having video games at the location. Speaking in favor of the applicant was current owner, Richard Lloyd. Mr. Lloyd stated that though this has always been a site with automotive related uses, that he has always also sold other convenience type goods as an accessory to his primary automotive use. Mr. Lloyd also stated that a neighborhood convenience use is the only marketable use for this property and location, and that this prospective buyer has been the only one to show interest in the site. No one else spoke in favor of the application. Twenty-Two members of the audience raised their hands in opposition of the applicant. Speaking in opposition were six persons, including the 2 area Alderpersons, Phillip Voight from Ward 27 and Carl Goldfield from Ward 29, Gail Morand from the Osborn-Goffe Block Watch Association, Elaine Braffman as the LCI Neighborhood Specialist for the area, and two other residents from the nearby residential area. The issues that were most prominent among those in opposition to this appeal included; a) Traffic volume associated with a convenience store at this location would be a hardship for the neighborhood, b) Property values would suffer due to the change in neighborhood character, c) there are too many similar uses in the area (Gail Morand submitted a signed letter with 150 signatures of residents stating they "had enough neighborhood stores in the area), and d) The parking is unsatisfactory.

Planning Considerations:

The provisions of Section 31 of the New Haven Zoning Ordinance regulate convenience goods and services in residential neighborhoods, and the text of that provision is as follows:

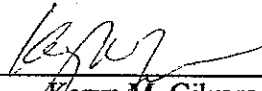
Section 31.A. Statement of Purpose. This provision exists in order to provide for the continued availability in certain residential neighborhoods of convenience goods and services to meet the daily needs of neighborhood residents within a short distance of their homes. It is intended that the uses allowed be limited to those that are both necessary to the neighborhood and so arranged that they will cause minimum conflict with the residential character of the area.

The Commission notes the concerns of the neighborhood that are associated with this use at this site, and therefore issues the following advice-

ADVICE

The Commission finds the proposed use is not in accord with the public convenience and welfare, that there already exists the continued availability of convenience goods and services to meet the daily needs of neighborhood residents within a short distance of their homes, and in an attempt to limit potential conflict with the residential character of the area, the Commission recommends denial of this application.

ADOPTED: July 16, 2003
Benjamin Healey
Acting Chair

ATTEST: 
Karyn M. Gilvarg, A.I.A.
Executive Director



CITY OF NEW HAVEN

New Haven, Connecticut



BOARD OF ZONING APPEALS
ROOM 501
HALL OF RECORDS
200 Orange Street
New Haven, Connecticut 06510
Phone (203) 946-8041
Fax (203) 946-8049

website: www.cityofnewhaven.com

John DeStefano, Jr.
Mayor

July 28, 2003

Certified Return Receipt # 7003 1010 0004 4791 0115

Sajjad Chaudhary
c/o John Lambert, Esq.
25 Trumbull Place
North Haven, CT 06473

RE: 139 Blake Street
Application #03-74-S and #03-75-V
Lot Area of approximately 8,000 sq. ft.
Richard E. Lloyd, owner

Dear Mr. Chaudhary:

Your application and appeal dated May 16, 2003, heard on July 8, 2003, relative to referenced property, seeking **Special Exception** to permit a Neighborhood Convenience Store and also Front Yard Parking in a RM-1 zone; and **Use Variance** to permit take-out only sales of whole pizza and other cooked food to operate in conjunction with the Neighborhood Convenience Store in a RM-1 zone, were considered by the Board of Zoning Appeals at a Special Meeting on July 24, 2003. The Use Variance had been abandoned by the appellant. The application for Special Exception was considered in accordance with Section 63 of the New Haven Zoning Ordinance. Permission is hereby denied.

In coming to its decision, the Board of Zoning Appeals took into account the advisory report of the City Plan Commission as required by Section 63-D-6 of New Haven Zoning Ordinance. A copy of that report is enclosed.

An appeal by any person aggrieved by this decision must be taken to Superior Court Judicial District of New Haven within fifteen (15) days after the publication of this decision in a newspaper having a substantial circulation in the municipality. Publication is scheduled for July 31, 2003. The effective date of this decision shall be the date of publication

Sincerely yours,

BOARD OF ZONING APPEALS

Eduardo E. Perez (w.m.w.)
Eduardo E. Perez, Secretary

Enclosure