

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 1227 CHAPEL STREET, Special Exception for a restaurant permit (full liquor) and to permit 51 parking spaces where 100 are required for a new restaurant in a BA Zone (Owner: C.A. White; Applicant: Omer Ipek, 10-87-S).

REPORT: 1444-20

ADVICE: Approval with Condition

BACKGROUND

Omer Ipek seeks a Special Exception to permit a new restaurant with full liquor license in a BA zone. The requested relief includes the parking requirement for the entire building since there are many businesses that use the parking lot.

BZA Testimony:

At the BZA hearing on September 14, 2010, Brian McGrath of Chapel West Special Services district explained the proposal was to move the existing Rudi's restaurant from Elm Street to 1227 Chapel. He further stated that Chapel West SSD was firmly in support of the project and that there was an abundance of parking nearby including surface, metered on-street, and structured parking to supplement the existing off-street parking. Mr. McGrath submitted a letter from ProPark saying their area public parking lots have 200 spaces and could help support the parking need.

Mr. Ipek submitted a new site plan at the hearing showing a 90-seat restaurant including two game machines and a pool table, and a small stage area for occasional entertainment. The entertainment component was going to be karaoke or a band no more than once per week. His proposed hours of operation are 11:00 am to 1:00 am, Sunday – Thursday; 11:00 am to 2:00 am, Friday and Saturday.

Previous History:

74-139-S. Granted. 200-seat restaurant and joint use parking.
82-129-S. Granted. 45-seat restaurant with beer/wine.
87-20-S. Granted. 49-seat restaurant with beer/wine.
06-163-S. Granted. 65-seat restaurant with beer/wine and zero parking.

Required Materials:

1. Signed and notarized original application: Yes.
2. Scaled Site Plan (A-2 if required): Site plan yes (not scaled). A-2 not required.
3. Scaled floor plans and elevations: Floor plans yes (scale inaccurate), elevations no.

PLANNING CONSIDERATIONS

Regulatory Considerations:

Section 42.E., Eating, Drinking Places. Restaurants located in the BA zone serving alcoholic beverages require a Special Exception. Previous approvals have been for restaurants serving wine and beer. The new restaurant seeks a full liquor license thus a new Special Exception is required. The applicant has an established business and seeks to carry over the same type of business and liquor license from the prior location to this one. A full liquor license is fairly typical of restaurants, whether they serve simple food or haute cuisine. The Commission advises the request is not out of the ordinary and is consistent with the restaurant's existing business model.

Section 45(a)(1)a key letter f. Parking is 1 space per 4 seats. One part of the application materials indicates an 80-seat restaurant. However, the submitted floor plan shows a main dining area with 68 seats, a bar with 14 seats (82 seats) and a pool room / stage area with undefined seating. In a phone conversation with Mr. Ipek the City Plan Department learned he plans to operate a 90 seat restaurant. He said a new site plan showing no more than 90 seats would be submitted the night of the hearing, and it was.

The same entity that owns 1227 Chapel St. also owns the abutting building at 1203-1215. Tenants for both buildings, including this applicant share a common parking lot at 1203 Chapel St. that has 51 spaces.

Rather than consider parking on an ad hoc basis for all businesses as the need arises, the intent of this application is to legalize the existing parking situation for all businesses, including this new restaurant.

The overall parking breakdown is as follows:

- 1203-1215 Chapel St. requires 54 spaces; (40 spaces for the 1st fl. retail & 14 spaces for the 2nd fl. offices).
- Office space above Rudi's requires 8 spaces.
- Rudi's requires 23.
- India Palace restaurant (also uses the lot) requires 15 spaces.
- In total 100 spaces are required and 51 are provided.

In addition to the dedicated parking for these businesses a public parking lot with approximately 53 parking spaces is located at 1229 Chapel Street, directly across Howe Street from the restaurant. Also, metered on-street parking spaces are available up and down Chapel Street and Howe Street. The availability of parking for all area businesses is well established.

Staff notes that Rudi's and the India Palace are the only two businesses open at night. They require a combined 35 spaces, 16 less than the capacity of the lot.

Special Exception Considerations:

- Nature of the Proposed Site: The zoning history indicates this location has been used by several restaurants since 1974 (one approval was for a 200 seats). A martial arts facility briefly occupied the space earlier in the decade, but restaurant use soon returned. The Commission advises that restaurant use is well established and suited to the site.
- Resulting Traffic Patterns: Chapel Street carries heavy rush hour traffic as people pass through on their way into and out of downtown. However, the abundance of on-street, off-street and structured parking in the area serve the businesses well.
- Nature of the Surrounding Area: The surrounding area has a broad mix of retail, office, residential and restaurant use, including three within ½ block of the site. The proposed restaurant fits very well into the broad mix of uses.
- Proximity to Public Buildings: There are no nearby public buildings.
- The Comprehensive Plan: The proposal respects the advice of the Comprehensive Plan.

ADVICE

Special Exception Findings:

In accordance with the Special Exception criteria of Section 63(d)(3) the Commission finds:

- Nature of the Proposed Site: The site is well disposed for restaurant use.
- Resulting Traffic Patterns: The abundance of on street parking, public surface lots and structured parking can accommodate any patrons who can not find space in the subject lot.
- Nature of the Surrounding Area: The proposed restaurant use fits in with character of the area.
- Proximity to Public Buildings: There are no nearby public buildings that will be affected.
- The Comprehensive Plan: The proposal respects the advice of the Comprehensive Plan.

Other Findings:

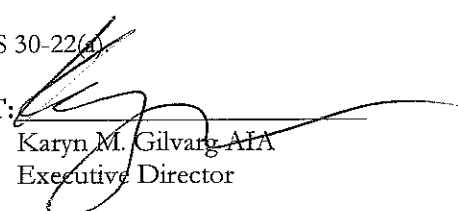
The proposed business is already established. It is just being carried over to a new location.

Advice:

The Commission advises the request satisfies the Special Exception requirements of Section 63(d) and recommends approval with condition:

1. Approval is for a 90-seat restaurant with a restaurant permit as defined by CGS 30-22(a).

ADOPTED: September 22, 2010
Edward Mattison
Chair

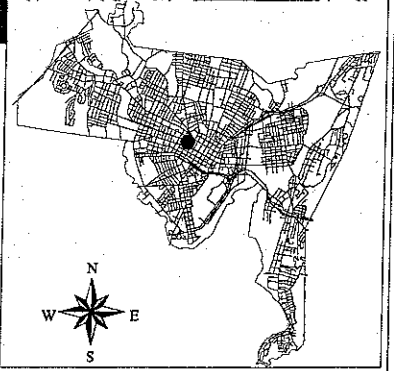
ATTEST: 
Karyn M. Gilvarg AIA
Executive Director



NEW HAVEN CITY PLAN DEPARTMENT

1217 CHAPEL ST

FILE
 ADDRESS 1217 CHAPEL ST
 MBP 280 0249 00100
 OWNER SCHAFFER ASSOCIATES LLC



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