

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 302 WINCHESTER AVENUE. Special Permit for on-premises liquor permit for beer and wine in Science Park PDD #49. (Applicant: Ricky D. Evans of Ricky D's Rib Shack)
REPORT: 1553-05
ACTION: Approval with Conditions

Submission: SPECIAL PERMIT Application Packet including DATA and SPECIAL PERMIT FORMS.
Application fee: \$250. Received December 18, 2018. Floor Plan submitted December 18, 2018.

BACKGROUND

Per the City of New Haven zoning regulations Section 64 and Appendix 1 "Amended Table Showing Proposed Land Uses in Planned Development District by Parcel" for Science Park PDD #49, Ricky D. Evans of Ricky D's Rib Shack has applied for a Special Permit to sell and serve alcoholic beverages for immediate consumption on premises.

Current site conditions: The site is currently occupied by the restaurant, Ricky D's Rib Shack, and is bounded by commercial property in the north and south, Winchester Avenue in the east, and the Farmington Canal Heritage Trail in the west.

Proposed Activity: The applicant proposes to sell and serve beer and wine at Ricky D's Rib Shack. The proposed activity consists of selling and serving wine and beer on the premises of Ricky D's Rib Shack. Proposed activity will still be subject to City and State liquor permit licensing approvals and regulations.

PUBLIC HEARING

A public hearing was held on January 23, 2019. A transcript of the hearing, CPC meeting 1553, is available from the City Plan Department.

SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such *uses* and features upon neighboring *uses* and the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

Special Permit Criteria	Comments
a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.	<i>The Special Permit application establishes the applicant's eligibility because all Ordinance requirements are met.</i>

<p>b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.</p>	<p><i>The proposed use complies with all applicable PDD regulations and Special Permit requirements. The applicant must apply for a liquor permit with the CT Department of Consumer Protection and receive sign-off from the City of New Haven Building Department.</i></p>
<p>c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.</p>	<p><i>The proposed special permit's use does not conflict with the City's development plans.</i></p>
<p>d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.</p>	<p><i>N/A</i></p>
<p>e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.</p>	<p><i>N/A</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>N/A</i></p>
<p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access, and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.</p>	<p><i>N/A</i></p>
<p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p><i>The proposed use is not anticipated to have a detrimental effect on the property values in the surrounding area.</i></p>

i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.	N/A
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CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and Appendix 1 of the Science Park PDD #49 regulations to sell and serve alcoholic beverages for immediate consumption on premises are as follows:

1. **Special Permit must be filed on the land records of the City of New Haven before issuance of building permits. A digital copy of the recorded site plan shall be provided to staff (.pdf).**

ADOPTED: January 23, 2019
Edward Mattison
Chair

ATTEST:  For LR
Michael Piscitelli, AICP
Acting Economic Development Administrator