

**NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW and
COASTAL SITE PLAN REVIEW**

RE: 317 KIMBERLY AVENUE, Site Plan Review including Coastal Site Plan Review for new 2,432 SF Restaurant (Popeye's) in an IL Zone (Owner: Kimberly Realty Company; Applicant: Old Gate Lane Empire, LLC).

REPORT:1460-01

ACTION: Approval with Conditions

COASTAL FINDING: Approval

CONDITIONS OF APPROVAL

1. Pursuant to State Statute, this Site Plan approval is valid for a period of five (5) years after the date of decision, to January 18, 2017. Upon petition of the applicant, the Commission may, at its discretion, grant extensions totaling no more than an additional five (5) years to complete all work connected to the original approval.
2. The applicant shall record on the City land records an original copy of this Site Plan Review report (to be provided by the City Plan Department) and shall furnish written evidence to the City Plan Department that the document has been so recorded (showing volume and page number), prior to City Plan signoff on final plans for Building Permit.
3. Signoff on final plans by the City Engineer, Department of Transportation, Traffic and Parking and City Plan Department in that order shall be obtained prior to initiation of site work or issuance of Building Permit. The Greater New Haven Water Pollution Control Authority and Fire Marshall shall also review the plans.
4. The name of the individual who are responsible for maintaining Soil Erosion and Sediment Control measures and monitoring the Soil Erosion and Sediment Control Plan on a day to day basis during construction shall be provided to the City Plan Department, prior to City Plan signoff on final plans for Building Permit.
5. Any proposed work within State right-of-way will require separate permits.
6. A FEMA Elevation Certificate certifying proposed finished floor elevation shall be provided to the Building Official prior to issuance of Building Permit.
7. Final determination of traffic markings, V-loc locations, signs and traffic controls on site and on the perimeter of the site will be subject to the approval of the Department of Transportation, Traffic and Parking.
8. Implementation of an ongoing Storm Drainage Maintenance Plan and Inspection Schedule is required.
9. As-built site plan shall be filed with City Plan Department, with a copy to the City Engineer, prior to issuance of Certificate of Occupancy. Site Plan shall be submitted in both mylar and digital format [.TIFF file based on the State Plane Coordinates (NAD1983)]. Provide version of AutoCAD with submission.

Submission: Development Permit application received 12/21/11 inc. Coastal Site Plan Review application, narrative, Application fee of \$270, Stormwater Management Plan inc. drainage calculations 12/8/11. Plan Set by Conn Consulting Engineers: Zoning Location Survey 11/1/11, Site/Landscaping Plan rev 1/13/12, Grading/Utility Plan rev 1/10/12, Erosion Control Plan and Details, Standard Details rev 1/10/12, Shade calculation plan SC-1 01/16/12; Floor Plans & Elevations & Building Signage. Draft letter from DOT Dist. 3. Site Plan with GNHWPCA approval rec'd 01/18/12.

PROJECT SUMMARY:

Project: 2,432 SF new fast food restaurant (Popeye's Louisiana Chicken)
Address: 317 Kimberly Avenue
Site Size: 23,575 SF (0.54 acres)
Zone: IL, CAM
Financing: Private
Project Cost: \$500,000

Parking:	22 spaces inc. 1 HC space	
Loading:	0	
Owner:	Kimberly Realty Company	Phone: NA
Applicant:	Kerrim Jivani (Lessee), Old Gate Lane Empire	Phone: 203-877-5600
Agent:	John Gabel, Conn Consulting Engineers	Phone: 203-639-8636
Site Engineer:	same	Phone: same
Architect:	Architectural Services (Ray Oliver), Milford	Phone: 203-878-4288

Previous CPC Actions: CAL for change in operator (CPC 1419-10, 08/20/08), CSPR & CAL (CPC 1413-01, 02/20/08), CAL (1236-11, 10/15/97), CSPR & CAL (CPC 1191-10, 06/21/95).

BACKGROUND

Zoning: The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the IL zone. As the site is located within the coastal management zone due to its proximity to tidal wetlands and the West River, coastal site plan review is required.

Site: The site is located on the west side of Kimberly Avenue, north of the I-95 Exit Ramp and south and east of property of Catapano Brothers at 267 Kimberly and the large lot at its rear. This segment of Kimberly Avenue is State Road. There is a storm sewer easement along the northern property line between #317 and 267 Kimberly Avenue which outfalls into the tidal wetland area. The site was previously used as a used car dealer but is now proposed to be leased to Old Gate Lane Empire for restaurant use. There are tidal wetland areas approximately 75' from the rear property line but not adjacent to any activity related to this application. New Haven Harbor is approximately 500' west of the northwesterly boundary of the site. The site ranges in elevation from 12' to 14' above sea level.

Proposed Activity: Old Gate Empire proposes to raze the existing structure and to construct a new 2,432 SF 38-seat Popeye's restaurant with a drive-through window. Also proposed are drainage improvements, new utilities, 22 parking spaces, concrete walkways, an outside eating patio and landscaping.

Included in the application is a letter of support dated 12/1/11 from Alders Perez and Jackson-Brooks.

Building: The 2,656 SF building has 38 seats. The exterior will be a contemporary southern design with EIFS resembling stucco, stone veneer at the base, exotic red metal and hunter green metal trim, and red standing seam metal roof.

Stormwater Improvements: Existing drainage discharges partially in to the City's drainage system in Kimberly Avenue which eventually discharges into the Harbor, and partially into the outfall into the tidal wetlands approximately 80' from the rear property line. The proposed system is composed of two separate systems. The first consists of one catch basin that collects runoff from a portion of the proposed building and parking area. The proposed CB will have a hooded outlet and 2' sump which provides treatment for oil and sediment. The discharge is additionally treated from a manhole with an overflow weir and into a StormTech isolator row that is designed and sized to capture the "first flush" inch of rain. A 6" PVC overflow pipe is connected to the existing system in Kimberly Avenue. The second system consists of 2 CBs that collect runoff from the remaining portions of the building and parking area. Again each CB will have a hooded outlet and 2' sump, with the same discharge treatment.

Utilities: Existing utilities will be utilized except for the new stormwater connections into Kimberly Avenue. Permits from Conn DOT will be required for these connections.

Circulation/Loading/Parking: The site will have two new driveway aprons, the northern which will be a two-way drive and the southern one way out only. Customers for the drive-thru will

enter the northern most driveway and circulate around the back side of the building to the order board and then pick up and pay at the window on the south side. Deliveries will be made during off hours by a SU-30 truck which will enter via the north drive and exist via the south drive. A bike rack is shown on the plan.

Trash removal: Trash and recycling removal will be from a fenced enclosure behind the restaurant. Containers will be rolled out to a truck during off hours.

Landscaping /Lighting: New trees (total of 16 London planes 3- 3 ½” caliper) will be planted along the north property line and also along the south property line. An additional tree is proposed on the island where the menu board is situated. Additional low plantings are proposed in the front of the building and on the menu board island. The trees contribute to the shading of the impervious surface per Section 60.2 as shown on the Shading Plan.

Lighting must be in compliance with Section 60.1 of the Zoning Ordinance. Lighting will consist of installation of full cut off fixtures.

Signage: Shown on Sheet A-1. A pole sign is proposed at the street face south of the exit drive. Several other signs are proposed for the building with a total area of 75 SF where 75 SF is permitted for the site.

Hours of operation: Restaurant: 10:30AM – 10:00 PM; Drive-thru: Sun-Wed. 10:30 AM - 12 PM; Thurs-Sat 10:30 AM – 2 AM.

Soil Erosion and Sediment Control Review: Only a small amount of soil (approximately 163 CY) will be added to the site. Additional soil will be moved in order to install the stormwater management structures. Reese Construction LLC is named as the contractor responsible for insuring that SESC measures are properly installed, maintained and inspected according to the SESC Plan, and for monitoring the site to assure there is no soil or runoff entering City catch basins, the storm sewer system, or the River. An on site monitor who will monitor the SESC Plan on a daily basis during the construction period is required to be named prior to City Plan signoff on building permit drawings. They are also responsible for assuring there is no dust gravitation off site by controlling dust generated by vehicles and equipment, both during the demolition and construction phases. Soil stockpiles shown on the plan are to the west of the building and shall be protected from dust gravitation and soil erosion. All SESC measures are required to be designed and constructed in accordance with the latest Standards and Specifications of the *Connecticut Guidelines for Soil Erosion and Sediment Control*.

The name of a day-to-day monitor shall be provided to the City Plan Department prior to City Plan signoff on final plans for building permit. Such individual shall be responsible for determining the appropriate response, should unforeseen erosion or sedimentation problems arise. Should soil erosion problems develop (either by wind or water) following issuance of permits for site work, the contractor is responsible for notifying the City Engineer within twenty-four hours of any such situation with a plan for immediate corrective action.

COASTAL SITE PLAN REVIEW

The Commission's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

Characteristics and Condition of Coastal Resources at or Adjacent to the site:

Coastal Flood Hazard Area: The site is located in Flood Zone AE on Flood Insurance Rate Map 009C0437H, dated December 17, 2010, a special flood hazard area subject to inundation by the 1% annual chance flood., were the base flood elevation has been determined at 10. The finished floor elevation of the proposed building is 14.6’.

Tidal Wetlands: No adverse impact is anticipated on the tidal wetlands due to the storm water treatment on site.

Potential adverse impacts on coastal resources: Soil from the site grading could potentially run off into the drainage structures during the demolition /construction period. Inlets will be protected with silt sacks. The project should not have any adverse impacts on coastal resources.

Project Timetable: Construction is anticipated to begin March of 2012 to be concluded by June 2012.

SITE PLAN REVIEW

Plans have been reviewed by the Site Plan Review team with representatives from City Plan, City Engineer, Building Department and Department of Transportation, Traffic and Parking and have been found to meet the requirements of City ordinances, Regulations and standard details with the following comment:

- *Increase width of green belt on north side of side by 2' to allow from more room for new tree growth.*

SITE PLAN ACTION

The City Plan Commission approves the submitted Site Plans subject to the standard conditions on Page 1.

COASTAL FINDING

Taking into consideration all of the above information, the City Plan Commission finds the proposed activity consistent with all applicable goals and policies in Section 22a-92 of the Connecticut Coastal Management Act and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse effects on coastal resources. The Commission therefore makes a finding of no impact on coastal resources and approval for a coastal permit to be issued.

ADOPTED: January 18, 2012
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director

Coastal Site Plan Review, based upon the application and materials submitted by the applicant, was conducted administratively without hearing by the City Plan Commission of the City of New Haven in accordance with the Connecticut Coastal Management Act (CGS, Sections 22a-90 to 22a-112). The Building Official hereby receives the above written findings and any conditions thereof are made conditions of the Building Permit.

DATE ADOPTED: 1/19/12

ATTEST: 
Andrew J. Rizzo, Jr.
Building Official