



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Outdoor Café at 535 Franklin Avenue
 for consideration November 9, 2021

STAFF REPORT

TO: Planning & Zoning Commission
PREPARED BY: Paul Ashworth, Senior Planner
paul.ashworth@hartford.gov

PROJECT: Arber Bar Outdoor Cafe
 535 Franklin Avenue
PARCEL ID: 254-801-202
P&Z-COMM-2021-0489

ZONE: MS-2, Main Street District

TYPE: Special Permit for an outdoor café associated with a drinking place/bar per Zoning Regulations Section 3.5.2.D.(1)(c).

APPLICANT: Astrit Karamanaj

OWNER: Astrit Karamanaj



Overhead View – City of Hartford GIS 2021

BACKGROUND INFORMATION

The applicant is requesting a special permit for an outdoor café in conjunction with an existing drinking place/bar. No previous actions have been taken in regards to this matter.

The subject property has been used as a drinking place since at least the mid 1980's. Permitting records show approval of a night club liquor permit in conjunction with full restaurant liquor permit in 1984. The current drinking place has a Café Liquor license in good standing with the State of Connecticut as verified by the State website eLicense.

KEY APPLICATION TIMELINES

- Application Submission Date: September 7, 2021
- Date Application Accepted as Complete: September 7, 2021
- Application Date of Receipt: September 14, 2021 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing is scheduled to open on Tuesday, October 26, 2021; Open Hearing Deadline: November 18, 2021.
- Close Hearing Deadline (if opens October 26, 2021): (35 days after opening) Tuesday, November 30, 2021
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days*.

LEGAL STANDARD

Standard for Application Type:

The Commission reviews special permits in accordance with Zoning Regulations section 1.3.4. Special permits may be approved, approved with conditions, or denied. Considerations the Commission may weigh in special permit review include: harmony with the plan of conservation & development; compliance with the purposes of the district; effect on existing development; creation of safety hazards in vehicular and pedestrian circulation; effects on traffic; compatibility with adjacent properties; suitability of arrangement of buildings, open space, and provision of light and air; impact on essential services; impact on stormwater runoff; impact on city services and infrastructure; tree and landscape provision; and pedestrian amenities. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation, landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

STANDARD SPECIFIC TO THE USE

Section 3.5.2.D: Outdoor Café. Tables and chairs for patrons of any use where food and beverages are served located outdoors.

- (1) **General Location.**

- a. Outdoor cafes may be located anywhere on the lot, or on the adjacent right-of-way, provide that, if it is located in the right-of-way, a minimum of 5 feet of sidewalk shall remain available and obstacle-free for passing pedestrians.
 - b. Outdoor cafes are not subject to building line requirements or front yard or corner side setbacks.
 - c. Outdoor cafes associated with drinking places shall be subject to special permit review by the commission.
 - d. The outdoor café shall be located directly adjacent to the principle use, on an adjacent lot pursuant to 3.5.2.(1)(e), or in all or part of a parking lot previously associated with the use, which may be separated from the principal use by a pedestrian path, pavement, or landscaped area.
- (2) **Maximum Size.** The total area occupied by the outdoor café shall be determined after the zoning administrator or the commission, as applicable, takes into consideration the nature, width, and use of any public right-of-way proposed to be occupied, harmony with and likely noise and nuisance impacts on the surrounding neighborhood, the suitability of the proposed location for outdoor seating, and other health and safety factors.
- (3) **Enclosure.** The outdoor café shall be enclosed by a fence with a minimum height of 30 inches and a maximum of 42 inches. All construction in the right-of-way shall be fully removable during the off-season or when the outdoor café is not in use. No chain link fencing, plastic fencing, or other material not durable enough to endure the season shall be utilized. Steel or colored PVC, wood, or planters may be used. For outdoor seating areas of eight chairs or fewer, the preceding enclosure requirements may be waived.
- (4) **Cover.** The outdoor café may have a covering or overhead enclosure and shall be open-air.

Plan of Conservation & Development

Play400: Culture

- Expand outdoor dining.
 - o Encouraging cafes and restaurants to provide outdoor seating areas, and relaxing permitting, will enliven our sidewalks and public realm.

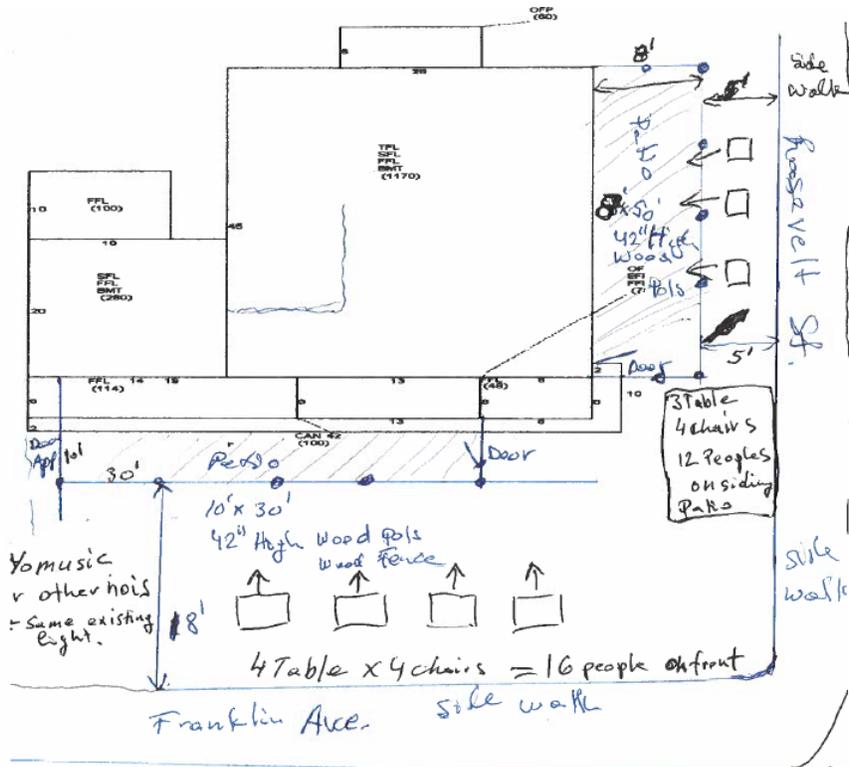
FINDING OF FACTS

Subject Property

- Lot size: 7,500 square feet
- Occupied by Cottage Commercial type building constructed circa 1920.
- First floor commercial storefront expanded to today's footprint in 1942.
- Front and side yards are currently completely covered in asphalt.

Proposed Outdoor Café

- Enclosed by 42" high removable wooden fence.
- Side patio area to extend 8' from the side of the building and the length of the building.
 - o 3 tables for ~12 person occupancy.
- Front patio area to extend 10' from the front of the building 30' along the building.
 - o 4 tables for ~16 person occupancy.
- All currently proposed tables, chairs and enclosure are removable.
- No outdoor speakers proposed.
- No additional lighting proposed.
- Outdoor café to close no later than 10pm on all nights.



535 Franklin Ave. Hartford CT 06114

FD 254-801-202

Figure 1. Proposed Outdoor Café Layout – Applicant 2021



Figure 2. Photo of Front Patio Area – Applicant 2021



Figure 3. Photo of Side Patio Area – Applicant 2021

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

The South End NRZ was first notified of the subject request on September 9, 2021. As of this writing no comment has been received by staff.

ANALYSIS

The subject request is to use an existing paved area in the front and corner side yards for the purposes of outside eating and drinking in association with an existing drinking place. The Covid-19 pandemic has made the use of an outdoor café a standard amenity for restaurants and the proposed appears to meet the minimum requirements of the Zoning Regulations. However, when the neighborhood context and lot conditions are evaluated, additional consideration is warranted.

The general dimensions of the proposed outdoor café and the materials proposed for the enclosure meet the minimum requirements of the Zoning Regulations (the Regulations). The regulating section (3.5.2.D) specifically states that no setbacks, building lines or other siting requirements apply. The café is also not proposed to encroach into the right-of-way. All physical elements (chairs, tables, enclosure) proposed to be associated with the outdoor café are removable, further reducing the intensity of the subject request.

The associated drinking place is on the bottom floor of a cottage commercial type building. Permitting records show that the subject use has been in the current arrangement for a significant period of time and there are no current zoning violations for the property. While this context suggests that the existing drinking place is accepted by surrounded uses, the addition of the outdoor café could potentially increase the impacts of the use by bringing patrons outdoors. This action potentially increases noise pollution during the hours of operation. The applicant has proposed to mitigate noise impacts by closing the outdoor café at 10pm each night. The applicant has further stated that no new lighting or speakers are proposed with the outdoor café.

No negative effects on the bicycle & pedestrian realm are projected. The proposed outdoor café may even have a positive impact on pedestrian conditions because the proposed patio areas will occupy space currently used for parking. No permanent improvements to inhibit parking in these areas are proposed. The Commission should consider requiring concrete planters or even tree plantings at the property line to ensure no parking occurs in the future. These types of improvements would also increase the safety of any patrons occupying the proposed outdoor café areas.

The Plan of Conservation & Development (POCD) states in the Play400 focus area that it is a goal of the City to encourage cafes and restaurants to incorporate outdoor seating areas. That same goal further states that we should explore relaxing permitting requirements. This goal supports both the current outdoor café proposal and the potential for expanding the café to the property line in the front and corner side yards.

The applicant has provided a plan showing the current proposed location of the outdoor café areas, however, the applicant has also requested that the commission consider approving the outdoor café use for the entire area between the principle structure and the front and corner side property lines. Should the outdoor café prove popular, the applicant would like the ability to expand the outdoor café to the property line without attending another public hearing. The corner side property line is approximately 2' from the sidewalk, while the front property line is approximately 8' from the sidewalk. If the outdoor café were permitted to expand to the property line adequate space would still be preserved for the public realm.

Staff finds that the proposed design of an 8' by 50' patio area on the corner side and a 10' by 30' patio area in the front yard with the specified number of tables will not create a nuisance and is consistent with the Regulations and the POCD. Staff also finds that the request to allow future expansion of the outdoor café to the property line is consistent with the Regulations and would represent an effort to “relax permitting” consistent with the POCD. However, staff finds that any future expansion should be reviewed by staff and any potential nuisances identified shall require proportional mitigation measures at that time. Further, when the applicant requests to expand, staff will examine any zoning enforcement, police or nuisance complaints related to the outdoor café since its installation and weigh whether an expansion is in the public interest at that time.

STAFF RECOMMENDATION

Staff recommends approval of the request for an outdoor café as designed with the option of expanding the outdoor café area to the property line in the future subject to the following conditions:

1. The outdoor café shall close by 10pm each evening.
2. Any future improvements to the outdoor café such as new lighting or permanent elements shall be reviewed by staff.
3. Future expansion of the outdoor café areas to the property line shall be permitted as an administrative review no sooner than one year from the date of this approval and at that time staff shall review any zoning enforcement, police or nuisance complaints related to the outdoor café since its installation and weigh whether an expansion is in the public interest at that time.

A draft resolution follows.

ATTACHMENTS

1. Narrative from Special Permit Application
2. Proposed Outdoor Café Plan
- 3.

REVIEWED AND EDITED BY,

Aimee Chambers, Director



**CITY OF HARTFORD
PLANNING & ZONING COMMISSION RESOLUTION
535 FRANKLIN AVENUE
SPECIAL PERMIT FOR OUTDOOR CAFE**

- Whereas,** The City of Hartford Planning & Zoning Commission reviewed the application and attached documents regarding the request for a Special Permit for an outdoor café associated with a drinking place/bar per Zoning Regulations Section 3.5.2.D.(1)(c); and
- Whereas,** The subject property is located in the MS-2, Main Street district; and
- Whereas,** Section 3.5.2.D.(1)(c) requires that all outdoor cafes proposed in conjunction with a drinking place require a special permit; and
- Whereas,** The existing primary use associated with the proposed outdoor café is the Arber Bar & Café, a drinking place with a Café Liquor license in good standing with the State of Connecticut; and
- Whereas,** The applicant has proposed two areas to be used as outdoor cafes, a patio abutting the principle structure in the corner side yard measuring approximately 8’ by 50’; and, a patio abutting the principle structure in the front yard measuring approximately 10’ by 30’; and
- Whereas,** The proposed outdoor café will increase noise pollution by bring patrons outdoors; and
- Whereas,** The applicant has proposed to mitigate any increase in noise pollution by closing the outdoor café by 10pm every evening and further has not proposed any outdoor speakers or additional lighting; and
- Whereas,** The proposed outdoor café may have a minor positive impact on surrounding pedestrian facilities because the proposed patio areas will occupy space currently used for parking; and
- Whereas,** The applicant has also requested the ability to at some point in the future expand the

outdoor café areas from their currently proposed location abutting the principle structure in the corner side and front yards out to the property line; and

Whereas, The Plan of Conservation & Development states in its Play 400 focus area that the City shall encourage cafes and restaurants to incorporate outdoor seating areas and explore relaxing permitting requirements; and

Now therefore Be It

Resolved, The City of Hartford Planning & Zoning Commission hereby **denies/approves** the request for a Special Permit for an outdoor café associated with a drinking place/bar per Zoning Regulations Section 3.5.2.D.(1)(c) subject to the following conditions of approval:

1. The outdoor café shall close by 10pm each evening.
2. Any future improvements to the outdoor café such as new lighting or any permanent elements shall be reviewed by staff.
3. Future expansion of the outdoor café to the property line shall be permitted as an administrative review no sooner than one year from the date of this approval and at that time staff shall review any zoning enforcement, police or nuisance complaints related to the outdoor café since its installation and weigh whether an expansion is in the public interest at that time.

Be It Further,

Resolved, This 26th day of October, 2021.

Attachment 1 – Narrative from Special Permit Application

4. PROJECT NARRATIVE

Describe your application action(s) and provide as much detail as possible. Attach additional pages if necessary:

Patio on front in Franklin Ave 10'x30'
18' from side walk and Patio all Side
8'x49' move then 5' from side walk
42' high, wood wood post,
Front 4 table with 16 chairs
Side 3 table with 12 chairs
- no music out (No music outside)
- ~~eggs~~ ~~light~~
Some existing light (Existing light)
- Open until 10pm
- To the property line

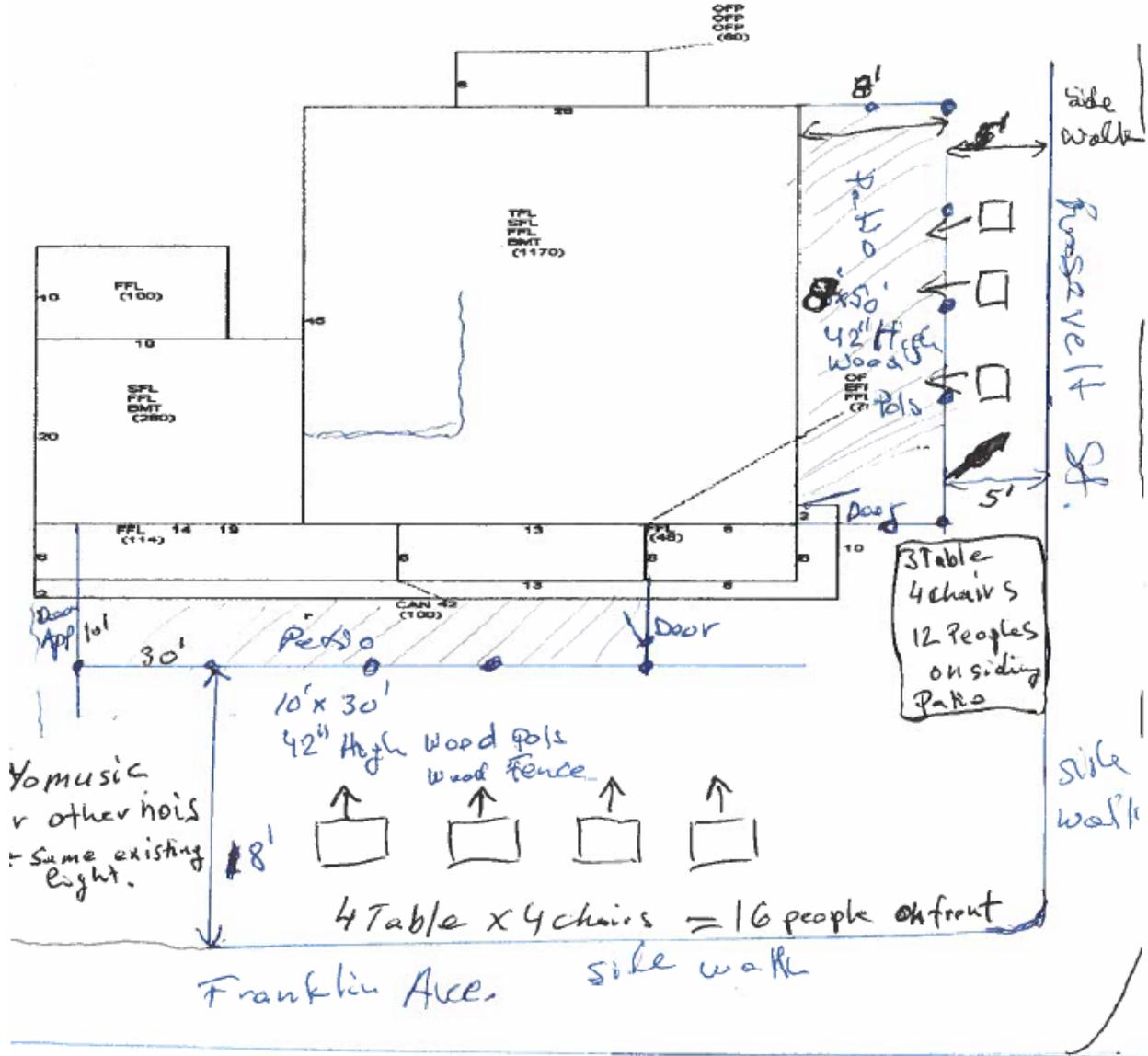
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(conceptual)

** PLEASE COMPLETE THE FOLLOWING SECTIONS AS THEY PERTAIN TO THE ACTIONS YOU ARE APPLYING FOR.

DON'T FORGET TO SIGN THE APPLICATION ON THE LAST PAGE!

Attachment 2 – Proposed Outdoor Café Plan

WebPro



535 Franklin Ave. Hartford CT 06114

ID 254-801-202