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STAFF REPORT

ZONING BOARD OF APPEALS MEETING

MEETING DATE: May 17, 2018
STAFF REPORT DATE: May 11, 2018

Case #4329: SPECIAL PERMIT

Property: 330-332 Hathaway
Blvd.
Map: 82, Lot: 225

Zoning: MUB

Owner: Hari LLC.
330 Hathaway Blvd.
New Bedford, MA
02740

Applicant: Rahmanz, Inc. Crown
Fried Chicken (CFC)/
Quality Construction
120 Lewin Street #29,
Fall River, MA 02740



330-332 Hathaway Blvd.
Looking east from Hathaway Blvd.

Overview of Request: Notice is given of a public hearing on the petition of: **Hari LLC.** (330 Hathaway Blvd., New Bedford, MA) **and Rahmanz, Inc. Crown Fried Chicken (CFC)/Quality Construction** (120 Lewin Street #29, Fall River, MA 02720) for a **Special Permit** under Chapter 9 Comprehensive Zoning sections 2200 (use regulations), 2210 (general), 2230 (table of use regulations - appendix-A - commercial, #24 restaurant/fast food), 5300-5330 & 5360-5390 (special permits); relative to property located at **330-332 Hathaway Blvd**, assessor's map 82, lot 225 in a Mixed Use Business District [MUB] zoned district. The petitioner proposes to open a takeout food establishment (Crown Fried Chicken) as plans filed.

As with all Special Permits, the ZBA must determine that the benefit to the City and the neighborhood outweighs the adverse effects of the proposed use. To this end the board shall consider each of the following in its determination:

- a) social, economic, or community needs which are served by the proposal;
- b) traffic flow and safety, including parking and loading;
- c) adequacy of utilities and other public services;
- d) neighborhood character and social structures;

- e) impacts on the natural environment; and potential fiscal impact, including impact on city services, tax base, and employment.

Existing Conditions:

The 3,200 sq. ft., single-story building is located on Hathaway Boulevard, on the corner of Hathaway Boulevard and Durfee Street in the southeastern portion of the city. The front of the property faces east onto Brock Ave and south at the Durfee Street side of the property.

The site is on the northerly end of Hathaway Boulevard, in the southeastern region of the city. The site currently hosts a Laundromat at the 330 Hathaway Boulevard address and a Hari Mart convenience store at the 332 Hathaway Boulevard address on the southerly side of the property. The Hari Mart also serves as a U-Haul Neighborhood Dealer, where customers can pick-up and drop-off U-Haul rentals (trucks, trailers, etc.). While there is a functioning hood, three-bay sink, and grease trap which were utilized by the Hari-Mart convenience store on-site, the applicant states that the owner has been unsuccessful in generating an income to compensate for the expenses related to the food service portion of the convenience store.

There are approximately 30 off-street parking spaces on the front, or east side of the property, including one handicap parking space with a striped loading area, directly to the east of the property (front).

The immediate surroundings include a large residential complex to the north, residential units to the east and west, an ice skating arena and sports store to the immediate south, and both Keith Middle School and New Bedford High School are located to the south as well.

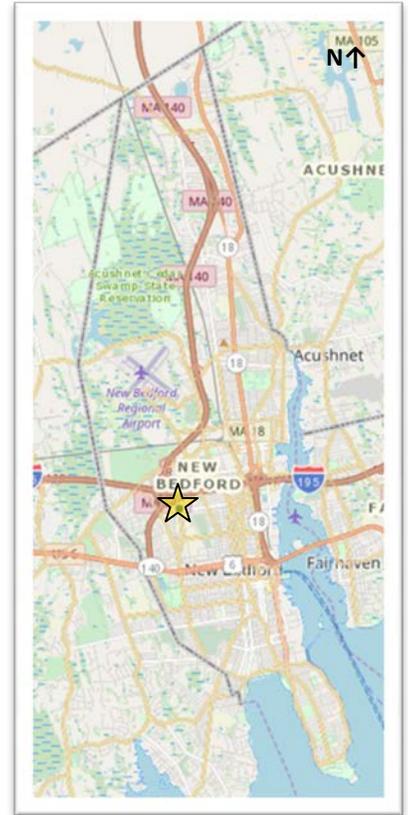
The applicant went before the Planning Board on Wednesday, May 9 for a special permit for a reduction in parking. The Planning Board made a motion in favor, with specific conditions to the affirmative decision. Please note, the decision has not been formally filed as of yet.

Proposed Conditions:

The applicant proposes to reduce the Hari-Mart convenience store square footage by 656 sq. ft., to create a central unit within the property that would be proposed as a Crown Fried Chicken (CFC) take-out food establishment.

Adding a restaurant/fast food use to the property requires a special permit. The applicant anticipates that the Crown Friend Chicken will have approximately 20 customers per day, with 4 employees. Proposed hours of operation for the CFC would be 10am-11pm daily. The CFC would also deliver food to customers as well during the business operating hours as well.

The proposal would provide a food service which would be unique to the immediate surrounding area.



330-332 Hathaway Blvd.
Looking northeast from Durfee Street

In regards to the criteria necessary to grant the special permit, staff offers the following:

a.) Social, economic or community needs which are served by the proposal. The petitioner states that having a successful Crown Fried Chicken (CFC) take-out in an area where there is no other food retail close by would improve the community, build strong relationships with customers to ensure satisfaction and will increase the economy. Additionally, the applicant adds that the restaurant would provide a good place for socializing in a good environment. Staff acknowledges that the proposed use would provide a food service which would be unique to the immediate surrounding area.

b.) Traffic flow and safety including parking/unloading. The petitioner states that traffic flow would not be affected because the peak times of the other establishments on-site do not overlap much: Peak hours for the Hari-Mart are from 7AM-9AM and 2PM-3PM. The Laundromat peak hours are Friday nights and weekend mornings, and the anticipated peak hours for the CFC would be from 11am-1pm and 4pm-7pm. Additionally, the applicant noted that the proposed location is in walking distance, which would reduce car use and traffic congestion. Staff notes that the proposed location is in close proximity and “walking distance” from the existing schools and several residential properties. Staff also acknowledges that there are several parking spaces located on-site.

c.) Adequacy of utilities and other public services. The applicant states the utilities, included gas and electric, already exist on the proposed site. Additionally, a functioning hood, 3 bay-sink and grease trap are located onsite according to the petitioner, as these items were used by the Hart-Mart convenience store. Staff notes that there are immediate businesses which likely use the utilities specified as needed by the petitioner for their respective businesses.

d.) Neighborhood character. The petitioner states that the neighborhood is residential with two schools nearby, and adds that the proposed restaurant would be the only walking distance place to get hot meals. Staff acknowledges that the surrounding area does include a have restaurants, and as mentioned prior, acknowledges that the proposal would provide a food service which would be unique to the immediate surrounding area.

e.) Impacts on the natural environment. The petitioner has indicated that the proposal would have a positive impact on the natural environment by providing quality food and services to the neighborhood at affordable prices. As there are no new structures or changes to the land within the proposal, staff does not anticipate a substantial change in the existing impacts on the natural environment at this site.

f.) Potential fiscal impact, etc. The application indicates that as a local business, the tax dollars would stay within the local economy and pump more profits back into the community. Additionally, the petitioner states that additional job opportunities would be available to the locals, which would further help the community and local businesses. Staff notes that the proposal would fill a commercial vacancy, and add jobs while providing a new service in the area.

330-332 Hathaway Blvd. Map: 82, Lot: 225

NOTE: Property line is approximate; for discussion purposes, only.

