



January 13, 2023

TO: Mayor and Members of Council

FROM: Renee K. Bensley, Director of Planning and Development *RKB*
Michael Fortner, Senior Planner *MF*

VIA: Thomas Coleman, City Manager *TC*

RE: **SPECIAL USE PERMIT: ALL BLUE CAJUN – 165 EAST MAIN STREET – RESTAURANT WITH ALCOHOLIC BEVERAGES**

On October 31, 2022, the Planning and Development Department received a special use permit application and supporting materials from CC Union, LLC, the operators of the restaurant *All Blue Cajun*, for the sale of alcoholic beverages. The restaurant is located at 165 East Main Street (same building as *Cameras Etc*, *Bloom* and *Ramen Kumamoto*) and is zoned BB (central business district). Zoning Code Section 32-56.4(f) stipulates that a special use permit is required for restaurants serving alcoholic beverages for consumption on the premises. The restaurant has over 51 seats, meeting the minimum requirements. The applicants have submitted the attached site plan, seating plan, and other supporting information.

The Planning and Development Department report on this special use permit application follows:

ZONING

Restaurants serving alcoholic beverages are permitted in the BB (Central Business District) under Zoning Code Section 32-18(b)(14), except as otherwise regulated in this chapter, and subject to the requirements of Section 32-56.4 and Section 32-78.

Zoning Code Section 32-56.4, Facilities selling alcoholic beverages for consumption on premises and restaurant patios, limits entertainment and happy hours; delineates rules for indoor and outdoor seating; and prohibits carry-out liquor service and the sale of alcoholic beverages after midnight. Please note, in this regard, the applicant has been apprised of all regulations.

Zoning Code Section 32-78, Special Use Permits, stipulates that Council may issue a special use permit provided that the applicants demonstrate that the proposed use will not:

- a. Affect adversely the health or safety of person(s) residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware;

- b. Be detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware; and
- c. Be in conflict with the purposes of the comprehensive development plan of the city.

DEPARTMENTAL COMMENTS

Planning and the other operating departments of the City have reviewed the plan for All Blue Cajun and have the following comments:

- 1. The Planning and Development Department notes that the *All Blue Cajun*, located downtown, corresponds to the land use recommendations in the Newark Comprehensive Development Plan V 2.0, which call for commercial and mixed urban uses at the site respectively.
- 2. The Department notes that allowing for the purchase of an alcoholic beverage with lunch or dinner may enhance the experience of dining and help the restaurant, which offers a unique niche in the downtown area, succeed.
- 3. The Police Department states that it does not have concerns with the sale of alcoholic beverages for consumption on premise at the restaurant with meals. Further, the Department believes that the Special Use Permit protocol established by Council for facilities serving alcoholic beverages on premise will minimize concerns with the requested use.
- 4. The Code Enforcement Division of the Planning and Development Department indicates that it does not have concerns with the sale of alcohol at All Blue Cajun. The seating plan confirms that restaurant has 50 seats.
- 5. No other Departments have expressed concerns or objections to the application.

RECOMMENDATION

Because the proposed use does not conflict with the land use guidelines in Comprehensive Development Plan V 2.0; because the proposed use is compatible with the Zoning Code Special Use Permit criteria; and because the relevant City departments have no objection to the proposal, the Planning and Development Department recommends that City Council approve the Special Use Permit for the sale of alcoholic beverages for *All Blue Cajun* restaurant at 165 East Main Street, with the conditions under Departmental Comments.

RECOMMENDED MOTION

Staff recommends Council make the following motion:

“I move that City Council approve the Special Use Permit for the sale of alcoholic beverages for the *All Blue Cajun* restaurant at 165 East Main Street with the Departmental Comments as stated in the January 13, 2023 staff memo.”

When voting, if a Council member is voting “aye” on the application, they should state their vote as follows:

“I vote aye on this motion because the proposed use does not affect adversely the health or safety of person(s) residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware; will not be detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware; and will not be in conflict with the purposes of the Comprehensive Development Plan of the city. I make this finding due to the reasons outlined in the January 13, 2023 Planning and Development Department report (or other appropriate reason).”

If a Council member is voting “no” on the application, they should state their vote as follows choosing the reason(s) as they apply to why they are voting no:

“I vote no on this motion because the application: [select appropriate reason(s)]

- *will adversely affect the health or safety of person(s) residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware and /or*
- *will be detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware and/or;*
- *will be in conflict with the purposes of the Comprehensive Development Plan of the city.*

I make this finding because [insert appropriate reason].”

/mf

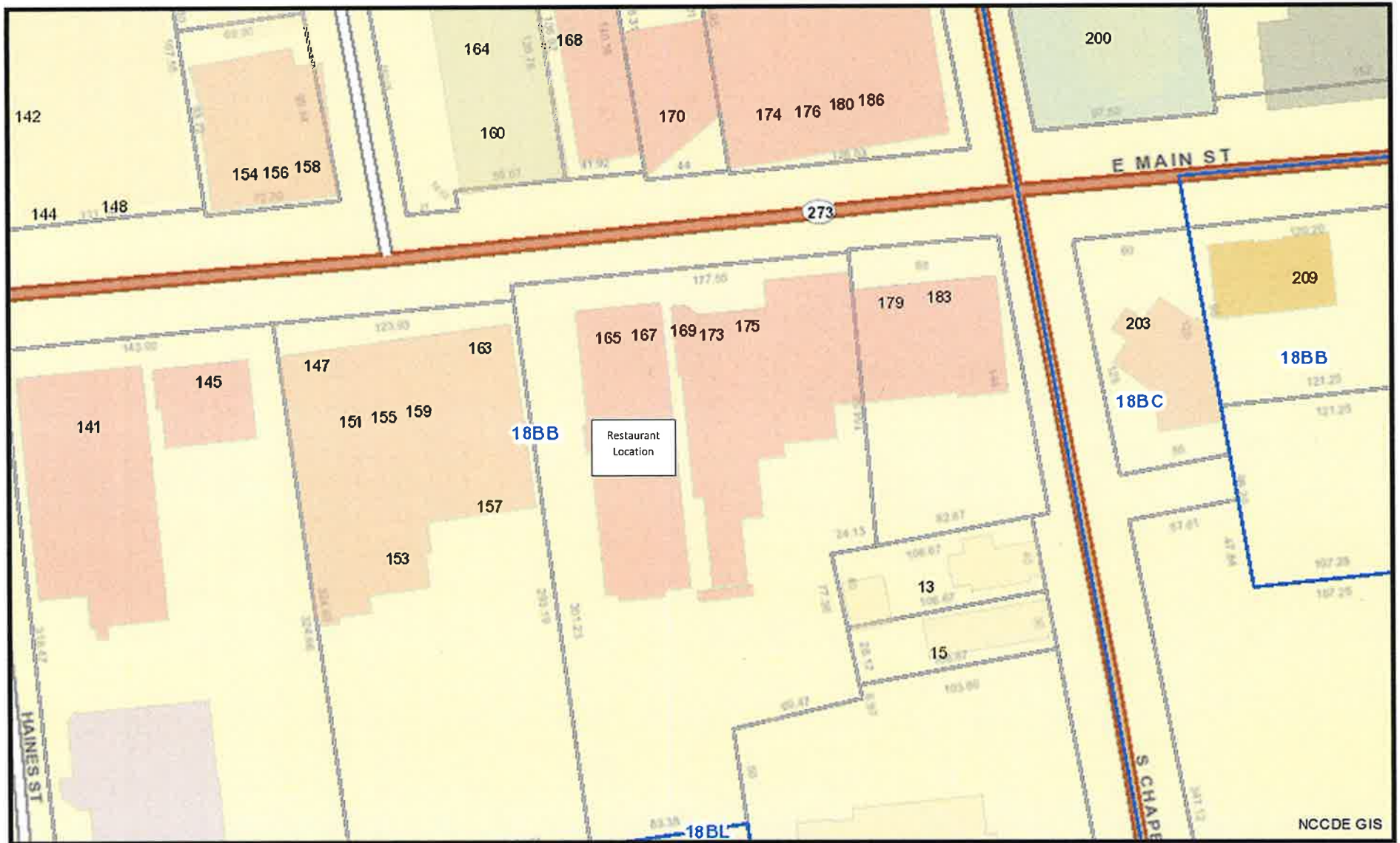
Attachments

Exhibit “A”: Site Map- All Blue Cajun – 165 East Main Street

Exhibit “B”: Seating Floorplan

Exhibit “C”: Application Letters – Dated October 31, 2022 & September 7, 2022

Exhibit A



All Blue Cajun - 165 E. Main Street - Restaurant with alcohol

Author:



New Castle County Delaware GIS: <https://gis.ncde.org>

Disclaimer: For informational purposes only - not to be used as official documentation.



Date: 12/20/2022

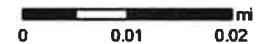
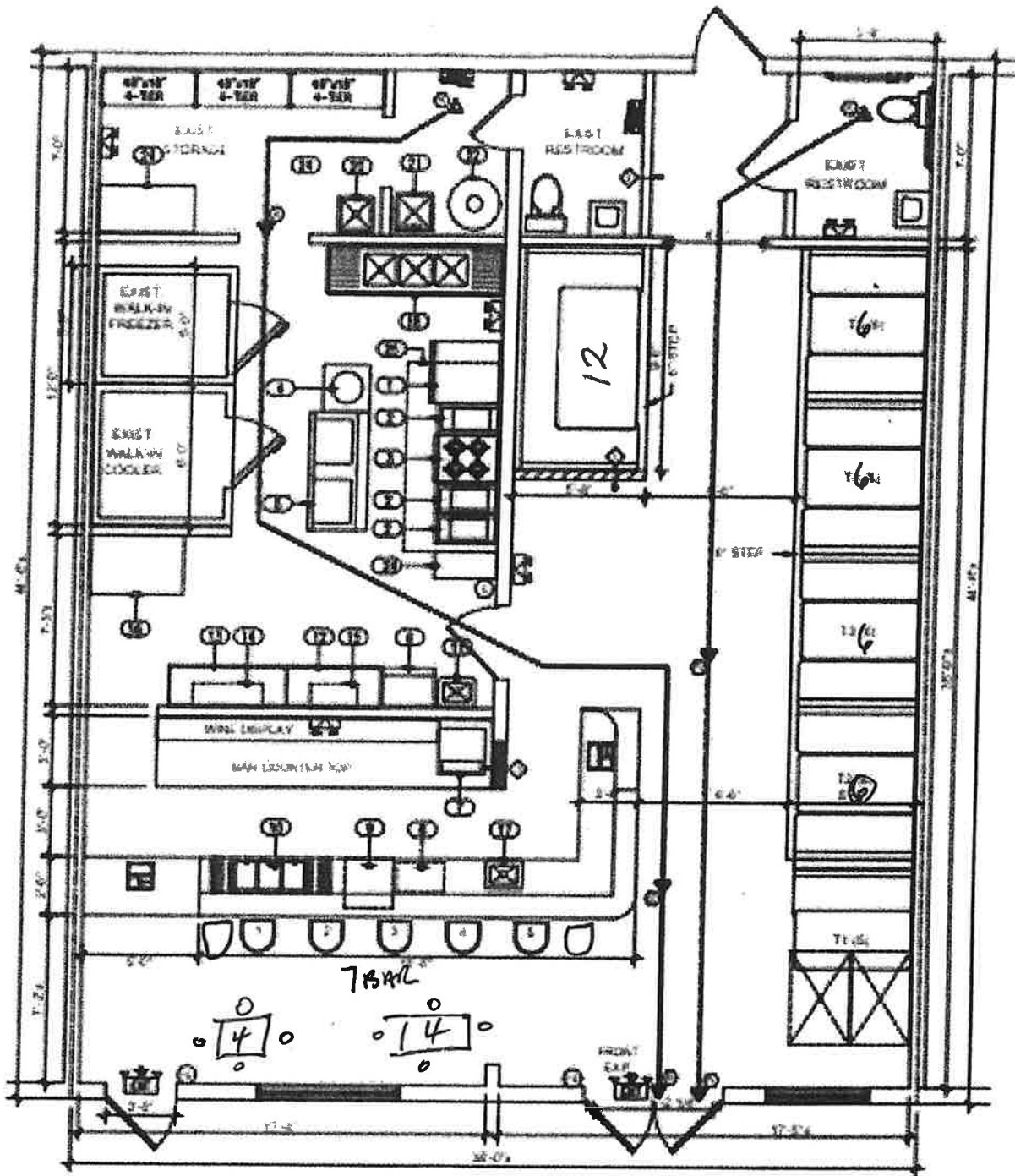


EXHIBIT "B"



1
A-1

FLOOR PLAN

SCALE N.T.S.



from the desk of
Ciro Poppiti, III

October 31, 2022

Mike Fortner, AICP
Senior Planner
City of Newark
Planning and Development Department
220 South Main Street
Newark, DE 19711

Sir:

Please see the updated materials per the special use application at 165 E. Main Street.

Enclosed is \$1,000 and a floor plan showing 50 seats.

Please call / contact me to move this application forward, (302) 521-5461 or CCPoppiti@aol.com.

Thank you,



Ciro Poppiti, III

Poppiti Law, LLC

Ciro Poppiti, III

Mailing Address

PO Box 2971

Wilmington, Delaware 19805

Tel (302) 521-5461

Physical Address

301 Old DuPont Road

Wilmington, Delaware 19804

CCPoppiti@aol.com

September 7, 2022

RE: Letter of Transmittal

Dear Mayor Markham and Council:

Please accept this letter as an supplement to our application for a Special Use Permit on behalf of CC Union, LLC. CC Union, LLC operates the restaurant All Blue Cajun located at 165 E. Main Street, Newark, Delaware. The restaurant is applying for a Special Use Permit to be a full service restaurant including the service of alcohol. The sales and service of alcoholic beverages will be complementary to the primary purpose of serving complete meals.

The restaurant is comprised of 38 restaurant seats and seven bar seats. Blue Cajun's hours of operation are Monday through Sunday 12:00 pm to 8:30 pm. All Blue Cajun specializes in Louisiana Cajun Flavor. Attached you will find a copy of their menu which includes Cajun seafood boils, classic sandwiches, and seafood specialty entrees, soups, salads, and desserts.

The applicant CC Union, LLC is a family run business comprised of Jian Fu Chen and Tingxun Zheng. Mr. Chen and Mr. Zheng operate Chiwa Bistro, a full service restaurant with a liquor license located at the Christiana Mall. Chiwa Bistro is a thriving and well-loved Asian restaurant known for their service and quality of food. Mr. Chen and Mr. Zheng have shown through their success at Chiwa Bistro that they are well equipped to run a successful full service restaurant.

CC Union, LLC also understands that they must be in compliance with the Newark zoning regulations set forth in Section. 32-56.4 and have the procedures in place to do so. The conditional use of the restaurant with alcohol service will not: Affect adversely the health or safety of person(s) residing or working within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware; Be detrimental to the public welfare or injurious to property or improvements within the City of Newark boundaries or within one mile of the City of Newark boundaries and within the State of Delaware; and Be in conflict with the purposes of the comprehensive development plan of the city.

All Blue Cajun looks forward to sharing their love of Cajun Seafood with the City of Newark. All Blue Cajun believes that they will positively affect the Newark downtown community and will be a great addition to Main Street. Mr. Chen and Mr. Zheng have worked hard to build one successful full service restaurant and will do the same with All Blue Cajun.

Thank you for your consideration.

Respectfully,

Ciro Poppiti, III Robert Wiest