

## MEMORANDUM

TO: Planning Commission

FROM: Alexis DiLeo, City Planner

CC: Brett Lenart, Planning Manager

DATE: May 8, 2018

SUBJECT: 700 Tappan Special Exception Use (for Medical Marijuana Provisioning Center) SEU18-010

Planning Commission, at their meeting of March 20, 2018, postponed a decision on the special exception use application for a medical marijuana provisioning center at 700 Tappan to allow the applicant to explore options to comply with the Casa Dominick's PUD Supplemental Regulations requirement to close a curb cut with the first site plan approval within the district.

### Background

The Casa Dominick's PUD Zoning District and Supplemental Regulations were approved on October 19, 2009 by Ordinance No. ORD-09-30. The PUD district included two lots that were already zoned PUD, 812 and 814 Monroe Street, as well as four additional lots owned by the applicant and contiguous to the original PUD district at 800 Monroe, 705 Oakland, and 700 and 706 Tappan. The PUD district was established and Supplemental Regulations approved along with a Conceptual Plan. No new development was proposed at the time, the PUD designation was sought in part to eliminate existing nonconforming land uses and lots (see Section 3, Paragraph E of the Supplemental Regulations, attached).

Supplemental Regulations, the customized development regulations adopted with each PUD zoning district, provided the area, height, placement, off-street parking, landscaping and screening standards. They also include requirements for preservation of existing buildings and architectural design regulations for the district.

The full list of findings, or reasons why the PUD district was approved, are articulated in Section 3 of the Supplemental Regulations.

### Section 3: Findings

During the public hearings on this Planned Unit Development, the Planning Commission and City Council determined that:

- A. It is desirable to develop the property described above for mixed uses, including restaurant, limited retail, limited office, residential, hotel and lodging, and artist's studios, by reusing existing buildings and developing new buildings in an innovative and efficient manner that preserves and contributes to the existing neighborhood character.
- B. The surrounding neighborhood contains a variety of land uses that are compatible with the proposed mix of uses, including the University of Michigan Central Campus, multiple-family residential use, and group housing.
- C. It is in the best interest of the surrounding properties and the City of Ann Arbor that the unique character of the existing neighborhood and the existing variety of land uses be maintained and expanded by establishing the permitted uses and regulating the development parameters on the lots, described above, to that which will have a beneficial effect on, and will not adversely affect, the surrounding properties or the City, in terms of public health, safety, or welfare.
- D. The limitations placed on the permitted principle and accessory uses, the area, height and placement standards, the off-street parking requirements, the landscape and screening requirements, and the architectural design guidelines will ensure that the existing neighborhood character is preserved and enhanced while providing for flexible, innovative, efficient and economical future development.
- E. Creation of the PUD zoning district will eliminate existing nonconforming land uses and lots as well as provide for unique preservation and adaptive reuse of existing structures; allow for a specific mix of certain land uses in a controlled manner; provide for additional employment and shopping opportunities particularly suited to the City and not readily available elsewhere; and will future the goals, policies and plans of the City with regard to new development in established neighborhoods and mixed pedestrian-oriented land uses.
- F. The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein do not constitute the granting of special privileges nor deprivation of property rights.

Section 4 of the Supplemental Regulations provides the regulations which ensure the public benefits expressed in the findings are fulfilled. For example, access to the district is limited to two curb cuts, see Section 4, Paragraph G.

#### G. Site Access and Off-Street Parking Spaces

1. Access: A maximum of two curb cuts shall be permitted from a public street to access the district, one curb cut from Monroe Street and one curb cut from Oakland Avenue. Each curb cut shall conform to the dimensional standards established in Ann Arbor City Code Chapter 47.

All useless curb cuts shall be removed and the curb shall be restored as part of the first PUD Site Plan approved within the district.

2. Vehicular Parking: A minimum of 2 off-street vehicular parking spaces shall be required. A maximum of 10 off-street vehicular parking spaces shall be permitted. These spaces shall be shared by all uses and buildings within the district.

Discussion of Other Public Benefits

The applicant of the 700 Tappan Special Exception Use for a Medical Marijuana Provisioning Center with Site Plan for Planning Commission Approval is the first site plan to be submitted in the Casa Dominick's PUD district. Per Section 4, Paragraph G, the site plan must include closing useless curb cuts such as the one leading to 700 Tappan. (The 700 Tappan curb cut is appropriate for closure because it does not lead to a legal parking space. Legal parking spaces must be fully behind the front of a building.)

The applicant states that the curb cut and two nonconforming parking spaces on the 700 Tappan lot are essential to his business and should not be closed. He wishes to discuss with the Planning Commission what else may ensure the public benefits that are the basis of the Casa Dominick's PUD district are achieved if the PUD Supplemental Regulations are amended to allow useless curb cuts to remain.

Attached: Casa Dominick's PUD Supplemental Regulations

ORDINANCE NO. ORD-09-30

First Reading : September 21, 2009

Public Hearing : October 19, 2009

Approved: October 19, 2009

Published: October 22, 2009

Effective: November 1, 2009

(CASA DOMINICK'S ZONING  
808-814 MONROE STREET, 700 AND 706 TAPPAN STREET  
AND 705 OAKLAND AVENUE)

AN ORDINANCE TO AMEND THE ZONING MAP BEING A PART OF CHAPTER 55  
OF TITLE V OF THE CODE OF THE CITY OF ANN Arbor

The City of Ann Arbor ordains:

Section 1. THE ZONING MAP, which, by Section 5:4 of Chapter 55 of Title V of the Code of the City of Ann Arbor is made a part of said Chapter 55, shall be so amended as to designate the zoning classification of property described as follows:

[800 Monroe Street] – Beginning in the south line of Monroe Street at a point 84 feet east of the northwest corner of Lot 1, in Block 7 south of Huron Street, in range 11 east, running thence east on said south line of Monroe Street, 48 feet to the east line of Lot 1; thence south parallel with Thayer Street 77 feet; thence west parallel with Monroe Street, 48 feet; thence north parallel with Thayer Street, 77 feet to the Place of Beginning, being part of Lots 1 and 2 in Block 7 South of Range 11 East, Alteration of the Ann Arbor Land Company's Addition to the Village of Ann Arbor, according to the plat thereof as recorded in Liber U of Deeds, Page 252, Washtenaw County Records; and,

[812 Monroe Street] – The West 33 feet in width of Lot No. 14 in Block No. 7, South of Huron Street, Range No. 11 East, according to the recorded plat of the alteration of the Ann Arbor Land Company's Addition to the Village (now City) of Ann Arbor, Washtenaw County, Michigan; and,

[814 Monroe Street] – The North 3 Feet of the West 35 feet of the East 99 feet of Lot 13 and the West of the East 99 feet of Lot 14 in Block No. 7, South of Huron Street, Range No. 11 East, according to the recorded plat of the alteration of the Ann Arbor Land Company's Addition to the Village (now City) of Ann Arbor, Washtenaw County, Michigan; and,

[705 Oakland Avenue] – The South 55 feet of Lot 2 in Block No. 7 South, Range 11 East, in the Alteration of the Ann Arbor Land Company's Addition to the said City of Ann Arbor, as recorded in Liber 'U' of Plats, Page 252, Washtenaw County Records; and,

[700 Tappan Street] – The East 64 feet of the North 39 feet of Lot 14 in Block No. 7, South of Huron Street, Range No. 11 East, according to the recorded plat of the alteration of the Ann Arbor Land Company's Addition to the Village (now City) of Ann Arbor, Washtenaw County, Michigan; and,

[706 Tappan Street] – Lot 13 excepting the North 3 feet thereof in Block No. 7, South of Huron Street, Range No. 11 East, according to the recorded plat of the alteration of the Ann Arbor Land Company's Addition to the Village (now City) of Ann Arbor, Washtenaw County, Michigan.

in the City of Ann Arbor, Washtenaw County, Michigan as PUD (Planned Unit Development District), in accordance with the attached Casa Dominick's Revised and Expanded PUD Supplemental Regulations, which are hereby adopted and incorporated into the Casa Dominick's PUD zoning ordinance.

Section 2. This ordinance shall take effect and be in force on and after ten days from legal publication.

### **CERTIFICATION**

I hereby certify that the Council of the City of Ann Arbor, Michigan, adopted the foregoing ordinance at its regular session of October 19, 2009.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jacqueline Beaudry, City Clerk

\_\_\_\_\_  
John Hieftje, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw County Legal News on October 22, 2009.

\_\_\_\_\_  
Jacqueline Beaudry, City Clerk

## **Casa Dominick's PUD Supplemental Regulations**

### **Section 1: Purpose**

It is the purpose of the City Council in adopting these regulations to provide for a reasonable utilization of several parcels under the same ownership, developed in harmonious integration with the surrounding historical neighborhood and presenting a unified development of mixed uses.

These regulations seek to promote development that provides a mix of desirable uses arranged in such a way that is innovative and efficient; preserves and reuses existing buildings; provides employment and shopping opportunities particularly suited to the neighborhood and the City; advances the City's land use plans and policies; and contributes to the character of an established neighborhood.

### **Section 2: Applicability.**

The provisions of these regulations shall apply to the property described as follows:

[800 Monroe Street] – Beginning in the south line of Monroe Street at a point 84 feet east of the northwest corner of Lot 1, in Block 7 south of Huron Street, in range 11 east, running thence east on said south line of Monroe Street, 48 feet to the east line of Lot 1; thence south parallel with Thayer Street 77 feet; thence west parallel with Monroe Street, 48 feet; thence north parallel with Thayer Street, 77 feet to the Place of Beginning, being part of Lots 1 and 2 in Block 7 South of Range 11 East, Alteration of the Ann Arbor Land Company's Addition to the Village of Ann Arbor, according to the plat thereof as recorded in Liber U of Deeds, Page 252, Washtenaw County Records; and,

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### Section 3: Findings

During the public hearings on this Planned Unit Development, the Planning Commission and City Council determined that:

- A. It is desirable to develop the property described above for mixed uses, including restaurant, limited retail, limited office, residential, hotel and lodging, and artist's studios, by reusing existing buildings and developing new buildings in an innovative and efficient manner that preserves and contributes to the existing neighborhood character.
- B. The surrounding neighborhood contains a variety of land uses that are compatible with the proposed mix of uses, including the University of Michigan Central Campus, multiple-family residential use, and group housing.
- C. It is in the best interest of the surrounding properties and the City of Ann Arbor that the unique character of the existing neighborhood and the existing variety of land uses be maintained and expanded by establishing the permitted uses and regulating the development parameters on the lots, described above, to that which will have a beneficial effect on, and will not adversely affect, the surrounding properties or the City, in terms of public health, safety, or welfare.
- D. The limitations placed on the permitted principle and accessory uses, the area, height and placement standards, the off-street parking requirements, the landscape and screening requirements, and the architectural design guidelines will ensure that the existing neighborhood character is preserved and enhanced while providing for flexible, innovative, efficient and economical future development.
- E. Creation of the PUD zoning district will eliminate existing nonconforming land uses and lots as well as provide for unique preservation and adaptive reuse of existing structures; allow for a specific mix of certain land uses in a controlled manner; provide for additional employment and shopping opportunities particularly suited to the City and not readily available elsewhere; and will future the goals, policies and plans of the City with regard to new development in established neighborhoods and mixed pedestrian-oriented land uses.
- F. The parcel described above meets the standards for approval as a Planned Unit Development, and the regulations contained herein do not constitute the granting of special privileges nor deprivation of property rights.

### Section 4: PUD Regulations

#### A. Permitted principal uses

- 1. Areas A and B, as illustrated on Exhibit A, shall permit the following principal uses:
  - i. Restaurants and catering businesses. Drive-thru window service shall be prohibited. Outdoor restaurant uses shall be prohibited after midnight.
  - ii. Grocery, prepared food and beverage sales, including retail sales of non-food items typically associated with groceries and food preparation. Examples include cookware, glassware, linens, books, kitchen utensils and implements, and small kitchen appliances.

- iii. Classrooms and educational instruction.
  - iv. Tanning, massage and beauty salon.
  - v. Business offices, medical or dental offices, professional and non-profit organization offices. Examples include real estate and insurance agencies, attorneys and law firms, accountants, architects, engineers, travel agencies, consultants, and property management firms. Banks shall be prohibited.
  - vi. Residential dwellings, subject to the residential occupancy limitations per Ann Arbor City Code Chapter 55, Section 5:7 (a), (b), or (d). Six persons living as a single housekeeping unit shall not be permitted.
2. Area C, as illustrated on Exhibit A, shall permit the following principal uses:
- i. Hotel and lodging, including food preparation and service for guests. Preparation and serving of food for the general public shall be prohibited.
  - ii. Residential dwellings, subject to the residential occupancy limitations per Ann Arbor City Code Chapter 55, Section 5:7 (a), (b), or (d). Six persons living as a single housekeeping unit shall not be permitted.
3. Area D, as illustrated on Exhibit A, shall permit the following principal uses:
- i. Artists and craft studios, including sales of items produced by the artisans and craftspersons on the premises. Sales of items produced by other persons or outside of the district shall be prohibited.
  - ii. Residential dwellings, subject to the residential occupancy limitations per Ann Arbor City Code Chapter 55, Section 5:7 (a), (b), or (d). Six persons living as a single housekeeping unit shall not be permitted.

B. Permitted accessory uses

- 1. Outdoor restaurant seating, where restaurant uses are permitted as a principal use.
- 2. Home occupations, subject to all of the performance standards provided under the Ann Arbor City Code, where residential dwellings are permitted as a principal use.
- 3. Meetings, assemblies, conferences and special events, where hotel and lodging is permitted as a principal use.

C. Setbacks

- 1. Monroe Street: The minimum front setback for any building or portion of a building fronting Monroe Street shall be 0 feet.
- 2. Tappan Street: The minimum front setback for any building or portion of a building fronting Tappan Street shall be 19 feet.
- 3. Oakland Avenue: The minimum front setback for any building or portion of a building fronting Oakland Avenue shall be 24 feet.



4. Side and Rear: There shall be no minimum or maximum side or rear setback dimension required from any lot line internal to the district. New development, including additions to existing buildings, shall be set back a minimum of 10 feet from side or rear lot line around the perimeter of the district.

D. Height

The maximum height for all structures within the district shall be 35 feet. Exceptions shall be permitted for chimneys only.

E. Lot Size

1. Minimum lot size: 2,245 square feet
2. Maximum lot size: 25,932 square feet

F. Floor Area Ratio

1. The maximum floor area as a percentage of lot area, also referred to as Floor Area Ratio (FAR), permitted in the district shall be 150%.

Floor area shall include the enclosed area from the exterior face to exterior face of each floor of all buildings within the district. Attic space and partial floors or stories of a building shall be included in FAR calculations. Only basements or underground space may be excluded from FAR calculations.

G. Site Access and Off-Street Parking Spaces

1. Access: A maximum of two curb cuts shall be permitted from a public street to access the district, one curb cut from Monroe Street and one curb cut from Oakland Avenue. Each curb cut shall conform to the dimensional standards established in Ann Arbor City Code Chapter 47.

All useless curb cuts shall be removed and the curb shall be restored as part of the first PUD Site Plan approved within the district.

2. Vehicular Parking: A minimum of 2 off-street vehicular parking spaces shall be required. A maximum of 10 off-street vehicular parking spaces shall be permitted. These spaces shall be shared by all uses and buildings within the district.

3. Bicycle Parking:

- i. A minimum of 1 Class C (open, hoop-style) bicycle space shall be required for each bedroom in a residential dwelling within the district. Class B (covered, hoop-style) or Class A (enclosed, locker-style) spaces may be provided to satisfy all or part of this requirement.
- ii. A minimum of 10 Class C bicycle spaces shall be required to serve all other uses and buildings within the district. Class B spaces may be provided to satisfy all or part of this requirement.

H. Landscaping, Screening and Site Amenities

1. At minimum, a total of 2,500 square feet of pervious landscape area shall be provided in the district. Any one landscape area shall be a minimum of 8 feet in any direction. All landscaped

areas shall be planted with live ground cover. At minimum, 10 deciduous and/or evergreen trees must be provided in the district. Landscape areas and trees shall be distributed as evenly as possible throughout the district.

2. A solid fence or wall of at least 6 feet in height shall be required around the perimeter of the district except for adjacent to public streets.
3. Outdoor seating and other hardscape areas (generally those areas other than pervious landscape areas, driveways and vehicular use areas) constructed or installed after the adoption of this district and supplemental regulations shall be pervious, porous materials to facilitate ground water infiltration and enhance the quality of storm water run-off in the district. Pervious, porous materials may include porous asphalt or concrete, and pervious pavers.

I. Preservation

The exterior facades, including windows and all architectural trim materials, of the existing principal buildings within the district at the time of approval shall be preserved and maintained in their current configurations or restored to their original historic appearances unless an alteration, modification or, in the case of fire, accident or natural disaster, reconstruction is approved by the City Planning Commission. The existing principal buildings at the time of approval are 705 Oakland Avenue, 808 Monroe Street, 812-814 Monroe Street, 700 Tappan Street and 706 Tappan Street, and are shown on Exhibit K. This requirement shall not apply to any accessory buildings, including accessory buildings that are attached to the noted principal buildings.

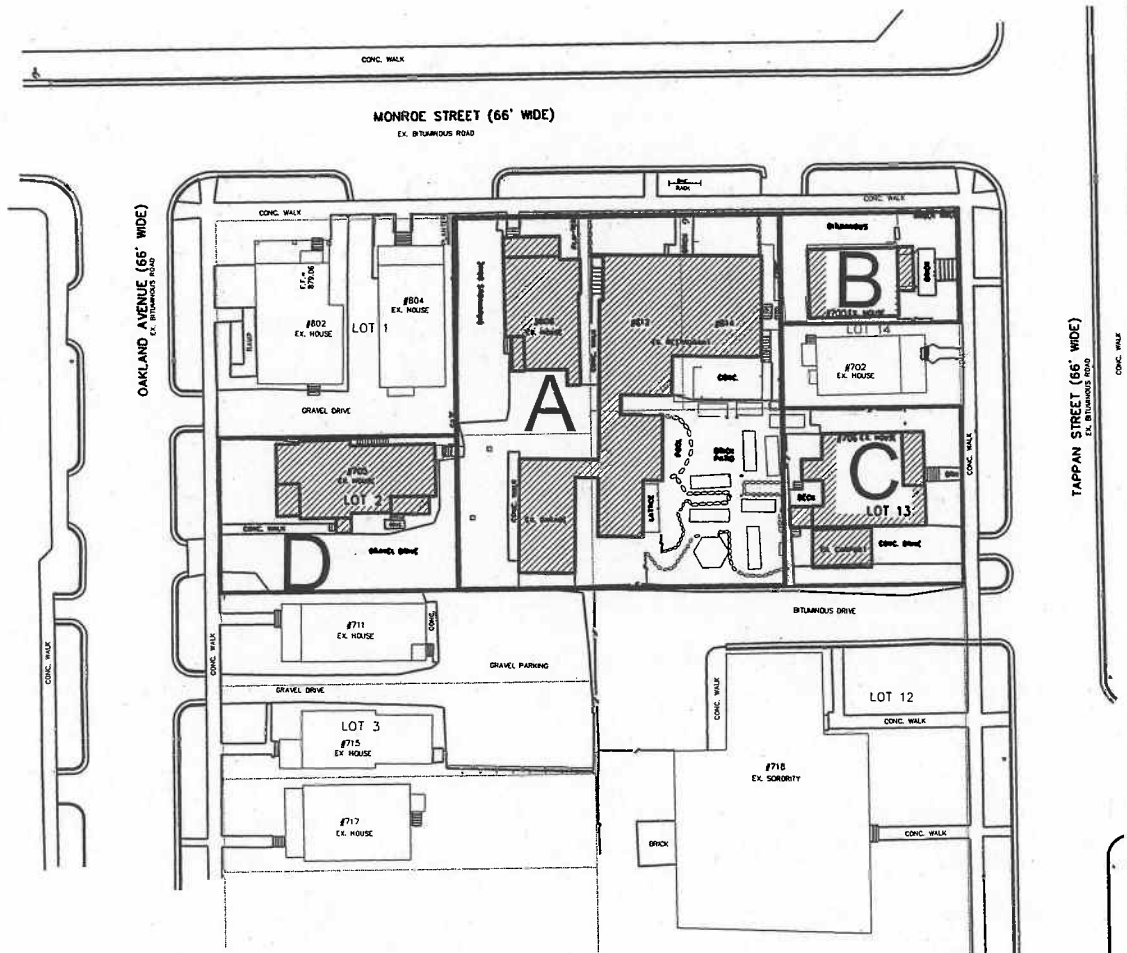
J. Architectural Design

1. Additions to Existing Buildings: All additions to existing buildings shall be designed and constructed to match the existing building, including such elements as: architectural style; façade materials; percentage of windows relative to the façade; style of windows, window frames, and shutters; trim details; roof pitch and materials; and color palette.
2. New Buildings: Any new free-standing building shall be designed in a style and with materials of its time but harmonious and complimentary to the district. Detailed and labeled architectural elevations and renderings shall be provided with submittal of any PUD Site Plan petition. The City Planning Commission shall determine during its review and recommendation or approval of the PUD Site Plan if a proposed new building is harmonious and complimentary to the district.

K. Exhibits

Casa Dominick's PUD Conceptual Plan (11 pages)

Prepared by Alexis DiLeo



EXISTING SITE PLAN  
SCALE : 1/64" = 1' - 0"

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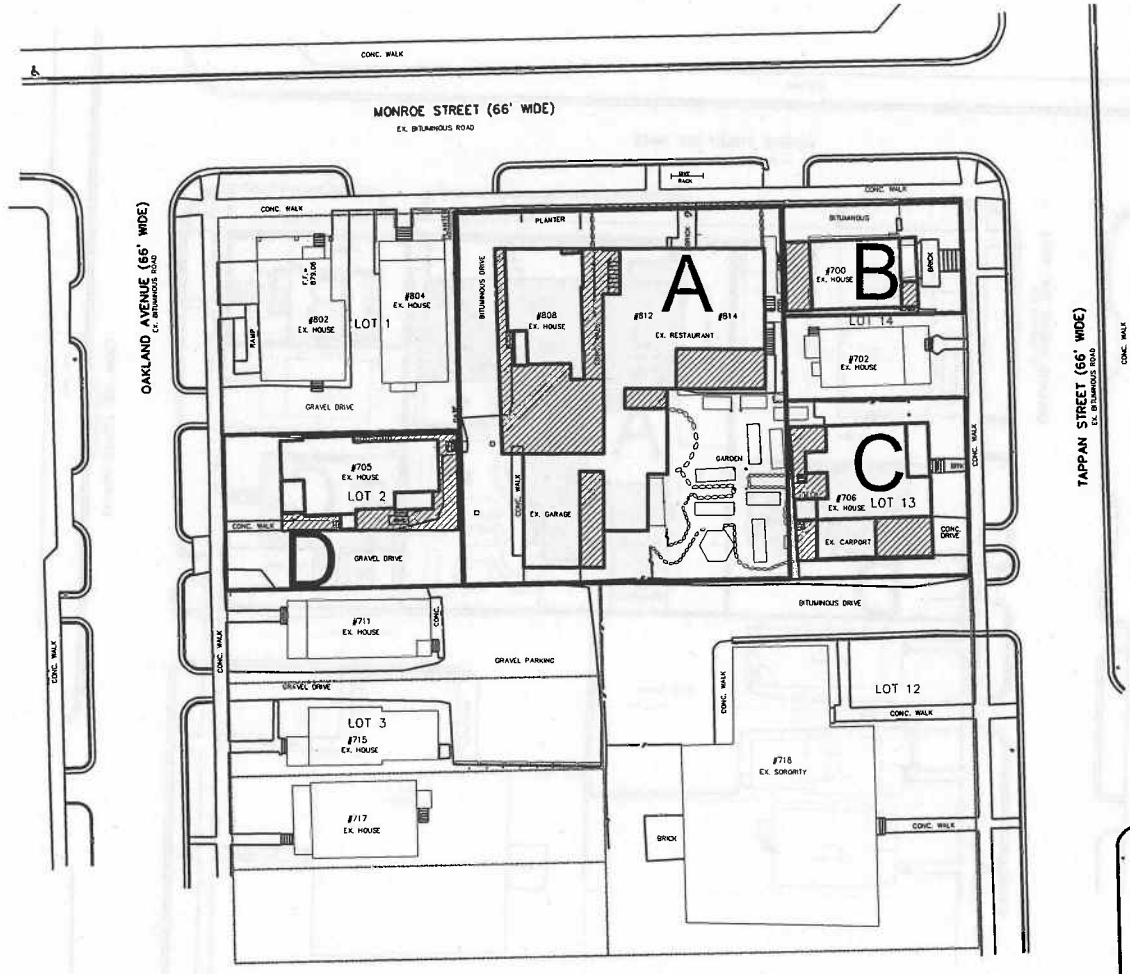
## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN



John Barrie Associates  
Architects LLC  
Environmental Design of  
Residential and Commercial  
Structures

Phone: 734-688-4811  
Fax: 734-688-4122

# CONCEPTUAL PLAN -- HATCHING SHOWS POTENTIAL NEW DEVELOPMENT



## CONCEPTUAL PLAN

SCALE :  $1/64" = 1' - 0"$

SETBACKS:

FRONT = Monroe St. - 0 FT. FOR NEW CONSTRUCTION  
Tappan St. - 19 FT. FOR NEW CONSTRUCTION  
Oakland Av. - 24 FT. FOR NEW CONSTRUCTION

SIDE = NO MINIMUM SETBACK FROM ANY INTERNAL  
LOT LINE. 10 FT MIN. FOR NEW.

REAR = NO MINIMUM SETBACK FROM ANY INTERNAL  
LOT LINE. 10 FT MIN. FOR NEW.

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# CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN



**John Barrie Associates  
Architects LLC.**

### Environmental Design of Residential and Commercial Structures

**Phone: 734-668-4811**  
**Fax: 734-668-4122**

40'-0"

30'-0"

20'-0"

10'-0"



814, 812, 808 MONROE STREET EXISTING ELEVATIONS

SCALE : 1/16" = 1' - 0"

40'-0"

30'-0"

20'-0"

10'-0"



814, 812, 808 MONROE STREET CONCEPTUAL ELEVATIONS

SCALE : 1/16" = 1' - 0"

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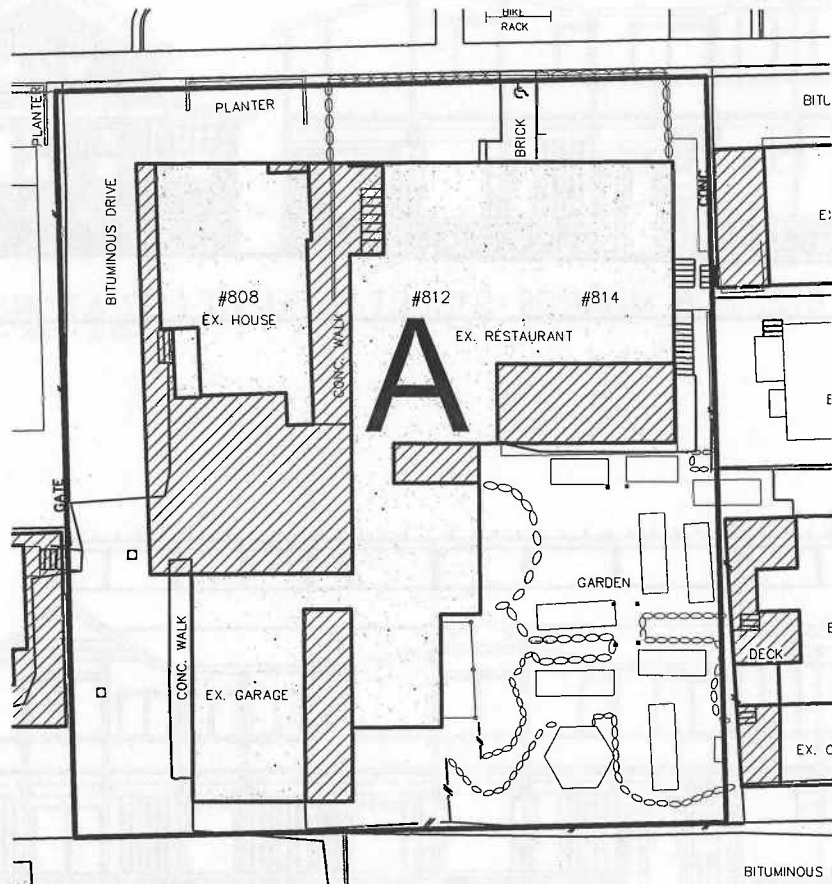
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## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN



John Barrie Associates  
Architects LLC.  
Environmental Design of  
Residential and Commercial  
Structures

Phone: 734-668-4811



SITE PLAN A - EXISTING AND CONCEPTUAL  
PLAN DETAIL

SCALE : 1/32" = 1' - 0"

LEGEND	
	EXISTING
	CONCEPTUAL

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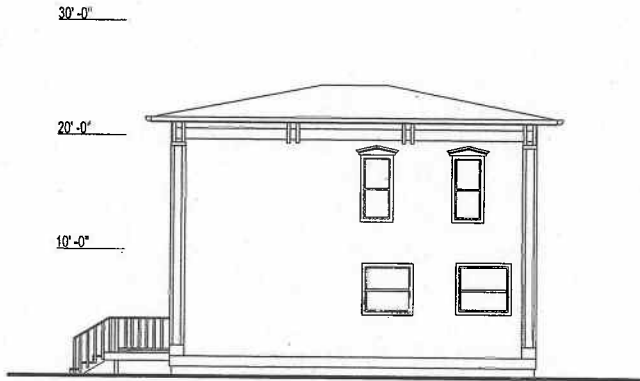
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**John Barrie Associates  
Architects LLC.**

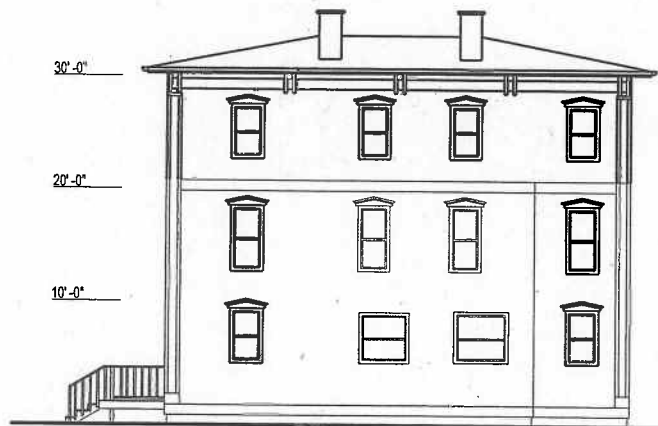
Environmental Design of  
Residential and Commercial  
Structures

Phone: 734-868-4811





700 TAPPAN EXISTING MONROE STREET ELEVATION  
SCALE : 1/16" = 1' - 0"



700 TAPPAN CONCEPTUAL MONROE STREET ELEVATION  
SCALE : 1/16" = 1' - 0"

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## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN

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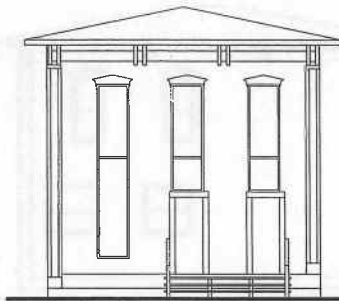
Environmental Design of  
Residential and Commercial  
Structures

Phone: 734-666-4811

30'-0"

20'-0"

10'-0"



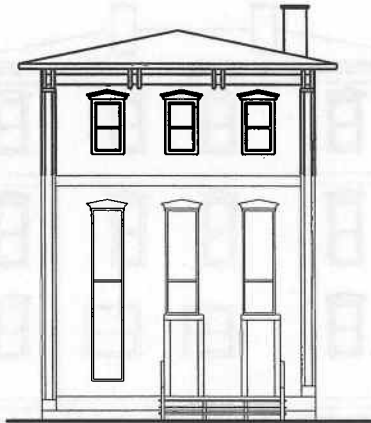
700 TAPPAN EXISTING ELEVATION

SCALE : 1/16" = 1' - 0"

30'-0"

20'-0"

10'-0"



700 TAPPAN CONCEPTUAL ELEVATION

SCALE : 1/16" = 1' - 0"

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## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN

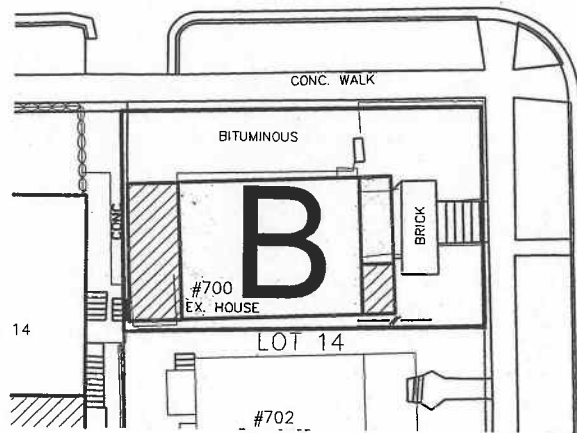


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Architects LLC.



Environmental Design of  
Residential and Commercial  
Structures

Phone: 734-688-4811





 SITE PLAN B - EXISTING AND CONCEPTUAL  
SCALE : 1/32" = 1' - 0"

LEGEND	
	EXISTING
	CONCEPTUAL

SETBACKS:  
FRONT (TAPPAN) = 19 FT. FOR NEW CONSTRUCTION  
SIDE = NO MINIMUM SETBACK FROM ANY INTERNAL LOT LINE. 10 FT MIN. FOR NEW.  
REAR = NO MINIMUM SETBACK FROM ANY INTERNAL LOT LINE. 10 FT MIN. FOR NEW.

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## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN

  
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Environmental Design of  
Residential and Commercial  
Structures

Phone: 734-968-4811

30'-0"

20'-0"

10'-0"



706 TAPPAN EXISTING ELEVATION

SCALE : 1/16" = 1' -0"

30'-0"

20'-0"

10'-0"



706 TAPPAN CONCEPTUAL ELEVATION

SCALE : 1/16" = 1' -0"

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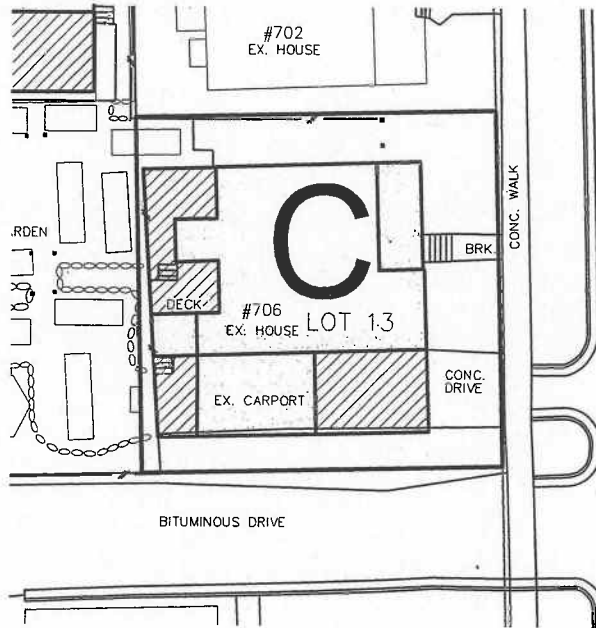
## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN



John Barrie Associates  
Architects LLC

Environmental Design of  
Residential and Commercial  
Structures

Phone: 734-668-4811



SITE PLAN C - EXISTING AND CONCEPTUAL  
PLAN DETAIL

SCALE : 1/32" = 1' - 0"

LEGEND	
	EXISTING
	CONCEPTUAL

SETBACKS:  
 FRONT = 19 FT. FOR NEW CONSTRUCTION  
 SIDE = NO MINIMUM SETBACK FROM ANY INTERNAL LOT LINE. 10 FT MIN. FOR NEW.  
 REAR = NO MINIMUM SETBACK FROM ANY INTERNAL LOT LINE. 10 FT MIN. FOR NEW.

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## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN



John Barrie Associates  
Architects LLC.

Environmental Design of  
Residential and Commercial  
Structures

Phone: 704-946-4811

30'-0"

20'-0"

10'-0"



705 OAKLAND EXISTING ELEVATION

SCALE : 1/16" = 1' - 0"

40'-0"

30'-0"

20'-0"

10'-0"



705 OAKLAND CONCEPTUAL ELEVATION

SCALE : 1/16" = 1' - 0"

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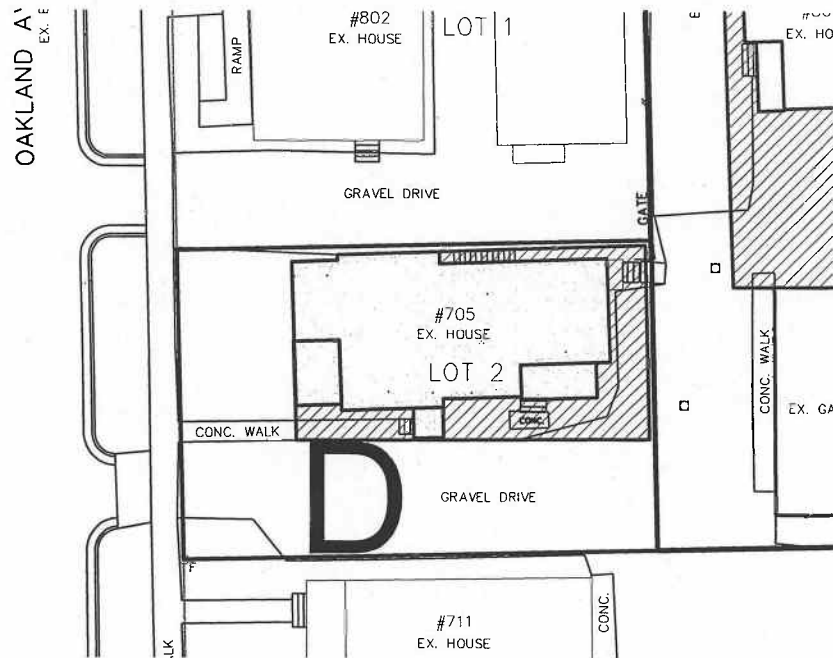
## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN



John Barrie Associates  
Architects LLC

Environmental Design of  
Residential and Commercial  
Structures

Phone: 734-688-4811



SITE PLAN D - EXISTING AND CONCEPTUAL  
PLAN DETAIL

SCALE : 1/32" = 1' - 0"

LEGEND	
	EXISTING
	CONCEPTUAL

SETBACKS:  
FRONT = 24 FT. FOR NEW CONSTRUCTION  
SIDE = NO MINIMUM SETBACK FROM ANY INTERNAL LOT LINE. 10 FT MIN. FOR NEW.  
REAR = NO MINIMUM SETBACK FROM ANY INTERNAL LOT LINE. 10 FT MIN. FOR NEW.

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## CASA DOMINICK'S PROPERTIES DEVELOPMENT PLAN



John Barrie Associates  
Architects LLC.

Environmental Design of  
Residential and Commercial  
Structures

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