

## **PLANNING AND DEVELOPMENT SERVICES STAFF REPORT**

**For Planning Commission Meeting of August 17, 2021**

**SUBJECT: 700 Tappan Street PUD Supplemental Regulations revision**

**File No. Z21-004**

### **PROPOSED CITY PLANNING COMMISSION MOTION**

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Casa Dominick's Planned Unit Development (PUD) revised Supplemental Regulations.

#### **STAFF RECOMMENDATION:**

Staff recommends that the Casa Dominick's PUD Zoning District and Supplemental Regulations be **denied** because the petitioner has failed to provide adequate justification for the revision to the Supplemental Regulations.

#### **LOCATION:**

This site is located at the northeast corner of Tappan and Monroe streets. Ward 3.

#### **DESCRIPTION OF PETITION:**

The subject site is 2,500 square feet and zoned PUD, it is part of the larger 26,600-square foot (approximately ½ acre) Casa Dominick's Planned Unit Development. The petitioner seeks permission to revise the PUD Supplemental Regulations to delay a curb cut removal. The Casa Dominick's PUD [Supplemental Regulations](#) were adopted by City Council on October 19, 2009. The approved Casa Dominick's PUD Conceptual Plan represents what could be developed consistent with the PUD Supplemental Regulations. It offered 50-year master plan of sorts for the owners of the district. On the PUD Conceptual Plan, 700 Tappan is envisioned to be connected to the restaurant.

The approved regulations, Section G state,"

#### **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.*

The master plan of redevelopment has not yet been realized, but the zoning regulations are in effect. Since the regulations require a maximum of two curb cuts servicing the district, the site is out of compliance with the PUD zoning regulations. The petitioner is asking to delay this requirement until such development on the site would trigger a site plan. While the regulations do not specify which curb cut needs to be closed, there are



## **HISTORY AND PLANNING BACKGROUND:**

The existing two-story building on this site was originally a single-family dwelling constructed in 1850. It is currently a medical marijuana provisioning center.

The existing building was built in 1850 as a single-family residence. It was a medical/dental office in 2009 when it was included in the expanded Casa Dominick's PUD zoning district. The Casa Dominick's PUD, originally approved in 1977 for 812 and 814 Monroe Street, was expanded in 2010 to include other adjacent properties under the same ownership (adding 808 Monroe St, 700 and 706 Tappan St, and 705 Oakland Ave) and develop [Supplemental Regulations](#) to address the permitted uses, area, height and placement standards of the expanded district.

On January 12, 2021, the petitioner presented this proposal to the Planning Commission at the required Pre-petitioner PUD meeting. Feedback from the Planning Commission indicated concern with the curb cut remaining and its effect on pedestrian safety in the area.

The applicant says 700 Tappan has been a medical marijuana dispensary since 2010.

## **PLANNING STAFF COMMENTS:**

As noted, two curb cuts are permitted by the supplemental regulations to access the district, one from Monroe Street and one from Oakland Avenue. Limitations on curb cuts promote pedestrian safety by eliminating vehicles from crossing the sidewalk. The intent of the PUD regulations was that the applicant must choose which of the two existing curb cuts to Monroe Street to keep and which to eliminate, and then close the useless one. To date, no curb cuts have been closed and all three are in use.

Planning staff consulted with Transportation Engineering on the proposal to allow the curb cut to remain. The most significant concern was regarding traffic movement from the space in front of the building used by customers of the provisioning center. Access to the space is limited and any vehicles are required to back out, turning across the sidewalk and into the street. This is a significant safety issue in an area of numerous pedestrians and staff does not support the parking space remaining. While the tenant space is also accessed from the driveway and requires a backing out movement, that use is more infrequent.

The PUD regulations did envision a much larger redevelopment and the petitioner does not own the land in the district. However, the safety of pedestrian traffic was a concern discussed during the original PUD zoning deliberations of the Planning Commission, as well as during the approval of the related Special Exception Use Permit. The result of those discussions was the agreement that one curb cut would be removed. While the petitioner has stated that they will provide a rain garden as an added public benefit, storm water staff has reviewed the plan and stated it does not meet City Code and would provide limited benefit as designed.

Staff would advise if Planning Commission recommends approval of the petition, a condition is added that requires the space along Monroe to be permanently blocked off and the remaining parking space is only permitted to be used by the residential tenant. In addition, the design of the rain garden should be revised to meet City Code.

**DEPARTMENT COMMENTS:**

Storm water: Current design of rain garden does not meet City Code.

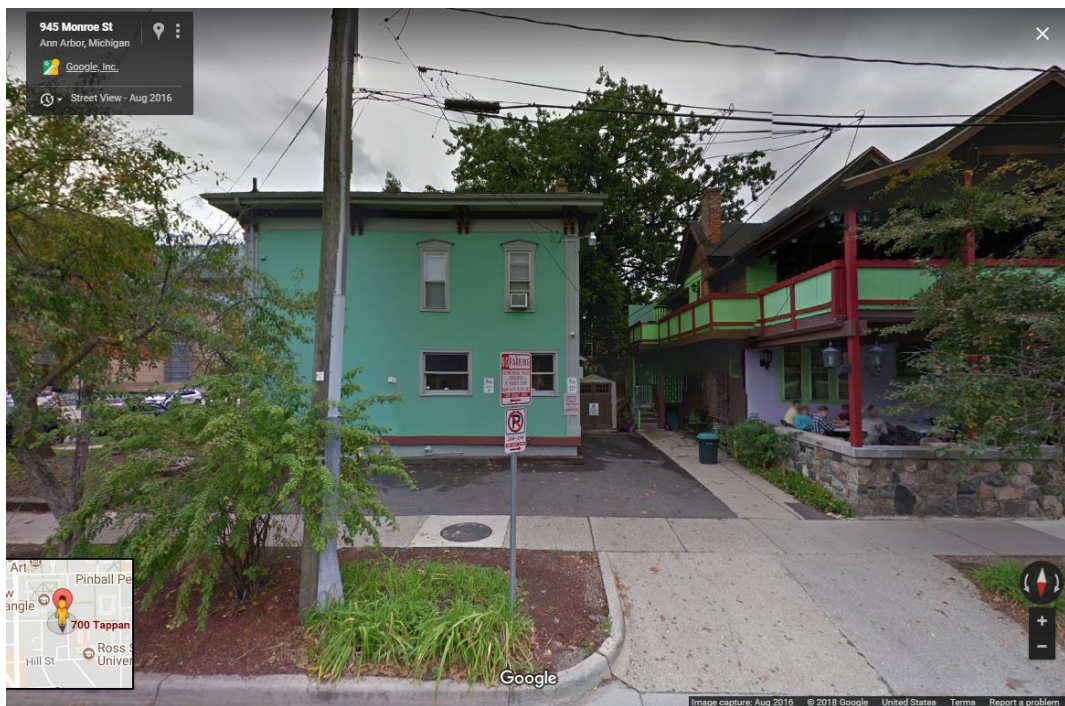
Transportation: The curb cut provides access to an existing on-site parking space at 700 Tappan. As this parking space runs parallel to the adjacent sidewalk on Monroe, a vehicle entering or existing the space by 700 Tappan is likely in greater conflict with pedestrians and bicyclists than a typical curb cut. This parking space may also see more frequent commercial use by customers vs. the residential use at 702 Tappan. It is recommended to consider closing the on-site parking space at 700 Tappan. There are metered parking spaces on adjacent streets. Transportation review would accept keeping the curb on Monroe Street to provide access to the residential use at 702 Tappan.

Prepared by Matt Kowalski, City Planner  
Reviewed by Brett Lenart, Planning Manager

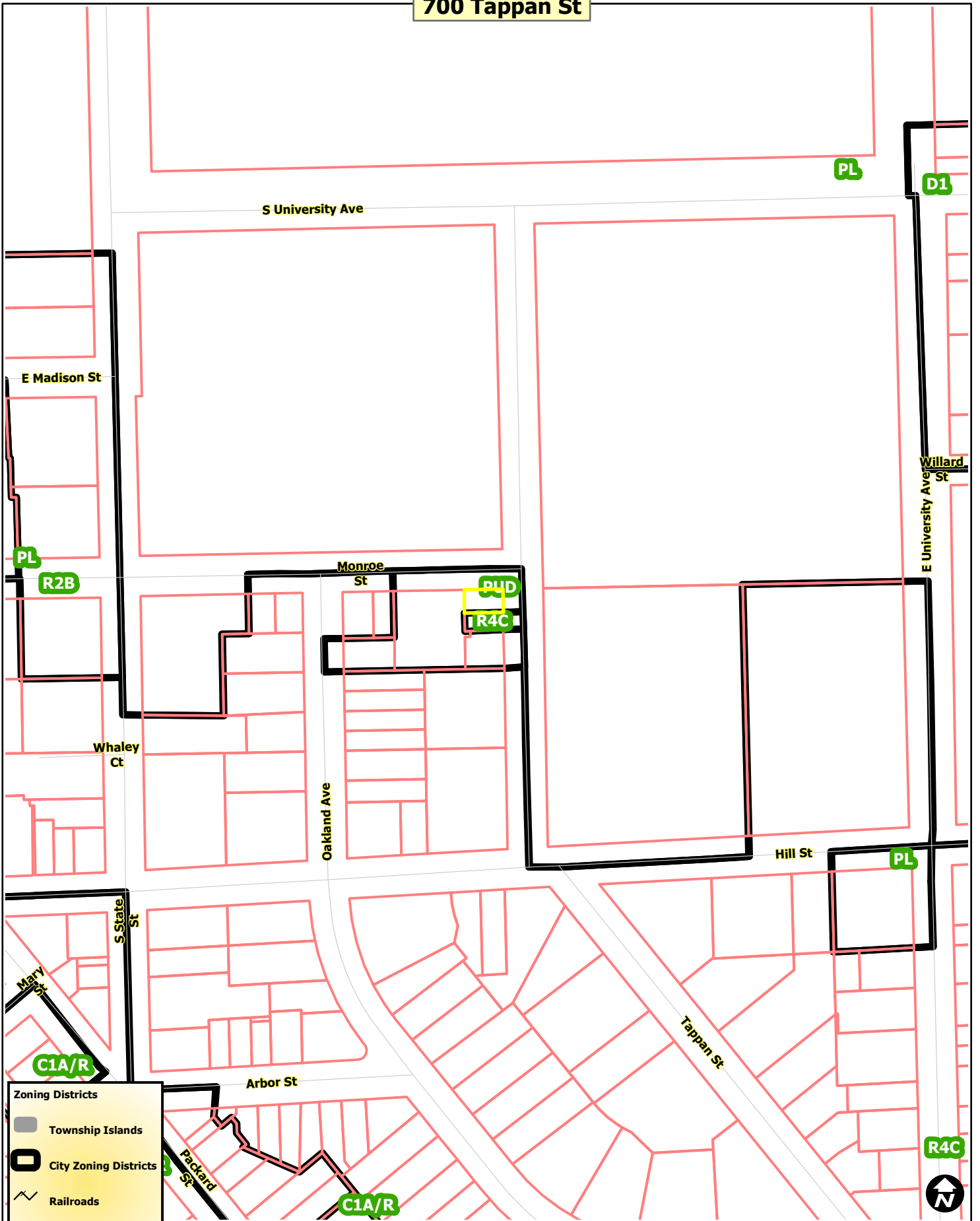
Attachments: Zoning/Parcel Maps  
Aerial Photo  
[PUD Supplemental Regulations](#)  
[Site Plan](#)  
[Marijuana Provisioning Center Special Exception Use Approval Letter](#)  
Petitioner's revised Supplemental Regulations

c: Petitioner – Michael McLeod  
Property Owner – Richard DeVarti  
Petitioner's Agent – Scott Munzel  
City Attorney's Office  
Systems Planning  
File No. Z21-004

Google streetview (image capture: Aug 2016), 700 Tappan Street:



700 Tappan St



**Zoning Districts**

-  Township Islands
-  City Zoning Districts
-  Railroads
-  Huron River
-  Tax Parcels



Map date: 3/2/2021  
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700 Tappan St



- Railroads
- Huron River
- Tax Parcels






Map date: 3/2/2021  
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700 Tappan St

Monroe St

Tappan St

-  Railroads
-  Huron River
-  Tax Parcels



City of Ann Arbor 

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