



## Legislation Text

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**File #:** 21-1814, **Version:** 1

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An Ordinance to Amend Chapter 55 (Unified Development Code), Rezoning of 0.61 Acres from PUD (Planned Unit Development District) to PUD (Planned Unit Development District), Casa Dominicks Development PUD Zoning and Supplemental Regulations, 800, 812, 814 Monroe, 705 Oakland, 700, and 706 Tappan (CPC Recommendation: Approval - 0 Yeas and 8 Nays) (ORD-21-35)

Approval of this ordinance will modify the zoning of this property PUD (Planned Unit Development) to allow the petitioner to delay closure of a curb cut as specified in the approved Supplemental Regulations.

Approval of this ordinance will modify the PUD Supplemental Regulations, which will replace the supplemental regulations for the current PUD zoning district on the same site.

### Petition Summary:

- 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.
- The PUD District was intended to act as a master plan for the future of the district incorporating current uses and planned expansions of existing buildings on site.
- As part of the public benefits discussed and supported by the Planning Commission was the limitations on off-street parking and enhancement of the existing neighborhood character in this area of significant pedestrian traffic.
- The PUD regulations require closing some existing curb cuts to permit a maximum of two curb cuts servicing the district.
- A Special Exception Use was approved in 2018 to permit the Provisioning Center established at 700 Tappan. As part of the Special Exception Use(SEU) and subsequent approval, Planning Commission stressed the importance of pedestrian safety and required the removal of the curb cut servicing 700 Tappan as a condition of SEU approval. The condition stated the curb cut must be removed prior to issuance of a Certificate of Occupancy(CO) being issued for the Provisioning Center.
- The curb cut was not removed, however the CO was issued in error. The revision to the supplemental regulations is a direct result of the enforcement action to bring the site into compliance.
- The petitioner is proposing a modification to the Supplemental Regulations governing the district that would allow all four curb cuts still servicing the site to remain.
- The master plan of redevelopment has not yet been realized, but the zoning regulations are in effect. The driveway currently serving 700 Tappan connects to a paved parking area for one car in the front open space of Monroe and a legal parking space in the rear of the building that is utilized by a residential tenant. The petitioner is proposing to close access

to the space along the Monroe street frontage, by providing a planter box and remove any pavement in this area. The driveway would remain and still serve the residential tenant. To provide a public benefit for the revisions the petitioner is proposing a small rain garden in the corner of the site at the intersection of Monroe and Tappan.

- Their proposal delays the required removal of the curb cut until development on the site would trigger a site plan. While the regulations do not specify which curb cut needs to be closed, to be in compliance with zoning, there can only be a maximum of two.
- The only change proposed is to the number of curb cuts permitted and the addition of a raingarden in the northeast corner of the site as an additional public benefit. No changes to uses or development standards are proposed.
- A Special Exception Use was approved by the Planning Commission in 2018 for the existing provisioning center at 700 Tappan. The approval was based on the following condition: The petitioner will remove the curb cut and pavement in the front yard, and restore the curbing and lawn extension, as required by the Casa Dominick's PUD Supplemental Regulations for the first site plan approved, by June 30, 2018.
- The curb cut has remained in place and has not been closed since approval of the Special Exception Use. As noted, the property owner does not want to close the curb cut and has submitted the change to the regulations. These changes were presented to the Planning Commission in August 2021.
- Planning Commission did not support the propose modifications to the Supplemental Regulations.
- The Planning Commission strongly supported the removal of the curb cut, driveway and associated impervious surface citing potential safety conflicts with pedestrians on the sidewalk.

The City Planning Commission, at its meeting of August 17, 2021, recommended denial of this request.

Update following November 15 First Reading:

Based on amendments proposed at the First Reading of the Casa Dominicks PUD Zoning Ordinance on November 15, staff is submitting the modified supplemental regulations for the PUD District. The amendments eliminate the proposed rain garden at 700 Tappan and require the removal of all impervious surface between the building at 700 Tappan and the sidewalk along Monroe. This will have the effect of preserving all existing curb cuts on site and will maintain the driveway to the existing parking space behind 700 Tappan. Staff has added language prohibiting parking in the area between the building at 700 Tappan and the public sidewalk along in the event the City Council is interested in this outcome.

Attachments: October 19, 2009 Approved Supplemental Regulations  
August 17, 2021 Planning Staff Report  
August 17, 2021 Planning Commission Minutes  
August 10, 2021 Proposed PUD Supplemental Regulations (from petitioner)

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Approved By: Milton Dohoney Jr., Interim City Administrator

(See Attached Ordinance)