



City of Rochester

Neighborhood and Business Development
City Hall Room 125B, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

Bureau of Planning
and Zoning

February 25, 2016

Ms. Josie Sheppard
Chickenhead, LLC
P.O. Box 42
Pittsford, New York 14534

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish an Alternative Sign Program for 'Chickenhead,' a low-impact take-out restaurant.

ON THE PREMISES AT: 1489 North Street
ZONING DISTRICT: R-1 Low Density Residential District
APPLICATION NUMBER: E-031-15-16
VOTE: 6-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on February 22, 2016, said application was **APPROVED ON CONDITION:**

That the applicant shall only have signage on the North Street frontage.

Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit is obtained and maintained. **Please call Jill Wiedrick at 428-6914 to complete this process.**

CITY PLANNING COMMISSION


Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed development will be in harmony with goals, standards and objectives of the Comprehensive Plan.

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval to establish an Alternative Sign Program (ASP). Section 120-177K provides the opportunity for a property owner to submit a sign program containing provisions different from the sign requirements found in the Zoning Code to allow for imaginative, effective and visually compatible plan for all signs on a property. The intent of this provision is to allow for creative responses to site-specific conditions or uses.

B. The proposed use will not have substantial or undue adverse effect upon adjacent properties.

- 1) This request involves approving an ASP for 'Chickenhead,' a low-impact take-out restaurant at the corner of North Street and Norton Street. Permit history indicates that this structure was constructed as an office and has been a bakery and a beauty salon.
- 2) The applicant is seeking to legalize the signage facing North Street, along with approval of the addition of signage on the portion of the building that faces Norton Street.
- 3) The City Planning Commission found that the existing signage which consists of a mural on the side of the building that faces North Street was imaginative, effective, and visually compatible with the adjacent properties. Although the signage is more than is permitted by Code, the City Planning Commission concluded that it was acceptable. Therefore, the City Planning Commission approved the legalization of the mural on the building that fronts on North Street.
- 4) The City Planning Commission **did not approve the proposed signage for the portion of the building that fronts on Norton Street.** The City Planning Commission noted that the low-impact take-out restaurant is located in an R-1 low-density residential district. Adding signage to the portion of the building that fronts

on Norton Street would introduce a cumulative amount of signage that although creative and imaginative, is not appropriate in a residential district. Therefore, the Planning Commission denied the request for signage on the Norton Street frontage.

- 5) The City Planning Commission approved the Alternative Sign Program for 'Chickenhead,' on condition that **the applicant shall only have signage on the North Street frontage.**

C. The proposed use will be developed so as not to interfere with the development and use of neighboring properties.

Given the location of the site, the City Planning Commission concluded that legalizing the existing mural on the portion of the building that fronts on North Street would not interfere with the development and use of neighboring properties, as this portion of the building faces uses that are commercial in nature. However, the City Planning Commission also concluded that approving additional signage on the Norton Street frontage would potentially interfere with the development and use of neighboring properties, as that proposed signage would be out of character on this part of the building in this low density residential district. Therefore, the Planning Commission denied the request for additional signage on the Norton Street frontage.

D. The proposed use will be served by essential public facilities and services.

The utilities and services available are sufficient to meet the demands of the proposed ASP.

E. The proposed use will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

The proposed ASP for the signage on the North Street frontage will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES WITH CONDITION** application E-031-15-16 by **Josie Sheppard, Chickenhead, LLC** to establish an Alternative Sign Program for 'Chickenhead,' a low-impact take-out restaurant at **1489 North Street.**

This decision was based on the following testimony and evidence:

Supporting Testimony:

Josie Sheppard

Opposing Testimony:

None

Evidence:

Staff Report
Special Permit Application and Standards
Addendum to Standards
Photos of the Site and Building and Renderings of the Proposed Signage
Aerial Photograph of Site
Zoning Map
Site Location Map
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve on Condition
S. Rebholz	Approve on Condition
E. Marlin	Approve on Condition
H. Hogan	Approve on Condition
T. Bruce	Approve on Condition
S. Mayer	Approve on Condition



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Neighborhood and Business Development
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Bureau of Planning
and Zoning

February 25, 2016

Ms. Abigail Hayes
Abby's Jewelry
20 Piave Street
Rochester, New York 14606

RE: 1581 Dewey Avenue (E-034-15-16)

Dear Ms. Hayes:

At the **February 22, 2016** City Planning Commission Hearing, your Special Permit application to establish a high-impact secondhand jewelry store, with hours of operation from 10:00AM to 6:00PM, daily, failed by a vote of 3-3-0 to receive four (4) concurring votes for approval or denial. Pursuant to Section 120-184D.(1)(a) of the City of Rochester Zoning Code, *"The concurring vote of four members shall be necessary for any action by the Commission."*

As a result, your case will be placed on the **March 21, 2016** City Planning Commission Agenda pursuant to Section 120-184G.(4)(b) which states, *"Where no decision is made by the Planning Commission and the time period for rendering a decision has not expired, the action will be placed on the agenda of the next scheduled regular or special meeting."* At that meeting, a new vote will be taken, and four concurring votes will be required to either approve or deny your application.

If you have any questions regarding this letter, please contact Jill Wiedrick at (585) 428-6914.

Sincerely,


Zina Lagonegro, EIT, AICP
Director of Planning and Zoning

xc: Tom Warth, City Law Department
Jill Wiedrick, Bureau of Planning and Zoning
Planning Commission File

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Bureau of Planning
and Zoning

February 25, 2016

Ms. Tin Tin Ren
3 Woodgreen Drive
Pittsford, New York 14534

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a low-impact retail meal preparation business, with hours of operation 7:00AM to 8:00PM, daily.

ON THE PREMISES AT: 215 Alexander Street
ZONING DISTRICT: R-3 High Density Residential/ O-O Overlay Office
APPLICATION NUMBER: E-035-15-16
VOTE: 6-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on February 22, 2016, the Planning Commission, as Lead Agency, issued a negative declaration for the proposed action, determining no significant effect on the environment in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code, and said application was **APPROVED ON CONDITION:**

That the applicant place a sign on the building to direct customers to the parking area located at the rear of the property.

Please Note: Pursuant to Section 120-192B(7) of the City Code, a Special Permit shall become null and void one (1) year after the date on which it was issued unless a Building Permit, Certificate of Zoning Compliance, and or a Certificate of Occupancy is obtained and maintained. **Please contact Jill Wiedrick at 428-6914 to complete the approval process.**

CITY PLANNING COMMISSION


Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

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Resolution and Findings of Fact:

This decision was based on the following findings of fact:

Pursuant to Section 120-192B(2) and (3) of the Zoning Code, the Special Permit procedure is intended to provide a means to evaluate any use that is identified as having some special impact or uniqueness which requires a careful review of its location, design, configuration and special impact to determine the desirability of permitting its establishment on particular given site. A Special Permit use may or may not be appropriate in a particular location depending on a weighing in each case, of the public need and benefit against the local impact and effect and with regard to the following five criteria:

A. The proposed building or use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval to establish a low impact take-out restaurant in an R-1 Low Density Residential District. Section 120-146.1 has determined that retail operations, low-impact, specialty, and full-line food stores, have so few negative impacts that they may be located in close proximity to residential uses as they will offer products and services to residents.

B. The proposed building or use will not have a substantial or undue adverse effect upon adjacent properties.

- 1) The subject property is a mixed use building located near the intersection of Alexander Street and Monroe Avenue. The applicant proposes to use the front portion of the building, closest to Alexander Street. The portion of the building where the applicant wishes to establish a low-impact retail meal preparation business was previously legal as a gourmet take-out delicatessen. The space is currently vacant.
- 2) The applicant proposes to establish a low-impact retail meal preparation business. According to the applicant, this business will operate daily between the hours of 7:00AM and 8:00PM. The applicant and her employees will prepare healthy meals that customers will then be able to pick up at this location or have delivered. There will be no more than six convenience seats so that customers may eat their meal on site if they choose. Assorted health drinks and other healthy options will also be available for purchase. Parking is located behind the building.
- 3) The low-impact retail meal preparation business will not sell **LOTTO or TOBACCO**. The hours of operation for this low-impact retail meal preparation will be from 7:00AM to 8:00PM daily, which is within the permitted hours of operation within a residential district.

- 4) The City Planning Commission determined that a low-impact retail meal preparation business with six convenience seats was a good reuse of this commercial space. As noted in oral testimony, this space has been vacant for at least three years.
- 5) The City Planning Commission noted that the proposed use was supported by the Park-Meigs Neighborhood Association in both written and oral testimony.
- 6) As detailed in written and oral testimony, there is concern that vehicles may attempt to park on Alexander Street when picking up meals, creating a safety concern for vehicular and pedestrian traffic. To mitigate this potential problem, the City Planning Commission conditioned the approval on the applicant placing a sign on the building to direct customers to parking located in the rear of the property.
- 7) Based on the above, the City Planning Commission determined that the proposed use will not have a substantial or undue adverse impact on adjacent properties.

C. The proposed building or use will not dominate the immediate vicinity or interfere with the development and use of neighboring properties.

The proposal to establish a low-impact retail meal preparation business with six convenience seats in this vacant commercial space with hours of operation from 7:00AM to 8:00PM daily will not dominate the immediate vicinity or interfere with the development and use of neighboring properties. To ensure this, the City Planning Commission conditioned the approval on the applicant placing a sign on the building to direct customers to the parking located at the rear of the property.

D. The proposed building or use will be served by essential public facilities and services.

The available utilities and services are sufficient to meet the demands of the proposed use.

E. The proposed building or use will not result in the destruction or damage of any natural, scenic or historic feature of significant importance.

There are no natural, scenic or historic features of significant importance on the site or in close proximity of the subject property that will be impacted by the proposed use.

Based on these facts and findings, be it resolved that the City Planning Commission APPROVES ON CONDITION application E-035-15-16 by Tin Tin Ren, LifeTime Fuel, Inc., to establish a low-impact retail meal preparation business, with hours of operation 7:00AM to 8:00PM, daily at 215 Alexander Street.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Tin Tin Ren
Joe Rowley
John Lembach

Opposing Testimony:

None

Evidence:

Staff Report
Special Permit Application and Standards
Survey Map
Floor Plan
Exterior Photograph
Aerial Photograph of Site
Zoning Map
Location Map
Letter of Support from Park-Meigs Neighborhood Association, dated February 22, 2016
Short Environmental Assessment Form Parts I and II
Notice of Environmental Determination dated February 22, 2016
Personal Appearance Notice
Notification Labels
Speakers' list

Record of Vote:

D. Watson	Approve on Condition
S. Rebholz	Approve on Condition
E. Marlin	Approve on Condition
H. Hogan	Approve on Condition
T. Bruce	Approve on Condition
S. Mayer	Approve on Condition

**CITY OF ROCHESTER
NOTICE OF ENVIRONMENTAL DETERMINATION**

Issued in accordance with Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code.

NEGATIVE DECLARATION: The proposed action is one which will not have a significant effect on the environment.

ACTION: Classification: Unlisted
Description: Special Permit Determination

PROJECT: Location: 215 Alexander Street
Applicant: Tin Tin Ren
Description: To establish a low-impact take-out restaurant with hours of operation 11:00AM to 9:00PM, daily.

REASON(S) FOR DETERMINATION: The project site does not contain sensitive natural features (e.g. wetlands, steep slopes, erodible soils, wildlife habitat, etc.) No significant impacts are anticipated with respect to water or air quality. Community facilities/services (e.g. water supply, energy supplies, public safety, waste disposal and transportation) are adequate to accommodate and serve the proposed project. The project will not affect historic or archaeological resources. The project is compatible with the area and adjacent uses.

LEAD AGENCY: City Planning Commission

AGENCY CONTACT PERSON: Jill Wiedrick, Senior City Planner
Bureau of Planning and Zoning, (585) 428-6914

DATE ISSUED: February 22, 2016

This declaration and supporting information is on file and available for public inspection with the Bureau of Buildings & Zoning, Room 125-B, City Hall.

FILE REFERENCE NUMBER: E-035-15-16

DISTRIBUTION: Planning Commission
Case File