



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

November 21, 2016

Ms. Kimberly Russell
Charlotte Square Homes, LLC
180 Clinton Square
Rochester, NY 14604

NOTICE OF DECISION

In the matter of the request for a Subdivision to: subdivide one parcel into 11 parcels to facilitate the development of townhomes on Charlotte Street.

ON THE PREMISES AT: 80 Charlotte Street
ZONING DISTRICT: CCD-E Center City District – East End
APPLICATION NUMBER: S-01-16-17
VOTE: 5-0-1

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on November 14, 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, subject to all of the conditions and recommendations stated by the referral agencies.**

CITY PLANNING COMMISSION

Zina Lagonegro, AICP, EIT
Secretary, City Planning Commission

xc: Matthew Simonis, City Bureau of Planning and Zoning

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This decision was based on the following testimony and evidence:

Supporting Testimony:

Tim Harris, Passero Associates

Opposing Testimony:

None

Evidence:

Subdivision Application

Letter of Intent

Staff Report including the subdivision map dated July 2016

Subdivision referral comments from various agencies

Notice of Environmental Determination dated November 14, 2016

Short Environmental Assessment Form Parts I and II

Personal Appearance Notice

Notification Labels

Speakers' List

Record of Vote:

D. Watson	Approve
S. Rebholz	Recusal
E. Marlin	Approve
H. Hogan	Approve
T. Bruce	Approve
S. Mayer	Absent
M. Gaudioso	Approve

**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: 80 Charlotte Street
Applicant: Charlotte Square Homes, LLC
Description: To subdivide one parcel into 11 parcels to facilitate the development of townhomes on Charlotte Street.

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: November 14, 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: S-01-16-17

DISTRIBUTION: Planning Commission
Case File



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

November 21, 2016

Solomon T. Alemu
492 Monroe Avenue
Rochester, New York 14607

NOTICE OF DECISION

In the matter of the request for a Special Permit to: extend the hours of operation for this take-out restaurant from 2:00AM to 3:00AM on Fridays and Saturdays.

ON THE PREMISES AT: 492 Monroe Avenue
ZONING DISTRICT: C-2 Community Center District
APPLICATION NUMBER: E-030-13-14
VOTE: 5-1-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on November 14, 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 FOR ONE (1) YEAR UNTIL NOVEMBER 30, 2017.**

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 is obtained and maintained. **Please call Jill Wiedrick at (585) 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 use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

- 1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code that requires Special Permit approval for any permitted or specially permitted use open to the public or requiring loading/unloading between the hours of 2:00am and 6:00am.
- 2) Per Section 120-192 of the 2003 Zoning Code, the Planning Commission can approve the application for a special permit with conditions and/or for a specified time period. The Commission determined that to ensure the use will not have a substantial or undue adverse impact upon adjacent properties, it is reasonable to grant a one (1) year temporary approval requiring the applicant to return to the City Planning Commission in November 2017 for a renewal of the Special Permit where operational aspects of the use will be reviewed in a public hearing setting.

B. The proposed use will have a substantial or undue adverse effect upon adjacent properties:

- 1) The permitted hours of operation in the C-2 district are 6:00AM to 2:00AM. The applicant proposes to extend the closing hours from 2:00AM to 3:00AM on Fridays and Saturdays.
- 2) The subject property is a two-story brick building located in a C-2 Community Center District at the northwest corner of Monroe Avenue and Rowley Street. The building has two tenant spaces on the ground floor and apartments located on the second floor. The applicant's tenant space is legal for a take-out only restaurant, and the second tenant space is currently occupied by 'Daniel's Leather.'
- 3) The applicant is seeking to extend the hours of operation for his take-out restaurant because a large percentage of the daily income from the restaurant is earned after the bars in the area close.

- 4) The applicant does not deliver, and there are no seats in the restaurant. Patrons are able to call in advance and wait in the small area in front of the restaurant, which can hold 5-10 people, when picking up their order. There is no on-site parking, only on-street parking. Patrons often walk to the restaurant.
- 5) The applicant noted that he operates a food truck in the public right of way from 2:00AM to 3:00AM and has a permit to do so. In addition, the applicant questioned whether it was safer for him and the community to be operating a food cart outside or for him to be operating his business one hour later two nights per week. The applicant theorized that by allowing him to operate for one additional hour until 3:00AM on Fridays and Saturdays that fewer people would be loitering outside on the street and that his customers would be safer, thereby creating a better situation for the neighborhood. The applicant explained that he understood the concerns of the neighborhood, but was hopeful that he would be given a temporary permit to demonstrate to the City Planning Commission that he would be able to operate until 3:00AM without additional negative impacts to surrounding properties and perhaps, may even improve the area around his business.
- 6) Neighbors expressed concern about the potential for additional problems on Monroe Avenue. Oral and Written testimony detailed the efforts of neighbors, businesses and the Rochester Police Department to improve Monroe Avenue. Part of the success was attributed to the early closing time of a former 24 hour restaurant. It was found that when this restaurant closed, problems in and around Monroe Avenue seemed to decrease. With one restaurant still operating 24 hours, the neighbors feel that the addition of another restaurant that would be allowed to remain open after 2:00AM would increase the number of issues on Monroe Avenue, thereby burdening the neighborhood and emergency services. Written and oral testimony also emphasized that the opposition was not to the applicant himself, as he was noted as a good operator who keeps the area around his business clean, but to the additional hour to the 2:00AM closing time.
- 7) The City Planning Commission noted that testimony, both oral and written, described the challenges that Monroe Avenue faces and the positive changes that have occurred over the past ten years as a result of the diligent efforts of residents, business owners and the Rochester Police Department. The City Planning Commission reasoned that allowing the applicant to remain open an additional hour until 3:00AM would bring the crowd that patronized his food cart indoors, thereby decreasing the number of people loitering. It was also concluded by the City Planning Commission that the allowance of food carts to operate on Monroe Avenue potentially added to the level of activity noted by oral and written testimony, thus allowing the take-out restaurant to remain open until 3:00AM on Fridays and Saturdays would remove these people from the street. The City Planning Commission noted that the population would not change regardless of whether or not the applicant operated a food cart in the public right-of-way or kept his take-out restaurant open until 3:00AM.

- 8) The City Planning Commission, understanding the complexities of the situation, determined that granting a temporary permit for a period of one year would give the applicant an opportunity to demonstrate that the additional hour of operation on Fridays and Saturdays, until 3:00AM, would not contribute nor increase the amount of negative activity on Monroe Avenue.

C. The proposed use will dominate the immediate vicinity and will interfere with the development and use of neighboring properties:

To ensure that the extension of the hours of operation for this take-out restaurant from 2:00AM until 3:00AM on Fridays and Saturdays does not interfere with the development and use of neighboring properties, the City Planning Commission granted approval for a period of one year until November 30, 2017. At that time, the applicant will be required to return to the City Planning Commission for a renewal of the Special Permit where operational aspects of the use will be reviewed in a public hearing setting.

D. The proposed development would be served by essential public facilities and services:

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

E. The proposed 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 would be affected by this proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES FOR ONE (1) YEAR UNTIL NOVEMBER 30, 2017** application **E-015-16-17 by Solomon T. Alemu, South Wedge Hots and Subs**, to extend the hours of operation for this take-out restaurant from 2:00AM to 3:00AM on Fridays and Saturdays at **492 Monroe Avenue**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Solomon T. Alemu
Tim Doherty
Lisa Jacques

Opposing Testimony:

John Lembach
Allen Krisiloff

Opposing Testimony Continued:

Alex White
Colleen McCarthy

Evidence:

Staff Report
Special Permit Application and Standards
Letter of Intent
Aerial Photograph
Location Map
Petition of Support with 351 signatures
Letter of Support from Tim Doherty, undated
Letter of Support from Scott Williams, Aspenleiter Vacuum, undated
Letter of Support from Lisa Jacques, Park Ave Pets, undated
Letter of Support from Alex White, managing partner- Boldo's Armory, undated
Letter of Support from Amit Patel, Nick's Superstore, dated September 21, 2016
Letter of Support from Aileen Tomayo, Continental Sporting Goods and Martial Arts Supplies, dated September 27, 2016
Letter of Support from Gil Vargas, Gil Vargas Men's Barbershop, dated October 3, 2016
Letter of Support from Dave Duset, Manager- Rite Aid Store #602, dated October 4, 2016
Letter of Support from David A. Griggs, dated October 5, 2016
Letter of Opposition from Colleen McCarthy, dated November 12, 2016
Letter of Opposition, including supplements, from John Lembach, Park Meigs Neighborhood Association, dated November 14, 2016
Letter of Opposition from Allen Krisiloff, Monroe Village Task Force, dated November 14, 2016
Email of Opposition from Jennifer Brown, dated November 13, 2016
Email of Opposition from Grace Seiberling, dated November 14, 2016
Short Environmental Assessment Form Parts I and II
Notice of Environmental Determination dated November 14, 2016
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve for One Year
S. Rebholz	Deny
E. Marlin	Approve for One Year
H. Hogan	Approve for One Year
T. Bruce	Approve for One Year
S. Mayer	Absent
M. Gaudioso	Approve for One Year

**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: 492 Monroe Avenue
Applicant: Solomon T. Alemu, South Wedge Hots and Subs
Description: To extend the hours of operation for this take-out restaurant from 2:00AM to 3:00AM on Fridays and Saturdays.

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: November 14, 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-015-16-17

DISTRIBUTION: Planning Commission
Case File



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

November 21, 2016

Mr. Jose Navedo
822 Clifford Avenue
Rochester, New York 14621

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a restaurant in this vacant nonconforming commercial building with hours of operation between 5:00AM and 5:00PM, daily.

ON THE PREMISES AT: 822 Clifford Avenue
ZONING DISTRICT: R-1 Low Density Residential District
APPLICATION NUMBER: E-016-16-17
VOTE: 6-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on November 14, 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 FOR THREE (3) YEARS UNTIL NOVEMBER 30, 2019.**

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 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 use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

- 1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code.
- 2) The Certificate of Nonconformity process affords the property owner the right to re-establish a commercial use of equal or lesser intensity through the issuance of a Special Permit by the City Planning Commission. Due to the nature of the original construction of this building as a nonresidential structure (a bar/restaurant), the building can be considered a “nonconforming structure.” In accordance with Section 120-191B(4)(a)(c)(1) of the Zoning Code, the City Planning Commission can issue a Special Permit to re-establish a use that is of the same or less intensity than the abandoned previous use in a structure not designed for a permitted used in the district.
- 3) The City Planning Commission determined that establishing a restaurant in this vacant nonconforming commercial building was a favorable action. To ensure that the re-establishment of this use does not have negative impacts on surrounding properties, the City Planning Commission concluded that a temporary approval for a **period of three years until November 30, 2019** was appropriate. At that time, the applicant must return to the City Planning Commission for a renewal of the Special Permit where operational aspects of the use will be reviewed in a public hearing setting.

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

- 1) The subject property contains a nonconforming structure in the R-1 zoning district. Approximately 340 square feet of the first floor is currently legally occupied by an office/computer repair use, and the applicant stated in his application that he will be residing in the second floor, built-as apartment. The remainder of the first floor commercially designed space is proposed to be used as a sit-down restaurant which will be open for breakfast and lunch only, with operating hours of 5:00AM – 5:00PM, daily.
- 2) This first floor commercially designed space has a history of legal use as a bar/restaurant as evidenced by Certificate of Occupancy # 46447 which stated a maximum occupancy of 120 persons and hours of operation of 9:00PM – 2:00AM.

- 3) The proposed use as a breakfast and lunch only restaurant operating between the hours of 5:00AM – 5:00PM, although open for more hours per day than the prior bar/restaurant, will likely have less of an impact on the surrounding residential uses because it will close at 5:00PM instead of the prior 2:00AM closing time. The off-street parking requirement for the proposed restaurant is the same as the previous bar/restaurant use (10 spaces for every 1,000 square feet of net floor area), and the projected number of employees is similar.
- 3) A Certificate of Nonconformity decision was issued on September 12, 2016 that determined that the request was equal to or less intense than the previous use, and therefore, Special Permit approval is needed by the City Planning Commission to establish the proposed use because of the extended period of vacancy.
- 4) The City Planning Commission noted that a bar/restaurant had been operated at this location for a number of years and that establishment of a restaurant in this location would be appropriate.
- 5) As this proposed restaurant is located in an R-1 Low Density Residential District, the City Planning Commission determined that it was critical to ensure that the restaurant did not pose substantial or undue adverse effects upon adjacent properties. Therefore, a temporary approval for a period of three years was granted.

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

The City Planning Commission determined that establishing a restaurant in this vacant nonconforming commercial building with hours of operation between 5:00AM and 5:00PM, daily will not interfere with the development and use of neighboring properties, as a restaurant had operated in this location for a number of years previously.

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

There are no other natural, scenic or historic features of significant importance on or in close proximity to the subject property to be affected by the proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES FOR THREE (3) YEARS UNTIL NOVEMBER 30, 2019** application **E-016-16-17** by **Jose Navedo, Roc City Cafe**, to establish a restaurant in this vacant nonconforming commercial building with hours of operation between 5:00AM and 5:00PM, daily, at **822 Clifford Avenue**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Jose Navedo
Sam Matus

Opposing Testimony:

None

Evidence:

Staff Report
Special Permit Application and Standards
Letter of Intent
Letter Regarding Property History
Certificate of Conducting Business Under an Assumed Name for Previous Owner/Operator
Property Deed
Floor Plans
Certificate of Nonconformity Decision, dated September 12, 2016
Petition of Support with 79 Signatures
Survey Map
Certificate of Occupancy Posting
Interior Photographs
Exterior Photographs
Aerial Photograph
Location Map
Notice of Environmental Determination dated November 14, 2016
Short Environmental Assessment Form Parts I and II
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve for Three Years
S. Rebholz	Approve for Three Years
E. Marlin	Approve for Three Years
H. Hogan	Approve for Three Years
T. Bruce	Approve for Three Years
S. Mayer	Absent
M. Gaudioso	Approve for Three Years

**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: 822 Clifford Avenue
Applicant: Jose Navedo, Roc City Cafe
Description: To establish a restaurant in this vacant nonconforming commercial building with hours of operation between 5:00AM and 5:00PM, 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: November 14, 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-016-16-17

DISTRIBUTION: Planning Commission
Case File



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

November 21, 2016

Ridge Seneca Plaza, LLC
295-333 East Ridge Road
Rochester, New York 14617

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a secondhand dealer in an existing commercial plaza between the hours of 8:00AM and 11:00PM, daily.

ON THE PREMISES AT: 303 East Ridge Road

ZONING DISTRICT: C-2 Community Center District

APPLICATION NUMBER: E-017-16-17

VOTE: 6-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on November 14, 2016, the City 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, said application was **APPROVED**.

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 the goals, standards and objectives of the Comprehensive Plan:

The relevant goals and objectives of the Comprehensive Plan are reflected in the Zoning Code that requires Special Permit approval to establish a secondhand dealer.

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

- 1) The subject property is located in a plaza. Previously, a pawn shop had been operated at this location. The applicant is seeking a Special Permit to open a secondhand dealer (store) in the same location.
- 2) The operator of the proposed secondhand dealer (store) is not the applicant. The operator would like to deal in electronics, jewelry, toys and other items. The operator will not sell secondhand clothing. The secondhand dealer (store) will operate between the hours of 8:00AM and 11:00PM, daily. There will be four employees, including the operator and his wife.
- 3) Oral testimony indicated that the operators of the proposed secondhand dealer (store) have experience in retail and are also involved in numerous community and neighborhood associations.
- 4) The applicant noted in testimony that the commercial plaza has been very successful and has become part of the neighborhood, filling a multi-cultural need between the Town of Irondequoit and the City of Rochester. Further, it was noted by the applicant that the proposed use will have one-of-a-kind items, adding to the mix of commercial uses in this plaza. In addition, it was mentioned by the applicant that articles and additional reports indicate that the proposed use is one that continues to see steady growth and is acceptable in communities as it functions as a service to neighborhoods. The applicant also detailed that secondhand dealers are a form of recycling and therefore, keep more items out of our landfills.

- 5) The City Planning Commission determined that the proposed secondhand dealer (store) would not pose a substantial or undue adverse effect on adjacent properties, as the proposed use is within an existing commercial plaza and a similar type of business had previously operated in this location. Further, the City Planning Commission noted that the proposed use would be a viable addition to the mix of retail and commercial options in this portion of the City of Rochester, attracting residents and visitors alike.
- 6) The City Planning Commission granted approval to establish a secondhand dealer (store) in an existing commercial plaza operating between the hours of 8:00AM and 11:00PM, daily.

C. The proposed use will not dominate the immediate vicinity nor interfere with the development and use of neighboring properties:

The City Planning Commission determined that the proposed secondhand dealer (store) would not dominate the immediate vicinity nor interfere with the development and use of neighboring properties. As noted above, the proposed use will contribute to the vibrant commercial and retail corridor that currently exists in this area.

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

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

E. The proposed 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 would be affected by this proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES**, application **E-017-16-17** by **Ridge Seneca Plaza, LLC**, to establish a secondhand dealer in an existing commercial plaza operating between the hours of 8:00AM and 11:00PM, daily at **303 East Ridge Road**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Art Ientilucci

Opposing Testimony:

None

Evidence:

Staff Report

Special Permit Application and Standards

Addendum to Standards

Survey Map

Tenant Index

Aerial Photograph of Site

Zoning Map

Site Location Map

Short Environmental Assessment Form Parts I and II

Notice of Environmental Determination dated November 14, 2016

Personal Appearance Notice

Notification Labels

Speakers' Lists

Record of Vote:

D. Watson Approve

S. Rebholz Approve

E. Marlin Approve

H. Hogan Approve

T. Bruce Approve

S. Mayer Absent

M. Gaudioso Approve

**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: 303 East Ridge Road
Applicant: Ridge Seneca Plaza, LLC
Description: To establish a secondhand dealer in an existing commercial plaza operating between the hours of 8:00AM and 11:00PM, 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 as presented is not incompatible with the area and adjacent uses.

LEAD AGENCY: City Planning Commission

AGENCY CONTACT PERSON: Jill Wiedrick, Sr. City Planner
Bureau of Buildings and Zoning, (585) 428-6914

DATE ISSUED: November 14, 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-017-16-17

DISTRIBUTION: Planning Commission
Case File



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

November 21, 2016

Mr. Ben Kulikowski
Tryon City Tavern
245 Culver Road
Rochester, New York 14607

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish live entertainment in this existing bar/restaurant.

ON THE PREMISES AT: 2278 East Main Street
ZONING DISTRICT: C-2 Community Center District
APPLICATION NUMBER: E-018-16-17
VOTE: 6-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on November 14, 2016, the City 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, said application was **APPROVED FOR TWO (2) YEARS UNTIL NOVEMBER 30, 2018 ON CONDITION THAT:**

- 1) Live entertainment shall be limited to Wednesday through Sunday between the hours of 8:00PM and 12:00AM.
- 2) The window on the south side of the building shall be screened or draped in a manner to prevent the direct glare of lighting onto adjacent residential properties during all live entertainment.

Please Note: A live entertainment license, issued by the Police Department through the City Clerk's Office (Room 100A, City Hall, 30 Church Street), is also required and must be renewed on an annual basis (by January 31st of each year) to retain the rights to this approval. ***If the live entertainment is discontinued for six months or more, this Special Permit approval will become null and void. Please contact Jill Wiedrick at 428-6969 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 use will be in harmony with the goals, standards and objectives of the Comprehensive Plan.

- 1) The goals and objectives of the Comprehensive Plan are reflected in the 2003 Zoning Code which requires Special Permit approval for entertainment uses in the C-2 district, subject to sufficient screening of windows facing any adjacent property zoned or developed residentially and to provide off-street parking at a rate of ½ the maximum allowable occupancy. The bar/restaurant is located in an existing commercial plaza and meets the parking requirement.
- 2) The City Planning Commission concluded that temporary approval for two (2) years until November 30, 2018 with conditions was appropriate. The applicant is required to return to the City Planning Commission in November 2018 for a renewal of the Special Permit where operational aspects of the use will be reviewed in a public hearing setting.

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

- 1) The subject property is located on East Main Street in the Merchants Main Plaza. The property has been developed as a bar/restaurant. This bar/restaurant was previously operated as Ellison's Bar and Grill.
- 2) The applicant wishes to add live entertainment in the bar/restaurant between the hours of 8:00PM and 1:00AM, Wednesday through Sunday. According to the applicant, live entertainment will consist of karaoke, small acoustic groups and a DJ.
- 3) Written testimony was submitted that expressed support for establishment of live entertainment in this existing parking restaurant, noting that there was plenty of parking to support such a use.
- 4) Oral testimony in support of the application noted that the bar/restaurant had recently opened up and was seeking to add live entertainment to the establishment in hopes of bringing in more customers. Those in support noted that the bar/restaurant had a nice atmosphere and would benefit from the addition of live entertainment.
- 5) In addition, it was noted by the North Winton Village Neighborhood Association that members of the organization had met with the applicant and had discussed the application. This discussion yielded an agreement between the applicant and the North Winton Village Neighborhood Association. Although the City Planning Commission was provided this agreement prior to making its decision, it should be noted that the City Planning Commission is not beholden to this agreement.

- 6) Although the majority of testimony provided was in support of the addition of live entertainment to the existing bar/restaurant, one member of the public was in opposition. It was noted by this resident that there are a number of residential properties nearby, where a number of families reside. The resident stated that noise from the commercial plaza can be heard by neighboring properties and concern existed among those neighbors regarding the addition of live entertainment.
- 7) The City Planning Commission determined that the addition of live entertainment would not have a substantial or undue adverse effect on the adjacent properties as long as the following two conditions are met:
 - 1) **Live entertainment shall be limited to Wednesday through Sunday between the hours of 8:00PM and 12:00AM.**
 - 2) **The window on the south side of the building shall be screened or draped in a manner to prevent the direct glare of lighting onto adjacent residential properties during all live entertainment.**
- 8) To ensure that the addition of live entertainment does not have a substantial or undue adverse effect upon adjacent properties, the City Planning Commission granted a temporary approval for a period of **TWO (2) YEARS UNTIL NOVEMBER 30, 2018** with the above noted conditions. The City Planning Commission determined that a temporary permit for a period of two years would give the applicant an opportunity to demonstrate to the City Planning Commission and to the community that the addition of live entertainment would not be a detriment to the neighborhood.

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

To ensure that the addition of live entertainment will not interfere with the development and use of neighboring properties, the City Planning Commission granted temporary approval with conditions until November 30, 2018.

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

There are no other natural, scenic or historic features of significant importance on or in close proximity to the subject property to be affected by the proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES ON CONDITION UNTIL NOVEMBER 30, 2018** application E-018-16-17 by **Ben Kulikowski, Tryon City Tavern** to establish live entertainment in this existing bar/restaurant at **2278 East Main Street**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Ben Kulikowski
Art Ientilucci
Marilyn Schutte

Opposing Testimony:

Al Lasek

Evidence:

Staff Report

Special Permit Application and Standards

Project Information

Occupancy Posting

Floor Plan

Exterior Photographs

Aerial Photograph

Location Map

Email of Support from MaryAnn Kozlowski and Joe Wonderling, dated November 7, 2016

Agreement between applicant and North Winton Village Neighborhood Association, dated November 11, 2016

Notice of Environmental Determination dated November 14, 2016

Short Environmental Assessment Form Parts I and II

Personal Appearance Notice

Notification Labels

Speakers' List

Record of Vote:

D. Watson

Approve on Condition for Two Years

S. Rebholz

Approve on Condition for Two Years

E. Marlin

Approve on Condition for Two Years

H. Hogan

Approve on Condition for Two Years

T. Bruce

Approve on Condition for Two Years

S. Mayer

Absent

M. Gaudioso

Approve on Condition for Two Years

**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: 2278 East Main Street
Applicant: Ben Kulikowski, Tryon City Tavern
Description: To establish live entertainment in this existing bar/restaurant.

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: November 14, 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-018-16-17

DISTRIBUTION: Planning Commission
Case File



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

November 21, 2016

Mr. Hassan Robinson
Fountain of Youth Fitness, LLC
186 Atlantic Avenue
Rochester, New York 14607

NOTICE OF DECISION

In the matter of the request for a Special Permit to: establish a health club in portion of this former manufacturing building, subject to a marketability analysis, and to consider an Alternative Parking Plan to address the 12 space parking requirement for the proposed use.

ON THE PREMISES AT: 472 Atlantic Avenue

ZONING DISTRICT: M-1 Industrial District

APPLICATION NUMBER: E-020-16-17

VOTE: 6-0-0

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on November 14, 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, said application was **APPROVED**.

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 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 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 which requires Special Permit approval for health clubs when located in a single-story building originally designed for industrial purposes, subject to a marketability analysis as set forth in Section 120-192, in the M-1 Industrial District.

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

- 1) The subject property is located on Atlantic Avenue between Greenleaf Street and Mayberry Street. The property is a former manufacturing building.
- 2) The applicant proposes to establish a health club (gym) that will operate between the hours of 6:00AM and 9:00PM, daily. The health club will have four employees and approximately 20-40 members. All members will schedule one-on-one personal training sessions. Group classes will have a maximum of 15 members. The busiest hours are anticipated to be between 4:00PM and 7:00PM.
- 3) The City Planning Commission noted that the marketability analysis that was included in the application detailed the efforts to market this building to an industrial use and accepted the analysis.
- 4) The City Planning Commission determined that the parking agreement that was submitted as the proposed Alternative Parking Plan, was acceptable. It was noted by the City Planning Commission that as part of the lease agreement, the applicant has use of 12 parking spaces at 41 Greenleaf Street, ensuring that those who utilize the health club will have a dedicated area to park.
- 5) The City Planning Commission noted that oral and written testimony indicated a tremendous amount of support for the applicant and the proposal. In addition, the City Planning Commission concluded that the proposed location was satisfactory for a health club, as most training is done one-on-one with clients, classes will be limited to 15 people and plenty of parking is located across the street, thereby having very little impact on the adjacent properties. Therefore, the proposal to establish a health club in a portion of the former manufacturing building located at 472 Atlantic Avenue was approved.

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

The City Planning Commission determined that the proposed health club will not interfere with the development and use of neighboring properties. As noted above, the health club focuses primarily on one-on-one training, class sizes that will be no more than 15 students and has sufficient parking, located at 41 Greenleaf Street, to meet the parking needs of this use.

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

There are no other natural, scenic or historic features of significant importance on or in close proximity to the subject property to be affected by the proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES** application **E-020-16-17** by **Hassan Robinson, Fountain of Youth Fitness, LLC** to establish a health club in a portion of this former manufacturing building, subject to a marketability analysis, and to consider an Alternative Parking Plan to address the 12 space parking requirement for the proposed use at **472 Atlantic Avenue**.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Hassan Robinson
Demond Meeks
Velma Meeks
Julius Davis
Valencia Metcalf

Opposing Testimony:

None

Evidence:

Staff Report
Special Permit Application and Standards
Marketability Analysis
Parking Agreement (Alternative Parking Plan)
Aerial Photography Displaying Parking Spaces and Location of Health Club
Floor Plan
Aerial Photograph
Location Map
Letter of Support from Beth Pannell, dated October 28, 2016

Evidence Continued:

- Letter of Support from Quintessa McFadden, dated October 31, 2016
- Letter of Support from Rhandi Logan, dated November 7, 2016
- Letter of Support from Walter Larkin, Jr., Principal, Edison Career and Technical High School, dated November 7, 2016
- Letter of Support from Demond Meeks, dated November 10, 2016
- Letter of Support from Crystal Brinson, undated
- Letter of Support from Jeri Hayes, undated
- Letter of Support from Matthew Buntley, undated
- Letter of Support from Lynden E. Gordon, undated
- Letter of Support from Nile Saahir, undated
- Letter of Support from Edweena McFadden, undated
- Notice of Environmental Determination dated November 14, 2016
- Short Environmental Assessment Form Parts I and II
- Personal Appearance Notice
- Notification Labels
- Speakers' List

Record of Vote:

- | | |
|-------------|---------|
| D. Watson | Approve |
| S. Rebholz | Approve |
| E. Marlin | Approve |
| H. Hogan | Approve |
| T. Bruce | Approve |
| S. Mayer | Absent |
| M. Gaudioso | Approve |

**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: 472 Atlantic Avenue
Applicant: Hassan Robinson, Fountain of Youth Fitness, LLC
Description: To establish a health club in a portion of this former manufacturing building, subject to a marketability analysis, and to consider an Alternative Parking Plan to address the 12 space parking requirement for the proposed use.

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: November 14, 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-020-16-17

DISTRIBUTION: Planning Commission
Case File



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

November 21, 2016

Mr. Mark Fuller
DePaul Properties Inc.
1931 Buffalo Road
Rochester, New York 14624

NOTICE OF DECISION

In the matter of the request for a Special Permit: to establish ancillary parking lots at 168-172 Merrimac Street, 75 Cleveland Street, and 8 Frederick Street to serve the proposed two multifamily dwellings with a total of 150 residential units and to consider an Alternative Parking Plan to address the 35 space deficiency for the proposed multifamily dwellings.

ON THE PREMISES AT: **168-172 Merrimac Street, 75 Cleveland Street, and 8 Frederick Street**

ZONING DISTRICT: **R-1 Low Density Residential District, R-3 High Density Residential District**

APPLICATION NUMBER: **E-021-16-17**

VOTE: **5-0-1**

PLEASE TAKE NOTICE that at the City Planning Commission meeting held on November 14, 2016, said application was **APPROVED ON CONDITION THAT:**

- 1) **The fences of Frederick Street and Cleveland Street shall be reduced to 3' or removed.**
- 2) **The fence on Merrimac Street and the fence closest to North Street shall be reduced to 3' or removed.**

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 is obtained and maintained. **Please call Jason Haremza at (585) 428-7761 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 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 which requires Special Permit approval ancillary parking lots in the R-1 and R-3 Districts, subject to the additional requirements for ancillary parking lots.

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

- 1) The proposal is to build two multifamily dwellings with a total of 150 residential units and ancillary parking lots to serve the two multifamily dwellings. The entire project is proposed to be constructed on 21 parcels that shall be combined through the subdivision process. The proposed project is generally located along both sides of Cleveland Street between Hudson Avenue and North Street, approximately one mile northeast of Main Street and Clinton Avenue in Rochester's downtown core.
- 2) Per Section 120-173C(1), the project requires 152 parking spaces. 116 are provided both on-site and in two proposed ancillary parking lots. This creates a 36 space deficiency. However, the applicant operates similar housing developments within the City of Rochester and has found no issues with a reduced amount of parking given that many of their residents use public transportation and do not own cars. The parking deficiency may be waived by the City Planning Commission through an Alternative Parking Plan. The applicant submitted a Parking Demand Analysis, dated July 5, 2016, in support of an Alternative Parking Plan.
- 3) The City Planning Commission determined that the Alternative Parking Plan, justified by a Parking Demand Analysis, made a compelling case for the need for fewer parking spaces and agreed that it was acceptable to conclude that public transportation would be used by a majority of the residents, thereby reducing the need for all of the required parking spaces.
- 4) The City Planning Commission expressed concern over the height of fencing proposed for both ancillary parking lots. Noting that this is a neighborhood in transition, the City Planning Commission was concerned about the message that would be communicated to the community by installing fencing that is 6' tall. It was concluded by the City Planning Commission that the proposed 6' fencing made sense in certain sections of the parking lot, but did not contribute to the growth of the community in other sections.

5) The City Planning Commission, after carefully analyzing the updated drawings dated 11/01/2016, concluded that in order for the proposed ancillary parking lots to fit into the surrounding neighborhood, changes to the proposed drawings were necessary. Therefore, the City Planning Commission conditioned approval on the following:

1) **The fences of Frederick Street and Cleveland Street shall be reduced to 3' or removed.**

2) **The fence on Merrimac Street and the fence closest to North Street shall be reduced to 3' or removed.**

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

To ensure that the ancillary parking lots do not interfere with the development and use of neighboring properties, the City Planning Commission approved them based on the two conditions stated above.

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 ancillary parking lots.

E. The proposed 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 to be affected by the proposed use.

BASED ON THESE FACTS AND FINDINGS, BE IT RESOLVED that the City Planning Commission **APPROVES ON CONDITION** application **E-021-16-17 by Mark Fuller, DePaul Properties, Inc.** to establish ancillary parking lots at 168-172 Merrimac Street, 75 Cleveland Street, and 8 Frederick Street to serve the proposed two multifamily dwellings with a total of 150 residential units and to consider an Alternative Parking Plan to address the 35 space deficiency for the proposed multifamily dwellings.

This decision was based on the following testimony and evidence:

Supporting Testimony:

Gary Smith

Opposing Testimony:

None

Evidence:

Staff Report

Special Permit Application and Standards

Letter of Intent

Preliminary Site Plan Findings, dated October 24, 2016

Photographs of Sites and Surrounding Properties

Survey Map

Evidence Continued:

Site Plan
Floor Plan
Landscaping and Lighting Plans
Aerial Photograph of location
Location Map
Zoning Map
Personal Appearance Notice
Notification Labels
Speakers' List

Record of Vote:

D. Watson	Approve on Condition
S. Rebholz	Recusal
E. Marlin	Approve on Condition
H. Hogan	Approve on Condition
T. Bruce	Approve on Condition
S. Mayer	Absent
M. Gaudio	Approve on Condition