



Legislation Details (With Text)

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**Type:** Report      **Status:** Passed

**File created:** 4/11/2023      **In control:** Planning and Zoning Commission

**On agenda:** 4/19/2023      **Final action:**

**Title:** Initiate a text amendment to Section 6-7F-3:14 (OCI: Conditional Uses) of the Municipal Code related to eating establishments within a PUD - PZC 23-1-031

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Text Amendment Request

| Date      | Ver. | Action By                      | Action         | Result |
|-----------|------|--------------------------------|----------------|--------|
| 4/19/2023 | 1    | Planning and Zoning Commission | directed staff | Pass   |

**PLANNING AND ZONING COMMISSION AGENDA ITEM**

**ACTION REQUESTED:**

Initiate a text amendment to Section 6-7F-3:14 (OCI: Conditional Uses) of the Municipal Code related to eating establishments within a PUD - PZC 23-1-031

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Gabrielle Mattingly, AICP

**ENTITLEMENTS REQUESTED:**

Direct staff to initiate an amendment to the OCI zoning district (Office, Commercial and Institutional District) conditional use regulations to remove the requirement that eating establishments, if approved through a conditional use, be located within a planned unit development (Section 6-7F-3:14).

**BOARD/COMMISSION REVIEW:**

Should the Planning and Zoning Commission initiate the requested amendment, staff will issue public notice in accordance with Section 6-3-9 (City Initiated Text Amendments) of the Municipal Code.

**BACKGROUND:**

Per Code 6-3-9:1, either the Planning and Zoning Commission or the City Council may initiate a text amendment to the Zoning Regulations.

Russ Whitaker, Rosanova & Whitaker, Ltd., on behalf of The Hari Group (Petitioner), has requested that the Planning and Zoning Commission direct staff to draft a proposed text amendment to Section 6-7F-3:14 of the Municipal Code. The requested amendment is to allow eating establishments as a conditional use in the OCI zoning district without the requirement that such use be located within a planned unit development.

The Petitioner is seeking initiation of the text amendment in conjunction with a proposed development for 1296 E. Chicago Avenue (PZC 22-1-095). Staff is not seeking input on PZC 22-1-095 at this time; however, a public hearing for PZC 22-1-095 will be scheduled before the Planning and Zoning Commission and public notice will be provided in accordance with Section 6-3-5 at which time feedback and discussion will occur.

**DISCUSSION:**

Eating establishments are defined as, “a building, structure or portion thereof within which food is offered for sale and which permits consumption within the building or structure”. The OCI zoning district currently requires such eating establishments to be located within a planned unit development (PUD) and to seek approval of a conditional use. The Petitioner requests that the Planning and Zoning Commission direct staff to initiate an amendment to the OCI conditional use regulations to remove the requirement that eating establishments must be located within a PUD if approved through a conditional use.

If this amendment is approved, any application to operate an eating establishment in the OCI zoning district would still be required to follow the conditional use process which includes a public hearing before the Planning and Zoning Commission who makes a recommendation to the City Council for final review and approval. Should the Planning and Zoning Commission initiate the requested amendment, staff will schedule the proposed amendment and provide the required notice for future consideration by the Planning and Zoning Commission.