

**STATEMENT OF CITY COUNCIL  
REGARDING PRELIMINARY SITE PLAN  
PURSUANT TO SECTION 850-125(C) OF THE  
CITY OF CANANDAIGUA CODE**

**NORTH SHORE PROJECT  
PLANNED UNIT DEVELOPMENT  
PHASE I - PROPOSAL**

**CITY OF CANANDAIGUA  
ONTARIO COUNTY, NEW YORK**

**DECEMBER 2013**

**STATEMENT ON A PLANNED UNIT DEVELOPMENT**

**PRELIMINARY SITE PLAN FOR  
PHASE I OF THE NORTH SHORE PROJECT  
BY CANANDAIGUA CITY COUNCIL**

Pursuant to Section 850-125(C) of the City of Canandaigua Code (the “Code”), the following constitutes a statement by the Canandaigua City Council (the “City Council”) regarding the preliminary site plan (the “preliminary site plan”) for the proposed Phase I of the North Shore Project (the “Project”) to be located on the properties bound by Lakeshore Drive on the south, Booth Street to the west, and a new proposed North Shore Boulevard to the east, in the City of Canandaigua, County of Ontario (the “Project Site”). The applicant for the Project is Morgan-LeChase Development, LLC (the “Applicant”).

***I. Project Description***

The North Shore Project, formerly known as "Canandaigua Lakefront Project", which is being developed by the Applicant is one of two distinct developments that comprises the Lakeshore Redevelopment Planned Unit Development (the "PUD"). An amended Sketch Plan for the overall PUD was approved by the City Council on August 1, 2013. The City Council accepted the preliminary site plan for Phase I of the Project on October 24, 2013 and initiated this review process.

The revised Preliminary Site Plan, dated November 26, 2013, for Phase I of the North Shore Project has the following elements:

- A) Development and construction of a two-story commercial building with a footprint of 13,170 square feet (Building A) at the westerly end of the Lakeshore Drive frontage of the development. This building will be contained in Lot 1 of the development as depicted on the map submitted with this application. The exact tenancy of the building has not been finalized at this point, but may include a tenant or tenants that are non-retail.
- B) Building B is located on Lot 2 and contains approximately 9,700 feet of first floor commercial space, with 137 residential units (66 one-bedroom, 63 two-bedroom and 8 three-bedroom units).
- C) The development of a new public street named "North Shore Boulevard", which will intersect with Booth Street on the North and Lakeshore Drive on the south, providing a northerly connection to Eastern Boulevard.
- D) Parking facilities for 403 cars (137 spaces within garage structure, 102 within a new surface lot, 118 at the restored lot north of Hess, and 46 new on-street spaces.
- E) The revised Preliminary Site Plan application also includes:
  - 1) Civil Engineering Plans (overall site plan, and landscape plan).
  - 2) Architectural Plans (floor plans, elevations, and three-dimensional renderings),
  - 3) Engineer's Report (focusing on infrastructure).

- 4) Storm Water Pollution Prevention Plan (SWPPP),
- 5) Traffic Technical Memorandum.
- 6) Brownfield Technical Memorandum,
- 7) Site photographs.

## ***II. Procedural Background***

On December 17, 2009, the City Council approved an original sketch plan for the Lakeshore Redevelopment and designated this Project Site as a Planned Unit Development Zone through Resolution 2009-181. The corresponding Findings Statement required under the State Environmental Quality Review Act, relative to that plan and the rezoning, was issued on July 1, 2010 by resolution 2010-064. In 2013, the applicant then made a proposal to modify certain aspects of the approved sketch plan. The City Council reviewed the modified sketch plan (renamed the "North Shore Project") and by resolution 2013-064 made a determination that the proposed changes were consistent with the original zoning resolution and the previously approved SEQRA analysis. The applicant then proceeded to submit an application for the proposed Phase I - preliminary site plan, consistent with the purposes of the PUD District and the revised sketch plan. On October 24, 2013, the City Council acknowledged receipt of a proposed Phase I - preliminary site plan and supporting documents for the Project, and referred the same to the City of Canandaigua Planning Commission and the County of Ontario Planning Board for reports to the City Council.

On November 7, 2013, the City Council conducted a public hearing on the proposed Phase I - preliminary site plan. Comments from the public were heard and deliberated upon by the City Council.

On November 12, 2013 the City Planning Commission reviewed the preliminary site plan for Phase I of the North Shore Project and submitted their report with comments to City Council by memo from Richard Brown, dated November 15, 2013.

On November 13, 2013 the Ontario County Planning Board reviewed the preliminary site plan for Phase I of the North Shore Project and recommended approval of the plan with comments to City Council.

On November 19, 2013, the Applicant, submitted to the Planned Unit Development Committee written responses to certain comments made by the public at the public hearing on November 7, 2013. Additionally, the Applicant listened to concerns of the Planned Unit Development Committee and proposed certain revisions to the submitted application to address the concerns that were raised.

On November 26, 2013, the Applicant submitted a revised Phase I - preliminary site plan reflecting the modifications requested above. On December 2 and December 17, 2013 the City Planned Unit Development Committee met for a review and discussion of the revised Phase I - preliminary site plan and recommended conditional approval.

### ***III. Statement on the Revised Preliminary Site Plan***

Pursuant to Section 850-125(C) of the Code, the City Council issues this statement setting forth its approval of the amended preliminary site plan, as revised and presented by the Applicant on December 2, 2013 and reviewed on December 17, 2013, subject to the following conditions:

#### **1. Parking:**

A. Developer shall, as part of the Phase I improvements, restore the existing parking lot behind Hess gas station to a serviceable condition, including but not limited to repairing, sealing and striping the same, and shall construct the adjacent walk way to Lakeshore Blvd. previously identified in proposed phase V of the Project, and provide ongoing maintenance and care of both. The lot shall be designated for public use, with appropriate signage, and shall be at no cost to the City or the public. Final plans shall include a detailed site plan for the parking lot and sidewalk, including but not limited to a lighting plan for the illumination of the parking lot and the walkway. This amenity shall be subject to additional review and conditions in each subsequent phase in order to satisfy the condition of providing public parking in a manner acceptable to the City Council.

B. As part of the final site plan process, Developer shall designate additional parking sufficient to accommodate 100 spaces but no less than 70 vehicles. The determination of need for the need to construct the designated parking shall be solely within the discretion of the City Manager on notice and demand to the Developer. The City Manager's determination shall be based upon evaluation of a Phase I parking utilization and occupancy study to be completed and submitted by Developer at such time as the residential and commercial spaces attain 90% occupancy. The study completed and submitted by Developer shall include a comparison of actual parking occupancy and utilization experience to the estimates provided to the City Council in the memorandum dated November 1, 2013.

C. Developer shall add a fifth ADA compliant parking space to the surface lot given the customary ratio of 5 accessible spaces for 100 to 150 total spaces.

#### **2. Stormwater:**

Developer shall obtain the City of Canandaigua Stormwater Management Officer's approval of the proposed stormwater management plan and comply with all MS4 requirements. This shall include, but not be limited to, Developer entering into a Maintenance Agreement with the City.

#### **3. Road Widths/Bicycle Lanes:**

Developer shall provide an additional 4 ft. to the proposed North Shore Boulevard in accordance with the "share the road" plan submitted by the Project sponsor. Developer shall provide signage as appropriate for such measurements.

#### **4. Sidewalks:**

Developer shall provide sidewalks 6ft in width along North Shore Boulevard, and uniform sidewalks of 10ft in width along Lakeshore Boulevard.

5. Pedestrian Access to Buildings:

Developer should explore and potentially revise building Finished Floor Elevations in final plans so as to eliminate the need for steps to access buildings from the sidewalk adjoining Lakeshore Drive.

6. Crosswalks:

Developer shall provide solar LED lit crosswalk signs on the following un-signalized crosswalks at Lakeshore Boulevard (2), North Shore Boulevard (3), and Booth Street (2), for a total of seven (7) pairs of lights, consistent with those provided on Main Street and per City specifications.

7. Lighting:

A. Developer shall provide downward directed LED lighting that is dark sky compliant throughout the Project site.

B. As part of its final site plan submission, Developer shall provide a lighting plan detailing the illumination of Booth Street including, but not limited to, the location and number of building-mounted lights and street lights in accordance with best industry practices as to locations and lumens.

8. Traffic:

A. Developer shall provide sufficient construction vehicle access to the site, and shall make best efforts not to direct construction vehicles on Lakeshore Boulevard. Final plans shall include a plan for construction vehicle access to the site including points of construction vehicle access and the routes via which construction vehicles will approach the site for approval by the City Council.

B. Access at Parkway Plaza shall be in accordance with the approved sketch plan, the details of which will be addressed during the final site plan process.

9. Landscaping:

A. Developer shall provide landscaping as described in Developer's November 1st, 2013 response to the City of Canandaigua Director of Public Works' comments. Final landscaping plans shall be provided as part of the final site plan review process.

B. The Tree Advisory Board's recommendations and comments should be made part of the record, and the City Council will consider them when finalizing the landscaping plan. It should be noted, however, that the DPW's certified arborist will make the final determination as to species, etc.

10. Signage:

A. Commercial Signage shall be developed in accordance with the City of Canandaigua's Zoning Ordinance, prior to construction.

B. Temporary signage shall be provided for the public parking lot to be rehabilitated per Paragraph 1(A) above on the property located north of the Hess Gas Station.

C. Temporary development signs, depicting the Project at full build out, shall be provided by Developer at the Project site in a location to be determined by Developer and the City of Canandaigua.

11. Greenspace:

A recreation fee will be assessed and established during the final site plan review.

12. Staging:

A. The final plans shall set forth Developer's proposed utilization and maintenance of the property comprising the undeveloped Project phases. Developer shall demonstrate how the undeveloped property interacts with Phase I, including but not limited to the proposed construction staging area, a landscaping and maintenance plan, the estimated duration of Phase I's construction, the location of temporary parking on the lot proposed for Phase II of the Project, proposed signage and screened fencing.

B. Construction vehicles shall not be permitted on Lakeshore Drive and Developer shall use its best efforts to prohibit construction vehicles from using Lakeshore Drive.

C. Parking demand associated with construction activities shall be satisfied upon the North Shore site and final plans shall depict provisions for such parking. Construction activities shall include, but not be limited to, vehicles of construction workers, engineers, construction related visitors, etc. All related vehicles and parking needs shall be satisfied on the project site and not be in City designated public parking venues.

13. Brownfield Clean-up:

Developer shall comply with all regulatory agency requirements in its rehabilitation of the Project site pursuant to the New York State Brownfields Redevelopment Program.

14. Architecture:

A. Developer shall present all proposed final construction materials, including physical samples of said materials where possible, for City Council's evaluation and approval as part of the Final Site Plan review process.

B. As a number of iterations have been presented, Developer shall present in advance of any final approval a listing of all architectural renderings and photo-simulations presented and shall distinguish those currently being relied upon to characterize the proposal from those that have been superseded.

15. Financial Assurance:

In addition to the requirements of the City of Canandaigua Zoning Ordinance Section 850-127, Developer shall provide to the City of Canandaigua a letter, prepared by an

independent third party financial institution, demonstrating Developer's ability to fund 25% of the Phase I project costs.

16. General Project Conditions:

A. Developer shall provide copies of correspondence sent to Parkway Plaza and Wendy's Restaurant enclosing the approved preliminary site plan (highlighting proposed access changes), with request for comments, if any.

B. Developer shall be required to provide McDonalds Corporation's consent to proposed Site/Booth Street changes and construction of the proposed North Shore Blvd. as set forth in the revised plan.

C. The reconfiguration of Booth Street and the new North Shore Blvd. connection to Route 5&20 will be completed in Phase I. All traffic improvements as requested by the City Director of Public Works will be implemented.

D. All written responses of the Developer, which have modified any part or portion of the original application, which were not rejected by the City, shall be included as part of the amended plan and complied with by the Developer.

E. The specific commercial uses intended for Phase I of the Project are currently unknown. Consequently, City Council review and approval will be required for each proposed commercial use, to assess the uses' various community impacts. The impacts to be evaluated shall include, but not be limited to, the location of loading areas and potential traffic impacts, lighting and parking impacts, as well as hours of operation and delivery hours.

F. All public utilities will be built in accordance with City standards as set forth by the Director of Public Works.

***IV. Conclusion***

Pursuant to Section 850-125(C)(3) of the Code, the City Council conditionally approves the amended preliminary site plan of Phase I of the North Shore Project, as revised and presented by the Applicant on December 2, 2013 and reviewed by the Planned Unit Development Committee on such date and on December 17, 2013.

Date: December 19, 2013