

RESOLUTION # 2017-047

A RESOLUTION APPROVING THE SKETCH PLAN FOR FORMER LISK MANUFACTURING PROPERTY REDEVELOPMENT PLANNED UNIT DEVELOPMENT

WHEREAS, on March 6, 2017, Capstone Real Estate Development, LLC (the “Applicant”) submitted an application for sketch plan approval to redevelop the property at 243-299 Gorham Street (the former Lisk Manufacturing facility site) (the “Project”) and Planned Unit Development (“PUD”) zoning designation under the Planned Unit Development Ordinance of the City of Canandaigua as set forth in Article XII of the Code of the City of Canandaigua (the “PUD Ordinance”); and

WHEREAS, the City Council deemed the submission to be complete and initiated the required State Environmental Quality Review (“SEQR”) review for the Project by declaring itself lead agency; and

WHEREAS, the City Manager issued a Coordinated Staff Review of the Project and the sketch plan and rezoning request has been referred to and reviewed by the City Planning Commission and the Ontario County Planning Board; and

WHEREAS, on April 12, 2017, the Ontario County Planning Board rendered a favorable report to the City Council pursuant to Section 239-m of the N.Y. General Municipal Law; and

WHEREAS, on April 12, 2017, the City of Canandaigua Planning Commission issued a favorable report for the Project; and

WHEREAS, on April 20, 2017, the City Council, through its Planned Unit Development Committee conducted a public hearing for the purpose of considering the PUD zone district designation for the area in accordance with applicable law, and for the purpose of obtaining public input regarding sketch plan approval or disapproval for the Project, and for reviewing any potential environmental concerns; and

WHEREAS, on May 4, 2017, the City Council issued a Negative Declaration pursuant to SEQRA; and

NOW, THEREFORE, BE IT RESOLVED by the City Council that the intensity of land use and residential density of the Sketch Plan for the Project, as proposed by the Applicant, and reviewed and supported by the Planned Unit Development Committee at its April 20, 2017 meeting, a copy of which plan on file in the Office of Development and Planning, (the “Plan”) is appropriate for the area and meets the stated intention and objectives of the of the PUD Ordinance by providing the following:

1. A greater choice in the types of housing, lot sizes and community facilities available to existing and potential City residents at all economic levels.
2. More usable open space and recreation areas.
3. The preservation of more trees and outstanding natural topography and better prevention of soil erosion;
4. A creative use of land and related physical development which allows an orderly and efficient use of land resulting in a smaller network of utilities and streets and thereby lower housing

- costs;
5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lowering housing costs;
 6. A development pattern that is in harmony with the objectives of the comprehensive plan;
 7. A more desirable environment than would be possible through the strict application of other articles of this chapter.

BE IT FURTHER RESOLVED by the City Council that the Plan, is hereby approved with the finding that this proposal meets the stated intention and objectives of the PUD Ordinance by providing the following:

1. Adequacy and arrangement of pedestrian traffic access and circulation including intersections, road widths, channelization structures and traffic controls;
2. Adequacy and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic, and pedestrian convenience;
3. Location, arrangement, appearance and sufficiency of off-street parking and loading;
4. Location, arrangement, size and design of buildings, lighting and signs;
5. Relationship of the various uses to one another and their scale;
6. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise deterring buffer between adjacent uses and adjoining lands;
7. In the case of apartment houses or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation;
8. Adequacy of stormwater and sanitary waste disposal facilities;
9. Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion;
10. Protection of adjacent properties against noise, glare, unsightliness, or other objectionable features;
11. Overall environment impact;
12. Conformance with other goals of the City which may have been stated in the zoning resolutions or the City Comprehensive Plan.

BE IT FURTHER RESOLVED, that the City Council's approval of the Plan is expressly subject to the following conditions:

1. The initial phase of the Project shall include all roads, walk-ways, trails, utilities and stormwater facilities for the entire Project.
2. Prior to the issuance of any development permit, a performance and maintenance surety will be established for all infrastructure proposed to be dedicated to the City in the amount established by engineer's estimate for the completion of this work by union-wage labor, plus 15% to account for a minimum of five-years inflation. The City may draw on these funds if the Project does not proceed in accordance with the agreed upon phasing plan.
3. A Stormwater Management and Erosion Control Plan shall be approved by the Director of Public Works prior to the issuance of any development permit. This plan shall ensure that there are no adverse drainage impacts to the surrounding properties and that the drainage to adjacent properties will be improved to the maximum extent feasible.

4. Prior to any utility acceptance, the Applicant shall provide permanent easements to the City to allow access and maintenance under all private roadways, if applicable. Additionally, the Applicant shall provide an agreement to the City from the Homeowners' Association to be established, which shall hold the City harmless for any damage caused to private property as a result of solid waste collection, snow plowing, or any other emergency services provided by the City, and further the Homeowners' Association shall agree to provide any required repairs to such private areas. It being expressly understood that the Homeowners' Association shall be responsible for plowing and maintenance of all private road and driveways.
5. The sketch plan approval granted herein is subject to the staging requirements set forth in Section 850-125(H); in particular, the Applicant shall prepare a staging plan that ensures all individual stages of the PUD will have an integrity of use in their own right so that, if for any reason, the entire Project is not completed, those portions of the Project already constructed will be an asset to the community by themselves.

BE IT FURTHER RESOLVED, that the Project area shall be designated as a Planned Unit Development (PUD) Zone on the City of Canandaigua Zoning Map; and

BE IT FURTHER RESOLVED, that this approval is subject to the above-stated conditions and that failure to adhere to any condition shall be cause to void and revoke the designation as a PUD, and the area shall automatically revert to its prior zone classification. The City Manager shall provide written notice of any condition that is not being met and provide 30 days to cure such condition. Any work that is being performed must cease and desist and new work may not be initiated during the period of time during which the condition is to be cured.

ADOPTED this 4th day of May, 2017.

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer