



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Acting Director, Jennifer M. Taylor

STAFF REPORT

TO: Planning Commission Members
FROM: Planning, Housing & Community Development
DATE: April 29, 2014
SUBJECT: 104 Bevier Street; Series A Site Plan Review / Special Use Permit
TAX ID #: 145.45-2-4
CASE: 2014-16
COPIES: B. Seachrist, T. Costello, W. Berg (District 7), File

A. REVIEW REQUESTED

The applicant has submitted an application for Series A Site Plan / Special Use Permit review for the proposed conversion of the former Hawk Brothers industrial facility and showroom to a Membership Club/Lodge at the property known as 104 Bevier Street.

The applicant, the Fraternal Order of Eagles #2119, has proposed using the space for their meetings and social gatherings. The proposed use, Membership Club/Lodge is allowed in the I-3 District with Planning Commission approval.

The submitted application indicates that there will be an average of 25 members visiting the site daily, from the hours of 3:00pm-11:00pm. The site will also receive deliveries weekly, between the hours of 3:00pm and 5:00pm. §410.53(C) of the zoning code requires one (1) off-street parking space is required for every five (5) seats in the largest meeting room based on the design capacity as determined by State code. Therefore, the proposed project requires twenty (20) off-street parking spaces be provided. The submitted site plan indicates thirty-one (31) spaces on site.

B. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character

- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 and the additional requirements described in Section 410-41(A)(84) must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 410-41, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 410-24 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

The additional requirements for Section 410-41(A)(84) are as follows: A transfer station/redemption center, recyclable materials, in the I-2 and I-3 Districts is permitted when:

- a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
- b) Approval or denial of a special use permit application shall be a determination of City Council after a public hearing has been held by the Planning Commission and a Series A site plan review report has been received from the Planning Commission.

C. SITE REVIEW

The property known as 104 Bevier Street is located at the southwest corner of the intersection of Bevier Street and Moeller Street. The parcel measures .54 acres and is the site of an existing one-story 5,309ft² building. The parcel is fenced, with a point of ingress/egress at the north side of the lot, adjacent to the existing building.

Land use in the vicinity of the subject property is a mix of heavy and light industrial. Nearby residential use is very limited, with the exception of a single-family house immediately adjacent to the subject site at 102 Bevier Street. NYSEG facilities and the City DPW Garage are located in the immediate vicinity as well.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

101 Bevier Street: The Zoning Board of Appeals granted a Use Variance to legally establish a 113 year old single-family dwelling located in the I-3 District in 2013.

178 Moeller Street: The Zoning Board of Appeals granted use and area variances to Bartlett Holt in 1990 to use the premises as a storage yard.

184 Moeller Street: The Planning Commission granted a Special Use Permit to Lawrence Blatcher in 1987 to operate a machine shop and assembly area.

158 Broad Avenue: 06/10/88 – Zoning Board of Appeals approved a use variance to allow the conversion of the first floor for a business.

162 Broad Avenue: 10/29/84 – Zoning Board of Appeals granted two area variances (minimum lot size and rear yard setback) to allow an automobile repair and used car sales business.

162 Broad Avenue: 08/13/02 – Zoning Board of Appeals approves expansion of a non-conforming use to increase the roof height of an auto repair shop.

E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Type II** Action. No further environmental review is required.

F. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for Special Use Permit / Series A Site Plan Review have been met.
2. The Planning Commission must determine if the requirements of Section 410-47 for Standards for Approval of Site Plans have been met.
3. The Planning Commission must issue a Series A Site Plan Review Report to City Council, per the additional requirements of 410-41(A)(84), prior to City Council's determination on whether to grant or deny a Special Use Permit for the proposed project.

If the Planning Commission should choose to approve this application, Planning Staff suggests that the approval be granted with the following conditions:

- **Prior to the issuance of a building permit, a revised site plan showing the size, location and species of plantings shall be submitted to Planning Staff for review and approval. All plant materials shown on the approved site plan shall be planted before the certificate of occupancy will be issued or a surety bond equal to the estimated cost of the required landscaping, based on a licensed contractor's bid, may be provided,**

K. ENCLOSURES

Enclosed are copies of the site and floor plans and site photographs.

Prepared by:

Tito L. Martinez,
Planner

Enclosures