



# Department of Planning, Housing, & Community Development

Mayor, Richard C. David  
Director, Dr. Juliet Berling

## ***STAFF REPORT***

TO: Planning Commission Members  
FROM: Planning Housing and Community Development  
DATE: March 5, 2015  
SUBJECT: 234 Robinson Street; Series A Site Plan Review and Special Use Permit  
TAX ID #: 140.78-2-22  
CASE: 2015-02

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### REVIEW REQUESTED

This application would establish a cultural facility and banquet facility within an existing non-residential 7,089ft<sup>2</sup> structure at 234 Robinson Street. The structure located at 234 Robinson Street is a zero lot line structure occupying 100% of the lot. The applicant is proposing no exterior modifications to the structure. The property is located in the C-4, Neighborhood Commercial District.

In addition to Series A Site Plan and Special Use Permit review by the Planning Commission, this project also requires an area variance from the Zoning Board of Appeals. A public hearing before the Zoning Board of Appeals was opened on March 2, 2015 and, due to a lack of a quorum, will be carried over to the April 6, 2015 meeting.

### STAFF COMMENTS

Staff is aware of the special condition, §410-34(K)(2), requiring a 5ft wide landscape buffer around property lines for approval of a banquet/catering facility in the C-4, Neighborhood Commercial District. However, staff has made the determination that this special condition does not pertain to this property given this is a pre-existing condition and is impossible for the applicant to mitigate. This condition also does not facilitate the adaptive reuse of a structure such as the one in question. An area variance for this special condition was not requested from the Zoning Board of Appeals.

### STAFF FINDINGS AND RECOMMENDATIONS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

If the Commission finds that the site plan meets the requirements of 410-40 and 410-47, staff recommends the following conditions of approval:

1. Prior to occupancy the applicant meet with City of Binghamton Engineering to address stormwater

management compliance.

## 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 Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. 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 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 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts 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 503 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 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

#### SITE REVIEW

234 Robinson Street is located at the southwest corner of the Robinson Street and Mason Avenue intersection. The property is occupied by the former Cameo Theater. The structure is 7,089ft<sup>2</sup> with two-stories. The structure is a zero lot line structure occupying 100% of the lot. The applicant is proposing no exterior changes. The property is located in the C-4 Neighborhood Commercial District.

Land use in the vicinity of 234 Robinson Street is predominately commercial with a mix of single-family, two-family and multi-family residential. Commercial uses in the area include Iroquois Coins, Pudgies, J.R.'s Auto Service, and several vacant commercial storefronts.

#### PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

206 Robinson Street – On August 29, 2014 a Determination of No Historical Significance from the Commission on Architecture and Urban Design (CAUD) was issued to allow the demolition of a residential building located on the site. A Series A Site Plan applicant for a new parking lot was approved by the Planning Commission

278 Robinson Street – On March 19, 2008 the Planning Commission approved a Special Use Permit, Series A Site Plan Review, to build a 1260 square foot addition to the existing Lourdes Primary Care and Walk-In in a C-4, Neighborhood Commercial District

#### COMPREHENSIVE PLAN CONSISTENCY

The redevelopment of the former Cameo Theater into a cultural/banquet facility is consistent with the City's 2014 Comprehensive Plan. Specifically, the economic development chapter of the Plan calls for improvements to local commercial hubs that will help to keep more economic activity in Binghamton and provide more services in close proximity to local families.

#### ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Type II** Action. The Planning Commission should be the lead agency to determine any environmental significance related to the site improvements.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II**
  - c. Unlisted
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

**SEQR EAF Part 2 - Impact Assessment.** The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
Will the proposed action result in a change in the use or intensity of use of land?		
Will the proposed action impair the character or quality of the existing community?		
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?		
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?		
Will the proposed action create a hazard to environmental resources or human health?		

**EAF Part 3 - Determination of significance.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed action will not result in any significant adverse environmental impacts.

### ENCLOSURES

Enclosed are copies of the site plan, site photographs, the application, short environmental assessment form, and public comments and letters received in regards to the project.