

ADVISORY REPORT

TO: Town Board

FROM: Planning Board

DATE: November 9, 2022

RE: Petition submitted by Venezia Group LLC to rezone property at 2435 Brickyard Road from Industrial to Mixed Use Overlay

At its meeting on September 12, 2022, the Canandaigua Town Board adopted Resolution #2022-240 and referred the subject rezoning request to the Canandaigua Planning Board for its review and the preparation of an advisory report back to the Town Board with its findings and recommendations.

The applicant's initial submission of Aug 12, 2022 included the petition, a cover letter and a site plan showing how the rezoned property could be developed. The intent is develop a portion (15 acres or so) of the total property with single family residential lots. The initial correspondence from the applicant lacked detail for the justification for the change of zoning and how what was proposed tied into other lands the applicant owned or had interest in.

During its October 11 meeting, the Planning Board expressed to the applicant its lack of information in order to conduct a review of the petition and requested a more detailed justification for the request to apply the MUO overlay as well as provide a conceptual plan as to how the residential use proposed would be connected to adjacent lands that could be rezoned and developed in the future.

Prior to the Planning Board's meeting of November 9th, the Town Development office received from the applicant a conceptual plan of how the lands north of the gas line easement could be connected and developed should the requested rezoning be approved. The transmittal letter that came with the plan was a duplicate of what was submitted initially by the applicant and provided no further justification for why the applicant felt the the rezoning was appropriate.

Given this limited information, the Planning Board continued its review of the rezoning request in order to provide the Town Board a report within the 60 day time limit. At the meeting the applicant testified orally why he was requesting the rezoning which is detailed in the meeting minutes. Questions were asked by Board members and staff of the applicant's testimony.

Prior to the meeting, the issue of the petition applying to only a portion of a recorded lot was brought up. At the meeting it was concluded that if this is a problem in going ahead with the rezoning the Town Board and its attorney would have to address the issue and the Planning Board should proceed with its evaluation of the rezoning of industrial to MUO (residential).

The Planning Board's deliberations then proceeded. The approach the Board used was to look at the changing of the use from Industrial to residential as is permitted in the MUO. Town Planning documents including the Zoning Code and Map, the recently updated Comp Plan, the Uptowne Study, the Form Based Code and the Natural Resource Inventory maps were referenced. The placement of higher density residential units in this transition area between the Form Based zoning uses to the east and the non residential properties to the west could be appropriate. In fact a petition two years ago for higher density development was endorsed by the Planning Board but the same applicant withdrew it.

Due to the applicant's lack of a written justification for the zoning the change, the Board spent considerable time analyzing whether a change was warranted. Positives such as increased connectivity, an expanded economic and fiscal base, the transition between the Form Base

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Code uses to the east and the non residential uses to the west, no NRI impacts, walkability to Uptowne, applying Complete Streets to new street designs, placement of sidewalk and lighting on Airport Road, use of the gas easement for walking and biking, public transit access and reserved open space were brought up and discussed.

The biggest concern of the rezoning would be the loss of land for industrial use which continues to shrink. The applicant expounded at the meeting on why the property could no longer be developed in the immediate future as an industrial use which he should have included in his petition and the Planning Board is not about to defend in this report. Along with the loss of land zoned for industrial use, the Board discussed some other issues that would be a negative to making the land residential. The proximity to the airport has always been an issue in considering homes in this area, the neighboring school district facility generates noise and lighting that may not be compatible to a residential community, other industrial uses in the area generate noise and traffic in the area and commercial vehicles and buses make up a higher than normal percentage of traffic on Airport Road

In conclusion, the Board feels the applicant has not provided enough justifiable reasoning to consider the change and as a result, required staff and the Board to do their own analysis to determine the appropriateness of the petition. The loss of shrinking Industrial zoning could possibly be offset by an affordable to moderate housing proposal with a support street and accessibility system that would transition the mixed uses of the Uptowne area and the nonresidential uses to the west.

