

Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

Established 1789

ZONING LAW DETERMINATION

Property Owner: Widewaters Roseland Center Co.

Property Address: 3225 State Route 364

Tax Map #: 98.00-1-46.100

Zoning District: CC- Community Commercial

DETERMINATION REFERENCE:

Application for One Stage Site Plan Approval, dated 7/18/2022, received 7/28/2022.

Area Variance application, dated 7/18/2022, received 7/28/2022.

Plans titled, "Popeyes Louisiana Kitchen" by Brett L. Steenburgh, P.E., LLC, no date, received 7/28/2022, with photometrics, 8/24/2022.

Prototype elevations, dated 12/2021, received 07/28/2022.

Exterior Program, Building Signage & Ground Products, prepared by Capital Signs & Awnings/Elemoose Imagination Fabrication, received 07/28/2022.

PROJECT DESCRIPTION:

Applicant proposes to demolish the existing bank structure and construct a "Popeyes" fast food restaurant with double drive-thru.

DETERMINATION:

The original plan for the Roseland Plaza (approved in 1987) included the outbuilding which has been used for a bank and investment firm.

Fast food restaurants are only permitted per a Special Use Permit (SUP) granted by the Planning Board; *applicant needs to submit all materials for a SUP including the application.* With the SUP, the applicant should demonstrate there will safe and efficient vehicular and pedestrian access as this is part of a larger shopping center. Five Below recently opened adjacent to the State Route 364 entrance and the vacant space next to JoAnn Fabrics, closer to the proposed Popeyes, could also be leased to a large retailer very soon.

Site plans are not dated; ensure they are dated properly with revision dates.

A comprehensive sign package was submitted and has been evaluated by Staff. *An area variance application will need to be submitted.*

The C-C district requires a 100-foot building setback from State Route 5/20. The front setback proposed by the applicant is 79.6 feet. *A 20.4' front setback area variance is required by the Zoning Board of Appeals.*

REFERRAL TO PLANNING BOARD FOR:

Site plan review is required for all new commercial development and a Special Use Permit is required for all fast-food restaurants in the C-C zoning district.

REFERRAL TO ZONING BOARD OF APPEALS FOR:

A 20.4' front setback area variance is required by the Zoning Board of Appeals.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD:

The proposed building is within 500 feet of a State highway.

CODE SECTIONS: Chapter §1-17; §220-23; §220-35 & Article VII Site Plan Regulations

DATE: 8/25/22

BY: Shawna Bonshak
Shawna Bonshak – Zoning Officer/Town Planner

CPN 22-059

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

cc: Binder, Property Owner, Town Clerk

CANANDAIGUA TOWN CLERK

AUG 25 2022

RECEIVED

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