

Application of Gyory Partners

Property: 219 West Third Street (Sheet 169.21, Block 3014, Lots 22 and 23 and CB Zone)

**RESOLUTION
CITY OF MOUNT VERNON PLANNING BOARD
(Adopted November 3, 2021)**

**Application of Gyory Partners
Property: 219 West Third Street (Sheet 169.21, Block 3014, Lots 22 and 23 and
CB Zone)**

Resolution of Site Plan and Special Permit Approval

Background

After due deliberation, on motion by Commissioner Gleason-Boncardo, seconded by Commissioner Thompson-Njenga and carried, the following resolution was adopted:

1. The Applicant requested site plan and special permit for the construction of a five-story self-storage building on a 21,074 -sf property located at 219 West Third Street, on the north side of West Third Street between South 14th and South 13th Avenues in the commercial business district. The Project (aka The Attic) proposes to include 5,000 square feet of retail space on the ground floor, and 53,760 square feet of self-storage warehouse space on the 2nd through 5th floors. Sixteen at-grade parking spaces are proposed, accessed from a new curb cut onto S. 13th Avenue. An additional one-way travel lane is proposed behind the building from S. 14th Avenue to S. 13th Avenue that will provide access to a potential drive-thru window for the retail space. The development requires a special permit from the Planning Board to allow self-storage facility in the CB zone pursuant to §267-28 M. The Project occupies two separate lots which will need to be merged if the application is approved.

2. The Applicant petitioned the Mount Vernon City Council requesting a text amendment to allow self-storage facilities in the Commercial Business zones in connection with a proposal to construct a five-story self-storage facility at 219 West Third Street. Upon review of the Zoning Petition by the City's Planning Staff and Planning and Legal Consultants, it was recommended to regulate the self-storage facilities as a permitted use in the I- Industrial and LI-7.5 – Landscape Industrial zones and as a special permit in the CB zone with specified standards to ensure it is consistent with the design and intent of the CB district and the character of the surrounding neighborhood. The City Council referred the request to the Planning Board for a recommendation. On April 23, 2021, the Planning Board issued a recommendation for the approval of a proposed Zoning Text Amendment to allow self-storage in the CB zone with specific standards to activate ground-level streetscape with quality retail uses and design standards for architecture and height to ensure compatibility with surrounding structures, including residences. The Mount Vernon City Council held a public hearing on the proposed text amendment to allow for self-storage facilities by special permit in the CB zone with specific standards for such development. The City Council approved the text amendment by resolution dated June 23, 2021.

Application of Gyory Partners

Property: 219 West Third Street (Sheet 169.21, Block 3014, Lots 22 and 23 and CB Zone)

3. The Planning Board on September 8, 2021, determined this to be an unlisted action under SEQRA. The Planning Board requested the staff to circulate a Notice of Intent (NOI) for lead agency status. The NOI was distributed on September 9, 2021, to involved agencies including the Westchester County Planning Department under GML. Planning Board assumed lead agency status at its October 6, 2021 meeting. The Planning Board has reviewed the Full EAF (7/6/21), reviewed the City Council's Resolution and Negative Declaration related to the enactment of the text amendment for the special permit for self-storage in the CB zone, reviewed comments of the Westchester County's GML (11/3/21) and conducted their own review of the Project including Part 2 of the EAF and determined that the Applicant's revised plans complied with the standards of the special permit. Based on the Planning Board's review, the Planning Board determined that the proposed action is not expected to result in any significant adverse environmental impacts, and issued a Negative Declaration on November 3, 2021.

4. The Planning Board has conducted a duly noticed public hearing on September 8, 2021, and continued the public hearing on October 6, 2021, at which time all those wishing to be heard were given the opportunity to be heard.

5. The Planning Board has carefully examined the Application and the Applicant Attorney's Cover Letter dated 3/29/21, and reviewed the Applicant's architectural and engineering drawings including site plan, visual simulations with renderings and street pictures, special permit compliance, landscape plans, lighting details, floor plans, stormwater management, elevations, *Traffic Study* by Kimley-Horn dated 1/21, *SVN Self-Storage Analysis Supply Demand (Market Study)* dated 3/8/21, reviewed the Westchester County Planning Department GML letters dated 4/30/21 and 11/2/21, City Council resolution approving text amendment (6/23/21), memorandum from Cleary Associates dated 2/13/21 and 4/2/21, and comments and recommendations from the City Planning Administrator in memoranda dated 10/2/21 and 11/1/21, which they have considered.

6. The Planning Board closed their public hearing on October 6, 2021. After closing the public hearing, the Planning Board deliberated in public at the Board's meeting on November 3, 2021, on the Applicant's request for approval.

Determination

The Planning Board determines that based upon the findings and reasoning set forth below, the Application for site plan approval and special permit for a five-story self-storage facility including 5,000 square feet of retail space on the ground floor, and 53,760 square feet of self-storage warehouse space on the 2nd through 5th floors in the CB zone is granted subject to the conditions set forth below.

I. Findings

The Planning Board considered the standards set forth in the City of Mount Vernon Zoning Code ("Zoning Code") §267-34, Article VII and finds that subject to the conditions set

Application of Gyory Partners

Property: 219 West Third Street (Sheet 169.21, Block 3014, Lots 22 and 23 and CB Zone)

forth below, the proposed site plan is consistent with the site plan design and development principles and standards set forth therein.

In addition, the Planning Board has considered the special permit standards set forth in the City of Mount Vernon Zoning Code §267-28 M (Self-Storage Facilities in the CB Zoning District) and finds that the proposed plan complies with the specific conditions of the special permit.

The Planning Board has reviewed the Applicant's site plan and application. The subject property is 21,074-sf property located at 219 West Third Street, on the north side of West Third Street between South 14th and South 13th Avenues in the commercial business zone. The property is occupied by an existing warehouse which is proposed to be demolished.

These standards intend to activate the ground level streetscape with quality retail uses. Specific design and other features include among others the following: 1) maximum height of 4 stories which may be increased to 5 stories if 75 percent of the ground floor frontage is occupied by permissible retail uses; 2) permissible retail uses include: banks, retail bakeries, restaurants, or stores and shops for sales at retail or customary personal services. These do not include discount stores such as Dollar stores; 3) sufficient landscaping, attention to massing, neutral or earth-tone building colors, window treatments along public street; 4) any ground level retail must have a floor to ceiling height of 11'

The final set of plans were revised and evaluated in response to Planning Board comments and conform to the special permit standards. Revisions included detailed landscape plan, lighting plan with decorative street lights and bollard post lighting around the parking lot and parking lot layout showing accessibility and widths of car/van spaces, retail drive-thru, signage and stormwater management system. The site has no existing stormwater management system. Applicant has included an underground infiltration system using 20 330 XLHD rechargeable cultec chambers, roof leaders directed via piping to the infiltration system, trench drains at the curb cuts and several catch basins on site. The cultec chambers are located a minimum of 10' from the structure and 5' from the property lines. The building lobby has two elevators serving the five-story building.

To address concerns on massing, the Architect eliminated the red band at the top of the building and replaced with a sandstone color consistent with the rest of the building. The purpose of this was to tone down the color at the top of the building, make it consistent with the rest of the building, and not draw attention to the massing of the building. Plan also shows the locations of 13 security cameras located on all sides of the property as well as the parking lot and interior of the site.

The lot size is 21,074 square feet. The height of the facility is five stories at 55'. The lot width is 210' with 8' front yard setback and 5" side yard setbacks which face S.14th and S. 13th Avenues.

Application of Gyory Partners

Property: 219 West Third Street (Sheet 169.21, Block 3014, Lots 22 and 23 and CB Zone)

The Project provides 16 on-site parking spaces which conform to the parking requirements and two loading spaces are also provided. The area of usable open space is 7,110 sq on the site. This represents 34 percent of the site. The Applicant is installing new sidewalks around the property. Applicant is planting four October Glory Maples and four Blue Spruce as well as sweetgum. Additional trees include flowering dogwoods and hemlocks as well as a variety of perennial shrubs. Applicant has provided ivy hanging down on the front, left and right-side elevations to break up the building mass. The Applicant has added solar collectors on the roof as well as a green roof to provide additional treatment of run-off on-site.

Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plan submitted to the Planning Board and approved by the Planning Board as follows:

Architectural and Engineering plans prepared by Tom F. Abillama, Architecture and Planning, *Proposed Self-Storage Facility, 219 W. 3rd St. & 160 S. 13th Ave., Mt. Vernon, NY 10710* dated 1/15/21 and last revised 10/7/21 unless otherwise noted entitled:

- T.001 *"Title Sheet"*
- SP.001 *"Map"*
- SP.002 *"Site Plan/Zoning"*
- SP.003 *"Survey"*
- SP.004 *"Site Landscape Plan"*
- SP.005 *"Lighting Details"*
- A.00A *"Street Views"*
- A.00B *"Street Views w/Proposed Building"*
- A.001 *"1st Floor Plan"*
- A.002 *"2nd Floor Plan"*
- A-.003 *"3rd Floor Plan"*
- A-.004 *"4th Floor Plan"*
- A-.005 *"5th Floor Plan"*
- A-.006 *"Roof Plan"*
- A-007 *"Front & Side Elevations"*
- A-008 *"Rear Elevation"*
- A-009 *"Longitudinal Sections"*

the "Approved Plans").

III. General Conditions

- (a) Requirement to Obtain Approvals: The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.

Application of Gyory Partners

Property: 219 West Third Street (Sheet 169.21, Block 3014, Lots 22 and 23 and CB Zone)

- (b) Changes to Approved Plans: If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution except as considered by condition d, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Planning Department, they shall also be considered "Approved Plans."

- (c) Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) this Final Site Plan resolution is signed by the Chair of the Planning Board and (3) the Final Site Plan resolution signed by the Planning Board Chair has been filed with the City Clerk.

- (d) Field Changes: In the event, the Building Commissioner agrees that, as a result of conditions in the field, field changes are necessary to complete the work authorized by the Approved Plans and deems such changes to be minor, the Building Commissioner may, allow such changes, subject to any applicable amendment to the approved building permit(s). If not deemed minor, any deviation from or change in the Approved Plans shall require application to the Planning Board for amendment of this approval. In all cases, amended plans shall be submitted to reflect approved field changes.

- (e) Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Commissioner to ensure that all permits and approvals have been obtained and to establish an inspection schedule. **Failure to comply with this provision shall result in the immediate revocation of all permits issued by the City along with the requirement to reapply (including the payment of application fees) for all such permits, the removal of all work performed and restoration to its original condition of any portion of the site disturbed and such other and additional civil and criminal penalties as the courts may impose.**

- (f) Landscaping: All landscaping on the approved planting plan shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season

IV. Specific Conditions

- 1. ARB Review: No construction may take place and a building permit may not be issued until Applicant has obtained approval from the Board

Application of Gyory Partners

Property: 219 West Third Street (Sheet 169.21, Block 3014, Lots 22 and 23 and CB Zone)

of Architectural Review in accordance with applicable provisions of the City of Mount Vernon Code.

2. Commercial/Retail Space - Under the terms of the special permit as regards retail space, "*permissible retail uses on the ground floor only include banks, retail bakers, restaurants, or stores and shops for sales at retail or the performance of customary personal services.*" Discount retail establishment of the same character as "Dollar Tree," "Dollar General" or "Family Dollar" are not permitted uses as potential retail uses.
3. Pursuant to §226-15 of the City Code, a *Stormwater Inspection and Management Agreement* for the stormwater management facilities related to the construction of the self-storage facility with associated parking at 219 West Third Street, shall be fully executed, and recorded in the office of the City Clerk as a deed restriction on the property prior to the signing of the final approved plans.
4. Prior to the issuance of a building permit, the Project which occupies two separate lots will need to be merged with written proof provided to the Building Department.
5. Prior to the issuance of a building permit, the City Engineer shall review the stormwater management and drainage plans as shown on Drawing SP.002 and approve the plans.
6. Applicant has added a bicycle rack for employees and customers.
7. Applicant has added solar collectors on the roof as well as a green roof for above ground stormwater management solution for additional treatment of run-off on-site.

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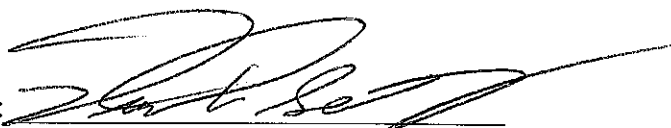
Application of Gyory Partners

Property: 219 West Third Street (Sheet 169.21, Block 3014, Lots 22 and 23 and CB Zone)

Vote Record				
Resolution Re: 219 West Third Street				
Date: <u>11/3/2021</u>				
Ayes: <u>6</u>				
Nays: <u>0</u>				
	Yes/Aye	No/Nay	Abstain	Absent
Chair Darryl Selsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cathlin Gleason	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jamel Thompson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helene Thompson-Njenga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Trolio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Charles Whites	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesley Zamor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date Approved: 11/3/2021

Date Signed: 12/10/2021

By: 
 Darryl Selsey, Chair