

Appendix C:

5. Weibel Plaza Commercial Planned Unit Development (formerly 241.5)

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT DISTRICT TO BE KNOWN AS "WEIBEL PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT"

BE IT ORDAINED by the City Council of the City of Saratoga Springs, following a public hearing, as follows:

Section I. NAME

This ordinance shall be known as "WEIBEL PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT" and creates a Chapter 241.5 of the Zoning Ordinance of the City of Saratoga Springs, New York.

Section II. AMENDMENT

The Zoning Ordinance of the City of Saratoga Springs and the Zoning Map of the City of Saratoga Springs as set forth therein be and the same are hereby amended by changing the existing zoning district of Rural Residential-2, RR-2, and creating within the boundaries of said newly described area attached hereto as Appendix "A" and made a part hereof, to a Commercial Planned Unit Development District and creating within the boundaries of said described area a commercial planned unit development to be known and described for purposes of this legislation as "Weibel Plaza Commercial Planned Unit Development."

Section III. BOUNDARY

The acreage involved in the Weibel Plaza Commercial Planned Unit Development is 39.12+ acres and it is bounded and described in Appendix "A" attached hereto. The area is located on the City of Saratoga Springs northerly boundary with the Town of Wilton, and is situated on the southwest corner of the intersection of Weibel Avenue and Loudon Road in the City of Saratoga Springs, Saratoga County, New York. The three parcels involved in the site are listed on the City of Saratoga Springs Outside Tax District Map as Section 153, Block 1, Lot 4, Section 153, Block 1, Lot 5, and Section 153, Block 1, Lot 18.

Section IV. SKETCH PLAN

The "Sketch Plan" for the development is attached hereto, marked Appendix "B", and made a part hereof. Appendix "B" shall be used by the City and the developer as a general guideline for the overall development of the site. This plan may be changed, altered or amended pursuant to Section 240-3.13(f) of the Zoning Ordinance of the City of Saratoga Springs. A sepia mylar of the final approved sketch plan shall be filed with the City Planning Board and the City Clerk. A copy shall be filed with the City Building Inspector.

Section V. PURPOSE

It is the purpose of this ordinance to provide for the means of development of a mixed use commercial center in an area containing substantial established commercial development. To allow this commercial center to develop, flexibility in design concepts and criterion, building size, and location must be allowed to permit marketing and utilization of this project in an economically reasonable fashion while employing good design techniques which promote a project of an acceptable visual quality while incorporating concerns for the on-site and off-site environment.

Section VI. USES AND CHARACTERISTICS

There shall be constructed within the boundaries of the Weibel Avenue Plaza Commercial Planned Unit District structures and improvements for commercial utilization, all permitted principal uses, accessory uses and uses permitted upon issuance of a special use permit as set forth in the Commercial-2 District as of the date of the enactment of this legislation, provided in Appendix "C".

The project would be constructed as tenants are identified for use of individual buildings or a portion of a building. The project site shall have two geographic zones, A and B, as shown on the sketch plan. Each zone may be developed in more than one phase.

Zone A shall be developed with a maximum of nine buildings in the eastern portion of the site. It shall contain a maximum of 300,000 square feet of commercial space.

Zone B shall be developed with a maximum of three buildings in the western part of the site. It shall contain a maximum of 200,000 square feet of office space and hotel commercial space.

The applicant shall have the right to increase the density of use in either of the two zones by 15% provided the overall density of the planned unit development is not increased thereby.

Parking which shall be provided within the site shall meet the requirements as to the number of available parking spaces, as specified in Article 240 of the Zoning Ordinance of the City of Saratoga Springs, New York, as that Ordinance exists at the time of the enactment of this legislation, provided in Appendix "C", for those uses established or to be established within this commercial planned unit development.

Parking spaces located off site but within the Planned Unit Development may be utilized to satisfy the parking demand requirements for uses on another lot within the PUD. _

The area and bulk standards for this planned unit development shall be as follows: minimum lot size - 15,000 square feet; mean width -100 feet; maximum percent of lot to be occupied by a principal building - 30 percent; maximum percent of lot to be occupied by accessory building - 15 percent; minimum yard dimension for principal building - 30 feet for front yard along Loudon Road, 40 for all other front yards, 40 feet for all side and rear yards along the exterior boundary of the PUD, 0 feet for all side and rear yards along the internal lot lines within the PUD; minimum yard dimension for parking, accessory structures and other features - 5 feet on front yards, 0 feet on side and rear yards along the internal lot lines within the PUD; maximum height of principal buildings - 60 feet; accessory building minimum distance to principal building - 10 feet; and, minimum percent of lot to be permeable - 15 percent. In addition to the above, there shall be a special 35 foot landscaped buffer along the western boundary with the "Adirondack Northway", 1-87, property. There shall not be a requirement for a 30 foot densely planted buffer along the boundary of any lands owned by the City of Saratoga Springs, the State

Department of Transportation or the Niagara Mohawk Power Company; even though such lands are in a residential zoning district.

There may be more than one principal building located on a parcel within the project site, and the placement of such buildings shall be negotiated and determined during the site plan approval process.

All signs shall comply with the regulations for commercial signs of that Ordinance that exists at the time of the enactment of this legislation, provided in Appendix "C". All other development standards, not expressly stated within this legislation, shall be those in existence at the time construction approval is sought.

Section VII: INFRASTRUCTURE

The completed project as developed shall be serviced by municipal water and sewer lines. Zone A of the project, as described above, shall be serviced by municipal water and an on-site sewage infiltration system. Upon the occupancy by a leasehold tenant in any component building in Zone B, the entire development shall be converted so as to be serviced solely by municipal water and sewer lines. These lines shall be installed at the cost and expense of the developer and shall be placed in rights-of-way or run through easements owned or controlled by the City of Saratoga Springs, up to the point where they enter upon the real property described in Appendix "A" attached hereto, except certain water lines within the planned unit development may have easements granted to the City. Any improvements placed in the City of Saratoga Springs right-of-way or easement shall be dedicated to and accepted by the City of Saratoga Springs or the appropriate agency. The City of Saratoga Springs shall accept the easements within the project site which contain the utility lines to be dedicated to the City of Saratoga Springs.

The developer shall construct a storm water infiltration system within the site, which shall be constructed and designed utilizing the appropriate state or local design standards that exist at the time of PUD site plan review. The cost for the construction and maintenance of the storm water infiltration system shall be the developer's. All infrastructure improvements to be dedicated to the City of Saratoga Springs shall be constructed to the then existing City of Saratoga Springs standards and codes.

Section VIII. OFF-SITE IMPROVEMENTS

The developer shall be responsible for the following off-site improvements.

- A. Louden Road shall be extended so that it intersects with the westerly bounds of New York State Route 50. The construction criterion for the road shall meet all applicable state and local requirements. The roadway shall be wide enough for two travel lanes of 12 feet each in width for the western 600+ feet of the extension, and shall consist of the three travel lanes of 12 feet each in width for the eastern 560+ feet leading east from the existing McDonald's Restaurant entrance/exit up to Louden Road's intersection with the westerly boundary of Weibel Avenue. The roadway shall be completed within 18 months of the issuance of the initial building permit for the first structure, and shall be dedicated to the appropriate municipal government. The road shall be built to the specifications of the appropriate municipal government, with New York State Department of Transportation approval. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- B. Appropriate striping and pavement markings shall be added to the intersection of Weibel

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Avenue and Loudon Road and the traffic light situated at that intersection shall be relocated or re-timed to control the additional flow of traffic as directed by the appropriate highway authorities. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.

- C. Weibel Avenue, from the intersection of Loudon Road going south to the main entrance of the site, shall be widened so that a right-hand turn lane may be added to the southbound lane of traffic on Weibel Avenue, which would permit the free flow of traffic in a northerly and southerly direction on said roadway. An appropriately designed public transit stop or turnout shall also be constructed. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- D. An additional southbound lane shall be installed north of the intersection of Weibel Avenue and Loudon Road. This will permit an exclusive southbound left turn lane onto Loudon Road and a shared through/right turn lane. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- E. At the intersection of Lake Avenue (Route 29) and Weibel Avenue, a westbound right turn lane shall be constructed in addition to the single westbound lane now provided. With this addition, each leg of the intersection will have two-lane approaches. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- F. The existing lane markings on Weibel Avenue northbound at the intersection of Route 50 shall be changed to allow an exclusive left turn lane and a combined left/through/right turn lane. This change can be accomplished without additional physical construction. The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- G. The developer, or its successor, shall contribute an amount not to exceed \$35,000 for the design and installation of a traffic signal system at the intersection of Henning Road and Lake Avenue (Route 29). The design for these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- H. Municipal water services shall be supplied to the site via a 12 inch water line by utilizing an existing line, and where necessary, the construction of new sections of that line, that shall extend from the City's existing 12 inch water main on Excelsior Avenue, at a point ± 700 feet east of Veteran's Way, approximately at the point of the intersection of the 16 inch force main easement with Excelsior Avenue, through lands, easements, or lines owned or controlled by the City of Saratoga Springs extending in a generally easterly direction from Excelsior Avenue underneath and through the real property and right-of-way owned by the State of New York and known and designated as the "Adirondack Northway." The water supply system that runs through the City of Saratoga Springs controlled property shall be constructed in accordance with all requisite state and local standards, and shall be dedicated to the City of Saratoga Springs. The design of these improvements shall be approved as part of the site plan approval for the first phase in Zone A.
- I. Municipal water services shall be looped by the construction a new 12 inch line that shall extend from the planned unit development southerly along the western side of Weibel Avenue, and west of the travel lane, and westerly along Lake Avenue (Route 29) to a connection

point with an existing 8 inch City water main west of the "Adirondack Northway", 1-87. This water line shall be constructed in the public right-of-ways in accordance with all requisite state and local standards, and shall be dedicated to the City of Saratoga Springs. The design of these improvements shall be approved as part of the site plan approval for the first building in Zone B. A financial security for the construction of this looped water line shall be given to the City of Saratoga Springs prior to the occupancy by a leasehold tenant in any component building in Zone A. This security shall be adjusted annually for construction costs and shall be payable to the City of Saratoga Springs on December 31, 2002, or at the time of site plan approval for the first building in Zone B, whichever is sooner, and shall be used only for the actual construction of the looped line or any portion not built at that time.

- J. Upon completion of any component building in Zone B, as described in Section VII above, a sanitary sewer transmission system shall be incorporated within this design and shall bring all effluent to a pump station located on Weibel Avenue which has been designed to meet the Ten State Standards and New York State Department of Environmental Conservation standards. The station shall be a pre-cast submersible pump station with a separate wet well and valve pit. The pump station shall connect to a manhole located on Excelsior Avenue by means of a force main, which shall run through the City of Saratoga Springs easement extending in a westerly direction from the site beneath the Adirondack Northway, or along another route and termination point acceptable to the City, if the construction costs are equal or less. A connection to one or more points in the Town of Wilton shall be deemed acceptable to the City of Saratoga Springs.

The pump station, if required, shall be located on a parcel of land to owned by the City of Saratoga Springs which is no further than 500 feet from the project site. That pump station, if required and upon completion, shall be given to the City of Saratoga Springs or the appropriate agency.

The design of these improvements shall be approved as part of the site plan approval for the first building in Zone B.

- K. The developer, or its successor, shall agree to a traffic monitoring plan if any PUD site approval for any building within the project site is granted on or after July 1, 2004. In this event, new traffic counts must be taken and traffic studies completed to verify the level of traffic service then existing on all segments and intersections identified in the Sketch Plan's traffic impact study report. After reviewing such new traffic study, the City of Saratoga Springs has the right to restrict further development of the Planned Unit Development until the necessary off-site highway improvements are made. In the event that the traffic monitoring plan indicates that "Weibel Plaza PUD" has caused or contributed to a level of traffic service which necessitates off-site highway improvements, the City of Saratoga Springs will require the developer to contribute to the cost of any such off-site highway improvements deemed necessary in proportion to the degree for which "Weibel Plaza PUD" has caused or contributed thereto.

Section IX. CONSTRUCTION STANDARDS

All construction standards for buildings and public improvements
and for utilities shall be prepared and approved by licensed

architects, landscape architects, or engineers. All costs associated with this shall be borne by the developer, whether the plans are provided by the City of Saratoga Springs or by the developer. Further, all completed construction shall be certified to the City of Saratoga Springs by licensed architects, landscape architects, or engineers as being completed in the manner called for in the plans and shall be certified in accordance therewith.

Section X. OWNERSHIP

In the event that ownership of any of the parcels presently making up the Weibel Plaza Commercial Planned Unit Development is conveyed or transferred to any third party which is not at the time of the passage of this ordinance an owner of a portion of the real property located within the site, or a merger corporation or partnership made up in its majority by parties which are present owners of real property within this site, then the City of Saratoga Springs reserves the right to require proof of financial responsibility of the transferee in accordance with the same procedure set forth in Section 240-3.14(A) of the Zoning Ordinance of the City of Saratoga Springs.

Section XI. EXPIRATIONS

Planned unit development zoning approval for this site shall expire if final PUD site plan approval for the first phase in Zone A is not granted by the Saratoga Springs Planning Board on or before July 1, 1994. Planned unit development zoning approval shall expire if final PUD site plan approval for the first building in Zone B is not granted on or before July 1, 2012. The zoning for this site shall revert to the zoning districts in existence for this site at the time of the enactment of this legislation.

Section XII. VALIDITY

If any provision of this ordinance shall be held invalid, the remainder of the ordinance shall not be affected thereby.

Section XIII. TIME EXTENSION

On good cause shown, the developer may apply for an extension of its approved site plan review, which request shall not unreasonably be denied. An application for such request shall be made to the Planning Board of the City of Saratoga Springs.

Section XIV. MODIFICATION OF SITE PLAN

The developer may, upon notice to the Planning Board of the City of Saratoga Springs, alter, modify, or change the number, placement and type of structures to be constructed within the site, so long as the alteration, modification and change does not result in an increase in density, based on gross square footage of occupied floor space, as set forth in Section VI.

Section XV. EFFECTIVE DATE

This ordinance shall take effect the day after publication is provided by the provisions of the City

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Charter of the City of Saratoga Springs, New York.

ADOPTED: March 16, 1992

AMENDMED: July 22, 1998

APPENDIX "A"
LANDS TO BE IN THE "WEIBEL PLAZA PUD"
(ON FILE IN THE OFFICE OF THE CITY CLERK AND
THE OFFICE OF THE CITY PLANNING BOARD)

APPENDIX "B"
SKETCH PLAN
(ON FILE IN THE OFFICE OF THE CITY CLERK AND
THE OFFICE OF THE CITY PLANNING BOARD)

APPENDIX "C"
ZONING ORDINANCE AN MAP IN EFFECT AT TIME OF
ENACTMENT OF THIS LEGISLATION
(ON FILE IN THE OFFICE OF THE CITY CLERK AND
THE OFFICE OF THE CITY PLANNING BOARD)

APPENDIX "A"
LANDS TO BE IN THE "WEIBEL PLAZA PUD"

All that tract, piece, or parcel of land situate, lying, and being in the City of Saratoga Springs, Saratoga County, NY, and being more particularly described as follows:

Beginning at an existing 4" x 4" granite monument (Point A) located southwest of the intersection of Weibel Avenue and Louden Road

<u>LINE</u>	<u>BEARING</u>	<u>DISTANCE</u>
AB	S10°21'50"E	762.54'
BC	S22°45'02"E	209.85'
CD	S12°02'06"E	93.58'
DE	S83°40'21"W	221.28'
EF	S53°40'21"W	48.40'
FG	S83°40'21"W	612.00'
GH	S11°40'39"E	295.20'
HI	S84°09'21"W	872.41'
IJ	N06°51'40"E	862.83'
JK	N59°07'27"E	625.76'
KL	N11°19'49"W	406.34'
LM	N87°36'00"E	818.53'
MA	S37°38'56"E	97.14'

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Note: This property description is subject to minor modifications as required to permit right-of-way adjustments along Loudon Road and Weibel Avenue.

District Regulations: Use Schedule for Commercial Districts City of Saratoga Springs (Part 3)	
District	Permitted Principal Uses upon Site Plan Review and Approval
Commercial 2 C-2	<p style="text-align: center;">Accessory Permitted Uses upon Site Plan Review and Approval</p> <ol style="list-style-type: none"> 1. Animal clinic 2. Apparel cleaning/dry cleaning 3. Automotive sales and services 4. Bakery shop 5. Barber/beauty shop 6. Bathhouse/health center/spa 7. Bowling alley 8. Building material storage and sales 9. Business office 10. Churches and religious institutions 11. Communication services 12. Convenience sales and service 13. Day-care center 14. Drug store 15. Equipment repair shop 16. Eating and drinking establishments 17. Financial institutions and banks
	<p style="text-align: center;">Uses Permissible upon Issuance of Special Use Permit and upon Site Plan Review and Approval</p> <ol style="list-style-type: none"> 1. Canopies for drive-in facilities 2. Maintenance facilities 3. Storage facilities 4. Private garage and parking structure 5. Solar/heating/ventilation equipment 1. Animal hospital/kennel 2. Car washes 3. Drive-in facilities 4. Gasoline service stations 5. Open-air markets 6. Outdoor display/storage 7. Satellite receiving antennas 8. Vehicle repair

**District Regulations: Use Schedule for Commercial Districts
City of Saratoga Springs (Part 4)**

Permitted Principal Uses upon Site Plan Review and Approval	Accessory Permitted Uses upon Site Plan Review and Approval	Uses Permissible upon Issuance of Special Use Permit and upon Site Plan Review and Approval
18. Florist		
19. Fraternal lodges/clubs		
20. Funeral home		
21. Furniture store		
22. Greenhouses		
23. General retail		
24. Group entertainment (night-clubs, theater)		
25. Hotel/motel		
26. Laundromat		
27. Medical offices/clinics		
28. Neighborhood center		
29. Nursery (plant)		
30. Outdoor recreation (golf, etc.)		
31. Printing, publishing or engraving		
32. Public utility facilities		
33. Professional offices		
34. Real estate offices		
35. Recreational facilities (indoor)		

**District Regulations: Use Schedule for Commercial Districts
City of Saratoga Springs (Part 5)**

**Permitted Principal Uses
upon Site Plan Review
and Approval**

**Accessory Permitted Uses
upon Site Plan Review
and Approval**

**Uses Permissible upon Issuance
of Special Use Permit and
upon Site Plan Review
and Approval**

District

- 36. Residential use on second floor or above
- 37. Rooming house/tourist home
- 38. Training and educational services, classroom instruction, etc.
- 39. Television and radio station and receiving/broadcasting
- 40. Vehicular fee parking
- 41. Park-and-ride lot

**Commercial 3
C-3**

- 1. Animal clinic
- 2. Apparel cleaning/dry cleaning
- 3. Bathhouse/health center/spa
- 4. Bed-and-breakfast establishments
- 5. Car rental agency
- 6. Convenience sales and services
- 7. Eating and drinking establishment
- 8. Financial institutions and banks

- 1. Canopies for drive-in facilities
- 2. Storage facilities
- 3. Solar/heating/ventilation equipment

- 1. Bus depot
- 2. Car washes
- 3. Drive-in facility
- 4. Gasoline service stations
- 5. Motor vehicle repair establishment
- 6. Outdoor display/storage
- 7. Outdoor entertainment (miniature golf, etc.)