

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
July 27, 2020**

APPROVED

The Town of Manlius Planning Board convened with the members live streaming from their homes and in accordance with the Executive Order of the Governor to assure compliance with the Open meetings Law. Chairperson Joseph Lupia presided, and the following Members were present: Fred Gilbert, Ann Kelly, Mike LeRoy, Arnie Poltenson, Frank Mento and Richard Rossetti. Also, present were Attorney Jamie Sutphen and Town Engineer Douglas Miller.

Other persons attending the virtual meeting: Drazen Gasic, Andrew Day, Don Hoefler, Chris Danaher, Scott Dumas, Scott Freeman, Madonna Millerschin, Jodi Hunt, Gary Mazurkowitz, Chris Bollinger, Stella and John Penizotto, John Langley, and Greg Sgromo

The Pledge of Allegiance was recited.

Minutes

Member Rossetti made a motion, seconded by Member Poltenson and carried unanimously to approve the minutes of July 13, 2020. Member Mento abstained.

Everland Holding, 8490 Salt Springs Road, Manlius, NY 13104
Public Hearing – 2-Lot Subdivision – 8490 Salt Springs Road, Manlius 13104
Tax Map # 100.-01-11.1

Chairman Lupia stated that the Planning Board left the Public Hearing open because and Agricultural Data statement needed to be filed. The Ag Data statement was filed.

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to close the Public Hearing.

Member Kelly made a motion, seconded by Member Poltenson and carried unanimously to approve the 2-Lot Subdivision – Lands of Everland Holding CO., INC. Part of Lots 69, 78, & 79 – Town of Manlius; Prepared by Seguin Land Surveying, P.L.L.C.; Dated 06-10-2020.

Andrew Day, Taft Solar LLC., 41 West Elm St., Suite C, Greenwich, CT 06830
Public Hearing – Site Plan – Solar Array
6966 Taft Road, East Syracuse, NY 13057
Tax Map # 034.-01-20.1

Present for the applicant were Drazen Gasic, LaBella Associates, Andrew Day and Don Hoefler.

Member Gilbert made a motion, seconded by Member Kelly and carried unanimously to close the Public Hearing.

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to approve the Site Plan for a Solar Array at 6966 Taft Road with the condition that they meet the driveway requirements per the Onondaga County Planning Board and the Department of Transportation.

Chris Bollinger – 7137 East Genesee Street, Fayetteville, NY 13066

Site Plan Amendment – Roofed Porch and Deck

7137 E. Genesee St. Fayetteville, NY 13066

Tax Map # 085.-07-11.0

Chairman Lupia stated that the Applicant had gone to the Zoning Board of Appeals and received a variance for the front yard setback.

Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to set a date for a Public Hearing on August 10, 2020 at approximately 6:35pm.

Falck Renewables, One Bridge Street, Suite 11, Irvington, NY 10533

Special Permit and Site Plan – Solar Array

5062 North Eagle Village Road, Manlius, NY 13104

Tax Map # 098.-01-15.0

Member LeRoy made a motion, seconded by Member Rossetti and carried unanimously to waive the reading of the Public Hearing notice.

Member Rossetti made a motion, seconded by Member Poltenson and carried unanimously to declare the Planning Board Lead Agency for SEQR.

Attorney Sutphen indicated for the record that the action is an Unlisted Action under SEQRA.

Attorney Sutphen reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed that the action would have no, or a small impact on the environment.

Question 3 of the 11 SEQR questions: Will the proposed action impair the character or quality of the existing community? Members Kelly, Gilbert, LeRoy and Poltenson said yes it would have a large impact on the character of the existing community; Member Rossetti and Chairman Lupia said no it would be a small impact on the existing community.

Based on concerns/comments from the Board Members, Chairman Lupia stated that the SEQR determination will be suspended until the Special Permit Criteria has been reviewed.

Attorney Sutphen went through the Special Permit Criteria with the Planning Board. Will the project have an adverse effect on adjacent lands, the immediate neighborhood or on the character of the community is the ultimate question.

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion? The Board said yes, the community is protected.
2. Is the community protected from unnecessary noise, lighting and odors? The Board said no. Member Gilbert said that the only item brought up by neighbors is the reflection/glare from the Solar Panels. Member Kelly thinks that the panels are too close to the road and should be moved back and there should be more trees (on North Eagle Village) and screening.
3. Does this plan protect the community from inappropriate design and other matters of significance? Member Kelly believes that yes there is an issue, not opposed to the project, but thinks that the Solar array is too close to North Eagle Village Road. Member LeRoy asked what is preventing the Applicant from moving the Solar array back further on the property?
4. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? The Board said it is consistent.
5. Can any adverse impact be mitigated with compliance with reasonable conditions? The Board does not have an answer to this question yet.
6. Does the project conform with the Towns Planning objections, for example, do we need any kind of conditions with respect to operations and are there modifications to the development proposal or design guidelines that can attach reasonable conditions to minimize impacts?

Jodi Hunt, TetraTech, shared the screening plan with the Board and spoke more about the existing screening and what additional screening they are willing to add.

Attorney Sutphen finished the Special Use Permit Criteria questions and resumed the SEQR questions.

Member Rossetti made a motion, seconded by Member Poltenson and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the short form EAF.

Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to open the Public Hearing at 7:14pm.

1. Lia Young – In no way did the third party who has a vested interest in the project going through do any type of analysis from the actual vantage point of the neighbors. Again, we do not live on the street; This visual is absolutely in no way what summer looks like on our street; How do we know there is no environmental impact? Where do we anticipate the path of the deer that frequent the property will go? Into town most likely?; During the initial presentation there was a statement the panels produce a low hum. What is that decibel level with the volume of panels planning on being installed?; Why have they considered the panels that are as tall as the proposed panels? I have seen other solar farms that have much lower rise panels; Also, from my previous question, what is the impact to the home values What is the determination on the impact to property

values?; I have previously shared pictures of the visual impact from my property, viewing the property from the street does not provide an accurate perspective on what the neighbors see.

2. Beth Powell - PLEASE READ REGARDING SOLAR ON N EAGLE VILLAGE - Beth and Ron Powell 5090 N Eagle Village Rd. We live just the other side of the church on the same side. We support this project. We do not feel the project will, in any way, negatively impact the value of our home. We believe the owner of the property has the right to use his land in this way and we are in favor of this progressive and environmentally responsible use. It is likely that we will be able to see some of the panels, especially in the winter but are not concerned and even if we were, feel that neighbors do not own the view from their property.
3. Steve Winchelhaus - The 5190 Townsend Road simulation is not completely accurate as it did not account for the hill that the house is on... It is more accurate of halfway down the lawn. Obviously, being higher up than that means the view is greater. During the initial meeting, the presenter stated that the solar glare would be primarily to the East, affecting residents on Townsend Road between the hours of 5 - 7 pm. The solar glare on Townsend Road is of primary concern.
4. Ann Oot – Concerned with the additional hard surfaces that will reduce groundwater absorption with karst topography less than 18” below the surface.
5. Jessie Young - These pictures are not at the angle at which our house is. Come to the top of the hill and you see the entire field. These are clearly at the road level.

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to close the Public Hearing at 7:19pm.

Chairman Lupia asked the Board what their thoughts were concerning the project.

Member Kelly is not opposed to the project, but she would like to see more screening along the road.

Member Poltenson agrees with Member Kelly, he is not opposed to the project.

Member LeRoy said that he is not opposed to the project either, but the view from North Eagle Village needs some more trees.

The Board decided that they would like to get together with the applicant to discuss further barriers for the project, Member Poltenson made a motion, seconded by Member Kelly can carried unanimously to adjourn the Application until August 10, 2020.

Falck Renewables, One Bridge Street, Suite 11, Irvington, NY 10533
Special Permit & Site Plan – Solar Array
8507 Green Lakes Road, Fayetteville, NY 13066
Tax Map # 082.-02-15.1

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to declare the Planning Board Lead Agency for SEQR.

Attorney Sutphen indicated for the record that the action is an Unlisted Action under SEQRA.

Attorney Sutphen reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed unanimously that the action would have no, or a small impact on the environment. The EAF was filled out accordingly.

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the short form EAF.

Member Rossetti made a motion, seconded by Member Gilbert and carried unanimously to waive the reading of the Public Hearing notice.

Member LeRoy made a motion, seconded by Member Rossetti and carried unanimously to open the Public Hearing at 7:34pm.

Due to a power outage in the Fayetteville/Manlius area and out of concern for the Public not being able to comment, Member Rossetti made a motion, seconded by Member LeRoy can carried unanimously to adjourn the Public Hearing until August 10, 2020.

Sarah Williams - Village Groomer- 3370 Oran Gulf Road, Manlius, NY 13104
Special Permit & Site Plan – Dog Grooming and Daycare –
8064 East Genesee Street, Fayetteville, NY 13066
Tax Map # 090.-01-10.2

Gary Mazurkowitz was present for the Applicant.

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to declare the Planning Board Lead Agency for SEQR.

Attorney Sutphen indicated for the record that the action is an Unlisted Action under SEQRA.

Attorney Sutphen reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed unanimously that the action would have no, or a small impact on the environment. The EAF was filled out accordingly.

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the short form EAF.

Member Rossetti made a motion, seconded by Member Gilbert and carried unanimously to waive the reading of the Public Hearing notice.

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to open the Public Hearing at 7:46pm.

1. Jeff Jones, 8056 Genesee St. just concerned having a business next very close to our home , we understand it's going to be a dog grooming business and hope it will not turn into a dog boarding kennel or any other business? will there be a large sign and 24 lighting? How will having a business next door affect resale on my house?

Mr. Mazurkowitz stated that the hours of operations will be from 7:30am to 5:30pm 5 days a week, no weekends; there will be no Boarding dogs, just grooming; no big signs, maybe an A-Frame out front.

Due to a power outage and out of concern for the Public, the Board decided to adjourn the Public Hearing until August 10, 2020. The Board asked Mr. Mazurkowitz to get them more details regarding the house; details such as what the sign might look like, the lighting plan, what the hose will look like, etc....

5538 North Burdick Street, LLC. – 125 E. Jefferson St., Syracuse, NY 13202

Continued Public Hearing- Site Plan

5538 North Burdick Street, Fayetteville, NY 13066

Tax Map # 086.-02-07.1

Chris Danaher, Scott Dumas, Scott Freeman and Madonna Millershin were present for the applicant and spoke in reference to the project.

Chairman Lupia stated that the Applicant had been referred to the Zoning Board of Appeals for a variance for front yard parking.

Due to the Public Hearing being still open from the last meeting, the following comments were made via, Facebook and Zoom:

1. Buck Quigley - Burdick St. -- The proposed site is contiguous to a historic resource listed on the State and National Registers of Historic Places (Erie Canal). Concerns about potential environmental impact include but are not limited to: Impact on scenic views From a National Register Historic Resource...
2. Concerned Citizen - How can the TH zoning laws limit teaching of music or dance to 5 pupils at a time and allow a 27 chair 96 parking facility; Has parking been moved behind & to the side as per Onondaga County Planning recs; Per RM zoning rules, parking is not allowed in the front yard!; They are currently at 32.56% of impervious surface area, yet no sidewalks shown to L front door & R side door; Are deliveries going to be delivered through the front reception area? No delivery driveway shown.
3. Truth-seeker – This public member commended the Board's continuation of Public Meetings in these unprecedented times. "He" expressed concern however, that all concerns of public are heard. Specifically there was concern about the reasons for the Zoning Change . He asked for clarification regarding

the following: 1). The Zoning change from R-A (Restricted Agriculture) to R-M (Residential Multiple Use). He suggests that this Project seemingly exceeds the intent of the R-M Zoning Law designation due to its size, scope and (for other reasons), its proximity to other unique environmental and historical features that it would be situated near it. Also, he does not think the size of this dental office is what was contemplated in RM. He also requested insight into appropriateness of this Project under this Zoning change. 2). He suggested that 5538 North Burdick Street is situated in a unique site, not comparable to the large shopping, restaurants, banks, and expansive medical complexes that have been used for comparison. The parking lot is large as is the building. 3). 5538 North Burdick Street is also home to an "endangered species" identified by the DEC, the "Northern Long-eared Bat". This should be addressed. 4). There was concern expressed regarding fire and safety and separate entrance for deliveries and the use of highly Flammable/Explosive Gases/Tanks are used in such offices. 5) Issues of drainage and flood plain also brought up as well as hazardous waste disposal.

4. Comment from Concerned Citizens - fmpublicrights@gmail.com – Please see comments attached.

Madonna Millerschin, VIP Structures, spoke about the look of the building. Overall the members were of the opinion that the architecture did not match the RM zoning district; that it needs a more residential feel. In particular, Member Kelly does not prefer the look of the artificial stone on the building and thinks the building looks too commercial. Member Rossetti and Member LeRoy agree that the building looks too commercial, not residential. Chairman Lupia thinks that the 2-story structure as presented is too commercial in appearance.

Due to a power outage and out of concern for the Public to comment, the Board decided to adjourn the Public Hearing until August 10, 2020. The Board would like to see a better Architectural design of the building so that it does not look so commercial.

JS Penizotto – 116 Colony Park Drive, Liverpool, NY 13088

Initial Presentation – Zone Change Recommendation

4581 Enders Road, Manlius, NY 13104

Tax Map #114.-01-13.1

John Langely, Attorney, Stella and John Penizotto, Applicant and Greg Sgromo, Engineer were there to represent the Applicants.

Attorney Sutphen stated that the Board has heard from the Applicant at the previous meeting and that their Attorney has sent the Board a letter stating their request for the Zone change. This Board is to make a recommendation on the zone change to the Town Board.

Chairman Lupia stated that the Board had received a letter from Assemblyman Al Stirpe urging the Town to approve the project. He also stated that the letter sounded like the Assemblyman knew what the intended use of the property was. Chairman Lupia asked

if the Applicant could tell the Board what the intended use of the property would be. John Langely, Attorney for the Penizotto's said that they do not have an intended use for the property yet.

Member Rossetti stated that in the last meeting the Engineer for the project stated that the DOT had given him a letter stating the right in and right out access from State Route 92. He asked for the correspondence to be sent to the Board. To date, the Board has not seen the letter. Mr. Sgromo said that the right in and right out was absolutely approved. He said he would forward the letter.

Attorney Sutphen noted that the lot where the daycare currently sits will have to have access to the CA lot. Member Rossetti said that if they do not have a right in/right out access, then it should not be Zone CA.

Attorney Sutphen asked if the Board members had received the proposed resolution in advance of the meeting, with opportunity to comment thereon. All answered in the affirmative. The Resolution was read aloud. (*Please see the attached Resolution*)

Member Rossetti made a motion, seconded by Member Poltenson and carried unanimously to adopt the Resolution attached hereto which sends a positive recommendation to the Town Board with a comment to be added to the resolution which cautions the Town Board from changing the Zoning to CA without the right in/right out access to State Route 92.

Brolex Properties – 5912 North Burdick Street, East Syracuse, NY 13057
Initial Presentation – Subdivision – Freeman Estates –
7430 Highbridge Road, Fayetteville, NY 13066
Tax Map # 101.-02-02.1

Brandon Jacobson, Applicant, told the Board that they wanted to build 25-unit Townhomes that would include $\frac{3}{4}$ greenspace, walking trails and amenities.

Attorney Sutphen said this Board needs to decide if clustering is appropriate and this Board needs to determine if the Conventional Plan is doable.

The Board adjourned this matter for more information.

Woodland Hills Subdivision (Hoag Lane Development), 201 Solar Street,
Syracuse, New York 13204
Continued - Site Plan - 21-Lot Subdivision
5290-5320 Hoag Lane, Fayetteville, NY 13066
Tax Map # 104.-01-39.2

Tom Douglas, Scott Freeman and Rudy Zona were present to speak about the development.

Member Kelly asked Engineer Miller if he has received everything that he has asked for. Town Engineer Miller stated that he received a response from the Applicant on July 2, 2020. He anticipates his firm to have a full response later this week.

Attorney Sutphen said that the comments and review are very extensive.

Chairman Lupia stated that there has been an awful lot of work done by the Applicant and the Town Engineer. An example: The Board has a SWPPP that has been amended 7 times, the last amendment was 716 pages. Chairman Lupia would like to get the findings from the Town Engineer into the hands of the Board members and the Applicants hands. He would like to schedule it for the next meeting for a SEQR determination.

Attorney Sutphen told the Board and the Applicant that a Public Hearing was not required for a SEQR determination so we would still at a later point hold a Site Plan Public Hearing if need be.

Accessory Use Permit Renewal – Rosemary Nwawka, Law Office - 7197 E. Genesee St., Fayetteville, NY 13066

Engineer Miller stated that the Code Enforcement Officer has not received any complaints regarding the property being out of conformance with its Special Use Permit. The Board has received a memo from Code Officer Randy Capriotti that states that there are no complaints against the property.

Member Rossetti made a motion, seconded by Member Gilbert and carried unanimously to approve the Accessory Use Permit Renewal as presented by Rosemary Nwawka for a period of 7 years to expire on July 22, 2027.

OTHER BUSINESS

With there being no further business, Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to adjourn the Regular Meeting at 9:29pm.

Respectfully submitted,
Lisa Beeman, Clerk

Dear Members of the Manlius Town Planning Board:

There are multiple concerns that we have with the proposed 10,500 sq. ft. dental office at 5538 N. Burdick St.

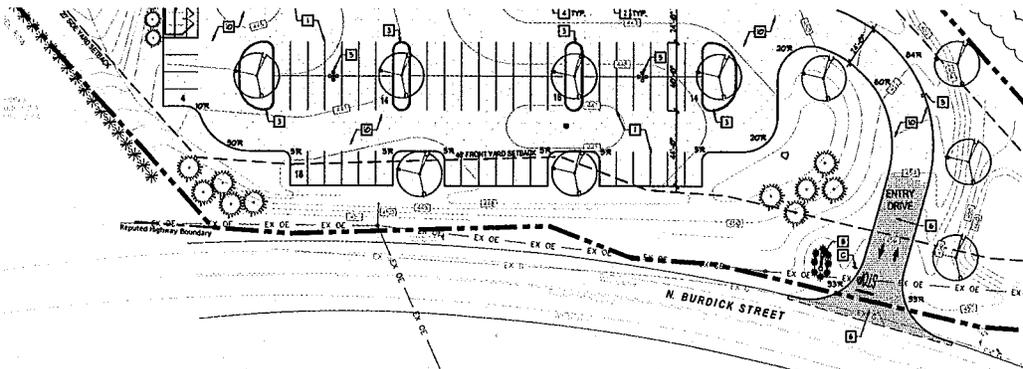
RM zoning rules specifically state that parking is PROHIBITED in the front yard!. During the last meeting, **Commercially zoned** properties like Target and Town Center businesses were used as a reason to consider the proposed site plan as presented which is in DIRECT violation of this recently changed RM zoning classification. The excerpt below is from the Town of Manlius Zoning Rules for RM zoned properties:

F.

Parking. All uses permitted herein upon receipt of a combined site plan and accessory use permit shall provide a minimum of one parking space for every 200 square feet of floor area for all uses except apartments, which require two parking spaces for every bedroom of an apartment. The Town Planning Board may require additional parking spaces whenever, in its judgment, additional spaces are warranted for the comfort, convenience, safety, health or welfare of the community. Except for all legal nonconforming uses existing at the time this amendment is effective, **parking shall be prohibited in the front yard.**

[Amended 5-23-2012 by L.L. No. 2-2012]

The required 40 ft. front yard setback is also encroached upon by 14 of the proposed parking spaces. Please refer to Layout Plan L3.00 of their site plan which designates the 40 ft. front yard setback location by the dashed line shown below:



Signage rules for RM zoning state that only an 8sq. ft. sign directly attached to the building is permitted. With the building behind the large 98 car parking lot, the site plan ignores this rule also. They have a ROAD SIDE "monument" sign shown on their site plan.

In their Site Preparation Notes, (Please refer to Site Prep. Plan L1.00, #6) "Removal of vegetation 3" caliper or greater to occur **after 10/31 and before 3/31**" per DEC guidelines regarding the protection of the endangered species Northern Long-eared Bat which the developer's representative has identified to be present in their application to the DEC. Yet the developer is pushing the Town Planning Board for an August

this diagram, it appears that the upper half of the building will be visible to canal path users, especially in the winter time. We also don't know the size of the proposed trees and shrubs that they say they will be planting. The tree shown in this diagram is scaled at 25 feet tall.

Lastly, as one Board Member has already expressed concern about, the design **and size** of the building does not resemble the RM zoning requirement (section H) that it "shall be of a design and style that replicates a **traditional single-family home** in its exterior appearance and shall be compatible with the style and type of structures in the neighborhood".

In summary, we feel that this anonymous "LLC developer" has been secretive and is trying to rush this proposal through without adhering to the zoning rules and before the public is fully aware of its impact on the neighborhood. We appreciate all the time and effort you put into making these decisions as responsible members of the Town Planning Board. Respectfully, we request that these and other issues be **fully addressed/remedied** or that the project be denied all together.

Thank you for your consideration of our concerns,
Concerned Citizens of Fayetteville and Manlius

Penizotto recommendation on Zone Change - Town of Manlius Planning Board July 27, 2020

The Town Board has requested that this Board give its recommendation on the application of this applicant to change the zoning district of the property at 4581 Enders Road - tax map number 114.-01-13.1 (the "Parcel") from an RM to a CA zoning classification. For the reasons more specifically stated herein, this Board recommends that the Town Board allow the Parcel to be re-zoned from RM to CA.

This Board takes note of the fact that the Parcel is a single property sought to re-zoned. While the re-zoning of a single parcel may, at times, be considered "spot zoning", this Parcel has several unique characteristics, not necessarily shared by other properties in its general vicinity. These unique characteristics, therefore, make the Parcel suitable for zone change consideration.

The Parcel is located on the 4th "corner" of a traffic light intersection along busy Route 92. The northeast corner has long been occupied by a hardware store, which presents a commercial use of low to medium intensity, without drive-through traffic and access limited to Route 92. The south-east corner which houses a gas station and convenience store. The south-west corner is the recent home of the Village Manlius Firehouse although it retains its RM zoning designation. Accordingly, the other "corners" possess some "commercial" characteristics, which are of varying intensity.

Notwithstanding the RM designation of the Firehouse corner, there is little likelihood of that corner being converted to a substantial "commercial" use. And, the traffic generated thereon is not of the constant retail, restaurant and commercial type that causes significant constant traffic. This leaves the possibility that a more intense commercial use on the Parcel would not be as disruptive to the area as if the Firehouse corner were otherwise commercially utilized.

The RM zoning designation does already designate some "commercial" uses that are allowed. So the corner is not free from all potential commercial development. Rather, the CA zone is a "step up" from RM to allow more intense commercial uses. However, it is notable that the size of the lot and the potentially restricted accesses thereto, will by reason of such, restrict the nature of the commercial enterprise that would be viable on the Parcel. And, any such proposal for the Parcel would be subject to the requirements this Board's site plan approval process, which will further examine the safety, compatibility and conformance of any structures and accesses thereon. Additionally, the traffic light likely can control the additional commercial traffic that would be present as a CA use, should this single parcel be rezoned. Additionally, while the applicant has presented a "worse case" commercial traffic study scenario, that study has not been scrutinized by this Board. In as much as there is no specific proposal for development at this time, any development of the parcel will require a traffic study to determine the ultimate compatibility of the site plan with the Town and County requirements relating to access and safety. Accordingly, the designation of the parcel as CA zoning should not, in as of itself, present a concern of a commercial use that would be ultimately incompatible

with the area. However, in the event access to the site will only be from Enders Road, and there is no “right-in, right-out” from Route 92, this Board would alter this recommendation and caution the Town Board to not consider changing the zoning to CA without the appropriate right-in, right-out”.

In making the recommendation herein, this Board has carefully considered the unique characteristics of the Parcel and this Board is very specific that the recommendation herein, and the CB zoning designation should *not* be applied to other properties adjacent to or near the Parcel. This is particularly true even as the property immediately to the north of the Parcel (frontage on Enders Road) is owned by the same or related party to the applicant herein. In order for the zone change recommended herein to be viable and otherwise in conformance with the comprehensive plan of the Town as demonstrated through this Board’s decisions over a long period of time, and the various studies undertaken by the Town, only this Parcel is recommended for zone change to CA. In order to maintain conformance with the neighborhood, and most importantly, the residential zones nearby this Parcel and the adjacent parcels, it is critical that re-zoning of those properties not be included for consideration in this Zone Change application.

Given all of the within, this Board also specifically, recommends that the Town Board consider this property as *not* suitable for CB designation. Without specifically setting forth all reasoning herein, This Board agrees with the Town Board’s 2019 determination that a CB designation is not suitable for this Parcel. Such a designation opens the Parcel to the most intense of commercial uses that would not be and cannot be made to be compatible with the area.