

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

MEMORANDUM

TO: Planning Board

FROM: Matthew Nazar, Director of Development Services
and Susan Redmond, Assistant Planner

DATE: November 5, 2014

RE: **Uplift, Inc.**

SUMMARY OF REQUEST

Request: The request is for a Minor Development review as per Section 4.5. The applicant proposes to construct a 4,545 square foot building.

Owner: Fitzgerald-Cummings Post No. 2

Applicant: Uplift, Inc.

Location: 294 Capitol Street

Zoning: Regional Business (CC) District

Tax Map Number: Map 90, Lot 24A

Existing Land Use: Undeveloped land

Proposed Land Use: Group Home

Acreage: .92 acres (proposed lot size)

SUMMARY OF SUBMITTAL PACKAGE

In the submittal package the applicant has provided the Planning Board with the following items:

1. Development Review Application Form
2. Narrative
3. Purchase and Sale Agreement
4. Agent authorization letter

5. Drawings

Areas of Concern

Staff recommends that the Board require the applicant to:

1. Submit comments from the Greater Augusta Utility District which indicate that there is sufficient capacity for water and sewer.

The applicant is in the process of completing an Addendum 2 for the Purchase and Sale Agreement. The one that is included in the packet needs to be revised to include the updated site plan (40,224 acre lot) and to be signed by both parties. The applicant's agent indicated that this will be submitted on November 10th. Provided that it is available in time, staff will plan on distributing it at the meeting.

Waivers

The applicant did not request any waivers.

Staff Review

The Bureau of Engineering does not have any additional comments.

The Bureau of Code Enforcement does not have any additional comments.

The Bureau of Planning comments that the applicant is in the process of completing an Addendum 2 for the Purchase and Sale Agreement. The one that is included in the packet needs to be revised to include the updated site plan (40,224 acre lot) and to be signed by both parties. The applicant's agent indicated that this will be submitted on November 10th. Provided that it is available in time, staff will plan on distributing it at the meeting.

Lot Characteristics

Impervious Surface Ratio – The maximum allowed impervious surface ratio is .80. The proposed impervious surface ratio is 0.32 (12,825 sq. ft. impervious area / 40,224 sq. ft. lot size), which meets the standard.

Floor Area Ratio – The maximum allowed floor area ratio is .40. The proposed floor area ratio is .11 (4,545 sq. ft. floor area / 40,224 sq. ft. lot size), which meets the standard.

Maximum Height – The maximum allowed height is 42 feet. The proposed building height is twenty-two feet two inches (22'2"), which meets the standard.

Setbacks – There is a thirty-five foot setback from Capitol Street (5.1.16.3.h), a ten foot setback from the proposed right of way (5.1.16.3.a), a five foot setback from the southerly and westerly property lines (5.1.16.3.d). The proposal meets the setback requirements.

CRITERIA FOR REVIEW OF A MINOR DEVELOPMENT

(Section 4.5 of the LUO; includes Section 6.3.4, Conditional Use Review)

Neighborhood Compatibility (Section 6.3.4(1) of the LUO)

- a) *Land Use/ Visual Integrity:*
 - a. *Land Uses:* The proposed building is adjacent to the American Legion. Best Buy is to the west, Arch Beta apartments is to the east, and an apartment complex is to the north.
 - b. *Architectural Design:* The building is one floor and a pitched roof,
 - c. *Scale, Bulk, Building Height:* The building is 4,545 square feet in size and is twenty two feet two inches tall (22'2").
 - d. *Identity, Historical Character:* This area is a mix of residential and commercial buildings.
 - e. *Disposition and Orientation:* The building is sited roughly parallel to Capitol Street.
 - f. *Visual Integrity:*
- b) *Privacy:* The residential buildings in the area are apartment buildings. The privacy of the neighbors will not be impacted by the project.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions in the neighborhood.
- d) *Property Values:* The project is not expected to cause property values to decline.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Neighborhood Compatibility.

Plans and Policies (Section 6.3.4(2) of the LUO)

The project is located in the Westside Residential District which is described in the 2007 Comprehensive Plan. The area encompasses many of Augusta's traditional neighborhoods. The plan calls for preserving and protecting these neighborhoods. The proposal will not infringe on any neighborhoods.

Staff recommends that the Board find that the proposal is in accordance with the 2007 Comprehensive Plan.

Traffic Pattern, Flow and Volume (Section 6.3.4(3) of the LUO)

- a) *Additional Traffic:* A small amount of traffic will be generated by the building. The proposal will not have a significant impact on the surrounding neighborhood.
- b) *Safe Access:* The driveway will be off the access road to the American Legion building.
- c) *Emergency:* Chief Audette, of the Augusta Fire Department, comments that the proposal is acceptable for emergency access. Deputy Chief Mills of the Augusta Police Department comments that he does not have any concerns with the proposal.
- d) *Movement/Parking:* Lionel Cayer, City Engineer, comments that the proposal adequately allows for traffic movement. Gary Fuller, Code Enforcement Officer, comments that adequate parking spaces are proposed.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Traffic Pattern, Flow and Volume.

Public Facilities (Section 6.3.4(4) of the LUO)

- a) *Water Supply:* Staff recommends that the Board require the applicant to submit comments from the Greater Augusta Utility District which indicate that sufficient water is available for the facility.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* Staff recommends that the Board require the applicant to submit comments from the Greater Augusta Utility District which indicate that there is sufficient capacity in the sewer system to accept waste water from the facility.
- c) *Electricity/Telephone:* Electricity and telephone service are available off Capital Street.
- d) *Storm Drainage:* The stormwater will be directed to a small detention pond. Lionel Cayer, City Engineer, comments that the stormwater proposal is acceptable.

Staff recommends that the Board require the applicant to:

1. Submit comments from the Greater Augusta Utility District which indicate that there is sufficient capacity for water and sewer.

Resource Protection and Environment (Section 6.3.4(5) of the LUO)

- a) *Sensitive Areas:* No wetland impact is proposed. The project is not in the 100 year floodplain.
- b) *Air Quality:* The proposal complies with air quality standards.
- c) *Water Quality:* The proposal complies with water quality standards.
- d) *Sewage/Industrial Waste:* See the Public Facilities section regarding sewage. No industrial waste is proposed.
- e) *Shoreland/Wetland Districts:* The project is not in the shoreland zone.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Resource Protection and Environment.

Performance Standards (Section 6.3.4(6) of the LUO)

- a) *Performance and Dimensional Standards:* The project complies with the performance and dimensional standards.
- b) *Noise:* The proposal can be conducted so that it complies with the noise standards.
- c) *Glare/Heat:* No intense glare or heat is proposed.
- d) *Exterior Lighting:* Two full cutoff lights, which are wall packs, are proposed on the south elevation of the building.
- e) *Screening:* A Bufferyard A is required between the parking lot and adjacent uses and rights of way. The existing wooded areas will screen the parking lot.
- f) *Signage:* The signs can comply with the Land Use Ordinance.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Performance Standards

Financial and Technical Ability (Section 6.3.4(7) of the LUO)

E. S. Coffin Engineering & Surveying, the applicant's agent, has the technical ability to meet the terms of the ordinance.

The applicant has the financial ability to meet the terms of the ordinance.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Financial and Technical Ability.

Pollution (Section 4.4.1.1 of the LUO)

- a) *Floodplain:* The project is not in the 100 year floodplain.
- b) *Ability of Soils to support waste disposal:* The wastewater will be disposed of in the public sewer. Not applicable.
- c) *Slopes effect on effluents:* The wastewater will be disposed of in the public sewer. Not applicable.
- d) *Streams for disposal of effluents:* The wastewater will be disposed of in the public sewer. Not applicable.
- e) *Applicable health and water resource rules:* The wastewater will be disposed of in the public sewer. Not applicable.

See the Public Facilities section.

Sufficient Water (Section 4.4.1.2 of the LUO)

See the Public Facilities section.

Municipal Water Supply (Section 4.4.1.3 of the LUO)

See the Public Facilities section.

Soil Erosion (Section 4.4.1.4 of the LUO)

An erosion and sedimentation control plan is included in the application.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding soil erosion.

Highway or Public Road Congestion (Section 4.4.1.5 of the LUO)

See the Traffic Pattern, Flow and Volume section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding highway or public road congestion.

Sewage Waste and Municipal Solid Waste Disposal (Sections 4.4.1.6 and 4.4.1.7) of the LUO)

See the Public Facilities section regarding sewage waste. The applicant sent a letter to Lesley Jones, City of Augusta Public Works Director, regarding capacity at Hatch Hill for the solid waste.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding municipal solid waste disposal.

Aesthetic, Cultural, and Natural Values (Section 4.4.1.8 of the LUO)

Kirk Mohny, of the Maine Historic Preservation Commission, comments that no historic properties will be affected by the project. The applicant sent letters to the Maine Department of Inland Fisheries & Wildlife and the Maine Department of Conservation for input regarding this criterion.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Aesthetic, Cultural, and Natural Values.

Conformity with City Ordinances and Plans (Section 4.4.1.9 of the LUO)

See the Plans and Policies and Performance Standards sections.

Financial and Technical Ability (Section 4.4.1(10) of the LUO)

See the Financial and Technical Ability section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding financial and technical ability.

Surface Waters; Outstanding River Segments (Section 4.4.1(11) of the LUO)

The project is not in one of these areas. Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Surface Waters; Outstanding River Segments.

Ground Water (Section 4.4.1(12) of the LUO)

The project will not adversely affect the quality or quantity of ground water.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding ground water.

Flood Areas (Section 4.4.1(13) of the LUO)

The project is not in the 100 year floodplain.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding flood areas.

Freshwater Wetlands (Section 4.4.1(14) of the LUO)

No wetlands will be impacted by the project.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding freshwater wetlands.

Stormwater (Section 4.4.1(16) of the LUO)

See the Public Facilities section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding stormwater.

Access to Direct Sunlight (Section 4.4.1(17) of the LUO)

The proposal will not block access to direct sunlight to any structures utilizing solar energy.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding direct sunlight.

Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377 (Section 4.4.1(18) of the LUO)

The project is not regulated by the Site Location of Development Law. Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377.

Spaghetti-Lots Prohibited (Section 4.4.1(19) of the LUO)

There is no shore frontage. Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding spaghetti-lots.

Outdoor Lighting (Section 4.4.1(20) of the LUO)

See the Performance Standards section.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding outdoor lighting.