

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: February 4, 2015

RE: New England Industrial Properties, Inc. / O'Reilly Auto Parts

SUMMARY OF REQUEST

Request: The request is for a Minor Development review as per Section 4.5 and a Conditional Use Review as per Section 6.3. The applicant proposes to construct a 3,000 square foot addition and to expand a structure with a nonconforming setback. Approximately 413 square feet of the existing building is within the 10 foot setback. Approximately 267 square feet of the proposed addition will be within the 10 foot setback, which is a 65% expansion and a conditional use.

Owner: New England Industrial Properties, Inc.

Applicant: New England Industrial Properties, Inc.

Location: 61 Western Avenue

Zoning: Local Business (CB) District

Tax Map Number: Map 27, Lot 249

Existing Land Use: Retail, Auto Repair / Service

Proposed Land Use: Retail, Auto Repair / Service

Acreage: 1.06 acres

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. Deed
4. Plan set

Areas of Concern

Staff recommends that the Board require the applicant to:

1. Revise the Site Development Plan to 1) change the easterly curb cut to an entrance only with a 25 foot wide curb cut, 2) change the westerly curb cut to an exit only with a 25 foot wide curb cut, 3) shorten the Western Avenue center island by 20-25 feet (to allow east-bound traffic to turn into the entrance of the site), 4) add an Entrance Only sign to the entrance and an Exit Only sign to the exit. The plan revisions shall be acceptable to the City Engineer.
2. Submit a plan which is prepared by a Maine licensed engineer that demonstrates that any site drainage from the parking or entrance on the site is collected on the site in catch basins and will not flow onto Western Avenue. The Plan shall be acceptable to the City Engineer.

Shorten the Western Avenue center island by 20-25 feet (to allow east-bound traffic to turn into the entrance of the site).

Waivers

The applicant requested a waiver from submitting a stormwater report and a traffic report. The waiver request is acceptable (see the Public Facilities section regarding a recommendation for some stormwater information).

Staff Review

The Bureau of Engineering does not have additional comments.

The Bureau of Code Enforcement does not have additional comments.

The Bureau of Planning does not have additional comments.

Lot Characteristics

Impervious Surface Ratio – The maximum allowed impervious surface ratio is .85 (see 3.6.1.2.3.c). No change is proposed to the impervious surface ratio. The existing impervious surface ratio is .89, which does not meet the standard. This is an existing nonconformity.

Floor Area Ratio – The maximum allowed floor area ratio is .40 (see 3.6.1.2.3.c). The proposed floor area ratio is .30 (13,634 floor area / 46,173.6 square feet of lot area = 0.2952), which meets the standard.

Maximum Height - The maximum allowed height is 42 feet (see 3.6.1.2.3.c). The proposed height is the same as the existing building, which is less than 42 feet in height. The proposed height meets the standard.

Setbacks – The minimum allowed setback from Western Avenue is 35 feet (see 5.1.16.3.h). The proposed setback is approximately 70 feet, which meets the standard. The minimum allowed setback from Lincoln Street is 10 feet (see 5.1.16.3.a). The proposed setback is approximately 68 feet, which meets the standard.

The minimum allowed side setback is 10 feet (see 3.6.1.2.1.c). The proposed setback from the western property line is 4.8 feet, which does not meet the standard. Approximately 413 square feet of the existing building is within the 10 foot setback. Approximately 267 square feet of the proposed addition will be within the 10 foot setback, which is a 65% expansion and a conditional use. The proposed addition is immediately adjacent to Pizza Hut.

CRITERIA FOR REVIEW OF A MAJOR 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:* O'Reilly Auto Parts currently exists on the site. The proposed expansion is compatible with the use on site and in the neighborhood.
 - b. *Architectural Design:* The proposed addition will have metal siding.
 - c. *Scale, Bulk, Building Height:* The proposed addition will increase the size of the existing building by roughly one third. The height will be the same as the existing building.
 - d. *Identity, Historical Character:* O'Reilly Auto Parts is currently at the site. This will increase the size of the building which has a retail use.
 - e. *Disposition and Orientation:* The proposed addition is between the existing building and Western Avenue.
 - f. *Visual Integrity:* The proposed addition will tie in with the existing building.
- b) *Privacy:* The addition is proposed in an area that is currently a parking lot. No change is proposed to the landscaping.
- c) *Safety and Health:* Lionel Cayer, City Engineer, recommends changes to the curb cuts and traffic island on Western Avenue. See the Traffic section.
- d) *Property Values:* The proposal will not have a detrimental effect on the value of adjacent properties.

Lionel Cayer, City Engineer, recommends changes to the curb cuts and traffic island on Western Avenue. See the Traffic section.

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

The property is located in the Westside Residential District, which is described in the 2007 Comprehensive Plan. The district is a combination of residential and commercial corridors. The applicant's proposal will not encroach on the neighborhood.

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 additional traffic is proposed.
- b) *Safe Access:* Lionel Cayer, City Engineer, comments "I would recommend that the easterly curb cut be an entrance only. Due to the fact that the center island on Western Avenue prevents patrons coming from the west down Western Avenue from entering at the easterly curb cut, that center island would have to be shortened by 20 to 25 feet to accommodate the traffic turning into the site from the west. The Maine D.O.T. would need to approve any modification to the center island. I have left a message with David Allen of the D.O.T. inquiring about this island modification question. If the easterly curb cut was an entrance only, then the westerly curb cut should be a dedicated "Exit Only". This modification will help to separate the conflicts between the entering and exiting traffic and help to allow the entering traffic from Western Avenue to enter quickly without being impeded by exiting traffic. Both curb cuts will need to be modified by adding curbing on Western Avenue limiting the openings to 25 feet. Each curb cut must have signage "Entrance Only" and "Exit Only" respectively."
- c) *Emergency:* Lt. Freeman, of the Augusta Fire Department, comments that he does not have any concerns.
- d) *Movement/Parking:* See the Safe Access section. Sufficient parking and loading/unloading space is provided.

Staff recommends that the Board require the applicant to:

- 1. Revise the Site Development Plan to 1) change the easterly curb cut to an entrance only with a 25 foot wide curb cut, 2) change the westerly curb cut to an exit only with a 25 foot wide curb cut, 3) shorten the Western Avenue center island by 20-25 feet (to allow east-bound traffic to turn into the entrance of the site), 4) add an Entrance Only sign to the entrance and an Exit Only sign to the exit. The plan revisions shall be acceptable to the City Engineer.
- 2. Shorten the Western Avenue center island by 20-25 feet (to allow east-bound traffic to turn into the entrance of the site).

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

- a) *Water Supply:* The building is served by public water. No significant change is proposed to the amount of water used at the site is proposed.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* The building is served by public sewer. No significant change to the amount of wastewater is proposed.
- c) *Electricity/Telephone:* There is existing electrical and telephone connections at the site.
- d) *Storm Drainage:* Lionel Cayer comments "Any site drainage from the parking or entrance on the site must be collected on the site in catch basins and not be allowed to flow onto Western Avenue. The site plan was unclear as to what is happening with the surface drainage from the southeast corner of the lot. The engineer of record should review this and make any design changes necessary."

Staff recommends that the Board require the applicant to:

1. Submit a plan which is prepared by a Maine licensed engineer that demonstrates that any site drainage from the parking or entrance on the site is collected on the site in catch basins and will not flow onto Western Avenue. The plan shall be acceptable to the City Engineer.

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

- a) *Sensitive Areas*: No sensitive areas will be impacted by the proposal.
- b) *Air Quality*: No state or federal air quality permits are required.
- c) *Water Quality*: Erosion and sedimentation control devices are proposed. No hazardous substances are proposed.
- d) *Sewage/Industrial Waste*: Sewage will be disposed of in the public sewer. No industrial waste is proposed.
- e) *Shoreland/Wetland Districts*: The proposal is not in the shoreland zone. Not applicable.

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*: There are no concerns in addition to those addressed elsewhere in this memo.
- b) *Noise*: Noise is not expected to be a concern.
- c) *Glare/Heat*: No glare or heat is proposed.
- d) *Exterior Lighting*: No change is proposed to exterior lighting.
- e) *Screening*: No change is proposed to screening.
- f) *Signage*: There is no sign proposal at this time.

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)

Bohler Engineering of Southborough, Massachusetts prepared the application for the applicant. The applicant indicates that it has adequate financing to complete the project.

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

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

Sufficient Water (Section 4.4.1.2 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 sufficient water.

Municipal Water Supply (Section 4.4.1.3 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 municipal water supply.

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. There will be no significant increase in the amount of solid waste generated.

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

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

The addition is proposed on a developed lot. There will not be an adverse effect on aesthetic, cultural or natural values.

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.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding city ordinances and plans.

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 proposal 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 a 100-year flood zone. Not applicable.

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 proposal.

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

River, Stream, or Brook ((Section 4.4.1(15) of the LUO)

There is no river, stream or brook on or immediately adjacent to the lot.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding rivers, streams, or brooks.

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)

A subdivision is not proposed. 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)

No new outdoor lighting is proposed.

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