

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

Rita McCollett
Conditional Use Application
Findings of Fact and Conclusions of Law

Pursuant to the provisions of the City of Augusta Land Use Ordinance, the City of Augusta Planning Board has considered the application of Rita McCollett, including supportive data, staff review comments, public hearing testimony, and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusions of Law.

Findings of Fact

1. **Project Description:** The request is for a Conditional Use Review as per Section 6.3. The applicant proposes a retail use, which is a conditional use.
2. **Owner:** Rita McCollett
3. **Applicant:** Rita McCollett
4. **Location:** 42 Mount Vernon Avenue
5. **Zoning:** Resource Development (RD) District
6. **Tax Map Number:** Map 35, Lot 214
7. **Existing Land Use:** Residential (second floor), vacant space (first floor)
8. **Proposed Land Use:** Residential (second floor), Retail (first floor)
9. **Acreage:** .62 acres
10. On September 13, 2013 the applicant submitted the following:
 - a. Conditional Use application form
 - b. Deed
 - c. General project information narrative
 - d. Site plan
11. On February 14, 2014, the applicant submitted the following:
 - a. Site plan review criteria narrative
12. On February 22, 2014 and March 1, 2014, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
13. On February 14, 2014, City staff mailed notices to the owners of properties located within 500 feet of the property regarding the public hearing regarding the application.
14. On March 11, 2014, at the applicant's request, the Planning Board postponed the public hearing to April 8, 2014.

15. On April 8, 2014, at the applicant's request, the Planning Board postponed the application to an indeterminate date.
16. On March 23, 2014, the applicant submitted the following:
 - a. Letter
 - b. Revised plan
17. On March 22, 2015, City staff mailed notices to the owners of properties located within 500 feet of the property regarding the public hearing regarding the application.
18. On March 28, 2015 and April 4, 2015, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
19. On April 14, 2015, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed in Items 10, 11, and 16 above, the staff review dated April 8, 2015, and considered testimony by the applicant and interested members of the public. -- individuals testified at the public hearing and -- written communications regarding the application were received. The Board voted to approve the application.

Conclusions of Law

In view of the above actions and the application and supporting documentation in the record, the Planning Board makes the following conclusions of law.

6.3.4 Site Plan Criteria Applicable for Conditional Uses

6.3.4.1 Neighborhood Compatibility

- a.
 - i. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to land uses.
 - ii. *Architectural design*. No changes are proposed. Not applicable.
 - iii. *Scale, bulk, and building height*. No changes are proposed. Not applicable.
 - iv. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.
 - v. *Disposition and orientation of the buildings*. No changes are proposed. Not applicable.
 - vi. *Visual integrity*. No changes are proposed. Not applicable.
- b. *Privacy*. No changes are proposed. Not applicable.
- c. The proposal will maintain safe and healthful conditions in the neighborhood.
- d. The proposal will not have a significant detrimental effect on the value of adjacent properties.

6.3.4.2 Plans and Policies. The proposal is in accordance with the 2007 Comprehensive Plan.

6.3.4.3 Traffic Pattern, Flow and Volume

- a. The proposal is designed so that the additional traffic generated does not have a significant negative impact on the surrounding neighborhood.
- b. Safe access will be assured by providing proper sight distance and minimum width curb cuts for safe entering and exiting.
- c. The proposal provides access for emergency vehicles and for persons attempting to render emergency services.
- d. The entrance and parking system provides for the smooth and convenient movement of vehicles both on and off the site. The proposal satisfies the parking capacity requirements of the city and provides adequate space suited to the loading and unloading of persons, materials, and goods.

6.3.4.4 Public Facilities

- a. The public water utility has adequate capacity for the project.
- b. The public sewer utility has adequate capacity for the project.
- c. The electric and telephone utilities have adequate capacity for the project.
- d. The public stormwater system has adequate capacity for the project.

6.3.4.5 Resource Protection and the Environment

- a. There are no known sensitive areas.
- b. The proposal complies with local, state, and federal air quality standards.
- c. The proposal complies with local, state, and federal water quality standards.
- d. Sewage and industrial wastes will be treated and disposed of in such a manner as to comply with local, state and federal standards.
- e. *Shoreland zone.* A portion of the site is in the shoreland zone, however, no site changes are proposed in that area.

6.3.4.6 Performance Standards

- a. The proposal complies with all performance and dimensional standards.
- b. The proposed land use can be conducted so that noise generated shall not exceed the performance levels specified in the performance standards.
- c. The proposal does not involve intense glare or heat.
- d. The exterior lighting will be sufficiently obscured to prevent excessive glare on public streets and walkways or into any residential area.
- e. *Landscaping.* The site is a developed lot with existing nonconformities in regards to landscaping.
- f. *Signs.* No signs are proposed at this time.

6.3.4.7 Financial and Technical Ability

- a. The applicant has adequate technical ability to meet the terms of the ordinance.
- b. The applicant has adequate financial ability to meet the terms of the ordinance.

THEREFORE, the Planning Board hereby approves the application of Rita McCollett for a retail use, which is a conditional use, as described in the findings above.

Corey A. Vose, Planning Board Chair

Date