

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: August 5, 2015

RE: Darling's Corporation

SUMMARY OF REQUEST

Request: The request is for a Major Development review as per Section 4.6. The applicant proposes to construct a 25,800 square foot building.

Owner: Darling's Corporation

Applicant: Darling's Corporation

Location: 439 Western Avenue

Zoning: Regional Business District (CC)

Tax Map Number: Map 83, Lot 1, 1B, 3, 5

Existing Land Use: Automobile business, Auto Repair/Service

Proposed Land Use: Automobile business, Auto Repair/Service

Acreage: 17.8 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

There are no areas of concern.

Waivers

The applicant requested a waiver for a traffic report.

Staff Review

The Bureau of Engineering does not have any concerns.

The Bureau of Code Enforcement did not comment.

The Bureau of Planning does not have any concerns.

Lot Characteristics

Impervious surface ratio – The maximum allowed impervious surface ratio is .80. The proposed impervious surface ratio is .34, which meets the standard.

Floor area ratio – The maximum allowed floor area ratio is .40. The proposed floor area ratio is less than .40, which meets the standard.

Maximum height – The maximum allowed height is 42 feet. The proposed building height is less than 42 feet, which meets the standard.

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:* The business exists on the lot.
 - b. *Architectural Design:* Elevations plans are provided.
 - c. *Scale, Bulk, Building Height:* The proposed building is 25,800 square feet in size.
 - d. *Identity, Historical Character:* The area has several automobile dealerships.
 - e. *Disposition and Orientation:* The building will be oriented parallel to Old Winthrop Road.
 - f. *Visual Integrity:* The building will be in the center of the display lot / parking lot.
- b) *Privacy:* There will no change to privacy of residents in the area.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions.
- d) *Property Values:* The proposal will not have a significant detrimental effect on the value of adjacent properties.

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 proposal is in the Economic Growth District which is described in the 2007 Comprehensive Plan. This is an area is expected to continue to have significant retail uses.

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:* No significant increase in traffic is expected.
- b) *Safe Access:* No change is proposed.
- c) *Emergency:* Lt. Freeman, of the Augusta Fire Department, does not have any concerns.
- d) *Movement/Parking:* Lionel Cayer, City Engineer, does not have any concerns.

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:* Public water will be used. No significant increase in water consumption is proposed.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* Public sewer will be used. No significant increase in sewer outflow is proposed.
- c) *Electricity/Telephone:* Electric power exists on the public way.
- d) *Storm Drainage:* A decrease in the amount of impervious area is proposed. Lionel Cayer, City Engineer, does not have any concerns.

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

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

- a) *Sensitive Areas:* No sensitive areas will be impacted.
- b) *Air Quality:* The proposal complies with air quality standards.
- c) *Water Quality:* The proposal complies with water quality standards.
- d) *Sewage/Industrial Waste:* Sewage will be disposed of in the public sewer. 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 proposal complies with the performance and dimensional standards.
- b) *Noise:* The dealership has an exterior intercom system. The applicant proposes to continue using the same system at the new building.
- c) *Glare/Heat:* No glare or heat is proposed.
- d) *Exterior Lighting:* Full cutoff fixtures are proposed. The light trespass beyond the property line meets the standard.
- e) *Screening:* Some new screening is proposed along the public way.
- f) *Signage:* Any new signage will comply with the 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)

CES, Inc. is the applicant's agent. CES, Inc. has demonstrated in previous projects that it has the technical ability to comply with the ordinance. The applicant has the financial ability to comply with 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 floodplain.
- b) *Ability of Soils to support waste disposal:* Waste water will be disposed of in the public sewer.
- c) *Slopes effect on effluents:* Waste water will be disposed of in the public sewer.
- d) *Streams for disposal of effluents:* Waste water will be disposed of in the public sewer.
- e) *Applicable health and water resource rules:* Waste water 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)

The proposal will continue using public water.

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)

The proposal will continue using public water.

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)

Sewage will be disposed of in the public sewer. A private company disposes of the solid waste.

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)

There will be no impact 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.

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 proposed project will not have an impact on 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 freshwater wetland impacts are proposed.

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 not a river, stream or brook on or adjacent to the project site.

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 applicant has applied for an amendment to their existing Site Location of Development Law permit.

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)

See the Performance Standards section.

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