

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
DATE: September 8, 2015
RE: North Augusta Market - Dunkin Donuts

SUMMARY OF REQUEST

Request: The request is for a Minor Development review as per Section 4.5. The applicant proposes to reduce the amount of convenience store space and add a second primary use of a Dunkin Donuts with a drive through to the existing North Augusta Market convenience store site. Given that this is a fully fledged Dunkin Donuts inside the store, occupying over 1,000 square feet of floor space, staff does not consider this to be an accessory use, but instead is a second primary use.

Owner: WK Enterprises Inc.

Applicant: Jeffrey Damon

Location: 670 Civic Center Drive

Zoning: Rural Village (RV)

Tax Map Number: Map 1, Lot 41B

Existing Land Use: Retail, Convenience (allowed use in the RV district)

Proposed Land Use: Retail Convenience, with a second primary use of Restaurant with Drive Through (allowed use in the CC district, the drive through aspect triggers minor development review for the site)

Acreage: 2.0

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, P&S for property
4. Agent authorization letter
5. Site Plan

Areas of Concern

1. See Parking/Movement below.

Waivers

1. None requested.

Staff Review

The Bureau of Engineering is concerned about erosion and bank stabilization that are causing problems from previous fill places at the back of this site, adjacent to the wetland. Fill material is actively eroding into the wetland due to failure to stabilize it properly as part of the 2012 or an earlier construction project.

The Bureau of Code Enforcement does not have additional concerns.

The Bureau of Planning is concerned that the applicant has not provided an existing conditions plan and is presenting this request for approval based on the assumption that the project approved in 2012 for the expansion of the market was constructed as approved. It was not. At least 15 parking spaces at the back of the site were never constructed and the fill for those spaces was never put in place. It is unclear to staff that the necessary environmental approvals that were obtained for that 2012 project are still valid and could still be acted on to complete the project as approved and as shown in the plans currently before the Board.

Staff is also concerned that the proposed plan conflicts with the previous approval related to deliveries and on-site traffic flow. The concerns about on-site traffic movement, parking along Civic Center Drive and the site distance issues that creates are significant. It is unclear to staff that this site can safely and adequately handle the additional volume of traffic a Dunkin Donuts would bring, given that the site struggles to properly function during times of the day under current development conditions.

Lot Characteristics

Minimum Lot Size – 1 acre for retail and personal services. The site meets this standard.

Minimum Road Frontage – 400 feet. The site does not meet the standard, but is a pre-existing, non-conforming site.

Minimum Lot Depth – 150 feet. The site meets this standard.

Minimum Front Setback – The minimum setback from the edge of the Civic Center Drive right-of-way is 35 feet. The proposed building meets the standard.

**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 property is a convenience store with a fueling island and separate diesel pump. The proposed additional use of a Dunkin Donuts inside the building with a drive through will add an order speaker and drive up window as well as a queuing lane on site.
 - b. *Architectural Design:* The building is not proposed to substantially change. A small addition to the back of the building is proposed for an office.
 - c. *Scale, Bulk, Building Height:* No significant change.
 - d. *Identity, Historical Character:* The area is a developed commercial corridor.
 - e. *Disposition and Orientation:* No change.
 - f. *Visual Integrity:* No substantial change. The applicant does propose add a new use which will undoubtedly include new signage and will add a queuing lane on-site.
- b) *Privacy:* No changes to the site are proposed from the 2012 approved plan. However, the existing site does not match the 2012 approved plan. Any speakers installed for ordering must meet the standards of the noise ordinance and not exceed 60dB at the property line.
- c) *Safety and Health:* The proposal may affect safe and healthful conditions on the adjacent Civic Center Drive. Maine DOT has not yet held a scoping meeting regarding their plan for modifications to Civic Center Drive if this use is constructed. However, clear evidence of everyday use of the site by boaters headed to Belgrade and construction vehicles going to and from the Summerhaven area show the site to generate traffic and parking issues on the adjacent road. See the discussion of traffic below.
- d) *Property Values:* The proposal is not expected to have a detrimental effect on the value of adjacent properties. The addition of this one use is unlikely to have any significant impact on surrounding property values.

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 Economic Growth Area which is described in the 2007 Comprehensive Plan.

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:* Staff recommends further discussion with the City Engineer on this issue.
- b) *Safe Access:* Safe access to and from the site is severely hampered by the large trucks that park along the road to use this site and the boaters parking on both sides of the road to access this site, in conjunction with the high speed limit in this area.
- c) *Emergency:* See movement and parking below.
- d) *Movement/Parking:* Dunkin Donuts is a fast food restaurant with a parking requirement of 14 spaces per 1,000 square feet of floor area. The convenience store requires 5 spaces per 1000 square feet of floor area. The previous approval required 24 parking spaces and 34 were shown on the approved plan. (Section 5.1.14.2 of the LUO). The new mix of uses requires 33 parking spaces. The plan shows adequate parking, if all parking were constructed. However, more than half of the parking spaces are effectively inaccessible if the drive through is stacked. The drive through also does not have a bypass lane or any opportunity to build a bypass lane, so vehicles parked in the spaces behind the store will have to enter the Dunkin Donuts queue to exit the property - wait in line, not order, then drive by the pick-up window.



The applicant will need to remove one parking space in front of the building where the drive through intersects it. Additionally, one of the parking spaces is striped out onto the Civic Center Drive right-of-way. That space should be removed.

The drive through queuing could interfere with the diesel pumps as those are often larger vehicles. Additionally, vehicles getting diesel may also have to enter the drive through queue to exit the site as they may not have an adequate turning radius to make a U-turn, especially if they access the southeast side of the pumps.

Delivery trucks currently access the site via the area where the proposed drive through is located. The applicant has stated that deliveries can be adequately handled, but has not indicated how that will happen. Staff recommends further discussion with the applicant on this issue.

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

1.

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

- a) *Water Supply:* The applicant is on a private well.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* The applicant has a private septic.
- c) *Electricity/Telephone:* The site is adjacent to existing power and phone services.
- d) *Storm Drainage:* The applicant's site is currently experiencing erosion problems at the edges of the site adjacent to the wetland due to runoff from the parking area and fueling area. Staff recommends further discussion with the applicant regarding stormwater management.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Stormwater only after further discussion with the applicant about erosion problems on site.

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

- a) *Sensitive Areas:* The applicant proposes no changes to the 2012 approval, however, that approval has not been fully developed.
- b) *Air Quality:* The proposal conforms to air quality standards.
- c) *Water Quality:* The proposal currently has erosion entering the adjacent wetland.
- d) *Sewage/Industrial Waste:* See note above regarding sewage and stormwater.
- e) *Shoreland/Wetland Districts:* Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Resource Protection and Environment only after further discussion with the applicant on erosion control measures and stormwater management.

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 applicant proposes to install a drive through window with a speaker. The applicant should provide evidence that they can meet the noise standard of 60dB at the property line.
- c) *Glare/Heat:* No glare or heat is anticipated.
- d) *Exterior Lighting:* The Board should confirm that any new fixtures are full cut off fixtures.

- e) *Screening*: The required screening from the 2012 approval was not fully installed. A fence was approved along the entire back of the parcel and wetland area. Only half of the fence was installed and it was installed in the area where the proposed parking that was approved was never constructed.
- f) *Signage*: New signage on site will have to comply with existing sign ordinances. .

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Performance Standards after further discussion with the applicant.

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

The applicant has an operating facility in another community and has demonstrated the ability to construct and operate such a business.

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*: Not applicable.
- c) *Slopes effect on effluents*: see above.
- d) *Streams for disposal of effluents*: see above.
- e) *Applicable health and water resource rules*: Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding pollution after further discussion with the applicant regarding the adjacent wetland and the erosion entering that wetland.

Sufficient Water (Section 4.4.1.2 of the LUO)

The site is served by private 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)

See above.

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)

See comments above about stormwater.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding soil erosion after further discussion with the applicant about the existing erosion problems with the site.

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

The applicant has a Maine DOT scoping meeting for a traffic movement permit on September 9. Staff recommends further discussion with the City Engineer about this issue.

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

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

The applicant proposes to connect to the public sewer system. A letter from GAUD indicating that they have sufficient capacity to serve the use is necessary. No change in the amount of solid waste is expected.

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

1. The applicant provide a letter from GAUD indicating that they have sufficient capacity to serve the proposed use.

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

No undue adverse effect on aesthetic, cultural or natural values is expected except as noted elsewhere in this review.

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)

The proposal conforms with city ordinances and plans, except as noted in other sections of this review.

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)

This proposal is not in proximity to any surface waters or outstanding river segments.

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 is not expected to adversely affect 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 proposal 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)

See comments in the elsewhere in this review.

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 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 project is not regulated by the Site Location of Development Act. 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)

See the Performance Standards section.

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