

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 Betsy Poulin, Assistant Planner

DATE: January 6, 2016

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 and 41C

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 RV district, the drive through aspect triggers minor development review for the site)

Acreage: 2.98 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, P&S for property
4. Agent authorization letter
5. Site Plan

Areas of Concern

None.

Waivers

None requested.

Staff Review

The Bureau of Engineering has requested that a condition of approval be the receipt of the Traffic Permit from the Maine DOT.

The Bureau of Code Enforcement does not have additional concerns.

The Bureau of Planning does not have additional concerns.

Lot Characteristics

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

Minimum Road Frontage – 400 feet. The site meets the standard.

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

Minimum Front Setback – On March 2, 2011, the Board of Zoning Appeals granted a variance from the front setback requirement of 50 feet (conventional zoning) to 10 feet for Map 1, Lot 41B.

**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 and bypass lane on the site.
- b. *Architectural Design:* The building is not proposed to substantially change. Small additions to the back of the building are proposed for an office and walk in cooler/freezer.
- 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 include new signage and will add a queuing lane on-site.

- b) *Privacy:* Fencing exists along the rear and south of the building. Existing fencing will be relocated and supplemented with additional fencing along the rear (west) of the property and along the southern side of the parking. 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:* A Traffic Movement Permit application was submitted to MDOT on July 27, 2015. A scoping meeting was held on September 9, 2015. Preliminary re-design of the lanes on Civic Center Drive will add a center turning lane, maintain two 11 foot wide travel lanes and two 4 foot wide shoulders. On the site, MDOT installed "No Parking" signs on the island along Civic Center Drive. Additional curbing and striping will be added to the gas pump side of the island to deter large vehicles from parking along the roadway, and impeding sight distances.



- 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:* The stacking configuration of vehicles at the drive through has been added to the site plan. See *Safe Access* below for more information.
- 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. The proposed lane configuration on Civic Center Drive will reduce the width of the shoulders to 4 feet, eliminating the ability for shoulder parking. The by-pass lane around the rear of the building will allow for easier movement through the site with boat trailers. Curbing and signage proposed on the island adjacent to Civic Center Drive should improve visibility issues for vehicles entering and exiting the site.
- 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 1,000 square feet of floor area. The restaurant is 1,090 square feet (15.26 spaces



required) and the convenience space is 3,974 square feet (19.88 spaces required). The new mix of uses requires 36 parking spaces (Section 5.1.14.2 of the LUO). The plan shows adequate parking, with 44 spaces proposed.

The drive through queuing could interfere with the diesel pumps as those are often larger vehicles. Vehicles getting diesel would use the by-pass lane as they may not have an adequate turning radius to make a U-turn, especially if they access the southeast side of the pumps. By-pass traffic would exit the site via the existing southern curb-cut.

Delivery trucks currently access the site via the area where the proposed drive through is located. The applicant has redesigned the delivery truck area so that trucks will enter the site via Fig Vallee Lane and park in a designated area. Trucks will back up toward Fig Vallee Lane and exit the site through the existing southern curb-cut.

Fig Vallee Lane will continue to be used by residents to the west of the project site. Only delivery vehicles will use Fig Vallee Lane for entrance only.

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:* The applicant is on a private well.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* The applicant has a private septic. Two septic tanks and the grease trap will be relocated to allow for additions at the rear of the building. Additional capacity will be added to the septic field.
- c) *Electricity/Telephone:* Existing service is underground from a utility pole on Civic Center Drive.
- d) *Storm Drainage:* A catch basin with outlet was installed in the northern part of the site and erosion issues were addressed from previous approvals. One new catch basin is proposed on the site, which also outlets into the wetland.

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

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

- a) *Sensitive Areas:* The applicant obtained a MaineDEP NRPA PBR permit in October 2015 to for Outfall Pipes and Activities Adjacent to Protected Resources, to complete “installation of a catch basin and drain outlet, clean up of past erosion and prevent further erosion from parking lot runoff”. The permitted work has been completed. An additional NRPA Tier 1 Permit will be obtained for 900 sf of wetland fill associated with slope regrading for construction of the by-pass lane.
- b) *Air Quality:* The proposal conforms to air quality standards.
- c) *Water Quality:* Erosion concerns were addressed; future construction proposes use of erosion control measures.

- d) *Sewage/Industrial Waste*: A private septic field exists on the property as well as a grease trap for the restaurant use.
- 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.

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*: Proposed additional lighting will be mounted on the building and are full-cutoff, fully shielded 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. The proposal shows a 6 foot high solid fence along the western side of the property, adjacent to parking and vehicular circulation. Fencing is also proposed along the south side of proposed parking spaces.
- f) *Signage*: The proposed Dunkin Donuts signage will be installed on the existing Citgo sign in the northern portion of the site. 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)

The site is served by private 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)

Erosion issues from the 2012 approval have been resolved. New construction will comply with current erosion control practices.

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)

The applicant had a Maine DOT scoping meeting for a traffic movement permit on September 9, 2015. The City Engineer would like a copy of the permit to be a condition of approval.

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)

The applicant proposes to expand their existing private system to meet the needs of the new restaurant use. No significant 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.

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.