City of Augusta, Maine

DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT

ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

Franklin Land Associates, LLC – Dollar General Retail Store
Major Development and 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 Franklin Land Associate, LLC, 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:** Construct a 9,100 SF Dollar General Retail Store with associated parking and stormwater management on a vacant lot.
2. **Applicant:** Franklin Land Associates
3. **Location:** Eastern Avenue
4. **Zoning:** Planned Development (PD)
5. **Tax Map Number:** Map 57, Lot 9
6. **Existing Land Use:** Vacant Land
7. **Proposed Land Use:** Retail (Conditional Use allowed in the PD Zone)
8. **Acreage:** 2.37
9. On December 18, 2015 the applicant submitted the following:
    a. Conditional Use Application Form
    b. Narrative
    c. Deed
    d. Agent Authorization Letter
    e. Drainage Analysis
    f. Site Plans
10. On January 8, 2016 the applicant submitted the following:
    a. Development Review Application
    b. Narrative
    c. Traffic Impact Study
    d. Geotechnical Summary Report
11. On January 15, 2016 the applicant submitted the following:
    a. Building Elevations
    b. Photometric Lighting Plan
12. On January 29, 2016 the applicant submitted the following:
    a. Revised Site, Layout & Utility Plan
    b. Revised Landscaping Plan

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c. Revised Off-Site Improvement Plan

13. On February 17, 2016, the applicant submitted the following:
    a. Two Options for Architectural Elevations
    b. Revised Landscaping Plan
14. On February 23, 2016, the applicant submitted the following:
    a. Two Options for Architectural Elevations
    b. Revised Landscaping Plan
    c. Revised Site, Layout & Utility Plan
    d. Color Site Plan Graphic
15. On January 30, 2016 and February 6, 2016, the Kennebec Journal published legal advertisements for the public hearing regarding the application.
16. On January 29, 2016, City staff mailed notices to the owners of properties located within 1000 feet of the property regarding the public hearing regarding the application.
17. On February 9, 2016, the Planning Board held a public hearing regarding the application. The Planning Board conducted a detailed review of the material listed in Item 9 through 12 above, the staff review dated February 2, 2016, and considered testimony by the applicant and interested members of the public. Three individuals testified at the public hearing and no written communications regarding the application were received. The application was tabled to the February 23, 2016 meeting where the Planning Board conducted a detailed review of the material listed in Item 9 through 14 above, the staff review dated February 2, 2016, and considered testimony by the applicant and interested members of the public. Three individuals testified at the public hearing and one written communication regarding the applicant was received via email. The Board voted to **APPROVE the application with conditions.**

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.

4.4.1 Criteria for Reviewing the Preapplication

4.4.1.1 Pollution. The proposal will not result in undue water or air pollution.

4.4.1.2 Sufficient water. There is sufficient water available to meet the needs of the proposal.

4.4.1.3 Municipal water supply. The proposal will not cause an unreasonable burden on the municipal water supply.

4.4.1.4 Soil Erosion. The proposal will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

4.4.1.5 Highway or public road congestion. The proposal will not cause unreasonable public road congestion or unsafe conditions on public roads. The developer has made adequate provisions for traffic movement of all types.

4.4.1.6 Sewage waste disposal. The proposal will provide adequate sewage waste disposal.

4.4.1.7 Municipal solid waste and sewage waste disposal. The proposal will not cause an unreasonable burden on the municipality's ability to dispose of solid waste and sewage.

4.4.1.8 Aesthetic, cultural and natural values. The proposal will not have an undue adverse effect on aesthetic, cultural or natural values.

4.4.1.9 Conformity with city ordinances and plans. The proposal complies with the 2007 Comprehensive Plan and the Land Use Ordinance.

4.4.1.10 Financial capacity and technical ability. The applicant has adequate financial and technical ability to meet the terms of the ordinance.

4.4.1.11 Surface waters; outstanding river segments. The proposal is not located in the watershed of a pond or lake or within two hundred and fifty (250) feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter I, Article 20B.

4.4.1.12 Groundwater. The proposal will not adversely affect the quality of quantity of groundwater.

4.4.1.13 Flood areas. The proposal is not in a flood-prone area.

4.4.1.14 Freshwater wetlands. All freshwater wetlands on the subject parcel(s) have been identified on maps submitted.

4.4.1.15 River, stream or brook. Any rivers, streams, or brooks within or abutting the subject parcel(s) have been identified on maps submitted as part of the application.

4.4.1.16 Stormwater. The proposal will provide for adequate stormwater management.

4.4.1.17 Access to direct sunlight. The proposal will not block access to direct sunlight to any structures utilizing solar energy.

4.4.1.18 Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377. The project is not regulated by the Site Location of Development Act. Not applicable.

4.4.1.19 Spaghetti Lots. A subdivision is not proposed. Not applicable.

4.4.1.20 Outdoor lighting. All outdoor lighting shall be of a design and construction that prevents light trespass beyond the boundaries of the parcel(s).

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. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to architectural design.

iii. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to scale, bulk, and building height.

iv. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.

v. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to disposition and orientation of the buildings.

vi. The proposal is compatible with and sensitive to the character of the site and neighborhood relative to visual integrity.

b. The elements of the site plan are designed and arranged to maximize the opportunity for privacy by the residents of the immediate area.

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 any 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 unlacing 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. The proposal is not in the shoreland zone.

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 generates 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. The landscaping screens parking areas, loading areas, trash containers, outside storage areas, blank walls or fences and other areas of low visual interest from roadways, residences, public open space and public view.
f. All of the signs comply with the Land Use Ordinance.

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, with the following conditions, the application of Franklin Land Associates LLC for a Dollar General Retail Store as described in the findings above.

Conditions of Approval

The following conditions shall be met prior to the Signature of Approval on the Site Plan. No site or building permit shall be issued until these conditions are met. These conditions shall be met within one year of the signing of these Findings of Fact and Conditions of Approval by the Chair of the Planning Board. If these conditions are not met within one year, the applicant must come before the Planning Board for review of the conditions:

1. The HVAC units will be located on the ground on the west side of the building and the planned sidewalk will extend around them.

2. Building Exterior Elevation Option # 4 as presented this evening has met acceptable standards.

This Conditional Approval shall expire within eighteen(18) months of the date of approval by the Planning Board, if a permit from the Bureau of Code Enforcement for the site and building work is not issued by that date.

Justin L. Poirier, Planning Board Chair

3/15/2016
Date