

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



ENGINEERING
FACILITIES & SYSTEMS
PLANNING

IN THE MATTER OF:

**Kenneth Knight - Imported Cars Expansion
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 Kenneth Knight, 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 applicant proposes to remove 1,100 sf of his existing 2,060 sf building, which has a non-conforming use, automobile business. An addition will be placed in the vicinity of the removed building to expand the automobile business an additional 1,966 sf from what exists today. A residential apartment will be located above the business, which is not subject to Planning Board review.
2. **Applicant:** Kenneth Knight
3. **Location:** 3327 North Belfast Avenue
4. **Zoning:** Rural Ponds District (RPDS)
5. **Tax Map Number:** Map 4, Lot 107B
6. **Existing Land Use:** Automobile business (non-conforming)
7. **Proposed Land Use:** Automobile business (non-conforming)
8. **Acreage:** 4.36 Acres
9. On July 15, 2016 the applicant submitted the following:
 - a. Conditional Use Application Form
 - b. Narrative
 - c. Deed
 - d. Site Plans and Architectural Plans
10. On September 6, 2016 the applicant submitted the following:
 - a. Revised Aerial Plan
11. On September 26, 2016 the applicant submitted the following:
 - a. Building and site signage plans
12. On October 5, 2016 the applicant submitted the following:
 - a. Project Update Narrative
 - b. Site Plan
13. On July 27, July 30, August 31, September 3, October 1, October 8, November 5, November 12 of 2016, the Kennebec Journal published legal advertisements for the public hearing regarding the application.

14. On July 27, 2016, City staff mailed notices to the owners of properties located within 1000 feet of the property regarding the public hearing regarding the application.
15. On August 3, 2016, the Historic Preservation Commission reviewed the building per demolition delay ordinance, and determined the building to be not historically significant and not subject to a 90 day demolition delay.
16. On August 9, 2016, the Planning Board tabled the public hearing per request by the applicant.
17. On September 13, 2016, the Planning Board tabled the public hearing to October 11, 2016 requesting additional information from the applicant.
18. On October 11, 2016, the Planning Board tabled the public hearing per request by the applicant.
19. On November 15, 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 15 above, the staff reviews dated September 7, October 5, and November 9, 2016, and considered testimony by the applicant and interested members of the public. No individuals testified at the public hearing and no 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.

300-603.E Site Plan Criteria Applicable for Conditional Uses

300-603.E(1) Neighborhood compatibility.

- (a) Compatibility and sensitivity to character of the site and neighborhood relative to:
 - [1] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to land uses.
 - [2] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to architectural design.
 - [3] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to scale, bulk, and building height.
 - [4] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to identity and historical character.
 - [5] The proposal is compatible with and sensitive to the character of the site and neighborhood relative to disposition and orientation of the buildings.
 - [6] 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.

300-603.E(2) Plans and policies. The proposal is in accordance with the adopted elements of the 1988 Growth Management Plan.

300-603.E(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 unloading of persons, materials, and goods.

300-603.E(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.

300-603.E(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.

300-603.E(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) 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.

300-603.E(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 Kenneth Knight as described in the findings above and with these additional findings:

1. As the building is more than 50 years old, it was subject to review by the Historic Preservation Commission. It is their determination that the building will not be subject to a demolition delay.
2. The applicant has requested a waiver from the Stormwater Management requirements of our ordinance. Staff supports granting this waiver due to the nature of the development. This waiver is granted.
3. The applicant has requested a waiver from the Traffic Report requirements of our ordinance. Staff supports granting this waiver due to the limited nature of the development. This waiver is granted.

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 three parking spaces on the existing, shared right-of-way and shown on the original site plan submitted July 15, 2016 are not allowed.
2. The entrance to the new building shall not be off the shared right-of-way in the existing building, but shall be located on the opposite side of the new building, as shown in the building drawings submitted July 15, 2016.
3. The new entrance shall be clearly marked with a double-sided "Enter Here" sign easily visible to people traveling both east and west on North Belfast Avenue.
4. The sign shall not be placed in the DOT right-of-way, as it appears to be in the hand-drawn addition to the Google Earth picture submitted October 5, 2016, unless DOT gives permission for placement there.
5. The sign must be tall enough so that plowed snow will not cover the lettering.
6. The existing, free-standing antique "Imported Cars" sign shall be brought into compliance no later than November 30, 2021. At that time, the sign shall be moved away from the existing, shared right-of-way where it is currently standing to a new location near the proposed "Enter Here" sign.

7. The number of parking spaces may be reduced to 50% of the ordinance requirement.
8. As this property has 250' of frontage along North Belfast Avenue/Route 3, and as our land Use Ordinances require a Bufferyard E for commercial businesses in the Rural Ponds District, some buffering is to be added. The plantings can be spaced in such a way as to allow Mr. Knight to display vehicles on the property in front of his business. Mr. Knight is to work with staff on the landscaping, to hopefully give some vertical interest to the front of his property.
9. The communications business signage that will be removed from the front of the business with the construction of the new building shall not be replaced.

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

12/13/16
Date