

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: January 8, 2014

RE: J & R Associates, LLC; 190 Water Street

SUMMARY OF REQUEST

Request: The request is for a final plan review of Minor Subdivision as per Section 4.6. The applicant proposes to convert a commercial use into three apartments.

Owner: J & R Associates, LLC

Applicant: J & R Associates, LLC

Location: 190 Water Street

Zoning: Kennebec Business District 1 (KBD1)

Tax Map Number: Map 34, Lot 66

Existing Land Use: Commercial

Proposed Land Use: Commercial, Residential

Acreage: 0.10 acres

SUMMARY OF SUBMITTAL PACKAGE

In the submittal package the applicant has provided the Planning Board with the following items:

1. Subdivision Review form
2. Agent authorization letter

3. Deed
4. Narrative
5. Recording plats

Areas of Concern

There are no areas of concern.

Staff Review

The Bureau of Engineering does not have any concerns.

The Bureau of Code Enforcement did not comment on the application.

The Bureau of Planning does not have any additional comments.

Lot Characteristics

The lot is an existing lot of record. The subdivision is proposed within an existing building.

CRITERIA FOR FINAL PLAN REVIEW OF A MINOR SUBDIVISION (Section 4.6 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:*
 - i. *Land Uses:* There is a mix of commercial and residential uses in the buildings in downtown Augusta.
 - ii. *Architectural Design:* The applicant proposes to replace the existing windows with similar windows.
 - iii. *Scale, Bulk, Building Height:* No changes are proposed to the scale, bulk or building height.
 - iv. *Identity, Historical Character:* Some of the buildings along Water Street have apartments in the upper floors.
 - v. *Disposition and Orientation:* No changes are proposed to the disposition and orientation of the existing building.
 - vi. *Visual Integrity:* Other than replacing the windows, no change is proposed to the exterior of the building.
- b) *Privacy:* No changes are proposed to the layout of the site.
- c) *Safety and Health:* The proposal will maintain safe and healthful conditions in the neighborhood.
- d) *Property Values:* The proposal is not expected to have a negative 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 2007 Comprehensive Plan (Volume 1, Page 8) indicates that the downtown area has vacant space in the upper floors that would be ideal for housing.

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:* A small amount of traffic will be associated with the apartments. The traffic is not expected to have a negative impact on the neighborhood.
- b) *Safe Access:* No changes are proposed to access.
- c) *Emergency:* The proposal provides access for emergency vehicles and for people attempting to render emergency services.
- d) *Movement/Parking:* The building takes up most of the lot. There is no land that is used by vehicles. Only off-site parking is available. Loading and unloading may take place on Water or Commercial Street.

Staff recommends that the Board find that the proposed use is in compliance with Traffic Pattern, Flow and Volume.

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

- a) *Water Supply:* The building is served by public water.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* The building is served by public sewer.
- c) *Electricity/Telephone:* The building is served by electric power.
- d) *Storm Drainage:* No changes are proposed to storm drainage.

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:* There are no sensitive areas.
- b) *Air Quality:* The proposal conforms to air quality standards.
- c) *Water Quality:* The proposal conforms to water quality standards.
- d) *Sewage/Industrial Waste:* The building is served by public sewer. No industrial waste is proposed.
- 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*: Noise is not a concern.
- c) *Glare/Heat*: No glare or heat is proposed.
- d) *Exterior Lighting*: No exterior lighting is proposed.
- e) *Screening*: No screening is required.
- f) *Signage*: No signs are proposed.

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)

The applicant has secured E.S. Coffin Engineering & Surveying as its consultant, which has proven its technical ability in projects already completed. The applicant indicates that it has adequate financial ability.

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 basement of the building is in the 100-year floodplain.
- b) *Ability of Soils to support waste disposal*: Wastewater will be disposed of in the public sewer.
- c) *Slopes effect on effluents*: Wastewater will be disposed of in the public sewer.
- d) *Streams for disposal of effluents*: Wastewater will be disposed of in the public sewer.
- e) *Applicable health and water resource rules*: The proposal will comply with the rules.

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)

See the Public Facilities section.

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 the Public Facilities section.

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)

No soil disturbance is proposed.

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 proposal will not cause congestion or unsafe conditions on the roads.

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)

See the Public Facilities section regarding sewage waste. The subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.

Staff recommends that the Board find that the proposal in compliance with the Sewage Waste and Municipal Solid Waste Disposal Section.

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

The subdivision will not have an undue adverse effect 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 Conformity with 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)

Not applicable.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Surface Waters and Outstanding River Segments.

Ground Water (Section 4.4.1(12) 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 Ground Water.

Flood Areas (Section 4.4.1(13) of the LUO)

See the Pollution section.

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)

There are no wetlands on the parcel.

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

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)

No changes are proposed to the exterior dimensions of the building. 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 Access to Direct Sunlight.

Title 38 M.R.S.A. Section 484, Chapters 371 and 373-377 (Section 4.4.1(18) of the LUO)

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)

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)

No outdoor lighting is proposed.

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