

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: March 4, 2015

RE: **Shuman Family Second LLC**

SUMMARY OF REQUEST

Request: The request is for a Minor Development review as per Section 4.5. The applicant proposes to construct a vehicle display lot.

Owner: Shuman Family Second LLC

Applicant: Shuman Family Second LLC

Location: 480 Western Avenue

Zoning: Regional Business (CC) District

Tax Map Number: Map 16, Lot 31A and 32

Existing Land Use: Retail

Proposed Land Use: Automobile Business

Acreage: 2.13 acres (combined)

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
4. Agent authorization letter

5. Site Plan

Areas of Concern

Staff recommends that the Board require the applicant to:

1. Revise the site plan to add a right turn only sign beside the exit onto Western Avenue.
2. Submit a lighting specification sheet for the fixtures at the top of the poles which demonstrate that the fixtures are full cutoff and remove the fixtures that are mid-way up the poles.
3. Revise the site plan to either widen the bufferyard to the south of the display lot to 15 feet in width or add a fence to it.
4. Submit a letter which demonstrates that the applicant has sufficient financial capacity to comply with the ordinance.
5. Submit the response letters from the Maine Historic Preservation Commission, Maine Department of Inland Fisheries & Wildlife, and Maine Department of Conservation (Aesthetic, Cultural, and Natural Values).

Waivers

The applicant requested a waiver from submitting a traffic report. The City Engineer does not think a traffic report is necessary.

Staff Review

The Bureau of Engineering does not have any additional concerns.

The Bureau of Code Enforcement does not have any additional concerns.

The Bureau of Planning does not have any additional concerns.

Lot Characteristics

Impervious Surface Ratio – The maximum allowed impervious surface ratio is .80. The proposed impervious surface ratio on Lot 32 is 0.80, which meets the standard. The proposed impervious surface ratio on Lot 31A is 0.76, which meets the standard.

In the CC District, there are dimensional limits for floor area ratio and maximum height. These dimensional standards are is not applicable.

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 proposed display lot is immediately adjacent to Charlie's Collision Center. To the south and west, there are single-family homes. There is a business on the lot at the southwest corner of Western Avenue and Brann Avenue.

- b. *Architectural Design*: A building is not proposed. Not applicable.
 - c. *Scale, Bulk, Building Height*: A building is not proposed. Not applicable.
 - d. *Identity, Historical Character*: The lot is located on Western Avenue in a strip of auto dealerships.
 - e. *Disposition and Orientation*: A building is not proposed. Not applicable.
 - f. *Visual Integrity*: Bufferyards are proposed to the south, west, and north of the display lot.
- b) *Privacy*: Bufferyards are proposed to the south, west, and north of the display lot.
 - c) *Safety and Health*: The proposal will maintain safe and healthful conditions.
 - d) *Property Values*: The project is not expected to have a significant detrimental 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 project is located in the Economic Growth Zone, which is described in the 2007 Comprehensive Plan. This area is expected to continue to be an economic engine for the city with significant retail and other uses.

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*: Any additional traffic generated will not have a significant negative impact on the neighborhood.
- b) *Safe Access*: Lionel Cayer, City Engineer, comments that the exit onto Western Avenue needs to have a right turn only sign.
- c) *Emergency*: Lt. Freeman, of the Augusta Fire Department, does not have any concerns regarding emergency access.
- d) *Movement/Parking*: The entrance provides for smooth and convenient movement of vehicles. The proposal is for a display lot, therefore there are no parking capacity requirements.

Staff recommends that the Board require the applicant to:

1. Revise the site plan to add a right turn only sign beside the exit onto Western Avenue.

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

- a) *Water Supply*: No water supply is required. Not applicable.
- b) *Sanitary/Sewer/Subsurface Waste Disposal*: No waste water is proposed. Not applicable.
- c) *Electricity/Telephone*: Underground power lines are installed on the north side of the site.
- d) *Storm Drainage*: Lionel Cayer comments that the storm water report is acceptable.

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

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

- a) *Sensitive Areas*: There are no known sensitive areas on the site.
- b) *Air Quality*: No air quality permits are required.
- c) *Water Quality*: The project requires Site Location of Development Act review by the Maine DEP. No hazardous waste is proposed.
- d) *Sewage/Industrial Waste*: No sewage or industrial waste is proposed.
- e) *Shoreland/Wetland Districts*: The project is not in the shoreland district.

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 dimensional standards. There are no additional concerns regarding performance standards.
- b) *Noise*: The proposed use can be conducted so that noise will not exceed the performance levels specified in the ordinance.
- c) *Glare/Heat*: No glare or heat is proposed.
- d) *Exterior Lighting*: Two poles with light fixtures are installed. They have fixtures at the top of the poles and part way up the poles. The fixtures at the top of the poles may be full cutoff; however no lighting specification sheets are included in the application. The fixtures part way up the poles are tipped toward the display lot. Staff recommends that the Board require the applicant to submit a lighting specification sheet for the fixtures at the top of the poles which demonstrate that the fixtures are full cutoff and remove the fixtures that are mid-way up the poles.
- e) *Screening*: A Bufferyard A, with a minimum width of five (5) feet, is required along roads for auto display lots (section 5.2.2.2). The north and west bufferyards are at least five feet wide, which meets the standard.

A Bufferyard A is required to the south of the project and the abutting Low Density Residential (RA) District. The bufferyard is fourteen (14) feet wide, which does not meet the requirement. If a fence is added to the bufferyard, it only needs to be ten (10) feet wide. Staff recommends that the Board require the applicant to either widen the bufferyard to 15 feet in width or add a fence to it.

- f) *Signage*: No signs are proposed.

Staff recommends that the Board require the applicant to

1. Submit a lighting specification sheet for the fixtures at the top of the poles which demonstrate that the fixtures are full cutoff and remove the fixtures that are mid-way up the poles.
2. Revise the site plan to either widen the bufferyard to the south of the display lot to 15 feet in width or add a fence to it.

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

E. S. Coffin has the technical ability to comply with the ordinance. The applicant plans to submit a letter regarding financial capacity.

Staff recommends that the Board require the applicant to:

1. Submit a letter which demonstrates that the applicant has sufficient financial capacity to comply with the ordinance.

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:* No waste water is proposed. Not applicable.
- c) *Slopes effect on effluents:* No waste water is proposed. Not applicable.
- d) *Streams for disposal of effluents:* No waste water is proposed. Not applicable.
- e) *Applicable health and water resource rules:* The project complies with health and water resource 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)

No water supply is proposed. Not applicable.

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)

No water supply is proposed. Not applicable.

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)

An erosion and sedimentation control plan was submitted.

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)

See the Traffic Pattern, Flow and Volume section.

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)

No sewage waste disposal or solid waste disposal is proposed.

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

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

The applicant has sent letters to the Maine Historic Preservation Commission, Maine Department of Inland Fisheries & Wildlife, and Maine Department of Conservation.

Staff recommends that the Board require the applicant to:

1. Submit the response letters from the Maine Historic Preservation Commission, Maine Department of Inland Fisheries & Wildlife, and Maine Department of Conservation (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.

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)

The parcel is not within 250 feet of one of these natural resources. Not applicable.

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 the quality or quantity of groundwater.

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 project 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)

There are no freshwater wetlands on the property.

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 the property.

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)

A Site Location of Development Law permit amendment is required from the Maine DEP.

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.