

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
DATE: September 8, 2015
RE: Pizza Degree

SUMMARY OF REQUEST

Request: The request is for a Minor Development review as per Section 4.5. The applicant proposes to convert the former C.N. Brown Big Apple building, adjacent to Prompto, into a 34 seat pizza Restaurant with a drive through. The Restaurant use is a permitted use in the district, but the drive through is new and triggers minor development review.

Owner: Gerard Gosselin

Applicant: North Country Investments, LLC, c/o Spencer Oullette.

Location: 265 Western Ave

Zoning: Regional Business (CC)

Tax Map Number: Map 19, Lot 75

Existing Land Use: Retail, Convenience (allowed use in the CC district)

Proposed Land Use: Restaurant with Drive Through (allowed use in the CC district, the drive through aspect triggers minor development review for the site)

Acreage: 1.01

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

1. See Parking/Movement below.

Waivers

1. The applicant has requested a waiver of the Stormwater management requirements from the ordinance. Staff recommends granting this waiver, as there are no changes to the impervious surface on the site.

Staff Review

The Bureau of Engineering does not have any concerns beyond on site traffic movement as described in this memo.

The Bureau of Code Enforcement does not have additional concerns.

The Bureau of Planning does not have any additional concerns.

Lot Characteristics

Minimum Lot Size – There is no minimum lot size in the CC district.

Minimum Road Frontage – There is no minimum road frontage in the CC district.

Minimum Lot Depth – There is no minimum lot depth in the CC district.

Minimum Front Setback – The minimum setback from the edge of the Western Ave right-of-way is 35 feet. The proposed building meets the standard.

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 was a convenience store with a fueling island. The fueling island has been removed. There are two adjacent land uses that share on-site traffic flow and all three uses have a variety of cross easements for use of each other's lots.
 - b. *Architectural Design:* The building is not proposed to substantially change.
 - c. *Scale, Bulk, Building Height:* No 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 to add a narrow vegetated buffer to the front of the parcel, softening the current expanse of pavement in this area that exists.
- b) *Privacy*: No changes to the site are proposed. 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*: The proposal is not expected to affect safe and healthful conditions.
- d) *Property Values*: The proposal is not expected to have a 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 Westside Residential Area which is described in the 2007 Comprehensive Plan. Development patterns are primarily residential except along commercial corridors such as Western Ave.

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 traffic report for the applicant shows a small increase in traffic over the former convenience store due to the proposed use. Given the constraints of the site, the Board should have additional conversation about this with the City Engineer and the applicant's engineer.
- b) *Safe Access*: See movement and parking below.
- c) *Emergency*: See movement and parking below.
- d) *Movement/Parking*: Parking is calculated for a fast food restaurant using gross floor area with the requirement being 14 spaces per 1,000 square feet of building (Section 5.1.14.2 of the LUO). The building is 1,520 sf and requires 22 parking spaces per the ordinance. The applicant has provided 22 parking spaces. However, staff recommends that in order to improve on site traffic flow and possible on-site conflicting movements at the site's entrance that could quickly spill out onto Western Ave, the applicant and the Board should consider reducing parking by 1 or 2 spaces by removing the spaces furthest east on the site, adjacent to Western Ave to allow widening of the enter-only curb cut.

There is a tremendous amount of possible activity on site immediately on entering the property. The queuing lane for Pizza Degree could stack out to the entrance if 4-5 vehicles are waiting at the order window. The queuing lane for Prompto currently stacks out to Western Ave and the entrance to the site occasionally. And if traffic is queued to the entrance for either of these businesses, the ability of patrons to get on site and into the Pizza Degree parking area is blocked.

Widening the enter-only curb cut to accommodate the drive through lanes and space to

allow vehicles to enter the site west of the drive through lane while still getting into the angle parking for Pizza Degree would work. There does not appear to be space on site to allow 90 degree parking at Pizza Degree, which would allow people to enter and use the parking field coming from the west (the old Unicel building).



Staff recommends that the drive through lanes for both Pizza Degree and Prompto be striped and marked on the pavement, with Pizza Degree being responsible for installing the striping with Prompto's agreement. The drive throughs can start as a single drive through, then diverge after entering the site with one labeled "Drive-Thru Pizza Degree" and the other labeled "Drive-Thru Prompto".

Traffic exiting Prompto must cross the Pizza Degree drive through lanes in two locations to get to Western Ave. The Planning Board should have a conversation with the applicant about this on-site traffic conflict.

Traffic flow to and from the back of the site for all three buildings (Prompto, Pizza Degree, and the former Unicel building) is primarily between the old Unicel Building and the proposed Pizza Degree. With the addition of a pick-up window on the west side of Pizza Degree, the ability of two way traffic to and from the back of the sites is constricted with there being roughly 25 feet from the edge of Pizza Degree's drive through lane and the bituminous curb adjacent to the old Unicel building. All Prompto traffic must use this exit area, and some Pizza Degree traffic will exit using this area. This is an area that has traditionally been parking for the Unicel building. If it is used for parking again, access to and from the back of the site is effectively blocked. The image to the right, from 2008, shows how tight this site is and how difficult on-site traffic movement can be. The Pizza Degree drive through requires the former Unicel building to give up 5-10 parking spaces to accommodate on site traffic flow in a different manner than the site traditionally had.

As seen in the photo above, Prompto has paving behind their building that is used for employee parking and their dumpster. Pizza Degree's proposed parking layout will block Prompto's access to the back of their building from the Pizza Degree side.

The Board should discuss all of these issues with the applicant and may find other solutions. The proposed use is an intense use given the configuration of this and the

two neighboring sites. The restaurant is clearly an allowed use, provided the applicant can get the necessary parking or the Board grants a waiver for the number of spaces required. The drive through, in conjunction with the existing Prompto drive through, is problematic.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Traffic Pattern, Flow and Volume with the following conditions:

1. The enter-only access is widened to allow drive through lanes for Pizza Degree and Prompto that diverge once on site as well as allowing vehicles to enter the site at the same curb cut to the west of the drive through enabling access to the Pizza Degree parking area while traffic is queued for drive throughs.
2. Eliminate 1-2 parking spaces along Western Ave to achieve condition 1 above.
3. Eliminate 2 parking spaces at the back of the site to allow Prompto to continue to access the back of their site from both sides.
4. Install an Entrance Only sign at the eastern access point to the site.

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

- a) *Water Supply:* The applicant expects to connect to public water. A letter has not yet been received from GAUD regarding their capability to serve this use.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* Same as the water supply comment.
- c) *Electricity/Telephone:* The site is adjacent to existing power and phone services.
- d) *Storm Drainage:* The applicant proposes no changes.

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:* The applicant proposes no changes to the site.
- b) *Air Quality:* The proposal conforms to air quality standards.
- c) *Water Quality:* The proposal conforms to water quality standards.
- d) *Sewage/Industrial Waste:* See note above regarding sewage and stormwater.
- 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 and mentions 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*: The applicant proposes two wall pack lights on the building. The Board should confirm these are full cut off fixtures.
- e) *Screening*: The proposed building improves on the existing bufferyard screening on Western Ave. Currently no bufferyard exists.
- f) *Signage*: New signage on site will have to comply with existing sign ordinances. A sign easement is shown near the entrance to the site on the adjacent property. Both state law and city ordinance do not allow off site signage. The applicant shall not be allowed to place a sign for Pizza Degree on a neighboring property, despite the existing sign easement on the neighboring property.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding Performance Standards under the following conditions:

1. The applicant provides evidence that the proposed fixtures are full cut off fixtures.
2. The applicant shall not place signage on the neighboring property..

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*: Not applicable.
- d) *Streams for disposal of effluents*: Not applicable.
- 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.

Sufficient Water (Section 4.4.1.2 of the LUO)

The site is served by public water. A letter from GAUD indicating that the site can be served is required.

Staff recommends that the Board find that the proposed use is in compliance with the ordinance regarding sufficient water with the following condition:

1. A letter from GAUD be obtained indicating that they have the ability to serve the proposed development.

Municipal Water Supply (Section 4.4.1.3 of the LUO)

See above.

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)

See comments above about stormwater.

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)

No significant change in traffic volume is proposed. However, see comments about parking and movement above.

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 connect to the public sewer system. A letter from GAUD indicating that they have sufficient capacity to serve the use is necessary. No 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 disposal with the following conditions:

1. The applicant provide a latter from GAUD indicating that they have sufficient capacity to serve the proposed use.

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 Public Facilities section above.

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.