

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 Betsy Poulin, Assistant Planner

DATE: February 2, 2016

RE: Franklin Land Associates, 296 Eastern Avenue

SUMMARY OF REQUEST

Request: The request is for a **Major Development and Conditional Use** review as per section 4.5 and 6.3.4. The applicant proposed to build a 9,100 SF Dollar General Store with associated parking, stormwater management on a vacant lot.

Owner: Franklin Land Associates, LLC

Applicant: Franklin Land Associates, LLC

Location: 296 Eastern Avenue

Zoning: Planned Development (PD)

Tax Map Number: Map 57, Lot 9

Existing Land Use: Vacant Land

Proposed Land Use: Retail (Conditional Use allowed in the PD Zone)

Acreage: 2.37 Acres

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. Conditional Use Application Form
3. Narrative

4. Purchase & Sale Agreement
5. Deed
6. Traffic Impact Study
7. Drainage Analysis
8. Geotechnical Summary Report
9. Site Plans

Areas of Concern

1. None.

Waivers

1. None.

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 – Conventional Zoning

Minimum Lot Size – 20,000 SF. The existing lot meets this standard.

Minimum Road Frontage - 150 Feet. The existing lot meets this standard.

Minimum Lot Depth – 100 Feet. The existing lot meets this standard.

Minimum Front Setback – 35 Feet. The existing lot meets this 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:* Saltbox Primitives retail store abuts the western boundary of the site. Further to the west are a mix of residential apartment buildings and single family homes, Eastern Delight Chinese Take Out Restaurant and Caron’s Collision Repair Center. Across Eastern Avenue is Bill’s Barber Shop, a mix of residential properties, vacant land and the Farrington School. Abutting the eastern property line is a single family residential home. Further to the east is the intersection of

Cony Road and Eastern Avenue, a signalized intersection. Abutting the southern property line is the Greentree Apartments Complex.

- b. *Architectural Design:* The building façade is 18'-6" high with split face concrete block along the bottom 10 feet and vertical metal wall panels above. The sides and rear of the building are faced with metal wall panels. The building has a flat roof that slopes to the rear to shed water and snow. There are very few flat roof buildings in this area and none that share the proposed modern commercial box construction design. Nearly all buildings in the area are more traditional pitched roof designs, including the Circle K gas station down the road. Caron's Collision Center is the only construction somewhat similar in nature, although it is behind residential uses that front Eastern Ave, screening it somewhat from the traveling public, and the flat roof section of Caron's is multi-level, breaking up the front façade and roofline. The area is a mix of architectural types, but Dollar General's proposed design does not particularly match any of them. It more closely matches the most basic commercial building design found on Western Ave, and many of those buildings have been modified to add architectural detail and interest.

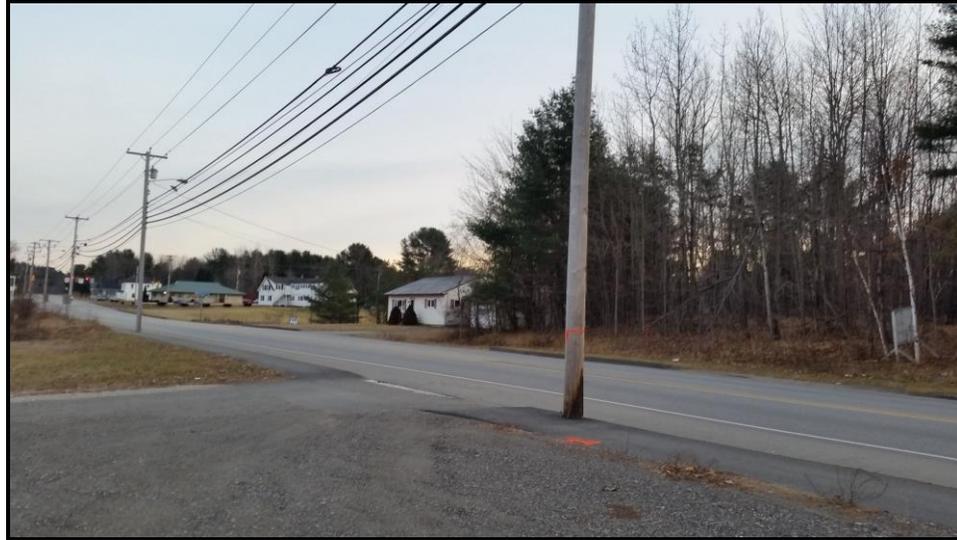
All photographs included with this staff review are provided by staff, not the applicant. Images of Dollar General stores in other parts of the country are included to provide the Board with real images of other locations that are very similar in design to the proposed Augusta Dollar General.



View looking west on Eastern Avenue. Project site is the wooded area on left of picture.

- c. *Scale, Bulk, Building Height:* The 9,100 SF footprint of the building is smaller than Caron's Collision Center, but larger than other commercial or residential buildings in the area. The two materials on the façade break up the bulk of the building somewhat. The sides and rear of the building may not be very visible

since it is set back from the road. The height is similar to other structures in the area.



View looking east on Eastern Avenue. Project site is the wooded area on right of picture.

- d. *Identity, Historical Character:* This area of Eastern Avenue has a mix of commercial and residential properties.
- e. *Disposition and Orientation:* The building is setback from the front property line 110 feet and oriented parallel with Eastern Avenue. This is a variation from the typical physical layout along Eastern Ave, where most buildings are pushed to the front of a lot with parking on the sides, with a few exceptions.
- f. *Visual Integrity:* The façade has a canopy over the entrance breaking up the plane of the building. However, this will be a significant visual change to the streetscape of Eastern Ave, with a relatively large building and large parking areas being the dominant visual feature of the proposed building. The applicant does propose significant plantings along Eastern Ave, as required by the LUO that will soften the visual impact.
- b) *Privacy:* The site plan notes a 6 foot solid stockade fence along both the eastern and western property lines.
- c) *Safety and Health:* The proposal will not have a detrimental effect on the safety or health conditions of the neighborhood.
- d) *Property Values:* The proposal is on a vacant lot, but will not change the mix of uses within the neighborhood.

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 proposal is in the Eastside Residential District which is described in the 2007 Comprehensive Plan. Retail uses are allowed within the mixed-use subdistrict this property is located.

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 additional traffic forecasted with this development requires modifications to Eastern Avenue, which include a left turn lane. A Traffic Report and Off-Site Improvements Plan have been provided.
- b) *Safe Access:* Sight distance standards are met and the curb cut is sufficient for vehicle access.
- c) *Emergency:* The proposal provides adequate access for emergency services.
- d) *Movement/Parking:* The proposed left turn lane in Eastern Avenue and the size of the curb cut will provide smooth and convenient vehicle access. The parking lot meets the requirements for vehicular parking and provides ample space for tractor trailer loading/unloading.

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

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

- a) *Water Supply:* The site has public water. Mike Morey of the Greater Augusta Utility District commented that he does not have any concerns.
- b) *Sanitary/Sewer/Subsurface Waste Disposal:* The site has public sewer access. Mike Morey of the Greater Augusta Utility District commented that he does not have any concerns.
- c) *Electricity/Telephone:* The site will use overhead electric/telephone access from the northern side of Eastern Avenue. Two poles will be mounted on the site to access the utility room at the rear of the building.
- d) *Storm Drainage:* A drainage analysis plan has been provided and water flowing off-site will be below pre-development levels. Shallow ponds constructed in the rear of the property will allow for infiltration.

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:* No sensitive areas will be impacted.
- b) *Air Quality:* The proposal complies with air quality standards.

- c) *Water Quality*: The proposal complies with water quality standards.
- d) *Sewage/Industrial Waste*: Sewage will flow into the Greater Augusta Utility District's sewer system. No industrial waste is proposed.
- e) *Shoreland/Wetland Districts*: The proposal is not in the Shoreland Zone. 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 all performance and dimensional standards.
- b) *Noise*: Noise may be an issue from unshielded rooftop HVAC units. This is proposed to be a sloped roof building, from front to back, with a parapet wall in the front and the sides and back left open.
- c) *Glare/Heat*: No excessive heat or glare is proposed.
- d) *Exterior Lighting*: Pole and building mounted lighting is full-cutoff and does not exceed standards at the property line. Lighting will be turned off at night when the store is not in operation. Security lighting shown on the top of the building, see Building Elevations, is not full cutoff and needs to be removed from final plans.
- e) *Screening*: Bufferyard E is provided along the Eastern Avenue frontage and the side property lines are Bufferyard A with 6 foot high solid stockade fences. The parking lot will be screened.
- f) *Signs*: Signage is proposed on the façade of the building and along the road frontage. All signage is required to meet City standards.

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)

- 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.

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*: No streams are in the vicinity.
- e) *Applicable health and water resources rules*: The proposal complies with water quality standards.

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.

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 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)

A Traffic Report has been provided with the application and roadway improvements are proposed on Eastern Avenue, including shoulders, two 11 foot travel ways and an 11 foot wide left turn lane.

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)

Sewage will be disposed of in the public sewer system. Solid waste will be contracted with a private hauler.

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)

See Neighborhood Compatibility above for aesthetic and cultural features. No significant wildlife or natural areas are present at this site.

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.

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 above.

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)

No freshwater wetlands are 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 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. A Maine DEP Stormwater Permit-By-Rule Permit and a MDOT Driveway Entrance Permit are required.

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 provided security lighting is not mounted on the top of the building.

Dollar General



296 Eastern Ave

Eastern Ave

Village Cir

Conyn Rd

New England Rd

Windsor Ave

Lanbar Rd

17

Google earth

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900 ft



