
Section L

Conformity with Land Use Ordinance



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Ordinance

The following outline is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526 as well as the City of Portland Technical Manual, Chapter 14 Standards for Local Site Location of Development Review.

OVERVIEW

The proposed mixed-use building has been designed to conform to City standards where possible, as well as improve upon existing non-conformities. This project conforms with the majority of the applicable standards of Portland's Land Use Ordinance Section 14-526 as demonstrated in the following narrative.

(a) Transportation Standards

1. Impact on Surrounding Street Systems:

The site is located along the confluence of Hanover, Parris, and Kennebec Street. All surrounding streets are classified as local streets according to the City of Portland Federal Street Classification map. A minimal traffic increase is expected for this project due to the change in use of the existing building. However, the increase will be caused by standard vehicles as opposed to the current condition where large vehicles such as plow trucks and maintenance trucks utilize the property. Congestion of the intersections is not anticipated.

2. Access and Circulation:

a. Site Access and Circulation:

This project conforms with the design standards of Section 14-526 as demonstrated in the following narrative.

- (i) The development will provide safe access and internal circulation for both pedestrians and vehicles as seen on the Site Plan.
- (ii) The existing parking area can be accessed from Hanover Street. There is a proposed one-way driveway parallel to Kennebec Street that will serve as the sole vehicle ingress and egress. Traffic will enter through Hanover Street and exit to Parris Street. The functionality of all internal vehicle movements has been verified with AutoTurn, a computer program that models the turning radii of various types of vehicles.
- (iii) The site does not feature drive up services as mentioned in this requirement.



b. Loading and Servicing:

- (i) Loading and unloading areas for the retail stores and restaurants will be accommodated within the existing street parking along the project's Hanover and Parris Street frontages. During off hours, the parking lot may be utilized.

c. Sidewalks:

- (i) Brick sidewalks exist along Parris and Hanover Street. Extension of both sidewalks is proposed, as seen on the Site Plan, to connect the sidewalk network to the site. Proposed changes to Kennebec Street by the City and other consultants incorporate a 6-foot concrete sidewalk between the on-street parking and the property line which will be adjusted as part of the Kennebec improvements.
- (ii) There are no proposed changes to the existing sidewalks.
- (iii) A private brick sidewalk is proposed along the north entrance of the building which will connect the public sidewalks along Parris and Hanover Street. The existing sidewalks along Hanover and Parris Street provide access to the east and west sides of the building. Please refer to the Site Plan, Sheet C-10, for more information.

3. Public Transit Access:

- a. Not applicable.
- b. Not applicable.
- c. Not applicable.

4. Parking:

a. Location and Required Number of Vehicle Parking Spaces:

- (i) The proposed project will provide 39 parking spaces. This count is 23 below the required 62 spaces based upon the floor area and building uses. The retail shops do not factor into the required parking count because each business has less than 2,000 SF of floor space. Please refer to Section Q for more information regarding the parking analysis. Ultimately, the parking requirement will be determined by the Planning Board based upon our analysis and the City Transportation Engineer's recommendation.
- (ii) A formal parking study is not required.
- (iii) The proposed parking is not 10% or more over the requirement.
- (iv) The parking space and aisle dimensions are in conformance with the



Technical Standards. Parking closest to Kennebec Street is compact in length. Please refer to the Site Plan for more information.

- (v) The driveway and parking areas will be constructed of bituminous pavement which will drain water without eroding.
- b. Location and Required Number of Bicycle Parking Spaces:
 - (i) The site plan includes racks for 14 bicycle spaces which exceeds the requirement.
- c. Motorcycles and Scooter Parking:
 - (i) There are no areas designated for motorcycles or scooters at this time; however, parking is available through the on-site parking stalls and on-street parking.
- d. Snow Storage:
 - (i) Due to the limited space within the parcel, a formal snow storage area is not proposed. The Owner will be responsible for coordinating snow removal from the site when necessary.
 - (ii) Not applicable.
- 5. Transportation Demand Management (TDM):
 - a. A TDM plan will be completed under separate cover and submitted to the City, if required.
 - b. A TDM plan will be completed under separate cover and submitted to the City, if required.
 - c. A TDM plan will be completed under separate cover and submitted to the City, if required.

(b) Environmental Quality Standards

- 1. Preservation of Significant Natural Features:
 - a. Not applicable.
 - b. Not applicable.
- 2. Landscaping and Landscaping Preservation:
 - a. Landscape Preservation.
 - (i) There are no existing trees or vegetation within the project parcel.



- (ii) There are no trees 10 inches DBH or greater within the property.
 - (iii) It is not anticipated that the project will necessitate any tree protection.
 - (iv) A waiver is not requested.
 - (v) Not applicable.
- b. Site Landscaping.
- (i) Landscaped Buffers:

- a. All loading and dumpster locations will be screened from view.
- b. The project has a total frontage of 768 linear feet along Kennebec, Hanover, and Parris Street. It is required that a minimum of six shrubs or shrub alternatives per 45 feet of frontage are planted, therefore 102 shrubs are required. Due to the limited space within the property this requirement is not met. 34 shrubs or shrub equivalents have been incorporated into the design through a combination of landscaping within the setbacks and internally within the site. Additionally, planter boxes will be installed at the rear of the property and have not been counted as shrub alternatives.

As outlined in Section Q. Parking Analysis, the available front yard width has been drastically reduced from the existing condition due to circumstances outside of the project team's control. The Applicant has negotiated with Public Works to at least maintain room for two rows of parking. However, the compromise still does not allow for the required landscaping that otherwise would have occurred along the building's façade and Kennebec Street if the existing right-of-way were maintained. The Applicant would prefer to install the required landscaping, but due to the City's redesign of Kennebec Street, it is not feasible to provide the required landscaping for 768 feet of street frontage.

Based upon the City's altered right-of-way and the significant amount of street frontage, the project is not able to meet the requirement of 102 shrubs.

- c. Not applicable.
 - d. Not applicable.
- (ii) Parking Lot Landscaping:
- a. Due to the limited space within the property, the landscaping requirement is not fully met. Four trees have been provided versus the required



sixteen. Similar to section b(i)b, the available front yard width has been decreased by the City and as a result, there is no available room for additional green space.

- b. There is no proposed area with greater than 40 parking spaces without interrupted pavement.
- c. Not applicable.
- d. Not applicable.
- e. Not applicable.

(iii) Street Trees:

- a. Street trees are to be provided every 30 to 45 feet along the street frontage. This ratio equates to 20 trees. Although the four trees shown on the site plan are currently being allocated for the landscaping requirement for parking, they will also function as street trees.
- b. The applicant will contribute to the City's Street Tree Fund in place of the 16 trees that are not able to be planted.

3. Water Quality, Stormwater Management and Erosion Control:

- a. Stormwater.
 - (i) The site drainage will not be directed to flow or pond onto adjacent lots. The drainage patterns will largely be maintained as existing. Furthermore, impervious area on the site will be decreased, reducing runoff from the site.
 - (ii) Any stormwater that flows onto adjacent lots will not exceed the pre-development flows.
 - (iii) The runoff from the site into the public way will not increase from the pre-development condition.
 - (iv) The runoff to the separate storm drains is anticipated to be similar or slightly less. The separate storm drain connects to the combined system at the intersection of Parris and Kennebec.
- b. A site specific Stormwater Management Plan has been developed for the project to show compliance with Section 5 of the Technical Manual, including the basic standards of MEDEP Chapter 500. Please refer to sections G and H, the Stormwater Management and Erosion & Sedimentation Control Plans, respectively, for more information.
- c. The project is not located in a watershed of an urban impaired stream as

listed by the MEDEP.

- d. Not applicable.
- e. The development is not anticipated to pose a contamination risk to groundwater during or after construction. The project will be serviced by a public wastewater system.
- f. The development will provide for adequate and sanitary disposal of sewage in accordance with Section 2 of the Technical Manual.

(c) Public Infrastructure and Community Safety Standards

- 1. Consistency with City Master Plans:
 - a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure.
 - b. Not applicable.
- 2. Public Safety and Fire Prevention:
 - a. The site has been designed to promote safe and inviting public access.
 - b. Adequate emergency access has been provided. Fire trucks and ambulance will be able to access a minimum of three side of the building.
 - c. Two existing hydrants are located along Kennebec Street, approximately 114' and 118' from the northwest side of the existing structure.
- 3. Availability and Adequate Capacity of Public Utilities:
 - a. Ability to Serve letters have been sent to the respective companies. Responses are forthcoming.
 - b. The electrical service will be wired underground.
 - c. The new sewer and stormwater infrastructure will meet the provisions of the Technical Manual.
 - d. The project will be served by connection to the public sewer system within Hanover, Parris, and Kennebec Street.
 - e. The sanitary sewer collection system meets all applicable sections of the Technical Manual. The stormwater management system is designed to meet the standards of Chapter 500.



- f. A space allocated for solid waste storage can be seen on the Site Plan (C-10). The solid waste containers will be fully enclosed and screened from the public view.

(d) Site Design Standards

1. Massing, Ventilation and Wind Impact:
 - a. Not applicable.
 - b. Not applicable.
 - c. Not applicable.
2. Shadows:
 - a. Not applicable.
3. Snow and Ice Loading:
 - a. The structure will not distribute snow and ice onto adjacent properties.
4. View Corridors:
 - a. The proposed structure will not increase the existing obstruction of the public views corridors.
5. Historic Resources:
 - a. The development is not located in a historic district, historic landscape district or City designated landmark.
 - b. The development is not located adjacent to designated landmarks, historic district, or historic landscape district.
 - c. There are no known archaeological resources on the site.
6. Exterior Lighting:
 - a. Site Lighting.
 - (i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual.
 - (ii) The project parcel does not abut any residential properties.
 - b. Architectural and Specialty Lighting.



- (i) No architectural or specialty lighting is proposed.
 - (ii) No up-lighting is proposed.
 - c. Street Lighting.
 - (i) No new street lights are proposed.
- 7. Noise and Vibration:
 - a. The HVAC system will meet the applicable state and federal emissions requirements and will also be screened and directed away from abutters.
- 8. Signage and Wayfinding:
 - a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.
 - (i) The project is not located in a historic district or subject to Article IX.
 - (ii) Signage will complement the subject building and its immediate context.
 - (iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.
- 9. Zoning Related Design Standards:
 - a. The project has been designed to meet the standards set forth in the B-7 zone. Please refer to the Site Plan for more information on the Space & Bulk Standards.

