

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

PERMIT ISSUED

Please Read Application And Notes, If Any, Attached

BUILDING PERMIT

Permit Number: 101118
SEP 28 2010

This is to certify that 235 ST JOHN STREET LLC / Akhtar G
has permission to change of use from auto repair to Auto Dealership w/ Auto Repa City of Portland
235 ST JOHN ST CP 064 D007001

Provided that the person or persons, firm or corporation accepting this permit shall comply with all the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is lath or other work is red-in. 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. CRV R. Jackson
Health Dept. _____
Appeal Board _____
Other _____

Department Name

James Banks 9/28/10
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-1118	Issue Date:	CBL: 064 D007001
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Location of Construction: 235 ST JOHN ST	Owner Name: 235 ST JOHN STREET LLC	Owner Address: 401 CHANDLERS WHARF	Phone:
Business Name:	Contractor Name: Mukhtar Geele	Contractor Address: 235 St John Street Portland	Phone: 2074239868
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: B-2

Past Use: Commercial - Auto Repair	Proposed Use: Commercial - Auto Dealership/ Auto Repair - change of use from auto repair to Auto Dealership w/ Auto Repair	Permit Fee: \$105.00	Cost of Work: \$105.00	CEO District: 2
		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied *See Conditions	INSPECTION: Use Group: F-1/B Type: SB	

Proposed Project Description: change of use from auto repair to Auto Dealership w/ Auto Repair	Signature: <i>KG</i>	Signature: <i>MB 9/28/10</i>
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied		
Signature: _____ Date: _____		

Permit Taken By: ldobson	Date Applied For: 09/08/2010	Zoning Approval	
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1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>10-9980000</i> <input type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>9/10/10</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <i>PLANNING BOARD</i> <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Date: <i>7/27/10</i>	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>9</i>
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PERMIT ISSUED

SEP 28 2010

City of Portland

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-1118	Date Applied For: 09/08/2010	CBL: 064 D007001
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Business Name:	Contractor Name: Mukhtar Geele	Contractor Address: 235 St John Street Portland	Phone: (207) 423-9868
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial - Auto Dealership/ Auto Repair - change of use from auto repair to Auto Dealership w/ Auto Repair	Proposed Project Description: change of use from auto repair to Auto Dealership w/ Auto Repair
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Dept: Zoning Status: Approved with Conditions Reviewer: Marge Schmuckal Approval Date: 09/10/2010

Note: Ok to Issue:

- 1) This property shall remain an auto dealership with auto repair with the issuance of this permit and subsequent issuance of a certificate of occupancy. Any change of use requires a separate permit application for review and approval.
- 2) Separate permits shall be required for any new signage. There was a previous permit to straighten a sign pole, but not a permit to cover the new signage of that pole sign or building signs.
- 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work. Any changes to your approved site plan (such as increasing the number of parking spaces on site) will place new requirements for fencing and curb stops.

Dept: Building Status: Approved with Conditions Reviewer: Jeanine Bourke Approval Date:

Note: Ok to Issue:

- 1) This permit approves auto repair, storage and an office in the building. There shall be no retail showroom for customers in this building, the office can be used for business transactions. THIS SHOULD BE NOTED AS A CONDITION ON THE CO.
- 2) This is a Change of Use ONLY permit. It does NOT authorize any construction activities.
- 3) Separate permits are required for any electrical, plumbing, sprinkler, fire alarm HVAC systems, heating appliances, including pellet/wood stoves, commercial hood exhaust systems and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.
- 4) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.

Dept: Fire Status: Approved with Conditions Reviewer: Capt Keith Gautreau Approval Date: 09/21/2010

Note: Ok to Issue:

- 1) This permit is for change of use only, any construction shall require additional permits. The occupancy shall meet NFPA 101 code requirements upon inspection.

Comments:

9/28/2010-jmb: Sent email to Phil D. For site plan approval. Left vmsg for Mukhtar G. To confirm if the auto sales will be in the building and how this will be separated from the auto repair. He called back and will come into the office. Mukhtar clarified there will be no retail showroom inside the building, only auto repair, storage and office. The vehicles will be viewed outside on the lot and stored inside when the business is closed.

9/28/2010-jmb: Received email from Phil ok to issue

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

or email: buildinginspections@portlandmaine.gov

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the City of Portland Inspection Services for the following inspections. Appointments must be requested 48 to 72 hours in advance of the required inspection. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that is attached to this permit!! Contact this office if you have any questions.**
- **Permits expire in 6 months, if the project is not started or ceases for 6 months.**
- **If the inspection requirements are not followed as stated below additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue with construction.**

 X **Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.**

NOTE: There is a \$75.00 fee per inspection at this point.

The project cannot move to the next phase prior to the required inspection and approval to continue, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

IF THE PERMIT REQUIRES A CERTIFICATE OF OCCUPANCY, IT MUST BE PAID FOR AND ISSUED TO THE OWNER OR DESIGNEE BEFORE THE SPACE MAY BE OCCUPIED.



CITY OF PORTLAND, MAINE
Department of Building Inspections

Original Receipt

Sept. 5 2010

~~Permit #~~ 2 Baldwin Motor Inc
~~Location of~~ 235 St. John

Cost of Construction \$ _____ Building Fee: 30.00

Permit fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: 15.00

Total: _____

Building (1L) Plumbing (1S) _____ Electrical (2Z) _____ Site Plan (U2) _____

Other _____

OSL: 664 2001

Check #: 1003 Total Collected \$ 105.00

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: [Signature]

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy



Commercial Interior & Change of Use Permit Application Checklist

All of the following information is required and must be submitted. Checking off each item as you prepare your application package will ensure your package is complete and will help to expedite the permitting process.

One (1) complete set of construction drawings must include:

Note: Construction documents for costs in excess of \$50,000.00 must be prepared by a Design Professional and bears their seal; you will need the City of Portland forms for the Certificate of Design, Certificate of Design Application and Accessibility Building Code Certificate.

- A statement of special inspections as required per Chapter 17 of the IBC 2003
i.e.: http://www.acec.org/coalitions/CASE/case1004/statement_of_si.doc
- Cross sections w/ framing details
- Detail of any new walls or permanent partitions
- Floor plans and elevations
- Window and door schedules
- Complete electrical and plumbing layout.
- Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment or other types of work that may require special review.
- Insulation R-factors of walls, ceilings, floors & U-factors of windows as per the IEBC 2003
- Proof of ownership is required if it is inconsistent with the assessors records.
- Reduced plans or electronic files in PDF format are also required if original plans are larger than 11" x 17".
- Per State Fire Marshall, all new bathrooms must be ADA compliant.

Separate permits are required for internal and external plumbing, HVAC & electrical installations.

For additions less than 500 sq. ft. or that does not affect parking or traffic, a site plan exemption should be filed including:

- The shape and dimension of the lot, footprint of the existing and proposed structure and the distance from the actual property lines.
- Location and dimensions of parking areas and driveways, street spaces and building frontage.
- Dimensional floor plan of existing space and dimensional floor plan of proposed space.
- D copy of Lease.

A Minor Site Plan Review is required for any change of use between 5,000 and 10,000 sq. ft. (cumulatively within a 3-year period)

Fire Department requirements.

The following shall be submitted on a separate sheet:

- Name, address and phone number of applicant and the project architect.
- Proposed use of structure (NFPA and IBC classification)
- Square footage of proposed structure (total and per story)
- Existing and proposed fire protection of structure.
- Separate plans shall be submitted for
 - a) Suppression system
 - b) Detection System (separate permit is required)
- A separate Life Safety Plan must include:
 - a) Fire resistance ratings of all means of egress
 - b) Travel distance from most remote point to exit discharge
 - c) Location of any required fire extinguishers
 - d) Location of emergency lighting
 - e) Location of exit signs
 - f) NFPA 101 code summary
- Elevators shall be sized to fit an 80" x 24" stretcher.

For questions on Fire Department requirements call the Fire Prevention Officer at (207) 874-8405.

Please submit all of the information outlined in this application checklist. If the application is incomplete, the application may be refused.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

Permit Fee: \$30.00 for the first \$1000.00 construction cost, \$10.00 per additional \$1000.00 cost

This is not a Permit; you may not commence any work until the Permit is issued.

Jeanie Bourke - Re: 235 st john car dealership BP

From: Philip DiPierro
To: Bourke, Jeanie
Date: 9/28/2010 11:33 AM
Subject: Re: 235 st john car dealership BP
CC: Barhydt, Barbara

I guess if it's a change of use and the project requires a CO inspection you should probably issue it. I guess I was under the impression that the applicant would have pursued the BP, I didn't actually check to see if one had been issued. I know this issue has come up in the past, even though only site work is being done (no work to any structures) is a BP even required? He already paid a site inspection fee, does that mean he needs to pay a BP fee too?

Sorry, my bad.....

On another note, Cardente's parking expansion project at 121 Hutchins Drive just started their project. It looks like only site work is being done. Should they have gotten a BP too?

Phil

>>> Jeanie Bourke 9/28/2010 11:03 AM >>>

I have a building permit for a change of use that is waiting for planning/DRC approval....do I need it?

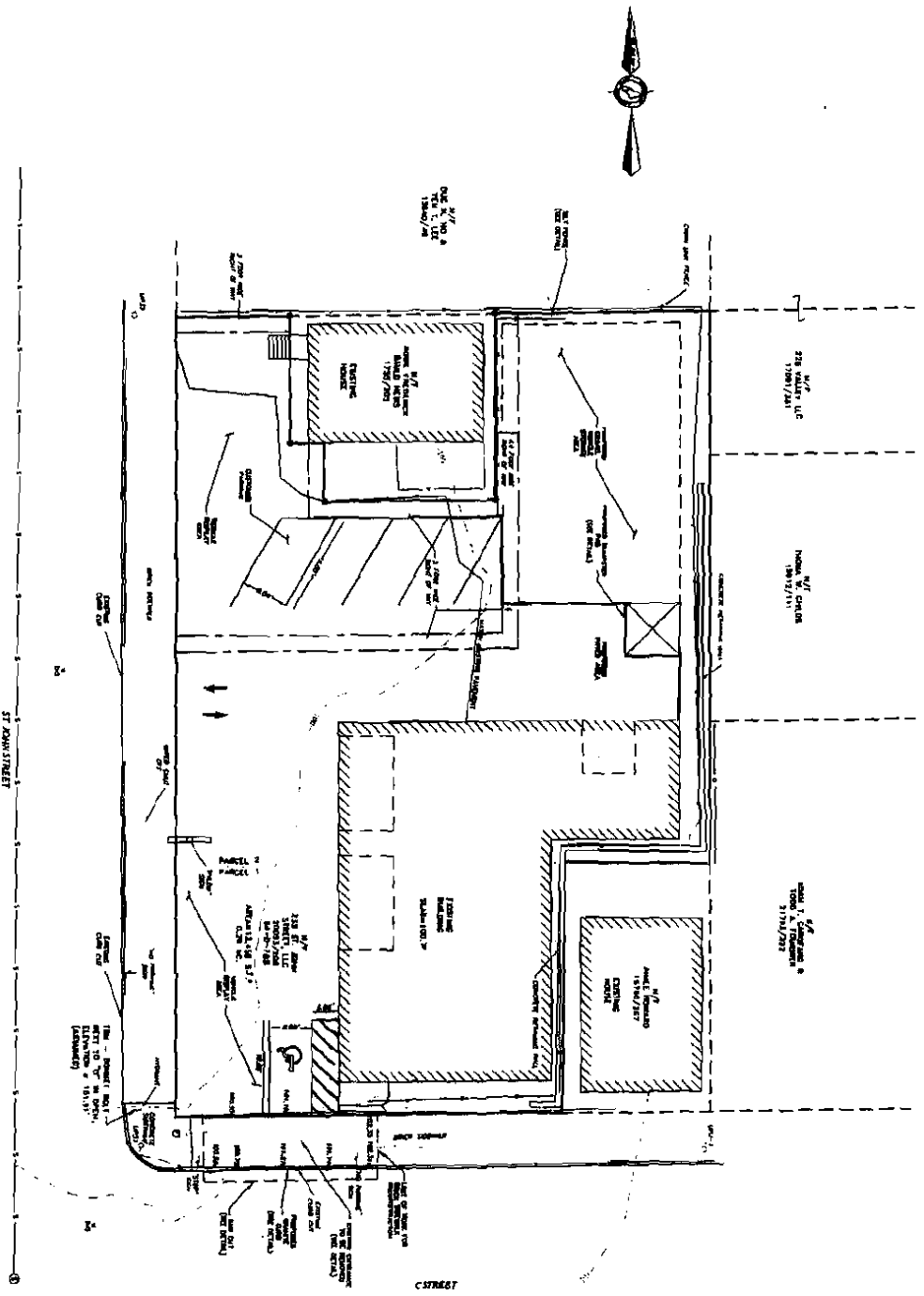
>>> Philip DiPierro 9/28/2010 10:48 AM >>>

Do you mean the CO? The site work is mostly done. I need to do a final inspection for some outstanding items.

phil

>>> Jeanie Bourke 9/28/2010 10:11 AM >>>

Hi Phil,
Wondering if this is ok to issue, SP# 10-99800001
Thanks



LEGEND

- BOUNDARY LINE
- EAVE OF BUILDING
- RIGHT-OF-WAY LINE
- ALLEY
- EXISTING STRUCTURE
- EXISTING DRIVEWAY
- EXISTING UTILITY POLE
- EXISTING UTILITY POLE (LIGHT)
- EXISTING STREET LIGHT
- EXISTING TELEPHONE MANHOLE
- EXISTING SEWER LINE
- EXISTING OVERHEAD UTILITIES
- EXISTING WATER LINE
- PROPOSED STRUCTURE
- PROPOSED DRIVE LINE
- PROPOSED PAVEMENT
- PROPOSED STORMWATER
- PROPOSED STORMWATER

NOTES

THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION OR RECORDING



Northeast Civil Solutions
 1315 W. 14th Street, Suite 400
 Annapolis, MD 21401
 (410) 291-7777

PROPOSED AUTO DEALERSHIP
 PROPOSED AUTO DEALERSHIP
 PROPOSED AUTO DEALERSHIP

PROJECT NUMBER: 2006
 DATE: 07/10/06
 SHEET 2 OF 3

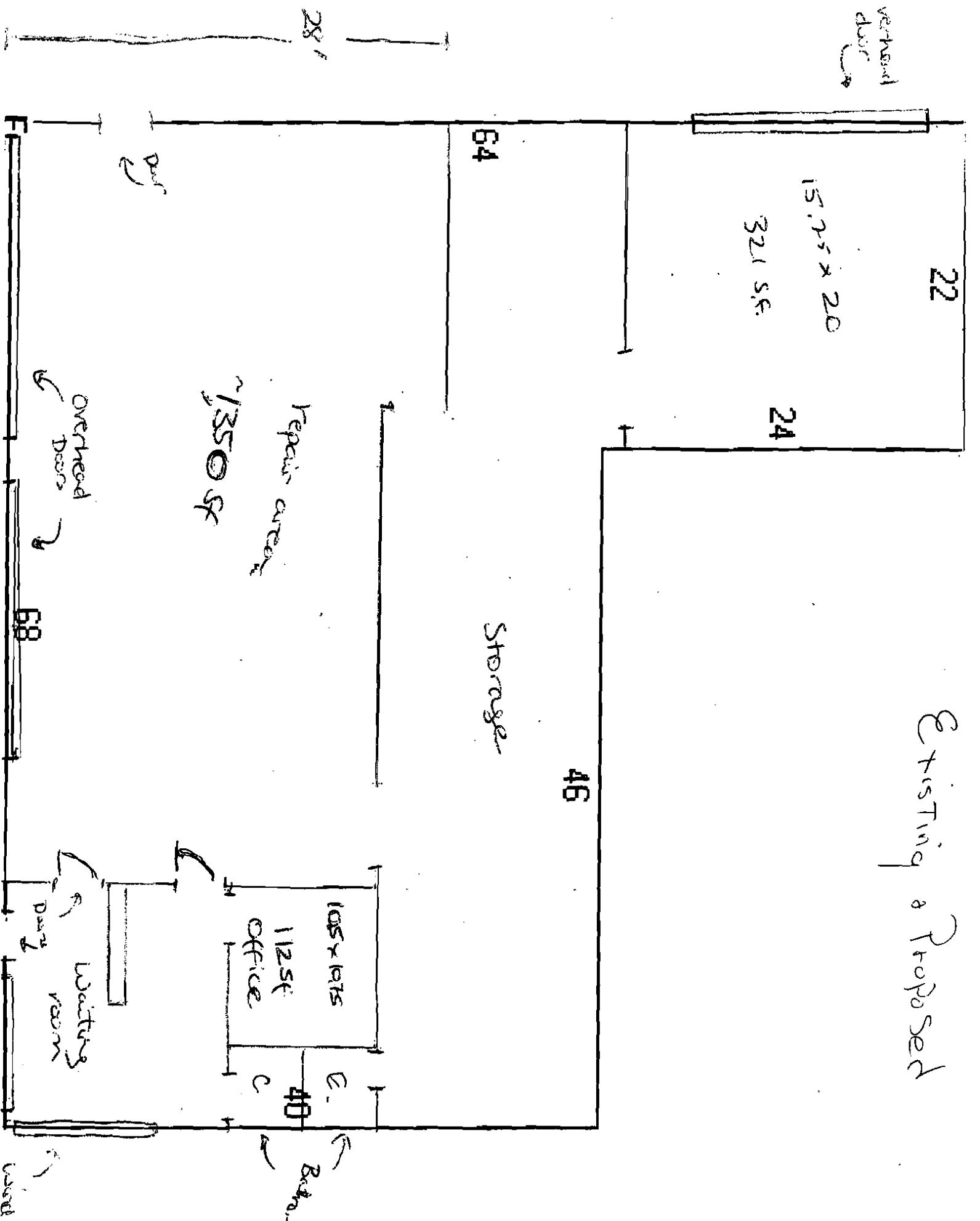
NO.	DESCRIPTION	DATE	BY	CHECKED BY

SCALE: 1" = 20'-0" DATE: 07/10/06

PROPOSED AUTO DEALERSHIP

1315 W. 14th Street, Suite 400
 Annapolis, MD 21401
 (410) 291-7777

Existing & Proposed



26. Exoneration of Landlord: Tenant agrees that Landlord shall not be liable to Tenant or anyone claiming under Tenant for any damage to property or injury (including death) to any person on or near the premises that has been occasioned by or through (a) failure of the water supply or of any other utility serving the premises; (b) the action, whether direct or indirect, of the elements; (c) malicious mischief or vandalism; or (d) any other cause whatsoever unless the same shall be caused by or result from the affirmative acts or negligence of Landlord. Landlord's liability hereunder shall in any event be strictly limited to Landlord's interest in the demised premises and insurance proceeds with respect thereto.

27. Estoppel Certificates. The Tenant agrees, at any time, and from time to time, upon not less than ten (10) days' prior request by Landlord, to execute, acknowledge and deliver to Landlord a statement in writing certifying, if such be the case, that this lease is unmodified and in full force and effect (or, if there have been modifications, stating the modifications, and that the lease as modified is in full force and effect), and that there are no defenses or offsets thereto then accrued, or stating those claimed by Tenant, and the dates to which the rent and other charges have been paid, it being intended that any such statement delivered pursuant to this Section may be relied upon by any prospective purchaser of, or any prospective holder of a mortgage upon the fee of the premises, or by any other properly interested party.

IN WITNESS WHEREOF, the parties hereto have caused this lease to be duly executed as of the day and year first above written.

WITNESS:

235 ST. JOHN STREET, LLC

By: _____

Leonard Kovit, Its Manager

Mukhtar Geele

LEASE AGREEMENT

THIS LEASE is made this 1st day of August, 2010, by and among 235 ST. JOHN STREET, LLC, a Maine Limited Liability Company with a principal place of business in Portland, Maine (hereinafter called "Landlord") and MUKHTAR GEELE, of Portland, Maine (hereinafter called "Tenant").

WITNESSETH:

1. Premises. In consideration of the rent and covenants herein reserved and contained on the part of the parties to be paid, performed and observed, Landlord does hereby lease, demise and let unto Tenant, and Tenant does hereby take and hire from Landlord, upon and subject to the terms and provisions of this lease, the following described premises (sometimes hereinafter referred to as the "premises" and sometimes referred to as the "demised premises"):

The building and the parcel of land owned by Landlord situated at 235 St. John Street in the City of Portland and State of Maine.

Tenant acknowledges that Tenant has inspected the demised premises and is fully satisfied with the physical condition thereof and agrees to accept possession of the demised premises in "as is" condition.

2. Term:

(a) The initial term of this lease shall be for a period of five (5) years, beginning on August 1, 2010 (hereinafter called the "commencement date").

(b) Provided that Tenant is not in default at the time of notice to Landlord of Tenant's exercise of Tenant's option to extend, Tenant shall have the right to extend the original term for one (1) additional period of five (5) years, such extension period to be on all of the other terms, covenants and conditions of the Lease except for the rent which shall be adjusted in the manner set forth in Section 3(a). Tenant shall exercise this option by giving Landlord written notice at least six (6) months prior to the end of the then current term.

(c) If Tenant shall continue in occupancy of the demised premises after the expiration of a term without the consent of Landlord, such occupancy shall not be deemed to extend or renew the lease, but in addition to any other liability arising hereunder for failure to quit the demised premises, such occupancy shall continue as a tenancy at will from month to month upon all the other terms, covenants and conditions, except for the rent which shall be equal to one hundred fifty percent (150%) of the monthly rent in effect for the month immediately preceding the first month of such holdover, prorated and payable for each month or partial month of such holdover. This subsection shall not be construed as giving Tenant any right to hold over after the expiration of the term of this lease.

North St Girl Scouts - Lee Allen

Applicant: ~~Lee~~ - Munktar Gede

Date: 6/21/10

Address: 235 St John St

C-B-L: 64-D-748

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - B-2

Interior or corner lot -

Proposed Use/Work - Conditional Use Appeal for used car dealership

Sewage Disposal -

Lot Street Frontage -

Front Yard -

Rear Yard -

Side Yard -

Projections -

Width of Lot -

Height - existing 1 story 10,000 sq min lot size

Lot Area - 12,462 sq ft per assessors - 12,458 sq ft given by survey of

Lot Coverage Impervious Surface - 86% max allowed - 71% given in APPL 79% reevaluated on plans received 7/16/10

Area per Family - N/A

Off-street Parking - None required for car dealerships

Loading Bays -

Site Plan - 10-99800001

Shoreland Zoning/Stream Protection - N/A

Flood Plains - panel 13 - Zone C

curbing a fence as req - 14-339 Revised plans show only 6 ply SPACES - not more than 6

change of use A-183(2)5 WAS A muffler shop : Buick

existing

CITY OF PORTLAND, MAINE

PLANNING BOARD

Bill Hall, Chair
Joe Lewis, Vice Chair
Lee Lowry, III
Carol Morrisette
Michael J. Patterson
David Silk
Janice Tevanian

AUGUST 9, 2010

MUHKTAR GEELE
30 WELLESLEY ESTATE
PORTLAND, ME 04103

NORTHEAST CIVIL SOLUTIONS
ATTENTION: LEE ALLEN
153 US ROUTE ONE
SCARBOROUGH, ME 04074

Project Name:

St John Street; 235; Change Of Use Auto
Mechanic Shop To Car Dealership

Project ID:

10-9980001

CBL:

064- D-007-001

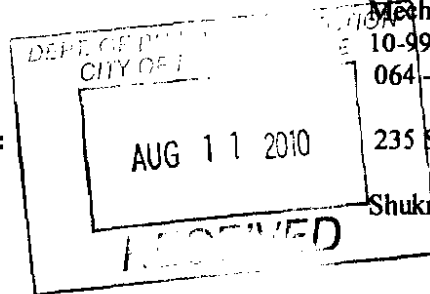
Project Address:

235 ST JOHN ST

Planner

Shukria Wiar

Dear Mr. Geele:



On July 27, 2010, the Portland Planning Board considered your proposal for a used automobile dealership with a mechanic shop for the use specifically for the dealership. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review and Site Plan Ordinance. The Planning Board voted 4-0 (Hall, Lewis and Patterson absent) to approve the application with the following motions, waiver and conditions as presented below.

CONDITIONAL USE

The Planning Board voted 4-0 (Hall, Lewis and Patterson absent) that the proposed plans are in conformance with the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone of the Land Use Code, subject to the following condition(s):

1. The applicant shall submit final site plans showing a bicycle rack installed three (3) feet from the building wall at the southwest corner of the building and shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit; and
2. A landscaping plan shall be submitted for review and approval by the City Arborist and/or the Planning Authority to enhance the buffering of abutters and to protect the landscaping in area labeled 'vegetated undergrowth to remain', prior to the issuance of a building permit; and
3. There shall be one additional planter for a total of four planters that are 60"x16" in size along the sidewalk border at the display area. These planters shall be maintained using seasonal planting; and
4. The owner of the property shall enter into a revocable license agreement with the City for the overhang of the free-standing sign on the site prior to the issuance of the final certificate of occupancy; and

5. The vegetative area at the rear of the property shall be maintained by the applicant.

WAIVERS

The Planning Board voted 4-0 (Hall, Lewis and Patterson absent) to waive the Technical Standard and Guidelines to maintain two driveway openings at the site, Section III (2) (f) (1).

SITE PLAN REVIEW

The Planning Board voted 4-0 (Hall, Lewis and Patterson absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. The applicant shall submit final site plans showing a bicycle rack installed three (3) feet from the building wall at the southwest corner of the building and shall include a detail drawing of the proposed bicycle rack for review and approval by the Planning Authority prior to the issuance of a building permit; and
2. A landscaping plan shall be submitted for review and approval by the City Arborist and/or the Planning Authority to enhance the buffering of abutters and to protect the landscaping in area labeled 'vegetated undergrowth to remain', prior to the issuance of a building permit; and
3. There shall be one additional planter for a total of four planters that are 60"x16" in size along the sidewalk border at the display area. These planters shall be maintained using seasonal planting; and
4. The owner of the property shall enter into a revocable license agreement with the City for the overhang of the free-standing sign on the site prior to the issuance of the final certificate of occupancy; and
5. The vegetative area at the rear of the property shall be maintained by the applicant.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #24-10 for application 10-99800001, which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

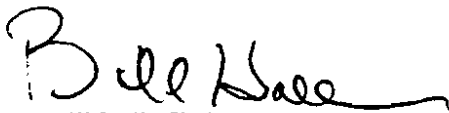
1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this Article V, Site Plan Ordinance of the Portland's Land Use Code.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Shukria Wiar at 756-8083 or shukriaw@portlandmaine.gov.

Sincerely,



Bill Hall, Chair
Portland Planning Board

Attachments:

1. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services

David Margolis-Pineo, Deputy City Engineer
Matt Doughty, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, TY Lin
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

Comments
Submitted

City of Portland
Development Review Application
Planning Division Transmittal form

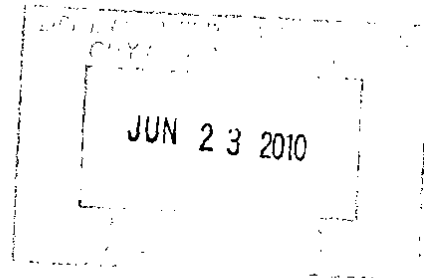
6/23/10

Application Number: 10-99800001 **Application Date:**
Project Name: PROPOSED CAR DEALER
Address: 235 St John St **CBL:** 064 - D-007-001
Project Description: St John Street; 235; Change Of Use Auto Mechanic Shop To Car Dealership
Zoning: B 2

Other Reviews Required:

Review Type: MAJOR SITE PLAN WITH A CONDITIONAL USE

Applicant:
Muhktar Geele
30 Wellesley Estate
Portland
Portland Me 04103

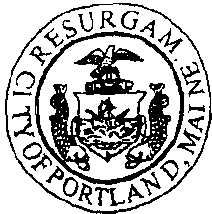


Distribution List:

<input type="checkbox"/> Planner	Shukria Wiar	<input type="checkbox"/> Parking	John Peverada
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Stormwater	Dan Goyette	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Keith Gautreau	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

Preliminary Comments needed by:

Final Comments needed by:



Development Review Application
PORTLAND, MAINE

Department of Planning and Urban Development,
Planning Division and Planning Board

PROJECT NAME: PROPOSED CAR DEALERSHIP

PROPOSED DEVELOPMENT ADDRESS:

235 ST. JOHN STREET

PROJECT DESCRIPTION:

CHANGE OF USE FROM MUSEUM SHOP TO CAR
DEALERSHIP

CHART/BLOCK/LOT: MAP 64, BLOCK D, PARCELS 7 & 8

CONTACT INFORMATION:

APPLICANT

Name: MUHKTAZ GEELE

Address: 30 WELLESLEY ESTATE
PORTLAND, ME 04103

Zip Code: 04103

Work #: (207) 423-9868

Cell #: (SAME)

Fax #: _____

Home: _____

E-mail: _____

PROPERTY OWNER

Name: 235 ST. JOHN STREET, LLC

Address: 401 CHANDLERS WHARF
PORTLAND, ME 04101

Zip Code: 04101

Work #: _____

Cell #: _____

Fax #: _____

Home: _____

E-mail: _____

BILLING ADDRESS

Name: MUHKTAZ GEELE

Address: 30 WELLESLEY ESTATE
PORTLAND, ME 04103

Zip: 04103

Work #: (207) 423-9868

Cell #: _____

Fax #: _____

Home: _____

E-mail: _____

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: _____
Address: _____

Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

ENGINEER

Name: NORTHEAST CIVIL SOLUTIONS, INC
Address: 153 US ROUTE 1
SCARBOROUGH, ME 04074
Zip Code: 04074
Work #: (207) 883-1006
Cell #: _____
Fax #: (207) 883-1001
Home: _____
E-mail: lee.allen@northeastcivilsolutions.com

ARCHITECT

Name: _____
Address: _____

Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

CONSULTANT

Name: _____
Address: _____

Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

SURVEYOR

Name: _____
Address: _____

Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

ATTORNEY

Name: _____
Address: _____

Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area 12,458 sq. ft.
 Proposed Total Disturbed Area of the Site 2,405 sq. ft.
 (If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)

IMPERVIOUS SURFACE AREA

Proposed Total Paved Area 5750 sq. ft.
 Existing Total Impervious Area 4990 sq. ft.
 Proposed Total Impervious Area 8950 sq. ft.
 Proposed Impervious Net Change 860 sq. ft.

$$\frac{8950}{12458} = 71.8\%$$

BUILDING AREA

Existing Building Footprint 3,200 sq. ft.
 Proposed Building Footprint 3,760 sq. ft.
 Proposed Building Footprint Net change 0 sq. ft.
 Existing Total Building Floor Area 920 sq. ft.
 Proposed Total Building Floor Area 920 sq. ft.
 Proposed Building Floor Area Net Change 0 sq. ft.
 New Building NO (yes or no)

ZONING

Existing B2
 Proposed, if applicable N/A

LAND USE

Existing
 Proposed AUTO REPAIR
CAR DEALERSHIP

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units
 Proposed Number of Residential Units to be Demolished
 Existing Number of Residential Units
 Proposed Number of Residential Units
 Subdivision, Proposed Number of Lots

PARKING SPACES

Existing Number of Parking Spaces 4
 Proposed Number of Parking Spaces 5
 Number of Handicapped Parking Spaces 1
 Proposed Total Parking Spaces 5

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces 0
 Proposed Number of Bicycle Parking Spaces 0
 Total Bicycle Parking Spaces 0

ESTIMATED COST OF PROJECT

\$6,000

Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	<u>NO</u>	Change of Use	<u>YES</u>
Parking Lot	<u>YES</u>	Design Review	<u>NO</u>
Manufacturing	<u>NO</u>	Flood Plain Review	<u>NO</u>
Office	<u>NO</u>	Historic Preservation	<u>NO</u>
Residential	<u>NO</u>	Housing Replacement	<u>NO</u>
Retail/Business	<u>YES</u>	14-403 Street Review	<u>NO</u>
Warehouse	<u>NO</u>	Shoreland	<u>NO</u>
Single Family Dwelling	<u>NO</u>	Site Location	<u>NO</u>
2 Family Dwelling	<u>NO</u>	Stormwater Quality	<u>NO</u>
Multi-Family Dwelling	<u>NO</u>	Traffic Movement	<u>NO</u>
B-3 Ped Activity Review	<u>NO</u>	Zoning Variance	<u>NO</u> (or date)
Change of Use	<u>YES</u>	Historic Dist./Landmark	<u>NO</u>
		Off Site Parking	<u>NO</u>

APPLICATION FEE:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments</p> <p><input type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input type="checkbox"/> Planning Board Review (\$500.00)</p> <p>Subdivision</p> <p><input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + (applicable Major site plan fee)</p>
<p>Minor Site Plan Review</p> <p><input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Other Reviews</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00 (except for residential projects which shall be \$200.00 per lot _____))</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other _____</p>

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions shall include seven (7) packets with folded plans containing the following materials:

1. Seven (7) full size site plans that must be folded.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant:</p> 	<p>Date:</p> <p>06-18-2010</p>
--	--------------------------------

Site Plan Checklist

Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

PROPOSED CAR DEALERSHIP - 235 ST. JOHN ST

Project Name, Address of Project

Application Number

(The form is to be completed by the Applicant or Designated Representative)

Check Submitted		Required Information	Section 14-525 (b,c)
Applicant	Staff		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Name and address of applicant and name of proposed development	a
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Scale and north points	b
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Boundaries of the site	c
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Total land area of site	d
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Topography - existing and proposed (2 feet intervals or less)	e
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plans based on the boundary survey including:	2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Existing soil conditions	a
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 11 of packet)	d
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Location of on-site waste receptacles	e
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Public utilities	e
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Water and sewer mains	e
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Culverts, drains, existing and proposed, showing size and directions of flows	e
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Location and dimensions of on-site pedestrian and vehicular access ways	g
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Parking areas	g
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Loading facilities	g
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Design of ingress and egress of vehicles to and from the site onto public streets	g
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Curb and sidewalks	g
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landscape plan showing:	h
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Location of existing vegetation and proposed vegetation	h
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Type of vegetation	h
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Quantity of plantings	h
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Size of proposed landscaping	h
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Existing areas to be preserved	h
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Preservation measures to be employed	h
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Details of planting and preservation specifications	h
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Location and dimensions of all fencing and screening	i
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Location and intensity of outdoor lighting system	j
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Location of fire hydrants, existing and proposed (refer to Fire Department checklist - page 11)	k
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written statements to include:	c
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Description of proposed uses to be located on site	cl
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Quantity and type of residential, if any	cl
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Total land area of the site	c2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* General summary of existing and proposed easements or other burdens	c3
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Type, quantity and method of handling solid waste disposal	c4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (refer to the wastewater capacity application - page 12)	c5
<input checked="" type="checkbox"/>	<input type="checkbox"/>	* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

- | | | | |
|---|-------|--|---|
| ✓ | _____ | * An estimate of the time period required for completion of the development | 7 |
| ✓ | _____ | * A list of all state and federal regulatory approvals to which the development may be subject to. the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction. | 8 |
| ✓ | _____ | * Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved. | |
| ✓ | _____ | * Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation. | |
| ✓ | _____ | * A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site. | |
| ✓ | _____ | A jpeg or pdf of the proposed site plan, if available. | |
| ✓ | _____ | Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater. | |

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- | | |
|--|---|
| <ul style="list-style-type: none"> - drainage patterns and facilities - erosion and sedimentation controls to be used during construction - a parking and/or traffic study - emissions - a wind impact analysis | <ul style="list-style-type: none"> - an environmental impact study - a sun shadow study - a study of particulates and any other noxious - a noise study |
|--|---|

WARRANTY DEED

KNOW ALL BY THESE PRESENTS, that ANNE R. KOVIT and LEONARD KOVIT, Maine residents both with a mailing address of 154 Roaring Brook Road, Portland, Maine, do hereby give, grant, bargain, sell and convey unto 235 ST. JOHN STREET, LLC, a Maine limited liability company with a mailing address of 154 Roaring Brook Road, Portland, Maine, with Warranty Covenants, the land, together with the buildings thereon, situated in Portland, County of Cumberland and State of Maine, bounded and described as follows:

A certain lot or parcel of land, with the buildings thereon, situated on the easterly side of St. John Street in the City of Portland, County of Cumberland and State of Maine, and bounded and described as follows:

Beginning at the corner made by the intersection of the easterly sideline of St. John Street and the northerly side line of C Street as recorded on City Engineer's Plan of City Lands on St. John Street and Congress Street in the Cumberland County Registry of Deeds, Plan Book 4, Page 16.; thence running northerly on said side line of St. John Street fifty (50) feet to a stake; thence easterly at right angles with St. John Street one hundred (100) feet to a stake; thence southerly parallel with St. John Street fifty (50) feet to line of C Street; thence westerly (said direction having inadvertently been given as "northerly" in prior deeds) on said line of C Street one hundred (100) feet to point of beginning, containing 5,000 square feet and being Lot No. 21 on said plan.

Also, another certain lot or parcel of land with the buildings located thereon, in said Portland and bounded and described as follows:

Beginning on the easterly side of St. John Street as a stake fifty (50) feet northerly from C Street as shown on City Engineer's Plan recorded in said Registry of Deeds, Plan Book 4, Page 16, and running thence northerly on St. John Street one hundred (100) feet to a stake; thence easterly at right angles to said St. John Street one hundred (100) feet to a stake; thence southerly parallel with said St. John Street one hundred (100) feet to a stake; thence westerly one hundred (100) feet to the place of beginning, being Lots No. 19 and 20 on said plan and containing 10,000 square feet more or less.

Reserving and excepting, however, from the above described property that portion conveyed by Ada Brenner to Robie F. Bauld by her deed dated August 7, 1944 and recorded at Book 1755, Page 175 of said Registry of Deeds and also excepting and reserving from the above described premises that portion conveyed to Nellie S. Sullivan by deed of Ada Brenner dated June 22, 1944 and recorded at Book 1752, Page 92 of said Registry.

Also excepting and reserving those certain rights of way as described more particularly in the above-referenced deed from Ada Brenner to Robie F. Bauld dated August 7, 1944 and recorded at Book 1755, Page 175 of said Registry of Deeds.

Also a certain lot or parcel of land being a parcel of land three (3) feet in width on the northerly line of C Street in said Portland, abutting a parcel of land conveyed to Nellie S. Sullivan by deed of Ada Brenner dated June 22, 1944 and recorded at Book 1752, Page 92 of the Cumberland County Registry of Deeds and running to a depth of forty-six and eighty-six hundredths (46.86) feet parallel with St. John Street.

The premises are conveyed subject to any easements and restrictions of record and this deed includes all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

Being the same premises conveyed by George A. Potvin to Anne R. Kovit (also known as Anne Kovit) and Leonard Kovit by warranty deed dated January 27, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11849, Page 325.

Signed, sealed and delivered this 2nd day of July, 2003.

Anne R. Kovit
Anne R. Kovit

Leonard Kovit
Leonard Kovit

STATE OF MAINE
COUNTY OF CUMBERLAND, SS

July 2, 2003

Personally appeared before me the above-named ANNE R. KOVIT and LEONARD KOVIT and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Norman R. Belzer
Notary Public/Attorney-at-law
Print Name NORMAN R. BELZER
My Commission Expires: _____

Received
Recorded Register of Deeds
Aug 30 2003 09:17:28A
Cumberland County
John B. O'Brien

Know all Men by these Presents, That

I, Ada Brenner of Portland in the County of Cumberland and State of Maine,

in consideration of one dollar and other valuable considerations paid by Robie F. Bauld of said Portland,

the receipt whereof I do hereby acknowledge, do hereby, give, grant, bargain, sell and convey unto the said Robie F. Bauld, his heirs and assigns forever, a certain lot or parcel of land with the buildings thereon situated in said Portland on a portion of lot No. 19 as recorded in the Cumberland County Registry of Deeds in Plan Book 4, Page 18, and bounded and described as follows:

Beginning at a point on the easterly side of St. John Street at the northwest corner of said lot No. 19; thence north 82° 20' east by a three and five tenth (3.5) foot right-of-way twenty-one (21) feet to the northwest corner of the lot being sold; thence north 82° 20' east by northerly side of lot 19 thirty-eight and four tenths (38.4) feet to a point; thence south 7° 40' east by a four and four tenths (4.4) foot right-of-way thirty-five (35) feet to a point; thence south 82° 20' west thirty-two (32) feet by a three (3) foot right-of-way to a point; thence north 7° 40' west eleven (11) feet by a three (3) foot right-of-way to a point; thence south 82° 20' west by land of the grantor six and four tenths (6.4) feet to a point; thence north 7° 40' west by a three (3) foot right-of-way to northwest corner of the lot.

Together with a three (3) foot right-of-way from the above described lot to St. John Street, the center line being sixty-two and three tenths (62.3) feet from St. John Street in the rear extending southerly; and eleven and five tenths (11.5) feet southerly of the southerly side line of Lot 19, extending westerly.

All of the aforesaid rights of way are conveyed by the grantor to the grantee, his heirs and assigns, for their use in common with the grantor and her heirs and assigns.

Said premises are carved out of lots 19 and 20 conveyed by the Maine Savings Bank to the said Ada Brenner by Quit-Claim Deed dated March 22, 1937, and recorded in Book 1516, Page 131.

Said premises are subject to the taxes for 1944 which are to be paid by the grantee as part of the consideration hereof.

Do hereby and in full the aforesaid and bargained premises, with all the privileges and appurtenances thereof, to the said Robie F. Bauld, his heirs and assigns, to his and

U.S.I.R.
\$8.75
I B
8/7/44

their use and behoof forever. And I do covenant with the said Grantee, his heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances; except as aforesaid; that I have good right to sell and convey the same to the said Grantee, his heirs and assigns; and that I and my heirs, shall and will warrant and defend the same to the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons. In Witness Whereof, I the said Ada Brenner, widow

My hand and seal this seventh day of August in the year of our Lord one thousand nine hundred and forty-four.

Signed, Sealed and Delivered in presence of

I. Bernstein

Ada Brenner

Seal

State of Maine, Cumberland, ss.
the above named

August 7, 1944.

Personally appeared

Ada Brenner

and acknowledged the foregoing instrument to be her free act and deed.

Before me, Israel Bernstein Justice of the Peace

Received August 7

1944, at 2 o'clock 16m. P. M., and recorded according to Original.

Lee Allen

From: Jennifer L. Sporzynski [jls@ceimaine.org]

Sent: Friday, June 18, 2010 10:07 AM

To: Lee Allen

Subject: 235 St John st application

Dear Mr. Lee Allen:

Mukhtar Geele is working with StartSmart on his business plan and financing package for the project at 235 St John Street Portland, ME. He is personally investing more than half of the project funds and is applying for a loan from CEI for the remaining balance. The loan is currently being reviewed by CEI and we anticipate it will be contingent on planning board approval.

Jennifer Sporzynski
Director, StartSmart
Coastal Enterprises, Inc
2 Portland Fish Pier, Suite 206
Portland, ME 04101
207-775-1984
www.ceimaine.org

CEI Mission: To help create economically and environmentally healthy communities in which all people, especially those with low incomes, can reach their full potential.

Date: April 20, 2010

Name: Mr. Lenny Kovit
401 Chandlers Wharf
Portland, ME 04101

RE: Letter Of Intent To Lease 235 St John Street, Portland, ME

Dear Lenny:

This Letter of Intent sets forth the terms and conditions under which Mr. Mukhtar Geele, hereinafter referred to as Tenant, is willing to enter into a lease agreement with 235 St John St. LLC hereinafter referred to as Landlord, for space at the below-referenced building.

PROPERTY: 235 St. John St. Portland, ME

TENANT: Mr. Mukhtar Geele (Corporate name TED)

LANDLORD: 235 St. John St. LLC

SPACE: The demised premises shall be deemed to contain approximately 3248+/- Rentable Square Feet (RSF)

LEASE TERM: 5 years;

RENEWAL OPTION: Renewable at end of term, for another 5 year period

OCCUPANCY DATE: Pending planning board and site work timeline, not later than July 20, 2010.

RENT COMMENCEMENT DATE: Upon occupancy.

LANDLORD'S FIT-UP: Landlord will fix the exterior sign. Tenant does not require additional fit up by the landlord. The space will be clean and vacant, ready for occupancy.

TENANT'S FIT-UP: Tenant's final build-out will be at tenant's sole expense. Any and all modifications to the building by Tenant or Tenant's agent shall be submitted to landlord for its approval prior to commencement of work. Tenant agrees that all work will be completed in compliance with all applicable state and municipal building codes and ordinances. Tenant anticipates the following items will be needed to achieve permits: paving of lot, site review by planning board, temporary curb blocking on C street.

LEASE RATE:

The tenant is not asking for the landlord to incur any fit up costs, but instead is requesting a reduced rent as outlined below. The 3,248 +/- sf of space will be leased according to the following schedule:

Year 1:	\$ <u>3,000</u> per month
Year 2:	\$ <u>3,090</u> per month
Year 3:	\$ <u>3,182</u> per month
Year 4:	\$ <u>3,277</u> per month
Year 5:	\$ <u>3,375</u> per month

The above rent is quoted on a Triple Net Basis (NNN). Therefore, Tenant is responsible for its pro rata share of real estate taxes and maintenance and repairs. Estimated taxes for 2010 are \$6800 for 12 months.

UTILITIES:

Electricity, water and oil services will be metered specific to the Tenant's suite and Tenant is responsible for electricity, water and oil service and security deposits.

CLEANING:

Tenant is responsible for its interior and exterior space (plowing, trash pickup etc).

USE:

Tenant will use the demised premises for the purpose of a Used car dealership & car rental.

DEPOSIT:

Upon full execution of this Letter of Intent, a non-refundable deposit the sum of \$ 2600 will be delivered to the landlord and held in a non-interest bearing escrow account. At the time of occupancy, said deposit will be credited toward the Tenant's first month's rental payment due under the lease. The remaining first month's rent will be paid at that time. Should a lease not be executed for any reason, the tenant will forfeit the deposit.

SECURITY DEPOSIT:

Upon occupancy, Tenant will deposit with the Landlord the sum of \$ 2600. This sum represents the security deposit due under the lease. Said deposit will be returned to Tenant at the end of the lease term, provided premises are left in good repair, "broom clean" and provided Tenant has not been in default of lease. Interest will not be paid on said deposit.

SIGNAGE:

Signage will be at Tenant's sole expense; however, subject to the prior written approval of design and location by Landlord prior to installation and also subject to any standards in use at the property. Such approval shall not be unreasonably

withheld or delayed. The sign pole will be straightened prior to occupancy.

PARKING:

Tenant will have sole use of the parking lot, but understands there is an unwritten agreement with the neighboring house to allow one space directly in front of the house be used for parking.

**ASSIGNMENT/
SUBLET**

Tenant shall not be permitted to assign lease or sublet space without permission of Landlord. Such permission shall not be unreasonably withheld. It is understood that any assignment or sublet is subject to Landlord's approval of sublease.

ZONING:

It is the responsibility of the Tenant to determine all zoning information and secure all necessary or required permits and approvals for its proposed use. Landlord makes no representations or warranties as to the suitability of, or the ability.

**LETTER OF INTENT
CONSIDERATIONS:**

This offer to lease is valid until July 20, 2010, but may be revoked by the tenant at any time without prior written notice. Revoking the intent to lease does not make the deposit returnable.

**LEASE
CONSIDERATIONS:**

To exercise a Lease, Tenant requests time to complete its due diligence and access to the building for health and safety inspections, contractor reviews, and other professional reviews required to assess if the building can be used for its proposed purpose.

This agreement is further subject to Tenant obtaining:

- 1) The ability to obtain State and local Permits and Licenses required to use property for its intended purpose; including planning board approval for conditional use with conditions acceptable to both parties.
- 2) An approval for financing not to exceed customary terms;
- 3) The Closing on financing not to exceed customary terms.

**LEASE
EXECUTION:**

It is agreed that this Letter of Intent is subject to the formal execution of a mutually agreeable lease and until such lease is signed by all parties. After signing the lease the terms of the lease will supersede this agreement if they differ. All parties agree to negotiate in "good faith".

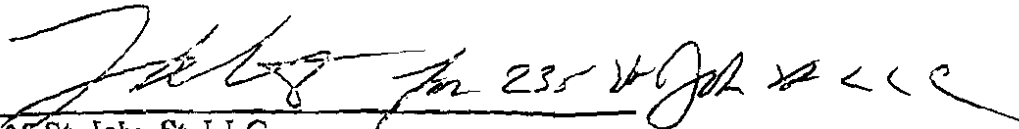
Submitted and agreed upon this April day of 21, 2010

TENANT:

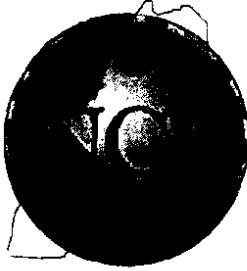

Mr. Mulhinar Gaete, Tenant

Accepted and agreed upon this April day of 21, 2010

LANDLORD:


235 St. John St. LLC
Mr. Lenny Kovit, owner of 235 St. John St. LLC

Comments
Submitted



SURVEYING ENGINEERING LAND PLANNING

Northeast Civil Solutions

INCORPORATED

www.northeastcivilsolutions.com

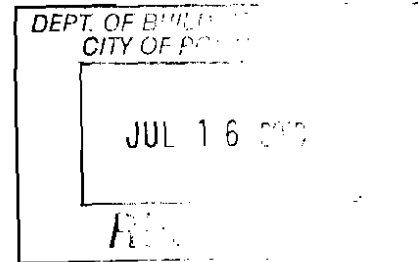
July 14, 2009

153 U.S. Route 1

Scarborough

Maine 04074

Ms. Shukria Wiar
389 Congress Street
4th Floor
Portland, ME 04101



RE: 235 St. John Street

tcl

207.883.1000

800.882.2227

Dear Shukria,

Enclosed please find responses to the comments raised in your letter dated July 12, 2010. NCS responses follow City comments in bold type.

fax

207.883.1001

A. Planning Shukria Wiar

1. Is new lighting being proposed on site? **NO**. Is there any existing exterior lighting on the site? **NO**. Please provide a photometric plan. **N/A**
2. The customer parking spaces will need curb-stops. **Pre-cast concrete wheelstops have been added to each of the striped parking spaces indicated on the plan.**
3. The proposed dumper will need to be enclosed either by dense landscaping or stockade fence. **A stockade fence has been added to screen in the proposed dumpster.**
4. Is there any parking dedicated to the existing house on the north side of the property? **There are no parking spaces granted by easement to the residents of the adjoining property. However, the applicant proposed to maintain the existing verbal agreement to allow up to parking spaces in front of the existing residence. The proposed display vehicle located between the residence and St. John Street has been removed.** Please label parking space, if yes. **N/A**
5. Please provide conceptual placement of the vehicle display area. **Outlines of proposed display vehicles have been added to the plan.**

B. Zoning Administrator Marge Schmuckal

This is a request to change the use of an existing building that was previously an automobile muffler and brake shop to automobile dealership. The property is located in a B-2 Zone which allows automobile dealerships as a conditional use (14-183(a) 5 to the Planning Board.

The B-2 Zone requires a maximum impervious surface of 80%. The given application information indicates an impervious surface after development of 71.8%. However, a look at the site plan leads me to believe that figure might be understated. It should be remembered that proposed gravel areas are considered to be impervious. I would like a confirmation of the actual post-development impervious surface ratio. **The proposed gravel area has been removed and an area of natural vegetation is proposed to remain to insure that the impervious area percentage does not exceed 80%. Based on revised design the impervious area is 79%.** *OK*

The site plan just shows where there will be vehicle display areas. The specific car spaces are not indicated on the plans. Section 14-339 states that where more than six (6) vehicles are to be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved. The ordinance goes on to say, "where such off-street parking shall abut a lot in residence zone or a lot in residential use, a chain link picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking at that part of the lot line involved". I would like to see detail of the required curbing and fencing. **Since there are only 2 cars parked within 10 feet of the property line this ordinance should not apply. Additionally, since wheel stops are proposed it appears inappropriate to construct a chain link fence to insure that cars will not encroach on the abutting property or easement.** *Currently only 5 custom cars on lot*

It is also noted that after a site plan approval, separate permits are required thru Inspection Services for the change of use along with separate permits for any new signage. *Still may effect*

C. Deputy City Engineer, David Margolis-Pineo

1. The newly installed sign on St. John Street encroaches the St. John Street right of way thus requiring an easement from the City of Portland. The overhead height of approximately 12'+ is satisfactory to the City. **It is NCS's understanding that the sign is located in a grandfathered location and that the recent changes to sign were made to straighten up the sign under a sign permit.**
2. The brick sidewalk needs to be repaired where the applicant installed the new sign. The property own did not take out a Street Opening Permit to install this sign which required disturbance within the St. John street right of way. **Any bricks that were disturbed in the maintenance of the sign will be replaced.**

3. Applicant should provide bike parking for at least two bikes. **The applicant is working with the bike coalition of Maine to construct a bike rack on the property however the applicant finds it extremely unlikely that his business will require a bike rack.**
4. The property does not have survey corner pins installed which would be desirable to have. **The installation of property corner pins should be the responsibility of the owner, the applicant is the future leasee of the property.**
5. The drive cut on "C" Street is proposed to be closed. The applicant shall match the vertical curb reveal on each side of the existing cut. The existing bricks may be reuse, if not broken, to match the existing sidewalk. **NCS agrees, proposed reconstruction of the sidewalk is detailed in the plans and reveal is called out on the site plan with spot shots.**
6. The property has several pedestrian easements. The applicant shall assure these easements remain open. **A note has been added to the site plan to ensure that these easements remain clear of obstructions.**
7. The current paved parking area encroaches onto the abutting property. This pavement shall be removed. **This area encroaches on the abutting property by no more than 10" at most. NCS believes that the removal of this sliver of pavement is unnecessary.**
8. Assurances shall be made that all proposed vehicle parking does not go beyond the applicant's property line, i.e. over the sidewalk areas installation of some means. **A note has been added to the plan that indicates display cars and vehicles parked in the handicapped accessible space be no closer than 12" of the property line.**
9. The applicant may use Type "B" gravels in lieu of Type "A" gravels. **Type "B" gravels have been substituted for Type "A" gravels.**
10. The applicant is proposing to remove a large vegetated area in the rear of this lot for additional parking. It is recommended that the applicant consider the installation of a stormwater treatment system to offset the additional stormwater runoff. **The applicant is now proposing to leave the vegetated area as shown on the plans.**

D. Traffic Engineer Tom Errico

1. The applicant should install treatments along the sidewalk border that will prevent display vehicles from encroaching on the sidewalk. This strategy is consistent with other similar type land uses permitted by the City. **A note has been added to the plan that indicates that the display cars will not encroach onto the City sidewalk.**
2. I have reviewed the St. John Street Streetscape Improvement Plan and the proposed project is not in conflict with the Plan nor prevents implementation of the Plan. N/A

E. City Arborist Jeff Tarling

The City Arborist's review is pending and any comments will be forwarded at a later day.

N/A

F. Fire Prevention Captain Keith Gautreau

1. The access to site will be good. The hydrant is on the corner of St. John and C Street which is great. N/A
2. Are they proposing any change in elevation to the building? **NO**. Does the building have any fire protection (i.e. sprinklers, fire alarm, etc.)? **NO**.

Please feel free to contact me with any questions or concerns.

Sincerely,
Northeast Civil Solutions, Inc.

Lee Allen

Lee Allen, P.E.
Vice President

Cc: Muhktar Geele
Jennifer Sporzynski

Zoning Administrator Marge Schmuckal

July 6, 2010

This is a request to change the use of an existing building that was previously an automobile muffler and brake shop to automobile dealership. The property is located in a B-2 Zone which allows automobile dealerships as a conditional use (14-183(a)5 to the Planning Board.

The B-2 Zone requires a maximum impervious surface of 80%. The given application information indicates an impervious surface after development of 71.8%. However, a look at the site plan leads me to believe that figure might be understated. It should be remembered that proposed gravel areas are considered to be impervious. I would like a confirmation of the actual post-development impervious surface ratio.

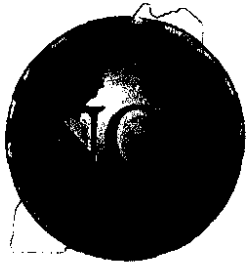
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It is also noted that after a site plan approval, separate permits are required thru Inspection Services for the change of use along with separate permits for any new signage.

July 20, 2010

I have reviewed the revised plans that I received on July 16, 2010. The applicant has revised the impervious surface are to 79% which does not exceed the maximum allowed 80% impervious. The applicant is now meeting this requirement

The revised plans now show 5 customer cars being provided on the lot. The applicant is showing 6" concrete wheel stops for these spaces. The inventory cars for display are stated to be 12" from the sidewalk. No curbing is shown to insure the future placement of display cars. Because the applicant is showing less than 6 customer car parking spaces on site, the four foot fencing is not required



SURVEYING ENGINEERING LAND PLANNING

Northeast Civil Solutions

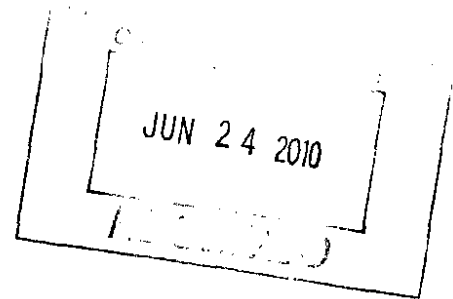
INCORPORATED

www.northeastcivilsolutions.com

June 18, 2010

153 U.S. Route 1
Scarborough
Maine 04074

Ms. Barbara Barhydt
Department of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101



RE: Development of 235 St. John Street

tel

207.883.1000
800.882.2227

Dear Barbara,

Enclosed please find the necessary materials to support a "Change of Use" and "Minor Site Plan Review" at 235 St. John Street. The lot is currently developed, formerly housing, an auto repair business. Mr. Muhktar Geele is proposing to open a car dealership on these premises.

fax

207.883.1001

This parcel is located on the corner of St. John Street and C Street within the B-2 Business Zone. The total parcel area is 12,458 sf (0.29 Ac). Currently, three curb cuts exist (one off from C Street and two off from St. John Street). During the pre-Application meeting it was noted that one of the curb cuts would need to be permanently closed. The curb cut along C Street will be closed, see detailed information on plans for closure of this curb cut. The remaining curb cuts on St. John Street will remain open.

The site is burdened by a series of 3 and 4.4 foot right of ways that surround the parking area and give access to an existing home located on a legal non-conforming lot. The rights of way give pedestrian access to the home but do not allow for on-site parking. The proposed site development will not interfere with these easements.

No structures are proposed in conjunction with this application. The existing structure is divided into 3 garage bays and an office area. The garage bays will be utilized for vehicle storage and minor vehicle repair and maintenance. The total footprint of the building is 3,200 sf with 920 sf of office/retail area. The remaining area is and will be utilized as garage space. Because the retail space is less than 200 sf there is no on-site parking requirement. However, 4 customer parking spots and one handicap accessible space have been provided.

A dumpster is proposed for the back of the site to remove solid waste generated by the car dealership. No increase or change is required for wastewater or water supply as Mr. Geele will a tenant in this building that has been and will continue to be owned by 235 St. John Street, LLC.

No significant change in stormwater runoff will be realized. An additional 890 sf area will be paved, however, it is believed that most of this site was paved at some point in the past. Therefore even though there will be some paving it will not create an increase in stormwater runoff. All runoff is controlled by the municipal storm drain system located along St. John Street.

It is anticipated that the improvements necessary for this project can be completed within one month. The work anticipated and shown on the plan is additional paving, closing a curb cut along C Street and striping for handicap accessible parking space.

This project requires "Change of Use" and "Minor Site Plan" approval from the City Planning Board. No other permits are required.

A copy of the lease agreement between Mr. Geele and 235 St. John Street, LLC is provided for your review. Additionally, please find correspondence with *Startsmart* that will be providing financial assistance for Mr. Geele to start his business.

If you have any questions please feel free to contact me with any comments or questions.

Sincerely,
Northeast Civil Solutions, Inc.



Lee Allen, P.E.
Vice President

Cc: Mr. Muhktar Geele
Ms. Jennifer Sporzynski, Startsmart

Encl:

↓
yes need
Bldg permit
licenses from
City Clerks
office?



PORTLAND MAINE

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Perry St. Louis Littell, Director of Planning and Development
Marge Schmuckal, Zoning Administrator

Meeting Information

DATE: 4/12/10 ZONE: B-2
LOCATION: 235 St. John St - 64-D-718
PEOPLE PRESENT: Lee Allan ^{N.E. Civil} - Shukria Wiat -
Marge S. - Jennifer S - Mukhtar Gelle

DISCUSSION: - Bldg not changing -
Discussed closing off curb cuts
Discussed parking cars along the front of the Bldg ^{30'}
We need to see ALLEASEMENTS
Chapter 500 rules - is this affected by it? ^{Shukria}
→ related the impervious surface requirements in B-2 ^{will check with DAN G.}
Are there other ways of closing off entry ways than curbing? -
→ Does this need a traffic study? → Tom G. ^{Shukria - No}

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at www.portlandmaine.gov.

Marge Schmuckal - meeting with Portland planning

From: "Jennifer L. Sporzynski" <jls@ceimaine.org>
To: <lee.allen@northeastcivilsolutions.com>, <shukriaw@portlandmaine.gov>, <...>
Date: 4/8/2010 4:06 PM
Subject: meeting with Portland planning
CC: <m_s_g@hotmail.com>

Lee,

We spoke on the phone about the project at 235 St John Street. Shukria Wiar and Marge Schmuckal of the City of Portland Planning and Development Department are available to meet with us at 10:30am on Monday April 12. Please let me know if this time still works for you, if it does not please let me know another time that could work. The meeting will take place at City Hall in the planning department. I am planning on being present, and can be available until 11:45 if it goes that long, when I will need to leave for another meeting.

Best,

Jennifer Sporzynski
Director, StartSmart
Coastal Enterprises, Inc
2 Portland Fish Pier, Suite 206
Portland, ME 04101
207-775-1984
www.ceimaine.org

CEI Mission: To help create economically and environmentally healthy communities in which all people, especially those with low incomes, can reach their full potential.



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Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

Meeting Information

DATE: 2/22/10 B-2
 LOCATION: 235 St. John St - 64-D-7:8
 PEOPLE PRESENT: Shukria Wiar - Marge S -
Mukhtar Gelle - Jennifer S.
 ZONE: B-2

235 St. John St

DISCUSSION: wants to change of use to Automobiles
 Dealership / rental -
 Planning Board process → walk thru \$200 fee + \$100 conditional use
 plus \$30 per hr fee for Planner
 workshop; then full planning Bd review
 Buffering treatment would be needed
 B-2 Design Standards Apply -
 PARKING SPACE = 9' x 19' - maybe waivers
 Gave Jenn a copy of St. John / Alley St Neighborhood -
 tel. #

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at www.portlandmaine.gov.

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

City Home Departments City Council E-Services Calendar Jobs

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

Browse city services a-z

Browse facts and links a-z



Best viewed at 800x600, with Internet Explorer

Current Owner Information:

CBL	064 D007001
Land Use Type	RETAIL & PERSONAL SERVICE
Property Location	235 ST JOHN ST
Owner Information	235 ST JOHN STREET LLC 401 CHANDLERS WHARF PORTLAND ME 04101
Book and Page	20093/206
Legal Description	64-D-7-8 ST JOHN ST 241-245
Acres	12462 SF 0.286

Jennifer Spozemski

Lenny Kovit

Mikatar Gelle

Current Assessed Valuation:

TAX ACCT NO.	10466	OWNER OF RECORD AS OF APRIL 2009 235 ST JOHN STREET LLC
LAND VALUE	\$177,900.00	
BUILDING VALUE	\$205,900.00	401 CHANDLERS WHARF PORTLAND ME 04101
NET TAXABLE - REAL ESTATE	\$383,800.00	
TAX AMOUNT	\$6,808.62	

B-2

used car business
i.e. car rental

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

Building Information:

Year Built	1968
Style/Structure Type	AUTO SERVICE
# Units	1
Building Num/Name	1 - THE BUGGY SHOP
Square Feet	3248

View Sketch View Map View Picture



Exterior/Interior Information:

Levels	01/01
Size	3248
Use	AUTO PARTS/SERVICE
Height	16
Walls	METAL-LIGHT
Heating	UNIT HEAT
A/C	NONE

Last approved use;
04-170Z 11/30/04

Buggy Shop

Other Features:

Structure	OVERHEAD DOOR - WD/MT
Size	10X10

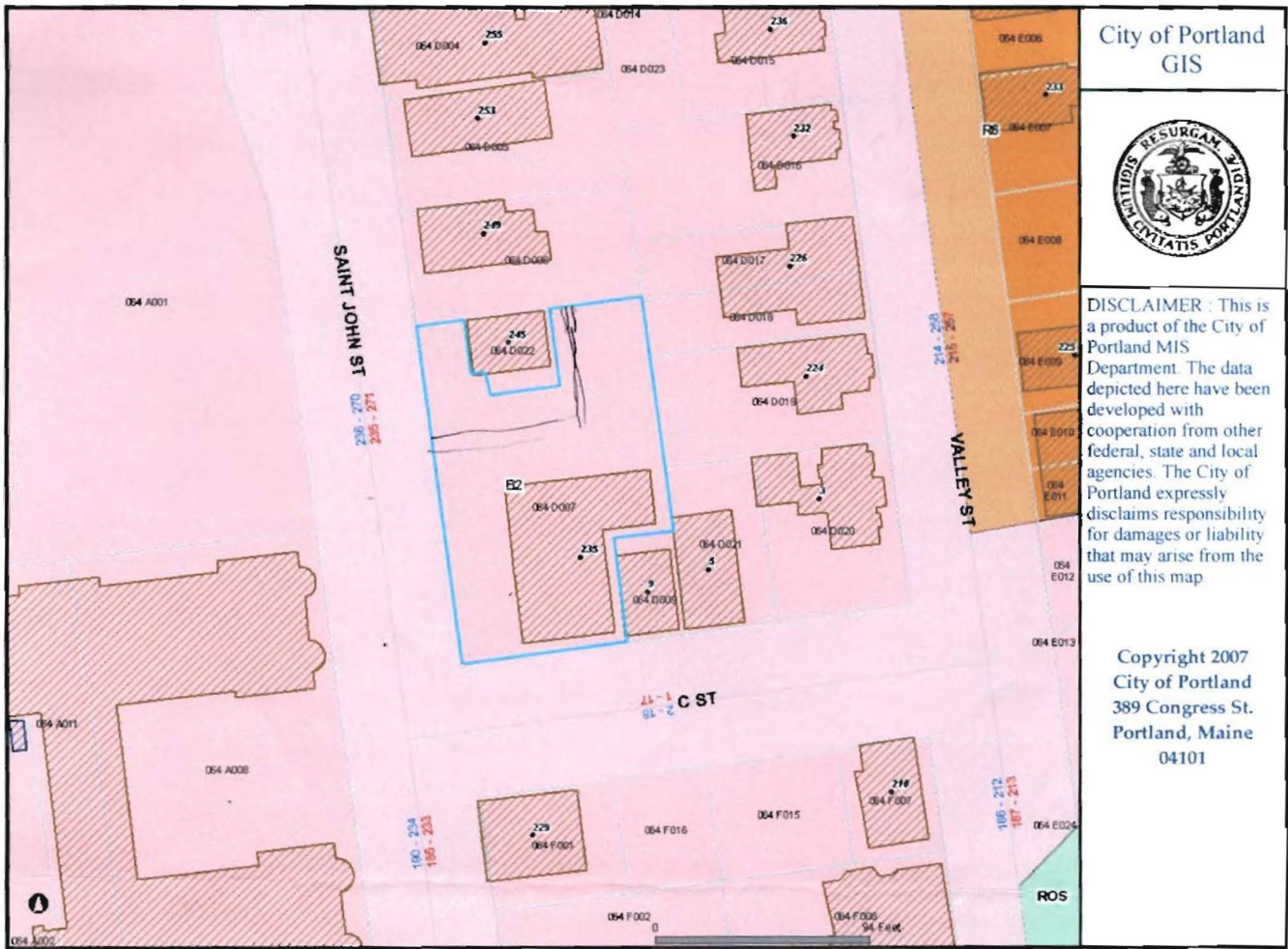
Structure	OVERHEAD DOOR - WD/MT
Size	18X10

Structure	CENTRAL AJR
Size	1X400

Auto Repair

Outbuildings/Yard Improvements:

Year Built	1970
Structure	ASPHALT PARKING
Size	1X8000
Units	1
Grade	C



City of Portland
GIS



DISCLAIMER : This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map

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City of Portland
389 Congress St.
Portland, Maine
04101

(a) Business. Any of the following conditional uses, provided that, notwithstanding section 14-474(a) of this article or any other provision of this code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority over conditional business uses:

1. Major and minor auto service stations in the B-2 zone, only;
2. Major or minor auto service stations in the B-2b zone in existence as of November 15, 1999;
3. Car washes;
4. Drive-throughs in the B-2 or B-2b zones which are adjacent to any residential use or zone, provided that, in the B-2b drive-throughs must be accessory to a principal use located on the same site;
5. Automobile dealerships.

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

- a. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.
- b. Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

Marge Schmuckal - Re: pre-application meeting

From: Barbara Barhydt
To: Schmuckal, Marge; Wiar, Shukria
Date: 2/19/2010 3:08 PM
Subject: Re: pre-application meeting

Hi:

I have just confirmed the pre-application meeting at 2 p.m. in our office on Monday, February 22nd. I will be meeting with Jenn regarding the computer program, but you can pull me out if you need me.

Muktar Gellee wants to open a used car dealership, car rental and possibly some mechanic work at 235 St. Johns Street. According to his business representative, Jennifer Sworinski from CEI, the site is in the B-2 zone and she understands the use is a conditional use in the zone.

Shukria, please look at the site and gather whatever information you can find. If you have questions before they come on Monday, we can go over it at the staff meeting.

Thanks.

Barbara

>>> Shukria Wiar Friday, February 19, 2010 2:45 PM >>>
Sure, will someone from Zoning be there? What time?

>>> Barbara Barhydt 2/19/2010 2:40 PM >>>
Hi Shukria:

Do you want to handle a pre-application meeting for me on Monday?

Barbara

Zoning Administrator Marge Schmuckal

July 6, 2010

This is a request to change the use of an existing building that was previously an automobile muffler and brake shop to automobile dealership. The property is located in a B-2 Zone which allows automobile dealerships as a conditional use (14-183(a)5 to the Planning Board.

The B-2 Zone requires a maximum impervious surface of 80%. The given application information indicates an impervious surface after development of 71.8%. However, a look at the site plan leads me to believe that figure might be understated. It should be remembered that proposed gravel areas are considered to be impervious. I would like a confirmation of the actual post-development impervious surface ratio.

The site plan just shows where there will be vehicle display areas. The specific car spaces are not indicated on the plans. Section 14-339 states that where more than six (6) vehicles are to be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved. The ordinance goes on to say, "where such off-street parking shall abut a lot in residence zone or a lot in residential use, a chain link picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking at that part of the lot line involved". I would like to see detail of the required curbing and fencing.

It is also noted that after a site plan approval, separate permits are required thru Inspection Services for the change of use along with separate permits for any new signage.

(a) Where off-street parking for more than six (6) vehicles is required or provided on a lot in a residence zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:

- (1) A continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface.
- (2) Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a residence zone, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(b) Notwithstanding the provisions of subsection (a) of this section, parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turnaround area.

(Code 1968, § 602.14.H; Ord. No. 231-90, § 2, 3-5-90)

Sec. 14-339. When located adjacent to a street or a residential use.

Where off-street parking for more than six (6) vehicles is required or provided on a lot in any business zone, the following requirements shall be met:

- (a) Where vehicles are to be or may be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in

height and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that bumpers of vehicles cannot project beyond its face toward the street line involved either above or below the impact surface.

- (b) Where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(Code 1968, § 602.14.1)

Sec. 14-340. Construction requirements when more than six vehicles parked.

Where off-street parking for more than six (6) vehicles is required or provided, the following construction requirements shall apply:

- (a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the traffic engineer.
- (b) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.
- (c) A system of surface drainage shall be provided in such a way that the waste run-off shall not run over or across any public sidewalk or street.
- (d) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.