

CITY OF PORTLAND, MAINE

PLANNING BOARD

Stuart O'Brien, Chair
Elizabeth Boepple, Vice Chair
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July 22, 2015

Wendy Durrah
Bangor Savings Bank
99 Franklin Street
Bangor, ME 04401

David Latulippe
C J Developers, Inc
35 Primrose Lane
Freeport, ME 04032

Gorrill-Palmer
PO Box 1237
Gray, ME 04039

Project Name: **Bangor Savings Bank Bank/Office building with two lane drive-through**
Project ID: #2015-080
Address: 20 Marginal Way CBL: 113 A 025001
Applicant: Wendy Durrah, Bangor Savings Bank
Planner: Jean Fraser

Dear Ms Durrah:

On July 14, 2015, the Planning Board considered your application for a three story bank and office development with a two lane drive through at 20 Marginal Way. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review and Site Plan Ordinances of the Land Use Code. The Planning Board voted 7-0 to approve the application with the following waivers and conditions as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for the public hearing on July 14, 2015 for application #2015-080 (20 Marginal Way) relevant to Portland's Technical and Design Standards, the B7 Design Guidelines and Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. Driveway Separation
The Planning Board voted 7-0 to waive Technical Design Standard Section 1.7.1.7 *Location and spacing of driveways* to allow the proposed driveway to be located as shown on Site Plan Plan 4.
2. Bicycle parking dimensional standards
The Planning Board voted 7-0 to waive Technical Design Standard Section 1.15.2 which specifies a minimum of 24 inches between the bike rack and the building wall, to allow a separation of 12 inches, subject to the required bicycle parking being met on the non-building side of the rack.
3. Building Signage:
The Planning Board voted 7-0 to waive *B7 Mixed Use Urban District Zone Design Principles and Standard E-16: Signage* to allow a total of two signs at the pedestrian level and three signs at upper levels, and to allow illuminated individual plastic letters, to address the unique circumstances of the site and the user.

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on July 14, 2015 for application #2015-080 (Conditional Use and Site Plan) (20 Marginal Way), relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 7-0 that the proposed conditional use for a bank drive-through associated with the new Bangor Savings Bank at 20 Marginal Way in the B-7 zone does meet the standards of §14-474 and the standards of §14-296(a)1(c) for the B-7 zone.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in Planning Board Report for the public hearing on July 14, 2015 for application #2015-080 (Conditional Use and Site Plan) (20 Marginal Way), relevant to the site plan regulations; and the testimony presented at the Planning Board hearing; the Planning Board voted 7-0 that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

- i. That this approval is subject to the Zoning Text Amendments relating the bank drive-throughs in the B7 zone, as recently approved by the City Council, taking effect without delays such as an appeal; and
- ii. That the Planning Board has established that the maximum level of parking is 24 parking spaces; and
- iii. That the applicant shall reconsider the window design, including transparency, color, and size, in consultation with the City's Urban Designer, to meet the intent of the B-7 Design Principles and Standards. The final design to be reviewed and approved by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised Landscape Plan, for review and approval by the City Arborist and the Planning Authority prior to the issuance of a building permit, that adds one tree to be planted in the rear right side traffic island and adds vegetation to the proposed rear curbing area to address the City Arborist comments dated 7.2.2015; and
- v. That the developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan submitted May 2015 based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements; and
- vi. That the applicant shall submit a copy of the ability to serve (water supply and wastewater) letters prior to the issuance of a building permit; and
- vii. That the applicant shall address the Department of Public Services comments dated 7.2.2015 to revise the notes on the Site Plan prior to the issuance of a building permit; and
- viii. That the applicant shall submit, for review and approval by the Planning Authority prior to the issuance of a building permit, a revised photometric plan for the rear parking lot area that includes the lighting fixture specification, reduces trespass along the eastern boundary to meet Technical Standards, and increases the lighting levels in the vicinity of the drive-through; and
- ix. That separate permits are also required for all new signs, including those on the building, and for HVAC systems, which require submission of dBA levels to confirm compliance with the maximum sound limits of the ordinance.

The approval is based on the submitted plans and the findings related to conditional use and site plan review standards as contained in Planning Report for application #2015-080 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

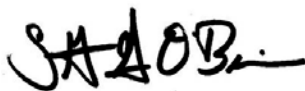
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, 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 Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held 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 Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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. (If applicable)
7. **Department of Public Services Permits** 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.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 there are any questions, please contact Jean Fraser at (207) 874-8728 and via jf@portlandmaine.gov .

Sincerely,



Stuart O'Brien, Chair
Portland Planning Board

Attachments:

1. City Arborist Review comments dated 7.2.2015
2. DPS comments dated 7.2.2015
3. B7 Design Review comments 7.8.2015
4. Planning Board Report
5. City Code Chapter 32
6. Sample Stormwater Maintenance Agreement
7. Performance Guarantee Packet

(continued)

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development

Greg Vining, Associate Engineer, Public Services

Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Caitlin Cameron, Urban Designer, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Lannie Dobson, Administration, Inspections Division
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Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services

Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

From: Jeff Tarling
To: Errico Thomas; Jean Fraser
CC: Barbara Barhydt; Caitlin Cameron; David Margolis-Pineo
Date: 7/2/2015 4:09 PM
Subject: Re: Fwd: 2970 Bangor Savings - Marginal Way
Attachments: Beachgrass.JPG; BGisland.JPG

Jean -

The proposed 2970 Bangor Savings Bank landscape plan for Marginal Way is acceptable with the condition that ONE tree is planted in the rear right side traffic island and vegetation is added to the proposed rear curbing area.

The attached photos demonstrate that ornamental grasses can grow in restricted spaces, this is an MDOT project called Hags Parkway / Route One in Scarborough where they successfully use beach grass in a high salt area with good results. The overall Bangor Savings Bank project has much less than average landscape percentage due to lot orientation and circulation patterns, however a simple planting of low maintenance beach grass would work, thus is a recommended condition of approval.

Thanks,

Jeff Tarling
City Arborist

From: David Margolis-Pineo
To: Jean Fraser
CC: Barbara Barhydt; Tom Errico
Date: 7/2/2015 11:48 AM
Subject: 20 Marginal Way

Jean,

July 2, 2015

To: Jean Fraser
Barbara Barhydt
From: David Margolis-Pineo
Re: 20 Marginal Way (2015-080) – Bangor Savings Drive Thru

The Department of Public Services has the following final comments on the proposed project mentioned above.

1. Revise note on Sheet C101 which currently states “Plug or remove existing san sewer” to read, “Remove or grout fill sewer to be abandoned within the road right of way.”

We have no further comments.

Planning and Urban Development Department Planning Division



Subject: B7 Design Review – 20 Marginal Way

Written by: Caitlin Cameron, Urban Designer

Date of Review : Wednesday, July 8, 2015

On Wednesday, July 8, a design review according to the *City of Portland Design Manual* Standards was performed for the new construction proposal for redevelopment at 20 Marginal Way. The revisions were reviewed by Caitlin Cameron, Urban Designer, and Jean Fraser, Planner, Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *B-7 Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual).

Design Review Criteria:

The project must meet all *B-7 Design Principles & Standards*.

Findings of the Design Review:

Overall the proposal meets the B-7 Design Guidelines with the exception of the signage guidelines for which the applicant is seeking waivers. The building is of a scale and orientation conducive to an urban, multi-modal, and on-peninsula site. The ground level provides an active frontage with storefront and street-facing entries. The project also provides a sustainable design employing solar panels.

The proposed design currently **does not pass** all of the criteria of the *B7 Design Guidelines*. Refer to comments below regarding **waiver requests** and design elements which do not meet the standards - Staff recommends **condition of approval** wherein the window design issues including transparency, color, and size, be resolved with City staff including the Urban Designer to meet the intent of the B-7 Design Principles and Standards.

Principle A: Urban Design

A-5: Pedestrian Environment – *Development on public streets or public spaces shall . . . enhance the pedestrian environment through the use of elements at the first floor such as fully functioning entries oriented to the street; active windows and storefronts; awnings and weather protection; appropriately scaled streetlights; trees and landscaping; . . .*

- The project places an **active door and storefront** facing Marginal Way and **contributes to the street wall**. The sidewalk is placed adjacent to the building as recommended by staff. The applicant recessed the entries in order to accommodate the outward door swing into the public right-of-way. **A canopy is used to emphasize the entry** points of the building.

A-7: Building Orientation – *The primary facades and entrances of buildings shall be oriented to streets, major pedestrian routes, or open spaces in order enhance the pedestrian-oriented environment. The primary facades and entrances of buildings shall not be oriented toward parking lots.*

- The project is **oriented towards the street creating a street wall** and includes **street-facing entries** at the sidewalk.

Principle C: Parking, Loading and Service Areas

C-6: Surface Lots – *Areas devoted to surface parking shall be screened from public rights of way and significant views through the use of design elements such as plantings, fencing, grade changes, and/or walls. A landscaped border shall be created around all surface parking lots. Any parking lot containing ten (10) or more parking spaces shall include one (1) or more landscaped islands within the interior of the lot. There shall be at least one (1) island for every twenty (20) spaces.*

- Staff suggests landscaping choices that are tall enough to **provide adequate screening from neighboring properties and views of parking from the street. Staff does not support a waiver request** from the landscaping requirement from an urban design standpoint.

Principle E: Architectural Design

E-12: Materials – *Facades visible from public rights of way shall use natural and authentic building materials that are expected to last at least 50 years. Predominant materials shall be brick, stone, precast concrete and other masonry products, wood, glass, and high quality metals such as steel, titanium and copper. . . . Materials such as thin gauge metal panels, exterior insulation and finish systems (EIFS), panelized “thin brick,” vinyl siding, or stucco on Styrofoam or a similar backing shall not be used on facades visible from the public rights of way. Fiber-cement clapboard and shingles may be used. Fiber cement panels shall only be used on portions of the building not visible from public rights of way. Public spaces shall be constructed of permanent, durable materials such as concrete, brick or stone.*

- **The building material palette** is similar to the recent commercial buildings on Marginal Way and **meets the design standard** – brick, composite panels, and storefront.

E-7: Windows – *The first floor transparency (minimum visible transmittance (VT) of .7 or greater) along public streets and the trail shall be equal to at least 50% of the wall area between the height of 2 and 9 feet. The first floor windows and storefronts shall be transparent with active uses visible behind them. Opaque glass shall not be allowed at the first floor level [See Standard E-13 Transparency]. Upper floors of all new buildings shall have at least 15% to 40% transparency of wall surface requirements. If it can be demonstrated that the building program precludes windows along first floor street frontages, then other surface details shall be used in accordance with Standard E-4 Articulation.*

- **Proposed glass has a VLT of .56 which is lower than the allowed .7. A sample is required** before staff can assess whether the transparency is adequate.
- **Spandrel glass (opaque) is proposed** for the upper portion of the ground floor storefront which is **not allowed by the Standard. See comments below.**

E-8: Storefronts - *Storefront glass shall be transparent in accordance with Standard E-13: Transparency, and shall not be blocked with opaque glass, or other means.*

- **Proposed transparency does not meet the Standard.**
- **Spandrel glass (opaque) is proposed** for the upper portion of the ground floor storefront **which is not allowed by the Standard. Staff does not support the use of spandrel glass in this project. Staff recommends that the ground floor windows be reduced in height** (and the canopy subsequently lowered) and the area where spandrel glass is proposed be eliminated. Reducing the amount of glazing will also reduce the solar gain in the façade.

E-13: Transparency – *Windows that have daylighting application on all levels of the façade shall use glass with a visible transmittance (VT) value of .7 or greater, which looks clear. . . . Opaque, heavily tinted or reflective glass shall not be used at the pedestrian level unless it can be demonstrated that the building program precludes the use of transparent glass.*

- **Proposed glass has a VLT of .56 which is lower than the allowed .7. A sample is required** before staff can assess whether the transparency is adequate.
- **Proposed glass has a green tint** which is not allowed by the Standard. **Glazing should look clear. A sample is required** before staff can assess whether the color is adequate.
- **Spandrel glass (opaque) is proposed** for the upper portion of the ground floor storefront **which is not allowed by the Standard. See comments above.**

E-16: Signage – *A master signage plan shall be required for all new construction as part of the site plan review process. Signage on new buildings shall be related to, and an integral part of, the design of the building. The master sign plan shall allow adaptability for changing tenants and uses over time. See Appendix 4 for additional signage standards.*

- **Applicant is proposing a signage master plan that does not meet the Design Standards and will require waivers for the following:**
 - **Illuminated plastic sign letters** - Given the precedent of waivers granted in B-7 for plastic illuminated letters, **staff supports the waiver request** for allowing this sign design.
 - **Number of upper level signs** - The guidelines limit the number of upper story signs to two (2) and the applicant is requesting three (3). **Staff defers to the Planning Board** on the appropriateness of additional signs. If the Planning Board does not support the waiver request, staff recommends the two upper level signs on the building's short faces which will be visible to vehicular traffic.
 - **Number of pedestrian level signs** – The guidelines limit the number of pedestrian level signs to one (1) and the applicant is requesting two (2). **Staff defers to the Planning Board** on the appropriateness of additional signs. If the Planning Board does not support the waiver request, staff recommends the pedestrian level sign facing Marginal Way.



PLANNING BOARD REPORT PORTLAND, MAINE

Bank/Office Building with Bank Drive-through, 20 Marginal Way
Level III Conditional Use and (Level II) Site Plan
Bangor Savings Bank, Applicant
Project #: 2015-080
CBL 113 A025001

Submitted to: Portland Planning Board Public Hearing Date: July 14 th , 2015	Prepared by: Jean Fraser, Planner Date: July 10 th , 2015
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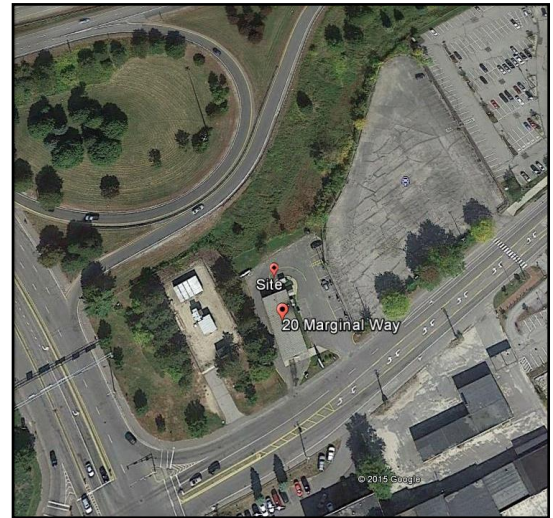
I. INTRODUCTION

Bangor Savings Bank has applied for conditional use and site plan approval for a three story (7,284 sq ft floorspace) bank and office building, including a drive-through for the bank at the rear of the building. The lot at 20 Marginal Way is 17,862 sq ft and located within the B-7 zone. The proposal includes 24 parking spaces and landscaping.

The Board saw this proposal at a conceptual stage when reviewing the Bank's request for a text amendment to the B7 drive-through conditions. In June the City Council approved the text amendments which support the proposal by allowing this smaller scale of floorspace in the development.

Staff have brought the associated site plan and conditional use application direct to a Hearing as the proposal is similar in all key respects to the proposal presented during the meetings on the text amendments and the applicant met with staff to resolve design details during that review.

This use requires a conditional use permit to be approved by the Planning Board and to meet the requirements of the B-7 Conditional Use standards (§14-296(a)1(c)) as well as the B7 Design Standards.



II. REQUIRED REVIEWS

<i>Applicant's Proposal</i>	<i>Applicable Standards</i>
New structure of 7,284 sq ft	Level II Site Plan
Bank Drive-through in B7 zone	Level III Conditional Use in the B7 zone (§14-296(a)1(c))

III. WAIVER REQUESTS

Note: the applicant originally requested a waiver from Parking Lot Landscaping but now intends to meet the Ordinance requirements. (See section IX C ii)

<i>Applicant's Proposal</i>	<i>Applicable Standards</i>
<u>Driveway Separation:</u> The proposed drive access does not meet separation standards in relation to the PO access.	<i>Technical Manual Section 1.7.1.7 Location and spacing of driveways</i> specifies minimum spacing of driveways. Staff support this waiver.
<u>Bicycle Parking Dimensional Standards:</u> the proposed bike racks are closer to the building than specified by the standards due to limited site area, but the required spaces will be accessible from the non-building side.	<i>Technical Manual Section 1.15.2 Placement of off street bicycle parking racks</i> requires a 24" separation from a building to allow access. The proposal provides 12" but does not count the parking spaces on that side towards the total required and the waiver is supported by staff.
<u>Building Signage:</u> the Master Signage Plan (Plan P12) proposes more signs than allowed by the standards and incorporates materials that are not mentioned in the standards.	<i>B7 Mixed Use Urban District Zone Design Principles and Standard E-16: Signage</i> specifies the number of building signs allowed and associated technical specifications. Staff support the waiver for materials but not for the number of proposed signs.

<p><u>Glass Transparency:</u> the applicant is requesting a waiver from the B7 Design Standards because of the need to take account of the solar gain on the south facing large windows</p>	<p><i>B7 Mixed Use Urban District Zone Design Principles and Standard E-13: Transparency</i> specifies that windows that have daylighting application on all levels of the façade shall use glass with a visible transmittance (VT) value of .7 or greater, which looks clear. . . . Opaque, heavily tinted or reflective glass shall not be used at the pedestrian level unless it can be demonstrated that the building program precludes the use of transparent glass. Staff needs more information and a sample before a recommendation can be made. A condition of approval regarding the window design is suggested. See Design Review comments (Att. 6).</p>
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IV. PROJECT DATA

<i>SUBJECT</i>	<i>DATA</i>
Existing Zoning	B- 7
Existing Use	Car Wash
Proposed Use	Bank , offices and bank drive-through (new building)
Parcel Size	17,862 sq ft
Impervious Surface Area --Existing --Proposed --Net Change	15,579 sq ft 15,976 sq ft +397sq ft
Total Disturbed Area	Approx 85,000 sq ft
Building Footprint --Existing --Proposed --Net Change	2,706 sq ft 2,100 sq ft (606 sq ft)
Building Floor Area --Existing --Proposed --Net Change	2,706 sq ft 7,284 sq ft +4,578 sq ft
Parking Spaces -Existing -Proposed # handicapped	9 24 2
Bicycle parking Spaces -Existing -Proposed	0 2
Estimated cost of the project	\$1,800,000

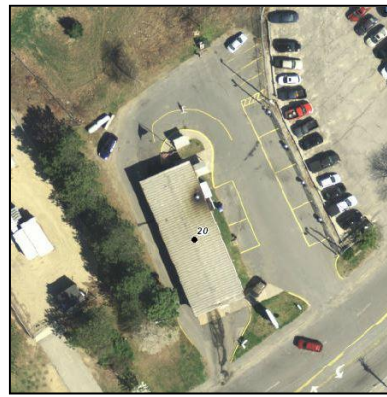
V. BACKGROUND AND EXISTING CONDITIONS

Zoning

The applicant has requested and received a text amendment to the B7 Conditional Use requirements that apply to this proposal to allow bank drive-throughs in buildings with a smaller floor area than 20,000 sq ft. The Planning Board reviewed the text amendments in early 2015. During that review the applicant submitted detailed site plan proposals and associated renderings and details, although at the time staff clearly indicated that a detailed site plan review had not been undertaken (for example, in respect of architectural design, lighting, landscaping etc). The amended text added requirements for “...storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk” which need to be addressed in the site plan.

Existing conditions

The existing site is a busy car wash housed in a single-story building (approx. 2700 sq ft). The owner obtained traffic generation information in mid-2014 (see Attachment F) that indicated that this use generates up to 118 trips/hour during the peak hour.



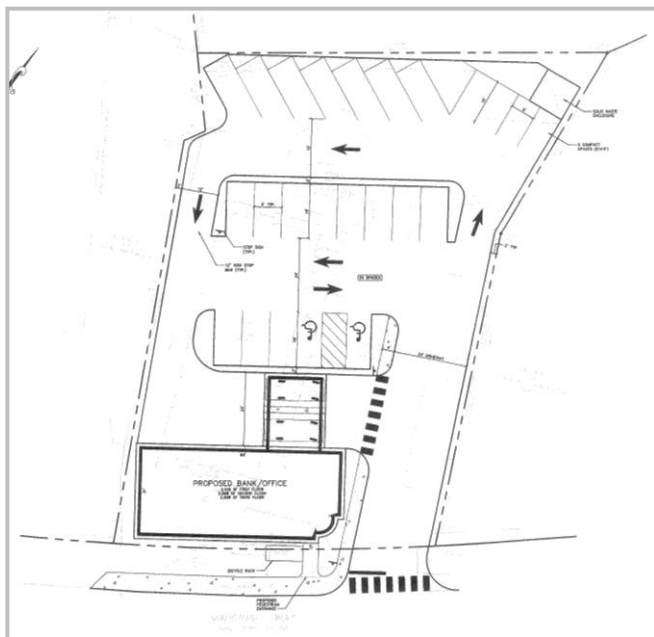
To the east the site abuts the Post Office site (an expanse of paved area/parking) which is separated by a chain link fence. To the west is an area of mature conifers that is part of a site owed by Central Maine Power, with the north boundary along MDOT and that buffers the Rt I-295 interchange.

VI. PROPOSED DEVELOPMENT

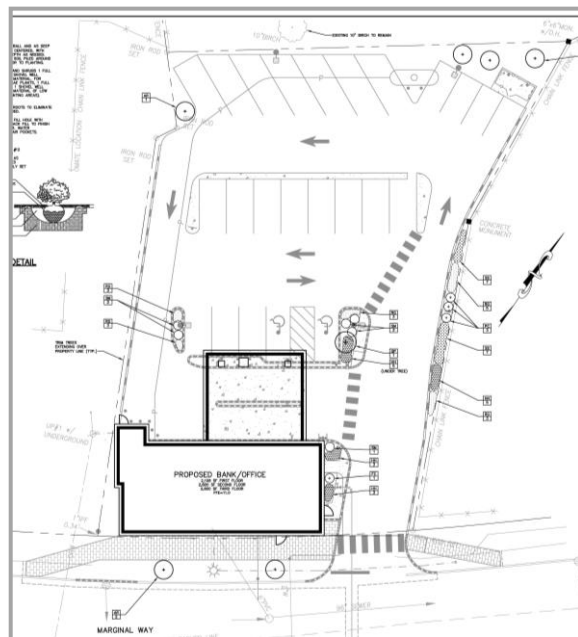
The proposals are described in Attachments A, B, C and D and illustrated in the attached Plan Set. The existing car wash is proposed to be demolished and replaced with:

- A new three story mainly brick bank/office building using high quality materials;
- Strong and attractive interface with Marginal Way, including elements identified by and integrated with the Marginal Way Improvement Plan;
- Double drive-through located behind the building with any stacking away from Marginal Way;
- Inclusion of "green" initiatives such as the prominent solar panels and Electric Vehicle Charging Stations.

Since the development of the Concept Plan for the zoning amendments, the applicant has worked with staff to improve the elevation design, door entrances facing Marginal Way, pedestrian accommodations, landscaping and treatment along the frontage, as shown in a comparison of the plans below:



ZONING CONCEPT



**CURRENT FINAL PROPOSAL
(Landscape Plan in Plan P10)**

The final elevations are shown in architectural format and renderings (with and without signage) in Plans P12 and P13, with details in Plans P14 and P15. The extracts below give an indication of the design and this is discussed in greater detail in section IX C iv below Design Review:



From Marginal Way



From I-295 and interchange

VII. PUBLIC COMMENT

A notice of this Hearing was sent to 49 property owners within 500 feet and interested citizens, and appeared in the July 3rd / 6th, 2015 editions of the *Portland Press-Herald*. A Neighborhood Meeting is not required for this project and the Planning Division has not received any public comments since the two letters of support that were received during the text amendment review.

VIII. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The owner of the property has entered into a term sheet for the lease of the site to Bangor Savings Bank; this is included in Attachment E.

IX. STAFF REVIEW

A. ZONING ASSESSMENT

The proposal is a conditional use in the B7 zone and meets all of the B7 dimensional requirements and the parking requirements of Division 20.

The B7 zone includes a particular requirement (14-332.2.c) for the submission of a parking analysis and for the Planning Board to establish the parking requirement for the project. The applicant has submitted a parking analysis (Attachment J) which supports the proposed parking at 24 spaces. Staff support the proposed parking and a suggested condition of approval allows the Board to document that this is the established requirement.

B. CONDITIONAL USE REVIEW

The applicant has submitted an analysis of how the proposal meets the B7 Conditional Use Standards (Attachment C) and staff confirm that the project meets the requirements of the amended standards as follows:

Sec.14-296. Conditional uses.

(a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Commercial use:

- a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.*
- b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.*
- c. Drive-up banking provided that:*
 - i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and*

- ii. *The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet, except that for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive-up may be included in a building of less than 20,000 sq ft.*
- iii. *The drive-up facility is attached or included within a building and/or addition meeting the minimum height of four stories in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions contained in Section 14-298 (h) 5, 7, and 8 shall not apply.*

Staff comment: The proposal meets the standards as it is in Bayside Height District B which requires a 3- story building at this site.

- iv. *The first floor of the building shall include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk; and*

Staff comment: The applicant has revised the proposals a number of times to meet this requirement. The lowest floor (see Plan P15) includes a coffee shop and lobby along the large front windows that face directly onto the sidewalk, and the entrance doors have been located to face the street and be directly accessible from the sidewalk.

- iv. *All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and*

Staff comment: All of these features are at least 30 feet from the street ROW line, and in addition are located behind the building and so generally not viewed from the public domain.

- v. *The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and*
- vi. *Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and*

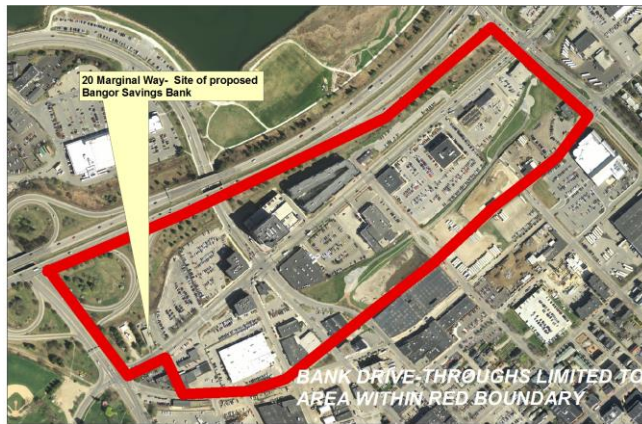
Staff comment: The proposed vehicle circulation takes the drive-through customers around the rearmost drive and then down the west side to enter the drive-through from the west. This provides stacking area along the west boundary of the site and ensures that it is not near Marginal Way nor across any pedestrian routes.

- vi. *The drive-up shall be limited to two vehicle drive-up lanes; and*

Staff comment: The proposed drive-through comprises two vehicle lanes.

- vii. *The location of any drive-up shall be limited to the geographic area between Somerset/Kennebec Streets/ I-295/Franklin Street/Forest Avenue.*

Staff comment: The proposal is located within the area identified for bank drive-throughs, as shown below.



The following standards 14-474 apply to all conditional uses:

2. *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and

Staff comment: The traffic generation for the proposed use is a reduction from the previous use (Attachment 2) and the parking layout and circulation area is not substantially greater that would normally occur at surrounding uses.

b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and

Staff comment: The proposal would not create harmful conditions.

c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Staff comment: The design and operation of the proposed use is anticipated to have similar effects/impacts as for surrounding uses.

C. DEVELOPMENT REVIEW (SITE PLAN STANDARDS in Section 14-526)

The applicant has provided a comprehensive application and additional information and revisions in response to staff comments. The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations, and meets the standards except in a few cases where suggested conditions are recommended to fully address site plan standards.

i. Transportation Standards

Impact on Surrounding Street system, Access and Circulation

The applicant has provided a Traffic Analysis (Attachment F) which has been reviewed by Tom Errico, Traffic Engineering reviewer (Attachment 2); the final comments are:

- *The applicant has revised the site circulation roadway widths (they have been narrowed slightly) to accommodate suggested landscaping enhancements and I find conditions to be acceptable. Jeff Tarling has requested the possible widening of the 2 foot raised concrete island to 3-feet with a reduction of the one-way circulatory roadway width from 19 feet to 18 feet. I am supportive of this change, if deemed necessary. I also find the pedestrian facility system to be acceptable given users and site operations.*
- *The applicant has designed the frontage of the project along Marginal Way according to our suggestions and I find it to be acceptable. I would note that this frontage area should be considered an interim streetscape plan as it may change following recommendations identified through the Bayside Transportation Master Plan process. I would note that the project has a net reduction in vehicle traffic (as compared to the former car wash) and therefore contributions to the Marginal Way Master Plan fund is not required.*
- *The proposed driveway does not meet City separation standards with the adjacent Post Office Parking Lot Driveway. I support a waiver from the City's Technical standards as it is preferred that the driveway separation from Forest Avenue be maximized.*

Parking: The Site Plan (Plan P4) shows 24 spaces on the plan, which is slightly over the zoning requirement of 19-20 spaces. As mentioned above under Zoning in IX A, the Planning Board determine the parking requirement for B7 projects and the applicant has submitted a Parking Analysis that supports the provision of 24 spaces (Attachment J). The parking provision is considered by the applicant to be of paramount importance because the new building will be intensively used for various bank office functions.

TDM: The scale of the proposal does not trigger the requirement for a TDM Plan.

ii. Environmental Quality Standards

Landscape Preservation, Buffers and Parking Lot Landscaping

The site has limited areas for landscaping and the applicant had originally requested a waiver for parking lot landscaping (with contribution to the Tree Fund instead. Staff do not support the waiver because screening of parking is also part of the B7 Design Standards, and because of the absence of landscaping along the eastern boundary (where the view towards the proposed parking is clearest from the sidewalk and street).

Staff met with the applicant and suggested that there was scope for a number of smaller spaces for planting so that cumulatively the landscape would meet the ordinance requirements which state:

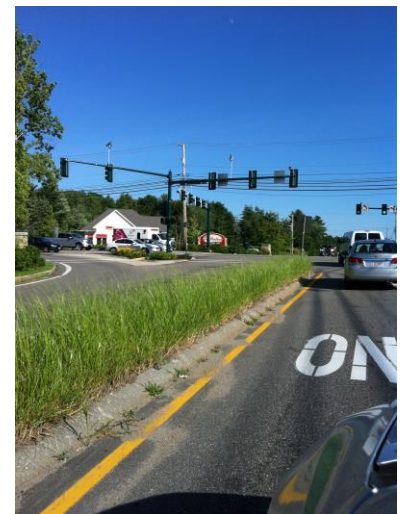
(ii) Parking Lot Landscaping:

Developments with five (5) or more parking spaces shall include at least two (2) trees (or one (1) tree and three (3) shrubs) per five (5) parking spaces planted in landscaped islands to screen shade and break up parking. Trees and shrubs in parking lots may be in informal groups, straight rows, or concentrated in clusters as detailed in Section 4 of the Technical Manual....

The final Landscape Plan (Plan P10) has been prepared by a Landscape Architect and includes many improvements, although the City Arborist remains of the view that more could be done (Attachment 3):

The proposed Bangor Savings Bank landscape plan for Marginal Way is acceptable with the condition that ONE tree is planted in the rear right side traffic island and vegetation is added to the proposed rear curbing area.

The attached photos demonstrate that ornamental grasses can grow in restricted spaces, this is an MDOT project called Hagis Parkway / Route One in Scarborough where they successfully use beach grass in a high salt area with good results. The overall Bangor Savings Bank project has much less than average landscape percentage due to lot orientation and circulation patterns, however a simple planting of low maintenance beach grass would work, thus is a recommended condition of approval.



Tom Errico, Traffic Engineering reviewer, has confirmed that the rear drive aisle could be narrowed from 19' to 18' to provide an extra foot in the curbed area for the suggested planting (Attachment 2).

A suggested condition of approval is included to reflect Mr. Tarling's recommendation.

Street Trees

It should be noted that the street trees, brick sidewalk, and design of the frontage area is welcome as it includes some of the Marginal Way Improvement Plan elements and is integrated with the future plans for that stretch of Marginal Way.

Water quality; Stormwater Management; Erosion Control:

The project has been reviewed by Dave Senus, consultant Peer Engineering Reviewer who provided detailed comments in June, 2015. The applicant has fully addressed those comments with the exception of a Construction Management Plan, which staff consider is not a concern at this location (Attachment 1).

iii. Public Infrastructure and Community Safety Standards (1)

Consistency with Master Plans

The project has incorporated the staff recommendations regarding the frontage so that it contributes to the Marginal Way Improvement Plan. The proposal includes a new street light to match the streetlights in this part of Bayside.

Public Safety and Fire Prevention

The proposals are generally acceptable in relation to the CPTED standards which encourage natural surveillance, access control, and territorial reinforcement. The windows and the rear deck of the building provide some surveillance, but the lighting levels in and around the drive-through are low and staff recommend further consideration to maximize security there.

The Fire Department has confirmed that the proposals meet conditions in respect of access, hydrants, and construction (Attachment 5).

Public Utilities

The applicant sent letters to the Portland Water District and Portland Department of Public Services in May in respect of the water supply and sewerage capacity. Confirmation of capacity has not yet been received and a suggested condition of approval has been included requiring these be received before the issuance of a building permit.

iv. Site Design Standards

Historic Resources: Not applicable.

Exterior Lighting: The applicant has submitted a photometric plan at Plan P11. The plan omits some of the information required (such as the specs for the lights to confirm they are full cut-off) and shows levels considerably above the Technical Standards for trespass along the eastern boundary. While this boundary is not "sensitive" at this time, the high lighting levels could impact a future development or use.

As mentioned above under "Public Safety", the area of the drive-through is not overlooked from the sidewalk and increased lighting levels should be incorporated here to improve security. Staff recommend a condition that requires a revised lighting plan with further details and revised levels to meet these concerns.

B7 Design Standards: the applicant has been working with the Planning Division's Urban Designer Caitlin Cameron to address the extensive B7 Design Guidelines and Standards. Ms. Cameron's final comments are included as Attachment 6 and confirm that most of the associate requirements have been met. The outstanding issues are:

- Building Signage (see submission in Attachment H and Plan P12)
- Transparency and tinting of the glass, particularly along the south facing frontage next to the sidewalk (see submitted info in Attachment I)
- Landscaping to screen parking (see Plan P9 Landscape Plan and discussion above under Site Plan)

Staff recommends a condition of approval that requires the applicant to work with staff to resolve the window design including transparency, color, and size to meet the intent of the B-7 Design Principles and Standards.

X. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed bank and office building with bank drive-through at 20 Marginal Way. The proposals would transform a single story car wash on a constrained site into a high quality development that is more appropriate to Bayside. The applicant has worked to meet or exceed the relevant standards. In addition, this project will contribute to the Marginal Way Improvement Plan and features “green” elements such as the solar panels.

XI. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for the public hearing on July 14, 2015 for application #2015-080 (20 Marginal Way) relevant to Portland’s Technical and Design Standards, the B7 Design Guidelines and Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. Driveway Separation

The Planning Board (**waives/does not waive**) Technical Design Standard Section 1.7.1.7 *Location and spacing of driveways* to allow the proposed driveway to be located as shown on Site Plan Plan 4.

2. Bicycle parking dimensional standards

The Planning Board (**waives/does not waive**) Technical Design Standard Section 1.15.2 which specifies a minimum of 24 inches between the bike rack and the building wall, to allow a separation of 12 inches, subject to the required bicycle parking being met on the non-building side of the rack.

3. Building Signage:

The Planning Board (**waives/does not waive**) *B7 Mixed Use Urban District Zone Design Principles and Standard E-16: Signage* to allow a total of ___ signs at the pedestrian level and ___ signs at upper levels, and to allow ___ materials, to address the unique circumstances of the site and the user.
{Planning Board to determine }

4. Glass Transparency:

The Planning Board (**waives/does not waive**) *B7 Mixed Use Urban District Zone Design Principles and Standard E-13: Transparency* to allow a waiver from the specified VT value, but that the scale of the waiver be determined by the City’s Urban Designer based on further information and discussions regarding ways to meet the objectives of the standard.

B. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on July 14, 2015 for application #2015-080 (Conditional Use and Site Plan) (20 Marginal Way), relevant to Portland’s Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for a bank drive-through associated with the new Bangor Savings Bank at 20 Marginal Way in the B-7 zone **does / does not** meet the standards of § 14-474 and the standards of §14-296(a)1(c) for the B-7 zone.

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in Planning Board Report for the public hearing on July 14, 2015 for application #2015-080 (Conditional Use and Site Plan) (20 Marginal Way), relevant to the site plan regulations; and the testimony presented at the Planning Board hearing; the Planning Board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

- i. That this approval is subject to the Zoning Text Amendments relating the bank drive-throughs in the B7 zone, as recently approved by the City Council, taking effect without delays such as an appeal; and
- ii. That the Planning Board has established that the required level of parking is 24 parking spaces; and
- iii. That the applicant shall reconsider the window design, including transparency, color, and size, in consultation with the City's Urban Designer, to meet the intent of the B-7 Design Principles and Standards. The final design to be reviewed and approved by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant shall submit a revised Landscape Plan, for review and approval by the City Arborist and the Planning Authority prior to the issuance of a building permit, that adds one tree to be planted in the rear right side traffic island and adds vegetation to the proposed rear curbing area to address the City Arborist comments dated 7.2.2015; and
- v. That the developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan submitted May 2015 based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements; and
- vi. That the applicant shall submit a copy of the ability to serve (water supply and wastewater) letters prior to the issuance of a building permit; and
- vii. That the applicant shall address the Department of Public Services comments dated 7.2.2015 to revise the notes on the Site Plan prior to the issuance of a building permit; and
- viii. That the applicant shall submit, for review and approval by the Planning Authority prior to the issuance of a building permit, a revised photometric plan for the rear parking lot area that includes the lighting fixture specification, reduces trespass along the eastern boundary to meet Technical Standards, and increases the lighting levels in the vicinity of the drive-through; and
- ix. That separate permits are also required for all new signs, including those on the building, and for HVAC systems, which require submission of dBA levels to confirm compliance with the maximum sound limits of the ordinance.

ATTACHMENTS:

Report Attachments

- 1. Peer Engineer Review comments 6.10.2015 and 7.6.2015
- 2. Traffic Engineering Review comments 7.1.2015
- 3. City Arborist comments 7.2.2015
- 4. DPS (David Margolis-Pineo) comments 7.2.2015
- 5. Fire Department comments 7.8.2015
- 6. Urban Design comments 7.8.2015

Public Comments

(none)

Applicant's Submittal

- A. Cover letter
- B. Site Plan Application
- C. Conditional Use Application
- D. Project Description
- E. Right, title & Interest (lease)
- F. Traffic Analysis
- G. Erosion Control and Stormwater Plans

- H. Master Sign Narrative and Plans
- I. Glass Transparency Information
- J. Parking Demand Analysis

Plans

- P1. Survey
- P2. Cover sheet
- P3. Demolition Plan
- P4. Site and Utility Plan
- P5. Grading plan
- P6. Details
- P7. Details
- P8. Details
- P9. Landscape Plan
- P10. Photometric Plan
- P11. Proposed Signage
- P12. Elevations – renderings
- P13. Elevations - architectural
- P14. Ground floor plan showing coffee shop