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 Prepared by: Jean Fraser, Planner Date: July 14th, 2015 Date: July 10th, 2015

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

Applicant's Proposal	Applicable Standards
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)

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

Glass Transparency: 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

B7 Mixed Use Urban District Zone Design Principles and Standard E-13: Transparency 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).

IV. PROJECT DATA

SUBJECT	DATA
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	15,579 sq ft
Proposed	15,976 sq ft
Net Change	+397sq ft
Total Disturbed Area	Approx 85,000 sq ft
Building Footprint	
Existing	2,706 sq ft
Proposed	2,100 sq ft
Net Change	(606 sq ft)
Building Floor Area	
Existing	2,706 sq ft
Proposed	7,284 sq ft
Net Change	+4,578 sq ft
Parking Spaces	
-Existing	9
-Proposed	24
# handicapped	2
Bicycle parking Spaces	
-Existing	0
-Proposed	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 <u>Attachment F</u>) that indicated that this use generates up to 118 trips/hour during the peak hour.





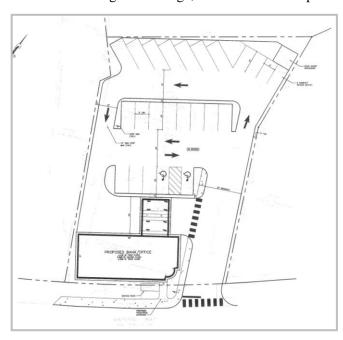
To the east the site abuts the Post Office site (an expanse of paved area/parking) which is separated by a chain link fence. To the west is an area of mature conifers that is part of a site owed by Central Maine Power, with the north boundary along MDOT and that buffers the Rt I-295 interchange.

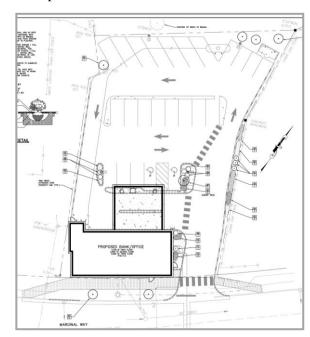
VI. PROPOSED DEVELOPMENT

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 <u>Plans P12 and P13</u>, with details in <u>Plans P14</u> 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 (<u>Attachment C</u>) 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
 - 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 stores 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.
- <u>Staff comment</u>: 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
- <u>Staff comment</u>: 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
- <u>Staff comment</u>: 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
- <u>Staff comment</u>: 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.
- <u>Staff comment</u>: 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

<u>Staff comment</u>: The traffic generation for the proposed use is a reduction from the previous use (<u>Attachment 2</u>) 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.

<u>Staff comment</u>: 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 (<u>Attachment F</u>) which has been reviewed by Tom Errico, Traffic Engineering reviewer (<u>Attachment 2</u>); 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.

<u>Parking</u>: The Site Plan (<u>Plan P4</u>) 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 (<u>Attachment J</u>). 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.

<u>TDM:</u> 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 (<u>Plan P10</u>) 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

<u>Historic Resources</u>: Not applicable.

Exterior Lighting: The applicant has submitted a photometric plan at <u>Plan P11</u>. 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.

<u>B7 Design Standards</u>: 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 <u>Attachment H</u> and <u>Plan P12</u>)
- 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 <u>Plan P9</u> 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 (<u>waives/does not waive</u>) 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 <u>Plan 4</u>.

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 (<u>waives/does not waive</u>) *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