

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

B-2b Community Business Zone
Conditional Use Appeal

DECISION

Attendance:

Date of public hearing: March 2, 2017
Name and address of applicant: Alta Vista, LLC
c/o Drummond Woodsum
84 Marginal Way, Suite 600
Portland, Maine 04101
Location of subject property: 495 Forest Avenue
CBL 127 A001001

Kent Avery - Chair
Brandon Mazer
Eric Larsson
Joseph Zamboni - Sec

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

*David ~~Latulippe~~ ^{Latulippe}, CS Developers o/b/o Alta Vista
Veronica Dudar, 9 Ricker Park, Portland.
David Miller, 9 Ricker Park, Portland.*

Exhibits admitted (e.g. renderings, reports, etc.):

+ Added email from Veronica Dudar @ Ricker Park

Findings of Fact and Conclusions of Law:

The applicant is seeking a conditional use permit pursuant to § 14-183(b)(3) of the City of Portland Code of Ordinances to convert a portion of an existing retail building to a wholesale distribution establishment. The Board has authority to consider a conditional use permit application pursuant to § 14-474(a).

Findings:

1. The use is limited to 10,000 square feet of aggregate gross floor area. City Code § 14-183(b).

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

*Materials and testimony indicate -
Wholesale will be roughly 8,000 sq ft.*

2. The site has an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles will be on site, and loading facilities will be located to the rear of the building and will not be visible from the street. City Code § 14-183(b).

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

*Materials and testimony indicate
standard has been met.
all vehicles will be on private
access rd. + vehicles will be
stacked. Will not be visible from
Forest Ave. Current uses also include
deliveries.*

3. The exterior design of the structures, including architectural style, facade materials, roof pitch, building form, established setbacks and height, will be of a commercial rather than industrial character. The site will contain screening and landscaping that shall meet the requirements of section 14- 526 for screening between land uses and the City of Portland Technical Manual. City Code § 14-183(b).

Satisfied 4 Not Satisfied 0

To be made a condition of the permit _____

Reason and supporting facts:

Materials and testimony indicate that no ~~other~~ significant changes will be made, (only a passage door).

4. 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. This standard is satisfied if all of the following are met: § 14-474(c).

- 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.

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

Materials and testimony indicate that volume of traffic and use will be consistent with current use. There may be increase but not substantially greater.

- 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.

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

Materials and testimony indicate use itself and activities will take place within building. No concerns presented about adverse 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.

Satisfied 4 Not Satisfied 0

Reason and supporting facts:

Materials and testimony indicate - it is an existing building with minor changes to building, and most operation within building.

Conclusions:

4 Option 1: The Board finds that all of the standards described above have been satisfied, and therefore GRANTS the conditional use permit.

Motion Brandon / 2nd Eric

___ Option 2: Pursuant to § 14-474(d), the Board has the authority to impose conditions on conditional use permits. The Board finds that all of the standards described above have been satisfied, however, certain reasonable conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

___ The site will contain screening and landscaping that shall meet the requirements of section 14-526 for screening between land uses and the City of Portland Technical Manual. City Code § 14-183(b).

___ Option 3: The Board finds that all of the standards described above have not been satisfied, and therefore DENIES the application.

Dated:

03/02/2017

[Signature]

Board Chair