

**CJ Developers, Inc.
35 Primrose Lane
Freeport, Maine 04032
207-865-4323**

February 15, 2017

Zoning Board of Appeals
City of Portland
389 Congress Street
Portland, ME 04101

Re: Request for Conditional Use
495 Forest Avenue, Portland, Maine

CJ Developers, Inc., on behalf of Alta Vista, LLC, hereby requests a conditional use for an 8,856 sq. ft. wholesale distribution establishment to be located in the rear portion of the building located at 495 Forest Avenue, Portland, Maine. The applicant has a purchase and sale agreement to purchase the property and renovate the interior of the building for a mixed use commercial facility with retail in the front portion of the building.

Applicant:

Alta Vista, LLC
c/o Drummond Woodsum
84 Marginal Way
Suite 600
Portland, ME 04101-2480

Owner:

WILLCO, LLC (William Knowles)
30 Lincoln Street # 14
Westbrook, ME 04092

Property Address:

495 Forest Avenue
Portland, Maine
Map 127, Block A, Lot 1

Zoning and Present Use

The property is located in the B2b zone. Its present approved use is for “retail of video equipment”.

B2b Provision authorizing the proposed conditional use:

Sec. 14-183. Conditional Uses, (b) Other, 3. Wholesale distribution establishments

- Conditional uses listed in this section shall be limited to ten thousand (10,000) square feet of aggregate gross floor area
The wholesale distribution center shall be approximately 8,856 s.f.
- Traffic Circulation: The site shall have an adequate traffic circulation pattern designed to avoid hazards to vehicular circulation on adjoining streets. All stacking of motor vehicles shall be on site, and loading facilities shall be located to the rear of the building and shall not be visible from the street.

The loading area is located in the rear of the building. It is accessed from a private drive named Indian Way that serves as a service drive the adjacent commercial properties and the Ricker Park Housing Complex. There is an existing overhead door that was used daily to receive and then deliver video electronic equipment and products. This paved area will be used by the wholesale distribution establishment to receive product. It is anticipated that there will be 2 tractor trailer deliveries per week and the unloading shall be less than 30 minutes. There is adequate traffic circulation as the current use has been using the loading area for over 30 years. All loading of wholesale product shall occur inside the building. The wholesale product shall be delivered to local and regional businesses in small delivery vans. Given that the building is shorter than the adjacent building at 49 Dartmouth Street, the loading area is not visible from Dartmouth Street.

- Building and site design: The exterior design of the structures, including architectural style, façade material, roof pitch, building form, established setbacks and height, shall be of a commercial rather than industrial character. The site shall contain screening and landscaping which shall meet the requirements of section 14-526 for screening between land uses and the City of Portland Technical Manual.

1. No exterior changes to the building or site are proposed. The existing building’s architectural style, façade material, roof pitch, building form, established setbacks and height have a commercial character and are consistent with the surrounding buildings on this section of Forest Avenue.

2. Screening: Given that the building is shorter than the adjacent building at 49 Dartmouth Street, the loading area is not visible from the public street or from the public sidewalk. The property line is in the middle of the private right of way, Indian Lane. Like all of the service areas along Indian Lane, there is no land area available for screening adjacent properties.

General description of proposed conditional use:

The rear portion of the property shall be used as an 8,856 s.f. wholesale distribution establishment. Deliveries to the wholesaler shall occur in the rear of the property in the exiting loading area through the existing overhead door. The product shall be loaded into small delivery vans inside the building to be delivered to local and regional businesses.

Conditional Use 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 impact than would normally occur from surrounding uses or other allowed 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 that would normally occur at surrounding uses or other allowable uses in the same zone; and

The proposed wholesale distribution use is very consistent with the surrounding uses. All of the uses in this area use Indian Lane, a private right of way, to service their respective loading areas including the Ricker Park housing development. It is expected that deliveries to and from the wholesale distribution establishment shall occur between the hours of 7:00 am and 6:00 pm. There are no changes to the existing pavement or parking spaces proposed.

- 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

With the exception of the 2 tractor trailer deliveries per week, all of the business activities shall occur inside the building.

- 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 or surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

The use of the back loading area by the wholesale distribution is consistent with the current use of this loading area and very consistent with the surrounding uses as shown on the attached photos. There is no landscaping, screening or signs proposed. The wholesale distributor intends on using the existing trash dumpster.

Please find following material for the Zoning Board of Appeals submission package:

1. Zoning Board of Appeal Application
2. Plot Plan
3. Floor Plan
4. Tax Map
5. Photos of the front, side and rear of the property and the adjacent service areas
6. Purchase and Sale Agreement
7. Permission Letter from the applicant

Sincerely,



David Latulippe
President