



918 Brighton Avenue | Portland, Maine 04102

January 30, 2012

City of Portland Planning Board  
c/o Ms. Barbara Barhydt  
Portland City Hall  
389 Congress Street  
Portland, Maine 04101

**RE: Conditional Use and Level I Site Alteration Applications  
710 Forest Avenue, Tax Map 130, Block G, Lots 7, 8, 12 and 13**

Dear Barbara and Members of the Planning Board:

On behalf of Mr. Jabbar Essa, we are pleased to submit the attached Conditional Use and Level I Site Alteration Applications for 710 Forest Avenue. The applicant is seeking to lease a portion of the existing building at 710 Forest Avenue and operate a pre-owned automobile dealership at this location.

**Existing Conditions and Existing Zoning**

The 27,235 square-foot parcel located at 710 Forest Avenue is identified on the City of Portland Assessor's Map as Tax Map 130, Block G, Lots 7, 8, 12 and 13 (see attached Tax Map 130). The combined parcel is located in the B-2C Community Business Zone.

The R5/B-2C Zone line runs along the parcel west property line and a portion of the south property line. The B-2/B-2C runs along the south property line and a portion of the east property line. These zone line are shown on the attached Existing Conditions Plan. Multi-family residences abut property on the west and south lines. The railroad abuts the east property line.

There is an existing 8,438 s.f. single-story building located on the parcel. Currently, the multi-use building is used as retail, office and storage space. The existing building divides the site and there are two existing parking lots on the site. The north parking lot (which serves the existing office and retail users) has access from Concord Street. The south parking lot (which serves the vacant office and storage space) has access from Saunders Street. The applicant proposes to lease the portion of the building using the south (Saunders Street) parking lot. No changes or improvements are proposed for the north parking lot as part of this application.

**Proposed Development**

The applicant proposes to lease approximately 5,000 s.f. of the existing building and parcel in order to operate a pre-owned automobile dealership at this location. Per Section 14-183 (a) (5) of the City of Portland Code of Ordinances, automobile dealerships are a



The proposed automobile dealership (Jabbar's Auto Sales) will have two full-time employees (one sales person and one mechanic). The proposed facility will operate Monday through Saturday from 8:00 am to 5:00 pm. The applicant proposes to use the existing south parking lot (approximately 4,150 s.f.) to display seven (7) used cars and to serve as parking lot for employees and clients.

#### **CONDITIONAL USE STANDARDS AND REQUIREMENTS**

1. Within the B2-C zone, automobile dealerships require a conditional use approval. The Project as proposed will fit harmoniously into the B2-C zone and will be consistent with uses in the zone and along Forest Avenue. Per Section 14-474 (C) (2) of the City of Portland Code of Ordinances, a conditional use shall be granted by the Planning Board unless the Board determines that:

a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*

The proposed conditional use (automobile dealership) is a common land use along Forest Avenue. For example, Merlin Motors is located at 640 Forest Avenue and Raceway Auto Care is located at 965 Forest Avenue; both are pre-owned automobile dealerships. The proposed conditional is consistent with those uses and does not have unique characteristics nor will it create unique/distinctive effects.

b. *There will be adverse impact upon the health, safety or welfare of the public or surrounding area;*

The project as proposed will consist of a display area for 7 cars plus 5 parking spaces for customers and employees. The project will be buffered from the residential area to the West and by the existing building to the south. Buffering will be used to soften the visual impact. The use will be consistent with the previous uses on the site and will produce minimal traffic and minimal noise. The small magnitude of the proposed conditional use will pose no adverse impacts on the health, safety and welfare to the public or surrounding areas.

c. *Such impact differs substantially from the impact which would normally occur from such a use in the zone.*

Among the permitted uses that would normally occur in the B-2C Zone are retail stores and restaurants. The traffic impacts and the potential noise levels from any of these uses could be far more significant than the use of a pre-owned automobile sales facility. As well, the operating hours (8-5, Monday through Saturday) are likely to be less than any of the permitted uses within the zone. Therefore, any detrimental impacts are likely to be less than those permitted in the zone.



### **LEVEL I SITE ALTERATION APPLICATION AND REQUIREMENTS**

As part of the Condition Use application, a Site Plan application is required. For this project, less than one (a) acre of the site will be stripped, graded, grubbed, filled or excavated; therefore a Level I Site Alteration application is required. Per Section 14-526, Site Alteration Plans are subject to transportation standards, environmental quality standards, public infrastructure and community safety standards and site design standards. Each of these standards is discussed below:

#### **Transportation Standards**

The proposed pre-owned car dealership will include seven (7) display cars and five (5) proposed parking spaces for employees and customers. The parking section of the land use ordinance does not require a specific number of spaces for the proposed use (automobile dealership). Based upon the applicant's business plan, the proposed five (5) parking will meet anticipated parking demands.

Access to the parking lot will be from the existing curb cut along Saunders Street. The existing curb cut is 21.3' wide; the applicant seeks a waiver from the technical standard requirement of a 24' wide parking lot access. At 21.3' wide there is sufficient width to provide for 2 cars to pass.

Attached is a copy of the "Traffic Assessment: Proposed 710 Forest Avenue – Used Car Dealership" prepared by William Bray, P.E., dated January 23, 2012. This report concludes that the proposed dealership site can be expected to generate a total of 4 to 6 vehicle trips during the identified peak travel periods of a typical weekday. The report also concluded that sightline measurements recorded at the centerline of the existing site driveway located on Saunders Street is acceptable for a travel speed of 25 mph. Based upon these findings, we believe the proposed development will have negligible impacts to the surrounding street systems.

#### **Environmental Quality Standards**

There are no significant natural features found on the site. There is an existing street tree located west of the existing parking lot entrance; this street tree will be preserved during the proposed site alterations.

Per section 14-183 (G) i, a landscape buffer, no less than five feet (5) wide is required and shall be located along the street frontages. The proposed Site Plan shows a proposed six (6) foot wide landscape buffer between the existing parking and Saunders Street. The proposed landscape buffer includes a variety of plantings in accordance with the City of Portland Technical Manual.

Stormwater from the existing 4,150 s.f. parking lot currently drains from the west toward the east across the parking lot. The stormwater discharges onto the abutting property (the railroad). The applicant does not propose any alterations to the parking lot and the existing drainage patterns will not be altered. During the installation of the proposed landscape buffer, erosion control measures will be implemented during construction.



### **Public Infrastructure and Community Safety Standards**

Existing utilities (water, sanitary sewer, natural gas and overhead electric/telephone) currently access the site and building from Saunders Street. No changes to these utilities are proposed as part of the site alterations.

The proposed site plan is consistent with City public safety standards, Section 3 of the City of Portland Technical Manual, including but not limited to availability and adequacy of water supply and proximity of fire hydrants to structures.

### **Site Design Standards**

Historic Resources: The proposed site alteration does not affect designated landmarks nor is it within designated historic districts or historic landscape districts.

Exterior Lighting: The proposed site plan shows two (2) proposed full cut-off wall-pack light fixtures and two (2) site light fixture (10-ft. mounting height; 70 watt metal halide) with full cut-off shields. Proposed site lighting will not spill onto the abutting residential properties.

Proposed illumination levels are a maximum of 5.0 foot candles and a minimum of 0.2 foot candles in accordance with the exterior lighting standards outlined in Section 12 of the City of Portland Technical Manual.

Signage and Wayfinding: The proposed building mounted sign will be designed in accordance with the standards of Division 22 of the Land Use Ordinance. The proposed sign will be 210 s.f. (1.5 x 140 l.f.) (140 linear of street frontage on Saunders Street.) No wayfinding signs are proposed as part of the site improvements.

Zoning Related Design Standards: There are B-2C Zone related designs standards.

### **Evidence of Financial and Technical Capability**

The applicant has retained Walsh Engineering Inc. to provide technical design and permitting services through the conditional use and site plan review process. The applicant proposes to complete the project by self-funding.

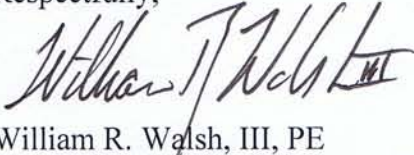
### **Evidence of Right, Title or Interest**

Attached is an agreement from Alpine Reality which states their intention to lease the property to the applicant.

Construction cost for the proposed site alterations is estimated to be \$15,000 (inclusive of both building and site costs.) The applicant hopes to commence construction in the spring of 2012 with completion set for May 2012.

Enclosed you will find one (1) copy of the Condition Use Application, one (1) copy of the Level I Site Alteration application, one (1) copy of full-size Existing Conditions Plan and Proposed Site Plans, one (1) of 11" x 17" set of plans, PDF copies of all application materials and a check for \$300.00. I trust you will find the information sufficient for review. We look forward to working with the Planning Board as part of the review process.

Respectfully,



William R. Walsh, III, PE  
Walsh Engineering Associates, Inc.

Enc. Conditional Use Application  
Level I Site Alteration Application  
Existing Conditions Plan and Proposed Site Plan  
Standard Boundary Survey  
Traffic Assessment: Proposed 710 Forest Avenue – Used Car Dealership  
Letter of Financial Capacity  
Lease Agreement for 710 Forest Avenue  
Application fee

cc. Mr. Jabbar Essa  
Mr. Abdulkadir Abukar