

## Conditional Use Analyses

August 2, 2016

City of Portland  
Planning and Urban Development Department  
Planning Division  
389 Congress Street  
Portland Maine 04101

Conditional Use Appeal for an Automobile Dealership at  
783 Forest Ave

As the representative of Mr. Stephen E. Mardigan, the owner of 783 Forest Avenue, I would like to ask the planning department and the Planning Board to grant our request to authorize a conditional use of the above address to operate as a Pre-Owned Automobile Dealership.

Listed as a conditional use in section 14-183 of the zoning ordinance for B-2 Zone this property will continue to serve the neighborhood as it has since 1968. Originally Citgo Gas Station, this property has always been associated with automobiles in some way.

Most recently C.N. Brown owned the property and used it as a n oil delivery location.

The site will remain as it has with two entrance /exits that

are not within 30 feet of intersection No entrance or exit for vehicles is approximately to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of public.

The proposed conditional use is actually a traditional use along Forest Avenue. There are currently two used car dealers along Forest Avenue. This property is suited for the proposed use creating a 5 foot planted buffer in front of the property. The owner / applicant will repair the sidewalk in front of the site to City of Portland specifications. They will also add approximately 15 feet of new curb on the southern most entrance and 17 feet to the northern most entrance to make the width 24 feet as requested by the city.

The parking lot is paved and in fair condition with the City of Portland concrete sidewalks providing safe passage for pedestrians.

To the north and south of the property are commercial buildings with the railroad to rear of the property. Commercial properties are directly across the street with two residences to the south of the commercial use.

No sign is planned for the property at this time. There are two abandoned sign bases that are still in place but these will not be used at this time.

No mechanic work will take place on the parcel with limited auto detailing taking place.

Also, no dumpster is planned as the trash is currently picked up once a week by a private contractor.

We look forward to working with the planning staff in developing this conditional use.

Sincerely,

Behrouz Lashgarlou  
24 Colonial Ave  
South Portland, ME 04106  
americanwarrior1@gmail.com  
603-858-5555

Written Responses to Conditional Use Standards:

Section 14-183:

(a) Business permitted to in the B-2 zone

(a) 5. Automobile dealership

## Signs:

No signs are planned on the street line side of the property.

## Circulation:

The existing entrance shall be used for the dealership as shown on the attached proposed site plan. No entrance/exit are within 30 feet of any intersection. The existing entrances shall be used for the dealership as shown on the attached proposed site plan. In addition, there will be clear and visible markings on the pavement on both exit and entrance in order to inform all customers, employees, and drivers entering and or exiting the property showing that the driveway shall strictly be used as a one-way path in order to further avoid any potential hazards in relation to traffic and the overall safety of the public.

## 6. Drive through:

No drive through window is planned for the dealership.

(g) Conditions specific to major or minor auto service stations, car washes and automobile dealership.

i. A 5 foot wide landscape buffer is planned to be installed along the street line as shown on the attached "C-2 Proposed Site Plan".

## Section 14-474

1. An application has been submitted with the appropriate fee

a. The applicant's name and address is Stephen E. Mardigan 460 Baxter Blvd. Portland, Maine 04103. Mr. Mardigan is the owner of the subject property.

b. The address of the subject property is 783 Forest Ave Portland, Maine.

c. The subject parcel falls in the B2 zone and is currently a former gas station last used as a home oil delivery office.

d. As noted above, an automobile dealership is a conditional accepted use in the B2 zone as mentioned in Section 14-183.

e. The applicant seeks to use the property or lease the property to be used as a Pre-owned automobile dealership.

f. A preliminary site plan is attached hereto.

### Assessment of Zoning Compliance:

The building was constructed in 1968 with gas pumps and a canopy in front of the building. The pumps, tanks and

canopy have been removed and the site remediated. While the building does not meet the B2 zone requirement of having the building near the street it does meet setback requirements for the side and rear setbacks.

The volume of traffic will be less than the surrounding businesses as the dealership will generate an average of 5 customers a day.

The site will have trash picked up by a private contractor once a week or as needed. Snow will be removed from the site by a private contractor. Lights shall be cut-off type lights that will not cast glare over the boundary line to abutting lots. Also the time of business shall be approximately 8:00am to 6:00pm thus limiting the activity on the site.

Evidence of Financial and Technical capacity:

A statement of Mr. Mardigan's financial capability will be submitted to the Building Inspection Department.

Required State and Federal Permits:

The State of Maine Automobile dealer's license is at its final phase of submission to the State and its final step is waiting on the Conditional Use being approved by the City of Portland.