

142-B-3

995 Forest Ave.

Used Car Sales

Patrick O'shea

on Spreadsheet



CONDITIONAL USE APPLICATION
City of Portland, Maine
Department of Planning and Development
Portland Planning Board

1. Applicant Information:

Patrick O'Shea
 Name

955 R Forest Ave
 Address

Portland ME 04103

(207) 878-8813 (207) 878-8813
 Phone Fax

2. Subject Property:

955 R Forest Ave
 Address

Portland, ME 04103

142 - B - 3
 Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Name
Delta Realty Co.
 Address

120 Exchange St. Portland 04101

878-4650 877-2080
 Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Progressive Auto Body is leasing the property from Delta Realty Co.

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. **Zone:** _____

6. **Existing Use:**

Describe the existing use of the subject property:

Currently the property is used by Progressive Auto Body to conduct business as an auto repair facility.

7. **Current Zoning Designation(s):**

8. **Type of Conditional Use Proposed:**

Progressive Auto Body wishes to use the surrounding property to display 20 used cars that could be sold to the general public.

9. **Sketch Plan:** On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. **Conditional Use Authorized by:** Section 14- 183

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Lease Agreement

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This lease will be valid for one year from this date, October 1, 2002, and will be renewed yearly thereafter. This lease may not be terminated by either party without 30 days written notice.

Occupancy has been ongoing since June 1, 1992

Shirley
Witness

Al O'Shea
Witness

Art Guind
Leaser

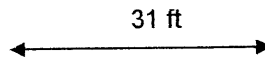
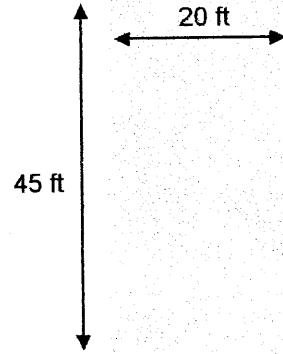
John
Lessee

955 Forest Ave

PRINT WORLD

Vetinary Hospital

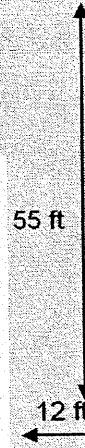
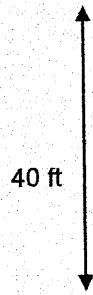
PARKING AREA



DRIVEWAY

GRASS

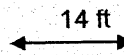
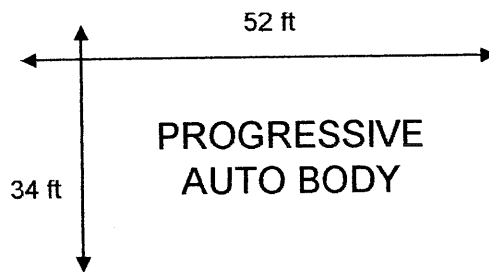
PARKING AREA



SR
AUTO BODY

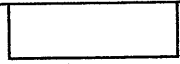
PROGRESSIVE
AUTO BODY

GRASS



27 ft

PARKING AREA





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6. **Existing Use:**

Describe the existing use of the subject property:

Currently the property is used by Progressive Auto Body to conduct business as an auto repair facility.

7. **Current Zoning Designation(s):**

8. **Type of Conditional Use Proposed:**

Progressive Auto Body wishes to use the surrounding property to display 2:0 used cars that could be sold to the general public.

9. **Sketch Plan:** On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. **Conditional Use Authorized by:** Section 14- 183

11. **Standards - Criteria for Conditional Use Appeal**

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- 11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

Conditional Use (\$100.00)

Legal Advertisements percent of total bill

Notices 40 cents each
(workshop and public hearing)

Newspaper advertisements are required by State law and will be billed directly by the Newspaper.

- 12. **Signature:** The above information is true and accurate to the best of my knowledge.

11/01/02
Date of Filing

[Signature]
Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the conditional use application which can provide additional background or contextual information, and describe the proposed conditional use and reasons for the request in a manner that best suits the situation.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

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Shobee
Witness

Al O'Shea
Witness

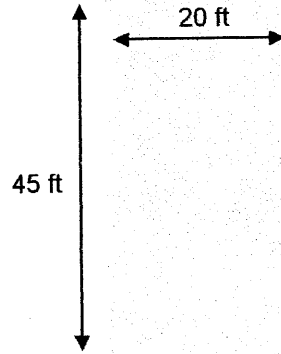
Art Guind
Leaser

JS
Lessee

955 Forest Ave

PRINT WORLD

PARKING AREA



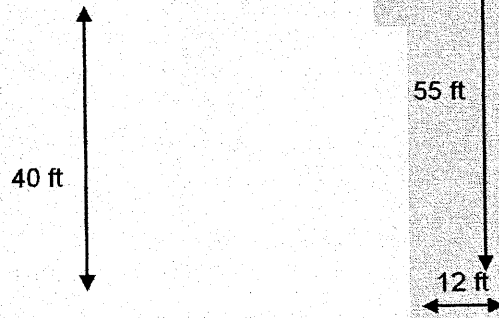
31 ft

Vetinary Hospital

DRIVEWAY

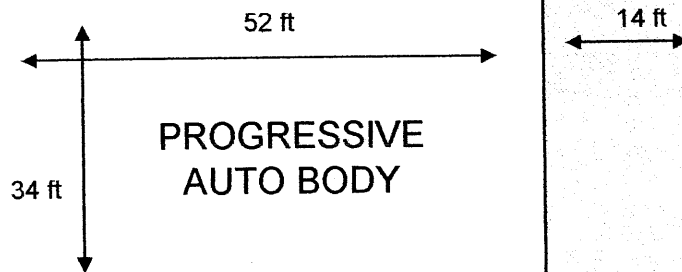
GRASS

PARKING AREA



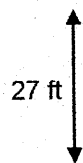
S R
AUTO BODY

PROGRESSIVE
AUTO BODY



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7. **Current Zoning Designation(s):**

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<u> </u> Conditional Use	(\$100.00)
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Notices (workshop and public hearing)	40 cents each

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11/01/02
Date of Filing

PA...
Signature of Applicant

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Shelby
Witness

Al O'Shea
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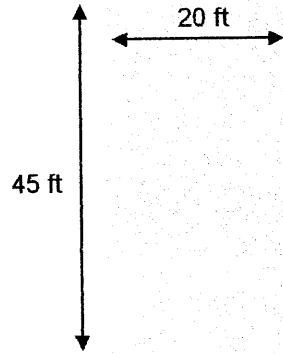
Art Guind
Leaser

John
Lessee

955 Forest Ave

PRINT WORLD

PARKING AREA

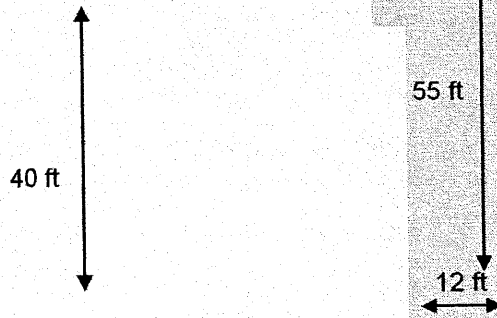


31 ft

Vetinary Hospital

DRIVEWAY

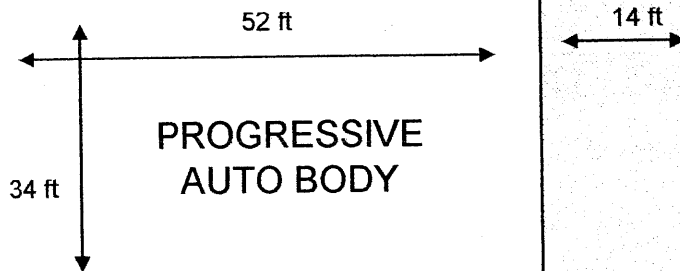
PARKING AREA



GRASS

S R
AUTO BODY

PROGRESSIVE
AUTO BODY



14 ft

GRASS

27 ft

PARKING AREA



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 Department of Planning and Development
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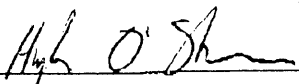
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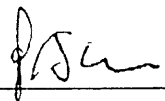
Witness



Witness



Leaser

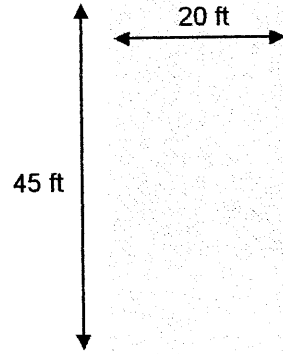


Lessee

955 Forest Ave

PRINT WORLD

PARKING AREA



31 ft

Vetinary Hospital

DRIVEWAY

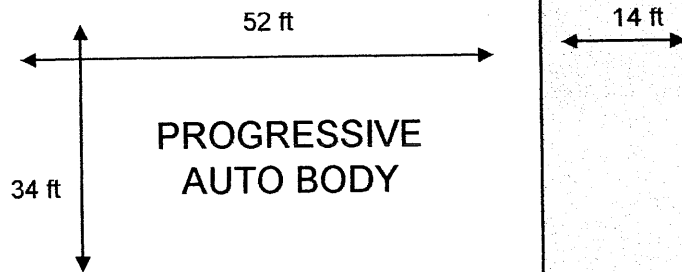
PARKING AREA



GRASS

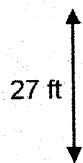
S R
AUTO BODY

PROGRESSIVE
AUTO BODY



GRASS

PARKING AREA



CITY OF PORTLAND, MAINE
PLANNING BOARD

Jaimey Caron, Chair
Mark Malone, Vice Chair
Orlando E. Delogu
Kevin Beal
Lee Lowry III
Michael Patterson

May 21, 2003

Mr. Patrick O'Shea
Progressive Auto Body
955R Forest Avenue
Portland, ME 04103

RE: Used Car Sales, 955R Forest Avenue
ID #289, CBL #142-B-003

Dear Mr. O'Shea:

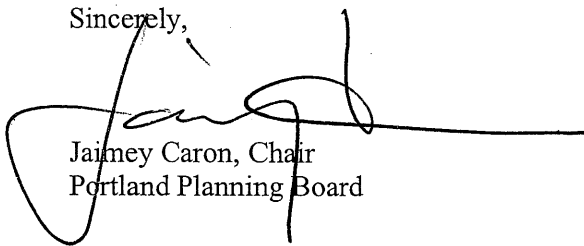
On May 13, 2003, the Portland Planning Board voted unanimously 6-0 (Malone abstained) to approve the conditional use and site plan for used car sales located at 955R Forest Avenue. The approval was granted for the project with the following condition:

- i. that the conditional use shall apply to Progressive Auto Body only and shall not be transferable to any other entity. This conditional use approval shall automatically expire upon the cessation of Progressive Auto Body's operation of use car sales on lot.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #2-03 and Planning Board Memo dated May 13, 2003, which are attached.

If there are any questions, please contact Kandice Talbot at 874-8901.

Sincerely,



Jaimey Caron, Chair
Portland Planning Board

Memorandum
Department of Planning and Development
Planning Division



To: Chair Caron and Members of the Portland Planning Board
From: Kandice Talbot, Planner
Date: May 13, 2003
Re: Used Car Sales, Vicinity of 955R Forest Avenue

Introduction

At the January 14, 2003 public hearing, the Planning Board tabled the Progressive Auto Used Car Sales proposal because of inaccuracies in the lease agreement. The applicant has now submitted a lease agreement that reflects the accurate lease area of 5,514 sq. ft. that Progressive Auto Body controls and has submitted a site plan showing an accurate depiction of the portion of the site that Progressive Auto Body leases.

Attachment A is the lease agreement between Progressive Auto Body and Art Girard. Attachment B is a site plan for the area leased by Progressive Auto Body and Attachment C is Planning Board Report #02-03 dated January 14, 2003 for the Board's review.

Motions for the Board to Consider

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #2-03 and Planning Board Memo dated May 13, 2003 relevant to standards for site plan and conditional use review, the Board finds:

- 6-0
malone
abstained
- i. That the plan [is/is not] in conformance with the Conditional Use Standards of the Land Use Code.

Potential Condition of Approval:

1. that the conditional use shall apply to Progressive Auto Body only and shall not be transferable to any other entity. This conditional use approval shall automatically expire upon the cessation of Progressive Auto Body's operation of used car sales on the lot.

- 6-0
- ii. That the plan [is/is not] in conformance with the Site Plan Standards of the Land Use Code.

Attachments:

- A. Lease Agreement
- B. Site Plan
- C. PBR#02-03

LEASE AGREEMENT

Delta Realtor agrees to lease to **Progressive Auto Body** a parcel of land and building located at **955 R Forest Avenue, Portland, Maine**. This parcel consists of a 5,514 square foot lot and a 1,726 square foot building/repair shop.

Lease Amount Per Month: \$900.00 – payable on the 1st of each month.

Utilities: Lessee responsible for oil heat, electricity and waste/snow removal.

This lease will be valid for one year from this date, **April 1, 2003**, and will be renewed yearly hereafter.

This lease may not be terminated by either party without 30 days written notice.

Art Sward Run,
Leaser: 5/2/03

James O'Shea 5/2/03
Witness:

PO'Shea 5/2/03
Lessee: Patrick O'Shea

Patrick O'Shea 5/2/03
Witness:

Att. C

PLANNING BOARD REPORT #02-03

**USED CAR SALES
VICINITY OF 955R FOREST AVENUE
B-2 CONDITIONAL USE AND SITE PLAN REVIEW
PATRICK O'SHEA, APPLICANT**

Submitted to:
Portland Planning Board
Portland, Maine

January 14, 2003

Submitted by:
Kandice Talbot, Planner

I. INTRODUCTION

Patrick O’Shea is requesting conditional use and site plan approval of four (4) parking spaces for display of used cars at the property located at 955R Forest Avenue. Patrick O’Shea currently runs the Performance Auto Body business at this location and is requesting conditional use for four (4) used car spaces to enhance the repair business. Zoning for the site is B-2. The leased parcel size is 3,518 sq. ft.

There are a number of businesses located at 955 Forest Avenue. The building located along Forest Avenue consists of a printing business. Located in the same building as Progressive Auto Body is S R Auto Body. This building is located behind the Print World building and is not visible from Forest Avenue.

The applicant is currently showing eight (8) dedicated parking spaces; four (4) of these spaces will be dedicated for the display cars and four (4) spaces will be parking for the auto body business. The parking requirement for the auto body business is one (1) parking space. The applicant is not proposing any changes to the site. Sec. 14-183 Conditional Uses require that the Planning Board review all automobile dealerships. A plan is included as Attachment 2. A vicinity map is included as Attachment 1.

140 notices were sent to area property owners.

II. FINDINGS

Zoning:	B-2
Leased Land Area:	3,518 sq. ft.
Number of Parking Spaces:	4 parking spaces for used car sales 4 parking spaces for repair business

III. SITE PLAN REVIEW

The applicant is not proposing any changes to the site. As mentioned previously, this proposal is for four parking spaces for display cars. The applicant is requesting conditional use approval of these four parking spaces to sell used vehicles to customers. As mentioned previously, the leased area is located behind the Print World building and is not visible on Forest Avenue. There will be no display of vehicles on Forest Avenue.

IV. CONDITIONAL USE REVIEW

1. The following standards apply for review of a conditional uses in the B-2 zone.

Section 14-183(1)e

- i. Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services of goods available on the premises.

The applicant is not proposing any new signage at the site.

- ii. Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity 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 the public.

The use is not located within thirty feet of an intersection and is not in proximity to a playground, school, church, or place of public assembly.

2. The following standards apply for all conditional uses:

Section 14-474(2)

- i. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

There are no known unique or distinctive characteristics associated with the proposed use.

- ii. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and

It does not appear that there will be any adverse impacts with the proposed project.

- iii. Such impact differs substantially from the impact, which would normally occur from such a use in that zone.

The impacts of this site are similar as those normally expected from such a use in this zone.

Delta Realty Co., Inc. owns the property located at 955 Forest Avenue. Mr. O'Shea leases the property from Delta Realty Co. The lease between Mr. O'Shea and Delta Realty is valid until October 1, 2003 and there is a renewal option that the lease may be extended yearly. A potential condition of approval is:

- that the conditional use shall apply to Patrick O'Shea only and shall not be transferable to any other entity. This conditional use approval shall automatically expire upon the cessation of Patrick O'Shea's operation of used cars sales on the lot.

V. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #2-03 relevant to standards for site plan and conditional use review, the Board finds:

- i. That the plan is/is not in conformance with the Conditional Use Standards of the Land Use Code.

Potential Condition of Approval:

- 1. that the conditional use shall apply to Patrick O'Shea only and shall not be transferable to any other entity. This conditional use approval shall automatically expire upon the cessation of Patrick O'Shea's operation of used cars sales on the lot.
- ii. That the plan is/is not in conformance with the Site Plan Standards of the Land Use Code.

Attachments:

- 1. Vicinity Map
- 2. Applicant's Submittal

A.H. 1



READ STREET

CANCO ROAD

WALTON ST

FOREST AVENUE

Proposed Site



CONDITIONAL USE APPLICATION
 City of Portland, Maine
 Department of Planning and Development
 Portland Planning Board

1. Applicant Information:

Patrick O'Shea
 Name
955 R Forest Ave
 Address
Portland ME 04103
(207) 878-8813 (207) 878-8813
 Phone Fax

2. Subject Property:

955 R Forest Ave
 Address
Portland, ME 04103
142 - B - 3
 Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Name
Delta Realty Co.
 Address
120 Exchange St. Portland 04101
878-4650 874-2080
 Phone Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

Progressive Auto Body is leasing the property from Delta Realty Co.

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. **Zone:** _____

6. **Existing Use:**

Describe the existing use of the subject property:

Currently the property is used by Progressive Auto Body to conduct business as an auto repair facility.

7. **Current Zoning Designation(s):**

8. **Type of Conditional Use Proposed:**

Progressive Auto Body wishes to use the surrounding property to display 2-3 used cars that could be sold to the general public.

9. **Sketch Plan:** On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. **Conditional Use Authorized by:** Section 14- 183

11. **Standards - Criteria for Conditional Use Appeal**

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

11. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

_____ Conditional Use (\$100.00)

Legal Advertisements percent of total bill

Notices 40 cents each
(workshop and public hearing)

Newspaper advertisements are required by State law and will be billed directly by the Newspaper.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

11/01/02
Date of Filing

[Signature]
Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the conditional use application which can provide additional background or contextual information, and describe the proposed conditional use and reasons for the request in a manner that best suits the situation.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

Lease Agreement

Delta Realtor agrees to lease to Progressive Auto Body, a parcel of land and building thereon located on 955 R Forest Ave, Portland ME 04103. This parcel consists of a 3,518 sq ft lot, and a 1,768 sq ft building. This building consists of a 100 sq ft office, and a 1,678 sq ft repair area.

This lease will be valid for one year from this date, October 1, 2002, and will be renewed yearly thereafter. This lease may not be terminated by either party without 30 days written notice.

Occupancy has been ongoing since June 1, 1992

[Signature]
Witness

[Signature]
Leaser

[Signature]
Witness

[Signature]
Lessee

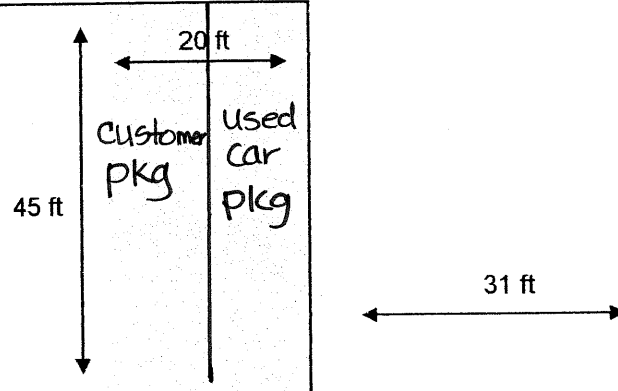
955 Forest Ave

2d

PRINT WORLD

Vetinary Hospital

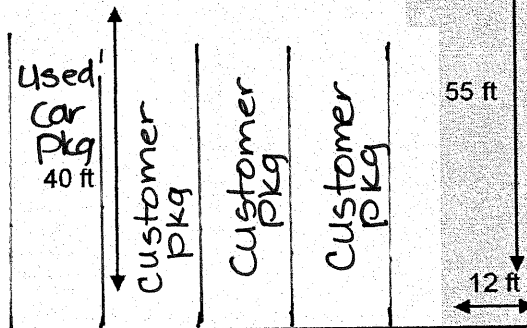
PARKING AREA



DRIVEWAY

GRASS

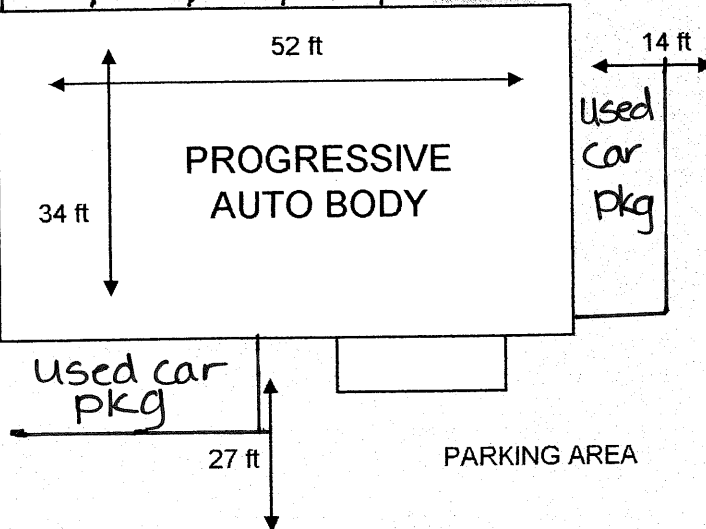
PARKING AREA



SR
AUTO BODY

PROGRESSIVE
AUTO BODY

GRASS



2e



Lease Agreement

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Occupancy has been ongoing since June 1, 1992

[Signature]
Witness

[Signature]
Witness

[Signature]
Leaser

[Signature]
Lessee

Memorandum
Department of Planning and Development
Planning Division



To: Chair Caron and Members of the Portland Planning Board

From: Kandice Talbot, Planner

Date: February 11, 2003

Re: Used Car Sales
Vicinity of 955 Forest Avenue
Patrick O'Shea, Applicant

Patrick O'Shea is requesting that this item be tabled to the March 11th Planning Board Public Hearing. The request is to allow the applicant additional time to get information together.

Staff is requesting that the Planning Board make a tabling motion to the March 11th public hearing so that additional noticing will not be required.

**CITY OF PORTLAND, MAINE
PLANNING BOARD**

Jaimy Caron, Chair
Deborah Kritchels, Vice Chair
Mark Malone
Orlando E. DeLogu
Sarah Luck
Kevin Beal
Lee Lowry III

January 28, 2003

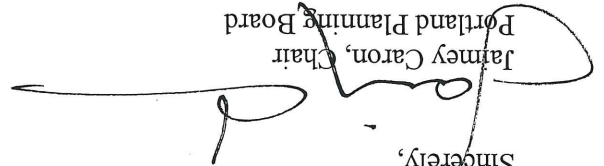
Mr. Patrick O'Shea
Progressive Auto Body
955R Forest Avenue
Portland, ME 04103

RE: Conditional Use Application, 955 Forest Avenue
ID #289, CBL #142-B-003

Dear Mr. O'Shea:

On January 14, 2003 the Portland Planning Board voted to table the conditional use application in order to allow the applicant time to submit additional information regarding right, title and interest and revised plans.

The plan will be scheduled for a Planning Board Public Hearing. Revised plans must be submitted a minimum of 2 weeks before the Planning Board Public Hearing. If you have any questions, please contact Kandice Talbot at 874-8901.

Sincerely,

Jaimy Caron, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Program Manager
Kandice Talbot, Planner ✓
Jay Reynolds, Development Review Coordinator
Marge Schmueckal, Zoning Administrator
Jodine Adams, Inspections
Larry Ash, Traffic Engineer
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Fenny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Approval Letter File
Correspondence File



CONDITIONAL USE APPLICATION
City of Portland, Maine
Department of Planning and Development
Portland Planning Board

1. Applicant Information:

Patrick O'Shea
Name

955 R Forest Ave
Address

Portland ME 04103

(207) 878-8813 (207) 878-8813
Phone Fax

2. Subject Property:

955 R Forest Ave
Address

Portland, ME 04103

142 - B - 3
Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Name
Delta Realty Co.
Address

120 Exchange St. Portland 04101

878-4650 874-2080
Phone Fax

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6. Zone: _____

6. Existing Use:

Describe the existing use of the subject property:

Currently the property is used by Progressive Auto Body to conduct business as an auto repair facility.

7. Current Zoning Designation(s):

8. Type of Conditional Use Proposed:

Progressive Auto Body wishes to use the surrounding property to display 2-3 used cars that could be sold to the general public.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

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✓ Conditional Use (\$100.00)

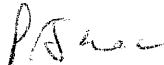
Legal Advertisements percent of total bill

Notices 40 cents each
(workshop and public hearing)

Newspaper advertisements are required by State law and will be billed directly by the Newspaper.

12. **Signature:** The above information is true and accurate to the best of my knowledge.

11/01/02
Date of Filing


Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

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Portland Planning Board
Portland, Maine

Effective: July 6, 1998

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Occupancy has been ongoing since June 1, 1992

Shane D.
Witness

Art Guind
Leaser

Hy O'Shea
Witness

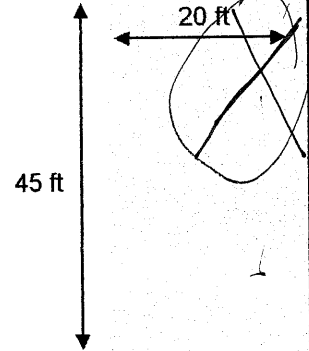
J. S. C.
Lessee

955 Forest Ave

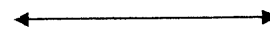
PRINT WORLD

Vetinary Hospital

PARKING AREA



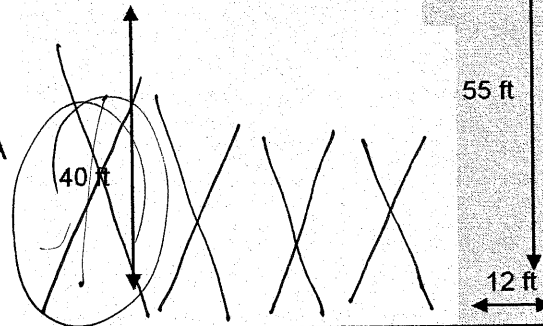
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DRIVEWAY

GRASS

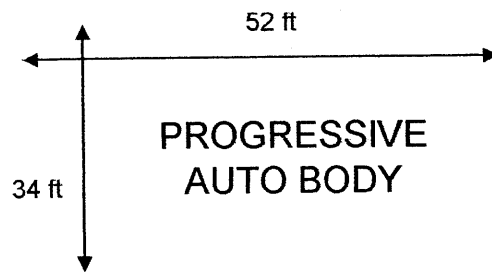
PARKING AREA



SR
AUTO BODY

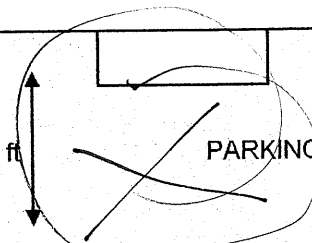
PROGRESSIVE
AUTO BODY

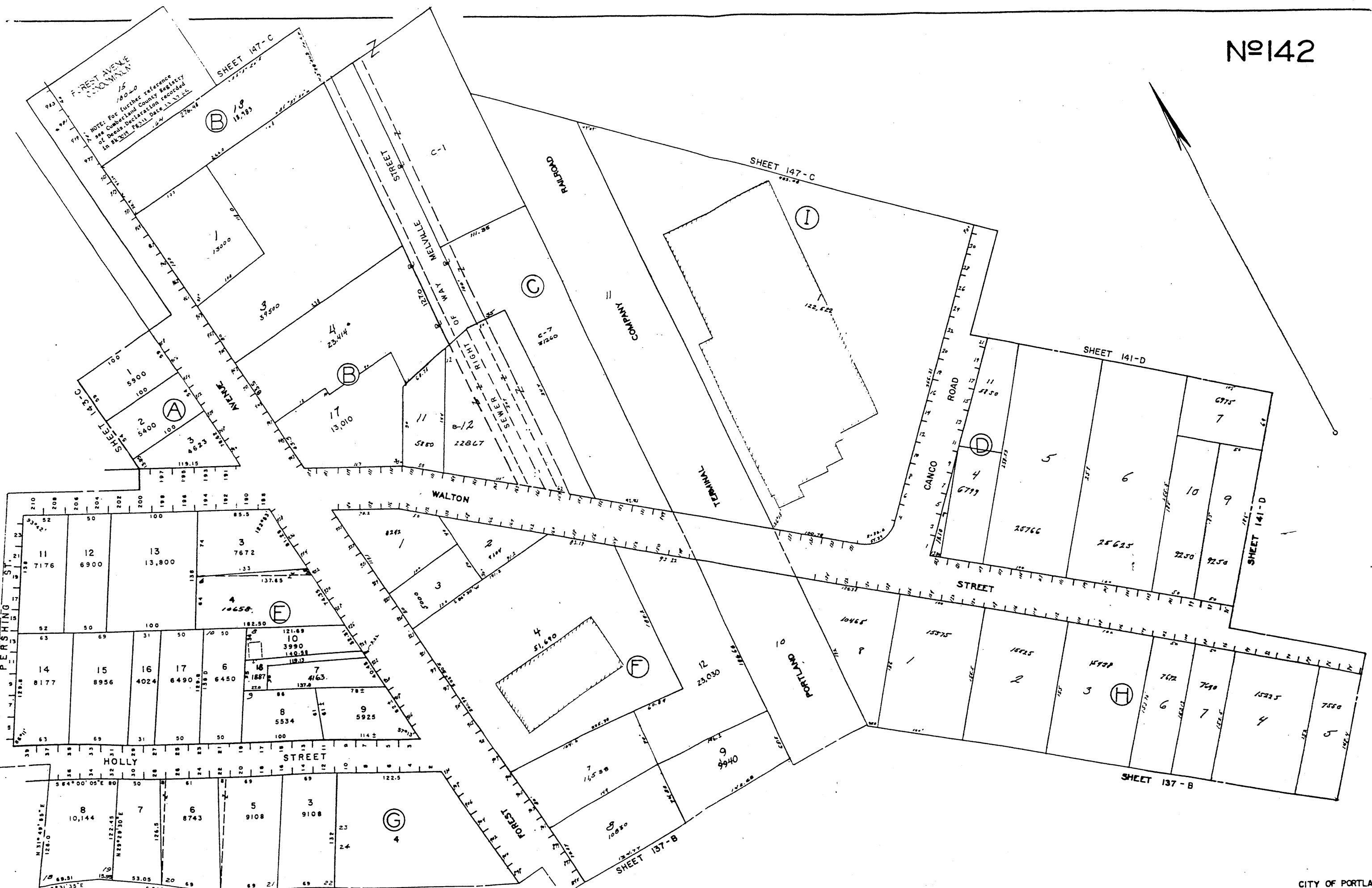
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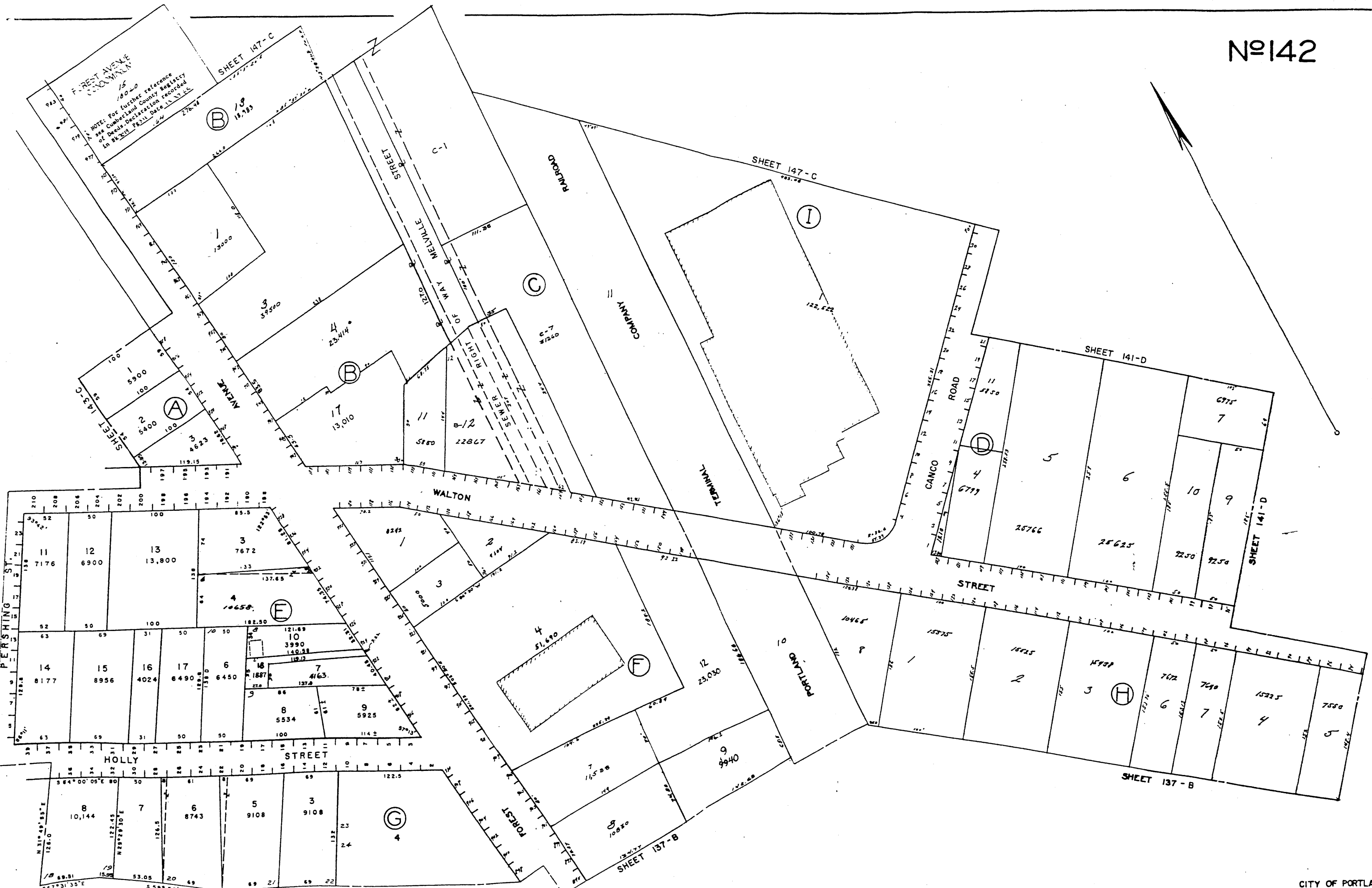


27 ft

PARKING AREA







FOREST AVENUE
CONDOMINIUM
15
18020
NOTE: For further reference
see Cumberland County Registry
of Deeds. Declaration recorded
in PG-2511 PG-211 Date 11-17-74
276-74

PERSHING ST.

HOLLY ST.

FOREST ST.

SHEET 137-B

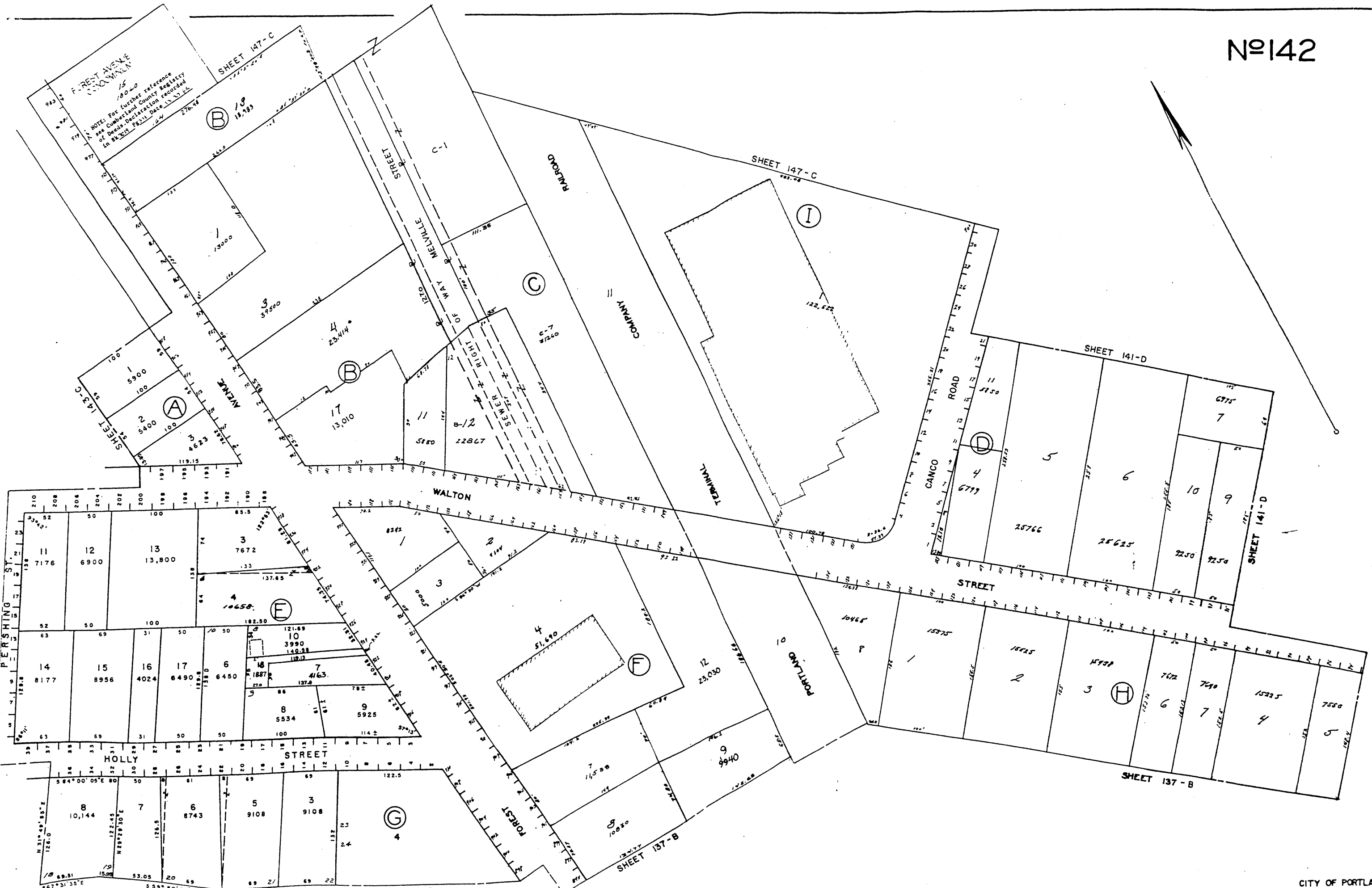
SHEET 137-B

SHEET 137-B

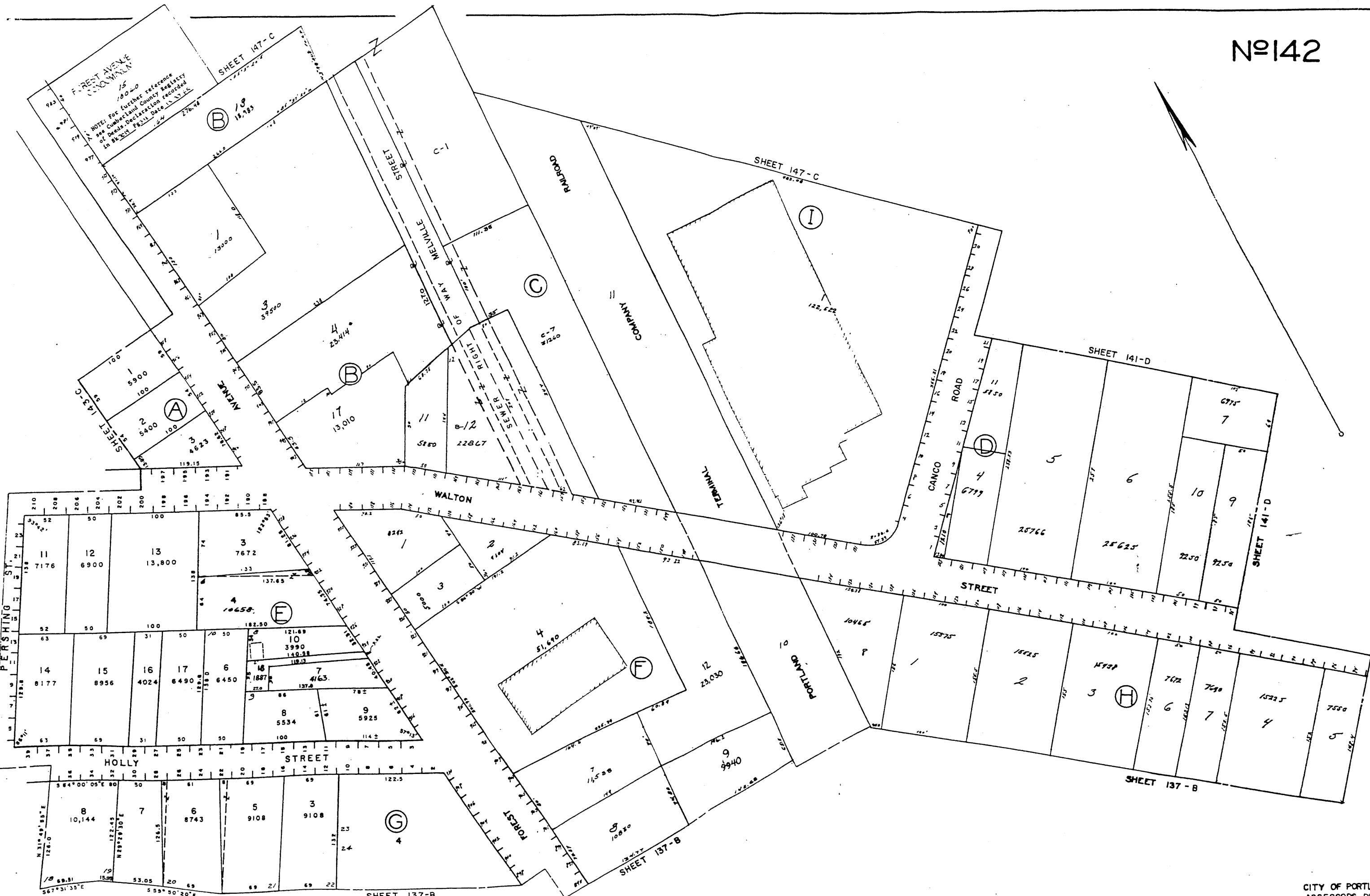
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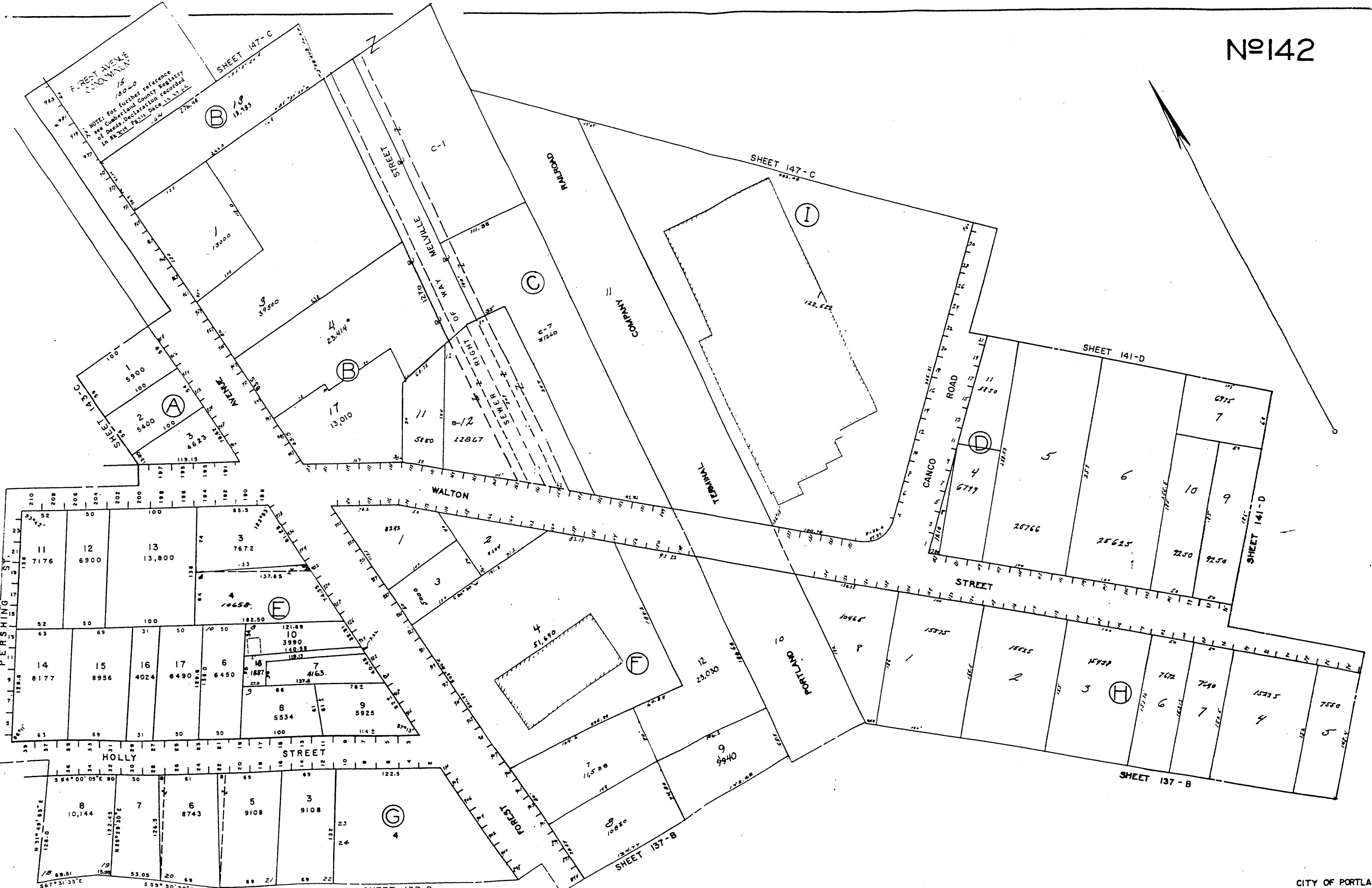
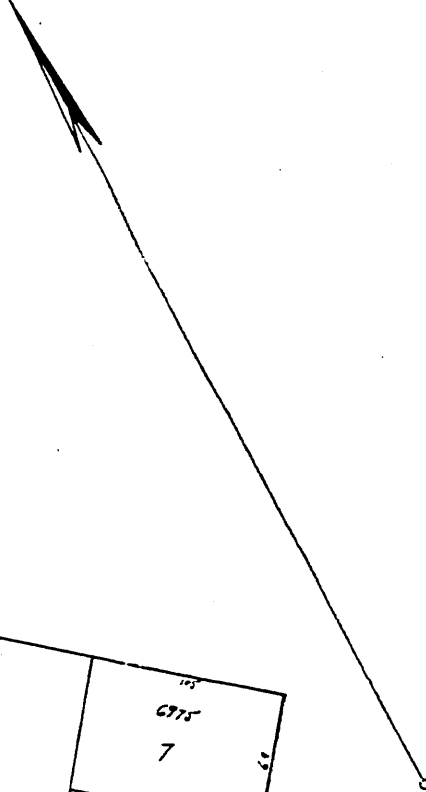
SHEET 141-D

SHEET 141-D



FOREST AVENUE
CONDOMINIUM
15
180-00
NOTE: For further reference
see Cumberland County Registry
of Deeds. Declaration recorded
in PG 2011 PG 2111 date 11-17-15
276-14





FOREST AVENUE
180-00
NOTE: For further reference
see Cumberland County Registry
of Deeds Declaration recorded
in REG. 1811 Date 11-17-15

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(B)
17
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(C)
11
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(I)
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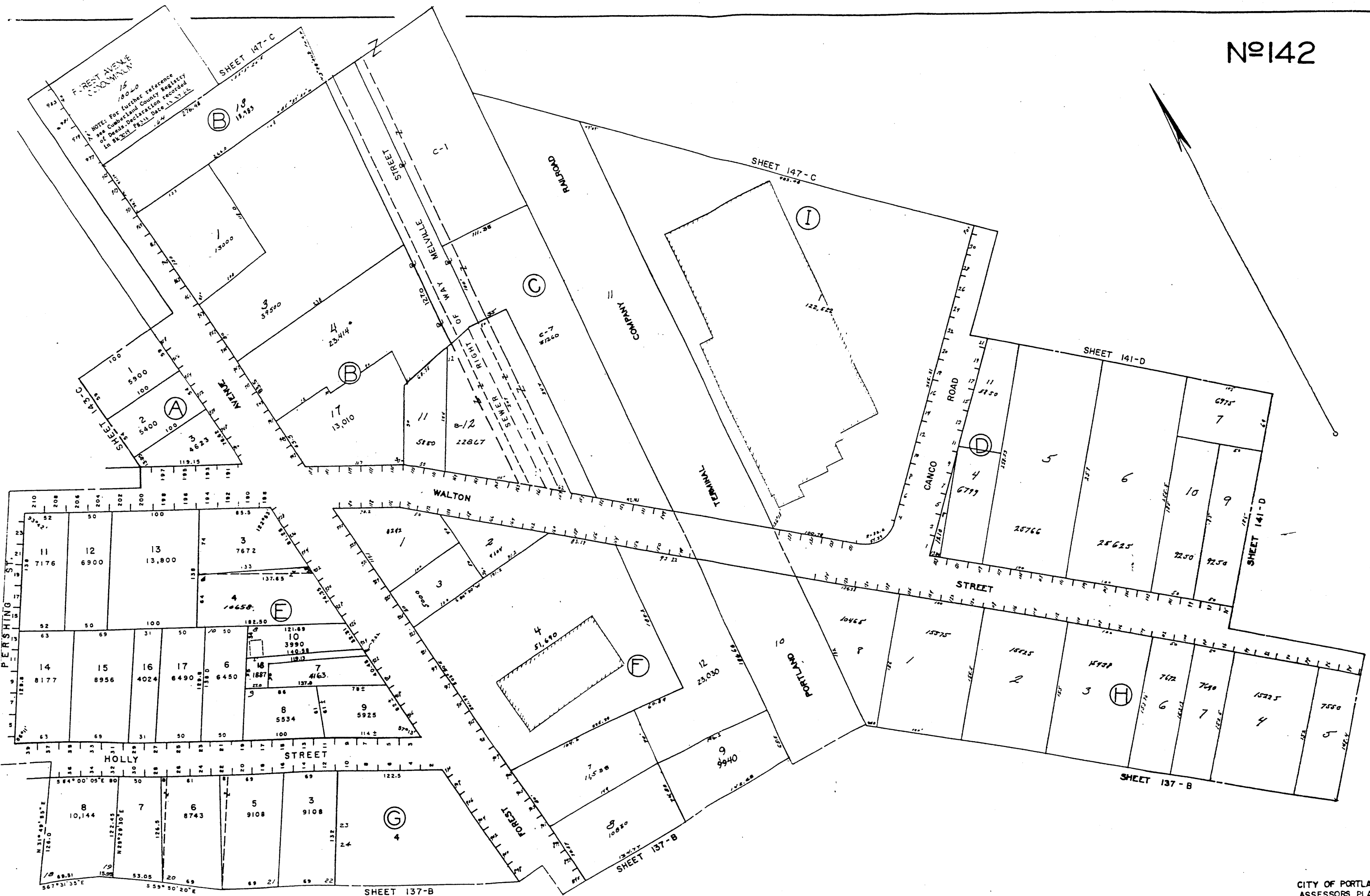
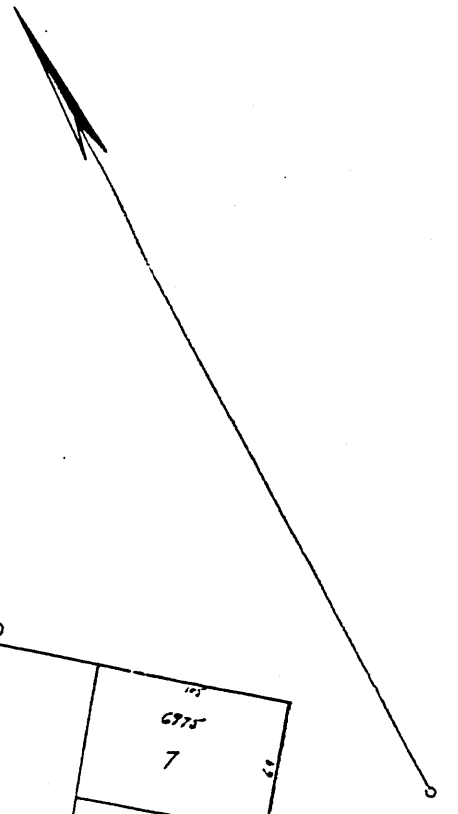
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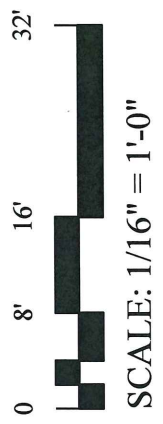
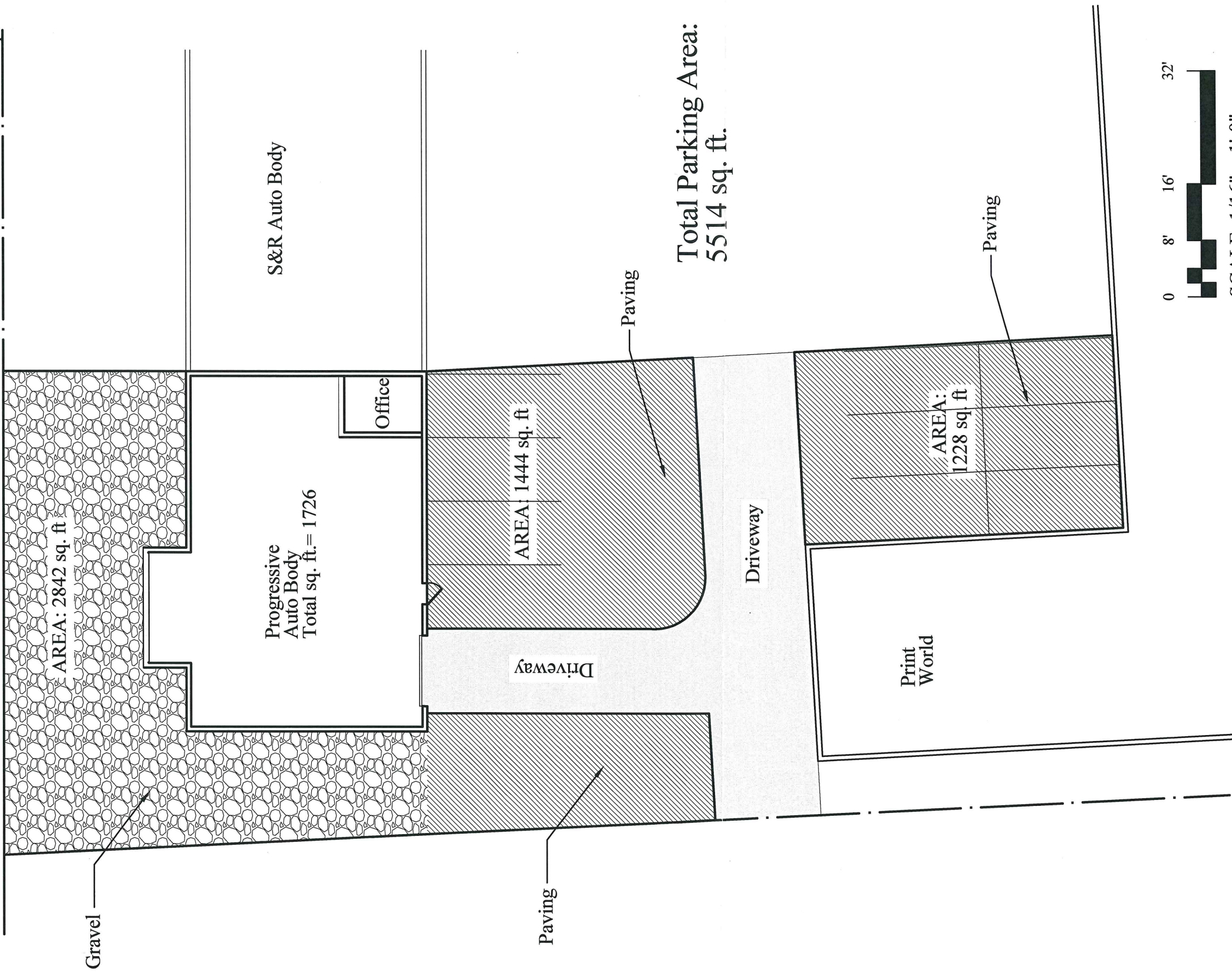
(F)
4
51,690

(H)
3
15,989

(G)
4
10,144



p/1



Att. B

SITE PLAN FOR:
PAT O'SHEA

PROGRESSIVE AUTO BODY
955R FOREST AVE.
PORTLAND, MAINE 04103

DATE: 5-08-03
PROJECT # 000000

SCALE: 1"=16'
1/16"=1'-0"
DRAWN BY: JWW

CSK