



Conditional Use Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Conditional Use. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Conditional Use: Standards and Criteria – Section 14-474

Address the following criteria in your written application and any applicable conditional use standards contained in the zoning code for the specific use. Upon showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

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

(Please submit the Conditional Use Application in addition to an applicable site plan application.)

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp>

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Westgate Shopping Center

PROPOSED DEVELOPMENT ADDRESS: 1412 Congress Street

CHART/BLOCK/LOT: 197-B-18

CONTACT INFORMATION:

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| Applicant – must be owner, Lessee or Buyer Name: Karen Johnson, AICP Charter Westgate, LLC Business Name, if applicable: Charter Realty & Development Corp. Address: 800 Westchester Avenue, Suite S-632 City/State : Rye Brook, NY Zip Code: 10573 | Applicant Contact Information Work # Home# Cell # Fax# e-mail: |
| Owner – (if different from Applicant) Name: Address: City/State : Zip Code: | Owner Contact Information Work # Home# Cell # Fax# e-mail: |
| Billing Information Name: Address: City/State : Zip Code: | Billing Information Work # Cell # Fax# e-mail: |

RIGHT, TITLE OR INTEREST:

Owner via Quit Claim Deed Document 12644 Book 25887 Page 80

(Please identify the status provide documentary evidence, attached to this application, of the applicant’s right, title, or interest in the subject property (ex: deed, option or contract to purchase or lease the property.)

VICINITY MAP: (Please attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.)

EXISTING USE: Describe the existing use of the subject property.

Property was used as Tim Horton’s Restaurant with Drive Through window until November 12, 2013.

TYPE OF CONDITIONAL USE PROPOSED:

Restaurant with drive-through window

SITE PLAN: Provide a site plan of the property, showing existing and proposed improvements, which meets the Dept. of Planning and Urban Development – Portland City Hall – 389 Congress St. – Portland, ME 04101 – ph (207)874-8721 or 874-8719 - 2 -

submission requirements of the applicable level of site plan review.

CONDITIONAL USE AUTHORIZED BY: SECTION 14- 183 Drive-throughs in the B-2 Zone

Address any specific conditional use standards for the specific use contained in the zoning code in the written submission.

APPLICATION FEES:

(Payment may be made by Cash or Check payable to the City of Portland.)

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| <p><u>X</u> Conditional Use Review (\$100.00)</p> <p>(Please submit a separate application for the applicable site plan review. Fees and charges are listed within the application)</p> | <p>The City invoices separately for the following:</p> <ul style="list-style-type: none">• Notices (\$.75 each)• Legal Ad (% of total Ad)• Planning Review (\$40.00 hour)• Legal Review (\$75.00 hour) <p>Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.</p> |
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APPLICATION SUBMISSION:

- 1. All site plans and written application materials must be submitted electronically on a CD or DVD with each plan submitted as separate files, with individual file names (see submittal requirements document attached).**
- 2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Planning Division Office to start the review process.**

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

- 1. One (1) full size site plans that must be folded.**
- 2. One (1) copy of all written materials or as follows, unless otherwise noted:**
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. Evidence of right, title and interest.
 - d. Written Submittals that address the conditional use standards of Sec. 14-474 and any applicable standards of review contained in the zoning code for the specific use.
 - e. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet and containing the information required for the applicable level of site plan review.
 - f. See Section 14-527 for plan and submission requirements. Refer to the application checklist for a detailed list as well.
 - g. One (1) set of plans reduced to 11 x 17.

Portland’s development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland’s Land Use Code is on the City’s web site <http://www.portlandmaine.gov/citycode/chapter014.pdf>

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that

the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Conditional Use Review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

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| Signature of Applicant: | Date: |
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