






















HCM Signalized Intersection Capacity Analysis

Congress St, Stevens Ave & Westgate Plaza

2/12/2014

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	29	906	2	66	897	246	18	29	11	532	59	50
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	*1.00	1.00		*1.00	1.00	
Flt	1.00	1.00		1.00	1.00	0.85	1.00	0.96		1.00	0.93	
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	3538		1752	3505	1568	1805	1820		1752	1718	
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.68	1.00		0.47	1.00	
Satd. Flow (perm)	1770	3538		1752	3505	1568	1289	1820		871	1718	
Peak-hour factor, PHF	0.95	0.95	0.95	0.85	0.85	0.85	0.80	0.80	0.80	0.90	0.90	0.90
Adj. Flow (vph)	31	954	2	78	1055	289	22	36	14	591	66	56
RTOR Reduction (vph)	0	0	0	0	0	24	0	13	0	0	33	0
Lane Group Flow (vph)	31	956	0	78	1055	265	22	37	0	591	89	0
Heavy Vehicles (%)	2%	2%	2%	3%	3%	3%	0%	0%	0%	3%	3%	3%
Turn Type	Prot			Prot		pm+ov	Perm			custom		
Protected Phases	5	2		1	6	7		8		7	3	
Permitted Phases						6	8			3		
Actuated Green, G (s)	5.0	35.9		8.6	39.5	68.5	6.5	6.5		40.5	40.5	
Effective Green, g (s)	6.0	36.9		9.6	40.5	70.5	7.5	7.5		41.5	41.5	
Actuated g/C Ratio	0.06	0.37		0.10	0.40	0.70	0.08	0.08		0.42	0.42	
Clearance Time (s)	5.0	5.0		5.0	5.0	5.0	5.0	5.0		5.0		
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0		
Lane Grp Cap (vph)	106	1306		168	1420	1168	97	137		626	713	
v/s Ratio Prot	0.02	0.27		c0.04	c0.30	0.07		0.02		c0.28	0.05	
v/s Ratio Perm						0.10	0.02			c0.11		
v/c Ratio	0.29	0.73		0.46	0.74	0.23	0.23	0.27		0.94	0.13	
Uniform Delay, d1	45.0	27.3		42.8	25.3	5.2	43.5	43.7		26.0	18.0	
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2	1.5	3.7		2.0	3.6	0.1	1.2	1.1		23.0	0.1	
Delay (s)	46.5	30.9		44.8	28.9	5.3	44.7	44.7		48.9	18.1	
Level of Service	D	C		D	C	A	D	D		D	B	
Approach Delay (s)		31.4			25.0			44.7			43.6	
Approach LOS		C			C			D			D	
Intersection Summary												
HCM Average Control Delay			31.6				HCM Level of Service			C		
HCM Volume to Capacity ratio			0.82									
Actuated Cycle Length (s)			100.0				Sum of lost time (s)			12.0		
Intersection Capacity Utilization			74.9%				ICU Level of Service			D		
Analysis Period (min)			15									
c Critical Lane Group												

Lanes, Volumes, Timings
 Congress St, Stevens Ave & Westgate Plaza

3/11/2014



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	33	932	2	100	874	246	51	31	11	517	80	50
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	100		0	0		25	75		0	250		0
Storage Lanes	1		0	1		1	1		0	1		0
Taper Length (ft)	165		25	300		25	25		25	190		25
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	1.00	*1.00	1.00	1.00	*1.00	1.00	1.00
Fr _t						0.850		0.960			0.942	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3539	0	1752	3505	1568	1805	1824	0	1752	1738	0
Flt Permitted	0.950			0.950			0.665			0.520		
Satd. Flow (perm)	1770	3539	0	1752	3505	1568	1264	1824	0	959	1738	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)						84		14			44	
Link Speed (mph)		35			30			30			30	
Link Distance (ft)		342			274			284			532	
Travel Time (s)		6.7			6.2			6.5			12.1	
Peak Hour Factor	0.95	0.95	0.95	0.85	0.85	0.85	0.80	0.80	0.80	0.90	0.90	0.90
Heavy Vehicles (%)	2%	2%	2%	3%	3%	3%	0%	0%	0%	3%	3%	3%
Adj. Flow (vph)	35	981	2	118	1028	289	64	39	14	574	89	56
Shared Lane Traffic (%)												
Lane Group Flow (vph)	35	983	0	118	1028	289	64	53	0	574	145	0
Enter Blocked Intersection	No	No	No	No	Yes	Yes	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2	1	1	2		1	2	
Detector Template	Left	Thru		Left	Thru	Right	Left	Thru		Left	Thru	
Leading Detector (ft)	20	100		20	100	20	20	100		20	100	
Trailing Detector (ft)	0	0		0	0	0	0	0		0	0	
Detector 1 Position(ft)	0	0		0	0	0	0	0		0	0	
Detector 1 Size(ft)	20	6		20	6	20	20	6		20	6	
Detector 1 Type	CI+Ex	CI+Ex		CI+Ex	CI+Ex	CI+Ex	CI+Ex	CI+Ex		CI+Ex	CI+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		CI+Ex			CI+Ex			CI+Ex			CI+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	Prot			Prot		pm+ov	Perm			custom		
Protected Phases	5	2		1	6	7	8	8		7	3	7
Permitted Phases						6	8			3		

Lanes, Volumes, Timings
 Congress St, Stevens Ave & Westgate Plaza

3/11/2014

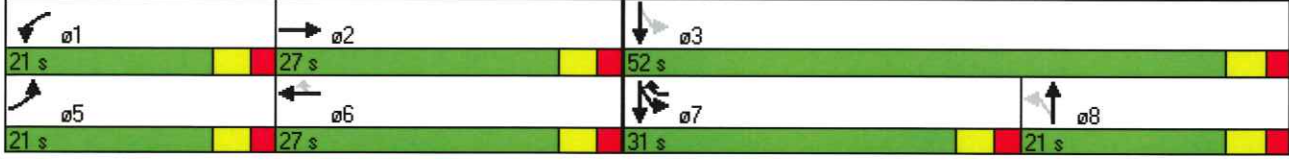


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase	5	2		1	6	7	8	8		7	3	7
Switch Phase												
Minimum Initial (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0		
Minimum Split (s)	21.0	21.0		21.0	21.0	25.0	21.0	21.0		25.0		
Total Split (s)	21.0	27.0	0.0	21.0	27.0	31.0	21.0	21.0	0.0	31.0	83.0	0.0
Total Split (%)	21.0%	27.0%	0.0%	21.0%	27.0%	31.0%	21.0%	21.0%	0.0%	31.0%	83.0%	0.0%
Maximum Green (s)	16.0	22.0		16.0	22.0	26.0	16.0	16.0		26.0		
Yellow Time (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0		
All-Red Time (s)	2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0		
Lost Time Adjust (s)	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	0.0	-1.0	-1.0	0.0
Total Lost Time (s)	4.0	4.0	3.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lead/Lag	Lead	Lag		Lead	Lag	Lead	Lag	Lag		Lead		
Lead-Lag Optimize?		Yes		Yes		Yes	Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0		
Recall Mode	None	C-Max		None	C-Max	None	None	None		None		
Walk Time (s)	5.0	5.0		5.0	5.0	5.0	5.0	5.0		5.0		
Flash Dont Walk (s)	11.0	11.0		11.0	11.0	11.0	11.0	11.0		11.0		
Pedestrian Calls (#/hr)	0	0		0	0	0	0	0		0		
Act Effct Green (s)	8.5	34.8		13.0	43.6	75.4	11.4	11.4		40.3	40.3	
Actuated g/C Ratio	0.08	0.35		0.13	0.44	0.75	0.11	0.11		0.40	0.40	
v/c Ratio	0.23	0.80		0.52	0.67	0.24	0.44	0.24		0.96	0.20	
Control Delay	45.8	38.2		48.1	28.8	5.1	50.0	33.0		54.3	12.4	
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Total Delay	45.8	38.2		48.1	28.8	5.1	50.0	33.0		54.3	12.4	
LOS	D	D		D	C	A	D	C		D	B	
Approach Delay		38.5			25.6			42.3			45.9	
Approach LOS		D			C			D			D	

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 100
 Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.96
 Intersection Signal Delay: 34.6 Intersection LOS: C
 Intersection Capacity Utilization 76.7% ICU Level of Service D
 Analysis Period (min) 15
 * User Entered Value

Splits and Phases: 1: Congress Street & Stevens Avenue



HCM Signalized Intersection Capacity Analysis
 Congress St, Stevens Ave & Westgate Plaza

3/11/2014



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗		↖	↗	↗	↖	↗		↖	↗	
Volume (vph)	33	932	2	100	874	246	51	31	11	517	80	50
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	*1.00	1.00		*1.00	1.00	
Fr _t	1.00	1.00		1.00	1.00	0.85	1.00	0.96		1.00	0.94	
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	3538		1752	3505	1568	1805	1825		1752	1738	
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.66	1.00		0.52	1.00	
Satd. Flow (perm)	1770	3538		1752	3505	1568	1263	1825		960	1738	
Peak-hour factor, PHF	0.95	0.95	0.95	0.85	0.85	0.85	0.80	0.80	0.80	0.90	0.90	0.90
Adj. Flow (vph)	35	981	2	118	1028	289	64	39	14	574	89	56
RTOR Reduction (vph)	0	0	0	0	0	27	0	13	0	0	26	0
Lane Group Flow (vph)	35	983	0	118	1028	262	64	40	0	574	119	0
Heavy Vehicles (%)	2%	2%	2%	3%	3%	3%	0%	0%	0%	3%	3%	3%
Turn Type	Prot			Prot		pm+ov	Perm			custom		
Protected Phases	5	2		1	6	7		8		7	3	7
Permitted Phases						6	8			3		
Actuated Green, G (s)	5.1	32.7		12.0	39.6	65.6	9.3	9.3		40.3	40.3	
Effective Green, g (s)	6.1	33.7		13.0	40.6	67.6	10.3	10.3		41.3	41.3	
Actuated g/C Ratio	0.06	0.34		0.13	0.41	0.68	0.10	0.10		0.41	0.41	
Clearance Time (s)	5.0	5.0		5.0	5.0	5.0	5.0	5.0		5.0		
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0		
Lane Grp Cap (vph)	108	1192		228	1423	1123	130	188		610	718	
v/s Ratio Prot	0.02	c0.28		c0.07	c0.29	0.06		0.02		c0.25	0.07	
v/s Ratio Perm						0.10	0.05			c0.13		
v/c Ratio	0.32	0.82		0.52	0.72	0.23	0.49	0.22		0.94	0.17	
Uniform Delay, d1	45.0	30.4		40.6	25.0	6.2	42.4	41.1		26.0	18.5	
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2	1.7	6.6		2.0	3.2	0.1	2.9	0.6		22.9	0.1	
Delay (s)	46.7	37.0		42.6	28.2	6.3	45.3	41.7		48.9	18.6	
Level of Service	D	D		D	C	A	D	D		D	B	
Approach Delay (s)		37.3			25.0			43.7			42.8	
Approach LOS		D			C			D			D	

Intersection Summary

HCM Average Control Delay	33.3	HCM Level of Service	C
HCM Volume to Capacity ratio	0.87		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	16.0
Intersection Capacity Utilization	76.7%	ICU Level of Service	D
Analysis Period (min)	15		

c Critical Lane Group

Lanes, Volumes, Timings
Congress St, Stevens Ave, & Westgate Plaza

2/12/2014



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	35	950	2	126	857	246	75	34	11	506	96	50
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	100		0	0		25	75		0	250		0
Storage Lanes	1		0	1		1	1		0	1		0
Taper Length (ft)	165		25	300		25	25		25	190		25
Lane Util. Factor	1.00	0.95	0.95	1.00	0.95	1.00	*1.00	1.00	1.00	*1.00	1.00	1.00
Frt						0.850		0.962			0.948	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1770	3539	0	1752	3505	1568	1805	1828	0	1752	1749	0
Flt Permitted	0.950			0.950			0.654			0.539		
Satd. Flow (perm)	1770	3539	0	1752	3505	1568	1243	1828	0	994	1749	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)						85		14			35	
Link Speed (mph)		35			30			30			30	
Link Distance (ft)		342			274			284			532	
Travel Time (s)		6.7			6.2			6.5			12.1	
Peak Hour Factor	0.95	0.95	0.95	0.85	0.85	0.85	0.80	0.80	0.80	0.90	0.90	0.90
Heavy Vehicles (%)	2%	2%	2%	3%	3%	3%	0%	0%	0%	3%	3%	3%
Adj. Flow (vph)	37	1000	2	148	1008	289	94	42	14	562	107	56
Shared Lane Traffic (%)												
Lane Group Flow (vph)	37	1002	0	148	1008	289	94	56	0	562	163	0
Enter Blocked Intersection	No	No	No	No	Yes	Yes	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	2		1	2	1	1	2		1	2	
Detector Template	Left	Thru		Left	Thru	Right	Left	Thru		Left	Thru	
Leading Detector (ft)	20	100		20	100	20	20	100		20	100	
Trailing Detector (ft)	0	0		0	0	0	0	0		0	0	
Detector 1 Position(ft)	0	0		0	0	0	0	0		0	0	
Detector 1 Size(ft)	20	6		20	6	20	20	6		20	6	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Detector 2 Position(ft)		94			94			94			94	
Detector 2 Size(ft)		6			6			6			6	
Detector 2 Type		Cl+Ex			Cl+Ex			Cl+Ex			Cl+Ex	
Detector 2 Channel												
Detector 2 Extend (s)		0.0			0.0			0.0			0.0	
Turn Type	Prot			Prot		pm+ov	Perm			custom		
Protected Phases	5	2		1	6	7		8		7	3	7
Permitted Phases						6	8			3		

Lanes, Volumes, Timings
 Congress St, Stevens Ave, & Westgate Plaza

2/12/2014

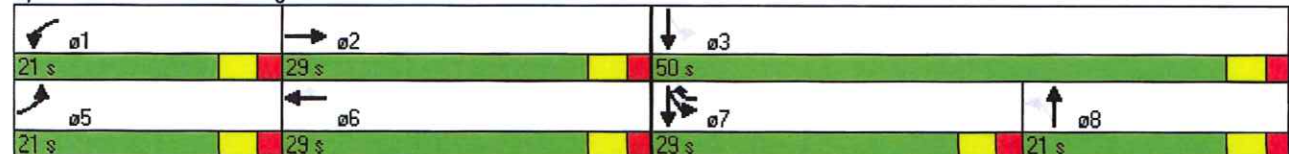


Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Detector Phase	5	2		1	6	7	8	8		7	37	
Switch Phase												
Minimum Initial (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0		
Minimum Split (s)	21.0	21.0		21.0	21.0	25.0	21.0	21.0		25.0		
Total Split (s)	21.0	29.0	0.0	21.0	29.0	29.0	21.0	21.0	0.0	29.0	79.0	0.0
Total Split (%)	21.0%	29.0%	0.0%	21.0%	29.0%	29.0%	21.0%	21.0%	0.0%	29.0%	79.0%	0.0%
Maximum Green (s)	16.0	24.0		16.0	24.0	24.0	16.0	16.0		24.0		
Yellow Time (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0		
All-Red Time (s)	2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0		
Lost Time Adjust (s)	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	-1.0	0.0	-1.0	-1.0	0.0
Total Lost Time (s)	4.0	4.0	3.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lead/Lag	Lead	Lag		Lead	Lag	Lead	Lag	Lag		Lead		
Lead-Lag Optimize?		Yes		Yes		Yes	Yes	Yes		Yes		
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0		
Recall Mode	None	C-Max		None	C-Max	None	None	None		None		
Walk Time (s)	5.0	5.0		5.0	5.0	5.0	5.0	5.0		5.0		
Flash Dont Walk (s)	11.0	11.0		11.0	11.0	11.0	11.0	11.0		11.0		
Pedestrian Calls (#/hr)	0	0		0	0	0	0	0		0		
Act Effct Green (s)	8.6	34.0		14.1	43.9	73.7	13.3	13.3		39.9	39.9	
Actuated g/C Ratio	0.09	0.34		0.14	0.44	0.74	0.13	0.13		0.40	0.40	
v/c Ratio	0.24	0.83		0.60	0.65	0.25	0.57	0.22		0.96	0.23	
Control Delay	45.9	40.6		50.2	28.3	5.6	53.6	31.6		55.4	14.7	
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	
Total Delay	45.9	40.6		50.2	28.3	5.6	53.6	31.6		55.4	14.7	
LOS	D	D		D	C	A	D	C		E	B	
Approach Delay		40.8			26.0			45.4			46.2	
Approach LOS		D			C			D			D	

Intersection Summary

Area Type: Other
 Cycle Length: 100
 Actuated Cycle Length: 100
 Offset: 0 (0%), Referenced to phase 2:EBT and 6:WBT, Start of Green
 Natural Cycle: 90
 Control Type: Actuated-Coordinated
 Maximum v/c Ratio: 0.96
 Intersection Signal Delay: 35.8
 Intersection Capacity Utilization 78.0%
 Analysis Period (min) 15
 * User Entered Value
 Intersection LOS: D
 ICU Level of Service D






















Splits and Phases: 1: Congress Street & Stevens Avenue



HCM Signalized Intersection Capacity Analysis

Congress St, Stevens Ave, & Westgate Plaza

2/12/2014

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	35	950	2	126	857	246	75	34	11	506	96	50
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0	4.0	4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95	1.00	*1.00	1.00		*1.00	1.00	
Fr't	1.00	1.00		1.00	1.00	0.85	1.00	0.96		1.00	0.95	
Flt Protected	0.95	1.00		0.95	1.00	1.00	0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	3538		1752	3505	1568	1805	1829		1752	1750	
Flt Permitted	0.95	1.00		0.95	1.00	1.00	0.65	1.00		0.54	1.00	
Satd. Flow (perm)	1770	3538		1752	3505	1568	1242	1829		995	1750	
Peak-hour factor, PHF	0.95	0.95	0.95	0.85	0.85	0.85	0.80	0.80	0.80	0.90	0.90	0.90
Adj. Flow (vph)	37	1000	2	148	1008	289	94	42	14	562	107	56
RTOR Reduction (vph)	0	0	0	0	0	29	0	12	0	0	21	0
Lane Group Flow (vph)	37	1002	0	148	1008	260	94	44	0	562	142	0
Heavy Vehicles (%)	2%	2%	2%	3%	3%	3%	0%	0%	0%	3%	3%	3%
Turn Type	Prot			Prot		pm+ov	Perm			custom		
Protected Phases	5	2		1	6	7		8		7	3	
Permitted Phases						6	8			3		
Actuated Green, G (s)	5.2	32.0		13.1	39.9	63.9	10.9	10.9		39.9	39.9	
Effective Green, g (s)	6.2	33.0		14.1	40.9	65.9	11.9	11.9		40.9	40.9	
Actuated g/C Ratio	0.06	0.33		0.14	0.41	0.66	0.12	0.12		0.41	0.41	
Clearance Time (s)	5.0	5.0		5.0	5.0	5.0	5.0	5.0		5.0		
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0		
Lane Grp Cap (vph)	110	1168		247	1434	1096	148	218		596	716	
v/s Ratio Prot	0.02	c0.28		c0.08	0.29	0.06		0.02		c0.24	0.08	
v/s Ratio Perm						0.11	0.08			c0.15		
v/c Ratio	0.34	0.86		0.60	0.70	0.24	0.64	0.20		0.94	0.20	
Uniform Delay, d1	44.9	31.3		40.3	24.5	6.9	42.0	39.8		26.3	19.0	
Progression Factor	1.00	1.00		1.00	1.00	1.00	1.00	1.00		1.00	1.00	
Incremental Delay, d2	1.8	8.2		3.9	2.9	0.1	8.6	0.5		23.5	0.1	
Delay (s)	46.7	39.5		44.2	27.4	7.0	50.6	40.2		49.9	19.1	
Level of Service	D	D		D	C	A	D	D		D	B	
Approach Delay (s)		39.8			25.1			46.7			43.0	
Approach LOS		D			C			D			D	

Intersection Summary

HCM Average Control Delay	34.4	HCM Level of Service	C
HCM Volume to Capacity ratio	0.85		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	78.0%	ICU Level of Service	D
Analysis Period (min)	15		

c Critical Lane Group

HCM Unsignalized Intersection Capacity Analysis

Congress St & Right Turn Drive

2/12/2014

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑		↗
Volume (veh/h)	963	23	0	955	0	11
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.95	0.95	0.85	0.85	0.75	0.75
Hourly flow rate (vph)	1014	24	0	1124	0	15
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)				342		
pX, platoon unblocked				0.75		
vC, conflicting volume	1038			1588 519		
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	1038			1106 519		
tC, single (s)	4.2			6.8 6.9		
tC, 2 stage (s)						
tF (s)	2.2			3.5 3.3		
p0 queue free %	100			100 97		
cM capacity (veh/h)	660			154 504		
Direction, Lane #	EB 1	EB 2	WB 1	WB 2	NB 1	
Volume Total	676	362	562	562	15	
Volume Left	0	0	0	0	0	
Volume Right	0	24	0	0	15	
cSH	1700	1700	1700	1700	504	
Volume to Capacity	0.40	0.21	0.33	0.33	0.03	
Queue Length 95th (ft)	0	0	0	0	2	
Control Delay (s)	0.0	0.0	0.0	0.0	12.4	
Lane LOS					B	
Approach Delay (s)	0.0			12.4		
Approach LOS					B	
Intersection Summary						
Average Delay	0.1					
Intersection Capacity Utilization	37.4%			ICU Level of Service	A	
Analysis Period (min)	15					

HCM Unsignalized Intersection Capacity Analysis
 Congress St & Right Turn Drive

3/11/2014



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑		↑
Volume (veh/h)	940	55	0	964	0	63
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.95	0.95	0.85	0.85	0.90	0.90
Hourly flow rate (vph)	989	58	0	1134	0	70
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage (veh)						
Upstream signal (ft)				342		
pX, platoon unblocked					0.75	
vC, conflicting volume			1047		1585	524
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			1047		1119	524
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	86
cM capacity (veh/h)			660		152	501

Direction, Lane #	EB 1	EB 2	WB 1	WB 2	NB 1
Volume Total	660	388	567	567	70
Volume Left	0	0	0	0	0
Volume Right	0	58	0	0	70
cSH	1700	1700	1700	1700	501
Volume to Capacity	0.39	0.23	0.33	0.33	0.14
Queue Length 95th (ft)	0	0	0	0	12
Control Delay (s)	0.0	0.0	0.0	0.0	13.4
Lane LOS					B
Approach Delay (s)	0.0		0.0		13.4
Approach LOS					B

Intersection Summary					
Average Delay			0.4		
Intersection Capacity Utilization			38.3%	ICU Level of Service	A
Analysis Period (min)			15		

HCM Unsignalized Intersection Capacity Analysis

Congress St & Right-Turn Drive

2/12/2014



Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑			↑↑		↑
Volume (veh/h)	922	79	0	970	0	101
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.95	0.95	0.85	0.85	0.90	0.90
Hourly flow rate (vph)	971	83	0	1141	0	112
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage veh						
Upstream signal (ft)				342		
pX, platoon unblocked					0.76	
vC, conflicting volume			1054		1583	527
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			1054		1137	527
tC, single (s)			4.1		6.8	6.9
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		100	77
cM capacity (veh/h)			656		150	498

Direction, Lane #	EB 1	EB 2	WB 1	WB 2	NB 1
Volume Total	647	407	571	571	112
Volume Left	0	0	0	0	0
Volume Right	0	83	0	0	112
cSH	1700	1700	1700	1700	498
Volume to Capacity	0.38	0.24	0.34	0.34	0.23
Queue Length 95th (ft)	0	0	0	0	21
Control Delay (s)	0.0	0.0	0.0	0.0	14.3
Lane LOS					B
Approach Delay (s)	0.0		0.0		14.3
Approach LOS					B

Intersection Summary					
Average Delay			0.7		
Intersection Capacity Utilization			40.9%	ICU Level of Service	A
Analysis Period (min)			15		

June 30, 2006

Mr. Steve Landry, P.E.
Maine Department of Transportation
16 State House Station
Augusta, ME 04333

Re: Updated Trip Generation Analysis
Tim Horton's Restaurants

Dear Steve:

Gorrill-Palmer Consulting Engineers, Inc. previously provided a trip generation study to you based on counts at four Tim Horton's restaurants as summarized in our letter of May 12, 2006. You indicated that you would require additional counts in order to establish a trip rate for use at new Tim Horton's locations. Therefore, Gorrill-Palmer Consulting Engineers, Inc. has collected additional trip generation counts at area Tim Horton's locations in order to forecast anticipated trip generation for proposed stores. Additionally, we obtained transaction data for southern Maine area stores which was utilized to determine hourly trip variation for an average weekday and average Saturday.

As mentioned in the previous letter, the Institute of Transportation Engineers (ITE) provides trip generation information for fast-food restaurants with drive-through windows. However, this data is based on restaurants such as McDonald's, Burger King, and Wendy's, which do not represent coffee-oriented businesses such as Tim Horton's. Although they do see more business in the morning than any other time of the day, Tim Horton's strives to balance customer flow throughout the day by offering a varied menu for the entire day. Therefore, Gorrill-Palmer Consulting Engineers Inc. counted a total of seven locations within southern Maine to establish a morning trip generation rate. The transaction data provides a reliable basis to forecast traffic for other time periods as a percentage of the morning peak hour traffic forecast. The following is a summary of the results of the study.

Data Collection

Trip generation counts were collected from 7:00 – 9:00 on a Monday during the month of May at the following locations:

- Auburn; Minot Avenue at Hotel Road
- Lewiston; Lisbon Street at East Avenue
- Scarborough; US Route 1 at Lincoln Avenue
- Windham; Route 302 north of Route 35/115

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June 30, 2006
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Trip generation counts were collected from 7:00 – 9:00 on a Monday or Friday during the month of June at the following locations:

- Auburn; Center Street, north of Bates Street
- South Portland; Mill Creek Plaza
- Westbrook; Main Street west of Larrabee Road

The existing trip generation was then compared to the size of the restaurant, AADT at the restaurant location and AM peak hour of pass-by traffic (where available) to obtain an average trip rate as well as a fitted curve equation for each of the three variables previously mentioned.

Trip Generation Results

The following table summarizes the results of the trip generation counts at each of the locations.

Trip Generation Survey Results – Tim Horton's

Location	Size	AM Peak Hour Pass-by Traffic	Total AADT	AM Peak Hour Trip Generation		
				IN	OUT	TOTAL
Auburn; Minot Ave	2,800 s.f.	1,413	16,686	77	80	157
Lewiston; Lisbon St.	2,800 s.f.	2,055	28,604	140	150	290
Scarborough; Route 1	2,500 s.f.	2,366	26,968	123	117	240
Windham; Route 302	2,500 s.f.	1,729	23,310	65	59	124
Westbrook; Main St.	2,300 s.f.	1,394	21,220	64	56	120
Auburn, Center St.	3,500 s.f.	1,568	26,200	80	49	109
S. Portland; Mill Creek	2,400 s.f.	N/A	24,630	91	86	177
Average				89	85	174

The table above indicates that the Tim Horton's restaurants generated an average of 174 trip ends during the AM peak hour. Along with the Windham location, the Westbrook and Center Street Auburn locations appear to be relatively low generators when compared with the AADT along the site frontage. Our office examined the relationship between trip generation relative to the size of the restaurant, the AM peak hour volume at the site frontage, as well as AADT along the site frontage. With the additional counts, there does appear to be a fair correlation between trip generation and AM peak hour of pass-by traffic and a good correlation between trip generation and AADT when excluding the lower generating Windham, Westbrook, and Center Street Auburn locations. Detailed results are appended to this letter. It should be noted that for restaurants adjacent to an intersection, a portion of the "minor" approach AADT was included based on available turning movement counts at the intersection.

Trip Generation and AADT

Plotting the observed entering and exiting volumes against the available AADT for each restaurant, it can be seen that there are three outlying points, indicating that with an increase in AADT, a decrease in trip generation would be expected. Excluding the data from the Windham,

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Westbrook, and Center Street Auburn locations and replotting trip generation against available AADT, there appears to be a more direct correlation between the two.

The dashed line on the attached graph represents the average rate equation with the solid line representing a fitted curve equation. The equation for the fitted curve is more reliable when its R^2 value (measure of variability or distance of the data points from the defined equation) approaches 1.0. In the case with the AADT fitted curve equation excluding the three outlying locations, the R^2 value was calculated to be approximately 0.72, as opposed to 0.30 when including the outlying locations. The resulting equation gives slightly higher trip generation forecasts (approximately 20% increase) than if the outlying locations were included.

Trip Generation and AM Peak Hour of Pass-By

Plotting the observed entering and exiting volumes against the available AM peak hour of pass-by traffic for each restaurant, it can be seen that there is a fair correlation between trip generation and AM peak hour of pass-by traffic along the site frontage.

The dashed line on the attached graph represents the average rate equation with the solid line representing a fitted curve equation. The resulting R^2 value between trip generation and AM peak hour of pass-by traffic was calculated to be approximately 0.63.

Trip Distribution

Gorrill-Palmer obtained transaction data from five Southern Maine Tim Horton's locations which was used to derive an average weekday and average Saturday daily trip distribution, based on the weekday AM peak hour trip generation. The summarized transaction data indicates that the weekday PM peak (4-5 PM) is approximately 25% of the weekday AM peak hour with the Saturday peak hour of the generator (9-10 AM) consisting of approximately 72% of the weekday AM peak hour. The attached trip distribution indicates that customer flow is consistent over several hours in the weekday morning commuting hours, with minimal trip generation impact during the evening commuting hours.

Conclusions

The trip generation counts completed at Tim Horton's restaurants in southern Maine indicate that there is good correlation between trip generation and AADT passing by the site as well as fair correlation between trip generation and AM peak hour of pass-by traffic. Based on this data, Tim Horton's tend to generate traffic at a rate of 8.91 trip ends per 1,000 AADT or 0.10 trip ends per pass-by vehicles per hour. The fitted curve equation based on AM peak hour of pass-by traffic appears to forecast trip generation with an acceptable level of accuracy. However, the fitted curve equation based on AADT appears to be a more accurate means of forecasting trip generation for proposed Tim Horton's locations.

Gorrill-Palmer Consulting Engineers, Inc.

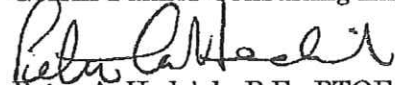
Mr. Steve Landry, P.E.
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Gorrill-Palmer Consulting Engineers Inc. requests your review of this information and provision of written concurrence that the methodology to forecast trip generation for Tim Horton's restaurants based on AADT or AM peak hour of pass-by traffic is acceptable for permitting purposes.

Please contact our office with any questions regarding this letter,

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.



Peter A. Hedrich, P.E., PTOE
Vice President, Transportation

C: Shawn Gilbert, Tim Horton's

Enclosure



Trip Generation Summary
Tim Horton's Restaurants
Southern Maine

SUMMARY OF RESULTS

Location	Size (1,000 s.f.)	AADT	Peak Hour Volume	Trip Generation		
				IN	OUT	TOTAL
848 Minot Ave, Auburn	2800	16686	1413	77	80	157
855 Lisbon St., Lewiston	2800	28604	2055	140	150	290
398 US Route 1, Scarborough	2500	26968	2366	123	117	240
832 Roosevelt Trail, Windham	2500	23310	1729	65	59	124
150 Main Street, Westbrook	2300	21220	1394	64	56	120
458 Center Street, Auburn	3500	26200	1568	60	49	109
50 Market Street, South Portland	2400	24630	-	91	86	177
Average (All)				89	85	174

Location	Size	Trip Rate per 1000 s.f.	AADT	Trip Rate per 1000 vpd	Peak Hour Volume	Trip Rate per veh per hour
848 Minot Ave, Auburn	2800	56.07	16686	9.41	1413	0.11
855 Lisbon St., Lewiston	2800	103.57	28604	10.14	2055	0.14
398 US Route 1, Scarborough	2500	96.00	26968	8.90	2366	0.10
832 Roosevelt Trail, Windham	2500	49.60	23310	5.32	1729	0.07
150 Main Street, Westbrook	2300	52.17	21220	5.66	1394	0.09
458 Center Street, Auburn	3500	31.14	26200	4.16	1568	0.07
50 Market Street, South Portland	2400	73.75	24630	7.19	-	-
Average (All)		66.04		7.25		0.10

Average Rate Data Points

Size	Trips	AADT	Trips	PK Hr Vol	Trips
0	0	0	0	0	0
500	33	5000	36	400	39
1500	99	15000	109	800	77
3000	198	25000	181	1600	155
		35000	254	2400	232
				3200	310

SUMMARY OF RESULTS WITHOUT SITES GENERATING LESS THAN 125 PEAK HOUR TRIPS

Location	Size (1,000 s.f.)	AADT	Peak Hour Volume	Trip Generation		
				IN	OUT	TOTAL
848 Minot Ave, Auburn		16686		77	80	157
855 Lisbon St., Lewiston		28604		140	150	290
398 US Route 1, Scarborough		26968		123	117	240
50 Market Street, South Portland		24630		91	86	177
Average (All)				108	108	216

Location	AADT	Trip Rate per 1000 vpd
848 Minot Ave, Auburn	16686	9.41
855 Lisbon St., Lewiston	28604	10.14
398 US Route 1, Scarborough	26968	8.90
50 Market Street, South Portland	24630	7.19
Average (All)		8.91

Average Rate Data Points

AADT	Trips
0	0
5000	45
15000	134
25000	223
35000	312

Trip Generation Summary
 Tim Horton's Restaurants
 Southern Maine

SUMMARY OF RESULTS FOR STORE SIZE WITHOUT AUBURN CENTER STREET STORE*

Location	Size (1,000 s.f.)	AADT	Peak Hour Volume	Trip Generation		
				IN	OUT	TOTAL
848 Minot Ave, Auburn	2800			77	80	157
855 Lisbon St., Lewiston	2800			140	150	290
398 US Route 1, Scarborough	2500			123	117	240
832 Roosevelt Trail, Windham	2500			65	59	124
150 Main Street, Westbrook	2300			64	56	120
50 Market Street, South Portland	2400			91	86	177
Average (All)				93	91	185

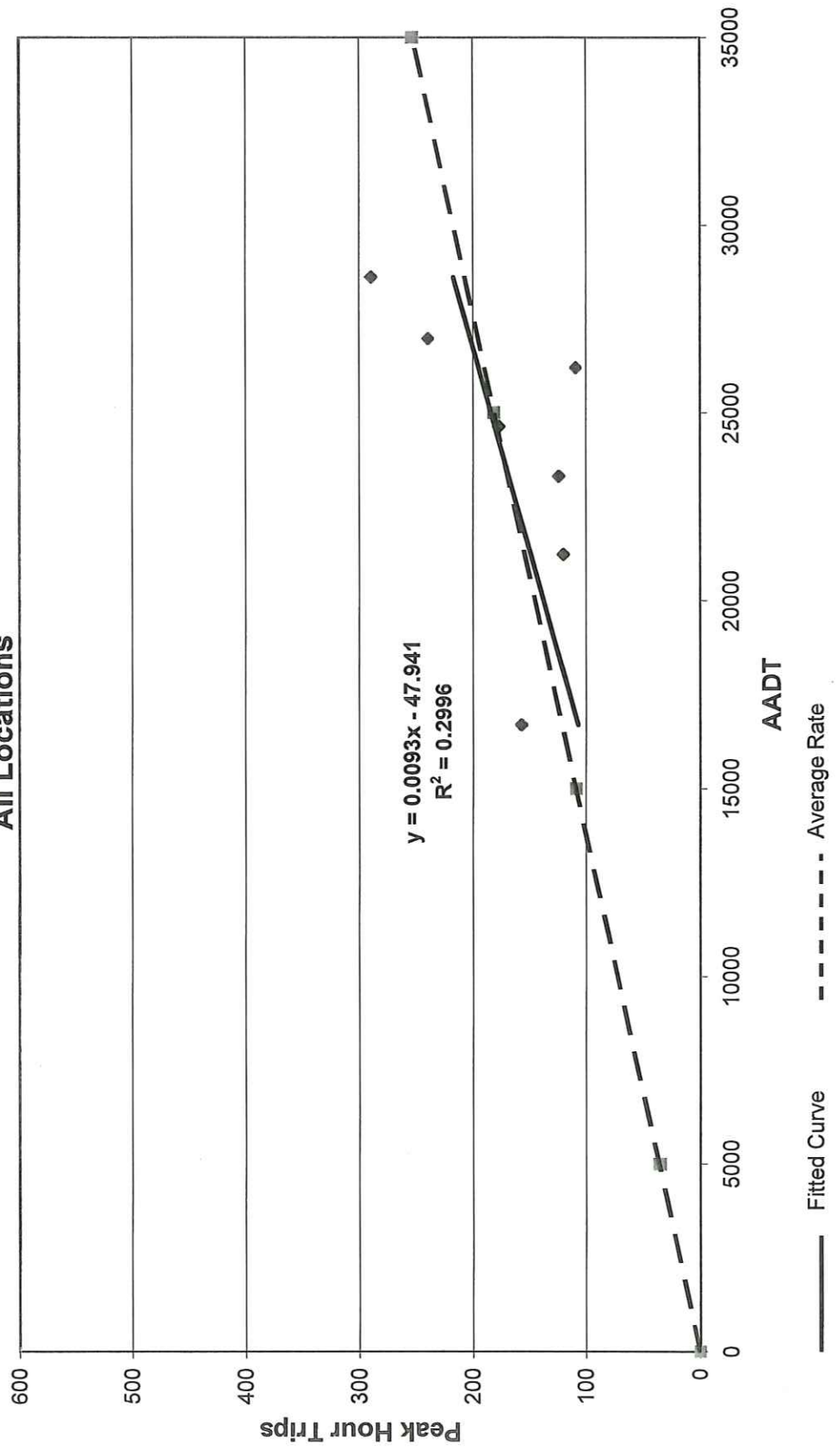
Location	Size	Trip Rate per 1000 s.f.				
848 Minot Ave, Auburn	2800	56.07				
855 Lisbon St., Lewiston	2800	103.57				
398 US Route 1, Scarborough	2500	96.00				
832 Roosevelt Trail, Windham	2500	49.60				
150 Main Street, Westbrook	2300	52.17				
50 Market Street, South Portland	2400	73.75				
Average (All)		71.86				

Average Rate Data Points

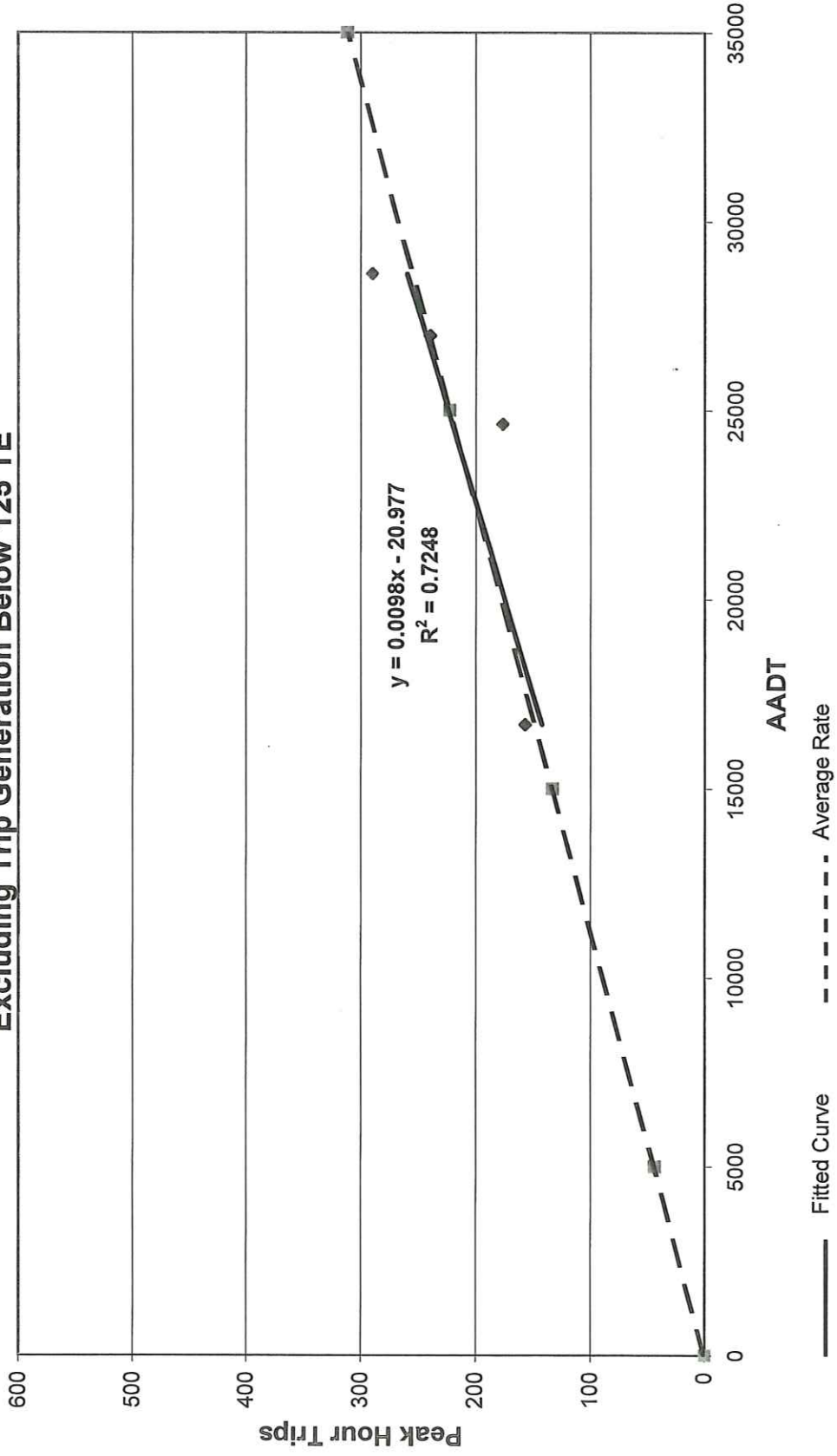
Size	Trips
0	0
500	36
1500	108
3000	216
4000	287

* This was a renovated site with an existing building size larger than typically constructed by Tim Horton's

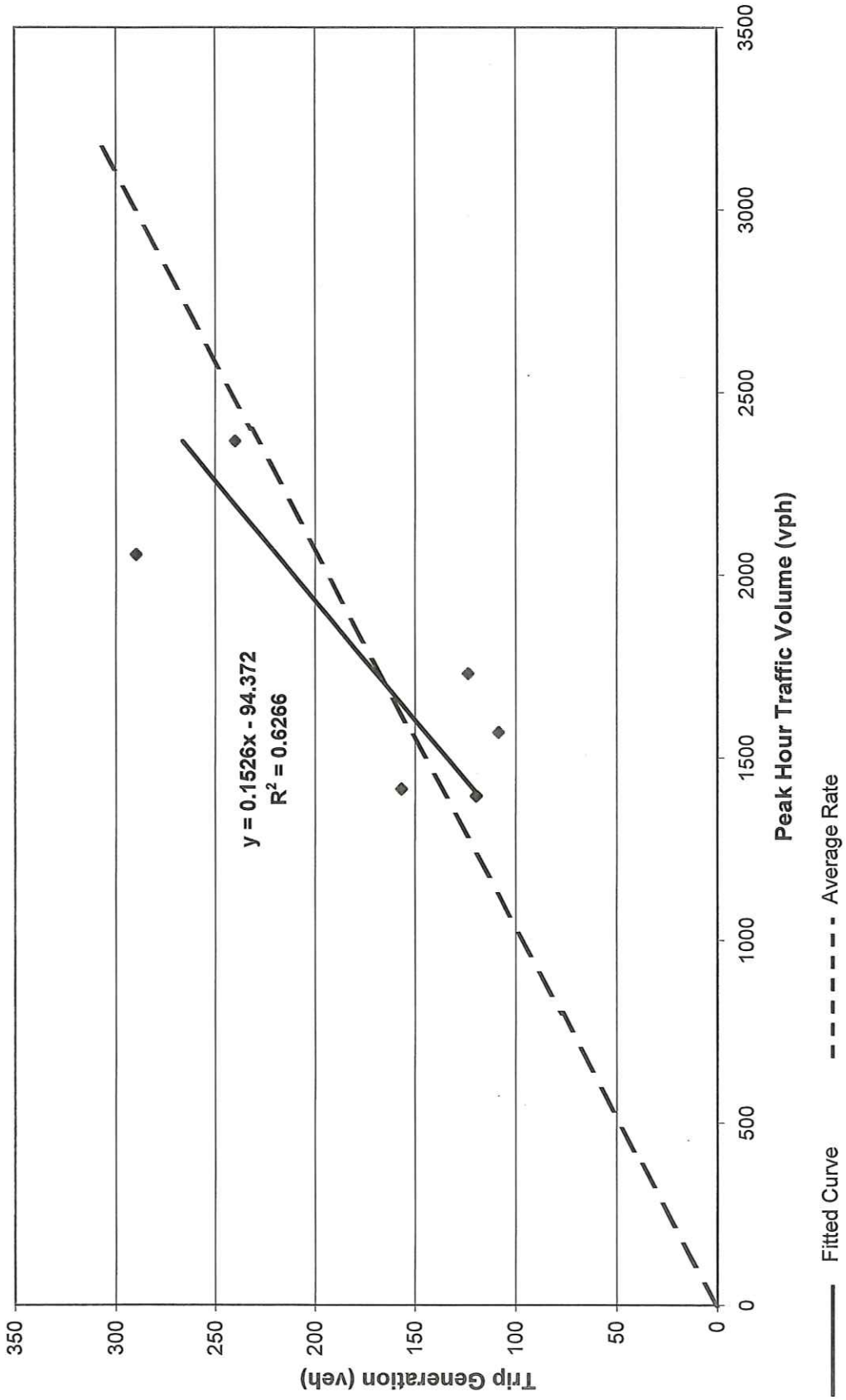
**Tim Horton's Restaurant
Trip Generation vs. AADT
All Locations**



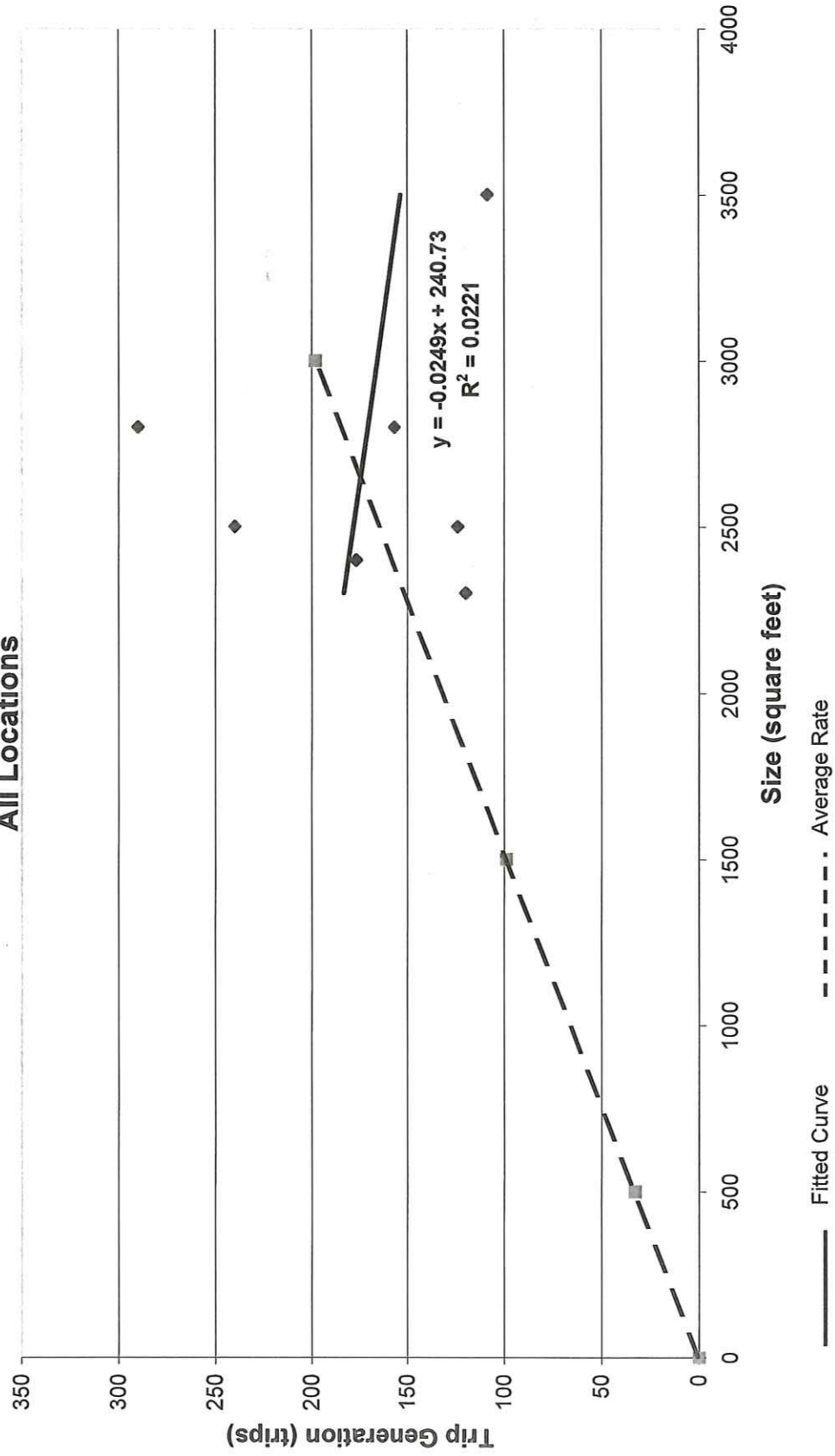
**Tim Horton's Restaurant
 Trip Generation vs. AADT
 Excluding Trip Generation Below 125 TE**



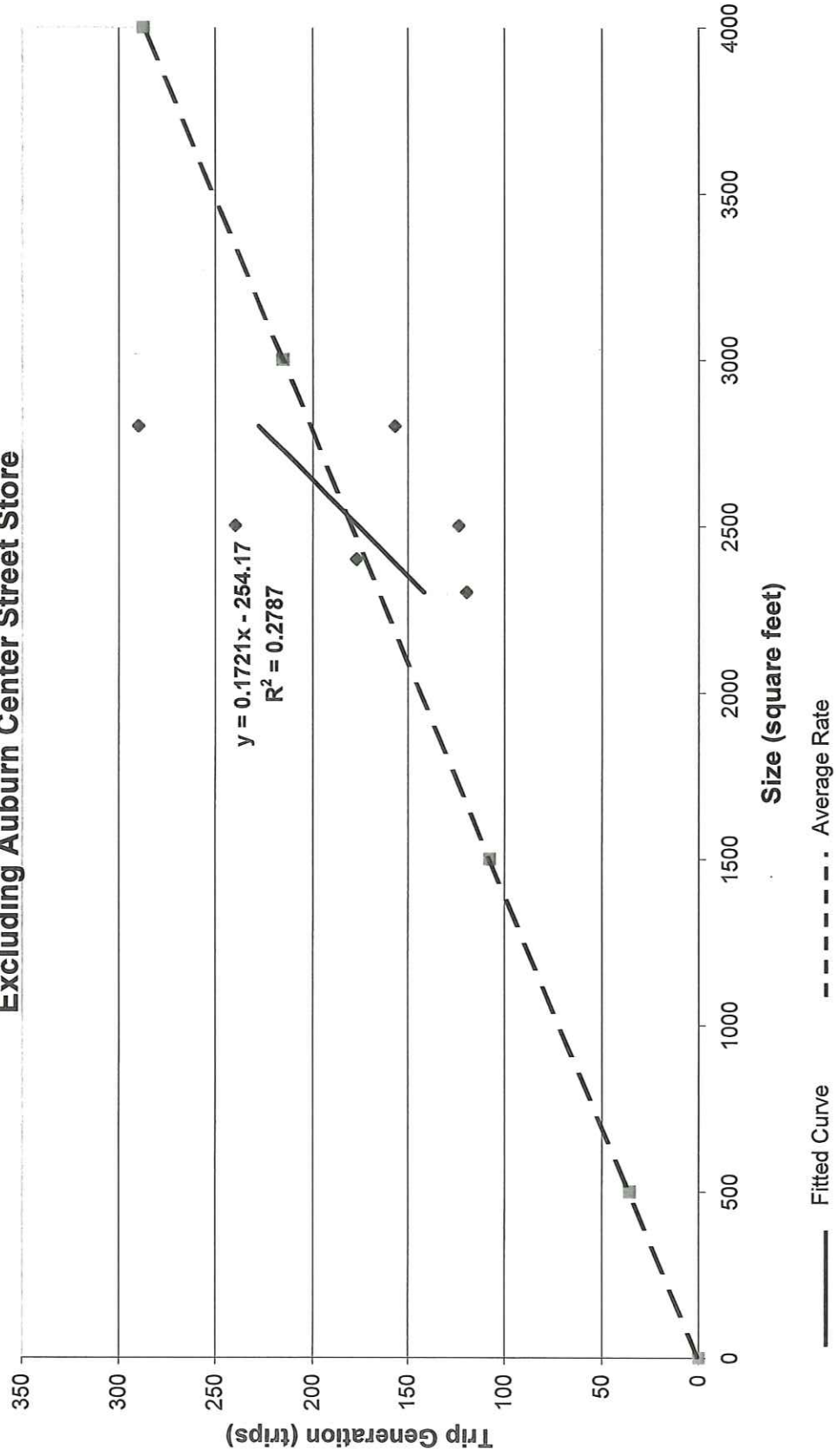
**Tim Horton's Restaurant
Trip Generation vs. AM Peak Hour Traffic Volume**



**Tim Horton's Restaurant
Trip Generation vs Size
All Locations**



**Tim Horton's Restaurant
 Trip Generation vs Size
 Excluding Auburn Center Street Store**



HOURLY TRIP VARIATION

Task: Determine the hourly trip variation

References: Tabulated average listed on "Summary of Hourly Transaction Data" worksheet

HOURLY TRIP VARIATION

Time Period	Hourly Variation for Average Weekday	Hourly Variation for Average Saturday, as a Percentage of the Peak Hour of an Average Weekday
2-3 AM	2%	4%
3-4	4%	3%
4-5	8%	7%
5-6	26%	13%
6-7	56%	41%
7-8	100%	67%
8-9	84%	70%
9-10	68%	72%
10-11	47%	61%
11-12 PM	36%	40%
12-1	43%	42%
1-2	33%	42%
2-3	29%	31%
3-4	31%	26%
4-5	25%	23%
5-6	20%	22%
6-7	25%	19%
7-8	18%	16%
8-9	15%	11%
9-10	13%	8%
10-11	10%	9%
11-12 AM	6%	12%

Jean Fraser - RE: Tim Hortons at Westgate Plaza

From: Jean Fraser
To: Johnson, Karen
Date: 3/11/2014 12:50 PM
Subject: RE: Tim Hortons at Westgate Plaza

Thank you

>>> Karen Johnson <karen@chartweb.com> 3/11/2014 12:45 PM >>>

Jean – I expect it shortly, it needed some edits as it was in draft form. They are working on it now – it contains the 2008 data and I think Tom will find it a simple read but understand he needs some time to review.

Tim Horton's closed on November 12, 2013.

Thank you again for arranging the meeting.

Karen

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Tuesday, March 11, 2014 12:35 PM
To: Karen Johnson
Subject: RE: Tim Hortons at Westgate Plaza

Karen

Could you please send the updated Traffic Study - today - as Tom would like to have time to digest it and compare it with the information we had in 2008 for the first reviews. Since the question of the TMP may be the determining factor as to whether this needs any further review, it would be helpful to have Tom be in a position to make a determination at the meeting rather than have to take more time after the meeting to make that decision.

Also, could you confirm the date that the Tim Hortons business closed.

Barbara Barhydt will be able to attend the meeting for the first half hour.

Thank you
Jean

Jean Fraser - ?Review? RE: Tim Hortons at Westgate Plaza

From: Jean Fraser
To: Johnson, Karen
Date: 3/7/2014 2:48 PM
Subject: ?Review? RE: Tim Hortons at Westgate Plaza
CC: Barhydt, Barbara; Jaegerman, Alex; Thompson, Jennifer

Karen

Thanks for confirming re the meeting (10:30am Thursday 3.13.14 here).

Regarding the question of an amendment application (as we discussed), I spoke to the Director of Planning re this today and he feels that Barbara, when she gets back and in conjunction with our attorney, should make a determination re what level of review as its not straightforward (eg because of the specific ref to Tim Horton's on the approval letter for Lot #3). Hopefully Barbara will be able to attend the meeting on March 13 along with Jen Thompson, our attorney, and this question can be addressed then (or before).

My earlier suggestion to get an amendment application in the system was in order to facilitate getting this meeting that includes Tom Errico- but since you have indicated that you are willing to cover the fees for him and our attorney, I suggest that it would be easier to wait 3-4 days and have a firm decision on the TMP and review issue before submitting an application.

Could you please send me the updated Traffic Study so that Tom and others can digest it prior to the meeting.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - RE: Tim Hortons at Westgate Plaza

From: Jean Fraser
To: Johnson, Karen
Date: 3/7/2014 11:12 AM
Subject: RE: Tim Hortons at Westgate Plaza

Karen

Tom Errico is only able to do the morning.

Alex is not available in the morning but Barbara will be back in the office and I hope she can attend (if not, I have confirmed this day and time with all other staff as I think its essential to get the traffic piece sorted out. If Barbara is unable to attend, she can liaise with our attorney prior to the meeting and hopefully provide an opinion on the level of site plan and conditional use review needed before the meeting and then we might not need to have the attorney at the meeting).

So this is currently what I have confirmed with city folks (in order to get something in their diary as other meetings are pressing for slots that day):

THURSDAY March 13th
10:30AM
Planning conference room (4th floor city hall)

Attending: you (Charter Realty)
Diane Morabito (traffic engineer for Charter Realty)
Hopefully Barbara Barhydt as Alex is unable to attend
Marge S (Zoning), Jen T (Attorney), Tom Errico, Jean F

Purpose: 1. To determine whether a modified TMP is required or process for determining (condition of approval relates to change in tenant)
2. To determine what level of site plan/conditional use review is needed (if any), bearing in mind its a reuse for same use by a different tenant (but PB app. letter is specific to Tim Horton's)

Please let me know if this works for you and Diane and if there are any other questions you want to add to the list.

Thanks
Jean

Jean Fraser, Planner
City of Portland
874 8728

>>> Karen Johnson <karen@chartweb.com> 3/6/2014 10:34 AM >>>

Yes – I did and yes we are willing to cover expense for Tom and attorney. Diane Morabito is traveling but can meet on Thursday March 13th if you are able to arrange I would be very appreciative.

Karen

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, March 06, 2014 10:25 AM
To: Karen Johnson
Subject: Fwd: Tim Hortons at Westgate Plaza

Karen

Could you please confirm you have received this so I know I have the correct e-mail before sending anything else?

thanks
Jean

>>> Jean Fraser 3/5/2014 5:28 PM >>>
Karen

I was all set to send you the site plan application and confirm re the way we would handle the conditional use, when I spoke with my attorney and she asked me a number of questions (that would impact the way we handle this) and these questions would require me to get back to you.

She is sending me a list of questions (I thought I would have had them by now) and I will forward to you.

If you would like me to set up a meeting with Tom Errico and Alex/Barbara (and maybe our attorney, although she may also charge) for next week and you commit to covering Tom's costs, that would be possible given that the delay is partly at our end because of Barbara's unexpected absence.

I am in the office tomorrow and hope to be able to follow up on this e-mail.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Jean Fraser - CONFIRMED Tim Hortons building, Westgate Plaza (Congress St)

From: Jean Fraser
To: Barhydt, Barbara; Errico Thomas; Jaegerman, Alex; Schmuckal, Marge; ...
Date: 3/7/2014 11:03 AM
Subject: CONFIRMED Tim Hortons building, Westgate Plaza (Congress St)

CONFIRMED: (please let me know if any problem with this time urgently)

THURSDAY March 13th
10:30AM
Planning conference room

Attending: Karen Johnson of Charter Realty (own/manage Westgate Plaza and this Lot #3)
Diane Morabito (traffic engineer for Charter Realty)
Hopefully Barbara Barhydt as Alex is unable to attend
Marge S, Jen T, Tom Errico, me

Purpose: 1. To determine whether a modified TMP is required or process for determining (condition of approval relates to change in tenant)
2. To determine what level of site plan/conditional use review is needed (if any), bearing in mind its a reuse for same use by a different tenant (but PB app. letter is specific to Tim Horton's

Thanks
Jean

>>> Jean Fraser 3/6/2014 11:26 AM >>>
All,

I am trying to set up a meeting on this for:

Thursday, March 13th can be anytime between 9am and 4pm

See background below- could you please let me know your availability that day.

thanks
Jean

Background:

Karen Johnson of Charter Realty (based in Mass) are getting a new tenant (a dunkin donuts but this is not public info yet) for this building with drive through on Lot #3 in Westgate Shopping Plaza - who wants to move in "yesterday"- no changes to the site and minor changes to the building and signage. This lot was the subject of two PB approval letters in 2008 (attached, with the PB Reports attached to them) and subject to a TMP. She

wrote to Barbara last week asking what level of review etc and then followed up by 'phone this week (came to me) when she did not get a reply. The Tim Hortons was a conditional use in the B2 zone and the building is currently vacant.

Karen has already obtained an updated Traffic Study (by Diane Morabito of Traffic Resources) that addresses changed trip generation and queuing in the drive through and will send that to us.

There are many questions and Karen would appreciate a meeting next week (suggesting Thursday) and will bring her Traffic Engineer (and send the Traffic Study in advance)- she has confirmed she will pay the fee charges for attendance by Tom Errico and Jen Thompson as they are in a hurry to start new fit up and the questions are complex and affect what kind of site plan review is needed.

(she is also willing to submit an application now but I don't think we know what she needs in the way of a review- but I can have her submit something to get it in the system although since she is covering fees I am not sure it matters except re getting a date at the Planning Board; I agreed to set up a meeting as there has been a delay at our end in responding to her and it did seem quite complex), including:

- Is this just an amendment to a site plan or need (new) separate conditional use application
- Assuming it goes to Planning Board, could it go direct to a hearing
- If it does not require modification to the TMP and there is no impact on surrounding traffic and queuing, could it be handled as an administrative review?

Jean Fraser - (sort of urgent) Tim Hortons building, Westgate Plaza (Congress St)

From: Jean Fraser
To: Barhydt, Barbara; Errico, Thomas; Jaegerman, Alex; Thompson, Jennifer
Date: 3/6/2014 11:26 AM
Subject: (sort of urgent) Tim Hortons building, Westgate Plaza (Congress St)
CC: Schmuckal, Marge
Attachments: Approval Letter 6-10-08.pdf; Approval Letter 8-12-08.pdf

All,

I am trying to set up a meeting on this for:

Thursday, March 13th can be anytime between 9am and 4pm

See background below- could you please let me know your availability that day.

thanks
Jean

Background:

Karen Johnson of Charter Realty (based in Mass) are getting a new tenant (a dunkin donuts but this is not public info yet) for this building with drive through on Lot #3 in Westgate Shopping Plaza - who wants to move in "yesterday"- no changes to the site and minor changes to the building and signage. This lot was the subject of two PB approval letters in 2008 (attached, with the PB Reports attached to them) and subject to a TMP. She wrote to Barbara last week asking what level of review etc and then followed up by 'phone this week (came to me) when she did not get a reply. The Tim Hortons was a conditional use in the B2 zone and the building is currently vacant.

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CITY OF PORTLAND, MAINE

PLANNING BOARD

Janice E. Tevanian, Chair
David Silk, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry, III
Shalom Odokara
Michael J. Patterson

August 18, 2008

Charter Realty and Development Corporation
Attn: Karen Johnson
22 McGrath Highway
Somerville, MA 022143

RE: Tim Horton's Restaurant. Westgate Shopping Plaza
1412 Congress Street

CBL: 197-B-18
Application ID: 2008-0113

Dear Karen,

On August 12, 2008, the Portland Planning Board considered the amended site plan and conditional use application for the redevelopment of the lot [referred to as Lot 3 on the approved Subdivision Plan for Westgate Shopping Plaza at 1412 Congress Street] into a Tim Horton's restaurant with drive-through service. The Planning Board reviewed the proposal for conformance with the standards for Conditional Use in the B-2 zone and the standards of the Site Plan Ordinance. The Planning Board voted (6-0, Odokara absent) to approve the application with the following motions and conditions as presented below.

1. CONDITIONAL USE:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 46-08, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the proposed conditional use for a drive-through adjacent to a residential use or zone does meet the standards of Section 14-474 and the standards of Section 14-183 for the B-2 zone, subject to the following conditions:

- a. The final site plan must comply with any additional site plan conditions of approval, as listed below.

2. SITE PLAN:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 46-08, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- a. Two (2) additional emerald green arborvitae (*thuja occidentalis 'smargd'*) shall be added

to the final site plan to be located on the west end of the line of emerald green arborvitae proposed along the southerly boundary of the site (as shown on the plan labeled 'Revised Landscape Plan. Proposed Restaurant. Congress Street. Portland, ME', dated August 8, 2008, which is attached).

The approval is based on the submitted site plan and the findings related to site plan and conditional use review standards as contained in Planning Report #46-08, which is attached.


Please note the following provisions and requirements for all site plan approvals:

1. The above approval does not constitute approval for building plans, which must be reviewed and approved the City of Portland's Inspection Division.
2. Where submission drawings are available in electronic form, final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, Planning Division's Development Review Coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Molly Casto, Senior Planner at (207) 874-8901

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

2. Planning Board Report #46-08
3. Memorandum to the Planning Board from Molly Casto dated August 12, 2008
4. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development

Alexander Jaegerman, Planning Division Director

Barbara Barhydt, Development Review Services Manager

Molly Casto, Senior Planner

Philip DiPierro, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Jeanie Bourke, Inspections Division

Lisa Danforth, Administrative Assistant

Michael Bobinsky, Public Services Director

Kathi Earley, Public Works

Bill Clark, Public Works

Michael Farmer, Public Works

Jim Carmody, City Transportation Engineer

Jane Ward, Public Works

Captain Greg Cass, Fire Prevention

Jeff Tarling, City Arborist

Tom Errico, Wilbur Smith Consulting Engineers

Dan Goyette, Woodard & Curran

Assessor's Office

Approval Letter File

Hard Copy: Project File

Planning Board Report: 46-08

**TIM HORTON'S RESTAURANT – LOT 3
WESTGATE SHOPPING PLAZA
1354-1422 CONGRESS STREET**

AMENDMENT TO CONDITIONAL USE AND SITE PLAN APPROVAL

CHARTER REALTY AND DEVELOPMENT CORP. - APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine
August 12, 2008 Public Hearing

Prepared by:

Molly Casto, Planner
August 8, 2008

I. INTRODUCTION

On May 27, 2008 and on June 10, 2008, the Portland Planning Board held two public hearings to consider an application from Charter Realty and Development Corp. to redevelop the Westgate Shopping Plaza located at 1354-1422 Congress Street. The proposal included subdivision of the site into three lots, the construction of a new TD Banknorth branch with drive-through, the addition of drive-thru service and a redesign of the parking, lighting and landscaping at an existing restaurant site (formerly a Friendly's) and corresponding site infrastructure, right of way, exterior lighting and landscaping improvements throughout the property as a whole. At the time of approval, the proposal for the restaurant site (referred to as Lot 3) was presented as a conceptual plan because a tenant had not yet been finalized. The Planning Board reviewed the application for conformance with the standards for Conditional Use in the B-2 zone, for Traffic Movement Permit (TMP), for Subdivision and for Site Plan. On May 27th, the Planning Board voted unanimously (5-0, Hall and Odokara absent) that the proposal was in conformance with the standards for conditional use and for Traffic Movement Permit (TMP) and approved two waiver requests. On June 10, 2008, the Planning Board voted to reconsider the parking layout for the Westgate Shopping Plaza, as approved on May 27, 2008. At that meeting, the Planning Board voted unanimously (6-0, Odokara absent) to approve the subdivision and site plan, as submitted by the applicant. Because the proposal for the restaurant was conceptual plan, the Planning Board included the following condition of approval:

Once a tenant for the restaurant has been identified, the applicant must submit final site plans and elevation drawings for the proposed development of Lot 3 for review and approval by the Planning Board prior to the issuance of a building permit. As part of the site plan review, the applicant shall submit information relating to Section 14-183 (a) (6) of the City Code demonstrating that the proposal for Lot 3 complies with zoning requirements, as determined by the City Zoning Administrator.



Images 1and 2- Existing vacant restaurant building on Lot 3

The applicant has confirmed that Tom Horton's proposes to occupy the space and has submitted a revised site plan and supplemental information for the Planning Board's review at this time. The applicant proposes revisions to the parking layout, circulation and landscaping that was included in the earlier conceptual plan. The Planning Authority determined that the revisions were significant enough in nature to warrant the applicant filing for a site plan amendment. Both the original concept plan and the revised site plan have been attached for the Planning Board's review (see Attachments 17-a and 17-b).

Notice of the public hearing was sent to 109 area property owners and was advertised in the Portland Press Herald and on the City website.

Representatives for the applicant include Appledore Engineering Inc, Maine Traffic Resources, and Doucet Survey, Inc.

II. FINDINGS:

Zone:	B-2 Business
Existing/ Proposed Use:	Restaurant/ Restaurant with drive-through
Required Minimum Lot Area:	10,000 s.f.
Total Lot Area:	22,092 s.f.
Maximum Allowable Lot Coverage:	80%
Proposed Lot Coverage:	78.9%
Required/Proposed Parking:	13 spaces required/ 17 spaces proposed.
Required/Proposed Bicycle Parking:	2 spaces required/ 9-bicycle ribbon rack proposed.
Proposed egress points	One 2-way and one exit-only drive interior to the Shopping Plaza Parking lot.
Proposed drive throughs:	Single-lane drive-through window along north wall of existing restaurant building.

III. PROPOSED DEVELOPMENT

The proposed redevelopment of the restaurant site includes the addition of a drive-through window along the north side of the existing building, construction of a drive-through queuing lane around the east side (rear) of the building, a redesign of the parking area and corresponding landscaping and lighting improvements.

IV. FINANCIAL CAPACITY

The applicant submitted a letter from Sovereign bank, dated April 14, 2008 with their original subdivision and site plan application as evidence of financial capacity ([Attachment 4](#)). The letter states that Sovereign Bank has provided financing to Charter Realty and Development Corporation for the acquisition and redevelopment of Westgate Plaza.

V. STAFF REVIEW

The proposal is subject to review according to the Site Plan Standards and applicable standards for Conditional Use in the B2 zone. Staff review includes the following subsections:

A. Zoning

B. Site Plan Review

A. Zoning:

The site is located in the B-2 Business zone. Restaurants are a permitted use pursuant to Section 14-182 so long as they close for all purposes, including the service of alcohol, no later than 11:00pm. According to Section 14-183(a) (4), drive-throughs are a permitted use subject to conditional use approval when they are proposed adjacent to a residential zone. The centerline of Congress Street, along the parcel's frontage, serves as the boundary of the R-5 Residential Zone. Marge Schmuckal, Zoning Administrator has reviewed the submitted plans and has determined that the proposal meets applicable dimensional requirements of the B-2 zone. Marge's review comments have been included as [Attachment 8-b](#). Marge also provided a written zoning determination for the Westgate Shopping Plaza as a whole on March 5, 2008, which addresses the conformity of the existing restaurant building ([Attachment 8-b](#))

The following chart compares the relevant dimensional requirements of the B-2 zone to the development proposal for Lot 3.

Standard	B-2 Requirements	Proposed Development
Min. Lot Size	10,000 s.f.	22,092 s.f.
Min. Street Frontage	50 ft	143 ft +/-
Min. Front Yard	None	37 ft
Min. Side Yard	None (10 ft if abutting residential zone)	Southerly side yard: 49 ft (abutting B-2 zone) Northerly side yard: 79 ft (abutting B-2 zone)
Min. Rear Yard	10 ft (20 ft if abutting residential zone or 1 st floor use)	18 ft (abutting B-2 zone)
Max. Allowable Lot Coverage	80%	78.9%
Max. Structure Height	45 ft	19 to 20 ft
Vehicle Parking	13 spaces	17 spaces provided (4 spaces allocated to overall parking for Westgate Plaza per reciprocal access agreement)

Vehicle Parking:

Section 14-332(i) requires one (1) parking space for every 150 s.f of floor area not used for bulk storage or food preparation. Based on the submitted floor plans (Attachment 20), there is 1,914 s.f of floor area not used for bulk storage or food preparation and the applicant is required to have a minimum of thirteen (13) parking spaces. The applicant proposed seventeen (17) spaces, with four (4) of the spaces being counted towards the parking requirement for Lot 1 of the shopping plaza per a reciprocal access agreement for shared parking between the three lots, as approved on May 27, 2008.

Conditional Use Requirements (Section 14-474):

The Conditional Use standards listed in Section 14-474 are listed below (in italics) and are followed by Planning staff analysis. 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:

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

The Planning Board may impose reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

The proposed Tim Horton's is the redevelopment of an existing restaurant building within an existing shopping plaza. The proposal includes a reconfiguration of the parking area to better define circulation patterns, the replacement of existing exterior lighting with new fixtures that meet City Technical and Design Standards and the addition of additional pervious surface with landscaping. The redevelopment will re-open the restaurant and restore the pattern of use for which the building and lot are designated. Since the original concept plans for the drive-through were presented to the Board, the proposal has been reconfigured so that drive-through features are placed predominantly to the rear and side of the

building. This configuration shields the majority of drive-through features from the public way by concentrating them to the rear or side of the building facing plaza property.

Conditional Use Requirements (Section 14-183):

Sec. 14-183 - *Conditional Uses* identifies drive-throughs in the B-2 or B-2b zones that are adjacent to any residential use or zone as being a permitted conditional business use if they meet specific requirements. “*The Planning Board shall be substituted for the Board of Appeals as the reviewing authority over conditional business uses*”. The property is adjacent to an R-5 residential zone.

Drive-throughs, where permitted, shall also specifically comply with the following conditions:

1. ***Location of Drive-throughs:*** *Features, such as windows, vacuum cleaners and menu/order boards, stacking lanes, must be placed, where practicable, to the side and rear of the principal building except where such placement will be detrimental to an adjacent residential zone or use, and shall be located no nearer than forty (40) feet from any residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to any property line. In addition, drive-through features shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.*

Proposed drive-through features, including the queuing lane, menu preview board, menu board with speaker and pick up window are oriented predominantly to the north side or rear of the building, interior to the shopping plaza. The stacking lane begins on the south side of the building and wraps around the rear (east) of the building. The drive-through lane terminates on the north side of the building and is forty (40) feet from the boundary of the residential zone along the Congress Street centerline and thirty-nine (39) feet from the northern property line. Marge Schmuckal has determined that the proposal meets the required setbacks for drive-through features (see [Attachment 8-b](#)). The proposal allows stacking for approximately eleven (11) vehicles based on the length of the proposed stacking lane. Tom Errico has reviewed the proposal and determined that this is adequate (see [Attachment 10](#)).

2. ***Noise:*** *Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.*

The applicant has submitted documentation from the speaker system manufacturer stating that, when set at 84 dB at one (1) foot from the speaker, the system would have a level not exceeding approximately sixty (60 dB) at the rear (easterly) property line, which is the property line closest to the proposed menu board with speaker (see [Attachment 7](#)). This property line is interior to the Westgate site and abuts the existing parking area for the shopping plaza. According to the applicant's submittals, the volume on the system is adjustable. At the May 27, 2008 Public Hearing the Planning Board voted on a condition of approval requiring post development monitoring of noise levels on a quarterly basis for the first year of operation. Based on the submitted prediction of decibel levels from the speaker manufacturer, the ability to adjust volume levels on the system, and the condition of approval requiring monitoring and the implementation of noise mitigation measures should the system exceed the requirements of Standard 14-187, Planning staff has determined that the applicant can adequately meet City standards. This will be verified through the requirement for monitoring.

- 3. **Lighting:** Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.*

The location of exterior site lighting has not changed since the June, 2008 site plan approval. Queuing vehicles will be directed to the east of the site (towards the Shaw's plaza) as they enter the stacking lane, to the north (towards T.D. Banknorth) as they navigate around the restaurant and to the west (towards Congress Street) and they approach the drive-through window. Glare from vehicles approaching the drive-through window could impact residences across Congress Street (see image). Proposed landscaping along the street line, including trees (European hornbeam), will provide a certain level of screening for existing residential properties across Congress Street. Jeff Tarling, City Arborist has reviewed the landscape plan and recommends, in addition to the above-mentioned landscaping, substituting the low-growing Russian cypress proposed along the west side of the queuing lane with a taller evergreen planting to provide additional screening.



Image 2- view from proposed location of drive-through window looking across Congress Street. The entrance alcove in the foreground will be removed as part of the proposal.

- 4. **Screening and Enclosure:** Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts;*

As discussed above, Jeff Tarling recommends adding more substantial evergreen landscaping at the location near the end of the queuing lane to protect properties across Congress Street from additional headlight glare.

- 5. **Pedestrian access:** Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.*

The proposed drive-through lane does not appear cross principal pedestrian access-ways. Pedestrian access from Congress Street to the restaurant site connects via a sidewalk leading to an ADA accessible ramp, terminating at a crosswalk to access the main entrance.

- 6. **Hours of Operation:** The Board, as part of its review, may take into consideration the impact hours of operation may have on adjoining uses.*

The restaurant hours are proposed as 5am to 11pm, seven (7) days a week. The proposed hours meet the requirements of Section 14-182. The proposed hours of operation do not appear to negatively impact neighboring uses, including the bank, shopping plaza, a law office and residences across Congress Street.

B. Site Plan Review:

The proposed development has been reviewed by Planning staff for conformance with the relevant review standards of Section 14-526- Site Plan:

1. Vehicular and Pedestrian Circulation:

The applicant proposes one 24 ft- wide two-way driveway and one 14 ft-wide exit only driveway for the restaurant site. Both driveways connect to the interior of the plaza site only. There are no driveways for Lot 3 connecting into the City right-of-way. The Planning Board approved the applicant's Traffic Movement Permit (TMP) application on May 27, 2008 with a condition of approval stating:

If the tenant of the proposed building on lot 3 changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project a submitted as part of this application, a revised traffic analysis will be required for review and approval by the City Transportation Engineer.

The applicant submitted a summary memorandum addressing the trip generation characteristics of the proposed Tim Horton's as compared to their original approved traffic analyses (Attachment 13). Tom Errico, Consulting Traffic Engineer to the City of Portland concurs with the applicant's assessment that the trip generation characteristics of the proposed Tim Horton's have been accounted for and that no further analysis is required (Attachment 10).

Vehicle Parking:

As discussed in Section V (A) of this report, the applicant has included 17 parking spaces, four (4) of which are allocated to the parking requirement for the shopping plaza as a whole (lots 1, 2 and 3), as approved on June 10, 2008. The design and configuration of the vehicle parking for the Tim Horton's proposal meets applicable City Technical and Design Standards.

Bicycle Parking:

According to Division 20 of the City Code- Off-Street Parking, the applicant is required to provide a total of 36 bicycle parking spaces for the Westgate Shopping Plaza site. The applicant is required to provide a minimum of two (2) bicycle parking spaces for the restaurant on Lot 3. Bicycle parking has been provided for seven (7) bicycles with a ribbon rack adjacent to the restaurant entrance to meet the requirement and to contribute to the overall requirement for the shopping plaza.

2. Bulk, Location and Height:

The applicant proposed to redevelop the existing restaurant building at the site. The 2,434 s.f structure is legally nonconforming as to front-yard setback (see written zoning interpretation- Attachment 8-a) and is approximately 19 ft tall. The bulk, location and height of the structure and the proposed use will not cause health or safety problems for existing uses in the neighborhood such as reduction of light and air, wind impact or snow loading on neighboring structures.

3. Utilities and Solid Waste:

The applicant has submitted a letter from Portland Water District (PWD) stating that they have adequate capacity to serve the development (see Attachment 5-b) and a letter from The Department of Public Services stating they have adequate capacity to capture and convey wastewater (Attachment 5-c).

A concrete dumpster pad with a six (6) ft +/- wooden stockade enclosure has been proposed at the southeastern corner of the lot. Solid waste shall be handled by a private contractor who will service the shopping plaza as a whole, as discussed in the May 27, 2008 Public Hearing Report for Westgate Shopping Plaza.

4. Landscaping and Preservation of Existing Vegetation:

The revised landscape plan includes five (5) trees with understory plantings (spiraea) along the Congress Street frontage. Species include red maple, Turkish filbert and European hornbeam. A row of fourteen (14) emerald green arborvitae is proposed along the southerly property line to buffer abutting properties from the parking area. There are landscaped islands proposed on both sides of the queuing lane. Jeff Tarling has submitted final comments stating that the proposal is acceptable (see Attachment 11). The existing site is largely void of vegetation and pervious surface, thus the proposal represents a significant improvement by adding trees and landscape plantings to internal traffic islands and parking areas. As previously discussed, if the Planning Board is concerned about the possible impact of glare from vehicles queuing at the drive-through window, he suggests substituting the proposed Russian Cypress on the westerly side of the queuing exit with a more substantial evergreen planting to reduce the potential on residences across Congress Street.

5. Stormwater Management and Erosion Control:

The applicant submitted a letter, dated July 11, 2008, which states that the revised proposal for lot 3 includes slight modifications to the drainage plan approved on June 10, 2008. Modifications include re-alignment of the four (4) previously proposed catch basins to coincide with the revised curbing and the addition of a fifth catch basin in the drive-through lane (see revised drainage plan- Attachment 17-d). The proposal will result in an overall decrease in impervious surface, resulting in decreased in stormwater runoff. Dan Goyette, Consulting Engineer has reviewed the site plan revisions (Attachment 12). The applicant is required to install a grease trap. The grease trap location, specifications and related sewer utility connection details should be shown on the site plan. Planning staff recommends a condition of approval stating:

The applicant shall revise the final site plans to include a grease trap, including adequate information concerning location, specifications and related sewer utility connection details. This plan shall be reviewed and approved by the Department of Public Services prior to the issuance of a building permit.

6. Exterior Lighting:

The proposed exterior light poles on Lot 3 meet City Technical and Design Standards and were approved at the June 10, 2008 Public Hearing. In addition to the approved light poles, the applicant proposes three (3) wall-mounted aluminum fixtures mounted at eight (8) ft height along the front (east) wall of the building. The 38 watt fixtures are full-cutoff with recessed lenses and a matte aluminum finish. The applicant has submitted a lighting plan and catalogue cuts for these proposed fixtures (Attachments 16 and 21).

7. Fire Safety:

Captain Greg Cass of the Portland Fire Department reviewed and approved the applicant's fire department safety checklist as part of the review and approval for the overall Westgate Shopping Plaza Subdivision and Site Plan proposal. He has reviewed the revised site plan for Lot 3 and approved the plan revisions on August 7, 2008 (Attachment 9).

8. Design:

Section 14-526 contains design standards for development in the B-2 zone. These standards address building design and orientation, building scale, façade character, window placement, building materials, and landscaping. The applicant has submitted elevation drawings, door and window schedules, a sign package and a letter addressing the proposed architectural details for the building (Attachments 15, 19, and 22). The applicant proposes to renovate the existing building and proposes minimal changes to the existing façade materials and colors. Submitted elevations show the brick and trim finishes being

repaired and repainted to match the existing colors in the field. The proposal includes maintaining a 9ft x 11 ft +/- window with clear glazing along the Congress Street side building has two transparent windows along the south wall. Because the applicant is renovating the existing building, it is not required to be located along the urban street wall, however the applicant has proposed landscaping along the street line, along with pedestrian access from the Congress Street right-of way to provide buffering, definition, improved access and visual interest. The proposal includes increase landscaping along all facades visible from the public way to provide buffering the parking area. The applicant proposes to remove the existing entrance alcove along the side of the building to accommodate the revised layout of the parking area and drive-through lane. The re-designed entrance and vestibule are proposed facing Congress Street and continue to be a prominent feature along the Congress Street frontage.

VI. STAFF RECOMMENDATION

Staff recommends that the Planning Board approve the amendments to the conditional use and site plan approval for the proposed Tim Horton's restaurant on Lot 3 of the Westgate Shopping Plaza.

VII. MOTIONS FOR THE BOARD TO CONSIDER

I. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 46-08, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for a drive-through adjacent to a residential use or zone **does / does not** meet the standards of Section 14-474 and the standards of Section 14-183 for the B-2 zone, subject to the following conditions:

1. SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 46-08, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is / is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

1. *The applicant shall revise the final site plans to include a grease trap, including adequate information concerning location, specifications and related sewer utility connection details. This plan shall be reviewed and approved by the Department of Public Services prior to the issuance of a building permit.*
2. *The applicant shall revise the final landscaping plan to include additional treatment on the north side of the building to prevent headlight glare from impacting adjacent residential properties. The revised landscaping shall be reviewed and approved by the Portland City Arborist prior to the issuance of a building permit.*

ATTACHMENTS:

1. Application materials- July 23, 2008
2. Written Statement in support of application- July 2, 2008
3. Quitclaim Deed – March 5, 2008
4. Evidence of financial capacity: Letter from Sovereign Bank – April 14, 2008
5. Water and Sewer capacity:
 - a) Memorandum from Appledore Engineering, March 5, 2008
 - b) Water – April 28, 2008

- c) Sewer – May 28, 2008
- 6. Letters from Applicant:
 - a) Applicant response letter to Planning staff comments – July 25, 2008
 - b) Applicant response letter to Planning staff– August 5, 2008
- 7. Memorandum from HME re: drive-through sound levels
- 8. Zoning Review: Marge Schmuckal, Zoning Administrator
 - a) Written zoning determination for existing conditions - March 5, 2008
 - b) Memorandum from Marge Schmuckal –August 7, 2008
- 9. Memorandum of approval from Captain Greg Cass, Portland Fire Department- August 7, 2008
- 10. Memorandum from Tom Errico, Consulting Traffic Engineer to the Department of Public Services – August 6, 2008
- 11. Memorandum from Jeff Tarling, City Arborist – August 4, 2008
- 12. Memorandum from Dan Goyette, Consulting Engineer to the Department of Public Services – March 26, 2008
- 13. Summary memorandum from Maine Traffic Resources re: Trip Generation for Tim Horton's- July 10, 2008
- 14. Cover letter re: revised drainage system for Tim Horton's from Appledore Engineering – July 11, 2008
- 15. Sign package from Custom Sign Center, Inc – August 8, 2008
- 16. Catalogue cuts for proposed wall cylinder lights
- 17. Submitted subdivision and site plans
 - a) Overall site plan as approved on June 10, 2008
 - b) Revised Overall Site plan showing revised configuration for Lot 3
 - c) Site plan showing Lot 3 only
 - d) Grading, Drainage and Erosion Control Plan
 - i) Original concept plan as approved on June 10, 2008
 - ii) Revised plan for new parking lot configuration
 - e) Landscape Plan
 - f) Corresponding Notes and Detail Sheets
- 18. Garbage truck access plan
- 19. Exterior elevations
- 20. Floor Plan
- 21. Lighting Plan
- 22. Door and window schedules

Memorandum
Department of Planning and Development
Planning Division



To: Chair Tevanian and Members of the Portland Planning Board

From: Molly Casto, Planning Division

Date: August 12, 2008

Re: Tim Horton's Restaurant. Westgate Shopping Center
Conditions of approval

The applicant has submitted a revised landscape plan (dated August 8, 2008) and a detail drawing for a proposed 1000 gallon grease trap (dated August 7, 2008) in order to address the two proposed conditions of approval listed in the Planning Board Report.

Jeff Tarling has reviewed the revised landscape plan and approves of the substitution of hicks upright yew for Russian cypress in order to screen headlight glare from vehicles accessing the drive-through window on the north side of the building from residences across Congress Street.

Steven Harris, Assistant Engineer has reviewed and approved the proposed grease trap as shown on the submitted detail drawing.

Thus, the two proposed conditions of approval have been adequately addressed by the applicant.

Attachments:

Revised Landscape Plan- dated August 8, 2008

Details of proposed grease trap – dated August 7, 2008

PLANTING SCHEDULE:

TREES:

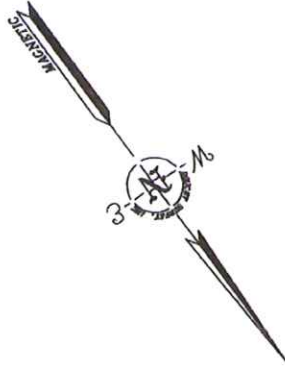
CODE	BOTANICAL NAME	COMMON NAME	SIZE
AR	ACER RUBRUM 'RED SUNSET'	RED SUNSET RED MAPLE	2 1/2 - 3" CALIPER
CC	CORYLUS COLORATA	SKYLINE FILBERT	2 1/2 - 3" CALIPER
GT	GLEDITSIA TRIACANTHOS 'SKYLINE'	SKYLINE HONEYLOCUST	2 - 2 1/2" CALIPER
MS	MALUS 'SPRING SNOW'	SPRING SNOW CRABAPPLE	2 - 2 1/2" CALIPER
CB	CARPINUS BETULUS 'FASTIGIATA'	PYRAMIDAL EUROPEAN HORNBEECH	7 - 8' HT
AC	AMALANCHIER CANADENSIS	SHADBLOW SERVICE BERRY	6 - 7' HT
TO	THUJA OCCIDENTALIS 'SMARAGO'	EMERALD GREEN ARBORVITAE	6 - 7' HT

SHRUBS:

CODE	BOTANICAL NAME	COMMON NAME	SIZE
SM	SYRINGA MEYERI 'PALUBIN'	DWARF KOREAN LILAC	2 1/2 - 3' HT
RH	RHODODENDRON HAAGA	HAAGA RHODODENDRON	2 - 2 1/2' HT
RP-IM	RHODODENDRON 'PJM'	PJM RHODODENDRON	2 - 2 1/2' HT
TM	TAXUS MEDIA 'TAUNTONI'	TAUNTON YEW	2 - 2 1/2' HT
TH	TAXUS MEDIA 'HICKSII'	HICKS UPRIGHT YEW	3 - 3 1/2' HT
JPC	JUNIPERUS CHINENSIS PRITZERIANA 'COMPACTA'	COMPACT PRITZER JUNIPER	18 - 24" SPREAD
SU	SPHREA JAPONICA 'MAGIC CARPET'	MAGIC CARPET SPIREA	18 - 24" HT

GROUND COVER & PERENNIALS:

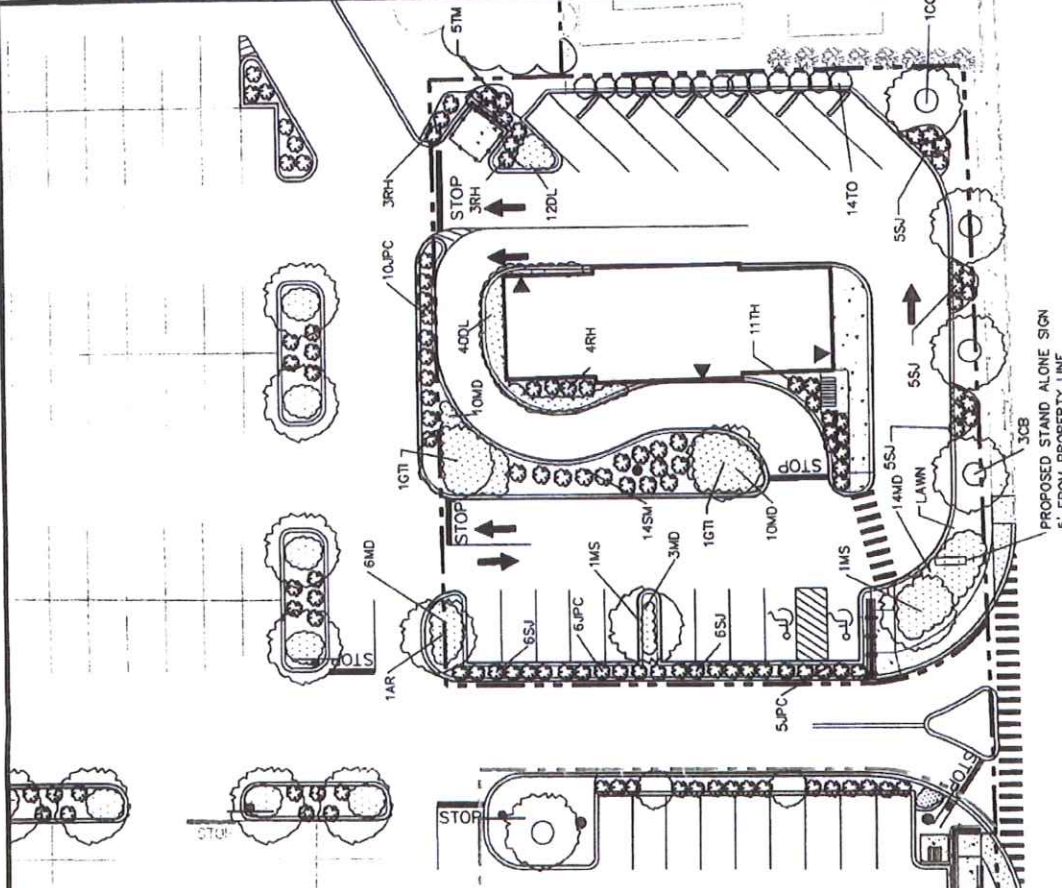
CODE	BOTANICAL NAME	COMMON NAME	SIZE
MD	MICROBIOTA DECUSSATA	RUSSIAN CYPRESS	#3
PV	PANICUM VIRGATUM SHENANDOAH	SHENANDOAH SWITCH GRASS	#2
DL	HEMEROCALLIS 'STELLA DORO'	STELLA DORO DATILY	#1



GRAPHIC SCALE



(IN FEET)



REVISED LANDSCAPE PLAN

PROPOSED RESTAURANT CONGRESS ST. PORTLAND, ME

APPLEDORE ENGINEERING
177 CORPORATE DRIVE
PORTSMOUTH, NEW HAMPSHIRE 03901
(603) 433-8818
a@appledoreng.com

DATE: JULY 11, 2008
SCALE: AS SHOWN
DESIGNED BY: BT/BLM
DRAWN BY: SAM
APPROVED BY: BLM
PROJECT NO.: 2256
FILE NO.: 2256-SITE-REV1.dwg

REVISIONS		
No.	Appd	Date
1.	BLM	8/8/08

APPLEDORF ENGINEERING INC.
 177 CORPORATE DRIVE
 PORTSMOUTH, NEW HAMPSHIRE 03801
 (603) 433-8818
 bel@appledorfeng.com

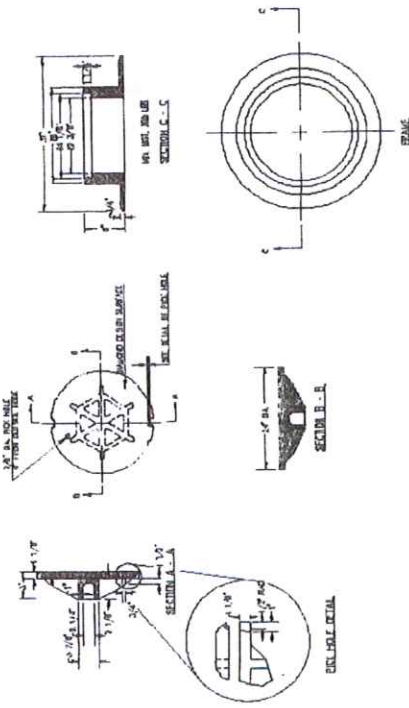
PROPOSED RESTAURANT CONGRESS ST. PORTLAND, ME

DATE: AUGUST 7, 2008
 SCALE: AS SHOWN
 DESIGNED BY: GY/BLM
 DRAWN BY: BLM
 APPROVED BY: BLM
 PROJECT NO: 2256
 FILE NO: 2256-SITE-RESTAUR

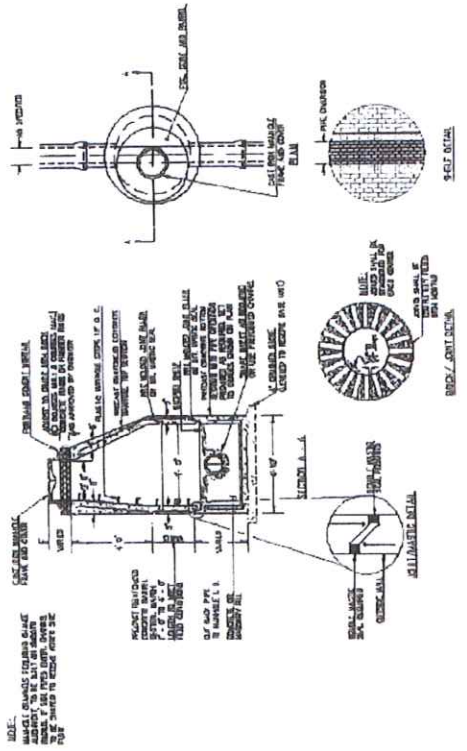
REVISIONS	
No.	Date

DETAILS

TYPE "A" MANHOLE COVER AND FRAME
 NOT TO SCALE

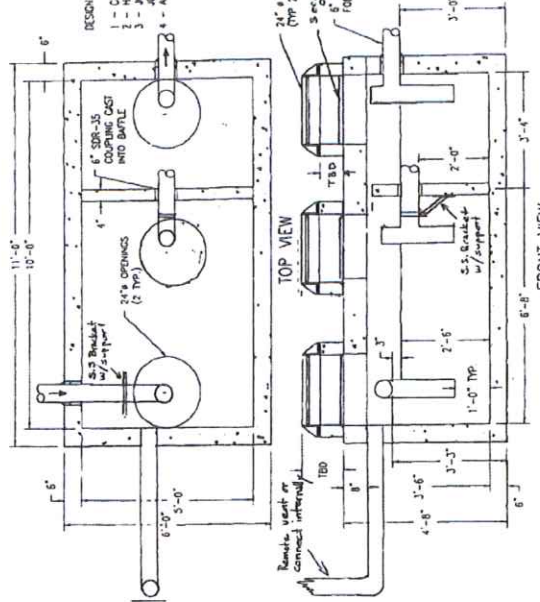


PRECAST CONCRETE MANHOLE TYPE "A"
 NOT TO SCALE



NOTE:
 PRECAST MANHOLE TYPE "A" SHALL BE CAST IN PLACE CONCRETE WITH ALL DIMENSIONS AS SHOWN. THE COVER SHALL BE CAST IN PLACE CONCRETE WITH ALL DIMENSIONS AS SHOWN.

- DESIGN NOTES:**
- 1 - CONCRETE 5000 PSI AT 28 DAYS
 - 2 - H-20 LOADING
 - 3 - JOINTS SEALED WITH BUTYL RUBBER
 - 4 - JOINT SEALANT, ASTO M-19
 - 5 - ALL TIES/BARRELS PROVIDED BY PRECAST



24" x 24" FRAME & GREASE TRAP COVER (TP 2)
 Secondary piping (w/tee) for 8" SDP-35 PIPE WITH 8" HOLE FOR 88 BOOTS (TP 2)

This structure must discharge to City of Portland Standard Manhole w/ Cleanout/Sampling M/H

1000 GALLON GREASE TRAP
 NOT TO SCALE

CITY OF PORTLAND, MAINE
PLANNING BOARD

Michael Patterson, Chair
Janice E. Tevanian, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry III
Shalom Odokara
David Silk

June 24, 2008

Karen Johnson
Charter Realty and Development Corporation
800 Westchester Avenue
Suite S-632
Rye Brook, NY 10573

RE: Westgate Shopping Plaza
Application # 2008-0027
Chart: 191-B-19

Dear Karen:

On May 27, 2008 and June 10, 2008, the Portland Planning Board considered the submitted application for Westgate Shopping Plaza. The Planning Board reviewed the proposal for conformance with the standards for Conditional Use in the B-2 zone, standards and requirements for Traffic Movement Permit, and the standards of the Subdivision Ordinance and the Site Plan Ordinance. The Planning Board voted to approve the application with the following motions, waivers and conditions as presented below.

I. May 27, 2008 Public Hearing:

On May 27, 2008 the Portland Planning Board voted on the following motions concerning the proposed redevelopment of the Westgate Shopping Plaza:

A. CONDITIONAL USE

The Planning Board voted unanimously (5-0. Hall and Odokara absent) that the proposed conditional use for a drive-through adjacent to a residential use or zone meets the standards of Section 14-474 and the standards of Section 14-182 for the B2-b zone, subject to the following conditions:

- 1. Once a tenant for the restaurant has been identified, the applicant must submit final site plans and elevation drawings for the proposed development of Lot 3 for review and approval by the Planning Board prior to the issuance of a building permit. As part of the site plan review, the applicant shall submit information relating to Section 14-183 (a) (6) of the City Code demonstrating that the proposal for Lot 3 complies with zoning requirements, as determined by the City Zoning Administrator.*
- 2. The applicant shall address, to the satisfaction of the City Transportation Engineer, the location of crosswalks on Lot 3 as well as the any warning signage for lot 3 alerting vehicles to the presence of pedestrian crosswalks. In addition, if the tenant of the building causes*

"peak hour" traffic volumes to be greater than those included in the traffic analyses conducted for the project as submitted in connection with this application, a revised traffic analysis will be required for review and approval by the City Traffic Engineer (or if already before the Planning Board for site plan approval, then the Planning Board) prior to the issuance of a building permit.

3. *Once a tenant has been finalized for the proposed building on lot 3, the applicant shall submit sign details for the proposed use for review and approval by the Planning Authority prior to the issuance of a building permit.*
4. *A pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit. Post-development noise levels shall also be taken and submitted quarterly for the first year of operation to the Planning Authority. If it is determined that noise levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.*

B. WAIVERS

The Portland Planning Board voted unanimously (5-0, Hall and Odokara absent) to grant the following waiver from subdivision standards:

1. *A waiver from the requirements of Section 14-499 (h) that all utilities be placed underground for Lot 1.*

The Portland Planning Board voted unanimously (5-0, Hall and Odokara absent) to grant the following waiver from site plan standards:

2. *A partial waiver from the requirements of Section 14-526 (a) (9) requiring that exterior lighting comply with the applicable specifications of the City of Portland Technical and Design standards, as proposed for lot 1.*

C. TRAFFIC MOVEMENT PERMIT

The Portland Planning Board voted unanimously (5-0, Hall and Odokara absent) that the plan is in conformance with the standards for a Traffic Movement Permit, subject to the following conditions of approval:

1. *If the tenant of the proposed building on lot 3 changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project a submitted as part of this application, a revised traffic analysis will be required for review and approval by the City Transportation Engineer.*

II. June 10, 2008 Motion to Reconsider:

On June 10, 2008, the Planning Board voted to reconsider the parking layout for the Westgate Shopping Plaza, approved on May 27, 2008. On June 10, 2008, the Planning Board voted on the following motions as presented below.

A. SUBDIVISION

The Portland Planning Board voted unanimously (6-0, Odokara absent) that the subdivision plan, entitled Westgate Shopping Plaza, is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. *The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929 and to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This shall be confirmed by The Department of Public Services prior to the issuance of a building permit.*
2. *The applicant shall revise the site plan so as to include a continuous travel lane from the Stevens Avenue/Congress Street entrance to the front of retail 'A' of the main shopping plaza. The applicant shall submit final site plans showing the revised travel lane for review and approval by the City Transportation Engineer prior to the issuance of a building permit. The applicant shall also widen the proposed traffic islands in front of retail 'A', the width of which shall be determined by the City Transportation Engineer. The need to include an additional traffic island or additional demarcation in this location shall be determined by the City Transportation Engineer. Nine (9) parking spaces shall be relocated to the rear of the plaza, as shown on Alternative Schematic (2), submitted to the Planning Board on June 10, 2008.*

B. SITE PLAN

The Planning Board voted unanimously (6-0. Odokara absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. *The applicant shall provide easement language for the proposed bus turnout and sidewalk based on as-built condition for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy.*
2. *The applicant shall provide a license to the City of Portland to allow municipal vehicles to turn around at the end of Westland Street for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy.*
3. *The applicant shall provide a pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system be submitted for review and approval by Planning staff prior to the issuance of a building permit. After construction, post-development noise levels shall be submitted to the Planning Authority for review. If it is determined that the levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.*
4. *The applicant shall provide evidence of adequate sewer capacity prior to the issuance of a building permit.*
5. *The applicant shall submit a photometric plan meeting the requirements of the City of Portland Technical and Design Standards, with respect to the rear of the building so as to demonstrate that no unnecessary light, as defined by City Standards, is being passed onto the abutting residential properties. This shall be reviewed and approved by the Planning Authority prior to the issuance of a building permit.*
6. *The applicant shall submit an updated landscaping plan for the rear portion of the property that abuts residential lots that provides continuous buffering along the property line between lot 1 and abutting residential properties for the Planning Authority's review and approval prior to the issuance of a building permit.*

7. *The applicant shall revise the site plan so as to include a continuous travel lane from the Stevens Avenue/Congress Street entrance to the front of retail 'A' of the main shopping plaza. The applicant shall submit final site plans showing the revised travel lane for review and approval by the City Transportation Engineer prior to the issuance of a building permit. The applicant shall also widen the proposed traffic islands in front of retail 'A', the width of which shall be determined by the City Transportation Engineer. The need to include an additional traffic island or additional demarcation in this location shall be determined based on review by the City Transportation Engineer. Nine (9) parking spaces shall be relocated to the rear of the plaza, as shown on Alternative Schematic (2), submitted to the Planning Board on June 10, 2008.*

Please note the following provisions and requirements for all site plan approvals:

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, Phil DiPierro - Development Review Coordinator, Public Work's representatives and the property owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. He can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Molly Casto, Planner at (207) 874-8901.

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

cc: Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Molly Casto, Planner
Phil DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Director of Inspections
Inspections Division
Michael Bobinsky, Public Works Director
Mike Farmer, Project Engineer
Jim Carmody, City Transportation Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention. Fire Department
Assessor's Office
Approval Letter File

Attachments: Planning Board Report #26-08
Revised Recommended Motions for Planning Board Report #26-08
Planning Board Memorandum re: June 10, 2008 Reconsideration

WESTGATE SHOPPING PLAZA
1354-1422 CONGRESS STREET

SITE PLAN, SUBDIVISION AND CONDITIONAL USE REVIEW
CHARTER REALTY AND DEVELOPMENT CORP, APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine
May 27, 2008 Public Hearing

Prepared by:

Molly Casto, Planner
May 23, 2008

I. INTRODUCTION

Charter Realty and Development Corporation has requested site plan review and approval for their proposal to renovate the Westgate Shopping Center at 1354-1422 Congress Street, located on the south side of the intersection of Stevens Avenue and Congress Street. The 11.4 +/- acre site consists of a main retail plaza with a Shaw's supermarket and nine retail spaces, a free-standing Bank of America branch with drive-through and a freestanding vacant restaurant building (formerly a Friendly's). The applicant proposes to construct a new TD Banknorth branch with drive-through, to add drive-thru service to the existing restaurant, to redesign the restaurant parking area, to update the façade of the main shopping plaza (administratively reviewed and approved by the Planning Division in April, 2008- see Attached approval letter, Attachment 10) and to make corresponding site infrastructure, right of way, exterior lighting and landscaping improvements. The project is to be reviewed by the Planning Board according to the standards for Subdivision, Major Site Plan, and Conditional Use (drive-through services adjacent to a residential zone).



Site Location Map

Notice of the public hearing was sent to 109 area property owners and was advertised in the Portland Press Herald and on the City website.

Representatives for the applicant include Appledore Engineering Inc, Doucet Survey, Inc, and Harriman Architects.

II. FINDINGS:

Total Land area:	11.4 +/- acres (496,584 s.f.)
Zone:	B-2 Business
Existing/ Proposed Use:	Neighborhood shopping center
Required Minimum Lot Area:	10,000 s.f.
Proposed Lot Area (Lot 1):	454,860 s.f.
Proposed Lot Area (Lot 2):	19,246 s.f.
Proposed Lot Area (Lot 3):	22,092 s.f.
Existing floor area of all uses:	89,520 s.f.
Proposed floor area of all uses:	91,600 s.f.
Maximum Allowable Lot Coverage:	80%
Prop. Lot coverage (Lot 1):	79.5%
Prop. Lot coverage (Lot 2):	77.5%
Prop. Lot coverage (Lot 3):	71.0%
Required/Proposed parking:	414 spaces required/ 416 spaces proposed (site total).
Required/Proposed Bicycle Parking:	36 spaces required/ 37 spaces proposed.
Existing egress points	Right out only onto Congress Street. 4-lane full movement onto Congress Street at Stevens Avenue.

Proposed egress points:	2-lane full movement onto Congress St at Bank of America. Right in/right out only onto Congress at restaurant. Right out only onto Congress.
Proposed drive throughs:	4-lane full movement onto Congress at Stevens Avenue. Right in/right out only onto Congress at restaurant. Single-lane drive-through window along south wall of existing restaurant building. Double drive-through window and ATM along east wall of proposed T.D. Banknorth branch building.

III. PROPOSED DEVELOPMENT

The proposed redevelopment includes façade updates to the main Shaw's plaza (approved in April, 2008- see Attachment 25), infrastructure and landscaping improvements to the site as a whole, the construction of a new TD Banknorth branch building with two drive-through windows along Congress Street, the addition of a drive-through window to the Friendly's building and a corresponding redesign of the Friendly's parking area. One existing curb cut will be closed. The total proposed floor area of all uses on the site is 91,600 s.f., which includes the 85,032 Shaw's plaza (including supermarket, maintenance and retail spaces), the 1,440 s.f. Bank of America building, the 2,474 s.f. restaurant and the proposed 3,000 s.f. TD Banknorth.

IV. FINANCIAL AND TECHNICAL CAPACITY

The applicant submitted a letter from Sovereign bank, dated April 14, 2008 as evidence of financial capacity (Attachment 4). The letter states that Sovereign Bank has provided financing to Charter Realty and Development Corporation for the acquisition and redevelopment of Westgate Plaza.

The applicant has submitted their Shopping Center Portfolio (Attachment 4) which describes shopping facilities acquired and developed by the applicant. According to this, the applicant has acquired and/or redeveloped 86 shopping centers to date, seven of which are located in the state of Maine.

V. STAFF REVIEW

The proposed development is subject to review under the City's Subdivision and Site Plan Ordinances. In addition, the proposal shall be reviewed under the applicable standards for Conditional Use in the B2-b zone. Staff review includes the following subsections:

- a. Zoning
- b. Right Title and Interest
- c. Neighborhood Meeting
- d. Subdivision and Site Plan Review

A. Zoning:

The site is located in the B-2 Business zone. All existing and proposed uses for the property are permitted uses in the B-2 zone pursuant to Section 14-182 of the City Code. Marge Schmuckal submitted review memorandums (see Attachment 11) confirming that the proposal meets applicable dimensional requirements of the B-2 zone. Drive-throughs which are adjacent to a residential zone are permitted as a conditional use according to Section 14-183, subject to conditional use standards. At the applicant's request, Marge Schmuckal also issued a written zoning determination concerning the existing conditions of the property on March 5, 2008 (Attachment 11). Currently the property is legally nonconforming as to front yard setbacks, front yard parking and impervious surface coverage. The current number of parking spaces conforms to the parking requirements as listed in Division 20. The applicant proposes to increase the overall amount of landscaped area to approximately .33 acres total, to bring the site into conformance with maximum impervious surface requirements for the B-2 Zone.

The following chart compares the relevant dimensional requirements of the B-2 zone to the development proposal. This has been updated since the previous workshop memorandums to reflect updates to the proposal:

Standard	B-2 Requirements	Proposed Development
Min. Lot Size	10,000 s.f.	Lot 1: 454, 860 s.f. Lot 2: 19,246 s.f. Lot 3: 22,092 s.f.
Min. Street Frontage	50 ft	Lot 1: 512 ft +/- Lot 2: 129 ft +/- Lot 3: 143 ft +/-
Min. Front Yard	None	Lot 1: 27 ft (Bank of America) Lot 2: 10 ft +/- Lot 3: 37 ft +/-
Min. Side Yard	None (10 ft if abutting residential zone)	Lot 1: 24 ft +/- (abutting res.) Lot 2: 7 ft +/- Lot 3: 49 ft +/-
Min. Rear Yard	10 ft (20 ft if abutting residential zone or 1 st floor use)	Lot 1: 100 ft +/- (abutting res.) Lot 2: 74 ft +/- Lot 3: 10 ft +/-
Max. Allowable Lot Coverage	80%	Lot 1: 79.5% Lot 2: 77.5% Lot 3: 71.0%
Max. Structure Height	45 ft (65 ft on sites greater than 5 acres)	All existing buildings are single story and less than 45 ft in height. Lot 2: new single story construction = between 17 and 27 ft high.
Parking	Lot 1: 383 spaces Lot 2: 15 spaces Lot 3: 16 spaces Total: 414 spaces	Lot 1: 377 spaces Lot 2: 19 spaces Lot 3: 20 spaces Total: 416 spaces

Parking:

The parking calculations provided for lot 1 incorporate Section 14-332(h) which permits a deduction of one (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2,000) square feet not used for bulk storage. Shared parking between the three lots has been built-into the applicant's parking calculations for lot 1. A draft reciprocal access agreement addressing shared parking has been submitted for review (Attachment 8).

Conditional Use Requirements (Section 14-183):

Sec. 14-183 - *Conditional Uses* identifies drive-throughs in the B-2 or B-2b zones which are adjacent to any residential use or zone as being a permitted conditional business use if they meet the following requirements, and "the Planning Board shall be substituted for the Board of Appeals as the reviewing authority over conditional business uses". The applicant proposes a double drive-through (bank teller and ATM) on lot 2 and a single restaurant drive-through on lot 3.

The requirements taken from the Ordinance 14-183 are in italics below, together with a staff analysis of the proposal. The applicant has submitted their own analysis of the proposal in terms of Section 14-183-Conditional Uses. The applicant's document, entitled *Statement of Consistency with Review Criteria and Standards Outlines in the City of Portland Zoning Ordinance*, has been submitted under separate cover to the Board on May 23, 2008. The Planning Staff review is as follows:

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 or goods available on the premises.

The submitted elevation drawings for TD Banknorth show building-mounted signage. Proposed directional signage has been shown for the entire shopping center on the submitted site plan (Attachment 26- Sheet C-3A) with a corresponding sign legend on Sheet C-9. A tenant has not yet been disclosed for the restaurant (lot 3). Once this information is submitted, the applicant will be required to submit details for any signage to the Inspections Division for approval in order to obtain a sign permit. The signs proposed to date meet the conditional use criteria, subject to the condition that the restaurant signage and revisions shall be submitted to the Planning Authority for review and approval.

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 proposed ingress and egress driveways for TD Banknorth and the restaurant (lots 2 and 3) are interior to the site. The three existing curb cuts off Congress Street to be maintained as part of the proposed development are all well over one hundred (100 feet) from the nearest intersections, which would be the intersection of Congress and Lassell Street to the northeast and Congress and Westland Street to the southwest. The proposal meets the conditional use criteria.

Drive-throughs, where permitted, shall also specifically comply with the following conditions:

1. **Location of Drive-throughs:** *Features, such as windows, vacuum cleaners and menu/order boards, stacking lanes, must be placed, where practicable, to the side and rear of the principal building except where such placement will be detrimental to an adjacent residential zone or use, and shall be located no nearer than forty (40) feet from any residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to any property line. In addition, drive-through features shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.*

Proposed drive-through features for TD Banknorth are oriented to the rear (west) of the building. The west wall of the building, were a drive-through window is proposed, is 97 ft +/- from the centerline of Congress Street which serves as the boundary for the R-5 zone. The proposed drive-through features at the restaurant are being reviewed as conceptual plans because a tenant has not yet been disclosed for that space. Based on the submitted materials, the proposed restaurant drive-through is oriented to the side of the building. The outer edge of the proposed drive-through stacking lane along the west side of the building (closest to Congress St) is 40 ft from the street center line.

The applicant submitted individual site plan schematics detailing the drive-through at each location (Attachments 20 and 24). The TD Banknorth plan shows adequate stacking for four cars and three cars, respectively at each window. The restaurant plan lists applicable dimensional requirements and shows adequate stacking for two vehicles at the menu board location and three vehicles at the drive-thru window. The submitted conceptual plan has been reviewed by Marge Schmuckal and, as proposed, meets the requirements of Section 14-183 (6) (a). Planning staff suggests a condition of approval stating that, *once the tenant for the restaurant has been finalized, the applicant must submit final plans, elevation drawings for review and approval by the Planning Division prior to the issuance of a building permit. If the tenant of the building changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project, a revised traffic analysis will be required for review and approval by the City Traffic Engineer prior to the issuance of a building permit.*

At the first workshop, Board members asked to review documentation of the legal use of the abutting parcel to the south of proposed lot 3 (restaurant). This documentation, a City-issued permit dated November 24, 1986 granting a change of use from residential to office, has been included as Attachment 16. Section 14-183 above states that the 40 foot setback is required from abutting residential zones. The abutting property is within a B-2 Business zone.

2. *Noise: Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.*

A tenant has not yet been disclosed for the restaurant though the drive-through. It is anticipated, however, that the drive-through will include an intercom and speaker system. A condition of approval is suggested that *a pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system be submitted for review and approval by Planning staff prior to the issuance of a building permit. Post-development noise levels shall also be submitted to the Planning Authority and if it is determined that the levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.*

3. *Lighting: Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.*

The orientation of the TD Banknorth drive-through will direct vehicular light sources towards the existing Bank of America to the northeast and into the site. The proposed restaurant drive through will direct glare from queuing vehicles primarily to the west of the site (towards the Shaw's plaza). Vehicles driving around the front of the restaurant will be oriented towards a neighboring business as they access the drive-through. A landscaped buffer has been proposed to diminish headlight glare in this location.

4. *Screening and Enclosure: Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts; and*

The applicant proposes to incorporate a 90 ft long row of 6-7' high evergreen landscaping and 3 Turkish filbert trees along the southerly property line of the restaurant lot to provide screening for a neighboring business. There are no residential uses adjacent to the TD Banknorth or restaurant drive-through services.

5. *Pedestrian access: Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.*

None of the proposed drive-through lanes on either lot appear to conflict with principal pedestrian access-ways. Pedestrian access from Congress Street to the TD Banknorth site connects via an ADA accessible ramp and sidewalks. Pedestrian access from Congress Street to the restaurant site connects via an ADA accessible ramp leading to a crosswalk. This does create a scenario where traffic crosses a

principal pedestrian access. *Planning staff recommends a condition of approval that the applicant installs appropriate warning signage and/or shifts this crosswalk to the east.*

6. **Hours of Operation:** *The Board, as part of its review, may take into consideration the impact hours of operation may have on adjoining uses.*

The applicant has provided hours of operation for both the TD Banknorth branch and the restaurant in their letter dated April 30, 2008 ([Attachment 6](#)) and in their *Statement of Consistency with Review Criteria and Standards*, submitted to the Board under separate cover on 5/22/2008. Bank branch hours vary from 8am to between 1 and 8pm depending on the day. The drive up teller opens at 7:30am and maintains the same closing hours. It is assumed that the drive-up ATM is available 24 hours a day. The restaurant hours are proposed as 5am to 11pm.

B. Right, Title and Interest:

The applicant submitted a Quitclaim deed between Shaw's Realty Company as grantor and Charter Westgate, LLC as grantee for the property as evidence of right, title or interest (see [Attachment 3](#)).

C. Neighborhood Meeting:

The applicant hosted a neighborhood meeting at the Italian Heritage Center located at 40 Westland Avenue on May 8th. Documentation of this meeting has been included as [Attachment 7](#).

D. Subdivision and Site Plan Review:

The proposed development has been reviewed by Planning staff for conformance with the relevant review standards of Section 14-497- Subdivision and Section 14-526- Site Plan. Staff comments are highlighted in this report.

The applicant proposes to reconfigure the existing four (4) lots at the site into a three (3) lot subdivision. According to Section 14-493 of the City Code of Ordinances - Definitions, a subdivision is defined as:

... The division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure, which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

The subdivision plat is included as Sheets 1 and 2 of 4- [Attachment 26](#). Any conditions of approval that the Planning Board places on the subdivision must be shown on the final plat. The plan has been reviewed according to the applicable standards of Section 14-4970 General Requirements of the Subdivision Ordinance.

a) Water and Air Pollution

The project will not result in undue water or air pollution. The site is not within a flood plain and the project will be served by public water and public sewers.

b) Groundwater

This proposed development will be served by public water and sewer, thus it will not pose an adverse risk to groundwater quality or quantity.

c) Flood Hazard/Shoreland

The proposed development is located within Flood Zone C, according to FEMA maps, which is not a high risk zone, thus the proposal meets Floodplain standards. The parcel does not lie within a Shoreland Zone.

d) Wetlands

The applicant submitted a wetland delineation conducted by Gove Environmental Services on August 21, 2007 (see Attachment 17). One wetland has been identified on the submitted plans and is approximately 5,000 s.f. in total area. The applicant does not propose to fill or disturb the wetland as part of their proposal.

e) Utilities and Solid Waste

The project has sufficient water available and will not cause an unreasonable burden on the existing water supply. The applicant has submitted a letter from Portland Water District (PWD) dated April 28, 2008 stating that they have adequate capacity to serve the development (see Attachment 5). A letter of sewer capacity from Portland Public Works is pending.

According to the applicant's written statement, the TD Banknorth will generate typical office waste to be removed by a private contractor. A dumpster pad with enclosure is proposed for the restaurant site. A concrete dumpster pad on the restaurant site has been proposed at the southeastern corner of the lot. The applicant proposes a 6 ft +/- wooden stockade dumpster enclosure. The Shaw's plaza has five existing dumpsters and a compactor behind the building

Waiver request- underground utilities:

The applicant has submitted a waiver request (Attachment 9-a) from the requirements of Section 14-499 (h), regarding subdivision, that all utilities be placed underground unless otherwise approved by the Planning Board. The applicant proposes to relocate the existing overhead utilities at the restaurant site underground and proposes to install underground utilities for the proposed bank site. The existing Bank of America is serviced by underground utilities. The applicant requests approval from the Planning Board to continue the existing overhead utilities to the rear (east) of the retail building on lot 1 (main plaza).

f) Traffic and Pedestrian Circulation

The site is currently accessed by three driveways with an additional right-out egress at the northerly end of the site. The applicant proposes to close the existing driveway on the southerly side of Bank of America, which does not meet City Technical Standards. They also propose to reconstruct the driveway at the southerly end of the site, adjacent to the existing restaurant building. The reconstruction includes narrowing the curb cut and expanding the existing raised traffic island to discourage illegal left hand turns.

A bus turnout has been provided along Congress Street on the northerly side of the driveway at Congress and Stevens Avenue. This area will require a sidewalk easement due to encroachment of the City sidewalk into the property and a public easement for use of the bus shelter. City staff recommends a condition of approval requiring that *a proposed easement be submitted for review and approval by Corporation Counsel prior to the issuance of a building permit and shall provide a delineation of the easement area, post construction, prior to the issuance of a certificate of occupancy.*

The applicant held a scoping meeting on March 20, 2008 and submitted a Traffic Movement Permit (TMP) application on April 25, 2008. A supplemental analysis was submitted on May 7, 2008 at the request of City Transportation Engineers. These materials have been included as Attachment 13. Tom Errico has reviewed the submitted materials and concurs with the conclusions of that report that the

Congress Street/Stevens Avenue/Westgate Shopping Center intersection will operate at acceptable levels of service following project completion. (see Tom's comments – [Attachment 14](#)) Based on the submitted trip generations, the fast food restaurant appears to have a significant morning (breakfast) component. Because the proposed restaurant tenant has yet to be confirmed, Tom recommends a condition of approval stating that *if the tenant of the building changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project, a revised traffic analysis will be required.*

The applicant proposes to maintain the existing right-out only driveway at the northerly end of the site. There has been concern from the public that this driveway creates traffic conflicts between vehicles exiting right and traffic making lefts onto Congress Street from nearby side streets such as Lassell Street. The applicant has incorporated turning movement information for Lassell Street into their traffic study and indicates that the difficulty turning left out of Lassell Street is primarily due to existing high traffic volumes on Congress Street rather than the Westgate driveway. Tom has determined that the applicant has provided information that justifies the need for the subject driveway for large truck egress and has provided adequate evidence that the driveway does not significantly impact Lassell Street. There was also question as to whether the applicant had included Westland Street in their traffic analysis. The applicant's submittal includes a traffic analysis of the Congress Street/Westland Avenue intersection. As summarized in their traffic study, movements will operate at level of service 'B' and 'E' following completion of the project. Minor delay increases will occur as a result of the proposed project. Tom concurs with their analysis and has no additional comment (see [Attachment 14](#)). Public Works has requested a license from the applicant in order to provide a turnaround for Westland Street. This is noted as a condition of approval.

Internal Circulation:

The applicant has added additional stop bars, signage and traffic islands to the revised plans. Additional sidewalks and crosswalks have been added on the northern side of the site to provide pedestrian access to the plaza from Congress Street. The applicant has submitted a pedestrian access plan summarizing how pedestrians will be routed from Congress Street (from both directions) and Stevens Avenue between the public sidewalk and businesses on the site (see [Attachment 28](#)). Tom Errico and Planning staff have reviewed this plan and note that, aside from access to the restaurant and a trail system joining the Fore River Trail system, it does not appear to address pedestrian routings from Congress Street (from the west) to the primary Shopping Center building (see Tom's comments – [Attachment 14](#)). The Board may want to have the applicant revise the plan to better accommodate this routing.

Bicycle Parking:

According to Division 20 of the City Code- Off-Street Parking, the applicant is required to include 36 bicycle parking spaces in their proposal. Bicycle parking has been provided for 37 bicycles with two racks proposed under the plaza canopy (lot 1), one at Bank of America, (lot 1), and one at the restaurant site (lot 3).

g) Exterior Lighting

The applicant has submitted a utility plan and photometric plan ([Attachment 26 and 27](#)). Section 14-526(a) (9) of the City Code requires that exterior lighting be brought into compliance with City Technical and Design Standards. The lighting for the newly created lots (lots 2 and 3) meets applicable City Standards. The existing exterior lighting on lot 1 is nonconforming at 32 ½ ft tall, with 400 watt, partial cutoff fixtures. City standards restrict the height of the fixtures to 30 ft, with 250 watt, full cutoff fixtures.

Waiver request:

The applicant has submitted a written waiver request to the Planning Board for the lighting on lot 1 (Attachment 9-b). Planning staff recommends that the Board consider a partial waiver, requiring the applicant to replace three of the fixtures on the at the northerly end of the site near the bus stop with full-cutoff flat glass fixtures that meet City standards, while allowing the existing poles to remain and the existing fixtures and poles on the remainder of proposed lot 1 to remain. Planning staff has reviewed the revised photometric and the applicant's May 16, 2008 letter (Attachment 6) and agrees that benefit from pedestrian lighting along the cross walk would be minimal and that proposed lighting provides adequate illumination for the safety of users, as defined in the City Technical and Design Standards.

h) Fire Safety

The applicant submitted a life safety plan and fire department checklist for review. Captain Greg Cass of the Portland Fire Department has reviewed and approved these materials (see Attachment 12).

i) Urban Design

Section 14-526 of the Site Plan Standards contains design standards for development in the B-2 zone. These standards pertain to building design and orientation, building scale, façade character, window placement, building materials, and landscaping. For TD Banknorth (Lot 2), the applicant has submitted revised façade details, material samples and a memorandum outlining how the proposed development meets the design guidelines (Attachment 20). Because a tenant has not yet been disclosed for the restaurant building, details of proposed updates to the design have not yet been submitted. In the applicant's letter dated April 17, 2008 (Attachment 6) they note, however, that they do not propose any significant changes to the architecture of the building.

As previously noted, the Planning Authority, including the City Urban Designer, reviewed the proposed façade improvements for the main shopping plaza and approved the release of a building permit prior to site plan and subdivision approval. The submitted building elevations for these approved improvements have been included as Attachment 25. Carrie Marsh, City Urban Designer conducted a preliminary review of the TD Banknorth proposal (lot 2). Her initial comments are included as Attachment 22 and discuss the potential for increased fenestration and/or landscaping on all facades visible from the public way. Subsequent revisions of this proposal were reviewed by Planning staff. The TD Banknorth building is located along the urban street wall of Congress Street with an ADA ramp accessing the site from the sidewalk. A landscaped buffer has been included along the Congress Street side and transparent windows with awnings run the length of the street wall. In order to accommodate an ADA compliant ramp from Congress Street, the primary entrance to TD Banknorth has been to the western side. Carrie's original memorandum included the following comment:

One element for consideration is the fact that the B2 Design Standards require that "Windows be located in all building facades visible from the public way, especially on building facades along the major public street."

Transparent windows are provided along the Congress Street facade. However, there is a minimal provision of transparent windows visible along the east and west elevations, presumably due to security or programmatic purposes. This may warrant further consideration and possible mitigation through landscaping, or further fenestration to the facade.

The applicant has not increased the fenestration along the eastern facade; however additional landscaping has been added along this side. The design of the building significantly meets the B-2 Site Plan Standards and B2 Design Guidelines.

j) Stormwater Management and Erosion Control

As previously discussed, the existing stormwater at the site is collected into a closed system which drains primarily to the east into the wetland behind the main plaza. The applicant submitted a wetland delineation conducted by Gove Environmental Services on August 21, 2007 (see [Attachment 17](#)). This wetland has been identified on the submitted plans and is approximately 5,000 s.f. total area. From here, runoff from the area discharges into a pond located to the west of the development. A remaining portion of the front parking area is captured in a closed system at the front of the property and discharges into the Congress Street municipal stormwater system. The City has separated stormwater from the sanitary sewer in this area. The applicant proposes improvements to the existing stormwater system along with corresponding changes in grading in the area along the front of the Shaws plaza. The proposal will result in an overall decrease in impervious surface, resulting in an overall decrease in stormwater runoff. The proposed improvements involve disturbance of more than one acre of pavement but may qualify for Permit by Rule. Thus, the applicant is required to file notice with the Department of Environmental Protection (DEP).

Dan Goyette, Consulting Engineer has reviewed the proposal and subsequent revisions. His memorandums have been included as [Attachment 18](#). Dan submitted a follow-up email response addressing the applicant's letter, dated May 16, 2008 ([Attachment 18](#)) in which he maintains that the applicant will have to confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This should be indicated on the survey. A condition of approval has been included to address this comment.

k) Landscaping

Updates to the landscape plan include additional landscaping on the two parking lot islands to the east of and on either side of the driveway at Stevens Avenue. The applicant has added landscaping near the existing bus stop adjacent to the right-out only driveway and in two parking lot islands to the east of the Steven's Avenue driveway. A raised landscaped island has been added to the proposed double row of 81 parking spaces in front of the main plaza and to the east of the restaurant site, as recommended by Jeff Tarling. The applicant does not propose to remove or disturb existing vegetation on the site. Jeff Tarling has submitted final comments stating that the applicant has adequately addressed his review comments ([Attachment 15](#)).

l) Comprehensive Plan

The components of the Comprehensive Plan relevant to this commercial subdivision include:

- ***Community Commercial Polices And Land Use Plan - September 1987-1988***
 - Development Goals
 - Accommodate the City's commercial activity within a range of functionally and physically defined commercial centers.
 - Promote preservation and revitalization of its existing commercial centers and maintain a scale within them that is compatible and integrated with other land use.
 - Encourage the development of new commercial enterprises within the existing neighborhood centers and CBD.
 - Maintain and promote a community, which is attractive to both existing and prospective families and homeowners to help support the neighborhood commercial district.

The above element of Portland's Comprehensive Plan encourages preservation and revitalization of existing commercial centers and encourages the development of new commercial enterprises within existing neighborhood centers. This intends to meet State Goal A: *To encourage orderly growth and development in appropriate areas*

of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl. The proposed renovations and additions to the Westgate Shopping Plaza intend to revitalize a shopping center that has seen significant deterioration and high levels of vacancy. The proposal would improve and expand an existing neighborhood commercial center, thus contributing to the improvement of a neighborhood commercial district for the benefit of existing and prospective families.

IV. STAFF RECOMMENDATION

Staff recommends that the Planning Board approve the Westgate Shopping Plaza subdivision and site plan with the proposed waivers and conditions of approval.

V. MOTIONS FOR THE BOARD TO CONSIDER

1. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 18-08, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for a drive-through adjacent to a residential use or zone **does / does not** meet the standards of Section 14-474 and the standards of Section 14-182 for the B2-b zone, subject to the following conditions:

1. *Once the tenant for the restaurant has been finalized, the applicant must submit final plans and elevation drawings for the redevelopment of lot 3 for review and approval by the Planning Division prior to the issuance of a building permit. If the tenant of the building changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project, a revised traffic analysis will be required for review and approval by the City Traffic Engineer prior to the issuance of a building permit.*
2. *Once a tenant has been finalized for the proposed restaurant on lot 3, the applicant shall submit sign details for the proposed restaurant for review and approval by the Planning Authority prior to the issuance of a Building Permit.*
3. *A pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit. Post-development noise levels shall also be submitted to the Planning Authority and if it is determined that the levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.*
4. *The applicant shall provide warning signage for lot 3 alerting vehicles to the presence of a pedestrian crosswalk **and/or** shift this crosswalk to the east. Proposed signage shall be reviewed and approved by the City Transportation Engineer prior to the issuance of a building permit.*

5. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 26-08 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board **waives / does not waive** the requirements of Section 14-499 (h) that all utilities be placed underground for Lot 1.

The Planning Board **partially waives / does not partially waive** the requirements of Section 14-526 (a) (9) requiring that exterior lighting comply with the applicable specifications of the City of Portland Technical and Design standards, as proposed for lot 1.

6. TRAFFIC MOVEMENT PERMIT

On the basis of the Westgate Shopping Plaza Application, plans, reports, and other information submitted by the applicant, and on findings and recommendations contained in Planning Report # 26-08, and other applicable regulations, and testimony presented at the Planning Board Hearing, the Planning Board finds that the plan **is/ is not** in conformance with the standards of a traffic movement permit, subject to the following conditions of approval

1. *If the tenant of the proposed restaurant on lot 3 changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project, a revised traffic analysis will be required for review and approval by the City Transportation Engineer.*

7. SUBDIVISION

On the basis of plans and materials submitted by the applicant, public comment received at the public hearing and the information contained in Planning Report # 26-08 relevant to standards for subdivision:

The Planning Board finds that the subdivision plan Westgate Shopping Plaza **is / is not** in conformance with the subdivision standards of the land use code, subject to the following conditions:

1. *The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929 and to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This shall be confirmed by The Department of Public Services prior to the issuance of a building permit.*

8. SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 26-08, relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is / is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

1. *The applicant shall provide easement language for the proposed bus turnout and sidewalk based on as-built condition for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy.*
2. *The applicant shall provide a license to the City of Portland to allow municipal vehicles to turn around at the end of Westland Street for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy.*
3. *The applicant shall provide a pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system be submitted for review and approval by Planning staff prior to the issuance of a building permit. After construction, post-development noise levels shall be submitted to the Planning Authority for review. If it is determined that the levels exceed the standards of Section 14-187, the applicant shall install*

noise mitigation measures for the intercom system prior to the release of the performance guarantee.

4. *The applicant shall provide evidence of adequate sewer capacity prior to the issuance of a building permit.*

ATTACHMENTS:

1. Application materials- March 5, 2008
2. Written Statement in support of application- March 5, 2008
3. Quitclaim Deed – March 5, 2008
4. Evidence of financial and technical capacity:
 - a) Letter from Sovereign Bank – April 14, 2008
 - b) Charter Realty and Development Shopping Center Portfolio
5. Letter of capacity: Water – April 28, 2008
6. Letters from Applicant:
 - a) Applicant response letter to Planning staff comments – April 17, 2008
 - b) Applicant response letter to Planning staff and Planning Board comments – April 30, 2008
 - c) Applicant response to City Traffic Engineer comments – May 13, 2008
 - d) Applicant response to Development Review Staff and Planning Board comments – May 16, 2008
7. Documentation of Neighborhood Meeting
8. Draft reciprocal access agreement
9. Written waiver requests:
 - a) Request for partial waiver - utilities
 - b) Request for partial waiver - lighting
10. Approval letter from the Portland Planning Division for plaza façade improvements- April 11, 2008
11. Zoning Review: Marge Schmuckal, Zoning Administrator
 - a) Written zoning determination for existing conditions - March 5, 2008
 - b) Memorandum from Marge Schmuckal -March 17, 2008
 - c) Memorandum from Marge Schmuckal - May 9, 2008
 - d) Memorandum from Marge Schmuckal - May 13, 2008
12. Memorandum of approval from Captain Greg Cass, Portland Fire Department
13. Traffic Movement Permit Submittals:
 - a) Application - April, 2008
 - b) Supplemental traffic analysis – May 7, 2008
14. Traffic and Circulation Review: City Department of Public Services
 - a) Memorandum from Tom Errico, Consulting Traffic Engineer to the Department of Public Services – May 7, 2008
 - b) Memorandum from Tom Errico – May 20, 2008
15. Landscaping Review: Parks and Recreation
 - a) Memorandum from Jeff Tarling, City Arborist – May 9, 2008
 - b) Memorandum from Jeff Tarling – May 22, 2008
16. Permit for Change of Use: 1424 Congress Street – November 24, 1986
17. Wetland delineation report from Gove Environmental Services – August 22, 2007
18. Engineering Review: City Department of Public Services

- a) Memorandum from Dan Goyette, Consulting Engineer to the Department of Public Services – March 26, 2008
 - b) Memorandum from Dan Goyette – May 7, 2008
 - c) Email from Dan Goyette – May 23, 2008
19. Public Comment:
- a) Letter from James Hansen – March 11, 2008
 - b) Letter from Brian Hansen, Esq. – April 28, 2008
 - c) Response to Brian Hansen, Esq. from Corporation Counsel – May 6, 2008
 - d) Letter to Joseph Gray from James Hanson – May 22, 2008
 - e) Email from Kyra Walker – April 28, 2008
 - f) Email from Patricia Bernard – April 9, 2008
20. Memorandum from Jennifer Roy, SMMA re: TD Banknorth Building and B-2 Design Standards with Conceptual site plan showing drive-thru window locations and stacking
21. Renderings of proposed TD Banknorth building
22. Memorandum From Carrie Marsh, Urban Designer – April 18, 2008
23. Proposed elevations for TD Banknorth building
24. Conceptual site plan for lot 3 showing drive-thru feature locations, stacking and dimensional information relating to B-2 requirements
25. Approved elevations- main plaza of Westgate Shopping Center
26. Submitted subdivision and site plans
- a) Subdivision and existing conditions plan (sheets 1-4)
 - b) Demolition Plan (Sheet C-2)
 - c) Overall Site Plan and Site Plan (Sheet C-3 and C-3A)
 - d) Grading, Drainage and Erosion Control Plan (Sheet C-4 and C-4A)
 - e) Utilities Plan (Sheet C-5)
 - f) Landscape Plan (Sheet C-6)
 - g) Corresponding Notes and Detail Sheets (Sheets C-7 through C-12)
27. Photometric plans- including schematics of lighting with existing poles remaining on lot 1 versus bringing noncompliant lot 1 fixtures up to City standards.
28. Pedestrian Access Plan

Memorandum
Department of Planning and Development
Planning Division



To: Chair Tevanian and Members of the Portland Planning Board

From: Molly Casto, Planner

Date: May 27, 2008

Re: **Westgate Shopping Plaza- REVISED MOTIONS**
Application # 2008-0027
CBL: 191-B-19

Please refer to the attached motions for the Planning Board's consideration for the Westgate Shopping Plaza. These updated motions are being submitted as a revision to the motions listed in Section V of Planning Board Report # 26-08.

I. MOTIONS FOR THE BOARD TO CONSIDER

1. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 18-08, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for a drive-through adjacent to a residential use or zone **does / does not** meet the standards of Section 14-474 and the standards of Section 14-182 for the B2-b zone, subject to the following conditions:

1. *Once the tenant for the restaurant has been finalized, the applicant must submit final site plans and elevation drawings for the redevelopment of lot 3 for review and approval by the Planning Board prior to the issuance of a building permit. In addition, if the tenant of the building causes "peak hour" traffic volumes to be greater than those included in the traffic analyses conducted for the project, a revised traffic analysis will be required for review and approval by the City Traffic Engineer (or if already before the Planning Board for site plan approval, then the Planning Board) prior to the issuance of a building permit.*
2. *Once a tenant has been finalized for the proposed building on lot 3, the applicant shall submit sign details for the proposed use for review and approval by the Planning Authority prior to the issuance of a Building Permit.*
3. *A pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit. Post-development noise levels shall also be taken and submitted quarterly for the first year of operation to the Planning Authority. If it is determined that noise levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.*
4. *The applicant shall shift the proposed crosswalk on lot 3 to the east. The applicant shall also provide warning signage for lot 3 alerting vehicles to the presence of a pedestrian crosswalk. Proposed signage shall be reviewed and approved by the City Transportation Engineer prior to the issuance of a building permit.*

5. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 26-08 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board **waives / does not waive** the requirements of Section 14-499 (h) that all utilities be placed underground for Lot 1.

The Planning Board **partially waives / does not partially waive** the requirements of Section 14-526 (a) (9) requiring that exterior lighting comply with the applicable specifications of the City of Portland Technical and Design standards, as proposed for lot 1.

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1. *If the tenant of the proposed building on lot 3 changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project, a revised traffic analysis will be required for review and approval by the City Transportation Engineer.*

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On the basis of plans and materials submitted by the applicant, public comment received at the public hearing and the information contained in Planning Report # 26-08 relevant to standards for subdivision:

The Planning Board finds that the subdivision plan Westgate Shopping Plaza **is / is not** in conformance with the subdivision standards of the land use code, subject to the following conditions:

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4. *The applicant shall provide evidence of adequate sewer capacity prior to the issuance of a building permit.*

**Memorandum
Department of Planning and Development
Planning Division**



To: Chair Tevanian and Members of the Portland Planning Board

From: Molly Casto, Planner

Date: Prepared on: June 6, 2008
Prepared for: June 10, 2008

Re: **Westgate Shopping Plaza**
Application # 2008-0027
CBL: 191-B-19
Request for Reconsideration of the Parking Layout of the Site Plan

Member Lee Lowry, Esq. of the Portland Planning Board has expressed his interest in a potential reconsideration of the parking layout as shown on the site plan for Westgate Shopping. Mr. Lowry's request would be pursuant to the "Rules of the Planning Board" ARTICLE VII DELIBERATIONS, VOTING, DECISIONS Section 6 which states:

"When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration."

Charter Realty and Development has submitted a letter (Attachment 1) to the Planning Board dated June 4, 2008 in response to Mr. Lowry's potential request for reconsideration. The letter addresses concerns raised by the Planning Board at the May 27, 2008 Public Hearing concerning the accuracy of the existing parking layout, as depicted on the submitted existing conditions plan. The applicant's surveyor did not field check the parking spaces, thus the applicant has revised the existing conditions plan to accurately portray the current parking lot configuration on the site. The applicant has also revised the subdivision plan to accurately reflect existing conditions. The applicant has submitted a summary memorandum from Diane Morobito of Maine Traffic Resources (Attachment 2),