Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 08/12/16

Department of Permitting and Inspections

Ann Machado, Zoning Administrator

May 31, 2016

Mark G. Johnson, ASLA
SMRT Architects and Engineers
144 Fore Street
Portland, ME 04101

Re: NAPA Auto Parts - 235 Presumpscot Street – 421 - A - 005 - IM Zone

Dear Mr. Johnson:

I am in receipt of your request, on behalf of NAPA Auto Parts, for a determination concerning NAPA's leasing of the above-captioned property and whether, in connection with its operation of an automotive products warehousing and distribution facility, NAPA may also establish a "small retail component" in the space.

As you know, 235 Presumpscot Street (the "Property") is located in the City's moderate impact Industrial ("IM") Zone. The permitted uses in that zone are generally restricted to traditional industrial uses like bakeries, breweries, facilities for assembly of electrical components, and machine shops. See Portland Code of Ordinances at 14-247. NAPA's principal use, an auto parts warehouse and distribution facility, is an appropriate and permitted use within the IM zone. Under section 14-247, retail uses are not permitted as principal uses in the zone. However, section 14-249(b) allows retail trade as "ancillary to a permitted use".

The City's Code does not define ancillary uses, but section 14-47 defines "accessory uses" to mean: "Uses which are customarily incidental and subordinate to the location, function and operation of permitted uses." According to your letter, dated March 6, 2016, and a follow-up memo, dated March 16, 2016, the retail space that is proposed will involve the limited, incidental sale (estimated to be approximately 13% of the facility revenue) of the automotive products that are to be stored in and distributed from the primary facility. Moreover, the proposed retail space will occupy less than 30% of the space dedicated to NAPA's operations.

Based on the information provided to me and contained in the materials you submitted, I have determined that the proposed use of a portion of the Property for retail space will in fact be an incidental accessory use to NAPA's primary warehouse and distribution facility and is therefore permitted in the IM zone.

Please be aware that this determination is not a substitute for an approval of the final use. NAPA will need to apply for a change of use permit to establish its use within the premises. This office

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will need to be provided with adequate floor plans depicting where in the building the various components of the operation will be located.

If you have questions regarding this matter, please do not hesitate to contact me at (207) 874-8709.

Very truly yours,

Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
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amachado@portlandmaine.gov