

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: October 16, 2012  
SUBJECT: Rudy's of the Cape Site Plan Amendment

### Introduction

517 Ocean House Rd LLC is requesting an amendment to the previously approved Rudy's on the Cape Site Plan. The application will be reviewed for compliance with Sec. 19-9, Site Plan Amendments.

### Procedure

- The Planning Board should begin by having the applicant describe the changes to the previously approved plans.
- The Board should then decide by consensus if adequate information has been submitted to consider the amendment. No formal vote of completeness is required.
- The Board should open up the application for public comment.
- The Board may then begin substantive discussion.
- At the close of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

### Discussion

The comments of the Town Engineer are attached.

The Planning Board granted the following approval at the December 20, 2011 meeting:

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of 517 Ocean House Rd LLC for Site Plan Review and a Resource Protection Permit to construct an 80-seat restaurant and second 1,240 sq. ft. retail building, including 2,502 sq. ft. of wetland alteration to construct a sidewalk, in the Business A District located at 517 Ocean House Rd be approved, subject to the following conditions:

The main building was proposed for construction on a slab. Second floor space was designated as storage. The applicant is now proposing to construct a

basement for the building and to use the second floor space as an apartment. No footprint changes are proposed. The basement will raise the building 1', resulting in adjustments to the site grading. The new grading will not change the grades at the property line that were originally approved.

Site plan approval is valid for one year and will expire this December. The applicant is also requesting a 1 year extension of the site plan approval.

Motion for the Board to Consider

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of 517 Ocean House Rd LLC for an amendment to the previously approved Rudy's of the Cape Site Plan to add a basement, change the use of the second floor from storage to an apartment and related grade changes, and an extension of one year of the original approval plus amendments for a new expiration date of October 16, 2013, be approved, subject to the following conditions:

1. That the plans be revised per the Town Engineer's comments dated October 10, 2012; and
2. That the conditions of the original approval are still applicable.