

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: November 20, 2012
SUBJECT: C's Market Site Plan Review

Introduction

KMC LLC is requesting Site Plan review of C's Gourmet Market, a new retail/28 seat restaurant/office building proposed to be located at 349 Ocean House Rd. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Procedure

- The Board should begin by having the applicant summarize any changes to the project since the last meeting.
- The Board should then open the public hearing, which has been scheduled for this evening.
- At the close of the public hearing, the Board may begin discussion.
- When discussion ends, the Board has the option to approve, approve with conditions, table or deny the application.

Site Plan Review Standards

The comments of the Town Engineer are attached. Below is a summary of project compliance with the Site Plan standards, Sec. 19-9-5.

A. Utilization of the Site

The proposed building is located in the same area as the building previously located on the property. Because the site is located in the Town Center District, the most of the site is expected to be developed.

B. Traffic Access and Parking

1. Adequacy of Road System- Route 77 has significant excess capacity and the retail use proposed by the applicant will not cause Route 77 to reach capacity.

2. Access into the Site- The applicant is proposing to widen an existing driveway off of Ocean House Rd. In addition, a new access point will be connected to the High School driveway. The Town Council has voted, in concept, to provide this easement. The High School driveway access is advantageous in that it provides patrons the opportunity to exit the site and enter Route 77 through a signalized intersection.

Planning Board members have questioned whether the site will be used as a cut-through for students exiting the school campus, as well as general questions regarding the circulation pattern between the high school driveway and the site.

3. Internal Vehicular Circulation- A parking lot is proposed behind the building, which creates a circular traffic pattern accommodating both access points.
4. Parking Layout and Design- A 27 space parking lot is proposed, based on the parking requirements in Sec. 19-7-8, Off-Street Parking. The parking layout includes standard sized parking spaces, 24' wide aisles, and planted parking islands.

C. Pedestrian Circulation

The applicant will be constructing a 5' wide concrete sidewalk along the front of the project. In order to preserve existing vegetation and provide a wider grassed esplanade separating the sidewalk from the street, part of the sidewalk will be located on the applicant's property. The applicant has agreed to provide a public access easement over the sidewalk and has submitted a draft easement for town review. The easement language should be revised and the easement signed by the applicant.

D. Stormwater Management

The applicant will be installing catch basins and storm drain pipes to collect stormwater and then connecting to the town center stormwater system at the rear of the property.

E. Erosion Control

Erosion control will be installed during construction.

F. Water Supply

The Portland Water District has confirmed that there is adequate water for the proposed use. A 4" water line will be extend across Route 77 and then 2 water lines will be installed to serve the building.

G. Sewage Disposal

The Sewer Superintendent has confirmed that there is adequate sewer capacity for the proposed use.

H. Utilities

Central Maine Power has provided an ability to serve letter. Electric, telephone and cable tv will be installed underground to the northerly side of the High School Drive. The project will also be served by a 1,000 gallon underground propane tank located on the building's north side.

I. Water Quality Protection

No discharge of noxious chemicals is proposed.

J. Wastes

A dumpster will be located in an enclosure at the rear of the property.

K. Shoreland Relationship

The property is not located in the Shoreland Zone.

L. Technical and Financial Capacity

The Town Manager recommends that the applicant has financial capability to complete the project. The applicant has also assembled a team of professionals to design the project.

M. Exterior Lighting

Seven 60 watt LED lights will be installed on 12' high poles to provide site lighting. Two of these lights are installed near the site entrances and lighting at these locations exceeds .5 footcandles. The applicant is requesting approval of higher light levels at the entrances for safety.

Two town center light fixtures will be installed in the esplanade adjacent to the sidewalk and 2 uplights will be installed to light the sign.

N. Landscaping and Buffering

There are several existing trees on the site that will be preserved as part of the project. The applicant has provided a tree preservation plan and staff recommends that the preservation information be added to the plan set.

New plantings are also proposed, including a weeping cherry in front of the building between the sidewalk and the street, and 4 crab apples in the parking islands.

O. Noise

The proposed use is not expected to generate noise levels in excess of those permitted.

P. Storage of Materials

No exterior storage of materials is proposed.

Town Center Design Standards

The site is located in the Town Center District and the proposed project must also comply with the following Town Center Design Requirements.

- a. Footprint. The building footprint is 2,550 sq. ft., which is less than the 5,000 sq. ft. maximum. The building is oriented toward Ocean House Rd.
- b. Scale. The proposed building is consistent with the scale of nearby buildings, specifically the Community Center.
- c. Height and Roof Pitch. The building is 26'6", which is less than the maximum height of 35'. The roof pitch is 8:12, which is slightly steeper than the minimum pitch of 7:12.
- d. Building and Parking Orientation. The building is oriented toward Ocean House Rd, primarily with the building design of a prominent front door. Parking has been located in the rear.

- e. Openings. The doors and windows are compatible with the building design. The first floor front facade includes a significant proportion of openings to wall space.
- f. Exterior Materials. The applicant has selected a simulated wood clapboard product previously approved by the Planning Board as suitable.

Motion for the Board to Consider

Findings of Fact

1. KMC LLC is requesting Site Plan review of C's Gourmet Market, a new retail/28 seat restaurant/office building proposed to be located at 349 Ocean House Rd, which requires review under Sec. 19-9, Site Plan Regulations.
2. The Town Engineer is recommending that the fence detail included in the plan materials be added to the plan set detail sheet. The tree preservation information should also be added to the plan set.
3. Placement of the sidewalk partially on the applicant's property necessitates the provision of a easement for public access.
4. The applicant has requested that lighting levels in excess of .5 footcandles be allowed at the project entrance driveway.
5. The application substantially complies with Sec. 19-9, Site Plan Regulations, subject to the submission of information referenced in #2 above.

THEREFORE BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of KMC LLC for Site Plan review of C's Gourmet Market, a new retail/28 seat restaurant/office building proposed to be located at 349 Ocean House Rd be approved, subject to the following conditions:

1. That the plans be revised to add a detail of the wood fence and the tree preservation plan information;
2. That the applicant provide a signed public access easement for the sidewalk in a form acceptable to the Town Attorney;

3. That the lighting plan be revised to limit lighting levels at the property line to no more than 0.5 footcandles;
4. That a performance guarantee be provided in a form acceptable to the Town Attorney, an amount acceptable to the Town Engineer and all acceptable to the Town Manager; and
5. That there be no issuance of a building permit no alteration of the site until the plans are revised and the above conditions are met.