

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: September 17, 2013
SUBJECT: Rudy's Site Plan Amendment

Introduction

517 Ocean House Rd LLC is requesting an amendment to the approval granted December 20, 2011 and then amended October 16, 2012 for Rudy's an 80-seat restaurant and Phase II village retail 1,250 sq. ft. building located at 517 Ocean House Rd. The amendments are proposed to allow two bump outs amounting to 70 sq. at the rear of the structure, plus related amendments to the sewer easement and building adjustments. The application will be reviewed for compliance with Sec. 19-9, Site Plan Regulations.

Procedure

- The Planner will provide a summary of the project within the context of town regulations.
- The Board should begin by having the applicant summarize the project.
- Because this is an amendment to a previous approval, the Planning Board is not required to make a formal finding of completeness. The Board may still want to agree by consensus that sufficient information has been submitted to consider the amendments.
- The Board should decide if a site walk and/or public hearing should be scheduled.
- 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

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

A. Utilization of the Site

The same area of the site is proposed to be developed. The proposed Phase I building will increase in size by 70 sq. ft. to allow two bump outs at the rear. The bump outs are requested to optimize the design of the kitchen.

The submitted plans were intended to provide information related to the amendments. It appears that some unintentional presentation errors are included in the plans. The Town Engineer has compiled a list of needed plan revisions.

B. Traffic Access and Parking

No changes are proposed.

C. Pedestrian Circulation

No change is proposed.

D. Stormwater Management

No change is proposed.

E. Erosion Control

No change is proposed.

F. Water Supply

No change is proposed.

G. Sewage Disposal

The project will continue to be served by public sewer. The site includes a sewer easement located at the rear of the building. To accommodate the bump outs and avoid encroachment of any building into the easement, the applicant is proposed to shift the easement 3' to the west. The applicant has obtained an easement from the abutting property owner to absorb this easement shift. The Town Council approved the easement shift at the September 9, 2013 meeting, subject to site plan approval by the Planning Board.

H. Utilities

No change to approved utility connections is proposed, except as sewer adjustment noted above.

I. Water Quality Protection

No change is proposed.

J. Wastes

No change is proposed.

K. Shoreland Relationship

The property is not located in the Shoreland Zone.

L. Technical and Financial Capacity

No change from the previous capacity is proposed.

M. Exterior Lighting

No change is proposed.

N. Landscaping and Buffering

No change is proposed.

O. Noise

No change is proposed.

P. Storage of Materials

No change is proposed.

Motion for the Board to Consider

Findings of Fact

1. 517 Ocean House Rd LLC is requesting an amendment to the approval granted December 20, 2011 and then amended October 16, 2012 for Rudy's an 80-seat restaurant and Phase II village retail 1,250 sq. ft. building located at 517 Ocean House Rd to add 2 bump outs totaling 70 sq. ft. and shifting the sewer easement, which requires review under Sec. 19-9, Site Plan Regulations.
2. The Town Engineer is recommending several clarifying revisions to the plans.

3. 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 517 Ocean House Rd LLC for an amendment to the approval granted December 20, 2011 and then amended October 16, 2012 for Rudy's an 80-seat restaurant and Phase II village retail 1,250 sq. ft. building located at 517 Ocean House Rd to add 2 bump outs totaling 70 sq. ft. and shifting the sewer easement be approved, subject to the following conditions:

1. That the plans be revised per the comments of the Town Engineer in his letter dated September 11, 2013; and
2. That no construction of the new building shall commence until the plans are revised and submitted to the Town Planner.