

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: April 25, 2016
SUBJECT: 535 Shore Rd Change of Use Site Plan

Introduction

Michael Friedland is requesting Site Plan review of the change of use of a developed property located at 535 Shore Rd. The building includes retail on the first floor and a multifamily unit on the second floor. The building predates site plan review. The applicant would like to operate an office on the first floor, which is a change of use triggering site plan review because no site plan has been approved for the site. In order to maximize his options, Mr. Friedland is asking for approval of a "category 3 village retail shop." See Zoning Ordinance BA District, Sec. 10-6-5 (F). If he obtains this approval, he can operate a category 3 or 2 use without further review as long as there are no exterior changes. The application will be reviewed for compliance with Sec. 19-9 Site Plan Review.

Procedure

- The Board should begin by having the applicant introduce the project.
- The Board should then make a finding of completeness. If the application is deemed incomplete, board members should identify the information needed to make the application complete and no substantive discussion of the application should occur. If the application is deemed complete, substantive review may begin.
- The Board should decide if a site walk and/or public hearing will be scheduled.
- At the close of discussion (if the application is deemed complete), the Board has the option to approve, approve with conditions, deny or table the application.

Summary of Completeness

The completeness checklist is attached. No comments have been solicited from the Town Engineer because there are very limited physical changes to the site. The following items may be incomplete:

- 12a. No description of the stormwater flows on the site are provided, but no exterior changes are proposed.
16. No evidence of financial capability has been submitted.

Discussion

While the applicant has provided information on the square footage of the building, the numbers do not match the information on the Assessor's card or a scaled measurement from the survey. The Planning Board may want to have the applicant add the footprint square footage of the building to the survey/site plan.

The Planning Board may want to note the Zoning Ordinance definition of floor area of a structure, which requires measurement from exterior walls:

Floor Area of a Structure: The sum of the contiguous horizontal areas of the floor(s) of a structure enclosed by exterior walls, including unfinished areas within the exterior walls, and attached garages, and excluding basement space, porches and decks. Area calculation for compliance with the Shoreland Performance Overlay District shall include porches and decks. Floor area shall be calculated by measurement of the outside dimensions of the exterior walls. (Effective August 11, 1999)

The building square footage is the basis for calculating parking requirements.

Motion for the Board to Consider

A. Motion for Completeness

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Michael Friedland for Site Plan review of the change of use of 2,389 sq. ft. to village retail of a developed property, located at 535 Shore Rd, be deemed (complete/incomplete).

B. Motion to Table

BE IT ORDERED that the above application is tabled to the regular May 17, 2016 meeting of the Planning Board, at which time a public hearing will be held.