Town of Kittery
Planning Board Meeting
November 17, 2016

74 State Road – Sketch Plan Review

Action: Accept or deny application. Approve or deny sketch plan. Owner PB 'R' Us, and applicant, Christopher Baudo request consideration of a mixed use complex located at 74 State Road (Tax Map 8 Lot 41A) in the Business Local (B-L) Zone.

PROJECT TRACKING

REQ'D	ACTION	COMMENTS	STATUS
YES	Sketch Plan Review	10/13/2016; 11/17/2016	PENDING
NO	Site Visit		
YES	Preliminary Plan Review Completeness/Acceptance		
YES	Public Hearing		
YES	Preliminary Plan Approval		
YES	Final Plan Review and Decision		

Applicant: Prior to the signing of the approved Plan any **Conditions of Approval related to the Findings of Fact along with waivers and variances (by the BOA) must be placed on the Final Plan and, when applicable, recorded at the York County Registry of Deeds. PLACE THE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.** As per Section 16.4.4.13 - Grading/Construction Final Plan Required. - Grading or construction of roads, grading of land or lots, or construction of buildings is prohibited until the original copy of the approved final plan endorsed has been duly recorded in the York County registry of deeds when applicable.

Background

This is a conceptual review of a plan to develop a mixed-use business complex consisting of a 3.5-story commercial and residential building (a 14-unit hotel and 17 townhouse style dwelling units), a storage building and 57 parking spaces in the Business-Local Zone. The proposed development is located at the corner of State Road and Village Green Drive. During a previous review with the Planning Board, the applicant submitted a purchase and sale agreement from the property owner to demonstrate plans to purchase land from the current owner, who intends to sell a portion of their larger property.

The Board reviewed a sketch plan for this property on 10/13/2016, however the sketch plan application was not accepted for reasons of insufficient information. The applicant has submitted a revised sketch plan, and expanded on the proposed development for the Board's consideration.

Staff Review

1. The parcel is an approximate 1.6 acre vacant portion of a larger 5.2 acre lot (74 State Road) in the Business Local Zone. The property owner of 74 State Road plans to split the lot and sell the 1.6 parcel located on the northern side of Village Green Drive. The applicant has previously submitted a purchase and sale agreement for the parcel.

2. The sketch plan is incorrectly titled "existing conditions plan". The proposed lot is vacant.

3. All structures must conform to the building design standards outlined in 16.3.2.8.D.1.b, including designing the street façade as the front of the building. The applicant has submitted a design sketch only for the 3.5-story mixed-use corner building, which appears to comply with this standard. The sketch appears to depict the primary access to the hotel rooms/town house units from the parking lot area. The applicant must design the street-facing side of the building as the

"front" of the building with either a "front door", window or display case. The applicant should review the design handbook, Section II, Façade Design.

4. The sketch plan includes 17 townhouse style apartments, as well as the 8 rooming/dwelling units (see Staff note #5), a hotel and a business office. Dwelling units and business offices are a permitted use in the Business-Local Zone. A hotel requires approval from the Board for a special exception use.

5. The sketch plan refers to "rooming units" in reference to the second and third floor units in the corner building. The code does not have a separate definition of a "rooming unit"; therefore, the Board should discuss whether these units should be reviewed as dwelling units, or, whether the upper two stories of the corner building can be considered a "rooming house", per the definition in 16.2.2, with 8 individual rooming units. When making this determination, the following should be taken into consideration:
    a. The applicant expressed plans to have a manager reside onsite and oversee the units.
    b. Per the definition of dwelling unit in 16.2.2, a dwelling unit must be a minimum of 650 square feet. It appears the total floor area of the second and third floor of the corner building is 2,213, which would average only 553 square feet per unit (2,213/4).

6. The forth story of the proposed corner building is listed as a half story, in order to conform to building height standards. However, the sketch plan depicts the same number of units as the 3rd floor. It is unclear whether a forth, "half story", would be large enough to support four dwelling units. The applicant should elaborate and clarify for the Board to consider the feasibility of the proposed design.

7. The minimum land area per dwelling unit is 4,000 square feet, if served by public sewer (as is the case with the proposed development) and the entire first floor is used for nonresidential uses. The sketch plan depicts the total Net Residential Acreage (NRA) as 66,769 square feet, which supports 16 units. If the Board determines the upper stories of the corner building is a rooming house, then an NRA to support a total of 18 units (17 town houses and one rooming house with 8 rented rooms) is required. If the Board determines the units are individual dwelling units, an NRA to support 25 units (17 town houses and 8 apartment-style dwelling units) is required. The available NRA does not appear to support either of those scenarios. In order to conform, the applicant may want to consider converting the 8 rooming/dwelling units to additional hotel rooms, and reducing the total number of proposed town houses from 17 to 16.

8. All development is located outside of the minimum front and side yard setbacks, as well as outside of a required 50-foot wetland setback, as depicted on the sketch plan.

9. In addition to the minimum front yard setback, the Business-Local Zone has a 60-foot *maximum* front yard setback for all principal structures. Per the definition of corner lot, the side yard between the principal building and the side street, as determined by the street that does not provide legal frontage to the lot, may not be less than the front yard requirements. Therefore, the maximum front yard setback applies to both Route 1 and Village Green Drive and all principal buildings may not be located further than 60-feet from the street(s).
    a. The building labeled units 15-17 is a principal structure (containing three office spaces and three townhouse residences) located further than 60-feet from Village Green Drive, and therefore not permitted.
    b. The storage building in the back lot is permissible, if it is accessory to the business(es) in the mixed-use building.
    c. All other units are within 60-feet of either Route 1 or Village Green Drive.

10. The sketch plan does not identify any preserved open space. The applicant informed Staff they intend to utilize the northern corner of the property for open space. The required open space standard for the B-L zone is 15% (10,711 s.f.) of the total lot area. Open space "must be located to create an attractive environment on the site, minimize environmental impacts, protect significant natural features or resources and maintain wildlife habitat".

11. The sketch plan is limited in regards to the features of abutting properties. It may be beneficial for the applicant to address this for the Board to review the property as it relates to abutting buildings, ROWs, sidewalks, etc.

12. It is evident that a great amount of ledge is on site that will require removal as part of the proposed development. Per the submitted design drawing, it appears the applicant intends to have the corner building level with the intersection of State Road and Village Green Drive. The sketch plan appears to show the majority of the development on top of the existing ledge on site. It is not clear how the applicant plans to transition the grade within the development.

13. The easterly property line is also a zone boundary between the Business Local and Residential-Urban zone. Where the Business Local zone abuts a residential district, the minimum side and rear yards of 15-feet or 50% of the building height are required. It appears the sketch plan depicts side/rear setbacks of 10-feet. An increase in the easterly setback may impact the location of the storage building. Parking areas are permitted within rear and side yard setbacks.

14. Per the design standards outlined in 16.3.2.8.D.1.a, "One row of parking spaces and a related access drive may be located between the front property line and the front wall of the building extending the full width of the lot. All other parking must be located to the side and/or rear of the building." The parking on the sketch plan complies with this standard.

15. The parking lot design has only one entry/exit point accessing Village Green Drive. There does not appear to be another location for a secondary exit on site. However, the development may benefit from a more ample dead end terminus that would allow easier turn-around movement for both passenger and emergency vehicles.

16. The sketch plan includes two accessible parking spaces. Accessible parking spaces must be an area at least 19-feet deep and 8-feet wide, and abut a designated 5-foot wide isle for passenger and 8'-wide for a van accessible space. The sketch plan does not to depict this; one space does not conform to the specified dimensions and both are missing the required 5-foot wide isle. In addition, the required minimum number of accessible spaces in a 57-space parking lot is 3 (1 van, 2 passenger) while the sketch plan only depicts 2.

17. Parking Calculations
    a. The parking calculations on the plan totals 81 required parking spaces for the proposed development, however, only 57 are depicted on the sketch plan.
    b. Without more information, it is difficult to confirm the required parking on the plan aligns with the standards outlined in 16.8.9.4, off-street parking standards, which include:
        i. Dwellings: 2 parking spaces per dwelling unit
        ii. Hotels: 1 parking space for each rental unit plus 1 space for each 100 square feet of meeting room (14 spaces and an additional space per 100 square feet of lobby)
        iii. Offices: 2 parking spaces for each office unit plus 1 space for each 250 square feet of gross floor area
        iv. Warehouse and storage: 1 parking space for each 500 s.f. of gross floor area

The Board may want more information from the applicant on program details and rationale for providing less than the required parking spaces prior to approving the sketch plan. If not, the applicant should resolve any inconsistences and total required parking must be recalculated, and possibly redesigned, prior to the submission of a preliminary plan application.

18. A vegetated landscape planter strip is required adjacent to both State Road and Village Green Drive. The sketch plan does not depict a planter strip along either road. In addition, a minimum of one tree is required for each 25 feet of street frontage. A landscape plan depicting both a planter strip and required tree plantings must be included with the submission of a preliminary plan application.

Recommendation

The sketch plan review is an opportunity to consider a concept and make specific suggestions to the applicant and for the applicant to receive feedback and direction from the Board. The sketch plan submittal appears to be mostly complete, however somewhat inconsistent with the standards of Title 16, specifically in regards to off street parking, building design along Village Green Drive and potentially the location of units 15-17 dependent on their status as a principle or accessory structure. The Board may want to have these items addressed by the applicant prior to approval of the sketch plan. If the Board concurs, the Board may continue the sketch plan application (suggested motion below).

Move to accept the sketch plan dated September 23, 2016 for owner PB 'R' US and applicant, Chris Baudo, for 74 State Road and continue the sketch plan, not to exceed 90 days.

The Board should determine whether a site walk is warranted. If a site walk is warranted, the Board may move to schedule a site walk (suggested motion below).

Move to schedule a site walk for the sketch plan dated September 23, 2016 for owner PB 'R' US and applicant, Chris Baudo, for 74 State Road

TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
Phone: (207) 475-1323
Fax: (207) 439-6806
www.kittery.org

OCT 20 2016 PM 01

APPLICATION: SITE OR SUBDIVISION-SKETCH PLAN REVIEW

Application Fee: ☐ $200.00 **Amount Paid:$** 200 **Date:** 10/20/16

PROPERTY DESCRIPTION	**Parcel ID**	**Map**	8	**Zone(s)- Base:**	B-L	**Total Land Area**	71,401 S.F.
		Lot	41A	**Overlay:**		**MS4**	___ YES ___ NO
	Physical Address	74 State Road Kittery					

PROPERTY OWNER'S INFORMATION	**Name**	PB 'R' US	**Mailing Address**	74 State Road Kittery, ME
	Phone			
	Fax			
	Email			
APPLICANT'S AGENT INFORMATION	**Name**	Christopher Baudo	**Name of Business**	Christopher Baudo, Architect
	Phone	207-370-5090	**Mailing Address**	4 US Route 1 York, ME 03909
	Fax	207-363-4515		
	Email	christopherbaudo@yahoo.com		

PROJECT DESCRIPTION

See reverse side regarding information to be provided.

Existing Land Use(s):

Vacant land

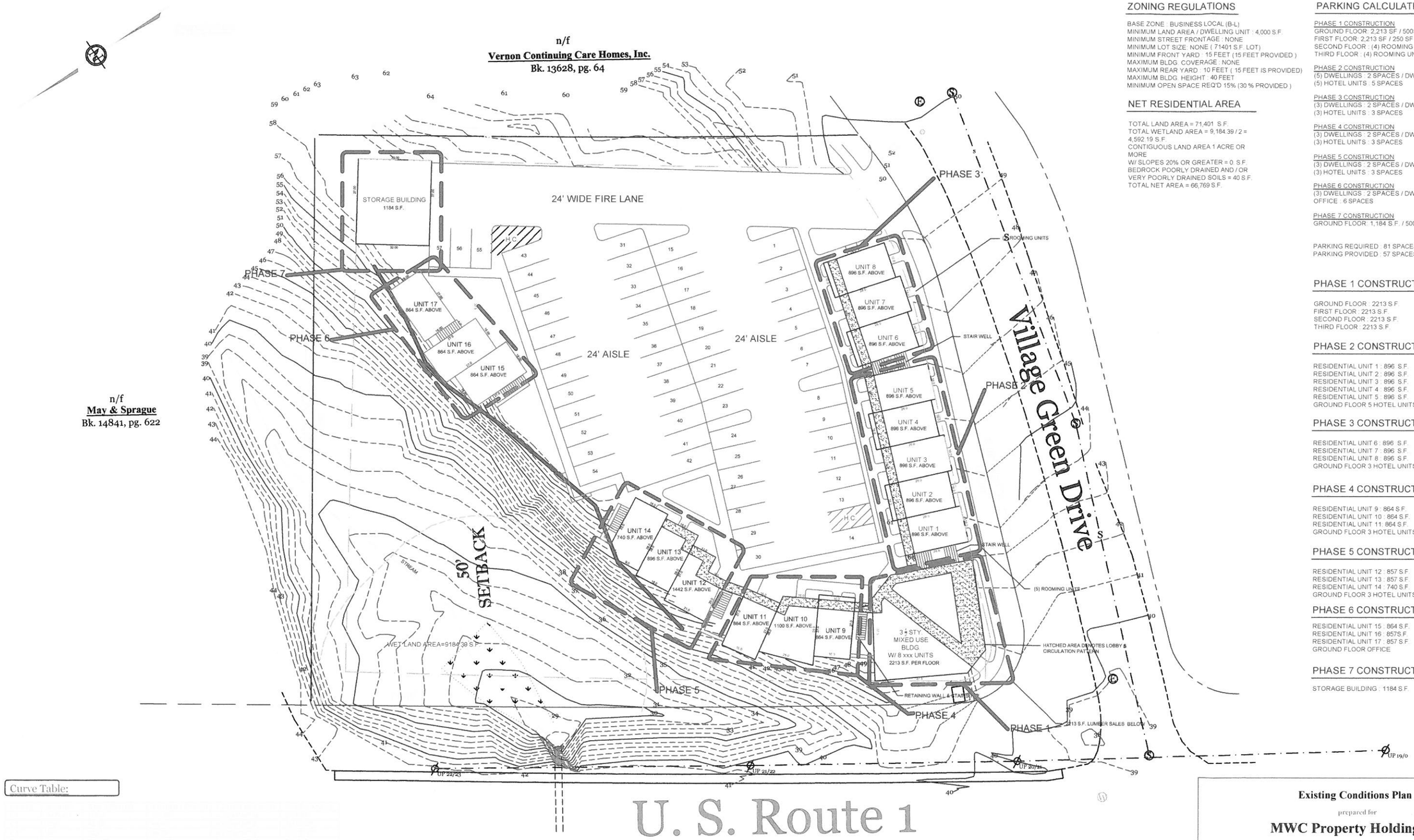
Proposed Land Use(s) and Development:

Development of multi-phased mixed use project.

Please describe any construction constraints (wetlands, shoreland overlay zone, flood plain, non-conformance, etc.)

I certify, to the best of my knowledge, this application information is true and correct and I will not deviate from the Plan submitted without notifying the Town Planning and Development Department of any changes.

Applicant's Signature:		**Owner's Signature:**	
Date:	10/20/16	**Date:**	



ZONING REGULATIONS

BASE ZONE : BUSINESS LOCAL (B-L)
MINIMUM LAND AREA / DWELLING UNIT : 4,000 S.F.
MINIMUM STREET FRONTAGE : NONE
MINIMUM LOT SIZE: NONE (71401 S.F. LOT)
MINIMUM FRONT YARD : 15 FEET (15 FEET PROVIDED)
MAXIMUM BLDG. COVERAGE : NONE
MAXIMUM REAR YARD : 10 FEET (15 FEET IS PROVIDED)
MAXIMUM BLDG. HEIGHT : 40 FEET
MINIMUM OPEN SPACE REQ'D 15% (30 % PROVIDED)

NET RESIDENTIAL AREA

TOTAL LAND AREA = 71,401 S.F.
TOTAL WETLAND AREA = 9,184.39 / 2 = 4,592.19 S.F.
CONTIGUOUS LAND AREA 1 ACRE OR MORE
W/ SLOPES 20% OR GREATER = 0 S.F.
BEDROCK POORLY DRAINED AND / OR VERY POORLY DRAINED SOILS = 40 S.F.
TOTAL NET AREA = 66,769 S.F.

PARKING CALCULATIONS

PHASE 1 CONSTRUCTION
GROUND FLOOR : 2,213 SF / 500SF (WAREHOUSE) = 5 SPACES
FIRST FLOOR: 2,213 SF / 250 SF (OFFICES) = 11 SPACES
SECOND FLOOR : (4) ROOMING UNITS = 4 SPACES
THIRD FLOOR : (4) ROOMING UNITS = 4 SPACES

PHASE 2 CONSTRUCTION
(5) DWELLINGS : 2 SPACES / DWELLING = 10 SPACES
(5) HOTEL UNITS : 5 SPACES

PHASE 3 CONSTRUCTION
(3) DWELLINGS : 2 SPACES / DWELLING = 6 SPACES
(3) HOTEL UNITS : 3 SPACES

PHASE 4 CONSTRUCTION
(3) DWELLINGS : 2 SPACES / DWELLING = 6 SPACES
(3) HOTEL UNITS : 3 SPACES

PHASE 5 CONSTRUCTION
(3) DWELLINGS : 2 SPACES / DWELLING = 6 SPACES
(3) HOTEL UNITS : 3 SPACES

PHASE 6 CONSTRUCTION
(3) DWELLINGS : 2 SPACES / DWELLING = 6 SPACES
OFFICE : 6 SPACES

PHASE 7 CONSTRUCTION
GROUND FLOOR : 1,184 S.F. / 500SF (WAREHOUSE) = 3 SPACES

PARKING REQUIRED : 81 SPACES
PARKING PROVIDED : 57 SPACES

PHASE 1 CONSTRUCTION

GROUND FLOOR : 2213 S.F.	BUILDING MATERIALS
FIRST FLOOR : 2213 S.F.	RETAIL BUSINESS
SECOND FLOOR : 2213 S.F.	4 ROOMING UNITS
THIRD FLOOR : 2213 S.F.	4 ROOMING UNITS

PHASE 2 CONSTRUCTION

RESIDENTIAL UNIT 1 : 896 S.F.
RESIDENTIAL UNIT 2 : 896 S.F.
RESIDENTIAL UNIT 3 : 896 S.F.
RESIDENTIAL UNIT 4 : 896 S.F.
RESIDENTIAL UNIT 5 : 896 S.F.
GROUND FLOOR 5 HOTEL UNITS (1-2 BEDROOM SUITES)

PHASE 3 CONSTRUCTION

RESIDENTIAL UNIT 6 : 896 S.F.
RESIDENTIAL UNIT 7 : 896 S.F.
RESIDENTIAL UNIT 8 : 896 S.F.
GROUND FLOOR 3 HOTEL UNITS (1-2 BEDROOM SUITES)

PHASE 4 CONSTRUCTION

RESIDENTIAL UNIT 9 : 864 S.F.
RESIDENTIAL UNIT 10 : 864 S.F.
RESIDENTIAL UNIT 11 : 864 S.F.
GROUND FLOOR 3 HOTEL UNITS (1-2 BEDROOM SUITES)

PHASE 5 CONSTRUCTION

RESIDENTIAL UNIT 12 : 857 S.F.
RESIDENTIAL UNIT 13 : 857 S.F.
RESIDENTIAL UNIT 14 : 740 S.F.
GROUND FLOOR 3 HOTEL UNITS (1-2 BEDROOM SUITES)

PHASE 6 CONSTRUCTION

RESIDENTIAL UNIT 15 : 864 S.F.
RESIDENTIAL UNIT 16 : 857S.F.
RESIDENTIAL UNIT 17 : 857 S.F.
GROUND FLOOR OFFICE

PHASE 7 CONSTRUCTION

STORAGE BUILDING : 1184 S.F.

Curve Table:

Graphic Scale:

Plan References:

1. "ALTA/ACSM Land Title Survey (Urban), U.S. Route #1, Kittery, Maine, Prepared For Banc One New Hampshire Assett Management Corporation", dated May 24, 1993, last revised May 24, 1994 by Dubois & King, Inc.
2. "Site Plan Of Pepperrell Pond Condominiums, Kittery, Maine", dated July 27, 1987, last revised October 6, 1987 by Wright - Pierce Engineers.

General Notes:

1. Locus parcel is depicted as a portion of Lot 41A on Town of Kittery Assessor's Map 8.
2. Contours and elevations shown hereon are based on an assumed datum.

Legend:

- Found #5 steel rebar
- Sewer Manhole
- Central Maine Power Company Manhole
- Water shut-off
- Fire Hydrant
- Edge of Pavement
- Overhead Utilities
- Approximate Sewer Line (not field verified)
- Utility Pole (number noted) — UP 46

= PROPERTY LINE
= BLDG. SETBACK
= GRADE TO BE DEMO.
= GRADE TO BE REMAIN

Existing Conditions Plan

prepared for

MWC Property Holdings LLC

4 U. S. Route 1, York, Maine 03909

Christopher Baudo, Architect
4 US Route 1
York, Maine 03909