

Memorandum
 Planning and Urban Development Department
 Planning Division



To: Sean Dundon, Chair, and Members of the Portland Planning Board
From: Shukria Wiar, Planner
Date: October 5, 2018
Re: Spectrum, 70 Johnson Road
Project #: 232-2018 **CBLs:**
Meeting Date: October 9, 2018

I. INTRODUCTION

Transport Leasing Corporation appears before the board for a preliminary workshop on the development of an addition to the Charter Communication building (Spectrum or Time Warner Cable) and associated parking lot on a 2.66-acre site at 90 Johnson Road. Under the current proposal, the existing 17,482 SF office/warehouse building would be expanded with an addition of approximately 22,000 SF. The site is in the B4 Commercial Business Zone. Currently, the building space is used for both office and warehouse functions. According to the application, Charter will shift these programs to other building space they already occupy on the City Line Drive Campus. The applicant's intention is to lease the new space to another office user. The development is proposed in two phases. This proposal is being reviewed as a final plan and subject to the Site Plan and Subdivision Ordinance of Land Use Code.

A total of 33 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on October 1st and 2nd, 2018.

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
<u>Public Transit Access</u> - A waiver is requested given the proximity of existing transit measures to the development. Two transit shelters are located less than ¼ mile from the site and the two transit shelters are located on the Jetport Boulevard sidewalk.	14-526 Site Plan Standards (a) Transportation Standards (3) Public Transit Access
<u>Required Number of Bicycle Parking Spaces</u> The applicant is requesting a waiver to provide only 10 bike spaces when 24 are required	14-526 Site Plan Standards (a) Transportation Standards, 4. Parking (b) Location and Required Number of Bicycle Parking Spaces

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	B-4
Existing Use	Office and Warehouse
Proposed Use	Office and Warehouse
Parcel Size	2.66 acres

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Impervious Area	55,329 SF	98,072 SF	42,743 SF
Building Footprint	17,842 SF	39,546 SF	21,704 SF
Building Floor Area	24,249 SF	42,511 SF	18,262 SF
Parking Spaces - Provided	99	188	97
Parking Spaces - Required	106		

Bicycle Parking Spaces	0	10	10
Estimated Cost of Project	\$3,900,000		

IV. BACKGROUND & EXISTING CONDITIONS

The project site, located at 90 Johnson Road, is approximately 2.67 acres and is comprised of two properties (1.68 and 0.99 acres respectively). The existing 20,260 SF single story building houses Charter Communications. The site has four access drives (at the two properties) with a total of forty-one (41) parking spaces. Although the site has frontage on Congress Street, access is via a driveway from Johnson Road. The adjacent property at 68 Johnson Road was historically occupied by a single-family home but has since been demolished and the property is a grassed lot. Commercial uses abut the site both to the northeast and southwest.

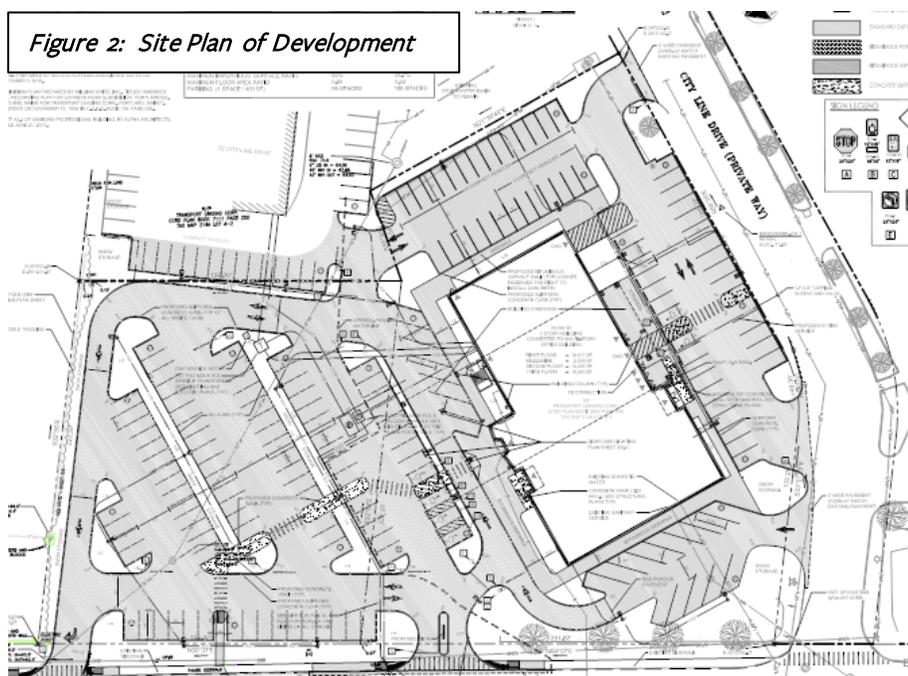


Figure 1: Aerial of Proposed Site

V. PROPOSED DEVELOPMENT

The proposed development project includes the expansion of the 17,234 SF one-story building to include a

Figure 2: Site Plan of Development



1,574 SF addition on the first floor and the construction of second and third floor with 10,245+ SF on each level for a total of 20,490 SF. Vehicular access and circulation are proposed from City Line Drive and Johnson Road. A total of 188 spaces will be provided for the project, of which six will be handicapped spaces. This will provide a ratio of 5 spaces per 1,000 SF of office space. The new parking area will be constructed to consist primarily of porous asphalt pavement.

The applicant submitted an application for the full

development scheme. During the review, plan was revised to be developed into two phases. The intent is to build the parking lot first with the opportunity of providing overflow parking capacity for the Portland Jetport. The site plan shows a right turn exit only driveway, which is located within an existing curb opening that served the former residence at the property. The parking lot will not be connected to the existing uses off City Line Drive during this Phase. The applicant has obtained a letter from Paul Bradbury outlining the Jetport's need for available parking near the Jetport.

The proposed second phase will consist of the building renovations and expansion. The applicant wants to have a tenant secured before proceeding to the second phase. The applicant is seeking to conduct the traffic impact study once the tenant is known. This would allow them to protect traffic demands, evaluate the Johnson Road access conditions, including placement of the existing medium, the City Line Drive connection/operations, and the Jetport Boulevard signalized intersection. A site plan approval can be extended up to three (3) years from the date of approval and construction of the second phase would need to commence within that time frame to retain approvals. This approach may require the applicant to return to the Board for an amendment.



Figure 3: Aerial of Proposed Development

Mr. Mark Sanborn is requesting a public hearing within the next few weeks in order to begin construction of Phase I this fall.

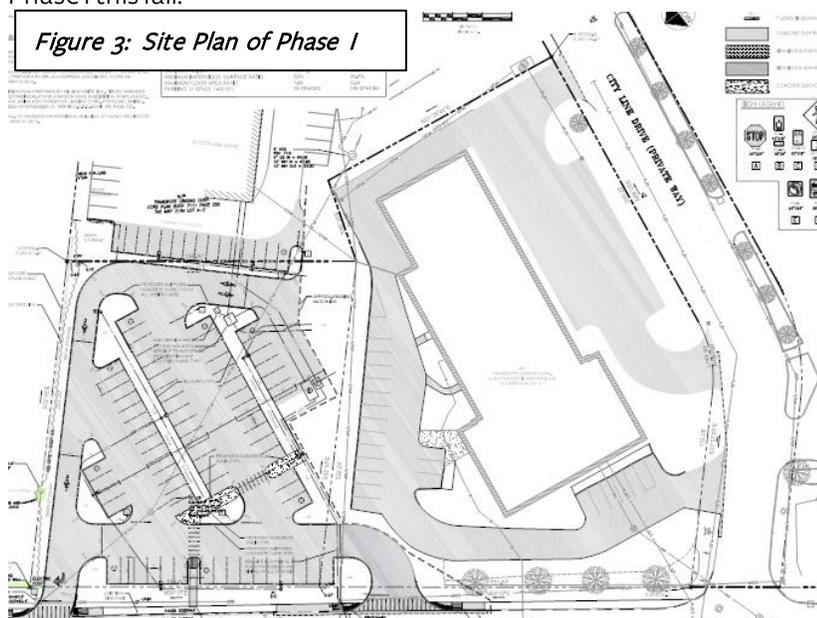


Figure 3: Site Plan of Phase I

VI. PUBLIC COMMENT

Staff has not received any public comments on the current application (*Attachments PC-1 and PC-2*).

VII. RIGHT, TITLE, & INTEREST

The applicant has provided a release deed (*Attachment I*), recorded at the Cumberland County Registry of Deeds (Book 34653 Page 201), which demonstrates their right, title and interest in the property.

The estimated cost of the development is \$3,900,000. The applicant has submitted a letter from Bangor Savings Bank, dated June 14, 2018 as demonstration of their financial and technical capacity to complete the proposed development.

VIII. ZONING ANALYSIS

The Planning staff performed a zoning review of the site development and the proposal meets the dimensional requirements of the B-4 zone. In addition to the dimensional standards, the zone also has other requirements applicable to all uses that needs to be met (Section 14-229.14) below. The applicant will have to address how the proposal meets these zoning requirements met as part of the final application:

(a) Landscaping and screening: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).

- (b) Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.*
- (c) Off-street parking and loading: Off-street parking and loading are as required by division 20 and division 21 of this article.*
- (d) Signs: Signs shall be subject to the provisions of division 22 of this article.*
- (e) Exterior storage:*
- (f) Storage of vehicles: Storage of vehicles is subject to the provisions of section 14-335.*
- (g) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood plain zone, the requirements of division 26 and/or division 26.5 apply.*

In addition, Sec. 14-229.5 of the B-4 zone (see below) has external effects standards to be addressed in the final review.

Section 14.229.5

- (a) Enclosed structure: The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.*
- (b) Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty-five (65) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and sixty (60) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), off premises at source of complaint, excepting air raid sirens and similar warning devices.*
- (c) Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.*
- (d) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.*
- (e) Smoke: Smoke shall not be emitted at a density in excess of thirty (30) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.*

IX. AMENDED SUBDIVISION

It is not mentioned in the applicant's cover letter July 9, 2018 but the applicant is seeking an approval for a subdivision plan amendment for a lot line adjustment. The applicant will need to submit a stamped boundary survey of the site, as well as amended recording plat for the City's surveyor's review prior to the public hearing.

X. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

a. *Impact on Surrounding Street Systems*

According to the applicant, the project is expected to have an insignificant impact on traffic in the neighborhood, based on the limited intensity of use of building. Vehicle and loading circulation to the building are shown on the plan. A full traffic impact study has not been completed at this time on the basis that the proposed trip generation and existing robust access conditions do not warrant a study. The applicant believes

"the much of the site is currently developed and, in the past, has generated traffic into the surrounding street system. The current tenant, Charter Communications, has decreased operations and staffing at the project location, thus in the more recent period, site generated traffic has decreased."

Due to the parking lot proposed use for the interim Jetport overflow parking, the applicant believes that no further traffic analysis is required for this development phase. Tom Errico, Consultant Traffic Engineer has reviewed the project and has the following comments in regard to traffic study:

The Applicant will be required to conduct a traffic impact study for the project. The key issue to be evaluated is the creation of a full movement driveway on Johnson Road, which has historically experienced safety problems. I would suggest that we schedule a meeting to identify the specific scope of the study.

Status: The Applicant is suggesting that the traffic study be conducted at the time of Phase 2 (or when a tenant for the building expansion is identified). I continue to review this suggested condition, but as noted in comments below, I am concerned about access conditions on Johnson Road.

The Applicant did provide a trip generation estimate and that projection seems inconsistent with the amount of parking provided. Trip generation methods will be discussed at the suggested scoping meeting.

Status: This issue is related to the conduct of the traffic study and I continue to review the request to postponed this work.

b. Access and Circulation

Access to the site is provided by a single two-way driveway along Johnson Road and two full driveways along City Line Drive. A single right-turn only exit drive will also be provided on Johnson Road. One of the existing curb cuts on Johnson Road will be closed as part of the development. Mr. Errico has reviewed the access and circulation on site and offers the following recommendations:

The Applicant should provide information in support of the two driveways on Johnson Road. This item would be part of the traffic study.

Status: The current driveway configuration for the Phase 1 Parking Lot is not acceptable. A restricted right-turn entry/exit driveway may be permitted, but additional review is required.

I am concerned about the internal intersection near the main Johnson Road driveway. The Study would need to confirm vehicle backups into Johnson Road will not occur.

Status: This item is likely not an issue in Phase 1 with a possible turn restriction driveway. Further review is required.

The Applicant should provide information on parking and circulation interaction with the abutting [52 City Line Drive](#) site.

Status: I continue to review this issue.

c. Public Transit Access

This standard requires that “commercial or institutional development of at least 20,000 square feet gross floor area, a transit facility shall be constructed”. The applicant has requested a waiver of this standard, under the waiver criteria:

All or some of this standard may be waived if the Reviewing Authority determines one or more of the following: (i) That some or all of the required improvements cannot reasonably be made due to site constraints and/or insufficient right of way width; or (ii) That the development is not anticipated to generate public transit usage due to particular characteristics or proposed use of the development.

The applicant states a “waiver is requested given the proximity of existing transit measures to the development. Two transit shelters are located less than ¼ mile from the site and the two transit shelters are located on the Jetport Boulevard sidewalk”.

d. Parking

A total of 188 spaces will be provided for the entire development, of which six will be handicapped spaces. As part of the Phase One, the eighty-five (85) spaces parking lot will be maintained by Transport Leasing and its use will be limited to only use by the Jetport until such time that the Building expansion in Phase II occurs. The parking lot will be constructed as a porous pavement surface, like the Dept of Human Services site nearby, and the drainage associated with the lot will ultimately flow into the Johnson Road storm drain system that ultimately discharges to the Stroudwater River, off Congress Street east of the site. Mr. Errico’s comments are below in regard to the parking lot and its layout:

Parking lot aisle widths do not meet City standards and the Applicant shall provide supporting documentation as part of a formal request for a waiver.

Status: It is difficult to assess waiver justification without specific tenant details. I continue to review this request.

The site plan notes back in angle parking on the north side of the building. Dimensions should be provided for these spaces and confirmation that this is the parking configuration proposed.

Status: The requested information has been provided and I have no further comment.

The required parking spaces for the office use, professional and public buildings is one (1) parking space for each four hundred (400) square feet, there zoning requires a total of 106 spaces.

e. Transportation Demand Management (TDM)

According to the applicant, they are open to preparing a full traffic study and if necessary a Traffic Movement Permit once a tenant user is identified and in advance of the applicant seeking a building permit. They are aware that this may require reappearing before the Planning Board and aware that the City may revisit access conditions including the drives off Johnson Road as well as site access from City Line Drive at that time.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known existing heritage trees or significant natural features on the site.

b. Landscaping and Landscape Preservation

A landscaping plan has been submitted for the parking lot landscaping, which includes thirty-four (34) trees and thirty-four (34) shrubs and various perennial planting beds. In addition, there are five street trees proposed along the Johnson Road frontage.

c. Water Quality, Storm Water Management and Erosion Control

The proposed development includes the renovations and expansion of the existing Spectrum office/warehouse building. The existing building will be renovated including a vertical expansion to go from one story to three stories. The existing parking area and drive will also be redeveloped into a more functional layout for the expanded use. The undeveloped grassed lot at 68 Johnson Road will include new development of a parking area and associated stormwater management and landscaping. A total of 188 parking spaces are proposed as part of the entire development. Stormwater management will primarily be in the form of porous pavement within the new parking area. The porous pavement will be similar to the porous pavement installed at the nearby State of Maine DHHS building off the Jetport Boulevard.

The proposed porous asphalt parking area will consist of materials that will provide both water quality treatment and stormwater runoff storage and control. Drainage patterns in the existing parking areas will remain basically unchanged. The new parking area will drain runoff to an existing municipal drainage system in Johnson Road, which ultimately conveys runoff northerly along Johnson Road and Congress Street to a culvert outlet located on Congress Street, opposite the cemetery entrance. From this point a natural drainage tributary conveys any water to the Stroudwater River and ultimately the Fore River.

Lauren Swett, Consultant Civil Engineer, reviewed the stormwater management study and plans and has the following to offer:

I am comfortable with the response to comments in general on 90 Johnson Road. His response references some documents that I do not see in eplan:

- *Plan sheet C-8.2 (they reference some detail edits)*
- *South Portland wastewater capacity letter*
- *Stormwater maintenance agreement draft*

3. Public Infrastructure and Community Safety Standards

a. *Consistency with Master Plans*

The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure plans.

b. *Public Safety and Fire Prevention*

There seems to be adequate access to all four sides of the proposed building. Chief Robert Thompson, Fire Department, is reviewing the project and his comments will be available for the public hearing.

c. *Availability and Adequate Capacity of Public Utilities*

There are existing electrical water, sewer, and gas services to the property from mains located in the abutting streets. The expansion will involve the installation of a sprinkler system to the building which involves a new fire supply water main off the PWD main in City Line drive. The existing building has a sanitary sewer service and the flows from the site ultimately discharge to the South Portland municipal wastewater collection, conveyance and treatment systems, per an inter-municipal agreement. The applicant has contacted all governing utility agencies and the ability to serve letters will need to be forwarded to the planning office upon receipt.

4. Site Design Standards

a. *Massing, Ventilation and Wind Impact*

The height of the proposed addition is 57'-5" and is within the allowed height standards of 65'. The project will not result in any significant changes to the wind environment due to the site located near an airport, therefore there are no nearby developed lots that may be negatively impacted.

According to the applicant if HVAC venting is proposed, will be directed through rooftop units and will not impact any adjacent public spaces.

b. Shadows

This standard does not apply since the building is not located near publicly accessible open space.

c. Snow and Ice Loading

The site and utility plan show designated snow and loading areas in the parking lot.

d. View Corridors

This standard does not apply since the development is not in a view corridor.

e. Historic Resources

The development is not located in a historic district, historic landscape district and is not a City designated landmark, and is not located adjacent to or within 100 feet of a designated landmark, historic district, or historic landscape district. There are no known archaeological resources on the site either.

f. Exterior Lighting

A lighting and photometric plan has been submitted for review. There is lighting trespass at the property lines onto the parcel on the north and along the Johnson Road, therefore does not meet the trespass standard. No street lighting is proposed on site.

g. Noise and Vibration

All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These should be located to the interior of the site, away from abutting residential properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof. This information will have to be submitted for final review. The project noise levels shall be designed to meet the permitted levels as outlined in the B4 Zone.

h. Signage and Wayfinding

The applicant will need to submit a signage and wayfinding plan for review by staff prior to a public hearing.

i. Zoning Related Design Standards

The site is located in the B4 zone and there are no specific design standards that apply to this development.

XI. NEXT STEPS

1. Applicant to address staff comments and additional comments of the Planning Board;
2. Applicant to prepare complete subdivision and site plan submission, including requirements as included in 14-527(e) and (f), for review by the Planning Authority and Planning Board; and
3. Planning Board to hold a public hearing.

XII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Traffic Engineer review (memo from Thomas Errico, 10.04.2018)
2. Civil Engineer review (memo from Lauren Swett, 10.03.2018)

APPLICANT'S SUBMITTALS

- A. Cover Letter
- B. Level III Development Review Application
- C. Certification Neighborhood Meeting
- D. Construction Management Plan July 2018
- E. Environmental and Landscape Features
- F. Environmental and Stormwater
- G. Financial Capacity
- H. Public Infrastructure and Safety
- I. Right, Title, And Interest
- J. Site Design
- K. Stormwater Management Report
- L. Transportation
- M. Zoning Assessment
- N. Waiver Requests
- O. Wastewater Capacity Application
- P. Lor_1_Barhydt_20180904_Final
- Q. Lor_2_Barhydt_20180920_Final
- R. Letter from Paul Bradbury To Mark Sanborn 09.20.2018

PLANS

- Plan 1. c-1.o_cover sheet_general_notes_and_legend City Context Plan
- Plan 2. c-2.o_3RD Amend Subdiv. 06.11.2014
- Plan 3. c-2.1_existing_conditions_and_demolition_plan_phase1
- Plan 4. c-2.2_existing_conditions_and_demolition_plan_phase2
- Plan 5. c-3.o_site_layout_and_utility_plan_phase1
- Plan 6. c-3.1_site_layout_and_utility_plan_phase2
- Plan 7. c-4.oa_grading_and_drainage_plan_phase1
- Plan 8. c-4.ob_grading_and_drainage_plan_phase2
- Plan 9. c-4.1_stormwater_management_plan
- Plan 10. c-4.2_stormwater_management_plan_2of2
- Plan 11. c-5.o_erosion_control_plan_phase1
- Plan 12. c-5.1_erosion_control_plan_phase2
- Plan 13. c-6.o_full_depth_box_cut_asphalt_plan
- Plan 14. c-7.o_landscape_plan
- Plan 15. c-8.o_details
- Plan 16. c-9.o_details
- Plan 17. c-10.o_erosion_and_sediment_control_notes
- Plan 18. c-11.o_pre-development_watershed_plan
- Plan 19. c-12.o_post-development_watershed_plan
- Plan 20. e-0.1
- Plan 21. e-0.2
- Plan 22. e-1.1
- Plan 23. e-1.2
- Plan 24. e-1.3
- Plan 25. arch plans