

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #126-15/16 – Appealing the denial of the Public Works’ Director a curb cut on Wermuth Road for Yaz Automotive Repair & Towing. Passage requires majority vote.

Position:

Sebago Technics, on behalf of the Yaz Automotive Repair & Towing, submitted an application to the Public Works Director for a permit for a new curb cut on Wermuth Road to serve the company’s addition. The company plans to build a 768 square foot two story building that will house an automotive repair facility on the first floor and an apartment on the second floor.

The only vehicular access to the property is through the abutting property, therefore, a new driveway is proposed from Wermuth Road.

Chapter 23, Section 37(2)(b) prohibits a driveway or curb cut being located within 200 feet of any intersection. This proposed driveway is located with 65 feet of the intersection with Westbrook Street.

- (b) No such driveway or curb cut shall be located within two hundred (200) feet of any intersection in the city or within a like distance, as measured along a public way from any playground, school, church, hospital or places of public assembly;

The Public Works Director denied the permit based on Section 23-37 (2)(b). Although, by ordinance, the permit must be denied, Public Works Director Doug Howard has no issues with the request.

I raise a concern of the type of activity proposed for this parcel and whether the distance is acceptable distance from a very busy Westbrook Street. The property is only 73-feet deep, making a curb cut fall right adjacent to residential dwellings. The use being billed as an automotive repair facility is a use allowed by zoning; however, the property is also slated to be the home for Yaz’s towing company and vehicle impound yard. Both of these uses are accessory to the principle use of a repair facility. This facility will be a 24-hour facility and I question the type of use and type of vehicles on this residential side street and whether 65-feet from an intersection is an acceptable distance for this type of operation.

Police Chief Ed Googins offers the following concerns on the curb cut waiver request:

Jim,

I would like to offer my comments in regards to the curb cut waiver request for the property at 600 Westbrook Street. This property is at the intersection of Westbrook Street and Wermuth Road with the curb cut request being on Wermuth.

Wermuth Road is a narrow residential street with no sidewalks that measures just 21 feet wide from curb to curb. Presently the west side of the street closest to Westbrook Street does not have any curbing. On the other hand, Westbrook Street does have sidewalks which forces pedestrians to leave the sidewalk and walk on the side of the street as they go down Wermuth Road. I am very concerned that this curb cut for commercial purposes, so close to the intersection and on a residential street entering into congested Redbank Village, will create conditions that will be very unsafe for pedestrians.

Redbank Village is an active and very family oriented community with many children that walk and play in the area. Wermuth Road is also an established route to the only neighborhood store within the complex which is right around the corner on Westbrook Street.

I appreciate your advising the City Council of my concerns as they consider this waiver request.

Ed Googins

A denial may be appealed to the City Council, who may, in its sole discretion, grant such an appeal if they find the ordinance standard has caused a "hardship" for the applicant.

Requested Action:

This item is in order for City Council consideration.


City Manager



January 20, 2016
15461

James Gailey, City Manager
City of South Portland
25 Cottage Road
South Portland, ME 04106

Special Exception & Site Plan Application – Yaz Automotive Repair & Towing
600 Westbrook Street, Tax Map 50, Lot 74-B

Dear Jim:

Sebago Technics, Inc. is currently preparing a Special Exception & Site Plan Application for a proposed 768 square foot building containing two-stories at 600 Westbrook Street. The first floor of the building is proposed as an automotive repair facility and the second floor as an apartment. A fenced, gravel storage area is also proposed behind the building for storing vehicles associated with the applicant's automotive repair and towing business. As shown on the enclosed Existing Conditions Plan, the site is located on the corner of Westbrook Street and Wermuth Road and the only existing vehicular access is through the abutting property. As shown on the enclosed Site Plan, a new driveway is proposed to service the proposed facility from Wermuth Road.

From our conversations with City Staff and in accordance with Ordinance Section 23-37(2), we understand that a request to approve any new driveway serving a commercial use located within 200 feet of a roadway intersection must be submitted to the Public Works Director. Additionally, by Ordinance, the Director must deny this request allowing the applicant to petition the City Council for their approval consideration of the proposed driveway. Enclosed please find the denial of the proposed driveway from the Public Works Director, Doug Howard, dated January 19, 2015. We respectfully request that you review the enclosed information and to please place us on the next available Council agenda for consideration.

Thank you for your attention to this matter. If you have any questions or need additional information, please contact me.

Sincerely,

SEBAGO TECHNICS, INC.

A handwritten signature in black ink that reads "Shawn M. Frank".

Shawn M. Frank, P.E.
Senior Project Manager

SMF/llg
Enc.



Doug Howard
Director of Public Works
Phone: 207-767-7635
Fax: 207-767-7636

To: Shawn Frank, PE Senior Project Manager Sebago Technics
From: Doug Howard, Director of Public Works
Subject: Curb Cut for 600 Westbrook St.
Date: January 19, 2016

Dear Shawn,

I have reviewed the request for a curb cut for the lot at 600 Westbrook St. The curb cut is within 200 feet of an intersecting street. This does not meet the requirement of the ordinance therefore I am denying the application for the curb cut. This denial may be brought forth to the City Council for approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Doug Howard".

Doug Howard
Director of Public Works



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Mayor

JAMES H. GAILEY
City Manager

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IN CITY COUNCIL

ORDER #126-15/16

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WHEREAS, the South Portland Code of Ordinances Sec. 23-35 provides that no curb cuts may be constructed from private property to any public way without a permit from the Director of Public Works; and

WHEREAS, Code of Ordinances Sec. 23-37(2)(b) prohibits a commercial driveway or curb cut within 200 feet from intersections; and

WHEREAS, Sebago Technics, on behalf of the Yaz Automotive Repair & Towing, has demonstrated that this limitation would result in a hardship pertaining to the proposed improvements to the Yaz Automotive Repair & Towing property.

NOW, THEREFORE, pursuant to Code of Ordinances Sec. 23-39, and based upon the showing of hardship made by Sebago Technics, on behalf of the Yaz Automotive Repair & Towing, the City Council hereby orders that Sebago Technics, on behalf of the Yaz Automotive Repair & Towing, be granted a permit to locate a curb cut on Wermuth Road in conjunction with proposed improvements to the Yaz Automotive Repair & Towing property.

Fiscal Note: Less than \$1,000

Dated: April 4, 2016



