

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #13-14/15 – Appealing the denial of the Public Works’ Director for two (2) new curb cuts on Surfsite Road for Southern Maine Community College. Postponed on 8/4/14. Passage requires majority vote.

Position:

Harriman Architects & Engineers, on behalf of Southern Maine Community College, has requested an appeal to the City Council for the denial of a permit for curb cuts for the school’s Hub Athletic Center parking lot. The property is shown as Map 5, Lot 89 on the City’s tax maps. It borders Fort Road and Surfsite Road.

The college had 225 leased parking spaces near Bug Light Park, however, the lease was discontinued. In order to provide parking for its students, it would like to create parking at its Hub Athletic Center Lot.

The number of curb cuts, the width of the curb cuts and the placement within 200 feet of an intersection constitutes denial per Chapter 23, of the City’s Code of Ordinances.

The Number of Curb Cuts – Chapter 23, Section 23-38

No person shall be granted permits for more than two (2) driveways or curb cuts to serve any single use by the director of public works.

The property currently has three active curb cuts. The request is to add two more, for a total of five. The easterly two curb-cuts on Fort Road are a service drive and a main entry pedestrian walk. The westerly one on Surfsite Road is a service/parking drive.

The Placement within 200 Feet of an Intersection – Chapter 23, Section 23-37(2)(b)

(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;

One of the requested curb cuts is located within 25 feet of the Benjamin W. Pickett Street curb line. SMCC would lose 13 of the 19 parking spaces if it was located within the 200 foot requirement.

The Width of the Curb Cuts – Chapter 23, Section 23-37 (2)(a)(1)

- 2) *When the entrance or exit driveway or curb cut serves a development that includes business, commercial or industrial use, or that serves a residential use with twenty (20) or more dwelling units, the following standards and criteria apply:*
- (a) *The width of said driveway or curb cut at its entrance to the public way shall be as follows:*
- (1) *Maximum allowed curb cut width, without a splitter island: Determined based on an access way width of no less than ten (10) feet and no more than thirty (30) feet, and radii of no less than ten (10) feet and no more than thirty-five (35) feet.*

One of the requested cuts is 91 feet wide and the other one is 100 feet wide. The maximum is 30 feet.

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.

The City Council conducted a site walk of the property on September 8, 2014 and further discussed the request at a special workshop on September 15, 2014.

I am recommending this item be withdrawn.

Requested Action:

Withdrawal of this item.


City Manager



CITY OF SOUTH PORTLAND

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JAMES H. GAILEY
City Manager

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City Clerk

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ORDER #13-14/15

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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, Code of Ordinances Sec. 23-38 prohibits more than two (2) curb cuts to serve any single use; and

WHEREAS, Code of Ordinances Sec. 23-37 (2)(a)(1) prohibits the width of a curb cut without a splitter island to be no more than thirty (30) feet; and

WHEREAS, Harriman Architects & Engineers, on behalf of the Southern Maine Community College (SMCC), has demonstrated that these limitations would result in a hardship pertaining to the proposed improvements of the property.

NOW, THEREFORE, pursuant to Code of Ordinances Sec. 23-39, and based upon the showing of hardship made by Harriman Architects & Engineers, on behalf of SMCC, the City Council hereby orders that Harriman Architects & Engineers, on behalf of the Southern Maine Community College, be granted a permit to locate two (2) curb cuts on Surfsite Road to create parking at SMCC's Hub Athletic Center.

Fiscal Note: Less than \$1,000

Dated: August 4, 2014