Agenda Item #17

Meeting of June 6, 2016

South Portland City Council
Position Paper of the City Manager

Subject:

ORDINANCE #10-15/16 – Amending Chapter 27, "Zoning," regarding the Conditional Residential and Limited Commercial Use District G-3. First reading. Passage requires majority vote.

Position:

This item is brought forward by Riverbrook Properties, LLC for zone text amendments to the Conditional Residential and Limited Commercial Use District G-3 for its property located at 675 Westbrook Street. The parcel is shown as Map 44, Lot 304 on the Assessor's Tax Maps. The G-3 zone pertains only to this property.

The purpose of this amendment is to increase the number of residential units allowed in the zone. Riverbrook Properties, LLC would like to develop the last remaining parcel at the Brickhill Subdivision. Currently the conditional use zone caps the residential dwelling units at 300 and this change would increase the residential units allowed in the zone to 335. Riverbrook also owns lot #4 in which they previously tried develop and market for commercial purposes. They feel that there is an opportunity to create a 120 unit housing development on this lot.

The following are proposed changes to the Conditional Residential and Limited Commercial Use District G-3:

1) Amending Section 27-1052 (a) by updating the Master Plan that guides the location of different uses on the property.

Sec. 27-1052. Conditions to Zone Change to Conditional Residential and Limited Commercial Use District G-3.

Pursuant to Sec. 27-117 of the Code, the property described in this Article shall be limited as follows:

(a) Master plan. The location of townhouses, family apartments, residential condominiums and non-residential uses within the site shall occur within the general areas shown for such uses on a plan entitled, "Redevelopment Plan for the former Maine Youth Center Site," by Winton Scott Architects, et al., and dated July 2006, <u>and as amended by Carroll Associates on March 30, 2016,</u> a

copy of which shall be kept on file at the Planning Department of the City of South Portland.

. . .

2) Amending Section 27-1052 (b) (2) (iii) by clarifying the phasing of the dwelling units.

Sec. 27-1052. Conditions to Zone Change to Conditional Residential and Limited Commercial Use District G-3.

. . .

(b) Phased development. Development of the site shall be accomplished in four (4) phases, as follows:

(1) Phase one shall consist of no more than 70 residential units;

(2) Phases II through IV shall consist of a mix of townhouses, apartments, residential condominiums and/or non-residential uses, subject to the following limitations on the residential elements:

(i) Phase II shall be limited to not more than seventy (70) dwelling units;
(ii) Phase III shall be limited to not more than seventy (70) dwelling units; and

(iii) Phase IV shall be limited to not more than ~~ninety (90)~~ <u>one hundred twenty-five (125)</u> dwelling units.

. . .

3) Amending Section 27-1054 by increasing the maximum number of residential units from 300 to 335.

Sec. 27-1054. Space and Bulk Regulations (G-3).

Maximum net residential density: Ten (10) dwelling units per net residential acre. Notwithstanding the phased development of the site, net residential density and other density calculations shall be based upon the total site area, less required area deductions.

Maximum number of residential dwelling units: ~~Three hundred (300)~~ <u>Three hundred thirty-five (335)</u>.

. . .

4) Amending Section 27-1055 (d) (i) by allowing “compact” parking spaces for smaller and more energy efficient vehicles.

Sec. 27-1055. Off-Street Parking (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, off-street parking shall be provided in accordance with requirements of Sec. 27-1556 of this Chapter, except as follows:

(a) Parallel parking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

(b) Driveway access for parallel parking spaces shall be a minimum of twenty-one (21) feet wide for two-way traffic.

(c) On-street parking is not permitted on public streets within the zone.

(d) Parking ratios shall be as follows:

(i) Multifamily (non-elderly): Two (2) spaces per dwelling unit. <u>Up to 20% of the required parking may be “compact” spaces to allow for smaller and/or energy efficient vehicles. Compact spaces shall be eight (8) feet wide by sixteen (16) feet long and shall be designated as such on the site plan and with signage once constructed.</u>

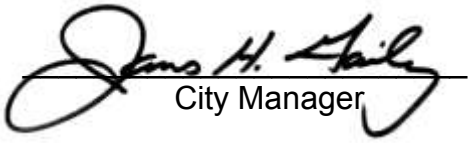
…

The Planning Board held a public hearing on April 12, 2016. By a vote of 5–0 (District 2 Vacant; Boudreau absent), the Planning Board recommended approval of the zone text amendments to the Conditional Residential and Limited Commercial Use District G-3 Zone. Attached is a copy of the Planning Board report.

These amendments were discussed at the May 23, 2016 workshop and are brought forward for first reading and to set June 20, 2016 for second reading and action.

Requested Action:

Council passage of first reading and set June 20, 2016 for second reading and action.



City Manager

CITY OF SOUTH PORTLAND

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City Manager

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District Four
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District Five
BRAD FOX

At Large
MAXINE R. BEECHER

At Large
THOMAS E. BLAKE

IN CITY COUNCIL

ORDINANCE #10-15/16

THE COUNCIL of the City of South Portland hereby ordains that Chapter 27, "ZONING," of the "Code of Ordinances of the City of South Portland, Maine" be and hereby is amended as follows (additions are underlined; deletions are ~~struck out~~)

Chapter 27

ZONING

. . .

ARTICLE X. Residential Conditional/Contract Districts

. . .

Sec. 27-1052. Conditions to Zone Change to Conditional Residential and Limited Commercial Use District G-3.

Pursuant to Sec. 27-117 of the Code, the property described in this Article shall be limited as follows:

(a) Master plan. The location of townhouses, family apartments, residential condominiums and non-residential uses within the site shall occur within the general areas shown for such uses on a plan entitled, "Redevelopment Plan for the former Maine Youth Center Site," by Winton Scott Architects, et al., and dated July 2006, <u>and as amended by Carroll Associates on March 30, 2016,</u> a copy of which shall be kept on file at the Planning Department of the City of South Portland.

. . .

(b) Phased development. Development of the site shall be accomplished in four (4) phases, as follows:

(1) Phase one shall consist of no more than 70 residential units;

(2) Phases II through IV shall consist of a mix of townhouses, apartments, residential condominiums and/or non-residential uses, subject to the following limitations on the residential elements:

P.O. Box 9422 • South Portland, ME 04116-9422
Telephone (207) 767-3201 • Fax (207) 767-7620

(i) Phase II shall be limited to not more than seventy (70) dwelling units;

(ii) Phase III shall be limited to not more than seventy (70) dwelling units; and

(iii) Phase IV shall be limited to not more than ~~ninety (90)~~ one hundred twenty-five (125) dwelling units.

. . .

Sec. 27-1054. Space and Bulk Regulations (G-3).

Maximum net residential density: Ten (10) dwelling units per net residential acre. Notwithstanding the phased development of the site, net residential density and other density calculations shall be based upon the total site area, less required area deductions.

Maximum number of residential dwelling units: ~~Three hundred (300)~~ Three hundred thirty-five (335).

. . .

Sec. 27-1055. Off-Street Parking (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, off-street parking shall be provided in accordance with requirements of Sec. 27-1556 of this Chapter, except as follows:

(a) Parallel parking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

(b) Driveway access for parallel parking spaces shall be a minimum of twenty-one (21) feet wide for two-way traffic.

(c) On-street parking is not permitted on public streets within the zone.

(d) Parking ratios shall be as follows:

(i) Multifamily (non-elderly): Two (2) spaces per dwelling unit. Up to 20% of the required parking may be “compact” spaces to allow for smaller and/or energy efficient vehicles. Compact spaces shall be eight (8) feet wide by sixteen (16) feet long and shall be designated as such on the site plan and with signage once constructed.

. . .

Fiscal Note: Less than $1,000

Dated: June 6, 2016

MEMORANDUM

To: **City Council**

From: **Planning Board**

Date: **April 25, 2016**

Subject: **Request for Zoning Text Amendment – Riverbrook Properties, LLC – Third Amendment to G-3 Zone– Brickhill Redevelopment Project – Public Hearing at the Meeting of April 12, 2016**

INTRODUCTION

Riverbrook Properties, LLC had requested a set of Zoning Text Amendments to the Conditional Residential and Limited Commercial Use District G-3 location at 675 Westbrook Street. The applicant is proposing a text amendment to the G-3 zoning district to increase the number of residential units allowed in the zone. The applicant would like to develop the last remaining parcel at the Brickhill Subdivision. Currently the conditional use zone caps the residential dwelling units at 300, the applicant would like to increase the residential units allowed in the zone to 335. The applicant owns lot #4 in which they have tried to previously develop and market this lot for commercial purposes. They feel that there is an opportunity to create a 120 unit housing development. The parcel is further identified as Assessor's Tax Map 44, Lot 304 located within the Conditional Residential Limited Commercial Use District G-3 District.

Legal advertisements appeared in the Portland Press Herald on March 29 & April 4, 2016, and were posted in City Hall on March 29, 2016. Public hearing notices were sent on March 29, 2016, to 55 property owners within 500 feet of the zone, the applicant, and sent via email to the Conservation Commission, Planning Board, and City Council.

This submission was reviewed under Section 27-115(g) of Chapter 27 Article II Zoning, Article X Conditional Residential and Limited Commercial Use District G-3, and the Comprehensive Plan.

ZONING RECOMMENDATION FROM THE PLANNING BOARD

By a vote of 5–0 (District 2 Vacant; Boudreau), the Planning Board recommends the following text amendments to the Brickhill Conditional G-3 Zone as follows (eliminations are ~~struck out~~; additions are underlined):

CONDITIONAL RESIDENTIAL AND LIMITED COMMERCIAL USE DISTRICT G-3

Sec. 27-1051. Purpose (G-3).

Pursuant to Sec. 27-117 of the Code, conditional or contract zoning, the property identified as Assessor's Map 50, Lot 17 and those portions of Assessor's Map 44, Lots 15A and 16 lying southerly of the boundary between land of the Portland International Jetport/Long Creek Correctional Facility and land

leased or otherwise conveyed to Long Creek Redevelopment LLC by the State of Maine, as said boundary is shown on the plan entitled "Redevelopment Plan for the former Maine Youth Center Site," and being the former location of the Maine Youth Center, operated by the State of Maine, Department of Corrections, is rezoned from Residential District G and Rural Residential District RF to Conditional Residential and Limited Commercial Use District G-3, with a number of conditions and restrictions relating to the physical development and operation of the property and off-site improvements. The purposes of the Conditional Residential and Limited Commercial Use District G-3 are: To allow an adaptive re-use of the Youth Center Property which will provide for affordable rental housing and opportunities for home ownership; to permit limited amounts of office /commercial development; to rehabilitate historic structures and areas on the site; and to afford new opportunities for public access to Long Creek and this area of historic significance.

Sec. 27-1052. Conditions to Zone Change to Conditional Residential and Limited Commercial Use District G-3.

Pursuant to Sec. 27-117 of the Code, the property described in this Article shall be limited as follows:

(a) Master plan. The location of townhouses, family apartments, residential condominiums and non-residential uses within the site shall occur within the general areas shown for such uses on a plan entitled, "Redevelopment Plan for the former Maine Youth Center Site," by Winton Scott Architects, et al., and dated July 2006, *and as amended by Carroll Associates on March 30, 2016*, a copy of which shall be kept on file at the Planning Department of the City of South Portland.

(b) Phased development. Development of the site shall be accomplished in four (4) phases, as follows:

(1) Phase one shall consist of no more than 70 residential units;

(2) Phases II through IV shall consist of a mix of townhouses, apartments, residential condominiums and/or non-residential uses, subject to the following

limitations on the residential elements:

(i) Phase II shall be limited to not more than seventy (70) dwelling units;
(ii) Phase III shall be limited to not more than seventy (70) dwelling units; and
(iii) Phase IV shall be limited to not more than ~~ninety (90)~~ *One Hundred Twenty five (125)* dwelling units.

(c) Ownership. Dwelling units constructed in the area of the above referenced "Master Plan" labeled "Terrace Housing" shall be offered for sale to the general public as condominium units.

(d) Affordability. A minimum of fifty percent (50%) of the dwelling units constructed in the zone will be affordable to and reserved for households with incomes at or below eighty percent (80%) of the area median income, adjusted for family size, as defined by the United States Department of Housing and Urban Development.

(e) Traffic improvements.

(1) The Maine Mall signal project must be completed and operational before certificates of occupancy may be issued for any development at Brickhill.

(2) The intersection improvements at Westbrook Street and Western Avenue must be opened for vehicular travel by the public before certificates of occupancy may be issued which when added to all Brickhill development for which occupancy permits previously have been granted, would generate more than 89 PM peak hour trip ends, as determined by a qualified traffic engineer.

(3) All access rights shall be obtained, and all necessary facilities installed, for the emergency access road, as depicted on the Conceptual Emergency Access Layout drawing #2 by Gorrill-Palmer Engineers, and the I-295 Exit 3 reconfiguration must be under construction before certificates of occupancy may be issued which when added to all Brickhill development for which occupancy permits previously have been granted, would generate more than 183 PM peak hour trip ends, as determined by a qualified traffic engineer.

(4) No certificate of occupancy shall be issued until Long Creek Redevelopment, LLC, or its designee, pays to the City a sum equal to one hundred fifty dollars ($150.00) times the number of PM peak hour trips estimated for the phase. Said funds to be used by the City for construction of turning lanes at the intersection of Westbrook Street and Western Avenue.

(f) Public amenities.

(1) Phase I approval shall be conditioned upon the developer's providing reasonable public access to Long Creek and designated open spaces. Public parking shall be provided adjacent to the community park.

(2) Phase II approval shall be conditioned upon the developer's offering its interest in the community park to the City for use as a public park area.

(3) Phase III shall be conditioned upon the developer's constructing and offering to the City a public boat landing, with parking, on Long Creek suitable for launching hand carried vessels.

(g) Historic preservation. The cottage buildings within the zone which are listed on the National Register of Historic places shall be rehabilitated.

(h) Long Creek Redevelopment LLC, or its designee, shall pay a sum of $75,000 to the City of South Portland to be issued toward sidewalk construction project. This sum shall be provided by the start of construction.

Sec. 27-1053. Permitted Uses (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, the following uses shall be permitted:

(a) Dwellings, including condominiums and multi-family residential structures, elderly housing, veteran and/or student housing.

(b) Public and private educational facilities, including child, adult, or combined facilities.

(c) Recreational or community activity buildings, grounds for

games or sports except those operated for a profit.

(d) Municipal buildings and municipal uses.

(e) Medical and professional offices.

(f) Local retail stores and businesses, not exceeding twenty-five hundred (2,500) square feet of floor area and not including gas stations and outdoor sales.

(g) Museums and cultural facilities.

(h) Public utility facilities, including substations, pumping stations and sewage treatment facilities.

(i) Accessory structures and uses.

Sec. 27-1054. Space and Bulk Regulations (G-3).

Maximum net residential density: Ten (10) dwelling units per net residential acre. Notwithstanding the phased development of the site, net residential density and other density calculations shall be based upon the total site area, less required area deductions.

Maximum number of residential dwelling units: ~~Three hundred (300)~~ *Three Hundred Thirty-Five (335)*.

Maximum area of non-residential development: 15 acres including building coverage, parking and landscaping.

Minimum lot area: Seven thousand five hundred (7,500) square feet.

Minimum street frontage: Seventy-five (75) feet.

Minimum front yard: Ten (10) feet.

Minimum side and rear yard: Ten (10) feet. Minimum

distance between principal buildings: Residential

use - Fifteen (15) feet.

Non-residential use – Height equivalent of the taller building.

Accessory buildings: Six (6) feet side and rear yard.

Maximum building height:

Residential use – Forty-five (45) feet.

Non-residential use – Sixty (60) feet.

Landscaped open space: At least thirty-three percent (33%) of the net residential acreage within the zone.

Shoreland and floodplain management regulations: Any lot or portion of a lot located within the shoreland area or in a special flood hazard zone shall be subject to the provisions of Article XIII of this Chapter and/or Article 4 of Chapter 5 of the Code except that, within the Shoreland Area Overlay District, the minimum water setback from the upland edge of a wetland for all principal and accessory buildings shall be twenty-five (25) feet.

Sec. 27-1055. Off-Street Parking (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, off-street parking shall be provided in accordance with requirements of Sec. 27-1556 of this Chapter, except as follows:

(a) Parallel parking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

(b) Driveway access for parallel parking spaces shall be a minimum of twenty-one (21) feet wide for two-way traffic.

(c) On-street parking is not permitted on public streets within the zone.

(d) Parking ratios shall be as follows:

(i) Multifamily (non-elderly): Two (2) spaces per dwelling unit. *Up to 20% of the required parking may be 'compact' spaces to allow for smaller and/ or energy efficient vehicles. Compact spaces shall be eight (8) feet wide by sixteen (16) feet long and shall be designated as such on the site plan and with signage once constructed.*

(ii) Multifamily (elderly): One-half (1/2) space per dwelling unit.

(iii) Single-family attached: Two (2) spaces per dwelling unit.

Sec. 27-1056. Street Standards (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, the street standards for all streets shall be those for "local" streets set forth in Sec. 24-42 of the Code, except as follows:

Minimum pavement width: 26 feet

Minimum Centerline Radius: 95 feet

Minimum tangent between reverse curves: 35 feet

Minimum distance between street intersections Opposite Side: 135 feet

Sidewalks: Constructed on one side of the street only, with twelve (12) foot esplanade and street trees that are not closer than eight (8) feet from the edge of pavement.

Curbing: sloped

Sec. 27-1057. Signs (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, signs shall be regulated in accordance with the requirements of Sec. 27-1561 et seq. of this Chapter and the following special restrictions:

(a) Specific proposals for all exterior signage shall be subject to review of the Planning Board and shall include a full disclosure of any and all signs to be located on the property, including, but not limited to, an indication of their size, illumination, landscaping, setbacks, specific locations, heights and construction materials, provided that all signs be restricted as indicated below.

(b) Two (2) freestanding permanent use shall be limited to one *(1)* freestanding sign for each building, no more than two *(2)* building mounted signs for each building face, and no more than one (1) sign for each entrance to the lot, provided that no freestanding sign shall exceed thirty (30) square feet and the building mounted signs shall not exceed one hundred fifty (150) square feet in surface area per

face. Freestanding signs shall not exceed ten (10) feet in height, and building mounted signs shall not exceed the height of the building.

(c) Each residential development cluster (Townhomes, Terrace Housing, etc.) may have up to two (2) freestanding permanent signs not exceeding twenty (20) square feet in surface area per face and eight (8) feet in height on their property. In addition, two signs not larger than six (6) square feet shall be allowed on each building near its entrances.

(d) Signage for non-residential use shall be limited to one (1) freestanding sign for each building, no more than two (2) building mounted signs for each building face, and no more than one (1) sign for each entrance to the lot, provided that no freestanding sign shall exceed thirty (30) square feet and the building mounted signs shall not exceed one hundred fifty (150) square feet in surface area per face. Freestanding signs shall not exceed ten (10) feet in height, and building mounted signs shall not exceed the height of the building.

(e) No flashing, rotating, or intermittent signs shall be allowed.

(f) No portable or temporary signs are permitted.

ANALYSIS OF ZONING TEXT AMENDMENT REQUEST

1. Existing and Proposed Land Uses

The proposed changes would be a change to the Permitted Uses found in the Conditional Residential and Limited Commerical Use District G-3, known as the G-3 district. The Conditional District was designed for the applicant's project, therefore the proposed zone text amendment will affect their specific property (Ord. No. 11-02/03, 2/24/03).

The G-3 District is located in one area of the City, found along Westbrook Street between Long Creek and the South Portland side of the Jetport, on the former 98+ acre Youth Center campus and administration building.

The request proposes to modify the Conditional Residential and Limited Commerical Use District G-3 by:

1) Amending Section 27-1052 (a) by updating the Master Plan that guides the location of different uses on the property (see Attachment #3);
2) Amending Section 27-1052 (b) (2)(iii) by clarifying the phasing of the dwelling units;
3) Amending Section 27-1054 by increasing the maximum number of residential units from 300 to 335; and,
4) Amending Section 27-1055 (d) (i) by allowing "compact" parking spaces for smaller and more energy efficient vehicles.

2. Existing and Proposed Zoning

The Conditional Residential and Limited Commercial Use District G-3 is the only zoning district under consideration.

The **purpose of the G-3 District** is "…[the] land lease or otherwise conveyed to Long Creek Redevelopment, LLC by the State of Maine, … and being the former location of the Maine Youth Center, operated by the State Maine, Department of Corrections, is rezoned from Residential District G and Rural Residential District RF to Conditional Residential and Limited Commercial Use District G-3, with number of conditions and restrictions relating to the physical development and operation of the property and off-site improvements. The purpose of the Conditional Residential and limited Commercial Use District G-3 are: To allow an adaptive re-use of the Youth Center Property which will provide for affordable rental housing and opportunities for home ownership; to permit limited amounts of office/commercial development; to rehabilitate historic structures and areas on the site; and to afford new opportunities for public access to Long Creek and this area of historic significance."

3. Compliance with the Comprehensive Plan

The Board will need to determine if the proposed zoning text amendments are in compliance with the City's existing Comprehensive Plan.

Below are a number of areas that the Comprehensive Plan pertains to this zoning text request.

CHAPTER FIVE: COMMUNITY GOALS AND POLCIES

A. POPULATION AND DEMOGRPAGHICS (see page 5-1)

State Goal: To encourage orderly growth and development in the appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing developmental sprawl. (Growth Management Act)

Local Objectives:

- **To accommodate growth in a manner that maintains the character of the City and its established residential neighborhoods.**
- **To ensure that diversity of people is able to continue to South Portland.**

Supported policies

2. The City's land use regulations should allow for the construction of both single family and multifamily housing in a variety of locations and in densities that are appropriate for the type of housing and location. (Page 5-2)

F. HOUSING

State Goal: To encourage and promote affordable decent housing opportunities for all Maine citizens. (Growth Management Act)

Local Objectives:

- **To provide a diversity of housing to meet the needs of a wide range of residents.**
- **To ensure that as new housing is built in the City, there continues to be a supply of affordable housing available to meet the needs of lower income households.**
- **To maintain the existing housing stock to assure that it provides safe and sanitary housing while improving its energy efficiency.**

Supported policies

2. The City should continue to provide for the construction of both single family and multifamily housing in a variety of locations and densities that are appropriate for the type of housing location. (Page 5 – 14)

4. The City should review its land use and building regulations to identify and possibly revise any requirements that impose unnecessary obstacles to the construction of "small apartment units" such as minimum floor area requirements and off-street parking standards while assuring that these units do not create problems for the neighbors. (Page 5 – 15)

5. The City should promote the use of "green building" techniques to improve the energy efficiency of new or renovated housing and should ensure that the codes and standards do not create an obstacle for the use of these new technologies. (Page 5 – 15)

CHAPTER SIX: LAND-USE GOALS AND POLICIES

A. Land Use Objectives

9. Encourage the development and redevelopment to occur in a way to make use of alternate transportation or feasible but folky scene growth along major transportation corridors – An objective of the plan is to expand the opportunities for alternative transportation—to make it easier and safer for people to walk and cycle and to improve services. Therefore, a land use objective is to allow the encouragement and development and redevelopment to occur in areas where it can be served by transportation alternatives.

7. The Maine Mall Area

The greater Maine Mall area extends from I-295 on the east of the Westbrook city line on the west and from the jetport on the north to the Scarborough line on the south. The area is predominantly nonresidential except for the Redbank/Brickhill neighborhood.

A. Broad Vision

2. The diversity of uses in the Mall area will increase within the overall area and within the current single use area to create much more of a mixed-use environment. This could include adding additional residential units in the area.

3. The overall area will be increasingly pedestrian-friendly as additional development occurs, resulting in less distance between buildings and improvement of pedestrian facilities.

B. Land Use

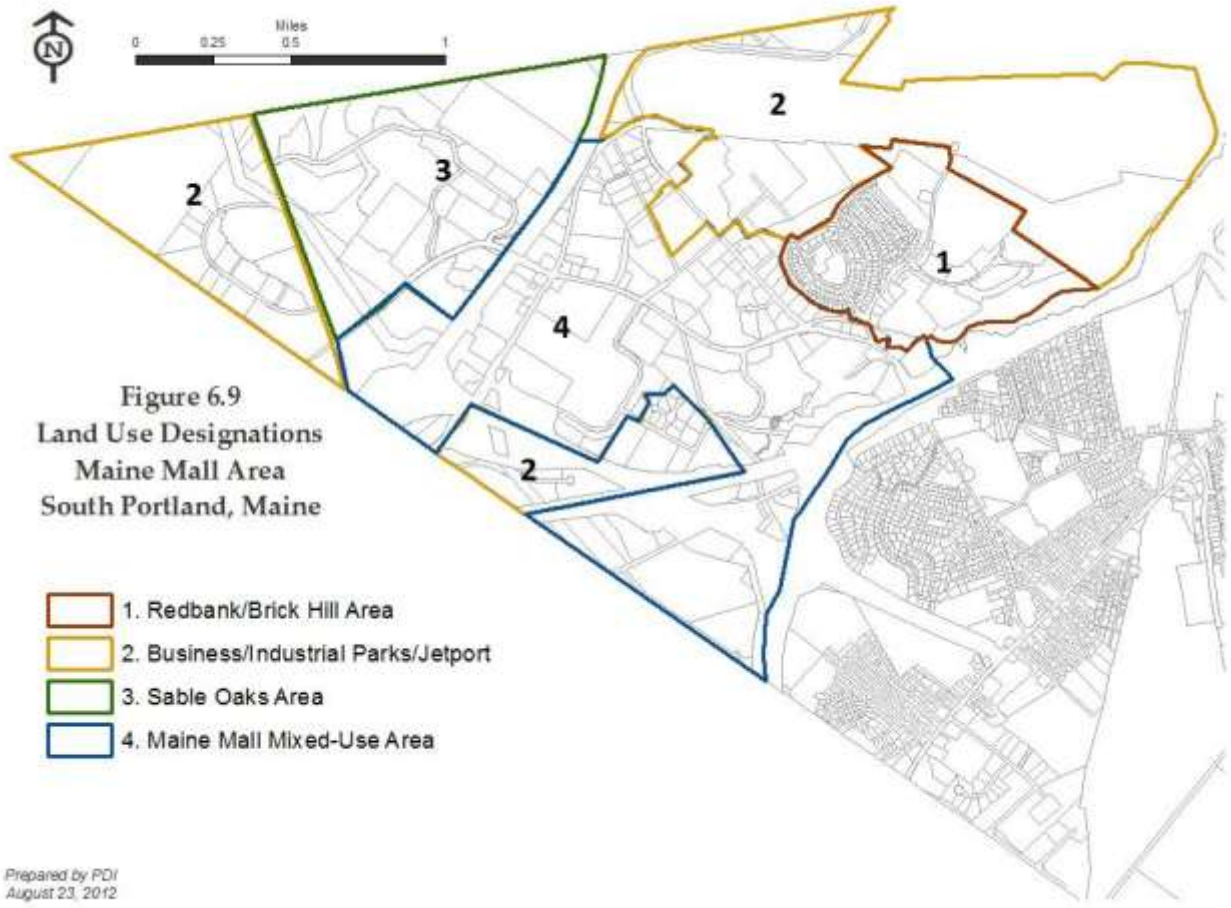
- The Redbank/Brickhill neighborhood should be designated and established as a high density residential neighborhood with a neighborhood center. Within this area, nonresidential uses should be limited to promote the residential character of the neighborhood. (See Figure 6.9 Land Use Designations Maine Mall area South Portland, Maine)

C. City Policies and Programs

Transforming the Mall area into more of a destination requires the active involvement of the City and cooperation with principal property owners. This will include:

- Developing an attractive and distinctive design for the Mall Area streetscapes, including street planning, street and informational signs, sidewalks, pedestrian crosswalks, and similar features that will be applied throughout the Mall Area to create a census of a special place.

- Continuing to improve/expand sidewalks and the trail network, including the improvement of pedestrian crosswalks in key locations.



Zone Change Issues
Intensification of Land Use
The G-3 District was originally developed for the location to accommodate the redevelopment effort, which involved the intensification of the existing uses of the former Youth Center. The zone text amendments would increase the residential density yet reduce the intensity of the land uses for the approval of the Brickhill Master Plan (see attached plan), although zone text amendments would facilitate the build-out of the project uses based on market and economic demands on the developer.

PUBLIC COMMENTS
At the time of writing this memo, the office has not received the any comments from the public.

MINUTES FROM THE MEETING OF APRIL 12,2106

Item #3. PUBLIC HEARING – Zoning Text Amendment Review – Third Amendment to G-3 Zone – 675 Westbrook Street – Riverbrook Properties, LLC.

Riverbrook Properties, LLC is requesting a set of Zoning Text Amendments to the Conditional Residential and Limited Commercial Use District G-3 located at 675 Westbrook Ave. The applicant is

proposing a third text amendment to the G-3 zoning district to increase the number of residential units allowed in the zone. The applicant would like to develop the last remaining parcel at the Brickhill Subdivision. Currently, the conditional use zone caps the residential dwelling units at 300. The applicant would like to increase the residential units allowed in the zone to 335. The applicant is the owner of lot #4, in which they have tried to develop and market for commercial purposes. They feel that there is an opportunity to create a 120-unit housing development. The property is further identified as Assessor's Map 44, Lot , located within the Conditional Residential limited Commercial Use District G-3.

Legal advertisements appeared in the Portland Press Herald on March 29 & April 4, 2016, and were posted in City Hall on March 29, 2016. Public hearing notices were sent on March 29, 2016, to 55 property owners within 500 feet of the zone, the applicant, and sent via email to the Conservation Commission, Planning Board, and City Council.

T. Haeuser introduced the item and showed the location on a map and the Master Plan drawing. He noted that in order to do this, the applicant needs to slightly modify the existing zone that was developed many years ago. Tonight, the Planning Board will make a recommendation to the City Council on the proposed zoning map change and zoning text amendment.

On page 3, the first change was to the Master Plan provision. This section needs to refer to the Master Plan that's on the screen, and when the Board makes a motion they will want to change February to March.

In the Phased Development portion, the zoning was laid out so that housing was in phases. Phase IV needs to be revised to 120. At the top of page 6 is the maximum number and this needs to change to 335.

The last change is for parking. In order to accommodate the off-street parking needed for the new units, some need to be compact spaces. This has been seen before in other projects. What is proposed is that up to 20% of required parking could be compact, with requirements.

The applicant needs the zone change before Site Plan approval. This seems to fit within the Comprehensive Plan relative to diversified uses in the Mall area. He mentioned that there is $15,000 in funding from the Community Development Block Grant (CDBG) program and another $15,000 will hopefully be awarded through the City's Capital Improvement Plan (CIP) budget. They are hoping to do something similar to what they've done with Mill Creek, laying the groundwork for what they would like to see happen in the area. Staff recommendation is for approval.

PUBLIC HEARING OPEN

Kevin Bunker, 3 Alder Dr., Brunswick, introduced himself as the applicant and introduced his partners: Pat Carroll, landscape architect and master planner, and his prospective partners and builders, Rocky and Bill from Risbara Bros Construction. He explained that Richard Berman is an old partner who developed most of Brickhill before he came on board; now he has been involved for several years. Osprey Circle is something he'd done with Richard and another partner and he's currently Richard's partner in Lot 4. Soon, Rocky and Bill will buy Richard out. Rocky and Bill are also

partners of his for other projects. They've built Heron Cove condos and have a history of building and developing multifamily projects, as does he.

He became involved with Lot 4 in 2009 when Fairchild was looking at it for office space. Their site came in in the middle of the pack, but nothing was ever built because of the economic crisis. They have shopped the space a number of times and put a lot of time, energy, and money into office tenants without any luck. Now, great office buildings that have been empty for years are filling up and it's been difficult to build a new one. With the residential market, demand, and need, plus their history with residential, it seems like a good idea to do a market rate project. They have investigated several schemes: multi-story elevated building, different financing. This will be all market rate housing. He mentioned an effective model being used by the Risbaras in Westbrook that has widespread market acceptance and is a perfect fit for their work here, but they need a few more units to build the site out. The demand and need is there, public conversation is lining up, and they think this makes sense on many levels.

He showed a more updated site plan for informational purposes and explained that it is more organized that what was on the Master Plan that was shown. They have organized the units into five pods across the site, giving a sense of community between the buildings.

PUBLIC HEARING CLOSED

I. Misiuk asked if they have given any thought to affordable housing.

K. Bunker said he does a lot of affordable housing developing; tax credits are competitive and it's difficult to get. He explained that they have done a mixture of affordable family housing, market rate condos with some that are affordable ownership, and affordable senior housing projects. One thing they don't have are market rate rentals. He explained that they think this will be a good balance for the area. They know they can build and finance it; the housing game with tax credits means that once a year you have to apply and hope you get it, and if you don't get it you wait. This isn't a super high-scoring site anymore with the current QAP and he thinks it would be a struggle. Market rent means a lot of things today.

I. Misiuk said he thinks it's great to bring any type of housing in.

K. Bunker said each building will have an equal mix of one- and two-bedroom units. For one-bedrooms, rent will be around $1000-1100 and for two-bedrooms around $1200-1300. These are not high-end market rate and there isn't a lot of affordability in the City with new development now.

T. Haeuser mentioned Portland Inclusionary Zoning regulations workforce housing and said this isn't that far away. **K. Bunker** agreed.

K. Carr pointed out that the math on page 3 doesn't add up to 335, as it's stated on the top of page 6.

K. Bunker said those phases are already built. Phase IV (Lot 4) was residential and they thought that the 90 must be referring to something else that's already been built. Each one individually is true.

T. Haeuser recommend that they change this to 125 to get to 335 and have them match.

K. Bunker noted that they are only going to build to 120 and they can note that if necessary.

T. Haeuser said this would be a point of confusion. Going 90 to 120 versus 125 isn't much of a deal. If there's a motion, they should change the Master Plan date to March 30 and the Phase IV number to 125.

K. Carr said that he hasn't seen the School Department on the list of internal reviews before. When talking about residential construction, it would be helpful to have them in the loop. Although this doesn't seem like an issue, if there were 120 units with three bedrooms and he were the superintendent, he would scramble.

T. Neff echoed given the conversation on housing. She said this is a great project and has her support.

K. Phillips said this is a project that's well needed.

K. Bunker said they hope to start late summer. They're ready to go now if they have approval. The buildings go up in 12 weeks. The idea is to build one; at any time you're doing the site work for one, framing the second, finishing the third and renting out the fourth. It's a tested model from the Risbaras that works well and the market likes it.

W. Laidley questioned use of the word "folky" in the memo and said this project has real possibilities.

K. Carr said he sees it as a mix of folks around park bench, some on bicycles.

I. Misiuk looked it up and it means "ordinary people or traditional culture."

T. Neff motioned to recommend to the City Council approval of the request for zoning text amendments to Article X Conditional Residential and Limited Commercial Use District G-3, <u>Ordinance Sections 27-1052 (a) Master Plan; 27-1052 (b)(2)(iii) Phased development; 27-1054 Space and Bulk Regulations; and, 27-1055(d) (i) Off-street Parking</u>, based on the determination that the text amendments are consistent with the City of South Portland's <u>Comprehensive Plan, including two edits on page 3: 1) Change the date from February to March 30, 2016, and b2) iii) from 90 units to 125 units.</u> K. Phillips seconded; (5-0) (District 2 vacant, L. Boudreau absent).

RECOMMENDATION

Planning Board sends a positive recommendation to the City Council to approve the request for zoning text amendments to Article X Conditional Residential and Limited Commercial Use District G-3, Ordinance Sections 27-1052 (a) Master Plan; 27-1052 (b)(2)(iii) Phased development; 27-1054 Space and Bulk Regulations; and, 27-1055(d) (i) Off-street Parking, based on the determination that the text amendments are consistent with the City of South Portland's Comprehensive Plan.

Attachments

1. Staff Comments Letter
2. Applicant's respond Letter and Exhibits
3. Amended Master Plan showing the 120 Residential on Lot #4
4. Clean Amended Zoning Text Changes

City of South Portland
DEPARTMENT OF
PLANNING & DEVELOPMENT

March 28, 2016

Mr. Patrick Caroll
Caroll Associates Landscape Architects
217 Commercial Street Suite # 200
Portland, ME 04101

RE: Zoning Text Amendment Review – Riverbrook Properties, LLC – Third Amendment to G – 3 Zone – 675 Westbrook Street

Dear Mr. Caroll:

Following are all the staff comments that have been received to date on your request for the Zoning Text Amendment Review application review.

Water Resource Protection
The increase in residential units will require the sewer impact fee be revisited. They should look at the original flows they were approved for and adjust for the newly proposed sewer impact. Thanks

Patrick Cloutier
Director

I have reviewed Riverbrook Properties, LLC request for Zone Text Amendment related to the Brickhill Redevelopment. I have no concerns with this request.

Dave Thomes
Collection Systems Manager

Corporation Counsel
Everything appears to be in order. The actual text amendment itself seems very straightforward. I don't know the numbers, but does the maximum net residential density need any adjustment?

Code Enforcement
No comments received at the time of writing this letter.

Waterfront and Transportation Director
No comments received at the time of writing this letter.

Police Chief
I am not opposed to this request. I am concerned about the status of the secondary egress (for emergency use only) through the Longcreek Juvenile complex. This access needs to be maintained year round and available for immediate use.

Assistant City Manager
I'm responding with my Assistant Manager hat on. I believe this project conforms to the City's Comprehensive Plan and vision for this neighborhood. For some time, the plan has been to build

out residential and office space in this area, so this wouldn't represent a change in use. Rather, it is a change in density and a fairly modest one at that, increasing from 300 to 335 units. If issues of access and utilities do not pose a problem, I am supportive of this project and text amendment. As a City we should also consider a few qualitative aspects of this project, 1. Housing availability and affordability has become a priority issue, and increasing housing stock will have a positive effect on rent prices, and 2. Housing diversity within each neighborhood is an issue of social equity and should be encouraged. Blended housing eliminates the stigma of "poor" and "rich" areas. This project will bring in more market rate housing to an area that also has many affordable and subsidized units. Over time this will continue to help with the revitalization of the redbank/brick hill neighborhood.

Fire Department
The fire department would request a water flow study in the area to verify that sufficient water is available for fire suppression. Past flow records have been coming from hydrant located on Westbrook Street and this location is a significant distance from that hydrant. It was previously discussed that the hydrant main through the Brick Hill complex would be extended and looped into the water main located on Aviation Boulevard upon further development.

Planning Director
No comments.

Community Planner
* I have no comments regarding the request, although, I have techncial comment rearding the striking of the Winton Scott Achitects, in Section 27-1052 (a). I believe it should remain with Carroll Associates, et all amending the Master Plan.

Director of Transportation
No comments received.

Your application is tentatively scheduled for review at the ***April 12, 2016*** Planning Board meeting. Please respond to the staff comments in writing and provided all requested submittals (such as revised and updated plan sets, documentation, etc.) to the planning office one week prior (***4/5/2016***) to your scheduled hearing. The Planning Board requires nine (9) full size planset and one original response letter and copy of supplemental documentation. If possible, please provide pdf files of the planset, response letter, and documentation. It is your responsibility to stay in touch with the Planning and Development office during this period. Your attendance will be required; the Planning Board meeting begins at 7:00 PM in the Council Chambers of the South Portland City Hall, located at 25 Cottage Road.

Please feel free to contact me at 767-7648 with any questions or concerns.

Sincerely,

Steve Puleo

Steve Puleo
Community Planner

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

April 1, 2016

Mr. Stephen Puleo, Planner
City of South Portland
496 Ocean Avenue
South Portland, ME 04106

RE: Zone Text Amendment, Brickhill

Dear Steve,

We are in receipt of the Staff comments regarding the Zoning Amendment for the G-3 Conditional Residential and Limited Commercial Use District established for the Brickhill Development, and offer the following responses to those comments:

Water Resource Protection

Patrick Cloutier, Director

The increase in residential units will require the sewer impact fee be revisited. They should look at the original flows they were approved for and adjust for the newly proposed sewer impact. Thanks

Dave Thomes, Collection Systems Manager

I have reviewed Riverbrook Properties, LLC request for Zone Text Amendment related to the Brickhill Redevelopment. I have no concerns with this request.

Response: We agree that the Sewer Impact Fee should be revisited based on the change of use from office to residential. We believe this should be a requirement during the Site Plan and Subdivision Approvals which will follow the Rezone.

Corporation Counsel

Everything appears to be in order. The actual text amendment itself seems very straightforward. I don't know the numbers, but does the maximum net residential density need any adjustment?

Response: The Net Residential Density has been recalculated based on the proposed Lot 4 development and falls below the 10 DU/ Ac allowed in the current Zone. See Attachment #1, Net Density Calculation, dated February 26, 2016 for calculations. As an alternative to the Net Residential Density, the City might consider removing it from the Ordinance in entirety, as the cap of 335 Dwelling Units dictates the total buildout on the Brickhill property.

Code Enforcement

No comments received at the time of writing this letter.

Response: No Response required.

Waterfront and Transportation Director

No comments received at the time of writing this letter.

Response: No Response required.

Police Chief

I am not opposed to this request. I am concerned about the status of the secondary egress (for emergency use only) through the Longcreek Juvenile complex. This access needs to be maintained year round and available for immediate use.

Response: We believe a permanent Access Easement establishing secondary egress through the Maine Youth Center property was signed and recorded in the Registry of Deeds. We are tracking that easement down and will submit to the City once it is located. We have also indicated the Access easement on the revised Master Plan which is included as Attachment #4 to this Memorandum.

Assistant City Manager

I'm responding with my Assistant Manager hat on. I believe this project conforms to the City's Comprehensive Plan and vision for this neighborhood. For some time, the plan has been to build out residential and office space in this area, so this wouldn't represent a change in use. Rather, it is a change in density and a fairly modest one at that, increasing from 300 to 335 units. If issues of access and utilities do not pose a problem, I am supportive of this project and text amendment. As a City we should also consider a few qualitative aspects of this project, 1. Housing availability and affordability has become a priority issue, and increasing housing stock will have a positive effect on rent prices, and 2. Housing diversity within each neighborhood is an issue of social equity and should be encouraged. Blended housing eliminates the stigma of "poor" and "rich" areas. This project will bring in more market rate housing to an area that also has many affordable and subsidized units. Over time this will continue to help with the revitalization of the redbank/brick hill neighborhood.

Response: We agree and appreciate the City's support on this project.

Fire Department

The fire department would request a water flow study in the area to verify that sufficient water is available for fire suppression. Past flow records have been coming from hydrant located on Westbrook Street and this location is a significant distance from that hydrant. It was previously discussed that the hydrant main through the Brick Hill complex would be extended and looped into the water main located on Aviation Boulevard upon further development.

Response: Recent flow tests by Portland Water District at the hydrants on Brickhill Avenue indicate adequate pressure and volume to meet the needs of the project. Included as Attachment #2 is an email from Glissen Havu on March 3, 2015 indicating such information. We have contacted the PWD requesting copies of this flow test data and will forward to the City for review once received.

It should be noted that the site was originally approved for an 80,000 sf office building, which would seem to have significantly more fire suppression needs than 10 individual residential buildings. This prior approval was made without the requirement for looping the water main into the main on Aviation Boulevard. We believe the existing water provides sufficient water to meet the needs of the project.

Planning Director

No comments.

Response: No Response required.

Community Planner

* I have no comments regarding the request, although, I have techncial comment rearding the striking of the Winton Scott Achitects, in Section 27-1052 (a). I believe it should remain with Carroll Associates, et all amending the Master Plan.

Response: We agree and have modified the text to include the original Master Plan reference to Winton Scott Architects, with an amendment by Carroll Associates. See Attachment #3.

Director of Transportation
No comments received.
Response: No Response required.

Attached is the revised Zoning Language for Zone Text Amendment along with the necessary Attachments and support documents described above. Please note we are requesting one additional amendment to this Text Change, Under Section 27-1055 Off-Street Parking (G-3), subparagraph (i) is proposed to be revised to allow up to 20% of the required parking to be 'compact' spaces. This is reflected in the latest version of the Text Amendment attached to this letter. Please review and contact me if you have any questions or need additional information. We look forward to working closely with your office and the City Staff as this project moves forward.

Regards,

Patrick J. Carroll, Principal

Att:
CC: Kevin Bunker, Riverbrook Properties, LLC

ATTACHMENT #1

Brickhill Redevelopment

Net Residential Density Calculations

Feb 26 2016

Total parcel acreage				96.95 ac	
Land retained by State of Maine				38.00 ac	
Total Gross Acreage				**58.95 ac**	
Deductions					
	Type	Area	Factor		Total
Slopes					
	0-15%		100%		0.00 ac
	16-25%	6.67 ac	50%	3.33 ac	3.33 ac
	26-45%	4.84 ac	25%	3.63.ac	3.63 ac
	>45%	3.90 ac	0%	3.90 ac	3.90 ac
Roadways					
	Brickhill Ave	3.00 ac			3.00 ac
	Lydia Lane	0.58 ac			0.58 ac
Non-residential use					
	Lot 2B	0.85 ac			0.85 ac
	Lot 3	2.90 ac			2.90 ac
	Lot 5	4.21 ac			4.21 ac
Wetlands					2.56 ac
Total deductions					**24.96 ac**
Net Residential Acreage					**33.99 ac**
Number of residential units proposed					120
Number of existing residential units					215
Total residenital housing units					**335**
Net Residenital Density					**9.86** du/ac

Landscaped Open Space Calculation

Net residential acreage	33.99 ac	
Deductions		
Lot 1 - Townhomes	2.27 ac	
Lot 6 - Cottages	2.18 ac	
Lot 2 - Brick Hill Heights	0.78 ac	
Lot 7A - Heron Cove	1.09 ac	
Lot 7B - Osprey Circle	1.21 ac	
Lot 4- Proposed	2.95 ac	
Total deductions	**10.48 ac**	
Total landscaped open space	**23.51 ac**	**69.17%**
Acreage in Resource Protection	**13.60 ac**	
Acreage in Shoreland Overlay Zone	**25.09 ac**	

ATTACHMENT #2

GORRILL PALMER

PO Box 1237, 15 Shaker Road
Gray, Maine 04039
207.657.6910

April 28, 2015

Mr. Richard Berman
Developers Collaborative
100 Commercial St
Portland, ME 04101

RE: Brick Hill Development – Lot 4
Water Supply

Dear Richard:

Per your request, our office has reviewed change in potable water demand based on changing the use on Lot 4 from 76,620 sf of office space to 150, one or two bedroom apartment units. Based on our previous calculations we had estimated the water demand for the office space as follows:

- Peak Daily Water Demand = 4,605 gallons per day (gpd)
- Average Daily Water Demand = 2,558 gpd

Based on the proposed new development of 150 apartment units, the Maine Subsurface Wastewater Disposal Rules indicates a peak sewer flow of 180 gpd per dwelling unit (for 2 bedrooms or less), therefore, our water demand calculations are based on that requirement, as follows:

- Peak Daily Water Demand = 150 dwelling units x 180 gpd/DU = 27,000 gpd
- Average Daily Water Demand = 15,000 gpd

We contacted the Portland Water District and they have confirmed that their system has the capacity to serve the 150 unit residential development based on the estimated average daily demand of 15,000 gpd (see attached email correspondence).

Please let us know if you need any further information on this matter.

Sincerely,
Gorrill Palmer

William C. Haskell, PE

Enc.

WCH\682.08\H Utilities\Berman Water 4-28-15.doc

William Haskell

From: Glissen Havu <ghavu@pwd.org> on behalf of AMAP Means Email <means@pwd.org>
Sent: Tuesday, March 03, 2015 3:06 PM
To: William Haskell
Cc: Jay Arnold
Subject: RE: 682.06 Brick Hill Lot 4 - Change from Office to Residential

Will,

We can confirm that the existing water system has the capacity to serve the proposed 150 dwelling unit development. Flow test results of hydrants on Brickhill Avenue indicate adequate pressure and volume of water to serve the domestic water needs of the proposed project.

As design plans become available for the next construction phase please send a copy to the MEANS group for review. We will work with you or your representative to ensure that the design meets our current standards.

Thank you,
Glissen

From: William Haskell <WHaskell@gorrillpalmer.com>
Date: March 3, 2015 at 8:02:32 AM EST
To: "Jay Arnold (jarnold@pwd.org)" <jarnold@pwd.org>
Subject: 682.06 Brick Hill Lot 4 - Change from Office to Residential

Hi Jay,

Please forward to the correct person.

We are working with Richard Berman and looking at changing the Brick Hill Lot 4 site from office development to residential. We had obtained an ability to serve letter back in 2007 based on 76,620 sf of office space with a peak daily water demand of 4,605 gpd and an average daily water demand of 2,558 gpd (see attached).

Based on the current proposal to change the development to 150 dwelling units (1 or 2 bedroom apartments) we anticipate the following water demand:

Peak: 150 DU x 180 gpd/DU = 27,000 gpd (Maine Subsurface Waste Water Disposal Rules)
Average: 15,000 gpd (100 gpd/DU) = about 11 gpm

We are evaluating the water use data from the 1 Heron Cove development nearby, which we believe has 48 dwelling units of similar nature and size. Based on the data that was provided to us from January 2010 to February 2015, the average water usage records for that development appear to be about 40% of the average daily use estimated above.

We are not looking for a formal ability to serve letter at this time, but would like an indication whether the District would be able to supply the domestic needs of such a development at this location.

Thank you,

William C. Haskell | Principal

Glissen Havu
Design Engineer
Portland Water District
Phone: 207-774-5961 Ext. 3035
E-mail: ghavu@pwd.org
http://www.pwd.org

Portland Water District NOTICE & DISCLAIMER Confidentiality Notice:

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Sec. 27-1050. Reserved.

CONDITIONAL RESIDENTIAL AND LIMITED COMMERCIAL USE DISTRICT G-3

Sec. 27-1051. Purpose (G-3).

Pursuant to Sec. 27-117 of the Code, conditional or contract zoning, the property identified as Assessor's Map 50, Lot 17 and those portions of Assessor's Map 44, Lots 15A and 16 lying southerly of the boundary between land of the Portland International Jetport/Long Creek Correctional Facility and land leased or otherwise conveyed to Long Creek Redevelopment LLC by the State of Maine, as said boundary is shown on the plan entitled "Redevelopment Plan for the former Maine Youth Center Site," and being the former location of the Maine Youth Center, operated by the State of Maine, Department of Corrections, is rezoned from Residential District G and Rural Residential District RF to Conditional Residential and Limited Commercial Use District G-3, with a number of conditions and restrictions relating to the physical development and operation of the property and off-site improvements. The purposes of the Conditional Residential and Limited Commercial Use District G-3 are: To allow an adaptive re-use of the Youth Center Property which will provide for affordable rental housing and opportunities for home ownership; to permit limited amounts of office /commercial development; to rehabilitate historic structures and areas on the site; and to afford new opportunities for public access to Long Creek and this area of historic significance.

Sec. 27-1052. Conditions to Zone Change to Conditional Residential and Limited Commercial Use District G-3.

Pursuant to Sec. 27-117 of the Code, the property described in this Article shall be limited as follows:

(a) Master plan. The location of townhouses, family apartments, residential condominiums and non-residential uses within the site shall occur within the general areas shown for such uses on a plan entitled, "Redevelopment Plan for the former Maine Youth Center Site," by Winton Scott Architects, et al., and dated July 2006, and as amended by Carroll Associates in February, 2016a copy of which shall be kept on file at the Planning Department of the City of South Portland.

(b) Phased development. Development of the site shall be accomplished in four (4) phases, as follows:

(1) Phase one shall consist of no more than 70 residential units;

(2) Phases II through IV shall consist of a mix of townhouses, apartments, residential condominiums and/or non-residential uses, subject to the following limitations on the residential elements:

(i) Phase II shall be limited to not more than seventy (70) dwelling units;
(ii) Phase III shall be limited to not more than seventy (70) dwelling units; and
(iii) Phase IV shall be limited to not more than ~~ninety (90)~~ One Hundred Twenty (120) dwelling units.

(c) Ownership. Dwelling units constructed in the area of the above referenced "Master Plan" labeled "Terrace Housing" shall be offered for sale to the general public as condominium units.

(d) Affordability. A minimum of fifty percent (50%) of the dwelling units constructed in the zone will be affordable to and reserved for households with incomes at or below eighty percent (80%) of the area median income, adjusted for family size, as defined by the United States Department of Housing and Urban Development.

(e) Traffic improvements.

(1) The Maine Mall signal project must be completed and operational before certificates of occupancy may be issued for any development at Brickhill.

(2) The intersection improvements at Westbrook Street and Western Avenue must be opened for vehicular travel by the public before certificates of occupancy may be issued which when added to all Brickhill development for which occupancy permits previously have been granted, would generate more than 89 PM peak hour trip ends, as determined by a qualified traffic engineer.

(3) All access rights shall be obtained, and all necessary facilities installed, for the emergency access road, as depicted on the Conceptual Emergency Access Layout drawing #2 by Gorrill-Palmer Engineers, and the I-295 Exit 3 reconfiguration must be under construction before certificates of occupancy may be issued which when added to all Brickhill development for which occupancy permits previously have been granted, would generate more than 183 PM peak hour trip ends, as determined by a qualified traffic engineer.

(4) No certificate of occupancy shall be issued until Long Creek Redevelopment, LLC, or its designee, pays to the City a sum equal to one hundred fifty dollars ($150.00) times the number of PM peak hour trips estimated for the phase. Said funds to be used by the City for construction of turning lanes at the intersection of Westbrook Street and Western Avenue.

(f) Public amenities.

(1) Phase I approval shall be conditioned upon the developer’s providing reasonable public access to Long Creek and designated open spaces. Public parking shall be provided adjacent to the community park.

(2) Phase II approval shall be conditioned upon the developer’s offering its interest in the community park to the City for use as a public park area.

(3) Phase III shall be conditioned upon the developer’s constructing and offering to the City a public boat landing, with parking, on Long Creek suitable for launching hand carried vessels.

(g) Historic preservation. The cottage buildings within the zone which are listed on the National Register of Historic places shall be rehabilitated.

(h) Long Creek Redevelopment LLC, or its designee, shall pay a sum of $75,000 to the City of South Portland to be issued toward sidewalk construction project. This sum shall be provided by the start of construction.

Sec. 27-1053. Permitted Uses (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, the following uses shall be permitted:

(a) Dwellings, including condominiums and multi-family residential structures, elderly housing, veteran and/or student housing.

(b) Public and private educational facilities, including child, adult, or combined facilities.

(c) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.

(d) Municipal buildings and municipal uses.

(e) Medical and professional offices.

(f) Local retail stores and businesses, not exceeding twenty-five hundred (2,500) square feet of floor area and not including gas stations and outdoor sales.

(g) Museums and cultural facilities.

(h) Public utility facilities, including substations, pumping stations and sewage treatment facilities.

(i) Accessory structures and uses.

Sec. 27-1054. Space and Bulk Regulations (G-3).

Maximum net residential density: Ten (10) dwelling units per net residential acre. Notwithstanding the phased development of the site, net residential density and other density calculations shall be based upon the total site area, less required area deductions

Maximum number of residential dwelling units: ~~Three hundred (300).~~ Three Hundred Thirty-Five (335).

Maximum area of non-residential development: 15 acres including building coverage, parking and landscaping.

Minimum lot area: Seven thousand five hundred (7,500) square feet.

Minimum street frontage: Seventy-five (75) feet.

Minimum front yard: Ten (10) feet.

Minimum side and rear yard: Ten (10) feet.

Minimum distance between principal buildings:

Residential use - Fifteen (15) feet.

Non-residential use – Height equivalent of the taller building.

Accessory buildings: Six (6) feet side and rear yard.

Maximum building height:

Residential use – Forty-five (45) feet.

Non-residential use – Sixty (60) feet.

Landscaped open space: At least thirty-three percent (33%) of the net residential acreage within the zone.

Shoreland and floodplain management regulations: Any lot or portion of a lot located within the shoreland area or in a special flood hazard zone shall be subject to the provisions of Article XIII of this Chapter and/or Article 4 of Chapter 5 of the Code except that, within the Shoreland Area Overlay District, the minimum water setback from the upland edge of a wetland for all principal and accessory buildings shall be twenty-five (25) feet.

Sec. 27-1055. Off-Street Parking (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, off-street parking shall be provided in accordance with requirements of Sec. 27-1556 of this Chapter, except as follows:

(a) Parallel parking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

(b) Driveway access for parallel parking spaces shall be a minimum of twenty-one (21) feet wide for two-way traffic.

(c) On-street parking is not permitted on public streets within the zone.

(d) Parking ratios shall be as follows:

(i) Multifamily (non-elderly): Two (2) spaces per dwelling unit. Up to 20% of the required parking may be 'compact' spaces to allow for smaller and/ or energy efficient vehicles. Compact spaces shall be eight (8) feet wide by sixteen (16) feet long and shall be designated as such on the site plan and with signage once constructed.

(ii) Multifamily (elderly): One-half (1/2) space per dwelling unit.

(iii)Single-family attached: Two (2) spaces per dwelling unit.

Sec. 27-1056. Street Standards (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, the street standards for all streets shall be those for "local" streets set forth in Sec. 24-42 of the Code, except as follows:

Minimum pavement width: 26 feet

Minimum Centerline Radius: 95 feet

Minimum tangent between reverse curves: 35 feet

Minimum distance between street intersections
Opposite Side: 135 feet

Sidewalks: Constructed on one side of the street only, with

twelve (12) foot esplanade and street trees that are not closer than eight (8) feet from the edge of pavement.

Curbing: sloped

Sec. 27-1057. Signs (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, signs shall be regulated in accordance with the requirements of Sec. 27-1561 et seq. of this Chapter and the following special restrictions:

(a) Specific proposals for all exterior signage shall be subject to review of the Planning Board and shall include a full disclosure of any and all signs to be located on the property, including, but not limited to, an indication of their size, illumination, landscaping, setbacks, specific locations, heights and construction materials, provided that all signs be restricted as indicated below.

(b) Two (2) freestanding permanent use shall be limited to one (1) freestanding sign for each building, no more than two (2) building mounted signs for each building face, and no more than one (1) sign for each entrance to the lot, provided that no freestanding sign shall exceed thirty (30) square feet and the building mounted signs shall not exceed one hundred fifty (150) square feet in surface area per face. Freestanding signs shall not exceed ten (10) feet in height, and building mounted signs shall not exceed the height of the building.

(c) Each residential development cluster (Townhomes, Terrace Housing, etc.) may have up to two (2) freestanding permanent signs not exceeding twenty (20) square feet in surface area per face and eight (8) feet in height on their property. In addition, two signs not larger than six (6) square feet shall be allowed on each building near its entrances.

(d) Signage for non-residential use shall be limited to one (1) freestanding sign for each building, no more than two (2) building mounted signs for each building face, and no more than one (1) sign for each entrance to the lot, provided that no freestanding sign shall exceed thirty (30) square feet and the building mounted signs shall not exceed one hundred fifty (150) square feet in surface area per face. Freestanding signs shall not exceed ten (10) feet in height, and building mounted signs shall not exceed the height of the building.

ATTACHMENT #4

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

brickhill

Redevelopment Plan for the Former Maine Youth Center Site

SCALE: 1"= 200'

200' 100' 0' 200'

Updated March 30, 2016

ATTACHMENT #4

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

brickhill

Redevelopment Plan for the Former Maine Youth Center Site

SCALE: 1"= 200'

200' 100' 0' 200'

Updated March 30, 2016

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS

217 COMMERCIAL STREET, STE 200
PORTLAND, MAINE 04101
207.772.1552 V. F. 207.772.0712

Brick Hill Lot 4

Option F Concept 02-10-2016

SCALE: 1"= 60'

60 30 0 60

Dwelling Units	120 (12 each unit.)
Parking Spaces	231 + 9 HC
Ratio	2.0 ps per DU

Sec. 27-1050. Reserved.

CONDITIONAL RESIDENTIAL AND LIMITED COMMERCIAL USE DISTRICT G-3

Sec. 27-1051. Purpose (G-3).

Pursuant to Sec. 27-117 of the Code, conditional or contract zoning, the property identified as Assessor's Map 50, Lot 17 and those portions of Assessor's Map 44, Lots 15A and 16 lying southerly of the boundary between land of the Portland International Jetport/Long Creek Correctional Facility and land leased or otherwise conveyed to Long Creek Redevelopment LLC by the State of Maine, as said boundary is shown on the plan entitled "Redevelopment Plan for the former Maine Youth Center Site," and being the former location of the Maine Youth Center, operated by the State of Maine, Department of Corrections, is rezoned from Residential District G and Rural Residential District RF to Conditional Residential and Limited Commercial Use District G-3, with a number of conditions and restrictions relating to the physical development and operation of the property and off-site improvements. The purposes of the Conditional Residential and Limited Commercial Use District G-3 are: To allow an adaptive re-use of the Youth Center Property which will provide for affordable rental housing and opportunities for home ownership; to permit limited amounts of office /commercial development; to rehabilitate historic structures and areas on the site; and to afford new opportunities for public access to Long Creek and this area of historic significance.

Sec. 27-1052. Conditions to Zone Change to Conditional Residential and Limited Commercial Use District G-3.

Pursuant to Sec. 27-117 of the Code, the property described in this Article shall be limited as follows:

(a) Master plan. The location of townhouses, family apartments, residential condominiums and non-residential uses within the site shall occur within the general areas shown for such uses on a plan entitled, "Redevelopment Plan for the former Maine Youth Center Site," by Winton Scott Architects, et al., and dated July 2006, and as amended by Carroll Associates in March 30th, 2016 a copy of which shall be kept on file at the Planning Department of the City of South Portland.

(b) Phased development. Development of the site shall be accomplished in four (4) phases, as follows:

(1) Phase one shall consist of no more than 70 residential units;

(2) Phases II through IV shall consist of a mix of townhouses, apartments, residential condominiums and/or non-residential uses, subject to the following limitations on the residential elements:

(i) Phase II shall be limited to not more than seventy (70) dwelling units;
(ii) Phase III shall be limited to not more than seventy (70) dwelling units; and
(iii) Phase IV shall be limited to not more than One Hundred Twenty five (125) dwelling units.

(c) Ownership. Dwelling units constructed in the area of the above referenced "Master Plan" labeled "Terrace Housing" shall be offered for sale to the general public as condominium units.

(d) Affordability. A minimum of fifty percent (50%) of the dwelling units constructed in the zone will be affordable to and reserved for households with incomes at or below eighty percent (80%) of the area median income, adjusted for family size, as defined by the United States Department of Housing and Urban Development.

(e) Traffic improvements.

(1) The Maine Mall signal project must be completed and operational before certificates of occupancy may be issued for any development at Brickhill.

(2) The intersection improvements at Westbrook Street and Western Avenue must be opened for vehicular travel by the public before certificates of occupancy may be issued which when added to all Brickhill development for which occupancy permits previously have been granted, would generate more than 89 PM peak hour trip ends, as determined by a qualified traffic engineer.

(3) All access rights shall be obtained, and all necessary facilities installed, for the emergency access road, as depicted on the Conceptual Emergency Access Layout drawing #2 by Gorrill-Palmer Engineers, and the I-295 Exit 3 reconfiguration must be under construction before certificates of occupancy may be issued which when added to all Brickhill development for which occupancy permits previously have been granted, would generate more than 183 PM peak hour trip ends, as determined by a qualified traffic engineer.

(4) No certificate of occupancy shall be issued until Long Creek Redevelopment, LLC, or its designee, pays to the City a sum equal to one hundred fifty dollars ($150.00) times the number of PM peak hour trips estimated for the phase. Said funds to be used by the City for construction of turning lanes at the intersection of Westbrook Street and Western Avenue.

(f) Public amenities.

(1) Phase I approval shall be conditioned upon the developer's providing reasonable public access to Long Creek and designated open spaces. Public parking shall be provided adjacent to the community park.

(2) Phase II approval shall be conditioned upon the developer's offering its interest in the community park to the City for use as a public park area.

(3) Phase III shall be conditioned upon the developer's constructing and offering to the City a public boat landing, with parking, on Long Creek suitable for launching hand carried vessels.

(g) Historic preservation. The cottage buildings within the zone which are listed on the National Register of Historic places shall be rehabilitated.

(h) Long Creek Redevelopment LLC, or its designee, shall pay a sum of $75,000 to the City of South Portland to be issued toward sidewalk construction project. This sum shall be provided by the start of construction.

Sec. 27-1053. Permitted Uses (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, the following uses shall be permitted:

(a) Dwellings, including condominiums and multi-family residential structures, elderly housing, veteran and/or student housing.

(b) Public and private educational facilities, including child, adult, or combined facilities.

(c) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.

(d) Municipal buildings and municipal uses.

(e) Medical and professional offices.

(f) Local retail stores and businesses, not exceeding twenty-five hundred (2,500) square feet of floor area and not including gas stations and outdoor sales.

(g) Museums and cultural facilities.

(h) Public utility facilities, including substations, pumping stations and sewage treatment facilities.

(i) Accessory structures and uses.

Sec. 27-1054. Space and Bulk Regulations (G-3).

Maximum net residential density: Ten (10) dwelling units per net residential acre. Notwithstanding the phased development of the site, net residential density and other density calculations shall be based upon the total site area, less required area deductions

Maximum number of residential dwelling units: Three Hundred Thirty-Five (335).

Maximum area of non-residential development: 15 acres including building coverage, parking and landscaping.

Minimum lot area: Seven thousand five hundred (7,500) square feet.

Minimum street frontage: Seventy-five (75) feet.

Minimum front yard: Ten (10) feet.

Minimum side and rear yard: Ten (10) feet.

Minimum distance between principal buildings:

Residential use - Fifteen (15) feet.

Non-residential use – Height equivalent of the taller building.

Accessory buildings: Six (6) feet side and rear yard.

Maximum building height:

Residential use – Forty-five (45) feet.

Non-residential use – Sixty (60) feet.

Landscaped open space: At least thirty-three percent (33%) of the net residential acreage within the zone.

Shoreland and floodplain management regulations: Any lot or portion of a lot located within the shoreland area or in a special flood hazard zone shall be subject to the provisions of Article XIII of this Chapter and/or Article 4 of Chapter 5 of the Code except that, within the Shoreland Area Overlay District, the minimum water setback from the upland edge of a wetland for all principal and accessory buildings shall be twenty-five (25) feet.

Sec. 27-1055. Off-Street Parking (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, off-street parking shall be provided in accordance with requirements of Sec. 27-1556 of this Chapter, except as follows:

(a) Parallel parking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

(b) Driveway access for parallel parking spaces shall be a minimum of twenty-one (21) feet wide for two-way traffic.

(c) On-street parking is not permitted on public streets within the zone.

(d) Parking ratios shall be as follows:

(i) Multifamily (non-elderly): Two (2) spaces per dwelling unit. Up to 20% of the required parking may be 'compact' spaces to allow for smaller and/ or energy efficient vehicles. Compact spaces shall be eight (8) feet wide by sixteen (16) feet long and shall be designated as such on the site plan and with signage once constructed.

(ii) Multifamily (elderly): One-half (1/2) space per dwelling unit.

(iii) Single-family attached: Two (2) spaces per dwelling unit.

Sec. 27-1056. Street Standards (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, the street standards for all streets shall be those for "local" streets set forth in Sec. 24-42 of the Code, except as follows:

Minimum pavement width: 26 feet

Minimum Centerline Radius: 95 feet

Minimum tangent between reverse curves: 35 feet

Minimum distance between street intersections
Opposite Side: 135 feet

Sidewalks: Constructed on one side of the street only, with

twelve (12) foot esplanade and street trees that are not closer than eight (8) feet from the edge of pavement.

Curbing: sloped

Sec. 27-1057. Signs (G-3).

In the Conditional Residential and Limited Commercial Use District G-3, signs shall be regulated in accordance with the requirements of Sec. 27-1561 et seq. of this Chapter and the following special restrictions:

(a) Specific proposals for all exterior signage shall be subject to review of the Planning Board and shall include a full disclosure of any and all signs to be located on the property, including, but not limited to, an indication of their size, illumination, landscaping, setbacks, specific locations, heights and construction materials, provided that all signs be restricted as indicated below.

(b) Two (2) freestanding permanent use shall be limited to one (1) freestanding sign for each building, no more than two (2) building mounted signs for each building face, and no more than one (1) sign for each entrance to the lot, provided that no freestanding sign shall exceed thirty (30) square feet and the building mounted signs shall not exceed one hundred fifty (150) square feet in surface area per face. Freestanding signs shall not exceed ten (10) feet in height, and building mounted signs shall not exceed the height of the building.

(c) Each residential development cluster (Townhomes, Terrace Housing, etc.) may have up to two (2) freestanding permanent signs not exceeding twenty (20) square feet in surface area per face and eight (8) feet in height on their property. In addition, two signs not larger than six (6) square feet shall be allowed on each building near its entrances.

(d) Signage for non-residential use shall be limited to one (1) freestanding sign for each building, no more than two (2) building mounted signs for each building face, and no more than one (1) sign for each entrance to the lot, provided that no freestanding sign shall exceed thirty (30) square feet and the building mounted signs shall not exceed one hundred fifty (150) square feet in surface area per face. Freestanding signs shall not exceed ten (10) feet in height, and building mounted signs shall not exceed the height of the building.

(e) No flashing, rotating, or intermittent signs shall be allowed.

(f) No portable or temporary signs are permitted.