

**South Portland City Council
Position Paper of the City Manager**

Subject:

ORDINANCE #4-13/14 – Amending Chapter 27, “Zoning,” for a zone map change from IL to PO – 324, 332 and 336 Cummings Road and 324 Gannett Drive

Position:

This item is brought forward at the request of TruChoice Federal Credit Union for a zone map change from Light Industrial (IL) to Professional Office (PO). The property is located at 332 and 336 Cummings Road, consists of 4.10 acres and shown on the tax maps as Map 71, Lots 5 and 7B. The abutting PO District is located on the other side of Cummings Road to the east. The applicant would like to create a campus like development by connecting its two (2) sites with a common drive and parking area as well as constructing a branch bank.

In moving forward with this request, City staff contacted the property owners of 324 Gannett Drive and 324 Cummings soliciting their support for this zone map change. Both property owners request their properties also be included in the zone change. Spectrum Realty, LLC, owns 324 Gannett Drive, consists of 4.27 acres and shown as Map 85, Lot 15. T & T Development owns 324 Cummings Road, consists of 3.70 acres and shown as Map 71, Lot 7A.

The purpose of the PO zone is “ ... To create, preserve and enhance an environment for, and conducive to, the development and protection of modern, large-scale conference, research and administrative facilities and institutions of a non-nuisance type in attractive surroundings as well as certain carefully controlled combined residential and recreational uses. This district is typically appropriate to large acreages and is intended to provide for an aesthetically attractive working environment with park or campus-like grounds, attractive buildings, ample employee parking, and other amenities appropriate to an employee-oriented activity where problems of product handling, storage and distribution are not of significant concern. It is intended that development will be of a type such that each is a credit to the other and in which investment in well-designated and maintained plants and grounds is secured by the maintenance of the highest standards throughout the district. The uses permitted by this district shall be limited to those possessing the ability to comply with the standards of operation, performance and environment defined by the district and shall be compatible with the natural surroundings in which they are located. To

this end, density of development is limited, concentration of traffic and transportation is minimized, and landscaped open space and screening are required.”

The Planning Board held a public hearing hearing on November 12, 2013 . By a vote of 5-0 (Hagan, Schreiber absent), the Planning Board recommended the approval of the zoning map change for Assessor’s Tax Map 71, Lots 5, 7A and 7B and Map 85, Lot 15 from the Light Industrial District (IL) to Professional Office (PO). I have included a copy of the Planning Board report.

This ordinance amendment was discussed at the December 16th workshop and is brought forward for first reading and to set January 22,2014 for second reading and action.

Requested Action:

Council passage of first reading and set January 22, 2014 for second reading and action.


City Manager



CITY OF SOUTH PORTLAND

GERARD A. JALBERT
Mayor

JAMES H. GAILEY
City Manager

SUSAN M. MOONEY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

IN CITY COUNCIL

ORDINANCE #4-13/14

THE COUNCIL of the City of South Portland hereby ordains that the zoning map for the City of South Portland, Maine dated March 17, 1975, as amended, which said zoning map is a part of Article II of Chapter 27, "Zoning" of the "Code of Ordinances of the City of South Portland, Maine" be and hereby is amended as shown on the attached fragmentary map entitled "Light Industrial District (IL) to Professional Office (P)O" relating to Tax Map 71 Lots 5, 7A and 7B and Map 85 Lot 15, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The Official Zoning Map of the City of South Portland as amended is available for review and inspection at the Planning and Development Office and the City Clerk's Office.)

District One
MICHAEL R. POCK

District Two
PATRICIA A. SMITH

District Three
MELISSA E. LINSKOTT

District Four
LINDA C. COHEN

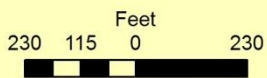
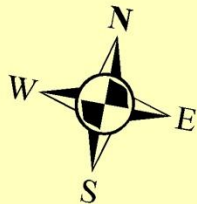
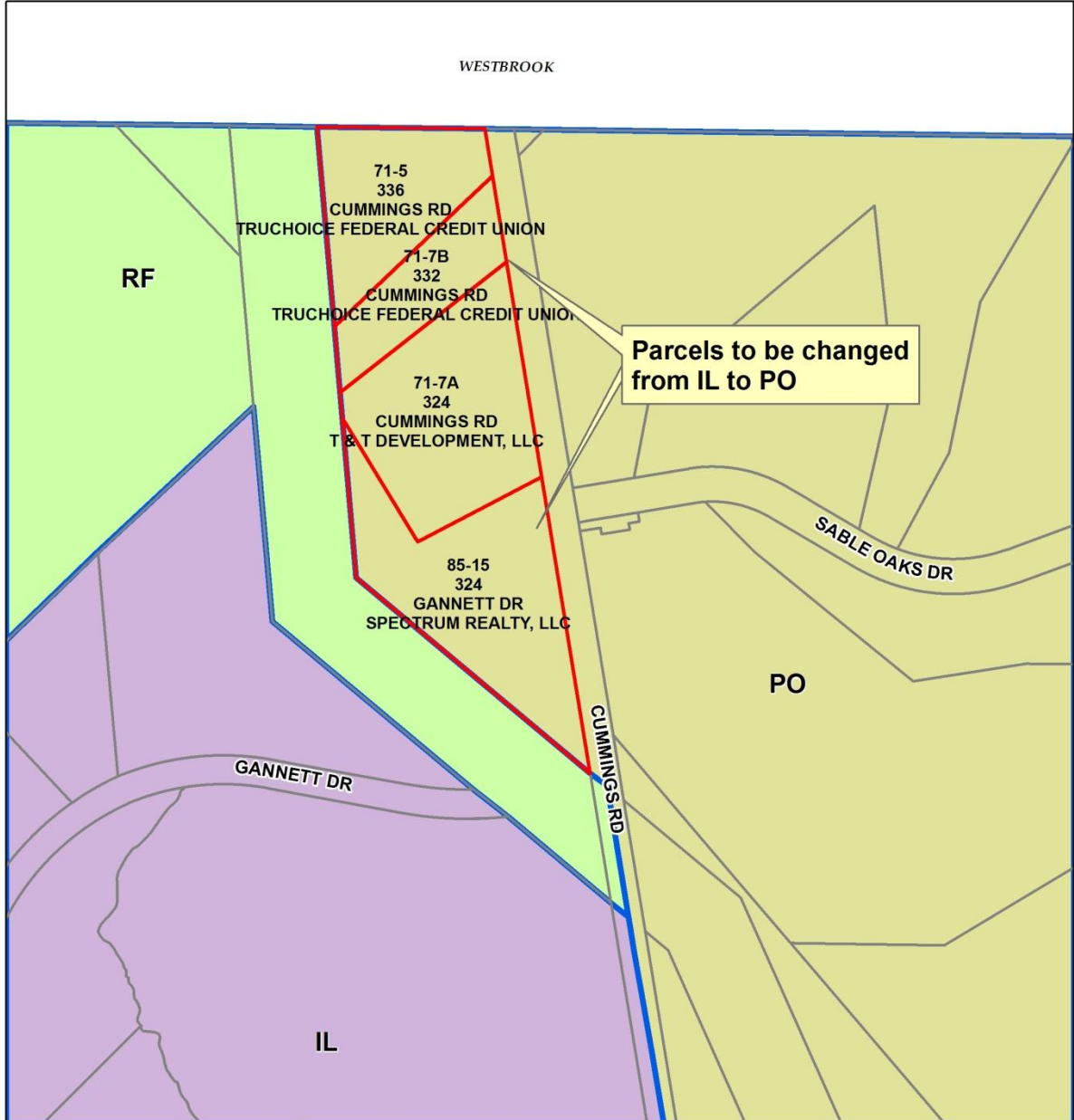
District Five
GERARD A. JALBERT

At Large
MAXINE R. BEECHER

At Large
THOMAS E. BLAKE

[Fiscal Note: Less than \$1000]

Dated: January 6, 2014



Zoning Map Change From IL to PO 324 Gannett Dr. to 336 Cummings Rd

Legend

- | | |
|--|--|
| Parcels to be Changed | General Zoning |
| Parcels | RF |
| | PO |
| | IL |



COSP 12/11/2013 sjp

MEMORANDUM

To: City Council
From: Planning Board
Date: November 25, 2013
Subject: Request for Zoning Map Change — Zoning Map Change from IL to PO — 332 and 336 Cummings Road — Tru Choice Credit Union — Meeting November 12, 2103

INTRODUCTION

Tru Choice Credit Union had requested a zoning map change land use recommendation to rezone their two (2) properties located at 332 and 336 Cummings Road. The applicant is proposing to rezone their property from the Light Industrial District (IL) to the Professional Office (PO) District. The abutting PO District is located on the other side of Cummings Road to the east. The applicant would like to connect their two (2) sites with a common drive and parking area, creating a campus like development. The parcels are further identified as South Portland Assessor’s Map 71 Lot 5 and 7B located within the Light Industrial District (IL).

Legal advertisements regarding this request appeared in the Portland Press Herald on October 29 and November 4, 2013. A notice regarding the proposed zoning map change was posted at the City Hall on October 30, 2013 and mailed to 13 property owners within 500’ of the lots under consideration, the applicant, and via email Conservation Commission, Planning Board, and City Council.

The submission was reviewed under Chapter 27 Article I Changes and Amendments, Article IX Light Industrial District (IL) and Article VII Professional Office District (PO) and the Comprehensive Plan.

ZONING RECOMMENDATION FROM THE PLANNING BOARD

By a vote of 5-0 (Hagan, Schreiber absent), the Planning Board recommends the approval of the zoning map change for Assessor’s Tax Map 71, Lots 5, 7A and 7B and Map 85, Lot 15 from the Light Industrial District (IL) to Professional Office (PO).

PARCEL SUMMARY

Applicant

Property Owners	Tru Choice Credit Union
Assessor's map and lot:	Map 71, Lots 5 and 7B
Street address:	332 and 336 Cummings Road
Total Land area:	4.10 Acres

Other parcels considered

Property Owners	T&T Development
Assessor's map and lot:	Map 71, Lot 7A
Street address:	324 Cummings Road



Total Land area:	3.70 Acres
Property Owners	Spectrum Realty, LLC
Assessor's map and lot:	Map 85, Lot 15
Street address:	324 Gannett Drive
Total Land area:	4.27 Acres.

PROPOSAL HISTORY

The applicant is proposing to rezone their properties from Light Industrial (IL) District to Professional Office (PO). The Planning & Development Director (see Attachment #1 Staff Comments Letter) asked if the two (2) parcel fronting along Cumming Rd (parcels 85-15 and 71-7A) would support the rezoning of their properties as part of the Truchoice’s request. The each property is improved with with professional offices, which is a permitted use in both the IL and PO districts. City staff contacted each property owner and requested that they provide the Planning & Development Director a letter to be included in the rezoning request.

ANALYSIS OF ZONING MAP CHANGE REQUEST

1. Existing and Proposed Land Uses

The applicant’s are the owners of two (2) parcel totaling 4.10 acres or 178,596 SF in size. The City contacted the property owners of 324 Gannett Drive and 324 Cummings Road to join the rezoning request. The property located at 324 Gannett Drive, owned by Spectrum Realty, LLC, is 4.27 acres or 186,001 SF is size and the property located at 324 Cummings Road, owned by T&T Development, LLC, is 3.70 acres or 161,172 SF in size (see Attachment #5 Abutter’s Support Letter). The applicant operates the training center at 332 Cummings Road. The applicant is preparing to connect the two (2) sites with a common drive, parking area, and construct a branch bank, creating a “campus-like development”. An existing curb cut on Cummings Road provides access to the vacant (71-5) parcel located at 336 Cumming Road.

To the west of the properties to be rezoned is the City’s Rural Residential (RF), in which a CMP electrical transmission corridor abuts the all four (4) parcels.

To the east of the properties to be rezoned is the Professional Office (PO) district Sable Oaks Golf Club and parcel located in the Sable Oak Office Park.

To the north of the properties to be rezoned is the City of Westbrook, and has a mixture of single family residential and commercial properties.

To the south of the properties to be rezoned is the CMP electrical transmission corridor which is zoned Rural Residential (RF) and the Gannett Drive Business Park zoned as Light Industrial (IL) District.

The applicant is proposing to change to the Light Industrial (IL) District to Professional Offices (PO) District. This change would allow the following **permitted uses (Section 27-758)**:

- (a) Professional offices and office complexes, including, but not limited to, financial institutions, insurance companies, computer and data processing companies, and other similar professional office facilities;

- (b) Research and development laboratories and offices;
- (c) Hospitals and associated medical facilities, provided that no veterinary office shall include an animal hospital or kennel;
- (d) Accessory uses customarily appurtenant to the permitted uses above including incidental sales and services to serve employees, visitors and/or clients of the permitted uses; provided, that such accessory uses must be in keeping with the spirit and intent of this district; provided further, that accessory uses involving sales and services must be conducted entirely within the main building, the design of which building does not invite the use of these services by the general public. Accessory uses exclude home occupations, but include telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (e) Child, adult or combined day care centers.

The following would be allowed as **special exception uses (Section 27-759)** in the PO:

- (a) High-rise hotels with a minimum of four (4) floors and associated clubhouses, golf courses, and convention centers;
- (b) Restaurants, provided there shall be no drive-ins, takeouts or fast-food facilities;
- (c) Public utilities and public services facilities to accommodate the public service needs of the various permitted uses and special exception uses allowed in the district.
- (d) Municipal uses to accommodate the public service needs of the various omitted uses and special exception uses of the district;
- (e) Combined residential and recreational complexes, including associated clubhouses and services on parcels of a minimum of one hundred (100) acres. Services shall include, but not be limited to, golf driving ranges and retail trade associated with recreational complexes located in Professional Office District (PO).
 - (1) The maximum size of the retail use or uses shall not exceed 15,000 square feet in the aggregate.
 - (2) The exterior material of the building(s) containing a retail use or uses shall consist of brick, architectural stone, or other similar material equivalent in quality to the exterior treatments of a majority of the other buildings in the PO zoning district. The use of metal or vinyl siding is specifically prohibited.
 - (3) Sec. 27-761(d)(ii & iii) notwithstanding, a single sign is permitted at an entrance to a lot containing a retail use provided it is a ground sign no more than ten (10) feet in height and no more than eighty (80) square feet in area. For the purposes of this section, a ground sign is a freestanding sign in which the entire bottom is in contact with or is close to the ground.
- (f) A public area of land, usually in a natural state, having facilities for rest and/or recreation.
- (g) Telecommunication towers.
- (h) Day Spa.
- (i) Spa Training Schools with associated dormitories located on the same lot.

Since the zoning runs with the property, future property owners may choose to implement any of the permitted uses or apply for special exception uses.

2. Existing and Proposed Zoning

The properties under consideration are in are in IL zoning district, which is separated by a parcel zoned RF, the CMP Transmission Electrical corridor. Further to the west the developed properties that are located in the business park is entirely located in the IL district.

The **purpose of the IL zone** is “ ...To provide areas for light industrial, airport infrastructure and the development of airport related enterprises and other permitted or special exception uses which are designed, constructed, and maintained to be compatible in appearance, operation, and environmental impact with professional offices and office complexes. Sales and service establishments should be developed within centers that are planned as a unit. Airport Enterprises and airport infrastructure developed within the airport boundaries should be designed and constructed to be compatible in appearance and operation and environmental impact with existing airport complexes and infrastructure.” There shall be compliance with the performance standards of this and all other applicable ordinances of the City of South Portland.

The **purpose of the PO zone** is “ ... To create, preserve and enhance an environment for, and conducive to, the development and protection of modern, large-scale conference, research and administrative facilities and institutions of a non-nuisance type in attractive surroundings as well as certain carefully controlled combined residential and recreational uses. This district is typically appropriate to large acreages and is intended to provide for an aesthetically attractive working environment with park or campus-like grounds, attractive buildings, ample employee parking, and other amenities appropriate to an employee-oriented activity where problems of product handling, storage and distribution are not of significant concern. It is intended that development will be of a type such that each is a credit to the other and in which investment in well-designated and maintained plants and grounds is secured by the maintenance of the highest standards throughout the district. The uses permitted by this district shall be limited to those possessing the ability to comply with the standards of operation, performance and environment defined by the district and shall be compatible with the natural surroundings in which they are located. To this end, density of development is limited, concentration of traffic and transportation is minimized, and landscaped open space and screening are required.”

3. Compliance with the Comprehensive Plan

The Board will need to determine if the proposed zoning map change complies with the City's existing comprehensive plan.

The properties to be rezoned are supported in Chapter Six: Land Use Goals and Section A. Land Use Objectives Policies of Comprehensive Plan and Section B Key Land Use Policy Areas, and in the Maine Mall Area Land Use Designation.

A. Land Use Objectives (page 6-1)

1. **Encourage development and redevelopment that expands the City's property tax base in a manner that is consistent with the City's other objectives** – A fundamental objective of the land use policies is to identify ways that development and redevelopment can occur that will both expand the tax base and, at the same, time, advance the City's other objectives. Maintaining high quality yet affordable municipal property that is subject to property values (page 6-1).

The applicant is proposing to redevelop a former single-family residential lot to a higher value with a branch bank office structure and parking facility. This redevelopment will expand the property tax base by being consistent with the abutting property's use.

- 2. Enhance the livability and walkability of the City's established neighborhoods while allowing infill development that is in character with the neighborhood** – The policy must limit the development and redevelopment of infill sites where compatible uses and character is consistent with neighboring properties (page 6-1).

The applicant is proposing to redevelop the parcel as an infill site for a branch bank associated with the applicant's existing training and office center. The potential redevelopment project is compatible with the abutting office uses to the south and will provide reasonable transition to residential uses in Westbrook, compared to potential Light Industrial uses of the current zone. The proposed rezoning change can be simply extended the PO district across Cummings Road to include the four (4) properties.

- 7. Enhance the role of the Maine Mall area as the state's premier retail destination while encouraging further diversification of uses in that area** – The Maine Mall and surrounding retail, commercial, and office development are a regional, and even statewide, destination and a major source of property taxes for the City. Maintaining and enhancing the attractiveness of this area as a destination will maintain its economic vitality (page 6-2).

The applicant's proposal will allow for further diversification of use allowing for the full range of Financial Services that the Credit Union provides. The type of diversity proposed maybe difficult to achieve under the current IL zone designation. The combined use of parcel 71/5 and 71/7B will provide a greater increased value than an isolated IL site development. The current and potential uses of the four parcels are complementary to the PO district.

B. Key Land Use Policy (page 6-3)

7. The Maine Mall (page 6-34)

Existing Character: The greater Maine Mall area extends from I-295 on the east to the Westbrook City line on the west and from the Jetport on the north to the Scarborough line on the South. The area is predominately nonresidential except for the Redbank-Brickhill neighborhood. The core of the mall area is the Maine Mall and the surrounding primarily retail development along Maine Mall Road, and Gorham Road. This core is surrounded by variety of non-residential uses including a cluster of office type uses between the mall and I-295 and mix of retail, office, and light industrial uses in the Western Avenue corridor. West of the Turnpike, current utilization of the area includes a retail center between the Turnpike, current utilization of the area includes a retail center between the Turnpike and Running Hill Road, a business/industrial park on the west side of Cummings Road, and Sable Oaks office and, hotel, golf course development between Running Hill Road and Westbrook City line. Within the Mall Area, there are limited opportunities of "green field" development but there is significant long-term potential for both redevelopment and the more use of existing developed properties.

The Long Creek stormwater management program creates some additional development requirements in much of area.

B. Land Use: (page 6-35)

Essentially the Mall Area is categorized as 4 types of land use designations and the proposal addresses 2 of the 4:

- The Sable Oaks area and adjacent areas on the opposite side of Running Hill Road should continue to be designated as an office-recreational-residential area that provides a high quality office park environment; and,
- The remainder of the area should essentially be treated as a mix-use district in which encourages an intensification of use to create more of a unified destination rather than collection of individual developments.

The applicant’s rezoning request will allow parcels 71-5 and 71-7B to be developed with a single unified design that is consistent with the office developments to the south and extends the Professional Office (PO) district across Cummings Road. The applicant states that the campus-like image of the future development will enhance the image the area and will support the destination land use policy for the area.

4. Zone Change Issues

Intensification of Land Use

There are slight differences in the space and bulk requirements between the two (2) zones, in which the Professional Office (PO) district is more restrictive than the Light Industrial (IL) district. The PO district requires an increase in open space from 25% to 30% and a larger minimum lot size from 30,000 SF to 2.0 acres.

Parcels under Consideration			
Map -Lot	Acreage	Owner	Owner /Use Found on Parcel
71-5	2.40	Truchoice Fed. Credit Union	8,000 SF Offices & Training Center
71-7B	1.70	Truchoice Fed. Credit Union	Vacant
71-7A	3.70	T&T Development, LLC	15,504 SF Offices Building
85-15	4.27	Spectrum Realty, LLC	26,118 SF Offices Building

Traffic

The applicant indicates that the traffic generated by the future development of a proposed branch bank should be small and the road network should not be adversely affected. Cummings Road is major commuter and transportation corridor with high volumes of traffic for the Region. A branch bank office us generally receives by-pass trip-ends and has limited number of employees that maybe added to the existing AM and PM trip-ends rates.

Proximity to the PO District

The Professional Office (PO) District is found located across Cumming Road, from the Westbrook City line to the intersection of Running Hill Road and Cummings Road.

Building Suitability

If the properties are rezoned, the property owner will receive more flexibility in the parcel with the Professional Office (PO) zone. At this point, the applicant has not formalized any development plans of the parcel 71-7B, but has removed the single-family structure and installed a curb cut driveway access to the parcel, where the previous driveway entrance was located.

Conformance with Ordinance Requirements

If the parcels were to receive rezoning approval to the Professional Office (PO) zoning district, the parcels would be subjected to the performance standards of the new zoning district.

MINUTES FROM THE MEETING OF NOVEMBER 12, 2013

Agenda Item #4 Zoning Map Change – Zoning Map Change from IL to PO – 332 and 336 Cummings Road – Tru Choice Credit Union

PUBLIC HEARING

Tru Choice Credit Union is requesting a zoning map change land use recommendation to rezone their two (2) properties located at 332 and 336 Cummings Road. The applicant is proposing to rezone their property from the Light Industrial District (IL) to the Professional Office (PO) District. The abutting PO District is located on the other side of Cummings Road to the east. The applicant would like to connect their two (2) sites with a common drive and parking area, creating a campus like development. The properties is further identified as Assessor's Map 71, Lot 5 and 7B, located within the Light Industrial District (IL).

T. Haeuser reviewed the map change stating Steve has gone through the differences between the two zones. There is support in the Comp. Plan. Staff recommendation is in favor of this map change. The map change recommendation will go to the City Council followed by a workshop and two readings.

Dan Riley, Sebago Technics stated Tru Choice Credit Union is looking to expand the site. There is no detailed plan as yet but could include a branch bank. The use is compatible with existing development and others are looking to come on board as well. There is a variety of ways the property could be developed. He stated the space and bulk are more restrictive in the PO zone.

PUBLIC SESSION OPEN

Planning Board Members discussed the change for the allowance of more uses; the potential of a branch bank; walking trails in the area; and lot line adjustments would not involve the City.

S. Puleo stated to look in Section A; the definitions are in 201.

PUBLIC SESSION CLOSED

C. Hendry motioned to recommend to the City Council to approve the zoning map change for Assessor's Tax Map 71, Lots 5, 7A and 7B and Map 85, Lot 15 from the Light Industrial District (IL) to Professional Office (PO). This recommendation is based on the consistency with the City's Comprehensive Plan and the determination that the characteristics of the parcels are either commercial in nature or have potential for future commercial uses, or contributing to improved economic activity, **W. Laidley** seconded 5-0 (**Hagan, Schreiber** absent).

RECOMMENDATION

Planning Board sends a positive recommendation to the City Council to approve of the zoning map change for Assessor's Tax Map 71 Lots 5, 7A, and 7B and Map 85 Lot 15 from the Light Industrial District (IL) to Professional Office (PO). This recommendation is based on the consistency with the City's Comprehensive Plan and the determination that the characteristics of the parcels are either commercial in nature or have potential for future commercial uses, or contributing to improved economic activity.

Attachments

1. Staff Comments
2. Applicant's response to comments
3. Application
4. Proposed Updated Zoning Map
5. Abutter's Support Letters