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May 9, 2006

Mr. Alexander Jaegerman  
Planning Division Director, City of Portland  
and City of Portland Planning Board Members  
389 Congress Street  
Portland, Maine 04101

**RE: Sheridan Heights Condominiums**  
**121 and 135 Sheridan Street, Portland, Maine**

Dear Mr. Jaegerman and Board Members:

In response to the concerns of the City Council and neighbors in the community, we have decided to re-submit the application for Sheridan Heights and request that you review the project now as a Conditional R-7 Zone.

Some changes have been made to the project.

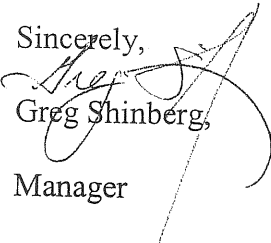
They are as follows:

- The number of units in the L shaped building will be limited to 21 Units total – thus the total number of units on the combined properties will be 22 total (down from 24);
- The existing house located at 121 Sheridan Street will remain a single family residence with no alterations other than for maintenance;
- The existing free standing garage located at 121 Sheridan Street will be removed and replaced with surface parking and access for the L shaped building;

- The plans for the new L shaped building will be included as an exhibit to the Conditional R-7 Zone;
- The new building will be less than 45 feet tall;
- The overall size of the building will be reduced and several of the units will be built smaller in size;
- Some of the units will be now have one bedroom;
- The sales price for several of the units will be reduced to below \$200,000;
- Access for future trails that connect to North Street will be provided for via a Memorandum of Understanding with Portland Trails and an Easement will be granted to the public for this access;
- A financial contribution will be made to the City for the construction of a future community garden (s) located nearby. The amount of contribution will be discussed at the June 14<sup>th</sup> CDC meeting;
- At the last Planning Board meeting, some of the members expressed that the neighborhood does not have this type of density. A careful research of all existing properties located within two blocks verifies that but for an R-7 Zone or the R-6 Small Lot Provisions, over 90 % of the properties would not be permitted in this area;
- This location is exactly what the R-7 was intended for.

It is important to get feedback before TFH Architects is directed to make these changes and look forward to the Workshop scheduled for May 23 to get input from the Board and others.

Sincerely,

  
Greg Shinberg,

Manager

Memorandum  
Department of Planning and Development  
Planning Division

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**To:** Chair Cloutier and Member of the CDC  
**From:** Alex Jaegerman, Planning Division Director  
**Date:** July 5, 2006  
**Re:** Conditional Rezoning for 121-135 Sheridan Street, Sheridan Street LLC,  
(Greg Shinberg) applicant; Contribution Amount

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Greg Shinberg is returning to the Planning Board with a new application for conditional R-7 rezoning for his parcel at 121 and 135 Sheridan Street. This plan was previously a request for straight R-7 rezoning, which was forwarded to the City Council with a split vote from the Board. The City Council voted 4 – 5 on the rezone request, thus it failed to pass.

Mr. Shinberg has revised his plans, as described in his letter and application. The number of units has been reduced from 24 in the combined parcels to 21 units in the parcel at 135 Sheridan Street plus the single family home at 121 Sheridan, which has been removed from the rezone/development parcel and will remain as is. The major new element to this rezone request is the conditional rezoning agreement.

In the agreement, Paragraph 6 stipulates the public improvements and monetary contributions to be required if the conditional rezoning is approved by the City Council. These improvements are related to the project, in that the residents of the proposed development will benefit from and utilize the resulting improvements. The amounts of contributions have been developed in consultation with Denise Clavette, Director and Parks and Recreation, and Tom Errico, consulting traffic engineer. Mr. Shinberg has indicated willingness to contribute to these improvements, but is not in agreement about the actual amount. In conversations with Mr. Shinberg, he suggested an amount for the park improvement of \$14,000, as compared with the amount of \$20,000 proposed by staff. (The traffic improvement amount is not in dispute. This is typical of a site plan requirement.) Our practice with regard to monetary contributions is to utilize the Community Development Committee as the arbiter of the City's position, in an attempt to negotiate a mutually agreeable amount with the developer. This matter will come before the CDC on July 12.

**Park Improvements**

The applicant has been in discussions with Regina Leonard of the Fort Sumner Park Committee and Jaime Parker of Portland Trails. There have been discussions of trail work being done in collaboration with this proposed project. A memo from Regina Leonard is included. The conditional rezoning agreement includes several provisions related to the trails and adjacent park. There is interest in creating a community garden in either of two locations adjacent to this project. One location is on the adjacent City property south of this parcel, and the other is the adjacent City parcel north of this parcel. The City is requesting an access easement to the southerly City parcel. The City is requesting a water service line to either or both locations. The City is also requesting a monetary contribution to the proposed improvements to Fort Sumner Park. There are two informal footpaths up the embankment from Sheridan Street to Fort Sumner Park. These paths are rough and steep, and prone to erosion. One improvement that is projected associated with this development is the access and aesthetic improvement of the embankment, and to provide a proper access from Sheridan Street to the park. At the same time, Landscape Architect Regina Leonard, who was present on our site walk, has been commissioned by the Parks and Recreation Department to prepare a landscape plan for Fort Sumner Park. Denise Clavette, Director of Parks and Recreation, has recommended a monetary contribution of \$20,000 associated with these park improvements.

#### **Traffic Issues**

The applicant has submitted a traffic study in response to traffic concerns expressed by neighbors. The traffic study (narrative portion) is included as Attachment 3. Tom Errico, the City's Review Traffic Engineer, has reviewed the traffic study and the proposed plans and a memo is included as Attachment 4. Mr. Errico has recommended that a contribution of \$5,000 be made to the planned improvements at the Washington/Walnut Street intersection.

#### **Attachments:**

1. Applicant's Submittal dated June 12, 2006
2. Conditional Rezoning Draft
3. Traffic Study (narrative portion)
4. Traffic Engineer's Memo
5. Memo from Regina Leonard, Fort Sumner Park Committee, dated December 29, 2005

AH-8

To: Chair Beal and Members of the Portland Planning Board  
From: P. Littell, Associate Corporation Counsel  
Re: Sheridan Street / Shinberg Proposal  
Date: 01-27-06



I was asked to inform the Board as to the legal status of the "passageways" shown on the recent development plan for Sheridan Street. These passageways were not retained by the City of Portland in 1997 and as a result, if the City had the rights to accept them, such rights were terminated in 1997.

Applicant: Sheridan Street LLC

Date:

Address: 135 Sheridan St

C-B-L: 13-K-2

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - R-6

2:00pm

Interior or corner lot -

Proposed Use/Work -

21' Alex - I Drafted

Sevage Disposal -

Lot Street Frontage -

by - I can't see

Front Yard - 10' min

Rear Yard - 20' min

That you have scedable

Side Yard - 10' for upto 3 stories

Projections -

plans - I Don't think

Width of Lot -

I can help you

Height - 45' max

with out scedable

Lot Area -

plans -

Lot Coverage/ Impervious Surface -

Area per Family -

image

Off-street Parking -

Loading Bays -

Site Plan -

Shoreland Zoning/ Stream Protection -

N/A

Flood Plains -

check 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**From:** Denise Clavette  
**To:** Alex Jaegerman ; Tom Civiello  
**Date:** 06/29/2006 4:12:23 PM  
**Subject:** Confidential Re: Sheridan Heights Cond Rezone

Phil / Tom -

Please be in attendance at the CDC meeting on July 12th to answer any questions with regards to the park.

Denise

>>> Alex Jaegerman 6/29/2006 9:40:31 AM >>>  
(Denise, Phil, and Tom: Please do not forward this email around. )

Thanks Denise. I am going to meet again with Greg Shinberg. He has told me that he is going to offer \$14,000, instead of the \$20,000 for park improvements, but we will see what his latest thinking is. The strategy is to haggle over the contribution, if necessary, with the CDC on July 12 at 5:00. It would be important to have someone from Parks there to explain the potential uses of the funds. I always try to emphasize that the use of the funds are in some way related to the development scheme, as in improving the park adjacent to the housing benefits the residents of the housing, and the additional residents in the neighborhood creates additional demand for park resources, and especially in this case, a need for improved access from Sheridan Street to Fort Sumner Park. We will maintain some flexibility in the use of the funds, something like "park improvements in the vicinity of the project", but it would be good to have some info on what improvements are anticipated.

I expect that the CDC will take Shinberg's pulse, and unless he is adamant in opposition to the amount, armtwist him into saying yes. They might also split the difference, perhaps the most likely outcome. After that, we call it an agreement, and no more negotiations are needed.

>>> Denise Clavette 06/28/2006 4:51:59 PM >>>  
Hi Alex,

In a flurry of emails, not sure if I responded to this yet. I am cc'ing Phil Labbe on this as I do not recall sending this email. Tom / Phil / Regina have a better grasp on this and can get you this information.

denise

>>> Alex Jaegerman 6/22/2006 6:22:52 PM >>>  
Regina: We are reviewing again the rezone request from Greg Shinberg for his property at 135 Sheridan Street. I previously received from you an email with the design plan for Fort Sumner Park. If you could send it again, I would appreciate it, because I did not save or archive the previous message. I have a print, but I would like to provide it to the Board, and the print I have will not copy well. Also, have you decided where the commuty garden is proposed to go? I have said either side or both sides of the site, with the requirement that Mr. Shinberg provide water service. Penny wrote in electrical as well, but he has not agreed to that. Do you need electric service?

Denise, you had sent me an email that pegged the requested contribution for improvements to Fort Sumner Park at \$20,000. Would you or Tom please send me a fresh email reiterating that point. You may elaborate if you wish, but even a couple of sentences reflecting the improvements planned for the area and the recommendation for the contribution amount would be helpful. Greg has not agreed to the amount, and countered at \$14,000. Our process for negotiating conditional rezoning contribution amounts is to take it up with the Community Development Committee. This will be scheduled for Wednesday, July 12, at 5:00. It would be most helpful to have someone from Parks present to advocate the case.



This item is going to workshop with the Planning Board this Tuesday. I am writing the report to send out tomorrow, so the email and drawing I could use right away if possible. If not, I will make do with what I have....

Alex

**CC:** Lee Urban; Phillip Labbe

- 10. Mayer Cohen - Careful changes in neighborhoods, many positive elements, well designed, good parking solutions;
- 1. Donna Carr - Lived @ 44 North St. spectacular. understood neighbors concerns; would be sad to lose views. Parking is a problem, not a good situation for - land depth snow dates especially; entertain w/ visitors; Park next to school - access from Sheridan to Park via stairway. Size is overwhelming for neighborhood.
- 2. Will Gorham - 117 Sheridan was not a zone change. 3 Bd members opposed to project due to scale. Corroll report 11, 13 trip ends in Ampeak hours. will be much more. Parking. East End School elevation drawings, exaggerates called N St houses. Cost of housing. 200-300k. Not affordable. will not use transit. Size is too big, Parking issues.
- 3. Jim Cloutier - Overstated about traffic + parking
- 4. Jim Dusen - Close call, leave R-6 as is
- + 5. Karen O'neill - 24 units 52 spaces possible? (yes) more pavement. More design review is better. R-7 has general <sup>very good</sup> projects. Parking? back and forth on parking ratios. # of spaces is adequate; on sheet pty available
- 6. Cheryl Lee - Protect integrity of Nbd Pbd right who voted NO
- + 7. Jim Cloutier - R7 is preferable to R6 proposal. Surprised that this is not an appropriate location for R7 based on purpose. Supports R7 due to design stds. Conforms to current understanding of parking requirements. Try to mitigate view impacts
- + 8. Nick Mavodones - Design standards are important, don't need 52 spaces
- + 9. Ed Suslovic - Parking is sufficient, Housing Plan East End lost population.

Greg Shimberg

(out check 117 Shend st)

Cowie - opposed to project.

Merple " " "

Merple " " - party concerns.

narrow streets. snowbanks, Wash/For traffic

Financial impact on Montgomery, value goes up tax goes up.

Scale back project to 1/2 as proposed. Low density abhd.

John Carolyn - North St. Views; "best use" for who?

Elizabeth Trice - walkability, pro transit, greenspace, parking.

structured pkg costs \$15-30k/space drives up costs, developers build

larger units, more expensive units \$300k + Reduce pkg requirements

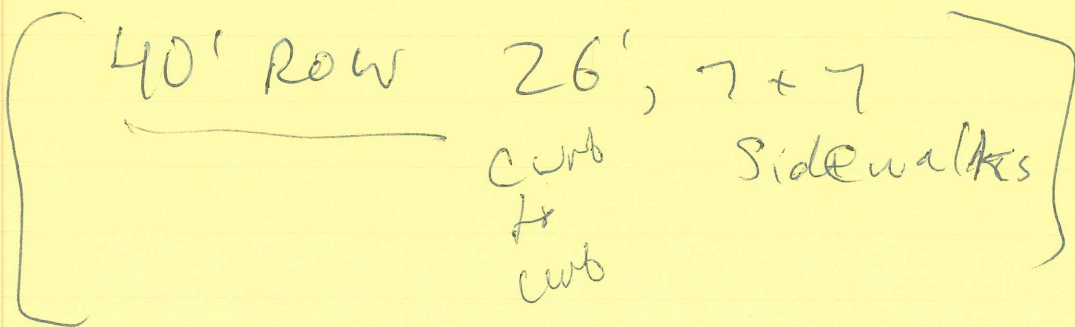
encourage transit use. 50% of households have only 1 adult.

Cowie - Modestly encouraged by 50/50 Board split.

Council is stewards of City too large, no one in abhd would afford to live here. Decline in what makes abhd attractive -

Just too big. make it smaller

Steve Schart - Supports project - Object failure of zoning council has approved other 27 projects by PROR, etc,



Josh ~~Alford~~ → Lives in abhd.  
Alford

**From:** Penny Littell  
**To:** ALEX JAEGERMAN  
**Date:** 06/27/2006 2:20:34 PM  
**Subject:** Fwd: Sheridan Street, LLC Conditional Rezoning

fyi

>>> "Gary D. Vogel" <gvogel@lambertcoffin.com> 6/27/2006 2:15:14 PM >>>  
Penny: As we discussed on the phone, I have attached a revised and redlined draft of the proposed Conditional Rezoning Order. My proposed revisions are shown in redline, and Greg Shinberg will be at the workshop to discuss these items with the Planning Board.

The changes are to exclude the single family house at 121 Sheridan Street from the Conditional Rezoning, to eliminate the requirement in the Order that 3 units be sold for not more than \$200,000 each and to leave a blank for the amount to be contributed to fund community improvements.

121 Sheridan Street should be excluded as it is now not part of the development. Sheridan Street, LLC has no present intention of developing that property, but doesn't feel that it is a good policy to restrict it forever under the conditional rezoning. Any change of use will require city approval and compliance with city zoning. It seems particularly inappropriate to burden a property that is not being redeveloped with the restrictions of the Conditional rezoning.

The affordability restriction is also somewhat misplaced. Sheridan Street LLC intends to build and market towards the lower end of the market in order to make certain units affordable. The conditional rezoning order does not do a good job of creating an affordability restriction and creates more questions than answers. We believe that it should come out in light of the realities of the project and the market.

Finally, with respect to the Community park contribution, we merely want to proceed with the Community Development Committee to allow the amount to be negotiated there, without an implicit suggestion in the document that \$20,000 is the right number.

I will not be attending today's workshop, but Greg Shinberg will be there to address these issues. Please feel free to call me if you have any questions.

When I first sent this it bounced back. I removed the map in order to make the attachment smaller and am trying again

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Memorandum  
Department of Planning and Development  
Planning Division

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**To:** Chair Beal and Members of the Portland Planning Board

**From:** Alex Jaegerman, Planning Division Director

**Date:** June 22, 2006, for June 27, 2006 Planning Board Workshop

**Re:** Conditional Rezoning for 121-135 Sheridan Street, Sheridan Street LLC,  
(Greg Shinberg) applicant

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Greg Shinberg is returning to the Planning Board with a new application for conditional R-7 rezoning for his parcel at 121 and 135 Sheridan Street. The Board will recall that this plan was previously a request for straight R-7 rezoning, which was forwarded to the City Council with a split vote from the Board. On February 7, 2006, the Board voted 3 – 3 (Patterson, Tevanian, Silk in favor, Beal, Lowry, Odokara opposed, Anton absent/recused) on a motion to recommend the previous rezone request to the City Council. The City Council voted 4 – 5 on the rezone request, thus it failed to pass.

Mr. Shinberg has revised his plans, as described in his letter and application. The number of units has been reduced from 24 in the combined parcels to 21 units in the parcel at 135 Sheridan Street plus the single family home at 121 Sheridan, which has been removed from the rezone/development parcel and will remain as is. The lot for 121 Sheridan will be reduced from 10,000 sf to 4,500 sf, with the rear portion being added to the 135 Sheridan Street parcel. A survey depiction of these lots will be required for purposes of subdivision review. Compared with the prior plans, the new 21 unit building will be somewhat smaller, with some one bedroom units, and the height will not exceed 45', while the previous proposal had some penthouse elements that approached 50' in height.

The major new element to this rezone request is the conditional rezoning agreement. The chart with the zoning comparison shows that the maximum density allowed in the R-7 zone is 55 units, compared to the proposal for 21 units on this lot. While the parking and setbacks of the proposal are more consistent with the R-7 zone, the density is within one unit of the R-6 density. The conditional rezoning responds to concerns that the R-7 rezoning could allow much more density than can reasonably be sited on this lot, or that would be desirable on this lot.

Standard	Proposed	R-6	R-7
<b>Lot Size</b>	28,627sf combined lots; 24,127 sf Proposed R-7 lot	4,500 minimum	none
<b>Residential Density</b>	21 units proposed, plus existing single family house on separate lot.	20 units on 24,127 sf parcel	55 units
<b>Street Frontage</b>	50' for 135 Sheridan 50' for 121 Sheridan (includes portion of access easement)	50 ft	none
<b>Front Yard</b>	2' to terrace wall	10 ft or average setback of adjoining if closer to street	none
<b>Rear Yard</b>	13' – 15'	10 ft	none
<b>Side Yard</b>	Northerly: 2' – 12', 35' – 38' Southerly: 70' +/- to side line; 18' – 24' to easement line; Carport: 3' – 5' to south line	15' for 5 stories.	25' required between new residential and existing abutting residential structure
<b>Structure Height</b>	45 ft	45 ft	50 ft
<b>Lot Coverage</b>	Not provided	40%	100%
<b>Open Space</b>	Not provided	Porches or patios required or 10% open space	none
<b>Off-Street Parking</b>	29 spaces for 21 units at 135 Sheridan St. (1.38 spaces per unit)  3 spaces for one unit at 121 Sheridan ST.	2 per unit plus 1 for every 6 units.	One space per unit required

### Park Improvements

The applicant has been in discussions with Regina Leonard of the Fort Sumner Park Committee and Jaime Parker of Portland Trails. There have been discussions of trail work being done in collaboration with this proposed project. A memo from Regina Leonard is included. The conditional rezoning agreement includes several provisions related to the trails and adjacent park. There is interest in creating a community garden in either of two locations adjacent to this project. One location is on the adjacent City property south of this parcel, and the other is the adjacent City parcel north of this parcel. The City is requesting an access easement to the southerly City parcel. The City is requesting a water service line to either or both locations. The City is also requesting a contribution to the proposed improvements to Fort Sumner Park. The Board will recall from the site visit that there are two informal footpaths up the embankment from Sheridan Street to Fort Sumner Park. These paths are rough and steep, and prone to erosion. One improvement that is projected associated with this development is the access and aesthetic improvement of the embankment, and to provide a proper access from Sheridan Street to the park. At the same time, Landscape Architect Regina Leonard, who was present on our site walk, has been commissioned by the Parks and Recreation Department to prepare a landscape plan for Fort Sumner Park. Denise

Clavette, Director of Parks and Recreation, has recommended a monetary contribution of \$20,000 associated with these park improvements. Our practice with regard to monetary contributions is to utilize the Community Development Committee as the arbiter of the City's position, in an attempt to negotiate a mutually agreeable amount with the developer. This matter will come before the CDC on July 12. The Planning Board may wish to weigh in about the amount of the contribution, but it is not essential for the Board to attempt to resolve the contribution amount.

### **Traffic Issues**

The applicant has also submitted a traffic study in response to traffic concerns expressed by neighbors. The traffic study (narrative portion) is included as Attachment 3. Tom Errico, the City's Review Traffic Engineer, has reviewed the traffic study and the proposed plans and a memo is included as Attachment 4. Mr. Errico has recommended that a contribution of \$5,000 be made to the planned improvements at the Washington/Walnut Street intersection. (Note that Tom's memo related to the previous proposal, however in speaking with Tom he has indicated that his conclusions remain unchanged with the current proposal, other than for parking.)

### **Parking**

As shown in the chart and landscape plan, the proposal includes 29 spaces at 135 Sheridan Street for 21 units, a ratio of 1.38 spaces per unit. This compares reasonably well to other developments, which have been approved at ratios of 1.0 or 1.25 spaces per unit. The 121 Sheridan Street single family house shows three spaces.

### **Urban Design**

Carrie Marsh, Urban Designer, has reviewed the proposed elevations and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood.

### **Zoning and Policy Considerations**

The purpose of the R-7 Compact Urban Residential Overlay Zone is:

*"To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.*

*Locations for siting the R-7 zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent zones.*

The R-7 Zone concept was developed to address the need for infill housing opportunities in Bayside and other areas of the peninsula. There is some question about whether or not this site is “characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 zone.” The applicant has addressed this point in his submission letter.

The proposed rezoning from R-6 Residential to R-7 Compact Urban Residential Overlay Zone for the property located at 121 & 135 Sheridan Street must be evaluated for consistency with the City’s Comprehensive Plan. Some relevant excerpts from the Comprehensive Plan are as follows:

**Housing: Sustaining Portland’s Future – Adopted November 18, 2002**

*“Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as school, businesses, institutions, employers, and public transportation.”*

*“Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate.”*

*“Encourage housing within and adjacent to the downtown. Evaluate and update current zoning and building codes, as needed, to facilitate new housing and redevelopment opportunities, including:*

- \* Condominiums;*
- \* Townhouses;*
- \* 2 to 4 unit buildings;*
- \* Live/work options; and*
- \* High-density multi-family housing.”*

*“Portland seeks to encourage construction of new housing units through land use regulations and financial incentives. Increasing Portland’s housing stock in developed urban areas of the city is challenging, but necessary for the long-term health of the city.”*

*“Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.”*

*“Adopt neighborhood design guidelines as part of Portland’s land use code for new housing and substantial rehabilitation that are compatible with the character and patterns of development found within each neighborhood.”*

*“Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.”*

**A Time of Change: Portland Transportation Plan – Adopted July 1993**

*“Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.”*



*“Ensure future growth does not foster auto dependency.”*

“Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.”

As stated previously, the applicant is proposing 135 Sheridan Street will consist of twentyone (21) units. The site area is approximately 24,127 sq. ft.

Sheridan Street is located on the peninsula and is within walking distance of downtown or other work places and shopping. To the east of the property is Shailer School, which is located on North Street, within the same block as the proposed development. Shailer School consists of 17 units. A mixture of density characterizes this area of the peninsula.

The proposed zone change will provide increased density in an area near to services such as schools, businesses, institutions, employers and public transportation. It will also provide compact in-city living for owners that represent a variety of income levels and household types. It is located near the downtown district and close to the Cumberland Avenue METRO line that serves Munjoy Hill.

The Comprehensive Plan encourages development of infill projects on the peninsula, with less required parking spaces to promote walking to work and shopping or utilize public transportation. The Jack Elementary School is located within walking distance, and the Portland Trail network is located adjacent to the site.

#### **Conditional Rezoning Issues**

Extent of Conditional Rezoning. The applicant had earlier submitted a letter requesting conditional rezoning for both properties, 121 and 135 Sheridan Street. Based on this letter and conversations with Mr. Shinberg, Corporation Counsel drafted the conditional rezoning agreement accordingly. The application submitted on June 12, however, requests rezoning for 135 Sheridan Street only, excluding a reduced lot area for 121 Sheridan Street, with the single-family house on a lot of 4,560 sf. The Board and applicant should discuss the rezoning extent to determine the area to advertise. Mr. Shinberg’s letter indicates that the single-family house will remain as is, “with no alterations other than for maintenance.” If this condition is intended to be permanent and binding on Mr. Shinberg, then the house lot should be included in the rezoning and this provision made part of the conditional rezoning, as currently drafted. If it is not included, then Mr. Shinberg or a subsequent owner could seek to enlarge the house and/or add one or more additional dwelling units to the lot. The density for that lot could be as high as four dwellings, and the three parking spaces shown would be sufficient for two dwellings.

R-6 versus R-7 Conditional Rezoning. The applicant has requested conditional rezoning to the R-7 zone, but the current draft retains the underlying R-6 zone. Corporation Counsel is more comfortable with the R-6 as the underlying zone for reversion purposes. The density is within one dwelling unit of the R-6 density, while the R-7 is written for much higher densities than is proposed or is appropriate for this site. From a technical zoning perspective, either zone would work with the drafting language of the conditional rezoning agreement stipulating the provisions that are to be amended. The present draft delineates the parking, density and setback provisions of the R-6 zone to be modified by

the R-6 conditional rezoning. The setbacks and parking meet the R-7 provisions, but the density would be restricted to the proposed number of units, well below the number that would otherwise be allowed in the R-7 zone.

Affordability. Corporation Counsel has drafted an affordability provision, based on Mr. Shinberg's letter in which he states that he intends for several units to be priced below \$200,000. In conversations with Mr. Shinberg, he indicated that at least three units would be so priced. He has not agreed to make this a condition of rezoning, however. This should be discussed at workshop, to determine what, if any, affordability provision should be advertised in the conditional rezoning for public hearing purposes.

Attachments:

1. Applicant's Submittal dated June 12, 2006
2. Conditional Rezoning Draft
3. Traffic Study (narrative portion)
4. Traffic Engineer's Memo
5. Memo from Regina Leonard, Fort Sumner Park Committee, dated December 29, 2005

SHERIDAN STREET, LLC  
477 Congress Street, 5<sup>th</sup> Floor  
Portland, Maine 04101-3427  
207 523 3410 Office  
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July 24, 2006

Mr. Alexander Jaegerman  
Planning Division Director, City of Portland  
and City of Portland Planning Board Members  
389 Congress Street  
Portland, Maine 04101

**RE: Sheridan Heights Condominiums**  
**135 Sheridan Street, Portland, Maine**

Dear Mr. Jaegerman and Board Members:

We are pleased to present the Sheridan Heights project for your review and advisory vote to the City Council for the Conditional Zone. Since the last Planning Board meeting, we have worked with City Staff and listened to concerns of the neighbors to improve the plans and concept for the project.

The units vary in size and shape and projected sales prices. The building will create increased opportunities for compact in-city living for owners representing a variety of income levels and household types.

Sheridan Heights will provide much needed housing on the Portland peninsula in an urban area that is within walking distance of downtown, places of worship, places of work, stores, public transportation, schools, and other community facilities.

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9. The installation of a one inch water line with shut off valves to the two adjacent City owned parcels for the future community gardens that may be located next door; One parcel abuts the north property line on Sheridan Street; the other parcel abuts the south property line – this parcel also abuts the rear property line of the new eight unit condominium located at 117 Sheridan Street;

We look forward to working together to assure that Sheridan Heights will be a welcome addition to the community

Sincerely,

  
Greg Shinberg, Manger



LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
57 Romasco Lane	1	1928	X
55 Romasco Lane	1	1550	X
134 Sheridan Lane	2	6153	
51 Romasco Lane	1	1375	X
122 Sheridan St	Parking Lot	26,816	
120 Sheridan St	2	1472	X
116 Sheridan St	1	1862	X
112 Sheridan St	2	1783	X
110 Sheridan St	1	2693	X
106 Sheridan St	3	2598	X
19 Romasco Lane	1	1570	X
100 Sheridan St	2	2015	X
19 Romasco Lane	Vacant Lot	1903	X
15 Romasco Lane	Vacant Lot	2000	X
13 Romasco Lane	3	1893	X
11 Romasco Lane	1	1938	X
92 Sheridan St	1	3778	X
9 Romasco Lane	2	1867	X
5 Romasco Lane	Vacant Lot	1931	X
73 Cumberland Ave	2	2713	X
88 Sheridan St	2	2050	X
75 Cumberland Ave	1	1348	X
79 Cumberland Ave	2	1227	X
22 Romasco Lane	1	1630	X
20 Romasco Lane	Vacant Lot	1624	X
16 Romasco Lane	Vacant Lot	1636	X
12 Romasco Lane	2	1729	X
43 Washington Ave	Commercial	5985	
10 Romasco Lane	2	2080	X
6 Romasco Lane	2	1096	X
97 Cumberland Ave	1	5393	
87 Cumberland Ave	3	3955	X
85 Cumberland Ave	3	1985	X
4 Romasco Lane	1	475	X
30 Washington St	Commercial	17462	
93 Cumberland Ave	2	2230	X
93 Cumberland Ave	3	2448	X
43 Cumberland Ave	3	3980	X
39 Cumberland Ave	4	5640	
35 Cumberland Ave	3	4000	X
18 North St	3	4161	X
1 Sumner Court	6	4888	X

LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
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35 Cumberland Ave	3	4000	X
18 North St	3	4161	X
1 Sumner Court	6	4888	X

LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
80 North St	9	8599	X
84 North St	9	13200	
86 – 90 North St	4	14281	
96 North St	2	7882	
100 North St	1	8235	
104 North St	Vacant Lot	3539	X
106 North St	2	2954	X
110 North St	2	3520	X
72 Walnut St	Vacant Lot	3577	X
Portland Water District	Commercial	10921	
94 Walnut St	1	11242	
156 Sheridan St	Commercial	9856	
152 Sheridan St	Commercial	11930	
146 Sheridan St	Vacant Lot	463	X
7 Marion St	1	2030	X
17 Marion St	1	2656	X
19 Marion St	2	2263	X
58 North St	17	19860	
125 Sheridan St.	1	5325	
54 North St	4	4950	X
48 North St	4	3600	X
44 North St	3	3600	X
42 North St	2	3200	X
38 North St	2	3200	X
34 North St	2	3200	X
32 North St	3	3200	X
109 Sheridan St	3	3000	X
106 Sheridan St	3	4496	X
103 Sheridan St	3	4859	
99 Sheridan St	2	4215	X
95 Sheridan St	1	4083	X
91 Sheridan St	1	724	X
89 Sheridan St	2	1554	X
57 Cumberland Ave	5	4992	X
53 Cumberland Ave	Vacant Lot	4143	X
Sumner Court	Vacant Lot	8122	
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59 Washington Ave	Commercial	126,757	
10 Marion St	1	2580	X
142 Sheridan St	2	4295	X



**SHERIDAN STREET, LLC**

477 Congress Street, 5<sup>th</sup> Floor

Portland, Maine 04101-3427

207 523 3410 Office

207 773 8597 Fax

July 24, 2006

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a 22 Unit Condominium Project located at 135 Sheridan Street, in Portland, Maine.

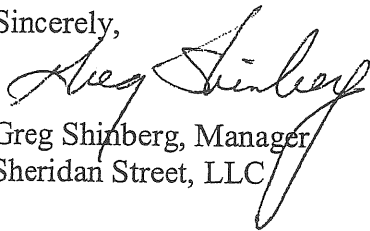
Meeting Location: Cummings Community Center, 134 Congress Street, Portland, Maine

Meeting Date: Thursday August 3<sup>rd</sup>, 2006

Meeting Time: 6:30 to 8 PM

If you have any questions, please call Greg Shinberg at 207 523 3410

Sincerely,



Greg Shinberg, Manager  
Sheridan Street, LLC

Note:

Under Section 14-32 ( C ) of the City of Code Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

SHERIDAN STREET, LLC  
477 Congress Street, 5<sup>th</sup> Floor  
Portland, Maine 04101-3427  
207 523 3410 Office  
207 773 8597 Fax

July 24, 2006

Mr. Alexander Jaegerman  
Planning Division Director, City of Portland  
and City of Portland Planning Board Members  
389 Congress Street  
Portland, Maine 04101

**RE: Sheridan Heights Condominiums**  
**135 Sheridan Street, Portland, Maine**

Dear Mr. Jaegerman and Board Members:

We are pleased to present the Sheridan Heights project for your review and advisory vote to the City Council for the Conditional Zone. Since the last Planning Board meeting, we have worked with City Staff and listened to concerns of the neighbors to improve the plans and concept for the project.

The units vary in size and shape and projected sales prices. The building will create increased opportunities for compact in-city living for owners representing a variety of income levels and household types.

Sheridan Heights will provide much needed housing on the Portland peninsula in an urban area that is within walking distance of downtown, places of worship, places of work, stores, public transportation, schools, and other community facilities.

Careful consideration has been given to designing a building that is attractive, functional and energy efficient that utilizes authentic materials and one that compliments the existing single and multi-family residences as well as the larger structures close by.

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But for the R-6 Infill part of the Zoning Ordinance, over 90 % of the properties listed would not meet the requirements of the R-6 Zone.

Some of the key items to note are as follows:

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10 Marion St	1	2580	X
142 Sheridan St	2	4295	X

**Signage Ordinance, Section 14-369.5, Table 2.8 – revised draft – 7-27-06**

	Single Occupancy Buildings		Multi-Tenancy Buildings	
	Upper floors	Ground floors	Upper floors	Ground floors
Maximum cumulative permitted Area of all building signs	Na	Na	Na	Na
Square feet of signage per linear feet of building façade on which sign will be placed	Na	1.5 sq ft <b>(note: down from 2 sq ft)</b>	Na	1.5 sq ft per linear foot of tenant frontage <b>(note: down from 2 sq ft)</b>
Maximum percentage of wall area occupied by upper floor signs (based on total area of wall, including the ground floor)	3% <b>(note: down from 5%)</b>	Na	3% <b>(note: down from 5%)</b>	Na
Maximum number of building signs permitted per lot	2 maximum, provided they are not concurrently visible.	1 per façade + 1 additional per building	2 maximum, provided they are not concurrently visible.	1 per tenant + 1 per facade



DIVISION 22. SIGNS\*

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 \*Editor's note--Ord. No. 252-94, § 2, passed Apr. 4, 1994, repealed Div. 22 of this article, §§ 14-366--14-368, relative to signs and billboards, and added new provisions relative to signs as set forth in §§ 14-366--14-372.5. Formerly, such provisions derived from §§ 602.10A.G, 602.13B and 602.16.A--602.16.C of the 1968 Code as amended by the following legislation:

Ord. No.	Section	Date	Ord. No.	Section	Date
499-74	7	8-19-74	538-81	1	2-18-81
536-74	2	8-19-74	39-85	1	7-15-85
334-76	7	7- 7-76	284-88		12-12-88
269-77		5-16-77	371-91	1	6- 5-91
270-77		5-16-77			

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 Cross reference(s)--Signs prohibited in cemeteries, § 7-137.

Sec. 14-366. Purpose.

The purpose of this division is to balance the need for adequate identification, communication and advertising for all land uses with the need to protect the public safety and welfare and to maintain and enhance the aesthetic environment of the City of Portland. The following policies shall apply in regulating signs:

- (a) To allow for the orderly advertisement and identification of goods and services by public and private establishments in the city;
- (b) To enhance public awareness of and access to goods, services and attractions by promoting visual order and clarity on city streets;

(c) To promote traffic safety by controlling the location, design and placement of signs on city streets; and

(d) To protect property values by ensuring the appropriate location, size, number and use of signs in neighborhoods and business districts.

(Ord. No. 252-94, § 2, 4-4-94)

#### **Sec. 14-366.5. Applicability.**

A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this division.

All signage of a commercial nature, whether or not exempt from the receipt of a permit hereunder, shall be removed within thirty (30) days from the earlier of: vacancy of the advertised space by the applicable owner and/or tenant, or the cessation of the commercial enterprise so advertised. This subsection shall not apply to signs which have acquired historic significance, such as painted wall signs, as so determined by the Historic Preservation Program Manager. The owner of the building and/or any tenant advertising through the use of such signage each shall be responsible for adhering to this requirement.  
(Ord. No. 252-94, § 2, 4-4-94; Ord. No. 187-02/03, 4-7-03)

#### **Sec. 14-367. Definitions.**

For the purposes of this division, the following definitions shall apply, in addition to the provisions of section 14-47:

*Animated sign:* Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

*Awning sign:* Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protecting cover over a door, entrance, window, storefront or outdoor service area or any internally illuminated awning sign. A marquee shall not be considered an awning.

*Banner:* Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National, state and municipal flags or the official flag of any institution or business shall not be considered banners.

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*Beacon:* Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source or any light with one (1) or more beams that rotate or move.

*Building marker:* Any sign indicating the name of a building, date of construction, or other incidental information about its construction and/or history.

*Building sign:* Any wall sign, projecting sign, suspended sign, or any sign attached to any exterior part of a building. Interior window signs shall not be considered building signs and shall not be included in the calculation of maximum cumulative sign area or maximum number of permitted signs.

*Changeable copy sign:* A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this division. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this division.

*Commercial message:* Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

*Community/cultural banner:* Banners located in the public right-of-way intended to serve a community purpose or convey information of community-wide interest.

*Department:* The department of planning and urban development.

*Directory sign:* A sign located at or near the entrance of a multi-tenant building, lot or park, the sole purpose of which is to provide a listing of names of individual tenants located thereon.

*Flag:* Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

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*Freestanding sign:* Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

*Incidental sign:* A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. Directional signs indicating the location of a building, tenant or entrance shall also be considered incidental signs. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

*Internally illuminated awning sign:* An awning that is translucent and lighted from within and which either incorporates any commercial message, trademark or symbol or is readily concurrently visible with another internally illuminated awning sign that incorporates a commercial message, trademark or symbol.

*Landmark sign:* An existing sign determined by the department to have attained a high degree of community, cultural, aesthetic or historic significance.

*Marquee:* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

*Marquee sign:* Any sign attached to in any manner, or made part of, a marquee.

*Multi-tenant lot:* Any lot with more than one (1) business or more than one (1) use with exterior signs.

*Nonconforming sign:* Any sign that does not comply with the requirements of this division.

*Pennant:* Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

*Portable sign:* Any sign not permanently attached to the ground or some type of permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to or

located on A- or T-frames; menu and sandwich board signs; inflatable signs or large-scale tethered balloons; and/or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

*Principal facade:* Any facade or facades that constitute the primary visual and functional orientation of the building or tenant space, characterized by a combination of such features as principal entry, storefront and visibility from streets or parking areas.

*Projecting sign:* Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of the building or wall. A projecting sign may be either perpendicular or parallel to a wall and may have a message on more than one (1) face.

*Readily concurrently visible signs:* Any combination of signs that can be clearly and simultaneously viewed by an individual from any publicly accessible vantage point.

*Residential sign:* Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods and services offered on the premises where the sign is located, provided that offering such goods or services conforms with all requirements of this article.

*Roof sign:* Any sign erected and constructed wholly on and over the roof of a building, including attachment to a rooftop mechanical parapet (ALT LANGUAGE BELOW) supported by the roof structure, and extending vertically above the highest portion of the roof.

*Roof sign, integral:* Any sign incorporated as an integral or essentially integral part of a normal roof structure of any design, including attachment to a rooftop mechanical parapet, where no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

*Security sign:* Any sign that is placed upon a lot or a building to inform of the location of a security or other alarm system located upon the lot or within the building.

*Sign:* Any device, fixture, placard or structure that uses

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any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

*Street frontage:* The distance for which a lot line of a lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

*Suspended sign:* A sign that is suspended from the underside of a horizontal plane surface and is supported by that surface.

*Temporary sign:* Any sign, except for a window sign, that is used for a period of not more than thirty (30) days and that is not permanently mounted.

*Wall area:* The area of a wall within a single plane.

*Wall sign:* Any sign parallel and attached to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

*Window sign:* Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the interior face of window panes or glass, and is visible from the exterior of the window.  
(Ord. No. 252-94, § 2, 4-4-94)

#### **Sec. 14-368. Regulations.**

(a) *Signs allowed on private property with and without permits.* Signs shall be allowed on private property in the city in accordance with, and only in accordance with, Table 1 of section 14-369.5. If the notation "A" appears for a sign type in a column, such sign is allowed without prior approval as provided in this division in the zoning district(s) represented by that column. If the notation "B" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning district(s) represented by that column. Special conditions may apply in some cases. If the notation "D" appears for a sign type in a column, such a sign is not allowed in the zoning district(s) represented by that column under any circumstances.

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Although permitted under the previous paragraph, a sign designated by an "A" or "B" in Table 1 of section 14-369.5 shall be allowed only if:

- (1) The sum of the area of all building and freestanding signs on the lot conforms with the maximum permitted sign areas for such as determined by the formula for the zoning district in which the lot is located as specified in Table 2 of section 14-369.5; and
- (2) The size, location and number of signs on the lot conform with the requirements of Table 2 of section 14-369.5, which establish permitted sign dimensions by sign type, and with any additional limitations listed therein.

(b) *Permits required.* If a sign requiring a permit under the provisions of this division is to be placed, constructed, erected or modified on a lot, the owner of the lot shall secure a sign construction permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of section 14-368.5. In addition, the property owner shall maintain in force at all times a sign construction permit for such sign in accordance with section 14-368.5.

No signs shall be erected in the public right-of-way except in accordance with subsection (e) of this section and the permit requirements of section 14-368.5.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is in compliance with the requirements of this division, including those protecting existing signs.

(c) *Design, construction and maintenance.* All signs shall be designed, constructed and maintained in accordance with the following standards:

- (1) All signs shall comply with applicable provisions of the building code and the electrical code of the city at all times;
- (2) Except for banners, flags, temporary signs, portable signs and window signs conforming in all respects with the requirements of this division, all signs shall be constructed of permanent materials and shall be

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permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure; and

- (3) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times;
- (4) Signs located in or adjacent to residential zones shall not cause light spillover or glare into properties within the residential zone.

(d) *Signage plan.* No permit shall be issued for an individual sign requiring a sign construction permit unless and until a signage plan for the lot on which the sign will be erected has been submitted to the department.

For any lot on which the owner proposes to erect one (1) or more signs requiring a permit, the owner shall submit to the department a signage plan containing the following:

- (1) A sketch plan of the lot. The sketch plan should indicate the location of buildings and driveways on the lot, as well as any abutting streets. Length of building frontages and street frontage(s) should also be noted;
- (2) An indication on the sketch plan of the proposed location of each existing and proposed sign of any type, except that incidental, portable, temporary and window signs need not be shown. For building signs, a sketch or a photograph of each building wall shall be provided indicating wall and sign dimensions; and
- (3) Computations of the following:
  - a. A listing of each building sign (existing and proposed), identifying the location of each such sign and its sign area;
  - b. A listing of each freestanding sign (existing and proposed), indicating the area, height and setback of each such sign; and
- (4) A sketch of proposed signs, indicating dimensions, materials, source of illumination and construction





method.

For purposes of this section, a sketch plan shall not require a stamp by a licensed professional such as an engineer or an architect. Measurements may be estimated. For multi-tenant lots or buildings, individual tenants shall be required to submit only those measurements applicable to their individual frontage or as otherwise required to review their application. Once a sketch plan has been filed for a property, the department shall keep a record of such plan so that a new sketch plan shall not be required for later changes to signage on a site for which a sketch plan has been previously submitted.

(e) *Signs in the public right-of-way.* No signs shall be allowed in the public right-of-way, except for the following:

- (1) Permanent signs, limited to the following: Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic, including parking regulatory signs; bus stop signs erected by a public transit company; informational signs of a public utility regarding its poles, lines, pipes or facilities.
- (2) Signage meeting the requirements of section 14-370.
- (3) Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
- (4) Community/cultural banners.

(f) *Signs in historic districts, in historic landscape districts, or on individual landmark properties.* Signs in historic districts, in historic landscape districts, or on individual landmark properties shall also be subject to the provisions of article IX of this chapter. Where the regulations of article IX are either more or less stringent than those set forth in this division, the more stringent standard shall apply.

(g) *Signs in Pedestrian Activities District (PAD) overlay zone and PAD encouragement areas.* Signs in PAD overlay zone and PAD encouragement areas of the B-3 zone shall also be subject to the standards set forth in the Downtown Urban Design Guidelines.

Where those standards are either more or less stringent than the regulations set forth in this division, the more stringent standard shall apply.

(Ord. No. 252-94, § 2, 4-4-94)

**Sec. 14-368.5. Permits.**

The procedures set forth below shall govern the application for, and issuance of, all sign permits under this division, unless a sign is also subject to review under any other division or section of this chapter or any other chapter of this Code, including site plan and historic preservation ordinances. Where a sign requires such other review, the time periods set forth in the ordinance for that review process shall control.

- (a) *Applications.* All applications for sign permits of any kind shall be submitted to the department on an application form or in accordance with application specifications published by the department.
- (b) *Fees.* Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the council order.
- (c) *Action on sign permit application.* Within ten (10) working days of receipt of a complete application, the department shall either:
  - 1. Issue the sign permit, if the sign that is the subject of the application conforms in every respect with the requirements of this division; or
  - 2. Deny the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this division. In the event of a denial, the department shall set forth in writing the reasons for the denial.
- (d) *Permits to construct or modify signs.* Signs identified with the notation "B" on Table 1 shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit issued by the department. Such permits shall be issued only in accordance with the requirements and procedures of subsection (f) of this section.

- (e) *Application for new sign or for sign modification.* An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by drawings to show the dimensions, design, source of illumination, construction method and location of each particular sign. One (1) application and construction permit may include more than one (1) sign on the same lot.
- (f) *Assignability of sign permits.* A current and valid sign permit issued under this division shall be freely assignable to a successor as owner of the property or operator of the premises. The assignment shall not require approval by the department. This provision shall also apply to signs lawfully in existence on April 4, 1994, which are further subject to the provisions of section 14-372.
- (g) *Issuance pursuant to minor site plan review.* An applicant for a permit or other approval under this division whose application has been denied for failure to meet the regulations contained in section 14-369.5 may apply to the planning authority for review of the denied signage pursuant to the standards set forth in section 14-526(a)(22), provided, however, that no site plan fee shall be required for this review and no site plan submission materials shall be required beyond those necessary to allow review under this section.

(Ord. No. 252-94, § 2, 4-4-94)

#### **Sec. 14-369. Computations.**

Sign area, sign height and number of signs shall be computed in accordance with the following principals:

- (a) *Computation of area of individual signs:* For all signs other than awning signs, the area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or simple polygon that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display, but not any supporting framework, bracing or decorative fence or wall when such fence is clearly incidental to the display itself.

(b) *Computation of area of multifaced signs:* The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign shall be computed by the measurement of one (1) of the faces.

(c) *Computation of area of awning signs:*

1. For opaque awnings, only those sections which incorporate writing, symbols, emblems or other types of graphics used for the purposes of identification or advertisement shall be included in computing sign area. The methods set forth in subsection (1) of this section shall be utilized in measuring sign area on opaque awnings. Street names and numbers on opaque awnings shall not be considered to be signs for purposes of this section, unless a business located within the building has the street name and/or the street number as its name.
2. For awnings that are translucent and internally illuminated and that incorporate any commercial message, trademark or symbol, the sign area shall be computed as the two-dimensional projection of the awning onto the face of the building on which the awning is to be installed. Such awnings which wrap around building corner(s) shall be treated as separate awnings on each respective building face and shall be considered as signs if they include any message, trademark or symbol. Internally illuminated bands shall be permitted across the building face without being included in the calculations under this subsection, provided that such bands do not include any message, trademark or symbol and that the bands do not exceed three (3) feet in height.
3. Where only a portion of the awning is translucent and internally illuminated, only the area of the translucent illuminated portion shall be included in computing sign area, unless commercial message

content appears on other opaque portion(s) of the awning. Opaque portions of these types of awnings shall be computed in accordance with subsection a. above.

- (d) *Computation of height:* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be considered the lower of either existing grade prior to construction or the newly established grade after construction excluding any filling, berming, mounding or excavating accomplished solely for the purpose of locating the sign. In cases where the normal grade cannot reasonably be determined, sign height shall be computed based upon the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- (e) *Computation of number of signs:* For purposes of computing the number of signs, a single sign shall be considered either enclosed within a single frame or composed of modular parts with identical frame elements designed to be joined together to form a single composite sign.

(Ord. No. 252-94, § 2, 4-4-94)

Sec. 14-369.5. Tables.

- (a) *Table 1. Permitted sign types by zone.*

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NOTE: For Table 1.below, apply the following legend.

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- A: Allowed, no permit required
- B: Allowed, permit required
- C: Allowed, subject to licensing and permit required
- D: Prohibited
- E: Not Applicable

Parentetical letters, i.e. (a), refer to the notes provided at the end of Table 1.

	R-1/R-2 IR-1/IR-3 Residential	Institutional Uses in Residential Zones (a)	RP Residence Zones	ROS/RPZ Open Space	B-1 Neighborhood Business	B-2 Regional Business
<b>Freestanding</b>	D	B	B	B	B	B
In general (b)						
Residential (c)	A	A	A	na	A	A
Residential (d)	D	A	A	A	A	A
Temporary/ Portable (b)	D	D	D	D	D	B
<b>Building</b>	D	D	D	B	B	B
Commercial						
<b>Banner</b>						
Building	A	A	A	A	A	A
<b>Marker (f)</b>						
Awning	D	D	D	B	B	B
Identification (e)	A	A	A	A	A	A
Incidental (d)	A	A	A	A	A	A
Marquee (g)	D	D	D	D	D	B
Projecting	A	D	D	B	B	B
Residential (b)	A	D	A	na	A	A
Roof	D	D	D	D	D	D
Roof Integral	D	D	D	D	D	D
Suspended (g)	A	D	D	B	B	B
Temporary (h)	D	D	D	B	B	B
Wall	A	B	D	B	B	B
Window (I)	D	D	A	A	A	A
<b>Miscellaneous</b>	D	A	A	A	A	A
Community, Cultural Banner						
Directory (j)	D	A	A	D	A	A
Flag (k)	A	A	A	A	A	A
Pennant	D	D	D	D	D	D
Portable-in						
City right-of-way (A-frame)	D	D	D	D	C	C

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	<i>Mixed-use</i>	<i>Urban B-6/B-7</i>	<i>Downtown Business (B-3)</i>	<i>I-B</i>	<i>B-4</i>	<i>O-P</i>	<i>I-L, I-Lb</i>
	<i>AB</i>	<i>Urban Com-</i>	<i>Island</i>	<i>Commercial</i>	<i>Office</i>	<i>Office</i>	<i>Industrial</i>
	<i>Airport</i>	<i>mercial (B-5)</i>	<i>Business</i>	<i>Corridor</i>	<i>Park</i>		
	<i>Business</i>						
Freestanding	B	B	D	B	B	B	B
In general (b)							
Residential (c)	A	A	A	A	na	A	A
Residential (d)	A	A	A	A	A	A	A
Temporary/	D	D	D	B	D	D	D
Portable (b)							
Building	B	B	B	B	D	B	B
Commercial							
Banner							
Building	A	A	A	A	A	A	A
Marker (f)							
Awning	B	B	B	B	B	B	B
Identification (e)	A	A	A	A	A	A	A
Incidental (d)	A	A	A	A	A	A	A
Marquee (g)	B	B	D	B	B	B	B
Projecting	B	B	B	B	B	B	B
Residential (b)	A	A	A	A	na	A	A
Roof	D	D	D	D	D	D	D
Roof Integral	D	D	D	D	D	D	D
Suspended (g)	B	B	B	B	B	B	B
Temporary (h)	B	B	B	B	D	B	B
Wall	B	B	B	B	B	B	B
Window (I)	A	A	A	A	A	A	A
Miscellaneous	A	A	A	A	A	A	A
Community,							
Cultural Banner							
Directory (j)	A	A	A	A	A	A	A
Flag (k)	A	A	A	A	A	A	A
Pennant	D	D	D	D	D	D	D
Portable-in	C	C	C	C	D	D	D
City right-of-way							
(A-frame)							

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	<i>I-M, I-Ma, I-Mb Industrial</i>	<i>I-H, I-Hb Industrial</i>	<i>Eastern Waterfront Port, Waterfront Central, Waterfront Special Use</i>	<i>Waterfront Port Development</i>
<b>Freestanding</b>	B	B	B	B
In general (b)				
Residential (c)	A	A	A	A
Residential (d)	A	A	A	A
Temporary/ Portable (b)	D/D	B/D	D	D
<b>Building</b>	B	B	B	B
Commercial				
<b>Banner</b>				
Building	A	A	A	A
<b>Marker (f)</b>				
Awning	B	B	B	B
Identification (e)	A	A	A	A
Incidental (d)	A	A	A	A
Marquee (g)	B	B	B	B
Projecting	B	B	B	B
Residential (b)	A	A	A	A
Roof	D	D	D	D
Roof Integral	D	D	D	D
Suspended (g)	B	B	B	B
Temporary (h)	B	B	B	B
Wall	B	B	B	B
Window (I)	A	A	A	A
<b>Miscellaneous</b>	A	A	A	A
Community, Cultural Banner				
Directory (j)	A	A	A	A
Flag (k)	A	A	A	A
Pennant	D	D	D	D
Portable-in				
<b>City right-of-way (A-frame)</b>	D	D	C	D

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**Notes for Table 1 (Permitted Sign Types by Zone).**

- (a) This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools and hospitals.



- (b) The following limiting provision shall apply to freestanding signs in the B-1, B-2 and B-3 zones on the Portland Peninsula (except for the B-2 zone in the vicinity of St. John Street): Such signs shall be allowed only if the front facade of the building (or individual tenant's/tenants' frontage in the case of a multi-tenant building) is set back a distance of at least twenty (20) feet from either of the front facades of the abutting buildings (or other tenants' frontage in the same multi-tenant building). Notwithstanding the limitations of this section, freestanding signs shall be permitted for gas stations provided that all signage for such gas stations conform to the requirements of this division.
- (c) No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on premises.
- (d) No commercial message of any kind allowed on a sign if such message is legible from any location off the zone lot on which the sign is located.
- (e) Only address and name of occupant allowed on sign.
- (f) May include only building name, date of construction, or historical data on historical site.
- (g) If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign.
- (h) The provisions governing portable/temporary signs shall apply. See section 14-370.
- (i) Window signs shall be allowed without a permit and shall not be included when calculating cumulative sign area. However, in no event shall more than fifty (50) percent of window area be obscured.
- (j) Directory signs, freestanding or on buildings, shall be allowed without a permit and shall not be included when calculating cumulative sign area, provided the sign area for each tenant does not exceed one and one-half (1.5) square feet.

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(k) Flags used as a symbol of a government, political subdivision or other entity. Any flag not meeting this description shall be considered a banner sign or pennant and shall be subject to regulation as such.

(b) *Table 2. Sign regulations by zone.* Table 2 is comprised of fourteen (14) individual charts outlining sign regulations for each zone in the city. Regulations are for permanent freestanding and building signs and shall not apply to portable/temporary signs, special sign types, incidental signs, directory signs or exempt signs. See applicable sections of this division for regulations governing such signs.

Other applicable regulations:

- \* Signs in historic districts, in historic landscape districts, or on individual landmark properties shall also be subject to the provisions of article IX of this chapter. Where the regulations of article IX are more stringent than those set forth in this division, the more stringent standard shall apply.
- \* Signs associated with projects otherwise subject to site plan review shall also be subject to the provisions of article V of this chapter.
- \* Signs located in the Pedestrian Activities District (PAD) overlay zone and in PAD Encouragement Areas within the B-3 zone shall also be subject to the standards set forth in the Downtown Urban Design Guidelines.

Contents of Table 2:

2.1 Sign Regulations for R-1--R-~~7~~, IR-1--IR-3 Residential Zones

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2.2 Sign Regulations for Institutional Uses in Residential Zones

2.3 Sign Regulations for RP Residence-Professional Zone

2.4 Sign Regulations for ROS/RPZ Open Space Zones & Signs in all Municipal Parks

2.5 Sign Regulations for B-1 Neighborhood Business Zone -

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Single Tenant Lots

2.6 Sign Regulations for B-2 Regional Business Zone - Single Tenant Lots

2.7 Sign Regulations for AB Airport Business Zone - Single Tenant Lots

2.8 Sign Regulations for B-3 Downtown Business, B-5 Urban Commercial, B-6 and B-7 Mixed Use Urban, WC Waterfront Central, WSU Waterfront Special Use, and EWP, Eastern Waterfront Port Zones.

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2.9 Sign Regulations for IB Island Business Zone - Single Tenant Lots

2.10 Sign Regulations for B-4 Commercial Corridor Zone - Single Tenant Lots

2.11 Sign Regulations for OP Office Park Zones

2.12 Sign Regulations for I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb Industrial and WPD Waterfront Port Development Zones

2.13 Sign Regulations for B-1, B-2, AB, IB, and B-4 Business Zones - Multi-Tenant Lots

2.14 Sign Regulations for Gas Stations - All Zones Where Permitted

TABLE 2.1 R1 - R6, IR1 - IR3: RESIDENTIAL AND ISLAND RESIDENTIAL ZONES

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Freestanding Signs

	<i>Single-Family Lots</i>	<i>PRUDs, Single-Family Subdivisions &amp; Multifamily Developments - Development Identification Signs</i>
Area	2 sq. ft.	15 sq. ft.
Height	5 feet	5 feet
Setback	5 feet	5 feet
Number freestanding signs per lot	1(a)	1 per major entrance

(a) A maximum of one (1) sign is allowed per lot. Such sign may be either a freestanding or a building sign.

Building Signs

	<i>Single-Family Lots</i>	<i>PRUDs, Single-Family Subdivisions &amp; Multifamily</i>

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		<i>Developments - Development Identification Signs</i>
Maximum permitted sign area	2 sq. ft.	10 sq. ft.
Number building signs permitted per lot	1(a)	1(b)

- (a) A maximum of one (1) sign is allowed per lot. Such sign may be either a freestanding or a building sign.
- (b) One (1) allowed per street frontage, provided there are no freestanding signs on the lot or development.

TABLE 2.2 INSTITUTIONAL USES IN RESIDENTIAL ZONES

(Regulations apply to institutions permitted as conditional uses in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, private clubs, fraternal organizations and hospitals.)

**Freestanding Signs**

	<i>Street Frontage &lt; 100'</i>	<i>Street Frontage 100' to 250'</i>	<i>Street Frontage &gt; 250'</i>
Area	15 sq. ft.	25 sq. ft.	50 sq. ft.

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Height	6 feet	8 feet	8 feet
Setback	5 feet	5 feet	5 feet
Number freestanding signs per lot	1/st. frontage (a) (b)	1/st. frontage (a) (b)	1/st. frontage (a) (b)

- (a) Lots fronting on two (2) or more streets are allowed one (1) freestanding sign for each frontage. However, the area of each sign shall correspond to the length of the applicable frontage. Freestanding signs shall be positioned such that they are not readily concurrently visible.
- (b) Where one (1) lot contains more than one (1) affiliated use, each use shall be allowed one (1) sign per street frontage.

Note: Pertinent directional information shall, to the extent possible, be included on the principal freestanding sign. Additional directional signs shall be allowed only in the event that necessary information cannot fit reasonably within the permitted sign area. The size of additional signs shall be the minimum necessary to achieve the informational objective.

**Building Signs (a)**

Maximum permitted sign area	na
Percent of wall area on which sign is to be placed	5%
Number building signs permitted per lot	1/building face (b)

- (a) Building signs shall be reviewed for compliance with

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sign standard(s) included in site plan ordinance and shall under no circumstances be internally illuminated.

- (b) One (1) sign is allowed per building face, provided such signs are not readily concurrently visible.

TABLE 2.3 RESIDENCE-PROFESSIONAL (R-P) ZONE

**Freestanding Signs**

Area	30 sq. ft.
Height	8 feet
Setback	5 feet
Number permitted per lot	1(a)

- (a) Lots fronting on two (2) or more streets are allowed one (1) freestanding sign of equivalent size for each street frontage with vehicular entry, provided such signs are not readily concurrently visible.

**Building Signs**

None allowed, other than incidental and/or directory signs.

TABLE 2.4 ROS & RPZ OPEN SPACE ZONES AND SIGNS IN ALL MUNICIPAL PARKS

These regulations shall not apply to municipal stadiums with a seating capacity of greater than six thousand (6,000) seats.

See also section 14-370.7 (special sign types) for regulation of signs associated with seasonal sales/markets, special events, fairs/festivals, etc. Signs in designated historic landscape districts shall also be subject to the

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provisions of article IX of this chapter.

**Freestanding Signs (a)**

	<i>General Park Identification Sign</i>	<i>Concession/Facility Signs (b)</i>
Area	20 sq. ft.	16 sq. ft.
Height	5 feet	8 feet
Setback	5 feet	5 feet
Number freestanding signs per lot	1 per major vehicular entry	1 per concession or facility(c)

- (a) All signs shall be integrated with existing landscape features or shall be visually related to existing architecture in terms of materials, color, scale, etc., as determined by the planning authority.
- (b) Product trademarks shall be limited to not more than five (5) percent of the total sign area.
- (c) Concession stands or other facilities located within an RPZ or ROS zone shall be allowed one (1) freestanding sign or building sign, not both.

**Building Signs (a)**

	<i>Concession/Facility Signs</i>
Maximum permitted sign area	20 sq. ft.
Square feet per linear foot of building facade on which sign will be placed	1 sq. ft.

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Number building signs permitted per lot	1 per concession or facility(b)
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- (a) Building signs shall be visually related to the building on which they are located in terms of materials, color, scale, etc., as determined by the planning authority. Product trademarks shall be limited to not more than five (5) percent of the total sign area.
- (b) Concession stands or other facilities located within an RPZ or ROS zone shall be allowed one (1) freestanding sign or building sign, not both.

**Scoreboards**

Scoreboard size shall correspond to the size and type of facility in which it is to be located, as determined by the recreation director. Commercial sign content shall not exceed fifteen (15) percent of surface area of scoreboard.

**Ballfield Booster or Sponsor Signs**

Such signs shall be exempt from regulation, provided they remain in place only for the applicable season and do not exceed thirty-two (32) square feet in area each.

TABLE 2.5 NEIGHBORHOOD BUSINESS (B-1) ZONE--SINGLE TENANT LOTS

**Freestanding Signs**

Area	32 sq. ft.
Height	16 feet
Setback	5 feet
Number freestanding signs permitted per lot	1

25

**Building Signs**

	As of Right
Maximum cumulative area of all building signs	100 sq. ft.
Square feet per linear foot of building facade on which sign will be placed	1 1/2 feet
Number building signs permitted per lot	1 per building facade facing on abutting st. + 1 additional

TABLE 2.6 REGIONAL BUSINESS (B-2) ZONE - SINGLE TENANT LOTS

**Freestanding Signs**

	<i>Facing Street Frontage &lt; 200'</i>	<i>Facing Street Frontage &gt; 200'</i>
Area	65 sq. ft.	100 sq. ft.
Height	18 feet	18 feet
Setback	5 feet	5 feet
Number permitted per lot	1(a)	1(a)

(a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, but at one-half the maximum allowable area for the original, except in those instances where the freestanding signs are not concurrently visible. In

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such an instance, additional freestanding signs shall be permitted the full area allowance.

**Building Signs**

	<i>Building Face &lt; 150 Linear Feet</i>	<i>Building Face &gt; 150 Linear Feet</i>
Maximum cumulative area of all building signs (b)	150 square feet (a)	225 (a)
Square feet per linear foot of building facade on which sign will be placed	2 feet	Same
Number of building signs permitted per lot	1 per building facade facing an abutting street + 1 additional	Same

(a) If any one (1) building face on which a sign is to be placed exceeds one hundred fifty (150) linear feet, then the maximum allowable sign area for the building as a whole is increased to two hundred twenty-five (225) square feet. However, the limit of two (2) square feet per linear foot of building frontage still applies for purposes of calculating maximum sign area

27

for each building face.

- (b) Where a building features two (2) principal entry facades facing parallel streets, each such entry facade shall be eligible for the full amount of signage relative to its frontage, notwithstanding the maximum cumulative sign area.

TABLE 2.7 AIRPORT BUSINESS (AB) ZONE

**Freestanding Signs**

	<i>Facing Street Frontage &lt; 200'</i>	<i>Facing Street Frontage &gt; 200'</i>
Area	32	65
Height	16	16
Setback	5	5
Number permitted per lot	1(a)	1(a)

- (a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, provided such signs are not readily concurrently visible.

**Building Signs**

Maximum cumulative area of all building signs	na
Square feet per linear foot of building facade on which sign will be placed - or -	2 sq. ft.; or

28

Maximum percent of wall area on which sign(s) is(are) to be placed	6%
Number building signs permitted per lot	1 per building facade facing an abutting street + 1 additional

TABLE 2.8 SIGN REGULATIONS BY ZONE

Downtown Business (B-3), Urban Commercial (B-5), Waterfront Central (WC), and Waterfront Special Use (WSU) Zones

- \* Signs located on individual landmark properties or within historic districts, PAD overlay districts or PAD encouragement areas shall, in addition to the provisions herein, be subject to article IX of this Code or the Downtown Urban Design Guidelines, as applicable. Where the design guidelines are more restrictive than these regulations, the design guidelines shall supersede the otherwise applicable dimensional standards.
- \* Freestanding signs shall be allowed only if the front facade of the building (or individual tenant's/tenants' frontage in the case of a multi-tenant building) is set back a distance of at least twenty (20) feet from either of the front facades of the abutting buildings (or other tenants' frontage in the same multi-tenant building).

**Freestanding Signs**

	<i>Single &amp; Multi-Tenant Buildings</i>
Area	16 sq. ft.
Height	6 ft.
Minimum setback	5 ft.

29

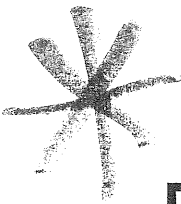
Number of freestanding signs per lot	1 per abutting street
--------------------------------------	-----------------------

**Building Signs**

		<i>Multi-Tenant Buildings</i>	
	<i>Single Tenant Buildings</i>	<i>Building ID Sign and/or Upper Floor Tenant Signs</i>	<i>Ind. Ground Floor Tenant Signs</i>
Maximum cumulative permitted area of all building signs	Na	Na	na
Square feet per linear feet of building facade on which sign will be placed	2 sq. ft.	na	2 sq. ft. per ft. of tenant's building frontage
Maximum percent of wall area on which sign(s) is(are) to be placed	Na	5%	na
Number of building signs permitted per lot	1 per facade + 1	1 per facade + 1 per tenant	1 per tenant (a)

REPLACED  
W/S

(a) If individual tenant fronts on more than one (1) street, one (1) additional building sign is permitted for each additional frontage.



**Signage Ordinance, Section 14-369.5, Table 2.8 – revised draft – 7-27-06**

	Single Occupancy Buildings		Multi-Tenancy Buildings	
	Upper floors	Ground floors	Upper floors	Ground floors
Maximum cumulative permitted Area of all building signs	Na	Na	Na	Na
Square feet of signage per linear feet of building façade on which sign will be placed	Na	1.5 sq ft <b>(note: down from 2 sq ft)</b>	Na	1.5 sq ft per linear foot of tenant frontage <b>(note: down from 2 sq ft)</b>
Maximum percentage of wall area occupied by upper floor signs (based on total area of wall, including the ground floor)	3% <b>(note: down from 5%)</b>	Na	3% <b>(note: down from 5%)</b>	Na
Maximum number of building signs permitted per lot	2 maximum, provided they are not concurrently visible.	1 per façade + 1 additional per building	2 maximum, provided they are not concurrently visible.	1 per tenant + 1 per facade

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TABLE 2.9 ISLAND BUSINESS (IB) ZONE

**Freestanding:** None allowed, except for marine-related uses serving vessel traffic. Such signs shall not exceed twenty (20) square feet in area and ten (10) feet in height. One (1) such sign is allowed per use.

**Building**

Maximum permitted sign area	40 sq. ft.
Square feet per linear feet of building facade on which sign will be placed	1 sq. ft.
Number of building signs permitted per lot	1 per building facade facing an abutting street + 1 additional

TABLE 2.10 COMMERCIAL CORRIDOR (B-4) ZONE - SINGLE TENANT LOTS

**Freestanding Signs**

	<i>Facing Street Frontage &lt; 200'</i>	<i>Facing Street Frontage &gt; 200'</i>
Area	65 sq. ft.	100 sq. ft.
Height	25 ft.	35 ft.
Setback	5 ft.	Same
Number permitted per lot	1 (a)	Same

(a) If lot fronts on more than one (1) street, one (1)

32  
No Add'l Ent



JAMES I. COHEN (MAYOR)(5)  
JILL C. DUSON (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)  
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)

**ORDER AUTHORIZING AMENDMENT TO CITY CODE  
SEC. 14-49 (ZONING MAP AMENDMENT)  
RE: CONDITIONAL REZONING FOR 121-135 SHERIDAN STREET**

**ORDERED**, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below:

**Sheridan Street LLC  
Sheridan Street, Portland, Maine**

This contract made this \_\_\_\_ day of \_\_\_\_\_, 2006 by **SHERIDAN STREET LLC**, a Maine Limited Liability Corporation having a place of business at One Longfellow Square, Portland, Maine (hereinafter "Developer").

**WHEREAS, DEVELOPER** owns property at 121-135 Sheridan Street, Portland, Maine; and

**WHEREAS, DEVELOPER** filed a request for a Conditional Rezoning with the City of Portland ("City") to modify an existing R-6 zone to accommodate housing with reduced parking; and

**WHEREAS**, the at 121-135 Sheridan Street property is more specifically described and shown on the Portland Assessors Map, Parcels 13-K-2 and 13-K-17 (the "Property"); and

**WHEREAS**, the Portland Planning Board determined the rezoning would provide needed housing in the City and would not negatively impact the surrounding residential community; and

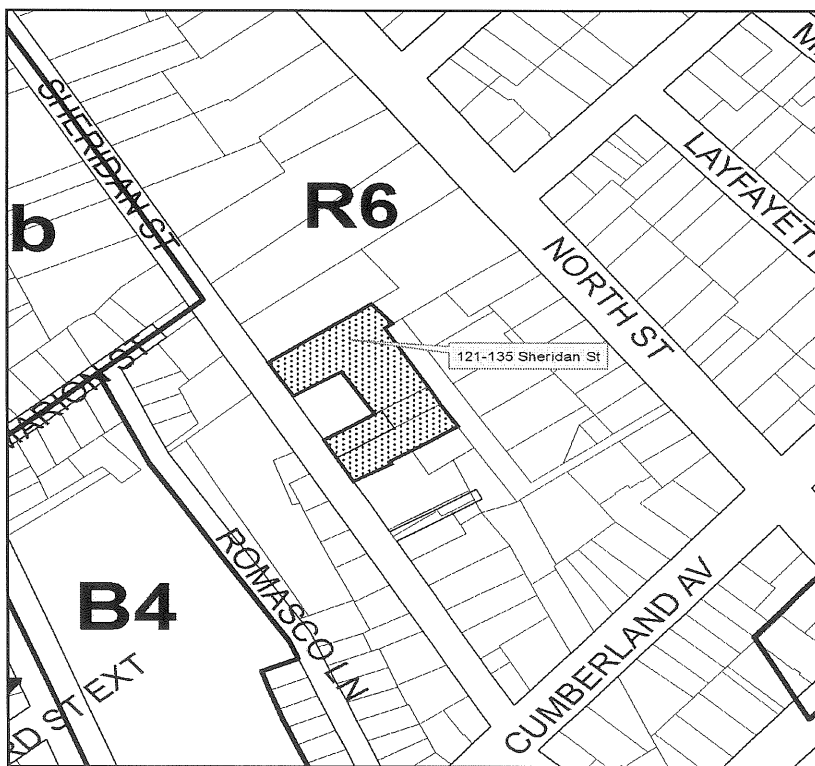
**WHEREAS**, the Portland Planning Board, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberations, recommended the rezoning of the Property, subject, however, to certain conditions; and

**WHEREAS**, the City, by and through its City Council, has determined that the rezoning, necessary because of the unusual nature of the development, with conditions and restrictions, would be pursuant to and consistent with the City's Comprehensive Plan and would not unreasonably interfere with the existing and permitted uses within the underlying R-6 zone; and

**WHEREAS**, the **DEVELOPER** has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **DEVELOPER** its successors and assigns; and

**NOW, THEREFORE**, in consideration of the rezoning of the Property, **DEVELOPER** contracts to be bound by the following terms and conditions:

1. The **CITY** shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change.



**City of Portland  
Proposed Conditional Rezoning  
for 121 -135 Sheridan Street**



0 37.5 75 150 225 300 Feet

Map prepared by the City of Portland's Department of Planning & Development

2. The use of the Property shall consist of a building containing a maximum of twenty one (21) unit residential units located at the rear of the site (the "Residential Condominium") with at least twenty-nine (29) on-site parking spaces for the use of the Residential Condominium; and an existing single family residential house located at the front of the lot along Sheridan Street (the Single-

Family House”) with two 2 on-site parking spaces for the use of the Single Family House (hereinafter collectively, the “Development”).

3. The Property will be developed substantially in accordance with the Site Layout Plan (the “Site Plan”), Attachment 1, by MRLD, LLC dated \_\_\_\_\_ and the conceptual elevations (the “Elevations”), Attachment 2, by TFH Architects dated \_\_\_\_\_, 2006.
4. The Planning Board shall review and approve the Site Plan according to the site plan and subdivision provisions of the Portland Land Use Code and nothing herein shall prevent the Planning Board from imposing conditions otherwise required to bring this development into compliance with those subdivision and site plan standards.
5. The underlying zoning requirements of the R-6 zone are modified as follows:
  - a. The maximum density shall be no greater than twenty one (21) residential units to be located on the lot within the Residential Condominium shown on Attachment 1 and the existing Single Family House located at the front of the lot as shown on Attachment 1; and
  - b. A minimum of thirty one (31) on-site parking spaces (29 shown for the Residential Condominium and 2 shown for the Single Family House) shall be provided and each unit shall be designated at least one (1) on-site parking space; and
  - c. The front yard setback shall be ~~two-five (52)~~ five (52) feet to the terrace wall as shown on Attachment \_\_\_\_; the northerly side yard setback shall be graduated from ~~32~~ 32 feet along Sheridan Street to ~~12 14’5”~~ 14’5” feet at the rear of the site with a deck within 2’ of the property line and the southerly side yard setback shall range from three (3) to five (5) feet at the location of the ~~earport surface parking~~ earport surface parking all as more particularly shown on Attachment \_\_\_\_.  
The rear yard setback range shall be approximately 16’ to 17’9”.

Otherwise, the provisions of §14-139 through 14-140 (the R-6 Zone) of the Portland City Code shall apply to this development. Alterations and improvements may be made to the Single Family House in accordance with the provisions of the R-6 Zone, but no change in use or the number of residential units in excess of one may be made to the Single Family House, except that home occupations shall be permitted therein in accordance with the provisions of the R-6 Zone.

6. The **DEVELOPER** shall undertake the following:
  - a. The **DEVELOPER** shall deed to the City an easement for public access over the driveway shown on Attachment 1 for purposes of public

pedestrian passage and access to the community gardens. The final location of the easement to be determined by the City and a deed executed at time of site plan approval; and

- b. The installation of utilities stubs (water and electric) from the building to the boundaries of the adjacent City Owned property as shown on Attachment 3; and
- c. The payment of a monetary contribution in the amount of \$23 ,000.00 to be allocated as follows: \$5,000 toward the implementation of the improvement project at the Washington Avenue/Walnut Street intersection; \$18,000 to be placed in an established Parks and Recreation fund to contribute to the cost of providing community improvements, such as trails, community gardens, park improvements, etc. in the vicinity of the development.

7. **The initial price of at least two dwelling units shall not exceed \$200,000.**
8. In the event the development described herein is not commenced within two (2) years from the date of this rezoning, or ~~such an additional one year if, in the sole discretion of the City Planning Department, it deems such extension to be appropriate~~~~time in the event that this contract is extended by the City and the DEVELOPER~~, this contract shall become null and void and the Property shall revert back to the underlying R-6 zone.
9. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **DEVELOPER** , and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
10. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
11. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

12. In the event that **DEVELOPER**, or any successor fails to continue to utilize the Property in accordance with this Agreement, or in the event of an uncured breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing and notice to the developer, to resolve the issue resulting in the breach. The resolution may include a recommendation to the City Council that the Agreement be terminated, requiring cessation of the use of the development authorized herein.

WITNESS:

SHERIDAN STREET LLC

\_\_\_\_\_

By \_\_\_\_\_  
Greg Shinberg  
Its: Manager

State of Maine

Cumberland, ss.

Date:

Personally appeared the above-named Greg Shinberg, Manager of Sheridan Street LLC and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Sheridan Street LLC.

\_\_\_\_\_  
Notary Public

Dave Not hard to get a affordability provision drafted  
Lee - Copy of density map w addresses - Affordability by size - keep in the size limit to prevent combining of units to "tricky" units

Memorandum  
Department of Planning and Development  
Planning Division



Public Comment: Tim Carroll 120 Sheridan St Mass + Size.  
Eubanks bldg looks out of place - does not fit the neighborhood  
open space is inaccessible.

To: Chair Beal and Members of the Portland Planning Board

From: Alex Jaegerman, Planning Division Director

Date: June 22, 2006, for June 27, 2006 Planning Board Workshop

Re: Conditional Rezoning for 121-135 Sheridan Street, Sheridan Street LLC,  
(Greg Shinberg) applicant

Brendan O'Neil - 117 Sheridan St; 121 Sheridan should be included in the cond rezoning. Commitment not binding, generally unenforceable w/ project and should not have an uncertainty w/ 121 Sheridan. Other issue... Bunits is 3x normal neighborhood. Shinberg is 3x Eubank. Project is too large. Open space is in backyard of Eubank bldg. most of open space is embankment carport wall facing back yard.

Greg Shinberg is returning to the Planning Board with a new application for conditional R-7 rezoning for his parcel at 121 and 135 Sheridan Street. The Board will recall that this plan was previously a request for straight R-7 rezoning, which was forwarded to the City Council with a split vote from the Board. On February 7, 2006, the Board voted 3 - 3 (Patterson, Tevanian, Silk in favor, Beal, Lowry, Odokara opposed, Anton absent/recused) on a motion to recommend the previous rezone request to the City Council. The City Council voted 4 - 5 on the rezone request, thus it failed to pass.

Mr. Shinberg has revised his plans, as described in his letter and application. The number of units has been reduced from 24 in the combined parcels to 21 units in the parcel at 135 Sheridan Street plus the single family home at 121 Sheridan, which has been removed from the rezone/development parcel and will remain as is. The lot for 121 Sheridan will be reduced from 10,000 sf to 4,500 sf, with the rear portion being added to the 135 Sheridan Street parcel. A survey depiction of these lots will be required for purposes of subdivision review. Compared with the prior plans, the new 21 unit building will be somewhat smaller, with some one bedroom units, and the height will not exceed 45', while the previous proposal had some penthouse elements that approached 50' in height. The major new element to this rezone request is the conditional rezoning agreement. The chart with the zoning comparison shows that the maximum density allowed in the R-7 zone is 55 units, compared to the proposal for 21 units on this lot. While the parking and setbacks of the proposal are more consistent with the R-7 zone, the density is within one unit of the R-6 density. The conditional rezoning responds to concerns that the R-7 rezoning could allow much more density than can reasonably be sited on this lot, or that would be desirable on this lot.

Kerry Donoghue - lives directly above this site -> R-7 was better than R-6 because of parking and height. R-7 is too dense, R-6 would create a worse outcome. Which streets should be better documented... R-6 would be even worse.  
Robert Hains: Those are the rules, one more den., setbacks, decrease in parking. Possibly Sheridan should have been downzoned, but that would be spot zoning. Project should go to Council, go forward  
Lawrence Eubank - Carport -> why no setback for carport; future of single family houses for another couple of units should be resolved now

*Non Conforming - Steep paths appreciate Sh. Aberg's efforts on papers.  
 Danne Conine North St Project is too large, too massive; doesn't fit in context of neighborhood what context did Carrie March look at? Never can see prospect - we can't see North St properties - would not be part of visual context - would like to have photographs of surrounding context.*

Standard	Proposed	R-6	R-7
Lot Size	28,627sf combined lots; 24,127 sf Proposed R-7 lot	4,500 minimum	none
Residential Density	21 units proposed, plus existing single family house on separate lot.	20 units on 24,127 sf parcel	55 units
Street Frontage	50' for 135 Sheridan 50' for 121 Sheridan (includes portion of access easement)	50 ft	none
Front Yard	2' to terrace wall	10 ft or average setback of adjoining if closer to street	none
Rear Yard	13' - 15'	10 ft	none
Side Yard	Northerly: 2' - 12', 35' - 38' Southerly: 70' +/- to side line; 18' - 24' to easement line; Carpport: 3' - 5' to south line	15' for 5 stories.	25' required between new residential and existing abutting residential structure
Structure Height	45 ft	45 ft	50 ft
Lot Coverage	Not provided	40%	100%
Open Space	Not provided	Porches or patios required or 10% open space	none
Off-Street Parking	29 spaces for 21 units at 135 Sheridan St. (1.38 spaces per unit)  3 spaces for one unit at 121 Sheridan ST.	2 per unit plus 1 for every 6 units.	One space per unit required

### Park Improvements

The applicant has been in discussions with Regina Leonard of the Fort Sumner Park Committee and Jaime Parker of Portland Trails. There have been discussions of trail work being done in collaboration with this proposed project. A memo from Regina Leonard is included. The conditional rezoning agreement includes several provisions related to the trails and adjacent park. There is interest in creating a community garden in either of two locations adjacent to this project. One location is on the adjacent City property south of this parcel, and the other is the adjacent City parcel north of this parcel. The City is requesting an access easement to the southerly City parcel. The City is requesting a water service line to either or both locations. The City is also requesting a contribution to the proposed improvements to Fort Sumner Park. The Board will recall from the site visit that there are two informal footpaths up the embankment from Sheridan Street to Fort Sumner Park. These paths are rough and steep, and prone to erosion. One improvement that is projected associated with this development is the access and aesthetic improvement of the embankment, and to provide a proper access from Sheridan Street to the park. At the same time, Landscape Architect Regina Leonard, who was present on our site walk, has been commissioned by the Parks and Recreation Department to prepare a landscape plan for Fort Sumner Park. Denise

Clavette, Director of Parks and Recreation, has recommended a monetary contribution of \$20,000 associated with these park improvements. Our practice with regard to monetary contributions is to utilize the Community Development Committee as the arbiter of the City's position, in an attempt to negotiate a mutually agreeable amount with the developer. This matter will come before the CDC on July 12. The Planning Board may wish to weigh in about the amount of the contribution, but it is not essential for the Board to attempt to resolve the contribution amount.

### Traffic Issues

The applicant has also submitted a traffic study in response to traffic concerns expressed by neighbors. The traffic study (narrative portion) is included as Attachment 3. Tom Errico, the City's Review Traffic Engineer, has reviewed the traffic study and the proposed plans and a memo is included as Attachment 4. Mr. Errico has recommended that a contribution of \$5,000 be made to the planned improvements at the Washington/Walnut Street intersection. (Note that Tom's memo related to the previous proposal, however in speaking with Tom he has indicated that his conclusions remain unchanged with the current proposal, other than for parking.)

### Parking

As shown in the chart and landscape plan, the proposal includes 29 spaces at 135 Sheridan Street for 21 units, a ratio of 1.38 spaces per unit. This compares reasonably well to other developments, which have been approved at ratios of 1.0 or 1.25 spaces per unit. The 121 Sheridan Street single family house shows three spaces.

### Urban Design

Carrie Marsh, Urban Designer, has reviewed the proposed elevations and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood.

### Zoning and Policy Considerations

The purpose of the R-7 Compact Urban Residential Overlay Zone is:

(Based on R-7 standards.)  
what bldgs

*"To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.*

*Locations for siting the R-7 zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent zones.*



The R-7 Zone concept was developed to address the need for infill housing opportunities in Bayside and other areas of the peninsula. There is some question about whether or not this site is "characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 zone." The applicant has addressed this point in his submission letter.

The proposed rezoning from R-6 Residential to R-7 Compact Urban Residential Overlay Zone for the property located at 121 & 135 Sheridan Street must be evaluated for consistency with the City's Comprehensive Plan. Some relevant excerpts from the Comprehensive Plan are as follows:

**Housing: Sustaining Portland's Future – Adopted November 18, 2002**

*"Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as school, businesses, institutions, employers, and public transportation."*

*"Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate."*

*"Encourage housing within and adjacent to the downtown. Evaluate and update current zoning and building codes, as needed, to facilitate new housing and redevelopment opportunities, including:*

- \* Condominiums;*
- \* Townhouses;*
- \* 2 to 4 unit buildings;*
- \* Live/work options; and*
- \* High-density multi-family housing."*

*"Portland seeks to encourage construction of new housing units through land use regulations and financial incentives. Increasing Portland's housing stock in developed urban areas of the city is challenging, but necessary for the long-term health of the city."*

*"Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood."*

*"Adopt neighborhood design guidelines as part of Portland's land use code for new housing and substantial rehabilitation that are compatible with the character and patterns of development found within each neighborhood."*

*"Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation."*

**A Time of Change: Portland Transportation Plan – Adopted July 1993**

*"Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community."*

"Ensure future growth does not foster auto dependency."

Kevin R-7 for design guidelines

"Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options."

Could incorporate R-7 in R-6 get rid of 22-29 + carport + have

As stated previously, the applicant is proposing 135 Sheridan Street will consist of twentyone (21) units. The site area is approximately 24,127 sq. ft.

Sheridan Street is located on the peninsula and is within walking distance of downtown or other work places and shopping. To the east of the property is Shailer School, which is located on North Street, within the same block as the proposed development. Shailer School consists of 17 units. A mixture of density characterizes this area of the peninsula.

1 to 1 Leave 121 out of cond zone still not in favor of rezoning lot large bldg behind other houses

The proposed zone change will provide increased density in an area near to services such as schools, businesses, institutions, employers and public transportation. It will also provide compact in-city living for owners that represent a variety of income levels and household types. It is located near the downtown district and close to the Cumberland Avenue METRO line that serves Munjoy Hill.

The Comprehensive Plan encourages development of infill projects on the peninsula, with less required parking spaces to promote walking to work and shopping or utilize public transportation. The Jack Elementary School is located within walking distance, and the Portland Trail network is located adjacent to the site.

**Conditional Rezoning Issues**

Extent of Conditional Rezoning. The applicant had earlier submitted a letter requesting conditional rezoning for both properties, 121 and 135 Sheridan Street. Based on this letter and conversations with Mr. Shinberg, Corporation Counsel drafted the conditional rezoning agreement accordingly. The application submitted on June 12, however, requests rezoning for 135 Sheridan Street only, excluding a reduced lot area for 121 Sheridan Street, with the single-family house on a lot of 4,560 sf. The Board and applicant should discuss the rezoning extent to determine the area to advertise. Mr. Shinberg's letter indicates that the single-family house will remain as is, "with no alterations other than for maintenance." If this condition is intended to be permanent and binding on Mr. Shinberg, then the house lot should be included in the rezoning and this provision made part of the conditional rezoning, as currently drafted. If it is not included, then Mr. Shinberg or a subsequent owner could seek to enlarge the house and/or add one or more additional dwelling units to the lot. The density for that lot could be as high as four dwellings, and the three parking spaces shown would be sufficient for two dwellings.

Not completely limited

R-6 versus R-7 Conditional Rezoning. The applicant has requested conditional rezoning to the R-7 zone, but the current draft retains the underlying R-6 zone. Corporation Counsel is more comfortable with the R-6 as the underlying zone for reversion purposes. The density is within one dwelling unit of the R-6 density, while the R-7 is written for much higher densities than is proposed or is appropriate for this site. From a technical zoning perspective, either zone would work with the drafting language of the conditional rezoning agreement stipulating the provisions that are to be amended. The present draft delineates the parking, density and setback provisions of the R-6 zone to be modified by

More defensible according to

the R-6 conditional rezoning. The setbacks and parking meet the R-7 provisions, but the density would be restricted to the proposed number of units, well below the number that would otherwise be allowed in the R-7 zone.

Affordability. Corporation Counsel has drafted an affordability provision, based on Mr. Shinberg's letter in which he states that he intends for several units to be priced below \$200,000. In conversations with Mr. Shinberg, he indicated that at least three units would be so priced. He has not agreed to make this a condition of rezoning, however. This should be discussed at workshop, to determine what, if any, affordability provision should be advertised in the conditional rezoning for public hearing purposes.

Attachments:

1. Applicant's Submittal dated June 12, 2006
2. Conditional Rezoning Draft
3. Traffic Study (narrative portion)
4. Traffic Engineer's Memo
5. Memo from Regina Leonard, Fort Sumner Park Committee, dated December 29, 2005

Att. 1



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

SHERIDAN STREET, LLC

Name

477 CONGRESS ST. 5TH FLOOR

Address

PORTLAND, ME 04101

207 523 3410

Phone

773 8597

Fax

2. Subject Property:

135 SHERIDAN STREET

Address

PORTLAND, ME

13-K-2

Assessor's Reference (Chart-Block-Lot)

3. Property Owner:

Applicant

Other

Name

SHERIDAN STREET, LLC

Address

477 CONGRESS ST. 5TH FLOOR

207 523 3410

Phone

773 8597

Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

OWNER OF FEE SIMPLE ABSOLUTE

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

VACANT LOT WITH NO STRUCTURES

7. Current Zoning Designation(s):

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

THE VACANT LOT WILL HAVE A 21 UNIT BUILDING THAT INCLUDES ONE LEVEL OF UNDERGROUND PARKING PLUS FOUR LEVELS OF STRUCTURE ABOVE.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

- A. \_\_\_\_\_ Zoning Map Amendment, from \_\_\_\_\_ to \_\_\_\_\_
- B. \_\_\_\_\_ Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

- C.  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

- 11. **Application Fee:** An Application Fee must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

Fee for Service Deposit (\$200.00)  
 (Required for all applications in addition to the applicable application fee listed below)

---

_____ Zoning Map Amendment	\$2,000.00
_____ Zoning Text Amendment	\$2,000.00
<input checked="" type="checkbox"/> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. Applicants will be billed by the Planning Division.

- 12. **Signature:** The above information is true and accurate to the best of my knowledge.

JUNE 13, 2006  
 Date of Filing

*Greg Libby*  
 Signature of Applicant

**Further Information:**

Please contact the Planning Division for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
 Portland, Maine

Effective: July 6, 1998

SHERIDAN STREET, LLC  
477 Congress Street, 5<sup>th</sup> Floor  
Portland, Maine 04101-3427  
207 523 3410 Office  
207 773 8597 Fax

June 12, 2006

Mr. Alexander Jaegerman  
Planning Division Director, City of Portland  
and City of Portland Planning Board Members  
389 Congress Street  
Portland, Maine 04101

**RE: Sheridan Heights Condominiums**  
**135 Sheridan Street, Portland, Maine**

Dear Mr. Jaegerman and Board Members:

In response to the concerns of the City Council and neighbors in the community, we have decided to re-submit the application for Sheridan Heights and request that you review the project now as a Conditional R-7 Zone.

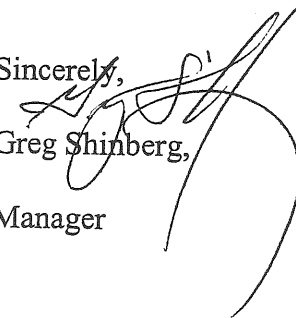
Some changes have been made to the project.

They are as follows:

- The number of units in the L shaped building will be limited to 21 Units total – thus the total number of units on the combined properties will be 22 total (down from 24);
- The existing house located at 121 Sheridan Street will remain a single family residence with no alterations other than for maintenance;
- The existing free standing garage located at 121 Sheridan Street will be removed and replaced with surface parking and access for the L shaped building;

- The plans for the new L shaped building will be included as an exhibit to the Conditional R-7 Zone;
- The new building will be less than 45 feet tall;
- The overall size of the building will be reduced and several of the units will be built smaller in size;
- Some of the units will be now have one bedroom;
- The sales price for several of the units will be reduced to below \$200,000;
- Access for future trails that connect to North Street will be provided for via a Memorandum of Understanding with Portland Trails and an Easement will be granted to the public for this access;
- A financial contribution will be made to the City for the construction of a future community garden (s) located nearby. The amount of contribution will be discussed at the June 14<sup>th</sup> CDC meeting;
- At the last Planning Board meeting, some of the members expressed that the neighborhood does not have this type of density. A careful research of all existing properties located within two blocks verifies that but for an R-7 Zone or the R-6 Small Lot Provisions, over 90 % of the properties would not be permitted in this area;

Sincerely,

  
Greg Shinberg,

Manager



JAMES I. COHEN (MAYOR)(5)  
JILL C. DUSON (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)  
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)

**ORDER AUTHORIZING AMENDMENT TO CITY CODE  
SEC. 14-49 (ZONING MAP AMENDMENT)  
RE: CONDITIONAL REZONING FOR 121-135 SHERIDAN STREET**

**ORDERED**, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below:

**Sheridan Street LLC  
Sheridan Street, Portland, Maine**

This contract made this \_\_\_\_ day of \_\_\_\_\_, 2006 by **SHERIDAN STREET LLC**, a Maine Limited Liability Corporation having a place of business at One Longfellow Square, Portland, Maine (hereinafter "Developer").

**WHEREAS, DEVELOPER** owns property at 121-135 Sheridan Street, Portland, Maine; and

**WHEREAS, DEVELOPER** filed a request for a Conditional Rezoning with the City of Portland ("City") to modify an existing R-6 zone to accommodate housing with reduced parking; and

**WHEREAS**, the at 121-135 Sheridan Street property is more specifically described and shown on the Portland Assessors Map, Parcel \_\_\_\_\_ (the "Property"); and

**WHEREAS**, the Portland Planning Board determined the rezoning would provide needed housing in the City and would not negatively impact the surrounding residential community; and

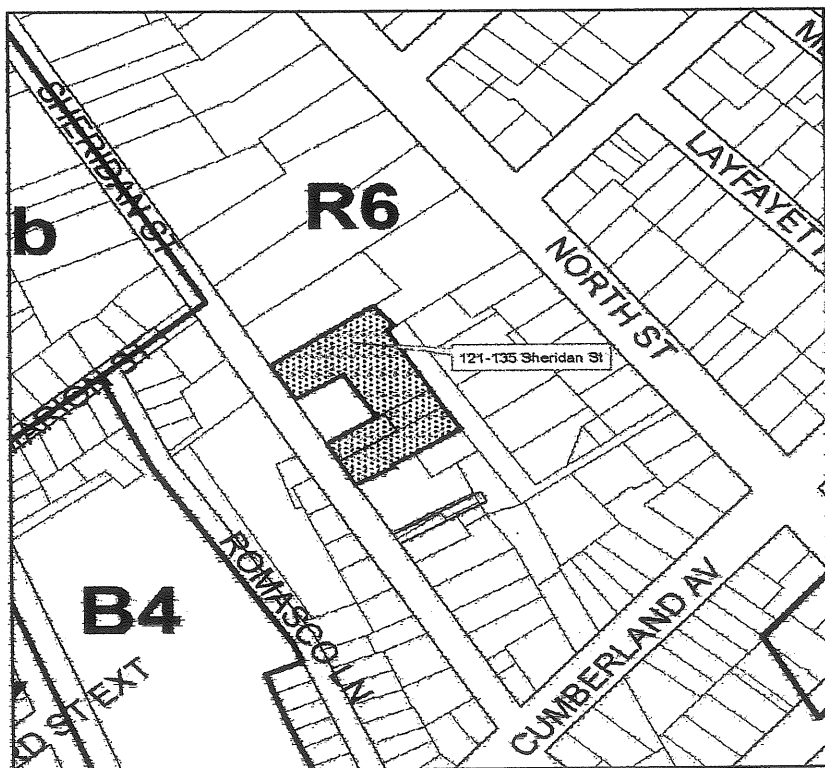
**WHEREAS**, the Portland Planning Board, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberations, recommended the rezoning of the Property, subject, however, to certain conditions; and

**WHEREAS**, the City, by and through its City Council, has determined that the rezoning, necessary because of the unusual nature of the development, with conditions and restrictions, would be pursuant to and consistent with the City's Comprehensive Plan and would not unreasonably interfere with the existing and permitted uses within the underlying R-6 zone; and

**WHEREAS**, the **DEVELOPER** has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **DEVELOPER** its successors and assigns; and

**NOW, THEREFORE**, in consideration of the rezoning of the Property, **DEVELOPER** contracts to be bound by the following terms and conditions:

1. The **CITY** shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change.



→ INCLUDES 121

R-7  
design  
criteria

City of Portland  
Proposed Conditional Rezoning  
for 121 -135 Sheridan Street



0 37.5 75 150 225 300 Feet  
Map prepared by the City of Portland's Department of Planning & Development.

2. The use of the Property shall consist of a building containing a maximum of twenty one (21) unit residential units located at the rear of the site; at least thirty two (32) on-site parking spaces; and an existing single family residential house (with no alteration other than for removal of the garage and the general

INCLUDES  
3 SPACES  
FOR

maintenance of the house) located at the front of the lot along Sheridan Street (hereinafter the "Development").


3. The Property will be developed substantially in accordance with the Site Layout Plan (the "Site Plan"), Attachment 1, and the conceptual elevations (the "Elevations"), Attachment 2, by \_\_\_\_\_ dated \_\_\_\_\_, 2006.
4. The Planning Board shall review and approve the Site Plan according to the site plan and subdivision provisions of the Portland Land Use Code and nothing herein shall prevent the Planning Board from imposing conditions otherwise required to bring this development into compliance with those subdivision and site plan standards.
5. The underlying zoning requirements of the R-6 zone are modified as follows:
  - a. The maximum density shall be no greater than twenty one (21) residential units to be located on the lot within the new structure shown on Attachment 1 and one existing single family house located at the front of the lot as shown on Attachment 1; and
  - b. A minimum of thirty two (32) on-site parking spaces (29 shown for the condominium and 3 shown for the single family house) shall be provided and each unit shall be designated at least one (1) on-site parking space; and
  - c. The front yard setback shall be two (2) feet to the terrace wall as shown on Attachment \_\_\_\_; the northerly side yard setback shall be graduated from 2 feet along Sheridan Street to 12 feet at the rear of the site and the southerly side yard setback shall range from three (3) to five (5) feet at the location of the carport all as more particularly shown on Attachment \_\_\_\_.

*Check measurement*

Otherwise, the provisions of §14-139 through 14-140 (the R-6 Zone) of the Portland City Code shall apply to this development.

6. The DEVELOPER shall undertake the following:
  - a. The DEVELOPER shall deed to the City an easement for public access over the driveway shown on Attachment 1 for purposes of public pedestrian passage and access to the community gardens. The final location of the easement to be determined by the City and a deed executed at time of site plan approval; and
  - b. The installation of utilities stubs (water and electric) from the building to the boundaries of the adjacent City Owned property as shown on Attachment 3; and

- c. The payment of a monetary contribution in the amount of \$25,000.00 to be allocated as follows: \$5,000 toward the implementation of the improvement project at the Washington Avenue/Walnut Street intersection; \$20,000 to be placed in an established Parks and Recreation fund to contribute to the cost of providing community improvements, such as trails, community gardens, park improvements, etc. in the vicinity of the development.

7. The price of at least three dwelling units shall not exceed \$200,000. 
8. In the event the development described herein is not commenced within two (2) years from the date of this rezoning, this contract shall become null and void and the Property shall revert back to the underlying R-6 zone.
9. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **DEVELOPER**, and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
10. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
11. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
12. In the event that **DEVELOPER**, or any successor fails to continue to utilize the Property in accordance with this Agreement, or in the event of an uncured breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing and notice to the developer, to resolve the issue resulting in the breach. The resolution may include a recommendation to the City Council that the Agreement be terminated, requiring cessation of the use of the development authorized herein.

WITNESS:

SHERIDAN STREET LLC

\_\_\_\_\_

By \_\_\_\_\_

Greg Shinberg

Its:

State of Maine

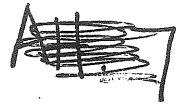
Cumberland, ss.

Date:

Personally appeared the above-named Greg Shinberg, \_\_\_\_\_ of Sheridan Street LLC and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Sheridan Street LLC.

\_\_\_\_\_  
Notary Public

O:\OFFICE\PENNY\CONTRACT\rezone  
\SheridanStreetShinberg050206.doc

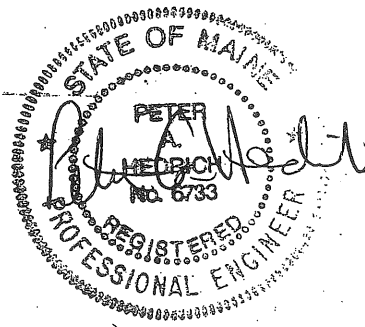


**Traffic Impact Study  
Sheridan Heights  
Portland, Maine**

**Prepared for:**

**Sheridan Street, LLC  
c/o Shinberg Consulting  
477 Congress Street, 5th floor  
Portland, ME 04101-3427**

**January 2006**



**Prepared by:**

1-10-06



**Gorrill-Palmer Consulting Engineers, Inc.**

*Traffic and Civil Engineering Services*

PO Box 1237  
15 Shaker Road  
Gray, ME 04039

(207) 657-6910  
Fax: (207) 657-6912  
E-mail: mailbox@gorrillpalmer.com

**Traffic Impact Study  
Sheridan Heights  
Portland, Maine**

*Index*

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***Appendix A***

Site Location Map

Turning Movement Diagrams

***Appendix B***

Capacity Analyses Results

***Appendix C***

Trip Generation Calculations

U.S. Census Data

Site Plan

## Executive Summary

The following Executive Summary is prepared for the reader's convenience, but is not intended to be a substitute for reading the full report.

Gorrill-Palmer Consulting Engineers, Inc. was retained by Sheridan Street, LLC to prepare this traffic impact study for the proposed residential development on Sheridan Street in Portland, Maine. The site is located on the north side of Sheridan Street between Walnut Street and Cumberland Street. The proposal involves construction of 24 condominium units on the site. For the purposes of this study, the full buildout of the site is assumed to be complete in 2007. A single driveway from Sheridan Street is proposed to access the site. Based on this study, our office has determined the following:

1. The proposed development is forecast to generate 11 trip ends in the weekday AM peak hour and 13 trip ends in the weekday PM peak hour. (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends). This level of trip generation does not require a traffic permit from the Maine Department of Transportation.
2. The level of service analyses show that traffic generated by the project does not affect operations at study area intersections.
3. Gorrill-Palmer Consulting Engineers, Inc. referenced the Maine DOT collision records to determine if there were any high crash locations in the project vicinity. No high crash locations were found in the vicinity of the project site.

It is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local roadway network can accommodate the additional traffic generated by the full buildout of Sheridan Heights.



## I. *Existing and Proposed Site*

The site is located on the north side of Sheridan Street, between Walnut Street and Cumberland Avenue, and is currently a three-unit residential building. A site location map has been included in Appendix A.

Proposed for the site are 24 condominium units. For the purposes of this study the full buildout of the site is assumed to be complete in 2007. Access to the site will be from a single driveway off of Sheridan Street. A plan of the proposed site is enclosed in Appendix C.

## II. *Background Traffic Conditions*

Gorrill-Palmer Consulting Engineers, Inc. based the study on the following information:

- A site plan prepared by SGC Engineering, LLC dated November 28, 2005.
- Crash data for 2002-2004 provided by the Maine Department of Transportation.
- Turning movement volumes collected on January 4 and 6, 2006 from 3:00 PM to 6:00 PM at the following locations:
  - Sheridan Street at Walnut Street
  - Sheridan Street at Cumberland Avenue

### Predevelopment Traffic Volumes

#### *Seasonal Adjustment*

The Maine DOT utilizes highway classifications of I, II, or III for state and local roadways. Type I roadways are defined as urban roadways, or those roads that typically see commuter traffic and experience little fluctuation from week to week throughout the year. Type II roadways, or arterial roadways are those that see a combination of commuter and recreational traffic and therefore experience moderate fluctuations during the year. Type III roadways, or recreational roadways are typically used for recreational purposes and experience dramatic seasonal fluctuation.

The study area roadways are considered Type I roadways by MaineDOT. Typically, volumes during the year are adjusted to reflect the 30<sup>th</sup> highest hour (typically occurring in July or August) of traffic volumes in accordance with MaineDOT guidelines. The traffic volumes were adjusted by 21 percent. Given the urban and residential nature of the study area roadways, it is the opinion of our office that this adjustment is conservative.

### *Annual Growth*

The proposed project is anticipated to be fully operational by 2007. Based on MaineDOT counts, traffic volumes in the vicinity of the project are currently decreasing. Gorrill-Palmer Consulting Engineers, Inc. increased the volumes in the study area by one percent per year to be conservative, which is consistent with prior studies in the area.

### *Other Development*

Approved projects that are not yet opened, as well as projects for which applications have been filed, are required to be included in the predevelopment volumes for this project. In order to determine whether any other projects in the area have been approved, or are ahead in the approval process, whose traffic should be considered as background traffic in the study for this project, our office contacted Mr. Bill Needelman with the City of Portland Planning Department. Although the new Jack Elementary School is currently under construction, it will not have an effect on the design hour volumes.

## III. *Trip Generation*

Gorrill-Palmer Consulting Engineers, Inc. utilized the following sources of information to determine trip generation for the site:

The Institute of Transportation Engineers (ITE) publication *Trip Generation*, 7<sup>th</sup> Edition

Our office compiled the trip generation for the site based on ITE Land Use Codes 220 and 230, Apartment and Residential Condominium/Townhouse, respectively. Based on this information the proposed site is anticipated to generate the following trips:

**Trip Generation Based on ITE for Sheridan Heights**

Land Use Code	AM Peak Hour	PM Peak Hour
LUC 230 (Condominium)	16	19
Credit LUC 220 (Apartment)	-2	-2
Net Trips	14	17

### *Trip Generation Adjustment via U.S. Census Data*

ITE trip rates are based on surveys of predominantly suburban locations. For a residential project located in downtown Portland, the rate of vehicle use for peak hour trips (typically journey-to-work trips) are lower than the State of Maine as a whole. Therefore, our office utilized journey-to-work information from the U.S. Census. The rate of private vehicle usage for residents of the Portland Peninsula was compared to the state overall:

Drive to Work Rate for Maine Residents: 90%  
Drive to Work Rate for Portland Peninsula Residents: 69%

Therefore, our office utilized a reduction factor of  $(0.69/0.90) = 0.77$  for the trip generation of the site, resulting in the following:

Adjusted Trip Generation Based on U.S. Census Data		
	AM Peak Hour	PM Peak Hour
Total	11	13

Supporting data for both the trip generation as well as the adjustments based on Census data are enclosed in Appendix C with this report.

#### IV. *Trip Distribution*

Gorrill-Palmer Consulting Engineers, Inc. has obtained the ratio of entering and exiting traffic from the Institute of Transportation Engineers publication *Trip Generation*, 7<sup>th</sup> Edition for Land Use Code 230, Residential Condominium/Townhouse, rounding them to the nearest five percent as follows:

AM peak hour:	15% entering, 85% exiting
PM peak hour:	65% entering, 35% exiting

#### V. *Trip Composition*

For the proposed Sheridan Heights, Gorrill-Palmer Consulting Engineers, Inc. has based the trip assignment on 100% of trips being primary, made for the sole purpose of going to and from the development.

#### VI. *Trip Assignment*

Trip assignment was based on existing traffic patterns at the study area intersections, the resulting trip distribution and assignment is shown in Figures 4 and 5 of Appendix A.

#### VII. *2007 Postdevelopment Traffic*

The anticipated year 2007 predevelopment traffic shown in Figure 3 of Appendix A has been combined with the traffic forecast for the development shown in Figure 5 of Appendix A to yield the 2007 postdevelopment traffic shown in Figure 6 of Appendix A for the PM peak hour.

#### VIII. *Study Area*

The study area includes the following intersections:

- Sheridan Street at Walnut Street
- Sheridan Street at Cumberland Avenue

## IX. Capacity Analyses

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for the intersections listed in Section VIII.

The analysis was completed with HCS2000 analysis software, with outputs based on the HCS methodology. Levels of service rankings are similar to the academic ranking system where an 'A' is very good with little control delay and an 'F' represents very poor conditions. A level of service 'D' and higher is desirable for a signalized intersection. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if a traffic signal is warranted.

The following tables summarize the relationship between control delay and level of service:

**Level of Service Criteria for Signalized Intersections**

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

**Level of Service Criteria for Unsignalized Intersections**

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses are summarized as follows. The detailed analyses are included in Appendix B.

**Level of Service for Walnut Street at Sheridan Street**

Lane Group	2007 PM Peak Hour			
	Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS
Walnut Street EB LTR	<1	A	<1	A
Walnut Street WB LTR	8	A	8	A
Sheridan Street NB LTR	10	A	1	A

**Level of Service for Cumberland Avenue at Sheridan Street**

Lane Group	2007 PM Peak Hour			
	Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS
Cumberland Avenue EB LTR	7	A	7	A
Cumberland Avenue WB LTR	8	A	8	A
Walnut Street WB LTR	11	B	11	B
Sheridan Street NB LTR	10	A	10	A

**Level of Service for Sheridan Street at Site Drive**

Lane Group	2007 PM Peak Hour			
	Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS
Site Drive EB LTR	-	-	9	A
Sheridan Street NB LTR	<1	A	<1	A
Sheridan Street SB LTR	<1	A	7	A

Based on the above tables, these intersections operate acceptably for both predevelopment and postdevelopment scenarios. Addition of site-generated traffic does not affect the level of service at these locations.

**X. *Sight Distance Evaluation***

The Maine Department of Transportation has guidelines for sight distances at driveways within urban compacts. The sight line standards for driveways in an urban compact are as follows:

**Maine DOT Standards for Sight Distance**

Posted Speed (mph)	Sight Distance
25	200
30	250
35	305
40	360
45	425
50	495
55	570

Gorrill-Palmer Consulting Engineers, Inc. has evaluated the available sight lines at the proposed Sheridan Heights driveway on Sheridan Street in accordance with Maine DOT standards.

The Maine DOT standards are as follows:

Driveway observation point:	10 feet off major street travelway
Height of eye at driveway:	3 ½ feet above ground
Height of approaching vehicle:	4 ¼ feet above road surface

The posted speed on Sheridan Street in the vicinity of the site driveways is 25 mph.

Based on the site review, sight distances looking to the left and right from the driveway will exceed 200 feet. Gorrill-Palmer Consulting Engineers, Inc. recommends that all plantings, which will be located within the right of way, not exceed three feet in height and be maintained at or below that height. Signage should not interfere with sight lines. In addition, we recommend that during construction, when heavy equipment is entering and exiting into the site, that appropriate measures, such as signage and flag persons, be utilized in accordance with the Manual on Uniform Traffic Control Devices.

## XI. *Crash Data*

In order to evaluate whether a location has a crash problem, Maine DOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and:
2. A minimum of 8 crashes over a three-year period.

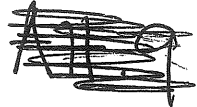
Our office reviewed the 2002-2004 crash data and found there were no high crash locations in the vicinity of the project site.

## XII. *Conclusions*

Gorrill-Palmer Consulting Engineers, Inc. has examined the impact of the traffic associated with the proposed Sheridan Heights project in Portland and reached the following conclusions:

1. The proposed development is forecast to generate 11 trip ends in the weekday AM peak hour and 13 trip ends in the weekday PM peak hour. (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends). At this level of trip generation, this project does not require a traffic permit from the Maine Department of Transportation.
2. The level of service analyses show that traffic generated by the project does not affect operations at study area intersections.
3. Gorrill-Palmer Consulting Engineers, Inc. referenced the Maine DOT collision records to determine if there were any high crash locations in the project vicinity. No high crash locations were found in the vicinity of the project site.

It is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local roadway network can accommodate the additional traffic generated by the full buildout of Sheridan Heights.

**Kandi Talbot - Sheridan Street R-7 Zoning Amendment**

---

**From:** "Thomas Errico" <terrico@wilbursmith.com>  
**To:** "Kandi Talbot" <KCOTE@portlandmaine.gov>  
**Date:** 02/02/2006 11:08 AM  
**Subject:** Sheridan Street R-7 Zoning Amendment  
**CC:** "Katherine Earley" <KAS@portlandmaine.gov>

---

Kandi—

I have reviewed the traffic impact study prepared by Gorrill-Palmer Consulting Engineers, Inc. dated January 2006 and generally agree with their conclusions that the proposed project will not significantly impact traffic operations in the vicinity of the site. Specific comments are noted as follows.

- I would note that I do not approve of their trip generation adjustment, but the additional traffic would not change the conclusions.
- The study indicates that there are no safety deficient locations in the area. During the site plan permitting process, I will be requesting supporting documentation.
- In respect to the site plan, the applicant needs to provide justification for the reduced driveway width of 20 feet. The City standard is 24 feet.
- It appears that ~~17 parking spaces will be provided for the 21-unit building. It is very likely that this supply will be insufficient to accommodate parking demand on site.~~ (AR)
- Sidewalks are not continuously provided on Sheridan Street between Cumberland Avenue and Walnut Street. There is a gap in sidewalk just north of the site. Eric Labelle should provide an opinion about the need to implement sidewalk in this area.
- The City has an improvement project at the Washington Avenue/Walnut Street intersection and I would suggest that the applicant contribute \$5,000 to the implementation of that project.

Please contact me if you have any questions.

Best Regards,

Thomas A. Errico, P.E.  
Senior Transportation Engineer  
Wilbur Smith Associates  
59 Middle Street  
Portland, Maine 04101  
(207) 871-1785 Phone  
(207) 871-5825 Fax



**Alex Jaegerman - Re: Sheridan Heights Cond Rezone**

---

**From:** Alex Jaegerman  
**To:** Regina Leonard  
**Date:** 06/23/2006 10:18 AM  
**Subject:** Re: Sheridan Heights Cond Rezone  
**CC:** ALEX JAEGERMAN

---

Thanks Regina  
This is just what I need for the workshop memo.

Alex.

>>> "Regina Leonard" <rsldesign@juno.com> 06/23/2006 9:56:02 AM >>>

Alex,

I was out of town yesterday, so I hope my response this morning still helps. Great news on the contract rezoning negotiations. Thank you.

I think we left the exact location of the community gardens up in the air for now, but we were leaning toward the parcel behind the new development (on a small terraced area on the hill behind the proposed parking lot). It would be a great help to have a stubbed water line in to that area as well as to future park area below Fort Sumner. This would accommodate a garden, wherever it goes - and would provide opportunities for other water amenities in the future.

I'm sending along a rendered plan. I may have other materials to supplement your effort, so let me know if you need anything else.

Regina S. Leonard  
Landscape Architecture & Design  
234 State Street  
Portland, ME 04101  
Tel. (207) 450-9700

## PHASING RECOMMENDATIONS:

### PHASE I LOWER PARK

A. RIP RAP AREA	
1) Removal of chain-link fence	\$2,000.00
2) Integration of larger stone material	\$18,000.00
3) Creation of planting pockets	\$1,500.00
4) Planting of shrubs	\$3,000.00
B. WOODED SLOPE	\$3,000.00 initial
1) Removal of invasive vegetation	(then \$1,500.00 annually)
2) Limbing up and pruning of trees	
3) Clearing of dead and overgrown underbrush	
4) Addition of native vegetation	TBD
C. TRAIL CONNECTION	\$ 2,500.00
1) Installation of gravel trail, including field placement steps where necessary to mitigate steep grades; Recycled stone or granite to be supplied by City	

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*Estimated cost*            **\$35,000.00**

### PHASE II LOWER PARK

A. WALLS	\$22,000.00
1) Construction of unit block seat wall	
2) Construction of unit block retaining wall, 36" height	
B. COMMUNITY LAWN AREAS	
1) Rough and finish grading	
2) Loaming and seeding lawn areas	\$2,500.00
C. OPTIONAL IMPROVEMENTS	
<i>(\$20,000 budget, not included in total estimated cost)</i>	
1. Installation of asphalt walks	\$5,000.00
2. Development of informal play area	
3. Planting of additional trees	\$3,500.00

---

*Estimated cost*            **\$25,000.00**

### PHASE III UPPER PARK

#### A. DEMOLITION

- 1) Removal of existing walk & landing
- 2) Removal of chain-link and wood fences
- 3) Removal & stockpile of ornamental fence
- 4) Tree and stump removal

#### B. HORSESHOE WALK & PROMENADE

- 1) Earthwork and preparation
- 2) Installation of granite curbing
- 3) Installation of asphalt chip-seal walks
- 4) Construction of stone veneer retaining wall, with stone cap and pipe handrail
- 5) Relocation of ornamental fencing
- 6) Expansion of existing sidewalk
- 7) Planting of trees
- 8) Installation of benches

#### C. ENTRANCE SIGN AREA

- 1) Installation of granite curb
- 2) Construction and installation of park sign
- 3) Loam and seeding of lawn area
- 4) Plantings

---

*Estimated cost* **\$250,000.00\***

### PHASE IV UPPER PARK

#### A. CENTRAL FOUNTAIN GARDEN

- 1) Installation of granite coping & pool
- 2) Utilities and mechanicals
- 3) Fountain sculpture
- 4) Planting of perennials

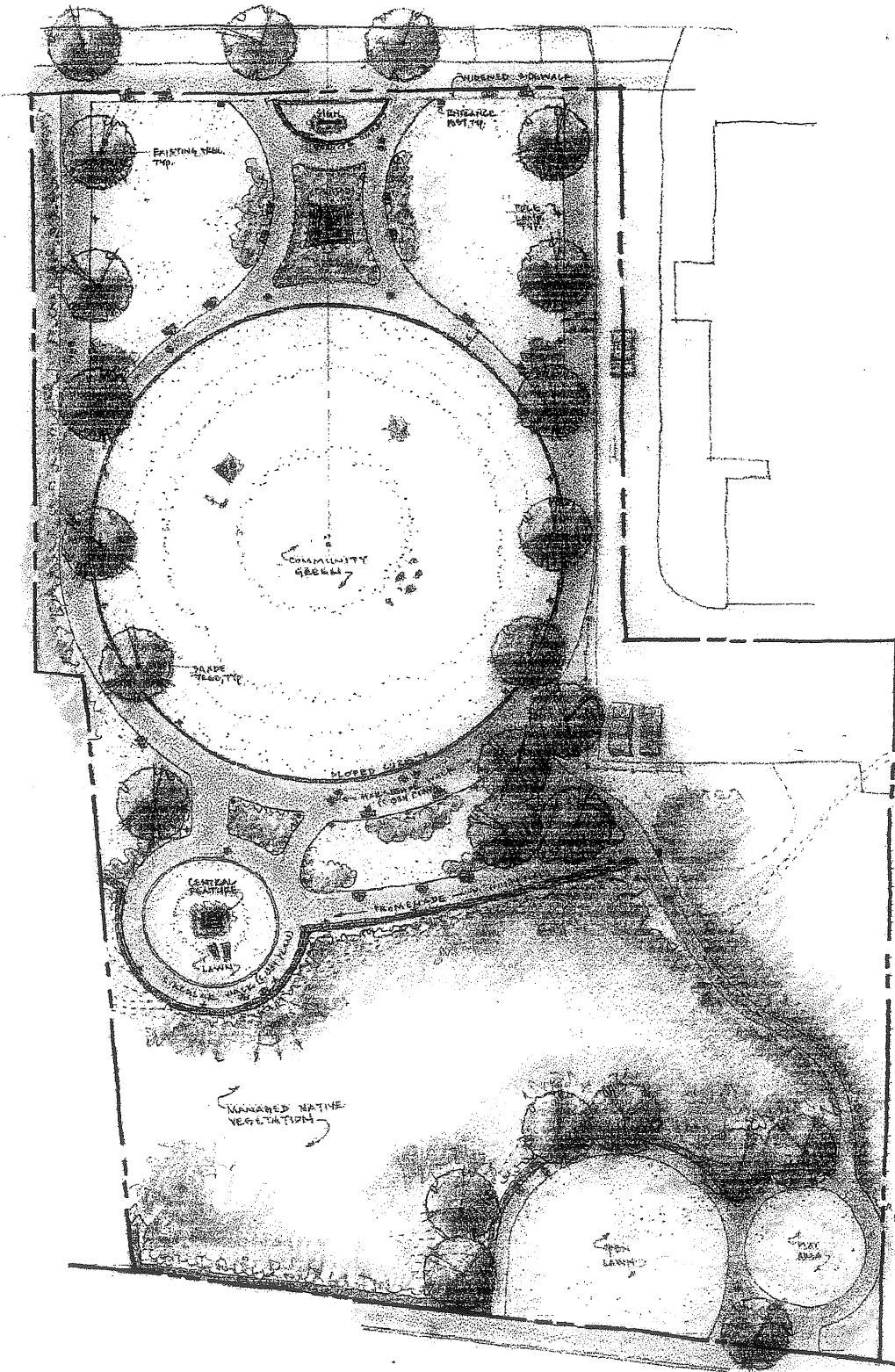
#### B. INTERIOR LOOP

- 1) Construction of asphalt chip-seal walks
- 2) Installation of granite gate posts (12" sq.)
- 3) Installation of benches
- 4) Planting of perennials and shrubs

---

*Estimated cost* **\$45,000.00\***

***\*ESTIMATED ADDITIONAL CONSULTANT FEES FOR PHASES III & IV TECHNICAL DEVELOPMENT & CONSTRUCTION DOCUMENTS = 10% CONSTRUCTION BUDGET, OR APPROXIMATELY \$30,000***



Prepared for the City of Portland  
Parks & Recreation Department by:

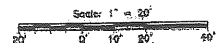


**Regina S. Leonard**  
Landscape Architecture & Design  
234 State Street Portland, ME 04101  
Tel: 207.450.9700 rsl@regina.com

# FORT SUMNER PARK

## Rehabilitation Master Plan

PORTLAND PARKS & RECREATION DEPARTMENT  
17 Arbor Street - Portland, Maine



Date: Feb. 21, 2006

LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
80 North St	9	8599	X
84 North St	9	13200	
86 – 90 North St	4	14281	
96 North St	2	7882	
100 North St	1	8235	
104 North St	Vacant Lot	3539	X (vacant)
106 North St	2	2954	X
110 North St	2	3520	X
72 Walnut St	Vacant Lot	3577	X
Portland Water District	Commercial	10921	
94 Walnut St	1	11242	
156 Sheridan St	Commercial	9856	
152 Sheridan St	Commercial	11930	
146 Sheridan St	Vacant Lot	463	X
7 Marion St	1	2030	X
17 Marion St	1	2656	X
19 Marion St	2	2263	X
58 North St	17	19860	
125 Sheridan St	1	5325	
54 North St	4	4950	X
48 North St	4	3600	X
44 North St	3	3600	X
42 North St	2	3200	X
38 North St	2	3200	X
34 North St	2	3200	X
32 North St	3	3200	X
109 Sheridan St	3	3000	X
106 Sheridan St	3	4496	X
103 Sheridan St	3	4859	
99 Sheridan St	2	4215	X
95 Sheridan St	1	4083	X
91 Sheridan St	1	724	X
89 Sheridan St	2	1554	X
57 Cumberland Ave	5	4992	X
53 Cumberland Ave	Vacant Lot	4143	X
Sumner Court	Vacant Lot	8122	
49 Cumberland Ave	2	2660	X
47 Cumberland Ave	1	2515	X
45 Cumberland Ave	1	2454	X
59 Washington Ave	Commercial	126,757	
10 Marion St	1	2580	X
142 Sheridan St	2	4295	X

Owned by  
Hains →

LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
57 Romasco Lane	1	1928	X
55 Romasco Lane	1	1550	X
134 Sheridan Lane	2	6153	
51 Romasco Lane	1	1375	X
122 Sheridan St	Parking Lot	26,816	
120 Sheridan St	2	1472	X
116 Sheridan St	1	1862	X
112 Sheridan St	2	1783	X
110 Sheridan St	1	2693	X
106 Sheridan St	3	2598	X
19 Romasco Lane	1	1570	X
100 Sheridan St	2	2015	X
19 Romasco Lane	Vacant Lot	1903	X
15 Romasco Lane	Vacant Lot	2000	X
13 Romasco Lane	3	1893	X
11 Romasco Lane	1	1938	X
92 Sheridan St	1	3778	X
9 Romasco Lane	2	1867	X
5 Romasco Lane	Vacant Lot	1931	X
73 Cumberland Ave	2	2713	X
88 Sheridan St	2	2050	X
75 Cumberland Ave	1	1348	X
79 Cumberland Ave	2	1227	X
22 Romasco Lane	1	1630	X
20 Romasco Lane	Vacant Lot	1624	X
16 Romasco Lane	Vacant Lot	1636	X
12 Romasco Lane	2	1729	X
43 Washington Ave	Commercial	5985	
10 Romasco Lane	2	2080	X
6 Romasco Lane	2	1096	X
97 Cumberland Ave	1	5393	
87 Cumberland Ave	3	3955	X
85 Cumberland Ave	3	1985	X
4 Romasco Lane	1	475	X
30 Washington St	Commercial	17462	
93 Cumberland Ave	2	2230	X
93 Cumberland Ave	3	2448	X
43 Cumberland Ave	3	3980	X
39 Cumberland Ave	4	5640	
35 Cumberland Ave	3	4000	X
18 North St	3	4161	X
1 Sumner Court	6	4888	X



June 27, 2006

To the Portland Planning Board

Dear Mr. Jaegerman:

We will not be able to attend the board's workshop on this application today. But for the elimination of modifications to 121 Sheridan Street, what the applicant presented at the community meeting a couple months ago appears to be the same building plan he presented in the previous workshops and public hearings conducted by the board. Our opinions in opposition to that plan, which should be in the board's record for this case, have not changed. Please advise us if those comments need to resubmitted for the revised application he presented to us that evening.

We would like the board to know that there were 12 or 13 residents at the community meeting on this application; no resident spoke in favor of it and all who did speak on it spoke in opposition to it. In particular, Annie Cowie asked the applicant to please consider the smallest building he could build and still make a reasonable profit. We all hope he took that suggestion to heart.

Another thing we respectfully ask the board to do today is to ask Urban Designer Carrie Marsh to provide it with the study she did that supports the finding in Planning Board Report #14-06, which states that she "reviewed the proposed elevations and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood."

But for the new 8-unit building on Sheridan Street, anyone who has looked around "the surrounding neighborhood," including North Street, Cumberland Avenue, and Walnut Street, will have seen nothing but one-, two- and three-family homes. The proposed building, which has a larger profile than the Shailer School, would dwarf any home in the surrounding neighborhood. Thus, we cannot understand by what possible stretch of the imagination Ms. Marsh was able to conclude that "the building would be architecturally appropriate and compatible with the surrounding neighborhood."<sup>1</sup>

We thank the board for the opportunity to submit these comments.

Respectfully submitted,

Annie and James Cowie

32 North Street, Portland, Maine 04101

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<sup>1</sup> If Ms. Marsh's study is available to the public, we would like to receive a copy, please.



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June 27, 2006

Portland Planning Board  
City Hall  
Portland, Maine

Re: Application for Conditional Rezoning of 121 and 135 Sheridan St., Greg Shinberg,  
Applicant

Dear Members of the Planning Board,

This letter is being submitted at the Workshop relating to the above-referenced project (the 'Project'), and is intended to become part of the public record of questions and issues submitted to the Planning Board (the "Board") regarding the Project.

We are abutters to the Project, residing at 117 Sheridan Street, Apt. 8. Our home is directly next to 121 Sheridan St., and looks out onto the property at 135 Sheridan St. As you know, the site of the future 135 Sheridan St. building is currently an undeveloped grassy field located directly behind 125 Sheridan St. (Jane Glass' house) and 121 Sheridan St, and is situated between two single-family homes and the hillside leading up to North Street, which is owned by the City of Portland and part of which is currently used as a public park.

As currently planned, Mr. Schinberg's proposal represents a significant departure from the current character of the neighborhood. We are concerned about the dramatic increase in the population density which the Project, which is three times larger than our building, would create in what is an otherwise quiet, urban neighborhood. We believe that the Project does not reflect the character of our neighborhood, will ultimately have a negative effect on the lives of the residents and the values of the surrounding homes because it is so inconsistent with the neighborhood, and will not produce the type of growth that is consistent with that on Munjoy Hill.

Out of concern for our neighborhood and our continued enjoyment and value of our home, we have the following questions or issues that we would like the Planning Board to consider:

1. In Mr. Shinberg's letter of June 12, 2006 to the Board, requesting conditional rezoning, he stated that "The existing house located at 121 Sheridan St. will remain a single family residence with no alterations other than for maintenance." We would suggest that, for the sake of certainty, the single family home and Mr. Shinberg's commitment not to alter the size or shape of that structure be included in the conditional rezoning. If Mr. Shinberg is pledging to not alter that home, he should have no objection to an explicit statement to that effect being made a part of the terms and conditions of the conditional rezoning. However, if Mr. Shinberg wishes to make changes to that home in the future, he should provide the Board with his plans now so that 121 Sheridan St. can be considered at the same time, as one project, with 135 Sheridan St.

3. What are the reasons that this Project, which calls for at least three times the number of units as 117 Sheridan St., should not be required to meet the requirements of the current R-6 zoning for the property? As you know, 117 Sheridan St. was built within its existing zoning - no rezoning or variance was sought. Why is Mr. Shinberg's project different than 117 Sheridan St.? We believe that any development should be appropriate and compatible with the neighborhood. In this case we believe the Project, as proposed, neither matches the scope and scale of housing currently on the street, nor does it fit the space allotted to it. Instead, it engulfs an abutting single family home (Jane Glass' home at 125 Sheridan St.) and will dominate the rest of the neighborhood. At a minimum, Mr. Shinberg's Proposal will have a significant negative effect on the value of Ms. Glass' home, and it may have a similar effect on the neighborhood as a whole.
4. Mr. Shinberg's plan allows an additional 32 vehicles in the community. The traffic study he submitted assumes that only 11-13 vehicles will be used for commuting to and from work. Even if that study is accurate, 11-13 additional cars would have a major negative impact on what is now a very quiet street filled with children and families walking their dogs. Traffic on Walnut Street has recently been diverted through Sheridan Street due to construction and we have noticed a significant increase in the number of cars, particularly in the morning. If the study is conservative, however, 15-20 additional vehicles would have a major impact on the street, and that is only half the number of parking spaces the plans would allow.
5. The Landscape Plan for the two properties shows a "Proposed Carport Roofline" abutting what appears to be either the backyard of our building at 117 Sheridan St., or the small City park that sits behind our backyard. Yet the Carport structure does not appear on any other rendering. What exactly would that structure look like?
6. Mr. Shinberg's plans eliminate any open space in the neighborhood, except for the small City park adjacent to our backyard at 117 Sheridan St, through which there is an easement which allows people access to the hillside park behind our home. Assuming that at least some of the 24 units will have pets, would the small park be the only open space available within the area to walk dogs? If only a third of the units had a dog, the potential morning and evening disturbance to the residents of 117 Sheridan St. by 8 dogs (not considering other neighborhood dogs) would be substantial. Note also that the proposed carport would serve as a buffer for any disturbance to Mr. Shinberg's building. We understand that an improved park is proposed on North Street, but we are not optimistic that residents of 135 Sheridan Street will climb the hill instead of simply using the park behind our backyard. A similar concern is raised about space for families with young children.

Thank you for your consideration of our questions and issues.

Sincerely,

Sarah B. Coburn  
Brendan O'Neil

## MEMORANDUM

**TO:** Shukria Wiar  
**FROM:** Aaron Shapiro  
**DATE:** September 8, 2006  
  
**RE:** Explanation of Income & Housing Cost Chart

\*\*\*\*\*

Household Size	2	2	2	2
<b>Income Level- % AMI</b>	80% \$43,650	100% \$54,563	110% \$60,019	120% \$65,475
<b>30/38 Debt Ratio (A) (\$150/month condo fee; 7.0% Interest)</b>	\$113,233	\$146,054	\$162,463	\$178,872
<b>33/42 Debt Ratio (B) (\$150/month condo fee; 7.0% Interest)</b>	\$126,361	\$162,464	\$180,514	\$198,564

- 1) Household Size: The Area Median Income (AMI) level in this example is calculated for a household of two persons. AMI for a household of one person is currently \$47,750.
- 2) Income Levels: The AMI for a two-person household (March 2006) is \$54,563. The 80%, 110% & 120% are based upon this figure.
- 3) Debt Ratio A: This is the traditional mortgage underwriting standard. 30% of income utilized for housing debt (PITI – principle, interest, taxes, insurance); 38% for total debt including housing debt.
- 4) Debt Ratio B: This a more liberal mortgage underwriting guideline used by some lenders in some cases. This is a common parameter for the Maine State Housing Authority (MaineHousing) for 1<sup>st</sup> time home buyers.
- 5) Maximum Mortgage Amount: The 8 numbers shown in the columns under the percentage of AMI (80%, 100%, 110%, & 120%) are maximum permitted mortgage amounts based upon the income and debt ratios. These are not home purchase prices.
- 6) Example: The chart demonstrates that a two-person household at 110% AMI (\$60,019) with a \$20,000 down payment could purchase a home in a price range of about \$180,000 to \$200,000.



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Development
Portland Planning Board

1. Applicant Information:

SHERIDAN STREET, LLC

Name

477 CONGRESS ST. 5TH FLOOR

Address

PORTLAND, ME 04101

207 523 3410

Phone

773 8597

Fax

2. Subject Property:

135 SHERIDAN STREET

Address

PORTLAND, ME

13-K-2

Assessor's Reference (Chart-Block-Lot)

3. Property Owner: [X] Applicant [ ] Other

Name

SHERIDAN STREET, LLC

Address

477 CONGRESS ST. 5TH FLOOR

207 523 3410

Phone

773 8597

Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

OWNER OF FEE SIMPLE ABSOLUTE

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)



6. Existing Use:

Describe the existing use of the subject property:

VACANT LOT WITH NO STRUCTURES

7. Current Zoning Designation(s):

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

THE VACANT LOT WILL HAVE A 21 UNIT BUILDING THAT INCLUDES ONE LEVEL OF UNDERGROUND PARKING PLUS FOUR LEVELS OF STRUCTURE ABOVE.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A. \_\_\_\_\_ Zoning Map Amendment, from \_\_\_\_\_ to \_\_\_\_\_

B. \_\_\_\_\_ Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C.  X  Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

- 11. **Application Fee:** An Application Fee must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing Notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

Fee for Service Deposit (\$200.00)  
 (Required for all applications in addition to the applicable application fee listed below)

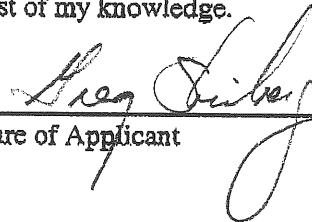
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<input type="checkbox"/> Zoning Map Amendment	\$2,000.00
<input type="checkbox"/> Zoning Text Amendment	\$2,000.00
<input checked="" type="checkbox"/> Contract/Conditional Rezoning	
Under 5,000 sq. ft.	\$1,000.00
5,000 sq. ft. and over	\$3,000.00
Legal Advertisements	percent of total bill
Notices	.55 cents each
(receipt of application, workshop and public hearing)	

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. Applicants will be billed by the Planning Division.

- 12. **Signature:** The above information is true and accurate to the best of my knowledge.

JUNE 13, 2006  
 Date of Filing

  
 Signature of Applicant

**Further Information:**

Please contact the Planning Division for further information regarding the rezoning process. Applicants are encouraged to make an appointment to discuss their rezoning requests before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the rezoning application which can provide additional background or context information, and describe the proposed rezoning and reasons for the request in a manner that best suits the situation.

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board  
 Portland, Maine

Effective: July 6, 1998

SHERIDAN STREET, LLC  
477 Congress Street, 5<sup>th</sup> Floor  
Portland, Maine 04101-3427  
207 523 3410 Office  
207 773 8597 Fax

June 12, 2006

Mr. Alexander Jaegerman  
Planning Division Director, City of Portland  
and City of Portland Planning Board Members  
389 Congress Street  
Portland, Maine 04101

**RE: Sheridan Heights Condominiums**  
**135 Sheridan Street, Portland, Maine**

Dear Mr. Jaegerman and Board Members:

In response to the concerns of the City Council and neighbors in the community, we have decided to re-submit the application for Sheridan Heights and request that you review the project now as a Conditional R-7 Zone.

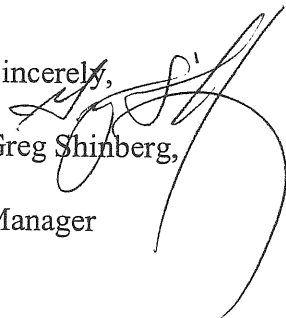
Some changes have been made to the project.

They are as follows:

- The number of units in the L shaped building will be limited to 21 Units total – thus the total number of units on the combined properties will be 22 total (down from 24);
- The existing house located at 121 Sheridan Street will remain a single family residence with no alterations other than for maintenance;
- The existing free standing garage located at 121 Sheridan Street will be removed and replaced with surface parking and access for the L shaped building;

- The plans for the new L shaped building will be included as an exhibit to the Conditional R-7 Zone;
- The new building will be less than 45 feet tall;
- The overall size of the building will be reduced and several of the units will be built smaller in size;
- Some of the units will be now have one bedroom;
- The sales price for several of the units will be reduced to below \$200,000;
- Access for future trails that connect to North Street will be provided for via a Memorandum of Understanding with Portland Trails and an Easement will be granted to the public for this access;
- A financial contribution will be made to the City for the construction of a future community garden (s) located nearby. The amount of contribution will be discussed at the June 14<sup>th</sup> CDC meeting;
- At the last Planning Board meeting, some of the members expressed that the neighborhood does not have this type of density. A careful research of all existing properties located within two blocks verifies that but for an R-7 Zone or the R-6 Small Lot Provisions, over 90 % of the properties would not be permitted in this area;

Sincerely,

  
Greg Shinberg,

Manager

## MEMORANDUM

**TO:** Shukria Wiar  
**FROM:** Aaron Shapiro  
**DATE:** September 8, 2006  
**RE:** Explanation of Income & Housing Cost Chart

\*\*\*\*\*

- 1) Household Size: The Area Median Income (AMI) level in this example is calculated for a household of two persons. AMI for a household of one person is currently \$47,750.
- 2) Income Levels: The AMI for a two-person household (March 2006) is \$54,563. The 80%, 110% & 120% are based upon this figure.
- 3) Debt Ratio A: This is the traditional mortgage underwriting standard. 30% of income utilized for housing debt (PITI – principle, interest, taxes, insurance); 38% for total debt including housing debt.
- 4) Debt Ratio B: This a more liberal mortgage underwriting guideline used by some lenders in some cases. This is a common parameter for the Maine State Housing Authority (MaineHousing) for 1<sup>st</sup> time home buyers.
- 5) Maximum Mortgage Amount: The 8 numbers shown in the columns under the percentage of AMI (80%, 100%, 110%, & 120%) are maximum permitted mortgage amounts based upon the income and debt ratios. These are not home purchase prices.
- 6) Example: The chart demonstrates that a two-person household at 110% AMI (\$60,019) with a \$20,000 down payment could purchase a home in a price range of about \$180,000 to \$200,000.

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Honorable Mayor James Cohen and  
City of Portland City Council Members  
389 Congress Street  
Portland, Maine 04101

March 2, 2006

**RE: Sheridan Heights Condominiums  
121 and 135 Sheridan Street, Portland, Maine**

Dear Mayor Cohen and Members of the City Council:

On Monday, March 6, we are scheduled for a vote on our request for the R-7 Zone for the Sheridan Heights project. We are pleased to present this project to the Council for its review.

In addition to having created an exceptionally attractive design, the project meets the goals and objectives established in the City's Comprehensive Plan.

The purpose of this letter is to address some concerns raised by the Portland Planning Board that this is an appropriate location for the R-7 Zone in regards to compatibility with the existing density of the neighboring properties.

Enclosed is a chart that clearly demonstrates that the majority of the properties located in the neighborhood within a 2 blocks radius of our location would require the R-7 Zone to be constructed today.

Over 90 per cent of the residential properties nearby do not meet the R-6 Zone requirements.

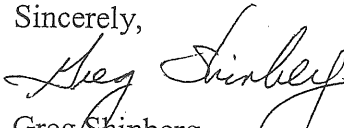
Under Section 14-141 the Purpose section states in part,

“Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside Plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist;...”

This chart does not take into account the setback, parking and lot coverage requirements stated in the R-6 Zoning Ordinance which would reduce even further the number of residential properties that could be built today. It is clear that most of the properties on Munjoy Hill do not meet the zoning requirements established under the guidelines of the R-6 Zone.

This project is precisely the type of project that should be built on the peninsula to create urban in fill housing in the Compact Urban Residential Overlay Zone.

Sincerely,



Greg Shinberg

Manager, Sheridan Street, LLC

LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
80 North St	9	8599	X
84 North St	9	13200	
86 - 90 North St	4	14281	
96 North St	2	7882	
100 North St	1	8235	
104 North St	Vacant Lot	3539	X
106 North St	2	2954	X
110 North St	2	3520	X
72 Walnut St	Vacant Lot	3577	X
Portland Water District	Commercial	10921	
94 Walnut St	1	11242	
156 Sheridan St	Commercial	9856	
152 Sheridan St	Commercial	11930	
146 Sheridan St	Vacant Lot	463	X
7 Marion St	1	2030	X
17 Marion St	1	2656	X
19 Marion St	2	2263	X
58 North St	17	19860	
125 Sheridan St	1	5325	
54 North St	4	4950	X
48 North St	4	3600	X
44 North St	3	3600	X
42 North St	2	3200	X
38 North St	2	3200	X
34 North St	2	3200	X
32 North St	3	3200	X
109 Sheridan St	3	3000	X
106 Sheridan St	3	4496	X
103 Sheridan St	3	4859	
99 Sheridan St	2	4215	X
95 Sheridan St	1	4083	X
91 Sheridan St	1	724	X
89 Sheridan St	2	1554	X
57 Cumberland Ave	5	4992	X
53 Cumberland Ave	Vacant Lot	4143	X
Sumner Court	Vacant Lot	8122	
49 Cumberland Ave	2	2660	X
47 Cumberland Ave	1	2515	X
45 Cumberland Ave	1	2454	X
59 Washington Ave	Commercial	126,757	
10 Marion St	1	2580	X
142 Sheridan St	2	4295	X

SHERIDAN HEIGHTS



LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
57 Romasco Lane	1	1928	X
55 Romasco Lane	1	1550	X
134 Sheridan Lane	2	6153	
51 Romasco Lane	1	1375	X
122 Sheridan St	Parking Lot	26,816	
120 Sheridan St	2	1472	X
116 Sheridan St	1	1862	X
112 Sheridan St	2	1783	X
110 Sheridan St	1	2693	X
106 Sheridan St	3	2598	X
19 Romasco Lane	1	1570	X
100 Sheridan St	2	2015	X
19 Romasco Lane	Vacant Lot	1903	X
15 Romasco Lane	Vacant Lot	2000	X
13 Romasco Lane	3	1893	X
11 Romasco Lane	1	1938	X
92 Sheridan St	1	3778	X
9 Romasco Lane	2	1867	X
5 Romasco Lane	Vacant Lot	1931	X
73 Cumberland Ave	2	2713	X
88 Sheridan St	2	2050	X
75 Cumberland Ave	1	1348	X
79 Cumberland Ave	2	1227	X
22 Romasco Lane	1	1630	X
20 Romasco Lane	Vacant Lot	1624	X
16 Romasco Lane	Vacant Lot	1636	X
12 Romasco Lane	2	1729	X
43 Washington Ave	Commercial	5985	
10 Romasco Lane	2	2080	X
6 Romasco Lane	2	1096	X
97 Cumberland Ave	1	5393	
87 Cumberland Ave	3	3955	X
85 Cumberland Ave	3	1985	X
4 Romasco Lane	1	475	X
30 Washington St	Commercial	17462	
93 Cumberland Ave	2	2230	X
93 Cumberland Ave	3	2448	X
43 Cumberland Ave	3	3980	X
39 Cumberland Ave	4	5640	
35 Cumberland Ave	3	4000	X
18 North St	3	4161	X
1 Sumner Court	6	4888	X

SHERIDAN HEIGHTS



LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
57 Romasco Lane	1	1928	X
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43 Cumberland Ave	3	3980	X
39 Cumberland Ave	4	5640	
35 Cumberland Ave	3	4000	X
18 North St	3	4161	X
1 Sumner Court	6	4888	X

Annie and James Cowie  
32 North Street  
Portland, Maine 04101  
Tel. 207-774-2365

October 12, 2006

To: James Cohen, Mayor, and Portland City Council Members

From: James and Annie Cowie, Portland Citizens and Homeowners

Subject: Defects in the Planning Board's Report on the Conditional Rezoning for  
Sheridan Street LLC's Proposed Development at 121-135 Sheridan Street

Dear Mayor Cohen and Councilors:

There are substantial infirmities in the Planning Board's Report #46-06 to the Council on this proposed development:

1. The proposal is not consistent with the City's Comprehensive Plan. Housing goals of that plan are on page 6 and 7 of the Planning Board's report. Two goals, which relate to new housing, which this building will be, are to:

*"Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual neighborhood."*

And to:

*"Adopt neighborhood design guidelines as part of Portland's land use code for new housing and substantial rehabilitation that are compatible with the character and patterns of development found within each neighborhood."*

The development proposed for Sheridan Street clearly *violates* those goals: It is 3 times the size of the new 8-unit building and 7 to 10 times the size of the rest of the buildings on Sheridan Street and its neighborhood, which includes the buildings on Cumberland Avenue, North Street, Romasco Street, and Walnut Street. That building will *not* be *compatible* with our neighborhood's *scale*, its *character*, or its obvious *pattern of development* over the years. The members of the Planning Board who voted to recommend Council approval of the proposed building have failed to understand the clear language of those goals in the City's Comprehensive Plan. We ask that the Council please discuss these goals in its deliberations, and we respectfully ask Councilors who conclude the proposed building *will* meet those goals to please explain, during their deliberations, how they arrive at that conclusion.

2. The Planning Division has no study or analysis to back up the report's finding on the proposed building's design standards. Page 4 of the report, under "Design Standards," states that the Planning Division's urban designer "*has reviewed the proposed elevations and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood.*" Given the Comprehensive Plan goals we quote above, it does not seem possible for the Planning Division to arrive at such a finding, as it so clearly contradicts those goals. But then from the Planning Board's June 27 workshop we learned that there is no written study or analysis to back up that finding - and worse, that the finding is not even based on an on-site inspection of the

surrounding neighborhood. The Council should give such a baseless finding no weight in its considerations of the proposed building.

3. Shailer School should not be considered as a typical building in the neighborhood. At Section III, under "Surrounding Uses," page 3 of the report states: "*The uses in the area consist of mostly residential buildings. The buildings range from single-family to multi-family consisting of up to seventeen (17) units.*" The 17-unit building, however, is the *Shailer School*, which has been converted to apartments. But Shailer School was built to be a large public school, and therefore it should *not* be included in the Planning Board's report as being the upper range of the neighborhood's buildings and used as a basis of comparison for the 22-unit proposed development. The Council should disregard this part of the report and instead of 17 units use the new 8-unit condo building on Sheridan Street as the upper limit of the range of building sizes in the neighborhood.
4. The report does not acknowledge the neighborhood's universal opposition to the proposed development. In all the community meetings the developer has been required to hold, in the several workshops and public hearings the Planning Board has had, in the Council's public hearing on the developer's first proposal, every single member of the neighborhood attending those events has spoken in *opposition* to this enormous development. The reason is that, in the words of the City's own Comprehensive Plan, this building will be not be "*compatible with the scale, character, and traditional development pattern*" of the neighborhood. It is simply too big, *way* too big. We ask the Council, in its deliberations, to give due weight to the neighborhood's concerns over the imposition of this massive 21-unit building in a neighborhood of 1-, 2-, and 3-family homes.
5. The report does not acknowledge the economic benefit of good views and economic cost of "loss of view." It's well known that good views from a home or a building are worth a lot of money. Indeed, this proposed building will cause many in the neighborhood, principally residents of North Street and Cumberland Avenue, to *lose* their views of Back Cove. Yet the report is silent on the cost of "loss of view" to those who will be forced to accept it. In the Planning Board's deliberations of this proposal, the chairman mentioned he didn't think the board *could* take "loss of view" into account. This is remarkable if true - considering the across the board value of good views: the increased tax value, the increased rental value, the increased property sale value of good views. If the Planning Board chairman is right that the Planning Board *cannot* take "loss of view" into account, we ask that the Council *itself* take "loss of view" into account when it considers the approval of the massive development proposed on Sheridan Street.

More generally, the Planning Board's report to the Council on this proposal does not estimate the *public benefits* of this proposed building and compare them to the *private costs* of it to the neighbors, to see if the public benefits exceed the neighbors' costs. We ask the Council to discuss and consider this trade-off in its deliberations.

6. The report does not mention the glut in the Greater Portland condo market. A professional appraiser told us recently that over 275 condos are on the market in Greater Portland. The owner of the new 8-unit building on Sheridan Street has

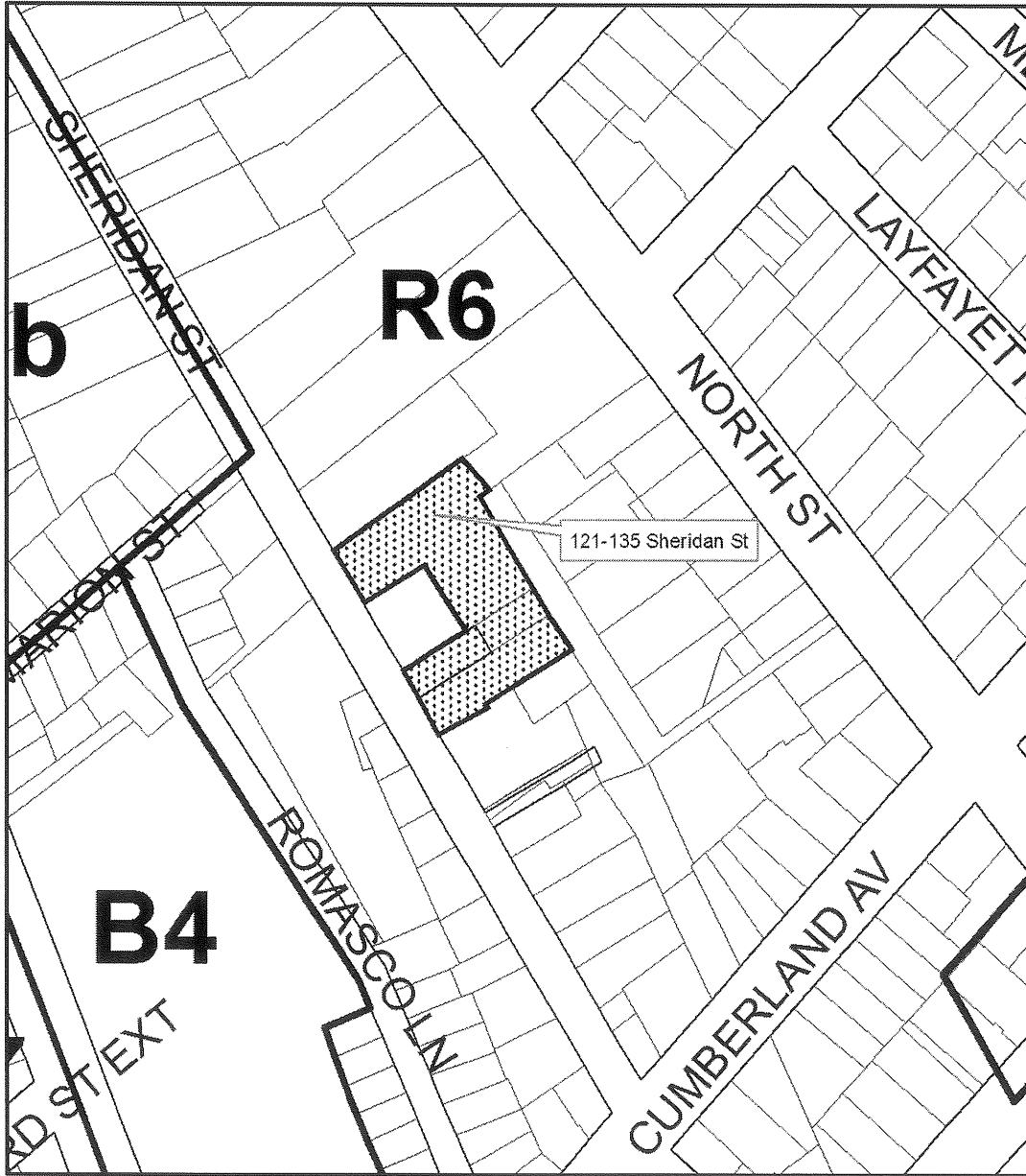
sold only 3 condo units in the many months they have been on the market.<sup>1</sup> Perhaps the state of the condo market is not something the Planning Board is authorized to take into account when considering a large condo development, but if so we wonder why. In any event the board's report to the Council is silent on this important matter. Here again, we ask the Council to take into account the state of the Portland condo market in its deliberations of this 21-unit condo proposal.

Respectfully submitted,

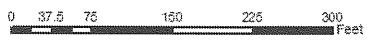
James and Annie Cowie  
32 North Street  
Portland Maine 04101

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<sup>1</sup> At the Planning Board's public hearing on this building, the owner of one of those units spoke of her concern over the size of *her* building relative to those in the neighborhood, and opposed the proposed 21-unit building.



**City of Portland**  
**Proposed Conditional Rezoning**  
**for 121 -135 Sheridan Street**



Map prepared by the City of Portland's Department of Planning & Development





Greg Shumberg  
Sheridan Street, LLC

Applicant: 119-121

Date: 8/3/06

Address: 131-135 Sheridan St

C-B-L: 13-K-2:17

CHECK-LIST AGAINST ZONING ORDINANCE

Date - New Development

~~contract zone request~~

Zone Location - R-6

Didn't use Alex wanted me  
scaled drawing to review

Interior or corner lot -

Proposed Use/Work - to add 21 new dwell units on a property  
that has a single family dwelling

Sevage Disposal - City 22 D.U. total

Lot Street Frontage - 40' min -  $58.70 = 59.91$

Not meet ← Front Yard - 10' min or Average - 5' shown - NO AVERAGE PROVIDED

Not meet ← Rear Yard - 20' min - 16' 5" shown

Not meet ← Side Yard - 12' min - ~~3' shown on both sides~~  
showing 4 staves hangs over property line please note Deck overhangs are not shown on plot plan -

Projections - Width of Lot - 50' min - 58.78' shown - per reduced

Height - 45' MAX 45' MAX GIVEN (44' 6") Drawings (Not a small lot subdivision)

Lot Area - 4500 sq ft (24,567.1 sq ft given)

Lot Coverage/Impervious Surface - 40% MAX = 9,826.8 sq ft MAX coverage

Not meet ← Area per Family - 1,000 sq ft for 1st 3 DU = 3,000  
1,200 sq ft for each other DU = 22,800

Not meet ← Off-street Parking - 2 for each DU. Plus 1 for every 6 DU. 29 + 3 = 32 total pkg shown

Loading Bays - N/A

Site Plan - not yet

Shoreland Zoning/Stream Protection - N/A

Flood Plains - Panel 1A - Zone C

Size of D.U. ? - NO min required

21 DU.  
for the single family res  
existing DU = 1 pkg space  
21 New x 2 = 42 pkg space  
21 ÷ 6 = 3.5 = 4 pkg SP.  
47 pkg SP Req.

ZONE CHANGE REQUEST  
FROM R-6 RESIDENTIAL TO CONDITIONAL R-7 ~~COMPACT URBAN~~  
RESIDENTIAL ~~OVERLAY~~ ZONE  
VICINITY OF 121 & 135 SHERIDAN STREET  
SHERIDAN STREET, LLC, APPLICANT

Submitted to:  
Portland Planning Board  
Portland, Maine

Submitted by:  
Shukria Wiar, Planner

Prepared September 7, 2006

## I. INTRODUCTION

Greg Shinberg is requesting review of a proposed zone change for the property located at 121 and 135 Sheridan Street to allow twenty-two (22) residential dwelling units in total: twenty one (21) units for the property at 135 Sheridan Street and a one single-family home at 121 Sheridan Street. The applicant is returning to the Planning Board with a new application for conditional R-7 rezoning for the parcel instead of a straight rezone. The current zoning of the site is R-6 Residential and the sites are approximately 29,127 sq. ft. total in size. The R-6 zone would allow 20 residential units. The proposed zone change map is included as Attachment 7.

Originally the applicant had requested straight R-7 rezoning, which was forwarded to the City Council with a split vote from the Board. On February 7, 2006 the Planning Board voted 3-3 (Vice Chair Patterson, Tevanian, Silk in favor; Chair Beal, Lowry, Odokara opposed; Anton absent) on a motion to recommend the R-6 to R-7 for 121 & 135 Sheridan Street to the City Council. The City Council voted 4 – 5 on the rezone request, thus it failed to pass.

Vice Chair Patterson, Ms. Tevanian and Mr. Silk, the three Planning Board members who voted to recommend the rezoning from R-6 to R-7, all felt that this type of development was what the City was looking for when the Housing Element of the Comprehensive Plan was adopted. The Housing Plan talks about increasing density in urban areas of the City, and the R-7 zone was created for this type of development and is appropriate for this site.

Chair Beal, Mr. Lowry and Ms. Odokara, the three Planning Board members who voted against the recommendation to rezone the property from R-6 to R-7, felt that Sheridan Street was not a high-density street and this type of development would have a negative impact on the neighborhood. It was also mentioned that the massing of this proposal dwarfs the adjacent properties. They felt that this particular location doesn't meet the R-7 zone purpose statement for R-6 location: that already exceed the R-6 density, and is therefore, not appropriate.

The applicant is returning to the Planning Board with a new application for conditional rezoning for his parcel. The major new element to this rezone request is the conditional rezoning agreement. Under the previous R-7 request, the maximum density of R-7 would have allowed up to 56 dwelling units, although the site clearly could not accommodate such a large development, and only 24 units were proposed at the time. The conditional rezoning retains R-6 as the underlying zone, commits the project to the plans as submitted, and does not introduce the high R-7 density to the site.

241 notices were sent to area residents and a legal ad was placed in the Portland Press Herald. A neighborhood meeting was held on August 3, 2006 and the minutes are included as Attachment 9.

The contents of this report are as follows:

- |      |                       |       |  |
|------|-----------------------|-------|--|
| I.   | Introduction          | VII.  | Conditional Rezoning Issues                      |
| II.  | Development Findings  | VIII. | Neighborhood Meeting and Public Hearing Comments |
| III. | Surrounding Uses      | IX.   | Planning Board Recommendations                   |
| IV.  | Development Plan      |       |  |
| V.   | Policy Considerations |       |  |
| VI.  | Zoning Analysis       |       |  |

## II. DEVELOPMENT FINDINGS

**Site and Land Area:** 121 Sheridan Street and 135 Sheridan Street, two sites with .67 acres.

**Tax Maps:** Tax Map 13, Block K, Lots 2; and Block K, lot 17.

**Existing Uses:** Vacant land and a single-family home

**Current Zoning:** R-6

**Proposed Zoning:** Conditional Rezoning to modify the existing R-6 zone

**Total Units:** 21 residential condominiums for 135 Sheridan Street and 121 will stay single family.

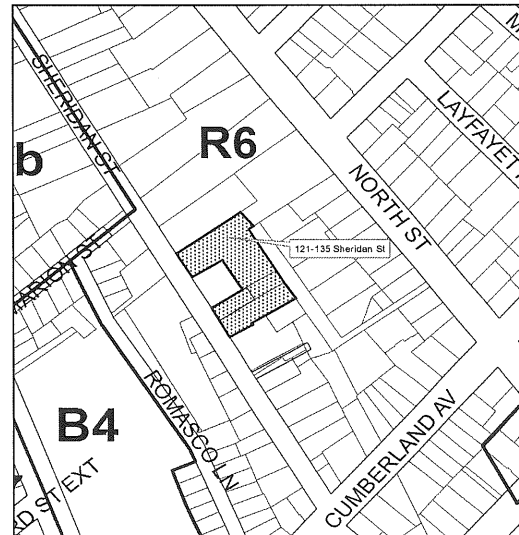
**Housing Mix:** 4 one-bedroom units, 11 two-bedroom units, and 6 three-bedroom units

**Building Height:** The residential building at 135 Sheridan Street five stories above a one level of 17 car park and two units. The proposed maximum building height from the average grade is 48'4" as shown in Attachment 5c.

**Building Setbacks:** Proposed front yard setback is at 5 feet to the terrace wall. The northerly side yard is graduated from 3" along Sheridan Street to 14'5" at the rear of the site with a deck within 2' of the property line. The southerly side yard setback shall range from 3' to 5' at the location of the surface parking. The rear yard setback range is approximately 16' to 17'9". These setbacks are included in the Conditional Rezone Order as Attachment 7.

**Proposed Parking:** A total of 29 parking spaces are proposed. Seventeen (17) of these parking spaces will be in a car park on the ground floor of the building and 12 will be surface parking on the south side of the property.

**Parking Ratios:** The proposed parking ratio for the residential units is 1.38:1



City of Portland  
Proposed Conditional Rezoning  
for 121 -135 Sheridan Street

Map prepared by the City of Portland's Department of Planning & Development

## III. SURROUNDING USES

The uses in the area consist mostly of residential buildings. The buildings range from single-family to multi-family consisting of up to seventeen (17) units.

Also adjacent to the site is the Fort Sumner Park and vacant City property.

## IV. DEVELOPMENT PLAN

The properties are located at 121 & 135 Sheridan Street. The developer is proposing that the that property at 135 Sheridan Street will include 21 units and 29 parking spaces; 17 covered parking spaces and 12 surface parking spaces.

Mr. Shinberg has revised his plans, as described in his letter and application, see Attachment 4. The number of units has been reduced from 24 to 21 units in the parcel at 135 Sheridan Street. The property located at 121 Sheridan Street presently has a single-family home with a detached single-story garage located on it. The existing house will remain a single-family residence with no alterations other than for maintenance. This lot for 121 Sheridan will be reduced from 10,000 sq. ft to 4,500 sq. ft, with the rear portion being added to the 135 Sheridan Street parcel. The existing freestanding garage located at 121 Sheridan Street will be removed and replaced with surface parking and access for the L shaped building.

Based on comments early on in the rezoning process by Planning Board members and from the neighborhood meeting, the applicant revised the development plans in response to the public's concerns. The applicant reduced the number of proposed units from 24 units to 21 units. The new 21 units building will be somewhat smaller with some one-bedroom units. The height of the building will not exceed 45', while the previous proposal had some penthouse elements that approached 50' in height. The applicant is now proposing 29 parking spaces for the development. This proposal is proposing a ratio of one point thirty-eight (1.38) parking spaces per unit. The R-6 zone would normally require 46 parking spaces (2 per unit plus one for every 6 units).

The major new element to this rezone request is the conditional rezoning agreement. The chart with the zoning comparison shows that the maximum density allowed in the R-7 zone is 56 units, compared to the proposal for 21 units on this lot. While the parking and setbacks of the proposal are more consistent with the R-7 zone, the density is within one unit of the R-6 density. The conditional rezoning responds to concerns that the R-7 rezoning could allow much more density than can reasonably be sited on this lot, or that would be desirable on this lot. The developer is requesting the conditional zone change to allow for a reduced number of parking spaces and reduced setbacks. Based on discussions and the workshop with the Planning Board, the applicant has agreed to conditional R-6 zone. The R-7 data is provided for comparison purposes.

#### Park Improvement

The applicant has been in discussions with Regina Leonard of the Fort Sumner Park Committee and Jaime Parker of Portland Trails. There have been discussions of trail work being done in collaboration with this proposed project. A memo from Regina Leonard is included as Attachment 12. The conditional rezoning agreement includes several provisions related to the trails and adjacent park. A future easement across the land located at 135 Sheridan Street for a walking path will be granted to the City and Portland Trails for pedestrian access to the existing trails on North Street.

There is interest in creating a community garden in either of two locations adjacent to this project. One location is on the adjacent City property south of this parcel, and the other is the adjacent City parcel north of this parcel. The City is requesting an access easement to the southerly City parcel. The City is also requesting the installation of utilities (water and electric) from the building to the boundaries of the adjacent City owned property. Mr. Shinberg is proposing the installation of a one-inch water line with shut off valves to the two adjacent City owned parcels for the future community gardens that may be located next door. The City is also requesting a contribution to the proposed improvements to Fort Sumner Park and applicant has agreed to an eighteen thousand

dollar (\$18,000) contribution to the cost of improvements to trails, community gardens and park enhancements. The Board will recall from the site visit that there are two informal footpaths up the embankment from Sheridan Street to Fort Sumner Park. These paths are rough and steep, and prone to erosion. One improvement that is projected associated with this development is the access and aesthetic improvement of the embankment, and to provide a proper access from Sheridan Street to the park. At the same time, Landscape Architect Regina Leonard, who was present on our site walk, has been commissioned by the Parks and Recreation Department to prepare a landscape plan for Fort Sumner Park.

Traffic

The applicant has also submitted a traffic study in response to traffic concerns expressed by neighbors. The traffic study (narrative portion) is included as Attachment 13. Tom Errico, the City’s Review Traffic Engineer, has reviewed the traffic study and the proposed plans and a memo is included as Attachment 14. Mr. Errico has recommended that a contribution of \$5,000 be made to the planned improvements at the Washington/Walnut Street intersection. (Note that Tom’s memo related to the previous proposal, however in speaking with Tom he has indicated that his conclusions remain unchanged with the current proposal, other than for parking.) Mr. Shinberg will contribute the \$5,000 recommended contribution.

Design Standards

Carrie Marsh, Urban Designer, has reviewed the proposed elevations and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood.

**V. POLICY CONSIDERATIONS**

Below is a chart, which demonstrates what the applicant is proposing and what would be allowed/required in the R-6 and R-7 zones for the number of units, parking, etc. This chart is to give the Board an idea of the differences between the two zones.

Standard	Proposed	R-6	R-7
<b>Lot Size</b>	29,127 sf combined lots; 24,567 sf Proposed lot	4,500 minimum	None
<b>Residential Density</b>	21 units proposed, plus existing single-family house on separate lot.	20 units on 24,567 sf parcel	55 units
<b>Street Frontage</b>	50' for 135 Sheridan 50' for 121 Sheridan (includes portion of access easement)	50 ft	None
<b>Front Yard</b>	5' to terrace wall	10 ft or average setback of adjoining if closer to street	None
<b>Rear Yard</b>	16' – 17'9"	10 ft	None
<b>Side Yard</b>	Northerly: 3' – 14'5" Southerly: 70' +/- to side line; 18' – 24' to easement line; Surface Parking: 3' – 5' to south line	15' for 5 stories.	25' required between new residential and existing abutting residential structure

<b>Structure Height</b>	45 ft	45 ft	50 ft
<b>Lot Coverage</b>	Not provided	40%	100%
<b>Open Space</b>	Not provided	Porches or patios required or 10% open space	None
<b>Off-Street Parking</b>	29 spaces for 21 units at 135 Sheridan St. (1.38 spaces per unit)  2 spaces for one unit at 121 Sheridan ST.	2 per unit plus 1 for every 6 units.	One space per unit required

## VI. ZONING AND COMPREHENSIVE PLAN ANALYSIS

Conditional rezoning is governed by provisions 14-62 a through h of the municipal code as follows:

- (a) Limitations on the number and types of uses permitted;
- (b) Restrictions on the scale and density of development;
- (c) Specifications for the design and layout of buildings and other improvements;
- (d) Schedules for commencement and completion of construction;
- (e) Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
- (f) Preservation of open space and buffers, and protection of natural areas and historic sites;
- (g) Contributions toward the provision of municipal services required by the development; and
- (h) Provisions for enforcement and remedies for breach of any condition or restriction.

The proposed conditional rezoning for the property located at 121 & 135 Sheridan Street must be evaluated for consistency with the City's Comprehensive Plan. Some relevant excerpts from the Comprehensive Plan are as follows:

### **Housing: Sustaining Portland's Future – Adopted November 18, 2002**

*“Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as school, businesses, institutions, employers, and public transportation.”*

*“Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate.”*

*“Encourage housing within and adjacent to the downtown. Evaluate and update current zoning and building codes, as needed, to facilitate new housing and redevelopment opportunities, including:*

- \* Condominiums;*
- \* Townhouses;*
- \* 2 to 4 unit buildings;*
- \* Live/work options; and*
- \* High-density multi-family housing.”*

*“Portland seeks to encourage construction of new housing units through land use regulations and financial incentives. Increasing Portland’s housing stock in developed urban areas of the city is challenging, but necessary for the long-term health of the city.”*

*“Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.”*

*“Adopt neighborhood design guidelines as part of Portland’s land use code for new housing and substantial rehabilitation that are compatible with the character and patterns of development found within each neighborhood.”*

*“Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.”*

### **A Time of Change: Portland Transportation Plan – Adopted July 1993**

*“Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.”*

*“Ensure future growth does not foster auto dependency.”*

*“Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.”*

As stated previously, the applicant is proposing 135 Sheridan Street will consist of twenty-one (21) units. The site area is approximately 24,127 sq. ft.

Sheridan Street is located on the peninsula and is within walking distance of downtown or other work places and shopping. To the east of the property is Shailer School, which is located on North Street, within the same block as the proposed development. Shailer School consists of 17 units. A mixture of density characterizes this area of the peninsula.

The proposed zone change will provide increased density in an area near to services such as schools, businesses, institutions, employers and public transportation. It will also provide compact in-city living for owners that represent a variety of income levels and household types. It is located near the downtown district and close to the Cumberland



Avenue METRO line that serves Munjoy Hill.

The Comprehensive Plan encourages development of infill projects on the peninsula, with less required parking spaces to promote walking to work and shopping or utilize public transportation. The East End School is located within walking distance, and the Portland Trail network is located adjacent to the site.

## VII. CONDITIONAL REZONING ISSUES

Extent of Conditional Rezoning: The applicant had submitted a letter requesting conditional rezoning for both properties, 121 and 135 Sheridan Street. Based on this letter and conversations with Mr. Shinberg, Corporation Counsel drafted the conditional rezoning agreement accordingly.

Affordability: Corporation Counsel has drafted an affordability provision, based on Mr. Shinberg's letter in which he states that he intends for several units to be priced below \$200,000. In conversations with Mr. Shinberg, he indicated that at least two units would be so priced. He has not agreed to make this a condition of rezoning and the provision drafted Corporation Council does not addresses affordability in future sales.

At the workshop, it was suggested that a more durable affordability provision could be included in this conditional rezoning agreement. Aaron Shapiro, Director of Housing and Neighborhood Services, has provided affordability information for consideration. Mr. Shapiro's memo is Attachment 15. A \$200,000 purchase price would be affordable to a household earning 120% of area median income (AMI) at a 33/42 Debt ratio. This represents the higher income range of affordability programs, aimed at work force housing.

If the Planning Board wants an alternative affordability provision, the following could be included:

The sale price of the two of the twenty-one (21) units will not exceed a total cost of \$200,000 (Two Hundred Thousand Dollars) and there shall be an income and equity limitation for any future sale of those units to ensure affordability. The equity and income limitations will be determined by the City Department of Planning and Development in consultation with the applicant.

At the last workshop there was also a comment from one of the Planning Board members that the units would remain affordable in the market for housing if there were a size limitation on the units to prevent combining of units to larger dwellings. It is in the Board's discretion if it wants to impose this condition. The following clause could be added the Conditional Rezoning Order Section 2:

Such units located in the building of the rear of the site shall not be combined into a smaller numbers of larger dwellings

## VIII. NEIGHBORHOOD MEETING AND PUBLIC COMMENT

24 - fails to amend to remove condition i) -

The applicant held a neighborhood meeting on August 3, 2006. The meeting notes and list of attendees is in Attachment 8. Public comments that have been submitted regarding this project are included in Attachment 17.

**IX. PLANNING BOARD RECOMMENDATION**

On the basis of site plans submitted by Sheridan Street LLC, the policies of the R-6 and R-7 zones, Comprehensive Plan, public comment, the information provided in this Planning Board Report, and/or other findings as follows:

The Board finds that the proposed Conditional Rezoning for Sheridan Heights on Sheridan Street (is or is not) consistent with the Comprehensive Plan of the City of Portland and (meets or does not meet) the standards of 14-62 a through h (Conditional and Contract Zoning). The Planning Board therefore (recommends or does not recommend) to the City Council approval of the proposed conditional rezoning at 121 and 135 Sheridan Street, subject to the following condition:

i. There shall be a dead restr. to limit the single family to be only limited to R-6 zoning

ii) That condition 7 of the Conditional Rezone Agreement be substituted as follows:

The sale price of the two of the twenty-one (21) units will not exceed a total cost of \$200,000 (Two Hundred Thousand Dollars) and there shall be an income and equity limitation for any future sale of those units to ensure affordability. The equity and income limitations will be determined by the City Department of Planning and Development in consultation with the applicant.

add as condition ii

iii) That condition 2 be amended as follows:

Such units located in the building of the rear of the site shall not be combined into a smaller numbers of larger dwellings

can be combined with other units in the condominium  
Neither of

Attachments

- 1) Application for Zoning Amendment- Submitted June 13, 2006
  - a. Conditional/Contact Rezoning Application
- 2) Boundary Survey/Existing Conditions Site Plan
- 3) Letter from Greg Shinberg Dated June 12, 2006
- 4) Revised Letter from Greg Shinberg Dated August 28, 2006
  - a. Chart of houses in vicinity that exceeds R-6 Density
- 5) Revised Site Plans
  - a. Sheridan Street Elevation A2.0
  - b. Sheridan Streetscape A2.1
  - c. West Elevation A2.2
  - d. South Elevation A2.3
  - e. North & East Elevations A2.4
  - f. Floor Plans A1.1
  - g. Site Plan L1
- 6) Figure Ground
- 7) Conditional Rezoning Agreement

6-0 to amend the rezoning  
Patterson absent

ii) No fewer than 2 shall no more than 850 ft shall no more than ...

4-2 - Hall, Beal opposer

- |  |                         |
|--|-------------------------|
| 8) Neighborhood Meeting Minutes                | Dated August 25, 2006   |
| 9) Neighborhood Meeting Notice                 | Dated August 29, 2006   |
| 10) Conditional Rezone Site Map                |                         |
| 11) Memo from Denise Clavette                  | Dated March 22, 2006    |
| 12) Memo from Regina Leonard                   |                         |
| a. Phasing Recommendations                     |                         |
| b. Fort Sumner Park Rehabilitation Master Plan |                         |
| 13) Traffic Study (Narrative portion)          | Dated January 2006      |
| 14) Memo from Tom Errico, Traffic Engineer     | Dated February 2, 2006  |
| 15) Memo from Aaron Shapiro                    | Dated September 8, 2006 |
| 16) Memo from Phil Labbe                       | Dated September 6, 2006 |
| 17) Abutters' Letters                          |                         |
| a. Markos Miller's Letter                      | Not Dated               |
| b. Matthew and Lesli Chambers                  | Dated February 4, 2006  |
| c. Annie and James Cowie                       | Dated June 27, 2006     |
| d. Sarah B. Coburn                             | Dated June 27, 2006     |



APPLICATION FOR ZONING AMENDMENT  
City of Portland, Maine  
Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

SHERIDAN STREET, LLC

Name

477 CONGRESS ST. 5TH FLOOR

Address

PORTLAND, ME 04101

207 523 3410

Phone

773 8597

Fax

2. Subject Property:

135 SHERIDAN STREET

Address

PORTLAND, ME

13-K-2

Assessor's Reference (Chart-Block-Lot)

3. Property Owner:

Applicant

Other

Name

SHERIDAN STREET, LLC

Address

477 CONGRESS ST. 5TH FLOOR

207 523 3410

Phone

773 8597

Fax

4. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

OWNER OF FEE SIMPLE ABSOLUTE

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

5. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

6. Existing Use:

Describe the existing use of the subject property:

VACANT LOT WITH NO STRUCTURES

7. Current Zoning Designation(s):

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

THE VACANT LOT WILL HAVE A 21 UNIT BUILDING THAT INCLUDES ONE LEVEL OF UNDERGROUND PARKING PLUS FOUR LEVELS OF STRUCTURE ABOVE.

9. Sketch Plan: On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. Proposed Zoning: Please check all that apply:

A. \_\_\_\_\_ Zoning Map Amendment, from \_\_\_\_\_ to \_\_\_\_\_

B. \_\_\_\_\_ Zoning Text Amendment to Section 14-\_\_\_\_\_

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. X Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)





**City of Portland, Maine**  
**Department of Planning and Development**  
**Conditional/Contract Rezoning Application**

Attachment 1a

Application ID: 961 Application Date: 06/15/2006 CBL: 013 K017001 Property Location: 121 and 135

**Applicant Information:**

Sheridan Street Llc  
Name

Business Name

477 Congress St 5th Floor  
Address

Portland, ME 04101  
City, State and Zip

Telephone Fax

**Applicant's Right, Title or Interest in Subject Property:**

Owner of fee Swaple Absolute

Current Zoning Designation: R6

**Existing Use of Property:**

Vacant lot with no structures.

**Proposed Use of Property:**

The vacant lot will hve a 2 unit building that includes one level of underground parking plus four levels of structure above.

**Property Owner:**

Sheridan Street Llc  
Name

477 Congress St 5th Floor  
Address

Portland, ME 04101  
City, State and Zip

Telephone Fax

Amendment A  \_\_\_\_\_

Amendment B  \_\_\_\_\_

Amendment C  \_\_\_\_\_

Section 14: \_\_\_\_\_

Requested:

**Planning Approval**

REVIEW TYPE: Committee Review

RECOMMENDATION DATE: \_\_\_\_\_ APPROVAL DATE: \_\_\_\_\_ ENACTMENT DATE: \_\_\_\_\_

SHERIDAN STREET, LLC  
477 Congress Street, 5<sup>th</sup> Floor  
Portland, Maine 04101-3427  
207 523 3410 Office  
207 773 8597 Fax

June 12, 2006

Mr. Alexander Jaegerman  
Planning Division Director, City of Portland  
and City of Portland Planning Board Members  
389 Congress Street  
Portland, Maine 04101

**RE: Sheridan Heights Condominiums**  
**135 Sheridan Street, Portland, Maine**

Dear Mr. Jaegerman and Board Members:

In response to the concerns of the City Council and neighbors in the community, we have decided to re-submit the application for Sheridan Heights and request that you review the project now as a Conditional R-7 Zone.

Some changes have been made to the project.

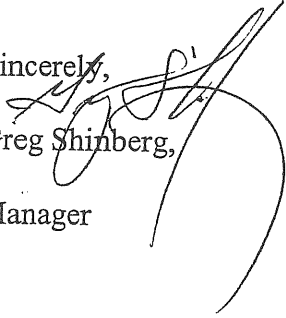
They are as follows:

- The number of units in the L shaped building will be limited to 21 Units total – thus the total number of units on the combined properties will be 22 total (down from 24);
- The existing house located at 121 Sheridan Street will remain a single family residence with no alterations other than for maintenance;
- The existing free standing garage located at 121 Sheridan Street will be removed and replaced with surface parking and access for the L shaped building;



- The plans for the new L shaped building will be included as an exhibit to the Conditional R-7 Zone;
- The new building will be less than 45 feet tall;
- The overall size of the building will be reduced and several of the units will be built smaller in size;
- Some of the units will be now have one bedroom;
- The sales price for several of the units will be reduced to below \$200,000;
- Access for future trails that connect to North Street will be provided for via a Memorandum of Understanding with Portland Trails and an Easement will be granted to the public for this access;
- A financial contribution will be made to the City for the construction of a future community garden (s) located nearby. The amount of contribution will be discussed at the June 14<sup>th</sup> CDC meeting;
- At the last Planning Board meeting, some of the members expressed that the neighborhood does not have this type of density. A careful research of all existing properties located within two blocks verifies that but for an R-7 Zone or the R-6 Small Lot Provisions, over 90 % of the properties would not be permitted in this area;

Sincerely,

  
Greg Shinberg,

Manager

SHERIDAN STREET, LLC  
477 Congress Street, 5<sup>th</sup> Floor  
Portland, Maine 04101-3427  
207 523 3410 Office  
207 773 8597 Fax

August 28, 2006

Mr. Alexander Jaegerman  
Planning Division Director, City of Portland  
and City of Portland Planning Board Members  
389 Congress Street  
Portland, Maine 04101

**RE: Sheridan Heights Condominiums**  
**135 Sheridan Street, Portland, Maine**

Dear Mr. Jaegerman and Board Members:

We are pleased to present the Sheridan Heights project for your review and advisory vote to the City Council for the Conditional Zone. Since the last Planning Board meeting, we have worked with City Staff and listened to concerns of the neighbors to improve the plans and concept for the project.

The units vary in size and shape and projected sales prices. The building will create increased opportunities for compact in-city living for owners representing a variety of income levels and household types.

Sheridan Heights will provide much needed housing on the Portland peninsula in an urban area that is within walking distance of downtown, places of worship, places of work, stores, public transportation, schools, and other community facilities.

Careful consideration has been given to designing a building that is attractive, functional and energy efficient and one that utilizes authentic materials and one that compliments the existing single and multi-family residences as well as the larger structures close by.

We have attached a list of properties nearby compiled from information available at the City Assessors office that includes the location, number of units, lot size and whether that property meets the R-6 Density. Also we have included an aerial map showing the location and relative footprint of Sheridan Heights and the surrounding properties.

But for the R-6 Infill part of the Zoning Ordinance, over 90 % of the properties listed would not meet the requirements of the R-6 Zone.

Some of the key items to note are as follows:

1. The total number of units between the two parcels will be a maximum of 22; 21 units located at 135 Sheridan Street and the house located at 121 Sheridan Street will remain a single family residence;
2. 121 Sheridan Street will remain a single family house with two surface parking spaces;
3. Any future alterations to 121 Sheridan Street will meet the criteria of the current R-6 Zone;
4. 135 Sheridan Street will have 17 covered (inside the building) and 12 surface parking spaces for a total of 29 spaces for the 21 residences (a ratio of 1.38 parking spaces per unit);
5. 135 Sheridan Street will be a maximum of 45 feet tall as defined in the Zoning Ordinance;
6. A future easement across the land located at 135 Sheridan Street for a walking path will be granted to the City and Portland Trails for pedestrian access to the existing trails on North Street;
7. The payment of a monetary contribution to the City of Portland in the amount of \$23,000 (Twenty Three Thousand Dollars) to be allocated as follows: \$5,000 (Five Thousand Dollars) toward the implementation of the improvements at the Washington Avenue / Walnut Street intersection; \$18,000 (Eighteen Thousand Dollars) to be placed in an established Parks and Recreation fund to contribute to the cost of providing improvements such as trails, community gardens, park improvement, etc in the vicinity of the development;
8. The sales price of two of the twenty one units will not exceed a total cost of \$200,000 (Two Hundred Thousand Dollars).
9. The installation of a one inch water line with shut off valves to the two adjacent City owned parcels for the future community gardens that may be located next door; One parcel abuts the north property line on Sheridan Street; the other parcel abuts the south property line – this parcel also abuts the rear property line of the new eight unit condominium located at 117 Sheridan Street;

We look forward to working together to assure that Sheridan Heights will be a welcome addition to the community

Sincerely,

  
Greg Shinberg, Manger

## SHERIDAN HEIGHTS

8/28/06

LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
80 North St	9	8599	X
84 North St	9	13200	
86 - 90 North St	4	14281	
96 North St	2	7882	
100 North St	1	8235	
104 North St	Vacant Lot	3539	X
106 North St	2	2954	X
110 North St	2	3520	X
72 Walnut St	Vacant Lot	3577	X
Portland Water District	Commercial	10921	
94 Walnut St	1	11242	
156 Sheridan St	Commercial	9856	
152 Sheridan St	Commercial	11930	
146 Sheridan St	Vacant Lot	463	X
7 Marion St	1	2030	X
17 Marion St	1	2656	X
19 Marion St	2	2263	X
58 North St	17	19860	
125 Sheridan St	1	5325	
54 North St	4	4950	X
48 North St	4	3600	X
44 North St	3	3600	X
42 North St	2	3200	X
38 North St	2	3200	X
34 North St	2	3200	X
32 North St	3	3200	X
109 Sheridan St	3	3000	X
106 Sheridan St	3	4496	X
103 Sheridan St	3	4859	
99 Sheridan St	2	4215	X
95 Sheridan St	1	4083	X
91 Sheridan St	1	724	X
89 Sheridan St	2	1554	X
57 Cumberland Ave	5	4992	X
53 Cumberland Ave	Vacant Lot	4143	X
Sumner Court	Vacant Lot	8122	
49 Cumberland Ave	2	2660	X
47 Cumberland Ave	1	2515	X
45 Cumberland Ave	1	2454	X
59 Washington Ave	Commercial	126,757	
10 Marion St	1	2580	X
142 Sheridan St	2	4295	X



LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
57 Romasco Lane	1	1928	X
55 Romasco Lane	1	1550	X
134 Sheridan Lane	2	6153	
51 Romasco Lane	1	1375	X
122 Sheridan St	Parking Lot	26,816	
120 Sheridan St	2	1472	X
116 Sheridan St	1	1862	X
112 Sheridan St	2	1783	X
110 Sheridan St	1	2693	X
106 Sheridan St	3	2598	X
19 Romasco Lane	1	1570	X
100 Sheridan St	2	2015	X
19 Romasco Lane	Vacant Lot	1903	X
15 Romasco Lane	Vacant Lot	2000	X
13 Romasco Lane	3	1893	X
11 Romasco Lane	1	1938	X
92 Sheridan St	1	3778	X
9 Romasco Lane	2	1867	X
5 Romasco Lane	Vacant Lot	1931	X
73 Cumberland Ave	2	2713	X
88 Sheridan St	2	2050	X
75 Cumberland Ave	1	1348	X
79 Cumberland Ave	2	1227	X
22 Romasco Lane	1	1630	X
20 Romasco Lane	Vacant Lot	1624	X
16 Romasco Lane	Vacant Lot	1636	X
12 Romasco Lane	2	1729	X
43 Washington Ave	Commercial	5985	
10 Romasco Lane	2	2080	X
6 Romasco Lane	2	1096	X
97 Cumberland Ave	1	5393	
87 Cumberland Ave	3	3955	X
85 Cumberland Ave	3	1985	X
4 Romasco Lane	1	475	X
30 Washington St	Commercial	17462	
93 Cumberland Ave	2	2230	X
93 Cumberland Ave	3	2448	X
43 Cumberland Ave	3	3980	X
39 Cumberland Ave	4	5640	
35 Cumberland Ave	3	4000	X
18 North St	3	4161	X
1 Sumner Court	6	4888	X

LOCATION	# OF UNITS	LOT SIZE (Square Feet)	EXCEEDS R6 DENSITY
57 Romasco Lane	1	1928	X
55 Romasco Lane	1	1550	X
134 Sheridan Lane	2	6153	
51 Romasco Lane	1	1375	X
122 Sheridan St	Parking Lot	26,816	
120 Sheridan St	2	1472	X
116 Sheridan St	1	1862	X
112 Sheridan St	2	1783	X
110 Sheridan St	1	2693	X
106 Sheridan St	3	2598	X
19 Romasco Lane	1	1570	X
100 Sheridan St	2	2015	X
19 Romasco Lane	Vacant Lot	1903	X
15 Romasco Lane	Vacant Lot	2000	X
13 Romasco Lane	3	1893	X
11 Romasco Lane	1	1938	X
92 Sheridan St	1	3778	X
9 Romasco Lane	2	1867	X
5 Romasco Lane	Vacant Lot	1931	X
73 Cumberland Ave	2	2713	X
88 Sheridan St	2	2050	X
75 Cumberland Ave	1	1348	X
79 Cumberland Ave	2	1227	X
22 Romasco Lane	1	1630	X
20 Romasco Lane	Vacant Lot	1624	X
16 Romasco Lane	Vacant Lot	1636	X
12 Romasco Lane	2	1729	X
43 Washington Ave	Commercial	5985	
10 Romasco Lane	2	2080	X
6 Romasco Lane	2	1096	X
97 Cumberland Ave	1	5393	
87 Cumberland Ave	3	3955	X
85 Cumberland Ave	3	1985	X
4 Romasco Lane	1	475	X
30 Washington St	Commercial	17462	
93 Cumberland Ave	2	2230	X
93 Cumberland Ave	3	2448	X
43 Cumberland Ave	3	3980	X
39 Cumberland Ave	4	5640	
35 Cumberland Ave	3	4000	X
18 North St	3	4161	X
1 Sumner Court	6	4888	X

Annie and James Cowie  
32 North Street  
Portland, Maine 04101

September 11, 2006

Mr. Kevin Beal, Chairman  
Planning Board, City of Portland

Dear Chairman Beal:

RE: Conditional Rezoning of 121 and 135 Sheridan Street

According to my son, David Cowie, and Councilor Will Gorham, who attended the Planning Board workshop on this application on Tuesday, June 27, they learned that the last paragraph of Section III of Planning Board Report #14-06, which states: "Carrie Marsh, Urban Designer, has reviewed the proposed elevations and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood," was not based on a comparison by Ms. Marsh of the then-proposed 21-unit building with the *actual, existing* surrounding neighborhood, as that statement most definitely implies, but with apparently *theoretical* buildings that might be allowed in an R-7 zone, even though that neighborhood is an R-6 zone.

That paragraph of the Board's report to the City Council was arguably the most influential statement in the entire report; it was, effectively, the Planning Division's finding and recommendation as to the architectural suitability and compatibility of the original application with the existing surrounding neighborhood. We find it amazing, and disturbing, that such an important finding was not backed up by a study based on an *on site* assessment by the Planning Division.

Accordingly, if the Board intends to rely once again on Report #14-06 for its recommendation to the City Council, we respectfully request that, if it has not already done so, the Board direct the Planning Division to *correct* the paragraph quoted above so that it accurately describes what kind of an assessment Ms. Marsh's opinion is actually based on. Should the Board prepare a new report for the Council on this revised application, and should the report contain another statement by the Planning Division that compares the appropriateness and compatibility of the proposed building with the surrounding neighborhood, we urge the Board to direct the Planning Division to attest that the statement is based on an *on site* assessment that compares the proposed building with the *actual* surrounding neighborhood, an R-6 zone, as it exists today.

Respectfully submitted,

  
Annie and James Cowie

Cc: Alex Jaegerman, Director, Planning Division;  
Lee Urban, Director, Planning and Development Department;  
Councilor Will Gorham;  
David Cowie



Sheridan Street, LLC

Proposed Corrections to Section 5  
Order Authorizing Amendment to City Code Sec. 14-49

5. The underlying zoning requirements of the R-6 zone are modified as follows:
- a. The maximum density shall be no greater than twenty one (21) residential units to be located on the lot within the Residential Condominium shown on Attachment 1 and the existing Single Family House located at the front of the lot as shown on Attachment 1; and
  - b. A minimum of thirty one (31) on-site parking spaces (29 shown for the Residential Condominium and 2 shown for the Single Family House) shall be provided and each unit shall be designated at least one (1) on-site parking space; and
  - c. ~~e.~~ For the Residential Condominium, The the front yard setback shall be five (5) feet to the terrace wall as shown on Attachment \_\_\_; the northerly side yard setback shall be graduated from 3 feet along Sheridan Street to 14'5" feet at the rear of the site with a deck within 2' of the property line and the southerly side yard setback shall range from three (3) to five (5) feet at the location of the surface parking all as more particularly shown on Attachment \_\_\_. The rear yard setback range shall be approximately 16' to 17'9".
  - d. The maximum lot coverage shall be no greater than \_\_\_\_\_ % on the lot containing the Residential Condominium as shown on Attachment 1; the maximum lot coverage on the lot containing the Single Family House shall be maintained in accordance with the requirements of the R-6 zone. [Percentages to be computed from Attachment 1 and inserted prior to City Council Action]
  - e. The open space ratio shall be no less than \_\_\_\_\_ % of the land area of the lot containing the Residential Condominium as shown on Attachment 1; the open space ratio for the lot containing the Single Family House shall be no less than required under the R-6 zone. [Percentages to be computed from Attachment 1 and inserted prior to City Council Action]

Otherwise, the provisions of §14-139 through 14-140 (the R-6 Zone) of the Portland City Code shall apply to this development. Alterations and improvements may be made to the Single Family House in accordance with the provisions of the R-6 Zone, but no change in use or the number of residential units in excess of one may be made to the Single Family House, except that home occupations shall be permitted therein in accordance with the provisions of the R-6 Zone.

**From:** "Jane Glass" <janeglass@gmail.com>  
**To:** <sh@portlandmaine.gov>  
**Date:** 09/10/2006 5:56:21 PM  
**Subject:** Proposed development at 135 Sheridan St

Dear Ms. Hopkins:

I have appeared before the Planning Board several times in reference to the proposed condominium project at 135 Sheridan St; I plan to attend the meeting this week, but would appreciate it if you could forward these comments to the Planning Board members. I am the homeowner and resident of 125 Sheridan St – the house that will be surrounded by this development. If this project is completed, I will have the driveway on one side of my lot and the L-shaped building on the other two sides.

The City Council denied Sheridan Street, LLC's request for an R-7 overlay zoning change, now Sheridan Street, LLC is applying for conditional rezoning under the R-6 zoning requirements. They have not substantially changed their project, except to drop the proposed additions to 121 Sheridan St and to combine and then subdivide the two lots into a small lot for 121 Sheridan St. and large lot for 135 Sheridan St.

I have several issues with this project, beginning with that new subdivision:

#### 1. Lot Size

This newly drawn subdivision of the lots creates a small lot for 121 Sheridan St that does just meet the minimum lot size of 4500 square feet R-6 zoning (Sec. 14-139 (1)(a)1), however, the resulting lot for 135 Sheridan St. far exceeds the 10,000 square foot maximum lot size for small residential lot development (Sec. 14-139 (2)(b)).

None of the provisions under the Small Residential Lot Development section of the zoning regulations should apply to this project because it far exceeds the maximum lot size. Because Sheridan Street LLC is combining and re-drawing these lots, this newly created lot does not fall under the exemptions for lots of record (Sec. 14-433).

The zoning ordinances encourage housing density on the peninsula while trying to maintain a balance between existing neighborhoods and this new development. The Small Residential Lot Development section does relax the

standard setbacks and parking requirements but limits the scale of the new development by restricting the lot size to 10,000 square feet or less.

This lot is too large and this building is too large to fit within the zoning for this area.

#### 1. Open Space

The Sheridan Street LLC project does not meet requirements for front yard, side yard or rear yard. (Sec. 14-139(1)(d)1-3.) As a result, the building exceeds the maximum lot coverage of 40 percent of the lot (Sec. 14-139(1)(e)) and does not meet the open space requirement of 30 percent of the lot (Sec. 14-139(1)(h)1) – please note that parking areas or walkways do not count as "open space" under the zoning guidelines. In looking at the proposed building from a birds-eye perspective, the only green space within the building is my backyard; the proposed lot at 135 Sheridan is all building or parking.

#### 1. Parking

This project does not meet the provisions of small residential lot development (Sec. 14-139(2)) and is subject to the parking requirements in Sec. 14-332(a)1: "two (2) parking spaces for each dwelling plus one (1) additional parking space for every six (6) units or fraction thereof." This adds up to 46 spaces (or 45 spaces if the fraction left over after dividing 21 units by 6 does not warrant an extra space).

Other than allowing Sheridan Street LLC to build more units and cover every available section of the newly-drawn lot with the building or parking spaces, I can see no compelling reason to approve these zoning variances.

These are not minor variations – these requests contravene the very purpose of zoning regulations: to keep neighborhoods balanced and maintain the character of Portland while encouraging development. The proposed lot at 135 Sheridan Street is large enough to allow for development that meets the zoning guidelines for necessary open space and parking for its residents. The

lot is also too large to qualify for the zoning variations allowed in the small residential lot development section of the Code of Ordinances.

I urge the Planning Board to vote against the proposed zoning changes for properties at 121 and 135 Sheridan St.

Thank you for your time and attention to this matter.

Sincerely,

Jane Glass

125 Sheridan St.

--

-----  
Jane Glass <janeglass@gmail.com>

"His job is to shed light, not to master" -- Hunter/Garcia

JAMES I. COHEN (MAYOR)(5)  
JILL C. DUSON (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)  
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)

**ORDER AUTHORIZING AMENDMENT TO CITY CODE  
SEC. 14-49 (ZONING MAP AMENDMENT)  
RE: CONDITIONAL REZONING FOR 121-135 SHERIDAN STREET**

**ORDERED**, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below:

**Sheridan Street LLC  
Sheridan Street, Portland, Maine**

This contract made this \_\_\_\_ day of \_\_\_\_\_, 2006 by **SHERIDAN STREET LLC**, a Maine Limited Liability Corporation having a place of business at One Longfellow Square, Portland, Maine (hereinafter "Developer").

**WHEREAS, DEVELOPER** owns property at 121-135 Sheridan Street, Portland, Maine; and

**WHEREAS, DEVELOPER** filed a request for a Conditional Rezoning with the City of Portland ("City") to modify an existing R-6 zone to accommodate housing with reduced parking; and

**WHEREAS**, the at121-135 Sheridan Street property is more specifically described and shown on the Portland Assessors Map, Parcels 13-K-2 and 13-K-17 (the "Property"): and

**WHEREAS**, the Portland Planning Board determined the rezoning would provide needed housing in the City and would not negatively impact the surrounding residential community; and

**WHEREAS**, the Portland Planning Board, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberations, recommended the rezoning of the Property, subject, however, to certain conditions; and

**WHEREAS**, the City, by and through its City Council, has determined that the rezoning, necessary because of the unusual nature of the development, with conditions and restrictions, would be pursuant to and consistent with the City's Comprehensive Plan and would not unreasonably interfere with the existing and permitted uses within the underlying R-6 zone; and

**WHEREAS**, the **DEVELOPER** has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **DEVELOPER** its successors and assigns; and

**NOW, THEREFORE**, in consideration of the rezoning of the Property, **DEVELOPER** contracts to be bound by the following terms and conditions:

1. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change.



**City of Portland  
Proposed Conditional Rezoning  
for 121 -135 Sheridan Street**



0 37.5 75 150 225 300 Feet

Map prepared by the City of Portland's Department of Planning & Development

2. The use of the Property shall consist of a building containing a maximum of twenty one (21) unit residential units located at the rear of the site (the "Residential Condominium") with at least twenty-nine (29) on-site parking spaces for the use of the Residential Condominium; and an existing single family residential house located at the front of the lot along Sheridan Street (the Single-

Family House”) with two 2 on-site parking spaces for the use of the Single Family House (hereinafter collectively, the “Development”).

3. The Property will be developed substantially in accordance with the Site Layout Plan (the “Site Plan”), Attachment 1, by MRLD, LLC dated \_\_\_\_\_ and the conceptual elevations (the “Elevations”), Attachment 2, by TFH Architects dated \_\_\_\_\_, 2006.
4. The Planning Board shall review and approve the Site Plan according to the site plan and subdivision provisions of the Portland Land Use Code and nothing herein shall prevent the Planning Board from imposing conditions otherwise required to bring this development into compliance with those subdivision and site plan standards.
5. The underlying zoning requirements of the R-6 zone are modified as follows:
  - a. The maximum density shall be no greater than twenty one (21) residential units to be located on the lot within the Residential Condominium shown on Attachment 1 and the existing Single Family House located at the front of the lot as shown on Attachment 1; and
  - b. A minimum of thirty one (31) on-site parking spaces (29 shown for the Residential Condominium and 2 shown for the Single Family House) shall be provided and each unit shall be designated at least one (1) on-site parking space; and
  - c. The front yard setback shall be ~~two-five (52)~~ feet to the terrace wall as shown on Attachment \_\_\_\_; the northerly side yard setback shall be graduated from ~~32~~ feet along Sheridan Street to ~~12~~ 14’5” feet at the rear of the site with a deck within 2’ of the property line and the southerly side yard setback shall range from three (3) to five (5) feet at the location of the ~~carport-surface parking~~ all as more particularly shown on Attachment \_\_\_\_.  
The rear yard setback range shall be approximately 16’ to 17’9”.

Otherwise, the provisions of §14-139 through 14-140 (the R-6 Zone) of the Portland City Code shall apply to this development. Alterations and improvements may be made to the Single Family House in accordance with the provisions of the R-6 Zone, but no change in use or the number of residential units in excess of one may be made to the Single Family House, except that home occupations shall be permitted therein in accordance with the provisions of the R-6 Zone.

6. The **DEVELOPER** shall undertake the following:
  - a. The **DEVELOPER** shall deed to the City an easement for public access over the driveway shown on Attachment 1 for purposes of public

pedestrian passage and access to the community gardens. The final location of the easement to be determined by the City and a deed executed at time of site plan approval; and

- b. The installation of utilities stubs (water and electric) from the building to the boundaries of the adjacent City Owned property as shown on Attachment 3; and
- c. The payment of a monetary contribution in the amount of \$23 ,000.00 to be allocated as follows: \$5,000 toward the implementation of the improvement project at the Washington Avenue/Walnut Street intersection; \$18,000 to be placed in an established Parks and Recreation fund to contribute to the cost of providing community improvements, such as trails, community gardens, park improvements, etc. in the vicinity of the development.

- 7. **The initial price of at least two dwelling units shall not exceed \$200,000.**
- 8. In the event the development described herein is not commenced within two (2) years from the date of this rezoning, or ~~such an additional one year if, in the sole discretion of the City Planning Department, it deems such extension to be appropriate~~time in the event that this contract is extended by the City and the DEVELOPER, this contract shall become null and void and the Property shall revert back to the underlying R-6 zone.
- 9. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **DEVELOPER** , and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
- 10. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 11. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.



12. In the event that **DEVELOPER**, or any successor fails to continue to utilize the Property in accordance with this Agreement, or in the event of an uncured breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing and notice to the developer, to resolve the issue resulting in the breach. The resolution may include a recommendation to the City Council that the Agreement be terminated, requiring cessation of the use of the development authorized herein.

WITNESS:

SHERIDAN STREET LLC

\_\_\_\_\_

By \_\_\_\_\_  
Greg Shinberg  
Its: Manager

Cumberland, ss.

State of Maine  
Date:

Personally appeared the above-named Greg Shinberg, Manager of Sheridan Street LLC and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Sheridan Street LLC.

\_\_\_\_\_  
Notary Public

SHERIDAN STREET, LLC  
477 Congress Street, 5<sup>th</sup> Floor  
Portland, Maine 04101-3427  
207 523 3410 Office  
207 773 8597 Fax

To: Alex Jaegerman and Portland Planning Board Members  
From: Greg Shinberg, Manager  
Date: August 25, 2006  
RE: Minutes from the Neighborhood Meeting held on August 3, 2006 for the  
Sheridan Heights project located at 121 and 135 Sheridan Street

The following is a record of the Neighborhood Meeting held from 6:30 to 8 PM at the  
Cummings Community Center on August 3, 2006.

Present on behalf of Sheridan Street, LLC:

Greg Shinberg, Manager, Sheridan Street, LLC (GS)  
Matthew Shinberg, Note Taker for Sheridan Street, LLC (MS)  
Neighbor (N)

The meeting started at 6:45 PM to allow for some late arrivals.

GS presented the overall conceptual plans to the neighbors.

GS asked all members of the community to sign the attendance sheet and that a handout is  
available to all present.

GS presented to the neighbors an approximate schedule for the next steps (City Council  
process and future Planning Board meetings.

N asked what the "Conditional Zone" means.

GS explained.

N asked if the project is limited to 21 units in perpetuity.

GS responded yes.

N asked what the plan is for the house and property located at 121 Sheridan Street.

GS explained the plans for a deed limitation for only 1 unit and that any future changes are  
limited to that allowed in the R-6 Zone.

N asked what are the plans for the house at 121.

GS responded that the plan is to fix it up and then possibly sell it with 3 parking spaces on  
site.

GS continued to clarify the zoning rules and regulations for the R-6 Zone.

N asked if 121 would be a separate lot.

GS responded yes.

GS noted that the covered parking car port for 8 cars has been removed.  
N asked if the easement belongs to the City of Portland then how can he use it for the driveway access.  
GS responded that the City has an easement and thus the use is allowed.  
GS continued to clarify the parking and site plans.  
N asked if the parking and access is paved.  
GS stated that this decision is still under review and that some Planning Board members wanted more parking spaces, some wanted less.  
N asked if there are still underground parking spaces.  
GS responded that there are 17 planned UG spaces.  
GS noted that the main difference from the previous plans are the building is smaller, there are a total of 22 units (down from 24), some units are much smaller and thus will be less costly – 2 units will be guaranteed (to the City) to not exceed a sales price of \$200,000.  
N asked for clarification on the unit makeup and configurations.  
GS explained the plans.  
GS noted that a pledge of \$18,000 has been made to the City for parks and rec for improvements and a commitment to provide a water line to 2 locations for a future Community Garden.  
GS explained the proposed materials for the exterior of the building – using high quality maintenance materials.  
GS opened the discussion up to questions from the neighbors.  
N asked how this building height relates to the new 8 unit (next door to 121).  
GS said that the new building is similar and will be less than 45 feet tall.  
GS stated that most of the building is not as tall as the Ubank property.  
N asked if the building has an elevator.  
GS explained that the elevator goes from the ground floor to the 3<sup>rd</sup> level.  
N asked about the area map.  
GS said that it was a part of the submission and did not bring it.  
N asked again how many parking spaces total.  
GS explained that the project has 17 underground and 12 surface spaces plus 3 at 121 Sheridan Street.  
N asked about the zoning.  
GS responded that the house at 121 will follow the R-6 zone, the 21 unit to be a Conditional Zone.  
N asked about the proposed decks.  
GS explained the plans.  
GS explained that a understanding is being worked on with the Portland Trails organization to create access for a future trail.  
N asked what the overall size (footprint) of the proposed building is.  
GS explained.  
N commented that the house owned by Ms. Glass will be dwarfed by the project.  
N asked if the submission to the Planning Board is available on line.  
GS stated that he did not think so.  
N commented that it would be good idea.  
GS agreed.  
N stated that Ubank is having a hard time selling his units.  
N stated that there is not enough parking for the project.  
N stated that they liked what Ubank did with the exterior of his building – likes the project.

N (Ms. Glass) stated that she wants a screen behind her garage – concerned that it will become a common area for the new building (dog walking etc).

GS agreed to consider options to provide this screen.

GS noted that the plans will be a matter of record.

GS stated that he has listened to the concerns of the neighbors and worked to make the building smaller, not as tall and will block their possible views less.

N asked why the last Planning Board meeting was postponed to September 12.

GS replied that due to his mistake, it was scheduled earlier than possible.

N asked for copies of plans.

GS agreed to provide for anyone that asked for them.

Meeting adjourned at 7:50.

SHERIDAN HEIGHTS

8/3/06

NEIGHBORHOOD MEETING

SIGN IN SHEET

NAME

ADDRESS

<u>NAME</u>	<u>ADDRESS</u>
MP/L Pam Jack DEVON PLATTE	TIM CAROLAN 120 SHERIDAN 26 North St. #3 26 NORTH STREET
Jane Gals	125 Sheridan St
JOHN CAROLAN	29 NORTH ST
→ James Cowie	32 North St
→ Annie Cowie	32 North St
Fran Brown	116 Sheridan St.
Elaine Poudre	192 Sheridan St
MIKE NOBLE	109-111 " "

Give everyone a map on list

**SHERIDAN STREET, LLC**  
**477 Congress Street, 5<sup>th</sup> Floor**  
**Portland, Maine 04101-3427**  
207 523 3410 Office  
207 773 8597 Fax

August 29, 2006

Dear Neighbor:

At the Neighborhood Meeting held at the Cummings Community Center on August 3, 2006 to discuss the Sheridan Heights project, all of the neighbors present at the end of the meeting asked me to send them a copy of the plans for the project.

Included is a copy of the plans submitted to the Planning Board for the September 12<sup>th</sup> meeting and Public Hearing.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Greg Shinberg, Manager

Sent to:

Mr. Tim Carolyn, 120 Sheridan Street (not present at the end of the meeting)  
Ms. Pam Jack and Mr. Devon Platte, 26 North Street  
Ms. Jane Glass, 125 Sheridan Street  
Mr. John Carolyn, 28 North Street (not present at the end of the meeting)  
Mr. James Cowie and Ms. Annie Cowie, 32 North Street  
Ms. Fran Brown, 116 Sheridan Street  
Ms. Elaine Plourde, 192 Sheridan Street  
Mr. Mike Noble, 109 / 111 Sheridan Street

CC: Alex Jaegerman, City Planner

**ZONE CHANGE REQUEST  
FROM R-6 RESIDENTIAL TO CONDITIONAL R-7 COMPACT URBAN  
RESIDENTIAL OVERLAY ZONE  
VICINITY OF 121 & 135 SHERIDAN STREET**



**City of Portland  
Proposed Conditional Rezoning  
for 121 -135 Sheridan Street**



0 37.5 75 150 225 300 Feet

Map prepared by the City of Portland's Department of Planning & Development

**September 2006**

**From:** Denise Clavette  
**To:** Alex Jaegerman ; Jennifer Dorr; Penny Littell ; Sarah Hopkins  
**Date:** 03/22/2006 12:15:56 PM  
**Subject:** Re: Sheridan St. Conditional R-7

I would think that requiring a minimum of \$20K would be the best. This would accomodate the improvements, and then the fencing depending on the linear footage could run you \$10K or more.

Denise

>>> Alex Jaegerman 3/20/2006 10:20:34 AM >>>

Greg Shinberg will be presenting a revised application for conditional rezoning to R-7. At his City Council public hearing, Kevin Beal said he would be willing to hear this at a public hearing, no workshop. I'm not sure that is the best strategy, but am tempted to try it. Possible dates are April 25 or May 9. I think May 9.

The conditional rezone should reference the development plan, substantially in conformance with language. Also, some improvement to the slope leading up to Fort Sumner Park, or a contribution to a stairway or improved pathway. The amount would have to be determined. He has also offered to provide a water tap and pedestrian right of way to the community garden on the south side of the site. I think Regina Leonard has been discussing these items with Greg. If we need water at the other (northerly) side, we can request that.

Regina estimates \$5,000 for a gravel trail w/ steps up the embankment. Also \$4,000 for a trail head at Sumner Court. There is a nasty looking fenced in riprap section, that could be made nicer looking somehow. I think the fence is to prevent people from throwing/dislodging stones.

If we do a conditional rezone, we need to identify all that we want Greg to contribute to improving these conditions. I could use some Parks Dept. input quickly on this. With many conditional rezonings, a community contribution is required. I generally provide a ballpark on the value to shoot for. This is a 24 unit residential project. I am thinking somewhere between \$5,000 and \$10,000.

Alex.

Alex.

**CC:** Jeff Tarling ; Phillip Labbe; Regina Leonard; Tom Civiello



**Alex Jaegerman - Re: Sheridan Heights Cond Rezone**

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**From:** Alex Jaegerman  
**To:** Regina Leonard  
**Date:** 06/23/2006 10:18 AM  
**Subject:** Re: Sheridan Heights Cond Rezone  
**CC:** ALEX JAEGERMAN

---

Thanks Regina  
This is just what I need for the workshop memo.

Alex.

>>> "Regina Leonard" <rslsdesign@juno.com> 06/23/2006 9:56:02 AM >>>

Alex,

I was out of town yesterday, so I hope my response this morning still helps. Great news on the contract rezoning negotiations. Thank you.

I think we left the exact location of the community gardens up in the air for now, but we were leaning toward the parcel behind the new development (on a small terraced area on the hill behind the proposed parking lot). It would be a great help to have a stubbed water line in to that area as well as to future park area below Fort Sumner. This would accommodate a garden, wherever it goes and would provide opportunities for other water amenities in the future.

I'm sending along a rendered plan. I may have other materials to supplement your effort, so let me know if you need anything else.

Regina S. Leonard  
Landscape Architecture & Design  
234 State Street  
Portland, ME 04101  
Tel. (207) 450-9700

## PHASING RECOMMENDATIONS:

### PHASE I LOWER PARK

- |   |                            |
|---|----------------------------|
| A. RIP RAP AREA   |                            |
| 1) Removal of chain-link fence  | \$2,000.00                 |
| 2) Integration of larger stone material   | \$18,000.00                |
| 3) Creation of planting pockets   | \$1,500.00                 |
| 4) Planting of shrubs   | \$3,000.00                 |
| B. WOODED SLOPE   | \$3,000.00 initial         |
| 1) Removal of invasive vegetation   | (then \$1,500.00 annually) |
| 2) Limbing up and pruning of trees  |                            |
| 3) Clearing of dead and overgrown underbrush  |                            |
| 4) Addition of native vegetation  | TBD                        |
| C. TRAIL CONNECTION   | \$ 2,500.00                |
| 1) Installation of gravel trail, including field placement steps where necessary to mitigate steep grades; Recycled stone or granite to be supplied by City |                            |

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*Estimated cost*            **\$35,000.00**

### PHASE II LOWER PARK

- |  |             |
|--|-------------|
| A. WALLS   | \$22,000.00 |
| 1) Construction of unit block seat wall                        |             |
| 2) Construction of unit block retaining wall, 36" height       |             |
| B. COMMUNITY LAWN AREAS  |             |
| 1) Rough and finish grading                                    |             |
| 2) Loaming and seeding lawn areas                              | \$2,500.00  |
| C. OPTIONAL IMPROVEMENTS                                       |             |
| <i>(\$20,000 budget, not included in total estimated cost)</i> |             |
| 1. Installation of asphalt walks                               | \$5,000.00  |
| 2. Development of informal play area                           |             |
| 3. Planting of additional trees                                | \$3,500.00  |

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*Estimated cost*            **\$25,000.00**

## PHASE III UPPER PARK

### A. DEMOLITION

- 1) Removal of existing walk & landing
- 2) Removal of chain-link and wood fences
- 3) Removal & stockpile of ornamental fence
- 4) Tree and stump removal

### B. HORSESHOE WALK & PROMENADE

- 1) Earthwork and preparation
- 2) Installation of granite curbing
- 3) Installation of asphalt chip-seal walks
- 4) Construction of stone veneer retaining wall, with stone cap and pipe handrail
- 5) Relocation of ornamental fencing
- 6) Expansion of existing sidewalk
- 7) Planting of trees
- 8) Installation of benches

### C. ENTRANCE SIGN AREA

- 1) Installation of granite curb
- 2) Construction and installation of park sign
- 3) Loam and seeding of lawn area
- 4) Plantings

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*Estimated cost*

**\$250,000.00\***

## PHASE IV UPPER PARK

### A. CENTRAL FOUNTAIN GARDEN

- 1) Installation of granite coping & pool
- 2) Utilities and mechanicals
- 3) Fountain sculpture
- 4) Planting of perennials

### B. INTERIOR LOOP

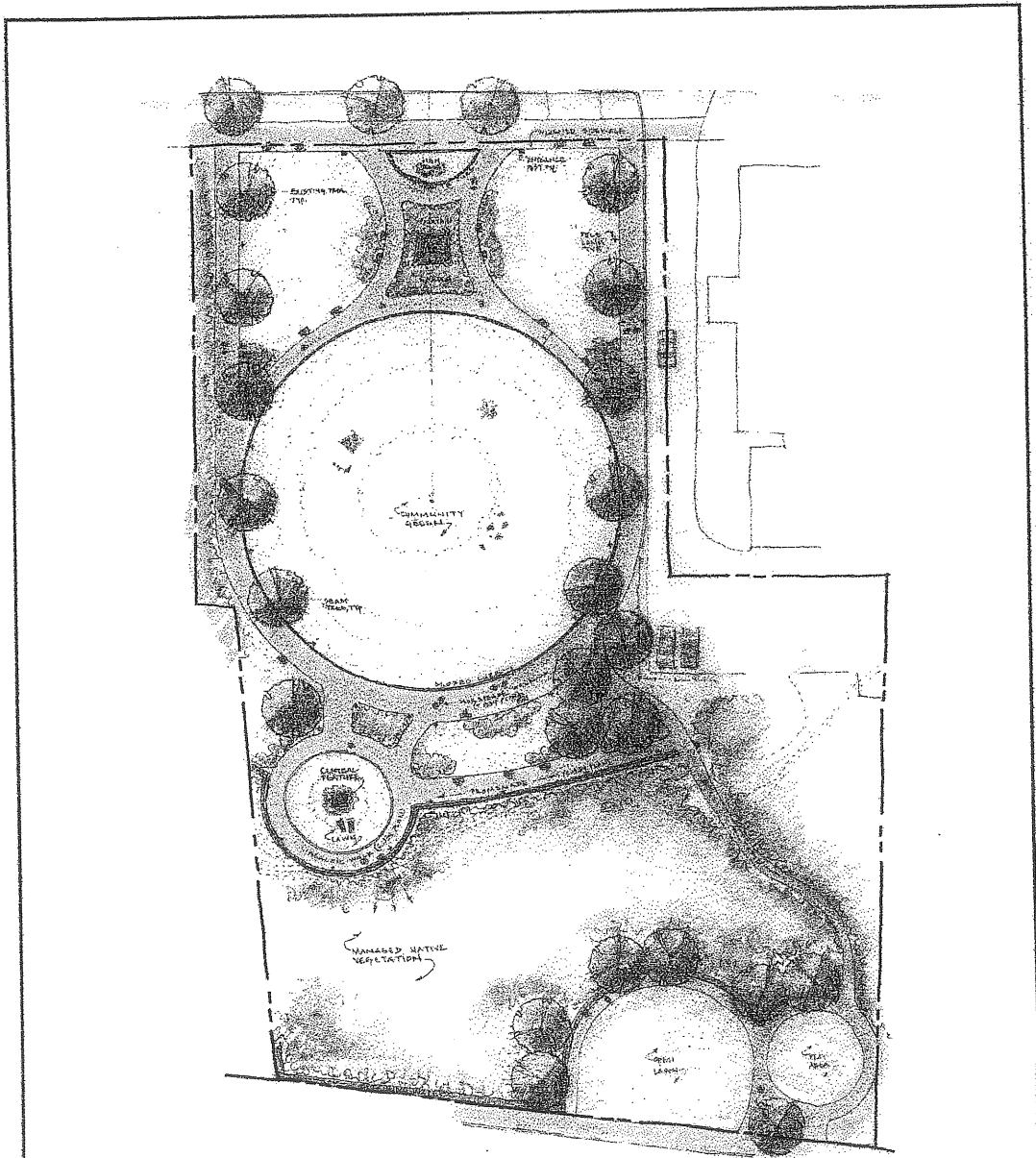
- 1) Construction of asphalt chip-seal walks
- 2) Installation of granite gate posts (12" sq.)
- 3) Installation of benches
- 4) Planting of perennials and shrubs

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*Estimated cost*

**\$45,000.00\***

**\*ESTIMATED ADDITIONAL CONSULTANT FEES FOR PHASES III & IV TECHNICAL DEVELOPMENT & CONSTRUCTION DOCUMENTS = 10% CONSTRUCTION BUDGET, OR APPROXIMATELY \$30,000**



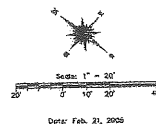
Prepared for the City of Portland  
Parks & Recreation Department by:

**Regina S. Leonard**  
LANDSCAPE ARCHITECTURE & DESIGN  
224 State Street - Portland, ME 04103  
Tel: 207.456.9700 rsl@rslpa.com

# FORT SUMNER PARK

## Rehabilitation Master Plan

PORTLAND PARKS & RECREATION DEPARTMENT  
17 Arbor Street - Portland, Maine



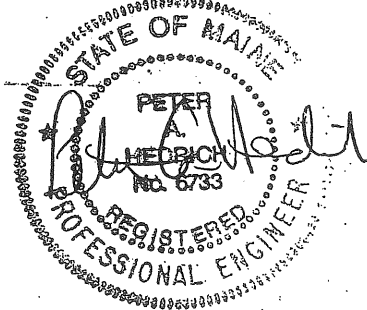
Date: Feb. 21, 2005

**Traffic Impact Study  
Sheridan Heights  
Portland, Maine**

**Prepared for:**

**Sheridan Street, LLC  
c/o Shinberg Consulting  
477 Congress Street, 5th floor  
Portland, ME 04101-3427**

**January 2006**



**Prepared by:**

1-10-06



**Gorrill-Palmer Consulting Engineers, Inc.**

*Traffic and Civil Engineering Services*

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**Traffic Impact Study  
Sheridan Heights  
Portland, Maine**

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Site Plan

## Executive Summary

The following Executive Summary is prepared for the reader's convenience, but is not intended to be a substitute for reading the full report.

Gorrill-Palmer Consulting Engineers, Inc. was retained by Sheridan Street, LLC to prepare this traffic impact study for the proposed residential development on Sheridan Street in Portland, Maine. The site is located on the north side of Sheridan Street between Walnut Street and Cumberland Street. The proposal involves construction of 24 condominium units on the site. For the purposes of this study, the full buildout of the site is assumed to be complete in 2007. A single driveway from Sheridan Street is proposed to access the site. Based on this study, our office has determined the following:

1. The proposed development is forecast to generate 11 trip ends in the weekday AM peak hour and 13 trip ends in the weekday PM peak hour. (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends). This level of trip generation does not require a traffic permit from the Maine Department of Transportation.
2. The level of service analyses show that traffic generated by the project does not affect operations at study area intersections.
3. Gorrill-Palmer Consulting Engineers, Inc. referenced the Maine DOT collision records to determine if there were any high crash locations in the project vicinity. No high crash locations were found in the vicinity of the project site.

It is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local roadway network can accommodate the additional traffic generated by the full buildout of Sheridan Heights.

## I. *Existing and Proposed Site*

The site is located on the north side of Sheridan Street, between Walnut Street and Cumberland Avenue, and is currently a three-unit residential building. A site location map has been included in Appendix A.

Proposed for the site are 24 condominium units. For the purposes of this study the full buildout of the site is assumed to be complete in 2007. Access to the site will be from a single driveway off of Sheridan Street. A plan of the proposed site is enclosed in Appendix C.

## II. *Background Traffic Conditions*

Gorrill-Palmer Consulting Engineers, Inc. based the study on the following information:

- A site plan prepared by SGC Engineering, LLC dated November 28, 2005.
- Crash data for 2002-2004 provided by the Maine Department of Transportation.
- Turning movement volumes collected on January 4 and 6, 2006 from 3:00 PM to 6:00 PM at the following locations:
  - Sheridan Street at Walnut Street
  - Sheridan Street at Cumberland Avenue

### *Predevelopment Traffic Volumes*

#### *Seasonal Adjustment*

The Maine DOT utilizes highway classifications of I, II, or III for state and local roadways. Type I roadways are defined as urban roadways, or those roads that typically see commuter traffic and experience little fluctuation from week to week throughout the year. Type II roadways, or arterial roadways are those that see a combination of commuter and recreational traffic and therefore experience moderate fluctuations during the year. Type III roadways, or recreational roadways are typically used for recreational purposes and experience dramatic seasonal fluctuation.

The study area roadways are considered Type I roadways by MaineDOT. Typically, volumes during the year are adjusted to reflect the 30<sup>th</sup> highest hour (typically occurring in July or August) of traffic volumes in accordance with MaineDOT guidelines. The traffic volumes were adjusted by 21 percent. Given the urban and residential nature of the study area roadways, it is the opinion of our office that this adjustment is conservative.



### *Annual Growth*

The proposed project is anticipated to be fully operational by 2007. Based on MaineDOT counts, traffic volumes in the vicinity of the project are currently decreasing. Gorrill-Palmer Consulting Engineers, Inc. increased the volumes in the study area by one percent per year to be conservative, which is consistent with prior studies in the area.

### *Other Development*

Approved projects that are not yet opened, as well as projects for which applications have been filed, are required to be included in the predevelopment volumes for this project. In order to determine whether any other projects in the area have been approved, or are ahead in the approval process, whose traffic should be considered as background traffic in the study for this project, our office contacted Mr. Bill Needelman with the City of Portland Planning Department. Although the new Jack Elementary School is currently under construction, it will not have an effect on the design hour volumes.

## III. *Trip Generation*

Gorrill-Palmer Consulting Engineers, Inc. utilized the following sources of information to determine trip generation for the site:

The Institute of Transportation Engineers (ITE) publication *Trip Generation*, 7<sup>th</sup> Edition

Our office compiled the trip generation for the site based on ITE Land Use Codes 220 and 230, Apartment and Residential Condominium/Townhouse, respectively. Based on this information the proposed site is anticipated to generate the following trips:

**Trip Generation Based on ITE for Sheridan Heights**

Land Use Code	AM Peak Hour	PM Peak Hour
LUC 230 (Condominium)	16	19
Credit LUC 220 (Apartment)	-2	-2
<b>Net Trips</b>	<b>14</b>	<b>17</b>

### *Trip Generation Adjustment via U.S. Census Data*

ITE trip rates are based on surveys of predominantly suburban locations. For a residential project located in downtown Portland, the rate of vehicle use for peak hour trips (typically journey-to-work trips) are lower than the State of Maine as a whole. Therefore, our office utilized journey-to-work information from the U.S. Census. The rate of private vehicle usage for residents of the Portland Peninsula was compared to the state overall:

Drive to Work Rate for Maine Residents: 90%  
Drive to Work Rate for Portland Peninsula Residents: 69%

Therefore, our office utilized a reduction factor of  $(0.69/0.90) = 0.77$  for the trip generation of the site, resulting in the following:

Adjusted Trip Generation Based on U.S. Census Data		
	AM Peak Hour	PM Peak Hour
Total	11	13

Supporting data for both the trip generation as well as the adjustments based on Census data are enclosed in Appendix C with this report.

#### IV. *Trip Distribution*

Gorrill-Palmer Consulting Engineers, Inc. has obtained the ratio of entering and exiting traffic from the Institute of Transportation Engineers publication *Trip Generation*, 7<sup>th</sup> Edition for Land Use Code 230, Residential Condominium/Townhouse, rounding them to the nearest five percent as follows:

AM peak hour:	15% entering, 85% exiting
PM peak hour:	65% entering, 35% exiting

#### V. *Trip Composition*

For the proposed Sheridan Heights, Gorrill-Palmer Consulting Engineers, Inc. has based the trip assignment on 100% of trips being primary, made for the sole purpose of going to and from the development.

#### VI. *Trip Assignment*

Trip assignment was based on existing traffic patterns at the study area intersections, the resulting trip distribution and assignment is shown in Figures 4 and 5 of Appendix A.

#### VII. *2007 Postdevelopment Traffic*

The anticipated year 2007 predevelopment traffic shown in Figure 3 of Appendix A has been combined with the traffic forecast for the development shown in Figure 5 of Appendix A to yield the 2007 postdevelopment traffic shown in Figure 6 of Appendix A for the PM peak hour.

#### VIII. *Study Area*

The study area includes the following intersections:

- Sheridan Street at Walnut Street
- Sheridan Street at Cumberland Avenue

## IX. Capacity Analyses

Gorrill-Palmer Consulting Engineers, Inc. completed capacity analyses for the intersections listed in Section VIII.

The analysis was completed with HCS2000 analysis software, with outputs based on the HCS methodology. Levels of service rankings are similar to the academic ranking system where an 'A' is very good with little control delay and an 'F' represents very poor conditions. A level of service 'D' and higher is desirable for a signalized intersection. At an unsignalized intersection, if the level of service falls below a 'D', an evaluation should be made to determine if a traffic signal is warranted.

The following tables summarize the relationship between control delay and level of service:

**Level of Service Criteria for Signalized Intersections**

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 20.0
C	20.1 to 35.0
D	35.1 to 55.0
E	55.1 to 80.0
F	Greater than 80.0

**Level of Service Criteria for Unsignalized Intersections**

Level of Service	Control Delay per Vehicle (sec)
A	Up to 10.0
B	10.1 to 15.0
C	15.1 to 25.0
D	25.1 to 35.0
E	35.1 to 50.0
F	Greater than 50.0

The results of the capacity analyses are summarized as follows. The detailed analyses are included in Appendix B.

**Level of Service for Walnut Street at Sheridan Street**

Lane Group	2007 PM Peak Hour			
	Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS
Walnut Street EB LTR	<1	A	<1	A
Walnut Street WB LTR	8	A	8	A
Sheridan Street NB LTR	10	A	1	A

**Level of Service for Cumberland Avenue at Sheridan Street**

Lane Group	2007 PM Peak Hour			
	Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS
Cumberland Avenue EB LTR	7	A	7	A
Cumberland Avenue WB LTR	8	A	8	A
Walnut Street WB LTR	11	B	11	B
Sheridan Street NB LTR	10	A	10	A

**Level of Service for Sheridan Street at Site Drive**

Lane Group	2007 PM Peak Hour			
	Predevelopment		Postdevelopment	
	Delay	LOS	Delay	LOS
Site Drive EB LTR	-	-	9	A
Sheridan Street NB LTR	<1	A	<1	A
Sheridan Street SB LTR	<1	A	7	A

Based on the above tables, these intersections operate acceptably for both predevelopment and postdevelopment scenarios. Addition of site-generated traffic does not affect the level of service at these locations.

**X. Sight Distance Evaluation**

The Maine Department of Transportation has guidelines for sight distances at driveways within urban compacts. The sight line standards for driveways in an urban compact are as follows:

**Maine DOT Standards for Sight Distance**

Posted Speed (mph)	Sight Distance
25	200
30	250
35	305
40	360
45	425
50	495
55	570

Gorrill-Palmer Consulting Engineers, Inc. has evaluated the available sight lines at the proposed Sheridan Heights driveway on Sheridan Street in accordance with Maine DOT standards.

The Maine DOT standards are as follows:

Driveway observation point:	10 feet off major street travelway
Height of eye at driveway:	3 ½ feet above ground
Height of approaching vehicle:	4 ¼ feet above road surface

The posted speed on Sheridan Street in the vicinity of the site driveways is 25 mph.

Based on the site review, sight distances looking to the left and right from the driveway will exceed 200 feet. Gorrill-Palmer Consulting Engineers, Inc. recommends that all plantings, which will be located within the right of way, not exceed three feet in height and be maintained at or below that height. Signage should not interfere with sight lines. In addition, we recommend that during construction, when heavy equipment is entering and exiting into the site, that appropriate measures, such as signage and flag persons, be utilized in accordance with the Manual on Uniform Traffic Control Devices.

## XI. *Crash Data*

In order to evaluate whether a location has a crash problem, Maine DOT uses two criteria to define High Crash Locations (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. (A Critical Rate Factor {CRF} compares the actual accident rate to the rate for similar intersections in the State. A CRF of less than 1.00 indicates a rate less than average) and:
2. A minimum of 8 crashes over a three-year period.

Our office reviewed the 2002-2004 crash data and found there were no high crash locations in the vicinity of the project site.

## XII. *Conclusions*

Gorrill-Palmer Consulting Engineers, Inc. has examined the impact of the traffic associated with the proposed Sheridan Heights project in Portland and reached the following conclusions:

1. The proposed development is forecast to generate 11 trip ends in the weekday AM peak hour and 13 trip ends in the weekday PM peak hour. (Note: A trip end is either a trip in or out of the site. Thus a round trip would equal two trip ends). At this level of trip generation, this project does not require a traffic permit from the Maine Department of Transportation.
2. The level of service analyses show that traffic generated by the project does not affect operations at study area intersections.
3. Gorrill-Palmer Consulting Engineers, Inc. referenced the Maine DOT collision records to determine if there were any high crash locations in the project vicinity. No high crash locations were found in the vicinity of the project site.

It is the opinion of Gorrill-Palmer Consulting Engineers, Inc. that the local roadway network can accommodate the additional traffic generated by the full buildout of Sheridan Heights.

**Kandi Talbot - Sheridan Street R-7 Zoning Amendment**

---

**From:** "Thomas Errico" <terrico@wilbursmith.com>  
**To:** "Kandi Talbot" <KCOTE@portlandmaine.gov>  
**Date:** 02/02/2006 11:08 AM  
**Subject:** Sheridan Street R-7 Zoning Amendment  
**CC:** "Katherine Earley" <KAS@portlandmaine.gov>

---

Kandi—

I have reviewed the traffic impact study prepared by Gorrill-Palmer Consulting Engineers, Inc. dated January 2006 and generally agree with their conclusions that the proposed project will not significantly impact traffic operations in the vicinity of the site. Specific comments are noted as follows.

- I would note that I do not approve of their trip generation adjustment, but the additional traffic would not change the conclusions.
- The study indicates that there are no safety deficient locations in the area. During the site plan permitting process, I will be requesting supporting documentation.
- In respect to the site plan, the applicant needs to provide justification for the reduced driveway width of 20 feet. The City standard is 24 feet.
- ~~It appears that 17 parking spaces will be provided for the 21-unit building. It is very likely that this supply will be insufficient to accommodate parking demand on site.~~ (SW)
- Sidewalks are not continuously provided on Sheridan Street between Cumberland Avenue and Walnut Street. There is a gap in sidewalk just north of the site. Eric Labelle should provide an opinion about the need to implement sidewalk in this area.
- The City has an improvement project at the Washington Avenue/Walnut Street intersection and I would suggest that the applicant contribute \$5,000 to the implementation of that project.

Please contact me if you have any questions.

Best Regards,

Thomas A. Errico, P.E.  
Senior Transportation Engineer  
Wilbur Smith Associates  
59 Middle Street  
Portland, Maine 04101  
(207) 871-1785 Phone  
(207) 871-5825 Fax

**MEMORANDUM**

**TO:** Shukria Wiar  
**FROM:** Aaron Shapiro  
**DATE:** September 8, 2006  
  
**RE:** Explanation of Income & Housing Cost Chart

\*\*\*\*\*

Household Size	2	2	2	2
<b>Income Level- % AMI</b>	80% \$43,650	100% \$54,563	110% \$60,019	120% \$65,475
<b>30/38 Debt Ratio (A)</b> ( <b>\$150/month condo fee;</b> <b>7.0% Interest</b> )	\$113,233	\$146,054	\$162,463	\$178,872
<b>33/42 Debt Ratio (B)</b> ( <b>\$150/month condo fee;</b> <b>7.0% Interest</b> )	\$126,361	\$162,464	\$180,514	\$198,564

- 1) Household Size: The Area Median Income (AMI) level in this example is calculated for a household of two persons. AMI for a household of one person is currently \$47,750.
- 2) Income Levels: The AMI for a two-person household (March 2006) is \$54,563. The 80%, 110% & 120% are based upon this figure.
- 3) Debt Ratio A: This is the traditional mortgage underwriting standard. 30% of income utilized for housing debt (PITI – principle, interest, taxes, insurance); 38% for total debt including housing debt.
- 4) Debt Ratio B: This a more liberal mortgage underwriting guideline used by some lenders in some cases. This is a common parameter for the Maine State Housing Authority (MaineHousing) for 1<sup>st</sup> time home buyers.
- 5) Maximum Mortgage Amount: The 8 numbers shown in the columns under the percentage of AMI (80%, 100%, 110%, & 120%) are maximum permitted mortgage amounts based upon the income and debt ratios. These are not home purchase prices.
- 6) Example: The chart demonstrates that a two-person household at 110% AMI (\$60,019) with a \$20,000 down payment could purchase a home in a price range of about \$180,000 to \$200,000.



*Attachment 16*

**From:** Phillip Labbe  
**To:** Jeff Tarling ; Shukria Wiar  
**Date:** 09/06/2006 12:32:52 PM  
**Subject:** Re: Sheridan Heights

Shurkia,  
The electric stub would be a good idea.

>>> Shukria Wiar 9/6/2006 10:29:03 AM >>>  
Good morning.

Sheridan Heights is scheduled for a public hearing on September 12th and I need comments. The applicant is contributing \$18,000 towards the improvements of Fort Sumner Park. The applicant is also proposing to install a one inch water line stub for the future community gardens. Do we want to require them to have aelectric stub as well? Please let me know since we are making this part of the agreement between the applicant and the City.

Thanks.

Shukria

Kevin Beal, Chair  
Planning Board  
389 Congress St.  
Portland, Maine 04101

Dear Chairman Beal and members of the Planning Board,

I am writing in regards to the proposed Sheridan Heights condominium development that is coming before your board.

From what I have witnessed of the process, the developer, Mr. Shinberg, has show considerable care and sensitivity to the concerns of local residents, and a genuine interest in the improvement of the Munjoy Hill neighborhood in which the Sheridan project rests.

Throughout the process of public meetings, including a site visit, I have seen that not only has Mr. Shinberg listened to the concerns of neighbors of the site, but has directly altered his project to accommodate many of these concerns. Some examples a reduction in the number of proposed units, the relocation of the parking entrance to create a building façade that better relates to the existing housing stock, and the elimination of a proposed 'covered alley' that many thought would be an unsafe place.

Mr. Shinberg has also shown an interest in working with the community to improve various local public spaces. An under-used public space, considered unsafe by many local residents sits behind his property. He has shown an interest in seeing that this space is a safer, more inviting place for public use. Additionally, he has meet with the Fort Allen Re-design Committee, which is working on a new master plan of improvements to the Fort Allen Park that sits just up the hill from his site, as well as with a representative of Portland Trails. He seems sincerely interested in working with local citizens groups for the improvement of the park, and strengthening pedestrian connections in our neighborhood.

I am concerned that Mr. Shinberg's project is once again another expensive condominium project. Munjoy Hill, and the City of Portland need housing that is within the price range of the diverse members of our local economy. This project does little to directly address the needs of existing residents, or to attract the families and workers that Portland needs to continue thriving as a city. I believe this is a problem beyond the scale of Mr. Shinberg's proposal. Indeed, in private conversation Mr. Shinberg has expressed his interest in building such housing in Portland. I ask members of the Planning Board, city staff, and members of the City Council to take steps that might encourage, or make more possible, the construction of such housing.

In closing, I believe Mr. Shinberg has played by the rules. He has been honest, has listened respectfully, and has responded to concerns in a sensitive, intelligent manner. I hope that his involvement in local development will be an asset to the community. I believe that in asking for code variances, he is taking some of the steps needed to building the denser housing needed to meet the needs of a growing city. I support his project and ask you to do the same.

Sincerely,

  
Markos Miller

17 Atlantic St.  
Portland, Maine 04101

February 4, 2006

Kandice Talbot, Planner  
Planning Division  
City Hall, 4<sup>th</sup> Floor  
389 Congress St.  
Portland, ME 04101

Dear Ms. Talbot and Planning Board Members:

I am writing in regard to the proposed rezoning of the property located at 121 and 135 Sheridan Street from R-6 to R-7. This letter is in addition to the wide range of concerns that have already been voiced by the community.

I strongly urge the Planning Board to decline this zoning change proposal. This project does not reflect the intentions, or meet the specifications of the R-7 zoning.

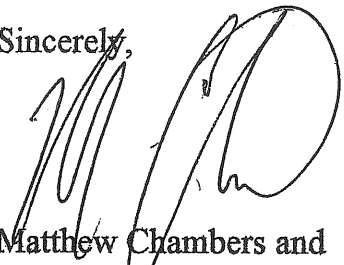
The R-7 zoning ordinance was printed in several places within the Planning Board Memorandum packet that you prepared. Within the lengthy description it states, *"The intent of this zone (R-7) is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types."*

Attached to this letter is a three-page real estate advertisement for the recently completed building at 117 Sheridan Street. The prices for these units range from \$319,900 - \$359,900. And those prices are before many of the necessary appliances and decorations have been installed (see page 3), so the actual costs would be even higher.

The proposed units at 121 and 135 Sheridan are remarkably similar in description to those at 117 Sheridan Street. The proposed units are described as 2 bedroom units with an average square footage of 1,300 square feet. The eight 2 bedroom units at 117 Sheridan St. are 1,150 - 1,175 square feet. Therefore, the real estate value of the proposed units, were they constructed, would be well over \$300,000.

Housing that costs over \$300,000 **DOES NOT** represent an increased opportunity for *"owners and renters representing a variety of income levels and household types."* Quite simply, these will essentially be luxury units available only to a very specific type of income level and household type.

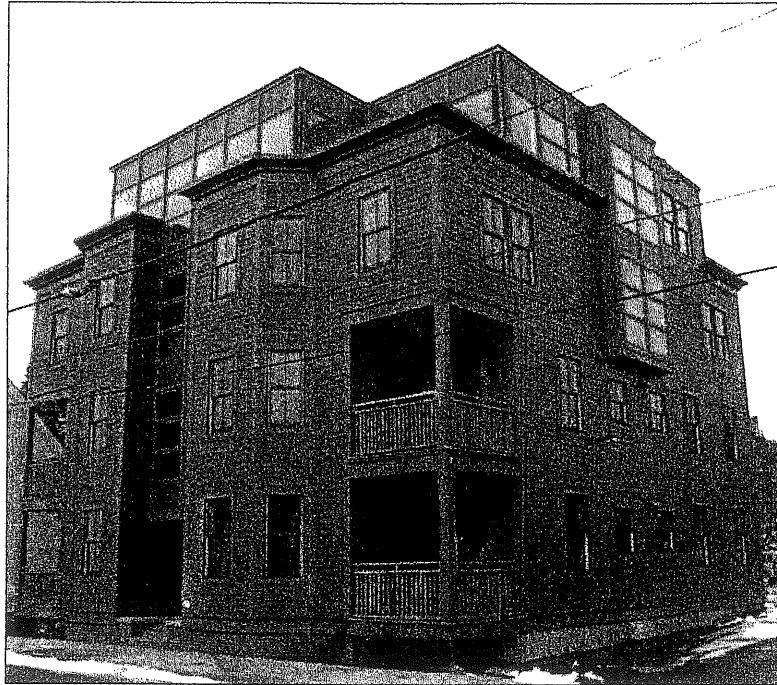
Sincerely,



Matthew Chambers and  
Lesli Chambers  
44 North St.  
Portland, ME 04101

**Sumner Place Condominium  
117 Sheridan St.  
Portland**

MLS#s 766142 thru 766149



**8 new condominium units**

**4 front to back "Flats"**

1150 sqft. 2 bedrooms, 1 3/4 bathrooms, secure storage, parking for 2

**\$319,900**

**4 top corners "Townhouse" Units**

1175 sqft. 2 bedrooms, 1 1/2 bathrooms, gas fireplace, secure storage, parking for 2

**\$339,900 - \$359,900**

**All available for occupancy by late February '06**

**John Murton  
Keller Williams Realty  
553-2614**

## Sumner Place Condominium

117 Sheridan St., Portland, ME 04101

### Unit Specifications

2 Bedrooms

1 ½ Bathrooms in Town House; 1 ¾ Bathrooms in Flat

Wood frame construction, 2 x 6 exterior walls

R-19 min. insulation in walls, R 30 min in ceilings

½ and 5/8 finished drywall interior walls with "white" painted finish

Painted interior doors, jambs, casings and trim

Builders grade interior hardware, Schlage or equal, brass finish

Cherry Kitchen, Glenwood, Shaker half overlay panel doors, natural finish,  
almond melamine interior construction, wood dovetailed drawers

Plastic laminate counter top. Granite counter top optional at additional cost

Gas fireplace Vermont Castings Majestic 36BVR/T in Town House Living Room

Maple Hardwood floors in Living Room, Dining Room, Kitchen and Hall

Vinyl Flooring in Bathrooms, Ceramic Tile optional at additional cost

Carpet in Bedrooms, Hardwood optional at additional cost

Hardwood stair treads and handrails in Town House

Kohler plumbing fixtures, K-2293 Pedestal bathroom sinks, K-3422 Toilet, K-1585/1586 One Piece Bath and Shower Module

Grohe Classic 21-175 Bathroom Faucets

Grohe Temptra 4000 Shower/Tub Diverter/Volume Control, Shower Head and Tub Spout

Elkay ELUH3118 Lustertone Double Bowl Stainless Steel Kitchen sink

Grohe Classic 31-771 Kitchen faucet

FHW gas heat 2 zones: LUNA 310Fi

Appliances included: Maytag MGR5751ADS gas 30" free standing Range – Stainless Steel

Maytag UMV1152BAS Over the Range Microwave/ Exhaust System - SS

Maytag MTF2193ARS 21 cuft Refrigerator - Stainless Steel

Maytag MDB4650AWS Dishwasher- Stainless Steel

InSinkerator Badger 5 garbage disposal

Frigidaire FEX831C Washer and Dryer- White (Flats)

Maytag MAH2400AWW, MAE2400AYW stacked Washer/Dryer (Town House)

Kitchen, Bathroom and Laundry fan assisted ventilation to the outside

Closet shelves and rods

Medicine Cabinet w/ mirror in full Bathroom

Bathroom Accessories: 2 towel bars, 1 tissue holder and curtain rod

100 amp Unit electrical service panel

Digital cable in convenient locations

Surface mounted light fixtures, convenience receptacles and switches per code.

Smoke detectors, hard wired w/ battery backup in bedrooms, living space and hallways

Secure remote entry access

Automatic fire suppression Sprinkler System

Deck/Porch natural Cambera wood

Secure basement storage

Landscaping: Trees, shrubs, flowering plants and grass

Parking: 2 designated spaces

**Sumner Place Condominium**  
 117 Sheridan St., Portland, ME 04101

**Allowances and Options\***

Counter tops (plastic laminate)	\$ 1,650.00	
*Granite Counter Tops (Uba Tuba black/green/gold)	\$ 3,840.00	Add Option
Vinyl Bathroom Flooring	\$ 39.50 / sq.yrd.	
*Ceramic Tile in Bathrooms	\$ 12.15/ sqft	Add Option
Carpet in Bedrooms	\$ 20.00 / sq.yrd.	
*Maple Hardwood flooring in Bedrooms	\$ 9.30 / sqft	Add Option

**Appliances**

Stove/oven: Maytag	\$ 480.00
Refrigerator: Maytag	\$ 590.00
Dishwasher: Maytag	\$ 360.00
Microwave: Amana	\$ 210.00
Washer/Dryer: Frigidaire (stacked) (Flats)	\$ 600.00
Washer/Dryer: Maytag (stacked) (Town House)	\$ 925.00

Electrical Fixtures: Surface mounted \$ 550.00/ Unit

Bathroom Accessories \$ 265.00 Town House  
 3 Towel Bars-Chrome: Jamestown Series, (1 ½ Bathrooms)

**Franklin Brass**

2 Tissue Holders- Chrome: Jamestown  
 Medicine Cabinet- White: Zenith M182  
 Shower Curtain Rod- Chrome: Decor Bathware  
 DH-177H-5'

4 Towel Bars- Chrome: Jamestown Series \$ 420.00 Flat  
 2 Tissue Holders- Chrome: Jamestown (1 ¾ Bathrooms)  
 2 Medicine Cabinets- White: Zenith M182  
 2 Shower Curtain Rods- Chrome: Décor Bathware

June 27, 2006

To the Portland Planning Board

Dear Mr. Jaegerman:

We will not be able to attend the board's workshop on this application today. But for the elimination of modifications to 121 Sheridan Street, what the applicant presented at the community meeting a couple months ago appears to be the same building plan he presented in the previous workshops and public hearings conducted by the board. Our opinions in opposition to that plan, which should be in the board's record for this case, have not changed. Please advise us if those comments need to resubmitted for the revised application he presented to us that evening.

We would like the board to know that there were 12 or 13 residents at the community meeting on this application; no resident spoke in favor of it and all who did speak on it spoke in opposition to it. In particular, Annie Cowie asked the applicant to please consider the smallest building he could build and still make a reasonable profit. We all hope he took that suggestion to heart.

Another thing we respectfully ask the board to do today is to ask Urban Designer Carrie Marsh to provide it with the study she did that supports the finding in Planning Board Report #14-06, which states that she "reviewed the proposed elevations and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood."

But for the new 8-unit building on Sheridan Street, anyone who has looked around "the surrounding neighborhood," including North Street, Cumberland Avenue, and Walnut Street, will have seen nothing but one-, two- and three-family homes. The proposed building, which has a larger profile than the Shailer School, would dwarf any home in the surrounding neighborhood. Thus, we cannot understand by what possible stretch of the imagination Ms. Marsh was able to conclude that "the building would be architecturally appropriate and compatible with the surrounding neighborhood."<sup>1</sup>

We thank the board for the opportunity to submit these comments.

Respectfully submitted,

Annie and James Cowie

32 North Street, Portland, Maine 04101

---

<sup>1</sup> If Ms. Marsh's study is available to the public, we would like to receive a copy, please.



June 27, 2006

Portland Planning Board  
City Hall  
Portland, Maine

Re: Application for Conditional Rezoning of 121 and 135 Sheridan St., Greg Shinberg,  
Applicant

Dear Members of the Planning Board,

This letter is being submitted at the Workshop relating to the above-referenced project (the 'Project'), and is intended to become part of the public record of questions and issues submitted to the Planning Board (the "Board") regarding the Project.

We are abutters to the Project, residing at 117 Sheridan Street, Apt. 8. Our home is directly next to 121 Sheridan St., and looks out onto the property at 135 Sheridan St. As you know, the site of the future 135 Sheridan St. building is currently an undeveloped grassy field located directly behind 125 Sheridan St. (Jane Glass' house) and 121 Sheridan St, and is situated between two single-family homes and the hillside leading up to North Street, which is owned by the City of Portland and part of which is currently used as a public park.

As currently planned, Mr. Schinberg's proposal represents a significant departure from the current character of the neighborhood. We are concerned about the dramatic increase in the population density which the Project, which is three times larger than our building, would create in what is an otherwise quiet, urban neighborhood. We believe that the Project does not reflect the character of our neighborhood, will ultimately have a negative effect on the lives of the residents and the values of the surrounding homes because it is so inconsistent with the neighborhood, and will not produce the type of growth that is consistent with that on Munjoy Hill.

Out of concern for our neighborhood and our continued enjoyment and value of our home, we have the following questions or issues that we would like the Planning Board to consider:

1. In Mr. Shinberg's letter of June 12, 2006 to the Board, requesting conditional rezoning, he stated that "The existing house located at 121 Sheridan St. will remain a single family residence with no alterations other than for maintenance." We would suggest that, for the sake of certainty, the single family home and Mr. Shinberg's commitment not to alter the size or shape of that structure be included in the conditional rezoning. If Mr. Shinberg is pledging to not alter that home, he should have no objection to an explicit statement to that effect being made a part of the terms and conditions of the conditional rezoning. However, if Mr. Shinberg wishes to make changes to that home in the future, he should provide the Board with his plans now so that 121 Sheridan St. can be considered at the same time, as one project, with 135 Sheridan St.

- a. How binding is it to include Mr. Shinberg's statement in the conditional rezoning? In other words, if Mr. Shinberg is granted the conditional rezoning order as currently drafted by the City's Corporation Counsel (which in Section 2 includes the single family house "with no alteration other than for removal of the garage and the general maintenance of the house") will he be bound to not change the shape or size of the single family home in any way? Alternatively, if the reference to the single family home is deleted, as we understand from Alex Jaegerman's memo to the Board that Mr. Shinberg has requested, will he be bound by his statement in his letter to not change the shape or size of the single family home in any way?
  - b. If Mr. Shinberg is not required to commit to not altering the house, then what is the extent of the changes he'll be able to make to that house and lot under its current zoning, and what process will he have to follow? Will he have to come back to the Planning Board to change the size of the structure? In effect, how much can he change that structure, and how much more density will Mr. Shinberg be permitted to add to this community, without going through the Planning Board's process?
2. If Mr. Schinberg has considered both 121 and 135 Sheridan St. to be part of the same project in the past, why has he changed his position with his most recent plans? In Mr. Shinberg's past applications to this Board, he has considered 121 and 135 Sheridan St. to be a single plan, forming a horseshoe-shaped project surrounding Ms. Glass' house at 125 Sheridan St.. However, with this application for conditional rezoning, he has not included 121 Sheridan in the conditional rezoning.
- a. Every aspect of the two properties indicates that they should be considered as one proposal. First, Mr. Schinberg, as the owner and developer of both properties, considers the two properties to be contiguous parcels as evidenced by the fact that he is carving off part of 121 Sheridan St. and adding it to 135 Sheridan St. Second, the two properties abut each other, and but for this conditional zoning application he has always portrayed both parcels as part of the same development plan. Third, his ownership of both will not have changed, nor will he receive any less profits from the opportunity to develop them.
  - b. As Alex Jaegerman states in his June 22, 2006 memo to the Board, Mr. Shinberg has "reduced" the number of units from 24 to 21 simply by removing 121 Sheridan from the conditional zoning application. In fact, the number of units for 121 and 135 Sheridan has not been reduced - instead the total density remains the same. Mr. Shinberg has simply proposed removing 121 Sheridan from consideration of the plan. We are concerned that Mr. Schinberg has simply not committed to the ultimate density of the project. It is logical and appropriate to consider both properties together in order to see the final impact on the neighborhood, to have Mr. Schinberg commit to a number of units for the project (including the number of units he ultimately intends for what is currently 121 Sheridan), and to consider both 121 and 135 Sheridan as part of the same project.

3. What are the reasons that this Project, which calls for at least three times the number of units as 117 Sheridan St., should not be required to meet the requirements of the current R-6 zoning for the property? As you know, 117 Sheridan St. was built within its existing zoning - no rezoning or variance was sought. Why is Mr. Shinberg's project different than 117 Sheridan St.? We believe that any development should be appropriate and compatible with the neighborhood. In this case we believe the Project, as proposed, neither matches the scope and scale of housing currently on the street, nor does it fit the space allotted to it. Instead, it engulfs an abutting single family home (Jane Glass' home at 125 Sheridan St.) and will dominate the rest of the neighborhood. At a minimum, Mr. Shinberg's Proposal will have a significant negative effect on the value of Ms. Glass' home, and it may have a similar effect on the neighborhood as a whole.
4. Mr. Shinberg's plan allows an additional 32 vehicles in the community. The traffic study he submitted assumes that only 11-13 vehicles will be used for commuting to and from work. Even if that study is accurate, 11-13 additional cars would have a major negative impact on what is now a very quiet street filled with children and families walking their dogs. Traffic on Walnut Street has recently been diverted through Sheridan Street due to construction and we have noticed a significant increase in the number of cars, particularly in the morning. If the study is conservative, however, 15-20 additional vehicles would have a major impact on the street, and that is only half the number of parking spaces the plans would allow.
5. The Landscape Plan for the two properties shows a "Proposed Carport Roofline" abutting what appears to be either the backyard of our building at 117 Sheridan St., or the small City park that sits behind our backyard. Yet the Carport structure does not appear on any other rendering. What exactly would that structure look like?
6. Mr. Shinberg's plans eliminate any open space in the neighborhood, except for the small City park adjacent to our backyard at 117 Sheridan St, through which there is an easement which allows people access to the hillside park behind our home. Assuming that at least some of the 24 units will have pets, would the small park be the only open space available within the area to walk dogs? If only a third of the units had a dog, the potential morning and evening disturbance to the residents of 117 Sheridan St. by 8 dogs (not considering other neighborhood dogs) would be substantial. Note also that the proposed carport would serve as a buffer for any disturbance to Mr. Shinberg's building. We understand that an improved park is proposed on North Street, but we are not optimistic that residents of 135 Sheridan Street will climb the hill instead of simply using the park behind our backyard. A similar concern is raised about space for families with young children.

Thank you for your consideration of our questions and issues.

Sincerely,  


Sarah B. Coburn  
Brendan O'Neil

Annie and James Cowie  
32 North Street  
Portland, Maine 04101

September 11, 2006

Mr. Kevin Beal, Chairman  
Planning Board, City of Portland

Dear Chairman Beal:

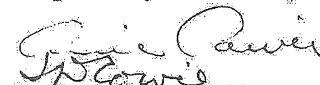
RE: Conditional Rezoning of 121 and 135 Sheridan Street

According to my son, David Cowie, and Councilor Will Gorham, who attended the Planning Board workshop on this application on Tuesday, June 27, they learned that the last paragraph of Section III of Planning Board Report #14-06, which states: "Carrie Marsh, Urban Designer, has reviewed the proposed elevations and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood," was not based on a comparison by Ms. Marsh of the then-proposed 21-unit building with the *actual, existing* surrounding neighborhood, as that statement most definitely implies, but with apparently *theoretical* buildings that might be allowed in an R-7 zone, even though that neighborhood is an R-6 zone.

That paragraph of the Board's report to the City Council was arguably the most influential statement in the entire report; it was, effectively, the Planning Division's finding and recommendation as to the architectural suitability and compatibility of the original application with the existing surrounding neighborhood. We find it amazing, and disturbing, that such an important finding was not backed up by a study based on an *on site* assessment by the Planning Division.

Accordingly, if the Board intends to rely once again on Report #14-06 for its recommendation to the City Council, we respectfully request that, if it has not already done so, the Board direct the Planning Division to *correct* the paragraph quoted above so that it accurately describes what kind of an assessment Ms. Marsh's opinion is actually based on. Should the Board prepare a new report for the Council on this revised application, and should the report contain another statement by the Planning Division that compares the appropriateness and compatibility of the proposed building with the surrounding neighborhood, we urge the Board to direct the Planning Division to attest that the statement is based on an *on site* assessment that compares the proposed building with the *actual* surrounding neighborhood, an R-6 zone, as it exists today.

Respectfully submitted,

  
Annie and James Cowie

Cc: Alex Jaegerman, Director, Planning Division;  
Lee Urban, Director, Planning and Development Department;  
Councilor Will Gorham;  
David Cowie

**From:** Douglas Cowie <jdcowie@gwi.net>  
**Date:** 12/07/2005 1:24:58 PM  
**Subject:** Re: Sheridan Street LLC map amendment - Dec 6 Mobile Planning BoardWorkshop

Ms Talbot, this is a post script to the e-mail below.  
My wife, Annie, is a member of the Fort Sumner Park committee for which the landscape architect who spoke at the mobile workshop yesterday is working. Annie just told me she understands one of the elements of the plan is to lower the elevation of the Park Lookout to that of the Park, so that it doesn't block the view from the Park, as it does now. The elevation of the Park is about the same as that of the land behind Shailer School [if anything the Park is lower], and I think the architect said yesterday that the proposed buildings would be higher than the fence behind Shailer, which is about 4 feet above ground level. So, unless I misunderstood him, the ultimate elevation of the Park Lookout will be lower than those buildings, by at least 4 feet, and thus have the potential of blocking the views from the Lookout in their direction.

James Douglas Cowie  
32 North St

Douglas Cowie wrote:

> Dear Ms Talbot:  
>  
> It was nice meeting you at the workshop yesterday. One reason my wife,  
> Annie, and I are opposed to this variance is the height of the  
> proposed buildings, which the architect said yesterday would be very  
> close to the 50 foot R-7 limit. We live on North Street. The new  
> 45-foot building on Sheridan Street obliterates our view of the city  
> in that direction; it is far higher than the horizon. We used to be  
> able to see planes land at the airport. Those views are gone forever.  
> Today, we have a nice view from our kitchen window of southern end of  
> Back Cove. Once the proposed buildings are up, it will obliterate  
> that view, too. We would like these comments to be provided to the board.  
>  
> In addition, and more important, is whether that building will block  
> any views from the Fort Sumner Lookout. Therefore, we are requesting  
> that board require the developer to present a drawing at the next  
> workshop, or at the public hearing, that shows the elevations of the  
> Fort Sumner Lookout and of his proposed buildings, and that preferably  
> also shows the Lookout's view in the direction of the proposed  
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> place.  
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> Thank you,  
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> Annie and James Cowie  
> 32 North St  
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> Kandi Talbot wrote:

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>> Mr. Cowie:

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>> A "map change" changes the proposed property or area from one zoning designation to another. In this case the owners are requesting that the property be changed from R-6 to R-7 to allow for more density on the site. The City has an adopted zoning map and this map will be changed if the proposed zone change gets passed by the City Council.

>>

>> Any questions, please let me know. Thanks.

>>

>> Kandi

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>>>> Douglas Cowie <jdcowie@gwi.net> 11/05/2005 4:11:55 PM >>>

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>> Ms Talbot, please tell me what a "map change" is.

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>> Douglas Cowie wrote:

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>>> Dear Ms Talbot:

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>>> \_Please convey these comments to the Planning Board.\_

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>>> My wife, Annie, and I are vehemently opposed to the Planning Board granting any variance that will allow this gigantic development, yet another one on Munjoy Hill, already the most densely-populated neighborhood in the city. From our home we look down on - [make that "/over at/", because it's so high] - the 8-unit condo complex this company has just built down on Sheridan Street. Now apparently they want to add another 3-unit building to that relative monstrosity [it's much higher than anything on that street]? And a 28-unit complex a few doors down, presumably just as high - and three times bigger? It's not fair, and could be unsafe, to allow another enormous housing complex to an already congested neighborhood of this city.

>>>

>>> Over the years, although not in recent years, we have been to a number of Planning Board meetings. The board always treated developers with utter courtesy, keen interest, and virtually uncritically, but at least some members responded to /public/ witnesses with acts of apparent boredom [such as rolled eyes and paper shuffling] or patronizing disrespect. We dearly hope the current board is different, but we never saw a Planning Board reject a developer's project in all the meetings we attended. Despite that we are hopeful this board will see fit to /not/ approve a variance that will allow this monstrous project to be built.

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>>> It's possible Annie will be able to attend the workshop, but James  
>>> works full time in Augusta and cannot. Please let us know when the  
>>> board will hold a public hearing on this project and when it will  
>>> actually vote on it, and if that vote will be open to the public.

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>>> Sincerely,

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>>> Ann C. and James D. Cowie,  
>>> Owners, for 20 years, of the property at  
>>> 32 North Street  
>>> Portland 04101  
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CC: Kandi Talbot <KCOTE@portlandmaine.gov>,  
<wgorham@portlandmaine.gov>



**From:** Douglas Cowie <jdcowie@zwi.net>  
**To:** Kandi Talbot <KCOTE@portlandmaine.gov>  
**Date:** 12/07/2005 11:25:40 AM  
**Subject:** Re: Sheridan Street LLC map amendment - Dec 6 Mobile Planning BoardWorkshop

Dear Ms Talbot:

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Thank you,

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32 North St

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> >

CC: <wgorham@portlandmaine.gov>

**From:** "Greg Shinberg" <gls@gwi.net>  
**To:** "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>  
**Date:** 09/21/2006 12:59:54 PM  
**Subject:** FW: Open Space

Shukria:

Mitchell worked with TFH (who had conversations with Marge)

Please see below.

Greg

Shinberg Consulting, LLC  
477 Congress Street, 5th Floor  
Portland, Maine 04101-3427  
Office 207 523 3410  
Fax 207 773 8597  
Cell 207 653 7510  
gls@gwi.net

-----Original Message-----

From: Mitchell Rasor [mailto:mraser@mrlid.net]  
Sent: Monday, September 18, 2006 1:48 PM  
To: Greg Shinberg  
Subject: Open Space

I went through the numbers twice and came up with

27.36% open space

And then

27.33% open space

This was using a lot size of 24,567.1 SF

I would give yourself a bit of leeway, seeing that this is not a finished "site design" that has been fully vetted by the PB and other Departments like Fire and Rescue.

-M

Mitchell Rasor  
MRLD, LLC

87 Main Street  
Yarmouth | ME | 04096  
T 207 846 4966  
F 207 846 4596

mraser@mrlid.net  
www.mrlid.net

February 4, 2006

Kandice Talbot, Planner  
Planning Division  
City Hall, 4<sup>th</sup> Floor  
389 Congress St.  
Portland, ME 04101

Dear Ms. Talbot and Planning Board Members:

I am writing in regard to the proposed rezoning of the property located at 121 and 135 Sheridan Street from R-6 to R-7. This letter is in addition to the wide range of concerns that have already been voiced by the community.

I strongly urge the Planning Board to decline this zoning change proposal. This project does not reflect the intentions, or meet the specifications of the R-7 zoning.

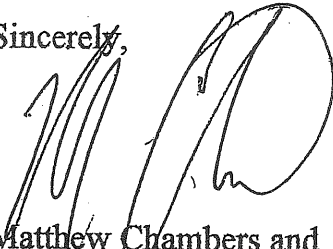
The R-7 zoning ordinance was printed in several places within the Planning Board Memorandum packet that you prepared. Within the lengthy description it states, "*The intent of this zone (R-7) is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.*"

Attached to this letter is a three-page real estate advertisement for the recently completed building at 117 Sheridan Street. The prices for these units range from \$319,900 - \$359,900. And those prices are before many of the necessary appliances and decorations have been installed (see page 3), so the actual costs would be even higher.

The proposed units at 121 and 135 Sheridan are remarkably similar in description to those at 117 Sheridan Street. The proposed units are described as 2 bedroom units with an average square footage of 1,300 square feet. The eight 2 bedroom units at 117 Sheridan St. are 1,150 - 1,175 square feet. Therefore, the real estate value of the proposed units, were they constructed, would be well over \$300,000.

Housing that costs over \$300,000 **DOES NOT** represent an increased opportunity for "*owners and renters representing a variety of income levels and household types.*" Quite simply, these will essentially be luxury units available only to a very specific type of income level and household type.

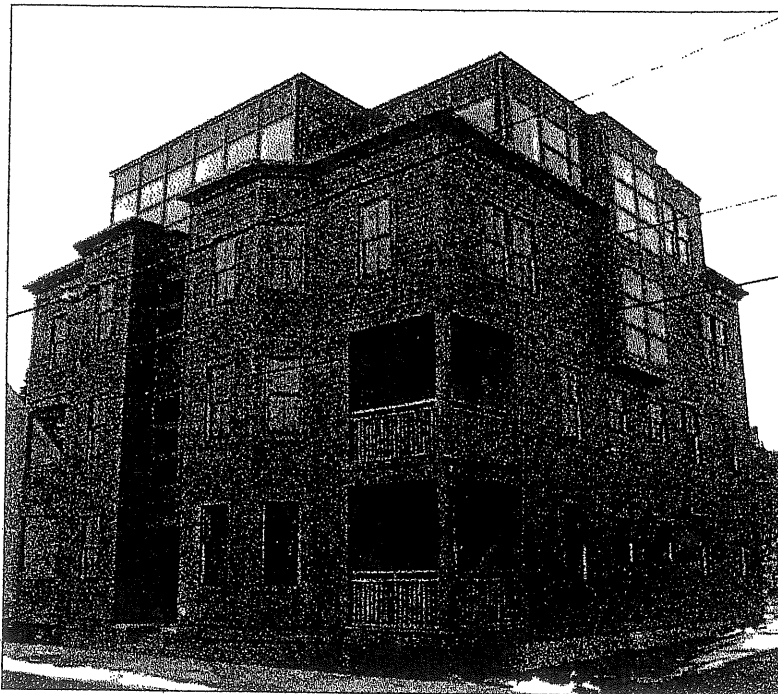
Sincerely,



Matthew Chambers and  
Lesli Chambers  
44 North St.  
Portland, ME 04101

**Sumner Place Condominium**  
**117 Sheridan St.**  
**Portland**

MLS#s 766142 thru 766149



**8 new condominium units**

**4 front to back "Flats"**

**1150 sqft. 2 bedrooms, 1 3/4 bathrooms, secure storage, parking for 2**

**\$319,900**

**4 top corners "Townhouse" Units**

**1175 sqft. 2 bedrooms, 1 1/2 bathrooms, gas fireplace, secure storage, parking for 2**

**\$339,900 - \$359,900**

**All available for occupancy by late February '06**

**John Murton**  
**Keller Williams Realty**  
**553-2614**



Sumner Place Condominium  
117 Sheridan St., Portland, ME 04101

## Unit Specifications

2 Bedrooms  
1 ½ Bathrooms in Town House; 1 ¾ Bathrooms in Flat  
Wood frame construction, 2 x 6 exterior walls  
R-19 min. insulation in walls, R 30 min in ceilings  
½ and 5/8 finished drywall interior walls with "white" painted finish  
Painted interior doors, jambs, casings and trim  
Builders grade interior hardware, Schlage or equal, brass finish  
Cherry Kitchen, Glenwood, Shaker half overlay panel doors, natural finish,  
almond melamine interior construction, wood dovetailed drawers  
Plastic laminate counter top. Granite counter top optional at additional cost  
Gas fireplace Vermont Castings Majestic 36BVR/T in Town House Living Room  
Maple Hardwood floors in Living Room, Dining Room, Kitchen and Hall  
Vinyl Flooring in Bathrooms, Ceramic Tile optional at additional cost  
Carpet in Bedrooms, Hardwood optional at additional cost  
Hardwood stair treads and handrails in Town House  
Kohler plumbing fixtures, K-2293 Pedestal bathroom sinks, K-3422 Toilet, K-  
1585/1586 One Piece Bath and Shower Module  
Grohe Classic 21-175 Bathroom Faucets  
Grohe Temptra 4000 Shower/Tub Diverter/Volume Control, Shower Head and  
Tub Spout  
Elkay ELUH3118 Lustertone Double Bowl Stainless Steel Kitchen sink  
Grohe Classic 31-771 Kitchen faucet  
FHW gas heat 2 zones: LUNA 310Fi  
Appliances included: Maytag MGR5751ADS gas 30" free standing Range – Stainless Steel  
Maytag UMV1152BAS Over the Range Microwave/ Exhaust System - SS  
Maytag MTF2193ARS 21 cuft Refrigerator - Stainless Steel  
Maytag MDB4650AWS Dishwasher- Stainless Steel  
InSinkerator Badger 5 garbage disposal  
Frigidaire FEX831C Washer and Dryer- White (Flats)  
Maytag MAH2400AWW, MAE2400AYW stacked Washer/Dryer (Town House)  
Kitchen, Bathroom and Laundry fan assisted ventilation to the outside  
Closet shelves and rods  
Medicine Cabinet w/ mirror in full Bathroom  
Bathroom Accessories: 2 towel bars, 1 tissue holder and curtain rod  
100 amp Unit electrical service panel  
Digital cable in convenient locations  
Surface mounted light fixtures, convenience receptacles and switches per code.  
Smoke detectors, hard wired w/ battery backup in bedrooms, living space and hallways  
Secure remote entry access  
Automatic fire suppression Sprinkler System  
Deck/Porch natural Cambera wood.  
Secure basement storage  
Landscaping: Trees, shrubs, flowering plants and grass  
Parking: 2 designated spaces

Sumner Place Condominium  
 117 Sheridan St., Portland, ME 04101

Allowances and Options\*

Counter tops (plastic laminate)	\$ 1,650.00	
*Granite Counter Tops (Uba Tuba black/green/gold)	\$ 3,840.00	Add Option
Vinyl Bathroom Flooring	\$ 39.50 / sq.yrd.	
*Ceramic Tile in Bathrooms	\$ 12.15/ sqft	Add Option
Carpet in Bedrooms	\$ 20.00 / sq.yrd.	
*Maple Hardwood flooring in Bedrooms	\$ 9.30 / sqft	Add Option

Appliances

Stove/oven: Maytag	\$ 480.00
Refrigerator: Maytag	\$ 590.00
Dishwasher: Maytag	\$ 360.00
Microwave: Amana	\$ 210.00
Washer/Dryer: Frigidaire (stacked) (Flats)	\$ 600.00
Washer/Dryer: Maytag (stacked) (Town House)	\$ 925.00

Electrical Fixtures: Surface mounted \$ 550.00/ Unit

Bathroom Accessories \$ 265.00 Town House  
 3 Towel Bars-Chrome: Jamestown Series, (1 ½ Bathrooms)

Franklin Brass

2 Tissue Holders- Chrome: Jamestown  
 Medicine Cabinet- White: Zenith M182  
 Shower Curtain Rod- Chrome: Decor Bathware  
 DH-177H-5'

4 Towel Bars- Chrome: Jamestown Series \$ 420.00 Flat  
 2 Tissue Holders- Chrome: Jamestown (1 ¾ Bathrooms)  
 2 Medicine Cabinets- White: Zenith M182  
 2 Shower Curtain Rods- Chrome: Décor Bathware

**ZONE CHANGE REQUEST  
FROM R-6 RESIDENTIAL TO CONDITIONAL REZONE  
VICINITY OF 121 & 135 SHERIDAN STREET**

**SHERIDAN STREET, LLC, APPLICANT**

Submitted to:  
Portland City Council  
Portland, Maine

Submitted by:  
Shukria Wiar, Planner

Prepared September 20, 2006

## I. INTRODUCTION

Greg Shinberg on behalf of Sheridan Street, LLC is requesting review of a proposed zone change for the property located at 121 and 135 Sheridan Street to allow twenty-two (22) residential dwelling units in total: twenty one (21) units for the property at 135 Sheridan Street and one single-family home at 121 Sheridan Street. The applicant is returning to the City Council with a new application for conditional rezone for the parcel instead of a straight rezone. The current zoning of the site is R-6 Residential and the sites are approximately 29,127 sq. ft. total in size. The R-6 zone would allow 20 residential units. The proposed zone change map is included as Attachment 8.

Originally the applicant had requested straight R-7 rezoning, which was forwarded to the City Council with a 3-3 split vote from the Board. The City Council voted 4 – 5 on the rezone request, thus it failed to pass.

The applicant is returning to the City Council with a new application for conditional rezoning for his parcel. The major new element to this rezone request is the conditional rezoning agreement. Under the previous R-7 request, the maximum density of R-7 would have allowed up to 56 dwelling units, although the site clearly could not accommodate such a large development, and only 24 units were proposed at the time. The conditional rezoning retains R-6 as the underlying zone, commits the project to the plans as submitted, and does not introduce the high R-7 density to the site.

241 notices were sent to area residents and a legal ad was placed in the Portland Press Herald. A neighborhood meeting was held on August 3, 2006 and the minutes are included as Attachment 7.

The contents of this report are as follows:

- I. Introduction
- II. Development Findings
- III. Surrounding Uses
- IV. Development Plan
- V. Policy Considerations
- VI. Zoning Analysis
- VII. Neighborhood Meeting and  
Public Hearing Comments
- VIII. Planning Board  
Recommendation

## II. DEVELOPMENT FINDINGS

**Site and Land Area:** 121 Sheridan Street and 135 Sheridan Street, two sites with .67 acres.

**Tax Maps:** Tax Map 13, Block K, Lots 2; and Block K, lot 17.

**Existing Uses:** Vacant land and a single-family home

**Current Zoning:** R-6

**Proposed Zoning:** Conditional Rezoning to modify the existing R-6 zone

**Total Units:** 21 residential condominiums for 135 Sheridan Street and 121 will stay single family.

**Housing Mix:** 4 one-bedroom units, 11 two-bedroom units, and 6 three-bedroom units

**Building Height:** The residential building at 135 Sheridan Street five stories above a one level of 17 parking spaces and two units. The proposed maximum building height from the average grade is 43'10" as shown in [Attachment 5c](#).

**Building Setbacks:** Proposed front yard setback is at 5 feet to the terrace wall. The northerly side yard is graduated from 3" along Sheridan Street to 14'5" at the rear of the site with a deck within 2' of the property line. The southerly side yard setback shall range from 3' to 5' at the location of the surface parking. The rear yard setback range is approximately 16' to 17'9". These setbacks are included in the Conditional Rezone Order as [Attachment 6](#).

**Proposed Parking:** A total of 29 parking spaces are proposed. Seventeen (17) of these parking spaces will be in a car park on the ground floor of the building and 12 will be surface parking on the south side of the property.

**Parking Ratios:** The proposed parking ratio for the residential units is 1.38:1



City of Portland  
Proposed Conditional Rezoning  
for 121 -135 Sheridan Street  
Map prepared by the City of Portland's Department of Planning & Development

## III. SURROUNDING USES

The uses in the area consist mostly of residential buildings. The buildings range from single-family to multi-family consisting of up to seventeen (17) units.

Also adjacent to the site is the Fort Sumner Park and vacant City property.

## IV. DEVELOPMENT PLAN

The properties are located at 121 & 135 Sheridan Street. The developer is proposing that the that property at 135 Sheridan Street will include 21 units and 29 parking spaces; 17 covered parking spaces and 12 surface parking spaces.

Mr. Shinberg has revised his plans, as described in his letter and application, see Attachment 4. The number of units has been reduced from 24 to 21 units in the parcel at 135 Sheridan Street. The property located at 121 Sheridan Street presently has a single-family home with a detached single-story garage located on it. The existing house will remain a single-family residence with no alterations other than for maintenance. This lot for 121 Sheridan will be reduced from 10,000 sq. ft to 4,500 sq. ft, with the rear portion being added to the 135 Sheridan Street parcel. The existing freestanding garage located at 121 Sheridan Street will be removed and replaced with surface parking and access for the L shaped building.

Based on comments early on in the rezoning process by Planning Board members and from the neighborhood meeting, the applicant revised the development plans. The applicant reduced the number of proposed units from 24 units to 21 units. The new 21 units building will be somewhat smaller with some one-bedroom units. The height of the building will not exceed 45', while the previous proposal had some penthouse elements that approached 50' in height. The applicant is now proposing 29 parking spaces for the development. This proposal is proposing a ratio of one point thirty-eight (1.38) parking spaces per unit. The R-6 zone would normally require 46 parking spaces (2 per unit plus one for every 6 units).

The major new element to this rezone request is the conditional rezoning agreement. The chart with the zoning comparison shows that the maximum density allowed in the R-7 zone is 56 units, compared to the proposal for 21 units on this lot. While the parking and setbacks of the proposal are more consistent with the R-7 zone, the density is within one unit of the R-6 density. The conditional rezoning responds to concerns that the R-7 rezoning could allow much more density than can reasonably be sited on this lot, or that would be desirable on this lot. The developer is requesting the conditional zone change to allow for a reduced number of parking spaces and reduced setbacks. The R-7 data is provided for comparison purposes.

#### Park Improvement

The applicant has been in discussions with Regina Leonard of the Fort Sumner Park Committee and Jaime Parker of Portland Trails. There have been discussions of trail work being done in collaboration with this proposed project. The conditional rezoning agreement includes several provisions related to the trails and adjacent park. A future easement across the land located at 135 Sheridan Street for a walking path will be granted to the City and Portland Trails for pedestrian access to the existing trails on North Street.

There is interest in creating a community garden in either of two locations adjacent to this project. One location is on the adjacent City property south of this parcel, and the other is the adjacent City parcel north of this parcel. The City is requesting an access easement to the southerly City parcel. The City is also requesting the installation of utilities (water and electric) from the building to the boundaries of the adjacent City owned property. Mr. Shinberg is proposing the installation of a one-inch water line with shut off valves to the two adjacent City owned parcels for the future community gardens that may be located next door. The City is also requesting a contribution to the proposed improvements to Fort Sumner Park and applicant has agreed to an eighteen thousand dollar (\$18,000) contribution to the cost of improvements to trails, community gardens and park enhancements. There are two informal footpaths up the embankment from Sheridan Street to Fort Sumner Park. These paths are rough and steep, and prone to

erosion. One improvement that is projected associated with this development is the access and aesthetic improvement of the embankment, and to provide a proper access from Sheridan Street to the park. Landscape Architect Regina Leonard has been commissioned by the Parks and Recreation Department to prepare a landscape plan for Fort Sumner Park.

Traffic

The applicant has also submitted a traffic study in response to traffic concerns. Tom Errico, the City’s Review Traffic Engineer, has reviewed the traffic study and the proposed plans and has recommended that a contribution of \$5,000 be made to the planned improvements at the Washington/Walnut Street intersection. Mr. Shinberg will contribute the \$5,000 recommended contribution.

**V. POLICY CONSIDERATIONS**

Below is a chart, which demonstrates what the applicant is proposing and what would be allowed/required in the R-6 and R-7 zones for the number of units, parking, etc. This chart is to give the City Council an idea of the differences between the two zones.

<b>Standard</b>	<b>Proposed</b>	<b>R-6</b>	<b>R-7</b>
<b>Lot Size</b>	29,127 sf combined lots; 24,567 sf Proposed lot	4,500 minimum	None
<b>Residential Density</b>	21 units proposed, plus existing single-family house on separate lot.	20 units on 24,567 sf parcel	55 units
<b>Street Frontage</b>	50' for 135 Sheridan 50' for 121 Sheridan (includes portion of access easement)	50 ft	None
<b>Front Yard</b>	5' to terrace wall	10 ft or average setback of adjoining if closer to street	None
<b>Rear Yard</b>	16' – 17'9"	10 ft	None
<b>Side Yard</b>	Northerly: 3' – 14'5" Southerly: 70' +/- to side line; 18' – 24' to easement line; Surface Parking: 3' – 5' to south line	15' for 5 stories.	25' required between new residential and existing abutting residential structure
<b>Structure Height</b>	45 ft	45 ft	50 ft
<b>Lot Coverage</b>	Not provided	40%	100%
<b>Open Space</b>	Not provided	Porches or patios required or 10% open space	None
<b>Off-Street Parking</b>	29 spaces for 21 units at 135 Sheridan St. (1.38 spaces per unit)  2 spaces for one unit at 121 Sheridan ST.	2 per unit plus 1 for every 6 units.	One space per unit required

## VI. ZONING AND COMPREHENSIVE PLAN ANALYSIS

Conditional rezoning is governed by provisions 14-62 a through h of the municipal code as follows:

- (a) Limitations on the number and types of uses permitted;
- (b) Restrictions on the scale and density of development;
- (c) Specifications for the design and layout of buildings and other improvements;
- (d) Schedules for commencement and completion of construction;
- (e) Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
- (f) Preservation of open space and buffers, and protection of natural areas and historic sites;
- (g) Contributions toward the provision of municipal services required by the development; and
- (h) Provisions for enforcement and remedies for breach of any condition or restriction.

The proposed conditional rezoning for the property located at 121 & 135 Sheridan Street must be evaluated for consistency with the City's Comprehensive Plan. Some relevant excerpts from the Comprehensive Plan are as follows:

### **Housing: Sustaining Portland's Future – Adopted November 18, 2002**

*“Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as school, businesses, institutions, employers, and public transportation.”*

*“Evaluate and update current zoning, as needed, to encourage higher density multi-family developments and mixed use projects that incorporate housing, particularly along major public transportation routes, near services areas, and in redevelopment or infill areas, where appropriate.”*

*“Encourage housing within and adjacent to the downtown. Evaluate and update current zoning and building codes, as needed, to facilitate new housing and redevelopment opportunities, including:*

- \* *Condominiums;*
- \* *Townhouses;*
- \* *2 to 4 unit buildings;*
- \* *Live/work options; and*
- \* *High-density multi-family housing.”*



*“Portland seeks to encourage construction of new housing units through land use regulations and financial incentives. Increasing Portland’s housing stock in developed urban areas of the city is challenging, but necessary for the long-term health of the city.”*

*“Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.”*

*“Adopt neighborhood design guidelines as part of Portland’s land use code for new housing and substantial rehabilitation that are compatible with the character and patterns of development found within each neighborhood.”*

*“Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.”*

**A Time of Change: Portland Transportation Plan – Adopted July 1993**

*“Provide maximum mobility in a balanced transportation system, which encompasses all modes, to support the economic vitality and quality of life of the Portland community.”*

*“Ensure future growth does not foster auto dependency.”*

*“Allow development along transit corridors and near community commercial centers to evolve at a density sufficient to make public transit, walking, and biking viable options.”*

As stated previously, the applicant is proposing 135 Sheridan Street will consist of twenty-one (21) units. The site area is approximately 24,127 sq. ft.

Sheridan Street is located on the peninsula and is within walking distance of downtown or other work places and shopping. To the east of the property is Shailer School, which is located on North Street, within the same block as the proposed development. Shailer School consists of 17 units. A mixture of density characterizes this area of the peninsula.

The proposed zone change will provide increased density in an area near to services such as schools, businesses, institutions, employers and public transportation. It will also provide compact in-city living for owners that represent a variety of income levels and household types. It is located near the downtown district and close to the Cumberland Avenue METRO line that serves Munjoy Hill.

The Comprehensive Plan encourages development of infill projects on the peninsula, with less required parking spaces to promote walking to work and shopping or utilize public transportation. The East End School is located within walking distance, and the Portland Trail network is located adjacent to the site.

**VII. NEIGHBORHOOD MEETING AND PUBLIC COMMENT**

The applicant held a neighborhood meeting on August 3, 2006. The meeting notes and list of attendees is in Attachment 7. Public comments that have been submitted regarding this project are included in Attachment 10.

## VIII. PLANNING BOARD RECOMMENDATION

On the basis of site plans submitted by Sheridan Street LLC, the policies of Comprehensive Plan, public comment, the information provided in the Planning Board Report, and/or other findings as follows:

The Planning Board finds that the proposed Conditional Rezoning for Sheridan Heights on Sheridan Street is consistent with the Comprehensive Plan of the City of Portland and meets the standards of 14-62 a through h (Conditional and Contract Zoning). The Planning Board therefore recommends to the City Council approval of the proposed conditional rezoning at 121 and 135 Sheridan Street, subject to the following conditions:

i. There shall be deed restriction to limit the 121 Sheridan Street property to one single-family structure subject to R-6 zoning.

ii. That condition 7 of the Conditional Rezone Agreement be substituted as follows:

The sale price of the two of the twenty-one (21) units will not exceed a total cost of \$200,000 (Two Hundred Thousand Dollars) and there shall be an income and equity limitation for any future sale of those units to ensure affordability. The equity and income limitations will be determined by the City Department of Planning and Development in consultation with the applicant.

iii. No fewer than the two (2) units in the residential condominium building shall be no more than 850 square feet, shall be no more than one-bedroom occupancy, shall be located generally in the stern wing in the condominium building and that neither such units can be combined with any other units in the condominium building.

iv. The staff is to review and adopt standards for maximum lot coverage and open space ratios to Section Five (5) of the Conditional Rezoning Agreement.

On September 12, 2006 the Planning Board voted 4-2 (Lowry, Hall, Tevanian and Silk in favor; Chair Beal, Odokara opposed; Vice Chair Patterson Anton absent) on a motion to recommend the R-6 to conditional R-6 for 121 & 135 Sheridan Street to the City Council.

Mr. Lowry, Mr. Hall, Ms. Tevanian and Mr. Silk, the four Planning Board members who voted to recommend the rezoning from R-6 to conditional R-6, all felt that this type of development was what the City was looking for when the Housing Element of the Comprehensive Plan was adopted. The Housing Plan talks about increasing density in urban areas of the City, and this project meets this type of development and is appropriate for this site.

Chair Beal and Ms. Odokara, the two Planning Board members who voted against the recommendation to conditional rezone the property, felt that Sheridan Street was not a

high-density street and this type of development would have a negative impact on the neighborhood. It was also mentioned that the massing of this proposal dwarfs the adjacent properties and especially the house at 125 Sheridan Street. They felt that this particular location isn't appropriate for the size of the building.

Attachments

- 1) Application for Zoning Amendment- Submitted June 13, 2006
  - a. Conditional/Contact Rezoning Application
- 2) Boundary Survey/Existing Conditions Site Plan
- 3) Letter from Greg Shinberg Dated June 12, 2006
- 4) Revised Letter from Greg Shinberg Dated August 28, 2006
  - a. Chart of houses in vicinity that exceeds R-6 Density
- 5) Revised Site Plans
  - a. Sheridan Street Elevation A2.0
  - b. Sheridan Streetscape A2.1
  - c. West Elevation A2.2
  - d. South Elevation A2.3
  - e. North & East Elevations A2.4
  - f. Floor Plans A1.1
  - g. Site Plan L1
- 6) Conditional Rezoning Agreement
- 7) Neighborhood Meeting Minutes Dated August 25, 2006
- 8) Conditional Rezone Site Map
- 9) Memo from Aaron Shapiro Dated September 8, 2006
- 10) Abutters' Letters

JAMES I. COHEN (MAYOR)(5)  
JILL C. DUSON (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)  
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)

**ORDER AUTHORIZING AMENDMENT TO CITY CODE  
SEC. 14-49 (ZONING MAP AMENDMENT)  
RE: CONDITIONAL REZONING FOR 121-135 SHERIDAN STREET**

**ORDERED**, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below:

**Sheridan Street LLC  
Sheridan Street, Portland, Maine**

This contract made this \_\_\_\_ day of \_\_\_\_\_, 2006 by **SHERIDAN STREET LLC**, a Maine Limited Liability Corporation having a place of business at One Longfellow Square, Portland, Maine (hereinafter "Developer").

**WHEREAS, DEVELOPER** owns property at 121-135 Sheridan Street, Portland, Maine; and

**WHEREAS, DEVELOPER** filed a request for a Conditional Rezoning with the City of Portland ("City") to modify an existing R-6 zone to accommodate housing with reduced parking; and

**WHEREAS**, the at 121-135 Sheridan Street property is more specifically described and shown on the Portland Assessors Map, Parcels 13-K-2 and 13-K-17 (the "Property"): and

**WHEREAS**, the Portland Planning Board determined the rezoning would provide needed housing in the City and would not negatively impact the surrounding residential community; and

**WHEREAS**, the Portland Planning Board, pursuant to 30-A M.R.S.A. §4352(8), and after notice and hearing and due deliberations, recommended the rezoning of the Property, subject, however, to certain conditions; and

**WHEREAS**, the City, by and through its City Council, has determined that the rezoning, necessary because of the unusual nature of the development, with conditions and restrictions, would be pursuant to and consistent with the City's Comprehensive Plan and would not unreasonably interfere with the existing and permitted uses within the underlying R-6 zone; and

**WHEREAS**, the **DEVELOPER** has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **DEVELOPER** its successors and assigns; and

**NOW, THEREFORE**, in consideration of the rezoning of the Property, **DEVELOPER** contracts to be bound by the following terms and conditions:

1. The **CITY** shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change.



**City of Portland  
Proposed Conditional Rezoning  
for 121 -135 Sheridan Street**



0 37.5 75 150 225 300 Feet

Map prepared by the City of Portland's Department of Planning & Development

2. The use of the Property shall consist of a building containing a maximum of twenty one (21) unit residential units located at the rear of the site (the "Residential Condominium") with at least twenty-nine (29) on-site parking spaces for the use of the Residential Condominium; and an existing single family residential house located at the front of the lot along Sheridan Street (the Single-

Family House”) with two 2 on-site parking spaces for the use of the Single Family House (hereinafter collectively, the “Development”).

3. The Property will be developed substantially in accordance with the Site Layout Plan (the “Site Plan”), Attachment 1, by MRLD, LLC dated \_\_\_\_\_ and the conceptual elevations (the “Elevations”), Attachment 2, by TFH Architects dated \_\_\_\_\_, 2006.
4. The Planning Board shall review and approve the Site Plan according to the site plan and subdivision provisions of the Portland Land Use Code and nothing herein shall prevent the Planning Board from imposing conditions otherwise required to bring this development into compliance with those subdivision and site plan standards.
5. The underlying zoning requirements of the R-6 zone are modified as follows:
  - a. The maximum density shall be no greater than twenty one (21) residential units to be located on the lot within the Residential Condominium shown on Attachment 1 and the existing Single Family House located at the front of the lot as shown on Attachment 1; and
  - b. A minimum of thirty one (31) on-site parking spaces (29 shown for the Residential Condominium and 2 shown for the Single Family House) shall be provided and each unit shall be designated at least one (1) on-site parking space; and
  - c. For the Residential Condominium, the front yard setback shall be five (5) feet to the terrace wall as shown on Attachment \_\_\_\_; the northerly side yard setback shall be graduated from 3 feet along Sheridan Street to 14’5” feet at the rear of the site with a deck within 2’ of the property line and the southerly side yard setback shall range from three (3) to five (5) feet at the location of the surface parking all as more particularly shown on Attachment \_\_\_\_\_. The rear yard setback range shall be approximately 16’ to 17’9”.
  - d. The maximum lot coverage shall be no greater than 43.3% on the lot containing the Residential Condominium as shown on Attachment 1; the maximum lot coverage on the lot containing the Single Family House shall be maintained in accordance with the requirements of the R-6 zone.
  - e. The open space ration shall be no less than 25.2% of the land area of the lot containing the Residential Condominium as shown on Attachment 1; the open space ratio for the lot containing the Single Family House shall be no less than required under the R-6 zone.

Otherwise, the provisions of §14-139 through 14-140 (the R-6 Zone) of the Portland City Code shall apply to this development. Alterations and

improvements may be made to the Single Family House in accordance with the provisions of the R-6 Zone, but no change in use or the number of residential units in excess of one may be made to the Single Family House, except that home occupations shall be permitted therein in accordance with the provisions of the R-6 Zone. The conveyance of any property interest in the single family house shall contain a restriction on the residential use of the property to no more than one residential unit.

6. The **DEVELOPER** shall undertake the following:
  - a. The **DEVELOPER** shall deed to the City an easement for public access over the driveway shown on Attachment 1 for purposes of public pedestrian passage and access to the community gardens. The final location of the easement to be determined by the City and a deed executed at time of site plan approval; and
  - b. The installation of utilities stubs (water and electric) from the building to the boundaries of the adjacent City Owned property as shown on Attachment 3; and
  - c. The payment of a monetary contribution in the amount of \$23,000.00 to be allocated as follows: \$5,000 toward the implementation of the improvement project at the Washington Avenue/Walnut Street intersection; \$18,000 to be placed in an established Parks and Recreation fund to contribute to the cost of providing community improvements, such as trails, community gardens, park improvements, etc. in the vicinity of the development.
7. The initial sale price of two of the twenty-one (21) units in the Residential Condominium will not exceed a total cost of \$200,000 (Two-Hundred Thousand Dollars) and there shall be an income and equity limitation for any future sale of those units to ensure affordability. The equity and income limitations will be determined by the City Department of Planning and Development in consultation with the applicant.
8. In order to preserve affordability of at least two (2) of the units in the Residential Condominium at least two units in the Residential Condominium shall be not more than 850 square feet, and shall not contain more than one bedroom, and shall be located generally in the eastern wing of the building and such units shall be subject to a restriction to be contained in the condominium documents that prohibits combining such units with any other unit in the condominium.
9. In the event the development described herein is not commenced within two (2) years from the date of this rezoning, or an additional one year if, in the sole discretion of the City Planning Department, it deems such extension to be

appropriate, this contract shall become null and void and the Property shall revert back to the underlying R-6 zone.

10. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **DEVELOPER**, and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the Property. The **DEVELOPER** shall provide to the City the Book and Page number of said recording.
11. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
12. Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
13. In the event that **DEVELOPER**, or any successor fails to continue to utilize the Property in accordance with this Agreement, or in the event of an uncured breach of any condition(s) set forth in this Agreement, the Planning Board shall have the authority, after hearing and notice to the developer, to resolve the issue resulting in the breach. The resolution may include a recommendation to the City Council that the Agreement be terminated, requiring cessation of the use of the development authorized herein.

WITNESS:

SHERIDAN STREET LLC

\_\_\_\_\_

By \_\_\_\_\_  
Greg Shinberg  
Its: Manager

Cumberland, ss.

State of Maine  
Date:



Personally appeared the above-named Greg Shinberg, Manager of Sheridan Street LLC and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of Sheridan Street LLC.

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Notary Public

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\rezone\sheridanstreet0907062.doc

**CITY OF PORTLAND, MAINE  
CITY COUNCIL AGENDA REQUEST FORM**

**TO:** Sonia Bean, Senior Administrative Assistant  
**FROM:** Alexander Jaegerman, Director of Planning Division  
**DATE:** September 20, 2006  
**SUBJECT:** Agenda Request Re: Zone Change Request From R-6 Residential to Conditional  
R-6 Rezone - 121 & 135 Sheridan Street  
Sponsored by: Portland Planning Board

1) Council Meeting at which action is requested:

1<sup>st</sup> Reading: October 4, 2006  
Final Action: October 16, 2006

**Submission Deadlines:**

- 1 electronic copy of packet due 2 weeks prior to Council meeting date for the agenda meeting
- 5 hard copies due the Thursday before the Council meeting

2) Can action be taken at a later date?  YES  NO

**I. SUMMARY OF ISSUE**

The developer, Sheridan Street, LLC, is proposing a conditional rezoning of the property at 121 & 135 Sheridan Street from R-6 to a conditional R-6 to allow 22 (including the single family-house) units on the site and a total of 31 (including the two parking spaces for the single-family house) parking spaces. The site in total is approximately 29,127 sq. ft. There is a Conditional Rezoning Agreement.

**II. REASON FOR SUBMISSION (What issue/problem will this address?)**

The R-6 Zoning would only allow for twenty units on this site. However, the R-6 zoning would require 47 parking spaces (not including the two spaces for the single family house), instead of the 29 parking spaces proposed (1.38 spaces per unit). The Conditional Rezoning Agreement has modified the density, setbacks and parking.

**III. INTENDED RESULT (How does it resolve the issue/problem?)**

To allow twenty-two (22) units to be developed on the property, with a parking allowance of 1.38 spaces per unit and to benefit from the reduced setbacks allowed under the Conditional Rezoning Agreement.

**IV. FINANCIAL IMPACT**

The proposal does not have any known financial impact on the City.

## V. ANALYSIS

The developer is proposing that the combined properties of 121 & 135 Sheridan Street will consist of twenty-two (22) units with 31 parking spaces.

Sheridan Street is located on the peninsula and is within walking distance of downtown or other work places and shopping. To the east of the property is Shailer School, which is located on North Street, within the same block as the proposed development. Shailer School consists of 17 units. A mixture of density characterizes this area of the peninsula.

The proposed conditional zone change will provide increased density in an area near to services such as schools, businesses, institutions, employers and public transportation. It will also provide compact in-city living for owners that represent a variety of income levels and household types. It is located near the downtown district and close to the Cumberland Avenue METRO line that serves Munjoy Hill.

The Comprehensive Plan encourages development of infill projects on the peninsula, with less required parking spaces to promote walking to work and shopping or utilize public transportation. The East End School is located within walking distance, and the Portland Trail Network is located adjacent to the site.

The proposed conditional rezoning for the property located at 121 & 135 Sheridan Street must be evaluated for consistency with the City's Comprehensive Plan.

## VI. RECOMMENDATION

On September 12, 2006 the Planning Board voted 4-2 (Lowry, Hall, Tevanian and Silk in favor; Chair Beal, Odokara opposed; Vice Chair Patterson Anton absent) on a motion to recommend the R-6 to conditional R-6 for 121 & 135 Sheridan Street to the City Council.

Mr. Lowry, Mr. Hall, Ms. Tevanian and Mr. Silk, the four Planning Board members who voted to recommend the rezoning from R-6 to conditional R-6, all felt that this type of development was what the City was looking for when the Housing Element of the Comprehensive Plan was adopted. The Housing Plan talks about increasing density in urban areas of the City, and this project meets and encourages this type of development and is appropriate for this site.

Chair Beal and Ms. Odokara, the two Planning Board members who voted against the recommendation to conditional rezone the property, felt that Sheridan Street was not a high-density street and this type of development would have a negative impact on the neighborhood. It was also mentioned that the massing of this proposal dwarfs the adjacent properties and especially the house at 125 Sheridan Street. They felt that this particular location isn't appropriate for the size of the building.

## VII. SPONSOR

Kevin Beal, Chair, Portland Planning Board

### Attachments:

A. PBR #46-06

cc: Penny Littell, Corporation Counsel

**From:** Alex Jaegerman  
**To:** Shukria Wiar  
**Date:** 9/25/2006 11:12:37 AM  
**Subject:** Fwd: Re: Comments on Sheridan Street LLC's new application

Please include this in the Council packet.

>>> "Douglas Cowie" <jdcowie@gwi.net> 9/20/2006 11:14:05 AM >>>

Please use the message below Mr. Jaegerman, rather than the earlier one, which in the last sentence of the penultimate paragraph has word omissions that could be confusing. I'm sorry for the inconvenience.

James Cowie

----- Original Message -----

From: Douglas Cowie

To: alex.jaegerman

Cc: willie ; [lurban@portlandmaine.gov](mailto:lurban@portlandmaine.gov)

Sent: Wednesday, September 20, 2006 10:29 AM

Subject: Re: Comments on Sheridan Street LLC's new application

Alex Jaegerman, Director  
Planning Division  
City of Portland

Dear Mr. Jaegerman:

To follow up on my remarks to you after the Planning Board's public hearing on September 12, Planning Board Report #46-06, the basis of the board's decision, does not contain the e-mail correspondence to the board from my wife and me on the original application. We note it does contain the only supportive letter from Munjoy Hill on that application [and for that matter on the new application], from Markos Miller [Attachment 17a], which, since your division did not include our e-mails on it, we find quite odd.

Therefore, this is a formal request that your division include our e-mails on the original application, our letter of September 11, and this e-mail, in Report #46-06, or in whatever report the board sends to the City Council on this application. Please let us know if this request will be accomplished.

We note Report #46-06 includes our letter of June 27, about your division's finding in the board's report #14-06 by Carrie Marsh stating she "reviewed the proposed elevations [of the proposed development] and believes that, as proposed, the building would be architecturally appropriate and compatible with the surrounding neighborhood." In that letter we asked you to send us the study that supported that finding. We did not receive a study, so we assume none exists. [If that is not correct, we ask again that you send us that study.] In our September 11 letter we noted that David Cowie and Will Gorham learned, at the board's June 27 workshop on this application, that Ms. Marsh's opinion was not based on an on site review and an inspection of the actual surrounding neighborhood. That letter requested that the board make sure any such statement from the Planning Division in a new report to the Council be based on an on site inspection of the surrounding neighborhood. Our request obviously fell on deaf ears, both the board's and your division's, as that exact same statement is in your division's Report #46-06 on the new application, with no additional remark saying the finding was based on an on site inspection of the neighborhood. Therefore, we ask once again: For Report #46-06, if your division has a study to back up that finding by Ms. Marsh, please send it to us; if it does not have such a study, will you please give us your personal assurance that the finding is based on an on site inspection of the surrounding neighborhood by Ms. Marsh? And in your reply, Mr. Jaegerman, please tell us if it is common practice in the Planning Division, or in the field of urban planning in general, for a finding like Ms. Marsh's not to be based on an on site review and for the analytical basis of the finding not to be documented?

Please forward this e-mail to the Planning Board, and thank you for your attention and consideration. We look forward to your reply.

Yours truly,

Annie and James Cowie  
32 North Street  
Portland Maine 04101  
tel. 774-2365