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*Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

December 16, 2011

Marc Gagnon
Landmarc Construction
416 Congress Street, Suite 202
Portland, ME 04112

RE: 131 Middle Street – 028-L-7 – B-3 Zone with PAD Overlay and Historic Overlay

Dear Marc,

I am in receipt of your application to change the use of the first floor from retail to retail and offices. Please note that your permit is denied because it is not meeting the Pedestrian Activities District requirements as listed in the B-3 Zone. Section 14-21(b)1 states that at least seventy-five (75) percent of the street level frontage of a building on a street located within the PAD overlay zone must be utilized, and, at a minimum, the floor area to be occupied shall be seventy-five (75) percent of the street level frontage multiplied by a twenty (20) foot depth.”

Please note that the building frontage of the property located on this lot is over forty feet in length. Based upon the submitted plans, only 65.2% of the first floor is meeting the requirements of the PAD district instead of the minimum 75%.

There is a provision in the Land Use Zoning Ordinance that allows a conditional use appeal to the planning staff if you can meet the criteria of 14-218(a)1. Or if you wish to revise your submittal to show that a minimum of 75% of the first floor level is meeting the PAD requirements, I will be glad to reevaluate your plans for compliance.

Please note that this permit is currently denied. If I do not receive any further information, your permit will be void six months after the date of your submittal. There are no further reviews at this time.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator