

Zoning Division  
Marge Schmuckal  
Zoning Administrator

Department of Planning & Development  
Lee Urban, Director



## **CITY OF PORTLAND**

November 8, 2002

Jessica Larson, Information Specialist  
C/O Planning and Zoning Resource Corporation  
25 S. Oklahoma Avenue, Suite 300  
Oklahoma City, OK 73104

**RE: Zoning Verification Letter: Wild Oats, 87 Marginal Way, Portland, ME 04104  
034-D-7 &1 - B-5 Zone.**

Dear Jessica,

The current zoning of this property is a B-5 business zone which allows retail stores and food service restaurant establishments along with a host of other various uses. I have attached a copy of the B-5 zone for your reference. There are no other special, restrictive or overlay zoning districts which restrict this property.

The directly abutting zones are also the B-5 business zone. The closest change in zone is over 1,000 feet away in distance. I have enclosed a copy of a section of the zoning map which delineates the current zoning in the area surrounding the property in question.

This is not a Planned Unit Development. In the City of Portland's Land Use (Zoning) Ordinance, the closest concept to a Planned Unit Development is a Planned Residential Unit Development (PRUD). The PRUDs are only located in a small segment of residential zones for residential housing purposes. They are not located within business zones. The property in question is located in a business zone.

This property was granted no variances or conditional uses. There was a special exception granted for the signage attached to the building and to the free standing sign under section 14-368 of the sign ordinance. This section allows the Planning staff to review any signs under site plan review standards when and if such signs do not meet the current sign restrictions. This was done under two separate permits of which copies are attached.

There are no legal nonconforming issues that I am aware of concerning the property in question.

This site was developed with a site plan approval for an existing building, not a new structure. The site was originally review for a different tenant (Bookland). This tenant never materialized and Wild Oats proposed a similar retail use in the existing building. Therefore, the site plan approval was transferred to the proposed tenant. Copies of the approvals from the Planning division are attached.

There are no other tenants within this building at the present time. There is space available for a future tenant within this building. This office does not have a building permit for any future tenants at this time.

I am presently not aware of any unresolved Zoning issues. To the best of my knowledge, this site is in compliance with the current Zoning Ordinance.

A Certificate of Occupancy has not been issued as of this writing. An occupancy permit is the final stage of a building permit. It is only issued when the job has been completed. It is my understanding that the job has not yet been completed. Apparently, work is near completion and a Certificate of Occupancy would be issued by the Code Enforcement Officer at the completion time.

If you have any other Zoning questions or requests, please do not hesitate to call me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal". The signature is written in a cursive style with a long, sweeping underline.

Marge Schmuckal  
Zoning Administrator

Cc: file

**From:** Marge Schmuckal  
**To:** Internet: jlarsen@pwr.com  
**Date:** Fri, Nov 8, 2002 4:50 PM  
**Subject:** Wild Oats - Portland, Maine

Jessica,

Attached is my zoning determination letter to you. The original will be mailed to you with all the attachments on Tuesday. City Hall is closed for Veteran's Day on Monday.

I hope this helps you.  
Marge Schmuckal





# The Planning & Zoning Resource Corporation

25 S. Oklahoma Avenue, Suite 300 Oklahoma City, OK 73104  
Telephone (405) 840-4344 Fax (405) 840-2608  
Toll Free (800) 344-2944

To: Marge Schmuckal

Date: October 30, 2002

*B-5 Zone*

Subject: Zoning Verification Letter:  
Wild Oats  
87 Marginal Way  
Portland, ME

*34-D-187  
10/30/02*

We have been engaged to prepare a Zoning and Site Summary report for the above mentioned site. Please consider this a formal request for a letter outlining the Zoning Designation and a Brief Description of the property, as follows:

(Please provide as much information as possible, in a letter, on your letterhead.)

- ❖ What is the current zoning of the property? *- B-5*
- ❖ Is the property in any special, restrictive or overlay district? *NO overlay zones*
- ❖ What are the abutting zoning designations? *- There are NO directly abutting zones*
- ❖ Was this a Planned Unit Development? If so, can we please get a copy of the PUD? *over 1000' across → for Housing in Residential zone*
- ❖ Was this property granted any variances, special exceptions, or conditional use permits or zoning relief of any kind? If so, can we please get a copy of them? If these are not available, would you briefly outline the conditions of the applicable document? *YES see attached*
- ❖ Are there any legal nonconforming issues? *- Not that I am aware of*
- ❖ Was this site developed with Site Plan Approval? If so, can we obtain a copy of it and/or a copy of the Approval Letter? *→ YES Attached*
- ❖ To the best of your knowledge, do your records show any unresolved Zoning and Building Violations and/or complaints? *No*
- ❖ Is this site in compliance with the current Zoning Ordinance Code? *- to the best of my knowledge*

*C-60 has not been issued yet  
final stage of a building permit*

*received 11/4/02*

If there are any questions you are unable to answer, please let us know whom we should contact. Because we are working on a very strict timeline, we further request a faxed copy of the letter prior to its being mailed. Our client has asked that we gather this information, as quickly as possible, so any help would be greatly appreciated.

It is my understanding that there is a \$150.00 fee for providing this information. Please advise me immediately if this is incorrect. This is considered an official FOIA (Freedom of Information Act) request.

Thank you in advance for your time and consideration on the above matter. If you have any questions or concerns, please do not hesitate to telephone at the toll free number above, extension 682 or email at: [jl Larson@pZR.com](mailto:jl Larson@pZR.com).

**Sincerely:     Jessica Larson**  
**Information Specialist**  
**Planning and Zoning Resource Corporation**



## The Planning & Zoning Resource Corporation

25 South Oklahoma Avenue, Suite 300 • Oklahoma City, Oklahoma  
73104

Telephone (405) 840-4344 • Fax (405) 840-2608  
Toll Free 1-800-344-2944

**To:** Marge Schmuckal  
**Date:** October 30, 2002  
**Subject:** Certificates of Occupancy, Site Plan:  
Wild Oats  
87 Marginal Way  
Portland, ME

**Marge:**

I am also trying to obtain the following information on the above referenced property.

- Copies of the Approved Site Plan and/or the Approval Letter showing the conditions. (Or the Development Regulations off of the site plan.)
- Copies of any Special Conditions or Variances Granted by the City/County
- If the Property is a Planned Development or Planned Unit Development, Copies of the Plan Approval for the Development
- Copies of the Certificates of Occupancy for the Current Tenants

*NOT Applicable*  
*No other tenants*

If you are unable to provide the Certificates of Occupancy, I have included a form letter, which you can complete and copy onto your letterhead. I appreciate your time in researching this information. If you have any questions, please contact me at 1-800-344-2944 ext 682 or via email at [jl Larson@pZR.com](mailto:jl Larson@pZR.com).

Sincerely,

Jessica Larson  
Information Specialist  
Planning and Zoning Resource Corporation

(Please copy onto your letterhead)

Planning and Zoning Resource Corporation  
Attn: Jessica Larson  
25 South Oklahoma Avenue, Suite 300

To Whom it May Concern:

Based on our records [choose one]:

\_\_\_\_\_ A valid final certificate of occupancy has been issued and is now outstanding for the Project. (See Attached Copy Issued)

\_\_\_\_\_ Certificates of Occupancy for projects constructed prior to the year \_\_\_\_\_ are no longer on file with this office. The Project was constructed in \_\_\_\_\_. The absence of a certificate of occupancy for the Project will not give rise to any enforcement action affecting the Project. A certificate of occupancy for the Project will only be required to the extent of any construction activity (such as either restoring, renovating or expanding the Project or any part thereof).

\_\_\_\_\_ We are unable to locate a certificate of occupancy for the Project from our records. We have evidence in our records, however, that one was issued and has been subsequently lost or misplaced. The absence of a certificate of occupancy for the project will not give rise to any enforcement action affecting the Project. A certificate of occupancy for the Project will only be required to the extent of any construction activity, either, restoring, renovating or expanding the Project or any part thereof.

Please call the undersigned at \_\_\_\_\_ if you have any comments or questions.

Sincerely,

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_  
(Title of Government Official)



**THE PLANNING & ZONING RESOURCE CORP.**

25 S. OKLAHOMA AVE.  
BRICKTOWN, OKLAHOMA HARDWARE BLDG.  
OKLAHOMA CITY, OK 73104  
(405) 840-7084

**STILLWATER NATIONAL BANK  
AND TRUST COMPANY**  
STILLWATER, TULSA  
OKLAHOMA CITY AND CHICKASHA  
86-143-1031

13885

DATE  
10/28/2002

AMOUNT  
\$150.00

**THE SUM OF ONE HUNDRED FIFTY Dollars 00/100 ONLY**

City of Portland, ME

PAY  
TO THE  
ORDER  
OF

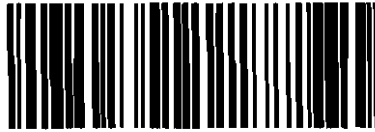


⑈013885⑈ ⑆103101437⑆ ⑈0754494⑈

Details on back  
Security Features Included

From: Jessica Larson-PZR (405)840-7094  
SMITHROBERTS  
25 South Oklahoma Avenue  
Suite 400  
Oklahoma City, OK, 73104

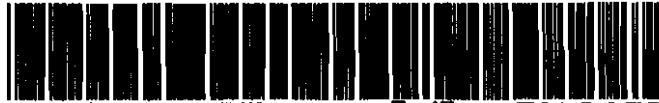
REVENUE BARCODE



To: Marge Schmuckal (207)874-8695  
Zoning Administrator  
389 Congress Street  
Room 315  
Portland, ME, 04101

SHIP DATE: 30OCT02  
WEIGHT: 1 LBS

Ref: 15178



DELIVERY ADDRESS BARCODE (DIDR-EDR)

TRK # 7921 2541 9635 6281

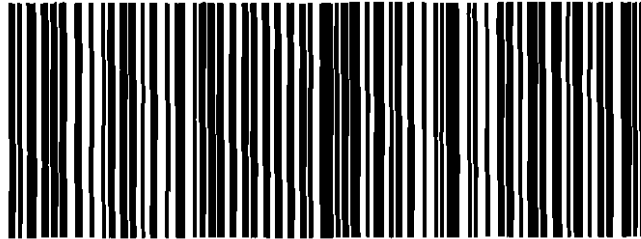
FedEx STANDARD OVERNIGHT  
PWM

04101-ME-US

XH SFMA

THU  
A1

Deliver by:  
31OCT02



### Shipping Label

<a href="#">Schedule Carrier</a>	<a href="#">Find a Dropoff Location</a>	<a href="#">Shipping History</a>
<a href="#">Print Labels</a>	<a href="#">Cancel Shipment</a>	<a href="#">Print Shipment Information</a>

1. Use the "Print" feature from your browser to send this page to your laser printer.
2. Fold the printed page along the horizontal line.
3. Place label in air waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and sc

### Shipment Details

To print a copy of the shipment information for your records, please click "Shipment Details".

<a href="#">Shipment Details</a>
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### Ship a New Package

<a href="#">Ship Inside U.S.</a>	<a href="#">Ship Outside U.S.</a>	<a href="#">Ship to Same Recipient</a>
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