

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

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Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

January 28, 2004

Terbax Realty Inc.
5 Milk Street
Portland ME 04101

RE: 562 Congress Street – Conditional Use
CBL: 037-G-014

Dear Sir:

On January 28, 2004, the Portland Planning Authority granted Conditional Use Approval for office expansion in the PAD district at 562 Congress Street/54 Oak Street.

If there are any questions, please contact Sarah Hopkins at 874-8720.

Sincerely,

Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Sarah Hopkins, Development Review Program Manager
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Karen Dunfey, Inspections
Traffic Division
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Approval Letter File
Correspondence File



CONDITIONAL USE APPLICATION
 City of Portland, Maine
 Department of Planning and Development
 Portland Planning Board

1. Applicant Information:

Terbax Realty Inc
 Name

5 Milk St
 Address

Portland, ME 04101

772-6404
 Phone

772-9078
 Fax

2. Subject Property:

54 Oak St / 562 Congress
 Address

Portland, ME 04101

37-G-14
 Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Name

Terbax Realty Inc.
 Address

5 Milk St, Portland ME
04101

Same as above Same as above
 Phone Fax

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

Owner

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. Zone: B-3

6. Existing Use:

Describe the existing use of the subject property:

vacant - no wall penetrations to Free or Oak
Streets. Former kitchen to McDonald's restaurant
on Congress Street. (Continued - please see
attached sheet.)

7. Current Zoning Designation(s): PAD Overlay

8. Type of Conditional Use Proposed:

office for expansion of existing tenancy.

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. Conditional Use Authorized by: Section 14- 218

11. Standards - Criteria for Conditional Use Appeal

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.


11. **Application Fee:** A fee for 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.

<input checked="" type="checkbox"/> Conditional Use	\$100.00
Legal Advertisements	percent of total bill
Notices (workshop and public hearing)	.55 cents each

Newspaper advertisements are required by State law and will be billed directly by the Newspaper.

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

Date of Filing

 1.15.04

Signature of Applicant

Further Information:

Please contact the Planning Office for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

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

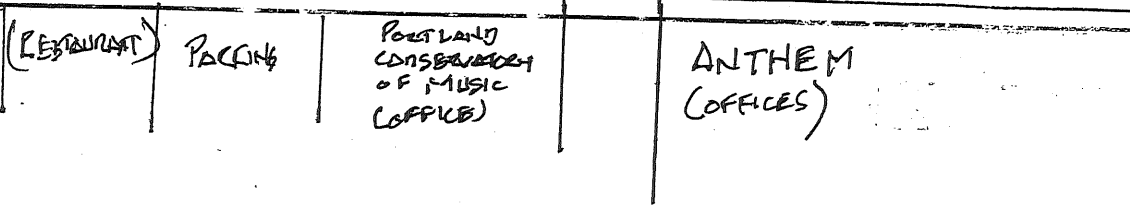
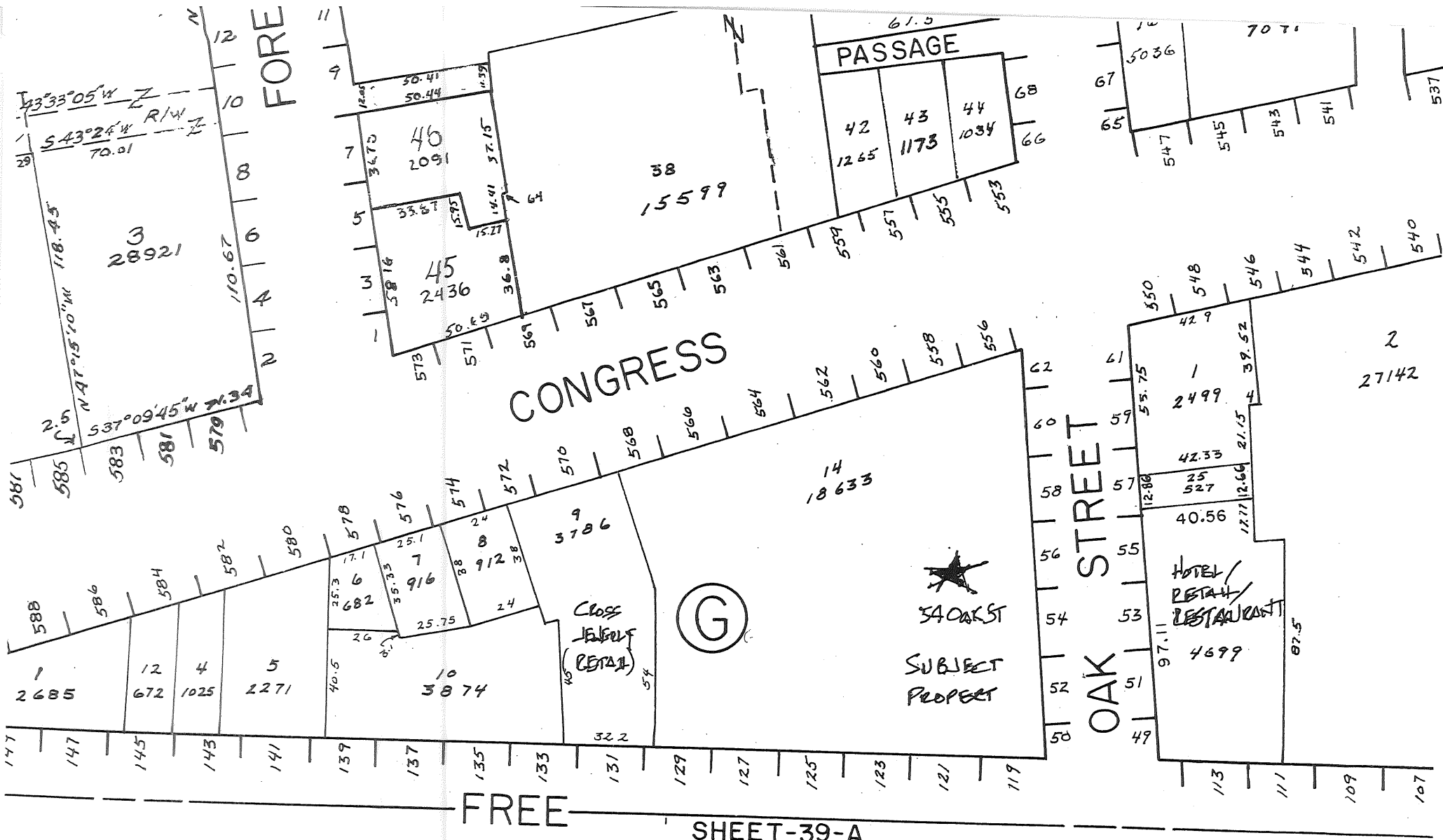
Portland Planning Board
Portland, Maine

Effective: July 6, 1998

6. Existing Use: (continued)

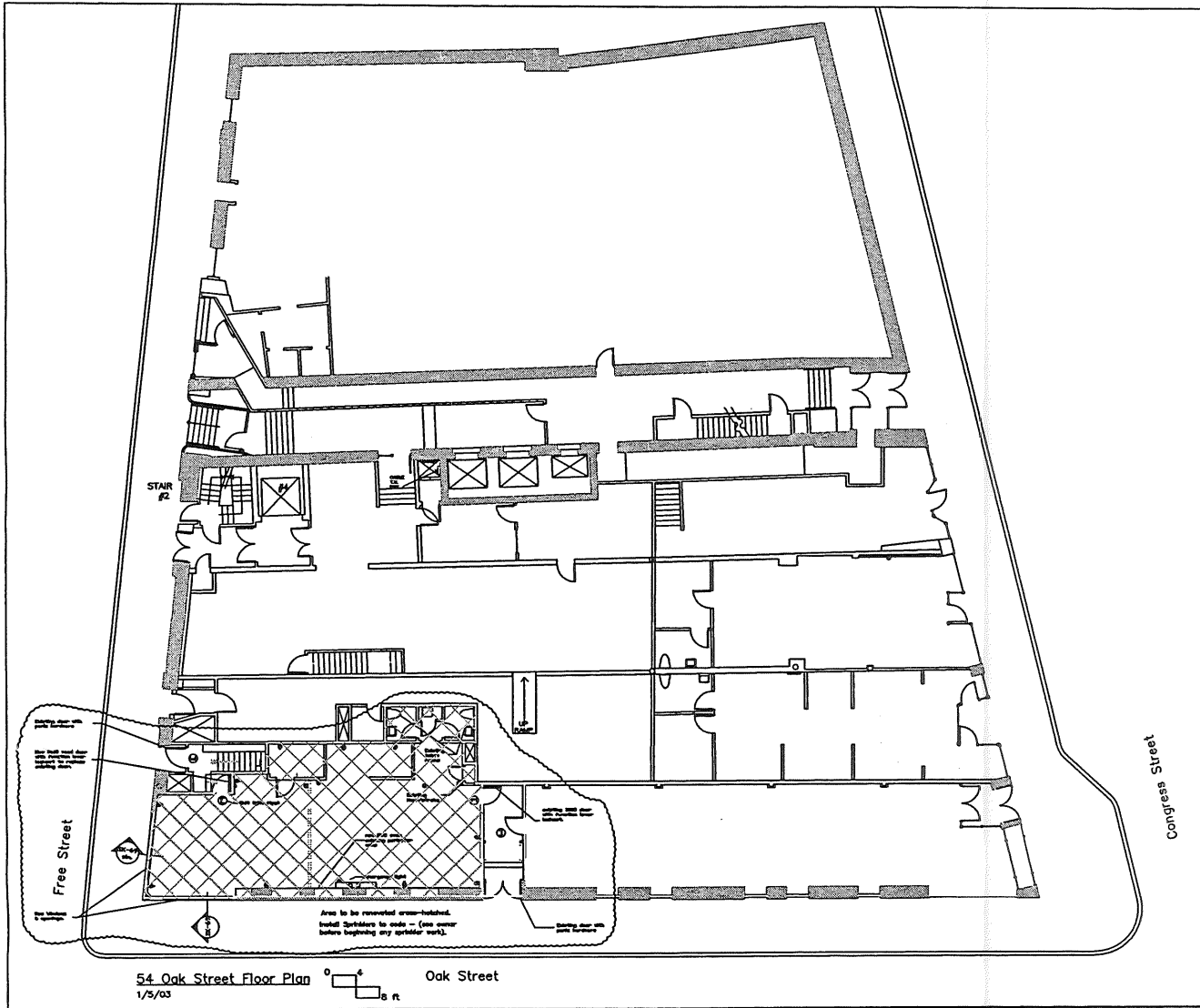
Exterior appearance of building will be improved. This premises is not now suitable for PAD uses. Proposed improvements will improve the streetscape.

Space is vacant and has been since we acquired the building in 1994. We had tried to lease it, without success. Recently, brokers had little interest in taking it on for PAD uses, given its current configuration.



VICINITY MAP - 54 OAK ST - 1/12/04

ATC



1" = 30'