



Conditional Use for Planning Board Review Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Conditional Use where the Planning Board is listed as the reviewing authority rather than the Zoning Board of Appeals. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

A. Conditional Use: Standards and Criteria – Section 14-474 and Zone Related Criteria

Conditional uses are listed in the Zoning Ordinance for each zone and these proposed uses must address the criteria contained in Section 14-474 in the written application. In addition to the criteria in Section 14-474, each application must address any applicable conditional use standards contained in the applicable zone and the proposed specific use. The Zoning Ordinance specifies when the Planning Board is designated as the reviewing authority rather than the Zoning Board of Appeals. This application is for Planning Board reviews only.

Upon 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. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

B. Site Plan Application: Please submit the Conditional Use Application in addition to the applicable Site Plan Application.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Kiddie Garden, L.L.C.

PROPOSED DEVELOPMENT ADDRESS:

237 Spring St, Portland, ME 04102

ASSESSOR'S CHART/BLOCK/LOT (s): 56-G-40

Applicable Zone: RL6

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: <u>Lorna M. Leo</u> Business Name, if applicable: <u>Kiddie Garden, LLC</u> Address: <u>223 Brackett St</u> City/State: <u>Portland ME</u> Zip Code: <u>04102</u>	Applicant Contact Information Work # <u>207-773-0426</u> Home# <u>207-773-0426</u> Cell # <u>207-415-0162</u> Fax# e-mail: <u>wbsgram@maine.rr.com</u>
Owner – (if different from Applicant) Name: <u>Caesar Papi</u> Address: <u>667 Ocean Ave</u> City/State: <u>Portland ME</u> Zip Code: <u>04103</u>	Owner Contact Information Work # Home# <u>207-749-0884</u> Cell # Fax# e-mail: <u>ppapi@maine.rr.com</u>
Billing Information Name: <u>Lorna M. Leo</u> Address: <u>223 Brackett St</u> City/State: <u>Portland ME</u> Zip Code: <u>04102</u>	Billing Information Work # <u>207-773-0426</u> Cell # <u>207-415-0162</u> Fax# e-mail: <u>wbsgram@maine.rr.com</u>

RIGHT, TITLE OR INTEREST:

Lessee, with option to lease

(Please identify the status provide documentary evidence, attached to this application, of the applicant's right, title, or interest in the subject property (ex: deed, option or contract to purchase or lease the property.)

VICINITY MAP: (Please attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.)

EXISTING USE: Describe the existing use of the subject property.

Vacant store front, residential in other units.

PROPOSED USE: Describe the proposed use of the subject property

Small child day care Facility for up to 12 children

TYPE OF CONDITIONAL USE PROPOSED (Refer To Specific Provisions Of Land Use Code Authorizing The Proposed Conditional Use).

Day Care Facility

SITE PLAN: Submit a separate site plan application for the proposal that provides a site plan for the property, showing existing and proposed improvements, which meets the submission requirements of the applicable level of site plan review.

CONDITIONAL USE STANDARDS AND CONDITIONS – 14-474

Address the following criteria in your written application and any applicable conditional use standards contained in the zoning code for the specific use. Upon 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. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

CONDITIONAL USE AUTHORIZED BY: SECTION 14- 137

Address any specific conditional use standards for the specific use contained in the zoning code in the written submission.

APPLICATION FEES:

(Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

<p>___ Conditional Use Review (\$100.00)</p> <p>(Please submit a separate application for the applicable site plan review. Fees and charges are listed within the application)</p>	<p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) <p>Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.</p>
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APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the Electronic Plan and Document Submittal page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Document-Submittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.
3. The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:
 1. One (1) full size site plans that must be folded.
 2. One (1) copy of all written materials or as follows, unless otherwise noted:

Applicant Checklist	Planner Checklist	# of Copies	
✓		1	Application form that is completed and signed.
✓		1	Cover letter stating the nature of the project.
✓		1	Evidence of right, title and interest.
✓		1	Written Submittals that address the conditional use standards of Sec. 14-474.
✓		1	Written submittals that address any applicable standards of review contained in the zoning code for the specific use.
N/A		1	A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet and containing the information required for the applicable level of site plan review.
N/A		1	An accompanying site plan application, as applicable.

APPLICANT SIGNATURE:

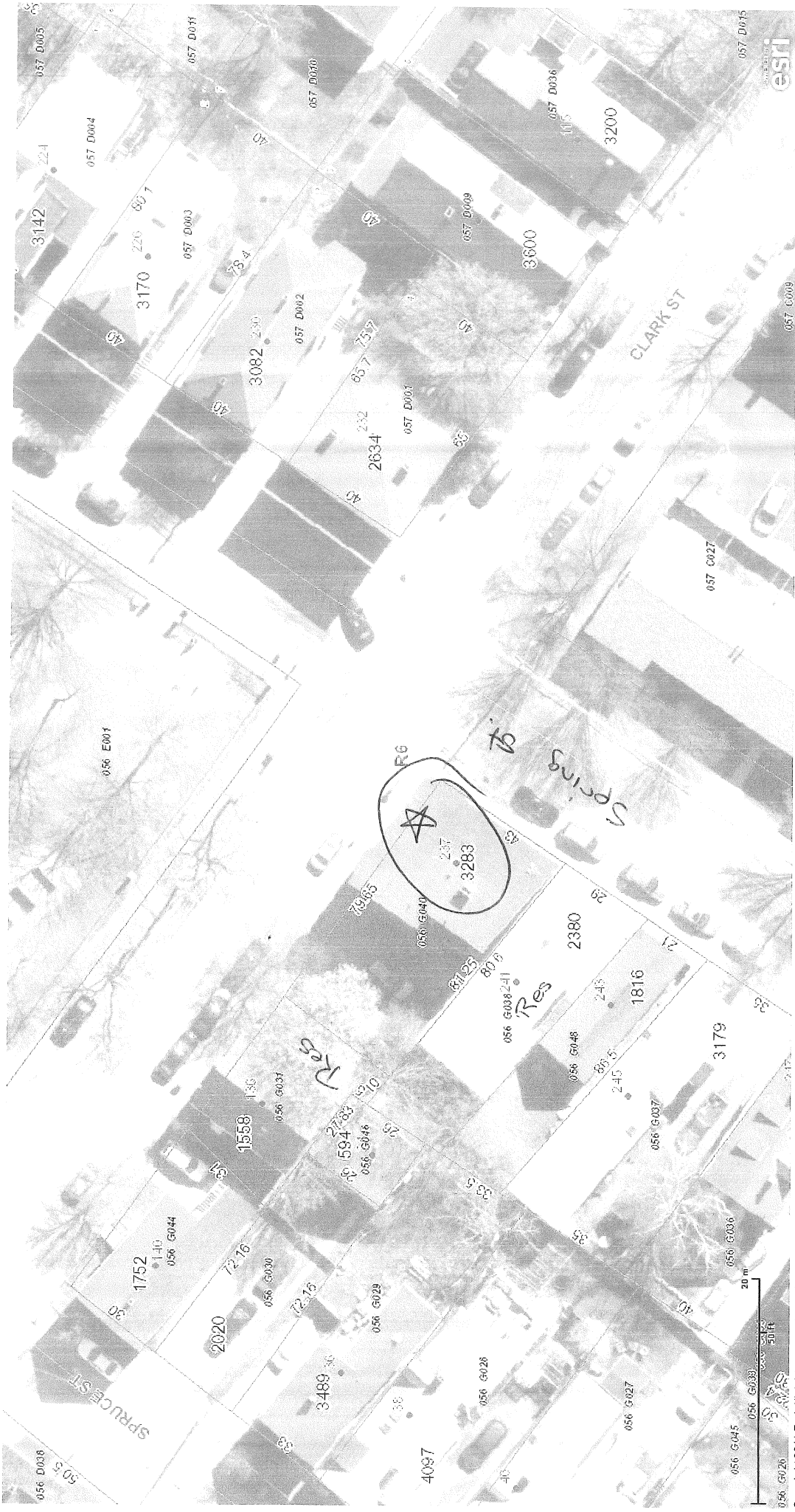
I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Conditional Use Review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: <i>Kenneth M. Lee, Lessee</i>	Date: <i>4/12/15</i>
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My Map

237 Spring Street



Conditional Use Standards for a Small Child Day Care Facility for Zone R6

City of Portland Land Use
Code of Ordinances Chapter 14
Sec. 14-137 Rev. 1-18-2012

6. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.

The building is mixed use, having residential apartments and the vacant store front.

b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.

The maximum capacity State of Maine Child Care License I am applying for is 12 children.

c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

The outdoor play areas we will be using are local playgrounds which are fenced. The property is located right across the street from the Reiche Elementary School playground. That will be our primary outdoor play area. It is fenced.

d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

Solid waste will be stored in covered trash containers and said containers will be stored at the back of the building, screened by the building and lattice work or stored in a larger storage unit as to not be visible from the street.

These are all of the Conditional Use Standards required in the City Code for Zone R6 for a Small Child Day Care Facility for up to 12 Children.

I would like to add that there is off street parking for up to 8 vehicles for tenants of the building, some of which could be used for parents dropping off and picking up children. Additionally, there are at least 3 on-street parking spaces in the immediate front of the property: 2 on the Spring Street side and 1 on the Clark Street side, without time limits and a 5 minute drop off zone for Reiche School within the same city block. There is additional on-street parking along both Spring and Clark Streets. There is no need for overnight or weekend parking for the business. My residence is 223 Brackett Street, approximately a 5 minute walk, and my staff and I can park in my home driveway and walk to the Spring Street location.