

**MEMORANDUM**  
**City Council Agenda Item**

**TO:** Mayor and City Council

**FROM:** Alexander Jaegerman, Planning Division Director

**DATE:** May 6, 2015

**DISTRIBUTION:** Sheila Hill-Christian, Acting City Manager, Mayor Brennan, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan, Jeff Levine, Jennifer Thompson

**SUBJECT:** B-7 Bank Drive Through Text Amendment

**SPONSOR:** Stuart O'Brien, Chair, Planning Board

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1<sup>st</sup> reading** May 18, 2015      **Final Action** June 1, 2015

**Can action be taken at a later date:**  X  Yes   No (If no why not?) The applicant (Bangor Savings Bank) would like to start the site plan review with the PB as soon as possible, but appreciate that the CC agenda may be full and the hearing would need to be delayed to June 15<sup>th</sup>, 2015.

**PRESENTATION:** Planning Board Chair Stuart O'Brien and Alex Jaegerman, Planning Division Director, will make a brief presentation.

**I. SUMMARY OF ISSUE (Agenda Description)**

Bangor Savings Bank is requesting a text amendment in order to develop a small lot at 20 Marginal Way, within the B-7 zone, as a three story bank with drive through. The proposed zoning text amendment would amend the drive-through requirements of the B-7 Conditional Use standards (§14-296(a)1(c)) that currently require that bank drive-throughs must be within a building of at least 20,000 sq ft. The proposed text amendment would create an exception to this requirement for smaller buildings on small lots in existence at the time B-7 was first enacted on March 9, 2005.

On April 14, 2015, the Planning Board voted 5-0 (Boepple and O'Brien absent) that the proposed zoning text amendment (Attachment 1) to §14-296(a)1(c) (Conditional uses, B-7 zone) is consistent with Portland's Comprehensive Plan and recommends adoption of the amendment to the City Council.

**II. REASON FOR SUBMISSION (Summary of Issue/Background)**

The text amendment is proposed to allow bank drive-throughs in buildings with a smaller floor area than 20,000 sq ft. The proposed exception would enable redevelopment of 20 Marginal Way, currently a single-story car wash that is a grandfathered use, to construct a three story building facing on Marginal Way, which is more in keeping with the pattern of development envisioned in the Bayside Plan.

**III. INTENDED RESULT**

The proposed amendments would allow existing small lots under 20,000 sq ft to be developed with bank drive throughs and require all bank drive-throughs to be associated with buildings over three stories and that are designed with pedestrian orientation. Since testimony to the Planning Board suggested that bank developments need a drive-through to meet customer expectations, the amendment would facilitate bank developments on the several small lots in the B-7 zone where bank drive-throughs are allowed.

**IV. COUNCIL GOAL ADDRESSED**

The proposed amended conditional zoning agreement addresses the following Council goal:

*Economic Development: Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.*

## **V. FINANCIAL IMPACT**

The amendment would allow appropriate development that is currently prohibited by the B-7 conditional use requirements.

## **VI. PLANNING BOARD ANALYSIS**

Bank drive-throughs are the only type of drive-through allowed in the B-7 zone. They are only allowed in the northern portion of the B-7 zone between Somerset/Kennebec Streets and I-295 and must meet the seven conditions set out in §14-296(a)1(c). The second condition currently states:

*The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet; and*

The applicant is able to meet all of the other conditions in this section but has requested a text amendment exception to the second condition in order to develop this small lot at 20 Marginal Way.

The applicant has stated that the lot size of 17,352 sq ft prevents the construction of a building of 20,000 sq ft and thus the proposal could not meet the second condition that limits a bank drive-through to being attached or included within a building with a minimum floor area of twenty thousand (20,000) square feet. (It should be noted that a 20,000 sf office would require 50 parking spaces, which would require a lot area of approximately 7,000 sf for the building footprint plus at least 15,000 square feet for parking if provided totally on-site, for a total of 22,000 square feet.) The applicant has stated that their proposal would be able to meet the other six (6) standards for a conditional use.

## **VII. RECOMMENDATION**

During the review, the Planning Board sought to clarify the amended text language while maintaining the effect of a limited exception to condition ii for existing small lots, and requested additional provisions to reflect the goals of the Bayside Plan to achieve at least 3 stories of building height and pedestrian orientation for buildings associated with this conditional use.

The amended text supported by the Planning Board added two provisions that require all buildings that include a bank drive-through to meet the minimum height requirements of the zone, with no minimum height exemptions as contained in the ordinance for buildings, historic buildings and additions, and to require greater pedestrian orientation. Lastly, a text amendment to the last condition clarifies the description of the area where bank drive-throughs would be allowed within the B-7 zone.

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## **VIII. LIST ATTACHMENTS**

1. Order (Text amendment attached 5.6.2015; order will be similar)
2. Planning Board Report to City Council

Prepared by: Jean Fraser  
Date: Draft 5.5.2015

**Text amendment as recommended by the Planning Board:**

**Sec.14-296. Conditional uses.**

- (a) The following uses shall be permitted as conditional uses in the B-7 zone as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474 (a) or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. *Commercial use:*

- a. Meeting, convention and exhibition halls limited to a total of twenty-five thousand (25,000) gross square feet of interior floor area.
- b. Wholesaling, providing that the wholesale operation is associated with an onsite retail establishment and that the wholesaling component of the facility occupies a building gross floor area of less than fifteen thousand (15,000) square feet.
- c. **Drive-up banking** provided that:
  - i. The drive-up is accessory to a banking service occupying a minimum floor area of four thousand (4,000) square feet; and
  - ii. The drive-up is attached to or included within a building with a minimum floor area of twenty thousand (20,000) square feet, except that **for lots of less than 20,000 square feet and in existence as of March 9, 2005, a drive-up may be included in a building of less than 20,000 sq ft.; and**
  - iii. **The drive-up facility is attached or included within a building and/or addition meeting the minimum height of four stores in the Bayside Height District A and three stories in the Bayside Height Districts B and C. For the purposes of this conditional use, the minimum height exceptions contained in Section 14-298 (h) 5, 7, and 8 shall not apply; and**
  - iv. **The first floor of the building shall include banking or other retail storefront uses with storefront windows, entries, and interior public space oriented to and visible from the street, with front entry access facing the street and directly accessible from the public sidewalk; and**
  - v. All drive-up features, such as automated teller machines and service windows, shall not extend nearer than twenty-five (25) feet to the street right-of-way line; and
  - vi. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular or pedestrian circulation or creating hazards to vehicular or pedestrian circulation on adjoining streets; and
  - vii. Drive-up vehicle circulation shall not be located between the building and any adjacent public streets; and
  - viii. The drive-up shall be limited to two vehicle drive-up lanes; and
  - ix. The location of any drive-up shall be limited to the geographic area between Somerset/**Kennebec** Streets/ I-295/Franklin ~~Arterial~~ **Street**/Forest Avenue.