

CITY OF PORTLAND, MAINE

PLANNING BOARD

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March 23, 2016

Cheverus High School
Attention: Michael Komich
267 Ocean Avenue
Portland, ME 04103

Harriman Associates
Attention: Mark Lee
46 Harriman Drive
Auburn, ME 04210

Project Name:	Conversion to Office Spaces	Project ID:	2016-030
Address:	235 Ocean Avenue	CBL:	140 G009 001
Applicant:	Cheverus High School		
Planner:	Shukria Wiar		

Dear Mr. Komich:

On March 22, 2016, the Planning Board considered Level I site plan and conditional use application for review and approval to convert a single family home to office spaces for Cheverus High School at 235 Ocean Avenue. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan Ordinance and Sections 14-88 (R-3 Conditional Uses) and 14-474 (Conditional Uses). Planning Board voted unanimously 7-0 to approve the application with the following condition as presented below.

CONDITIONAL USE

The Planning Board voted unanimously 7-0 that the proposed institutional use expansion at 235 Ocean Avenue in the R-3 zone meets the standards of § 14-474 and the standards of §14-88 (c) (1) for the R-3 zone of the Land Use Code, subject to the following condition:

1. That the building shall not be altered to such an extent to prevent conversion back to a residential unit.

LEVEL I SITE PLAN REVIEW

The Planning Board voted unanimously 7-0 that the plan is in conformance with the site plan standards of the Land Use Code.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2016-030 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at (207) 756-8083 or via shukriaw@portlandmaine.gov .

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report

Electronic Distribution:

CC: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
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Doug Roncarati, Stormwater Coordinator, Public Works
Greg Vining, Associate Engineer, Public Works
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Mike Farmer, Project Engineer, Public Works
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Jeff Tarling, City Arborist, Parks
Jeremiah Bartlett, Public Works
Keith Gautreau, Deputy Chief, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

PLANNING BOARD REPORT PORTLAND, MAINE



Cheverus High School
235 Ocean Avenue
Conditional Use and Level I Site Plan
2016-029 and 2016-030
Cheverus High School, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: March 22, 2016	Prepared by: Shukria Wiar, Planner Date: March 18, 2016
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I. INTRODUCTION

Cheverus High School has requested Level I site plan and conditional use review and approval to convert a single family home to office spaces for the school at 235 Ocean Avenue. The site is zoned Residential R-3. Cheverus High School is proposing to relocate department administrative offices from the main campus to the property. No changes are proposed to the exterior of the structures or to the site. The proposed institutional use and associated works will be reviewed by the Planning Board as a Conditional Use in the R-3 zone for conformance with the Land Use Code Section 14-88 (R-3 Conditional Uses) and 14-474 (Conditional Uses).

Applicant Name	Cheverus High School
Agent Representative	Mark Lee of Harriman Architects

II. REQUIRED REVIEWS

<i>Applicant's Proposal</i>	<i>Applicable Standards</i>
House to Administrative Offices	Level I Site Plan
Institutional Use	Level III Conditional Use in the R-3 zone (§14-88)

III. SUMMARY OF FINDINGS:

Total Land Area of Main Campus: 1,045,440 s.f. (24 +/- acres)
Zone: R-3 Residential
Existing Use: Single-family House
Proposed Use: Secondary School
Lot Size: 13, 249 square foot
Building Area: 1,794 square foot

IV. SITE

DESCRIPTION:

Cheverus High School is located at 267 Ocean Avenue on a 24 acres site. The campus includes two school buildings known as the Residence Building (also called Loyola Hall), built in 1967, and the Classroom building, built in 1952. There are currently five (5) parking areas dispersed



through the campus with parking for 313 cars. The site also includes a football/soccer field with a track at the southeasterly end of the site, a separate soccer/lacrosse field at the northern end of the site, a baseball field at the southerly end of the site, and a softball field near the center of the property.

Cheverus High School was approached by the prior land owner to determine the school's interest in purchasing the property. The school did not actively seek to acquire the parcel for the purpose of expanding the campus. At the end of last year, Cheverus High School purchased the single family house at 235 Ocean Street. The property is located at the corner of Ocean Avenue and Pya Road, abutting school's campus and one residential property at 18 Pya Road. The remaining residential lot three sides abut Ocean Avenue, Pya Road, and the Cheverus Campus. The property is not internal to the neighborhood, but at the neighborhood edge along Ocean Avenue. The site has a 1,794 square footage house and a two car garage.

V. PROPOSED DEVELOPMENT

The applicant proposes to utilize the single-family home as office space for about six to seven employees. According to the applicant, storage spaces in the buildings on the main campus have been converted to office spaces. These spaces do

not have windows nor adequate ventilations to be used as offices. The converted storage spaces are being utilized out of necessity. The applicant has submitted photographs of the current locations of offices spaces and how the house will be used for the proposed offices, please refer to Attachment C. The applicant has prepared an assessment of the existing buildings on the campus and has determined that "the layout of the floor plan does not allow for an



addition to the existing facilities without blocking or disrupting educational spaces, offices, necessary components of egress, existing site utilities, parking, parent or bus drop-off locations, playfields or violating current shore land zone setback requirements".

Currently portions of the driveway and the garage of this residential property is encroaching Cheverus High School's land, as seen on the survey, Attachment Plan1. The school is not proposing any changes to the exterior of the residence including building footprint, driveway, landscaping, or exterior building features. Employees relocated to the building would continue to park in lots on the adjacent main campus. The existing driveway would act as parking for department guests.

VI. BACKGROUND OF PLANNING BOARD REVIEW AND APPROVALS:

The following provides a summary of Planning Board reviews of the Cheverus campus from 1987 to today.

1989 Planning Board Review

In 1989, Cheverus sought approval for a major expansion of their athletic facilities. The proposal included the following:

- Football/soccer field
- Track and field areas
- One baseball game field
- One baseball practice field
- Bleachers

This proposal represented a significant change to the Baxter Boulevard side of the campus. The expansion plans were approved by the Planning Board on January 24, 1989. According to the Planning Board report, the proposal generated considerable public interest.

1997 Planning Board Review

In 1997, Cheverus requested a modification to the 1989 approval. The modifications received conditional and site plan approval by the Planning Board on June 10, 1997 and included the following:

- Allowed varsity football games
- Expand the football bleacher seating capacity
- Provide a permanent scoreboard and public address system
- Allow non-Cheverus events to take place at their athletic facilities and to charge admission
- Construct concession/bathroom facilities near the athletic facility

2000 Planning Board Review

In 2000, in order to address a projected growth in the student population from 395 students to up to 700 students, Cheverus requested approval of a variety of campus improvements, referred to as the Cheverus Campus Master Plan. Cheverus received conditional use and site plan approval on August 8, 2000 for the following:

- New gymnasium and cafeteria addition
- Expanded parking, primarily on Ocean Avenue side of the property
- New soccer field on Ocean Avenue side on the site of the former Roaks Greenhouse
- Miscellaneous improvements from the 1997 approval that were never built, therefore their approval had lapsed. These include a concession stand, bleachers and press box.

2003 Planning Board Review

In 2003, Cheverus requested re-approval of the proposed gymnasium/cafeteria building because the 2000 site plan approval had lapsed. Conditional use and site plan approval was granted by the Planning Board on October 14, 2003.

2005 Planning Board Review

In 2005, Cheverus returned to the Planning Board to request an amendment to their 1989 conditional use approval to allow for greater flexibility in their use of the baseball field. Use of the field had been limited to regular games only in the 1989 approval. Cheverus wanted to use the field for both games and practices. Approval was granted by the Planning Board on April 12, 2005.

2008 Exemption from Site Plan Review

In April, 2008 Cheverus submitted an application for exemption from site plan review for baseball backstop and fencing improvements. The proposal was to extend the existing baseball field chain link fence to connect to the existing dugouts on each side of home plate and adding fencing behind the dugout and running parallel to the third base line. These improvements were triggered by concern from abutters over the potential for property damage or injury from foul-tipped baseballs leaving the facility. An exemption from site plan review was granted in April, 2008.

2008 Planning Board Review

In September, 2008 Cheverus submitted an application to request to add 60 parking spaces and one concrete pad for placement of a prefabricated equipment storage container to their property. The proposal included softball dugouts, two concrete pads for movable storage containers and an electronic scoreboard. Approval was granted by the Planning Board on September 5, 2008.

VII. STAFF REVIEW

This project is subject to conditional use and site plan review. Staff review includes the following subsections:

1. ZONING, RIGHT TITLE AND INTEREST, AND NEIGHBORHOOD MEETING

A. Zoning

CONDITIONAL USE REVIEW

Because this project is considered an institutional expansion in the R-3 zone, it is subject to the conditional use standards of Sections 14-88 and 14-474. The applicant has submitted an analysis of how the proposal meets the R3 Conditional Use Standards (Attachment A and D) as follows:

Sec. 14-88. Conditional uses

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

(c) *Institutional*: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

1. Elementary, middle, and secondary school;
2. a. Long-term and extended care facilities;
- b. Intermediate care facility for thirteen (13) or more persons...

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

Staff Comments: The property is located on a lot other than the location of the principal use and the applicant was requested to demonstrate why this relatively small area of institutional use could not be accommodated within existing institutional buildings.

The application (Attachment A) stated that the uses would comprise office rooms to include administrative / admissions offices for 6-7 staff with occasional meetings. The submitted letter outlines why the proposed use(s) cannot be reasonably accommodated within existing school buildings that are in institutional use because the Schools' administrative staff are currently overcrowded and that there are no immediately available spaces left within the existing school properties.

b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and

Staff Comments: There is a loss of a single family home, but the applicant proposes no exterior or interior changes because they want to retain the integrity of the house and remain consistent with the surrounding neighborhood. Cheverus also wants to keep the option open to revert the house back to residential use for a staff member.

c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and

Staff Comments: The lot size for Cheverus' main campus is about 24 acres. The single family home's lot is 13,249 square feet. The minimum lot size in the R-3 zone for a school is two acres and for residential is 6,500 square feet. Therefore this standard is being met.

Sec. 14-474:

The following standards 14-474 apply to all conditional uses:

2. *Standards. The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds 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*

Staff comment: According to the applicant, the employees that will have office spaces in the building will continue to use the parking spaces on the main campus. There are no plans to change the existing driveway and it will be used to supply two parking spaces for guests to the departments. The applicant states that the employees will "receive on average a cumulative total of two guests per day for a period of 90 minutes each".

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*

Staff comment: The proposal would not create harmful conditions.

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.*

Staff comment: The design and operation of the proposed use is anticipated to have similar effects/impacts as for surrounding uses.

Section 14-474 (d) states:

(d) Conditions on conditional use permits. The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

Staff Comment: Planning staff recommends a condition of approval that the building should not be altered to a prevent conversion back to a residential unit. This would minimize potential adverse effects on residences along Pya Road.

B. Right, Title or Interest:

The applicant submitted a warranty deed for the property (see Attachment B).

C. Neighborhood Meeting:

This proposal is subject to Level I site plan and conditional use review (for an institutional use in the R-3 zone). Section 14-32 (c) of the City Code requires only applicants for Level III site plan review or subdivisions of five or more units or lots to host a neighborhood meeting. Because this proposal includes converting the single family house for office space as a Level I site plan and it is exempt from this requirement. The applicant voluntarily held a neighborhood meeting, however, on Tuesday, March 15, 2016 to share the proposal with neighbors prior to the public hearing (see neighborhood meeting minutes- Attachment E).

2. SITE PLAN REVIEW

The proposed parking additions and athletic improvements have been reviewed by staff for conformance with the applicable review standards of the Level I Site Alteration site plan ordinance. Section 14-524 (a) (2)(d)ii states that Level I Site alteration plans shall only be subject to the following site plan standards, as applicable, as contained in section 14-526:

1. Transportation Standards

According to the applicant, the employees that will have office spaces in the building will continue to use the parking spaces on the main campus. There are no plans to change the existing driveway and will be used to supply two parking spaces for guests to the departments. The applicant states that the employees will “receive on average a cumulative total of two guests per day for a period of 90 minutes each”.

2. Environmental Quality Standards

The applicant is not proposing any exterior and interior changes to the site; therefore no landscaping improvements are planned. Since the site is developed and no work is proposed on site, water quality, stormwater management and erosion control standards are not applicable.

3. Public Infrastructure And Community Safety Standards

Since property is developed, there are existing utilities at the site.

4. Site Design Standards

No new exterior lighting is proposed. There will be no sign on the property that will indicate that Cheverus High School offices are housed there.

VIII. PROPOSED MOTIONS

A. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on March 22, 2016 for application #2016-029 (Conditional Use), relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for an institutional use at 235 Ocean Avenue in the R-3 zone **[does/does not]** meet the standards of § 14-474 and the standards of §14-88 (c)(1) for the R-3 zone, subject to the following condition:

1. That the building shall not be altered to a prevent conversion back to a residential unit.

B. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in Planning Board Report for the public hearing on March 22, 2016 for application #2016-030 (Site Plan), relevant to the site plan regulations; and the testimony presented at the Planning Board hearing; the Planning Board finds that the plan **[is/is not]** in conformance with the site plan standards of the land use code.

ATTACHMENTS

APPLICANT'S SUBMITTAL

- A. Application, dated 02.14.2016
- B. Warranty Deed
- C. Photos
- D. Supplemental Information, dated March 12, 2016
- E. Neighborhood Meeting

PLANS

- | | |
|-------|---------------------------------------|
| Plan1 | Boundary Survey |
| Plan2 | Site Plan |
| Plan3 | Site Overview Plan |
| Plan4 | Floor Plans for Main Campus Buildings |