



Jeff Levine, AICP, Director
 Planning & Urban Development Department

Ann Machado
 Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

NAME

Gina Kostopoulos

BUSINESS NAME

North Deering Children's Academy

BUSINESS ADDRESS

207-838-9300 NDCAPortland@gmail.com

BUSINESS TELEPHONE & E-MAIL

Business Owner/ Building Lessee

APPLICANT'S RIGHT/TITLE/INTEREST

Professional/ Residential

CURRENT ZONING DESIGNATION

Subject Property Information:

970 Forest Avenue

PROPERTY ADDRESS

143-B-1

CHART/BLOCK/LOT (CBL)

Stephen E. Mardigan

PROPERTY OWNER (If Different)

460 Baxter Blvd, Portland, Maine 04103

ADDRESS (If Different)

207-772-5555 jay@wrebrokers.com

PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
 SECTION 14- 147.5(e)

EXISTING USE OF THE PROPERTY: Vacant building. Former office use and former day care

TYPE OF CONDITIONAL USE PROPOSED: Daycare Center in a Professional/Residential Zone

STANDARDS: 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:

1. 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
2. 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
3. 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 of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

January 1, 2016

DATE

Cover Letter
Conditional Use Permit

City of Portland
Planning and Urban Development Department

North Deering Children's Academy
Gina Kostopoulos
5 Bramblewood Drive
Portland, Maine 04103
(207) 838-9300

Zoning Board of Appeals,

I am applying for a conditional use permit under section 14-147.5(e.) of the City of Portland code of ordinances. This application serves the purpose of North Deering Children's Academy, ME license number 655065, currently located at 5 Bramblewood Drive, Portland, ME to relocate to 970 Forest Avenue, Portland, ME and expand from a licensed family home child care to a licensed child care center. The proposed location has served as a daycare center in the past. (Pleasant Day Nursery School) serving the same ages as I intend and is set up in an order that is suitable to the needs of a childcare facility.

I am currently licensed for 12 children and I am at max capacity everyday. I have 56 families on my waiting list at my current location 2 miles (6 mins) away from the proposed location of expansion. I would never have the opportunity to serve these families needs at my current location. At a time where childcare is in serious demand in this area, I intend to increase enrollment and provide a safe atmosphere for children ages 6 weeks to 5 years to learn, grow and explore. This expansion will create twelve full time and four part time employment opportunities and 80 full time child care openings.

This location has plenty of indoor and outdoor play space. The designated play space has a pre existing 6 foot fence and is located to the rear of the building. Outdoor play will be monitored by appropriate staff members to accommodate child to teacher ratios with concern being safety and noise level for neighboring properties.

The building has six bathrooms and plumbing for a sink in each room for sanitary purposes. The lot size generously exceeds the required 6,000 square feet and has plenty of off street parking. We will not be adding exterior alterations to the building. There will be minimal impact of traffic flow in the area. The most vehicle traffic will be generated during the hours of drop off (7:00a-9:00a) and pick up 4:00p-6:00p). Our hours of operation will be 7:00a-6:00p. Signage will follow guidelines, and be attached to the pre-existing sign post, and I will obtain all necessary permits to do so.

Thank You for your time and consideration of my conditions use proposal.

Gina Kostopoulos

NDCA Owner



CONDITIONAL USE STANDARDS:

1. 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

2. 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

3. 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 of other allowable uses in the zone.

CODE OF ORDINANCE STANDARDS:

- 1.) Proof of licensing with the state of Maine DHHS submitted to city prior to issuance of certificate of occupancy.

- 2.) The facility shall provide a minimum of seventy-five square feet of outdoor play area per child.

1.) There will be minimum impact on the traffic flow in this high traffic area. The most vehicle traffic will be generated during the hours of drop off (7:00am-9:00am) and pick up (4:00pm-5:30pm). Hours of operation 7:00am-5:30pm. No expanse of pavement needed. We will not need more parking than what is already established for this building.

2.) We will not be creating unsanitary or harmful conditions. Outdoor noise volume will be monitored by teachers but certainly won't be harmful. Glare, dust, sewage disposal, emissions to the air, odor, lighting or litter will not be unsanitary or harmful.

3.) Design and operation will be similar if not the same as when this property was previously pleasant day nursery school. We will apply for a permit to hang appropriate signage on the pre existing sign post. We will have disposal removal and unscheduled package deliveries, the current structure will remain. Material storage will be inside the building or inside the fenced play yard appropriately. There will be no impact on surrounding properties.

1.) My current license is non transferable, but I am currently working with the state to license the space and a license will be obtained and submitted before I am issued a certificate of occupancy.

2.) The designated outdoor fenced play space is currently 5967 sf of grass. We plan to extend the play area 25 feet into the unoccupied paved area before the parking spaces begin for additional alcove play area. The additional play space would put us well over the 6,000 sf of outdoor play space allowing 80 children at least 75 sf of outdoor play space.

3.) The play area shall be located in the side and rear yards only and shall not be located in the front yards

4.) Outside play areas shall be separated from abutting properties by a fence at least forty-eight inches in height

5.) A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the city's technical standards and guidelines.

6.) The minimum lot size for a daycare facility, home babysitting service, nursery school or kindergarten serving more than twelve children shall be six thousand square feet.

7.) Off-street parking: off-street parking is required.

8.) Any additions or exterior alterations shall be designed to be compatible with the architectural style of the building.

3.) The fenced play space is to the rear and side of the building per plot plan. There will be no play space in the front of the building.

4.) The outdoor play space is surrounded by a fence seventy-two inches in height.

5.) There is no current landscape buffer between the play yard and abutting properties. This is something we plan to do prior to opening.

6.) The lot size generously exceeds the required six-thousand square feet, as the play yard alone is six-thousand square feet.

7.) On-site, Off-street parking is provided for approximately twenty-five cars which would provide enough parking spaces for all twelve employees and thirteen extra spaces for parents dropping off and picking up.

8.) There are two things we need to do outside and neither are direct additions to the building. We need to put a privacy fence in place to secure the outside play space and we need to put a vegetation buffer in. Both will be approved projects and be compatible with the style of the building.

970 Forest Ave



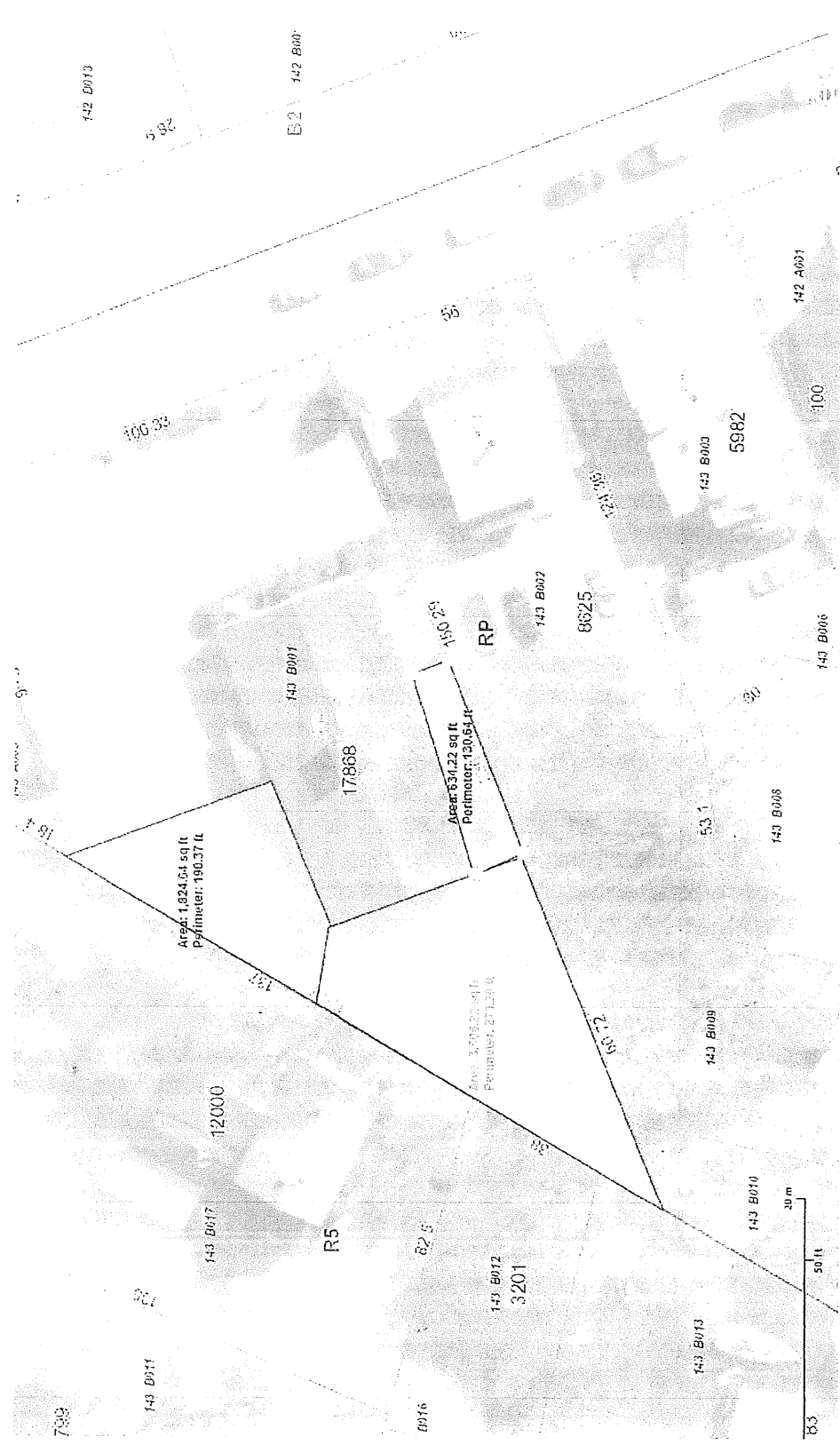
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970 Forest Ave



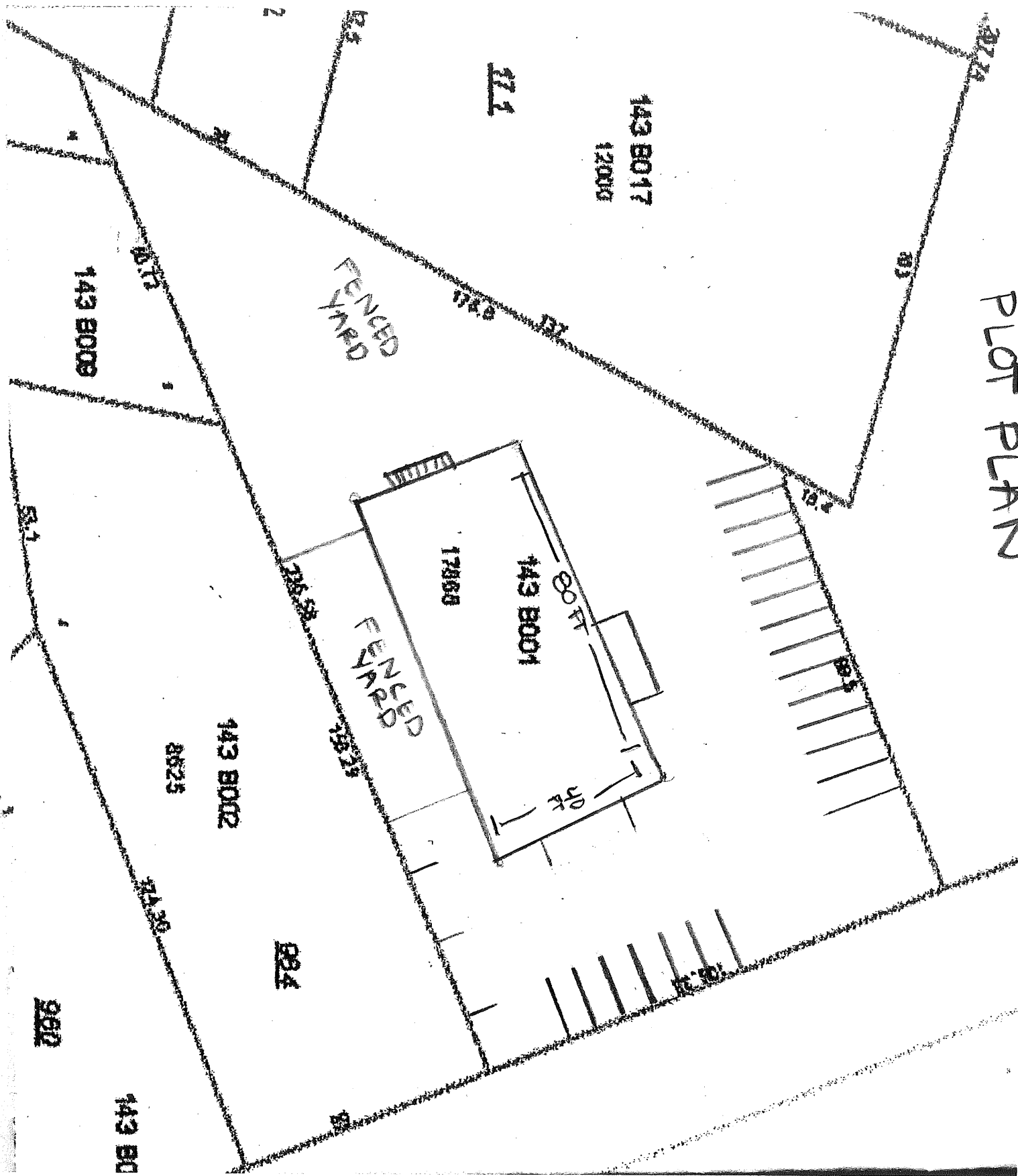
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PLOT PLAN



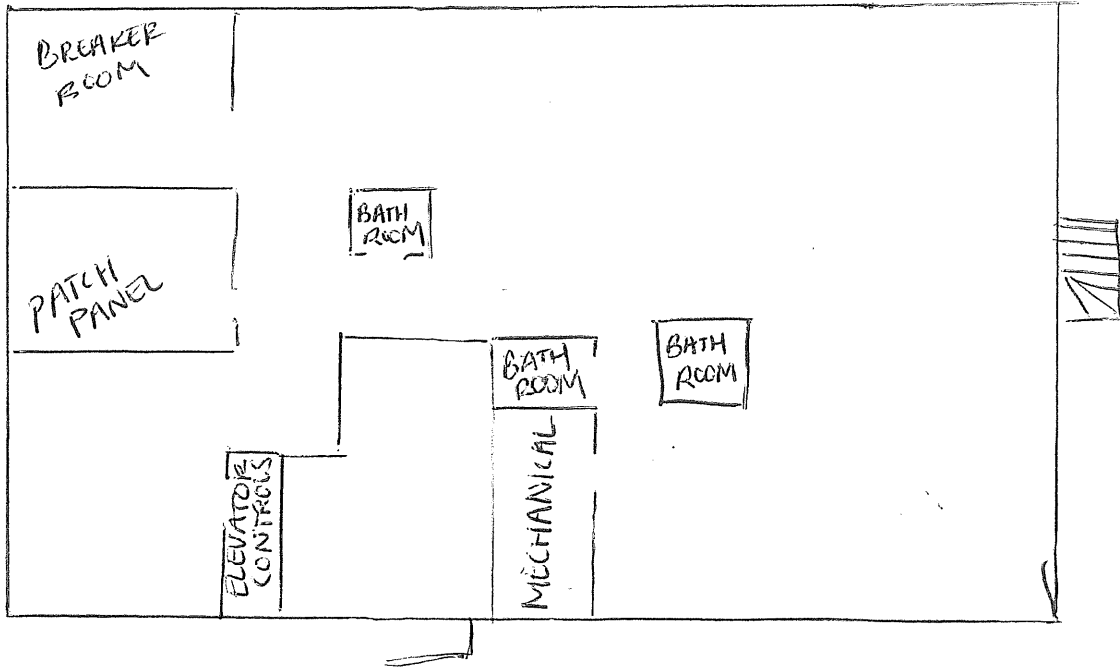
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PLOT PLAN

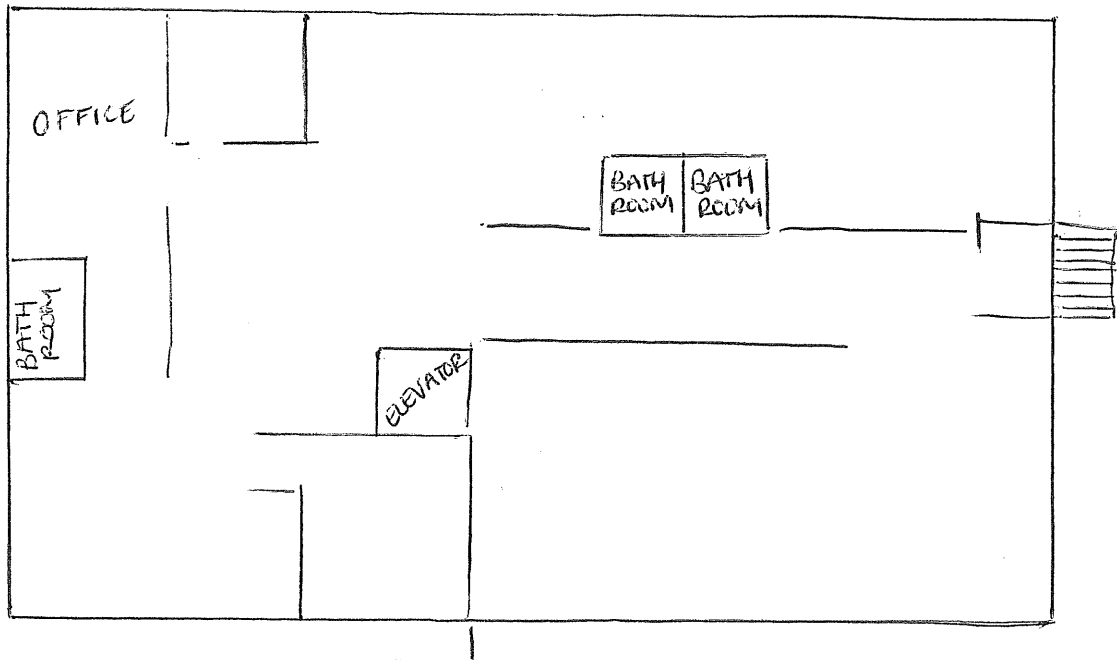


CURRENT FLOOR PLAN

FIRST FLOOR

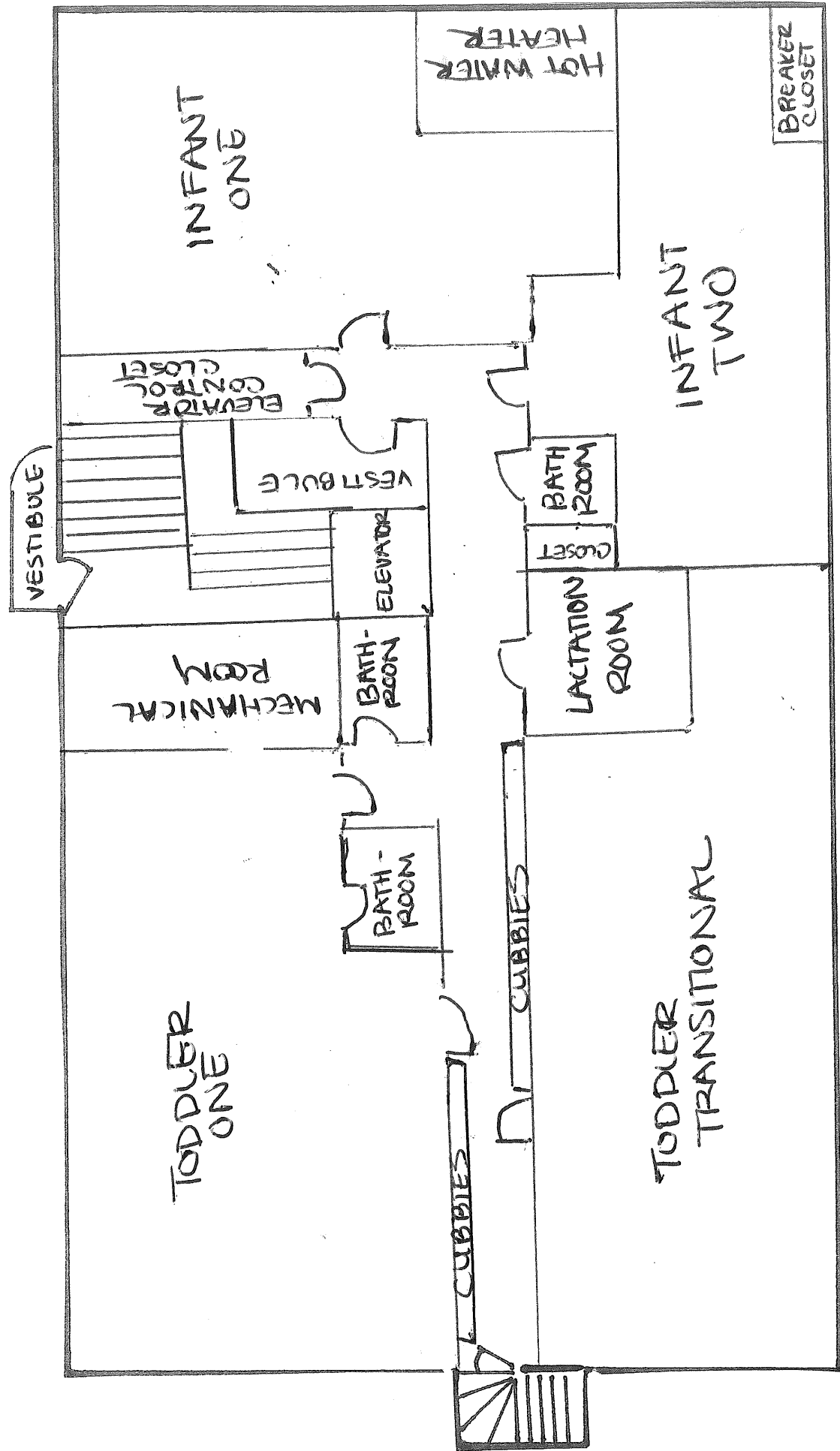


SECOND FLOOR

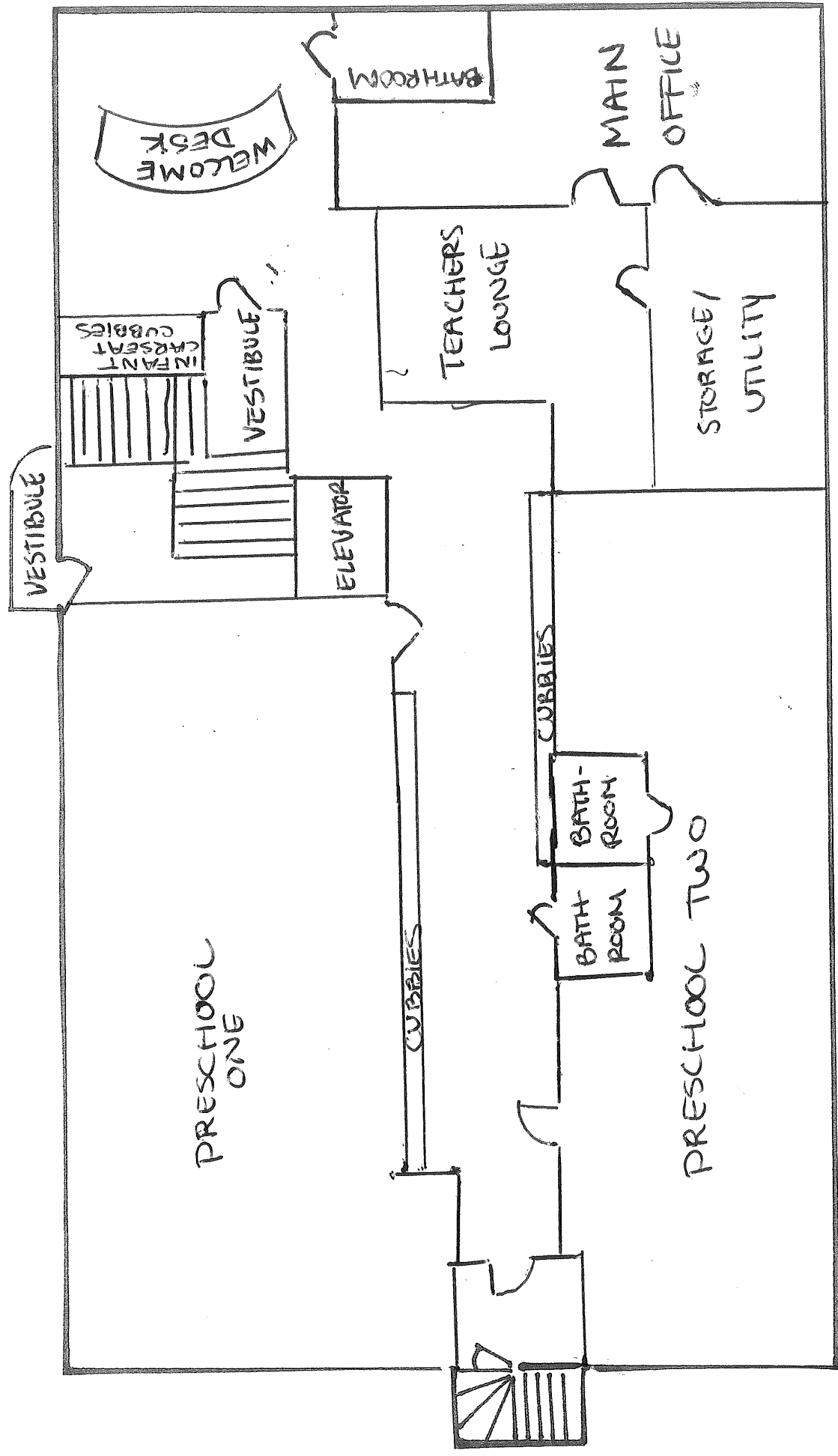


FIRST FLOOR

PROPOSED



SECOND FLOOR PROPOSED



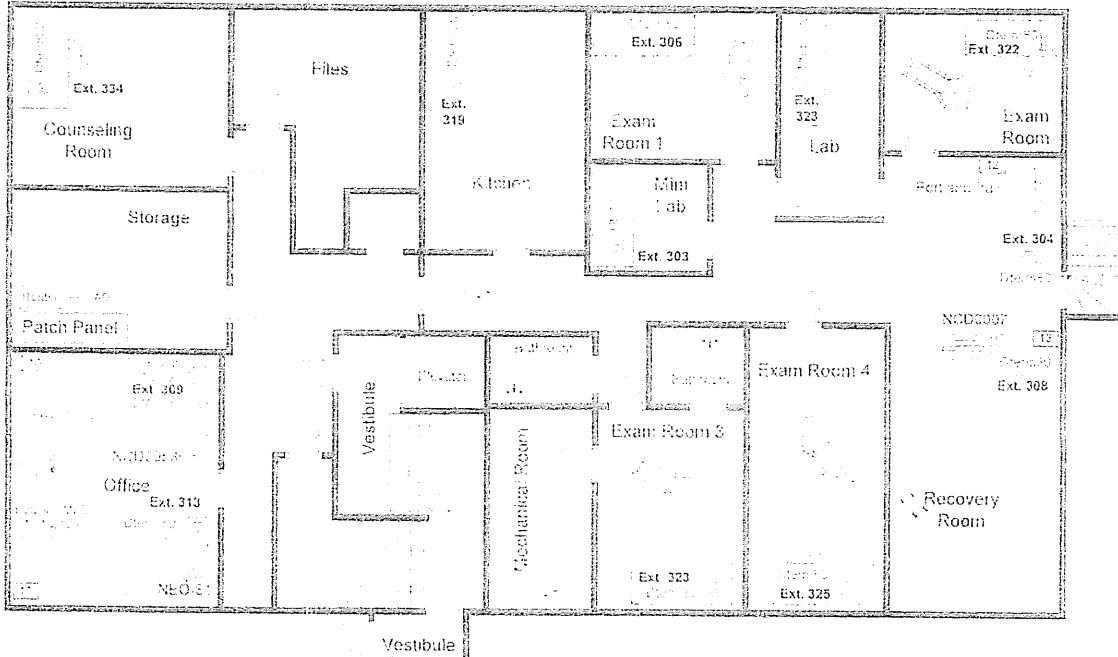
FOR SALE

970 FOREST AVENUE

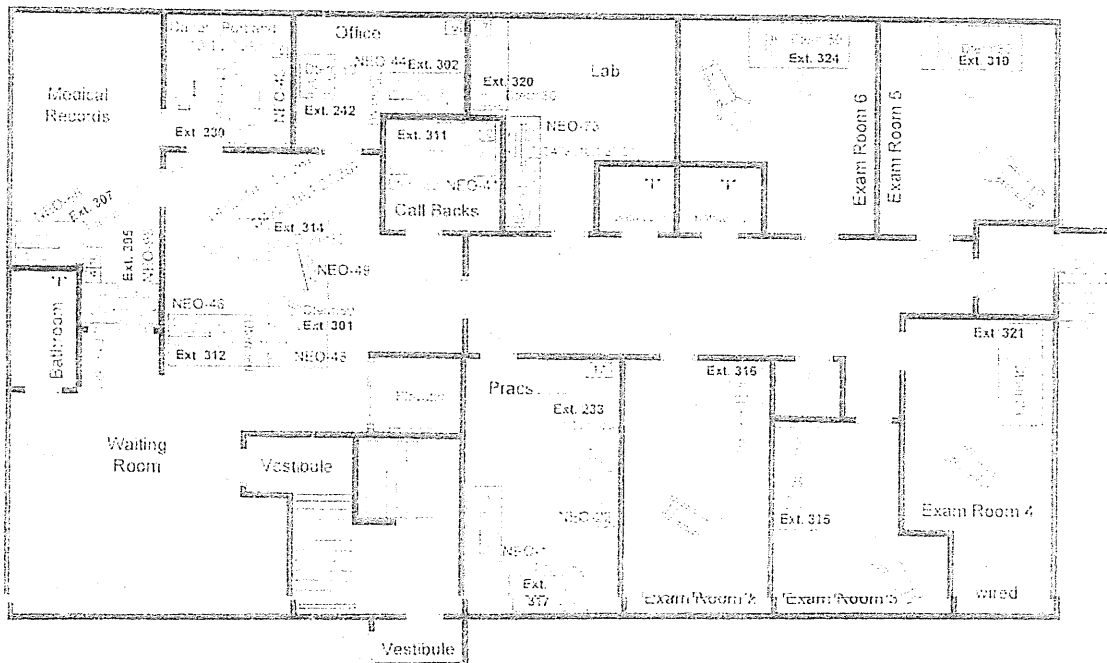
PORTLAND, MAINE

Previous Floor Plans

1st Floor



2nd Floor





April 1, 2012 to 2013
Tax Map Index: <http://www.portlandassessors.com/taxmaps.htm>

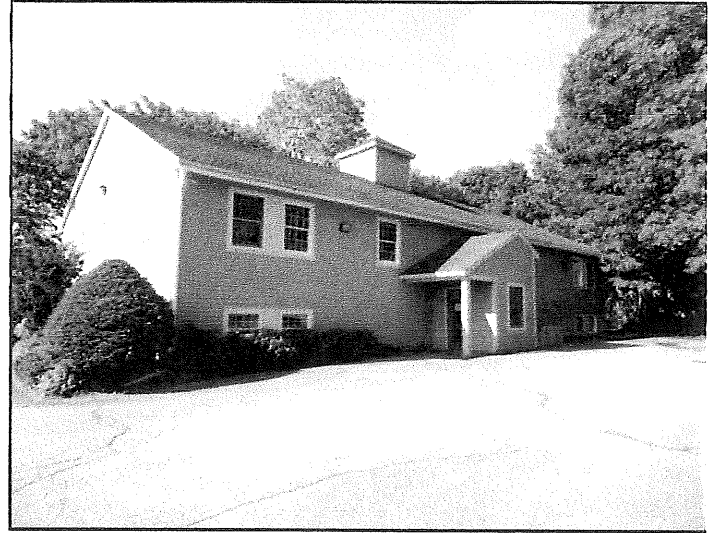
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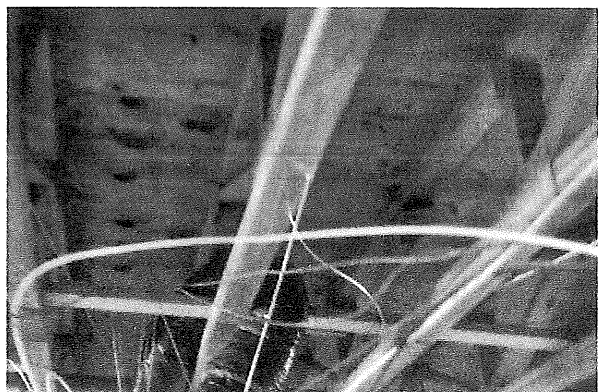
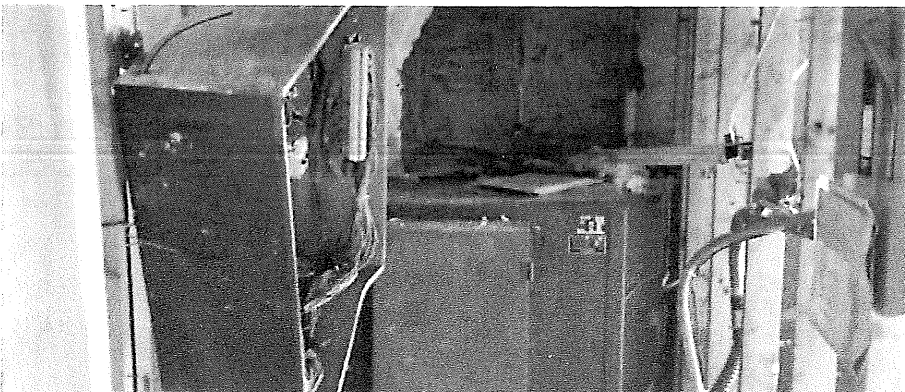
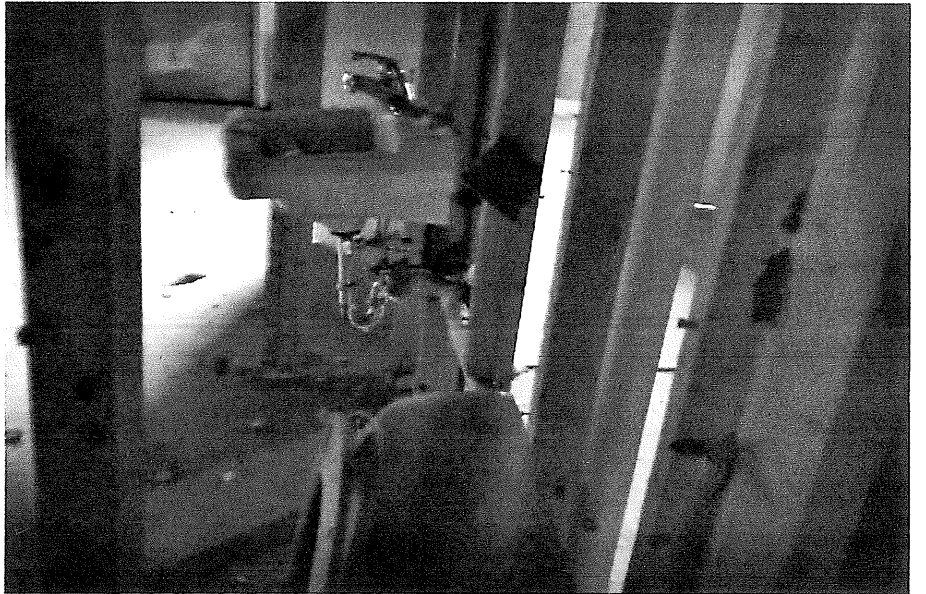
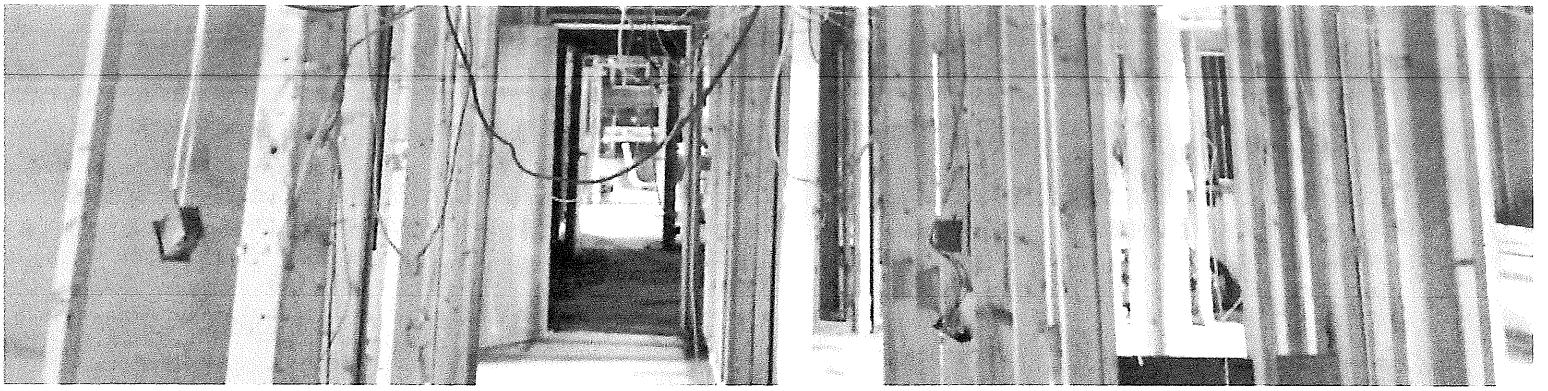


FOR
SALE

970
FOREST
AVENUE PORTLAND, MAINE

Building Size: 6,400+/- sf
Land Area: 0.41+/- acres
Year Built: 1988
Assessor's Reference: Map 143, Lot B1
Book/Page: 10794-321
Assessed Value: Land: \$181,100
Bldg: \$430,900
Total: \$612,000
Elevator: Yes
Signage: Roadside pylon sign
Zoning: RP - Residential Professional
Parking: On-site parking for approximately 25 cars
Construction: Wood-framed
HVAC: Forced Hot Air, natural gas with central air conditioning
Roof: Gabled
Flooring: Combination of carpet and tile
Lighting: Fluorescent
Sprinkler: Full wet system
Water/sewer: Municipal
Sale Price: \$295,000





FOR
SALE

970 FOREST AVENUE

PORTLAND, MAINE

Aerial Photograph

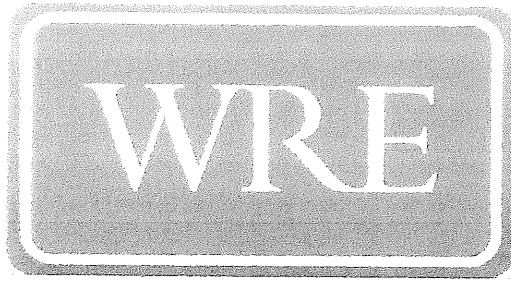


FOR MORE INFORMATION CONTACT:

Joseph Porta
jporta@boulos.com

CBRE | The Boulos Company | One Canal Plaza | Suite 500 | Portland, ME 04101 | 207.772.1333 | www.boulos.com

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December 8, 2015

Gina Kostopoulos
North Deering Children's Academy
5 Bramblewood Drive
Portland, Maine 04103

Re: 970 Forest Ave
Portland, Maine 04103

Gina,

On behalf of Stephen E. Mardigan (hereinafter Landlord), I have outlined the parameters of a deal they are prepared to enter into lease negotiations with North Deering Children's Academy (hereinafter Tenant) at the above captioned address.

1. Location: Approximately 6,400 sf located at 970 Forest Ave, Portland, Maine 04103.
2. Use: During the term of this lease, the premises shall be used as a typical day care facility.
3. Term: This lease shall commence upon execution and terminate five (5) years after rent commencement. Rent and additional rent to commence the earlier of 60 days after the Landlord delivers the space to Tenant or the day Tenant opens for business to the public.

Renewal Option:

This lease is subject to the following renewal options:
One (1) five-year renewal with an annual increase of 3% per year.

4. Base Rent: The base rent for the base term shall be as follows:
Years 1-3—\$10.69 psf payable in monthly installments of \$5,700.00. Rent includes taxes and the landlord's insurance on the property.
Year 4 & 5—3% annual increases per year.

795 Roosevelt Trail Ste 200, Windham, Maine 04062
207-775-3499/207-894-5391 (fax)

5. Utilities / Additional Rent:

The Tenant shall be billed directly for all separately metered utilities (check if applicable), including but not limited to:

- a) Electricity yes
- b) Fuel (Gas) yes
- c) Water / Sewer yes

NOTE: This is a modified gross lease. The Tenant will be responsible for the common area maintenance. Tenant will be responsible for any increase in taxes over the base year and any increase in insurance due to Tenant's use.

6. Insurance: The Landlord will maintain: Liability and Fire for the building and parking lot; the Tenant: Liability, Fire and Casualty for the interior premises, its customers, agents and vendors.

7. Tenant's Alterations:

Tenant is allowed to make any non-structural improvements and/or changes, as allowed by code, with the landlord's consent.

8. Landlord's Work:

Landlord will deliver the space as outlined in the attached Specifications.

9. Signage:

Tenant will be able to install its standard signage, as per code, on the front of the building façade and on the shopping center pylon.

Sincerely,
Jay Wise
Jay Wise

Accepted by Tenant
By: *[Signature]*
Date: 12/18/2015

Accepted by Landlord
By: *[Signature]*
Date: 12-8-15

Landlord's Work

- Demise the space per tenant and landlord approved plan
- Insulate the walls and ceiling and sheetrock the perimeter walls
- Wiring to code
- Lights and outlets to code
- Bathrooms per plan
- HVAC in good working order
- Typical commercial grade carpet or allowance to be agreed upon

795 Roosevelt Trail Ste 200, Windham, Maine 04062
207-775-3499/207-894-5391(fax)

Stephen E. Mardigan

460 Baxter Blvd

Portland, Maine 04103

December 16, 2015

To: The City of Portland
From: Stephen E. Mardigan
Re: 970 Forest Ave
Planning Board

Gina Kostopoulos dba North Deering Children's Academy and/or her representative has my permission to represent me and my property located at 970 Forest Avenue at the planning board meeting.

If there are any questions or concerns please call me at 207-772-5555.

Thank you.



NDCA
GINA KOSTOPOULOS
5 BRAMBLEWOOD DR
PORTLAND, ME 04103

748
52-8769/2112

JAN 4, 2016
DATE


PAY TO THE ORDER OF City of PORTLAND

\$ 100.00

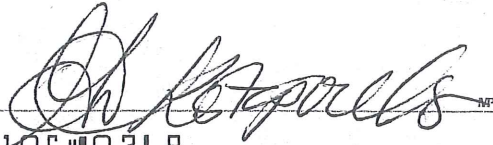
ONE HUNDRED

~~100~~ DOLLARS

 Security Features Details on Back.

 CUMBERLAND COUNTY
Federal Credit Union
101 GRAY ROAD
FALMOUTH, MAINE 04105

FOR ZBA



⑆ 211287696⑆ 10000254970106⑈ 0748

RECEIVED

JAN 04 2016

Dept. of Building Inspections
City of Portland Maine