

Listed below are key characters (in bold) for searching within this file.

Hold down the control key and select the “f” key. Enter either a key character from the list below or document name and select enter for a list of documents containing the search word you entered.

APL – all documents behind this target sheet pertain to the original application submitted by the Applicant.

REVIEW – all documents behind this target sheet pertain to those documents submitted to and from staff as part of the project review.

PBM1 – all documents behind this target sheet are any Planning Board memos with attachments that went to the Board.

PBR1 - all documents behind this target sheet are any Planning Board reports with attachments that went to the Board.

CC1 - all documents behind this target sheet are any City Council memos/reports that went to the City Council.

DRC1 - all documents behind this target sheet are those pertaining to the post review of the project by the Development Review Coordinator.

MISC1 - all documents behind this target sheet are those that may not be included in any of the categories above.

APL

DOWD PROPERTIES

**P.O. Box 4894
31 Exchange Street
Portland, Maine 04112**

(207) 773-6250 Fax: (207) 773-0046

B-4

September 14, 1999

City of Portland
Mr. Alex Jaegerman
Chief Planner
389 Congress Street
Portland, Maine 04101

RE: 17 Westland Avenue - Portland

Dear Mr. Jaegerman,

Attached please find my application for a Zoning Amendment for the above referenced property.

I would very much like to relocate my real estate office, Dowd Properties to this location. The current zoning is a R-5, I would need to have the zoning changed to an R-P zone to accomplish this.

Westland Avenue is a short busy street that is primarily used by Shaw's customers and as the entrance to the Italian Heritage Center. In addition all Shaw's delivery trucks use this street to access the rear of Shaw's.

The abutting property is a B-1 zone and the entire opposite side of the Street is a B-2 zone.

The Portland Terminal Company owns the land directly behind the property and would act as a buffer zone between the subject property and the nearest residential area.

This zoning request is supported by all abutters and consistent with the purpose of the R-P zone, which is to provide an appropriate location for development and operation of a low intensity business use, including professional offices on or near major arterial that are comparable in scale, density and use with surrounding and adjacent residential neighborhood.

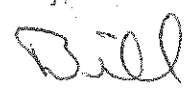
Dowd Properties was established in 1982 and is a licensed real estate Brokerage firm in the State of Maine (see attached). We have been located at 31 Exchange Street for several years and are looking to relocate our business to a more suitable space and feel that this location meets our needs.

Please schedule us to meet with the planning board at the earliest opening available.

If you have any questions or need any additional information, please don't hesitate to contact me.

Thank you for consideration in regards to this matter.

Sincerely,



WILLIAM J. DOWD



B-6

APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

William J. Dowd

Name

31 Exchange St.

Address

Portland, Me

773-6250

Phone

773-0046

Fax

2. Subject Property:

17 Westland Avenue

Address

Portland, Me 04102

197-A-5-6-7

Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Dowd Properties LLC

Name

31 Exchange St.

Address

Portland, Me

773-6250

Phone

773-0046

Fax

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

Deed Attached

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. Existing Use:

B-7

Describe the existing use of the subject property: Residential -
Single Family Home

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We propose to relocate our real estate
Company to this location. In addition to
real estate we own and manage several
residential properties in the Greater
Portland area.

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. Proposed Zoning: Please check all that apply:

A. Zoning Map Amendment, from R5 to RP

B. Zoning Text Amendment to Section 14- _____

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

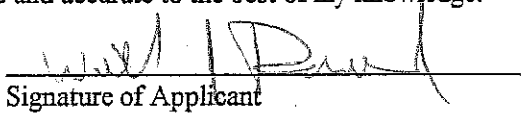
11. **Application Fee:** A fee for this application for a zoning amendment must be submitted, by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement. B-8

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 & Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (which- ever is less)	15,000-30,000 sq. ft. or 6-10 acres (which- ever is less)	30,000-45,000 sq. ft. or 10-15 acres (which- ever is less)	45,000-60,000 sq. ft. or 15-20 acres (which- ever is less)
• Legal Advertisements (one for workshop and one for public hearing)			percent of total bill	
• Notices (one for workshop and one for public hearing)			40 cents each	
• Text Amendments			\$300.00	

\$350.00 Amount of Fee

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

9.16.99
Date of Filing


Signature of Applicant

Further Information:

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

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

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

ATTACHMENT C

.66

N
M

112'

2 STORY RESIDENCE

1 STORY RESIDENCE

STABLE

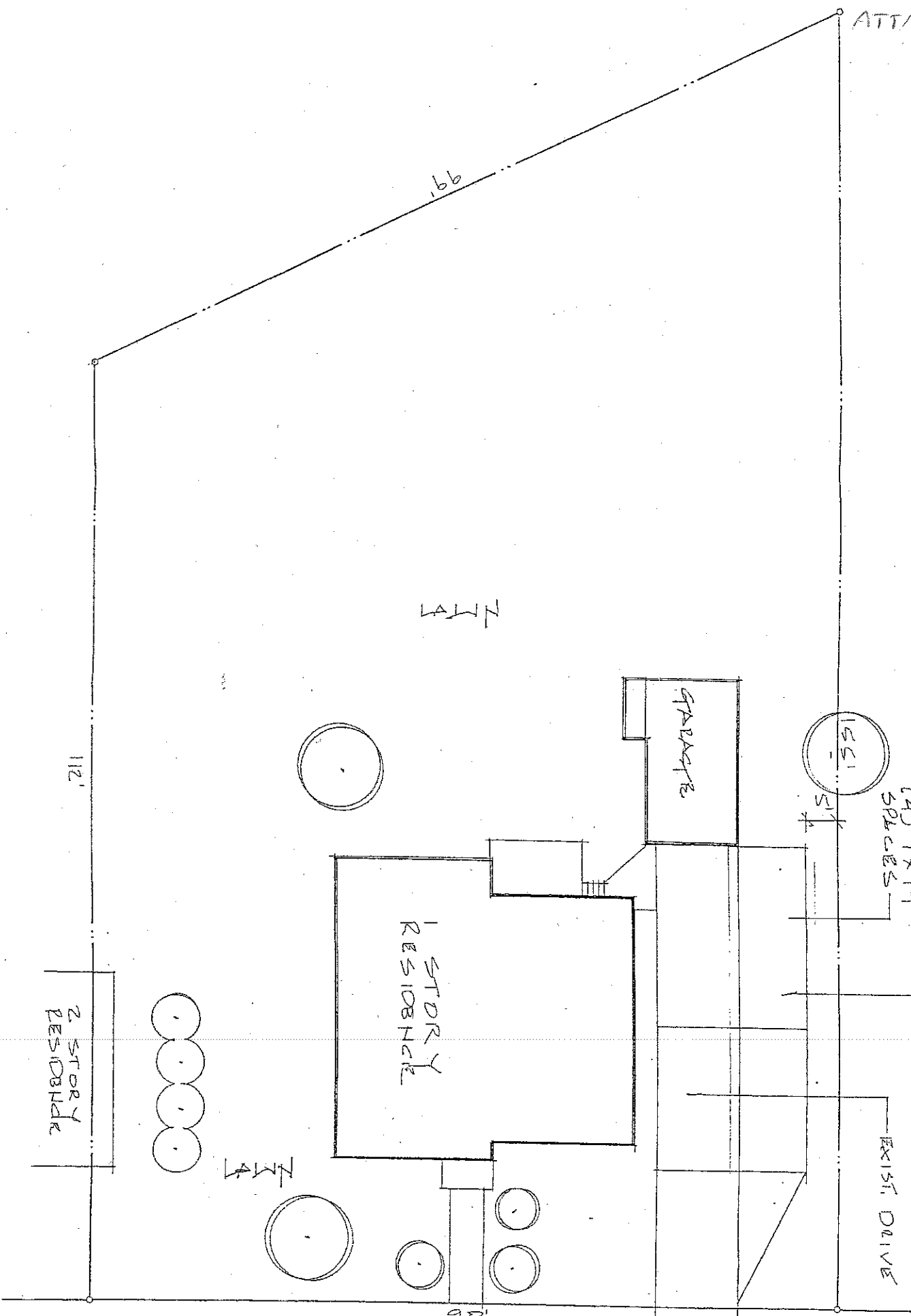
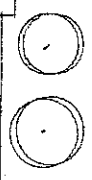
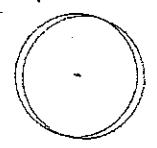
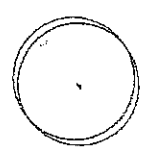
1551
ST
(4) 9x19
SPACES

EXIST. DRIVE

90

WESTLAWN AVE.

N
M





B-6

APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

William J. Dowd
 Name

31 Exchange St.
 Address

Portland, Me

773-6250 773-0046

Phone

Fax

2. Subject Property:

17 Westland Avenue
 Address

Portland, Me 04102

197-A-5-6-7

Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Dowd Properties LLC
 Name

31 Exchange St.
 Address

Portland, Me

773-6250 773-0046

Phone

Fax

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

Deed Attached

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.)

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6. Existing Use:

Describe the existing use of the subject property: Residential -
Single Family Home

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We propose to relocate our real estate
Company to this location. In addition to
real estate we own and manage several
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Portland area.

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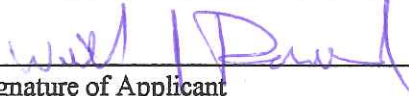
	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 & Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$350.00 Amount of Fee

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

9.16.99
Date of Filing


Signature of Applicant

Further Information:

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

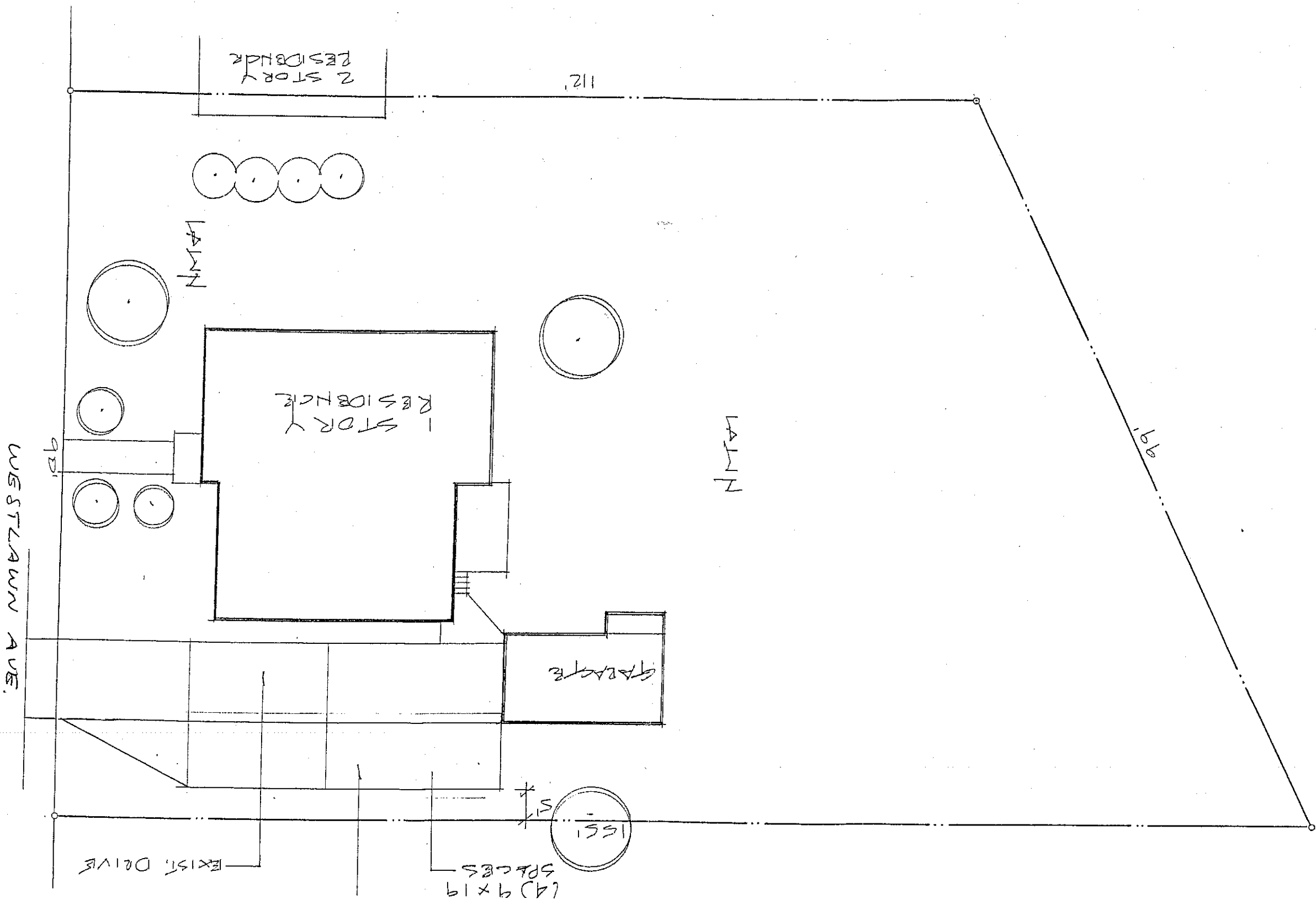
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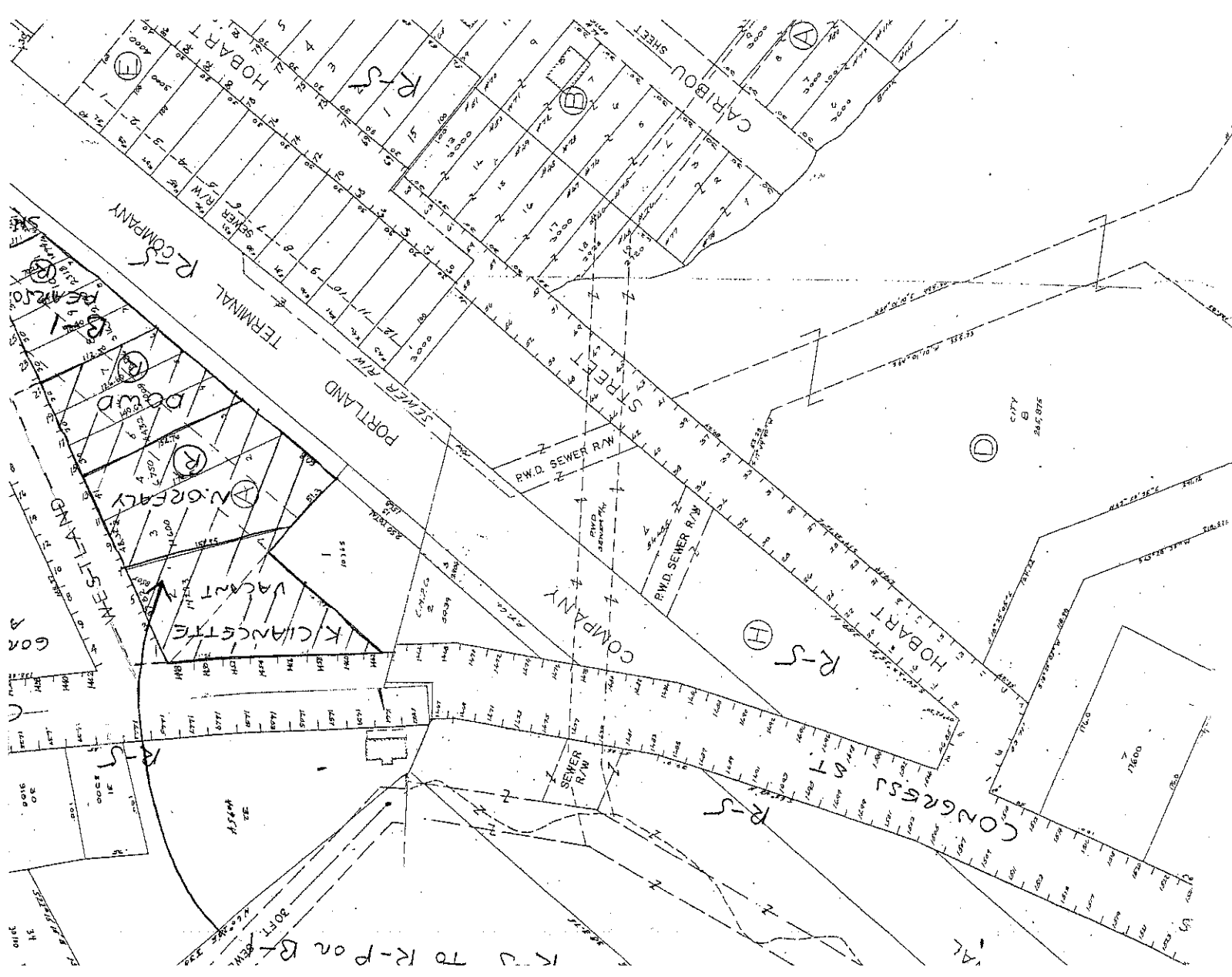
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Portland Planning Board
Portland, Maine

Effective: July 6, 1998

ATTACHMENT C





HOBART STREET

CARIBOU STREET

TERMINAL R-5 COMPANY

PORTLAND STREET

P.W.D. SEWER R/W

R-5 COMPANY

HOBART STREET

CONGRESS STREET

WESTLAND STREET

K. CLANCETTE VACANT

R-5

GOR

30 FT. R/W

R-5 TO R-P on B-

CITY & COUNTY

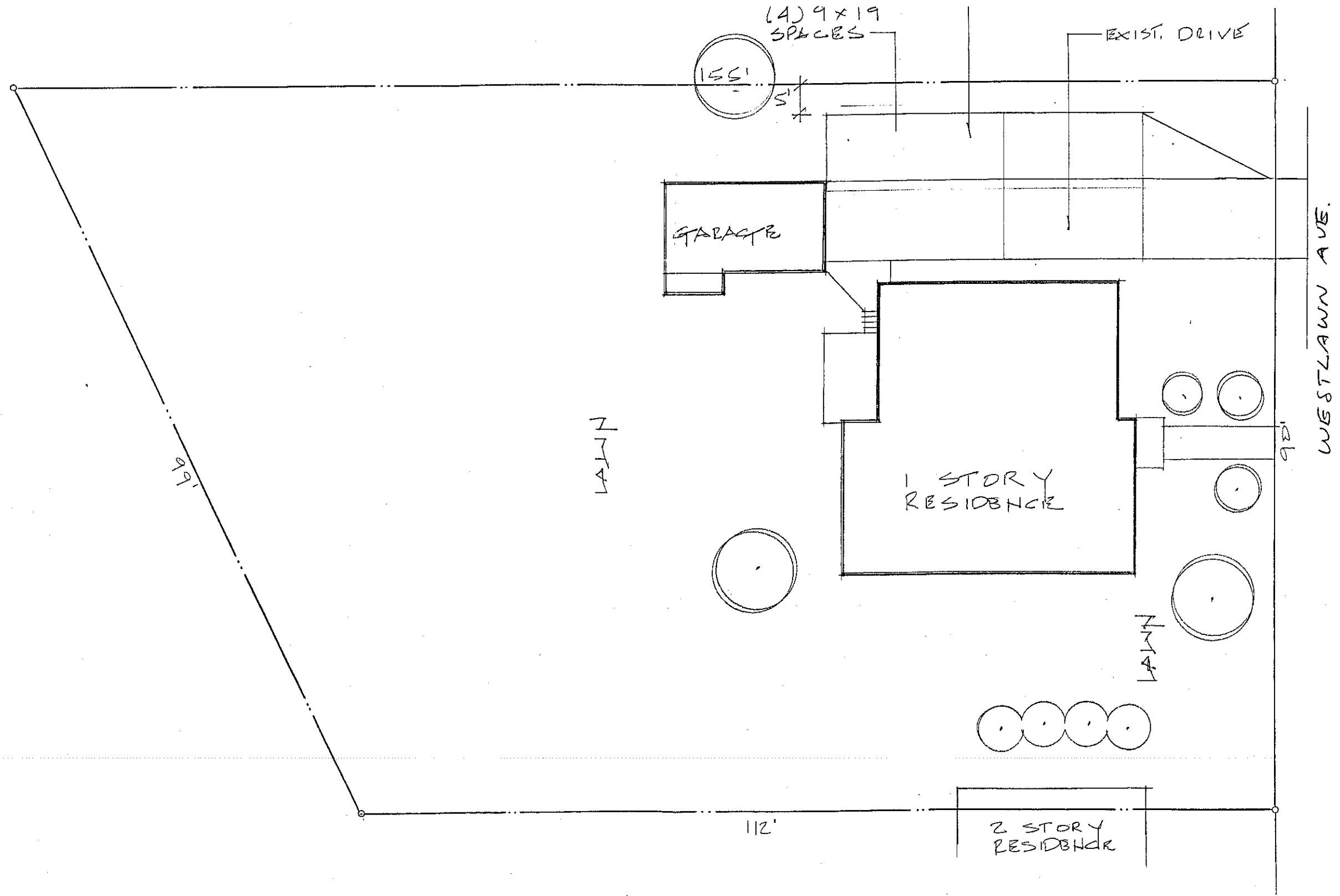
1000

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ZONE CHANGE SITE
R-5 TO R-P on B-1



ATTACHMENT A-1
STEVENS AV

CONGRESS ST
R-5

HOBART
R-5

K. CIANCETTE
VACANT
N. GREALY
DOWD

GORHAM BIKE
AND SKI

WESTGATE SHOPPING
CENTER

SHAW'S
SUPERMARKET

ITALIAN
HERITAGE
CENTER

WESTLAND
AVENUE

PORTLAND
SEWER R/W
TERMINAL

CARIBOU
STREET

STREET

WESTLAND

FENWAY ST

FLATS

EXEMPT LOCATION

NO.	AREA	SEWER R/W	EXEMPT
1	100	3000	100
2	100	3000	100
3	100	3000	100
4	100	3000	100
5	100	3000	100
6	100	3000	100
7	100	3000	100
8	100	3000	100
9	100	3000	100
10	100	3000	100
11	100	3000	100
12	100	3000	100
13	100	3000	100
14	100	3000	100
15	100	3000	100
16	100	3000	100
17	100	3000	100
18	100	3000	100
19	100	3000	100
20	100	3000	100
21	100	3000	100
22	100	3000	100
23	100	3000	100
24	100	3000	100
25	100	3000	100
26	100	3000	100
27	100	3000	100
28	100	3000	100
29	100	3000	100
30	100	3000	100

LOCATION

DEED OF SALE BY PERSONAL REPRESENTATIVE
(Testate)
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, that ARTHUR E. MARLES of Standish, County of Cumberland, State of Maine, duly appointed and acting PERSONAL REPRESENTATIVE of the ESTATE OF GERTRUDE L. MARLES, deceased (testate), as shown by the probate records of the County of Cumberland, Maine, and having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid, GRANTS to DOWD PROPERTIES, LLC, a Maine limited liability company, with a principal place of business in Portland, County of Cumberland, State of Maine, whose mailing address is P.O. Box 4894, Portland, Maine 04112, the real property in Portland, County of Cumberland, State of Maine, described as follows:

Three certain lots or parcels of land with the buildings thereon, situated on Westland Avenue, formerly inadvertently referred to as Western Avenue, in said City of Portland, bounded and described as follows:

Being lots numbered Four (4), Five (5) and Six (6), according to plan of lots at Congress Terrace belonging to Joseph J. Ellis. Said plan being made by Weston M. Hicks, Civil Engineer, dated April, 1922 and recorded in the Cumberland County Registry of Deeds, Plan Book 14, Page 61.

This conveyance is made subject to the following restrictions: No house or other building to be built or placed on said lots to cost less than Twenty-Five Hundred Dollars (\$2,500.00), except that after such house has been built, such out-buildings as may be suitable and appurtenant may then be erected. All buildings, including piazzas, sun parlors and other projections to be set back at least ten (10) feet from the street line.

This conveyance is made subject also to the pole rights of the Cumberland County Power and Light Co. (or its successors), as shown on said Plan.

Meaning and intending to convey the same premises conveyed to William J. Marles and Gertrude L. Marles as joint tenants by deed of Alice E. Cook dated December 27,

1974 and recorded in the Cumberland Registry of Deeds in Book 3636, Page 156. The said William J. Marles predeceased on March 16, 1988, leaving Gertrude L. Marles as the surviving joint tenant.

WITNESS my hand and seal this 26th day of August, 1999.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF

Barbara A. Vestal

Arthur E. Marles PR

Arthur E. Marles, Personal
Representative, Estate of
Gertrude L. Marles

STATE OF MAINE
CUMBERLAND, SS.

August 26, 1999

Then personally appeared the above named Arthur E. Marles in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Barbara A. Vestal

Notary Public/Attorney at Law

Printed name: BARBARA A. VESTAL

PBM1

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Lori Savona, City Clerk
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development
DATE: December 8, 1999
SUBJECT: Agenda Request

- 1) Council Meeting at which action is requested (Date): December 20, 1999 (first reading)
January 3, 2000 (public hearing)
- 2) Can action be taken at a later date? YES NO

I. SUMMARY OF ISSUE

The Planning Board is recommending a zone change from R-5 residential to B-1 business in the vicinity of 1-21 Westland Avenue. This portion of Westland Avenue is adjacent to the Westgate Shopping Center. The zone change involves three properties. The original applicant, William Dowd, would like to convert an existing residence into a real estate office. A railroad corridor adjacent to the zone change provides a logical transition from the commercial uses near Westgate Shopping Center to residential areas west of the site.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The Planning Board's recommendation resolves a zoning issue on Westland Avenue by providing an appropriate zoning solution to the problem.

III. INTENDED RESULT (How does it resolve the issue/problem?)

By changing the zoning for this section of Westland Avenue, a more appropriate zoning designation is provided. The applicant will be able to convert an existing residence into a real estate office.

IV. FINANCIAL IMPACT

There are no known municipal financial impacts from the zone change.

V. STAFF ANALYSIS & RECOMMENDATION

The Planning Board voted 6-0 to recommend approval of this zone change.

Order 150
Tab 12 12-20-99

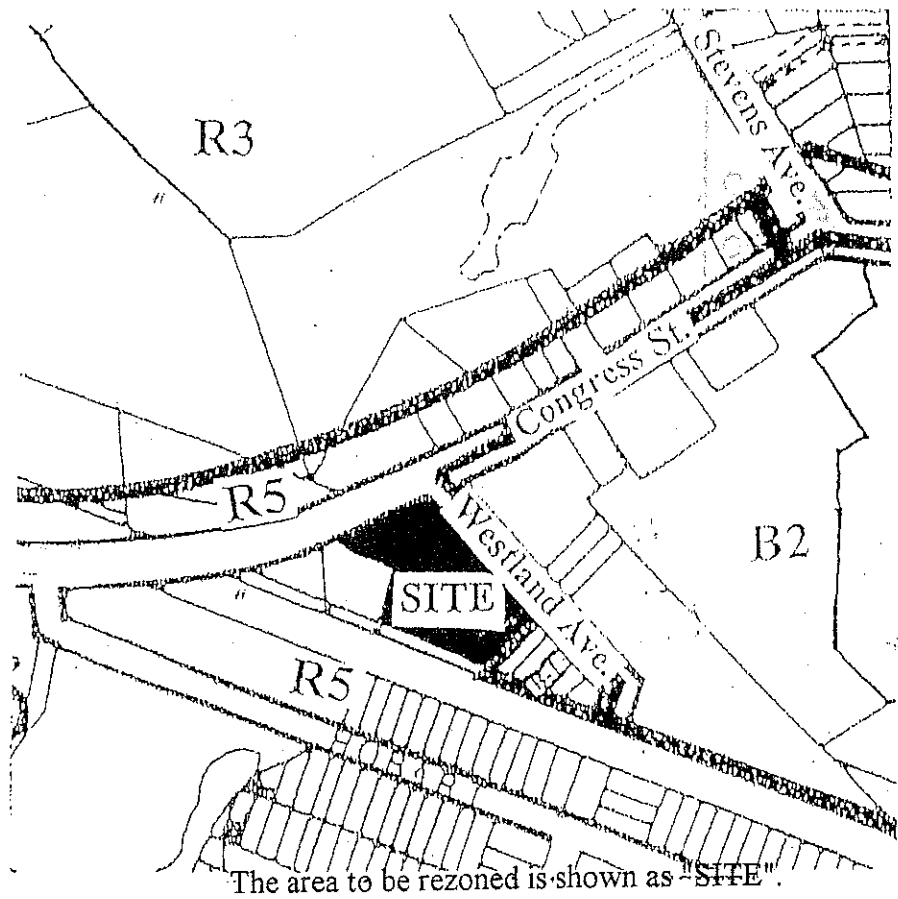
City of Portland, Maine
IN THE CITY COUNCIL

AMENDMENT TO THE PORTLAND CITY CODE
SECTION 14-49 (ZONING MAP)
RE: B-1 BUSINESS ZONE

Ordered, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE, IN THE CITY COUNCIL ASSEMBLED,

THAT, the zoning map of the City of Portland, Maine (1958), as amended, and on file in the Office of the Director of Planning and Urban Development (incorporated into this Code by Section 14-49) be further amended as shown on the fragmentary map below entitled "Change of Zone from R-5 Residential to B-1 Business Zone, labeled as "SITE", in the vicinity of 1-17 Westland Avenue", which fragmentary map is hereby incorporated in and made a part of said zoning map.

CHANGE OF ZONE
FROM R-5 RESIDENTIAL TO B-1 BUSINESS
IN THE VICINITY OF 1-17 WESTLAND AVENUE



**WESTLAND AVENUE ZONE CHANGE
FROM R-5 TO B-1**

DOWD PROPERTIES, LLC., APPLICANT

Submitted to:

Portland City Council
Portland, Maine

December 20, 1999

I. INTRODUCTION

The Planning Board is recommending a zone change from R-5 residential to B-1 business in the vicinity of 1-21 Westland Avenue. This portion of Westland Avenue is adjacent to the Westgate Shopping Center and includes a mix of commercial and residential uses.

II. FINDINGS

The zone change includes three properties. William Dowd originally requested a zone change for a property at 17 Westland Avenue. The site is 12,027 sq. ft. in size and has an existing single family residence. If this zone change were approved, the applicant would convert it to a real estate office. The Board's recommendation includes two other R-5 zoned properties also on the westerly side of Westland Avenue. This includes a vacant parcel (1 to 9 Westland Avenue) which has frontage on Westland Avenue and Congress Street.

Below is a list of properties included in the zone change.

<u>Address</u>	<u>Land Area</u>	<u>Use</u>	<u>Owner</u>
1 to 7 Westland	12,670 sq. ft.	vacant land	K. Cianchette
9 to 13 Westland	18,350 sq. ft.	residence	N. Orfaly
15 to 21 Westland	12,027 sq. ft.	residence	W. Dowd

III. LAND USE ANALYSIS

Westland Avenue is just west of the Westgate Shopping Center on Congress Street and serves as the main access to the Italian Heritage Center and for truck deliveries to Shaw's Supermarket. In many respects, this street represents a transition area between commercial and residential uses in the area. Current zoning on Westland Avenue includes R-5, B-1, and B-2.

Westland Avenue is about 500 feet long and is dead-ended by a railroad corridor. A second section of Westland Avenue continues past the railroad property and crosses Hobart Street. There are four houses on Westland Avenue, two of which are already in a business zone.

Westland Avenue is B-2 on the easterly/Shaw's Supermarket side with a commercial building (Gorham Bike and Ski, 1440 Congress Street) and one residence.

On the westerly side of Westland Avenue, zoning is split by an R-5 and B-1 zone. The first 270 feet from Congress Street is zoned R-5 with a vacant lot and two residences (including the applicant's.) The remainder of Westland Avenue is B-1, including an existing residence.

The mix of uses along this street is somewhat analogous to Sewall Street. Commercial uses with frontage on Congress Street, followed by a small residential presence and then commercial uses (Thompson's Point). As Sewall Street evolved, residentially zoned areas were changed to a R-P designation and office buildings were developed. Westland Avenue properties, however, are much smaller than the Sewall Street office properties.

Westland Street is sandwiched between a B-2 zone from Westgate Shopping Center and a railroad corridor. The railroad property (about 80 feet wide) poses a natural buffer or dividing line between commercial uses and the residential areas to the west (Hobart Street).

The Board considered a B-1 or R-P designation for the zone change. The purpose sections of both zones are shown below.

B-1 neighborhood business zone:

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market.

R-P residence-professional zone:

- (1) To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or
- (2) To serve as a transition or buffer zone between residential and more intensive non-residential zones.

In the end, the Board determined that a B-1 designation was more appropriate than a R-P zone. There is already a B-1 zone directly adjacent to the site and so this zone change represents a logical extension of that zone. Also, the R-P zone seemed too restrictive given the context of the area. The railroad corridor between the zone change site and Hobart Street, Westland Avenue provides a logical break or transition between commercial and residential uses.

IV. PUBLIC PROCESS

On November 9, 1999, the Planning Board held a public hearing on this zone change and voted 6-0 (Malone absent) on the following motions:

1. That the proposed zone change is consistent with the policies of the comprehensive plan. The Planning Board therefore recommends to the City Council approval of the proposed zone change to B-1 Business.

Public notice consisted of a newspaper advertisement and 160 notices sent to area property owners.

The Board held one workshop on this proposal prior to the public hearing.

The Board reviewed the initial Dowd application and determined that two additional properties should also be rezoned to B-1 as part of this recommendation.

Attachments

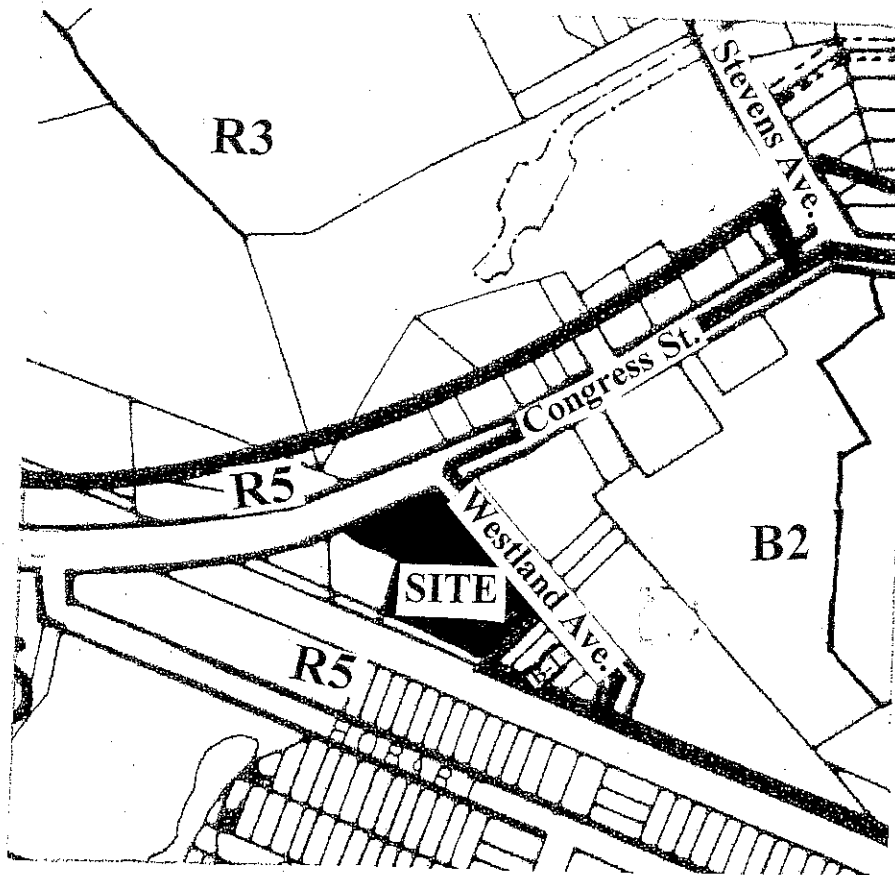
- A. Zoning Map
- B. Vicinity Map
- C. Background Information
- D. Site Plan

ZONE CHANGE SITE
R-5 TO R-P on B-2



PORTLAND PLANNING BOARD
PUBLIC NOTICE

Notice is hereby given that the Portland Planning Board will hold a public hearing Tuesday evening, November 9, 1999 at 5:30 p.m., in Room 209, City Hall, Portland, Maine to consider a proposed zone change from R-5 Residential to R-P Residence-Professional or B-1 Business in the vicinity of 1-17 Westland Avenue as shown on the fragmentary map below, labeled as site.

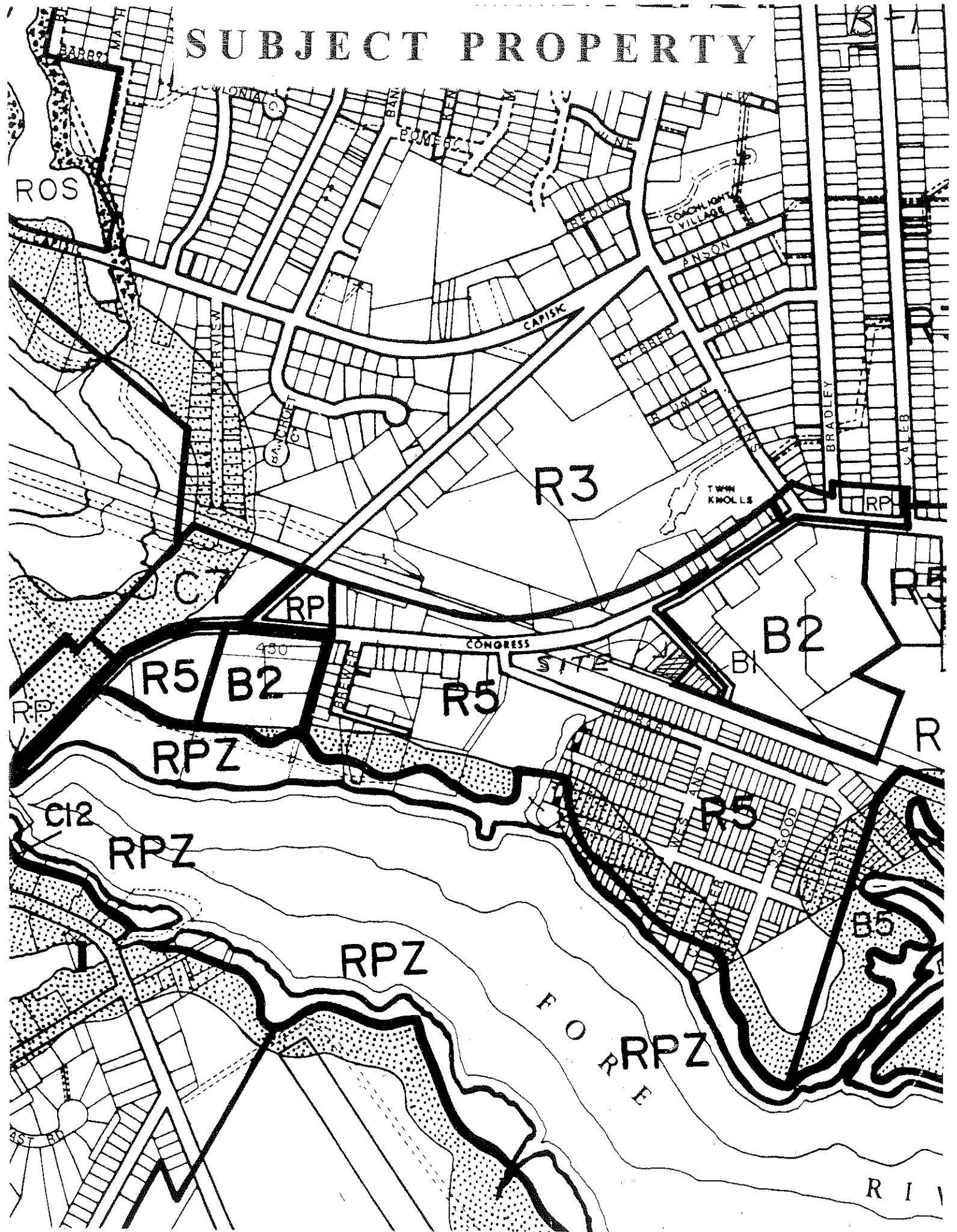


William Dowd (Dowd Properties) has requested a zone change to R-P for a property at 17 Westland Avenue. If the R-P or B-1 zone change were approved, the applicant would convert an existing residence on this property to a real estate office. For purposes of holding a public hearing, the Planning Board will consider a R-P or B-1 designation for this site as well as the properties shown on the map above. These properties include 1 Westland Avenue (12,670 sq. ft.), 9 Westland Avenue (18,350 sq. ft.), and 17 Westland Avenue (12,000 sq. ft.) The Planning Board's recommendation to the City Council on this zone change may include a recommendation for R-P or B-1 for all or a portion of these properties.

Further information on this development can be obtained at the Planning Department Office, City Hall, 4th Floor or by calling 874-8725.

John C. Carroll, Chair
Portland Planning Board

SUBJECT PROPERTY



Lot 2 - Ken Ciandhelle - R5 Zone

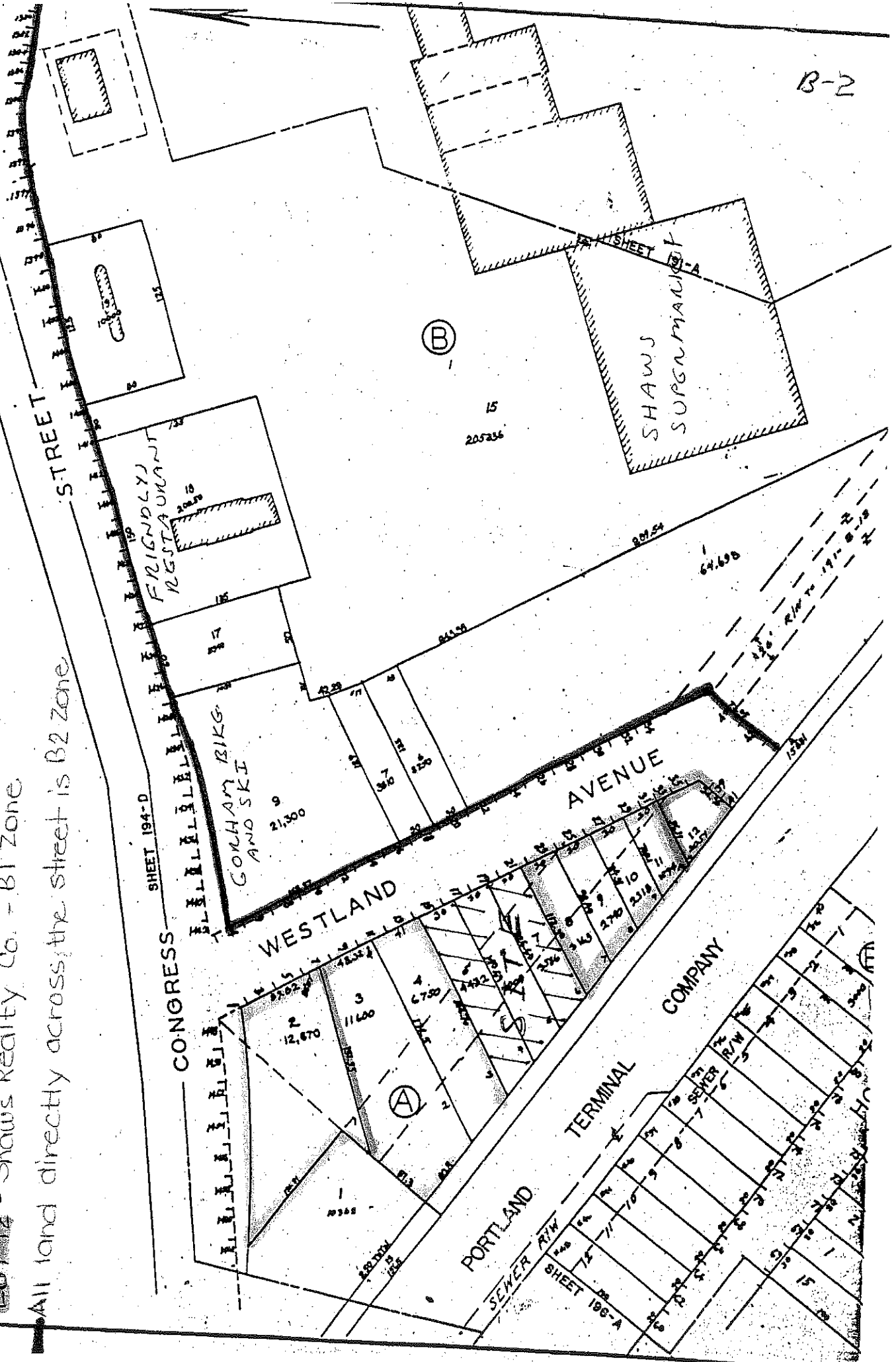
Lot 3-4 - A buffer - Nubar J. Orfaly - R5 Zone

Lot 5-6-7 - Subject Property - R5 Zone

Lot 8-9-10-11 - A buffer - Carl + Angela Pearson - B1 Zone

Lot 12 - Shaws Realty Co. - B1 Zone

All land directly across the street is B2 Zone



B-2

CONGRESS STREET

SHEET 194-D

CONGRESS

FRIGNOLLY RESTAURANT

GORHAM BIKG AND SKI

WESTLAND AVENUE

PORTLAND TERMINAL COMPANY

SHAW'S SUPERMARKET

(B)

(A)

15
205236

9
21,300

12,670

11,600

6,700

64,690

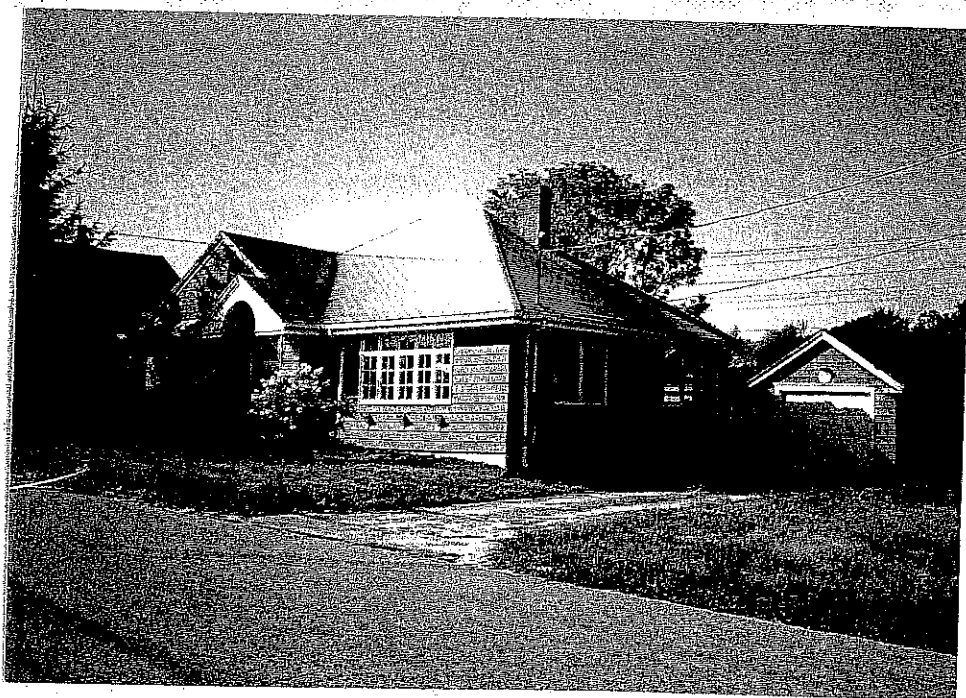
SEWER R/W

SHEET 196-A

15
171-0-15

1531

15



17 WESTLAWN AVE.

DOWD PROPERTIES

P.O. Box 4894
31 Exchange Street
Portland, Maine 04112

(207) 773-6250 Fax: (207) 773-0046

B-4

September 14, 1999

City of Portland
Mr. Alex Jaegerman
Chief Planner
389 Congress Street
Portland, Maine 04101

RE: 17 Westland Avenue - Portland

Dear Mr. Jaegerman,

Attached please find my application for a Zoning Amendment for the above referenced property.

I would very much like to relocate my real estate office, Dowd Properties to this location. The current zoning is a R-5, I would need to have the zoning changed to an R-P zone to accomplish this.

Westland Avenue is a short busy street that is primarily used by Shaw's customers and as the entrance to the Italian Heritage Center. In addition all Shaw's delivery trucks use this street to access the rear of Shaw's.

The abutting property is a B-1 zone and the entire opposite side of the Street is a B-2 zone.

The Portland Terminal Company owns the land directly behind the property and would act as a buffer zone between the subject property and the nearest residential area.

This zoning request is supported by all abutters and consistent with the purpose of the R-P zone, which is to provide an appropriate location for development and operation of a low intensity business use, including professional offices on or near major arterial that are comparable in scale, density and use with surrounding and adjacent residential neighborhood.

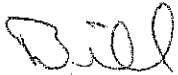
Dowd Properties was established in 1982 and is a licensed real estate Brokerage firm in the State of Maine (see attached). We have been located at 31 Exchange Street for several years and are looking to relocate our business to a more suitable space and feel that this location meets our needs.

Please schedule us to meet with the planning board at the earliest opening available.

If you have any questions or need any additional information, please don't hesitate to contact me.

Thank you for consideration in regards to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

WILLIAM J. DOWD



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

William J. Dowd

Name

31 Exchange St.

Address

Portland, Me

773-6250

Phone

773-0046

Fax

2. Subject Property:

17 Westland Avenue

Address

Portland, Me 04102

197-A-5-6-7

Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Dowd Properties LLC

Name

31 Exchange St.

Address

Portland, Me

773-6250

Phone

773-0046

Fax

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

Deed Attached

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. Existing Use:

B-7

Describe the existing use of the subject property: Residential -
Single Family Home

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We propose to relocate our real estate
Company to this location. In addition to
real estate we own and manage several
residential properties in the Greater
Portland area.

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. Proposed Zoning: Please check all that apply:

A. Zoning Map Amendment, from R5 to RP

B. Zoning Text Amendment to Section 14- _____

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

B-8

11. Application Fee: A fee for this application for a zoning amendment 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 Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.


	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 & Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$350.00 Amount of Fee

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

9.16.99
Date of Filing


Signature of Applicant

Further Information:

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

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

In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

96'

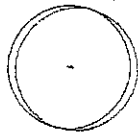
N
M

112'

2 STORY
RESIDENCE



N
M



1 STORY
RESIDENCE



92'

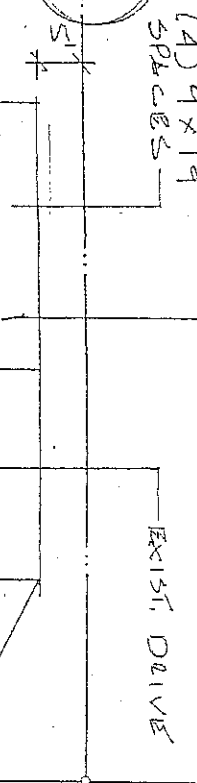
WESTLAWN AVE.

GARAGE

1551

(4) 9x19
SPACES

EXIST. DRIVE



*Order 137
Tab 12 12-20-97*

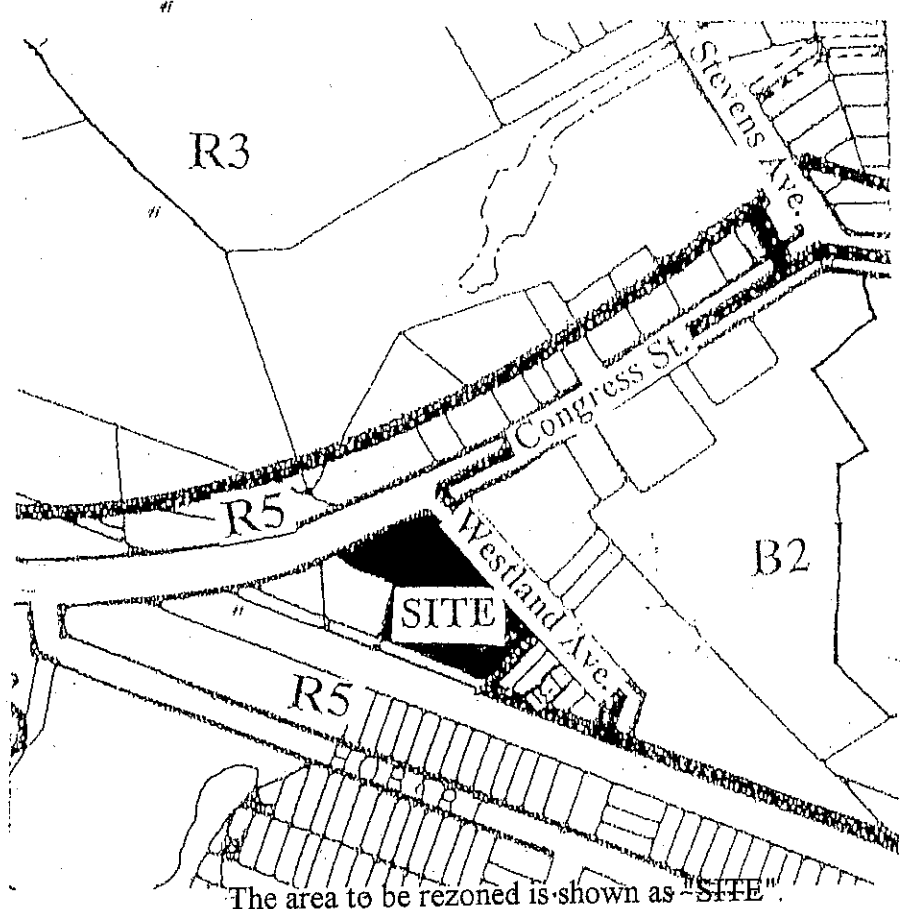
City of Portland, Maine
IN THE CITY COUNCIL

AMENDMENT TO THE PORTLAND CITY CODE
SECTION 14-49 (ZONING MAP)
RE: B-1 BUSINESS ZONE

Ordered, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE, IN THE CITY COUNCIL ASSEMBLED,

THAT, the zoning map of the City of Portland, Maine (1958), as amended, and on file in the Office of the Director of Planning and Urban Development (incorporated into this Code by Section 14-49) be further amended as shown on the fragmentary map below entitled "Change of Zone from R-5 Residential to B-1 Business Zone, labled as "SITE", in the vicinity of 1-17 Westland Avenue", which fragmentary map is hereby incorporated in and made a part of said zoning map.

CHANGE OF ZONE
FROM R-5 RESIDENTIAL TO B-1 BUSINESS
IN THE VICINITY OF 1-17 WESTLAND AVENUE



The area to be rezoned is shown as "SITE".

*Order 137
Tab 12 12-20-91*

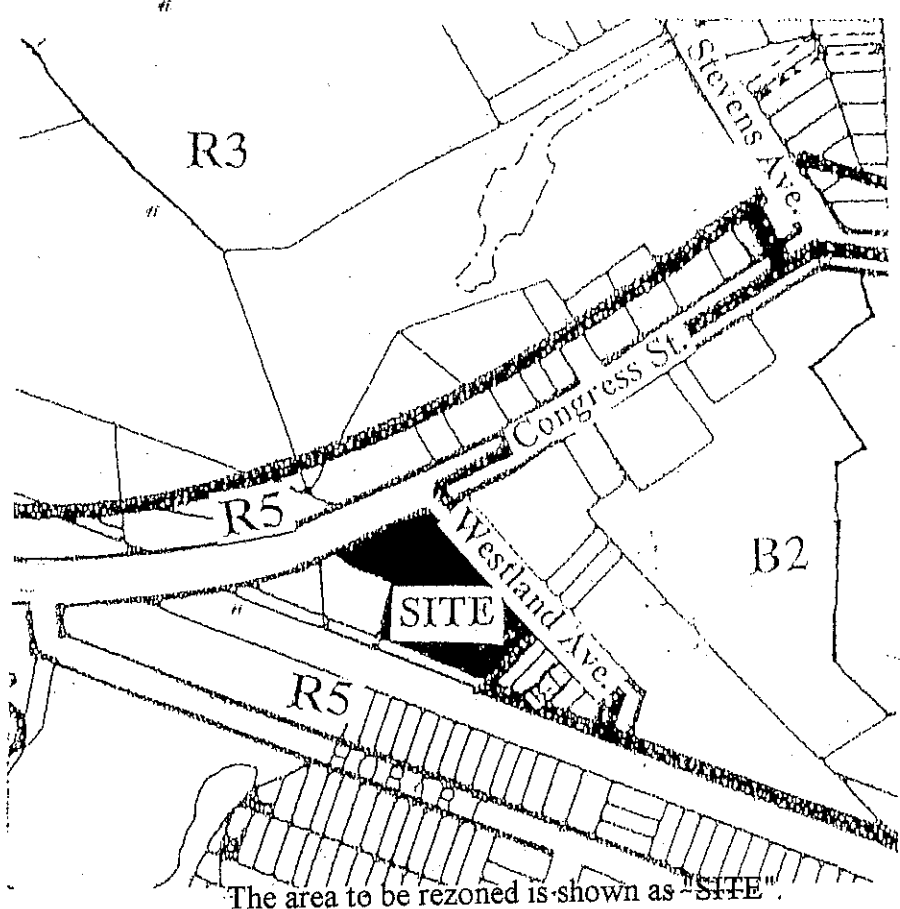
City of Portland, Maine
IN THE CITY COUNCIL

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SECTION 14-49 (ZONING MAP)
RE: B-1 BUSINESS ZONE

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CHANGE OF ZONE
FROM R-5 RESIDENTIAL TO B-1 BUSINESS
IN THE VICINITY OF 1-17 WESTLAND AVENUE



*Order 108
Tab 12 12-20-99*

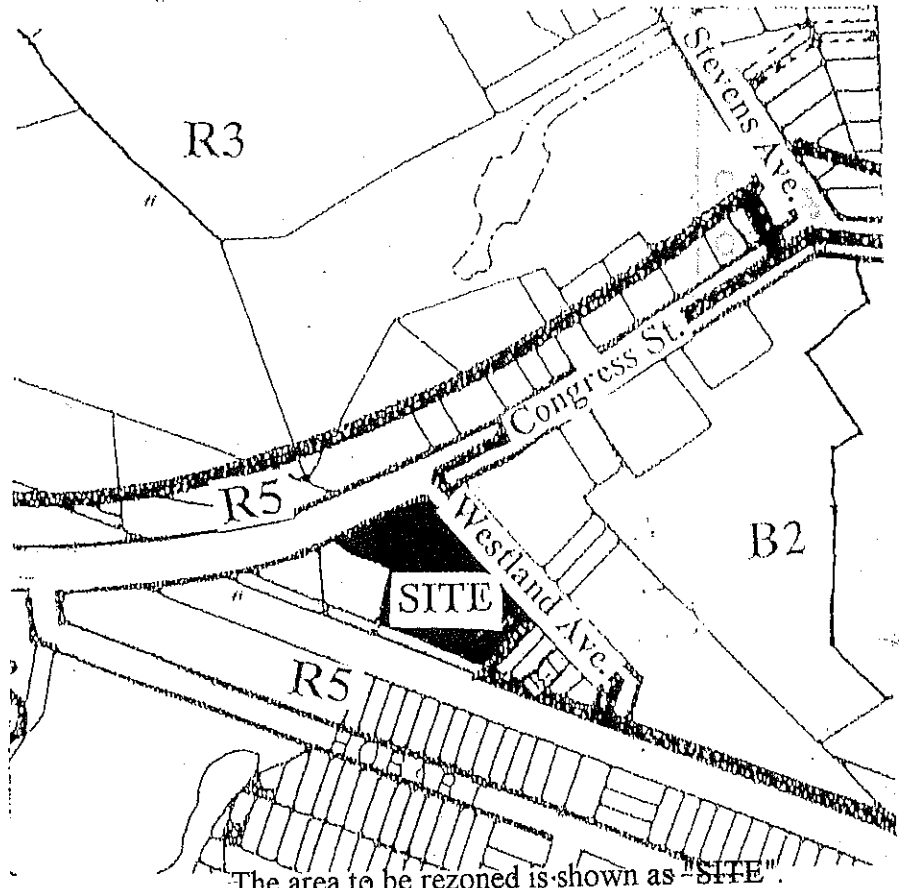
City of Portland, Maine
IN THE CITY COUNCIL

AMENDMENT TO THE PORTLAND CITY CODE
SECTION 14-49 (ZONING MAP)
RE: B-1 BUSINESS ZONE

Ordered, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE, IN THE CITY COUNCIL ASSEMBLED,

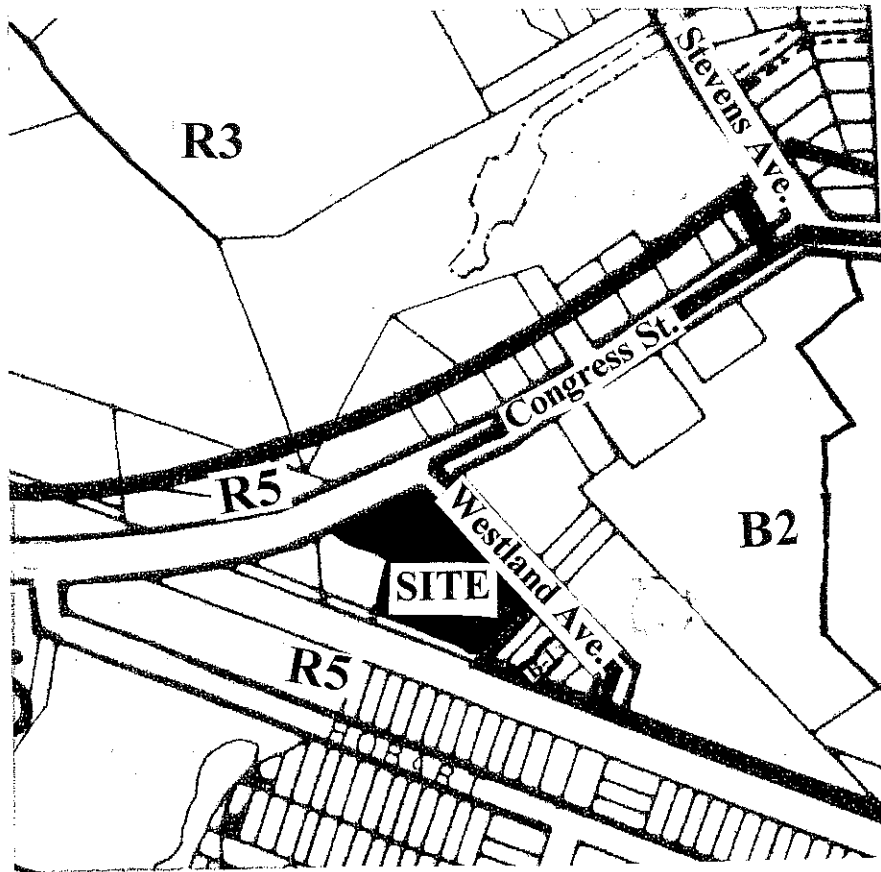
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CHANGE OF ZONE
FROM R-5 RESIDENTIAL TO B-1 BUSINESS
IN THE VICINITY OF 1-17 WESTLAND AVENUE



PORTLAND PLANNING BOARD
PUBLIC NOTICE

Notice is hereby given that the Portland Planning Board will hold a public hearing Tuesday evening, November 9, 1999 at 5:30 p.m. in Room 209, City Hall, Portland, Maine to consider a proposed zone change from R-5 Residential to R-P Residence-Professional or B-1 Business in the vicinity of 1-17 Westland Avenue as shown on the fragmentary map below, labeled as site.



William Dowd (Dowd Properties) has requested a zone change to R-P for a property at 17 Westland Avenue. If the R-P or B-1 zone change were approved, the applicant would convert an existing residence on this property to a real estate office. For purposes of holding a public hearing, the Planning Board will consider a R-P or B-1 designation for this site as well as the properties shown on the map above. These properties include 1 Westland Avenue (12,670 sq. ft.), 9 Westland Avenue (18,350 sq. ft.), and 17 Westland Avenue (12,000 sq. ft.) The Planning Board's recommendation to the City Council on this zone change may include a recommendation for R-P or B-1 for all or a portion of these properties.

Further information on this development can be obtained at the Planning Department Office, City Hall, 4th Floor or by calling 874-8725.

John C. Carroll, Chair
Portland Planning Board

STROUDWATER IMPROVEMENT ASSOCIATION
12 Garrison Street
Portland, Maine 04102

Thomas G. Ainsworth, President

October 12, 1999

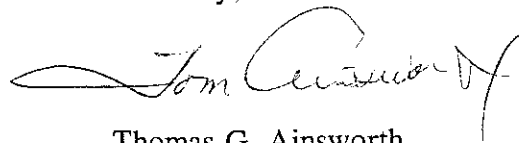
John Carroll, Chairman
Portland Planning Board
City of Portland
City Hall
389 Congress Street
Portland ME 04101

RE: Dowd Zone Change Request
17 Westland Avenue, Portland

Dear Chairman Carroll:

William Dowd of Dowd Properties has forwarded a copy of his request for a zoning change to permit him to utilize a property he intends to acquire on 17 Westland Avenue as his new real estate office headquarters. It appears to the Stroudwater Improvement Association that he makes a strong case given the nature of the surrounding area and the natural "buffer" provided by the railroad. Accordingly, the Stroudwater Improvement Association does not oppose the request submitted by Dowd Properties and William Dowd. Fairness prompts me to add, however, that the area in which this particular building is sited is not considered by the Stroudwater Improvement Association to be within the historic district or, indeed, the neighborhood surrounding the historic district. We nonetheless appreciate Mr. Dowd having alerting us to his proposal and afforded us this opportunity to comment.

Sincerely,



Thomas G. Ainsworth

TGA/lsw

c: William Dowd

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Lori Savona, City Clerk
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development
DATE: December 8, 1999
SUBJECT: Agenda Request

- 1) Council Meeting at which action is requested (Date): December 20, 1999 (first reading)
January 3, 2000 (public hearing)
- 2) Can action be taken at a later date? YES NO

I. SUMMARY OF ISSUE

The Planning Board is recommending a zone change from R-5 residential to B-1 business in the vicinity of 1-21 Westland Avenue. This portion of Westland Avenue is adjacent to the Westgate Shopping Center. The zone change involves three properties. The original applicant, William Dowd, would like to convert an existing residence into a real estate office. A railroad corridor adjacent to the zone change provides a logical transition from the commercial uses near Westgate Shopping Center to residential areas west of the site.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

The Planning Board's recommendation resolves a zoning issue on Westland Avenue by providing an appropriate zoning solution to the problem.

III. INTENDED RESULT (How does it resolve the issue/problem?)

By changing the zoning for this section of Westland Avenue, a more appropriate zoning designation is provided. The applicant will be able to convert an existing residence into a real estate office.

IV. FINANCIAL IMPACT

There are no known municipal financial impacts from the zone change.

V. STAFF ANALYSIS & RECOMMENDATION

The Planning Board voted 6-0 to recommend approval of this zone change.

PBR1

PLANNING REPORT #53-99

**WESTLAND AVENUE ZONE CHANGE
FROM R-5 TO R-P OR B-1**

DOWD PROPERTIES, LLC., APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine

November 9, 1999

I. INTRODUCTION

A public hearing has been scheduled to consider a zone change from R-5 residential to R-P residence professional or B-1 business in the vicinity of 1-21 Westland Avenue. The applicant is William Dowd (Dowd Properties, LLC.)

Public notice consisted of a newspaper advertisement and 160 notices sent to area property owners.

II. FINDINGS

William Dowd is proposing a zone change for a property at 17 Westland Avenue. The site is 12,027 sq. ft. in size and has an existing single family residence. If this zone change were approved, the applicant would convert it to a real estate office. While the applicant has requested an R-P designation, the Board decided to advertise an R-P or B-1 designation for this site as well as the two other R-5 zoned properties on the westerly side of Westland Avenue. This includes a vacant parcel (1 to 9 Westland Avenue) which has frontage on Westland Avenue and Congress Street.

Below is a list of properties included in the zone change.

<u>Address</u>	<u>Land Area</u>	<u>Use</u>	<u>Owner</u>
1 to 7 Westland	12,670 sq. ft.	vacant land	K. Cianchette
9 to 13 Westland	18,350 sq. ft.	residence	N. Orfaly
15 to 21 Westland	12,027 sq. ft.	residence	W. Dowd

III. LAND USE ANALYSIS

Westland Avenue is just west of the Westgate Shopping Center on Congress Street and serves as the main access to the Italian Heritage Center and for truck deliveries to Shaw's Supermarket. In many respects, this street represents a transition area between commercial and residential uses in the area. Current zoning on Westland Avenue includes R-5, B-1, and B-2.

Westland Avenue is about 500 feet long and is dead-ended by a railroad corridor. A second section of Westland Avenue continues past the railroad property and crosses Hobart Street. There are four houses on Westland Avenue, two of which are already in a business zone.

Westland Avenue is B-2 on the easterly/Shaw's Supermarket side with a commercial building (Gorham Bike and Ski, 1440 Congress Street) and one residence.

On the westerly side of Westland Avenue, zoning is split by an R-5 and B-1 zone. The first 270 feet from Congress Street is zoned R-5 with a vacant lot and two residences (including the applicant's.) The remainder of Westland Avenue is B-1, including an existing residence.

The mix of uses along this street is somewhat analogous to Sewall Street. Commercial uses with frontage on Congress Street, followed by a small residential presence and then commercial uses (Thompson's Point). As Sewall Street evolved, residentially zoned areas were changed to a R-P designation and office buildings were developed. Westland Avenue properties, however, are much smaller than the Sewall Street office properties.

Westland Street is sandwiched between a B-2 zone from Westgate Shopping Center and a railroad corridor. The railroad property (about 80 feet wide) poses a natural buffer or dividing line between commercial uses and the residential areas to the west (Hobart Street).

The Board has advertised a R-P or B-1 designation for the zone change. The purpose sections of both zones are shown below.

R-P residence-professional zone:

- (1) To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or
- (2) To serve as a transition or buffer zone between residential and more intensive non-residential zones.

B-1 neighborhood business zone:

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market.

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

Either zone could work for Westland Avenue. The last two lots on Westland Avenue are already zoned B-1 therefore the entire westerly side of Westland Avenue could be rezoned B-1. If the Board is concerned about the wider range of uses (retail, restaurants) allowed in the B-1, the R-P would be an appropriate designation along the Congress Street frontage of the zone. An R-P might provide a logical transition from commercial uses (B-2 shopping center) to the R-5 zone leading to Stroudwater. In any event, with a railroad corridor between the zone change site and Hobart Street, Westland Avenue provides a logical break between commercial and residential uses.

IV. SITE PLAN

A concept site plan has been submitted. No site changes are anticipated at this point except that the existing driveway would be widened to provide additional parking spaces. For zoning purposes, the 1,200 sq. ft. building would require three spaces. Four double-stacked parking spaces are shown on the plan. Minor site plan review will be required.

V. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, the policies of the comprehensive plan, and on the basis of information contained in Planning Report #53-99,

The Board finds that:

1. The proposed [R-P and/or B-1] zone change [is or is not] consistent with the policies of the comprehensive plan.

The Board therefore [recommends or does not recommend] to the City Council approval of the proposed rezoning.

Attachments:

- A. Zoning Map
- B. Background Information
- C. Site Plan

PLANNING REPORT #53-99

**WESTLAND AVENUE ZONE CHANGE
FROM R-5 TO R-P OR B-1**

DOWD PROPERTIES, LLC., APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine

November 9, 1999

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FROM R-5 TO R-P OR B-1**

DOWD PROPERTIES, LLC., APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine

November 9, 1999

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II. FINDINGS

William Dowd is proposing a zone change for a property at 17 Westland Avenue. The site is 12,027 sq. ft. in size and has an existing single family residence. If this zone change were approved, the applicant would convert it to a real estate office. While the applicant has requested an R-P designation, the Board decided to advertise an R-P or B-1 designation for this site as well as the two other R-5 zoned properties on the westerly side of Westland Avenue. This includes a vacant parcel (1 to 9 Westland Avenue) which has frontage on Westland Avenue and Congress Street.

Below is a list of properties included in the zone change.

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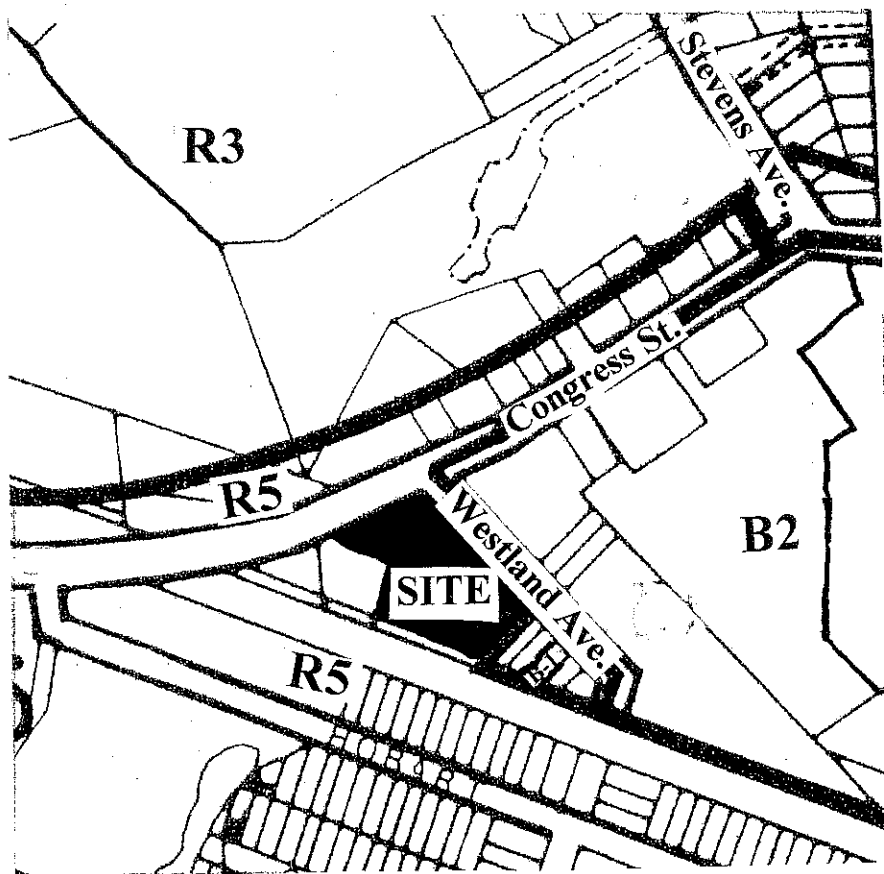
B-1 6-8

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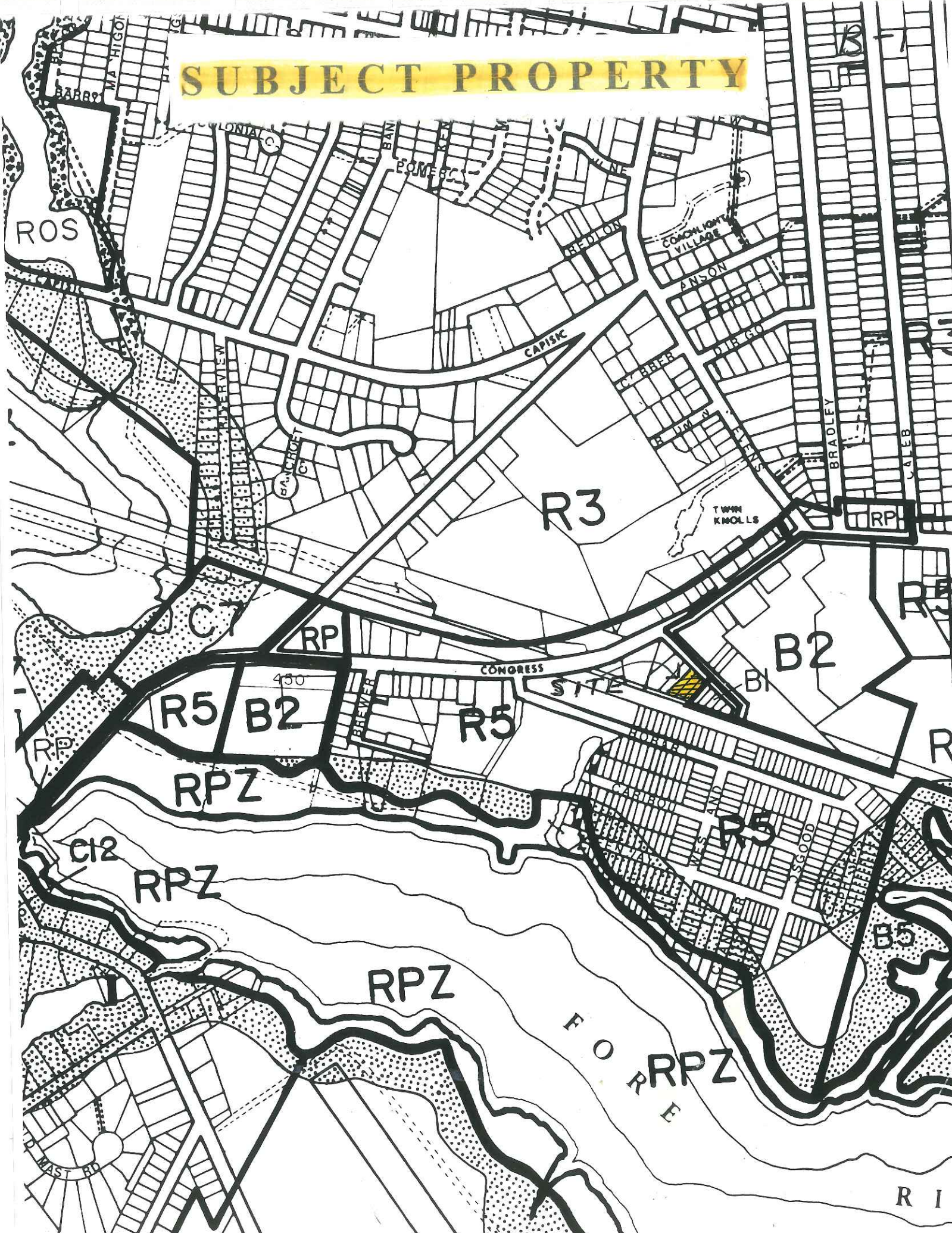


William Dowd (Dowd Properties) has requested a zone change to R-P for a property at 17 Westland Avenue. If the R-P or B-1 zone change were approved, the applicant would convert an existing residence on this property to a real estate office. For purposes of holding a public hearing, the Planning Board will consider a R-P or B-1 designation for this site as well as the properties shown on the map above. These properties include 1 Westland Avenue (12,670 sq. ft.), 9 Westland Avenue (18,350 sq. ft.), and 17 Westland Avenue (12,000 sq. ft.) The Planning Board's recommendation to the City Council on this zone change may include a recommendation for R-P or B-1 for all or a portion of these properties.

Further information on this development can be obtained at the Planning Department Office, City Hall, 4th Floor or by calling 874-8725.

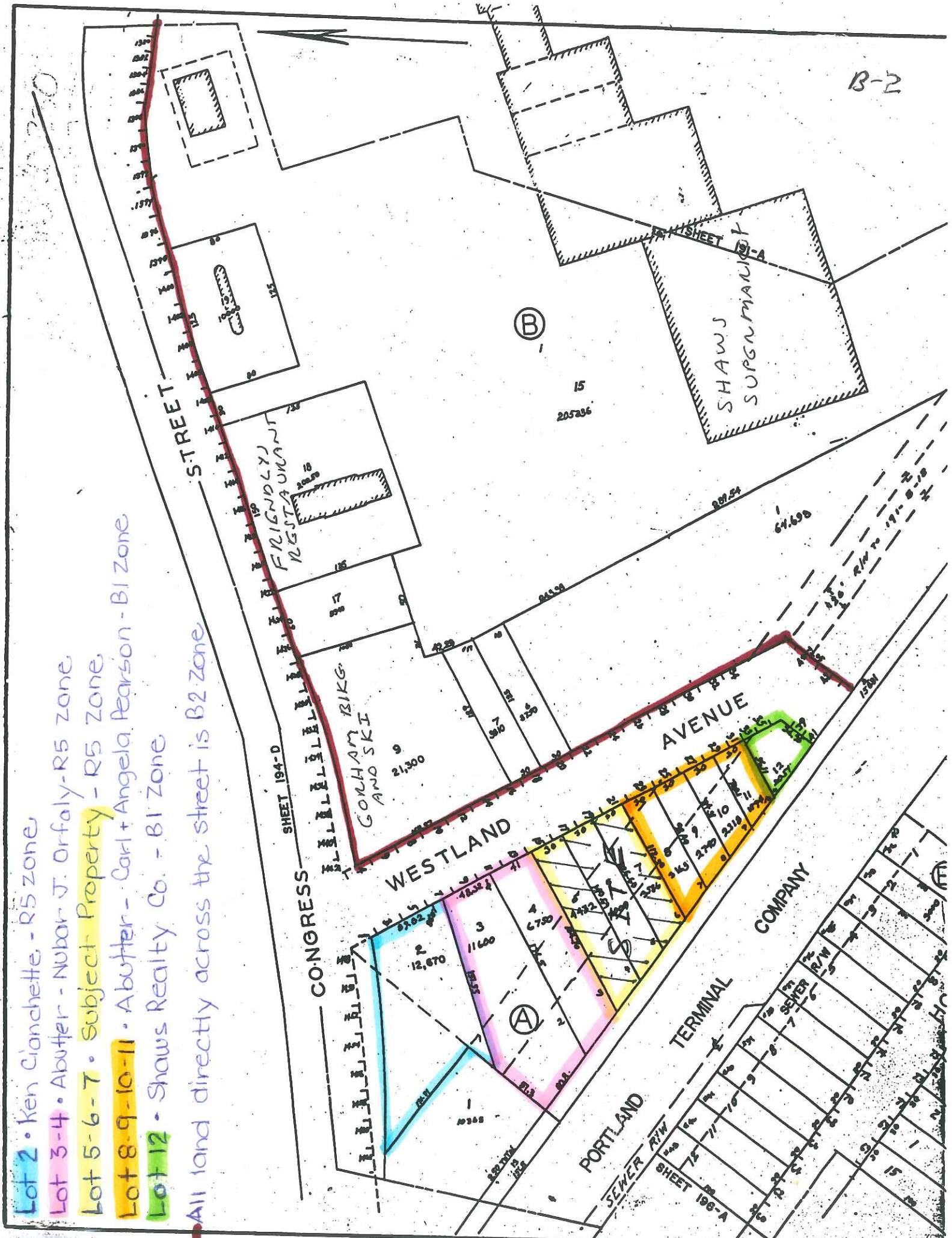
John C. Carroll, Chair
Portland Planning Board

SUBJECT PROPERTY



- Lot 2 • Ken Cianchette - R5 zone
- Lot 3-4 • Abuffer - Nubar J. Orfaly - R5 zone
- Lot 5-6-7 • Subject Property - R5 zone
- Lot 8-9-10-11 • Abuffer - Carl + Angela Pearson - B1 zone
- Lot 12 • Shaws Realty Co. - B1 zone

All land directly across the street is B2 zone





17 WESTLAWN AVE.

**CITY OF PORTLAND, MAINE
MEMORANDUM**

TO: Chair Carroll and Members of the Portland Planning Board

FROM: Richard Knowland, Senior Planner

DATE: October 12, 1999

RE: Westland Avenue Zone Change R-5 to R-P Zone; William Dowd, Applicant

A workshop has been scheduled to discuss a proposed zone change from R-5 Residential to R-P Residence-Professional for a property at 17 Westland Avenue. The applicant is Dowd Properties, L.C.C. (William Dowd).

The site is 12,000 sq. ft. in size and has an existing single-family residence. If this zone change were approved, the applicant would convert it to a real estate office.

Westland Avenue is just west of the Westgate Shopping Center on Congress Street and serves as the main access to the Italian Heritage Club and for truck deliveries to Shaw's Supermarket. In many respects, this street represents a transition area between commercial and residential uses in the area. Current zoning on Westland Avenue includes R-5, B-1, and B-2.

Westland Avenue is about 500 feet long and is dead-ended by a railroad corridor. There are four houses on Westland Avenue, two of which are already in a business zone. Westland is B-2 on the easterly/Shaw's Supermarket side with a commercial building (Gorham Bike and Ski, 1440 Congress Street) and one residence. A second section of Westland Avenue continues past the railroad property and crosses Hobart Street.

On the westerly side of Westland Avenue, zoning is split by an R-5 and B-1 zone. The first 270 feet from Congress Street is zoned R-5 with two residences (including the applicant's) and a vacant lot. The remainder of Westland Avenue is B-1, including an existing residence.

The mix of uses along this street is somewhat analogous to Sewall Street. Commercial uses with frontage on Congress Street, followed by a small residential presence and then commercial uses (Thompson Point). As Sewall Street evolved, residentially zoned areas were changed to a R-P designation and office buildings were developed. Westland Avenue properties, however, are much smaller than the Sewall Street office properties.

Westland Street is sandwiched between a B-2 zone from Westgate Shopping Center and a railroad corridor. The railroad property (about 80 feet wide) poses a natural buffer or dividing line between commercial uses and the residential areas to the west (Hobart Street).

197-A-2
1

The purpose section of the R-P Residence-Professional zone is shown below:

- (1) To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhood in scale, density and use with surrounding and adjacent residential neighborhoods; or
- (2) To serve as a transition or buffer zone between residential uses and more intensive non-residential zones.

Questions:

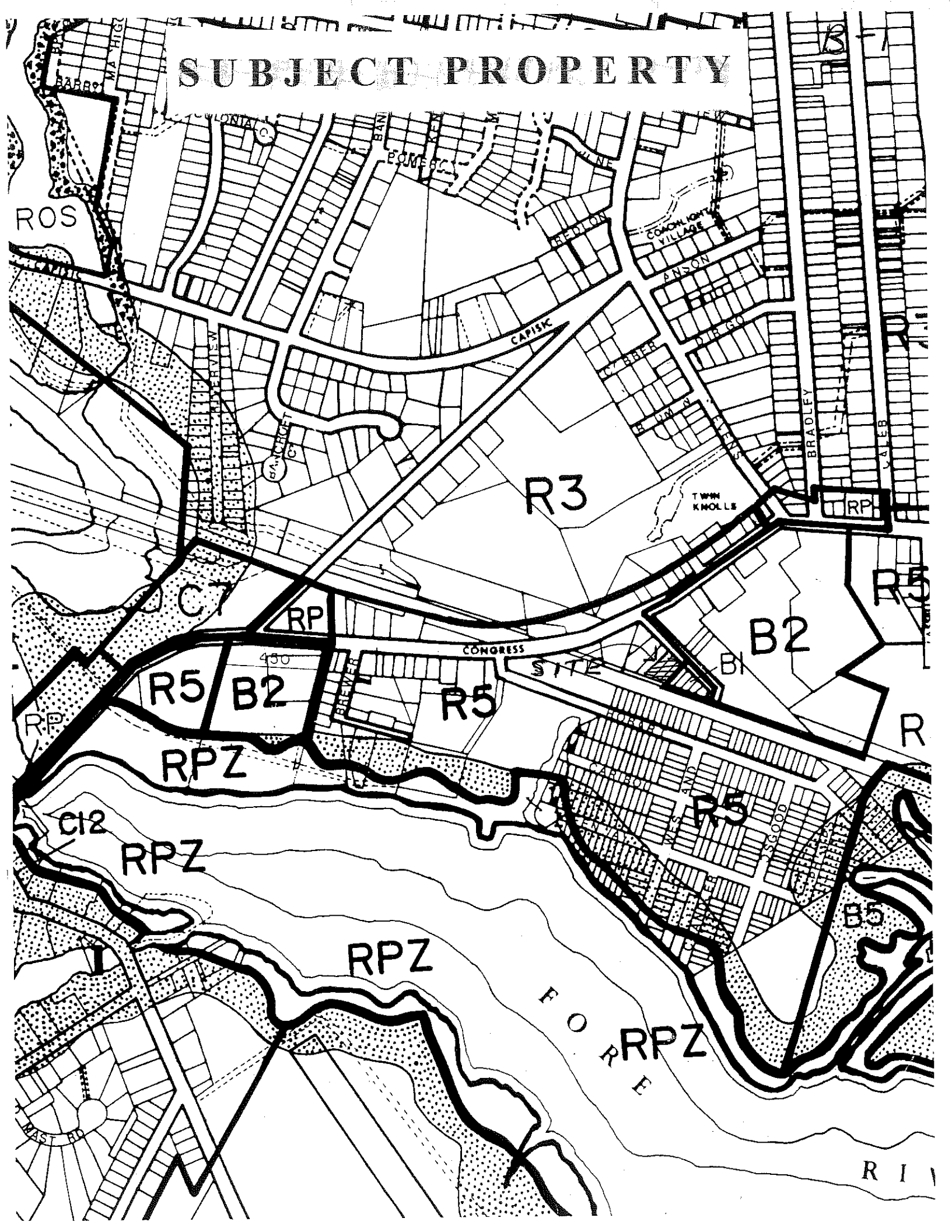
1. Should the rezoning advertisement include the other two R-5 lots for R-P consideration?
2. Should the B-1 zone also be included for R-P consideration?

A site plan has been submitted. No site changes are anticipated except that the existing driveway would be widened to provide additional parking spaces. For zoning purposes, the 1,200 sq. ft building would require three spaces. Four double-stacked parking spaces are shown on the plan.

Attachments:

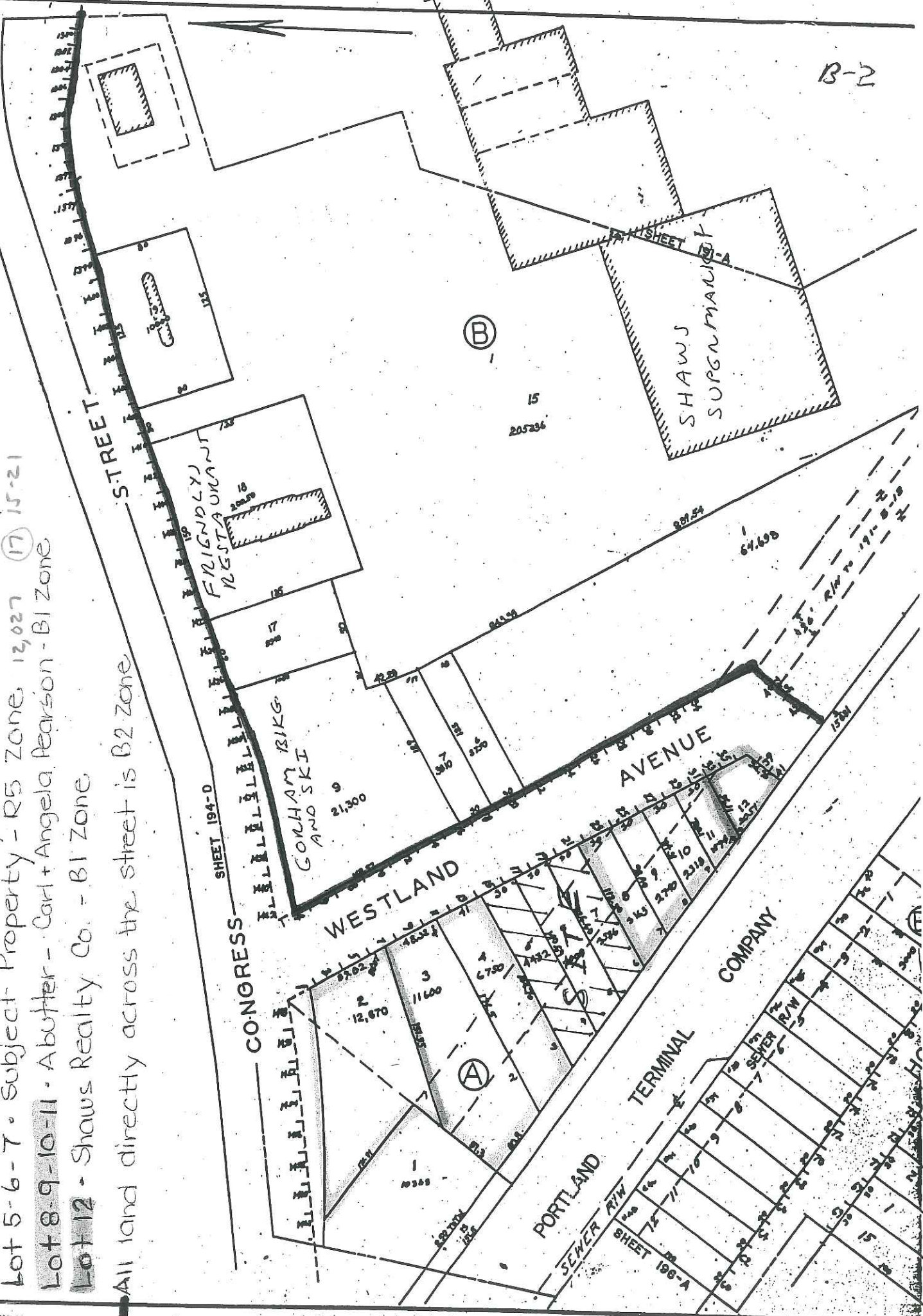
- A. Site Plan
- B. Background Information

SUBJECT PROPERTY



- Lot 2 • Ken Cianchette - R5 zone 12,670 (1 to 7)
- Lot 3-4 • Abutter - Nubar J. Orfaly - R5 zone ✓ 9-13 18,300 Ⓞ
- Lot 5-6-7 • Subject Property - R5 zone 12,027 (17) 15-21
- Lot 8-9-10-11 • Abutter - Carl + Angela Pearson - B1 zone
- Lot 12 • Shaws Realty Co. - B1 zone

All land directly across the street is B2 zone.



B-2

SHEET 194-D

SHEET 196-A

(B)

15
205236

SHAW'S
SUPERMARKET

SHEET 194-D

CONGRESS STREET

WESTLAND AVENUE

PORTLAND TERMINAL COMPANY
SEWER R/W
SHEET 196-A

CORHAM BIKES AND SKI
21,300

FRIGNOLLY RESTAURANT
20,870

(A)

12,670

11,600

6,700

4,932

2,700

2,110

2,110

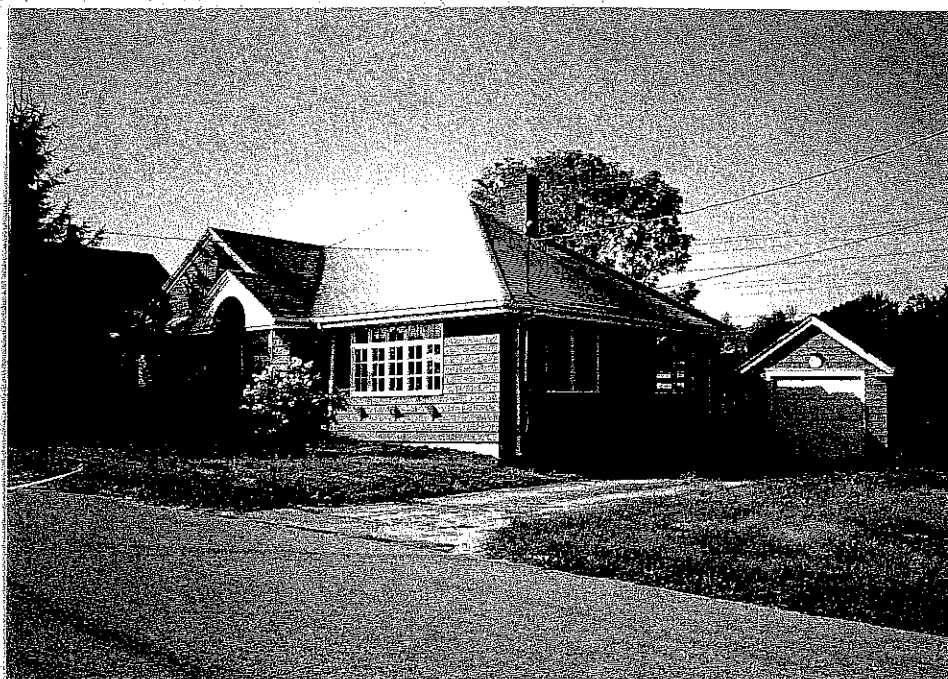
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17 WESTLAWN AVE.

DOWD PROPERTIES

P.O. Box 4894
31 Exchange Street
Portland, Maine 04112

(207) 773-6250 Fax: (207) 773-0046

September 14, 1999

City of Portland
Mr. Alex Jaegerman
Chief Planner
389 Congress Street
Portland, Maine 04101

RE: 17 Westland Avenue - Portland

Dear Mr. Jaegerman,

Attached please find my application for a Zoning Amendment for the above referenced property.

I would very much like to relocate my real estate office, Dowd Properties to this location. The current zoning is a R-5, I would need to have the zoning changed to an R-P zone to accomplish this.

Westland Avenue is a short busy street that is primarily used by Shaw's customers and as the entrance to the Italian Heritage Center. In addition all Shaw's delivery trucks use this street to access the rear of Shaw's.

The abutting property is a B-1 zone and the entire opposite side of the Street is a B-2 zone.

The Portland Terminal Company owns the land directly behind the property and would act as a buffer zone between the subject property and the nearest residential area.

This zoning request is supported by all abutters and consistent with the purpose of the R-P zone, which is to provide an appropriate location for development and operation of a low intensity business use, including professional offices on or near major arterial that are comparable in scale, density and use with surrounding and adjacent residential neighborhood.

Dowd Properties was established in 1982 and is a licensed real estate Brokerage firm in the State of Maine (see attached). We have been located at 31 Exchange Street for several years and are looking to relocate our business to a more suitable space and feel that this location meets our needs.

Please schedule us to meet with the planning board at the earliest opening available.

If you have any questions or need any additional information, please don't hesitate to contact me.

Thank you for consideration in regards to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Bill".

WILLIAM J. DOWD



APPLICATION FOR ZONING AMENDMENT
City of Portland, Maine
Department of Planning and Urban Development
Portland Planning Board

1. Applicant Information:

William J. Dowd

Name

31 Exchange St.

Address

Portland, Me.

773-6250

Phone

773-0046

Fax

2. Subject Property:

17 Westland Avenue.

Address

Portland, Me. 04102

197-A-5-6-7

Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Dowd Properties LLC

Name

31 Exchange St.

Address

Portland, Me.

773-6250

Phone

773-0046

Fax

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

Deed Attached

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. Existing Use:

B-7

Describe the existing use of the subject property: Residential -
Single Family Home

7. Current Zoning Designation(s): R5

8. Proposed Use of Property: Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

We propose to relocate our real estate
Company to this location. In addition to
real estate, we own and manage several
residential properties in the Greater
Portland area.

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. Proposed Zoning: Please check all that apply:

A. Zoning Map Amendment, from R5 to RP

B. Zoning Text Amendment to Section 14- _____

For Zoning Text Amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example), and language to be added is depicted with underline (example).

C. Conditional or Contract Zone

A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan and compatible with the surrounding neighborhood. (Please refer to Division 1.5, Sections 14-60 to 62)

11. **Application Fee:** A fee for this application for a zoning amendment 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 Public Hearing Notice as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

	<u>1-25 Units</u>	<u>26-50 Units</u>	<u>51-75 Units</u>	<u>75 & Over</u>
Residential Zones	\$350.00	\$400.00	\$450.00	\$500.00
Nonresidential Zones	\$350.00	\$400.00	\$450.00	\$500.00
	0-15,000 sq. ft. or 0-5 acres (whichever is less)	15,000-30,000 sq. ft. or 6-10 acres (whichever is less)	30,000-45,000 sq. ft. or 10-15 acres (whichever is less)	45,000-60,000 sq. ft. or 15-20 acres (whichever is less)

- Legal Advertisements (one for workshop and one for public hearing) percent of total bill
- Notices (one for workshop and one for public hearing) 40 cents each
- Text Amendments \$300.00

\$350.00 Amount of Fee

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

9.16.99
Date of Filing


Signature of Applicant

Further Information:

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

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

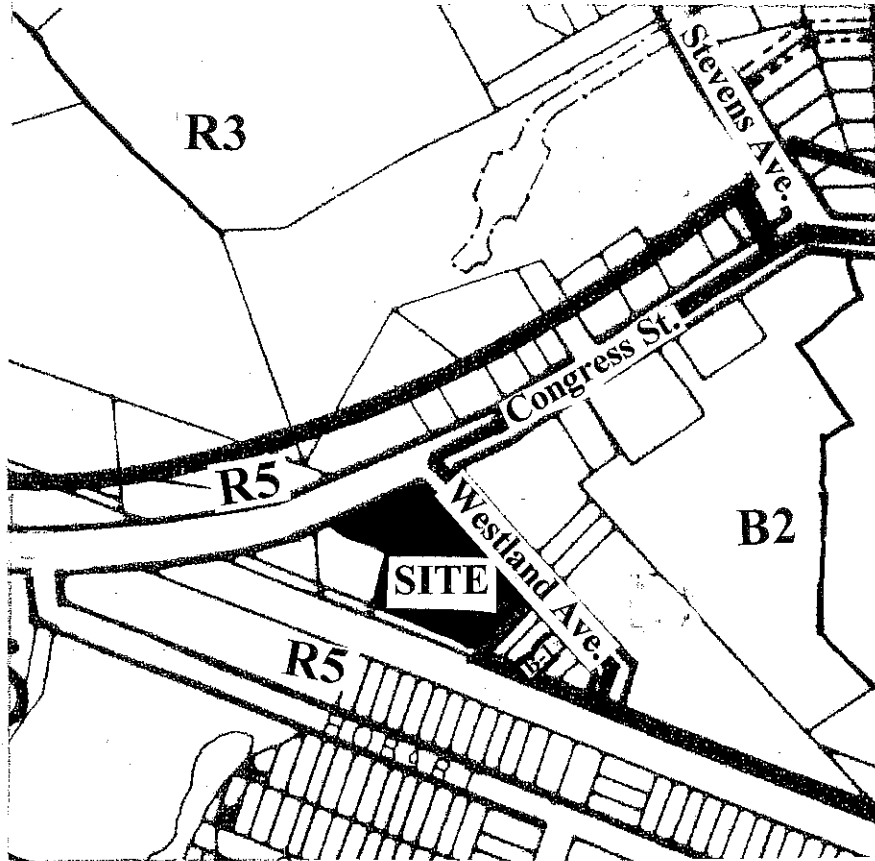
In the event of withdrawal of the zoning amendment application by the applicant in writing prior to the submission of the advertisement copy to the newspaper to announce the public hearing, a refund of two-thirds of the amount of the zone change fee will be made to the applicant by the City of Portland.

Portland Planning Board
Portland, Maine

Effective: July 6, 1998

PORTLAND PLANNING BOARD
PUBLIC NOTICE

Notice is hereby given that the Portland Planning Board will hold a public hearing Tuesday evening, November 9, 1999 at 5:30 p.m. in Room 209, City Hall, Portland, Maine to consider a proposed zone change from R-5 Residential to R-P Residence-Professional or B-1 Business in the vicinity of 1-17 Westland Avenue as shown on the fragmentary map below, labeled as site.



William Dowd (Dowd Properties) has requested a zone change to R-P for a property at 17 Westland Avenue. If the R-P or B-1 zone change were approved, the applicant would convert an existing residence on this property to a real estate office. For purposes of holding a public hearing, the Planning Board will consider a R-P or B-1 designation for this site as well as the properties shown on the map above. These properties include 1 Westland Avenue (12,670 sq. ft.), 9 Westland Avenue (18,350 sq. ft.), and 17 Westland Avenue (12,000 sq. ft.) The Planning Board's recommendation to the City Council on this zone change may include a recommendation for R-P or B-1 for all or a portion of these properties.

Further information on this development can be obtained at the Planning Department Office, City Hall, 4th Floor or by calling 874-8725.

John C. Carroll, Chair
Portland Planning Board

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TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF
17 WESTLAND AVENUE

On Tuesday, October 12, 1999, the Portland Planning Board will consider a proposal by Dowd Properties for a proposed zone change from R-5 Residential to R-P Residential-Professional for a property located at 17 Westland Avenue. The property has an existing residence and is 12,000 sq. ft. in land area. If this zone change were approved, the applicant would convert the residence to an office.

The meeting is a workshop session and is scheduled to begin at 3:30 p.m. in Room 209, City Hall, 389 Congress Street, Portland, Maine. The workshop is an opportunity for the applicant to present a plan to the Planning Board in an informal session, which is open to the public. Public comments are not generally received at the workshop meeting. If you wish to submit written comments on the proposal, please address your comments to Joseph E. Gray, Jr., Director of Planning and Urban Development, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101.

Alexander Jaegerman
Chief Planner

191
AXELSON WENDY &
LAURENCE FARRINGTON JTS
1316 CONGRESS ST
PORTLAND ME 04102

197 - H-001-001
BARNARD CHARLES K &
DONNA H JTS
93 HOBART ST
PORTLAND ME 04102

197 - B-017-001
BARRIAN INCORPORATED

1424 CONGRESS ST
PORTLAND ME 04102

194 - C-001-001
BARRY DAVID E &
KELLY K JTS
46 FROST ST
PORTLAND ME 04102

194 - C-038-001
BARRY JOHN J WWII VET &
HELEN M
20 FROST ST
PORTLAND ME 04102

191 - B-011-001
BERNARD PATRICIA A &
RICHARD P J JTS
13 LASSELL ST
PORTLAND ME 04102

198 - A-026-001
BERRA DIANE C

61 FENWAY ST
PORTLAND ME 04102

191 - B-025-001
BLAKE IRMA B



17 WESTLAWN AVE.

PLANNING REPORT #66-99

**WESTLAND AVENUE ZONE CHANGE
FROM R-5 TO B-1**

DOWD PROPERTIES, LLC., APPLICANT

Submitted to:

Portland City Council
Portland, Maine

December 20, 1999

B-4

DOWD PROPERTIES

P.O. Box 4894
31 Exchange Street
Portland, Maine 04112

(207) 773-6250 Fax: (207) 773-0046

September 14, 1999

City of Portland
Mr. Alex Jaegerman
Chief Planner
389 Congress Street
Portland, Maine 04101

RE: 17 Westland Avenue - Portland

Dear Mr. Jaegerman,

Attached please find my application for a Zoning Amendment for the above referenced property.

I would very much like to relocate my real estate office, Dowd Properties to this location. The current zoning is a R-5, I would need to have the zoning changed to an R-P zone to accomplish this.

Westland Avenue is a short busy street that is primarily used by Shaw's customers and as the entrance to the Italian Heritage Center. In addition all Shaw's delivery trucks use this street to access the rear of Shaw's.

The abutting property is a B-1 zone and the entire opposite side of the Street is a B-2 zone.

The Portland Terminal Company owns the land directly behind the property and would act as a buffer zone between the subject property and the nearest residential area.

This zoning request is supported by all abutters and consistent with the purpose of the R-P zone, which is to provide an appropriate location for development and operation of a low intensity business use, including professional offices on or near major arterial that are comparable in scale, density and use with surrounding and adjacent residential neighborhood.


Dowd Properties was established in 1982 and is a licensed real estate Brokerage firm in the State of Maine (see attached). We have been located at 31 Exchange Street for several years and are looking to relocate our business to a more suitable space and feel that this location meets our needs.

Please schedule us to meet with the planning board at the earliest opening available.

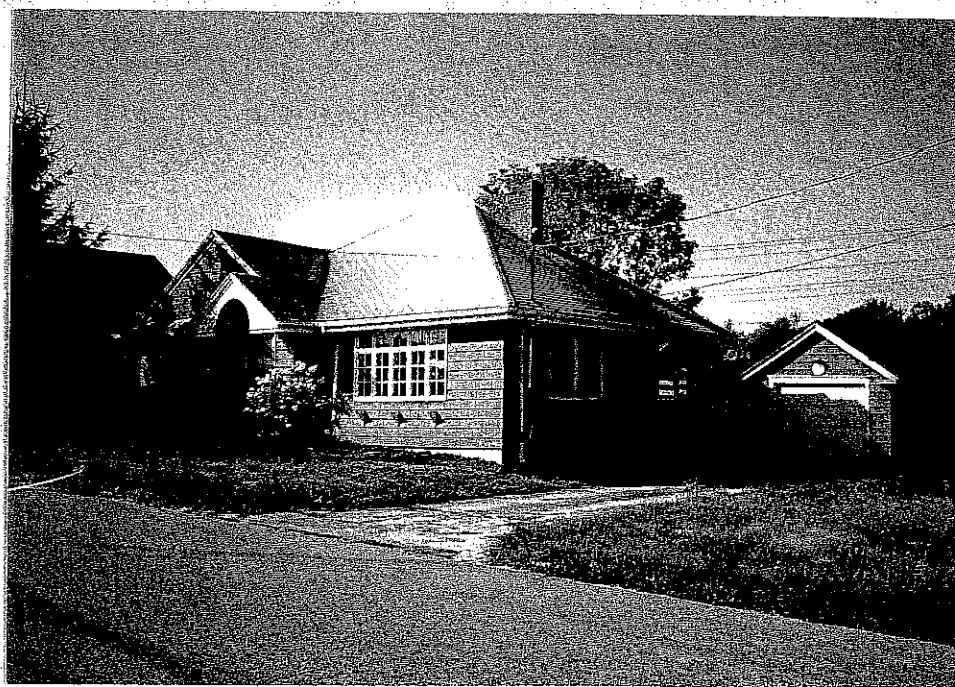
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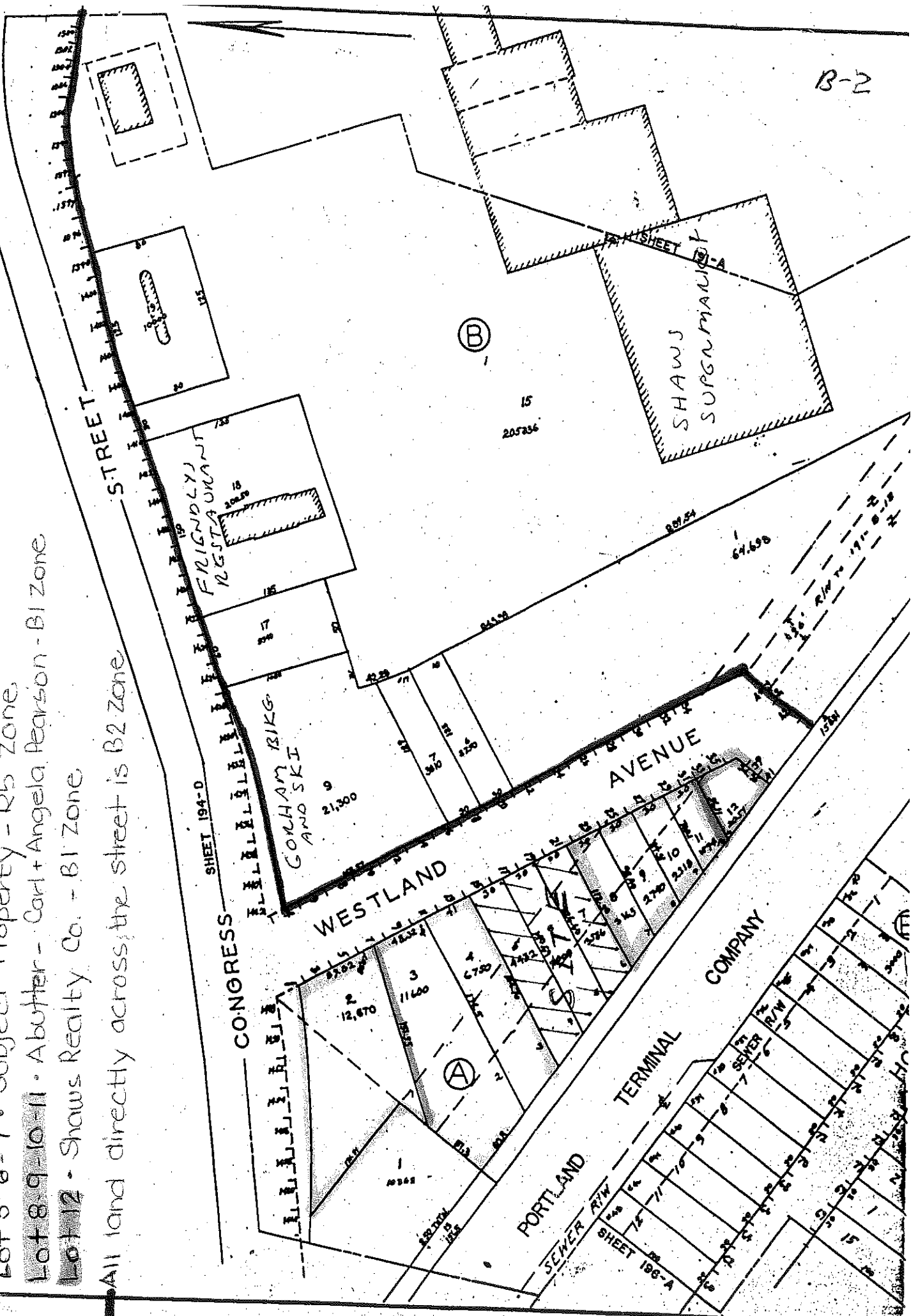
WILLIAM J. DOWD



17 WESTLAWN AVE.

- Lot 2 • Ken Cianchette - R5 zone
- Lot 3-4 • Abuffer - Nubar J. Orfaly - R5 zone
- Lot 5-6-7 • Subject Property - R5 zone
- Lot 8-9-10-11 • Abuffer - Carl + Angela Pearson - B1 zone
- Lot 12 • Shaws Realty Co. - B1 zone

All land directly across the street is B2 zone



I. INTRODUCTION

The Planning Board is recommending a zone change from R-5 residential to B-1 business in the vicinity of 1-21 Westland Avenue. This portion of Westland Avenue is adjacent to the Westgate Shopping Center and includes a mix of commercial and residential uses.

II. FINDINGS

The zone change includes three properties. William Dowd originally requested a zone change for a property at 17 Westland Avenue. The site is 12,027 sq. ft. in size and has an existing single family residence. If this zone change were approved, the applicant would convert it to a real estate office. The Board's recommendation includes two other R-5 zoned properties also on the westerly side of Westland Avenue. This includes a vacant parcel (1 to 9 Westland Avenue) which has frontage on Westland Avenue and Congress Street.

Below is a list of properties included in the zone change.

<u>Address</u>	<u>Land Area</u>	<u>Use</u>	<u>Owner</u>
1 to 7 Westland	12,670 sq. ft.	vacant land	K. Cianchette
9 to 13 Westland	18,350 sq. ft.	residence	N. Orfaly
15 to 21 Westland	12,027 sq. ft.	residence	W. Dowd

III. LAND USE ANALYSIS

Westland Avenue is just west of the Westgate Shopping Center on Congress Street and serves as the main access to the Italian Heritage Center and for truck deliveries to Shaw's Supermarket. In many respects, this street represents a transition area between commercial and residential uses in the area. Current zoning on Westland Avenue includes R-5, B-1, and B-2.

Westland Avenue is about 500 feet long and is dead-ended by a railroad corridor. A second section of Westland Avenue continues past the railroad property and crosses Hobart Street. There are four houses on Westland Avenue, two of which are already in a business zone.

Westland Avenue is B-2 on the easterly/Shaw's Supermarket side with a commercial building (Gorham Bike and Ski, 1440 Congress Street) and one residence.

On the westerly side of Westland Avenue, zoning is split by an R-5 and B-1 zone. The first 270 feet from Congress Street is zoned R-5 with a vacant lot and two residences (including the applicant's.) The remainder of Westland Avenue is B-1, including an existing residence.

The mix of uses along this street is somewhat analogous to Sewall Street. Commercial uses with frontage on Congress Street, followed by a small residential presence and then commercial uses (Thompson's Point). As Sewall Street evolved, residentially zoned areas were changed to a R-P designation and office buildings were developed. Westland Avenue properties, however, are much smaller than the Sewall Street office properties.

Westland Street is sandwiched between a B-2 zone from Westgate Shopping Center and a railroad corridor. The railroad property (about 80 feet wide) poses a natural buffer or dividing line between commercial uses and the residential areas to the west (Hobart Street).

The Board considered a B-1 or R-P designation for the zone change. The purpose sections of both zones are shown below.

B-1 neighborhood business zone:

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market.

R-P residence-professional zone:

- (1) To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or
- (2) To serve as a transition or buffer zone between residential and more intensive non-residential zones.

In the end, the Board determined that a B-1 designation was more appropriate than a R-P zone. There is already a B-1 zone directly adjacent to the site and so this zone change represents a logical extension of that zone. Also, the R-P zone seemed too restrictive given the context of the area. The railroad corridor between the zone change site and Hobart Street, Westland Avenue provides a logical break or transition between commercial and residential uses.

IV. PUBLIC PROCESS

On November 9, 1999, the Planning Board held a public hearing on this zone change and voted 6-0 (Malone absent) on the following motions:

1. That the proposed zone change is consistent with the policies of the comprehensive plan. The Planning Board therefore recommends to the City Council approval of the proposed zone change to B-1 Business.

Public notice consisted of a newspaper advertisement and 160 notices sent to area property owners.

The Board held one workshop on this proposal prior to the public hearing.

The Board reviewed the initial Dowd application and determined that two additional properties should also be rezoned to B-1 as part of this recommendation.

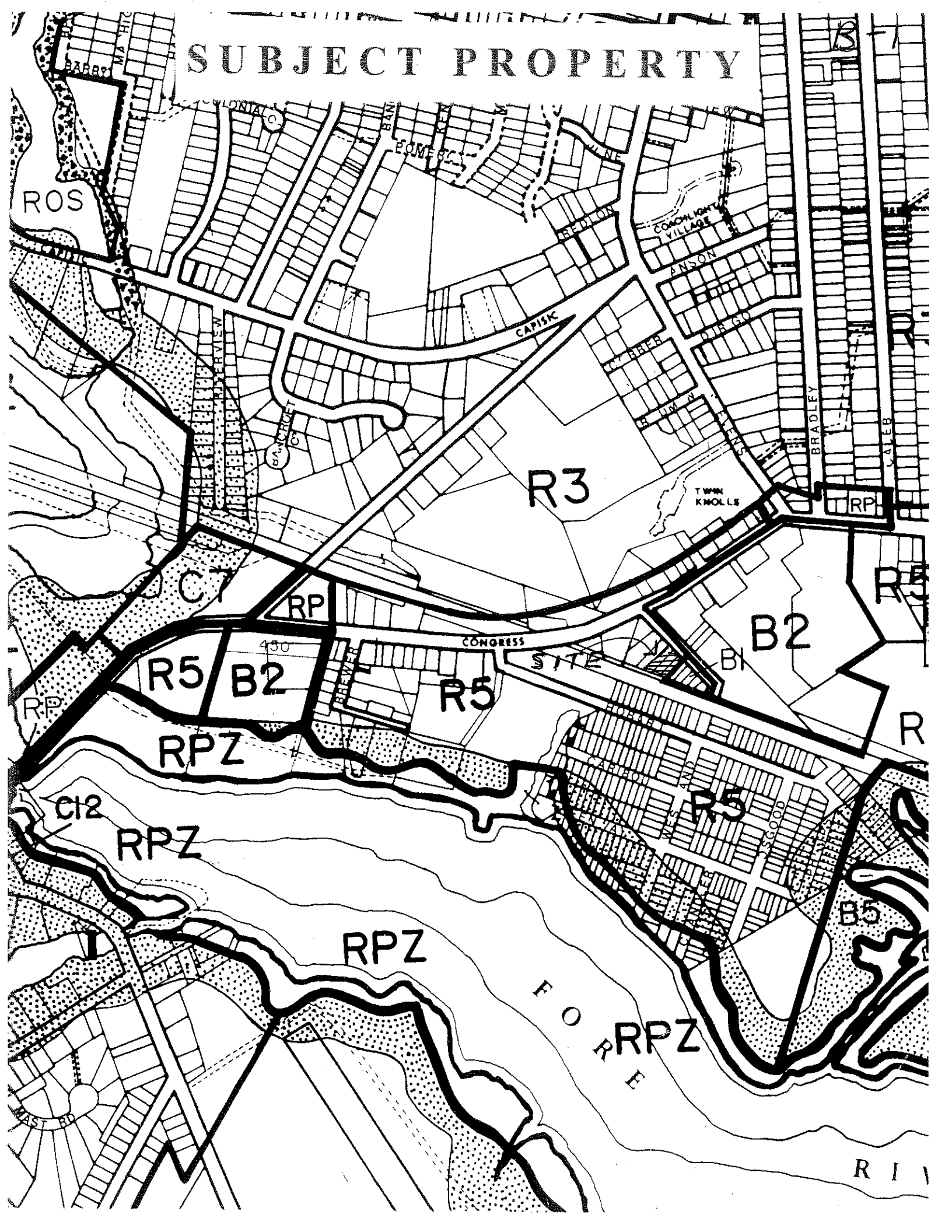
Attachments

- A. Zoning Map
- B. Vicinity Map
- C. Background Information
- D. Site Plan

ZONE CHANGE SITE
R-5 TO R-P or B-2



SUBJECT PROPERTY



4452
4653
4358
12047



