



June 13, 2014

Portland Planning Board
389 Congress Street
Portland Maine, 04101

Re: Land Use Code Text Amendment
IM Zone – Allowable Uses

Dear Chair O'Brien and Members of the Planning Board,

In support of Spurwink Services (Applicant) application for a Land Use Code Text Amendment to the IM Zone please accept this supplemental letter in support of the request now before you. As you are aware, the Portland Land Use Code authorizes the Planning Board to recommend Land Use Code text amendments to the City Council for final approval. These amendments must be determined to be consistent with nature and purpose of the zone and they must in basic harmony with and thereby consistent with the City's comprehensive plan. The Applicant provides the following analysis.

The Applicant is proposing to add the following allowable use to Division 14 . I-M, I-Ma AND I-Mb INDUSTRIAL ZONES² Section 14-247. Permitted uses:

- (y) Intermediate care facility for not more than (26) persons plus staff.

1 - The Proposed ICF Use is Consistent with the Purpose of the IM Zone, as well as the Permitted Uses in the Zone.

The Purpose of the IM Zone: *The moderate impact industrial zones are intended to provide zones in areas of the city in which light and moderate impact industries and transportation-related uses will coexist.*

The moderate impact industrial (I-M and I-Ma) zones are located on arterials or collectors. The I-Mb zones are similarly located on the peninsula. These locations provide for direct access onto arterials, thereby protecting residential neighborhoods from drive-through traffic.

The I-M, I-Ma and I-Mb industrial zones are intended to provide for larger industrial buildings and for the limited or controlled use of areas outside of structures for storage of materials and machinery. These facilities often require large volumes of imported materials and products which result in large volumes of shipping and receiving. Often uses may be highway-oriented and transportation-related, thus relying on citywide and regional transportation infrastructure.

Industrial uses in the moderate impact industrial zones may require separation from higher impact uses, which should be directed to the high impact industrial zone.

Some of the directly relevant and permitted uses in the zone include but are not limited to:

- (o) Day care facilities
- (r) Correctional prerelease facilities
- (t) General, business and professional offices

The inclusion an Intermediate care facility as an allowable use is consistent with the purpose and the permitted uses for the zone. The purpose of the IM Zone is to an area for light to moderate industries and transportations related uses to coexist. Further and as stated above,

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the zones are located on or near arterials, thereby protecting residential neighborhoods from drive through traffic.

Providing proper around the clock care to young children dealing with mental health related traumas requires a staffing set-up that demands 24-hour care. Staff is awake, active and alert during the nighttime hours, the facility is brightly lit at the exterior for security and nighttime shift changes to rotate staff are required. This type and level of activity is not ideal for a residential neighborhood where overnight activities are expected to be minimal if not non-existent.

Given that a facility of this type serves a group of people that are not living at their primary residence, a much higher and constant volume of traffic to and from the facility can be expected. Family, friends, medical professionals and staff from state agencies can all be expected visitors through the daytime and evening hours. Placing an Intermediate care facility close to arterials and collector streets protects residential neighborhoods from the impacts of associated traffic.

Finally, the use is consistent with other approved uses in the Zone. A daycare facility and correctional pre-release facility both anticipate a level and scope of care and security to maintain the well being of the population served. Daycare facilities are no longer an 8-5 business and the correctional pre-release facility includes overnight accommodation for the clients it is serving.

2 -The Proposed Use is in Basic Harmony with and Therefore Consistent with the City's Comprehensive Plan.

The proposed Zone text amendment will meet the stated goals of the comprehensive plan. Three primary and directly relevant goals are noted and analyzed.

Stated Goal A: To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing developmental sprawl.

Allowing an Intermediate care facility limited to (26) persons plus staff in the IM Zone encourages modest development of an institutional use that is similar in nature and scope to other allowable uses in the zone. As an allowable use it would be provided advantage of the necessary transportation infrastructure required to serve and support the zone and thereby the use. It will also allow the use to be placed in an area(s) of the city that has been defined for higher levels of traffic and around the clock activities and needs such as modest increases in noise and light pollution, which are less desirable in other areas of the city.

Stated Goal C: To promote an economic climate which increases job opportunities and overall economic well-being.

Portland's Industry and Commerce Plan includes 6 primary goals:

- Create a variety of job opportunities for the full spectrum of the labor pool.
- Recognize that jobs and prosperity improve the standard of living for residents.
- Preserve, protect and strengthen neighborhoods.
- Reduce tax burden on residential property owners.
- Make Portland attractive to new residents and businesses.
- Be creative, responsive and work hard to retain existing business.

Allowing an Intermediate care facility limited to (26) persons plus staff in the IM Zone encourages the development of a small to mid sized institutional facility that has a more favorable economic success model than the smaller uses (limited to under 12 clients) that are typically allowable in residential zones throughout the city. Allowing up to (26) clients allows for a greater staffing to client ratio and creates a better service and salary ratio to staff based on available State and Federally funded support programs (Maine Care, Medi Care/Medi Cade) and the like. By making this mid range type facility allowable for development in the IM Zone, it encourages and attracts development of a more economically viable sized facility in a zone intended to handle the increased demands on the infrastructure.

Stated Goal D: To encourage and promote affordable, decent housing opportunities for all Maine citizens.

Further the Goal states the need to maintain and enhance the livability of Portland's neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

Policies to that Goal include:

- While accommodating needed services and facilities, protect the stability of Portland's residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental and other non-residential uses.
- Ensure the integrity and economic value of Portland's neighborhoods.

Adding Intermediate care facility as an approved use in the IM Zone will preserve the quality and vitality of Portland's neighborhoods by allowing a larger scale and more economically viable institutional use to be located in a zone more suitable to handle the demands of the use.

Some residential zones do allow for very small Intermediate care facilities (limited to under 12 clients) that while fitting in with the scale and size of a traditional neighborhood environment, is not economically viable. Funding mechanisms do not adequately support the demands of a smaller facility, leading to a drop in service to clients as well as the ability to maintain and secure the property. This would have a negative affect on the city's policy goal to ensure the integrity and economic value of Portland's neighborhoods.

Allowing the use in the IM Zone enhances the economic vitality of the services associated with and intermediate care facility by allowing client levels to be raised to a higher and more appropriate staffing ratio.

As demonstrated above the proposed text amendment to the IM Zone and the clarification of the definition of the Intermediate care facility is consistent wit the City's Comprehensive Plan from land use, economic and neighborhood protection perspectives. Thank you for considering our proposal, we look forward to working with the Planning Board during this review process.

Sincerely,



Matthew G Winch
Principal