

South Portland City Council
Position Paper of the City Manager

Subject:

ORDINANCE #11-17/18 – Amending Chapter 27 “Zoning,” regarding the CS and PO Zones. First Reading. Passage requires majority vote.

Position:

As noted in the attached memo from Planning Director Tex Haeuser, City Council is being asked to consider CS zone map and text amendments. These proposed changes were discussed at a workshop on November 13, 2017. At that workshop, Councilors heard from staff and property owners/developers about the rationale for these changes, which are detailed in Tex’s memo.

Tex will be joined by Assistant City Manager Josh Reny at Wednesday’s meeting to answer questions.

Requested Action:

Council passage of first reading and set December 18, 2017 as the date for the City Council’s public hearing and action on the ordinance.



City Manager

To: Scott Morelli, City Manager
From: Tex Haeuser, Planning Director 
Cc: Joshua R. Reny, Assistant City Manager and Economic Development Director
Mary Perry, Administrative Assistant
Sally Daggett, Esq., Corporation Counsel
Matt LeConte, Code Enforcement Officer
Date: City Council Meeting of December 6, 2017
Re: **Proposed CS Zone Map and Text Amendments—Extension of the CS Zone to 505 Sable Oaks Drive and to the PO-Zoned Portion of 165 Running Hill Road as well as CS Zone Text Amendments to the Side and Rear Yard Setback Standards**

Overview

On November 13, 2017 the City Council held a workshop to consider requests from:

1. Ocean Properties for a zoning map change that would place all of 165 Running Hill Road in the CS zone. This was a mapping oversight when the recent amendments were made and the parcel was inadvertently split between the CS and PO zones. It was never the intent to split any parcel between two zones and staff is recommending the portion of the parcel still in the PO zone be brought into the CS zone. There is currently interest in building a senior assisted living facility at that location, which would be located across the street from the newly built Sable Oaks Lodge Senior Living.
2. Kevin Bunker of Developers Collaborative and Tim Soley, owner of 505 Sable Oaks Drive, for a zoning map change that would place the parcel entirely in the CS zone. It is currently zoned PO. They are interested in creating a senior residential development, and residential uses are not allowed in the PO zone.
3. V&C Enterprises, Inc. for a zoning text change related to space and bulk regulations in the CS zone, specifically side and rear yard setbacks. This section of the ordinance was not amended earlier this spring, but as the site plan for this residential project is being designed, the prohibition on parking in the side yard could pose some challenges. Staff concurs this regulation may be too restrictive and could support the proposed amendment.

In order to streamline the approval process, the applicants agreed to a staff suggestion that they combine their requests into a single application.

CS vs. PO

The purpose of the Professional Office zone, in part, is to preserve an environment for large-scale conference, research, and administrative facilities as well as combined residential and recreational uses. The Suburban Commercial zone provides for professional offices, urban residential development, and other uses. There is a large degree of overlap between the uses permitted in each zoning district.

As was discussed in the previous re-zoning of portions of Sable Oaks from PO to CS, Ocean Properties' original vision of residential development enhanced by a golf course amenity has evolved into one that no longer includes the golf course, thus making it logical to convert much of Sable Oaks to CS.

Contiguous CS Mapping

The zoning map change request from Kevin Bunker and Tim Soley had hoped to include the abutting lot at 707 Sable Oaks Drive so that changing their lot at 505 Sable Oaks Drive would not create a non-contiguous, single-lot "island" of CS zoning. This effort has been successful, and Charles Bayer, the owner of 707 Sable Oaks Drive is joining the effort as a co-applicant.

Setback Modification

As written in the 1980's, the CS zone requires the side and rear yard setbacks to remain unpaved and landscaped. When buildings are taller than 60', the setback can be large (half the building height), and to require all of it to be undeveloped is difficult in most cases. The proposed amendment, therefore, limits the required unpaved, landscaped area of the side and rear yards to 20 feet from the property lines. It does not change the setback requirement for the distance of the building from the side and rear property lines, however, and the newer provision also remains unchanged that requires a minimum 100' separation for buildings taller than 60' from any existing residential building.

Comprehensive Plan

The following sections from pages 6-37 and 6-38 of the Land Use Goals and Policies chapter of the 2012 Comp Plan support the proposed rezoning:

- The diversity of uses in the Maine Mall area will increase both within the overall area and within the currently single-use area to create much more of a mixed-use environment. This could include the addition of additional residential uses in the area.
- The Sable Oaks area and adjacent areas on the Turnpike side of Running Hill Road should continue to be designated as an office-recreational-residential area that provides a high-quality office park environment. The remainder of the area should essentially be treated as a mixed-use district in which a wide diversity of non-residential and residential uses are allowed and which encourages an intensification of use to create more of a unified destination rather than a collection of individual developments.

Process

If the zoning map and text amendment application is approved at First Reading, it will be scheduled for a Planning Board public hearing, most likely on January 9th, for a recommendation to the City Council. It then would return to the City Council for Second Reading and consideration of adoption. As a zoning amendment, a super-majority of votes in favor (five) will be required.

Attachment

1. Proposed CS Zone Text and Map Amendment



CITY OF SOUTH PORTLAND

LINDA C. COHEN
Mayor

SCOTT T. MORELLI
City Manager

EMILY F. SCULLY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

IN CITY COUNCIL

ORDINANCE #11-17/18

District One
CLAUDE V. Z. MORGAN

District Two
KATHERINE W. LEWIS

District Three
EBEN C. ROSE

District Four
LINDA C. COHEN

District Five
ADRIAN T. DOWLING

At Large
MAXINE R. BEECHER

At Large
SUSAN J. HENDERSON

THE COUNCIL of the City of South Portland hereby ordains that Chapter 27, "Zoning," of the "Code of Ordinances of the City of South Portland, Maine," be and hereby is amended as follows (deletions are ~~struck through~~; additions are underlined); and

THE COUNCIL of the City of South Portland hereby ordains that the Official Zoning Map of the City of South Portland dated September 8, 2010, which map is a part of Chapter 27, "Zoning," of the "Code of Ordinances of the City of South Portland, Maine," be and hereby is amended to rezone a portion of Assessor's Tax Map 69, Lots 9 and 10 and Assessor's Tax Map 73, Lot 14 located within the Professional Office (PO) District to the Suburban Commercial (CS) District. (The attached sketch map is for general reference purposes only. The Official Zoning Map of the City of South Portland as amended is available for review and inspection at the Planning & Development Office and the City Clerk's Office.)

CHAPTER 27

ZONING

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ARTICLE VII. MIXED USE/COMMERCIAL DISTRICTS

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SUBURBAN COMMERCIAL DISTRICT CS

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Sec. 27-742. Space and bulk regulations (CS).

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Minimum side yards: Thirty (30) feet or fifty (50) percent of the building height, whichever is greater, provided that the ~~side yard setback shall be landscaped, remain unpaved, and not be used for off-street parking, except where the building height does not exceed sixty (60) feet,~~

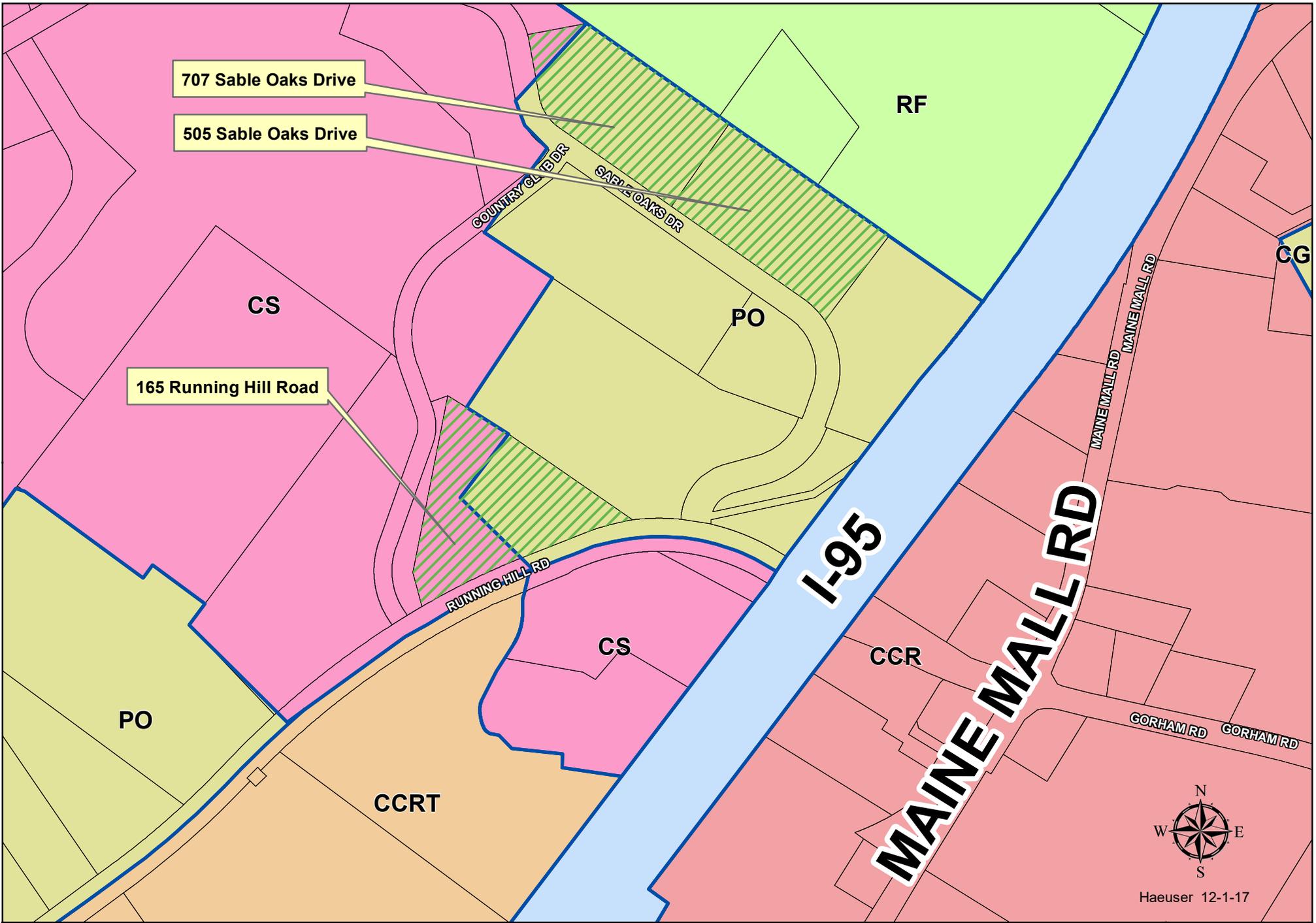
~~in which case the~~ twenty (20) feet closest to the lot line shall be landscaped, remain unpaved, and not be used for off-street parking.

Minimum rear yards: Twenty-five (25) feet or fifty (50) percent of the building height, whichever is greater, provided that the ~~rear yard setback~~ twenty (20) feet closest to the lot line shall be landscaped, remain unpaved, and not be used for off-street parking.

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Fiscal Note: Less than \$1,000

Date: December 6, 2017



Fragmentary Zoning Map: Proposed Rezoning of Portions of the PO Zone to CS

 Proposed to be Zoned as CS

