

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, December 12, 2011 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston

AGENDA

- I. ROLL CALL**
- II. ADJUSTMENTS TO THE AGENDA**
- III. CORRESPONDENCE**
- IV. PUBLIC HEARINGS: None**
- V. OTHER BUSINESS:**
 - a) Request for a recommendation to acquire 150 East Avenue.
 - b) Request to initiate an amendment to Article XII, Section 16 to clarify language in the sign ordinance.
 - c) Review of use matrix.
 - d) Executive Session to discuss real estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
 - e) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.
- VI. READING OF THE MINUTES:** Motion to adopt the draft minutes from November 28, 2011
- VII. ADJOURNMENT**



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: December 8, 2010
RE: December 12, 2011 Planning Board Agenda Item V(a)

Request for a recommendation to acquire 150 East Avenue.

Pursuant to Article VII, Sections 4(f) and (h) of the Zoning and Land Use Code, the board shall review and make a recommendation to the city council with regard to the acquisition, except through tax lien foreclosure and disposition of all public ways, lands, buildings and other municipal facilities. The board shall also review and make a recommendation to the city council with regard to all capital expenditures costing \$100,000.00 or more which are not included in the annual capital program.

The city is interesting in purchasing 150 East Avenue, the Knight of Columbus hall. This property of approximately 1.3 acres consists of a two story 11,818 square feet structure located in the Office Residential District. The City currently owns abutting land on two sides of the property, Franklin Pasture and Lewiston High School. The other abutting property is the YWCA. This City is interested in purchasing 150 East Avenue to maintain City programs currently offered at the Multi-Purpose Center (MPC) as the School Department review options to provide additional space for the Department's pre-school program at the MPC. Reference should be made to City Administrator Ed Barrett's memorandum dated December 8, 2011.

ACTION NECESSARY:

Make a motion pursuant to Article VII, Sections 4(f) and (h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council to acquire 150 East Avenue.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



December 8, 2011

To: Members of the Planning Board
Fr: Edward A. Barrett
Su: Knight of Columbus Building

The City was recently approached, initially on a confidential basis, by a representative of the Knights of Columbus inquiring whether the City would have any interest in acquiring their building given that the organization was no longer in a position to support it. This coincided with the City and School Department reviewing alternatives to provide additional space for the Department's pre-school program while maintaining the programs that the City currently offers at the Multi-Purpose Center. One of these options involves the School Department assuming full control of the MPC.

Both school and city staff have evaluated a variety of alternatives for both school and city programs, all of which were reviewed with the City Council and the public on November 29th. Please see the attached memo that was provided to the City Council at that time. A number of the investigated alternatives appear to either be unaffordable (Pettingill School), unacceptable to the Seniors (Armory), or temporary at best (portable classrooms or leased space). Following the workshop, the Council asked staff to continue discussions with the Knights in regard to the potential purchase of their building.

Knights of Columbus Building

A number of improvements will be required should we wish to relocate the senior program to the K of C building. These include ADA improvements, including the installation of an elevator, converting the heating system to natural gas; and replacing and insulating the roof. We estimate the cost of these improvements at roughly \$316,000, including engineering and a small contingency.

Initial discussions with the knights focused on an arrangement where the Knights would transfer the building to the City in return for the necessary improvements and with a life tenancy at no or minimal cost that would allow them to continue to use the building for their meetings and functions, most of which would not conflict with use by the seniors.

More recently, they have indicated that they are also seeking a cash payment. They also recognize that, should the City make a payment, the issue of continued free use of the facility by the Knights would be subject to additional negotiations.

Should this option be selected, additional negotiations would be required with the Knights on the details of the purchase, including purchase price and joint use arrangements.

Other Considerations

In addition to cost, other considerations enter into the evaluation of alternatives, including the potential need to relocate certain City recreation programs now housed at the MPC and concerns arising from the joint occupancy of the MPC by school and city programs. These are detailed in the attached memo.

Current Status

At this point, we have recommended to the City Council that primary consideration continue to be given to two options: the addition of modular classrooms at Montello allowing the City to remain in the MPC and relocating City programs currently housed in the MPC to the K of C Building subject to negotiations with the K of C and its eventual total cost. If neither of these options is found workable, the remaining options would be renovations and improvements at the Armory.

The City Council has asked staff to continue to discuss the possible purchase of the K of C building on East Avenue. While there is no guarantee that this option will be selected or that an acceptable agreement will be reached with the K of C, there is a potential that the Council may be in a position to take action on this option prior to the end of this calendar year.

Given the on-going negotiations and potential for action this year, I would request your recommendation to the City Council in support of the potential purchase of this property should an agreement be reached with the Knights that is acceptable to the City Council. I would also note that if this option is selected and implemented, the capital costs of acquiring and improving the building will exceed \$100,000. Since this project was not included in the most recently adopted capital improvement plan, I would ask the Board to also recommend such an approval to the Council.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



November 22, 2012

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Pre-K School Department Space Needs

The School Department recently presented future enrollment and space projections to the City Council. A portion of that presentation dealt with the Department's interest in assuming full operation of the Multi-Purpose Center to allow it to house the Pre-K program, freeing needed classroom space at other schools. This would require the relocation of certain City programs and functions, in particular our Senior Program.

At that time, City staff recommended, and Council concurred, that no action should be taken on this request until a range of alternative locations for both school and city programs was reviewed. This has now been done.

Alternatives investigated by the School Department include: leasing privately owned space; renovating Pettingill Elementary; and adding six modular classrooms at Montello. Alternatives investigated by the City for relocating the non-recreation programs at the MPC include: leasing privately owned space; modifying the Armory; renovating the newest section of Pettingill; and the possibility of acquiring the Knights of Columbus building located on East Avenue.

Pettingill School

Returning Pettingill to use as a school is estimated to require \$1.4 million in onetime costs and an additional \$207,000 in annual operating costs. Demolition of the oldest portion of the building and renovating the newer section for City use would require an initial investment of \$950,000 and annual operating costs of \$27,560.

Given the extent of the capital investment required for either City or School purposes, these alternatives are the most expensive that were analyzed.

Leasing Private Space

The School Department estimates that leasing private space for their programs would require over \$500,000 in first year costs and \$180,000 in annual operating costs. Leasing space for City programs would require a minimum of \$150,000 in first year costs and \$60,000 in annual lease costs (excluding utilities, taxes, and other triple net charges). Given the temporary nature of such arrangements, initial capital costs, and uncertainty over the exact locations that might be available for lease, the lease alternatives are not viewed by staff as an appropriate solution.

Armory Improvements

Modifications could be undertaken at the Armory to allow it to house the Senior Program and many other non-recreational events now using the MPC. These improvements would include: parking lot expansion; addition of an elevator, stairway, and other ADA improvements; and other minor improvements. Estimated project costs are roughly \$300,000 and only minor increases in operating costs would be expected. While this is one of the lower cost alternatives, prior proposals to relocate the senior program to the Armory were strongly resisted by program participants due to the congestion in this area during the day during the school year and concerns over conflicts between senior programming, other facility programs, and the adjacent middle school. Recent conversations with representatives of the seniors have confirmed that this opposition continues.

Modular Classrooms

The addition of six modular classrooms at Montello School could serve as a temporary solution for school programs. One-time costs associated with this option are estimated at \$270,000 with annual operating costs of approximately \$64,000. This is a relatively low cost option since the state will potentially reimburse the School Department for the annual \$48,000 costs to lease the modules. It is not, however, a permanent solution. At some point, the modularity will have to be replaced by permanent facilities, foregoing the value associated with some of the initial improvements, most notably site work that is estimated at \$160,000. While not an ideal solution, this would provide a temporary alternative that would allow city programs to continue at the MPC.

Knights of Columbus Building

The Knights of Columbus have recently indicated a willingness to divest themselves of their building on East Avenue or to consider a joint use arrangement with the City or School Department. After reviewing the building, it could potentially be modified to house the City's non-recreation programs now at the MPC.

Required improvement include: the installation of an elevator; converting the heating system to natural gas; and replacing and insulating the roof. We estimate the cost of these improvements at roughly \$316,000. Depending on negotiations with the Knights, an additional amount might be required to purchase the property. As a result, total

Initial costs cannot be firmly estimated at this time and would be impacted by further negotiations. Annual operating costs are estimated at about \$69,000.

Based on preliminary conversations with representatives of the seniors, this may be an acceptable location for them. As a result, this should be considered a viable location pending further negotiations and establishing a firm initial budget.

Fiscal Implications of School Build-Out of MPC

Any option which is based on the School Department expanding into the MPC must also take into account the costs associated with renovating the MPC space. This includes start-up costs of approximately \$202,500. Please also keep in mind that the current operating cost allocation formula between the City and School budget will change. The City currently budgets \$140,000 for operating the MPC. These costs will all be transferred to the School Department. There are also additional future improvements required or anticipated to the Longley School/MPC including conversion to natural gas (\$200,000), window replacement (\$150,000), and roof replacement (\$650,000). At this time, funding is available for both start-up costs and natural gas conversion.

Alternatives Still Under Consideration

From the point of view of cost alone, the most viable alternative that would allow city programs to remain in place at the MPC appears to be the addition of modular units at Montello. Should the MPC be transferred to the School Department, the most feasible alternatives are renovations at the Armory, an option that appears unacceptable to the seniors, or the Knights of Columbus building. Spread sheets showing anticipated costs for these options are attached.

Other Considerations – City

Consideration also must be given to the needs of recreation programs currently using the MPC gym. The two programs with the most specific needs are volleyball and gymnastics, each of which require either high ceilings, large floor areas, or pre-installed floor hardware.

The School Department has indicated a willingness to work with the Recreation Department to explore alternative locations within the system to allow these programs to continue while opening more time at the MPC gym for Longley Students. We will continue to work on this. The School Department has also indicated that it is willing to continue the use of the MPC as a City voting location.

Other Considerations – Schools

From the Superintendent's perspective, other issues result from joint occupancy of the MPC by Longley School and various Recreation Department programs. First, Longley does not meet security standards set by most schools. There is the potential for unauthorized interactions between students and adults since school offices for guidance,

counseling, and student health are located in the MPC. The cafeteria and gym are generally accessible from the MPC, and students regularly pass through the MPC on the way to the gym.

Longley School students are not provided the same level of intramural programs as students in our other elementary schools because of gym scheduling restrictions resulting from some of the recreation programs. Regardless of the MPC decision, this issue should be addressed and we are exploring options.

There is considerable interest in retaining a school in downtown Lewiston even after the construction of a new State funded school anticipated within the next 5 years or so. If the School Department takes over the MPC, there will be a stronger case to locate the new school as an extension from the rear of the MPC gym into Franklin Pasture with a new primary access off Bartlett Street. Such a new facility would retain the present gym and a portion of the existing facility. In addition, funding is already in place to replace the boiler, convert the heating system to natural gas, and upgrade the MPC space. If the MPC is not transferred to the School Department, the odds are increased that the school may relocate from the building in the future, leaving the City to absorb all costs associated with its operation and, potentially, boiler replacement should funds now set aside for this project be required to support one of the other alternatives discussed above.

Conclusion

At this point, we recommend that primary consideration continue to be given to two options: the addition of modular classrooms at Montello allowing the City to remain in the MPC and relocating City programs currently housed in the MPC to the K of C Building subject to negotiations with the K of C and its eventual total cost. If neither of these options are found workable, the remaining options would be renovations and improvements at the Armory. In the meantime, City and School staff will continue to work toward determining appropriate locations for other programs and activities at the MPC that may be affected.

Staff from the City and School Department will be present Tuesday to review this information and answer any questions you may have. The seniors are aware of the meeting as are representatives of the Knights, and I anticipate they and other members of the public may wish to express their views at that time.

City of Lewiston
 Knights of Columbus Location Consideration
 School Build-out of the MPC
 November 21, 2011

Description	Knights of Columbus Amount	School Build-out of MPC
Immediate Capital Improvements:		
Acquisition Costs/General Renovations	150,000.00	100,000.00
Security, Phone & Technology Upgrades		22,500.00
Classroom Furniture		50,000.00
ADA Bathroom Rehab. & Replacement	30,000.00	
ADA Door Hardware Upgrades	6,000.00	
Playground Equipment		30,000.00
Installation of Elevator and Stairway	100,000.00	
Engineering & Contingency	20,400.00	
Subtotal	306,400.00	202,500.00
Operational Costs:		
Water, Sewer, & Stormwater	5,150.00	5,250.00
Electricity	17,884.00	73,900.00
Heating Cost	22,250.00	95,625.00
Telephone	1,200.00	600.00
Snow Removal	4,000.00	6,700.00
Insurance	8,000.00	5,670.00
Waste Collection	1,500.00	1,970.00
Supplies	1,200.00	17,500.00
Custodial	68,036.00	67,900.00
Misc. Services (Fire Alarm, Elevator Insp., etc.)	1,725.00	2,920.00
General Repairs	6,000.00	17,500.00
	<u>136,945.00</u>	<u>295,535.00</u>
Less MPC budget transferred to this building	(140,310.00)	Less amount currently budgeted (136,510.00)
Subtotal	(3,365.00)	159,025.00
Total Immediate Costs	303,035.00	361,525.00
Total Financial Impact		664,560.00
Alternates & Future Improvements		
Roof Replacement	97,500.00	650,000.00
Floor & VCT Replacement	22,750.00	
Window Replacement		150,000.00
Conversion to Natural Gas*	10,000.00	200,000.00
Engineering & Contingency	19,537.50	
	<u>149,787.50</u>	<u>1,000,000.00</u>

* Estimated to provide an approximate \$11,000 annual savings in fuel costs at KOC and \$63,000 savings at Longley.

MODULAR CLASSROOMS AT MONTELLO

Recurring annual costs:

Annual Lease Costs	\$	48,000
Less: State Reimbursement	\$	(48,000)
Water & Sewer	\$	900
Electricity	\$	5,220
Heat	\$	5,100
Building Repairs	\$	4,200
Custodian	\$	18,400
Secretary	\$	30,500
Total Annual Costs	\$	64,320

One-Time Costs

Site Work	\$	160,000
Security Upgrades	\$	15,000
Classroom Furniture	\$	60,000
Technology	\$	5,000
Phone System	\$	2,500
Playground Equipment	\$	30,000
Total	\$	272,500

TOTAL FIRST YEAR COSTS	\$	336,820
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CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: December 8, 2011
RE: October 12, 2011 Planning Board Agenda Item V(b)

Request to initiate an amendment to Article XII, Section 16 to clarify language in the sign ordinance.

It has come to staff's attention that the language in the Article XII, Section 16 (c)(2)(c)(2) of the Zoning and Land Use Code needs clarification as to when regulated signs may be erected above the level of a flat roof or the eaves of any other type of roof. As currently written, staff believes the ordinance may be interpreted that wall, projecting, or roof sign may be in violation if said sign extends above the level of a flat roof or the eaves of any other type of roof. This would imply that a ground sign with a maximum permitted height of 25 feet would be in violation if the roof of the related business is less than 25 feet in height. Wall and projecting signs on multi-storied structures attached to single storied roof entrances, load docks, or drive-thru's would also be in violation. Staff believes this was not the intention of the ordinance and an over sight in how the language was adopted.

The proposed amendment attempts to clarify that wall and projecting signs may extend above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story, attached structures. The ordinance also clarifies that only wall and projecting signs are prohibited from extended above the level of a flat roof or the eaves of any other type of roof.

Staff has drafted language for the Board's consideration and is requesting the Planning Board initiate an amendment to the Zoning and Land Use Code to clarify language in the sign ordinance with respect to wall and projecting signs

ACTIONS NECESSARY

- Make a motion pursuant to Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code for staff to schedule a public hearing to consider a proposed amendment to clarify language in Article XII, Section 16 (c)(2)(c) of the Zoning and Land Use Code.

AN ORDINANCE PERTAINING TO WALL AND PROJECTING SIGNS

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

Article XII. Performance Standards

Sec. 16. Signs

(c) *Permitted Signs*

(2) *Nonresidential districts.*

(c) *Special requirements.* For the purposes of this section, the following special requirement applies:

2. Roof signs are not permitted, and no part of any wall or projecting sign may extend above the level of a flat roof or the eaves of any other type of roof, with the following exceptions:

(i) Wall signs may project no more than five feet above the level of a flat roof or the eaves of any other type of roof as long as that portion of the sign does not exceed 20 percent of the signs total area.

(ii) Wall signs on mansard roofs, the lower portion of gambrel roofs, false fronts, facades, parapets or other significant architectural features may not exceed the height of the architectural feature.

(iii) Wall and projecting signs may be located above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story, attached structures, provided that the proposed sign is in compliance with Article XII, Section 16 (c)(2)(c)(2)(i) of this ordinance with regard to the roof of the principal building.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: December 8, 2011
RE: December 12, 2011 Planning Board Agenda Item V(d)

Executive Session to discuss real estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

A request is being made by Assistant City Administrator, Lincoln Jeffers for the Planning Board to go into executive session to discuss the possible disposition of city owned land. The following motion must be made:

Make a motion that the Planning Board go into executive session pursuant to 1 M.R.S.A. § 405(6)(C) to discuss real estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

The Board will then enter the adjacent meeting room to be briefed on a potential project. No notes, minutes, or votes are taken during executive session.

Once the discussion is completed, the Board shall reenter the Council Chambers. Depending upon the outcome of the executive session, the Planning Board may be asked to provide a recommendation for the City Council's consideration at a future meeting. If so, the following action should be taken:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the disposition of said real estate as discussed during the Planning Board's executive session held on December 12, 2011.