

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

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 IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The City of Lewiston hereby ordains that the official Zoning Map of the City of Lewiston be amended by rezoning for the property at 381 & 391 Main Street as recorded in the Androscoggin County Registry of Deeds Book 2724 Page 19 and Book 3459 page 79, as described in Exhibit "A" and depicted on Exhibit "B", both of which are attached hereto as follows, from the Community Business (CB) to Centreville (CV).

REASON FOR THE PROPOSED AMENDMENT

The reason for the proposed amendment includes allowing the existing owner of the property to redevelop the site with the same use preserving the neighborhood credit union. The existing two non-conforming buildings are in need of substantial upgrading and/or replacement. A single new well designed building is the most feasible alternative. The addition of the parking garage on site will allow the credit union to provide safe convenient parking for its employees and customers. The parking and building cannot be constructed using the current setbacks. The existing building is non-conforming and redevelopment of this site in a manner consistent with abutting properties is not feasible given the current zoning. Rezoning the property to CV provides the property owner the flexibility to maximize the site to its greatest potential while providing the opportunity to maintain a building pattern that is similar to abutting properties.

This project will provide an enhanced look to the neighborhood for decades to come. The two story building will be complimentary structure to the adjacent property at 393 Main Street, occupied by Veterans Incorporated. The mass and location will provide a consistent streetscape along Main Street. The buildings on this section of Main Street are fronting on Main Street and are within the current setback. This creates a Main Street "wall" effect.

The change to the Centreville District allows the proposed project to meet the setbacks for structures and the lot coverage. Although the new zone would allow a 150 height it is unlikely that it would be used on this site. The site is too small to have that kind of investment made. There are more suitable sites in the City for projects that required that height.

The two story project is a best fit for the site. This is consistent with the surrounding development. The CV District allows the flexibility to fit the project into the current neighborhood with the setbacks, impervious area and height limitations.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The City Council of the City of Lewiston hereby determines that the change to the Zoning Map is in conformance with the Comprehensive Plan for the following reasons:

- 1) This property is immediately adjacent the Centreville Zone creating a continuing zone.
- 2) This project utilized a city parcel keeping it fully utilized as noted in the Comprehensive Plan. *Insight: Although approximately 12% of total area in Lewiston is non-taxable property, almost 33% of the downtown is comprised of underutilized parcels. The City should first prioritize the development and redevelopment of the large number of unproductive parcels owned by the private sector. PROMOTE MIXED-USE ACTIVITY CENTERS Strengthen and encourage the development of unique activity centers within walking distance of residential neighborhoods while protecting the City's rural character, making efficient use of public services, and removing incentives for sprawl. (pg. 46)*
- 3) This keeps employees in the city and provides growth opportunities as stated in the Comprehensive Plan: *"GROW THE ECONOMY Promote a healthful and sustainable business environment by investing actively in efficient infrastructure, providing favorable incentives, and building a community that is attractive to employers and their workers." (pg. 116)*
- 4) This continues the development pattern of the neighborhood as note in the Plan: *Continue to promote development/redevelopment/reuse of in-town areas that reinforces the traditional development pattern and increases pedestrian activity. (pg. 129)*
- 5) This is an infill development as noted in the Plan: *Lewiston has a significant amount of underutilized land within the downtown, into which future investment could be directed for many decades. Locating new development within the downtown, as well as other identified growth areas supported by existing infrastructure, makes efficient use of municipal resources and will stimulate the transformation of the City's economy and regional reputation. Encourage infill*

and redevelopment within the downtown, existing service areas, and designated growth areas. (pg. 164)

- 6) The Comprehensive Plans encourage zone changes to better accommodate future projects: *A New Approach In order to implement this Comprehensive Plan and remove barriers to potential investment, the City should pursue a comprehensive rewrite of its zoning and subdivision ordinances, including form-based components to deal with all aspects of community character and design. While conventional zoning may remain prudent and appropriate in certain areas of the City, the adoption of form-based or "character-based" codes will assist in achieving desired outcomes in appropriate areas. (pg. 227)*
- 7) This property is located in the G-3 Intended Growth Sector. This area is appropriate for mixed use development. Walkable neighborhoods with service centers are appropriate: *Allow infill development and redevelopment in established residential neighborhoods that are compatible with traditional development patterns and densities. (pg. 128)*

We believe the new credit union project will meet the purposes of the CV zone. Below is a table showing how the CB District compares to the CV District and how the new plan will conform to the CV zone. Note a Conceptual Layout has been prepared; it is subject to change as it goes through the permitting and budget process.

Exhibit A

15660

MAINE SHORT FORM WARRANTY DEED

BK2724 PG019

MAINE REAL ESTATE
TRANSFER TAX PAID

I, KENNETH R. L. FINLEY, of Livermore Falls, County of Androscoggin and State of Maine, for consideration paid, grant to RAINBOW FEDERAL CREDIT UNION, a federally chartered credit union with a place of business at 381 Main Street in Lewiston in said County and State, with WARRANTY COVENANTS, all and the same premises situated in Lewiston, County of Androscoggin and State of Maine, described in a deed given by Robert T. Curtis to Kenneth R. L. Finley dated November 4, 1976, recorded in the Androscoggin County Registry of Deeds in Book 1237, Page 3, a copy of the first page of which deed is attached hereto as "Exhibit A" to which exhibit and to which deed reference may be had for a more particular description.

The consideration being paid by the purchaser to the seller represents the full market value of the premises described herein.

The premises are conveyed subject to any easements and restrictions of record and this deed includes all rights, easements, privileges, and appurtenances belonging to the premises hereinabove described.

WITNESS my hand and seal this 15th day of August, 1991.

Philippe R. Moreau
Witness

Kenneth R. L. Finley
Kenneth R. L. Finley



STATE OF MAINE
ANDROSCOGGIN, SS.

Personally appeared the above named KENNETH R. L. FINLEY, known to me, this 15th day of August, 1991, and acknowledged before me the foregoing instrument to be his free act and deed.

Philippe R. Moreau
Notary Public/Attorney-at-Law

Philippe R. Moreau
Printed Name



Jrea79.93
File #17907

My Commission
Expires 4-11-93

OVER

BK2724 PG020

MAINE SHORT FORM WARRANTY DEED

EXHIBIT A

I, ROBERT T. CURTIS, of Greene, County of Androscoggin,
State of Maine, for consideration paid, grant to KENNETH R. L.
FINLEY, of 15 Church Street, Livermore Falls, County of Androscoggin,
State of Maine, with WARRANTY COVENANTS, the land in
Lewiston, County of Androscoggin, State of Maine, being more
particularly described as follows:

A certain piece or parcel of land situated in said Lewiston,
with the buildings thereon, bounded and described as
follows, to wit: Beginning on the southerly side of Main
Street at a point twelve (12) feet northeasterly from the
northeast corner of the dwelling house now on said lot,
said point being the northwest corner of the lot now or
formerly occupied by John Reade; thence running southwesterly
by the southeasterly line of Main Street one hundred (100)
feet to a stake and stones on said line of Main Street;
thence southeasterly at a right angle to Main Street, about
one hundred and twenty (120) feet to land of Edward J. Colby;
thence northeasterly by the line of said Colby's land and
land occupied by John Reade, about one hundred (100) feet to
the southwesterly line of said John Reade's land; thence
northwesterly by the said line of said Reade's land about
one hundred and twenty (120) feet to the point of commencement
on Main Street.

Also a certain lot or parcel of land, situated in Lewiston
aforesaid, bounded and described as follows: commencing at
a point on the northwesterly line of Oak Street, formerly
Brooks Street at the southwesterly corner of land conveyed to
Richard C. and James F. Boothby by Daniel Holland by deed
dated September 20, 1870; thence running northwesterly on
the line of land deeded to said Boothbys by said Holland,
September 20, 1870, to the southwesterly corner of land of
Mary Scruton, to a stake, one hundred (100) feet; thence
running northeasterly and parallel with Oak Street on said Mary
Scruton's line, seventy-two (72) feet more or less to the
line of land once, and for a long time, occupied by John Read,
to a stake; thence on the line of the land occupied by John
Read, in a southerly course, to a point on Oak Street forty-
three (43) feet northeasterly from the point of commencement;
thence southwesterly on Oak Street forty-three (43) feet to
the point of beginning. This parcel is subject to the
following restrictions which shall remain in force for
and during the duration of the life of Elizabeth A. McKenna:
First, that no building shall be constructed on said lot;
Second, that no funeral procession shall be permitted to pass
over the lot herein conveyed and that said lot shall be kept
reasonably clean. Said restrictions shall become null and
void at Elizabeth A. McKenna's decease.

Being all in the same premises conveyed to this Grantor by
deed of Charles D. Jenkins dated July 1, 1965, recorded in
the Androscoggin County Registry of Deeds in Book 942, Page 37.

THIS CONVEYANCE IS MADE SUBJECT TO A MORTGAGE FROM THIS GRANTOR
TO CHARLES D. JENKINS DATED JULY 1, 1965, RECORDED IN THE
ANDROSCOGGIN COUNTY REGISTRY OF DEEDS, BOOK 942, PAGE 38,
WHICH MORTGAGE THE GRANTEE ASSUMES AND AGREES TO PAY.

POOR COPY AT TIME OF RECORDING
WILL NOT REPRODUCE CLEARLY

ATTEST:
Jeanine D. Dargatzis
REGISTER OF DEEDS

91 AUG 15 PM 2:23
ANDROSCOGGIN, SS.
REGISTRY OF DEEDS

13818 BK3459 PG079

QUITCLAIM DEED

THE ROMAN CATHOLIC BISHOP OF PORTLAND, a body politic and corporation sole, having a chancery in Portland, County of Cumberland, State of Maine, for consideration paid, grants to RAINBOW FEDERAL CREDIT UNION, a federally chartered credit union, of 381 Main Street, Lewiston, County of Androscoggin, State of Maine, with QUITCLAIM COVENANTS, the land situated in Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

PARCEL ONE: Beginning at a point at the intersection of the northwesterly line of Oak Street, so called, with the northeasterly line of Holland Street, so called; thence North thirty-three degrees no minutes nineteen seconds West (N 33° 00' 19" W) along the northeasterly line of said Holland Street, a distance of one hundred and no hundredths (100.00) feet to a point at the southerly corner of land conveyed to St. Joseph's Lewiston Federal Credit Union (now Grantee) by Grantor by deed dated December 1, 1968 and recorded in the Registry of Deeds for Androscoggin County in Book 997, Page 737; thence North forty-four degrees forty-one minutes seven seconds East (N 44° 41' 07" E) along the southeasterly line of said St. Joseph's Lewiston Federal Credit Union's land and parallel to Main Street, so called, a distance of one hundred ten and eighty hundredths (110.80) feet to a point at the easterly corner of said St. Joseph's Lewiston Federal Credit Union's land and at the northerly corner of the Grantor's land; thence South forty-four degrees thirty-seven minutes forty-five seconds East (S 44° 37' 45" E) along the northeasterly line of said Grantor's land, a distance of twelve and one hundredth (12.01) feet to a point; thence South forty-two degrees thirty-five minutes twenty-seven seconds West (S 42° 35' 27" W) a distance of twenty and two hundredths (20.02) feet to a point; thence South forty-four degrees thirty-seven minutes forty-five seconds East (S 44° 37' 45" E) parallel to the northeasterly line of said Grantor's land, a distance of eighty-six and fifty-four hundredths (86.54) feet to a point in the northwesterly line of said Oak Street; thence South forty-five degrees twenty-nine minutes fifty-eight seconds West (S 45° 29' 58" W) along the northwesterly line of said Oak Street, a distance of one hundred ten and ninety-four hundredths (110.94) feet to the point of beginning.

Containing 10,190.38 square feet.

Bearings are magnetic June, 1995.

Being a portion of the premises conveyed to Grantor by Harold N. Skelton, Executor of the Estate of Elizabeth A. McKenna, by deed dated February 27, 1957 and recorded in the Androscoggin County Registry of Deeds in Book 758, Page 114.

PARCEL TWO: Beginning at a point at the easterly corner of land of the first parcel of land conveyed to Grantee by Kenneth R.L. Finley by deed dated August 15, 1991 and recorded in the Registry of Deeds for Androscoggin County in Book 2724, Page 19; thence South forty-four degrees thirty-seven minutes fifty-four seconds East (S 44° 37' 54" E)

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along a line which is the projection southeasterly of the northeasterly line of Grantee's land, a distance of seventy-three hundredths (0.73) feet to a point; thence South forty-three degrees twelve minutes forty-eight seconds West (S 43° 12' 48" W) a distance of twenty-eight and fifty-six hundredths (28.56) feet to a point in the southwesterly line of the Grantor's land; thence North twenty-eight degrees twenty-six minutes forty-six seconds West (N 28° 26' 46" W) along the southwesterly line of the Grantor's land, a distance of one and ninety-four hundredths (1.94) feet to a point in the southeasterly line of Grantee's land; thence North forty-five degrees twenty-nine minutes fifty-eight seconds East (N 45° 29' 58" E) along the southeasterly line of Grantee's land and parallel to Oak Street, so called, a distance of twenty-eight and no hundredths (28.00) feet to the point of beginning.

Containing 36.45 square feet.

Bearings are magnetic June, 1995.

Being a portion of the premises conveyed to Grantor by Agnes T. Davis et al. by deed dated May 26, 1953 and recorded in the Androscoggin County Registry of Deeds in Book 686, Page 591.

IN WITNESS WHEREOF, THE ROMAN CATHOLIC BISHOP OF

PORTLAND, by Joseph J. Gerry, Roman Catholic Bishop of Portland, has caused

this instrument to be signed and sealed this 31st day of July, 1995.

THE ROMAN CATHOLIC BISHOP
OF PORTLAND

By: Joseph J. Gerry
Joseph J. Gerry, Roman Catholic
Bishop of Portland

Anto-Mas B...
WITNESS

STATE OF MAINE

CUMBERLAND, SS.

July 31, 1995

Personally appeared the above named Joseph J. Gerry and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity and the free act and deed of said corporation sole.

Before me,

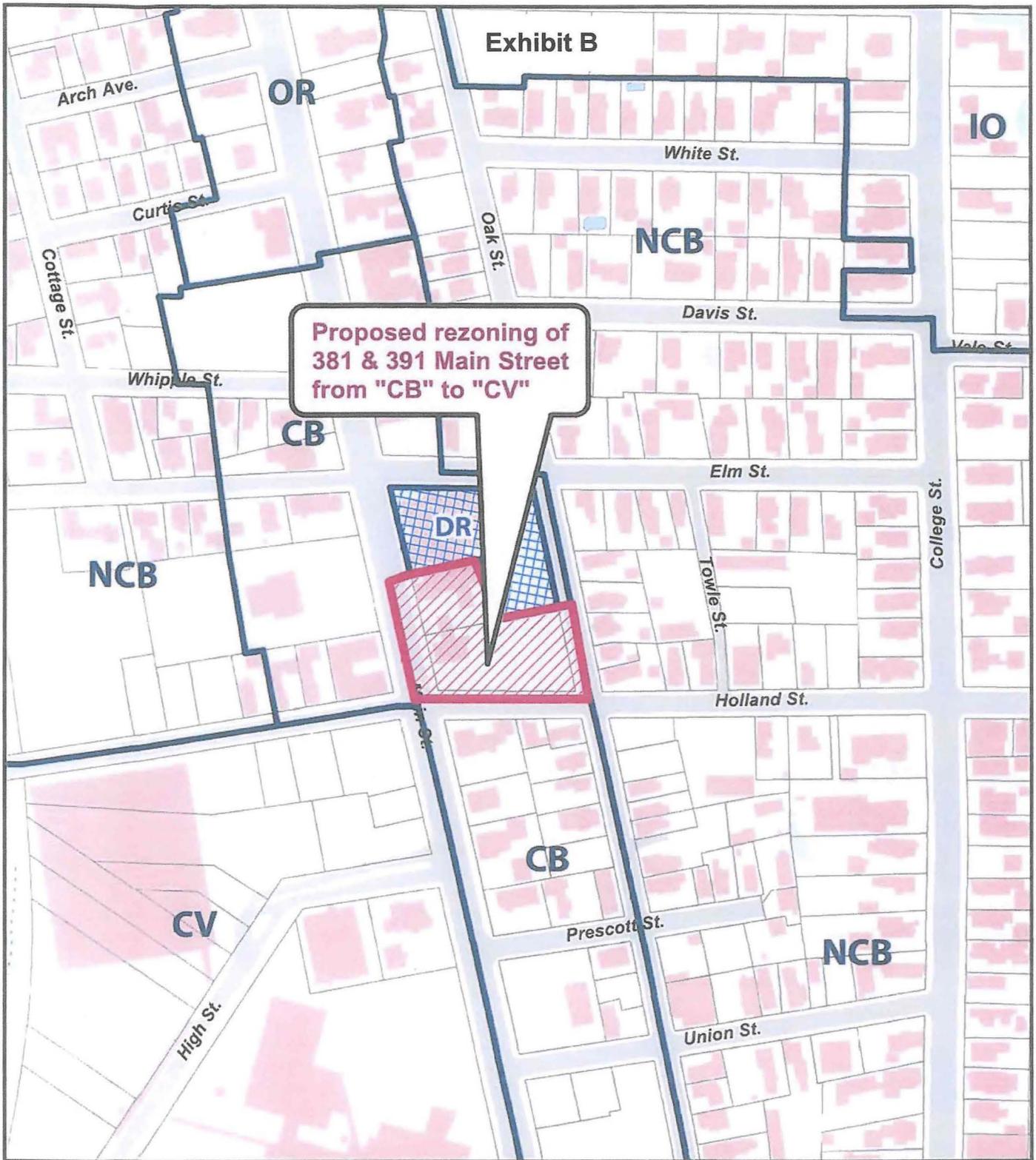
Mary A. Delaney
NOTARY PUBLIC
My Commission expires
May 8, 2002
MARY A. DELANEY

PRIMERJACKINDOCROMACATH.WD

RECEIVED
ANDROSCOGGIN S.S.
95 AUG -4 PH 12: 35

ATTEST:

James D. ...
ROCHELLEAU, FOURNIER & LEBEL, P.A., 35 EAST AVENUE, LEWISTON, MAINE 04241-1916 (207) 84-9329
REGISTER OF DEEDS



Proposed
381 & 391 Main Street
Rezoning

January 2018

