

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, August 12, 2019 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

1. ROLL CALL

2. ADJUSTMENTS TO THE AGENDA

3. CORRESPONDENCE

4. PUBLIC HEARINGS:

- a. A Zoning Text Amendment to amend the definition of Nursery School in Article II, Section 2, Definitions and to amend Article XI, Section 22, Land Use Chart to allow Nursery Schools as a conditional use in the Suburban Residential,(SR), Low Density Residential (LDR) and the Medium Density Residential (MDR) Districts.

5. OTHER BUSINESS:

- a. Request for the Planning Board to make a recommendation regarding the disposition of 320 Bates Street, 91 Pine Street, 111 Bartlett Street and 114 Bartlett Street.
- b. Request for the Planning Board to make a recommendation regarding the disposition of Martell Elementary School located at 860 Lisbon Street.

6. READING OF THE MINUTES: Motion to adopt the July 22, 2019 draft minutes

7. ADJOURNMENT

The next scheduled Planning Board meeting is August 26, 2019



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Douglas Greene, AICP, RLA; Deputy Director/City Planner

DATE: August 12, 2019

RE: Nursery School Text Amendment

The Planning Board held a public hearing and made a recommendation to the City Council at their June 10th meeting for a Nursery School text amendment. Subsequently, on July 16, 2019, the City Council approved the text amendment that defines Nursery Schools and allows them as a conditional use in the Neighborhood Conservation "A" (NCA) district subject to conditions contained in the definition. This text amendment also moved Nursery Schools out of the *Academic Institution* Land Use Category and aligns it more closely with Child Care Facilities in the Land Use Chart found in Article XI, Section 22 Land Use Requirements.

At the same July 16th meeting, the City Council also approved a motion instructing the Planning Staff to draft a text amendment for Nursery Schools that would include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts to the definition of Nursery Schools along with the same conditions that apply to the Neighborhood Conservation "A" (NCA) district uses. Also part of this text amendment would be to remove a special note (22) in the Land Use Chart for the LDR, MDR and SR that require a Nursery School to be "*Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks*". This change is found in the attached Land Use Chart.

The Staff supports this text amendment as it will allow Nursery Schools, in residential zones with low density, subject to the same conditions that apply to the NCA district.

Action Required: Make a motion pursuant to Article VII (Planning Board- Powers and Duties), Section 4 and Article XVII (Amendment and Other Legal Provisions), Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council for a text amendment to Article II, Definitions, to include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts to the definition of Nursery Schools and to Article XI, District Regulations, Section 22, Land Use Table to remove note (22) from the same zoning districts for the Nursery School land use category.

AN ORDINANCE PERTAINING TO NURSERY SCHOOLS

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 II. DEFINITIONS

Sec. 2 Definitions

Nursery School means a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for three (3) or more children, who are between the ages of thirty-three (33) months and under eight (8) years of age, provided that:

1. No session conducted for the children is longer than three and one half (3 ½) hours in length;
2. No more than two (2) sessions are conducted per day;
3. Each child in attendance at the nursery school attends only one session per day;
4. No hot meal is served to the children.
5. Nursery schools in the Neighborhood Conservation “A” (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be limited to no more than 12 children per session.
6. Nursery schools in the Neighborhood Conservation “A” (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be limited to properties containing a minimum of one (1) acre in size.
7. Nursery schools in the Neighborhood Conservation “A” (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be accessory to a single family residence.

ARTICLE XI. DISTRICT REGULATIONS

Sec. 22. Land Use Requirements, (c) Land Use Table (See attached Land Use Chart)

REASONS FOR THE PROPOSED AMENDMENT

On July 16, 2019, the City Council approved a text amendment that defines Nursery Schools and allows them as a conditional use in the Neighborhood Conservation “A” (NCA) district subject to conditions contained in the definition. This text amendment also moved Nursery Schools out of the *Academic Institution* Land Use Category and aligns it more closely with Child Care Facilities in the Land Use Chart found in Article XI, Section 22 Land Use Requirements.

The City Council also approved a motion at the July 16th meeting, instructing the Planning Staff to draft a text amendment for Nursery Schools that would include Low Density Residential (LDR), Medium Density Residential (MDR) and Suburban Residential (SR) districts to the definition of Nursery Schools along with the same conditions that apply to the Neighborhood Conservation “A” (NCA) district uses. Also part of this text amendment would be to remove a special note (22) in the Land Use Chart for the LDR, MDR and SR that require a Nursery Schools to be “*Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks*”. This change is found in the attached Land Use Chart.

The purpose of the original text amendment was to define Nursery Schools and to allow them as a conditional use in the Neighborhood Conservation “A” (NCA) district. Nursery Schools were not specifically mentioned in Article XI, Section 22 Land Use Requirements and Land Use Chart. The Planning and Code Enforcement Office currently interprets and places Nursery Schools in the Academic Institution Land Use category. “*Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures*”. (Article XI, Section 22 Land Use Requirements)

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

The 2017 Legacy Lewiston Comprehensive Plan is somewhat silent with regards to child care facilities and early childhood education. The applicant’s cover letter mentions how Lewiston is changing and challenges each citizen to participate and take on a role no matter how large or small. She also describes how the city’s limited financial resources delays the implementation of the Comprehensive Plan’s goals. The people of Lewiston can help to the implementation process with their time, sweat, passion and perseverance. We are not coming to you asking for money, we are using our own resources to add something positive to the city of Lewiston and to the education for the youth of the city, the next generation. In addition, the Comprehensive Plan also mentions small businesses on page 168.

“Promote Grassroots Initiatives

Smaller, incremental, and uniquely Lewiston initiatives are just as important to economic growth as large-scale investments. Lewiston has a significant population of young adults, an age group has untapped potential and will likely be a driving force behind future grassroots planning and business initiatives.”

Proposed Text Amendment to Add Nursery School in Land Use Chart

Land Use Table: All Zoning Districts 08.12.19	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront Residential (RF)	Neighborhood Conservation (A')	Neighborhood Conservation (B')	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centerville (CV) ⁽¹⁸⁾	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	Mill (M)	Resource Conservation (RC) (18)	Groundwater Conservation Overlay (GC) ⁽²⁰⁾	No Name Park Overlay Conservation (NMP)(23)	Mobile Home Park Overlay (MH) ⁽²⁴⁾	
Commercial/Service																						
Veterinary facilities including kennels and humane societies																						
Veterinary facilities including kennels and humane societies	C																					
USFC(15)(33)																						
Accessory uses or structure																						
Nursery School	C	C(22)	C(22)	C(22)	C(22)	P	C	C	C(22)	C(21)	P(9)	P	P	P	P	P	P	P	P	P	P	
Special day care facilities	C	C(22)	C(22)	C(22)	C(22)	P	C	C	C(22)	C(21)	P(9)	P	P	P	P	P	P	P	P	P	P	
Day care centers	C	C(22)	C(22)	C(22)	C(22)	P	C	C	C(22)	C(21)	P(9)	P	P	P	P	P	P	P	P	P	P	
Day care centers accessory to public schools, religious facilities, multifamily or mixed use, development, and mobile home parks																						
Business and professional offices including research, experimental testing laboratories, engineering, research, management and related services																						
Restaurants																						
Food service																						
Adult day care establishments																						
Hotels, motels, inns																						
Movie theaters except drive-in theaters																						
Places of indoor assembly, amusement or culture																						
Art and crafts studios																						
Personal Services																						
Beauty stores - retail except hair salons																						
Beauty and hair salons																						
Gasoline service stations																						
Gasoline service stations which are apart of and subordinated to a retail use																						
New and used car dealers																						
Recreational vehicle, mobile home dealers																						
Equipment dealers and equipment repair																						
Automotive services including repair																						
Registered dispenser(27)																						
Registered primary caregivers engaged in the cultivation of medical marijuana for two to five registered patients																						
Tattoo establishments																						
Industrial																						
Light industrial uses																						
Industrial uses																						
Food processing and related facilities																						
Wholesale sales, warehousing and distribution facilities and self-storage facilities																						
Self-storage facilities																						
Commercial waste disposal facilities																						
Auto parts and auto materials																						
Recycling and remanufacturing facilities																						
Private industrial/commercial developments(23)																						
Transportation																						
Airports or harbors																						
Air terminal facilities																						
Automated parking facilities																						
Transportation facilities																						
Public and Utility																						
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use																						
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use																						
Municipal buildings and facilities																						
Preservation of historic areas, emergency and fire protection activities, bridges and public roadways																						
Dams																						

Proposed Text Amendment to Add Nursery School In Land Use Chart

Land Use Table: All Zoning Districts 08.12.19	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Rivertown Residential (RF)	Neighborhood Conservation (A' NCA)	Neighborhood Conservation (B' NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centerville (CV) ³⁰	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	Mill (M)	Resource Conservation (RC) (18)	Groundwater conservation overlay district (GO) ³⁰	No Name Park Overlay Conservation (NNP)(29)	Mobile Home Park Overlay (MH) ³⁰	
Institutional																						
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Centraries																						
Comprehensive care facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities																						
Hospitals, medical clinics																						
Museums, libraries, and non-profit art galleries and theaters																						
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or																						
Public community meeting and civic function buildings																						
Civic and social organizations																						
Architectural, architectural																						
Residential																						
Single-family detached dwellings on individual residential lots	P(9)	P	P	P	P	P	P(2)	P	P(1)	P(2)												
Mobile homes on individual residential lots	P(8)																					
Two-family dwellings																						
Multifamily dwellings in accordance with the standards of Article XIII																						
Single-family attached dwelling in accordance with the standards of Article XIII	C																					
Mixed single-family residential developments in accordance with the standards of Article XIII	C																					
Mixed residential developments in accordance with the standards of Article XIII																						
Mixed use structures																						
Accessory buildings																						
Bed and breakfast establishments as a home occupation	P																					
Bed and breakfast establishments in accordance with the standards of Article XII	P																					
In-law apartments in accordance with the standards of Article XII	P																					
Single family cluster development	P																					
Family day care home	P																					
Shelters	P																					
Dormitories	P																					
Natural Resource																						
Agriculture	P(8)																					
Earth shelters	P																					
Earth shelters and timber harvesting activities in accordance with the standards of Article XIII	P																					
Earth shelter removal	C																					
Community gardens(20)	P																					
Water dependent uses, sea docks and marinas																						
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet																						
Recreation																						
Campgrounds	C																					
Public or private facilities for nonrecreational outdoor recreation	C																					
Commercial outdoor recreation and athletic facilities																						
Public and recreational sports centers as defined under MALS Code 7.13940																						



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Douglas Greene, AICP, RLA; Deputy Director/City Planner

DATE: August 12, 2019

RE: Request for Planning Recommendation the Disposition of 4 Properties

One of the powers and duties of the Planning Board pursuant to Article VII. Planning Board, Section 4, is:

- (h) The board shall review and make a recommendation to the city council with regard to the acquisition, except through tax lien foreclosure (36 M.R.S.A. section 942 as amended), and disposition of all public ways, lands, buildings and other municipal facilities.

Misty Parker, Economic Development Manager, will present four city owned properties (91 Pine St., 111 Bartlett St., 114 Bartlett St and 320 Bates St.) that the Planning Board is being asked to make recommendations as to their disposition. Attached with this memo is the most recent city policy on Property Disposition (dated 7/16/19) for you to review prior to making your recommendations. After her presentation and the Board's discussion, please consider making motions for each property.

Actions Necessary:

1. Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a recommendation to the City Council for the disposition of 91 Pine St. (including, if any, specific conditions raised by the Planning Board).
2. Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a recommendation to the City Council for the disposition of 111 Bartlett St. (including, if any, specific conditions raised by the Planning Board).
3. Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a recommendation to the City Council for the disposition of 114 Bartlett St. (including, if any, specific conditions raised by the Planning Board).
4. Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a recommendation to the City Council for the disposition of 320 Bates St. (including, if any, specific conditions raised by the Planning Board).

PROPERTY DISPOSITION

1.0 Purpose

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing real property in the City's possession which is considered excess to the City's needs.

2.0 Policy

It is the City's policy to periodically review real property in the City's possession to determine whether retention, sale, or lease of such property is in the best interest of the City and to respond in a timely fashion to requests from private parties seeking to purchase or lease such property.

3.0 Determination of Willingness to Sell or Lease City-Owned Property

3.1 Planning Board and Finance Committee Responsibilities

3.1.1 Planning Board. Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should circumstances change during this period, the Administrator may seek an updated review and recommendation.

3.1.2 Finance Committee. The Finance Committee shall be notified of real property dispositions with the exception of those involving vacant lots that do not meet minimum space and bulk standards for construction that are assessed at \$10,000 or less and are to be transferred to the owners of an abutting property so that the Committee may consider sending a recommendation to the City Council. For properties assessed at more than \$10,000, the Purchasing Agent will solicit a recommended means of disposition from the Finance Committee.

3.2 City Initiated Sale or Lease

3.2.1 The Planning and Code Department of the City will periodically review real property currently owned by the City but not in active use for municipal purposes to determine whether these properties should be retained or considered for sale or lease. Once properties have been identified for which there is no current City use, the Department will notify the City Administrator.

3.2.2 The City Administrator will then notify all Department Heads of the property or properties being considered for sale and offer them the opportunity to indicate any potential use or need their department might have for the property, including its potential for land banking against future uses.

PROPERTY DISPOSITION

3.2.3 After consideration of the responses of the various Departments, the Administrator will make a determination if the property should be declared surplus or retained for potential future use.

3.3 Private Sector Request to Purchase or Lease

3.3.1 All requests from the private sector for the purchase or lease of City property shall be directed to the City Administrator.

3.3.2 The Administrator shall notify all Department Heads of the request and provide them with the opportunity to identify any current or potential use which the City may have for the property.

3.3.3 After consideration of the responses of the various Departments, the Administrator will make a determination of whether the property should be declared surplus or retained for current or potential future use.

4.0 Procedure for Disposition of Surplus Property – Substandard Lots

4.1 Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.

4.2 The following factors will be considered in determining whether the property should be sold:

4.2.1 The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;

4.2.2 The proposed use of the property;

4.2.3 The value of any proposed improvements to the property;

4.2.4 The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and

4.2.5 The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

5.0 Procedure for the Disposition of Surplus Property – Potentially Developable

In instances where surplus property may be redeveloped or developed, that property may be marketed by one of a number of methods based on the nature and estimated value of the property and any specific plans or policies which development of the property might either further or hinder. The following methods may be used to market the property, including a combination of two or more.

5.1 Request for Proposals. The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.

PROPERTY DISPOSITION

- 5.2 **Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 **Formal Bid.** The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale.
- 5.4 **Self-Brokerage.** The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.
- 5.5 **Direct Negotiation.** Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.
- 5.6 The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

6.0 Council Approval of Disposition

- 6.1 The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.
- 6.2 The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.

Economic and Community Development

Misty Parker

Economic Development Manager



To: Planning Board Members
From: Misty Parker
RE: Property Disposition
Date: August 7, 2019

The Choice Neighborhood program leverages significant public and private dollars to support locally driven strategies that address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation. **Lewiston's** Choice Neighborhood grant application and subsequent planning process has been centered on Maple Knoll, a functionally obsolete and failing 41 unit HUD assisted housing project. The Choice Transformation Plan presents a recommendation for how to utilize the redevelopment of Maple Knoll to strategically jump start the housing market in this neighborhood in a way that will catalyze and attract private investment to continue the redevelopment work.

LA Community Housing (LACH), a development corporation of Community Concepts, Inc., has purchased replacement sites identified by the market analyst that will have the strategic impact the plan identifies to catalyze private investment in the neighborhood. Partners have financed \$1.1 million to date toward acquisition of the two replacement sites. They are committed to redevelopment in alignment with the transformation plan for these sites.

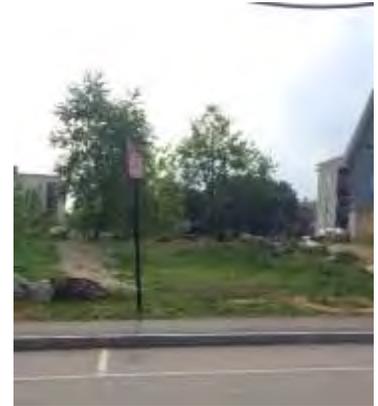
The City owns several vacant lots key to the redevelopment sites of Maple Knoll. Enclosed with this memo is a site map for the redevelopment of replacement site 2 and an outline of the City owned properties within this replacement site. These vacant parcels include: 91 Pine St, 111 Bartlett St, and 114 Bartlett St. In addition to these three parcels, the transfer of a vacant parcel at 320 Bates St is also requested. This parcel is located adjacent to Maple Knoll. Once both replacement sites on Pine Street are redeveloped and all residents of Maple Knoll are relocated to their new homes, the existing Maple Knoll building will be demolished and new townhomes will be constructed for homeownership opportunities. City owned 320 Bates St will be needed to ensure enough land is available to accommodate 13 new townhomes with the required parking and yard space.

Parcel information:

91 Pine St
Zoning: Downtown Residential
Parcel size: 0.04 acres
Assessed value: \$10,560
Current use: Vacant parcel
Former use: Residential, three unit building
demolished in 2014



111 Bartlett St
Zoning: Downtown Residential
Parcel size: 0.11 acres
Assessed value: \$19,130
Current use: Vacant parcel
Former use: Residential, three unit building
demolished in 2003



114 Bartlett St
Zoning: Downtown Residential
Parcel size: 0.23 acres
Assessed value: \$22,000
Current use: Vacant parcel
Former use: Residential, eight unit building
demolished in 2013

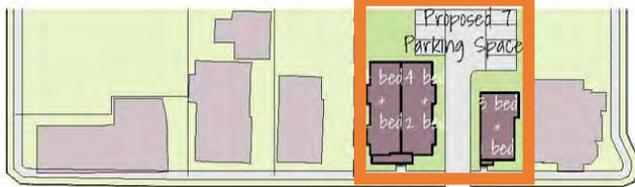


320 Bates St
Zoning: Downtown Residential
Parcel size: 0.22 acres
Assessed value: \$29,280
Current use: Vacant parcel
Former use: Residential, eight unit building
demolished in 2013



LA Community Housing is asking the City to convey by donation the properties located at 91 Pine St, 111 Bartlett St, 114 Bartlett St, and 320 Bates St in order to support and advance the redevelopment plan outlined in the Choice Neighborhood Transformation Plan. Should LA Community Housing or its partners be unable to make sufficient progress in the redevelopment of these sites within seven years, the properties will revert back to City ownership. The City Council will review this request at their August 13, 2019 meeting. We are seeking a planning board recommendation regarding the disposition of 91 Pine St, 111 Bartlett St, 114 Bartlett St and 320 Bates St.

114 Bartlett



Replacement Site 2

Bartlett Street 111 Bartlett



Pine Street

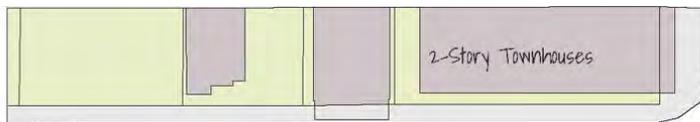
Walnut Street

Pierce Street

91 Pine

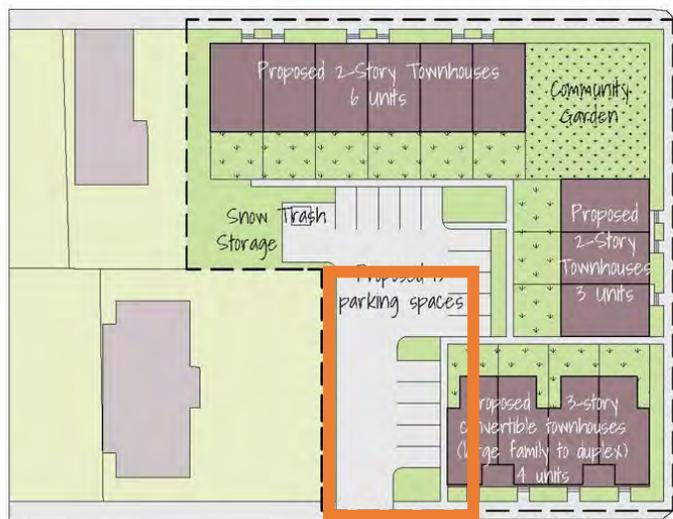


City Owned Vacant Lots



Blake Street

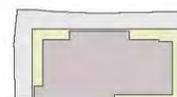
Homeownership Site



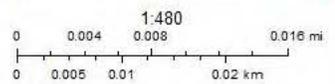
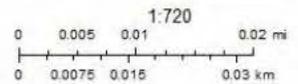
Maple Street

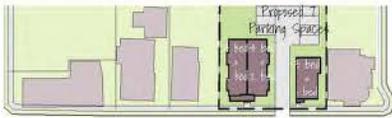


Bates Street 320 Bates

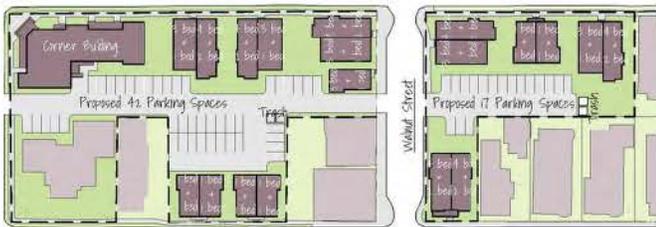


91 Pine St, 111 Bartlett St, 114 Bartlett St





Bartlett Street



Pine Street

Walnut Street



Pierce Street



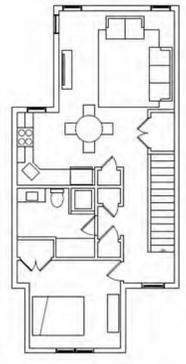
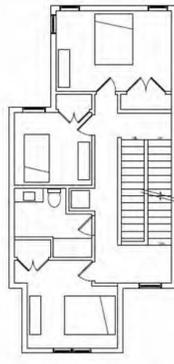
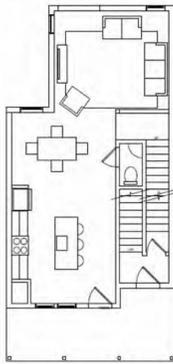
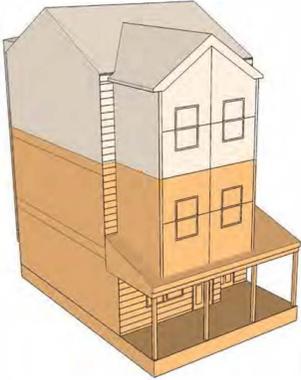


Type F: For sale or rent-to-own townhouse or duplex

3 Bedroom Home + 1 Bedroom Apartment

1st: Kitchen, Dining, Living, 1/2 Bath, Porch
 2nd: 3 Bedrooms, 1 Full Bath, Laundry

3rd: 1 Bedroom, 1 Bath Apartment

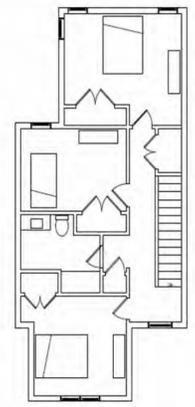
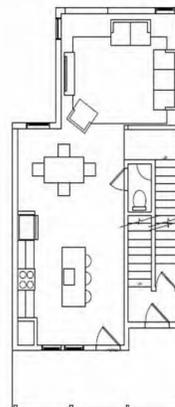
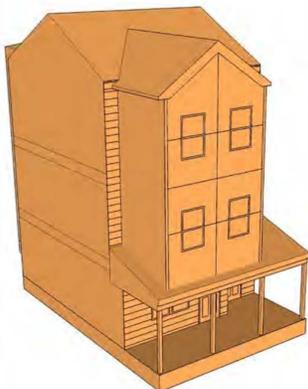


Type F: For sale or rent-to-own townhouse or duplex



6 Bedroom House

1st: Kitchen, Dining, Living, 1/2 Bath, Porch
 2nd: 3 Bedrooms, 1 Full Bath, Laundry
 3rd: 3 Bedrooms, 1 Full Bath





CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Douglas Greene, AICP, RLA; Deputy Director/City Planner

DATE: August 12, 2019

RE: Planning Board Recommendation for Martel Elementary School

One of the powers and duties of the Planning Board pursuant to Article VII. Planning Board, Section 4, is:

- (h) The board shall review and make a recommendation to the city council with regard to the acquisition, except through tax lien foreclosure (36 M.R.S.A. section 942 as amended), and disposition of all public ways, lands, buildings and other municipal facilities.

Martel Elementary School, located at 860 Lisbon Street, closed for good at the end of this school year and the Lewiston School Department is expected to transfer the school and property over the City on October 1, 2019. City Administrator, Ed Barrett, prepared a memo (attachment 1) requesting the Planning Board provide guidance on how the City Council should deal with the property. Mr. Barrett's memo lists some possible future uses and describes recommendations from the Comprehensive Plan on the school and surrounding area.

Martel School is located at the northeast corner of the intersection Lisbon Street and East Avenue. The property is 3.21 acres in size, has vehicular access from Marston Drive and East Avenue, and has approximately 41 parking spaces on site. The site has an open play area of approximately 39,000 sf. and a playground. The original three story building was constructed in 1922 with two, one-story additions that were constructed over time (see attachment 2 for street view from East Ave).

The surrounding land uses around Martell Elementary School are shown on attached map 3. Adjacent uses include apartments and primarily commercial uses (banks, shopping centers other vacant commercial properties). Lisbon Street and East Avenue are located on the western and southern boundaries with high traffic volumes. Traffic counts from

April 24, 2018 by AVCOG show 19,940 total trips with 1,606 trips in the morning peak hour and 2,060 trips in the pm peak hour.

The property is currently zoned Office Residential (OR) (attachment 4). The properties to the east, south and west are zoned Community Business (CB), the properties to the northeast are zoned Neighborhood Conservation "A" (NCA) and to the north is the location of Shaw's Plaza, which was NCA but had a contract rezoning to Community Business (CB). The current zoning of Office Residential (OR) limits commercial uses to small daycare facilities, day care centers, office uses and personal services. A future rezoning of the property to possibly Community Business (CB) would open up more commercial development opportunities

The Comprehensive Plan recommends a conceptual redevelopment plan (attachment 5) for the general area that is described as the "Lisbon Street Suburban Retrofit Concept" (page 150). More specifically, the plan recommends preserving Martel Elementary School as community landmark/center. The overall "Lisbon Street Suburban Retrofit Concept" might be possible to gradually implement over a long period of time but will be challenging given the majority of properties have been developed as suburban big box malls and auto oriented commercial lots.

The City's property disposition policy is also attached with this memo (attachment 6) and lists procedures for disposing of surplus city owned property. Options for the Planning Board to consider include: Requests for Proposals, Using a Real Estate Broker, Formal Bidding, Self-Brokerage and Direct Negotiations.

As noted in the City Administrator's memo, municipal re-use of the building is likely to require a significant capital investment at a time when the City is facing other demands on its ability to borrow funds or locate non-operating resources. In addition, city operation of the building would require annual operating budget funding, which also is required for existing services and other possible priorities. As a result, staff has concluded that this property should best be disposed of, starting with a competitive bid/request for proposals process that would take into account purchase price offered and projected use of the property.

Options for Recommendations to the City Council for the Planning Board to consider:

1. Send a recommendation to the City Council to take ownership of the school.
2. Send a recommendation to the City Council for the disposition of 860 Lisbon Street.

The Board may also want to consider recommending to the Council a rezoning of the property. The current zoning does not allow retail as a permitted use. Approximately $\frac{3}{4}$ of the property abuts Community Business (CB), which permits retail and multifamily dwellings. The remaining $\frac{1}{4}$ abuts Neighborhood Conservation "A" (NCA) which consists

of a legally nonconforming multifamily development. Rezoning the property to CB is not would be consistent with the comprehensive plan and may make the property more marketable.

ACTION NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a recommendation to the City Council for the disposition of 860 Lisbon Street (including, if any, specific conditions raised by the Planning Board).

(Possible additional motion)

Make a motion pursuant to Article XVII, Section 5 (c) to initiate a zoning map amendment of the property at 860 Lisbon Street from Office Residential (OR) to Community Business (CB).



EXECUTIVE

Edward A. Barrett, City Administrator
Denis D'Auteuil, Deputy City Administrator

July 26, 2019

To: Planning Board
 Fr: Edward A. Barrett
 Su: Martel School.

We have been notified by the School Department that it intends to transfer the Martel School and associated property back to the City on or around October 1, 2019.

At this point, we are seeking guidance from the Planning Board on how to proceed with this property. The basic options are to dispose of the property or to keep it for some municipal purpose. In the past, it was generally assumed that the City would offer this property for redevelopment through the bid process subsequent to the construction of the new elementary school. It should be noted, however, that there are other potential ideas and uses for the property, including the following proposal from the City's comprehensive plan:

"PRESERVE MARTEL AS A LANDMARK

"Martel Elementary School is scheduled to be closed. The building has been a community landmark for generations and should be preserved. The City should carefully consider the possibility of converting the school into a community center. With a new civic space across East Avenue, this historic landmark can be given new life and become a prominent new civic building within the community. Preserving this building is critical to retaining Lewiston's heritage and will provide an important visual contrast to new buildings that are constructed in this area."

The plan goes on to recommend that the City "complete a formal study to move forward the rehabilitation and reuse of the Martel School building and identify a plan for the management of the community center."

A copy of the pages of the comprehensive plan dealing with this area is attached.

It should also be noted that this text comes from the section of the plan titled "Promote Mixed-Use Centers" and that the areas identified are "conceptual growth section plans." Specifically,

"These plans show the kind of results that might be possible by applying complete neighborhood design principles to specific areas. *They are for illustrative purposes only and do not need to apply specifically to these areas* (emphasis added), but other appropriate areas of the community. The eventual build-out of these areas most likely will vary significantly based on landowner interests, zoning regulations, location of available infrastructure, and other factors."

As such, the **plan's** recommendation for Martel, while worth noting, is not specifically referenced as part of the plan's implementation sector.

The property is also located in the Intended Growth Sector, page 125:

"... **areas** are largely underdeveloped but are intended for growth and substantial mixed-use development by virtue of proximity to existing or planned infrastructure, a regional thoroughfare, and/or transit. Complete neighborhoods that include both existing and new residential housing as well as some mixed-use development are appropriate. This **area and includes the City's current Community Business zone as well as new centers for walkable neighborhood development, portions of which should be rezoned as character-based districts.**"

Also, there is reference to city owned land on page 185:

"Hold and Market an Annual Auction of Foreclosed Properties
The City should consider working with local banks and real estate agents to organize an annual auction of foreclosed properties and market the event broadly. This type of event is held in Buffalo, New York with a growing number of participants each year competing **for the City's most derelict buildings. Available city-owned** properties should also be included in this process."

I would also note that we have also been contacted by a non-profit organization that has expressed interest in the property and I suspect other groups/individuals may come forward with ideas or expressions of interest.

It should be noted that municipal re-use of the building is likely to require a significant capital investment at a time when the City is facing other demands on its ability to borrow funds or locate non-operating resources. In addition, city operation of the building would require annual operating budget funding, which also is required for existing services and other possible priorities. As a result, staff has concluded that this property should best be disposed of, starting with a competitive bid/request for proposals process that would take into account purchase price offered and projected use of the property.

However, prior to asking the Council to decide a course of action, staff and Council would appreciate a recommendation from the Planning Board.

Attachment 2



Martel Elementary School Surrounding Land Uses

Shopping Center

Restaurant

CVS Pharmacy

Key Bank

Closed Gas Station

Vacant Building

Key Bank

Attachment 3

Martel Elementary School

Playground

Marston St.

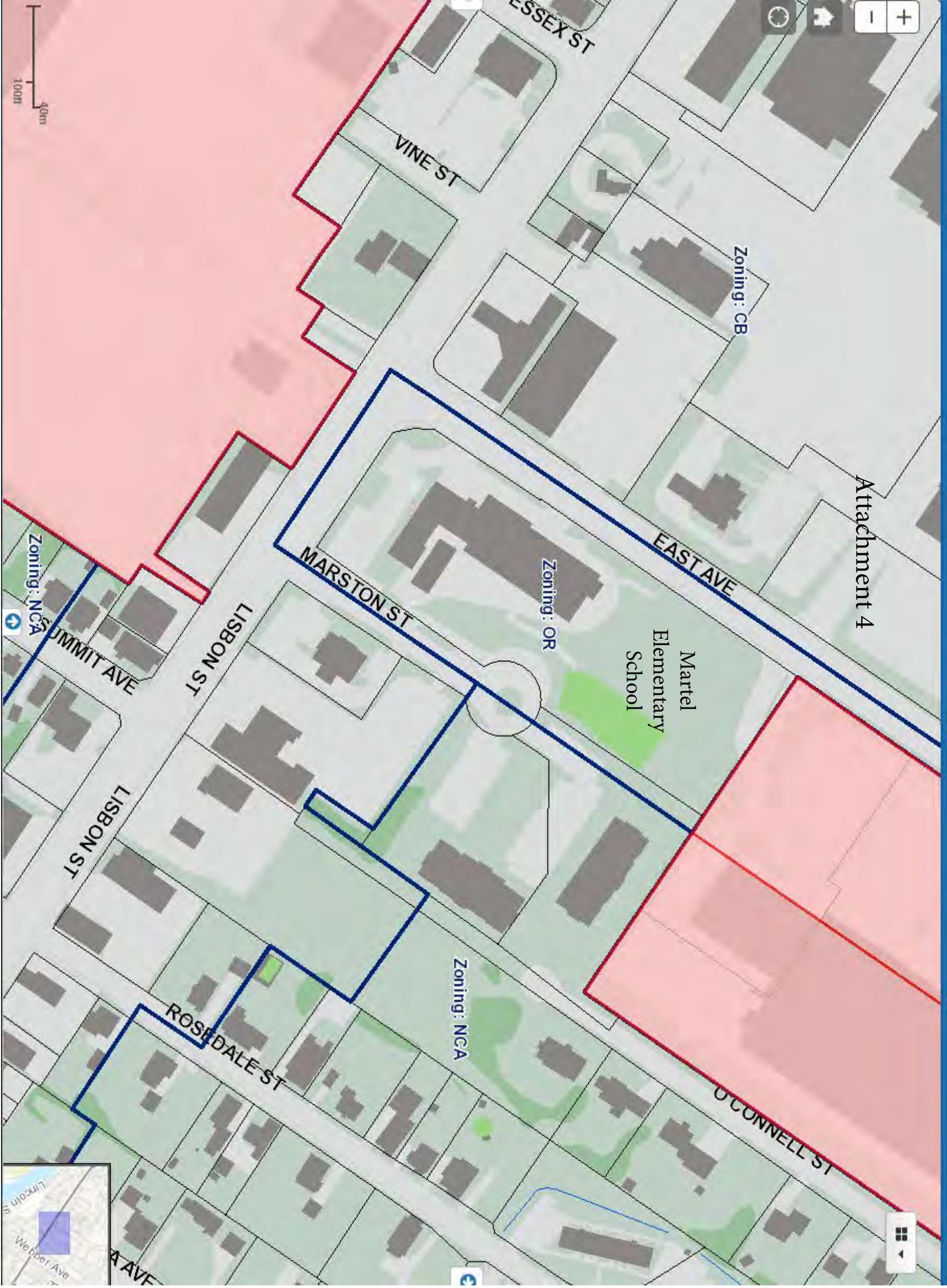
Bangor Savings Bank

Rent A Center

Shaw's Shopping Center

Apartments 48 Units

O'Connell St.



Attachment 4

Zoning: CB

Zoning: OR

Zoning: NCA

Zoning: NCA

Martel
Elementary
School

100ft
40m



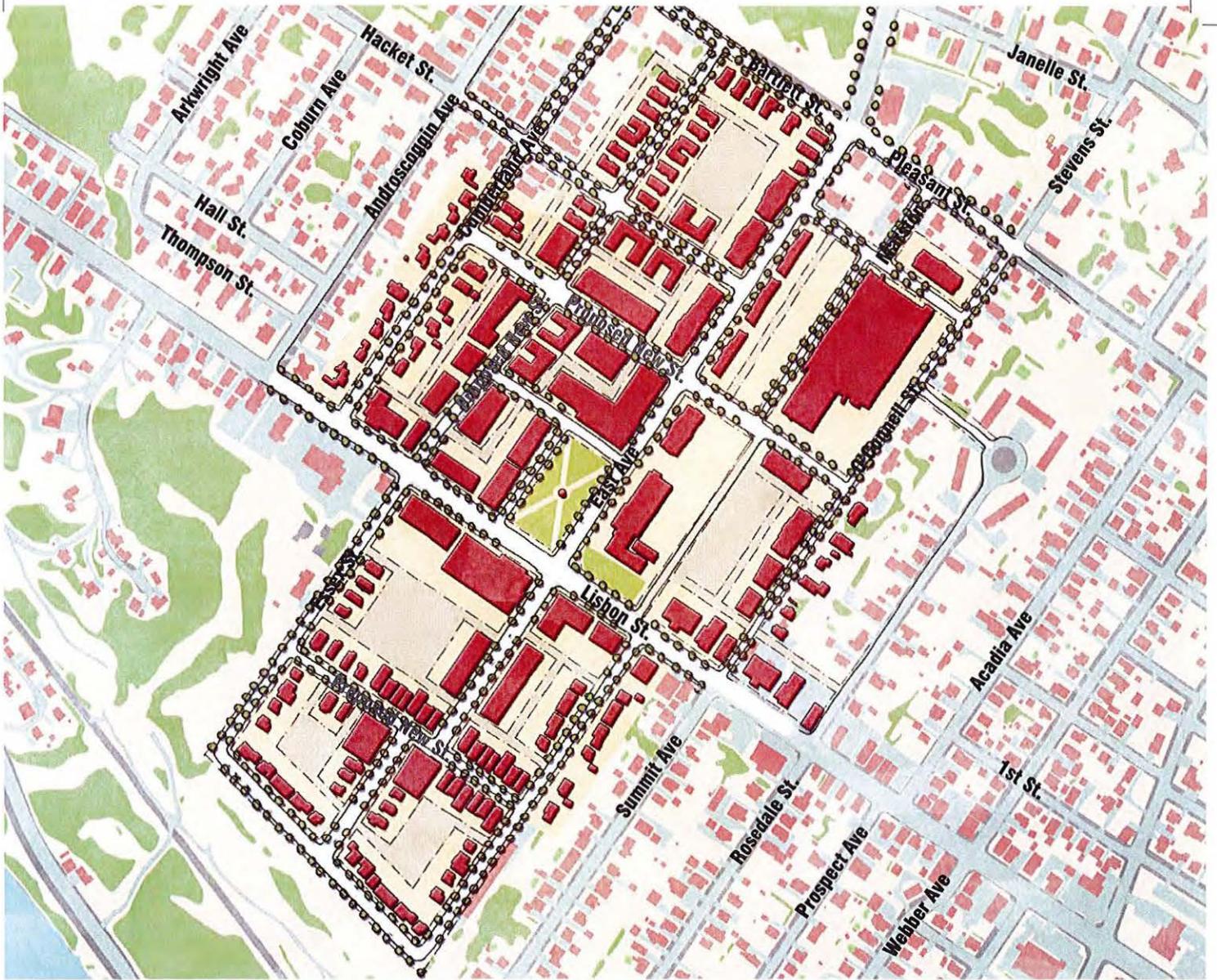
LISBON STREET SUBURBAN RETROFIT CONCEPT

The intersection of Lisbon Street and East Avenue has long been a key intersection in Lewiston. It is the location of the Lewiston Mall Shopping Center, Promenade Mall Shopping Center, and Martel Elementary School. Many Lewiston residents have fond memories of the area as a gateway into downtown and remember shopping and meeting with friends here. Today, the malls have high vacancy rates and Martel Elementary is being considered to be repurposed for other school department uses or closed.

In order to establish a physical presence to match the emotional center created at this intersection, a new vision is needed. This suburban retrofit plan illustrates how a civic space may become the heart of a new mixed-use neighborhood center. Empty parking lots can be filled with street-oriented buildings and vacant buildings can be replaced by a new neighborhood fabric.

This plan reflects a change in preference from suburban auto-oriented development to a more traditional mixed-use form, where people can and will want to walk between new residences and a range of small and large businesses, offices, and recreational opportunities. This plan also shows how to address existing conflicts between commercial and residential zoning districts by carefully transitioning from lower-scale to larger building types.





LISBON STREET SUBURBAN RETROFIT CONCEPT

1 CREATE A CENTER

Incorporating civic spaces at key nodes within the city would create an important presence for each sector of the City. This plan shows a large civic green at the intersection of Lisbon Street and East Avenue, which if built, could start to make the transition from old vacant malls into something new and exciting for the community to enjoy.

This public space could provide a location for outdoor dining and gathering, promoting investment in new mixed-use buildings. It would create a destination and place for daily civic life for both the community and passersby. The open space could become a neighborhood center and help establish this area as a physical gateway into Lewiston.



Develop zoning regulations that emphasize building form and community character.



Planning & Code Enforcement

Economic & Community Development Department

3 PRESERVE MARTEL AS A LANDMARK

Martel Elementary School is scheduled to be closed. The building has been a community landmark for generations and should be preserved. The City should carefully consider the possibility of converting the school into a community center. With a new civic space across East Avenue, this historic landmark can be given new life and become a prominent new civic building within the community. Preserving this building is critical to retaining Lewiston's heritage and will provide an important visual contrast to new buildings that are constructed in this area.



Complete a formal study to move forward the rehabilitation and reuse of the Martel School building and identify a plan for the management of the community center.



City Council

2 MIXED-USE DEVELOPMENT

This plan illustrates how an existing strip shopping center can be "turned inside-out." The orientation of new mixed-use buildings defines blocks, creates walkable streets, and brings buildings up to the sidewalk to create an activated pedestrian environment.

To make this area more vibrant, the plan shows new residential streets within walking distance of existing and potential new businesses. Having homes and apartments within close proximity provides businesses with the benefit of additional customers who can access shops on foot or by bike.

A complete neighborhood is created, with an interconnected system of narrow streets, sidewalks, street trees, parallel parking, and slow traffic speeds. This kind of block structure is flexible and can accommodate a variety of potential development scenarios. The result should be a real place that is walkable, safe, and interesting.



Develop zoning regulations that emphasize building form and community character.



Planning & Code Enforcement

Economic & Community Development Department

4 ADDRESS LAND USE CONFLICTS

The large commercial development of this area with 1950s-era strip malls cut off some of the streets that were part of the City's historic grid. As the area redevelops, these truncated streets could be reestablished, especially Hackett Street and Cumberland Avenue.

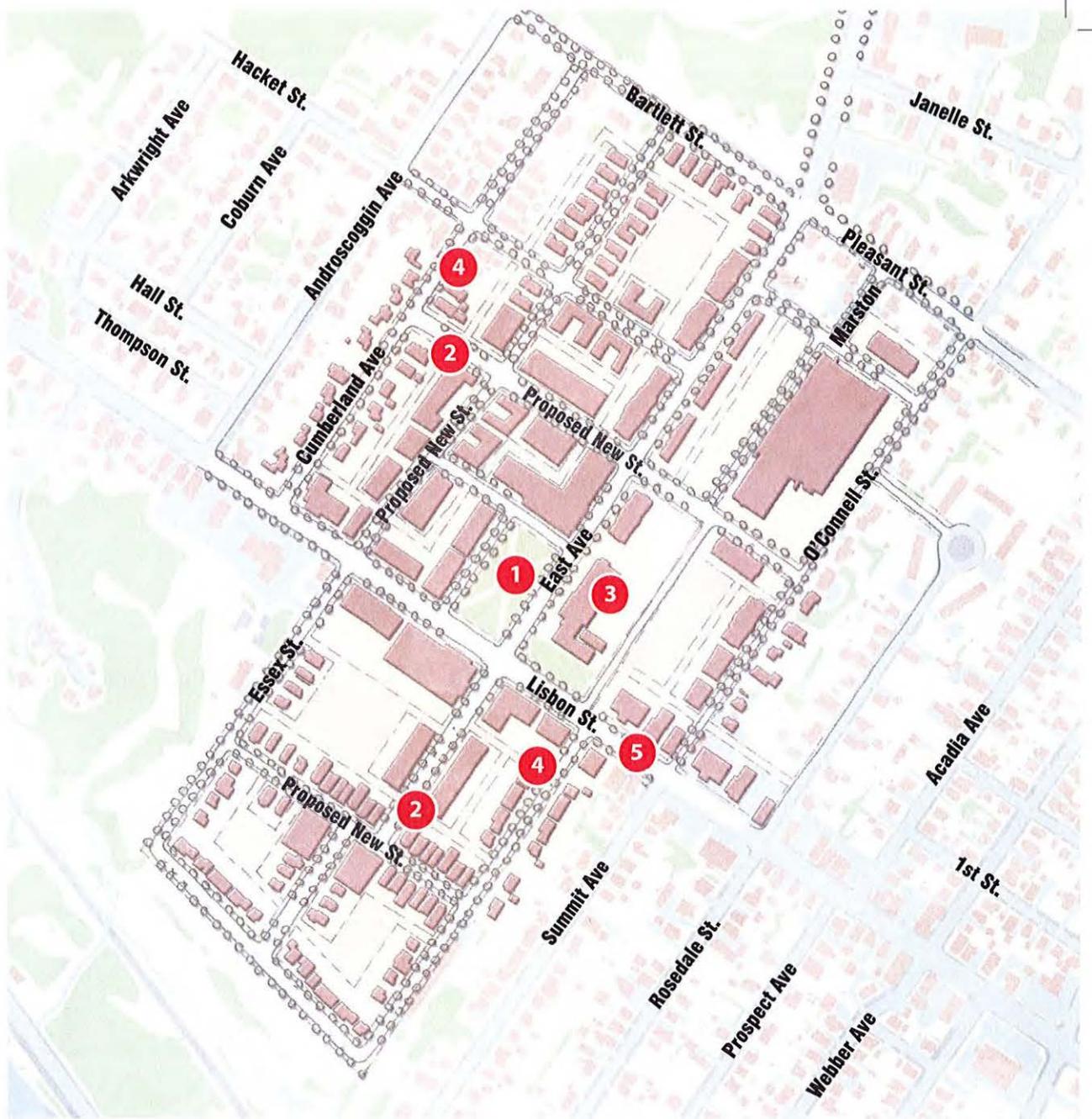
Re-establishing street connections would provide alternate routes to the main roads, reducing traffic congestion. It would also provide opportunities for a finer-grained pattern of development, providing for a smoother transition between the commercial businesses and nearby homes.



Develop zoning regulations that emphasize building form and community character.



Planning & Code Enforcement



5 SAFE STREETS

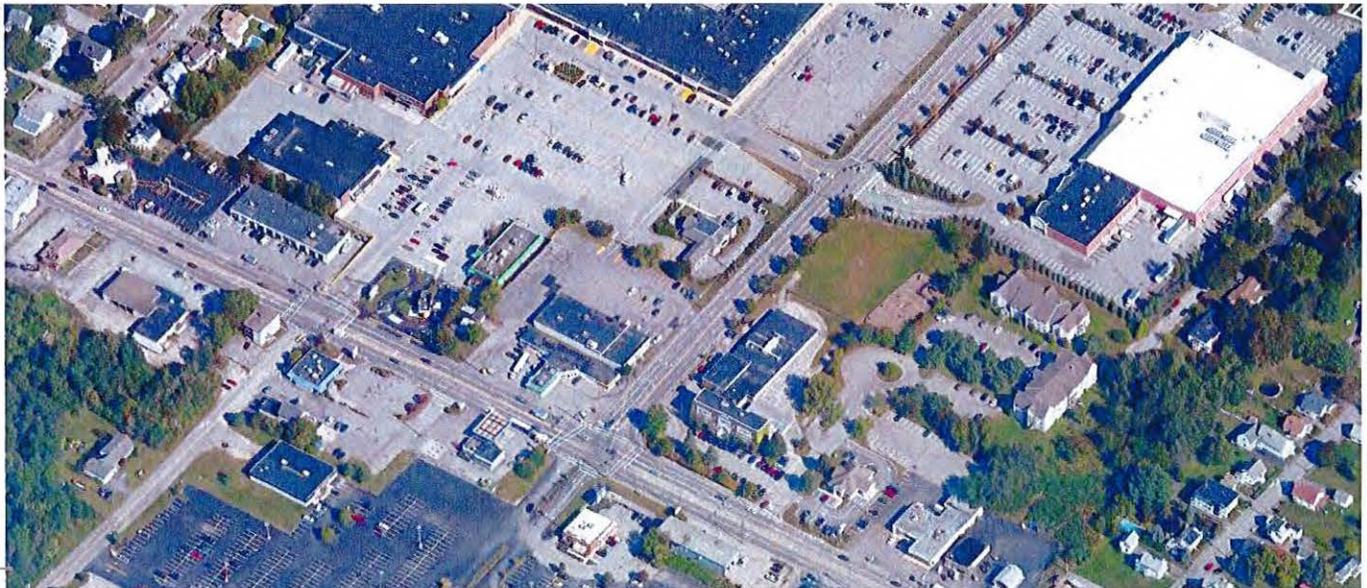
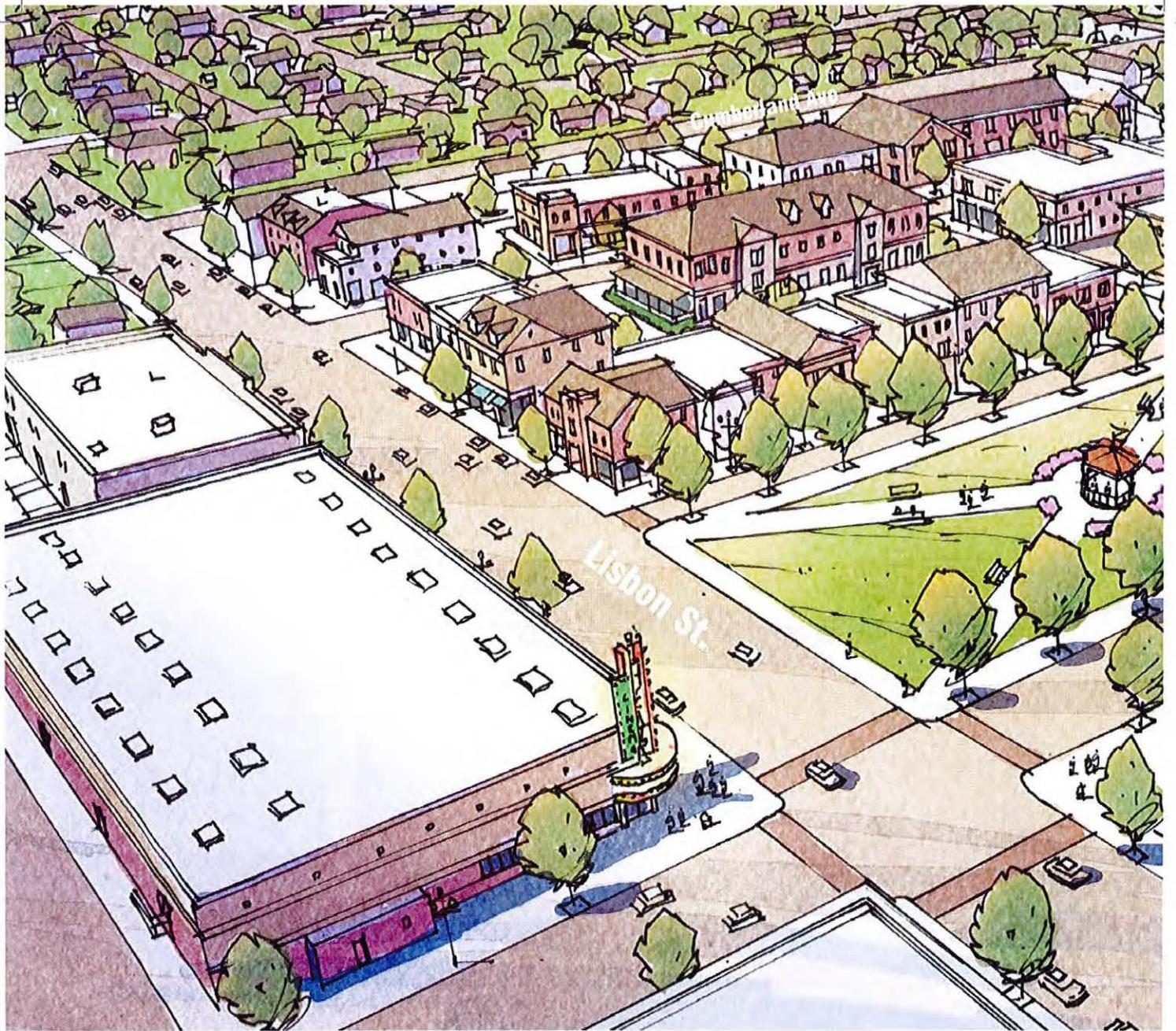
Consider, when appropriate, the implementation of complete streets to give equal priority to pedestrians, cyclists, and automobiles. The same consideration should be given to surrounding streets that may more easily accommodate these types of improvements. Additional consideration should be given to seeking alternative routes to avoid congested areas. Wide sidewalks, a generous planting strip with street trees, on-street parking when possible, a shared-use path, and narrowed vehicular travel lanes are recommended.

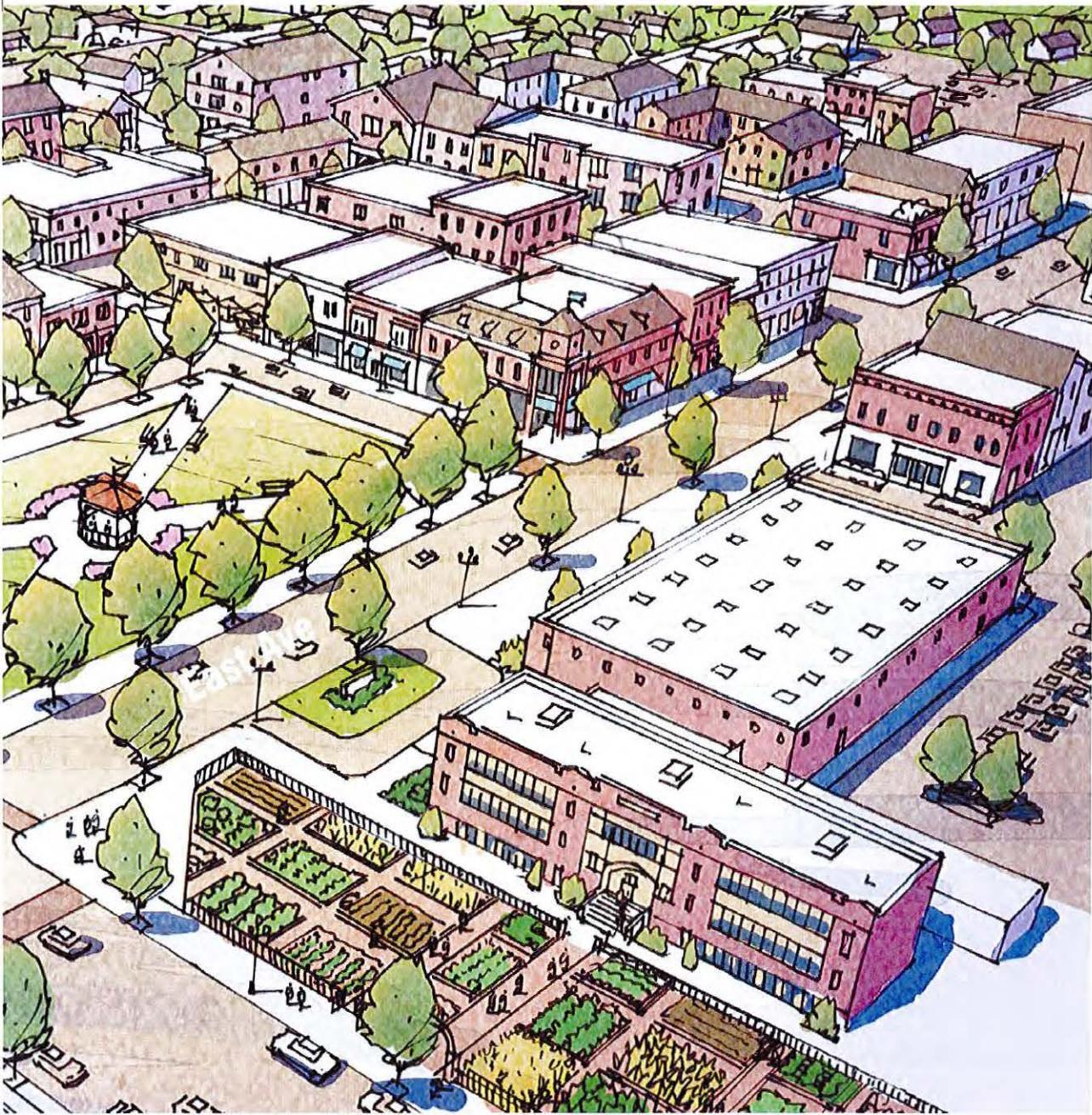


Program funding for the design and reconstruction of gateway streets.



City Council
Maine Department of Transportation
Public Works





THIS BIRD'S EYE VIEW SHOWS A FRESH VISION FOR THE INTERSECTION OF LISBON STREET AND EAST AVENUE. A NEW CIVIC GREEN ANCHORS THIS TRANSFORMED NEIGHBORHOOD, PROVIDING THE COMMUNITY WITH AN IMPORTANT GATHERING PLACE THAT WILL STIMULATE REDEVELOPMENT AND ADDITIONAL BUSINESS ACTIVITY IN THE FORM OF SMALL-SCALE MIXED-USE BUILDINGS. IN THE FOREGROUND, THE MARTEL SCHOOL CAN BE SEEN, REHABILITATED AS A COMMUNITY CENTER, WITH COMMUNITY GARDENS ACTIVATING THE SPACE BETWEEN THIS HISTORIC LANDMARK AND LISBON STREET. IN THE BACKGROUND, THE COMMERCIAL BUILDINGS GRADUALLY STEP DOWN IN SCALE AND INTENSITY TO APPROPRIATELY INTERFACE WITH EXISTING RESIDENTIAL NEIGHBORHOODS.

Attachment 6

PROPERTY DISPOSITION

1.0 Purpose

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing real property **in the City's possession which is considered excess to the City's needs.**

2.0 Policy

It is the **City's policy to periodically review real property in the City's** possession to determine whether retention, sale, or lease of such property is in the best interest of the City and to respond in a timely fashion to requests from private parties to purchase or lease such property.

3.0 Determination of Willingness to Sell or Lease City-Owned Property

3.1 Planning Board and Finance Committee Responsibilities

3.1.1 Planning Board

Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should circumstances change during this period, the Administrator may seek an updated review and recommendation.

3.1.2 Finance Committee

The Finance Committee shall be notified of real property dispositions with the exception of those involving vacant lots that do not meet minimum space and bulk standards for construction that are assessed at \$10,000 or less and are to be transferred to the owners of an abutting property so that the Committee may consider sending a recommendation to the City Council. For properties assessed at more than \$10,000, the Purchasing Agent will solicit a recommended means of disposition from the Finance Committee.

3.2 City Initiated Sale or Lease.

- 3.2.1 The Planning and Code Department of the City will periodically review real property currently owned by the City but not in active use for municipal purposes to determine whether these properties should be retained or considered for sale or lease. Once properties have been identified for which there is no current City use, the Department will notify the City Administrator.
- 3.2.2 The City Administrator will then notify all Department Heads of the property or properties being considered for sale and offer them the opportunity to indicate any potential use or need their department might have for the property, including its potential for land banking against future uses.
- 3.2.3 After consideration of the responses of the various Departments, the Administrator will make a determination if the property should be declared surplus or retained for potential future use.

3.3 Private Sector Request to Purchase or Lease

- 3.3.1 All requests from the private sector for the purchase or lease of City property shall be directed to the City Administrator.
- 3.3.2 The Administrator shall notify all Department Heads of the request and provide them with the opportunity to identify any current or potential use which the City may have for the property.
- 3.3.3 After consideration of the responses of the various Departments, the Administrator will make a determination of whether the property should be declared surplus or retained for current or potential future use.

4.0 Procedure for Disposition of Surplus Property – Substandard Lots

- 4.1 Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.
- 4.2 The following factors will be considered in determining whether the property should be sold:

- 4.2.1 The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;
- 4.2.2 The proposed use of the property;
- 4.2.3 The value of any proposed improvements to the property;
- 4.2.4 The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and
- 4.2.5 The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

5.0 Procedure for the Disposition of Surplus Property – Potentially Developable

In instances where surplus property may be redeveloped or developed, that property may be marketed by one of a number of methods based on the nature and estimated value of the property and any specific plans or policies which development of the property might either further or hinder. The following methods may be used to market the property, including a combination of two or more.

- 5.1 Request for Proposals. The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.
- 5.2 Real Estate Broker. The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 Formal Bid. The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale.
- 5.4 Self-Brokerage. The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.
- 5.5 Direct Negotiation. Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a

proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.

- 5.6 The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

6.0 Council Approval of Disposition

- 6.1 The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.
- 6.2 The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.