

Land Use and Development Map Amendment: Office Residential District

**Town of Gorham
Planning Board Meeting
May 6, 2024**

ITEM 2 - Land Use and Development Code – Discussion – proposed zoning map amendment to change the zoning along a portion of Preble Street from Urban Residential (UR) to Office Residential (OR).

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 years)	February 6, 2024
Planning Board Meeting Discussion	The item was forwarded to the Planning Board’s Comprehensive Plan Implementation Committee, CPIC. (7 years)	March 4, 2024; May 6, 2024
Planning Board Public Hearing		March 26, 2024

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Thomas Poirier, Director of Community Development, and Damon Yakovleff, Assistant Town Planner.

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1. OVERVIEW

The Town Council is looking to rezone the parcels along Preble Street from Urban Residential to Office Residential as identified in the Comprehensive Plan. The Town Council is looking to just rezone those parcels on Preble Street, currently zoned Urban Residential to Office Residential. Those parcels currently zoned to other mixed-use zones (Urban Commercial, Gorham Village Center, and 10 Preble Street Conditional Districts) are not proposed to be rezoned to Office Residential District.

The proposed amendment would allow for the same density as the Urban Residential District but would allow for more commercial or mixed-use buildings. Below is a list of the additional permitted uses allowed for the Office-Residential District.

2. RESPONSE TO PLANNING BOARD INFORMATION REQUEST

A Public Hearing was held on this item at the Planning Board's meeting on March 26, 2024. Members of the public as well as the Planning Board requested that additional information be provided to inform the best course of action on this item. That information is included in this memo, as follows:

- 1) Can Economic Development provide a comment regarding the rationale for the zone change

Statement from Economic Development Director:

The proposed zoning change to incorporate certain parcels on Preble Street to Office-Residential aligns well with the Town's Comprehensive Plan, in particular, finding ways to have "an adequate supply of land that is properly zoned." This change would enable additional parcels in the immediate downtown area to be utilized for commercial use on a scale suitable for their surroundings. The zoning change offers more flexibility within reason for more commercial development to occur in our downtown.

Let me know if you have any other questions or comments.

K.

Kevin Jensen
Economic Development Director

- 2) What are the assessing implications for the zone change?

Robert Sutherland

Hello Damon,

I foresee minimal or no immediate changes to assessed value from what I understand of the proposed rezoning, at least until sale data indicates otherwise. Should the primary use of a parcel change in reaction to this

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rezoning (say, an approval of building permit for a commercial project), the assessment will change to reflect the new highest and best use.

Thank you,

- 3) The Board is looking for feedback on the zone change from Gorham Village Alliance.

Kathy Garrard

5/2/2024

Good morning, Damon.

Here is the GVA input for the Planning Board re: Preble St. zoning change.

Please let me know if you have any questions.

Thank you,

Kathy

Transitioning to office residential zoning on Preble Street offers a unique opportunity to optimize land use. By allowing for a blend of office / retail spaces and residential units, we can attract new small businesses to the Village. Ultimately, this zoning change has the potential to enhance the economic vitality and functionality of the Village and provide new services and retail offerings to residents.

- 4) Is there any comment from the Recreation staff on the zone change?

No comment received.

- 5) Check with the Town Attorney to see if property taxes for existing landowners can be "grandfathered" vs. increase due to additional assessed value from expanded permitted uses.

Natalie L. Burns

to me, Robert, Carolyn, Tom

Damon,

I'll leave the first question to Rob. As to the second question, the Maine Constitution would prohibit any type of grandfathering since all property has to be assessed based on its fair value.

Sent from my iPhone

Natalie L. Burns, Esq.

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3. PROPOSED AMENDMENT

Note – This amendment is purely a proposed change to the zoning map, and includes no changes to the text of the Office Residential zone.

PERMITTED USES

- 1) Any building or use identified as a permitted use in the Urban Residential District under Section 1-6, Subsection B of this Chapter
- 2) Business and professional offices and professional out-patient clinics
- 3) Drive-through service, as defined in Section 1-5 or this Chapter, when accessory to financial institutions
- 4) Bed and Breakfast Establishment
- 5) Retail Sales having a gross floor area of less than 4,000 sf
- 6) Personal Services having a gross floor area of less than 2,000 sf
- 7) Office of Contractor or Tradesman

Office Residential space standards are the same for residential uses and are the same as the Urban Residential District. Commercial or mixed-use buildings are required to meet the space standards shown below under the Office Residential District, Section 1-14, E.

SPACE STANDARDS FOR NON-RESIDENTIAL USES

A structure existing at the date of adoption of this Section that does not conform to any of the following space standards may be converted or rehabilitated to an allowed non-residential use, provided that such conversion involves no exterior enlargement of the existing structure or additional area for vehicular parking or access. Conversions involving exterior enlargement or additional parking, or access areas shall adhere to all applicable space standards.

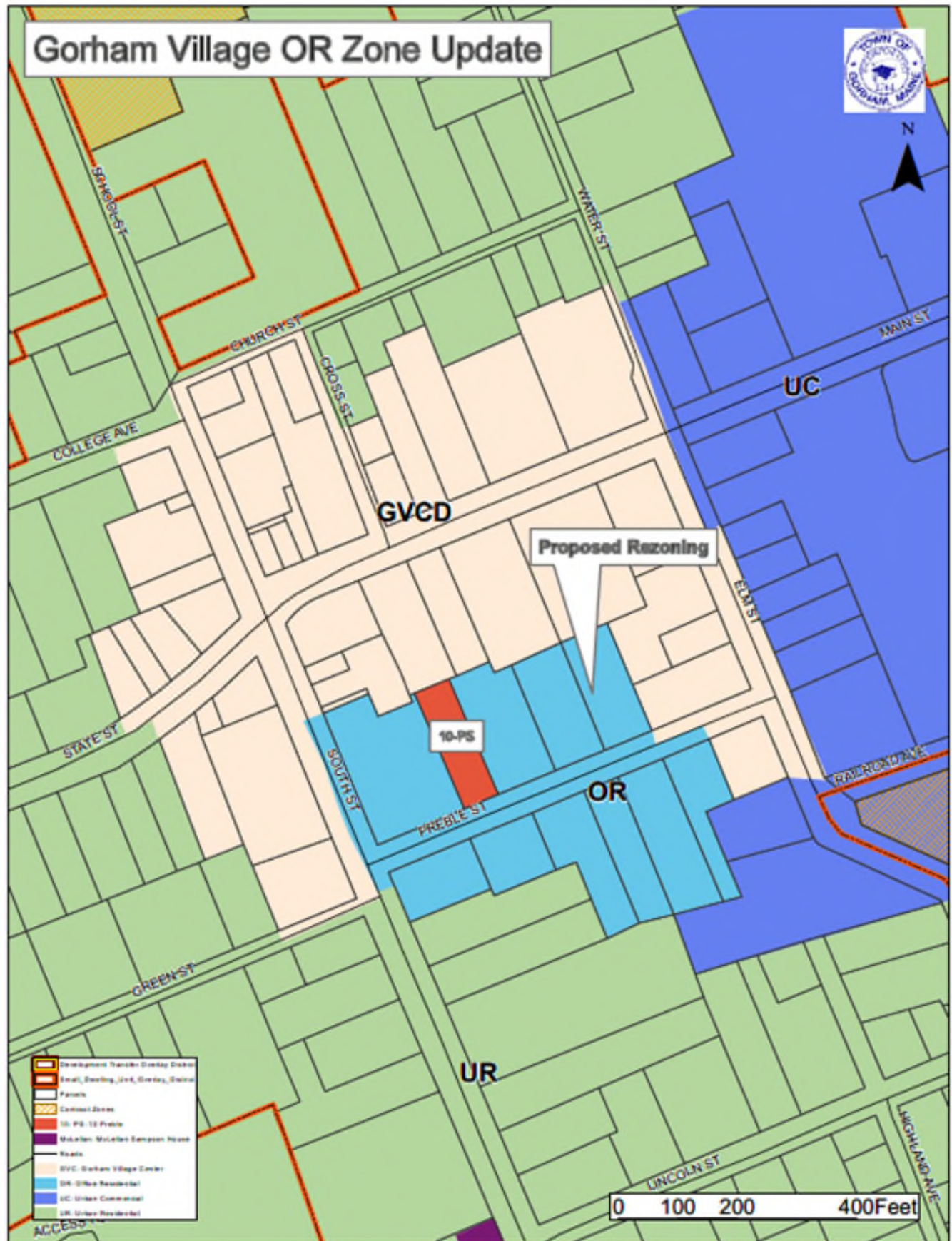
Minimum lot size	20,000 square feet
Minimum street frontage	80 feet
Building setback	New buildings constructed in this district shall be located in such a manner as to maintain the relationship to the street established by existing neighboring structures. Where no such relationship exists, the minimum setback shall be 40 feet.
Minimum side and rear yards	20 feet

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Maximum building height	30 feet or two stories, whichever is less.
Maximum floor area ratio	0.15
Maximum impervious coverage ratio	0.40
Maximum gross floor area per each principal structure	8,000 square feet
Maximum gross floor area per lot	20,000 square feet

A close-up map of the parcels on Preble Street to be rezoned Office-Residential District is located on the next page. Staff have also included a draft zoning map showing the parcels along Preble Street to be rezoned.

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4. PROPOSED MOTIONS:

Move to send the proposed Zoning Map Amendment for rezone along Preble Street to Office Residential District to the Planning Board's (Ordinance Sub-committee or Comp Plan Implementation Sub- Committee for review and recommendation)

Or

Move to send the proposed Zoning Map Amendment for rezone along Preble Street to Office Residential District to the Town Council with a recommendation for adoption.