

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, December 8, 2015 5:15 PM
City Council Chambers

AGENDA- REVISED

1. **Executive Session** – Economic Development – Business Development – 1 M.R.S.A. § 405(6)(C) (Confidential Memo provided separately)
2. **Executive Session** –Economic Development- Disposition of Real Estate - 1 M.R.S.A. § 405(6)(C)
3. Committee Action on Above Items
4. Request to Purchase Land - Odlin Road (see attached Memo & Plan)
5. Proposed Easement from Bangor Target Area Development Corporation (see attached Memo & Easement)
6. CDBG Update (see attached Memo)
7. Nonconformities - Discussion (see attached Memo & draft Council Ordinance)
8. MDOT Presentation – Proposed Hogan Road Improvements

MEMORANDUM

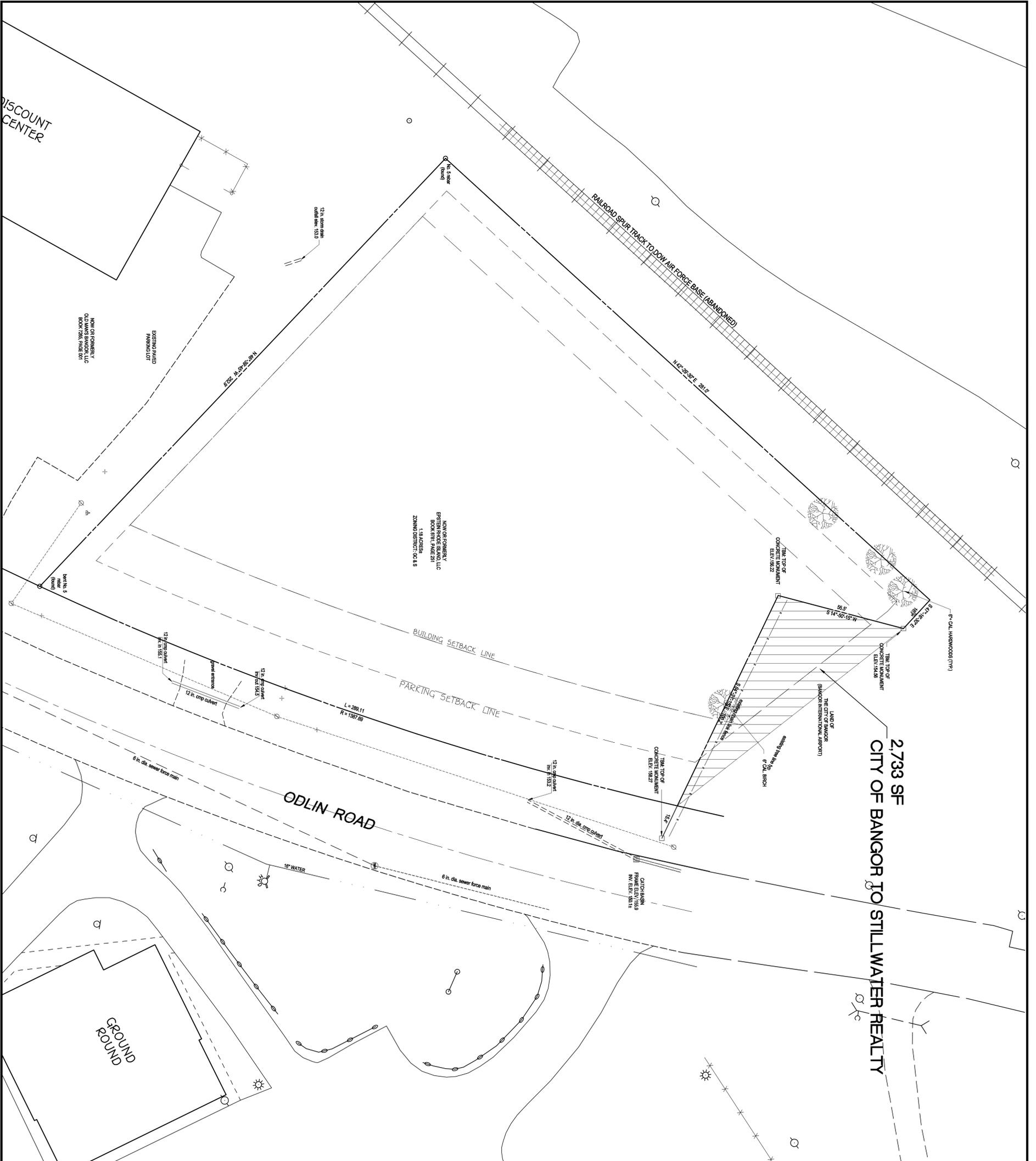
To: Business & Economic Development Committee
From: Norman S. Heitmann, III
Re: Request to Purchase Land – Odlin Road
Date: December 1, 2015

Stillwater Realty LLC owns property abutting property owned by the City on Odlin Road. They are requesting that the City sell them approximately 2,700 feet of land on the easterly side of their property to facilitate a development. A plan showing this parcels is attached.

The City Assessor has determined that \$4,574 is a fair value for the parcel requested. Because the property is subject to Federal Aviation Administration (FAA) restrictions the City is not able to sell the property without permission from the FAA. Understanding that it can take considerable time to get permission from the FAA and wanting to avoid any delay of a project, this can be approached one of two ways: 1) a lease with an option to purchase when the City obtains permission from the FAA, or 2) an easement with an agreement to convey the property once the City obtains permission from the FAA.

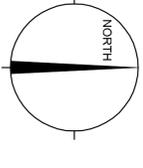
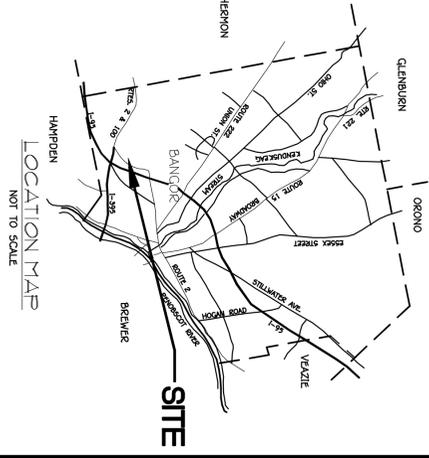
Stillwater Realty LLC's preference is to purchase the easement for the value of the land (\$4,754) and for the City to convey it at no additional cost once it obtains permission from the FAA. Staff recommends Committee approval

Attachment: Plan

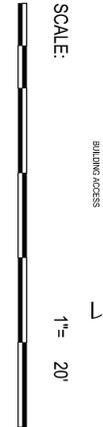


2,733 SF
 CITY OF BANGOR TO STILLWATER REALTY

Net Lot Area=54,298 SF



NOTES:
 1. EXISTING, TOPOGRAPHIC, BOUNDARY, AND FEATURES TAKEN FROM PLANS PREPARED BY PUSCA & DAY, LAND SURVEYORS, 72 MAIN STREET, BANGOR, MAINE, 04401, PROJECT NUMBER 04275, DATED 08/11/2011.
 2. THE LOCATION SHOWN ON THIS PLAN FOR ABOVE AND UNDERGROUND UTILITIES, INCLUDING WATER, ELECTRICITY, TELEPHONE, SANITARY SEWER, AND STORM WATER ARE APPROXIMATE AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION, FEDERAL AND STATE LAWS REQUIRE ANYONE PERFORMING ANY SORT OF EXCAVATION, INCLUDING DIGGING, BORING, BACKFILLING OR GRADING TO NOTIFY "DIG SAFE", (1-888-344-7233), AND ANY APPLICABLE UTILITY COMPANY AT LEAST 72 HOURS BEFORE THEY BEGIN WORK.



SYMBOLS LEGEND

EXISTING	PROPOSED
○ RORN PIPE FOUND	○ RORN RODUCT FOUND
□ GRANITE CONCRETE FOUNDMENT	□ GRANITE CONCRETE FOUNDMENT
⊗ UTILITY POLE	⊗ UTILITY POLE
+ GRADIROR	+ GRADIROR
⊕ HIRKANT	⊕ HIRKANT
⊖ WATER CONTROL VALVE	⊖ WATER CONTROL VALVE
⊘ CATCH BASIN	⊘ CATCH BASIN
⊙ MANHOLE	⊙ MANHOLE
⊚ LAMP POST	⊚ LAMP POST
⊛ TEST PIT/BOREHOLE	⊛ TEST PIT/BOREHOLE
▲ SIREN CONTROL POINT	▲ SIREN CONTROL POINT
— OVERHEAD WIRE	— OVERHEAD WIRE
— EDGE OF PAVEMENT GRAVEL	— EDGE OF PAVEMENT GRAVEL
— PROPERTY LINE	— PROPERTY LINE
— BUILDING ACCESS	— BUILDING ACCESS

C2E
 SHEET 1 OF 1
 DRAWINGS NOT VALID FOR PLANNING PURPOSES ONLY AND NOT INTENDED FOR FURTHER REVIEW OR CONSTRUCTION

Plymouth Engineering, Inc.
 P.O. Box 48 30 Lower Detroit Road
 Plymouth, Maine 04969
 Fax: (207) 257-2130 Tel: (207) 257-2071
 info@plymouthengineering.com

DESIGNED: F5M	PROJECT NO: 15212
DRAWN: FSM	DRAWING NO: 15212PLSwap.dwg
CHECKED: SEB	FIELDBOOK: -
APPROVED: -	SCALE: As Noted
PLAN DATE: November 18, 2015	DATE ISSUED: To Be Determined
CLIENT: STILLWATER REALTY, LLC PO BOX 2400 6 STATE STREET BANGOR, MAINE 04402-2400	

PROJECT NAME:
RETAIL DEVELOPMENT
 252 ODLIN ROAD
 BANGOR MAINE
 SHEET NAME:
Property Line Swap #5

REVISIONS				
NO.	DATE	DESCRIPTION	DRAWN	APPD.

MEMORANDUM

To: Business and Economic Committee

From: Norman S. Heitmann, III

Re: Proposed Easement from Bangor Target Area Development Corporation

Date: December 2, 2015

Bangor Target Area Development Corporation (Target) is the owner of a lot in the Dowd Industrial Estates on the Odlin Road. The subdivision approval provides for a detention pond on one of the lots, Lot 7. Target is conveying the lot to an abutter and would like the City to have the right, but not the obligation, to enter the lot with workers and equipment to alter, maintain, repair and reconstruct the storm water detention pond and related drainage improvements.

The proposed easement (attached) does not impose any obligations on the City, but gives the City the right to take action with regard to the detention pond and drainage should it ever become appropriate for the City to do so.

Attachment: Easement

EASEMENT

BANGOR TARGET AREA DEVELOPMENT CORPORATION, a Maine non-profit local development corporation located at Bangor, County of Penobscot, State of Maine, for consideration paid, grants to the CITY OF BANGOR, a municipal corporation located in Bangor, County of Penobscot, State of Maine, a storm water easement on a parcel of land located in Bangor, Penobscot County, Maine, described as follows:

The Storm Water Detention Pond Easement Area on Lot 7 as depicted on an Amended Subdivision Plan of Dowd Industrial Estates recorded in the Penobscot County Registry of Deeds in Map File D5-89.

The easement granted hereby includes the right, but not the obligation, to enter on to Lot 7 with workers and equipment to alter, maintain, repair and reconstruct the storm water detention pond and related drainage improvements located within said Easement Area. Prior to any such entry, Grantee shall consult with the owner of Lot 7 concerning access to the Easement Area over the remainder of Lot 7.

By accepting delivery of this easement, Grantee agrees, for itself and its successors and assigns, to restore Lot 7, as near as practicable, to the same condition that existed prior to the exercise of any rights hereunder.

Lot 7 and the Easement Area located thereon being a portion of the premises conveyed by Maplewood Poultry Company, by Richard E. Poulos, Receiver in Bankruptcy, to Bangor Target Area Development Corporation by a Release Deed dated April 23, 1980, recorded in the Penobscot County Registry of Deeds in Book 3093, Page 56.

IN WITNESS WHEREOF, said BANGOR TARGET AREA DEVELOPMENT CORPORATION has caused this instrument to be duly executed on its behalf this ____ day of _____, 2015.

WITNESS:

BANGOR TARGET AREA
DEVELOPMENT CORPORATION

By: _____
Rodney G. McKay
Its Executive Manager

STATE OF MAINE
PENOBSCOT, ss.

_____, 2015

Personally appeared the above-named Rodney G. McKay, in his capacity aforesaid, and acknowledged the above instrument to be his free act and deed and the free act and deed of said Bangor Target Area Development Corporation.

Before me,

Notary Public/Attorney at Law

Printed Name: _____

MEMORANDUM



TO: Business & Economic Development Committee
FROM: Tyler Collins, Community & Economic Development Officer
DATE: December 1, 2015

CDBG Update

Each year Community & Economic Development Staff are required to prepare an Annual Action Plan for its CDBG Program and submit it to the U.S. Department of Housing & Urban Development (HUD). Part of our CDBG Annual Action Plan is to identify priorities through a needs assessment based on input from various community organizations.

Two priorities identified through this process were 'more childcare/Head Start facilities' and 'Homeless transitional facility'. C&ED staff is planning to provide funding to 2 separate projects to help address these priorities.

The City will provide a \$50,000 loan to Community Housing of Maine (CHOM) to assist in a proposed four unit supportive housing redevelopment at a vacant building on Fourth Street. CHOM will work with the Bangor Area Homeless Shelter (BAHS) on this project. CHOM will own and manage the property and the BAHS will act as a bridge of support for those moving from the shelter or places not fit for human habitation into the new supportive housing. The loan will be forgiven in even annual increments of twenty five percent (25%) over a period of four (4) years, so long as the facility is operational as described.

The City will also provide a \$50,000 grant to Penquis C.A.P., Inc. to assist in opening an additional classroom at the Eastern Maine Community College (EMCC) campus to provide child care. After discussions with EMCC staff, it was determined that additional child care services were very much needed at EMCC and this startup funding will enable the expansion to happen.

Staff is prepared to move forward with these awards unless there is objection.

MEMORANDUM



TO: Business & Economic Development Committee
FROM: Tanya Emery
DATE: December 1, 2015

Nonconformities – Discussion Item

The housing crisis left many homes in Bangor (and across the country) vacant and abandoned. As City staff has worked with financial institutions and owners to rehabilitate and repopulate homes that are able to be saved, we consistently run into challenges with our Land Development Code language around legally created nonconforming properties. The attached draft Council Ordinance is the work of legal, planning, and code staff to address this challenge. Staff from legal and code will be in attendance to discuss the changes. Please remember this language only applies to legally created nonconforming uses, not those created illegally.

Staff recommendation is to move this language forward by sending it to the Council on 12/14 for first reading and referral to the Planning Board (and Business & Economic Development Committee again, if desired).

Attachment: draft Council Ordinance



CITY OF BANGOR

ORDINANCE, Amending Chapter 165, Land Development Code, of the Code of the City of Bangor,
By Amending Provisions Dealing with Nonconformities

WHEREAS, many parcels in Bangor have uses which, while at one time allowed, are now considered nonconforming under the Land Development Code;

WHEREAS, the City strongly discourages nonconformities, but recognizes that in some cases it is impractical to require their elimination;

WHEREAS, the City has strong interests in preventing blight and preserving the housing stock of the City;

WHEREAS, nonconforming residential buildings are sometimes left vacant for several years, in particular if foreclosed upon, but would not be financially viable if brought into compliance with the zoning requirements of their parcel, and so continue to be left vacant;

WHEREAS, to discourage nonconformities, owners of damaged or destroyed nonconforming buildings should not be allowed unlimited time to rebuild their nonconforming building; and

WHEREAS, changes from a nonconforming to a conforming use should not, per se, require site development plan approval;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 165 of the Code of the City of Bangor be amended as follows:

§ 165-17. Discontinuance.

- A. If any nonconforming use is discontinued for 12 consecutive months it shall be deemed abandoned, and the right to continue it shall terminate; provided, however, that even after such discontinuance a conforming or conditional use may be established in accordance with § 165-20 below.
- B. Notwithstanding subsection A above, a nonconforming residential unit otherwise in compliance with this Code of Ordinances may, upon application for and receipt of a Certificate of Occupancy, retain its nonconforming residential use so long as it has not been vacant for a period of 10 years or longer, changed to another use, or destroyed.

§ 165-18. Restoration of nonconforming use.

- A. If any building or structure housing a nonconforming use is damaged, destroyed or decays to the extent that the cost of restoration of such damage, destruction or decay exceeds 50% of the appraised fair market value of the building or structure prior to such damage, destruction or decay,

the nonconforming use may not be restored, and the right to continue it shall terminate. In the absence of a prior appraisal, the term "fair market value," as used in this subsection, shall mean the City of Bangor assessed valuation of the building or structure only, adjusted to 100% of state assessed value on the most recent date prior to the damage, destruction or decay to be restored, provided that nothing in this subsection shall prohibit establishment of a conforming or conditional use in accordance with § 165-20 below.

B. Notwithstanding the provisions of Subsection A above, any legally established residential nonconforming use in an Urban Residence 1 District or an Urban Residence 2 District which is destroyed or damaged may be reconstructed pursuant to a building permit obtained within three years of its destruction or damage, subject to the following conditions:

- (1) No more dwelling units may be installed in the structure housing such residential nonconforming use than were legally established prior to the passage of this chapter.
- (2) No more than three dwelling units in addition to that permitted under the district provisions shall be permitted.
- (3) The gross floor area contained in the preexisting structure shall not be increased in the reconstructed structure.
- (4) Any and all development standards of the zoning district which, in the opinion of the Code Enforcement Officer, can reasonably be met at the time of reconstruction shall be met.

...

§ 165-20. Change to conforming use.

Subject to ~~site development plan approval by the Planning Board pursuant to Article XVI~~ any required approvals, a nonconforming use may be changed to a use which is a permitted use in the zone in which it is located. Subject to treatment as a conditional use pursuant to § 165-9, a nonconforming use may be changed to a use which is a conditional use in the district in which it is located.

...

§ 165-111. Site developments requiring permit.

A. Any activity covered under this chapter shall require a land development permit under the following conditions:

- (1) Any conditional use.
- ~~(2) Any change in use of a nonconforming use.~~

...

Additions are underlined, deletions ~~struck through~~.