



CITY COUNCIL ACTION

Council Meeting Date: May 29, 2024

Item No: 24-165

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: 021-097

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located at 107 Thomas Hill Road, from Urban Residence 1 District (URD-1) to Urban Residence 2 District (URD-2).

Summary

This Ordinance would amend the Land Development Code, District Map to re-zone the property at Map-Lot 021-097, located at 107 Thomas Hill Road, from Urban Residence 1 District (URD-1) to Urban Residence 2 District (URD-2). The total area requested to be changed is approximately 0.21 acres. The applicants and owners of record are Jerry and Brenda West.

This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this property in the Urban Neighborhood area which consists of "medium to high-density residential neighborhoods surrounding the Downtown and encompassing most of the City's historic residential areas". The Planning Division finds this proposed change to be in alignment with the Comprehensive Plan.

Committee Action

Committee: Planning Board

Meeting Date: June 4, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: May 29, 2024

Assigned to Councilor: Fish

ORDINANCE, Amending Chapter 165, Land Development Code, District Map to Re-zone a Property Located at 107 Thomas Hill Road, from Urban Residence 1 District (URD-1) to Urban Residence 2 District (URD-2).

WHEREAS, the land uses around the property consist primarily of single family and multi-family homes;

WHEREAS, the zoning around the property consists primarily of Urban Residence District 1 (URD-1), with some areas of Urban Residence 2 (URD-2) located several blocks away;

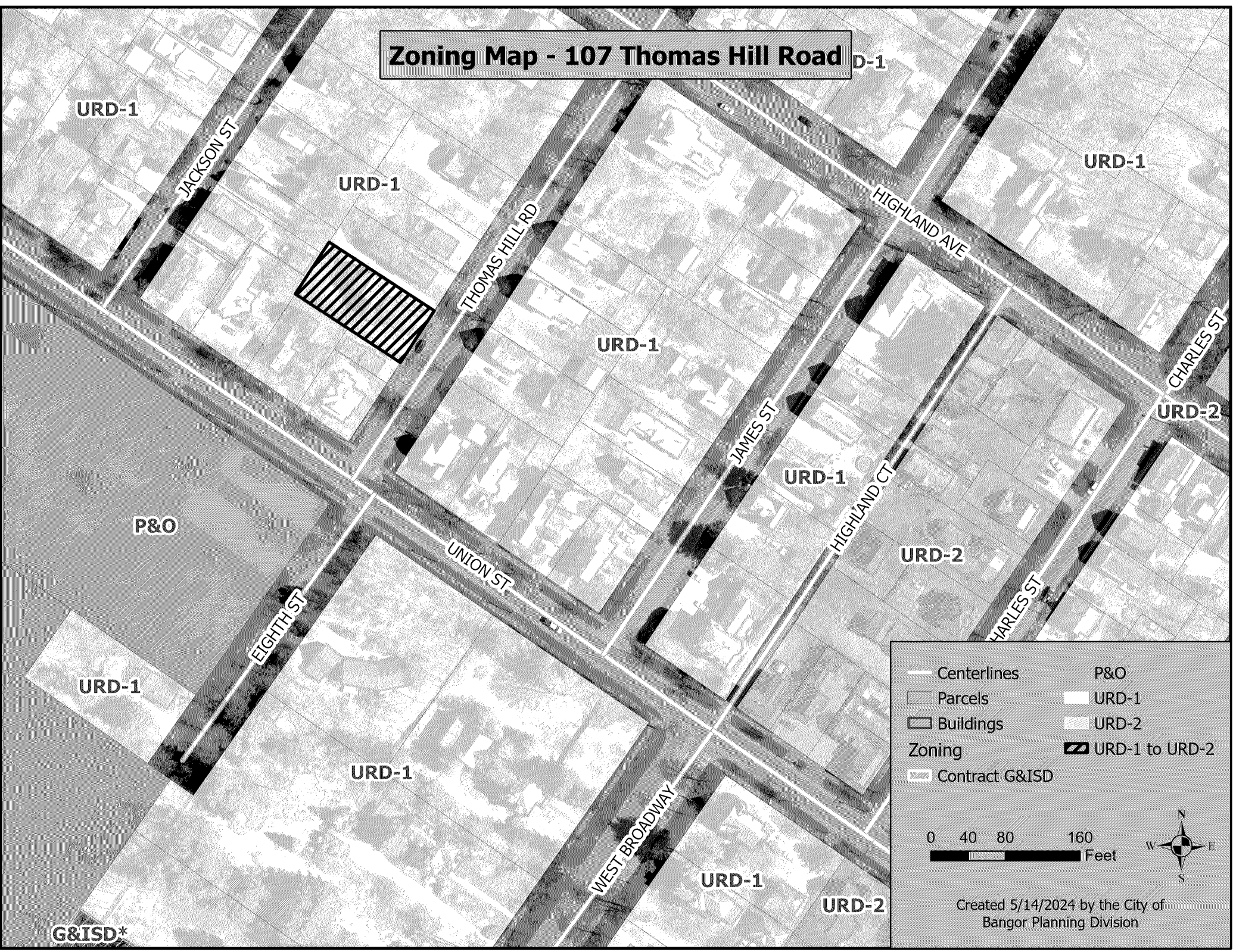
WHEREAS, the 2022 Comprehensive Plan and the future land use map in the Plan shows this property in the Urban Neighborhood area which consists of "medium to high-density residential neighborhoods surrounding the Downtown and encompassing most of the City's historic residential areas";

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, District Map, is amended to reclassify the property at Map-Lot 021-097, located at 107 Thomas Hill Road, from Urban Residence 1 District (URD-1) to Urban Residence 2 District (URD-2). The total area requested to be changed is approximately 0.21 acres and is shown in the attached exhibit.

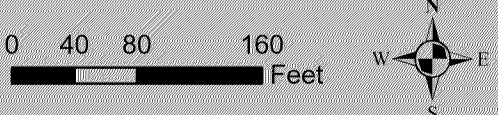
Zoning Map - 107 Thomas Hill Road

D-1



Centerlines
Parcels
Buildings
Zoning
Contract G&ISD

P&O
URD-1
URD-2
URD-1 to URD-2



Created 5/14/2024 by the City of Bangor Planning Division



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Debbie Laurie, City Manager

From: Anja Collette, Planning Officer

Date: June 18, 2024

CC: Courtney O'Donnell, Assistant City Manager
David Szewczyk, City Solicitor
Anne Krieg AICP – Director of Community & Economic Development

Re: Planning Board Recommendation June 18, 2024
Zone Change – 107 Thomas Hill Rd - Map-Lot 021-097 – Urban Residence 1 District (URD-1) to Urban Residence 2 District (URD-2)

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item in a noticed public hearing on June 18, 2024.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were Chair Reese Perkins, Vice Chair Ted Brush, Members Don Meagher, Trish Hayes, Jonathan Boucher, and Mike Bazinet.

The applicants for the zone change, Jerry and Brenda West, presented to the Board and explained that the purpose of the zone change request was to legally allow for 3 units on the property after 2 units were previously discontinued and then were disallowed when the current zoning was adopted.

From the staff memo:

- A. This item was previously scheduled for the June 4th meeting, but due to lack of quorum at that time, the item was postponed to this meeting.
- B. The applicant is seeking a zone change for their property located on 107 Thomas Hill from Urban Residence 1 District (URD-1) to Urban Residence 2 District (URD-2). The area around the property consists of primarily residential uses (both single family and multi-family), with URD-1 abutting the property on all sides. The structure on this lot previously had 3 units prior to the zone changes of the 1990's; however, two of the units were discontinued for a length of time. Because of that and the change of this area to URD-1, the structure was only allowed to have 1 unit. The change to URD-2 would allow for up to 3 units to legally exist on the lot.
- C. This area is within the growth boundary shown in the 2022 Comprehensive Plan and the future land use map in the Plan shows this property in the Urban Neighborhood area, which consists of "medium to high-density residential neighborhoods" with limited complementary commercial and institutional uses. The Planning Division finds this proposed change to be in alignment with the Comprehensive Plan.

The Board voted to recuse Member Boucher from deliberations since Boucher was potentially interested in purchasing this property.

Planning Officer Collette clarified that while the zoning was URD-1, there were existing multi-family buildings in the vicinity of this property.

Vice Chair Brush asked staff for clarification on what guidance the Comprehensive Plan provides in this situation and how that can be reconciled with this as spot zoning. Planning Officer Collette stated that the future land use map in the Comprehensive Plan designates this area as consisting of medium to high density residential uses, which can include multi-family. Collette also cited case law stating that this type of change is not spot zoning if done in accordance with a comprehensive plan and stated that typically in the past, the courts have stated that the comprehensive plan should be the guiding document when deciding on zone changes.

Chair Perkins discussed his interpretation of the Comprehensive Plan and cited MMA documents on spot zoning; his conclusion was that he felt that this was spot zoning and that the allowance for more units was not explicitly called out in the comprehensive plan, and was therefore not in favor of this zone change.

Vice Chair Brush and Members Bazinet, Meagher, and Hayes stated their positions in favor of the change, citing their opinions that this change conforms to the Comprehensive Plan and citing the need for more housing in the City.

There were no public comments.

Member Bazinet moved to recommend to City Council that the proposed change ought to pass. Member Meagher seconded the motion. The motion passed 4:1 with Vice Chair Brush and Members Bazinet, Meagher, and Hayes voting in favor and Chair Perkins voting against.

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed change ought to pass.

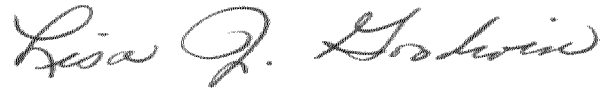
Anja Collette

IN CITY COUNCIL

May 29, 2024

COrd 24-165

First Reading and Referral to Planning Board Meeting of June 4, 2024



CITY CLERK

IN CITY COUNCIL

June 24, 2024

COrd 24-165

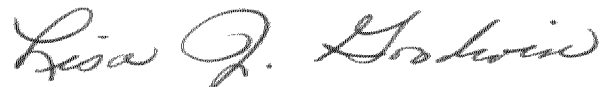
Motion made and seconded for Passage

Vote: 7 - 0

Councilors Voting Yes: Deane, Fish, Fournier, Leonard, Tremble, Yacoubagha, Pelletier

Councilors Voting No: None

Passed



CITY CLERK