

AGENDA

SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (PUBLIC HEARING – REZONING)

September 24, 2007

5:15 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Mayor Guinta calls the meeting to order.
2. Mayor Guinta calls for the Pledge of Allegiance.

A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Guinta advises that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to a proposed Zoning Ordinance; that the Clerk will present the proposed Zoning Ordinance change for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.
5. The Clerk presents the proposed Zoning Ordinance change:

“Amending the Zoning Ordinances of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 178, Lot 12 with an address of 438 Dubuque Street and abutting Amory Street. A majority of the property is currently zoned R-3 and the petition would extend the B-1 to include the entire lot.”

6. Mayor Guinta requests Robert MacKenzie, Director of Planning and Community Development, make a presentation.
7. Mayor Guinta calls for those wishing to speak in favor.
8. Mayor Guinta calls for those wishing to speak in opposition.
9. Mayor Guinta advises that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.
10. Mayor Guinta advises that this being a special meeting of the Board, no further business can be presented and a motion to adjourn would be in order.

City of Manchester New Hampshire

In the year Two Thousand and Seven

AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 178, Lot 12 with an address of 438 Dubuque Street and abutting Amory Street. A majority of the property is currently zoned R-3 and the petition would extend the B-1 to include the entire lot.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 178, Lot 12 with an address of 438 Dubuque Street and abutting Amory Street. A majority of the property is currently zoned R-3 and the petition would extend the B-1 to include the entire lot, and being more particularly bounded and described as follows:

Beginning at a point on the zone boundary line between the B-1 (Neighborhood Business) zone district and the R-3 (Urban Multifamily) zone district, prior to this amendment, said point being approximately 62 ft. northerly of the intersection of Dubuque Street and Amory Street, prior to this amendment;

Thence, westerly along the zone boundary line between the B-1 (Neighborhood Business) zone district and the R-3 (Urban Multifamily) zone district, prior to this amendment for a distance of approximately 100 ft. to a point,

Thence, northerly along the property line of TM 178, Lot 12 with Rimmon Street East Back for a distance of approximately 105 ft. to a point;

Thence, easterly along the property line of TM 178, Lot 12 and TM 178, Lot 13 for a distance of approximately 100 ft. to a point;

Thence, southerly along the property line of TM 178, Lot 12 for a distance of approximately 105 ft. to a point, said point also being the point of beginning.

Said description to include a portion of TM 178, Lot 12, consisting of approximately 10,500 square feet of land to be rezoned from R-3 (Urban Multifamily) to B-1 (Neighborhood Business) zone district, after this amendment.

SECTION II. Resolve this ordinance shall take effect upon passage.



SNHPC

Southern New Hampshire Planning Commission

438 Dubuque Street, Manchester, NH 03102-3546, Telephone (603) 669-4664 Fax (603) 669-4350
MANCHESTER CITY CLERK www.snhpc.org

May 15, 2007

MAY 17 9:20

IN BOARD OF MAYOR & ALDERMEN

DATE: July 10, 2007

ON MOTION OF AID O'Neil

SECONDED BY AID Pinard

to refer to the Cmte. on Bills
VOTED TO on Second Reading and to Public
Hearing.

Leo R. Bernier
CITY CLERK

Mr. Leo R. Bernier, Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Southern New Hampshire Planning Commission
438 Dubuque Street, Manchester, New Hampshire

Dear Mr. Bernier:

The Southern New Hampshire Planning Commission currently occupies the building at 438 Dubuque Street on the city's west side (the former Rimmon School). Currently, our property is bisected by two different zoning classifications; B-1 paralleling Amory Street and R-3 for the northern portion.

When the Commission originally renovated and occupied the building in 1995, we applied for and were granted a Variance and a Special Exception to permit professional offices in a residential zone (Case No. 147-ZO-95).

As the Commission plans for its future use of the building, we would like to request that the entire property be included in the B-1 zone. This would allow the currently permitted use as professional offices to continue without the necessity of requesting variances in the future, but would remain consistent with the previously granted exceptions.

I enclosed our check in the amount of \$300.00 to cover the filing fee for the proposed zoning amendment and plot plan showing the zoning.

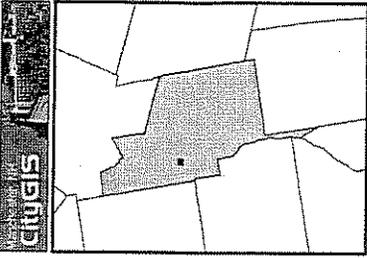
Thank you for your attention to this matter. Please contact me directly if you have any questions or require additional information in this regard.

Sincerely,

SOUTHERN NEW HAMPSHIRE
PLANNING COMMISSION

David J. Preece, AICP
Executive Director

DJP/rjk



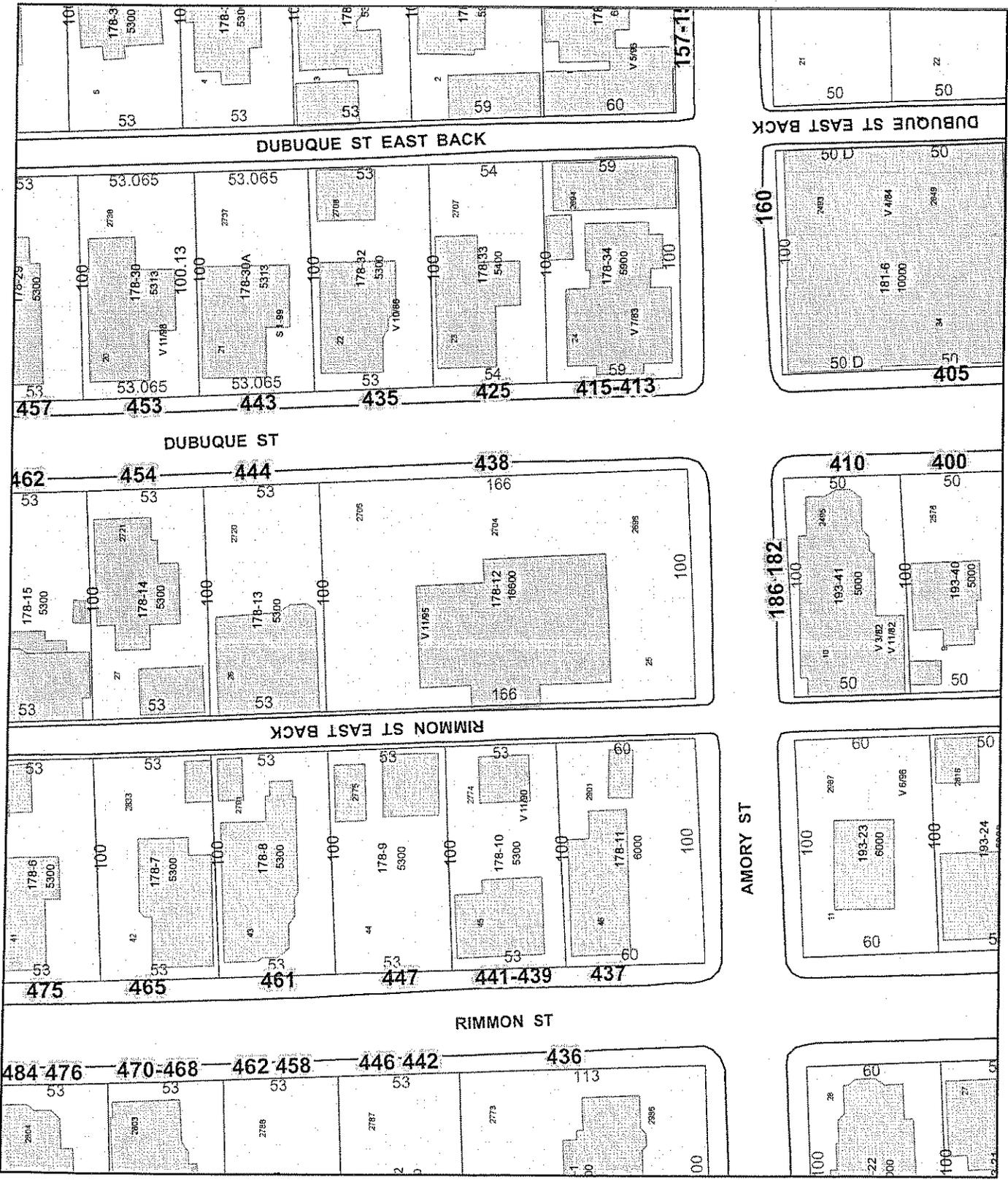
Area Map Showing Extent Of Map At Left

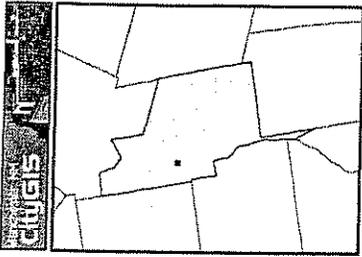
LEGEND

- Park
- Street
- Building
- Deck
- Excavation
- Other Building
- Post Office/Church
- Power Line/Street
- Water Pond
- Water Lake
- Water Stream
- Watering Trench

DISCLAIMER

The information appearing on this map is for the convenience of the user and is not an official public record of the City of Manchester, NH (the "City"). This map is not survey-quality. All boundaries, assessments, areas, measurements, rights of way, etc. appearing on this map should only be considered advisory. The City makes no warranty, express or implied, as to the accuracy, completeness, reliability or suitability of this information for any particular use. The City assumes no liability whatsoever associated with the use or reuse of this information. The official public records from which this information was compiled are kept in the offices of the City, County, and State government agencies and departments. The City does not accept any responsibility for copying during normal business hours. By using this map, you agree to these terms and conditions.





Area Map Showing Extent of Map At Left



DISCLAIMER

The information appearing on this map is for the convenience of the user and is not an official record of the City of Manchester, NH (the "City"). The map is not survey in nature. All boundaries, easements, areas, measurements, distances, way, etc. appearing on this map should only be considered advisory. The City makes no warranty, expressed or implied, concerning the accuracy, completeness, reliability, or availability of the information for any use. The City assumes no liability whatsoever associated with the use of this information. The official public records from which the information was compiled are kept in the offices of the City, County, and State government agencies and departments. The information is available for inspection and copying during normal business hours. By using this map, you agree to these terms and conditions.



City of Manchester, New Hampshire - CityGIS Map Print



CITY OF MANCHESTER

Planning and Community Development



Robert S. MacKenzie, AICP
Director

Planning
Community Improvement Program
Growth Management

Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

June 26, 2007

Mr. Leo Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Technical Report, Rezoning Petition, 438 Dubuque Street

Dear Mr. Bernier:

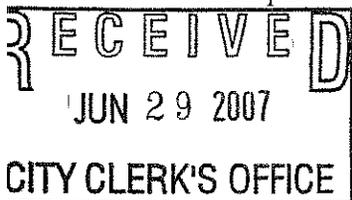
In accordance with the policy on rezoning requests, the following information is provided in consideration of a rezoning request filed by David Preece, Executive Director of the Southern New Hampshire Planning Commission, for the Commission's property at 438 Dubuque Street. The subject property is located on the northerly side of Amory Street, abutting Dubuque Street to the east, Rimmon Street East Back to the west, and a multi-family building to the north.

Currently, the property is split-zoned, with the southerly portion of the lot zoned *B-1, Neighborhood Business*, and the northerly portion of the lot zoned *R-3 Residential*. The applicant is requesting that the entire lot be zoned *B-1*.

The parcel is approximately 16,600 SF. The property has been home to the offices of the regional planning commission since 1995, after special exceptions and variances were secured by the ZBA. While properties that are bisected by different zoning district boundaries have specific issues to contend with to satisfy zoning regulations, properties in which the zoning district boundary also bisects the building have additional issues. Such is the case with this particular property.

Prior to 2001, the year the Zoning Ordinance and map were revised, the entire parcel at 438 Dubuque Street was zoned *B-1*. Staff is not certain why the map was changed in 2001, resulting in the split-zone.

From a technical perspective, the petition to rezone the rear portion of the parcel at 438 Dubuque Street from *R-3* to *B-1* may be forwarded to the Board of Mayor and Aldermen for a public hearing. Consistent with the policy for rezoning petitions, I am forwarding a



One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 Fax: (603) 624-6529
E-mail: planning@ManchesterNH.gov
www.ManchesterNH.gov

copy of this report and petition to the Planning Board, the Building Department and the Office of the City Solicitor for their comment.

The Planning Director or I will be available to answer any questions that the Board may have.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Pamela H. Goucher", with a long, sweeping horizontal line extending to the right.

Pamela H. Goucher, AICP
Deputy Planning Director

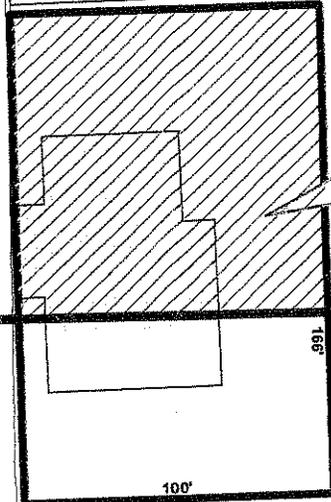
C: Planning Board
Building Department
Office of the City Solicitor

Planning Department Technical Review Map

RIMMON ST.

DUBUQUE ST.

R-3



Subject Property
438 Dubuque St.
TM 178, Lot 12

B-1

AMORY ST.

R-3

1. This map was prepared by the City of Manchester Planning & Community Development Department (D. Beauchesne) on June 25, 2007.

////// Rezone from R-3 to B-1

0 10 20 40 60 80 Feet



Planning Department Technical Review Map



1. This map was prepared by the City of Manchester Planning & Community Development Department (D. Beauchesne) on June 25, 2007.

 Rezone from R-3 to B-1

0 10 20 40 60 80
Feet

