CITY OF AUGUSTA, MAINE

APPLICATION FOR

PARCEL RECLASSIFICATION/ REZONING

1. Applicant Name: JAMES F. MITCHELL
Mailing Address: 106 SEWALL ST., AUGUSTA, ME 04330
Phone Number: 622-1365 Email Address: jim@mitchelltardy.com

2. Agent Name:
Mailing Address:
Phone Number: Email Address:

3. Owner Name: [same]
Mailing Address:
Phone Number: Email Address:

4. Project Location (Street Address): 106 Sewall St.

5. Tax Map and Lot Number: 26, 119

6. Existing zoning district of parcel: Residential

Zoning district being proposed for this parcel: BP

7. Type of zoning being applied for (check one):

[] General Rezoning [X] Contract Rezoning [] Conditional Rezoning

Definitions:

General Rezoning: Requests to reclassify a parcel from one zoning district classification to another; no specific use is proposed. All uses listed in the requested zoning district would be allowed upon Planning Board recommendation and City Council Approval.

Contract Rezoning: Requests to reclassify a parcel from one zoning district classification to another; the requested zone would be modified, upon Board recommendation and approval by the Council, to limit the use of the property for a selected few of the listed uses.

Conditional Rezoning: Requests to reclassify a parcel from one zoning district classification to another; specific land use is proposed. The requested zone would be modified, upon Board recommendation and Council approval, to limit the use of the property to the use requested.

8. Please attach a narrative that addresses each of the following questions:

1. How the rezoning is consistent with the 2007 Comprehensive Plan.
2. How the rezoning is consistent with established land use patterns.
3. How the rezoning will not create an isolated district unrelated to adjacent districts.
4. How adequate public utilities, roads and services exist or will be provided.
5. How the rezoning is justified by a changed or changing conditions.

9. If you are submitting a "Contract" or "Conditional" Rezoning Application, please address the following:

1. What land use(s) do you propose? Business/professional office/use

2. Provide a detailed conceptual plan/ drawing showing your proposed development of the site.

   Note: Approval of conditional or contract rezoning may include conditions and restrictions. The conditions and restrictions will only be associated with the physical development or operation of the property. The conditions and restrictions may include deed restrictions.

10. Checklist of required submissions:

Paper Copy	**Included**	**Waiver Requested**
11 copies of the application form and narratives	X	
11 copies of the deed, Purchase & Sale agreement, or other document to show standing	X	
6 reduced-sized copies of any conceptual plan on 11" x 17" size paper		X
4 full-sized copies of any conceptual plan on ANSI D or E size paper		X
11 copies of a letter authorizing the agent to represent the applicant		X
Payment in full of $150 application fee (Note: an abutter notification fee will be assessed after the application is determined to be complete. The fee is $0.15 plus the cost of first class postage for each abutter that will be notified as required by the ordinance.)	X	
Electronic Copy		
1 CD that includes each of the application documents in Adobe PDF format	X	

11. Applicant Acknowledgement

Complete Application Required. This application is being submitted under the requirements of the Augusta Land-Use Ordinance. As the applicant, I understand that this application must contain a complete submission of required materials by the application filing deadline date in order to be heard by the Planning Board. The deadline allows for adequate review by City Staff and the Planning Board; and as such, any applications that are not complete by the filing deadline date will not be placed on the Planning Board meeting agenda. To insure review by the Planning Board on the date desired, the applicant should submit materials at least 7 days ahead of the scheduled filing deadline so that staff can determine completeness of the application.

Applicant's Signature: JM Date: 12/13/13

For Staff Use:		
[] $150 **Application Fee** Paid.	Received By (Initials):_____	Date:_____
[] $_____ **Abutter** Notification Fee Paid.	Received By (Initials):_____	Date:_____

Narrative for Requested Contract Zoning Change for 106 Sewall Street.

As the owner of the property at 106 Sewall Street in Augusta, I, James F. Mitchell, am respectfully requesting the Planning Board of The City of Augusta allow a new use at 106 Sewall of business/professional office/use.

The City's 2007 Comprehensive Plan appropriately seeks to balance economic development while continuing to enhance the livability of the city. As the Plan states, "Augusta will be a place where entrepreneurs will be supported in starting new businesses." And, "Augusta will continue to grow its property tax base." A small part of furthering these goals can be accomplished by recognizing the growing need for good, inexpensive office space near the Capitol District for start-up and mature one and two person consulting firms doing business with the State of Maine. A change in use at 106 Sewall Street fits that model by moving the property towards its "highest and best use" and encouraging continued investment in the building. Furthermore, the location of the property encourages employees and owners of these type firms to walk to the State offices in the surrounding area, reducing traffic and the need for more public parking at the State House complex.

Although Sewall Street is zoned residential, on the portion of the west side of the street directly across from the State House complex (104 Sewall to 124 Sewall), almost half of the eleven buildings are being used as office space, with 110 Sewall being the most recent change to office space; supporting that the change is consistent with established use patterns nearby. Clearly, the change will NOT create an isolated district as the properties on either side of 106 (104 Sewall and 108 Sewall) are office buildings. Adequate utilities, roads and services currently exist to serve the several thousand commuters/office employees at the State House complex directly across from 106 Sewall.

Conditions related to doing business with State government have changed such that there are increasing numbers of service providers doing business with the State and these professionals need convenient, moderately priced office space that can remain unobtrusive, well-kept and generate very little in the way of additional traffic, congestion or stress on city services.

BK6528PG033

TRANSFER TAX PAID

RECEIVED DEC 23 2013 By

WARRANTY DEED

016691

Know All Men By These Presents That We, Dwayne E. Kelley and Nancy M. Kelley
of 106 Sewall Street, Augusta, and State of Maine,
County of Kennebec

for consideration paid, grant to James F. Mitchell

of Box 287, Kents Hill, and State of Maine
County of Kennebec

with **WARRANTY COVENANTS:**

A certain lot or parcel of land together with any buildings thereon situated in Augusta County of Kennebec and State of Maine, more particularly described in Exhibit A attached hereto and incorporated herein by reference.

In Witness Whereof, we have hereunto set our hand(s) this 21st day of June, 2001.

Anne Labbe
Witness

Dwayne E. Kelley
Dwayne E. Kelley

Nancy M. Kelley
Nancy M. Kelley

State of Maine
County of Kennebec ss.

On this 21st day of June, 2001, personally appeared before me the above named Dwayne E. Kelley and Nancy M. Kelley

and acknowledged the foregoing to be his/her/their free act and deed.

Anne Labbe
Notary Public, ~~Attorney at Law~~

Return to: James F. Mitchell

ANNE LABBE
Maine Notary Public
My Commission Expires March 17, 2004

2
Stewart

File No: 01080238

Exhibit A - Deed

A certain lot or parcel of land with the buildings thereon situated in Augusta, County of Kennebec and State of Maine, being part of lot numbered eighteen (18) on the plan of the "Page Field", so-called, made by James S. Child and bounded and described as follows:

Beginning at the South East corner of said lot, thence running westerly on the line of lot now or formerly occupied by Richard Norcross, one hundred and thirty-two (132) feet to Page Street; thence northerly on the line of Page Street fifty(50) feet; thence easterly parallel with the Southerly line of said lot one hundred and thirty-two (132) feet to Sewall Street; thence southerly on the line of Sewall Street fifty (50) feet to the place of beginning.

Meaning and intending to convey and hereby conveying the same premises described in a deed from Dwayne E. Kelley and Nancy M. Kelley dated May 15, 2000 to Dwayne E. Kelley and Nancy M. Kelley and recorded in the Kennebec County Registry of Deeds in Book 6204, Page 74.

RECEIVED KENNEBEC SS.
2001 JUN 26 PM 12:42
ATTEST: [signature]
REGISTER OF DEEDS

BK 7275 PG 312

RECEIVED
DEC 23 2013
By

STATE OF MAINE

SUPERIOR COURT
_____, SS.

005450

DISTRICT COURT
DIVISION OF SO KENNEBEC
LOCATION/AUGUSTA
DOCKET NO. AUG-FM-01-468

ABSTRACT OF DIVORCE

PENNY MOORE DEPUTY

I, ~~Kathryn Jones~~, the duly appointed, qualified and acting Clerk of the Maine District Court, Division of So. Kennebec, hereby certify that on the 19th day of December, 2002, a decree of divorce became final between Loren B. Mitchell of Kents Hill, Maine, Plaintiff ("Wife"), and James F. Mitchell of Augusta, Maine, Defendant ("Husband"), and that the following is a true copy of so much of said decree as relates to the disposition or transfer of real estate in Kennebec County, viz:

1. *To Husband:*

a. Land and buildings located at 106 Sewall Street, Augusta, County of Kennebec and State of Maine, further described in Book 6528, Page 33 of the Kennebec County Registry of Deeds, subject to the indebtedness thereon.

b. Land and buildings located at 14 Lane Road, Readfield, County of Kennebec and State of Maine, further described in Book 6924, Page 282 of the Kennebec County Registry of Deeds,

2. To Wife:

a. Land and buildings located at 1609 Main Street, Readfield, County of Kennebec and State of Maine, further described in Book 4915, Page 347 of the Kennebec County Registry of Deeds, subject to the indebtedness thereon.

I hereby certify that any applicable appeal period has expired without action by either party.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 2/11/03.

[signature] D.O. Clerk
District Court

This certificate is to be recorded in the Registry of Deeds for the county above-named.

SEAL

Return to:
David M. Lipman, Esquire
LIPMAN, KATZ & MCKEE, P.A.
P.O. Box 1051
Augusta, ME 04332-1051

RECEIVED KENNEBEC SS.
2003 FEB 18 AM 9:00
ATTEST: [signature]
REGISTER OF DEEDS