

# City of Auburn, Maine

"Maine's City of Opportunity"

## Office of Planning & Development

### PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA  
City Planner

Re: 62 Spring Street- Special Exception and Site Plan Review

Date: August 12, 2014

- I. PROPOSAL- Sebago Technics, an agent for the Auburn Housing Development Corporation, is seeking approval of a Special Exception and Site Plan Review for a new development over 5,000 sq. ft. in the Central Business II Zone, located at 62 Spring Street, pursuant to Chapter 60, Section 547 b-4; Chapter 60, Section 549 Development Guidelines; Chapter 60, Section 1336 Special Exception and Chapter 60, Section 1277 Site Plan Review, of the City of Auburn Ordinances.

This project is located on the former Dillingham and Sons Funeral Home site and is a 4 story, mixed use building with approximately 2,400 s.f. of 1<sup>st</sup> floor retail space and a resident lobby, and 39 apartments on the other 3 floors. The property has street frontage on Pleasant and Spring Streets and features vehicular access to both streets. The 39 parking spaces provided on-site will be a combination of surface parking and behind the 1<sup>st</sup> floor retail space under the building.

ZONING- This property, and the surrounding Spring Street area was recently re-zoned from General Business (GB) to Central Business II (CBII). As a result, more urban type development is now permitted, allowing zero front yard setbacks (0 feet) and greater building coverage (80%).

PARKING- Based on Section 60-608 the required parking for this mixed use development is as follows:

Commercial Parking Req.- 2,400 s.f. / 1 space per 300 s.f. = 8 spaces

Residential/Multi-family- 39 units / 1 ½ spaces per unit = 58 spaces

66 spaces total

Section 60-607, Parking- General Provisions and Design Standards, states in # 18-  
*(18) Required off-street parking in the Auburn Downtown Action Plan for Tomorrow (ADAPT) area for lots which cannot provide their own parking because of location, lot size or existing development may be substituted by parking facilities which, in the public's interest may be provided for by the municipality or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 1,000 feet of the principal building or use as measured along lines of public access.*

The City has multiple parking lots and structures within 1000 feet of the project; therefore the development meets the required parking.

DEVELOPMENT GUIDELINES (Section 60-549)- Development proposals in the Central Business District must follow Development Guidelines to the greatest extent possible to ensure quality projects in the downtown area. These requirements will be reviewed in section III- Planning Board Action.

II. DEPARTMENT REVIEW-

- a. Police- No Comments
- b. Auburn Water and Sewer- No issues identified, letter from AWSD is attached with the staff report.
- c. Fire Department- No Comments.
- d. Engineering- No Comments.
- e. Planning and Development- PROJECTIONS- The proposed building features window projections starting on the 2<sup>nd</sup> floor. The window projection extends some 18” out into the Public Right of Way. The staff examined this situation and supports the projections with the following reasons:
  - The projections are a desired architectural feature.
  - The projection complies with International Building Code, Chapter 32, as follows:

**3202.3 Encroachments 8 feet or more above grade.**

Encroachments 8 feet (2438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.4.

**3202.3.2 Windows, balconies, architectural features and mechanical equipment.**

Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than 8 feet (2438 mm), 1 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (1219 mm).

- III. PLANNING BOARD ACTION- The Planning Board will need to review the application for 62 Spring Street, consider and take action on a Special Exception, Site Plan Review and Development Guidelines.

**SPECIAL EXCEPTION-** A Special Exception is defined in the Zoning Ordinance (Page 14) as follows: *“Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare.*

Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.” For this development application, the proposed new building is over 5,000 square feet in size and therefore is a Special Exception in the CBII zone.

The zoning ordinance describes the conditions needed for approval of a Special Exception. The applicant provided a narrative in the application on page 2.

**Sec. 60-1336. Conditions-** *As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:*

- (1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.*
- (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.*
- (3) That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition.*
- (4) That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.*
- (5) That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner.*
- (6) That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter.*
- (7) That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan.*

**In Summary, the applicant has adequately addressed the seven Special Exception criteria.**

**SITE PLAN-** A Site Plan is required as part of a Special Exception review. The applicant met the requirements of the Site Plan Law in their application. The Planning Board needs to make its decision based on the Site Plan Law, **Sec. 60-1277.**

**Objective-**

*“In considering a site plan, the planning board shall make findings that the development has made provisions for:”*

- (1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;*
- (2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;*

- (3) *Adequacy of the methods of disposal for wastes; and*
- (4) *Protection of environment features on the site and in adjacent areas.*

**In Summary, the applicant has adequately met the provisions of Site Plan Objectives.**

**C. DEVELOPMENT GUIDELINES- Section 60-549**

- (a) ***Purpose.*** The purpose of this section is to guide the planning board in the review of new construction and expansion of existing buildings in order to ensure that these developments: The applicant's application (page 3) provides a narrative on meeting the purposes of the Development Guidelines.

- (1) *Promote and protect the public health, safety, general welfare and amenities through the use of unique and appropriate architectural design;*
- (2) *Provide public parking in excess of the required amount;*
- (3) *Increase light and air, including view protection and enhancement by providing landscaped roof decks, plazas, public observation decks, low coverage on floors above USGS elevation 200 and appropriate siting of building;*
- (4) *Improve pedestrian amenities by means of open arcades, internal arcades, multiple building entrances, access to the riverfront and open space amenities;*
- (5) *Provide child care space for children of occupants of commercial buildings located primarily within the CBD districts;*
- (6) *Promote cultural or entertainment activities through the provision of space for such endeavors that are centrally located; and*
- (7) *Promote the special character of the districts by the use of building materials and design that are consistent with the other developments adjacent to or within the area.*

**In Summary, the applicant has adequately met the purpose of the Design Guidelines.**

- (b) ***Desired public amenities.*** The following amenities have been determined to be appropriate to satisfy the objectives of site plan review of developments in the central business district:
- 1) *Building setback of upper floors.* Does not apply.
  - (2) *Roof top mechanical equipment.* Not visible on elevation drawings.
  - (3) *Off-street parking.* Parking spaces provided in excess of the required amount, designed for general public use. This amenity is desired to help reduce the parking pressure in the downtown. Additional on-street parking is available adjacent to the site and within 1,000 feet.
  - (4) *Plaza.* The applicant has provided a courtyard area that provides an attractive amenity that may also be used with the redevelopment of the adjacent Fire House.
  - (5) *Observation deck.* Does not apply.

(6) *Landscaped roof deck.* Does not apply.

(7) *Low coverage at upper floors.* Developers are encouraged to reduce coverage on upper floors of buildings in order to reduce the overall bulk of development, increase light and air and to ensure view protection and enhancement.

(8) *Siting of buildings.* Does not apply.

(9) *Arcade.* The development proposes an courtyard/plaza along with a wide sidewalk for the for Spring Street frontage. This will be particularly important for the retail space on the first floor.

(10) *Multiple building entrances.* The development provides multiple building entrances.

(11) *Day care.* Not applicable.

(12) *Internal arcade.* The development proposes a Resident Lobby that will provide multiple functions including. Residence office, seating area, connectivity to the internal parking and a room for recycling and trash.

(13) *Cultural and entertainment activity.* The Courtyard area will provide space for cultural and entertainment activity.

**In Summary, the applicant has adequately provided the Desired Public Amenities section of the Design Guidelines.**

(c) **Administration.** In processing development that requires site plan review, the planning board:

(1) May require the developer to provide traffic and parking impact studies, drainage impact studies, absorption rate and market analysis studies. (*Staff Comment: Not needed.*)

(2) Shall require architectural renderings of the building elevations and cross-section of the building height. (*Staff Comment: Applicant has provided adequate renderings of the project.*)

(3) May further require architectural renderings with the hills to the west and to landmarks in the city and Lewiston, a study of shade and shadow on adjacent properties, streets and open space, a visual impact assessment, and an analysis of how the development furthers the goals and objectives of the comprehensive plan and, if applicable, the riverfront beautification program. (*Staff Comment: Not needed.*)

(4) May also require massing models and either artistic or photographic simulation of the building from at least three individual vantage points. (*Staff comment: Not needed.*)

(5) May request that the development be modified to satisfy the goals and objectives found in section 60-549 .

**In Summary, the applicant has adequately met the intent of the Administration section of the Design Guidelines.**

IV. STAFF RECOMMENDATION- The Staff recommends **APPROVAL** for 62 Spring Street based on the findings that the application has met all the requirements of the Special Exception, Site Plan Review and Design Guidelines sections of the City of Auburn's Zoning Ordinance.

CONDITIONS: The approval is subject to the following condition:

1. Prior to the commencement of site work, the developer must contact the Engineering Department regarding the requirement to provide bonding and pay inspection fees to cover those site improvements which have public impacts.

  
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Douglas M. Greene, A.I.C.P., R.L.A.  
City Planner

# AUBURN WATER DISTRICT

MEMBER MAINE WATER UTILITIES ASSOCIATION

268 COURT ST. - P.O. BOX 414

AUBURN, MAINE 04212-0414

August 4, 2014

Douglas M. Greene  
Auburn City Planner  
60 Court St.  
Auburn, ME 04210

**RE: 62 Spring Street – 4-Story Retail Space & Apartments**

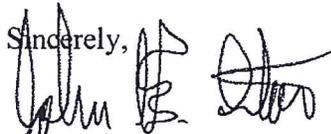
Dear Doug:

We reviewed the Development Review Application for the construction of a mixed use (retail and residential) facility at 62 Spring Street. Our public water infrastructure serving this location should be sufficient to meet the expected capacity demands of the proposed redevelopment of the building.

We have no concerns with the project as proposed, but offer the following comments for the developer to consider. The site was previously the Dillingham Funeral Home. Our records indicate the old facility was served by a 1-inch water service installed back in 1955. We have no record that there is any type of fire sprinkler line on site. The developer should consider the installation of a new water service, as well as a fire sprinkler line (if required).

Our sewer records indicate there were two services that served the funeral home. One was labeled as a "6" Fiber" pipe, and the other was labeled as "6" Old Cement". These date back to 1956. The developer could elect to re-use one of these services. If so, we would need to work cooperatively to make sure the other line was properly capped and abandoned. We would be happy to meet with you or the developer to review potential options for new water and sewer services.

Thank you for the opportunity to provide comment. Please feel free to contact us if you have any questions or concerns.

Sincerely,  


John B. Storer, P.E.  
Superintendent, Auburn Water & Sewerage Districts

Zoning Ordinance Excerpt from Central Business District:

**Sec. 60-549. Development guidelines.**

- (a) *Purpose.* The purpose of this section is to guide the planning board in the review of new construction and expansion of existing buildings in order to ensure that these developments:
- (1) Promote and protect the public health, safety, general welfare and amenities through the use of unique and appropriate architectural design;
  - (2) Provide public parking in excess of the required amount;
  - (3) Increase light and air, including view protection and enhancement by providing landscaped roof decks, plazas, public observation decks, low coverage on floors above USGS elevation 200 and appropriate siting of building;
  - (4) Improve pedestrian amenities by means of open arcades, internal arcades, multiple building entrances, access to the riverfront and open space amenities;
  - (5) Provide child care space for children of occupants of commercial buildings located primarily within the CBD districts;
  - (6) Promote cultural or entertainment activities through the provision of space for such endeavors that are centrally located; and
  - (7) Promote the special character of the districts by the use of building materials and design that are consistent with the other developments adjacent to or within the area.
- (b) *Desired public amenities.* The following amenities have been determined to be appropriate to satisfy the objectives of site plan review of developments in the central business district:
- (1) *Building setback of upper floors.* The sides of a building which front on a street shall be setback a minimum of 25 percent of the required lot setback starting at the first floor above 50 feet from the grade of the adjacent street. The setback area shall be unobstructed to the sky and shall extend along the entire length of the building. Where the building is not located parallel to any lot lines, the setbacks shall be measured as appropriate to the specific siting of the building in relation to the lot and streets. A building which maintains at least a 25-foot front yard setback may substitute a distinct architectural horizontal delineation similar to a cornice line at the same height required for the upper floor building setback.
  - (2) *Roof top mechanical equipment.* Equipment should be enclosed or screened so as not to be visible.
  - (3) *Off-street parking.* Parking spaces provided in excess of the required amount, designed for general public use. This amenity is desired to help reduce the parking pressure in the downtown.
  - (4) *Plaza.* A plaza is an area open from the ground to the sky, partially landscaped and/or treated with brick or other decorative material that is directly and conveniently accessible to the general public at all times from a street, permanent and public open space or parking area with a minimum sidewalk width of six feet. The plaza area shall have a minimum entrance width of ten feet and shall be at least 30 feet in its horizontal dimensions. Up to two-thirds of the surface of the plaza area may be occupied by plantings, pools, works of art or similar features and the balance shall be suitable for walking, sitting or similar pursuits.
  - (5) *Observation deck.* The observation deck or similar public space shall be located at or above 100 feet and shall be of sufficient size to accommodate at least 30 people at one time. Such space shall be advertised at ground level and shall be open during normal working hours to the general public without the necessity of their doing business in the building.

- (6) *Landscaped roof deck.* A roof deck located on a building or part of a building at least 60 feet in height that is not less than 300 square feet in area, open to the sky, accessible and landscaped with grass, trees, bushes or other similar natural vegetation.
  - (7) *Low coverage at upper floors.* Developers are encouraged to reduce coverage on upper floors of buildings in order to reduce the overall bulk of development, increase light and air and to ensure view protection and enhancement.
  - (8) *Siting of buildings.* On large lots where the possibility of multiple locations exists, buildings are desired to be sited so as to provide the greatest view protection of existing city and Lewiston landmarks, the Androscoggin River, the Great Falls and the western hills. Landmarks in the city which shall be protected include those identified in the study prepared by Terrien Architects (4/89). Landmarks in Lewiston include St. Peter and Paul's Cathedral, Davis Mountain, Lewiston City Hall, churches in the Kennedy Park area and the Continental Mill area. In siting a building the long axis shall be oriented in an east-west direction.
  - (9) *Arcade.* An arcade is a continuous area open to a plaza, street, sidewalk or walkway connected to a street or public open space, which is open and unobstructed (except for columns and piers) to a height of not less than 12 feet, is not less than ten feet in clear width for pedestrian movement, extends for the full length of, or at least 25 feet along, the lot line or plaza boundary, whichever is the lesser distance.
  - (10) *Multiple building entrances.* More than one major entrance not associated with an arcade or plaza, to the subject building, open generally to occupants of the building for both entrance and exit and readily identifiable to them is encouraged. All such major entrances shall be accessible from streets or plazas with a minimum width of six feet and shall be located at least 50 feet apart along the building front.
  - (11) *Day care.* Developers are encouraged to make available ground floor space or space accessible to an outdoor play area for not less than 25 children to a child care operator.
  - (12) *Internal arcade.*
    - a. Internal arcades shall connect:
      1. Two public streets;
      2. A public street to a plaza fronting on another street;
      3. A street and/or plaza fronting on a street to an internal plaza between buildings; or
      4. A street or plaza to a public open space or parking garage.
    - b. The arcade shall not be less than:
      1. Ten feet in width if completely separated from sales areas and elevator lobbies;
      2. Ten feet in width plus six feet for each side containing a sales area or elevator entrance opening directly to the arcade.
  - (13) *Cultural and entertainment activity.* Developers are encouraged to make space available to cultural and/or entertainment activities.
- (c) *Administration.* In processing development that requires site plan review, the planning board:
- (1) May require the developer to provide traffic and parking impact studies, drainage impact studies, absorption rate and market analysis studies.
  - (2) Shall require architectural renderings of the building elevations and cross-section of the building height.
  - (3) May further require architectural renderings with the hills to the west and to landmarks in the city and Lewiston, a study of shade and shadow on adjacent properties, streets and open space, a visual impact assessment, and an analysis of how the development furthers the goals and objectives of the comprehensive plan and, if applicable, the riverfront beautification program.

- (4) May also require massing models and either artistic or photographic simulation of the building from at least three individual vantage points.
- (5) May request that the development be modified to satisfy the goals and objectives found in section 60-549

In addition to the criteria, the board shall apply all applicable criteria for site plan review, divisions 1 and 2 of article XVI of this chapter.

