

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

February 1, 2010

This packet contains the City Council Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at www.adobe.com.



City Council Meeting and Workshop February 1, 2010

Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

- A. Discussion: Review Commitment for Home Funds – Tedford Housing (22 Pine Street) (Reine Mynahan) (10 min)
- B. Discussion: Main Street Improvement Project (Academy Street to New Auburn Bridge) (Eric Labelle and Reine Mynahan) (25 min)
- C. Update: 18 Western Prom and 126 Goff Street (Glenn Aho) (10 min)
- D. Discussion: City wide goals (Glenn Aho & Laurie Smith) (20 min)
- E. Discussion: Appointments to Lewiston/Auburn Railroad Board and Board of Assessment Review (Councilors Hayes and Berube) (10 min)

At the conclusion of the Workshop, a group photo will be taken of the Mayor and Council

7:00 p.m. City Council Meeting

I. Consent Items—All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda. **Consent item is as follows: Minutes of January 19, 2010**

II. Minutes

* Minutes of January 19, 2010

III. Reports

Mayor

City Councilors

- **Michael Farrell:** Recreation Adv Bd, Airport, Audit, Lake Auburn Watershed Protection Comm
- **Robert Hayes:** Planning Bd, Water, Library, and Railroad
- **Daniel Herrick:** MMWAC, Auburn Housing
- **David Young:** School Committee, Cable TV Adv Board
- **Raymond Berube:** Lewiston-Auburn Economic Growth Council, Sewer, Audit, USM-L/A
- **Belinda Gerry:** LA Transit, Neighborhood Stabilization Program
- **Eric Samson:** 9-1-1, Auburn Business Development Corp, Andros Valley Council of Gov

City Manager

IV. Communications, Presentations and Recognitions

020110-00 Recognizing Recipients of the 2009 Presidential Volunteer Service Award

020110-00 Presentation by Amy Smith 2010 US Census Bureau Recruiting Assistant

020110-00 Communication from Advocates for Children Re: Request for use of city property

V. Open Session – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not* on this agenda.

VI. Unfinished Business

020110-01 Resolve – Authorize City Manager to Dispose of Tax Acquired Property Located at 18 Western Prom and 126 Goff Street (Tabled 1/19/2010)

020110-02 Ordinance – Amendments to Chapter 26, Article 9, Regulatory Signage (Second Reading)

VII. New Business

020110-03 Resolve – Authorize City Manager to Execute Lease with New Auburn Little League

020110-04 Ordinance – Amendment to Chapter 29, Section 3.69 – Setbacks in the Central Business District (First Reading)

020110-05 Resolve – Amendment to the Urban Conditions Study of 1994 (Blight Study)

020110-06 Public Hearing and action on Special Amusement Permit Application for Babylon, 34 Court St

020110-07 Executive Session – Title 1 MRSA, Section 405(A) Personnel (Assessor’s Position)

020110-08 Executive Session – Title 1 MRSA, Section 405(D) Contemplated Litigation

VIII. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not* on the agenda.

IX. Future Agenda/Workshop Items

X. ADJOURNMENT

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405. Those applicable to municipal government are:

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension of expulsion
- C. Labor contracts
- D. Contemplated litigation
- E. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;
- F. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and
- G. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

**CITY OF AUBURN
JANUARY 19, 2010
CITY COUNCIL MEETING**

PRESENT

Mayor Richard D. Gleason, Councilors Michael J. Farrell, Robert P. Hayes, Daniel R. Herrick, David C. Young, Raymond C. Berube, Eric G. Samson and Belinda A. Gerry, City Manager Glenn Aho, Assistant City Manager Laurie Smith, Tracy Roy, Finance Director and City Clerk Mary Lou Magno. There were 34 people in the audience.

Mayor Gleason called the meeting to order at 7:00 p.m. in the Council Chambers of the Auburn City Building with a salute to the flag.

CONSENT AGENDA

The consent agenda was unanimously approved.

***MINUTES OF JANUARY 5, 2010**

Approved under consent agenda.

REPORTS OF THE MAYOR

Mayor Gleason read a prepared written report noting events from January 6 thru January 14. (A copy of the report is on file in the City Clerk's Office.)

REPORTS OF CITY COUNCILORS

Councilors reported on their Council Committee Assignments

REPORTS OF THE CITY MANAGER

City Manager Aho noted that a City Council Workshop will be held on January 25th.

FINANCE REPORT – MONTH OF DECEMBER

Councilor Hayes moved that the Finance Report for the month of December as presented by Tracy Roy, Finance Director, be accepted and placed on file. Seconded by Councilor Berube. Vote: 7 Yeas.

COMMUNICATIONS, PRESENTATIONS, AND RECOGNITIONS

PRESENTATION ON TOURISM

Chip Morrison, Jan Barrett and Susan Stacey presented information on tourism in the Lewiston/Auburn area.

OPEN SESSION

Jordan Daigle-Ashland, 127 Broad Street, presented the Council with several letters from Auburn school students, expressing their concerns regarding the Recycling Program. (Copies of the letters are on file in the City Clerk's Office.)

Mr. Ashland, 127 Broad Street; Diana Carson, 110 Jacques Road; and Dominic Casavant, 158 Valview Drive.

OPEN SESSION CLOSED

UNFINISHED BUSINESS

None

NEW BUSINESS

1. ORDINANCE – AMENDMENTS TO CHAPTER 26, ARTICLE 9, REGULATORY SIGNS (FIRST READING)

Councilor Farrell moved for acceptance of first reading. Seconded by Councilor Samson. Vote: 7 Yeas.

2. ORDINANCE – AMENDMENT TO CHAPTER 26, ARTICLE 9, REGULATORY SIGN (NINTH STREET) (FIRST READING)

Councilor Herrick moved for acceptance of first reading. Seconded by Councilor Hayes. Eric Labelle, Director of Community Services, answered Councilors questions. Deb and David Pontbriand, 118 NinthStreet, made comments regarding the above sign. Vote: 6 Nays with Councilor Berube abstaining.

3. RESOLVE – AUTHORIZE CITY MANAGER TO DISPOSE OF TAX ACQUIRED PROPERTY LOCATED AT 18 WESTERM PROM AND 126 GOFF STREET

Councilor Farrell moved to table. Seconded by Councilor Gerry. Vote: 7 Yeas.

4. RESOLVE – AUTHORIZE CITY MANAGER TO DISPOSE OF CITY PROPERTY ON SHERWOOD DRIVE

Councilor Farrell moved for passage of the resolve. Seconded by Councilor Samson. Vote: 7 Yeas.

5. RESOLVE – RE-APPOINTMENT OF TWO (2) ACTING ASSESSORS

Councilor Young moved for passage of the resolve. Seconded by Councilor Berube. Vote: 7 Yeas.

6. SET DATE FOR SECOND MEETING IN FEBRUARY

Councilor Gerry moved that the second meeting in February be held on February 16th. Seconded by Councilor Farrell. Vote: 7 Yeas.

OPEN SESSION

No one spoke

CLOSED OPEN SESSION

ADD TO THE AGENDA

Councilor Farrell moved to suspend the rules and moved to add an item (Executive Session) to the agenda. Seconded by Councilor Berube. Vote: 7 Yeas.

EXECUTIVE SESSION

Councilor Berube moved to go into Executive Session (1 MRSA Section 405 D – Contemplated Litigation). Seconded by Councilor Samson. Vote: 7 Yeas.

Councilor Berube moved to come out of Executive Session. Seconded by Councilor Farrell. Vote: 7 Yeas.

FUTURE AGENDA/WORKSHOP ITEMS

Councilor Herrick requested a workshop regarding temporary signs.

ADJOURNMENT – 9:05 PM

Councilor Hayes moved to adjourn. Seconded by Councilor Herrick. Vote: 7 Yeas.

A TRUE RECORD

ATTEST: _____ CITY CLERK

City Council

Agenda Information Sheet

Council Meeting Date 2/1/2010 **Agenda Item No.** **Recognition**

SUBJECT:

RECOGNIZING RECIPIENTS OF THE 2009 PRESIDENTIAL VOLUNTEER SERVICE AWARD

INFORMATION:

The Auburn Police Department has five Volunteers in Police Service (VIPS) that have been selected to receive the 2009 Presidential Volunteer Service Award for their many hours of service to the Auburn Police Department.

Police Chief Phil Crowell will talk about the award and recognize those individuals who have been selected to receive this award.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

VOTE:



Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

Auburn Police Department



It is with great pride that I announce that **five** of our outstanding Volunteers in Police Service (VIPS) volunteers have been selected to receive the **2009 Presidential Volunteer Service Award** for their service to the Auburn Police Department.

At the Auburn City Council meeting on Monday, February 1, Chief Crowell will be presenting a pin, certificate and letter from President Obama to each recipient. I have included some information about the award itself and a list of our volunteers who will be receiving the awards.

About the Award:

The President's Volunteer Service Award program is a way to thank and honor Americans who, by their demonstrated commitment and example, inspire others to engage in volunteer service. Recognizing and honoring volunteers sets a standard for service; encourages a sustained commitment to civic participation; and inspires others to make service a central part of their lives. The President's Volunteer Service Award recognizes individuals that have achieved a certain standard – measured by the number of hours of service over a 12-month period.

Our Award Recipients:

Bronze Level Award – (100 to 249 hours of service in 2009)

David Levesque, Auburn – 129 hours

Paul Paradis, Auburn – 238 hours

Bruce Tilton, Lewiston – 233 hours

Claire Barclay, Auburn – 154 hours

Silver Level Award – (250 to 499 hours of service in 2009)

Norm Ness, Auburn – 286 hours

Respectfully submitted by,

Liz Allen
Police Planner/VIPS Coordinator
Auburn Police Department

City Council

Agenda Information Sheet

Council Meeting Date 2/1/2010 **Agenda Item No.** **Communication**

SUBJECT:

**COMMUNICATION FROM ADVOCATES FOR CHILDREN RE: REQUEST
USE OF CITY PROPERTY**

INFORMATION:

Advocates for Children is requesting the use of City property in the parking lot adjacent to the Auburn Hall Parking Garage. The event would take place on June 5, 2010 from 4pm until 8 pm under the tent that would already be in place for the Kiwanis Pancake Breakfast the following day. This is a family festival and a copy of the schedule of activities is attached.

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of the request.

REQUESTED ACTION:

Motion to approve request.

VOTE:

MEMO...

Date: 1/24/10
To: Mayor Gleason and City Councilors
From: Betsy Norcross Plourde
RE: AFC Family Festival

Below is a brief outline of the event Advocates for Children is planning to host for children and families on Saturday, June 5th, 2010 under the tent set-up for the Kiwanis Pancake Breakfast the following day. Food sales and sponsorship dollars from this event will generate financial funds to support the services AFC provides to families.

Event: Family Festival
Date: 6/5/10
Time: 4-8pm
Place: Outside parking lot next to Auburn Hall Parking Garage. (We are considering requesting the use of Festival Plaza as well).

Schedule of Activities:

- **4:00pm** Brett Outchcinis "Ooch" - Children's performer - yo-yo, DJ, dancer, family entertainment.
- **5:15pm** Bonnie Edwards & the Practical Cats --- Maine's premier Jump Blues, Swing, Jazz and Vintage R&B Band.
- **6:30pm** Timpanic Band - Local music group.

Other aspects of the event will include:

Food: Tom Poulin is taking the lead on coordination of food provided - at this time we are looking to offer barbequed foods, fried dough, cotton candy, etc...fun fair-type foods.

City Council

Agenda Information Sheet

Council Meeting Date 1-19-2010

Agenda Item No. 1

SUBJECT:

RESOLVE – AUTHORIZE CITY MANAGER TO DISPOSE OF TAX ACQUIRED PROPERTY LOCATED AT 18 WESTERN PROMENADE AND 126 GOFF STREET

INFORMATION:

The City of Auburn acquired these properties through the tax lien process, the Goff Street property in 1998 and the Western Promenade property in 2006. The building on Western Promenade is in a state of severe deterioration. Over the past four years, the property has been marketed for sale; however, these efforts have produced no results. Code enforcement staff agrees the building must be cleared. Demolition of this building was identified in the grant application of the Neighborhood Stabilization Program. In the meantime, the Community Development staff identified a developer who is willing to demolish the building at their expense and redevelop the site as rental housing. The offer made by Community Housing of Maine to purchase these properties is for the amount of back taxes, \$7,677.82. A condition of sale will be a payment in lieu of taxes.

City Council Workshop – January 5, 2010

Tabled City Council Meeting – January 19, 2010

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion to remove from the table.

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 19, 2010

**TITLE: RESOLVE – AUTHORIZE CITY MANAGER TO DISPOSE OF
TAX ACQUIRED PROPERTY LOCATED AT 18
WESTERN PROMENADE AND 126 GOFF STREET**

Be It Resolved by the Auburn City Council, That the City Manager be authorized to sell the property at 18 Western Promenade and 126 Goff Street to Community Housing of Maine as recommended by Community Development staff.

Jan 19, 2010 – Councilor Farrell moved to table. Seconded by Councilor Gerry. Vote: 7 Yeas.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 1/19/2010 **Agenda Item No.** 2

SUBJECT:

ORDINANCE – AMENDMENTS TO CHAPTER 26, ARTICLE 9 – TRAFFIC REGULATORY SIGNAGE (SECOND READING)

INFORMATION:

Each of the regulatory traffic restrictions have been utilized on a trail basis as per order of the Police Chief. No member(s) of the public have expressed concern regarding this signage.

Maps of these areas are available in the City Clerk's Office.

This regulatory signage was discussed with the City Council during Workshop sessions held on November 2, 2009 and January 5, 2010.

First reading approved January 19, 2010

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of second reading and final passage.

REQUESTED ACTION:

Motion for acceptance of second reading and final passage.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: January 19, 2010

TITLE: ORDINANCE – AMENDMENTS TO CHAPTER 26, ARTICLE 9 – TRAFFIC REGULATORY SIGNAGE

Be It Ordained by the Auburn City Council that the following amendments be made to Chapter 26, Article 9:

Stop Signs

- Davis Avenue at Gamage (to a stop sign from a yield)
- Briarcliff Knoll at Amberly Way
- Morse Street at Coachman Avenue
- Pinnacle Drive at Court Street
- Oak Hill Road to Andrew Drive (to a stop sign from a yield)

Parking Restrictions and Control

- Gamage Avenue southerly from Oakland (No parking here to corner)
- At 51 Gamage Avenue (No parking here to drive)
- East side of Charles St at south of Western Prom (No parking this side of street)
- Turner Street opposite Church Street (No parking signs)
- Western Prom south side (Changed from “No Parking Nov 15 – Apr 15” to “No parking this side of street”)
- Mechanics Row parking lot (2-hour parking limit from 1-hour parking limit)
- ELHS upper parking lot off Forest Avenue (No Parking)
- Highland Avenue between Hillcrest and Wedgwood (No parking this side of street – both sides)
- Forest Avenue from 155’ south of Court Street to Court Street (No parking this side of street)
- West Dartmouth Street north side at 25’ from Center Street (No parking anytime)

Use of Street

- Towle Street (No through trucks. Home deliveries only)
Signs posted at: 16 Richardson Street
111 Richardson Street
Towle Street at Towle Avenue

Handicap Parking

- _Main Street at 94 Main Street (Rogers Haircutters)

Motion for passage for acceptance of first reading: Michael Farrell Seconded by: Eric Samson

Vote: 7 Yeas

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City Council

Agenda Information Sheet

Council Meeting Date 2/1/2010 **Agenda Item No.** 3

SUBJECT:

**RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE LEASE WITH NEW
AUBURN LITTLE LEAGUE**

INFORMATION:

In 1984 the City executed a 25 year lease with the New Auburn Little League Association for land and buildings located at Broad, Ninth and Cook Streets. The City Council is being requested to again authorize the execution of another 25 year lease with the Association.

City Council Workshop January 19, 2010

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: February 1, 2010

**TITLE: RESOLVE – AUTHORIZE CITY MANAGER TO EXECUTE LEASE
WITH NEW AUBURN LITTLE LEAGUE
ASSOCIATION**

Be It Resolved by the Auburn City Council, that the City is hereby authorized to execute a lease with New Auburn Little League Association. A copy of the lease is attached to and hereby made a part of this resolve.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"



PROPERTY LEASE

The CITY OF AUBURN (hereinafter referred to as "the City") and the NEW AUBURN LITTLE LEAGUE ASSOCIATION (hereinafter referred to as "the Association") mutually covenant and contract as follows:

1. Term of Lease: The City hereby leases to the Association land and buildings situated in Auburn and more specifically described in a deed to the City of Auburn from Central Securities Corporation dated May 4, 1934 and recorded in the Androscoggin County Registry of Deeds in Book 436, Page 352. The leased premises are bordered by Broad Street, Ninth Street and Cook Street and are shown on the Auburn Assessor's maps as lot 15-1-66. The term of the lease shall begin on the date hereof and extend for a term of twenty-five years. The City agrees that during the term of the lease, the Association shall peacefully and quietly have and enjoy the leased premises. The Association shall have the right to renew this lease for an additional twenty-five year term upon the same terms and conditions set forth herein unless the City shall have determined as a result of changed circumstances or other good cause that the needs of the community would be better served by devoting the leased premises to other uses.
2. Rent: The Association agrees to pay rent of One Dollar (\$1) per year payable in advance for the full twenty-five year period.
3. Use of the Leased Premises: The Association shall have the exclusive use of the leased premises from January 1st through December 31st of each year except the playground shall remain open to the public. The Association shall have the right to limit the use of the leased premises other than the playground to persons involved in its baseball program.
4. Utilities: The Association shall pay all expenses for water, sewer, lights and other utilities incurred through the use of the leased premises.

City of Auburn
Property Lease

5. Maintenance: The Association shall maintain the leased premises including but not limited to painting, mowing, and removal of litter and shall keep the buildings thereon in good repair. The City shall be responsible for maintaining the playground area and for keeping the playground equipment in good repair.
6. Use of the Premises: The Association agrees that the premises will not be used except for the purpose of providing a recreational baseball program for children and that no other use shall be made of the leased premises without first obtaining the consent of the City's Director of the Recreation and Parks Department.
7. Structural Changes: The Association may make structural changes in the premises after first receiving the consent of the Director of the Recreation and Parks Department. The parties agree that the building(s) on the leased premises including any structural changes thereto are and shall remain the property of the City of Auburn.
8. Insurance: The Association shall annually provide liability insurance in an amount satisfactory to the Director of the Recreation and Parks Department in which the City of Auburn and its employees shall be named insureds covering all claims which may arise out of its (the Association) use or neglect of the leased premises including sales of food and beverages. Such insurance policy shall provide that it may not be cancelled without ten days prior notice of cancellation. The Association agrees, in any event, to hold the City and its employees harmless from liability of every kind arising out of its (the Association) use or neglect of the leased premises and to assume or reimburse any costs incurred by the City or its employees in defending any such claim even though such claim should eventually be abandoned or defeated.
9. Assignment of Lease: The Association agrees not to assign this lease or sublet any portion of the premises or grant any license to use the same in any way without prior consent of the City in writing.
10. Termination of Lease: The Association agrees that, at the expiration of the lease or earlier termination of the lease, it will yield up the premises in a neat and tenantable condition.
11. Default: In the event of default resulting from the breach of covenant under this lease continued for more than thirty days after notice thereof given in writing by the City, then the City may immediately or at any time thereafter and without demand or further notice enter the premises and repossess the same without any liability for doing so and without any prejudice to any other remedies it may have, and this lease shall thereupon terminate. Any notice to the Association required by this lease shall be sufficiently given if in

writing and directed to the President, or in his absence, the Vice President, of the Association at his home.

Dated:

In the presence of:

CITY OF AUBURN

By _____
Its

NEW AUBURN LITTLE LEAGUE

By _____
Its

City Council

Agenda Information Sheet

Council Meeting Date 2/1/2010 **Agenda Item No.** 4

SUBJECT:

**ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.69 – SETBACKS
IN THE CENTRAL BUSINESS DISTRICT (FIRST READING)**

INFORMATION:

Applicants for projects in the Central Business (CB) District have been requesting setback modifications to fit into the urban environment and continue the downtown appeal with modern development. Those projects include Auburn Hall, Mechanics Row Parking Garage, Riverwatch LLC (Hilton Garden Inn), Auburn Public Library, Great Falls Plaza Hotel and the proposed Great Falls Plaza Municipal Parking Garage. Based on all of the projects in this area requesting modifications, input from citizens and developers, the Auburn Downtown Master Plan, the Auburn Tomorrow Comprehensive Plan, and the purpose statement of the CB Zoning District, it is Staff's opinion that the setback requirements are making it difficult to achieve the City's short and long range goals and plans. The Planning Board reviewed this proposal and requested that the proposal be modified to assure that the City could require adequate sidewalks for new developments. Based on Planning Board's recommendation, the proposed changes now include a reference to existing sidewalk requirements in Chapter 32 to assure that adequate sidewalks are provided as part of any new developments. For additional information, please see the Planning Board staff reports provided for this item.

The Planning Board voted 4-0, with one abstention, to recommend that the City Council adopt the attached ordinance language.

City Council Workshop January 25, 2010

STAFF COMMENTS/RECOMMENDATION:

City Manager recommends approval of first reading.

REQUESTED ACTION:

Motion for acceptance of first reading.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: February 1, 2010

TITLE: ORDINANCE – AMENDMENT TO CHAPTER 29, SECTION 3.69 – SETBACKS IN THE CENTRAL BUSINESS DISTRICT (FIRST READING)

Be It Ordained by the Auburn City Council, That Chapter 29, Section 3.69 be amended as follows:

3.69 Central Business (CB)

- C. **Dimensional Regulations** – All structures in this district, except as noted, shall be subject to the following dimensional regulations:
1. **Minimum Lot Width and Depth** – No minimums shall be applied to buildings in this district.
 2. **Density** – Not more than 80 percent of the total lot area shall be covered by buildings.
 3. **Yard Requirements**
 - a. **Rear** – There shall be behind every building a rear yard having a minimum depth of ~~35~~ 5 feet ~~or 20 percent of the average depth of the lot, whichever is less.~~
 - b. **Side** – All new buildings shall be constructed at least 5 feet from the side property line unless sharing a common wall with an adjacent building.
 - c. **Front** – ~~There shall be in front of every building a front yard having a minimum depth of 20 feet or 20 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of the front yards on the lots on either side. For the purpose of this Section, a vacant lot, a parking lot, a street or a lot occupied by a building with a front yard of more than 20 feet shall be considered as having a front yard of 20 feet. no front yard requirement where adequate sidewalks are available to meet the requirements of Chapter 32 Design and Construction Standards, section 5.J. Sidewalks and Other Walkways.~~

Where adequate right-of-way is not available, setbacks necessary to meet the sidewalk requirements referenced above shall be provided.

- d. **Principal Buildings** – More than one principal building may be erected on a lot provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

Motion for passage for acceptance of first reading:

Seconded by:

Vote:

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: City initiated zoning text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.69.C.3 to reduce the setback requirements in the Central Business District, pursuant to Section 8.1 of Chapter 29.

Date: January 12, 2010

I. HISTORY

The Board discussed this proposal at the September meeting. The item was tabled to modify the language to include a reference to sidewalk standards. This reference is intended to require a larger front setback to accommodate pedestrian sidewalks on private property where adequate right-of-way is not available.

II. PROPOSED LANGUAGE

3.69 Central Business (CB)

C. **Dimensional Regulations** – All structures in this district, except as noted, shall be subject to the following dimensional regulations:

1. **Minimum Lot Width and Depth** – No minimums shall be applied to buildings in this district.
2. **Density** – Not more than 80 percent of the total lot area shall be covered by buildings.
3. **Yard Requirements**
 - a. **Rear** – There shall be behind every building a rear yard having a minimum depth of ~~355~~ feet ~~or 20 percent of the average depth of the lot, whichever is less.~~

- b. **Side** – All new buildings shall be constructed at least 5 feet from the side property line unless sharing a common wall with an adjacent building.
- c. **Front** – ~~There shall be in front of every building a front yard having a minimum depth of 20 feet or 20 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of the front yards on the lots on either side. For the purpose of this Section, a vacant lot, a parking lot, a street or a lot occupied by a building with a front yard of more than 20 feet shall be considered as having a front yard of 20 feet.~~ no front yard requirement where adequate sidewalks are available to meet the requirements of Chapter 32 Design and Construction Standards, section 5.J. Sidewalks and Other Walkways. Where adequate right-of-way is not available, setbacks necessary to meet the sidewalk requirements referenced above shall be provided.
- d. **Principal Buildings** – More than one principal building may be erected on a lot provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

Below is a copy of Chapter 32 Design and Construction Standards, section 5.J. Sidewalks and Other Walkways:

- J. Sidewalks and Other Walkways: It is the policy of the City of Auburn to encourage developers to construct sidewalks as part of all new residential and commercial projects in order to enhance the quality of life, area aesthetics, neighborhood integrity, and to promote alternative, non-motorized modes of transportation.
 - 1. Sidewalks with esplanades shall be provided along one side of all local streets and both sides of all collector, commercial and industrial streets and shall connect with the existing sidewalk network in the vicinity of the development.
 - 2. The Planning Board may require walkways in open space or recreation areas that are designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, and existing sidewalks and walkways in the vicinity.
 - 3. Sidewalks and walkways shall be clear and free of encumbrances.
 - 4. Areas within street right of ways which are reserved for future sidewalks and esplanades shall be designed and graded to the standards and specifications contained herein.
 - 5. Esplanades shall be sloped at 1/2 inch per foot from the sidewalk to the street curb and shall be loamed, seeded, and mulched in accordance with Subsection 6.3,F (4,5, &6).

6. The Planning Board may waive the requirement to build sidewalks under certain circumstances.
 - a. When the developer can demonstrate to the Planning Board's satisfaction that the nature of the development does not lend itself to pedestrian uses by the residents, employees, or the public;
 - b. When the developer can demonstrate that the cost of building the sidewalk makes the project financially impossible (i.e. the developer has sufficient financing for the project except for the cost directly attributable to the construction of the sidewalks);
 - c. With respect to residential developments, if there are no existing sidewalks in the proximity of the development and the City has no plans to construct sidewalks that would connect to the proposed development, the Planning Board may waive the requirement at the developer's request.

If the City does have plans to construct new sidewalks that would connect to the proposed development, then the Planning Board shall require the developer to place an amount in interest bearing escrow sufficient to fund the cost of constructing sidewalks within the development. If the City has not budgeted the new connecting sidewalk within 5 years after the development has been completed, at the request of the developer to the City Manager, the City shall return the money held in escrow, plus interest.

I look forward to discussing this with the Board and hope that we can finalize recommended language at the hearing.

Eric Cousens
City Planner

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: City initiated zoning text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.69.C.3 to reduce the setback requirements in the Central Business District, pursuant to Section 8.1 of Chapter 29.

Date: September 9, 2009

I. HISTORY

Applicants for projects in the Central Business (CB) District have been requesting setback modifications to fit into the urban environment and continue the downtown appeal with modern development. Those projects include Auburn Hall, Mechanics Row Parking Garage, Riverwatch LLC (Hilton Garden Inn), Auburn Public Library, Great Falls Plaza Hotel and the proposed Great Falls Plaza Municipal Parking Garage. Based on all of the projects in this area requesting modifications, input from citizens and developers, the Auburn Downtown Master Plan, the Auburn Tomorrow Comprehensive Plan, and the purpose statement of the CB Zoning District, Staff opines that the setback requirements are making it difficult to achieve the City's short and long range goals and plans.

II. PLAN SECTIONS

Auburn Downtown Master Plan (ADAPT) Land Use and Zoning Analysis (Page 5)

The **Central Business Zone** (Pink) is not as uniformly developed as the other two zones in the study area. This zone has a number of distinctive historic buildings, and in contrast, a variety of new types of development and large open spaces dedicated to parking. With the exception of the historic district this area appears to be on the verge of becoming suburbanized, and an extension of the General Business District. In order to arrest this trend it will be important for the City to exercise all of its power, authority and influence in discouraging the further loss of historic buildings and developing alternatives to seas of surface parking within the core of the City. The City should adopt definitive design guidelines for this zone that address the character and style of new buildings, signage, parking, landscaping and lighting. Over the long term areas that are now large open surface parking lots should be developed with new buildings or structured parking. In addition to physical design guidelines, the City should create incentives for creating ground floor uses that are "people generators" - restaurants, galleries, boutiques, shops, office service centers. Parking regulations should be structured so that it is easy and inexpensive to park long term in more remote areas and convenient but more expensive to park in short-term parking areas.

3. <u>Commercial Mix</u> . Allow maximum use of existing commercial areas.	A. <u>Development Mixture</u> . Continue to allow, encourage and expand a diversity of uses (mixed uses) in commercial areas.	Community Development and Planning/Ongoing
	B. <u>Intensity</u> . Allow commercial uses to be used more intensively.	Planning Board, City Council/1997
	C. <u>Downtown</u> . Continue to allow and encourage high value, intensive uses in the downtown. Encourage a pedestrian-oriented environment.	

III. PROPOSED LANGUAGE

3.69 Central Business (CB)

- A. **Purpose** – This district is intended to provide for the diversity of uses appropriate and compatible with the City’s historic center and central business district. It seeks to preserve and promote the variety of interrelated uses present in or appropriate to the district; a city-wide and regional marketplace, light industry area, medium to high density residential environment and major focus of governmental, civic, meeting, entertainment and culture activity.
- B. **Use Regulations** –
1. **Permitted Uses** – The following uses are permitted:
 - a. All uses permitted in General Business (GB) District except warehouses, wholesale offices and animal hospitals.
 - b. All uses permitted in the Multi-Family Urban (MFU) District.
 - c. Delicatessens and similar carry-out restaurants.
 - d. Temporary outdoor places of amusement.
 2. **Special Exception Uses** – The following uses are permitted as Special Exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2:
 - a. Any use permitted by Special Exception in the General Business (GB) District except: automobile sales lots and service agencies, automobile scrap yards, outdoor theaters, automobile paint and body repair shops, commercial parks and outdoor places of amusement and sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers and machine equipment and carry-out restaurants.
 - b. Any use permitted by Special Exception in the Multi-Family Urban (MFU) District.

- c. All new construction and expansions of existing buildings. In the review of these developments, the Planning Board shall consider the development guidelines in Section 3.69.D.
 - d. Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under Section 3.69.B.1 which will occupy an area of 5,000 square feet or more.
- C. **Dimensional Regulations** – All structures in this district, except as noted, shall be subject to the following dimensional regulations:
- 1. **Minimum Lot Width and Depth** – No minimums shall be applied to buildings in this district.
 - 2. **Density** – Not more than 80 percent of the total lot area shall be covered by buildings.
 - 3. **Yard Requirements**
 - a. **Rear** – There shall be behind every building a rear yard having a minimum depth of ~~355~~ feet ~~or 20 percent of the average depth of the lot, whichever is less.~~
 - b. **Side** – All new buildings shall be constructed at least 5 feet from the side property line unless sharing a common wall with an adjacent building.
 - c. **Front** – There shall be ~~in front of every building a front yard having a minimum depth of 20 feet or 20 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of the front yards on the lots on either side. For the purpose of this Section, a vacant lot, a parking lot, a street or a lot occupied by a building with a front yard of more than 20 feet shall be considered as having a front yard of 20 feet.~~ no front yard requirement.
 - d. **Principal Buildings** – More than one principal building may be erected on a lot provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

III. RECOMMENDATION:

We have a unique opportunity, thanks to Urban Renewal Plans of the 1960's, to choose to develop the remainder of our downtown in a way that is consistent with the historic areas or to

move in a more suburban direction. The public input and extensive planning processes of the Auburn Tomorrow-Comprehensive Plan and especially the ADAPT Plan have clearly stated that the suburbanization of the Central Business District is not desirable. The current setback requirements of the CB District are similar to the General Business (GB) Zoning District. The current requirements are encouraging buildings to be set back from the street and rear property lines and promoting a suburban style of development when modifications of the requirements are not in place. We have developers and long range plans asking for the same thing-to develop the remaining land in the downtown in a way that is consistent with the historic portions of the downtown. Providing public parking will be a key component of realizing the goals set out in the above mentioned plans.

Staff recommends that the Board consider public input and existing conditions/situations in the CB District and support or modify the proposed language based on that information.

Staff supports the adoption of the proposed language, with any Board modifications, and recommends that the Planning Board forward a favorable recommendation to the City Council to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.62 Central Business to reduce setback requirements in an effort to avoid suburbanization of the district and promote a pedestrian friendly traditional downtown, as shown above, pursuant to Section 8.1 of Chapter 29.

Eric Cousens
City Planner

City Council

Agenda Information Sheet

Council Meeting Date 1/19/2010

Agenda Item No. 5

SUBJECT:

**RESOLVE – AMENDMENT TO THE URBAN CONDITIONS STUDY OF 1994
(BLIGHT STUDY)**

INFORMATION:

All activities funded by the Community Development Program must qualify under one of two national objectives, low-income benefit or elimination of blight. In order to qualify for the blight objective on an area basis, a community must maintain documentation that follows a definition of blight under State law. The documentation must conclude that the area exhibits physical signs of blight and must define the boundaries of the areas and conditions which qualified the area at the time of designation. The Urban Conditions Study accomplishes this requirement.

The study was last updated in 1994. In conducting the update, staff defined the study areas, assessed every other property within these areas, and reviewed the score of each street. Based on objective criteria, the boundaries of each target area was redefined. Four target areas were slightly expanded, and the Sandy Beach Target Area was slightly contracted.

City Council Workshop January 19, 2010

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: February 2, 2010

**TITLE: RESOLVE – AMENDMENT TO THE URBAN CONDITIONS
STUDY OF 1994 (BLIGHT STUDY)**

Be It Resolved by the Auburn City Council, That the Urban Conditions Study of 1994 be amended as recommended by Community Development staff. A copy of the document is attached to and hereby made a part of this resolve.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

UPDATE TO
URBAN CONDITIONS STUDY OF 1994
CITY OF AUBURN

COMMUNITY DEVELOPMENT DEPARTMENT

JANUARY 2010

BACKGROUND

According to the Community Development Program regulations, all activities must meet a national objective, low-income benefit or elimination of blight. To qualify under the objective of blight on an area basis, the City of Auburn must meet a definition of blight under State law, the area must exhibit physical signs of blight, and documentation must be maintained on the boundaries of the area and the conditions which qualified the area at the time of designation. Further, activities must address one or more of the conditions which contributed to the deterioration of the area.

Two activities of the Community Development Program which utilize blight on an area basis are acquisition/demolition and rehabilitation of housing. Since these are significant activities under our Community Development Program, it is important to maintain the target area designation. The last evaluation of blight was done in 1994. The U. S. Department of Housing and Urban Development has requested that the Community Development Department update the study.

The previous study, Urban Conditions Study of 1994, accomplished two objectives: 1) the study provided a definition of blight and 2) an evaluated of certain areas to re-establish target areas. Blight is defined as the “characteristics of the built and natural environment that have deteriorated to the point that they constitute a threat to the public health, safety, and welfare; contribute to the physical and economic deterioration of neighborhoods, or result in the degradation of the quality of life in the City of Auburn”. The study assessed blighting influences and infrastructure conditions in five neighborhoods. The assessment included a review of the following:

- Buildings,
- access, circulation and parking,
- land use conformance and compatibility,
- open space/recreation,
- aesthetics and appearance,
- handicapped accessibility, and
- street condition and infrastructure.

Under this comprehensive approach the Community Development target areas were redefined.

In September, 2009, the Community Development Department undertook an update of the Urban Conditions Study. The focus of the update was on building condition as the primary contributor of blight. Buildings have the most potential to change over relatively short periods of time. The additional blight conditions identified by the Urban Conditions Study remain as a useful baseline assessment. However, changes to those conditions are considered secondary

and ones which, even though improved, cannot overcome the limitations of the structural environment.

METHODOLOGY

With the assistance from the City's Community Services Department, staff produced maps of existing target areas. These areas were expanded to include the immediate adjacent blocks. The five areas, Downtown, Union Street, New Auburn, Hotel/Poland Roads, and Sandy Beach, involve over 1700 properties. To make the evaluation more manageable and still meaningful, it was decided that every other property would be surveyed.

As a result of a windshield view of neighborhoods, two additional neighborhoods were identified, Pride/Glendale and Baxter/Taft (See Attachment A for all seven areas).

The following exterior building features were included in the evaluation of each building:

- Porch/deck
- Stairs – exterior accesses and egresses
- Rails and balusters
- Windows
- Exterior surface
- Paint
- Roof
- Chimney
- Foundation
- Doors
- Out building
- Parking
- Structural condition
- Grounds

The characteristics of each feature assessed is included as Attachment B.

Properties received a 1-4 rating based on the ranking criteria used in the 1994 study as follows:

- 4 = No evidence of disrepair;
- 3= Some evidence of deterioration and present need for repair;
- 2 = Extensive deterioration and evidence of a prolonged condition of disrepair;
- 1 = Representative of a threat to safety or welfare.

In September and October of 2009, 875 properties were assessed. Each property was given a numeric average. An average was calculated for each street and for each target area as a whole (See Attachment C). Blighted areas were determined by neighborhoods in which the average score was less than 3.4. This is similar to the score of the 1994 study which used a 3.5

rating. This survey methodology will be used to determine spot blight on individual properties outside the targeted areas.

From the street averages, staff could see that some of the outlying streets were higher than others. Maps were color coded for properties above 3.4 and those below 3.4 to further clarify areas that should be excluded from target areas. Average ratings for the resulting neighborhoods varied from 3.02 to 3.27. Two newly surveyed areas, Pride/Glendale and Baxter/Taft, were eliminated since the average score was above 3.4. However, the process of evaluating these two neighborhoods and the resulting conclusion served to validate the methodology.

The following chart shows the percentage of the revised target areas:

Target Area	Total Buildings	Percent of Properties Scoring Below 3.4
New Auburn	180	63%
Union Street	225	81%
Downtown	127	88%
Sandy Beach	27	59%
Hotel Road	50	70%

FINDINGS:

As a result of this evaluation, a final determination was made to modify the original target areas as follows:

- 1) Expand the Downtown Target Area to include South Goff, South Street, Prospect and half of Forest Avenue.
- 2) Expand the New Auburn Target Area from Gill Street to Mary Carroll.
- 3) Expand the Union Street Area from Dennison Street to Rowe Street and a section of Gamage Avenue.
- 4) Remove from the Sandy Beach Target Area the shorefront properties on Terrace Road and eliminate Chicoine Avenue.
- 5) Remove Poliquin, Huard, Maple Point, Brann, and Royal Street from the Manley Road Target Area.

Attachment D includes the revised target areas based on this study.

City Council

Agenda Information Sheet

Council Meeting Date 2/1/2010 **Agenda Item No.** 6

SUBJECT:

**PUBLIC HEARING – SPECIAL AMUSEMENT PERMIT APPLICATION FOR
BABYLON, 34 COURT STREET**

INFORMATION:

Babylon located at 34 Court Street, is applying for renewal of their Special Amusement Permit. Fire, Planning and Permitting, and the Treasurer have all approve the application. The Police Department has also approved the application, but with concerns. Chief Crowell will be present at the meeting on Monday to discuss these concerns and answer any questions of the City Council.

STAFF COMMENTS/RECOMMENDATION:

The City Manager recommends approval of the permit.

REQUESTED ACTION:

Motion for approval of the permit.

VOTE:
