



## City of Auburn, Maine

Office of Planning & Permitting

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Date: January 5, 2024

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

**Subject: Staff Report on Comprehensive Plan Map Amendment**

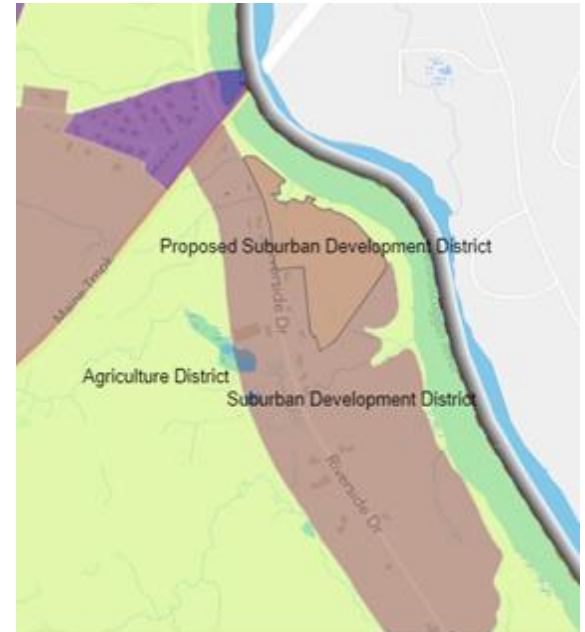
### **I. Proposal: Public Hearing/ Comprehensive Plan Map**

**Amendment:** Consider amending the Future Land Use Plan map in the Comprehensive Plan to designate City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use as Suburban Development District. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. This map amendment is supported in the text of the Comprehensive Plan.

**II. Background:** In November, the Planning Board considered a petition signed by at least 25 registered Auburn voters to amend the zoning map for Parcel I.D. 174-004-001 along Riverside Drive. The parcel to be rezoned belongs to Robert Gagnon and was one of three parcels designated Agriculture and Resource Protection (AG or AGRP) with zone boundaries following these three property lines instead of the Low-Density Rural Residence or Rural Residential (RR) zoning district following the FEMA flood plain map (not the property lines) as are the parcels extending south along Riverside Drive after crossing under the Maine Turnpike. Mr. Gagnon's proposed amendment is a parcel between two other parcels which are currently zoned AGRP.

The Planning Board questioned whether changing the zoning of just Mr. Gagnon's parcel would constitute a spot zone. The Board tabled the decision in December and asked to review a map that follows the FEMA floodplain and includes amending the zoning of both abutting parcels from AGRP to RR in addition to the petitioned parcel. The total zoning map amendment consideration at this time became changing 18.2 +/- acres from AGRP to RR. They concluded the following parcels:

- PID 174-004 1.30 Acres
- PID 174-004-001 9.50 Acres
- PID 174-004-002 7.40 Acres



#### **Future Land Use - 2021 Update**

- Traditional Neighborhood Development District
- Conservation/Open Space
- Suburban Development District
- Commercial Development District
- Form-Based Code Development District
- Agriculture District
- Residential Development District
- Rural Development District
- Industrial Development District
- Commercial Form-Based Code Gateway Development District (Union/Center/Turner)
- Commercial Form-Based Code Gateway Development District (Washington Street)
- Other

Zoning map amendments are recommended by the Planning Board if they follow the Comprehensive Plan text and general land use development patterns. "The Future Land

Use Plan (FLUP) shows graphically how the City's land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade".

At the December meeting, the city staff recommended amending the zoning map from AGRP to RR on the above listed three parcels following the floodplain because this would continue the zoning pattern existing south along abutting parcels on Riverside Drive. The board instead asked the city staff to prepare a Future Land Use Plan (FLUP) amendment updating the future development pattern on the three parcels from the Agriculture District to the Suburban Development District, which follows the same boundaries as the current designated RR zoning district. The zoning change may be recommended by the board with or without a recommendation to also amend the Comprehensive Plan, because the board has the flexibility, designated in its language to generally guide development, chapter 2 states, *"The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that the FLUP will guide near-term revisions to the city's zoning ordinance and maps to ensuring the city's land use regulations are consistent with the policies set forth in this Comprehensive Plan. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate."*

The Planning Board asked to consider a Comprehensive Plan amendment to reflect the development pattern along the rest of the Riverside Drive. Recommending zoning map amendments alone is within the Planning Board's range of authority, as is recommending amendments to the Comprehensive Plan, including the Future Land Use Plan. Sec. 2-475(2)- Jurisdiction and authority states that among other powers, the Planning Board has the jurisdiction and authority to *"prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary."*

Amending the Comprehensive Plan is consistent with the text and authority allotted within the Comprehensive Plan and is consistent with existing land use patterns. Chapter 2, Sec. 1 of the Auburn Comprehensive Plan specifies that *"The Suburban Development District (SD) allows for the development of a limited range of residential and community uses at a density of 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water. The Suburban Development District generally follows the boundaries of the Suburban Residence and Multifamily Suburban zoning Districts"*. One exception is along Riverside Drive, where the Suburban Development District follows the existing RR district abutting the three parcels considered. RR is a lower density and intensity use than SR.

**III. Planning Board Action:** Staff recommends that the Planning Board hold a public hearing and make a favorable recommendation to the city council to amend the Comprehensive Plan.

**IV. Suggested Finding of Fact:**

1. The proposed amendment aligns with the growth pattern existing across along Riverside Drive

2. Sec. 2-475(2)- Jurisdiction and authority states that among other powers, the Planning Board has the jurisdiction and authority to prepare and recommend to the city council changes in and amendments to the Comprehensive Plan as necessary.
3. The proposed future land use plan amendment is supported by the text of the Comprehensive Plan.

**V. Suggested Motion:** I make a motion to recommend amending the Future Land Use Plan map in the Comprehensive Plan to designate parts of City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use from Agriculture District to Suburban Development District following the FEMA 1% chance annual floodplain boundary as shown on the attached sketch map prepared for the January 9<sup>th</sup>, 2024, Planning Board meeting.