

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Auburn Planning Board

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

Re: Special Exception and Site Plan Review for a:
Family Dollar Store proposed at 850 Minot Ave., (PID # 207-078)

Date: March 11, 2014

I. PROPOSAL:

Ransom Engineering, an agent for Hunt Real Estate Services, is applying for a Special Exception and Site Plan Review approval to construct a Family Dollar Store at 850 Minot Avenue (PID # 207-078), pursuant to Chapter 60, Sections 60-525 (b) (14); (Minot Avenue GB II District), 60-1301 (Site Plan Review) and 60-1335 (Special Exception) of the City of Auburn Ordinances

The subject property is located in the Minot Avenue, General Business II zoning district. The Family Dollar Store is a general retail use in this zone, which is allowed as a permitted use. However, because the proposed building is 8,320 square feet, the following Special Exception section applies:

Sections 60-525 (b) (14)- "Any new building of **5,000 square feet or more** or any existing building which proposes a use permitted under section 60-499 (a), which will occupy an area of 5,000 square feet or more."

The Planning Board will review this application both as a Special Exception and as a Site Plan Review. In addition, the applicant is requesting a waiver of the required 35 foot rear yard setback in the GBII zone. They are requesting the rear yard setback to be reduced by 5 feet to 30 feet in order to create more space for a storefront sidewalk and vehicle movement in the front parking lot drive aisle.

II. DEPARTMENT REVIEWS:

Police Department:

No Comment.

Water and Sewer District:

The Water and Sewer District raised concern over the location of a concrete utility pad near an existing sanitary sewer easement. The applicant has moved that utility pad to the rear portion of the building where no utility easement conflict exists. The site plan also includes a relocated utility pole close to the existing sanitary sewer easement along the western boundary of the property.

Engineering Department:

The applicant has worked with the Engineering Department to resolve the relocation of a 42" storm water line and easement to create space for the building. The storm water pipe would be relocated to the center of the parking and vehicle movement area which, in turn allows for parking area's drainage to flow directly into drain inlets over the storm water pipe. Family Dollar will be responsible for the maintenance of the drain inlets and basins.

Fire Department:

No Comment.

Public Works / Traffic:

No Comments.

Planning Department:

At a preliminary meeting on 10/21/13 with the applicant and City Engineering, the following issues were identified and discussed:

1. Status of Swett Avenue and Foss Street, both paper streets.
2. The need to relocate an existing storm water pipe and easement running through the middle of the property.
3. Traffic generated from the project and whether a traffic study would be needed.
4. Traffic flow through the project including loading area, direction of trucks, access into the project from Minot Avenue and Hotel Road.
5. Permitting requirements.
6. An adjacent residential property that will need to be screened.
7. Environmental issues (wetlands, grading on site).
8. Signage, lighting and sidewalks.

These issues were addressed by the applicant in their 2/7/14 application. After an initial review, the staff determined that the application was complete.

III. WAIVER REQUEST- The applicant is seeking a waiver of the required 35 foot rear yard setback in the GBII zone to be reduced to 30 feet in order to allow for a wider storefront sidewalk for pedestrians and for a wider parking lot drive aisle for safer vehicular movement. The Planning Board should evaluate the waiver request based on how it meets (A) the purpose and (B) objectives of the Site Plan Review Law and to include findings justifying the decision. The applicant discusses the waiver request in more detail on page 4 of the application.

“Site Plan Review Law-

(A) Sec. 60-1276. Purpose.

The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to city, neighborhood or the environment.”

Will granting the waiver (reducing the rear year set-back from 35' to 30') cause the design and layout of the project to be detrimental to the city, neighborhood or environment?

Staff Opinion- “NO”

(B) 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 environmental features on the site and in adjacent areas.*

Planning Board Consideration of the Waiver (reducing the rear yard set-back from 35' to 30') is based on meeting the 4 Objectives of the Site Plan Review Law (noted above).

Staff Recommends: **Approval** of Waiver Request based on these findings:

1. The limited rear yard set-back modification from 35' to 30' will ensure the design and layout of the storefront sidewalk and parking lot drive aisle will constitute a suitable development and will not be detrimental to the city, neighborhood or the environment and the proposal will improve the convenience and safety of vehicular and pedestrian movement within the site.
2. Reducing the rear yard set-back will not be detrimental to the city, neighborhood or environment as the adjacent property to the rear affected by the reduced rear yard setback is a non-buildable wetland.

State Waiver Request- The applicant will be seeking a waiver from Maine DOT of the 20 foot set-back for a sign along the State ROW of Minot Avenue. The City of Auburn has no jurisdiction in this matter.

IV. SITE PLAN REVIEW: (Sec. 60-1301 Scale; Required Information, items 1-24)

The applicant submitted a Site Plan application that included a Development Review Checklist that was reviewed by staff. The following comments apply on these items where necessary:

9. The applicant is working with the Fire Safety Inspector to meet fire protection standards.
12. The applicant's traffic engineer reports the AM peak trip ends at 6 and the PM peak trip ends at 42 trips, which is under the threshold trip generation of 100 trip ends. No Maine DOT Traffic Movement Permit is necessary. Sidewalks are not planned for the south side of Minot Ave.
14. The project will not require a Stormwater Law Permit but will have an erosion control plan.

"Sec. 60-1304. Site Plan—Public hearing; findings.

The planning board shall, within 30 days of receipt of a completed application, hold a public hearing. Notice of a hearing shall be given in the manner provided for in division 3 of article XVII of this chapter. The planning board will take final action on the site plan within 60 days of receiving a completed application, or within such other time limit as may be mutually agreed to. Such final action shall consist of:

- (1) *A finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment"*

Staff Recommendation of Site Plan Review: **APPROVAL** with the finding:

1. The Site Plan for the Family Dollar Store meets the requirements of Sec. 60-1301 and
2. The Site Plan for the Family Dollar store constitutes a suitable development and will not result in a detriment to the city, neighborhood or the environment.

- V. SPECIAL EXCEPTION REVIEW: The staff reviewed the required conditions in the Special Exception Review Law (Sec. 60-1336 Conditions) and makes these findings for **APPROVAL**:
- a. The Special Exception sought meets the requirements of the Zoning Ordinance relative to the exception.
 - b. The Special Exception sought will not create or aggravate a traffic hazard, a fire hazard or any other safety hazard.
 - c. The proposed Special Exception sought will not block or hamper the Comprehensive Plan's recommendation for highway circulation or of planned major public or semi-public land acquisition.
 - d. The subject property is situated in the Minot Avenue General Business II zone and the proposed use is consistent with this zoning classification. The exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of the property adjoining and neighboring the property under application.
 - e. The proposal makes reasonable provisions for storm water management, onsite parking, road access, vehicle maneuvering areas, landscaping and screening, sewerage and solid waste disposal, water supply, fire safety and grounds maintenance.
 - f. The standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of Chapter 60.
 - g. All essential city services, which will be required for the project, are presently available or can be made available without disrupting the City's Comprehensive Plan.
 - h. It has been determined that the proposed project satisfies the objectives of Special Exception review and will constitute a suitable development and will not result in a detriment to the neighborhood or the environment. This determination is based upon the above noted findings.

VI. STAFF RECOMMENDATION:

Based upon the findings noted above, Staff recommends that the Planning Board **APPROVE** the Special Exception request to construct a 8,320 square foot Family Dollar Store at 850 Minot Avenue pursuant to Section 60-578(a)(14) & Section 60-578(b)(35) of the Ordinances of the City of Auburn, with the following conditions:

- a. The building shall meet or exceed the National Fire Protection Association and the American Insurance Association Fire Prevention Codes and any state/local rules, regulations and/or ordinances.
- b. Prior to the start of site work the developer must contact the Engineering Division regarding a Notice to Proceed.
- c. Prior to the issuance of an occupancy permit the applicant shall submit an "as built" plan and a copy of the plans on a diskette.
- d. Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal.


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