

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene, City Planner

Re: New Academic Building at Central Maine Community College

Date: April 8, 2014

I. PROPOSAL:

Harriman Associates, an agent for Central Maine Community College (CMCC), is seeking a Site Plan and Special Exception approval to construct a New Academic Building at 1250 Turner Road (PID # 299-003), pursuant to Chapter 60, Sections 60-255 (b) (1) and 60-229 (b),(13) and 60-1301 and 60-1336 of the City of Auburn Ordinances.

CMCC is proposing to construct a new 4 story building with a 6,230 s.f. footprint and 23,254 s.f. of total building area. Also included in the proposal are a small 50 seat amphitheater, new walkways and an 11 space parking area. The Community College is not creating new classrooms, but is moving existing classroom space to the 2nd, 3rd and 4th floors and adding new administrative office space on the 1st floor. The new construction will create a small increase in impervious area from 806,350 s.f. to 816,450 s.f.; an increase of 0.18%.

As CMCC has grown, different phases of development reached the size and threshold of development that triggered State review of Traffic, Site Planning and Storm Water Permitting. However, this development proposal is not attracting new students, more cars and, as mentioned earlier, is not creating a significant amount of new impervious area. The City of Auburn, on behalf of CMCC, requested the State Department of Environmental Protection allow the City to be delegated the local review authority. This request was granted by the State in a letter dated March 20, 2014 from Daniel Courtemanch of DEP.

The applicant, CMCC has also requested 3 waivers. One is to the Planning Board for a waiver of the allowable height of the building in the Suburban Residential zone. The current maximum height in that zone is 35 feet or 2 ½ stories and the new building is proposed to be 75 feet tall. The other two waiver requests are directed to the City Engineer. One is for a waiver of a Traffic Impact Study; due to the minimal increase in students and traffic and the other for a waiver of bonding and inspection fees.

II. DEPARTMENT REVIEW-
Police- No Comments.

Fire Department- Comments from the Auburn Fire Department are pending

Auburn Water and Sewer District- In a 3/25/14 memo, the Auburn Water and Sewer, questions were raised regarding capacity of storm water piping, requirements for new water meters and fee schedules.

Engineering- The applicant has requested a waiver to the Site Plan Review requirement of a full traffic study. Based on the anticipated negligible traffic impacts of this project a waiver has been granted.

The applicant has provided storm water management and erosion control plans that address the DEP Chapter 500 and 502 rules for a Site Location of Development Amendment.

Chapter 46 of the City of Auburn Code of Ordinances requires the developer of projects approved by the planning board to provide bonding and pay inspection fees to cover those site improvements which have public impacts. Due to the State funding requirements for bonding CMCC has historically requested, and been granted, a waiver to our bonding and inspection fee requirements. The applicant should seek a waiver from the City Manager.

Planning- At preliminary review meetings the following issues were discussed: *(response to the issues is in italics and parenthesis)*

- The proposed development's impact on the Lake Auburn Watershed. *(The project area is not in the Lake Auburn Watershed and will not require a Phosphorus Control Plan)*
- The proposed development's impact on, traffic. *(The new development will not generate new student population or new trips)*
- The proposed development's impact on parking. *(The new development will not generate new student population or new trips. 12 additional parking spaces are proposed as well)*
- State DEP review of storm water and site law. *(The State DEP has approved the delegated local review of the project to the City of Auburn)*
- The proposed project's building height. *(The new building is proposed to be 65' tall and will require a waiver by the Planning Board. This issue will be addressed in the STAFF RECOMMENDATIONS.)*
- Access to the rear of the building by fire trucks. *(CMCC has modified the plan to allow access by fire trucks to the rear of the building to the satisfaction of the Fire Department.)*

III. PLANNING BOARD ACTIONS- The Planning Board will need to take action on a Waiver Request, a Site Plan Review and a Special Exception request

A. Waiver Requests-

1. Waiver of Building Height- The applicant is seeking a waiver to increase the 35' maximum building height in the Suburban Residential zone to 75' to allow for a four story building. The justifications for the waiver from the applicant are:

- The proposed building height will help define the new entry focal point for visitors upon arrival at the College.
- There is already a provision in the Suburban Residential zone for accessory building to be up to 65' in height as long as setbacks are increased by a foot for each foot of height over 35'. The proposed building is 350' from the nearest boundary.
- The proposed 75' tall building is not in the sight line of any neighbors.

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 (Increasing the building height from 35' to 75') 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.*

Will granting the height waiver meet the 4 Objectives of the Site Plan Review Law? **Staff Opinion- “YES”**

2. Waiver of Traffic Impact Study- This waiver is under the jurisdiction of the Engineering Department and has been approved.

3. Waiver of Bonding and Inspection Fees- This waiver has been granted in the past by and will need to be approved by the City Manager.

SITE PLAN- A Site Plan is required as part of a Special Exception review. The applicant met the requirements of the Site Plan Ordinance 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; (Staff Comment: This project meets the provisions of Objective 1.)

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; (Staff Comment: This project meets the provisions of Objective 2.)

(3) Adequacy of the methods of disposal for wastes ; (Staff Comment: This project meets the provisions of Objective 3)

(4) Protection of environment features on the site and in adjacent areas. (Staff Comment: This project meets the provisions of Objective 4.)

SPECIAL EXCEPTION- A Special Exception is defined in the Zoning Ordinance 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.”** (Page 14) The area proposed for this development is located in the Suburban Residential zoning district, which lists “Schools” as a special exception (carryover from Rural Residence Zone.) In addition, the proposed new building is over 5,000 square feet in size, which is also a Special Exception.

The zoning ordinance lists the conditions needed for a Special Exception approval in:

Sec. 60-1336. Conditions-

(a) 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. (Staff Comment: This project meets the provisions of Condition 1.)

(2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard. (Staff Comment: This project meets the provisions of Condition 2 with the exception that no development activity shall occur without the approval of the Auburn Fire Department.)

(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. (Staff Comment: This project meets the provisions of Condition 3.)

(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. (Staff Comment: This project meets the provisions of Condition 4.)

(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. (Staff Comment: This project meets the provisions of Condition 5 subject to approval from Auburn Water and Sewer District and the Auburn Fire Department)

(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. (Staff Comment: This project meets the provisions of Condition 6.)

(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. (Staff Comment: This project meets the provisions of Condition 7.)

IV. STAFF RECOMMENDATION

A. **Waiver of Maximum Height**- The Staff recommends the Planning Board **APPROVE** the waiver request to increase the proposed building height from 35' to 75' as the request meets the purpose and objectives of the Site Plan Review Law (**Sec. 60-1276 and 1277**) based on the following findings:

- The proposed building height will help define the new entry focal point for visitors upon arrival at the College
- There is already a provision in the Suburban Residential zone for accessory building to be up to 65' in height as long as setbacks are increased by a foot for each foot of height over 35'. The proposed building is 350' from the nearest boundary.
- The proposed 75' tall building is not in the sight line of any neighbors.
- Granting the waiver of the building height from 35' to 75' will not cause the design and layout of the project to be detrimental to the city, neighborhood or environment.

B. **Site Plan Review**- The Staff recommends the Planning Board **APPROVE** the Site Plan Review for the proposed development of a new academic building at Central Maine Community College as the Site Plan meets the requirements of the Site Plan Law **Sec. 60-1277** based on the findings that:

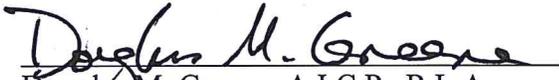
- The development has made provisions to protect adjacent areas against detrimental or offensive uses and will provide adequate surface water drainage and buffers against unwanted light, sound, dust and vibration and the preservation of light and air.
- The development has made provisions for safe vehicular and pedestrian movement within the site and adjacent areas.
- The development has made provisions for adequate disposal of wastes and the protection of environmental features of the site and adjacent areas.

C. **Special Exception**- The Staff recommends the Planning Board **APPROVE** the Special Exception for a new academic building at Central Maine Community College (school) as the application meets the requirements of **Special Exception Law, Section 60-1336** based on the findings that:

- The proposal fulfills the requirements of the Suburban Residential zone, with the exception of the building height, which is subject to a waiver approval.
- The proposed development will not create a traffic, fire or other safety hazard.
- Granting the Special Exception will not be an impediment to the implementation of the 2010 Comprehensive Plan.
- The proposed development will not have a negative effect on the characteristics or values of the neighborhood.
- The proposed development provides adequate area, open and green space, storm water management, parking, landscaping, building separation, water supply and building separation and the provision of maintenance of all of the above.
- The standards imposed are at least as stringent as those elsewhere imposed by the city.
- Essential services are available.

The recommendation of **APPROVAL** for the Site Plan and Special Exception are made subject to the following conditions:

1. Approval by Auburn Fire Department of fire protection.
2. Approval by Auburn Water and Sewer District of storm water management, sanitary sewer and water utilities.
3. Approval of waiver request of bonding and inspection fees by the City Manager.


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City Planner