

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: Special Exception, Site Plan Review and Variance Request for St. Louis Church,
located at 24 Dunn Street.

Date: November 13, 2104

- I. PROPOSAL- Studio A Architecture, an agent for the Roman Catholic Bishop of Portland is seeking approval of a Special Exception and Site Plan Review application to revise lotting and associated variance request of a side yard setback for the St. Louis Church property at 24 Dunn Street, pursuant to Chapter 60, Sections 60-1301; 60-1312 and 60-1336 of the City of Auburn Ordinances.

The St. Louis Church in New Auburn has been an important part of the community since opening its doors in 1902. It survived the great fire of New Auburn in the 30's and has long served the spiritual and material needs of its congregation and neighborhood. Today, however, it is threatened with demolition as it can no longer sustain itself as a church.

The primary purpose of this application is split the current lot that has a convent and church on it into separate lots. In order to do that a variance is needed to allow the buildings to remain closer than the current zoning allows. After working with the Planning Staff, it was determined the best approach to take would be to bring the request before the Planning Board using a Special Exception and Site Plan Review. Churches are a Special Exception in the Multi-Family Urban zone. The waiting buyers want to save the church for some kind of mixed use that is yet undetermined. Through a process of open meetings and public input, it is hoped that a feasible plan can be developed that will allow the church to continue to serve the area but in a different way. Once a new proposal has been created, it will come back to the Planning Board for approval.

ZONING- The current zoning of the property is Multi-Family Urban. Normally, the side yard setback is 15 feet from the property line. The current buildings are approximately 15 feet apart. Currently a breezeway and roof connect the two buildings.

II. DEPARTMENT REVIEW-

- a. Police- No Comment

- b. Auburn Water and Sewer- No Comment
- c. Fire Department- No Comment
- d. Engineering- No Comments

III. PLANNING BOARD ACTION- The Planning Board is being asked to review the submitted plan as a Special Exception and Site Plan Review. Because there is no change in use as part of this proposal, the staff will not go through a detailed review.

- A. SITE PLAN REVIEW- In considering a site plan, the planning board shall make findings that the development meets the objectives of Sec. 60-1277 Site Plan Objectives:
 - (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.

There are no material changes to the site except the removal of a breezeway in the area of the variance request so, in the staff's opinion, the application meets the objectives of Section 60-1277, Site Plan Law.

- B. SPECIAL EXCEPTION- The following conditions should be met in order for the Planning Board to approve the Special Exception as per Section 60-1336 Special Exception, Conditions.
 - (1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception. (Subject to Variance approval)
 - (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.

The staff agrees that the application meets the conditions of Section 60-1336, Special Exception, subject to the Variance approval by the Planning Board. Note condition 4 especially is relevant to this application, as preserving the St. Louis Church will protect the essential character of the neighborhood.

C. VARIANCE REQUEST- The Site Plan Law in Section 60-1312 Review of planning board needed for variance states:

For those developments subject to site plan review (Division 2 of article XVI of this chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the planning board. The modifications of the dimensional requirements shall be allowed as the planning board may deem necessary to carry out the objectives and intent of site plan review as specified in Division 2 of article XVI (Site Plan Law) of this chapter.

The staff feels that the granting the variance request to allow the side yard setback to go from 15 feet to 6 ½ feet will not hamper the development from meeting the objectives of Section 60-1277.

IV. STAFF RECOMMENDATION-

The staff is pleased to see an opportunity to save an iconic part of New Auburn's heart and soul. Our recommendation is not based on emotion however, and the applicant must meet the intent of the law. We do find that the application for the St. Louis Church meets the objectives of the Site Plan Law, Section 60-1277 and meets the conditions of the Special Exception Law, Section 1336, and recommend APPROVAL, subject to the Variance approval. The staff also recommends APPROVAL of the Variance request to reduce the side yard setback from 15 feet to 6 ½ feet by the findings that:

1. Granting the variance request to allow the side yard setback to go from 15 feet to 6 ½ feet will not hamper the development from meeting the objectives of Section 60-1277.
2. Granting the waiver will help protect and preserve the essential character of the neighborhood.

V. CONDITIONS OF APPROVAL:

1. Prior to any change of use, the applicant and/or owner of the St. Louis Church will come back before the Planning Board for a Special Exception and Site Plan approval.


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