

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: 204 Minot Avenue, Special Exception and Site Plan Review, Use Car Lot and Service Station

Date: September 15, 2015

- I. PROPOSAL- Jason Courbron, Land Use Consultant, an agent for John Vallieres, is seeking approval of a special exception and site plan review for a change in use from a gas station/service station to a used car auto sales/service station for property located at 204 Minot Avenue, pursuant to Chapter 60, Section 499, b, 3. and Section 1277 Site Plan Review and 1336 Special Exception.

THE SITE- The property at 204 Minot Avenue is a narrow lot, bounded by Minot Ave. to the west, High Street to the south and Central Maine Railroad Right of Way to the north and east. It is currently an abandoned gas station/ service station. The Minot Avenue frontage is 230 feet in length and has 3 access drives with the High Street frontage being 78 feet in width with 1 access drive. The 10,018 sf. lot is predominately pavement or building with 9,536 sf. of impervious surface.

ZONING - The property is zoned General Business (GB) to which auto sales and auto repair is a special exception/site plan review and requires approval from the Planning Board.

COMPREHENSIVE PLAN- The property is located in an area designated in the 2010 Comprehensive Plan as Gateway, which recommended the city acquire the property. Initially, the staff pursued city acquisition over a Planning Board review of the used car sales proposal. The City Council voted to not purchase the property and the staff is now ready to present the staff review of a Special Exception and Site Plan Review.

- II. DEPARTMENT REVIEW- This application was reviewed by the Plan Review Committee on April 23, 2015, August 20, 2015 and the last revised plan on September 9th.
1. Police- The Police Department expressed traffic safety concerns for the High Street entrance, especially given the close proximity to the railroad tracks and is requesting the Minot Avenue one-way exit closest to the High/Minot intersection be a right out only. (April 23 2105 comments)

2. Auburn Water and Sewer- A restoration of service fee would have to be paid for the water service (\$45). At that time we would install a water meter and set up an account. (9/9/15 comment)
3. Fire Department- David O'Connell- Fire Prevention Officer- The size of the parking lot is too small for fire apparatus to enter and would have to block off Minot Avenue, if they had to respond. The building will need to meet the National Fire Protection Association (NFPA) requirements for a repair garage (I.E. fire extinguishers, storage of flammable liquids, Exit signs). Due to the parking layout, if there is an emergency, the fire department would most likely need park our apparatus on Minot Ave. We should be able to get an ambulance in to the parking lot though. (9/9/15)
4. Engineering-The application material indicates the applicant intends to reduce the number and size of curb cuts into the property. This needs to be done with granite curbing and the adjacent sidewalk built up to match curb grade. Estimate approximately 80 LF of curbing needed. All work within the right of way will require bonding and an inspection fee to ensure the work is done properly.

Access off High Street into the southerly lot will be extremely difficult during PM peak hour, particularly for vehicles traveling east on High. Left turns out of either Minot Avenue entrance will be difficult, especially during the peak hours. (9/10/14)

5. Planning and Development- The Planning Staff has the following comments Site Plan comments:
 - High Street entrance needs to be signed as “one-way only”.
 - Exit on Minot Ave. (closest to High and Minot intersection) need to signed and marked on ground as a “right out only”.
 - Wheel stops are needed on all angled parking along Minot Ave.
 - The parking stalls along the southern end of the site need to be angled in the direction of incoming traffic flow.
 - Additional landscaping information is requested for this gateway into Downtown Auburn.
 - As per Chapter 60-607- (13, d) Off Street Parking- requires a 10 foot landscape buffer in any front yard adjacent to a street right of way unless a waiver is requested and approved by the Planning Board.
 - The driveway spacing on High Street (40 feet) and the Minot Ave. driveway closest to the High and Minot intersection (90 feet) does not meet the driveway spacing requirement of Chapter 60-800 of 105 feet for a 25 mph highway speed unless waiver is requested and approved by the Planning Board.
 - Provision of elevation drawings or a description that depicts the exterior treatment of the structure.

III. PLANNING BOARD ACTION- The Planning Board needs to review, consider and take action on the Special Exception, Site Plan Review and Waiver requests.

A. SPECIAL EXCEPTION-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.
- (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 comprehensive plan.

STAFF COMMENTS: The Staff is asking the applicant to address the ingress and egress spacing from intersection, turning directions and related signage (condition # 2) along with providing as much landscaping and green space as possible given the site's status as a gateway in to the downtown area (condition # 5).

B. SITE PLAN REVIEW- 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.

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 environment features on the site and in adjacent areas.

STAFF COMMENTS: The Staff wants to be sure that the Site Plan addresses objective # 2, regarding vehicular safety and movement both off-site and on-site.

Sec. 60-1304. -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 either:

- (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; or
- (2) A written denial of the application stating the reasons for such denial, upon a finding that:
 - a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.
 - b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.
 - c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.
 - d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with section 60-1301(14).
 - e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.
 - f. The proposed development will unduly burden off-site sewer drainage or water systems.
 - g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.
 - h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.
 - i. The proposed development will unduly impact the ability to provide municipal services.

Sec. 60-1305. – Site Plan Review- Subject to conditions, modification, restrictions, etc.

Approval may be made subject to conditions, modifications and restrictions as the planning board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications or restrictions and in conformity with the application and site plan.

STAFF COMMENTS: The Staff reported the following concerns regarding the Site Plan prior to a revised Site Plan submitted on September 10.

- Angled parking is in the wrong direction of traffic flow on south side lot.
- Exit on Minot Ave. (closest to High and Minot intersection) need to signed and marked on ground as a “right out only”.
- Wheel stops are needed on all angled parking along Minot Ave.
- The parking stalls along the southern end of the site need to be angled in the direction of incoming traffic flow.
- Additional landscaping information is requested for this gateway into Downtown Auburn.

- As per Chapter 60-607- (12, d) Off Street Parking- requires a 10 foot landscape buffer in any front yard adjacent to a street right of way unless a waiver is requested and approved by the Planning Board.
- The driveway spacing on High Street (40 feet) and the Minot Ave. driveway closest to the High and Minot intersection (90 feet) does not meet the driveway spacing requirement of Chapter 60-800 of 105 feet for a 25 mph highway speed unless waiver is requested and approved by the Planning Board.

C. **WAIVER REQUESTS:** The applicant is requesting the following waivers:

1. **Chapter 60-607 (13,d) Off Street Parking**, which requires a 10 foot landscape buffer in any front yard adjacent to a street right of way.

Due to severe site constraints of a very narrow lot, the applicant requests a waiver from the 10' buffer for the following areas along Minot Avenue:

- southerly of the building from 10' down to 4'
- northerly of the building from 10' down to 0'.

The Site Plan Ordinance Section 60-1312 allows the Planning Board to modify dimensional requirements as long the objectives and intent of Site Plan Review is carried out. The Staff recommends **APPROVAL** of these requests.

2. **Chapter 60-800- Curb Cuts and Driveway Spacing** requires entrances be 105 feet from an intersection for a 25 mph highway speed.

The driveway spacing on Minot Avenue closest to High Street, as shown on the site plan, is 90' and cannot meet the requirement due to the limits of the lot. However, the applicant has removed the High Street entrance along with another entrance on Minot Avenue (closest to the High Street intersection) and has agreed to a 2 way entrance with a "right out only", near the southern side of the existing building.

This waiver request is eligible to be granted under Chapter 60- Sec. 806 of the Access management standards.

An applicant for a project subject to site plan review or a developer or owner of property which is subject to the access management standards may request, with the exception of section 60-799, a modification of such standards. Such requests shall be made to the planning board. Modifications to the access management standards may be allowed upon a demonstration of need by the applicant provided the planning board makes a finding that the objectives of access management have been satisfied.

The Staff recommends **APPROVAL** of this request.

IV. STAFF RECOMMENDATIONS-

A. **SPECIAL EXCEPTION:** The Staff recommends **APPROVAL** and makes the following finding for the Special Exception application for an Auto Sales and Auto Repair Use the following reasons:

1. The application at 204 Minot Avenue for Used Car Sales and Repair meets the conditions (1-7) of Chapter 60-Sec. 60-1336 (Special Exception).

B. SITE PLAN REVIEW: The Staff recommends **APPROVAL** and makes the following finding for the Special Exception application for an Auto Sales and Auto Repair Use the following reason:

1. The application at 204 Minot Avenue for Used Car Sales and Repair meets the conditions (1-7) of Chapter 60-Sec. 60-1336 (Special Exception).

C. WAIVER REQUESTS: The Staff recommends **APPROVAL** of the waiver request for the following reasons:

1. The waiver request for the required 10' buffer in two areas; one for a reduction from 10' to 4' (southern frontage) and one from 10' to 0' generally meets the intent and objective of the Site Plan Review.
2. The narrow lot makes the implementation of the 10' a hardship on the functioning of the property.
3. The waiver request for an entrance spacing from an intersection generally meet the intent of Chapter 60, Section 806.
4. The applicant has removed 2 non-compliant entrances, which improves vehicular safety in the area.

C. CONDITIONS: The Staff makes these recommendations of **APPROVAL** with the following conditions:

1. Prior to any development activity, the applicant shall establish any inspection fees or bonding amounts with the Division of Engineering.
2. The development at 204 Minot Avenue shall comply with the final Site Plan as considered at the September 15, 2015 meeting.
3. The three landscaped areas, as shown on the 9/15/15 site plan shall be approved by the City Planner.
4. Wheel stops for all vehicles parked along any street right of way shall be placed in a manner that prohibits any portion of a vehicle from encroaching into the street right of way.
5. The corner of High Street and Minot Avenue, marked in cross hatch on the Site Plan shall be considered for acquisition by the City of Auburn for future intersection improvements.
6. Any right of way improvements at the corner of High Street and Minot Avenue shall not be required.
7. No sign shall be permitted on the existing sign pole at the intersection of High Street and Minot Avenue until a Maine DOT signage waiver is approved.



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