

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: 1194 Center Street, Special Exception and Site Plan Review for Auto Sales and Service

Date: January 12, 2016

I. PROPOSAL- Stuart Davis, Professional Land Surveyor, an agent for CORG, LLC, is seeking approval of a Special Exception and Site Plan Review application for an Auto Sales and Auto Service business in the General Business (GB) District for a property located at 1194 Center Street (PID # 324-024), pursuant to Sec. 60- 499 (b), 3; (Special Exception in GB zone); Section 60-1277 (Site Plan Review) and Sec. 60- 1336 (Special Exception).

The site is a small, triangular 9,532 s.f. shaped lot bounded by Lillian Street to the south, Turner Street to the west and Center Street to the east. 1194 Center Street was formerly a gas station and the current owner now wants to operate a auto sales and service use on the property. There are 3 driveway entrances into the site, none of which meet the spacing requirements of the zoning ordinance. The existing building (1,310 s.f.) has a small office (255 s.f.) that would require 1 parking space. Additional area on site is proposed for the display of autos for sale.

II. DEPARTMENT REVIEW-

- a. Police- Is concerned with the two entrances on Center St. This is an existing dangerous stretch of road due to the poor sight distance and vehicle speed along Center Street. The Police Department requests the elimination of the northern entrance. If this is it not possible, they would strongly suggest that the Center St. entrances and exits be right exit only (no left on exit).
- b. Auburn Water and Sewer- No Comments.
- c. Fire Department- No Comments.
- d. Engineering Comments
 - The proposed use will generate less traffic than the previous use as a gas station.
 - Engineering has concerns for the speed of existing traffic on Center Street.
 - Asks if both driveways are needed on Center Street.

- Closing one driveway along Center Street would create more space for the auto display area.
 - Noted sight distance to the north along Center Street is poor and no obstructions (snow piles, signage or plantings) should be allowed that reduce sight distance.
- e. Public Services- No Comments
- f. Planning and Development-
- Section 60-607, 12, (d); Off Street Parking and Loading, States that non-residential parking areas shall not be closer than 10 feet from the Right of Way and that no parking area should have a landscape buffer within that area. The applicant has requested a waiver of the 10 foot landscape buffer requirement. An alternate planting plan, using low plants within the Center Street right of way, would provide a alternative and mitigate to the required 10 foot landscape buffer.

I. PLANNING BOARD ACTION- A development proposal for auto sales and service in the General Business zone requires a Special Exception and Site Plan Review by the Planning Board.

A. **SPECIAL EXCEPTION-** A Special Exception is defined in the Zoning Ordinance (Page 14) 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.”*

The zoning ordinance describes the conditions needed for approval of a Special Exception as follows:

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: The application does not meet Section 60-607, 12, (d); Off Street Parking and Loading, a required 10 foot landscape buffer. A waiver request has been made by the applicant.**

(2) *That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.* **STAFF COMMENT: There is concern about sight distance and traffic speed on Center Street.**

(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: OK**

(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: OK

(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: **The application does not meet Section 60-607, 12, (d); Off Street Parking and Loading, a required 10 foot landscape buffer. A waiver request has been made by the applicant.**

(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: OK

(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: OK

The staff generally supports the Special Exception request but will discuss conditions 1, 2 and 5. The staff will consider supporting the waiver request to Section 60-607, 12 (b) if the applicant agrees to an alternate landscaping plan along Center Street. The staff also wants the applicant to consider closing one of the existing driveways on Center Street.

B. **SITE PLAN-** A Site Plan Review is required as part of a Special Exception consideration. 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: OK

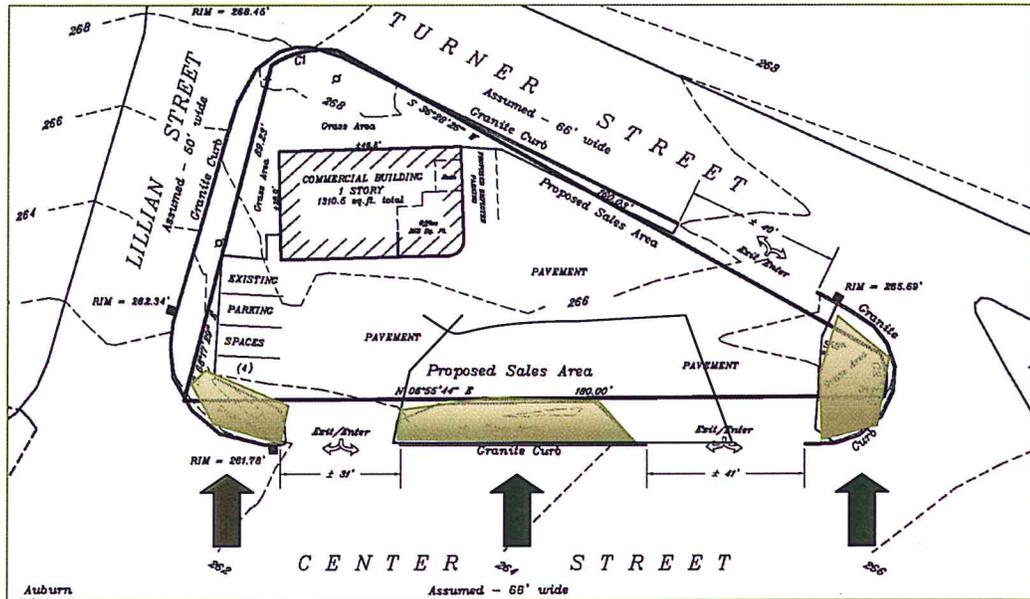
(2) *Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas.* STAFF COMMENT: **The staff asks the applicant to consider closing one of the existing driveways on Center Street.**

(3) *Adequacy of the methods of disposal for wastes;* STAFF COMMENT: OK

(4) *Protection of environment features on the site and in adjacent areas.* STAFF COMMENT: OK

The staff generally supports the Site Plan request and will discuss Site Plan provision number 2 at the meeting.

C. **WAIVER REQUEST-** The applicant is requesting a waiver of Section 60-607, 12, (d); Off Street Parking and Loading, which requires 10 foot landscape buffer along major roads. Due to site constraints of a small, triangular shaped lot, the applicant requests a waiver from the 10' buffer for the Center Street frontage.



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 is requesting the applicant provide low, plantings in the areas shown above, to the approval of the City Planner to mitigate waiving the on-site landscape buffer requirement.

III. STAFF RECOMMENDATION-

The Staff has considered the re-use of the property at 1194 Center Street with a use (used car sales and service) that will generate significantly less traffic than what was previously there (gas station/convenience store). In addition, the site is a small non-conforming lot that has limited development potential. The Staff does want the applicant to consider closing one driveway along Center Street and agree to landscape plantings along the Center Street right of way. It is also important that the applicant maintain the existing sight distance along Center Street. The Staff requests the applicant designate by signs, that any driveway on Center Street shall be "right out only".

A. **STAFF RECOMMENDATION- SPECIAL EXCEPTION, SITE PLAN REVIEW AND WAIVER REQUEST** - Given the above mentioned factors, the staff recommends **APPROVAL** of the Special Exception, Site Plan Review and Waiver Request for a use of auto sales and service at 1194 Center Street for with the following findings:

1. The application at 1194 Center Street for Auto Sales and Service meets the conditions (1-7) of Chapter 60-Sec. 60-1336 (Special Exception);
2. The application at 1194 Center Street meets the provisions 1-4 of Sec. 60-1277. Objective- (Site Plan Law).

3. The waiver request of Section 60-607, 12, (d); Off Street Parking and Loading, 10 foot landscape buffer meets the purpose of Sec. 60-1276 (Site Plan Law, Purpose) in that granting the waiver will allow the development to function and meet the 4 provisions of Site Plan Law.
- B. CONDITIONS- The staff recommendation of Approval is made subject to the following conditions.
1. Any driveway along Center Street shall be signed to be "Right Out Only".
 2. The applicant shall provide landscape plantings in the existing non-paved areas within the Center Street right-of-way to the approval of the City Planner.
 3. The existing sight distance along Center Street shall be maintained year round.



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