



## PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA, Urban Development Coordinator

Re: Troy Street/Hampshire Street Development

Date: December 12, 2017

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- I. PROPOSAL- A Special Exception, Site Plan and Subdivision Review for a 53 unit apartment building by the Szanton Company on a vacant property (Parcel # 240-212) located on Troy Street, pursuant to Chapter 60-550 Downtown Traditional Center (T-5.1) and Chapter 60-556 Form Based Code Plan Types (b) (3) projects over 12,000 sf. and 60-1359 Subdivision of the Auburn Code of Ordinances.

The project location is a .5 acre vacant, city owned property with frontages on Union St., Hampshire Street and Troy Street. The proposed project also will include a portion of Troy Street planned for discontinuance and additional adjacent property under contract to be acquired from Pan Am Railroad. This property, along with other properties in the block contained by Union Street, Hampshire Street, Troy and Library Streets, were rezoned from General Business to Downtown Traditional Center (T – 5.1) back in September 2017. This residential project is proposed to be four stories tall and will include 53 dwelling units with a mix of 14 market rate and 39 work force housing units. The Szanton Company will be applying for low income housing tax credits through the Maine Housing Authority in February of 2018.

Staff has worked closely with the developer maximize the development potential by proposing to discontinue Troy Street between Hampshire and Library Avenue and including a portion of discontinued Troy Street with the sale of the City owned Parcel # 240-212. The current public access of Troy Street will continue after the discontinuance with the site plan shifting access to a new 2 way driveway some 20 feet to the east. The developer has also adding additional land to the development by purchasing two excess Pan Am railroad right of way parcels that will be used for parking.

- II. DEPARTMENT REVIEW- this project was reviewed by the Plan Review Committee on September 20<sup>th</sup> and November 21<sup>st</sup>.
- a. Police- The police department asked questions about lighting, tenant selection and property maintenance. Andrew Jackson, Project Manager for the Szanton Company, said they have other similar projects and utilize a company related maintenance group. The Police Department also discussed the reduction of emergency snow parking.
  - b. Auburn Water and Sewer-The Water and Sewer District has been in discussion with the developer about water and sewer access which is available.
  - c. Fire Department-The Fire Department asked about building separation between the project in adjacent buildings. The developer will be working with code enforcement and the fire department to ensure proper for fire code standards are met. The form based code T-5.1 allows for a zero side yard, which would allow buildings to touch each other subject to building permit approval.
  - d. Engineering-The Engineering Department is working with the developer on storm water management. The project is proposing a slight reduction of impervious surface of the site which is currently almost entirely paved. The Engineering Department has also been coordinating with the developer on the interface of this project and the Hampshire Street reconstruction, currently underway.
  - e. Public Services- Public Services was concerned about snow removal and maintenance of Troy Street but is now satisfied that the discontinuance of Troy Street will remove any responsibility by Public Services for those efforts.
  - f. Economic and Community Development-The Economic and Community Development staff has worked closely with the developer to have the project comply with the T-5.1 form based code. There are certain aspects to the project that necessitate waivers of the form based code requirements, primarily due to the irregular, non-conforming nature of the existing Troy Street property. These will be reported on later in the staff report. The Staff also noted the increased density of this project that is allowed through the form based code. The main concern from staff was the project meeting its parking requirement. The developer has been able to secure additional land to the project site and directly across Hampshire Street and now meets the parking requirement.
- III. PLANNING BOARD ACTION-This application will require the Planning Board to review and take action on this project for compliance with the Form Based Code T – 5.1, Special Exception, Site Plan Review and Subdivision law.

**A. Compliance with Form Based Code, Section 60-550 Downtown Traditional Center:**

The Staff first will have the Planning Board review the project under, the Downtown Traditional Center (T – 5.1), requirements. The Staff reviewed the application with the T-5.1 requirements and found 2 points of discussion and 3 requirements that require waivers by the Planning Board.

**The points of discussion are:**

- **Usable open space-** 5% is required. The applicant devotes a total of 1820 s.f. of an interior community room, fitness room and play room to meet that requirement. The total site is 17,280 s.f. and the 1820 s.f. combined space is 10 % of the site. **STAFF-** Supports this proposal as it creates an area greater than 5% of the site that is usable for all the residents of the project and is available year-round. No waiver is needed if accepted by the Planning Board.
- **Parking on the North side of Hampshire Street-** The Site Plan depicts a section of Troy Street (across Hampshire Street) with a parking area that contains 32 parking spaces. The cars parked in this area will have to back out on to Troy Street. **STAFF:** The Zoning Ordinance section 60-607 (13) Parking, General Provisions prohibits vehicles from backing out into any public street. In this situation, the staff considers Troy Street to be a lowest order, low use, public street and does not feel this section of the Ordinance should apply. There are other examples of back out parking into a street as well (Main Street near Court St. and Pleasant St. near the County Jail). In addition, the Form Based Code, Section 60-554 Use and Parking Matrix (Note 2) states that *“Parking Requirements of the Form Based Codes, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to Planning Board approval”*. The Staff recommends the Planning approve the parking as depicted in the submitted Site Plan.

**Waiver Requests:**

- **Frontage build out-** The required building frontage is 75% and the proposed building takes up 65% of the lot frontage on Union Street. **STAFF-** The developer is requesting a waiver, which the staff supports, as the frontage on Union Street is only 50 feet wide and reasonable side yard set-backs take up space that would have met the requirement.
- **Lot width-** The maximum lot width in this zone is 160’. This old, existing nonconforming lot is 185 feet wide along Troy Street. **STAFF-** The developer is requesting a waiver, which the staff supports as this lot is an old nonconforming lot, created well before 1957.
- **Driveway location-** The Form Based Code T-5.1, Section 550.3 External Elements Driveways, sets a maximum driveway width at 20 feet. The project has a driveway

(2 way access drive) width at Hampshire Street entrance of approximately 25 feet. **STAFF-** The staff supports a waiver request for the 25 feet driveway width. Staff would also like to add this to a list of future text amendments for the form based code.

- B. **Special Exception Compliance-** Based on Chapter 60-556, Form Based Code Plan Types (b) (3) state that projects over 12,000 s.f. are considered a Special Exception and require Planning Board approval. The applicant is seeking approval of a Special Exception (**Sec. 60-1336. Conditions**) and needs to meet seven criteria in order to be approved by the planning board. A Special Exception is defined 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 developer has included a narrative with their application. The seven criteria that need to be met are as follows:

- (1) *That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception. **Staff comments: the application generally meets the zoning requirements subject to planning board approval of waivers.***
- (2) *That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard. **Staff comments: the application will not create traffic or safety hazards.***
- (3) *That the special exception sought will not block or hamper the 2010 Comprehensive Plan recommendations for highway circulation or of planned major public or semipublic land acquisition. **Staff comments: the discontinuance of Troy Street will still allow public access. The transportation impacts or number of peak hour trips will not cause traffic circulation problem and does not meet the threshold of a traffic study.***
- (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 comments: the development proposal in general meets the form based code requirements, and is in character with the surrounding multifamily properties.***
- (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 comments: the development proposal provides for adequate parking, open space, landscaping and adequate provision of services.***

(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 comments: Subject to building permit approval, the project will meet city building codes and other provisions of the zoning ordinance.*

(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 comments: Essential city services are currently available.*

- C. **Site Plan Review Compliance:** A Site Plan Review is required as part of a Special Exception approval. 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 comments: the proposed site plan provides adequate surface water drainage and other desired buffers.***

(2) *Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; Staff comments: the proposed site plan provides for safe vehicular and pedestrian movements in and around the side.*

(3) *Adequacy of the methods of disposal for wastes; Staff comments: the proposed site plan provides adequate waste disposal*

(4) *Protection of environment features on the site and in adjacent areas. Staff comments: the proposed site plan protects environmental features on the site and in adjacent areas to the greatest extent possible.*

- D. **Subdivision Compliance-** In the past, the Staff and Planning Board would review apartment and condominium projects using the Special Exception Ordinance as the way to show compliance with the subdivision portion of the zoning ordinance. The Staff would like to have the Planning Board also take action approving this project as a subdivision to avoid any legal questions in the future. The Staff has reviewed the 15 criteria found in Chapter 60 –1359 Subdivision (Guidelines) and concludes the project meets all the criteria.

(1) *Will not result in undue water, air or noise pollution. In making this determination it shall at least consider:*

- a. *The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal;*
  - b. *The slope of the land and its effect on effluents;*
  - c. *The availability of streams for disposal of effluents; and*
  - d. *The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with section 60-1301(14);*
- (2) *Has sufficient water available for the reasonably foreseeable needs of the subdivision;*
  - (3) *Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;*
  - (4) *Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*
  - (5) *Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;*
  - (6) *Will provide for adequate sewage waste disposal;*
  - (7) *Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;*
  - (8) *Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;*
  - (9) *Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;*
  - (10) *Is funded by a subdivider has adequate financial and technical capacity to meet the standards of this section;*
  - (11) *Will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application;*
  - (12) *Has provisions for onsite landscaping that are adequate to screen neighboring properties from unsightly features of the development;*
  - (13) *Will not create a fire hazard and has provided adequate access to the site for emergency vehicles;*
  - (14) *Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;*






*(15) Does not have long-term cumulative effects of the proposed subdivision will that unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.*

IV. STAFF RECOMMENDATION- The staff recommends APPROVAL of the Troy Street project with the following findings:

1. The proposal meets the form based code purpose, intent and requirements of Section 60-550, Downtown Traditional Center (T – 5.1), subject to approval of the following waivers requests:
  - a) Waiver of the required 75% Frontage Build Out. **Staff:** The staff supports this waiver to allow the proposed building frontage of 65% due to the narrow street frontage on Union Street of 50 feet.
  - b) Waiver of 160 foot maximum lot width. **STAFF-** The staff supports this waiver as the proposed development is situated on a 185 feet wide, irregularly shaped, old, non-conforming lot that was in existence prior to 1957.
  - c) Waiver of Section 550.3 External Elements T-5.1 , Driveways, which allows a maximum width of 20 feet. **Staff:** The staff supports the waiver request for the 25 feet driveway width as being reasonable and safe
2. The proposal meets the 7 conditions of Section 60–1336 Special Exception as indicated in this report, Section III, Planning Board Action, B.
3. The proposal meets the four provisions of Section 60 – 1277 Site Plan Review as indicated in this report, Section III, Planning Board Action, C.
4. The proposal meets the fifteen provisions of Section 60 – 1359 Subdivision as indicated in this report, Section III, Planning Board Action, D.

Conditions: Should the Planning Board approve this plan the following conditions shall apply:

1. No development activity until Bonding and inspection fees are established with the Auburn Engineering Department.

  
Douglas M. Greene, A.I.C.P., R.L.A.  
Urban Development Coordinator

C: File