



## City of Auburn, Maine

Office Economic and Community Development

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street

Auburn, Maine 04210

207.333.6601

### **PLANNING BOARD AGENDA**

**Auburn City Hall, Council Chambers 2<sup>nd</sup> Floor**

**Tuesday, February 14, 2017 - 6:00PM**

- 1. ROLL CALL:**
- 2. MINUTES:** Approval request for the minutes from the January 10, 2017 meeting
- 3. NEW BUSINESS and PUBLIC HEARING:**
  - A. Future Land Use and Zoning Map Amendments for 121 and 127 Hampshire Street
- 4. OLD BUSINESS:**
  - A. None
- 5. MISCELLANEOUS:**
  - A. Discuss Recreational Marijuana Regulations
- 6. PUBLIC COMMENT:**
- 7. AJOURNMENT:**

Next Planning Board Meeting is on March 14, 2017



## City of Auburn, Maine

Office of Economic and Community Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) 60 Court Street  
Auburn, Maine 04210  
207.333.6601

### PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

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

Re: A Future Land Use Amendment for 127 Hampshire Street and a Zoning Map Amendment for for 121 and 127 Hampshire Street

Date: February 14, 2017

I. PROPOSAL- Gowell's Market, located at 121 Hampshire Street, has served the surrounding area as a neighborhood grocery store for many years. The owners would like to expand their store with a 600 s.f. addition that would extend into the adjacent property at 127 Hampshire Street that they own. The current zoning at 127 Hampshire Street is Multi-Family Urban (MFU), which prohibits retail sales. The City Council initiated a Zoning Map Amendment at their January 9, 2017 meeting, to change the current zoning at 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB). (**Attachment 1**)

The property at 121 Hampshire Street is currently zoned Neighborhood Business and the adjacent property at 127 Hampshire Street is zoned Multi-Family Urban (**Map 1**). The 2010 Comprehensive Plan Future Land Use Plan recommends High Density Neighborhood Conservation (HDNC) for the general area (**Map 2**). The Staff recommends that the Planning Board first amend the 2010 Comprehensive Plan's Future Land Use map for both 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) prior to considering the proposed Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB).

**CURRENT CONDITIONS:** The property at 121 Hampshire Street (PID # 250-316) is .3 acres in size and has 2 buildings on it, a grocery store/recycling and redemption operation and a duplex. The grocery store and duplex are both non-conforming structures as they do not meet the front yard building setback of 25 feet and are approximately 5 feet from the street right of way. There is an informal parking/driveway area between the 2 buildings that connect Hampshire Street to Willow Street.

The property at 127 Hampshire Street (PID # 250-315) has a 3 unit apartment building on a .19 acre lot and also has a non-conforming front yard building setback of approximately 5 feet from the street right of way. Both properties are served by public water and sewer. (**Map 3 Aerial**)

It is important to note that a reconstruction project for Hampshire Street will take place in the near future. The project area goes from Goff Street to Turner Street and will make significant improvements to sidewalks, cross-walks, lighting and landscaping. The City is investing in making Hampshire Street a high quality pedestrian friendly street using State and Federal funds as well as additional CDBG funding to do a first class improvement. A goal of the project is to promote private reinvestment and improve the quality of life in the neighborhood. The Gowell's project and its high numbers of walk in customers accessing additional products and food within the neighborhood is very complementary to City efforts and should not only be allowed but encouraged.

II. DEPARTMENT REVIEW- The Plan Review Committee reviewed the Gowell's Market zone change at their January 18, 2017 meeting. The Staff presented the zone change request and a sketch plan for the proposed building addition.

- a. Police- Tim Cogle mentioned it would be good to see improvements made to the informal parking area.
- b. Auburn Water and Sewer- No Comments
- c. Fire Department- The Fire Department would like more specific building plan information before issuing any permits or approvals. Staff mentioned that this was only a zone change and not a request for a building permit.
- d. Engineering- Mentioned the Hampshire Street reconstruction project will positively impact the Gowell's Market by improving the sidewalks and adding new lighting.
- e. Economic and Community Development- Would like to work with the owners to have the 600 s.f. building expansion moved closer to the Hampshire Street Right-of-Way. This action would be consistent with the existing building frontages along Hampshire Street.

III. PLANNING BOARD ACTION- The Planning Board is being asked to make recommendations to the City Council on amending the Future Land Use for 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB), and for a Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) zone to Neighborhood Business (NB) zone.

A. FUTURE LAND USE PLAN AMENDMENT-

The 2010 Comprehensive Plan's Future Land Use Map for the 121 and 127 Hampshire Street is High Density Neighborhood Conservation. This designation is appropriate for the general area; however, it does not acknowledge the existing Neighborhood Business zoning on the property or the long standing neighborhood grocery store use, which would like to expand.

The 2010 Comprehensive Plan speaks to Neighborhood Business as follows:



*(From Goals, Policies and Strategies, Chapter 1)*

#### **4. Neighborhood Business Districts**

*The City has a number of neighborhood businesses that are located within residential neighborhoods. It is the City's policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents. It is also the City's policy to encourage the owners of these properties to reinvest in maintaining and improving these buildings. To accomplish these objectives, the Future Land Use Plan (see Chapter 2) designates these properties as Neighborhood Business Districts. The standards for these districts allow the existing nonresidential use to be maintained and improved, as long as it is compatible with the surrounding neighborhood. The standards also allow for replacing an existing use with a new nonresidential use (other than service stations and auto service facilities), as long as it is appropriate for the neighborhood. The primary objective in creating these districts is to encourage the retention of these neighborhood businesses. As long as the property includes nonresidential space, whether occupied or not, the property should remain in the Neighborhood Business District to allow re-occupancy by an appropriate nonresidential use. However, if a property is converted to a residential use, it is the City's policy that the City should rezone the property to eliminate the Neighborhood Business District. (pages 71 and 72, 2010 Comprehensive Plan- Chapter 1: Goals, Policies and Strategies)*

*(From Future Land Use Plan, Chapter 2)*

#### **Neighborhood Business District (NB)**

**Objective** – *The objective of the Neighborhood Business District is to allow for the maintenance, improvement, and continued commercial use of properties within residential neighborhoods that have been traditionally used for nonresidential purposes, provided that they are good neighbors, and that changes in the property or the use do not increase the adverse impacts on the neighborhood (see Figure 2.3). Properties that are zoned Neighborhood Business should continue to be zoned for commercial use as long as they continue to be used for appropriate nonresidential purposes. If the property is converted to a residential use, it should be rezoned to remove it from the neighborhood business district.*

**Allowed Uses** – *The following types of uses should be allowed in the Neighborhood Business District provided they do not result in an increase in the adverse impacts on the surrounding neighborhood:*

- residential uses of the type allowed in the surrounding neighborhood
- personal services
- small retail uses
- existing service stations and auto service facilities
- community services and government uses

*Service stations and auto service facilities existing as of 2009 should continue to be allowed uses and should be allowed to modernize, but the establishment of a new service station or auto service facility in the Neighborhood Business district should not be permitted. Before an existing nonresidential use is replaced by a new nonresidential use, it should be required to demonstrate that it will not increase the adverse impact on the surrounding neighborhood.*

***Development Standards*** – *The development standards should reflect the existing pattern of development with respect to setbacks. The standards should allow for the expansion of the building as long as the overall layout and functioning of the site is improved, and there is no increase in adverse impacts. (pages 105 and 106; 2010 Comprehensive Plan- Future Land Use Plan Chapter 2)*

STAFF COMMENTS- It is clear that 2010 Comprehensive Plan's Goals and Future Land Use Plan supports preserving, maintaining and in appropriate cases, expanding (if compatible to the neighborhood) neighborhood businesses. Gowell's Market has provided a valuable service to the neighborhood for many years and the owner's plan to expand and improve service are worthy of staff support. Amending both 121 and 127 Hampshire Street properties from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) meets the goals and intent of the 2010 Comprehensive Plan for Neighborhood Business and will allow the associated Zoning Map Amendment to be approved by being in agreement with the Comprehensive Plan Land Use Map. In addition, 121 Hampshire Street is zoned Neighborhood Business which is not reflected on the Future Land Use Map.

B. ZONING MAP AMENDMENT- The proposed Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) is supported by the 2010 Comprehensive Plan's Goals, Policies and Strategies and Land Use Plan as referenced previously. Should the Future Land Use Plan be amended for both 121 and 127 Hampshire Street to Neighborhood Business, the proposed zone change for 127 Hampshire to Neighborhood Business would then be in agreement with the Future Land Use Plan. In addition, the proposed zone change would allow Gowell's Market to expand, make improvements to the existing neighborhood business, provide improved services to the neighborhood and still allow the existing residential uses on 121 and 127 Hampshire Street to continue as conforming uses.

STAFF COMMENTS- Amending the Future Land Use for 121 and 127 Hampshire Street to from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) will make the Zoning Map Amendment request for 127 Hampshire Street to Neighborhood Business compatible and in compliance with the Comprehensive Plan's Future Land Use Plan. The zone change request will allow a reasonable expansion of an important service the current Market provides without being detrimental to the surrounding area.

Another important factor in the support of the Zoning Map Amendment is the Hampshire Street reconstruction project. The investments and improvements made to Hampshire Street will enhance pedestrian safety and convenience to Gowell's Market which will further the





Comprehensive Plan's "policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents."

#### IV. STAFF RECOMMENDATIONS-

##### A. FUTURE LAND USE PLAN AMENDMENT-

The Staff recommends the Planning Board send a recommendation of **APPROVAL** to the City Council to amend the Future Land Plan for 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) with the following findings:

1. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 121 Hampshire Street will reflect the existing zoning of Neighborhood Business and its land use as a neighborhood business, which has existed for many years on the property.
2. The existing neighborhood business at 121 Hampshire Street meets the Objectives, Allowed Uses and Development Standards for Neighborhood Business (NB) as stated in the 2010 Comprehensive Plan (Chapter 2 Future Land Use Plan).
3. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 127 Hampshire Street will meet the goal of the Comprehensive Plan by "support(ing) the retention and improvement of these businesses since they offer a valuable service to the City's residents" and "The standards also allow for replacing an existing use with a new non-residential use as long as it is appropriate for the neighborhood."
4. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 127 Hampshire Street will create a future land use designation for the Comprehensive Plan and be compatible and in compliance for the proposed zoning map amendment, which if approved, would allow an expansion of the current neighborhood business at 127 Hampshire Street.
5. The expansion of Gowell's neighborhood business will be limited to 127 Hampshire Street and will be compatible and appropriate for the surrounding neighborhood.
6. The Hampshire Street reconstruction project will improve walkability in the area and support the improvements and expansion of Gowell's Market.

##### B. ZONING MAP AMENDMENT-

The Staff recommends the Planning Board send a recommendation of **APPROVAL** to the City Council for the Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) with the following findings:

1. The Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) will be in compliance with the Future Land Use Plan's designation as Neighborhood Business. (Subject to City Council approval of the Future Land Use Amendment)

2. Amending the Zoning Map for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) will allow an expansion of an existing neighborhood business into 127 Hampshire Street.
3. Expanding the existing neighborhood business into 127 Hampshire Street will meet the Neighborhood Business goal of the 2010 Comprehensive Plan by “support(ing) the retention and improvement of these businesses since they offer a valuable service to the City’s residents.”
4. The limited expansion of a neighborhood business at 127 Hampshire Street will be compatible to the existing Neighborhood Business.
5. The Hampshire Street reconstruction project will improve walkability in the area and support the improvements and expansion of Gowell’s Market.



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

C: File



# Attachment 1

## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** January 9, 2017

**Order:**

**Author:** Douglas Greene, Urban Development Coordinator, Department of Economic and Community Development

**Subject:** Council Initiation of a Zone Change at 127 Hampshire Street

---

**Information:** Gowell's Market, a small neighborhood business located at 121 Hampshire Street, would like to expand its operation into an adjacent property that it owns, which is located at 127 Hampshire Street. In order to expand, the adjacent property at 127 Hampshire Street will need to have its zoning changed from Multi-Family Urban (MFU) to Neighborhood Business (NB). Council members Stone and Walker have submitted a Workshop Agenda Item Request Form (attached) requesting the City Council initiate a Zoning Map Amendment (ZOMA) to rezone 127 Hampshire Street to Neighborhood Business. If initiated, the ZOMA would move forward to the Planning Board at their February 14<sup>th</sup> meeting, for a public hearing and recommendation. The Staff recommends that the Council also include in its initiation motion that the Future Land Use Plan for 127 Hampshire Street be amended from High Density Neighborhood Conservation to Neighborhood Business. This step will then allow the zone change amendment to be in compliance with the Comprehensive Plan.

---

**Advantages:** Rezoning the property at 127 Hampshire Street would allow this long time neighborhood business, to expand and become more productive.

**Disadvantages:** The applicant will need to work with the surrounding property owners and Planning Board to ensure that the new business expansion, if allowed through a zone change, will not be detrimental to the neighborhood.

---

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Staff recommends the City Council initiate the zoning map amendment.

---

**Previous Meetings and History:** None

---

**Attachments:**

1. City Council Workshop Agenda Item Request Form
2. Existing Zoning Map
2. Future Land Use Map (2010 Comprehensive Plan)
3. Excerpt on Neighborhood Business from 2010 Comprehensive Plan



JAMES P. MCPHEE  
LAND USE PLANNING & ZONING  
72 Hillcrest Street ~ Auburn, Maine 04210  
Jamespmcpee@gmail.com ~ 207-783-3963

The subject properties located at 121 and 127 Hampshire Street, Auburn, consist of two lots, tax map parcels 250-316 and 250-315, respectfully. Nolin Enterprises LLC owns both properties. The improvements at 121 Hampshire Street include Gowell's Variety Gowell's) and a two family dwelling. A three family dwelling occupies the 127 Hampshire Street parcel. The proposed project seeks to enlarge Gowell's by, approximately, 600 square feet (20'x 30').

#### Proposed Project

Nolin Enterprises LLC proposes to enlarge Gowell's by 600 sq ft thru the construction of a 20'x30' addition on the northwesterly side of the building. The purpose for the enlargement is to provide needed sales space and storage. Access to the new space will be from the current sales area and will include an emergency exit, directly to the outside, near the middle of the building making it safer. The nonconforming front yard setback of approximately six feet will be extended to the required twenty-five feet for the addition and the rear yard setback will be within the nonconforming setback currently allowed. At question, is does the expansion extended onto the 127 Hampshire Street parcel, now zoned Multifamily Residential Urban (MFU), outside of the identified boundary of the Neighborhood Business District (NB), by approximately +/- 10' and containing +/- 300 square feet, requires that portion of the lot to be rezoned? See attached Sketch A.

#### Zoning

The Market parcel is a conforming lot, which satisfies lot area, width, depth, height, density, and parking requirements - see Section 60-472. Lawfully nonconforming setbacks are present for rear, side, and front yards for both the Market and two family dwelling. The adjacent 127 Hampshire parcel is a lawfully nonconforming lot due to insufficient lot depth. There is rear, side, and front yard lawfully nonconforming setbacks on this lot as well. Section 60-38(c) requires that "an abutting conforming and nonconforming lot under one ownership, or joint ownership shall be considered one lot." Based on this, 121 and 127 Hampshire Street, while being separately deeded parcels under single ownership, are, for the purposes of zoning, one lot. Extending this concept to it's conclusion, Gowell's, the two family, and the three family are on the same lot and need to be recognized under a single zone as NB. Deputy Director of Economic and Community Development, Eric Cousins, has confirmed that the adopted description of Auburn's zoning districts list "A lot of land at the intersection of Hampshire Street and Willow Street and identified as tax map parcel 10-2-50" as Neighborhood Business. Tax map parcel 10-2-50 is now 250-316.

The NB Purpose statement, Section 60-470, states, "It is intended that this district be located on lots in areas zoned for residential use." Historically, most NB uses have a residential use within the structure or on the same lot - the two family at 121 Hampshire Street is an example. Buildings used solely as a residence and located on the same lot as a qualifying business have not been allowed to be converted to accommodate another commercial use. This exclusion will not permit the conversion of either the two family or three family dwellings to commercial use.

The Neighborhood Business District is classified as a commercially zoned district and pursuant to Section 60-79(3) allows, "an existing lawfully nonconforming, nonresidential building or structure may be extended or enlarged..." Section (3) expressly provides that "a commercially used building or structure located in a commercially zoned district may be enlarged up to 2,500 square feet or 25 percent of the occupied floor area that now exists, whichever is greater, to a maximum expansion of 5,000 square feet..." According to the Auburn Assessing Department, Gowell's Market contains 2,738 square feet allowing a maximum expansion of 2,262 square feet. The proposed 600 square foot expansion is less than both the maximum of 5,000 square feet and less than the 25 percent of 684 square feet.

#### Comprehensive Plan Considerations

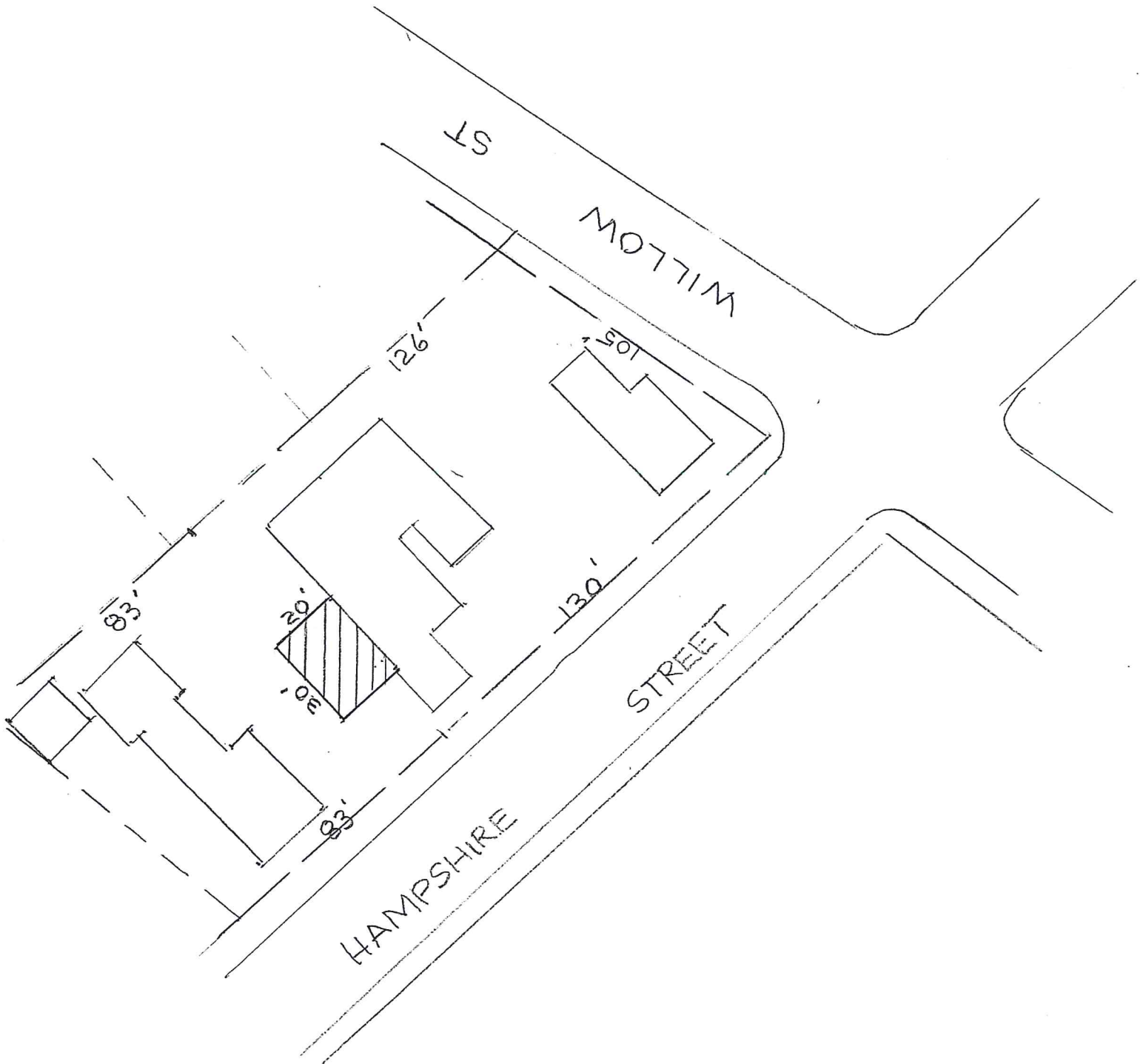
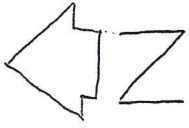
Objective- "The objective of the Neighborhood Business District is to allow for the maintenance, improvement, and the continued commercial use of properties within residential neighborhoods that have been traditionally used for non-residential purposes provided that they are good neighbors and that changes in the property or the use do not increase the adverse impacts on the neighborhood..."

Development Standards - "should allow for the expansion of the building as long as the overall layout and functioning of the site is improved and there is no increase in adverse impacts."

#### Summary

The properties addressed as 121 and 127 Hampshire Street, parcels 250-316 and 250-315, respectfully, are under the single ownership of Nolin Enterprises LLC, are required to be one lot by zoning, should be identified as one tax map parcel (250-316), and, therefore, the entire property zoned Neighborhood Business. This will result in the elimination of a nonconforming lot (250-315), promotes the Objective and Development Standards of the Comprehensive Plan, will encourage investment in the property, and will support the City's new vision for the Hampshire Street neighborhood.

SKETCH A  
121 HAMPSHIRE ST.



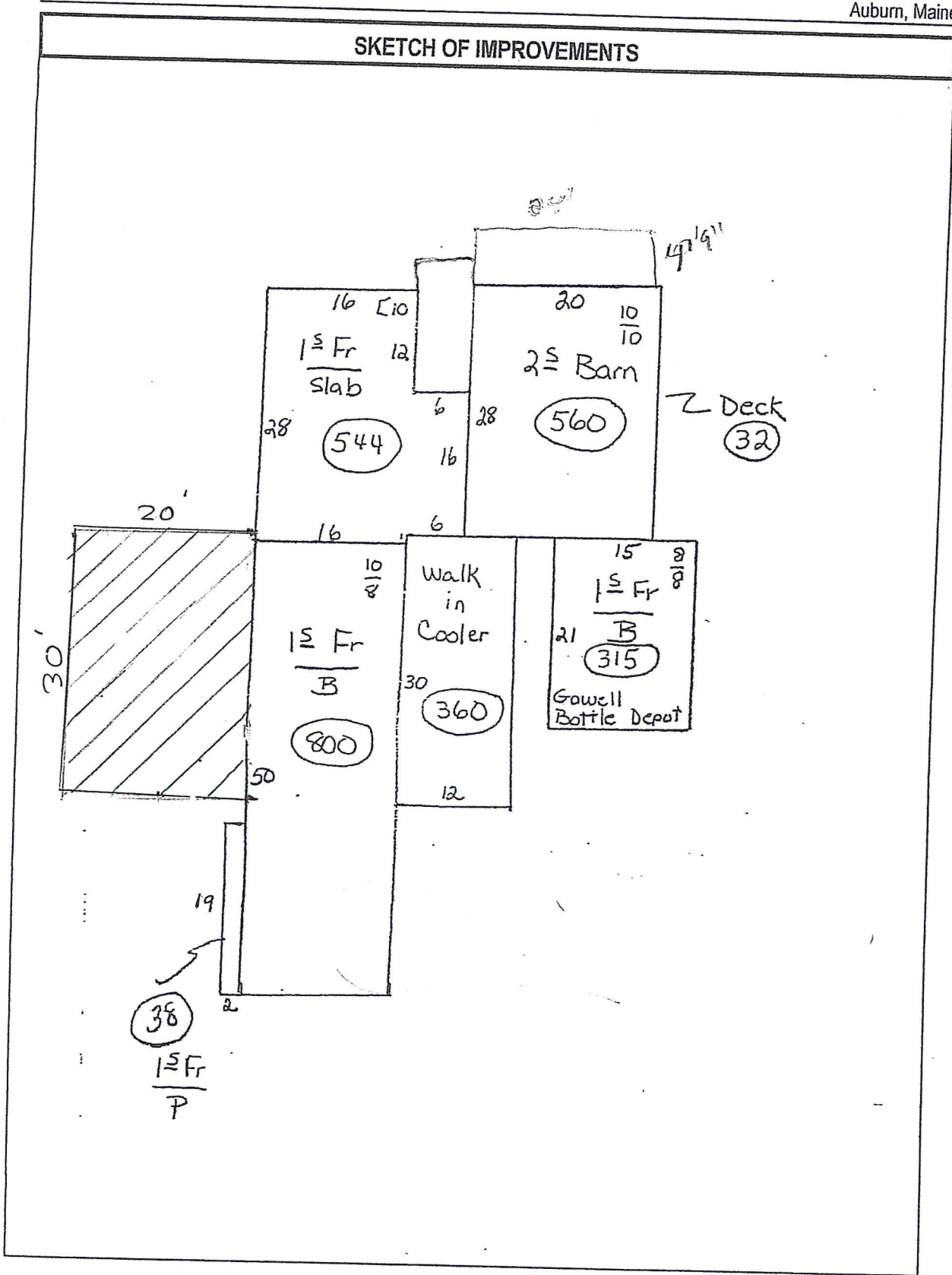


# SKETCH B GOWELL'S VARIETY

Page 43

121 Hampshire Street  
Auburn, Maine

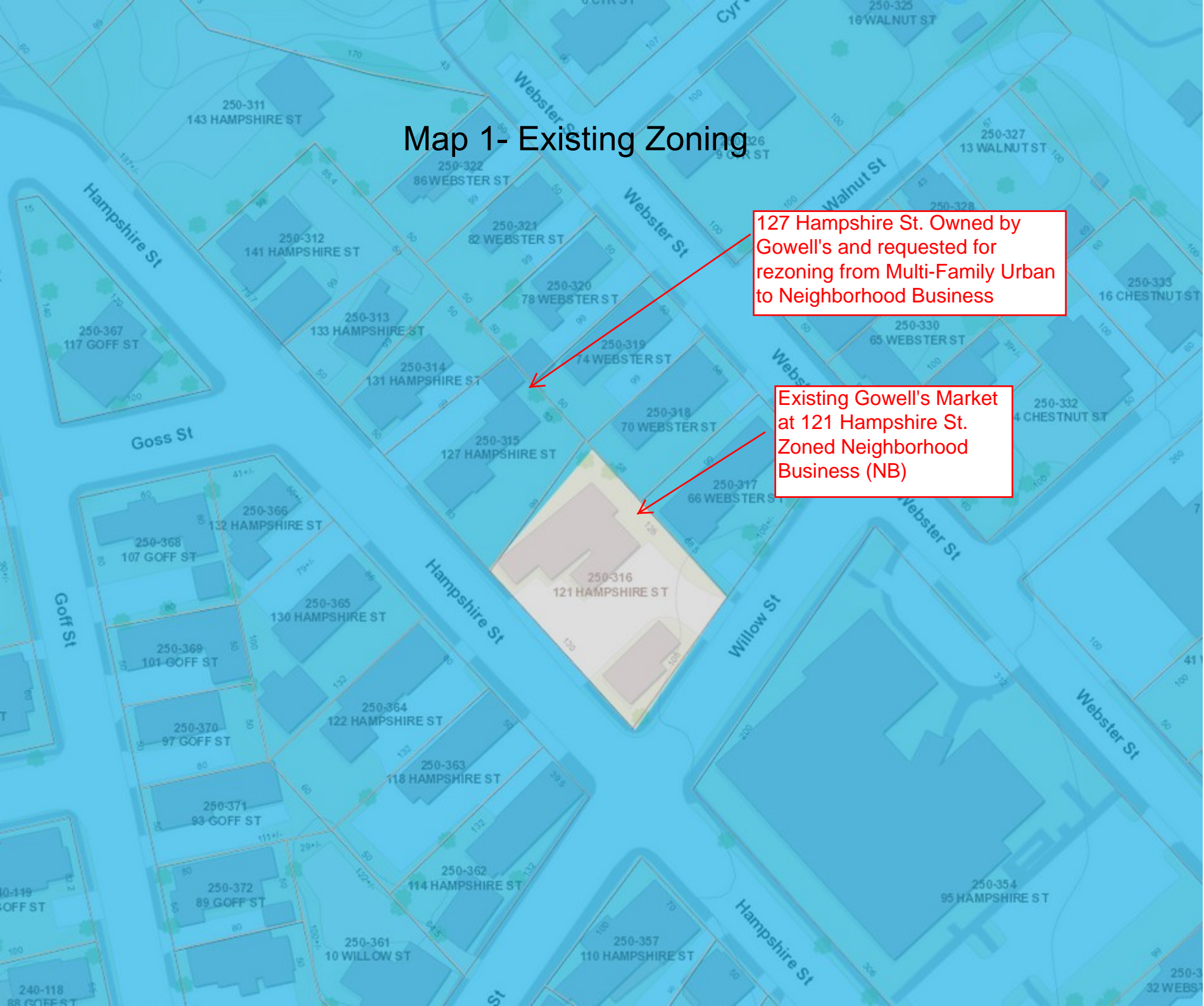
## SKETCH OF IMPROVEMENTS



# Map 1- Existing Zoning

127 Hampshire St. Owned by Gowell's and requested for rezoning from Multi-Family Urban to Neighborhood Business

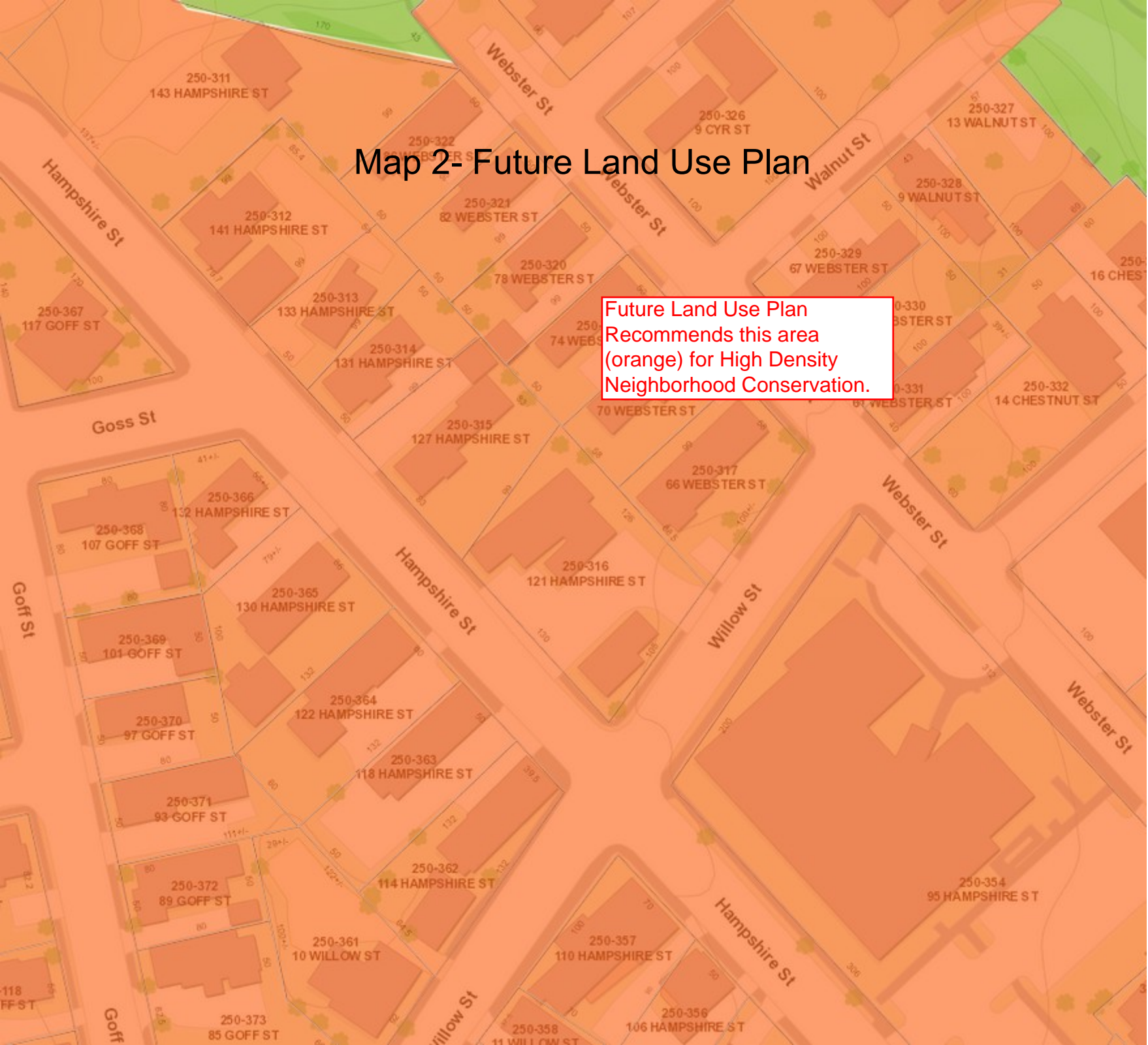
Existing Gowell's Market at 121 Hampshire St. Zoned Neighborhood Business (NB)





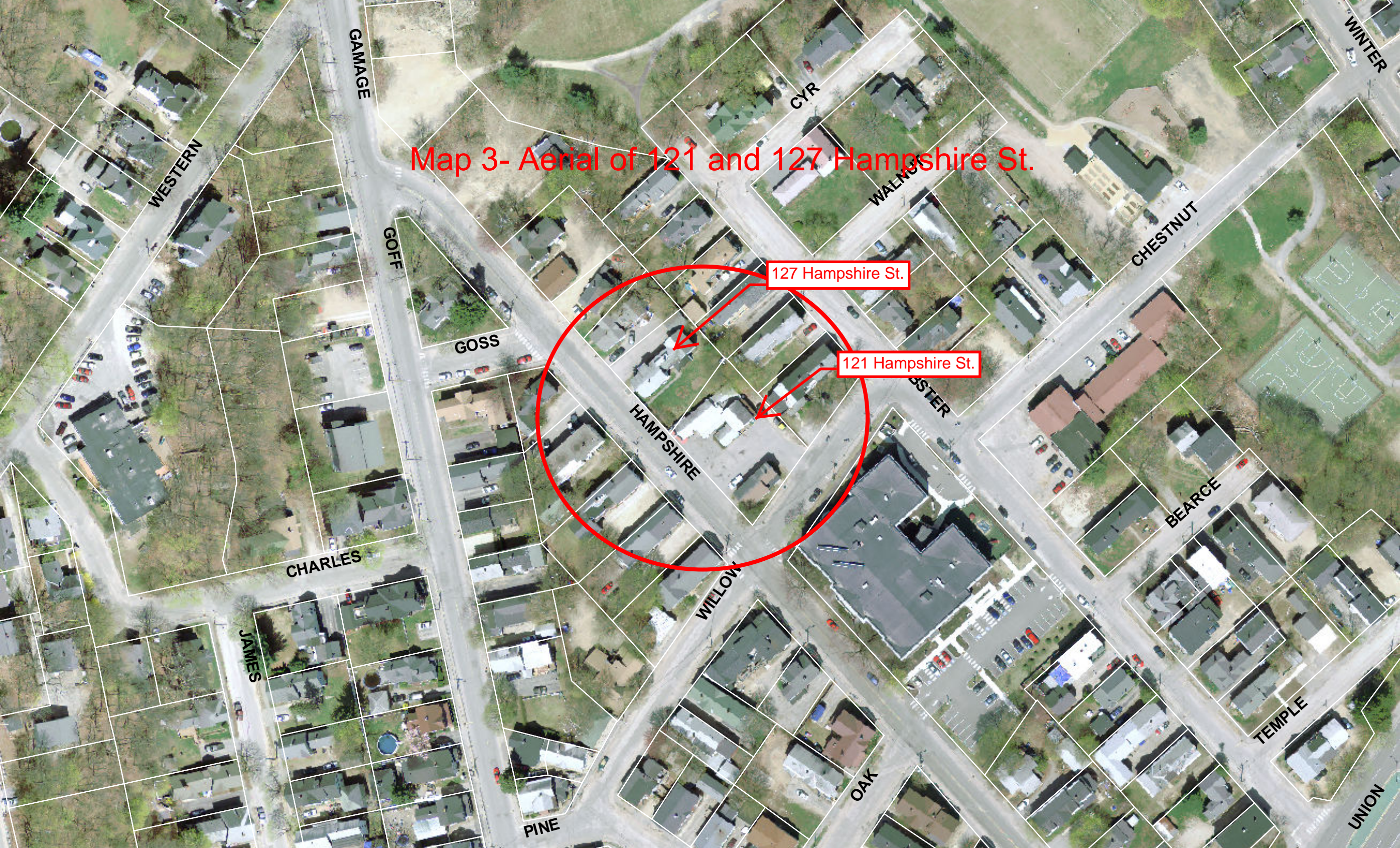
# Map 2- Future Land Use Plan

Future Land Use Plan  
Recommends this area  
(orange) for High Density  
Neighborhood Conservation.





Map 3- Aerial of 121 and 127 Hampshire St.



127 Hampshire St.

121 Hampshire St.