



City of Auburn, Maine

Economic & Community Development

Michael Chammings, Director

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PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Audrey Knight, City Planner

Re: Mount Auburn Plaza, request for a Minor Subdivision to create a total of four commercial lots at the corner of Mount Auburn Avenue and Turner Street, at 649 Turner Street.

Date: September 11, 2018

PROPOSAL – Mike Gotto, on behalf of Schilling Drive LLC, is seeking approval for a Minor Subdivision amendment to a Commercial PUD in the General Business zoning district, commonly known as Mount Auburn Plaza. The original project was approved in 2006 as a 14.32 acre Planned Unit Development, proposing 7.5 acres of impervious surface, 7 buildings and 48,000 square feet of retail, to be developed in 3 phases. In 2007 a Special Exception and Site Plan amendment to the PUD was approved with conditions (see attached), and additional review and permitting by MDEP. This amendment expanded the development plan to encompass 9.5 acres of impervious surface, 85,500 square feet of mixed retail/office/restaurants, associated parking of 496 spaces, detention ponds and amended circulation and drainage.

The current proposal is to create more flexible ownership and lease arrangements by dividing the currently developed pads and vacant land area on the 12.75-acre site into three parcels. The Plaza would retain shared facilities and maintenance through an Easements, Covenants and Restriction (ECR's) agreement to ensure common utility, circulation, drainage, lighting and maintenance are retained as one unit. The three lots would be subsequent to the 2015 creation of a 1.6-acre parcel, known as lot one, owned by I-Hop. This parcel is currently under an ECR agreement with the LLC. The proposed division of land is as follows:

| | Acres | Approved Bldg. Sq.Ft.&Parking | Proposed Parking | Existing Land Use | |
|--------------|-------------|----------------------------------|---------------------|-------------------|---|
| Lot 1 | 1.6 | 6,000 | 50* | 83 | 1, bldg. I-Hop Restaurant |
| Lot 2 | 3.79 | 15,500 | 127 | 280 | 3 bldg., Ruby Tuesday, Androscogen Bank, Longhorn |
| Lot 3 | 2.97 | 22,000 | 110 | 111 | Vacant, Best Buy building |
| Lot 4 | 5.86 | 42,000 | 210 | 166 | Vacant, detention ponds & circulation |
| Total | 14.2 | 85,500 | 497 | 630 | Commercial Mixed-Use |

*As the project evolved between 2004 and 2007 with different prospective tenants, the parking calculations fluctuated to address restaurants (1 space per 3 seats), retail (1per 200sq.ft.) and office (1per 300sq.ft.). The Phase III Site Plan and project approval numbers differ and are partially reflected in the table. The Phase III Site Plan (November 2006) depicts 643 spaces, the text approved project calculated 497 spaces (85,500 sq.ft./200sq.ft (retail) = 427 parking spaces + 50 additional spaces for restaurant calculations), and the proposal illustrates 630 spaces divided and shared between the 4 lots.

The proposed subdivision is reviewed pursuant to Chapter 60, Division 4 Subdivision; Sections 1359, 1360, and 1365, for Minor Subdivision, of the Auburn Code of Ordinances. Additionally, the project is approved as a PUD-C, in the GB zone, which requires concurrent review pursuant to Division 9, Planned Unit Development, Sections 60-359, 360, 361, 387, 419 and 420. Flexibility to achieve the purposes of the zone should be considered as needed for incorporation into the proposed ECR's that are to be incorporated as part of the total approved project and Final Development Plan. (See attached exhibit "Declaration of Easement, Maintenance and Use Agreement, 2015 for I-Hop lot creation.) The planning board needs to make the determination that the division of land will not alter the approved PUD-C (Text is attached for reference.).

Due to substantial site elevation changes, large areas of impervious surface and wetland relocation issues the Plaza acquired permits from MDEP. Both the original and amended development project was reviewed under the Site Location of Development Act (2007#L-14010-87-J-B; 2006 L-14010-7-H-M/L-14010-tG-I-N), and subsequently these MDEP permits were transferred to Schilling Drive LLC, the applicant. (#L-14010-87-L-T) As the impact of the proposed land division will not have an environmental effect, the City may act as the delegated authority in the administration of existing MDEP permits for the implementation of the overall project.

II. DEPARTMENT REVIEW- The Plan Review Committee reviewed the plan on August 15, 2018.

- a. Police- No comments were received from Police.
- b. Auburn Water and Sewer District- No comments.
- c. Fire Department- No comments.
- d. Public Services – No comments.
- e. Lewiston Auburn Airport- No comments.
- f. Economic & Community Development

The Mount Auburn Plaza is in a highly visible location where new development and reinvestment are occurring. Located at the intersection facing a Starbucks, Panera and a Residence Inn by Marriott, the project site is home to 3 high demand restaurants and a bank. With the addition of roundabouts along Turner Street, at the entrance to this proposed development, the currently vacant proposed lot 4 and former Best Buy building on lot 3, will not remain vacant long.

When Phase III was approved in 2007, the expanded project was approved with the understanding that the project may evolve as market conditions change, and that a mix of office, retail and food establishments would ultimately occupy the site. The PUD-C enables flexibility in parking standards with the knowledge that complimentary uses enable shared parking. The project was approved with the condition that site and landscape plans be reviewed as development of each pad and associated parking comes in. A Master Site Plan for the entire Auburn Plaza development was also required to be submitted. (Staff Report, Page 5, E.). All recommendations of the 2007 Staff Report are incorporated by reference as the continued recommendations for this project.

The following subjects should be considered by the planning board pursuant to PUD-C Final Development Plan approval.

Parking – Final parking numbers and design should reflect shared space and complimentary uses. Because these numbers have varied over time, and with different tenants, it is suggested that revised calculations be conducted with the arrival of new tenants for lots 3 and 4, rather than grant or require specific parking space numbers per lot. As currently presented and proposed the site is over parked for its

needs, and a better balance between paving and interior landscaping would vastly improve the image, marketability and cohesiveness of the site.

Landscaping & Open Space – A Planting Plan was submitted in 2005 as part of the PUD application. Subsequently a master landscape plan, that includes parking, lighting, pedestrian and auto circulation has not been resubmitted with the revised Phase III Site Plan. It is recommended that the January 2007 Staff Recommendations for revised site and landscape plans to be submitted with each amendment to the project remain a requirement of any updated approvals.

Lighting – At the time of approval, Dark Sky and comprehensive lighting plans that reduce the overall energy and lumens was not generally of high concern. Because this project is adjacent to a residential area, it is recommended that these elements be taken into consideration for limiting off-site light spillage and timed light shut-offs be taken into consideration for future building and overall site design.

Signage – As a PUD this project has one large marquee entry sign on the round-about, and very visible and prominent street frontage for all of the existing structures and businesses. Lot 4 is also very visible from both Mount Auburn and Turner roads, so that any future structures and businesses will have building sign visibility as well as plaza marquee positioning. The division of land ownership patterns should not alter the cohesive commercial development of the PUD, however there is not an approved master signage plan on record that would address the ability of individual commercial lots to apply for their own sign permits. While no additional signs are being proposed at this time, it is recommended that this issue be addressed in the ECR's and/or that a final development plan set include this element for review and consideration as it becomes relevant.

Circulation – As a partially constructed project the current overall circulation for both automobiles and pedestrians is confusing. Because improved design, access, open space and all mode circulation are goals of a PUD, a revised landscape, circulation, access and parking plan is important to finalize before land division and ownership patterns are changed. Language stipulating that land area other than the building pads are subject to the ECR's and shared improvements and maintenance would also enable the parent company to manage the overall look and marketing of the plaza as new development and tenants come on-line.

III. PLANNING BOARD ACTION- The Planning Board is being asked to review this **Subdivision Plan** application using Division 4 Subdivision, Chapter 60 - Sections 1359 Subdivision Guidelines, 1360 Minor Subdivision Plan and 1365 General Requirements, of the Auburn Code of Ordinances.

- A. **Sec. 60-1359. – Subdivision Guidelines.** When reviewing any subdivision for approval, the planning board shall consider the following criteria, and before granting either approval or denial, shall determine that the proposed subdivision:
- (1) Will not result in undue water, air or noise pollution. In making this determination it shall at least consider: **(No change)**
 - 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; **(No change)**

- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; **(No change)**
- (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; **(The land has already been modified to address soil erosion and storm water management.)**
- (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; **(Traffic impacts were analyzed and approved with the expanded project in January 2007, see staff report. Subdivision will not change the use and trip generation.)**
- (6) Will provide for adequate sewage waste disposal; **(No change)**
- (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; **(NA)**
- (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; **(NA)**
- (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; **(The Land Use Plan designation is Regional Business Development District (RBD) which encourages the type of uses currently on site and proposed. Development Standards for this district call for "well designed, attractive projects that provide adequate vehicular access while minimizing...undesirable impacts. ... minimize stormwater runoff... provide attractive treatment along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.")**
- (10) Is funded by a subdivider has adequate financial and technical capacity to meet the standards of this section; **(Current proposal increases access to funding with flexibility in ownership)**
- (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; **(Medium and high density residential, a Marriot hotel, and a major arterial are adjacent to the project. The use and division of land are appropriate.)**
- (12) Has provisions for on-site landscaping that are adequate to screen neighboring properties from unsightly features of the development; **(On-site landscaping is needed internal to the site within the substantial parking area. The perimeter of the property bordering the residential district is indicated for screening but needs to be replanted. As lots 3 and 4 develop and redevelop, investment in an overall landscape plan that includes pedestrian circulation would be appropriate.)**
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles; **(No change proposed /Ok with staff)**
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; **(NA)**
- (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. **(NA)**

B. Sec. 60-1360. Minor subdivision.

1. The subdivider shall submit an application for approval of a minor subdivision plan at least 30 days prior to a scheduled meeting of the planning board.
2. The applicant shall secure approval from the tax assessor for a lot numbering sequence that is compatible with the existing tax system. The numbering system will not be construed to indicate anything more than identification of parcels for taxation purposes.
3. All applications for plan approval for minor subdivision shall be accompanied by a fee in the amount per lot provided in the city fee schedule, payable by check to the city.
4. The subdivider, or his duly authorized representative shall attend the meeting of the planning board to discuss the plan.

5. Upon receiving an application, the planning department shall notify by mail all abutting property owners of the proposed subdivision, specifying the location of the proposed subdivision and a general description of the project. After the planning department has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.
6. The planning board shall within 30 days of receiving the completed application, hold a public hearing on the plan. Notification shall comply with division 3 of article XVII of this chapter.
7. Upon receipt of a complete application, the planning board shall take final action within 30 days or within such other time limits which may be mutually agreed to by the developer. Such final action shall consist of approval, approval with conditions or disapproval of the final plan. The planning board shall convey in writing to the developer their final action.

C. Sec. 60-1365. General Requirements.

In reviewing applications for the subdivision of land, the board shall consider the following general requirements. In all instances the burden of proof shall be upon the persons proposing the subdivision.

(1) *Subdivision plan shall conform to the comprehensive plan.* Any proposed subdivision shall be in conformity with the comprehensive plan of the city and with the provisions of all pertinent state and local codes and ordinances. **(As previously noted)**

(2) *Preservation of natural and historic features.* The board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. **(The land has already undergone extensive grading, fill and development, however an amended landscape plan is appropriate at this juncture, before possible ownership changes impact the overall cohesion of the Plaza. The buffer area on Site Plan- Phase III needs to be installed, and internal landscape and circulation more clearly defined in order to meet the intent of the PUD overlay.)**

(3) *Lots.*

- a. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated. **(Ok with staff)**

IV. STAFF RECOMMENDATION

The Staff recommends APPROVAL of the 3 lot Minor Subdivision with the finding that it meets the requirements of Chapter 60, Sections 1359, 1360 and 1365 of the Auburn Code of Ordinances.

Staff also recommends:

Should the Planning Board approve this request, the approval will be subject to the following conditions:

- 1) No development shall occur until approval by the Planning Board of the final subdivision plan.
- 2) The final subdivision plan shall be submitted with the revised ECR's for the PUD with the incorporation of the main items of concern in retaining the integrity of the plaza. The plan set shall include revised conceptual landscape and parking plan, and the conditions discussed and approved by the planning board or if agreed approved at staff level with final submissions.
- 3) All Staff Recommendations and conditions of approval from Phase III, January 2007 are reaffirmed.
- 4) The revised Site Plan and Landscape and parking plan should include:
 - a. existing conditions for developed lots 1, 2 and 3 as appropriate;

- b. landscaping feature illustrated on Phase III Site Plan, such as screening treatment for the rear of structures on Lots 3 and 4 that back to residential properties on Dewey, Yale and Bates Streets, with focus on the truck access and loading areas; and,
 - c. any revised calculations in table format of any site improvement changes proposed.
- 5) With the development of Lot 4, the Site Plan should take the opportunity to modernize the design to include the use of more substantial and fewer landscaped islands with shade trees, more efficient pedestrian and auto circulation design between lots, structures and the entrance, and be illustrated as the visualized completion of the plaza at build-out as the Final Development Plan. The Final Development Plan should more clearly define the circulation relationships between Lots 1, 2, 3 and 4.

Audrey Knight, AICP City Planner

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Mount Auburn Plaza (Phase III)

Special Exception & Site Plan Request of Auburn Plaza Inc. (d.b.a. Mount Auburn Plaza) to amend the approved plans to include 42,000 square feet of retail and/or office space, and associated parking to be located at the southeast corner of Mount Auburn Avenue & Turner Street at 649 Turner Street (PID # 280-013), pursuant to Section 3.62.B.1.x and Section 3.62.B.2. q of Chapter 29.

Date: January 9, 2007

I. PROPOSAL

In January of 2005, the Board approved a request to construct seven (7) mixed use commercial buildings, totaling 48,000 square feet, including two with drive thru facilities, and associated parking to be located at the southeast corner of Mount Auburn Avenue & Turner Street, pursuant to Section 3.62.B.1.r and x and Section 3.62.B.2. h. and q of Chapter 29. Since then the developer has responded to market needs and requested changes to the approved plan which have been discussed with the Board on a few occasions and approved by staff. The changes included combining some of the smaller pad sites reducing the number of pad sites to five (5). The total impervious area was reduced by the changes and total building area on the modified plan (Phase 2) has been reduced from 48,000 to 43,500 square feet.

The current request before the board is to add two additional retail and/or office pad sites (4A and 4B) to the property totaling 42,000 square feet. The new total of all buildings on the site is proposed to be approximately 85,500 square feet.

Based on a information provided in a letter from Gorrill-Palmer Consultants dated March 24, 2006 to David Galbraith, the changes noted in the Mount Auburn Plaza Phase 2 plans, including the elimination of a 3,500 square foot drive-thru fast food restaurant as originally proposed, reduce the total number of trips in the PM peak hour significantly. Based on that reduction combined with the latest proposal, Gorrill-Palmer anticipates a net reduction of approximately 57 peak hour trips over those originally anticipated. Therefore, the PM peak hour trips resulting from the additional 42,000 square feet of retail and/or office space proposed as phase three can be accommodated by the offsite improvements completed as part of the original plans as required by

the traffic movement permit. It should also be noted that the City improvements to the Turner Street-Mount Auburn Avenue area are anticipated to begin in spring 2007.

The chapter and verse refer to the following:

1. Section 3.62.B.1.x. refers to:

3.62 - General Business (GB), B - Use Regulation, 1 - Permitted Uses, x - Retail, service, office and commercial uses similar to the foregoing.

2. Section 3.62.B.2.q. refers to:

3.62 - General Business (GB), B - Use Regulation, 2 - Special Exception Uses, q - Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under Section 3.62.B.1. which will occupy an area of 5,000 square feet or more.

As outlined above, the developer is seeking Special Exception and Site Plan approval for the construct of an additional two (2) mixed use commercial buildings, totaling 42,000 square feet, and associated parking at the southeast corner of Turner Street and Mount Auburn Avenue. The subject property is 14.54 acres (+/-) and is located within the General Business (GB) zoning district. It should further be noted that the final locations of the buildings may vary from the submitted plans as each tenant may desire a slightly different configuration / location. These changes, if deemed to be minor, would be reviewed and approved by Staff at the time of submittal. As illustrated on the submitted plans the site has been designed into three (3) distinct areas which all interconnect. The entire site will be under one ownership with ground leases for the seven commercial pads.

The subject development is bounded on the north by Mount Auburn Avenue. The developer is not proposing any vehicle access to the north as this area is a controlled access by Maine DOT. The controlled access continues down Turner Street to the curb-opening for the Androscoggin Plaza. The entire development is proposed to be accessed by a single signalized driveway opening on Turner Street directly across from the Wal*Mart & Lowe's entrance.

Staff has worked diligently with the developer and their design team, to provide a safe and efficient site plan with an emphasis towards on-site circulation and minimizing impacts to the adjacent property owners and surrounding street network. Staff is supportive of the proposed development as it is consistent with the existing zoning and complimentary to surrounding uses.

Please see pages 5-6 of the application for an explanation of how the proposed changes meet the special exception requirements.

II. DEPARTMENT REVIEW

Police Department:

A. No Comment.

Fire Department:

- A. The building shall meet or exceed the National Fire Protection Association and the American Insurance Association Fire Prevention Codes and any state/local rules, regulations and/or ordinances.
- B. Recommend that the on-site fire hydrants be maintained by the Auburn Water/Sewer District, with a contract between the AW/SD and the property owners.

Water and Sewer District:

I have reviewed the Site Plan Application titled "Mount Auburn Plaza – Phase 3", dated December 1, 2006, prepared by Technical Services Inc. The proposed Phase 3 development will be served by the public water distribution system and public wastewater disposal system. This project will have a minimal impact on the public water and sewer system.

- A. The proposed water and sewer improvements will be privately owned. I have requested that the owner provide the Auburn Water District with an easement that provides the District with access rights to water valves with the entire development project (similar to agreement for the Wal-Mart-Lowe's Project).
- B. I concur with the proposed water and sewer utility layout with one exception. If the Auburn Fire Department concurs, I suggest an additional private hydrant be placed on the front of the proposed buildings. A possible location would be in the vicinity of SMH2. This hydrant would be in addition to the proposed hydrant on the southerly end of the project.

Engineering Department:

- A. This application is for a modification to a previously approved Maine DEP Site Law project. By obtaining approval for the modification from the Maine DEP the applicant adequately addresses the areas of concern to the department. Approval should be conditioned upon the applicant obtaining modification approval from the Maine DEP.
- B. Once approved, the applicant needs to provide a construction cost estimate for the site work associated with Phase 3. The Division's Construction Inspector will work with the applicant to determine the amount of any additional performance guarantees and inspection fees.

Public Works / Traffic:

- A. No Comments.

Planning Department:

- A. Site Plans and Landscape Plans for the development of each of the pad sites and associated parking areas shall be submitted for Staff review and approval. In addition, a Master Site Plan for the entire Auburn Plaza development shall be submitted with the development proposals for each of the pad sites and shall reflect the approved plans to date.
- B. All refuse and recycling containers shall be located within Any dumpsters associated with the business operation shall be relocated to the rear of the building and shall be screened from public view at all times.
- C. There shall not be any outside storage of materials (parts, pallets, dumpsters, containers, etc.) unless stored within a screened (solid) enclosure. Said enclosure/s shall be reviewed with Staff prior to their construction and building permits must be issued.
- D. All site lighting shall be full cut off style fixtures and not have bulbs that protrude below the fixture mount.
- E. All delivery vehicles shall enter and exit the site via Mount Auburn Avenue. No delivery vehicles may utilize Turner Street (south of the proposed site entrance) except when heading to or from Mount Auburn Avenue.

III. FINDINGS FOR SPECIAL EXCEPTION REVIEW:

- A. The Zoning Ordinance contains no specific requirements for a retail use similar to that being proposed.
- B. The Special Exception sought will not create or aggravate a traffic hazard, a fire hazard or any other safety hazard.
- C. The proposed Special Exception sought will not block or hamper the Master Development Plan pattern of highway circulation or of planned major public or semi-public land acquisition.
- D. The subject property is situated in a General Business (GB) district and the proposed use is consistent with this zoning classification. The exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of the property adjoining and neighboring the property under application.
- E. The proposed use is on an existing lot.
- F. The standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of Chapter 29.
- G. All 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.

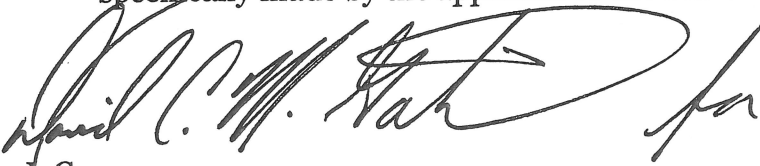
H. It has been determined that the proposed project satisfies the objectives of Special Exception review and will constitute a suitable development and will not result in a detriment to the neighborhood or the environment. This determination is based upon the above noted findings.

IV. RECOMMENDATION:

Based upon the findings noted above, Staff recommends that the Planning Board approve the proposed Special Exception Request, by the applicant, Mike Gotto, President of Technical Services Inc., agent for Auburn Plaza Inc. (d.b.a. Mount Auburn Plaza), to construct two (2) additional mixed use commercial buildings, totaling 42,000 square feet, and associated parking to be located at the southeast corner of Mount Auburn Avenue & Turner Street, pursuant to Section 3.62.B.1.x and Section 3.62.B.2.q of Chapter 29, with the following conditions:

- A. The building shall meet or exceed the National Fire Protection Association and the American Insurance Association Fire Prevention Codes and any state/local rules, regulations and/or ordinances.
- B. Prior to the issuance of a Notice to Proceed the developer shall have agreements in place with the Auburn Water District regarding the Water Service Access Agreement and the Relocation/abandoning of existing 8" water main between Turner Street and Dewey Street.
- C. This application is for a modification to a previously approved Maine DEP Site Law project. By obtaining approval for the modification from the Maine DEP the applicant adequately addresses the areas of concern to the department. Approval should be conditioned upon the applicant obtaining modification approval from the Maine DEP.
- D. Once approved, the applicant needs to provide a construction cost estimate for the site work associated with Phase 3. The Division's Construction Inspector will work with the applicant to determine the amount of any additional performance guarantees and inspection fees.
- E. Site Plans and Landscape Plans for the development of each of the pad sites and associated parking areas shall be submitted for Staff review and approval. In addition, a Master Site Plan for the entire Auburn Plaza development shall be submitted with the development proposals for each of the pad sites and shall reflect the approved plans to date.
- F. All refuse and recycling containers shall be located within Any dumpsters associated with the business operation shall be relocated to the rear of the building and shall be screened from public view at all times.
- G. There shall not be any outside storage of materials (parts, pallets, dumpsters, containers, etc.) unless stored within a screened (solid) enclosure. Said enclosure/s shall be reviewed with Staff prior to their construction and building permits must be issued.
- H. All site lighting shall be full cut off style fixtures and not have bulbs that protrude below the fixture mount.

- I. All delivery vehicles shall enter and exit the site via Mount Auburn Avenue. No delivery vehicles may utilize Turner Street (south of the proposed site entrance) except when heading to or from Mount Auburn Avenue.
- J. Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal as well as any oral commitments regarding the project which were specifically made by the applicant to the Planning Board in the course of its deliberations.

A handwritten signature in black ink, appearing to read "Eric J. Cousens", written over a horizontal line.

Eric J. Cousens
City Planner

DIVISION 9. - PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General

Sec. 60-359. - Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the planning board's evaluation of the development proposal and the purposes standards and provisions set forth in this division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-360. - Scope.

- (a) Application for a PUD-C Planned Unit Development, PUD-I Planned Unit Development or PUD-R Planned Unit Development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. Application for a PUD-RR Planned Unit Development: Recreation/Residential may be made for land located where public sewer is presently available, will be made available by the developer prior to certificates of occupancy being issued or may utilize private wastewater disposal systems in compliance with state plumbing codes.
- (b) The dimensional requirements stated in individual zoning districts and signs as stated in article V of this chapter may be increased or decreased by the planning board as they apply to planned unit developments, except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in section 60-359, purpose, and section 60-361, general standards.
- (c) ***Coordination with subdivision regulations.***
 - (1) ***If a plan review is required under division 4 of article XVI subdivision of this chapter, it shall be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.***
 - (2) ***The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI subdivision of this chapter relative to final plans where applicable.***
 - (3) ***Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.***

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-361. - General standards.

The following provisions apply to all planned unit development districts:

- (1) The dimensional requirements as stated in individual zoning districts shall apply within the PUD but may be increased or decreased due to individual site characteristics as determined by the planning board to promote the purposes set forth in section 60-359 of this chapter.

- (2) ***The planning board may increase or decrease the required number of off-street parking spaces as stated in article V of this chapter in consideration of the following factors:***
- a. ***The probable number of cars owned by occupants of dwellings in the planned unit development;***
 - b. ***The parking needs of any nonresidential uses;***
 - c. ***Varying time periods of use, and whatever joint use of common parking areas is proposed.***
- (3) ***Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.***
- (4) A PUD involving residential uses shall reserve an amount of land equal to that required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD or open to the public. Land reserved to satisfy the open space requirement shall be:
- a. Administered through a homeowner's association; or
 - b. Dedicated to and accepted by the city for public use; or
 - c. Land occupied by a major recreational use adjacent to a PUD-RR; or
 - d. Managed by a non-profit organization or land trust deemed capable of management by the planning board; or
 - e. A combination of a, b, c and/or d above.
- (5) All of the requirements of the City Code of Ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) ***Before granting approval of the final development plans, the planning board must find that said plan addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved::***
- a. ***The proposed development has an appropriate relationship to the surrounding area;***
 - b. ***Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and exhaust. Proper circulation in parking areas is designed for safety, convenience, separation and screening;***
 - c. ***Adequate open space has been provided with consideration given to preservation of natural features including trees and drainage areas, topographic features, recreation and views.***
 - d. ***Privacy in terms of needs of individuals, families and neighbors;***
 - e. ***Pedestrian and bicycle traffic in terms of safety, separation, convenience and access points;***
 - f. ***Building types in terms of appropriateness to density, site relationship and bulk;***
 - g. ***Building design in terms of orientation, spacing, character, storage, signs and lighting;***
 - h. ***Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;***
 - i. ***Preservation of historically or architecturally significant buildings or places, if any;***

- j. *There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued, except as allowed by section 60-360(a) in the case of a PUD-RR.*
- k. *That the proposal meets the requirements of section 60-1335, special exception of this ordinance.*

Sec. 60-387. - Planned Unit Development—Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the underlying zoning districts are permitted in the PUD-C district.

Subdivision III. - Application Procedure

Sec. 60-418. - Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶); Ord. of 9-21-2009, § 3.51E)

Sec. 60-419. - Submission and review.

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.
- (c) The site plan must contain the following information:
 - (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- (d) The written statement to accompany the development plan outline map must contain the following information:
 - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;

- (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;
- (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300.
- (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. - Final development plan.

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The planning board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. *The director shall consider the following standards before approving a phased plan for recording:*
 - (1) *The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.*
 - (2) *Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.*
 - (3) *The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.*
- (d) *From time to time the planning board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the planning board may initiate proceedings. The planning board, for good cause shown by the property owner, may extend the limits of the development schedule.*
- (e) The planning board may require adequate assurance in a form consistent in a form acceptable to the planning board, that the common open space shown in the final development plan shall be provided and developed.
- (f) **Final development plan contents:**
 - (1) ***The final development plan shall contain the information provided on the preliminary development plan and any additional information requested by the planning board and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the planning board.***
 - (2) ***The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419.***

- (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.
- (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.
- (g) Control of planned unit development following completion.
 - (1) The planning board shall review and take action on the competed final plan.
 - (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
 - (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
 - a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the planning board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
 - b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principal, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.
 - c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
 - d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a. and b. of this section.
 - e. All other changes in the final development plan must be made by the planning board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
 - 1. Continued successful functioning of the planned unit development;
 - 2. By changes in conditions that have occurred since the final plan was approved; or
 - 3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved. (Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E; Ord. No. 08-08072017, 9-11-2017)

