

**To:** Auburn Planning Board  
**From:** Megan McLaughlin, City Planner II/Audrey Knight, City Planner/Urban Development Specialist  
**Re:** 185 Summer Street (PID 260-217), Proposed Conversion of a 12,000 Square Foot Nursing Home to 12 Residential Units in the Multifamily Urban Zoning District.  
**Date:** August 13, 2019

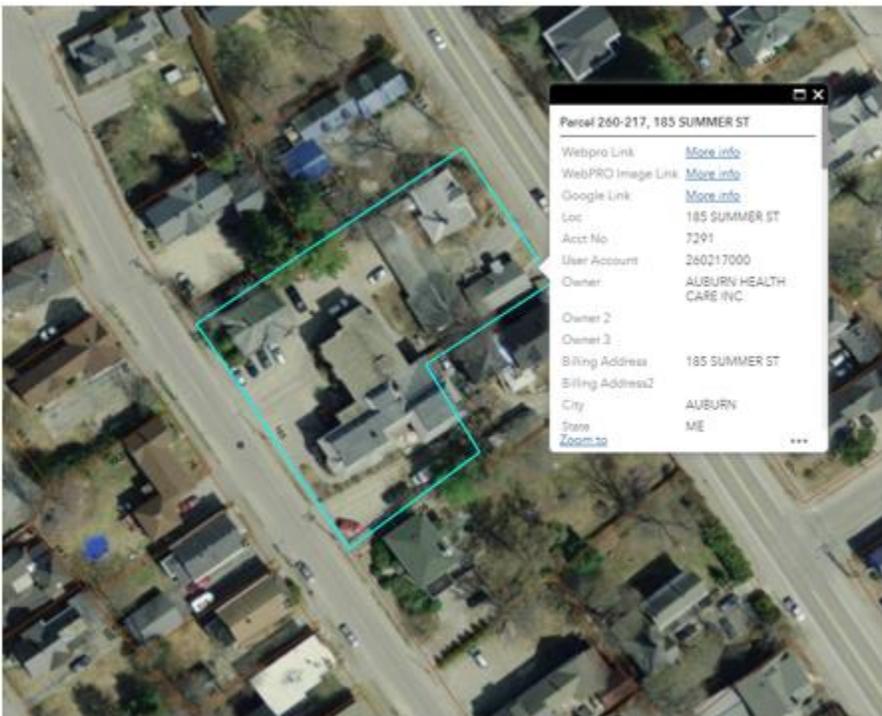


Figure 1: 185 Summer Street (Aerial)

**I. PROPOSAL –**  
 Christy and Al LaValley of LaValley Properties are seeking approval of a Subdivision at 185 Summer Street pursuant to Chapter 60, Article XVI Division 4, Subdivision, Sec. 60-1359 of the Auburn Code of Ordinances.

*Parcel Components:*

Four structures have been constructed on the 30,927 square foot parcel over a number of years where the primary use was a nursing care home facility house in multiple buildings:

- A small Single-Family style home addressed as 390 Turner Street with 780 sq.ft;
- A 3,084 square foot two-unit

home addressed as 197 Summer Street that used to be the nursing home offices;

- A large nursing home which was demolished formerly addressed as 392 Turner; and,
- A 10-16,500 square foot nursing home (5818 building footprint with approximately 12,000 sq.ft of finished area) which is the subject of this project, proposed to be converted into 12 apartment units. The parcel would then be occupied by 15 homes of varies sizes and types, which meets the purpose of the zone. Multifamily dwellings are permissible in the Multifamily Urban Zoning district if they meet the density requirements of the District:

PARCEL SIZE: 0.71 acres or 30,927.6 square feet

- Minimum Lot Area (*One Family*): 5,000 Square Feet Required  
+
- Minimum Lot Area (*Two Family*): 6,500 Square Feet Required  
+
- Minimum Lot Area (*Multifamily*): 5,000 Square Feet Required for First Dwelling and 1,500 Square Feet Required for Each Additional Dwelling

This project can be calculated as either;  
 $5,000 + 6,500 + 5,000 + (1,500 * 11 = 16,500) = 33,000'$  or  $5,000 + 6,500 + (1,500 * 12) = 29,500'$

Because the parcel contains a mix of dwelling types, and has been occupied by various buildings used for different purposes over time, Staff has, in the past, interpreted the ordinance to allow the 5,000 square foot first dwelling requirement to be accounted for once on the parcel, instead of using the minimum lot area for each building type. For example, in calculating the minimum lot area for this conversion to multifamily; instead of using 5,000 square feet for the first dwelling and 1,500 square feet for each additional dwelling, we would instead use the other buildings minimum lot area as the base and simply calculate 1,500 square feet x 12, for each additional proposed apartment. This would allow the Applicant to configure the 12 units being proposed.

As proposed the project would have a density of 21 units per acre, or roughly 2061sq.ft. of land per unit. The zone allows a maximum yield of 26 units per acre if it can meet the 50% net green space and other standards. This standard is intended for 3-story (35ft) garden type apartments with side, front and rear yard setbacks. This is a redevelopment project with extensive existing development that was built as a Special Exception in order to create a nursing home complex. In reverting the entire property to residential use, it faces a few challenges in meeting the standards of the zone.

## II. DEPARTMENT REVIEW –

- a. *Police* – No Comments.
- b. *Auburn Water and Sewer* – No comments.
- c. *Fire Department* – No Comments.
- d. *Engineering* – Property access is confusing and should be consolidated to serve the common development scheme. It is unclear what the purpose of the paved area is behind the proposed apartment building. Is this proposed to be parking? It may have been a service entrance for loading, laundry, ambulances, and food supplies that would no longer be needed for the new use. The three entrances likewise on Turner Street are not needed. One entrance for the parcel on either road would be standard.
- e. *Public Services* – No Comments.
- f. *Economic and Community Development* –

**Parking.** The requirement for each of the uses is as follows:

- Single Family: Two per Each Dwelling
- Multifamily/Two-Family: 1 ½ per Dwelling Unit

Based on the ordinance requirements, the total number of parking spaces required for the single-family, two-family and multifamily (12 units) would be 23 parking spaces. The Site Plan shows 31 parking spaces, 8 more than the development needs (or approximately 6000sq.ft.). The Applicant has stated that they want to provide as much parking as possible, because they believe this will affect marketability. Either a reduction in the total number of units or a reduction in parking would address this.

**Impervious Surface & Green Space.** The Multifamily Urban Zone requires 50% of the lot to be in “green space.” With the other nursing home demolished and the proposed additional parking spaces, the Applicant would increase impervious surface by a minimum of 1,172 sq. ft. Although the overall development calculations are still being revised, the initial calculations from the site plan provided indicate roughly 18% of the parcel would remain unpaved or green (approximately 5738 sq.ft. mostly between the Summer and Turner Street building to the rear.). Roughly 15,000 sq. ft. of green space would be needed to meet the standard of the zone.

The project is within proximity to Pettingill Park, so it could be reasonably argued that there are recreational facilities to address Sec.60-1367 (recreation area and open space requirements for any

subdivision) in the neighborhood. This however is a different standard than that required by the zone itself intended to address residential building patterns, the amount of impervious surface covering any lot and the availability of green space to residents on-site.

As a possible concession, Staff met with the Applicant on site and discussed a minimum consideration of a net zero increase in impervious surface for the conversion. This would add roughly 4,110 sq.ft of green space to the site plan, for a total of 9,800sq.ft, which gets the project up to 32%. In either case a waiver from the standard would need to be granted if there is no change to the project scope.

*Sec. 60-335(2) green space requirements for the additional impervious surface per Sec. 60-1312.*

– Review of Planning Board needed for Variance: For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the planning board. The modifications of the dimensional requirements shall be allowed as the planning board may deem necessary to carry out the objectives and intent of site plan review as specified in division 2 of article XVI of this chapter.

**Landscaping.** Sec.60-1359 (12) calls for the provision of adequate landscaping between neighboring uses. There is the need to provide additional landscaped areas around the buildings, specifically in front of the two-family home, where parking is not feasible due to the metal roof and snow load in the winter. The green space shown on the site is proposed to be used for snow storage in the winter months. One suggestion was to block the 15.1 foot access between the apartment units and the two-family home but the Applicant was not interested in doing that for plowing purposes and ease of access to additional parking for the tenants.

**Interim Paving.** The Applicant requested the use of base pavement until next summer for the parking area. When the former nursing home was demolished, the Applicant was informed to wait to put pavement down due to settling of gravel. For parking lots containing over five parking spaces, the following requirements apply (Sec. 60-607), (12) All uses containing over five parking and/or loading spaces shall either contain such spaces within structures or be subject to the following requirements:

a. All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained. Materials which satisfy these criteria include but are not limited to: bituminous pavement, concrete, geotextiles and brick or cobblestone or other paving block provided that it is mortared.

b. Parking and loading spaces shall be suitably marked by painted lines or other appropriate markings.

c. A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm shall be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street right-of-way, or landscaped area to prevent vehicles from rolling into such areas.

The Board will need to decide what standards they are willing to waive for the project as presented and/or discuss ways that the Applicant could better meet the standards for a more conforming project.

**III. PLANNING BOARD ACTION – 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:
  - (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) **(No Issue, the Buildings/Uses are Already Existing on This Parcel and in This District)**;
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision **(No Issue)**;
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; **(No issue)**
- (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; **(with only 18% green space the site has limited capacity to hold water)**.
- (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; **(No issue)**.
- (6) Will provide for adequate sewage waste disposal; **(No issue)**.
- (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; **(Planning Staff informed the Applicant that they will need to contract with an individual waste hauler and put a screened dumpster in place)**.
- (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; **(No change)**.
- (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; **(This subdivision conforms to both the Comprehensive Plan and zoning designations as a use)**.
- (10) Is funded by a subdivider which has adequate financial and technical capacity to meet the standards of this section; **(No issue)**.
- (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; **(No issue)**.
- (12) Has provisions for on-site landscaping that are adequate to screen neighboring properties from unsightly features of the development; **(Planning Staff informed the Applicant that at a minimum they should put landscaping in place between the back of the nursing home proposed for conversion and the abutting residential properties)**.
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles; **(No issues)**.
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; **(No issues)**.
- (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. **(No issue)**.

### **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.

- (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. **(No change)** 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. **(Dumpster location and screening need to be located and added)**

**III. STAFF RECOMMENDATIONS** – While there are existing structures, the project proposes a net increase in impervious surface in parking. Staff recommends the PB discuss the project the standards and hear testimony from the Applicant, before voting on the nature and extent of the waiver request to be granted. Two recommendations are discussed below pending the decision on the waiver request.

Staff also discussed requiring landscaping between the existing residential units at 203 Summer Street and 175 Summer Street and the parking lot.

Additional items for consideration include trash pickup accommodations, overall landscaping and lighting, pedestrian and bicycle provisions, the 15.1-foot access between the buildings, multiple drive-access points, and the total number of units appropriate for the site. In addition, the Applicant requested the use of base pavement for the parking area until they install final pavement next spring/summer after the site has settled. Staff recommends the PB add a condition regarding the type of pavement used for the parking area before the issuance of a Certificate of Occupancy.

#### **Optional Findings and Motions**

a. If the Planning Board votes in favor of a waiver request to allow 82% impervious surface, as indicated on the draft site plan, the Planning Board would find that the application meets the requirements of Article VI, District regulations, that the application meets the requirements of Sec. 60-1359 (*Subdivision Guidelines*) and further finds that the granting a Variance from Sec. 60-335(2,) green space requirements are deemed necessary to carry out the intent of the zone, and approve the project as follows:

***Recommended Motion: I make a motion to approve the conversion of an approximately 12,000 square foot nursing home to 12 residential units at 185 Summer Street (PID: 260-217) in the Multifamily Urban Zoning District, and further grant a Variance per Sec. 60-335(2,) green space requirements to allow lot coverage of 82% impervious surface per Sec. 60-1312 with the following conditions:***

- *Due to settling associated with the recently demolished nursing home facility, the Applicant may use temporary pavement in the parking lot until Summer of 2020. A Conditional Certificate of Occupancy shall be issued contingent upon final pavement being installed in accordance with Sec. 60-607(12)(a) of the City Code of Ordinances.*
- *Accommodations shall be made for trash pickup for the 12 unit apartment building.*
- *(Possible Condition): A landscaped area approved by City Staff shall be installed between the parking lot and residential units at 203 Summer Street and 175 Summer Street.*
- *Other items as brought forward by the Planning Board during deliberations.*

b. If the Planning Board does not vote in favor of 32% green space waiver request (the net increase in impervious surface), Staff recommends the Planning Board **indicate the conditions under which a Variance to the 50% requirement be granted**, and then find that the application meets the requirements of Article VI, District regulations, that the application meets the requirements of Sec. 60-1359 (*Subdivision Guidelines*), and further finds that the granting a Variance from Sec. 60-335(2,) green space requirements are deemed necessary to carry out the intent of the zone, and approve the project as follows:

***Recommended Motion: I make a motion to approve the conversion of a 12,000 square foot nursing home to 12 residential units at 185 Summer Street (PID: 260-217) in the Multifamily Urban Zoning District, and further grant a Variance per Sec. 60-335(2,) green space requirements to allow lot coverage of \_\_\_% impervious surface per Sec. 60-1312 with the following conditions:***

- *The Applicant shall remove parking spaces and/or provide additional landscaping to achieve a net zero increase in impervious surface (an 18% variance or 32% of the site area in green space) or achieve the 50% requirement thru the reduction of parking, density, driveways and entrances. This shall be reviewed by Planning Staff before the issuance of a building permit.*
- *Due to settling associated with the recently demolished nursing home facility, the Applicant may use temporary pavement in the parking lot until Summer of 2020. A Conditional Certificate of Occupancy shall be issued contingent upon final pavement being installed in accordance with Sec. 60-607(12)(a) of the City Code of Ordinances.*
- *Accommodations shall be made for trash pickup for the apartment building.*
- *(Possible Condition): A landscaped area approved by City Staff shall be installed between the parking lot and residential units at 203 Summer Street and 175 Summer Street.*
- *Other items as brought forward by the Planning Board during deliberations.*

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