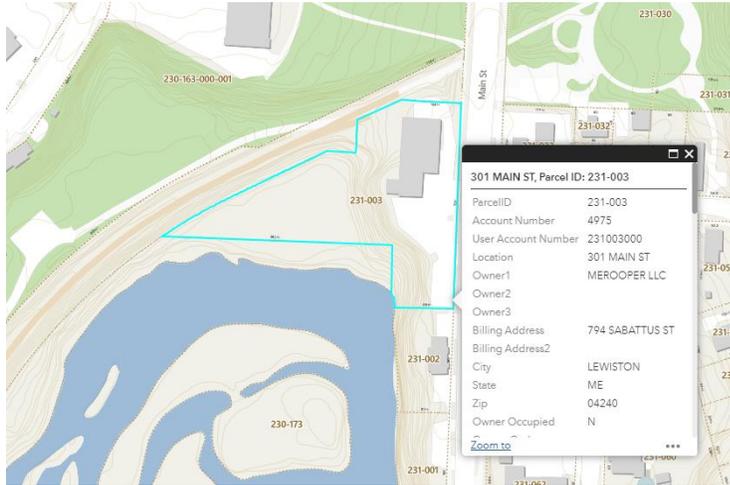


To: Auburn Planning Board
From: Megan Norwood, City Planner II
Re: 301 Main Street: Age-Restricted Retail – Marijuana Storefront
Date: January 14, 2020



I. PROPOSAL: Nicholas Morton of Maine Grown LLC is applying for a Special Exception in accordance with Sec. 60-554, Sec. 60-556(b)(2) and Sec. 60-1336 to open an age-restricted retail, marijuana storefront in the T-4.2 (Traditional Downtown Neighborhood) Form-Based Code Zoning District at 301 Main Street. The 300 square foot space for the marijuana storefront already exists inside Roopers and was formerly used as a deli area. It now has a permitted separate ramp/entrance from the exterior (*see application materials*). For an age-restricted retail use, the

ordinance requires 1 parking space per 400 square feet. Maine Grown has one assigned parking space in the Roopers lot.

The City permits medical and adult use marijuana storefronts in the Form-Based Code Zoning Districts; however, in order to operate, they have the extra step of gaining Special Exception approval from the Planning Board if more than 50% of the floor space is devoted to age-restricted goods. This is true of all “age-restricted retail” uses in the Form-Based Code Districts.

The primary intent of the Form-Based Code Districts is to regulate the physical form of buildings with uses being secondary. In this case, Maine Grown is occupying space within an existing building so it does not afford the Planning Board the opportunity to review building facades, elevations, lot coverage, etc. like with a typical Form-Based Code proposal. The Planning Board's responsibility is, however, to review the proposal in accordance with the Special Exception standards which have been listed in Section III of the Staff Report.

II. DEPARTMENT REVIEW:

- a. **Police** – The PD inspected the property for a marijuana license, any issues that were found have been corrected.
- b. **Auburn Water and Sewer** – No issues.
- c. **Fire Department** – The FD inspected the property for a marijuana license, any issues that were found have been corrected.
- d. **Engineering** – No issues.
- e. **Public Services** – No issues.
- f. **Economic and Community Development** – No issues.
- g. **Addressing** – Due to the separate entrance, this new space will need a “suite” number. For example, 301 Main Street, Suite 1. The Planning Board should make this a Condition of Approval.

III. PLANNING BOARD ACTION: The proposed project requires review and findings for approval of Section 60-1336:

A. Special Exception, Section 60-1336: The board shall require evidence of the following:

1. That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.

Age-Restricted Retail uses are allowed as Special Exceptions in the T-4.2 Form Based Code Zoning District. The building already exists.

2. That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.

The 300 square foot marijuana storefront is not expected to generate large volumes of traffic, the use only requires 1 parking space based on the amount of square footage. A separate ramp entrance into the building is constructed as well as a second means of egress into Roopers, if necessary, though not required. A security plan was submitted, the site has been reviewed by the Police Department and the business has been given the okay to operate after receiving Planning Board approval.

3. That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition.

The proposal will not block or hamper a master development plan.

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.

The proposed marijuana storefront is located inside the existing Roopers, there will be no new additions to the building.

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.

No issues as the building already exists.

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.

No issues. Marijuana storefronts in other Zoning Districts (GB, GBII, Industrial) are permitted without Planning Board review and approval. The space has been reviewed by Code Enforcement for a marijuana license and they are all set to operate after receiving Planning Board approval.

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.

No issues.

IV. STAFF RECOMMENDATIONS: Planning Staff recommends the Planning Board approve the age-restricted retail use to allow a marijuana storefront in the T-4.2 Form Based Code Zoning District with a couple of conditions:

- Due to the tight parking at Roopers and the ordinance requirement of one parking space for this use, we recommend the parking space be reserved with some sort of signage, for example, "parking for Maine Grown" in close proximity to the business.
- The Applicant will have to work with the Addressing Officer to come up with a "Suite" number for this new entrance into the building since it is separate from Roopers.

Suggested Motion: I make a motion to approve the Special Exception to allow the operation of a marijuana storefront at 301 Main Street, PID 231-003 in the T-4.2 Form Based Code Zoning District with the following conditions:

- *One parking spot for the marijuana storefront shall be reserved with signage.*
- *The Applicant shall work with the Addressing Officer to ensure the space is correctly addressed along with Roopers.*

Megan Norwood

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City Planner II