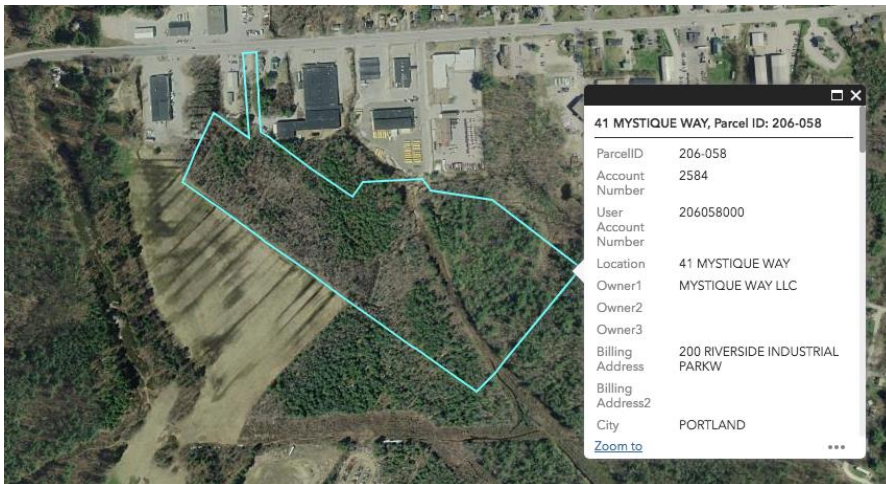


To: Auburn Planning Board
From: Megan Norwood, City Planner II
Re: Mystique Way (PID 206-058), Planned Unit Development: Creation of 10 Condominium Units with 18 Total Buildings
Date: June 09, 2020



I. PROPOSAL: At the April 14, 2020 meeting, the Planning Board approved 14 new industrial cannabis cultivation and manufacturing structures on Mystique Way for a total of 19 buildings with the following conditions:

1. Two parking spaces shall be provided within 10 feet of each building.
2. Except in emergency situations, no vehicles shall be parked on Mystique Way unless in a designated parking

space.

3. No more than one retail use shall be on the site unless approval is granted by the Planning Board.
4. Before the start of construction, all applicable bonding and inspection fees shall be paid and the Engineering Department shall sign off on the stormwater review.
5. A 15-foot easement shall be provided to Auburn Water and Sewer and recorded in a deed for the public water main on Mystique Way.
6. All concerns raised by the Fire Department regarding access and fire hydrant distances shall be addressed.
7. An addressing plan shall be approved before building permits are issued.

The Planning Board also granted one waiver from Sec. 60-609 of the ordinance which applies to off-street loading requirements. The ordinance requires all buildings to have sufficient loading areas. The Applicant argued that the types of vehicles that will be loading/unloading at the site are not large enough to require their own loading spaces and that the parking spaces in front of each building will be enough for the box trucks to pull in and unload into the buildings (*see further discussion on this below*).

Terradyn Consultants, on behalf of Mystique Way, LLC is back for the June meeting with a plan revision to develop the property into an Industrial Planned Unit Development (PUD-I) with condominium-style ownership. Each unit of the condominium is proposed to contain the building envelope for improvements on the recently approved site plan and the access areas. The PUD-I will consist of 18 buildings split into 10 units.

The overall layout of the buildings is generally the same as approved by the Planning Board in April. However, one amendment was made to condense two of the buildings down to one building directly adjacent to Mystique Way (originally approved at buildings 10 and 11, now shown as proposed unit #5).

As discussed above, the Planning Board approved 14 new buildings at the April meeting in addition to the 5 buildings already existing on the site. A breakdown of how the new and existing 19 buildings have been apportioned into units is listed below:

| Unit | Original Site Plan Bldg. Approval | Building Square Footage | Unit Square Footage (Comprised of Building Envelopes and Access Areas) |
|-----------------|--|----------------------------|--|
| Unit 1 | Existing Bldgs. 1 & 2, Recently Approved Bldgs. 1-5 and 9. | 49,216 Square Feet | 240,707 Square Feet |
| Unit 2 | Recently Approved Bldg. 6 | 11,500 Square Feet | 28,119 Square Feet |
| Unit 3 | Recently Approved Bldg. 7 | 11,500 Square Feet | 34,137 Square Feet |
| Unit 4 | Recently Approved Bldg. 8 | 11,500 Square Feet | 32,382 Square Feet |
| Unit 5 | Recently Approved Bldgs. 10 and 11 | 17,000 Square Feet | 58,071 Square Feet |
| Unit 6 | Existing Bldg. 3 | 11,424 Square Feet | 233,745 Square Feet |
| Unit 7 | Existing Bldgs. 4 and 5 | 8,000 Square Feet | 180,894 Square Feet |
| Unit 8 | Recently Approved Bldg. 14 | 11,500 Square Feet | 34,263 Square Feet |
| Unit 9 | Recently Approved Bldg. 12 | 11,500 Square Feet | 38,875 Square Feet |
| Unit 10 | Recently Approved Bldg. 13 | 11,500 Square Feet | 52,461 Square Feet |
| Total SF | | 154,640 Square Feet | 933,654 Square Feet |

With the amendment from buildings to condominium units, there are no proposed changes to the impervious area or the other items reviewed at the previous Planning Board meeting pertaining to stormwater calculations, roadway/utility designs, erosion control measures, access, etc. Having said this, there were a few conditions placed on the April approval that still need to be addressed and discussed by the Planning Board.

1. The Planning Board wanted there to be two parking spaces provided within 10 feet of each building to prevent parking on Mystique Way among Employees who work at several different buildings. Two parking spaces in front of each building have been shown on the most recent plan.
2. Except in emergency situations, no vehicles shall be parked on Mystique Way unless in a designated parking space. **Staff recommends this condition remain.**
3. No more than one retail use shall be on the site unless approval is granted by the Planning Board. **Staff recommends this condition remain.**
4. Before the start of construction, all applicable bonding and inspection fees shall be paid and the Engineering Department shall sign off on the stormwater review. **Staff recommends this condition remain. The Engineering Department is comfortable with leaving the Letter of Credit in place since there was some work completed to date. The LOC expires in December of 2020 and the project should be completed by that time. The Engineering Department does want to meet out at the site when they start the stormwater design.**
5. A 15-foot easement shall be provided to the Auburn Water and Sewer Department and recorded in a deed for the public water main on Mystique Way. **The Auburn Water and Sewer Department still does not have an easement for the watermain on Mystique Way. The District cannot own/operate the utility main without the right to access or maintain it. They are requesting a more formal step be taken with a copy of the easement or a certified letter provided describing the proposed easement and their commitment to get it recorded.**

6. All concerns raised by the Fire Department regarding access and fire hydrant distances shall be addressed. At the last Plan Review meeting, the Fire Department continued to have concerns about how fire apparatus will be able to access the now proposed units 9 and 10. **The Applicant has provided a response to the Fire Department concerns. However, we recommend a sign off letter be provided by the Fire Prevention Officer to the Planning Department before a building permit is issued.**
7. An addressing plan shall be approved before building permits are issued. This has not been finalized yet and with the change from buildings to units, there will be some modifications. **We recommend this remain as a condition.**

Additional Considerations:

Loading Space Waiver: The Planning Board granted a waiver at the April 14th meeting from the loading space requirements based on the uses proposed for each of the buildings. Where this is an Industrial Planned Unit Development, any permitted use under 10,000 square feet in the Industrial District can occupy one of the buildings without having to go back before the Planning Board for review. These industrial type uses could have a different need for loading areas as opposed to a box truck for cannabis-type businesses. Planning Staff recommends another condition be added to the effect of: *Any proposed industrial use with loading space requirements beyond a typical box truck shall be reviewed administratively by Planning Staff.* The Applicant has stated that there is additional area in the stormwater calculations for impervious area expansion if necessary.

Traffic: Please see comments below raised by the Police Department. The Applicant did submit a letter from a Traffic Engineer at the April meeting and the Planning Board put a Condition of Approval on the plan that if any additional retail use is proposed, no matter the size, it shall require Planning Board approval. Retail uses are typically the large traffic generators.

Due to the growing size of this project, the Police Department is requesting that Mystique Way be signed for access as a “right out” only to eliminate vehicle movement crossing the east bound lanes. This would be a temporary measure to help with the high-crash situation on Minot Avenue until the MDOT can make modifications to the area in future. Staff has discussed this with the Applicant and private signs such as this are not enforceable and no new traffic is proposed with the creation of the PUD.

Comprehensive Plan Considerations: As discussed in the last Staff Report, the parcel is located in the Planned Commercial Development (PCD) Future Land Use classification. The purpose of this district is to allow the development and redevelopment of small and moderate scale nonresidential uses in areas that have good vehicle access and are served (or can be served) by public water and sewerage. The PCD also tries to assure there are minimal impacts on adjacent residential areas (if applicable).

Of the general types of uses allowed in this district that would apply to this project before the Planning Board are:

- Small and moderate size retail uses (<40,000 square feet)
- Small and moderate size (<20,000 square feet) fully-enclosed research, light manufacturing, assembly, and wholesale uses

The Future Land Use Plan also suggests that new development, redevelopment and substantial expansions be subject to an enhanced set of development and design standards to assure the area evolves as an attractive gateway. The standards suggested include establishing landscaped buffer strip along the street, limiting the types of activities that can occur between the front of the building and the street, and screening all service and storage from visibility from the street. This is not realistic for this Development

as the existing and proposed buildings are set back from the road and those directly on Minot Avenue are not part of this development. The existing commercial/industrial uses screen the site from Minot Avenue.

II. DEPARTMENT REVIEW:

- a. *Police* – The only concerns I have regarding this project are to do with the traffic access onto Minot Ave. These are not new concerns and were raised back when this project was first proposed on an even smaller scale. The traffic assessment used for this project acknowledges the access point is located along what is classified as a high crash area. The MDOT studies provide the current crash data with recommendations for possible improvements. These studies do not include or anticipate this new facility or it’s potential growth. I believe some of the early recommendations were for the facility to use Industry Ave as their access. Industry Ave is an established intersection that could be considered for signal control given added traffic volume. Unfortunately that did not happen and now the project is growing.

The trip estimates provided in the Traffic Assessment seem to be on the conservative side. Given the size of the proposed operation and the fact that units will be rented out to different growers, each their own business, using their own contractors and conducting their own deliveries. The assessment does not account for what can reasonably be expected for trips generated for HVAC contractors, security/electrical contractors, deliveries of supplies and product to and from the different facilities.

With this section of Minot Ave. already identified as a high crash area, additional trips may create more attention to the existing traffic problems and hopefully move the MDOT to act faster than they might ordinarily to make improvements. That said, until Minot Ave. can be improved, I would ask that it be considered that Mystique Way be signed for access as a “Right Out” only to eliminate vehicle movement crossing the East bound lanes. This restriction will do nothing to help the problems for turning movements across traffic into Mystique Way but it will help the exit traffic. Future improvements such as providing protected turning lanes (similar to what is recommended for other areas along this corridor by MDOT) or other modifications could allow for full access in the future.

- b. *Auburn Water and Sewer* – The District has yet to receive an easement for the public water main that is now located on Mystique Way, requesting a 15 foot easement for the utility.
- c. *Fire Department* – The Fire Department (David O’Connell) needs to ensure Fire Apparatus can get within 150 feet of each building. There was a concern about the location shown on the plan-set. He also mentioned that the road is currently difficult for Fire apparatus because of the condition it is in and the base will need to be upgraded to support emergency vehicles. A paved drive is proposed which should address this issue. The Fire Code requires no more than 400 feet maximum travel distance between a building and a hydrant and no more than 500 feet between hydrants.
- d. *Code Enforcement* – No comments received.
- e. *Engineering* – No comments received.
- f. *Public Services* – No comments received.
- g. *Economic and Community Development* – The department supports creating valuation and potential for jobs that is appropriately zoned in the City.
- h. *Addressing* – Requested an Addressing Plan be provided before the Planning Board meeting.

III. PLANNING BOARD ACTION –

Planned Unit Development – There are 11 PUD-specific standards in the ordinance under Sec. 60-361(6) that the Applicant has provided a response to (see below). These standards are for all types of PUDs including residential, commercial and industrial uses. Some of the requirements may not necessarily be applicable to an industrial-type development.

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the underlying zoning district are permitted in the PUD-I district.

- a. The proposed development has an appropriate relationship to the surrounding area;
The project site is located within the Industrial Zone. It is surrounded by commercial & industrial uses. This plan simply creates lot lines around the previously approved site plan.
- 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;
Mystique Way will be a 24' wide paved road. It will have a turnaround at the end that meets City standards. The internal parking lots were designed to allow easy access for both employees & delivery vehicles. There are no living areas on or adjacent to the property.
- 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.
Common open space has been provided over most the onsite wetlands.
- d. Privacy in terms of needs of individuals, families and neighbors;
The property is not easily visible from Minot Avenue. There are no residences on adjacent parcels.
- e. Pedestrian and bicycle traffic in terms of safety, separation, convenience and access points;
This standard is not applicable. The property is located within the industrial zone.
- f. Building types in terms of appropriateness to density, site relationship and bulk;
Several buildings have already been built as part of a previous phase. The new buildings will be of the same general style (agricultural/industrial) as the existing buildings. Only the retail building is remotely visible from Minot Avenue.
- g. Building design in terms of orientation, spacing, character, storage, signs and lighting;
The new buildings will be of the same general style, color and texture (agricultural/industrial greenhouses) as the existing buildings. Most of the buildings are oriented in a north/south direction to take advantage of the available sunlight. The buildings will be outfitted with mounted lights.
- h. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
We added a perimeter landscaping buffer in perimeter areas that were without existing tree cover as part of the previously approved site plan.
- i. Preservation of historically or architecturally significant buildings or places, if any;
No response provided.

- 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.

The public sewer system has been extended to the site. It was constructed as part of the first phase.

- k. That the proposal meets the requirements of section 60-1335, special exception of this ordinance.

No response provided but these requirements were reviewed as part of the original submission in April and are listed below.

In addition to the Site Plan/Special Exception requirements, which were reviewed at the April Planning Board meeting, there are additional items required for a Planned Unit Development including:

- A brief description of unique project design needs that make the planned unit approach advantageous to the City and Developer

This will provide the City with additional commercial tax base in a growing economic sector. The park allows for high quality commercial grow space in an area zoned for industrial use that is far from any residential area. The City stands to benefit both from attracting cannabis businesses and also in grouping them together. The applicant benefits from being able to sell the Unit Areas to prospective buyers rather than have the entire development be commonly owned.

- An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development

The construction of Mystique Way and the underlying utility mains is already underway. It is anticipated that all shared infrastructure will be constructed during the summer of 2020. Units 6 & 7 are fully built out. Several buildings in Unit 1 are already constructed. The buildings associated with Units 2-5 & 8-10 will be constructed as buyers are found. It is anticipated that all Unit Areas will be sold by early 2021 and constructed shortly thereafter.

- Proposed agreements, provision or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.

See attached draft condominium documents.

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

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.

Site Plan Review, Section 60-1277: In considering a site plan, the planning board shall make findings that the development has made provisions for:

1. Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
3. Adequacy of the methods of disposal for wastes; and
4. Protection of environment features on the site and in adjacent areas

IV. STAFF RECOMMENDATIONS – Staff recommends the Planning Board find that the proposed Planned Unit Development (PUD-I) meets the requirements of Sec. 60-361 (General PUD standards), Sec. 60-1277 (Site Plan standards), Sec. 60-1366 (Special Exception standards) and APPROVE the project application. Staff recommends the following conditions:

1. Except in emergency situations, no vehicles shall be parked on Mystique Way unless in a designated parking space.
2. No more than one retail use shall be on the site unless approval is granted by the Planning Board.
3. Before the start of construction, all applicable bonding and inspection fees shall be paid and the Engineering Department shall sign off on the stormwater review.
4. A 15-foot easement shall be provided to the Auburn Water and Sewer Department and recorded in a deed for the public water main on Mystique Way.
5. All concerns raised by the Fire Department regarding access and fire hydrant distances shall be addressed before building permits are issued and a letter from the Fire Department shall be provided to the Planning Department.
6. An addressing plan shall be approved before building permits are issued.
7. Any proposed industrial use with loading space requirements beyond a typical box truck shall be reviewed administratively by Planning Staff.

Suggested Motion: I will make a motion to approve the Industrial Planned Unit Development for the creation of 10 units and a total of 18 buildings located on Mystique Way (PID: 206-058) in the Industrial Zoning District with the following conditions:

1. *Except in emergency situations, no vehicles shall be parked on Mystique Way unless in a designated parking space.*
2. *No more than one retail use shall be on the site unless approval is granted by the Planning Board.*
3. *Before the start of construction, all applicable bonding and inspection fees shall be paid and the Engineering Department shall sign off on the stormwater review.*
4. *A 15-foot easement shall be provided to the Auburn Water and Sewer Department and recorded in a deed for the public water main on Mystique Way.*
5. *All concerns raised by the Fire Department regarding access and fire hydrant distances shall be addressed before building permits are issued and a letter from the Fire Department shall be provided to the Planning Department.*
6. *An addressing plan shall be approved before building permits are issued.*
7. *Any proposed industrial use with loading space requirements beyond a typical box truck shall be reviewed administratively by Planning Staff.*

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