

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric Cousens, City Planner

Re: George Bussiere, agent for Lake Auburn Community Center, is seeking Site Plan and Special Exception approval for a recreational use of land intended or designed for public use and associated site improvements at 115 North Auburn Road (PID # 363-035), pursuant to Chapter 60, Section 60-172(b)(5) of the City of Auburn Ordinances.

Date: October 8, 2013

I. PROPOSAL

George Bussiere, agent for Lake Auburn Community Center, is seeking Site Plan and Special Exception approval for a recreational use of land intended or designed for public use and associated site improvements at 115 North Auburn Road (PID # 363-035), pursuant to Chapter 60, Section 60-172(b)(5) and 60-229(b)(3) of the City of Auburn Ordinances.

The chapter and verse of the Ordinance refers to the following:

Section 60-172(b)(5) and 60-229(b)(3) refers to: Recreational uses of land intended or designed for public use subject to the following conditions:

- a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
- b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

This item was reviewed at the August meeting and tabled until a site plan that was compliant with the ordinance could be provided. A copy of the staff report from that meeting is attached.

The applicant has requested that the requirement for 2' surveyed contours and surveyed property lines be limited to the front portion of the lot where the development is proposed. The parcel exceeds the minimum frontage requirement and the front 450' (depth) of the parcel totals nearly three acres. The remaining land outside of the 450' depth is not required to meet the minimum lot size (1 acre) for the district and is not affected by the development. In an effort to allow time for the plans to be prepared for this meeting, staff has approved the waiver of the additional information (outside the front 450' depth of the lot) pursuant to section 60-1302 of the City of Auburn Ordinance based on a finding that the information is not relevant to the proposed development for the following reasons:

1. The development is limited to the front 150' of the property, with the exception of the conservation trail that is existing.
2. Impervious area for the development is not being increased as portions of existing buildings have been removed and impervious area accounted for as shown in the application.
3. 1' survey contours for the front 450' portion of the property confirm a slightly more than 4% even slope to allow for continued sheet flow of stormwater through 300' of a well vegetated field in a quantity equal to existing conditions because impervious area is not increased.

Staff recommends that the Board consider the following findings regarding the completeness of the site plan:

Sec. 60-1301. Scale; required information.

The original plan is drawn on paper at a scale of no more than 40 feet to the inch and any approved plan shall be provided on reproducible Mylar at a scale of 40 feet to the inch. The site plan contains the following information:

- (1) Name and address of owner and developer and interest of the applicant if other than the owner or developer.
- (2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.
- (3) Names and addresses of all owners of record of all adjacent property as appear on assessor's records.
- (4) Current zoning boundaries and 100-year floodplain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site. There are no mapped 1% floodplains within 300' of the developed area of the site.
- (5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.
- (6) Topographic map of the site, containing the following:

- a. Existing contours at intervals of one foot within the developed area of the site and extending the 450' depth of the parcel as described in the staff report. These contours are not copied from the city topographic maps and have been determined from an on-site survey certified by a registered land surveyor. The requirement for contours for the remainder of the site has been waived pursuant to section 60-1302 of the City of Auburn Ordinance with the findings noted above.
 - b. Proposed contours are shown at intervals of 1' as determined by the city engineer. The City engineer has confirmed that the 1' contours are more than adequate for review of the proposal.
- (7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten inches measured three feet from the base of the trunk within the developed area.
 - (8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.
 - (9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within 200 feet of the subject property.
 - (10) Existing soil conditions and soil suitability test results –There is no wastewater disposal proposed at this time that would be affected by soils.
 - (11) Locations of proposed buildings and uses thereof.
 - (12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curblines, sidewalk lines and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
 - (13) Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground.
 - (14) This site developments does not require stormwater permits pursuant to 38 M.R.S.A. § 420-D.
 - (15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls.
 - (16) Proposed location and direction of and time of use of outdoor lighting.
 - (17) Existing and proposed planting, fences and walls, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.
 - (18) Location, size, design and manner of illumination of signs.

- (19) Disposal of sewage, trash, solid waste, oil waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas.
- (20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances and radii of curves including the name and seal of the registered land surveyor who prepared the plan. This is provided for the front portion of the lot as required.
- (21) Description and plan of capacity and location of means of sewage disposal together with approval of sewer district engineer or evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) similarly approved by the city engineer department.
- (22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by the zoning chapter for the uses proposed, the number of employees expected per shift and the total floor area of proposed commercial or industrial uses.
- (23) Description and plan of a phase development concept detailing the areas and sequence of phasing. A potential phase 2 has been described but is not being considered for approval at this time.
- (24) A statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the planning board. The applicant has stated that the improvements have been completed by volunteers and there are only minor additional costs for the development currently proposed.

Excerpts from the comprehensive plan were included in the application. It is Staff's opinion that the proposed development as it is consistent with the comprehensive plan and can meet the requirements of the ordinance with conditions.

II. DEPARTMENT REVIEW

Police Department:

Parking plans will need to be reviewed prior to hosting events for over 25 persons.

Fire Department:

No concerns with Phase I.

Water and Sewer District:

See attached letter from John Storer in original submittals.

Engineering Department:

The Department Concerns are being addressed with the proposed conditions. 1' contours as provided are adequate for review.

Planning Department:

- A. Any refuse and recycling containers shall be located within refuse enclosures at all times. Said enclosure/s shall be reviewed with Staff prior to their construction and building permits must be issued.
- B. Any new site lighting shall be full cut off style fixtures and not have bulbs that protrude below the fixture mount.

III. FINDINGS FOR SPECIAL EXCEPTION REVIEW:

- A. The Zoning Ordinance contains no specific requirements for the recreational 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 provided that events are limited to 25 or fewer persons or an acceptable parking management plan or additional parking is provided onsite.
- C. The proposed Special Exception sought will not block or hamper the Comprehensive Plan pattern of highway circulation or of planned major public or semi-public land acquisition.
- D. The subject property is situated in the AG/RP and RR districts 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 of record.
- 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 60.
- 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 Comprehensive 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 & Site Plan request of George Bussiere, agent for Lake Auburn Community Center for an outdoor volleyball court/ice skating facility as a recreational use of land intended or designed for public use and associated site improvements at 115 North Auburn Road (PID # 363-035), pursuant to Chapter 60, Section 60-172(b)(5) and section 60-229(b)(3) of the City of Auburn Ordinances, with the following conditions:

- A. The structures shall not be used or occupied by the public until it is reviewed and approved by the planning board and made compliant with state and local codes for any future intended use. The current use of the structures, as private barn/agricultural buildings, may continue, however, their condition is unsafe for public occupancy.
- B. Events shall be limited to 25 or fewer persons unless an acceptable parking management plan is provided by the applicant and approved by the Auburn Police Department and/or Planning and Permitting Department. As proposed in the application, the plan may allow up to 50 persons if a parking plan is approved.
- C. Prior to the start of any future site work the developer must contact the Engineering Division Construction Inspector regarding any bonding requirements and inspection fees.
- D. Site distance of entrance is 300' based on section 60-799 of the Ordinance shall be provided and maintained.
- E. All refuse and recycling containers shall be located within refuse enclosures with the exception of trash cans while in use for an event.
- F. Any site lighting shall be full cut off style fixtures and not have bulbs that protrude below the fixture mount. Lighting shall be limited to the hours noted on the proposed plans.
- G. 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.

Eric Cousens
Director of Planning and Permitting