

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, Director of Planning and Permitting

Re: Special Exception and Site Plan request of Jisel E. Lopez, agent for Cumberland Farms, Inc. is seeking Site Plan and Special Exception approval for construction of a new convenience store and gas station and associated site improvements at 119 Center Street (PID # 261-055), pursuant to Chapter 60, Section 60-499(b)(14) of the City of Auburn Ordinances.

Date: September 11, 2012

I. PROPOSAL

The applicant is proposing to demolish the existing 8,713 square foot structure, gas pump island and canopy at 119 Center Street and replace it with a new 4,513 square foot structure, gas pump island and canopy. The proposal also includes site modifications to improve traffic circulation and enhance site landscaping.

The existing and proposed use of the site as a convenience store is allowed as a special exception use in the General Business zoning district. The existing building also has rental retail and restaurant space that has been occupied by a variety of commercial tenants over the years. The proposed building will not include the rental space or separate commercial units but will include additional convenience store space and gas pumps. Based on the Institute for Traffic Engineers (ITE) Manual the smaller building with more gas pumps is expected to increase vehicular trips by approximately 81 trips in the peak hour, however, most of those vehicles are already passing by the site and are not new trips in the Center Street system. Although the proposal is anticipated to increase traffic, increases will be less than the 100 trip threshold requiring a traffic movement.

There are two main site improvements expected to improve on-site circulation and reduce potential for off-site impacts. The first is the addition of an access to North River Road. This will allow for vehicles to access the controlled intersection at N. River and Center Street if they wish to proceed south on Center. The second is a reduction of curb cuts on Center Street.

The proposed site changes include a substantial increase in green space/landscaping and a decrease in impervious area. Landscaping is improved throughout the site with additional planting beds near the Center Street and N. River Road intersection. A screened recycling and dumpster area will also be provided at the rear of the site.

As requested in the application, the proposed gas island canopy would not meet the required 25 foot front setback but would be more than 18' from front property line along Center Street. This would leave between 24' and 25' from the curbing along Center Street. The Planning Board has authority to grant dimensional waivers, including setback waivers as provided for in Section 60-1312 which reads as follows:

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.

It is staff's opinion that the reduction in curb cuts on center and the provision of access to North River Road are substantial improvements to the site. The applicant has indicated that the gas island canopy cannot be moved away from Center Street and still accommodate the same level of safe and efficient movements as are shown on the current plan. The applicant has minimized the encroachment to maintain at least an 18' front setback and it is staff's opinion that the proposal could be deemed necessary to carry out the objectives and intent of site plan review as follows:

The limited front setback modification (to a minimum of 18') will ensure that the design and layout of the development, permitted by special exception, will constitute a suitable development and will not result in a detriment to City, neighborhood or the environment; and the proposal will protect 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 preserve light and air; and the proposal will improve convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; and methods of disposal for wastes are adequate with the proposed screened dumpster; and the canopy over a developed area of the lot allows for the protection environmental features on the site and in adjacent areas.

DEPARTMENT REVIEW

Police Department:

- A. No Concerns.

Fire Department:

- A. The building must meet or exceed current national Fire Protection Association Codes and conform to local ordinances and state regulations.

Water and Sewer District:

No concerns.

Engineering Department:

Significant improvement for traffic flow, reduced impervious area and stormwater.

II. FINDINGS FOR SPECIAL EXCEPTION REVIEW:

- A. The Zoning Ordinance contains no specific requirements for a business 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 with the conditions below.
- 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 the 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. Reasonable provisions, as conditioned, have been made for adequate lot width, lot area, drainage, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety. The lot is legally-existing and will not change.
- 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. The applicant has indicated that the gas island canopy cannot be moved away from Center Street and still accommodate the same level of safe and efficient movements as are shown on the current plan. The applicant has minimized the encroachment to maintain at least an 18' front setback and the modification is necessary to carry out the objectives and intent of site plan review as follows:
 - 1. The limited front setback modification (to a minimum of 18') will ensure that the design and layout of the development, permitted by special exception, will constitute suitable development and will not result in a detriment to City, neighborhood or the environment; and
 - 2. the proposal will protect 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
 - 3. the proposal will preserve light and air; and
 - 4. the proposal with the setback modification will improve convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; and

5. methods of disposal for wastes are adequate with the proposed screened dumpster; and
6. the addition over a developed area of the lot allows for the protection environmental features on the site and in adjacent areas.

I. It has been determined that the proposed project satisfies the objectives of Site Plan review and 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.

III. **RECOMMENDATION:**

Based upon the findings noted above, Staff recommends that the Planning Board approve the Special Exception and Site Plan request of, Jisel E. Lopez, agent for Cumberland Farms, Inc. for construction of a new convenience store and gas station and associated site improvements at 119 Center Street (PID # 261-055), with a front setback modification to not less than 18' for the gas island canopy pursuant to Chapter 60, Section 60-499(b) (14) of the City of Auburn Ordinances, with the following conditions:

- A. The building must meet or exceed current national Fire Protection Association Codes and conform to local ordinances and state regulations.
- B. The proposed development may require bonding and inspection fees. If approved, the developer must contact the Construction Inspector prior to the commencing of any work.
- C. 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 J. Cousens
Director of Planning and Permitting