

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Public Hearing on Special Exception for change-of-use at 41 Stevens Mill Rd., Parcel I.D. 208-043

Date: March 14, 2023

**I. Proposal: Public Hearing/ Special Exception:**

Isabella Pray is proposing adding an outdoor walk-up window use to their existing business at 41 Stevens Mill Rd., Parcel I.D. 208-043. This item is pursuant to Chapter 60, Article IV, Division 13- Minot Avenue (GBII), Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XVI Division 2-Site Plan Review.

This plan shows existing conditions.

**II. Materials:**

1. March 14, 2023, Staff Report
2. Narrative
3. Development Review Application
4. Revised C1- Civil Plan dated 01/22/2022
5. C1- Civil Plan dated 01/22/2022
6. C2- Details dated 01/22/2022
7. A-101- Floor Plan
8. Adjacent Property 1, 2

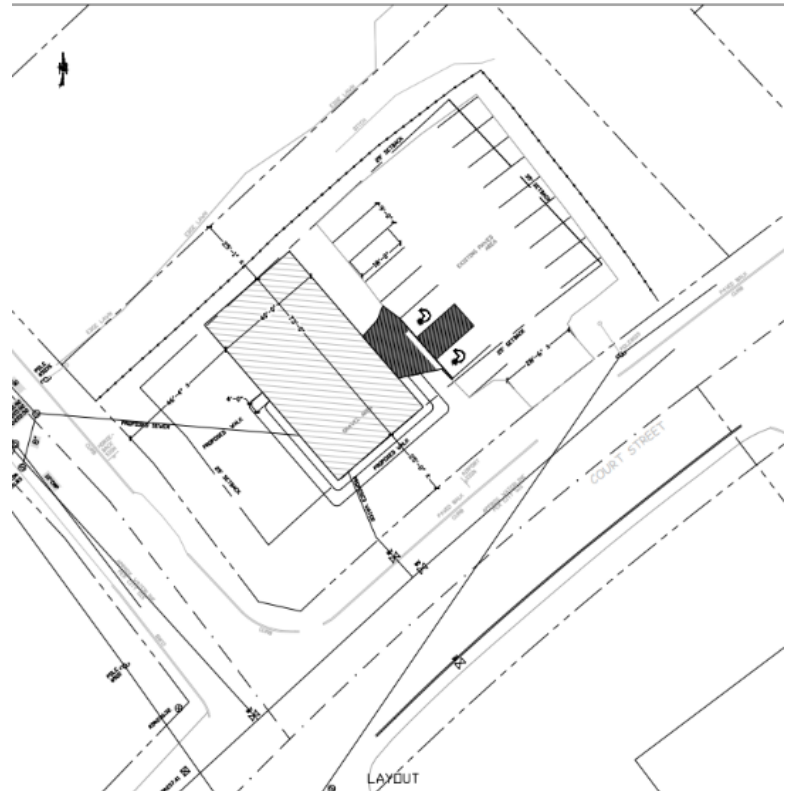
**III. Background:**

Prime 360 is an existing business with an existing smoothie shop accessory to the recreation and fitness business. This project is before the planning board because utilizing the window to serve walk-up customers would be considered a “drive-in or carry-out restaurant”, which requires special exception approval pursuant to sec. 60-525(b)(6). The applicant is not proposing any change to the existing building, but only to use the window for walk-up service.

**IV. Peer Review:**

All comments provided by staff have been addressed or will be addressed prior to approval.

1. There must be a public bathroom for use if serving the public.



**V. Suggested Findings of Fact:**

The applicant has met all conditions of special exception approval (Sec. 60-1336) including:

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.

**VI. Planning Board Action:**

Review the proposal pursuant to Chapter 60, Article IV, Division 13- Minot Avenue (GBII), and Chapter 60, Article XVI, Division 3- Special Exception. Hold a public hearing and determine whether this proposal meets special exception requirements with findings to support either conclusion.

**VII. Suggested Motion**

I make a motion to approve an outdoor walk-up window use at the existing business at 41 Stevens Mill Rd., Parcel I.D. 208-043 pursuant to Chapter 60, Article IV, Division 13- Minot Avenue (GBII), Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XVI Division 2-Site Plan Review.

Subject to the following **conditions:**

1. Applicant must have available bathroom for customers.