



City of Auburn, Maine

Office of Planning & Permitting

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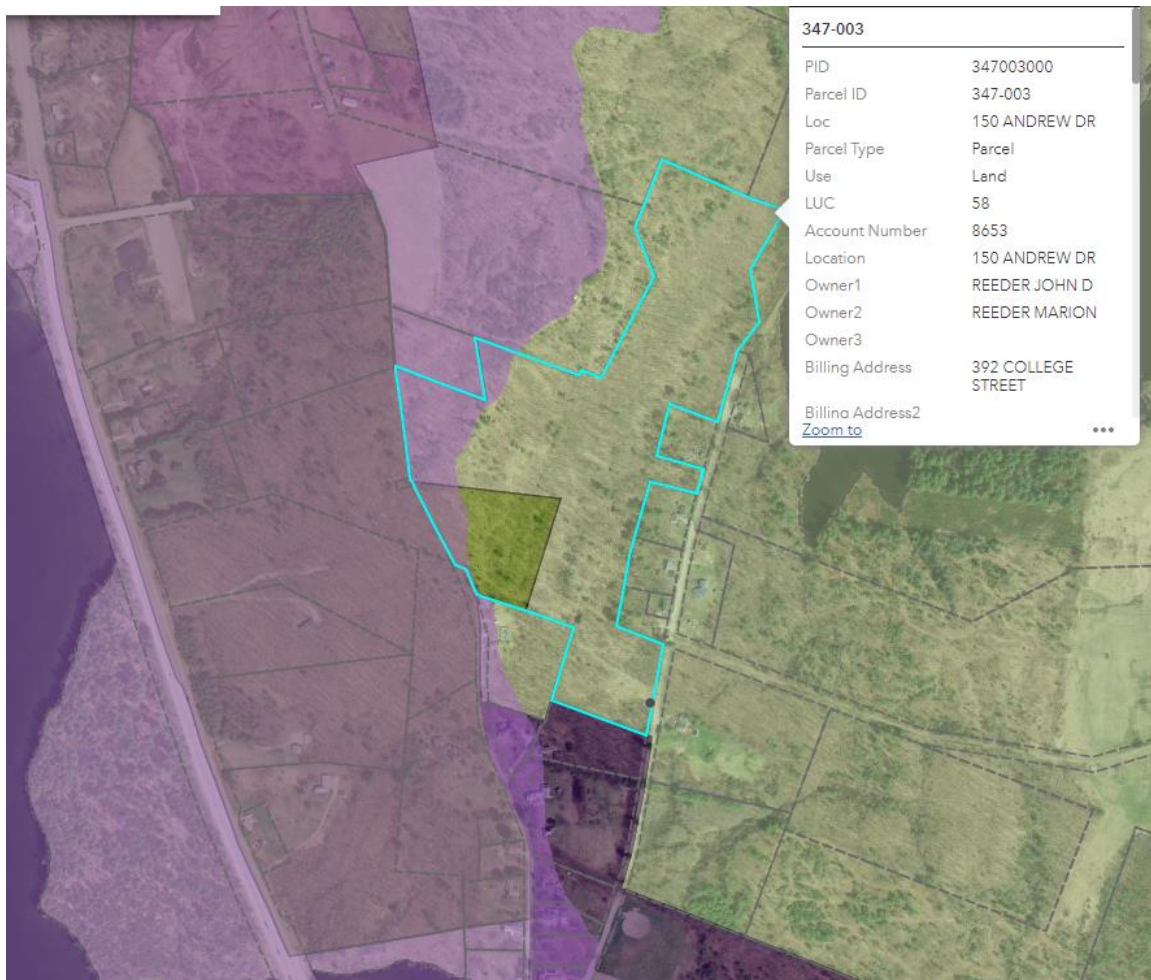
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Zone Change Petition for 150 Andrew Drive (Parcel I.D. 347-003)

Date: November 15, 2022

Proposal: Petition/ Zone Change Request: Petition to amend the areas outside the Lake Auburn watershed: 33.49 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through and AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map.



Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, § 8.1A).

One of the primary tests of a zone change is its conformance with the Comprehensive Plan.

The 2021 Comprehensive Plan provides two standards and mechanisms to consider if rezoning this parcel. First, residential strip zones may be appropriate based on a few considerations. One of these criteria are the existence of an established residential pattern. An established pattern means at least six to eight homes per half mile counting both sides of the road. This road meets the criteria with seven homes in 0.25 miles. The Comprehensive Plan guides the city to also consider “Reserve Area Adjacency” (maintained as undeveloped for the purpose of a different use in the foreseeable future) and “Natural Resource Adjacency” (areas with significant natural value) as reason to not provide a residential strip zone. Part of the parcel has slopes with a grade of over 25%, where a residential strip should not be placed according to the comprehensive plan. Residential strips adjacent to Agriculture and Resource Protection land in Auburn are commonly 450 ft deep.

Based on the guidance within the comprehensive plan and considering the slopes and location of this parcel, staff recommends that the Board vote in favor of rezoning a portion, 21.06 +/- acres, instead of 33.49 +/- acres requested in the petition. By excluding the parts of the parcel that have steep slopes as defined in the Comprehensive Plan and parts of the parcel in the watershed and finally applying 450 ft residential strips, staff recommends that the Planning Board rezone 21.06 +/- acres as Suburban Residential with 12.00 +/- acres to remain in AG and 4.66 +/- acres to remain in LDCR as shown on the map below as depicted in the original text and map.

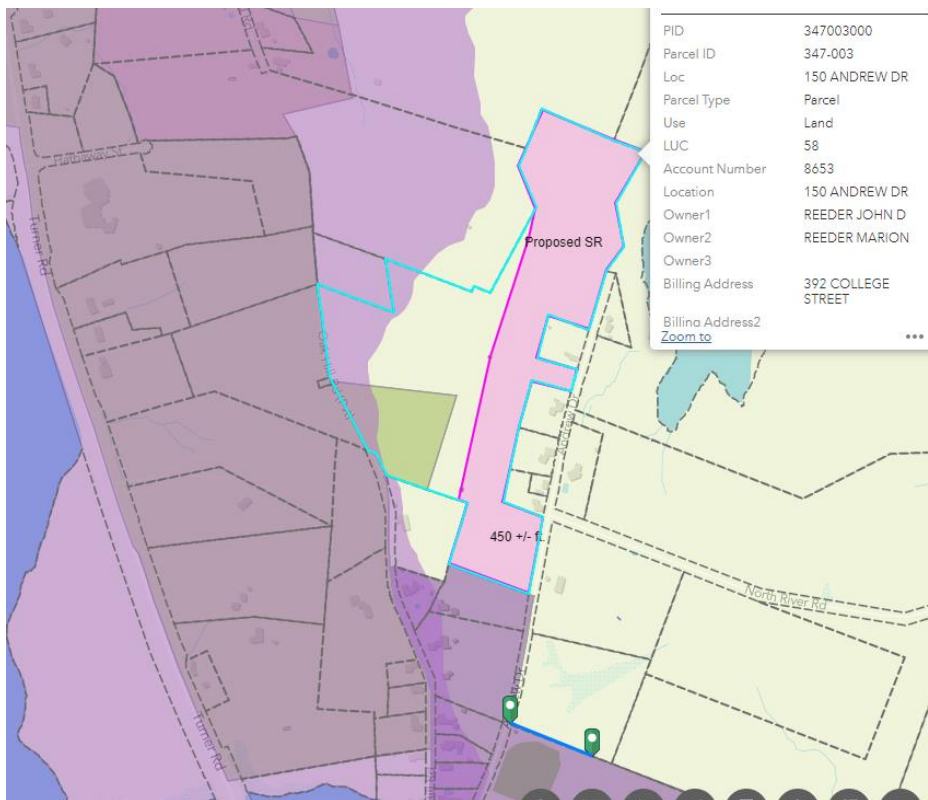


Figure 1—Staff Suggested Zone Change, supported by 2021 Comprehensive Plan.

Andrew Drive is adjacent to Gulf Island Pond where a public boat launch was proposed by the city in the past. At the time, the proposal was rejected because of safety concerns

on Route 4. This summer, considerable safety upgrades have been made on the road addressing the original concerns that prevented the boat launch. While the board considers rezoning 150 Andrew Drive, they may also consider rezoning the easterly side of the road abutting the river to SR as well to allow for future public access.

The Board may decide to initiate a zone change at a later meeting to rezone the five remaining parcels on the westerly side of Andrew Drive from AG to SR and an additional 450 ft. Strip from AG to SR on the easterly side of Andrew Drive beginning at Parcel I.D. 337-021, 101 Andrew Drive, ending north where Andrew drive ends or determined by the board and council. With this change, the board may decide to change the portion of the parcel in question currently zoned as LDCR to AG. The purpose of these subsequent changes would be to create a strip zone consistent with the Comprehensive Plan allowing for riverfront access thereby enhancing the neighborhood with waterfront recreational activity. The other purpose of the subsequent zone change would be to convert land within the watershed to Agriculture and Resource Protection which is currently in LDCR. The map of a future change could look like the following:

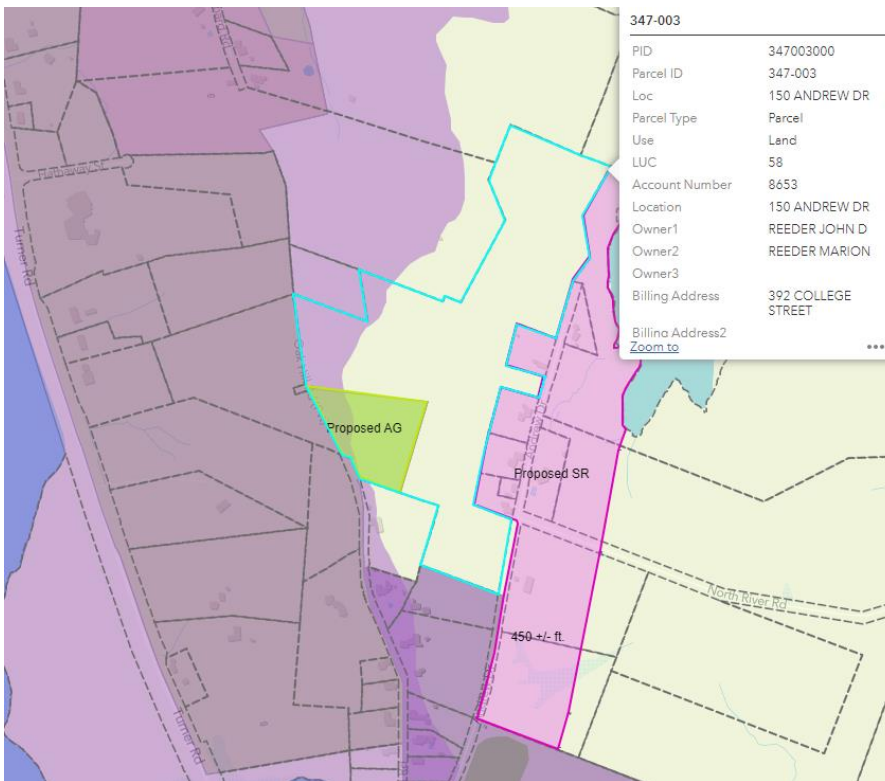


Figure 2—Possible future change not part of this petition.

The Board could instead opt to change the existing Low-Density Country Residential to Suburban Residential zoning or leave it as it is.

A second Comprehensive Plan supported option the Board could consider changing the area of the parcel proposed in the petition. This proposal could also be considered as an expansion of an existing historic core as referenced in the Comprehensive Plan:

“The Future Land Use Plan shows graphically how the City’s land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that this Future Land Use Plan will guide near-term revisions to the City’s zoning ordinance and maps to assure that the City’s land use regulations are consistent with the policies set forth in this Comprehensive Plan. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate.

This Future Land Use Plan reaffirms the basic objective of land use planning, that development in Auburn should grow out from the historic cores (downtown, Danville, New Auburn, West Auburn, and East Auburn) and from older established neighborhoods. This policy was originally set forth in the City’s first comprehensive plan over a half century ago and has continued to guide the City’s land use planning ever since. We continue to believe that growth out from the downtown core and older established neighborhoods provides the most efficient utilization of city services” (Chapter 2 Page 86)

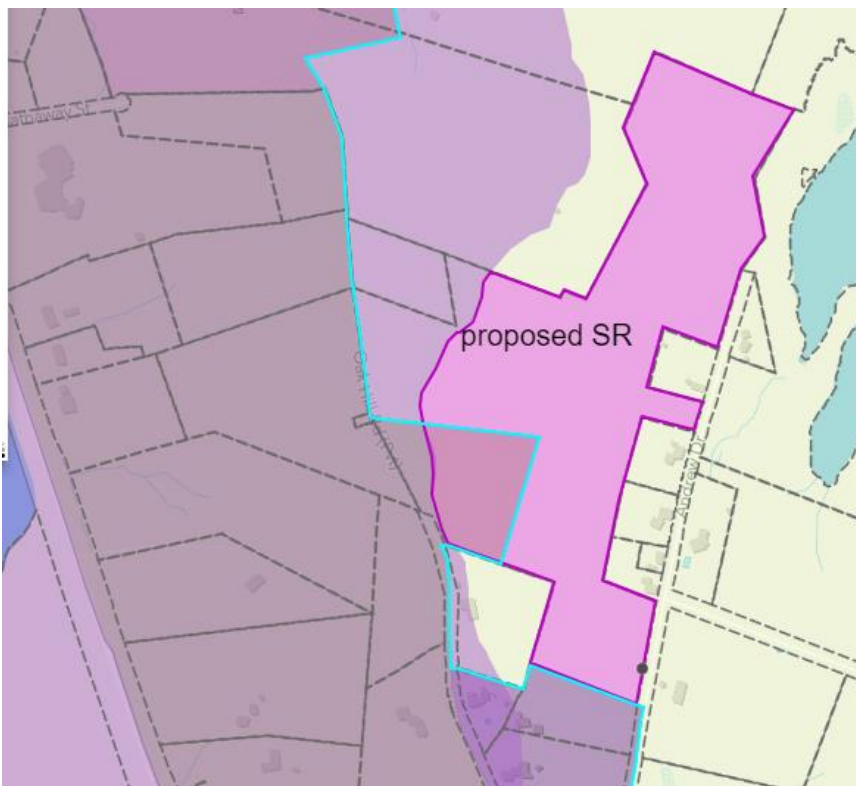


Figure 3—Second Comprehensive Plan Supported change, and the change requested in the petition.

Planning Board Action: Staff recommends that the planning board rezone 21.06 +/- acres bordering Andrew Drive in the AG zone to SR and leave 12.00 +/- acres remaining in the AG zone, and 4.66 +/- acres to remain in LDCR following the boundaries in figure 1; or that the planning board rezone 33.49 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR) as shown in Figure 3.

Suggested Findings of Fact

1. The applicant submitted rezoning petitions and signatures, City Zoning maps with Parcels identified, 500' abutters list, and plans which met the standards the required materials to make the Zone change on October 3, 2022, thus meeting the time frame and submission standards (Sec. 60-1446).
2. The proposal can be implemented without detriment to city resources.
3. The proposal meets the general future land use plan pattern of development and is consistent with the current comprehensive plan.
4. The zone change will occur outside the Lake Auburn watershed.

Department Review

N/A

Suggested Motion

- A. I make a motion to change 21.06 +/- acres of the 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG) to Suburban Residential (SR) outside the Lake Auburn Watershed, following the map depiction in *Figure 1*.

OR

- B. I make a motion to amend 33.49 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through and AG zone designation.