

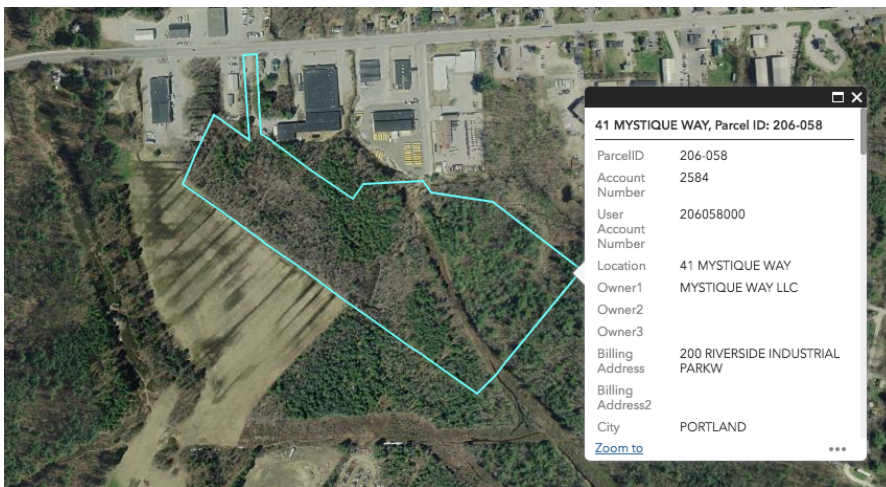


City of Auburn, Maine

Economic & Community Development

60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: Megan Norwood, City Planner II
Re: Mystique Way (PID 206-058), Site Plan/Special Exception: Fourteen new industrial cannabis cultivation and manufacturing structures in the Industrial Zoning District.
Date: April 14, 2020



I. PROPOSAL:

Terradyn Consultants, on behalf of Mystique Way, LLC is applying for a Site Plan Review and Special Exception in accordance with Sec. 60-45 and 60-578(b)(35): Any new building of 10,000 square feet or more or any existing building which proposes [a permitted use in the Industrial District] which will occupy an area of 10,000 square feet or more in the Industrial District. The proposal before the

Planning Board is for 14 new industrial cannabis cultivation and manufacturing structures.

Background Information – The Applicant purchased 32 acres of land which was originally part of an industrial subdivision off of Minot Avenue. The original subdivision created two ROWs for access to the proposed lots: One called Industry Avenue and the other an unnamed gravel drive. Industry Ave was constructed and separated from the 32-acre parcel so it was not an option for access. The unnamed gravel drive was eventually named Mystique Way and provides access to the 32-acre lot.

The Planning Board approved a subdivision in December of 2018 to split the 32 acre parcel into 4 lots: 1, 7-acre lot and 3, 2.29 acre lots. The 7 acre lot would be used for another subdivision in the future. The subdivision was approved by the Planning Board, clearing was completed and the road was roughed in with a gravel base. There was a decision to change the ownership style and the parcel was retained as a single lot. The subdivision was not recorded and expired.

The Applicant received Site Plan approval for the five existing buildings and after that approval re-oriented the building size/locations as administrative approvals.

Current Application –

The current proposal before the Planning Board is for 14 additional buildings for a total of 19 buildings. The proposed buildings will be a combination of greenhouse structures and structures that could be closed for manufacturing. The largest building existing on the site is about 11,500 square feet. The largest building proposed to be added is 13,000 square feet. Adult use and medical marijuana cultivation,

manufacturing and testing facilities are permitted in the Industrial District. Adult use and medical marijuana stores are also permitted provided the store is located on the same parcel of land as a marijuana cultivation or manufacturing facility.

Industrial District Requirements –

The Industrial District allows more than one principal building to be erected on a lot provided the buildings meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

The Industrial District requires side and rear lot lines between nonresidential uses to be planted with evergreen trees in staggered rows having the base of the trees not more than ten feet apart, the width of the buffer line shall be not less than 15 feet. A landscape plan was not provided as part of the application materials but it does appear there are a number of stormwater buffers already in place. The Planning Board will have to determine if these are adequate and suffice the ordinance requirements. The lot does not abut any residential uses or districts and is substantially screened by surrounding commercial/industrial uses in front and agricultural uses to the rear. If so, a waiver could be granted for the landscaping requirement.

Off-Street Parking & Loading (ARTICLE V) –

Sec. 60-607(3) requires buildings having a gross floor area of 10,000 square feet or less to have a 25-foot (length) by 20-foot (width) loading space. Buildings with more than 10,000 square feet area required to have a 50-foot length, 10-foot width loading space with a vertical clearance of at least 14 feet. No loading spaces are provided on the plan? What types of loading/unloading may take place on the site?

Sec. 60-607(4) requires interior driveways and ingress/egress points serving parking areas to be at least 20 feet in width. Mystique Way is proposed to be paved and 24 feet in width. However, the Planning Board will want to ensure the space between each of the proposed parking lots is 20 feet in width.

Sec. 60-607(11) requires any exterior lighting to be arranged and shielded so that it is deflected away from adjacent residential properties and public highways. All lighting is proposed to be limited to full cutoff building mounted lights.

Sec. 60-607(12) All uses containing over 5 parking/loading spaces are subject to a number of additional requirements:

- (a) Access drives, parking, loading and service spaces are required to be surfaced with a solid paving material that is impermeable to water and is dust free and properly drained (the area is proposed to be paved).
- (b) Parking and loading spaces are required to be suitably marked by painted lines or other appropriate markings.
- (c) A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm is required to be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street ROW, or landscaped area to prevent vehicles from rolling into such areas. There are some areas on the plan where this standard will apply. We recommend the Applicant add bumpers on the plans where applicable.
- (d) If parking is planned to occupy a portion of the required front yard area, it shall not be placed nearer than 10 feet from the street ROW line and that area between the parking area and street ROW is required to be landscaped. This is not the case with this development

Sec. 60-608: There is no specific parking requirement for a marijuana cultivation facility/storefront. The parking requirements are a combination between retail (one per 300 square feet of gross floor area) and industrial/manufacturing (one-half per employee for combined employment of the two largest

overlapping shifts). Based on the summary provided in the application materials, it appears they will have a total of 40 employees with overlapping shifts. The building used for retail is existing building number 2. The proposed buildings 2, 3, 4, 5 and 9 do not have designated parking areas on the plan. Where will Employees for those buildings park? The ordinance requires parking/loading spaces be provided on the same lot as the principal use, building or structure they are required to serve. It does allow parking to be located up to 300 feet from the buildings provided there are difficulties preventing siting them on the same lot.

Where there is a substantial increase in the number of buildings and building footprint proposed, Staff requested a traffic estimated be prepared by a licensed traffic engineer that includes all of the proposed uses on the site (cultivation, manufacturing, retail, etc.).

Stormwater/Wetland Impacts –

Due to the expansion of the proposed impervious area, a Site Location of Development Permit is required through Maine DEP. The City has Delegated Review Authority to review any projects that are less than 7 acres of impervious area.

The Applicant is proposing less than 7 acres of impervious area, therefore a Site Location of Development Permit is required.

Less than 4,300 square feet of forested wetlands are proposed to be permanently altered so a wetland alteration permit is not required.

Staff recommends the Applicant submit a stormwater management plan for the maintenance of facilities after construction to ensure they are adequately maintained.

Additional Application Considerations –

Financial Capacity: Section 3 of the materials provided states financial capacity information for the remainder of the improvements would be provided under a separate cover. We did not see this information provided.

Comprehensive Plan Considerations –

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* – Concerns over the increase in traffic onto Minot Ave.
- 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 –

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

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.

IV. STAFF RECOMMENDATIONS – Staff recommends the Planning Board find that the Site Plan for the proposed development, meets the requirements of Sec. 60-1277, and further that the application meets the requirements of Special Exception, Sec. 60-1336, and APPROVE the project application. **Staff recommends the following conditions:**

1. Ensure buildings are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
2. Industrial District landscape requirements shall be met by having side and rear lot lines planted with evergreen trees in staggered rows with the base of the trees no more than 10 feet apart and the width of the buffer no less than 15 feet (or grant waiver because of existing conditions).
3. Provide loading spaces on the plan (if applicable)
4. Per Sec. 60-607(12)(c) of the Auburn Code of Ordinances, a bumper shall be added to parking stalls where applicable.
5. Provide additional parking information, namely where the Employees for buildings 2-5 and 9 will park.
6. A stormwater management plan shall be provided for the facilities after construction to ensure they are adequately maintained.
7. All applicable bonding and inspection fees shall be paid before the start of construction.
8. Provide additional information regarding financial capacity for the remainder of the improvements on the site (under application).
9. A 15-foot easement shall be provided to Auburn Water and Sewer for the public water main on Mystique Way.
10. Address all concerns raised by the Fire Department regarding access and fire hydrant distances.
11. An addressing plan shall be approved before building permits are issued.

Suggested Motion: I will make a motion to approve the Site Plan/Special Exception for the construction of 14 new industrial cannabis cultivation and manufacturing structures and a storefront located on Mystique Way (PID: 206-058) in the Industrial Zoning District with the following conditions:

1. *Ensure buildings are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.*
2. *Industrial District landscape requirements shall be met by having side and rear lot lines planted with evergreen trees in staggered rows with the base of the trees no more than 10 feet apart and the width of the buffer no less than 15 feet (or grant waiver because of existing conditions).*
3. *Provide loading spaces on the plan (if applicable)*
4. *Per Sec. 60-607(12)(c) of the Auburn Code of Ordinances, a bumper shall be added to parking stalls where applicable.*
5. *Provide additional parking information, namely where the Employees for buildings 2-5 and 9 will park.*
6. *A stormwater management plan shall be provided for the facilities after construction to ensure they are adequately maintained.*
7. *All applicable bonding and inspection fees shall be paid before the start of construction.*
8. *Provide additional information regarding financial capacity for the remainder of the improvements on the site (under application).*
9. *A 15-foot easement shall be provided to Auburn Water and Sewer for the public water main on Mystique Way.*

10. *Address all concerns raised by the Fire Department regarding access and fire hydrant distances.*
11. *An addressing plan shall be approved before building permits are issued.*

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