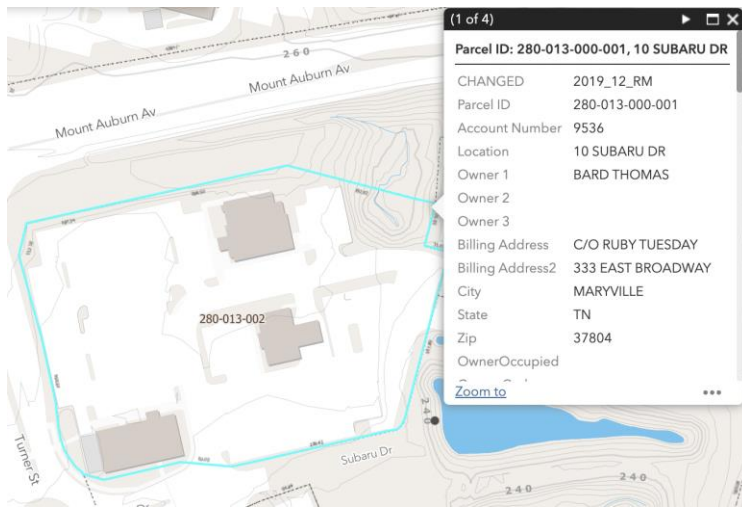


To: Auburn Planning Board
 From: Megan Norwood, City Planner
 Re: Site Plan/Special Exception: Proposed 6,600 square foot Olive Garden to Replace the Existing Ruby Tuesday at 649 Turner Street (PID 280-013-000-001) in the General Business Zoning District.
 Date: October 12, 2021



I. PROPOSAL – Trillium Engineering Group, on behalf of Olive Garden, is applying for a Site Plan/Special Exception for the construction of a 6,600 square foot Olive Garden to replace the existing Ruby Tuesday at 649 Turner Street.

The Planning Board has reviewed projects in this area on several occasions, most recently in September of 2018. The area contains an approved Commercial Planned Unit Development (PUD) in the General Business Zoning District – known as Mount Auburn Plaza. The PUD is broken out into four

lots, each containing PAD sites for the businesses. The lot highlighted in the map above is the 3.79-acre subject lot containing Ruby Tuesday, Androscoggin Bank and Longhorn. Please note: The PUD plan showing the approved PAD site for Ruby Tuesday has a note that says: “maximum building: 6,000 square feet.” This calculate was determined based on the parking requirements in place during the 2018 approved amendment to this PUD. Since the City no longer has parking requirements for commercial uses, we recommend amending the PUD recorded plan as part of this process (see condition below).

The existing Ruby Tuesday is approximately 5,200 square feet. The building is proposed to be demolished and replaced by a 6,600 square foot Olive Garden. The additional 1,400 square feet is proposed to be situated in the existing parking area which will eliminate 10 parking spaces; however, parking requirements will still be met. Parking requirements in the ordinance historically have been based on the types of uses (1 space per 3 seats for restaurants and 1 space per 300 square feet for office-type uses). However, the Planning Board and City Council recently adopted an ordinance amendment to remove commercial parking requirements in the City and let the land use decide what is needed for parking.

Olive Garden will be situated partially within the existing footprint of the Ruby Tuesday, however, where the structure is proposed to be 1,400 square feet larger it will encroach into the side setback (the requirement is 25-feet and they have provided 8-feet). The decision to situate the building this way was made to minimize any impacts to traffic flow around the site by continuing to allow the 24-foot-wide traffic aisle for the nearest parking entrance.



An additional waiver has been requested for a second shared sign along the northernmost property line within an existing vegetated area outside of the MDOT right-of-way adjacent to Mount Auburn Ave (see figure on the left). The ordinance has specific signage requirements for commercial and industrial subdivisions and Planned Unit Developments that stipulate only one single-standing sign is permitted at each public entrance to the development to advertise the individual uses within the development. It also includes an aggregate total of sign surface area allowed for lots within the development and specifically prohibits individual standing signs for lots within the development. Olive Garden applied for a building permit for an additional free-standing sign, and it was declined due to the ordinance requirements. Subaru already received

approval for a free-standing sign on Mount Auburn Ave. The ordinance allows the Planning Board to grant a waiver from the requirements.

While some vegetation removal around the existing Ruby Tuesday is excepted, Landscaping associated with this PAD site will remain largely unchanged.

Stormwater has been approved for the PUD and since this project is not proposed to make any changes to stormwater, it will continue to use the existing system. The construction will not disturb more than one acre which is the threshold for compliance with the Maine Construction General Permit for stormwater.

The building will be outfitted with full cutoff light fixtures and one additional overhead light is proposed in the parking area to match existing fixtures.

Olive Garden proposes to use existing utilities in place to serve Ruby Tuesday with upgrades as needed, they have already coordinated with Auburn Water and Sewer.

Waiver Requests:

- (1) The Applicant has requested a waiver from Sec. 60-500(3)(b): There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

This waiver has been requested to allow the proposed Olive Garden to encroach into the 8-foot side setback to maintain existing traffic circulation within the PUD.

- (2) The Applicant has requested a waiver from Sec. 60-638: Commercial and Industrial Subdivisions and Planned Unit Developments are allowed to have a single standing sign at each public



City of Auburn, Maine

Office Planning and Permitting

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

207.333.6601

entrance to the development to advertise the individual uses within the development, not to exceed in size the aggregate area of sign surface allowed by subsection (c)3 of this section for lots within the development. Individual standing signs for lots within the development are prohibited. *This waiver has been requested to allow for the construction of one additional free-standing sign to contain the three businesses located at this PAD site.*

II. DEPARTMENT REVIEW-

- a. **Police-** No Comments Received.
- b. **Auburn Water and Sewer** – No comments Received.
- c. **Fire Department/Code Enforcement** – Will Review during Building Permit Phase.
- d. **Engineering** – No Comments Received.
- e. **Public Services-** No Comments Received.
- f. **Airport** – No Comments Received.

III. PLANNING BOARD ACTION- The proposed project requires review and findings for approval of Sections 60-1277 and 60-1336:

A. **Site Plan Review, Section 60-1277:**

1. Does the site plan 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 preservation of light and air?
2. Is the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas adequately addressed?
3. Are the proposed methods of disposal for wastes adequately addressed?
4. Does the site plan provide adequate protection of environment features on the site and adjacent areas?

B. **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.

- III. STAFF RECOMMENDATIONS- The Staff recommends the Planning Board review/discuss the waiver requests. If the waivers can be granted, 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 Law, Sec. 60-1336, and APPROVE the project application. Staff recommends the following conditions:
 - a. *No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.*
 - b. *An amended plan shall be recorded changing note #12 on the previously approved plan: Subdivision Plan of Mount Auburn Plaza, dated August 2, 2018, to allow the maximum building to be 6,600 square feet.*

If the waivers cannot be granted, Staff recommends the Planning Board inform the Applicant of necessary changes to the Site Plan and either table or request the changes as additional conditions of approval.

Suggested Motion: I make a motion to approve the Site Plan/Special Exception: Proposed 6,600 square foot Olive Garden to Replace the Existing Ruby Tuesday at 649 Turner Street (PID 280-013-000-001) in the General Business Zoning District with the following conditions:

- a. *No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.*
- b. *An amended plan shall be recorded changing note #12 on the previously approved plan: Subdivision Plan of Mount Auburn Plaza, dated August 2, 2018, to allow the maximum building to be 6,600 square feet.*

Megan Norwood

Megan Norwood
City Planner