

To: Auburn Planning Board
From: Megan Norwood
Re: Bear Holdings, LLC, and Bear, LLC are applying for a proposed car display and service building with office and vehicle preparation/maintenance areas and associated stormwater infrastructure and State Delegated Review for Site Location of Development, located at 864, 868, 878 and 900 Center Street and 1193 Turner Street (PIDs: 301-017- 002, 301-018, 301-019, 301-017, and 300-009) in the General Business Zoning District.
Date: August 13, 2024



PROPOSAL – Bear Holdings, LLC and Bear, LLC are applying for a proposed car display and service building with office and vehicle preparation/maintenance areas and associated stormwater infrastructure including new pavement and gravel areas for storage container siting as well as stormwater treatment. This project does meet the threshold for Site Location of Development Review because there is over three acres of impervious area proposed but less than seven– the City has Delegated Authority through the State to complete these reviews at the staff level. The proposal includes a 9,000SF auto sales/service building on the southern side of the site with paved vehicle display areas and gravel areas for rental storage containers. The four parcels encompass a total of 7.36 acres with frontage on both Center Street and Turner Street.

One of the parcels proposed for development (300-009) is located in the Suburban Residential Zoning District, the remaining area is in General Business. A gravel area is

proposed for a portion of the residential lot. Automobile Sales Lots and the other proposed uses are not permitted in the Suburban Residential Zoning District. However, Accessory Uses, Buildings or Structures are an allowed use:

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the **principal building or to the principal use of the land and which is located on the same lot with the principal building or use.**

Staff recommends coordinating with the Assessing Department to ensure the lots are combined as part of this project to ensure compliance with the ordinance.

Wetlands/Stormwater – One of the more substantial components of this proposal pertains to Stormwater and associated environmental impacts/considerations. Stormwater is proposed to be managed by on-site catch basins and stormdrains and the runoff treated in an existing wet pond along the southern portion of the site, two grassed underdrained soil filters near Center Street, and a subsurface sand filter near Center Street. A Stormwater Management Plan is required through DEP Chapter 500 and Chapter 502 for all projects that propose greater than one acre of new impervious area – these requirements fall under the purview of the Engineering Department. The project is proposed to create 110,000 SF of NEW

impervious area, however, Site Law is based on the site impervious area in 1970 and the cumulative increase including the current proposed development. Taking that into account, the area contained 1.14 acres of impervious based on the 1973 aerial, this proposal will create a 4.77 increase to a total of 5.97 acres of impervious area. Engineering Staff shared the provided stormwater information with the City's Peer Review Consultant, Woodard & Curran who provided comments/clarification items for the Applicant to address.

Lighting

The applicant is proposing to use cut off light fixtures for security and will not create a nuisance for abutting properties. The properties in this area are zoned General Business and Suburban Residential. The Ordinance requires that adequate provisions are made to ensure there are no safety hazards for motorists travelling on adjacent streets, users or occupants of the site and those on adjacent properties. In addition, Sec. 60-607(11) requires that exterior lighting provided in any parking or loading area shall be arranged and shielded so that it is deflected away from adjacent properties used for residential purposes and from any public highway. The provided Sight Lighting Layout Plan shows eight 20-foot light fixtures and six 12-foot light fixtures. The 20-foot light fixtures are proposed to be generally located in the parking areas whereas the 12-foot light fixtures appear to be either adjacent to or on the building.

Traffic/Parking

The project is requesting a waiver of the traffic analysis requirement in the Zoning Ordinance (Sec. 46-235) since it is not expected to create a noticeable amount of change in traffic patterns. The existing entrances on Center Street will continue to be utilized.

Chapter 60, Article V contains the Off-Street Parking and Loading Standards. One specific standard that applies to this project is #10: Any parking or loading space serving a business or industrial use which abuts the side or rear lot line of a lot in a residential district or use shall be screened from said lot by a tight evergreen shrub hedge or similar landscaping, a fence, a solid wall or a combination of two or more of the foregoing. The screen landscaping, wall or fence shall be at least six feet high and may be extended no closer than 15 feet from the street line. (See section below – landscaping/screening where this topic is addressed in more depth). The Suburban Residential Zoning District is on the Turner Street side of the property.

While this project does not necessarily contain parking spots with high turnover like a typical commercial use – it does propose several parking areas for automobile sales and as such is subject to #12 (all uses containing over five parking and/or loading spaces):

- (a) All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained. Materials which satisfy this criteria include but are not limited to: bituminous pavement, concrete, geotextiles and brick or cobblestone or other paving block provided that it is mortared.

The parking areas are proposed to be paved.

- (b) Parking and loading spaces shall be suitably marked by painted lines or other appropriate markings.

Staff will check with the Applicant for specific details regarding the striping of the parking areas.

- (c) A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm shall be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street right-of-way, or landscaped area to prevent vehicles from rolling into such areas.

These items are shown on the Site Plan.

- (d) Where, in nonresidential districts, parking is planned to occupy a portion of the required front yard area, parking shall not be placed nearer than ten feet from the street right-of-way line. The area between the parking area and the street right-of-way line shall be landscaped.

Since we are looking at these lots as a whole for the scope of the project – the “lot” essentially has two frontages – Center Street and Turner Street. Both the proposed Auto Display Area and the Gravel Storage area are adequately screened and are more than ten feet from the Right-of-Way line.

Landscaping/Buffers -

Applicable Ordinance Provision - Sec. 60-500(c)(f) Open and unbuilt spaces. Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

Response from Applicant: The screening for the storage containers consists of vegetative screen along the Turner Street and the southern edge of the storage area and along the stormwater pond a 6-foot-tall screen fence is proposed between the residential properties to the south and the storage facility. In addition, there is a 75 wide naturalized stream setback area that is vegetated with trees and shrubs that are growing up. The proposed building will block the view along the eastern side (Center Street side) of the gravel area. The paved area in front of the proposed building is for auto display, not storage. We believe this screens the storage to the greatest extent practicable.

Applicable Sec. 60-500 (Dimensional Requirements) General Business (all have been met):

- *Density.* Not more than 30% of the total lot area shall be covered by buildings used for commercial or office uses.
- *Setbacks.*
 - Side/Front: 25 Feet.
 - Rear: 35 Feet

Other Pertinent Items:

Staff noted that a portion of the proposed storage area is subject to a CMP easement and recommended the Applicant contact an Attorney for a legal opinion on whether or not this area is suitable for the proposed use. The original easement language has been included in the packet and does not contain any language prohibiting the use of the area for storage. The Applicant has reached out to CMP directly and is awaiting their response.

I. DEPARTMENT REVIEW-

- a. **Police**- No comments.
- b. **Auburn Water and Sewer** – No comments.
- c. **Fire Department/Code Enforcement** –Building Permits will be required.
- d. **Engineering** – Final Stormwater amendments should be conditions of approval.
- e. **Public Services**- No comments.
- f. **Airport** – No concerns.

III. PLANNING BOARD ACTION- The proposed project requires review and findings for approval of Sections 60-1277, 60- 1336 and 60-771:

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.

IV. STAFF RECOMMENDATIONS -

Consider the Waiver Request of the Traffic analysis requirement in the Zoning Ordinance (Sec. 46-235) since the proposed use is not expected to create a noticeable amount of change in traffic patterns. The existing entrances on Center Street will continue to be utilized.



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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. *All necessary stormwater improvements shall be shown on the plan to the satisfaction of the City Engineer prior to the issuance of building permits.*
- c. *The applicant shall provide confirmation from CMP that use of the easement area as shown on the plans is acceptable.*

Suggested Motion: I make a motion that the proposal meets the requirements of Sections 60-1277, 60-1336 and 60-771, accept the waiver request for a Traffic Impact Analysis and to approve the Site Plan for a car display and service building with office and vehicle preparation/maintenance areas and associated stormwater infrastructure and State Delegated Review for Site Location of Development, located at 864, 868, 878 and 900 Center Street and 1193 Turner Street (PIDs: 301-017- 002, 301-018, 301-019, 301-017, and 300-009) 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.
- All necessary stormwater improvements shall be shown on the plan to the satisfaction of the City Engineer prior to the issuance of building permits.
- *The applicant shall provide confirmation from CMP that use of the easement area as shown on the plans is acceptable prior to the issuance of building permits.*

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