

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, AUGUST 6, 2009
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

All members of the Council were present except Mayor Katz and Councilor Rollins; Councilor O'Brien presided.

Public Hearing - Malt, Spirituous and Vinous Liquor License application for Texas Roadhouse Holdings LLC, d/b/a Texas Roadhouse, 26 Whitten Rd

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED

017 WHEREAS, The City Council finds that the five criteria for approving an area rezoning, found in section 1.6.1.A.vii have been satisfied.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the Augusta Land Use Ordinance be amended as follows:

The parcels shown as the "area of change" on the attached map entitled Proposed Zoning and dated December 30, 2008, shall be rezoned to Planned Development (PD). Parcels included are Tax Assessor's Map 48, Lots 3, 3-A, 3-B, 4, 5, 5-B, 6, 7, 8, 8-A, 8-B, 9, 10, 11, 12, 12-A, and the segment of railroad property that starts at Riggs Brook and runs south to Route 3.

(NO MOTION TO REMOVE FROM TABLE)

021 WHEREAS, The City Council finds that the Planning Board held the required public hearing on a proposed amendment to the City's comprehensive plan.

NOW THEREFORE BE IT ORDERED, By the City Council of the City of Augusta that the 2007 Comprehensive Plan for the City of Augusta be amended as follows:

Volume 1, pages 33 and 34 of the City of Augusta 2007 Comprehensive Plan, which are maps entitled Future Land Use and Future Land Use Detail, shall be amended to include the area north of Rt. 3, west of Riverside Drive, south of Riggs Brook, and east of the Kennebec River as the same shade of brown, indicating mixed use development, as the area directly to the north of the modified area.

(NO MOTION TO REMOVE FROM TABLE)

NEW BUSINESS

HAS BEEN READ, FIRST READING

107 WHEREAS, The City Council appointed a subcommittee to review and recommend changes to the zoning along a section of Riverside Drive.

WHEREAS, The City Council instructed the subcommittee to create a zone that allows some commercial uses.

WHEREAS, The subcommittee met seven times during the spring of 2009 and thoroughly discussed the possible modifications to the Land Use Ordinance.

NOW THEREFORE BE IT ORDAINED, By the City Council of the City of Augusta that the subcommittee recommendation be approved by amending the Land Use Ordinance as follows:

Create a new “Planned Development 2” base zoning district:

3.6.1.8 Planned Development 2 (PD2)
The Planned Development 2 district shall be a Capital-Commerce District.

3.6.1.8.1 Permitted Uses.
See Table 3.6.A.1, Table of Uses.

3.6.1.8.2 Performance Zoning shall be allowed.

3.6.1.8.3 Dimensional Standards for traditional zoning.
Minimum Lot Size – 10,000 square feet with public water and sewer;
20,000 square feet without public water and sewer
Minimum Lot Frontage – 100 feet
Minimum Lot Depth – 100 feet
Minimum Area per Dwelling Unit – 10,000 square feet without public
water and sewer
Minimum Area per Dwelling Unit – 5,000 square feet with public water
and sewer
Minimum Front Setback – See Section 5.1.16
Maximum Floor Area – 15,000 square feet per structure
Maximum Building Height – 45 feet

3.6.1.8.4 General Provisions.

3.6.1.8.4.1 Drive throughs. No drive through services are allowed.

3.6.1.8.4.2 Parking. For structures within 150 feet of Riverside Drive, there shall be no more than one row of parking in front of a structure. All additional parking must be located at the side or back of the structure.

NEW BUSINESS (Con't)

HAS BEEN READ, FIRST READING (Con't)

107 Continued

3.6.1.8.4.3 Setback. New non-residential uses shall be set back from the front property line at least 75 feet. Residential structures not meeting the 75 foot setback may be converted to non-residential uses provided all other criteria are met.

3.6.1.8.4.4 Signs. No electronic changeable copy or neon signs are allowed.

Amend Section 5.1.1.2 and 5.1.1.3 on Bufferyards as follows:

Wherever the PD district is listed in subsections, add PD2 directly after it.

Amend Bufferyard table 5.1.1-A as follows:

Insert PD2, directly after PD in the table, such that PD2 has the same bufferyard requirements as PD.

Amend Section 5.1.17.5.d on signage as follows:

Signs permitted within the Capital Commerce (except Business Professional), Civic Center, Planned Development, Planned Development 2, and Industrial Districts.

Amend Section 5.1.17.5.d.i.A on signage as follows:

Free-standing signs, provided that the highest point of the sign, including its supports, extends no higher than twenty-five (25) feet from the ground. The size of free standing signs in Capitol Commerce Districts (except the BP district) and Planned Development 2, shall be no greater than one hundred twenty (120) square feet and in the Civic Center, Planned Development and Industrial Districts no greater than two hundred (200) square feet.

Amend Table 3.6.A.1 (Table of Uses) as follows:

Insert a new column for a new PD2 zone with the permitted and conditional uses as shown on the attached sheet entitled "Table 3.6.A.1 NEW PD2 DISTRICT, July 10, 2009".

Amend the Official Zoning Map such that the highlighted area on the attached map entitled "Proposed Zoning: Area of Change Outlined in Red, July 10, 2009" is rezoned from its present Low Density Residential (RA) to Planned Development 2 (PD2), as shown.

(FIRST READING, NO VOTE REQUIRED)

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED

- 101 ORDERED, That the minutes of the City Council meeting held July 16, 2009 submitted by the City Clerk be approved.

Motion for passage by: Stokes

Yeas: 6; Byron, Doore, Paradis,
Coffin, Munson, Stokes

Nays: 0

- 102 ORDERED, That the City Council accept a \$1,000 donation from Hannaford Supermarkets for the Spring Running Festival.

Motion for passage by: Stokes

Yeas: 6; Byron, Doore, Paradis,
Coffin, Munson, Stokes

Nays: 0

- 103 ORDERED, That the City Council accept a donation of \$625 from Robert Fuller, Jr. for professional services associated with the Daniel Cony statue.

Motion for passage by: Stokes

Yeas: 6; Byron, Doore, Paradis,
Coffin, Munson, Stokes

Nays: 0

- 104 ORDERED, That Roll of Accounts for the month of July 2009 in the amount of \$5,292,454.86 be approved.

Motion for passage by: Stokes

Yeas: 6; Byron, Doore, Paradis,
Coffin, Munson, Stokes

Nays: 0

- 105 ORDERED, That the following application for a Malt, Spirituous and Vinous Liquor License be approved:

Texas Roadhouse Holdings LLC, d/b/a Texas Roadhouse, 26 Whitten Rd

Motion for passage by: Doore

Yeas: 6; Byron, Doore, Paradis,
Coffin, Munson, Stokes

Nays: 0

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

- 106 ORDERED, That the City Council accepts with appreciation the report and recommendations of the Flatiron Study Committee and does hereby authorize the City Manager to issue a Request for Proposals for the preservation and redevelopment of the Flatiron Building.

Motion for passage by: Doore

Yeas: 6; Byron, Doore, Paradis,
Coffin, Munson, Stokes

Nays: 0

Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
August 11, 2009