

**MINUTES FOR THE REGULAR CITY COUNCIL MEETING
THURSDAY, SEPTEMBER 3, 2009
COUNCIL CHAMBERS, CITY CENTER
7:00 P.M.**

All members of the Council were present; Mayor Katz presided

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND POSTPONED INDEFINITELY

- 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.

Motion to Postpone Indefinitely by: O’Brien

Yeas: 8; Byron, Doore, Paradis, O’Brien
Rollins, Coffin, Munson, Stokes

Nays: 0

HAS BEEN READ AND PASSED, FINAL 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:

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING (Con't)

107 Continued

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.

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.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED, FINAL READING (Con't)

107 Continued

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.

Motion for Passage by: O'Brien

Yeas: 5; Doore, Paradis, O'Brien
Rollins, Coffin,

Nays: 3 Byron, Munson, Stokes

HAS BEEN READ AND PASSED

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.

OLD BUSINESS AND TABLED MATTERS (Con't)

HAS BEEN READ AND PASSED (Con't)

- 021 Continued
Motion for Passage by: O'Brien
Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes
Nays: 0

NEW BUSINESS

HAS BEEN READ AND TABLED

- 115 ORDERED, That the City Manager is authorized to expend an amount not to exceed \$5,000 to conduct a structural engineering analysis of the Colonial Theater.
- Motion to Table by: Rollins
Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes
Nays: 0

HAS BEEN READ, FIRST READING

- 118 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:
The lot known as Assessor's Map 11, Lot 45F shall be rezoned in accordance with Section 1.6.1(A)(iv)(a) of the Augusta Land Use Ordinance. The new zone shall be Rural Ponds District (RPDS).
- (FIRST READING, NO VOTE REQUIRED)
- 119 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:
That Article V. Museums, Subdivision 2. Board of Trustees, Sections 6.5-261(a) and 6.5-263(a) of the Revised Code of Ordinances, 1990, as amended, are further amended as attached.
- (FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

- 108 ORDERED, That the minutes of the City Council meeting held August 6, 2009 submitted by the City Clerk be approved.

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

- 108 Continued
Motion for Passage by: Coffin
Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes
Nays: 0
- 109 ORDERED, That Roll of Accounts for the month of August 2009 in the amount of \$3,650,871.96 be approved.

Motion for Passage by: Coffin
Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes
Nays: 0
- 110 ORDERED, That City Council accepts a donation for The Spring Running festival in an amount totaling Five Hundred Dollars (\$500.00), from the Old Fort Western Fund.

Motion for Passage by: Coffin
Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes
Nays: 0
- 111 ORDERED, That Matthew Pouliot be appointed to the Planning Board; said term to expire September 3, 2012.

Motion for Passage by: Coffin
Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes
Nays: 0
- 112 ORDERED, That Aaron Stred be appointed to the Zoning Board of Appeals as a Senior Associate Member; said term to expire September 3, 2012.

Motion for Passage by: Coffin
Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes
Nays: 0
- 113 ORDERED, That the attached list of Wardens and Ward Clerks be appointed in accordance with the City of Augusta Charter, Article V. Section 2.

NEW BUSINESS (Con't)

HAS BEEN READ AND PASSED (Con't)

113 Continued

Motion for Passage by: Coffin

Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes

Nays: 0

114 ORDERED, That the City Council hereby appropriates \$22,923 from the Team Cony Fund for the purchase and repair of musical instruments, purchase of a portable public announcement system and a clavi-mover for the Cony High School Music Program.

Motion for Passage by: Stokes

Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes

Nays: 0

116 WHEREAS, The City Council finds that a problem exists with speeding in the vicinity of Linwood Avenue and Riverside Drive, Route 201, in the City of Augusta; and,

WHEREAS, The Augusta Police Department has indicated that a modification of the speed limit in this area may reduce speeding and the likelihood of accidents.

NOW, BE IT RESOLVED, That the City Council request the Maine Department of Transportation to extend the 35 mph speed limit currently in place on Route 201 immediately north of Route 3 for an additional 1,000 feet.

Motion for Passage by: Munson

Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes

Nays: 0

117 ORDERED, That the City Manager is authorized to contract with the Worromontogus Pond Association to enable the City of Augusta to serve as contract administrator and fiscal agent should the association be granted a license by the State of Maine for harvesting alewives.

Motion for Passage by: Munson

Yeas: 8; Byron, Doore, Paradis, O'Brien
Rollins, Coffin, Munson, Stokes

Nays: 0

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Barbara E. Wardwell, City Clerk
September 14, 2009