

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



FACILITIES & SYSTEMS  
PLANNING

**Memo**

**To:** William Bridgeo, City Manager  
City Council

**From:** Matt Nazar, Director of Development Services

**Date:** March 25, 2019

**Re:** Rezoning in Riggs Brook Village area to allow Self-Service Storage Units

---

The question of rezoning or contract zoning Tax Map 7, Lot 10, a large lot fronting on both North Belfast Ave and Church Hill Road in the Riggs Brook Village zoning district to allow self-service storage units. The Land Use ordinance defines these units as:

**SELF-SERVICE STORAGE UNITS**

A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time where clients retain a key and can independently store and retrieve their goods.

There are a number of these types of facilities throughout the city, including on Industrial Drive and most recently constructed on Old Belgrade Road across from NRF. The land use ordinance does not allow these units to be constructed in the Riggs Brook Village district.

City Council adopted the following Council Goal and associated Action just about one month ago.

**GOAL H: SUPPORT HIGH QUALITY DEVELOPMENT**

**Action H2: Conduct a Council workshop or information session on how to address obstacles to the development of Kennebec Locke and Riggs Brook Village.**

Even as the economy continues to do well in Maine, and even as in-town river sites in other Maine communities are redeveloping, the Kennebec Locke site still awaits a private investor. Road access and utility services remain a roadblock at Kennebec Locke. At Riggs Brook Village, there are questions of zoning and utilities. City economic development staff will conduct an informational session to discuss both projects.

Self-service storage units, while necessary, are not typically referred to as “high quality development”. They are utilitarian in nature and generally industrial or warehouse in appearance. They also don’t require public utilities. They do not have to be sprinkled and they do not have bathrooms. Changing the ordinance to allow this use here would place a 12 acre piece of land that does not need public utilities between where public utilities exist and where utilities need to be in order to develop Riggs Brook Village as envisioned. This would make the likelihood of getting public utilities out to Riggs Brook Village more expensive and therefore more difficult.

Land Use Ordinance regulations are required by state law and case law to be grounded in the policies of an adopted comprehensive plan that is consistent with state law. In addition to the Council Goal, the 2007 Augusta Comprehensive Plan outlines the expected type of development in the Riggs Brook Village area referring to it as the “Village Mixed” part of the city (see pages 45-46 of 2007 Comp Plan). The description of the district is of a high quality design that is village-like in nature. There doesn’t appear to be anything in the text that I can see that would lead to the conclusion that self-service storage units are the sort of use that is anticipated. The Comp Plan states the following:

The goals for this area are stated in the name – to create a mixed-use residential and retail area that feels like a “village” and not a strip suburban development.

The types of uses envisioned are:

*Retail*, with no opportunity for auto sales and other similar retail uses dependent on outdoor storage and the display of large goods; *Services; Restaurants; Offices; Government; Institutional*, such as churches and schools; *Recreational*, especially park and playground areas; *single family, duplex, and multi-family residential*

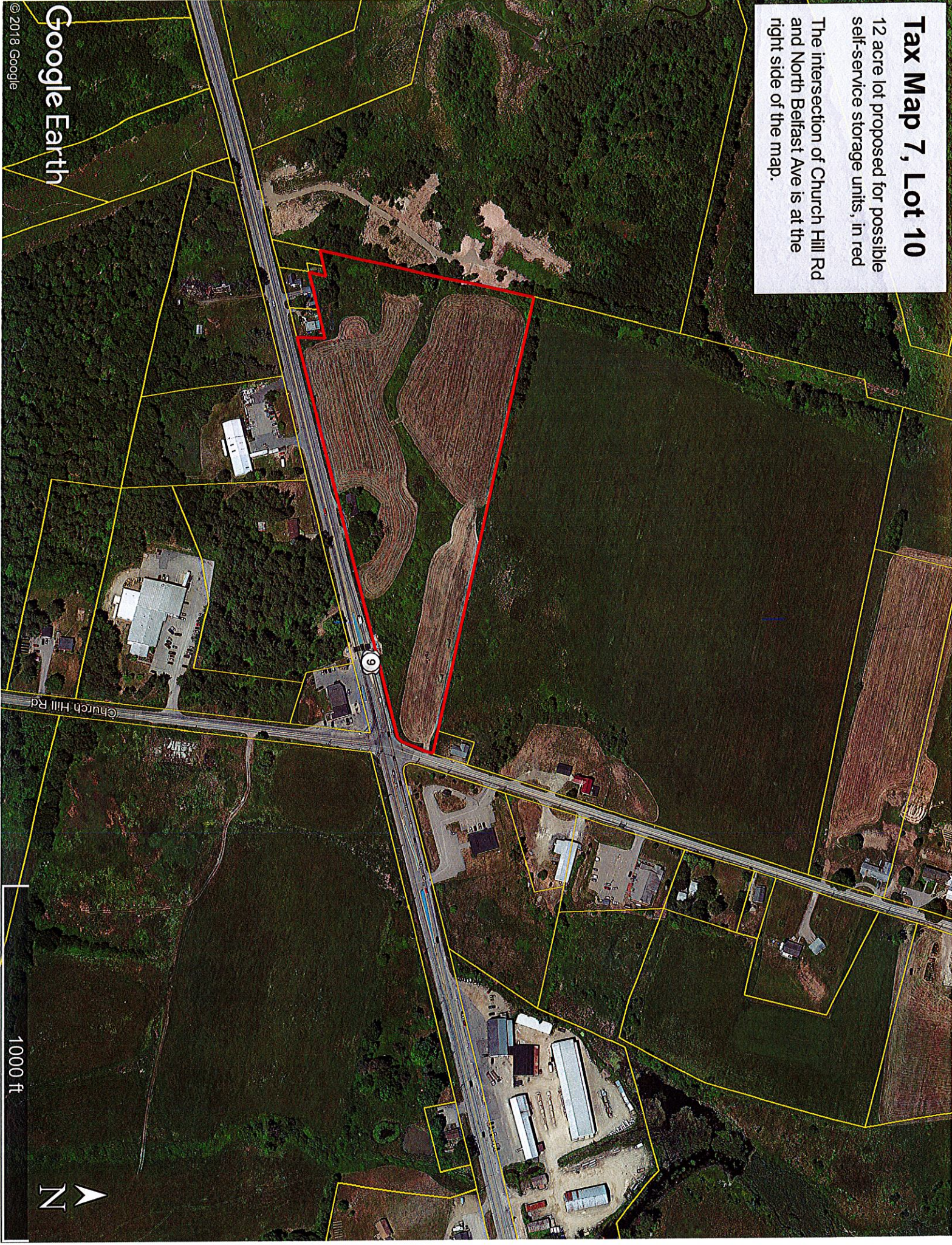
That would mean that any rezoning to allow the use would be “spot zoning”. Spot Zoning is a legal term with a great deal of case law discussing it – the end result being that it is not legal, without amending the Comprehensive Plan.

I would recommend that the Council carefully consider this issue, given both the very recently adopted Council Goals as well as the proposal being Spot Zoning. It is my opinion that the only way to move this forward without policy and legal challenges is if the Council decided to modify its goals and amend the Comprehensive Plan.

# Tax Map 7, Lot 10

12 acre lot proposed for possible self-service storage units, in red

The intersection of Church Hill Rd and North Belfast Ave is at the right side of the map.



Google Earth

© 2018 Google

1000 ft

