



**PATRICK J. SULLIVAN**  
**DIRECTOR**

## *City of New Bedford*

### **Department of Planning, Housing & Community Development**

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June 13, 2019

Councilor Hugh Dunn, Chairman  
Committee on Ordinances  
133 William Street  
New Bedford, MA 02740

RE: PROPOSED REZONING REQUESTS  
CASE #19-11 157-161 Coggeshall Street (Map: 93 Lot: 169) &  
171 Coggeshall Street (Map: 93 Lot: 227)  
  
CASE #19-12 ES Mitchell Street (Map: 93 Lot: 275)

Dear Chairman Dunn:

This is to advise you of Planning Board action on Wednesday, June 12, 2019 to discuss the proposed requests for the rezoning of 157-161 Coggeshall Street (Map: 93 Lot: 169), 171 Coggeshall Street (Map: 93 Lot: 227) from the Mixed-Use Business (MUB) zone to Industrial B (IB) zone; as well as, the request for rezoning of ES Mitchell Street (Map: 93 Lot: 275) from the Mixed-Use Business (MUB) zone to Industrial B (IB) zone. **The Planning Board sends a favorable recommendation for both proposals.**

At the hearing, Mr. Michael Khalife and Mr. Antone Khalife (171 Coggeshall Street New Bedford, MA), owners of 157-161 and 171 Coggeshall Street presented that they have amended their previous request from March. The amended proposal includes more parcels to address the Planning Board's concern that the previous request was spot zoning. The request now includes two properties they own, and an abutting property owned by others.

Ms. Heidi Johnson, Trustee of the Mitchell Street Realty Trust, owner of ES Mitchell Street read a prepared statement into the record. Her statement noted her family's long history owning property around this subject area. She explained the entire area surrounding the sites were historically zoned industrial and had changed at some point in to 2000's, not at the request of the owners. She noted the zoning likely changed for the plans that were going on at that time, however, that was over ten years ago, and things have changed. The current request is made as times have changed and there are different development opportunities now than there was then. She noted that 57% of New Bedford voters voted in favor of legalizing cannabis and it is a highly regulated industry with massive growth potential. She complimented the Kalife brothers as business owners and developers who are good stewards of their properties and business.

In response to the Chairwoman's offer to speak or be recorded in favor were the following:

City Councilor Joseph Lopes (133 William Street New Bedford, MA) spoke in favor of the rezoning request. He noted the proposal addressed the spot zoning concern of the previous request. He also noted for the board that it is easier to develop a property you already own rather than acquiring a new property. Particularly for such a highly regulated and difficult type of business to get started. The zoning change would allow for the development of a business that would improve the area. He noted the stigmatism is fading away from the recreational marijuana industry. He further noted, the Khalife brothers have strong ties to New Bedford, and one is a veteran. He described the brothers as exemplary property owners.

No one spoke in opposition of the request.

As it does with all rezoning requests, the Planning Board's review included consideration of the following specific criteria to ensure its action is consistent with existing case law: **uniformity, consistency, surroundings, fiscal impact** and **discriminating benefit**.

Board members discussed the proposed rezoning request and the comments received during the public hearing. Board members debated their reasons for whether they were in favor or in opposition of the request.

Most members agreed that the issue of spot zoning had been addressed by the inclusion of multiple parcels. They noted the whole corner of Coggeshall Street and Mitchell Street would be Industrial B; further in combination with those also zoned Industrial B across Coggeshall Street it wouldn't be spot zoning.

Some board members were concerned the rezoning request was not in line with Master Plan and the Hick Logan Sawyer Overlay District plan. Describing that those plans called a walkable, pedestrian friendly neighborhood with a mixture of residential and supportive services. Noting the zoning changed to mixed use business and the overlay zoning in 2006 to encourage the plans' vision for the area. There was also concern that rezoning requests generally should be driven by planning studies, analysis, public meetings and such rather than individual business development proposals.

It was noted that cannabis wasn't even a consideration when the master plan was created.

It was also noted the location still had issues in meeting the requirements of the marijuana establishment ordinance. It was debated whether the location was an appropriate site for the use as presented.

After closing the public hearing, two separate motions were made, one for each rezoning request.

A motion was made in the affirmative to recommend the City Council consider rezoning 157-161 Coggeshall Street (Map: 93 Lot: 169) and 171 Coggeshall Street (Map: 93 Lot: 227) from the Mixed-Use

Business zone to Industrial B (IB) zone. **The motion passed on a vote of 3-2**, with board members A. Kalife, P. Cruz, and A. Glassman recorded in favor; board members K. Khazan, and K. Duff recorded in opposition.

A motion was made in the affirmative to recommend the City Council consider rezoning ES Mitchell Street (Map: 93 Lot: 275) from the Mixed-Use Business zone to Industrial B (IB) zone. **The motion passed on a vote of 3-2**, with board members A. Kalife, P. Cruz, and A. Glassman recorded in favor; board members K. Khazan, and K. Duff recorded in opposition.

As such the **Planning Board sends a favorable recommendation for both rezoning proposals**. Please find enclosed a copy of the Planning Division Staff Report regarding this matter for the Council's convenience and reference.

Sincerely,



Tabitha Harkin  
City Planner

encl. Staff Report

cc. John Mitchell, Mayor  
Danny Romanowicz, Building Commissioner

Mickaela McDermott, City Solicitor  
Dennis Farias, City Clerk