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STAFF REPORT

REPORT DATE
August 31, 2018

PLANNING BOARD MEETING
September 12, 2018

Case # 18-37: REZONING
NS Davis Street
Map: 100 Lot: 108

Petitioner: City Councilor
Maria E. Giesta
(Ward 2)
133 William Street,
Room 215
New Bedford, MA

Overview of Request:

The Planning Board reviews rezoning petitions as standard practice and provides a recommendation based on their findings to the City Council Committee on Ordinances.



This case requests the rezoning of a 0.78 acre parcel of land known as north side Davis Street (Map: 100, Lot:108) from its existing designation as in a Mixed Use Business (MUB) zoned district to a Industrial B (IB) zoned district.

Background:

New Bedford City Councilor Maria E. Giesta put this zoning request forward on behalf of Mr. Bruno Frustaci, whom owns and operates Raindance Irrigation and Service, Inc. located at 11 Davis Street, which is abutting the subject lot. Extending the Industrial B zoning to the subject lot would allow for the expansion of existing industrial use businesses, such as Raindance Irrigation and Service, Inc., in this area.

Existing Conditions:

Located in the north end, the subject site is a 33,770 SF, unimproved, "T" shaped lot with frontages on both Davis Street and Riverside Avenue. The surrounding neighborhood is a mixture of industrial, commercial, and residential uses. Located directly east across Riverside Avenue from the site is Whalers Cove Assisted Living Community and three multifamily residential dwellings are situated across from the site on the south side of Davis Street. A parking lot for Whalers' Cove is located directly south across Davis Street from the site. Directly abutting the property are industrial and commercial properties. The block the site is located in, bound by Davis Street on the south, Belleville Avenue to the west, Hathaway Street to the North, and Riverside Avenue to the east, includes: Cody & Tobin an industrial scrap metal dealer; Globe Auto, an automotive repair business; M&M Tires, a tire repair center; Joe's Gas, a gas station with convenience store; and Raindance Irrigation and Service, an irrigation installer business.

Zoning Map

Proposed rezoning parcel highlighted in green

Multiple zoning districts are represented in the area surrounding the subject site, including: Mixed Use Business, Industrial B, and Residential C.

Historically, industrial mill buildings were located along the Acushnet River; which is representative of the Industrial B zoned areas to the east and south of the site. However, many of these historic mills have been converted to residential uses, as is the case with the nearest mill to the subject site, which has been converted into an Assisted Living Community.

Belleville Avenue to the north of the site is a heavily traveled commercial corridor, with a mixture of commercial and residential uses. Additionally, the board should note the Alma De Mar Charter School campus is located on Belleville Avenue just west from this site.

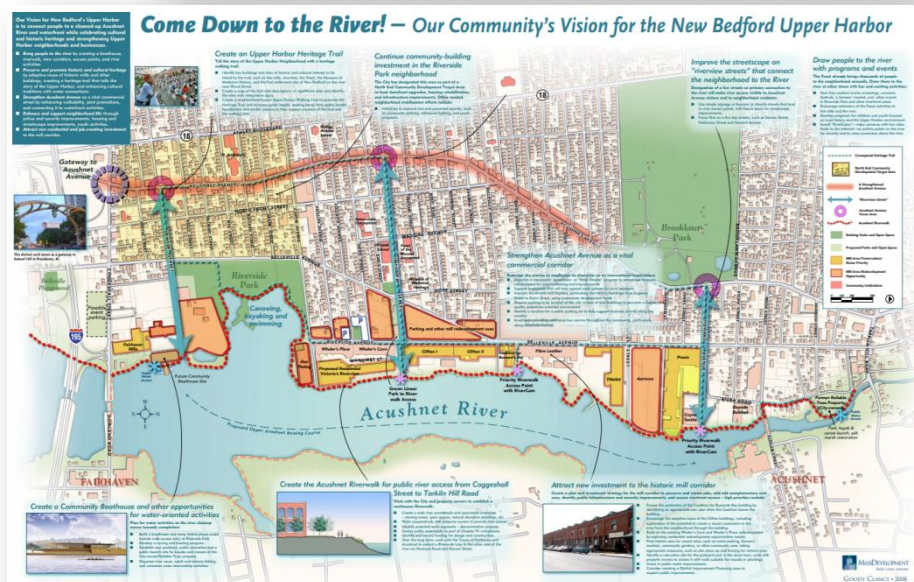
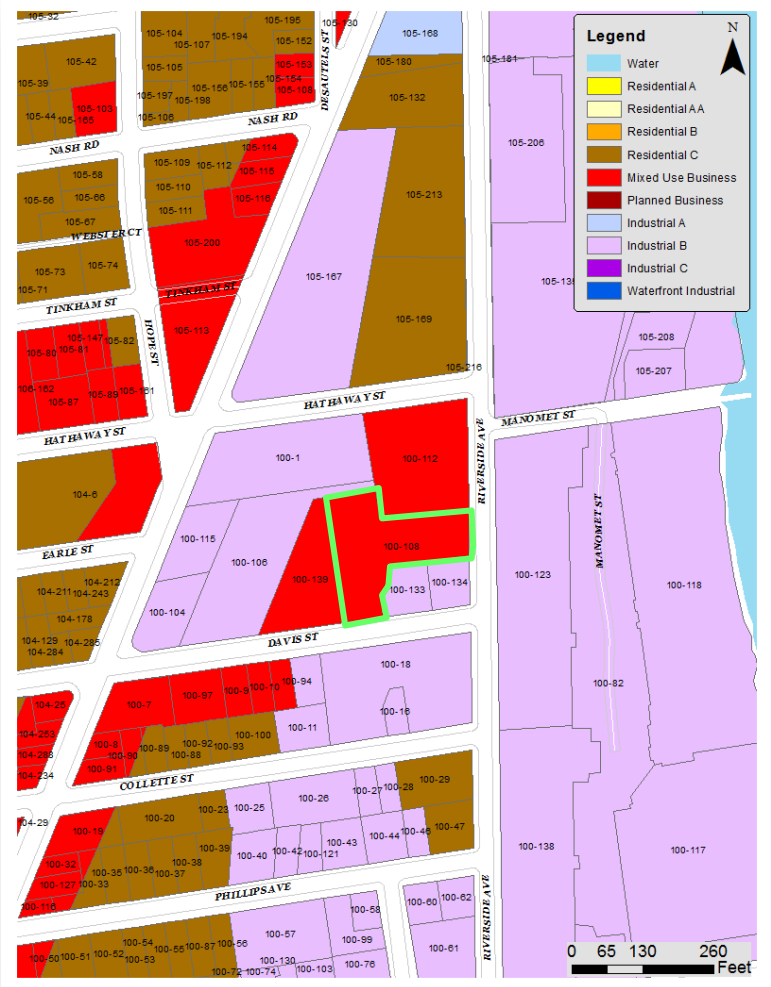
The block in which the site is located is primarily zoned Industrial B (6 parcels), with three (3) parcels zoned Mixed Use Business.

Master Plan.2020

In the Master Plan, this site is identified as part of an area known as the Upper Harbor (bound by I-195 to the south, Acushnet Avenue to the west, Wood Street to the north and the Acushnet River to the east). The Upper Harbor Vision was developed through a planning process in 2008. The vision for this area includes increasing public access to the water front, façade and streetscape improvements to Acushnet Avenue, and appropriate redevelopment along the Acushnet River. The plan called for an investment strategy for the mill corridor (along Riverside Avenue) to preserve and create jobs, while adding complementary new uses, updated public infrastructure and amenities and secure riverfront access.

Input from Other City Departments:

The rezoning request was distributed to City Clerk, City Solicitor, Health Department, Inspectional Services, Engineering, Public Infrastructure, Conservation Commission, Fire Department and School Department. Although no comments have been received as of the production date of these Planning Staff Comments, any such comments subsequently received will be provided at the Planning Board's public hearing.



For Board Member Consideration:

MERITS

If the rezoning was to be adopted, nine (9) new uses would be allowed. These uses include: motor vehicle body repairs manufacturing, light manufacturing, biotechnology facilities, medical device facilities, wholesale warehouse/self-storage/mini-warehouse or distribution facility, transportation terminal, contractors yard, batch asphalt and concrete plants.

This particular request would bring the site into conformity with the directly adjacent uses abutting the property as well as the zoning east of the site.

CONCERNS

If the rezoning was to be adopted, twenty-five (25) uses that are currently allowed in the MUB zoning district would be prohibited under a new IB district. These uses include: residential uses, cemeteries, hospitals, adult and family daycares, club, funeral home, bed and breakfast, big box retail, mixed use, live/work spaces, restaurant, fast food restaurant, business or professional office, medical office, bank, indoor or outdoor recreation, theater/auditorium.

The block this site is located in is an industrial island surrounded by a neighborhood more defined by commercial, residential, and educational uses.

A table comparing the uses permitted in the existing MUB zone and proposed IB zone is available as an attachment (Attachment #1) to these comments.

Standards for Evaluating Rezoning Requests

The Planning Board has previously relied on the following criteria in its evaluation of other rezoning requests so as to ensure its action is consistent with case law:

- Uniformity: the extent to which the zoning change would resemble the surrounding zoning;
- Consistency: whether or not the parcel is being singled out for a zoning change;
- Surroundings: how the proposal would change the neighborhood;
- Fiscal Impact: what impact on local/city economic development the rezoning would have; and
- Discriminating Benefit: an assessment of whether the reclassification of a single parcel that allows a use beneficial to the property owner is made to the detriment of the neighbors or community-at-large.

Attachments:

1. Use Table Comparison
2. Written Motion by City Councilor (Ward 2) Maria E. Giesta
3. Photos

ATTACHMENT 1: USE TABLE COMPARISON

EXISTING:	
MIXED USE BUSINESS DISTRICT	
A. Residential Uses	
Single-family dwelling	Y
Two-family dwelling	Y
Multi-family townhouse (3 stories)	Y
Multi-family mixed use (6 stories)	PB
Boarding house	BA
Group residence	BA
Assisted or Independent living facility	BA
Nursing or Convalescent home	BA
Animals or head of poultry, not to exceed one animal or head of poultry per one thousand (1,000) square feet of net area of the lot. Net area shall be determined by subtracting the gross ground floor area of all buildings and structures on the lots from the gross area of the lot plus any contiguous lots owned by the same party.	Y
B. Exempt and Institutional Uses	
Use of land or structures for religious purposes	Y
Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y
Child care facility (in existing building)	Y
Child care facility (not in existing building)	Y
Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y
Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y
Municipal facilities	Y
Essential services	BA
Cemeteries	Y
Hospital	Y
C. Commercial	
Nonexempt agricultural use	BA
Nonexempt educational use	Y
Animal clinic or hospital; with ancillary animal boarding	BA
Adult day care	BA
Family day care	BA
Large family day care	BA
Club or lodge, nonprofit	CC
Funeral home	BA
Adult entertainment establishment	CC
Bed & Breakfast	BA

PROPOSED:	
INDUSTRIAL B DISTRICT	
A. Residential Uses	
Group residence	BA
Assisted or Independent living facility	BA
Nursing or Convalescent home	BA
B. Exempt and Institutional Uses	
Use of land or structures for religious purposes	Y
Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y
Child care facility (in existing building)	Y
Child care facility (not in existing building)	Y
Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y
Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y
Municipal facilities	Y
Essential services	BA
C. Commercial	
Nonexempt agricultural use	BA
Nonexempt educational use	BA
Animal clinic or hospital; with ancillary animal boarding	BA
Adult entertainment establishment	CC

EXISTING:	
MIXED USE BUSINESS DISTRICT	
C. Commercial (continued)	
Motel, hotel or inn	Y
Retail stores and services not elsewhere set forth	Y
Grocery stores	Y
Big Box Retail (60,000 Sq. ft. or greater)	BA
Health clubs	Y
Mixed use	Y
Live /work	BA
Motor vehicle sales and rental	CC
Motor vehicle general repairs	CC
Motor vehicle light service	CC
Restaurant	Y
Restaurant, fast-food	BA
Business or professional office	Y
Medical offices, center, or clinic	BA
Bank, financial agency	Y
Indoor commercial recreation	Y
Outdoor commercial recreation	BA
Wireless Communications Facilities	PB
Theatres and auditoriums	PB
Convention Centers	PB
D. Industrial	
Research, development or testing laboratories and facilities	Y

PROPOSED:	
INDUSTRIAL B DISTRICT	
C. Commercial (continued)	
Motel, hotel or inn	Y
Retail stores and services not elsewhere set forth	Y
Grocery stores	BA
Health clubs	Y
Motor vehicle sales and rental	CC
Motor vehicle general repairs	CC
Motor Vehicle body repairs	CC
Motor vehicle light service	CC
Wireless Communications Facilities	PB
Convention Centers	PB
D. Industrial	
Manufacturing	Y
Light manufacturing	Y
Research, development or testing laboratories and facilities	Y
Biotechnology facilities	Y
Medical devices manufacturing	Y
Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	Y
Transportation terminal	Y
Contractor's yard	Y
Batch asphalt & concrete plants	CC

*Highlighted (green) uses would be newly permitted if the proposed rezoning were to be adopted.



Planning

CITY OF NEW BEDFORD
CITY COUNCIL

August 16, 2018

WRITTEN MOTION

Requesting, on behalf of Mr. Bruno Frustazi, that Plot 100/Lot 108 (NS Davis Street), be Rezoned from Mixed-Use Business to Industrial "B", in its entirety. (To be Referred to the Committee on Ordinances and the Planning Board.)

Maria E. Giesta, Councillor Ward Two

PLANNING
AUG 20 2018
DEPARTMENT

IN CITY COUNCIL, August 16, 2018

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy, attest:

Dennis W. Farias

City Clerk

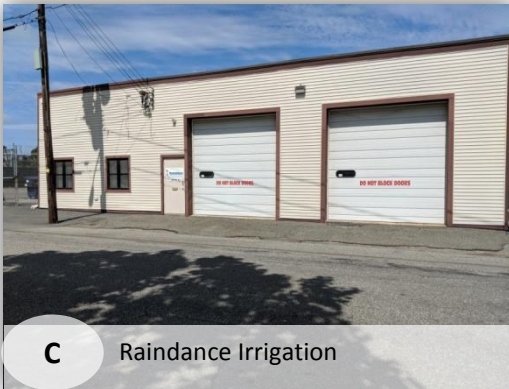
ATTACHMENT # 3: PHOTOS OF SITE AND SURROUNDING AREA



A NS Davis Street
Looking north from Davis Street



B NS Davis Street
Looking west from Riverside Avenue



C Raindance Irrigation



E Whalers Cove



G Multifamily Residential



D Cody & Tobin



H Globe Auto



F M&M Tire



I Joe's Gas

PHOTO LOCATIONS

*Site outlined in yellow. Property boundaries are approximate and for discussion purposes only.

