



City of New Bedford

Department of Planning, Housing & Community Development

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DIRECTOR

STAFF REPORT

REPORT DATE

October 11, 2017

PLANNING BOARD MEETING

November 8, 2017

Case #38-17: REZONING

473 County Street and SS Elm St.
Map 52 Lots 169 & 170

Petitioner:

City Councilor Dana Ribeiro
Ward 4
133 William Street, Room 215
New Bedford, MA 02740

Owner:

Trinity Methodist Church of NB.
Board of Trustees
473 County Street
New Bedford, MA 02740



Overview

The Planning Board reviews rezoning petitions as standard practice providing a recommendation based on its findings to the City Council Committee on Ordinances. This case requests the rezoning of a parcel of land from its existing Residential A (RA) zoning designation to a Mixed Use Business (MUB) zoning district. The request has been put forth by New Bedford City Councilor Dana Ribeiro and has been scheduled before Council on November 14, 2017.

Existing Conditions

There are technically two parcels constituting this request for rezoning, one being Map 52 Lot 170 where the now-vacant Centre Trinity United Methodist Church building stands and Map 52 Lot 169 to its east (rear) which is a parking lot originally in service to the church. Lot 170 is a 0.295 acre/13,068±SF parcel with 99 feet of frontage on County Street and 132 feet of frontage on Elm Street. Lot 169 is a 0.4 acre/ 17,685±SF parcel with just under 180 linear feet of frontage on Elm Street. The parcels are directly adjoining sharing a boundary perpendicular to Elm Street.

According to the city's records, the church property (#170) is classified for assessment purposes as religious "with a church style building." The church was built in 1858 and has a brick exterior that was added in 1924 which hides



the original façade.¹ The parking lot (#169) is mainly classified for assessment purposes as “other.” The lot continues to serve as an off-street parking lot providing parking to the city for the New Bedford Public School system’s administrative building just to the south and shares a boundary with another parking lot to its east. Across Elm Street to the north of the subject lots sits the Wilson Chapel [funeral home]; to its south is the Donaghy Hathaway Funeral Home and across County Street to its east are a number of additional businesses including a McDonalds and the newly opened First Citizens Federal Credit Union as well as a multi-family apartment building.

The subject parcel is located in the Residential A [RA] zoning district, a classification that was most likely driven originally by the presence of a residential neighborhood and the eventual construction of a church which one historically found amidst residential settings. Much of the land around it is zoned Mixed Use Business [MUB]. It is largely surrounded by commercial uses although some Residential A zoning does exist where the Donaghy Hathaway Funeral Home (to the south) and two multi-family SRO apartment buildings (to the north) are located.

Proposed Condition

The proposal to rezone the land has been set forth, via Councilor Ribeiro, by Robert L. Xifaras, Trustee of Wincorp Entrepreneurial Services Trust (134 South Second Street #410) New Bedford). Although Mr. Xifaras is not the land owner nor has site control on the property, he has indicated that he represents the proposed end result buyer—the SouthCoast Grecian Marketplace—who has entered into a purchase and sale agreement with property owner Centre Trinity United Methodist Church.

In meeting with the City Planner, Mr. Xifaras noted that the property has been for sale for over five years and despite the serious interest of several different parties, no viable offer has been made on the site. Mr. Xifaras attributes failure to secure a buyer to multiple reasons including the poor building condition and massive size, the challenges inherent in reusing a space originally intended as a church, the work [and cost] necessary to reuse the property and the “unrealistic tax assessment” which exceeds true market value of the premises.

Given such conditions, SouthCoast Grecian Marketplace is seeking to have the property—both lots—rezoned from residential to a business use as noted. Mr. Xifaras has provided a list of uses intended/being considered for the building including a SouthCoast Performing Arts, Convention and Events Center, a care, banquet facilities, offices and /or apartments. While the specifics of any future proposed reuse of the property is not necessarily germane to this discussion of rezoning, it does speak to the possibilities for uses that a future owner may consider with an MUB district designation.



¹ *County Street Church Sadly Vacant SouthCoast Today*, October 11, 2015 at <http://www.southcoasttoday.com/article/20151011/news/151019881>

Uses Permitted in Zoning Districts discussed

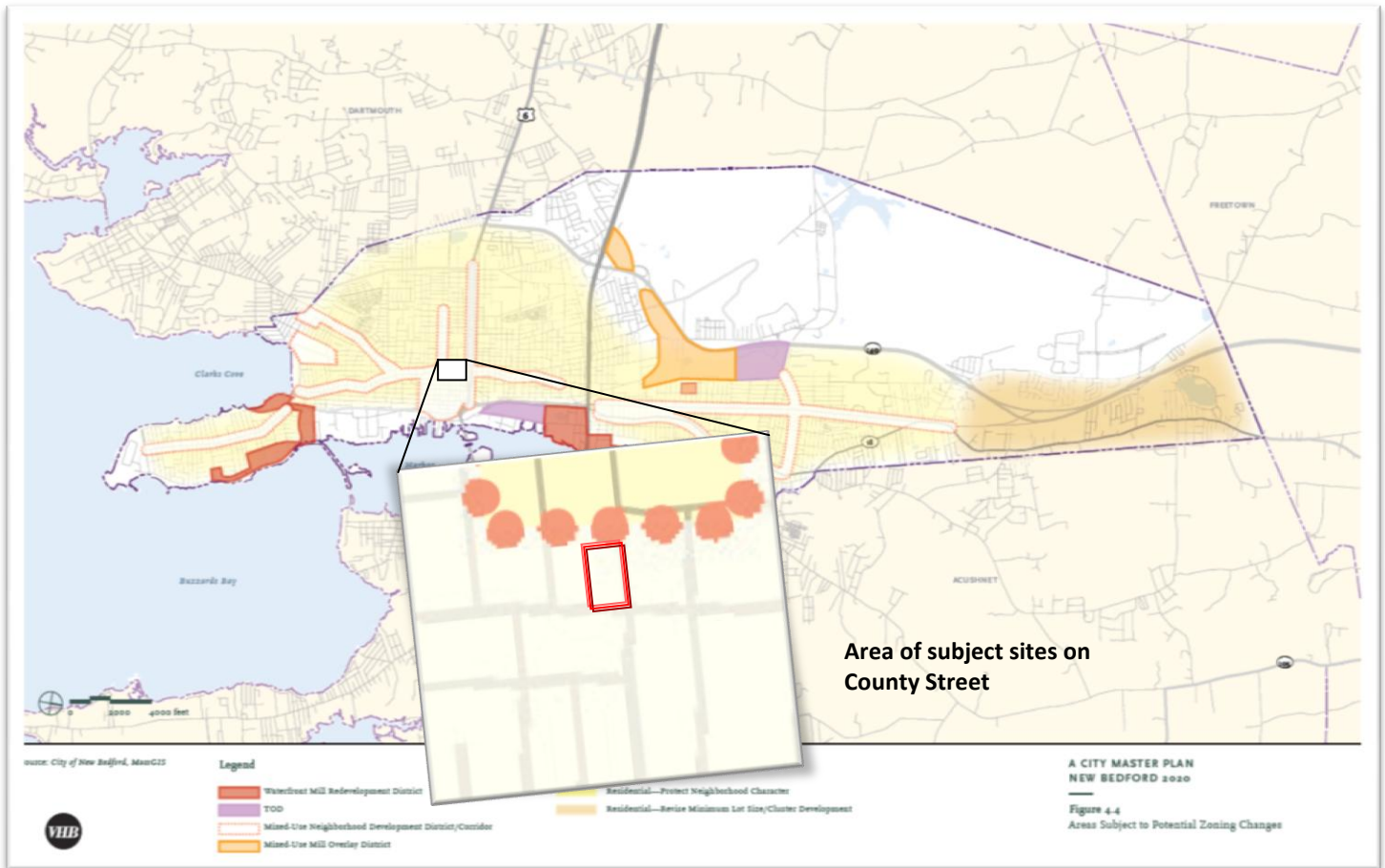
EXISTING:	
RESIDENTIAL A	
Single family dwelling	Y
Two family dwelling	N
Multi family dwelling	N
Boarding house	N
Group residence	BA
Assisted/Independent living facility	BA
Nursing or convalescent home	BA
Animals or head of poultry	Y
Use for religious purposes	Y
Use for educational purposes for Commonwealth land	Y
Child care facility in existing building	Y
Child care facility not in existing building	Y
Municipal Facilities	Y
Essential Services	BA
Cemeteries	Y
Hospital	Y
Nonexempt agricultural use	BA
Nonexempt educational use	N
Animal clinic /hospital/ancillary animal boarding	N
Adult day care	BA
Family day care	BA
Large family day care	BA
Club/lodge, nonprofit	CC
Funeral home	BA
Adult entertainment establishment	N
Bed & Breakfast	BA
Motel, hotel or inn	N
Retail stores and services not elsewhere set forth	N
Motor vehicle sales/rental	N
Motor vehicle general repairs	N
Motor vehicle light service	N
Restaurant	N
Restaurant, fast food	N
Business or professional office	N
Medical offices, center or clinic	N
Bank, financial agency	N
Indoor commercial recreation	N
Outdoor commercial recreation	N
Wireless Communications Facilities	PB
Theaters and auditoriums	N
Convention centers	M
Research, devt or testing laboratories/facilities	N
Contractor's Yard	N

PROPOSED:	
MIXED USE BUSINESS DISTRICT	
Single family dwelling	Y
Two family dwelling	Y
Multi family dwelling	Y
Boarding house	BA
Group residence	BA
Assisted/Independent living facility	BA
Nursing or convalescent home	BA
Animals or head of poultry.	Y
Use for religious purposes	Y
Use for educational purposes for Commonwealth land	Y
Child care facility in existing building	Y
Child care facility not in existing building	Y
Municipal Facilities	Y
Essential Services	BA
Cemeteries	Y
Hospital	Y
Nonexempt agricultural use	BA
Nonexempt educational use	Y
Animal clinic / hospital/ancillary animal boarding	SP
Adult day care	BA
Family day care	BA
Large family day care	BA
Club/lodge, nonprofit	CC
Funeral home	BA
Adult entertainment establishment	CC
Bed & Breakfast	BA
Motel/hotel/inn	Y
Retail stores/services not set forth elsewhere	Y
Motor vehicle sales/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
Theaters and auditoriums	PB
Convention centers	PB
Research, devt or testing laboratories/facilities	Y
Contractor's Yard	Y

All highlighted/shaded uses shown in the Mixed Use Business District column represent those uses that would be newly allowed—either outright or via special permit—on the subject site if the land was rezoned to MUB.

Input From Other City Departments:

The rezoning request was distributed to the City Solicitor's Office and Department of Inspectional Services. Any comments they provide will be made available to the Planning Board at its meeting of November 8, 2017.



Master Plan.2020

As the board no doubt recalls, the Master Plan, produced in 2010, called for the immediate update and recodification of the city's zoning code reflecting the city's vision as articulated that plan at some length. As a part of that articulation, the MasterPlan.2020 includes a figure² depicting areas subject to potential zoning changes. It is interesting to note that the area specific to this requested zoning change is identified in that map (as shown above) as being, "Mixed-Use Neighborhood Development District/Corridor," effectively serving as an important commercial corridor for the city's downtown core.

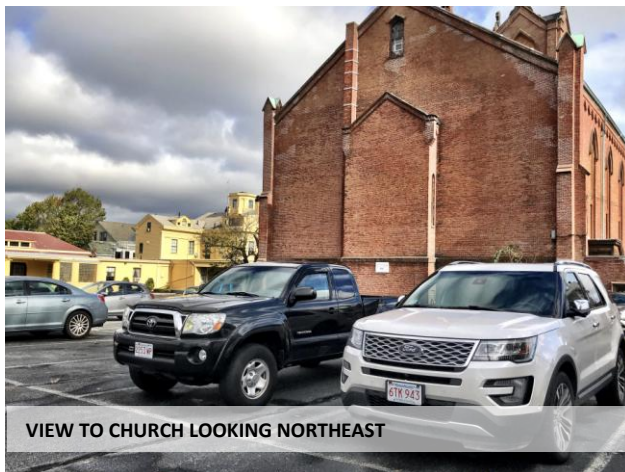
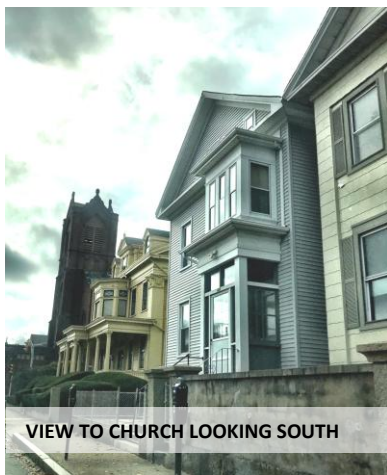
Unfortunately, no such wholesale updates to the city's zoning map nor zoning code have been made since the release of the master plan. Had they been done, today's zoning map may have shown the subject properties as being located in a mixed use business zone, as is the intent with this pending request. In light of this, the proposal to rezone the two parcels associated with Centre Trinity United Methodist Church appears consistent with the master plan's goal of establishing a sound foundation for further growth that expands workforce opportunities, improves the pedestrian walkability of the neighborhood, and communicates a positive message for small business development.

² A City Master Plan: New Bedford 2020 Figure 4.4 Page 50

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.
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Materials Provided by the Applicant (available at: <http://www.newbedford-ma.gov/planning/planning-board/agenda-item-info-2017/>)

1. Written Motion by City Councilor (Ward 4) Dana Ribeiro
2. Letter from constituent with accompanying photos