



City of New Bedford

Department of Planning, Housing & Community Development

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PATRICK J. SULLIVAN
DIRECTOR

STAFF REPORT

PLANNING BOARD MEETING

April 12, 2017

Case # 09-17: REZONING

671 Summer Street
Map 91, Lots 152 and 153
Rezone RB and RC parcels to MUB

Owner: Nelson and Patricia Metil
217 County Road
East Freetown, MA 02717

Petitioner: City Councilor Linda Morad
133 William Street, Room 215
New Bedford, MA 02740

Case #10-17: REZONING

674 Summer Street
Map 91, Lots 249
Rezone RC parcel to MUB

Owner: RMS Property Management, LLC
Attention: Ryan Potter
Rehoboth, MA 02769

Petitioner: City Councilor Linda Morad
133 William Street, Room 215
New Bedford, MA 02740

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 report reflects two separate rezoning requests that located diagonally across from each other at the intersection of Summer and Sawyer Streets. Each case requests the rezoning of a parcel of land from its existing residential zoning designation to a Mixed Use Business (MUB) zoning district. Both requests have been presented by New Bedford City Councilor Linda Morad.



674 SUMMER STREET
VIEW LOOKING NORTH



671 SUMMER STREET
VIEW FROM THE SOUTHEAST LOOKING NORTHWEST

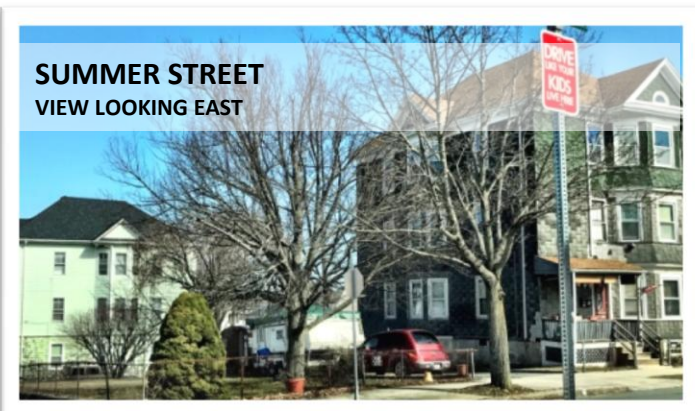
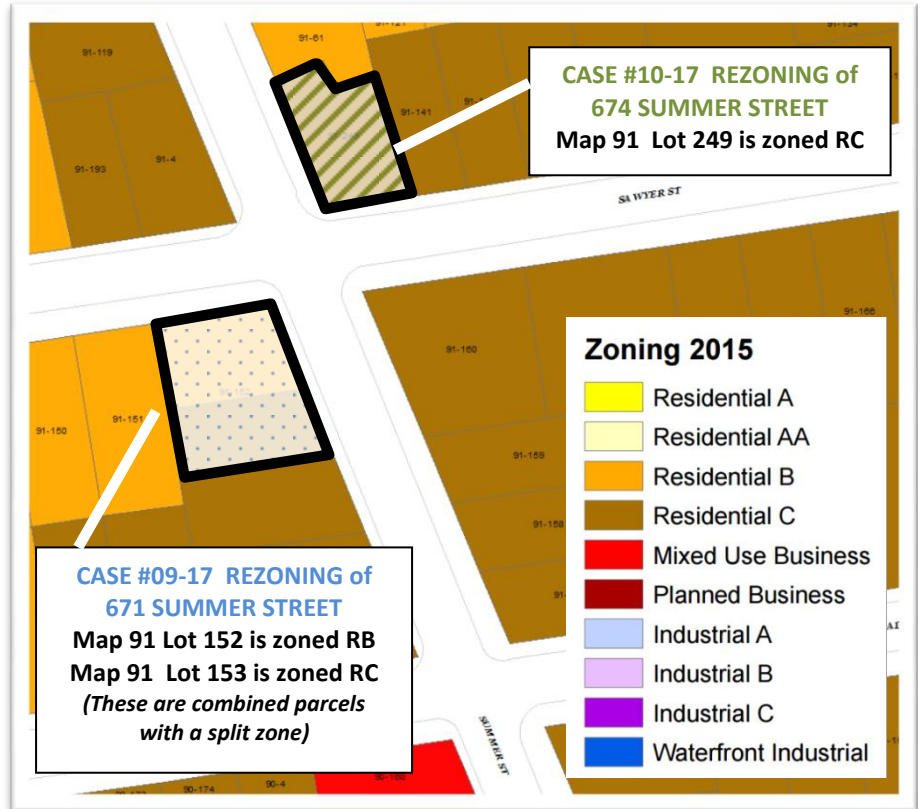
Existing Conditions:

The parcel at 671 Summer Street contains 0.166 acres of land classified for assessment purposes as being "BLDG SP + EQ with a GENERAL RETAIL style building. The existing 752 SF structure was constructed in about 1930 with a concrete block exterior and a rubber sheathing roof. The building was designed for retail/business uses and not for residential use and has no bedrooms and only 1 half bath. This parcel is a "split-zoned" lot comprised of two merged lots. The southernmost of these lots is zoned Residential C (RC) while the second lot comprising this parcel directly at the intersection of Summer and Sawyer Streets is zoned Residential B (RB).

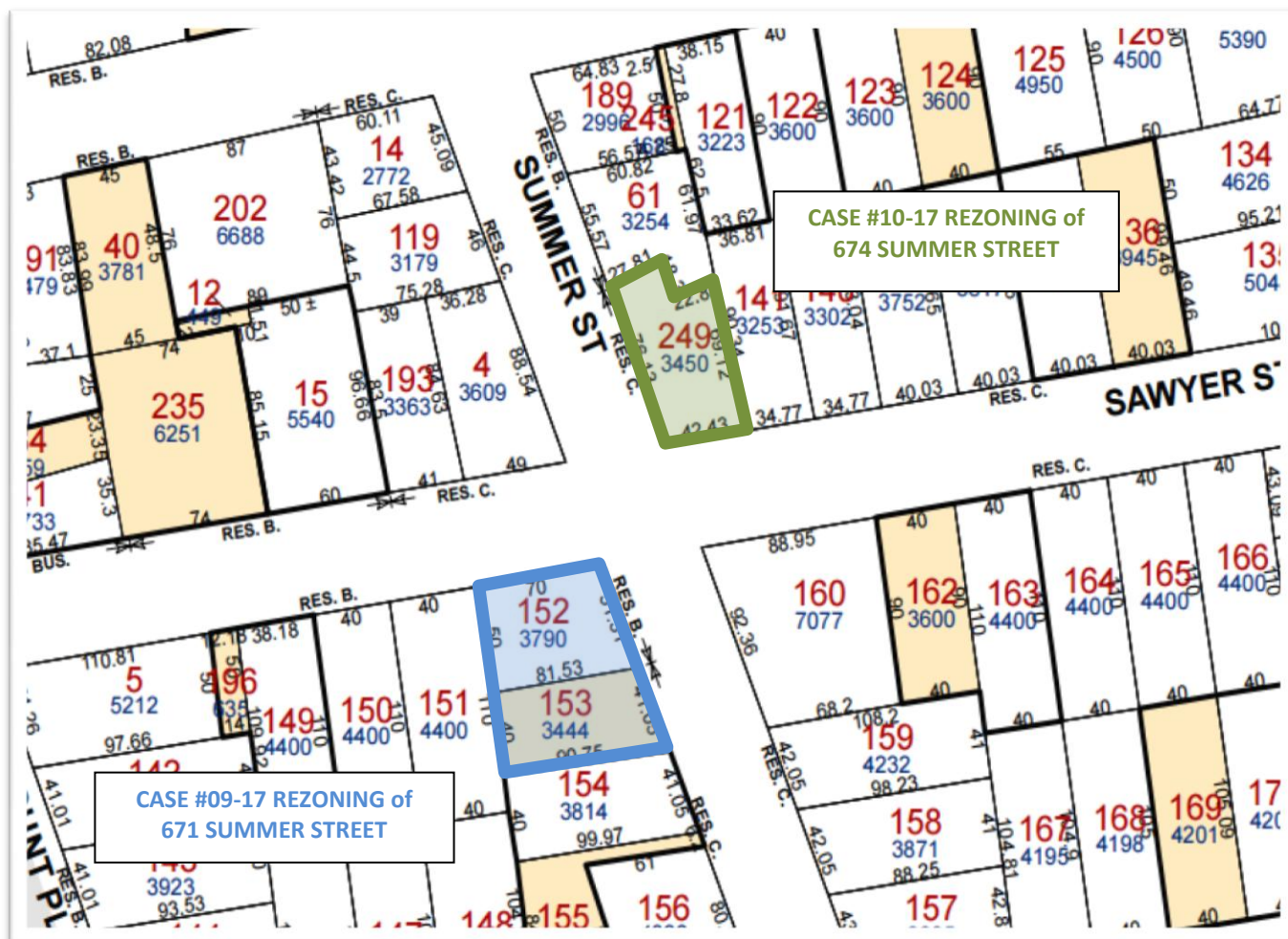
The parcel at 674 Summer Street contains 0.079 acres of land classified for assessment purposes as being "RETAIL with a GENERAL RETAIL style building. The existing 1,501 SF structure was constructed in about 1930 with a concrete block exterior and an asphalt shingled roof. Like the building at 671 Summer, this building was also designed for retail/business uses and not

for residential use and has no bedrooms and only 1 half bath. The subject parcel here is located within the Residential C (RC) zoning district.

The parcels are located within a dense residential neighborhood on collector streets. Although there are other small businesses and non-residential uses in the neighborhood, both sites are predominantly surrounded by high density residential.



Proposed Conditions: According to Attorney Jay Williams, representative of the property owners, the purpose of this rezoning request is to allow retail/commercial use to be grandfathered where residential use is permitted by right under current zoning. Historically, business use was permitted in this location.



Amendments to a zoning ordinance can create legally non-conforming uses throughout municipalities and towns. Once a nonconforming use ceases to exist for 24 months, the grandfathered use is no longer permitted by-right. Use must conform to those allowed under the current zoning. Because New Bedford does not provide any mechanism for obtaining a use variance, the owner's recourse is to seek a change in the zoning district where the property is located.

Input From Other City Departments:

The Planning Department has not received any additional comments from other city departments for either case or the rezoning as a whole.

Master Plan.2020

This proposal to rezone the parcel is 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.

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.

Attachment:

1. Written Motion
2. Letter of Support from City Councilor Linda Morad





CITY OF NEW BEDFORD

CITY COUNCIL

February 23, 2017

WRITTEN MOTION

Requesting, on behalf of the property owners, that 671 Summer Street, Plot 91/Lot 152 be REZONED, from RESIDENTIAL "B" to MIXED-USE BUSINESS, and that 674 Summer Street, Plot 91/Lot 249 be REZONED, from RESIDENTIAL "C" to MIXED-USE BUSINESS. (To be Referred to the Committee on Ordinances and the Planning Board.)

Linda M. Morad, Councillor at Large

**PLANNING
FEB 28 2017
DEPARTMENT**

IN CITY COUNCIL, February 23, 2017

Referred to the Committee on Ordinances and the Planning Board.

Dennis W. Farias, City Clerk

a true copy attest:

City Clerk

ATTACHMENT 1

*Case 09-17-
Case 10-17*



City of New Bedford

Office of City Council

133 William Street • New Bedford, Massachusetts 02740
(508) 979-1455 • Fax: (508) 979-1451

Linda M. Morad
Councillor at Large

April 11, 2017

Members of the Planning Board
Chairperson Colleen Dawicki
133 William Street
New Bedford, MA 02740

Reference: Planning Board Meeting Agenda of April 12, 2017
Case 09-17 – 671 Summer Street Rezoning
Property Owner: Nelson and Patricia Metil
Case 10-17 – 674 Summer Street Rezoning
Property Owner: RMS Property Management, LLC

Dear Chairperson Dawicki and Members of the Planning Board:

I am writing in reference to the above-referenced requests which are to be heard by the Planning Board on Wednesday, April 12, 2017. Unfortunately, I am not able to attend the meeting due to a scheduling conflict with the New Bedford City Council meeting being held on the same date and time. I would however like to offer my support for Case 09-17 and Case 10-17, which I have sponsored at the request of the property owners and pertains to the rezoning of two properties located on Summer Street from Residence B and Residence C to Mixed Use Business.

The properties were both built in 1930 and the structures are general retail style buildings. Neither of the buildings is currently utilized for residential use and both buildings have served as the base of operation for many years of several small businesses. It would appear that in most recent recodification of the area these parcels were inadvertently rezoned to Residence B and Residence C. The use of these parcels has been grandfathered and has not been an issue up to this point. However, now that one of the property owners is considering selling the property the current zoning is prohibitive; and therefore, this request to rezone the properties is to align them with their proper Mixed Use Business status. I strongly support these parcel rezoning requests and respectfully ask the Board to send a favorable recommendation for the rezoning to the New Bedford City Council Ordinance Committee.

Kindly read this letter into the record of the Planning Board meeting to make those in attendance and the general public aware of my support of Case 09-17 and Case 10-17. Thank you in advance for your attention to this correspondence.

Sincerely,

Linda M. Morad
Councillor At Large

xc: Attorney John J. Williams, Representative Of The Property Owners
Councillor Steve Martins, City Council Ordinance Chairperson

Residence: 4162 Acushnet Avenue • New Bedford, Massachusetts 02745 • Tel: (508) 995-8009
Email: Linda.Morad@newbedford-ma.gov

ATTACHMENT 2