



City of New Bedford

Department of Planning, Housing & Community Development

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STAFF COMMENTS

TO: ZONING BOARD OF APPEALS

Date: October 7th, 2015

Case # 4206B: Special Permit located at 1080 King's Highway (Map: 125, Lot: 29)

Applicant: McDonald's USA, LLC
c/o Bohler Engineering-Eric Dubrule
252 Turnpike Road
Southborough, MA 01772

Owner: Cedar-Kings, LLC
44 South Bayles Avenue
Port Washington, NY 11050

Overview of Request: The petitioner has submitted an application for a **SPECIAL PERMIT** relative to the property listed above in a Planned Business zoned district. The petitioner proposes to demolish an existing drive-thru fast-food restaurant (McDonald's) and construct a new drive-thru fast-food restaurant (McDonald's) as shown on a new site plan submitted. The proposed use as a fast-food restaurant requires a Special Permit from the Zoning Board of Appeals. The Board must determine whether the benefit to the city and neighborhood outweighs the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to the site.

Existing Conditions: The subject business is a tenant leasing a portion of on an existing commercial property lot located on the southeast side of King's Highway between Mt. Pleasant Street and Tarkiln Hill road. The overall lot measures 303,630 sq. ft. in area with a 653±' frontage on Kings Highway and a 665' depth. The lot includes a strip mall style building on the premises. The existing business, for which this application is made, is a McDonald's fast food restaurant which includes a drive-thru. Its leased area provides 50 parking spaces.

The immediate vicinity is predominantly retail with another fast food restaurant with drive thru located across the street to the north. The McDonald's site is bounded by a Penn Central Co. railroad easement along its southeastern border.

Proposed Conditions: The petitioner proposes to demolish the existing fast-food restaurant and construct a new fast-food restaurant on the site. The new site plan proposes a new traffic pattern for the drive-thru, increased landscaping, and a reduction in parking spaces on the site, bringing the number of spaces from 50 to 40. The petition states the new



fast-food restaurant will serve 1,100 customers per day, employ 40 individuals, be open 24 hours a day/7 days a week and will receive three deliveries per week between the hours of 7am-6pm.

Criteria for Granting a Special Permit: In addition to what has already been noted in these comments under the section entitled, “overview of request,” the ZBA’s determination shall—as prescribed under Sec. 5320 of the city’s zoning ordinance—include consideration of each of the following:

- Social, economic or community needs which are served by the proposal;
- Traffic flow and safety, including parking and loading;
- Adequacy of utilities and other public services;
- Neighborhood character and social structures;
- Impacts on the natural environment, and
- Potential fiscal impact, including impact on city services, tax base and employment.

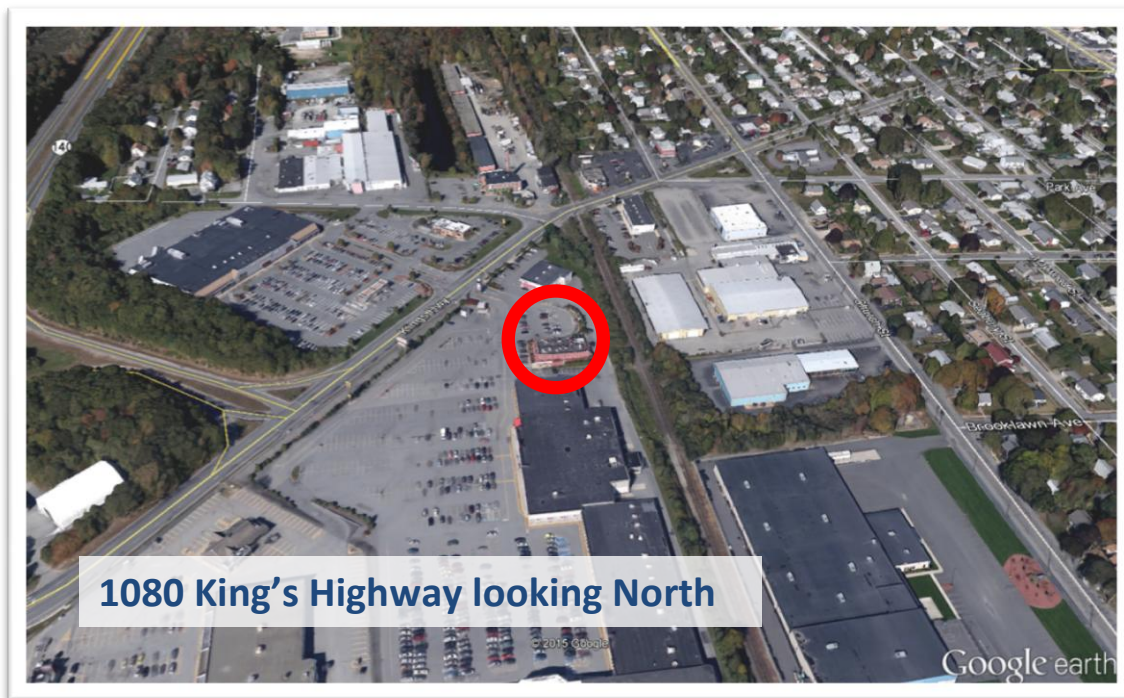
For the Board’s Consideration: The use as a drive-thru fast-food restaurant already exists on the site. The proposed site plan redesign of the drive-thru will improve the traffic circulation within the commercial plaza because it physically defines and separates the fast-food drive thru traffic and parking from the larger site. By limiting vehicles to one entrance and one exit as well as placing the driving entrance on the south side of the restaurant, turning movements are more predictable within the site. Additionally, any turning movements are made farther from the primary entrance/exit for the plaza, where there is better site distance and less opportunity for tuning conflicts. The proposal introduces landscaping onto the site that does not currently exist. Located in a commercial plaza that has a large area of parking already onsite, the reduction in parking proposed by the applicant was not considered to be a negative by the Planning Board which reviewed and granted a Special Permit and Site Plan review for this on September 9, 2015. The proposal requires additional approvals from the New Bedford Planning Board and Conservation Commission. If the Zoning Board of Appeals wishes to grant the special permit, the decisions of the Planning Board and Conservation Commission should be made a condition of that approval.



The Planning Board granted, with conditions, site plan approval and a special permit for a reduction of parking requirements. The Planning Board conditioned the approval as follows:

1. Applicant agrees to donate ten street trees to the City of New Bedford to be planted at the City's discretion.
2. Applicant agrees to propose a Landscape Plan to planning staff and work together with staff in creating an acceptable landscape design.
3. The applicant will agree with the recommendations of DPI and take into accommodation all of DPI's suggested recommendations.
4. The hours of operation are to be documented as 5:00 a.m. to 12 midnight.
5. The illuminated signs shall be turned off no later than one hour after closing.
6. The applicant agrees, if possible, to pull in the flared drain ends, away from the City of New Bedford easement for an existing 36 inch sewer drain.
7. The applicant agrees to any additional erosion control measures stipulated by the City of New Bedford Conservation Commission.
8. Application and plans are to be corrected for inconsistencies, which includes the correction of the Title Box which reads New Bedford as located in Providence County.

The proposal is being reviewed by the New Bedford Conservation Commission for drainage design and stormwater pollution prevention plan. The Conservation Commission reviewed the proposal on September 8th, 2015, September 29th, 2015, and will again on October 10th, 2015.





Aerial View of 1080 Kings Highway

NOTE: Subject parcel line is approximate; for discussion purposes,

