



City of Springfield

Hearings Meeting

~ Draft ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Linda Fitzpatrick
413-787-6559

Tuesday, May 26, 2015

7:00 PM

Springfield City Hall -- Council Chambers

I. Hearings

7:00 PM Meeting called to order on May 26, 2015 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Thomas M. Ashe	At-Large Councilor	Late	7:02 PM
Timothy C. Allen	Ward 7 Councilor	Present	
Clodo Concepcion	Ward 5 Councilor	Present	
Kenneth E. Shea	Ward 6 Councilor	Present	
Orlando Ramos	Vice President	Absent	
Timothy J. Rooke	At-Large Councilor	Present	
Bud L. Williams	At-Large Councilor	Absent	
E. Henry Twiggs	Ward 4 Councilor	Absent	
Justin Hurst	At Large Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Zaida Luna	Ward 1 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Michael A. Fenton	President - Ward 2 Councilor	Present	

Moment of Silence - Pledge of Allegiance

II. Zone Changes

1. Zoning Ordinance 2015-5

To Amend the City of Springfield's Zoning Ordinance by Adding Article 8, Section 8.7, Casino Overlay District B and by Amending the City of Springfield's Zoning Map by the Mapping of the Casino Overlay District B to the Properties Known as 23 State Street (11110-0063), 55 State Street (11110-0658), 58 Bliss Street (01560-0010), 1070 Main Street (08130-0096) and 1259 East Columbus Avenue (08130-0096).

PETITIONER:

Courthouse Park Associates, Briarwood Thirteen, LLC, Carmela A. Fraziero, Trustee, Colvest/Columbus Springfield, LLC

ADDRESS:

See Above

CHANGE REQUESTED:

Casino Overlay District "B"

HISTORY:**05/18/15****City Council****RECEIVED 1ST STEP****Next: 05/26/15****COMMENTS - Current Meeting:**

Read for first time on May 18, 2015 and the Council received the Report and Passed 1st step and was referred to the Committee on Ordinances by a majority voice vote with Councilors Ashe and Concepcion absent and public hearing is set for Tuesday, May 26, 2015. The Planning Board recommendation is not to approve.

Read on May 26, 2015 and the hearing was open but no testimony was taken and Councilor Shea made a motion to continue the hearing until such time as the Council has finished deliberations on the MGM Casino Overlay District project and was seconded by Councilor Concepcion and said motion passed by a majority voice vote with Councilors Ramos, Williams Twiggs absent and the hearing was not closed.

ATTACHMENTS:

- Casino_Overlay_B_Formal (PDF)
- 3173_Casino_Overlay_District_B_CC_2015 (PDF)

RESULT:**REFERRED TO COMMITTEE****Next: 6/22/2015 7:00 PM**

Motion To: A. Motion to Continue

COMMENTS - Current Meeting:

Councilor Shea made a motion to continue the hearing until such time as the Council has finished deliberations on the MGM Casino Overlay District project and was seconded by Councilor Concepcion and said motion passed by a majority voice vote with Councilors Ramos, Williams and Twiggs absent.

RESULT:**ADOPTED VOICE**

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

to amend the City of Springfield's Zoning Ordinance by adding Article 8, Section 8.7, Casino Overlay District B:

(See Attached for Full Text)

and by amending the City of Springfield's Zoning Map by the mapping of the Casino Overlay District B to the properties known as 23 State Street (11110-0063, 55 State Street (11110-0658), 58 Bliss Street (01560-0010), 1070 Main Street (08130-0096) and 1259 East Columbus Avenue (08130-0096).

Mailing Address:

33 State Street
 Springfield, MA 01103

174 South Boulevard 2nd Floor
 West Springfield, MA 01089

1060
~~160~~ Main Street
 Springfield, MA 01103

1259 East Columbus Avenue
 Springfield, MA 01105

Owner/Petitioner:

**Courthouse Park Associates, Briarwood
 Thirteen, LLC, Carmela A. Fraziero, Trustee,
 Colvest/Columbus Springfield, LLC**

I hereby certify that I am the owner and petitioner
 or acting on behalf of the owner and petitioner.

By: _____
 Paul Salvage

By: _____
 Lester Seidman

By: Carmela A Fraziero, Trustee
~~Tony Caputo~~ Carmela A Fraziero, Trustee

By: [Signature]
 Frank Colaccino

2015 FEB 19 A 11:07
 CITY CLERK'S OFFICE
 SPRINGFIELD, MA

RECEIVED

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

to amend the City of Springfield's Zoning Ordinance by adding Article 8, Section 8.7, Casino Overlay District B:

(See Attached for Full Text)

and by amending the City of Springfield's Zoning Map by the mapping of the Casino Overlay District B to the properties known as 23 State Street (11110-0063, 55 State Street (11110-0658), 58 Bliss Street (01560-0010), 1070 Main Street (08130-0096) and 1259 East Columbus Avenue (08130-0096).

Mailing Address:

33 State Street
 Springfield, MA 01103

174 South Boulevard 2nd Floor
 West Springfield, MA 01089

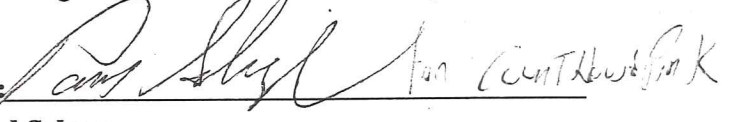
160 Main Street
 Springfield, MA 01103

1259 East Columbus Avenue
 Springfield, MA 01105

Owner/Petitioner:

**Courthouse Park Associates, Briarwood
 Thirteen, LLC, Carmela A. Fraziero, Trustee,
 Colvest/Columbus Springfield, LLC**

I hereby certify that I am the owner and petitioner
 or acting on behalf of the owner and petitioner.

By: 
Paul Salvage

By: _____
Lester Seidman

By: _____
Tony Caputo

By: _____
Frank Colaccino

To The City Council of the City of Springfield:
The undersigned respectfully petition your honorable body

to amend the City of Springfield's Zoning Ordinance by adding Article 8, Section 8.7, Casino Overlay District B:

(See Attached for Full Text)

and by amending the City of Springfield's Zoning Map by the mapping of the Casino Overlay District B to the properties known as 23 State Street (11110-0063, 55 State Street (11110-0658), 58 Bliss Street (01560-0010), 1070 Main Street (08130-0096) and 1259 East Columbus Avenue (08130-0096).

Mailing Address:

33 State Street
 Springfield, MA 01103

174 South Boulevard 2nd Floor
 West Springfield, MA 01089

160 Main Street
 Springfield, MA 01103

1259 East Columbus Avenue
 Springfield, MA 01105

Owner/Petitioner:

Courthouse Park Associates, Briarwood
 Thirteen, LLC, Carmela A. Frazier, Trustee,
 Colvest/Columbus Springfield, LLC

I hereby certify that I am the owner and petitioner
 or acting on behalf of the owner and petitioner.

By: _____
 Paul Salvage

By: _____
 Lester Seidman

By: _____
 Tony Caputo

By: _____
 Frank Colaccino

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A ZONE CHANGE**

CASINO OVERLAY DISTRICT "B"

GENERAL INFORMATION

Petitioner:	Courthouse Park Associates, Briarwood Thirteen, LLC., Carmela A. Fraziero, Trustee, Colvest/Columbus Springfield, LLC.
Request:	To amend the City of Springfield's Zoning Ordinance by adding Article 8, Section 8.7, Casino Overlay District B and by amending the City of Springfield's Zoning Map by the mapping of the Casino Overlay District B to the properties known as 23 State Street (11110-0663), 55 State Street (11110-0658), 58 Bliss Street (01560-0010), 1070 Main Street (08130-0096) and 1259 East Columbus Avenue (04303-0510).
Location:	23 State Street, 55 State Street, 58 Bliss Street, 1070 Main Street and 1259 East Columbus Avenue
Parcel Size:	Approximately 4.1 acres.
Purpose:	To facilitate the location of business and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities.
Surrounding Land Use and Zoning:	N/A
Comprehensive/Neighborhood Plan:	N/A
Planning Board Hearing:	3-4-15

SPECIAL INFORMATION

Traffic & Parking:	n/a
Physical Characteristics:	n/a
Other Notes:	n/a

ANALYSIS

The petitioners have requested to amend the existing Springfield Zoning Ordinance by the creation of a Casino Overlay District "B" and mapping this district to include the properties known as 23 State Street, 55 State Street, 58 Bliss Street, 1070 Main Street and 1259 East Columbus Avenue.

After reviewing the proposed request, the staff has a number of concerns. First and foremost, it needs to be stressed that the existing Casino Overlay District was drafted as part of a comprehensive revision of the Springfield Zoning Ordinance which was adopted by the City Council in May 2013. Drafting of the Casino Overlay District was also completed with the assistance of professional urban planners with a great deal of experience in the area of casino development. These urban planners also played a key role in the evaluation of the proposals submitted by the competing casino developments during the City's RFQ/P process as well as the negotiating and drafting of the Host Community Agreement (HCA). Further, the Casino Overlay District was also fully vetted by not only the Springfield Law Department but also a legal consultant specializing in zoning related matters. In the case of the proposed Casino Overlay District "B", no such comprehensive review has been completed. In reviewing the proposed language submitted, it appears the petitioners have simply changed a number of the specific clauses in the existing Casino Overlay District to draft the proposed Casino Overlay District "B". A full copy of the proposed language has been attached.

Further, as noted above, as part of the overall casino development, a Host Community Agreement was drafted and ultimately approved by the Mayor, City Council, Mass Gaming Commission and the voters of the City of Springfield. This HCA was a lengthy, comprehensive, transparent process which outlined in great detail the overall development of the proposed casino, including base site plans/elevations, and involved criteria to address public health, safety and welfare concerns protected by the Zoning Enabling Act. The HCA requires the casino developer to comply with the terms and conditions of the agreement, including the payment of substantial impact fees, as well as all regulations outlined under M.G.L. c. 23K enacted by Chapter 194 of the Acts of 2011 – An Act Establishing Expanded Gaming in the Commonwealth. Therefore, it needs to be stressed that in order to protect the interests of the City with the enactment of more flexible development controls and to ensure the casino would be developed as proposed, language was added to the Casino Overlay District regulations which specifically tied them to the approved HCA. The Casino Overlay District "B", as proposed, does not have any of the same provisions or protections yet it would still provide the same underlying development regulations as those found within the Casino Overlay District.

In addition to the staff review of the proposed Casino Overlay District "B", the City again elicited the assistance of the urban planners mentioned above. While these urban planners believe the idea of creating an additional "overlay" district(s) is a good idea, they are also in agreement that this needs to be a more comprehensive approach. Further they go on to state that, as proposed, they do not believe these properties should be provided the same regulatory controls as is afforded within the Casino Overlay District "...unless and until a property is either integrated into the MGM casino development as part of the HCA and governed by all commitments and related provisions of such, or the property owner applies for and is granted a special permit and rezoned as provided for under the Springfield zoning procedures". They go on to say while these properties are part of the larger casino block, they should be "...appropriately subject to a higher degree of coordination and scrutiny for any future change in their development". A full copy of their memo has been attached to this report.

The planners go on to state that a more comprehensive approach can also help facilitate a "strategic plan" and that a more comprehensive "overlay" district(s) may be a "... means to articulate the implementation blueprint contemplated in the HCA in order to help the City stimulate and realize the full range of potential collateral economic development desired from the casino project investment. This process may well lead to recommended adjustments to zoning regulations to help encourage the best quality development, and/or incentives or other means to encourage both private and civic investment in the area". The staff is in full agreement with this approach and is currently working with these planners to review potential options to move this plan forward.

In addition to the review completed by the planning consultants, the proposed language was also reviewed by the Springfield Law Department. A copy of their memo has been attached to this report as well.

As noted in the memo, the Law Department has legal concerns over whether the Casino Overlay District “B”, as currently drafted, “... meets the uniformity requirements of M.G.L. c. 40A §4 and is consistent with the public policy of the Zoning Enabling Act in that it confers a public benefit in furtherance of the interest of public health, safety and welfare”. As such, the Law Department is concerned that this may be considered to be “spot zoning” as the proposed Casino Overlay District “B” would “...confer a benefit to the owners of those properties [included within the “B” district] that is not conferred to the owners of the other properties with identical uses in the surrounding area”. Further details regarding these concerns are outlined in the memo attached.

Another point raised in the Law Department memo that the staff wants to stress is that there is an inference in the proposed Casino Overlay District “B” that the properties included in the proposed “B” district have “special characteristics” simply by their nature of being adjacent to the proposed casino development. However, these “special characteristics” are never outlined or defined. The uses outlined in the “B” district, including restaurants, hotels, accessory parking, housing, etc., are all uses which are currently allowed under the existing zoning and throughout the City. However, it needs to be stressed that if allowed to be included within the proposed Casino Overlay District “B”, these properties would be reviewed under the same “requirements and criteria” of those uses within the Casino Overlay District but without the same terms and conditions of an HCA or the Gaming License. This is a major concern and one that must be fully vetted before any such overlay district can be implemented. The staff would strongly recommend that if these property owners are looking for flexibility for future development, they can explore re-zoning their properties to Business C as well. Business C was used as the basis for the Casino Overlay District and is a zoning classification that is used throughout the Central Business District and up and down Main Street, State Street and East Columbus Avenue. The Business C zoning classification allows for much greater building coverage, building heights and far less parking restrictions.

Furthermore, it needs to be pointed out that the Casino Overlay District “B”, as currently drafted, has removed a number of requirements including the section that requires a development to be “...sensitive to buildings within the immediate area which have an architectural or historic value...”. This was a key aspect to the Casino Overlay District and one in which the developer has spent significant time and resources to address.

Lastly, in line with a full comprehensive approach to any additional overlay district(s), the staff needs to fully review all the existing planning documents to ensure compatibility with any proposed overlay district(s). These would include the existing Court Square Urban Renewal Plans, the Downtown Master Plan (2001), the Urban Land Institute (ULI) Report (2006), the ULI Downtown Report (2007) and the Rebuild Springfield District 1 Report (2012).

While the staff recognizes that this is a unique time for development within the City of Springfield, specifically within this part of the City, due to the number of issues outlined above, as well as the issues outlined in the memos attached, the staff cannot support the proposed Casino Overlay District “B”. As such, the staff is recommending that the Planning Board vote not to approve the proposed amendment at this time. However, as noted above, the staff is going to continue to explore the “implementation blueprint” outlined in the HCA which hopefully will help to address the petitioner’s stated purpose.

RECOMMENDATION

Not to Approve.

THE CHICAGO CONSULTANTS STUDIO, INC.

February 23, 2015

TO: Michael Schaller
Taft Stettinius & Hollister LLP

FROM: Kimbal Goluska

RE: *Planning Assessment of Proposed Casino Overlay B District and Aspects Related to the Strategic Plan Process Contemplated by the HCA*

The Chicago Consultants Studio, Inc. (CCS) has reviewed and assessed the proposal to create a Casino Overlay District 'B' and has consulted with and provided comments to the City through Taft, and recommendations in that regard. This discussion of a overlay district 'B' provides the opportunity to advance the planning of the casino's area of influence in order to best leverage the casino project investment toward broader and deliberate economic development initiatives as anticipated in the HCA.

Section 4.10 of the HCA requires that the City and the casino developer "(i) cooperate with each other to rezone the Project Site to take into account all elements of the Project, and (ii) participate in a district redevelopment strategic plan to provide an implementation blueprint to stimulate and direct the broader economic development associated with the Project".

In summary:

- The current Casino Overlay District satisfied Item (i) above and put in place the appropriate zoning controls for the casino development.
- The notion of including the remaining (non-MGM owned) parcels within the casino block into an adjunct overlay district to afford the owners and the City a means for a coordinated future development of those parcels is a very good idea
- From a planning and economic development perspective, there perhaps should be three distinct overlay areas related to planning and economic development:
 - *Casino Overlay District A* = the MGM properties as current defined by the Casino Overlay District (as noted, this satisfies the zoning intent of HCA Section 4.10)
 - *Casino Overlay District B* = the remaining properties within the same casino block but not controlled by MGM - unless and until a property is either integrated into the MGM casino development as

THE CHICAGO CONSULTANTS STUDIO, INC.

part of the HCA and governed by all commitments and related provisions of such, or the property owner applies for and is granted a special permit and rezoned as provided for under the Springfield zoning procedures (intent: to acknowledge that while these properties remain regulated by their existing underlying zoning they are physically part of the casino block and therefore appropriately subject to a higher degree of coordination and scrutiny for any future change in their development)

- *Casino Overlay District C* = the "blue zone" which would have at least three sub-zones in it: 1) to control/guide initiatives to the NW (such as Court Square, 13-31 Elm St redevelopment, and Mass Mutual); 2) to control/guide the Main Street Corridor so that the urban design character and quality MGM is restoring on the south side of the street is reinforced with anything new on the north side of the street; and 3) to control/guide development to the SE where the City should discourage/prohibit shoddy interim uses such as surface parking lots, pawn shops, etc., as well as encourage initiatives that restore the South End neighborhood fabric in the future and stimulate collateral private sector investment in that area; Note - additional subzones of Overlay District C may well prove to be desirable as the planning process evolves

Together, Overlay Districts 'B' and 'C' would serve to facilitate the "strategic plan" noted in Section 4.10 and complete the comprehensive approach to the casino development with an implementation blueprint as contemplated and required under the HCA Section 4.10, Item (ii). It is important to note that Overlay Districts 'B' and 'C' are not intended as amendments to the zoning ordinance and controls. Rather, they are a means to articulate the implementation blueprint contemplated in the HCA in order to help the City stimulate and realize the full range of potential collateral economic development desired from the casino project investment. This process may well lead to recommended adjustments to zoning regulations to help encourage the best quality development, and/or incentives or other means to encourage both private and civic investment in the area.

There are a variety of means to undertake the process of articulating the implementation blueprint. CCS' recommendation is for the City to engage in a process to first articulate the a strategic initiatives workbook which creates a strategic framework for the "implementation blueprint" envisioned in the HCA. By way of illustration, a very similar process was employed toward the same objective with the recent completion of an \$800M+ expansion of Chicago's McCormick Place convention center. In the period since completion of the expansion project, several of the initiatives have been translated into specific development plans and development districts, new collateral spin-off projects/investments have been announced, and the \$800M investment in the expansion has begun to stimulate deliberate and strategically planned collateral

THE CHICAGO CONSULTANTS STUDIO, INC.

development and investment in the various areas articulated in the Initiatives Workbook.

Applied to the Springfield casino development, CCS would recommend a process which includes:

- *Initial Work Sessions with Business/Civic Leadership, Property Owners and Community Input*
- *Identification of Specific Physical and Market Opportunities*
- *A Preliminary Menu of Concepts/Initiatives*
- *In-Depth Investigation of Strategic Plan Components*
- *The Initiatives Workbook and Work Program*

LAW DEPARTMENT
CITY OF SPRINGFIELD
CITY HALL, ROOM 210, 2nd FLOOR
36 COURT STREET
SPRINGFIELD, MA 01103
TELEPHONE (413) 787-6085
FACSIMILE (413) 787-6173



CONFIDENTIAL ATTORNEY WORK PRODUCT COMMUNICATION

TO: Phil Dromey, OPED

FROM: Edward M. Pikula, City Solicitor

DATE: February 25, 2015

RE: Proposed B District Amendment to Casino Overlay Zoning Ordinance

CC: Kevin Kennedy

You have requested a legal opinion as to an application filed to amend the Springfield Zoning Ordinance (the "Zoning Ordinance") in order to create a new overlay district provisions entitled "Casino Overlay District B" (the "Proposed B District"). The application has been advertised and is scheduled for consideration at a public hearing before the City's Planning Board on March 4, 2015. A copy of the Proposed B District is set forth as an appendix to this memorandum.

In short answer to your request, the Law Department is of the opinion that the application needs further evaluation and revision. In its current form, the application would not meet the uniformity requirements of the Massachusetts Zoning Enabling Act, which prohibit "spot zoning." A more detailed discussion of the legal issues is set forth in this memorandum.

A. The requirements for comprehensive analysis of the proposed Casino Overlay District B, set forth in Massachusetts case, consistent with the Zoning Enabling Act, need to be addressed.

The Proposed B District would only cover several non-contiguous parcels not owned by Blue Tarp reDevelopment, LLC contained in the edges of the area bordered by Main Street, State Street, East Columbus Avenue and Union Street (hereafter the "Casino Block"). Property within the Casino Block was approved by the City Council, Mayor, and City voters in a local referendum for development in accordance with the terms of the Host Community Agreement ("HCA") and subject to the Category 1 gaming license (the "Gaming License") issued by the Massachusetts Gaming Commission ("MGC") approved pursuant to G.L. c. 23K (enacted by Chapter 194 of the Acts of 2011 – An Act Establishing Expanded Gaming in the Commonwealth (the "Act")). The scattered parcels not owned by Blue Tarp reDevelopment, LLC have not been approved by the MGC as part of the licensed

gaming establishment and are therefore not eligible for inclusion in an amendment to the map of the Casino Overlay District under the existing Zoning Ordinance.

The terms of the HCA and Gaming License protect the public interests, including land use issues as to the properties owned by Blue Tarp reDevelopment, LLC and licensed as part of the gaming establishment. Specifically, pursuant to the provisions in section 4.10 of the HCA, Blue Tarp reDevelopment, LLC and the City have agreed to: "(i) cooperate with each other to rezone the Project Site to take into account all elements of the Project; and (ii) participate in a district redevelopment strategic plan to provide an implementation blueprint to stimulate and direct the broader economic development associated with the Project." As to the obligations of the parties to the HCA under section 4.10(i), Blue Tarp reDevelopment, LLC has filed an application to amend the zoning map pursuant to the existing provisions contained in the Zoning Ordinance to include the properties it owns in the Casino Block. However, as to the provisions of HCA section 4.10(ii), discussions have been recently initiated as to the implementing best practices for going forward.

In the internal discussions with the same urban planning professionals utilized during the review of casino proposals and negotiation of the HCA, it has been suggested that there could be value in future amendments to the Casino Overlay District, as set forth in communications from the City's consultants, and consistent with the HCA provisions relating to developing a strategic plan to stimulate development. However, as set forth in that communication, (copy attached) the consultants expressed concerns as to the Proposed B District from an urban planning perspective. Those concerns are consistent with the legal concerns expressed in this memorandum.

Prior to enactment of the Proposed B District as an amendment to the Zoning Ordinance and the HCA, an evaluation is legally required to be undertaken to assure the validity of such an ordinance from a legal perspective, and to assure that the purpose and intent of the ordinance will meet those rational planning objectives and the uniformity requirements of the Massachusetts Zoning Enabling Act, (G.L. c. 40A) that confers a public benefit in furtherance of the interests of public health, safety and welfare.

Zoning ordinances may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner provided in G.L. c. 40A §5. The process under that section requires a public hearing before the planning board in accordance with notice provisions, and a report from the Planning Board prior to the vote of the legislative body. The Proposed B District will amend the existing ordinance which provides for a Casino Overlay District in Section 8.5 of the Zoning Ordinance.

For purposes of evaluation, a copy of the proposal comparing the Proposed B District to the language in the existing Zoning Ordinance is included with this memorandum. According to the language in the Proposed B District, its purpose:

is to facilitate the location of businesses and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities.

The purpose of the existing Casino Overlay District in the Springfield Zoning Ordinance, as noted in Section 8.5.10 is to:

facilitate the location of licensed casinos and casino complexes within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District focuses on urban entertainment and recreational activities that will enhance the area as a desirable location for tourists, conventions, and urban life. The provisions of the district encourage pedestrian and transit-oriented linkages between casinos and casino complexes and other activities and venues within the City. Because of the special characteristics of casinos and casino complexes, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that casinos and casino complexes contribute positively to the built environment that the operation of casinos and casino complexes will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

The proposed development shall be subject to the provisions of a Host Community Agreement (HCA) approved by the City Council. The HCA shall establish a baseline site plan, design elevations, uses, program, signage concept, lighting concept, landscaping and streetscape plan and related information for the development.

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all casinos and casino complexes per the standards and criteria established herein. The Casino Overlay District and its provisions shall only apply to the specific properties so designated by the City Council as allowing a casino and related uses with a valid and current gaming license issued by the Commonwealth. Should a property so designated lose its gaming license at any point, the City Council may revoke the overlay designation and revert the property to its underlying zoning.

The existing provisions in the Zoning Ordinance and the pending application to establish the map for a proposed Casino Overlay District pursuant to that Zoning Ordinance, as to those properties defined as the "Gaming Establishment" by the Massachusetts Gaming Commission ("MGC") license conditions, was already part of a lengthy process. The HCA itself resulted from a lengthy, comprehensive, transparent evaluation, selection and licensing process carried out by the City and the MGC that involved criteria to address public health, safety and welfare concerns protected by the Zoning Enabling Act. That process resulted in an HCA and a Category 1 gaming license issued by the MGC (the "Gaming License") whose terms protect the public interests. In addition, the HCA and Gaming License, together with the Casino Overlay District regulations, provide flexibility to meet changing needs and development pressures.

As previously noted, Springfield engaged urban planning consultants experienced in casino development to evaluate and assist in selection among the competing development proposals for a gaming establishment submitted by competing casino developers who participated in the City's two

phased RFQ/P process, utilized these urban planners to assist in the negotiation of the HCA from a land use perspective. In addition, the same urban planning consultants were engaged in the drafting of the provisions of the existing Casino Overlay District. The next step in that process is to obtain final design documents from the Developer for evaluation and consideration in a Site Plan Review process.

The existing Casino Overlay District set forth in the Zoning Ordinance was part of a comprehensive revision of the Zoning Ordinance that changed allowable land uses, land use approval procedures, the zoning map, and regulations affecting the use of land, site and building design, and dimensional requirements. It was adopted by the City Council in May, 2013, and became effective in August 2013.

The HCA requires the Developer to comply with terms and conditions to protect the City's interests. These terms and conditions include the payment of substantial impact fees for the City as authorized pursuant to the terms of G.L. c. 23K, § 15(8). The existing Casino Overlay District requires an HCA and licensing of the property within its boundaries by the MGC. The HCA was conditioned on the issuance the Gaming License whose terms protect the public interests set forth in the provisions of the Act.

The MGC's evaluation of licenses for gaming facilities, in accordance with the Act and regulations promulgated the Act, was dedicated to ensuring that these facilities would provide the greatest possible economic development benefits and revenues to the people of the Commonwealth. At the same time, the MGC worked to reduce to the maximum extent possible the potentially negative or unintended consequences of the new facilities. The RFA-2 or Phase 2 gaming applications required by the MGC to be filed by applicants for gaming licenses ("RFA-2") were evaluated by the MGC based on five key criteria including:

- Overview / General – What about this license applicant's project will make the project unique in the industry, make it a unique destination, reinforce the Massachusetts-brand and positively impact the Commonwealth?
- Finance – Will the project meet the estimated revenue projections, does the proponent have suitable financing to complete the project and will they spend the required minimum investment?
- Economic Development – How the project maximizes a positive impact on area visitor attractions, supports small business in the region and creates viable and meaningful pathways for employment?
- Building And Site Design – Does the building meet requirements for energy efficiency, have a design that integrates itself into the community and meet permitting requirements?
- Mitigation –How does the proponent solve traffic problems, address problem gambling, minimize its impact on the Lottery and mitigate any problems with the host and surrounding communities?

(See 205 CMR 119.03(2)(a) through (e)).

The RFA-2 application and review process required the submission of documentation to assure compliance with 780 CMR (State Building Code), 521 CMR (Architectural Access regulations), local ordinances and by-laws, including M.G.L. c.30, §§61-62H as provided in 205 CMR 120.01. The applicant was required to submit completed studies and reports as required by the commission, which "shall include", but were not to be limited to, an examination of the proposed gaming establishment's: economic benefits to the region and the commonwealth as well as local and regional social, environmental, traffic and infrastructure impacts. (See 205 CMR 199.01(36)).

In addition, the requirements of the RFA-2, set forth in regulations found in 205 CMR 119 promulgated under the Act, included several requirements that the RFA-2 address specific land use criteria including environmental sustainability issues and:

- (17) an explanation as to how the applicant proposes to utilize sustainable development principles including, but not limited to:
 - (a) being certifiable as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council;
 - (b) meeting or exceeding the stretch energy code requirements contained in 780 CMR: *Appendix 120AA* or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs;
 - (c) efforts to mitigate vehicle trips;
 - (d) efforts to conserve water and manage storm water;
 - (e) demonstrating that electrical and HVAC equipment and appliances will be Energy Star labeled where available;
 - (f) procuring or generating on-site at least 10% of its annual electricity consumption from renewable sources qualified by the department of energy resources under M.G.L. c. 28A, § 11F; and
 - (g) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

Another example of the application process addressing land use considerations included requiring that the applicant demonstrate creativity in design and overall concept excellence in relationship with surroundings. This required that the applicant describe the relationship, if any, between the proposed facility and the architecture, history and culture of its immediate and regional surroundings and culture of its immediate and regional surroundings and information such as the following:

- (27) the designs for the proposed gaming establishment, including the names and addresses of the architects, engineers and designers, and a timeline of construction that includes:
 - (a) detailed stages of construction for the gaming establishment, non-gaming structures, and racecourse, where applicable;
 - (b) the deadline by which the stages and overall construction and any infrastructure improvements will be completed; and
 - (c) a projected date that it will begin gaming operations; and
- (28) the number of construction hours estimated to complete the work; and
- (29) how the applicant proposes to build a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry; and
- (30) the number and a description of the hotels and rooms, restaurants and other ancillary entertainment services and amenities to be located at the

proposed gaming establishment and how they measure in quality to other area hotels and amenities;

No similar evaluation or analysis has been undertaken as to the Proposed B District. Additionally, the Proposed B District does not have any provisions requiring a host community agreement, does not require payment of impact fees, and does not require the owner to obtain any licensing by the MGC.

However, as discussed above, due to the provisions of the HCA that require the Developer and the City to cooperate with each other to rezone the Project Site to take into account all elements of the Project; and participate in a district redevelopment strategic plan, the same urban planning consultants engaged in the development process that resulted in the existing Casino Overlay District provisions were utilized to preliminarily evaluate the Proposed B District.

As noted by initial comments from these urban planning consultants, the notion of including the remaining (non-casino owned) parcels within the block into an adjunct overlay zone to afford the owners and the City a means for a coordinated future development of those parcels is a very good idea and lays the groundwork for a future situation where MGM acquires portions of those remaining parcels.

According to the urban planning professionals there are a number of ways to move forward with an evaluation and implementation in accordance with the provisions of Section 4.10 (ii) of the HCA. As an example, the urban planner referenced McCormick Place, an \$800M expansion of the convention center in Chicago, the urban planners accomplished this by preparing an "Initiatives Workbook" which provided the strategy for leveraging the investment – by the public sector, the civic/community sector and the private investment sector.

In order to meet the legal requirements for evaluation prior to zone changes under Massachusetts law and the HCA, the urban planning professionals will continue to work with the City and Blue Tarp reDevelopment's stated intent to cooperate in the development of a strategic plan to pursue the "implementation blueprint" stipulated in the HCA which in turn will serve to address the stated purpose of the applicants seeking to amend the Zoning Ordinance to provide for the Proposed B District.

B. Whether the enactment of a Casino Overlay District B would meet the uniformity provisions of G. L. c. 40A, § 4 and not constitute "Spot Zoning"?

From a legal perspective, consistent with the comments outlined above, the Proposed B District, as currently drafted, does not meet the uniformity requirements of G.L. c. 40A, §4 and is not consistent with the public policy of the Zoning Enabling Act. This is discussed below.

G. L. c. 40A, § 4 states in part that "any zoning ordinance . . . which divides cities and towns into districts shall be uniform within the district for each class or kind of structures or uses permitted." (emphasis added). Spot zoning is the singling out of one lot for different treatment from that accorded to similar surrounding land indistinguishable from it in character, all for the economic benefit of the owner of that lot. See *Whittemore v. Bldg. Inspector of Falmouth*, 313 Mass. 248, 249, 46 N.E.2d 1016 (1943), citing *Leahy v. Inspector of Buildings of New Bedford*, 308 Mass. 128, 133-134, 31 N.E.2d 436 (1941). Spot zoning therefore violates the uniformity requirement of G. L. c. 40A, § 4.

“The enactment of a zoning bylaw ... is not only the exercise of an independent police power; it is also a legislative act ... carrying a strong presumption of validity.” *Durand v. IDC Bellingham, LLC*, 440 Mass. 45, 50-51 (2003). A zoning amendment may be undone only if a plaintiff demonstrates “that the zoning regulation is arbitrary and unreasonable, or substantially unrelated to the public health, safety ... or general welfare.” *Id.* (quoting *Johnson v. Edgartown*, 425 Mass. 117, 121 (1997)).

As previously noted, in the currently existing Zoning Ordinance, the Casino Overlay District is tied to the Gaming License issued to the Developer who has proposed the mapping of the gaming establishment set by the MGC as the boundary for the Casino Overlay District.

The Proposed B District does not contain any requirements as to an HCA or MGC licensing requirements. The newly Proposed B District amendment states that its purpose is similar to the existing ordinance, but applicable to properties “adjacent to and within the boundaries established by the City of Springfield for casino gaming activities”. As such, the Proposed B District would only apply to those properties contained in the Casino Block.

According to the language in the Proposed B District, it:

is intended to augment and enhance the abutting Casino Overlay District. The provisions of the district encourage pedestrian and transit-oriented linkages between non-gaming uses similar to casino complexes and other activities and venues within the City. Because of the special characteristics of these non-gaming uses, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. (emphasis added).

The “requirements and criteria” that are specified in the Proposed B District are identical to the “requirements and criteria” in the currently existing Casino Overlay District. The language “non-gaming uses similar to casino complexes” is not defined. It is unknown what the “special characteristics” of these “non-gaming uses” refers to. The permitted uses in the Proposed B District are set forth in Section 8.7.20:

Retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance the success of the overall project as a viable, high quality urban entertainment venue. All uses permitted in the underlying district are also permitted.

Such uses exist and are permitted in other zones throughout the City. The only distinction between those existing uses and those contained in the Proposed B District would be the fact that they are within the Casino Block. There would not appear to be any other “special characteristics” associated with the permitted uses other than their inclusion in the Casino Block. As such, these “non-gaming uses”, while no different than other such uses throughout the City, would be subject to the same “requirements and criteria” that are applicable to the properties subject to the HCA and Gaming License, but the identical uses on properties located in the Proposed B District would not be subject to the terms and conditions of the HCA or the Gaming License.

The use of an overlay district is a recognized planning technique when a municipality needs to assure two different concerns; the underlying zoning of the property, and an overlapping concern for

either additional restrictions to protect, for example, environmentally sensitive lands, or historically significant buildings, from problem uses. In addition, an overlay can be used by a municipality to lift restrictions in order to encourage reuse of an area by allowing for greater use than allowed in the underlying district based on certain conditions.

Springfield's existing Casino Overlay District provisions has both of these features. First, its stated purpose is to facilitate casino development. Second, it regulates potential problems created by signage or inappropriate use of historic properties. Third, it requires an HCA and property licensed by the MGC. As such, while there is freedom from restrictions as to the underlying zoning of the properties, the HCA and Gaming License requirements both impose restrictions to set a baseline over those properties which protect many public interests identified in the Act.

Providing relaxed restrictions to the properties located within the Proposed B District would confer a benefit to the owners of those properties that is not conferred to the owners of other properties with identical uses in the surrounding area. At the same time, the owners in the Proposed B District would receive these benefits without being subject to the restrictions placed on the Developer of the existing Casino Overlay District as the adjacent properties are not covered by any HCA or regulated under any Gaming License. In its current form, it would appear that the Proposed B District does not meet the uniformity requirements of G.L. c. 40 A, § 4, and would amount to "spot zoning".

Any comprehensive evaluation in furtherance of the requirements of Massachusetts law and the requirements of section 4.10(h) of the HCA should take into consideration a means of addressing the goals of the applicants of the Proposed B District and the prohibitions of "spot zoning". To this end, the tools that can be considered during the development of such a strategic plan include zone changes to the underlying parcels in accord with the existing Zoning Ordinance; site plan review provisions, and the use of special permits.

As to a zone change, it should be noted that the regulations found in the existing Casino Overlay District are similar to the provisions contained in the Business C Zoning District provisions in the existing Zoning Ordinance. As to Site Plan Review, both the existing Casino Overlay District provision and the Proposed B District contain a Site Plan Review process to assure appropriate conditions are imposed on the development to address specific details which need to be addressed to assure the development is in harmony with the surrounding area and addresses identified particularized needs.

However, under Massachusetts Law, any site plan review process cannot be a means of disallowing otherwise permissible uses, *Prudential Ins. Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278, 502 N.E.2d 137 (1986), but rather it is a "means of controlling the aesthetics and environmental impacts of land use." *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 57 (1997). Site plan review is not part of the Zoning Act, G. L. c. 40A, but rather a creation of municipalities and recognized by courts "as a means of controlling the aesthetics and environmental impacts of land use." *Osberg supra*, at 57.

In other words the Proposed B District provides for "as of right" permissible uses as to those contained in the Proposed B District, which mirror the currently existing Casino Overlay District ordinance. The insertion of a site plan review process in the proposed ordinance does not change the status, but contributes to the invalidation of the Proposed B District as spot zoning.

"[W]here the proposed use is one permitted by right the planning board may only apply substantive criteria consistent with *Prudential Ins. Co. v. Board of Appeals of Westwood*, 23 Mass.

App. Ct. 278, (1986) (i.e., it may impose reasonable terms and conditions on the proposed use, but it does not have the discretionary power to deny the use.)” *Castle Hill Apartments Ltd. Partnership v. Planning Bd. of Holyoke*, 65 Mass. App. Ct. 840, 845 (2006), quoting *Quincy v. Planning Bd. of Tewksbury*, 39 Mass. App. Ct. 17, 21 (1995). Site plan review may be defined generally as establishing “criteria for the layout, scale, appearance, safety, and environmental impacts of commercial or industrial development in an attempt to ‘fit’ larger projects into the community.” M. Bobrowski, *Massachusetts Land Use and Planning Law* § 9.07, at 281 (2d ed. 2002). See also *St. Botolph Citizens Comm. v. Boston Redevelopment Auth.*, 429 Mass. 1, 9, 705 N.E.2d 617 (1999) (citing earlier edition).

Another tool that may be considered in the evaluation process is language that requires a “special permit” in the event that a proposed use in the Proposed B District will amount to a “change or substantial expansion” of a use from the underlying zoning. Special Permits are provided for in the Zoning Enabling Act in G.L. c. 40A, § 9 which states in part:

Zoning ordinances or by-laws shall provide for *specific types of uses* which shall only be permitted in specified districts upon the issuance of a special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use. (Emphasis supplied.)

Special permit procedures have long been used to bring flexibility to the fairly rigid use classifications of *Euclidean* zoning schemes (see 3 Anderson, *American Law of Zoning* § 19.01 [2d ed. 1977]; see also *Burnham v. Board of Appeals of Gloucester*, 333 Mass. 114, 116 [1955]) by providing for specific uses which are deemed necessary or desirable but which are not allowed as of right because of their potential for incompatibility with the characteristics of the district. See 3 Rathkopf, *Zoning and Planning* § 41.01, at 41-3 (4th ed. 1984). “Some exceptions to uniformity are sanctioned by The Zoning Act and involve generally a limited tolerance for nonconforming uses (§ 6 of c. 40A) and provision for special permits and variances (§§ 9 and 10 of c. 40A, respectively).” *SCIT, Inc. v. Planning Bd. of Braintree*, 19 Mass. App. Ct. 101, 108 (1984).

“Exceptions” or tolerance for deviations from requirements under § 4 as to uniformity “does not contemplate, once a district is established and uses within it authorized as of right, conferral on local zoning boards of a roving and virtually unlimited power to discriminate as to uses between landowners similarly situated.” *Id.* As such, a requirement for a special permit, where there will be a change of use from existing zoning or a substantial expansion, with conditions imposed on a site plan approval, would likely be considered consistent with the Zoning Enabling Act uniformity requirements so long as the deviations from uniformity requirements were rationally related to important public health, safety and welfare concerns connected to the Zoning Enabling Act.

These legal considerations should be kept in mind during a full comprehensive approach to meet the requirements of Massachusetts law and the HCA which should also take into consideration of the stated intent of the applicants for the Proposed B District..

APPENDIX

Section 8.7 Casino Overlay District "B"

Section 8.7.10 Purpose

The Casino Overlay District B's purpose is to facilitate the location of businesses and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District B focuses on urban services, entertainment, recreational activities, hospitality, restaurants, retail, residential, offices, banking and business uses that will enhance the area as a desirable location for tourists, conventions, and urban businesses and the Casino Overlay District. The Casino Overlay District B is intended to augment and enhance the abutting Casino Overlay District. The provisions of the district encourage pedestrian and transit-oriented linkages between non-gaming uses similar to casino complexes and other activities and venues within the City. Because of the special characteristics of these non-gaming uses, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that these uses contribute positively to the built environment, that their operation will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all proposed uses per the standards and criteria established herein and elsewhere in this Zoning Ordinance. The Casino Overlay District B and its provisions shall only apply to the specific properties included within the Casino Overlay District B boundary as shown on the Casino Overlay District B zoning map.

Section 8.7.20 Permitted Uses

Retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance the success of the overall project as a viable, high quality urban entertainment venue. All uses permitted in the underlying district are also permitted.

Section 8.7.30 Site Plan Review

- 8.7.31 The Site Plan Review provisions of this Section shall apply to all STRUCTURES and USES located within the Casino Overlay District B.
- 8.7.32 The Site Plan Review process shall follow the procedures outlined in Article 12, Section 12.3 except that the reviewing body shall be the City Council and not the Planning Board.

- 8.7.33 The intent of the signage regulations herein (Section 8.7.60) is to 1) guarantee minimum signage rights, 2) set parameters for specialty and unique signage inherent in a non-gaming entertainment development that would exceed those minimums (such as parapet roof signs, reader boards, façade projections, etc.) so that it is understood that such additional signage is allowed, if done properly, and presented in an acceptable final signage submittal and 3) give the City final discretion on such specialty signage. Disapproval of a request in the Site Plan review for a particular specialty signage or lighting component shall not be cause to disapprove the Site Plan Review or the Use and the applicant would still have the right (if the other Site Plan Review criteria were met and approved as per Section 8.7.32) to proceed with the development without the requested specialty signage or with amended specialty signage approved by the City.

Section 8.7.40 Site Plan Review Submission Requirements

- 8.7.41 The petitioner shall submit to the Office of Planning & Economic Development all required materials as outlined in Article 12, Section 12.3.40.

Section 8.7.50 Criteria for Rezoning

The City Council shall review development proposals for compliance with the following criteria:

- 8.7.51 The proposed development shall be consistent with and promote the goals of the Casino Overlay District and the plans and policies of the City of Springfield;
- 8.7.52 The proposed development shall promote pedestrian and transit linkages to other activities and venues within the City of Springfield;
- 8.7.53 The proposed development shall be appropriate to and compatible with surrounding development in terms of scale, form, massing, land use, general appearance and function.
- 8.7.54 The proposed development shall include adequate circulation, off-street parking and loading facilities to meet expected parking and vehicular and pedestrian demands;
- 8.7.55 The proposed development shall contain quality urban design elements and design features that promote, improve and reinforce the existing urban streetscape.
- 8.7.56 The location of the Casino Overlay District B shall be those properties abutting the Casino Overlay District.

Section 8.7.60 Dimensional Regulations

All proposed uses and/or activities occurring within the Casino Overlay District B are subject to the underlying zoning regulations, except as noted herein.

8.7.61 Dimensional and Intensity Regulations

Table 8-1 Dimensional and Intensity Regulations	
	Casino Overlay District
Lot Area, minimum square feet	No Regulation
Lot Frontage , minimum (feet)	No Regulation
Lot Width , minimum (feet)	No Regulation
Front Yard (feet) Minimum	0
Side Yard, minimum (feet)	0
Rear Yard, minimum (feet)	0
Building Height , maximum Stories Feet	No Regulation 400
Building Coverage, maximum	95%
Maximum Residential Density (Dwelling Units Per Acre)	150
Parking	The Casino Overlay District B shall meet the off-street parking provisions of Article 7, Section 7.1 of the Zoning Ordinance

Section 8.7.70 Sign Regulations

Due to the unique signage associated with non-gaming uses similar to CASINOS and casino complexes, the Casino Overlay District B specifically allows for a wide range of unique signage and building lighting not contemplated in the underlying zoning. Therefore, signage allowed by the underlying sign regulations, as outlined in Article 9, shall apply unless signage is permitted under Section 8.7.74 and the Casino Overlay District. Since it is anticipated and encouraged that the casino employ unique and creative urban signage and lighting techniques consistent with an urban entertainment venue, a range of such signage types is explicitly allowed and listed below in 8.5.74. However, such additional signage requires submittal of a specific and detailed "signage and specialty lighting concept" as part of the Site Plan Review process as outlined above and shall adhere to the following standards:

8.7.71 As part of the sign approval process a detailed sign plan must be submitted which includes:

- A. Dimensions and overall size(s) of all proposed signs;
- B. Building elevations indicating location of all proposed signage, including any directional signage;
- C. Materials of all proposed signage;
- D. Type(s) of illumination.
- E. Proposed special/seasonal signage and lighting programming, and hours of illumination for all lighted signs.

8.7.72 Signs to be located along the frontages of Main Street, State Street, Union Street, or East Columbus Avenue shall:

- A. Be in character and size to surrounding signage located within the Central Business District and surrounding properties and the Casino Overlay District;
- B. Be complementary to the architectural elements found with the proposed developments as well as the surrounding buildings;
- C. Allow any individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations, in addition to any specialty signage and lighting elements which are subject to discretionary approval.

8.7.73 Signs to be located on facades facing East Columbus Avenue and/or oriented toward Interstate 91 or Interstate 291 shall:

- A. Be integrated into and enhance the architectural design and massing of the building so as to not distract from the quality and character of the development (e.g. blade banners, façade projections, architectural feature accent lighting, roof top structural signs, and first/second surface applied graphics would be allowed)
- B. Be designed so as to not disrupt traffic flow and highway safety, and if potentially problematic be responsive to and minimize potential adverse impacts to traffic flow and safety.
- C. Avoid reader boards and repeating text message animated signage, or be only employed only for special events and/or traffic/parking control situations on a temporary basis.

8.7.74 The following specialty signage is allowed subject to the review and approval of the project signage and specialty lighting concept and should be consistent with the Casino Overlay District. Approval of any specialty signage or lighting is not guaranteed and may be withheld at the sole discretion of the City through the Site Plan Review Process. Discretionary approval of the specialty signage shall be based on recommendations made to the City Council by the Office of Planning & Economic Development who shall in turn confer with the Department of Public Works (regarding any traffic safety

hazard impacts), Department of Code Enforcement/Building Division (regarding any aspects related to applicable building codes and permits).

A. Blade signs and theater marquee signs; roof top parapet signs; façade projection signs (static or animated); animated electronic billboard signs; pinned-off letter signs; internally and externally illuminated signs; first and second surface signs applied to glazing or facades; banners; seasonal and special event building and site lighting; architectural building and site lighting to accent design features; animated, lighted fountains and streetscape elements;

B. Notwithstanding the above menu of specialty signage, reader boards and repeating message animated signage may be allowed if employed only for special events and/or traffic/parking control situations on a temporary basis.

C. In allowing specialty signage, the City Council must consider adverse impacts to adjacent buildings and properties, as well as adverse impacts to highway traffic flow and safety with regard to distraction from animation, brightness, size or content.

D. All specialty signage must be properly and fully maintained in good working condition at all times so as to not detract from development's high quality appearance.

Section 8.7.80 Modification of Approved Plans

Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner, minor changes from what is specified in the approval plans and development parameters may be permitted by the Office of Planning & Economic Development subject to a finding that such changes will not cause any of the following:

- 8.7.81 A change in the character of the development, including the overall massing, primary land uses, quality of materials or significant deviation from the architectural character or building footprints of approved site plans and elevations; or
- 8.7.82 An increase in the ratio of gross floor area (as specified in the approval documents) to LOT area by more than twenty five percent (25%); or
- 8.7.83 A decrease in open space, pedestrian areas, parks and amenities unless justified by changes in other factors; or
- 8.7.84 A reduction or increase in approved off-street parking unless justified by changes in other factors.

After review by the Office of Planning & Economic Development, the petitioner shall be notified, in writing, of the result(s) of the Office of Planning & Economic Development's findings. These findings shall be forwarded to the City Council.

Proposed New Overlay District

Article 8 Overlay Districts

- Section 8.0 Purpose and Applicability*
- Section 8.1 Neighborhood Commercial Design Overlay District*
- Section 8.2 West Columbus Urban Renewal Overlay District*
- Section 8.3 Floodplain Overlay District*
- Section 8.4 Regional Shopping Center Overlay District*
- Section 8.5 Casino Overlay District*
- Section 8.6 Smart Growth District [Reserved]*
- Section 8.7 Casino Overlay District B*

Section 8.7 CASINO OVERLAY DISTRICT B

Section 8.7.10 Purpose

The Casino Overlay District B's purpose is to facilitate the location of businesses and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District B focuses on urban services, entertainment, recreational activities, hospitality, restaurants, retail, residential, offices, banking, and business uses that will enhance the area as a desirable location for tourists, conventions, and urban business and the Casino Overlay District. The Casino Overlay District B is intended to augment and enhance the abutting Casino Overlay District. The provisions of the district encourage pedestrian and transit-oriented linkages between non-gaming uses similar to casino complexes and other activities and venues within the City. Because of the special characteristics of these non-gaming uses, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that these uses contribute positively to the built environment, that their operation will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all proposed uses per the standards and criteria established herein and elsewhere in this Zoning Ordinance. The Casino Overlay District B and its provisions shall only apply to the specific properties included within the Casino Overlay District B boundary as shown on the Casino Overlay District B zoning map.

Section 8.7.20 Permitted Uses

Retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance the success of the overall project as a viable, high quality urban entertainment venue. All uses permitted in the underlying district are also permitted.

Section 8.7.30 Site Plan Review

8.7.31 The Site Plan Review provisions of this Section shall apply to all STRUCTURES and USES located within the Casino Overlay District B.

8.7.32 The Site Plan Review process shall follow the procedures outlined in Article 12, Section 12.3 except that the reviewing body shall be the City Council and not the Planning Board.

- 8.7.33 The intent of the signage regulations herein (Section 8.7.60) is to 1) guarantee minimum signage rights, 2) set parameters for specialty and unique signage inherent in a non-gaming entertainment development that would exceed those minimums (such as parapet roof signs, reader boards, façade projections, etc.) so that it is understood that such additional signage is allowed, if done properly, and presented in an acceptable final signage submittal and 3) give the City final discretion on such specialty signage. Disapproval of a request in the Site Plan review for a particular specialty signage or lighting component shall not be cause to disapprove the Site Plan Review or the Use and the applicant would still have the right (if the other Site Plan Review criteria were met and approved as per Section 8.7.32) to proceed with the development without the requested specialty signage or with amended specialty signage approved by the City.

Section 8.7.40 Site Plan Review Submission Requirements

The petitioner shall submit to the Office of Planning & Economic Development all required materials as outlined in Article 12, Section 12.3.40.

Section 8.7.50 Criteria for Rezoning

The City Council shall review development proposals for compliance with the following criteria:

- 8.7.51 The proposed development shall be consistent with and promote the goals of the the Casino Overlay District and the plans and policies of the City of Springfield;
- 8.7.52 The proposed development shall promote pedestrian and transit linkages to other activities and venues with the City of Springfield;
- 8.7.53 The proposed development shall be appropriate to and compatible with surrounding development in terms of scale, form, massing, land use, general appearance and function.
- 8.7.54 The proposed development shall include adequate circulation, off-street parking and loading facilities to meet expected parking and vehicular and pedestrian demands;
- 8.7.55 The proposed development shall contain quality urban design elements and design features that promote, improve and reinforce the existing urban streetscape.

- 8.7.56 The location of the Casino Overlay District B shall be those properties abutting the Casino Overlay District.

Section 8.7.60 Dimensional Regulations

All proposed uses and/or activities occurring within the Casino Overlay District B are subject to the underlying zoning regulations, except as noted herein.

- 8.7.61 Dimensional and Intensity Regulations

Table 8-2 Dimensional and Intensity Regulations

	Casino Overlay District
Lot Area, minimum square feet	No Regulation
Lot Frontage , minimum (feet)	No Regulation
Lot Width , minimum (feet)	No Regulation
Front Yard (feet) Minimum	0
Side Yard, minimum (feet)	0
Rear Yard, minimum (feet)	0
Building Height , maximum Stories Feet	No Regulation 400
Building Coverage, maximum	95%
Maximum Residential Density (Dwelling Units Per Acre)	150
Parking	The Casino Overlay District B shall meet the off-street parking provisions of Article 7, Section 7.1 of the Zoning Ordinance

Section 8.7.70 Sign Regulations

Due to the unique signage associated with non-gaming uses similar to casinos and casino complexes, the Casino Overlay District B specifically allows for a wide range of unique signage and building lighting not contemplated in the underlying zoning. Therefore, signage allowed by the underlying sign regulations, as outlined in Article 9, shall apply unless signage is permitted under Section 8.7.64 and the Casino Overlay District. Since it is anticipated and encouraged that the casino employ unique and creative urban signage and lighting techniques consistent with an urban entertainment venue, a range of such signage types is explicitly allowed and listed below in 8.7.64. However, such additional signage requires submittal of a specific and detailed "signage and specialty lighting concept" as part of the Site Plan Review process as outlined above and shall adhere to the following standards:

- 8.7.71 As part of the sign approval process a detailed sign plan must be submitted which includes:

- A. Dimensions and overall size(s) of all proposed signs;
- B. Building elevations indicating location of all proposed signage, including any directional signage;
- C. Materials of all proposed signage;
- D. Type(s) of illumination.
- E. Proposed special/seasonal signage and lighting programming, and hours of illumination for all lighted signs.

8.7.72 Signs to be located along the frontages of Main Street, State Street, Union Street, or East Columbus Avenue shall:

- A. Be in character and size to surrounding signage located within the Central Business District and surrounding properties and the Casino Overlay District;
- B. Be complementary to the architectural elements found with the proposed developments as well as the surrounding buildings;
- C. Allow any individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations, in addition to any specialty signage and lighting elements which are subject to discretionary approval.

8.7.73 Signs to be located on facades facing East Columbus Avenue and/or oriented toward Interstate 91 or Interstate 291 shall:

- A. Be integrated into and enhance the architectural design and massing of the building so as to not distract from the quality and character of the development (e.g. blade banners, façade projections, architectural feature

accent lighting, roof top structural signs, and first/second surface applied graphics would be allowed)

- B. Be designed so as to not disrupt traffic flow and highway safety, and if potentially problematic be responsive to and minimize potential adverse impacts to traffic flow and safety.
- C. Avoid reader boards and repeating text message animated signage, or be only employed only for special events and/or traffic/parking control situations on a temporary basis.

8.7.74 The following specialty signage is allowed subject to the review and approval of the project signage and specialty lighting concept and should be consistent with the Casino Overlay District. Approval of any specialty signage or lighting is not guaranteed and may be withheld at the sole discretion of the City through the Site Plan Review Process. Discretionary approval of the specialty signage shall be based on recommendations made to the City Council by the Office of Planning & Economic Development who shall in turn confer with the Department of Public Works (regarding any traffic safety hazard impacts), Department of Code Enforcement/Building Division (regarding any aspects related to applicable building codes and permits).

- A. Blade signs and theater marquee signs; roof top parapet signs; façade projection signs (static or animated); animated electronic billboard signs; pinned-off letter signs; internally and externally illuminated signs; first and second surface signs applied to glazing or facades; banners; seasonal and special event building and site lighting; architectural building and site lighting to accent design features; animated, lighted fountains and streetscape elements;
- B. Notwithstanding the above menu of specialty signage, reader boards and repeating message animated signage may be allowed if employed only for special events and/or traffic/parking control situations on a temporary basis.
- C. In allowing specialty signage, the City Council must consider adverse impacts to adjacent buildings and properties, as well as adverse impacts to highway traffic flow and safety with regard to distraction from animation, brightness, size or content.

- D. All specialty signage must be properly and fully maintained in good working condition at all times so as to not detract from development's high quality appearance.

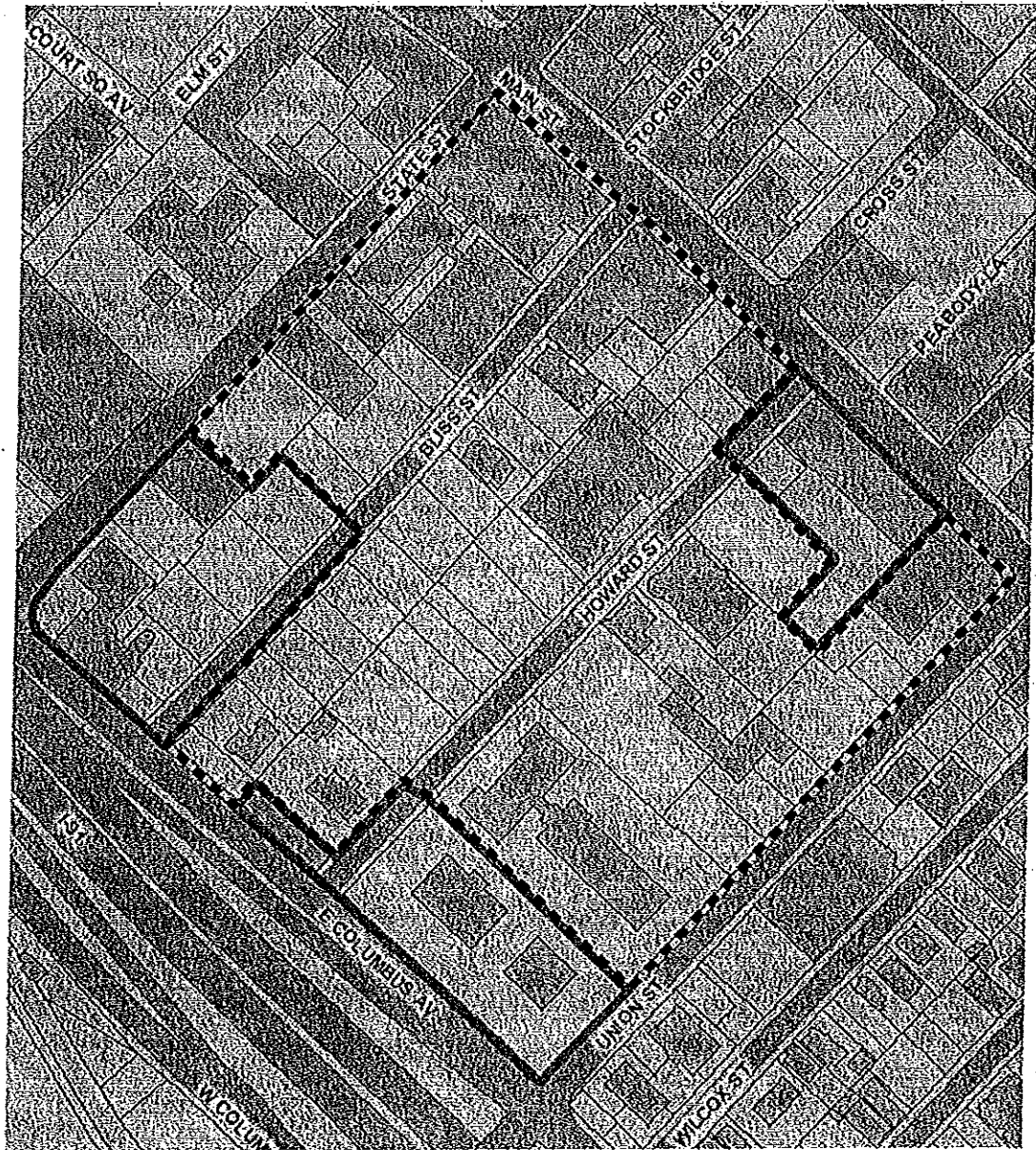
Section 8.7.80 Modification of Approved Plans

Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended, pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner, minor changes from what is specified in the approval plans and development parameters may be permitted by the Office of Planning & Economic Development subject to a finding that such changes will not cause any of the following:

- 8.7.81 A change in the character of the development, including the overall massing, primary land uses, quality of materials or significant deviation from the architectural character or building footprints of approved site plans and elevations; or
- 8.7.82 An increase in the ratio of gross floor area (as specified in the approval documents) to LOT area by more than twenty five percent (25%); or
- 8.7.83 A decrease in open space, pedestrian areas, parks and amenities unless justified by changes in other factors; or
- 8.7.84 A reduction or increase in approved off-street parking unless justified by changes in other factors.

After review by the Office of Planning & Economic Development, the petitioner shall be notified, in writing, of the result(s) of the Office of Planning & Economic Development's findings. These findings shall be forwarded to the City Council.

Proposed Casino Overlay District B



-  Proposed Casino Overlay District B
-  Proposed Casino Overlay District



ENTERPRISE DIGITAL INC.
SPRINGFIELD, MA 01103

Image Source: City of Springfield, MA GIS

SECTION 8.75 CASINO OVERLAY DISTRICT "B"

Section 8.75.10 Purpose

The Casino Overlay District B's purpose is to facilitate the location of businesses and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities. The Casino Overlay District B focuses on urban services, entertainment, and recreational activities, hospitality, restaurants, retail, residential, offices, banking and business uses that will enhance the area as a desirable location for tourists, conventions, and urban businesses and the Casino Overlay District life. The Casino Overlay District B is intended to augment and enhance the abutting Casino Overlay District. The provisions of the district encourage pedestrian and transit-oriented linkages between non-gaming uses similar to casinos and casino complexes and other activities and venues within the City. Because of the special characteristics of these non-gaming uses ~~casinos and casino complexes~~, the requirements applicable to development in this district include submittal requirements and criteria that are specified in this section. These regulations are designed to ensure that these uses ~~casinos and casino complexes~~ contribute positively to the built environment, that their ~~operation of casinos and casino complexes~~ will help to enhance, expand, and stabilize employment and the local economy while simultaneously ensuring effective public services and a high quality of life for nearby businesses, institutions and residents.

~~The proposed development shall be subject to the provisions of a Host-Community Agreement (HCA) approved by the City Council. The HCA shall establish a baseline site plan, design elevations, uses, program, signage concept, lighting concept, landscaping and streetscape plan and related information for the development.~~

After review and recommendation by the Office of Planning & Economic Development, the City Council shall review and approve site plans and design features for all proposed uses ~~casinos and casino complexes~~ per the standards and criteria established herein and elsewhere in this Zoning Ordinance. The Casino Overlay District B and its provisions shall only apply to the specific properties included within the Casino Overlay District B boundary as shown on the Casino Overlay District B zoning map, so designated by the City Council as allowing a casino and related uses with a valid and current gaming license issued by the Commonwealth. Should a property so designated lose its gaming license at any point, the City Council may revoke the overlay designation and revert the property to its underlying zoning.

Section 8.75.20 Permitted Uses

~~CASINO and casino complexes, inclusive of accessory uses, including but not limited to~~ Retail, restaurants, hotels, accessory parking, housing, indoor place of amusement(s), outdoor place of amusement(s), daycare centers, support services and other complementary uses which enhance

the success of the overall project as a viable, high quality urban entertainment venue. All uses permitted in the underlying district are also permitted.

Section 8.75.30 Site Plan Review

8.75.31 The Site Plan Review provisions of this Section shall apply to all STRUCTURES and USES located within the Casino Overlay District B.

8.75.32 The Site Plan Review process shall follow the procedures outlined in Article 12, Section 12.3 except that the reviewing body shall be the City Council and not the Planning Board.

~~8.5.33 Notwithstanding pending Site Plan Review required for final project approval, site plan and design aspects which are consistent with those contained in the Host Community Agreement are pre-approved unless variations or modifications to them are proposed which exceed the provisions of 8.5.80 below.~~

8.75.334 The intent of the signage regulations herein (Section 8.75.670) is to 1) guarantee minimum signage rights, 2) set parameters for specialty and unique signage inherent in ~~urban casino and a non-gaming~~ entertainment development that would exceed those minimums (such as parapet roof signs, reader boards, façade projections, etc.) so that it is understood that such additional signage is allowed, if done properly, and presented in an acceptable final signage submittal and 3) give the City final discretion on such specialty signage. Disapproval of a request in the Site Plan review for a particular specialty signage or lighting component shall not be cause to disapprove the Site Plan Review or the Use and the applicant would still have the right (if the other Site Plan Review criteria were met and approved as per Section 8.75.32) to proceed with the development without the requested specialty signage or with amended specialty signage approved by the City.

Section 8.75.40 Site Plan Review Submission Requirements

8.75.41 ~~In petitioning for a rezoning to a Casino Overlay District,~~ The petitioner shall submit to the Office of Planning & Economic Development all required materials as outlined in Article 12, Section 12.3.40.

Section 8.75.50 Criteria for Rezoning

The City Council shall review development proposals for compliance with the following criteria:

- 8.75.51 The proposed development shall be consistent with and promote the goals of M.G.L. Chapter 23K and the Casino Overlay District and the plans and policies of the City of Springfield;
- 8.75.52 The proposed development shall promote pedestrian and transit linkages to other activities and venues within the City of Springfield;
- 8.75.53 The proposed development shall be appropriate to and compatible with surrounding development in terms of scale, form, massing, land use, general appearance and function, ~~recognizing the unique functional characteristics of a casino or casino complex;~~
- 8.75.54 The proposed development shall include adequate circulation, off-street parking and loading facilities to meet expected parking and vehicular and pedestrian demands;
- ~~8.5.55 The proposed development shall provide amenities and public facilities to promote safety, comfort and convenience for visitors, employees and the general public;~~
- 8.75.556 The proposed development shall contain quality urban design elements and design features that promote, improve and reinforce the existing urban streetscape.
- ~~8.5.57 The proposed development shall be sensitive to buildings within the immediate area which have an architectural or historic value and work with the Springfield Historical Commission in that regard, consistent with the disposition of historic aspects articulated in the Host Community Agreement (HCA).~~
- ~~8.5.58 The proposed development shall be subject to the provisions of a HCA approved by the City Council. The HCA shall establish a baseline site plan, design elevations, uses, program, signage concept, lighting concept, landscaping and streetscape plan and related information for the development.~~
- 8.75.569 The location of the Casino Overlay District B shall be those properties abutting the Casino Overlay District, the project site identified in the HCA between the City of Springfield and the project developer and consistent with the property set forth in the application for a gaming license submitted to the Massachusetts Gaming Commission. The Casino Overlay District may be added to the City of Springfield Zoning Map at any time after the filing of an application for a gaming license by means of a duly enacted amendment to the City of Springfield Zoning

~~Map. The provision of the Section 8.5 shall not be legally effective within the Casino Overlay District unless the gaming license is approved by the Massachusetts Gaming Commission. In the event that a gaming license is not approved by the Massachusetts Gaming Commission, the City Council shall amend the zoning map by repealing the amendment placing the Casino Overlay District on the Zoning Map. Whether or not such repeal is enacted, only the underlying zoning of the land within the Casino Overlay District shall apply if the gaming license is not approved.~~

Section 8.75.60 Dimensional Regulations

All proposed uses and/or activities occurring within the Casino Overlay District B are subject to the underlying zoning regulations, except as noted herein, ~~or in the Host Community Agreement. Where regulations conflict the specific provisions of the HCA shall govern.~~

8.75.61 Dimensional and Intensity Regulations

Table 8-1 Dimensional and Intensity Regulations (unless otherwise specified on the Host Community Agreement)	
	Casino Overlay District
Lot Area, minimum square feet	No Regulation
Lot Frontage , minimum (feet)	No Regulation
Lot Width , minimum (feet)	No Regulation
Front Yard (feet)	
Minimum	0
Maximum	10
Side Yard, minimum (feet)	0
Rear Yard, minimum (feet)	0
Building Height , maximum	
Stories	No Regulation
Feet	400
Building Coverage, maximum	95%
Maximum Residential Density (Dwelling Units Per Acre)	150

Table 8-1 Dimensional and Intensity Regulations (unless otherwise specified on the Host Community Agreement)	
	Casino Overlay District
Parking	The Casino Overlay District <u>B</u> shall meet the off-street parking provisions of <u>Article 7, Section 7.1 of the Zoning Ordinance</u> stipulated in the HCA.

Section 8.~~75~~.70 Sign Regulations

Due to the unique signage associated with non-gaming uses similar to a CCASINOS and casino complexes, the Casino Overlay District B specifically allows for a wide range of unique signage and building lighting not contemplated in the underlying zoning. Therefore, signage allowed by the underlying sign regulations, as outlined in Article 9, shall apply unless signage is permitted under Section 8.~~75~~.74~~5~~ and the Casino Overlay District. Since it is anticipated and encouraged that the casino employ unique and creative urban signage and lighting techniques consistent with an urban entertainment venue, a range of such signage types is explicitly allowed and listed below in 8.5.74~~5~~. However, such additional signage requires submittal of a specific and detailed "signage and specialty lighting concept" as part of the Site Plan Review process as outlined above and shall adhere to the following standards:

- 8.~~75~~.71 As part of the sign approval process a detailed sign plan must be submitted which includes:
- A. Dimensions and overall size(s) of all proposed signs;
 - B. Building elevations indicating location of all proposed signage, including any directional signage;
 - C. Materials of all proposed signage;
 - D. Type(s) of illumination.
 - E. Proposed special/seasonal signage and lighting programming, and hours of illumination for all lighted signs.
- 8.~~75~~.72 Signs to be located along the frontages of Main Street, State Street, Union Street, or East Columbus Avenue ~~Howard Street and Emery Street~~ shall:
- A. Be in character and size to surrounding signage located within the Central Business District and surrounding properties and the Casino Overlay District;

- B. Be complementary to the architectural elements found with the proposed developments as well as the surrounding buildings;
- C. Allow any individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations, in addition to any specialty signage and lighting elements which are subject to discretionary approval.

~~8.5.73~~ — Signs specifically located on HISTORIC RESOURCE PROPERTIES shall:

- ~~A. Be in keeping with the character, size and architectural elements of the building as determined by the Springfield Historical Commission.~~
- ~~B. Allow individual retail storefront uses at least the maximum signage allowed by Article 9 to showcase and advertise their individual business and operations (subject to 8.5.73.A. above), in addition to any specialty signage and lighting elements which are subject to discretionary approval.~~

8.75.734 Signs to be located on facades facing East Columbus Avenue and/or oriented toward Interstate 91 or Interstate 291 shall:

- A. Be integrated into and enhance the architectural design and massing of the building so as to not distract from the quality and character of the development (e.g. blade banners, façade projections, architectural feature accent lighting, roof top structural signs, and first/second surface applied graphics would be allowed)
- B. Be designed so as to not disrupt traffic flow and highway safety, and if potentially problematic be responsive to and minimize potential adverse impacts to traffic flow and safety.
- C. Avoid reader boards and repeating text message animated signage, or be only employed only for special events and/or traffic/parking control situations on a temporary basis.

8.75.745 The following specialty signage is allowed subject to the review and approval of the project signage and specialty lighting concept and should be consistent with the Casino Overlay District. Approval of any specialty signage or lighting is not guaranteed and may be withheld at the sole discretion of the City through the Site Plan Review Process. Discretionary approval of the specialty signage shall be based on recommendations made to the City Council by the Office of Planning & Economic Development who shall in turn confer with the Department of Public

Works (regarding any traffic safety hazard impacts), Department of Code Enforcement/Building Division (regarding any aspects related to applicable building codes and permits), ~~and the Springfield Historical Commission (in any situation where landmark or historic resources are impacted by signage).~~

- A. Blade signs and theater marquee signs; roof top parapet signs; façade projection signs (static or animated); animated electronic billboard signs; pinned-off letter signs; internally and externally illuminated signs; first and second surface signs applied to glazing or facades; banners; seasonal and special event building and site lighting; architectural building and site lighting to accent design features; animated, lighted fountains and streetscape elements;
- B. Notwithstanding the above menu of specialty signage, reader boards and repeating message animated signage may be allowed if employed only for special events and/or traffic/parking control situations on a temporary basis.
- C. In allowing specialty signage, the City Council must consider adverse impacts to adjacent buildings and properties, as well as adverse impacts to highway traffic flow and safety with regard to distraction from animation, brightness, size or content.
- D. All specialty signage must be properly and fully maintained in good working condition at all times so as to not detract from development's high quality appearance.

Section 8.75.80 Modification of Approved Plans

Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended ~~from what is specified in the HCA,~~ pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner, minor changes from what is specified in the approval plans ~~HCA plans~~ and development parameters may be permitted by the Office of Planning & Economic Development subject to a finding that such changes will not cause any of the following:

- 8.75.81 A change in the character of the development, including the overall massing, primary land uses, quality of materials or significant deviation from the architectural character or building footprints of approved site plans and elevations; or

- 8.75.82 An increase in the ratio of gross floor area (as specified in the approval documents~~as specified in the HCA~~) to LOT area by more than twenty five percent (25%); or
- 8.75.83 A decrease in open space, pedestrian areas, parks and amenities unless justified by changes in other factors; or
- 8.75.84 A reduction or increase in approved off-street parking unless justified by changes in other factors.

After review by the Office of Planning & Economic Development, the petitioner shall be notified, in writing, of the result(s) of the Office of Planning & Economic Development's findings. These findings shall be forwarded to the City Council.

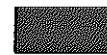
Proposed Casino Overlay District



City of Springfield, Massachusetts



DATA SOURCE:



Properties to be located within
Casino Overlay District "B"



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FIFTEEN

AN ORDINANCE

AMENDING SECTION 47 OF THE BUILDING ZONE MAP

Be it ordained by the City Council of the City of Springfield as follows:

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled "An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City", text enacted, May 28, 2013, as amended, is hereby further amended by adding Article 8, Section 8.7, Casino Overlay District "B" and by mapping the Casino Overlay District "B" on Plot #3173, Section 47 of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "Section 47 Building Zone Map of the City of Springfield."

Approved as to Form:

Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on March 4, 2015 and April 15, 2015 regarding the above Ordinance amendment.

1 Person(s) appeared in favor, and 2 Person(s) appeared in opposition.

Ben Swan Jr, Vice Chairperson



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND FIFTEEN

AN ORDINANCE

AMENDING SECTION 47 BUILDING ZONE MAP

SECTION 1. The Zoning Ordinance of the City of Springfield, Massachusetts entitled "An Ordinance for Consolidating and Arranging, Enlarging, Modifying and Amending the Ordinances of the City Restricting Buildings, Structures, and Premises According to Their Use or Construction to Specified Parts of the City", text enacted, May 28, 2013, as amended, is hereby further amended by adding Article 8, Section 8.7, Casino Overlay District "B" and by mapping the Casino Overlay District "B" on Plot #3173, Section 47 of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "Section 47 Building Zone Map of the City of Springfield."

**REPORT TO CITY COUNCIL
ZONE CHANGE HEARING**

PETITION: #3173
SECTION: 47

DATE: April 16, 2015

To the Honorable Mayor and City Council of the City of Springfield, Massachusetts, the Planning Board submits the following report on the Zone Change Petition, which was referred to the Board for its recommendation:

PETITIONER: Courthouse Park Associates, Briarwood Thirteen, LLC., Carmela A. Fraziero, Trustee and Colvest/Columbus Springfield, LLC.

ADDRESS: 23 State Street, 55 State Street, 58 Bliss Street, 1070 Main Street and 1259 East Columbus Avenue

CHANGE REQUESTED: Adding Article 8, Section 8.7, Casino Overlay District "B" and by mapping the Casino Overlay District "B".

PETITIONER'S PURPOSE STATEMENT: The Casino Overlay District's "B" purpose is to facilitate the location business and land uses that are complimentary to the licensed casinos and casino complexes adjacent to and within the boundaries established by the City of Springfield for casino gaming activities.

DATE OF PUBLIC HEARING: March 5, 2015/April 15, 2015

DATE OF FINAL DECISION: April 15, 2015

BOARD MEMBERS PRESENT and COUNT: six (6): Ms. Morin, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. McQuade and Mr. Cignoli

FINAL MOTION: Not to approve.

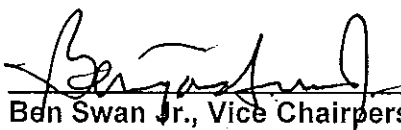
IN FAVOR: five (5): Ms. Morin, Ms. DeFillipo, Mr. Swan, Mr. Florian and Mr. Cignoli

OPPOSED: zero (0)

ABSTAINED: one (1): Ms. McQuade

RECOMMENDATION: Not to approve.

Respectfully submitted,


Ben Swan Jr., Vice Chairperson

Attachment: 3173_Casino_Overlay_District_B_CC_2015 (Z-2015-5 : Casino Overlay District "B")