



City Council

Hearings Meeting

~ Draft ~

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

Anthony I. Wilson
413-787-6096

Monday, October 24, 2016

7:00 PM

Springfield City Hall -- Council Chambers

Hearings

7:00 PM Meeting called to order on October 24, 2016 at Springfield City Hall -- Council Chambers, 36 Court Street, Springfield, MA.

Attendee Name	Title	Status	Arrived
Justin Hurst	At Large Councilor	Present	
Kenneth E. Shea	Ward 6 Councilor	Present	
E. Henry Twiggs	Ward 4 Councilor	Absent	
Timothy C. Allen	Ward 7 Councilor	Present	
Timothy J. Rooke	At-Large Councilor	Absent	
Bud L. Williams	At-Large Councilor	Late	7:19 PM
Orlando Ramos	Vice President- Ward 8 Councilor	Present	
Marcus J Williams	Ward 5 Councilor	Present	
Adam Gomez	Ward 1 Councilor	Present	
Thomas M. Ashe	At-Large Councilor	Present	
Melvin A. Edwards	Ward 3 Councilor	Present	
Kateri B. Walsh	At-Large Councilor	Present	
Michael A. Fenton	President	Present	

Moment of Silence - Pledge of Allegiance

Resolutions

1. Resolution (ID # 3705)

Solidarity with Muslims

COMMENTS - Current Meeting:

Council Gomez spoke in favor of the resolution.

All Councilors were added as sponsors.

RESULT: PASSED BY VOICE VOTE

Zone Changes

2. Zoning Ordinance 2016-4

To Amend the Springfield Zoning Ordinance, Text Enacted, May 28, 2013, Effective August 26, 2013, by Amending: Article 2 Definition of "Buffer Planting Strip", "Lot, Corner", "Front Yard", "Rear Yard"; Article 4, Section(S) 4.3.20, Table 4-2, Table 4-4, Section 4.4.13, 4.4.20, 4.4.71(B) and 4.5.32(2); Article 5, Table 5-1, Section 5.6, 5.2.10, 5.2.80 and

5.3.20; Article 7, Section 7.1.32(C), Table 7-1, Section 7.1.53, 7.3.21, 7.4.21 and 7.4.32; Article 9, Section 9.8.22, 9.3.70 and 9.10.10; Article 11, Section 11.1.14; Article 12, Section 12.1.41 (See Attached for Full Text).

PETITIONER: Springfield Planning Board

ADDRESS: City Wide

CHANGE REQUESTED: See Above

HISTORY:

09/12/16	City Council	REFERRED TO COMMITTEE
09/27/16	City Council	MOTION TO CONTINUE
Next: 10/24/16		

COMMENTS - Current Meeting:

Phil Dromey, from the Office of Planning and Economic Development, spoke in favor of the amendment. He explained the edits and correction that would be updated by the amendment.

No one appeared to speak in opposition of the amendment.

Councilor Ramos asked why individuals can build residential in industrial areas.

Councilor Allen asked about future amendments.

ATTACHMENTS:

- 3184_City_Wide_Edits_Formal_Petition_2016 (PDF)
- 3184_Zoning_Amendments_2016_CC (PDF)

RESULT:	RECEIVED 1ST STEP [11 TO 0]
AYES:	Hurst, Shea, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	E. Henry Twiggs, Timothy J. Rooke

3. Zoning Ordinance 2016-5

To Change the Zoning of the Property Known as NWS East Street (04260-0051) from Residence B to Commercial P.

PETITIONER: Clark E. Matthews

ADDRESS: NWS East Street

CHANGE REQUESTED: Res B to Com P

HISTORY:

10/17/16	City Council	REFERRED TO COMMITTEE
-----------------	---------------------	------------------------------

COMMENTS - Current Meeting:

Clark Matthews, the petitioner, spoke in favor.

He stated that he wanted to turn the parcel into a parking lot for the abutting business that he owns.

No one spoke in opposition to the petition.

ATTACHMENTS:

- 20160915103526360 (PDF)
- 3185_NWS_East_St_2016_CC (PDF)

RESULT:	ADOPTED [11 TO 0]
AYES:	Hurst, Shea, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	E. Henry Twiggs, Timothy J. Rooke

Special Permits

4. Petition (ID # 3621)

For a Special Permit to Renovate and Reopen a Pre-Existing, Non-Conforming Commercial Use (Retail) at the Property Known as 64-66 Hancock Street (06250-0013), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

Request:	See Above
Owner:	Jabir Jebir
By:	Jabir Jebir
Petitioner:	Jabir Jebir
By:	Jabir Jebir

HISTORY:

09/27/16	City Council	CONTINUE
Next: 10/24/16		

COMMENTS - Current Meeting:

Jabir Jebir, the petitioner, spoke in favor of the petition. Petitioner plans to open a bakery and convenience store on the first floor, he will live with his family on the second floor.

Councilor Hurst read the following reasons into the record:

- (1) The specific site is an appropriate location for such a use, structure, or condition.
- (2) The use as developed will not adversely affect the neighborhood.
- (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (4.) To incorporate the Planning Staff analysis into the decision at the basis of the findings.

ATTACHMENTS:

- Hancock_St_64_66_Tax_Formal (PDF)
- Hancock_St_64-66_2016 (PDF)

RESULT:	ADOPTED [11 TO 0]
AYES:	Hurst, Shea, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	E. Henry Twiggs, Timothy J. Rooke

5. Petition (ID # 3655)

For a Special Permit(S) for Motor Vehicle Sales and Auto Body Shop at the Property Known as 91 Pinevale Street (09755-0075), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 12.1 and Section 12.3(5).

Request:	See Above
Owner:	Phoenix Island, LLC
By:	Wei Ni
Petitioner:	Beris Gouldbourn
By:	Beris Gouldbourn

COMMENTS - Current Meeting:

Eric Storbourn spoke in favor of the special permit. Motion to table by Councilor Ramos, seconded by Councilor Edwards.

ATTACHMENTS:

- 91_Pinevale_St_Tax_Formal (PDF)
- Pinevale_St_91_2016 (PDF)

RESULT:	LAY ON TABLE
----------------	---------------------

Next: 11/28/2016 7:00 PM

6. Petition (ID # 3659)

For a Special Permit to Allow for the Installation of a Wall Sign, Above the First Floor, at the Property Known as 32 Hampden Street (06230-0010) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17 and M.G.L.

Request:	See Above
Owner:	New England Farm Workers Council, Inc.
By:	John Motto
Petitioner:	Re/Max Ignite
By:	Heydie Rivera

COMMENTS - Current Meeting:

John Lamansky, of 23 Carriage Road in Chicopee, spoke in favor of the petition.

Councilor Allen confirmed the REMAX is a tenant in the building and he confirmed that the owner is in support of the sign.

Councilor Allen asked Phil Dromey if the planning department had concerns about the format of the sign. Mr. Dromey stated that he did not.

Councilor Gomez asked how the sign would be affixed to the building. The petitioner stated that brackets will be installed on the building.

Councilor Fenton asked if the proposal had been put before the historic commission. Mr. Dromey stated that the historic commission has no jurisdiction on this building because the petitioner was not using state or federal funds.

Councilor Edwards spoke in support.

Councilor Marcus Williams stated that he would support getting a report from the historic commission.

In response to a question from Councilor Ramos, the petitioner stated that it is against the law to put a sign above the roof line.

Councilor Fenton spoke in opposition to the permit.

ATTACHMENTS:

- 32_Hampden_St_Tax_Formal (PDF)
- Hampden_St_32_2016 (PDF)

RESULT:	FAILED [8 TO 3]
AYES:	Hurst, Allen, Williams, Ramos, Gomez, Ashe, Edwards, Walsh
NAYS:	Kenneth E. Shea, Marcus J Williams, Michael A. Fenton
ABSENT:	E. Henry Twiggs, Timothy J. Rooke

7. Petition (ID # 3571)

For a Special Permit Motor Vehicle Rentals at the Properties Known as 117 Spring Street (A.K.A. 121) (11040-00787), ES Pearle Street (09585-0110), ES Spring Street (11040-0079) and ES Spring Street (11040-0081) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2 and M.G.L.

Request:	See Above
Owner:	One Twenty One Spring Street, LLC
By:	Darryl Schwartz
Petitioner:	Eduardo Infante
By:	Eduardo Infante

HISTORY:

08/15/16	City Council	LAY ON TABLE
Next: 09/27/16		
09/27/16	City Council	CONTINUE
Next: 10/24/16		

COMMENTS - Current Meeting:

Danny Adorno, representing the petitioner, spoke in favor of the petition.

Councilor Gomez spoke in favor of the petition. He stated that he wanted the property owner to appear.

Councilor Shea expressed concerns about having a U-haul operate at that location.

Councilor Edwards spoke in favor of the special permit.

Councilor Hurst read the following reasons into the record:

- (1) The specific site is an appropriate location for such a use, structure, or condition.
- (2) The use as developed will not adversely affect the neighborhood.
- (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (4.) To incorporate the Planning Staff analysis into the decision at the basis of the findings.

ATTACHMENTS:

- 117_Spring_St_Tax_Formal (PDF)
- Spring_St_117_2106 (PDF)

RESULT:	ADOPTED [11 TO 0]
AYES:	Hurst, Shea, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton
ABSENT:	E. Henry Twiggs, Timothy J. Rooke



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/24/16 07:00 PM
Department: City Council
Category: General
Prepared By: Susan Kacoyannakis
Initiator: Adam Gomez
Sponsors: Gomez, Williams, Edwards, Ramos, Rooke
DOC ID: 3705

ADOPTED

RESOLUTION (ID # 3705)

Solidarity with Muslims

CITY OF SPRINGFIELD
In The City Council October 24, 2016

WHEREAS, the United States was founded by immigrants, many fleeing religious persecution, who enshrined freedom of religion as one of our nation's fundamental legal and ethical principles, and

WHEREAS, the history of Islam in the United States began even before its founding when African Muslims were enslaved and brought to the Americas, where they later helped in numerous ways to build this country, including sacrificing their lives on the line in every major war from the Revolutionary War on, and

WHEREAS, there are more than 3 million Muslims living in the United States today, and thousands living in the city of Springfield, making invaluable contributions to our economy, our social and political life, and our culture, and

WHEREAS, there has been an unprecedented backlash since 9/11 in the form of hate crimes and employment discrimination toward Arab and Muslim Americans and those perceived as Muslims, and

WHEREAS, Arab and Muslim Americans, and those perceived as Muslims, are frequently the targets of abusive and discriminatory police practices sanctioned by the state including surveillance in their neighborhoods and places of worship, and

WHEREAS, we are saddened and outraged at the recent escalation of hateful rhetoric against Muslims, those perceived to be Muslims, immigrants, and all people of color, and we are particularly concerned to see political figures and elected government officials leading this escalation and using it in order to gain power, and

WHEREAS, in the face of extreme bigotry and violence, Muslim communities and their leaders are using the language and teachings of Islam to promote peace and justice and service, and their institutions are continuing to play an essential societal role providing charitable and humanitarian services to those in need, and

WHEREAS, we, as elected representatives of the people, have a special responsibility not to stay silent in the face of hate violence and discrimination against any of our constituents or countrymen,

NOW, THEREFORE, BE IT RESOLVED, that the Springfield City Council hereby

(1) Condemns all hateful speech and violent action directed at Muslims, those perceived to be Muslims, immigrants and people of color,

- (2) Categorically rejects political tactics that use fear to manipulate voters or to gain power or influence,
- (3) Commits to pursuing a policy agenda that affirms civil and human rights, and ensures that those targeted on the basis of race, religion or immigration status can turn to government without fear of recrimination,
- (4) Reaffirms the value of a pluralistic society, the beauty of a culture composed of multiple cultures, and the inalienable right of every person to live and practice their faith without fear.

RESULT: PASSED BY VOICE VOTE

To The City Council of the City of Springfield:

The undersigned respectfully petition your honorable body

to amend the Springfield Zoning Ordinance, text enacted May 28, 2013, effective August 26, 2013, as follows:

Article 2 (Definitions):

- Amending the definition of "Buffer Planting Strip" as follows:

A strip of land within a parcel used to protect an abutting land use from the land use on the subject parcel consisting of dense evergreens, not less than three (3) feet in height at the time of planting and an appropriate wall or solid fence, not less than six (6) feet in height. This strip of land shall be permanently maintained.

- Amending the definition of "Lot, Corner" as follows:

LOT, CORNER. A LOT abutting two or more STREETS at their intersection, or upon two parts of the same STREET forming an interior angle of less than one hundred thirty-five degrees. A CORNER LOT has two (2) FRONT LOT LINES, two (2) FRONT YARDS, two (2) SIDE YARDS and no REAR YARD. See Figure 2-4.

- Amending the definition of "Front Yard" as follows:

FRONT YARD. A YARD extending across the full width of a LOT between the FRONT LOT LINE and nearest point of any BUILDING. In the case of a corner lot, the front yard shall be determined by the side of the building which contains the main door.

- Amending the definition of "Rear Yard" as follows:

REAR YARD. A YARD extending across the full width of the LOT between the REAR LOT LINE and nearest point of any BUILDING. In the case of a triangular lot, the rear yard shall be the open space between the rear wall of the building and a line half-way between it and the point of intersection of the side lines of the lot. In no case shall the rear yard be located between the house and the street.

Article 4 (Use Regulations):

- Amending Section 4.3.20 as follows:

RECEIVED
 2016 JUN 28 P 2:24
 CITY CLERK'S OFFICE
 SPRINGFIELD, MA

Notwithstanding any provision to the contrary in Table 4-4 or Section 10.3, where a site and/or building is being rehabilitated, renovated, or rebuilt, and its use, site layout, and appearance will remain substantially similar to the previous use (including the appearance of the site and building), ~~only a Tier 1 review will be required~~ **shall not require any approvals under this ordinance.**

- Amending Table 4-2 as follows:

Multi-Family Dwellings	3 to 9 5 dwelling units	10 6 to 15 9 dwelling units	16 10 and more dwelling units
-------------------------------	-----------------------------------	---	---

- Amending Table 4-4 as follows:
 - Section 2.3(1) – under Res C/C2, Com A, Bus A and Bus B change from “2” to “T”
 - Section 2.3(2) – under Additional Regulations delete 4.4.80 and 4.4.85
 - Section 2.4 0 under Additional Regulations delete Table 5-5 and add 5.3.20
 - Section 3.2 – under Additional Regulations change 6.2 to 4.6, change 12.7 to 12.6
 - Section 10.2 – under Bus C changing “2” to “T”; under MUI and IA changing “2” to “1”
 - Section 12.6 – under IA change from “4” to “3”
 - Section 16.1 – under MUI, IA, IP change “2” to “Y”
 - Section 17.3 - under Additional Regulations change 6.3 to 6.2
- Amending Section 4.4.13 as follows:

Mixed-use Buildings Containing Dwelling Units or **Residential Buildings** in Commercial A, Business A, Business B, Business C, and Mixed Use Industrial Districts

In order to maintain an active pedestrian STREET environment, enhance the character of commercial districts, and maintain continuity of commercial activity without interruption by residential façades, the portion of all MIXED-USE BUILDINGS **OR RESIDENTIAL BUILDINGS** along STREET FRONTAGES shall be used only for non-residential purposes, except for entrances to the residential units. The following additional requirements shall apply **and may only be waived with written approval from the Office of Planning & Economic Development.**

A. All DWELLING UNITS ~~in MIXED-USE BUILDINGS~~ shall be located as follows:

- DWELLING UNITS located above the STREET level may be placed anywhere ~~within a MIXED-USE BUILDING~~ in accordance with the density established in tables 5-5 and 5-6.

- Amend Section 4.4.20 as follows:

A SWIMMING POOL shall not be nearer than eight (8) feet to any LOT LINE or eight (8) feet to any DWELLING or located between the front of the BUILDING and the STREET LINE. **All SWIMMING POOLS shall be enclosed by a fence at least four (4) feet in height and/or shall meet the fencing and enclosure requirements as per the Massachusetts Building Code (780 CMR).**

- Amend Section 4.4.71(B) as follows:
 - In addition to the applicable standards in Section 4.6, the following regulations shall apply for CHILD CARE CENTERS and SCHOOL AGE CHILD PROGRAMS **which are located within residentially zoned properties.**
- Amend Section 4.5.32(2) as follows:
 SIGNS shall comply with all applicable SIGN regulations found in Article 9 ~~and shall not exceed four (4) square feet of display area on all sides within Residential DISTRICTS.~~

Article 5 (Dimensional and Intensity Regulations):

- Amending Table 5-1 by amending "Minimum Building Lot Width at Building Line" - under Res B for single-family from "50" to "60" and under Res B for two-family from "50" to "80".
- Amending Table 5-1 by adding footnote #7 to state: **"In the case of a corner lot, there shall be equal to or greater than fifteen (15) feet between the building and the side property line fronting on a street."**
- Amending Table 5-1 – under "Minimum Side and Rear Yards – Principal Buildings" – adding footnote #7 to Res A-1, Res A, Res B and Res C.
- Amending Table 5-1 – under "Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings" – adding **"(Also refer to Article 4, Section 4.4.14)"**.
- Amending Table 5-1 – under "Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings" – under Res B- changing "0" to "3" and changing footnote "3" to "5".
- Amending Table 5-1 – under "Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings" – under Res C- changing "0" to "3".
- Amending Section 5.6 by changing "Section 6.2" to "Section 6.1".
- Amending Section 5.2.10 as follows:
 For the dimensions of ~~MIXED-USE BUILDINGS~~ with Dwelling Units located in non-residential ZONING DISTRICTS, see ~~tables 5-5~~ **Section 5.3.20** and **Table 5-6**.
- Amending Section 5.2.80 as follows:

The front of a SINGLE-FAMILY DWELLING or TWO-FAMILY DWELLING on an INTERIOR LOT shall face the STREET; ~~a door to each DWELLING UNIT shall either (a) face the STREET or (b) open onto a PORCH that provides access from the STREET side of the BUILDING.~~ **and shall contain the main door.**

- Amending Section 5.3.20 as follows:
 - Deleting Table 5-5 and adding the following language:

Residential uses located within Office A shall following the dimensional regulations outline for Res B, as found in Section 5.2.

Residential uses located within Commercial A, Business A, Business B, Business C and Business D shall follow the dimensional regulations outlined for Residence C, as found in Section 5.2.¹

Residential development is not allowed within the Commercial P or Business B-1 districts.

Within the Industrial A district, no building or other structure(s) shall be erected, altered or used and no land shall be used or occupied for residential purposed, EXCEPT, where subdivision plans or individual building lots existed, and were duly recorded or registered, prior to the enactment of this ordinance.

¹ **For ground floor residential, refer to Article 4, Section 4.4.13**

Article 7 (Site Regulations):

- Amending Section 7.1.32(c) by deleting the following:

The availability of shared parking with binding agreements to secure its long-term availability; ~~where adjoining parking areas are connected directly to one another, to a service road or alley to reduce turning movements onto roads.~~
- Amending Table 7-1 by adding “colleges” and “1 space per faculty /0.5 spaces per students”
- Amending Table 7-1 under “other categories” as follows:

~~Tier 1 Administrative Site Plan Review in accordance with 7.1.32 and Section 12.2~~
Determination by the Building Commissioner or his/her designee”.
- Amending Section 7.1.53 as follows:

D. These requirements may be reduced through the course of Site Plan Review.
- Amending Section 7.3.21 as follows:

Except in the Business D District, no ACCESSORY DRIVE-THROUGH FACILITIES shall be located in the REQUIRED FRONT YARD. **Further, no ACCESSORY DRIVE-THROUGH FACILITIES shall be located** ~~or~~ in any REQUIRED SIDE OR REAR YARD **if** abutting a residential district. **These requirements may be waived if it is determined that these requirements would make** ~~unless this requirement would make~~ the accessory drive-through infeasible. This ~~which~~ determination shall be made, taking into account the required configuration of the building and related drive-through structure in order to provide drive-through services in relation to the size, shape and topography of the lot where such USE is proposed to be carried out. This prohibition applies to Structures, stacking lanes, and other related facilities.

- Amending Section 7.4.21 as follows:

~~A Tier 3 Special Permit shall be required for construction of a FENCE greater than six (6) feet in height that is located either in a Residential District or within ten (10) feet of a LOT LINE of a Residential USE.~~ **In any Residential District, a fence higher than six (6) feet shall require a Special Permit from the Planning Board. The same requirement shall apply to such a fence in excess of eight (8) feet, located within a Business District, if said fence is located within ten (10) feet of the property line of a residential use.**

- Amending Section 7.4.32 as follows:

Where two (2) land uses ~~districts~~ abut each other, the more intense ~~district~~ use must provide a BUFFER PLANTING STRIP when adjacent to residential districts **and/or residential uses** ~~or to less intense residential districts.~~ **This requirement shall apply to pre-existing lots where a new use or a more intensive use is established.** All DEVELOPMENT must follow the buffer and screening requirements in Table 7-3 and illustrated in Figure 7-1.

Article 9 (Sign Regulations):

- Amending Section 9.8.22 as follows:

The thickness between the SIGN faces shall not exceed one (1) foot. The closest point of a PROJECTING SIGN to a BUILDING wall shall not exceed one (1) foot. A PROJECTING SIGN shall maintain a minimum clearance of eight (8) feet above a walkway or sidewalk. **"A Projecting Sign shall not extend more than three (3) feet beyond the street line".**

- Amending Section 9.3.70 as follows:

9.3.78 CHANGING IMAGE SIGNS shall only be accessory to a GROUND SIGN.

9.3.79 If the CHANGING IMAGE SIGN is double sided, the distance between the two (2) signs shall not exceed twelve (12) inches.

9.3.80 CHANGING IMAGE SIGN(s) shall be equipped with automatic dimming capability to automatically adjust the illuminative brightness of the display according to ambient

light conditions by means of a light detector/photocell. Further, the light produced by such signs shall not exceed 0.3 foot candles over ambient light levels. The ambient light reading shall be taken at least thirty (30) minutes past sunset with the sign turned off or displaying all black copy. The fully lit reading shall be taken with the sign displaying all white copy. Measurement of the light levels shall be taken perpendicular to the face of the sign and at a distance of fifty (50) feet from the source.

- Amending Section 9.10.10 as follows:

One (1) SIGN may be ERECTED without a SIGN PERMIT to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN shall identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature.

Article 11 (Administration):

- Amending Section 11.1.14 as follows:

11.1.14 Action on Building Permits

The BUILDING COMMISSIONER shall grant or deny a BUILDING **PERMIT** as soon as practical, but in no event in more than thirty (30) days of receiving a complete application, and shall inform the applicant by sending the permit or denial by mail, or by delivering it in person to the applicant at the BUILDING COMMISSIONER'S Office, within that thirty (30) day period. The issuance of a BUILDING PERMIT does not relieve an applicant or an owner of the responsibility to obtain all required permits under this Ordinance or any other applicable local, state, or federal law or regulation.

Article 12:

- Amending Section 12.1.41 as follows:

The Office of Planning and Economic Development shall ensure that all agencies, boards, commissions, and departments with jurisdiction over a project are informed of any pending applications and invited to participate in the decision process under this Article. **However, the reviews listed in this Article are to ensure compliance with the underlying zoning regulations. These reviews shall not, in anyway, supersede or replace any additional reviews required by other City Departments (i.e. Department of Public Works, Building Department, Fire Department, etc.).** The Office of Planning and Economic Development **Office of Neighborhood Services** shall keep a list of neighborhood councils designated by the Planning Board, ~~who~~ **that** shall be notified **by the Office of Planning & Economic Development** of Tier 2 and 3 applications submitted to the Office of Planning and Economic Development. Such notification of neighborhood councils shall supplement the required notification of abutters, newspaper publication, and other forms of public notice contained in Sections 12.3.33, and 12.4.33.

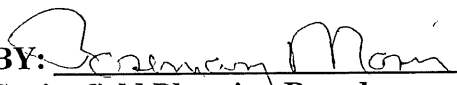
Mailing Address:

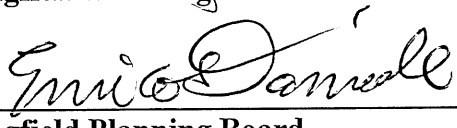
City of Springfield
 36 Court Street
 Springfield, MA 01103

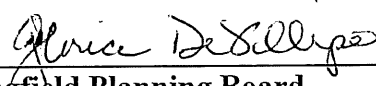
Petitioner:

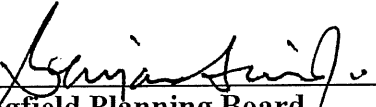
Springfield Planning Board

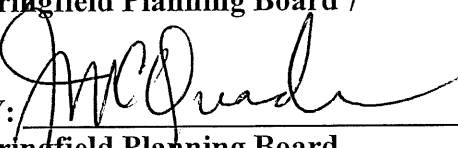
BY: 
 Springfield Planning Board

BY: 
 Springfield Planning Board

BY: 
 Springfield Planning Board

BY: 
 Springfield Planning Board

BY: 
 Springfield Planning Board

BY: 
 Springfield Planning Board

BY: 
 Springfield Planning Board

BY: 
 Springfield Planning Board

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

**ZONING ORDINANCE AMENDMENT
EDITS/CORRECTIONS TO EXISTING ZONING ORDINANCE**

GENERAL INFORMATION

Petitioner:	Springfield Planning Board
Request:	To make a number of corrections/edits to the existing Zoning Ordinance approved May 28, 2013 and effective August 26, 2013.
Location:	City Wide
Parcel Size:	N/A
Purpose:	Revise and update current ordinance.
Surrounding Land Use and Zoning:	N/A
Comprehensive/ Neighborhood Plan:	N/A
Tax Status:	N/A
Planning Board Hearing:	7-20-16

SPECIAL INFORMATION

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

ANALYSIS

The Office of Planning & Economic Development, in conjunction with the Zoning Administrator and Building Department have been noting a number of corrections/edits found within the revised Zoning Ordinance which was approved by the City Council in May and became effective in August. A copy of the full proposal has been attached to this analysis.

As can be seen by the attached amendments, many of the proposed edits deal directly with correcting errors found within the document since its implementation as well as providing clarification to the underlying regulations. These include changes to section numbering, deleting or adding of specific terms and/or language and the removal of references to sections that no longer exist within the approved document.

In addition, after having the opportunity to work with the document over the last three (3) years, there have been a number of issues that have arisen during the permitting process in which the Building Department have asked us to address. One such issue relates to the new requirements of a "corner lot", "front yard" and "rear yard". These

were new requirements that were added to the new document but have been found to be very cumbersome to many developers. The same was also true for the new regulations for developing residential units within business zones. At the request of the Building Department, these requirements are being modified and will be handled as it was under the previous ordinance.

One of the more significant amendments being proposed is the change to the number of housing units allowed to be developed with only a Site Plan Review as opposed to a special permit. Currently, a new residential development only requires a special permit when it proposes to develop sixteen (16) or more units. Under the proposal being presented, this number would be reduced to ten (10) or more units. This proposal is in response to a number of concerns raised by neighborhood organizations about the new construction of larger residential developments. The most recent example of this is the multi-family development currently being constructed on Boston Road. The staff believes that by requiring these larger developments to fall under a special permit as opposed to only a Site Plan Review will allow the City much more oversight to ensure that these developments are appropriate for areas in which they are being proposed.

In addition, the staff is recommending a number of changes to the “changing image sign” section of the ordinance. Most notably is the requirement for an automatic dimming capability. Currently, there are no regulations controlling the brightness of these signs. Due to the fact that many of these signs are located within neighborhood commercial districts, the staff feels it is appropriate to ensure that these signs do not become a nuisance to surrounding businesses or the neighborhood as a whole.

Overall, as indicated by the staff when this document was originally passed, a continued monitoring of this ordinance is required to identify errors and/or processes which have been determined to be incorrect or that have been found to impede with the development process. As the City of Springfield moves forward with this document and continues to implement these new development controls, the staff is sure that additional edits will be required and, as pledged, will continue to make sure that this is a living document that continues to enhance the development patterns within the City of Springfield.

RECOMMENDATION

Approve.



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

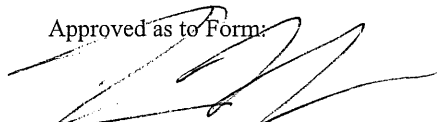
AN ORDINANCE

AMENDING THE ENTIRE CITY OF THE BUILDING ZONING 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, effective August 26, 2013, as amended, is hereby further amended by amending Article 2 definition of "Buffer Planting Strip", "Lot, Corner", "Front Yard", "Rear Yard"; Article 4, Section(s) 4.3.20, Table 4-2, Table 4-4, Section 4.4.13, 4.4.20, 4.4.71(B) and 4.5.32(2); Article 5, Table 5-1, Section 5.6, 5.2.10, 5.2.80 and 5.3.20; Article 7, Section 7.1.32(c), Table 7-1, Section 7.1.53, 7.3.21, 7.4.21 and 7.4.32; Article 9, Section 9.8.22, 9.3.70 and 9.10.10; Article 11, Section 11.1.14; Article 12, Section 12.1.41 (see attached for full text). "The entire City Building Zone Map of the City of Springfield."

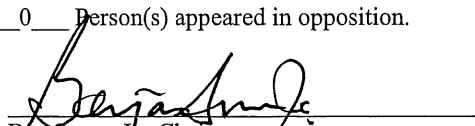
Approved as to Form:



Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on July 20, 2016, regarding the above Ordinance amendment.

1 Person(s) appeared in favor, and 0 Person(s) appeared in opposition.



Ben Swan, Jr., Chairperson



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

AN ORDINANCE

AMENDING THE ENTIRE CITY OF THE BUILDING ZONING 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, effective August 26, 2013, as amended, is hereby further amended by amending Article 2 definition of “Buffer Planting Strip”, “Lot, Corner”, “Front Yard”, “Rear Yard”; Article 4, Section(s) 4.3.20, Table 4-2, Table 4-4, Section 4.4.13, 4.4.20, 4.4.71(B) and 4.5.32(2); Article 5, Table 5-1, Section 5.6, 5.2.10, 5.2.80 and 5.3.20; Article 7, Section 7.1.32(c), Table 7-1, Section 7.1.53, 7.3.21, 7.4.21 and 7.4.32; Article 9, Section 9.8.22, 9.3.70 and 9.10.10; Article 11, Section 11.1.14; Article 12, Section 12.1.41 (see attached for full text). “The entire City Building Zone Map of the City of Springfield.”

**REPORT TO CITY COUNCIL
ZONE CHANGE HEARING**

PETITION: #3184
SECTION: Entire City

DATE: July 21, 2016

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: Springfield Planning Board

ADDRESS: Entire City

CHANGE REQUESTED: SEE ATTACHED

PETITIONER'S PURPOSE STATEMENT: To correct/edit the recently approved Zoning Ordinance in order to address issues that have arisen since being passed in May 2013. The proposed edits/corrections are in conjunction with the Building Department and the Zoning Administrator.

DATE OF PUBLIC HEARING: July 20, 2016

DATE OF FINAL DECISION: July 20, 2016

BOARD MEMBERS PRESENT and COUNT: seven (7); Ms. Morin, Mr. Daniele, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. McQuade and Mr. Cuningham

FINAL MOTION: Approve

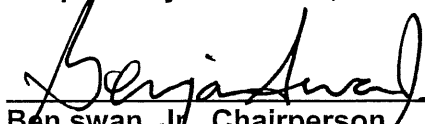
IN FAVOR: seven (7); Ms. Morin, Mr. Daniele, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. McQuade and Mr. Cuningham

OPPOSED: zero (0)

ABSTAINED: N/A

RECOMMENDATION: APPROVE

Respectfully submitted,


Ben swan, Jr., Chairperson

Attachment: 3184_Zoning_Amendments_2016_CC (Z-2016-4 : City Wide - Edits/Corrections to Existing Zoning Ordinance)

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

to amend the Springfield Zoning Ordinance, text enacted May 28, 2013, effective August 26, 2013, as follows:

Article 2 (Definitions):

- Amending the definition of "Buffer Planting Strip" as follows:

A strip of land within a parcel used to protect an abutting land use from the land use on the subject parcel **consisting of dense evergreens, not less than three (3) feet in height at the time of planting and an appropriate wall or solid fence, not less than six (6) feet in height. This strip of land shall be permanently maintained.**

- Amending the definition of "Lot, Corner" as follows:

LOT, CORNER. A LOT abutting two or more STREETS at their intersection, or upon two parts of the same STREET forming an interior angle of less than one hundred thirty-five degrees. ~~A CORNER LOT has two (2) FRONT LOT LINES, two (2) FRONT YARDS, two (2) SIDE YARDS and no REAR YARD.~~ See Figure 2-4.

- Amending the definition of "Front Yard" as follows:

FRONT YARD. A YARD extending across the full width of a LOT between the FRONT LOT LINE and nearest point of any BUILDING. **In the case of a corner lot, the front yard shall be determined by the side of the building which contains the main door.**

- Amending the definition of "Rear Yard" as follows:

REAR YARD. A YARD extending across the full width of the LOT between the REAR LOT LINE and nearest point of any BUILDING. **In the case of a triangular lot, the rear yard shall be the open space between the rear wall of the building and a line half-way between it and the point of intersection of the side lines of the lot. In no case shall the rear yard be located between the house and the street.**

Article 4 (Use Regulations):

- Amending Section 4.3.20 as follows:

Notwithstanding any provision to the contrary in Table 4-4 or Section 10.3, where a site and/or building is being rehabilitated, renovated, or rebuilt, and its use, site layout, and appearance will remain substantially similar to the previous use (including the appearance of the site and building), ~~only a Tier 1 review will be required~~ **shall not require any approvals under this ordinance.**

- Amending Table 4-2 as follows:

Multi-Family Dwellings	3 to 9 5 dwelling units	10 6 to 15 9 dwelling units	16 10 and more dwelling units
-------------------------------	----------------------------	---	---

- Amending Table 4-4 as follows:
 - Section 2.3(1) – under Res C/C2, Com A, Bus A and Bus B change from “2” to “T”
 - Section 2.3(2) – under Additional Regulations delete 4.4.80 and 4.4.85
 - Section 2.4 0 under Additional Regulations delete Table 5-5 and add 5.3.20
 - Section 3.2 – under Additional Regulations change 6.2 to 4.6, change 12.7 to 12.6
 - Section 10.2 – under Bus C changing “2” to “T”; under MUI and IA changing “2” to “1”
 - Section 12.6 – under IA change from “4” to “3”
 - Section 16.1 – under MUI, IA, IP change “2” to “Y”
 - Section 17.3 - under Additional Regulations change 6.3 to 6.2
- Amending Section 4.4.13 as follows:

Mixed-use Buildings Containing Dwelling Units or **Residential Buildings** in Commercial A, Business A, Business B, Business C, and Mixed Use Industrial Districts

In order to maintain an active pedestrian STREET environment, enhance the character of commercial districts, and maintain continuity of commercial activity without interruption by residential façades, the portion of all MIXED-USE BUILDINGS **OR RESIDENTIAL BUILDINGS** along STREET FRONTAGES shall be used only for non-residential purposes, except for entrances to the residential units. The following additional requirements shall apply **and may only be waived with written approval from the Office of Planning & Economic Development.**

A. All DWELLING UNITS in ~~MIXED-USE BUILDINGS~~ shall be located as follows:

- DWELLING UNITS located above the STREET level may be placed anywhere ~~within a MIXED-USE BUILDING~~ in accordance with the density established in tables 5-5 and 5-6.

- Amend Section 4.4.20 as follows:

A SWIMMING POOL shall not be nearer than eight (8) feet to any LOT LINE or eight (8) feet to any DWELLING or located between the front of the BUILDING and the STREET LINE. **All SWIMMING POOLS shall be enclosed by a fence at least four (4) feet in height and/or shall meet the fencing and enclosure requirements as per the Massachusetts Building Code (780 CMR).**

- Amend Section 4.4.71(B) as follows:
 - In addition to the applicable standards in Section 4.6, the following regulations shall apply for CHILD CARE CENTERS and SCHOOL AGE CHILD PROGRAMS **which are located within residentially zoned properties.**
- Amend Section 4.5.32(2) as follows:

SIGNS shall comply with all applicable SIGN regulations found in Article 9 ~~and shall not exceed four (4) square feet of display area on all sides within Residential DISTRICTS.~~

Article 5 (Dimensional and Intensity Regulations):

- Amending Table 5-1 by amending “Minimum Building Lot Width at Building Line” - under Res B for single-family from “50” to “60” and under Res B for two-family from “50” to “80”.
- Amending Table 5-1 by adding footnote #7 to state: **“In the case of a corner lot, there shall be equal to or greater than fifteen (15) feet between the building and the side property line fronting on a street.”**
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Principal Buildings” – adding footnote #7 to Res A-1, Res A, Res B and Res C.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – adding **“(Also refer to Article 4, Section 4.4.14)”**.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – under Res B- changing “0” to “3” and changing footnote “3” to “5”.
- Amending Table 5-1 – under “Minimum Side and Rear Yards – Residential Garages and Other Accessory Buildings” – under Res C- changing “0” to “3”.
- Amending Section 5.6 by changing “Section 6.2” to “Section 6.1”.
- Amending Section 5.2.10 as follows:

For the dimensions of ~~MIXED-USE BUILDINGS with~~ Dwelling Units located in non-residential ZONING DISTRICTS, see ~~tables 5-5~~ **Section 5.3.20** and **Table 5-6**.
- Amending Section 5.2.80 as follows:

The front of a SINGLE-FAMILY DWELLING or TWO-FAMILY DWELLING on an INTERIOR LOT shall face the STREET; ~~a door to each DWELLING UNIT shall either (a) face the STREET or (b) open onto a PORCH that provides access from the STREET side of the BUILDING.~~ **and shall contain the main door.**

- Amending Section 5.3.20 as follows:

- Deleting Table 5-5 and adding the following language:

Residential uses located within Office A shall following the dimensional regulations outline for Res B, as found in Section 5.2.

Residential uses located within Commercial A, Business A, Business B, Business C and Business D shall follow the dimensional regulations outlined for Residence C, as found in Section 5.2.¹

Residential development is not allowed within the Commercial P or Business B-1 districts.

Within the Industrial A district, no building or other structure(s) shall be erected, altered or used and no land shall be used or occupied for residential purposed, EXCEPT, where subdivision plans or individual building lots existed, and were duly recorded or registered, prior to the enactment of this ordinance.

¹ **For ground floor residential, refer to Article 4, Section 4.4.13**

Article 7 (Site Regulations):

- Amending Section 7.1.32(c) by deleting the following:

The availability of shared parking with binding agreements to secure its long-term availability; ~~where adjoining parking areas are connected directly to one another, to a service road or alley to reduce turning movements onto roads.~~

- Amending Table 7-1 by adding "colleges" and "1 space per faculty /0.5 spaces per students"

- Amending Table 7-1 under "other categories" as follows:

~~Tier 1 Administrative Site Plan Review in accordance with 7.1.32 and Section 12.2~~
Determination by the Building Commissioner or his/her designee".

- Amending Section 7.1.53 as follows:

D. These requirements may be reduced through the course of Site Plan Review.

- Amending Section 7.3.21 as follows:

Except in the Business D District, no ACCESSORY DRIVE-THROUGH FACILITIES shall be located in the REQUIRED FRONT YARD. **Further, no ACCESSORY DRIVE-THROUGH FACILITIES shall be located** ~~or~~ in any REQUIRED SIDE OR REAR YARD **if** abutting a residential district. **These requirements may be waived if it is determined that these requirements would make** ~~unless this requirement would make the accessory drive-through infeasible. This which~~ determination shall be made, taking into account the required configuration of the building and related drive-through structure in order to provide drive-through services in relation to the size, shape and topography of the lot where such USE is proposed to be carried out. This prohibition applies to Structures, stacking lanes, and other related facilities.

- Amending Section 7.4.21 as follows:

~~A Tier 3 Special Permit shall be required for construction of a FENCE greater than six (6) feet in height that is located either in a Residential District or within ten (10) feet of a LOT LINE of a Residential USE.~~ **In any Residential District, a fence higher than six (6) feet shall require a Special Permit from the Planning Board. The same requirement shall apply to such a fence in excess of eight (8) feet, located within a Business District, if said fence is located within ten (10) feet of the property line of a residential use.**

- Amending Section 7.4.32 as follows:

~~Where two (2) land uses districts abut each other, the more intense district use must provide a BUFFER PLANTING STRIP when adjacent to residential districts~~ **and/or residential uses** ~~or to less intense residential districts.~~ **This requirement shall apply to pre-existing lots where a new use or a more intensive use is established.** All DEVELOPMENT must follow the buffer and screening requirements in Table 7-3 and illustrated in Figure 7-1.

Article 9 (Sign Regulations):

- Amending Section 9.8.22 as follows:

The thickness between the SIGN faces shall not exceed one (1) foot. The closest point of a PROJECTING SIGN to a BUILDING wall shall not exceed one (1) foot. A PROJECTING SIGN shall maintain a minimum clearance of eight (8) feet above a walkway or sidewalk. **"A Projecting Sign shall not extend more than three (3) feet beyond the street line".**

- Amending Section 9.3.70 as follows:

9.3.78 CHANGING IMAGE SIGNS shall only be accessory to a GROUND SIGN.

9.3.79 If the CHANGING IMAGE SIGN is double sided, the distance between the two (2) signs shall not exceed twelve (12) inches.

9.3.80 CHANGING IMAGE SIGN(s) shall be equipped with automatic dimming capability to automatically adjust the illuminative brightness of the display according to ambient

light conditions by means of a light detector/photocell. Further, the light produced by such signs shall not exceed 0.3 foot candles over ambient light levels. The ambient light reading shall be taken at least thirty (30) minutes past sunset with the sign turned off or displaying all black copy. The fully lit reading shall be taken with the sign displaying all white copy. Measurement of the light levels shall be taken perpendicular to the face of the sign and at a distance of fifty (50) feet from the source.

- Amending Section 9.10.10 as follows:

One (1) SIGN may be ERECTED without a SIGN PERMIT to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN shall identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature.

Article 11 (Administration):

- Amending Section 11.1.14 as follows:

11.1.14 Action on Building Permits

The BUILDING COMMISSIONER shall grant or deny a BUILDING PERMIT as soon as practical, but in no event in more than thirty (30) days of receiving a complete application, and shall inform the applicant by sending the permit or denial by mail, or by delivering it in person to the applicant at the BUILDING COMMISSIONER's Office, within that thirty (30) day period. The issuance of a BUILDING PERMIT does not relieve an applicant or an owner of the responsibility to obtain all required permits under this Ordinance or any other applicable local, state, or federal law or regulation.

Article 12:

- Amending Section 12.1.41 as follows:

The Office of Planning and Economic Development shall ensure that all agencies, boards, commissions, and departments with jurisdiction over a project are informed of any pending applications and invited to participate in the decision process under this Article. However, the reviews listed in this Article are to ensure compliance with the underlying zoning regulations. These reviews shall not, in anyway, supersede or replace any additional reviews required by other City Departments (i.e. Department of Public Works, Building Department, Fire Department, etc.). The Office of Planning and Economic Development Office of Neighborhood Services shall keep a list of neighborhood councils designated by the Planning Board, ~~who~~ that shall be notified by the Office of Planning & Economic Development of Tier 2 and 3 applications submitted to the Office of Planning and Economic Development. Such notification of neighborhood councils shall supplement the required notification of abutters, newspaper publication, and other forms of public notice contained in Sections 12.3.33, and 12.4.33.

Mailing Address:

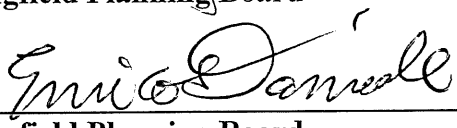
City of Springfield
36 Court Street
Springfield, MA 01103

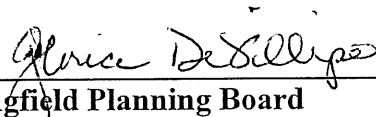
Petitioner:

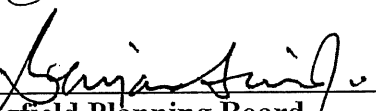
Springfield Planning Board

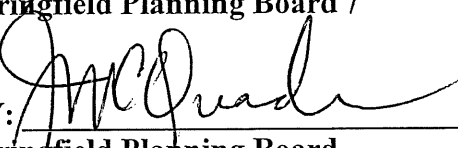
BY: 
Springfield Planning Board

BY: 
Springfield Planning Board

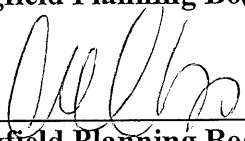
BY: 
Springfield Planning Board

BY: 
Springfield Planning Board

BY: 
Springfield Planning Board

BY: 
Springfield Planning Board

BY: 
Springfield Planning Board

BY: 
Springfield Planning Board

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

to change the zoning of the property known as NWS East Street (04260-0051) from Residence A to Commercial P.

Mailing Address:

29 Rita Mary Way
Westfield, MA 01085

Owner & Petitioner:

Clark E. Matthews

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

BY: 
Clark E. Matthews

RECEIVED
2016 JUL 21 A 11:31
CITY CLERK'S OFFICE
SPRINGFIELD, MA

Attachment: 20160915103526360 (Z-2016-5 : NWS East Street)

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

NWS EAST STREET (04260-0051)

GENERAL INFORMATION

Applicant:	Clark E. Matthews
Request:	Residence B to Commercial P
Location:	NWS East Street (04260-0051)
Parcel Size:	7,462 s.f.
Purpose:	Commercial parking lot.
Surrounding Land Use and Zoning:	The property is located in the East Springfield Neighborhood and is located in an area that has a mixture of both commercial and residential uses. To the north is a two-family house zoned Residence B. To the south is a medical equipment operation and office use zoned Business A. To the east is the East Springfield American Legion and a used car dealership zoned Business A. To the west is single-family house zoned Residence A.
Comprehensive/ Neighborhood Plan:	The East Springfield Neighborhood Plan shows no changes to this area.
Site Visit:	8-24-16
Neighborhood Council Notification:	East Springfield Neighborhood Council: 8-23-16
Planning Board Hearing Date:	9-7-16

SPECIAL INFORMATION

Traffic & Parking:	N/A
Physical Characteristics:	Existing vacant/wooded lot and the site is flat.
Other Notes:	N/A

ANALYSIS

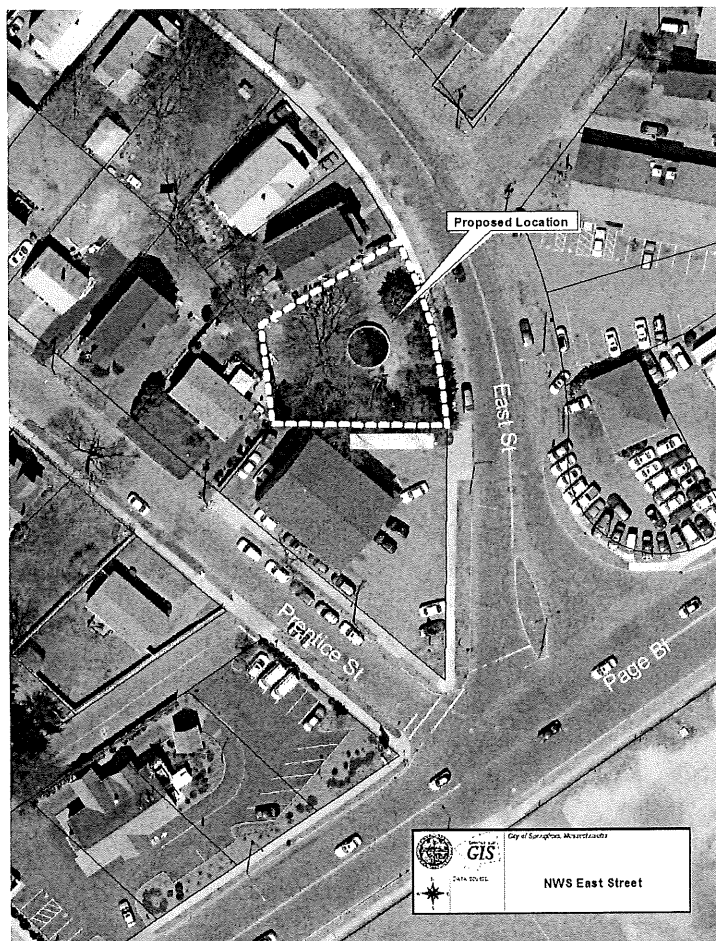
The petitioner has requested to change the zoning of the property known as NWS East Street from Residence B to Commercial P. The property is currently vacant. The petitioner intends to create a parking lot to support the adjacent commercial operation.

As noted in similar requests, Commercial P is considered a transitional zone used between business zoned properties and abutting residentially zoned properties. The intent is to allow for the property to be used for commercial parking only. Commercial P does not allow for the expansion of the existing use or buildings.

As per the Zoning Ordinance, a ten (10) foot buffer planting strip is required along all property lines which abut a residentially zoned property. This planting buffer strip must consist of dense evergreen plantings and an appropriate wall or solid fence. The purpose for this is to provide the maximum protection for the abutting residential property. After reviewing the plan submitted, it was noted that the required buffer strip has been included. Landscaping will also be installed along the front of the parcel which will abut the public sidewalk.

Further, it should also be noted that the petitioner must contact the Department of Public Works as they are going to have to approve the proposed paving/drainage plans and curb cuts.

After reviewing the proposed plans and visiting the site, the staff does not oppose the proposed zone change. The staff does not believe the proposed change will have a negative effect on the surrounding neighborhood and will provide much needed parking for this existing business.



RECOMMENDATION

Approve.



Packet Pg. 31

Proposed Location

East St

Prentice St

Page B1



City of Springfield, Massachusetts



DATA SOURCE:

NWS East Street

Attachment: 3185_NWS_East_St_2016_CC (Z-2016-5 : NWS East Street)



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

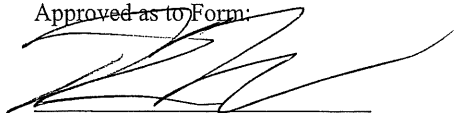
AN ORDINANCE

AMENDING SECTION 33 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 changing from **Residence B** to **Commercial P** the zoning on **Plot #3185, Section 33** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked "**Section 33 Building Zone Map of the City of Springfield.**"

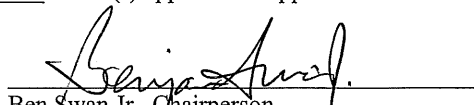
Approved as to Form:



Associate City Solicitor

In accordance with Mass. Gen. Laws c. 40A, section 5, the Planning Board held a hearing on September 7, 2016 regarding the above Ordinance amendment.

2 Person(s) appeared in favor, and 0 Person(s) appeared in opposition.



Ben Swan Jr., Chairperson

Attachment: 3185_NWS_East_St_2016_CC (Z-2016-5 : NWS East Street)



CITY OF SPRINGFIELD

IN THE YEAR TWO THOUSAND AND SIXTEEN

AN ORDINANCE

AMENDING SECTION 33 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 changing from **Residence B** to **Commercial P** the zoning on **Plot #3185, Section 33** of the Building Zone Map as indicated in red ink on the plan thereof hereto attached and marked “**Section 33 Building Zone Map of the City of Springfield.**”

REPORT TO CITY COUNCIL
ZONE CHANGE HEARING

PETITION: #3185
SECTION: 33

DATE: September 8, 2016

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: Clark E. Matthews

ADDRESS: NWS East Street (04260-0051)

CHANGE REQUESTED: Proposed zone change from Residence B to Commercial A

PETITIONER'S PURPOSE STATEMENT: Accessory parking

DATE OF PUBLIC HEARING: September 7, 2016

DATE OF FINAL DECISION: September 7, 2016

BOARD MEMBERS PRESENT and COUNT: eight (8): Ms. Morin, Mr. Daniele, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. McQuade, Ms. Choi and Mr. Cunningham

FINAL MOTION: Approve

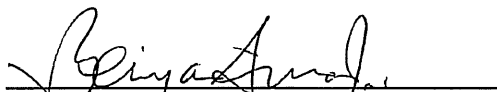
IN FAVOR: eight (8): Ms. Morin, Mr. Daniele, Ms. DeFillipo, Mr. Swan, Mr. Florian, Ms. McQuade, Ms. Choi and Mr. Cunningham

OPPOSED: zero (0)

ABSTAINED: N/A

RECOMMENDATION: APPROVE

Respectfully submitted,


Ben Swan Jr., Chairperson

Attachment: 3185_NWS_East_St_2016_CC (Z-2016-5 : NWS East Street)



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/24/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3621

ADOPTED

PETITION (ID # 3621)

**For a Special Permit to Renovate and Reopen a Pre-Existing,
Non-Conforming Commercial Use (Retail) at the Property
Known as 64-66 Hancock Street (06250-0013), as Allowed by
M.G.L. and the Springfield Zoning Ordinance Article 10,
Section 10.1.42.**

Request: See Above
Owner: Jabir Jebir
By: Jabir Jebir
Petitioner: Jabir Jebir
By: Jabir Jebir

HISTORY:

09/27/16 City Council

CONTINUE

Next: 10/24/16

RESULT: ADOPTED [11 TO 0]

AYES: Hurst, Shea, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton

ABSENT: E. Henry Twiggs, Timothy J. Rooke

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

for a special permit to renovate and reopen a pre-existing, non-conforming commercial use (retail) at the property known as 64-66 Hancock Street (06250-0013), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 10, Section 10.1.42.

Mailing Address:

646 McKinstry Avenue
Chicopee, MA 01020

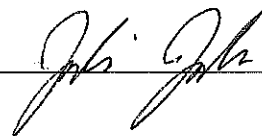
Owner & Petitioner:

Jabir Jebir

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

By: _____

Jabir Jebir



Attachment: Hancock_St_64_66_Tax_Formal (3621 : 64-66 Hancock Street)



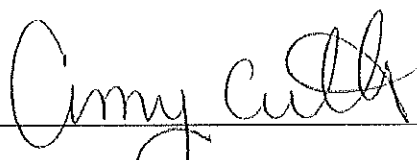
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

08/30/2016

Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 64-66 HANCOCK STREET
Petitioner: JABIR JEBIR
LandLord: JABIR JEBIR

 Asst. Treasurer
Stephen J. Lonergan: Treasurer/Collector

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**64-66 HANCOCK STREET (06250-0013)
NON-USE- COMMERCIAL (RETAIL)**

General Information

Petitioner:	Jabir Jebir
Request:	For a special permit to renovate and reopen a pre-existing nonconforming retail use.
Proposed use of the property:	The property is a multi-unit residential structure with a ground floor commercial use.
Parcel Size:	4,087 s.f.
Compatibility with current planning documents:	The Old Hill Neighborhood Plan does not show any changes to this area.
Neighborhood council notification:	Old Hill Neighborhood Council: 8-31-16
Tax Status:	SEE ATTACHED
Site Visit:	8-23-16
Hearing Date:	9-27-16

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business A and is located in an area that has a mix of commercial and residential uses. This surrounding land uses include:

- To the north is a funeral home zoned Business A.
- To the south is a vacant parcel zoned Business A.
- To the west is a three-family home zoned Residence B.
- To the east is Saint John's Congregational Church zoned Business A.

Site plan review:

The petitioner has requested a special permit to renovate and reopen a pre-existing, non-conforming retail use at the property known as 64-66 Hancock Street. The site is currently vacant and consists of a two (2) unit residential structure with a ground floor commercial use. There is limited on-street parking.

The petitioner has submitted site plans which indicate that a retail/bakery operation would be opened within the commercial portion of the building with two (2) residential units located in the rear. As noted above, this is a very small parcel with very limited on-site parking. The plans indicate that there is a small alley way along the side of the building but there only appears to be room for two (2) to three (3) vehicles. The plan does indicate there are three (3) on-street parking spaces located in the front of the building.

As with previous similar requests, the staff does not oppose the re-opening of pre-existing used, however the staff does have concerns over the parking at this location. This lack of parking poses not only customer parking problems and issues of service vehicle for the commercial use but also for the potential residential tenants as well. Further, the plans submitted to not indicate an area for dumpsters. Due to the close proximity to residential abutters it is very important that these structures are buffered and protected.

Lastly, after further reviewing the information submitted by the petitioner, the staff also has strong concerns about the lack of information provided regarding what exterior rehabilitation plans will be undertaken by the petitioner. This not only includes the exterior façade, but the signage as well. The staff believes that the rehabilitation plans are important to the surrounding neighborhood as this property has been closed for a number of years. As part of this special permit review, the petitioner should explain how this proposal will benefit the neighborhood. The petitioner should also be required to ensure financing is in place to complete and operate the proposed use. This review has been done in previous special permits of this type and should be required here as well.



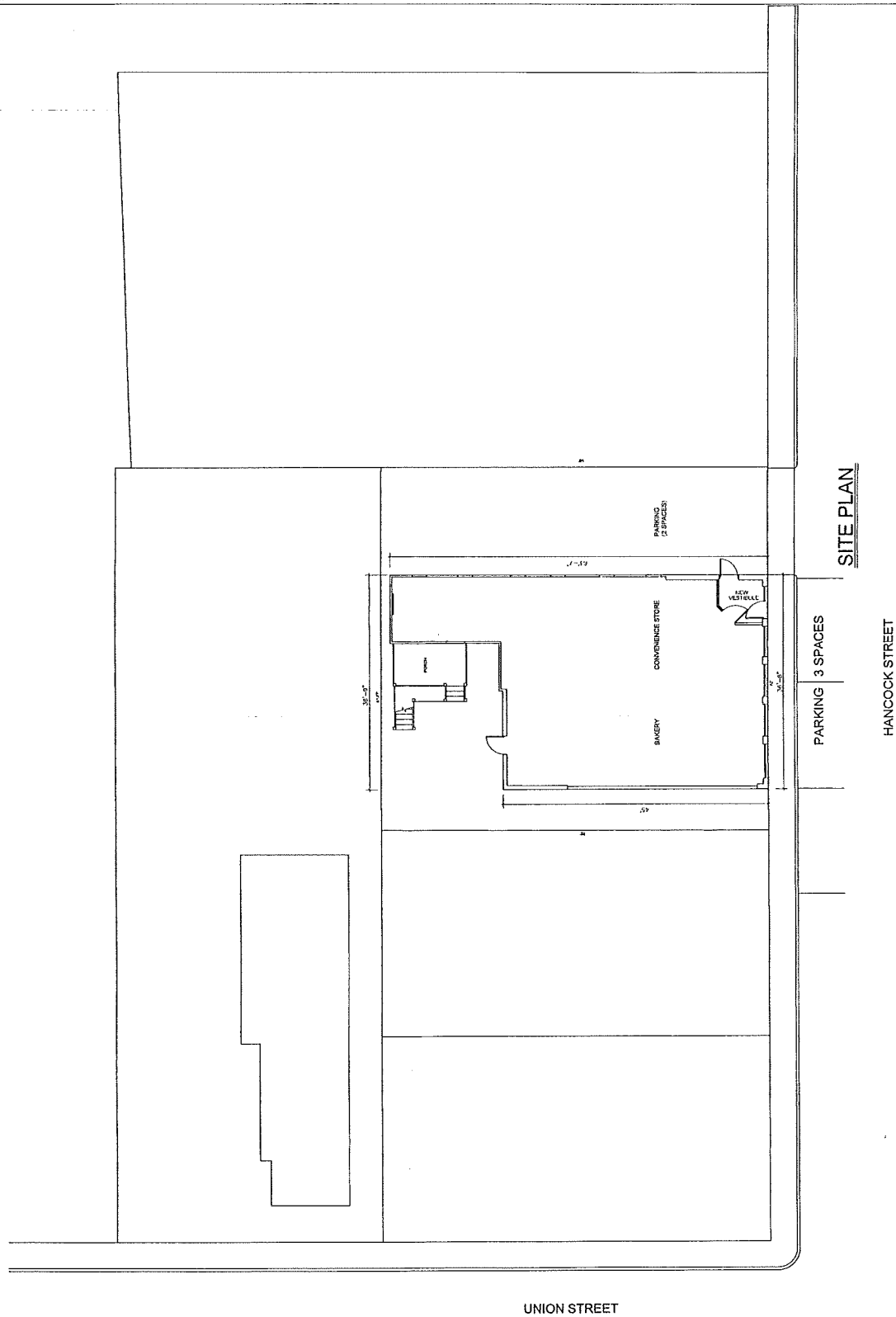
Recommendation

Continue. The staff is supportive of the idea of re-using this building; however, additional information is needed in order to properly assess this proposal. There is a lack of information regarding the rehabilitation plans as well as needing additional details on the proposed use to be taking place at this location. Therefore, the staff is recommending that this item be continued until this additional information is provided.

IF APPROVED*Recommended Conditions*

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the renovation and reopening of a pre-existing, non-conforming use at the property known as 64-66 Hancock Street (06250-0013).
3. The use shall be developed in accordance to the attached site plan with the additions of condition #4 through #18.
4. The hours of operation shall be from 7:00 AM to 9:00 PM, Monday through Sunday.
5. There shall be no deliveries or servicing of the dumpster prior to 7:00 AM.
6. The dumpster(s) shall be completely enclosed.
7. The building shall be maintained free of all graffiti.
8. The petitioner shall submit a detailed rehabilitation plans and sign plan to the Office of Planning & Economic Development for review and approval.
9. Changing images signs shall be prohibited.
10. There shall no ground sign associated with this use.
11. There shall be no non-accessory signs.
12. The site shall be maintained free of all litter, debris and/or weeds.
13. The tree-belts shall be maintained free of all overgrown vegetation, trash and debris.
14. The public sidewalks along Hancock Street shall be maintained, including snow removal.
15. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.

PHILIP D. BURDICK ARCHITECTURE-LANDSCAPE ARCHITECTURE-PLANNING 5 Ridgewood Terrace-Springfield, MA 01105 philipdburdick.architect@gmail.com 413-222-9535	BUILDING RENOVATIONS 64-66 HANCOCK STREET SPRINGFIELD, MASSACHUSETTS	SITE PLAN	PROJECT NO. 100	A2 SHEET
			DRAWN BY: PDS DATE: 08/19/2016 REVISIONS: 08/19/2016	



Attachment: Hancock St 64-66 2016 (3621 : 64-66 Hancock Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

08/30/2016

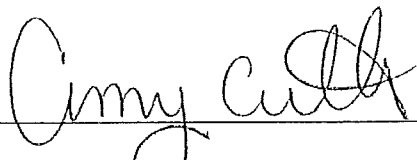
Special Permit Tax Certification

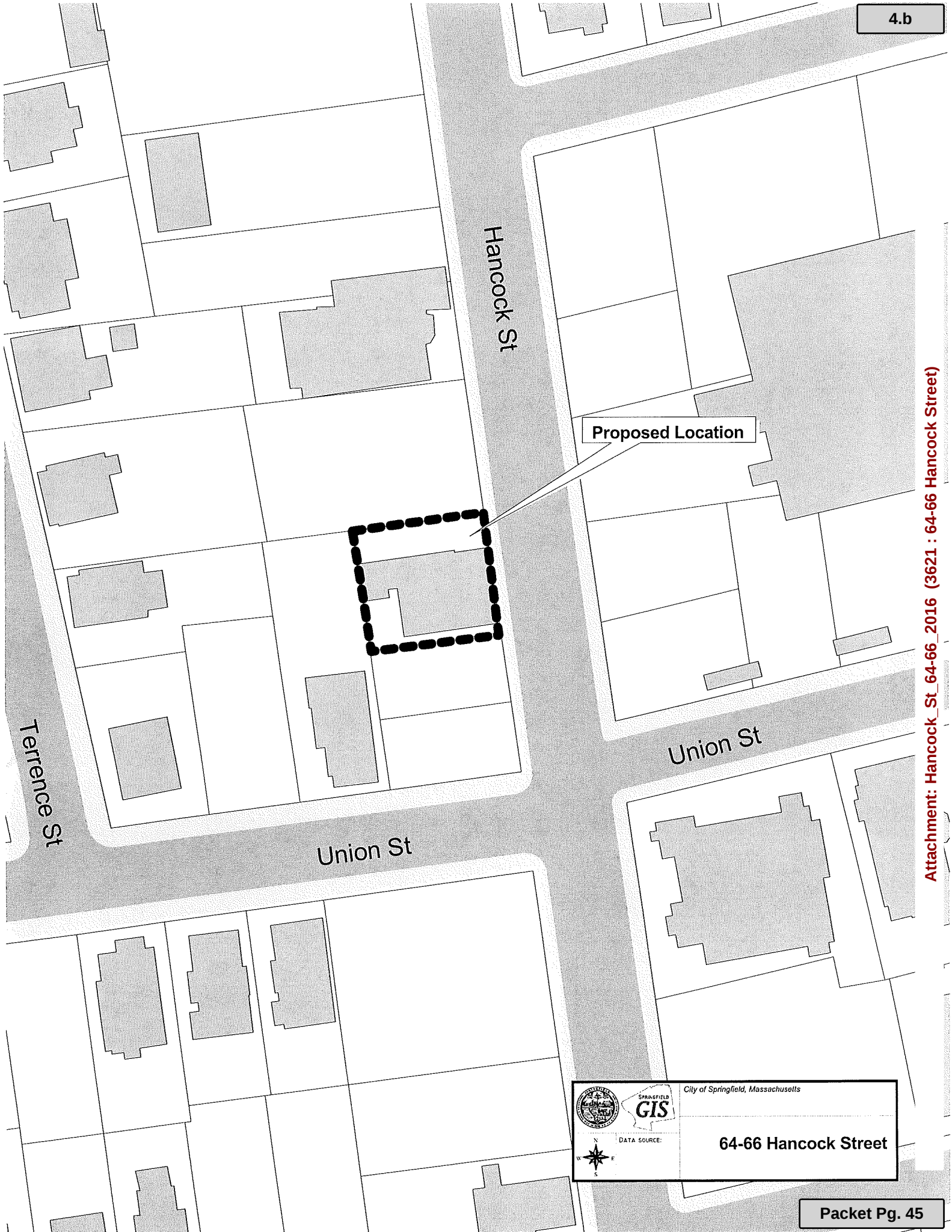
I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 64-66 HANCOCK STREET

Petitioner: JABIR JEBIR

LandLord: JABIR JEBIR

 Asst. Treasurer.
Stephen J. Lonergan: Treasurer/Collector



Attachment: Hancock St 64-66 2016 (3621 : 64-66 Hancock Street)



City of Springfield, Massachusetts



DATA SOURCE:

64-66 Hancock Street



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/24/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3655

TABLED

PETITION (ID # 3655)

For a Special Permit(S) for Motor Vehicle Sales and Auto Body Shop at the Property Known as 91 Pinevale Street (09755-0075), as Allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 12.1 and Section 12.3(5).

Request:	See Above
Owner:	Phoenix Island, LLC
By:	Wei Ni
Petitioner:	Beris Gouldbourn
By:	Beris Gouldbourn

RESULT: LAY ON TABLE

Next: 11/28/2016 7:00 PM

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

for a special permit(s) for motor vehicle sales and auto body shop at the property known as 91 Pinevale Street (09755-0075), as allowed by M.G.L. and the Springfield Zoning Ordinance Article 4, Table 4-4, Section 12.1 and Section 12.3(5).

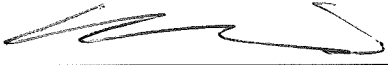
Mailing Address:

86 Merrill Road
 Springfield, MA 01109

Owner:

Phoenix Island, LLC.

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

By: 

Wei Ni

Mailing Address:

124 Massachusetts Avenue
 Springfield, MA 01109

Petitioner:

Beris Gouldbourn

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

By: 

Beris Gouldbourn

Attachment: 91_Pinevale_St_Tax_Formal (3655 : 91 Pinevale Street)



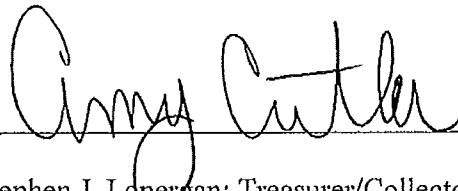
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

09/07/2016

Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 91 PINEVALE STREET
Petitioner : BERIS GOULDBOURNE
LandLord: PHOENIX ISLAND LLC

 9/7/16

Stephen J. Loneragan: Treasurer/Collector

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**91 PINEVALE STREET (09755-0075)
MOTOR VEHICLE SALES AND AUTO BODY**

General Information

Petitioner:	Beris Gouldbourn
Request:	Motor vehicle sales and auto body.
Proposed use of the property:	Motor vehicle repairs, sales and auto body.
Parcel Size:	124,073 s.f.
Compatibility with current planning documents:	The Indian Orchard Neighborhood Plan shows no changes to this area.
Neighborhood council notification:	Indian Orchard Citizens Council: 9-9-16
Tax Status:	SEE ATTACHED
Site Visit:	10-18-17
Hearing Date:	10-24-16

Staff Analysis

Neighborhood characteristics:

The property is zoned Industrial A and is located in an area that has a mix of industrial/commercial and residential uses. The surrounding land uses include:

- To the north are a church and single and two-family houses zoned Business B and Residence B.
- To the south is vacant land zoned Industrial Park.
- To the east is a multi-family housing development zoned Commercial A.
- To the west are single and two-family houses zoned Residence B and Business A.

Site plan review:

The petitioner has requested a special permit to sell used cars and run an auto body operation at the property known as 91 Pinevale Street. This is the current location of large multitenant industrial building. The petitioner has indicated that a portion of this building will be rented for the proposed use.

After reviewing the plans and visiting the site, the staff has significant concerns about the proposed use. First and foremost, as can be seen by the attached photos, there are numerous unregistered, wrecked and inoperable vehicles currently being stored on the property. Many of these vehicles appear to have been stored here for a significant amount of time. As per the Springfield Zoning Ordinance, an operation that stores two (2) or more wrecked, unregistered or inoperable vehicles for over thirty (30) days is considered to be a junk

yard.

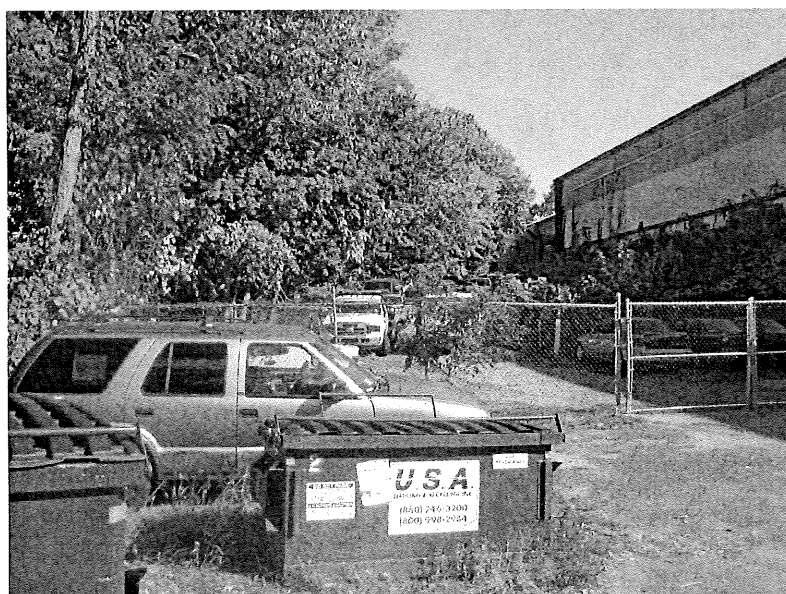
Further, the staff has received several inquiries from the Indian Orchard Citizens Council asking for clarification about the uses taking place at this location. It is the understanding of the staff that the petitioner is currently running a motor vehicle repair operation at this location. While this use is allowed within an Industrial A zoning district, it does require an Administrative Site Plan Review. The application for that review has not yet been submitted.

Additionally, there have been reports that auto body work is also being done at this location. This use is not allowed without a special permit from the City Council. Since the special permit has not yet been issued for auto body work at this location, no such work should be taking place.

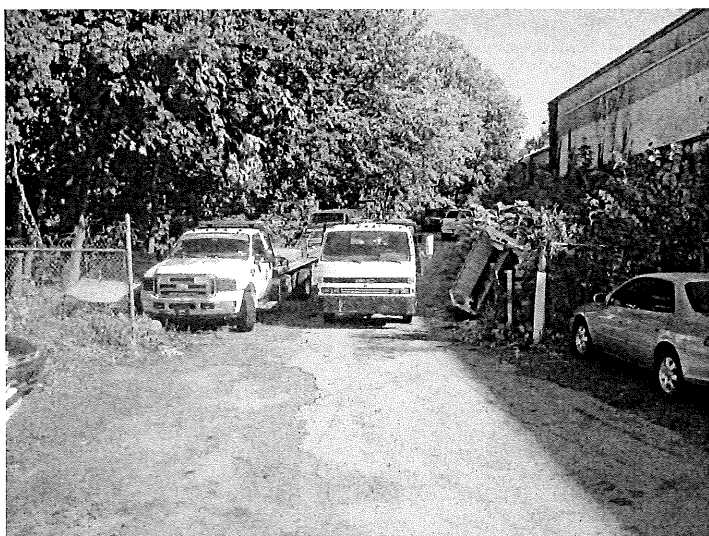
As part of the review of this special permit, the staff has asked the Code Enforcement Department to send an inspector out to the site to determine the uses taking place.

Lastly, the overall condition of the property needs to be addressed as well. The site has significant overgrown vegetation, including along Pinevale Street.

Due to the number of issues outlined above, the staff has very strong concerns about issuing a special permit to an individual who appears to already have numerous violations. At a minimum, this special permit should not be acted upon until all the outstanding issues have been addressed.



Attachment: Pinevale_St_91_2016 (3655 : 91 Pinevale Street)



Recommendation

Table. The staff recommends that this special permit be tabled until all outstanding issues have been addressed.

IF APPROVED***Recommended Conditions:***

1. This special permit is granted to this petitioner only.
2. This special permit is granted for motor vehicle sales and auto body work at the property known as 91 Pinevale Street (09755-0075).
3. The use shall be developed according to the attached site plan with the addition of conditions #4 through #13.
4. There shall be no more than five (5) cars displayed or stored for display on the property at any one time.
5. Any all and permit(s) required by the State of Massachusetts shall be obtained prior to the start of any auto body related work.
6. There shall be no storage of automotive parts outside the building.
7. There shall be no storage of junk or inoperable vehicles located outside the building.
8. All work to vehicles shall take place inside the building.
9. Any and all dumpsters shall be completely enclosed.
10. The building shall be maintained free of all graffiti.
11. The site, including any and all landscaped areas, shall be maintained free of all weeds and debris.
12. There shall be no additional ground sign associated with this use.
13. There shall be no banners, streamers, pennants, or non-accessory signs located on the property.
14. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



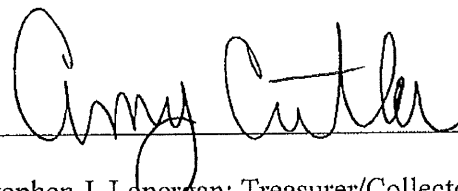
THE CITY OF
SPRINGFIELD, MASSACHUSETTS

09/07/2016

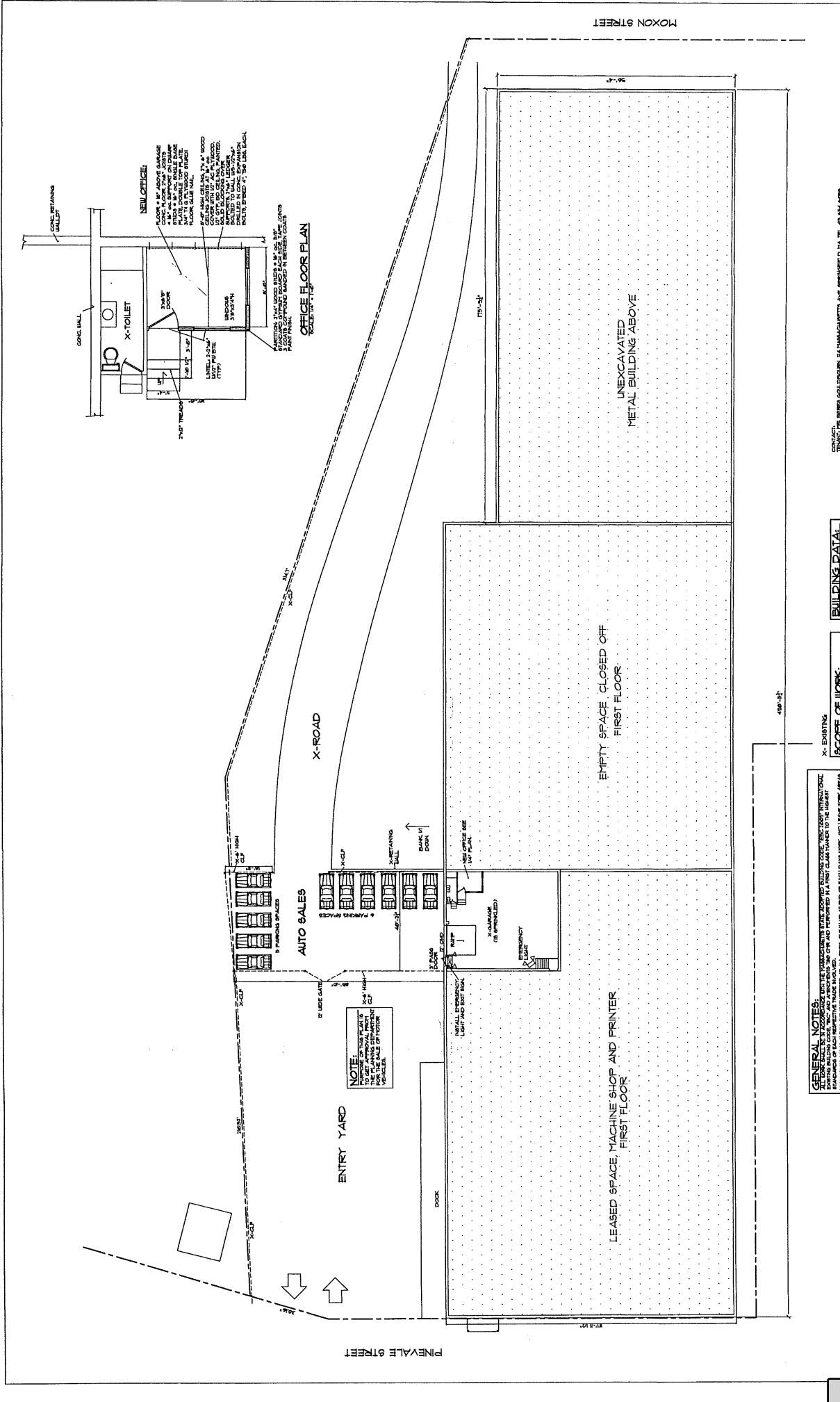
Special Permit Tax Certification

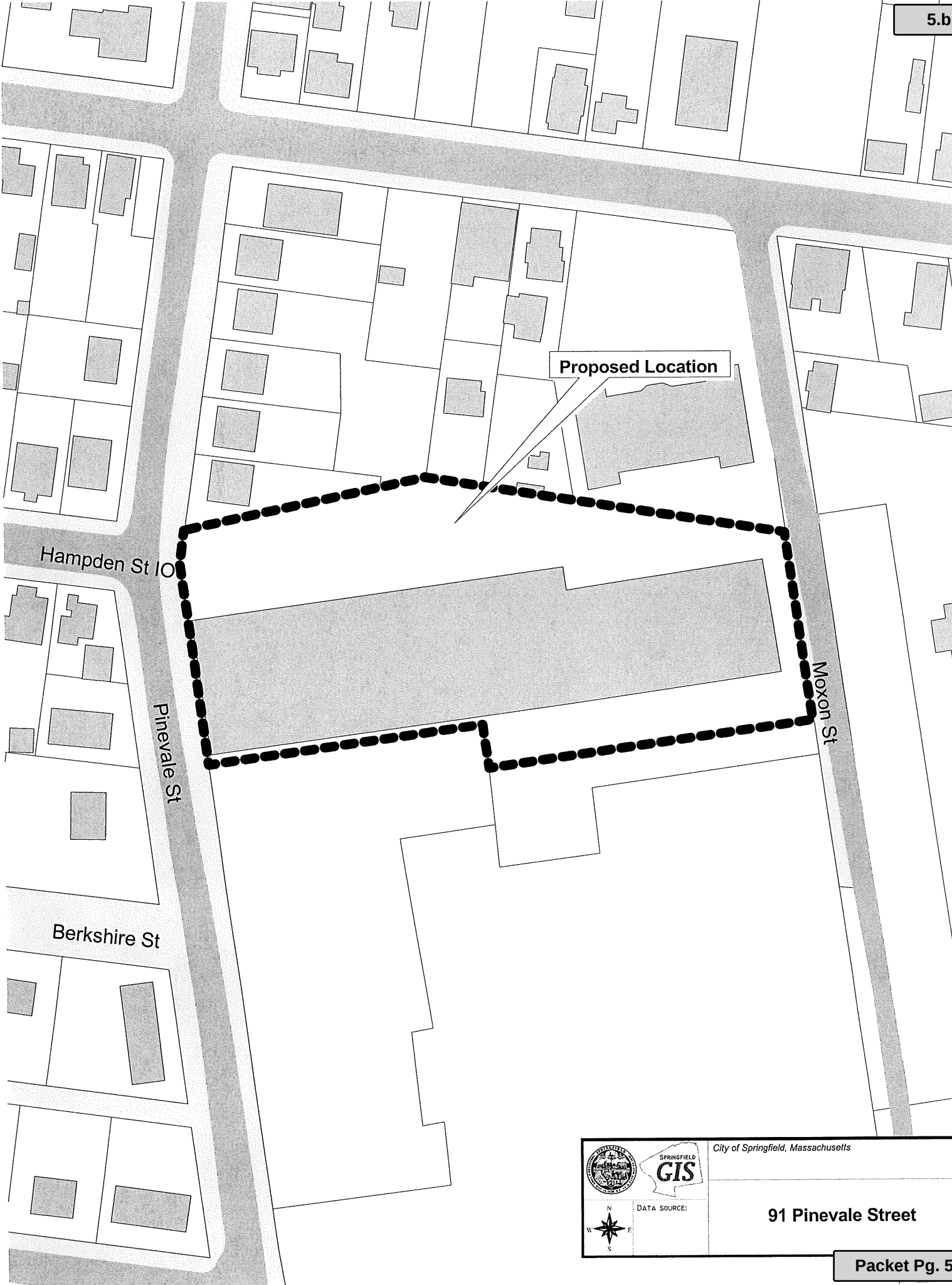
I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 91 PINEVALE STREET
Petitioner : BERIS GOULDBOURNE
LandLord: PHOENIX ISLAND LLC

 9/7/16

Stephen J. Loneragan: Treasurer/Collector





Attachment: Pinevale_St_91_2016 (3655 : 91 Pinevale Street)



SPRINGFIELD

GIS

N
W
E
S



DATA SOURCE:

City of Springfield, Massachusetts

91 Pinevale Street



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/24/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3659

DEFEATED

PETITION (ID # 3659)

For a Special Permit to Allow for the Installation of a Wall Sign, Above the First Floor, at the Property Known as 32 Hampden Street (06230-0010) as Allowed by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17 and M.G.L.

Request: See Above
Owner: New England Farm Workers Council, Inc.
By: John Motto
Petitioner: Re/Max Ignite
By: Heydie Rivera

RESULT: **FAILED [8 TO 3]**
AYES: Hurst, Allen, Williams, Ramos, Gomez, Ashe, Edwards, Walsh
NAYS: Kenneth E. Shea, Marcus J Williams, Michael A. Fenton
ABSENT: E. Henry Twiggs, Timothy J. Rooke

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

for a special permit to allow for the installation of a wall sign, above the first floor, at the property known as 32 Hampden Street (06230-0010) as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 9, Section 9.8.17 and M.G.L.

Mailing Address:

13 Hampden Street
 Springfield, MA 01103

Owner:

New England Farm Workers Council, Inc.

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

BY: John D. Motto

John Motto

Mailing Address:

32 Hampden Street
 Springfield, MA 01103

Petitioner:

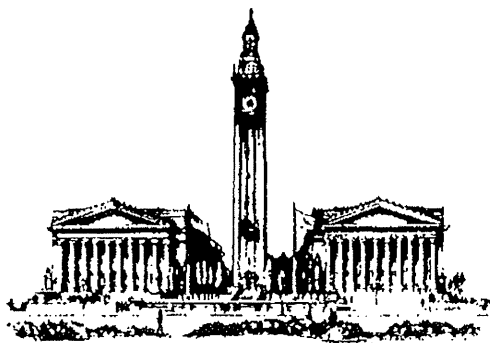
Re/Max Ignite

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

By: Heydie Rivera

Heydie Rivera

Attachment: 32_Hampden_St_Tax_Formal (3659 : 32 Hampden Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

09/22/2016

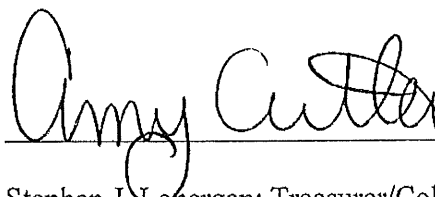
Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 32 HAMPDEN STREET

Petitioner : REMAX IGNITE

LandLord: NEW ENGLAND FARM WORKER'S COUNCIL INC.

 / asst Treasurer

Stephen J. Lohergan: Treasurer/Collector

Attachment: 32_Hampden_St_Tax_Formal (3659 : 32 Hampden Street)

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**32 HAMPDEN STREET (06230-0010)
WALL SIGN (ABOVE THE FIRST FLOOR)**

General Information

Petitioner:	Re/Max Ignite
Request:	Erect a wall sign above the first floor.
Proposed use of the property:	Office building.
Parcel Size:	7,078 s.f.
Compatibility with current planning documents:	The Downtown Master Plan shows no changes to this area.
Neighborhood council notification:	Business Improvement District: 9-28-16
Tax Status:	SEE ATTACHED
Site Visit:	10-18-16
Hearing Date:	10-24-16

Neighborhood characteristics:

This site is zoned Business C and is located within the Central Business District. The surrounding land uses include:

- To the north is a surface parking lot zoned Business C.
- To the south is a surface parking lot zoned Business C.
- To the west is the WBGY building zoned Business C.
- To the east is a surface parking lot zoned Business C.

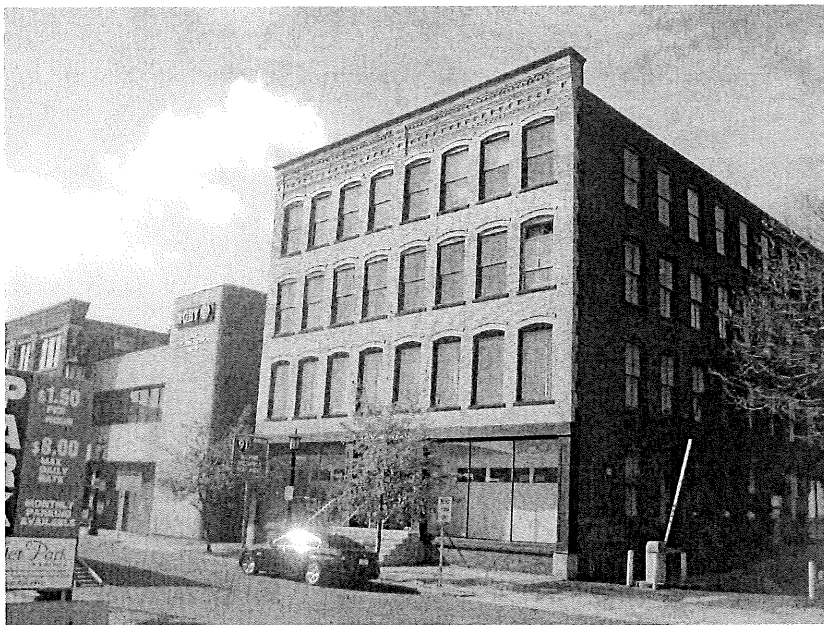
Site plan review:

A request has been submitted to install a wall sign, above the first floor at the property known as 32 Hampden Street. This is currently the location Re/Max real estate company offices. The proposed sign would be located on the southern facade of the building. The proposed sign would be internally illuminated and would be approximately twenty five (25) square feet (31-1/2" x 111-1/4").

After visiting the site and reviewing the submitted plans, the staff does not object to the proposed request. The staff believes this sign is in scale with the building and does not detract from the overall architecture. It should also be noted that a number of buildings within the Central Business District have upper level signage; including the WBGY building which directly abuts this property.

The one concern that the staff has is with the installation of the proposed sign. The top of this building has a

very significant architectural cornice. As such, efforts needs to be made to ensure that this decorative detail is not damaged or removed as part of the installation of this proposed sign.



Recommendation

Approve, with conditions.

Recommended Conditions:

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for the installation of one (1) accessory wall sign, above the first floor, at the property known as 32 Hampden Street (06230-0010).
3. The use shall be developed as per the attached plans and elevations, with the addition of condition #4 through #6.
4. All signage shall be fully permitted through the Building Department, prior to installation.
5. There shall be no additional wall signs, above the second floor, at this property.
6. The architectural cornice shall not be damaged or removed.
7. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

09/22/2016

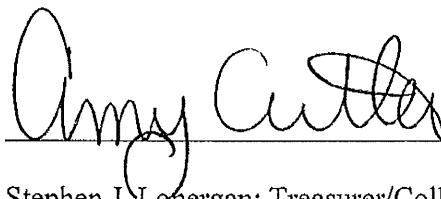
Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit : 32 HAMPDEN STREET

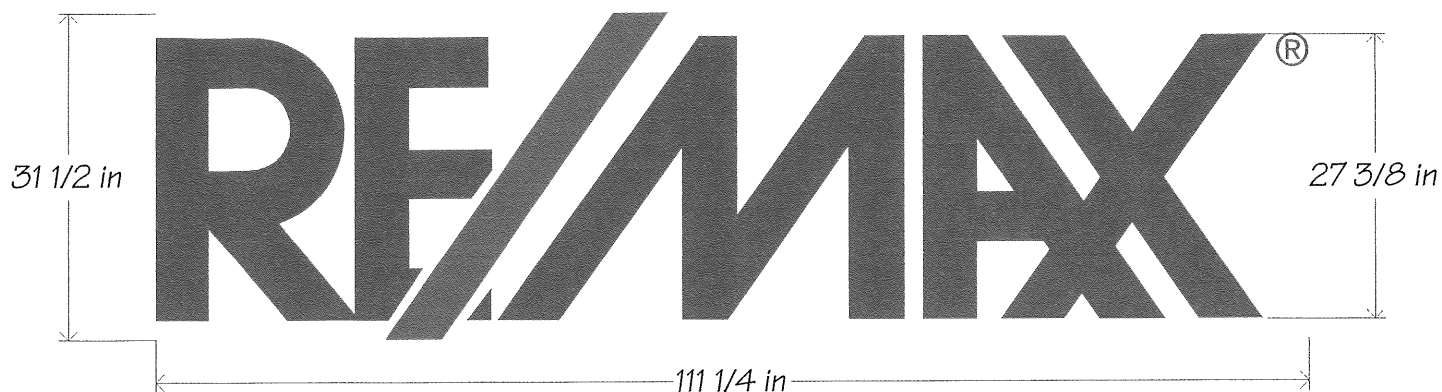
Petitioner : REMAX IGNITE

LandLord: NEW ENGLAND FARM WORKER'S COUNCIL INC.

 / asst Treasurer

Stephen J. Lohergan: Treasurer/Collector

Attachment: Hampden_St_32_2016 (3659 : 32 Hampden Street)



placement reference



991 CHILCOPEE ST.
CHILCOPEE, MA 01013

413-594-8886 • 1-800-287-8836
fax 413-594-4215

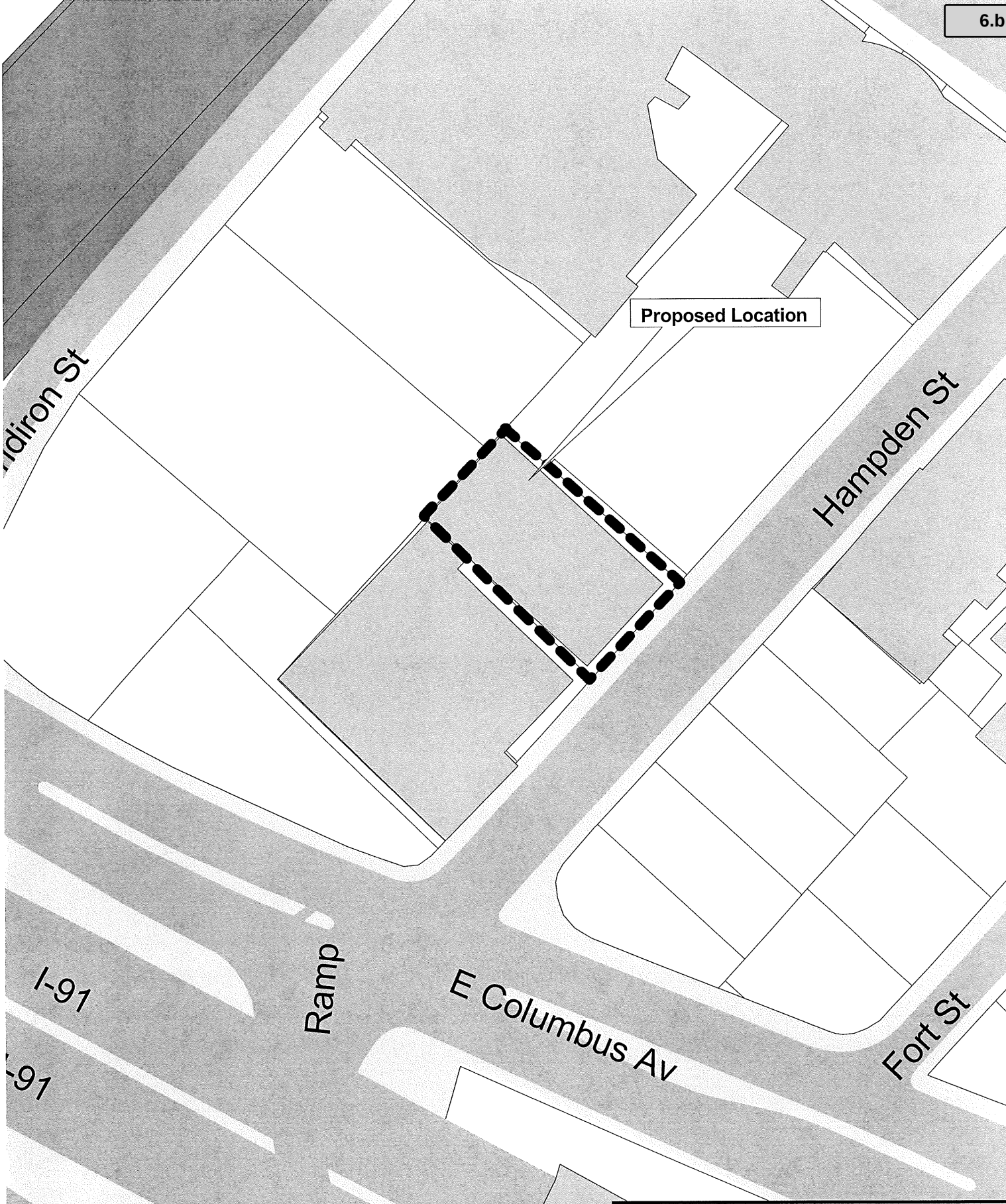
illuminated signs
awnings
neon
carved signs
truck lettering
fleet graphics
pinstriping

Customer: Remax
Contact: Heydie Rivera
File Name: Remax wall sign
Drawn by: John Lemanski
Date: Monday, March 21, 2016

Approved by: _____

Date: _____

25 sq ft illuminated sign
- internally illuminated by low voltage LED lighting



Attachment: Hampden_St_32_2016 (3659 : 32 Hampden Street)



City of Springfield, Massachusetts



DATA SOURCE:

32 Hampden Street



City Council
36 Court Street
Springfield, MA 01103

Meeting: 10/24/16 07:00 PM
Department: Economic Development
Category: Special Permit
Prepared By: Phil Dromey
Initiator: Phil Dromey
Sponsors:
DOC ID: 3571

ADOPTED

PETITION (ID # 3571)

**For a Special Permit Motor Vehicle Rentals at the Properties
Known as 117 Spring Street (A.K.A. 121) (11040-00787), ES
Pearle Street (09585-0110), ES Spring Street (11040-0079) and
ES Spring Street (11040-0081) as Allowed by M.G.L. and the
Springfield Zoning Ordinance, Article 4, Table 4-4, Section
12.2 and M.G.L.**

Request: See Above
Owner: One Twenty One Spring Street,
LLC
By: Darryl Schwartz
Petitioner: Eduardo Infante
By: Eduardo Infante

HISTORY:

08/15/16	City Council	LAY ON TABLE	Next: 09/27/16
09/27/16	City Council	CONTINUE	Next: 10/24/16

RESULT: ADOPTED [11 TO 0]

AYES: Hurst, Shea, Allen, Williams, Ramos, Williams, Gomez, Ashe, Edwards, Walsh, Fenton

ABSENT: E. Henry Twiggs, Timothy J. Rooke

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

for a special permit motor vehicle rentals at the properties known as 117 Spring Street (a.k.a. 121) (11040-00787), ES Pearle Street (09585-0110), ES Spring Street (11040-0079) and ES Spring Street (11040-0081) as allowed by M.G.L. and the Springfield Zoning Ordinance, Article 4, Table 4-4, Section 12.2 and M.G.L.

Mailing Address:

665 Washington Street
 Boston, MA 02111

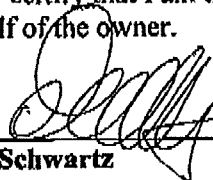
Mailing Address:

222 Pheasant Drive
 Springfield, MA 01119

Owner:

One Twenty One Spring Street, LLC

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

BY: 
 Darryl Schwartz

Petitioner:

Eduardo Infante

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

By: 
 Eduardo Infante

Attachment: 117_Spring_St_Tax_Formal (3571 : 117 (A.K.A. 121) Spring Street)



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

3/4/2016

Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit: 175 CHESTNUT ST (027500516)

Petitioner: TYRE TRAK AUTOMOTIVE, INC.

Landlord: ELEANOR CHESTNUT REALTY, LLC

A handwritten signature in cursive script, reading 'Stephen J. Loneragan', is written over a horizontal line.

Stephen J. Loneragan: Treasurer/Collector

Attachment: 117_Spring_St_Tax_Form (3571 : 117 (A.K.A. 121) Spring Street)

**OFFICE OF PLANNING & ECONOMIC DEVELOPMENT
ANALYSIS FOR A SPECIAL PERMIT**

**117 (A.K.A. 121) SPRING STREET (11040-0078)
MOTOR VEHICLE RENTAL (U-HAUL)**

General Information

Petitioner:	Eduardo Infante
Request:	For a special permit for motor vehicle rentals (U-Haul).
Proposed use of the property:	Retail operation
Parcel Size:	16,609 s.f.
Compatibility with current planning documents:	The Downtown Master Plan does not show any changes to this area.
Neighborhood council notification:	Armoury Quadrangle Civic Association: 7-21-16
Tax Status:	SEE ATTACHED
Site Visit:	7-28-16
Hearing Date:	8-15-16

Staff Analysis

Neighborhood characteristics:

The parcel is currently zoned Business A and is located in an area that has a mix of commercial and residential uses. The surrounding land uses include:

- To the north is an apartment building zoned Business A.
- To the south is an apartment building zoned Residence C.
- To the west is Armoury Commons Park zoned Open Space.
- To the east is an apartment building zoned Residence C.

Site plan review:

The petitioner has requested a special permit for motor vehicle rentals at the property known as 117 Spring Street, ES Spring Street and ES Pearl Street. This is the current location of the Plaza Supermarket. The proposed special permit would allow for the rental of U-Haul vehicles.

After visiting the site, the staff does not object to the proposed use. The petitioner has indicated that there would only be two (2) vehicles stored on the property and those vehicles would be parked within the existing parking lot. It does appear to the staff that this parking area can accommodate the parking needs for the existing retail use as well as the two (2) rental vehicles.

The only concern that the staff has is with regards to where the proposed U-Haul trucks are being stored. As noted above, this site directly abuts an apartment building to the south. If approved, the staff would recommend that these larger vehicles not be allowed to be parked up against the apartment building so as to not block the windows of the first floor tenants.



Recommendation

Approve, with conditions.

Recommended Conditions

1. This special permit is granted to this petitioner only.
2. This special permit is granted solely for motor vehicle rentals at the property known as 117 (a.k.a. 121) Spring Street (11040-0078), ES Spring Street (11040-0079/0081) and ES Pearl Street (09585-0110).
3. The use shall be developed in accordance to the attached site plan with the addition of condition #4 through #9.
4. There shall be no more than two (2) rental vehicles stored on the site at any one time.
5. The rental vehicles shall not be parked up against the adjacent apartment building located at 103 Spring Street.
6. The site shall be maintained free of all litter, trash and debris.
7. Any and all dumpsters shall be completely enclosed.
8. The public sidewalks along Spring Street and Pearl Street shall be maintained, including snow removal.
9. Any and all signage shall be properly permitted.
10. Compliance with these conditions, as well as any and all zoning regulations, is required. Failure to comply may result in denial of the issuance of a Building Permit and/or Occupancy Permit, revocation of any permits issued and/or enforcement by the Code Enforcement Department punishable by fines of up to \$200 per day for each day a violation exists.



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

3/4/2016

Special Permit Tax Certification

I certify that all identifiable real estate, personal property and excise taxes have been paid by the petitioner and/or landlord associated with the special permit request shown below:

Special Permit: 175 CHESTNUT ST (027500516)

Petitioner: TYRE TRAK AUTOMOTIVE, INC.

Landlord: ELEANOR CHESTNUT REALTY, LLC

Stephen J. Lonergan: Treasurer/Collector

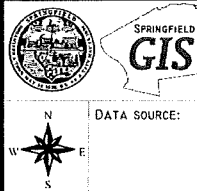
Attachment: Spring_St_117_2106 (3571 : 117 (A.K.A. 121) Spring Street)

Proposed Location

Pearl St

Spring St

Byers St



City of Springfield, Massachusetts

DATA SOURCE:

117 Spring Street

Attachment: Spring_St_117_2106 (3571 : 117 (A.K.A. 121) Spring Street)