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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 14, 2014
Land Use Action Date: November 18, 2014
Board of Aldermen Action Date: December 15, 2014
90-Day Expiration Date: January 5, 2015

DATE: October 10, 2014

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: **Petition #336-14**, FOX & HOUNDS REALTY TRUST, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition of approximately 840 square feet to the rear of an existing property, to be used for an auto detailing business, at **230 Needham Street**, Ward 8, on land known as SBL 83, 28, 78, in a district zoned Mixed Use 1. Ref: Sec 30-24, (d)(5), 30-23, 30-13(b)(6), of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



230 Needham Street

EXECUTIVE SUMMARY

The property at 230 Needham Street consists of an 88,742 square foot lot in a Mixed Use 1 zoning district (MU1), improved with a 33,900 square foot commercial building and surface parking area. The petitioner also owns the adjacent 74,927 square foot parcel at 244 Needham Street, which is improved with two multi-tenanted commercial buildings and shares a parking lot with the subject property for a total of 223 parking stalls. The subject property and the adjacent lot were redeveloped together under Special Permit #91-91 and are considered one site. The petitioner is requesting a special permit to construct an 840 square foot addition to the rear of the existing building, to be used for an auto detailing business, which is considered an "Inside service of motor vehicles" use under the Newton Zoning Ordinance (NZO). This use is only allowed by special permit in an MU1 zoning district.

The proposed auto detailing business will consist of three employees on the largest shift, and will operate by appointments ranging from thirty minutes to an hour. The detailing services, which will consist of hand washing and interior cleaning, will occur inside the four garage bays that comprise the proposed addition. The proposed addition will necessitate the removal of a portion of the existing walkway along the rear of the building, as well as six parking stalls that would be in front of the proposed addition. The removal of six parking stalls would reduce the number of stalls on the two properties from 223 to 217, which would still meet the requirement of 217 parking stalls with the proposed mix of uses. As required by the Engineering Division, the petitioner will be required to install an oil separator in the garage bay, and to connect to the existing drain in the parking lot.

The Planning Department has no particular concerns with the type of proposed use, as the site is located in a commercial corridor with a variety of retail and service uses. Furthermore, since the proposed business will operate by appointment only unless one of the garage bays are free, it should not create queuing in the parking lot or significantly impact the availability of parking. Finally, even with the proposed use and the removal of the six parking stalls in front of the addition, the parking supply meets the requirements of the NZO. The Planning Department recommends that the petitioner identify the area in front of the addition as a no parking zone, either through painting the pavement or signage on the addition itself.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for the proposed use, as it is located within an existing commercial corridor and there is adequate parking on the site. (§30-24(d)(1))
- The proposed use as developed and operated will not adversely affect the

neighborhood. (§30-24(d)(2))

- There will be no nuisance or serious hazard to vehicles or pedestrians, as the proposed use will not significantly impact circulation within the existing parking areas. (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located in the Needham Street commercial corridor at the corner of Needham Street and Industrial Place. The land uses within the corridor are comprised of mostly commercial uses consisting of retail, service and office types of uses (**ATTACHMENT A**). The site is located within a Mixed Use 1 zoning district (**ATTACHMENT B**).

B. Site

The site consists of an 88,742 square foot lot improved with a one-story commercial building with surface parking. The petitioner also owns the adjacent lot at 244 Needham Street, which shares the parking lot with the subject property (**ATTACHMENT C**). Between the two parcels there are a total of 223 parking stalls and approximately 20 businesses. The area of the site where the business is proposed is accessible through the main parking lot or from Industrial Place, which is a private way.

The subject property and adjacent lot were redeveloped under Special permit #91-91. The sites were constructed in accordance with the special permit plans and are in compliance with the conditions of the special permit.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing an auto detailing use on the subject property, which is considered an “indoor service of motor vehicles” use and only allowed by special permit in an MU1 zoning district. The detailing service will mostly consist of hand washing of the exterior and interior of vehicles with various products, with water hoses available to wash down cars in one bay. There will be a maximum of three employees on the site at any one time, which will include the owner of the business. The business will operate from 9:00 a.m. to 5:00 p.m. Monday through

Saturday. The business will mostly operate by appointment, unless there are garage bays open and they have the ability to take customers without storing cars in the parking lot. The business and the property owner have indicated that the use will not store customer cars in the surrounding parking lot under any circumstance. The petitioner also indicated that this is an existing business, which has experience operating under this business model.

The Planning Department does not have any particular concerns with the type of use, as Needham Street is a large commercial corridor with a variety of active businesses. The Planning Department views the business as a compliment to the existing uses on the site that will draw from the existing customer base, thereby mitigating the number of additional vehicle trips to the site. In addition, the size of the proposed addition is only 840 square feet and the petitioner is proposing a maximum of three employees, which will limit the number of customers, and will lead to only a minor increase in the intensity of uses on the site.

B. Building and Site Design

The petitioner is proposing to construct a one-story 840 square foot addition to the rear of the existing structure, which will consist of concrete blocks painted to match the existing brick façade, garage doors, and a metal roof. The proposed addition is located next to the loading area, and is not adjacent to the entrances of other commercial units. The addition will not be visible from the public way and will not have any visual impact on the streetscape. The addition will be constructed on the outside of the existing building and will not require the removal of any existing walls. The addition will be separated into four bays, with one bay used to wash down cars. The addition will be constructed with an oil separator and will be connected to the existing drainage system on the site.

The proposed addition will require the removal of a portion of the sidewalk along the rear of the building, which connects to stairs leading to Industrial Place (private way). While the walkway is not highly used and is not handicapped accessible due to the stairs, it is nonetheless important to maintain a safe walkway along that side of the building. The petitioner is proposing to construct handicap ramps on either side of the addition to ensure access to the walkway. The Planning Department recommends that the petitioner paint/stripe the area in front of the garages bays or provide signage on the building indicating a no parking zone. The petitioner has agreed to make this change.

C. Traffic and Parking

There are 223 existing parking stalls in the shared parking area (subject property and 244 Needham Street) where 217 parking stalls are required when including the

proposed use, thereby leaving an excess of six parking stalls under the NZO. The calculation of the required stalls includes all of the businesses on both parcels, as the prior special permit considered these two lots as one site.

The petitioner is proposing to remove the six parking stalls in front of the proposed addition, which will ensure that the garage bays and handicap ramps to the sidewalks are not blocked. The Planning Department does not believe that the removal of the six parking stalls will create a parking shortage on the site. The Planning Department has no particular concerns with the impact of the use on traffic or circulation on the site or in the surrounding neighborhood given the nature and capacity of the business.

D. Landscape Screening

The Planning Department does not have any particular concerns with the landscaping in the proposed site plan, as the location of the proposed addition is not visible from the public way.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. The petitioner is seeking the following reliefs:

- Section 30-24(d)(5), for commercial development in excess of 20,000 gross floor area
- Section 30-13(b)(6), to allow inside service of motor vehicles in a Mixed Use 1 zoning district

B. Engineering Review

As the petitioner is not proposing to increase the amount of impervious surfaces on the site by more than 400 square feet, no engineering review is required at this time. The Planning Department notes that the petitioner has met with the City's Engineering Division and will be required to install an oil separator in the garage bays, which will be reviewed by the Engineering Division prior to receiving a building permit, as part of the standard review for special permits.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Lease Plan
- Attachment D:** Zoning Review Memorandum

Land Use Map 230 Needham St.

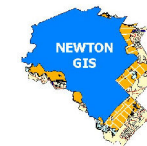
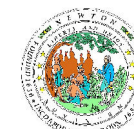
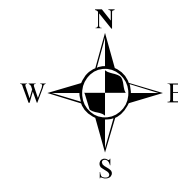
City of Newton,
Massachusetts

Legend

Land Use

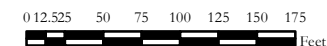
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- Industrial

ATTACHMENT A

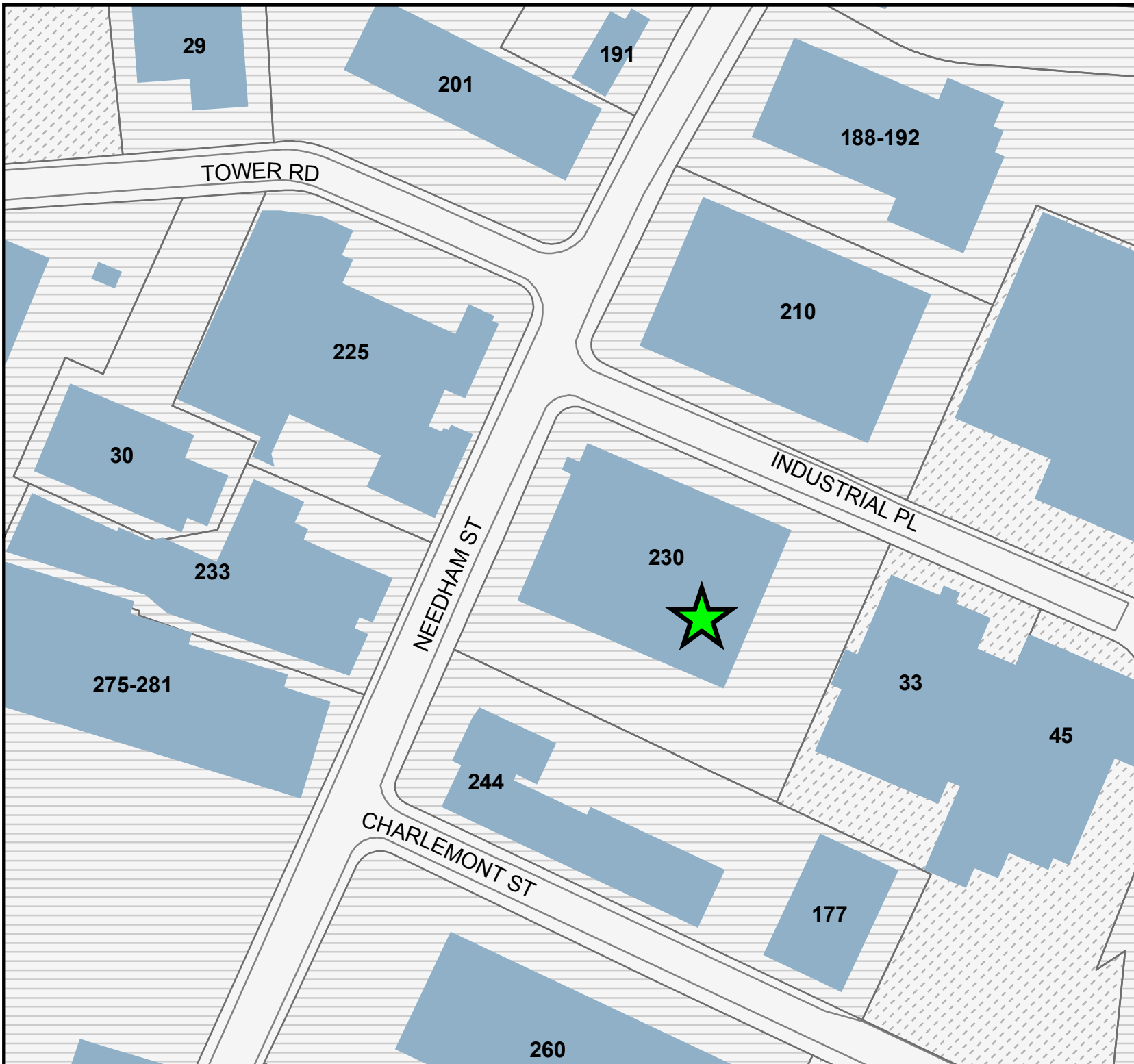


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: September 25, 2014



Zoning Map 230 Needham St.

*City of Newton,
Massachusetts*

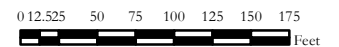
Legend
Mixed Use 1

ATTACHMENT B

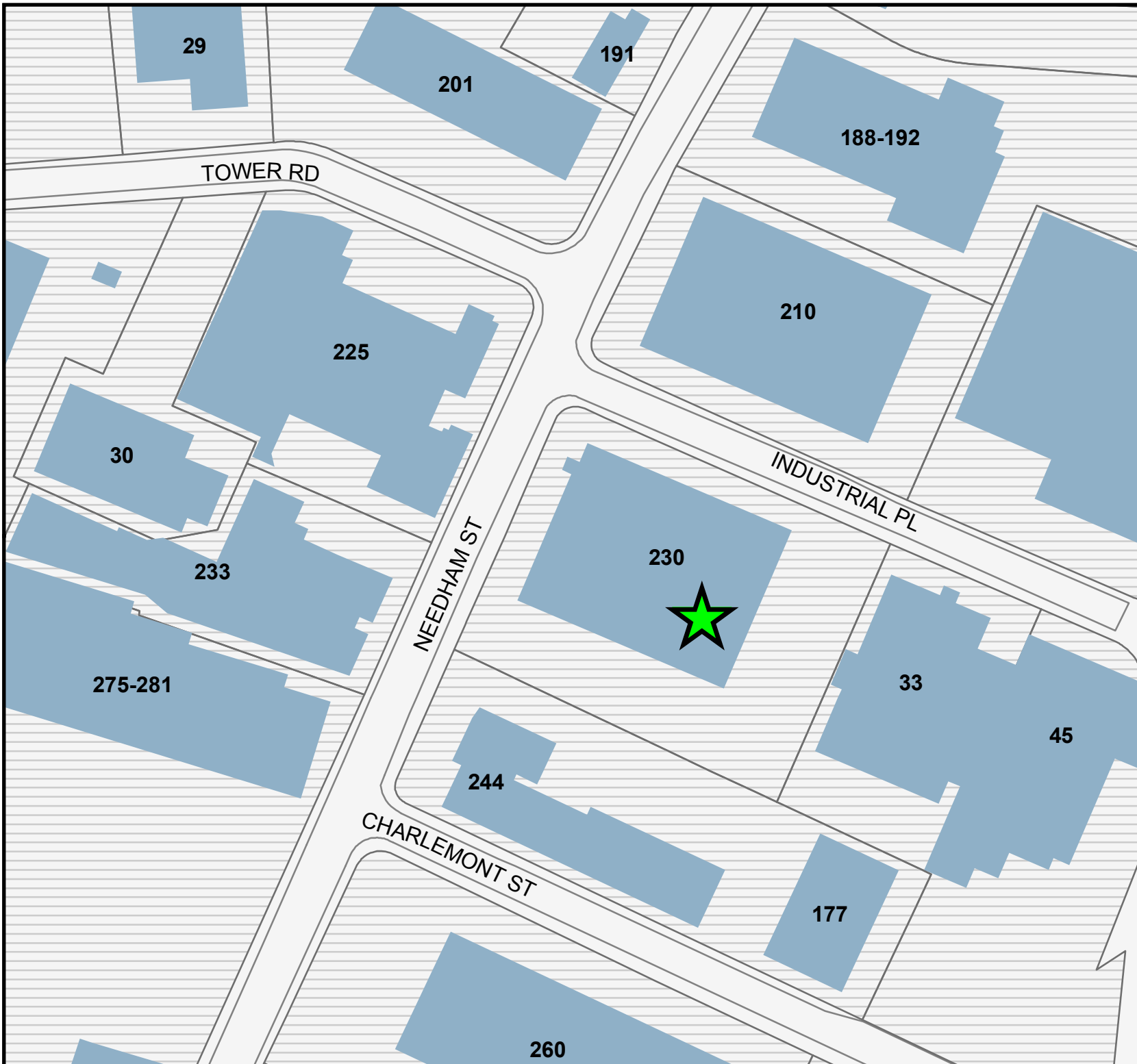


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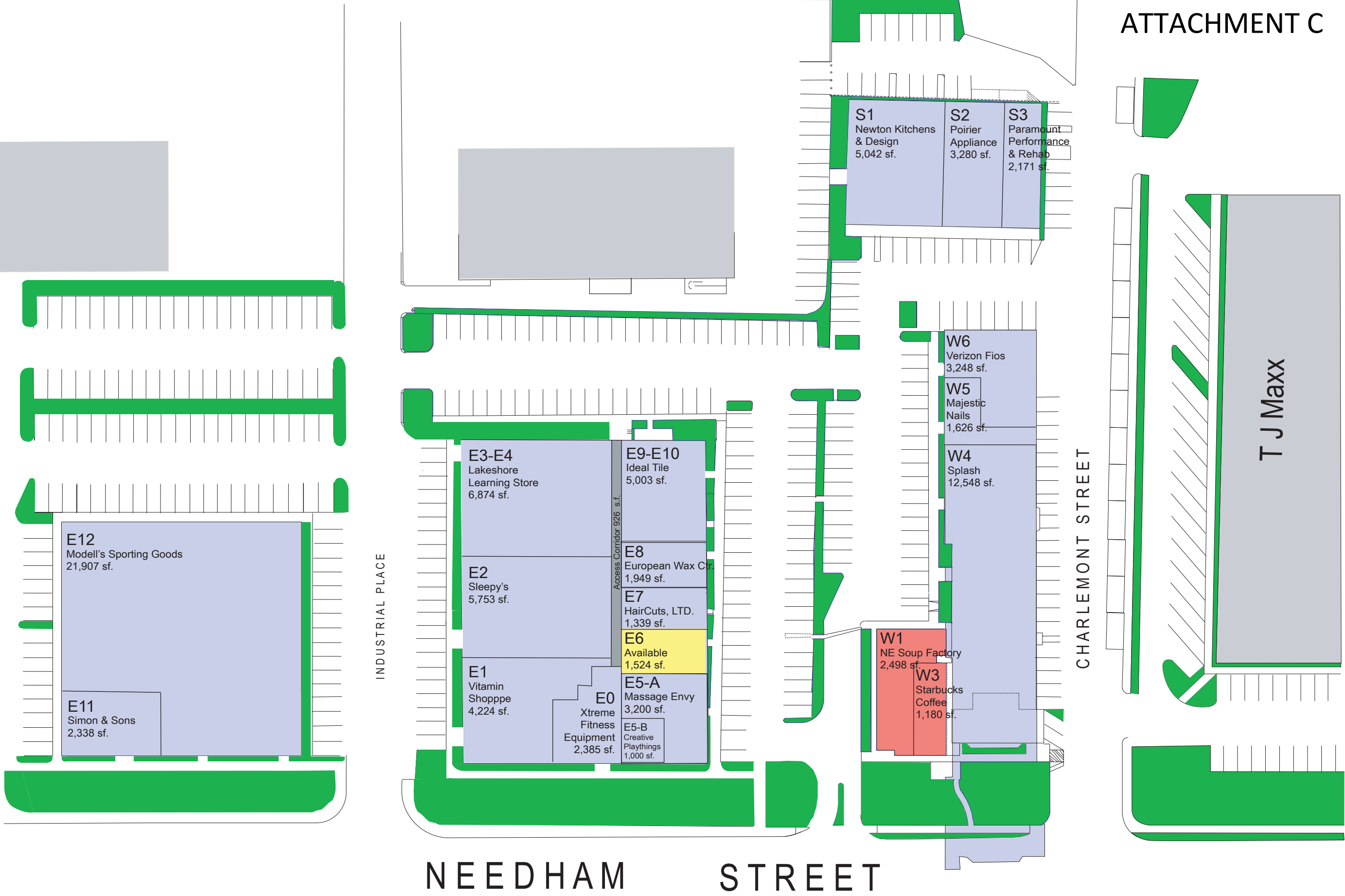
CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Map Date: September 25, 2014



ATTACHMENT C



fox and hounds
PROPERTIES

188 NEEDHAM STREET
NEWTON, MA 02464
T: 617-969-2400

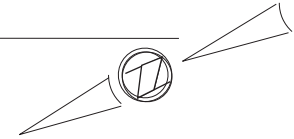
DSH DESIGN GROUP
ARCHITECTS ■ ENGINEERS ■ CM.
NEWTON, MA. 617-454-1230

LIFESTYLE PLACE
230-244 Needham Street
NEWTON, MA 02464

LEASE PLAN

EXHIBIT B

UPDATED 1/22/2013





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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: August 28, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Jamie McManus, Fox and Hounds Realty Trust
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a special permit for a building in excess of 20,000 square feet, to allow inside motor vehicle servicing (detailing and washing), and to amend Board Order #91-91

Applicant: Fox and Hounds Realty Trust	
Site: 230 Needham Street	SBL: 83028 0078
Zoning: MU1	Lot Area: 88,742 square feet
Current use: Retail/Restaurant/Service	Proposed use: Same

BACKGROUND:

The property at 230 Needham Street consists of an 88,742 square foot lot improved with a 33,900 square foot commercial building and a surface parking area. The applicant also owns the adjacent 74,927 square foot parcel at 244 Needham Street, which is improved with two multi-tenanted commercial buildings. The two lots are contiguous and share 223 parking stalls. The applicant is requesting a special permit to construct an 840 square foot addition to the rear of the property to be used for an auto detailing business. The addition will have four bays, and will be located on what is currently a landscaped area. The applicant intends to re-grade the sidewalk so as to maintain the parking stalls in front of the proposed building.

Board Order #91-91, issued May 6, 1991, authorized the conversion of 22,182 square feet of existing warehouse and gymnastics space to retail, which was consistent with other existing nonconforming retail uses on site. The bulk of the conditions of that special permit dealt with site improvements, especially relating to parking areas and driveway aisles. The special permit required that the owner of the property receive a license from the City to utilize portions of the area within Charlemont Street for

parking, as several of the parking stalls are half into the public way. This license has been in place since 1993.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared James H. McManus III, Fox and Hounds Properties, dated 7/16/2014
- Parking Calculation
- Plans and Elevations, DSH Design Group, date 7/10/2014
- Land Title Survey, signed and stamped by Stephen P. Dyer, surveyor, dated 10/11/2005
- Plans and Elevations, prepared by DSH Design Group, dated 7/10/2014
- Agreement relative to parking on a portion of Charlemont Street, dated 1/8/1993
- Board Order #91-91, dated 5/6/1991

ADMINISTRATIVE DETERMINATIONS:

1. The applicant is proposing to construct an 840 square foot addition to the rear of the existing 33,900 square foot building. Section 30-24(d)(5) requires a special permit for commercial developments in excess of 20,000 square feet of gross floor area.
2. The applicant intends to use the additional space to house an automotive detailing shop. Pursuant to Section 30-13(b)(6), inside service of motor vehicles requires a special permit.
3. There are 223 existing parking stalls on site, serving the businesses on the two lots. Per Section 30-19(d), the applicant requires 213 parking stalls for the existing businesses. The 840 square foot addition for the car detailing business will require an additional four parking stalls; one stall per each 300 square feet, plus one stall per each three employees at the busiest shift, per Section 30-19(d)(10). With the new requirement of 217 stalls to service the businesses on site, the applicant’s existing 223 stalls satisfy the requirement and no action by the Board is required.
4. A condition of Board Order #91-91 required that the applicant seek a license from the City of Newton to use portions of Charlemont St for parking, as the lot line bisects most of the stalls along Charlemont. This agreement was executed on January 15, 1993 and remains active.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-24(d)(5)	For commercial developments in excess of 20,000 gfa	S.P. per §30-24
§30-13(b)(6)	To allow inside service of motor vehicles Mixed Use 1 District	S.P. per §30-24