



City of Newton, Massachusetts
Department of Planning and Development
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423-13

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Setti D. Warren
Mayor

Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 14, 2014
Land Use Action Date: January 28, 2014
Board of Aldermen Action Date: February 3, 2014
Action Expiration Date: April 14, 2014

DATE: January 10, 2014

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

SUBJECT: **Petition #423-13**, KEY POINT PARTNERS, for a SPECIAL PERMIT/SITE PLAN APPROVAL to locate a full-service veterinary hospital in an existing retail building at 215 NEEDHAM STREET, Ward 5, Newton Upper Falls, on land known as SBL 51, 28, 8G, containing approximately 70,847 sf of land in a district zoned MIXED USE 1. Ref: Sec 30-24, 03-23, 30-13-(b)(14) of the City of Newton Rev Zoning Ord., 2012, and Special Permit #610-89.

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.



215 Needham Street

EXECUTIVE SUMMARY

The property located at 215 Needham Street consists of a 70,847 square foot lot improved with an existing multi-tenant commercial building constructed in 1940. The property has been used for a mix of uses, but in 1990 a special permit via Board Order #610-89 was approved authorizing the property and buildings to be used for the current mix of uses, which includes accessory office, manufacturing, retail, and storage uses. Furthermore, the joint use of parking stalls between the subject property and the adjacent lot to the south was authorized under a special permit via Board Order #37-81. As proposed, the petitioner is seeking a special permit to allow development of a service use, a full-service veterinary hospital operated by Banfield Pet Hospital, within a PetSmart retail store. The veterinary hospital will occupy 1,575 square feet of the PetSmart retail store, which occupies 16,198 square feet of retail space in the mixed use building. This retail space was previously occupied by Filene's Basement. A special permit is necessary to develop a service use in a Mixed Use 1 zoning district per the Newton Zoning Ordinance.

Per the Zoning Review Memorandum (**ATTACHMENT A**), the proposed service use has the same parking requirement as the previous retail use. As such, the uses on the subject property do not require more parking than the 138 parking stalls already available on the site. Since there is no change to the required number of parking spaces for the uses on the site, the proposed special permit should not impact the leasing of parking spaces between the subject property and the adjacent lot.

The Department of Planning and Development has no particular concerns with this petition. The *Newton Comprehensive Plan*, adopted in 2007, supports the development of a mix of uses along the Needham Street Corridor. The petitioner's proposed use helps to fulfill this objective by further diversify the mix of uses in the surrounding area and contributes to the character and vitality of the community.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the Board should consider whether:

- The site is an appropriate location for the proposed veterinary hospital, a service use in the Mixed Use 1 zoning district.
- The proposed use can be operated so as not to adversely affect the neighborhood.
- The requested use will not result in the creation of a nuisance or hazard to vehicles or pedestrians in the surrounding neighborhood.
- The site has adequate access for the type(s) and number(s) of vehicles for the current and requested uses.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject site is located between the village of Newton Highlands and the village of Newton Upper Falls. The property is in a Mixed Use 1 zoning district (**ATTACHMENT B**), which extends along both sides of Needham Street. A mix of commercial land uses surrounding the subject property.

B. Site

The site consists of 70,847 square feet of land and is improved with a multi-tenant commercial office building at the corner of Needham Street and Tower Road. The building, with an attached parking garage in the rear, and uses appear to have been in existence on the site since the 1990s.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site currently contains accessory office, manufacturing, retail, and storage uses (**ATTACHMENT C**). The petitioner is proposing to develop a veterinary hospital, which is considered a service use, is a land use requiring a special permit in this zoning district. The proposed use will be located within a PetSmart retail store that will occupy retail space formerly used by Filene's Basement.

B. Building and Site Design

The property was developed to its current configuration in the 1990s according to an approved special permit via Board Order #610-89, which included the redevelopment of the existing building for a mix of uses and the construction of the attached parking garage. The service use will occupy approximately 1,575 square feet of the PetSmart retail store. Other than the interior construction activities necessary to build-out the veterinary hospital, no physical changes to the building or site are proposed that would result in any increase in the gross floor area present on the site.

C. Parking and Circulation

The proposed use will not result in any alterations to the current parking and circulation configuration for the property. According to the Zoning Review Memorandum, the proposed service use has the same parking requirement as the previous retail use, which requires one stall per each 300 square feet of gross floor area and one additional stall for each three employees on the largest shift. As such, the uses on the subject property do not require more parking than the 138 parking stalls already available on the site. Since there is no change to the required number of parking spaces for the current and proposed mix of uses on the site, the requested special permit should not impact the previously approved leasing of parking spaces between the subject property and the adjacent lot to the south.

D. Landscape Screening

No landscaping plan was required for this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT A**) provides a complete analysis with respect to zoning. The petitioner is seeking a special permit to authorize the development of a service use within existing retail space.

B. Engineering Review

This project does not require review by the Engineering Division of Public Works.

V. ZONING RELIEFS SOUGHT

Based on the Zoning Review Memorandum, the petitioner is seeking a Special Permit for the following relief:

- Section 30-13(b) to allow a veterinary hospital, a service use, in a Mixed Use 1 zoning district.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum

Attachment B: Zoning Map

Attachment C: Land Use Map



Setti D. Warren
Mayor

Attachment A

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: December 2, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Eric Bratzler
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to locate a veterinary hospital in a retail store**

Applicant: PetSmart	
Site: 215 Needham Street (aka 225 Needham St)	SBL: 51028 0008G
Zoning: MU1	Lot Area: 70,847 square feet
Current use: Vacant (previously used for retail)	Proposed use: Retail with accessory veterinary hospital

BACKGROUND:

The property at 215 Needham Street consists of a 70,847 square foot lot improved with an existing multi-tenanted building constructed in 1940. The applicant is proposing to occupy a now vacant portion of the building formerly occupied by Filene's Basement with a PetSmart retail store with an associated full-service veterinary hospital operated by Banfield Pet Hospital. A special permit (Board Order #610-89) was issued in 1990 allowing retail use of the property, however the associated veterinary hospital requires a special permit in the MU1 district.

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

- Zoning Review Application, prepared by Eric Bratzler, project manager, submitted 11/25/13
- Fit-out Plans, submitted by Barry Jay Greenberg, Architect, dated 10/29/13

ADMINISTRATIVE DETERMINATIONS:

1. Board Order #610-89 dated April 17, 1990 allowed retail, accessory office and storage, manufacturing, the construction of a three-level parking facility, and a 90-seat restaurant. The board order allows for the proposed use of the site for the PetSmart retail store, but a special permit is required for the associated veterinary hospital, per Section 30-13(b)(14) of the Newton Zoning Ordinance.
2. A veterinary hospital is classified as a service establishment for the purposes of a calculating the parking requirement. Service and retail uses have the same requirement of one stall per each 300 square feet, as well as one stall per each three employees on the highest shift, per section 30-19(d)(10). The property has 138 parking stalls. The hospital is proposed within the existing retail space, and therefore no additional parking is required.

Zone MU1	Required	Existing	Proposed
Lot Size	40,000 square feet	70,847 square feet	No change
Setbacks for existing structure <ul style="list-style-type: none"> • Front • Side • Rear 	15 feet 7.5 feet 7.5 feet	NA	No change
Maximum Building Height	36 feet		No change

3. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-13(b)(14)	Allow a Veterinary Hospital in MU1 Zone	S.P. per §30-24






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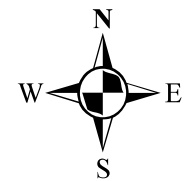
Zoning Map 215 Needham St.

*City of Newton,
Massachusetts*

ATTACHMENT B

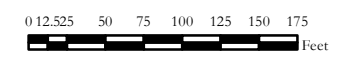
Legend

-  Building Outlines
-  Streets - Pavement Edge
-  MR1
-  Mixed Use 1
-  Property Boundaries

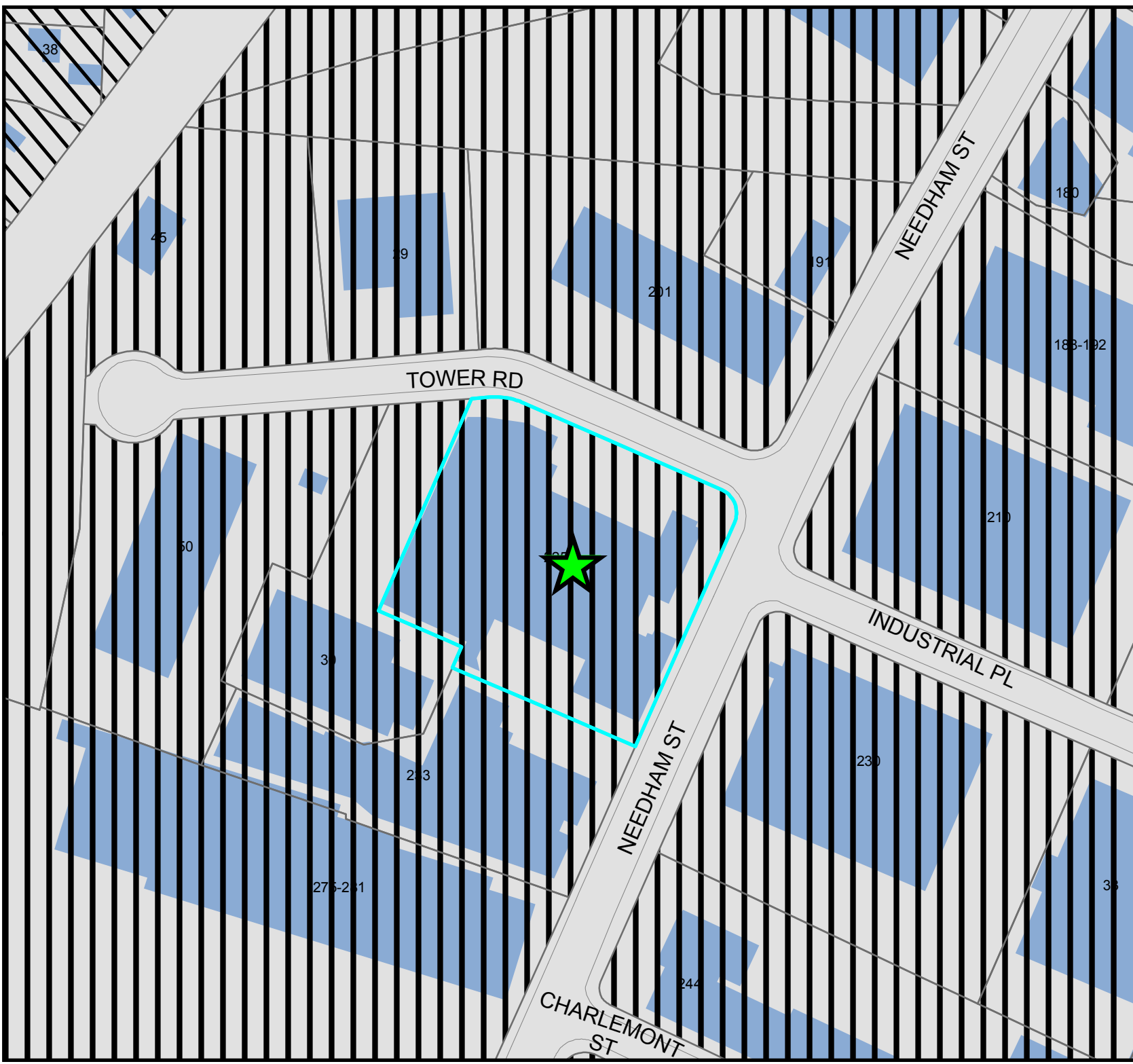


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: December 30, 2013

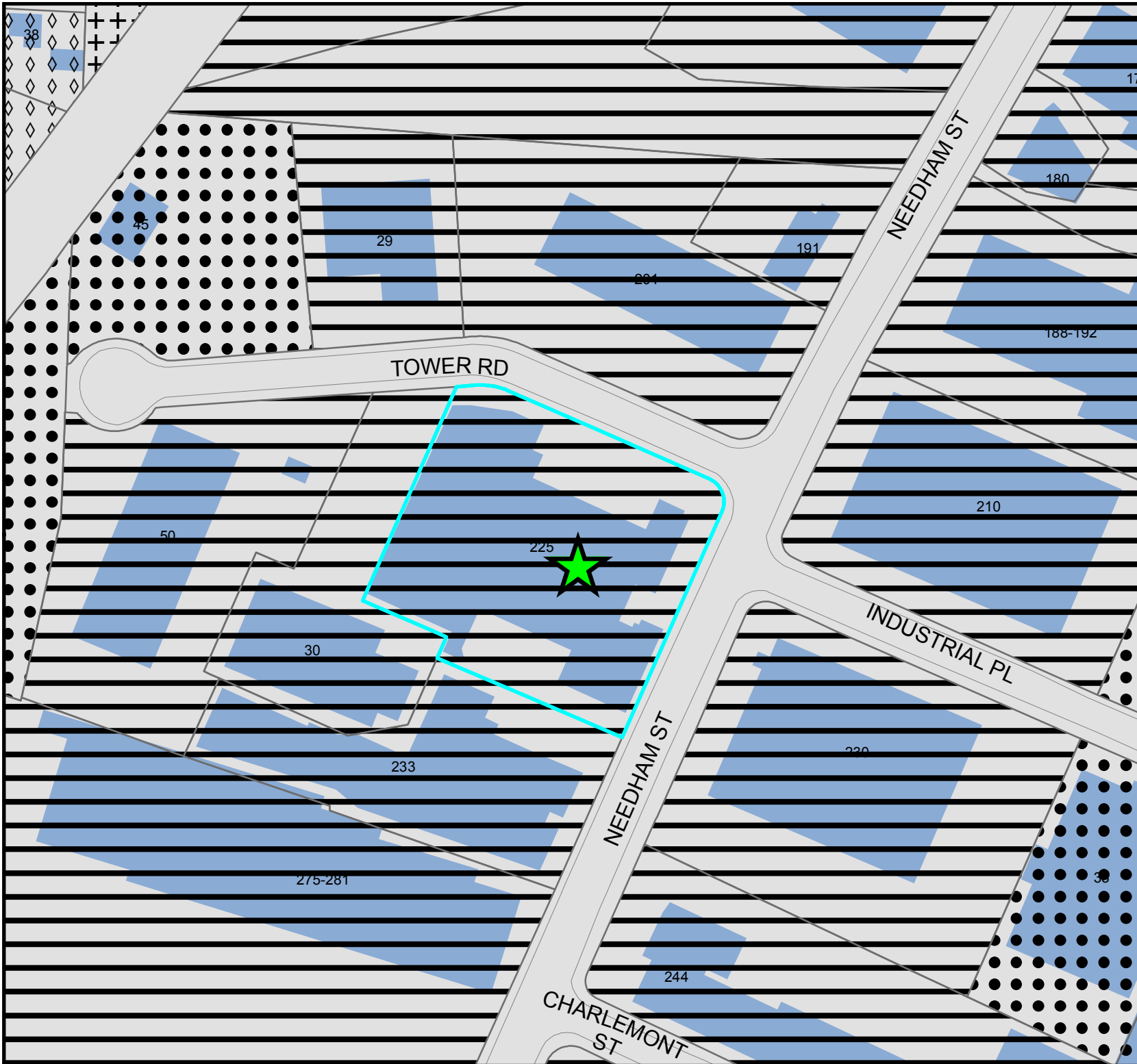


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Land Use Map 215 Needham St.

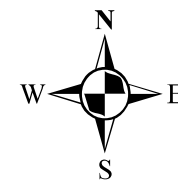
*City of Newton,
Massachusetts*

ATTACHMENT C



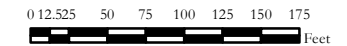
Legend

- Building Outlines
- Streets - Pavement Edge
- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Property Boundaries



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 Mayor - Setti D. Warren
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