

**Joint Public Hearing Minutes**  
**City Council Ordinance Committee / Planning Board**  
**Zone Change – Amend the Shopping Center Zone**  
**Zone Change – Create Shopping Center Zone for Large Scale Districts**  
(meeting is being recorded)

On Tuesday, May 12, 2015, the Holyoke Planning Board held a Joint Public Hearing(s) with the Ordinance Committee of the City Council to run concurrently to “amend Shopping Center (SC) Zoning Ordinance” and “create a Shopping Center Zone for large scale districts”. The meeting was held in the City Council Chambers, 536 Dwight Street, Holyoke, Massachusetts at 6:30 p.m.

Attendance:

**Planning Board**

Mimi Panitch .....	Chairman
Christian LaChapelle.....	Vice-Chairman
Mark Joy.....	Secretary
John Kelley.....	Member
Eileen Regan .....	Member
Harry Montalvo .....	Associate

**Planning Department**

Marcos Marrero.....	Director
Jeffrey Burkott .....	Principal Planner
Claire Ricker .....	Senior Planner
Sharon Konstantinidis.....	Head Clerk

**Ordinance Committee**

Rebecca Lisi .....	At Large Councilor
Gordon Alexander.....	Ward 7 Councilor
Linda Vacon.....	Ward 5 Councilor
David Bartley .....	At Large Councilor
Jennifer Chateaufneuf .....	At Large Councilor

**City Council**

Joseph McGiverin.....	At Large Councilor
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**Others Present**

Kara Cunha.....	2 <sup>nd</sup> Assistant City Solicitor
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MIMI PANITCH, at 8:27 p.m., called for a motion to open the Public Hearing for the above mentioned zone change amendments. A motion was made by MARK JOY and seconded by EILEEN REGAN. The motion carried 5-0.

COUNCILOR LISI stated that the intent was to create uniformity amongst the shopping plazas/strip malls. Dialogue would determine if it was advantageous to expand the SC zone, eliminate it all together, or create a way to allow additional uses and control development.

JEFFREY BURKOTT submitted a color General Business (BG), Highway Business (BH), Shopping Center (SC), and General Industry (IG) comparison sheet, the Table of Dimensional Regulations (Section 5.2), the existing SC zones (Section 8.3), Business and Industrial Sign regulations (Section 4.6.4), and a list of goals and potential changes.

The Ordinance Committee reviewed and discussed the documents.

COUNCILOR VACON stated that there was only one shopping center in the SC districts and noted her objection to modifying a spot zone; the property owner should pursue a zone change if the intent is to change the zone to allow mixed use. The BG and BH zones were more permissive than the SC Zone. Any changes to the text by definition are a zone change. COUNCILOR LISI responded that the land owner was not seeking a Zone Change only assisting in obtaining continuity in zones designated for shopping.

MARCOS MARRERO stated that there were three issues at hand:

- 1) BH zones are hard to regulate because it has a significant outlier, the Holyoke Mall;
- 2) Changes in the retail market have moved retailers to seek accessory uses to compliment their shopping plazas; and
- 3) The centers for shopping are all zoned differently, but the market is driving them to be uniformed.

MARCOS MARRERO explained that the process would be to take a zone (not BH) and make sure it has flexibility to accommodate the changing market conditions, and provide standardized, predictable, and uniformed zone for a larger retail plazas in this area.

COUNCILOR VACON stated that she understood the theory, but questioned why a business in the BG or BH zone would consider changing to the SC zone when it was more restrictive. MARCOS MARRERO replied that he agreed and noted that some of the changes could be made enticing to the business to want to change zones. A document outlining the framework for discussion was submitted and reviewed.

COUNCILOR VACON stated that at the last Public Hearing she had requested that any business owner that could be affected to be present and only two business owners have been approached. She asked what outreach had occurred as this was a significant change. JEFFREY BURKOTT responded that the changes to the SC zone were still conceptual. MARCOS MARRERO added that the business owners will become engaged as soon as there is something substantial to present. In the meantime, we will continue to update the Ordinance Committee as we keep moving forward.

COUNCILOR VACON stated that there was a lot of work done to the changing of a spot zone then there was on amending the downtown parking. She added that there was not a compelling push from the business community and questioned why this was on the fast track. MARCOS MARRERO stated that the statement was not a fair comparison as the Department is charged with meeting the expectations that are set forth per the Public Hearings.

COUNCILOR VACON asked for the opinion of the Planning Board relative to a spot zone and whether or not the changes to the SC zone are considered a zone change. MIMI PANITCH responded that the proposed amendments were a zone change. COUNCILOR LISI explained that any changes to the Zoning Ordinance is considered a zone change whether it affects the written text or parcel boundaries.

COUNCILOR ALEXANDER thanked Planning staff for the Comparison Use Chart of the BG, BH, SC, and IG Zones and clarified that this Order was filed before the Downtown Parking Order was filed and was definitely not on the fast track. In reviewing the Use Chart, COUNCILOR ALEXANDER noted that it appears as though the intent was to bring the Shopping Center Zone into 2015 and asked if the definition of arcade was listed in the Zoning Ordinance "Definitions". JEFFREY BURKOTT replied that it was not.

COUNCILOR LISI noted that the intent is to create a Shopping Center corridor and overcome the "spot zone" perception. MIMI PANITCH added that it would also be more business friendly by appealing to potential developers with one set of criteria.

JOHN KELLEY added that Holyoke has many business zones and agreed with the concept to create a comprehensive business zone while allowing for compatible uses as the retail industry was changing.

JENNIFER CHATEAUNEUF noted that all the Shopping Centers should be looked at collectively; the Barnes & Noble was not the only Shopping Center in the City. COUNCILOR ALEXANDER replied that was the point of the Order as there are multiple Shopping Plaza's in multiple zones with different criteria. Going forward, there are many things to consider. Does the City want to create a 5<sup>th</sup> zone strictly for prime locations, and why some uses are in one zone and not in others? This was the time to look forward at the changing industry and determine what the City wants to see in their SC zone. Perhaps create a level of Commercial Zones with each one more intense in use. Either direction the amendments to the SC zone take, the Zoning Ordinance needs to be cleaned up.

COUNCILOR BARTLEY complemented the effectiveness of the Comparison sheet, the easy to read outline of the framework, and the long-term thinking of the Planning & Economic Development Department & Staff. He noted that during this process, the City needs to be sensitive to businesses like the Holyoke Mall and O'Connell's as they are major taxpaying businesses and have done a great service to the City. It does not mean that laws will be broken to accommodate these businesses, but to be sensitive to their legacy in Holyoke.

COUNCILOR LISI noted that there was much information to digest and she intended to file a new Order to examine the 4 Business Districts side by side and run them concurrently with the current Public Hearings.

Statutory procedures were discussed relative to publicizing and notification of a text change Public Hearing. MARK JOY was concerned that parties of interest in the business zones will have no notice of the text changes unless they are actively reading the public notice listings or the City's website. KARA CUNHA stated that any text change abutter notification would set precedence.

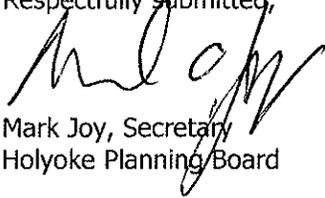
MARCOS MARRERO added that although it is not required by statute, the goal would be to inform all interested parties and get them on board. He expressed his concern of overstretching by amending all the commercial zones.

COUNCILOR LISI asked for those that wished to speak in favor or against, or to ask questions to come forward. No one was forthcoming.

A working group was formed to discuss drafting amendments and/or creating a new zone. (Chateaufeuf, Lisi, Panitch, and Kelley)

MIMI PANITCH at 9:15 p.m. called for motion to continue the Public Hearing until July 14, 2015 at 6:30 p.m. A motion was made by JOHN KELLEY and seconded by EILEEN REGAN. The motion carried 5-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark Joy', written over the typed name and title.

Mark Joy, Secretary  
Holyoke Planning Board