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

On Tuesday, September 8, 2015, the Holyoke Planning Board continued the Joint Public Hearing(s) (April 14, 2015; May 12, 2015, July 28, 2015) 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
John Kelley	Member
Eileen Regan	Member
Harry Montalvo	Associate

Ordinance Committee

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

Planning Staff

Marcos Marrero	Director
Jeffrey Burkott	Principal Planner
Sharon Konstantinidis	Head Clerk

City Council

Joseph McGiverin	At Large Councilor

Others Present

Kara Cunha	2nd Assistant City Solicitor
Andrew Crystal	O'Connell's Development Group
William Rogalski	Pyramid Management Group
James Lavelle	200 Whiting Farms Road

MIMI PANITCH at 6:37 p.m., called for a motion to open the Public Hearing continued from July 28, 2015. A motion was made by JOHN KELLEY and seconded by EILEEN REGAN. The motion carried 4-0.

REBECCA LISI explained that the Office of Planning & Economic Development had presented a revised Ordinance to restructure the SC zoning district to be more appealing and user friendly to more businesses in the Ingleside area. The intent was to create a more contiguous zone and design standards for the commercial development. The question raised was what are the trade offs and benefits to the current property owners. Several property owners were approached to comment on the concept of a shopping center district.

MARCOS MARRERO stated that the proposed Ordinance intends to address the realities of the large commercial properties compared to modern demands. The retail industry has seen changing conditions between on-line shopping, carrying fewer inventories, and less space needed. There are ways to maintain vibrancy of the City's main retail corridor. Some retail properties can incorporate hotels but are limited in height restrictions and signage while some retail businesses have restricted uses. Several business owners were approached and the feedback was positive.

ANDREW CRYSTAL spoke in favor of the project noting that the proposed changes to the SC zone made sense. The industry was changing to smaller and fewer stores; the trends across the country are mixed-use incorporating medical offices, Police substations, and community services. He suggested increasing the 10% of space designated for non-retail as it was too low. Based on what the trends of the industry and types of uses, 30% would still allow the character of the retail feel to remain. The proposed changes would allow potential developers to know up front what is allowed and simplify the process.

WILLIAM ROGALSKI spoke in favor of the amendments to the SC Zone noting that mixed-use allows the space to be utilized when a big box store leaves. The retail landscape is changing and these amendments would allow flexibility, not piece meal the parcel, and streamlining of the process. The feedback has been positive from their legal team. He added that the time to make these changes was now if the City wanted to remain competitive in the market.

JAMES LAVELLE spoke in favor of the proposed changes. He expressed his concern regarding the streams and waterways that travel through the properties as it limits the use of a lot of acreage. He noted that Disneyworld was built, and continues to be built, on a swamp; they figured out how.

COUNCILOR VACON stated that she was not against creating or changing zones but questioned if the issue was regarding the height, type, size of zones, then why not amend the current zones. She state that the proposed change to SC would be a spot zone; if the intent was to creating a new district then it should be labeled something different. She asked the business representatives present if they would seek a zone change from their current zone based on the proposed changes or would prefer to expand the uses allowed.

ANDREW CRYSTAL responded that all the uses in the business zones were allowed in the proposed SC zone with the exception of business or professional office and retail banking. He would be in favor of changing his current zone to the proposed Shopping Center for Large Districts zone.

COUNCILOR VACON asked for clarification that the zoning text change was city wide. COUNCILOR LISI stated that the zone change was for the text that governs the zone. Currently there is only one Shopping Center zoned parcel and the language is very narrow; changes to that language would only affect that one parcel until other property owners request a change to the SC zone from their current business zone.

COUNCILOR VACON stated that there is no retail specific zone in the City, but areas that have retail. If the City wants to bring a retail zone to Ingleside and call it Shopping Center (SC) for the only shopping center in the city then identify that; if the City wants a Zone Change for the City then call it that. MARCOS MARRERO responded that it was incorrect as the proposed text change was for the language that defines a shopping center.

COUNCILOR VACON asked what the value of the Zone Change to the City was. MARCOS MARRERO provided the example that expanding a hotels height to 4 stories means more tax revenue and more jobs; allowing mixed use flexibility means less store vacancies. He added that beyond the failure of the SC zone in the past was that it was designed to create one unique zone for all types of shopping centers at different scales throughout the City. The proposed is intended for large shopping center districts (Pier One, Holyoke Crossing, Holyoke Hotel, Holyoke Mall) as they are retail attractors off the highway.

COUNCILOR VACON asked what the difference was between the Ingleside plaza and the South Street Plaza. MARCOS MARRERO replied that the K-Mart Plaza was built at a time when the main commercial corridor was Route 5. The vacancies at that Plaza are not due to lack of flexibility but rather lack of visibility. Other plazas in the City are not a destination.

COUNCILOR ALEXANDER clarified that the proposed Ordinance was tweaking the existing SC Zone and the creation of a new shopping center we can title shopping plaza.

COUNCILOR CHATEAUNEUF stated that the K-mart plaza, or any other shopping area with enough acreage, could apply for the proposed zone change. MARCOS MARRERO responded yes.

JOHN KELLEY reiterated his request from the last Public Hearing to include car rental as a use allowed by Special Permit into the draft.

COUNCILOR MCGIVERIN noted that O'Connell's Development and the Holyoke Mall, two very successful businesses, have stated that the retail industry is changing. This is not about second guessing what is about to happen, but about creating opportunity to go along with change and to bring the type of business that can grow and create the concept of mixed-use. The reason the SC district probably was not successful was that it was not created for the whole city. He was in favor of the proposed text amendment.

COUNCILOR ALEXANDER asked what zones allowed for car sales. JEFFREY BURKOTT replied that car rental fell under "motor vehicle, trailer, or boat sales and rental" in the BH, BE, and IG zones. COUNCILOR ALEXANDER noted that "car rental" could be separated from motor vehicle, trailer, or boat sales; a new line could be added that allowed it only in the new SC Zone.

COUNCILOR VACON cautioned eliminating certain uses in the existing zones where the City would no longer remain flexible and provide opportunity. COUNCILOR LISI responded that existing businesses would not be affected until the business ceases to operate or is sold. COUNCILOR ALEXANDER asked for confirmation from the Law Department that it was the ceasing of the use and not the business that would be affected. ATTORNEY CUNHA confirmed.

COUNCILOR LISI noted that the Public Hearing needed to be continued due to outstanding information from WILLIAM ROGALSKI relative to a legal opinion from his legal counsel. WILLIAM ROGALSKI responded that the Holyoke Mall was not committing to changing their zone at this time. He added that during the 1995 changes in the zoning code, assumptions were made that certain sign allowances were grandfathered when in fact they were not. In today's ultra competitive market place it does not take much to lose a deal.

At 7:18 p.m., MIMI PANITCH called for a motion to continue the Public Hearing until October 13, 2015 at 6:30 p.m. for the purpose of obtaining additional information. A motion was made by JOHN KELLEY and seconded by CHRIS LACHAPELLE. The motion carried 4-0.

Respectfully submitted,

John Kelley, Secretary Pro Tempore
Holyoke Planning Board