

CITY OF LOWELL
PETITION

TO THE
CITY COUNCIL

Thomas Lawrence, III
(Attorney General)

Petition to amend zoning ordinance re: 55 Phoenix Ave.

In City Council

July 24, 2018

Read and

Clerk



Manzi Bonanno & Bowers
— ATTORNEYS AT LAW —

280 Merrimack Street, Suite B
Methuen, Massachusetts 01844

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fax: 978.794.9628

Real Estate fax: 888.655.3060

Hon. Mary McCauley Manzi (Ret.)
Vincent C. Manzi, Jr.
Maria Bonanno
James M. Bowers

Of Counsel
Rachel L. Judkins
Alex Moskovsky

July 18, 2018

Paralegal
Jennifer M. Boylan
Paulina Taveras

Mr. Michael Geary, City Clerk
City of Lowell
375 Merrimack Street
1st Floor, Room 31
Lowell, MA 01852

RE: Petition to Amend Zoning Ordinance
Property Address: 55 Phoenix Avenue
Petitioners: Phoenix Avenue, LLC

2018 JUL 18 PM 1:30
CITY CLERK'S OFFICE

Dear Mr. Geary:

Kindly accept this letter, submitted on behalf of Phoenix Avenue, LLC, owners of the property located at 55 Phoenix Avenue, Lowell, MA. This letter is submitted pursuant to Section 1.7 of the Lowell Zoning Ordinance, whereby my clients petition the City of Lowell to amend the current zoning ordinance, to change the zoning for the subject property from the LI (light industrial) district, where it is currently located, to the RR (regional retail) district, which directly abuts the property. In essence, my clients seek to move the current RR line, which surrounds the property to the north and to the west, to absorb my client's property as well.

The following documents are provided with this Petition:

- (1) Certified abutters' list, for properties within 300' of 55 Phoenix Avenue;
- (2) Zoning plan of locus (1" = 60');
- (3) Zoning plan of locus (1" = 379');
- (4) Flood plain map; and
- (5) Photograph of the subject property.

Presently, a two story building rests on the site. There are three buildings in total on this parcel of land (#55, #75, #77-81). The parcel abuts the RR district, and is within approximately 600' of the OP (office park) district.

Approximately eighty (80%) percent of the parcel is wetlands, while another twelve (12%) of the parcel is in the 100 Year Flood Plain. Resultingly, only eight (8%) of the parcel, in

Mr. Michael Geary, City Clerk
City of Lowell
Page 2

the area that fronts Phoenix Avenue, is usable. At present, the first floor is leased to a state police training film production company.

The second floor of the building has never been occupied, as my client has been unable to secure a tenant, for a use consistent with the light industrial zone. The second floor is approximately 3,600 square feet.

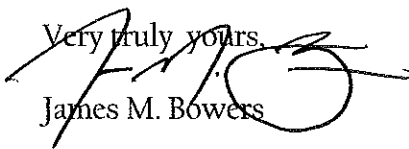
The building at 75 Phoenix Avenue is occupied by a truck depot. The building at 77-81 Phoenix Avenue houses a truck repair shop. The property behind these two buildings is principally wetlands.

In the last several months, my clients have been in communication with a company that has expressed a desire to operate a registered marijuana dispensary (RMD) from the second floor of the subject property. On May 15, 2018, the City Council passed comprehensive zoning ordinance, limiting RMDs to RR (regional retail) and OP (office park) zones.

We are petitioning the City of Lowell for this zoning amendment, to change the zone from LI to RR, to allow an RMD to locate within. Due to the limitations of the LI district, the building has been underutilized, with the second floor never having been occupied. Additionally, the company that expressed its desire to operate an RMD at the location has previously been given a Letter of Non-Opposition from the City of Lowell, to operate a cultivation site at 92 Bolt Street, Lowell, MA.

Thank you for your consideration of this petition. We look forward to discussions with the City of Lowell with regard to this request.

Very truly yours,


James M. Bowers

JMB/tt
Enclosures

Susan A. LeMay, MAA
Chief Assessor
Mabel E. Bond
Joel H. Cohen
Assessors

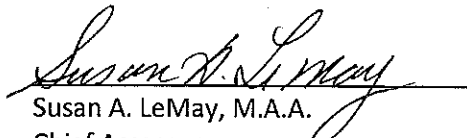
July 17, 2018

Mr. Michael Q. Geary
City Clerk
375 Merrimack St.
Lowell, MA 01852

Dear Sir:

This is to certify that the individuals described on the attached listing are the certified list of parties in interest in Lowell, MA of the premises located at 55 Phoenix Avenue, Lowell, MA.

Very truly yours,


Susan A. LeMay, M.A.A.
Chief Assessor
Board of Assessors

Attachments – 2 pages
Cc: Assessor File
SAL/as

RE: 170.1 BERKELEY AVE

CITY OF LOWELL
CONSERVATION LAND
375 MERRIMACK ST
LOWELL, MA 01852

RE: 55 PHOENIX AVE

PHOENIX AVENUE LLC
44 CEDAR ST
LOWELL, MA 01852

RE: 77 PHOENIX AVE

PHOENIX AVENUE LLC
44 CEDAR ST
LOWELL, MA 01852

RE: 100 PHOENIX AVE

SML REAL ESTATE LLC
2 FRANKLIN ST
READING, MA 01867

RE: 137 PHOENIX AVE

137 PHOENIX AVE LLC
C/O SOMERSET INDUSTRIES INC
137 PHOENIX AVE
LOWELL, MA 01852

RE: 665 ROGERS ST

TRS 665 ROGERS STREET REALTY TRUST
665 ROGERS ST
LOWELL, MA 01852

RE: 683 ROGERS ST

STYLOS PETER
C/O LOUIS STYLES
24 HOLYROOD AVE
LOWELL, MA 01852

RE: 50 PHOENIX AVE

TRS TRADE-IN REALTY TRUST
GERVAIS ROBERT V ET AL TRUSTEES
24 REISS AVE
LOWELL, MA 01851

RE: 75 PHOENIX AVE

PHOENIX AVENUE LLC
44 CEDAR ST
LOWELL, MA 01852

RE: 90 PHOENIX AVE

90 PHOENIX AVENUE REALTY CORP
90 PHOENIX AVE
LOWELL, MA 01852-1208

RE: 101 PHOENIX AVE

5 GEN 30 LLC
101 PHOENIX AVE
LOWELL, MA 01852-4930

RE: 137.0 PHOENIX AVE

137 PHOENIX AVE LLC
C/O SOMERSET INDUSTRIES INC
137 PHOENIX AVE
LOWELL, MA 01852

RE: 671 ROGERS ST

EBCCM CORPORATION
85 CLARK RD
LOWELL, MA 01852-3206

RE: 687 ROGERS ST

LOWELL COOPERATIVE BANK
18 HURD ST
LOWELL, MA 01852

RE: 700 ROGERS ST

TRS WILLIAM M ALEXIS TRUST
ALEXIS WILLIAM M TRUSTEE ET AL
142 HOLYROOD AVE
LOWELL, MA 01852-3804

RE: 719 ROGERS ST

TRS MOORE FAMILY REALTY TRUST
MOORE ELEANORE B TRUSTEE ET AL
733 ROGERS ST
LOWELL, MA 01852

RE: 733 ROGERS ST

TRS MOORE FAMILY REALTY TRUST
MOORE ELEANORE B TRUSTEE ET AL
733 ROGERS ST
LOWELL, MA 01852

RE: 711 ROGERS ST

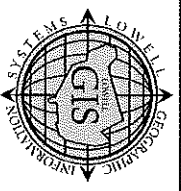
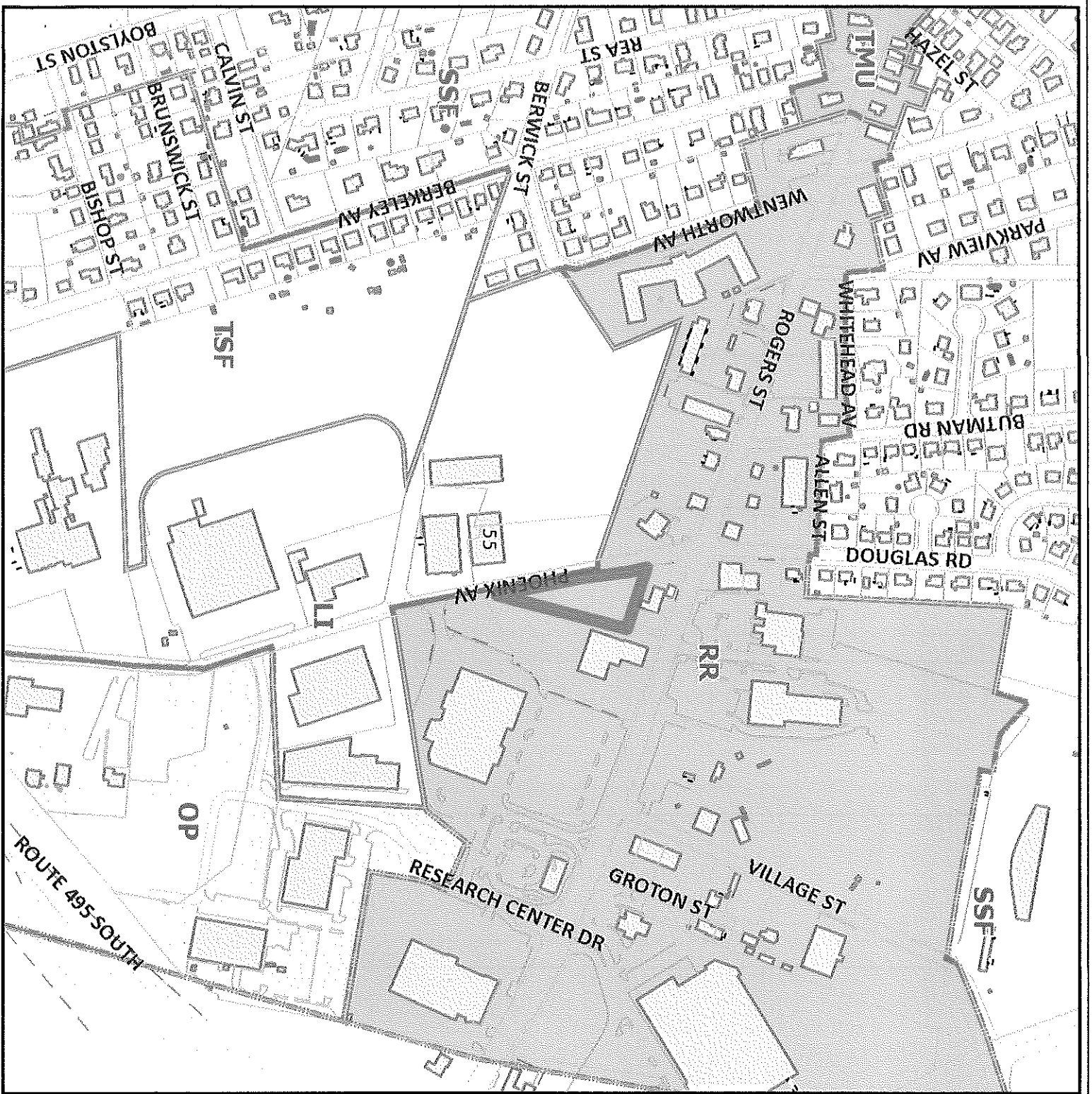
SLEIMAN CORPORATION
C/O NOVR CO
711 ROGERS ST
LOWELL, MA 01852

RE: 720 ROGERS ST

TRS LANNAN FAMILY NOMINEE TRUST
LANNAN MICHAEL J TRUSTEE ET ALS
831 ROGERS ST
LOWELL, MA 01852

RE: 777 ROGERS ST

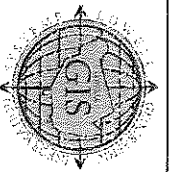
TRS UNITED TRUST
C/O MICHAEL K LEWIS
6 RAMLAND RD
ORANGEBURG, NY 10962-2606



**City of Lowell
Massachusetts
55 Phoenix Avenue, Lowell**

- Lowell Boundary
- Parcels
- Zoning Boundary
- Buildings
- Foundation
- Mobile Home
- Tank
- Deck
- Pool - Above Ground
- Pool - In-Ground
- Zoning**
- USF
- HCD
- NST
- NB
- RR
- LI
- GI
- OP
- HRC
- SMU
- PDMU
- PDMI
- PDMU
- SSF
- TSF
- SMF
- TTF
- TMF
- UMF
- DMU
- TMU

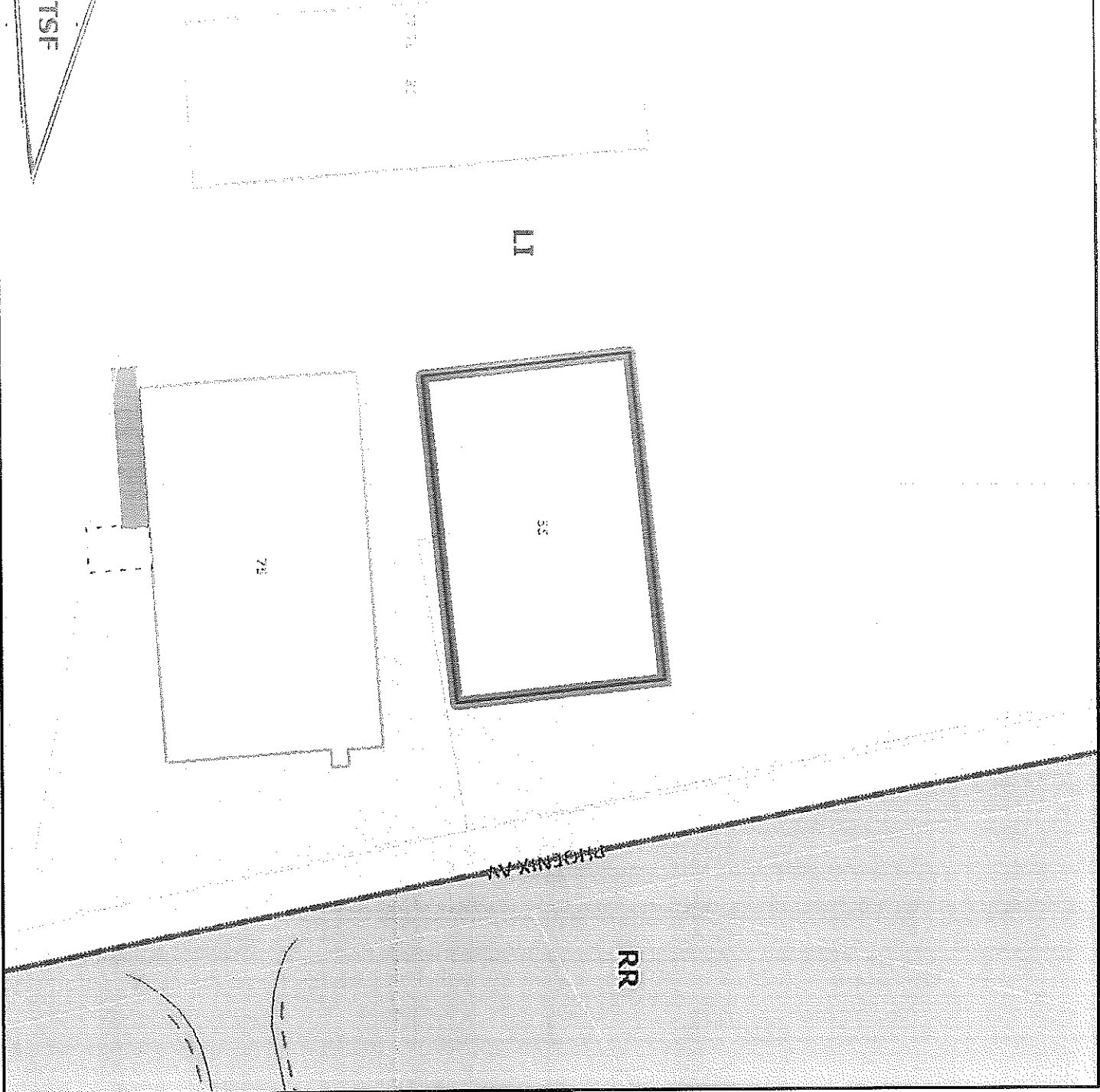
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1" = 379 ft
July 9, 2018



**City of Lowell
Massachusetts
55 Phoenix Avenue, Lowell**

- Lowell Boundary
- Parcels
- Zoning Boundary
- Buildings**
 - Building
 - Foundation
 - Mobile Home
 - Tank
 - Deck
 - Pool - Above Ground
 - Pool - In-Ground
- Zoning**
 - USF
 - HCD
 - INST
 - NB
 - RR
 - LI
 - GI
 - OP
 - HRC
 - SMU
 - UMU
 - PDMU
 - PDMU
 - SSF
 - TSF
 - SMF
 - TTF
 - TMF
 - UMF
 - DMU
 - TMU

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July 3, 2018
1" = 60 ft



TSF

LI

RR

PHOENIX AVE

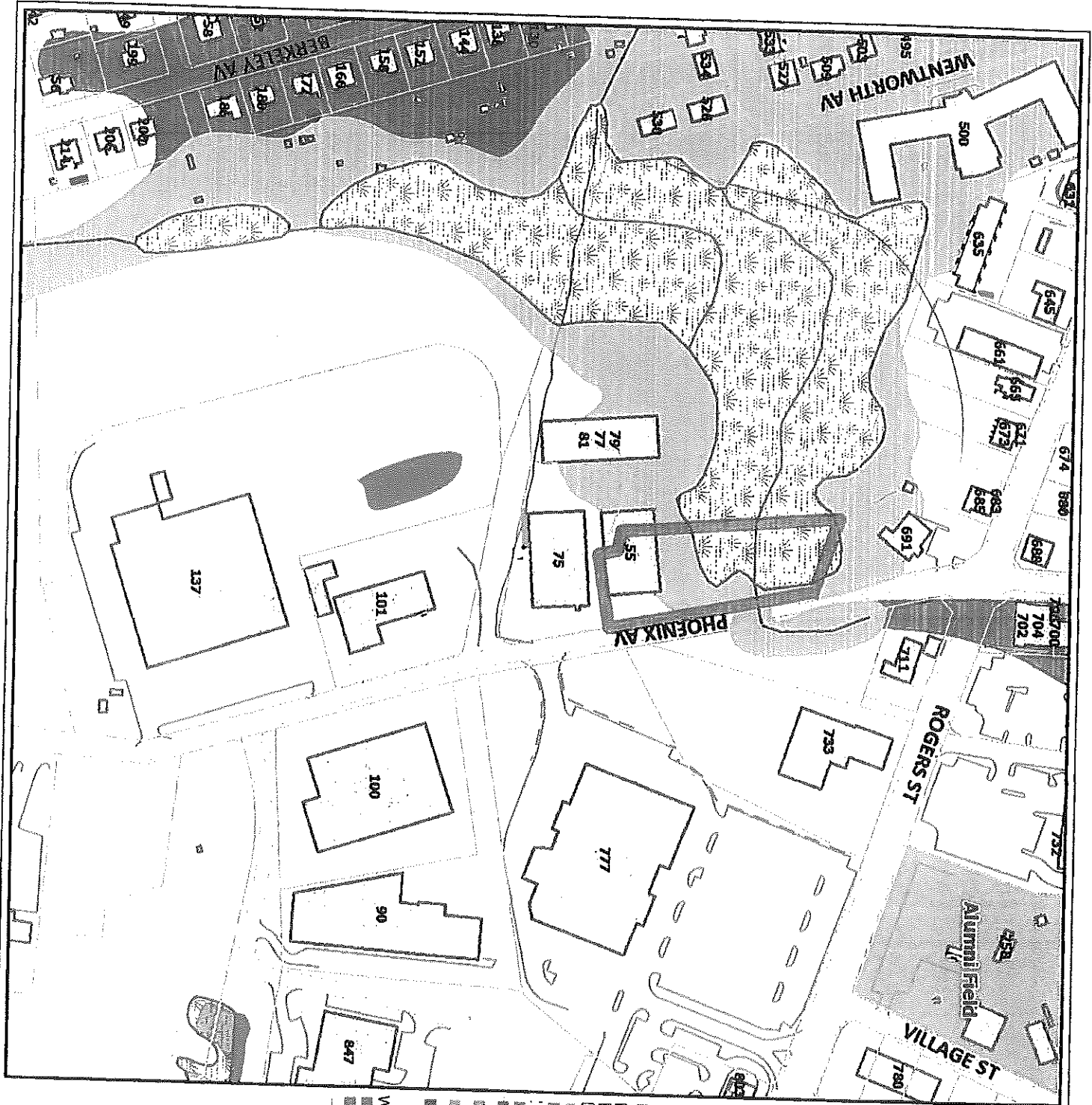
75

33



**City of Lowell
Massachusetts**

- Lowell Boundary
- Parcels
- Popular Destinations
- Driveways
- Railroads
- Wetlands_DEP_arcs
- Wetlands_DEP_Region
- Buildings
- Building
- Foundation
- Mobile Home
- Tank
- Deck
- Pool - Above Ground
- Pool - In-Ground
- Parks
- FEMA Flood 100 Year
- FEMA Flood 500 Year
- Paved Roads
- Water Bodies
- Open Water
- River
- Border Town Parcels



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 1" = 226 ft
 June 8, 2018

