

PLANNING REPORT & RECOMMENDATION

To: Malden Planning Board
From: Malden City Planner
Date: December 11, 2024
Subject: Zoning Amendments - Motor Vehicle Services (CCP 389/2024)
Retail Car Wash (CCP 399/2024)
Various Sections, Title 12, Code of the City of Malden (MCC- all § references herein)

PETITIONS: The petitions are made under §12.32.050; the City Council is the petitioner; and specifically:

1. CCP 389/2024 is sponsored by Ward 4 Councilor Ryan O'Malley, Ward 3 Councilor Amanda Linehan, Ward 6 Councilor Stephen Winslow, Ward 8 Councilor Jadeane Sica, and Councilors- at-Large Karen Colon Hayes and Carey MacDonald.
2. CCP 399-2024 is sponsored by Ward 4 Councilor Ryan O'Malley and Ward 6 Councilor Stephen Winslow.

For full text of proposed amendments, see attached petitions (CCP 389/2024 and 399/2024)

SUMMARIES of PROPOSED AMENDMENTS.

1. **CCP 389/2024: Motor Vehicle Services - Use Regulations, Table of Intensity Regulations, Offstreet Parking & Loading Regulations, Definitions (§§12.12.030, 12.16.010, 12.20.010, 12.20.010 & 12.32.060).**

The proposed amendments establish a new use category, to be known as, Motor Vehicle Services, and amend the following:

- a) Use regulations. As proposed, the use may be allowed by special permit in the Highway Business and Industrial 1 and 2 zoning districts; the Planning Board would be the special permit granting authority (§12.12.030).
 - b) Dimensional controls. As proposed, the dimensional controls are the same as those for Gasoline Filling & Service Station (§12.16.010).
 - c) Parking & loading requirements. The proposed parking requirements are the same as those for Retail Services (4 spaces per 1,000 SF gfa) and proposed loading requirements are the same as those for Gasoline Filling & Service Station (1 loading space) (§12.20.010).
 - d) Definition. The proposed amendment will update the existing definition for Service Station (§12.32.060) as follows:
~~Motor Vehicle Services Station: A building or structure or part thereof, used for providing services to motor vehicles, including but not limited to car washing, oil changes, detailing and routine maintenance services, and supplying accessories to or parts of motor vehicles for profit, excluding including fuel, with facilities for making minor changes and adjustments to motor vehicles, without the use of heavy machinery, but not structural changes nor major mechanical repairs. Motor Vehicle Services is expressly defined to exclude any use classified as a Motor Vehicle Repair Shop or Gasoline Filling Station. Any use classified as Motor Vehicle Services shall not be considered Retail Services for purposes of use regulations, dimensional controls and parking and loading requirements.~~
 - e) Revise name/title of existing use category, Gasoline Filling & Service Station (§12.12.030): update to delete, "Service station" (§12.12.030).
 - f) Parking & loading requirement for Car Wash (§12.20.010): delete existing requirement, 2 per 1,000 SF gfa.
2. **CCP 399/2024: Definitions (§12.32.060).** The proposed amendment establishes a definition for Retail Car Wash. There is no proposal to establish a separate use category or use regulations for

Retail Car Wash, and without such regulations, this business would continue to be classified as retail services.

APPLICATION and EXEMPTIONS: The amendments will apply to new construction and new use/occupancy of existing buildings, unless exempt by City ordinance (§12.28.010); the express language of the amendment; state law (M.G.L. c. 40A, §6), which exempts the subject of a building permit or special permit issued before the first publication of notice of the public hearing (November 22, 2024); or the state Permit Extension Act (Section 280 of Chapter 238 of the Acts of 2024).

The proposed amendments will not apply to building permit issued on September 17, 2024 for a car wash at 1100 Main Street (Permit Application #CMID-067648-2024).

Note 1: Applications for permits (building or special) that are in the processing stage when publication occurs are not protected; there are none.

EFFECTIVE DATE: The effective date of an amendment is the date of the City Council’s vote to ordain the amendment (§12.32.050.F). The Council must act on the amendment within ninety (90) days after the public hearing closes, otherwise, a new duly advertised public hearing must be held (§12.32.050.D); accordingly, if the public hearing closes on December 11, 2024, **the final date for action is March 11, 2025.**

STANDARD of REVIEW: The Planning Board’s review and recommendation of the proposed zoning changes should be directed by *substantive planning objectives, community need and general welfare.*

PLANNING RECOMMENDATION: (*Prepared prior to public hearing*) That the Planning Board recommends to the City Council the following:

1. For CCP 389/2024. Approval of the amendments as submitted and with the following revisions:
 - a) §12.12.030: Delete SP and insert, “Yes.”
 - b) §12.20.010: Add, “and exclusive line up area of 9 x 180 feet”
2. For CCP 399/2024. Disapproval of the proposed amendment as submitted.