

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2017-7

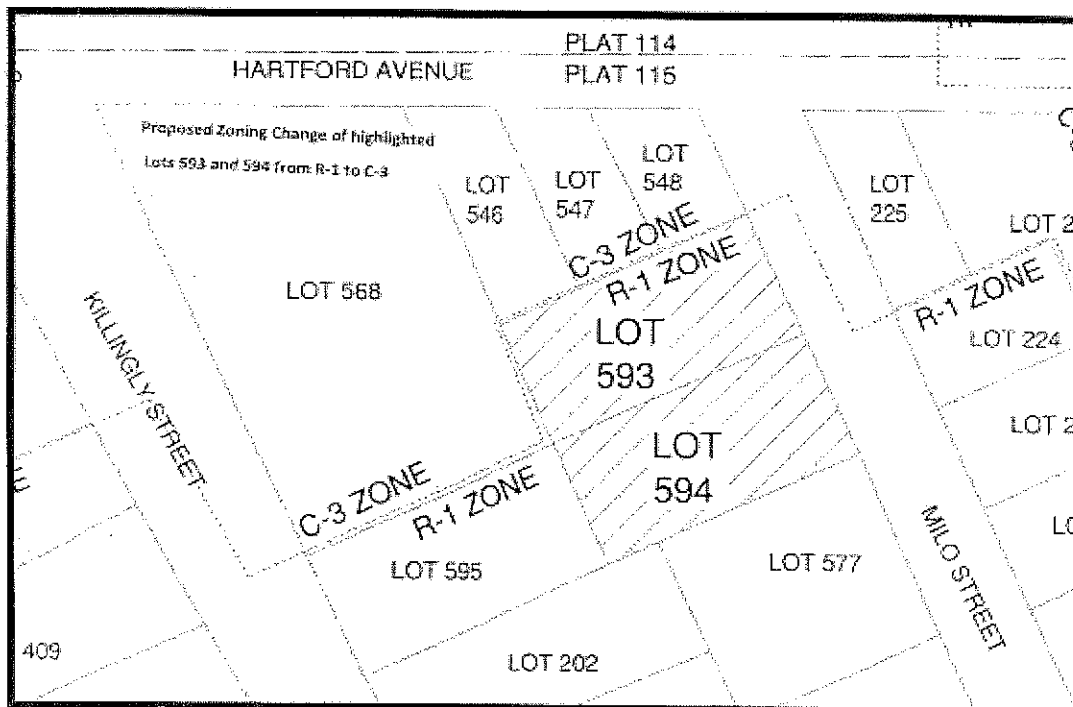
**No. 123** AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE", APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE THE ZONING DISTRICT ON THE OFFICIAL ZONING MAP FOR THE PROPERTY KNOWN AS ASSESSOR'S PLAT 115, LOTS 593 AND 594, LOCATED ON HARTFORD AVENUE, FROM R-1 TO C-3

Approved March 22, 2017

*Be it ordained by the City of Providence:*

**SECTION 1.** An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, is hereby further amended by changing the Zoning District on the Official Zoning Map for the property known as Assessor's Plat 115, Lots 593 and 594, located on Hartford Avenue, as shown on the accompanying map, from R-1 to C-3.

Pursuant to RIGL §45-24-53 (i) the following conditions shall be imposed upon the above-referenced zone change: In any commercial development that is constructed upon said rezoned lots said development shall (i) maintain a buffer with a six foot vinyl coated chain link fence and a row of arborvitae trees in front of Lots 577 and Plat 115 and that portion of Lot 202 on Plat 115 abutting Lot 594 on Plat 115 ("the Abutting Properties"); (ii) maintain directional lighting within such buffer facing away from the Abutting Properties; and (iii) provide an entranceway and exit to the parking lot for the development from Milo Street. No vehicular access is permitted thru Lot 595 on Assessor's Plat 115 from Killingly Street to the commercial development proposed on Lots 546, 547, 548, 593 and 594 on Plat 115.



**SECTION 2.** This ordinance shall take effect upon passage.

IN CITY COUNCIL  
MAR 02 2017

FIRST READING  
READ AND PASSED

*[Signature]*  
CLERK

I HEREBY APPROVE.

*[Signature]*  
Mayor  
Date: *3/22/17*

IN CITY  
COUNCIL

MAR 16 2017  
FINAL READING  
READ AND PASSED

*[Signature]*  
PRESIDENT  
*[Signature]*  
CLERK

**City of Providence**  
State of Rhode Island and Providence Plantations  
**AMENDED**  
**PETITION TO THE HONORABLE CITY COUNCIL**

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

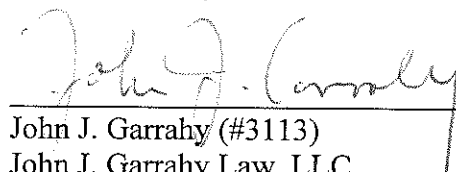
The undersigned respectfully petitions your honorable body

I, Carmel Izzo, hereby petition the City Council to change the Official Zoning Map of the City of Providence by changing the zoning district for the property identified as Plat 115, Lots 593 and 594 from R-1 to C-3. The property sought to be rezoned is shown on the attached plan.

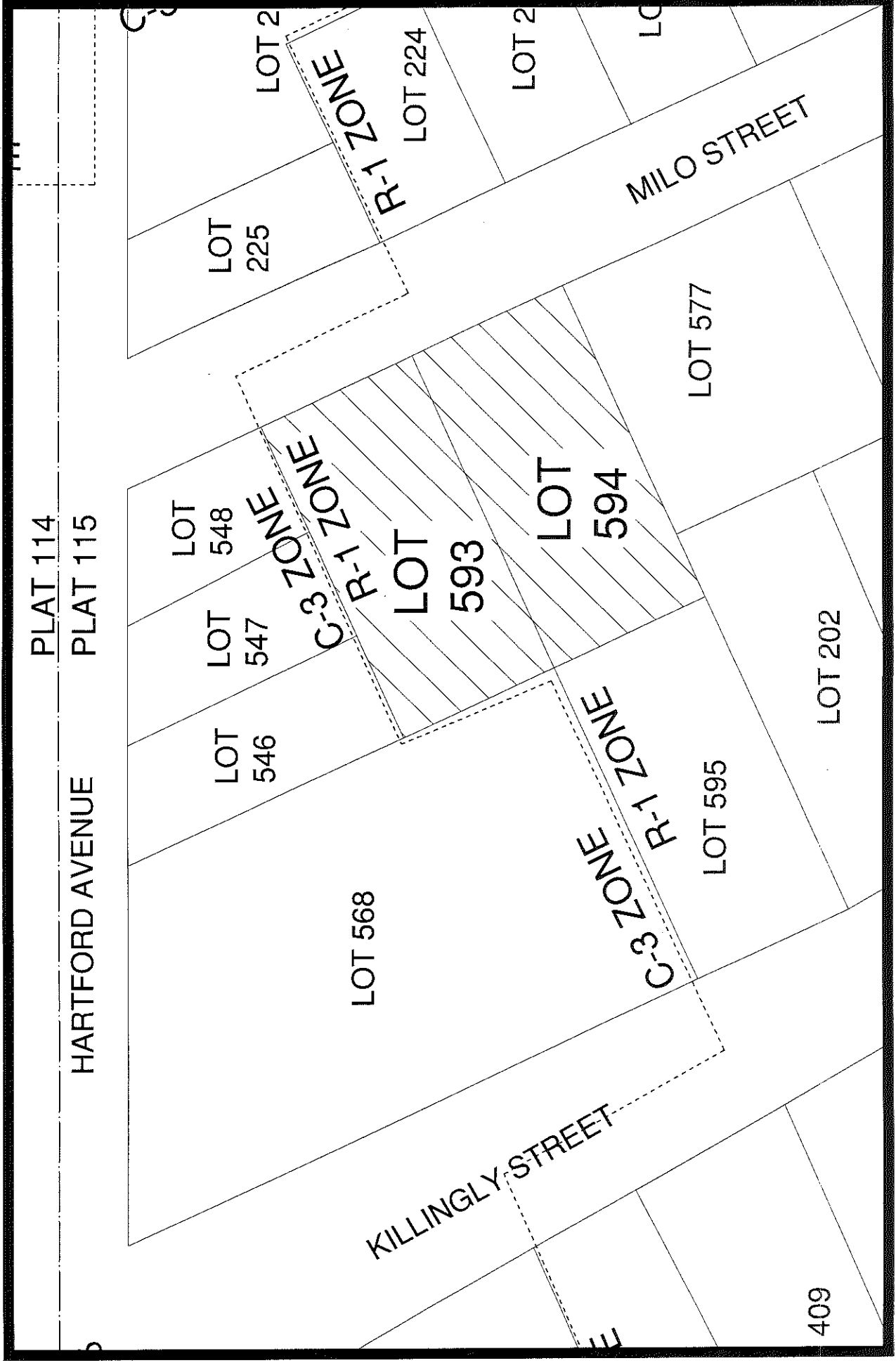
Pursuant to RIGL §45-24-53 (i) the following conditions shall be imposed upon the above-referenced zone change: In any commercial development that is constructed upon said rezoned lots said development shall (i) maintain a buffer with a six foot vinyl coated chain link fence and a row of arborvitae trees in front of Lots 577 on Plat 115 and that portion of Lot 202 on Plat 115 abutting Lot 594 on Plat 115 (the "Abutting Properties"); (ii) maintain directional lighting within such buffer facing away from the Abutting Properties ;and (iii) provide an entranceway and exit to the parking lot for the development from Milo Street. No vehicular access is permitted thru Lot 595 on Assessor's Plat 115 from Killingly Street to the commercial development proposed on Lots 546, 547, 548, 593 and 594 on Plat 115.

**CARMEL IZZO**

By her Attorney,



John J. Garrahy (#3113)  
John J. Garrahy Law, LLC  
2088 Broad Street  
Cranston, Rhode Island 02905





City Plan Commission  
Jorge O. Elorza, Mayor

September 22, 2016

Councilman Terrence M. Hassett  
Chair, Committee on Ordinances  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Attn: Lori Hagen, City Clerk

Re: Referral 3408-Petition to rezone AP 115 Lots 593, 594 and 595  
(349 Killingly and 42-50 Milo Street) from R-1 to C-3

Petitioner: Carmel Izzo

Dear Councilman Hassett:

The City Plan Commission (CPC) reviewed the proposed zoning change to rezone the property at 349 Killingly Street and 42-50 Milo Street from R-1 to C-3 at a regular meeting on September 20, 2016. The lots are currently vacant. The CPC voted as described below to make certain findings of fact and to recommend that the petition be approved.

#### FINDINGS OF FACT

The applicant is proposing to rezone 349 Killingly Street (AP 115 Lot 595) and 42 and 50 Milo Street (AP 115 Lots 593 and 594) from R-1 to C-3. The subject lots are located off Hartford Avenue, which is a busy commercial street. The subject lots abut AP 115 Lots 546, 547 and 548, which are also owned by the applicant, zoned C-3 and front on Hartford Avenue. The applicant is requesting to rezone the subject lots so that they can share common zoning. The lots along this portion of Hartford Avenue are zoned C-3.

The applicant has indicated that the change is being requested to allow for a shared commercial use on the lots. The CPC found it conceivable that the proposed rezoning would not have a negative effect on adjacent property given the commercial nature of the surroundings. Inclusion of the lots within the C-3 zone would result in consistent zoning for this block.

Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is intended to be one where general commercial and residential uses are located in proximity to each other. Therefore, the CPC found that the rezoning would be consistent with the intent of the comprehensive plan.

DEPARTMENT OF PLANNING AND DEVELOPMENT  
444 Westminster Street, Providence, Rhode Island 02903  
401 680 8400 ph | 401 680 8492 fax  
[www.providenceri.com](http://www.providenceri.com)

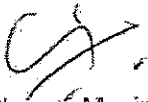
The CPC found that rezoning these lots would be appropriate given the character of the surroundings and that the rezoning is not expected to negatively affect health, safety and welfare and is consistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

#### RECOMMENDATION

Based on the foregoing discussion, the CPC voted unanimously to make a recommendation that the City Council approve the proposed Zone Change subject to the following condition:

A note shall be made on the zoning map that any development that occurs on this site shall be oriented toward Hartford Ave and maintain a zero or shallow setback from Hartford Ave and Milo Street. The building shall have at least one entrance on Hartford Ave.

Sincerely,



Choyon Manjrekar  
Administrative Officer

cc: John Garrahy

JOHN J. IGLIOZZI, ESQ.  
COUNCIL/CONCEJAL - WARD 7  
PROVIDENCE CITY HALL  
25 DORRANCE STREET  
PROVIDENCE, RI 02903  
Office: 521-7477

19 LEGION MEMORIAL DRIVE  
PROVIDENCE, RI 02909  
RES.: 401-943-2468



## City of Providence, Rhode Island

### COMMITTEES

Finance  
Chairman

Rules Committee

Special Committee on State  
Legislative Affairs

### BOARDS & COMMISSIONS

Providence Housing Authority

Board of Park Commissioners

Board of Contract and Supply

Board of Investment Commissioners

Retirement Board of the Employees'  
Retirement System

February 13, 2017

Councilman Terrence M. Hassett  
Chairman  
Committee on Ordinances  
25 Dorrance Street  
Providence, Rhode Island 02903

Dear Chairman Hassett:

I am unfortunately unable to attend tonight's Committee on Ordinances meeting, however, I would like to express my full support for the "Petition from John J. Garrahy, John J. Garrahy Law, LLC, 2088 Broad Street, Cranston, Rhode Island 02905, requesting a zoning change for the property known as Assessor's Plat 115, Lots 593 and 594, located on Hartford Avenue, from R-1 to C-3". The petitioner has complied with all requests made by the City Plan Commission, along with a willingness to accommodate additional requests for the betterment of the neighborhood.

I thank you for your anticipated consideration and respectfully urge you and the honorable members of your Committee to support this petition.

If you have any further questions, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Igliazzi".

Councilman John J. Igliazzi  
Ward 7