

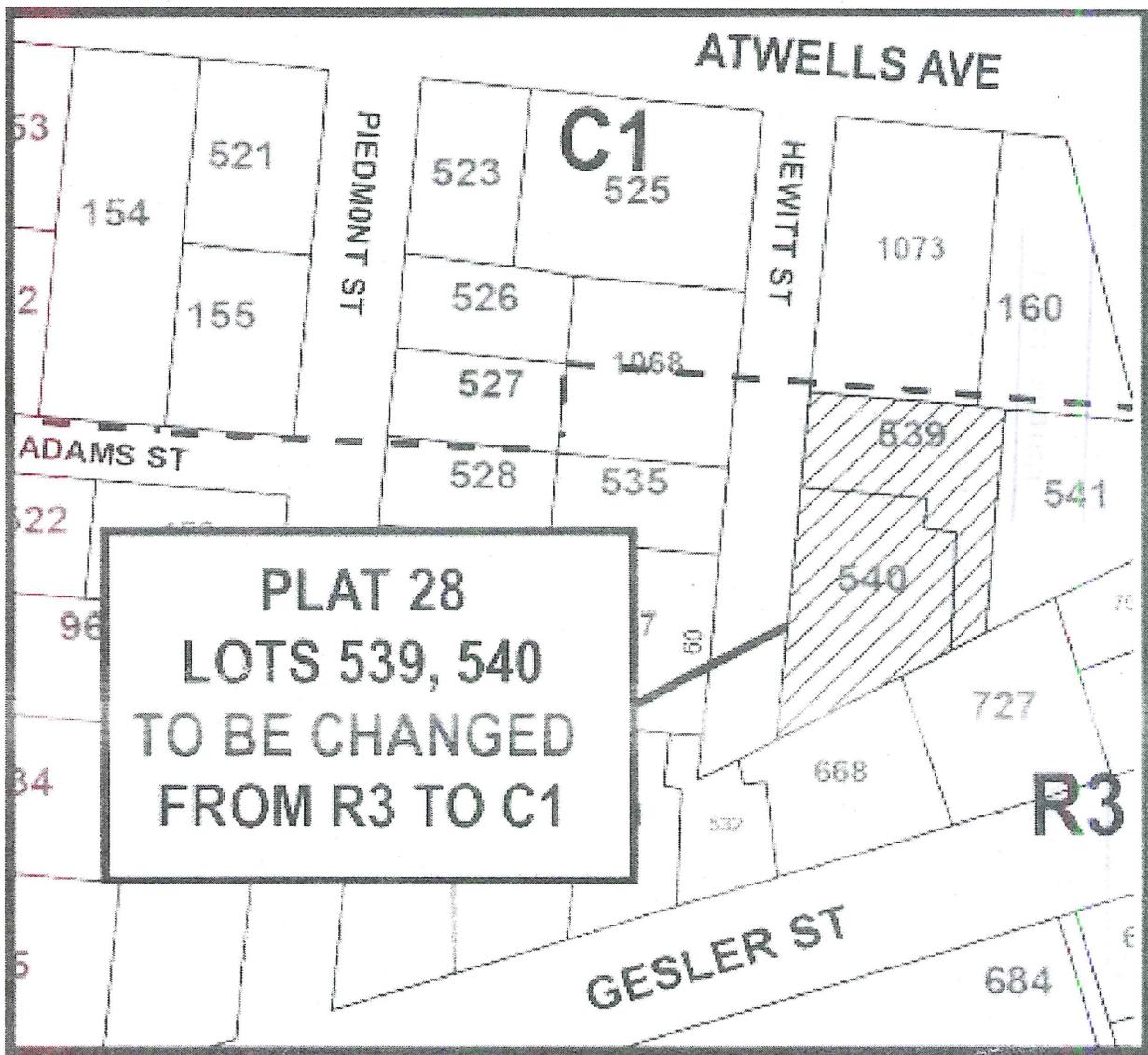
CHAPTER 2020-3

No. 67 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 LOCATED ON ASSESSOR'S PLAT 28, LOTS 539 AND 540 (8-10 HEWITT STREET), FROM R-3 TO C-1

Approved February 27, 2020

Be it ordained by the City of Providence:

SECTION 1. 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 located on Assessor's Plat 28, Lots 539 and 540 (8-10 Hewitt Street), from R-3 to C-1, and to restrict the zoning change to two family, three family and multi-family dwellings.



Section 2. This Ordinance shall take effect upon passage.

I HEREBY APPROVE:

IN CITY COUNCIL
FEB 06 2020
FIRST READING
READ AND PASSED

Shaw Belloc CLERK

[Signature]
Mayor
Date: 2/27/20

IN CITY COUNCIL
FEB 20 2020
FINAL READING
READ AND PASSED

Sabrina Mats
PRESIDENT

Shaw Belloc CLERK

Joelle C. Rocha, Esq.
jrocha@ksrplaw.com

Via Hand Delivery

July 22, 2019

Mr. Shawn Selleck
City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

RE: Petition for Amendment to Zoning Map/Change of Zoning Designation
Petitioners: DV8 Realty, LLC
Parcel: 8-10 Hewitt Street; Assessor's Plat 28 Lots 539 and 540

Dear Mr. Selleck,

On May 29, 2019, we submitted to you a Petition to the Honorable City Council for an Amendment to the Zoning Map/Change of Zoning Designation relative to the above referenced property from a zoning district designation of R3 to C1. Shortly thereafter the City Council referred that matter to the City Plan Commission for recommendation.

In June, the City Plan Commission recommended approval of that Zone Change, but with a condition that such Zone Change to C1 be limited to two family, three family, and multi-family residential uses in the C1 Zone. Additionally, in June, 2019, the Ordinance Committee referred the matter for public hearing, and it is my understanding that the hearing has not yet been scheduled. To that end, and consistent with the discussions I had with the Plan Commission, I have attached an Amended Petition for Zone Change for the Ordinance Committee and the full Council's consideration.

Please advise if you need anything else regarding this matter.

Sincerely,



Joelle C. Rocha

JCR:imd
Enclosure

Cc: Clients

City of Providence

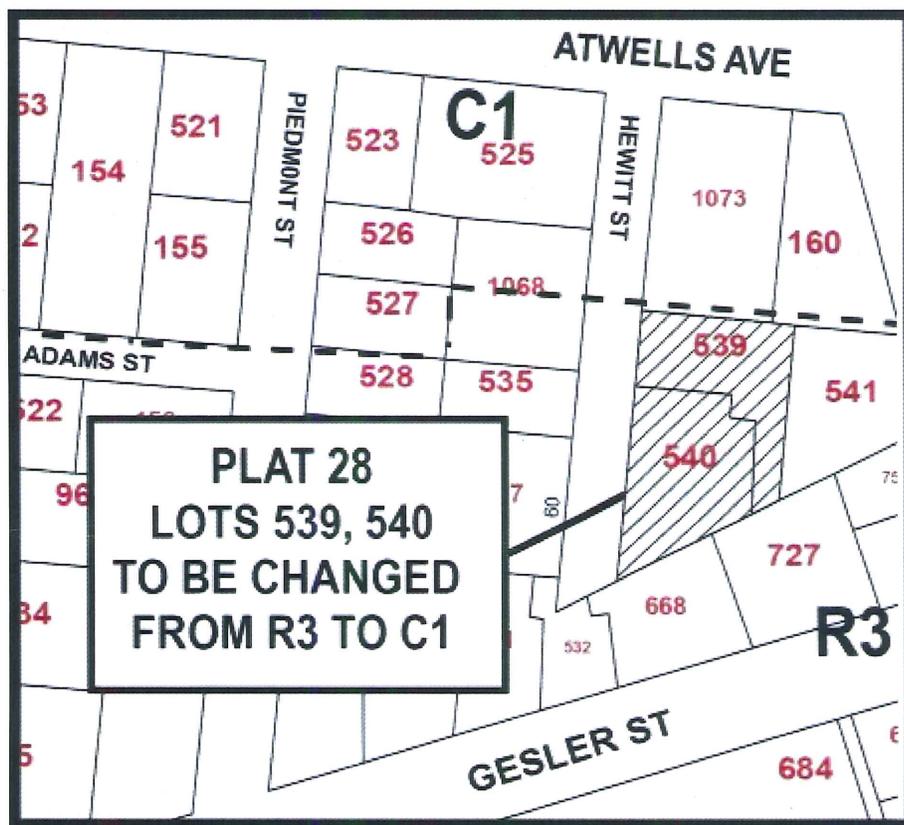
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

AMENDED PETITION TO THE HONORABLE CITY COUNCIL

The undersigned respectfully petitions your honorable body

DV8 Realty, LLC hereby petitions the City Council to:

Change the official Zoning Map of the City of Providence by changing the zoning designation for the property located at A.P 28, Lots 539 and 540, further identified as 8-10 Hewitt Street, Providence, Rhode Island, and shown on the accompanying map, from R3 to C1, with the change to C1 for the property limited to two (2) family, three (3) family and multi-family residential uses.



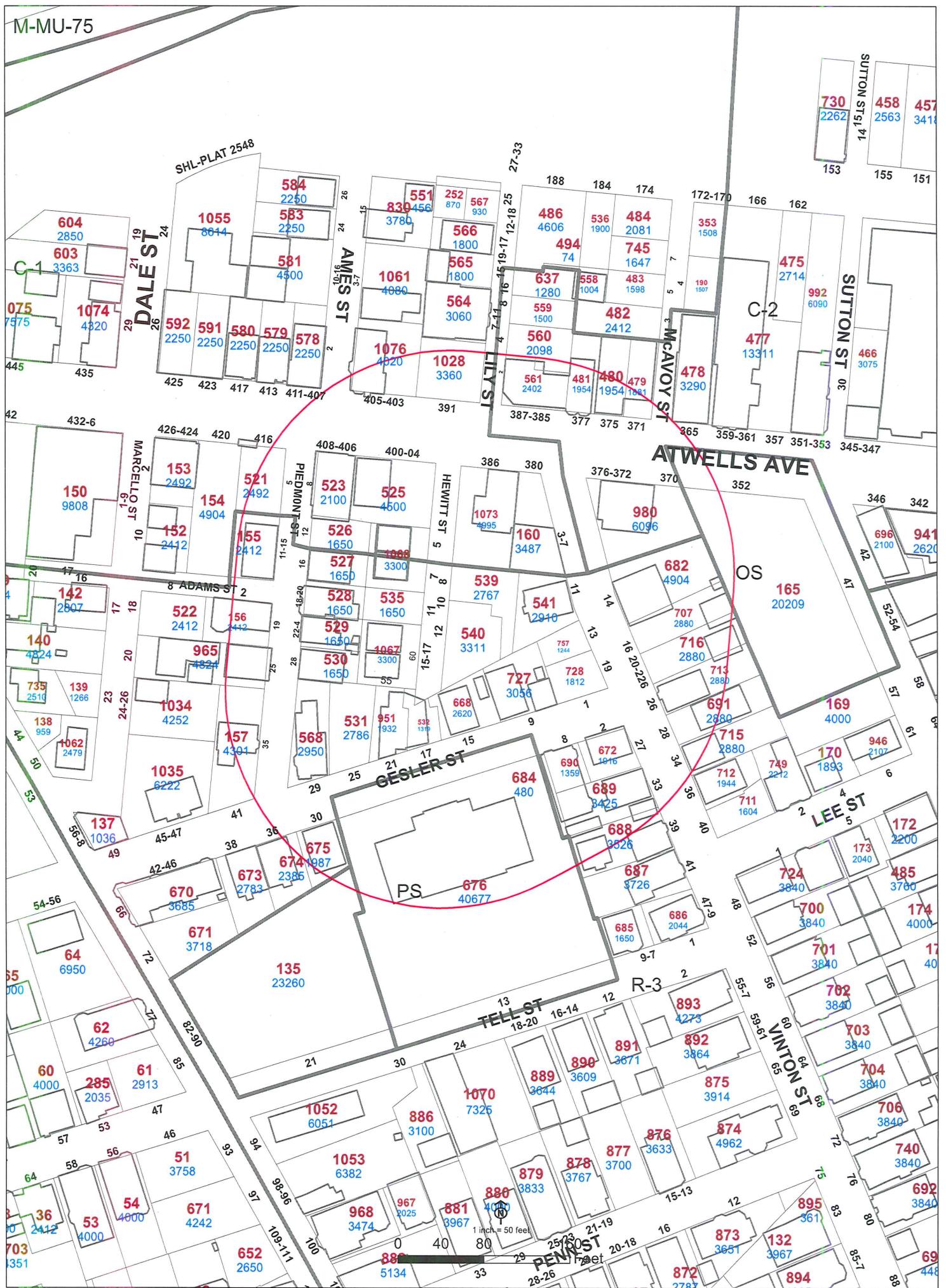
This proposed zoning map amendment is consistent with the City's Comprehensive Plan as well as the applicable purposes of zoning, as delineated in Section 101 of the City's Zoning Ordinance.

PETITIONER, DV8 REALTY, LLC

By its Attorney,



Joelle C. Rocha, Esq.
Kelly, Souza, Rocha, Parmenter, PC
128 Dorrance Street, Suite 300
Providence, RI 02903
jrocha@ksrplaw.com





City Plan Commission
Jorge O. Elorza, Mayor

June 18, 2019

Councilwoman Jo-Ann Ryan
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Shawn Selleck, City Clerk

Re: Referral 3454-Petition to rezone 8-10 Hewitt Street (AP 28 Lots 539 and 540) from R-3 to C-1

Petitioner: DV8 Realty LLC

Dear Chairwoman Ryan,

The City Plan Commission (CPC) reviewed the petition to rezone 8-10 Hewitt Street (AP 28 Lots 539 and 540) from R-3 to C-1. 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 requesting to rezone 8-10 Hewitt Street (AP 28 Lots 539 and 540) from R-3 to C-1 to allow for construction of a 24 unit multifamily dwelling. Multifamily dwellings are permitted by right in the C-1 zone but not in the R-3 zone. The parcel is currently vacant and is adjacent to 386 Atwells Ave to the north, which is zoned C-1.

As the C-1 zone on Atwells Ave is adjacent to residential development, the CPC found that inclusion of the subject lots within the C-1 zone to permit multifamily development is not expected to have a negative effect on neighborhood character or surrounding property as the residential nature of the area surrounding the subject lots will remain unchanged.

In reviewing the proposed change, the CPC found that rezoning the lots to allow for residential development would be appropriate. However, the CPC was concerned that certain uses permitted in the C-1 zone like retail and hotels would be unsuited to the neighborhood's character and the subject lots. The CPC found that the change would be appropriate if the uses on the lots were restricted to two, three and multifamily dwellings.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

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 commercial and residential uses are located in proximity to each other. The CPC found that the property is located in an area where neighborhood commercial development is intended alongside medium density residential development. Therefore, the rezoning would be consistent with the intent of the comprehensive plan as the lots would retain their residential character. The CPC found that the rezoning would be in conformance with objectives H-1, H-2 and H-3 of the comprehensive plan which encourage developing a variety of housing options at varying prices.

Based on the foregoing discussion, the CPC found that rezoning the lot would be appropriate given the character of the surroundings and the proposed use. The CPC found 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 found the proposed change to be in conformance with the comprehensive plan and purposes of zoning. The CPC unanimously voted to recommend that the City Council approve the proposed zone change for AP 28 Lots 539 and 540 from R-3 to C-1 subject to the following condition:

The uses on the lots shall be restricted to two family, three family and multifamily dwellings.

Sincerely,



Choyon Manjrekar
Administrative Officer