

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2005-1

No. 10 AN ORDINANCE

RECEIVED
CITY CLERK
JAN 20 2005

IN AMENDMENT OF CHAPTER 27 OF
THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "THE CITY
OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED.

Approved January 25, 2005

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 June 27, 1994, as amended, is further amended by changing the zoning district designation of Lot 89 on Zoning District Map 14 of the Official Zoning Maps from R-3 to C-2, as shown on the accompanying map.

Section 2: The following limitations on the use and development of Lot 24, Zoning District Map 14 shall be noted on the face of the Official Zoning Map and recorded in the property records:

- a. The subject property is limited to professional office uses only.
- b. The above listed condition shall be recorded in the official property records and noted on the face of the Official Zoning Map.

Section 3: This Ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 18 2004
FIRST READING
READ AND PASSED
Michael R. Clement
CLERK

IN CITY COUNCIL
JAN 20 2005
FINAL READING
READ AND PASSED
Michael R. Clement
PRESIDENT
Michael R. Clement
CLERK
APPROVED
[Signature]
MAYOR 1/25/05

No.

CHAPTER
AN ORDINANCE

READ AND PASSED
FIRST READING
IN CITY COUNCIL

CLERK

SEP 2 2004

FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES

Michael R. Clement
CLERK

THE COMMITTEE ON

Ordinances
Recommends
Ann M. Stets

CLERK

10-13-04. Con't
11-8-04. P. Hry held
11-8-04. Appx + Amended
12-2-04. 1st passage +
referred back

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, as Amended

Ann M. Stets
CLERK

1-4-05

From the Clerk's Desk

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE

PETITION OF MORTON L. PEREL and JANE L. PEREL

Respectfully represents Morton L. Perel and Jane L. Perel as follows:

1. Petitioners are the owners in fee simple of that certain parcel of property in the City of Providence located on Assessor's Plat 14, Lot 89, bounded southerly by Pitman Street and easterly by Wayland Avenue (the "Property").

2. The Property was zoned C-2 prior to the 1994 Amendment to the Zoning Plan, approved by this Honorable City Council, "down-zoning" the Property to R-3.

3. Since 1983, Petitioner, Morton L. Perel has used the Property as a dental office without any incidental or accessory residential use whatsoever. Upon information and belief, prior to that time, the Property was used as an accounting office.

4. On Plat 14, all of the lots on Wayland Avenue are zoned C-2 except Petitioners' lot.

5. On Plat 14, all of the lots on the northerly side of Pitman Street and most on the southerly side of Pitman Street are currently zoned R-3 including Petitioners' lot.

6. Wayland Avenue is the easterly/westerly dividing line between Plats 14 and 15.

7. On Plat 15, all of the lots on Wayland Avenue are zoned C-2 except Plat 15, Lot 401, located on the northeasterly corner of Pitman and Wayland.

8. On Plat 15, all of the lots on the northerly side of Pitman Street between Wayland Avenue and Butler Avenue are zoned R-3.

9. Petitioners' lot includes a parking area (with a sideline on Pitman Street) and a building with a street address, frontage and entrance on Wayland Avenue. The entrance to the parking lot is also on Wayland Avenue.

IN CITY COUNCIL
SEP 2 2004
FIRST READING

REFERRED TO COMMITTEE ON
ORDINANCES

CLERK

Michael S. Weiss
City Clerk
Ordinance

THE CLERK'S DESK

THE COMMITTEE ON

Ordinances
Recommends

Ann M. Stahl
CLERK

10-13-04
Schedule
P. Hays

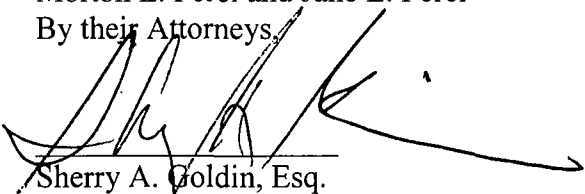
10. Wayland Avenue is devoted to commercial use from Angell Street to Pitman Street and Pitman Street is devoted primarily to residential use.

11. Petitioners' property is currently a non-conforming use as a Dental Office with the current R-3 zoning classification.

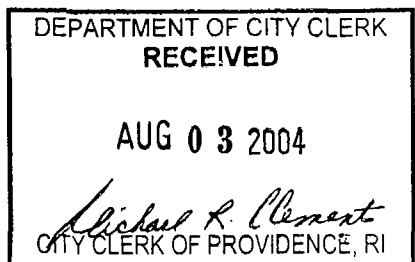
12. The re-zoning appears to have been an error because Petitioners' property is not used for residential purposes. The prior C-2 zoning classification is consistent with the past and current character of the neighborhood. The orderly development of the area and the public health and general welfare will be promoted if the subject lot is reclassified by ordinance to permit general commercial use.

WHEREFORE, your Petitioners request this Honorable Council amend the "Providence Zoning Map" to reclassify the subject property (Assessors Plat 14, Lot 89) from R-3 to C-2.

Respectfully submitted,
Morton L. Perel and Jane L. Perel
By their Attorneys,


Sherry A. Goldin, Esq.
Goldin, Merolla & Tutalo
10 Weybosset Street, 901
Providence, RI 02903
(401) 861-7400 ext.74
(401) 861-0954 Fax

Dated: August 3, 2004



Fleet Bank
Check #4176
\$150.00

FILED

AUG 3 2 29 PM '04

DEPT. OF JUSTICE
PROVIDENCE, R.I.

PROVIDENCE CITY CLERK

08-03-2004 #0

ZDNECHNG	150.00
SUBTL	150.00
TOTAL	150.00
CHECK	150.00
CHANGE	0.00

7786 14:17TM

LIST OF ABUTTERS - 114 Wayland Avenue, Providence, RI

Date: 28 July 2004

PLAT	LOT	LOCATION	MAILING ADDRESS
14	23	96 East Manning Street	Bromley Real Estate 111 Medway Providence, RI 02906
14	27	116 East Manning Street	Eagle Island Investment Group 116 East Manning Street Providence, RI 02906
14	28	122 East Manning Street	Anthony Rocchio 2750 South County Trail East Greenwich, RI 02818
14	29	128 Wayland Avenue	Panfilo Basilico 6 Baldwin Orchard Drive Cranston, RI 02920
14	34	90 Pitman Street	Robert N. Santilli 90 Pitman Street Providence, RI 02906
14	40	117 East Manning Street	Margaret Patnode 117 East Manning Street Providence, RI 02906
14	41	113 East Manning Street	William & Ezra C. Smith 113 East Manning Street Providence, RI 02906
14	42	105 East Manning Street	Linda E. Handel 105 East Manning Street Providence, RI 02906
14	84	86 Pitman Street	Barbara E. Delashmet 86 Pitman Street Providence, RI 02906
14	86	94 Pitman Street	Antonio Sabella III 94 Pitman Street Providence, RI 02906
14	87	98 Pitman Street	Helen E. Reiners 98 Pitman Street Providence, RI 02906
14	88	100 Pitman Street	James P. McNamara 33 Altin Avenue Kingston, RI 02881
14	104	95 Pitman Street	Harbour View Associates 95 Pitman Street Providence, RI 02906
14	106	71 Pitman Street	Kenneth R. Dulgarian P.O. Box 2301 Providence, RI 02906
14	556	120 Wayland Avenue	Robert J. Campellone Trust 618 George Washington Highway Lincoln, RI 02865

14	584	101 East George Street	Koffler Realty Associates V 1 Providence Washington Providence, RI 02903
14	586	102 Wayland Avenue	Kenneth R. Dulgarian P.O. Box 2301 Providence, RI 02906
15	36	119 Wayland Avenue	John Detroia 121 Wayland Avenue Providence, RI 02906
15	398	139 East Manning Street	Arnold Kilberg 285 Governor Street Providence, RI 02906
15	399	137 East Manning Street	David Golden 231 Arlington Avenue Providence, RI 02906
15	400	131 East Manning Street	Luigi T. Fiore 127 Wayland Avenue Providence, RI 02906
15	401	111 Wayland Avenue	Robert Campellone 111 Wayland Avenue Providence, RI 02906
15	402	120 Pitman Street	Cecelia M. & James Londergran 3215 N. George Mason Drive Arlington, VA 22207
15	403	124 Pitman Street	Stephen Puleo 623 Wickenden Street Providence, RI 02903
15	404	130 Pitman Street	Michael Tinne Meier 130 Pitman Street Providence, RI 02906
15	408	127 Pitman Street	Robert J. Cocozza P.O. Box 28432 Providence, RI 02908
15	410	125 Pitman Street	Robert J. Cocozza P.O. Box 28432 Providence, RI 02908
15	411	119 Pitman Street	Robert J. Cocozza P.O. Box 28432 Providence, RI 02908
15	462	99 Wayland Avenue	Robert J. Campellone Trust 618 George Washington Highway Lincoln, RI 02865
15	474	135 Wayland Avenue	Carol Pearl Inc. 1 Industrial Lane Johnston, RI 02919
15	475	150 East Manning Street	Ophthalmic Partners L.L.C. 150 East Manning Street Providence, RI 02906

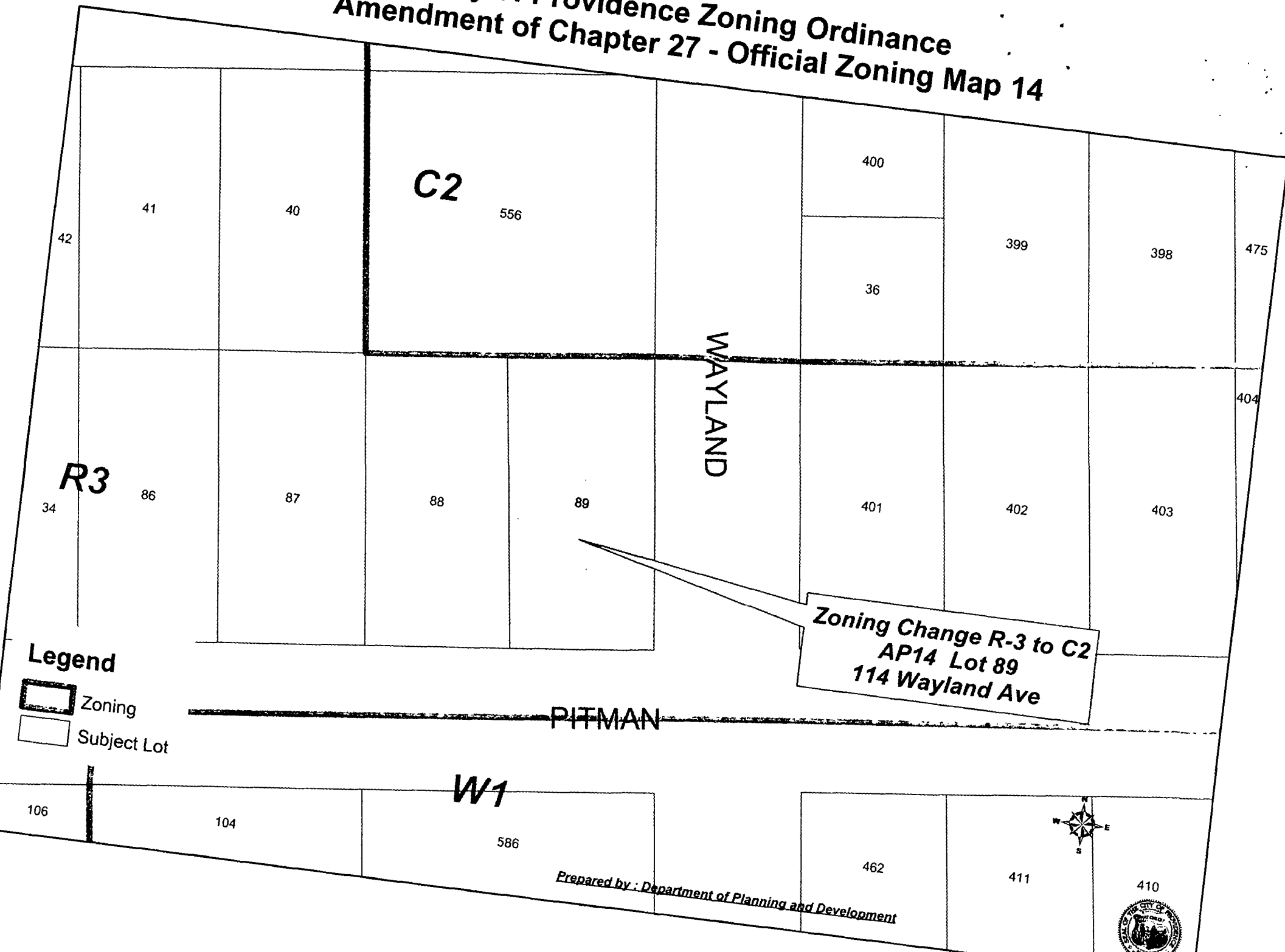
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Date: 28 July 2004



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City of Providence Zoning Ordinance Amendment of Chapter 27 - Official Zoning Map 14



Legend

-  Zoning
-  Subject Lot



Prepared by : Department of Planning and Development

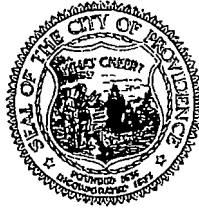


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Providence City Plan Commission

DAVID N. CICILLINE
Mayor

September 29, 2004

Honorable Rita Williams, Chair
Ordinance Committee
Providence City Hall
25 Dorrance Street
Providence, RI 09203

Attn: Anna Stetson, Second Deputy City Clerk

Re: Petition to change zoning designation of 114 Wayland Avenue, Assessor's Plat 14, Lot 89, from Residential Three Family ("R-3") zoning district to a General Commercial ("C-2") zoning district.

Dear Councilwoman Williams:

At a regular meeting of the City Plan Commission (CPC) on September 21, 2004, and pursuant to Section 1100 of the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, as amended, the Commission reviewed a proposal for the above-captioned amendment to the Ordinance. The Commission voted unanimously as described below to make certain findings of fact and to recommend that the petition be approved with conditions.

Findings of Fact

Article XI of the Zoning Ordinance requires that in order for the CPC to make a positive recommendation on amendments to the Ordinance, it must demonstrate consistency with the Comprehensive Plan and with the purposes of zoning as listed in Section 100 of the Ordinance.

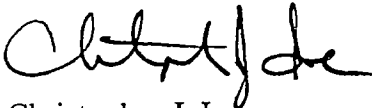
1. The proposed Zoning Map amendment is consistent with the Comprehensive Plan.
2. The proposed Zoning Map amendment is consistent with the purpose of the Zoning Ordinance as outlined in Section 100 of the Ordinance.

Recommendation

The CPC recommends to the Committee on Ordinances that the petition for rezoning be approved subject to the following conditions:

1. An amendment to the Comprehensive Plan to designate the property as General Commercial shall be adopted concurrent with the zoning map amendment.
2. The subject property is limited to professional office uses only.
3. The applicant shall execute an agreement with the city agreeing not to object to any future rezoning of the property provided such rezoning allows professional office uses.
4. The above listed conditions shall be recorded in the official property records and noted on the face of the Official Zoning Map.

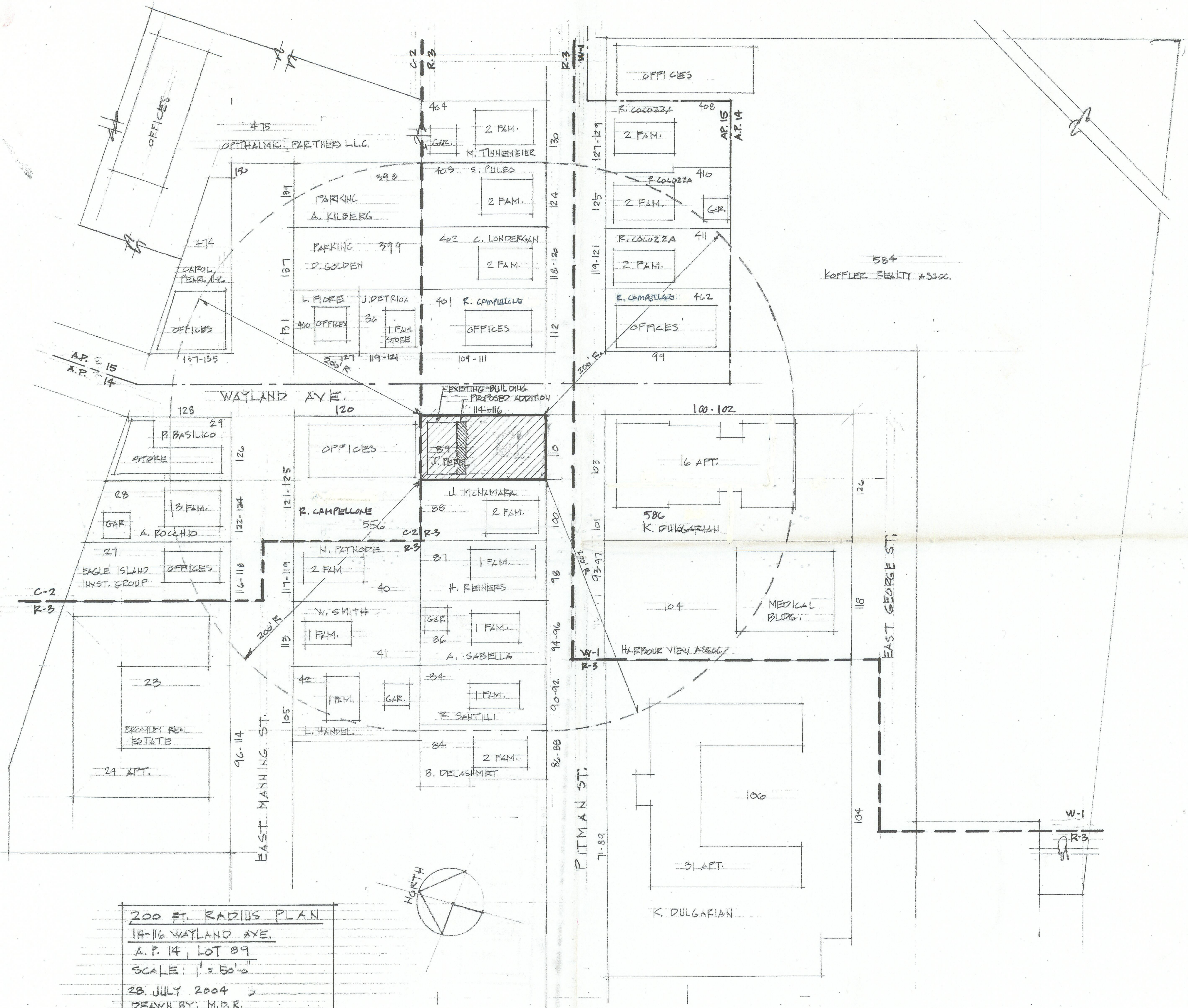
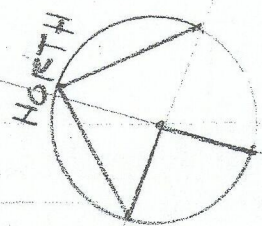
Sincerely,

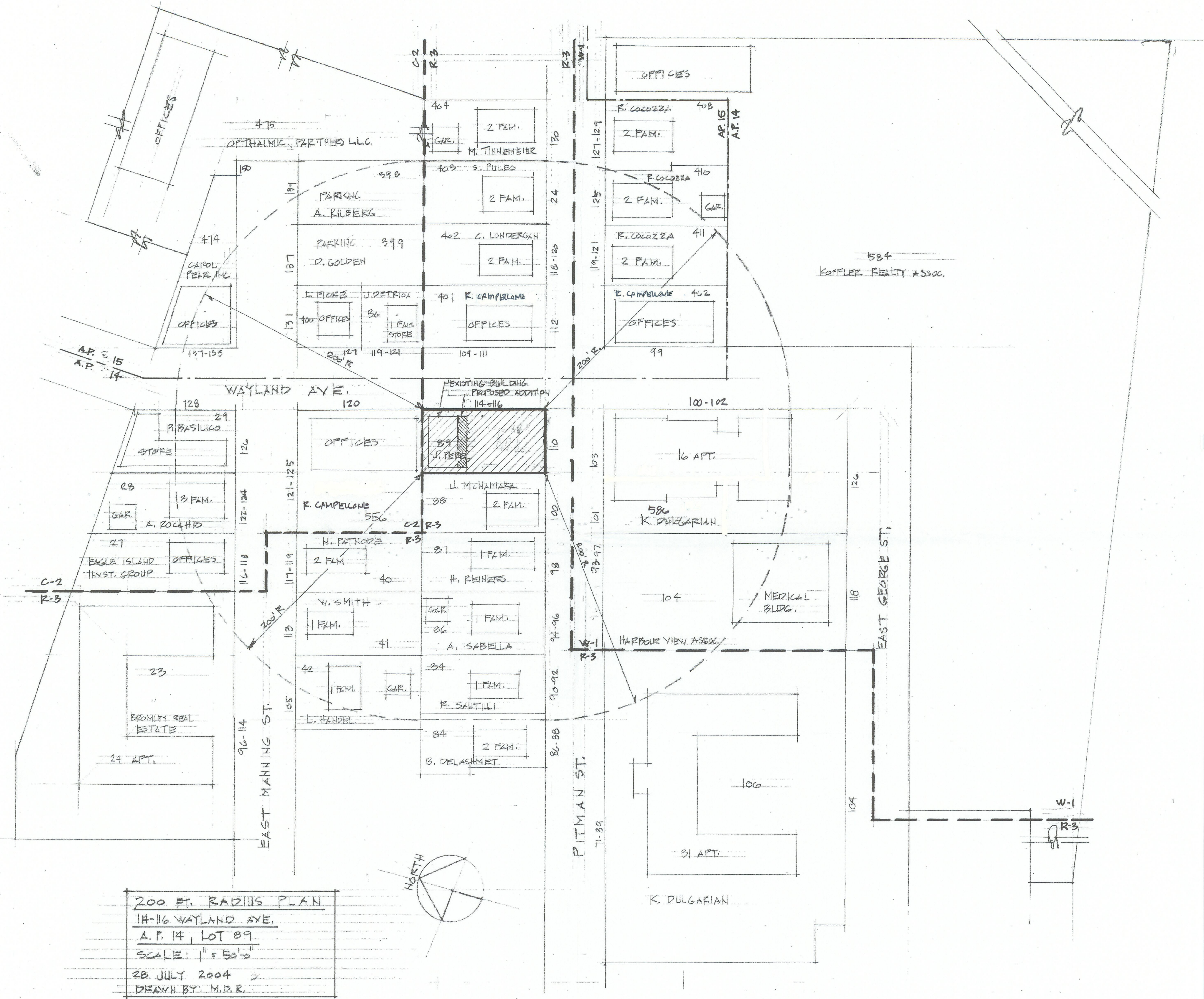


Christopher J. Ise
Administrative Officer

cc: Morton L. Perel and Jane Perel, Petitioners
Sherry A. Goldin, Goldin, Merolla & Tutalo

200 FT. RADIUS PLAN
 14-116 WAYLAND AVE.
 A.P. 14, LOT 89
 SCALE: 1" = 50'-0"
 28. JULY 2004
 DRAWN BY: M.D.R.





200 FT. RADIUS PLAN

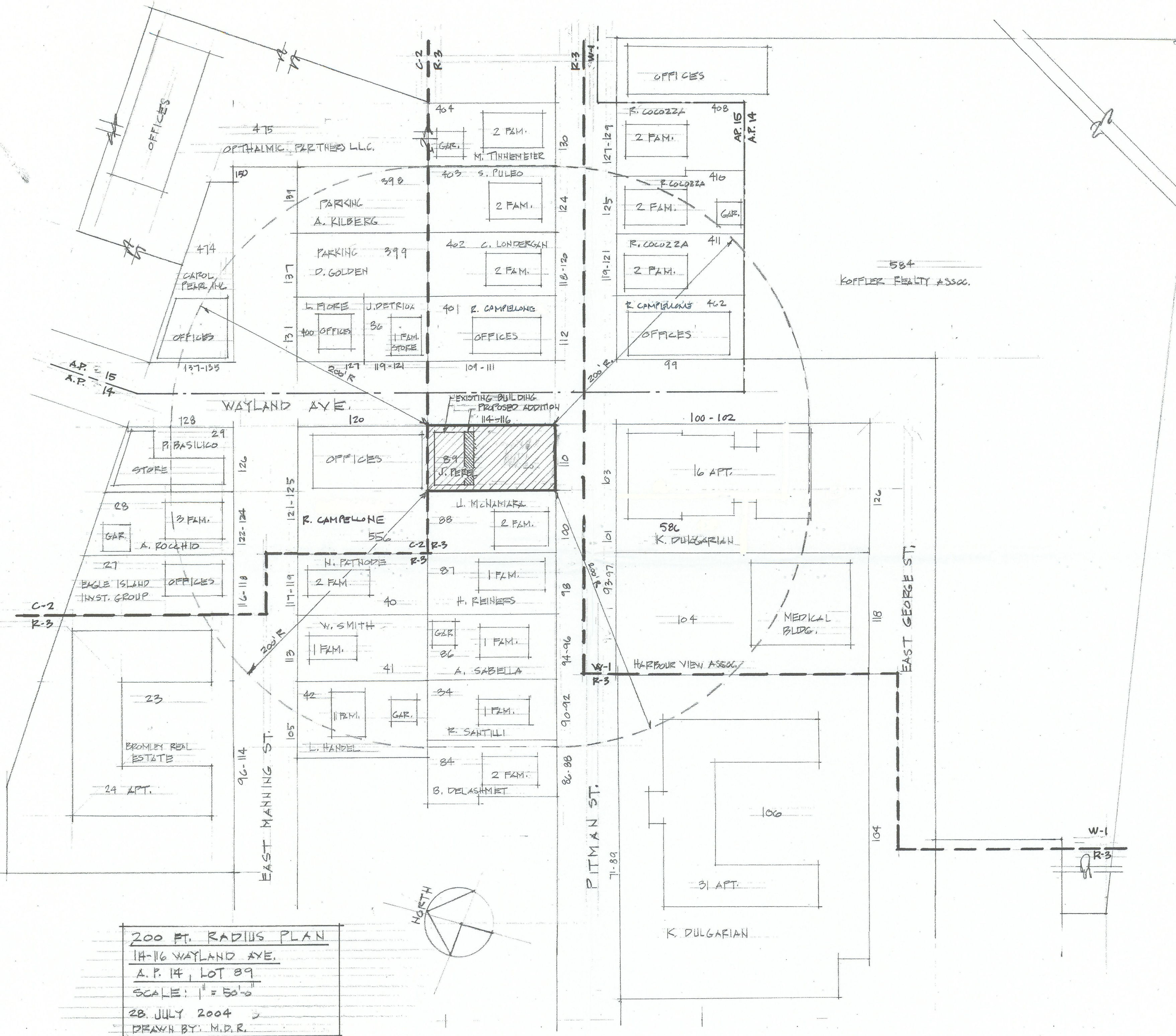
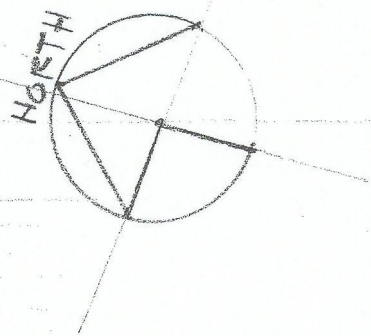
1A-16 WAYLAND AVE.

A.P. 14, LOT 89

SCALE: 1" = 50'-0"

28. JULY 2004

DRAWN BY: M.D.R.



200 FT. RADIUS PLAN

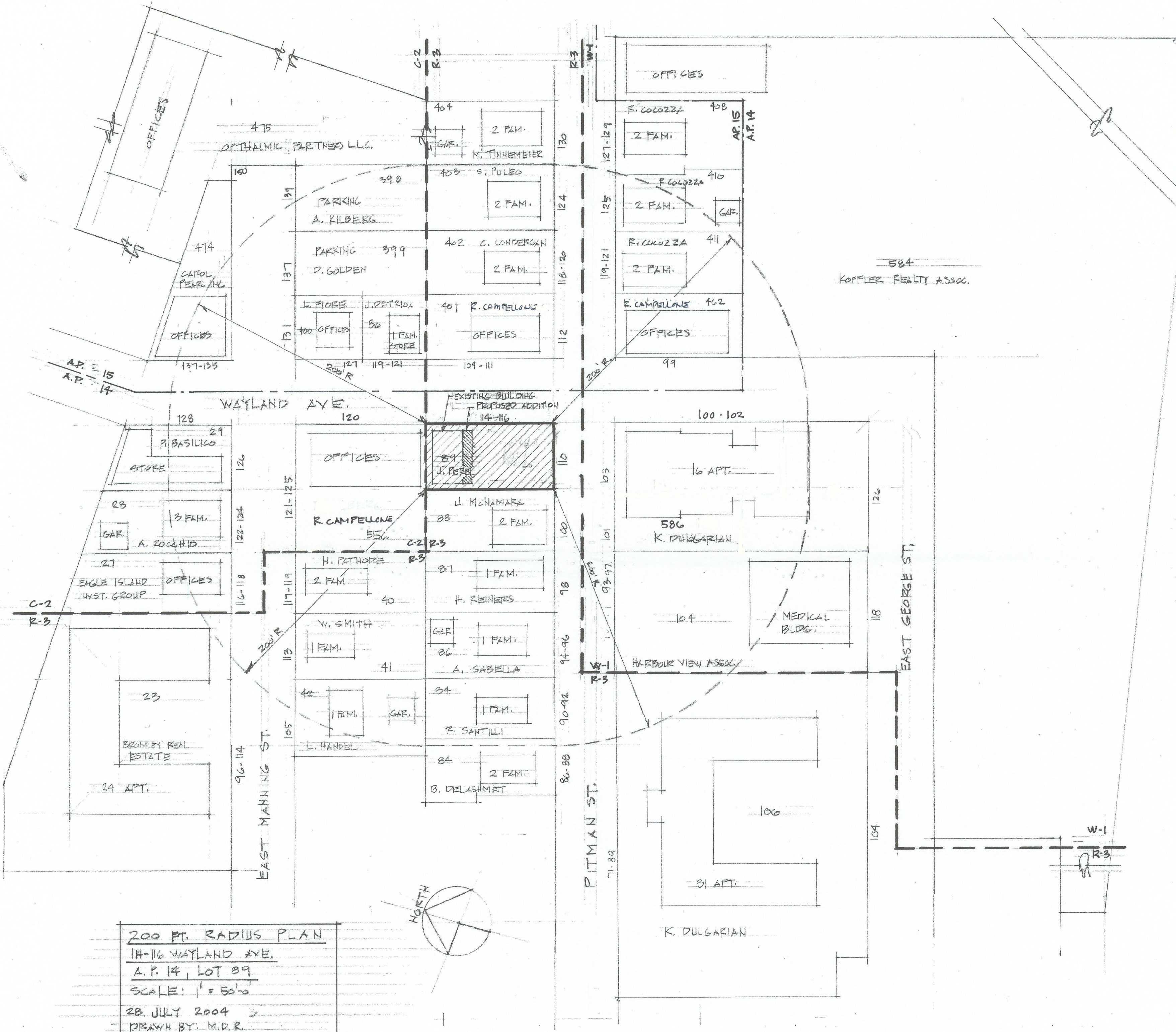
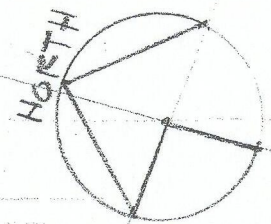
14-16 WAYLAND AVE.

A.P. 14, LOT 89

SCALE: 1" = 50'-0"

28. JULY 2004

DRAWN BY: M.D.R.



584
KOFFLER REALTY ASSOC.

HARBOUR VIEW ASSOC.

K. DULGARIAN

PUCI & GOLDIN, INC.

EXPENSE ACCOUNT
10 WEYBOSSET STREET
PROVIDENCE, RI 02903

EXPLANATION	AMOUNT
114 Weybosset Av	
Providence RI	
Perc	

4176

57-1-115

PAY
AMOUNT
OF

One Hundred fifty and 10/100

DOLLARS

CHECK
AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
8/3/04	Providence City Clerk	Petition for zoning change	4176

111012

\$ 150.00

 Security Features
Included.
Details on Back.



15000

Small Business Services
smallbiz.fleet.com Providence, RI

[Signature]

MP

⑈004176⑈+⑈011500010⑈ 00082 72997⑈

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: August 4, 2004

TO: Christopher Ise, Department of Planning & Development

SUBJECT: **SEE ATTACHED PETITION**

CONSIDERED BY: Claire E. Bestwick, First Deputy City Clerk

DISPOSITION: I have enclosed a copy of a petition from Sherry A. Goldin, Esquire, for a zoning change for Morton L. Perel and Jane L. Perel for placement on the next agenda of the City Plan Commission. Once this matter is heard could you please forward a copy of the decision to my attention in order that we may place it on the agenda. Please contact me at 421-7740, extension 568 if you have any questions or need further information.

Claire E. Bestwick
First Deputy City Clerk

City of Providence



Rhode Island

Department of City Clerk

MEMORANDUM

DATE: August 4, 2004

TO: Councilman David A. Segal

SUBJECT: **SEE ATTACHED PETITION**

CONSIDERED BY: Claire E. Bestwick, First Deputy City Clerk

DISPOSITION: Enclosed please find a copy of a petition for a zoning change for Assessor's Plat 14, Lot 89, bounded southerly by Pitman Street and easterly by Wayland Avenue. This request was received in our office on this day and a copy of said petition has been sent to the City Plan Commission for placement on the next agenda, in accordance with Section 1100 of the Zoning Ordinance which states ".....immediately upon receipt of the proposal, the city clerk shall refer the proposal to the council and the commission for study and recommendation..."

Please note that this matter will be placed on the City Council meeting of September 2, 2004.

Claire E. Bestwick
First Deputy City Clerk