

CHAPTER 2020-22

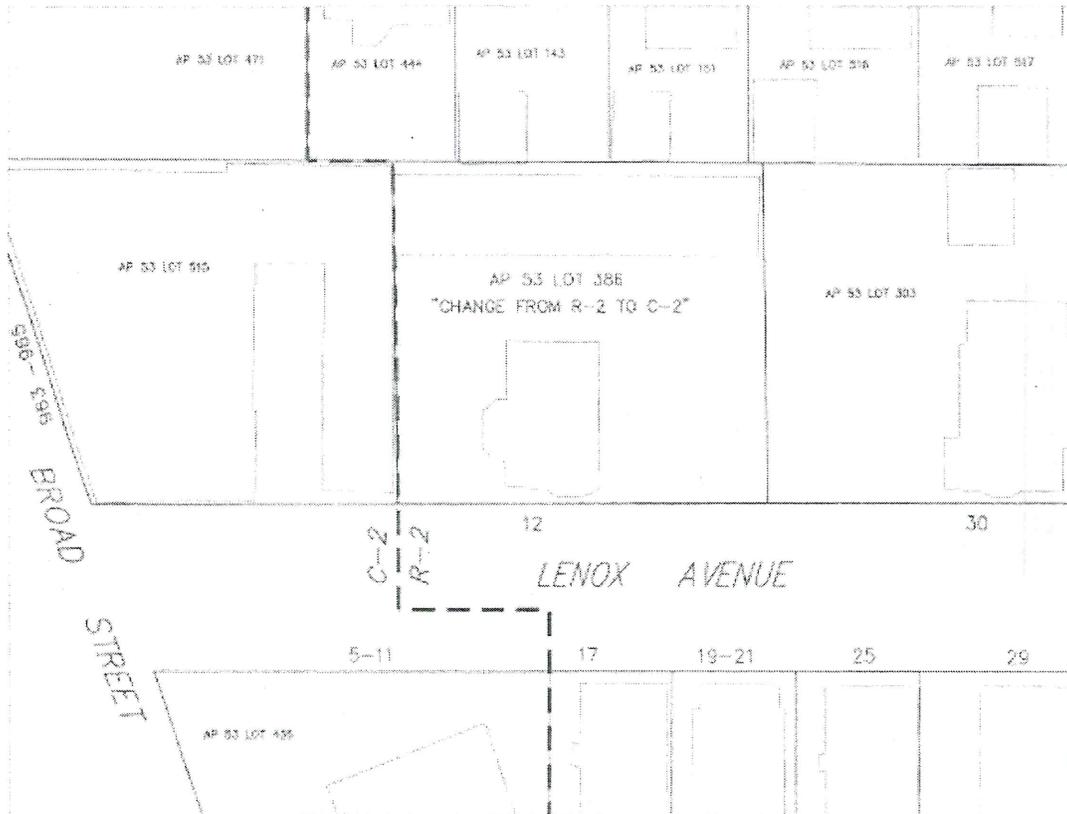
No. 199

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 53, LOT 386 (12 LENOX AVENUE), FROM R-2 TO C-1

Approved June 26, 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 53, Lot 386 (12 Lenox Avenue), as shown on the accompanying map, from R-2 to C-1, provided that a note shall be made on the zoning map that no alcoholic beverages shall be served on subject lot, and a note shall be made on the zoning map to prevent drive through uses on the site.



SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
JUN 04 2020
FIRST READING
READ AND PASSED

Shau Selke CLERK

IN CITY
COUNCIL
JUN 18 2020
FINAL READING
READ AND PASSED

Sabrina Mats
PRESIDENT
Shau Selke
CLERK

I HEREBY APPROVE.

[Signature]
Mayor
Date: *6/26/20*



Ursillo, Teitz & Ritch, Ltd.

Counsellors At Law

2 Williams Street
(at South Main Street)
Providence, Rhode Island 02903-2918

Michael A. Ursillo *
Andrew M. Teitz, AICP * †
Scott A. Ritch * †

Tel (401) 331-2222
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andyteitz@utrlaw.com

Troy L. Costa †
Amy H. Goins * †
Christina M. Senno * † (Of Counsel)
Gina A. DiCenso * † (Of Counsel)
Admitted in RI*, MA†, NY‡

September 29, 2016

Via Hand Delivery

Lori L. Hagen, City Clerk
Providence City Hall
25 Dorrance St.
Providence, RI 02903

Re: Petition to the City Council for Zone Change

Dear Ms. Hagen:

On behalf of my client, Peka, Inc., enclosed please find a Petition to the City Council to change the Official Zoning Map for the City of Providence by changing the zoning district for the property located at 12 Lenox Avenue, a/k/a Assessor's Plat 53, Lot 386, from R2 to C2. Also enclosed is a check in the amount of \$150 representing the filing fee.

Please advise of the hearing date. Thank you for your attention to this matter.

Sincerely,

URSILLO, TEITZ & RITCH, LTD.

Andrew M. Teitz, Esq., AICP

Enclosure

cc: Raphael Taveras
Robert Azar, Deputy Director, Department of Planning & Development
Hon. Luis A. Aponte, City Council President
Hon. Carmen Castillo, City Councilor, Ward 9

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

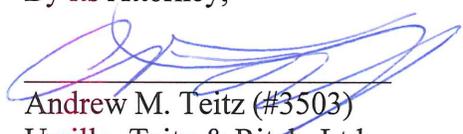
I, Andrew M. Teitz, Attorney for Peka, Inc., hereby petition the City Council to change the Official Zoning Map of the City of Providence by changing the zoning district for the property located at 12 Lenox Avenue, a/k/a Plat 53, Lot 386, from R-2 to C-2.

The reason for this request is that the property is a large vacant lot immediately adjacent to the C2 Zone that runs one lot deep along this section of Broad Street. The depth of such zone varies considerably depending on the depth of the lot fronting Broad Street, and about half of the street frontage of the subject lot on Lenox Avenue has a C2 Zone across Lenox Avenue from it.

The lot is a large lot, 12,000 s.f., and is not suitable for low-density R2 residential use given its immediate adjacency to the C2 Zone and to the existing use of auto repair on the corner of Lenox Avenue and Broad Street. The owner proposes a building with commercial uses on the first floor, set close to Lenox Street with parking on the side. The owner has family ties to the owners of the adjacent building complex on the corner of Broad Street and will improve the appearance of such other buildings in concert with the development of the subject lot.

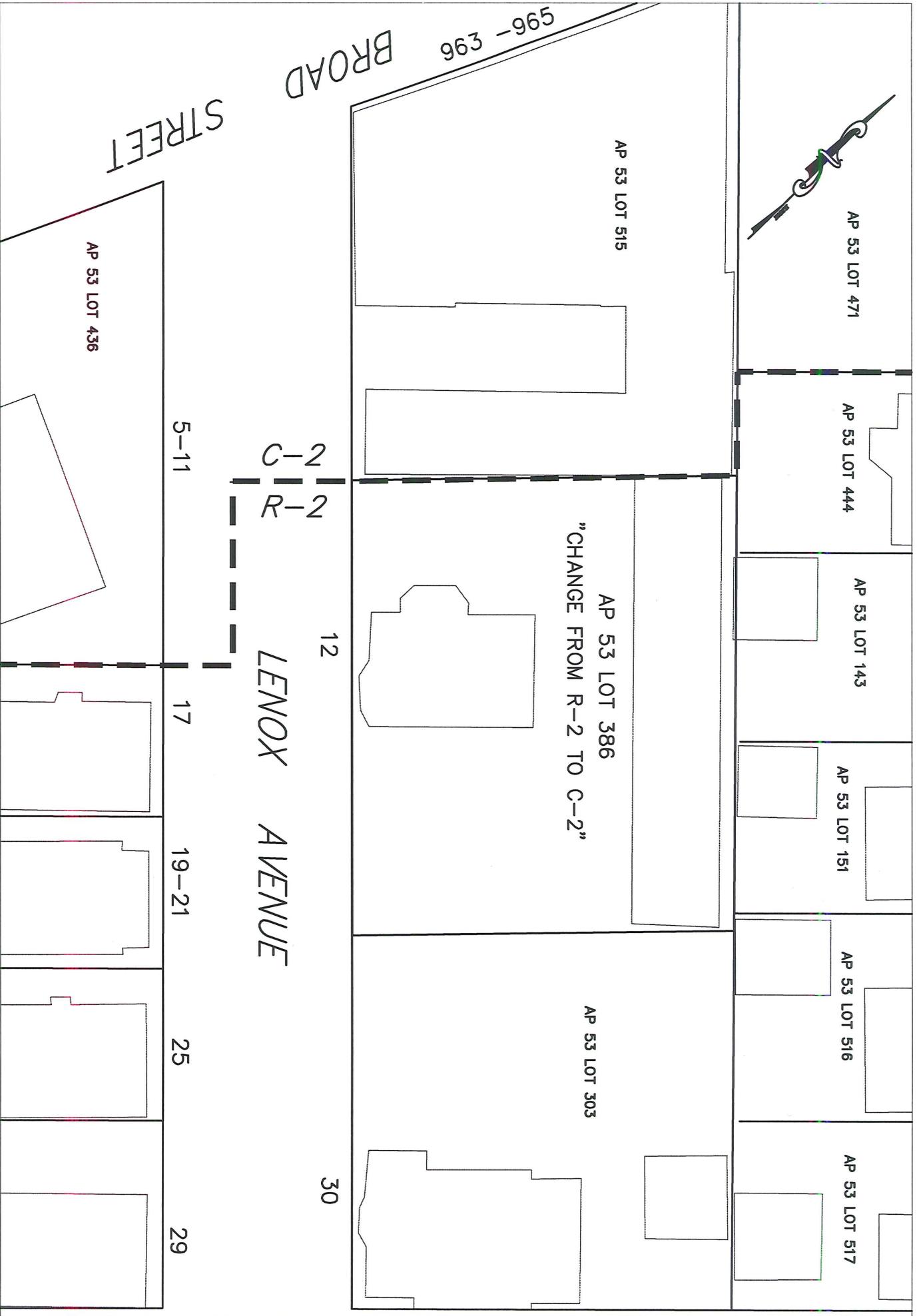
Copies of the plans for the proposed development and excerpts from the City's Official Zoning Map are attached. Thank you for your consideration of this request.

PEKA, INC.
By its Attorney,



Andrew M. Teitz (#3503)
Ursillo, Teitz & Ritch, Ltd.
2 Williams St.
Providence, RI 02903
(401) 331-2222
(401) 751-5257 (fax)
andyteitz@utrlaw.com

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Verizon

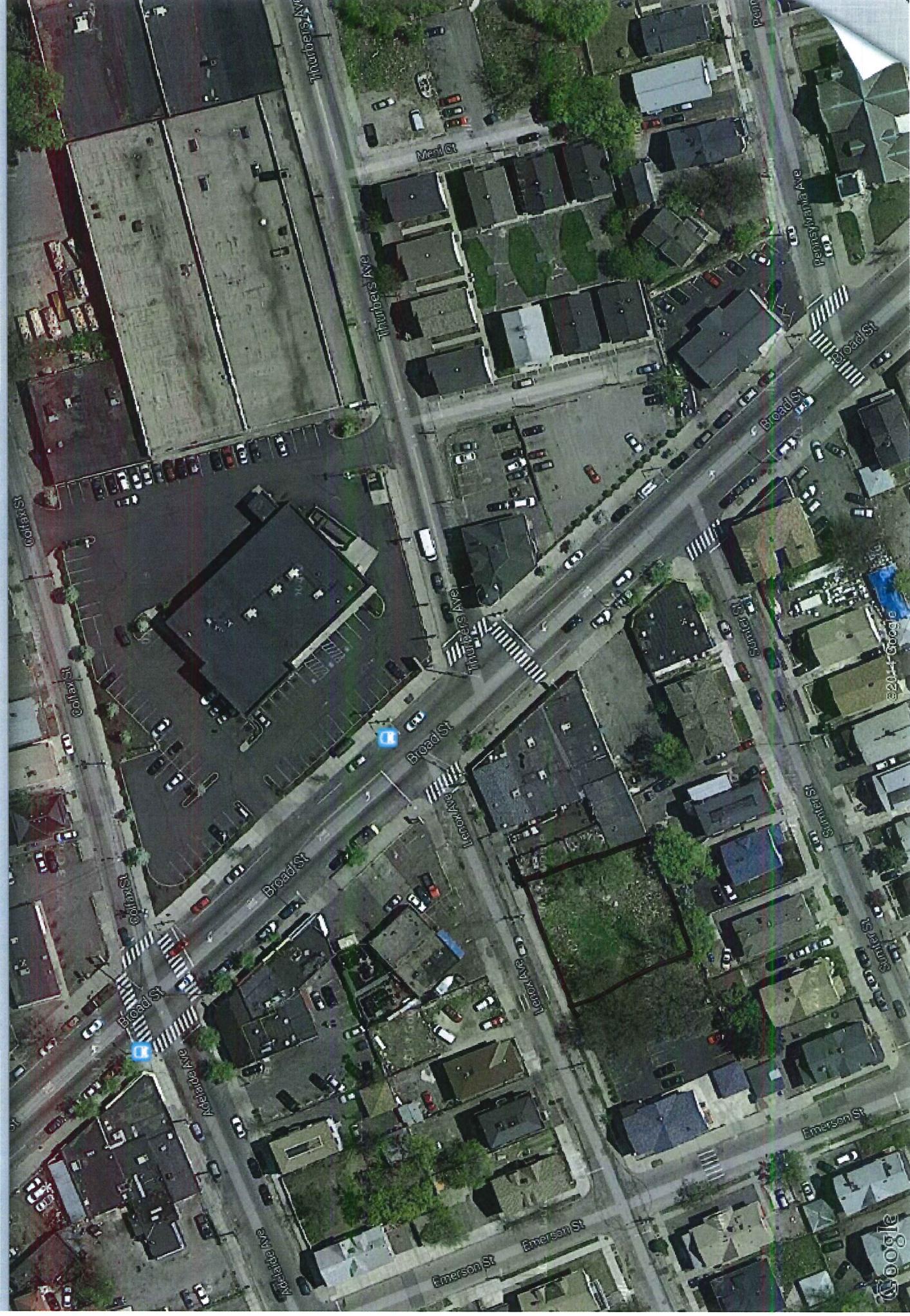
9:18 PM

62%

Search

Directions

Search or Address



Google

64

R4

C2

HOUSTON ST
GALLUP ST

COLFAX ST

C1

ADELAIDE AVE
WEISS CT

R3

PENNSYLVANIA AVE

R2

LENOX AVE
EMERSON ST

EMERSON ST

C1

PENNSYLVANIA AVE
ELMA ST

GALLATIN ST

PRICE ST

LYNN ST

GALLATIN ST

LYNN ST

WARRINGTON ST

LYNN ST

SACKETT ST

WARRINGTON ST

EARLY ST

C2

P.S.

THIRD ST

R

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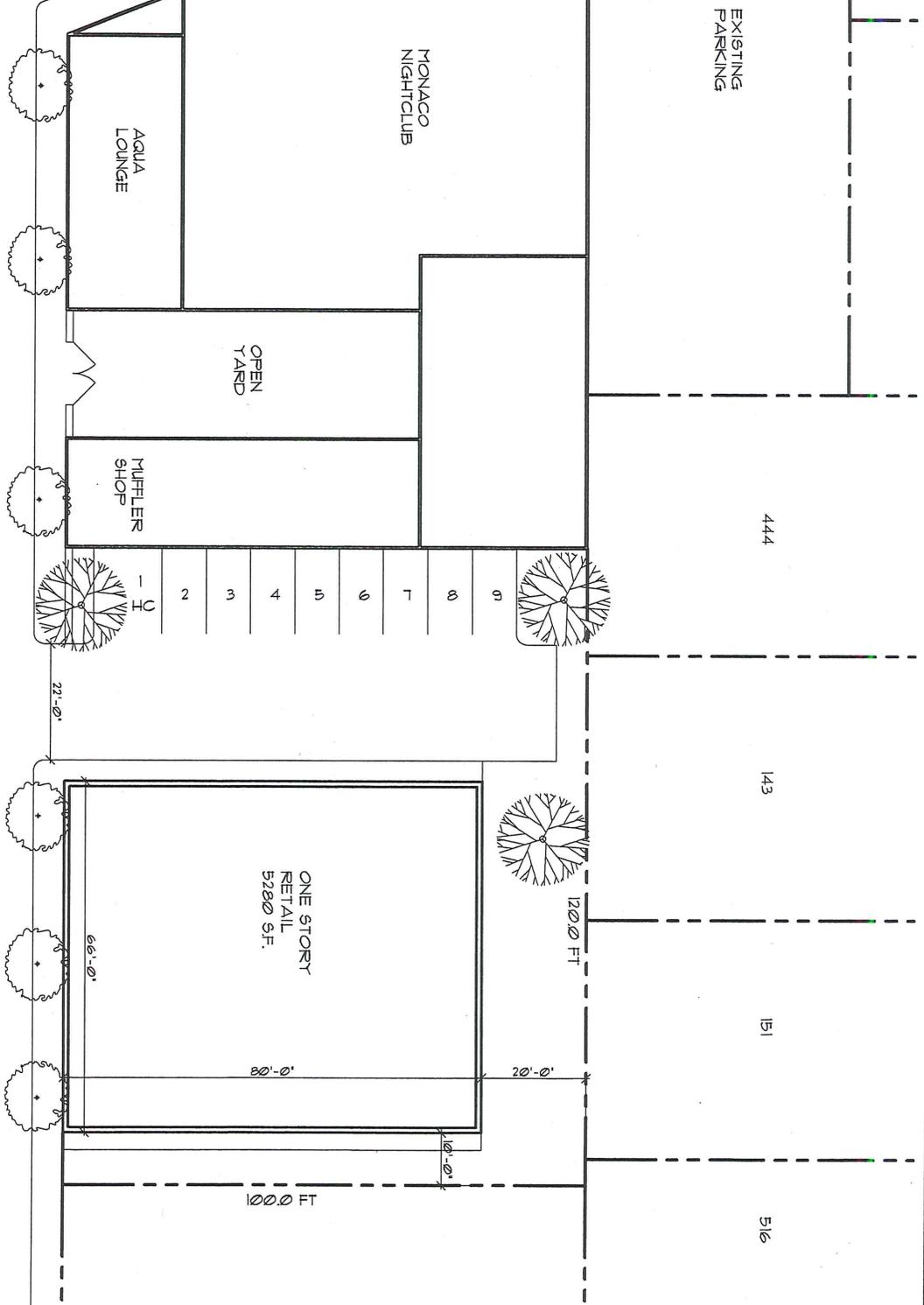
 Planning + Development...



SITE PLAN

LENNOX AVENUE

BROAD STREET



PRELIMINARY - NOT FOR CONSTRUCTION

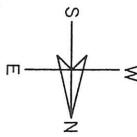
1 1" = 20'-0"

C-1

PROJECT # 1316
DATE: 03/09/2016
REVISED DATE:

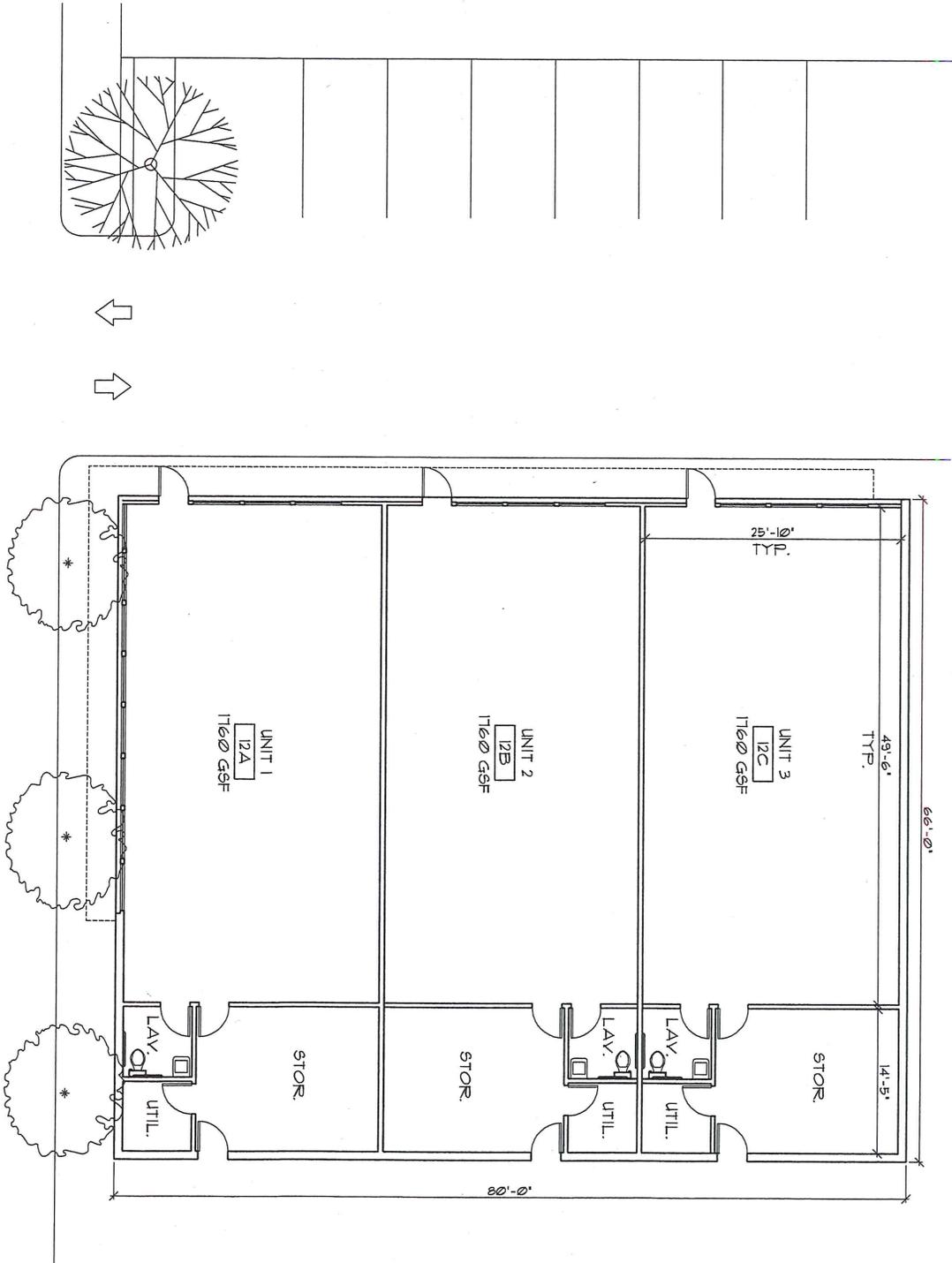
SHEET CONTENTS:
Site Plan

Proposed Plan
12 Lennox Ave
12 Lennox Avenue
Providence, RI



Ed Wojcik
architect, ltd
One Richmond Square
Providence, RI 02905
401-861-7139
Fax: 401-861-7165

FLOOR PLAN



1 3/32" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

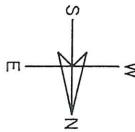
A-1

PROJECT # 1316
DATE: 03/09/2016
REVISED DATE:

SHEET CONTENTS:
FLOOR PLAN

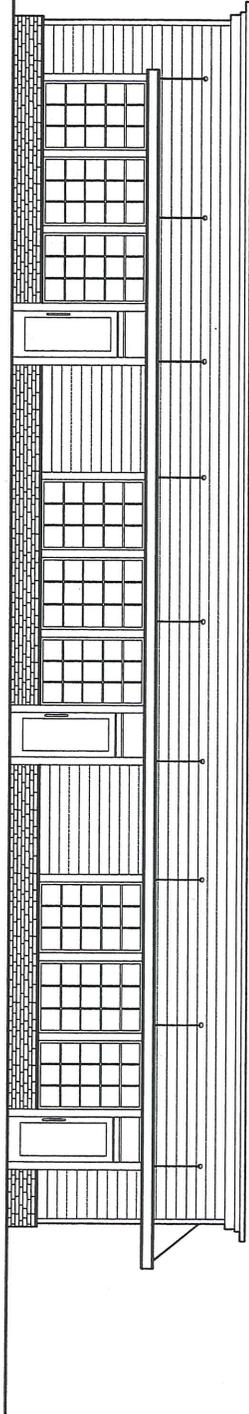
Proposed Plan
12 Lennox Ave

12 Lennox Avenue
Providence, RI



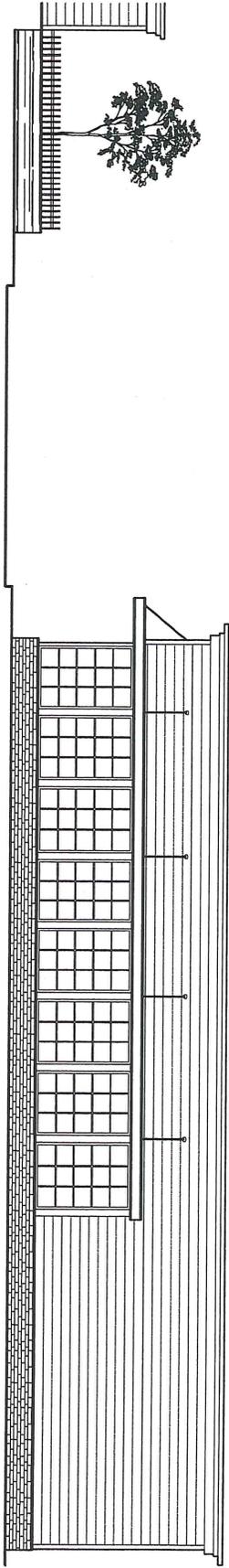
Ed Wojcik
architect, ltd
One Richmond Square
Providence, RI 02906
401-861-7139
Fax: 401-861-7165

PARKING ELEVATION



1
1/8" = 1'-0"

STREET ELEVATION



2
1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

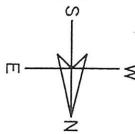
A-2

PROJECT # 1316
DATE: 03/02/16
REVISED DATE:

SHEET CONTENTS:
Elevations

Proposed Plan
12 Lennox Ave

12 Lennox Avenue
Providence, RI



Ed Wojcik

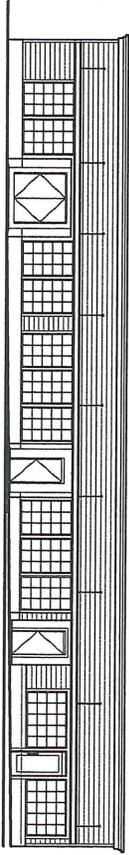
architect, ltd

One Richmond Square
Providence, RI 02906
401-861-7139
Fax: 401-861-7165



LENNOX STREET ELEVATION

1 1/8" = 1'-0"



BROAD STREET ELEVATION

2 1/8" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

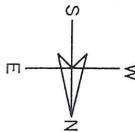
A-3

PROJECT # 1316
DATE: 08/20/16
REVISED DATE:

SHEET CONTENTS:
Street Elevations

Proposed Plan
12 Lennox Ave

12 Lennox Avenue
Providence, RI



Ed Wojcik

architect, ltd

One Richmond Square
Providence, RI 02906
401-861-7139
Fax: 401-861-7165



City Plan Commission
Jorge O. Elorza, Mayor

February 1, 2017

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

Attn: Lori Hagen, City Clerk

Re: Referral 3409-Petition to rezone AP 53 Lot 386 (12 Lenox Ave) from R-2 to C-2

Petitioner: Peka Inc

Dear Mr. Hassett,

At its regular meeting on January 17, 2017, the City Plan Commission (CPC) reviewed the proposed petition to rezone the property at 12 Lenox Ave (AP 53 Lot 386) from R-2 to C-2. The CPC voted as described below to make certain findings of fact and to recommend that the petition be approved subject to certain conditions.

FINDINGS OF FACT

The applicant is requesting the City to rezone 12 Lenox Ave (AP 53 Lot 386) from R-2 to C-2. The vacant subject lot is located one lot off Broad Street, which is a busy commercial corridor and measures approximately 12,000 SF. It is located between an auto repair business and a multifamily development. The applicant is requesting to rezone the lot to C-2 to develop a single story commercial building.

The CPC reviewed the proposed rezoning to determine if it would have a negative effect on adjacent property, taking into account the commercial nature of the surroundings and the proximity to Broad Street. Per the Future Land Use Map of Providence Tomorrow this area is intended to be one where general commercial and residential uses are located in proximity to each other. The CPC found the rezoning to be consistent with the intent of the comprehensive plan.

Based on their analysis and testimony at the meeting, the CPC found that a change to C-1 would be more appropriate as it would permit less intense uses than the C-2 zone. The CPC found that the change

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

would be in conformance with each of the purposes of zoning set forth in section 101 of the Zoning Ordinance if certain conditions were fulfilled.

RECOMMENDATION

Based on its analysis and findings, the CPC recommends that the zone change be approved subject to fulfillment of the following conditions:

1. The lot shall be rezoned to C-1.
2. A note shall be made on the zoning map that no alcoholic beverages shall be served on the subject lot.
3. A note shall be made on the zoning map to prevent drive through uses on the site. Drive through uses are not permitted in the C-1 zone, but the note would prevent the applicant from seeking zoning relief for a drive through use.
4. The applicant and owner shall submit to a deed restriction in favor of the City of Providence to ensure that there will be no entertainment uses that will occur on proximate lots owned by the applicant (AP 53 Lots 515 and 471). Under this restriction, entertainment uses shall cease upon expiration of the current leases. The applicant shall work with the Department of Planning and Development to develop the restriction language.

Sincerely,



Choyon Manjrekar
Administrative Officer