

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2018-9

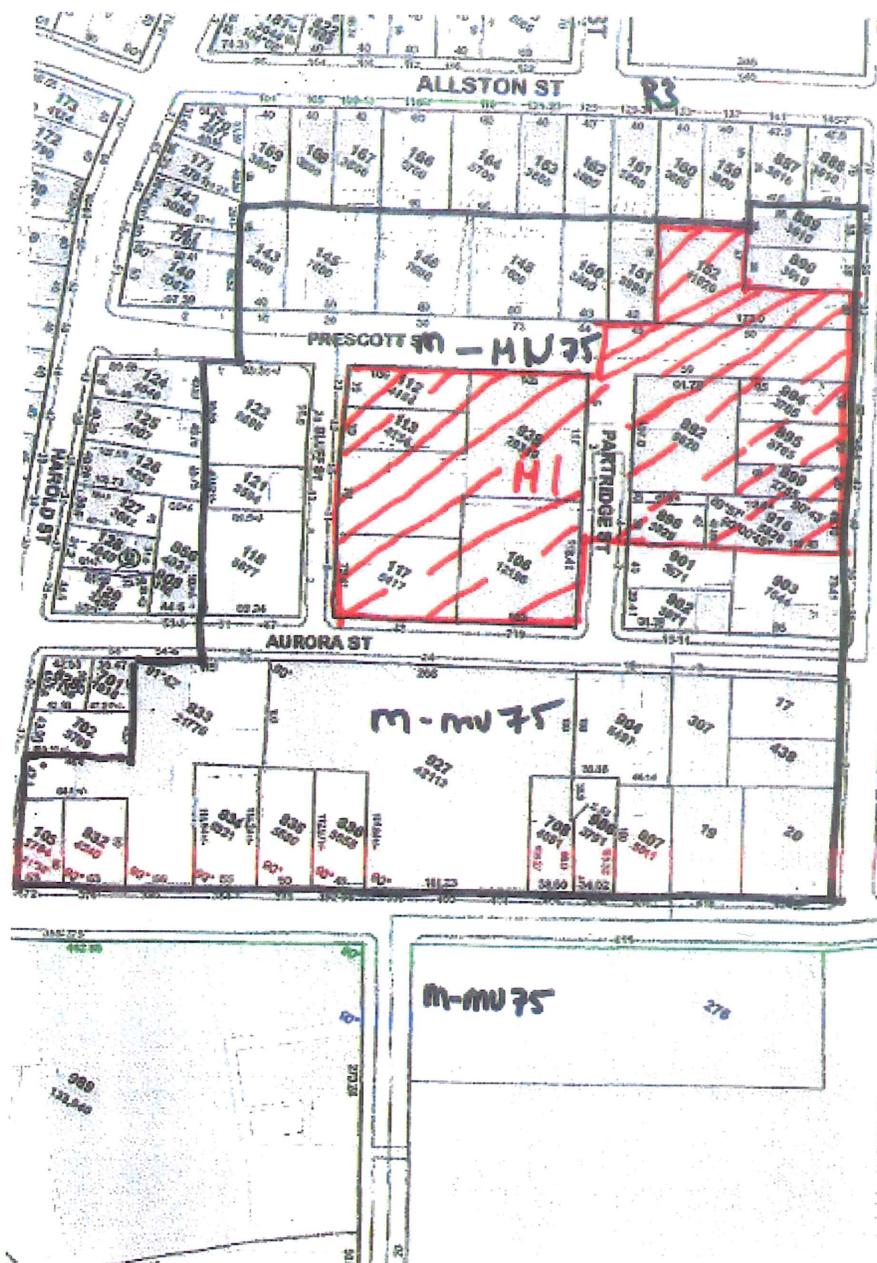
No. 247

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 52 RIVER AVENUE (ASSESSOR'S PLAT 65, LOTS 152, 916, 899, 895, 894, 892, 898, 938, 106, 112, 113 AND 117) FROM AN M-MU75 BACK TO AN M1 ZONE

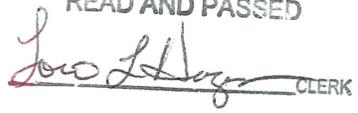
EFFECTIVE March 26, 2018

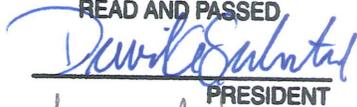
Be it ordained by the City of Providence:

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, to change the Zoning District on the Official Zoning Map for 52 River Avenue (Assessor's Plat 65, Lots 152, 916, 899, 895, 894, 892, 898, 938, 106, 112, 113 and 117) from an M-MU75 back to an M1 Zone. These properties were previously zoned M1 prior to being changed by the City of Providence to an M-MU75.



SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
MAR 01 2018
FIRST READING
READ AND PASSED
 CLERK

IN CITY
COUNCIL
MAR 15 2018
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK

Effective without the
Mayor's Signature


Lori L. Hagen
City Clerk



City Plan Commission
Jorge O. Elorza, Mayor

January 24, 2018

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

Attn: Lori Hagén, City Clerk

Re: Referral 3423-Petition to rezone AP 65 Lots 152, 916, 899, 895, 894, 892, 898,106, 112, 113 and 117 from M-MU 75 to M-1

Petitioner: JacMar Realty LLC

Dear Mr. Hassett,

The City Plan Commission (CPC) reviewed the proposed zoning change to rezone AP 65 Lots 152, 916, 899, 895, 894, 892, 898,106, 112, 113 and 117 from M-MU 75 to M-1 at a regular meeting on January 18, 2018. The applicant owns AP 65 Lot 152 (50 Prescott Street) and is proposing to rezone the lots to use their property for cultivation of medical marijuana. The CPC voted as described below to make certain findings of fact and to recommend that the petition be denied.

FINDINGS OF FACT

The applicant is proposing to rezone AP 65 Lots 152, 916, 899, 895, 894, 892, 898,106, 112, 113 and 117 from M-MU 75 to M-1. These lots are located on Aurora, Bluff, Prescott and Partridge Streets and River Ave in the Valley neighborhood. This section of the neighborhood has a mix of uses with residential and commercial uses in proximity to each other.

The M-MU 75 zone is intended to foster a mixed use environment where light industrial and other uses can exist in proximity. The CPC found that the M-MU 75 zoning designation is appropriate for this area due to its mixed use makeup.

The CPC found that rezoning this area to M-1 would negatively affect the established mixed use character of the neighborhood. The CPC found that the rezoning could not only have a negative effect on property in proximity to lots rezoned to M-1, but also in the abutting R-3 zone on Allston Street. This is because the M-1 zone allows for more intense industrial uses than what is permitted in the M-MU zone. Uses that generate noise, light and vibration would be permitted and could have a negative effect on surrounding property. The M-1 zone prohibits residential uses. Therefore, the CPC found that any

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
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developable lots would lose housing or mixed use development as potential uses. This would go against the mixed use character of the neighborhood.

The applicant does not own any of the subject lots except for 50 Prescott Street (AP 65 Lot 152), which the applicant is proposing to use for cultivation of medical marijuana. The CPC found that rezoning a large swath of land to accommodate a use that would be incompatible with surrounding residences would not be in conformance with the comprehensive plan as well the purposes of zoning. The CPC found that rezoning would be against objective LU-1 which aims to reinforce the stability, character and diversity of the City's neighborhoods by respecting valued development patterns and attributes. Rezoning to M-1 is also not in conformance with objective LU-3 which aims to maintain and enhance residential areas without introducing incompatible uses.

The CPC found that rezoning this area would not be appropriate given its character and proximity to other residential uses. The CPC found that the rezoning this area could negatively affect health, safety and welfare due to the incompatibility of the M-1 zone with the established character of the rezoning area and adjacent residential zone. This would be inconsistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

RECOMMENDATION

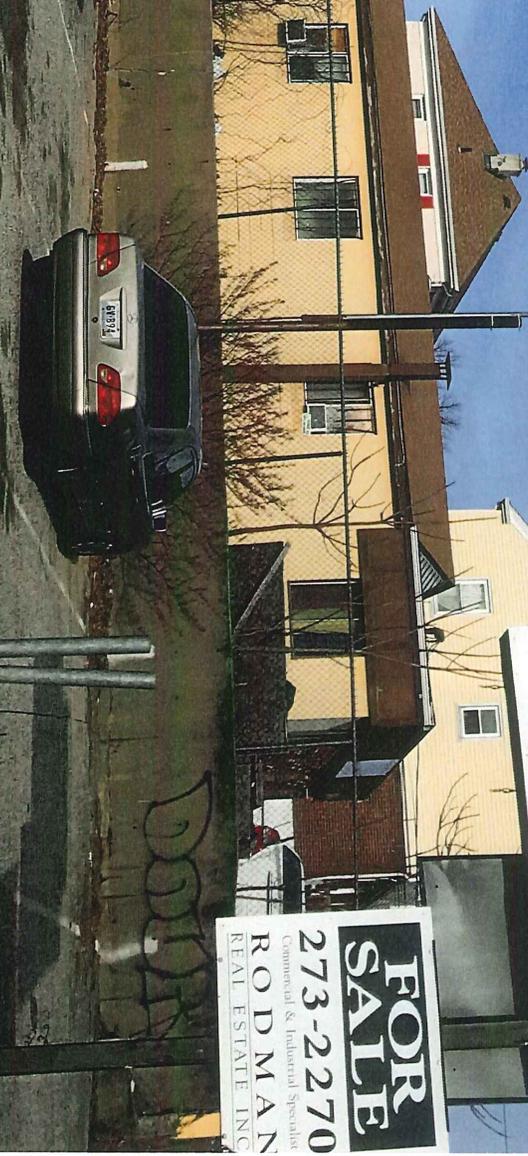
Based on the foregoing discussion, the CPC voted unanimously to make a recommendation that the City Council deny the proposed zone change.

Sincerely,



Choyon Manjrekar
Administrative Officer

CC: Nick Hemond



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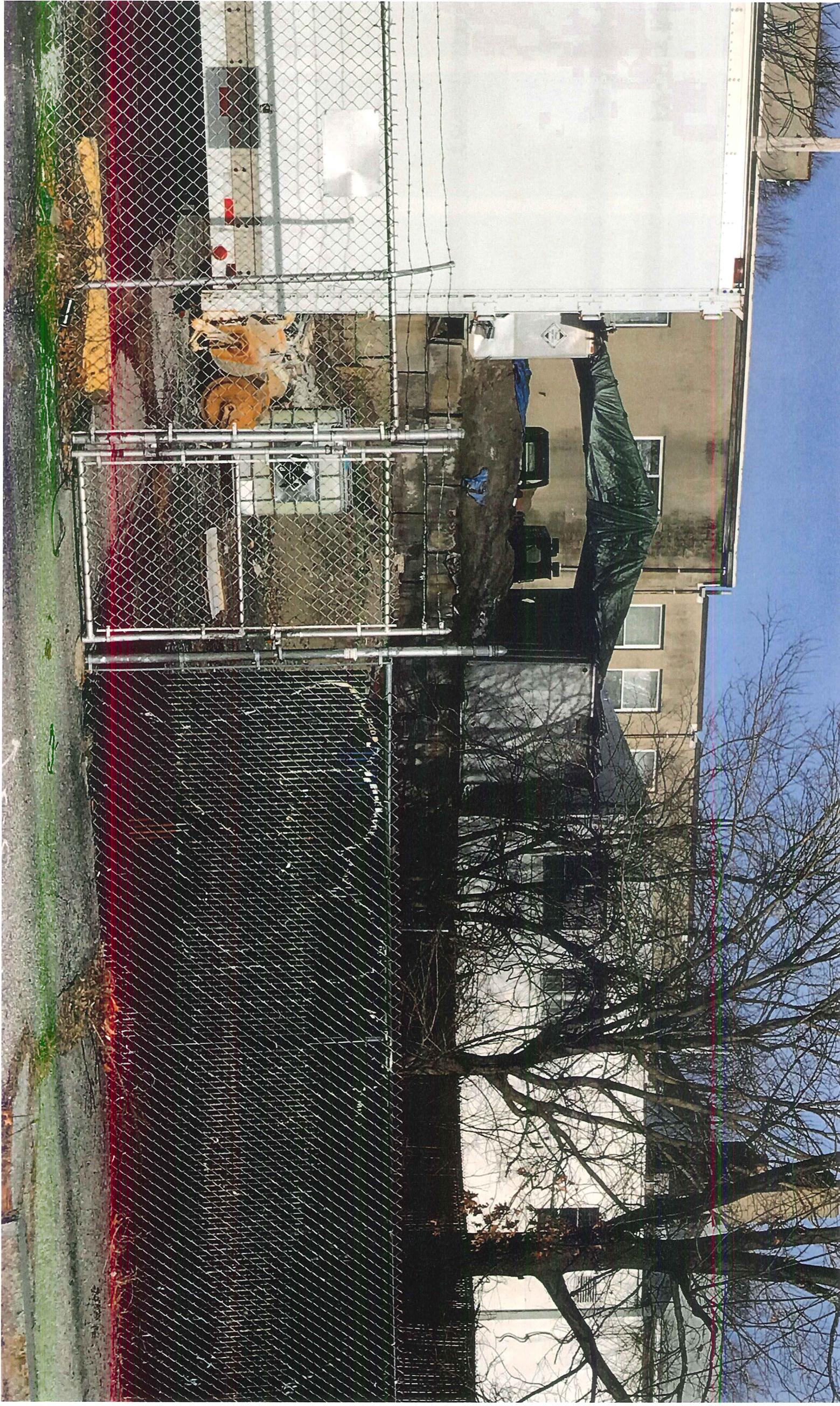
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LOADING DOCK - M1 ZONING
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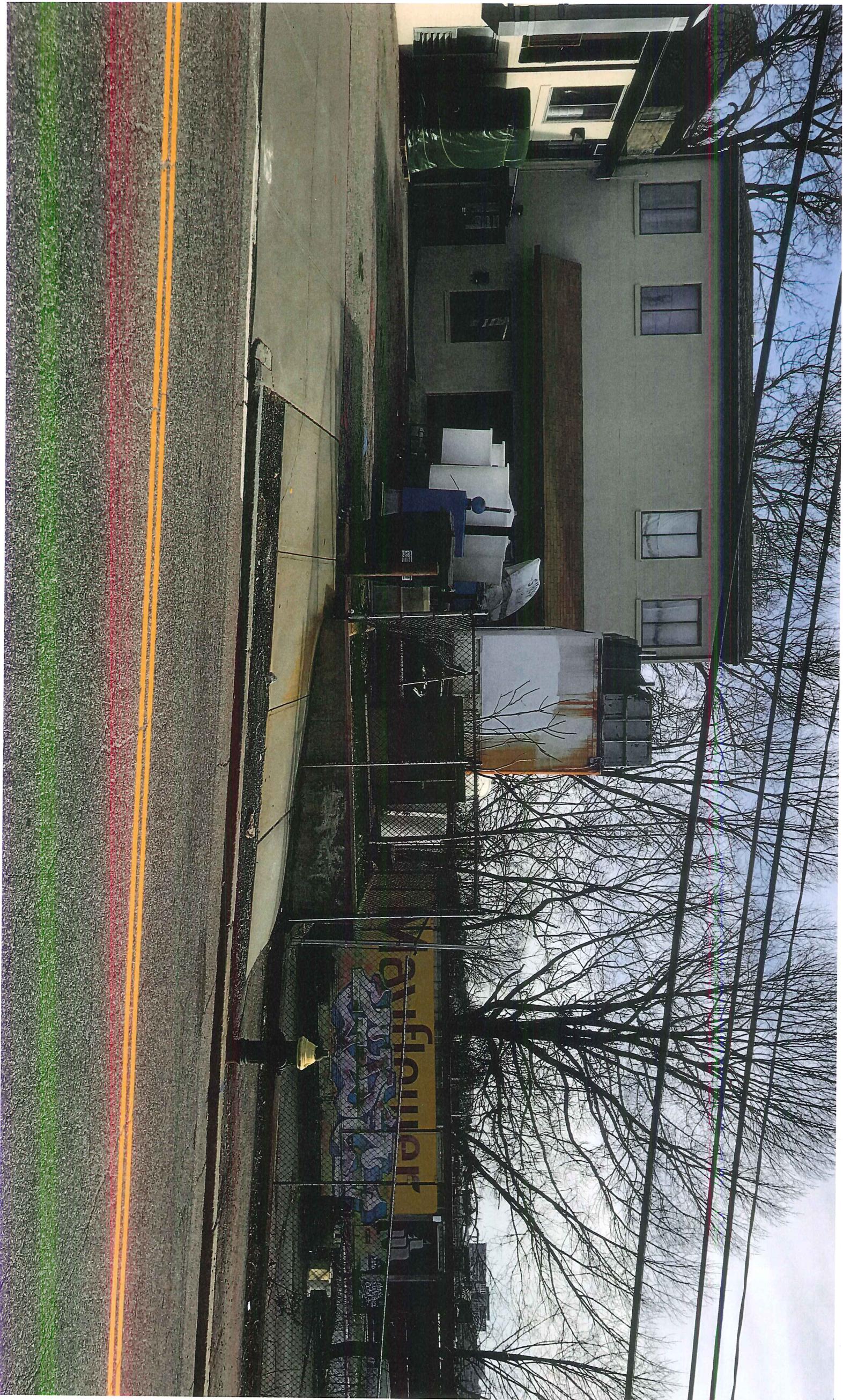


















45

W.S. PLATING
CO., INC.
45 RIVER AVE.

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PETITION TO THE CITY COUNCIL

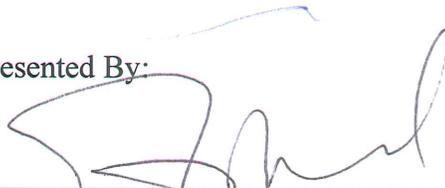
SUBSTITUTE A

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions this honorable body:

I, Joseph Baginski, on behalf of Jac-Mar Realty, LLC, owner of real property located at 52 River Avenue, Plat 65, Lot ~~890~~152, hereby petition the City Council to change the Official Zoning Map of the City of Providence by changing the zoning district designed for the properties located at Plat 65, Lots ~~889, 890, 152, 151, 150, 148, 146, 145, 143, 122, 121, 118, 833, 105, 834, 835, 836, 927, 708, 906, 904, 19, 20, 438, 307, 17, 903,~~ 916, 899, 895, 894, 892, 898, ~~901, 902, 938,~~ 106, 112, 113 and 117 and shown on the accompanying map, from an M-MU75 back to an M1 zone. These properties were previously zoned M1 prior to being changed by the City of Providence to an M-MU75.

Presented By:



Nicholas J. Hemond, Esq.
Darrow Everett, LLP
One Turks Head Place, Suite 1200
Providence, RI 02903

Attorney of Record for:
Joseph Bagniski
Jac-Mar Realty, LLC
52 River Avenue, Providence, RI 02908

