

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2012-65

No. 641 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 JUNE 27, 1994, AS AMENDED, TO CHANGE THE ZONING DISTRICT OF CERTAIN PROPERTIES ON DOUGLAS AVENUE AND BRANCH AVENUE

Approved November 21, 2012

Be it ordained by the City of Providence:

Section 1: Chapter 27 of the Code of Ordinances of the City of Providence is further amended by changing the zoning district designation of Lots 1, 6 and 261 on Zoning District Map 102 of the Official Zoning Map from a Limited Commercial C-1 Zone to a General Commercial C-2 Zone, and Lots 8 and 9 on Zoning District Map 102 of the Official Zoning Map from a Residential R-2 Zone to a General Commercial C-2 Zone.

Said zone changes shall permit on Lot 1 (1039 Douglas Avenue, also known as 1032 Branch Avenue), Lot 6 (1017 Douglas Avenue), Lot 8 (1006 Branch Avenue), Lot 9 (1011 Douglas Avenue) and Lot 261 (1021 Douglas Avenue, also known as 1014-1018 Branch Avenue) on Zoning District Map 102, without any further approvals, all uses permitted in a General Commercial C-2 Zoning District, and with a drive-in establishment. This limitation shall be noted on the face of the Official Zoning Map and recorded on the property records along with the following limitations:

- a) Site plans, construction plans, landscaping plans and parking/paving plans for any drive-in establishment shall be submitted to the Department of Inspection and Standards for development plan review; and
b) Once a drive-in establishment is permitted per this ordinance, any revisions to the site or building plans to continue a drive-in establishment shall be subject to special use permit.

Section 2: This Ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 01 2012
FIRST READING
READ AND PASSED

[Signature] CLERK

IN CITY COUNCIL
NOV 13 2012

FINAL READING
READ AND PASSED

[Signature] PRESIDENT
[Signature] CLERK

I HEREBY APPROVE.

[Signature] Mayor

Date: 11/21/12



City Plan Commission

Angel Taveras, Mayor

Councilman Seth Yurdin
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Anna Stetson, City Clerk

January 4, 2012

Re: Petition to rezone Lots 1 (1039 Douglas Avenue), 6 (1017 Douglas Avenue), 261 (1021 Douglas Avenue) from C-1 to C-2 and Lots 8 (1006 Branch Avenue) and 9 (1011 Douglas Avenue) from R-2 to C-2, all on AP 102. The change would permit a drive through establishment.

Dear Councilman Yurdin:

At a regular meeting of the City Plan Commission (CPC) on December 20, 2011, the Commission reviewed the proposed zoning change. The Commission voted unanimously as described below to make certain findings of fact and to recommend that the petition be denied.

FINDINGS OF FACT

Based on the zoning map, the CPC found this area to be predominantly residential with some light commercial uses. The CPC found that the future land use map of *Providence Tomorrow: The Interim Comprehensive Plan* identified this area as one intended for Neighborhood Commercial/Mixed Use, which is characterized by traditional, pedestrian oriented uses that serve local neighborhood needs for retail services, offices and housing.

The CPC found that the expansion of a restaurant with a drive through set close to residences would be out of character with this land use designation and more intense than what is expected from the Comprehensive Plan. The CPC found that rezoning the subject parcels to C-2 would break up the established pattern of the zoning map, by setting an incompatible use against residences. The rezoning would have a negative effect on surroundings, particularly neighboring residences which could be affected through increased light, noise and vibration from vehicles using the drive through. The CPC was concerned that including a drive through would require the demolition of existing housing, which is discouraged by the Zoning Ordinance and the Comprehensive Plan.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401-451-6000
www.providenceri.com

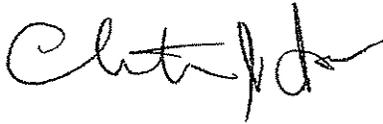
Providence Tomorrow stresses protecting the existing character of the City's neighborhoods and for new development to complement traditional character in Objectives BE-7 and BE-2. As the development is located in a predominantly residential area, the CPC found it would not be in character with that of a residential neighborhood. The CPC found the proposal to reflect a suburban design with elements of urban sprawl rather than the urban design guidelines in the Zoning Ordinance. The drive through would be accessible from Branch and Douglas Avenue. Both are busy streets and vehicles stopping to enter the drive through would negatively affect traffic circulation.

It was the CPC's opinion that the intent of the Zoning Ordinance and Comprehensive Plan was not reflected in the proposed zone change and inclusion of a drive through would have a negative effect on the neighborhood.

RECOMMENDATION

Based on the foregoing discussion, per its findings of fact, the CPC made a recommendation that the City Council deny the proposed rezoning.

Sincerely,



Christopher Ise
Administrative Officer

cc: Michael O Brien, Carries Restaurant
Nicholas Narducci, City Councilman
Anna Stetson, City Clerk

