

CHAPTER 2020-50

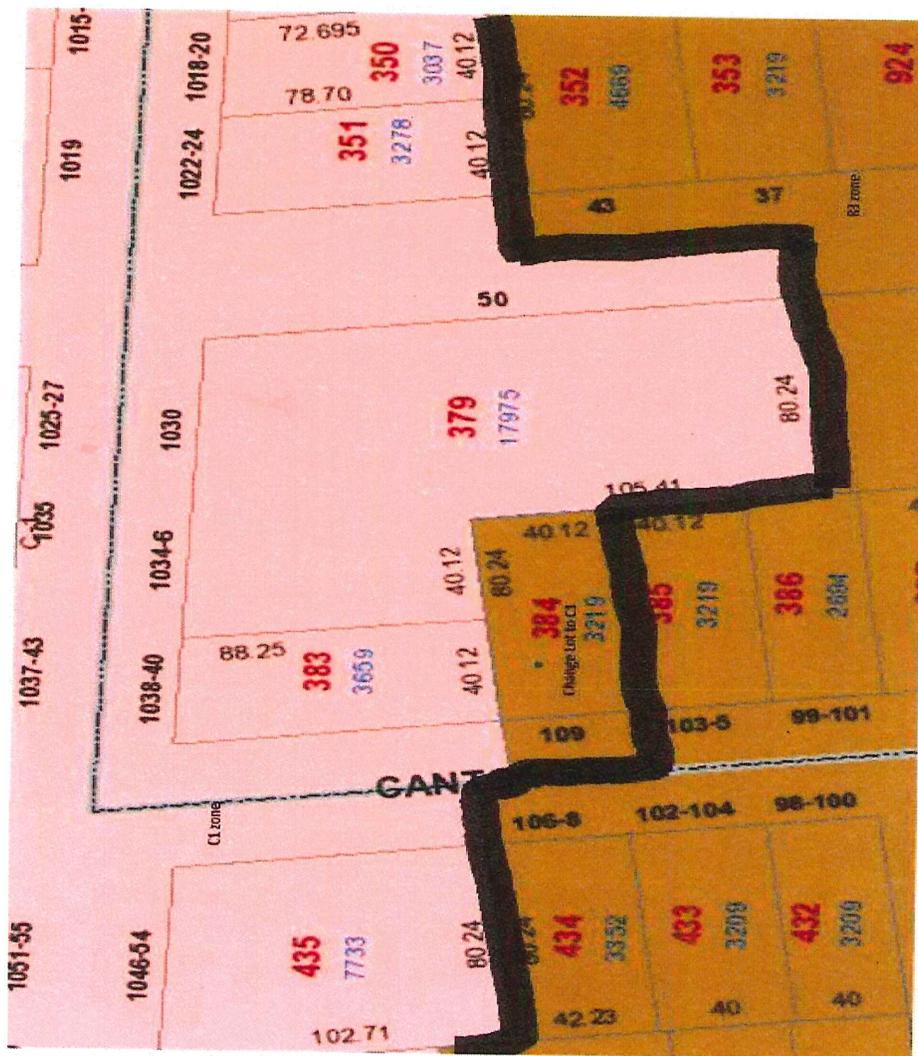
No. 389

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 65, LOT 384 (109 CANTON STREET), FROM R-3 TO C-1

Approved November 25, 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 65, Lot 384 (109 Canton Street), from R-3 to C-1.



Section 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL  
NOV 05 2020  
FIRST READING  
READ AND PASSED

*Kean Sellick*  
CLERK

IN CITY COUNCIL  
NOV 19 2020  
FINAL READING  
READ AND PASSED

*Salma Mats*  
PRESIDENT  
*Kean Sellick*  
CLERK

I HEREBY APPROVE.

*[Signature]*  
Mayor  
Date: 11/25/20

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

ORDINANCES  
REFERRED TO COMMITTEE ON  
FIRST READING  
JAN 13 2010  
CITY COUNCIL  
CLERK

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions this honorable body:

I, Nicholas J. Hemond, Esq., on behalf of National Development Group, Inc., owner of real property located at 109 Canton Street, Plat 65, Lot 384, hereby petition the City Council to change the Official Zoning Map of the City of Providence by changing the zoning district designed for the property located at Plat 65, Lots 384 and shown on the accompanying map, from an R3 to a C1. This property immediately abuts the C1 zone.

Presented By:

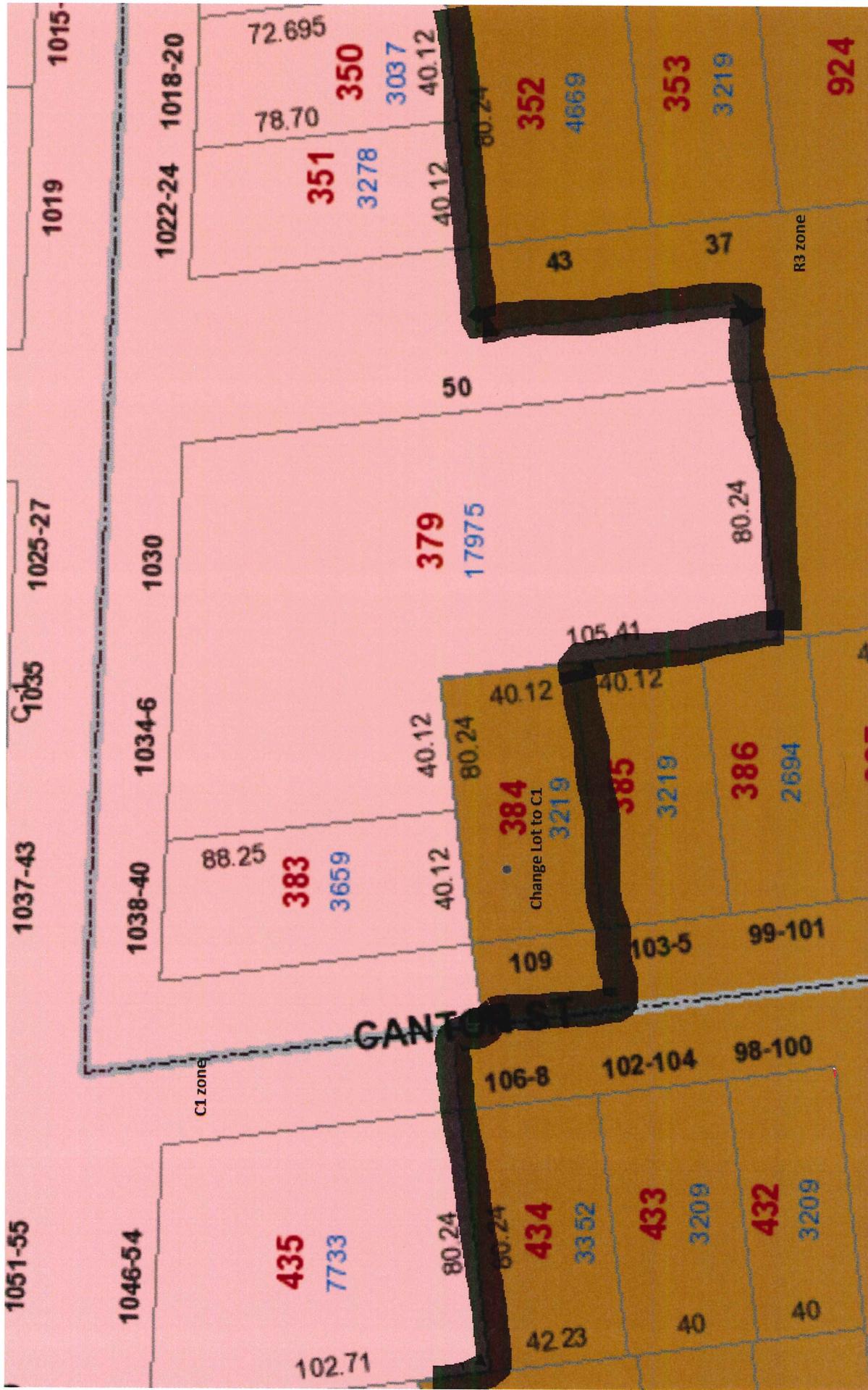


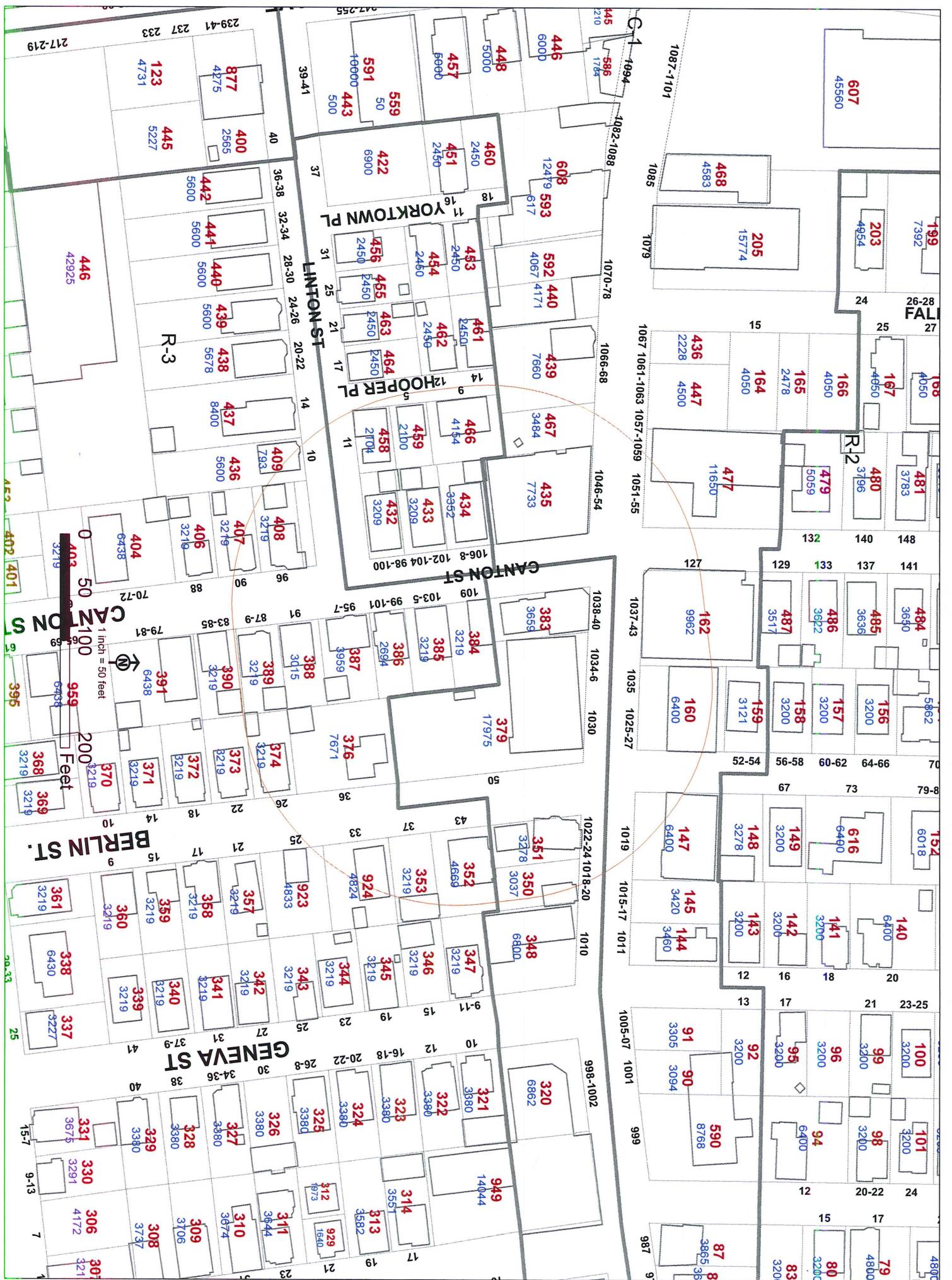
Nicholas J. Hemond, Esq.  
Darrow Everett, LLP  
One Turks Head Place, Suite 1200  
Providence, RI 02903

Attorney of Record for:  
National Development Group, Inc.  
1481 Atwood Avenue  
Johnston, RI 02919

RECEIVED

RECEIVED





YORKTOWN PL

LINTON ST

HOOPER PL

CANTON ST

BERLIN ST

GENEVA ST

1 inch = 50 feet

Feet

FALL



City Plan Commission  
Jorge O. Elorza, Mayor

September 16, 2020

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

Attn: Shawn Selleck, City Clerk

**Re: Referral 3477 – Petition to rezone 109 Canton Street from R-3 to C-1  
(AP 65 Lot 384)**

**Petitioner: National Development Group Inc.**

Dear Chairwoman Ryan,

The City Plan Commission (CPC) reviewed the above referenced zone change at a regular virtual meeting on September 15, 2020 and voted to recommend that the City Council approve the amendment based on their findings described below.

**FINDINGS OF FACT**

The applicant proposed to rezone 109 Canton Street (AP 65 Lot 384) from R-3 to C-1, which is currently occupied by a dwelling. The rezoning will allow for a small addition to the Family Dollar development on the adjacent lot 379. The building on lot 384, which is zoned C-1, will be demolished and developed as part of the parking lot for the development. Vehicles will access the parking lot from Berlin Street, and exit onto Canton Street, which runs parallel. The surrounding area is primarily commercial and abuts the R-3 zone to the south.

The CPC expressed concern that the rezoning will involve the demolition of a residential structure. However, the CPC found that the rezoning will facilitate the expansion of a commercial operation, better traffic circulation, and will create opportunities for more landscaping to buffer the development from the street and from neighboring residences.

As the site will be incorporated into the C-1 zone, the CPC required that the applicant make every effort to bring the development into closer conformance with the zoning regulations for the zone. This would include meeting the landscaping requirement for the parking area by installing planting strips between the parking area and adjoining streets, planting vegetated buffers adjacent to residential uses, and maintaining street trees on the perimeter. The building to be redeveloped for the retail store has a

DEPARTMENT OF PLANNING AND DEVELOPMENT  
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mostly bare façade with blank walls facing the street. The CPC recommends that as the petitioner creates the addition to the building, it also improves the building's façade and design to better conform to the design guidelines for commercial zones. Based on discussion that occurred at the meeting, the CPC also recommends that the applicant improve the site lighting to conform to the requirements of the zoning ordinance and improve security around the building.

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 business/commercial and residential uses are located in proximity to each other. The property is located in an area where business/mixed use is intended alongside medium density residential development. The plan says that small scale retail like neighborhood commercial stores, similar to the operation proposed by the applicant, are encouraged within this designation. The CPC found that the zone change would allow for uses that currently exist adjacent to residences. Rezoning this lot would be appropriate given the current use on the lot. Therefore, the rezoning would be consistent with the intent of the comprehensive plan.

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**

Upon a motion by Commissioner Gazdacko, seconded by Commissioner Potter, the CPC unanimously voted to recommend that the City Council approve the proposed zone change based on the above findings. In accordance with their action, the CPC recommends that the zone change be approved subject to the following conditions:

1. The applicant shall bring the site into conformance with the landscaping requirement and create vegetated buffers between adjoining properties under the supervision of the City Forester.
2. The petitioner is encouraged to work with DPD staff on improvements to the building to bring it into closer conformance with the building and design standards of the C-1 zone.
3. The applicant shall install site lighting that is in conformance with the requirements of the zoning ordinance.
4. The applicant shall make efforts to improve security around the subject building.

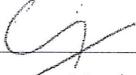
The CPC voted as follows:

AYE: M. Gazdacko, M. Quezada, C. West, H. Bilodeau, L. Torrado, C. Potter

109 Canton Street  
Referral 3477  
9/16/20

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Sincerely,



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Choyon Manjrekar  
Administrative Officer