

City of Providence  
STATE OF RHODE ISLAND

CHAPTER 2020-51

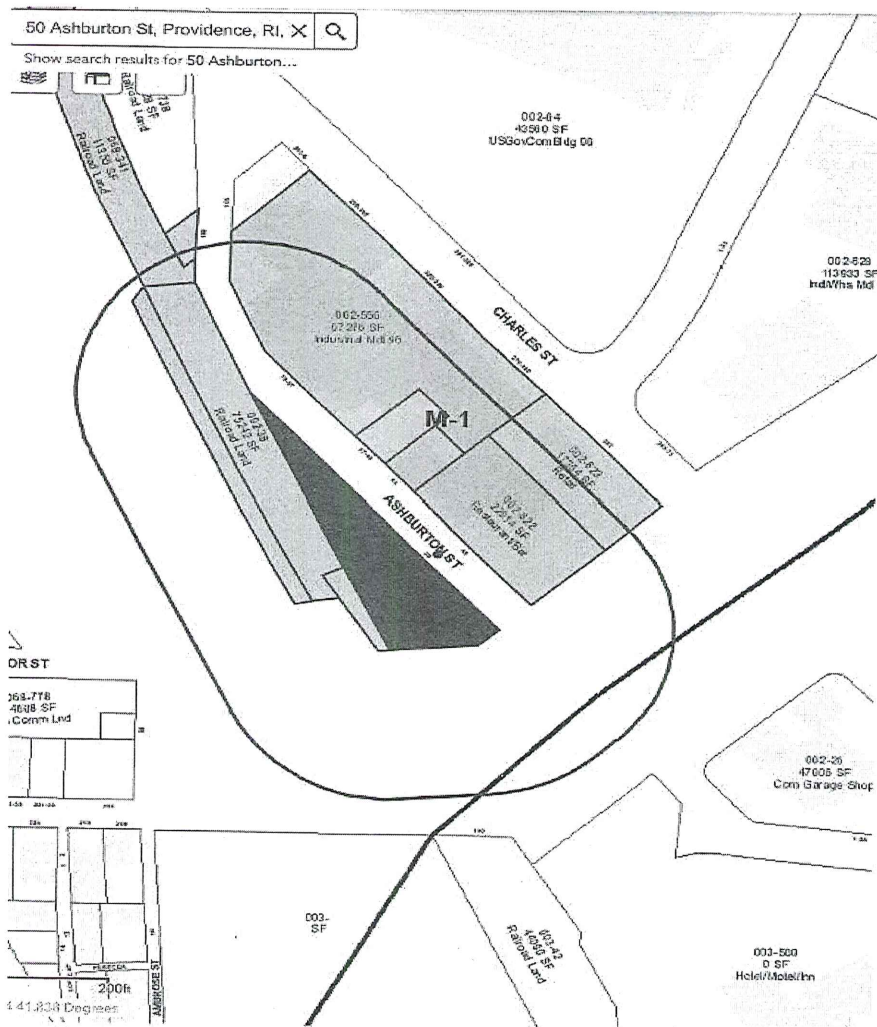
No. 390

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 2, LOT 15 (50 ASHBURTON STREET), FROM M-1 TO M-MU-75

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 2, Lot 15 (50 Ashburton Street), from M-1 to M-MU-75.



Section 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL  
NOV 05 2020  
FIRST READING  
READ AND PASSED

*Sam Sellick* CLERK

IN CITY  
COUNCIL

NOV 19 2020  
FINAL READING  
READ AND PASSED

*Sabrina Mateo*  
PRESIDENT  
*Sam Sellick*  
CLERK

I HEREBY APPROVE.

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

**City of Providence**  
**State of Rhode Island**

**PETITION TO THE HONORABLE CITY COUNCIL**

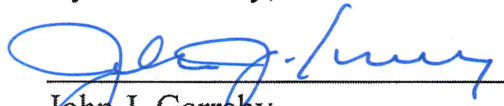
TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

Goulding Properties LLC and EJS Investments, Inc. hereby petition the City Council to change the Official Zoning Map of the City of Providence by changing the zoning district for the properties located at 50 Ashburton Street and identified as Plat 2, Lot 15 from M-1 to M-MU-75. See the attached plan.


EJS Investments, Inc.

By its Attorney,

  
\_\_\_\_\_  
John J. Garrahy  
2088 Broad Street  
Cranston, Rhode Island 02905

Goulding Properties, LLC

By its Attorney,

  
\_\_\_\_\_  
Stephen M. Litwin  
116 Orange Street  
Providence, Rhode Island 02903

*August*  
July 24, 2020

JOHN J. GARRAHY LAW, LLC  
2088 BROAD STREET  
CRANSTON, RHODE ISLAND 02905  
(401) 383-3830  
[jgarrahy@garrahyllaw.com](mailto:jgarrahy@garrahyllaw.com)

August 24, 2020,

Ms. Tina L. Mastroianni  
First Deputy City Clerk  
City of Providence  
25 Dorrance Street  
Providence, Rhode Island 02914

**Re:    *Petition to the City Council to Rezone 50 Ashburton Street -  
Plat 2, Lot 15 from M-1 to M-MU-75***

Dear Madam Clerk:

Enclosed please find a Petition to Rezone the subject property from M-1 to M-MU-75, as well as the \$150 filing fee. Also enclosed are two sets of labels for property owners within 200 feet of the property.

Please advise of any hearings with respect to this matter.

If you have any questions, please do not hesitate to contact me.

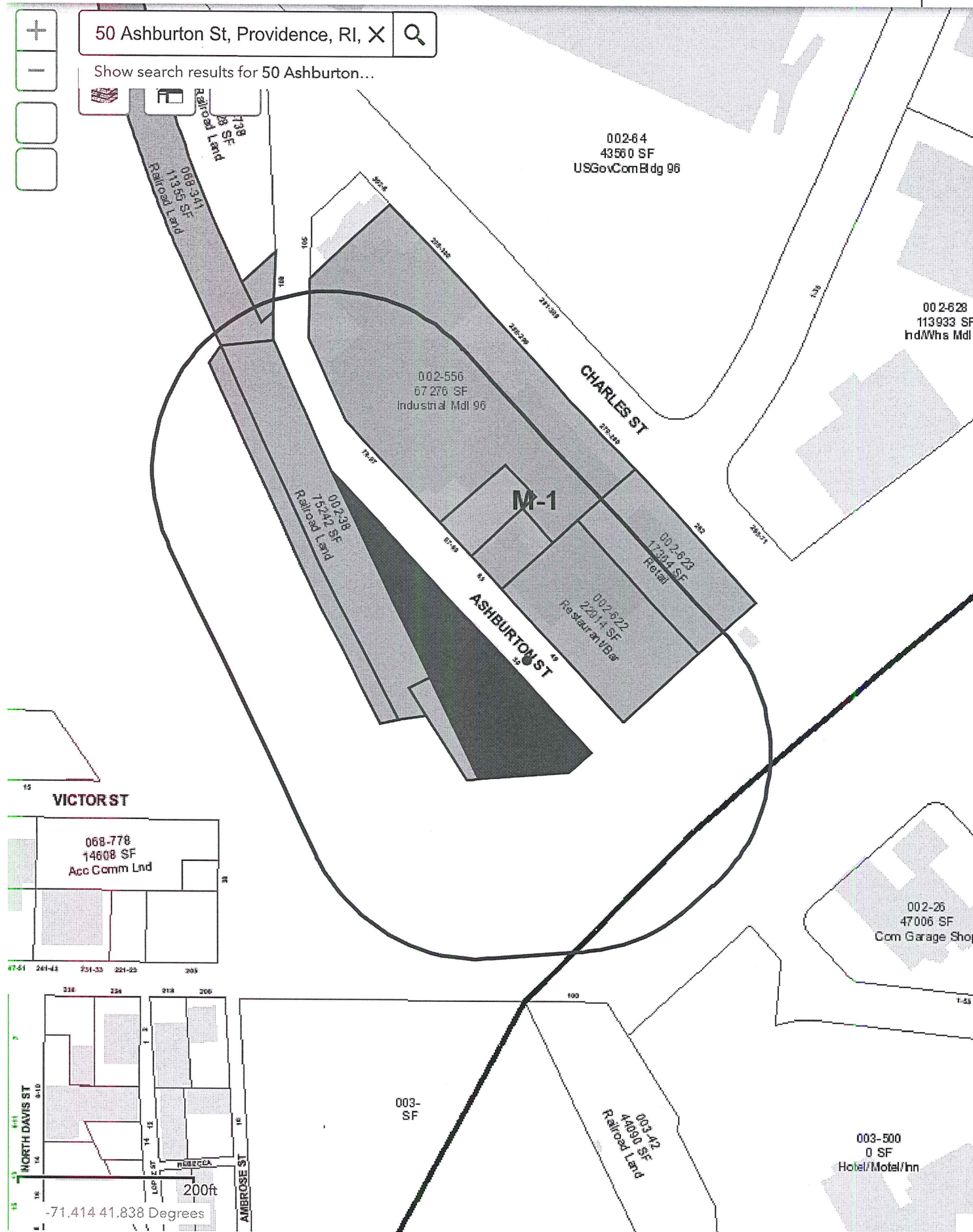
Very truly yours,

  
John J. Garrahy

Enclosures

100 THE 30 15 8 20







City Plan Commission  
Jorge O. Elorza, Mayor

October 22, 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 3479 – Petition to rezone 50 Ashburton Street from M-1 to M-MU 75  
(AP 2 Lot 15)**

**Petitioners:** Goulding Properties LLC and EJS Investments Inc

Dear Chairwoman Ryan,

The City Plan Commission (CPC) reviewed the above referenced zone change at a regular virtual meeting on October 20, 2020 and voted to recommend that the City Council approve the amendment based on their findings and conditions described below.

**FINDINGS OF FACT**

The applicants are proposing to rezone 50 Ashburton Street from M-1 to M-MU 75. The lot is currently occupied by a four story building that the applicant is proposing to convert to a multifamily dwelling.

The subject lot is located within an area of the City intended for industrial and heavy commercial use, with the surrounding lots zoned M-1, with the C-3 zone to the east. Multifamily dwellings are not permitted in the M-1 zone but are allowed by right in the C-3 and M-MU 75 zones. Per the Future Land Use Map of Providence Tomorrow—which is not intended for parcel level analysis— this area is one where business/mixed use development is located adjacent to general commercial mixed use. The plan envisions this area as one where industrial and heavy commercial uses are located in proximity to commercial uses like shopping complexes, hotels and mixed use development that includes residential. Some uses that can be observed around the site include a restaurant, retail and hotel. Given the diverse uses around the site, the CPC found it conceivable that the rezoning is consistent with the intent of the comprehensive plan and zoning ordinance.

The site is located under the future land use map's jobs district, which are areas where residential uses are prohibited in order to allow for business expansion and reduce conflicts between businesses and residences. Based on a review of the zoning map, the CPC found, however, that since there are no

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developable parcels in the Jobs District to the west of the site, it is actually at the edge of the district. Furthermore, the subject property is not in proximity to any industrial uses, has no direct abutters, and is bounded on two sides by a rail line and two highways. In fact, the CPC found that the proposed multifamily use would complement the surrounding uses.

The CPC found that a zone change could occur with the comprehensive plan being changed in proximity to the zone change process. The CPC found that rezoning the lot to M-MU 75 to allow for a use that is permitted by right in the adjacent C-3 zone is not expected to have a negative effect on neighborhood character or surrounding property as the use will be similar to what is already permitted in proximity to the M-1 zone. No industrial activity would be affected. The rezoning would be in conformance with objective H-2 of the comprehensive plan which encourages developing new housing in the City.

Based on the foregoing discussion, the CPC found that rezoning the lot would be appropriate given the character of the surroundings and the proposed use and 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 Quezada, 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.

The CPC advised that the comprehensive plan's Future Land Use Map should eventually be changed to clarify the limits of the Jobs District.

The CPC voted as follows:

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

Sincerely,



Choyon Manjrekar  
Administrative Officer