

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

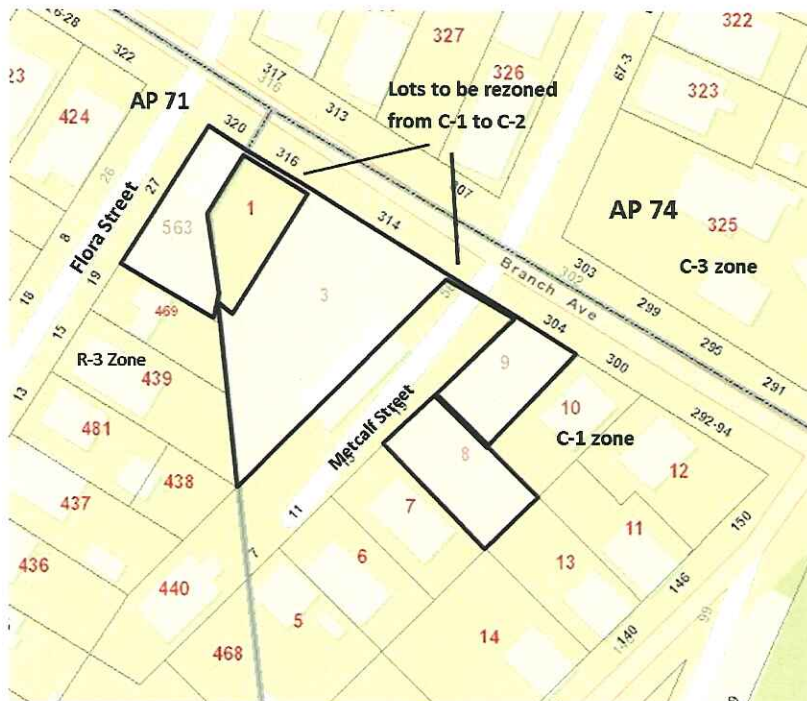
CHAPTER 2016-12

No. 109 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 304, 314 AND 316 BRANCH AVENUE AND 19 METCALF STREET (PLAT 74 LOT 1, 3, 9 AND 8) AND 27 FLORA STREET (PLAT 71 LOT 563) FROM C-1 TO C-2

EFFECTIVE March 28, 2016

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 304, 314 and 316 Branch Avenue and 19 Metcalf Street (Plat 74, Lots 1, 3, 9 and 8) and 27 Flora Street (Plat 71, Lot 563) from C-1 to C-2, as shown on the accompanying map.



SECTION 2: This ordinance shall take effect upon passage.

IN CITY COUNCIL
MAR 03 2016

FIRST READING
READ AND PASSED

Lori L. Hagen CLERK

Effective without the
Mayor's Signature

Lori L. Hagen
Lori L. Hagen
City Clerk

IN CITY
COUNCIL

MAR 17 2016

FINAL READING
READ AND PASSED

[Signature]
PRESIDENT
[Signature]
CLERK

PETITION TO THE CITY COUNCIL

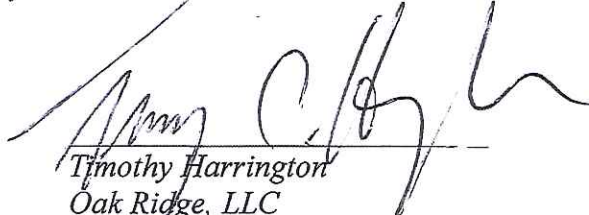
TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

Per the attached Metes and Bounds description and Exhibit A, to change the zoning designation of the parcels on Assessor's Plat 71 Lot 563 and Assessor's Plat 74 Lot numbers 1, 3, 8 & 9 on the Public Right of Ways known as Flora Street, Branch Avenue and Metcalf Street from C1 to C2.

Respectfully Submitted,


Sean Harrington
3 Branch LLC
80 Robin Hollow Road
West Greenwich, RI 02817


Timothy Harrington
Oak Ridge, LLC
86 Oak Ridge Road
West Greenwich, RI 02817

PETITIONER RESPECTFULLY REQUESTS NOTICE OF HEARING BE GIVEN TO :

PETER PETRARCA, ESQ
330 Silver Spring Street
Providence, RI 02904

And

JOHN J. DESIMONE, ESQ
735 Smith Street
Providence, RI 02908

WARRANTY DEED

I, CAMILLA TULK-HART, of 80 ROBIN HOLLOW ROAD, WEST GREENWICH, RI 02817 for consideration paid and in full consideration of Forty Six Thousand Five Hundred and 00/100 (\$46,500.00) DOLLARS,

GRANT TO

OAK RIDGE LLC, A Rhode Island Limited Liability Company, of 86 OAK RIDGE ROAD, WEST GREENWICH, RI 02817
INDIVIDUALLY

with WARRANTY COVENANTS:

PROPERTY ADDRESS: 27 FLORA STREET
PROVIDENCE, RI 02904

See legal description marked Exhibit "A" attached hereto and made a part hereof.

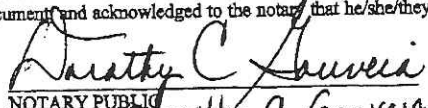
This transfer is such that no RI GL Section 44-30-71.3 withholding is required as seller is a resident of Rhode Island evidenced by affidavit and the undersigned hereby certify that the smoke detector and carbon monoxide law, RI GL Section 23-28.35-1 et. seq. has been complied with.

WITNESS my hand and seal this 10th day of August, 2012.


CAMILLA TULK-HART

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

In the City of Woonsocket on this 10th day of August, 2012 before me, the undersigned notary public, personally appeared CAMILLA TULK-HART personally known to the notary or proved to the notary through satisfactory evidence of identification, which was/were drivers license, to be the person(s) whose name(s) is/are signed on the preceding or attached document and acknowledged to the notary that he/she/they signed it voluntarily for its stated purpose.


NOTARY PUBLIC
PRINT NAME: Dorothy C. Gouveia
MY COMMISSION EXPIRES: 4/7/13

PREPARED BY: LAW OFFICES OF GLENN J. ANDREONI, INC.
1028 PARK AVE.
WOONSOCKET, RI 02895

GRANTEE ADDRESS: 27 FLORA STREET
PROVIDENCE, RI 02904
FILE NAME: OAK RIDGE LLC 1 YEAR: 2012

REAL ESTATE COMMISSION
047909

047909

INDEXED
8.14.12
FILED

EXHIBIT A

That certain tract or parcel of land with all the buildings and improvements thereon, situated at the southeasterly corner of Branch Avenue and Flora Street in the City of Providence, State of Rhode Island, bounded and described as follows:

Beginning at the point of intersection of the southeasterly line of Flora Street with southwesterly line of Branch Avenue and running thence southeasterly bounding northeasterly on said Branch Avenue a distance of twenty-four and 4/100 (24.04) feet to land now or lately of Madeline Conti, et al; thence turning and running southwesterly bounding southeasterly on said last named land a distance of thirty-nine and 92/100 (39.92) feet to an angle; thence turning and running southerly bounding easterly on said last named land to land now or lately of William F. Cunningham et al; thence turning and running northwesterly bounding southwesterly on said Cunningham land a distance of ninety-three (93) feet to Flora Street; thence turning and running northeasterly bounding northwesterly on said Flora Street a distance of one hundred twenty-one (121) feet to said Branch Avenue and the point and place of beginning.

EXCEPTING THEREFROM, HOWEVER, that certain tract or parcel of and described in that certain deed from John R. Ninmo to Debora J. Ricci dated November 28, 1998 and recorded November 30, 1998 at 1:35 p.m. in Book 1932, Page 61, which land is bounded and described as follows:

That certain tract or parcel of land with all the buildings and improvements thereon, situated on the southeasterly side of Flora Street in the City of Providence, State of Rhode Island, and more specifically described as follows:

Beginning at a point on the southeasterly line of Flora Street, which point is 91 feet, more or less, southwesterly from the southwest corner of Branch Avenue and Flora Street; thence running southwesterly along the southeast line of said Flora Street 30 feet to point; thence running southeasterly at an interior angle of ninety degrees (90) with said Flora Street, bounding southwesterly by land now or formerly of T.L. Ninmo, 93 feet more or less to a point; thence running northerly bounding southerly on land now or formerly of Providence Monumental Works, Inc. to a point; thence running northwesterly bounding northeasterly on land now or formerly of John Ninmo, 68 feet more or less to the point of beginning, said point making a 90 degree angle with said Flora Street.

Subject to covenants, conditions, easements and restrictions, if any, of record.

Property Address For Reference Only:
27 Flora Street
Providence, RI 02904
Plat 71 Lot 563

RECEIVED:

Providence
Received for Record
Aug 14, 2012 at 10:15:55A
Document Num: 00044935
John A Murphy
Recorder of Deeds

WARRANTY DEED

Providence Monumental Works, Inc., a Rhode Island corporation, for consideration paid of \$135,000.00 grants to 3 Branch, LLC, a Rhode Island Limited Liability Company, with
WARRANTY COVENANTS:

SEE EXHIBIT "A" ATTACHED

THIS TRANSFER IS SUCH THAT NO RIGL § 44-30-71.3 WITHHOLDING IS REQUIRED AS SELLER IS A CORPORATION INCORPORATED IN RHODE ISLAND AND AUTHORIZED TO DO BUSINESS IN RHODE ISLAND AS EVIDENCED BY AFFIDAVIT.

WITNESS its hand this 21 August, 2013.

Providence Monumental Works, Inc.


By 
John Jay Conti, President

STATE OF Virginia
COUNTY OF Alexandria

In Alexandria on the 21st day of August, 2013, before me personally appeared, John Jay Conti, President of Providence Monumental Works, Inc., to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument by him executed to be his free and deed, individually and in his said capacity and the free and deed of said corporation.

Grantees Address:

80 Robin Hollow Rd.
W. GREENWICH RI
02817



Samantha D. Chapman
Notary Public

My Commission Expires: 5/31/16

RHODE ISLAND
REAL ESTATE CONVEYANCE TAX

050237

TAX \$ 540.00
DATE 8-28-2013
RECORDER O.P.
CITY OF PROVIDENCE

EXHIBIT A

Those certain lots or parcels of land, with all the buildings and improvements thereon, situated on the southwesterly side of Branch Avenue and on the northwesterly side of Metcalf Street in the City of Providence, State of Rhode Island and laid out and designated as lots numbered 51 (fifty-one), 52 (fifty-two), 53 (fifty-three) and 54 (fifty-four) in Section I on that plat entitled "Plot of Building Lots Belonging to P. Church Surveyed & Platted Sept. 1853 by N. B. Schubarth" which plat is recorded in the office of the Recorder of Deeds in said City of Providence on Plat Card 307.

Said four lots together form one tract which is further bounded and described as follows:

Beginning at the easterly corner of said tract at the westerly corner of said Branch Avenue and Metcalf Street; thence running northwesterly, bounding northeasterly on said Branch Avenue one hundred thirty-two and 30/1000 (132.30) feet to land now or formerly of Domenico Andreozzi et ux; thence running southwesterly and southerly, bounding northwesterly and westerly on said Andreozzi land to land now or lately of said Domenico Andreozzi et ux; thence continuing southerly, bounding westerly on said Andreozzi land in part and in part on land now or lately of William F. Cunningham Estate to said Metcalf Street; thence running northeasterly, bounding southeasterly on said Metcalf Street, one hundred sixty-three and 67/100 (163.67) feet to the place of beginning.

Subject to covenants, conditions, easements and restrictions, if any, of record.

Property Address For Reference Only:

314-316 Branch Avenue

Providence, RI 02908

Plat 74 Lot 1 & 3

EXHIBIT A

Those certain lots or parcels of land, with all the buildings and improvements thereon, situated on the southwesterly side of Branch Avenue and on the northwesterly side of Metcalf Street in the City of Providence, State of Rhode Island and laid out and designated as lots numbered 51 (fifty-one), 52 (fifty-two), 53 (fifty-three) and 54 (fifty-four) in Section I on that plat entitled "Plot of Building Lots Belonging to P. Church Surveyed & Platted Sept 1853 by N. E. Schubarth" which plat is recorded in the office of the Recorder of Deeds Deeds in said City of Providence on Plat Card 307.

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Subject to covenants, conditions, easements and restrictions, if any, of record.

RECEIVED :

Providence
Received for Record
Aug 28, 2013 at 10:02:37A
Document Num: 00075462
John A Murphy
Recorder of Deeds

Property Address For Reference Only:

19 METCALF STREET
PROVIDENCE, RI A.P. 74 LOT 8
AND
304 BRANCH AVENUE
PROVIDENCE, RI A.P. 74 LOT 9



City Plan Commission
Jorge O. Elorza, Mayor

November 18, 2015

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

Attn: Lori Hagen, City Clerk

**Re: Referral 3398-Petition to rezone AP 71 Lots 563 and AP 74 Lots 1, 3, 8 and 9
(304-316 Branch Ave and 19 Metcalf Street) from C-1 to C-2**

Petitioner: Sean Harrington and Timothy Harrington

Dear Mr. Hassett:

The City Plan Commission (CPC) reviewed the proposed zoning change to rezone the property at 27 Flora Street, 304-320 Branch Ave and 19 Metcalf Street, known as AP 71 Lots 563 and AP 74 Lots 1,3,8 and 9, from C-1 to C-2. The parcels are located adjacent to an M-1 zone to the east, a C-4 zone to the north and an R-3 zone to the east and south. The CPC voted as described below to make certain findings of fact and to recommend that the petition be approved.

FINDINGS OF FACT

The applicant has indicated that the change is being requested to allow for a wider range of uses, most of which would involve a drive through. A use has not been identified, but possibilities include a bank, pharmacy or restaurant. Drive through uses are permitted in the C-2 zone with a special use permit and are required to be reviewed by the Development Plan Review (DPR) Committee.

The CPC found it to be conceivable that the drive through could exist without having a negative effect on neighboring property if the applicant were to design the site in a manner that would reduce the effect on neighboring residences. The applicant submitted a conceptual site plan showing that landscaping will be used to buffer the site from neighboring property. Vehicles would enter the site from Flora Street and exit onto Branch Ave. The CPC found that future designs would be reviewed by the DPR committee and the Zoning Board of Review to determine conformance with the zoning ordinance's design guidelines and ways to minimize the effect on neighboring property.

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

Based on the Future Land Use Map of Providence Tomorrow, the CPC found that this area is intended to be one where commercial and residential uses are located in proximity to each other. The CPC noted that the existing commercial lots have not had a negative effect on adjacent residences and future uses would be in character with the land use prescribed by the plan and would not be a significant departure from what exists on site. The CPC found that the change would be in conformance with the purposes of zoning in Section 101 of the zoning ordinance as it is not expected to negatively affect health, safety and welfare of the surroundings.

RECOMMENDATION

Based on the foregoing discussion, the CPC voted unanimously to make a recommendation that the City Council approve the proposed Zone Change.

Sincerely,



Choyon Manjrekar
Administrative Officer

cc: John DeSimone
Peter Petrarca
Sean Harrington

200 Foot Radius Abutters Names List

<u>Plat</u>	<u>Lot</u>	<u>Owner</u>	<u>Owner Address</u>	<u>City</u>	<u>Property Address</u>
071	417	Sandra J Godfrey LM Construction & Management LLC	3 Piave St	Providence, RI 02904-5611	59 Chatham St
071	418		P.O. Box 8992	Cranston RI 02920	65 Chatham St
071	419		Silvio Criollo	Providence, RI 02904	67 Chatham St
071	420	Johan Compres	69 Chatham St	Providence, RI 02904	69 Chatham St
071	421	3 Branch LLC	80 Robin Hollow Rd	West Greenwich, RI 02817	334 Branch Ave
071	423	Harrington Construction Inc	80 Robin Hollow Rd	East Greenwich, RI 02816	326 Branch Ave
071	424	US Bank National Association	3476 US Bancorp Center	Minneapolis, MN 55402	322 Branch Ave
071	425	Everett W Stamatakos	322 Branch Ave	Providence, RI 02904-2507	22 Flora St
071	427	Uriona Investments LLC	43 Grotto Ave 43	Pawtucket, RI 02860	16 Flora St
071	429	Achilles Realty LLC	51 Isabella Ave	Providence, RI 02908	8 Flora St
071	433	Arsenio V Pirela	3 Flora St	Providence, RI 02904-2515	3 Flora St
071	434	Arsenio V Pirela	3 Flora St	Providence, RI 02904-2515	3 Flora St
071	435	Blanche Faella	5 Flora St	Providence, RI 02904-2515	5 Flora St
071	436	Jason A Cote	9 Flora St	Providence, RI 02904	9 Flora St
071	437	Mariela Jimenez	22 Howard St	Cranston, RI 02920	11 Flora St
071	438	Donald Pina	13 Flora St	Providence, RI 02904-2515	13 Flora St
071	439	Thomas L Nimmo	15 Flora St	Providence, RI 02904-2515	15 Flora St
071	440	Maria Tapia	32-34 Metcalf St	Providence, RI 02904	34 Metcalf St
071	441	Chelvria Romano	5 Flora St	Providence, RI 02904-2515	5R Flora St
071	442	Modu Johnson	114 Silver Spring St	Providence, RI 02904-2525	114R Silver Spring St
071	443	Modu Johnson	114 Silver Spring St	Providence, RI 02904-2525	114 Silver Spring St
071	468	Stephen M Peloquin	5 Valley View Dr	Greenville, RI 02828-1115	11R Flora St
071	469	Maryan L Chan	19 Flora St	Providence, RI 02904-2515	19 Flora St
071	481	Daniel Amenyio	13 Flora St	Providence RI 02904	13 Flora St
071	563	Oak Ridge LLC	86 Oak Ridge Rd	West Greenwich, RI 02817	27 Flora St
071	563	Oak Ridge LLC	86 Oak Ridge Rd	West Greenwich, RI 02817	320 Branch Ave
071	573	Diane Marie Scimone	18 Flora St	Providence, RI 02904-2516	18 Flora St
072	278	Michael L. Parrillo	174 Silver Spring St	Providence, RI 02904	174 Silver Spring St
072	279	James E Egan	178 Silver Spring St	Providence, RI 02904	178 Silver Spring St
072	322	Angela J Liberatore	65-67 Metcalf St	Providence, RI 02904-2519	65 Metcalf St
072	323	Wendy G Turenne	63 Metcalf St	Providence, RI 02904-2519	61 Metcalf St
072	325	Martone Realty Co LLC	235 MOORE St	KHackensack, NJ 07601	291 Branch Ave
072	326	Frank Simeone III	307 Branch Ave	Providence, RI 02904-2508	307 Branch Ave
072	327	Frank Simeone III	307 Branch Ave	Providence, RI 02904-2508	311 Branch Ave
072	328	Matthew D Ferrante	68 Metcalf St	Providence RI 02904	68 Metcalf St
072	329	Andre G Mayer	72 Metcalf St	Providence, RI 02904	72 Metcalf St
072	367	Jose Lima	36 Lydia Ave	North Providence, RI 02904	39 Flora St
072	368	Janet P Pinckard	37 Flora St	Providence, RI 02904	37 Flora St
072	369	Michael Acevedo	313 Branch Ave	Providence, RI 02904	313 Branch Ave
072	370	William Tamayo	317 Branch Ave	Providence, RI 02904-2508	317 Branch Ave
072	371	Maria L King	329 Branch Ave	Providence, RI 02904-2503	329 Branch Ave

200 Foot Radius Abutters Names List

<u>Plat</u>	<u>Lot</u>	<u>Owner</u>	<u>Owner Address</u>	<u>City</u>	<u>Property Address</u>
072	373	Frederick Cooper	40 Flora St	Providence, RI 02904-2546	40 Flora St
072	410	Olgal L Willett For Life	38 Flora St	Providence, RI 02904-2546	38 Flora St
072	418	Victor L Ortega	333 Branch Ave	Providence RI 02904	333 Branch Ave
072	564	Kilguss Realty Company LLC	70 Royal Little Dr	Providence, RI 02904-1859	70 Royal Little Dr
074	1	3 Branch LLC	80 Robin Hollow Rd	West Greenwich, RI 02817	316 Branch Ave
074	10	Mabel A Spadaro	300 Branch Ave	Providence, RI 02904-2505	300 Branch Ave
074	11	Lena Ricci	146 Silver Spring St	Providence, RI 02904-2525	146 Silver Spring St
074	12	Anthony C Palumbo	29 Pine Hill Rd	Johnston, RI 02919	294 Branch Ave
074	13	Cheng Lin	20 Makin St	Pawtucket RI 02861	140 Silver Spring St
074	14	Alicia A Hyde	138 Silver Spring St	Providence, RI 02904	138 Silver Spring St
074	16	Humberto Lavado	399 Boston Post Rd	Waterford, CT 06385-1507	128 Silver Spring St
074	17	James J Walker	126 Silver Spring	Providence RI 02904	126 Silver Spring St
074	18	James J Walker	126 Silver Spring	Providence RI 02904	120 Silver Spring St
074	23	San Miguel Investments LLC	121 Silver Spring St	Providence RI 02904	121 Silver Spring St
074	24	Heritage Re-Investment Group LLC	P.O. Box 326	Exeter RI 02822	127 Silver Spring St
074	25	Sova Realty LLC	129 Silver Spring St	Providence RI 02904	129 Silver Spring St
074	3	3 Branch LLC	80 Robin Hollow Rd	West Greenwich, RI 02817	314 Branch Ave
074	377	Sova Realty LLC	129 Silver Spring St	Providence RI 02904	131 Silver Spring St
074	394	Plaza Properties Corporation	504 South Heilbron Ave	Media PA 19063	290 Branch Ave
074	394	Plaza Properties Corporation	504 South Heilbron Ave	Media PA 19063	30 Royal Little Dr
074	5	Stephen M Peloquin	5 Valley View Dr	Greenville, RI 02828-1115	7 Metcalf St
074	6	Walter F Lepucki	11 Metcalf St	Providence, RI 02904	11 Metcalf St
074	7	Brian R McCaffrey	15 Metcalf St	Providence, RI 02904	15 Metcalf St
074	8	3 Branch LLC	80 Robin Hollow Rd	West Greenwich, RI 02817	19 Metcalf St
074	9	3 Branch LLC	80 Robin Hollow Rd	West Greenwich, RI 02817	304 Branch Ave