

## Kim Casci

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**From:** Patrick Hanner  
**Sent:** Thursday, June 01, 2017 10:40 AM  
**To:** Kim Casci  
**Cc:** Jeanne Boyle  
**Subject:** Massasoit rezone June 6 Council meeting  
**Attachments:** City\_council\_memo\_Massasoit\_rezone.pdf

Hi Kim,

Attached is a memo from the Planning Board to the City Council for the Massasoit rezone request that is scheduled for the June 6<sup>th</sup> council meeting.

Patrick Hanner, Senior Planner  
Planning Department  
145 Taunton Avenue  
East Providence, RI 02914  
Ph (401) 435-7531, ext. 11152

# PETITION TO THE CITY COUNCIL

## ZONING MAP AMENDMENT

(Ref. § 19-72)

Date of Filing
Received By
Date of Receipt
Initial Approval
Ordinance Chapter

This form must be completed in full prior to being considered by the Planning Board and City Council.

1. LOCATION OF PROPERTY Massasoit Ave & Merrill Str AVENUE/STREET  
 MAP 305 BLOCK 6 PARCEL 1 and 24

(If petition pertains to a portion of a lot attach a metes and bounds description of parcel to be rezoned as shown on the plan submitted.)

2. OWNER Bristol Waterfront Realty LLC  
 ADDRESS 7395 Post Road, North Kingstown, RI 02852  
 DATE OF PURCHASE 9/6/2007  
 ATTORNEY Kelley Morris (Bar ID #6025)  
 ADDRESS 2970 Mendon Road, Unit 151, Cumberland RI 02864  
 PROPOSED LESSEE/PURCHASER \_\_\_\_\_

3. DIMENSIONS OF SITE irregular: 221 ft X 135 ft. X 90 ft X 188 ft / 21,062 SF  
 width depth area (sq.ft.)

LIST OF ALL EXISTING BUILDINGS AND USES:

Building	Area	Type of	
Use	Height	(Building Footprint)	Construction
(1) vacant			
(2)			
(3)			

4. PRESENT ZONING DISTRICT: C-4

5. REQUESTED ZONING DISTRICT: C-2

Petition Pertains To:

- Change to Present Zoning District
- Floating Zone Amendment
- Floating and Underlying Zone Amendment

If Floating Zone, Check Type Here:

- Mixed Use Floating Zone
- Cluster Floating Zone
- Port Floating Zone

# CITY OF EAST PROVIDENCE

## PLANNING DEPARTMENT

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### MEMORANDUM

May 31, 2017

To: City Council

From: Planning Board

Re: Request to amend the City's zoning map for two parcels from a C - 4 to C - 2

Location: Map 305, block 6, Parcels 1 and 24

Owner: Bristol Waterfront Realty, LLC

### Introduction

The applicant is proposing to construct four condominium units on two vacant lots. Lot 24 is a 5,057 sq. ft. parcel that has frontage on Massasoit Avenue and Lot 1 is a 16,005 sq. ft. parcel with frontage on Massasoit Avenue and Merrill Street. The two parcels are currently zoned as C-4 district, which prohibits multifamily. The applicant is proposing to change the zoning of the two parcels to a C-2 district, which allows for multi-family. In order to change the zoning of the two parcels, an advisory opinion is required from the Planning Board with final approval granted by the City Council.

Four two-story condominium units are being proposed on a 21,062 sq. ft. parcel. Parking is being provided by each of the condominium units having a one-car garage and 6 off-street parking spaces to be located in front of the 4 units. A single driveway entrance is being proposed on Merrill Street. Landscaping consisting of shrubs and grass is proposed along the perimeter of the site.

This request to amend the zoning has been reviewed by City staff consisting of Planning, Law, Fire, Zoning and the City Engineer. The Fire Chief expressed concern that as currently proposed, the off-street parking area may limit access to the front of the condominium units and the City Engineer requested that the engineering division review the proposed development prior to the issuance of a building permit or approval of a subdivision to ensure conformance to City standards, see enclosed memorandums.

### Rezone Request for Parcels 2 and 3 from an C-4 to a C-2 Designation

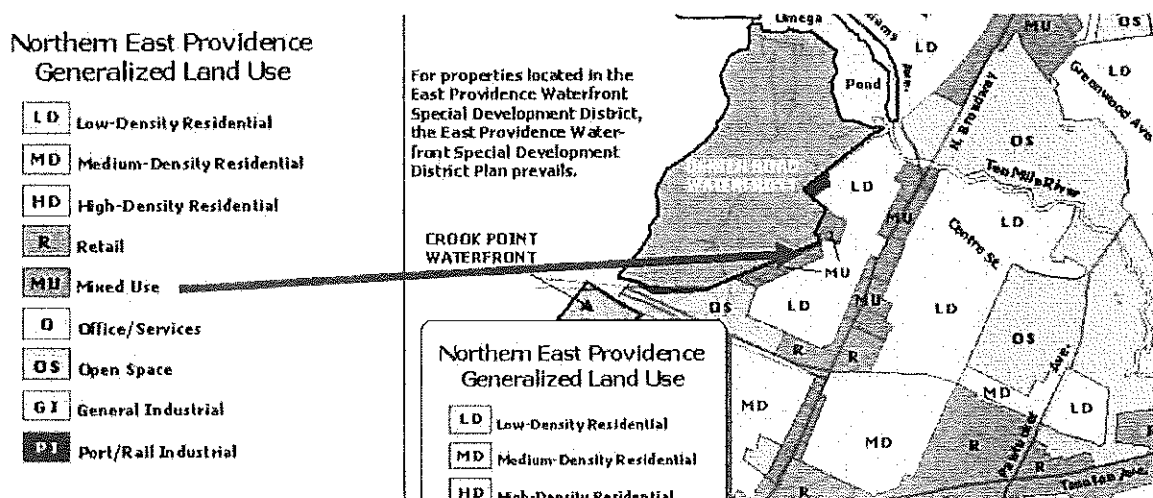
Section 19-73 of Zoning requires that the Planning Board review and provide an advisory opinion to the City Council for all requests to amend current zoning. Specifically, the Planning Board provides to the City Council a statement of the general consistency of a proposed amendment to the City's Comprehensive Plan (including goals and policy statements), consideration of the general purposes of Section 19-2 of Zoning, and a statement indicating whether a comprehensive plan amendment is necessary. Section 19-74 of the Zoning Ordinance

requires that following a recommendation from the Planning Board, a petition to amend Zoning must appear before the City Council as a public hearing, which requires notice to be sent by certified mail to abutters within 200 feet and the public hearing is advertised in a newspaper once a week for three (3) consecutive weeks.

### Comprehensive Plan Consistency

The majority of this section of Massasoit Avenue is zoned as a C-4 district that has a variety of uses that are present that include single-family, multi-family, a former petroleum tank storage facility and automotive repair. The Waterfront District's Dexter Road sub-district also fronts this section of Massasoit Avenue along the east side that allows for technology-oriented light manufacturing, including offices, research and development, commercial education institutions and supportive commercial retail uses. Heavy commercial, mini-storage and industrial land uses are prohibited in the Dexter Road sub-district.

The Generalized Land Use map of the City's Comprehensive Plan designates the subject property and the immediate area west of this section of Massasoit Avenue as "Mixed Use". The dominant character of the mixed use designation may vary from location and the uses may be industrial, retail, office, service and residential, provided that such uses are compatible with existing and planned adjacent land uses. Any development within a mixed use area may contain a combination of uses or a single use. It is the opinion of the Planning Department that the four proposed condominium units are compatible to the existing land uses that primarily consist of single-family and multi-family dwellings, and is compatible to the adjacent Dexter Road sub-district.



### Standards of Section 19-2 of Zoning

Considering that the proposed four condominium units are compatible to the existing land uses along this section of Massasoit Avenue and no negative impacts to the abutting residential properties is anticipated, it is the opinion of the Planning Board that positive findings can be made on the following standards of Section 19-2:

- Provide for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs;
- Provide for orderly growth and development which recognizes the goals and patterns of land use contained in the comprehensive plan;
- Promote the implementation of the City's Comprehensive Plan.

### **Recommendation**

At the Planning Board's May 8, 2017 meeting, on a motion by Mr. Batty, seconded by Ms. Rockwell, the Board voted 4-0 to recommend to the City Council to approve the applicant's request to rezone parcels 1 and 24 of map 305, block 6 from a Commercial – 4 to a Commercial – 2 based upon the finding that the applicant's request is consistent with the City's Comprehensive Plan and that positive findings were found for the standards of section 19-2 of Zoning, subject to the condition that prior to the issuance of a building permit or approval of a subdivision, a class I survey is submitted to the Fire Department and City Engineer to ensure adequate access of emergency vehicles and that the development conforms to City standards.

Enclosures: Zoning map amendment application  
Planning report prepared by Kelly Morris, dated April 14, 2017  
Memorandum from the Zoning Officer, dated May 3, 2017  
Memorandum from the Fire Chief, dated May 2, 2017  
Memorandum from the City Engineer, dated May 2, 2017  
Class I survey prepared by Marsh and Long Surveying, Inc., dated May 14, 2013  
Site plan

Cc: Timothy Chapman, City Manager  
Stephen Coutu, Public Works Director  
Erik Skadberg, City Engineer  
Edward Pimentel, Zoning Officer

6. Is this proposal subject to any of the following:

- Development Plan Review (Ref. § 19-448)
- Land Development Project Review (Ref. § 19-361)

7. Is this petition in combination with a proposed Zoning Text Amendment?

No. \_\_\_\_\_

8. List of Proposed Construction and Uses:

Building Use	Ht. Stories	No. of Basements Yes/No	Area (Sq. Ft.) (Building Footprint)	Multi-Family No. of Bedrooms/Unit	Type of Const.
(1) 4-family	2	Yes	2 buildings 1,730 SF each	3 BR	
(2)					
(3)					

9. Description of nature and scale of proposal:

This vacant lot is proposed to be developed as a condominium of 4 dwelling units with associated parking and landscaping improvements.

10. Relation of the proposed action to the East Providence Comprehensive Plan:

Map 3: Central East Providence Generalized Land Use shows this area as Mixed Use, which permits residential as a single use. The opening statement of the Housing Element states that the City should "ensure a diversity of housing that provides residents with a range of decent, safe and affordable choices." See also Goal 1.0. Also, this will provide an opportunity to increase the level of home ownership in the City as provided in Goal 5.0.

I, the undersigned, swear that all information given above, to the best of my knowledge, is complete and accurate.

OWNER(S) SIGNATURE Bristol Waterfront Realty, LLC DATE 4/10/17

AGENT/ATTORNEY [Signature] DATE \_\_\_\_\_

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(See Section 19-72 (b) for Requirements on Accompanying Information.)

Attorney: Kelley N Morris (#6025)

**Memorandum**

**To:** The Honorable East Providence Town Council

**From:** Kelley Morris  
Attorney for Petitioner

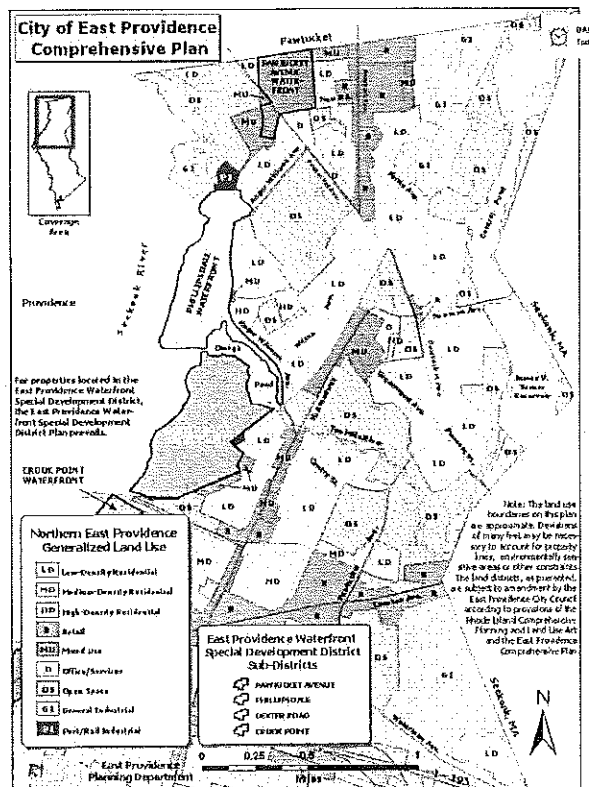
**Re:** Consistency with Comprehensive Plan  
Property at Massasoit Avenue and Merrill Street  
Map 305, Block 6, Parcels 1 and 24

**Date:** April 14, 2017

This memorandum is submitted in support of Petitioner's Request for a zoning designation change, specifically from C-4 to C-2. The East Providence Comprehensive Plan, particularly the Housing Element, Land Use Element, and the Land Use Map support this change. Furthermore, the zone change and proposed development will be in character with the surrounding neighborhood.

The area is designated as Mixed Use on the Northern East Providence Generalized Land Use Map, which is defined as follows:

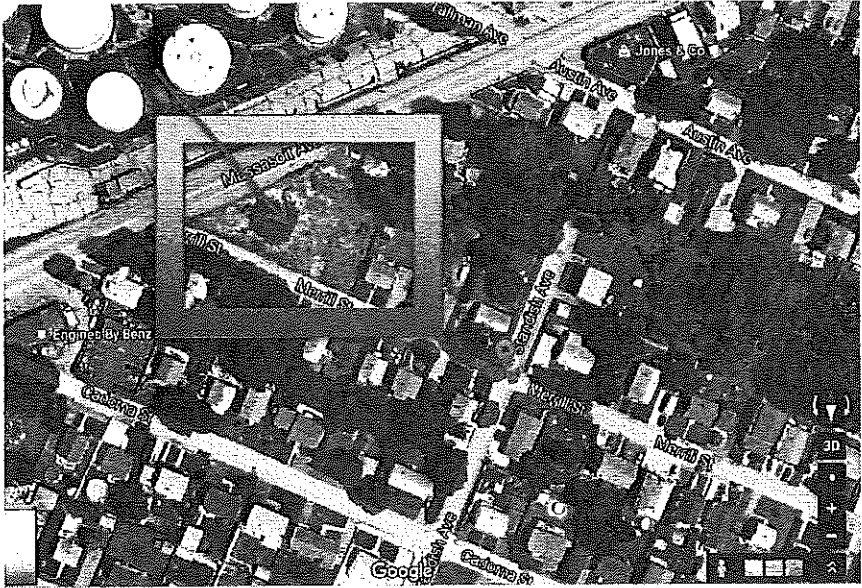
The dominant character of the land use may vary from location to location. These uses may be industrial, retail,



Map 2. Northern East Providence Generalized Land Use

office, service or even residential, provided that such uses are compatible with existing and planned adjacent uses. Any development within a Mixed Use area may itself contain a mix of uses or be only a single use.

We reviewed the surrounding area of the proposed of the zone change to support the requirement of compatibility with existing and planned adjacent uses. The area to the south of Massasoit Avenue



includes mostly single family and some two family homes on lots significantly smaller than the subject lot. East and west of the property are an auto repair shop and wholesale supply company. To the north of Massasoit Avenue, the uses are more intensive, with vacant industrial land and a large office complex. We think that the zone change and proposed use will provide a transition from the residential to the more intensive commercial and industrial uses.

The current zoning designation permits more intensive uses like retail, office, professional and general service businesses, among other “highway”-related type uses. Importantly, the C-4 zoning district prohibits any residential use. Therefore, in order to have any beneficial use of its property, Petitioner would be forced to develop a use that is not consistent with the character of the surrounding neighborhood.

The Housing Element also supports this zone change, as it provides a goal to “[e]nsure that a diversity of housing exists in the city providing residents with a range of



decent, safe, and affordable choices.” Housing Element, Goal 1.0. Additionally, the Housing Element requires the City to “[p]reserve the quality of existing residential neighborhoods while accommodating growth.” Goal 4.0. Finally, we think the goal to “[e]nsure a balance between housing development and the environment, including open space, recreational, and economic development opportunities” supports this zone change request. Goal 6.0. Although the subject property is not a large expanse of land, the Petitioner proposes a reasonable number of units in order to provide appropriate landscaping, as well as required parking.

The Petitioner has made a reasonable and appropriate request to change the zoning of a property in order to develop the property in a manner consistent with the neighborhood, in a way that serves to transition uses to the more intensive uses east, west, and north of the property. We respectfully request your support of this proposed zone change.



City of East Providence  
145 Taunton Avenue  
East Providence, RI 02914

**TO:** Stephen Coutu, Public Works Director  
Jeanne Boyle, Planning Director  
Patrick Hanner, Senior Planner

**FROM:** Edward Pimentel, Zoning Officer

**DATE:** 3 May 2017

**RE:** Two-Lot Minor Subdivision  
86 Woodward Avenue  
Map 205; Block 07; Parcel 015.00

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I have reviewed the revised minor subdivision submission forwarded to my attention on 28 April 2017, and my prior comments of 13 March 2017, remain the same.

1. The property is presently improved with a compliant two-unit residence. The Residential 6 District necessitates a minimum of 7,500 square feet of total land area for a two-unit dwelling. The property has approximately 8,160 square feet. The proposed subdivision action will result in rendering the two-unit residence non-conforming, requiring the approval of the Zoning Board of Review in the form of a use variance.
2. Both parcels will fail to comply with the requisite lot area, requiring dimensional relief.
3. Both parcels will fail to comply with the requisite lot depth, requiring dimensional relief.
4. The act of subdivision will result in proposed Parcel No. 1 exceeding both the maximum building and impervious lot coverage requirement, requiring dimensional relief.
5. Proposed parcel 2 will fail to provide the requisite minimum two (2) off-street parking spaces. The proposed driveway is only capable of accommodating a single parking stall.

When the proposal is certified complete for subdivision purposes, the applicant can apply concurrently for the requisite zoning relief.

Otherwise, I have no further comments at this time.

Please call if you have any questions, Ext. 11103.

Thanks Ed

EAST PROVIDENCE FIRE DEPARTMENT  
OFFICE OF CHIEF OF DEPARTMENT

M E M O R A N D U M

To: Jeanne M. Boyle  
From: Oscar M. Elmasian  
Date: May 2, 2017  
Subj: Map 305

Per the memo dated April 27, 2017 regarding Map 305, Block 6, Parcels 1 and 24; please see the following concern(s) that need to be addressed relative to Fire Department access.

- The front parking area appears to limit access to the front of the building for fire apparatus. The Fire Department would need additional access to the front of the building.

Respectfully,

*Oscar M. Elmasian*  
Oscar M. Elmasian  
Chief of Department

**ENGINEERING DIVISION  
MEMORANDUM**

To: Stephen H. Coutu, Director of Public Works

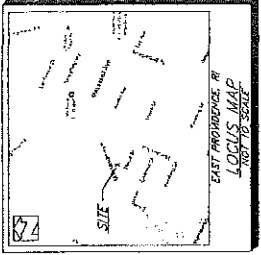
From: Erik Skadberg, City Engineer

Date: May 2, 2017

RE: Zoning Change C4 to C2  
281 Massasoit Avenue  
Map 305, Block 6, Parcels 1 & 24

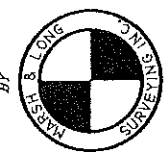
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This office has reviewed the proposed zone change and does not find it objectionable. It is our understanding that the development will be engineered and approved through the East Providence review process in the near future. It is requested that the engineering division review the proposed development at that time for conformance to City standards.



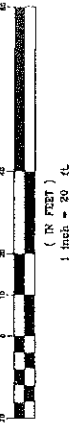
**ZONING:**  
 C-4  
 MIN. AREA = 15,000 S.F.  
 LOT WIDTH = 100 FT.  
 LOT DEPTH = 100 FT.  
 MIN. FRONT YARD = 15 FT.  
 MIN. SIDE YARD = 15 FT.  
 MIN. REAR YARD = 20 FT.  
 MAXIMUM STORY = 2  
 MAXIMUM HEIGHT = 30 FT.  
 MAXIMUM COVERAGE = 50%  
 (SEE REGULATIONS FOR ADDITIONAL INFO.)

**EAST PROVIDENCE, RI**  
**PLAN OF LAND**  
 PREPARED FOR  
**BRISTOL WATERFRONT REALTY LLC.**  
 CLASS I SURVEY OF  
 MAP 305 BLOCK 6 LOTS 1 & 24  
 MASSASOIT AVENUE & MERRILL STREET  
 ZONE C-4  
 BY  
**MAY 14, 2013**



450 GEO. WASH. HWY. SMITHFIELD, RI  
 (401) 221-1988

GRAPHIC SCALE



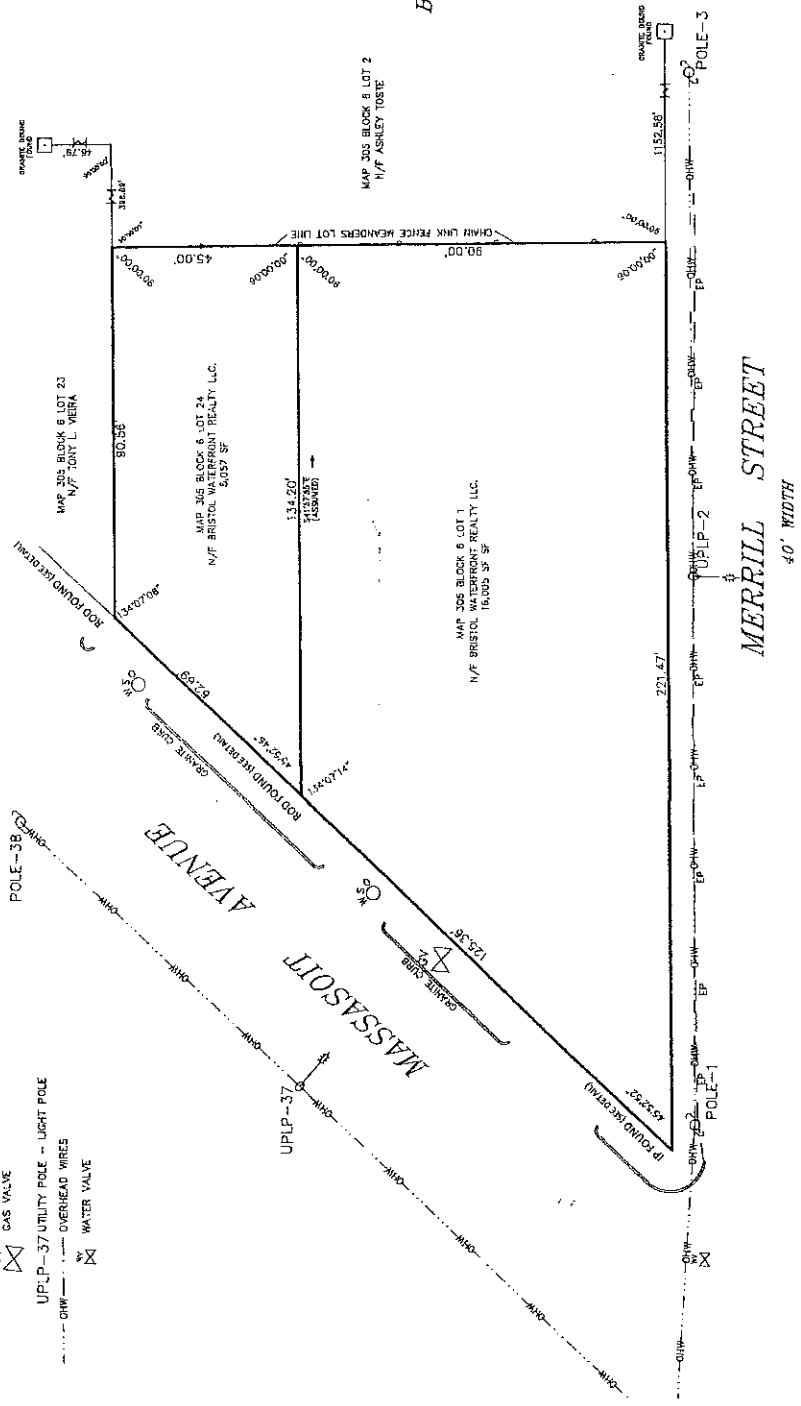
NO.	DATE	DESCRIPTION	BY

THIS PLAN TO BE ORDERED BY THE FOLLOWING:  
 MASSASOIT AVENUE & MERRILL STREET

- NOTES:**
1. THIS PARCEL LIES WITHIN ZONE X PCJAD ON FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 44007C0325C ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. MAP REVISED: MARCH 2, 2009
  2. LOCATION OF EXISTING UTILITIES SHOWN ARE FROM GATE LOCATION AND EXISTING DOCUMENTATION AND MAY VARY AS MUNICIPALITY RECORDS UPDATE. THE APPROPRIATE CITY OR MUNICIPALITY SHOULD BE CONTACTED FOR UP-TO-DATE INFORMATION.
  3. HORIZONTAL DATA ON THIS PLAN WAS OBTAINED BY FIELD SURVEY.

**REFERENCE PLANS:**  
 1. "MASSASOIT AVENUE PLAT NO. 2 EAST PROVIDENCE, RI BELONGING TO THE VICTORY LAND COMPANY BY FRANK E. WATERMAN CO. MARCH, 1922 SCALE 50 FEET TO AN INCH"

- LEGEND**
- WATER SHUT-OFF VALVE
  - GAS VALVE
  - UTILITY POLE - LIGHT POLE
  - OVERHEAD WIRES
  - WATER VALVE

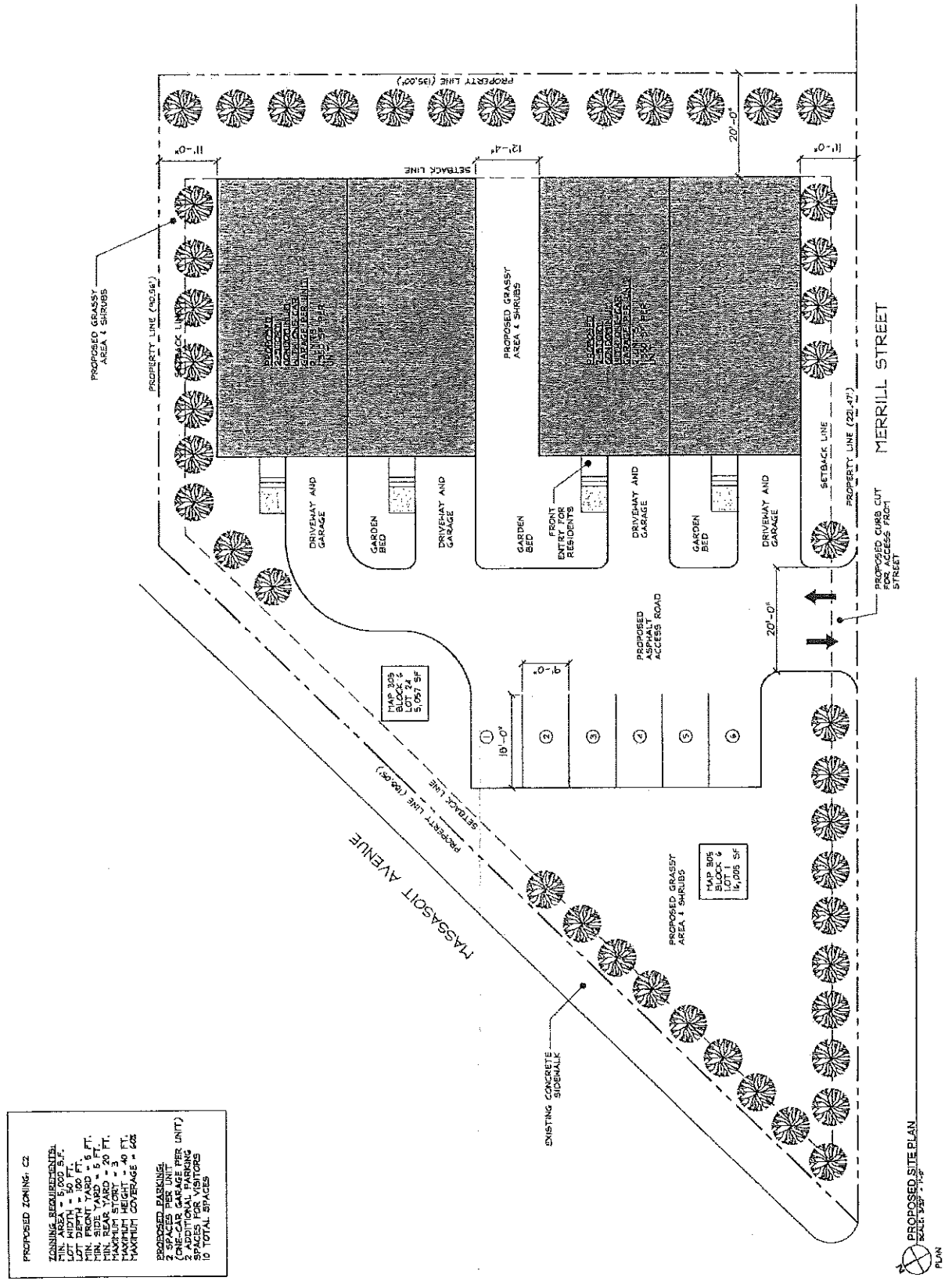


THIS SURVEY AND PLAN CONFORM TO THE FOLLOWING STANDARDS AS ADOPTED BY THE RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS: HORIZONTAL CLASS I  
 BY: *Stephen J. Long* 5-14-13  
 RECEIVED PROFESSIONAL LAND SURVEYOR DATE

**PROPOSED ZONING: C2**

ZONING REQUIREMENTS:  
 MIN. AREA = 5,000 S.F.  
 LOT WIDTH = 50 FT.  
 MIN. FRONT YARD = 5 FT.  
 MIN. SIDE YARD = 5 FT.  
 MIN. REAR YARD = 5 FT.  
 MAXIMUM STORY = 3  
 MAXIMUM HEIGHT = 40 FT.  
 MAXIMUM COVERAGE = 60%

**PROPOSED PARKING:**  
 7 CAR-GARAGE PER UNIT  
 2 ADDITIONAL PARKING SPACES FOR VISITORS  
 10 TOTAL SPACES



**PROPOSED SITE PLAN**  
 SCALE: 3/8" = 1'-0"  
 PLAN