

DEPARTMENT OF CITY CLERK

CITY HALL

SEPTEMBER 17, 1996

The Committee on Urban Redevelopment, Renewal and Planning meets this day in Committee Room "A", Department of City Clerk at 5:00 o'clock p.m.

PRESENT: Chairwoman DiRuzzo; Councilman Rollins; Councilman Igliazzi; Councilman Jackson; Councilwoman Young.

Also present are Council President Fargnoli; Councilwoman Romano; Sam Shamoon, Planning & Development; Barbara A. Poirier, Second Deputy City Clerk and Anna M. Stetson, Assistant Clerk.

ELECTION OF VICE CHAIRPERSON

On motion of Councilman Rollins, seconded by Councilwoman Young, it is voted to elect Councilman Jackson as Vice Chairperson of the Committee on Urban Redevelopment, Renewal and Planning.

The Clerk is directed to cast one vote for Councilman Kevin Jackson as Vice Chairperson of the Committee on Urban Redevelopment, Renewal and Planning.

AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO CHAPTER 1979-26 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, APPROVED JUNE 22, 1979, AND ENTITLED: "AN ORDINANCE APPROVING AND ADOPTING THE OFFICIAL REDEVELOPMENT PLAN FOR THE WEST END PROJECT" FOR ADDITIONAL ACQUISITION".

CHAIRWOMAN DIRUZZO: Councilman Allen is here?

VICE CHAIRMAN JACKSON: He left.

CHAIRWOMAN DIRUZZO: He didn't want to be present for this?

VICE CHAIRMAN JACKSON: He told me it was basically transferring two lots from the Church to another group.

CHAIRWOMAN DIRUZZO: We had a public hearing. Sam Shamoon from the Department of Planning & Development is here.

MR. SHAMOON: There were no objections at the Public Hearing. It's two lots on Ford Street that will be swapped with a property on Superior Street where West Elmwood Housing will build and trade that lot and allow Ebenezer Baptist Church to take the properties on Ford Street where they can use it for parking.

COUNCILMAN IGLIOZZI: Was there a recommendation from the Planning Department to do this?

MR. SHAMOON: Yes.

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COUNCILMAN IGLIOZZI: And Councilman Allen is in support of it?

MR. SHAMOON: Yes.

CHAIRWOMAN DIRUZZO: Councilman Allen gave testimony at the hearing and it was approved by the PRA. There were no objections to this.

On motion of Councilman Igliazzi, seconded by Councilman Rollins, it is voted to approve the foregoing matter.

CHAIRWOMAN DIRUZZO: I wanted to welcome Councilwoman Young back to the Urban Redevelopment, Renewal and Planning Committee. She has served us for a length of time and I know that she has missed serving on this committee. It's nice to see her back.

RESOLUTION AUTHORIZING THE RENAMING OF THE JOHN STREET SCHOOL IN MEMORY OF ROBERT L. BAILEY, IV.

CHAIRWOMAN DIRUZZO: It was my understanding this was sponsored by Councilman Clarkin and we were to invite the family here.

VICE CHAIRMAN JACKSON: They were invited. Rene was here for the Dexter meeting and they met today. I just saw her, she was talking to Mrs. Adams. I also spoke to Bobby, the son. They want this to happen.

CHAIRWOMAN DIRUZZO: We didn't want to do this without the family being present.

VICE CHAIRMAN JACKSON: It was my request, I have spoken to both members of the family and they are both in favor of it. I think it's okay to move on this.

On motion of Councilman Rollins, seconded by Councilwoman Young, it is voted to approve the foregoing matter.

COUNCILWOMAN YOUNG: I think this is a wonderful honor for Bobby Bailey IV. If he were here with us, he would enjoy this.

VICE CHAIRMAN JACKSON: I would also like to say that I am probably sitting here today for what Bobby did for me. I was one of his charges that he took under his wings, and he was my campaign manager also.

CHAIRWOMAN DIRUZZO: Bobby grew up in the school system together. He was always into the school system and he loved kids and education. He certainly deserves this.

AN ORDINANCE AMENDING PROVIDENCE 2000: THE COMPREHENSIVE PLAN, CHAPTER 1994-52, NO. 798, ADOPTED ON DECEMBER 27, 1994.

MR. SHAMOON: The main item for the Committee to consider right now is the scheduling of a public hearing for 3 amendments to the Comprehensive Plan. Just to let you know what the 3 amendments are, the first one is a series of technical amendments that were required by the State. After the Comprehensive Plan was approved by the City in 1994, it was forwarded to the state agencies for review. They sent back numerous suggested changes. Many of them don't affect any policy whatsoever and they are figures and numbers that need to be corrected and updated. It has to be approved as part of the Comprehensive Plan.

The second aspect of this is to amend the Land Use Map of the Comprehensive Plan that would allow an area on Smith Street from Tyndall to Wyndham Streets to allow an RP zone to be established there. This is not a zoning amendment, this is just a Comprehensive Plan amendment that would allow the City Council to consider a zoning amendment. This is also on the docket. RP is Residential Professional where it allows for professional use on the first floor and residential use on the second floor. It's a zoning district. All of these amendments had gone before the City Plan Commission and there was a hearing and this is the final set of recommendations from the City Plan Commission. It went through numerous changes through the Plan Commission. Even on Smith Street a much larger area was being considered and the Commission decided to narrow the area and go with what they felt was in the best interest of the city. There is a lot of controversy with the many neighbors who are opposed to changing the zone there. I am sure that they will appear at this public hearing as well.

The second one is a technical amendments. This is required by the State and basically the change is just a few of the numbers. It doesn't change any of the substance of the Comprehensive Plan itself. For example they wanted us to upgrade some of the demographic figures.

The third item is to adopt a document called Adult Entertainment Regulations in the City of Providence. This is a Comprehensive Plan element that would allow the city to basically boost up it's ability to regulate adult entertainment in the city. Right now our only means of regulating adult entertainment is through zoning. Zoning runs up against first amendment rights. We are really right on the line right now. So far we have been able to fend off the challenges and there are still a few court cases pending. What this does is allow the city to consider linking adult entertainment with liquor licenses. We could

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have an ordinance this doesn't require, but it gives us the ability to consider an ordinance that require that an adult entertainment establishment cannot also serve liquor, and a liquor serving establishment cannot also put on nude shows. It's been done in other states, we did a lot of research. There are two communities in Rhode Island right now, Westerly and Burriville. They just have recent history with that. Nothing has been challenged yet. We do have cases and studies that have been done in other states that shows that this is a legitimate way of regulating adult businesses in the city. Without this Comprehensive Plan and ordinance would not go forward. They could say that it is not in conformity with the Comprehensive Plan. This is going to set the stage that in the event that the council wants to consider an ordinance like this.....

Basically what this would require is to set up a public hearing and then the committee would make a recommendation to the full Council. The council and the committee both have the ability to make amendments. You have the ability to amend any parts of this. We have a suggested date for October 24, 1996 at 6:00 p.m. We need three weeks for advertising and we didn't want to run into any regular council meetings. We will set up the advertising for it.

COUNCILWOMAN YOUNG: I like that adult entertainment piece. I know in my neighborhood, the inclination to build a lot of these unsavory things or to open them up in my community....it's something that we do not need or want in my neighborhood, so we need to control the spread of that. I see it happening in other neighborhoods too.

MR. SHAMOON: We can't rely entirely on zoning. We have fought the battles at the zoning and now we have to look at it from other points as well.

COUNCILMAN IGLIOZZI: Can you tie in the adult entertainment sales materials.

MR. SHAMOON: We have to be very careful. The original draft of this was very tough. We were already told to back off a little bit. Everybody is grandfathered. We were going to have a provision that if you were within one year, you were not grandfathered under this. The way it's drafted here, everyone is grandfathered. If it gets adopted, everyone who is already established is grandfathered.

COUNCILMAN IGLIOZZI: What about the sale and distribution of tapes, etc.

MR. SHAMOON: That's in here. What this is really aimed at is the liquor license or where there is live entertainment or there are shows, videos, etc. The

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city can say a blanket no to a liquor license. That's part of their business and that is where most of their profits come from, and if you take that away, then there is less incentive for them to come forward. We are not saying we can't do it, first amendment, they cannot serve liquor.

COUNCILWOMAN YOUNG: So there are areas that they are limited to even now.

MR. SHAMOON: Right now they are in the M-1 zones. They have been fighting us in the definition of adult entertainment. We have prevailed up to a certain point. It has prevailed before the Supreme Court. We haven't heard anything further about where that is going to go. It's not settled yet. There are still cases out there.

On motion of Councilman Igliazzi, seconded by Councilwoman Young, it is voted to continue the foregoing matter.

VICE CHAIRMAN JACKSON: I would like to bring to your attention that Bob Bailey V has come in.

CHAIRWOMAN DIRUZZO: We have already approved the resolution to your dad. If you want to say something.

MR. BAILEY: I just want to say thank you for recognizing my dad's contribution to the state, and in particular to the city. The family is honored.

CHAIRWOMAN DIRUZZO: All of us knew your dad and we are well aware of what he did and what a good person he was. He was eager to do things for a lot of people and especially the kids in the city.

ADJOURNMENT: On motion of Councilman Igliazzi, seconded by Councilman Rollins, it is voted to adjourn the meeting at 6:30 o'clock p.m.


SECOND DEPUTY CITY CLERK


ASSISTANT CLERK

