



Committee on Ordinances

Public Hearing

~ Meeting Minutes ~

Wednesday, February 20, 2019

5:30 PM

City Council Chamber (3rd Floor)

The Committee on Ordinances meets this day at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall, at which time a Public Hearing was held in accordance with the accompanying advertisement.

| CITY OF PROVIDENCE RHODE ISLAND PUBLIC HEARING BEFORE THE COMMITTEE ON ORDINANCES | |
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| Notice is hereby given pursuant to Rhode Island General Laws 45-32-11 that a Public Hearing will be held by the City Council Committee on Ordinances on Wednesday, February 20, 2019 at 5:30 o'clock P.M. in the Chamber of the City Council, City Hall, Providence, Rhode Island, relative to the following matters: | |
| 1. | 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 Amend the Use Definition of a Rehabilitation Center. This amendment would change the definition and use permissions for rehabilitation centers. |
| 2. | Petition from Jon M. Anderson, Brennan, Recupero, Cascone, Scunglo & McAllister, L.L.P, dated January 7, 2019, requesting a zoning change to the text of Section 1204, "Use Definitions." This amendment would permit daycare facilities within primary and secondary educational facilities. |
| 3. | Petition from Joelle C. Rocha, Esquire, Kelly, Souza, Rocha & Parmenter, PC, 128 Dorrance Street, Suite 300, Providence, Rhode Island 02903, requesting a Zoning Change for the property located on Assessor's Plat 28, Lot 527 (16 Piedmont Street), from R-3 to C-1. |
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| The proposed Ordinance and Petitions listed here may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing. | |
| Individuals requesting interpreter services for the hearing impaired must notify the Office of Neighborhood Services at 421-2489 not less than 48 hours in advance of the hearing date. | |
| All persons or agencies interested in the above listed Ordinance and Petitions will have an opportunity to be heard and/or to submit communication in writing. Copies of the proposed Ordinance and Petitions and information thereon may be obtained prior to the Hearing at the City Clerk's Office, Providence, City Hall, 25 Dorrance Street, Providence, Rhode Island, 02903 between the hours of 8:30 o'clock A.M. and 4:00 o'clock P.M. on regular business days. | |
| PER ORDER THE COMMITTEE ON ORDINANCES Councilwoman Jo-Ann Ryan, Chairwoman Councilwoman Carmen Castillo, Vice-Chairwoman Councilman Nicholas J. Narducci, Jr. Councilwoman Mary Kay Harris Councilwoman Rachel M. Miller | |
| LORI L. HAGEN CITY CLERK | |

PRESENT: Chairwoman Jo-Ann Ryan, Councilman Nicholas J.

Narducci, Jr., Councilwoman Mary Kay Harris and Councilwoman

Rachel M. Miller – 4.

ABSENT: Vice-Chairwoman Carmen Castillo – 1.

Also present are Etie-Lee Z. Schaub, Assistant City Solicitor, Law Department; Billy Kepner, Press Secretary, City Council Office; Kunal Vasudev, Research Analyst, City Council Office; Robert Azar, Deputy Director, Department of Planning and Development; Jon Beck, Department of Planning and Development; Jordan Day, Deputy Chief of Operations Office and Municipal Liaison; Joelle Rocha, Esquire; Dan Washington; Melissa Korsack; Jon M. Anderson; Suzanne Fogarty; David Caldwell; Tina L. Mastroianni, First Deputy City Clerk and Jennifer L. Emidy, Assistant Clerk.

- 1. 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 amend the Use Definition of a Rehabilitation Center.**

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| RESULT: PUBLIC HEARING HELD |
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- 2. Petition from Jon M. Anderson, Brennan, Recupero, Cascione, Scungio & McAllister, LLP, dated January 7, 2019, requesting a zoning change to the text of Section 1204, "Use Definitions."**

MR. AZAR: The City Plan Commission did review this and the change that they wish to make is "daycare" they wanted it to say "preschool" to make it clearer. We said that we see daycare and preschool as being the same thing under the eyes of zoning, but the Commission felt that it was important to add that language in. I would recommend that the definition read as follows "A daycare center and/or preschool may be included as part of an Educational Facility-Primary or Secondary". I would make it clear that this is not allowing free standing preschools or daycares to exist in residential zones, they have to be within the campus of these already existing schools.

CHAIRWOMAN RYAN: Do you have that amendment?

MR. AZAR: I do not have it here, this was formed as a petition and what we can do is it has to be transformed into an Ordinance. If you are permutable to the language that I just read I would ask that you take a vote now to adjust that language. It is in the City Plan Commission recommendation and it will be in the paragraph entitled "Findings of Fact" on the first page, with the exception of adding to the end of that sentence after the word secondary as an ancillary use.

CHAIRWOMAN RYAN: Committee members, first order is let's enter this letter from the City Plan Commission as Exhibit A into the record.

COUNCILWOMAN MILLER: So moved.

COUNCILWOMAN HARRIS: Seconded.

On motion of Councilwoman Miller, Seconded by Councilwoman Harris it is voted to enter Exhibit A into the record.

CHAIRWOMAN RYAN: All those in favor say "aye".

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All opposed? The motion carries.

Further discussion was held relative to the foregoing matter.

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- Petition from Joelle C. Rocha, Esquire, Kelly, Souza, Rocha & Parmenter, PC, 128 Dorrance Street, Suite 300, Providence, Rhode Island 02903, requesting a Zoning Change for the property located on Assessor's Plat 28, Lot 527 (16 Piedmont Street), from R-3 to C-1.**

CHAIRWOMAN RYAN: Committee, I would like to enter a letter from the Federal Hill Commerce Association, as Exhibit B into the record.

COUNCILWOMAN MILLER: So moved.

COUNCILWOMAN HARRIS: Seconded.

On motion of Councilwoman Miller, Seconded by Councilwoman Harris it is voted to enter Exhibit B into the record.

CHAIRWOMAN RYAN: All those in favor say “aye”.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All opposed? The motion carries. I would like to add a plat and lot map which depicts the subject areas, as Exhibit C into the record.

COUNCILWOMAN MILLER: So moved.

COUNCILWOMAN HARRIS: Seconded.

On motion of Councilwoman Miller, Seconded by Councilwoman Harris it is voted to enter Exhibit C into the record.

CHAIRWOMAN RYAN: All those in favor say “aye”.

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All opposed? The motion carries.

MR. AZAR: This is a very minor zoning change. The only thing I would add is that because the zoning line is a little jagged in this area, the Commissioner also recommended extending to include lot 155 across Piedmont Street, which is also a nonconforming building. If you would be inclined to also include plat/lot 155 you would need to take action to amend the Ordinance. I think we brought this up in the last meeting, but I don't believe that you actually made that amendment. The recommendation would be to rezone both lot 527 and lot 155 from an R-3 to a C-1,

in finding it consistent with the comprehensive plan and also for the purposes for zoning.

CHAIRWOMAN RYAN: Mr. Azar that recommendation is stated in the documentation that is a matter of public record.

MR. AZAR: That is correct.

CHAIRWOMAN RYAN: Is lot 155 owned by the applicant?

MR. AZAR: Correct.

CHAIRWOMAN RYAN: May I have a motion to amend to include lot 155, per the recommendation of the City Plan Commission.

COUNCILMAN NARDUCCI: So moved.

COUNCILWOMAN HARRIS: Seconded.

On motion of Councilman Narducci, Seconded by Councilwoman Harris it is voted to amend and include lot 155.

CHAIRWOMAN RYAN: All those in favor say "aye".

COMMITTEE: Aye.

CHAIRWOMAN RYAN: All opposed? The motion carries.

Further discussion was held relative to the foregoing matter.

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Public testimony was heard relative to the foregoing matters.

The Public Hearing concluded at 6:20 o'clock P.M.

Jina L. Mastroianni
First Deputy City Clerk

Jennifer J. Emidy
Assistant Clerk