

MAY 11 '21 RCVD

PETITION TO THE CITY COUNCIL

ZONING MAP AMENDMENT (Ref. § 19-72)

Date of Filing	_____
Received By	_____
Date of Hearing	_____
Final Action	_____
Ordinance Chapter	_____

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

1. LOCATION OF PROPERTY 500 Veterans Memorial Parkway AVENUE/STREET
MAP 107 BLOCK 15 PARCEL 001

(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 Metacomet Property, LLC
ADDRESS 700 Narragansett Park Drive, Pawtucket, RI 02861
DATE OF PURCHASE October 2, 2020 (Bk 4323, Page 46)
ATTORNEY Zachary G. Darrow, Esq.
ADDRESS DarrowEverett LLP, One Turks Head Place, 12th Floor, Providence, RI 02903
PROPOSED LESSEE/PURCHASER _____

3. DIMENSIONS OF SITE See attached
width depth area (sq.ft.)
LIST OF ALL EXISTING BUILDINGS AND USES:
Building Area Type of
Use Height (Building Footprint) Construction
(1) See attached plans
(2) _____
(3) _____

4. PRESENT ZONING DISTRICT: O-1

5. REQUESTED ZONING DISTRICT: Waterfront District - New VMP Subdistrict

- Petition Pertains To: See attached petition
- 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

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

- 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?

Yes

8. List of Proposed Construction and Uses:

Building Use	Ht.	No. of Stories	Basement Yes/No	Area (Sq. Ft.) (Building Footprint)	Multi-Family No. of Bedrooms/Unit	Type of Const.
(1)	N/A					
(2)						
(3)						

9. Description of nature and scale of proposal:

See attached petition

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

See attached petition

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

OWNER(S) SIGNATURE *Lance Marshall* DATE 5/11/21

AGENT/ATTORNEY _____

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

ZACHARY G. DARROW, ESQ.,
ZDARROW@DARROWEVERETT.COM

PROVIDENCE OFFICE
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Providence, RI 02903
Tel: 401.453.1200
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May 10, 2021

VIA Hand Delivery

Council President Robert Britto
East Providence City Hall
145 Taunton Avenue
East Providence, RI

Re: 500 Veterans Memorial Parkway – Revised Petition for Zone Change – Metacomet Property, LLC.

Dear Council President Britto:

As you are aware, this office represents Metacomet Property, LLC (the “Owner”) regarding its ongoing efforts to redevelop real property located at 500 Veterans Memorial Parkway, East Providence, Rhode Island (also designated as Assessor’s map 107, block 15, parcel 1)(“Property”). The Owner purchased the Property on October 2, 2020. On April 29, 2020, Marshall Development LLC (the “Applicant”) submitted a petition to the City Council of the City of East Providence (the “Council”), seeking to rezone the Property into a new sub-district of the Waterfront District that permitted a variety of mixed uses including, without limitation, residential, retail, medical office, medical research, restaurants, cafes, art galleries, grocery store, hotel, banks, pharmacies and research/development (the “Original Petition”).

The Original Petition was referred to the Planning Board for consideration and to make a recommendation to the City Council. The Planning Board initially heard a presentation on the Original Petition on June 23, 2020, and issued a favorable recommendation of approval to the Council. Thereafter, the Council held a public hearing on the Original Petition on August 11, 2020 and September 25, 2020. Prior to the September 25, 2020 public hearing, the Applicant submitted a letter to the City Council withdrawing the Original Petition, though a public hearing was still held on September 25, 2020.

Over the course of the past year, there has been considerable discussion related to the Property. As all these discussions and public comments have been occurring, the Owner has been listening. The Owner has heard the public response to the Original Petition and their proposed “by-right” development plans, and has worked diligently with its development team to reshape and recraft the proposal for the future of the Property to include elements that are specifically desired by certain members of the community, while also addressing concerns that have been raised.

To be responsive to the community of the City of East Providence, while still maintaining a viable development project, the Owner hereby submits a revised Petition for Zone Change to the City Council (the “Revised Petition”) together with an affidavit from Lianne Marshall, of Metacomet Property, LLC outlining the substantial changes in this Revised Petition as opposed to the Original Petition and proposed ordinance.

Specifically, the enclosed package includes the following items:

- (a) Complete, executed Petition to the City Council, including Supplemental Information;
- (b) Filing fee;
- (c) Eleven copies of an accurately drawn radius map;
- (d) A listing of the names and addresses of all owners of real property located at or within a 200-foot radius of the perimeter of the property; and
- (e) Affidavit of Lianne Marshall

Under the Ordinances of the City of East Providence, specifically Section 19-76(b), the submission of a new petition for a zone change within eighteen (18) months following either the denial or withdrawal of a substantially similar petition for the same property, is permitted if there has been a substantial change in circumstances such that the two petitions are not identical in nature. As can be clearly seen from the details of the Revised Petition and accompanying affidavit, the Revised Petition is substantially different from the Original Petition, and thus the Council has jurisdiction to accept the Revised Petition and act upon it.

The Original Petition, as submitted on April 29, 2020, did not place significant limitations on the uses that would be permitted on the Property in the same way or to the same extent that the Revised Petition does. The Original Petition would have allowed for "big box" retail uses. The Original Petition contemplated the complete demolition of the existing golf course with no plans to maintain a golf related use. The Revised Petition is substantially different in each of these ways and more. Based on the distinctions between the Revised Petition and the Original Petition, the Council's action in accepting this petition is strongly supported by well-established case law.

Accordingly, we are requesting that the Council accept this Revised Petition and refer the same to the Planning Board for their input and recommendations. As always, the Owner appreciates the diligence of the Council in considering this matter, and we hope you and the honorable members of the Council will find this Revised Petition and development proposal worthy of your respective support.

Very Truly Yours,



DarrowEverett, LLP

CC: City Clerk; City Solicitor; Mayor DaSilva; Members of the City Council; Planning Department.

PETITION FOR ZONE CHANGE

SUPPLEMENTAL INFORMATION

Petitioner: Metacomet Property, LLC
Property Address: 500 Veterans Memorial Parkway, East Providence, RI (the "Property")
Plat/Lot: Assessor's Map 107, Block 15, Lot 001
Current Zoning: O-1
Proposed Zoning: Waterfront District – New Metacomet Subdistrict

A. Dimensions of Site; List of All Existing Buildings and Uses

Please see enclosed plans prepared by Bohler Engineering MA, LLC identifying the Property's dimensions, existing buildings and uses.

B. Section/or subject area that is the subject of the petition:

Please see enclosed plans prepared by Bohler Engineering MA, LLC identifying the subject property and surrounding area.

C. Description of Nature and Scale of Proposal:

The petitioner is respectfully requesting that the City Council amend the City's Zoning Ordinance to change the current zoning of the Property from O-1 to the Metacomet Subdistrict, a new zoning subdistrict in the Waterfront District. The Property is known as A.M. 107 – Block 15 – Lot 001, located along Veterans Memorial Parkway, Lyon Avenue and Fort Street. The Property was formerly used for the Metacomet Golf Club, a use that has recently been discontinued. The petition seeks to permit certain uses, outlined in the proposed ordinance attached hereto, on a portion of the property consisting of approximately 61 acres and shown as the area marked "A" on the plans entitled "Land Use Plan" prepared by Bohler Engineering MA, LLC and attached to the proposed ordinance attached hereto as Addendum 1 (the "Land Use Plan"). The petition would restrict the approximately 48 acre area marked "C" on the Land Use Plan to only those uses that are allowed in the current "Open Space" zoning district, and any rezoning of the Property would be further conditioned on, among other things, the development by the Property's owner of this approximately 48-acre area into a 9-hole golf course, at the property owner's expense, during the first phase of development of the Property. Finally, the approximately 9.5-acre area shown on the Land Use Plan as area "B" would be deeded to the City for use as open space, to be determined by the City, as a condition to approval of the petition. Further conditions to approval are also proposed in the attached ordinance. In addition, the zone and text change amendment would require an amendment to the Comprehensive Plan Future Land Use Map and Waterfront District Plan.

D. Relation of the proposed action to the City Comprehensive Plan

Future Land Use Map Amendment: Proposed Change A.M. 107 – Block 15 – Lot 001 to new “Metacomet” East Providence Waterfront Special Development District Sub-District from its current designation as “Open Space”.

Several portions of the City of East Providence Comprehensive Plan are relevant to the proposed amendment, including the following:

LAND USE ELEMENT:

East Providence shall seek to make development and investment decisions that promote economic development and broaden the tax base of the City and provide employment opportunities for City residents, that enhance potential downtown and village centers, that provide a range of housing choices, that maintain the density and character of existing neighborhoods, that provide recreation and open space, parks, playgrounds and linkages such as pedestrian paths and bikeways, that provide new opportunities for public access to the waterfront, and new places to work, live and recreate on the waterfront, that maintain infrastructure, that lessen our community’s impact on the environment by becoming more sustainable and that look for opportunities to increase use of renewable energy, and decisions that retain the qualities that residents desire and cite as to why they choose to live in East Providence.

Land Use Goals and Objectives

- **Goal 1.0: Ensure that remaining vacant land or redeveloped parcels in the City are used for their maximum benefit to the community, and are of high-quality design and in character with the adjoining parcels and neighborhood.**
- **Objective 1.5 Rezone parcels, where appropriate, to provide opportunities for development, residential, commercial, or mixed use, that is compatible with surrounding land uses.**
- **Objective 1.6 Target future land uses that will increase the tax base of East Providence as municipal costs increase and residential growth decreases.**
- **Objective 1.7 Target future land uses that will create significant job opportunities in the community, in a manner compatible with surrounding land uses.**
- **Objective 2.2: Continue to assess the existing zoning ordinance and revise as necessary to promote flexibility in development, to maintain the scale and character of existing areas and preserve the densities of existing residential neighborhoods.**
- **Objective 2.6: Work with private land owners to prepare plans that meet the goals and objectives of the Plan and the developer.**
- **Objective 2.7: Link the approval of new development proposals, including infill proposals, to the existing capabilities of the infrastructure.**

- **Objective 3.4: Diversify the City's existing tax base to reduce the tax burden on residential properties.**

ECONOMIC DEVELOPMENT ELEMENT

The vision of economic development in East Providence includes the development of a diverse job base predicated on attracting new high quality industry to the City, as well as maintaining the wide variety of existing businesses within the community. New industry should respect existing neighborhoods, maximize the use of existing infrastructure and positively contribute to the City's tax base. The City should also develop a comprehensive program of support services to encourage the consolidation and expansion of existing businesses through targeted assistance and public infrastructure improvements and should be consistent with the goals and policies identified within the Land Use Element of the Comprehensive Plan.

- **GOAL 1: Foster a positive business environment for the existing business community within East Providence.**
- **GOAL 2: Facilitate economic development of appropriate vacant or underutilized parcels of land within the City to broaden the tax base and create local and regional job opportunities.**
- **GOAL 3: Diversify the economic base of the City of East Providence through a combined effort to market the City in general as a "good place to do business" and pursue targeted economic development opportunities matched to the City's assets.**

PROPOSED ORDINANCE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

**AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
"ZONING"**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Chapter 19-472 entitled "Sub-districts defined" of Article IX entitled "Waterfront Special Development Districts" of Chapter 19 entitled "Zoning" is hereby amended by adding thereto the following:

Sec. 19-472. - Sub-districts defined.

The waterfront development district consists of a series of sub-districts that due to geographical or surrounding physical context have been identified by the city in the comprehensive plan and the East Providence Waterfront special development district plan as being suitable for various land uses and densities. Notwithstanding to other provisions of this article, the following sub-districts are herein defined:

- (1) *Kettle Point.* The Kettle Point sub-district generally extends from the Watchemoket Cove southerly to the Squantum Woods Reservation, which, along with a portion of Veterans Memorial Parkway, also borders this district to the east. The district extends down to the Providence River as the western boundary.
- (2) *Veterans Memorial Parkway.* The Veterans Memorial Parkway sub-district generally extends from Teofila Braga Way to Watchemoket Cove. Properties on the westerly side of the Veteran's Memorial Parkway are included in this sub-district from the beginning of the Parkway to Watchemoket Cove.
- (3) *Bold Point Harbor.* The Bold Point Harbor sub-district generally extends from the Washington Bridge (I-195) southerly to the Providence and Worcester South Quay, and extends from the waterfront inland easterly to include portions of Warren Avenue (the historic area of the former Watchemoket Square), and First Street (from Warren Avenue to Mauran Avenue).
- (4) *Crook Point.* The Crook Point sub-district generally extends along the Seekonk River from the Washington Bridge (Interstate 195) northerly to the Henderson Bridge, bordered on the east by Valley Street, North Brow Street, and a small portion of South Brow Street.
- (5) *Dexter Road.* The Dexter Road sub-district generally extends from the Henderson Bridge northerly to Omega Pond. This sub-district includes all those properties fronting on, or gaining access from, Dexter Road. This sub-district is bordered on the east in part by Massasoit Avenue

and by a Providence and Worcester rail corridor. The western boundary of the sub-district extends to the Seekonk River.

(6) *Phillipsdale*. The Phillipsdale sub-district extends from Roger Williams Avenue northerly to the Narragansett Bay Commission Bucklin Point Water Pollution Control facility, including properties located off Bourne Avenue (west of Roger Williams Avenue) and Noyes Avenue. The westerly boundary of this sub-district extends to the Seekonk River. The Roger Williams Avenue corridor (including properties on both sides of the street) from Magnolia Avenue northerly to approximately Ruth Avenue is included within this sub-district.

(7) *Pawtucket Avenue*. The Pawtucket Avenue sub-district is located at 10 New Road and Pawtucket Avenue, and 105 Pawtucket Avenue, the property is the former Fram Automotive property.

(8) *Taunton Avenue*. The Taunton Avenue sub-district consists of properties which are impacted by the proposed transportation improvements for the Interstate 195 highway ramping changes, and three vacant and deteriorating properties along Taunton Avenue.

(9) *Metacomet*. The Metacomet sub-district is located at 500 Veterans Memorial Parkway.

(Ch. 317, § I, 3-2-04)

SECTION II. Chapter 19-480 entitled “Uses Permitted” of Article IX entitled “Waterfront Special Development Districts” of Chapter 19 entitled “Zoning” is hereby amended by adding thereto the following:

Sec. 19-480. - Uses permitted.

(a) The following table lists the sub-districts within the waterfront district, and the uses permitted within each sub-district. The purpose of these regulations is to ensure compatibility and efficient, economical use of land within the waterfront district. These regulations are also intended to encourage development projects and use of land which is functional, and to protect the city's residences, businesses, and infrastructure in a manner that is consistent with the comprehensive plan.

This article is intended to enable the development of the waterfront district in keeping with the scale and character set forth in the East Providence Waterfront Special Development District Plan. It provides a framework to allow higher land use densities in a context that promotes mixing land uses and building types, provides larger common open space areas and contiguous public access to and along the waterfront, lowers street and utility costs because of reduced frontage, and promotes a concentration of uses within a pedestrian friendly environment. Waterfront development is guided by a development plan review process in which the East Providence Waterfront special development district commission has significant involvement in determining the scale of the development and the character of the uses.

(1) Permitted uses are any use allowed in the waterfront district by this article IX, subject to the provisions applicable to that sub-district contained within this article.

(2) Accessory uses are uses which are considered to be subordinate to, and serve the main building or principal use; contribute to the comfort, convenience or necessity of the occupants of

the main building or principal use served; are subordinate in area, extent and purpose to the main building or principal use served; are located within or external to the main building or principal use, but on the same lot.

(3) Conditional uses are a discretionary entitlement which may be granted under the provisions of this article, and which, when granted, authorize a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement by the East Providence Waterfront special development district commission.

(b) Any change in the principal use of a property, or within the buildings or structures located on a property, shall be required to be reviewed by the executive director for compliance with the district regulations set forth for the zoning of said property, prior to the occurrence of the proposed change in use.

(c) Unnamed uses, or uses not specifically defined in this article, are not allowed except as follows:

(1) Upon application therefore, the executive director may determine whether a proposed use which is not specifically named within any zone district created by this article, and is not an accessory use, is similar to and compatible with uses otherwise allowed within a specific zone district and may, upon making a determination of similar and compatible uses, allow the proposed use within that district.

(2) In making the determination of similarity and compatibility, the executive director shall consider, among other relevant matters, traffic generation, density of population, and hours of operation of the proposed use in comparison to specifically named uses within the district in question, and with named uses permitted in other zone districts.

(d) The waterfront district encourages mixed land uses which may include, but are not limited to, any combination of housing, offices, retail and service businesses, and public and civic uses. Land uses may be mixed by floor (vertically within a building) or horizontally on a parcel of land. Office and residential uses are encouraged above ground level retail spaces. The scale of mixed use may range from a single stand-alone retail use with residential uses on upper stories, to a major development that integrates housing, offices, shops, streets and public spaces.

The intent of the waterfront district is to provide uses in conformance with the East Providence Waterfront Special Development District Plan. The plan identifies a range of general land uses within each of the waterfront sub-districts, as described in the following subsections:

(1) *Kettle Point*: Medium density residential, with ancillary commercial uses including restaurants, clubhouses, marinas and limited retail geared toward residents.

(2) *Veterans Memorial Parkway*: Medium density multi-family residential along the Veterans Memorial Parkway frontage, with commercial and retail uses at the lower levels of the site, and marina uses at the waterfront.

(3) *Bold Point Harbor*: A mixed-use high density area of commercial, office, retail and high density multi-family residential uses. Hospitality uses, including hotels and lodging, cafes, restaurants, bars and entertainment venues are also encouraged. Marinas, with limited support services, and water-transit related services are also permitted. Heavy commercial or industrial land uses are not permitted.

(4) *Crook Point*: Retail and hospitality uses are encouraged closer to the Washington Bridge, with commercial office, retail and high density residential uses transitioning north toward the Henderson Bridge.

(5) *Dexter Road*: Technology-oriented light manufacturing, including offices, research and development, commercial education institutions and supportive commercial retail uses. Heavy commercial, mini-storage or industrial land uses are not permitted.

(6) *Phillipsdale*: A mix of commercial office, retail, mixed-density residential (single-family, townhouses and multifamily condominiums), light manufacturing (in selected areas) and artisan live/work studio space.

(7) *Pawtucket Avenue*: Commercial office, light manufacturing and research and development, with medium density multifamily residential in selected areas.

(8) *Metacomet*: A mix of commercial office, retail, mixed-density residential (single-family, townhouses and multifamily condominiums), continuing care, fast food, conference centers, hotel, pharmacies, recreation and outdoor uses.

(Ch. 317, § I, 3-2-04)

SECTION III. Chapter 19-481 entitled "Schedule of Use Regulations" of Article IX entitled "Waterfront Special Development Districts" of Chapter 19 entitled "Zoning" is hereby amended by adding thereto the following:

Sec. 19-481. - Schedule of use regulations.

The following is a schedule of use regulations:

Y = Yes, permitted use

N = No, prohibited use

C = Conditional use

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district
RESIDENTIAL RELATED USES							
One-family	C	N	N	N	C	C	C ¹
Two-family	Y	N	N	N	Y	Y	Y ²
Three-family	Y	N	C	N	Y	Y	Y ³
Apartment/condominium	Y	C	Y	Y	Y	Y	Y ⁴
Community residences	Y	N	Y	Y	Y	Y	Y ⁵

¹ Permitted in association with a mixed use development that includes commercial, retail or light manufacturing use

² Permitted in association with a mixed use development that includes commercial, retail or light manufacturing use

³ Permitted in association with a mixed use development that includes commercial, retail or light manufacturing use

⁴ Permitted in association with a mixed use development that includes commercial, retail or light manufacturing use; Apartment building height to be limited to four stories above ground floor (five stories total)

⁵ Permitted in association with a mixed use development that includes commercial, retail or light manufacturing use

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district
Artisan live/work	Y	Y	Y	Y	Y	Y	Y
Continuing care	N	N	C	C	C	N	Y
RETAIL BUSINESS							
Apparel and accessory stores	Y	Y	Y	Y	Y	C	Y
Art galleries	Y	Y	Y	Y	Y	Y	Y
Café	Y	Y	Y	Y	Y	Y	Y
Cigar Lounge	Y	Y	Y	Y	Y	Y	Y
Funeral home, mortuary	C	Y	C	C	N	N	N
Furniture, home furnishings and appliances	Y	Y	Y	Y	N	N	C ⁶
Gasoline dispensing facilities	C	C	N	C	N	N	N
General merchandise	Y	Y	Y	Y	N	C	Y

⁶ Limited to a building footprint of 20,000 sq. ft. or less

⁷ Limited to a building footprint of 30,000 sq. ft. or less

Use	Northern Waterfront Districts				Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district	
Grocery stores	Y	Y	Y	Y	C	C	Y ⁸	
Microbrewery/distillery	Y	Y	Y	Y	Y	C	Y	
Office supplies and equipment	Y	Y	Y	Y	N	N	C	
Printing or publishing	Y	Y	Y	Y	N	N	C ⁹	
Package liquor stores	Y	Y	Y	Y	Y	Y	Y ¹⁰	
Specialty stores	Y	Y	Y	Y	Y	Y	Y	
Drive-through facilities	N	N	N	N	N	N	C	
EATING AND DRINKING ESTABLISHMENTS								
Restaurants, coffee shops, delicatessens, and ice cream parlors, with indoor and/or outdoor seating	Y	Y	Y	Y	C	C	Y	
Fast food restaurants	N	C	C	C	N	N	C ¹¹	

⁸ This use includes a supermarket

⁹ Limited to personal convenience

¹⁰ Limited to a building footprint of less than 10,000 sq. ft.

¹¹ Limited to a building footprint of less than 4,000 sq. ft.

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district
Taverns, bars, lounges, pubs and similar establishments	Y	Y	Y	Y	C	C	C
Entertainment/clubs	Y	Y	Y	Y	C	C	C
LODGING							
Bed and breakfast	C	N	C	C	C	C	C
Conference center	C	N	Y	Y	C	N	Y
Hotel	C	N	C	C	C	N	C
Motel	N	N	C	C	N	N	N
OFFICE USES							
Banks	Y	Y	Y	Y	Y	Y	Y
Business offices	Y	Y	Y	Y	C	C	Y
Corporate headquarters	Y	Y	Y	Y	C	C	Y
Call-in center	Y	Y	C	N	N	N	N
Government offices	Y	Y	C	Y	N	N	Y
Post offices	Y	Y	Y	Y	C	C	Y
HEALTH SERVICES							

Use	Northern Waterfront Districts				Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district	
Medical offices, outpatient services	Y	Y	Y	Y	Y	Y	Y	
Medical research, engineering or testing laboratory	Y	Y	C	C	N	N	Y	
Nursing, congregate care, assisted living and convalescence homes	C	N	C	C	N	N	Y	
Veterinary offices/clinics	C	Y	C	C	N	N	C ¹²	
PERSONAL SERVICES								
Child day care centers, nursery schools	Y	N	Y	Y	Y	Y	Y	
Dry cleaners	Y	Y	Y	Y	C	C	Y ¹³	
Family child care homes	Y	N	N	N	Y	Y	Y	
Hair salon/barber shop	Y	Y	Y	Y	Y	Y	Y	

¹² Non-veterinary service related kennels are prohibited

¹³ Limited to drop-off/pick-up for dry cleaning services and non-dry cleaning laundry services. On-site dry cleaning is prohibited.

Use	Northern Waterfront Districts				Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district	
Laundromats	Y	Y	Y	Y	C	C	<u>N</u> ¹⁴	
Massage therapy and/or massage therapy establishment	C	C	C	C	C	C	<u>C</u>	
Personal services	Y	Y	Y	Y	Y	Y	<u>Y</u>	
Pharmacies	C	N	C	C	C	C	<u>Y</u>	
RECREATION AND CULTURE								
Auditoriums and places of assembly	Y	C	Y	Y	Y	C	<u>Y</u>	
Boat and yacht clubs	Y	C	Y	Y	Y	Y	<u>Y</u>	
Bowling alley	Y	N	Y	Y	N	N	<u>C</u>	
Business and trade schools	Y	Y	Y	N	N	N	<u>Y</u>	
Dance studio, yoga, martial arts	Y	Y	Y	Y	C	C	<u>Y</u>	
Farmers market	C	C	Y	C	N	N	<u>C</u>	

¹⁴ Shall not prohibit laundry rooms in residential properties, but does not prohibit non-dry cleaning laundry services as set forth in footnote 11 above.

Use	Northern Waterfront Districts				Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district	
Film Studio	Y	Y	Y	Y	C	C	Y	
Gallery, art	Y	Y	Y	Y	Y	Y	Y	
Health fitness centers	Y	Y	Y	Y	C	C	Y ¹⁵	
Libraries	Y	Y	Y	Y	Y	Y	Y	
Marinas/boat launching facilities	Y	Y	Y	Y	Y	Y	Y	
Municipal facility	Y	Y	Y	Y	Y	Y	Y	
Museums	Y	Y	Y	Y	C	C	Y	
Nonprofit clubs; civic, social or fraternal	Y	N	Y	Y	C	C	C	
Park, playground or playfield	Y	N	Y	Y	Y	Y	Y	
Photography Studio	Y	Y	Y	Y	Y	C	Y	
Places of worship	Y	C	C	C	C	N	Y	

¹⁵ Limited to a building footprint of 15,000 sq. ft. or less: A Health fitness center use with a building footprint of more than 15,000 sq. ft. shall be permitted as a "C" conditional use.

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district
Public or private elementary, junior high or high school	Y	N	Y	Y	Y	Y	Y
Recreation, indoor	Y	C	Y	Y	N	N	Y
Recreation, outdoor	C	N	C	C	C	C	Y
Theater, indoor	Y	N	C	Y	N	N	Y
Watershed protection or supply	Y	Y	Y	Y	Y	Y	Y
LIGHT INDUSTRIAL/FLEX TECH USES							
Accessory retail industry	C	C	N	N	N	N	C
Agriculture and aquiculture, indoor (excluding plants with THC)	C	N	N	N	N	N	C
Artisan design and fabrication	Y	Y	Y	Y	C	C	Y
Business accelerator, incubator	Y	Y	Y	Y	N	N	Y

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district
Distribution center	N	Y	C	N	N	N	<u>N</u>
Flex tech, less than 20,000 sf	Y	Y	C	N	N	N	<u>C¹⁶</u>
Flex tech, 20,000 sf or greater	C	C	N	N	N	N	<u>C¹⁷</u>
Industrial or manufacturing related office	Y	Y	N	N	N	N	<u>C</u>
Light manufacturing	Y	Y	N	N	N	N	<u>C</u>
Open storage	N	C	N	N	N	N	<u>N</u>
Printing and publishing, bulk	Y	Y	C	C	N	N	<u>N</u>
Research and development	Y	Y	Y	Y	Y	Y	<u>Y</u>

¹⁶ Warehousing and distribution centers are prohibited

¹⁷ Warehousing and distribution centers are prohibited

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district
Sale of business and/or industrial equipment and supplies	Y	Y	N	N	N	N	<u>Y</u> ¹⁸
Software design and advanced manufacturing	Y	Y	Y	Y	C	N	<u>Y</u>
Advanced manufacturing							<u>N</u>
Storage, interior only (excluding mini/self-storage units with separate exterior accesses)	Y	C	N	N	N	N	<u>N</u> ¹⁹
Warehouse	C	Y	N	N	N	N	<u>N</u>
Wholesale showroom with storage and repair facilities	C	C	N	N	N	N	<u>N</u>
OTHER USES							
Parking structure	Y	Y	Y	Y	C	C	<u>Y</u>

¹⁸ Sale of industrial equipment is prohibited

¹⁹ Does not prohibit customary self-storage in residential buildings as an ancillary use

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district
Marine transport	C	C	C	C	C	C	N
Transit shelters, ferry/water taxi docks	Y	Y	Y	Y	Y	Y	Y
UTILITIES							
Communication services and broadcasting offices	C	C	N	N	N	N	C
Public utilities not otherwise mentioned	C	C	C	C	C	C	C
Radio, television or wireless telecommunication antennas	C	C	C	C	C	C	C
ACCESSORY USES AND STRUCTURES							
Bank ATM machines	Y	Y	Y	Y	Y	Y	Y
Boat, kayak, canoe rental	C	C	C	C	C	C	C
Commercial satellite dishes	C	C	C	C	C	C	C
Construction trailer	C	C	C	C	C	C	C

Use	Northern Waterfront Districts			Southern Waterfront Districts			
	Phillipsdale Sub-district	Dexter Rd. and Pawtucket Ave. Sub-districts	Crook Pt. and Taunton Ave. Sub-districts	Bold Pt. Sub-district	Veterans Sub-district	Kettle Pt. Sub-district	Metacomet Sub-district
Home occupation	C	N	C	C	C	C	C
Fences and walls	Y	Y	Y	Y	Y	Y	Y
Indoor rack boat storage	Y	C	C	C	C	C	Y
Off-street parking areas	Y	Y	Y	Y	Y	Y	Y

PROHIBITED USES
The specific prohibited uses enumerated herein and in section 19-96 are in addition to any and all other uses which are prohibited in accordance with sections 19-4 and 19-98.
Adult oriented businesses
Automobile rental agencies
Billboards
Bulk storage of chemicals as a principal use
Car wash
Cemetery
Dumps and sanitary fills
Farming, except for indoor agriculture and aquiculture
Indoor agriculture with plants with THC (Tetrahydrocannabinol)
Heavy industry
Hospitals
Junk and salvage yards
Mini/self-storage with separate exterior accesses
Mobile homes

Motor vehicle sales
Motor vehicle supply stores
Motor vehicle repair
Radio, television or wireless communication towers ²⁰

(Ch. 317, § I, 3-2-04; Ch. 470A, § IX, 10-7-08; Ch. 489A, § IV, 10-6-09; Ch. 641, § I, 3-1-16; Ch. 737, § VII, 5-21-19)

²⁰ Does not prohibit such communication towers to the extent pre-existing as of the date of this ordinance and, further, does not prohibit communications devices on top of buildings.

SECTION IV. These amendments to Chapter 19 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, As Amended, Entitled "Zoning" are subject to the following conditions:

1. Only the area marked "A" on the map attached hereto as Addendum 1 will have the right to be used for any of the uses permitted in the Metacomet Sub-District as set forth in the Ordinance.
2. The area marked "B" on the map attached hereto as Addendum 1 shall be subdivided and conveyed to the City of East Providence as a condition to approval of any development plans for the Property, and thereafter shall only be used for uses consistent with those permitted in an "O1" "Open Space 1 Open space" zone, as set forth in the Ordinance.
3. The area marked "C" on the map attached hereto as Addendum 1 shall be developed by the Property owner into a 9-hole golf course (the "Golf Course"). Work on the Golf Course will commence during the initial phase of the development of the remainder of the Property.
4. The Property owner shall provide community benefits to the residents of East Providence in connection with the Golf Course, including reduced greens fees for municipal residents and complimentary reserved utilization of the course by the student athletes on the East Providence High School Golf Team.
5. The area marked "C" on the map attached hereto as Addendum 1 shall only be used for the Golf Course or for uses consistent with those permitted in an "O1" "Open Space 1 Open space" zone, as set forth in the Ordinance.
6. The Property owner will integrate paths throughout the development, constructed and maintained at their own expense, providing for connectivity between the Property and the abutting neighborhood. These paths include pedestrian paths to both the Parkway, for access to the Bike Path, as well as to Piece Field. The paths will be shown on the plans as approved by the City.
7. The Property owner shall use commercially reasonable efforts to preserve mature trees on the Property along the border of the Property to be conveyed to the City and the development.
8. No new curb cuts shall be permitted along Fort Street west of Bentley Street except as may be required by City or State officials for emergency access.

SECTION V. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Adopted: _____

Approved as to form:

Michael J. Marcello, City Solicitor

Attest:

ADDENDUM 1

LAND USE PLAN

[See attached]

AFFIDAVIT OF LIANNE MARSHALL

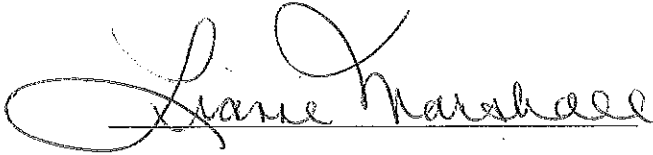
I, Lianne Marshall, on behalf of Metacomet Property, LLC and Marshall Development, LLC, being duly sworn, hereby submit this Affidavit in support of the revised zone change petition presented to the City Council relative to real property located at 500 Veterans Memorial Parkway, East Providence, Rhode Island. In addition to this Affidavit, I also swear to the veracity of the information contained in the letter sent to the attention of Council President Britto, dated May 7, 2021 to which this Affidavit is attached and incorporate said letter by reference herein.

1. I, Lianne Marshall, am a member of Metacomet Property, LLC (the "Owner") and Marshall Development, LLC (the "Applicant").
2. The Owner owns certain real property located at 500 Veterans Memorial Parkway (Assessor's Map 107, block 15, parcel 1), East Providence, Rhode Island (the "Property").
3. The Owner purchased the Property on October 2, 2020.
4. On April 29, 2020, the Applicant submitted a petition to the City Council (the "Council") rezoning the Property from its present designation as "Open Space" into the "Waterfront District" creating a new "Metacomet" sub-district.
5. This petition would spur the redevelopment of the former Metacomet Golf Course into a variety of mixed uses, including, without limitation, residential, retail, medical office, medical research, restaurants, cafes, art galleries, grocery stores, hotels, banks, pharmacies and research/development (the "Original Petition").
6. The Original Petition received a favorable recommendation from the Planning Board on June 23, 2020.
7. On September 14, 2020, the Applicant submitted a Master Plan Application for a by-right re-development project on the Property which was later certified complete on January 13, 2021.
8. The Council held public hearings on the Original Petition on August 11, 2020 and September 25, 2020.
9. Prior to the September 25, 2020 public hearing, the Applicant submitted a letter to the Council withdrawing the Original Petition but the public hearing still moved forward.
10. There has been continued public discussion of the Original Petition and Master Plan Application at many Council Meetings over the course of the past year.
11. In consideration of the public comment, discussions with the Mayor's administration, Planning Department staff and the Council, the Owner and Applicant have been preparing a revised development plan and zone change proposal responsive to the feedback from the community.
12. The Applicant now submits a Revised Petition in response to said community feedback which balances the concerns expressed related to the Original Petition and Master Plan Application and the viability of the development plan for the Property.
13. The Revised Petition is substantially different from the Original Petition and thus can be immediately accepted and considered by the Council.

14. The Original Petition, as originally submitted, did not restrict significant portions of the Property from being redeveloped. The Original Petition would have allowed for “big box” retail uses. The Original Petition contemplated the complete demolition of the existing golf course with no plans to maintain a golf related use. The Revised Petition is substantially different in each of these ways and more.
15. The substantial factual differences in the Revised Petition are as follows:
- a. The Revised Petition restricts approximately 80 acres to be used only for uses consistent with the Property’s existing Open Space zoning district.¹ This change is substantial in nature as limits the proposed use of approximately 55 percent of the Property, a significant increase over the area that was proposed for redevelopment in the Original Petition submitted in April, 2020.
 - b. Out of the approximately 80 acres restricted to Open Space uses, approximately 9.5 acres along Fort and Lyons Streets shall be deeded and conveyed to the City for community wide, open space uses as determined by the City and residents of East Providence.
 - c. The remaining approximately 48 acres of the Property restricted to Open Space uses will be retained by the Owner and developed at the Owner’s expense into a 9-hole golf course, community recreation area and other possible open space uses. This would occur during the first phase of the development. These approximately 48 acres would be restricted to be used either as a golf course or open space by recording a condition on title in the East Providence Land Evidence Records. The golf course will feature special benefits to the East Providence community including reduced greens fees for municipal residents and complimentary reserved utilization of the course by the student athletes on the East Providence High School Golf Team. The final approximately 22 acres that make up the portions of the Property restricted to Open Space uses consists of Watchemoket Cove.
 - d. The Owner will integrate paths throughout the development, constructed and maintained at their own expense, providing for connectivity between the Property and the abutting neighborhood. These paths include pedestrian paths to both the Parkway, for the purpose of accessing the Bike Path, as well as to Piece Field. The paths will be shown on plans approved by the City.
 - e. The Owner shall use commercially reasonable efforts to preserve mature trees on the Property along the border of the Property to be conveyed to the City and the development.
 - f. The Revised Petition has limited general merchandise/retail uses in the proposed used table to 30,000 square feet or less thus prohibiting “big box” retail stores such as Wal-Mart, Costco, Target etc. from locating in the proposed Metacomet sub-district in the Waterfront District (however, this restriction shall not prohibit grocery stores or supermarkets).
 - g. Apartment building height is capped at four stories above the ground floor (five stories total).
 - h. There will be no new curb cuts along Fort Street west of Bentley Street except as may be required by the City or State officials for emergency access.

¹ This does not include the additional greenspace within the development area itself which is contemplated at this time to be approximately 8 acres of green space.

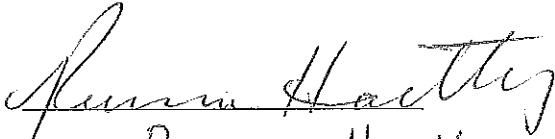
16. For the reasons stated herein, and in the letter from DarrowEverett, LLP, I submit that there is a substantial factual difference between the nature and character of the Original Petition and Revised Petition such that the Council has jurisdiction to immediately accept this petition, conduct hearings and act upon it.



Lianne Marshall

COUNTY OF PROVIDENCE
STATE OF RHODE ISLAND

I, Roseanna Hartley a licensed Notary Public in the State of Rhode Island, state that Lianne Marshall, who is known to me, having been duly sworn, appeared and executed this Affidavit before me on the 11th of May 2021 in the City of Providence, County of Providence, State of Rhode Island.



Notary: Roseanna Hartley

My Commission Expires: 7/23/2023
ID # 758128

