



City of East Providence Planning Department

ROBERTO L. DASILVA
MAYOR

WILLIAM J. FAZIOLI
DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT

MEMORANDUM

June 25, 2021

To: Planning Board

From: Planning Department

Re: Request to rezone and amend the Comprehensive Plan
Petitioner: Marshall Development LLC
Street Address: 500 Veteran's Memorial Parkway
Location: Map 107, block 15, parcel 1

Introduction

This is a public hearing for a request to amend the City's Comprehensive Plan's Generalized Land Use Map from Open Space to a new sub-district of the East Providence Waterfront Special Development District to be designated as the "Metacomet sub-district" and to amend the City's official zoning map from Open Space to a new sub-district of the Waterfront District to be designated "Metacomet".

The subject parcel (map 107, block 15, parcel 1) is currently zoned as Open Space and designated by the City's Comprehensive Plan's Generalized Land Use Map as Open Space. The 140.64 acre parcel has frontage on Veteran's Memorial Parkway, Lyon Avenue, and Fort Street. Vehicle access to the site is currently provided by a driveway entrance on Veteran's Memorial Parkway and a driveway entrance on Lyon Avenue. Nearby uses of the subject parcel are 450 Veteran's Memorial Parkway to the northwest that serves as an office park, Pierce Memorial Athletic Complex to the north, and a primarily single-family and two-family neighborhood to north and east of the site.

Notification Requirements

A rezone and comprehensive plan amendment requires notice to be mailed to the abutters within 200 feet and an advertisements in a local newspaper. Notice was mailed to the abutters within 200 feet and a display advertisement was placed in the East Providence Post on June 10, 2021. All of the notification requirements have been met for the Planning Board's public hearing to provide a recommendation to the City Council to amend the Comprehensive Plan and change the zoning. Following a recommendation by the Planning Board, the petition may proceed to the City Council provided the public hearing before the City Council is advertised for 3 consecutive weeks in the EP Post and notice mailed to abutters within 200 feet.

Proposed Metacomet Sub-District

As stated above, it is the intent of the petitioner to change the zoning of the subject parcel from Open Space to a new sub-district of the City's Waterfront Special Development District to be designated as the "Metacomet sub-district". The petitioner is proposing a mixed use district for the 140.64 acre parcel that will allow such uses that include, but not limited to single-family (conditional use), two-family, three-family, apartments/condominium, artisan live/work, continuing care, apparel stores, art galleries, cafes, cigar lounge, furniture/home appliances (conditional use), general merchandise, grocery stores, microbrewery, liquor stores, drive-through facilities (conditional use), restaurants, fast food (conditional use), bars (conditional use), entertainments clubs (conditional use), conference center, hotel (conditional use), banks, business offices, corporate headquarters, medical office, medical research/testing, assisted living, pharmacies, trade schools, museums and places of worship (see the proposed use schedule for all of the proposed uses).

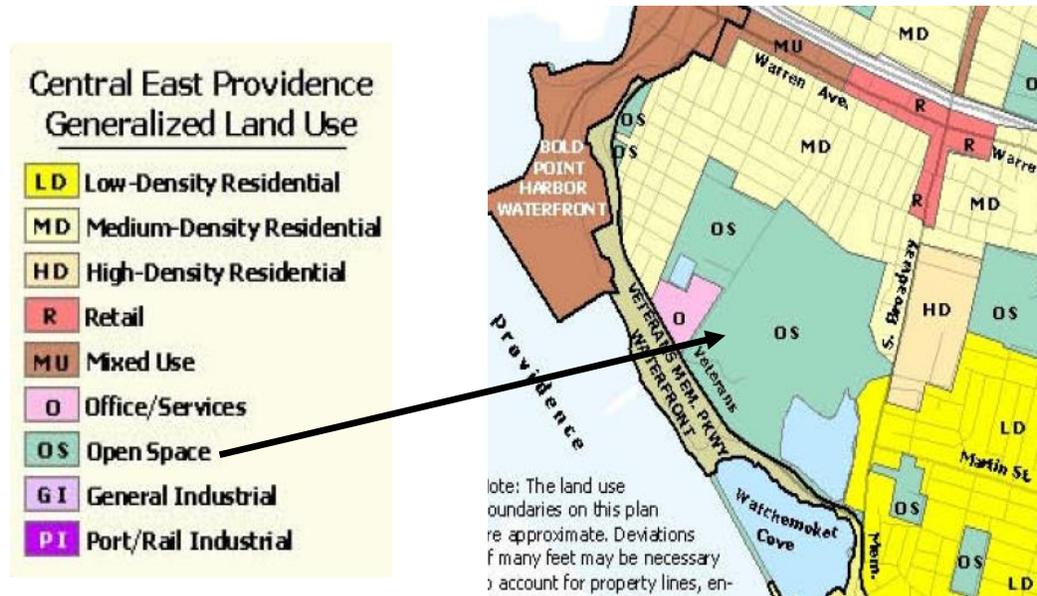
Several of the proposed uses listed above are conditional uses. Conditional uses are allowed uses in the waterfront sub-districts, however they must meet additional criteria as required by section 19-479 "Deviations and conditional use provisions". The following are the criteria used by the Waterfront Commission in granting a conditional use:

1. Protection of adjoining properties and other parcels in the waterfront district from any detrimental use on the site.
2. Convenience and safety of vehicular and pedestrian movement within the site in relation to adjacent streets, properties, improvements and in conformance with the express design intent.
3. Adequacy of the methods of disposal for sewage, refuse and other wastes, and methods of drainage of surface water.
4. Provisions of off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site.
5. Adequacy of all other municipal facilities and services to meet the needs of the site.
6. Achievement of overall design objectives of the development plan.

The petitioner is proposing the entire 140.64 acre parcel to be rezoned as a sub-district of the Waterfront Commission and granted the comprehensive plan designation "Metacomet". As shown on sheet 6 of the plan set, not all of the 140.64 acre parcel is proposed for the uses as requested in the proposed use schedule. The area as shown as A (60.9 acres) is the only area that is intended to be developed under the proposed Metacomet zoning. The area shown as B (9.6 acres) is proposed to be conveyed to the City to serve as passive recreation and the area shown as C (48.1 acres) is proposed to be deed restricted for uses that are only allowed under the City's current Open Space zoning that includes, but not limited to farming, conservation area, nursery, live/work space (commercial and residential in the same building with 67% dedicated for residential), park, public/private school, church, sportsmen's club, hospital, cemetery and golf course.

Current Comprehensive Plan Designation and Zoning Designation

Currently, the Generalized Land Use map of the Comprehensive Plan designates the subject property as open space, see below.



The 2010-2015 Comprehensive Plan defines Open Space as being relatively undeveloped with recommended uses that include parks, schools, cemeteries, golf courses and conservation areas while encouraging a balance between housing developments, economic development opportunities, open space and recreational opportunities.

Chapter 19 of Zoning (section 19-98 "Schedule of use regulations") allows the following uses in the Open Space zone district:

- Live/work space (defined as commercial and residential in the same buildings provided 67% is dedicated for residential purposes)
- Municipal facility
- Watershed protection
- Park, playground or playfield
- Public or private schools
- Churches
- Cultural activity
- Sportsmen's club
- Yacht club
- Nonprofit club
- Hospital
- Cemetery

- Day or overnight camp for children
- Golf course or country club
- Public utility
- Marina
- Amusement park
- Boat, kayak, canoe rental
- Driving range or miniature golf facility
- Swimming or tennis facility
- Yoga or Pilates Studio
- Gallery
- Helistop
- Radio, television or wireless telecommunication towers

Waterfront Commission Design Guidelines

The Waterfront Commission encourages a flexible and creative lot layout and site design to encourage a mix of residential, commercial, office and public uses in a vibrant pedestrian oriented environment that are enforced by performance and architectural standards rather than traditional zoning that include:

- Buildings shall be setback between 0 to 15 feet from the right-of-way.
- Street trees shall be planted-a maximum of 60 feet on both sides of streets.
- Building height limits shall be evaluated on a case by case basis by the commission with regard to view corridor assessments from within and outside of the waterfront district.
- The architectural design of buildings, structures and site layout shall be visually compatible with a traditional New England waterfront sale and character, including building materials, massing, density, scale and roof lines.
- Treatment of the sides and rear of all buildings shall be comparable in appearance and amenities of the treatment given to street frontages.
- Integration of all properties within the waterfront district is critical to promote vitality and sustain the mixed use character of the area. Campus like developments, such as suburban style office parks or "gated" residential communities, are highly discouraged.
- Parking uses and the appearance of parking structures should not dominate the public streetscapes.
- Buildings shall be designed with traditional roof forms that are compatible with the character of the surroundings, including but not limited to gambrel, gable and hipped roofs commonly found in New England cities and towns.
- Traditional and contemporary architectural detailing which creates variety, interest and texture on new buildings and additions is encouraged.
- Building design should incorporate elements that take full advantage of solar energy for lighting and warning; embrace techniques that optimize water conservation and protect water quality; and implement measures to improve air quality and ventilation.
- In sub-districts designated for mixed-uses or commercial and office environments, the ground floor of buildings should primarily entail uses geared toward pedestrians, such as

retail stores, cafes and restaurants, or civic and cultural uses such as a museum, galleries or community facilities.

- Residential buildings should be clustered or located in such a manner that provides a distinctive and traditional urban neighborhood character.
- Large scale development shall take the form of village-like groupings of small scale buildings, rather than a large individual structures or box-like buildings set back on a large expanse of paved parking.
- Landscaping shall be used as a unifying design element and a cost-effective long-term aesthetic and environmental enhancement for public and private spaces. Primary landscape treatment shall consist of three tiers, ground cover, shrubs, and trees, and shall be combined with appropriate walks and street surfaces to provide an attractive development pattern.

In addition to the above performance and architectural standards of the Waterfront sub-districts, developers are required to provide a minimum of 10% of the proposed dwelling units to be deemed as affordable housing units in all of the Waterfront's sub-districts for low and moderate income households or to provide an in-lieu fee that is determined by Rhode Island Housing.

Prior to any building permits being issued by the Waterfront Commission for the subject property following a rezone and comprehensive plan amendment, the proposal must meet the above Waterfront Commission's performance and architectural standards. In addition, traffic reports, drainage reports, architectural drawings, detailed engineered site plans and CRMC/RIDEM approvals will be required to mitigate any potential negative impacts to the immediate area and to ensure a high quality design.

Required Findings

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 Zoning and the Comprehensive Plan. 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. In addition, The City's Comprehensive Plan requires the following findings of facts to be made on all amendments to the text and maps of the Land Use Element:

1. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use proposed in the amendment;
2. The amendment constitutes an overall improvement in the Comprehensive Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;
3. The amendment will not adversely impact the community as a whole or a portion of the community by:

- a. Significantly altering acceptable existing land use patterns;
- b. Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, there, may impact development of other lands;
- c. Adversely impact existing uses as a result of increased traffic on existing systems;
- d. Effect on the livability of the area or the health and safety of the residents.

4. The amendment is consistent with the overall intent of the Comprehensive Plan.

As mentioned above, consideration of the following standards of section 19-2 must be made by the Planning Board in granting a rezone request:

1. Promote the public health, safety, and general welfare.
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.
3. Provide for orderly growth and development which recognizes:
 - a. The goals and patterns of land use contained in the comprehensive plan of the city adopted and amended thereafter pursuant to G.L. 1956, § 45-22.1-1 et seq.;
 - b. The natural characteristics of the land including its suitability for use based on soils characteristics, topography, and susceptibility to surface water or groundwater pollution;
 - c. The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - d. The values of unique or valuable natural resources and features;
 - e. The availability and capacity of existing and planned public and/or private services and facilities;
 - f. The need to shape and balance urban and rural development; and
 - g. The use of innovative development regulations and techniques.
4. Provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
5. Provide for the protection of the natural, historic, cultural, and scenic character of the city or town or areas therein.
6. Provide for the preservation and promotion of agricultural production, forest, aquaculture, timber resources and open space.

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7. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
8. Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing. Provide opportunities for the establishment of low and moderate income housing.
9. Promote safety from fire, flood, and other natural or manmade disasters.
10. Promote a high level of quality in design in the development of private and public facilities.
11. Promote implementation of the city comprehensive plan adopted pursuant to G.L. 1956, § 45-22.2-1 et seq.
12. Provide for coordination of land uses with contiguous municipalities, other municipalities, the state and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
13. Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.
14. Provide for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special use permits and development plan review.
15. Provide for the creation of land development projects with a review procedure outlined in the land development and subdivision review regulations.
16. Providing opportunities for reasonable accommodations in order to comply with the state Fair Housing Practices Act (chapter 37 of title 34), the US Fair Housing Amendments of 1988 (FHAA), the state Civil Rights of Individuals with Handicaps Act (chapter 87 of title 42), and the Americans with Disabilities Act of 1990

The petitioner should be requested to demonstrate to the satisfaction of the Planning Board that positive finding can made on the above required findings.

Recommendation

While there are a number of goals and objectives of the City's Comprehensive Plan that support the redevelopment of the City's vacant and underutilized parcels, the Comprehensive Plan also strongly recommends that development proposals including rezone requests and comprehensive plan amendments must be in character with adjoining neighborhoods, compatible with surrounding land uses and maintain the scale and character of existing residential neighborhoods. It is the opinion of the Planning Department that a number of the proposed uses that include

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liquor stores, drive-through facilities, fast food, light manufacturing, sale of industrial equipment, entertainments clubs, conference centers and hotels are high intense uses that are capable of generating high traffic volumes that would require significant infrastructure improvements to the nearby roadways and intersections, as well as generating high vehicle trips beyond the capacity of the local road network of the immediate area that includes, but not limited to Lyon Avenue, Fort Street, Mercer Street, Mauran Avenue, 5th Street, Martin Street, South Broadway and Veteran's Memorial Parkway. In addition, the above referenced high intense land uses are not compatible to the immediate residential neighborhood since they have the potential of impacting the character and scale of adjacent land uses that include the residential land uses that are primarily single and two-family dwellings to the west, north and east of the subject property.

The Planning Board and City Council have made recent efforts to revitalize the commercial corridors of Taunton Avenue, Waterman Avenue and Warren Avenue by allowing higher residential densities, a decrease in the minimum requirement of off-street parking and mixed use commercial/residential by the use of overlay districts. The overlay districts are intended to attract commercial, housing, retail, offices, and personal convenience services to create economic and social vitality to areas of the City that are experiencing vacancy rates and underutilized properties. The proposed 60.9 acres to be developed on the subject property has the potential to pull future economic and social activity from the commercial corridors that are in need of public and private investment. In addition, the existing commercial corridors of the City have the infrastructure in place to accommodate growth and investment that include controlled intersections (traffic lights, pedestrian crossings and turning lanes), in the vicinity of I-195 and arterial roads designed to carry large volumes of traffic.

As the Planning Board may recall, the Planning Department recommended approval of the original rezone and Comprehensive Plan amendment at a public hearing held on June 23, 2020. Following the withdrawal of the original petition, the petitioner submitted a master plan submission of a Land Development Project that proposed (7) two-story buildings to serve as allowed uses in the Open Space district that included hospitals, education/school facilities, clubs, churches or cultural activities and a one-story sportsmen's club. The traffic report and the peer-review of the traffic report of the master plan submission concerned Planning Staff by the high anticipated vehicle trips that included 16,620 vehicle trips on an average weekday (8,310 vehicles entering and 8,310 exiting), with 1,936 vehicle trips (1,385 vehicles entering and 551 exiting) expected during the weekday morning peak-hour and 1,829 vehicle trips (900 vehicles entering and 929 exiting) expected during the weekday evening peak-hour. In addition, significant infrastructure improvements were recommended in the traffic report and peer-review traffic report to mitigate the anticipated vehicle trips that included traffic calming measures on Veterans Memorial Parkway, peak period turn restrictions, a roundabout to be installed at the intersection of Veterans Memorial Parkway and Lyon Avenue, and a roundabout to be installed at the intersection of Veterans Memorial Parkway and South Broadway.

Taking into consideration the above anticipated vehicle trips along with the uncertainty of a pre-COVID economy and the current status of the City's commercial corridors experiencing vacancies and underutilized parcels, the Planning Department is recommending to limit the amount of allowed uses and commercial density of any future development of the subject parcel.

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In light of the pandemic, the Planning Department believes that the best use of the property is primarily for residential development with an appropriate level of complimentary commercial uses. The demand for new commercial office and retail space is expected to be constrained for the foreseeable future. A residential development with suitable density will significantly improve the city's aging housing stock as well as to counter the city's stagnant population trend.

It is the opinion of the Planning Department that as currently proposed, the petition to amend the City's Comprehensive Plan's Generalized Land Use Map from Open Space to a new sub-district of the East Providence Waterfront Special Development District to be designated as the "Metacomet sub-district" and to amend the City's official zoning map from Open Space to a new sub-district of the Waterfront District to be designated as the "Metacomet" is not consistent with the 2010-2015 Comprehensive Plan, positive findings of Section 19-2 of Zoning cannot be made and that positive findings of facts of the Comprehensive Plan requirements cannot be made.

Planning staff strongly recommends that the petitioner revise their petition prior to the Planning Board making a determination of the required findings, and the revisions must include the following:

1. The comprehensive plan amendment should only apply for the area shown as A (60.9 acres). Areas B (9.6 acres) to be conveyed to the City and C (48.1 acres) to serve as a golf course should remain as Open Space on the Comprehensive Plan's Generalized Land Use Map.
2. The rezone from Open Space to the Metacomet sub-district should only be for the area shown as A (60.9 acres).
3. The area shown as C (48.1 acres) to serve as a golf course shall only be limited to golf courses and conservation areas as defined in section 19-98 "Schedule of use regulations". All of the other permitted uses in the Open Space district as defined in section 19-98 "Schedule of use regulations" shall be prohibited.
4. Areas shown as B (9.6 acres) to be conveyed to the City and C (48.1 acres) proposed to serve as a golf course should remain the current zoning designation of Open Space.
5. A comprehensive plan consistency report must be prepared by an AICP professional planner.
6. All structures shall not exceed 4 stories.
7. 10% of the residential units must be restricted to affordable housing units without the option of a payment in-lieu.
8. Grocery stores limited to 20,000 sq. ft.
9. General merchandise limited to 20,000 sq. ft.
10. Liquor stores limited to 5,000 sq. ft.
11. Pharmacies limited to 10,000 sq. ft.
12. Conference centers limited to 20,000 sq. ft.
13. Prohibit fast food restaurants
14. Prohibit drive-through facilities
15. Prohibit hotels
16. Prohibit entertainments clubs
17. Prohibit marinas
18. Prohibit flex tech greater than 20,000 sq. ft.

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19. Prohibit industrial or manufacturing related office
20. Prohibit light manufacturing
21. Prohibit sale of business and/or industrial equipment and supplies
22. Prohibit advanced manufacturing
23. Remove note # 20 on the proposed use schedule since it pertains to all waterfront sub-districts

The following documents are being requested to be entered into the record:

1. Planning Department memorandum dated June 25, 2021 with attachments.
2. Petition for zone change, supplemental information
3. Petition of the City Council, Zoning Map Amendment application
4. Plan set (Land Title Survey and Bohler Engineering sheets 1 to 6)

Enclosures: Planning Department memorandum dated June 22, 2021 with attachments
Petition for zone change, supplemental information
Petition of the City Council, Zoning Map Amendment application
Plan set (Land Title Survey and Bohler Engineering sheets 1 to 6)

Cc: Roberto DaSilva, Mayor
City Council
Michael Marcello, City Solicitor
Daniel Borges, Public Works Director
Erik Skadberg, City Engineer
Edward Pimentel, Zoning Officer

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 _____ DATE _____

AGENT/ATTORNEY _____ DATE _____

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

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	<u>Metacomet Sub-district</u>
RESIDENTIAL RELATED USES							
One-family	C	N	N	N	C	C	<u>C</u> ¹
Two-family	Y	N	N	N	Y	Y	<u>Y</u> ²
Three-family	Y	N	C	N	Y	Y	<u>Y</u> ³
Apartment/condominium	Y	C	Y	Y	Y	Y	<u>Y</u> ⁴
Community residences	Y	N	Y	Y	Y	Y	<u>Y</u> 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	<u>Metacomet Sub-district</u>
Artisan live/work	Y	Y	Y	Y	Y	Y	<u>Y</u>
Continuing care	N	N	C	C	C	N	<u>Y</u>
RETAIL BUSINESS							
Apparel and accessory stores	Y	Y	Y	Y	Y	C	<u>Y</u>
Art galleries	Y	Y	Y	Y	Y	Y	<u>Y</u>
Café	Y	Y	Y	Y	Y	Y	<u>Y</u>
Cigar Lounge	Y	Y	Y	Y	Y	Y	<u>Y</u>
Funeral home, mortuary	C	Y	C	C	N	N	<u>N</u>
Furniture, home furnishings and appliances	Y	Y	Y	Y	N	N	<u>C</u> ⁶
Gasoline dispensing facilities	C	C	N	C	N	N	<u>N</u>
General merchandise	Y	Y	Y	Y	N	C	<u>Y</u> ⁷

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	<u>Metacomet Sub-district</u>
Grocery stores	Y	Y	Y	Y	C	C	<u>Y</u> ⁸
Microbrewery/distillery	Y	Y	Y	Y	Y	C	<u>Y</u>
Office supplies and equipment	Y	Y	Y	Y	N	N	<u>C</u>
Printing or publishing	Y	Y	Y	Y	N	N	<u>C</u> ⁹
Package liquor stores	Y	Y	Y	Y	Y	Y	<u>Y</u> ¹⁰
Specialty stores	Y	Y	Y	Y	Y	Y	<u>Y</u>
Drive-through facilities	N	N	N	N	N	N	<u>C</u>
EATING AND DRINKING ESTABLISHMENTS							
Restaurants, coffee shops, delicatessens, and ice cream parlors, with indoor and/or outdoor seating	Y	Y	Y	Y	C	C	<u>Y</u>
Fast food restaurants	N	C	C	C	N	N	<u>C</u> 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	<u>Metacomet Sub-district</u>
Taverns, bars, lounges, pubs and similar establishments	Y	Y	Y	Y	C	C	<u>C</u>
Entertainment/clubs	Y	Y	Y	Y	C	C	<u>C</u>
LODGING							
Bed and breakfast	C	N	C	C	C	C	<u>C</u>
Conference center	C	N	Y	Y	C	N	<u>Y</u>
Hotel	C	N	C	C	C	N	<u>C</u>
Motel	N	N	C	C	N	N	<u>N</u>
OFFICE USES							
Banks	Y	Y	Y	Y	Y	Y	<u>Y</u>
Business offices	Y	Y	Y	Y	C	C	<u>Y</u>
Corporate headquarters	Y	Y	Y	Y	C	C	<u>Y</u>
Call-in center	Y	Y	C	N	N	N	<u>N</u>
Government offices	Y	Y	C	Y	N	N	<u>Y</u>
Post offices	Y	Y	Y	Y	C	C	<u>Y</u>
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	<u>Metacomet Sub-district</u>
Medical offices, outpatient services	Y	Y	Y	Y	Y	Y	<u>Y</u>
Medical research, engineering or testing laboratory	Y	Y	C	C	N	N	<u>Y</u>
Nursing, congregate care, assisted living and convalescence homes	C	N	C	C	N	N	<u>Y</u>
Veterinary offices/clinics	C	Y	C	C	N	N	<u>C</u> ¹²
PERSONAL SERVICES							
Child day care centers, nursery schools	Y	N	Y	Y	Y	Y	<u>Y</u>
Dry cleaners	Y	Y	Y	Y	C	C	<u>Y</u> ¹³
Family child care homes	Y	N	N	N	Y	Y	<u>Y</u>
Hair salon/barber shop	Y	Y	Y	Y	Y	Y	<u>Y</u>

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	<u>Metacomet Sub-district</u>
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	<u>Metacomet Sub-district</u>
Film Studio	Y	Y	Y	Y	C	C	<u>Y</u>
Gallery, art	Y	Y	Y	Y	Y	Y	<u>Y</u>
Health fitness centers	Y	Y	Y	Y	C	C	<u>Y</u> ¹⁵
Libraries	Y	Y	Y	Y	Y	Y	<u>Y</u>
Marinas/boat launching facilities	Y	Y	Y	Y	Y	Y	<u>Y</u>
Municipal facility	Y	Y	Y	Y	Y	Y	<u>Y</u>
Museums	Y	Y	Y	Y	C	C	<u>Y</u>
Nonprofit clubs; civic, social or fraternal	Y	N	Y	Y	C	C	<u>C</u>
Park, playground or playfield	Y	N	Y	Y	Y	Y	<u>Y</u>
Photography Studio	Y	Y	Y	Y	Y	C	<u>Y</u>
Places of worship	Y	C	C	C	C	N	<u>Y</u>

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	<u>Metacomet Sub-district</u>
Public or private elementary, junior high or high school	Y	N	Y	Y	Y	Y	<u>Y</u>
Recreation, indoor	Y	C	Y	Y	N	N	<u>Y</u>
Recreation, outdoor	C	N	C	C	C	C	<u>Y</u>
Theater, indoor	Y	N	C	Y	N	N	<u>Y</u>
Watershed protection or supply	Y	Y	Y	Y	Y	Y	<u>Y</u>
LIGHT INDUSTRIAL/FLEX TECH USES							
Accessory retail industry	C	C	N	N	N	N	<u>C</u>
Agriculture and aquiculture, indoor (excluding plants with THC)	C	N	N	N	N	N	<u>C</u>
Artisan design and fabrication	Y	Y	Y	Y	C	C	<u>Y</u>
Business accelerator, incubator	Y	Y	Y	Y	N	N	<u>Y</u>

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	<u>Metacomet Sub-district</u>
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	<u>Metacomet Sub-district</u>
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	<u>Metacomet Sub-district</u>
Home occupation	C	N	C	C	C	C	<u>C</u>
Fences and walls	Y	Y	Y	Y	Y	Y	<u>Y</u>
Indoor rack boat storage	Y	C	C	C	C	C	<u>Y</u>
Off-street parking areas	Y	Y	Y	Y	Y	Y	<u>Y</u>

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 aquaculture

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]

NOTES:

- 1. PROPERTY KNOWN AS BLOCK 15, LOT 1, AS SHOWN ON THE CITY OF EAST PROVIDENCE, PROVIDENCE COUNTY, STATE OF RHODE ISLAND, TAX MAP NO. 107.
2. AREA = 6,126,171± SQUARE FEET OR 140.838± ACRES
3. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY...

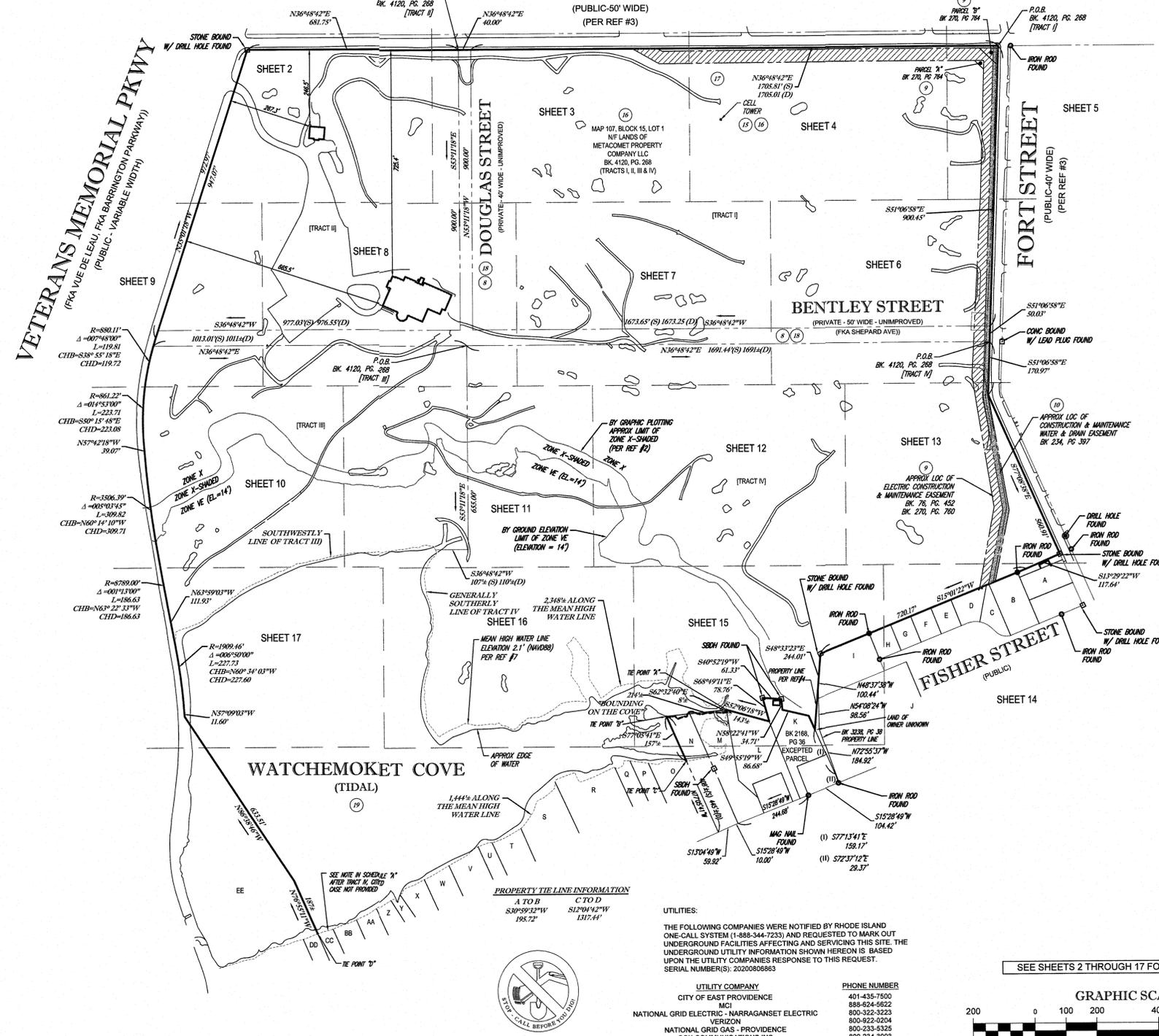
REFERENCES:

- 1. THE OFFICIAL TAX ASSESSOR'S MAP OF EAST PROVIDENCE, PROVIDENCE COUNTY, SHEET #107.
2. MAP ENTITLED "NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAP, PROVIDENCE COUNTY, RHODE ISLAND (ALL JURISDICTIONS) PANEL 317 OF 451", MAP NUMBER 4400703171, MAP REVISED: SEPTEMBER 18, 2013.
3. MAP ENTITLED "COMMISSIONERS PLAN IN THE BILL IN EQUITY, EDWARD D. PEARCE VS. WILLIAM BINNEY ET AL., NO. 1746", PREPARED BY WALTER DEXTER, DATED NOVEMBER, 1880...

ABUTTERS LIST:

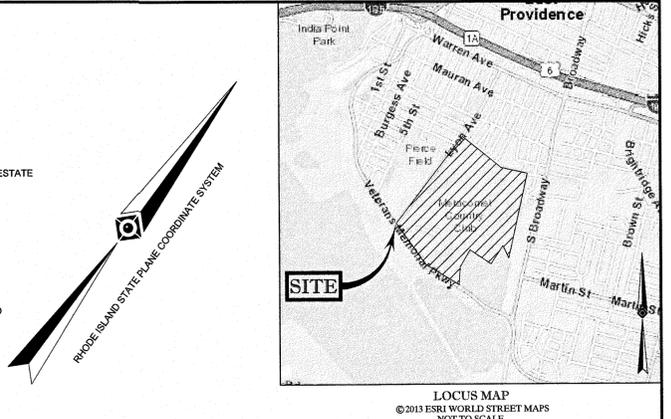
- A) MAP 207, BLOCK 27, LOT 19 NF LANDS OF HUMBERTO SANTOS BK. 3620, PG. 144
B) MAP 207, LOT 17, LOT 16 NF LANDS OF GREGORY OLSON BK. 1609, PG. 301
C) MAP 207, BLOCK 27, LOT 15 NF LANDS OF JENNIFER AMERANTIS & PATRICK LOWELL BK. 3608, PG. 82

LYON AVENUE



SCHEDULE A:

- THOSE CERTAIN TRACTS OR PARCELS OF LAND WITH ALL THE BUILDINGS AND IMPROVEMENTS THEREON, SITUATED IN THE CITY OF EAST PROVIDENCE, COUNTY OF PROVIDENCE, AND THE STATE OF RHODE ISLAND, BOUNDED AND DESCRIBED AS FOLLOWS:
TRACT I: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF LYON AVENUE WITH THE SOUTHWESTERLY LINE OF FORT STREET...



SCHEDULE A (CONT'D):

- TRACT IV: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF BENTLEY STREET WITH THE SOUTHWESTERLY LINE OF FORT STREET, AND RUNNING THENCE SOUTHWESTERLY BOUNDING NORTHWESTERLY ON SAID BENTLEY STREET SIXTEEN HUNDRED NINETY-ONE (1691) FEET, MORE OR LESS, TO A POINT DIRECTLY OPPOSITE THE CENTER LINE OF DOUGLAS STREET...

SURVEY CERTIFIED TO: METACOMET PROPERTY COMPANY, LLC CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH THE '2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS'...

Table with 2 columns: Description and Class. Includes items like 'TYPE OF BOUNDARY SURVEY: COMPREHENSIVE BOUNDARY SURVEY' and 'OTHER TYPE OF SURVEY: DATA ACCUMULATION SURVEY'.

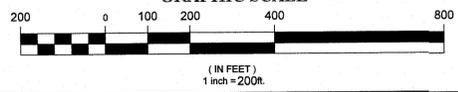


JOHN P. LYNCH 9/4/2020 DATE
RHODE ISLAND PROFESSIONAL LAND SURVEYOR #1925
CERTIFICATE OF AUTHORIZATION #A350

ALTA/NSPS LAND TITLE SURVEY
METACOMET PROPERTY COMPANY LLC
500 VETERANS MEMORIAL PARKWAY
MAP 107, BLOCK 15, LOT 1
CITY OF EAST PROVIDENCE, PROVIDENCE COUNTY
STATE OF RHODE ISLAND

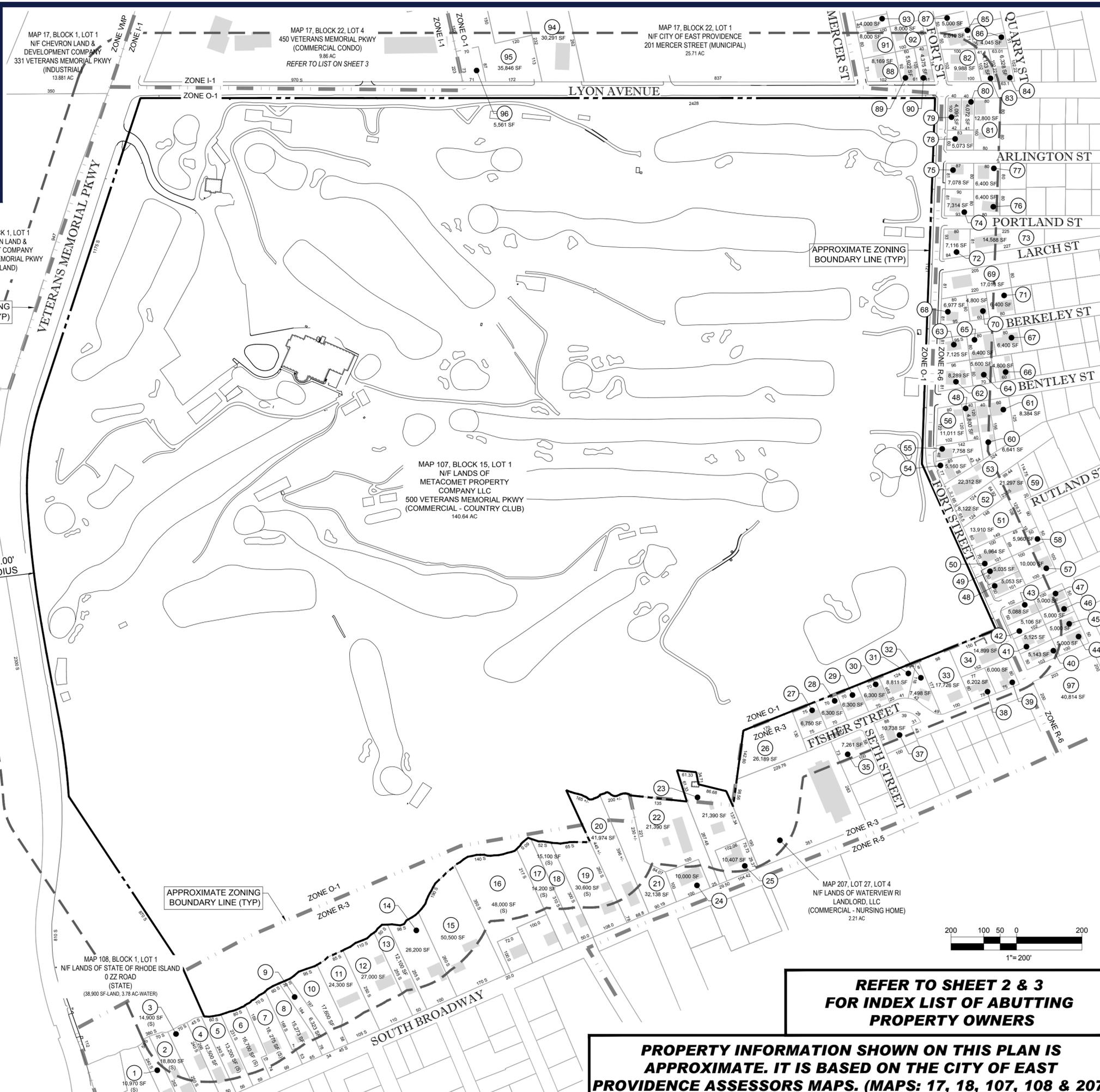
Table with 4 columns: Field Date, Field Book No, Field Book Pg, Field Crew. Includes dates like 2-26-2020 and names like J.O., R.J.K.

SEE SHEETS 2 THROUGH 17 FOR TOPOGRAPHY



THE STATE OF RHODE ISLAND REQUIRES NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE.

CONTROL POINT ASSOCIATES, INC. - ALL RIGHTS RESERVED. ORIGINAL PROJECT OR THE EXPRESS WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES, INC. IS PROHIBITED.



P:\3201W20-1026\DRAWINGS\EXHIBITS\2021-05-05-ZONE CHANGE PETITION UPDATE\W201026-CVL-1_ABUTTERS PLAN-LAYOUT: 2

BOHLER // TM

SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM BOHLER. ONLY APPROVED, SIGNED AND SEALED PLANS SHALL BE UTILIZED FOR CONSTRUCTION PURPOSES © BOHLER.

REVISIONS			
REV	DATE	COMMENT	DRAWN BY / CHECKED BY

PROJECT No.: W201026
 DRAWN BY: AJS
 CHECKED BY: NEM
 DATE: 05/04/2020
 CAD I.D.: W201026-CVL-1_ABUTTERS PLAN

PROJECT:

**200 FOOT
 ABUTTERS PLAN**

FOR
**METACOMET
 PROPERTY,
 LLC**

METACOMET
 REDEVELOPMENT

MAP 107, BLOCK 15, LOT 1
 500 VETERANS MEMORIAL PARKWAY
 EAST PROVIDENCE,
 PROVIDENCE COUNTY,
 RHODE ISLAND

BOHLER //

352 TURNPIKE ROAD
 SOUTHBOROUGH, MA 01772
 Phone: (508) 480-9900

www.BohlerEngineering.com

J.A. KUCICH

PROFESSIONAL ENGINEER

MASSACHUSETTS LICENSE No. 41530
 NEW HAMPSHIRE LICENSE No. 15476
 CONNECTICUT LICENSE No. 26177
 RHODE ISLAND LICENSE No. 9616
 MAINE LICENSE No. 12553

SHEET TITLE:

**ABUTTING
 PROPERTY
 PLAN**

SHEET NUMBER:

2
 OF 6

ORG. DATE - 05/04/2020

**REFER TO SHEET 2 & 3
 FOR INDEX LIST OF ABUTTING
 PROPERTY OWNERS**

**PROPERTY INFORMATION SHOWN ON THIS PLAN IS
 APPROXIMATE. IT IS BASED ON THE CITY OF EAST
 PROVIDENCE ASSESSORS MAPS. (MAPS: 17, 18, 107, 108 & 207)**

