



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

City Plan Commission

Minutes of the August 15, 2023 meeting

A meeting of the City Plan Commission (CPC) was held on Tuesday, August 15, 2023 at 4:45 pm in the Joseph Doorley Municipal Building, 444 Westminster Street, 1st floor Meeting Room, Providence RI 02903

A video recording of the meeting is available at:

<https://www.youtube.com/@pvdpc>

Opening Session

Call to order: Chair Michael Gazdacko called the meeting to order at 4:50 pm

Members Present: Michael Gazdacko Miguel Quezada, Noel Sanchez, Will Sherry

Members Absent: Nicole Verdi, Charlotte Lipschitz

Staff Present: Robert Azar, Deputy Director, Choyon Manjrekar, Principal Planner, Sharon Garner, Senior Assistant City Solicitor

Approval of minutes from the July 18, 2023 meeting: Commissioner Quezada made a motion seconded by Commissioner Sherry to approve the minutes. All voted in favor.

Director's report – Discussion of changes to state law pertaining to zoning, land development projects and subdivision review: Mr. Azar said the zoning ordinance and development review regulations would be changed based on bills passed by the general assembly. A memo outlining the changes was available on the DPD's website. He said that the changes were required to be approved by January 1, 2024. The changes would be introduced at the September meeting with the hearing process occurring through the fall. The changes would amend the standards for variances, special use permits would have objective criteria, administrative modifications up to 15% could be granted where the previous limit was 10%, and previously granted use variances could be modified without further zoning relief. Conversion of commercial to residential buildings would be allowed by right. A new set of development review regulations would need to be adopted as the new laws would redefine a land development project, development plan review, categories of subdivisions and projects that would appear before the CPC. A package would be available for review in September.

**MAJOR LAND DEVELOPMENT PROJECT
PUBLIC HEARING**

1. Case No. 23-021MA – 269 Wickenden Street

Applicant: Fox Point Capital LLC

The applicant is requesting master plan approval to construct a five story mixed-use building with a cellar that will provide commercial space, internal parking and 62 residential units in the C-2 zone. The applicant is seeking a dimensional adjustment for the proposed height of five stories and approximately 65' where 50' and four stories are permitted. A design waiver from the height of window sills over 2' from grade is also requested – for vote (AP 18 Lots 190 and 192, Fox Point) – **a transcript of the item is available on request and has been made part of the record**

Mr. Azar introduced the item. Attorneys Dylan Conley and Julissa Arce represented the applicant and made a presentation with architect Kevin Diamond. A discussion on the item ensued with the CPC hearing from the applicant, their experts, and soliciting public comment. Mr. Azar read out the DPD's staff report prior to the CPC's deliberation.

Action – Design Waiver

On a motion by Commissioner Sanchez, seconded by Commissioner Quezada, the CPC voted to grant the design waiver from sill height, finding that it was required due to the site's grade.

The CPC voted as follows:

Aye: N. Sanchez, M. Quezada, W. Sherry, M. Gazdacko

Action – Master Plan Approval

On a motion by Commissioner Sanchez, seconded by Commissioner Sherry, the CPC voted to approve the master plan subject to the following conditions:

1. The building's design shall follow the revised building design presented at the master plan hearing.
2. The CPC deferred action on the dimensional adjustment for height to the preliminary plan stage. The CPC required that granting of the waiver be subject to the applicant altering the façade to set the fifth story back at least 10' from the upper story, such that the building's design presents as a five story building at the corner of Brook and Wickenden Street.
3. The landscaping plan shall be approved by the City Forester prior to preliminary plan submission.
4. The drainage management plan shall be submitted prior to the preliminary plan stage.
5. The preliminary plan shall include the location of bicycle parking.
6. The applicant shall present a study on the impact of delivery vehicles and indicate how delivery vehicles will access the building.
7. A signage plan shall be included with the preliminary plan submission

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, M. Quezada, M. Gazdacko

**MINOR SUBDIVISION – UNIFIED DEVELOPMENT REVIEW
PUBLIC HEARING**

2. Case No. 23-044UDR – 95-101 Dedham Ave

Applicant: Vitality Land Holdings LLC

Subdivision of two lots measuring 5,760 SF and 7,680 SF into three lots with two measuring 4,500 SF and one measuring 4,448 SF in the R-1 zone. The lots measuring 4,500 SF have received an administrative modification. Relief from the minimum lot size requirement of 5,000 SF is requested for the third lot, pursuant to Unified Development Review – for vote (AP 112 Lots 396, and 397, Hartford) – **a transcript of the item is available on request and has been made part of the record**

Mr. Manjrekar introduced the item. Attorney John Garrahy presented on behalf of the applicant. A discussion on the item ensued with the CPC hearing from Mr. Garrahy, land use consultant Michael McHugh, and soliciting public comment. Mr. Manjrekar read out the DPD's staff report prior to the CPC's deliberation.

Action – Dimensional Variance

Upon a motion by Commissioner Sanchez, seconded by Commissioner Sherry, the CPC voted to approve the dimensional relief from the minimum lot size requirement of 5000 SF. The dimensional relief will apply to the lots should they be rezoned to R-2.

The CPC voted as follows:

AYE: N. Sanchez, W. Sherry, M. Quezada, M. Gazdacko

Action – Preliminary Plan Approval

Upon a motion by Commissioner Quezada seconded by Commissioner Sherry the CPC voted to approve the preliminary subdivision plan finding it to be in conformance with the zoning ordinance and comprehensive plan. The plan was approved subject to the following conditions:

1. The validity of the preliminary plan was extended to one year from the date of recording of the approval letter based on a written request from the applicant.
2. Final plan approval was delegated to DPD staff.

The CPC voted as follows:

AYE: N. Sanchez, W. Sherry, M. Quezada, M. Gazdacko

**MAJOR LAND DEVELOPMENT PROJECT – UNIFIED DEVELOPMENT REVIEW
PUBLIC HEARING**

3. Case No. 23-039UDR – 661-665 Plainfield Street

Applicant: Irfan Saeed

The applicant is proposing to construct three mixed use buildings, one on each of the subject lots, with commercial/retail on the first floor and residential. All lots are zoned C-1. The applicant is seeking dimensional relief pursuant to Unified Development Review (UDR) for the corner side and front yard build-to percentage requirements. The applicant is seeking to combine master and preliminary plan approval and is requesting a waiver from submission of state approvals at the preliminary plan stage – for vote (AP 112 Lots 429, 430 and 431, Hartford) – **a transcript of the item is available on request and has been made part of the record**

Mr. Manjrekar introduced the item. Attorney John Garrahy and Architect Jeffrey Lykins presented on behalf of the applicant. A discussion on the item ensued with the CPC hearing the applicant's representatives and soliciting public comment. Mr. Manjrekar read out the DPD's staff report prior to the CPC's deliberation.

Action – Dimensional Variance

On a motion by Commissioner Quezada seconded by Commissioner Sherry, the CPC voted to grant the relief from the front and side yard setback requirements.

The CPC voted as follows:

Aye: M. Quezada, W. Sherry, N. Sanchez, M. Gazdacko

Action—Waiver from submission of state approvals

Upon a motion by Commissioner Sanchez seconded by Commissioner Quezada, the CPC voted to grant the waiver from submission of state approvals at the preliminary plan stage subject to the condition that the applicant submit the approvals with the final plan and return to the CPC if the approvals result in a change to the plan.

The CPC voted as follows:

Aye: N. Sanchez, M. Quezada, W. Sherry, M. Gazdacko

Action—Combination of stages

Upon a motion by Commissioner Sanchez seconded by Commissioner Quezada, the CPC voted to combine master and preliminary plan approval, having granted the waiver from submission of state approvals and finding that all items required for both stages were submitted.

The CPC voted as follows:

Aye: M. Quezada, W. Sherry, N. Sanchez, M. Gazdacko

Action—Master and Preliminary Plan

Upon a motion by Commissioner Quezada seconded by Commissioner Sherry, the CPC voted to grant master and preliminary plan approval finding that the project was in conformance with the zoning ordinance and comprehensive plan subject to the following conditions:

1. The landscaping plan shall be subject to the City Forester's approval.
2. The applicant shall submit any required encroachment permits with the building permit application.
3. Final plan approval should be delegated to DPD staff.

The CPC voted as follows:

Aye: N. Sanchez, M. Quezada, W. Sherry, M. Gazdacko

CITY COUNCIL REFERRAL

4. Referral No. 3552 – Rezoning of 61-67 Leander Street

Petitioner: Brush Hill Development LLC

The petitioner is requesting a rezoning of the subject lots from R-1 to R-2 – for vote (AP 34 Lots 245 and 246, Manton)

Mr. Manjrekar introduced the item. Attorney Dylan Conley represented the applicant. He said the lots were vacant and located opposite to the R-2 zone. He said he concurred with the DPD's

recommendation to make a positive recommendation based on their findings. Mr. Manjrekar read out the DPD's staff report which recommended approval of the zone change to the council. Councilman Miguel Sanchez said he was in favor of the change and was in support of a larger change to R-2.

On a motion by Commissioner Sanchez, seconded by Commissioner Quezada, the CPC voted to recommend that the City Council rezone the lots to R-2.

The CPC voted as follows:

Aye: N. Sanchez, M. Quezada, W. Sherry, M. Gazdacko

MINOR SUBDIVISION

5. Case No. 23-040MI – 45 Liege Street

Applicant: Greenlight Investments LLC

The applicant is requesting to subdivide a lot measuring 10,000 SF into two lots of 5,000 SF – for vote (AP 119 Lot 226, Wanskuck)

Mr. Manjrekar introduced the item. Attorney Dylan Conley represented the applicant and said he agreed with the CPC's recommendation. Mr. Manjrekar read out the DPD's staff report which found the subdivision to be in conformance with the zoning ordinance and comprehensive plan but recommended that the building be demolished prior to final plan approval.

Upon a motion by Commissioner Sanchez, seconded by Commissioner Sherry, the CPC voted to approve the preliminary plan finding it to be in conformance with the zoning ordinance and comprehensive plan. The plan was approved subject to the following conditions:

1. The validity of the preliminary plan was extended to one year from the date of recording of the approval letter based on a letter received from the applicant.
2. The building shall be demolished prior to final plan approval.
3. Final plan approval was delegated to DPD staff.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, M. Quezada, M. Gazdacko

MINOR SUBDIVISION

6. Case No. 23-041MI – 175 Congress Ave

Applicant: Christopher Norris Leblanc and John P Duffin

The applicant is requesting to subdivide a lot measuring 14,742 SF into two lots of 7,580 SF and 7,163 SF – for vote (AP 49 Lot 149, Elmwood)

Mr. Manjrekar introduced the item. Attorney Dylan Conley represented the applicant. He said he concurred with the DPD's findings in the staff report. Mr. Manjrekar read out the DPD's staff report which found the subdivision to conform to the zoning ordinance and comprehensive plan.

Upon a motion by Commissioner Sanchez, seconded by Commissioner Sherry, the CPC voted to approve the preliminary plan finding it to be in conformance with the zoning ordinance and comprehensive plan. The plan was approved subject to the following conditions:

1. The validity of the preliminary plan was extended to one year from the date of recording of the approval letter.
2. Final plan approval was delegated to DPD staff.

The CPC voted as follows:

Aye: N. Sanchez, W. Sherry, M. Quezada, M. Gazdacko

CITY COUNCIL REFERRAL

7. Referral No. 3553 – Rezoning of 66 Baltimore Street

Petitioner: Kathleen Jacotin

The petitioner is requesting a rezoning of the subject property from R-1 to R-2 – for vote (AP 34 Lot 134, Manton)

MINOR SUBDIVISION

8. Case No. 23-042MI – 66 Baltimore Street

Applicant: Kathleen Jacotin

The applicant is requesting to subdivide a lot measuring 24,310 SF in the R-1 zone with an existing dwelling into three lots, with one measuring 14,490 SF and two lots of 5,490 SF – for vote (AP 34 Lot 134, Manton)

Items seven and eight were heard together as they pertained to the same item. Mr. Manjrekar introduced the items. Attorney Dylan Conley represented the applicant and said he concurred with the CPC's findings in their staff report. Mr. Manjrekar read out the DPD's staff reports which found the zone change to conform to the zoning ordinance and comprehensive plan. The minor subdivision largely conformed to the zoning ordinance, but relief was required for the proposed lot width.

On a motion by Commissioner Sanchez, seconded by Commissioner Quezada, the CPC voted to recommend that the City Council rezone the lots to R-2.

The CPC voted as follows:

Aye: N. Sanchez, M. Quezada, W. Sherry, M. Gazdacko

Upon a motion by Commissioner Sanchez, seconded by Commissioner Quezada, the CPC voted to approve the preliminary plan finding it to be in conformance with the zoning ordinance and comprehensive plan. The plan was approved subject to the following conditions:

1. The validity of the preliminary plan was extended to one year from the date of recording of the approval letter based on a letter received from the applicant.
2. The applicant is required to obtain an administrative modification or a zoning variance for lot width prior to final plan approval.
3. Final plan approval was delegated to DPD staff.

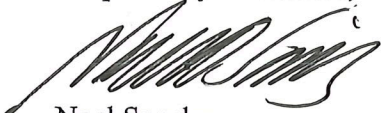
The CPC voted as follows:

Aye: N. Sanchez, M. Quezada, W. Sherry, M. Gazdacko

Adjournment

Upon a motion by Commissioner Quezada seconded by Commissioner Sherry, the CPC voted to adjourn the meeting at 9:20 pm. All voted in favor.

Respectfully Submitted,



Noel Sanchez

Secretary, City Plan Commission

Prepared by Choyon Manjrekar, Recording Secretary