

THURSDAY, JULY 19, 2018
WOONSOCKET CITY COUNCIL AGENDA
COUNCIL PRESIDENT DANIEL M. GENDRON PRESIDING
6:00 P.M. – HARRIS HALL
169 MAIN STREET, WOONSOCKET, RHODE ISLAND 02895

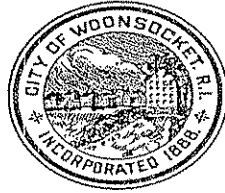
SPECIAL MEETING

- 1. ROLL CALL**
- 2. DISCUSSION REGARDING ZONING OFFICIAL CARL JOHNSON'S DETERMINATION VIA A LETTER DATED 29 JANUARY 2018 THAT RISE PREP MAYORAL ACADEMY'S USE OF 30 CUMBERLAND STREET AS A CHARTER SCHOOL IS A PERMISSABLE USE UNDER THE CITY'S ZONING REGULATIONS.**
- 3. DISCUSSION AND VOTE ON RESOLUTION 18-R-81 AUTHORIZING AND INSTRUCTING THE CITY COUNCIL TO TAKE ANY AND ALL ACTIONS NECESSARY TO APPEAL TO THE WOONSOCKET ZONING BOARD OF REVIEW AND / OR ANY OTHER COMPETANT AUTHORITY THE CITY'S ZONING OFFICIAL'S DETERMINATION, PURSUANT TO HIS 29 JANUARY 2018 LETTER, THAT RISE PREP MAYORAL ACADEMY'S USE OF 30 CUMBERLAND STREET AS A CHARTER SCHOOL IS A PERMISSABLE USE UNDER THE CITY'S ZONING REGULATIONS.**
- 4. ADJOURNMENT**

For additional information or to request interpreter services, or other special services for the hearing impaired, please contact City Clerk Christina Harmon-Duarte three days prior to the meeting at (401) 762-6400, or by the Thursday prior to the meeting.

Posted on July 17, 2018

**City of Woonsocket
Rhode Island**



July 19, A.D. 2018

Resolution

**AUTHORIZING THE CITY COUNCIL TO APPEAL TO THE
ZONING BOARD OF REVIEW AND / OR ANY OTHER COMPETANT
AUTHORITY THE DETERMINATION BY THE CITY'S ZONING
OFFICIAL THAT RISE PREP MAYORAL ACADEMY'S USE OF
30 CUMBERLAND STREET AS A CHARTER SCHOOL
IS A PERMITTED USE**

- WHEREAS,** The property located at 30 Cumberland Street, Woonsocket, RI is located in a Major Commercial, C2 zoning district; and
- WHEREAS,** Section 4.5(6) of the City of Woonsocket's zoning ordinance provides that "*Nonprofit educational institutions serving young children including nursery schools, pre-schools, kindergartens, elementary schools and middle schools*" is a use that is explicitly **Not Permitted** within a C2 zone – see attached Exhibit 1 for the pertinent section of the Zoning Ordinance; and
- WHEREAS,** in contravention to the explicit, unambiguous and plain language of the city's zoning ordinance that prohibits "*nonprofit educational institutions*" at this location, the city's Zoning Official issued a letter dated 29 January 2018 to RISE Prep Mayoral Academy ("RISE") wherein the Zoning Official determined that the use of 30 Cumberland Street by RISE as a charter school was a permitted use – see Exhibit 2 for a copy of the Zoning Official's letter dated 29 January 2018; and
- WHEREAS,** RISE is a nonprofit educational institution serving young children in kindergarten and elementary school and is owned, operated and managed by an entity that is separate and apart from the municipality of Woonsocket and is in no way an affiliate of the municipality of Woonsocket; and
- WHEREAS,** the municipality of Woonsocket is afforded no care, control, oversight or direction of RISE; and
- WHEREAS,** the City Council is sworn to uphold the city's ordinances; and
- WHEREAS,** the City Council believes it is in the best interest of the City to ensure that the city's zoning ordinance is properly applied, enforced and adhered to.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF WOONSOCKET, RHODE ISLAND, AS FOLLOWS:**

SECTION 1. That effective upon passage of this resolution, the City Council is authorized and instructed to take any and all actions necessary to appeal to the Zoning Board of Review and or any other competent authority the Zoning Official's determination that RISE's use of 30 Cumberland Street as a charter school is a permitted use.

SECTION 2. That the Council President and / or Council Vice-President, acting together or individually, shall take all actions they deem necessary to fulfill and execute the actions noted in Section 1, provided that they shall, at the Council's regularly scheduled meetings, provide a summary of actions taken in connection with this provision, and provided further that the commitment or expenditure of funds in connection with these activities, other than the fees payable to the City in connection with an appeal to the Zoning Board of Review, shall require prior approval from the council as a whole by a simple majority.

SECTION 3. This Resolution shall take effect immediately upon passage by the City Council.

Daniel M. Gendron

Jon D. Brien

James Cournoyer

Denise Sierra

**CITY OF WOONSOCKET, RHODE ISLAND
DIVISION OF ZONING**



January 29, 2018

Stephen A. Izzì
Moses Ryan Ltd.
160 Westminster Street, Suite 400
Providence, R.I. 02903-2102

**RE: ZONING CERTIFICATE FOR 30 CUMBERLAND ST WOONSOCKET R.I. PLAT 36
LOT 38 ZONED MU-1**

Dear Atty. Izzì,

Per your request I reviewed the above mentioned property and determined that 30 Cumberland St. is located in a C-2 Zoning District. According to the Woonsocket Zoning Ordinance the definition of a C-2 Zoning District is:

2.1-2.2 C-2. Major Commercial District, primarily for the conduct of major retail trade and services to the general public. A minimum of six thousand (6,000) square feet is required per lot.

The property at the above named lot contains 54,450 square feet. You are proposing to use the building at this property as a public / charter school. Rhode Island General Law 16-77-3.1(b) provides that "Notwithstanding the provisions of this section or any law to the contrary, a charter school shall be deemed to be a public school acting under state law..." A public school is considered a municipal use. According to Section 4.5.1 of the Woonsocket Zoning Ordinance states that a municipal use is allowed by right.

Section 5.1-3.3 of the Woonsocket Zoning Ordinance requires two (2) parking spaces per 1,000 square feet of gross floor area. The Tax Assessor's card states that the building on the lot has 33,908 of living space. That building requires 68 parking spaces. I have reviewed the overhead view as provided by "MainStreetGIS, LLC". It appears that there are 70 parking spaces available on the lot.

If you have any questions, feel free to call me at 401-762-6400 ext. 2966.

Sincerely,

Carl J. Johnson
Zoning Official and ADA Compliance Officer
City of Woonsocket, R.I.
401-762-6400 ext. 2966
cijohnson@woonsocketri.org

Woonsocket City Hall, 169 Main Street, Woonsocket, RI 02895 (401) 767-9245

Exhibit 1

4.5. Public and Semi-public Uses

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
1. Municipal uses	P	P	P	P	P	P	P	P	P	P	P**	P**
2. State uses	S	S	S	S	S	S	S	S	S	S	S**	S**
3. Federal uses	P	P	P	P	P	P*	P	P	P	P	P**	P**
4. Place of worship	NP	S	S	S	S	S	NP	NP	NP	NP	NP	NP
5. Charitable, fraternal or service organization	NP	S	S	S	S	P	P	P	NP	NP	NP	NP
6. Nonprofit educational institutions serving young children including nursery schools, pre-schools, kindergartens, elementary schools and middle schools	NP	S	S	S	S	NP	NP	NP	S	NP	NP	NP