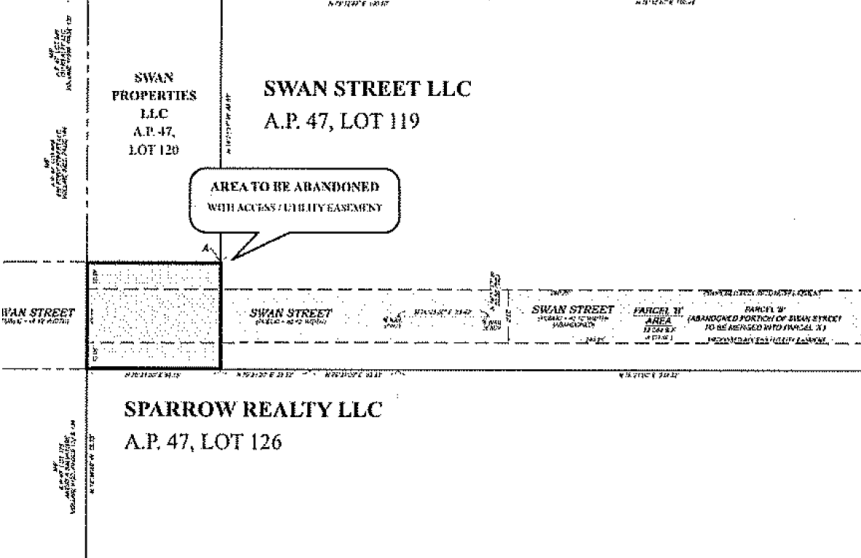


Providence City Plan Commission March 21, 2023



AGENDA ITEM 1 ■ ABANDONMENT OF SWAN STREET



Proposed abandonment area



Aerial view of the site

OVERVIEW

PETITIONERS:	Sparrow Realty and Swan Street Realty LLC	PROJECT DESCRIPTION:	Abandonment of a portion of Swan Street
CASE NO./PROJECT TYPE:	REFERRAL 3539 Right-of-way abandonment		
PROJECT LOCATION:	Swan Street abutting AP 47 lots 120 and 844	RECOMMENDATION:	Recommendation of approval subject to the noted findings of fact
NEIGHBORHOOD:	Lower South Providence	PROJECT PLANNER:	Choyon Manjrekar

OVERVIEW

The petitioner is requesting that the City abandon that portion of Swan Street located between AP 47 lot 120 to the north and lot 844 to the south. Both lots are owned by the petitioner with lot 120 having been recently acquired.

FINDINGS OF FACT

The *City Plan Commission Handbook* Policy No. 1: “Criteria and Guidelines for Approval of Street, Highway and Rights-of-way Abandonment,” states that six standards should be met before the Commission recommends approval of an abandonment request. Below are the standards, including staff comments for each:

1. *A public interest has to be clearly demonstrated. A public interest is defined as one or more of the following: public health and safety, adequate provision of transportation, general improvement of traffic patterns and/or circulation, convenient access to properties, avoidance of a nuisance, significant economic development, preservation of a historical or cultural feature, and improvement of the general welfare of the community.*

The portion of Swan Street proposed for abandonment is vacant and abuts lots that are owned by, and only useful for accessing property owned by the petitioner. The DPD would not object to the abandonment as it would not have an adverse impact on the public interest.

2. *No negative impact is evident on existing land uses, future plans, zoning, safety, health or welfare of the community by the proposed abandonment.*

It is not apparent that the abandonment will negatively affect future plans for development or existing land use as the abandonment area is vacant and abuts land owned by the applicant. In fact, the abandonment area will provide access to development approved as part of a land development project. No negative impact to the health and welfare of the surrounding community is expected as this portion of the street is not essential to provide access to other parts of the City.

3. *All abutting landowners agree to the proposed abandonment.*

The petitioners own the lots abutting the abandonment area.

4. *No physical or legal access will be denied to any land or property in surrounding areas by the proposed abandonment.*

No physical or legal access will be denied as the petitioners own all land surrounding the abandonment area.

5. *No existing or future public services or facilities need to be protected, provided, or maintained within the right-of-way. An easement retention may be necessary to provide access to, maintain, or provide existing or future service or utility needs.*

It is unknown whether public services or facilities need to be protected, provided or maintained. The petitioners would need to grant any necessary easements.

6. *The proposed or intended use of the street and/or adjacent properties must be shown on a petition or plan, and such use shall be in conformance with existing zoning and Comprehensive Plan Objectives.*

A petition and plan have been provided. The applicant is required to submit an application for an administrative subdivision to merge the abandoned portion of the street with their property prior to the Council’s action.

RECOMMENDATION

Based on the foregoing discussion, the City Plan Commission should advise the Committee on Public Works that the proposed abandonment be approved subject to the following conditions:

1. The petitioners shall apply for an administrative subdivision to merge the abandoned portion of the street with their property, prior to the Council’s action.
2. The petitioners shall grant any necessary easements for access to property, utility access and maintenance.