

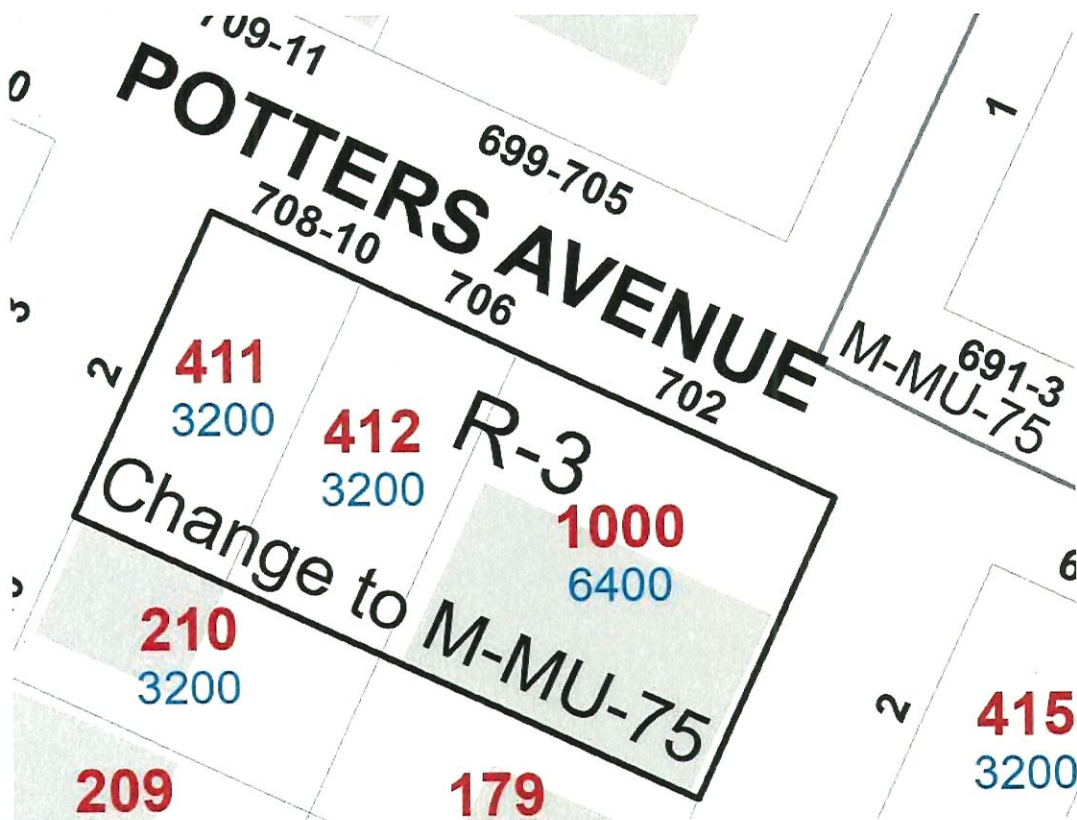
CHAPTER 2024-22

No. 225 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE," APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE THE ZONING DISTRICT ON THE OFFICIAL ZONING MAP FOR THE PROPERTY LOCATED ON ASSESSOR'S PLAT 43, LOT 1000 (702 POTTERS AVENUE), ASSESSOR'S PLAT 43, LOT 412 (706 POTTERS AVENUE), AND ASSESSOR'S PLAT 43, LOT 411 (710 POTTERS AVENUE), FROM R-3 TO M-MU-75

Approved May 24, 2024

Be it ordained by the City of Providence:

SECTION 1. Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance," Approved November 24, 2014, As Amended, is hereby further amended by changing the Zoning District on the Official Zoning Map for the Property located on Assessor's Plat 43, Lot 1000 (702 Potters Avenue), Assessor's Plat 43, Lot 412 (706 Potters Avenue), and Assessor's Plat 43, Lot 411 (710 Potters Avenue), from R-3 to M-MU-75.



SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
MAY 02 2024
FIRST READING
READ AND PASSED

Jina L. Mastrosianni
CLERK

IN CITY COUNCIL
MAY 16 2024
FINAL READING
READ AND PASSED

Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Jina L. Mastrosianni
CLERK

I HEREBY APPROVE.

Burt P. S.
Mayor

Date: *5/24/24*

City of Providence

STATE OF RHODE ISLAND

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE

The undersigned respectfully petitions your honorable body,

I, **Julissa Arce**, Attorney on behalf of applicant landowner **Boysie Fortez**, hereby petition the City Council to change the Official Zoning Map of the City of Providence by changing the zoning district designation for the property located at:

702 Potters Ave AP 043 LOT 1000

706 Potters Ave AP 043 LOT 412

710 Potters Ave AP 043 LOT 411

and shown on the accompanying map attached hereto as Exhibit A, from **R-3 to M-MU-75**.

Petitioner, by and through his attorney:

/s/ Julissa Arce

Julissa Arce (R.I. Bar No. 10771)

Conley Law Associates

123 Dyer St., Ste 2B

Providence, R.I. 02903

(401) 415-9835

Jarce@conleylawri.com

Exhibit A

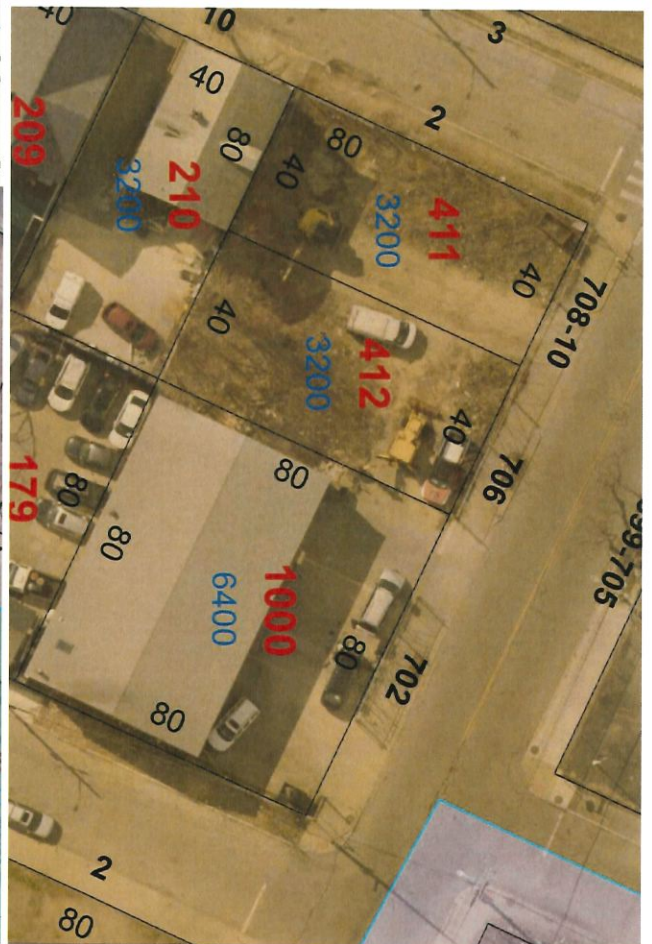
702 Potters Ave AP 043 LOT 1000

706 Potters Ave AP 043 LOT 412

710 Potters Ave AP 043 LOT 411

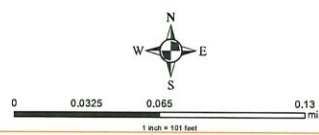
Current Zone: R-3

Proposed Zone: M-MU-75





The information depicted on this map is for planning purposes only; it is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis.
Produced by the Providence Planning and Development GIS Lab, 444 Weybosset Street, Providence, RI, 02903
Data Source: Providence Geographic Information System
Date: 12/13/2023





PROVIDENCE, RHODE ISLAND

PROVIDENCE THE CREATIVE CAPITAL
DEPARTMENT OF PLANNING AND DEVELOPMENT
OFFICE OF ECONOMIC AND DEVELOPMENT STRATEGIES AND RESEARCH



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

February 29, 2024

Councilman Pedro Espinal,
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, City Clerk

**Re: Referral 3571 – Petition to rezone 702-710 Potters Ave
(AP 43 Lots 411, 412 and 1000) from R-3 to M-MU 75**

Petitioner: Boysie Fortez

Dear Councilman Espinal,

The petitioner appeared before the City Plan Commission (CPC) on February 20, 2024, requesting to rezone 702-710 Potters Ave from R-3 to M-MU 75.

FINDINGS OF FACT

The petitioner is requesting a rezoning of the subject lots from R-3 to M-MU 75. Although zoned residential, the lots are occupied by an auto repair business to allow for its expansion, for which plans have been submitted. In addition to residential development, there are a mix of uses on this portion of Potters Ave including a fraternal organization, a utility site and multifamily housing, which can be observed to the east of the subject lots. The M-MU 75 zone is located directly to the north of the site. Given the mix of uses, the commercial nature of the site and proximity of the M-MU 75 zone, the CPC found that it would be appropriate to rezone the subject lots as it would allow for the development and expansion of the subject use.

Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is intended to be one where medium density residential uses are located adjacent to business/mixed use development. As discussed, the neighborhood's character is composed of a mix of uses. The rezoning would be appropriate as the massing and design of the subject building is characteristic of commercial development and the change would allow for a use that has existed for a number of years, and is consistent with the neighborhood's character. Therefore, the CPC found that the rezoning would be consistent with the intent of the

DEPARTMENT OF PLANNING & DEVELOPMENT

JOSEPH A. DOORLEY JR. MUNICIPAL BUILDING, 444 WESTMINSTER ST, PROVIDENCE RI 02903
PHONE 401.680.8400 | WWW.PROVIDENCERI.GOV/PLANNING

comprehensive plan.

The petitioner presented plans showing that plantings will be made in the rear to buffer the use from adjoining property. The CPC required that the petitioner ensure that the development is screened from neighboring property, and transmittance of light, noise and vibration is kept to a minimum. The CPC found that rezoning the lots would be appropriate subject to the measures being sufficient to properly screen and buffer the use from neighboring properties, particularly those to the rear. This would make the change consistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

RECOMMENDATION

On a motion by Commissioner Verdi, seconded by Commissioner Lipschitz, the CPC voted to make a positive recommendation to the City Council to rezone the lot to M-MU 75 subject to the following condition:

The petitioner shall demonstrate sufficient measures to screen the use from neighboring property to reduce transmittance of light, noise and vibration from the site.

The CPC voted as follows:

Aye: N. Verdi, C. Lipschitz, D. Caldwell, M. Gazdacko

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Manjrekar', written over the printed name.

Choyon Manjrekar
Administrative Officer

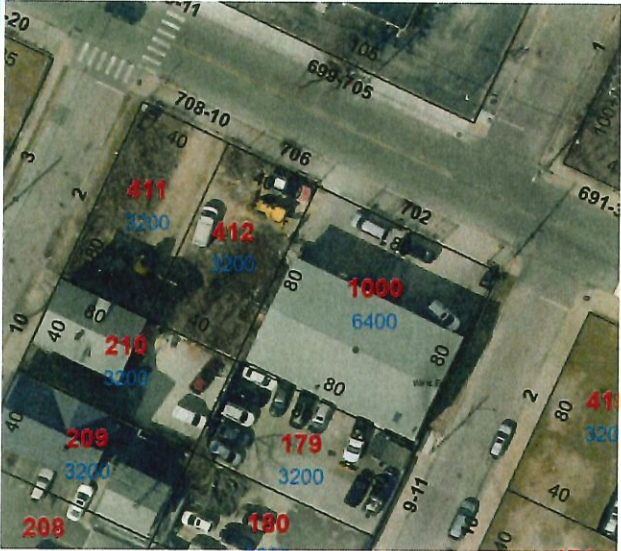
Providence
City Plan Commission
February 20, 2024



AGENDA ITEM 4 ■ 702-710 POTTERS AVE



View of the building from Potters Ave



Aerial view of lots to be rezoned

OVERVIEW

OWNER/ APPLICANT:	Boysie Fortez	PROJECT DESCRIPTION:	The petitioner is requesting to rezone the subject lot from R-3 to M-MU 75
CASE NO./ PROJECT TYPE:	CPC Referral 3571 Rezoning from R-3 to M-MU		
PROJECT LOCATION:	702, 706 and 710 Potters Ave R-3 zoning district AP 43 Lots 1000, 411 and 412	RECOMMENDATION:	Advise City Council to approve the proposed zoning change
NEIGHBORHOOD:	West End	PROJECT PLANNER:	Choyon Manjrekar

Discussion

The petitioner is requesting a rezoning of the subject lots from R-3 to M-MU 75. Although zoned residential, the lots are occupied by an auto repair business that the petitioner is proposing to rezone to allow for its expansion, for which plans have been submitted. In addition to residential development, there are a mix of uses on this portion of Potters Ave including a fraternal organization, a utility site and multifamily housing, which can be observed to the east of the subject lots. The M-MU 75 zone is directly to the north of the site. Given the mix of uses, the commercial nature of the site and proximity of the M-MU 75 zone, it would be appropriate to rezone the subject lots as it would allow for the development and expansion of the subject use.

Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is intended to be one where medium density residential uses are located adjacent to business/mixed use development. As discussed, the neighborhood’s character is composed of a mix of uses. The rezoning would be appropriate as the massing and design of the subject building is characteristic of commercial development and the change would allow for a use that has existed for a number of years, and is consistent with the neighborhood’s character. Therefore, the rezoning would be consistent with the intent of the comprehensive plan.

It is the DPD’s opinion that rezoning the lots would be appropriate subject to the applicant taking measures to ensure that the operation is properly screened and buffered from neighboring properties, particularly those to the rear. The petitioner shall ensure that the development is screened from neighboring property, and transmittance of light, noise and vibration is kept to a minimum. This would make the change consistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

Recommendation

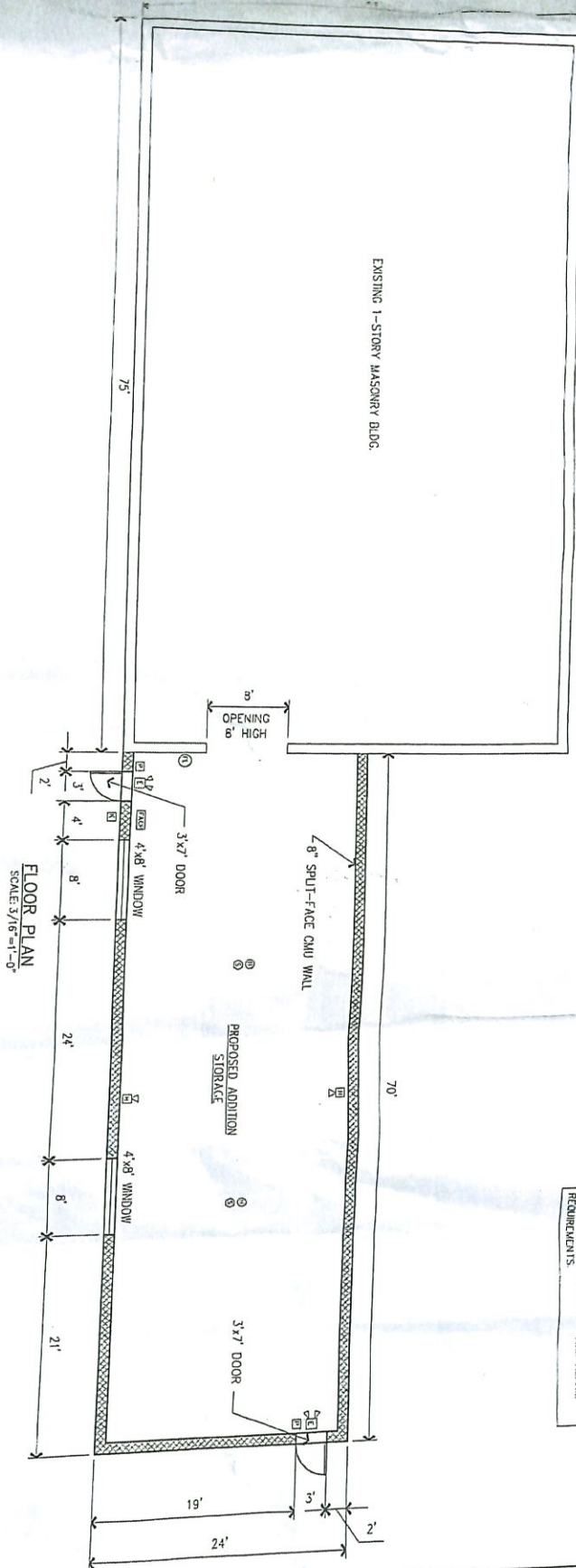
Based on the foregoing discussion, the DPD recommends that the CPC recommend approval of the proposed zone change to the City Council subject to the following condition:

The petitioner shall demonstrate how the property will be buffered from neighboring property.



PREPARED FOR BOYSIE FORTZ 79 BENEDICT STREET PROVIDENCE, RI	SHEET DESCRIPTION PROPOSED ADDITION 702 POTTERS AVENUE PROVIDENCE, RI	MOHAMED H. HUSSEIN P.E. CONSULTING ENGINEER LICENSED PROFESSIONAL ENGINEER IN ME CT & MA 115 BARNETT AVENUE NORTH PROVIDENCE, RI 02864 PHONE FAX (401) 253-1388 EMAIL mhhussein@att.net	 AUG 17 2003
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1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND THE CITY OF PROVIDENCE, RHODE ISLAND.
2. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. CONSTRUCTION TO EXISTING STRUCTURES SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND THE CITY OF PROVIDENCE, RHODE ISLAND.
4. CONSTRUCTION TO NEW STRUCTURES SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND THE CITY OF PROVIDENCE, RHODE ISLAND.
5. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND THE CITY OF PROVIDENCE, RHODE ISLAND.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND THE CITY OF PROVIDENCE, RHODE ISLAND.
10. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND THE CITY OF PROVIDENCE, RHODE ISLAND.



FLOOR PLAN
SCALE: 3/16"=1'-0"

FIRE ALARM LEGEND	
1	1 - 1st FLOOR
2	2 - 2nd FLOOR
3	3 - 3rd FLOOR
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PROVIDE A FIRE ALARM SYSTEM TO COMPLY WITH THE R.I. FIRE SAFETY CODE & THE REQUIREMENTS OF THE BUILDING DEPARTMENT OF FIRE ALARM REQUIREMENTS.

PREPARED FOR
BOYSIE FORTEZ
73 BENEDICT STREET
PROVIDENCE, RI

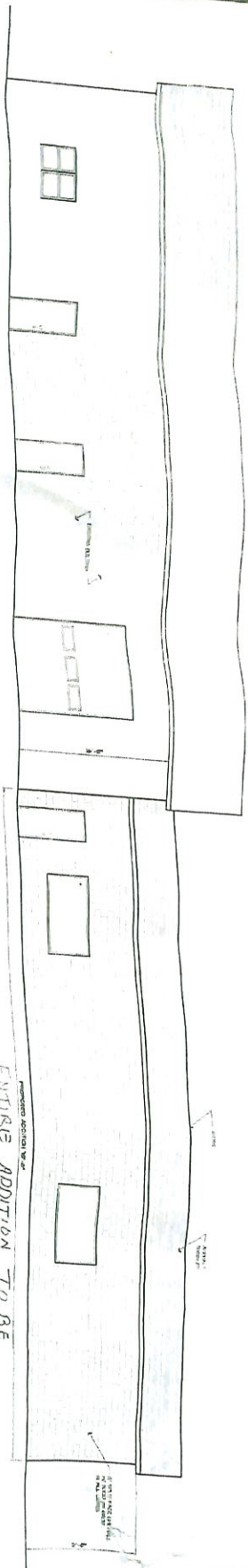
SHEET DESCRIPTION
PROPOSED
FIRE ALARM
702 POTTERS AVENUE
PROVIDENCE, RI

MOHAMED H. MUSSEIN P.E.
CONSULTING ENGINEER
LICENSED PROFESSIONAL ENGINEER
RI, MA, CT, & NH
110 BARRETT AVENUE
NORTH PROVIDENCE, RI 02904
PHONE/FAX (401) 353-5885
EMAIL: mohamed1939@aol.net



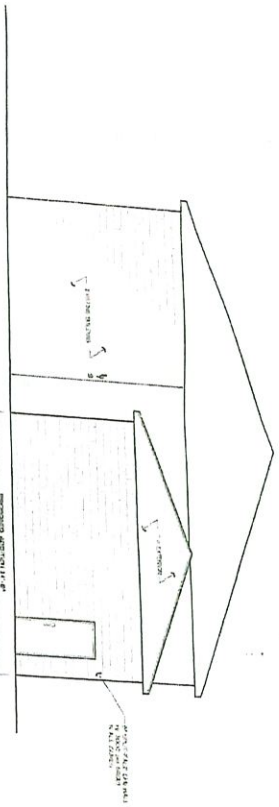
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FRONT ELEVATION
SCALE 3/8" = 1'-0"

ENTIRE ADDITION TO BE
MOVED FORWARD.
SEE REVISED SITE PLAN



RIGHT ELEVATION
SCALE 3/8" = 1'-0"

2 OF 2	DATE: JAN 2007	PREPARED FOR:	SHEET DESCRIPTION:	MOHAMED H. HUSSEIN P.E. CONSULTING ENGINEER LICENSED PROFESSIONAL ENGINEER IN MA 019 0000000000 110 DARGENT AVENUE NORTH PROVIDENCE, RI 02864 PHONE: (401) 253-1000 EMAIL: moh@hhs-engineers.com	
	DRAWN BY: BOYSIE FORTEZ	73 BENEDICT STREET PROVIDENCE, RI			