

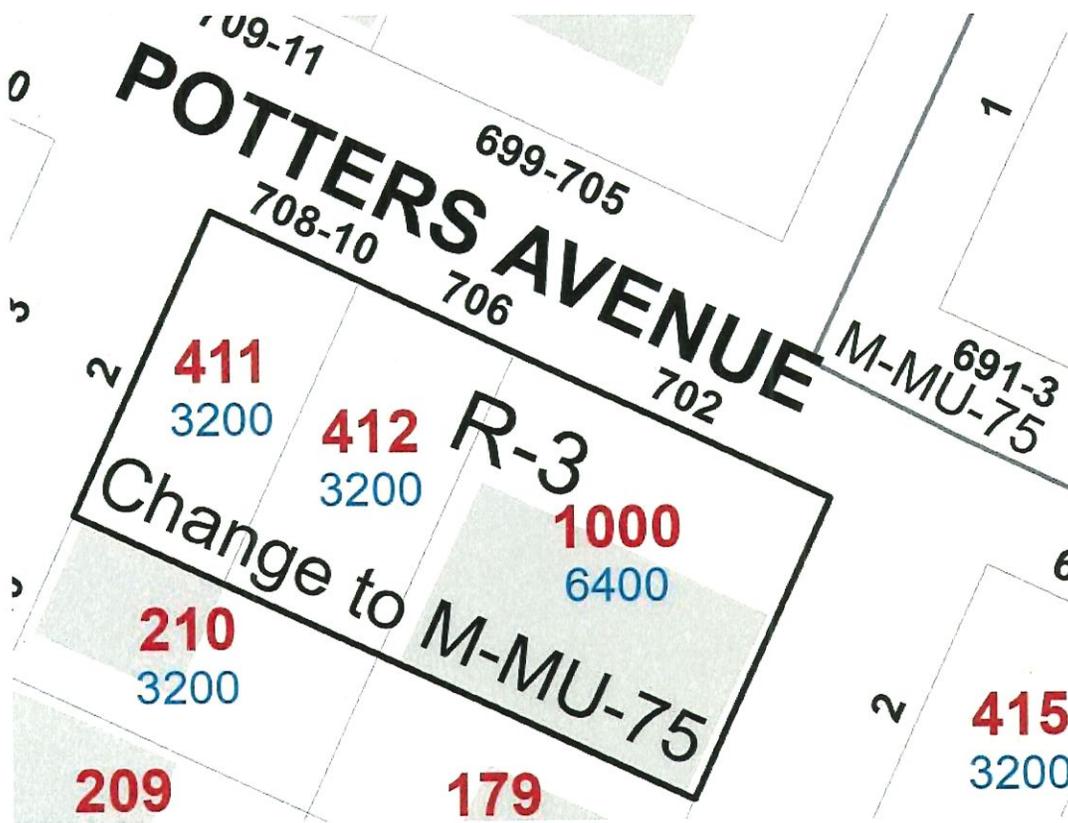
CHAPTER 2024-22

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.

Butterfield
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

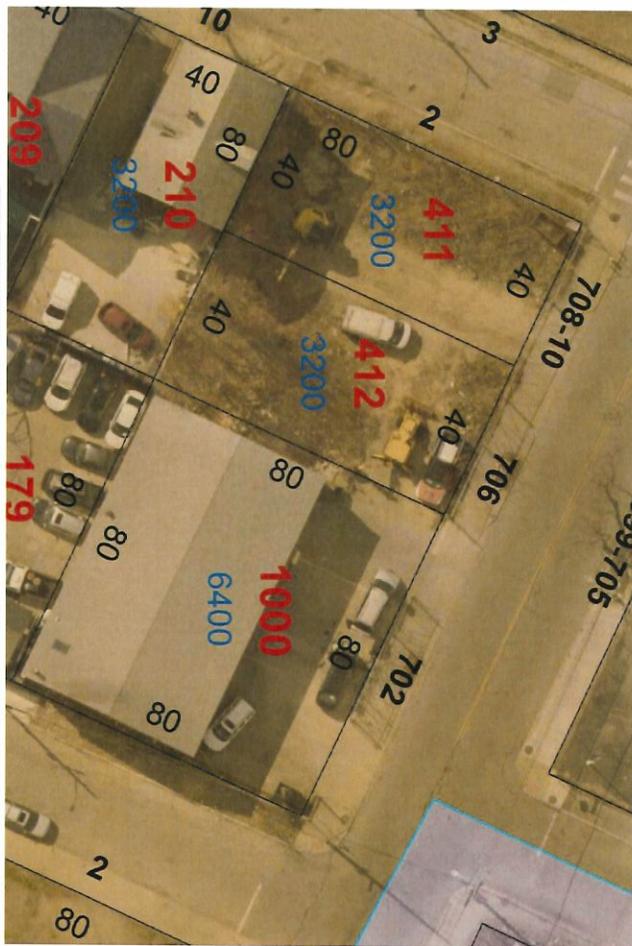
Providence, R.I. 02903

(401) 415-9835

Jarce@conleylawri.com

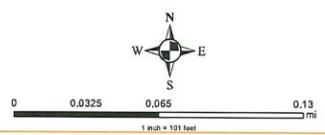
Exhibit A

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 intended for legal boundary definition, regulatory interpretation, or parcel-level analysis.
 Produced by the Providence Planning and Development GIS Lab, 444 Wuzhacker 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 DIRECTOR



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,



Choyon Manjrekar
Administrative Officer

Providence City Plan Commission

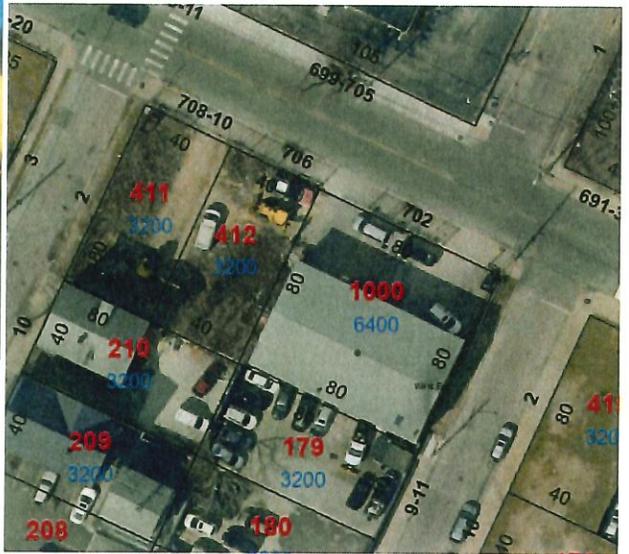
February 20, 2024



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.

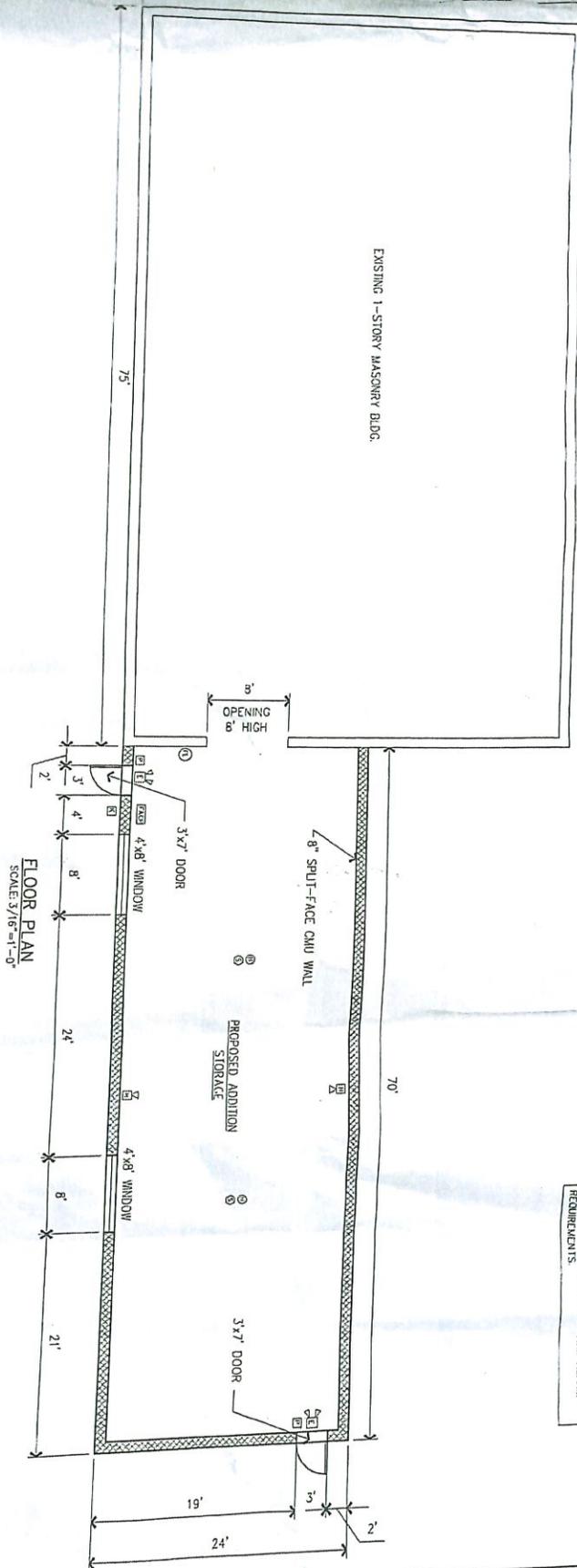
It is the DPD’s opinion that rezoning the lots would be appropriate subject to the applicant taking measures to ensure that the operation is properly screened and buffered from neighboring properties, particularly those to the rear. The petitioner shall ensure that the development is screened from neighboring 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.

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT AND THE STATE OF RHODE ISLAND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND THE STATE OF RHODE ISLAND.
2. ALL MEASUREMENTS, PLUMBING AND ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL BUILDING DEPARTMENT AND THE STATE OF RHODE ISLAND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND THE STATE OF RHODE ISLAND.
3. CONSTRUCTION TO VERIFY DIMENSIONS FROM TO
4. CONTRACTOR SHALL NOTIFY IMMEDIATELY OF ANY DISCREPANCIES OR CHANGES TO THE CONTRACT DOCUMENTS TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND THE STATE OF RHODE ISLAND.
5. CONTRACTOR SHALL NOTIFY IMMEDIATELY OF ANY DISCREPANCIES OR CHANGES TO THE CONTRACT DOCUMENTS TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND THE STATE OF RHODE ISLAND.
6. ANY DISCREPANCIES FROM THE CONTRACT DOCUMENTS SHALL BE REPORTED TO THE OWNER AND ARCHITECT IMMEDIATELY UPON DISCOVERY.
7. NOTER: VERIFY ALL DIMENSIONS FROM THE EXISTING 1-STORY MASONRY BLDG.



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

PROVIDE A FIRE ALARM SYSTEM TO COMPLY WITH THE R.I. FIRE SAFETY CODE & THE REQUIREMENTS OF THE LOCAL BUILDING DEPARTMENT OF FIRE ALARM REQUIREMENTS.

FIRE ALARM LEGEND	
①	Fire Alarm Control Panel
②	Fire Alarm Sounding Point
③	Heat Detector (Glass Element)
④	Heat Detector (Ionic Element)
⑤	Smoke Detector
⑥	Hand / Silent Unit
⑦	Strobe Only Unit
⑧	Master Box
⑨	Intelligence Lighting
⑩	Exit Sign / Audible/Visual Signaling
⑪	Exit Sign
⑫	1.5 hr. Int. J.C. Enclosure

PREPARED FOR
BOYSIE FORTEZ
73 BENEDICT STREET
PROVIDENCE, RI

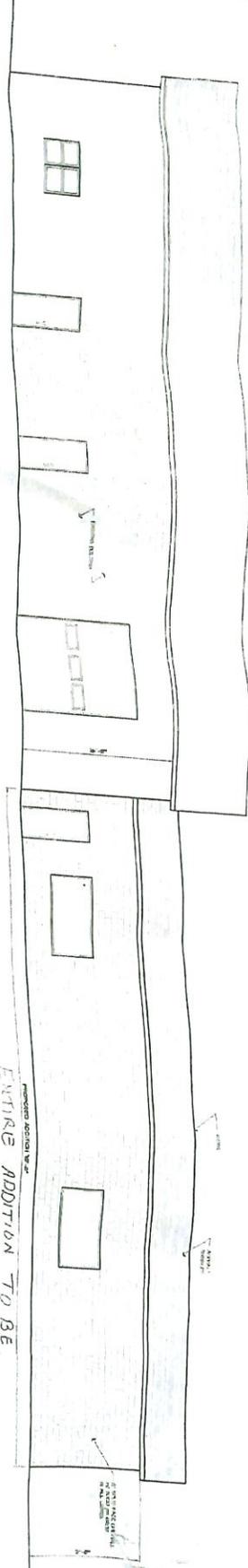
SHEET DESCRIPTION
**PROPOSED
FIRE ALARM**
702 POTTERS AVENUE
PROVIDENCE, RI

MOHAMED H. HUSSEIN 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



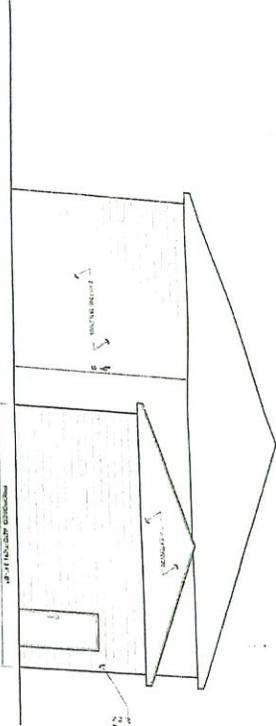
JUN 14 2007

REVISIONS	
NO.	DATE



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

ENTIRE ADDITION TO BE
MOVED FORWARD.
SEE REVISED SITE PLAN



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

<p>2 OF 2</p>	<p>DATE: MAY 13 2011 DRAWN BY: [unclear] CHECKED BY: [unclear] SHEET NO.</p>	<p>PREPARED FOR: BOYSIE FORTEZ 73 BENEDICT STREET PROVIDENCE, RI</p>	<p>SHEET DESCRIPTION: PROPOSED ADDITION 702 POTTERS AVENUE PROVIDENCE, RI</p>	<p>MOHAMED H. HUSSEIN P.E. CONSULTING ENGINEER LICENSED PROFESSIONAL ENGINEER IN VA 07 8 14 110 BARRETT AVENUE NORTH PROVIDENCE, RI 02864 PHONE: (401) 253-1604 EMAIL: moh@hhs-engineering.com</p>	
	<p>MAY 13 2011</p>				