

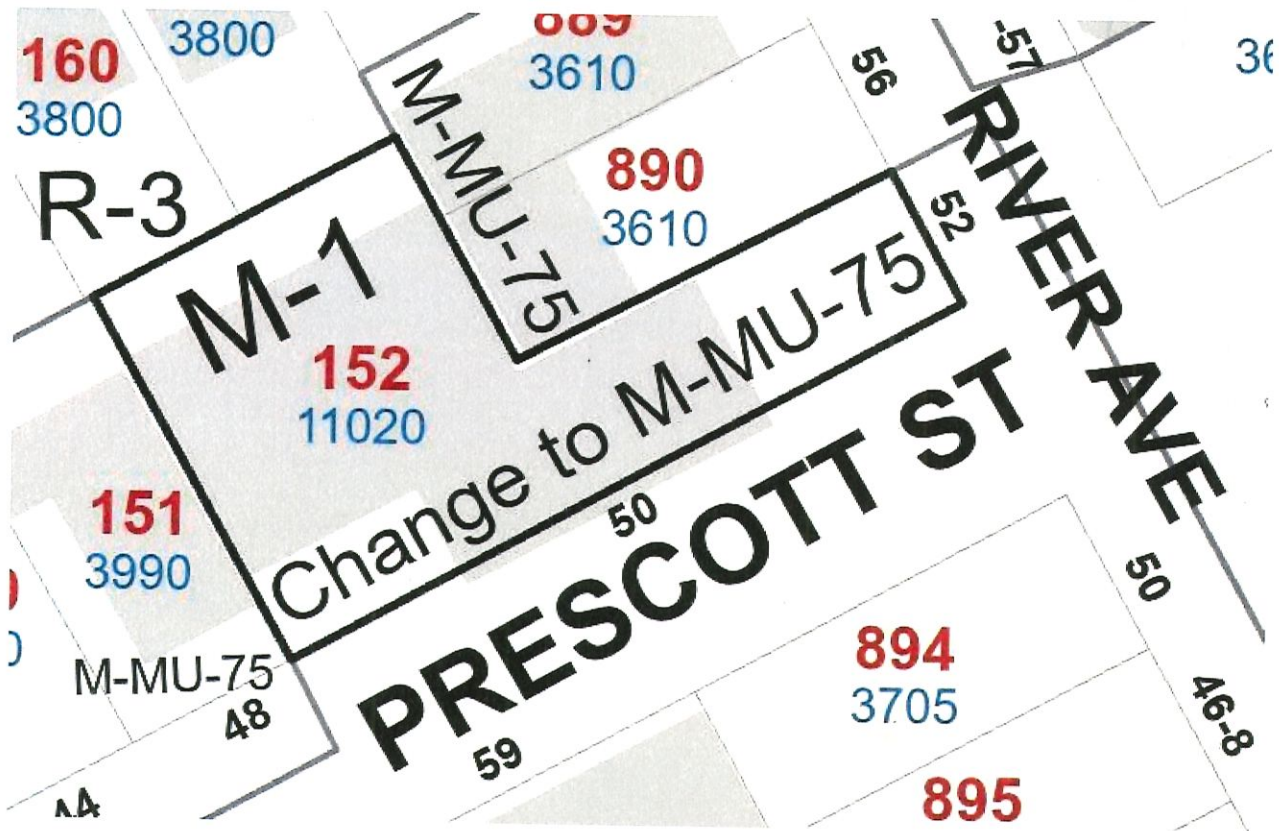
CHAPTER 2024-42

No. 347 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 65, LOT 152 (52 RIVER AVENUE), FROM M-1 TO M-MU-75

Approved July 23, 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 65, Lot 152 (52 River Avenue), from M-1 to M-MU-75.



SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
JUL 11 2024

FIRST READING
READ AND PASSED

Ima L. Mastrosanni
CLERK

IN CITY COUNCIL
JUL 18 2024
FINAL READING
READ AND PASSED

Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Ima L. Mastrosanni
CLERK

I HEREBY APPROVE.

Butt P. Smith
Mayor

Date: *7/23/24*



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

May 23, 2024

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

Attn: Tina Mastroianni, City Clerk

Re: Referral 3580 – Petition to rezone 52 River Ave (AP 65 Lot 152) from M-1 to M-MU 75
Petitioner: Tom Cologna

Dear Councilman Espinal,

The petitioner appeared before the City Plan Commission (CPC) on May 21, 2024, requesting a rezoning of 52 River Ave from M-1 to M-MU 75.

FINDINGS OF FACT

The petitioner requested a rezoning of the subject lot from M-1 to M-MU 75. The lot was previously zoned M-MU 75 prior to being zoned M-1. The subject property is a commercial building that the petitioner is proposing to use as a boxing gym with other commercial uses. The gym is considered to be a use conducted in an arts studio, which is not permitted in the M-1 zone. The lot is located on a corner at the intersection of River Ave and Prescott Street. The lots to the north of Prescott Street are zoned M-MU 75, while the lots to the south are zoned M-1. The subject lot is the only lot zoned M-1 on the northern portion of Prescott Street. A mix of uses can be observed in the vicinity including warehouses, and commercial buildings. 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 lot as it would allow for the proposed use, which would conform to the observed land use pattern.

Per the Future Land Use Map of Providence Tomorrow, this area is intended for business/mixed use development. As discussed, the neighborhood's character is composed of a mix of uses and the proposed use would be compatible with this character. The CPC found that the rezoning would be appropriate as no changes are proposed to the building and the gym would be less intense than a commercial use. Therefore, the rezoning would be consistent with the intent of the comprehensive plan and the purposes of zoning in Section 101 of the Zoning Ordinance.

DEPARTMENT OF PLANNING & DEVELOPMENT

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

Rezoning from M-1 to M-MU 75
Referral 3580
5/23/24

RECOMMENDATION

On a motion by Commissioner Lipschitz, seconded by Commissioner Sanchez, the CPC voted to make a positive recommendation to the City Council to rezone the lot to M-MU 75.

The CPC voted as follows:

Aye: C. Lipschitz, N. Sanchez, D. Caldwell, W. Sherry, M. Gazdacko

Sincerely,



Choyon Manjrekar
Administrative Officer

CITY OF PROVIDENCE

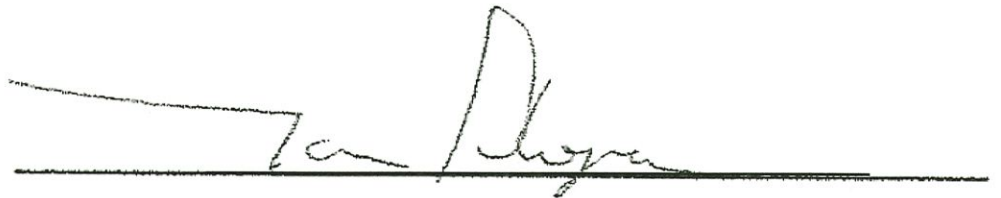
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF
PROVIDENCE:

The undersigned respectfully petitions
your honorable body

I, Tom Cologna, 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 52 River Avenue, Providence RI 02908, Plat/Lot: 65/152, and shown on the accompanying map, from M-1 to M-MU.

A handwritten signature in black ink, appearing to read "Tom Cologna", is written over a horizontal line.

Tom Cologna

QUITCLAIM DEED

JAC-MAR REALTY, INC., a Rhode Island corporation, whose principal place of business is located at 52 River Avenue, Providence, RI 02908 (hereinafter referred to as "Grantor"), for consideration paid of THREE HUNDRED TWENTY THOUSAND AND 00/100 DOLLAR (\$320,000.00), the receipt and sufficiency of which is hereby acknowledged, does hereby grant to THOMAS A. COLOGNA, individually, whose address is C/O Sheridan Law Group, 2260 East Bidwell, #1302, Folsom, CA 95630 (hereinafter referred to as "Grantee"), with QUITCLAIM COVENANTS:

Those certain lots or parcels of land with all buildings and improvements thereon, situated on the southwesterly side of River Avenue and the northwesterly side of Prescott Street in the City and County of Providence, State of Rhode Island and further designated as Lot Nos. 280 (two hundred eighty) 281 (two hundred eighty-one) and 282 (two hundred eighty-two) on that certain plat entitled "BELLE VUE PLAT BY CUSHING & FARNUM 1854", which plat is recorded in the City of Providence Land Evidence Records on Plat Card 306.

Excepting therefrom that portion of said Lot No. 282 (two hundred eighty-two) which was conveyed by Hugo E.A. Iannucci et al to Aram J. Tessier et al dated October 7, 1949, and recorded in said City of Providence Land Evidence Records in Deed Book 957 at Page 251.

Said premises are conveyed subject to and together with easements, rights and conditions more particularly set forth in said deed and agreement by and between Hugo E.A. Iannucci et al and Aram J. Tessier et al, dated October 7, 1949, and recorded in said City of Providence Land Evidence Records in Deed Book 957 at Page 251.

Being the same premises conveyed to the Grantor herein by deed of Clarence C. Chapman, Jr. dated January 16, 1990 and recoded in Book 2172 at Page 41 of the City of Providence Land Evidence Records.

PROPERTY ADDRESS: 52 RIVER AVENUE, PROVIDENCE, RI 02908
PLAT: 65 LOT: 152

TAXES 1472-
DATE 5-7-18
RECORDED
062088
RHODE ISLAND
REAL ESTATE CONVEYANCE TAX

The undersigned Jar-Mar Realty, Inc., a Rhode Island Corporation hereby state they it is a Rhode Island Corporation and that no withholding is required as it is in compliance with R.I.G.L. 44-30-71.3, and as evidenced by Affidavit.

IN WITNESS WHEREOF, Grantor has signed, acknowledged and delivered these presents
this 30th day of April, 2018.

JAC-MAR REALTY, INC.



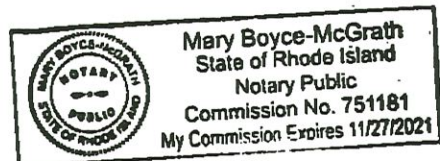
By: Brenda Baginski
Its: President and Secretary

STATE OF RHODE ISLAND }
 }ss: Providence
COUNTY OF PROVIDENCE }

In the City of Providence, in said County, on the 30th day of April, 2018, before me personally appeared the above-named Brenda Baginski, in her capacity as President and Secretary for Jac-Mar Realty, Inc., duly authorized, to me known and known by me to be the party executing the foregoing instrument and she acknowledged said instrument by her so executed to be her free act and deed and the free act and deed of said Jac-Mar Realty, Inc.



Notary Public
Print Name
My Commission Expires:



RECEIVED:

Providence
Received for Record
May 07, 2018 at 01:21P
Document Num: 00198655
John A Murphy
Recorder of Deeds



52 River Ave Circled in Red
Current Zoning: M1
Proposed New Zoning: M-MU



GENERAL NOTES

1. THE PARCEL IS FOUND ON ASSESSOR'S PLAT 65, LOT 152 IN THE CITY OF PROVIDENCE, PROVIDENCE COUNTY, RHODE ISLAND.
2. THE OWNER PER DEED BOOK 1231, PAGE 146 IS THOMAS A. COLOGNA.
3. THIS SITE IS LOCATED IN FEMA FLOOD ZONE X. REFERENCE FEMA FLOOD INSURANCE RATE MAP 440003002A, MAP REVISED OCTOBER 2, 2015. THIS DESIGNATION MAY CHANGE BASED UPON REVIEW BY A FLOOD ZONE SPECIALIST OR BY THE RESULTS OF A CORRESPONDING FLOOD STUDY.
4. THERE WERE NO CEMETERIES, GRAVE SITES AND/OR BURIAL GROUNDS OBSERVED WITHIN THE LIMITS OF RHODE ISLAND HISTORICAL CEMETERIES ONLINE DATABASE.
5. FIELD SURVEY PERFORMED BY DIPRETE ENGINEERING ON FEBRUARY 22, 2024. THIS PLAN REFLECTS ON THE BOUNDARY CONDITIONS AS OF THAT DATE.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. DIPRETE ENGINEERING IS NOT PROVIDING FOR ANY UNKNOWN OR UNRECORDED EASEMENTS, DEEDS OR CLAIMS THAT A TITLE REPORT WOULD REVEAL.
7. SITE IS SUBJECT TO EASEMENTS PER DEED BOOK 951, PAGE 291.

PLAN REFERENCES

1. THE BELLE VUE PLAT BY CUSHING & FARNUM, DATED 1851, RECORDED ON PLAT CARD 306.
2. BELLE VUE PLAT NO. 2, PROPERTY OF THE WEST PROVIDENCE LAND CO., BY J.A. LATHAM, DATED APRIL, 1899, SCALE 1"=100', RECORDED ON PLAT CARD 41.

LIST OF POSSIBLE ENCROACHMENTS

- ASPHALT PARKING LOT 1.1, OVER PROPERTY LINE
- CONCRETE PAD 0.7' OVER PROPERTY LINE
- HVAC EQUIPMENT OF FACE OF BUILDING OVER PROPERTY LINE

ZONING NOTES

1. THE PARCEL IS ZONED M-1 PER THE ASSESSOR'S ONLINE DATABASE.
2. THE ZONING ORDINANCE SECTION 802 LISTS THE DIMENSIONAL REGULATIONS AS FOLLOWS:
 - MINIMUM LOT AREA: 10,000 SQ. FEET
 - MINIMUM LOT FRONT SETBACK: NONE
 - MINIMUM LOT SIDE SETBACK: NONE, UNLESS A RESIDENTIAL DISTRICT IS LOCATED ON THE OPPOSITE SIDE OF THE STREET.
 - MINIMUM INTERIOR SIDE SETBACK: NONE, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN 20 FEET
 - MINIMUM CORNER SIDE SETBACK: NONE, UNLESS A RESIDENTIAL DISTRICT IS LOCATED ON THE OPPOSITE SIDE OF THE STREET, THEN 20 FEET
 - MINIMUM REAR SETBACK: NONE, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN 20 FEET

THE ABOVE NOTES ARE BASED ON INFORMATION FROM THE CITY OF PROVIDENCE ASSESSOR'S ONLINE DATABASE AND THEIR ZONING ORDINANCE ONLY. ANY SPECIAL PERMITS OR VARIANCES SPECIFIC TO THIS PARCEL ARE THE RESPONSIBILITY OF THE OWNER. THE ZONING DEPARTMENT FOR ANY ADDITIONAL INFORMATION OR FOR A CERTIFICATE OF ZONING.

SURVEYOR'S CERTIFICATE

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 425-R.I.G.S.-00-01.9 OF THE RULES AND REGULATIONS GOVERNING THE PRACTICE OF LAND SURVEYING IN THE STATE OF RHODE ISLAND, AS FOLLOWS:

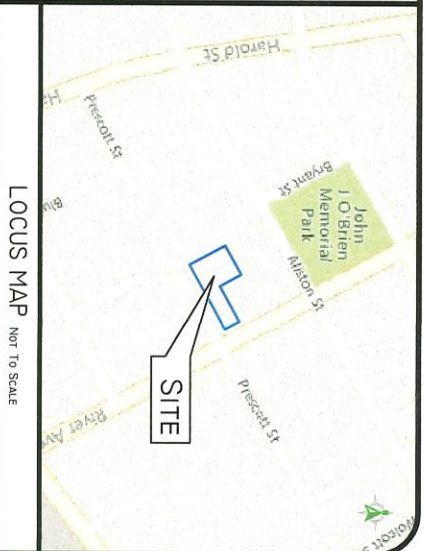
- LIMITED CONTENT BOUNDARY SURVEY
- CLASS I
- PERMETERED

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS: PERMETER RETIREMENT.

3/8/24



ROBERT G. BABCOCK, R.I.S. #2504, C.O.A. #15,000,400



LOCUS MAP NOT TO SCALE

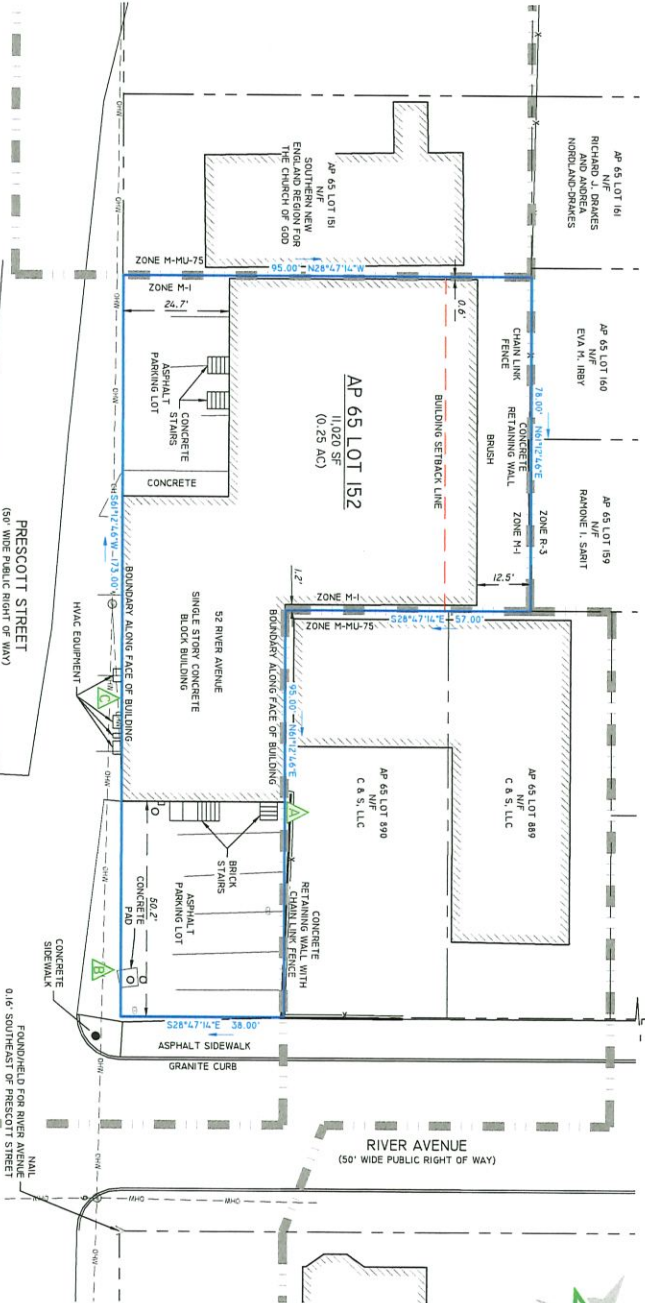
LEGEND

- PROPERTY LINE 1231/123, DEED BOOK/PAGE
- ASSESSOR'S LINE AP ASSESSOR'S PLAT
- FENCE N/F NOW OR FORMERLY
- RETAINING WALL (R) RECORD
- STONE WALL (CA) CHORD ANGLE
- NAIL/SPINE
- DRILL HOLE
- IRON ROD/PIPE
- BOUND



SCALE: 1"=20'

PARTIDGE STREET
(ADA COMPLIANT STREET)
(40' WIDE PUBLIC RIGHT OF WAY)



PRESOTT STREET
(50' WIDE PUBLIC RIGHT OF WAY)

FOUNDFIELD FOR RIVER AVENUE
0.16' SOUTHEAST OF PRESOTT STREET

RIVER AVENUE
(50' WIDE PUBLIC RIGHT OF WAY)

BOUNDARY SURVEY PLAN
52 RIVER AVENUE

ASSESSOR'S PLAT 65 LOT 152
PROVIDENCE, RHODE ISLAND

PREPARED FOR:
SUE & DAN SHEDD
85 RUMSTICK ROAD,
BARRINGTON, RHODE ISLAND

No.	DATE	DESCRIPTION	BY:
0	3/8/24	BOUNDARY SURVEY PLAN	A.J.F.



DiPrete Engineering

Two Stafford Court Cranston, RI 02920
tel 401-943-1000 fax 401-464-6006 www.diprete-eng.com

Boston • Providence • Newport