

# Providence City Plan Commission

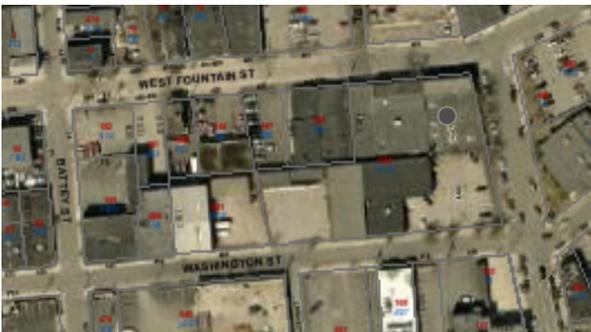
November 5, 2020



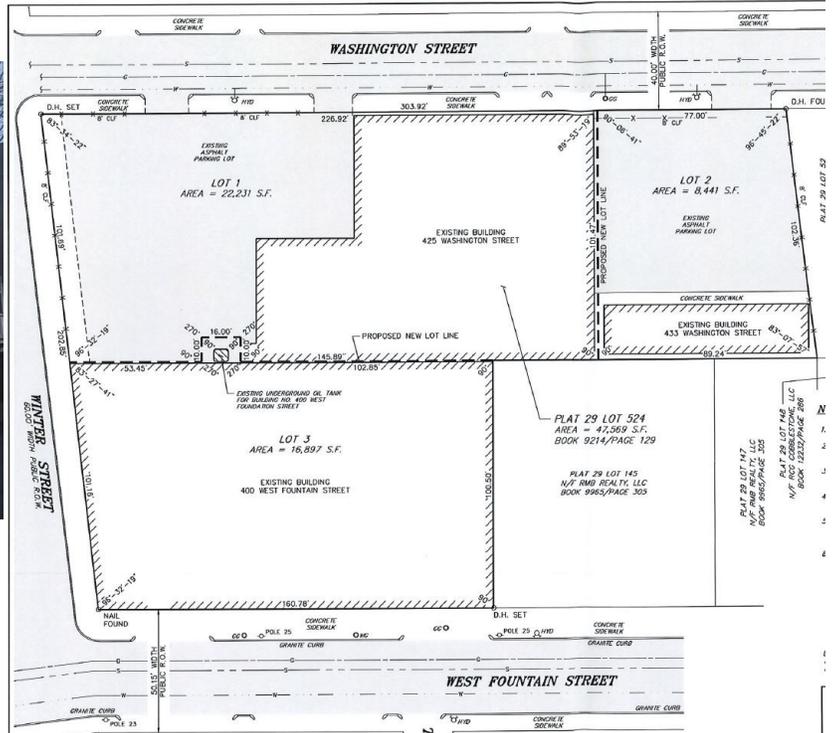
## AGENDA ITEM 2 ■ 400 WEST FOUNTAIN STREET



View of the site from W Fountain Street



Aerial view of the site



Proposed subdivision

**OWNER/APPLICANT:** Red Fox Realty LLC

**PROJECT DESCRIPTION:** Subdivision of 400 W Fountain Street (AP 29 Lot 524) into three lots of 22,231 SF, 16,897 SF and 8,441 SF. The applicant is requesting to reinstate the preliminary approval granted in 2020.

**CASE NO./PROJECT TYPE:** 19-073MI—Minor Subdivision Reinstatement

**PROJECT LOCATION:** 400 West Fountain Street  
AP 29 Lot 524; C-2 zoning district

**RECOMMENDATION:** Approval of preliminary plan

**NEIGHBORHOOD:** Federal Hill

**PROJECT PLANNER:** Choyon Manjrekar

## **PROJECT OVERVIEW**

The subject property (AP 29 Lot 524) is a single lot measuring 47,236 SF that the applicant is proposing to subdivide into three lots of 22,231 SF, 8,441 SF and 16,897 SF. The lot fronts on Washington and West Fountain Streets and is occupied by two buildings, an accessory building at 433 Washington Street, and a larger mixed use building with frontage on Washington and West Fountain Streets. Upon subdivision, portions of the larger building and the accessory building will be located on three separate lots. The CPC approved the preliminary plan in January 2020, which has since expired. The applicant is seeking to re-instate the preliminary plan approval.

### **Discussion—Reinstatement**

Section 807 requires that the CPC make the following findings to reinstate applications. Based on the analysis contained herein and subject to the conditions contained in this report, staff has prepared the following findings regarding the request for reinstatement:

*1. The subdivision or development project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this subdivision or development project.*

Based on the CPC's findings at the preliminary plan stage, the project is in conformance with the comprehensive plan which has not changed.

*2. These Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of original application, as they would apply to this subdivision or development project.*

The zoning ordinance, and any applicable state and federal regulations are the same as when preliminary plan approval was issued.

*3. The Zoning Map designation for the subdivision or development project has not changed substantially since the time of original application.*

The lot is zoned C-2 and the zoning designation has not changed since the CPC originally reviewed the plan.

*4. No substantial change to the physical conditions of the subdivision or development project or the neighboring property has occurred since the time of original application.*

No substantial changes to the physical conditions of the project or surroundings have occurred since the original application.

### **Recommendation—Reinstatement**

Based on the foregoing discussion, the DPD recommends that the CPC reinstate the plan, finding it to be in conformance with the criteria for reinstatement.

## **FINDINGS**

Section 806 of the Commission's *Development Review Regulations* requires that the City Plan Commission make the following findings as part of their approval of all minor subdivisions. Based on the analysis contained herein and subject to the conditions contained in this report, staff has prepared the following findings regarding the request for approval of the Preliminary Plan stage:

1. *Consistency—The proposed development is consistent with the Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies.*

The subject property is located in an area that the future land use map of Providence Tomorrow has designated for neighborhood commercial/mixed use development. These areas are characterized by traditional pedestrian and transit-oriented uses that serve neighborhood needs for retail, offices and housing. The subdivision will conform to this description as it would result in one building on each lot, which would allow for the type of development encouraged under this land use designation.

2. *Compliance with Zoning Ordinance—The proposed development is in compliance with the standards and provisions of the Zoning Ordinance.*

New lots in the C-2 zone are not required to maintain a minimum lot area or width. Therefore, the subdivision will be in compliance with the zoning ordinance.

3. *Environmental Impact—There will be no significant environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.*

It does not appear that the subdivision will pose a negative environmental impact as the applicant will comply with applicable environmental regulations.

4. *Buildable Lot—The subdivision or development project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.*

The larger building is a single structure used as an autobody business for the portion that fronts on 400 West Fountain Street, and a gym at 425 Washington Street. The building was reviewed by a building inspector who found that the applicant was required to conform to building codes pertaining to physical separation of the buildings in relation to the proposed lot lines. In approving the preliminary plan, the CPC required that the final plan be subject to the necessary permits being granted by the Department of Inspection and Standards (DIS). The applicant submitted a letter of completion from the DIS indicating that measures to separate the buildings at 400 and 425 Washington Street had been implemented. The subdivision is not expected to pose any constraints to development as it meets code requirements.

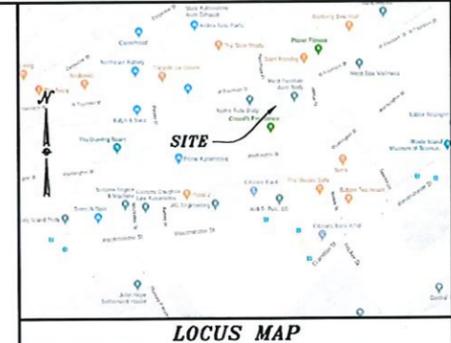
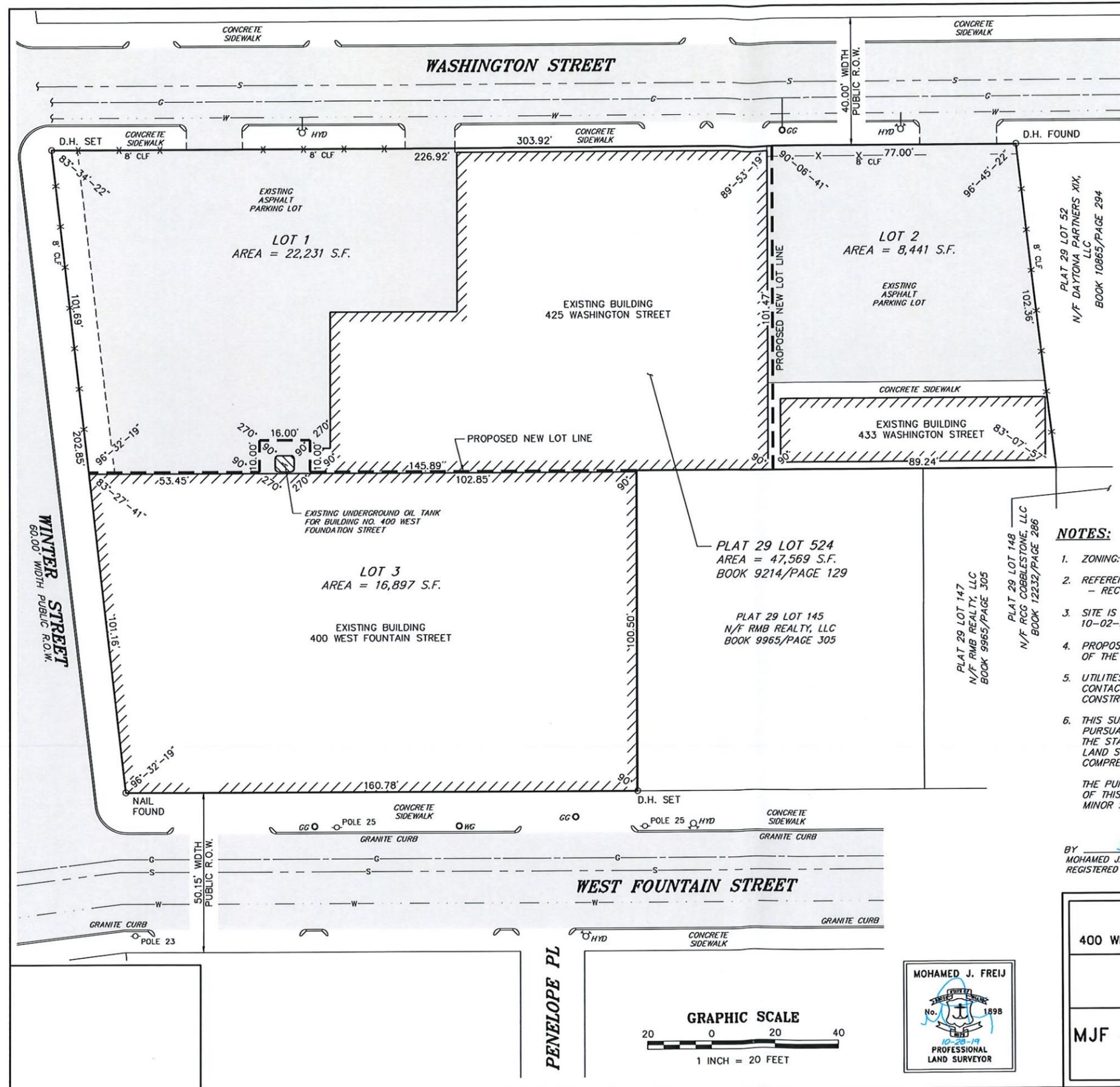
5. *Street Access—All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.*

Vehicular and pedestrian access to the newly created lots will be provided from West Fountain Street and Washington Street.

### **Recommendation**

Based on the analysis and findings contained in this report, the City Plan Commission should vote to approve the preliminary plan, finding it to be in conformance with the zoning ordinance and comprehensive plan, subject to the following conditions:

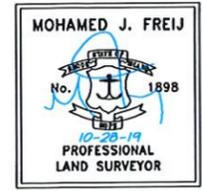
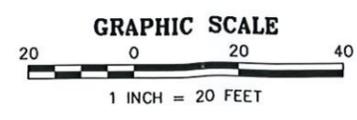
Final plan approval should be delegated to DPD staff.



**R.I.C.L. 34-13-1:**  
 THIS PLAN SHALL BE INDEXED AS  
 WEST FOUNTAIN STREET,  
 WINTER STREET AND  
 WASHINGTON STREET

- NOTES:**
1. ZONING: C2
  2. REFERENCE:  
 - RECORD PLAT CARDS NO. 25, 168 & 743.
  3. SITE IS LOCATED IN ZONE "X" PER FIRM MAP NO. 44007C0308J EFFECTIVE 10-02-2015.
  4. PROPOSING TO SUBDIVIDE PLAT 29/LOT 524 INTO 3 LOTS TO ALLOW EACH OF THE 3 EXISTING BUILDINGS TO BE LOCATED ON ONE SEPARATE LOT.
  5. UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATELY LOCATED, MUST CONTACT DIG-SAFE AT 1-888-DIG-SAFE BEFORE THE START OF CONSTRUCTION.
  6. THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE STATE OF RHODE ISLAND BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS NOVEMBER 25, 2015 AS FOLLOWS:  
 COMPREHENSIVE BOUNDARY SURVEY- CLASS I
- THE PURPOSE FOR CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THIS PLAN IS AS FOLLOWS:  
 MINOR SUBDIVISION

BY  DATE 10-28-19  
 MOHAMED J. FREIJ RLS NO. 1898 C.O.A. NO. 000A263  
 REGISTERED PROFESSIONAL LAND SURVEYOR



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|---|--|--|
| <b>MINOR SUBDIVISION</b><br>PLAT 29 LOT 524<br>400 WEST FOUNTAIN STREET PROVIDENCE, RI  |  | PROJECT NO.<br>SCALE<br>1" = 20'<br>DATE<br>OCTOBER 28, 2019 |
| OWNERS:<br><b>RED FOX REALTY, LLC</b>   |  | DRAWN BY<br>RMM<br>CHECKED BY<br>MJF                         |
| PREPARED BY<br><b>MJF ENGINEERING ASSOCIATES</b><br>326 SOWAMS ROAD BARRINGTON, R.I. 02806<br>TEL. 401-241-5153 OR 401-247-2003<br>E-MAIL LANDSURVEYR@AOL.COM |  | FILENAME<br>400 WEST FOUNTAIN ST AS-RDING                    |
|   |  | 1 of 1 SHTS  |