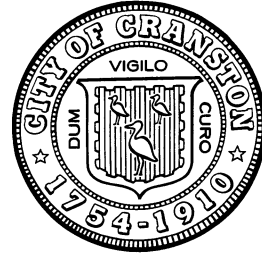


City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP, Principal Planner
Date: March 31, 2023
Re: **Ordinance #2-23-01, "Commercial Flex Space Overlay"**
0 Plainfield Pike, AP 36, Lots 8 and 37

I. Proposal

This memo contains background information, staff analysis, findings, and the recommendation for the ordinance petition noted above. It should be noted that this proposal will require a corresponding Development Plan Review application in order to review the details of the intended development scheme. This project does not require a separate decision from the Plan Commission as the square footage of the proposed commercial space does not trigger review as a Major Land Development.

Ordinance #2-23-01 is seeking a zone change from "M-2" (General industry) to "M-2 with Commercial Flex Space Overlay" at the subject property. The specifics details of the "overlay" associated with this zone change are discussed in further detail within the analysis section of this memo. It should be noted that all existing uses allowed within the M-2 District will continue to be allowed at this property. The subject property is made up of two (2) lots that are currently undeveloped except for high-tension utility lines and corresponding utility easement running through the property, as well as a small, abandoned dwelling to the rear of the subject property.

The City Plan Commission is charged with reviewing the staff findings and recommendation and providing a formal recommendation on Ordinance #2-23-01 to the City Council. The actual language and format of this ordinance is attached at the close of this memo for reference.

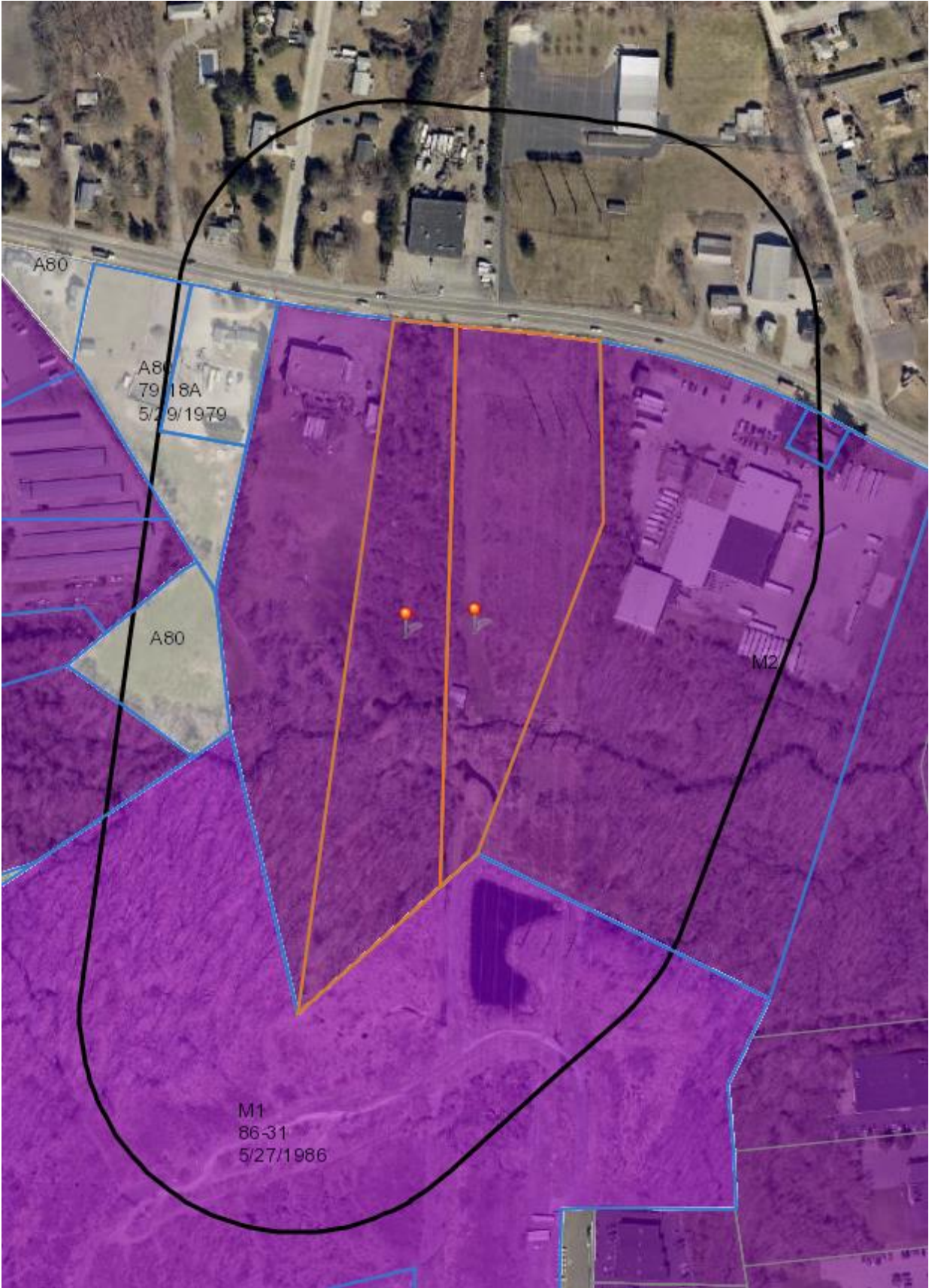
AERIAL VIEW



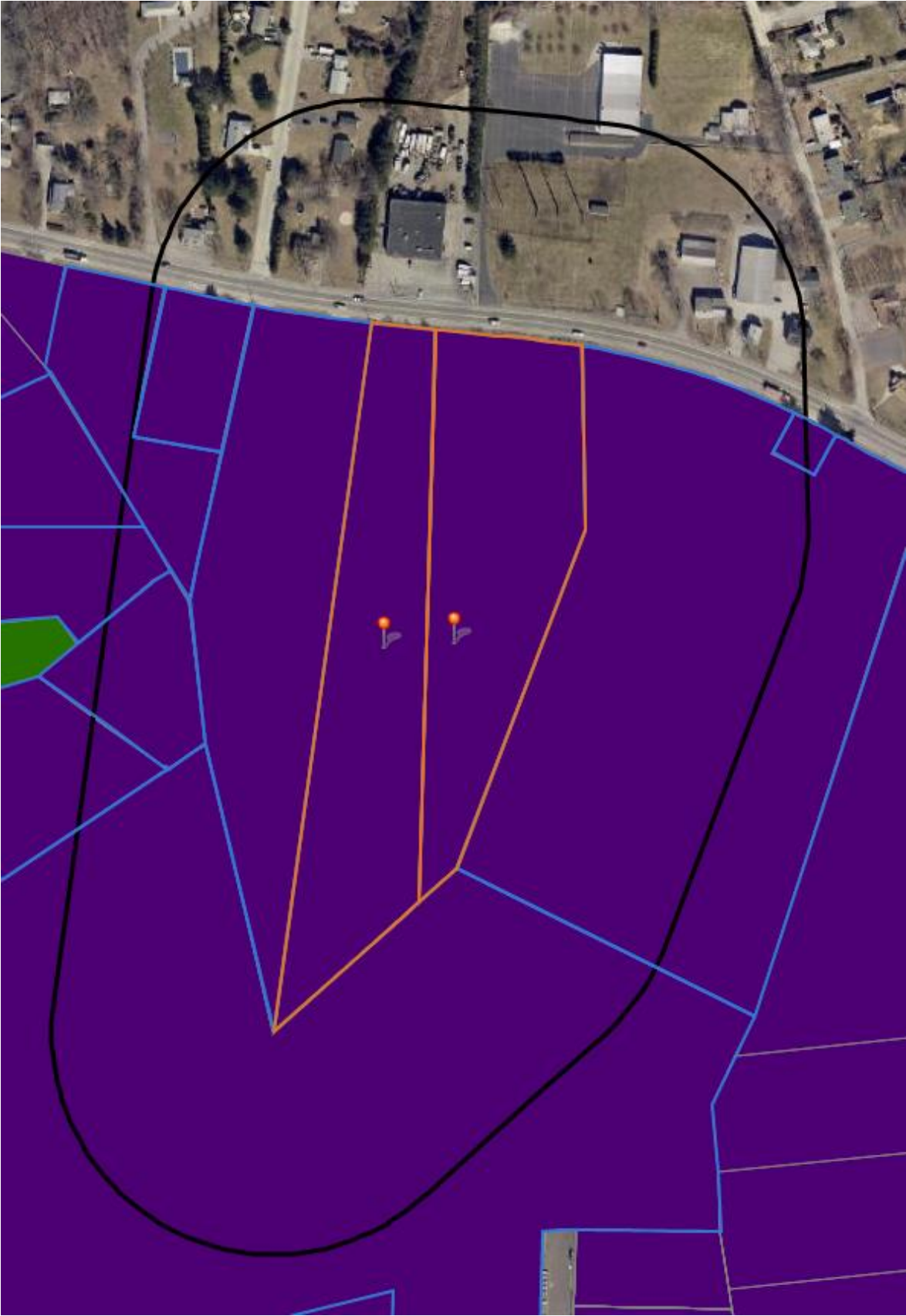
AERIAL VIEW - CLOSE-UP



ZONING MAP



FUTURE LAND USE MAP



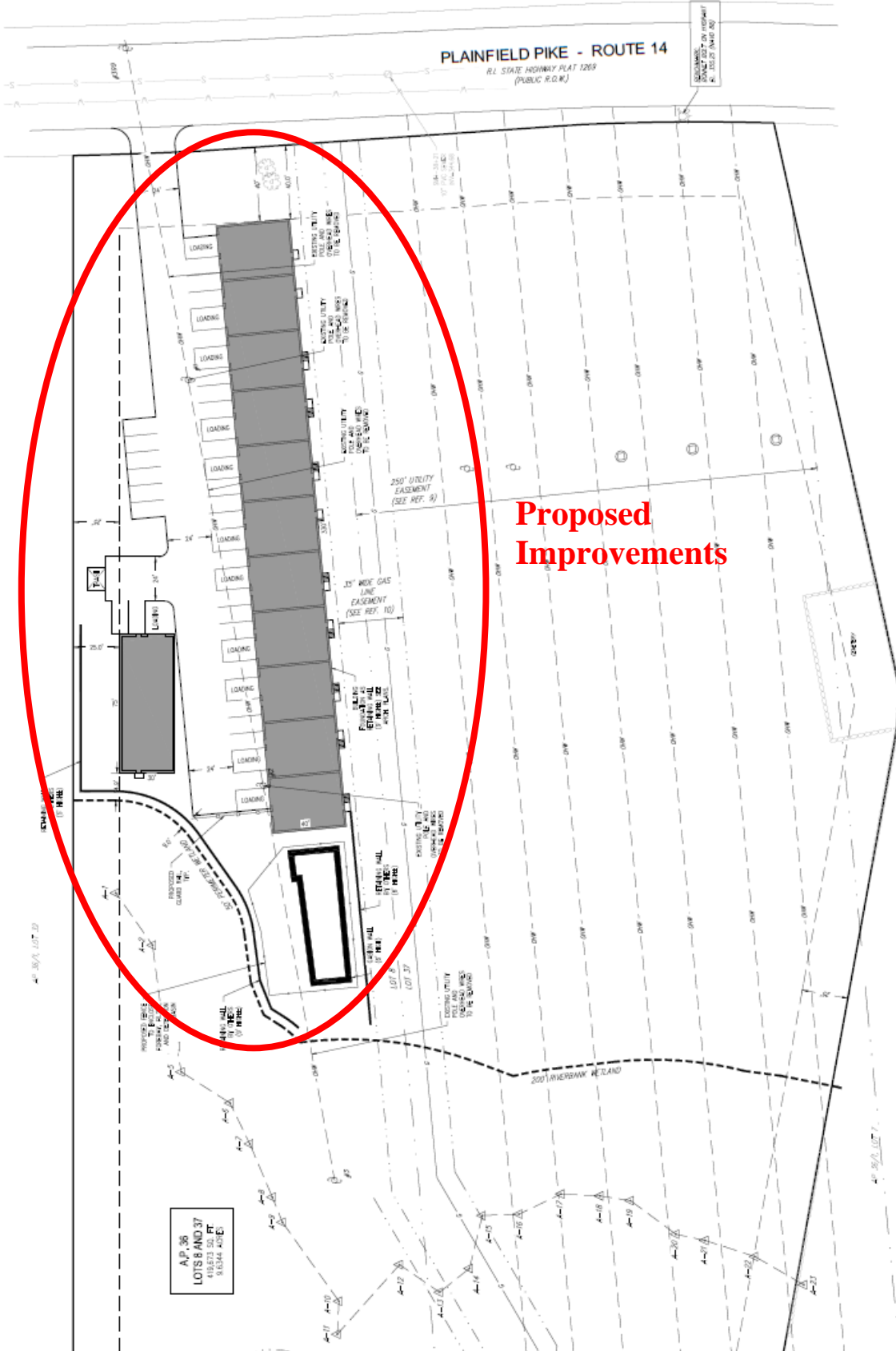
3-D VIEW



STREET VIEW
(from Plainfield Pike)



PROPOSED SITE PLAN



**Proposed
Improvements**

II. Planning Analysis

Consideration of the proposed zone change should be done in coordination with the proposed site plan to provide a better understating of what the applicant is looking to accomplish “on the ground”. It should be noted that the proposed structure in this case will include 12 total units of commercial flex space on the western side of the combined lots. There are high-tension utility lines and corresponding 250 foot wide utility easement running through the east side of the combined property. The site will also be host to parking, landscaping, and stormwater facilities.

The language of the proposed zone change was drafted in a collaborative effort between the applicant and planning staff to create a new type of use entitled “Commercial Flex Space”. This use is more commonly referred to as “commercial condos”. The ordinance is intended to allow for flexible work space for a variety of commercial operations, such as work shops and storage space for contractors. A variety of applicants have inquired about this type of use in Cranston in the past and the zoning ordinance does not have a use category that clearly allows it. Ordinance 2-23-01 represents an attempt to allow for “commercial condos” at one specific property, with the idea that this model could be replicated for other applicants that may seek the same use. City staff are aware of at least one other applicant who will be seeking a zone change with identical language within the coming months.

For the purpose of this memo, the proposed ordinance language will be cited herein followed by corresponding staff analysis of each section.

ORDINANCE LANGUAGE:

1. **“Permissible Activities**

- a. *The subject property shall be entitled to all allowed uses within the M-2 Zoning District as well as one (1) additional use entitled ‘Commercial Flex Space.’ ‘Commercial Flex Space’ means a mix of light commercial/industrial uses and ancillary offices to occupy individual units in a shared facility. The permitted activities of said use shall include: Commercial Warehousing, Research/Development Facility, Data Processing Facility, Information Technology, Online Retailer, Arts and Crafts Manufacturing, Welding Shop (metal fabrication), Motor Vehicle Storage, Telecommunications Contractor, Landscaper Contractor, Plumber Contractor, Electrician Contractor, Heating and Cooling Contractor, Household Cleaning, & Repair, General Contractor, Artisan Workshop (Studio), and any like-kind activity to those listed herein. This use shall not be construed to include heavy commercial/industrial processes or operations, or any activities which would exceed the physical constraints of the individual units or the subject property.”*

STAFF ANALYSIS:

The above language establishes the “permitted activities” for the subject property as part of the Commercial Flex Space Overlay. Several of the activities listed above are currently allowed in the M-2 Zone in Cranston, but the code does not clearly allow them in a “shared facility” with other similar uses. Several of the activities listed above, such as the various contractors, are not currently allowed in Cranston. Staff is of the view that

the mix of permitted activities listed herein would allow for flexibility by the property owner to pursue a range of uses that are traditionally found in a “commercial condo” setting. Additionally, staff finds that the range of permitted activities is not more intensive than many of the currently allowed uses in the M-2 zone in Cranston, such as heavy manufacturing.

ORDINANCE LANGUAGE:

2. Prohibited Activities

- a. *Any uses or activities not listed in the above section ‘1. Permissible uses’ shall be prohibited activities within all individual units in a shared ‘Commercial Flex Space’ facility.*
- b. *The use ‘Commercial Flex Space’ or the terms ‘like-kind activity’ referenced in the above ‘1. Permissible Activities’ shall not be construed to allow the following uses: adult entertainment, automobile body repair shop and paint shop, marijuana production or marijuana related uses, motor vehicle repair and service establishment, food/beverage processing establishment, trucking terminal, and residential/overnight use.*

STAFF ANALYSIS:

The above language establishes the “prohibited activities” for the subject property as part of the Commercial Flex Space Overlay. It is clearly stated that any activity that is not listed in Section 1 “Permitted Activities” is therefore prohibited. For additional clarity, the ordinance goes on to list several activities that are specifically prohibited. This is being done in an abundance of caution to ensure that there is no confusion if the Building Inspector is required make an interpretation on any given activity that may occupy the units.

ORDINANCE LANGUAGE:

3. Use Restrictions and Requirements

- a. **Size of Unit.** *Unit size shall be determined as part of the Development Plan Review (DPR) application process.*
- b. **Parking Requirements.** *Onsite parking requirements shall be determined as part of the DPR application process.*
- c. **Employee Volume.** *No more than 3 stationed employees and/or stationed independent contractors total per unit.*
- d. **On-Site Retail Sales.** *No on-site retail sales or point-of-sale services shall be permitted.*
- e. **Location of Activities.** *All operations related to allowed activities shall be contained within the interior of the structures.*

- f. **Frequency of Deliveries.** Deliveries to and from any individual unit shall not be more frequent than 10 deliveries per day.
- g. **Hazardous Waste.** No hazardous waste shall be used, disposed of, or stored on the site.
- h. **Change of Use.** Any proposed change of use on the site or within any individual unit from 'Commercial Flex Space' to any other permissible use in the C-5 Zoning District shall be subject to a DPR review process per Zoning Code Sec. 17.84.020 D.
- i. **Owners Association.** The above restrictions and requirements of allowed activities shall be memorialized in a Condominium Association, tenant agreement, or any other like-kind agreements for the specific businesses occupying the units. Drafts of such documents shall be reviewed as part of the DPR application process.

STAFF ANALYSIS:

The above section of the ordinance establishes the restrictions and limitations that would be placed on any activities within a Commercial Flex Space facility. The ordinance establishes that many factors relating to a proposed facility shall be subject to review and regulation through Development Plan Review process, such as the size of units, parking requirements, change of use, and owners association. This is being done so that the details relating to these elements can be handled and regulated at the same time as other site plan review items. Many of the above restrictions are intended to ensure that the development of a Commercial Flex Space facility will not result in undue nuisances to abutting properties, or nuisances to occupants of other units within a shared facility.

COMPREHENSIVE PLAN ANALYSIS

The proposed property is located in a M-2 Zone and has a Comprehensive Plan Future Land Use Map designation of "Industrial". The nature of this ordinance is to introduce an additional mix of uses that are comparable to existing light commercial / light industrial uses that are already allowed in the M-2 Zone. Staff is of the view that the new mix of uses are in keeping with light industrial / light commercial uses and therefore are considered consistent with the "Industrial" Future Land Use Map designation. Additionally, the Comprehensive Plan has a number of policies relating to expanding business, increasing the City's tax base, and furthering the City's economic development objectives where appropriate. Staff is of the view that the subject petition is consistent with such policies.

Based on the above, staff is of the view that Ordinance 2-23-01 is consistent with the City's Comprehensive Plan.

III. Findings

Cranston Comprehensive Plan 2010

The proposed zone change from “M-2” (General industry) to “M-2 with Commercial Flex Space Overlay” has been reviewed with respect to consistency with the Comprehensive Plan. As detailed within the staff memo, this petition is consistent with the Comprehensive Plan based on the property’s Future Land Use Map designation of “Industrial”. Additionally, the proposed amendment is consistent with the Comprehensive Plan’s policy framework within the Economic Development Element as it relates to expanding business and increasing the City’s tax base.

Findings Under §17.04.010 City Code

Sec. 17.120.030 requires that the City Plan Commission as part of its recommendation to the City Council “Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in Section 17.04.010 of this title.” Section 17.04.010 set forth the General Purpose for Title 17 (Zoning Ordinance) of the City Code. To the extent that any development of the subject property will be required to comply with all aspects of the Zoning Ordinance, including Development Plan Review, and will be required to comply with City of Cranston Subdivision and Land Development Regulations, staff finds that the proposed rezone will adequately address the appropriate purposes detailed in §17.04.010.

IV. Recommendation

Ordinance #2-23-01: Zone Change

Based on the findings that Ordinance #2-23-02 is consistent with City’s Comprehensive Plan and adequately addresses the appropriate purposes detailed in §17.04.010, and based on the fact that the proposal is a seeking a mix of activities that are similar to - and not more intensive than - other light commercial / light industrial uses that are already allowed in this zone, and based on the fact that additional development details of the proposal will be subject to review by the Development Review Committee, staff recommends that the Plan Commission send a **positive recommendation** on this application to the City Council.

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

**IN AMENDMENT OF CHAPTER 17
OF THE CODE OF THE CITY OF CRANSTON, 2005, ENTITLED "ZONING"
(CHANGE OF ZONE – 0 Plainfield Pike, AP 36, Lots 8 and 37)**

No.

Passed:

Jessica M. Marino, Council President

Approved:

Kenneth J. Hopkins, Mayor

It is ordained by the City Council of the City of Cranston as follows:

SECTION 1: That the Zoning Map accompanying and made a part of Chapter 17 of the Code of the City of Cranston, Rhode Island, 2005, entitled "Zoning", as amended, is hereby further amended by deleting therefrom the following:

By deleting from a M-2 Zoning District, Zoning Plat 36, Lots 8 & 37, located at 0 Plainfield Pike.

And by adding thereto the following:

M-2 Zoning District with Commercial Flex Space Overlay, Zoning Plat 36, Lots 8 & 37, located at Plainfield Pike.

Referenced 'Overlay' shall include:

1. Permissible Activities

- a. The subject property shall be entitled to all allowed uses within the M-2 Zoning District as well as one (1) additional use entitled '*Commercial Flex Space.*' '*Commercial Flex Space*' means a mix of light commercial/industrial uses and ancillary offices to occupy individual units in a shared facility. The permitted activities of said use shall include: Commercial Warehousing, Research/Development Facility, Data Processing Facility, Information

44 Technology, Online Retailer, Arts and Crafts Manufacturing, Welding Shop
 45 (metal fabrication), Motor Vehicle Storage, Telecommunications Contractor,
 46 Landscaper Contractor, Plumber Contractor, Electrician Contractor, Heating and
 47 Cooling Contractor, Household Cleaning, & Repair, General Contractor, Artisan
 48 Workshop (Studio), and any like-kind activity to those listed herein. This use shall
 49 not be construed to include heavy commercial/industrial processes or operations,
 50 or any activities which would exceed the physical constraints of the individual
 51 units or the subject property.

52 2. Prohibited Activities

- 53
- 54 a. Any uses or activities not listed in the above section '*1. Permissible uses*' shall be
 55 prohibited activities within all individual units in a shared '*Commercial Flex*
 56 *Space*' facility.
- 57
- 58 b. The use '*Commercial Flex Space*' or the terms '*like-kind activity*' referenced in
 59 the above in '*1. Permissible Activities*' shall not be construed to allow the
 60 following uses: adult entertainment, automobile body repair shop and paint shop,
 61 marijuana production or marijuana related uses, motor vehicle repair and service
 62 establishment, food/beverage processing establishment, trucking terminal, and
 63 residential/overnight use

64 3. Use Restrictions and Requirements

- 65
- 66 a. **Size of Unit.** Unit size shall be determined as part of the Development Plan
 67 Review (DPR) application process.
- 68
- 69 b. **Parking Requirements.** Onsite parking requirements shall be determined as part
 70 of the DPR application process.
- 71
- 72 c. **Employee Volume.** No more than 3 stationed employees and/or stationed
 73 independent contractors total per unit.
- 74
- 75 d. **On-Site Retail Sales.** No on-site retail sales or point-of-sale services shall be
 76 permitted.
- 77
- 78 e. **Location of Activities.** All operations related to allowed activities shall be
 79 contained within the interior of the structures.
- 80
- 81 f. **Frequency of Deliveries.** Deliveries to and from any individual unit shall not be
 82 more frequent than 10 deliveries per day.
- 83
- 84 g. **Hazardous Waste.** No hazardous waste shall be used, disposed of, or stored on
 85 the site.
- 86
- 87 h. **Change of Use.** Any proposed change of use on the site or within any individual
 88 unit from '*Commercial Flex Space*' to any other permissible use in the M-2
 89 Zoning District shall be subject to a DPR review process per Zoning Code Sec.

17.84.020 D.

- i. **Owners Association.** The above restrictions and requirements of allowed activities shall be memorialized in a Condominium Association, lease agreements, or any other business specific agreements for the occupants of the units. Drafts of such documents shall be reviewed as part of the DPR application process.

SECTION 2: This Ordinance shall take effect upon its final adoption.

Positive Endorsement:	Negative Endorsement: (Attach reasons)
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City Solicitor		City Solicitor	Date
Date		Date	

Petition filed by Maria Pedrosa, Dinis Pedroso (owners) and Robert Calise (applicant)

Sponsored by Councilman Campopiano

Referred to Ordinance Committee April 13, 2023



CITY OF CRANSTON

APPLICATION FOR CHANGE OF ZONE

Name(s) and address(es) of property owner(s): MARIA + DINIS PEDROSO
132 HARVARD STREET
CRANSTON, RI 02920

Zoning Plat Number: 36 Lot No.(s)* 8 + 37
 Street Address or Location on Street PLAINFIELD PIKE

*If only a portion of lot, please attach a full metes and bounds description.

Present Zoning: M-2

Zoning Requested: M-2 w/ COMMERCIAL FLEX SPACE OVERLAY

Property to be used for: MIX OF LIGHT COMMERCIAL / INDUSTRIAL USES, AND
ANCILLARY OFFICE SPACE TO OCCUPY INDIVIDUAL UNITS IN A SHARE
 (listed use must be specific) FACILITY [CONTRACTOR GARAGE]
TYPE

Date: 12/10/2022

Maria S. Pedrosa ~~Maria~~ MARIA
 Owner (Print and Sign) PEDROSO

Dinis Pedrosa DINIS PEDROSO
 Owner (Print and Sign)

ROBERT CRUISE RC
 Applicant (Print and Sign)

 Applicant (Print and Sign)

Reviewed and approved by the Planning Department: [Signature] 2/17/23