

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP, Principal Planner
Date: July 7, 2022
Re: Use and Dimensional Variance Application for 1540 Elmwood Avenue,

Owner/App: CARLSON REALTY, LLC
Location: 1540 Elmwood Avenue, A.P. 4, lot 2203
Zone: C-5 (Heavy business, industry)
FLU: Highway Commercial Services

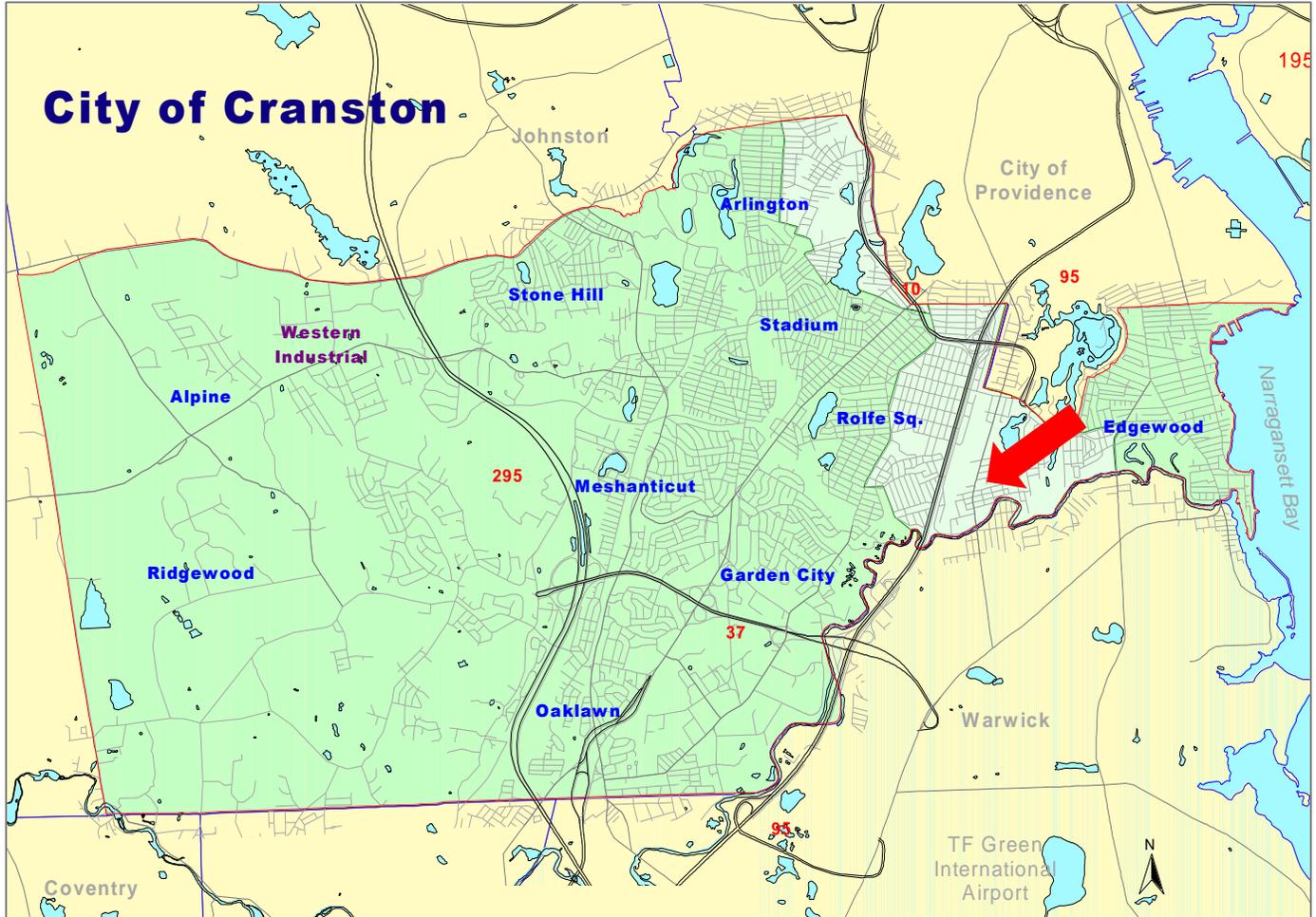
USE VARIANCE REQUEST:

To allow a mixed-use property (existing bar/restaurant and 1 residential unit) to be converted into a full residential use (2-family) in a C-5 Zone. [17.20.030- Schedule of Uses]

DIMENSIONAL VARIANCE REQUESTS:

To allow associated dimensional relief for lot size, frontage, setbacks, parking, and extension of a non-conforming use. All dimensional relief is for existing conditions. [17.20.120-Schedule of Intensity Regulations; 17.64.010-Off Street Parking; 17.88.030-Extension]

LOCATION MAP



NEIGHBORHOOD AERIAL
(subject parcel marked in orange, 400 foot radius marked in black)



PARCEL AERIAL



3-D AERIAL VIEW



STREET VIEW (from Elmwood Ave)



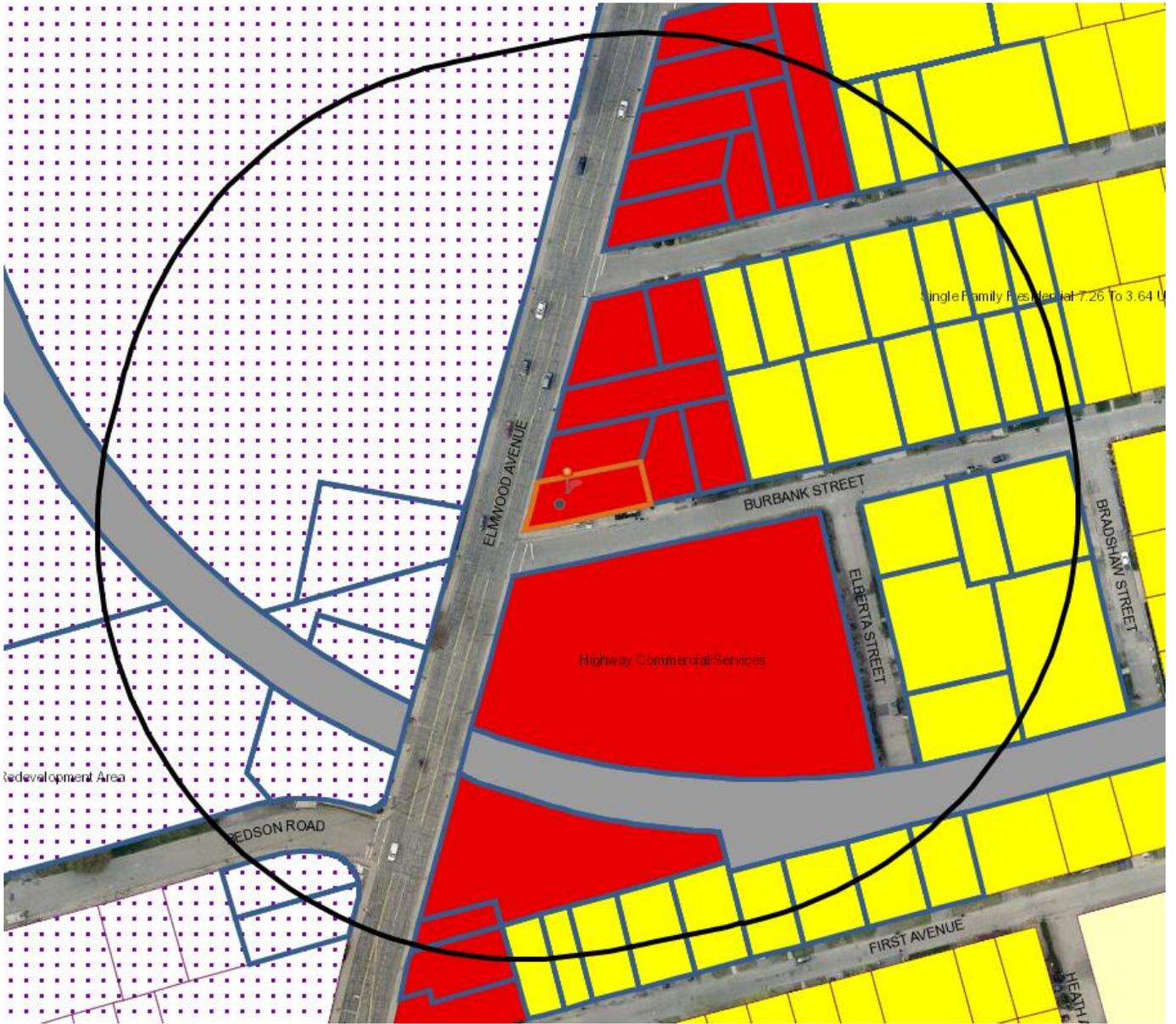
STREET VIEW (rear of property from Burbank St)



ZONING MAP



FUTURE LAND USE MAP



EXISTING LAND USE OF BUILDINGS

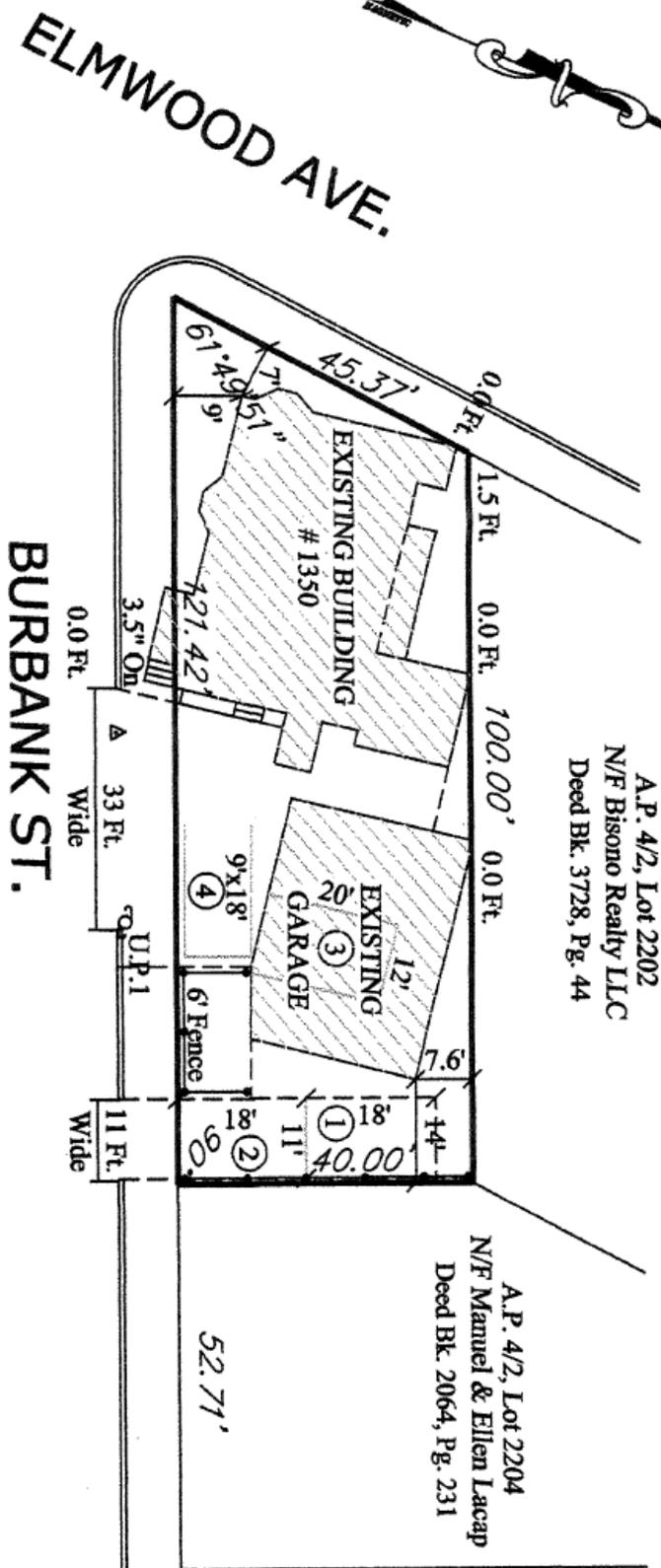
(yellow = residential; blue = mixed-use; pink = commercial; purple = industrial)



EXISTING LAND USE OF BUILDINGS – ZOOM IN
(yellow = residential; blue = mixed-use; pink = commercial; purple = industrial)



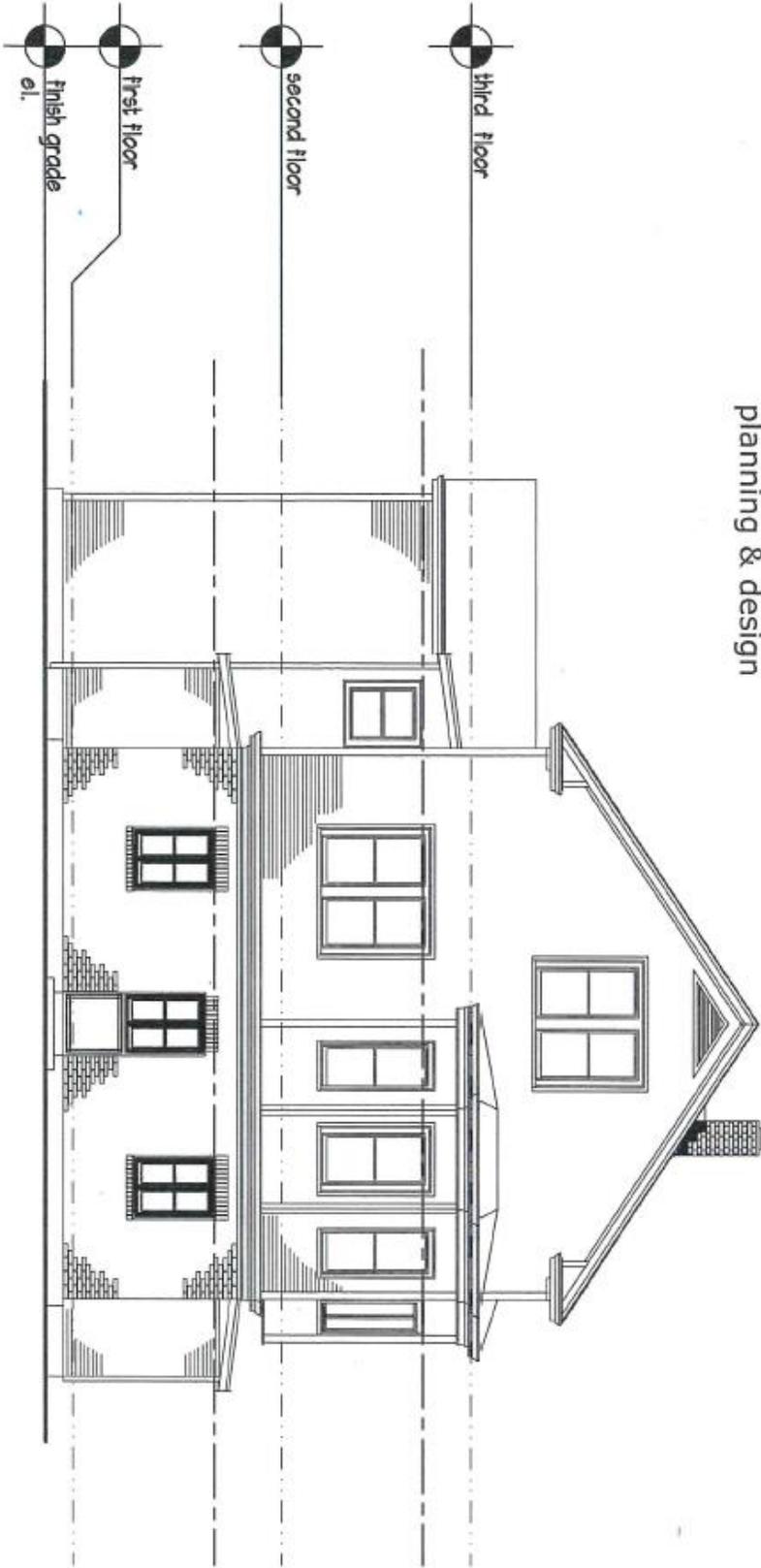
SITE PLAN



FRONT ELEVATION



planning & design



front elevation
scale: 1/8"=1'-0"

**OFF-SITE PARKING PROPOSAL - AREIAL VIEW OF
ABUTTING PARCEL WITH SUPPLUS PARKING
(see details in staff findings)**



FINDINGS OF FACT:

1. The applicant is proposing to convert a first floor bar/restaurant (formerly Ronny's Place) into an additional residential unit. The property is located in a C-5 zone where residential uses are not allowed, thus the immediate request amounts to a Use Variance.
2. The property contains a legal nonconforming residential unit on the 2nd and 3rd floor of the building (1 unit total). The applicant's request to convert the bar/restaurant into more residential would leave the property with a total of 2 residential units.
3. The property contains a legal nonconforming structure that has existed since the 1950's.
4. The applicant is requesting associated dimensional relief for lot size, frontage, setbacks, parking, and extension of a non-conforming use. All dimensional relief is for existing conditions.
5. The subject lot (A.P. 4, Lot 220) contains approximately 4,420 square feet and has limited area for parking.
6. Staff has concerns with the improvement (mudroom/stairs) that encroaches into the Burbank St. right-of-way as shown on the site plan. This concern relates to maintaining adequate pedestrian access and safety around the property on the public sidewalk. It should be noted that while the improvement encroaches into the sidewalk area, there is still 3.5 feet of unobstructed sidewalk area in which to pass.
7. The easterly side of Elmwood Ave along the street in a north and south direction contains a mix of uses, including: industrial, commercial, mixed-use parcels, and nonconforming residential (see graphics on page 10 and 11).
8. The parcels immediately surrounding the subject property include: 2 commercial uses, and 3 nonconforming residential uses. All these uses are located in the C-5 zone (see graphic on page 11).
9. The subject property is located at the end of a residential street (Burbank St.) which contains a mix of single-family, 2-family, and multi-family dwellings.
10. Based on Findings #7-9 herein, staff is of the view that the request to increase residential uses on the subject property would not be inconsistent with the surrounding neighborhood.
11. The proposal is not in conformance with the Comprehensive Plan Future Land Use Land Use map which designates the property as Highway Commercial Services which does not include residential uses. However, the Comprehensive Plan Housing Element states that development of infill lots is encouraged in Eastern Cranston.

12. With regard to the dimensional variance request relating to lot size, the Land Use Plan Element recognizes that many existing lots in the eastern portion of the city are undersized, and the Comprehensive Plan supports the development of these lots, stating: "...the City grants variances routinely when properties are 5,000 square feet limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock." The subject parcel is 4,420 square feet as historically platted. The Comprehensive Plan supports the development of undersized lots and provides clear policy direction relevant to this proposal.
13. Based on Findings #11-12 herein, staff is of the view that there is evidence both for and against the proposal found within the Comprehensive Plan. Staff finds that this proposal is not entirely consistent nor inconsistent with the Comprehensive Plan, and is best defined as inconclusive with regards to a finding of consistency with the Comprehensive Plan.

PLANNING ANALYSIS:

The findings above outline the positive and negative evidence related to this proposal. The requested relief of a Use Variance contains a high standard of review that needs to be achieved per local code Sec 17.92.010(C) (1): *"In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance..."* Staff is of the view that this application does not meet the required standard of review for a Use Variance as it is possible for this property to have some beneficial use beyond the immediate proposal. Additionally, the proposal is best defined as inconclusive with regard to a finding of consistency with the Comprehensive Plan, largely due to the Future Land Use Map designation of Highway Commercial Services.

However, staff recognizes that the proposal would reduce the intensity of use on the property (bar/restaurant is more intense use than a residential unit) and the residential use would not be inconsistent with the surrounding neighborhood. While this application does not meet the Use Variance standard of review, staff has no outstanding concerns with the outcomes that would be created with positive consideration of the proposal as presented.

RECOMMENDATION:

Due to the finding that the Use Variance contains a high standard of review that has not been demonstrated by the applicant, and due to the finding that it is inconclusive whether this proposal is consistent with the Comprehensive Plan, staff recommends the Plan Commission provide a **negative recommendation** on this application to the Zoning Board of Review. It should be noted that staff has no outstanding concerns with the proposed use and finds that increasing residential uses on the subject property will not have a negative impact on the neighborhood. Additionally, staff has no outstanding concerns with the associated Dimensional Variance requests as they all relate to existing conditions.