

Memo

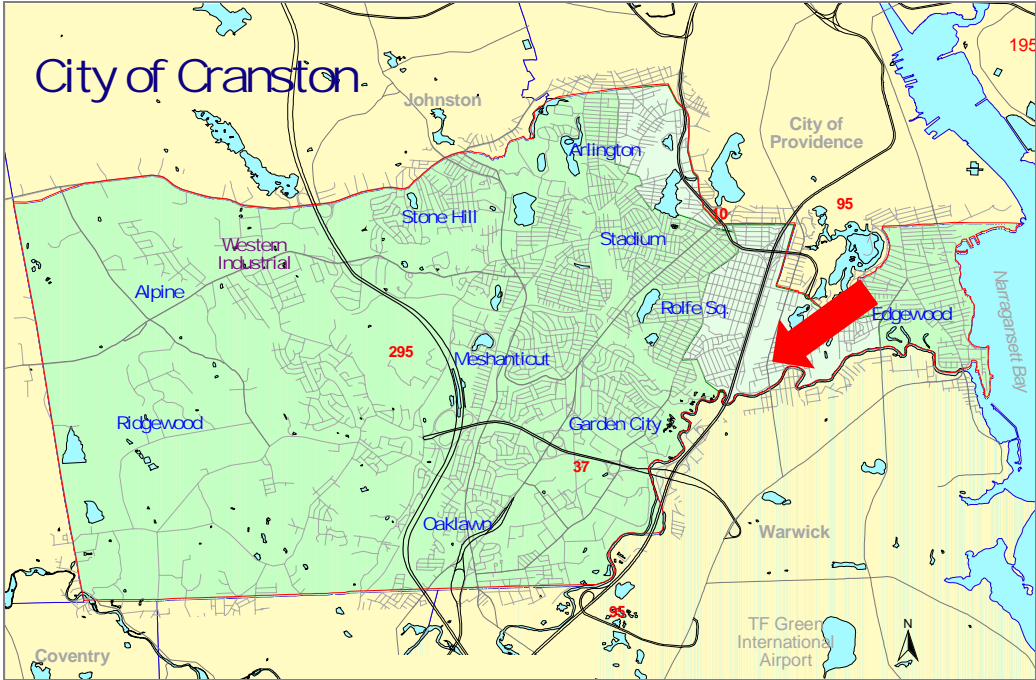
To: Cranston City Plan Commission
From: Alexander Berardo – Planning Technician / Administrative Officer
Date: July 7, 2023
Re: **Ordinance #4-23-01, “Commercial Flex Space Overlay”**
0 Bedson Road, AP 4, Lots 2606-2609

I. Ordinance Summary

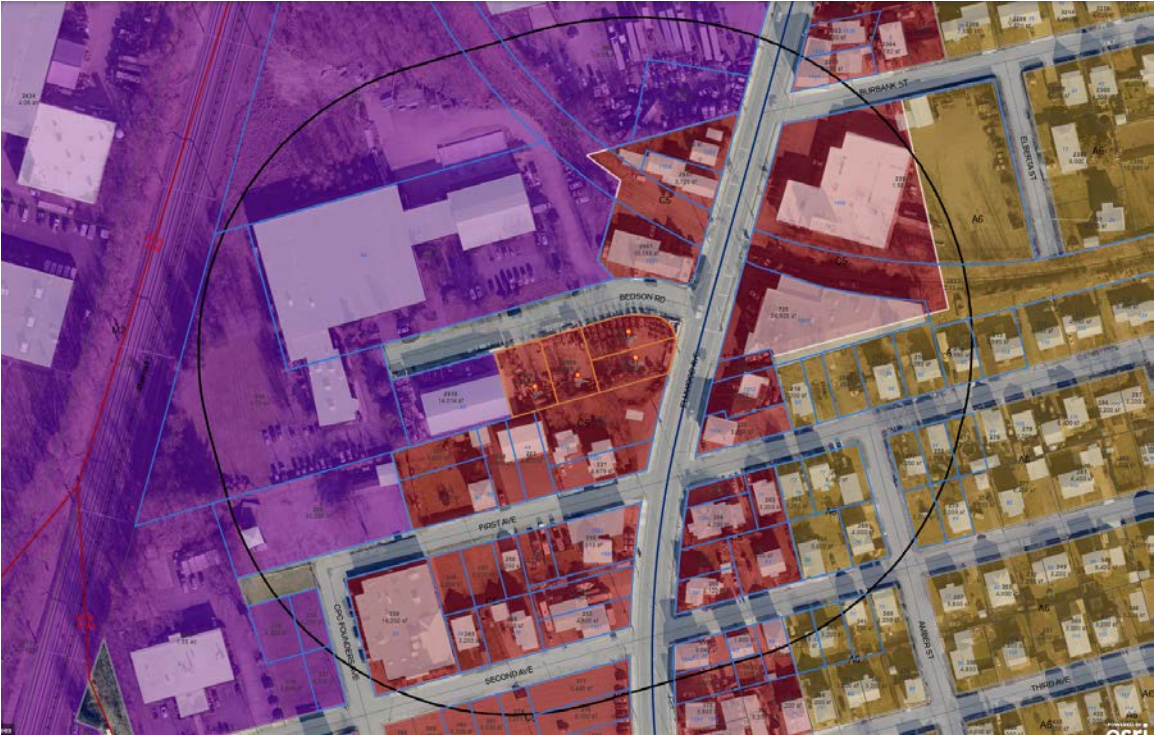
- **#4-23-01 Entitled “Commercial Flex Space Overlay” (Change of Zone – 0 Bedson Road)**

The applicant (Lake Street Realty, LLC) proposes to change the zoning district of AP 4, Lots 2606-2609 from C-5 (Heavy Business/industry) to “C-5 with Commercial Flex Space Overlay.”

LOCATION MAP



ZONING MAP



FUTURE LAND USE MAP



AERIAL VIEW



3-D VIEW



STREET VIEW
(from Elmwood Ave)



STREET VIEW
(from Bedson Road)



II. Planning Analysis

OVERVIEW:

The applicant is proposing a zone change for the subject parcel, which consists of four unimproved lots of record, from “C-5” (Heavy Business/Industry) to “C-5 with Commercial Flex Space Overlay.”

The proposed rezone would entitle the applicant to uses currently allowed by-right in the base C-5 zone as well as a predefined slate of uses which are associated with the Commercial Flex Space Overlay. The language of the proposed zone change was originally drafted several months ago in a collaborative effort between Planning Staff and another applicant seeking to construct a commercial flex space facility of its own (“Ordinance #2-23-01 – Change of Zone – 0 Plainfield Pike, AP 36, Lots 8 and 37”).

As envisioned at the time, the language originally written for Ordinance #2-23-01 has been repurposed as a template for new zone change requests which also seek to establish commercial flex space overlays. A more detailed discussion of both permissible and prohibited uses can be found in the ensuing paragraphs.

The City Plan Commission is charged with both reviewing the Staff Findings and Staff Recommendation and with providing a formal recommendation on Ordinance #4-23-01 to the City Council. There are no development plans associated with this proposal at this time; given that the subject parcel’s total area neither meets nor exceeds the 50,000 ft² threshold at which a proposal would be reviewed as a Major Land Development by the Plan Commission, any plans which might subsequently be proposed for the subject parcel will fall solely under the purview of the Development Plan Review Committee.

The actual language and format of Ordinance #4-23-01 is attached at the close of this memo for reference.

SELECTED DISCUSSIONS:

As was the case for the Staff Memo for Ordinance #2-23-01, this Memo considers the three major components of the proposed zoning overlay in separate sections so that each may receive its own discussion with respect to Staff Analysis.

1. Permissible Activities

- a. *“The subject property shall be entitled to all allowed uses within the C-5 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:

Staff believes that the mix of permitted activities denoted above would afford the applicant adequate flexibility to pursue a range of uses that are traditionally found in a “commercial condo” setting, yet not more intensive than many uses currently allowed by-right in the C-5 zone in Cranston (i.e. supermarket, banquet facility, commercial recreation, night club, large-scale retail, etc). Other activities listed above are either allowed in the C-5 Zone in Cranston, but not explicitly in a “shared facility” with other similar uses, or (as in the case of the various types of contractors) are not currently allowed in Cranston.

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 language contained in Section 2.a. states that any activity that is not listed in Section 1 (“Permissible Activities”) is therefore prohibited, and Section 2.b. names several uses as specifically prohibited.

Staff would like to call attention to one of the specifically-named uses, “Automobile body repair shop and paint shop,” which brings the language of Sections 1.a. and 2.b. into conflict: this use is allowed by-right in the C-5 zone but designated a prohibited activity in the proposed ordinance.

To reduce the potential for confusion if/when the Building Inspector might be required to make an interpretation on whether a proposed activity may occupy one of the units, Staff would note that the specific standards articulated in the proposed ordinance language would supersede the baseline C-5 zoning, which is standard for rezoning.

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:

This section of the ordinance establishes the restrictions and limitations that would be placed on any activities within a Commercial Flex Space facility and underscores the role of the Development Plan Review process in regulating aspects of these facilities’ design, ranging from the size of units to parking requirements to changes of use to the creation of an Owners Association.

Placing these items specifically under the purview of the Development Plan Review Committee ensures that these elements can be considered holistically, in conjunction with typical elements of site plan review. The restrictions discussed above are primarily intended to ensure that the development of a Commercial Flex Space facility will not create undue nuisances to abutting properties or even the occupants of other units within the same shared facility.

III. Findings per City Code §17.120.030

(A): Consistency with the Cranston Comprehensive Plan 2010:

Staff finds the proposed zone change from “C-5” (General industry) to “C-5 with Commercial Flex Space Overlay” is consistent with the Comprehensive Plan based on the property’s Future Land Use Map designation of “Special Redevelopment Area.” The proposed amendment is also consistent with the Comprehensive Plan’s policy framework (specifically within the Economic Development element as it relates to

expanding business, increasing the City's tax base, and furthering the City's economic development objectives where appropriate).

For these reasons, **Ordinance #4-23-01 is consistent with the City's Comprehensive Plan.**

(B). Recognition and Consideration of the Purposes of Zoning in City Code §17.04.010:

Section 17.120.030 of the Zoning Code requires that the City Plan Commission "include a demonstration of recognition and consideration of each of the applicable purposes of zoning" as part of its recommendation to the City Council. (For its part, Section 17.04.010 sets forth the General Purpose for the Zoning 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 and therefore finds it consistent with the general purposes of zoning.

IV. Recommendation

Ordinance #4-23-01 in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 0 Bedson Road)

Due to the findings that the rezone from C-5 to "C-5 with Commercial Flex Space Overlay" is consistent with the Comprehensive Plan and with the purposes of zoning as detailed in City Code Section §17.04.010; seeks a mix of activities that are similar to, but not more intensive than, other Heavy Commercial/Industrial uses that are already allowed in the C-5 zone; and would subject associated development proposals to the review of the Development Plan Review Committee, Staff recommends that the Plan Commission send a **positive recommendation** on Ordinance #4-23-01 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 Bedson Road,
AP 4, Lots 2606-2609)

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 C-5 Zoning District, Zoning Plat 4, Lots 2606, 2607, 2608, 2609 located at 0 Bedson Road.

And by adding thereto the following:

C-5 Zoning District with Commercial Flex Space Overlay, Zoning Plat 4, Lots 2606, 2607, 2608, 2609 located at 0 Bedson Road.

Referenced 'Overlay' shall include:

1. Permissible Activities

- a. The subject property shall be entitled to all allowed uses within the C-5 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

45 Cooling Contractor, Household Cleaning, & Repair, General Contractor, Artisan
 46 Workshop (Studio), and any like-kind activity to those listed herein. This use shall
 47 not be construed to include heavy commercial/industrial processes or operations,
 48 or any activities which would exceed the physical constraints of the individual
 49 units or the subject property.
 50

51 2. Prohibited Activities

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

63 3. Use Restrictions and Requirements

- 64 a. **Size of Unit.** Unit size shall be determined as part of the Development Plan
 65 Review (DPR) application process.
 66
- 67 b. **Parking Requirements.** Onsite parking requirements shall be determined as part
 68 of the DPR application process.
 69
- 70 c. **Employee Volume.** No more than 3 stationed employees and/or stationed
 71 independent contractors total per unit.
 72
- 73 d. **On-Site Retail Sales.** No on-site retail sales or point-of-sale services shall be
 74 permitted.
 75
- 76 e. **Location of Activities.** All operations related to allowed activities shall be
 77 contained within the interior of the structures.
 78
- 79 f. **Frequency of Deliveries.** Deliveries to and from any individual unit shall not be
 80 more frequent than 10 deliveries per day.
 81
- 82 g. **Hazardous Waste.** No hazardous waste shall be used, disposed of, or stored on
 83 the site.
 84
- 85 h. **Change of Use.** Any proposed change of use on the site or within any individual
 86 unit from '*Commercial Flex Space*' to any other permissible use in the C-5
 87 Zoning District shall be subject to a DPR review process per Zoning Code Sec.
 88 17.84.020 D.
 89

90 i. **Owners Association.** The above restrictions and requirements of allowed
91 activities shall be memorialized in a Condominium Association, tenant agreement,
92 or any other like-kind agreements for the specific businesses occupying the units.
93 Drafts of such documents shall be reviewed as part of the DPR application
94 process.
95

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97
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SECTION 2: This Ordinance shall take effect upon its final adoption.

100 Positive Endorsement: Negative Endorsement: (Attach reasons)

101

102 _____
103 City Solicitor Date City Solicitor Date
104

105

106 Sponsored by Councilman Paplauskas

107

108 Referred to Ordinance Committee June 15, 2023

CITY OF CRANSTON
DEPARTMENT OF RECORDS — CITY CLERK'S OFFICE

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CRANSTON
CITY CLERK

APPLICATION FOR CHANGE OF ZONE

Name(s) and address(es) of
owner(s) of property

Lake Street Realty, LLC

Steven Socia, Member

888 Vellington Avenue, Cranston, RI 02910

Zoning Plat Number Lot No.(s)* 4 / 2606, 2607, 2608, 2609

Street Address or
Location on Street

0 Bedson Road

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

Present Zoning:

C-5

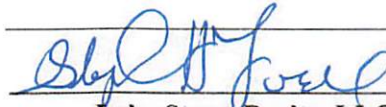
Zoning Requested:

C-5 with Commercial Flex Overlay Space

Property to be used for:

'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

Date: 1/31/23




Lake Street Realty, LLC

Steven Socia, Member

(Owner and Applicant)

Reviewed and approved by Planning Dept:

 2/17/23