

City Planning Department



Memo

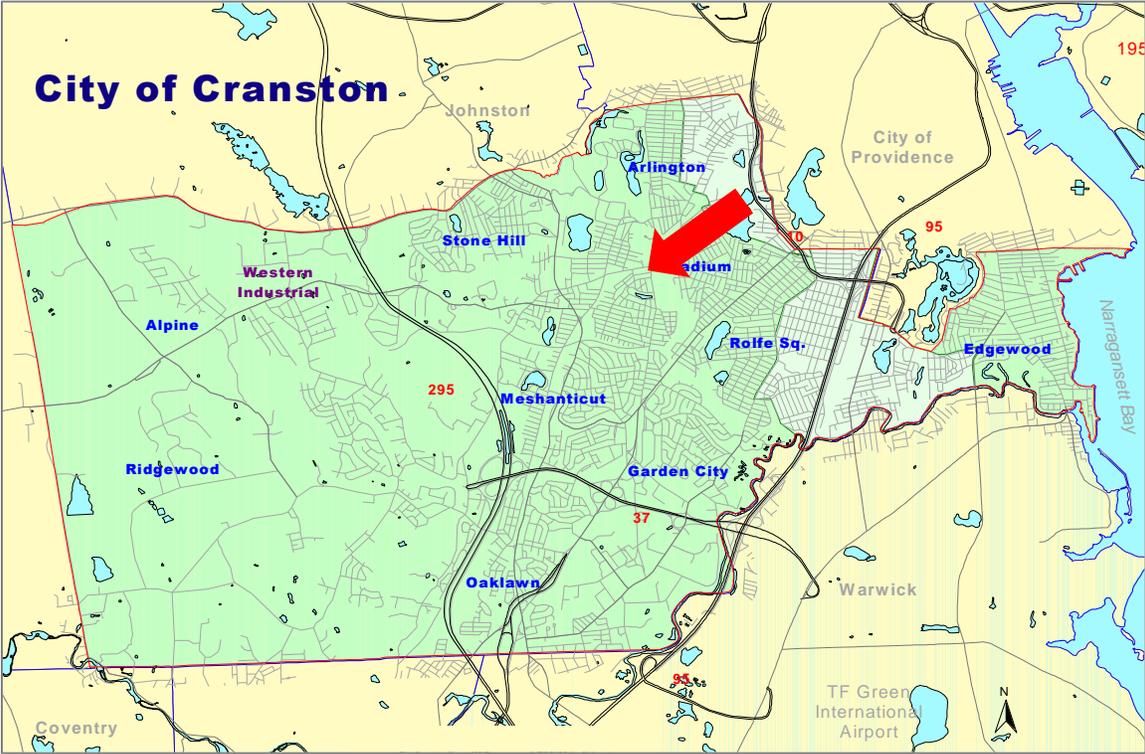
To: Cranston City Plan Commission
From: Joshua Berry, AICP – Senior Planner / Administrative Officer
Date: April 27, 2022
Re: **Special Use Permit @ 1350 Park Avenue**

Owner: Park Ave Realty, Inc.
Applicant: Nico Bella Cranston, LLC
Location: 1350 Park Avenue, AP 11 Lots 1768
Zone: M-1 (Restricted Industry)
FLU: Neighborhood Commercial/Services

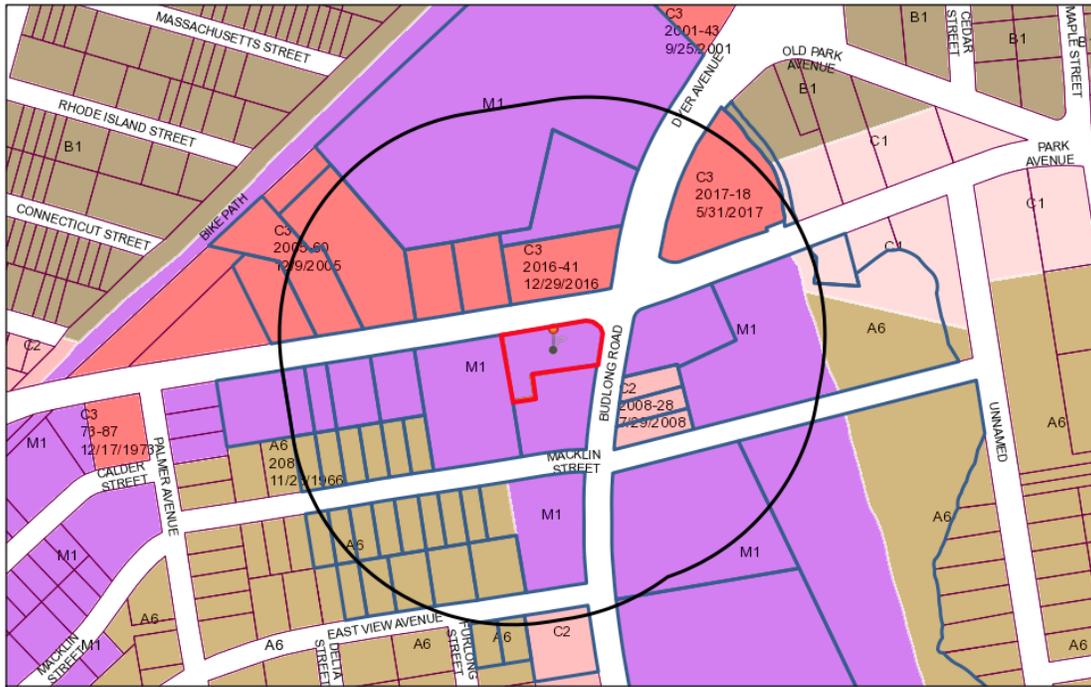
SPECIAL PERMIT REQUEST:

1. To allow a restaurant in M-1 zoning. [17.20.030 Schedule of Uses]

LOCATION MAP



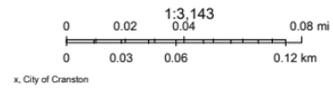
ZONING MAP



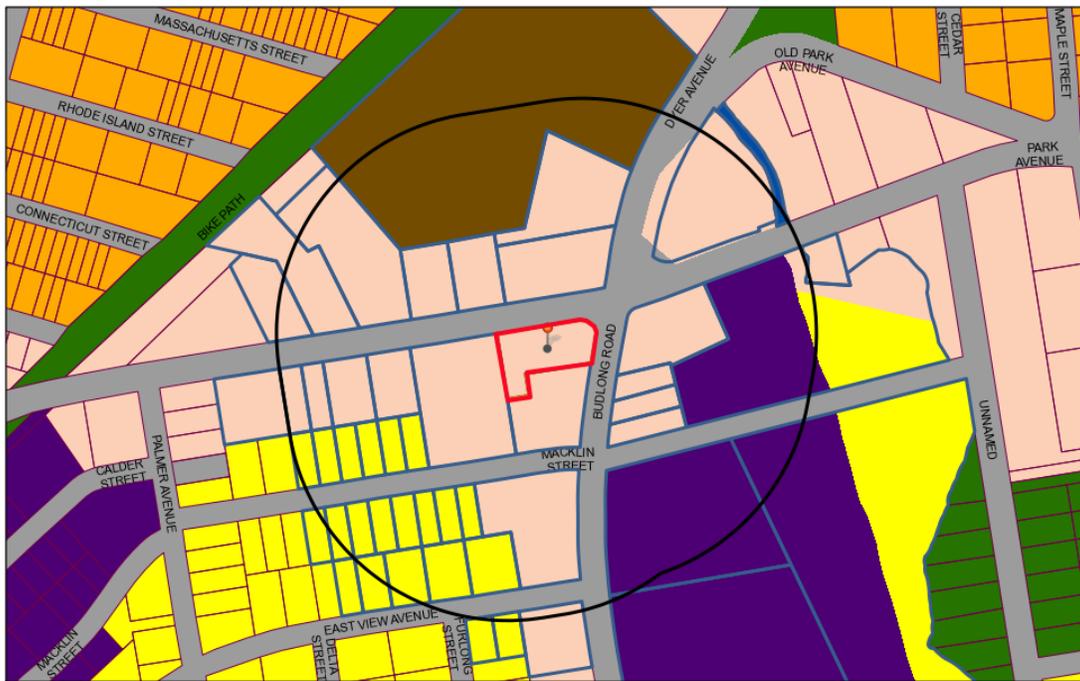
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- Override 1
- Parcels In Buffer Zoning
- User Selected Parcels
- vParcels_Buffer
- Parcels
- Streets Names

- A20
- A6
- C1
- C4
- none
- A12
- B1
- C2
- C5
- A80
- A8
- B2
- C3
- M1



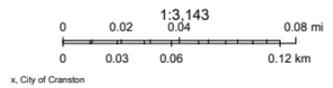
FUTURE LAND USE MAP



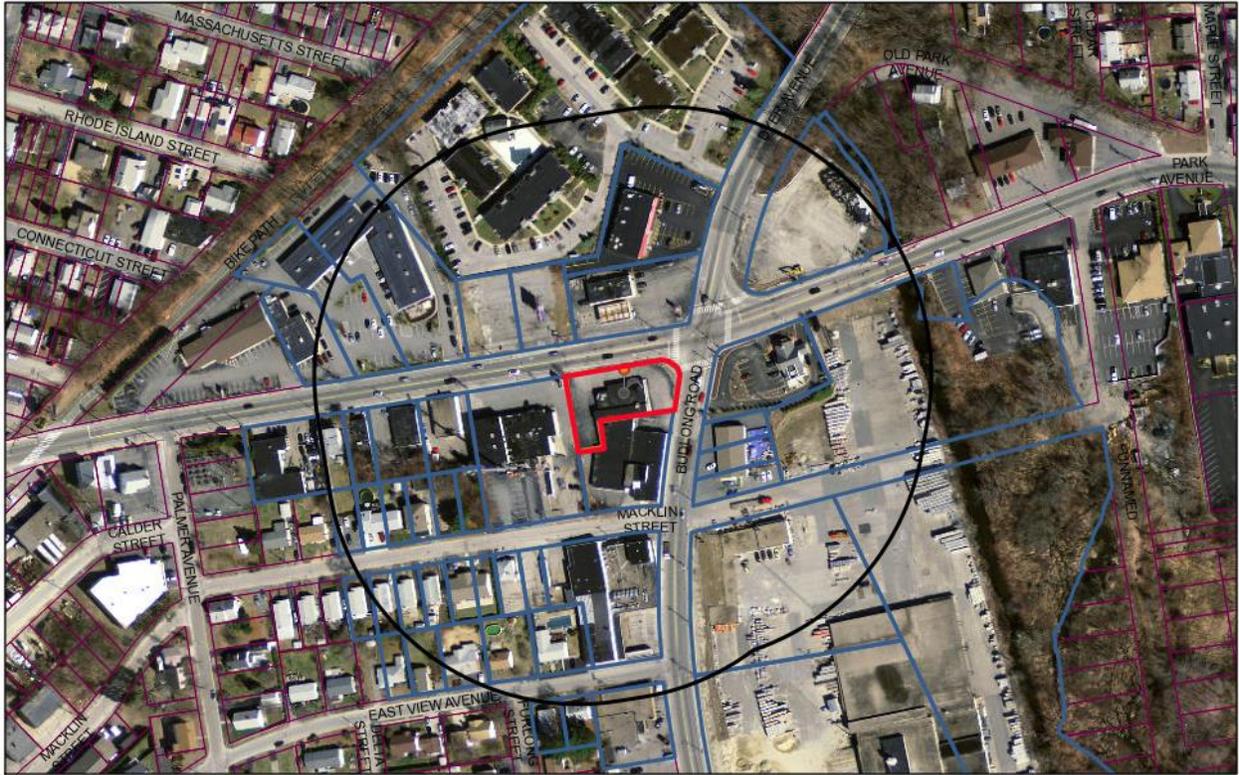
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- Override 1
- Parcels In Buffer Future Land Use
- User Selected Parcels
- vParcels_Buffer
- Parcels
- Streets Names

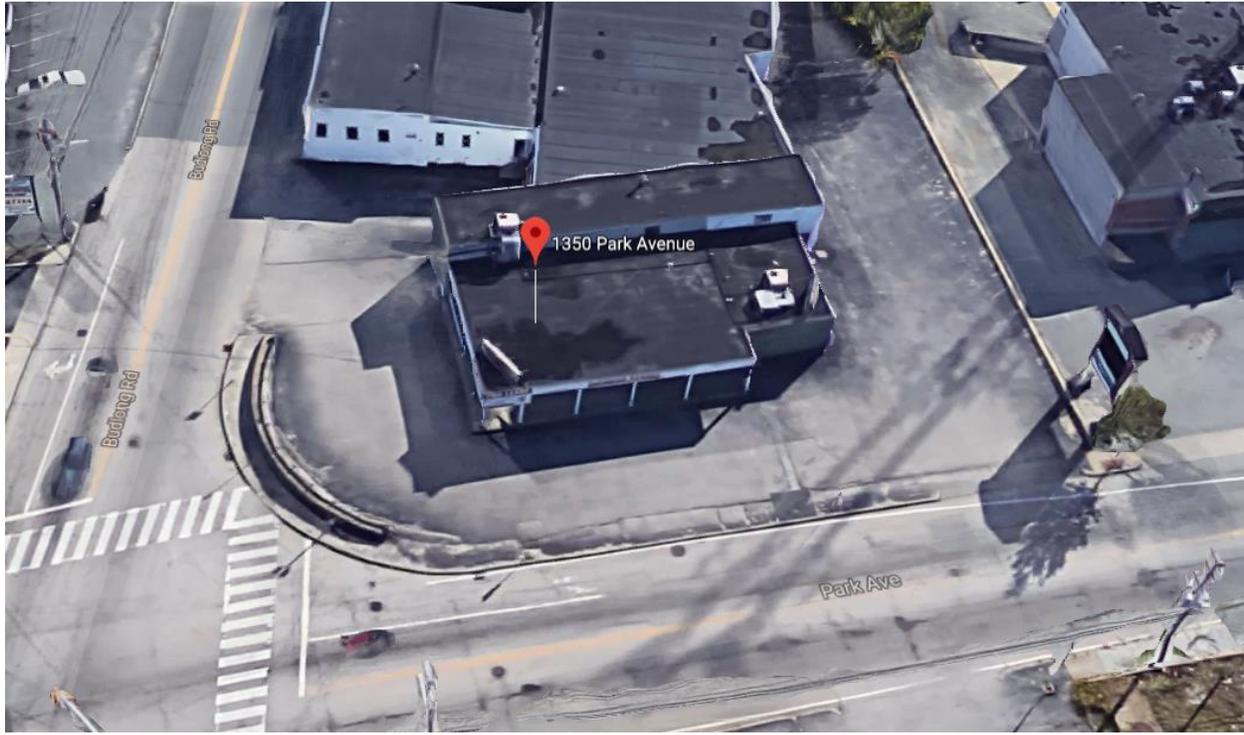
- Industrial
- Governmental/Institutional
- Mixed Plan Development
- Highway Commercial/Services
- Multifamily



AERIAL VIEW



3D AERIAL VIEW



STREET VIEW (From Park Ave)



STREET VIEW (From Budlong Rd)



FINDINGS OF FACT:

1. The subject site is a 14,742 ft² lot in M-1 (Restricted Industry) zoning. The applicant is proposing a restaurant at this location, with no structural alterations to the building. Restaurants are allowed with a Special Permit in M-1 zoning per Sec. 17.20.030 *Schedule of Uses*.
2. The 1954 Property Assessment Record states the use as retail (fruit store – Community Fruitland). The 1984 Property Card recognizes a commercial use of the property. The site was previously occupied by a bakery but has been vacant since 2011. All the City of Cranston’s VISION property appraisal cards since 2006 (when the City began using them) list the property as commercial (Code 3333 large business), not industrial.
3. In February of 2001, the Zoning Board of Review approved an application to operate a retail and service establishment on an undersized lot with restricted front and rear yard setback and off-street parking at this site, subject to the following condition:
 1. Potted landscape along apron of building [front] and no overnight parking of vehicles with a 5000 lb. GVW of greater.

Due to several years of vacancy, the site is not currently in compliance with the landscaping portion of the condition. This approval was granted under different ownership; the current owner purchased the property in 2013.

4. The Zoning Board of Review approved a special use permit in 2018 that is nearly identical to the current application, the only difference being the anticipated tenant (Macera’s – 2018, Nico Bella Cranston, LLC – 2022). The Plan Commission unanimously voted to forward a positive recommendation on the application.
5. Cranston’s Development Plan Review Committee held a meeting on October 31, 2018, at which the project was heard and unanimously approved with the following conditions:

GENERAL

1. This approval authorizes only those activities included in the Preliminary Site Plan dated as revised and approved. Any change, extension or modification to those activities is not authorized and shall be subject to the provisions of Title 17 Zoning of the Municipal Code City of Cranston [Zoning Ordinance]. This approval does not waive compliance with the Zoning Ordinance.
2. Any revision required by this approval shall be incorporated onto a final plan [**PLAN**] and a mylar and 6 paper copies of the plan shall be submitted for endorsement by the Committee Chair within 30 days of an issuance of this approval. Prior to endorsement, the applicant shall comply with all applicable conditions set by this approval. The endorsed Plan shall be incorporated into the approval by reference and made part thereof.
3. The applicant shall comply with all City requirements, including but not limited to: off-street parking, landscaping, lighting, signage, erosion control, and the Americans with Disabilities Act. All proposed changes to the site are improvements of challenging existing conditions which include nonconforming aspects.

PARKING & CIRCULATION

4. Vehicular parking is prohibited in front of the building between the building and Park Avenue.
5. The two parking spaces closest to the dumpster in the southwestern corner of the property shall be designated as “Employee Parking” on the Final Plan and physically designated on site.
6. The applicant shall revise the Site Plan dated 10/30/18 so that parking spaces # 13 & 14 will become a handicap parking space, and space #4 will no longer be designated as a handicap space. Crosswalk striping shall be required from the newly designated

handicap space to the entrance of the building. A fifth parking space may be located on the east side of the building, subject to the approval of the Traffic & Safety Engineer.

7. The dimension of the curb opening on Park Avenue shall be provided on the Final Plan.

LANDSCAPING & FENCING

8. The Final Plan shall clearly identify all proposed landscape areas and provide a table showing proposed species and quantities.
9. Two street trees shall be planted adjacent to Park Avenue, a maximum of 35' apart.
10. The northwest corner of the lot, in the area between parking space #14 and Park Avenue which shall be shaped as to not impede traffic circulation and shall be designated as a landscape area.
11. A 3' wide planter box shall be provided, as appropriate, along Budlong Road and Park Avenue.
12. The proposed dumpster shall be screened in compliance with the Cranston City Code.

FINAL PLAN REVIEW

13. The Final Plan review shall be conducted administratively.

PERMITTING/AUTHORIZATIONS

14. This approval is subject to approval of a Special Permit from the Zoning Board of Review for the proposed use. A note stating the date of such approval shall be provided on the Final Plan.

This approval expired one year after the approval under City Code Section 17.84.090 *Time Limit on Approval*. The applicant is scheduled to go back before the DPRC on May 4, 2022.

6. The City of Cranston Comprehensive Plan's Future Land Use Map designates the subject parcel as "Neighborhood Commercial/Services." This designation recommends C-1, C-2, and C-3 zones, all which allow restaurants as a permitted use. The proposed use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map.
7. The Comprehensive Plan Appendix A provides a list of mis-zoned properties and includes recommended zoning allocations for each mis-zoned property. The subject property is on the list, with a recommended zoning designation of C-3. This zoning recommendation is based on an evaluation of appropriateness and analysis of land uses within the area; therefore, the proposed use is consistent with the surrounding area and is not injurious or offensive to the neighborhood. The proposal would not hinder the future development of the city but would further the vision as established in the Comprehensive Plan.
8. The existing nonconforming building is exempt from zoning, having been built prior to the adoption of the City of Cranston's Zoning Ordinance. The absence of structural alterations to the building renders the proposed use to be compliant with Chapter 17.88 *Nonconforming Uses and Structures*.

ANALYSIS:

The City of Cranston's zoning designations do not always accurately reflect the current uses, surrounding context, or future vision for their respective designated areas. This circumstance is recognized by the Comprehensive Plan, which includes in its appendices a list of all known mis-zoned properties in the City. Considering the history of commercial uses on the site (Finding of Fact #2), the subject property was included on the list and is recommended to be rezoned to C-3. This recommendation is based on an analysis of the existing uses and character of the area and would bring the zoning into consistency with the Future Land Use designation of Neighborhood Commercial/Services. Therefore, staff finds that the

proposed use is consistent with the surrounding area and the Comprehensive Plan. The proposal is harmonious with the general welfare and the future development of the city.

It is understood that the parking and circulation is less than ideal, that there are existing nonconforming aspects such as building setbacks and signage, and that there is no existing landscaping on the site. The DPR Committee reviewed the plans in detail at a meeting on 10/31/18, and unanimously approved the plan with conditions that are intended to make the best possible scenario of a challenged site. The approval has expired and therefore the applicant will be returning to the DPRC on 5/4/2022. As the site plan has not changed, it is anticipated that the outcome and conditions will be similar if not identical to the 2018 approval.

Staff recommends reasonable discretion when applying the criteria of approval to this application. The criteria of approval for a Special Permit is not as strict as is required for a Use Variance, Cranston Zoning Code Section 17.92.020 (A).(1).(b). states that applications for a Special Permits in an industrial district are subject to an affirmative finding that the proposed use “will predominantly serve the employees and visitors to the existing industrial uses within the district.” Staff holds that the strict application of this requirement may not be appropriate, considering the character of the area and the history of approved uses at the location. Park Avenue is predominantly commercial, not industrial, with residential also in the near vicinity. Surely, the proposed restaurant would serve the employees and visitors of the industrial district, but to limit the business to “predominantly” serve them would put an unnecessary an unenforceable restriction on the business. The Plan Commission and Zoning Board should consider that the strict application of the Special Permit criteria may not have been applied when Defusco’s Bakery was approved in 2001, or when Macera’s was approved in 2018.

RECOMMENDATION:

Due to the finding that the application is consistent with the Comprehensive Plan, and considering the history of uses at this site, staff recommends that the Plan Commission forward a **positive recommendation** to the Zoning Board of Review.