

City Planning Department



Memo

To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: July 2, 2021
Re: **Use & Dimensional Variance @ 68 Gansett Avenue**

Owner/App: Michele L. Caprio
Location: 68 Gansett Avenue, AP 7/5, Lots 2036
Zone: B-1 (Single and Two-family dwellings)
FLU: Single/Two-Family Residential Less than 10.89 units/acre

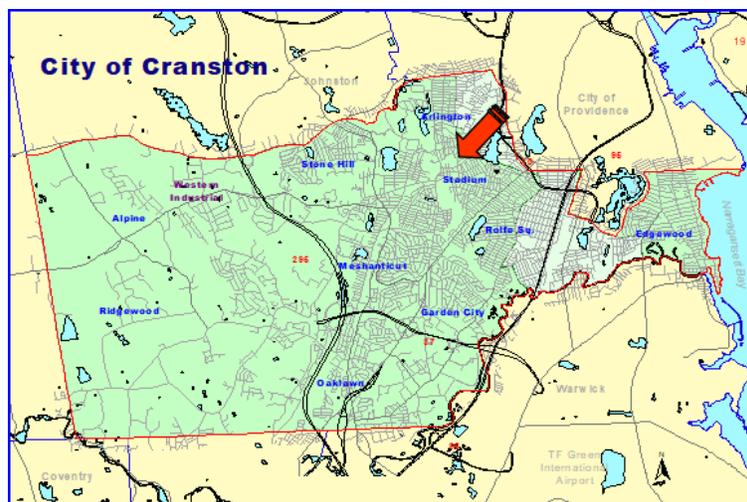
USE VARIANCE REQUESTS:

1. To allow a sign/print shop where it is not a permitted use in B-1 zoning. [17.20.030 – Schedule of Uses]
2. To allow a 4' x 5' (40 ft² - 20 ft² per side) freestanding sign where freestanding signage is not permitted in B-1 zoning. [17.72.010 – Signs]
3. To allow a 2' x 10' (20 ft²) wall sign where wall signage is not permitted in B-1 zoning. [17.72.010 – Signs]

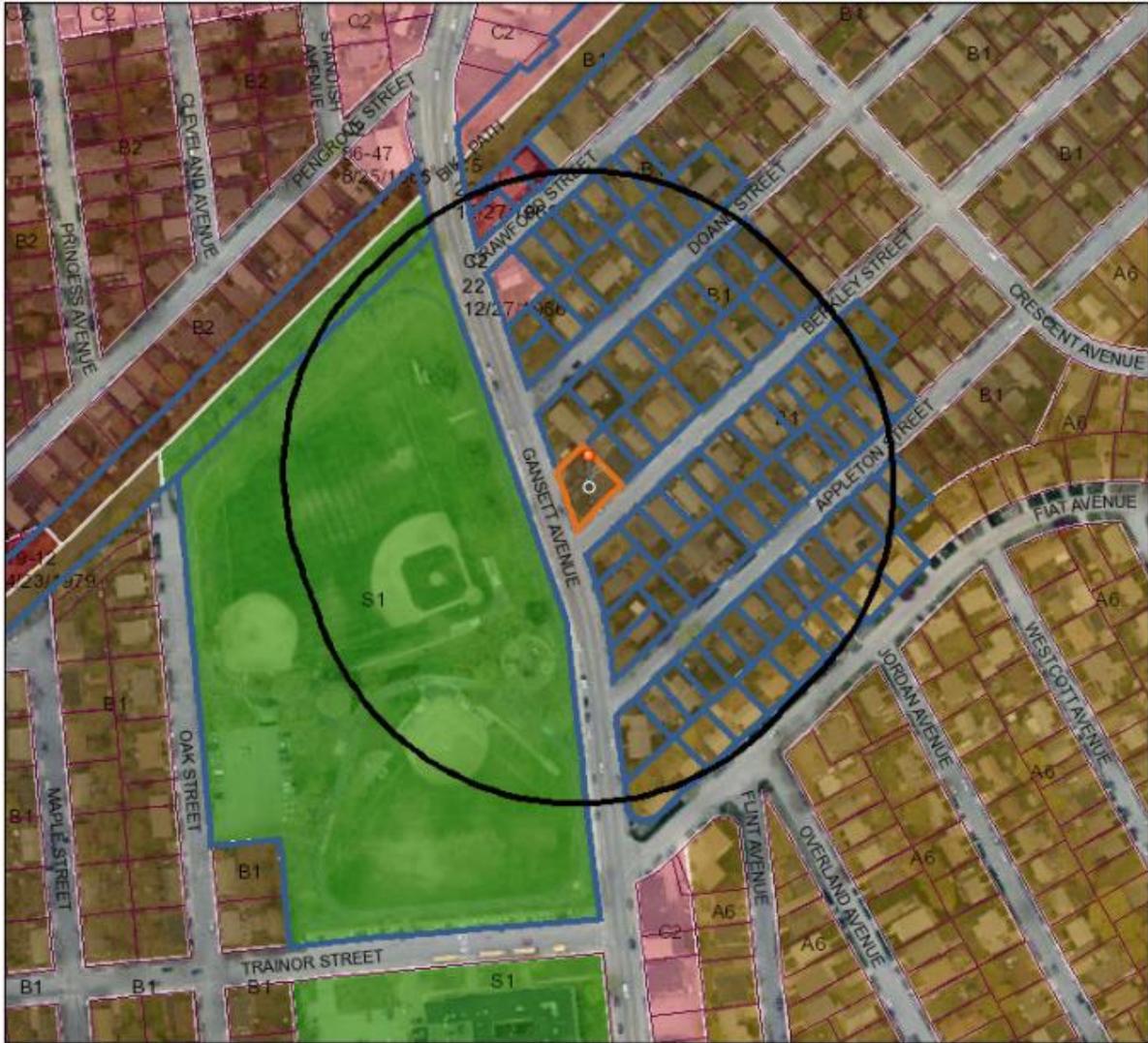
DIMENSIONAL VARIANCE REQUESTS:

4. To allow a freestanding sign within the restricted area for corner visibility. [17.20.100 Corner Visibility]
5. To allow 8 off-street parking spaces when 14 are required for the proposed use. [17.64.010 Off-Street Parking]

LOCATION MAP



ZONING MAP



Use/Selected Parcels	Zoning		
vParcels_Buffer	none	B2	EI
ParcelsInBufferOutput	A80	C1	MPD
Parcels	A20	C2	S1
Streets Names	A12	C3	Other
Zoning Dimensions	A8	C4	Street Names
Historic Overlay District	A6	C5	Red: Red
	B1	M1	Green: Green
		M2	Blue: Blue

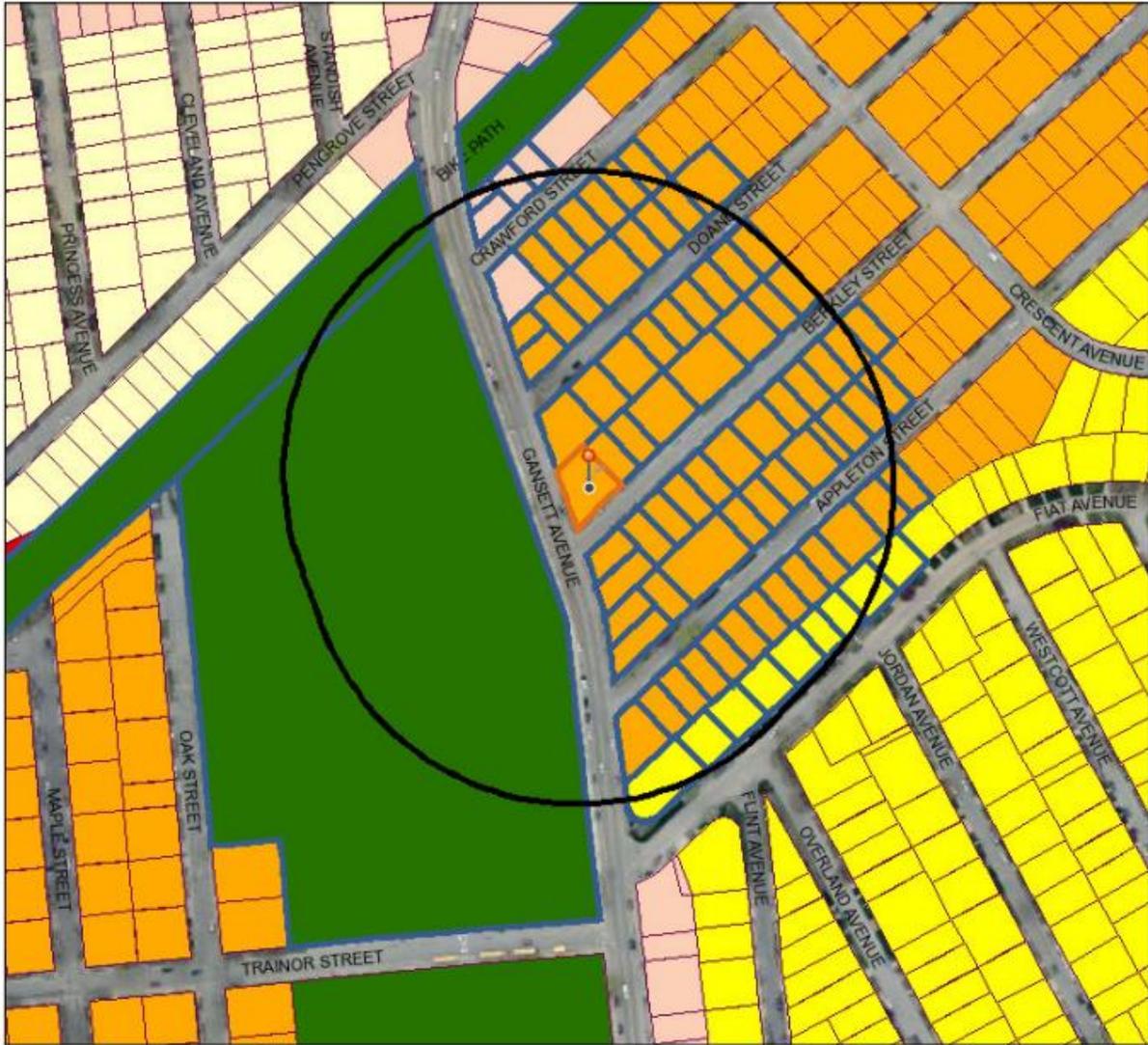


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FUTURE LAND USE MAP



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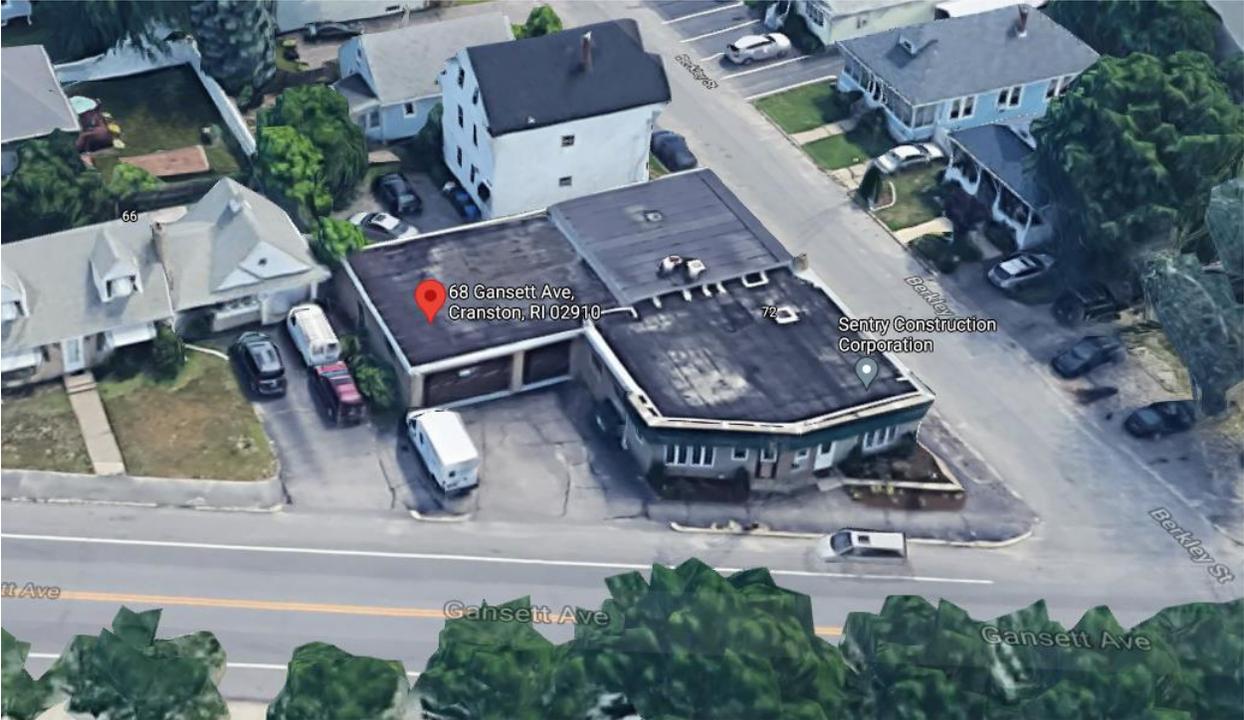


City of Cranston

AERIAL VIEW



3-D AERIAL VIEW (facing east)



STREET VIEW
(Gansett Ave facing east)



STREET VIEW
(Berkeley St facing northeast)



PROPOSED WALL SIGN



PROPOSED FREESTANDING SIGN



FINDINGS OF FACT

1. The applicant proposes a sign/print shop in a B-1 zone where it is not a permitted use.
2. The sign/print shop would occupy a legal nonconforming 4,018 ft² building constructed in 1958 on a 5,628 ft² lot. The existing building is a legal nonconforming structure that encroaches into all of the required setbacks and exceeds the building lot coverage.
3. The first known use of the site was an office use for a plumbing and heating business including a display showroom and garage. There have been other commercial uses at this location since, the latest being a construction/property management company, but no use variances were granted for any other use at this location since the enactment of zoning in 1966 (it is uncertain whether relief would have been required).
4. There is no work proposed (other than the proposed signage) as part of this application.
5. The Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single/Two-Family Residential Less than 10.89 units/acre. The proposed use is inconsistent with the FLUM.
6. The city Code requires 14 parking spaces for the proposed use. There are 8 parking spaces (1 ADA) on site, albeit that 6 of these spaces are within the two existing garages. The parking is an existing condition (except that the ADA space is new/proposed) and the proposed use requires two less spaces than did the previous office use.
7. The property has been utilized as a business for well over 50 years. The continuation of a commercial use is not anticipated to have a negative impact on the surrounding area.
8. Converting the existing commercial building to a conforming residential use may be impractical and/or problematic.
9. The proposed wall signage is 10' wide x 2' high. Wall signs are not permitted in B-1 zoning. In neighborhood business districts, C-1 and C-2 zones, the maximum wall sign area is 30 ft². The proposed sign is 20 ft².
10. The proposed pole signage is 4' wide x 5' tall. The total height is unknown, roughly 8'-9' above the sidewalk. Freestanding signs are not permitted in B-1 zoning. In neighborhood business districts, C-1 and C-2 zones, the maximum freestanding sign area is 25 ft². The proposed freestanding sign is 40 ft² as area is calculated as the sum of each side.
11. The proposed freestanding sign appears to be in conflict with City Code Section 17.20.100 *Corner Visibility*, which prevents objects from obstructing line of sight on side corner lots.
12. There are 7 existing illegal and unpermitted window signs and 1 existing illegal and unpermitted temporary/portable sign on site. Neither sign type is permitted in B-1 zoning. The applicant has agreed to remove the illegal signage.
13. There is a dumpster that is currently located in the required front and side yard setbacks, adjacent to the residential driveway for the abutting property to the north. Dumpsters are Required to be "enclosed from public view on three sides" (Section 8.28.50) and shall be located at least 10-feet from the side or rear property line upon the property on which they sit" (8.12.130). These City Code Sections are from the Health and Safety chapter, not zoning, and therefore relief may not be granted from these requirements. The applicant has corresponded that the dumpster will be relocated, however, there is no location exterior to the building that could comply.

PLANNING ANALYSIS

Permitting commercial uses within residential zones is generally discouraged in order to protect and stabilize neighborhoods - but in this instance, given the existing conditions, the history of the property, and the context of the subject site, allowing the proposed sign/print shop may be appropriate.

In 1957, the Zoning Board of Review approved the conversion of the existing apartment building into a commercial plumbing and heating company, with an office space, a showroom and two garages. The enactment of the current zoning Code in 1966 rendered the commercial use as a legal nonconforming use. Since that time, other commercial uses have occupied the building, but all seemingly without triggering and/or requiring the city's zoning oversight. The current business, MDC Signs Printing, LLC, could have also gone on operating without city intervention except that they caught the attention of the Zoning Secretary when they applied for a sign permit.

From a practical standpoint, the subject site has been existing as a commercial use without conflict with surrounding area has for roughly seventy-years. For this reason, staff does not believe that there would be any negative impact that would result from granting the relief for the commercial use at this location. One example is off-street parking. The proposed use requires less parking (14 spaces) than did the previous use (16 spaces). There are 8 parking spaces (1 ADA) on site, albeit that 6 of these spaces are within the two existing garages, but again, this is an existing condition. There is ample on-street parking available on Gansett Avenue.

Zoning relief is required for the proposed wall sign and the proposed freestanding sign as neither are permitted in B-1 zoning. The 20 ft² wall sign (10' wide x 2' high) is 33% less than the maximum area that would be allowed if this were a C-1 or C-2 zone. For this reason, staff does not take issue with the proposed wall sign. The proposed freestanding sign is 20 ft² per side for a total of 40 ft². In neighborhood business districts, C-1 and C-2 zones, the maximum freestanding sign area is 25 ft². There was a 4' x 4' sign hanging from the existing structure, but the applicant is not grandfathered to the sign because of the change of use and increase in size.

Another aspect of the application is that the proposed freestanding sign is not in compliance with City Code Section 17.20.100 *Corner Visibility*, which prevents objects from obstructing line of sight on side corner lots. Relief from this section was not itemized in the variance application so staff does not have the benefit of the applicant's justification for relief from this section. In absence of such, staff conducted a site visit and found that when driving westbound on Berkley Street, when one pulls up to the intersection with Gansett Ave, the freestanding sign is located *behind* the line of sight and therefore does not obstruct the view of the first car entering the intersection. This is in part due to the 8' wide sidewalk on Gansett Ave and 6'-8' sidewalk on Berkley Street, allowing the distance for the car to drive past the position where the sign may potentially obstruct the view (see the pictures on the following page). Additionally, although the dimension between the street and the bottom of the proposed sign is unknown, there appears to be adequate clearance underneath the bottom of the proposed sign would be. The fact that there was a 4' x 4' sign hanging from the same pole at the same location lends one to belief that it is not necessarily an imminent safety hazard. Staff is of the *opinion* that granting relief would not create a safety hazard, but would also remind the Commission that Planning staff does not have the qualified expertise to *definitively* make a conclusive statement regarding safety. The Traffic & Safety Bureau was unavailable for comment at this time.

Intersection of Berkley St and Gansett Ave (facing north)



Intersection of Berkley St and Gansett Ave (facing south)



Staff has analyzed the requests for consistency with the Comprehensive Plan. The main negative finding on this application is that the Comprehensive Plan Future Land Use Map (FLUM) designates the property as Single/Two-Family Residential Less than 10.89 units/acre. The proposed use is inconsistent with the FLUM. However, beyond the FLUM, staff does not find strong guidance from the Comprehensive Plan that can be applied to this variance request. One reference that staff finds loosely relevant is Land Use Policy LUP -2.6 which reads, “Implement policies that protect residential neighborhoods from commercial encroachment through regulation, appropriate buffers, development standards, traffic planning, and site plan review.” The application is not proposing to convert a residential space to a commercial but is asking to retain a historically commercial site with a different commercial use. For that reason, staff does not see this as commercial *encroachment*. In terms of the buffers, development standards, traffic planning and site plan review – these are all existing conditions.

Staff notes that there are several nonconforming existing conditions on site that are due to actions by the existing tenant. There are 7 existing illegal and unpermitted window signs and 1 existing illegal and unpermitted temporary/portable sign on site. Neither sign type is permitted in B-1 zoning. These were not itemized in the variance application. Staff has notified the applicant of this issue and they have agreed to remove the window signage.

Window Signs





Additionally, there is a dumpster that is currently located in the required front and side yard setbacks, adjacent to the residential driveway for the abutting property to the north. Dumpsters are “required to be “enclosed from public view on three sides” (Section 8.28.50) and shall be located at least 10-feet from the side or rear property line upon the property on which they sit” (8.12.130). These City Code Sections are from the Health and Safety chapter, not zoning, and therefore relief may not be granted from these requirements. Staff has notified the applicant of this issue and they have agreed to relocate the dumpster. However, staff notes that there is no location exterior to the building which can comply with the 10’ setback, and therefore staff recommends a condition that the dumpster be removed and trash be managed internally.

Dumpster



With the exception of the illegal dumpster, window & temporary signage, staff's main issue with the proposal is inconsistency with the FLUM. Despite the inconsistency, the proposal is not found to be inconsistent with the Comprehensive Plan policies and would not have a negative impact on the neighborhood. Staff finds that there is no tangible benefit to deny the proposed use and evicting the business goes against the "business friendly" policies in the Comprehensive Plan. That said, staff prefers not to make positive recommendations that are in conflict with uses prescribed by the FLUM. Staff suggests that the Plan Commission's recommendation include a statement that would bring the dumpster and window & temporary signage to the Zoning Board's attention in hopes that approval, if granted, would include conditions to clean up the existing illegal nonconforming conditions.

Recommendation

Due to the finding that the proposed use is inconsistent with the Cranston Comprehensive Plan Future Land Use Map but is not found to be inconsistent with its policies, and finding that no negative impacts are anticipated by the use or signage, staff recommends the Plan Commission forward **no specific recommendation** on the requested relief to the Zoning Board of Review.

Staff recommends that, as part of the recommendation forwarded to the Zoning Board of Review, the Plan Commission include the following statement and recommended conditions:

Should the Zoning Board of Review approve the variance requests, the Plan Commission respectfully requests that the Zoning Board consider the following conditions:

- 1. The dumpster must be removed from the site and all trash must be managed internally.*
- 2. All existing illegal signage (including but not limited to window signs and temporary/portable signs) must be removed and shall not be allowed on premise.*
- 3. The parking shall be striped as shown on the site plan titled "68-70 Gansett Avenue Cranston, Rhode Island A.P. 7-5, Lot 2036" by Joe Casali Engineering dated 6/9/21.*