

City Planning Department



Memo

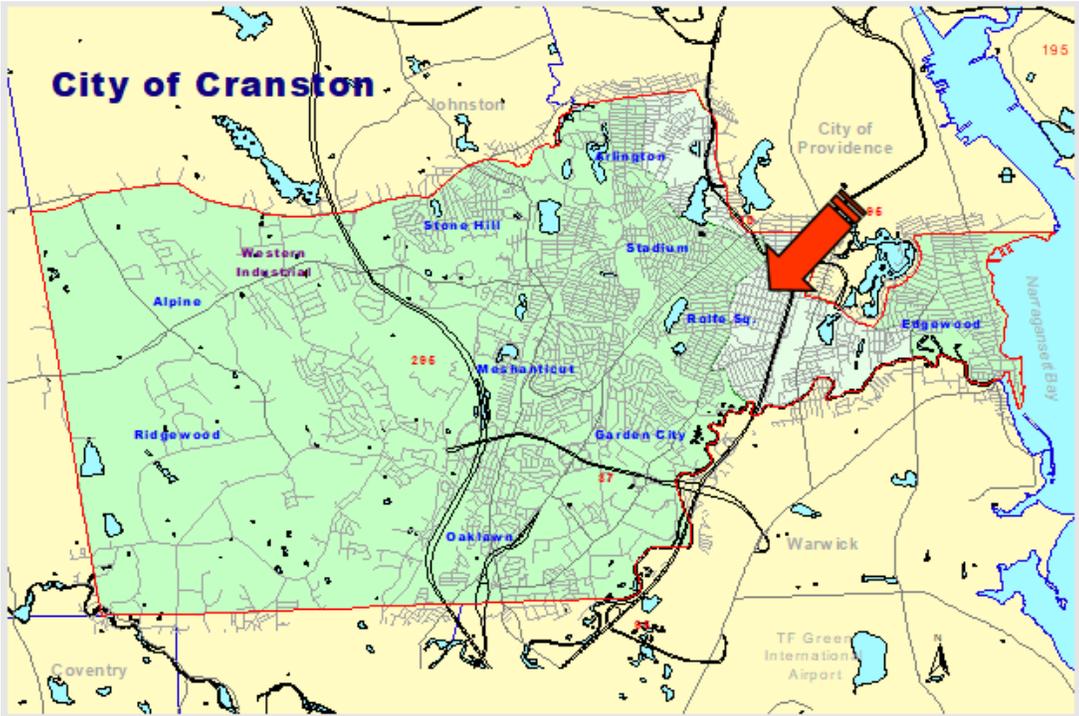
To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: April 29, 2021
Re: **Variance Application for @ 757 Park Avenue**

Owner/App: Marie Properties, LLC
Location: 757 Park Avenue
Zone: C-1 (Office Business)
FLU: Neighborhood Commercial/Sevices

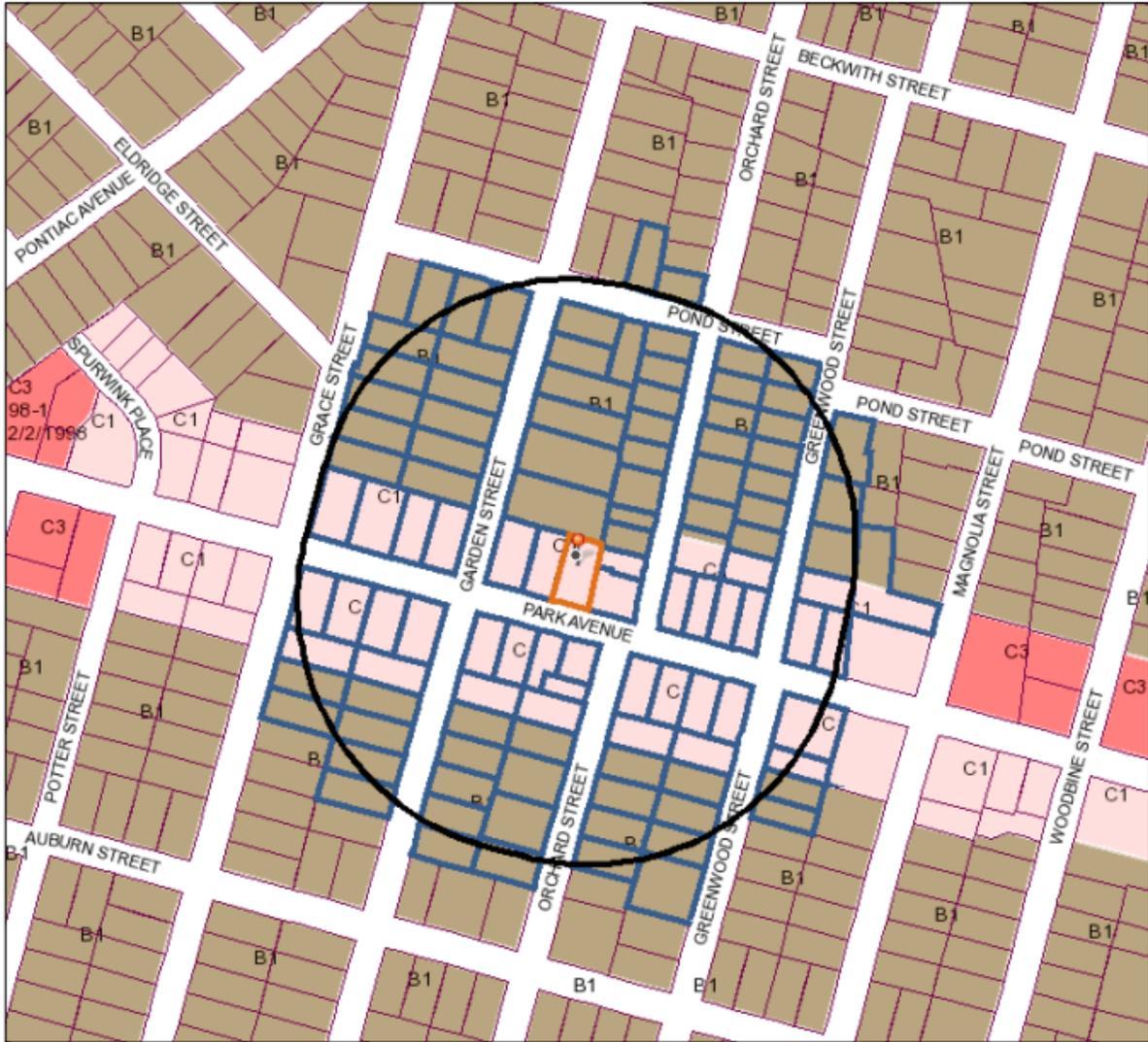
VARIANCE REQUESTS:

1. To allow two residential units above an existing/approved first floor business on a 6,065 ft² lot where 10,000 ft² is required. [Section 17.20.090 – Specific Requirements]
2. To allow two residential units above a first floor business with 7 parking spaces where 11 are required. [17.64.010 Off Street Parking]

LOCATION MAP



ZONING MAP



Legend Item	Color	Zoning
UserSelectedParcels	Blue	Other
vParcels_Buffer	None	None
ParcelsInBufferOutput	Light Grey	A80
Parcels	White with black outline	None
Streets Names	Yellow-Green	A12
Zoning Dimensions	Orange	A8
Historic Overlay District	Tan	A6
	Brown	B1
	Dark Brown	B2
	Pink	C1
	Red	C2
	Orange-Red	C3
	Red	C4
	Dark Red	C5
	Purple	M1
	Dark Purple	M2
	Light Blue	EI
	Blue	MPD
	Green	S1
	Blue	Other
	Blue	Street Names

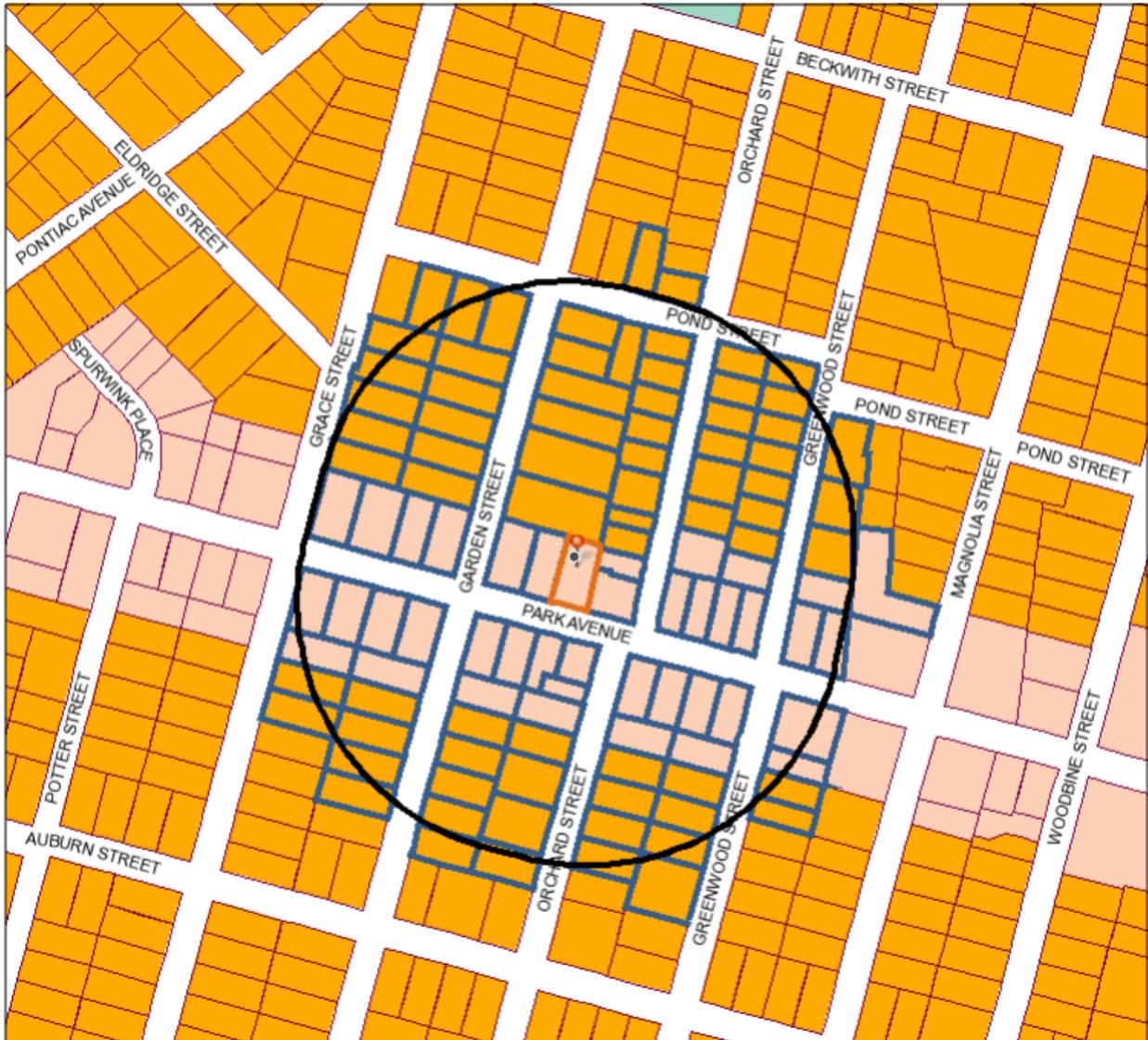


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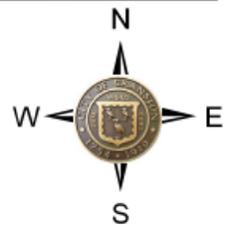
City of Cranston

FUTURE LAND USE MAP



Future Land Use

	Governmenta...		Neighborhood Commercial/...		Single Family Residential 3.63 To 1 Unit Per Acre		Single/Two Family Residential Less Than 10.89 Units Per Acre
	Highway Commercial/...		Open Space		Single Family Residential 7.26 To 3.64 Unit Per Acre		Special Redevelopm...
	Industrial		Residential Less Than 10.39 Units Per Acre		Single Family Residential Less Than 1 Unit Per Acre		Water
	Mixed Plan Development		Right Of Way				
	Multifamily						



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AERIAL VIEW



AERIAL VIEW ZOOM-IN



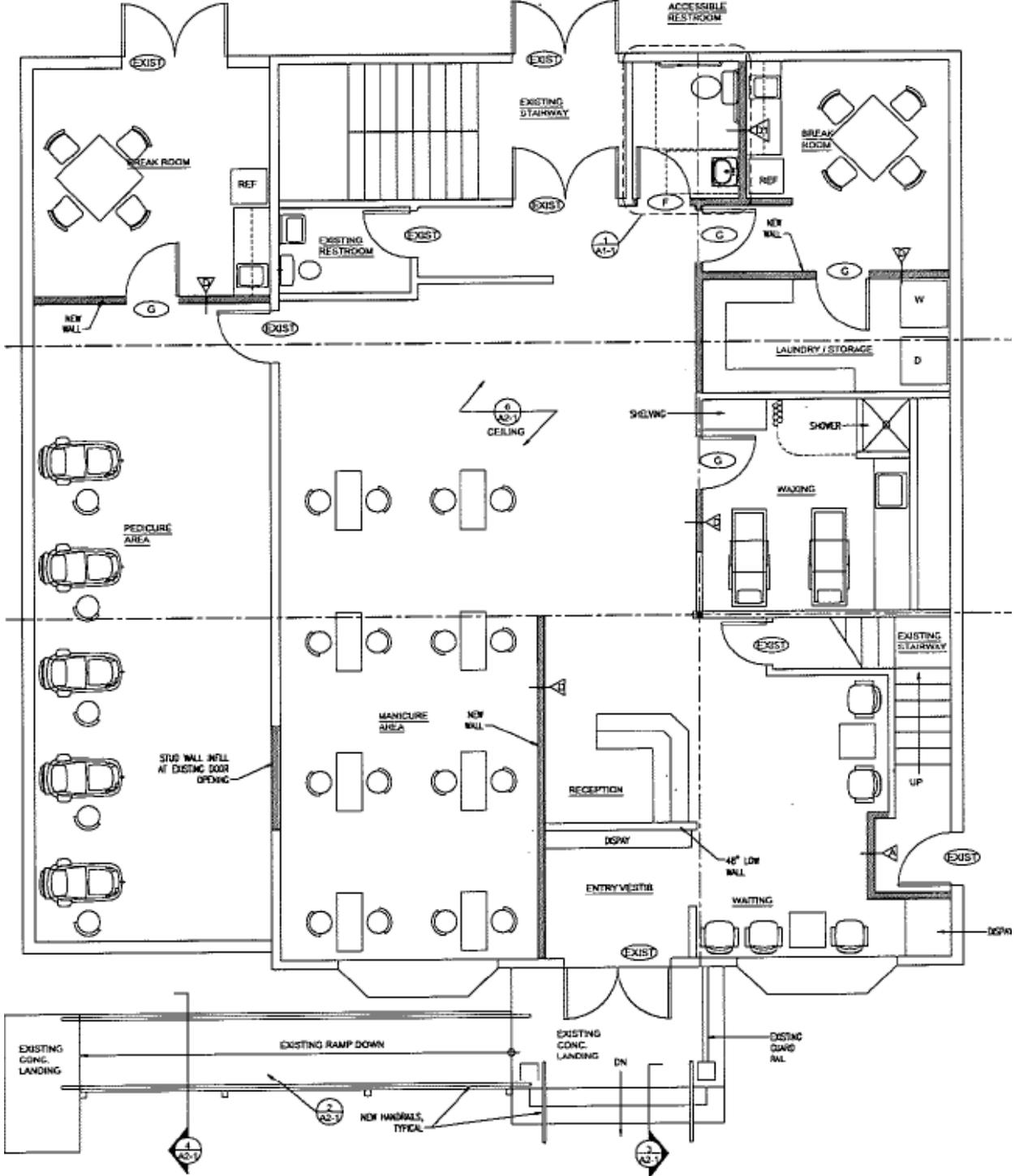
STREET VIEW (Previous Condition)



STREET VIEW (Existing Condition)



FIRST FLOOR PLAN



FIRST FLOOR PLAN - PROPOSED
 1/4" = 1'-0"

FINDINGS OF FACT:

1. The applicant proposes to conduct interior renovations on the second floor to create two dwelling units above a first floor business (beauty/nail salon). The commercial use and the proposed residences above are allowed under C-1 zoning, but the Code requires 10,000 ft² of lot area (6,000 ft² for the business plus 2,000 ft² per residential unit) and 11 off-street parking spaces (9 for the business and 1 for each additional residential unit). The applicant is requesting relief to allow the addition of the two residential units lot is 6,065 ft² and the applicant proposes 7 parking spaces.
2. The existing building is a legal-nonconforming structure as it received relief in 1988 to encroach into the rear and side yard setbacks. There are no proposed changes to the footprint of the building.
3. The two proposed second-floor units are 890 ft² and 773 ft² respectively, each with private means of ingress/egress.
4. The existing parking area is gravel and unstriped and the site has two curb cuts to Park Avenue. The proposed plan closes the two existing curb cuts along the edges of the property and replaces them with a single curb cut into the center of the property. The plan does not currently propose paving, but it provides 1 ADA and 6 standard parking spaces for a total of 7 spaces. The City's Bureau of Traffic Safety has reviewed and approved the plan as proposed. The approval was accompanied with the following remarks, "While the site remains undersized & nonconforming, improvements include ADA parking and reduction to a single curb cut. Paving of the Parking lot shall be required."
5. The exterior of the existing structure has been improved (new siding, windows, etc.) and there are many proposed site improvements such as the reduction of two curb cuts into one, removal a free-standing sign, repaving sidewalks and providing new curbing, paving new internal walkways, and installing a new HVAC system.
6. The applicant provided a neighborhood analysis with an itemized breakdown of the number of land use within a 400' radius. There are 111 total properties in this radius comprised of a variety of residential and commercial land uses. The analysis states that the average lot area of the 10 other mixed use lots is 5,115 ft². It further states there are five mixed use lots with accessory units that have an average area of 5,284 ft². The 15 total units have an average area of 5,171 ft² which is less than the proposed 6,065 ft².
7. The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Neighborhood Commercial/Services". This allocation does **not** prescribe a density maximum. The proposed use is by-right in C-1 zoning, and C-1 zoning is consistent with the Neighborhood Commercial/Services designation, so the project is **consistent** with the Comprehensive Plan's Future Land Use Map.
8. The Cranston Comprehensive Plan's Housing Element supports the development of housing stock in Eastern Cranston. This proposal is does not create sprawl, requires no environmental disturbance or extension of roadways or utilities, and is likely to be in-line with affordable price points (based on the square footage). Housing Action 3 (HA-3) is to "Encourage housing that is mixed into commercial projects." The proposal is consistent with the Comprehensive Plan policies.
9. The application materials submitted do not include information to demonstrate that the request meets the required standards in City Code Section 17.92.010 *Variances*.

However, nearly any utilization of the second floor would trigger relief for additional parking in excess of the two spaces required (one each) for the proposed two dwelling units.

PLANNING ANALYSIS:

Staff's first impression on this application was that the applicant was asking for too much; the site isn't large enough to accommodate the off-street parking requirements and does not meet the lot area requirements to add the residential units on the second floor. However, after closer consideration of the scope of the Plan Commission's role in the review and recommendation on variance applications, and after thinking more critically about the Comprehensive Plan's policy guidance in terms of housing and treatment of existing conditions, staff has come around on this application.

The Plan Commission's role must not be conflated with that of the Zoning Board of Review (ZBR) to make the required findings under 17.92.010 *Variances*. The Plan Commission has a more general duty to provide a recommendation, one that is largely dependent on the finding of consistency of the Comprehensive Plan. This distinction allows Planning staff and the Plan Commission to look beyond the findings regarding hardship, which are ultimately determined by the ZBR after hearing testimony and public comment which are sometimes not provided during the Plan Commission's review, in part due to the fact that the Plan Commission's review does not require public notification/advertisement. Planning staff has and will continue to press applicants to demonstrate that they meet the required variance criteria, as this information is clearly germane to the application, but does so with the understanding that staff's recommendation is not bound by these standards, nor is the Plan Commission's recommendation.

In review of the overall proposal for 757 Park Avenue, staff finds that the applicant is attempting to work with suboptimal existing conditions and is proposing several improvements to said conditions. They have already invested in improvements to the exterior of the building as evident in the pictures on page 5 of this memo, have secured the approvals to renovate the first floor the first floor for the beauty/nail salon, and as part of this proposal would reduce two curb cuts into one, remove a free-standing sign, repave sidewalks and provide curbing, pave new walkways, and install a new HVAC system. The approval from the Bureau of Traffic Safety would also require the applicant to pave the parking area which is currently gravel.

Staff believes that the City would want the owner to have the ability to activate the existing second floor. Other than storage or office space for the first floor business, which is clearly not necessary, staff is unaware of any way that the applicant could activate or effectively use the second floor without triggering parking and/or lot area issues. Renting the space to another business would require additional parking, far more so than the residential units. In this regard, it could be interpreted that the applicant is asking for the least relief necessary to activate the space. Perhaps one unit would require one less parking space and 2,000 ft² less in terms of lot area, but this has a minimal material effect.

There are many situations in the City where existing legal-nonconforming conditions severely limit the applicant's options in utilizing their property. This is a city-wide issue that is acknowledged in the Comprehensive Plan. In these instances, instead of holding to the strict interpretation of the Code, staff encourages a reasonable approach be taken and a flexibility with zoning regulations be exercised to the extent that the regulations do not obstruct the goals and policies of the Comprehensive Plan. It is not uncommon for off-street parking to be limited in urban areas, both in

Cranston (e.g. Pawtuxet Village, Rolfe Square) and elsewhere. It is important that zoning regulations aren't prohibitive to development or redevelopment especially on the basis of existing nonconformities and site conditions. There is on-street parking on Park Avenue, two new spaces of which are created by this proposal, and staff does not believe the non-compliance with off-street parking minimums raises to the level of a negative impact worthy of denial of the application.

Furthermore, permitting residential units above first floor businesses, within reason, is consistent with the goals and policies of the Comprehensive Plan. C-1, C-2 and C-3 zones all allow residences above first story businesses by-right. Housing Action 3 (HA-3) is to "Encourage housing that is mixed into commercial projects." In this particular instance, the City has the opportunity to add two residential units on Park Avenue. The City desperately needs dwelling units, and the Comprehensive Plan encourages additional units in Eastern Cranston.

Staff proposed a few clarifying questions regarding details of the development proposal in order to have the information available to the Plan Commission. In response to these questions, the applicant has indicated that there are no plans to designate parking spaces for residents. They have confirmed that trash will be handled internally and there will not be a dumpster. When asked how many employees are anticipated to be working during peak hours the applicant stated that they were "unable to definitively answer at this time." The applicant conveyed that the HVAC unit which appears to obstruct the walking path to the rear entry will be removed and a new HVAC system is being installed.

In conclusion, staff feels that this specific request is reasonable and that its benefits outweigh its shortcomings with the Zoning Code. The consistency with the Comprehensive Plan leads staff to support a positive recommendation to the ZBR.

RECOMMENDATION:

Due to the finding that granting the relief is consistent with the Comprehensive Plan, staff recommends the Plan Commission forward a **positive recommendation** on this application to the Zoning Board of Review.