

## City Planning Department



## Memo

To: Cranston City Plan Commission  
From: Joshua Berry, AICP - Senior Planner / Administrative Officer  
Date: July 30, 2021  
Re: **Use & Dimensional Variance @ 830 Phenix Avenue**

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**Owner:** TILCON, Inc.  
**Applicant:** CBNA Barleta Joint Venture  
**Location:** 830 Phenix Avenue, AP 17 Lots 194, 1933 & AP 20, Lots 2124  
**Zone:** A-12 (Single-family dwellings on 12,000 ft<sup>2</sup>)  
**FLU:** Single/Two-Family Residential Less than 10.89 units/acre

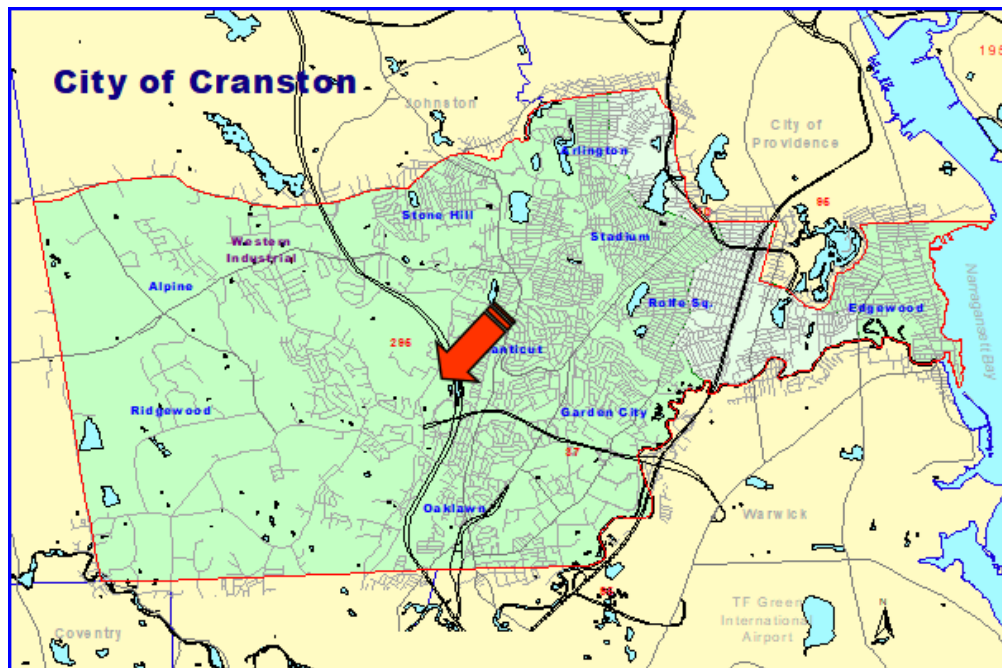
### USE VARIANCE REQUEST:

1. To allow the construction of temporary structure for the expansion of a nonconforming use (contractor yard). [17.20.030 – Schedule of Uses]

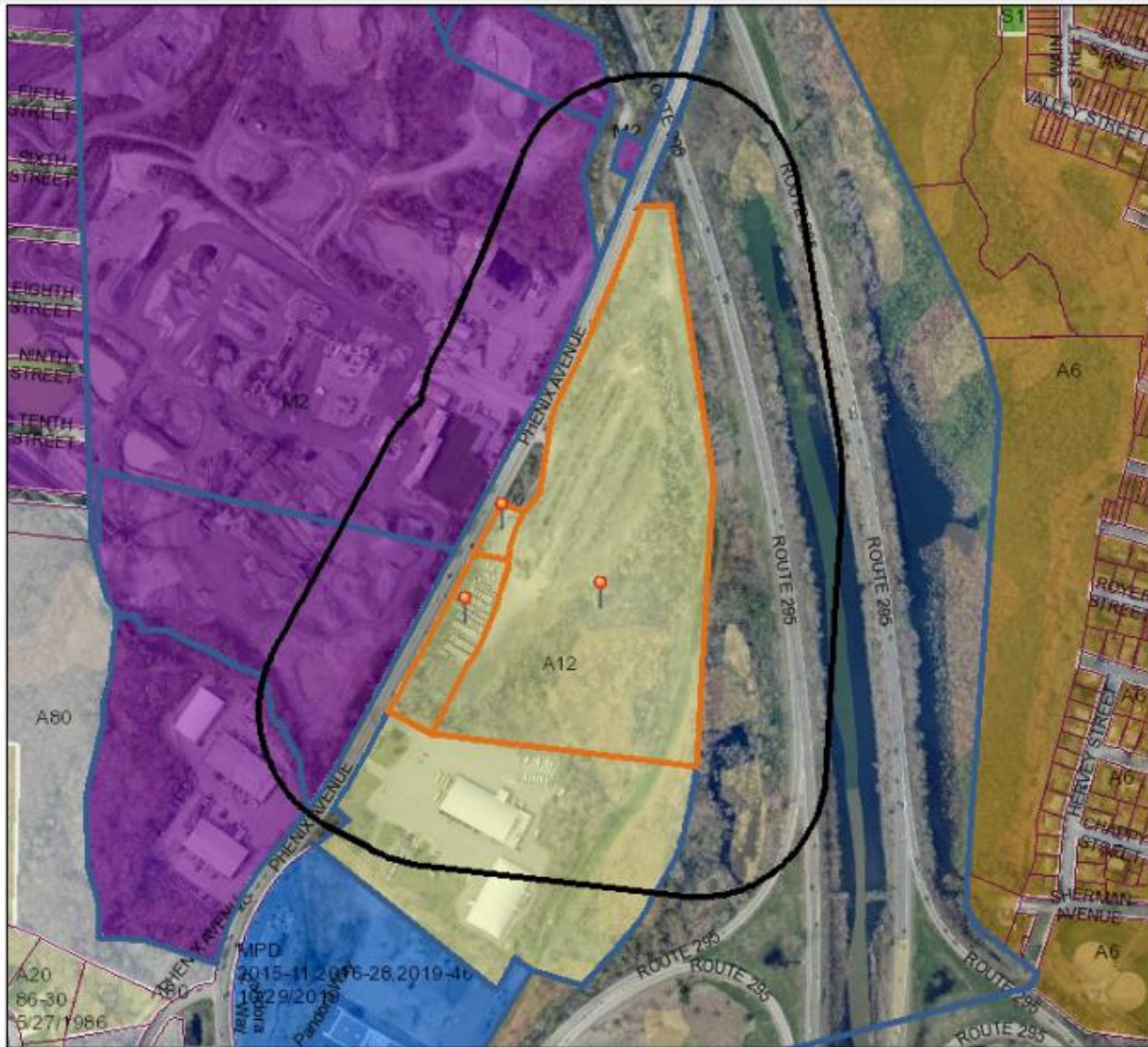
### DIMENSIONAL VARIANCE REQUEST:

2. To allow the construction of a temporary that is 36' high where the maximum height is 35'.

## LOCATION MAP



# ZONING MAP



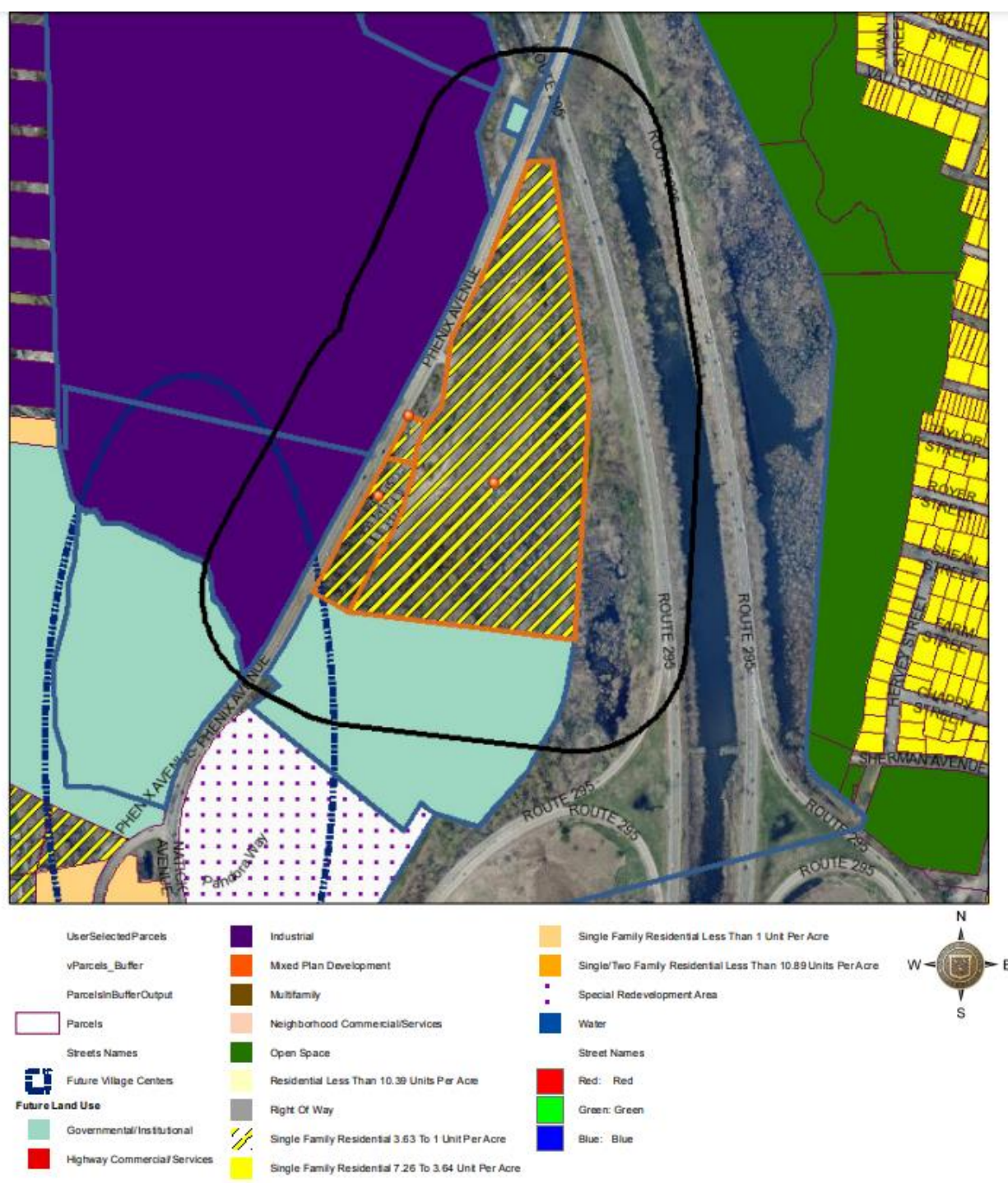
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0 0.005 0.13 0.195 mi

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# FUTURE LAND USE MAP



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## AERIAL VIEW





**3-D AERIAL VIEW** (facing east)



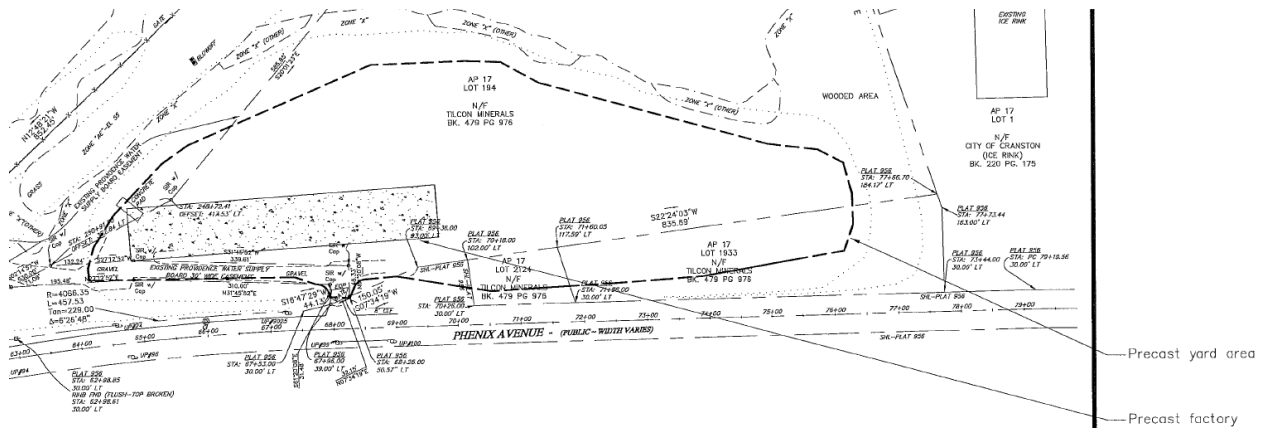
**STREET VIEW** (Phenix Ave facing south)



**STREET VIEW** (Phenix Ave facing northeast)



# SITE PLAN

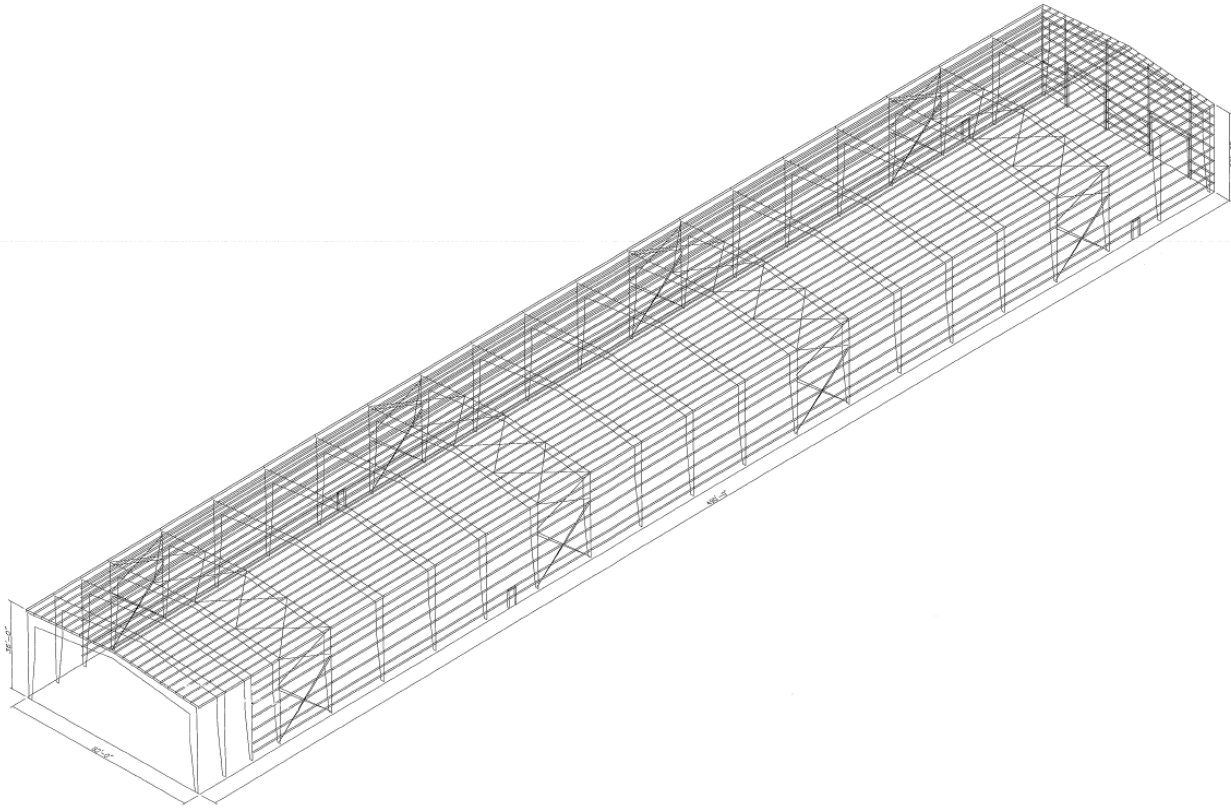


## SITE PLAN (with ring storage layout)





## TEMPORARY PRECAST FACTORY DETAIL



### FINDINGS OF FACT

1. The applicant requires a use variance for the expansion of an existing nonconforming use in order to construct an 82' x 490' temporary structure intended for the processing and storage of precast concrete rings in association with a major sewer overflow tunnel project with the Narragansett Bay Commission.
2. The 18.94-acre site is zoned for residential (A-12) but there are no residential uses in the area. It is across the street from the quarry at 875 Phenix Ave, the northern and eastern edge of the property abuts Route 295, and the ice rink abuts the property to the south.
3. Due to the abutting land uses and highway, this would NOT be an ideal site for single-family residential development. The site is arguably mis-zoned, and would be more appropriate as an industrial zone.
4. The proposed use is consistent with the historic use of the property. The subject site has been used as a contractor yard for decades including trucks coming to and from the site and storage of construction materials. The continuation/expansion of the industrial use is not anticipated to have a negative impact on the surrounding area.
5. The structure will only be required until the time construction is complete, which the applicant estimates to be 30-36 months.

6. There are wetlands on site but the project does not conflict with the wetlands or wetland buffers.
7. The proposed structure is 36' high, one foot above the 35' height maximum. This is not anticipated to have any negative impacts.
8. The Development Plan Review Committee heard the land development proposal as a pre-application/jurisdictional review on 7/7/21. After due discussion, the DPRC found that pertinent issues will be worked out during the building permit process and by consensus agreed NOT to take jurisdiction on the application.
9. There is existing vegetation along Phenix Ave that serves as a visual buffer to the subject site.
10. The Comprehensive Plan designates the subject property as Single Family Residential 3.63 to 1 Unit/Acre. However, the Planning Director, a co-author of the Comprehensive Plan, believes this was an oversight and should have been designated as Industrial.

## **PLANNING ANALYSIS**

Staff offers the following observations regarding the subject site and the site plan:

- Stormwater & drainage questions were discussed by the DPRC. Questions were satisfactorily addressed. A full review will be handled as part of the building permit process;
- Truck ingress/egress was discussed to the satisfaction of the DPRC;
- The offices shown on the site plan will not be constructed. Instead, the applicant intends to utilize office space across the street;
- There is adequate room for the employees to park. It would not be necessary to pave and paint parking spaces considering the temporary time-frame and nature of the contractor yard;
- The structure will have electricity and water. Temporary/portable bathrooms will be provided for employees.

A use variance for an industrial use within a residential zone, a tall mountain to climb, yet in this particular context, the necessary pieces are in place:

- The subject property has been used as a contractor yard for decades without apparent issue;
- There are no residential uses near the site which is bordered by Route 295, the quarry and the ice rink;
- There is nearby highway access so trucks would not disturb residents;
- There is existing vegetative screening along Phenix Ave to mitigate visual impacts;
- The proposed use is temporary, roughly three years, giving the City the time and opportunity to address the long-term use of this site in the future;



- The proposed use is in support of a major infrastructure project in the state, a sewer overflow tunnel to shield Narragansett Bay. It reflects well on Cranston to play a role in support.

The crux of the issue is that the property is mis-zoned. Single-family residential development is not the most appropriate use of this site due the existing abutting land uses. Industrial zoning would more appropriate. The site was zoned A-12 because there was a single-family residence on AP 17 Lot 194 until it was razed in 1971, after the acquisition of the property by Gammino, M. A. Construction Company. Gammino already owned AP 17 Lot 1933 & AP 20 Lot 2124 at that time. If the owner had rezoned the property to be consistent with the land use and abutting uses anytime between 1971 and now, this current proposed use would be allowed. In respect of the project timeline, staff did not request the applicant to pursue a zone change.

In addition to a zone change, the applicant would also have to amend the Comprehensive Plan. The Comprehensive Plan Future Land Use Map (FLUM) designates the subject property as Single Family Residential 3.63 to 1 Unit/Acre. However, the Planning Director, a co-author of the Comprehensive Plan, believes this was an oversight and that it should have been designated as Industrial. If the FLUM had an industrial designation, this group of parcels should also have been included in Appendix A of the Comprehensive Plan, a list of parcels that are not appropriately zoned.

The height of the proposed building, 36', but like the use itself, this is not anticipated to have any negative impacts on the surrounding property owners or land uses.

Staff seldom make recommendations that are inconsistent with uses prescribed by the FLUM, but finding the designation to be an oversight in this particular case, and finding that industrial uses are more appropriate than uses allowed under A-12 zoning at this location, staff is in support the variance requests.

## **Recommendation**

Due to the findings that industrial uses are more appropriate than residential uses at this location, that the proposal would not have negative impacts on the area but would support a major infrastructure project, and findings that it was an oversight that the Cranston Comprehensive Plan Future Land Use Map designated this site for residential uses, staff recommends the Plan Commission forward **positive recommendation** on this application to the Zoning Board of Review.