

City of Cranston

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# City Plan Commission

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Kenneth J. Hopkins  
Mayor

Jason Pezzullo  
Planning Director



Michael Smith  
Chair

Frederick Vincent  
Vice-Chair

Robert Strom  
Ken Mason

Robert Coupe  
Kathleen Lanphear

Joseph Morales  
Robert DiStefano

Anne Marie  
Maccarone

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May 4, 2021

## **17.20.040 Conformance to District Regulations Required & 17.88.010 Substandard Lots of Record**

The Planning Department proposes zoning amendments to fix problematic language regarding the relationship between development activities and substandard lots of record.

Staff has been working collaboratively on this ordinance with the Assistant City Solicitor, the Building & Inspections Department, and the Administration. Mayor Hopkins is the sponsor for the ordinance.

# What's the Story?

1. The majority of the city (especially Eastern Cranston) was platted prior to zoning (31,648 lots currently).
2. The City enacted zoning in 1966, rendering tens of thousands of lots nonconforming (16,348 lots or 51.7% of all lots are currently nonconforming to lot area alone). *See Map #1*
3. The Code addressed these nonconforming lots through the merger clause (Sec. 17.88.010) and by restricting development activity on nonconforming lots (Sec. 17.20.040).

# 17.88.010 Substandard Lots of Record

## (Current Ordinance)

Contiguous Substandard Lots of Record. If two or more contiguous substandard lots of record are owned by the same person as of January 1, 1966, such lots shall be considered to be combined to form as many conforming lots as are permitted in the particular district for the purpose of this chapter; and no single lot or portion thereof shall be used in violation of the requirements of [Section 17.20.110](#) as to lot width, depth and area; provided, however, that in a block that is seventy-five (75) percent or more developed in A-6, B-1 and B-2 zones, lots having an area of at least four thousand (4,000) square feet and having an area and frontage equal to or greater than the average of those developed parcels within two hundred (200) feet of the lot which are on the same side of the street need not be so combined. No parcel, tract or lots of land contiguous to each other and owned by the same person shall be subdivided in a manner where the lot width, depth or area of any resulting lot shall be less than the requirements fixed by this chapter.

# Merger Interpretations Become Difficult When . . .

- There are numerous lots – which ones are merged?
- There are potentially merged lots – are they calculated individually?
- Corner lots – do they count regardless of the primary front?
- Different zones – do part of the calculation?

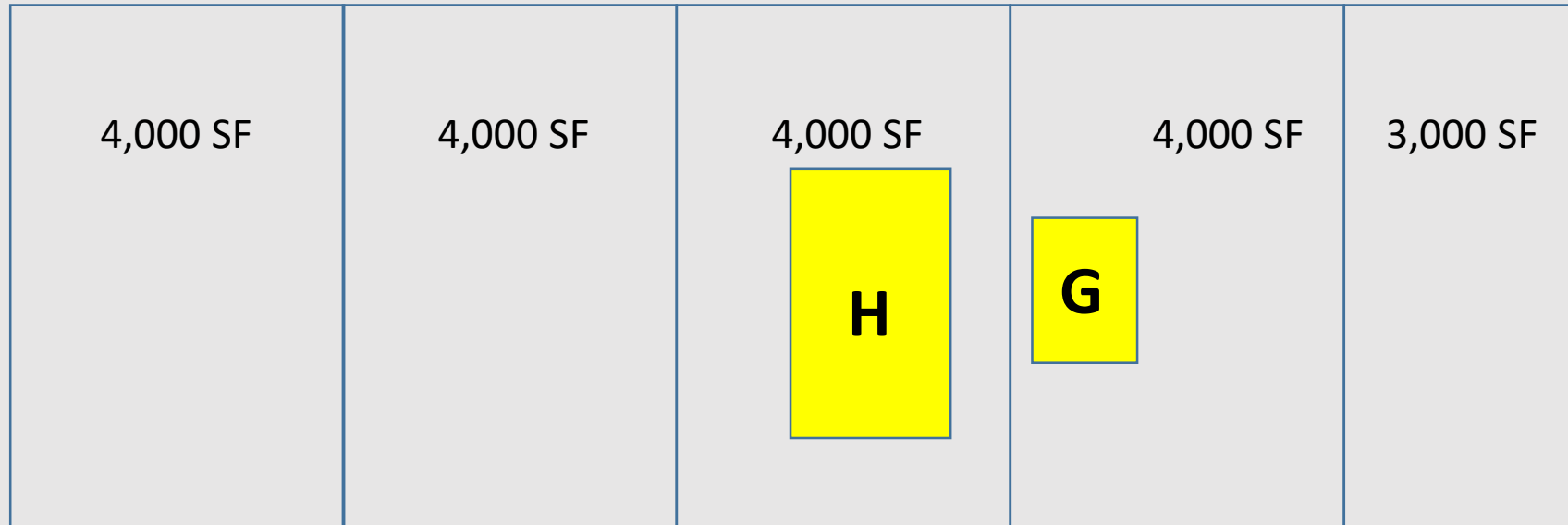
# Example – Numerous Lots

A:6 Zone

4,000 SF	4,000 SF	4,000 SF	4,000 SF	3,000 SF
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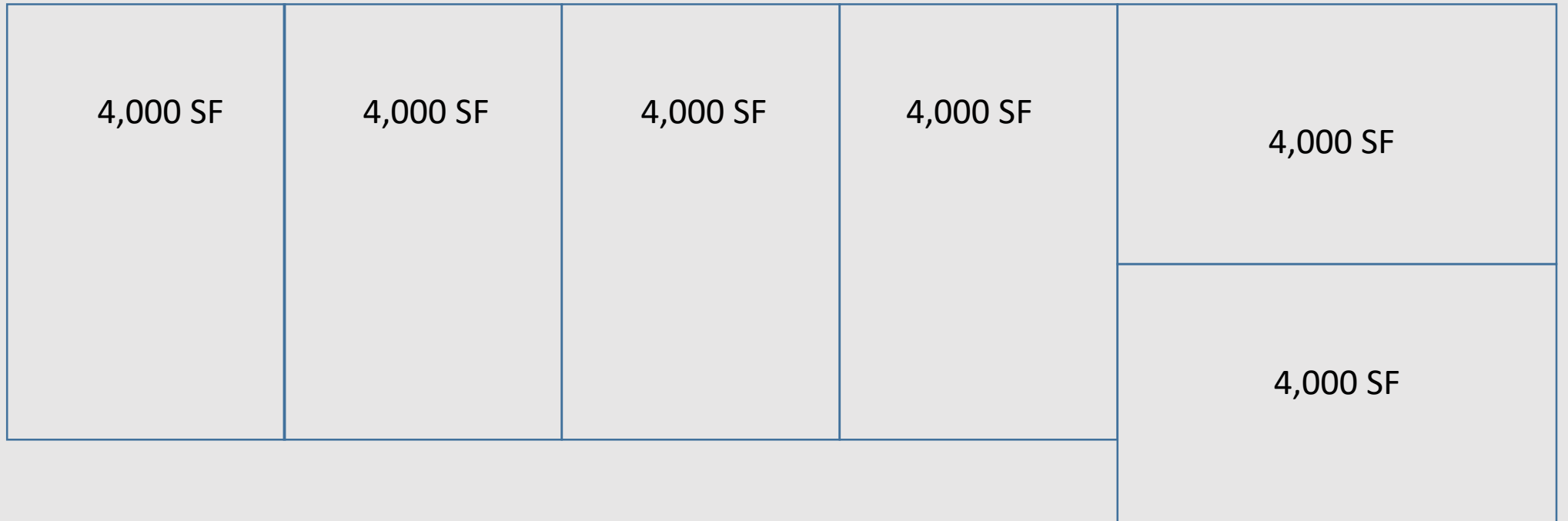
# Example – Numerous Lots

A:6 Zone



# Example – Corner Lots

A:6 Zone





# How Does Ord. #1-21-05 Address This?

- It does **not** propose to substantively change the rules, but ***clarifies*** the lot merger regulations and exemption clause.
  - Zoning Official determines upon request of a Zoning Certificate;
  - Determining factors identified for transparency;
  - Exemption clause ambiguities addressed (merged lots, other zones, corner lots, double frontage lots)
- One substantive change – substandard lots of record less than 4,000 ft<sup>2</sup> would now be merged to abutting lots under common ownership *whether or not the abutting lot is substandard.*

# My Substandard Lot Isn't Merged – Now What?

Under the current Ordinance – go to Zoning Board of Relief *anyway!*

Do NOT pass GO, do NOT collect \$200 (or a building permit).

## 17.20.040 Conformance to District Regulations Required (Current Ordinance)

No structure or land shall be hereafter used and no structure or part thereof shall be erected or moved nor shall the exterior be altered unless in conformity with the regulations herein specified for the district in which it is located, except as provided for in Sections [17.04.070](#), [17.04.080](#), Chapters [17.108](#) and [17.112](#) of this title.

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**The City's response:** No thank you. Let's use common sense instead.

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**The City's response:** No thank you. Let's use common sense instead.

**How is this section currently interpreted?**

That it only applies to construction of new primary structures and changes of use that result in heightened lot area minimums.

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The Proposed ordinance addresses each land activity specifically.

**Subdivisions** – creating new lots and changing existing lots;

**Development** – building new & modifying existing structures;

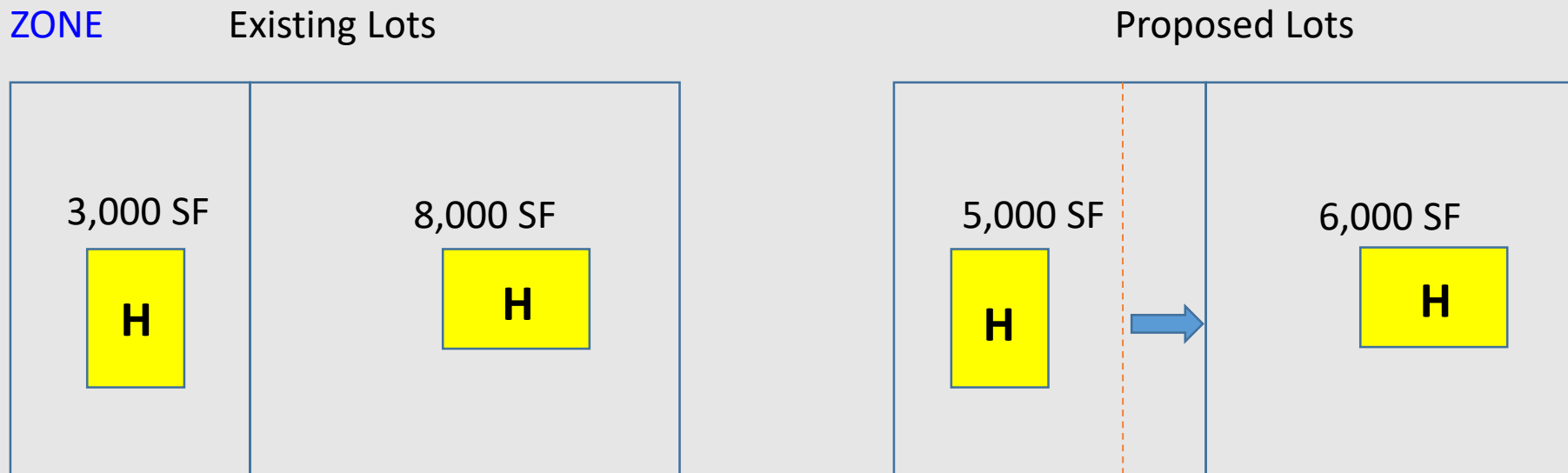
**Use** – when do changes of use trigger compliance?

# Subdivision of Land

ALL new buildable lots MUST meet the minimum lot requirements.

Administrative Subdivisions which reduce or do not increase existing nonconformities without creating other nonconformities may be approved.

Example: A-8 ZONE



\*Please be aware that any lot change that results in the creation of a new buildable lot is a MINOR Subdivision

# Changes of Use

Changes of use must conform to lot area & frontage *only if the new use requires an increase in minimum lot area.*

Examples: Adding dwelling units, drive-in uses, etc.

This would **codify the City's current interpretation** for applicability.



# Development Proposals

Primary Structures may be built on substandard lots of record with a min of  $2/3^{\text{rds}}$  the required lot area and adequate frontage for vehicular access.  
*(does not apply to 2-fam or multifam)*

- This is new and the **biggest proposed change**.

Accessory structures, additions, expansions or renovations do **not** trigger conformance to lot area & frontage.

- This would **codify the City's current interpretation** for applicability.

# Where Did 2/3rds Come From?

- The existing merger clause has an exemption for a lots of a minimum of 4,000 ft<sup>2</sup>;
- 4,000 is **2/3rds** of 6,000, the minimum required lot area in the City;
- Staff carried over the merger clause ratio to create consistency between Code Sections.

# How Many Lots Would This Impact?

- All Nonconforming Developed/Improved Parcels
- Roughly 650 Vacant/Unimproved Parcels\*
  - \*Number based on GIS analysis. Analysis methods and data disclaimers are detailed in the staff memo. To summarize, there are many factors not included in the analysis which would reduce the number of viable parcels including: utilization of land for parking, wetlands, floodplain/floodways, hazardous contamination, slopes, soils, etc.
- Still have to meet ALL other sections of the code – setbacks, lot covg.

# Impact Analysis

## Map 1: All Substandard Lots

- 16,348 lots have substandard area in the City.

## Map 2: All Substandard Lots – Merged

- 10,185 merged lots have substandard area.

## Map 3: Vacant Substandard Lots – Merged

- 1,997 merged vacant parcels have substandard lot area.

## Map 4: Vacant Substandard Lots – Merged – Meets Revised Area

- 666 merged substandard vacant parcels have at least two-thirds of the minimum lot area as required by their respective zoning district.

# Example: Lot 1-10

- 5,000 ft<sup>2</sup>
- C-3 Zone – 6,000 ft<sup>2</sup> minimum
- Cannot be developed – serves as parking for Pawtuxet Baptist Church



# Example: Lot 2-3244

- 4794 ft<sup>2</sup>
- B-1 Zone – 6,000 ft<sup>2</sup> minimum
- *Could* be developed – but would have to demo garage and create off-street parking for Lot 2956, therefore highly unlikely.



# Example: Lot 6 - 3336

- 5,620 ft<sup>2</sup>
- A-6 Zone – 6,000 ft<sup>2</sup> minimum
- *Meets merger exemption clause, therefore could be developed.*



# Breakdown of Unimproved Impacted Lots By Zone

			Unimproved Individual Parcels		Unimproved Merged Parcels	
Zone	Min Area	2/3 Min Area	Number of Substandard Parcels	Number of Parcels Meeting 2/3 Area	Number of Substandard Parcels	Number of Parcels Meeting 2/3 Area
A12	12,000	8,000	30	5	15	2
A20	20,000	13,333	52	10	33	7
A6	6,000	4,000	1183	398	619	262
A8	8,000	5,333	355	15	150	24
A80	80,000	53,333	69	7	44	3
B1	6,000	4,000	953	329	673	269
B2	6,000	4,000	110	38	92	32
C1	6,000	4,000	35	26	19	17
C2	6,000	4,000	67	18	39	14
C3	6,000	4,000	29	12	15	6
C4	12,000	8,000	117	2	67	6
C5	10,000	6,666	175	10	66	9
EI	10,000	6,666	1	0	1	0
M1	30,000	20,000	55	3	25	4
M2	60,000	50,000	348	14	129	11
S1	80,000	53,333	23	2	10	0
<b>Total</b>			<b>3,602</b>	<b>889</b>	<b>1,997</b>	<b>666</b>



# What Are the Arguments Against the Ordinance?

- Staff is not aware of ANY reason to oppose anything in the ordinance other than the 2/3rds rule.
- Some may oppose the 2/3rds rule because:
  - NIMBY
  - Does not support housing development
  - “Alter the character of the neighborhoods”
  - No variance means no notification
  - Potentially others?

# What Are the Reasons to Support the Ordinance?

- Remove problematic language that the City does not (and should not) enforce;
- Clarify confusing or ambiguous language for the benefit of the public, City staff and development community (business friendliness);
- Create synergy between related code sections so that they work together;
- Reduce the burden of zoning where denial would negate any beneficial use;
- Promote housing development consistent with the Comprehensive Plan policies; and
- Enhance efficiency in the review process.

# Consistency With the Comprehensive Plan (1/2)

- “The City needs to address this issue (inconsistency between lot sizes and zoning) and consider changing regulations to reflect the higher density in these areas” (p. 31);
  - Not just consistent with but prescribed by the Comp Plan
- LU-25: Adopt Smart Growth principles: Adopt smart growth policies after a series of public meetings geared to determine the appropriate standards for the City;
- LU-26: Protect and stabilize existing neighborhoods;

# Consistency With the Comprehensive Plan (2/2)

- HA-2: Set a short-term, yearly goal of 30 new affordable housing units per year.
  - Cranston produced ZERO units in 2020 and has no indication that this is going to change without action from the City and Affordable Housing Commission;
  - The proposal does NOT deed restrict housing, but promotes housing choice at modest price-points.
- HA-6: Review zoning in existing residential neighborhoods to ensure the zoning matches, as closely as possible, the dimensions and unit types of what has already been built.
  - Not just consistent with but prescribed by the Comp Plan

# Consistency With 17.04.010 *General Purposes* (1/2)

*B. Providing for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs;*

*C. Providing for orderly growth and development which recognizes (6). The need to shape and balance urban and rural development;*

*H. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing;*

# Consistency With 17.04.010 *General Purposes* (2/2)

*I. Providing opportunities for the establishment of low and moderate income housing;*

*L. Promoting implementation of the comprehensive plan of the city adopted pursuant to RIGL Section 45-22.2;*

*N. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.*

# Cranston Herald

THURSDAY, APRIL 22, 2021

2 SECTIONS WITH SUPPLEMENTS · 28 PAGES · \$1.00

## 'Perfect storm' spurs surge in home prices, demand

*Affordability push continues at State House*

By JOHN HOWELL

COVID-19 is blamed for a lot of ills, but like so many things in life, here's also a silver lining. Such is the housing market.

For months, Realtors have moaned there's not enough inventory of homes to meet the demand. According to Leann D'Ettore, president of the Rhode Island Real Estate Association, the state is faced with a 1.2-month supply of homes, the lowest it has been since 1988.

The result is that people — especially first-time homebuyers, D'Ettore said — are finding it extremely difficult to buy a home. While they may have great credit, they are being outbid by buyers with cash — and who, in some instances, are buying when having only seen a video of the property and without

requiring inspections. Houses are being sold within hours of being placed on the market and frequently for more than the asking price.

How could this be? What's created the frenzy?

Listening to D'Ettore, the pandemic has had a lot to do with it. In her words it has been a "perfect storm."

She said as a result of last year's shutdown, people were either laid off or worked from home. They discovered what was missing from their homes, realizing that either they wanted more space or that they had too much of it. They took on renovation and expansion projects and they thought of moving to something bigger or downsizing.

Rhode Islanders weren't alone.



**LINED UP:** More than 40 prospective buyers lined the sidewalk outside 76 Community Drive in Cranston last Saturday to look at a house that went on the market April 14. It was listed for \$250,000 and reportedly is now under contract. (Herald photo)

# Recommendation

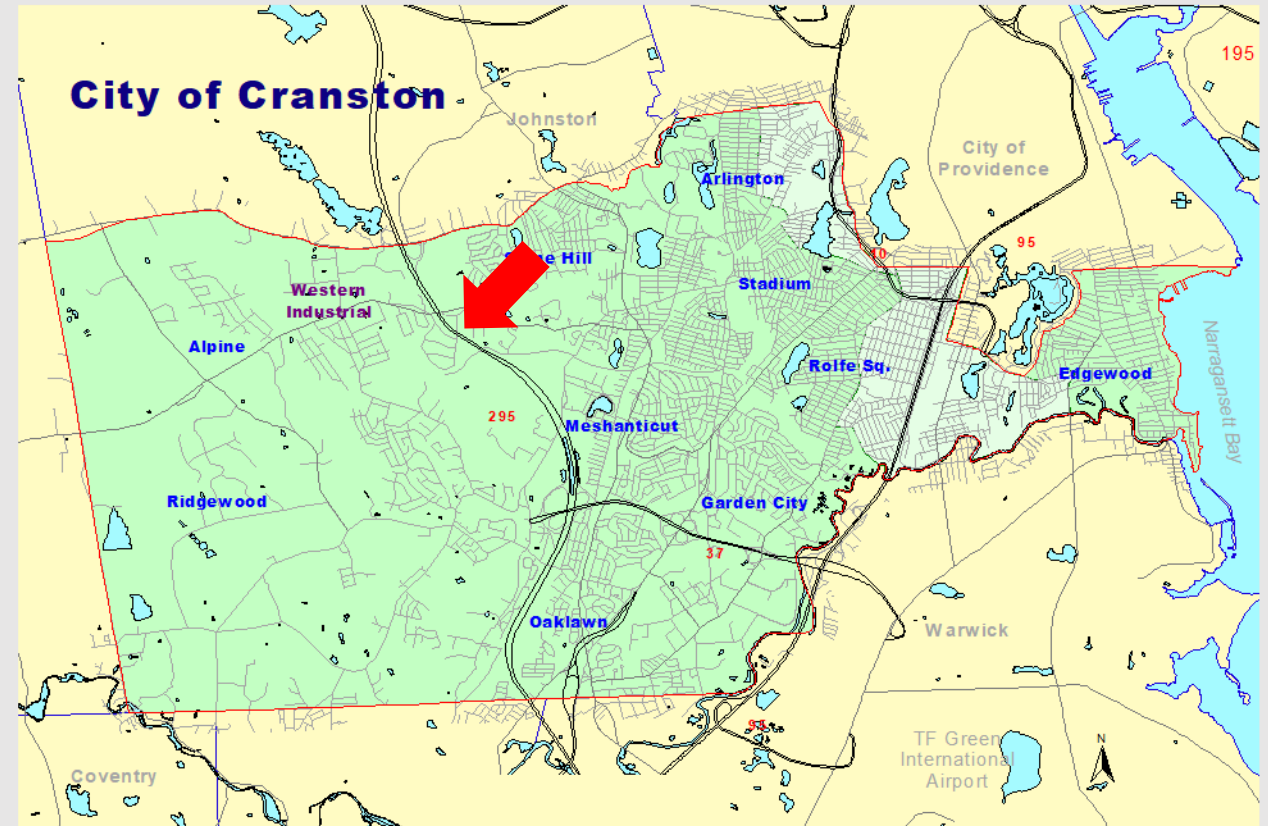
Based on the finding that Ordinance #1-21-05 is consistent with the City Comprehensive Plan, and Zoning Section 17.04.010, staff recommends that the Plan Commission send a **positive recommendation** on Ordinance #1-21-05 to the Ordinance Committee, with the minor amendments as suggested in the Mark-Up Ordinance attached to the staff memo.



# Elite Drive Subdivision

Major Subdivision w/out Street Extension - Master Plan & Dimensional Variances

- Owner:** Michael J. Spagnole & Irene A. Antonelli
- Applicant:** David M. Devany
- Location:** Terminus of Elite Dr & Janet Dr  
AP 26/4 Lot 50
- Zone:** A-20 (Single Fam - 20,000 ft<sup>2</sup> Lots)
- FLU:** Single Fam Res - 3.63-1 Unit/Acre

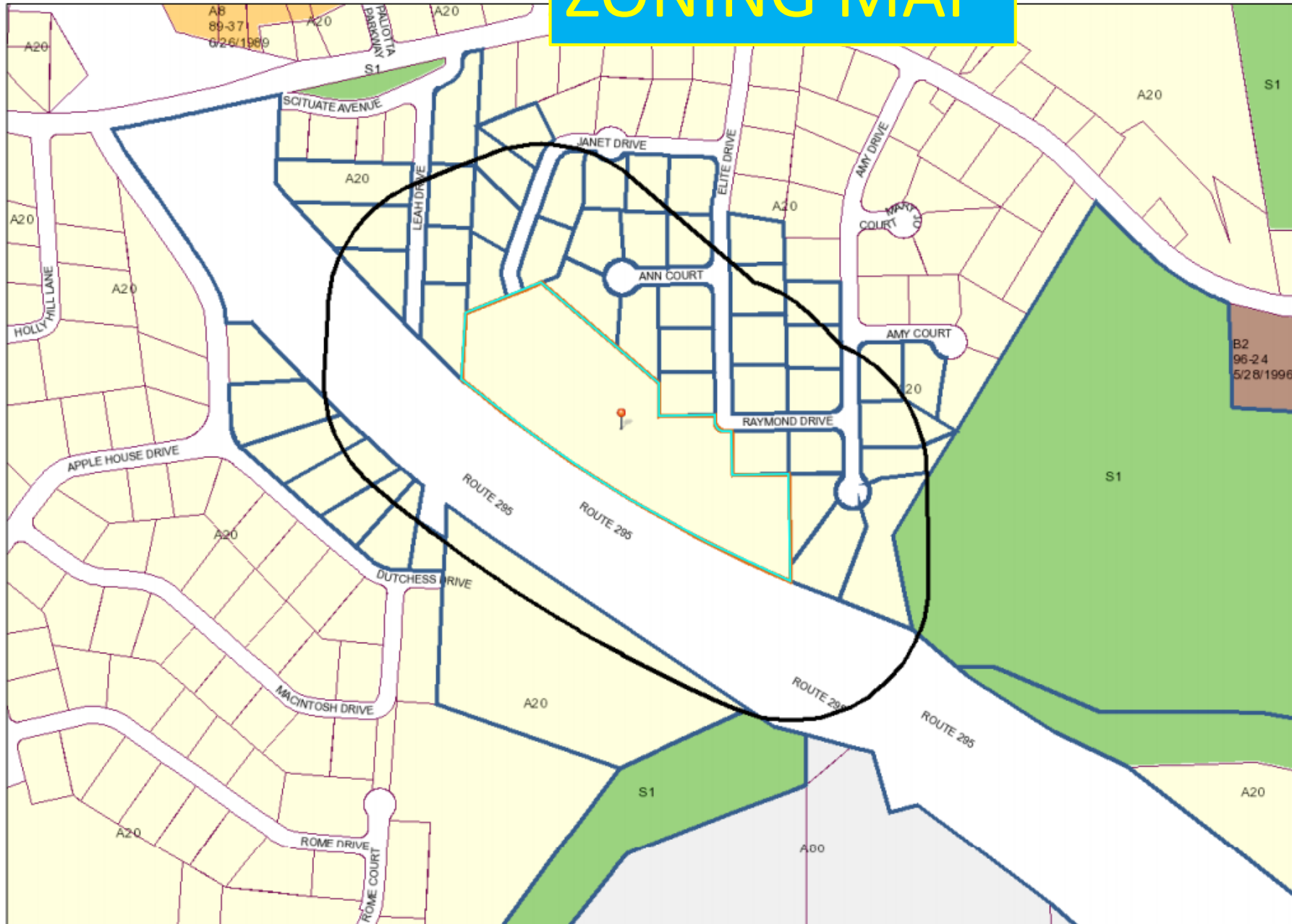


# PROPOSAL SUMMARY

- Subdivision:
  - Subdivide 7.48 +/- Acre site into 4 lots with public water & sewer for SF dev.
- Variances:
  - Request to allow the creation of the four lots with **substandard frontage** and for lots 1, 2 & 3 to be created with **substandard lot width**.

	Frontage (125' Required)	Width (125' Required)	Area (20,000 ft <sup>2</sup> Required)
Lot 1	25'	72'	67,218 ft <sup>2</sup>
Lot 2	25'	72'	50,702 ft <sup>2</sup>
Lot 3	50'	57'	84,586 ft <sup>2</sup>
Lot 4	39' *	(compliant - dimension not provided)	123,372 ft <sup>2</sup>

# ZONING MAP

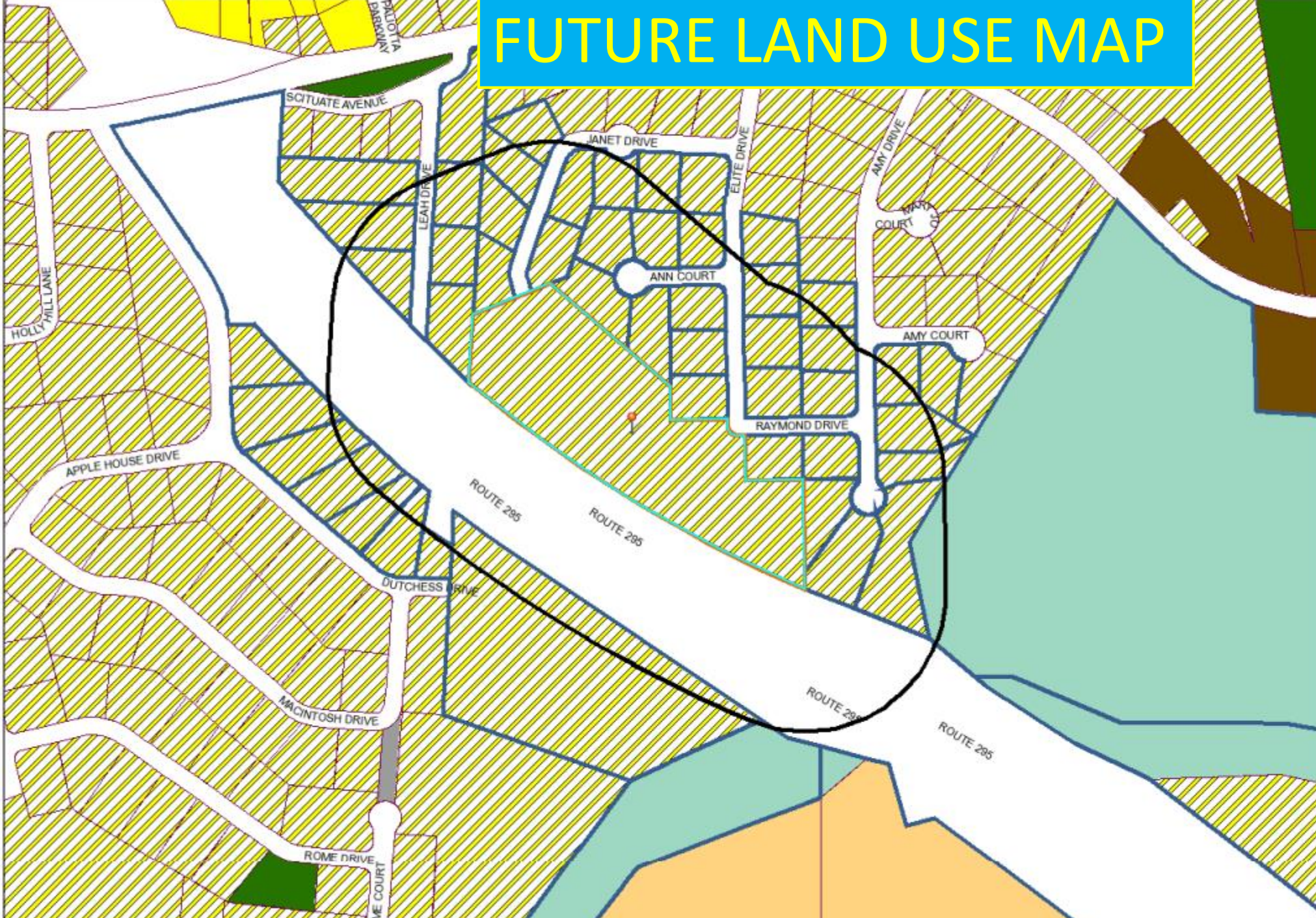


- UserSelectedParcels
- vParcels\_Buffer
- ParcelsInBufferOutput
- Parcels
- Streets Names
- Zoning Dimensions
- Historic Overlay District
- Zoning**
- none
- A80
- A20
- A12
- A8
- A6
- B1
- B2
- C1
- C2
- C3
- C4
- C5
- M1
- M2
- EI
- MPD
- S1
- Other
- Street Names

This map/data/geospatial product is not the product of a Professional Land Survey. It was created for general reference, informational, planning and guidance use and is not a legally authoritative source as to location of natural or manmade features. Proper interpretation of this data may require the assistance of appropriate professional services. The City of Cranston makes no warranty, expressed or implied related to the spatial accuracy, reliability, completeness or currentness of this map/data.

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# FUTURE LAND USE MAP



- UserSelectedParcels
- vParcels\_Buffer
- ParcelsInBufferOutput
- Parcels
- Streets Names
- Future Village Centers
- Future Land Use**
  - Governmental/Institutional
  - Highway Commercial/Services
  - Industrial
  - Mixed Plan Development
  - Multifamily
  - Neighborhood Commercial/Services
  - Open Space
  - Residential Less Than 10.39 Units Per Acre
  - Right Of Way
  - Single Family Residential 3.63 To 1 Unit Per Acre**
  - Single Family Residential 7.26 To 3.64 Unit Per Acre
  - Single Family Residential Less Than 1 Unit Per Acre
  - Single/Two Family Residential Less Than 10.89 Units Per Acre
  - Special Redevelopment Area
  - Water
  - Street Names

# AERIAL VIEW



# 3-D AERIAL VIEW (facing South)



# STREET VIEW (Elite Drive)



# STREET VIEW (facing Janet Drive)





# SITE PLAN

MINIMUM FRONTAGE:	LOT 1:	125'	315'
	LOT 2:	125'	315'
	LOT 3:	125'	304'
	LOT 4:	125'	190'
MINIMUM WIDTH:	LOT 1:	125'	315'
	LOT 2:	125'	315'
	LOT 3:	125'	314'
	LOT 4:	125'	315'
MINIMUM FRONT AND CORNER SIDE YARD:		30'	30'
MINIMUM SIDE YARD:		15'	15'
MINIMUM REAR YARD:		30'	30'
MAXIMUM STRUCTURE HEIGHT:		25'	<35'
MAXIMUM LOT BUILDING COVERAGE:		20%	<20%

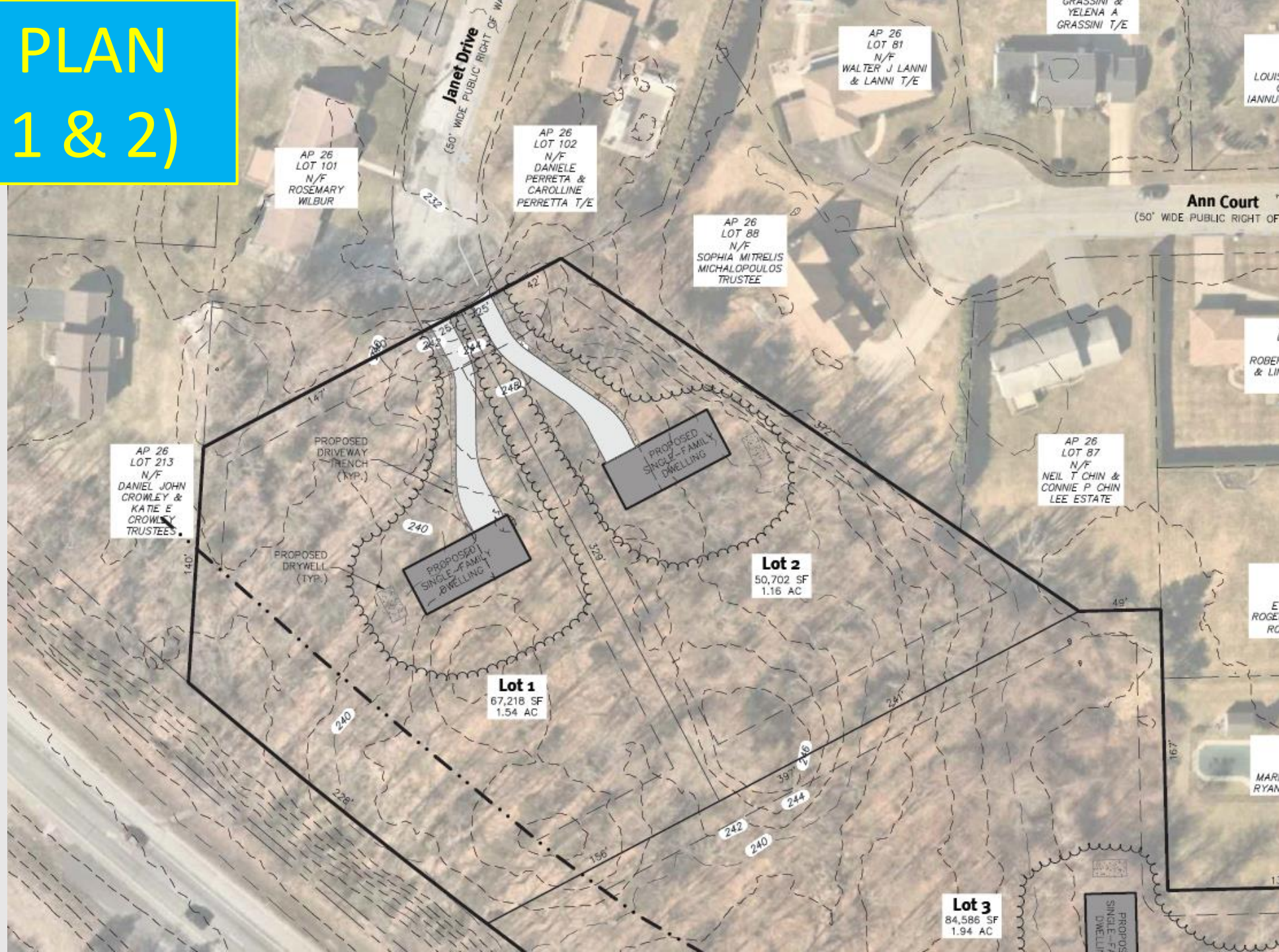
\*FRONTAGE AND LOT WIDTH VARIANCES REQUIRED

### Proposed Legend

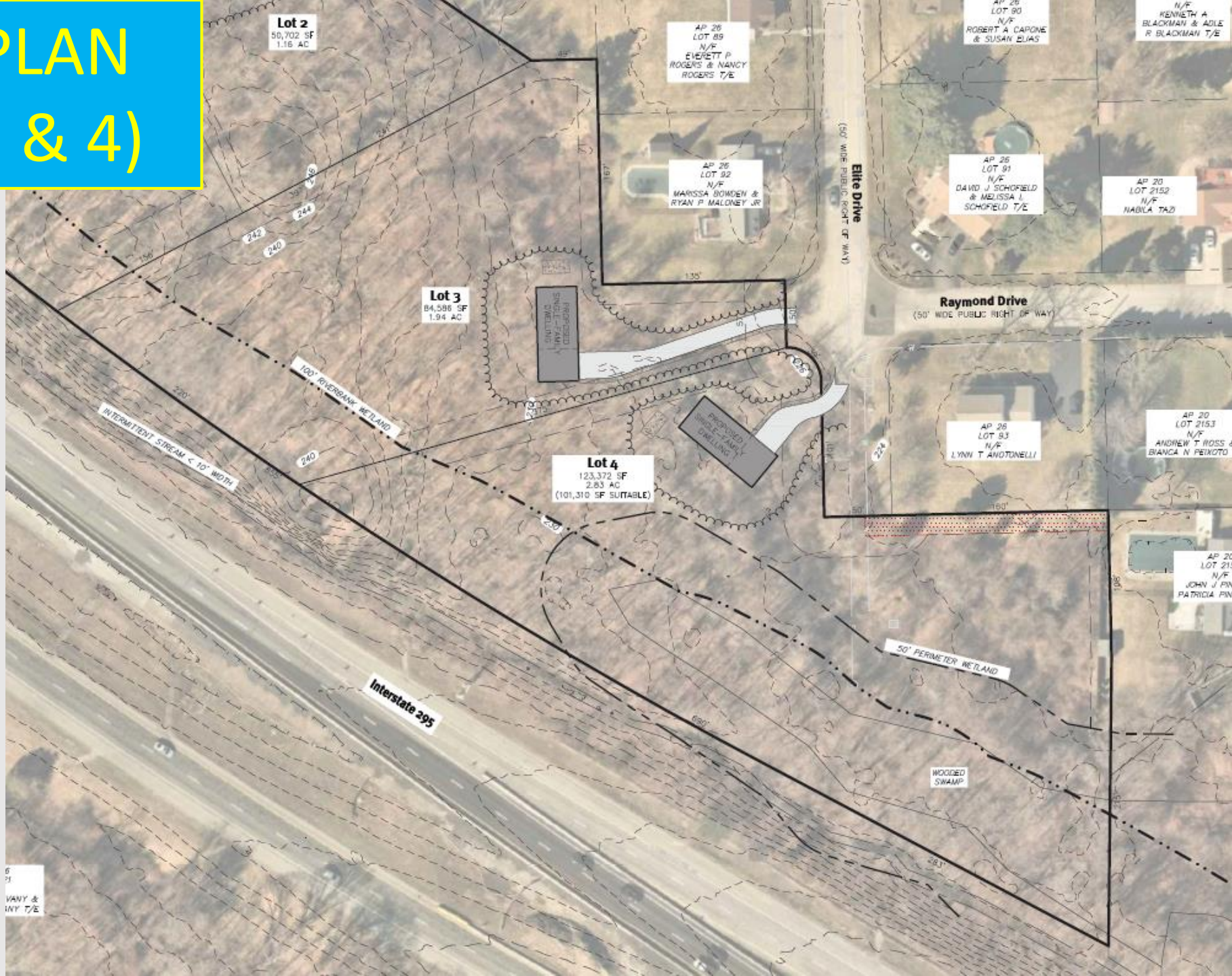
- NOT ALL ITEMS SHOWN WILL APPEAR ON PLANS
- PROPERTY LINE
- - - BUILDING SETBACKS
- ASPHALT DRIVEWAY
- SIDEWALK



# SITE PLAN (Lots 1 & 2)



# SITE PLAN (Lots 3 & 4)



# Subdivision Analysis

- The proposed use is **by-right** under A-20 zone and is **consistent with the surrounding area**;
- The proposal is **less dense** at 0.53 units/acre and thereby **consistent with the FLUM** designation of 3.63 to 1 unit/acre;
- The proposal is **consistent with the Comprehensive Plan** housing policies;
- The wetlands, stormwater, and any other **potential issues shall be addressed during the Preliminary Plan** phase;
- Approval must be **conditional to obtaining zoning relief**.

# Variance Analysis

- The **subdivision design is supported by DPW** *specifically because* it does not require street or public utility extension;
- Relief would be **consistent with the character of the area** and would result in the **least amount of disturbance**;
- The request is **consistent with the Comp Plan Land Use Housing Element policies** to encourage efficient, less sprawling development thereby consuming less land, minimizing disturbance, and programming construction and maintenance of roadways and utilities (p. 66).
- The request is **consistent with the Comp Plan Housing Element** which states “subdivision design should be based on its resource quality and livability, and should also **allow flexibility in the dimensional standards** (emphasis added) and building types” (p. 67).

# Subdivision Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the City of Cranston's Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and approve the Master Plan application, subject to the condition denoted below.

1. Prior to submittal of the Preliminary Plan application, the applicant shall obtain relief from the Zoning Board of Review for substandard lot width and frontage as applicable.

# Variance Recommendation

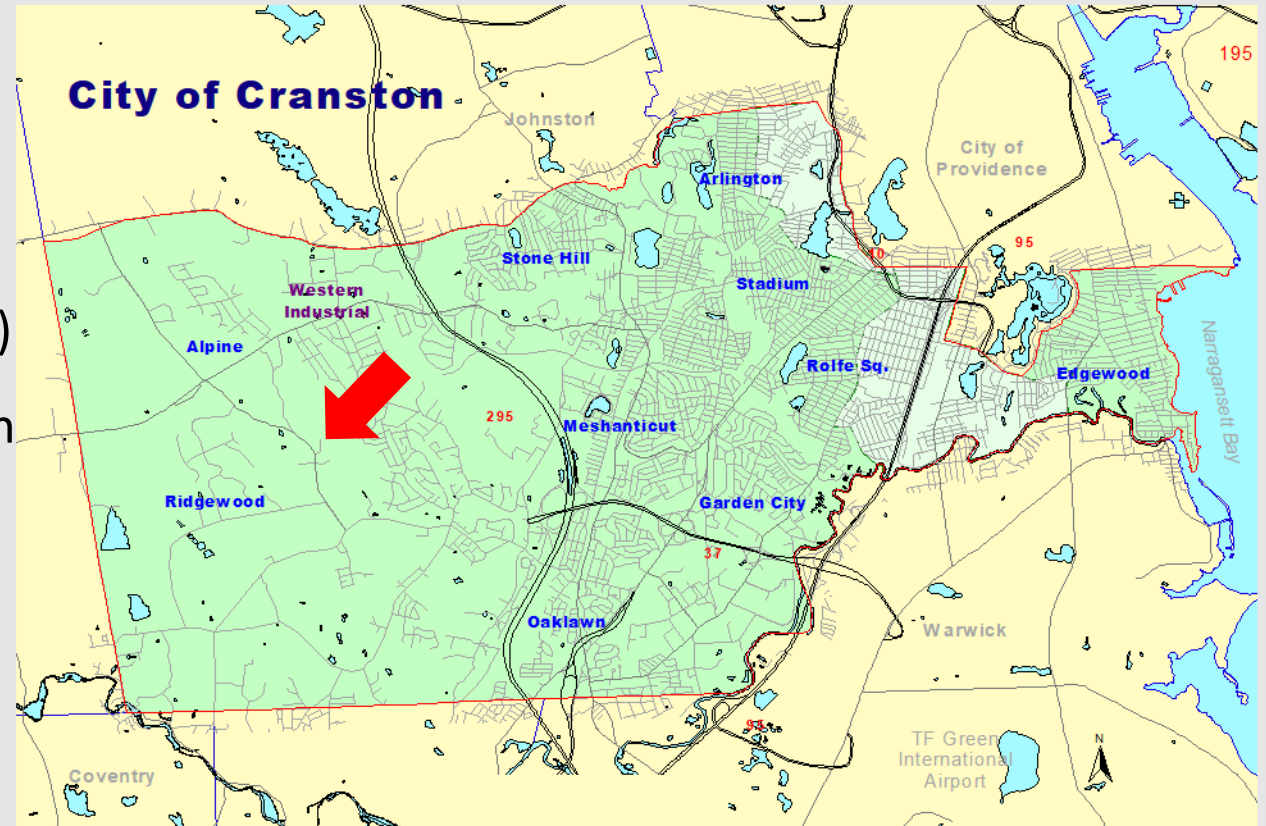
Due to the fact that the application is consistent with the Cranston Comprehensive Plan and because the design minimizes the impacts of the subdivision, staff recommends the Plan Commission forward a *positive recommendation* on the application to the Zoning Board of Review.

# 10 Orchard Valley Drive Subdivision

Minor Subdivision w/out Street Extension - Preliminary Plan & Dimensional Variances

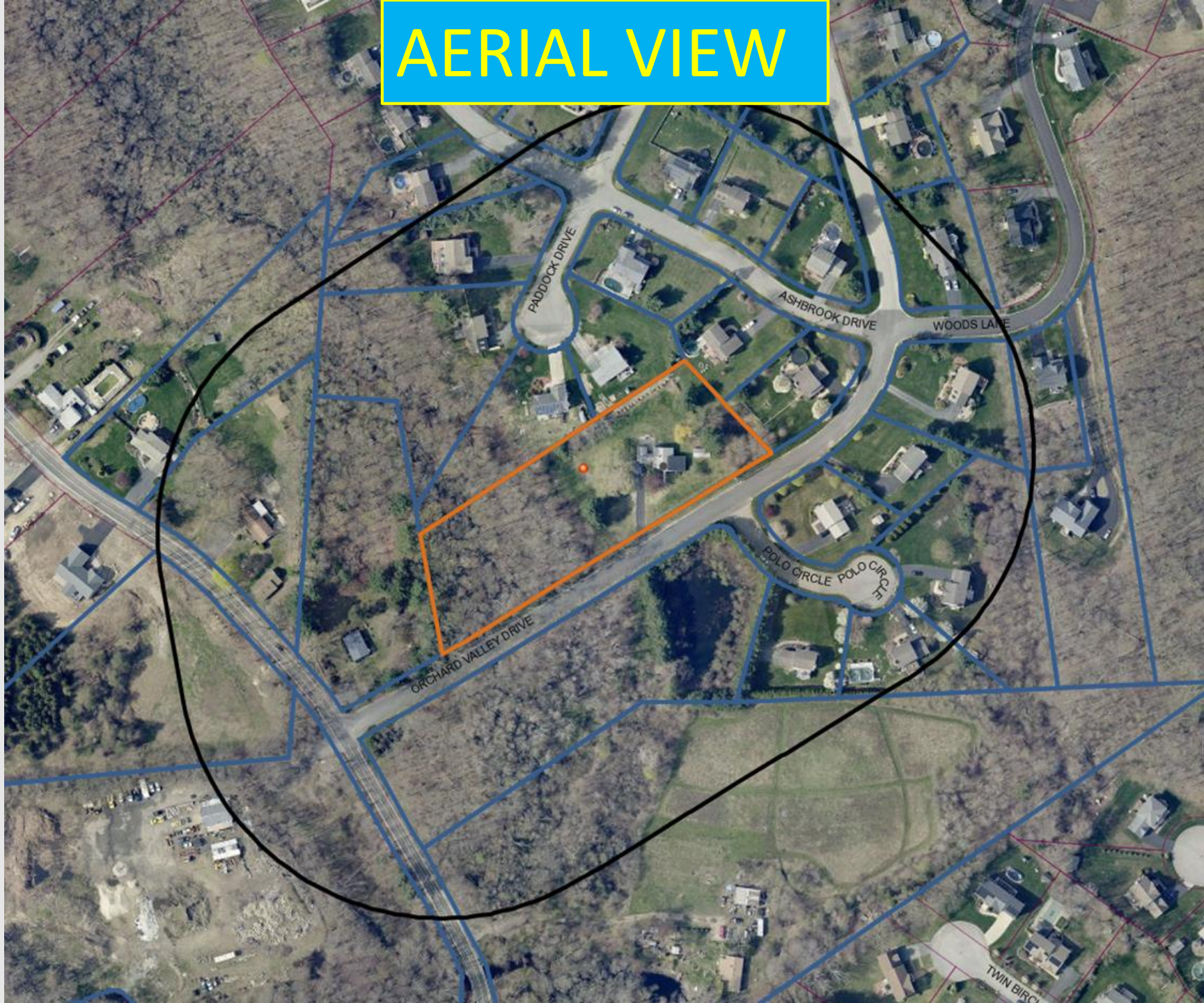
- Owner/App.:** Christina Rousseau  
(f/k/a Christina Cummiskey)
- Location:** 10 Orchard Valley Drive, AP 28,  
Lot 16
- Zone:** A-80 (Single Fam - 80,000 ft<sup>2</sup> Lots)
- FLU:** Single Family Residential less than  
1 unit per acre

**Proposal:** To divide a lot into 2  
new lots with associated  
dimensional variances for lots  
area, frontage, and rear yard s  
etback.





# AERIAL VIEW



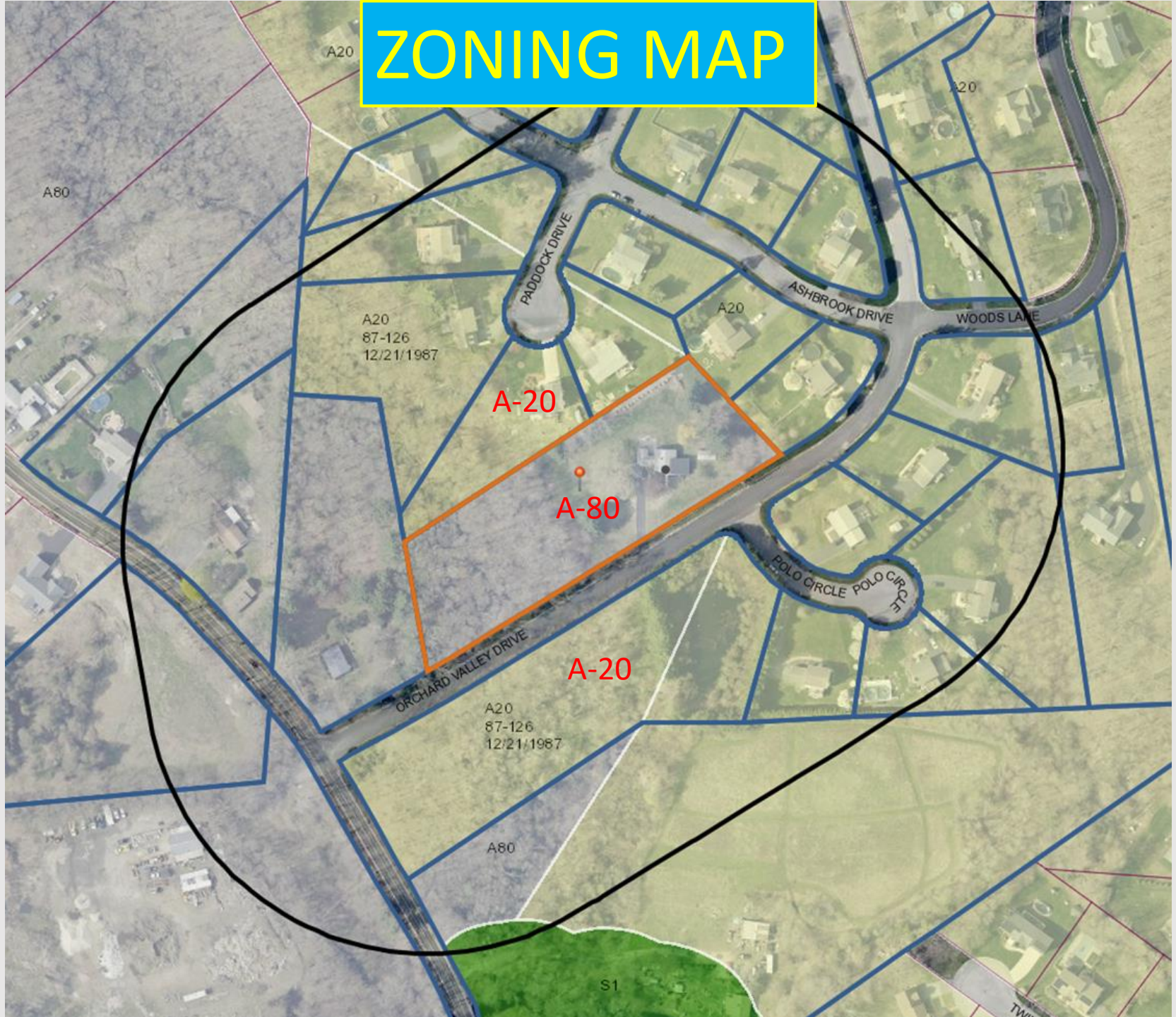
# AERIAL VIEW – close up



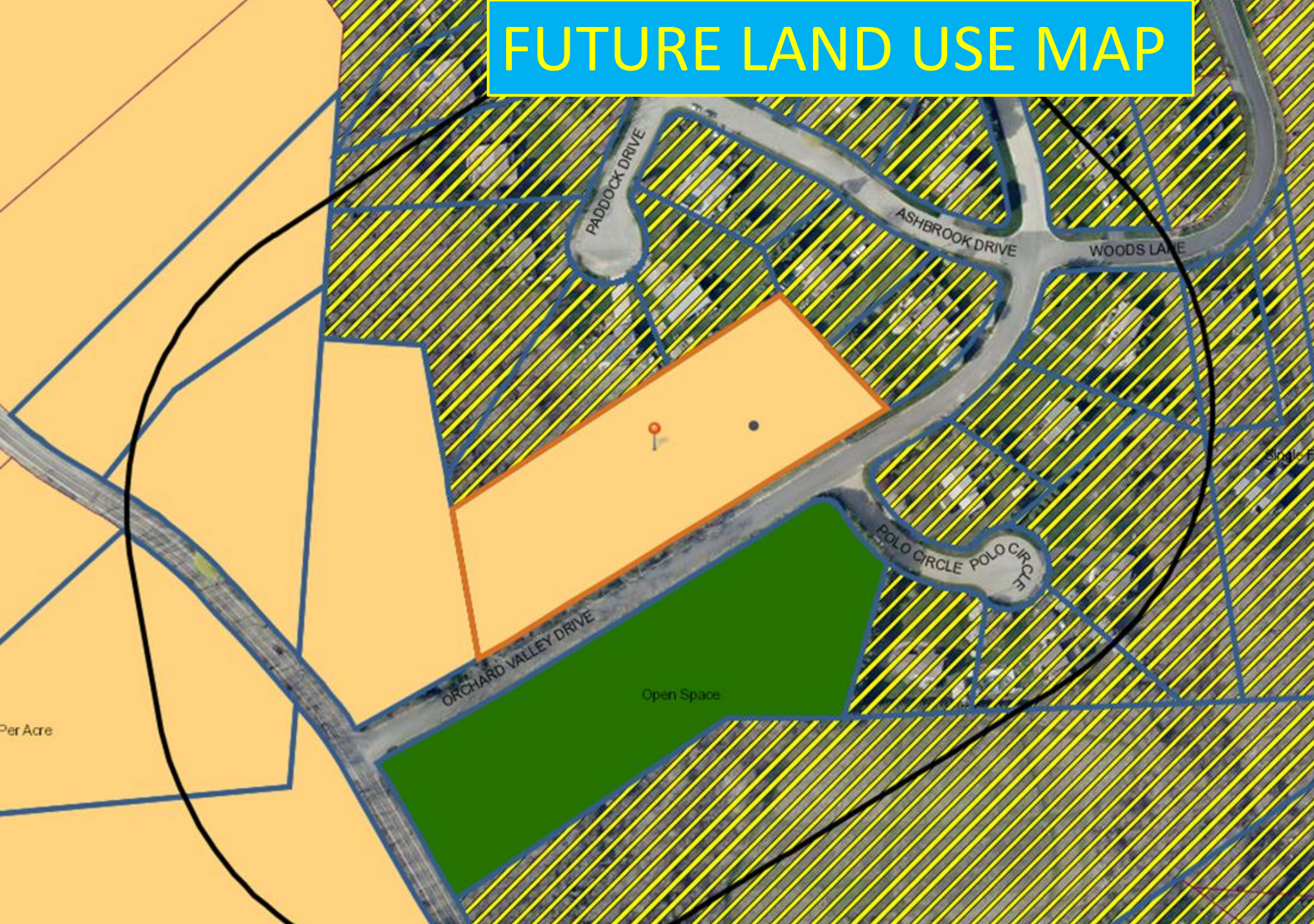
ORCHARD VALLEY DRIVE

POLO CIR

# ZONING MAP



# FUTURE LAND USE MAP



- UserSelectedParcels
- vParcels\_Buffer
- ParcelsInBufferOutput
- Parcels
- Streets Names
- Future Village Centers
- Future Land Use**
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Per Acre

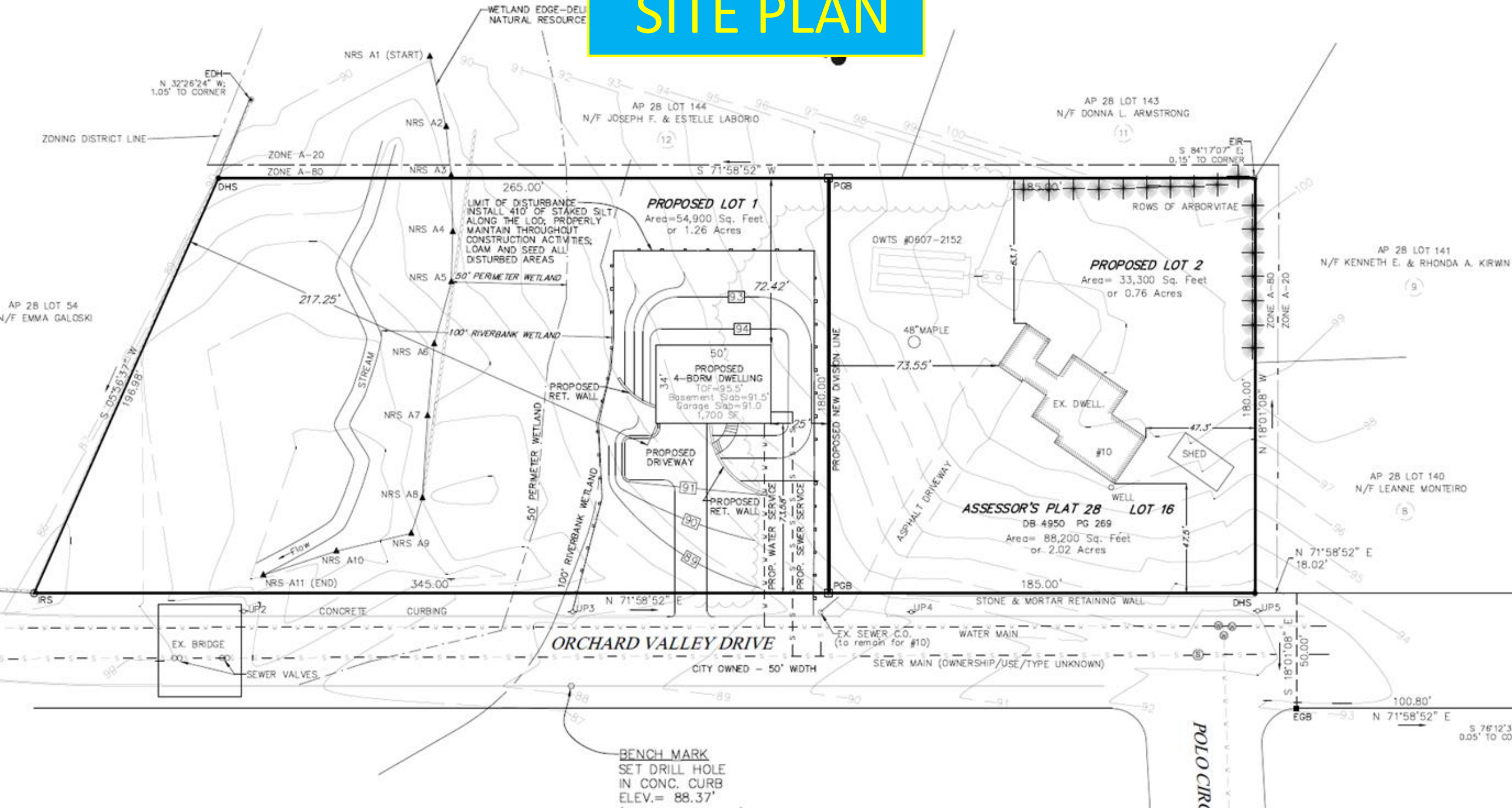
**3-D AERIAL VIEW (facing north)**



# STREET VIEW (Orchard Valley Drive)



# SITE PLAN



# Subdivision Analysis

- Subdivision of a 2.02 acre parcel into two (2) new parcels that are 1.26 and 0.76 acres in size.
- Four (4) associated variance requests (detailed on next slide).
- The minor subdivision is less dense than the Comprehensive Plan Future Land Use Map allocation of Single Family Residential Less Than 1 Unit Per Acre with a proposed density of 1 unit per 1.01 acres.
- The applicant has requested a waiver for no sidewalks, which staff is supportive of as there are no sidewalk on Orchard Valley in which to connect.
- Wetland issues have been reviewed by RIDEM and no permit is needed. City technical staff have no concerns with the proposed subdivision.



# Variance Requests

- To create two (2) lots with substandard area, where 33,300 sqft and 54,900 sqft of lot area is proposed (respectively), when 80,000 sqft is required. Lot area relief is necessary for both lots. [Section 17.20.120 – Schedule of Intensity]
- To create one (1) lot with substandard lot frontage/width, where 185' of frontage is proposed when 200' is required. [Section 17.20.120 – Schedule of Intensity]
- To allow for the development of a new single family dwelling within the rear yard setback, where the dwelling will be 72' from the rear property line when 100' is required. [Section 17.20.120 – Schedule of Intensity]

# Variance Analysis

- The subject lot is zoned A-80. The majority of abutting lots are zoned A-20, as shown on the zoning map on page 4 of this memo. This provides important context for the appropriateness of the request as it relates to the unique circumstances of the property as well as neighborhood compatibility.
- The average lots size of the 2 proposed lots would be 1.01 acres per lot. This is larger than the average lots size for residential parcels within the surrounding neighborhood.
- The application is consistent with the Comprehensive Plan Future Land Use Map.
- Planning staff finds this application to represent a “sensitive design” in terms of adding a new developable lot without creating impacts to the nearby wetlands, and without altering the character of the neighborhood.
- Although this subdivision could have been approached through a rezone application, planning staff guided the applicant to utilize dimensional variances for 2 reasons: 1) the cost and effort for a rezone application was not warranted to achieve such a small scale of development. 2) The City is only allowed to amend its comprehensive plan four (4) times in a year (limited by state law), and there could be a more pressing needs for comprehensive plan amendments later in the year.

# Subdivision Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the City of Cranston's Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and approve the Preliminary Plan application with a waiver for the provision of sidewalks, subject to the conditions denoted below.

1. Applicant must receive subsequent approval from the Zoning Board of Review for the requested variances relating to lot configuration.
2. A check for a Western Cranston Capital Facilities Impact Fee in the amount of \$1,389.50 (1 new buildable unit) shall be provided at Final Plan.
3. A letter confirming water availability must be provided at Final Plan.

# Variance Recommendation

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the application incorporates a sensitive design that will not have a negative impact on the nearby wetland and will not alter the character of the surrounding neighborhood, staff recommends the Plan Commission forward a *positive recommendation* on the application to the Zoning Board of Review.

# Dimensional Variance Application

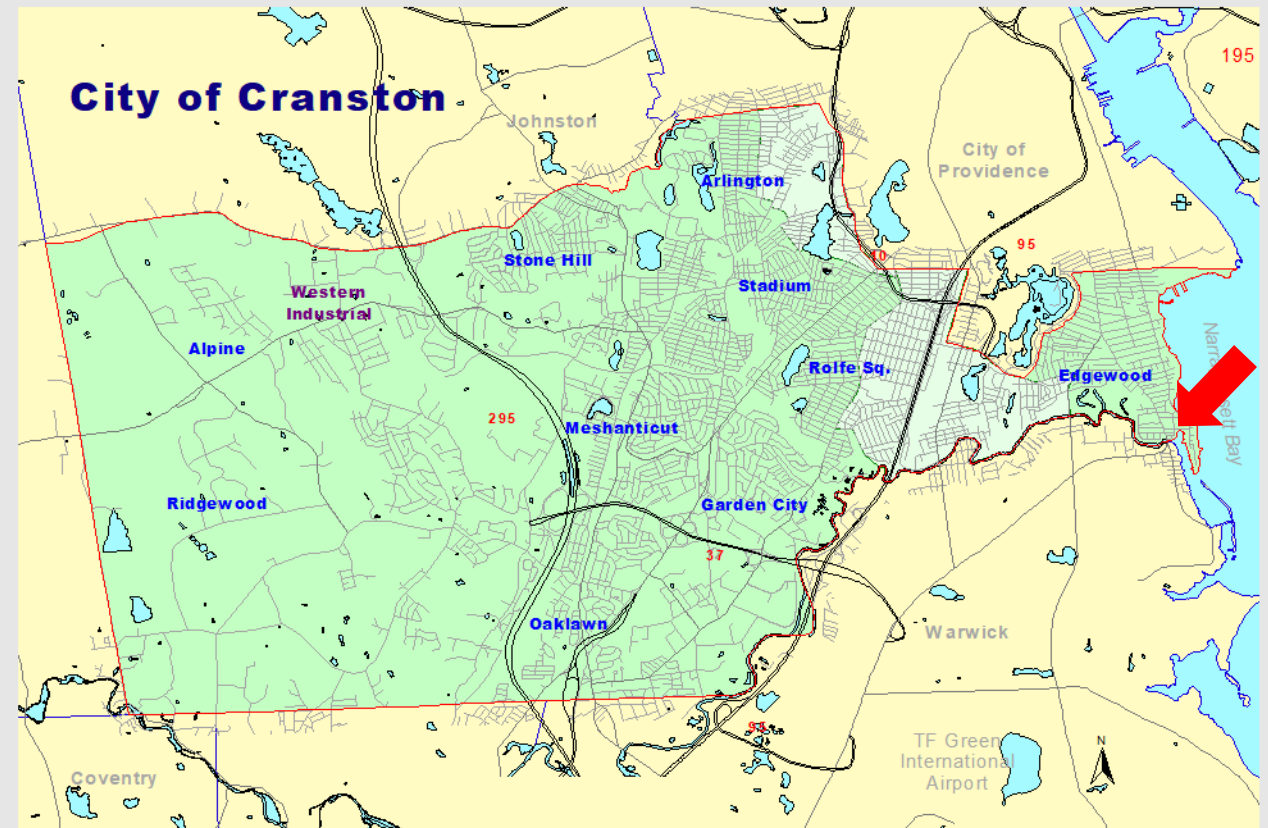
## Stephen A. Rodio and Chunmei Du (Owner/App)

Conversion of commercial use to 2-family dwelling

**Owner/App:** Stephen A. Rodio and Chunmei Du  
**Location:** 34 Commercial Street, AP 1, Lot 83  
**Zone:** B-1 (Single-family and 2-family)  
**FLU:** Single/Two Family Residential Less than 10.89 units per acre

### Variance Requests:

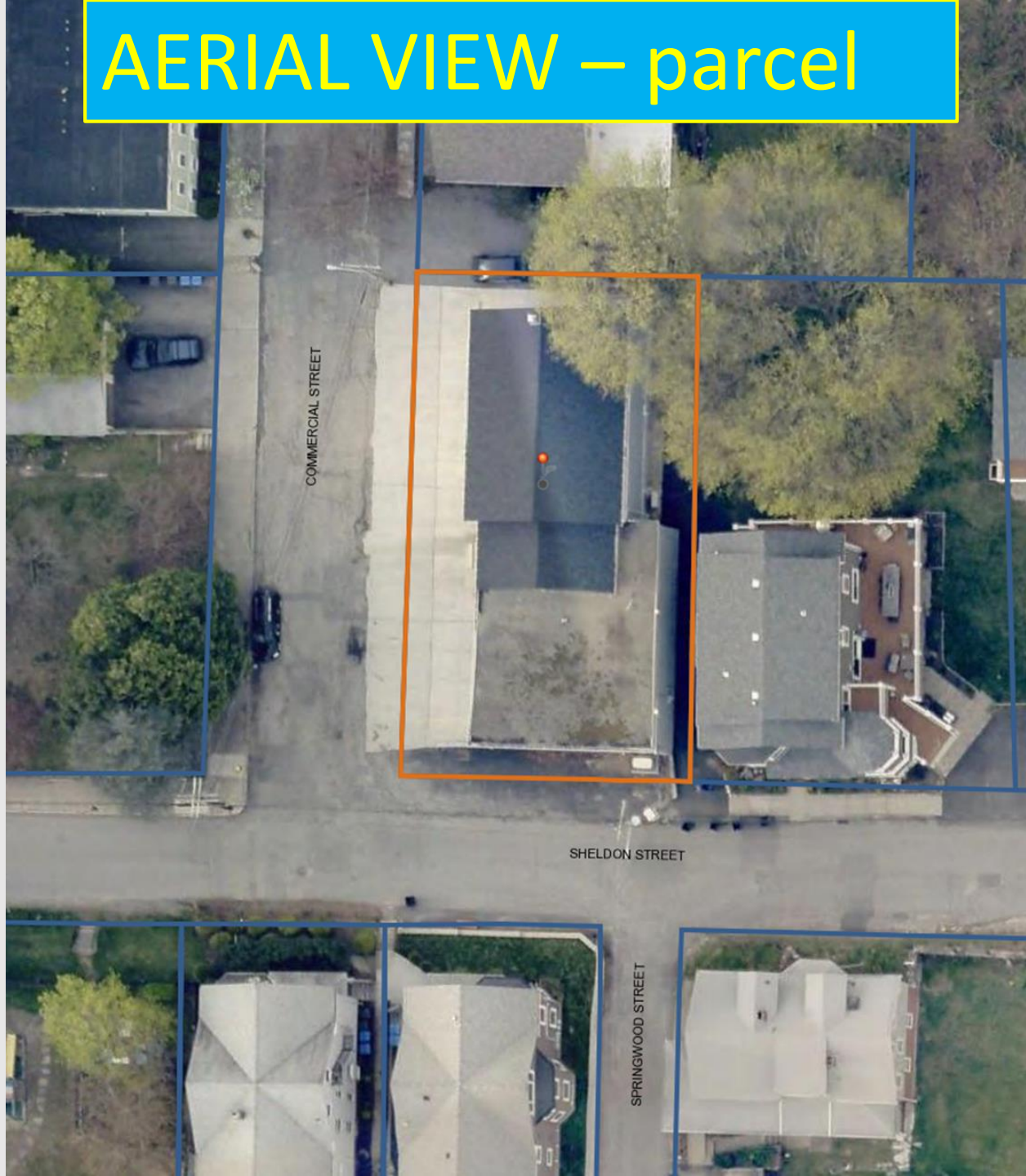
1. To allow a two-family dwelling on a lot totaling 6,000 sqft where 8,000 sqft is required.
2. To allow a two-family dwelling within the front yard setback from both the Commercial Street and the Sheldon Street rights-of-way (building is on a corner lot with 2 front yards).
3. To allow the conversion of an existing building into a two-family dwelling that has several pre-existing non-conformities.



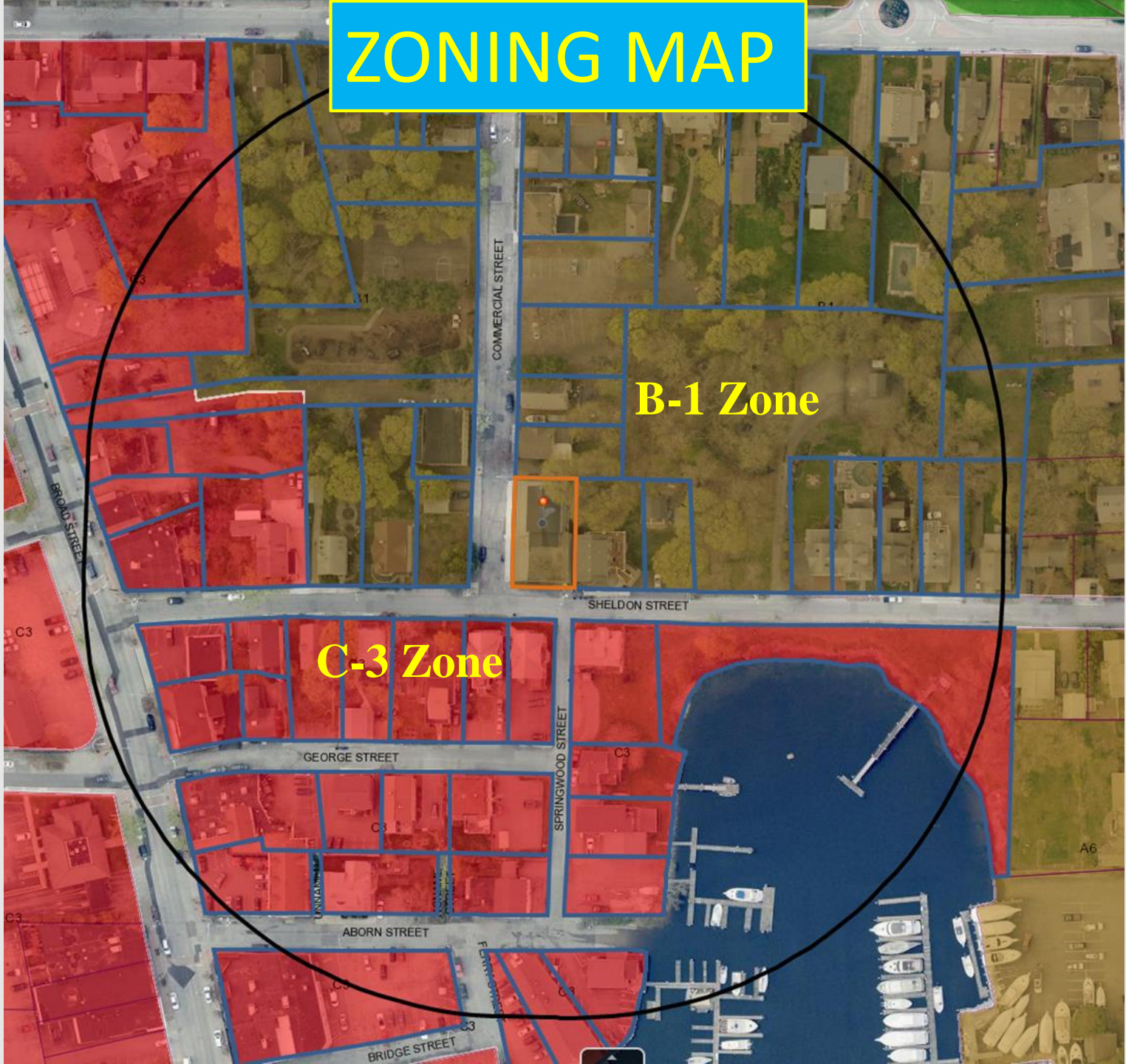
# AERIAL VIEW - neighborhood



# AERIAL VIEW – parcel



# ZONING MAP



**B-1 Zone**

**C-3 Zone**

COMMERCIAL STREET

SHELDON STREET

GEORGE STREET

SPRINGWOOD STREET

ABORN STREET

BRIDGE STREET

BROAD STREET

C3

C3

C3

C3

C1

P4

C3

C3

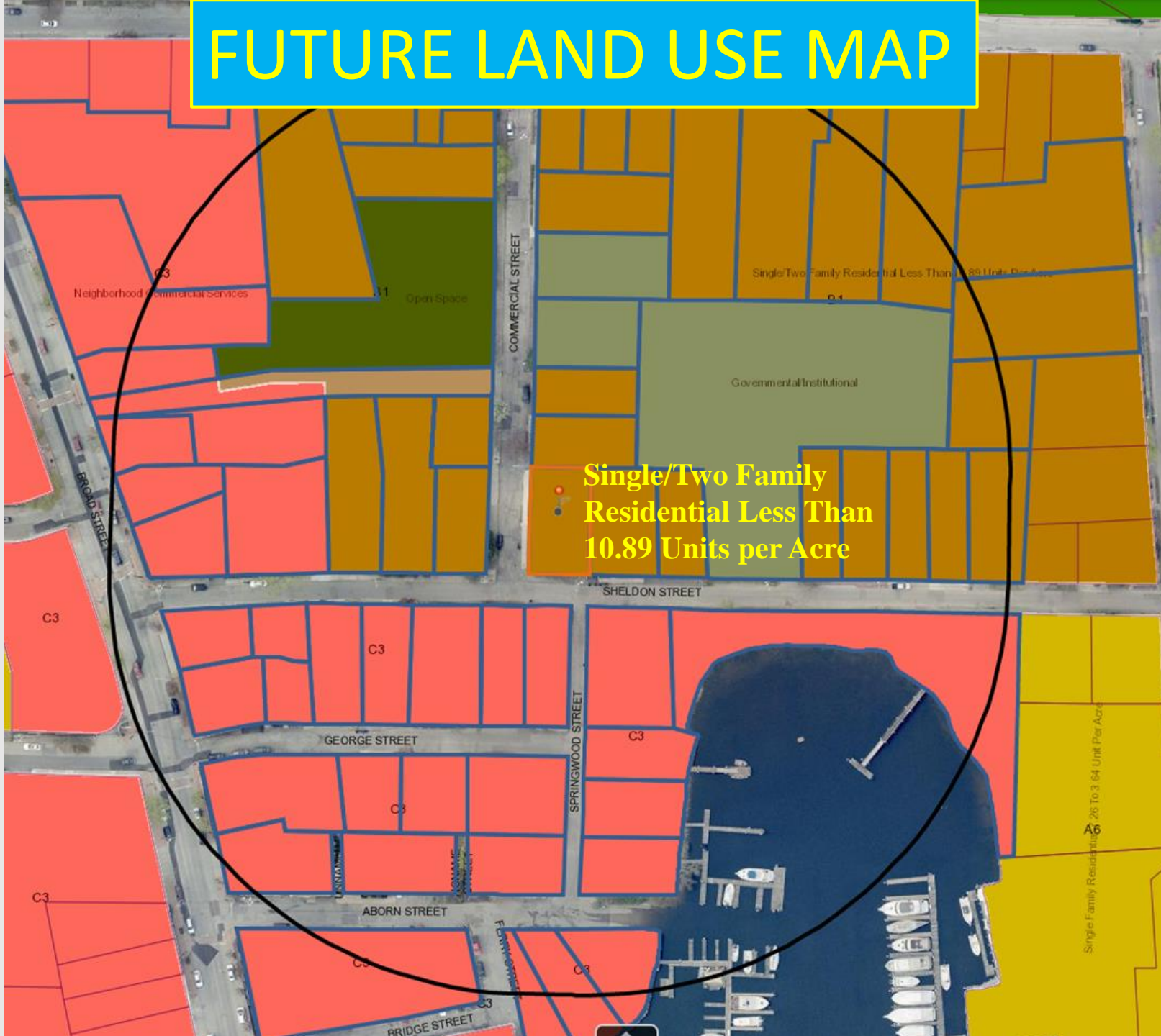
C3

C3

A6



# FUTURE LAND USE MAP



**Single/Two Family  
Residential Less Than  
10.89 Units per Acre**

# 3-D VIEW



# STREET VIEW (from Commercial St.)

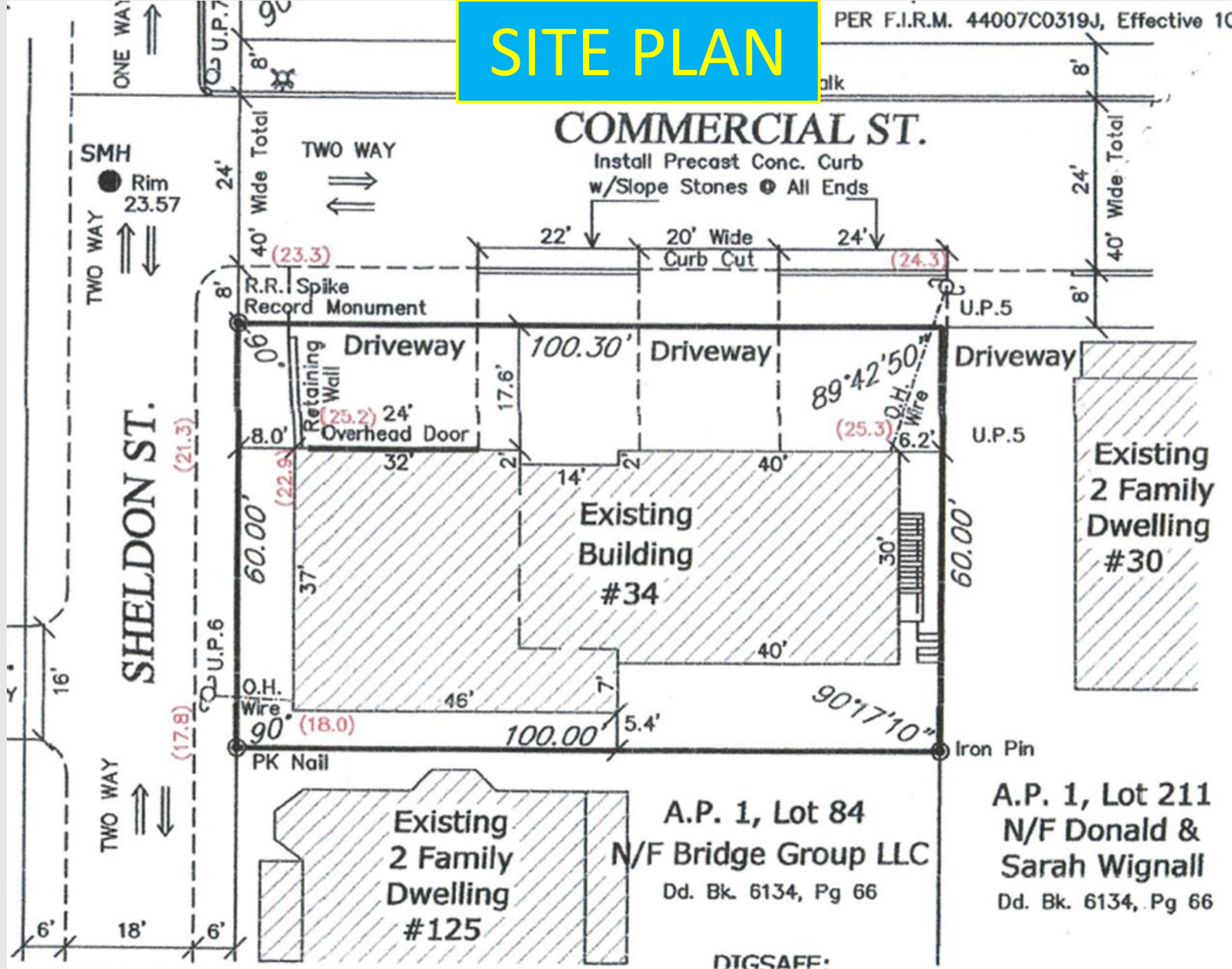


# STREET VIEW (from Sheldon St.)



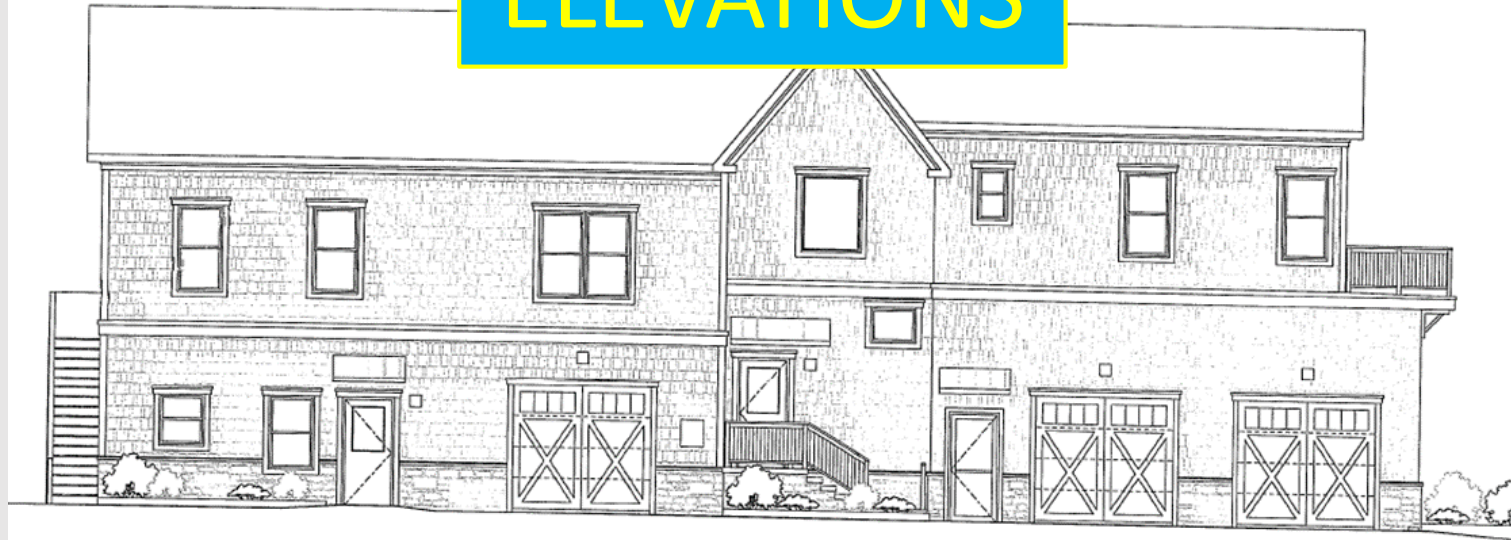
# SITE PLAN

PER F.I.R.M. 44007C0319J, Effective 10/02

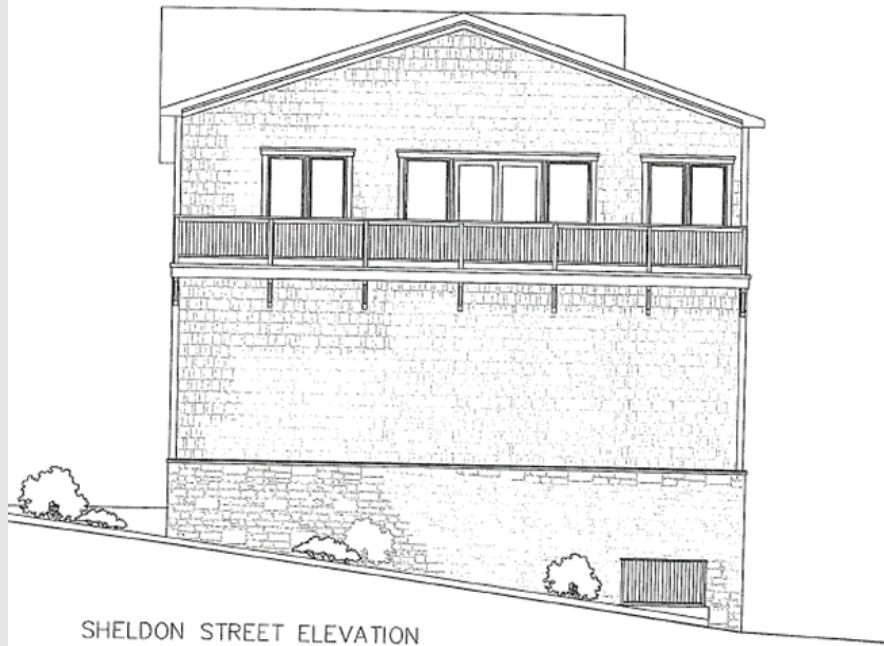


DIGSAFE:

# ELEVATIONS

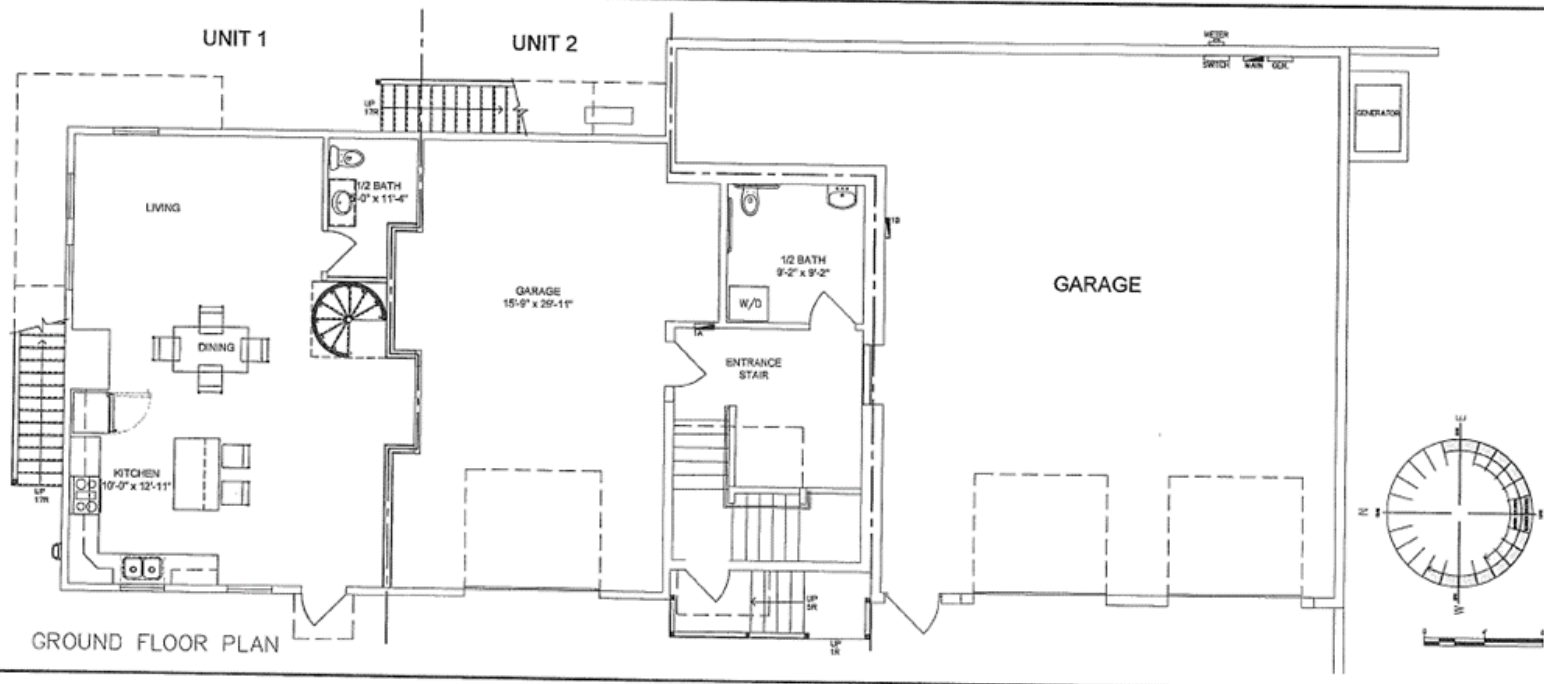
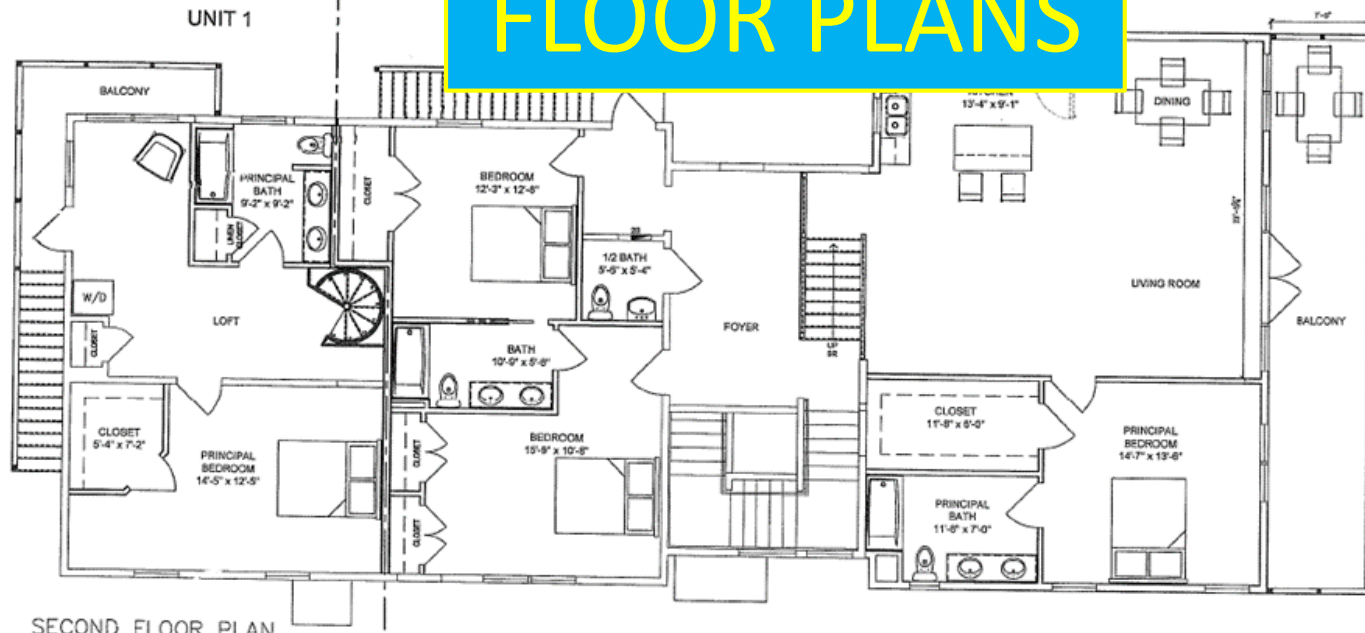


COMMERCIAL STREET ELEVATION



SHELDON STREET ELEVATION

# FLOOR PLANS



# Staff Analysis

- The conversion of the property from a commercial use to a residential use is well-suited for the surrounding neighborhood and brings the use into compliance with the zoning district (B-1 zone allows 2-family dwellings by-right).
- The structure requires dimensional relief for a number of conditions include front and side setbacks and lot coverage percentage. The majority of requested relief stems from existing conditions, with the exception of a request to expand a cantilevered deck that will extend over the building footprint by 3 feet along the Sheldon Street ROW.
- The applicant provided a neighborhood analysis with an itemized breakdown of land use within a 400' radius. The majority of surrounding land uses are residential, and it should be noted there are 11 two-family dwellings within 400'.
- The aesthetic improvements to the property provide positive evidence for a fit with community character.

• The Greater Comprehensive Plan's Future Land Use Map designates the subject



## Staff Analysis (cont.)

- The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcel as "Single/Two Family Residential Less Than 10.89 units per acre". The proposed density of the project is 14.52 units/per acres so the application is inconsistent with the Future Land Use Map.
- The Land Use Element recognizes that many existing lots in the eastern portion of the city are undersized, and the Comprehensive Plan supports the development of such lots. Therefore, the application is consistent with this section of the Comprehensive Plan.
- The proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston.
- Per the above findings, staff have found both positive and negative evidence relating to this application within the Comprehensive Plan. It is staff's opinion that it is **inconclusive** as to whether this proposal is consistent with the Comprehensive Plan.

# Recommendation

Due to the finding that it is inconclusive as to whether this application is consistent with the Comprehensive Plan, and balancing that against the finding that the application will not negatively alter the character of the surrounding neighborhood, staff recommends the Plan Commission forward a *positive recommendation* on this application to the Zoning Board of Review.

# Special Use Permit Application

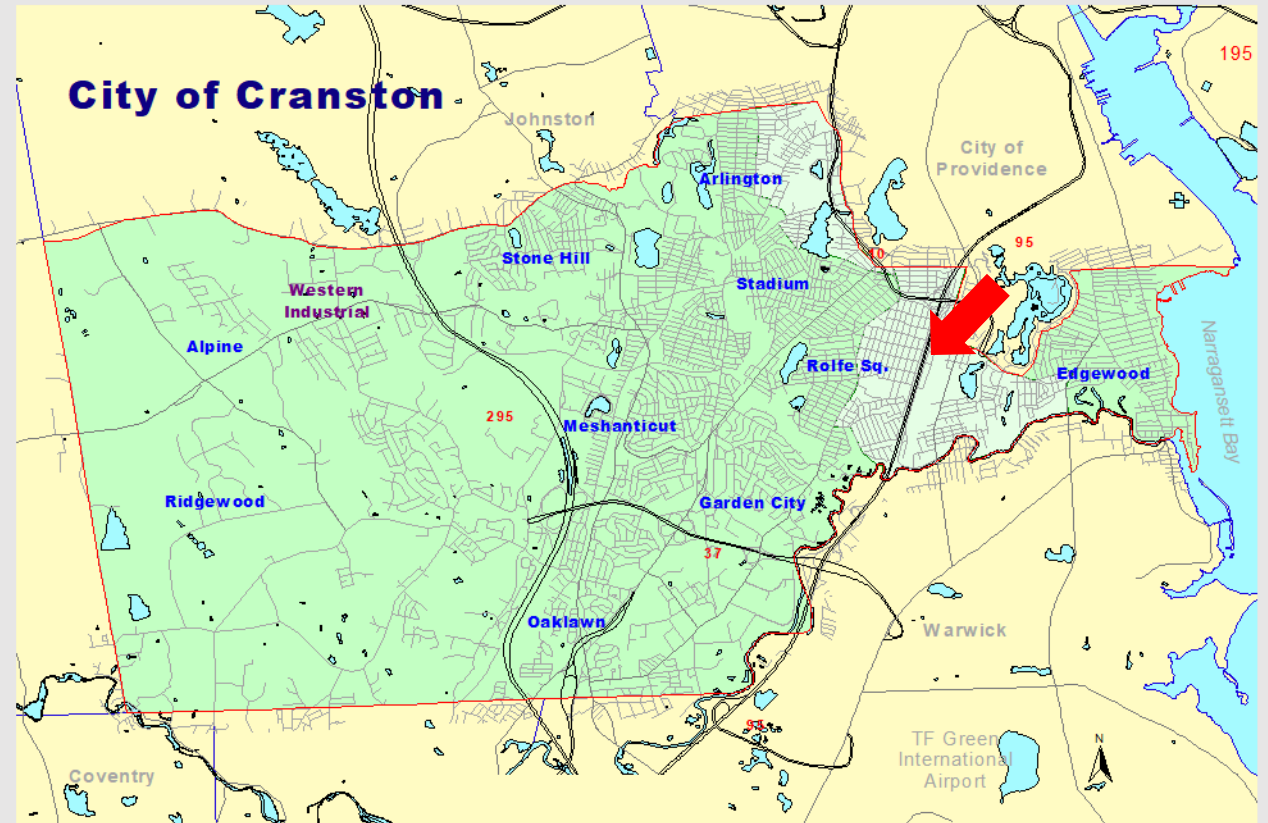
## 370 Realty LLC (Owner/APP)

Conversion to Motor Vehicle Repair Use

**Owner/App:** 370 Realty LLC  
**Location:** 370 Wellington Avenue, AP 3,  
Lots 154 and 1224  
**Zone:** M-2 (General industry)  
**FLU:** Special Redevelopment Area

### REQUEST:

To change the use of a pre-existing building from a machine shop (industrial) to a motor vehicle repair and service establishment. Such a use is only allowed as a special use permit in the M-2 zone.



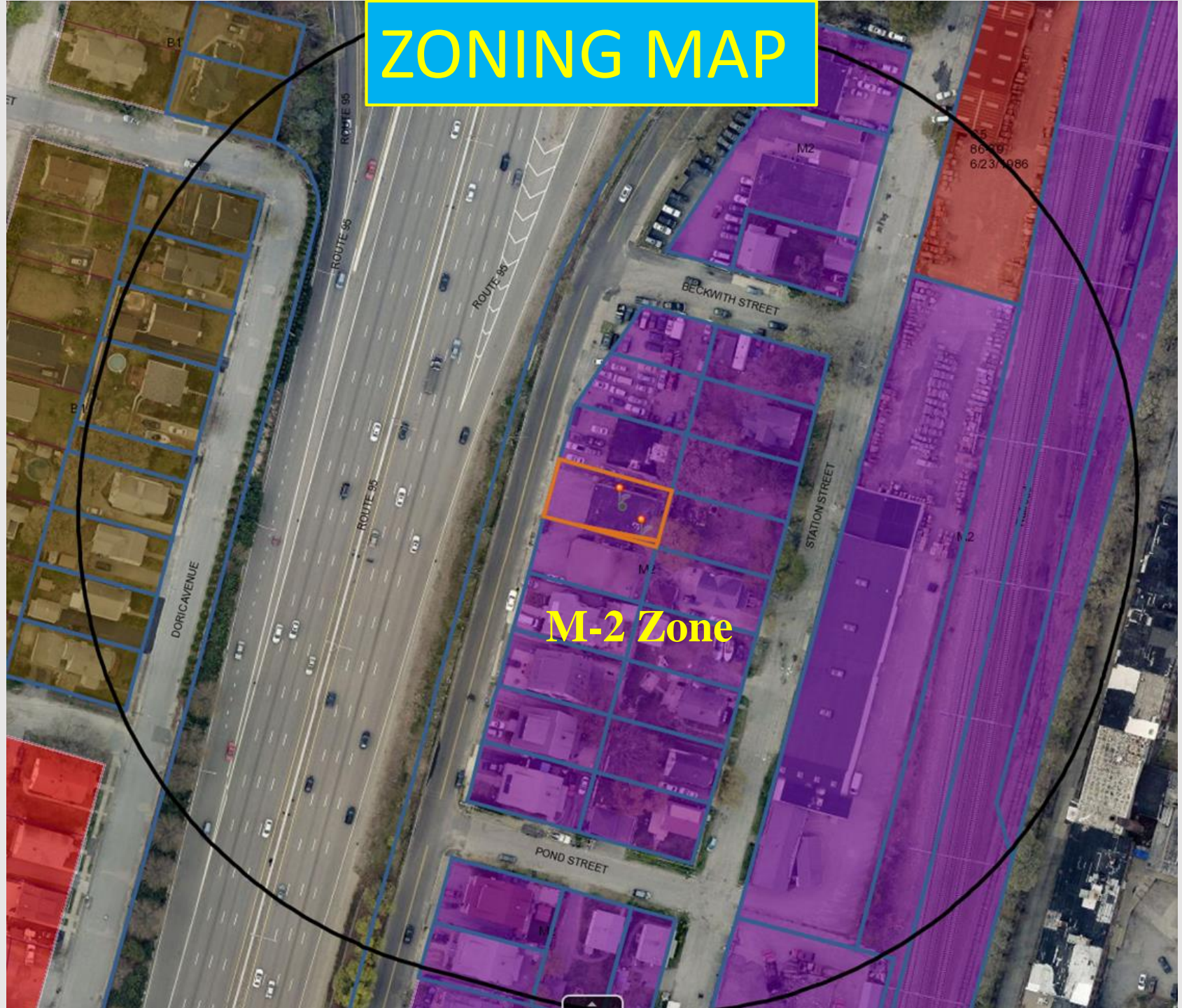
# AERIAL VIEW - neighborhood



# AERIAL VIEW – parcel



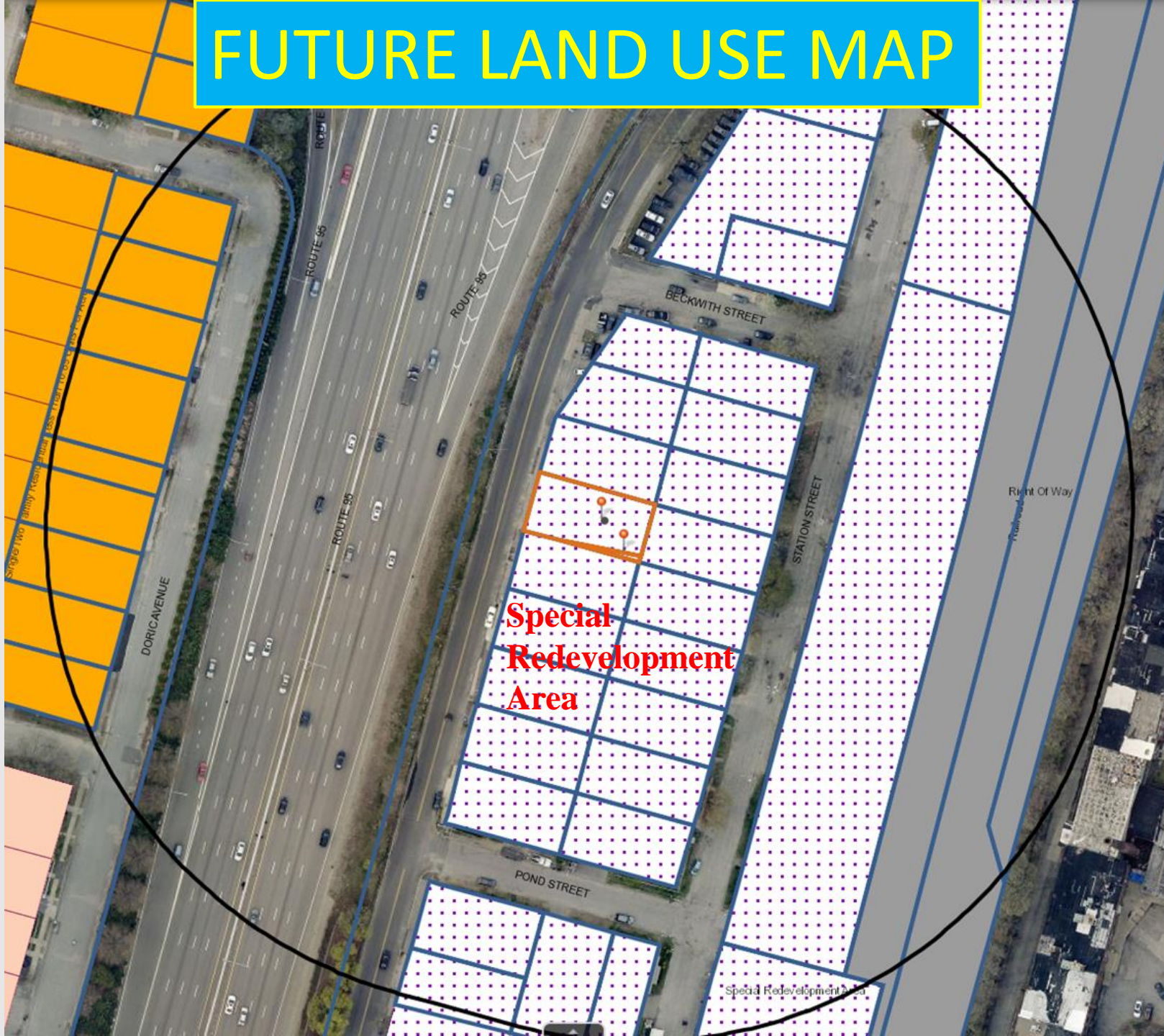
# ZONING MAP



M-2 Zone

6/23/2006

# FUTURE LAND USE MAP



**Special  
Redevelopment  
Area**

Special Redevelopment Area

# 3-D VIEW



Casey Engineered  
Maintenance

Artes Collision Center

364

370

376

380

378

382

Wellington Ave

Wellington Ave

Wellington Ave

95

95

16

Google



# STREET VIEW (from Wellington Ave.)



# SITE PLAN

DISAPPROVED

REMARKS:  
*Existing non-con  
Best possible lay*

\* APPROVAL IS GIVEN RELATIVE  
OFF-STREET PARKING FACILITY  
INGRESS/EGRESS TRAFFIC FLO

BUILDING INSPECTOR MUST CE  
SATISFIES CITY ZONING CODE  
NUMBER OF OFF-STREET PARK



INTERSTATE RT. 95

Guard Rail  
Granite Curb

WELLINGTON AVE.

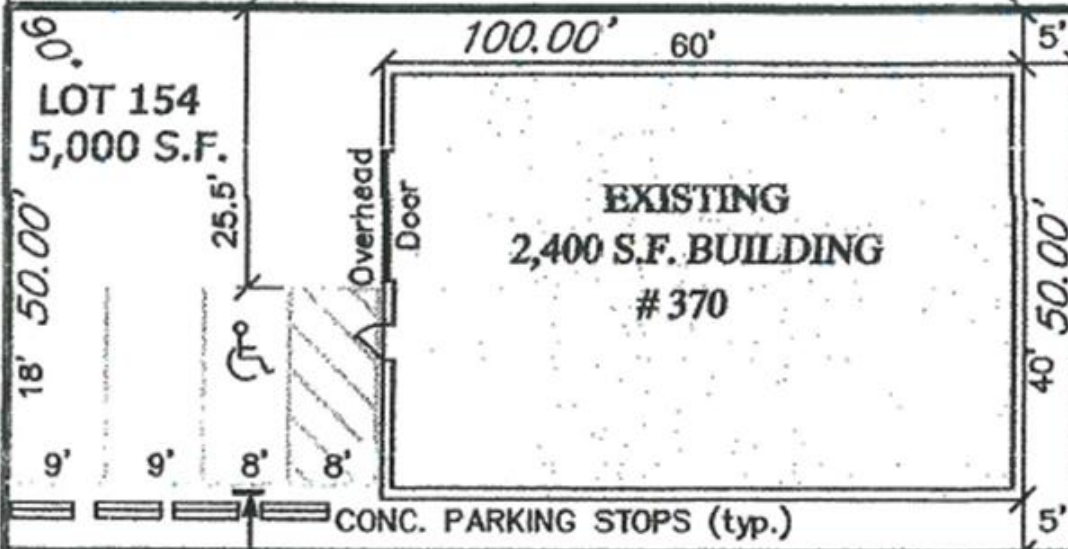
Granite Curb

U.P.26

U.P.27

A.P. 3/3, Lot 153  
N/F Scorry Enterprises LLC  
Dd. Bk. 5983, Pg 132  
# 364

A.P. 3/3, Lot 68  
N/F Thim Mit  
Dd. Bk. 4350, Pg 11



A.P. 3/3, Lot 69  
N/F Thim Mit  
Dd. Bk. 4350, Pg 11

# 372  
A.P. 3/3, Lot 155  
N/F Arthur & Sherry Bouchard  
Dd. Bk. 3857, Pg 21

A.P. 3/3, Lot 70  
N/F Thim Mit  
Dd. Bk. 4350, Pg 11

100' ACCESS  
SUPP. PLATE  
STORAGE

# Staff Analysis

- There are no proposed changes to the exterior of the building.
- The existing lot and building exhibit several non conformities with regard to lot size, frontage, and building setbacks. Such non conformities are considered pre-existing conditions and are not subject to required relief.
- This application was brought before the Development Plan Review Committee as a “pre-application” on 4/7/21. The DPRC did not have any significant concerns and elected not to take jurisdiction of this application.
- The site plan that shows 3 parking spaces on the site. This is sufficient to meet code as reviewed by the traffic engineer and the building official.
- The proposed change of use is compliant with the Comprehensive Plan Future Land Use Map which designates the property as a “Special Redevelopment Area”. Such a designation is intended to accommodate a wide range of uses and scales of development, and the immediate application is well within the intended allowances for this future land use designation.

# Recommendation

Due to the finding that the application is consistent with the Cranston Comprehensive Plan, and due to the finding that the application will not alter the character of the surrounding neighborhood, staff recommends the Plan Commission forward a *positive recommendation* on the application to the Zoning Board of Review.

# Dimensional Variance Application

## Marie Properties, LLC (OWN/APP) - 757 Park Avenue

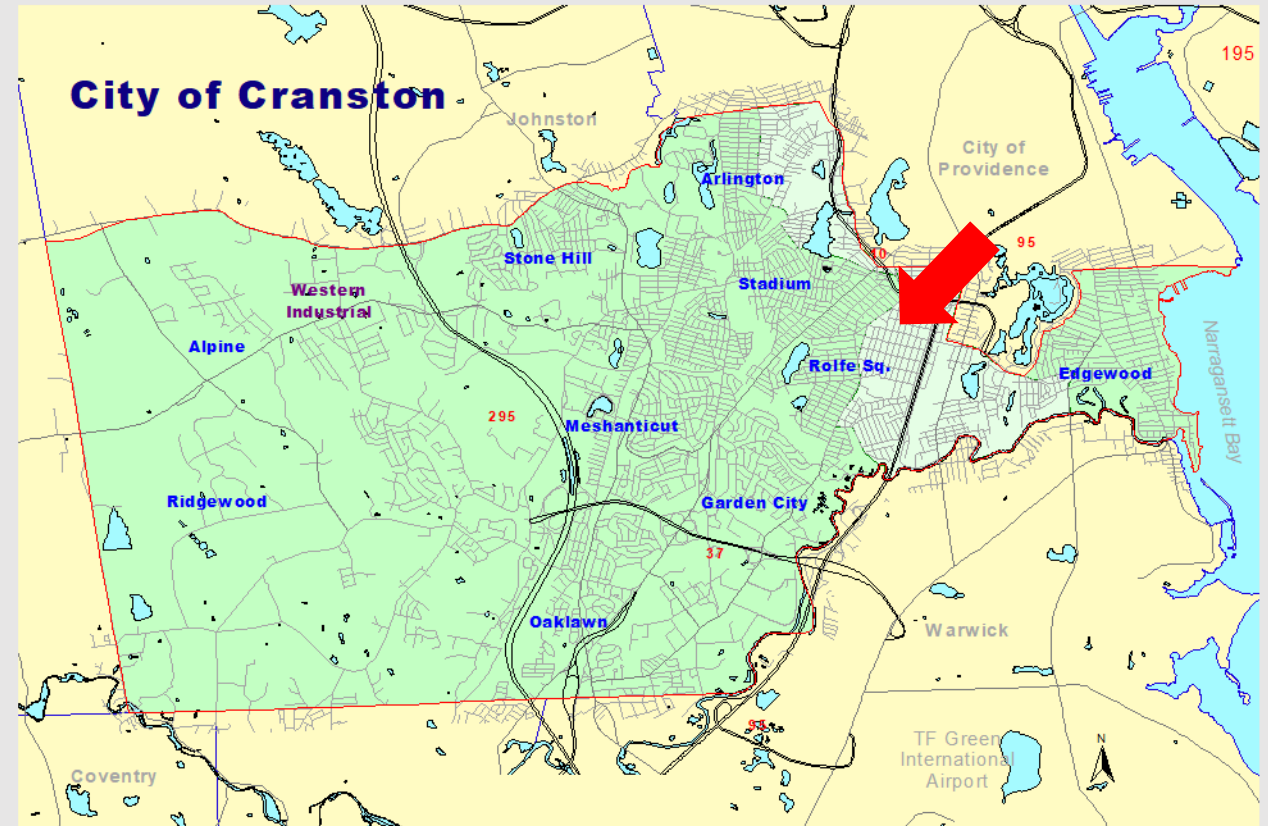
Lot Area & Off-street Parking Relief

**Owner/App:** Marie Properties, LLC

**Location:** 757 Park Ave (AP 6, Lot 118)

**Zone:** C-1 (Office Business)

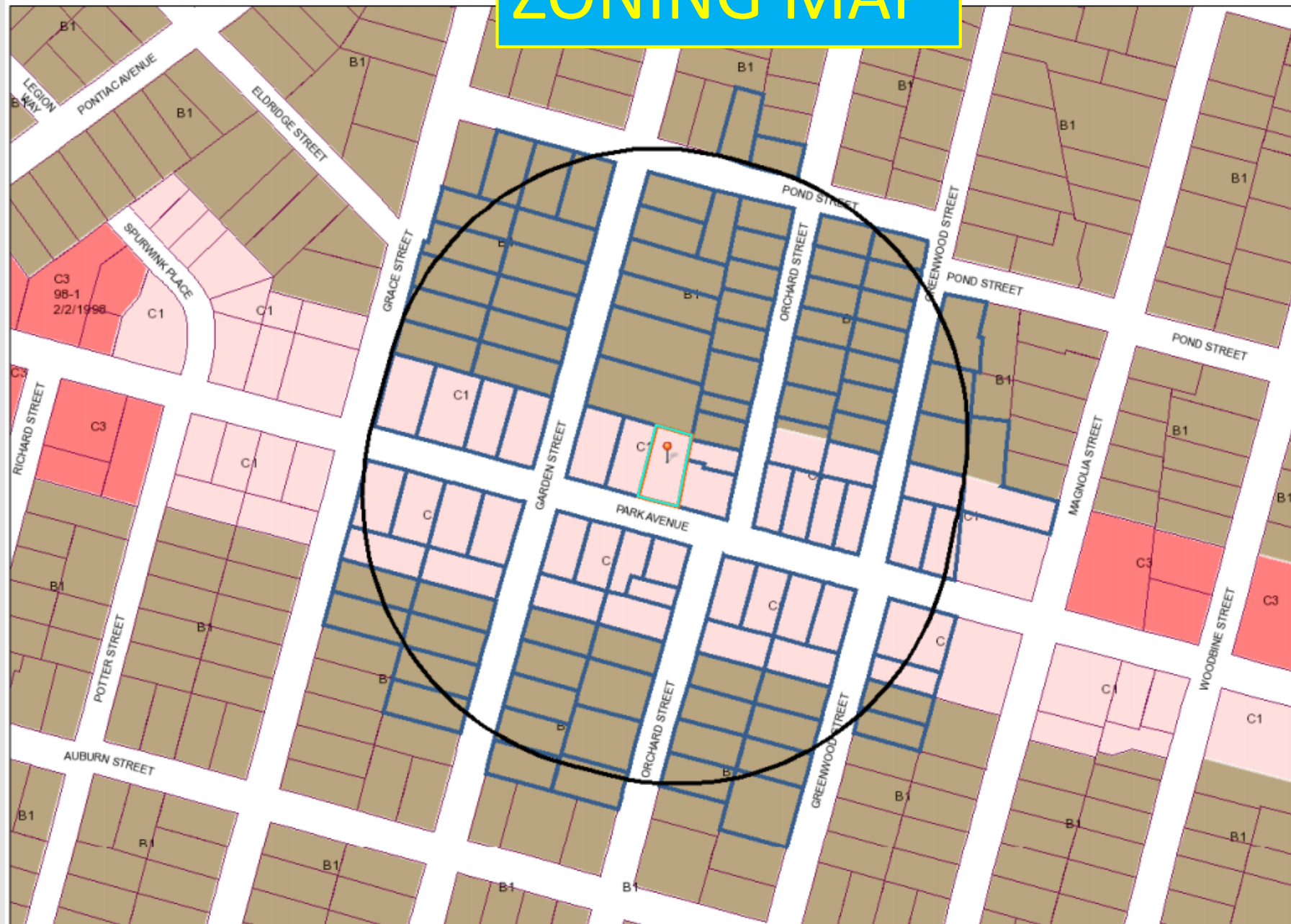
**FLU:** Neighborhood  
Commercial/Services



# VARIANCE REQUESTS

1. To allow two residential units above an existing/approved first floor business on a 6,065 ft<sup>2</sup> lot where 10,000 ft<sup>2</sup> 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]

# ZONING MAP

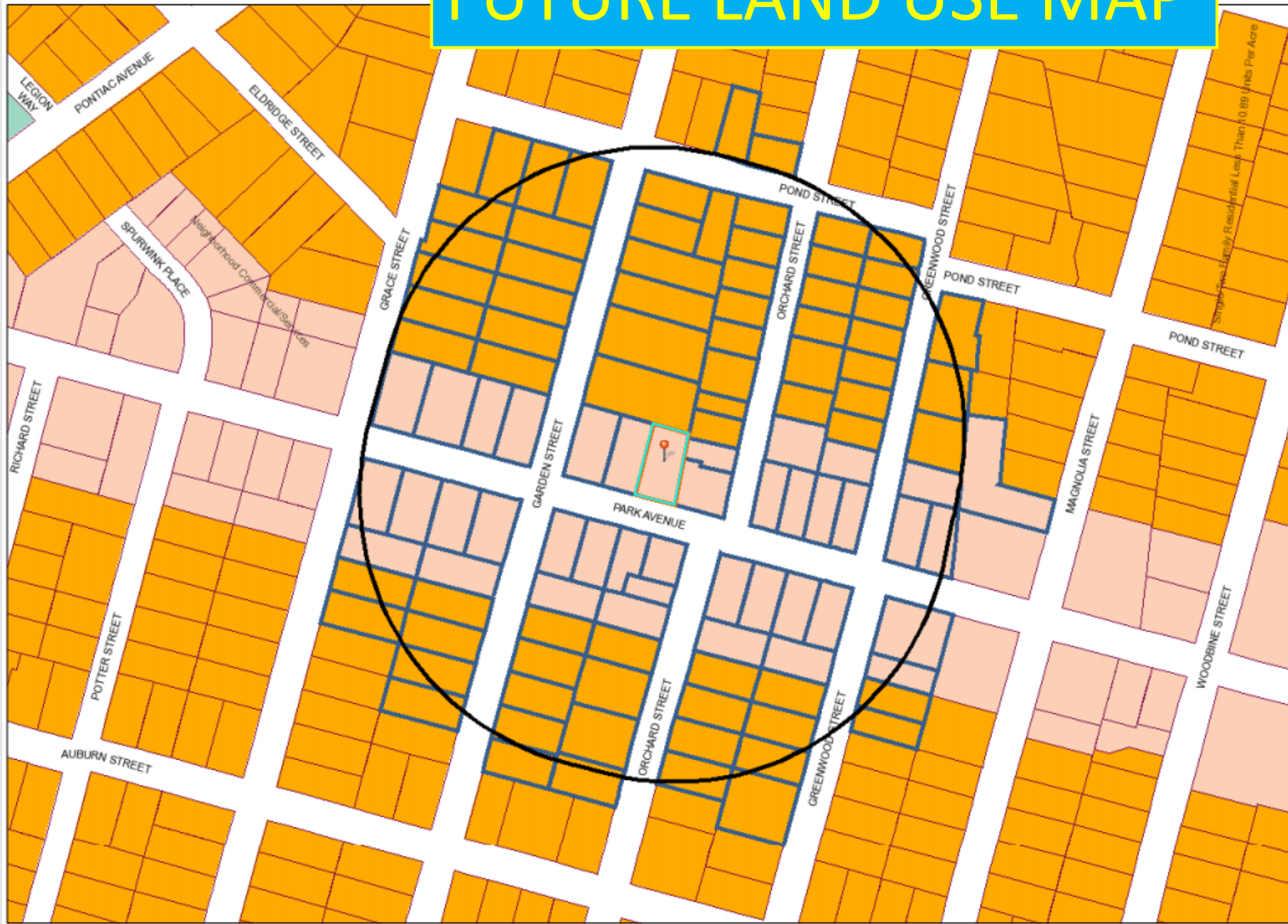


- UserSelectedParcels
- vParcels\_Buffer
- ParcelsInBufferOutput
- Parcels
- Streets Names
- Zoning Dimensions
- Historic Overlay District
- Zoning**
- none
- A80
- A20
- A12
- A8
- A6
- B1
- B2
- C1
- C2
- C3
- C4
- C5
- M1
- M2
- E1
- MPD
- S1
- Other
- Street Names

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0 0.04 0.08 0.12 mi

# FUTURE LAND USE MAP



- UserSelectedParcels
- vParcels\_Buffer
- Parcels
- ParcelsBufferOutput
- Streets Names
- Future Village Centers
- Future Land Use**
  - Governmental/Institutional
  - Highway Commercial/Services
  - Industrial
  - Mixed Plan Development
  - Multifamily
  - Neighborhood Commercial/Services**
  - Open Space
  - Residential Less Than 10.39 Units Per Acre
  - Right Of Way
  - Single Family Residential 3.63 To 1 Unit Per Acre
  - Single Family Residential 7.26 To 3.64 Unit Per Acre
  - Single Family Residential Less Than 1 Unit Per Acre
  - Single/Two Family Residential Less Than 10.89 Units Per Acre
  - Special Redevelopment Area
  - Water
  - Street Names

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0 0.04 0.08 0.12 mi



# AERIAL VIEW



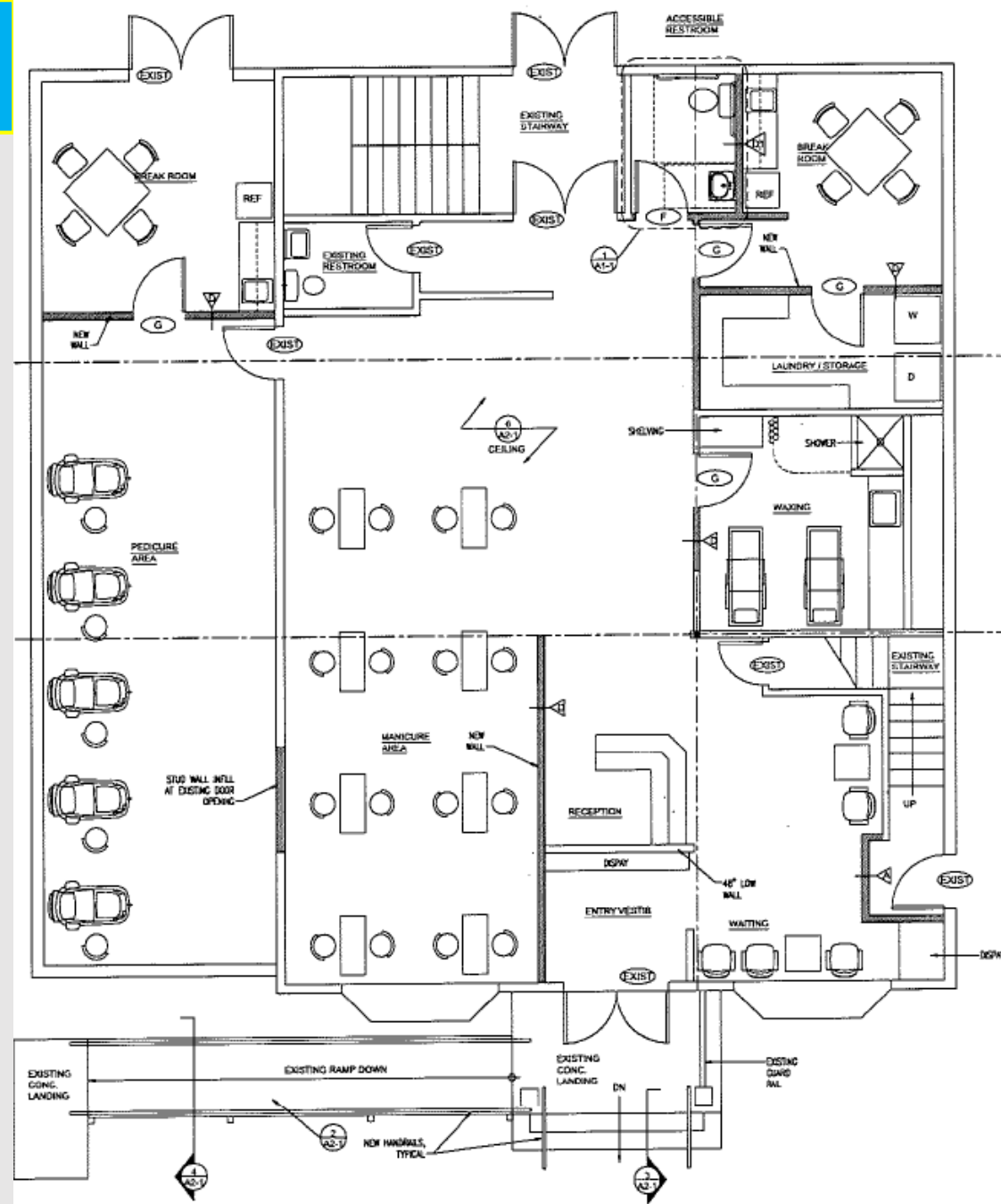
# STREET VIEW – PREVIOUS CONDITION



# STREET VIEW -CURRENT CONDITION



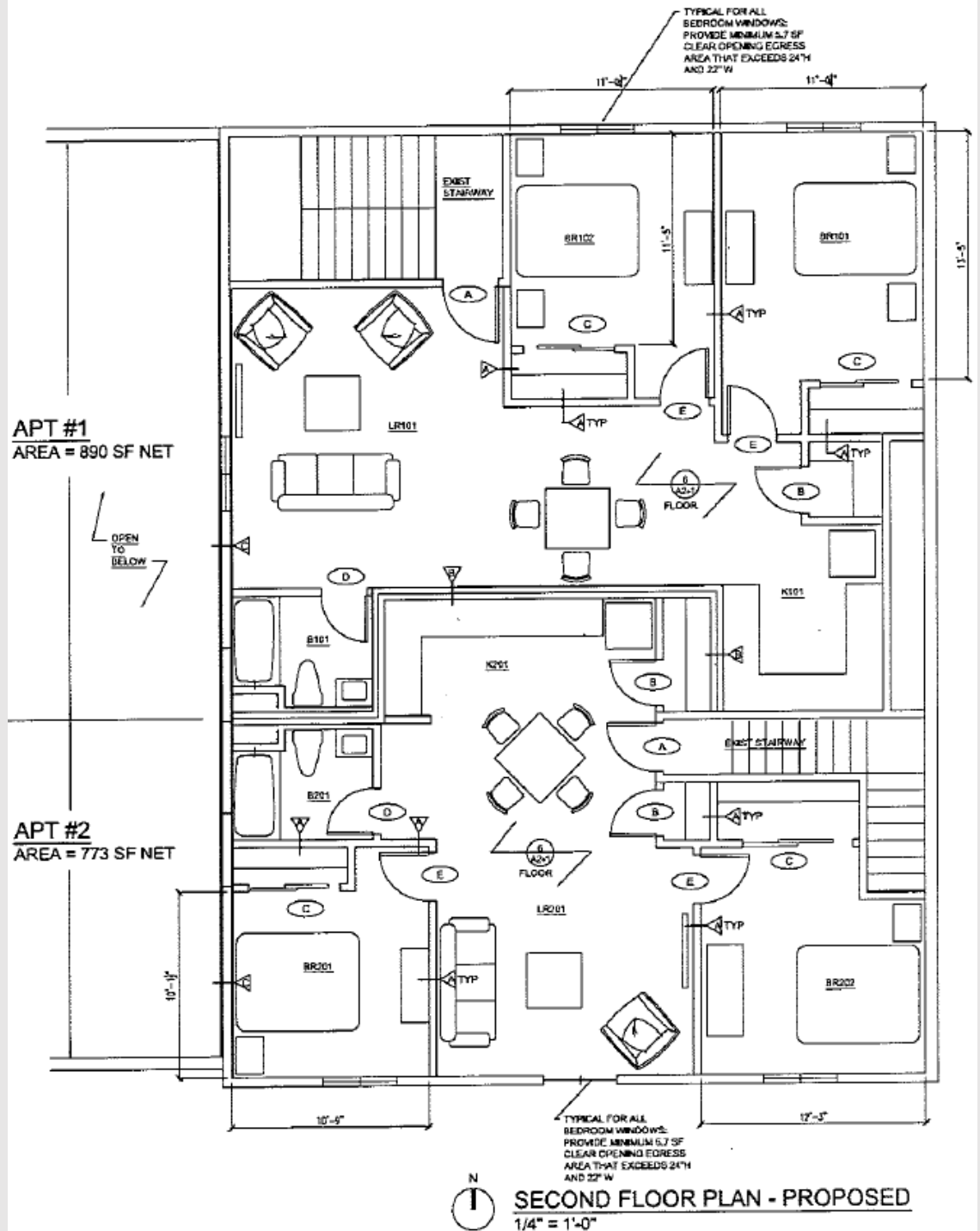
# FIRST FLOOR PLANS



FIRST FLOOR PLAN - PROPOSED

1/4" = 1'-0"

# SECOND FLOOR PLANS





# KEY FACTS

- The existing building is legally nonconforming (lot coverage, setbacks & signage) that were approved by the ZBR in 1988;
- The two proposed 2<sup>nd</sup> floor units are 890 ft<sup>2</sup> and 773 ft<sup>2</sup> respectively;
- The existing gravel parking lot has two curb cuts and no marked parking spaces. The proposal includes 1 curb cut, 1 ADA space and 6 other parking spaces (11 total required);
- The City's Bureau of Traffic Safety has reviewed & approved the plan 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;"
- The applicant's analysis states the project site (6,065 ft<sup>2</sup>) exceeds the average area of other mixed used lots (5,171 ft<sup>2</sup>) w/in 400'.

# STAFF ANALYSIS

- Almost any utilization of the second floor would trigger parking requirements in excess of the two residential units;
- The proposed uses are consistent with the Comprehensive Plan FLUM designation of Neighborhood Commercial/Services, which has no density allocation;
- Housing Action 3 (HA-3) is to “Encourage housing that is mixed into commercial projects;”
- The Comprehensive Plan Housing Element supports the development of housing stock in Eastern Cranston that 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;
- Legal nonconforming conditions should not prohibit reasonable utilization of property - in this case, of the second story.



# 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.