

# City Planning Department



## Memo –

To: Cranston City Plan Commission  
From: Joshua Berry, AICP - Senior Planner / Administrative Officer  
Date: October 28, 2021  
Re: Staff Memo for **Ordinance #8-21-01** in Amendment of the 2010 Comprehensive Plan (840 & 846 Oaklawn Avenue) and **Ordinance #8-21-02** Entitled “Zoning” (Change of Zone – 840 & 846 Oaklawn Avenue)

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### I. Ordinance Summaries

The applicant and owner of AP 15 Lots 361 and 368, Domain Realty, LLC, proposes:

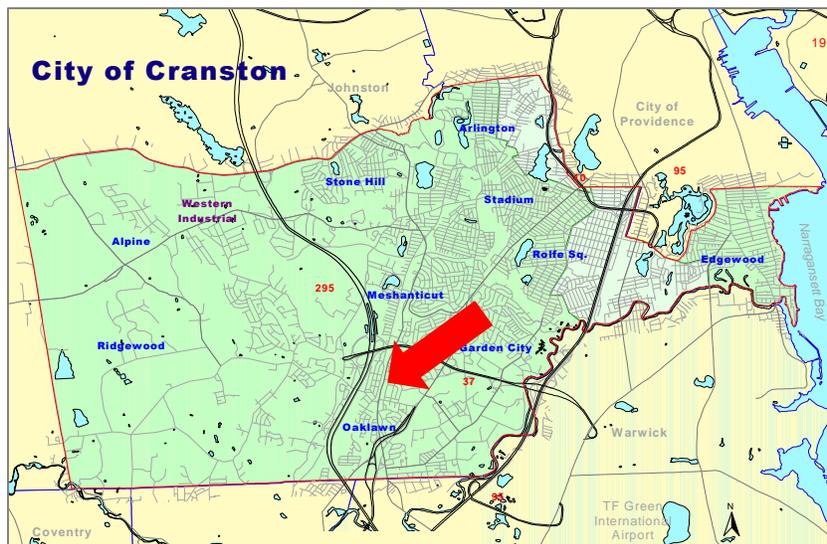
- **#8-21-01 in Amendment of the 2010 Comprehensive Plan (840 & 846 Oaklawn Avenue)**

A proposal to amend the Comprehensive Plan Future Land Use Map (FLUM) for AP 15 Lots 361 & 368 from “*Single/Two-Family Residential Less than 10.89 Units per acre*” to “*Highway Commercial/Services.*”

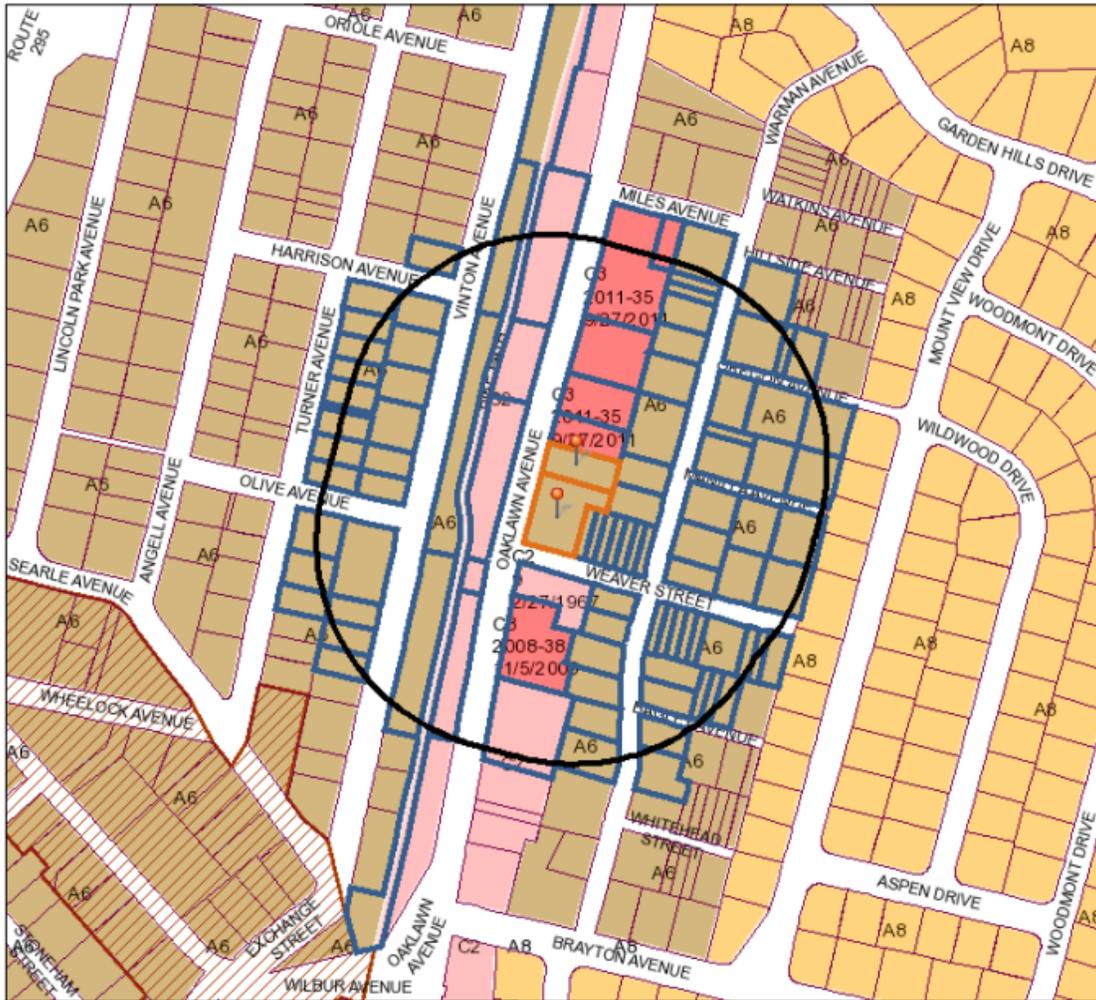
- **#8-21-02 Entitled “Zoning” (Change of Zone – 840 & 846 Oaklawn Avenue)**

A proposal to change the zoning district of AP 15 Lots 361 & 368 from A-6 (Single-Family Dwellings on 6,000 ft<sup>2</sup> Lots) to C-3 (General Business).

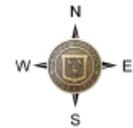
## LOCATION MAP



# ZONING MAP



	<b>UserSelectedParcels</b>		B1		M1
	vParcels_Buffer		B2		M2
	ParcelsInBufferOutput		C1		EI
	Parcels		C2		MPD
	Streets Names		C3		S1
	Zoning Dimensions		C4		Other
	Historic Overlay District		C5		Street Names
			A6		
			A8		
			A0		
			A12		

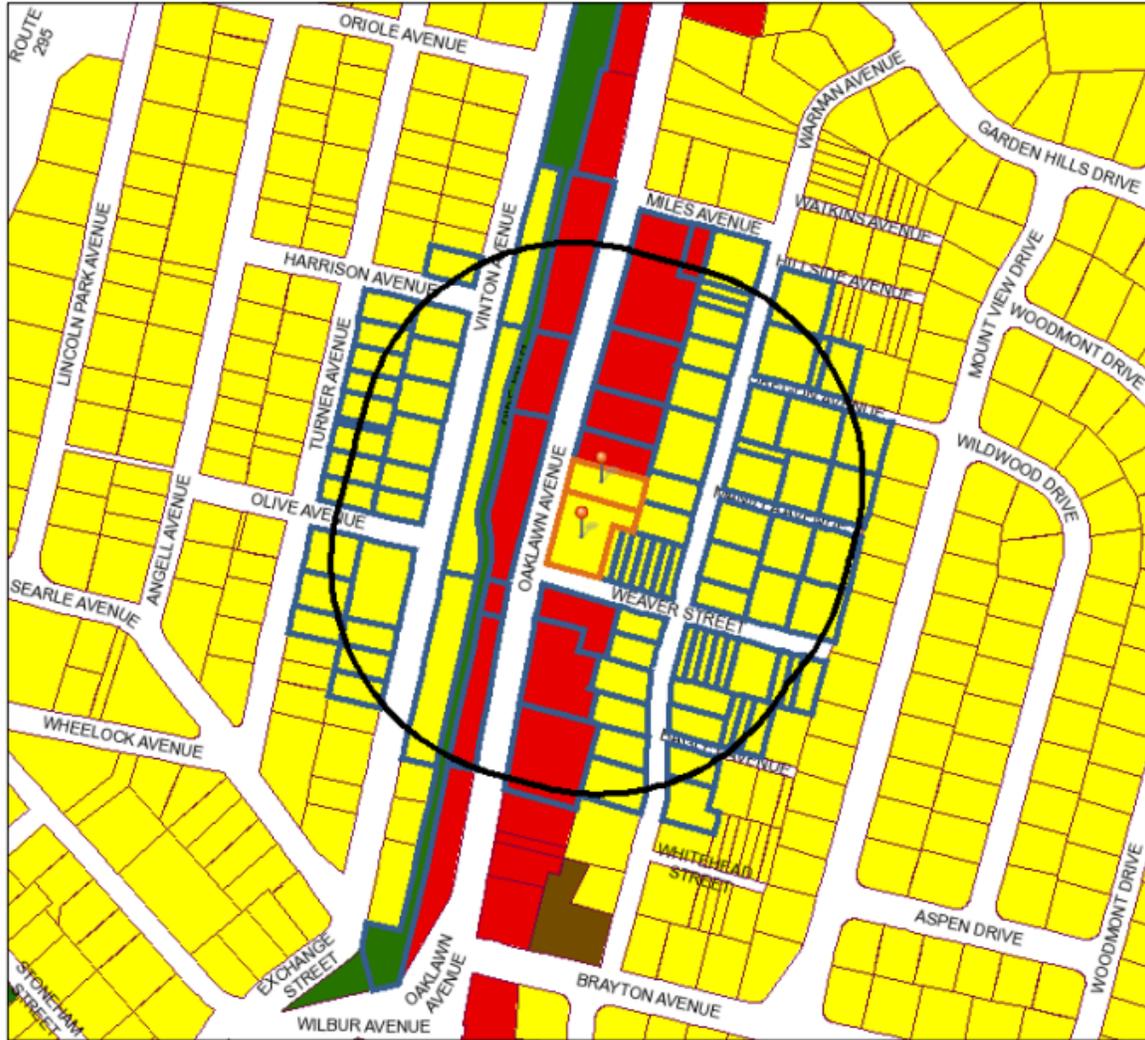


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# FUTURE LAND USE MAP



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# AERIAL IMAGE



# AERIAL CLOSE UP



## STREET VIEW of 840 OAKLAWN AVE



## STREET VIEW of 846 OAKLAWN AVE



## II. Planning Analysis

The applicant proposes a zone change from A-6 to C-3 with no conditions and an amendment to the Future Land Use Map [FLUM] to maintain uniformity between the zoning map and the FLUM. The applicant has expressed two main objectives he seeks to accomplish with the change of zone; first the existing nonconforming commercial use on 840 Oaklawn Ave would be brought into legal/conforming standing, and second, the applicant would be able to relocate his tenant at 800 Oaklawn Avenue (the retail hair product business “Hairlines”) to the existing building located at 846 Oaklawn Ave. **There are no major development plans associated with the zone change, only one anticipated change of use.** Staff did not require that the applicant submit development plans at this time because the change of use and minor site improvements to the 846 Oaklawn Ave will not require a Major Land Development application.

As shown on the zoning map on page 2, the two subject parcels are the only A-6 zoned properties on Oaklawn Avenue between Miles Avenue to the north and Brayton Avenue

to the south. All of the land on the west side of this stretch of Oaklawn Avenue is also commercially zoned, therefore the zone change to C-3 would bring consistency to the commercial character in this strip of Oaklawn Ave. Staff asserts that **the proposal will result in a more uniform land use and development pattern while removing the potential for conflict between residential and commercial uses on Oaklawn Ave.**

The building at 840 Oaklawn Avenue is currently occupied by a plant store called “A Bushel and A Peck Floral Shop” with a residence on the second floor; the zone change to C-3 would render the plant shop a conforming use. There is a history of commercial uses with residences above at 840 Oaklawn Ave. A design studio in was granted zoning relief in 1979, a tailor shop with a residence above received approval in 1994, and a needle arts business maintaining the apartment on the second floor in 2002. Since then (the exact time is unknown), the use changed from the needle arts business to the plant store. No zoning approval or zoning certificate was issued for the change of nonconforming use at this location. The applicant has explained that he believes the change of use does not require zoning relief based because the city established a precedent when it allowed a nonconforming use at AP 15 Lot 395 and then denied his appeal of that decision. Staff does not share this interpretation with the applicant, however, holds that this issue does not have bearing on the merits of the zone change request. Ultimately, **the zone change is the cleanest way of resolving the existing nonconforming use at 840 Oaklawn Ave.**

846 Oaklawn Avenue is currently a single-family dwelling. The previous tenant’s lease expired so the dwelling is vacant, therefore **no Cranston resident would be displaced by the rezone.** As stated above, the applicant intends to relocate the hair product retail business “Hairlines” currently located at 800 Oaklawn Avenue to 846 Oaklawn Ave when an internal build-out is complete and/if all other required approvals are issued. Staff is aware that the base for a future monument sign has been erected in a potentially nonconforming location at the corner of Weaver Street and Oaklawn Avenue (see below). The signage outside of the purview of the ordinance requests, but **staff proposes that a condition be added to ensure that the base of the sign be brought into compliance.**



In order to assess whether a zone change and Comprehensive Plan amendment are consistent with the Comprehensive Plan itself, staff looks beyond the FLUM to the goals and policies. The following Goals, Policies, and statements from the Comprehensive Plan provide additional rationale for the consideration of changing these parcels from A-6 to C-3 and the FLUM from residential to the “Highway Commercial/Services” designation:

- **LUP-2.6** - *Implement policies that protect residential neighborhoods from commercial encroachment through regulation, appropriate buffers, development design standards, traffic planning, and site plan review. [Page 8]*

Discussion: **This is not a case of commercial encroachment into a residential area, but rather removing a remnant residential area from a commercial strip on a major arterial road to create consistency to avoid future conflict.** There is no encroachment into the residential neighborhood to the east, there is a distinct line drawn that only lots that directly front on Oaklawn Avenue are zoned for commercial purposes. Therefore, staff believes the proposal is consistent with this policy.

- **LUG-9** - *Protect and stabilize existing residential neighborhoods [Page 9]*

Discussion: Similar to the reasons stated above for LUP-2.6, staff believes the proposal is consistent with this goal. Staff considers the subject residential lots on Oaklawn are “unstable” as they are surrounded by commercial properties. **The rezoning will create a uniform line of separation between commercial and residential uses.**

- **HP-3.2** - *Maintain the stability of established neighborhoods in connection with continued economic development and revitalization: in particular, protect neighborhoods abutting the City’s major commercial corridors from adverse impacts arising from incompatible uses. [Page 10]*

Discussion: Staff believes the proposal is consistent with this policy because the subject rezoning creates the appropriate balance and stability between housing and economic development for this particular area. **The best way to prevent incompatible uses is to NOT continue to allow residential uses abutting Oaklawn Ave that are surrounded by commercial uses.**

- **EDG-1A** - *Preserve and increase employment opportunities for Cranston residents. [Page 11]*
- **EDG-2** - *Attract capital into the Cranston area and expand the City’s economic base. [Page 12]*
- **EDP-5.1** - *Adjust zoning map boundaries of commercial districts along major arterials, and refine use regulations applicable to such districts, to provide for adequate commercial services while minimizing impacts on adjoining residential neighborhoods. [Page 12]*

Discussion: Oaklawn Avenue is a major arterial road, so the subject lots meet the criteria for this policy. Staff believes the proposed zoning map boundary provides

adequate commercial services and removes potential impacts/conflict particularly to the parcels being rezoned but also to the residential neighborhood to the east.

### III. Findings per City Code §17.120.030

#### (A): Consistency with the Cranston Comprehensive Plan 2010:

There are a significant number of Comprehensive Plan goals and policies that are in support of a positive consideration of both Ordinance 8-21-01 and 8-21-02, including but not limited to LUP 2.6, LUG-9, HP-3.2, and EDG-1A, 2, & 5.1. Additionally, the proposed ordinances would bring greater uniformity to the Zoning Map and Future Land Use Map by amending the remaining residential properties to become consistent with the other surrounding commercial properties on Oaklawn Avenue. For these reasons, **Ordinance #8-21-01 and #8-21-02 are consistent with the City's Comprehensive Plan.**

#### (B). Recognition and Consideration of the Purposes of Zoning in City Code §17.04.010:

The general purposes of zoning as prescribed by city Code Section §17.04.010 have been recognized and considered in review of the proposed ordinances, the ordinances are found to be consistent with the general purposes of zoning.

### IV. Recommendations

#### 1) **Ordinance 08-21-01 Ordinance Amending the Comprehensive Plan of 2010 (840 & 846 Oaklawn Avenue)**

Due to the finding that the amendment to the Future Land Use Map (FLUM) is consistent with the Comprehensive Plan goals and policies, would bring greater conformity to the land uses prescribed by the FLUM, and is consistent with the purposes of zoning as detailed in City Code Section §17.04.010, staff recommends that the Plan Commission send a **positive recommendation** on Ordinance #8-21-01 to the City Council.

#### 2) **Ordinance 08-21-02 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 840 & 846 Oaklawn Avenue)**

Due to the finding that the rezone from A-6 to C-3 is consistent with the Comprehensive Plan goals and policies, would bring greater conformity to the zoning of the area, and is consistent with the purposes of zoning as detailed in City Code Section §17.04.010, staff recommends that the Plan Commission send a **positive recommendation** on Ordinance #8-21-02 to the City Council, with the following condition:

#### **Recommended Condition:**

1. The applicant shall bring the base for the anticipated monument sign into compliance with zoning.