

City Planning Department



Memo

To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: September 3, 2021
Re: **Use & Dimensional Variances @ 898 Atwood Avenue**

Owner: Graziano Broccoli and Maria Broccoli, Trustees (AP 12 Lot 3130)
Robert Corsi (AP 12 Lot 633)
Applicant: Robert Corsi
Location: 898 Atwood Avenue, AP 12, Lot 3130 & Lot 633
Zone: C-2 (Neighborhood Business)
FLU: Highway Commercial/Services

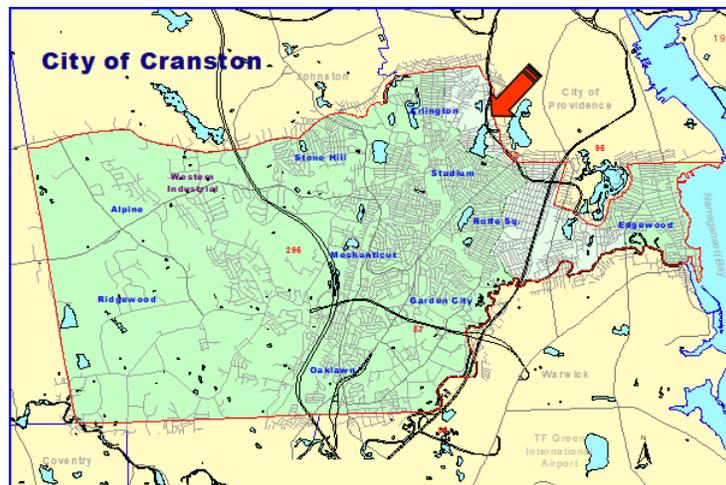
USE VARIANCE REQUESTS:

1. To allow the existing vacant building (previously a restaurant) to be converted into a motor vehicle sales office for the adjacent existing motor vehicle sales business, which is not an allowed use in C-2 zoning. [17.20.030 – Schedule of Uses]
2. To allow structural alterations to a nonconforming building that is intended for a nonconforming use. [17.88.050 – Structural Altercations]

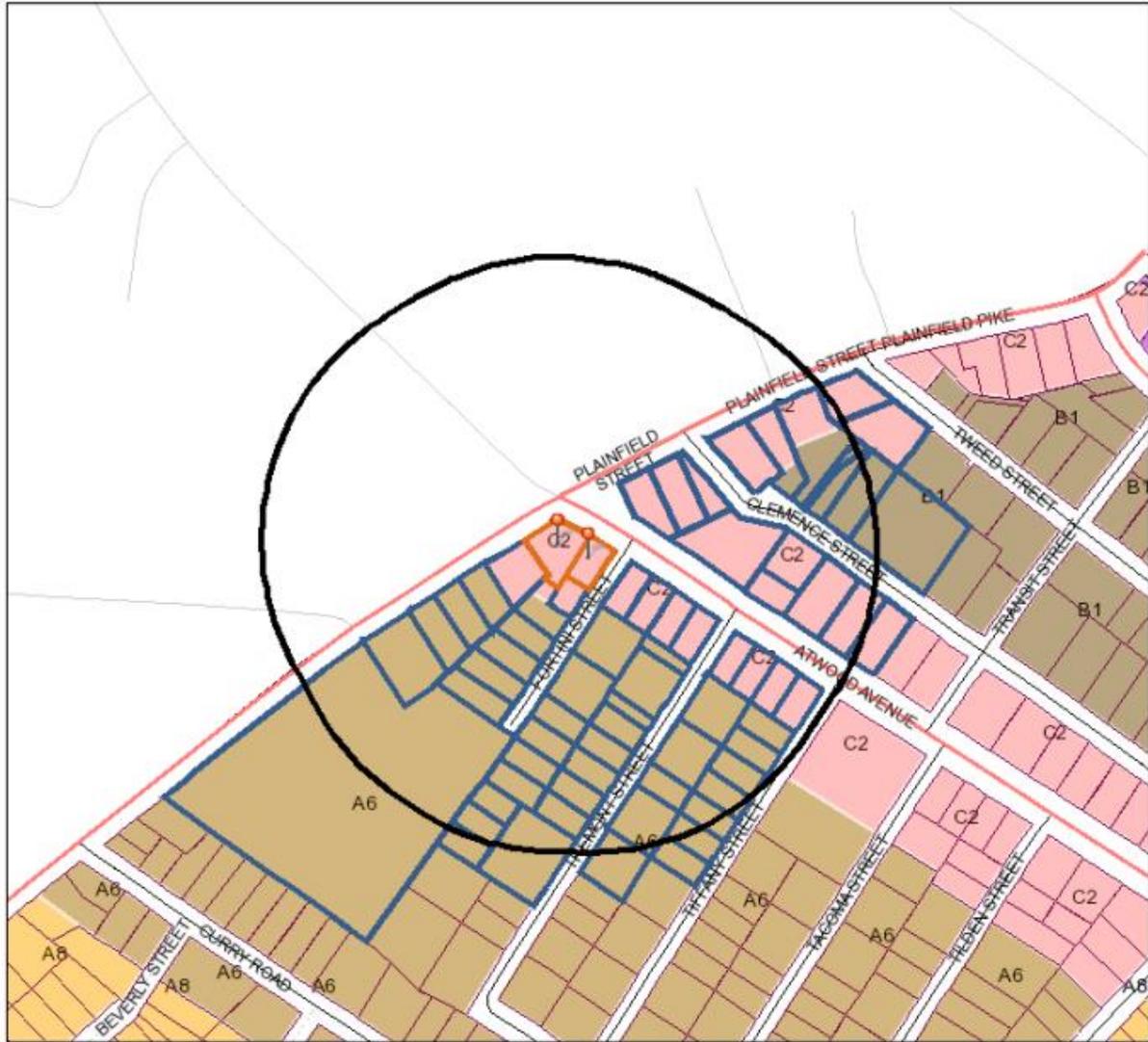
DIMENSIONAL VARIANCE REQUEST:

3. To allow a motor vehicles sales business with no off-street parking where 8 spaces are required. [17.64.010 – Off Street Parking] (*note that off-street parking will be met on the adjacent lot*)

LOCATION MAP



ZONING MAP

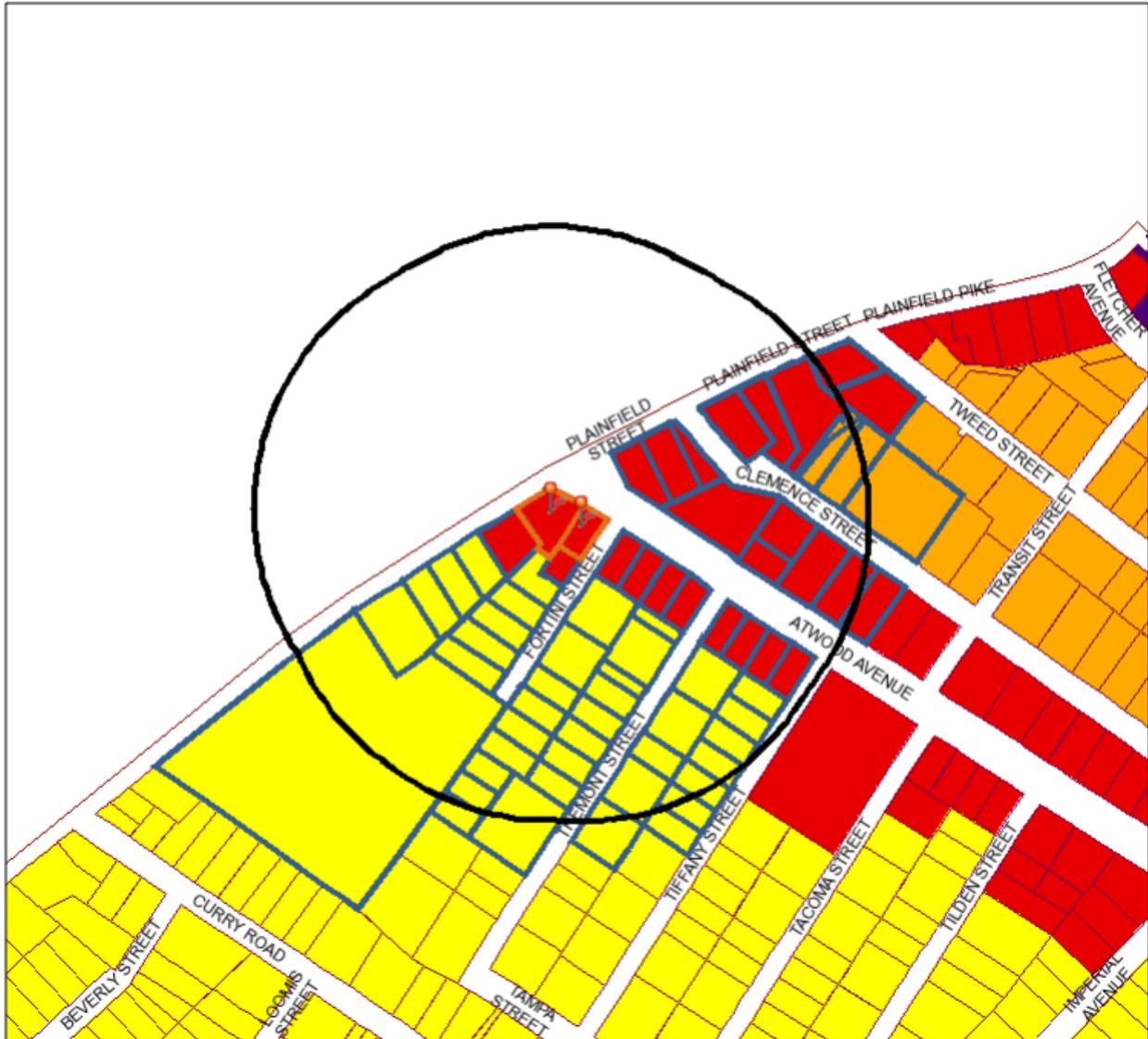


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FUTURE LAND USE MAP



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AERIAL VIEW



3-D AERIAL VIEW (facing south)



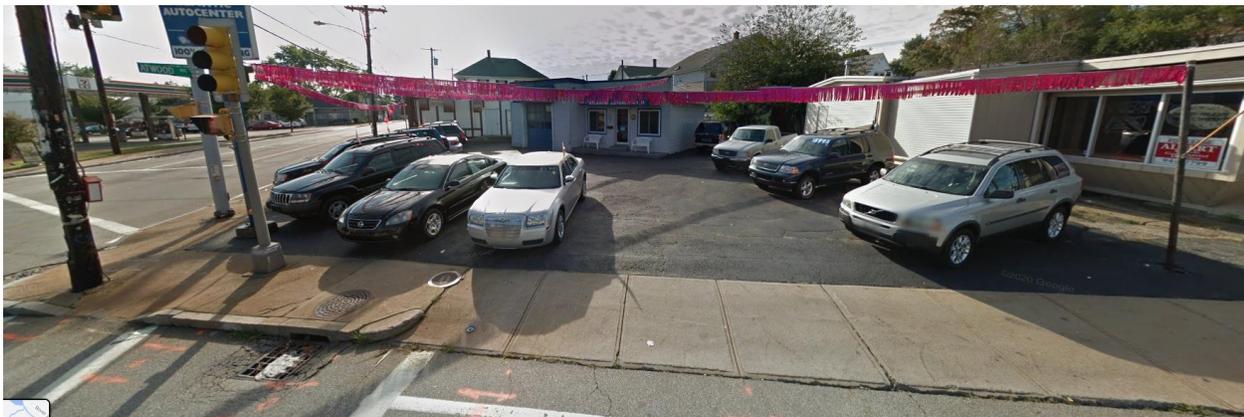
STREET VIEW (Atwood Ave Facing West)



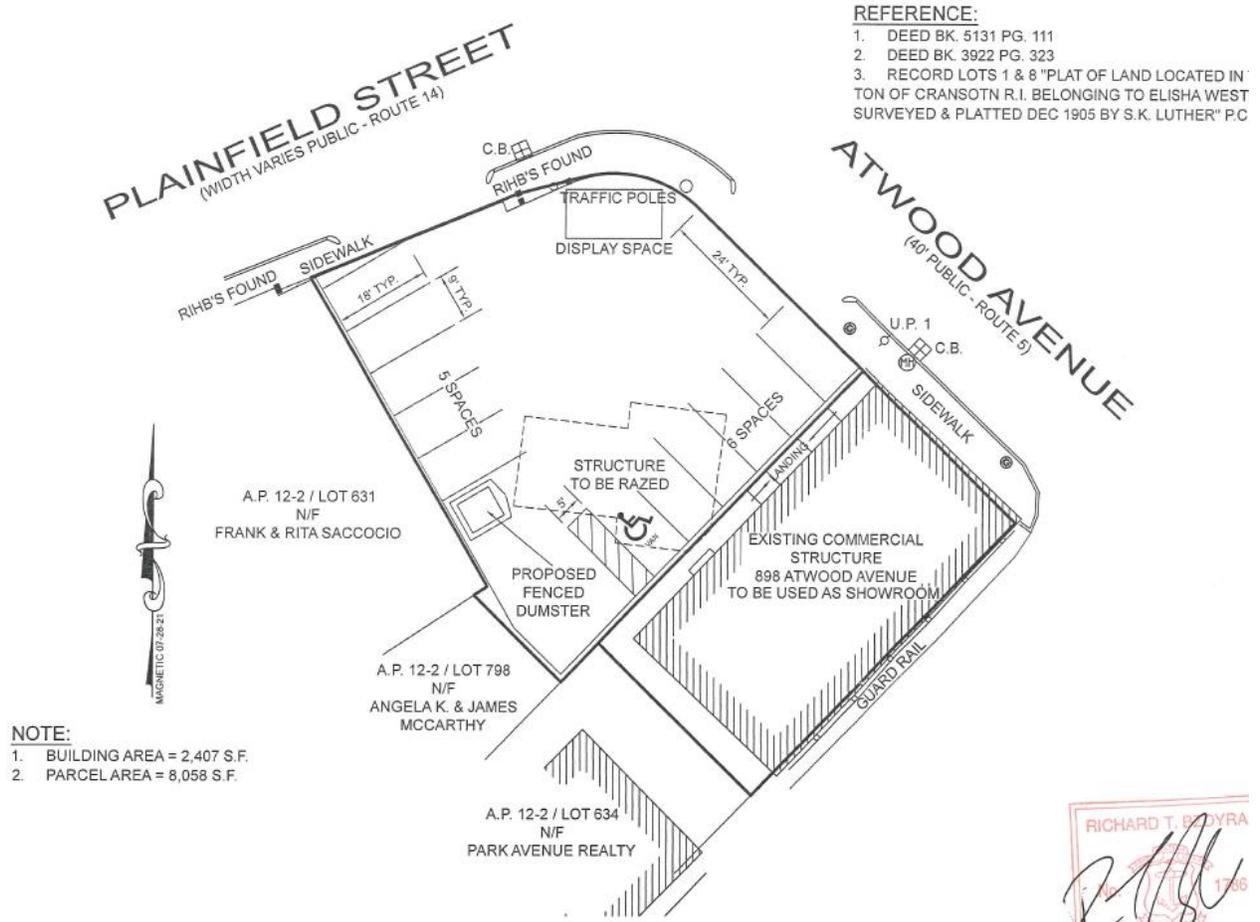
STREET VIEW (Atwood Ave Facing South)



STREET VIEW (Plainfield Pike Facing East - 2011)



SITE PLAN



FINDINGS OF FACT

1. The structure on AP 12 lot 3130 is a preexisting nonconforming building built in 1948. The building encroaches into all of the applicable C-2 setbacks and exceeds the lot coverage as the building covers the vast majority of the 2,800 ft² lot. The existing nonconformities are **not** going to be increased.
2. The Zoning Board of Review conditionally approved a retail auto sales business on an undersized lot with setback relief for AP 12 Lot 633 on 10/13/88. The Zoning Board found that "granting a permit will not prove detrimental to the neighborhood" and that it met the requirements of the Zoning Code.
3. The two subject lots are undersized for C-2 zoning (6,000 ft² is required, lot 3130 is 2,800 ft² and lot 633 is 5,716 ft²). Allowing them to be utilized for a single use brings them into conformance in terms of function despite the lots remaining distinct and under separate ownership. The applicant indicated that they may purchase and merge the lots at a future time.
4. Auto repair services are not proposed by the applicant, only auto sales.

5. This is no off-street parking for lot 3130. Allowing the sites to be utilized for a single use is the most present and viable solution to prevent the on-street parking impacts of any other potential use on lot 3130. Additionally, the demolition of the existing car sales office on lot 633 allows more room for parking and circulation on the undersized lot.
6. The existing building is vacant and in disrepair. The proposed rehabilitation and conversion of the structure would not be detrimental to or out of character with the existing aesthetic character of Atwood Avenue or Fortini Street. The building entrance would face inwards towards the site & Plainfield Pike, not towards Fortini Street or Atwood Avenue. Approval of the request would result in an aesthetic improvement and reinvestment into the area.
7. The site plan shows 11 off-street parking spaces, which meets city off-street parking requirement of 8 spaces. The applicant has conveyed that 8 cars will be interior to the building, reducing the need for inventory outside in the parking area. The relief requested is a technical, not a functional issue. The code allows for off-site locations within 200' to be utilized for parking, but only for conforming uses, so the provision cannot be applied.
8. The applicant has corresponded that they will eliminate the dumpster from the site.
9. The proposal is consistent with the Comprehensive Plan Economic Development strategy of promoting a small business-friendly environment by assisting their expansion (p. 74) and by providing relief for improving nonconforming properties when qualifying criteria such as character & compatibility are met (p. 88). This application meets said criteria.
10. The proposal is consistent with the Future Land Use Map allocation of Highway Commercial/Services.
11. The proposal is consistent with the Comprehensive Plan Economic Development strategy of promoting a small business-friendly environment by assisting their expansion (p. 74) and by providing relief for improving nonconforming properties when qualifying criteria such as character & compatibility are met (p. 88). The application meets said criteria.

PLANNING ANALYSIS

Considering the existing circumstances, there may be no better use for this property than what is proposed. There are many benefits that would result if relief were to be granted, including:

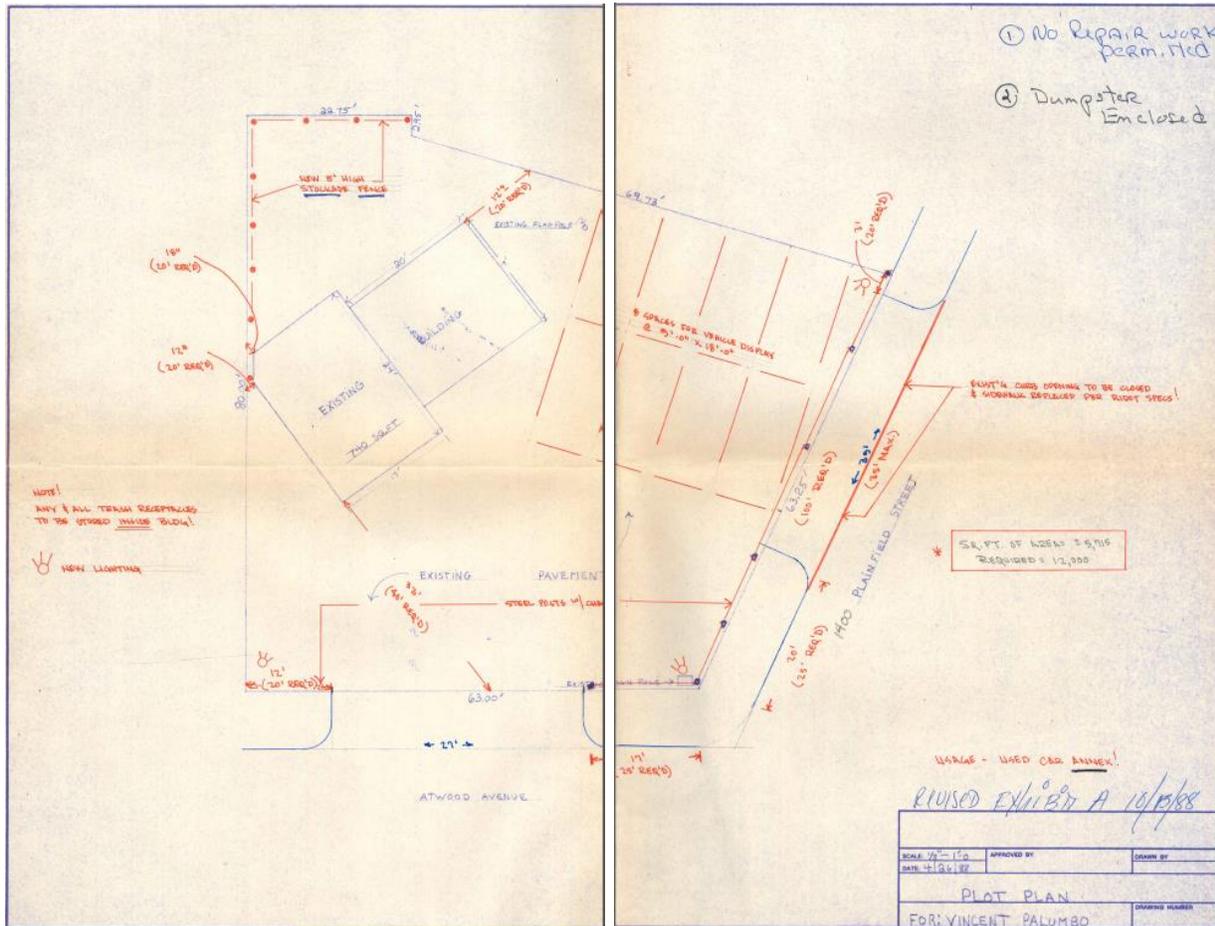
- The building in disrepair would be substantially improved;
- The vacant site would have an active, viable, tax-generating commercial use;
- Circulation and parking on lot 633 will be improved once the existing sale office is razed;
- Other uses of the building on lot 3130 would be prevented that would trigger off-street parking requirements that could not possibly be met and would likely impact the surrounding area;
- Although not officially merged, the two nonconforming lots would be merged in terms of function, mitigating the issue of their substandard areas; and

- A local business would have the ability to expand in its current location.

It is staff's interpretation that the parking relief is merely a technical, not a functional issue. The site plan shows 11 off-street parking spaces, which meets city off-street parking requirement of 8 spaces. Code Section 17.64.010 (C) allows for off-site locations within 200' to be utilized for parking, but only for conforming uses, so the provision cannot be applied without relief from the ZBR. The applicant has conveyed that 8 cars will be interior to the building, reducing the need for inventory outside in the parking area. The parking relief requested is a technical, not a functional issue. Relief would *improve* the parking conditions for both lots included in the application.

Initially, staff was slightly concerned to find that the existing conditions are not in compliance with the restrictions set forth by the Zoning Board of Review in their 1988 approval of the retail auto sales use. The approval was conditioned to "All parking & restrictions as set forth on Plan as revised by the Zoning Board marked revised Exhibit "A" dated October 13, 1988." The site is not in compliance with the restrictions on Exhibit "A," below, most notably the removal of the curb opening on Plainfield Pike. However, *the owner/applicant purchased the property in 2015, long after the property had been operating as an auto sales business in this condition.* Therefore, noncompliance with the 1988 approval is a longstanding issue, one that the owner/applicant may not have even been fully aware of. Seeing that the owner is seeking relief to expand the use and make improvements to the properties, the city/ZBR can now revisit what conditions it believes are appropriate based on the current proposal, if any.

1988 ZBR Approved Site Plan



The Development Plan Review Committee met on 9/1/21 to decide whether to take jurisdiction on this application. After due discussion, by consensus, the DPRC chose **not** to take jurisdiction on the proposal. Part of the discussion pertained to the curb openings. It was ultimately decided that the DPRC was not recommending that the curb opening be altered, but that they are state roads under the jurisdiction of RIDOT. It is known that RIDOT redid the intersection of Plainfield Pike and Atwood Avenue sometime between 2013-2016. RIDOT could have closed the curb opening at that time, but did not. However, since the proposal impacts the use of the curb openings, the Traffic Safety Bureau indicated to the applicant that confirmation for the curb cuts to remain would be required from RIDOT as part of the building permit process.

Staff has reviewed the proposal for consistency with the Comprehensive Plan. The proposal is consistent with the Future Land Use Map allocation of Highway Commercial/Services. Notably, the proposed use is allowed by right in C-4 and C-5 zones, zones that are intended under the Highway Commercial/Services FLUM category. Additionally, the proposal is consistent with the Comprehensive Plan Economic Development strategy of promoting a small business-friendly environment by assisting their expansion (p. 74) and by providing relief for improving nonconforming properties when qualifying criteria such as character & compatibility are met (p. 88). Staff believes that the application meets said criteria, and therefore **finds the request to be consistent with the Comprehensive Plan.**

Recommendation

Due to the findings that the proposal is consistent with the Comprehensive Plan, would improve the existing conditions and would be consistent with the character of the neighboring area, staff recommends the Plan Commission forward a **positive recommendation** on the application to the Zoning Board of Review.