

**TOWN OF
NORTH PROVIDENCE**

DEPARTMENT OF PLANNING
AND ZONING



**STATE OF
RHODE ISLAND**

CHARLES LOMBARDI
Mayor

**NORTH PROVIDENCE PLANNING
ADMINISTRATIVE OPINION**

To: North Providence Planning Board

From: Kelley Nickson Morris, Asst. Town Solicitor

Re: 1204 Douglas Avenue
Administrative Opinion

Date: April 7, 2017

PROJECT LOCATION: 1204 Douglas Ave., Plat 6 Lots 338, 339, and 365
EXISTING ZONING: CG/CV
PROPOSED ZONING: ML
OWNER: Douglas Ave. Associates, Inc. and US Development II, LLC
1414 Atwood Ave., Johnston, RI 02919.
APPLICANT: same
PROPOSAL: Rezone from CG to ML
VARIANCES: Rear setback from 30' to 5' setback
SPECIAL USE PERMIT: Allow self-storage use

David Westcott, Town Planner, has recused himself from this matter. I offer this opinion in his place.

The proposed Master Plan would merge two lots, demolish the existing building on the property, and construct a self storage facility. The facility would consist of 8 storage buildings and a small office.

Comprehensive plan - The Comprehensive Plan recommends rezoning Shaw's Plaza and Douglas Avenue from CV to CG. The plan discourages expanding industrial, junkyard and auto operations in favor of new retail. The change to CG was made by the Town Council in November of 2016. The applicant has petitioned the Town Council for an amendment of the Comprehensive Plan to recommend rezoning the property "to ML" instead of "to CG" and to change the text and Future Land Use Map accordingly. That change would make the applicant's proposed rezoning consistent with the Comprehensive Plan. Without that change, the proposal is not consistent with the Plan.

Zoning – Lots 338 and 339 are presently zoned CG. They were recently rezoned from CV to CG by the Council at the recommendation of the Comprehensive Plan. Lot 365 remains CV. The applicants are seeking a zone change to ML. Self storage uses are permitted in the ML zone by Special Use Permit. The applicants have requested that the Council approve the permit along with the rezoning. The proposed project meets front (20') and side (20') setback requirements for the ML district but does not meet rear setback requirement of 30'. The applicants are seeking a dimensional variance to reduce the rear setback from 30' to 5'. The application indicates that there is a hardship because there are no other reasonable alternative beneficial uses of the property.

Property - The property is oddly shaped. It is over 700 feet deep, but has only 100 feet of frontage. At its widest it is just slightly more than 200 feet wide. The long curving driveway to Shaw's Plaza occupies the southern side. The drive is not a public street and therefore does not provide frontage for the property. It also does not appear to be covered by any easement, meaning it could be closed should property ownership change in the future. The property's frontage is on Douglas Ave. adjacent to the driveway entrance. The property was mined for gravel in the early 1900s. It was occupied by a construction business from the 1960s through the 1980s. There are stockpiles of masonry and construction debris still on the property. It has been vacant since Shaw's was built in 1995.

Other – The applicant has also proposed abandoning Terrace Street, a paper street that traverses the steep slope along the north side of the property. The dense forest on the paper street property used to provide a buffer between the property and the adjacent residences. During vegetation clearing on the property, the applicant's contractor cleared all the vegetation on the town property along the paper street, despite having been warned not to by the Building Inspector, by the Town Planner, and again by the Public Works Director. In response to numerous public complaints, the applicants agreed to re-vegetate the town property to restore the vegetative buffer between the residences and the development as part of the development process. A landscape planting plan for the former road right of way should therefore be required as a condition of development approval.

Hardship – The property has been vacant since the development of Shaw's Plaza in 1995. The Comprehensive Plan sought to limit auto and industrial businesses in Geneva and replace them with commercial development. The outlook for commercial development has changed since the Comprehensive Plan was written. When the plan was written, the construction of Lowe's Plaza and the reconstruction of Douglas Plaza had just been completed and further retail expansion southward along Douglas Avenue was anticipated. Today, the outlook for bricks and mortar retail is not so positive. Changing consumer patterns and stiff competition from internet sales have impacted the demand for retail space and slowed the pace of commercial development nationally. The application does not indicate what efforts have been made to market the subject property for CV or CG uses, making it impossible to verify the claim that there is no alternative beneficial use for the property, but the assertion is not inconsistent with current trends in commercial real estate development.

Recommendation - This application is one of two current applications seeking to change properties in Geneva from CV or CG to ML. The Planning Board must decide whether the proposed amendments to the comprehensive plan to authorize limited manufacturing uses in Geneva are in the best interest of the community. If so, then we would recommend that the Planning Board make the following findings with respect to the proposed Preliminary Plan of Development:

1. The proposed development would be consistent with the North Providence Comprehensive Community Plan only if that plan is amended by the Town Council;
2. The proposed development would only comply with the standards and provisions of the North Providence Zoning Ordinance if a variance is granted for the rear setback;
3. There will be no significant negative environmental impacts from the proposed development as shown on the plan, with all required conditions of approval.
4. The proposed land development will have adequate and permanent physical access to a public street.

Motion: That the Planning Board adopt the findings in the advisory memorandum and approve the Master Plan for a self storage facility at 1204 Douglas Avenue, Plat 6 Lots 338, 339, and 365 subject to the following conditions:

- 1. That the Town Council agrees to amend the Comprehensive Plan to make the proposed rezoning of the property consistent with the Comprehensive Plan**
- 2. That the Town Council agrees to rezone the property to ML, to abandon Terrace St. and to convey half of the Terrace St. right-of-way to the applicants.**
- 3. That the Town Council or the Zoning Board grants a Special Use Permit for self storage use and a setback variance for the reduction in the rear setback from 30 feet to 5 feet,**
- 4. That the applicants provide an easement for the driveway to Shaw's Market ensuring that the easement remains open to the public. Said easement is to be provided to Counsel to the Planning Board for review and approval as part of the Preliminary Plan application.**
- 5. That the applicants agree to restore the 30' vegetated buffer between the self storage development and the adjacent residential uses. Applicants shall provide a planting plan for Planning Board approval as part of the Preliminary Plan application.**

Motion: That the Planning Board advise the Town Council and the Zoning Board that the proposed amendment to the Comprehensive Plan would not be inconsistent with the goals and policies of the Comprehensive Plan and that granting a Special Use Permit and a Variance for the proposed development would result in the development complying with the land development regulations for the Town of North Providence.