

Providence City Plan Commission

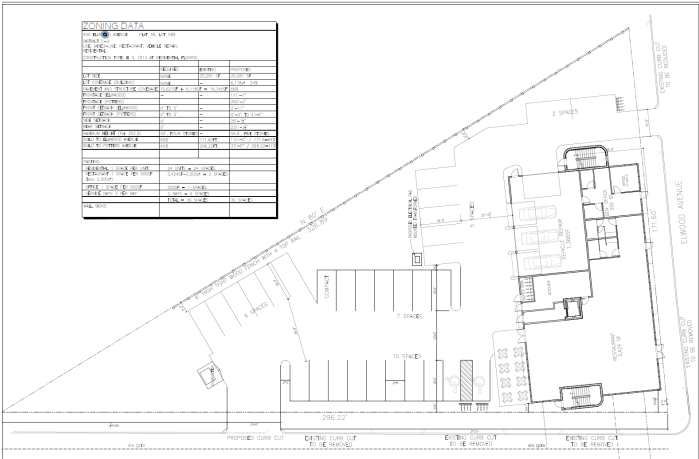


September 17, 2024

AGENDA ITEM 5 ■ 400 ELMWOOD AVE



View from Elmwood Ave



Proposed site plan



Aerial view of the site

OVERVIEW

**OWNER/
APPLICANT:**

Ayoub Realty LLC

PROJECT DESCRIPTION: The applicant is proposing to construct a five story mixed use building with a service station and restaurant on the ground floor and 24 units on the four upper stories. The applicant is seeking a dimensional adjustment, dimensional variances and a special use permit for the service station pursuant to Unified Development Review (UDR). Combination of stages and a waiver from submission of state approvals is also requested.

**CASE NO./
PROJECT TYPE:**

**24-050MA—400 Elmwood
Ave
Major Land Development**

**PROJECT
LOCATION:**

400 Elmwood Ave
AP 49 Lot 568; C-2 zoning
district

RECOMMENDATION: Approve the master and preliminary plan subject to the noted findings and conditions.

NEIGHBORHOOD: Elmwood

PROJECT PLANNER: Choyon Manjrekar



North and South building elevations

PROJECT OVERVIEW

The subject property is a vacant triangular lot with frontage on Elmwood and Potters Aves that was formerly a gas station and is zoned C-2. The lot maintains a frontage of approximately 172' on Elmwood Ave and 293' on Potters Ave. The applicant is proposing to construct a 55'4", five story, mixed use building consisting of a three bay service station and a restaurant on the first floor and 24 residential units with 6 on each of the upper four stories. The project is considered a major land development project as the proposed amount of commercial space—approximately 5,350SF—exceeds 2,500 SF. A dimensional adjustment for height is requested as the proposed height exceeds the 50', four story height limit of the zone. An adjustment for parking is also requested where 36 spaces are required but 30 will be provided. Pursuant to UDR, the applicant is requesting a dimensional variance from the build-to percentage requirement on the side yard and a special use permit for the service bays. Combination of master and preliminary plan approval is requested in addition to a waiver from submission of state approvals at the preliminary plan stage.

ANALYSIS AND IDENTIFICATION OF POTENTIAL ISSUES

Use

The site is zoned C-2, which permits mixed use development consisting of commercial and multifamily development by right.

Dimensions and Site Design

The building will be set to Elmwood Ave, which is considered the front yard, and set within the front yard build-to zone, providing 64% of the build-to percentage requirement. The building will address approximately 11% of the side

yard setback on Potters Ave and 40% of the side yard build-to percentage on W Friendship Street, which is short of the 40% required. The applicant has requested a variance from the side yard setback build-to percentage requirement. A restaurant and a vehicle repair business with an associated office will be located on the first floor. Direct street access to the office and restaurant will be provided from Elmwood Ave. The four upper stories can be accessed through stairs and an elevator at the building's rear. A special use permit has been requested for the vehicle repair business. A dimensional adjustment has been requested for the height of approximately 56' and five stories, which exceeds the 50' four story height limit of the zone. The transformer will be located behind the parking area and trash collection will occur from a dumpster in the rear yard.

The ground floor will be treated with a brick veneer, glass, and employ an awning over the commercial spaces. The upper stories will be treated with shiplap siding and brick will be used on the stair towers. Balconies will be provided for each unit and a cornice will be included on the roof. By providing balconies, using awnings, employing different materials on the façade and incorporating a cornice on the roof, the building's design will provide dimensional variety required for multifamily and mixed use developments. The transparency on the upper stories will exceed the required 10%.

The building's design follows the ordinance's guidelines for multifamily development as it employs building materials that are permitted in the zone and incorporates a unifying architectural theme which are design features encouraged in multifamily development.

Parking

A total of 36 spaces are required for the development calculated as one for each dwelling unit (24), three spaces per service bay (9), two spaces for the 3,242 SF of commercial space with the first 2,500 SF exempt, and one for the office space. A dimensional adjustment for parking has been requested as 30 spaces will be provided. The spaces will be located in the rear yard with two in the interior side setback. Five spaces are required to meet the bicycle parking requirement and 12 will be provided.

Landscaping

The lot measures approximately 25,280 SF, which requires approximately 3,800 SF of canopy coverage to meet the 15% canopy coverage requirement. The plan indicates that plantings will be made in the landscaping strip between the parking area and Potters Ave and also preserve street trees to meet the requirement. In addition, shrubs will be planted in parking islands, and around the dumpster and building. The plan shall be subject to the City Forester's approval.

Environmental Impact

The applicant is proposing to use straw barriers and a gravel pit to prevent runoff from the site during construction. An infiltration system will be installed to treat stormwater and drainage calculations have been submitted. A utility plan shows that the building will tie in to the sewer from Reservoir Ave.

Waiver from submission of state approvals

The applicant requested a waiver from submission of state approvals at the preliminary plan stage. It is the DPD's opinion that the waiver should be granted pursuant to section 1006 of the Development Review Regulations as it would be in the interest of good planning practice and allow the applicant to proceed with the development process. The DPD recommends that the CPC grant the waiver with the condition that the permits be submitted at the final plan stage.

ACTION—Waiver from submission of state approvals

The CPC should grant the waiver from submission of state approvals based on the above findings. The applicant shall return to the CPC if the approvals result in a change to the approved plan.

ACTION—Combination of stages

The CPC should vote to combine master and preliminary plan approval having granted the waiver from submission of state approvals, finding that the applicant meets the submission requirements for both stages.

Findings—Dimensional adjustments

The applicant is seeking dimensional adjustments for building height and parking as previously described. It is the DPD's opinion that the applicant meets the criteria for dimensional adjustments outlined in section 1005.B of the Development Review Regulations. The applicant is eligible for the adjustment by providing vertical mixed use with over 50% of residential space as outlined in Section 1904.E.1 of the Zoning Ordinance. An adjustment for parking within 50% of the requirement and an increase of up to 24' in height is permitted per section 1904.E.2. As discussed, the provision of mixed use with commercial space on the ground floor is reasonably related to the height increase and reduction in parking.

ACTION—Dimensional Adjustments

The CPC should grant the requested dimensional adjustments pursuant to making positive findings with section 1005.B of the Development Review Regulations as described above.

Discussion—Dimensional Variance

The applicant is seeking dimensional relief from the side yard setback requirement where 40% of the interior side yard setback line is required to be occupied by the building within the build-to zone, but 11% will be provided.

Findings—Dimensional Variance

Section 1902 of the zoning ordinance requires that the CPC find evidence of the following standards in order to grant a variance:

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in Rhode Island General Laws §45-24-30(16).

The subject lot is unique as it is a triangular corner lot with 172' of frontage on Elmwood Ave, which is a main street, and 292' of frontage on Potters Ave. The ordinance requires that the building address Elmwood Ave, requiring a length of 117' on the side yard. It appears that the applicant suffers a hardship due to the length of the side yard which is noticeably longer than the front lot line and would require significant changes to the building's design if required to comply with the ordinance.

2. That the hardship is not the result of any prior action of the applicant.

Based on plans provided, it appears that the hardship encountered by the applicant stems from the shape of the lot which is not due to the applicant's prior action.

3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan.

The requested relief would allow the building to address Elmwood Ave as required by the ordinance. A negative effect on neighborhood character is not expected as a result of the shortened setback.

4. In addition, the City Plan Commission, as part of unified development review, requires that evidence be entered into the record of the proceedings showing that in granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience.

Based on a review of plans, denial of the relief could result in more than a mere inconvenience as requiring the building to maintain the side yard setback would require a drastic change to the design and affect the functions of the proposed uses.

ACTION—Dimensional Variance

Based on the foregoing discussion, the CPC should grant the requested dimensional relief.

Discussion—Special Use Permit

The applicant is requesting a special use permit for the vehicle repair facility.

Findings—Special Use Permit

Section 1901 of the ordinance requires that the CPC find evidence of the following standards in order to grant a special use permit:

- i. The proposed special use permit is set forth specifically in this Ordinance, and complies with any conditions set forth therein for the authorization of such special use permit, including those listed in Article 12.*
- ii. Granting the proposed special use permit will not substantially injure the use and enjoyment of nor significantly devalue neighboring property.*
- iii. Granting the proposed special use permit will not be detrimental or injurious to the general health or welfare of the community.*

The vehicle repair facility is required to conform to the criteria in section 1202.AA of the ordinance. In accordance with the section, the facility will be located within the building and screened from the neighboring lot with a solid 6' fence. A negative effect on neighborhood character and surrounding property is not expected as the use would occur indoors and be screened from the neighboring lot. The ordinance requires that no damaged vehicles be stored outdoors and no vehicle storage or repair work shall occur in the public right of way. The DPD would not object to granting the special use permit subject to the applicant demonstrating compliance with these criteria.

ACTION—Special Use Permit

The DPD recommends that the CPC grant the special use permit subject to the applicant demonstrating conformance with section 1202.AA.

Findings—Preliminary Plan

Section 1005 of the Commission's *Development Review Regulations* requires that the City Plan Commission make the following findings as part of their approval of all land development project applications. Based on the analysis contained herein and subject to the conditions contained in this report, staff has prepared the following findings regarding the request for approval of the Preliminary Plan stage:

1. *Consistency—The proposed development is consistent with the Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies.*

Per the future land use map of Providence Tomorrow this area is intended for general commercial and mixed use development which is intended for mixed use and multifamily residential development. The proposed development will conform to this description. Provision of housing would also be in conformance with objective H-2 of the comprehensive plan, which encourages construction of new housing.

2. *Compliance with Zoning Ordinance—The proposed development is in compliance with the standards and provisions of the Zoning Ordinance.*

Use: Multifamily and mixed use development that includes restaurants is permitted by right in the C-2 zone. The service station will be permitted subject to the CPC granting a special use permit.

Dimension: As discussed, the development will conform to the dimensional and design requirements of the C-2 zone subject to the CPC granting a dimensional adjustment for height and a variance from the side yard setback requirement.

Parking: The development will meet the parking requirement subject to the CPC granting a dimensional adjustment for parking.

Landscaping: The landscaping plan is subject to the City Forester's approval.

3. *Environmental Impact—There will be no significant environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.*

The drainage calculations and erosion control measures shall be subject to the approval of the City Engineer. No significant negative environmental impacts are expected as the applicant is required to come into conformance with all applicable environmental regulations.

4. *Buildable Lot—The subdivision or development project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.*

There are no physical constraints that impact development of this property.

5. *Street Access—All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.*

Adequate vehicular and pedestrian access is provided from Elmwood and Potters Aves.

ACTION—Preliminary Plan

Based on the foregoing discussion and subject to granting the waiver and dimensional adjustments, the CPC should approve the preliminary plan subject to the following conditions:

1. The landscaping plan shall be subject to the City Forester's approval.
2. The stormwater calculations and erosion control measures shall be subject to the City Engineers approval.
3. Final plan approval should be delegated to DPD staff.