

Providence City Plan Commission

Staff Report
February 27, 2020



481-487 ALLENS AVE.



Aerial view of the site



Image of existing conditions

OVERVIEW

OWNER/ APPLICANT:	487 Allens LLC AP 55 Lots 27, 425, 427 and 430	PROJECT DESCRIPTION:	The applicant is requesting master plan approval to develop a solid waste transfer station on the subject lots.
CASE NO.	19-081 MA		
PROJECT TYPE:	Major Land Development Project; Master Plan stage of review		
PROJECT LOCATION/ZONING DISTRICT:	481 Allens Ave M-2 zoning district	RECOMMENDATION:	Denial of the Master Plan
NEIGHBORHOOD:	Lower South Providence	PROJECT PLANNER:	Robert Azar, AICP

PROJECT OVERVIEW

The development site measures approximately 3.9 acres and is composed of four lots occupied by two buildings that are proposed to be demolished. The applicant proposes to construct a building on the site for use as a solid waste transfer station. As proposed, the station will accept and process construction and demolition debris and potentially other types of waste, load the waste into rail cars within the building and transport it out of state. As the proposed new building is non-residential and exceeds 10,000 sq. ft. in gross floor area, major land development project review is required. The applicant is seeking master plan approval.

FINDINGS

Section 806 of the Commission's *Development Review Regulations* requires that the City Plan Commission make the following findings as part of its approval of all land development project applications. Staff has prepared the following comments regarding each required finding:

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

The subject property is located in an area that the future land use map of *Providence Tomorrow: The Comprehensive Plan* designates as Business/Mixed Use. The plan describes this area as intended to foster the development of business and commercial uses. The proposed development appears to conform to this description.

This parcel is also within an area the Future Land Use Map designates as a Jobs District. Objective LU5: Protect Areas for Jobs, states, "Promote business retention and expansion in areas best suited for industrial and commercial development." Strategy A under this objective states "Encourage the growth of industrial activities by preserving industrial land primarily for manufacturing purposes in areas designated as Jobs Districts on Map 11.2 'Future Land Use'." This proposed use appears to conform to the objective and strategy.

The comprehensive plan calls for protecting residential neighborhoods by relegating industrial uses to particular areas. The subject parcel is separated from the nearest residential zone by approximately 1,100 feet. While this is a significant distance by Providence standards, there may be negative impacts on residential areas from vehicular traffic traveling to and from the site and from activities happening on the site. It is unclear from the application whether these will be significant impacts.

While there are provisions of the plan that indicate that this land use is appropriate for this location, the comprehensive plan also speaks to issues of environmental justice and equitable distribution of undesirable land uses. In the introduction to the section on Sustainability and the Environment, the plan says, "this document is a dynamic plan with an evolving emphasis on sustainability. Continued attention to environmental justice is needed to achieve greater equity in the distribution of environmental burdens and benefits citywide." In the introduction to the plan, under the heading of equity, the plan states, "the City also takes on the burden of undesirable land uses such as asphalt processing facilities, salt piles, utilities and contaminated industrial sites that serve the state and region." Further, Objective SE1: Climate Protection and Air Quality, states, "Implement measures to mitigate the effects of global warming and sea level rise and improve air quality." Strategy J under this objective states, "Ensure that industrial, biomedical and other scientific research facilities conform to federal and state environmental, health and safety regulations." It is not clear that the proposed project meets these provisions.

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

Use: The site is zoned M-2. The proposed use is a solid waste transfer station. The only mention of this use in the ordinance is within the use category called Incinerator/Waste Facility, defined as "a facility for the incineration and/or processing of waste, including sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency." Because the proposed facility will not be operated by or for a state or municipal agency, it is not permitted in the M-2 zone. Also, the proposed use does not fit into any other category within the use matrix of the zoning ordinance. Therefore, per 1200.F.1, which states, "any use that is not included in the use matrix is prohibited in all districts," the proposed use is not permitted on this site, or in any zone in the city.

Dimension and parking: The building's dimensions, site design and parking will conform to the requirements of the ordinance.

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.*

While this property is in an industrial zone, separated from a residential area, there is the potential for negative environmental impacts from the proposed facility. The project would have to conform to state regulations relating to stormwater management, brownfields remediation, and other impacts that a transfer station may have, such as the control of dust, odor, litter and leachate. These issues are all regulated by the Rhode Island Department of Environmental Management (RIDEM). Other impacts from the project could include traffic congestion and degradation of air quality from vehicles associated with the site and noise and vibration generated from operations inside and outside of the building. Based on the submission, it is unclear whether this proposal would have significant environmental impacts.

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, as the proposal complies with the dimensional requirements of the M-2 zone and there are no apparent impediments to development.

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.*

The property has adequate and permanent physical access to Thurbers Ave. and Allens Ave.

RECOMMENDATION

Based on the foregoing discussion, the CPC should deny the master plan, finding it not in compliance with the zoning ordinance.