

MINUTES

April 5, 2016

Chairman Smith called the Planning Commission Meeting to order at 7:08 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman
Kenneth Mason, P.E.
Mark Motte
Lynne Harrington
Fred Vincent
Gene Nadeau
Robert Strom
Kimberly Bittner

Also present were:

Peter Lapolla, Planning Director
Stephen Marsella, Esq. Assistant City Solicitor
Jason Pezzullo, AICP, Principal Planner
Lynn Furney, Senior Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Ms. Harrington, the Commission unanimously voted to approve the minutes of the February 2, 2016, Plan Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT

Champlin Hills – AMENDMENT #2 (HEIGHT)

Master Plan - Major Land Development without street extension
Scituate Avenue (southerly side)
Multi-family residential development

The 48-unit structure is proposed to be **63'** in height;
The 24-unit structure is proposed to be **50'** in height.

Attorney John DiBona, on behalf of West Bay LLC, stated that his client is requesting a second amendment to the previously approved Master Plan. Specifically, the applicant is requesting relief from the 35 ft. height restriction (as proposed above). He stated that in February, 2016, the applicant requested their first amendment; which was for 10 more units (from 62 to 72 units) and the addition of a pool and club house on a newly acquired adjacent lot.

Specifically, Amendment #2 is for a four story, 63 ft. high building, and the second building will be three stories and go from 48 ft. high to 50 ft. high. Mr. DiBona informed the Commission that the City Council has recently approved the applicant's request for a zone change from A-20 to B-2, with the increase in building heights as well. Mr. DiBona further stated that the proposed height increase comes as a result of the recommendation of his client's architect. Shortening the building footprint and, subsequently, increasing the building height will naturally result in shorter hallways; which are preferred by the majority of prospective renters.

Engineer Richard Bourbonnaise, Garofalo and Associates, stated that the four story building will be set back 420 feet on the property. Neighboring Scituate Vista cannot be seen very well from Scituate Avenue at similar elevations. He stated that there is a 2 ½ - 3% grade. The roadway will be serpentine with large canopy trees. The surrounding buffering will help with the visual impact.

Chairman Smith asked how the proposed large building footprints of these structures compare with the condos surrounding to the east and west. Mr. Bourbonnaise responded that the neighboring buildings are one unit where the proposal is for two units. He stated that it is perspective and that “50 ft. looks less the further it is away”.

Mr. Kelly Coates, Senior Vice President, Carpionato Corporation, reiterated Mr. DiBona’s comments regarding shorter hallways. He stated that the front building has been moved further west. He further stated that he has met at least five times with the surrounding condominium associations. He stated the associations were allowed to choose the buffering landscaping. It appears that the neighbors are all quite satisfied with the proposal as none showed up at the meeting. He stated that the most likely tenants in the larger building will be elderly who wish to downsize from their large homes in Western Cranston, as this building will have an elevator, and rent these luxury apartments. He stated that the zoning ordinance encourages peak roofs and that it was, actually, preferred by the abutters. He informed the Commission that the \$6,000 balloon that was flown did not go above the tree line. He further assured the Commission that this complex “does not attract millennials”; further informing them that his company performs rigorous criminal background checks on prospective renters.

Mr. Pezzullo reminded everyone that this proposal is still at Master Plan, although the plan is more like a detailed Preliminary Plan. Mr. Mason stated that he likes the idea of compressing the building and adding height. Mr. Vincent stated that “the wetland features are in favor of the height”.

No public comment was offered on this matter, therefore, the Commission moved to a vote. Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and *approve* this Master Plan AMENDMENT for height only as follows:

The 48-unit structure is proposed to be 63’ in height;
The 24-unit structure is proposed to be 50’ in height.

Findings of Fact

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100’ radius have been notified via first class mail on 2/17/16 and the meeting agenda has been properly posted. Advertisement for this major land development was published in the Cranston Herald consistent with Section V.C.2.h of the City of Cranston Subdivision Regulations on 2/17/16.
2. The proposed major land development and its resulting density of approximately 9.52 residential units per acre is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map which designates the subject parcels as “*Residential* allowing less than 10.89 residential units per acre”.
3. The amended proposal is consistent with the B-2 Multi-Family zoning district. Under the existing zoning, the applicant has the right to develop 91.8 units where 72 units are proposed. The proposed building heights exceed the maximum height of 35’ and therefore do not conform to the Cranston Zoning Code. However, the proposal is located within a mixed style / high-density multi-family district and the proposed height will not alter the general character of the surrounding area or impair the intent or purpose of the B-2 Multi-Family designation of the Cranston Zoning Code. The mixed multi-family land use of this area of Scituate Avenue is not fundamentally altered by virtue of adding additional multi-family uses of the prescribed density but of increased massing.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Amended Master Plan.
5. The proposed land development promotes high-quality appropriate design and construction, will be well integrated with the surrounding neighborhoods, and will reflect its existing characteristics.
6. The proposed land development 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.
7. The property in question has adequate permanent physical access on Scituate Avenue, an improved public (State) roadway located within the City of Cranston.

8. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Condition of approval

Prior to submission of the Preliminary Plan application with the Planning Department, the applicant shall be in receipt of the following item in addition to those conditions detailed in the 2/2/16 approval:

Dimensional height variance granted by the Zoning Board of Review.

Chapel View MPD – Final Plan

Major Land Development w/o street extension

Minor Amendment – Loading Dock / Installation of standalone ATM

Mr. Lapolla explained that the applicant is proposing a 774 sq. ft. enclosed loading dock in the rear of the building that will service new tenant, TJ Maxx, between PETCO and REI. He stated that this is a minor modification. A Bank Newport drive thru ATM is also proposed on the premises that will “bump in to the Panera Bread drive thru”.

Mr. Coates, in referencing the visual presentation, stated that each tenant is required to have their own enclosed loading dock. In regard to the proposed drive thru ATM, he stated that the structure will be a simple monolith, with no human servicing drive thru customers. He stated that the MPD allows for a drive thru. The proposed 2,000 sq. ft. structure will be a loan production office. He also stated that Panera Bread has had increased sales since their move from Route 2.

Mr. Steve Garofalo, traffic engineer, stated that lunch time is the peak time at Panera Bread. He stated that one vehicle exits every 7 -10 seconds. He stated that the drive thru ATM will not conflict with the Panera drive thru.

No public comment was offered on this matter, therefore, the Commission moved to a vote. Upon motion made by Ms. Bitter and seconded by Mr. Mason, the Commission unanimously voted (8/0) to approve this minor modification.

Olive Turner Plat - Preliminary Plan

Minor Subdivision w/o street extension – 1 additional house lot

Olive Avenue, Turner Avenue

AP18/4, Lot 492

Attorney John DiBona explained the proposal to split this 15,000 sq. ft. lot into two lots. Parcel 1 will be 6,800 sq. ft. of land area for one new single-family house lot. Parcel 2 will be 8,200 sq. ft. of land area for the existing single-family home. The proposed lots conform to the A-6 zone and will not require variances.

Ms. Jean Carr, who lives “two doors down”, expressed concern with “the small size of the property for a \$300,00 ranch home that is proposed”. She also expressed concern with the character of the Oaklawn Historic Village. Mr. Pezzullo assured Ms. Carr that this lot is not in the Historic District and that the lots do meet the zoning requirement.

There being no further comment, the Commission moved to a vote. Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and approve your Minor Subdivision application, with a waiver for the provision of sidewalks; subject to the following conditions.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100’ radius have been notified via first class mail on 3/25/16 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.

2. The proposed residential subdivision and its resulting density of 5.8 units per acre conforms to the Comprehensive Plan – Future Land Use designation of “Residential 7.26 – 3.64 units per acre”.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code as the lots are proposed consistent with the A-6 zoning district.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision 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.
7. The lots in question have adequate permanent physical access on Turner Avenue, an improved public roadways located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of approval

1. Payment of Western Cranston Capital Facilities Impact Fee in the amount of \$1,389.50 at the time of Final Plat recording.
2. Municipal Lien Certificate verifying that all taxes are paid up to date.
3. Correspondence from the Providence Water Supply Board certifying that there is adequate water supply to service the proposed lot.
4. Correspondence from Veolia Water stating that there is suitable sewer capacity to service the proposed single-family house lot.

Queen Victoria Plat – Preliminary Plan

Minor Subdivision w/o street extension – 1 additional house lot
 Queen St., Governor St., Victoria Avenue
 AP 8/2, Lots 656, 657, 658

Mr. Claudio Morasco explained the proposal, stating that Lot 658 contains the two family dwelling, which the applicant has proposed to convert into a single family home. The applicant proposes a minor subdivision to create two new nonconforming lots. Within the 400 ft. radius, only 17% of the single family homes are on lots that are the same size or smaller than the proposed lots. The lots have the required frontages of 60 ft. minimum. He further stated that the Comprehensive Plan calls for less than 10.39 units per acre, which is less than the Comprehensive Plan requires.

No public comment was offered on this matter. Therefore, the Commission moved to a vote. Upon motion made by Ms. Harrington and seconded by Mr. Nadeau, the Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and approve your Minor Subdivision application, with a waiver for the provision of sidewalks; subject to the following conditions.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100’ radius have been notified via first class mail on 3/25/16 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.

2. The proposed residential subdivision and its resulting density of 9.08 units per acre conform to the Comprehensive Plan – Future Land Use designation of “Residential less than 10.39 units per acre”.
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
4. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
5. The proposed subdivision 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.
6. The lots in question have adequate permanent physical access on Governor Street and Victoria Avenue, improved public roadways located within the City of Cranston.
7. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
8. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
9. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Negative Finding

1. While the proposal conforms to the Comprehensive Plan, the proposed lots require dimensional relief from the Zoning Board of Review.

Conditions of approval

1. Payment of Eastern Cranston Capital Facilities Impact Fee in the amount of \$593.46 the time of Final Plat recording.
2. Obtain the required dimensional relief from the Zoning Board of Review prior to filing the Final Plan application with the Planning Department.
3. Obtain a copy of the Building Permit authorizing the work to convert the two-family into a single-family unit.
4. Provide a Zoning Certificate from the Cranston Zoning Official that the legal use of the property is only for a single-family dwelling prior to recording of the Record Plan.

ZONING BOARD OF REVIEW RECOMMENDATIONS

MARK MANOCCHIA 34 JULIA AVENUE NARRAGANSETT RI 02882 (OWN/APP) for permission to build a 16' X 32'+/- one story additional living unit to an existing two-family dwelling at **113 Norwood Avenue**. AP 2/3, lot 823, area 8435+/- SF, zoned B-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact:

1. The 2010 Comprehensive Plan Future Land Use Map designates this area of the City as Residential, less than 10.39 units per acre.
2. The applicant's lot contains a 2 family, which currently has a density of 10.33 units per acre, and is consistent with the density prescribed in the Comprehensive Plan.
3. The proposed addition for an additional dwelling unit will result in a density of 15.5 units per acre, which is inconsistent with the Comprehensive Plan.
4. Of the 65 residential buildings located within in the 400' radius, only 27.7 % are 3 family dwellings.
5. The lot contains an existing parking area for 4 cars, double parked, located in the right front yard area of the lot.
6. The site plan shows a new parking area on the left front yard of the lot that will hold 2 cars, parked end to end. A retaining wall and front lawn will have to be removed to install this parking area in the front yard.
7. Both parking areas require vehicles to back out onto Norwood Avenue.
8. The proposed addition will be attached to the rear of the house, with its own entrance.
9. The existing house has restricted side yard setbacks of 3.87' on the right, and 6.75' on the left.

10. According to the site plan submitted, the rear door from the apartment on the left will be blocked by the proposed new addition.

Recommendation: The proposed 3rd unit will result in a density of 15.5 units per acre, which is inconsistent with the 2010 Comprehensive Plan Future Land Use Map which designates this area of the City with a residential density of less than 10.39 units per acre. Upon motion made by Mr. Vincent and seconded by Mr. Nadeau, the Commission voted (Aye: Vincent, Bittner, Strom, Mason, Smith, Nadeau, Nay Motte and Harrington) to make no specific recommendation on this application.

ROBERT L CORSI 300 BUNGY ROAD NORTH SCITUATE RI 02857 (OWN/APP) for permission to reduce an existing two-family dwelling to a one-family dwelling and leave on a proposed [parcel 2] 4500+/- SF undersized lot with restricted front and corner side-yard setback and build a new 26' X 40' single family dwelling on the proposed [parcel 1] abutting 4800+/- SF lot [parcel 1] at **63 Governor Street**. AP 8/2, lots 656, 657, 658, area 9600+/- SF, zoned A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard lots of record.

Findings of Fact:

1. The area of proposed parcel 2 (4,500 S.F.) is listed incorrectly in the application above. The correct area is 4,800 sq. ft.
2. The application also lists A-6 as the zoning, which is incorrect. The correct zoning is B-2.
3. The applicant's property has received a preliminary approval for the Minor Subdivision creating these undersized lots, pending Zoning Approval.
4. The lots have the required frontages of 60 ft. minimum.
5. The 2010 Comprehensive Plan Future Land Use Map designates this area of the City as *Residential, Less than 10.39 Units per Acre*. Recognizing that although this area of the City is Zoned B-2, the area located within the 400 ft. radius, is a densely developed neighborhood with a calculated density of 13.1 units per acre. This area does not conform with a typical density for a B-2 Zone of less than 10.39 units per acre.
6. The proposed density of this application will result in 9.08 units per acre, which conforms to the Future Land Use Map density. (Because the existing house is a two family on 9,600 sq. ft., the resulting density for 2 single family dwellings on two 4,800 sq. ft. lots is the same.)
7. The proposed new single family does not meet the required 25' front yard setback, but instead is proposing an 18' setback from Governor St.
8. The proposed side yard setbacks are 8' and 12' (8' is min. required), and the rear yard setback is 34' (where 20' is the minimum required).
9. There are 76 residential dwellings within the 400' zoning radius. Of those, 24 lots are 4,800 sq. ft. or smaller; 13 of those lots contain single family dwellings.
10. Within the 400' radius, only 17% of the single family dwellings in the neighborhood are on lots that are the same size or smaller than the applicant's lots.

Recommendation: The Commission finds that although the applicant's lots are severely undersized for a B-2 zone, the resulting density is 9.08 units per acre, and the 2010 Comprehensive Plan Future Land Use Map does designate this densely populated area of the City as less than 10.39 units per acre. The Commission also finds that the application is consistent with the Comp Plan. Therefore, upon motion made by Mr. Motte and seconded by Ms. Bittner, the Commission unanimously voted (8/0) to make a positive recommendation to the Zoning Board.

MICHAEL AND LISA MONTANARO 90 BATEMAN AVENUE CRANSTON RI 02920 (OWN/APP) for permission to build a 15' X 24'+/- two story, garage with living room above, addition to an existing single family dwelling with restricted side yard setback at **90 Bateman Avenue**. AP 15/1, lot 618, area 10,132+/- SF, zoned A-8. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity.

Findings of Fact:

1. The property received a Zoning variance in December 2000, under a different owner, to convert a two car garage into living space.
2. The existing single family use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as *Single Family Residential, 7.26 to 3.64 Units per acre*.
3. The proposed two story, single car garage addition will have a 5.1 ft. side yard setback, where 10 ft. is required per the Zoning Code.
4. Fifteen out of the forty-three single family dwellings in the neighborhood have restricted side yard setbacks.
5. Forty feet separates the proposed addition from the house on the abutting lot to the left.

Recommendation: The Commission finds the application is consistent with the Comprehensive Plan and will not alter the general character of the surrounding neighborhood, therefore, upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted (8/0) to forward a positive recommendation on this application to the Zoning Board.

WEST BAY LLC 1414 ATWOOD AVENUE JOHNSTON RI 02919 (OWN/APP) has filed an application for permission to build a 72 unit apartment complex with building height in excess of that allowed by ordinance at **306 Scituate Avenue**. AP 20/2, lot 2113 & 2117, area 259,000+/- SF, zoned A-20 & B-2.

Findings of Fact:

1. The application is consistent with the density aspect of the 2010 Comprehensive Plan Future Land Use Map that designates lots 2113 and 2117 as Residential, less than 10.39 units per acre.
2. In April 2014, the applicant received a master plan approval for 62 units that conformed with the building height and did not require a variance.
3. The application received an approval to increase the development to 72 units in February 2016, with no request for the increased height.
4. The application is for a stated height of 62'3" for the 4-story, 48 unit building on the lot that abuts the 2-story apartment development to the west, and a stated height of 49'8" for the 3-story, 24 unit building that is on the northeasterly side of the lot that abuts a 2-story condominium development. The Zoning Code set a maximum height of 35'.
5. Architect's color rendering of each building submitted with the application, lists heights of 63' and 50'.
6. The 48 unit building footprint is 212' x 76'-4", and will be constructed 81 ft. from the Scituate Vista property line and the 24 unit building footprint is 146'-9" x 70'.
7. The two, 4-story apartment buildings for the elderly that are located to the rear of the Scituate Vista apartments, (owned by the applicant), received a height variance on December 11, 1996 to construct a mansard roof on the four north facing facades of the buildings. The proposed mansard roof extension would raise the roof elevation to 42'-11" from the existing, conforming 35 ft. The mansard additions were never constructed.

Recommendation: Staff finds that the proposed residential density aspect of the application is in compliance with the density of less than 10.39 units per acre on the 2010 Comprehensive Plan Future Land Use Map for this area of Scituate Ave area. Upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously Voted, (8/0,) to forward a positive recommendation to the Zoning Board on the height variances for this application.

PLANNING DIRECTORS REPORT – DRAFT GIS Zoning Map Ordinance

Mr. Lapolla stated that he has asked Councilman Stycos to sponsor the proposed RPD ordinance and is waiting for his reply. Secondly, the Plan Department has initiated digitizing the 1965 Zoning Map. The City Council is scheduled to adopt the GIS layer in May.

ADJOURNMENT/NEXT MEETING Upon motion made by Mr. Strom and seconded by Mr. Motte, the Commission unanimously voted to adjourn at 9:10 pm Next Meeting - May 3, 2016 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer