

MINUTES

December 2, 2014

Chairman Smith called the Planning Commission Meeting to order at 7:05 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman
James Moran
Kenneth Mason
Robert Strom
Lynne Harrington
Gene Nadeau
Mark Motte

Also present were:

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

APPROVAL OF MINUTES

Chairman Smith stated that the November 5, 2014, meeting will be “carried over” to the January 6, 2015, meeting. Also, he welcomed new commissioner Lynne Harrington. He also announced that the “Albaco” zoning matter has been withdrawn.

SUBDIVISION AND LAND DEVELOPMENTS

Fountains at Chapel View – Master Plan
Major Land Development without street extension
Sockanossett Crossroad
AP 14, Lot 15

Mr. Lapolla stated that this is the former RI State Training School site, which is presently zoned OS. He stated that the site needs to be rezoned. The department and the developer have met and the new zone has not been finalized. He stated that the developer, Carpiionato Corp., has requested this matter be tabled. The matter will be re-advertised.

Mr. Kelly Coates, Sr. Vice President, Carpiionato Corp., stated that the developer is anxious to get this project under way and asked that this matter be continued to the January, 2015, Plan Commission Meeting.

Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission unanimously voted to continue this matter to a date uncertain.

Ayes: Smith, Moran, Mason, Motte, Nadeau, Strom and Harrington. Nay: none.

Garden City Infill Phase IV – Master / Preliminary Plan
Major Land Development without street extension
Hillside Road

AP 10/3, Lot 740

Attorney Robert Murray, on behalf of the property owner, Gateway Woodside, stated that this proposal received Preliminary Plan approval from the DPRC. He explained that the 30,000 sq. ft. development proposal comprises what is now a parking lot south of Newport Creamery. The existing one story brick building will be razed. He further explained that the project may be developed in phases. The project is pending a RIPDES Permit.

Mr. Joseph Koechell, Garden City Center general manager, stated that Phase 3, which is from Party City to LA Fitness, will undergo updates to their façade to “carry the look of the Village there”. Phase 4 will incorporate three buildings that will contain more retail and restaurant and will carry on the village feel also.

Cheryl Guglielmo, DiPrete Engineering, stated that the site is 55,000 sq. ft. Drainage is discharged to the underground reservoir. Pedestrian access will be in front of the buildings. Parking will be shared and accessed from the ringroad. Raised traffic crosswalks are proposed. A five foot strip of landscaping in front of the buildings is proposed. There will be no increase in stormwater runoff.

Public Works Director, Ken Mason, stated that he would like to meet with DiPrete Engineering. He stated that Garden City Center is tied into the “City system”. He further stated that drainage to an underground reservoir “is not correct”.

No public comment was offered on this matter.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to adopt the Findings of Fact denoted below and approve this Master/Preliminary Plan subject to the RIPDES Permit being submitted prior to the final plan submission when sufficient square footage is proposed; and subject to the following condition.

Findings of Fact

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master/Preliminary Plan has been conducted. Property owners within a 100’ radius have been notified via certified and return receipt requested and the meeting agenda has been properly posted. Advertisement for this proposed building project was published in 11/19/14 edition of the Cranston Herald.
2. The proposed land development is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map which designates the subject parcel as “Highway Commercial/Services”
3. The proposed use will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed land development as shown on the Master / Preliminary Plan.
5. The proposed land development promotes high quality appropriate design and construction, will be well integrated with the surrounding area and will reflect its existing commercial/retail 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 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.
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 and state regulations for mitigation of flooding and soil erosion.
10. The overall property in question has adequate permanent physical access within the internal road network within the Garden City Shopping Center.

Condition of Approval

Applicant shall receive confirmation from Veolia Water for the availability of sewer services, and shall also receive confirmation from Cox Communications for the availability for telecommunication services for the proposed building project.

Ayes: Smith, Moran, Mason, Motte, Nadeau, Strom and Harrington. Nay: none.

Carlino Minor Subdivision – Preliminary Plan

Minor Subdivision without street extension

Imperial Avenue/Cruz Street

AP 12/2, Lots 1540, 1543, and 1546

Attorney John DiBona, on behalf of property owner, Angelica Carlino, stated that the subject record lots are located along Imperial Avenue and Cruz Street, AP 12/2, Lots 1540, 1543 & 1546 and are zoned **A-8** (8,000 sq.ft. minimum lot with 80 ft. of frontage).

The proposal is for a two-lot minor subdivision without street extension. The subject parcels have a total land area of 12,000 sq.ft., and the applicant proposes to subdivide this combined area into two new nonconforming lots: Parcel 1 will have the existing home on 6,000 sq.ft of land area with 60' of frontage on Imperial Avenue, and 100' of frontage on Cruz St; Parcel 2 will have 6,000 sq.ft. with 60' of frontage on Imperial Avenue.

Neither lot conforms to the minimum A-8 dimensional zoning requirements, and if approved by the Plan Commission, would still require dimensional variances from the Zoning Board of Review. However, the proposed lot sizes are consistent with the Cranston Comprehensive Plan – *Future Land Use Map* with respect to the maximum allowable density (7.26 units per acre). Both lots will be serviced by public water and sewer.

Mr. DiBona further stated that the existing patio will be reduced in size. He further stated that 31 of the 72 existing single family homes in the area do not meet the setback requirements.

No public comment was offered on this matter.

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to adopt the Findings of Fact denoted below, with waivers for sidewalks, concrete curbing and lot design standards, and approve this minor subdivision, subject to the conditions denoted below.

Findings of Fact

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 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 subdivision and its resulting density of approximately 7.26 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more 7.26 to 3.64 residential 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 property in question has adequate permanent physical access on Imperial Avenue, and Cruz Street, 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

10. The proposal does not conform to the A-8 zoning classification for frontage and area. However the proposal will not alter the general character of the surrounding area or impair the general intent or purpose of the Cranston Zoning Code.

Conditions of approval

1. Municipal Lien Certificates for all existing lots of record shall be submitted with the Final Plan application prior to recording in land evidence.
2. Sewer connection from Veolia Water and Providence Water connection approvals shall be submitted with the Final Plan application.
3. Payment of Eastern Cranston Capital Facilities impact fee in the amount of \$593.46 at the time of Final Plat Recording.
4. The existing rear portico shall be no closer than 3 ½ feet from the property line.

Ayes: Smith, Moran, Mason, Motte, Nadeau, Strom and Harrington. Nay: none.

Cedar Crest Nursing Home

Request for determination of jurisdiction
for Major Land Development (5,000 SF addition)
125 Scituate Avenue
AP 37 Lots 611 and 11

Mr. Lapolla explained that the architect, Thomas Lonardo, contacted the Plan Department asking for guidance on what the City requirements were for a 5,000 sq. ft. “pod” to be constructed on the nursing home property, resulting in no net increase of beds. Subsequently, the proposal was elevated to a 7,014 sq. ft. “pod” that would contain 14 bedrooms with related common areas. He further stated that the project will be reviewed by the DPRC.

Mr. Lonardo stated that the fourteen existing double rooms in the existing building would be turned into private rooms, resulting in no net increase of beds. The new “pod” would be for short-term care and is in keeping with a new concept in nursing home care.

No public comment was offered on this matter.

Upon motion made by Mr. Motte, and seconded by Mr. Moran, the Commission unanimously voted to not take jurisdiction on this matter.

Ayes: Smith, Moran, Mason, Motte, Nadeau, Strom and Harrington. Nay: none.

PERFORMANCE GUARANTEES

Greenfield Commons – *Bond Release Request*
Greenfield Street (Perpali Lane)
AP 12, Lots 3158, 3166, 3167 and 3234

Upon motion made by Mr. Vincent and seconded by Mr. Motte, the Commission unanimously voted to release, in its entirety, NGM Insurance Company Bond No. S-211219, in the amount of ten thousand dollars, in accordance with the Public Works Department, Engineering Division's recommendation .

Ayes: Smith, Nadeau, Moran, Motte, Mason, Strom and Harrington. Nay: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

S&P REALTY MANAGEMENT LLC 1280 PARK AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to have additional signage than that allowed by ordinance at **1285 Park Avenue**. AP 11, lot 4058, area 19,217+/- SF, zoned C-1 & B-1. Applicant seeks relief from Section 17.92.010 Variance, 17.72.010 Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The property's commercial use is consistent with the 2010 Comprehensive Plan Future Land Use Map's designation of Neighborhood Commercial for this area of the City.
2. Per the Sign ordinance, freestanding signs in a C-1 district may have a maximum area of 25 feet, and a maximum height of 12 feet.
3. The proposed sign is 77 sq. ft. with a height of 13 feet, this includes the address topper ("1285") that is one foot high, and 5 square feet.
4. The proposed 6' x 6' double sided sign (72 sq. ft.) is nearly three times larger than the sign area permitted in a C-1 zone.
5. The sign is internally lit.

Recommendation: Given the fact that the proposed internally lit sign is 3 times the area allowed for a freestanding sign in a C-1 zone, upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a negative recommendation on the application to the Zoning Board.

Ayes: Smith, Moran, Mason, Motte, Nadeau, Strom and Harrington. Nay: none.

MATTHEW NELSON 5 SPRING STREET CRANSTON RI 02910 (OWN/APP) has filed an application for permission to operate a landscaping business from two existing buildings at **140 Arthur Street**. AP 5/1, lot 1831, area 17,952+/- SF, zoned B-1. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The proposed commercial use is not consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Single/Two Family Residential.

2. The application states the owner plans to use the buildings as an office and to store landscaping trailers in the garage.
3. This property received Master Plan approval from the Plan Commission for a 3 lot residential subdivision in March 2009, with the condition that the applicant obtain all necessary dimensional relief from the Zoning Board of Review prior to Preliminary Plan submittal. The property did receive a dimensional Zoning Variance to construct 2 single family dwellings on 2 of the proposed lots. The 3rd lot already had a house on it.
4. Having met the required condition, the Preliminary Plan for the residential subdivision, was approved by the Plan Commission on April 3, 2012; therefore, there is no hardship, as the property has the approval for 2 single family dwellings.
5. The property formerly contained a cesspool cleaning company.

Recommendation: Based on the fact that the property has always contained a commercial use even though the application for a Commercial Use is not consistent with the 2010 Comprehensive Plan Future Land Use Map that designates the lot for Residential Use, and that the property received a zoning variance for 2 single family dwellings in 2009; upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Plan Commission unanimously voted to make no recommendation on this application to the Zoning Board.

Ayes: Smith, Moran, Mason, Motte, Nadeau, Strom and Harrington. Nay: none.

EDRAL LLC PO BOX 6741 PROVIDENCE RI 02940 (OWN) AND RBF FITNESS LLC, ROBERT FOSTER 33 MURRAY STREET PROVIDENCE RI 02909 (APP) AND BURPEE LLC MICHAEL ANDOSCIA / MICHAEL STEBENNE 26 ROSEWOOD DRIVE NORTH PROVIDENCE RI 02904

(LESSEE) have filed an application for permission to operate a fitness center business from a portion of an existing building at **11 Amflex Drive**. AP 36/2, lot 101, area 61,288+/-SF, zoned M-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.72.010 Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The 2010 Comprehensive Plan Future Land Use Map designates this lot and surrounding properties as Industrial; therefore, the application to use a portion of the existing building for commercial use is not consistent with the Comprehensive Plan.
2. There are 4 industrial condominium units located in the building. The application is to use unit #1 (50' x 100') for a fitness center.
3. The Economic Development Element of the Cranston's Comprehensive Plan, entitled *Strengthening and Preserving Existing Industrial Districts*, states: "...there is a danger that commercial and service development will erode an important job-creating resource for the City if they are allowed to occur in industrial zones."
4. The Land Use Element of the Comprehensive Plan states, "Commercial development should be restricted in industrial districts in order to maintain the existing industrial base and provide for future expansion."
5. Land Use Policy LU-4.3, of the Comprehensive Plan, states "Discourage infiltration of commercial and retail activities into industrial zones, particularly those that might lead to strip commercial development." Allowing the infiltration of Commercial and Services into 1 unit of the 4 unit building would certainly set the precedence for expansion of other commercial uses in the remaining 3 units.
6. Economic Development Policy ED-3.1 states "Strengthen use standards for industrially zoned land to prevent the erosion of the City's supply of land suitable for manufacturing."

7. In the recent past, the Zoning board has granted several variances for commercial use of industrial properties, thereby reducing the City's industrial inventory.
8. The Comprehensive states "Within Cranston, western Cranston offers the primary location for new industrial development. The supply of developable land, however, is constrained, and the City may face shortages over the next ten-years."

Recommendation: The application for a commercial use is inconsistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area for industrial use. However, based on the fact that the several industrial condominium units in the building are vacant, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to make no recommendation for this commercial use rather than leave the unit vacant.

Ayes: Smith, Moran, Mason, Motte, Nadeau, Strom and Harrington. Nay: none.

ANGELICA CARLINO 45 TRAYMORE STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission, pending minor subdivision, to leave an existing single family dwelling on a proposed 6000+/- SF undersized [parcel 1] with restricted front, rear and corner side yard setback and build a new 34' X 26' two story single family dwelling on the abutting proposed 6000+/- SF undersized [parcel 2] at **3 Cruz Street**. AP 12/2, lots 1540, 1543 and 1546 area 12,000+/- SF +/- SF, zoned A-8. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The application 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. The proposed density of the application is 7.26 units per acre.
2. The existing single family on the corner has a street yard setback of 10.8' from Imperial Avenue, and a 20.4' front yard setback from Cruz Street, where 25' is required.
3. The new rear yard setback from the new property line will be 7.8', where 20' is required.
4. The proposed new dwelling can meet all the required yard setbacks.
5. The existing covered patio extends over the proposed lot line. It will be reduced so that it will have a restricted rear yard setback of not less than 3 ½ ft.

Recommendation: Upon motion made by Mr. Nadeau and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the proposed density and residential use is consistent with the Comprehensive Plan Future Land Use Map. Ayes: Smith, Moran, Mason, Motte, Nadeau, Strom and Harrington. Nay: none.

PLANNING DIRECTORS REPORT – 2015 Work Program

Mr. Lapolla stated that "we are working on the 2015 work program".

A request for a modification to the Chapel View MPD has been made and will be on the January agenda. Regarding this request, Mr. Coates, Carpionato Corp., stated that major portions of the shopping center were shut down due to an unfortunate accident where a pedestrian was struck by a car. He stated that major construction cannot be done during the holiday season as it is too disruptive, hence, the request for an extension of time to make the required revisions.

Mr. Lapolla mentioned that a zoning ordinance proposal for next month centers on how RPD development proposals are handled. Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to have a special meeting on December 30, 2014, at 5 pm to discuss this matter.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to adjourn at 8:50 pm.

NEXT MEETING January 6th, 2015 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer