

MINUTES

February 6, 2018

Chairman Smith called the City Plan Commission Meeting to order at 7:05 p.m. in the Cranston High School East Auditorium.

The following Commission members were in attendance:

Michael Smith, Chairman
Ken Mason, P.E.
Robert Strom
Gene Nadeau
Hy Goldman
Lynne Harrington
Fred Vincent
Kimberly Bittner
Kathleen Lanphear

Also present were: Jason M. Pezzullo, AICP, Principal Planner (Planning Director)
Stephen Marsella, Esq. Assistant City Solicitor
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Nadeau and seconded by Ms. Harrington, the Commission unanimously voted to approve the December 5, 2017, minutes with a minor correction. Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission unanimously voted to approve the minutes of the January 2, 2018, Plan Commission Meeting. (Note: Mr. Strom arrived after the vote was taken.)

SUBDIVISION AND LAND DEVELOPMENT

Felicia Rondo Plat - Preliminary Plan
Minor Subdivision without street extension
Two additional single-family house lots
AP 11/2, Lots 2564, 2565, 2576, 2577, 2578 & 2579
Midvale Avenue, Rondo Street and Felicia Drive

Mr. Pezzullo explained the proposal. The subject parcels have frontage on Midvale Avenue, Rondo Street and Felicia Drive. The total area of the site is 22,762 square feet. The site is zoned **A-6** which allows single-family residential homes with 60' of frontage and 6,000 square feet of lot area.

The applicant has proposed to re-plat the six record lots and create three new conforming lots:

- Parcel 1 – 9,795 square feet with 177' of frontage (existing two-family);
- Parcel 2 – 6,967 square feet with 187' of frontage (vacant);
- Parcel 3 – 6,000 square feet with 156' of frontage (vacant).

All of the proposed lots will be serviced by public water and sewer. Both of the new house lots conform to the density prescriptions of the Comprehensive Plan – Future Land Use Map. The applicant will provide concrete curbing, however, a waiver is sought for sidewalk provision.

The applicant's attorney, Ted Reidy, stated that he has obtained a Zoning Certificate confirming that the existing home is a single-family. He stated that both homes will front on Felicia Drive. Pezzullo noted that due to the utility extensions needed to service to proposed lots, the DPW has recommended that the disturbed roadway will need to be repaved curb-to-curb. A performance guarantee in the amount of \$23,000 was recommended by the DPW Engineering division.

No public comment was offered on this matter.

Upon motion made by Mr. Mason and seconded by Mr. Vincent the Plan Commission unanimously voted (9/0) to adopt the Findings of Fact denoted below and approve this Minor Subdivision, with waiver for sidewalk provision, subject to the following conditions:

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 on 1/25/18 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. Lots 2 and 3 conform to the dimensional regulations of the A-6 zoning district and will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code. However, the pre-existing, nonconforming two-family dwelling unit on 9,795 square feet of land will require a variance from the zoning board of review.
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 Midvale Ave., Rondo Street, and Felicia Drive, improved public roadway 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 Findings

10. The proposed residential subdivision and its resulting density of 7.65 residential units per acre does not conform to the Comprehensive Plan – Future Land Use designation of “Residential - Less than 3.64-7.26 units per acre”.

Conditions of approval

1. Payment of Eastern Cranston Capital Facilities Impact Fee in the amount of \$1,186.92 (\$593.46 x 2) at the time of Final Plat recording.
2. If required by the Building and Zoning Official, obtain all necessary relief from the Zoning Board of Review prior to filing the Final Plan application with the planning department.
3. Provide a performance guarantee in the amount of \$23,000 with a separate 2% administrative fee of \$460 at the time of final plat recording.

ZONING BOARD OF REVIEW RECOMMENDATIONS

275 ATWOOD LLC(OWN) AND 275 ATWOOD LLC C/O MOSES AFONSO RYAN LTD (APP) Have filed an application to allow additional wall and a freestanding signage to be installed on the property currently under development at 275 Atwood Avenue A/P 12 lot 2700, 92,603 s.f. area zoned C4. Applicant seeks relief per Sections; 17.92.010 Variance, Section 17.72.010 (P) Table 17.72.010 (5) Signs.

The materials submitted were not clear as to exactly what the applicant was requesting, therefore, upon motion made by Ms. Harrington and seconded by Mr. Nadeau the Plan Commission unanimously voted (9/0) to continue this matter to the March 6, 2018, Plan Commission Meeting.

CHEBBO REALTY (OWN) AND BMC PETROLEUM (APP) have filed an application to allow new signage to be installed exceeding the allowable square footage at **905 Cranston Street** A/P 7 lot 2943 zoned C5. Applicant seeks relief per Sections; 17.92.010 Variance, Section 17.72.010 (C) (4) Table 17.72.010 (6) 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 existing pylon sign is 22' high, with a sign that rotates. That sign is being replaced with a new pylon sign that conforms with the 15' height maximum of the Sign Ordinance.
2. The proposed new pylon sign is 56.3 sq. ft. per side, where 50 sq. ft. is allowed. (The sign illustration submitted states 41.17 sq. ft. total for the pylon, but does not take into consideration that a rectangle has to be drawn around the irregular shape of the Sunoco sign and arrow, to determine square footage, as spelled out in the ordinance.)
3. The gas station is located on the corner of Webster Avenue and Cranston Street, which allows for signage on both street frontages.
4. There are two canopies proposed on the site, that will contain signage.
5. The sign ordinance allows 40 sq. ft. total for canopy signage.
6. Total canopy signage that faces Webster Avenue equals 56.54 sq. ft.
7. Total canopy signage that faces Cranston Street also equals 56.54 sq. ft. (19.7 + 7.17 sq. ft." Sunoco", and 22.5 + 7.17 sq. ft. "Diesel").
8. The "BMC Auto Repair" wall signage that faces Cranston Street equals 40.7 sq. ft., where 30 sq. ft. is allowed per the Sign Ordinance.
9. The total wall and canopy signage that faces Cranston Street equals 97.24 sq. ft
10. Total area of both canopies, wall and pylon signage on the lot equals 210.08 sq. ft., which is less than the 300 sq. ft. total allowed by the Sign Ordinance.

Recommendation:

Upon motion made by Mr. Vincent and seconded by Mr. Mason the City Plan Commission unanimously voted (9/0) to forward a positive recommendation on this application to the Zoning Board, providing that the new pylon sign does not rotate, and the LED portion of the sign is digital only and limited to the two colors as shown on the elevation drawing. Although the individual canopy, wall and pylon signs exceed the maximum allowed by ordinance, the total signage on site is less than what is allowed by ordinance.

ORDINANCE RECOMMENDATIONS

- **Ordinance 10-17-03** – *Amending the Comprehensive Plan of 2010 (Cumberland Farms - Intersection Park and Warwick Avenue)*
- **Ordinance 10-17-04** – *In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled 'Zoning' (Change of Zone – Warwick Avenue and Park Avenue Intersection)*

Chairman Smith began the hearing by giving a brief explanation of the Comprehensive Plan amendment and zone change processes, noting that the City Plan Commission's role is to make a recommendation to the City Council on both of these matters. He stated that only the City Council can formally amend the Comprehensive Plan and make a change to the zoning ordinance. Further, due to the fairly large crowd, he laid out the ground rules for the public comment portion of these public hearing would proceed.

Attorney John Bolton, on behalf of the applicant (Cumberland Farms), stated that these ordinances were introduced and co-sponsored by four members of the City Council. He explained that the proposed site consists of four lots, of which three are zoned neighborhood commercial (C-2); while the additional lot is zoned single/two family residential (B-1). He stated that of the entire 51,000 sq. ft. ; 44,463 sq. ft. are zoned C-2 (88% of the property). He stated the proposal is for a convenience store with associated gas pumps. He noted that a gasoline station is an allowed within in a C-2 zone by way of a 'special use permit'. In addition, the convenience store is also allowed within the C-2 zone by "special use permit". The reason for the proposed up zone to a C-3 zone is to allow both convenience store and the gasoline pumps together. This combination within the C-3 zone would still require a 'special use permit' from the Zoning Board of Review. He reiterated that "a gas station can go there today" as it is allowed in a C-2 zone with a 'special use permit'. He stated that the additional residential lot in the proposal would be used to allow for curb cuts to be placed as far away as possible from the intersection of Park Avenue and Warwick Avenue.

Mr. Philip Henry, Civil Design Group, a registered civil engineer, described the overall design details of the proposal. He reiterated Mr. Bolton's comments about the increased distance from intersection versus the existing conditions of the commercial building. He further explained that outdoor seating is proposed. Four fueling dispensers are proposed for a total of eight pumping stations. The driveway through the property is adjacent to the roadway and will have clear sightlines. In terms of landscaping, a 15 ft. wide grass strip will be provided, at a minimum, and will continue along the frontage with Warwick Avenue. Stormwater management, whatever the solutions may be at that point, will be approved by the State. Rooftop stormwater runoff will be infiltrated underground as it is considered clean water. He stated that the project, as presented, would comply with all dimensional requirements and setbacks of the C-3 zone. Mr. Henry described the existing conditions of the sidewalks from Park Avenue and up Warwick Avenue. These sidewalks are very narrow, and are not ADA compliant. The proposed project would see the installation of new ADA compliant sidewalks that will be much more safe and pedestrian friendly than what exists at the site today. He noted that there are currently three separate curb cut areas onsite, two of which are very close, approximately 40' from the intersection. The project seeks to reduce the curb cuts down to two and move them back to approximately 150' and 130' from the intersection.

Ms. Maureen Schleback, project traffic engineer, McMahon Transportation Engineers and Planners, was accepted as an expert witness and presented the findings of her traffic study and described the methods of how the data was collected for this report. She noted that traffic counts were conducted after the one-way changes were made at the Roger Williams Park. Data from RIDOT sources also were used, as well as national averages (FTE) for convenience stores with fueling stations. Population projections were made up out to the year 2022. The report assumes low population increases in this part of Cranston as the area is built out. She stated that Park Avenue is City owned right-of-way and Warwick Avenue is State owned and maintained. She noted that the traffic coming to the site is considered a pass-by site with 36 trips in and out in the am peak and 35 trips in and 42 out in the pm peak. The site is currently a Level of Service D in the am and Level of Service C in the pm. She stated Park Avenue and Cliff Avenue are Level of Service C both am and pm. There is a 50-60 second delay expected for a customer leaving the site and exiting onto Park Avenue. The proposed new sight distances exceeds National criteria, and she said the proposed development will "actually create a safer condition than what exists today for pedestrians". Mr. Bolton stated that a peer review had been conducted by PARE Corporation which was

commissioned by the neighborhood group which agreed with the findings of the McMahon traffic analysis. The peer review noted that the peak hour for traffic is from 4-5 pm. As for pedestrian safety, the applicants noted that there were two pedestrian crashes which occurred within the last three years; one was due to inclement weather and the other was due to a "mis-parked car". In conclusion of the traffic report, Mr. Bolton noted that a Physical Alteration Permit Application (PAPA) will be required from RIDOT as Warwick Avenue is a state highway. They stated that in preliminary discussion with the RIDOT, they asked that for a proposal such as this, the new driveways should be situated as far away from the intersection as possible. The proposal, as presented to the City Plan Commission, has incorporated that guidance into the plan.

Chairman Smith asked if the existing traffic signal is "coordinated" with other signals on Warwick Ave. and Park Ave. Ms. Schleback stated that it is not and this will need to be done on Warwick Avenue in coordination with the RIDOT. Commissioner Lanphear asked Ms. Schleback to explain the differences of Level of Service. Ms. Schleback gave an explanation, further stating that Level of Service D is considered "adequate". Mr. Vincent asked about queuing and congested stacking of cars at the intersection. Ms. Schleback stated that 95 percentile queue (the longest stacking) will exist only during peak and will not block the driveway entrances.

Mr. Joseph Lombardo, the applicant's planning consultant, was accepted as an expert witness and presented his report to the Plan Commission. He began by stated that the change to the Future Land Use Map will affect lot 3669 which is currently denoted as 'residential'. He reiterated that 88% of the site is zoned C-2. He stated in his professional opinion, the proposal to demolish the existing buildings and construct the Cumberland Farms use "would be an improvement for the area". He further stated that the application will increase the tax base and bring new goods and services to the area. He noted that the C-3 zone requested will be a "bridge" between the zones (neighborhood commercial / highway commercial) and is in line with the surrounding neighborhood and the local area. He stated that the Cumberland Farms proposed is "expected to be seen in this type of high density area". He stated that the landscaping proposed "can really make this fit in with an effective screen".

Mr. John Sheldon, PARE Corporation, was accepted as an expert witness and presented his peer review of the McMahon traffic report. He stated that "it was accurate". He however expressed specific concerns in regard to "capacity and safety" but acknowledged some of these issues could be resolved during the Development Plan Review process. He stated that the increase in delays through this will be "relatively minor". He stated that additional safety measures could be implemented into the design such as "pedestrian crosswalk timers" and raised crosswalks within the parking lot to slow down cars on the site.

The Edgewood Preservation Society's planning consultant, Ashley Sweet, was accepted as an expert witness and then presented her findings with a power point presentation for the Commission. The following statements were provided within the presentation to support the neighborhoods claim that an amendment to the Comprehensive Plan and an up zone to C-3 is inconsistent with this neighborhood as well as Comprehensive Plan itself: "C-3 zones are not usually as residential as this area is; changing that parcel will result in a "sole C-3 area"; "the Comprehensive Plan talks about protecting neighborhoods"; "adopt smart growth principles (as the proposal does not represent these principals of walkability and human scale); "this development does not promote design guidelines"; "Park Avenue is the only East-West connector road" and the applicant was have a negative impact on circulation; "the proposal will not help with a complete streets designation"; "the 12 ft. tall trees depicted in the applicant's presentation do not exist". She concluded by stating that the project is not consistent with the Comprehensive Plan goals and policies and not in compliance with the zoning ordinance.

Mr. Vincent asked Ms. Sweet about the building massing. Mr. Vincent noted that the existing cluster of buildings has a much more intense building footprint than what is shown on the applicants proposal. She stated that Cumberland Farm buildings are made to look like a two-story building when, in fact, they are not. She estimated the proposed building footprint to be about 5,000 sq. ft., in addition to the areas dedicated to the pumping station canopy. Mr. Vincent also asked her impression of traffic circulation in the area. She stated that "in 15 years of practicing, traffic engineers never state that their projects will have any effect on traffic".

Chairman Smith made an announcement to the general public that if you wished to speak on the proposed ordinances, you need to be on the signup sheet. Chairman Smith restated the ground rules

and his desire to let everyone speak. He limited speakers to 2 minutes each and was not followed closely:

The following members of the public offered their comments in clear opposition to the proposed Comprehensive Plan Amendment and Zone Change. They were: Ms. Pamela Carbone, realtor; Ben Jacobs, a transportation planner; Annette Bourne; Lisa Gibb; Jen Miller; Kim Ladefian; Linda Wadsworth; Lynn Michaelson; John Michaelson; Pauline Darosa; Maral Tashian; Adriene D'Arroule, Francesca Bishop, Alex Bishop; Carson Moore; Sheila Resseger; Mary Mountain; Ray Mountain; Lori Dorsey; Pat April; David Burbank; Jeff Gale; Tony Johnson; Barbara Rubine; Diane Lewis; Tom Wojick; Chris Andrade; Mark Fogarty; Elizabeth Laurensen; Deborah McGann; Jillian Finkle; and Councilman Steven Stycos.

The residents voiced a range of serious concerns about the impacts such a development as Cumberland Farms will have on the neighborhood. Nearly all of the residents commented about the traffic congestion at this intersection and how much of an impact this development will impact an already bad situation. Several residents spoke about the potential of this application to have a detrimental impact on the safety of pedestrians, and more specifically, the safety of children walking to and fro from school. Residents talked about the specific characteristic of the walkability and bike-ability found in the Edgewood section of the city and how this proposal permanently impacts that amenity. There were many comments about the impact on overall quality of life being diminished. Such impacts were increased noise from vehicles and trucks, the lights from the building, cars and the fuel canopy, the increased incidents of rodents from trash storage and the noxious smell of gasoline. Many people spoke at length about how the project is 'out of character' with the neighborhood and that the C-3 zone introduces 'highway commercial' uses to a residential neighborhood. There were comments about how this proposal will bring with it a rise in crime, home invasions, breaking and entering, shootings, and accidental deaths, all leading to diminished property values. The Edgewood Preservation Society's real estate consultant, Pamela Hanson-Carbone, was accepted as an expert witness. Hanson-Carbone spoke about how the introduction of fueling stations in residential neighborhoods have a devastating impact on families and the housing market. She stated that FHA/VAHUD mortgages will no longer be available to potential homeowners within 300 ft. of any gasoline tanks. Several people were quoted stating that homes located within the vicinity of a fueling station have a 4x increase in the likelihood of children developing childhood leukemia. Other residents felt that zoning should not be changed for a particular property that might then impact another property in the vicinity in terms of business competition. Many expressed their sentiment that there are already fueling stations in the nearby vicinity and we do not want to see anymore. Some expressed concern for the loss of the residential units in favor of commercial development. Others blamed the City for not enforcing its minimum 'housing' standards in order to prevent the condition of blight at this intersection. In essence, rewarding the bad behavior of the land lord for not keeping their property well maintained. One resident expressed concern that the runoff from the Cumberland Farms would contaminate the groundwater, thereby increasing the spread of influenza. Other residents stated that the Fire Department would have a harder time responding to emergencies due to the increase in traffic at the intersection. Concerns were raised that the city would lose tax revenues overall as the proposal has a lower overall value than the combined cluster of buildings as they currently exist in a blighted state. Finally some expressed concern that the proposal would put other similar business out of business, thereby creating new blighted areas that the real estate market will not be able to redevelop due to the contamination issues associated with older gas stations.

The following members of the public offered their comments in favor of the project: Nancy Mills; Barbara Kenerson; Paul Pelletier; Eric Bazinet; D. Fernandez; Thomas Ferry; Stan Weinstein; David Feuster; Bob Carlson and Robert Jones. Several speakers did not believe that the addition of Cumberland Farms at this site would change traffic in the area as there are currently several small businesses at this location. They agreed with applicant that the demolition of the corner buildings in particular will significantly open up the intersection and provide much better visibility between cars and pedestrians. Some speakers did not feel that this business would hurt existing businesses, while others stated that competition among businesses is how capitalism works. Residents spoke about the maintenance and upkeep of Cumberland Farms and how this type of use would improve, not degrade the neighborhood. Several speakers were concerned about the persistent underutilization of the property and its blighted / unsafe conditions and that neighbors do not benefit from what is presently there. The buildings are an eyesore and the corner will be opened up and will be safer for pedestrians. Neighbors stated that they would be glad to see the building demolished for this proposal. There was a general sense that the residents felt that Cumberland

Farms would work with the RIDOT to improve pedestrian safety and traffic flow. Some of the residents expressed the sentiment that the city needs this type of redevelopment and that it is passerby traffic which will visit the store and get gas.

Councilman Stycos spoke last and stated that this is supposed to be a neighborhood/commercial zone. He stated that he had put forth a comprehensive plan amendment that limited new commercial uses along Harwich Avenue. He stated that the Warwick Avenue "road diet" was done to "keep people safe". He stated that the proposed Cumberland Farms is too big and out of character with the area. He further stated that "we have zoning and the Comprehensive Plan to protect people". He mentioned that the tax assessment for the Cumberland Farms will be less than what exists today. He urged the Commission to recommend denial of the proposed ordinances and "not to sacrifice the people there to have a nicer building on the corner."

Chairman Smith stated his desire to bring the public comment section of the public hearing to a close. There was discussion about continuing the deliberation and formal recommendation by staff until the next meeting.

Upon motion made by Commissioner Strom and seconded by Commissioner. Mason, the Commission unanimously voted (9/0) to close all public comments section of the public hearings.

ADJOURNMENT: Upon motion made by Commissioner Vincent and seconded by Commissioner Mason, the City Plan Commission unanimously voted to adjourn at 12:15 am, Wednesday, February 7, 2018, and continue the public hearing and remaining business to the March 6, 2018 Plan Commission Meeting.

NEXT MEETING: March 6th, 2018

Respectfully submitted,

Jason M. Pezzullo, MCP, MPA, AICP
Planning Director / Administrative Officer