

MINUTES

February 7, 2012

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

Charles Rossi, Chairman
Michael Smith
Mark Motte
Robert Strom
Gene Nadeau
James Moran

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Planning Commission unanimously voted to approve the minutes of the January 3, 2012, Planning Commission Meeting.

ORDINANCES

RE: Ordinance 1-12-06 In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled "Zoning", (Fletcher Avenue – Zone Change)

Mr. Pezzullo explained that the subject ordinance proposes to amend the zoning designation of Assessors Plat 12/1, Lots 3194 located along Fletcher Avenue. The subject property has three separate industrial buildings and is currently zoned **S-1 Open Space**. The applicant has proposed to change the zoning from S-1 to M-1 (General Industry) for the majority of the property, minus 1 +/- acre of wetland located in the northern portion of the lot which is exclusively riverbank wetland and effectively useless.

The property has been utilized for industrial purposes for decades the same as all the other abutting M-1 Industrial properties along Fletcher Avenue. The question of why this property was zoned S-1 while hosting multiple industrial buildings does not have an answer. It even assumed incorrectly on one occasion before the Zoning Board of Review in the early 1980's that the parcel was indeed zoned M-1, not S-1.

The Department of Planning discovered this glaring discrepancy between the Comprehensive Plan and Zoning Code when drafting the 2010 Future Land Use Map. The Comp Plan now correctly designates this parcel as Industrial and Open Space (northern portion). The applicants rezoning proposal is thus entirely consistent with the 2010 Comprehensive Plan Future Land Use Map and therefore this request is justified and also obligatory on the part of the city.

Attorney John DiBona explained that his client wishes to sell the property, and the zone change is needed in order for the impending subdivision to be granted. He stated that proposed Lot 2 comprises 66,480 square feet and will not have frontage on Fletcher Avenue, therefore, a permanent easement is required. He also noted that the existing buildings do not conform with current setback requirements.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to forward a positive recommendation on this ordinance proposal to the City Council.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Motte, Mr. Strom and Mr. Nadeau. Nays: none

SUBDIVISION AND LAND DEVELOPMENT

Piti Plat – Master/Preliminary Plan

Fletcher Avenue
AP 12/1, Lot 3194

Mr. Pezzullo explained that this is not a proposal for development, as discussed above.

No public comment was offered.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Master/Preliminary Plan submittal 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 certified and return receipt requested and the meeting agenda has been properly posted. Advertisement for this subdivision was published in January 25th edition of the Cranston Herald.
2. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Industrial" and "Open Space".
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Master/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 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.
7. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
8. 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

9. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code. However, Parcel 2, as proposed, will have 0' of direct frontage on a public street.
10. The overall property in question has adequate permanent physical access on Fletcher Avenue, an improved public roadway located within the City of Cranston. Parcel 2, while having no frontage on an improved roadway, will have physical access to Fletcher Ave. through an easement over Parcel 1.

Conditions of Approval

1. Applicant shall provide a Municipal Lien Certificate with the Final Plan submission.
2. Applicant shall submit and record an appropriate easement to provide legal access of Parcel 2 through Parcel 1.
3. Payment of the pre-application fee, advertisement fee and the final plan application at the time of final plan submittal.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Motte, Mr. Strom and Mr. Nadeau. Nays: none

Garden City Expansion – Master/Preliminary Plan

Major Land Development
Hillside Road
AP 10/3, Lot 741

Attorney Robert Murray explained that the planned expansion/renovations include construction of an approximate 14,000 square foot building that will contain two (2) retail tenants. This will be Phase I of “The New Garden City”. He introduced the owners/management of the Garden City Center. He stated that the project has received preliminary Site Plan Review approval.

Mr. Tom Wilder, property owner and applicant, Gateway Woodside, Inc., stated that this building addition has been “two years in the making”. Ultimately, the proposed plan will unite the three centers: The Village, The Commons and Whole Foods. The intention is to continue the “Village feel” throughout the shopping center. He stated that Phase II of the project will entail the larger vacant stores, the former Linens & Things and Circuit City, to be broken down into smaller shops as there is a waiting list for smaller (3,000 to 7,000 sq. ft.) retail space. It is the companies desire to have the Gazebo area used on a daily basis. A portion of the current Gazebo area will be used for additional parking for retailers, and all existing fencing around the Gazebo will be removed to make way for possible additional seating or, perhaps, a “play area” for children.

Ms. Nicole Reilly, DiPrete Engineering, stated that topography indicates there is a 20 ft. drop to the east. Approximately 1.7 acres will be disturbed. There are presently 184 excess parking spaces. She went on to describe that proposed pavers for the new parking areas are pervious and runoff will be captured by the use of underground injection control. The building will be located south of and located in line with Papparazzi Restaurant. The loading area will be located on the east side of the building.

Landscape architect, John Carter, stated that the Wilder Company “made it clear that they wanted to continue the tradition of well landscaping the site”. As mentioned earlier, in an effort to make the Gazebo area more a link to the rest of the shopping center, the existing fence will be removed. He stated that the landscaping proposal meets the requirements of the City Code. Lighting will be similar in style, although all lighting may be upgraded.

No public comment was offered.

Commissioner Michael Smith expressed concern with the newly proposed angle parking – backing out into traffic and pedestrians. Mr. Lapolla responded, stating that the Site Plan Review Committee addressed this matter. Our former traffic engineer, David Ferguson, felt that the angled parking in that location would work. It would be similar to that which is in front of the Coldwater Creek store.

Commissioner Strom asked what the expected date of completion is. Attorney Murray responded, stating September 1, 2012.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Strom and seconded by Mr. Smith, the Planning Commission unanimously voted to adopt the following Findings of Fact and *approve* your Master/Preliminary Plan submittal subject to the conditions denoted below.

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 subdivision was published in 1/25/12 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 proposal 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 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

1. Payment of the pre-application fee and the final plan application at the time of final plan submittal.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Motte, Mr. Strom and Mr. Nadeau. Nays: none

ZONING BOARD OF REVIEW ITEMS

JESSIE PERRY 105 FORT AVENUE CRANSTON RI 02905 (OWN/APP) has filed an application for permission to build a 520+/- SF raised parking structure with restricted front yard set back at **105 Fort Avenue**. AP 1, Lot 144, area 7178+/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

The applicant requested that this application be continued to the March 2012 meeting, to allow his architect to address issues on the site plan. Therefore, upon motion made by Mr. Moran and seconded by Mr. Smith, the Planning Commission unanimously voted to *continue* this matter to the March 6, 2012, Planning Commission Meeting.

Ayes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Motte, Mr. Smith and Mr. Strom. Nays: none.

YAN JUAN LIU AND FENG CI HUANG LEI C/O 48 STEVENS ROAD CRANSTON RI 02910 (OWN) AND FENG AND YAN INCORPORATION D/B/A SHABU-SHIKU RESTAURANT 736 PARK AVENUE CRANSTON RI 02910 (APP) have filed an application for permission to serve alcoholic beverages from a proposed restaurant at **734-736 Park Avenue**. AP 5/1, Lot 286, area 4805+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.64.010 Off-Street Parking.

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 application for a restaurant serving alcohol is not consistent with the 2010 Comprehensive Plan Future Land Use Map, which designates this area of Park Avenue as Neighborhood Business. Restaurants serving alcohol would only be allowed in areas designated on the Land Use Map as Highway Commercial, or C-3 zones in Neighborhood Commercial areas.
2. The first floor of the building has been used commercially for over 60 years.
3. The building also contains another commercial unit on the first floor (currently vacant), and 2 residential apartments on the 2nd and 3rd floors.
4. The site plan submitted shows 4 existing parking spaces at the rear of the building (on Greenwood Street).
5. The application states that it is planned to have 36 seats in the restaurant, which would require 12 parking spaces, plus 2 spaces for the apartments.

Recommendation: A restaurant serving alcohol in a C-1 zoning district is not consistent with the 2010 Comprehensive Plan Future Land Use Map, which designates this area of Park Avenue as Neighborhood Business. However, the Commission noted that had this area been zoned C-3 within the same Neighborhood Business District, a restaurant serving alcohol would be an allowed use; therefore, upon motion made by Mr. Smith and seconded by Mr. Nadeau, the Commission unanimously voted to make no recommendation on this application to the Zoning Board. (Note: The Planning Department and Building Inspections Department are currently updating the table of uses in the Zoning Code, which, if approved by the City Council in the future, would not differentiate between restaurants that do and don't serve alcohol.)

Ayes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Motte, Mr. Smith and Mr. Strom. Nays: none.

FREEWAY PROPERTY MANAGEMENT LLC PO BOX 10155 CRANSTON RI 02910 (OWN) AND KEVIN BRUNEAU D/B/A BRUNEAU ANTIQUES 93 WOODSTOCK LANE CRANSTON RI 02920 (APP) have filed an application for permission to operate an on line retail auction business with warehouse from an existing building at **56 Freeway Drive**. AP 10/4, Lot 1485, area 50,530+/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses.

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/retail use of the building is not consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this parcel on Freeway Drive for Industrial uses.
2. There is a primary building (80' x 149') on the parcel that contains the Golfer's Warehouse, a commercial/service/retail operation that received a variance to operate in March 1986.
3. The application states that the business will be an online e-bay business, selling second hand items, including antiques.
4. The parking plan submitted for the proposed use, is a hand drawn plan that shows 7 parking spaces in front of the building, but does not show the property lines, aisles, driveway openings, loading dock area, or the dedicated parking spaces for the other building on the lot (Golfer's Warehouse).
5. The site plan submitted for the parcel shows both buildings and loading docks for the Golfer's Warehouse. It does not show the associated parking spaces approved by variance for the Golfer's Warehouse. The proposed use should not be allowed to reduce the parking spaces associated with the approval for the Golfing Warehouse variance.
6. Bing Aerial Maps (flown in 2010) show 9 cars were parked in front of the applicant's proposed business, in the same area proposed to be used for the applicant's parking spaces.
7. The application is vague regarding whether sales to the public would take place within the building, as the floor plan submitted shows the front 800 sq. ft. of the building is labeled as showroom/office. An application for Site Plan Review would be necessary if this is the case, as this would be a change of use.

Recommendation: The proposed commercial/retail use for the building is not consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this parcel on Freeway Drive for Industrial uses. Therefore, upon motion made by Mr. Motte and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board.

Ayes: Chairman Rossi, Mr. Moran, Mr. Nadeau, Mr. Motte, Mr. Smith and Mr. Strom. Nays: none.

Community Development Block Grant

Flood Grant – Recommendation

Mr. Lapolla explained that as part of its continuing effort to address the issues resulting from the 2010 flood event on the Pawtucket River, the City is in the process of applying for a grant from the State of Rhode Island through the Community Development Block Grant Disaster Relief [CDBG-DR] program. One of the requirements for application is that the grant proposal be presented to the City Plan Commission for its review and comment. The City Plan Commission must certify that the proposed activities are in compliance "with the local development policy set forth in the local Comprehensive Community Plan and with local development ordinances and regulations."

Mr. Lapolla stated that 1.3 million dollars has been received, and the City is hoping to buy Perkins Avenue properties. This project is consistent with the Hazard Mitigation Plan. He stated that the City "has long been looking at this property for a park".

Chairman Rossi asked how the purchase of the properties is prioritized. Mr. Lapolla responded, stating that nine houses on Perkins Avenue have filed repetitive claims. He stated that a public hearing on this matter will be held next Wednesday, February 15, 2012.

No public comment was offered on this matter.

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to determine that the grant is consistent with the City's 2010 Comprehensive Plan and with the Hazard Mitigation Plan, and that it complies with the City's Code of Ordinances; recommending that the grant application be pursued.

2012 CAPITOL IMPROVEMENT PROGRAM

Mr. Pezzullo stated that the figures represented on the proposed 2012-2017 Capitol Budget and Improvement Program are the "raw requests". There are 8 million dollars in requests, the largest from the Sewer and Fire Departments. He stated that it is not an outrageous budget.

Mr. Strom, Finance Director, stated that the administration has asked that each department request only what is an emergency or mandated.

Commissioner Motte encouraged "some serious paring down" of the requests. Mr. Lapolla stated that we should be maintaining our infrastructure. Chairman Rossi suggested that the City try to get at least "a piece done" each year.

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 8:45 p.m.

NEXT MEETING: March 6, 2012, in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary