

MINUTES

January 7, 2014

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

Michael Smith, Vice Chairman
Frederick Vincent
Gene Nadeau
Robert Strom

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Strom and seconded by Mr. Vincent, the Commission unanimously voted to approve the minutes of the December 3, 2013, Plan Commission meeting.

SUBDIVISION AND LAND DEVELOPMENT REGULATION AMENDMENTS **PUBLIC HEARING**

Amendment #1 - Revise the maximum lot size standards for residential planned districts (RPD)

Section IV – (Special Requirements) 5. (Residential Planned Districts (RPD), b. (Development Standards), (6) (Minimum Lot Requirements):

(6) ~~Minimum~~ Maximum Lot Size Requirements: For RPD developments and/or sections of RPD developments proposed for single and two family dwellings, the following minimum maximum lot and frontage requirements shall supersede those set forth in Section 30-17 of the Zoning Ordinance.

Mr. Pezzullo explained that “this is a small but important amendment”. As an example, he referred to ‘The Woods at Orchard Valley’ subdivision that was approved a few months earlier as well as using a graphics presentation to explain the change.

Under the existing requirements, a developer currently has the right to utilize the RPD (cluster) rules and regulation in developing their subdivision project. This section affords the developer specified flexibility in terms of reduced lot frontage, and reduced lot size which in turn reduces the overall development footprint, leaving additional land to be dedicated towards open space. This open space, at the discretion of the Plan Commission, can be dedicated as conservation land, active recreation or for agriculture.

Within the past year, the Plan Commission has entertained two specific major subdivision proposals, both of which used the flexibility built into the RPD requirements. These projects were presented as RPD cluster subdivisions which, according to our current regulations, are permitted by right.

Staff voiced our regret at these public hearings that these particular projects have effectively broken the regulations and that a fix would be required to ensure that future proposals can not use the RPD flexibility that does not result in cluster subdivisions.

This amendment will require all future major subdivision developers to conform to the intent of the cluster subdivision regulations. By capping the maximum lot size at the current minimum allowed under the RPD, developers can now propose smaller lots without changing the underlying density of the overall development or the existing zoning.

Mr. Fred Joslyn, Gaglione Court, asked if this regulation would apply throughout the city and if there are any subdivisions pending that would be affected by this change. Mr. Pezzullo responded, stating that this will compel the applicants to follow the new regulations. He also stated that there are no subdivisions pending at this time. 'The Woods at Orchard Valley' and 'Camden Woods' would be exempt as they have already received Master Plan approval.

Mr. Steven Carrara, 5 Priscilla Drive, asked how this would affect zoning. Mr. Pezzullo explained that the yield for each type of development choice (RPD or conventional) would not change.

Ms. Sara Lee, 131 Shaw Avenue, asked what happens with properties that have wetlands. Mr. Pezzullo stated that the regulation regarding land not suitable for development would not change.

There being no further comments, the Commission moved to a vote. Upon motion made by Mr. Vincent and seconded by Mr. Nadeau, the Commission unanimously voted to *approve* Amendment 1.

Ayes: Messers Smith, Vincent, Strom and Nadeau. Nay: none.

Amendment #2 – Modification of the review process for administrative subdivisions

Mr. Lapolla explained the proposed amendment to Section XII.D. Lot Design Standards represents the culmination of ongoing discussions between staff and the Commission as to how Administrative Subdivisions are to be processed. The amendment will allow Planning Department staff to process/approve as administrative subdivisions applications involving developed lots that do not comply with the dimensional/density standards set by zoning provided that said subdivision proposes only a lot merger or adjustment to boundaries. [Under the current regulations noncompliance with dimensional and density standards require a waiver of the Subdivision and Land Development Regulations which in turn requires that the subdivision be processed as a major subdivision.] Section XII.D. as proposed is provided below with the key changes highlighted in red.

D. Lot Design Standards

1. Size: Minimum lot areas and dimensions shall conform to the requirements of §17.20.120 of the Code of the City of Cranston, entitled "Zoning", with the following exceptions:
 - a. If the proposed subdivision is not to be served by a public water system, the Commission may require larger sizes and greater frontages for lots in such area if it deems such action necessary to prevent unsanitary conditions from occurring on such lots.
 - b. For a Planned District proposal, lot areas and dimensions shall conform to the requirements of §17.100 or 17.104 of the Code of the City of Cranston, whichever is applicable.
 - c. The depth and width of properties laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - d. Administrative Subdivisions proposing adjustments of boundaries to lots where all the lots included in said subdivision are developed or proposing mergers shall not be required to conform to the requirements of this section [XII.D.1].
2. Use: The use of lots shall conform to the requirements of Title 17 of the code of the City of Cranston, entitled "Zoning".
3. Frontage: All lots shall front on an existing or proposed public street, or private street in conformance with Section XII (B) (1) above, for the full length of the front lot line and shall have satisfactory access to such street. Double frontage should be avoided.

- a. Minimum Frontage: Minimum street frontage shall conform to the requirements of §17.20.120 of the Code of the City of Cranston, entitled "Zoning" with the following exceptions:
 1. For Planned District proposals, this regulation shall be superseded by the requirements and provisions of §17.100.20.A or §17.104.20.E of the Code of the City of Cranston, entitled "Zoning" whichever is applicable.
 2. Administrative Subdivisions proposing adjustments of boundaries to lots where all the lots included in the Administrative Subdivision are developed or proposing mergers shall not be required to conform to the requirements of this section [XII.D.3].

In any case where the street line shown on the plat takes the form of an arc, the minimum street frontages specified above shall at the option of the applicant, be measured along the building line as fixed by Title 17 of the Code of the City of Cranston, entitled, "Zoning".

When a lot fronts on a temporary cul-de-sac, the building setback line, as required in the City's Zoning Code, shall be measured at the temporary cul-de-sac line.

In that the amendment will simplify the administrative subdivision process, upon motion made by Mr. Vincent and seconded by Mr. Nadeau, the Commission unanimously voted to *approve* Amendment #2 of the Subdivision and Land Development Regulations as proposed.

Ayes: Messers Smith, Vincent, Strom and Nadeau. Nay: none.

SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS

Scituate Farms - Phase 5a and 5b – Continued from December 3, 2013
 Major Subdivision with street extension - **Preliminary Plan**
 Scituate Avenue/Doreen Court
 AP 37/3, Lot 15

PUBLIC HEARING

Mr. Pezzullo explained that the subject phase is within the Scituate Farms major subdivision located off Scituate Avenue on *Doreen Court*, Assessor's Plat 37/3, Lot 15. The property owner and applicant is The Gusty Paliotta Family Trust, 98 Plainfield Street, Providence, RI 02909. The property is zoned A-8 (8,000 square foot minimum lot size with 80 feet of frontage).

Phase 5 of this development has 2.75 acres and the developer has proposed 9 new single family house lots in two sub-phases. Phase 5A will consist of 4 lots and Phase 5B will consist of the remaining 5 lots.

All of the proposed lots conform to the A-8 zoning district. The subdivision is consistent with the Cranston Comprehensive Plan – Future Land Use Map and will be serviced by public water and sewer. This matter had been continued from the November, 2013, agenda as the applicant did not have the necessary sewer and water approvals in hand.

No public comment was offered on this matter. Therefore, upon motion made by Mr. Vincent and seconded by Mr. Strom, the Commission unanimously voted to approve the phasing plan. Upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted to adopt the Findings of Fact denoted below and approve this Preliminary Plan subject to the following conditions.

Findings of Fact

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 mail on 10/22/13 and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the 10/23/13 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately 2.67 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 7.26 – 3.64 residential units per acre".
3. The proposal is consistent with the A-8 zoning designation and 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 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 property in question has adequate permanent physical access on Paliotta Parkway, an improved public roadway 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 Eastern Cranston Capital Facilities Impact Fees of \$5,341.14 (\$593.46 x 9) at the time of Final plat recording.
2. Provide a performance guarantee in the amount of \$215,000 with a separate 2 % administrative fee of \$4,300 with construction to commence within one year of recording of the subdivision.

Ayes: Messers Smith, Vincent, Strom and Nadeau. Nay: none.

Chapel View

Minor Amendment to the Mixed Use Planned District (MPD)
Building B-1 to add 1,755 square feet for a drive-in *Panera Bread* restaurant

Mr. Lapolla explained that the amendment requested is considered a minor alteration to the MPD and can be approved by the Plan Commission. He stated that major alterations must be approved by the City Council. The amendment is requested in order to accommodate the construction of a Panera Bread on site. The changes proposed include:

- A 1,755 SF first floor addition to building B-1 [the Staples building];
- The addition of a drive through facility as part of the restaurant;
- Reconfiguring the parking area at the first floor in order to allow for the drive through,
- Changing site circulation in a portion of said parking area from two-way traffic to one-way traffic.

As part of the request, the application has submitted a "Traffic Memorandum" prepared by Garofalo & Associates. Said traffic memorandum concludes that the requested change will result in minimal changes to the number of vehicle trips to be generated by the Chapel View site and will not change the level of service [LOS] at the Sockanosset Cross Road/Midway/Chapel View intersection. Both the existing LOS and the LOS projected for 2018 is/will be LOS B at all peak periods.

Mr. Coates distributed to the Commission members copies of the latest draft of the site plan. Mr. Vincent asked where the proposed Panera Restaurant drive-thru lane would exit. Mr. Steve Garofalo, traffic engineer, stated that vehicles would be heading west toward Midway Road to a signalized intersection. He further explained that the proposed drive-thru travel lane will be 12.7 ft. wide, with an angled parking aisle to the south of the drive-thru lane. He stated that while the Cranston Subdivision Regulations require a 15 ft. lane, due to space constraints, the lane is proposed as previously indicated; which should be sufficient. Mr. Coates indicated that the top level of the new building will house a Staples Office Supply Store, the mid- level of the building will be office and the bottom level will have retail and restaurants.

Attorney John Bolton, the applicant's attorney, asked that the Commission approve the above changes with the condition that there be a final review of the directional signage.

Councilman John Lanni, of Woodview Drive, spoke in favor of the project.

There being no further comments, the Commission moved to a vote. Upon motion made by Mr. Vincent and seconded by Mr. Nadeau, the Commission unanimously voted to *approve* this amendment in its entirety subject to the submission of a revised plan showing the order board, stacking and signage. The Commission struck Mr.

Lapolla's request that the applicant, within two months, submit to the City Council a request to amend the Chapel View MPD.

Ayes: Messers Smith, Vincent, Strom and Nadeau. Nay: none.

PERFORMANCE GUARANTEES

Pezza Minor Subdivision

180 Budlong Road
AP 11, Lot 1878
Bond Release Request

Mr. Pezzullo stated that Public Works Director, Kenneth Mason, and Mr. Skorupski, City Engineering Division, have inspected Budlong Road and confirm that it has been paved curb to curb; consistent with the condition of approval from the Plan Commission. They state that there are no additional outstanding issues with this plat and recommended a complete release of the performance guarantee.

Therefore, upon motion made by Mr. Vincent and seconded by Mr. Strom, the Commission unanimously voted to *release* BankRI Letter of Credit No.J0206, in the amount of \$38,148, in its entirety.

Aye: Strom, Smith, Vincent and Nadeau. Nay: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

KEVIN AND LEAH PALUMBO 219 KEARNEY STREET CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a 27' X 26' +/- family room addition with restricted rear and side yard set back at **219 Kearney Street**. AP 10/1, lot 323, area 16,800+/- SF, zoned A-8. Applicant seeks relief from Sections; 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.
2. The property has two street frontages – the front of the house faces Kearney Street, with an existing 55.62' front yard setback, and the rear of the house faces Capuano Street, with an existing 43.99' setback from the street.
3. The proposed addition will have a 16.91' setback from Capuano Street, where 25' is required.
4. Within the 400' zoning radius from the applicant's property, there are 8 houses on the opposite side of Capuano Avenue that all have restricted front yard setbacks that vary between 14' and 19'.

Recommendation: Based on the Findings of Fact, the Commission finds that a 16.91' front yard setback for the addition will not alter the character of the surrounding area, as most of the houses on Capuano Ave. within the 400' radius have restricted front yard setbacks. Therefore, upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

Ayes: Strom, Smith, Nadeau and Vincent Nay: none

2014-2018 CAPITAL BUDGET AND IMPROVEMENT PROGRAM

Mr. Pezzullo stated that the Capital Improvement Program budget process has begun. He stated that the first draft of the proposed budget will be presented in February. In March all department directors will attend the meeting. He also mentioned that the Planning Department intern, Ken, has been working to determine what remains of previous bond approvals and to determine what projects have been completed.

PLANNING DIRECTORS REPORT

Mr. Lapolla mentioned that in December the City was able to acquire one house on Amanda Street that will be demolished due to previous flooding.

APPROVAL OF CITY PLAN COMMISSION MEETING SCHEDULE

Upon motion made by Mr. Strom and seconded by Mr. Vincent, the Commission unanimously voted to accept the 2014 meeting schedule.

2014 ELECTION OF COMMISSION OFFICERS

Due to the absence of three Commission members at this meeting, this matter was moved to the February 4, 2014, Plan Commission meeting.

ADJOURNMENT

Upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 8:15 pm.

DATE OF NEXT MEETING February 4, 2014 – City Council Chamber – 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer