

MINUTES

July 7, 2015

Chairman Smith called the Planning Commission Meeting to order at 7:05 p.m. in the City Council Chamber. He announced that the agenda item involving Garden Vista would be re-advertised and heard next month, August 4, 2015. The following Commission members were in attendance:

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

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

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to approve the minutes of the June 2, 2015, Plan Commission Meeting.

Grape Park Court – Preliminary Plan
Minor Subdivision w/o street extension (1 house lot)
Grape Court – AP 12/5, Lots 2298 & 31

Mr. Pezzullo explained the proposal is for a two-lot minor subdivision without street extension. The subject parcels have a total land area of 13,263 sq. ft. and the applicant proposes to subdivide this combined area into two new lots: Lot 1 will have the existing home on 7,263 sq. ft. of land area with 170' of frontage; Lot 2 is vacant and will also have 6,000 sq. ft. of land area with 62' of frontage. Both lots conform to the A-6 zoning requirements, are consistent with the Cranston Comprehensive Plan – Future Land Use Map, and will be serviced by public water and sewer.

No public comment was offered on this matter, therefore, upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan, with a waiver for provision of sidewalks; 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 6/23/15 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 7.26 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 Grape Court, 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.

Condition of Approval

1. Payment of Eastern Cranston Capital Facilities Impact Fee in the amount of \$593.46.

Gold Meadow Farms – Master Plan (AMENDED)

Major Subdivision (RPD) with street extension - (39 house lots)
Lippitt Avenue – AP 23, Lots 6,7,8,15,20 & 36, AP 30, Lot 240

Mr. Murray, attorney for the applicant, stated that the Preliminary Plan was approved in 2009. The presentation provided a comparison between that plan and what is now proposed. The new proposal provides for “tighter” development resulting with less roadway. Mr. Murray also stated that there were different owners at the time of the 2009 Preliminary Plan proposal. The new owners are requesting a new Master Plan and will relinquish any prior approvals at the time of the new Preliminary Plan approval. The new proposal is still for an RPD, and the owners will request a phasing plan at the time of Preliminary Plan submittal.

Mr. David Russo, DiPrete Engineering, stated that DiPrete Engineering did not create the original, approved plans. The new design proposes a 24 ft. roadway and the new length proposed is 37 linear feet. He stated that the plan provides for 74.5 acres (approximately 43% of the development) of open space. The subdivision (39 homes) will be serviced by private wells and public sewers that will connect through West Warwick. Storm water systems will be upgraded to the current standards.

Mr. Vincent asked if West Warwick has approved this. Mr. Russo stated that West Warwick has not yet approved this sewer connection. In regard to possible water connection, Mr. Russo stated “it is quite the connection to public water”. Mr. Mason, Public Works Director, stated that the City of Cranston has an allocated flow agreement with West Warwick. The project will require Veolia Water approval, as well as approval from the Public Works Dept.

Ms. Harrington expressed concern with Lots 19 and 20 close proximity to the City conservation land and asked if a buffer is proposed. Mr. Murray pointed out the public access areas and stated that the applicant may request waivers going forward.

Elizabeth Santilli, 192 Lippitt Avenue, expressed concern with access areas and water runoff. Mr. Russo responded, stating that DiPrete Engineering will look further into her concern when they are doing their engineering. He stated that RIDEM will have to approve this, and there should be zero increase in runoff.

Mr. Pezzullo stated that the area in question was never a city street, but once it is constructed, the situation should be much better.

Mr. Douglas Doe, 178 Lippitt Avenue, expressed concern with water washing out the dirt road and the invasive species that exists along the lot line. He stated that development will probably provide an improvement in the area and asked that the engineer meet with the property abutters prior to design. He asked if four existing homes could tie into the new sewer line.

Regarding the provision of a buffer, Mr. Murrayi stated that there is "100 feet or more of growth on the City property that would act as a buffer".

As the applicant had requested a waiver for the provision of sidewalks, Mr. Vincent expressed concern with pedestrian circulation. As a result, upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission voted (7/0) to require the provision of 4 ft. asphalt sidewalk on one side of the development. Mr. Ken Mason, P.E., voted against.

Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted (8/0) to adopt the findings of fact denoted below and approve this Master Plan proposal, with waiver for roadway width and length (24 ft. roadway with one ft. Cape Cod berm on either side) and subject to the following conditions.

Findings of Fact

Positive Findings

11. 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 6/22/15 and the meeting agenda has been properly posted. Advertisement for this major subdivision was published in the 6/24/15 edition of the Cranston Herald.
12. The proposed subdivision and its resulting density of approximately .36 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 less than 1 unit per acre" (A-80).
13. The proposed subdivision will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
14. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Master Plan.
15. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
16. 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.
17. The property in question has adequate permanent physical access to Lippitt Avenue, an improved public roadway located within the City of Cranston.
18. 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.
19. Significant cultural, historic or natural features that contribute to the attractiveness of the community have been identified on site.
20. 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

The applicant shall obtain and provide the following items prior to submission of the Preliminary Plan:

1. Written confirmation from the West Warwick Sewer Department granting approval of the public sewer connection;
2. RIDEM Subdivision Suitability verifying the yield of drinking water of the test wells;
3. RIDEM Wetlands Alteration Permit;
4. Correspondence from the Providence Water Supply Board and Kent County Water Authority as to why the provision of public water is infeasible to service this subdivision;

5. (If public water is not available), written approval from the Cranston Fire Department verifying that the proposed fire suppression water cisterns are suitable;
6. Draft easement documentation for proposed water cisterns;
7. Draft Operation and Maintenance Plans regarding the maintenance of stormwater detention facilities and fire suppression cisterns;
8. Draft Homeowners Association Documentation;
9. Correspondence from the Public Works Department detailing the process of design for all stormwater and drainage structures and utilities, including those located within Lippitt Avenue.
10. Provision of 4 ft. asphalt sidewalk along one side of the development.
11. Provision of 24 ft. roadway width with one foot Cape Cod Berm on either side, for a total of a 26 ft. roadway width.

Chapel View – Final Plan Enforcement

Mixed-Use Planned District (MPD)/ Major Land Development
 Restoration of landscape islands

Mr. Lapolla stated that he is in receipt of a \$10,000 cash performance guarantee and construction on the areas that needed to be restores has begun.

Garden Vista – Preliminary Plan

Major Land Development (RPD) without street extension
 5 duplex units (10 total)
 Randall Street, Bellevue Drive - AP 12/6, Lot 2285
 Request to reconsider conditions of approval

As stated previously, upon motion made by Mr. Vincent and seconded by Mr. Strom, the Commission unanimously voted (8/0) to continue this matter to the August 4, 2015, Plan Commission Meeting and require the applicant re-notify and re-advertise this matter with the stipulation that this will be the last continuance granted.

ZONING BOARD OF REVIEW RECOMMENDATIONS

BROADWAL ASSOCIATES LLC C/O WALGREEN CO TAX DEPT PO BOX 1159 DEERFIELD IL 60015

(OWN/APP) have filed an application for permission to alter an existing pylon sign and add a two sided LED reader board at **1763 Broad Street**. AP 2, lot 1971, area 63,162+/- SF, zoned C-2. 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 total square footage of signage allowed in a C-2 district is 100 sq. ft. per street frontage; however, 200 sq. ft. of signage is allowed at this location because the business is on a corner, and has two frontages.
2. The total existing signage on this lot is 201.75 sq. ft.
3. The existing pylon sign is 17' high (a 15' height is permitted per the zoning code) measuring 9'-7" x 4'-4" and has 85.36 sq. ft. of signage, where 25 sq. ft. is allowed per the sign ordinance. Variances were obtained in 1996 for the increased height and sign area, which superceded the first variance in 1994 for a 70 sq. ft. freestanding sign.
4. The proposed sign is 16 ft. high, (one ft. lower than the existing sign) measuring 8'-8" x 5'-4" overall, with a proposed area of 92.4 sq. ft., a 7 % increase in area from the variance for the existing sign, and 3.7 times larger than the ordinance allows. However, the width is 11" smaller than the existing sign's width but is one ft. longer than the existing sign.
5. The proposed total square footage of signage on the lot will be 208.78 sq. ft., which is 4.4 % more than what is allowed.
6. Photographs taken of freestanding signs at two businesses across the street from the applicant's property, (CVS and Santander Bank) show neither have LED signs.

Recommendation: Staff found that the proposed pylon sign with LED signage will have an area that is 7% larger than the existing sign, but one foot lower than the existing sign, and would be a minor change. A motion was made by Mr. Strom and seconded by Mr. Mason to recommend favorably on this application, however, the 4/4 vote did not carry. Therefore, the Plan Commission is forwarding no recommendation for this application.

CRANSTON PRINT WORKS 1381 CRANSTON STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission, pending administrative subdivision, to leave two block and brick warehouses on a proposed 7.35+/- acre parcel [A] and leave an existing gate house on a proposed non-conforming undersized .34+/- acre parcel [B] at **1425, 1469 and 0 Cranston Street**. AP 8/1, lots 850, 2544, 210, 929 and 1617 area 9.2+/- acre, zoned M-1. 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:

This application will be withdrawn by the applicant, as the Zoning Official has determined that a variance is not required, as the new lot is labeled as not buildable.

CRANSTON PRINT WORKS 1381 CRANSTON STREET CRANSTON RI 02920 (OWN) AND DIFRUSCIA INDUSTRIES INC 20 STARR STREET JOHNSTON RI 02919 (APP) have filed an application for special permit to operate a metal plating business from an existing building with restricted front and side yard setback at **1425, 1469 and 0 Cranston Street**. AP 8/1, lots 850, 2544, 210, 929 and 1617 area 9.2+/- acre, zoned M-1. Applicant seeks relief from Section 17.92.020 Special Use Permit, 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 2010 Comprehensive Plan Land Use Map designates this area of the City as a Special Redevelopment Area, allowing for a Zone change to accommodate specialized redevelopment of the area. Until the zone is changed, however, the underlying industrial zoning prevails; therefore the application is consistent with the Comprehensive Plan.
2. The closest existing side yard setback for the large warehouse is 10.6 feet, where 20 ft. is required. The smaller warehouse on the front of the lot is located on the side lot line (0' setback), and has an existing 20 ft. front yard setback, where 40 ft. is required. The application does not change any of the existing restricted setbacks.
3. The application states that the applicant is not seeking to demolish, rebuild, or expand the existing buildings on the property. However, a portion of the smaller building closest to Cranston Street, that connects this building to the larger building on the other side of the Pocasset River will be removed; as well as another connector passageway over the Pocasset located on the larger building.
4. This application for a proposed industrial use in a vacant industrial building in an Industrial Zone fully supports the Land Use Element of the Comprehensive Plan that states "Commercial development should be restricted in industrial districts in order to maintain the existing industrial base and provide for future expansion."
5. The proposed industrial use will not alter the general character of the surrounding area, or hinder the intent or purpose of the Zoning Ordinance or the Comprehensive Plan upon which the Zoning Ordinance is based.

Recommendation: In the recent past, the City's industrial base has been eroding though the issuances of Zoning Variances for other than industrial uses. This application for an industrial use in an industrial zone is consistent with the 2010 Comprehensive Plan. Therefore, upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Plan Commission unanimously voted (8/0) to forward a positive recommendation on this application.

XRA INVESTORS LLC 65 SOCKANOSSET CROSSROADS CRANSTON RI 02920 (OWN/APP) has filed an application for permission to have additional signage than that allowed by ordinance at **65 Sockanosset Crossroads**. AP 10, lot 1516, area 50,530+/- SF, zoned C-3. Applicant seeks relief from Section 17.92.010 Variance, 17.72.010 (4) 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. Though the total area of signage permitted in a C-3 zone is 200 sq. ft., 35 sq. ft. is the maximum allowed for freestanding signs on a zone lot.
2. The existing freestanding sign's a total surface area of 48 sq. ft. (4'9" wide x 5' high) already exceeds the maximum 35 sq. ft. area allowed per ordinance by 37%.
3. The proposed freestanding sign will have a total surface area of 100 sq. ft. (8'-4" wide x 6' high), an increase of 185% over what is allowed per ordinance, and twice as large as the existing sign.
4. The top of the proposed sign is 11 ft. from grade, which is 3'-8" higher than the top of the existing sign at 7'-4". A max height of 15' is permitted per ordinance.
5. The proposed sign is 3'-7" longer than the existing sign, and 1 ft. wider.
6. Proposed total wall signage is 34.33 sq.ft. where 30 sq. ft. is permitted per ordinance. (There will be two wall signs on the building: 16 sq. ft. existing, and 18.33 sq. ft. proposed.)

Recommendation: Given the fact that the freestanding sign is already 37% larger than the freestanding sign area permitted, staff finds that an increase that is 185% larger than what is permitted is excessive. However, upon motion made by Mr. Vincent and seconded by Mr. Strom, the Plan Commission voted (6/2) to forward a positive recommendation on this application.

PETTACONSETT REALTY LLC 100 COTTRELL ROAD SAUNDERSTOWN RI 02874 (OWN) AND COLUMBIAN REALTY CORPORATION OF CRANSTON 1047 PARK AVENUE CRANSTON RI 02910 (APP) have filed an application for permission to use an existing building for a fraternal organization with service of food and Class D liquor license at **70 Pettaconsett Avenue**. AP 10, lot 785, area 21,477+/- SF, zoned M-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 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 is not consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Industrial.
2. The most recent use of the property has been office use.
3. The tax assessor's field card from 1984 shows that the building was a VFW Post.
4. There was a Zoning variance granted in 1991 to serve alcohol.
5. The building was constructed in 1963, to be used as a VFW Hall (this was prior to the current Zoning being adopted, therefore legal nonconforming,) and has only been used either as a fraternal hall (Surprise Woolhouse Post) or office building.
6. There are 25 parking spaces on site.

Recommendation: Tax assessor's records show that the building was used as a VFW Hall since it was constructed in 1963, before the current Zoning Ordinance was passed in 1965. The Plan Commission recognizes that the Comp Plan designates this area for industrial uses, but also recognizes that resurrecting a former use would 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 Zoning Ordinance is based. Therefore, upon motion made by Mr. Nadeau and seconded by Mr. Motte, the Commission unanimously voted (8/0) to recommend favorably on this application.

PLANNING DIRECTORS REPORT

Residential Planned District Ordinance (RPD) – Waivers
Planning Board Policy – Receipt of Documents the night of meeting

Mr. Lapolla stated that the Plan Commission and the City Council will hold a workshop to consider the RPD changes proposed.

Regarding the Planning Board Policy, upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted (8/0) to approve the following policy:

The Commission shall not accept documents presented during a Commission meeting. Anyone presenting documents during a meeting shall be requested to submit said documents to the Department during normal business hours.

For documents presented at a Commission meeting, the president may acknowledge said documents. However, if said documents are substantial in nature, the Commission shall continue the matter before it so that the documents may be reviewed.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted (8/0) to adjourn at 10 p.m.

NEXT MEETING August 4, 2015 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer

