

MINUTES

July 9, 2019

Chairman Smith called the City Plan Commission Meeting to order at 6:35 p.m. in the City Council Chamber.

The following Commission members were in attendance:

Michael Smith, Chairman	Kathleen Lanphear
Fred Vincent	Ann Marie Maccarone
Ken Mason, P.E.	Robert DiStefano
Robert Strom	Joseph Morales
	Steven Spirito

Also present were: Jason M. Pezzullo, AICP, Planning Director
Douglas McLean, AICP, Principal Planner
Joshua Berry, AICP, Senior Planner
Stephen Marsella, Esq., Assistant City Solicitor
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. DiStefano and seconded by Mr. Spirito, the Commission voted (Ms. Lanphear abstained) to approve the minutes of the May 13, 2019, Special Plan Commission Meeting.

Upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Commission voted (Ms. Lanphear abstained) to approve the minutes of the June 4, 2019, Plan Commission Meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 02-19-06 – MPD Amendment – 950 Phenix Avenue (CubeSmart) – 50' pylon signage, Clarification / addition of *Commercial Condominium* to the schedule of uses (Continued from the June 4, 2019, Agenda)

Upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Commission unanimously voted to continue this matter to the August 6, 2019, Plan Commission Meeting, at the applicant's request.

SUBDIVISIONS AND LAND DEVELOPMENTS

West Gate Commons

Preliminary Plan – Minor subdivision without street creation
Three (3) single-family units
Zoned A-20 (20,000 square foot lot size)
Wilbur Ave, AP 21, Lot 19

Mr. Berry presented that the applicant's proposal to subdivide the existing 4.03-acre lot into 3 lots for the purpose of building three single-family residences. Parcel A is to be 2.49 acres, Parcel B, 0.59 acres and Parcel C, 0.95 acres, all compliant with the 20,000 square foot minimum area requirement in A-20 zoning.

Parcel A is proposed as a 'flag lot' with 45.06' of frontage and will require relief for insufficient width/frontage as well as for the irregular eastern side lot line from the Zoning Board of Review. The other two proposed lots will meet or exceed the A-20 zoning requirements. Parcel A is to be served by a private well system and onsite wastewater treatment system, while public water and sewer are proposed for Parcels B and C. With the exceptions of the variance for width/frontage and a waiver of the sidewalk requirement, the proposed project is allowed by-right per City Zoning Ordinance and is less dense than the Comprehensive Plan Future Land Use Map allocation of Single Family Residential 3.63 to 1 units / acre with a proposed density of 0.74 units / acre. Finally, he stated that the existing stone wall will be preserved to the greatest extent possible.

Attorney John DiBona stated that the original Pre-Application proposal was for five lots to be created with the benefit of a new public roadway. The modified proposal is for the creation of only three lots with no street creation. He stated the trade-off is that Parcel A will require zoning relief for insufficient width and frontage as well as the irregular lot line.

Mr. Richard Bzdyra, PLS, stated that Parcel A is the highest point and the Northeast corner is the lowest point. Due to the reduction in lot creation and without the need for a public roadway, there is no need for a detention basin. He stated that drywells will be installed during construction and the homes will be set back 60 ft.

No public comments were offered on this matter.

Upon motion made by Mr. DiStefano and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to adopt the following Findings of Fact and to **approve** this Preliminary Plan, with waiver for the provision of sidewalks and curbing; subject to the conditions denoted below:

Findings of Fact

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

1. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan policies and Future Land Use Map (FLUM). The proposed resulting density of approximately 0.74 units per acre is consistent (less dense) with the FLUM's designation of the subject parcel as “Residential 3.63 to 1 units per acre.”
2. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

3. Each of the proposed three (3) lots comply with all of the requirements of A-20 zoning with the exception of the width/frontage of Parcel A, for which relief is being sought from the Zoning Board of Review in concert with this application.
4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (emphasis added)*

5. This finding pertains specifically to the final plan. There is proposed clearing of vegetation, however, the project will be subject to all local, state and federal standards regarding environmental impacts.
6. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with

physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

7. 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.
8. The design and location of building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

9. The properties in question will have adequate permanent physical access on Whiting Street, a public roadways located within the City of Cranston.
10. 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.

Conditions of approval

1. The driveway for Parcel A must be designed and constructed as to allow for the ingress/egress of emergency vehicles per the requirements of the Fire Department;
2. The existing stone wall along Wilbur Ave may only be disturbed to the minimum extent required as to allow for the driveways/vehicular access;
3. Payment of Western Cranston Capital Facilities Impact Fee in the amount of \$4,168.50 at the time of Final Plan recording;
4. Provide a performance bond of \$25,000 (\$20,000 for sewer laterals and 1 continuous asphalt curb to curb patch for all Wilbur Ave. utilities) prior to the filing of the Final Plan, unless all public improvements have been constructed;
5. The applicant will receive approval from Veolia Water prior to submittal of the Final Plan;
6. The applicant will provide a certificate of municipal liens showing no outstanding taxes are owed on the subject property;
7. The applicant will provide evidence that all public utility companies, the 9-1-1 system and the US Postal Service have been notified of the proposed subdivision and have been provided copies of said subdivision for their review;
8. The applicant will receive approval for all required relief from the Zoning Board of Review prior to submittal of the Final Plan;
9. The applicant will provide the Western Cranston Sewer Impact Fee of \$3,000 per home at the time of building permit application;

Monello Subdivision

Preliminary Plan – Minor subdivision without street creation

One (1) additional single-family house lot

Zoned A-8

Glenham Road, AP 22, Lots 103, 104, and 234

Mr. McLean presented the application and stated that the proposed minor subdivision site is located on Glenham Road, AP 22, Lots 103, 104, and 234, with a total land area of 22,814 ft². The site is zoned A-8, which allows for single-family residential homes on lots that have a minimum of 80' of frontage and 8,000 ft² of land area. The applicant proposes to subdivide/merge the existing 3 lots into 2 lots for the purposes of creating 1 additional vacant buildable lot. There is a pre-existing nonconforming 2-family dwelling that

will remain on one of the proposed parcels. Proposed Parcel A on the north portion of the property (with the existing dwelling) will contain 12,618 ft² and proposed Parcel B will contain 10,196 ft². Both proposed parcels meet all zoning dimensional requirements.

The proposed development will be serviced by public water and private septic systems. As part of this proposed subdivision, the septic system for the existing dwelling will be relocated to come into compliance with zoning setbacks. Both parcels will have direct frontage along Glenham Road and will be accessed by that frontage. The parcels do not lie in the flood zone per FEMA nor do they lie in a natural heritage area or groundwater overly district. The proposed project is allowed by-right per City Zoning Ordinance and is less dense than the Comprehensive Plan Future Land Use Map allocation of Residential 7.26 to 3.63 units per acre.

Attorney John DiBona reiterated Mr. McLean's comments. He stated that the existing two family dwelling will remain on 12,618 sq. ft. He further stated that the proposal meets all zoning requirements.

No public comment was offered on this matter.

Mr. McLean stated that the only noteworthy item for planning analysis regarding the proposed subdivision is the existence of a non-conforming 2-family dwelling that will remain on Parcel A. Such a use is not allowed by right by the zoning code in an A-8 zone. This 2-family dwelling predated the Cranston Zoning Ordinance, and as such is considered a pre-existing nonconforming use in this zone. The subdivision will effectively reduce the size of the lot with the 2-family dwelling from 22,814 ft² to 12,618 ft². The Cranston Zoning Ordinance does not include any specific regulations that govern the size of lots containing non-conforming uses and as such the only dimensional requirements that need to be met are the underlying requirements of the zone. It should be noted that while a lot size of 8,000 ft² would have met the minimum requirement for a pre-existing 2-family dwelling, the immediate application proposed a 12,618 ft² lot. It should also be noted that the overall density of the application (5.73 housing units per acre) is consistent with the Comprehensive Plan Future Land Use Map FLUM's designation of the subject parcel as "Residential 7.26 to 3.63 units per acre."

Upon motion made by Mr. DiStefano and seconded by Mr. Spirito, the Commission unanimously voted (9/0) to adopt the following Findings of Fact and *approve* this Preliminary Plan, with waiver for the provision of sidewalks; subject to the conditions denoted below:

Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, "The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies."

1. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan policies and Future Land Use Map (FLUM). The proposed resulting density of approximately 5.73 units per acre is consistent with the FLUM's designation of the subject parcel as "Residential 7.26 to 3.63 units per acre."
2. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, "The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance."

3. Each of the two (2) proposed lots comply with all of the dimensional requirements of A-8 zoning.

4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.”

5. There is proposed clearing of vegetation in order to accommodate a proposed new structure on Parcel B, however, the project will be subject to all local, state and federal standards regarding environmental impacts.
6. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

7. 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.
8. The design and location of building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

9. The properties in question will have adequate permanent physical access on Glenham Road, a public roadway located within the City of Cranston.
10. 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.

Conditions of approval

1. Payment of Western Cranston Capital Facilities Impact Fee in the amount of \$1,389.50 at the time of Final Plan recording;
2. The applicant shall receive notice from Providence Water prior to submittal of the Final Plan regarding sufficient water supply for the project;
3. The applicant shall provide a certificate of municipal liens showing no outstanding taxes are owed on the subject properties prior to submittal of the Final Plan.

Budlong Park Replat of No. 4

Reinstatement of the Preliminary Approval granted May 2016

Minor Subdivision without street extension – 2 lots, 1 additional house lot
28 Randolph Street, AP 11/4, Lots 2297, 2298 and 2299

Mr. Pezzullo stated that the major subdivision known as the “Replat of Budlong Park No. 4” was granted Preliminary Plan approval by the City Plan Commission on May 3rd, 2016 and has since expired.

Section VIII. B. 1. of the Subdivision and Land Development regulations proscribe the procedure for the reinstatement of expired subdivision approvals. He explained that the Planning Department has made positive findings on all the required findings of fact necessary for the City Plan Commission to duly reinstate this Preliminary Plan application in accordance with Section VIII. B. 1. of the Subdivision and Land Development regulations.

Attorney Bienvenido Perez, on behalf of the applicant, Mr. Mher Serabekian, stated that the abutting neighbor sought to purchase some of the land, which Mr. Serabekian refused to sell. In return, the abutting neighbor appeared at the Zoning Board of Review's May, 2016, meeting and opposed the subdivision. Subsequently, the Zoning Board of Review denied the zoning relief request and their denial was appealed.

No public comment was offered on this matter.

Upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Commission unanimously voted (9/0) to **reinstate** the Preliminary Plan approval with all the original Findings of Fact, waivers, and conditions.

Phenix Woods

Reduction in the required bond amount prior to recording

Final Plan - Major Subdivision with street extension

10 additional house lots

Phenix Avenue, AP 22, Lots 226 and 227

Upon motion made by Mr. Vincent and seconded by Mr. Strom, the Commission unanimously voted (9/0) to **reduce** the original \$545,000 required bond amount by \$408,750, in accordance with the Public Works, Engineering Division's recommendation; leaving a new required bond amount of \$136,250, which is due at the time of Final Plan recording.

Natick Avenue Solar

*Process for the formation of the required **Advisory Committee ONLY***

Major Land Development (30 Acre / 8MW Solar Farm on 64 acre site)

Natick Avenue, AP 22, Lots 108 and 119

Attorney Robert Murray stated that he had prompted this discussion so that the ad hoc Committee can be formed and their recommendation presented. He stated that there are twenty direct abutters (not counting Walden Woods).

Mr. Dan Zevon stated that he has "issues with telephone poles". He was informed by Chairman Smith that this was not the time to further discuss the project and the purpose of this agenda item is to form the ad hoc committee. Mr. Zevon then suggested that Ms. Patten and Ms. Marino be selected for the ad hoc committee.

In response to the suggestion that abutters within the 500-700 ft. radius be notified of the ad hoc committee selection process, Ms. Jessica Marino stated that the "500-700 ft. radius will be problematic" and it is "not encompassing the neighborhood." She indicated that she would like to volunteer for this committee.

Following due discussion and the Plan Department's power point presentation of the revisions made on the previous draft (which was presented at the June 4, 2019, Plan Commission Meeting), the Plan Commission's consensus is to notify abutters within a 700 ft. radius of the need to select two neighborhood representatives, one being a direct abutter and one within the 700 ft. radius. A direct mailing will be done, and an advertisement will be done in the Cranston Herald. Mr. Vincent volunteered to be the Plan Commission representative on the ad hoc committee. Mr. Pezzullo encouraged public comments be e-mailed to him.

Solar Farm Ordinance

A joint workshop will be held with the City Council and the Plan Commission on Thursday, July 18, 2019, at 5:30 in the City Council Chamber for presentation of the refined Solar Ordinance. Mr. Pezzullo encouraged public comments be e-mailed to him.

ZONING BOARD OF REVIEW RECOMMENDATIONS

ZHONGYUAN C. WILLIAMS (OWN/APP) has filed an application to allow a Barber Shop/Beauty Salon, Office Use, and to make legal two additional dwelling units (4 total) in an existing nonconforming mixed use property at **45 Warwick Avenue**; A.P. 2, lot 1362, 10,686 sq. ft. area, zoned B1. Applicant seeks relief per Sections 17.92.010 Variance, 17.20.030 Schedule of Uses; 17.64.010 Off-Street Parking.

USE VARIANCE REQUEST:

1. To allow a multifamily use comprised of four (4) residential units (all four are existing, two of which are legal nonconforming) which is not an allowed use in B-1 zoning. [17.20.030 Schedule of Uses]
2. To allow two commercial uses (office and salon) which are not allowed uses in B-1 zoning in a space previously occupied by a legal nonconforming commercial use. [17.20.030 Schedule of Uses]

DIMENSIONAL VARIANCE REQUEST:

3. To allow ten (10) parking spaces where twelve (12) are required. [17.64.010 Off Street Parking]

FINDINGS OF FACT:

1. The subject property at 45 Warwick Avenue is a 10,686 ft² lot in a B-1 zone (residential, single-family and two-family dwellings). B-1 zoning does not allow for multifamily or commercial uses, nor does it allow a "residence above first story business."
2. The subject property is a legal nonconforming mixed use building in B-1 zoning with standing for two residential units and commercial on the first floor. In 1962, the ZBR unanimously approved a building addition, but restricted it to be used as a decorator's showroom, finding that it would not prove detrimental to the neighborhood. City Tax Assessor's records indicate that the property has had commercial and residential uses dating back to 1954. A Zoning Certificate was issued by the City on 9/28/18, stating, "The subject property is a legal nonconforming mixed use property established prior to the adoption of current zoning in 1966."
3. The current owner, Zhongyuan Williams, purchased the property in October of 2018.
4. It is unclear when the illegal nonconforming residential units were constructed. The Tax Assessor's records dated 6/24/19 does not indicate that there are four units on the site. The applicant claims that the four units existed at the time the property was purchased.
5. The Comprehensive Plan Future Land Use Map allocates 45 Warwick Avenue as Neighborhood Commercial/Services. The Comprehensive Plan Appendix A (p. 1) specifically recommends that the subject site be rezoned from B-1 (residential, single-family and two-family dwellings) to C-2 (commercial, neighborhood business). The proposal for a beauty salon and small office are consistent with both the Neighborhood Commercial/Service and C-2 allocations.
6. The abutting property to the north is also zoned B-1 and has an existing commercial use, but there is no residential use on the site. The western side of Warwick Ave is zoned C-2 approximately 200' north of the subject site, and continues to be commercial as Warwick Ave

merges with Broad Street. The properties that do not directly abut Warwick Ave or Broad Street are zoned for residential uses.

7. The strict interpretation of the 1962 variance would limit the commercial area to no other use other than as a furniture showroom, but this is not a tenable or reasonable position for the growth of the City. From a land use perspective, it would not be detrimental, but beneficial to the neighborhood to allow the proposed commercial uses on the site.
8. The application materials did not provide justification, rationale, or articulate a hardship as grounds for granting relief for the requests. Variance application item #18 requests that the applicant state his/her grounds for exception or variance in this case, to which the applicant stated what the property currently is, what it used to be, and what is proposed without discussion of how the proposal may meet the criteria for approval.
9. The DPRC met on July 19th, 2019 to review the plan and to determine whether it needed to take jurisdiction on the application. After due discussion, a consensus vote was taken that the DPRC would **NOT** take jurisdiction on the application on the grounds that relief from the City Code would be required to make the proposal work on the project site, and that said relief is under the scope and authority of the Zoning Board of Review [ZBR]. The DPRC did not see a path to approve the plan if it took jurisdiction, finding the only path to approval to be through the ZBR. As part of the same consensus vote, the DPRC voted to forward the following statement to the ZBR:

As part of the consideration regarding the applicant's request for relief for the proposal at 45 Warwick Avenue, the DPRC urges the ZBR to consider off street parking requirements, ADA compliance, traffic circulation & drive aisle dimensions, the location of the existing nonconforming curb cut, the location of the dumpster, and the potential for beautification and/or landscaping on the site.

ANALYSIS:

The Planning Department analysis will separately address the request for the change of commercial use, the proposed residential, and the requested relief for parking.

Use Variance for a salon and office in a B-1 zone:

The Comprehensive Plan Future Land Use Map allocates 45 Warwick Avenue as Neighborhood Commercial/Services. The Comprehensive Plan Appendix A (p. 1) specifically recommends that the subject site be rezoned from B-1 (residential, single-family and two-family dwellings) to C-2 (commercial, neighborhood business). Staff finds that the proposal for a beauty salon and small office are consistent with both the Neighborhood Commercial/Service and C-2 allocations. The strict interpretation of the 1962 variance would limit the commercial area to no other use other than as a furniture showroom, but this is not a tenable or reasonable position for the growth of the City. From a land use perspective, it would not be detrimental, but beneficial to the neighborhood to allow the proposed commercial uses on the site. There are other nearby commercial uses in the near vicinity on Warwick Ave, so approval of the commercial uses would alter the character of the area.

This being said, the application is for a Use Variance, not of a Rezoning, and has very different standards and criteria as laid out by the City Code. Consistent with the Comprehensive Plan recommendation, staff would support a rezoning application at this site, but the criteria for a Use Variance is that, "the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance." This is a very high bar, perhaps higher than what would be required for a rezoning. The application materials did not provide justification, rationale, or articulate a hardship as grounds for granting relief for the request beyond a statement of the previous, current and proposed conditions.

Use Variance for a multifamily use (four proposed units) in a B-1 zone:

As discussed in the above analysis for the commercial use request, the Comprehensive Plan Future Land Use Map allocates 45 Warwick Avenue as Neighborhood Commercial/Services and recommends the property to be zoned C-2. This indicates that the City should be receptive to the uses allowed in C-2

zoning, which does include multifamily as an allowed use. For this reason, staff is not opposed to a multifamily use from a land use perspective, but there are other factors to consider.

One of the concerns that staff has with this portion of the application, is that it appears that the modifications were made to add two illegal residential units without permission from the Zoning Board and without building permits. It is unclear when exactly the units were created, as even the Tax Assessor's records dated 6/24/19 does not indicate that there are four units on the site. The applicant claims that the four units existed at the time the property was purchased.

The other major concern is that the application does not articulate how it meets the criteria for a Use Variance. Strictly speaking in terms of land use, the application would potentially meet the criteria for a rezoning to C-2, but does not demonstrate that the site could have no other beneficial use. Planning staff believes there are other beneficial uses of the site, for example, have less residential units.

Dimensional Variance for a relief of off-street parking:

The sum of the use requests results in twelve (12) required parking spaces on site, while ten (10) are proposed. One of the parking spaces would be required to be a handicap space, which would almost certainly reduce the existing proposal to nine (9) spaces. Three (3) spaces are required for the salon, one (1) for the office, and eight (8) for the four residential units. Additionally, there is concern that the dumpster location as to be accessible in relation to the parking.

The change in use triggered a potential review by the Development Plan Review Committee [DPRC]. The DPRC met on July 19th, 2019 to review the plan and to determine whether it needed to take jurisdiction on the application. After due discussion, a consensus vote was taken that the DPRC would **NOT** take jurisdiction on the application on the grounds that relief from the City Code would be required to make the proposal work on the project site, and that said relief is under the scope and authority of the Zoning Board of Review [ZBR]. The DPRC did not see a path to approve the plan if it took jurisdiction, finding the only path to approval to be through the ZBR. As part of the same consensus vote, the DPRC voted to forward the following statement to the ZBR:

As part of the consideration regarding the applicant's request for relief for the proposal at 45 Warwick Avenue, the DPRC urges the ZBR to consider off street parking requirements, ADA compliance, traffic circulation & drive aisle dimensions, the location of the existing nonconforming curb cut, the location of the dumpster, and the potential for beautification and/or landscaping on the site.

If the request were to be reduced to two (2) residential units, the parking requirements would be reduced by six (6) spaces. The reason for this is that the single and two-family residences are required to have a minimum of one (1) space, where multifamily residences are required to have a minimum of two (2) spaces per unit. Reducing the intensity of the site would greatly increase the viability that safe and compliant conditions could be achieved on the site. The size of the existing site could be considered as a unique condition and qualify as a potential hardship, but the number of spaces is in part the consequence of the two residential units built without permit. If the ZBR is considering approval of the variances, it should be aware that on-street parking will be required to accommodate the uses.

To conclude, the proposal for relief to allow four residential units and a change of commercial use at 45 Warwick Avenue is not without merit, but is problematic with consideration to the limitations of the site.

RECOMMENDATION:

Balancing the finding that the proposed uses are consistent with the Comprehensive Plan's Land Use Element with the challenges that approving the additional nonconforming residential units present on the subject site, on a motion made by Mr. Vincent and seconded by Mr. Strom, the Plan Commission voted 6/3 (Lanphear, DiStefano, Spirito voted 'nay') to forward **no specific recommendation** on this application to the Zoning Board of Review.

WILLIAM J. GERVIS (OWN) AND DAVID M. AND LOIS A. DEVANY (APP) have filed an application subject to approval of a minor sub-division to construct a new single family dwelling on a parcel of land on 0 Wilbur Avenue; A.P. 21, lot 19, 108,470 sq. ft. area, zoned A20. Applicant seeks relief for requirements of lot lines to be substantially at right angles to street lines, Minimum lot width and frontage per Sections 17.92.010 Variance; 17.20.090 (E), Specific Requirements; 17.20.010 Schedule of Intensity Regulations.

DIMENSIONAL VARIANCE REQUESTS:

1. To allow the creation of a lot with 45.6' of width/frontage where 125' are required in A-20. [17.20.010 Schedule of Intensity]
2. To allow the creation of a lot with a side lot line that is not at a right angle through the depth of the lot. [17.20.090 (E) Specific Requirements]

FINDINGS OF FACT:

1. The subject property at 0 Wilbur Avenue is a 175,547 ft² lot (4.03 acres) in an A-20 zone (residential, single-family dwellings on a minimum of 20,000 ft²). The applicants propose to subdivide the existing lot into three (3) lots for the purpose of building three (3) single-family residences. Parcel A is to be 108,464 ft² (2.49 acres), Parcel B 25,601 ft² (0.59 acres) and Parcel C 41,326 ft² (0.95 acres).
2. The proposal is less dense than the Comprehensive Plan Future Land Use Map allocation of Single Family Residential 3.63 to 1 units / acre with a proposed density of 0.74 units / acre.
3. The existing lot has 330.32' of frontage, which is only enough to yield two (2) lots that can conform to the required 125" of frontage. The applicant proposed to make two conforming lots, Parcel B with 130' of frontage and Parcel C with 155.26' of frontage. Parcel A, a flag lot, is proposed at 45.06' of frontage, 79.94' short of the A-20 requirement.
4. City Code Sec. 17.20.090 (E) requires side lot lines to be straight for the entirety of the new lot. Proposed Parcel A does not conform with this regulation, but is designed as a flag lot with a 90 degree turn in the side lot line which acts as the rear lot line for proposed Parcels B & C.
5. Alternative designs which could yield three or more parcels could only comply to all relevant regulations by creating a new public road. A pre-application for a five (5) lot subdivision with the creation of a new road was heard by the Plan Commission on March 5th, 2019. Since that time, the applicant has revised the plan, reducing the proposed number of lots from five (5) to three (3), does not propose a detention parcel as it is not required for three lots, and no longer proposes to build a public street off of Wilbur Ave. It is believed that the motivation for the change is to design a more appropriate and environmentally sensitive subdivision.
6. Parcel A is 542% of the minimum required 20,000 ft² of area, Parcel B is 128% of the minimum required area, and Parcel C is 207% of the minimum required area.
7. The subject lot is more than twice as deep as it is wide. The depth of the lot is roughly 705' while the width is 330'. The ratio of lot depth compared to the width/frontage is unique to the subject parcel.
8. Relief, if granted, will not alter the character of the area.

ANALYSIS:

The existing lot has 330.32' of frontage, which is only enough to yield two (2) lots that can conform to the required 125" of frontage. The subject lot is more than twice as deep as it is wide. The depth of the lot is roughly 705' while the width is 330'. The ratio of lot depth compared to the width/frontage is unique to the subject parcel.

Although there are unique conditions, there are ways to design the site to comply. One way would to only have two lots. This may be desirable for the City, but may be unreasonable to expect the applicant to only

yield two (2) lots from four (4) acres of upland in A-20. The other alternative was already explored by the applicant. The applicant presented a 5-lot subdivision with street extension as a pre-application before the Plan Commission at the March 5th, 2019 meeting, as seen in the above site plan provided for comparison purposes only.

The above site plan would require with zoning, has two more buildable lots, but would require a drainage area and a public road. The revised plan's reduction in density equates to less impact to the surrounding area, less vehicle trips, less impact on sewer, water and school & emergency service systems, and potentially less disturbance to the existing undeveloped site. The reduction of the number of lots relieves the applicant of the requirement to parcel off, design and construct a drainage basin, in turn relieving the City of having to inspect and maintain it. Additionally, the withdrawal of the street extension aspect is good for the City because it means less utility mains and less roads which the City would have to maintain and plow. From a conservation standpoint, the revised plan is a more agreeable proposal than the one presented at the pre-application phase. Parcel A is 542% of the minimum required area, Parcel B is 128% of the minimum required area, and Parcel C is 207% of the minimum required area. The revised plan would do more to protect the rural character of Western Cranston, and would minimize the subdivisions impact on the subject property.

RECOMMENDATION:

Due to the ratio of lot depth compared to the width/frontage, the large size of the resulting lot areas, consistency with the Comprehensive Plan, and the positive conservation benefits of the proposal, upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Plan Commission unanimously voted (9/0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

RUGGEIRI FLOOR FASHIONS, LLC. (OWN/APP) has filed an application to install two (2) electronic LED message centers, each exceeding the allowable area for signage at 1191 Pontiac Avenue, A.P. 10, lot 39, 59,300 sq. ft. area, zoned C4. Applicant seeks relief per sections 17.92.010 Variance; 17.72.010 Signs. Application filed 6/11/2019. Robert D. Murray, Esq.

VARIANCE REQUEST:

To allow 2 electronic LED message signs that exceed the allowable wall sign area for individual walls signs in a C-4 zone. Additionally, electronic LED message signs of any type are not permitted in the zoning code in any zone. [17.72.101 Signs]

FINDINGS OF FACT:

1. The applicant is requesting a sign variance to install 2 new electronic LED message signs on an existing building at the corner of Pontiac Ave. and Sockonosset Crsrd.
2. The 2 proposed electronic LED message signs will each have a portion dedicated changing electronic messages and a static logo (see proposed sign graphic above). The total area of the new signs is 58.5 ft² each, which is approximately 200% larger than the maximum standard for individual wall signs in a C-4 zone (30 ft²).
3. Electronic LED message signs of any type are not permitted in the zoning code in any zone. Per Zoning Sect 17.72.010.G. [Signs Prohibited Under This Section]: *"All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the previous section are prohibited in the city."*
4. The building has several existing signs that either conform to the zoning code or are minimally in excess of the individual signage standards (example: 38 ft² existing where 30 ft² is required).
5. The applicant is only requesting zoning relief for the proposed electronic LED message signs and the existing nonconforming signs are not included as part of the applicant's request.
6. The applicant provided a summary calculation of the total signage on the building, including proposed LED signage and existing static signage, to show that the proposed cumulative total of

wall signage for each street frontage is below the maximum requirement of 300 ft² of total cumulative signage per frontage.

7. In response to the Zoning Board of Review Variance Application Form Section 18: State Grounds for Exception or Variance in this Case, the applicant responded as follows: “*Applicant proposes two (2) new LED electronic message signs with a sign box. The proposed signs are in harmony with the area. Existing building has frontage on three streets*”
8. The Comprehensive Plan states in the Land Use Plan section, under Eastern Commercial Development, recommends that the City “Strengthen controls on high impact uses, and the application of signage, parking and landscaping regulations should be increased.”

ANALYSIS:

The application seeks to install 2 new electronic LED message signs on an existing building at the corner of Pontiac Ave. and Sockonosset Crossroad. The total area of the new signs is 58.5 ft² each, which is approximately 200% larger than the maximum standard for individual wall signs in a C-4 zone (30 ft²). Electronic LED message signs of any type are not permitted in the zoning code in any zone.

Staff has reviewed the Comprehensive Plan and found the Land Use Plan section, under Eastern Commercial Development, recommends that the City “Strengthen controls on high impact uses, and the application of signage, parking and landscaping regulations should be increased.” Staff could not find any language within the Cranston Comprehensive Plan that provides for any additional policy direction to suggest that the proposed signage is appropriate at this location. Therefore, this application is viewed by staff as inconsistent with the Comprehensive Plan. However, a finding of inconsistency with the Comprehensive Plan does not preclude the Plan Commission from providing a positive recommendation on the overall application.

RECOMMENDATION:

Upon motion made by Mr. DiStefano and seconded by Mr. Vincent the Plan Commission voted (6/2 Mr. Smith and Ms. Lanphear voted nay – Ms. Maccarone recused) to provide **a positive recommendation** to the Zoning Board of Review.

CGRI CRANSTON PARK, LLC (OWN) AND ANCHOR SIGN, INC. (APP) have filed an application to install two (2) wall signs, each exceeding the allowable area for signage at 819 Park Avenue; A.P. 6, lots 3097,3102, 3258; area 21,255 sq. ft., zoned C3. Applicant seeks relief per sections 17.92.010 Variance; 17.72.010 Signs. Application filed 6/12/2019. Robert D. Murray, Esq.

VARIANCE REQUEST: To allow 2 wall signs that exceed the allowable area and height for signage in a C-3 zone. [17.72.101 Signs]

FINDINGS OF FACT:

1. The applicant is requesting a sign variance for 2 wall signs on an existing building at the former Benny’s site for a new tenant (Dollar Tree).
2. The existing signage on the structure is larger than maximum zoning standards in a C-3 zone, and is a pre-existing nonconforming condition. By making changes to signage and building façade, the applicant must apply for a sign variance for the proposed new signs to be larger than allowed through zoning.
3. The applicant is also proposed a wall sign on the front building façade (facing Park Avenue) that is 89.57 ft² in area and 5.8’ in height from bottom of sign to top of sign. The applicant is also proposing a wall sign on the side building façade (facing parking lot to east) that is 212.03 ft² in

area and 11.5' in height from bottom of sign to top of sign. The cumulative area of signage being proposed with the 2 signs is 301.6 ft².

4. The specific zoning standard that describes how individual signs should be measured is as follows: Section 17.72.010.C. Computations. *"The following principles shall control the computation of sign area and sign height. 1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself."*
5. The applicant appears to have used the correct methodology in determining their proposed sign area of the 2 signs.
6. Per Zoning Table 17.72.010 (4), the zoning code allows for individual wall signs on the building to be a maximum of 30 ft² in total area and 10' high from bottom of sign to top of sign in a C-3 zone.
7. Both of the applicant's 2 proposed signs are larger than the maximum standard. The proposed sign facing Park Avenue (89.57 ft²) is approximately 300% (3X) greater than the allowed maximum standard of 30 ft². The proposed sign facing the parking lot to east (212.03 ft²) is approximately 700% greater (7X) than the allowed maximum standard of 30 ft².
8. 1 of the proposed walls signs (facing the parking lot) is larger in height (11.5') than the standard allowed through zoning (10').
9. In response to the Zoning Board of Review Variance Application Form Section 18: State Grounds for Exception or Variance in this Case, the applicant responded as follows: *"The allowed square footage in the C-3 zone presents a hardship for the new retailer Dollar Tree."*
10. The Comprehensive Plan states in the Land Use Plan section, under Eastern Commercial Development, recommends that the City "Strengthen controls on high impact uses, and the application of signage, parking and landscaping regulations should be increased."

ANALYSIS:

The applicant is requesting relief to install 2 wall signs that are in excess of the maximum standard. Specifically, the proposed sign facing Park Avenue (89.57 ft²) is approximately 300% (3X) greater than the allowed maximum standard of 30 ft². The proposed sign facing the parking lot to east (212.03 ft²) is approximately 700% greater (7X) than the allowed maximum standard of 30 ft². Additionally, the proposed wall sign facing the parking lot is larger in height (11.5') than the standard allowed through zoning (10'). The existing signs on the site (Benny's) are pre-existing nonconforming signs.

Staff has reviewed the Comprehensive Plan and found the Land Use Plan section, under Eastern Commercial Development, recommends that the City "Strengthen controls on high impact uses, and the application of signage, parking and landscaping regulations should be increased." Staff could not find any language within the Cranston Comprehensive Plan that provides for any additional policy direction to suggest that the proposed signage is appropriate at this location. Therefore, this application is viewed by staff as inconsistent with the Comprehensive Plan. However, a finding of inconsistency with the Comprehensive Plan does not preclude the Plan Commission from providing a positive recommendation on the overall application.

RECOMMENDATION:

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Plan Commission unanimously voted (9/0) to forward a **positive recommendation** on this application provided that the sign letters are reduced to 30 inches tall on the proposed sign facing the east parking lots (currently 36 inches tall) and

that the medallion is reduced to 36 inches (currently 42 inches) in order to maintain an overall sign height of 10 feet total from top to bottom of sign. By making this reduction to the sign height, the applicant will no longer need relief from the zoning standard that the wall sign shall not exceed 10' high.

PLANNING DIRECTOR'S REPORT

Mr. Pezzullo stated that the joint meeting (Plan Commission/City Council) will be arranged for Thursday, July 18 at 5:30 p.m. at a location to be determined.

Mr. Pezzullo also announced that the new Associate Planner position has been filled by Mr. Drew Pflaumer. He will be starting on Monday, July 15, 2019.

ADJOURNMENT - Upon motion made by Mr. DiStefano and seconded by Ms. Maccarone, the Commission unanimously voted to adjourn at 10:57 p.m.

NEXT REGULAR MEETING August 6, 2019, 6:30, City Hall Council Chamber