

MINUTES

June 6, 2017

Chairman Smith called the City Plan Commission Meeting to order at 7:10 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman
Kenneth Mason, P.E.
Robert Strom
Fred Vincent
Kathleen Lanphear

Also present were:

Peter Lapolla, Planning Director
Jason M. Pezzullo, AICP, Principal Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Mason and seconded by Mr. Vincent, the Commission unanimously voted (5/0) to approve the minutes of the May 2, 2017, Plan Commission Meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 05-17-01 - Amendment of Title 17 of the Code of the City of Cranston Entitled "Zoning" (Change of Zone – 275 Atwood Avenue from C-2 to C-4)

Kelly Coates, representative of Carponato Properties, presented a rendering of the site and the two proposed businesses. He mentioned that the "traffic engineer" has "signed off" on the project with minor 'tweaks'. He stated that Enterprise Car Rental is re-locating from Niantic Avenue to this site. The site will also house a Dairy Queen Restaurant. He further stated that the project has received a PAP from RIDPT. A traffic signal may be installed and is still under consideration. Mr. Strom mentioned that the Safety Services Committee has approved this project.

It is noted that no portion of this project is within the 100 year floodplain.

Mr. Lapolla stated that Ordinance 05-17-01 proposes to change the zoning classification for a parcel of land identified as Assessors Plat 12 Lot 2700 located at 275 Atwood Avenue from C-2 Neighborhood Business and to C-4 Highway Business. The site consists of 2.13 acres and its current use is classified as a Commercial Land Developable [the site is vacant]. The site is bounded by mix commercial uses to the west and south, and municipal uses [a school and a ball field] to the east and west. The site is owned by 275 Atwood LLC. The rezone will allow a proposed 9,250± SF mixed use development [to be constructed in 2 buildings] which will include a drive-in restaurant and an automobile rental agency. In addition the change in zone, the ordinance is requesting

- that "Renting/Leasing of Motor Vehicles" be recognized as a use allowed on Assessor's Plat 12 Lot 2700;
- that a variance be granted for the front yard and side yard buffer strip requirements from 5' and 10' to 0' and
- that a variance be granted for the buffer strip requirement at Assessor's Plat 14 Lot 2700 from 8" in height to 0' in height.

The site is currently zoned C-2 Neighborhood Business which is not consistent with the Future Land Use Plan. The Future Land Use Plan of the 2010 Comprehensive Plan designates the site as Highway Commercial and Services [Land Use Classification]. The Land Use Element of the 2010 Comprehensive Plan indicates that for Highway Commercial and Services the appropriate zoning would be C-3, C-4 and C-5. Therefore, a rezone to C-4 Highway Business is consistent with the Comprehensive Plan. In addition, the Commission would note that in a C-4 zone a Drive-in Restaurant use and a Motor

& Recreational Vehicle and Watercraft Sales use are allowed by right [two of the specific uses identified as part of the ordinance].

LU-24 of the Land Use Plan Action Program of the Land Use Element of the 2010 Comprehensive Plan requires the City to "Amend Zoning Map and Zoning Ordinance to eliminate inconsistencies between the Future Land Use Map and Zoning."

With regards to the "relief" being sought through the zone change, the Commission notes the following:

The Table of Principal Uses identifies a Motor & Recreational Vehicle and Watercraft Sales use. It is the Inspector of Buildings interpretation that included within this use are rental activities. For the City council to recognize that "Renting/Leasing of Motor Vehicles" is an allowed use on Assessor's Plat 12 Lot 2700 only affirms that interpretation.

The relief being sought for the buffer strip requirements is set by Chapter 17.84 Development Plan Review of the Code of Ordinances. The Commission notes Chapter 17.84 further grants the Development Plan Review Committee the ability to tailor buffering requirements on a project basis. As such, the Commission does not believe the relief requested in the ordinance is required. Please note that if the rezone is approved, the development, as proposed, will require a major modification to a recently issued Development Plan Review Approval or the submission of a new Development Plan Review.

As part of the zoning application package, the applicant has submitted a site plan for the proposed development. As noted above, a Development Plan Review approval will be required for the project as proposed. Therefore, the Commission would suggest that the site plan; as submitted, should be used for reference only and should not be granted any zoning status.

The Commission notes that as part of the sale of this site by the City to the applicant, an easement was granted that required the provision of shared parking spaces to support an abutting ball field. The Commission suggests that the Council confirm that the zone change, if enacted, will not impact the easement.

Section 17,120-"Power of the city council to adopt-Consistency with the comprehensive plan" of the City Code of Ordinances states:

'For the purpose of promoting the public health, safety, morals and general welfare of the city, the city council may adopt, amend or repeal and provide for the administration, interpretation and enforcement of this chapter or any part thereof. The provisions of a zoning ordinance shall be set forth in text and map(s) and may incorporate charts or other material. The zoning ordinance and all amendments thereto, shall be consistent with the city's comprehensive plan, as described in Rhode Island General Laws Section 22-2 and shall provide for the implementation of the city's comprehensive plan.'

I. FINDINGS

Cranston 2010 Comprehensive Plan: The Future Land Use Plan of the 2010 Comprehensive Plan designates the site as Highway Commercial and Services [Land Use Classification]. The Land Use Element of the Comprehensive Plan indicates that for Highway Commercial and Services the appropriate zoning is C-3, C-4 and C-5. In addition, a change in zoning to C-4 would be consistent with LU-24 of the Action Plan of the Land Use Element of the 2010 Comprehensive Plan. Therefore the proposed rezone to C-4 Highway Business will be consistent with the 2010 Comprehensive Plan.

Findings Under §17.04.010 City Code. Sec. 17.20.30 requires that the City Plan Commission, as part of its recommendation to the City Council, "include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in Section 17.04.010 of this title." Section 17.04.010 set forth the General Purpose for Title 17 of the City Code. Staff would note that to the extent that any redevelopment of this site will be required to comply with Title 17, including Development Plan Review, and will be required to comply with City of Cranston Subdivision and Land Development Regulations, the Commission may find that the proposed rezone of the site to C-4 is consistent with the appropriate purposes detailed in §17.04.010.

II. RECOMMENDATION

The Commission finds the proposed zone change to C-4 Highway Business consistent with the 2010 Comprehensive Plan. Therefore, upon motion made by Mr. Vincent and seconded by Ms. Lanphear, the Commission unanimously voted (5/0) to forward a positive recommendation and endorsement of Ordinance 05-17-01 to City's Ordinance Committee and the full City Council conditioned on the buffering requirements being determined through a Development Plan Review and that the site plan not being recognized as part of the rezone.

WORKSHOP – ORDINANCES & SUBDIVISION REGULATIONS REVISIONS

- Subdivision and Land Development Regulations - Residential Planned District (RPD) - (45 Minutes)
- Zoning Ordinance – SIGN ORDINANCE (45 Minutes)

At Mr. Lapolla's recommendation, these matters were not addressed as there were four Commission members absent on this night. All agreed to place these matters on the July 11, 2017, Plan Commission Agenda.

ZONING BOARD OF REVIEW RECOMMENDATIONS

CRAIG FREEMAN (OWN/APP) has filed an application for permission to build a 936 +/- s.f. single family dwelling with restricted lot width, frontage, area, and side setback at 0 Beckwith Street AP 6/2, lot 318, area 4,000+/- s.f. zone B-1. Applicant seeks relief per Section 17.92.010 Variance, Section 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.*"

This application is continued to the July 11, 2017 meeting at the applicant's request.

LOUIS G. AND ANNA M. UMBERTO (OWN) and LOUIS UMBERTO'S ITALIAN KITCHEN (APP) have filed an application for permission to install new signs at **1606 Cranston Street**. AP 8/1, Lot 2001, area 8,760 +/- SF, zone B-1. Applicant seeks relief per Section 17.92.010 Variance; Section 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. Eight square feet of total signage is permitted in a residential B-1 zone.
2. Although the property is located in a Residential Zone, the Comprehensive Plan Future Land Use Map designates this lot and this section of Cranston Street as Neighborhood Commercial, so the proposed use is consistent with the Comprehensive Plan.
3. The former restaurant, **Mangia, Mangia**, had signage on the existing red awning. The proposed awning signage equals 28.62 sq. ft.
4. On the left side of the building, which has frontage on Vermont Street, 8.79 sq. ft. of wall signage is proposed.
5. On the right side of the building, 17.4 sq. ft. of wall signage is proposed to be located over a double door, that faces the side lot line that does not have street frontage.
6. Total proposed total wall signage area is 26.19 sq. ft. where 30 sq. ft. is the maximum allowed, using the sign standards in a C-3 Neighborhood Commercial zoning district.
7. Total proposed signage on the building equals 62.81 sq. ft., which also includes 8 sq. ft. of signage on the front glass door and windows.

Recommendation: The Commission finds that the request for 62.81 sq. ft. of signage would fall within the permitted area of signage in a Neighborhood Commercial Zone. Upon motion made by Mr. Strom and seconded by Mr. Mason, the Plan Commission unanimously voted (5/0) to forward a positive recommendation on this application to the Zoning Board, as the proposed signage package 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 ordinance is based.

MICHAEL VALELLI (OWN/APP) has filed an application to construct a 2,400 sq.ft. steel building for uses permitted in the zone at **0 First Avenue** AP 4/2, lots 223, 224; area 9,600 SF, zone C-5. Applicant seeks relief per 17.92.010 Variance, Section 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 Future Land Use Map designates this area of First Avenue as a *Special Redevelopment Area*.
2. The minimum lot size required in a C-5 zone is 10,000 sq. ft. The parcel is 400 sq.ft. short of the required area.
3. The parcel has the required 80 ft. of frontage.
4. The proposed 40' x 60' building meets all the required setbacks of 30 ft. front, 20 ft. rear, and exceeds the 8 ft. sideyard setback by 2 feet.
5. The site plan shows 7 off-street parking spaces plus 1 handicap space.
6. The site plan submitted, shows the building located on the lot to the right of the applicant's lot, encroaches on the applicant's lot.

Recommendation: The Commission finds that zoning relief for an existing lot that is 400 Sq. ft. short of the required area is minor. Upon motion made by Mr. Vincent and seconded by Ms. Lanphear, the Plan Commission unanimously voted (5/0) to forward a positive recommendation on this application to the Zoning Board, as the application 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.

MJV ENTERPRISES, LLC. (OWN/APP) has filed an application to construct a 1,056 SF. Single family dwelling on an undersized lot at **0 Yeoman Avenue**, A/P 12/2, lots 1860,1861, and portions of 1714, 1715, area 6,011 SF zone A-8; and to leave an existing single family dwelling on an undersized lot at **1476 Plainfield Pike**, A/P 12/2, lots 1714, 1715, area 5,699 SF zone A-8. Applicant seeks relief per 17.92.010 Variances, section 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 proposed subdivision received preliminary approval from the Plan Commission on May 2, 2017, with the condition that the application receive Zoning approval for the two undersized lots.
2. **Parcel A**, a corner lot, fronts on Plainfield Pike with the existing single-family home, and has 80' of frontage and a lot area of 5,699 square feet. The existing house has restricted front yard setbacks on both Plainfield Street and Yeoman Ave.
3. **Parcel B** fronts on Yeoman Avenue, has 104' of frontage and a lot area of 6,011 square feet for the proposed new single-family dwelling.
4. The proposed new single family dwelling will have a restricted front yard setback of 20 ft. (25 ft. required) and a restricted rear yard setback of 13.11 ft. (20 ft. required).
5. The Comprehensive Plan – Future Land Use Map prescribes a density to this mixed area of 7.26 – 3.64 units per acre. The density of the proposed subdivision has an average lot size of 5,855 square feet for a density of 7.44 units per acre.
6. The average density for the 57 residential units located within the 400' radius area, is 7.126 units per acre.
7. A density of 7.26 units per acre is equal to a 6,000 square foot lot. This lot size was chosen in consideration of the highly mixed density with a prevalence of nonconforming 'legacy' lots. Using this standard, the applicant's proposed density is approximately 2.5% shy of conformance.

Recommendation: The proposed residential subdivision and its resulting density of 7.44 units per acre *generally* conforms to the Comprehensive Plan – Future Land Use designation of "Residential 7.26 – 3.64 units per acre. Therefore, upon motion made by Mr. Strom and seconded by Mr. Vincent, the Plan Commission unanimously voted (5/0) to forward a positive recommendation on this application to the Zoning Board, as the application will not alter the general character of the surrounding area.

PLANNING DIRECTORS REPORT – H5042 – Plan Commission Education and Training Requirement, RI Department of Energy – Renewable energy siting guidance (August 2017), Solarize Cranston – Rooftops

Mr. Lapolla informed the Commission of several pending House of Representatives Bills pending. House Bill H 5042 has been passed. It specifies that Plan Commission members undergo one hour of training per year. This training will be on line.

A representative from the Department of Energy will give a presentation that is scheduled for the August Meeting.

A Solarize Cranston project provider has been chosen. The kick- off is tomorrow at 2 pm. The City will be marketing the project.

Other pending Bills in the House are: 1) a bill that would require cities and towns to notify citizens, by certified mail, of any proposed changes in zone regarding density and setback requirements; 2) a bill that would shorten the length of time allowed to process land use submissions and decisions and, 3) a bill that would allow weddings on farms that can only be regulated locally for public safety concerns.

ADJOURNMENT

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

NEXT MEETING July 11th, 2017 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner