

## **MINUTES**

March 1, 2016

Chairman Smith called the Planning Commission Meeting to order at 7:05 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman  
Kenneth Mason, P.E.  
Mark Motte  
Lynne Harrington  
Fred Vincent  
Kimberly Bittner  
Jennifer Lepre

Also present were:

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

### **CAPITAL IMPROVEMENT PROGRAM 2016-2021 (CAPITAL BUDGET)**

Presentation / Discussion of Final Draft

Fire Chief William McKenna stated that his department needs to replace Engine 5. The truck is 18 years old and presently up on blocks. Engine 1 is also 18 years old. The department's scuba equipment is from 1998 and needs replacing. He proposed purchasing four pumper trucks that are estimated to cost \$2,150,000 and a ladder truck that is estimated to cost about \$1,127,000. Improvements at all six fire houses are being sought. The second –story flooring at Station One, in Edgewood, was installed in 1927.

Mr. Ed Collins and Mr. Ray Votta spoke on behalf of the school department; making their case for their department's needs. They requested an increase of \$1,150,000

Mr. Ed Garsha, Library Department Director, was in attendance. Ms. Harrington asked if permeable pavement can be considered for use in the library parking lot re-paving. He said that if he receives information on this, he will look into it. Mr. Vincent stated that drainage should be considered during the repaving process.

Mr. Mason, Public Works Director, stated that, tentatively, he would buy one 10-wheeled heavy dump truck with a plow attachment, eight 6-wheeled dump trucks with plows, a street sweeper, backhoe, front-end loader and three pickup trucks. Of the \$25 million in total borrowing, \$1 million would be spent on the rehabilitation of buildings, including City Hall restrooms; which date back to the 1930's and are not ADA compliant. Other renovations would include the HVAC system at the Senior Center, fixing leaking roofs in the changing room and the pump house at the Budlong Pool, and the truck lifts for mechanical work at the DPW yard on Phenix Avenue. Repaving will be largely dictated by the pavement management study done last October by the Beta Group. About \$500,000 will be spent on crack sealing.

Upon motion made by Mr. Vincent and seconded by Mr. Motte, the Commission unanimously voted to approve (7/0) the Capital Improvement budget as submitted.

### **SUBDIVISION AND LAND DEVELOPMENT**

## **Champlin Hills – AMENDMENT #2 (HEIGHT)**

**Master Plan** - Major Land Development without street extension  
Scituate Avenue (southerly side)  
Multi-family residential development

Attorney John DiBona, on behalf of West Bay, LLC, explained that he is here for a second amendment to the previously approved Master Plan. On Feb. 22, 2016 the City Council approved the request for a zone change to B-2. The Council is aware that the buildings would be above the height restriction of 35 feet. The newly proposed building will be three stories in the front and four stories in the rear.

In view of the fact that two members of the Plan Commission were absent, the applicant requested that this matter (regarding the newly proposed height of the building/s) be postponed to the April 5, 2016, meeting. Therefore, upon motion made by Mr. Motte and seconded by Ms. Lepre, the Commission unanimously voted (7/0) to continue this matter to the April 5, 2016, Plan Commission meeting.

## **ZONING BOARD OF REVIEW RECOMMENDATIONS**

### **CHARLES J CARUSO AND ANN M FUSCONE 159 OLD COUNTY ROAD SMITHFIELD RI 02917 (OWN/APP)**

have filed an application for permission to use an existing single family dwelling as a two family dwelling with restricted front and side yard setback at **206 Warwick Avenue**. AP 2/6, lot 2307, area 4450+/- SF, zoned A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of uses. No attorney filed 2/10/16.

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 area of lot 2307 is actually 7,954 Sq. Ft. and not 4,450 Sq. Ft. as listed in the application. The site plan submitted shows the correct area. All calculations for density are based on the correct square footage of 7,954 sq. ft.
2. The 2010 Comprehensive Plan Future Land Use Map designates this area of Warwick Ave. as Single Family Residential, 7.26 to 3.64 units per acre, therefore, the proposed density of 10.95 units per acre is inconsistent with the Comprehensive Plan.
3. The lot received a Zoning Variance in 1971 to construct a 4 unit residential dwelling on 8,065 sq. ft. The Plan Commission had recommended denial on that application. The lot and abutting lots to the south were vacant at that time.
4. A single family was constructed on the site in 1973, on 8,065 sq. ft.
5. No variances were received since 1971, although in 1988, the tax assessor's field card showed an apartment on the 2<sup>nd</sup> floor, and commercial use on the first floor.
6. The site plan shows 3 parking spaces to the left of the building for unit 2. These are not usable as there is a building and fence currently in that area.
7. The parking space directly in front of the building is not usable, as a vehicle would have to back onto Warwick Avenue in order to leave the parking space.
8. The City's GIS aerial photos show the street right of way for Malvern Avenue is used for parking.

#### Recommendation:

The proposed density of 10.95 units per acre is inconsistent with the density of 7.26 to 3.64 units per acre of the Comprehensive Plan Future Land Use Map; therefore, upon motion made by Mr. Motte, seconded by Ms. Harrington, the Commission voted unanimously to forward a negative recommendation on this application to the Zoning Board.

**1024 REALTY LLC 82 MT LAUREL DRIVE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to install a new freestanding sign with an electronic message board at **1024 Reservoir Avenue**. AP 9,

lots 2768 & 2795, area 10,000+/- SF, zoned C-1 & A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.72.010 Signs. Joseph Manera Esq. filed 2/8/16.

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 maximum sign height per the Zoning code is 12', the height of the proposed sign is 16'-5", which is a 35% increase.
2. The existing freestanding sign is 12' which conforms to the Zoning Code.
3. The existing sign is located on the front property line, where a 5 ft. setback is required. It is not known whether the proposed sign will meet the required 5' front yard setback.
4. The 2010 Comprehensive Plan Policy states on Page 28: *L.U.-9 Amend the City's sign regulations to adjust the area of signage to the scale of the parcel or development, to reduce total sign areas, and control the location of signage with respect to the street.*
5. Also on page 34 of the Comp Plan, in the Land Use Strategies and Actions section, it reads: *The City should adopt design and signage guidelines along commercial corridors, such as Reservoir Ave., Park Ave., Elmwood Ave., Atwood Ave. and Oaklawn Ave., to improve the attractiveness and quality of the business.*
6. The maximum area allowed for a freestanding sign is 25 sq.ft. The existing double sided sign is 40 sq. ft. per side (80 sq. ft. total), which already exceeds the maximum allowed.
7. The proposed sign has two different faces, the top sign, 26.56 sq. ft. per side (53.12 S.F. total) is lexan with surface applied translucent vinyl graphics. The separate sign underneath is 21.35 sq. ft. per side (42.7 S.F. total), and is a full color LED changeable digital display sign.
8. The total area of the new sign is 95.82 sq. ft., which is almost 4 times the permitted area of freestanding signs in a C-1 zone.
9. The business directly across the street (AAA) received a Zoning variance in 2011 for a freestanding sign that is the conforming 15' height, with a separate 12.3 sq. ft. LED changeable text sign with black background and amber letters.
10. The freestanding sign for McDonald's that is located approximately 800 ft. to the south, has a full color LED sign that is 25 S.F. (per side), that was installed illegally, without a Zoning variance. This sign was issued a zoning violation by the Building Inspections Department.
11. Located within the 400' radius, the Albert Realty, 12'-6" high sign with a LED sign (black background with amber letters), was granted by the Zoning Board in 2003; the Plan Commission had recommended denial on that application.

Recommendation:

Upon motion made by Ms. Lepre, seconded by Mr. Motte, the Plan Commission voted 5 to 1, with Mr. Mason voting nay, to forward a negative recommendation on this application to the Zoning Board, as a full color LED changeable digital display sign is a use not allowed. The Commission does not support the increased area for the sign that already exceeds the maximum allowed per the Zoning Code.

**WESTERN REALTY 410 TRIMTOWN ROAD NOTRH SCITUATE RI 02857 (OWN) AND JOUNCE FITNESS LLC 115 HARRIS AVENUE PROVIDENCE RI 02928 (APP)** have filed an application for permission to operate a fitness/physical training business at **2220 Plainfield Pike**. AP 36/1, lot 17, area 38,625+/- SF, zoned M-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of uses. Jennifer L Caputi Esq. filed 2/9/16.

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's "commercial and services" use is inconsistent with the City of Cranston 2010 Comprehensive Plan's Future Land Use Map, which designates the subject parcel and surrounding area as "Industrial."

2. In 2008 and 2009 the Zoning Board granted a variances to convert 2,820 sq. ft. and 2,444 sq. ft. of industrial building space in this Industrial Zone area to other aerobic and fitness facilities, thereby setting the precedent for the infiltration of commercial activities, that would further erode the City's industrial space inventory.
3. This application, to alter 2444 sq. ft. of former industrial space to the proposed gymnastics and dance studio, confirms the Comp Plan's premise that allowing commercial uses in an industrial zone would open the door for other variance requests.
4. The Land Use Policy 4.3 on page 8 of the Comp Plan states: *Prevent the intrusion of commercial land retail activities into industrial zones, particularly those that might lead to strip commercial development. However, mixed-use commercial office and industrial parks and auxiliary commercial activities that serve the needs of an industrial park should not be discouraged.*
5. The Economic Development Policy 3.1 on Page 12 states: *Strengthen the standards for industrially zoned land to prevent the erosion of the City's supply of land suitable for these purposes.*
6. The building is located near the entrance to one of the City's prime industrial parks.
7. The site plan shows 57 parking spaces. The first floor of the building contains 5 office businesses, requiring 56 parking spaces, based on the square footage of the existing office space. The rear of the building contains 15,360 S.F. of storage garages. The second floor of the building contains 8,000 S.F. of office space, requiring 32 additional parking spaces. The new commercial use would require 9 additional parking spaces.

Recommendation:

The application for a Commercial/Service use is inconsistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City for Industrial uses; however, recognizing that the unit has been vacant, upon motion made by Mr. Vincent, seconded by R. Motte, the Commission voted unanimously to forward no specific recommendation on this application to the Zoning Board.

**WEST BAY LLC 1414 ATWOOD AVENUE JOHNSTON RI 02919 (OWN/APP)** has filed an application for permission to build a 72 unit apartment complex with building height in excess of that allowed by ordinance at **306 Scituate Avenue**. AP 20/2, lot 2113 & 2117, area 259,000+/- SF, zoned A-20 & B-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity. John S DiBona Esq. filed 1/8/16.

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

The applicant's attorney requested a continuance on this application to the April 5, 2016 meeting.

Recommendation:

Upon motion made by Mr. Motte, seconded by Ms. Lepre, the Commission voted unanimously to continue this application to the April 5, 2016 meeting.

**PLANNING DIRECTORS REPORT** – Status of Ordinance Initiatives

Mr. Lapolla would like to move forward with the RPD ordinance, however, he mentioned that we may have trouble finding a sponsor. He also mentioned that we are in the process of digitizing the zoning map.

**ADJOURNMENT/NEXT MEETING**

The meeting adjourned at 9:30 pm. The next Plan Commission meeting is scheduled for April 5, 2016 – City Council Chamber, 7 pm.

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Administrative Officer

