

MINUTES

November 13, 2012

Chairman Rossi called the Planning Commission Meeting to order in the Planning Department Office at 7 p.m. The following Commission members were in attendance:

Charles Rossi, Chairman
Michael Smith, Vice Chairman
Mark Motte
Gene Nadeau
Ken Mason, P.E.
James Moran
Robert Strom

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. Smith and seconded by Mr. Mason, the Planning Commission unanimously voted to approve the minutes of the October 2, 2012, Planning Commission Meeting.

ORDINANCES

Ordinance 10-12-4 In Amendment of the 2010 Comprehensive Plan for the City of Cranston
"Future Land Use Map" (Neighborhood/Commercial Services)

Ordinance 10-12-4 has been sponsored by Councilman Stycos to address concerns that he had raised during the public hearings for the adoption of the Cranston 2010 Comprehensive Plan. During said hearings, Councilman Stycos raised concerns on a number of the land use designations [Future Land Use Map] on Broad Street and Warwick Avenue. The Future Land Use Map proposed to designate strips of land along both streets to Neighborhood/Service and Commercial and then to zone said lands to commercial. A number of the parcels, so designated, are currently residential and Councilman Stycos believed that they should remain residential. To that end, Ordinance 10-12-4 proposes the following:

Section 1: The Cranston 2010 Comprehensive Plan, as adopted by the City Council on September 24, 2012 and endorsed by the Mayor on September 25, 2012, is hereby amended at the section entitled "Future Land Use Map" by deleting there from the land use designation "Neighborhood Commercial/Services" for the following:

<u>Assessor Plat</u>	<u>Lot</u>
2	2103
2	2601
2	2602
2	1431
2	1430
2	3640
2	3641
2	1991

2	1992
2	2096
2	2358
2	2340
2	2341
2	1343

And by substituting the land use designations as follows:

<u>Assessor Plat</u>	<u>Lot</u>	<u>Land Use Designation</u>
2	2103	Single Family Residential 7.26 to 3.64 Units Per Acre
2	2601	Single/Two Family Residential Less Than 10.89 Units Per Acre
2	2602	Residential Less Than 10.39 Units per Acre
2	1431	Single/Two Family Residential Less Than 10.89 Units Per Acre
2	1430	Single/Two Family Residential Less Than 10.89 Units Per Acre
2	3640	Single/Two Family Residential Less Than 10.89 Units Per Acre
2	3641	Single/Two Family Residential Less Than 10.89 Units Per Acre
2	1991	Residential Less Than 10.39 Units per Acre
2	1992	Residential Less Than 10.39 Units per Acre
2	2096	Residential Less Than 10.39 Units per Acre
2	2358	Single/Two Family Residential Less Than 10.89 Units Per Acre
2	2340	Single/Two Family Residential Less Than 10.89 Units Per Acre
2	2341	Single/Two Family Residential Less Than 10.89 Units Per Acre
2	1343	Single/Two Family Residential Less Than 10.89 Units Per Acre

Subsequent to the adoption of the Comprehensive Plan, staff has met with Councilman Stycos [including site visits] to review his proposed changes to the Future Land Use Plan. Councilman's Stycos' reasons for his proposed changes are two fold:

- Neighborhood Commercial Districts should contain a mix of uses. The healthiest districts are those that do not present solid commercial strips but have residential uses intertwined to support and soften the commercial activities.
- To the extent practicable, the Future Land Use Map should reflect the existing development pattern for areas that have already developed.

RECOMMENDATION

Given that Councilman Stycos' reasons for reclassifying the lots identified above basically reflect the logic the City originally used in developing the Future Land Use Map, upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to adopt a resolution approving Ordinance 10-12-4 and recommend its passage by the City Council.

Ayes: Chairman Rossi, Mr. Smith, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Motte and Mr. Mason.
 Nay: none.

Ordinance 10-12-5 In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled "Zoning" (942 & 950 Reservoir – Zone Change)

The owner of the land identified as 950 Reservoir Avenue [Zoning Plat 9/3 Lots 2899, 2901 and 3361] has filed an application with the City Council to rezone said land. The request before the City Council is to rezone said land from C-1 Office Business to C-4 Highway Business.

The Future Land Use Plan of the 2010 Comprehensive Plan designates a future land use of Highway Commercial and Services for Zoning Plat 9/3 Lots 2899, 2901 and 336. The Land Use Element of the 2010 Comprehensive Plan further indicates that C-4 is an appropriate zoning classification for Highway Commercial and Services. "This plan recommends that the appropriate zoning for NCS is C-1, C-2 and C-3, and the appropriate zoning designation for HCS is C-3, C-4, C-5." Further, Appendix A. Zoning Consistency Analysis of the 2010 Comprehensive Plan has identified the current zoning classification of C-1 for Zoning Plat 9/3 Lots 2899, 2901 and 336 as being inconsistent with the Future Land Use Plan and recommends that said land be rezoned to C-4.

Land that is zoned C-4 requires a lot size of 12,000 SF and requires a frontage of 120'. The land being rezoned, if combined into one lot, will have a lot area of 40,758 SF and will have 178.15' of frontage on Reservoir Avenue.

While technically not part of the considerations for a recommendation on a rezoning, the Commission would note that the applicants have indicated to the City Council that if the land is rezoned to C-4, the site will be redeveloped with a Drive In Restaurant use. Given the proposed use, Chapter 17.29 Drive-In Businesses of the Zoning Ordinance would require a lot size of 40,000 SF and minimum frontage of 200'. As noted above, the land being rezoned, if combined into one lot, will have a lot area of 40,758 SF and will have 178.15' of frontage on Reservoir Avenue.

Attorney John DiBona explained that the parcel is 41,390 sq. ft. The intended use has been identified as the City Council will ask, however, it is not required. Mr. Harvey Bennett is the applicant. The proposal is to raze 950 and 942 Reservoir Avenue. Mr. DiBona referred to Appendix A of the Comprehensive Plan; noting that C-4 is the appropriate zoning for these parcels, also noting the Special Performance Standards for a drive-thru use; and the site will conform. He also noted that the project will go before the Site Plan Review Committee.

Mr. John Ennis, representing Mr. Garrett Brown of AP 9, Lot 2799 and AP 9, Lot 3160. He stated that the area is a residential area. He stated that the McDonald's drive-thru does not impact anyone. Burger King "got in years ago before there were standards". He stated that the site is a wetland. He stated that "there is not one other such drive-thru in Cranston". He stated that "this is a nuisance, and that 'this is round 2'".

Chairman Rossi stated that the Plan Commission does not determine if a project has good or bad design.

Mr. Russell Chatenauf of Nickerson Street began by encouraging the Commission to recommend against this project. He expressed concern with the proposal being a nuisance, producing trash and traffic. He stated that he "live with existing C-1 uses and accepts that". He noted that a "serious chunk of the parcel is a steep slope". He stated that restaurants are allowed in a C-1 Zone, however, 70% of sales are produced from the drive thru. He expressed concern with the late hours of operation and stated that "it is an outdoor use".

Mr. Paul Beligian, 53 Nickerson Street, stated that he purchased his home in 2005 with the knowledge that the property abuts an office building, insinuating that he would not have purchased the home had it been next to a drive-thru restaurant. He stated that the existing office building is occupied, that the project will disrupt his quality of life and impact his property value.

Mr. Veronica Brown expressed concern with rodents.

Commissioner Smith asked where the closed home to the proposed project is located. Mr. Brown stated that his house is located "right on the property line". Mr. Brown also stated that kids sometimes "hang out in the parking lot". Attorney DiBona stated that The Picerne Company is relocating displaced businesses.

Mr. Lapolla stated that the 2010 Comprehensive Plan approval is contingent upon bringing all re-zoned parcels of the approved plan into conformance with The Plan.

Attorney Ennis asked; "if the goal of the Comprehensive Plan is to bring C-4 uses adjacent to residential areas?" Mr. Lapolla responded, stating that "other properties will be re-zoned to C-4 without knowing what uses will be proposed".

Assistant City Solicitor, Steve Marsella, stated that "we have 18 months from the time of the State approval to align zoning with the Comprehensive Plan".

Mr. Chatenauf asked if the Code could be re-written to disallow drive-thru uses in a C-4 Zone. Mr. Lapolla responded, stating that "we cannot envision not allowing drive-thru uses in a C-4 Zone as drive-thru use is only allowed in C-4 and C-5 Zones".

RECOMMENDATION: In that the proposed zoning classification of C-4 is consistent with the Future Land Use Plan of the 2010 Comprehensive Plan, and in that the land being rezoned has both the area and frontage to meet the dimensional requirements for a C-4 zone, upon motion made by Mr. Strom and seconded by Mr. Moran, the Plan Commission unanimously voted to adopt a resolution approving the ordinance and its passage by the City Council.

Ayes: Chairman Rossi, Mr. Smith, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Motte and Mr. Mason.

Nay: none.

SUBDIVISIONS AND LAND DEVELOPMENTS

Garden City Expansion II – LA Fitness

Master/Preliminary Plan
Hillside Road
AP 10/3, Lots 692 & 1499

Attorney Robert Murray, representing Gateway Woodside, stated that this is the latest phase of the re-development of the shopping center. He introduced the attendees on behalf of Garden City Center. He stated that the project has been before the Site Plan Review Committee.

Mr. Joe Cochel, representing Garden City Center, noted the changes that have already happened in the gazebo area. He mentioned other stores that have opened or will be opening soon. He stated that LA Fitness is “pivotal” for leasing in that area of the Center. He noted that Garden City Center will raze the existing Borders building.

Ms. Cheryl Guglielmo, P.E., of DiPrete Engineering, explained that all roadway work proposed will not impact/interfere with existing underground mine shafts. She stated that “drainage discharges to the mine shaft and will continue to do so”. The project will not create an increase of storm water drainage. The existing “ringroad” will be extended and will narrow to 24 ft., with two way traffic on the main road. She mentioned that, statewide, there is an excess of 18 parking spaces. A reconfiguration of parking will take place from Midway Road to the gazebo.

Mr. John Carter, landscape architect, stated that 28,600 sq. ft. of permeable landscaping/islands are proposed. Sixty Five shade trees are proposed. The landscape plan has been approved by the SPR Committee.

Mr. Pezzullo stated that most of the detail of the work for the Garden City Center renovation was discussed at Phase I. The SPR Committee comments have been incorporated into the plan currently under review.

No public comment was offered on this matter.

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to accept the Findings of Fact denoted below and *approve* this Master/Preliminary Plan subject to the following conditions.

Findings of Fact

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master/Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via certified and return receipt requested and the meeting agenda has been properly posted. Advertisement for this subdivision was published in 1/11/12 edition of the Cranston Herald.
2. The proposed land development is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as “Highway Commercial / Services”
3. The proposed use will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code. However the applicant will still need to seek relief from the Zoning Board of Review for a dimensional height variance.
4. There will be no significant negative environmental impacts from the proposed land development as shown on the Master/Preliminary Plan.
5. The proposed land development promotes high quality appropriate design and construction, will be well integrated with the surrounding area and will reflect its existing commercial/retail characteristics.
6. The proposed land development 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 proposed land development 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.
8. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
9. The design and location of streets, building lots, utilities, drainage and other improvements conform to local and state regulations for mitigation of flooding and soil erosion.
10. The overall property in question has adequate permanent physical access within the internal road network within the Garden City Shopping Center.

Conditions of Approval

1. Applicant shall incorporate all of the required amendments from the Site Plan Review Committee into the Final Plan set and the Record Plan prior to recording the plan in land evidence.
2. Applicant shall receive the required dimensional height variance from the Cranston Zoning Board of Review prior to submitting the Final Plan application to the Planning Department.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Motte, Mr. Strom, Mr. Nadeau and Mr. Mason.

Nay: none.

ZONING BOARD OF REVIEW ITEMS

CLASSIC ENTERPRISES INC 1125 CRANSTON STREET CRANSTON RI 02920 (OWN) AND THE GLASS FACTORY LLC 241 GALLATIN ST PROVIDENCE RI 02907 (APP) AND MAYRA KHALIL 987 CRANSTON STREET CRANSTON RI 02920 (LESSEE) have filed an application for special permit to operate an automobile windshield replacement business at **987 Cranston Street**. AP 7-1, lot 3042, area 3908 +/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.020 Special Permit, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 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 2010 Comprehensive Plan Future Land Use Map has designated this area of Cranston Street as Highway Commercial; therefore, the application's Commercial/Service use is consistent with the Comprehensive Plan.
2. The existing business is for flat glass operations, ie. doors, windows, store fronts, etc.
3. The proposed windshield replacement will be conducted either within the existing building, or off premises.
4. No structural changes or appearance changes are proposed for the building.
5. The parking area in front of the business can only accommodate 1 vehicle, as an overhead door is also located on the front of the building.
6. The proposed application will not alter the general character of the surrounding area or impair the intent or purpose of the zoning Ordinance or Comprehensive Plan upon which the ordinance is based.

Recommendation: Based on the findings of fact, and the fact that the application is consistent with the Comprehensive Plan, upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to forward a positive recommendation on this application.

Ayes: Chairman Rossi, Mr. Smith, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Motte and Mr. Mason. Nay: none.

OLDCASTLE APG NORTHEAST INC 1913 ATLANTIC AVENUE MANASQUAN NJ 08736 (OWN) AND LAMAR ADVERTISING 360 WARREN AVENUE EAST PROVIDENCE RI 02914 (APP) have filed an application for special permit to modify an existing double sided billboard to an electronic double sided billboard at **0 Park Avenue**. AP 11-1, lot 1870, area 88,862 +/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.92.020 Special Permit, 17.20.120 Schedule of Intensity (J), 17.20.030 Schedule of Uses, 17.72.010 (7) 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 2010 Comprehensive Plan Future Land Use Map has designated this area of Park Avenue as Industrial, therefore the application is not inconsistent with the Comprehensive Plan, as billboards are allowed by special permit in an industrial zone.
2. The Future Land Use Map designates the area abutting the applicant's right and left property line on Park Avenue, as Neighborhood Commercial, where billboards are not allowed per the City's Zoning Ordinance.
3. Presently, there are two, 12' x 25' double sided billboards on the property, that are 51 feet, 8 inches high, that were installed prior to the City's 1965 Zoning Ordinance. Those will be removed, and replaced with one new, 10' x 30' double sided electronic billboard with changeable copy, also at 51'-8" high, where a 12' max height is permitted per the Zoning regulations.
4. The maximum allowed square footage for a billboard per the Zoning code is 300 sq. ft. of surface area. The proposed new double sided electronic billboard will be 600 sq. ft.
5. The Zoning Code prohibits billboards from being located within 500 feet of another billboard. The proposed billboard is located 459 feet from another billboard further west on Park Ave.
6. The Zoning Code prohibits billboards from being located within 500 feet of a residential zone; the proposed billboard is located 103 feet from the nearest A-6 residential zone.
7. The existing billboards are 192' from the point of intersection of Park Avenue, Budlong Road and Dyer Avenue. The proposed billboard will be at the same location.

Recommendation: The Plan Commission finds that although the proposed billboard does not meet any of the special requirements for a special permit in an M-1 zone; the height and area of the existing billboards that are being removed are pre-existing non-conforming. Therefore, upon motion made by Mr. Nadeau and seconded by Mr. Smith, the Commission unanimously voted to forward no recommendation on this application.

Ayes: Chairman Rossi, Mr. Smith, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Motte and Mr. Mason. Nay: none.

GATEWAY WOODSIDE INC 100 MIDWAY ROAD SUITE 14 CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a new two story 38,000+/- SF building for a health and fitness business with restricted height and additional signage than that allowed by ordinance at **190 Hillside Road**. AP 10/3, lot 692, area 13.9 +/- acres, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 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. The 2010 Comprehensive Plan Future Land Use Map has designated this area of Garden City as Highway Commercial, therefore the application's Commercial/Service use is consistent with the Comprehensive Plan.
2. The application received Preliminary approval from the Site Plan Review Committee on September 19, 2012.
3. The former 27,000 sq. ft., Borders Bookstore that was 26' high with an additional 9' high arched roof façade in the center of the building's front façade, will be demolished.
4. The front of the new building itself will be 40'-4" high, with a 7'-8" decorative lattice "crown", the overall height is 48'. The south elevation and portion of the rear elevation will be 42 feet, where 35 feet maximum is allowed per the Zoning Code.
5. The maximum area allowed for wall signs in a C-3 zone is 30 sq. ft. The former bookstore had 201.5 sq. ft. of signage on the front of the building. Two proposed wall signs will be 5' high x 46'-3" long (231 sq. ft. each) to be installed on the front elevation and the side (south) elevation, that faces Office Max, and Midway Road
6. The letters will be internally lit.

7. A site visit by the Planning Department staff shows that there are no large signs located on the side or rear of any of the large buildings that are visible from Midway Road.

Recommendation: The Plan Commission finds that the application is consistent with the Highway Commercial designation of this site on the Comprehensive Plan Future Land Use Map, and further finds that a 13' height variance is not unreasonable, as the different height will enhance the aesthetics of the strip of stores that abut the building's left side. Therefore, upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously to forward a positive recommendation on this application.

Ayes: Chairman Rossi, Mr. Smith, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Motte and Mr. Mason. Nay: none.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to adjourn at 9:20 p.m.

NEXT MEETING

December 4, 2012, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer