

MINUTES

November 3, 2015

Chairman Smith called the Planning Commission Meeting to order at 7:01 p.m. in the City Council Chamber. The following Commission members were in attendance:

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

Also present were: Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Jason Pezzullo, AICP, Principal Planner

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted (9/0) to approve the minutes of the October 6, 2015, Plan Commission Meeting with a minor amendment.

ORDINANCE RECOMMENDATION

Ordinance 10-15-01 In Amendment of Title 10, Chapter 12 of the Code of the City of Cranston, 2005, Entitled "Motor Vehicles and Traffic" (Depot Closure)

No action was needed on this matter.

Response to Councilman Stycos' Questions Regarding Proposed Zoning Ordinance 17-15-05

1. *Why does the proposal endorse placing animal day care facilities in A-80 residential zone with a special permit when other businesses are prohibited? Did the commission consider the barking noise these facilities may generate? What types of signs will be allowed in residential areas if this proposal passes?*

The 2102 amendment to the Schedule of Uses authorized by special permit the following business uses in an A-80 zone:

- Animal Grooming Services
- Kennel
- Landscape Tree Service
- Nursery
- Veterinarian Hospital and Clinic.

The logic for authorizing these uses as a special permit is[was] that that A-80 zoning is largely restricted to western Cranston, minimum lot size for A-80 is 80,000 SF and the uses could help support some of the

farm activities provided they are properly sited. In that the Animal Day Care Facility is a similar use to those above, it was treated in a similar fashion and also allowed by Special Permit. As for other business uses, given their more commercial nature, they would not be appropriate for a residential zone.

In zoning, use is universal and impacts from the use are site specific. Barking may or may not be a problem for a given site or a given building configuration. The ordinance proposes to make Animal Day Care a use by special permit in A-80 zone so that the Zoning Board of Review can consider the impacts generate by a specific project and on a specific site and approve or deny as appropriate.

There is no change in signage under proposed zoning amendment. In an A-80 zone, a total of 8 SF of signage is authorized as governed by Table 17.72.010(1).

2. *Why does this proposal allow animal day care facilities and solar power facilities in S-1 open space zones? Would this allow the city to rent parks for animal day care and power plants?*

Not all S-1 zoned land is owned by the City. The zoning amendment would authorize Animal Day Care and Solar Power on this land.

As for City owned land, the zoning amendment would authorize Animal Day Care and in particular Solar Power as uses on said lands. Authorization does not mean that the City is required to use the land for said uses. Control of city land rests with the City Council. If in its wisdom, the City Council, felt that the use of a City owned site for solar power or for animal day care was not appropriate, the Council does not have to allow it.

3. *Why require a special permit for animal day care facilities in a C-5 zone, the heaviest of commercial zone, but not require it for less intense commercial zones?*

One of the underlying principals in authorizing uses through the Schedule of Uses is to reserve the City's limited industrially zoned land to industrial uses. In that C-5 is a transition zone, "Heavy Business/Industrial" and in that Animal Day Care is a business/service activity, the use is authorized by special permit.

4. *The proposal would allow alternative energy facilities in A-80 zones with a special permit. Would this include a wood burning plant? A tire burning plant? A trash incinerator? A wind farm? What types of facilities would be allowed?*

What is allowed as an alternative energy facility is control by its definition? The zoning ordinance defines Alternative Energy Facility as "Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for offsite use." Based on the definition a wind farm and wood burning plant could be allowed by special permit. A trash incinerator and tire burning plant would not be allowed. In addition, please note that for a wood burning plant, said plant would have to meet DEM and EPA emission standard independent of any city actions.

5. *Where are solid waste transfer stations currently allowed in Cranston? Would this blanket ban prevent the city from opening its own composting station?*

A Solid Waste Transfer Facility is currently not allowed within Cranston by omission. Any use not listed within the Schedule of Uses is deemed not allowed. That being said, there are a number of uses within the Schedule of Uses that the City has singled out to prohibit outright. It was decided include solid waste transfer stations as one of these use. [Please note that Waste Management on Pontiac Avenue has license to operate a solid waste Transfer Facility but that use is currently inactive.]

The zoning amendment proposes to define Solid Waste Transfer Facility as "a place or facility where nonhazardous solid waste materials are taken from a collection vehicle or dumpster, temporarily stored or stockpiled and placed in a transportation unit for movement to another facility." To the extent that composting is not a solid waste transfer station [and it is not], it would not be prohibited.

6. *Why is there no special permit required for metal plating facilities in M-1 and M-2 zones? Was this proposal introduced because the zoning board recently rejected a special permit request for a metal plating facility at the Cranston Print Works?*

As has been stated a number of times, metal plating facility was allowed by special permit simply because that was the way they have historically been treated in zoning ordinances. In 2012, the use was designated a special permit without considering changes to the regulatory regime and changes in technology with regards to metal plating. When the use table was amended in 2012, metal plating facility should have been designated as a use by right. This change to the Schedule of Uses on the Cranston Print Works helped highlight the error in the use table.

7. *Why are upholstering facilities only allowed in C-5 zones by right? Why not C-4? Why only by special permit in C-3? Why not in C-1 and C-2?*

The proposed changes to zoning envisioned two types of upholstering facilities: a small neighborhood type repair and resale shop that would be allowed in the City's C-3 zones and a larger more industrial upholstering use which would be more appropriate in an industrial zone. The use designations for C-2, C-5, M-1 and M-2 for were based on these assumptions.

8. *Does the Plan Commission think it is wise to allow solar power facilities in residential A-80 zones when there are no city regulations of such facilities, including decommissioning requirements?*

As has been noted at all the public meetings/ hearings on this matter, the decision to allow solar power as a use by right in A-80 zones was informed by the range of impacts that would be generated by such a project [virtually none]. A project proposing solar power use would be subject to a Development Plan Review where it would be reviewed at a public meeting and probably a Major Land Development where it would be reviewed at a public hearing. During their reviews, the Development Plan Review Committee and the City Plan Commission would identify impacts that may be created by a specific project on a specific site and would require mitigative measures to address those impacts. As part of the review process for a major land development, the Plan Commission informs all appropriate state agencies such as the Department of Environmental Management and seek their comments/input. Please note that independent any City action, a project would be required to obtain all necessary state and federal permits. Given all of the above, it was felt that the creation of a separate set of performance standards within the zoning ordinance would not be required. Decommissioning can be treated as any other potential impact as a condition set for approval tailored to the site and project.

9. *What are the Plan Commission's thoughts about locating a solar power facility on agricultural land when industrial zone sites are available? Has the Plan Commission considered the implications of the loss of agricultural land to Cranston's economy, Cranston's agricultural heritage and Cranston's long term food supply?*

The proposed zone change authorizes solar power in A-80, S-1, GI, M-1 and M-2 zoning districts. This use designation is not mutually exclusive. If the City is going to help meet the future need/demand for renewable energy, it will require the use of land in all of these districts.. It is in these zoning districts that there are parcels of land that can accommodate sizable solar farms.

For example regarding the availability of industrially zoned land for the current proposal, an alternative analysis would indicate the following: the current proposal is for a 10 mg facility on 78 acres of land with 50 acres usable and that has proximity to the electric. Based on a review of the City's GIS, there is no comparable vacant industrially zone land both in terms of size and location.

It is important to note that no protection is currently provided for Cranston's agricultural land. Except of S-1 land, other zoning districts allow more intense development than solar power. Unless the City is willing to buy land in western Cranston's that is being used a farms either outright or through easement or create protections through zoning, the question is not if agricultural land will be lost but under what circumstances.

10. *Did the Plan Commission consider adopting a solar energy facility siting policy, such as prohibiting their location on prime agricultural land, when approving changes that will allow solar power facilities by right in A-80 and S-1 zones?*

It is important to note that the zoning amendment proposes a use change to A-80 and S-1 zoning districts. While within these districts there may be agricultural activities, agricultural uses are not protected by zoning. For an A-80 zone, the principal use authorized is single family residence with a minimum lot size of 80,000 SF. To the extent that zoning is a predictor of future land use, the A-80 land in western Cranston will eventually be developed as house lots. Again it is not a question of prohibiting the development of said land for solar power but a question as to how the land will be developed. The Plan Commission would suggest that the conversion of A-80 land to residential development will be more intensive, have a greater impact and be permanent.

11. *In allowing distribution facilities by right in industrial zones, did the commission consider the potential impact of increased truck traffic to nearby residential zones? Where are distribution facilities currently allowed?*

In assigning uses through the Table of Uses, use is universal. A use is either appropriate for a particular zone or it is not. The question of specific impacts that may be created by a use is parcel and project specific. With regards to truck traffic, for any given project, there may or may not be impacted residential street and there may or may not be a significant increase in truck traffic. Specific impacts on a specific site and for a specific project are addressed through the land use review process [Development Plan Review and Major Land Development] and the City has in place a policy to review and mitigate traffic through those review processes.

Distribution Facilities are currently not authorized through the Schedule of Uses.

12. *What is the reasoning behind the proposed changes in zoning for motor vehicle repair shops?*

Two changes have been proposed with regards to motor vehicle repair shops:

- The first change involves a change in name for a use that is already in the use table from "Motor Vehicle Repair and Service Establishment, Minor" to "Motor Vehicle Repair and Service Establishment, Light," and to allow it as a use by right in a C-4 zoning district [it is currently a special permit in C-4].
- The second change involves the creation of a new use "Motor Vehicle Repair and Service Establishment, Heavy." This use is currently authorized by reference in the Industrial Equipment Rental use. The proposed amendment would clearly authorize the use instead of by reference in that this use already exists in the industrial zones.

PERFORMANCE GUARANTEE

Woods at Orchard Valley

Terminus of Ashbrook Drive
AP 25/2, Lot 6
Letter of Credit to expire

No action was needed on this matter. The Letter of Credit will automatically renew.

ZONING BOARD OF REVIEW RECOMMENDATIONS

LORI GIUTTARI 1411 NARRAGANSETT BLVD CRANSTON RI 02905 (OWN/APP) has filed an application for permission to build a 12' X 29' one story detached garage with restricted side yard setback on an undersized lot at **1411 Narragansett Blvd.** AP 2/2, Lot 2107, area 5946+/- SF, zoned A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. Per the Zoning code, the required side yard setback for a garage in an A-6 zone is 5 ft. However, the Zoning code states that for lots with less than 60 ft. of frontage, the side yard setback for accessory structures may be reduced to 3 ft. The lot has 57 ft. of frontage, allowing for a 3 ft. side yard setback.
2. The proposed single car garage is 12' x 29'.
3. The proposed garage will be located 14.4 inches from the side property line; the neighboring garage is also located 14 inches from the property line, leaving only 2'- 4.8" between garages.
4. The City's GIS shows empty space in the applicant's back yard that could permit the proposed garage to be located on the property without the need for a variance. No evidence was presented with the application to justify the necessity for the 14.4 inch side yard setback.
5. The proposed garage will have a 12'-4.8" rear yard setback, where 5' is the minimum setback.
6. The Zoning Ordinance states in granting a dimensional variance, 'the applicant must enter into evidence that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property, and the fact that a use may be more valuable after the relief is granted shall not be grounds for relief.'
7. The application states that the 8' x 10' shed on the other side of the yard will be removed, which would leave an open rear yard area of 42' wide, if the proposed garage conformed to the 3' setback required in the Zoning Code.

Recommendation: The City's GIS shows there is a large open area in the applicant's rear yard that would permit the proposed garage to be shifted 1'-10" to the south, eliminating the need for a variance. Staff finds that the code permitted 3' minimum side yard setback for a garage is reasonable. Therefore, upon motion made by Mr. Motte and seconded by Ms. Harrington, the Commission unanimously voted (9/0) to forward a negative recommendation on this application for a 14.4 inch setback to the Zoning Board.

CHRISTOPHER ZAMBARANO 11 GARDNER AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to build a 24' X 41' two story detached garage with restricted front, side and rear yard setback on an undersized lot at **11 Gardner Avenue.** AP 5/3, Lot 1010, area 5534+/- 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.

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 lot that falls within the entire Elmwood/Wellington area as a Special Redevelopment Area.
2. The existing house was constructed in 1904, so it is a preexisting non-conforming use in the industrial zone.

3. The proposed garage will have a side yard setback of 6.07 ft., and a rear yard setback of 7.43 ft. Side yard setbacks of 25 ft. and rear yard setbacks of 30 ft. are required in an M-2 zone.
4. The lot that abuts the westerly side lot line (with the proposed 6.07 ft. side yard setback) is vacant.
5. The lot that abuts the applicant's southerly lot line (proposed 7.43 ft. setback) is also vacant.
6. The proposed separation between the existing house and the proposed garage will be 18 inches.

Recommendation: Based on the fact that the residential use was existing prior to the 1965 Zoning designation of M-2 for this area, the Plan Commission; upon motion made by Mr. Motte and seconded by Ms. Harrington, unanimously voted (9/0) to forward a positive recommendation on this application to the Zoning Board, as the requested setbacks would be consistent with the required setbacks for garages in other small lot residential zones. The Commission also requests that the applicant receive an approval from the Fire Department for the 18" distance between the house and the proposed new 2-story garage, prior to a Zoning Board decision.

EARLY FOUNDATION ACADEMY LLC 181 PRINCESS AVENUE CRANSTON RI 02920 (OWN) AND MARTHA LIMA 400 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (APP) has filed an application for permission to operate a pre-school and daycare at **181 Princess Avenue**. AP 8/3, lot 1552, area 25,600+/- SF, zoned B-1. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses.

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 plans submitted shows that 1,982 sq. ft. of the building will be used for a pre-school and day care center.
2. The remaining 1,841 sq. ft. of the building will continue to be used as St. Vincent De Paul Emergency Food Center.
3. A parking area for 11 cars will be located along the westerly property line that abuts a single and two family dwelling.
4. The site plan shows a 1,130 sq. ft. area behind the building will be fenced in for a toddler playground, and a 1,350 sq. ft. area will also be fenced for a preschool playground.
5. The floor plan submitted shows 568 sq. ft. of the interior child care area is for 16 preschoolers, and an additional 450 sq. ft. area will be for 10 toddlers, qualifying the use as a Commercial Day Care Center.
6. Commercial Day Care Centers are not allowed in any Residential zones.
7. The 2010 Comprehensive Plan Future Land Use Map designates this area of the City as Residential, less than 10.89 units per acre; therefore, the commercial use application is not consistent with the Comprehensive Plan.
8. The property is located across the street from Arlington Elementary School, a permitted use in a residential zone.

Recommendation: The Commission finds that the proposed application is for a commercial day care center, which is not consistent with the Single and Two family residential designation of this area on the 2010 Comprehensive Plan Future Land Use Map. Therefore, upon motion made by Mr. Motte and seconded by Ms. Harrington, the Plan Commission voted (7/2 – Mr. Vincent and Ms. Bittner voted against the motion) to forward a negative recommendation on this application to the Zoning Board.

EDUARDO A AND ANA M LOPEZ 9 BAILEY STREET CRANSTON RI 02920 (OWN/APP) have filed an application for permission to convert the third floor of an existing two-family dwelling into an additional dwelling unit with restricted frontage, front and side yard setback on an undersized lot at **9 Bailey Street**.

AP 7/2, lot 178, area 5000+/- SF, zoned B-1. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

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 the City as Single and Two Family Residential, less than 10.89 units per acre.
2. The applicant's existing 2 units on 5,000 sq. ft. is a density of 17.42 units per acre, which is already inconsistent with the Comprehensive Plan.
3. An additional 3rd unit on 5,000 sq. ft. would create a density of 26.13 units per acre which is severe overcrowding.
4. Of the 37 residential dwellings located within the 400 ft. zoning radius, only 3 (8.1%) are three family dwellings.
5. The site plan submitted shows six off street parking spaces encompasses the entire rear yard.

Recommendation: The findings show that the proposed residential density of 26.13 units per acre far exceeds the recommended 2010 Comprehensive Plan's Future Land Use Map density of less than 10.89 units per acre. Therefore, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Commission voted (7/2 – Mr. Nadeau and Ms. Harrington voted against the motion) to forward a negative recommendation on this application to the Zoning Board, as the application is inconsistent with the Comprehensive Plan.

RBD PROPERTIES LLC 150 HIGGINSON AVENUE LINCOLN RI 02865 (OWN/APP) has filed an application for permission to replace an existing free standing with one of greater area than that allowed by ordinance at **1462 & 1466 Park Avenue**. AP 11/2, Lots 224, 226 & 2971, area 3.19 acres, zoned C-2. Applicant seeks relief from Section 17.92.010 Variance, 17.72.010 (3) Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The total area of signage permitted in a C-2 zone is 100 sq. ft. per Zone lot., A 25% increase in total signage is permitted if the zone lots contain more than 1 business. Total signage permitted is therefore 250 sq. ft. (Lots 226 and 224)
2. The Sign Ordinance permits 25 sq. ft. total for freestanding signs, and a maximum height of 12 feet.
3. The existing 2-sided freestanding sign is 20 ft. high and 158 sq. ft., which is already 8 ft. higher, and 133 sq. ft. larger than what is allowed.
4. The proposed 2-sided freestanding sign will be 25 ft. high and will add 190 sq. ft. of signage for a total of 348 sq. ft.; a 120% increase in area over the existing freestanding signage square footage.
5. The proposed sign will be 10 ft. wide; the existing sign is 7 ft. wide.
6. The narrative submitted with the application states that there is 252 sq. ft. of existing wall signs, which alone, exceeds the 250 sq. ft. total area of signs permitted on the zone lots. The existing area of wall and freestanding signs is 252 + 158 = 410 sq. ft.
7. The total area of proposed freestanding (348 s.f.) plus existing wall signs (252 s.f.) will be 600 sq. ft.
8. The Zoning Ordinance states in granting a dimensional variance, 'the applicant must enter into evidence that there is no other reasonable alternative to enjoy a legally permitted beneficial use

of one's property, and the fact that a use may be more valuable after the relief is granted shall not be grounds for relief.'

Recommendation: Per the Zoning Ordinance, the total allowed area for all signage is 250 sq. ft. The proposed total signage area of 600 sq. ft. is 2.4 times larger than what is permitted. The proposed new freestanding sign is more than double the area of the existing freestanding sign that is already 6.32 times larger than the maximum area allowed for freestanding signs in this Zone. The proposed height of 25 ft. is more than twice the height of what is permitted (12 ft.) in this zone. Based on the facts, upon motion made by Mr. Nadeau and seconded by Mr. Strom, the Commission unanimously voted (9/0) to forward a negative recommendation on this application to the Zoning Board, as the existing signage already exceeds the signage area maximums.

CLAUDIA M FRATIELLO 20 WOODLAND AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to convert an attached single car garage into additional living space with restricted front and side yard setback on an undersized lot at **20 Woodland Avenue**. AP 37/2, lot 25, area 6488+/- SF, zoned A-8. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

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 existing single family use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area as single family residential, 7.26 to 3.64 units per acre.
2. The existing 5 ft. side yard setback conforms with the minimum required setback for a garage.
3. Converting the garage to living space, (a family room) requires the minimum side yard setback to be 10 feet.
4. The City's GIS shows that the abutting lot to the south is vacant, therefore the restricted side yard setback does not affect a dwelling on the abutting lot.
5. The conversion of garage to living space has already been completed. Vision Appraisal contains a photo on the field card that shows a 3 bay window was installed in the front, and a concrete block fireplace was constructed on the side, resulting in less than a 5 ft. setback from the side property line that is a stone retaining wall.

Recommendation: Based on the fact that the conversion has already taken place, upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission unanimously voted (9/0) to forward no specific recommendation on this application as the residential use is consistent with the residential designation of this property on the Comprehensive Plan Future Land Use Map.

PLANNING DIRECTORS REPORT

RPD Ordinance Draft Workshop Presentation

Discussion – Sign Ordinance Amendments

PUBLIC COMMENT

Prior to adjournment, members of the public asked to comment on the proposed zoning ordinances that are before the City Council. The Chair of the Plan Commission allowed the public comment as follows:

Steven Pilz, member Cranston Conservation Commission, spoke in opposition of authorizing solar power in an A-80 Zone and presented a letter.

Marietta Cleasby, member West Bay Land Trust, spoke in opposition to a proposed solar project at the Hope Farm site.

Douglas Doe, chair Cranston Conservation Commission, objected to the Plan Commission minutes and spoke in opposition to a proposed solar project at the Hope Farm site.

ADJOURNMENT

The meeting adjourned at 10 p.m.

NEXT MEETING December 1, 2015 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer