

MINUTES

October 1, 2013

Vice 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, Vice Chairman
Frederick Vincent
Mark Motte
James Moran
Robert Strom
Ken Mason, P.E.

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. Motte and seconded by Mr. Vincent, the Commission unanimously voted to approve the minutes of the September 3, 2013, Plan Commission meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 8-13-08 In amendment of Title 17 of the Code of the City of Cranston, 2005, entitled 'Zoning' (Change of Zone – East Side of Power Road)

Mr. Lapolla explained that this location is the former training school site. Attorney John Bolton, the applicant's attorney, requested that this matter be tabled as it is the applicant's intent to create an MPD.

Upon motion made by Mr. Vincent and seconded by Mr. Motte, the Commission unanimously voted to *table* this matter. Rather than changing the zone from S-1 to C-4, it is the applicant's intent to revise the request to create an MPD.

Aye: Messers Smith, Mason, Motte, Moran, Strom and Vincent. Nay: none.

Ordinance 9-13-06 In amendment of Title 17, Chapter 64 of the Code of the City of Cranston, 2005, entitled 'Zoning' (Residential Off Street Parking)

Following a discussion whereby it was determined that: a) this matter is not a Comprehensive Plan matter; and, b) passage of this ordinance may generate other issues such as increased illegal overnight parking on the street, continued parking on the front lawns in violation of the ordinance, and an increase in the size of driveways resulting in an increase in flooding from the driveways. It was the opinion of the Commission that passage of this ordinance would not

necessarily resolve parking problems because the City is offering no viable solution for the residents.

Public Works Director, Ken Mason, stated that more paving will result in the creation of more impervious surface. Commissioner Moran suggested resident parking permits.

There being no further comment, the Commission moved to a vote. Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission unanimously voted to make no specific recommendation on this matter.

Aye: Messers Smith, Mason, Motte, Moran, Strom and Vincent. Nay: none.

Ordinance 9-13-09 In amendment of Title 17 of the Code of the City of Cranston, 2005, entitled 'Zoning' (Change of Zone-777 Cranston Street – Trolley Barn)

The applicant withdrew this request prior to the meeting.

SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS

The Fountains at Chapel View – Master Plan
Major Land Development
Power Road
AP 14, Lot 15

Principal Planner, Jason Pezzullo, stated that the applicant requested that this matter be tabled. He also pointed out that the application was incomplete and should not have been before the Commission. The applicant's attorney, John Bolton, concurred with Mr. Pezzullo's statement. No action was taken on this matter.

PERFORMANCE GUARANTEES

Alpine East – Major Subdivision with Street Creation
Scituate Avenue/East Pine Road
AP36/3, Lot 11
Bond release request

The applicant has requested release of existing Citizens Bank LOC #S906411 in the amount of \$107,000 for the above referenced subdivision.

Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to *table* this request for one month to allow time for the Public Works Department, Engineering Division, to review and comment on this request.

Ayes: Messers Smith, Moran, Motte, Mason, Strom and Vincent. Nay: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

MICHAEL LOFFREDO 1731 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN) AND JEROME CORREY D/B/A/ CLARKS AUTO SALES AND SERVICE 65 WEBB STREET PROVIDENCE RI 02908 (APP) have filed an application for special use permit to operate a motor vehicle repair and service business and permission to sell watercraft, motor, and recreational vehicles at **364 Wellington Avenue**. AP 3, lot 155, 156 & 157, area 13,750+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 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. Cranston's 2010 Comprehensive Plan Future Land Use Map designates this area of the City as a Special Redevelopment Area; however, until the Zoning for the area is changed, the underlying M-2 Zoning controls. The application therefore, is not consistent with the Comprehensive Plan.
2. The former use of the property was for a roofing company.
3. The proposed Motor Vehicle Repair and Service Use is allowed in an M-2 zone by Special Permit, but sales of watercraft, motor, and recreational vehicles are not allowed, per the Zoning Ordinance.
4. The specific requirements found in the Zoning Code for Used Car and Rental Business, requires 12,000 sq. ft. lot minimum, 100 feet of frontage, front yard setback of 40 feet, and side and rear yard setbacks of 20 feet. The application exceeds the minimum area and frontage requirements, but one corner of the building is 2.3 ft. short of the required 40 ft. front setback, and has a 0 ft. rear yard setback, and a 14 ft. side yard setback.
5. Seven spaces in front of the building will be used for display of vehicles for sale.
6. The remainder of the site contains 13 parking spaces.
7. No landscaping is proposed for the site.

Recommendation: Sales of watercraft, motor, and recreational vehicles are not allowed in an M-2 Zone; therefore, the application is not consistent with the designation of Special Redevelopment Area on the 2010 Comprehensive Plan Future Land Use Map. However, auto service and repair, that is part of this application, are permitted by special permit in this zone. Therefore, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Plan Commission unanimously voted to make *no specific* recommendation on this application to the Zoning board.

Ayes: Messers Smith, Moran, Motte, Strom, Vincent and Mason. Nay: none.

JMDH REAL ESTATE OF CRANSTON LLC 15-24 132ND STREET COLLEGE POINT NY 11356 AND FOURTY FOUR NAVAHO STREET LLC 44 NAVAHO STREET CRANSTON RI 02920 (OWN) AND RESTAURANT DEPOT 15-24 132ND STREET COLLEGE POINT NY 11356 (APP) have filed an application for permission to build three additions to a restaurant distribution facility totaling 28,000+/- SF and a 90' X 169' canopy at **140 Kenwood Street**. AP 7/3, lots 3515, 3739, 3745, 3746 and 3867, area 185355+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 Signs, 17.84.140 Development and landscaping design standards.

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 is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City for Industrial use.
2. The existing building is a legal, nonconforming building with a restricted side yard setback of 2' from Pawnee Street, where 40' is required per the zoning code, and additional signage area than what is allowed in an M-2 zone.
3. The proposed 23,601 sq. ft. addition on the northerly side of the building along Navaho Street, will also have a 90' x 169' canopy to be constructed on the northerly side of the building facing Navaho Street with a 31' street yard setback.
4. The proposed 2,400 sq. ft. addition on the southerly side of the building facing Pawnee Street will continue the existing building's 2 ft. restricted yard setback from Pawnee Street.
5. The proposed 1,950 sq. ft. addition on the easterly side of the building facing Niantic Avenue, will have setbacks of between 26 ft. and 30 ft.

6. The application received preliminary approval from the Development Plan Review Committee on September 4, 2013.
7. The parking plan submitted with the application provides 180 off street parking spaces.
8. According to the narrative submitted with the application, there are 22 spaces perpendicular to Pawnee Street that have existed since 1962, that are located within the street right-of-way.
9. The Zoning Code allows 200 sq. ft. of signage in an M-2 zone. The application states that the existing signage totals 282.33 sq. ft., not including the billboard on the property, that contains 626.12 square feet on Kenwood Street.
10. The newly proposed signage for the building equals 295.79 sq. ft., that when added to the existing signage and billboard equals a total of 1,205 sq. ft. of signage on the site that has four street frontages.

Recommendation: Based on the fact that the application is consistent with the 2010 Comprehensive Plan Future Land Use Map, and the remaining findings of fact, upon motion made by Mr. Vincent and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning board.

Ayes: Messers Smith, Moran, Motte, Strom, Vincent and Mason. Nay: none.

MEYER-BARBER REAL ESTATE LLC 7 LUIGI STREET CRANSTON RI 02920 (OWN) AND NOBEL METAL SERVICES LLC 45 INDUSTRIAL ROAD SUITE 208 CUMBERLAND RI 02864 (APP) have filed an application for permission to operate a precious metals reclamation facility at **7 Luigi Street**. AP 12/4, lot 3262, area 8360+/- SF, zoned M-1. Applicant seeks relief from Sections; 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 Luigi Street as Highway Commercial, (C-3, C-4 & C-5 zones) which would permit light industrial uses by special permit in a C-5 zone, therefore the application is consistent with the Comprehensive Plan.
2. No exterior changes are proposed to the existing building.
3. The site plan shows 7 off street parking spaces, that do not permit egress in a forward motion.
4. The current M-1 zone requires 30,000 sq.ft. of lot area.
5. The existing building does not meet the required setbacks for front, side or rear yard.

Recommendation: The proposed light industrial use is consistent with the 2010 Comprehensive Plan Future Land Use Map designation of Highway Commercial for this area of Luigi Street. Therefore, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, providing the proposed precious metals reclamation facility meet the INDUSTRIAL USES specific standards listed in Chapter 17.36.010 of the Cranston Zoning Ordinance.

Ayes: Messers Smith, Moran, Motte, Strom, Vincent and Mason. Nay: none.

ROBERT AND VALERIE KENNEALLY 95 TWIN BIRCH DRIVE CRANSTON RI 02921 (OWN/APP) have filed an application for permission to legalize an accessory family apartment larger than 600 SF as allowed by ordinance at **95 Twin Birch Drive**. AP 28, lot 200, area

20,000+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.24.010 F, 1, Specific Performance Standards.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to continue this application to the November 5, 2013 meeting, however, the Commission specified that since this application has been continued for several meetings, the November meeting will be the last continuance allowed.

Ayes: Messers Smith, Moran, Motte, Strom, Vincent and Mason. Nay: none.

PLAN COMMISSION POLICY

Adoption of City Plan Commission policy for addressing traffic in land development projects.

Mr. Lapolla stated that he sent a draft of the proposed traffic policy to three engineering firms and one responded. Those comments have been incorporated into the new traffic policy. He stated that he has used this policy in another community and it works.

Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission unanimously voted to adopt the traffic policy for addressing traffic in land development projects.

Ayes: Messers Smith, Moran, Motte, Strom, Vincent and Mason. Nay: none.

PLANNING DIRECTORS REPORT

Mr. Pezzullo mentioned that the next MIT Climate Adaptation Meeting will be held on Wednesday, October 23, 2013, at the Senior Center at 6 p.m.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to adjourn at 8:05 p.m.

DATE OF NEXT MEETING November 5, 2013 – City Council Chamber – 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer