

CRANSTON CITY PLAN COMMISSION

MINUTES

September 10, 2019

Vice Chairman Vincent called the City Plan Commission Meeting to order at 6:35 p.m. in the City Council Chamber. He mentioned that the Chase Bank matters would be heard at the October 1, 2019, meeting, at the applicant's request.

The following Commission members were in attendance: Fred Vincent, Ken Mason, Steven Spirito, Kathleen Lanphear and Ann Marie Maccarone.

Also present were:

- Jason M. Pezzullo, AICP, Planning Director
- Douglas McLean, AICP, Principal Planner
- Joshua Berry, AICP, Senior Planner
- Drew Pflaumer, Associate Planner/Code Compliance
- Stephen Marsella, Esq., Assistant City Solicitor
- J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Spirito and seconded by Mr. Mason, the Plan Commission unanimously voted (5/0) to approve the minutes of the August 6, 2019, Plan Commission Meeting.

ADMINISTRATIVE OFFICER CONFIRMATION

Upon motion made by Ms. Lanphear and seconded by Mr. Mason, the Commission unanimously voted (5/0) to approve the appointment of Drew Pflaumer as an administrative officer of the Plan Commission.

ORDINANCES & RECOMMENDATIONS

6-19-9 Ordinance in amendment of the 2010 Comprehensive Plan for the City of Cranston, as amended 2012 (***Solar Performance Standards***)

Joshua Berry, Senior Planner, presented the contents of the staff report recommendation through his PowerPoint presentation:

Ordinance 6-19-09 is an Ordinance of the City Council requesting an amendment of the Comprehensive Plan of the City of Cranston, as amended 2012, entitled (Solar Performance Standards). The ordinance is intended to preserve farm land and undeveloped land in Western Cranston by the City actively pursuing land acquisition, development rights, and conservation easements or the implementation of a conservation subdivision ordinance and to encourage solar power systems on existing roofs and canopies above parking lots. It also removes the endorsement of establishing solar power systems as a method of temporary conservation land banking.

Ordinance 6-19-10 is an Ordinance of the City Council requesting an amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, entitled "Zoning" (Schedule of Uses) to change "Solar Power" from being a use allowed by right to be a use not allowed in A-80 and S-1 zonings. Both of these ordinances were considered and presented as a single overall presentation.

In his presentation he states that the ordinances before us are in conflict with the solar performance standards ordinances mandated by the “Solar Moratorium” and will duly considered by the City Plan Commission at its regular October 1st meeting. The Plan Department staff stated that the timing of these two ordinances was questionable as staff had been working diligently on drafting the new comprehensive solar ordinance through a robust public process. To demonstrate he provided a timeline of the hearings and public workshops that took place during this time period.

He provided the following breakdown of “open space” used for the existing solar projects:

- **Hope Farm Solar** – This project did **not** cause the loss of open space. The solar installation was developed on cleared farmland instead of an approved subdivision.
- **Seven Mile Road Solar** – This project cleared roughly 10 acres of privately owned undeveloped land.
- **Gold Meadow Farms** – The solar project was developed instead of an approved subdivision of vacant land. This resulted in the clearing of trees and loss of open space only in the amount that the approved subdivision would have preserved, not the amount of the total site area.
- **Seven Mile Road Solar II** – This project will **not** cause the loss of open space. The project is proposed on a cleared farm, will result in a net gain of trees, and proposes agriculture uses on site.
- **1690 Pontiac Ave Solar** – This project will **not** cause the loss of open space. This project is proposed on a capped landfill.
- **Natick Ave Solar**– This project will involve the clearing of roughly 27 acres of forest which constitutes 42% of the 64-acre site. There is an existing tree farm which and wetland which are to remain undisturbed by the solar project.

He noted that, comparatively, single-family residential development has been the biggest factor in land development and loss of open space in Western Cranston, not solar projects. He provided a 25 year life cycle impacts chart. He also stated that the Plan Department staff is exploring the idea of using solar revenue for deposit into the Open Space Fund.

Mr. Douglas Doe, 178 Lippitt Avenue, stated that there have been many disappointments on the part of solar developers. He stated that the fence on one project was improperly installed and needs to be raised 2-5 inches. He stated that he has mentioned this repeatedly to the RIDEM, to no avail. He reiterated comments from previous meetings regarding the poor condition of the Lippitt Solar development. He stated that all three wetlands on that property have been contaminated with orange crud without providing any evidence to the Commission and that the new ordinance (not under consideration at this meeting) does nothing to prevent this. He stated that in ‘some’ communities utility scale solar installations are not allowed in residential areas. He concluded by stating that he has no use for promises (they) will make in the future. He asked that the Plan Commission make no recommendation on this matter of vote to support it and let the City Council make the decision.

Councilman Stycos stated that the purpose of his ordinance proposal was to stave off legal process matters. He clarified that the reason for the timing of his ordinance was because of the impending end of the solar farm moratorium. He made a statement that “clearly the public wants these banned”. He noted that the moratorium ends on October 31, 2019 and the City Council meeting is on October 28, 2019, thereby leaving insufficient time for any amendments that may be put forward to be acted upon. He stated that he also feared a veto by the mayor with insufficient time for the Council to override it. He stated that the original amendments to the Comprehensive Plan were poorly presented by the former

Planning Director. He stated that “in view of the fact that these changes were put forward by the mayor and Plan Commission, he is ‘suspicious’ of the process.” He further noted that the Hope Farm solar project’s attorney, John Bolton, had written the Comprehensive Plan Amendment proposal in 2017 to strengthen his case for the solar project. He stated that the community workshop that was held in the spring was supposed to be about land conservation but “the Plan Department is not moving to preserve open space.” He noted that if the mayor and the Council wish to bond for funds for Open Space preservation, they do not have to wait two years. He concluded by stating that “the idea that we need to clear cut agricultural land (for solar) is “balderdash”.

Ms. Jessica Moreno, 799 Natick Avenue, stated that she wants to “preserve Cranston”. She would like to see the City Council “take a vote”. She stated that “this should be banned in residential areas”, further stating that everything presented tonight by the Plan Department staff can be countered. She asked that a “responsible” approach be taken.

Ms. Jan Ragno, residence in off of Hope Road, expressed concern with the proposed zone change at Alpine Estates two months ago (not under consideration at this meeting). She stated that Gold Meadow Farm had ledge and the developer knew it. She stated that the “City of Providence residents benefit from this (power procurement agreement)”. She stated that Hope Farms is developed and it is not open space. She stated that “people that build these solar facilities do it for money”. She also stated that “you can make statistics say what you want them to say.” She stated that this “was a waste of time”. She asked, “Where is open space going to be?” She asked that the Commission give a positive recommendation on this ordinance or that no recommendation be made.

Attorney Robert Murray stated that he does not support these two ordinances. He noted that he is not involved with any developer waiting to come forward once the moratorium is over.

Drake Patton, 684 Natick Avenue, stated that this is not a “brilliant planning device”. She stated that, “the proposed October ordinance (not under consideration at this hearing) is still not addressing what the citizens want, which is to ban solar in A-80.”

Mr. Steve Pilz, 35 Anthony Drive, stated that “the purpose of the moratorium was to improve this process.”

A motion for a negative recommendation was made by Mr. Mason and seconded by Mr. Spirito, however, the motion did not carry as it was a 3/2 vote (Ms. Lanphear and Ms. Maccarone voted nay), therefore, the Plan Commission is forwarding a non-recommendation on Ordinance 06-19-09 to the City Council.

Ordinance 6-19-10 in amendment of Chapter 17.20.030 of the Code of the City of Cranston, 2005, entitled “Zoning” (***Schedule of Uses – Solar Farm***).

This matter was heard in conjunction with Ordinance 6-19-09. The following vote was taken:

A motion for a negative recommendation was made by Mr. Spirito and seconded by Mr. Mason, however, the motion did not carry as it was a 3/2 vote (Ms. Lanphear and Ms. Maccarone voted nay), therefore, the Plan Commission is forwarding a non-recommendation on Ordinance 06-19-10 to the City Council.

Ordinance 7-19-04 amending the Comprehensive Plan of 2010 (Larch/Atwood - ***Chase Bank***) Petition filed by Oaklawn Development LLC. (*Request to continue to the 10/1/19 at the request of the applicant*)

Upon motion made by Ms. Lanphear and seconded by Mr. Mason, the Commission unanimously voted (5/0) to continue the matter of Ordinance 07-19-04 to the October 1, 2019, Plan Commission meeting.

Ordinance 7-19-05 in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – Larch/Atwood - **Chase Bank**. Petition filed by Oaklawn Development LLC. (*Request to continue to the 10/1/19 at the request of the applicant*)

Upon motion made by Mr. Spirito and seconded by Ms. Lanphear, the Commission unanimously voted (5/0) to continue the matter of Ordinance 07-19-05 to the October 1, 2019, Plan Commission meeting.

Petition for Abandonment of Larch Street (Chase Bank). Filed by Oaklawn Development LLC. (*Request to continue to the 10/1/19 at the request of the applicant*)

Upon motion made by Mr. Spirito and seconded by Ms. Lanphear, the Commission unanimously voted (5/0) to continue the matter of the Abandonment of Larch Road to the October 1, 2019, Plan Commission meeting.

Ordinance 8-19-05 in amendment of Chapter 17.12 of the Code of the City of Cranston, 2005, entitled “Zoning Historic Districts” as amended (**Nathan Westcott House Local Historic District**).

Mr. Doug McLean presenting his staff report explained that Ordinance #8-19-05 proposes to add a new Local Historic District property (Nathan Westcott House), to Section 17.12.010 entitled *Historic Districts* located in the City of Cranston’s Zoning Ordinance. The boundary of the proposed overlay district is identified as lot 3109, on Zoning Plat 12/6. The address is 150 Scituate Avenue.

The main house was built c. 1770, with an addition constructed c. 1790. The property’s westerly and southerly lot lines, abut another National Register property, the Joy Homestead, which is also a Local Historic District.

This property was listed in the National Register of Historic Places on January 5, 1989. Information on the house as found in the National Register documents, states that “**The Nathan Westcott House** is a good example of a small eighteenth-century dwelling built by a modest farm family. A small, simple structure, even its alterations and additions, as well as minor repairs, are in the same rustic, primitive spirit. As such, it is rare in Cranston, where most earlier houses were altered in later, more affluent times.” The house was noted for its architectural significance; for its ability to document the modest late eighteenth-century houses built by the town’s small farmers.

The Nathan Westcott House is one of the few remaining houses that was on the march route that Rochambeau took to combine his 6,000 French troops with Washington’s army at Yorktown in 1781. The house was also listed in the [State of RI Historical Preservation Report P-C-1](#), September 1980. The report states the properties listed are important structures, and should be recognized that they represent those properties most essential to Cranston’s Historical and architectural identity.

Designation of this property as a new Local Historic District would require that all exterior alterations only and new construction, must be reviewed and approved by the Cranston Historic District Commission. The interior of the house has been altered significantly, however, the exterior of the house maintains a high level of architectural integrity, as it was not, and has never been, altered.

As a result of illegal drug activities discovered within the house, the property is now in the custody of the Asset Forfeiture Division of the U.S. Marshals Service, which currently has the property listed for sale.

Councilman Stycos contacted the Planning Department, requesting the property be designated as a Local Historic District within the City, which would require that any future building permits applied for on the property, (for exterior renovations only) first be reviewed by the Cranston Historic District Commission.

Public Works Director, Ken Mason, asked if the current owner would have to agree with this designation. Mr. McLean stated that they do not have to agree. Assistant City Solicitor Marsella stated that the Federal Government can comment on this matter. He further stated that “there are property rights involved here.”

Ms. Sandra Moyer, President of the Cranston Historical Society, stated that the board voted unanimously to support this ordinance. She stated that at one time the Joy's owned both buildings. She reiterated that the property is part of the Washington/Rochambeau Route. She stated that the Federal Government, the current owner, cannot sell the home if it is to be demolished.

No further public comment was offered on this matter. Upon motion made by Ms. Maccarone and seconded by Mr. Mason, the Commission unanimously voted (5/0) to forward a positive recommendation on this ordinance to the City Council Ordinance Committee.

Ordinance 8-19-09 in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone for the *Fountains at Chapel View* - New London Ave.). Petition filed by Westcott, LLC.

Mr. McLean presented his staff report and PowerPoint presentation stated that Ordinance #8-19-09 proposes to change the zoning classification for the parcel of land designated as Assessors Plat 14, Lot 15 (also known as "The Fountains at Chapel View), from **C-5 with conditions** to **C-5 with conditions as modified**. The subject parcel is approximately 13 acres in size and is the site of the former Training School which served as the campus for a juvenile correctional facility.

The subject parcel is currently zoned as "C-5 with conditions". This special zoning designation was approved for the Fountains site in parallel fashion with the abutting parcel to the east (100 Sockanosset Cross Road/Top Golf site) and is based on the principal structure of the C-5 zone with some alternative dimensional standards to allow for greater intensity of development on the site. The Comprehensive Plan – Future Land Use Map identifies the parcel as "Highway Commercial/Services" deeming suitable for the most intensive types of commercial uses in the City and is further described as "oriented toward providing services to citywide and regional markets".

The ordinance narrative proposes the following changes to the zoning provisions for this property:

Adding 2 new allowed uses:

- 1) Commercial Recreation
- 2) Motor and Recreational Vehicle and Watercraft Sale and

Allowing the site's parking requirements to be determined by the Plan Commission during the Major Land Development review process.

Attorney Thomas Moses, Moses Ryan, stated that these are "really cleanup issues/text amendments". He stated that the property owner would like to have all three properties zoned the same way. He also noted that the parking will be shared.

Ms. Pauline DeRosa, 97 Cypress Drive, stated that she is "tired of coming to the various meetings and there is no involvement of the community". She asked for a moratorium against any further development. She asked the Commission what the proposed uses will be. She asked that the developer hold a forum to inform the community of their intention.

Ms. Gretchen Bengal, 27 Perennial Drive, expressed concern with the rezone request "when we don't know what the developer is contemplating." Her concerns were noise, lights and traffic. She feels that "this is not fair" to the surrounding community.

Mr. Doug Doe, 178 Lippitt Avenue, asked what the previous parking requirements for the C-5 zone.

Attorney Moses stated that this is only to give this parcel the same zoning as Chapel View and Topgolf. He stated that if auto sales are proposed, it would be a low density, modern facility. Mr. McLean stated that the traffic study will be peer reviewed.

Mr. Steve Pilz expressed concern that the landscape requirements would be waived. Mr. McLean told him they would not.

Mr. Greg Murka, 1351 Cranston Street, Historic Cemetery Commission, expressed concern with any changes that may be made to the plan and asked to be kept informed of any changes.

Upon motion made by Mr. Spirito and seconded by Mr. Mason, the Commission unanimously voted to forward a positive recommendation on this ordinance to the City Council.

SUBDIVISIONS AND LAND DEVELOPMENTS

“Replat of Elmwood Gardens, Lots 163-165”

Preliminary Plan – Minor Subdivision without street extension

One additional housing unit

51 Carmen Street - AP 4/2 Lots 2229, 2230, & 2231

Mr. Joseph Brennan explained that there is one house with three lots. The applicant is seeking to create a conforming lot in the A-6 zone. The second parcel will also conform. The property will be serviced by public water and sewer.

Mr. Pflaumer stated that the proposed minor subdivision site is located at 51 Carman Street, AP 4/2, Lots 2229, 2230, and 2231, with a total land area of 12,000 ft². The site is zoned A-6, which allows for single-family residential homes on lots that have a minimum of 60’ of frontage and 6,000 ft² of land area. The applicant proposes to subdivide/merge the existing 3 lots into 2 lots for the purposes of creating 1 additional vacant buildable lot. There is an existing single-family dwelling that will remain on one of the proposed parcels. Proposed Parcel 1 on the western portion of the property (with the existing dwelling) will contain 6,000 ft² and proposed Parcel 2 (the new vacant buildable lot) will contain 6,000 ft². Both proposed parcels meet all zoning dimensional requirements.

No public comment was offered on this matter.

Upon motion made by Ms. Lanphear and seconded by Mr. Spirito, the Commission unanimously voted (5/0) to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan, with waiver for provision of sidewalks; subject to the following conditions.

Findings of Fact

An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100’ radius have been notified first class mail prior to the public meeting, and the meeting agenda has been properly posted.

Staff has reviewed this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston’s Subdivision and Land Development Regulations and finds as follows:

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

1. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan policies and Future Land Use Map (FLUM). The proposed resulting density of approximately 7.26 units per acre is consistent with the FLUM’s designation of the subject parcel as “Residential 7.26 to 3.63 units per acre.”
2. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance.”

3. Each of the two (2) proposed lots comply with all of the dimensional requirements of A-6 zoning.
4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.”

5. There is no proposed vegetation clearing other than the footprint of a potential structure. The site is currently empty grass lawn.
6. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

7. The proposed subdivision 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.
8. The design and location of building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

9. The properties in question will have adequate permanent physical access on Carman Street, a public roadway located within the City of Cranston.
10. The proposed subdivision 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.

Condition of approval

1. Payment of Cranston Capital Facilities Impact Fee in the amount of \$593.46 at the time of Final Plan recording.

ZONING BOARD OF REVIEW RECOMMENDATIONS

MHER SARIBEKYAN (OWN/APP) has filed an application to allow for the subdivision of three nonconforming lots into two nonconforming lots with sufficient area but insufficient frontage, one of which contains an existing legal nonconforming two family structure in a required setback from an unimproved street, the other of which would be a new buildable lot, at **28 Randolph Street**; currently A.P. 11-4, Lots 2297, 2298, 2299, 12,969 sq. ft. total area, zoned A6. Applicant seeks relief from Section 17.20.090(A) Specific Requirements and Section 17.20.120 Schedule of Intensity Regulations, per Section 17.92.010 Variances.

DIMENSIONAL VARIANCE REQUESTS:

1. To allow creation of a 6,943 ft² lot containing a two-family structure where 8,000 ft² is required. [17.20.090A Specific Requirements]
2. To allow creation of two frontages of 53.25' where 60' is required. [17.20.120 Schedule of Intensity Regulations]

FINDINGS OF FACT:

1. The three existing nonconforming lots and the existing two-family structure predate the establishment of zoning regulations in the City.
2. The Comprehensive Plan Future Land Use Map, calls for residential density no greater than 7.26 units per acre. The density of this application is 10.07 units per acre, which is inconsistent with the Comprehensive Plan. However, the Comprehensive Plan also calls for infill development in the urban and suburban portions of the City. The consolidation of smaller lots and the addition of infill development strikes a balance between these competing prescriptions.
3. On May 3, 2016 the Planning Commission granted preliminary approval of the proposed subdivision, finding that it would not substantially alter the character of the neighborhood, conditional on the granting of the required variances. On June 7, 2016 the Planning Commission forwarded a positive recommendation for the granting of the requested variances to the ZBR. On June 8, 2016 the ZBR voted to deny the variances.
4. The applicant applied to the Planning Commission to have the preliminary plan approval reinstated. The Planning Commission voted unanimously (9/0) to reinstate the preliminary approval, with the previous conditions, on July 9, 2019.
5. The proposed new single-family home meets all required setbacks and the lot it is proposed for meets all required area and dimensional requirements aside from frontage.
6. The property immediately northwest of the applicant's property contains a two-family structure. There are two additional two-family structures within 400' of the subject property as well as approximately a dozen more in the blocks surrounding this 400' radius, many of them adjacent to one another and on lots between 4,000-6,000 ft².

ANALYSIS:

While the Zoning Code requires 8,000 ft² for lots containing two-family structures, the underlying lots AND the existing structure's use as a two-family dwelling predate the establishment of zoning in Cranston so there can be no ambiguity regarding the two-family having been granted based on the larger combined lot area. Additionally, the lot area proposed is actually greater than the lot area present for the majority of two-family structures in the neighborhood. Upon motion made by Mr. Mason and seconded by Ms.

Lanphear, the Commission unanimously voted (5/0)) to forward a **positive recommendation** to the Zoning Board of Review.

Concerning the reduced frontages, the average frontage in the surrounding area is approximately 40' with very few lots exceeding 50', including those containing two-family structures. The neighborhood appears to have been developed with 4,000 ft² lots, some of which were combined over time to move the average lot size higher. With these numbers in mind, the proposed subdivision creates two lots larger than the average in the immediate surrounding area AND with frontages nearer to those required under current zoning. Therefore, upon motion made by Mr. Spirito and seconded by Ms. Maccarone, the Commission unanimously voted (5/0) to forward a **positive recommendation** to the Zoning Board of Review.

RECOMMENDATION:

Although the proposed density is above what the Comprehensive Plan calls for in this area, the combination of desired infill development, substandard existing lots across the neighborhood, and existing two-family structures lead to the conclusion that this proposed subdivision fits the character of the neighborhood. The City Plan Commission voted unanimously (5-0) to forward **positive recommendations** on these applications to the Zoning Board of Review.

CRANSTON BVT ASSOCIATES LP/Burlington (OWN/APP) has filed an application to allow for the creation of a 177 ft² sign at **310 Garfield Avenue**; A.P. 7/3, Lot 3694, zoned C-4/S-1. Applicant seeks relief from Section 17.72.010(5) Signs, per Section 17.92.010 Variances.

DIMENSIONAL VARIANCE REQUESTS:

1. To allow creation of a 177 ft² building sign where 30 ft² is permitted. [17.72.010(5) Signs]
2. To allow the total signage on a structure's street-facing façade on a structure/lot in zone C-4 to exceed 300 ft². [17.72.010(5) Signs]

FINDINGS OF FACT:

1. The proposed building sign is slightly more than 400' from the nearest ROW (Garfield, Ave) and stands at approximately a 45 degree angle relative to the street. For reference, the proposed sign is roughly the same dimensions as a standard soccer goal (8'x24') but is located approximately 1.25 soccer fields away from the ROW (>400')
2. Prior to redevelopment, signage on this site (for a single use) was 297.7 ft². The combined sign area for the redevelopment as two distinct businesses is 366 ft²
3. The 300 ft² limit per street-facing façade/lot is obviously intended for individual, freestanding structures rather than the joined structure housing ~15 uses present on this lot
4. The proposed signage is consistent with other signage present in this development
5. The proposed signage is consistent with signage at other strip-style developments in the City

ANALYSIS:

Strip-style development does not mesh neatly with the sign ordinance as written due to the large setbacks and conjoined façades present in such developments. The sign ordinance handles small community scale commercial admirably by preventing large disruptive signage but does not permit sufficient size to be legible from ROWs that may be hundreds of feet away from the wall signs in question. The sign ordinance also fails to take into account single, expansive structures that may have façades several hundred feet long and host multiple businesses "under one roof" as well as the single-ownership common in strip

development, where a single owner leases individual spaces. It can be inferred that the ordinance intends to prevent single owners from installing multiple signs on one side of a single business.

RECOMMENDATION:

Due to the large setback inherent in strip-style development, the 30 ft² sign allowed by right would be virtually invisible from the ROW. Similarly, due to the structure having a combined 1,400' façade (350' on this "section") housing over a dozen businesses, limiting total signage for the structure to 300 ft² is unreasonable. Therefore, upon motion made by Ms. Lanphear and seconded by Mr. Mason, the City Plan Commission voted unanimously (5-0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

CRANSTON BVT ASSOCIATES LP/THE EDGE FITNESS CLUB (OWN/APP) has filed an application to allow for the creation of a 189.4 ft² sign at **318 Garfield Avenue**; A.P. 7/3, Lot 3694, zoned C-4/S-1. Applicant seeks relief from Section 17.72.010(5) Signs, per Section 17.92.010 Variances.

DIMENSIONAL VARIANCE REQUESTS:

1. To allow creation of a 189.4 ft² building sign where 30 ft² is permitted. [17.72.010(5) Signs]
2. To allow the total signage on a structure's street-facing façade on a structure/lot in zone C-4 to exceed 300 ft². [17.72.010(5) Signs]

FINDINGS OF FACT:

1. The proposed building sign is slightly more than 400' from the nearest ROW (Garfield, Ave) and stands at approximately a 45 degree angle relative to the street. For reference, the proposed sign is roughly the same dimensions as a standard soccer goal (8'x24') but is located approximately 1.25 soccer fields away from the ROW (>400')
2. Prior to redevelopment, signage on this site (for a single use) was 297.7 ft². The combined sign area for the redevelopment as two distinct businesses is 366 ft²
3. The 300 ft² limit per street-facing façade/lot is obviously intended for individual, freestanding structures rather than the joined structure housing ~15 uses present on this lot
4. The proposed signage is consistent with other signage present in this development
5. The proposed signage is consistent with signage at other strip-style developments in the City

ANALYSIS:

Strip-style development does not mesh neatly with the sign ordinance as written due to the large setbacks and conjoined façades present in such developments. The sign ordinance handles small community scale commercial admirably by preventing large disruptive signage but does not permit sufficient size to be legible from ROWs that may be hundreds of feet away from the wall signs in question. The sign ordinance also fails to take into account single, expansive structures that may have façades several hundred feet long and host multiple businesses "under one roof" as well as the single-ownership common in strip development, where a single owner leases individual spaces. It can be inferred that the ordinance intends to prevent single owners from installing multiple signs on one side of a single business.

RECOMMENDATION:

Due to the large setback inherent in strip-style development, the 30 ft² sign allowed by right would be virtually invisible from the ROW. Similarly, due to the structure having a combined 1,400' façade (350' on this "section") housing over a dozen businesses, limiting total signage for the structure to 300 ft² is unreasonable. Upon motion made by Ms. Lanphear and seconded by Ms. Spirito, the City Plan Commission voted unanimously (5-0) to forward a **positive recommendation** on this application to the Zoning Board of Review.

MCDONALD'S CORPORATION & MCDONALD'S REAL ESTATE COMPANY (OWN) AND MC'DONALD'S CORPORATION (APP) have filed an application to allow a second audio device within 100 feet of a residential zone; to allow an extension of the parking area on an adjoining residential parking area with separate ingress and egress than via the commercially zoned lot; and to increase signage to greater than which is allowed. Subject properties are located at 927 Cranston Street and 419-421 Webster Avenue, A.P. 7, Lots 632, 3669, 3514, 3488; area 46,561 sq.ft.; Zones C5, B1. Applicant seeks relief per Sections 17.92.01 Variance; Sections 17.28.010 (B)(10) Drive in Businesses; 17.64.010 (C) Off-Street Parking; 17.72.010(6) Signs.

[The applicant has withdrawn the request for the additional signage.](#)

VARIANCE REQUESTS:

1. To allow a second audio device associated with a drive-in use to encroach 51.8' into the required 100' setback from residential uses. [17.28.010 (B)(10)]
2. To allow ingress and egress to the commercial use from a lot where the commercial use is not allowed. [17.64.010 (C) Off-Street Parking]

FINDINGS OF FACT:

1. The subject property at 927 Cranston Street is comprised of three (3) C-5 (Highway Commercial Services) zoned lots totaling 40,078 ft² and seeks to incorporate the abutting 6,483 ft² B-1 zoned lot (residential, single-family and two-family dwellings). The total area of the site is 46,461 ft². This complies with the City Code which requires 40,000 ft² for drive-in uses.
2. The current owner of 927 Cranston Street (AP 7 Lots 632, 3669 & 3514), McDonald's Corporation, purchased the properties in 1985. McDonald's Real Estate Company, a related entity to McDonald's Corporation, purchased 419-421 Webster Ave (AP 7 Lot 3488) in 2013. Although the existing drive-in audio device is nonconforming to the required 100' setback to residential uses, City records do not indicate any variance approvals for the existing drive-in audio device.
3. The current McDonald's drive-in restaurant is an existing legal use in C-5 zoning (Highway Commercial/Services). The proposal includes the expansion of the existing use onto an abutting B-1 parcel, where the use is not allowed under zoning, yet Code Section 17.64.010.(C). allows for the extension of parking across district boundaries including residential districts. This provision specifically prohibits ingress and egress on any lot inconsistent with the primary use, for which the applicant is requesting relief.
4. The proposed curb cut on Webster Ave is 56' away from the nearest driveway where only 40' separation is required. The applicant claims that this location allows for better site and emergency vehicle circulation and moves the curb cut further away from the intersection of Webster Ave and Cranston Street, as well as from the curb cut at the Cumberland Farms gas station on the corner.
5. The Comprehensive Plan Future Land Use Map allocates 927 Cranston Street as Highway Commercial/Services. The Comprehensive Plan Future Land Use Map allocates 419-421 Webster Ave as Single/Two-Family Residential Less Than 10.89 Units Per Acre.

6. City Code Sec. 17.28.010.(B).(10) requires audio devices associated with drive-in uses to be 100' from the nearest residential use. The existing audio device is located 64.4 feet from the nearest residential property line and is proposed to be relocated to a position 62.5' from the nearest residential property line (73.9' from the residential structure). The desire to upgrade the drive-through aspect of the existing business has lead the applicant to seek an additional drive-through lane so that there are two order points. The additional audio device is proposed to be 48.2' from the nearest residential property line (95.2' from the residential structure).
7. The proposed audio devices will incorporate technology which adjusts the decibel of sound based on ambient noise and therefore, during the evening hours, when there is not a great deal of traffic or other ambient noise, the speaker's decibels lowers.
8. Due to the size of the site, the unique shape due to the outparcel on the northeast corner at the intersection, and location of the existing building, there are no viable alternative locations for a second drive-through lane which would comply with the 100' audio device setback requirement.
9. The dumpster is currently located 12' from the rear of 116 Franklin Street and 16' from the side of 415 Webster Ave. The dumpster was initially proposed to be relocated to the residentially zoned portion of the site, 10 feet (meeting the *minimum* dumpster setback requirement) from the side lot line of the nearest abutting residential property, 415 Webster Ave. However, citing City Code Sec. 17.84.140 *Development and Landscaping Design Standards* the Development Plan Review Committee asked that the dumpster be relocated away from the abutting residential use and continued the September 4th meeting to September 9th. At the September 9th DPRC meeting, the applicant presented revised plans with a revised dumpster location, which was unanimously approved conditioned to ZBR approval.
10. The abutting property owner, Joe Lombardi, was present at the September 9th DPRC meeting and supported the revised plan now that the dumpster was relocated. Mr. Lombardi had no objection to the ingress & egress on the residentially zoned portion of the lot, nor did he have objection to the request for the audio boxes within the 100' setback.
11. The applicant is proposing a new 8' privacy fence, a 6' dumpster enclosure, and landscaping to screen the use from the abutting residential properties.
12. The McDonald's restaurant at 927 Cranston Street is open 24 hours a day.
13. The applicant states that the proposal is part of a nationwide effort to upgrade its drive-in operations and make them more efficient. The applicant cites benefits of reduced idling of cars in the drive-in queue, and better traffic flow throughout the site. However, although staff welcomes the investment and upgrades in the property, staff does not find that the denial of the request would result in more than an inconvenience.
14. The existing use is only being expanded, not created, therefore granting relief is not anticipated to alter the character of the area, but would generally upgrade the aesthetic of the site.
15. Staff finds that the proposal is generally consistent with the Comprehensive Plan. The Economic Development element encourages the City to "improve the 'business-friendliness' of the City regulatory climate" which is supported by the strategy of providing relief where qualified criteria are satisfied to allow the improvement of existing nonconforming uses (p. 87-88).

PLANNING ANALYSIS:

The ingress & egress from the residentially zoned portion of the lot is not anticipated to have any negative impacts. The curb cut is proposed to be relocated approximately 50' north of its existing location. This is not projected to have any impact on traffic circulation in the area, but might even improve the way the site interacts with the intersection of Cranston Street and Webster Avenue. Staff believes that granting relief for the ingress & egress would not cause any harm, nor would it undermine the intent of zoning. The City's Traffic Safety Division supported the curb cut location, stating that it is better to be further away from the intersection.

Staff has made both positive and negative findings regarding the application's request for the second drive-in audio device to encroach 51.8' into the 100' setback from residential uses. On one hand, the applicant is working with existing conditions and is restrained in their ability to design alternative drive-in configurations which would comply with the required setback for audio devices. The building, ADA features, landscaping, signage, drive-through and other aspects of the site will all be improved and will not detriment or alter the character of the area. The applicant is taking measures to screen and buffer the abutting residential uses with an 8' fence and landscaping. On the other hand, the desire to upgrade and expand one's drive-through to have a second aisle is a self-imposed need based on McDonald's own nationwide standard, and does not at face-value bestow McDonald's with justification for relief. The reason that the variances are required is only due to the fact that the property abuts residential uses, something that McDonald's must have been fully aware of when they purchased the property in 1985. It would certainly be an inconvenience to the applicant if relief were not granted, but staff does not find that denial of the request would amount to more than an inconvenience as the restaurant could maintain their existing drive-in lane. The intent of the regulation from which the applicant is requesting relief in this instance is to protect residential uses in Cranston from commercial encroachment. Does the request undermine the intent of zoning? Or do the benefits of the proposal justify the relief requested? Staff believes that the answers depend on how well the impacts to the abutters are being mitigated.

The DPRC met on September 4th, 2019 to review the plan. Planning staff & Development Plan Review Committee are concerned with the location of the proposed dumpster being 10' from the nearest residential property line. Citing City Code Sec. 17.84.140 *Development and Landscaping Design Standards*, "Where a more intensive use abuts a less intensive use, a 25-foot wide buffer strip **may** [emphasis added] be required. The width of said strip to be determined by the design and density of the buffer proposed." The Code goes on to prohibit structures within the buffer area, which is interpreted to include dumpster structures. After due discussion, the Development Plan Review the Committee voted to continue the matter until Monday, September 9th to allow the applicant time to explore alternative site design which could better buffer the abutting residential use(s). At the September 9th DPRC meeting, the applicant presented revised plans with a revised dumpster location, which was unanimously approved conditioned to ZBR approval.

Staff received a phone call /public comment from Renee Lombardi, the spouse of the owner of 415 Webster Ave, who spoke against the project. Mrs. Lombardi emphatically stated that she did **not** want the expansion of the drive-through, but that her main concern was the dumpster location within ten feet of her husband's property line, which she said already has issues with rats and smell. When asked about the ingress / egress on the residential, Mrs. Lombardi did not express opposition. She expressed that landscaping and fencing were an important aspects of the project, but did not offer specific requests other than they not cut down any trees. Mrs. Lombardi's son, James Lombardi, currently resides on the property. The property has been with the Lombardi family since 1954.

Joe Lombardi, the property owner and spouse of Renee Lombardi, was present at the September 9th DPRC meeting. He was opposed to the dumpster location, but was satisfied with the revised plan as presented by the applicant at the meeting. Mr. Mr. Lombardi had no objection to the ingress & egress on the residentially zoned portion of the lot, nor did he have any objection to the request for the audio boxes within the 100' setback.

Staff finds that the proposal is generally consistent with the Comprehensive Plan. The use is consistent with the Future Land Use Map and the Code provision in Comprehensive Plan's Economic Development element encourages the City to "improve the 'business-friendliness' of the City' regulatory climate." The Comprehensive Plan recommends that measures to achieve the goal may include:

Amended land use regulations to provide incentives for property owners and developers to improve outdated nonconforming uses. Such investments are often more costly than new construction on vacant land; the costs of updating properties to come into compliance with current regulations adds further to the costs of development. Such redevelopment investments should be encouraged. In encouraging these investments, City policies and ordinances should offer some form of relief. Where qualifying criteria (character, compatibility, value added, affordable housing, etc.) are satisfied, such relief can take the form of zoning exceptions, density bonuses, impact fees, and other such costs. (p. 87)

Ultimately, the applicant is proposing to invest and improve the existing nonconforming drive-in restaurant. This application requires a significant amount of discretion when evaluating its justification for relief and impact to the abutting properties. The property owner of 415 Webster Avenue objected to the original proposed dumpster location, but had no objection to/supported the revised plan. The applicant's willingness to work the abutter and DPRC to mitigate the project's impacts is a critical element to be considered in review of the request for relief.

RECOMMENDATION:

Finding that the Comprehensive Plan supports granting relief for existing nonconforming businesses, and considering the abutting property owner's support of the revised plan which mitigates impacts of the improvements to an existing site, upon motion made by Mr. Spirito and seconded by Mr. Mason, the Plan Commission unanimously voted (5-0) to forward a **positive recommendation** to the Zoning Board of Review.

WORKSHOP – Zoning Code Amendments – Application Process / Public Notification

Planning Director Pezzullo stated that "we will be putting together small batches" of amendments. Mr. Marsella asked that any transcripts that may be needed due to an appeal must be paid for by the appellant be added to the revisions of zoning.

PLANNING DIRECTOR'S REPORT – Zoning Ordinance, Comp Plan, Hazard Mitigation Plan

Mr. Pezzullo stated that the Plan Department will be applying for a grant from RIEMA for completion of the Hazard Mitigation Plan update.

ADJOURNMENT

Upon motion made by Mr. Vincent and seconded by Ms. Maccarone, the Commission unanimously voted to adjourn at 9:55 p.m.

NEXT REGULAR MEETING – October 1st - 6:30PM City Hall Council Chamber