

MINUTES

September 11, 2018

Chairman Smith called the City Plan Commission Meeting to order at 7:05 p.m. in the City Council Chamber. He thanked and presented former Commissioner Gene Nadeau with a plaque commemorating his service as a member of the Plan Commission. In turn, Mr. Nadeau thanked the mayor, the commissioners, Chairman Smith, Mr. Marsella and the Plan Department staff for their professionalism. Chairman Smith then welcomed new Plan Commission member, Steven Spirito.

The following Commission members were in attendance:

Michael Smith, Chairman
Ken Mason, P.E.
Robert Strom
Kimberly Bittner
Lynne Harrington
Fred Vincent
Kathleen Lanphear
Steven Spirito

Also present were:

Jason M. Pezzullo, AICP, Planning Director
Stephen Marsella, Esq, Assistant City Solicitor
Douglas McLean, Principal Planner
Joshua Berry, Senior Planner
J. Resnick, Clerk

ORDINANCE RECOMMENDATIONS

Ordinance 08-18-04 – In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled “Zoning” (Change of Zone – 1055 Oaklawn Avenue from A-8 to C-2)

This matter was not heard – no vote was taken.

Atwood Village Condominiums – Master Plan

Major Land Development

12 units (6 duplex) with private street extension

Terminus of Burton Street

AP 12, Lots 938-946, 947-953, 996-1002

Principal Planner, Doug McLean, gave an overview of the project, stating that there will be twelve units in total in six single-level buildings to be accessed from Burton Street. The project currently comprises 23 separate record lots. Previously 27 townhouse units were proposed and approved for this site with access from Berry Street, however, that proposal was never finalized and is now considered defunct.

Roadway access is proposed to be provided via the existing Burton Street public right-of-way. The development is to be served by public water, sewer and gas through extension of the existing utilities located in Burton Street. Stormwater drainage is proposed to be handled through the installation of a closed drainage system for conveyance, initial underground infiltration system for water quality, detention pond for storage, and outlet into the State System within Atwood Avenue.

Attorney John DiBona stated that he has been involved with this project since 2004. He stated that the original project's approvals were tolled in 2009. He stated that this proposed project will provide a transition from highway business to the existing single-family residential neighborhood.

Mr. Joe Casali, PE, gave a PowerPoint presentation. He stated that the project will end with a cul-de-sac for Fire Department access. The proposal will not appear to require zoning relief and will be serviced by Providence Water and public sewers, with fire hydrant placement at the beginning of the road per Fire Department request. He reiterated Mr. McLean's comments regarding drainage, stating that "runoff will collect in a closed injection control system".

Mr. Vincent expressed concern with the steep slopes present onsite. Mr. Casali stated that the property slopes in the 10-12% range. He stated that retaining walls are proposed and this will countersink rooflines for a better fit with the neighboring properties. There are no final architectural designs at this time. He has carefully considered the existing slope and the design will reflect this. Landscaping and privacy fencing is proposed. The stormwater runoff proposal "will separate water and sewer at the transition point. An alternative is to direct effluent to a pump station".

Ms. Harrington asked if permeable pavement could be used and if blasting will be needed. Mr. Casali stated that he "will consider permeable pavement at Preliminary Plan". He stated that they will be filling the land and probably not be blasting and that he is unsure if there is ledge. If blasting is required, all required permits will be obtained.

No public comment was offered on this matter.

Upon motion made by Mr. Mason and seconded by Mr. Vincent, the Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and *approve* this Master Plan, subject to the following conditions:

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Major Land Development – Master Plan has been conducted. The abutters have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for the informational meeting was published in the July 26, 2018 edition of the Cranston Herald.
2. The proposed development is consistent with the City of Cranston Comprehensive Plan Future Land Use Map which designates the subject parcel as "Residential Less Than 10.39 Units Per Acre"
3. The proposal major land development is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the B-2 multi-family transition residential zone.
4. Significant negative environmental impacts are not anticipated to result from the proposed development as shown on the Master Plan submission provided that applicable permits are received from the Rhode Island Department of Environmental Management and provided that City utility connections are deemed sufficient.
5. 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.

6. The proposed development will have adequate permanent physical access to Burton Street, an improved public roadway located in the City of Cranston.
7. Significant natural, cultural, or historic features that contribute to the attractiveness of the community have not been identified on site.
8. The proposed development will serve as a transition between the commercial uses located along Phenix and Atwood Avenues and the single family residential neighborhood to the north and west. It will be well integrated with the surrounding area and reflect the general characteristics of the development patterns located along the north-western portion of the Atwood Avenue corridor.
9. Based upon the information provided with the Master Plan level of detail, staff finds the proposed subdivision appears to provide for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for suitable building sites.
10. Based upon the information provided with the Master Plan level of detail, staff finds the proposed design and location of streets, building lots, utilities, drainage improvements and other improvements appear to conform to local regulations for mitigation of flooding and soil erosion.

Conditions of approval

1. Preliminary Development Plan Review (DPR) Committee Approval prior to Preliminary Land Development Plan submittal to the City Planning Department;
2. Physical Alteration Permit to be granted by the Rhode Island Department of Transportation prior to Preliminary Plan submittal;
3. Underground Injection Control Permit to be granted by the Rhode Island Department of Environmental Management prior to Preliminary Plan Submittal;
4. Provision of fully engineered water system design plans at Preliminary Plan submittal;
5. Veolia Water approval of sewer engineering stating that the plans conform to Annex A - Design of Sewers;
6. Obtain final design approval from the Providence Water Supply Board prior to Preliminary Plan submittal with the Planning Department;
7. Provision of fully engineered stormwater plans at Preliminary Plan submittal addressing the concerns from the City of Cranston Department of Public Works as detailed in the staff memo dated August 7, 2018;
8. Burton Street extension and curbing plans to be revised so as to allow vehicular access to the subject property; and
9. Provision of draft condominium declaration/incorporation and homeowners association documents at Preliminary Plan submittal.

Seven Mile Road Solar 2 – Master Plan

Major Land Development w/o street extension
Two – 1MW solar farm installations (2MW total)
 Seven Mile Road
 AP 32, Lot 21

Senior Planner, Joshua Berry, stated that this solar project will not require removal of trees on site. He stated that “this has been an on-going process, with many revisions, that will be tightened up through the DPR process and at the Preliminary Plan submission”.

Attorney Robert Murray stated that this is a combined Major Land Development and Minor Subdivision proposal. There will be two separate .99 kilowatt solar array projects to be built. He stated that he held a community meeting in July and met with interested members from both Cranston and Scituate. The project will require dimensional zoning relief as the project will have substandard lot frontage. Once subdivided, each lot will have 130 ft. of frontage (per survey) rather than the previously proposed 148 ft. of frontage. He stated that there are two separate applicants each selling energy to National Grid’s Renewable Energy Program. Access into this site will be accommodated via a shared entry road. The project is subject to the DPR process, and the applicant/s will comply with the staff recommendation of

meeting with the Conservation Commission to solicit their comments and concerns. The projects will comply with the decommissioning regulations of the City.

Mr. Dave Russo, PE, DiPrete Engineering, stated that the lot is 11.1 acres and is zoned A-80 and is considered a farm field and the solar panel layout has been re-oriented per the survey results. There is an existing five-foot scrub buffer along Seven Mile Road that will be maintained. A 15 foot drive aisle (gravel/crushed stone) is proposed for maintenance and emergency access. A six-foot high security fence will be set back 260 ft. from the road and will encircle the solar fields. Wetlands exist along two sides of the project and will not be disturbed. There will be no significant change in hydrology – “it is grass today and will remain grass”. Landscape Architect, John Carter, has proposed rows of agricultural areas along the 7 Mile Road and the southern property line. These areas will be planted as hayfields. No lighting is proposed, and no topsoil will be removed per City Code. He stated that “the property drains to be south east and eastern edge”. An abutter to the west (Scituate) expressed concern with the connection. Two new poles installed opposite the entrance will be the National Grid interconnection access. There is no blasting proposed for the overall project.

Attorney Murray stated that two separate decommissioning bonds will be provided and two separate building permits will be sought. He stated that buffering has been enhanced at neighboring property owner’s request. He stated that through the subdivision process, Ms. Conley’s project will receive 300 ft. of property as the previous owners’ of the property have historically let her use it. He stated the project would next appear before the DPRC to remove a condition for preserved buffer area along the southern boundary line.

Planner Ed Pimental stated that the applicant/s have met with the neighbors. As a result, a substantial visual buffer will be provided. He also stated that farming activity will be allowed on both properties and will enhance the rural landscape.

Ms. Lyndsey McGovern, Southern Sky Ventures, stated that she has four years of experience in solar farm development and that these projects do not have a negative impact to surrounding properties. She also stated that her own home is located near a solar field.

Mr. Douglas Doe asked the Commission to “do a site visit”. He stated that there is a historic cemetery on site. He expressed concern with the trees that are proposed to be removed. He stated that two abutters on the south side of 7 Mile Solar 1 (the original project located to the south of this proposal) were opposed to the project (where trees will be removed). He noted that the abutters he mentioned live outside of the notification area. He asked that this matter to be continued and again asked that a site visit be done.

Mr. Berry stated that “the project positives outweigh the negatives”. He further stated that the project proposes to maintain the rural character of the area and that the two projects will look like one. He also stated that the applicants buffering plan will be reviewed by the Conservation Commission.

Ms. Lanphear asked Ms. McGovern why the proposed projects are “sized under one megawatt” and “what is the underlying reason for the National Grid program”. Mr. Murray stated that the applicant chose the Renewable Energy Program. Ms. McGovern stated that she “wants to conserve land and is motivated by smaller project financing”.

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission voted (7/0 – Ms. Harrington abstained) to adopt the Findings of Fact denoted below, with waivers for minimum lot width/frontage, and **approve** this proposal, subject to the following conditions.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. *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.”*
3. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11 which amended the Land Use Plan 1.3 to read, “Preserve existing farmland and developable land that is currently undeveloped, by temporarily removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power.” Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities.
4. The two proposed lots propose a single shared access point, therefore the perception from the public right of way will be that of one development.
5. The applicants propose a Buffer Planting Plan and agricultural uses on the site which will screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the Preliminary Plan approval process to ensure the preservation of the rural character of Western Cranston.
6. *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.”*
7. The proposed solar and agricultural uses are permitted uses in A-80 zoning.
8. The subdivision proposes two lots with 148' of width/frontage where 200' are required per A-80 zoning. If the City Plan Commission approves the Major Land Development / Minor Subdivision without street extension, the applicant must appear before the Zoning Board of Review to obtain a variance for the substandard width/frontage on each created lot.
9. Of the thirteen (13) other lots that have frontage on the eastern side of Seven Mile Road between the Town of Scituate to the north/northwest and Scituate Avenue to the south/southeast, only four (4) appear to meet the 200' lot width/frontage requirement. (This fact includes four (4) adjacent cemetery parcels of which only one meets the lot width/frontage while the other three (3) combine to less than 140' of frontage.) Therefore, the proposed subdivision will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
10. The cemetery lot carved out of the southwestern corner on the subject site has roughly 90' of frontage.
11. *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.”*
12. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Master Plan. The site has already been cleared of trees for farming purposes. If this development is approved, the Seven Mile Solar will submit a request to DPR Committee to remove condition of approval #9 which regulated clearing along its northern property boundary.
13. There is a buffering plan and a proposed agricultural areas to additionally screen the solar from the right of way. The Buffer Planting Plan proposes to maintain existing vegetation along the property boundary as screening.
14. *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.”

15. 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.
16. *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.”*
17. The property in question has adequate permanent physical access from Seven Mile Road, improved public roadways located within the City of Cranston.
18. The proposed subdivision or solar & corn farming uses are not anticipated to have a negative impact on vehicular traffic.

Conditions of approval

1. The applicants shall receive variance approvals for the substandard lot width/frontage from the Cranston Zoning Board of Review prior to filing the Preliminary Plan Application with the Cranston Planning Department.
2. The applicants shall submit the Buffer Planting Plan to the Conservation Commission for review and comments as part of the Preliminary Plan approval process.
3. The applicants shall receive Preliminary DPR approval prior to submission of a Preliminary Application with the Planning Department.
4. All sheets within the Preliminary Plan application set shall be internally consistent.

Replat of Lot 4, Koutsogiane Estates - Preliminary Plan

Minor Subdivision without street extension
Three additional conforming house lots
 Koutsogiane Drive
 AP 12, Lot 3359

Mr. Berry explained that the owner/applicant is proposing to subdivide the existing single lot into three A-12 zoned lots. The existing lot is part of a previously approved Koutsogiane Estates Plat, approved in 2002, which had conditioned this portion of the site as “Not buildable at this time.” Now having received RIDEM Wetlands Plan approval, the project is moving forward. The proposed lots comply with zoning, Subdivision Regulations, and would result in a density (2.40 units/acre) that is consistent with the Comprehensive Plan Future Land Use designation. There are wetlands identified on site, but the buildable land area is compliant with the City requirements. The lots are serviced with public water and sewer and does not require street extension.

LOT	Area (ft ²)	Area minus wetlands (ft ²)	Width / frontage (ft)
Existing Lot	54,415	41,670	365
Proposed Parcel 1	15,377	15,377	163
Proposed Parcel 2	20,478	13,817	100
Proposed Parcel 3	15,896	12,476	102

Attorney John DiBona reiterated Mr. Berry's project proposal, specifically reiterating that the lot had RIDEM issues that have been resolved.

Mr. Phil Mancini, PE, stated that he has "been involved with the project since 2004, when the original subdivision went on record". He stated that all previous concerns have been addressed and that "all utilities are in and functioning".

Ms. Lanphear asked if a shared driveway is proposed for Lots 2 and 3. Mr. Mancini responded, stating that "there will be an easement for each of the owners to use due to the culvert". He stated that the property was "re-flagged by RIDEM in 2018".

No public comment was offered on this matter.

Upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission unanimously voted (8/0) to adopt the Findings of Fact denoted below and **approve** this Preliminary Plan, subject to the following conditions.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The City of Cranston Comprehensive Plan's Future Land Use designation is single family residential 3.63 to 1 unit/acre. The proposed single-family residential lots are consistent with and corresponding density at 2.24 units/acre.
3. The lots comply with the dimensional requirements of A-12 zoning.
4. The two proposed lots propose a single shared access point, therefore the perception from the public right of way will be that of one development.
5. The proposed subdivision will be well integrated to the surrounding neighborhood as it continues the development of Koutsogiane Drive.
6. 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.
7. The property in question has adequate permanent physical access from Koutsogiane Drive, an improved public roadway located within the City of Cranston.
8. The proposed subdivision is will not have any significant negative impact on vehicular traffic.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

Conditions of approval

1. Unless determined by the Planning Director to be unnecessary, the applicants shall provide a cross-access easement between proposed Parcels 2 & 3. The easement must be shown on the Final Site Plan.
2. Payment of Eastern Cranston Capital Facilities impact fee in the amount of \$1,186.92 must be submitted at the time of final plat recording.
3. If necessary, remove the 20' utility easement along the western property line connecting to Whiting Street through the City Council.
4. Provide Certificate of Municipal Liens to demonstrate no taxes are owed to the City of Cranston on the subject lot prior to Final Plan submittal with the Planning Department.

- The applicant shall install marker stakes around the wetland jurisdictional areas in order to prevent encroachments, which shall be shown on the Final Plan.

The Sami Plat – Replat of West Arlington Plat

Lots 372, 373, Portions of Lots 371 and 374

Minor Subdivision without street extension
 Two additional non-conforming house lots
 Corner Crescent Avenue and Peerless Street
 AP 6, Lots 1374 – 1377

Mr. McLean stated that currently the property owner has four contiguous, undeveloped, substandard lots in an A-6 zoning district that are merged into 1 lot per City Code Section 17.88.010 *Substandard Lots of Record*. The applicant is proposing to subdivide the site into two nonconforming lots. The proposed lots comply with the width/frontage requirements, but will require a variance for relief from the 6,000 sq. ft. minimum lot area requirement.

The total area of the 4 combined lots measures 9,600 sq. ft. The applicant proposes to subdivide the area into two lots of 4,800 sq. ft. each.

LOT	Area (ft ²)	Area Deviation from 6,000 ft ² Requirement (ft ²)	Width / frontage (ft) on Crescent Ave	Width / frontage (ft) on Peerless St
Existing 4 Lots Combined	9,600	+3,600	120	80
Proposed Parcel 1	4,800	-1,200	60	80
Proposed Parcel 2	4,800	-1,200	60	0

Attorney John DiBona stated that there are 99 properties within a 400 ft. radius, 67 of which are undersized. He stated that the proposal conforms to the area.

No public comment was offered on this matter.

Upon motion made by Ms. Bittner and seconded by Mr. Strom, the Commission unanimously voted (7/0 – Chairman Smith recused) to adopt the Findings of Fact denoted below, with a waiver for minimum lot area, and *approve* this Preliminary Plan, subject to the following conditions.

Findings of Fact

Positive Findings:

- An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100’ radius have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
- The proposed subdivision and its resulting density of approximately 9.07 residential units per acre is consistent with the City of Cranston Comprehensive Plan. The Comprehensive Plan’s Future Land Use Map designates the subject parcels as “Single Family Residential 7.26 to 3.64 units/acre”, however, the Land Use Plan Element recognizes that many existing lots are undersized, and supports development of these lots, stating, “...the City grants variances routinely when properties are 5,000 square feet limiting the purpose and effectiveness of the existing minimum size

requirements. *The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock.*” The proposed parcels are 4,800 sq. ft. in area which is consistent with the lot sizes of the existing housing stock within a 400 foot radius of the subject property. Therefore, the proposal is consistent with the policy direction in the Comprehensive Plan.

3. The proposed subdivision will be well integrated with the surrounding neighborhood and will reflect its existing characteristics. The applicant provided analysis of lot sizes within a 400 foot radius of the property, which states that 80.8% of lots within 400 feet are the same size or less than the proposed parcels (4,800 sq. ft.).
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. 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.
6. The property in question has adequate permanent physical access on Crescent Avenue, an improved public roadway located within the City of Cranston.
7. The proposed subdivision would not have a negative impact on safe and adequate local circulation of pedestrian and vehicular through traffic.
8. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

Negative Findings:

1. The proposed lots do not conform to the A-6 zoning requirements for lot area as both proposed parcels are less than the required six thousand (6,000) square foot minimum. However the proposal will not alter the general character of the surrounding area or impair the general intent or purpose of the Cranston Zoning Code.

Conditions of approval

1. The Applicant shall submit Municipal Lien Certificates for lots A/P 6, Lots 1374, 1375, 1376, 1377 demonstrating no outstanding taxes due to the City of Cranston.
2. Applicant shall receive variance approval for the substandard lot area from the Cranston Zoning Board of Review prior to filing the Final Plan Application with the Cranston Planning Department.
3. Payment of Eastern Cranston Capital Facilities impact fee in the amount of \$593.46 must be submitted at the time of final plat recording.

Elmwood Avenue Mini-Storage – Master/Preliminary

Major Land Development without street creation

105,000 square foot GFA mini-storage (two floors – 52,500 per floor)

Elmwood Avenue, Sharron St, Alton St. Holly St.

AP 4, Lot 2095

Mr. McLean explained that the applicant is proposing to construct a 52,500 sq. ft. footprint, 2-story building (105,000 sq. ft. total floor area) for use as self-storage. The proposed project is allowed by-right per City Zoning Ordinance and is consistent with the Comprehensive Plan Future Land Use Map.

The subject property is currently undeveloped and is used for the purpose of uncovered trailer/vehicle storage. The existing lot is 100% impervious. Roadway access is proposed to be provided via the existing curb-cut on Elmwood Avenue. The development is to be served by Public Water and Sewer through extension of the existing utilities located in Sharon Street.

Mr. Frank Lombardi reiterated Mr. McLean's comments, stating that the property is presently occupied by "box trailers". He stated that this is a seven million dollar investment into this property.

Mr. Eric Wishart, PE, Civil CAD Services, stated that the project complies with the Comprehensive Plan and is properly zoned. No Physical Alteration Permit is required, and the project has been approved by the DPR Committee. With regard to fire suppression, the building will be sprinklered. Currently the lot is 100% impervious, and the applicant has agreed to substantially improve the permeability of the property with the installation of greenspaces and trees along the perimeter of the property.

Ms. Lynn Harrington asked if there are toxic soils on site and the applicant was unsure exactly the condition of the soils given the long term use of the property for industrial uses. Mr. Wishart stated that the lease agreement will stipulate what is allowed to be stored (regarding toxic chemicals). The buildings will be metal clad buildings and will be open from 9 am – 5 pm or 7 pm with key-code access.

Mr. Gary Blanchette, resident of Sharon Street, stated that he welcomes this project.

Upon motion made by Ms. Bittner and seconded by Ms. Harrington, the Commission unanimously voted (8/0) to adopt 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 Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed development is consistent with the City of Cranston Comprehensive Plan.
3. The proposed Major Land Development is allowed by-right through the City of Cranston Zoning Ordinance and no variances or waivers are being requested.
4. The applicant/s received Preliminary Plan approval from the Development Plan Review Committee on August 1, 2018, and must receive Final Plan approval from the Development Plan Review Committee prior to filing for Final Plan approval from the Plan Commission.
5. The proposed Major Land Development Project will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.
6. The applicants are proposing to subdivide the subject property which enables them to size their respective projects to be under 1 megawatt of production in order to qualify for a Rhode Island Renewable Energy Growth Program for commercial scale solar projects.
7. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
8. The proposed Major Land Development Project 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.
9. The property in question has adequate permanent physical access on Elmwood Avenue, an improved public roadway located within the City of Cranston.
10. The proposed Major Land Development Project would not have a negative impact on safe and adequate local circulation of pedestrian and vehicular through traffic.
11. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

Conditions of approval

1. The Applicant shall obtain Final Development Plan Review approval prior to submission of the Final Major Land Development application with staff for recording.
2. The Applicant shall comply with Zoning Code Section 17.20.090 I and K (Specific Requirements – regarding exterior lighting and minimizing disturbance)

PERFORMANCE GUARANTEES

Salo Minor Subdivision – Bond Release Request

Upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission unanimously voted (8/0) to *release* existing Performance Guarantee Bond #0618567, in the amount of \$36,819, in accordance with the Department of Public Works - Engineering Division's recommendation.

ZONING BOARD OF REVIEW RECOMMENDATIONS

MOKHTAR KATTAN AND KANTZ CORPORATION(OWN) AND KANTZ CORPORATION (APP) have filed an application to expand a non-conforming use in an existing fuel station and minimart convenience store at **644 Oaklawn Avenue** A/P 16, Lot 822 14,200 sq. ft. Zoned A8. Relief sought is to allow a coffee and donut shop without drive through to occupy one half the existing space, a walk-in cooler to the back of the building within the rear yard setback, and additional signage is also proposed on the site. Applicant seeks relief per 17.92.010 Variance; Sections 17.20.120 Schedule of Intensity, Section 17.88.040 Change of Use, Section 17.88.050 Structural Alterations.

The application for the freestanding sign is incomplete per the requirement of a scaled perspective rendering in City Code Sec. 17.92.010.(E). During the Plan Commission meeting on 9/11/18, the Applicant agreed to reduce the freestanding sign height to 18' consistent with the existing sign, to relocate the sign to comply with the 5' setback for freestanding signs, and to provide plantings at the base of the sign. The Plan Commission determined that it was reasonable to hear the request with the stated modifications.

Relief for Proposed Conditions:

1. To allow a nonconforming use (coffee & donut shop) to share an existing building with another nonconforming use (gas station/convenience store) in an A-8 zone. [17.88.040 Change of Use]
2. To allow structural modifications to a building occupied by a nonconforming use without changing to a conforming use. [17.88.050 Structural Alterations]
3. To allow a walk-in cooler to encroach 13.9' into the required 20' rear yard setback. [17.20.120 Schedule of Intensity]
4. To allow 83 ft² of wall signage (30 ft² on the primary building and 53 ft² on the canopy) where wall signs are not a permitted sign type in A-8 and the request exceeds the maximum total sign area of 8 ft² on site by 75 ft². [17.72.010 Signs]
5. To replace an existing nonconforming 162.66 ft² (81.33 ft² on each side), 18' high freestanding sign with a 113.66 ft² (56.83 ft² on each side), ~~25'~~ **18'** high freestanding sign which **will comply with** the 5' setback for freestanding signs. Freestanding signs are not a permitted sign type in A-8 zoning. The wall sign and freestanding sign combine to 196.66 ft², exceeding the maximum total sign area of 8 ft² on site by 188.66 ft².

Relief for Existing Conditions (no proposed modifications):

6. To allow the existing canopy which encroaches 20' into the 25' front yard setback in A-8 zoning to remain. [17.20.120 Schedule of Intensity]

7. To allow an existing accessory structure (canopy/fuel pumps), to remain in a front yard.
[17.60.010 Accessory Uses]
8. To allow the canopy for the fuel pumps encroach 10' into the 15' setback from front property lines.
[17.48.010 Gasoline Service Stations]
9. To allow the existing southernmost curb cut to exceed the 30' foot maximum curb cut width per by 7'. [17.48.010 Gasoline Service Stations]
10. To allow the existing curb cut to encroach approximately eighteen 18' into the required twenty 20' setback from property lines. [17.48.010 Gasoline Service Stations]

FINDINGS OF FACT:

1. The subject lot is 14,343 ft², zoned A-8, and the current use on site is a fuel station minimart owned/operated by the applicant.
2. The existing use is not a permitted in the A-8 zone. However, in **1988** the Zoning Board of Appeals approved an application to raze the existing building and construct a new building, pump islands and canopy in the restricted rear yard, finding that the proposal would not be detrimental to the neighborhood. The approval was conditioned to the following: 1). Building design to be in harmony with other commercial buildings on Oaklawn Ave; 2). Install 6' high arborvitae shrub buffer along rear & side property lines; and 3). Install low profile landscape buffer along front line. Of the conditions of approval for the 1988 zoning approval, only condition one (1) appears to be fully satisfied. There are no arborvitae on the side property lines nor is there any landscaping along the front property line, as required by zoning conditions two (2) and three (3).
3. The Comprehensive Plan Future Land Use Map designates the site as Highway Commercial/Services. The proposed use is consistent with the Comprehensive Plan.
4. The opposite side of Oaklawn Avenue is zoned C-2 Neighborhood Business.
5. The conflict between the A-8 zoning designation with the proposed use causes numerous variance requests for existing nonconformities which were not explicitly granted relief in the 1988 zoning approval. This application identifies and includes the existing nonconformities in order to bring the site into legal nonconforming status. The continuance of existing nonconformities would not cause a detriment to the general welfare or undermine the intent of the zoning code.
6. The City of Cranston Comprehensive Plan Land Use Element recommends that the city revise the zoning map to bring it into consistency with existing legal uses and the Future Land Use Map. Appendix A to the Comprehensive Plan consists of a list of such properties, and provides recommended zoning designations. Although this particular lot is not in the appendix, with the benefit of institutional knowledge, it is believed that it was left out in error. Staff takes note of the omission and would recommend that the appropriate zoning designation for this site is C-3.
7. The existing canopy is an accessory structure in a front yard which encroaches 20' into the 25' front yard setback in A-8 zoning. The application proposes to reface the canopy with new Aluminum Composite Material, but no structural modifications to the canopy are proposed.
8. The existing building encroaches 7.2' into the twenty 20' rear yard setback in A-8. Restricted rear yard setbacks were part of the 1988 zoning approval. The application requests to construct a cooler in the rear of the building, which would encroach 13.9' into the 20' rear yard setback. With the exception of the cooler, no changes to the building are proposed.
9. There is 122' of heavily vegetated area between the property line of the subject property and the nearest abutter, the Meshanticut House, acting as a buffer between the uses. Furthermore, the floor elevation of the proposed cooler will be approximately 14' below the Meshanticut House to the east, minimizing the impact of the proposed encroachment for the cooler.
10. The maximum total sign area allowed in A-8 zoning (considering the building area) is 8 ft². Wall signs and freestanding signs are not allowed in A-8 zoning. If the lot were zoned C-3 to reflect its

current land use, the maximum total sign area (considering the building area) is 200 ft². Freestanding and wall signs are a permitted sign types in C-3.

11. The total existing wall signage on the primary structure is 16' (excluding the existing promotional and temporary signage which are to be removed). The applicant proposes to add a sign for the coffee & donut shop for a total of 30 ft². The proposed wall signage on the primary building complies with the 30 ft² maximum in C-3 General Business. All existing promotional and temporary wall signs are to be removed, as reflected on the elevations.
12. The total existing wall signage on the fuel pump canopy is not provided in the application. Observing three (3) existing square Kattan Gas signs on the 36" high canopy face, it can be inferred the existing canopy signs are approximately 3' x 3' or 9 ft² each, totaling 27 ft². The applicant proposes to add three (3) CITGO fuel brand signs for a total of 38.50 ft² and one (1) additional 42" high illuminated "Tri-Mark" sign of 14.51 ft² on the street facing canopy facade for a total of 53 ft² which is an increase of 26 ft². The total proposed wall signage combining the primary building and canopy is 83 ft².
13. The existing freestanding sign to be replaced is 162.66 ft² (81.33 ft² on each side) and 18' high. The proposed freestanding sign is 113.66 ft² (56.83 ft² on each side) and **18'** high. This constitutes a reduction in area by 49 ft². When compared to the regulation of freestanding signs in C-3 zoning, the request exceeds the 35 ft² maximum area by 78.66' and exceeds the 15' height maximum by **3'**.
14. The freestanding signage exhibit provided in the application does not satisfy 17.92.010 (E) which requires sign variance applications to include a rendering showing the proposed freestanding sign drawn to scale and accurately located on a scaled perspective drawing of the building and site. The applicant has been informed, and has responded that a request has been submitted for the perspective rendering, and that it will be forwarded it when it is available. At the time of drafting this report, the perspective drawings have not been received by this department. The application for the freestanding sign is incomplete until the applicant complies with 17.92.010 (E).
15. All existing freestanding promotional and temporary signs are to be removed and comply with the Cranston Zoning Code.
16. The total proposed signage is 196.66 ft² = [freestanding (113.66 ft²) + primary wall (30 ft²) + canopy wall (53 ft²)]. This sum is 188.66 ft² beyond what is allowed in A-8 zoning, but 3.34 ft² below what the maximum in C-3 zoning.
17. ~~The applicant's justification for the 25' height of the freestanding sign is, "The proposed height will help to ensure proper visibility for vehicles exiting the site and looking in a southerly direction." Where allowed in any zoning district, City Code requires all freestanding signs to be setback 5' from the front property line. The existing sign is nonconforming in that it nearly abuts the front property line. If the nonconforming sign is to be replaced, it should be relocated to comply with the setback, which would eliminate the visibility issue which is the applicant's justification for the height.~~ **(Applicant has agreed to comply with the freestanding sign 5' setback and reduce the height to 18', consistent with the existing sign)**

ANALYSIS:

The zoning variances at the subject property are primarily derived due to the inconsistencies between the subject parcel's residential zoning (A-8) with the existing and proposed commercial uses. However, the Zoning Board of Review, with a recommendation of approval from the Plan Commission, approved a gas station with restricted rear yard area at this site in 1988. This approval demonstrates the City's understanding that a commercial use is appropriate at 644 Oaklawn Avenue, and albeit that the approval was thirty years ago, the commercial use is still consistent with the character of the area today. The variance requests for the use is reasonable considering both the previous zoning approval and existing use. Staff does not find compelling reason to recommend a reversal of the decision that commercial uses may be appropriate at this site.

The Comprehensive Plan Land Use Element recommends that the City rezone properties to be consistent with their existing uses, and has demonstrated this in its future land use designation of this site. Appendix A to the Comprehensive Plan consists of a list of such properties, and provides recommended zoning designations. Although this particular lot is not in the appendix, with the benefit of institutional knowledge, it is believed that it was left out in error. Staff takes note of the omission and would recommend that the appropriate zoning designation for this site is C-3.

Staff has evaluated the variance request for the cooler to encroach into the rear yard setback, finding it to have merit considering the existing building configuration and the distance and buffer from abutting uses. The 1988 approval permitted the existing building to encroach into the rear setback. There are no alternative locations for the cooler which would comply. Seeing that there is a forested slope which acts as a buffer to the Meshanticut House in the rear of the property, the cooler is not anticipated to have any negative impact on neighboring properties. In addition, staff consulted with the Cranston Fire Department who stated that the rear yard encroachment of the cooler would not create any undue safety hazard as apparatus still would have access to three of the four sides of the building, consistent with their general performance standards.

The variance requests for wall signage are generally reasonable considering the proposed use. The wall signage on the primary building does not exceed the 30 ft² in C-3 zoning and the canopy signage is consistent with canopy signage found on fuel stations throughout the city. Staff does not take issue with the proposed *area* of the freestanding sign, which is proposed at a 49 ft² reduction from the existing sign and brings the total sign area on site under the 200 ft² maximum in C-3 zoning.

The Planning Department considers the portion of the variance request for the freestanding sign to be incomplete. City Code Sec. 17.92.010.(E). *Variances* reads as follows:

Any application submitted for a variance relating to the installation of signage that exceeds the maximum allowed area regulated by [Section 17.72.010](#) signs; shall include as part of the submittal, an architectural elevation of the building drawn to scale with the proposed signage located on the building also correctly drawn to scale. Freestanding signs shall also be drawn to scale and accurately located on a scaled perspective drawing of the building and site. Photographs with superimposed photo shop images of the signs, or renderings with no scale, shall not be accepted in lieu of perspective drawings. Photographs of the site with superimposed photo shop images of the signs that are of an accurate scale, may be submitted in addition to the scaled perspective drawings.

Staff has corresponded that the submitted materials do not satisfy this code section. The applicant provided confirmation on 8/28/18 that a request has been submitted for the perspective rendering, and that it will be forwarded it when it is available. Moving forward with a recommendation of the freestanding sign without having a scaled perspective rendering per code, in staff's opinion, impairs the intent of purpose of the zoning ordinance.

~~Having evaluated the materials that have been submitted, staff has concerns regarding the freestanding sign height and location. The existing sign nearly abuts the front property line where the City Code requires a 5' setback. If the existing sign is replaced, the new sign should be required to comply with the setback. The applicant's justification for the 25' height of the freestanding sign is, "The proposed height will help to ensure proper visibility for vehicles exiting the site and looking in a southerly direction." The 5' setback of the sign would reduce or even eliminate the visibility issue, thus the applicant's justification for the height. If the applicant is granted a continuance to submit the required rendering, staff would recommend that the height and location of the freestanding sign be revised. **(Applicant has agreed to comply with the freestanding sign 5' setback and reduce the height to 18', consistent with the existing sign)**~~

Staff finds it relevant to make note that site is not compliant with conditions of its 1988 approval and that noncompliant signage remains on site. There are no arborvitae on the side property lines nor is there any landscaping along the front line, as required by zoning conditions two (2) and three (3). Granting relief from the code when one has not complied with previous conditions may undermine the integrity of the variance process. The applicant's attorney has assured staff that all promotional and temporary signs will

be removed. However, the application was filed in early June, allowing the applicant several months to remove nonconforming signage.

RECOMMENDATION:

The Plan Commission acknowledges that portion of the application for the freestanding sign is incomplete per the requirement of a scaled perspective rendering in City Code Sec. 17.92.010.(E). However, understanding that the proposed sign would have less area than the existing, and hearing the applicants willingness to (1) reduce the height of the freestanding sign to 18', (2) relocate the sign to be setback 5' from the front property line, and (3) provide plantings at the base of the sign, the Plan Commission elected to hear the case and forward the following recommendation to the ZBR:

Due to consistency with the Comprehensive Plan Land Use Element & Future Land Use Map, considering the previous zoning approval, existing use and character of the surrounding area, and anticipating that relief would not alter the character of the surrounding area, upon motion made by Mr. Strom and seconded by Ms. Bittner, the Plan Commission voted (7/1 – Ms. Harrington voted nay) to forward a **positive recommendation** on this application to the Zoning Board of Review, with the three (3) conditions above.

SEVEN MILE ROAD, LLC (OWN) AND SOLAR VENTURES, LLC and SOUTHERN SKY RENEWABLE ENERGY RI NEWCO, LLC (APP) have filed an application for a variance to subdivide a lot at **0 Seven Mile Road**. AP 32, Lot 21, area 11.1 +/- acres, zoned A-80. Applicants seek dimensional variance to create two (2) lots with restricted street frontage for use as a solar farm. Each lot will have 148 +/- street frontage. Applicants seek relief per Section 17.20.120 Schedule of Intensity Regulations, Section 17.92.010 Variance.

Staff received a revised Site Layout Plan and Survey with corrected lot frontage dimensions (130' per lot, not 148') which are reflected in the 9/12/18 revised staff presentation and report. The changes were taken into consideration at the 9/11/18 Plan Commission hearing, and did not affect staff's analysis.

FINDINGS OF FACT:

1. Solar farming is a permitted use in A-80 zoning.
2. The applicants are proposing to subdivide the 11.11 acre property in a manner which enables them to size their respective solar farming projects to be under 1 megawatt of production in order to qualify for a Rhode Island Renewable Energy Growth Program for commercial scale solar projects.
3. The proposed lots do not conform to the A-80 zoning requirements for lot width/frontage. Both proposed 148' of width/frontage, which are both 52' short of the required 200' minimum.
4. The proposed solar farms developments are consistent with the City of Cranston Comprehensive Plan through Ordinance 01-17-11 which amended the Land Use Plan 1.3 to read, "Preserve existing farmland and developable land that is currently undeveloped, by temporally removing the development potential through land banking by allowing the land to be used for passive alternative energy generation such as solar power." Additionally, the Economic Development Element and Natural Resources Element were also amended to include encouragement of renewable energy facilities.
5. There is a single shared driveway proposed to access the two lots, giving the impression from the public road of a single development. This is in harmony with the intent of lot width minimums, in that the impact to the public realm would be exactly the same as if the lots were not subdivided.
6. The proposed subdivision will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics. Of the thirteen (13) other lots that have frontage on the eastern side of Seven Mile Road between the Town of Scituate to the north/northwest and Scituate Avenue to the

south/southeast, only four (4) appear to meet the 200' lot width/frontage requirement. The average lot width /frontage is roughly 165' for the 13 lots.

7. The applicants propose a Buffer Planting Plan and agricultural uses on the site which will screen the solar panels from other abutting uses, preserving the rural character of the area, consistent with the Comprehensive Plan. Modifications of details of said plan can be made during the Preliminary Plan approval process to ensure the preservation of the rural character of Western Cranston.
8. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Master Plan. The site has already been cleared of trees for agricultural purposes, and the Buffer Planting Plan proposes a 20' wide double row evergreen buffer to the adjacent residential properties.
9. 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.
10. The proposed subdivision or solar & farming uses will not have a negative impact on vehicular traffic.

ANALYSIS:

Staff has conducted a review of the request for relief from the required frontage, finds that the proposed subdivision will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics. There is a single shared driveway proposed to access the two lots, giving the impression from the public road of a single development. This attribute of the development is in harmony with the intent of lot width minimums, in that the impact to the public realm would be exactly the same as if the lots were not subdivided. Furthermore, the deviation of lot width is consistent with lots in the area. Of the thirteen (13) other lots that have frontage on the eastern side of Seven Mile Road between the Town of Scituate to the north/northwest and Scituate Avenue to the south/southeast, only four (4) meet the 200' lot width/frontage requirement. The average lot width /frontage is roughly 165' for the 13 lots. The applicants propose a Buffer Planting Plan and agricultural uses on the site which will screen the solar panels from other abutting uses. Modifications of details of said plan can be made during the Preliminary Plan approval process to ensure the preservation of the rural character of Western Cranston.

All applications are evaluated on their merits alone - not on precedent set by previous applications – however, staff finds it relevant to discuss the existing solar development (“Seven Mile Solar”) directly to the south of the subject site, which is under the same ownership as the current owner/applicants, and was approved by the Development Plan Review Committee in March of 2017. Seven Mile Solar was initially intended and subdivided for development as two single family residences. Waivers and variances for substandard lot width/frontage were granted at 84' on each lot where 200' is required.

RECOMMENDATION:

Due to consistency with the intent of lot width/frontage minimums, the Comprehensive Plan policy to preserve the rural character, as well as the proposed lots' consistency with the surrounding neighborhood, upon motion made by Mr. Strom and seconded by Mr. Spirito, the City Plan Commission voted (7/0 – Ms. Harrington abstained) to forward a **favorable recommendation** on this application to the Zoning Board of Review with the condition to provide the minutes/comments from the Conservation Commission's review of the Buffer Planting Plan.

CRANSTON BIBLE CHAPEL, INC.(OWN) AND ZARELLA DEVELOPMENT CORPORATION (APP)

have filed an application to construct two new single family dwellings on two new undersized lots, one of which with restricted front yard setback on a corner lot at **0 Crescent Avenue**, A.P. 6, lots 1374,1375,1376,1377; area 9,600 s.f. , zoned A6. Applicant seeks relief per 17.92.010 variance; Section 17.120.010 Scheduled of Intensity Regulations.

VARIANCE REQUEST:

To grant relief for the creation of 2 parcels with a lot area of 4,800 sq. ft. each in an A-6 zone. The City Zoning Code Section 17.20.120, Schedule of Intensity Regulations, requires that lots in an A-6 zone have a minimum of 6,000 of lot area.

LOT	Area (ft ²)	Area Deviation from 6,000 ft ² Requirement (ft ²)	Width / frontage (ft) on Crescent Ave	Width / frontage (ft) on Peerless St
Existing 4 Lots Combined	9,600	+3,600	120	80
Proposed Parcel 1	4,800	-1,200	60	80
Proposed Parcel 2	4,800	-1,200	60	0

FINDINGS OF FACT:

1. Currently, the owner has four contiguous substandard lots at this location that are merged into 1 lot per City Code Section 17.88.010 *Substandard Lots of Record*. The total area of the 4 combined lots measures 9,600 sq. ft.
2. The applicant is proposing a subdivision that will result in the creation of 2 substandard lots (4,800 sq. ft. each) in an A-6 zone.
3. Both of the lots are currently undeveloped.
4. Both of the proposed lots meet the required minimum lot frontage and no other dimensional relief is needed.
5. The surrounding neighborhood is zoned A-6 and primarily developed as single-family housing.
6. 80.8% of lots within a 400' are the same size or less than the proposed parcels (4,800 sq. ft.).
7. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan. The resulting density of the project if developed as single family housing would be approximately 9.07 residential units per acre. The Comprehensive Plan's Future Land Use Map designates the subject parcels as "Single Family Residential 7.26 to 3.64 units/acre", however, the Land Use Plan Element recognizes that many existing lots are undersized, and supports development of these lots, stating, "...the City grants variances routinely when properties are 5,000 square feet limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock." The proposed parcels are 4,800 sq. ft. in area which is consistent with the lot sizes of the existing housing stock within a 400 foot radius of the subject property. Therefore, the proposal is consistent with the policy direction in the Comprehensive Plan.
8. The Comprehensive Plan encourages the development of infill lots in Eastern Cranston in order to mitigate the demand for development in Western Cranston.
9. Parcel 1 is considered a corner lot at the intersection of Crescent Avenue and Peerless Street and is subject to the front yard setbacks from both these streets. The proposed building setback from Crescent Avenue is 25 feet, which meets the front yard setback requirement for an A-6 parcel. The proposed building setback from Peerless Street is 14 feet. Per City Zoning Code Section 17.20.110.C Residential Yard Exceptions, the required front yard setback can be amended to reflect the average setback of existing structures within 200 feet. The average setback of the existing structures on Peerless Street is 12.65 feet per City Planning Department staff analysis, thus this alignment meets the requirement for a front yard setback on Peerless.
10. The City Plan Commission is considering the Preliminary Plan Application for this minor subdivision on August 8, 2018. A variance from City Code Section 17.20.090 (E) Specific Requirements, and Section 17.20.120 Schedule of Intensity Regulations, is required for consideration of Final Plan approval for the proposed subdivision.

ANALYSIS:

The applicant has proposed a subdivision in which the lots have a substandard lot area, but meet existing

frontage requirements. The exiting setback requirements in an A-6 zone would allow for a building envelope sufficient for a single family house on each lot. The lots in the surrounding neighborhood were established prior to the effective date of the Zoning Map, the majority of which are below the minimum lot size in an A-6 zone. The applicant has provided a narrative analysis of lot sizes within a 400 foot radius of the property, which states that 80.8% of lots within 400 feet are the same size or less than the proposed parcels (4,800 sq. ft.). The proposal is consistent with the surrounding single family neighborhood in land use. Finding #6, that the Comprehensive Plan supports the development of undersized lots, is clear policy direction relevant to this proposal. Furthermore, the proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots are encouraged in Eastern Cranston.

RECOMMENDATION:

Due to the consistency in parcel size and land use with the surrounding neighborhood, as well as consistency with the Comprehensive Plan, upon motion made by Ms. Lanphear and seconded by Ms. Harrington the Plan Commission voted (7/0 – Chairman Smith recused) to forward a **positive recommendation** on this application to the Zoning Board of Review.

DERECK M. ANDRADE AND MAGDARITZA ANDRADE (OWN/APP) have filed an application to construct a new single family dwelling on an under-sized lot at 0 Maplewood Avenue, A.P.8, lots 1717, and 1718; area 4,460 sf. zoned B1. Applicants seek relief per Section 17.92.010 Variance, Section 17.20.120 Schedule of Intensity Regulations, Application filed 7/20/2018. Robert D. Murray. Esq.

VARIANCE REQUESTS:

1. To allow four existing nonconforming lots to be combined/subdivided into 2 nonconforming lots with 5,353 ft² and 4,470 ft² of area respectively where 6,000 ft² is required in B-1 zoning. [17.20.120 Schedule of Intensity]
2. To allow four existing nonconforming lots to be combined/subdivided into 2 nonconforming lots with 50' of width/frontage each where 60' is required in B-1 zoning. [17.20.120 Schedule of Intensity]

PROJECT SUMMARY:

The owner/applicant is proposing to subdivide the site into two nonconforming B-1 zoned lots so that the land can yield another single-family residence. Currently, the owner's four undersized lots are merged under zoning and are currently occupied by one single-family home with accessory structures (detached garage and pool). The application proposes to split the existing lot at the midway point to create two lots that are nonconforming in terms of minimum lot width (60' is required - 50' proposed for both Parcel A and B respectively) and area (6,000 ft² is required – 5,353 ft² is proposed for Parcel A, and 4,470 ft² is proposed for Parcel B). As the widths for the two proposed parcels are equal, the difference in area is due to lot depth, 107' for Parcel A and 89' for Parcel B.

LOT	Area (sq. ft.)	Width / frontage (ft)	Deviation from Required Area (ft ²)	Deviation from Required Width (ft)
A/P 8-4 Lot 1717	2,231	25	-3,769	-35
A/P 8-4 Lot 1718	2,239	25	-3,761	-35
A/P 8-4 Lot 1719	2,673	25	-3,327	-35
A/P 8-4 Lot 1720	2,680	25	-3,320	-35
Total Existing Merged Lot	9,823	100	+3,823	+40

Proposed Parcel A	5,353	50	-647	-10
Proposed Parcel B	4,470	50	-1,530	-10

FINDINGS OF FACT:

1. The owner has four contiguous substandard lots at this location that are merged into 1 lot per City Code Section 17.88.010 *Substandard Lots of Record*. The total area of the 4 combined lots measures 9,823 ft².
2. Currently, the property is being occupied by a single-family residence and accessory structures (detached garage and pool). The site plan indicates that the pool will be removed if a single family residence is to be developed on Parcel B.
3. The applicant is proposing a subdivision that will result in the creation of 2 lots in a B-1 zone that are substandard in terms of lot area and lot width/frontage. Both proposed parcels have 50' of width/frontage where 60' is required. Parcel A has a proposed area of 5,353 ft² and Parcel B has a proposed area of 4,470 ft². The proposed average lot size is 4,912 ft².
4. The Planning Commission heard the Preliminary Plan – Minor Subdivision application on July 10th. Upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted (7/0) to approve your Minor Subdivision application with waiver for lot design standards, subject to the following conditions:
 1. The Applicant shall submit Municipal Lien Certificates for lots A/P 284, Lots 1719 & 1720 demonstrating no outstanding taxes due to the City of Cranston.
 2. Applicant shall receive variance approvals for the substandard lot area and width from the Cranston Zoning Board of Review prior to filing the Final Plan Application with the Cranston Planning Department.
 3. Parcel A must continue its existing use as a single family residence.
 4. Parcel B must be developed and utilized as a single family residence.
 5. Payment of Eastern Cranston Capital Facilities impact fee in the amount of \$593.46 must be submitted at the time of final plat recording.
5. The surrounding neighborhood is zoned B-1. The majority of properties are single-family and two-family homes, but there are a few three-family homes in the neighborhood as well.
6. The proposed subdivision and its resulting density of approximately 8.87 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as "Single/Two Family Residential – less than 10.89 units per acre."
7. The proposed subdivision will be well integrated with the surrounding neighborhoods. The applicant provided analysis of lot sizes within a 400' radius of the property, finding that the average single-family lot size is 5,750 ft², and that the average density is 4,560 ft² per unit. The proposal is less dense than the existing neighborhood, at 4,912 ft² per unit. The deviation from the average lot area is largely due to the reduced lot depth of Parcel B.
8. Lot depth does not have the same impact on the character of a neighborhood as lot width/frontage. For this reason, minimum lot depths are not established by zoning, only the lot width/frontage and lot area. Therefore, the reduction in lot depth which results in the further reduction of the lot area for Parcel B is not deemed to have a negative impact on the character of the neighborhood.
9. The City of Cranston Comprehensive Plans Land Use Element recognizes that many existing lots are undersized, and supports development of these lots, "The City grants variances routinely when properties are 5,000 square feet. . . The City needs to address this issue and consider changing regulations to reflect the higher density in these areas. . ." Parcel A is above 5,000 ft², and Parcel B is only substandard to this threshold because of the reduction in the rear yard. The proposed average lot size is 4,912 ft². Therefore, the proposal is consistent with the policy

direction in the Comprehensive Plan.

10. The Comprehensive Plan encourages the development of infill lots in Eastern Cranston in order to mitigate the demand for development in Western Cranston.
11. The proposed subdivision would not have a negative impact on safe and adequate local circulation of pedestrian and vehicular through traffic.
12. There is an existing nonconforming detached garage on existing lot 1720 which encroaches 4' into the required 5' setback for accessory structures in B-1 zoning per City Code Section 17.60.010(b)(6). The proposed subdivision would have no perceived negative impact on this condition, but would actually reduce the nonconformity by triggering the provision in Section 17.60.010.(b.) (8.) to reduce the side yard accessory structure setback for lots with less than sixty (60) feet of frontage to three (3) feet.
13. There is an existing pad which straddles the proposed lot line. Aerial images indicate that this pad is currently being utilized as an outdoor seating area, sheltered by a canopy/patio tent. It is recommended that the applicant either remove the portion of the pad which encroaches onto proposed Parcel A, or to provide an easement to Parcel B to allow access.

ANALYSIS:

The lots in the surrounding area were established prior to the effective date of the Zoning Map, the majority of which have substandard area, many of which are combined by zoning. Because there are many merged lots, an analysis of neighborhood density is more descriptive to the character of the neighborhood than is the average lot area. The applicant provided analysis of lot sizes within a 400' radius of the property, which states the average single family lot size is 5,750 ft², compared to the proposed average of 4,912 ft² per lot. However, the density of the same search area is 4,560 ft² per unit, where the proposed density is 4,912 ft² per unit. Therefore, despite being slightly undersized, staff believes that the proposal is consistent with the surrounding neighborhood. Staff's concern regarding the substandard area of Parcel B is assuaged by the fact that the lot will have the same width as Parcel A, and thus the same impact from the public right-of-way. The reduced area of Parcel B is due to the sale of a portion of the rear of the lot so that the owner to the rear could develop their pool area, as evidenced in the "Aerial View Close Up" image in this report. As the properties had the same owner until 2003, it is believed that this transfer of property happened before the owner/applicant purchased the property in 2005. Corroborating staff's finding that the proposal is consistent with the neighborhood, the Comprehensive Plan provides clear policy direction regarding substandard lot area. The Comprehensive Plan Land Use Element supports the development of undersized lots in the range of 5,000 ft², recognizing the inconsistency between the existing lots and the zoning requirements, recommending that the city resolve the inconsistency and relax the regulatory burden as appropriate. Furthermore, the proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots are encouraged in Eastern Cranston.

RECOMMENDATION:

Due to consistency with the Comprehensive Plan's Land Use and Housing Elements, as well as the density and land use of the surrounding neighborhood, upon motion made by Mr. Vincent and seconded by Ms. Bittner the Plan Commission voted (7/0 – Mr. Spirito abstained) to forward a **positive recommendation** to the Zoning Board of Review.

PARK AVENUE REALTY, INC. (OWN) AND MACERA'S ITALIAN RESTAURANT, INC. (APP) have filed an application to operate a restaurant in an existing building in an industrial zone at 1350 Park Avenue, A.P. 11, lot 1768, area 14,748 s.f. zoned M1. Applicant seek relief per Section 17.92.010 Variance; Sections 17.92.020 Special Use Permit, 17.20.120 Schedule of Intensity Regulations, 17.72.010 Signs. Application filed 7/20/2018. Robert D. Murray. Esq.

Application is on administrative hold.

DEBORAH GUGLIELMO (OWN/APP) has filed an application to construct a carport with restricted setbacks and lot coverage at 161 Western Promenade, A.P. 3, lot 1381; area 4,270 s f. zoned A6. Applicant seeks relief per Section 17.92.010 variance; Section 17.120.010 Scheduled of Intensity Regulations. Application filed 08/08/2018.

Variance Requests:

1. To allow a carport to encroach 3' into the required 3' accessory structure side setback in A-6 zoning for lots with substandard width. [17.60.010 Accessory Uses]
2. To exceed the maximum 30% lot coverage by 5% in order to allow the construction of a carport. [Section 17.120.010 Scheduled of Intensity]

FINDINGS OF FACT:

1. The applicant is seeking authorization to construct a carport addition which would abut the side property line and would exceed lot coverage in an A-6 zone. The proposed carport is an accessory structure, for which the Code allots a reduced setback of 5' where 8' is required for primary structures, and a 3' setback for lots with less than 60' of frontage (the Class IV Survey shows 46' frontage). The appropriate code section, 17.60.010 Accessory Uses, was not acknowledged in the variance request nor was relief from this section part of the public notice/advertisement.
2. Relief is being requested on the grounds that it will "provide covered access to and from home to vehicle in snow, ice and other weather conditions. Also allow for vehicle to be parked in the driveway but still allowing snow and ice to be cleared."
3. The applicant has been unwilling to provide a Class I survey, so the exact relationship between the proposed carport and the property line is unknown. Due to the ambiguity, the applicant is requesting relief up to the property line to account for the potential circumstance that the carport would be 0' setback from the property line. Therefore, the applicant is not requesting the minimum relief necessary, but is asking for the potential *maximum* relief necessary for the carport.
4. Information provided in the application, site plan, and construction plans from Windsor Patio Cover are inconsistent. The construction details call for a 15'-10" x 12' carport, while the application and site plan call for a, 18' x 18' carport. It is unclear what is being proposed. For the purposes of evaluating the request, staff assumes the 18' x 18' dimensions govern.
5. The application states that the existing lot coverage is 27% and that the proposed is 35%, however, it is unclear how the applicant has calculated these figures. The maximum allowed lot coverage in the A-6 zone is 30%. Using the Property Appraiser's VISION card, staff finds the existing building lot coverage to be 1,168 ft² where the application appears to provide a rough estimate of 1,200 ft². An 18' x 18' (324 ft²) addition would change the lot coverage from 27% to 34%, not to 35%. Furthermore, as the carport is proposed over an existing 12' x 7' deck; the area of the existing deck should be subtracted from the 324ft² proposed additional area. Staff calculates the proposed lot coverage as 32.22%.

6. There was a detached garage in the southeastern corner of the lot which has been removed, citing structural issues of the retaining wall along the rear property line as necessitating the teardown. No information has been provided to rule out the rear yard as a potential location for a carport or garage that would comply with the setbacks.
7. If the carport supports were approved to be constructed on the property line as requested, the roof of the carport would overhang across the vertical plane of the adjacent property.
8. The building height is listed as 10' on the application. As the post height for the carport alone is 10', this holds to be inaccurate. However, the maximum building height is 35', so the proposal is clearly within compliant range.

ANALYSIS:

The applicant is seeking authorization to construct a carport addition which would encroach 3' into the 3' side yard setback and would exceed the 30% lot coverage maximum by 5%. The applicant has been unwilling to provide a Class I survey, so the exact relationship between the proposed carport and the property line is unknown. Due to the ambiguity, the applicant is requesting relief up to the property line to account for the potential circumstance that the carport would be 0' setback from the property line.

Therefore, the applicant is not requesting the minimum relief necessary, but the maximum relief necessary. Should the request be approved, the applicant has proposed that the Board condition the approval to the submittal of a Class I survey. Planning staff recommends a Class I survey be a submittal requirement for all variance applications regarding building setbacks. However, it is important that the Board is aware that the roof overhangs the carport supports, so if the supports are proposed to abut the property line, the roof would encroach over the vertical plane of the adjacent property.

Relief is being requested on the grounds that it will "provide covered access to and from home to vehicle in snow, ice and other weather conditions. Also allow for vehicle to be parked in the driveway but still allowing snow and ice to be cleared." The desire to shelter one's vehicle and ingress/egress to one's residence from weather does not constitute a hardship due to a unique characteristic of the subject land or structure. Rather, Planning staff holds that relief granted on this justification would undermine the intent of the Zoning Code and Comprehensive Plan. The City Code explicitly states that the hardship from which the applicant seeks relief cannot be due a physical (or economic) disability of the applicant. Single family residential neighborhoods as typically found in A-6 zoning, are inconsistent with the 0' setbacks as proposed. The application did not provide evidence or analysis which makes the case that the proposal is consistent with the character of the neighborhood.

Staff believes that a solution could be engineered in the rear yard which would comply with the setbacks and provide coverage for the vehicle and walkway. There was a detached garage previously in the rear yard, which was removed due to an issue with the integrity of a retaining wall along the rear property line. Without benefit of more information, staff cannot rule out the possibility of a carport or garage which would comply with the setbacks, and therefore cannot find that the request is the minimum relief necessary.

RECOMMENDATION:

Upon motion made by Mr. Mason and seconded by Mr. Vincent the Plan Commission voted (7/1 – Ms. Lanphear voted nay) to make **no specific recommendation** on this application to the Zoning Board of Review.

PLANNING DIRECTOR'S REPORT

Mr. Pezzullo stated that he attempted to address the matter brought up by Ms. Lanphear regarding the determination of deliberations at the meetings in adding the caveat that all matters on the agendas are subject to a vote, with the exception of the Planning Director's Report section. He stated that he will work to further clarify the matter. Regarding next month's agenda, he stated that there will be five ordinance matters on the agenda next month. He mentioned also that he will be working on an ordinance for "unified development". Work on the Comprehensive Plan update will begin early next year.

Ms. Harrington stated that she would like to review/revisit the city's solar siting ordinance.

ADJOURNMENT

Upon motion made by Ms. Bittner and seconded by Ms. Harrington, the Commission unanimously voted to adjourn at 10:50 p.m.

NEXT REGULAR MEETING October 2, 2018 – City Council Chamber, 7 pm

Respectfully submitted,

Douglas McLean AICP, MRP
Principal Planner/Administrative Officer