

MINUTES

September 3, 2013

Vice Chairman Smith called the Planning Commission Meeting to order at 7:05 p.m. in the City Council Chamber. The following Commission members were in attendance:

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

Also present were:

Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Jason Pezzullo, Principal Planner
Lynn Furney, Senior Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted to approve the minutes of the August 6, 2013, Plan Commission meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 07-13-2 In amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled 'Zoning' (Change of Zone – 31 Poplar Drive and 43 Poplar Drive)

Attorney Robert Murray stated that the property owner is St. Mark's Church Corporation. The applicants are D&P Real Estate Advisors, LLC and Truth Box, Inc. A portion of the property is zoned A-8 residential and a portion is zoned C-3 commercial. The zone change petition before the Cranston City Council to rezone the St. Mark's Church Corporation property to Mixed Use Planned District (MPD) is consistent with the subject Master Plan. He explained that the C-3 side of the property is consistent with the shopping center zoning while the A-8 portion of the property (the former CJCR School) is consistent with the single family homes across the street.

Mr. Murray further stated that the Cranston 2010 Comprehensive Plan designed this parcel as 'a special redevelopment area'. It is a limited site as far as area and setbacks, therefore, an MPD is sought. He stated that the diocese and the church support this project and sale. He noted that the owners/developer held a neighborhood meeting on May 29, 2013, at the Cranston Public Library. Comments made at that meeting have been incorporated into the plan.

The multi-family project will be completed in two phases and will include the renovation of the former CJCR School into twenty residential units with sixteen (16) one bedroom units and four (4) two bedroom units. Phase 2 will include the construction of a new structure facing the Garden City Center that will include thirty-two new residential units including eleven (11) one bedroom units and twenty-one (21) two bedroom units. The project will be subject to approval by the Development Plan Review Committee. RIDEM permit with respect to drainage will be required.

Nicole Reilly, P.E., DiPrete Engineering, stated that the project will be serviced by sewer and Providence Water. Underground parking is proposed in the new building. Commissioner Ken Mason, P.E., Public Works Director, asked that new RIDEM stormwater management regulations be considered. Ms. Reilly stated that drainage design will be in compliance with the new regulations.

Mr. Peter Gill Case, architect, Truthbox Inc., stated that he and Mr. Durham specialize in rehabilitation and preservation of existing buildings. He further stated that the buildings will be eco-friendly and energy efficient. Mr. Durham spoke about the common space area and proposed landscaping.

Traffic Engineer, Paul Bannon, stated that the existing conditions (since 1962) of the 40 ft. roadway will be delineated with proper stripping to “formalize” the roadway. The Cranston Police Department indicates that there is no accident history at this location. A total of 93 spaces are proposed, and the applicant is seeking relief for 14 spaces.

Commissioner Vincent asked if any mines exist in that area. Ms. Reilly stated that none exist in that area.

There being no further comment, the Commission moved to a vote. Upon motion made by Mr. Moran and seconded by Mr. Strom, the Commission unanimously voted to recommend *approval* of this Master Plan MPD / Preliminary Overall District Plan / Major Land Development proposal to the City Council.

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

LAND DEVELOPMENT PROJECT

“St. Marks School Redevelopment” – Major Land Development without street extension
Mixed-Use Planned District / Major Land Development / Preliminary Overall District Plan (PODP) / Master Plan
Poplar Drive and Midway Road
AP 10/3, Lot 745 and portions of Lots 742 and 743

Since this proposal is ‘part and parcel’ to the above ordinance, no separate testimony or comment were made.

Upon motion made by Mr. Strom and seconded by Mr. Motte, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Master Plan MPD / Preliminary Overall District Plan / Major Land Development subject to the following condition.

45-23-30: General purposes of land development and subdivision review ordinances, regulation and rules. – Land development and subdivision review ordinances, regulation and rules shall be developed and maintained in accordance with this chapter and with a comprehensive plan which complies with chapter 22.2 of this title and a zoning ordinance which complies with R.I.G.L. 45-24-27 et seq. Local regulation shall address the following purposes:

(1) Providing for the orderly, thorough and expedition review and approval of land developments and subdivision:

An orderly, thorough and expeditious technical review of this MPD / PODP / MP / MLD has been conducted. City staff has reviewed the proposal and their comments have been summarized in Section IV of this staff memo. Property owners within a 100’ radius have been notified via first class mailing and meeting agenda was properly posted. Newspaper advertisement for this project was published in the 8/22/13 edition of the Cranston Herald.

(2) Promoting high quality and appropriate design and construction of land developments and subdivisions:

The proposed multi-family mixed-use project as presented by the applicant’s architect, truth box, inc., promotes high quality and appropriate design and construction.

(3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;

The proposed adaptive reuse mixed-use development protects the existing built and natural environment and will improve the treatment and handling of stormwater runoff for adjacent properties.

(4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

The proposed development will be well integrated into the surround area with regard to the natural and built features found in the Garden City shopping center and the adjacent Garden City Apartments.

(5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;

The proposal is consistent with the City of Cranston Comprehensive Plan. The Future Land Use Map specifically designates the subject parcel as a "Special Redevelopment Area". This therefore enables a proposal of this size and scope conditioned ultimately on City Council approval for the MPD zoning district.

(6) Promoting thorough technical review of all proposed land developments and subdivision by appropriate local officials;

Local officials have reviewed the proposal and a summary of their comments have been provided in Section IV of this staff memo. There were no comments from city staff which amount to a negative recommendation of the proposed project. As this is the Master Plan stage of review or concept review, additional details and outside approvals are required for the Preliminary Plan stage of review.

(7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and

Impacts such as traffic circulation and stormwater storage and treatment have been documented as part of this application and will be fully addressed at subsequent stages of review by the City Plan Commission.

(8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

Staff practices the consistent application of procedures for local record-keeping on all matter of land development and subdivision review, approval and construction.

45-23-60 Procedure – Required findings. – (a) All local regulations shall require that for all administrative, minor and major development applications the approving authorities responsible for land development and subdivision review and approval shall address each of the general purposes stated in R.I.G.L. 45-23-30 and make positive findings on the following standard provisions, as part of the proposed project's record prior to approval.

(1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues were there may be inconsistencies;

The proposal is consistent with the City of Cranston Comprehensive Plan. The Future Land Use Map specifically designates the subject parcel as a "Special Redevelopment Area". This therefore enables a proposal of this size and scope conditioned ultimately on City Council approval for the MPD zoning district. The designation of the Special Redevelopment area envisions the site as being developed with higher residential density.

(2) The proposed development is in compliance with the standards and provisions of the municipalities' zoning ordinance;

The applicant is following the MPD process as proscribed within the Cranston Zoning Code as well as the Cranston Subdivision and Land Development Regulations. As this project is proposed as an MPD, (a project specific zoning district), the project will only conform upon adoption of this specific ordinance by the Cranston City Council.

(3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;

The multi-family proposal will have no significant negative environmental impacts and as part of the RIDEM approval will be required to improve and enhance the existing conditions.

(4) 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. 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; and

Developing on this lot according to all pertinent regulations will not be impracticable based upon the materials submitted to date at the Master Plan level of detail.

(5) 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.

The proposal has permanent physical access on Midway Road, Garden Court, Poplar Drive and Cypress Drive, improved public streets within the City of Cranston.

(b) Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.

The above findings of fact have been supported by legally competent evidence and testimony from

expert witnesses qualified by the City Plan Commission on the record which discloses the nature and character of the observations upon which the fact finders acted.

Condition of approval

1. Prior to Preliminary Plan submission, applicant shall receive the Mixed-Use Planned District approval from the City Council and receive all necessary permits from outside agencies prior to submission a Preliminary Plan application.

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

ZONING BOARD OF REVIEW RECOMMENDATIONS

SUSAN A WOOD 45 WATERMAN AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to build a 12' X 23' addition to an existing legal non-conforming single family dwelling with restricted frontage and lot coverage at **45 Waterman Avenue**. AP 9/3, lots 752, area 4000+/- SF, zoned B-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

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

Findings of Fact:

1. The existing 2 story, single family use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Waterman Avenue as residential, less than 10.39 units per acre.
2. The applicant's corner lot has 40' of frontage on Waterman Avenue, and 100' on Spring St.
3. The single story addition meets the rear yard setback and the required side yard setback.
4. The existing building's setback from Spring Street is 8'. The proposed addition will have a 9' setback from Spring Street.
5. The existing lot coverage is 31.1% where 35 % is the maximum lot coverage permitted, per the Zoning code. The proposed addition will result in a 38% lot coverage.

Recommendation: The application is consistent with the 2010 Comprehensive Plan Future Land Use Map; therefore, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

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

1075 SCITUATE AVENUE LLC 350 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN) AND NICO ENTERPRISES LLC 1105 SCITUATE AVENUE CRANSTON RI 02921 (APP) have filed an application for permission to expand the menu of food items served to reflect fare associated with a restaurant at **1105 Scituate Avenue**. AP 36/4, lot 43, area 4.59+/- acres, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.88.030 Extension of Non-Conforming Use.

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

Findings of Fact:

1. The 2010 City of Cranston Comprehensive Plan's Future Land Use Map designates this area along Scituate Avenue as Open Space.
2. In November, 2003, a zoning variance was approved to sell ice cream, dairy products, and seasonal fruits and vegetables from the existing farm stand building. The Comprehensive Plan in place at that time designated this area as Residential.
3. The indoor eating area provides a total of 70 seats, requiring 24 parking spaces. The site plan submitted shows 11 paved parking spaces in front of the business, and a gravel parking area to the right of the building, which can provide parking spaces for 16 cars, for a total of 27 spaces.
4. The site plan submitted shows an existing 24' x 35' fenced in area to the right of the building, labeled as outside seating. No information on the number of seats in this area was provided in the

application, however, Bing Maps as well as the City's GIS aerials, show 9 tables (36 seats) which would require 12 additional parking spaces.

5. The floor plan submitted shows a separate room in the front of the building with two takeout windows, dedicated to ice cream, frozen lemonade, and hot dogs.
6. A zoning variance was granted in February 2008 to expand the menu. As the property is located within a Conservation Easement area, a letter dated December 11, 2007 from the City Solicitor, stated that it is his "opinion that the expansion of the menu to include clam cakes and doughboys can in fact be reasonably construed so as to not violate the outstanding Conservation Easement Agreement."
7. A farm stand and nursery is also operated on the same parcel.
8. The application states that the seasonal use of the existing food stand will be altered with the addition of a full service restaurant.

Recommendation: The 2010 Comprehensive Plan Future Land Use Map designates this area on Scituate Avenue as Open Space; therefore, the application for a full service restaurant is not consistent with the Comprehensive Plan. Upon motion made by Mr. Vincent and seconded by Mr. Motte, the Commission unanimously voted to make no specific recommendation on this application to the Zoning Board.

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

ROBERT AND VALERIE KENNEALLY 95 TWIN BIRCH DRIVE CRANSTON RI 02921 (OWN/APP) have filed an application for permission to legalize an accessory family apartment larger than 600 SF as allowed by ordinance at **95 Twin Birch Drive**. AP 28, lot 200, area 20,000+/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.24.010 F, 1, Specific Performance Standards.

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to *continue* this matter to the October, 2013, meeting at the applicant's request.

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

PLANNING DIRECTOR'S REPORT

Mr. Lapolla stated that he has made some amendments to the Subdivision and Land Development Regulations and will refer it to Assistant City Solicitor, Steve Marsella, who will review it and send it to the Ordinance Committee for adoption. Also, next month an official policy on traffic studies will be submitted for the Commission's approval.

Mr. Pezzullo stated that he has had a second 'Climate Change' meeting. The next meeting will be on September 25, 2013, at the Senior Center.

ADJOURNMENT Upon motion made by Mr. Strom and seconded by Mr. Motte, the Commission unanimously voted to adjourn at 8:45 p.m.

DATE OF NEXT MEETING October 1, 2013 – City Council Chamber – 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer

