**MINUTES**

**December 1, 2020**

Chairman Smith called the City Plan Commission Meeting to order at 6:40 p.m. via Zoom.

The following Commission members were in attendance: Chairman Smith, Ken Mason, Robert Strom, Kathleen Lanphear, Frederick Vincent, Joseph Morales, Robert DiStefano, Ann Marie Maccarone and Robert Coupe.

The following Planning Department members were in attendance: Jason M. Pezzullo, Planning Director, Douglas McLean, Principal Planner, Joshua Berry, Senior Planner, J. Resnick, Clerk.

Also attending: Steve Marsella, Assistant City Solicitor

**APPROVAL OF MINUTES**

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Plan Commission unanimously voted to approve the minutes of the November 4, 2020, meeting.

**ORDINANCE RECOMMENDATIONS**

Old Business

**7-20-04** Ordinance in amendment of Ch.17 of the Code of the City of Cranston, 2005,

entitled “Zoning” (Change of Zone – New London Ave.). Petition filed by Coastal Partners LLC, Mulligan’s Island LLC, and State of Rhode Island. (***Continued from the November 4th2020 Agenda)***

Chairman Smith urged everyone to limit their comments to the matter at hand. He asked that comments from the general public be limited to three minutes. Chairman Smith stressed that the Plan Commission’s job is to make a formal recommendation to the City Council Ordinance Committee, and that the City Council ultimately will make the decision to rezone or not. Mr. Pezzullo offered to Chairman Smith that any experts in attendance who would like to speak need to limit their comments to ten minutes.

Joshua Berry, Senior Planner, briefly introduced the proposal which is a major amendment to the existing Mixed Use Plan District (MPD) at 1000 New London Avenue, AP 15-1, Lots 8 & 9, the site of the Mulligan’s Island Golf and Entertainment Center. The proposal before the Commission had been amended from its original version to exclude the state land along Rt.2 AP 15-4, Lot 1706, and to completely remove the residential component. Mr. Berry stated that this is a rezoning proposal through the MPD process and is not a review of a Major Land Development Master Plan.

Attorney John Bolton, on behalf of the applicant, Coastal Partners, LLC, stated that this is a major alteration to an existing MPD which requires the same process as if it were a new MPD proposal.

Mr. Sam Hemenway, P.E., Garofalo & Associates on behalf of the applicant, stated that a 50 ft. buffer is required in the MPD ordinance, which is measured from edge of pavement to the property line. He stated that a 75 ft. buffer at a minimum is proposed. He stated that the ten closest homes would have an average buffer of 280 ft. When discussing lighting from the proposed parking lot, he stated that the lighting will be shielded to prevent glare to abutters. The properties to the south of the development will have a 640 ft. – 760 ft. buffer. Storm water impacts have been reviewed, as referenced in the November 2020 letter that was made part of the record. He stated given the lot configuration and existing conditions there are there are large areas of green space with retention, detention, sub-surface and bio retention methods would be utilized with best management practices. He further stated that all drainage plans need to be reviewed and approved by the State RIDEM prior to moving into future Plan Commission phases. He stated that all the new paved areas will be treated by storm water management mitigation practices, which are more stringent now that at the time Mulligan’s Island was created. Finally, he stated that the RIPDES and water quality of discharge permit approval will be also be required during later stages of review.

Mr. Paul Bannon, traffic expert of the BETA Group on behalf of the applicant, stated that a traffic impact study was submitted on 10/19/20. He stated the study area was from New London Avenue to Howard Avenue from Route 5. He stated that he has reviewed multiple studies that were done prior to the pandemic, including data from 2007-2014 which shows that traffic has “remained steady”. Traffic in the AM has 1,900 vehicles per hour; PM has 2,400 vehicles per hour. He stated that a safety analysis was reviewed. The intersection at Howard Avenue has site distance of 300 ft.; well in excess of what is required (80 ft.). A new intersection will be introduced approximately one thousand feet from Howard Avenue; well in excess of the required 360 ft. He stated that there are no safety deficiencies identified nor will result from this development. He stated that ITE trip generation was used to obtain site generation. It was determined that actual numbers were more conservative than ITE. He stated that COSTCO opens at 10 am. The gas station and other businesses may open earlier. He stated that the gas station is a high “pass by trip” and that number is deducted from the through traffic. He stated that he does not use the pass by trip number.

Mr. Bannon also noted the study included single family homes, which would have produced 30-40 trips at peak hour. The residential portion has been eliminated with the dedication of 18 acres of open space resulting the reduction of that expected traffic volume. He stated that the Howard intersection would have a slight delay (six seconds) in the PM based on the full buildout of the proposal. He stated that a Physical Alteration Permit (PAPA) and State Traffic Commission approval from RIDOT are required at later stages in the planning process. In conclusion, he stated that the proposed development will have a negligible impact on traffic or safety on Howard Avenue or New London Avenue.

Mr. Joseph Lombardo, planning expert on behalf of the applicant, referenced his report which submitted on 11/23/20. He stated that New London Avenue has major commercial development and State facilities. He stated that there are ten distinct uses on the site now and they are compatible with each other. He stated that there is an additional three acres of open space in addition to the 18 acres that will be given to the City for open space. He stated that the Comprehensive Plan shows the site as an MPD and the project is consistent with the FLUM as well. He stated that 18 acres is 40% of the proposed site. He stated that these MPD developments “over time do not remain stagnate; times change”. He stated that commercial and industrial uses generate more taxes. He stated that redevelopment is important over time. This project would create a significant buffer from the existing residential neighborhoods and would also prevent expansion by the State. Regarding economic development, Mr. Lombardo stated that this project would attract “outside money” and create new jobs. The proposal meets the goals and policy objectives of the Economic Development Element of the Comprehensive Plan. He noted specifically that Comp Plan EDP-5 states that commercial will abut residential neighborhoods. He stated that Route 2 is a major arterial which is why the site is attractive for this type of development. He stated that there are considerable design features and mitigation that will be done if granted approved by the City Council. Finally, regarding OS2.5, he stated that in this case, the open space will be deeded to the City. This proposal complies with “OS2.8 passive recreation” as well. He stated that this is a suitable site for this proposal, further stating that it is best to keep industrial sites intact. He referenced LUP-4.3, which states “prevent the intrusion” of specifically commercial development into industrial areas.

Attorney John Bolton presented a map illustrating the 1997 original MPD plan of the site that was approved by the City Council including a 150,000 sq. ft. building containing an indoor sports facility as well as 750 parking spaces, which was located much closer to the medium security facility and the existing residential neighborhood. He stated that planning expert, Kevin Flynn’s, report referenced the 1992 Comprehensive Plan. He noted that there was a “definitive action” by the City Council regarding this site in 2010 in designating this parcel as MPD. He stated that this proposal is consistent with the 2010 Comprehensive Plan.

Mr. William Coyle, real estate appraiser and consultant on behalf of the applicant, reiterated that New London Avenue contains commercial and State facilities. He stated that most residential is located to the south of the property. He noted that the “gift of 18 acres, plus 3 additional acres of open space, to the City is a significant change to the original plan”. He noted that the proposal would not have an adverse effect on the adjacent residential property values and there would be “no change in property value”. However, if left vacant, the unknown potential development is more detrimental to property values.

Mr. Mark Marciano, Director of Development for COSTCO, stated that “the company tries to be centrally located with really good highway access near existing residential neighborhoods and retail centers.” He gave an overview of the number of employees (250-300) per store as well as the wages and benefit packages offered to all employees, including part time employees. He mentioned the company’s low turnover rate, charitable donations and the potential 700-850 jobs created site wide. He stated there would be a conservative net of $725,000 increase in taxes to the City. The store is open M-F 10 – 8:30, Sat. 9:30 -6 and Sunday 10 – 6 pm. The gas station is open M-F 6 am – 9 pm, Sat. 7 a.m. – 8 pm and Sunday 7 am – 7 pm.

Mr. Bolton stated that the gas facility as proposed is located 530 ft. from the nearest residential property line, which is in excess of the 300 ft. required by the 2018 ordinance.

Michael DiGiuseppe, principal of Coastal Partners LLC, stated that the 18 acres of open space is a gift to the City. He stated that there are no deliveries in the rear of the building. The proposed trash compactor is “fed from the inside”. He stated that the company is not “looking to cut corners” and fully intends to comply with all regulations. He noted that the proposal has been well thought out and they have made several concessions. He stated that they have a 50-year commitment from COSTCO at this site. He did, however, express his disappointment with the lack of cooperation from the neighborhood group during their meetings with them.

With Mr. DiGiuseppe’s comments, the applicant’s team had completed their presentation and stated they will are available for questions from the Commission. Chairman Smith next chose to recognize the neighborhood group in opposition to the proposal, Cranston Neighbors for Smart Development.

Cranston Neighbors for Smart Development’s attorney, Amy Goins, Ursillo, Teitz and Ritch, began by stating that the application before this Commission is not proper and using an incorrect procedure under state law and city regulations. She stated that the Major Land Development/Master Plan process must be submitted in tandem with an MPD amendment and that without it, the Commission and Council will not have the information they need to make an informed decision. She stated that the City Council should be fully aware of what they will be asked to approve. She asked that a legal opinion should be given from the City Solicitor as to whether this should be a Comprehensive Plan amendment as well. She also noted that the Department of Corrections director urged disapproval of the proposal as well as the RIDOT. She further stated that the Cranston Cemetery Commission violated the open meetings act as their meeting was not properly posted.

Planning expert Kevin Flynn on behalf of the neighborhood opposition group gave a brief history of the site. He stated that Mulligans was proposed to provide green space with minimal commercial development. He stated that the current MPD was developed to allow a mix of uses that no single zone could provide. He stated that applicant is actually proposing highway commercial (C-4) and S-1 (open space), not an MPD, or amended MPD at all. He stated that what is proposed is in conflict with the Comprehensive Plan. He states that this type of rezone could be seen as spot zoning. He stated in his opinion that there are problematic traffic concerns at Howard Avenue and the Mulligan’s Island entrance disagreeing with Mr. Bannons findings. He describes how the Costco proposal is in conflict with smart growth principles. He stated that it is the “wrong location” for this development and suggested the Plan Commission recommend denial due to the absence of a Comprehensive Plan Amendment and zone change to C-4. He further noted that this site was not mentioned in the Comprehensive Plan for redevelopment. Finally, he discounted the notion that the State would act to re-purchase the Mulligan’s Island property for new institutional uses

Mr. Ben Caito, P.E., of 97 Hilltop Drive and presenting on behalf of the neighborhood opposition group presented site line views from three homes. He stated that the building will be higher than 32 ft. though it would probably be closer to 50+ ft. due to the topography. He claimed the proposed landscaping is insufficient to screen the abutting neighborhood from the development. He stated that the existing trees are deciduous and do not block the view in winter. He mentioned that other COSTCO locations are located much further away from residential properties. He stated that Parcel 3 is 190 ft. away from a home. He stated that he felt the existing zoning protected him from large scale development 14 years ago when he bought his home.

Mr. Michael Friedman, Managing Partner of Mulligan’s Island, stated that approximately twenty years ago he received a phone call from a councilman stating that the neighbors couldn’t live with the proposed Mulligan’s Island and that now it feels like they cannot live without it. He stated that economic times have changed and that Mulligans is no longer sustainable. He also mentioned that the State “is not happy that Mulligan’s Island has that land”. He stated that the notion that the State doesn’t want the land is a fallacy. Ten years ago the State considered acquiring it to locate the new State Police barracks. Furthermore, he stated that the State was actively looking to enlarge the medium security prisons, with this location in mind. He stated that the current proposal will create a permanent barrier between the existing prisons and the surrounding neighborhood.

The experts for the neighborhood opposition group completed their presentation and Chairman Smith recognized one by one the residents who wished to speak both for and opposed to the development.

The residents in strong opposition to the proposal cited concerns with increased traffic congestion and traffic safety, impacts from noise and the city not being able to enforce our existing ordinances, light pollution and an uneasiness with the applicant’s claims to keep contain the parking lot illumination, storm water runoff potentially flooding abutting neighbors basements, a sharp decline in neighborhood property values, opposition to the family plot cemetery relocation onsite, a general degradation in quality of life with the loss of the golf course green space, the large dimensions of the COSTCO building and visible impacts, inability to adequately screen and buffers the adjacent homes from the commercial development, a loss of wildlife habitat, noncompliance with the goals and policies of the Comprehensive Plan and COSTCO’s negative effect on small businesses in the surrounding area.

The following residents of Hilltop Drive, Rosehill Drive, Ledgewood Drive, Laura Circle, Oakhill Drive, Cypress Drive, Normandy Drive, Carnation Drive and Dellway Road spoke in opposition: Daniel Meuse, Rachel McNally, Rebecca DeCesaris, Kate Caito, Jennier Bouchard, Anne Balboni, Donna Brown, Ann Marie Balboni, Mat Celeste, Lori Chartier, Brandon Casey, Norm DiCecco, Pauline DeRosa, Lauren DeCarvalho, Antonio DeSimone, Lisa Gibb, Sean How, Megan Kasparak, Joanne Knowles, Scott Lord, Krystal Langevin, Robin Luducier, Mike McNally, Brian Malachowski, Matt McGee, Ellen McNamara, Ashley Malachowski, Mario Pantano, Jen Piscione, Greg Rock, Debra Scott, Jenifer Shugrue, Shaun Sullivan, Mike Swaider, Howie Reiner, Talia Vaca, Steve Votta and Chris Williston.

Mr. Adam Lupino, 100 Burton Street, a member of a laborers union, spoke in support of the economic development this proposal brings.

Attorney Bolton, stated that he is in receipt of a letter from Michael Sabitoni of the Laborers International Union, which was submitted to the Plan Department on 11/23/20, in favor of the proposal.

Attorney Bolton was then recognized by Chairman Smith to respond to concerns raised by the neighborhood opposition group and their experts. He stated that the issue of property values has been addressed by Mr. Coyle, an expert recognized in real estate valuations who stated that this is not the case. He mentioned the indoor sports facility that was approved in 1997 at the first MPD at this site and it would have been sited closer to the prison and to the surrounding neighbors. He also pointed out that the Brewery Parkade development was originally approved as an MPD. He spoke of the letters from the State agencies that arrived two hours before the start of the public hearing when the State had had several months to prepare a response. He mentioned that Mr. Caito omitted in his site line analysis the existing 40-60 ft. trees. He stated that the applicant intends to fully comply with the city’s existing noise ordinance. Regarding small businesses, he stated that COSTCO is not a competitor to small businesses but rather, small businesses will use COSTCO as a supplier. He mentioned that proposed Parcel 3 will be limited to retail use only. He also mentioned the 18 acres that will be gifted to the City, stating that is a $1.8 million sacrifice from the land owner. He pointed out that the ordinance requires a 50 ft. buffer and this proposal is more than 50% more than what is required at its narrowest. Regarding traffic, he stated that “traffic has to work or RIDOT will not approve the project.” He noted COSTCO’s limited hours of operation and the quality of jobs, as well as construction jobs, that will be created; as well as the fact that the developer “hears the concerns and is committed to try to work with the neighbors”.

In closing, Mr. Bolton asked that the Plan Commission “consider the balance of the roughly 81,000 people who live in Cranston who may need one of the jobs to be created” and asked for a favorable recommendation on this proposal.

At that point, Chairman Smith entertained a motion made by Mr. DiStefano and seconded by Mr. Mason, to close the public comments portion of the public hearing. The Commission voted unanimously (9/0).

Upon motion made by Mr. DiStefano and seconded by Mr. Morales, the Plan Commission unanimously voted (9/0) to continue this matter to the December 8, 2020 Plan Commission Meeting at 6:30 p.m. via Zoom.

**ADJOURNMENT**: Upon motion made by Mr. Vincent and seconded by Ms. Lanphear, the Commission unanimously voted to adjourn at 11:25 p.m.

**NEXT REGULAR MEETING –** Tuesday, December 8th- 6:30PM Teleconference