

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP - Principal Planner
Date: December 1, 2022
Re: **“Comstock Industrial”** Preliminary Plan - Major Land Development

Owner/App: Comstock Industrial, LLC
Location: Comstock Parkway, AP 36, Lot 46
Zone: M-1 (Restricted industry)
FLU: Industrial

I. Proposal

The owner/applicant has submitted a Preliminary Plan – Major Land Development Application to construct two (2) buildings totaling approximately 270,000 square feet consistent with uses allowed in the M-1 zoning district, such as manufacturing, warehousing, and trucking activities, as well as ancillary offices.

All relevant Preliminary Plan materials can be found at the following link:

<https://www.cranstonri.gov/plan-commission-12.6.22/>

The applicant is not requesting any zone changes or variances at this time. The project will be serviced by public water and sewer. The subject parcel is 17.31 acres and currently contains a wooded area and two (2) separate wetland complexes. The presence of wetlands has triggered a RIDEM freshwater wetland review and permit made part of this Preliminary Plan submittal.

The previous Master Plan stage of this application was reviewed and approved by the Plan Commission on December 7, 2021. The topic of traffic was addressed in detail during the Master Plan stage, inclusive of peer reviews of the applicant's Traffic Impact Study, and the applicant's submittals were found to be suitable. The background documents and all other information stemming from the Master Plan stage are available at the following link:

<https://www.cranstonri.gov/city-plan-commission/12/7/21.aspx>

The application was approved by the Development Plan Review Committee at the Preliminary Plan stage on October 19, 2022.

The Plan Commission is charged with making a decision on the Preliminary Plan - Major Land Development Application. The Public Hearing on this matter has been properly noticed and will be opened on December 6, 2022.

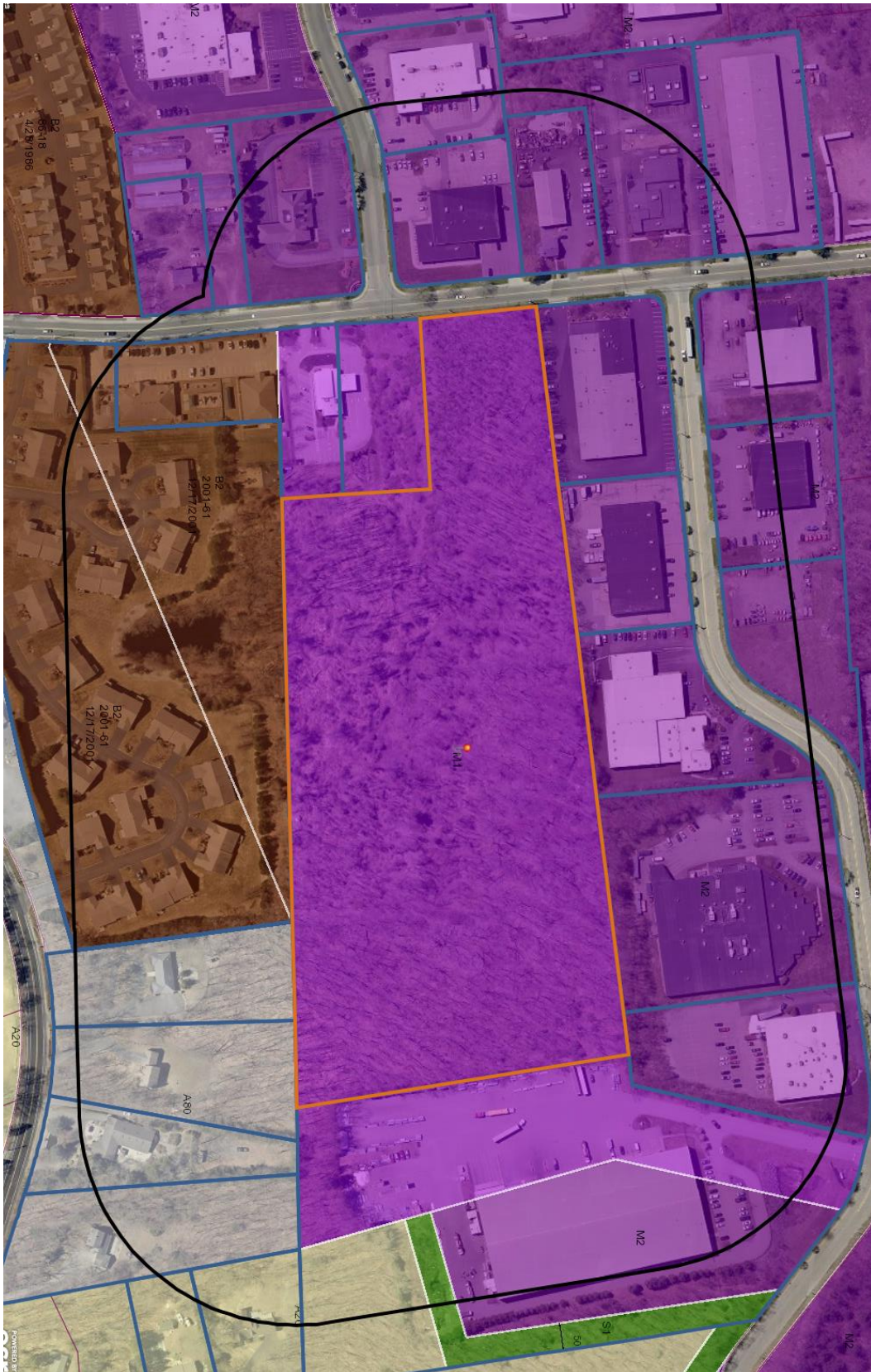
II. Documents as part of the proposed Major Land Development application:

1. Preliminary Plan Application and checklist;
2. Application filing fees;
3. Subdivision plan set entitled "Comstock Industrial Park" prepared by Benesh Engineering, Inc. dated 11/9/22;
4. Stormwater Management Report, Long-term Operation and Maintenance Plan, and Soil Erosion and Sedimentation and Control Plan prepared by Benesh Engineering, Inc.
5. Project Narrative by Bob Murray of Taft and McSally LLP
6. Landscape Plan (as part of plan Set) prepared by John C. Carter & Company, Inc.;
7. All relevant peer review responses/comments on the Landscape Plan from the City's 3rd party peer reviewer Sara Bradford of Bradford Associates, LLC
8. Sound Study dated 8/23/22 and Revised Sound Study dated 10/7/22 prepared by Tech Environmental, Inc.
9. All relevant peer review responses/comments on the Sound Study from the City's 3rd party peer reviewer Michael Bahtiarian of Acentech.
10. Traffic Impact Study prepared by Jaklyn Centracchio of BETA Group, Inc. dated 10/18/22;
11. Wetland Insignificant Alteration Permit and other required permits from RI Dept. of Environmental Management 9/12/22;
12. 100' radius map and list of abutters;
13. Letter regarding sewer availability signed by City Environmental Program Manager;
14. Letter regarding water availability from Providence Water;

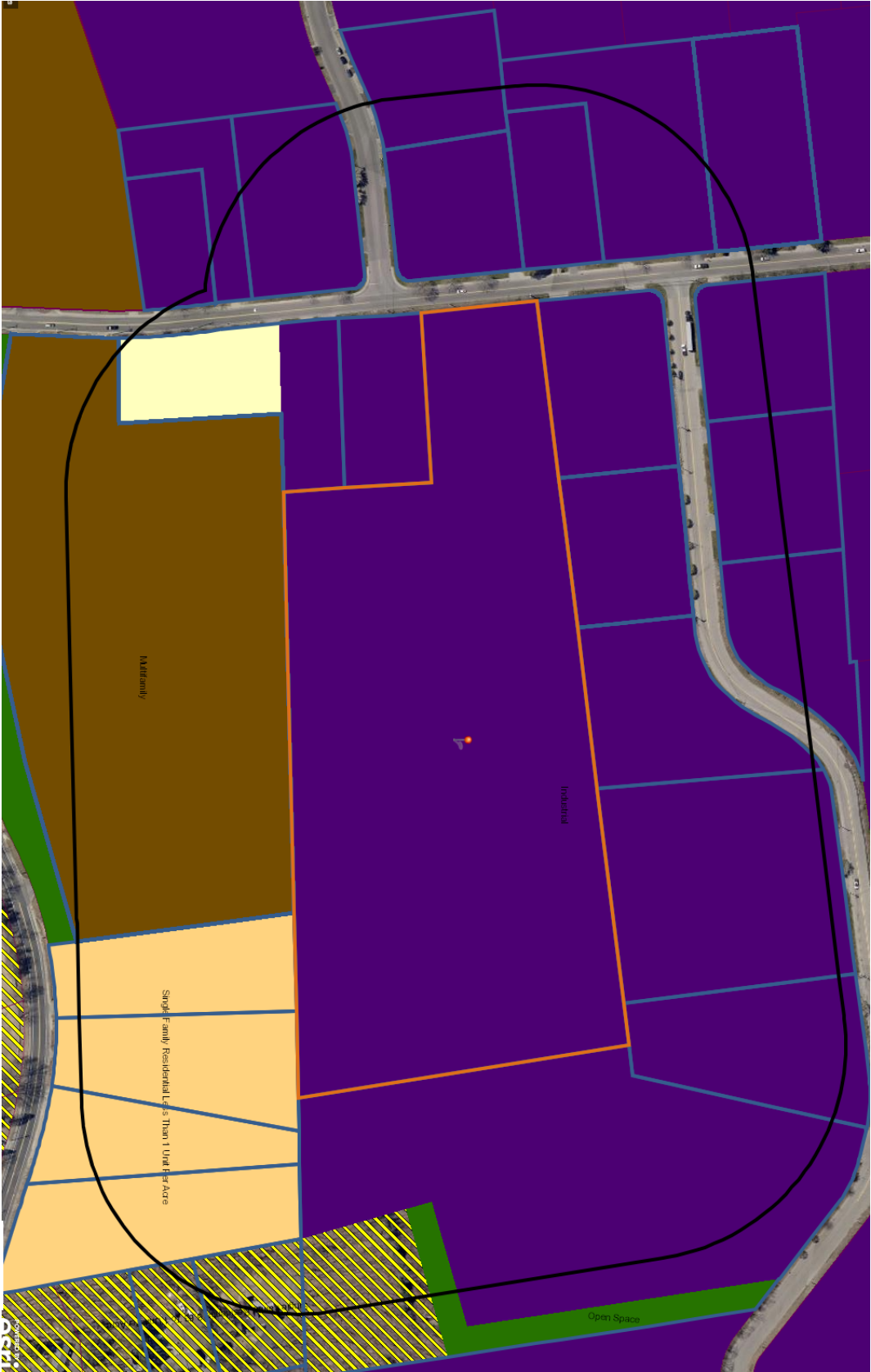
NEIGHBORHOOD AERIAL
(subject parcels in orange, 400 ft. radius in black)



ZONING MAP



FUTURE LAND USE MAP



3-D AERIAL (facing north)



STREET VIEW (from Comstock Parkway)



SOUTH-EAST PORTION OF LANDSCAPE PLAN

MATCH LINE



IV. Surrounding land use and context

Analysis using Geographic Information System indicates that:

1. The subject parcel is located in north-western Cranston with frontage on Comstock Parkway.
2. The abutting properties contain a mix of land uses, including multi-family residential, commercial uses (such as bank, daycare, and restaurant), and industrial uses.
3. There are wetlands on the subject property as well as on abutting properties.
4. The site slopes gently towards the south-east in the direction of an existing wetland complex.
5. The project is free of any regulated floodplains or historic/cultural districts.
6. The 2018 Natural Heritage Map does not show any known rare species located on or near the site.

V. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to the Public Works Department, Engineering Division, Traffic Division, Building and Zoning Department, and the Fire Department.

- The City Traffic Engineer provided the following comment: *While the project is deemed a by-right use, there remain concerns as to potential traffic impacts within the already challenged Comstock Parkway corridor. It is the position of this office that in the event of significant reductions in level of service resulting from the completion and full operation of the project, that off-site improvements to mitigate such impacts be the responsibility of the owner/developer of the project. This may include, but not limited to, traffic signal analysis; traffic signal implementation; and/or roadway modifications. Additionally, this office acknowledges and concurs with the provided traffic engineering studies and statements for the Comstock Crossings project as to its impact to the Industrial Warehouse project driveway operations.*

All other City Departments have reviewed the plans and have no comments at this time.

VI. Interests of Others

None to report.

VII. Planning Analysis

The applicant proposes to develop the 17.31 +/- acre lot into two (2) buildings totaling approximately 270,000 square feet as well as associated parking, vehicle fleet storage, stormwater facilities, and landscaping amenities. The anticipated uses for this site are manufacturing, warehousing, trucking, and ancillary offices, all of which are allowed by-right in the M-1 zone.

The Master Plan stage of this Major Land Development Application was reviewed and approved by the Plan Commission on December 7, 2021.

The application was reviewed and approved by the Development Plan Review Committee at the

Preliminary Plan stage on October 19, 2022.

The subject parcel is currently wooded and includes two (2) separate wetland complexes. The applicant has obtained a RIDEM freshwater wetland permit that has been submitted as part of this Preliminary Plan Application.

The applicant has submitted a Sound Study and Landscape Plan, and a peer review of these two submittals has been conducted by a 3rd party peer reviewers on behalf of the City. All relevant materials on the peer review communications and applicant responses are made part of the application materials on the City's webpage. The peer reviewers have completed their work and have concluded that the applicant's submittals are considered acceptable.

Zoning Ordinance Compliance

One of the requirements for a Preliminary Plan proposal is that the project must be in compliance with the City's Zoning Ordinance. The applicant is not seeking a zone change or any zoning variances in association with this project. All of the baseline standards relating to the proposed uses (manufacturing, warehousing, and trucking activities, and ancillary offices) and dimensional layout of the lot and structures appear to be consistent with the City's Zoning Code. Staff has reviewed this application against Sec. 17.04.010 – *General Purposes*, and finds that the proposal meets the City's general purposes of the Zoning Ordinance.

The Zoning Code does offer some limited regulatory guidance for proposals specifically containing industrial uses, per Sec. 17.20.090 (K) as follows:

“Property and buildings to be used for industrial purposes shall be designed and laid out as to minimize disturbance to adjacent property by such features as buffer fences, planting, suitably located points of traffic ingress and egress and areas for loading and parking. They shall comply in addition to the requirements applicable to the district in which they are located. All industrial operations shall be carried on in conformity with the requirements of Section 17.36.010.” [Staff note: Sec. 17.36.010 refers to a review process at building permit stage]

Based on the above language, the intent of the code is to ensure that industrial uses appropriately minimize disturbances to abutting properties by such means as *“...buffer fences, planting, suitably located points of traffic ingress and egress and areas for loading and parking”*. As discussed above, the City has relied upon peer reviews on the issues of noise and landscape buffers in order to address and minimize potential disturbances to abutting properties. Planning staff is of the view that the issues of noise and landscape buffers have been addressed fairly as part of this proposal. It should be noted, and it has been previously stated by the applicant as part of this proposal, that there shall be no large trucking vehicles or other fleet vehicles operating or parking on the south side of the building. This understanding has been established as a means to further minimize potential adverse impact to the residential abutters south of the subject property.

Comprehensive Plan Consistency

One of the requirements for a Preliminary Plan proposal is that the project must be consistent with the City of Cranston Comprehensive Plan. To begin, the applicant is proposing a mix of industrial uses on a property that is designated as “Industrial” within the Comprehensive Plan Future Land Use Map (FLUM) (see page 5 of this memo). This means that this application to

use the land for industrial uses is specifically supported at this property. In fact, to utilize the property for other land uses, such a commercial or residential development, would be inconsistent with the Comprehensive Plan.

Additionally, there are many sections of the City's Comprehensive Plan policy framework that further point to the fact that this proposal is consistent with the plan. For example:

Land Use Goal 4: "Ensure that sufficient land is properly zoned and provided with adequate infrastructure to provide for the City's future industrial development needs"

Land Use Policy 4.2: "Protect the capacity and integrity of roads, sewers and water systems serving the Howard and Western Cranston Industrial Parks, in order to preserve these areas as resources for long-term industrial development."

Economic Development Goal 3: "Add to the City's taxable property base by constructing industrial and commercial structure which are properly designed and sited in keeping with environmental, planning and design considerations"

Economic Development Policy 3.1: "Strengthen the standards for industrially zoned land to prevent the erosion of the City's supply of land suitable for these purposes."

Economic Development Policy 4.1: "Continue the City's active role in seeking the redevelopment of major industrial and institutional sites for economic development."

It should be noted that the applicant provided a Comprehensive Plan Analysis prepared by a planning expert (Ed Pimentel) at the Master Plan stage that stands on the record for this application and provides support for the argument that the project is consistent with the City's Comprehensive Plan and Zoning Ordinance. Based on a review of all relevant materials, and staff's own review of the Comprehensive Plan as it relates to this specific proposal, staff is of the view that the weight of evidence on the record supports the finding that this application is consistent with the Cranston Comprehensive Plan.

VIII. Findings of Fact

An orderly, thorough and expeditious technical review of this Major Land Development - Preliminary Plan application has been conducted. Property owners within a 100' radius have been notified via first class mail, a display advertisement was published in the Cranston Herald and the meeting agenda has been properly posted.

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

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

1. The proposed Major Land Development is consistent with the City of Cranston Comprehensive Plan Future Land Use Map (FLUM) designation of "Industrial" because the application is specifically proposing industrial uses as allowed by this FLUM designation.

2. The proposal is consistent with the City of Cranston Comprehensive Plan policy framework because the weight of policies with the Plan support industrial development in appropriately zoned areas.

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

3. The proposal is a “by-right” application and is in compliance with all zoning standards and will not impair the intent or purpose of the Cranston Zoning Code.

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

4. This finding pertains specifically to the final plan, however, no significant negative environmental impacts as related to City code are anticipated based on review of the Preliminary Plan application, inclusive of all state environmental permits that have been received.
5. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site.
6. Significant cultural or historic resources that contribute to the attractiveness of the community have not been identified on site.

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

7. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.

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.”

8. The subject property will have adequate permanent physical access to a public right-of-way through conforming lot frontage on Comstock Parkway.
9. Based on a review of all materials on the record, including the applicant’s Traffic Impact Study and subsequent companion submissions, as well as the review by the City’s 3rd party traffic engineer peer review, the proposed plan has demonstrated that it will provide safe and adequate access for vehicular traffic.

IX. Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the City of Cranston’s Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the documented

findings of fact and **approve** the Major Land Development Preliminary Plan application with the conditions noted below.

1. There shall be no regular operation or parking or trucking vehicles or other fleet vehicles on the south side of the larger industrial building.
2. The applicant shall submit details on the proposed fence on southern property line as part of Final Plan submission to demonstrate conformance with sound mitigation measures as indicated in the applicant's Noise Study.