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*Mayor*

Michael E. Smith  
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*Planning Director*



**CITY PLAN COMMISSION**  
Cranston City Hall  
869 Park Avenue, Cranston, RI 02910

Richard Bernardo, P.E.  
Michael Igoe  
Kathleen Lanphear  
Frank Ritz  
Ann Marie Maccarone  
James Donahue  
Robert Coupe  
Steven Frias

## **DRAFT MEETING MINUTES**

**Tuesday, July 12<sup>th</sup>, 2022 – 6:30PM**

**3<sup>rd</sup> Floor - City Council Chamber, 869 Park Avenue, Cranston RI**

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### **CALL TO ORDER**

Chairman Michael Smith called the meeting to order at 6:43 p.m. in the Council Chamber, 869 Park Ave.

The following Commissioners were in attendance for the meeting: Chairman Smith, Richard Bernardo, Robert Coupe, James Donahue, Steven Frias, Michael Igoe, Kathleen Lanphear, and Ann Marie Maccarone. Frank Ritz was absent.

The following Planning Department members were in attendance: Jason M. Pezzullo, AICP, Planning Director; Douglas McLean, AICP, Principal Planner; Joshua Berry, AICP, Senior Planner; and Alexander Berardo, Planning Technician.

Also attending: Steve Marsella, Esq., Assistant City Solicitor.

### **APPROVAL OF MINUTES**

- 6/7/22 Regular City Plan Commission Meeting (vote taken)

Mr. Bernardo and Chairman Smith both noted that the motion for the 97 Amanda Street Zoning Board of Review item, as recorded in the June minutes, contained errors. Mr. Bernardo said he had made the motion and Mr. Ritz seconded it, and Chairman Smith said he not abstained from the vote, but rather recused. Director Pezzullo said he confirmed prior to tonight's meeting that the correct information had been sent to the Zoning Board in a memo before it took up the matter at its own June meeting, and he said the Plan Commission's June minutes would be updated with that language.

Ms. Lanphear asked that two sentences be added to the end of the Director's Report section of the June minutes to reflect that she had asked if the recent legal updates on the Natick Avenue Solar project could be discussed and read the language aloud that she had emailed to Director Pezzullo earlier that day.

Upon motion by Ms. Lanphear, and seconded by Mr. Frias, the City Plan Commission voted 6 to 0 to accept Ms. Lanphear's recommended edits to the regular City Plan Commission meeting minutes of 6/7/22 (Mr. Donahue and Ms. Maccarone abstained due to their absence from the June meeting).

Upon motion by Ms. Lanphear, and seconded by Mr. Bernardo, the City Plan Commission voted 6 to 0 to accept Mr. Bernardo's and Chairman Smith's recommended edits to the regular City Plan Commission meeting minutes of 6/7/22 (Mr. Donahue and Ms. Maccarone abstained).

Finally, upon motion by Ms. Lanphear, and seconded by Mr. Bernardo, the City Plan Commission voted 6 to 0 to accept the regular City Plan Commission meeting minutes of 6/7/22 as amended (Mr. Donahue and Ms. Maccarone abstained).

### **661 PARK PROJECT**

(votes taken for all recommendations)

- **4-22-04** – Amendment of the 2010 Comprehensive plan for the City of Cranston, As Amended 2012 (**661 Park Project** / Legion Bowl redevelopment).  
Amends the Future Land Use Map from Neighborhood Commercial/Services to Mixed Plan Development and includes the site into the Land Use Element  
661 Park Avenue - AP 3, Lots 289, 291, 1695 & 1696  
(Continued from June 7<sup>th</sup> meeting)
- **4-22-05** – Amendment of Chapter 17. of the Code of the City of Cranston, 2005, Entitled "Zoning" (Change of Zone – **661 Park Avenue** / Legion Bowl redevelopment)  
Amends the zoning map from C-3 to C-3 *with conditions* for allowed uses, density, parking, height and affordability  
661 Park Avenue - AP 3, Lots 289, 291, 1695 & 1696  
(Continued from June 7<sup>th</sup> meeting)
- **"661 Park Project"** (Legion Bowl) **PUBLIC INFORMATIONAL** (vote taken)  
MASTER PLAN – Major Land Development w/o street extension  
Mixed-Use Residential/Commercial redevelopment  
69 Residential Units, First Floor commercial on Park Avenue  
661 Park Avenue - AP 3, Lots 289, 291, 1695 & 1696  
Currently Zoned C-3 with a proposal for a new *C-3 with Conditions*  
(Continued from June 7<sup>th</sup> meeting)

Prior to the discussion, Mr. Bernardo announced he needed to recuse himself because he had worked on the project before being hired to work for the City's Department of Public Works.

Senior Planner Josh Berry gave the staff presentation of the application, which included a Major Land Development Master Plan application, a Comprehensive Plan amendment, and a Zoning change, all three of which required separate votes. The applicant, Legion Development, Inc., seeks to redevelop the parcel at 669 Park Avenue to accommodate a four-story, mixed-use building containing 69 residential units and commercial spaces on the Park Avenue-facing ground floor. Mr. Berry also summarized the proposed ordinance changes, explaining that the applicant's proposal will require a zone change from C-3 to C-3 With Conditions and a Future Land Use Map change from Neighborhood Commercial Services to Mixed-Use Plan District. He then reviewed the project's permitting path and noted there are multiple stages of review and approval ahead.

Mr. Berry then presented several maps and graphics to provide context, including the Zoning and Future Land Use Maps, aerial imagery, existing street views, and applicant-provided renderings of the project to give a sense of the proposed building's massing. He displayed the site plan, which showed the parcel's main access would be located on Park Avenue with secondary access on Doric Avenue. He noted that the plan shows an access point from North Clarendon Street that would be accessible only to emergency vehicles, but qualified that by stating that the applicant shared another version of the site plan at DPR that eliminated the North Clarendon access and included more parking spaces. He said the applicant believes providing 100 parking spaces would be adequate, but the newest site plan now shows 112 spaces.

Reviewing the details of the proposed FLUM change, Mr. Berry said the shift to Mixed-Use Planned District would allow for precise modifications to the standards that were specific to this project, such as higher maximum building heights, and noted that the City intended this designation to be used for significant redevelopment areas like this.

As for the Zone change, Mr. Berry reviewed the associated conditions for the Commission's benefit:

**1. Permissible uses.**

- a. Requires commercial uses at street level on Park Avenue but limits them to 25% of the building's area. It also clarifies how to count potential rooftop and assisted living uses. (Depending on future market conditions, the applicant may want to market the property toward assisted living.)
- b. Amends the Schedule of Uses for the C-3 zone to allow appropriate uses for the project at this location and to prohibit inappropriate uses, such as drive-thrus.
2. **Density.** Establishes a 75-unit maximum (only 69 units are proposed at this time), a 25% maximum on the number of two-bedroom units, a prohibition on units greater than two bedrooms in size, and waives the Lot Area to Unit requirement. The limit on larger units limits potential impacts to schools and parking in the neighborhood.
3. **Affordable housing.** Requires 15% of units to be deed-restricted affordable for 99 years.
4. **Off-street parking.** Establishes a requirement of 1.25 spaces per unit (the applicant is currently at 1.45 spaces/unit, and with the 112-space plan, it would increase to 1.62 spaces/unit). It also waives parking requirements for commercial uses due to shared parking – Mr. Berry said multifamily mixed-use projects don't need 2 spaces per unit, a 1960s-era standard, in practice.
5. **Building height.** Establishes a maximum height of four stories and 50 feet. Mr. Berry said it is common to leverage density bonuses to increase the amount of affordable housing.

Finally, Mr. Berry spoke to the collaborative nature of the project's development between the applicant and the Planning Department. He said the applicant actively sought the City's advice and needs. He noted that the project came below the threshold of traffic impacts that would require a study, but the Planning Department requested one be conducted and peer-reviewed anyway to ensure that all the project's traffic impacts could be quantified. Mr. Berry said the specifics of noise, lighting, and other such factors will be vetted in subsequent phases, but as this is a conceptual phase, the question before the Commission tonight is whether this development concept is appropriate.

Atty. Brian LaPlante introduced the applicant team, which included Marshall d'Ambrosio, President of Legion Development, Inc.; Ed Pimentel, AICP, Planning Expert; Eric Prive, of DiPrete Engineering; and Herman Peralta of Beta Group. He noted that Mr. d'Ambrosio's family has operated a bowling alley in the City since the 1930s, and at the proposed location since the 1950s, but now Mr. d'Ambrosio wants to redevelop the site into something that will be acceptable to, and benefit, the community. He then invited Mr. Pimentel to speak to the project.

Mr. Pimentel said he believes the proposal could be a "gateway project" that would reinforce the ongoing transformation of Park Avenue into a true main street and that such opportunities rarely come up. He recalled that the team organized a joint public meeting in February to introduce the project to the Plan Commission, City Council, and the neighborhood at large. He estimated somewhere between 100-150 people were in attendance to offer their suggestions on how the project can be designed to respond to various needs and issues, including pedestrian-friendliness, streetscaping, architecture, etc. He also thanked Planning staff for being strong advocates for the community and encouraging the applicant to improve the project in multiple facets. He said the project would represent an improvement by an environmental, engineering, and aesthetic standards over the existing conditions and noted the planted buffers would be a benefit to abutters.

Regarding the residential component of the project, Mr. Pimentel said the project will largely consist of 1-bedroom and studio apartments, which are generally low in parking impacts and more conducive to fostering pedestrian activity. He agreed with Mr. Berry's comment that the usual parking standards are outdated and excessive, and he noted that he has seen projects in Providence that provided only one space per unit and still regularly had empty parking spots. For that reason, he said it is more accurate to

tie the number of parking spaces provided to the number of bedrooms as opposed to the number of housing units. Mr. Pimentel also reiterated that the term “affordable housing” does not imply any form of government subsidy, but rather a rental agreement between landlord and tenant that fixes the price applicant pays each month at a percentage of the Area Median Income – in this case, affordably-priced units could go for \$1,500 per month. He also noted that communities that were once compliant with affordable housing standards are losing their exemptions, so in an effort to contribute more than their fair share and benefit the City as a whole, they are proposing 15% affordable instead of 10%.

Mr. Pimentel said the applicant team didn’t want to reinvent the wheel on the regulatory side of the proposal and noted the Comp Plan envisions Mixed-Use Planned Districts for much larger sites, so they decided simply to tweak the requirements of the C-3 zoning district with tailored conditions that will encourage development in harmony with the character of this segment of Park Avenue. He thought the building height made sense since a) the building bordered I-95, b) City Hall and Cranston East High School are similarly massed, c) Park Avenue currently includes a variety of building scales, and d) the project will still be at a pedestrian scale.

Following Mr. Pimentel’s comments, Chairman Smith opened the matter to the Commission for questions.

Mr. Frias said that he thought it was a good project and would like to see it work, but he had questions about parking, potential commercial uses, school impacts, and rental prices.

For parking, Mr. Frias wondered if the ratio could be set at 1.25 spaces/unit for 1-bedroom units but 2 spaces/unit for 2-bedroom units. He said by his estimation, that ratio would not exceed the number of spaces provided for in the site plan, but it would allow the ordinance to state a 2-space minimum in the text for at least part of the project. Mr. Pimentel reiterated that his analysis was based on bedroom density, and that the current overall ratio of 1.4 spaces/unit is the product of dividing 112 parking spaces by the project’s 79 total bedrooms (69 1-bedroom, 10 2-bedroom). Mr. Berry said that under Mr. Frias’ ratio scheme, 1.25 parking spaces for 69 1-bedroom units plus 2.00 spaces for 10 2-bedroom units would yield 106.25 spaces, which would be covered by the 112-space site plan.

Mr. Frias’ concern around the commercial uses focused on the retention of “Tavern/Neighborhood Bar” as a permissible use in the modified C-3 zone. He said he agrees with the findings of the traffic study and believes the shared parking concept could work, but noted that the Staff Memo specifically states the concept works with the assumption that the commercial uses’ demand drops off around 5pm. He felt there should be a cushion in the number of parking spaces being provided if the Tavern use is to be retained because that use often stays busy later into the evening. Atty. LaPlante said the applicant wanted to retain that use not only because that is a current use on site, but also because that sort of amenity is a typical kind of use for this sort of mixed-use development. He also noted that if the minimum parking ratio of 1.25 spaces/unit were used, there would be a parking cushion of roughly 15 spaces even under the smaller site plan. Mr. Peralta also clarified that the residential and restaurant uses’ traffic peaks do not overlap: he said the ITE Parking Manual states residential uses’ parking demand is highest between 10pm and 5am, while restaurant uses peak from 6pm to 8pm.

For school impacts, Mr. Frias noted that under the current proposal, capping the number of 2-bedroom units at 25% of the total 75 residential units, up to 18 2-bedroom units could be built, while only 10 are currently proposed. He felt the difference between 10 and 18 could make for a noticeable impact on the school population. Mr. Pimentel said the applicant would be willing to cap the number of 2-bedroom units at the currently proposed figure of 10, while Mr. Frias suggested a cap of 15%. Ultimately they agreed the ordinance could be modified to place the cap at 10 units.

Finally, Mr. Frias asked whether affordable housing projects generate revenue for the City is through the collection of 8% of gross rental revenue in taxes. Neither Staff nor the applicant team knew the answer. Mr. Frias explained that he wondered if the entire project would be taxed at an affordable rate, or if the commercial uses would be taxed at a normal rate.

As no other Commissioners had questions to pose at that time, Chairman Smith invited the public to comment on the proposal. The following individuals offered their thoughts:

- Maureen Smith, N. Clarendon St – She doubted the traffic findings and raised several concerns. She asked whether the traffic study was conducted while the Park Avenue bridge was closed and said that traffic would be higher once it reopened. She also said that it's difficult to turn onto Park Avenue so she expected many people would exit onto Doric Avenue and then proceed north through the neighborhood.
- Laura McGuire, corner of Auburn and S. Clarendon St. – She felt the project was twice as large as it should be. She said that corner couldn't hold so many people and the neighborhood is already crowded. People won't parallel park to access the commercial spaces on the ground floor, nor will people walk down Park Avenue, so the building should be set back to have parking spaces directly in front. She agreed that the parking study's findings will prove irrelevant once the Park Ave bridge reopens and had concerns about what sort of people would be occupying the affordable housing units.
- Annette Bourne, 51 Community Dr – She spoke in favor of the project and felt it would make for an excellent gateway to Park Avenue. She said Cranston is the 2<sup>nd</sup> largest city in the state, but in the last 10 years Cranston has seen 0 new affordable units coming online, while Johnston and Warwick have built around 60 each in that timespan and Providence has added more than 1,000. She said she works in Housing and noted that the vacancy rate of 1.7% is not healthy for a rental market (the rate should be closer to 6-7%), so the City should be welcoming the opportunity to add so many new affordable units. Speaking to other neighbors' concerns about parking and traffic, she added that plenty of people who live in studio apartments don't own any cars at all, and there is a real possibility that Park Avenue could become an east-west bus corridor in the near future given its mention in the Transit Master Plan.
- Paul Durfee, 65 Rolfe St – He said he felt this area of Cranston was experiencing a renaissance and was supportive of the project. He felt it might be helpful to plan for crossing guards to help pedestrians, especially school children who might live in the development or nearby.

After the public comment period was concluded, Chairman Smith invited the applicant team to address the concerns that were raised.

Atty. LaPlante repeated several points that had been made earlier: affordable housing units are not government-subsidized and affiliated with Section 8 vouchers, but simply are units offered at a reduced rental rate for people within qualifying income ranges; the height and size of the building is the result of normal density bonuses that are offered to allow the affordable housing element to pencil out; the traffic study found that the site would generate 42 trips at peak hours, below the threshold at which a traffic study would even be required, so its impacts would be minimal.

Mr. d'Ambrosio then briefly spoke, thanking the Planning staff and his team for presenting the project accurately. He then addressed those members of the public in attendance and assured them that he was actively listening to their concerns and that it was still possible to modify the plans, so he encouraged their input.

Mr. Berry asked Mr. Peralta to address when the traffic study was conducted, per several public comments. He replied that the study was conducted while the bridge was closed, but the study relied on data RIDOT collected in 2018, which was before the bridge closure. Mr. Berry reiterated that the traffic study was peer-reviewed.

Chairman Smith then asked for a motion to close public comment. Upon motion made by Mr. Coupe, and seconded by Mr. Donahue, the City Plan Commission voted unanimously (8-0) to close the public comment portion of the meeting.

Mr. Berry then presented the Staff findings. He said that the Comprehensive Plan is explicitly in support of the project; this is in part because the project was conceived after a thorough review of the Comprehensive Plan and what it envisioned for the site. He said the project would have many positive

impacts, including economic development, and felt it could be a catalyst for other quality projects along Park Avenue in the future. He said the housing mix proposed in the plan responds to the City's needs for affordable as well as market-rate housing. Mr. Berry referred the Commission to his Staff Memo for additional discussion of the findings.

Mr. Berry then provided three separate recommendations for each of the three requests associated with the application. Staff recommended approval of the Master Plan submission and forwarding positive recommendations on both ordinances to the City Council, subject to certain conditions Mr. Berry reviewed alongside the recommendations themselves.

After Chairman Smith opened the floor to the Commission to discuss prior to making a motion, Ms. Lanphear asked about Proposed Ordinance #4-22-05, with regard to provision of a minimum of 15% of the units as affordable housings. She asked whether the units would still count as affordable if the applicant ultimately goes the route of assisted living, which is an Institutional (as opposed to Residential) use. Mr. Berry said that was the intent and pointed to language in the ordinance that supports that interpretation.

Ms. Lanphear then asked to revisit the parking issue that Mr. Frias had raised earlier. She noted that if the ordinance continues to use the term "dwelling unit" instead of "bedroom," then the ordinance will require 1.25 spaces per unit. She further wondered whether there were any downsides to approving an ordinance that sets the minimum parking requirement at 1.25 spaces/unit instead of setting the minimum at 1.62, which would be equivalent to the ratio of spaces to units as currently shown on the most recent version of the site plan.

Mr. Berry said he believed it was better for the Commission to set a lower minimum now and leave itself the flexibility to require more parking spaces above the minimum requirement than to set the minimum higher than is necessary, especially if it precludes the applicant's ability to modify the precise balance of single- and two-bedroom units or make other modifications as market conditions dictate. He said that following Master Plan Approval, the only way to provide fewer parking spaces than the ordinance requires is to go before the City Council and attempt to change the ordinance, which is tougher than simply building in the flexibility now.

This prompted a brainstorming session among the Commissioners about how the ordinance should read and where to draw the minimum. Ms. Maccarone suggested it simply state "minimum of 1.25" for the sake of clarity. Mr. Coupe asked if the Commission could return to Mr. Frias' earlier suggestion of 1.25 spaces for studio and one-bedroom units, and 2.00 spaces for two-bedroom units. Mr. Frias said he now preferred Ms. Lanphear's suggestion of a minimum of 1.62 over his own idea because he felt the parking needs of potential tavern patrons would make up for the reduced parking needs of studio and one-bedroom unit residents. Mr. Coupe and Mr. Donahue then wondered if then ordinance could use Mr. Frias' idea as a baseline and include a provision that if a tavern use should fill some or all of the development's commercial space, the applicant would have to provide sufficient additional off-street parking based on the City's existing floor space to parking space calculation. Ms. Lanphear maintained that she wanted the largest parking cushion possible and wanted the parking ratio to result in 112 off-street parking spaces.

Director Pezzullo reiterated Mr. Berry's prior point that a lower minimum would allow for greater flexibility to properly suit the site's eventual parking needs than a higher minimum. He rephrased it by saying that with a lower minimum, the applicant wouldn't have any issues adding more parking spaces to the site if the Commission decides at a later stage that it would like to require more spaces; if the Commission requires more parking than is necessary now, the only way for the applicant to reduce the number of spaces is to go to the City Council.

Director Pezzullo reiterated Mr. Berry's prior points that a lower minimum would allow for greater flexibility to properly suit the site's eventual parking needs than a higher minimum, and that the applicant's only recourse to reduce parking spaces would be to go before the City Council to try to modify the ordinance. Mr. Frias said he preferred the applicant go to the City Council knowing they had more parking than was

needed than for the Plan Commission to find out it didn't require enough, and he felt the Commission should specifically accept the more recent site plan that showed 112 spaces to further ensure sufficient parking. He also felt it was not unreasonable to assume a tavern use at the site because there currently is one, and he wanted to ensure it was provided for in the modified zone's Schedule of Uses so the use wouldn't become illegal once the zone change is approved. Director Pezzullo added that it is already in the purview of the Plan Commission to require more parking than the minimum if the Commission decides it is warranted. He reminded the Commission that the zoning was not a blank-slate special redevelopment area, but an existing zone with conditions, which means a minimum standard is already assumed. Mr. Berry, for his part, suggested the phrasing be that the Plan Commission would review parking at the Preliminary Plan stage and may require additional parking when more information is known about the commercial tenants.

Chairman Smith said he was more comfortable with setting the minimum at 1.25 and adding spaces later at Master Plan Approval if warranted, but then asked Solicitor Marsella if the standards set at Master Plan Approval would prevail over the standards in the ordinances. Solicitor Marsella said there cannot be a conflict in standards between Master Plan Approval and the ordinance recommendations. He also said that if the Plan Commission were to require more parking than what the parking ratio entails, the applicant could theoretically rely on the language in the ordinance. He said he felt Mr. Coupe and Mr. Donahue's idea seemed workable.

As the discussion came to a close, the Commission settled on limiting the amount of two-bedroom units at no more than 10 and setting a parking minimum at 1.25 spaces per studio and one-bedroom unit and 2.00 spaces per two-bedroom unit, with a stipulation that commercial uses would not require additional off-street parking unless it is a Tavern/Neighborhood Bar use, in which case additional parking shall be as required by the Plan Commission.

Upon motion made by Mr. Coupe, and seconded by Mr. Donahue, the City Plan Commission unanimously voted (8-0) to forward a **positive** recommendation on Ordinance #4-22-04 to the City Council.

Upon motion made by Mr. Frias, and seconded by Ms. Lanphear, the City Plan Commission unanimously voted (8-0) to forward a **positive** recommendation on Ordinance #4-22-05 as amended to the City Council.

Upon motion made by Mr. Frias, and seconded by Ms. Maccarone, the City Plan Commission voted (7-1) to **approve** the version of the Master Plan – Major Land Development application that included the alternative, 112 parking space site plan (Mr. Donahue voted No).

### **ORDINANCES AND RECOMMENDATIONS**

- **4-22-08** - Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" - Change of zone from C-2 to C-3 at 870 Oaklawn Ave, AP 15-358

Planning Technician Alex Berardo gave the Staff presentation. He said the applicant proposed to change the zoning district of the subject parcel from C-2 to C-3, and at this point there were no development plans associated with the zone change. He displayed the Zoning and Future Land Use maps showing the parcel's location as well as satellite and street view images showing current conditions. He said that the rezone would bring the parcel, an island of C-2 amid an otherwise-continuous strip of C-3, into consistency with the rest of its stretch of Oaklawn Avenue. He also noted that two abutting parcels to the north were also rezoned to C-3 within the last year, so it is consistent with the recent evolution of this segment of Oaklawn.

Atty. Robert Murray then spoke on behalf of the applicant. For context, he said that the applicant also owns the lot to the south and has operated a restaurant business on it since 2008. At that time, he had the property rezoned to C-3 to be able to sell alcohol in the restaurant, but he didn't realize the subject

parcel (which hosts part of his parking lot) was a separate lot and had retained the C-2 zone. Atty. Murray said it's simpler for everyone to not allow the split zone situation to persist, so they want to rectify it.

Mr. Frias asked whether the zone change would reinforce the separation of uses in the neighborhood (commercial along both sides of Oaklawn Avenue with residential areas on either side). Mr. Berardo said it would because single- and two-family houses are by-right uses in a C-2 zone, but not in a C-3.

Upon motion made by Mr. Bernardo, and seconded by Mr. Coupe, the City Plan Commission voted unanimously (8-0) to accept the findings of fact and forward a **positive** recommendation on Ordinance #4-22-08 to the City Council.

- **5-22-03** - Ordinance in amendment of the 2010 Comprehensive Plan for the City of Cranston, as amended 2012 (**0 Comstock Parkway, 2184 Plainfield Pike and 2174 Plainfield Pike** – Assessor's Plat 36, Lots 5, 36, 38, 51, 52 and 53). Petition filed by Elizabeth Paul, KM Realty LLC and Alwoodley Realty LLC. For the subject properties, the amendment changes the Comprehensive Plan Future Land Use Map designation from **Industrial** to **Highway Commercial / Services**.
- **5-22-04** - Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone - **0 Comstock Parkway, 2184 Plainfield Pike and 2174 Plainfield Pike** – Assessor's Plat 36, Lots 5, 36, 38, 51, 52 and 53). Petition filed by Elizabeth Paul, KM Realty LLC and Alwoodley Realty LLC. For the subject properties, the amendment changes the zoning from **M-2** to **C-5**.

Principal Planner Doug McLean gave the Staff presentation and noted that the project entailed two ordinance changes, one for a Zone change from M-2 to C-5, and another for a Future Land Use Map change. He began by reviewing the project's permitting path to-date to provide context. He said the applicant participated in pre-application meetings, hosted a joint City Council—City Plan Commission site visit in mid-April, and have gone to Development Plan Review. He added that although it is too early to know who all the users of the site would be, Staff does have a proposed concept plan showing a restaurant drive-thru, commercial spaces, and a self-storage building. Staff has also reviewed a traffic study conducted based upon this mix of uses.

Mr. McLean presented several graphics that illustrated the applicants' request to rezone six lots at the intersection of Comstock Parkway and Plainfield Pike from an industrial to a commercial use, and to ensure the FLUM reflects and is consistent with the change of zone.

Atty. Brian LaPlante, representing the applicant, Elizabeth Paul, recapped the consensus from the April site visit, which was that the existing parcels proposed for rezoning are too small to be used efficiently by contemporary industrial tenants and that the City Council seemed amenable to the zone change. He noted Derek Hug, Traffic Engineer and Ed Pimentel, AICP and Planning Expert were also present as part of the applicant team before inviting Mr. Pimentel to speak to the neighborhood analysis he conducted.

Mr. Pimentel said he looked at land uses both in the surrounding area in Cranston as well as nearby sections of Johnston. He found that the opposite corner is already zoned for C-5 (Highway Commercial Services), and that while the six parcels include a house, a Washington Trust bank, and vacant land, none of these are realistically going to support a modern industrial use. He said that the only concern for a proposal of this nature would be setting a precedent in which successive rezones slowly convert more industrial land into commercial land, but he felt there was little risk of that happening in this proposal because A) the remaining suitable industrial parcels in the surrounding area have been developed already and b) the rezone is clearly concentrated around an intersection. Finally, he noted that the request does not come with any special needs that would require conditions of approval.

Chairman Smith opened the floor to the Commissioners to discuss.

Mr. Frias asked Mr. Pimentel how he arrived at his findings for the neighborhood analysis, particularly how he estimated that the average lot size of industrial properties exceeded 10 acres. Mr. Pimentel said his average took into account all industrial parcels that had already been approved and developed, and he reiterated that the subject parcels are fragmented from the other industrial land along Comstock and seem more appropriate for Highway Commercial uses.

Chairman Smith opened the matter to public comment, but seeing there was none, he asked for a motion to close the public comment period. Upon motion made by Mr. Bernardo, and seconded by Mr. Coupe, the Plan Commission voted unanimously (8-0) to close public comment.

Mr. McLean then presented the staff analysis. He noted that although only three of the six subject parcels are implicated in the applicant's future development plans, Staff insisted the other three be included in the rezone application to keep the Zoning and Future Land Use of the intersection consistent. He said this action would represent a long-term shift in City policy for the future of the intersection, but Staff believes it has merit and wants to ensure the Commission will be thorough if it chooses to take action. He added that the (potential) approval of the Comp Plan amendment would be enough to justify the zone change, but the rezone would also be consistent with the area as it is.

As the Commissioners had no further questions, Chairman Smith asked for a motion.

Upon motion made by Mr. Donahue, and seconded by Mr. Coupe, the City Plan Commission unanimously voted (8-0) to forward a **positive** recommendation on Ordinance #5-22-03 to the City Council.

Upon motion made by Mr. Coupe, and seconded by Mr. Donahue, the City Plan Commission unanimously voted (8-0) to forward a **positive** recommendation on Ordinance #5-22-04 to the City Council.

### **SUBDIVISIONS AND MAJOR LAND DEVELOPMENTS**

- **“Trolley Barn Plaza”** **PUBLIC HEARING** (vote taken)  
PRELIMINARY PLAN – Major Land Development w/o street extension  
Four building multi-use commercial & warehouse development on 6.61-acre site  
Zoned C-5 (Heavy Business, Industry)  
777 Cranston Street – AP 7, Lot 1

#### NOTES:

- Bernardo recused from this item.
- Josh gave Staff presentation. Prelim Plan MLD, has already received Master Plan Approval on ordinance and zone change. Rezoned C5 with conditions. Proposing 4 buildings. Proposal is AutoZone, car wash, gas station, and fast food with drive thru. Bank was replaced with car wash. Fast food restaurant relocated from southwestern corner to southeastern. Southwest is right in right out. Numerous modifications to parking and internal circulation patterns. Showed zoning map. Showed aerial view of neighborhood, proximity to highway and Cranston St. No structures on site, relatively flat, rr right-of-way on western edge. Then showed site plan...anchor building is the AutoZone in the rear. Car wash to west, gas station is central, fast food on east. Bike path has reviewed by Prov Planning, master plan condition of approval. Retention pond at northern corner. Worked with peer reviewer extensively on internal circulation.
- Then went through modifications and comments. Condition that CPC would incorporate the changes. Reviewed the edits that came in a memo just today. Josh noted its complexity of having four commercial uses and only private roads internal. Worked with landscape peer reviewer – three rounds of revisions. Landscape architect provided a letter detailing the revisions. Noted that Sarah Bradford came to DPR and that the most recent revisions were based on her comments.
- Josh noted his observations – prelim plan is consistent with approved ordinances. Conditions for solar/EV charging are exploratory in nature. Bike path has been reviewed by Cranston and PVD. DPRC conditionally approved the prelim plan on the 6<sup>th</sup>. Proposed development won't have

significant impact on traffic circulation in the area. Recalled that there were discussions at Master Plan stage about wanting residential but environmental review found the site wasn't suitable for residential anyway.

- Atty. Nick Goodier then presented on behalf of applicants. Since last appearance before CPC, noted that significant improvements to proposal have been made – significant reduction in parking in favor of landscaping. Better traffic circulation and lower traffic impacts – car wash is less peak hour demand than the bank was. Landscape plan is very comprehensive. As discussed, environmental concerns have been addressed with RIDEM through issuance of RIPTAS permit and Remediation Action Plan. Finally, left 25-foot-wide band along eastern edge for potential future bike path and that will be shown on final plan.
- Said Dana Nisbet and Herman Peralta are present to answer questions. Also Mr. Collins, landscape architect. Also representative of applicant.
- Frias thought it was a good project but wanted to know more. Wondered the degree to which this would increase the tax base. Goodier doesn't know, but will be a significant improvement. Frias asked why report said part of reason for zone change is difficult triangular shape. What's the issue? Goodier said it sat vacant for 20 years and there's an industrial park on the other side of Route 10. This site is much smaller anyway, and the shape is odd. Frias thinks last industrial use could be as early as 1981. Frias asked about traffic report – are we sure it's a conservative estimate for traffic? Not including internal capture? Goodier said one condition of approval is to conduct a post-development traffic analysis to ensure what they're doing works.
- Coupe moved, Igoe seconded, all in favor of closing public comment.
- Josh presented analysis and recommendations. Josh said Staff would have preferred different mix of uses in a perfect world, but Staff acknowledges that the applicant has a right to the proposed uses. One of the biggest pluses in potential for economic development on a long-vacant site. Another is the bike path connection. Then shared findings. Then conditions. Comments regarding sewer design shall be incorporated and that will be addressed before approval. (DPW just wants to see a few more details.) Bike racks will be incorporated in safe and appropriate locations at final plan. Southeast curb cut on Cranston St will be closed (?). Will do traffic counts, etc during opening month of uses being fully operational to ensure signal optimization is good. DPW shall review final plan app to verify all traffic mitigation measures, etc. *Other one you can just pull from the presentation, good Lord.*
- Frias asked Josh about p.15, proposed uses all being auto-oriented and not working well together. Frias wondered why they didn't fit well, since they all have auto-oriented uses in common. Josh said it doesn't really reflect Smart Growth ideals, they all have common hours, it was a struggle to get pedestrian access into the site with all the driveways, and nobody's riding a bike to a car wash. It meets required findings of fact. Prov Planning noted the uses aren't preferable for an urban environment but it's not a major, denial-level concern. Frias then asked about solar issue – he felt that EV charging stations will naturally appear when consumer demand begins pushing for it. So he's fine with a recommendation but he thinks it'll just happen when the market is ready for it. If it doesn't make sense for the developer now, why force them now? The market will eventually raise the issue.
- Lanphear asked about Condition 5. If applicant required to do traffic counts and share results with City and Bureau of Traffic Safety, what's the point? Josh said it has to do with signal optimization. Since the estimate is so conservative, peer reviewer worried that they might have overestimated, and the mitigation measure might overcompensate. This gives a chance to readjust if it turns out to be necessary.
- Frias moved to accept with the recommendations and conditions, seconded by Igoe. All in favor.

Prior to the discussion, Mr. Bernardo announced he needed to recuse himself because he had worked on the project before being hired to work for the City's Department of Public Works.

Mr. Berry gave the staff presentation of the application, which was a Preliminary Plan Major Land Development. He reminded the Commission that the parcel had been rezoned C-5 with conditions and the proposal consisted of four buildings – an AutoZone, a car wash (which replaced a previously-

anticipated bank), a gas station, and a fast food restaurant with a drive-thru (which was relocated from the southwestern corner of the parcel to the southeastern corner). Mr. Berry displayed several maps and aerials to establish context before reviewing the location of each of the four buildings on the site plan. He also noted a few updates made to the plan, most notably changes to the parking and internal circulation patterns. He pointed out the retention pond at the northern corner of the site as well as the old railroad right-of-way on the western side and the proposed bike path right of way on the eastern side.

Reviewing the most recent modifications and comments, Mr. Berry noted the applicant worked with Sarah Bradford, a landscape peer reviewer with Bradford & Associates, over three rounds of revisions which are summarized in a letter she submitted while present for a Development Plan Review meeting on July 6th. He said the most recent revisions to the site plan incorporated her comments.

Mr. Berry then reviewed his Staff observations, which included: A) the preliminary plan submission is consistent with the approved ordinances, B) the conditions related to solar canopies and electric vehicle charging stations are exploratory in nature, and C) the bike path has been reviewed by Cranston and Providence planning staff. He added that the DPRC conditionally approved the Preliminary Plan at its July 6th meeting and agreed that the proposed development would not make a significant impact on traffic circulation in the area. He finally noted, in reference to discussions at the Master Plan stage over whether the site ought to include a housing element, that an environmental review found the site was not suitable for residential uses.

Atty. Nicholas Goodier, joined by applicant team members Dana Nisbet, P.E., of DiPrete Engineering and Herman Peralta, P.E., of Beta Group, presented the project. Atty. Goodier said significant improvements to the proposal had been made since the team's last appearance before the Plan Commission, especially a reduction in parking and an increase in landscaping. He reviewed several of the same points Mr. Berry observed in additional detail, such as confirming that environmental concerns were addressed through RIDEM and a RIPTEAS permit was issued.

Chairman Smith opened the matter to the Commissioners to discuss.

Mr. Frias asked if the applicant knew by how much the project would increase the tax base; Atty. Goodier said it would certainly be an increase over the present condition, but he couldn't quantify it at this point. Mr. Frias then asked why the lot's triangular shape was listed in the report as one of the justifications for a zone change. Atty. Goodier said the parcel was vacant for 20 years, had an odd shape, and was smaller than other larger, normally shaped industrial parcels located nearby (on the other side of Route 10). Mr. Frias finally asked if the applicant was confident its traffic impact findings were conservative, to which Atty. Goodier replied that one condition of approval is for the applicant to conduct a post-development traffic analysis to ensure their traffic plan works as intended.

After inviting the public to comment and seeing that no one intended to speak, Chairman Smith asked for a motion to close public comment. Upon motion made by Mr. Coupe, and seconded by Mr. Igoe, the Plan Commission voted unanimously (8-0) to close public comment.

Mr. Berry then presented the Staff analysis and recommendations. Although he said Staff would have ideally preferred a different mix of uses for the site, all uses the applicant has proposed are by-right and they represent a welcome infusion of economic development to a long-vacant site. Staff is also pleased that the site plan incorporates dedicated space for a bike path, which could connect the bicycle network in Providence with the Washington Secondary bike path. He reviewed nine recommended conditions of approval, which addressed matters related to sewer design, curb cuts and crosswalks, traffic mitigation measures, bike path connectivity, lighting, and more.

Mr. Frias asked Mr. Berry why he said in his Staff Memo that the proposed uses for the site didn't fit particularly well together, since all four are automobile-oriented. Mr. Berry said that the uses have common peak hours with one another and that because all were automobile-oriented and had numerous driveways, it was difficult to integrate pedestrian access into the site. He reiterated that the project doesn't reflect the "Smart Growth" ideals Staff would have hoped to see for this site, and added that Providence's

Planning Department also observed the uses aren't preferable for an urban setting, but Staff acknowledges that its difference in preference isn't cause for denial of a by-right proposal. Mr. Frias also said he was happy that the applicant was only encouraged to explore the possibility of incorporating solar canopies and electric vehicle charging stations, as he felt the market would dictate the appropriate time for those amenities to be incorporated.

Ms. Lanphear asked why one of the conditions required the applicant to conduct traffic counts and share the results with the City's Bureau of Traffic Safety after the site opens. Mr. Berry said it was to verify that the applicant's signal optimization plan, which is based on conservative traffic estimates, actually turns out to be appropriate for the real-world conditions and doesn't overcompensate for traffic issues that never occur. It gives the City a chance to readjust the signal optimization scheme if necessary.

Upon motion made by Mr. Frias, and seconded by Mr. Igoe, the City Plan Commission voted unanimously (8-0) to accept the findings of fact and approve the Preliminary Plan application, subject to the recommended conditions.

- **"Omni Group Plat Replat of AP 9, Lot 146)" PUBLIC INFORMATIONAL** (vote taken)  
PRELIMINARY PLAN– Minor Subdivision w/o street extension  
Creating one additional conforming lot for single-family home  
Zoned A-6  
747 Pontiac Avenue, Myrtle Ave. & Norman Ave. – AP 9, Lot 146

Mr. Berardo gave the Staff presentation. He said the applicant was proposing to subdivide an existing 36,908 ft<sup>2</sup> lot in in an A-6 zone into two conforming lots, yielding one additional buildable lot. He showed the parcel's location on the Zoning and Future Land Use maps, noting that although the FLUM designates the parcel as Neighborhood Commercial Services, the proposed subdivision would still be consistent with the site's current FLU designation as well as it's A-6 zone, which would rule regardless. (The Neighborhood/Commercial Services designation is intended to encompass the C-1, C-2 and C-3 zones, and one of the permitted uses in a C-1 zone is single-family residential on 6,000 ft<sup>2</sup> lots – effectively the same use covered by the A-6 zone.)

Mr. Berardo also noted that both lots would be served by existing water and sewer lines, and as the parcel is located in an established neighborhood, the subdivision represents a logical place for infill housing with no impacts on wetlands, floodplains, etc. Finally, he reviewed the Staff recommendation and the conditions for approval, which included providing water and sewer availability letters and payment of impact fees along with a finalized Class I survey at Final Plan.

Chairman Smith invited representatives of the applicant to speak, but they had no further comments to offer beyond the Staff presentation. He then opened the matter to the Commission to discuss.

Mr. Frias asked Mr. Berardo if the anticipated use for the smaller lot would be single-family residential. Mr. Berardo said that was his understanding, but he was not aware of any development plans for that lot.

Upon motion made by Mr. Bernardo, and seconded by Mr. Coupe, the City Plan voted unanimously (8-0) to accept the findings of fact and **approve** the Preliminary Plan application subject to the recommended conditions.

- **"Proposed Mixed Use Development – Phase 2" PUBLIC HEARING** (vote taken)  
PRELIMINARY PLAN – Major Land Development  
Mixed-Use Planned District / Final Overall District Plan – PHASE 2  
950 Phenix Avenue - AP 19/1, Lot 3  
Request for Minor Amendment to Final Overall District Plan

Mr. McLean explained for the Commission's benefit, at the outset of the Staff presentation, that the applicant was requesting a Minor Amendment to the Final Overall District Plan, which in this case is the equivalent of a Preliminary Plan application for a Major Land Development. He said the site currently

hosts commercial condos and would be replacing two buildings that would have hosted commercial uses with one building that will have a self-storage use, all in the area that had been designated Phase 2 for the development. He shared maps, imagery, and renderings to provide additional context, and noted when displaying the site plan that although it appears as though there are multiple lots, the site is actually a land condominium.

Mr. McLean said Staff recognizes the proposal represents a reduction in intensity and that it is consistent with the FLUM designation of Special Redevelopment Area, and recommends adopting the findings of fact and approving the application for a Minor Amendment.

Chairman Smith invited Atty. Goodier, who represented the applicant, to speak to the project. Atty. Goodier reiterated that the proposal represents a less-intense use than what had been approved before, that all state approvals have been secured, and that the applicant currently operates the adjacent facility and is confident it will successfully operate the proposed storage facility as well.

Chairman Smith then invited the public to speak on the matter, but nobody did. Upon motion made by Mr. Coupe, and seconded by Mr. Donahue, the Plan Commission voted unanimously (8-0) to close the public comment period.

Upon motion made by Mr. Coupe, and seconded by Mr. Bernardo, the City Plan Commission voted unanimously (8-0) to adopt the findings of fact and approve the Preliminary Plan - Major Land Development Application for a proposed Minor Amendment to the Final Overall District Plan.

- **“1489 Pippin Orchard Road”** **PUBLIC INFORMATIONAL** (no vote taken)  
 PRE-APPLICATION – Minor Subdivision  
 Residential Planned District (RPD Cluster)  
 Potential for three (3) additional single-family housing units with open space  
 Zoned A-80  
 Pippin Orchard Road, AP 21, Lots 31 & 45

Planning Director Jason Pezzullo said the applicant requested to continue the matter to the August agenda, and Solicitor Marsella confirmed for the Commission that no vote was required for the continuance because no vote would have been taken on this pre-application item anyway.

#### **EXTENSION OF TIME**

- **Champlain Heights (152 Unit Multi-Family)** – Preliminary Plan one-year extension

Director Pezzullo said Champlain Heights is the second phase of a development that opened its first phase under the name Champlain Hills. He said this phase of the project has received several extensions already and is requesting another one-year extension due to delays related to the economy, COVID, and other such factors. He said Staff recommended the Commission grant the extension.

Mr. Frias asked whether it was an issue that the agenda did not explicitly state that a vote would be taken for the item. Atty. David Igliozzi, standing in for Solicitor Marsella, who had to recuse himself due to a conflict, recommended amending the agenda item to say “Vote Taken,” then vote, and then ratify the vote at the next City Plan Commission meeting.

Mr. Frias said his preference was to continue the matter to the next meeting without taking a vote. Mr. Donahue asked whether there was any risk to the project if the item were deferred to next month; Director Pezzullo said he didn’t think there was much harm in waiting another month, although he noted the deadline for requesting an extension had technically already passed.

Upon motion made by Mr. Frias, and seconded by Ms. Lanphear, the City Plan Commission voted unanimously (8-0) to **continue** the matter to the August meeting.

**ZONING BOARD OF REVIEW - RECOMMENDATIONS**

(votes taken for all ZBR items)

- **PARK AVENUE REALTY, INC. (OWN) and NICO BELLA CRANSTON, LLC. (APP)** have applied to operate a restaurant in an industrial zone with reduced lot area at 1350 Park Avenue, A.P. 11, lot 1768, area 14,748 s.f., zoned M1. Applicant seeks relief per Section 17.92.010- Variance; Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations; 17.72.010- Signs. (Continued from June 7<sup>th</sup> meeting)

Due to consistency with the Comprehensive Plan, and considering the history of uses at this site, upon motion made by Mr. Donahue, and seconded by Ms. Lanphear, the City Plan Commission voted unanimously (8-0) to forward a **positive** recommendation on the application to the Zoning Board of Review.

- **WILLIAM and OLGA DELOMBA (OWN/APP)** have applied to construct a new detached garage with a home office and recreational room within the required front corner yard setback at 1979 Cranston Street, A.P. 11, lot 638; area 5,409 s.f, zoned A6. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.60.010- Residential Accessory Structure Setbacks. **(Continued August 2<sup>nd</sup> Agenda)**

At the request of the Zoning official, upon motion made by Mr. Donahue, and seconded by Mr. Bernardo, the City Plan Commission unanimously voted (8-0) to **continue** the matter to the August meeting of the City Plan Commission.

- **KEVIN and JESSICA REMILLARD (OWN/APP)** have filed an application for relief on an existing shed installed within the rear yard setback at 4 Azalea Drive, A.P. 21, lot 265; area 24,172 s.f.; zoned A20. Applicants seek relief per Section 17.92.010- Variances; Sections 17.20.120- Schedule of Intensity Regulations, 17.60.010- Residential Accessory Structure Setbacks.

Due to the findings that the application is generally consistent with the Comprehensive Plan and that it does not alter the character of the neighborhood, upon motion made by Mr. Coupe, and seconded by Mr. Bernardo, the City Plan Commission unanimously voted (8-0) to forward a **positive recommendation** on the application to the Zoning Board of Review.

- **CRANSTON CHRISTIAN FELLOWSHIP (OWN) and HOPE CHURCH (APP)** have applied to install a double-sided LED message board on an existing free-standing sign increasing the allowable size permitted by previously granted variance at 1114 Scituate Avenue, A.P. 27, lot 85; area 2.75 ac; zoned A20. Applicant seek relief per Section 17.92.010- Variances; Section 17.72.010- Signs.

Due to a late change made to the application after the Planning Department staff memo was written and distributed, upon motion made by Mr. Coupe, and seconded by Mr. Bernardo, the City Plan Commission voted 6-2 (Mr. Smith and Ms. Lanphear voted No) to forward **no recommendation** on the application to the Zoning Board of Review.

- **HOME ISLAND REALTY (OWN) and MARINO DE LA CRUZ (APP)** have filed an application to install a new double-sided free-standing sign with LED message board exceeding the allowable size at 983 Cranston Street, A.P. 7, lot 3043; area 3,871 s.f; zoned C3. Applicant seek relief per Section 17.92.010- Variances; Section 17.72.010- Signs.

Due to the findings that the application is generally inconsistent with the Comprehensive Plan and that it alters the character of the neighborhood, upon motion made by Ms. Lanphear, and seconded by Mr. Bernardo, the City Plan Commission voted 7-1 (Mr. Coupe voted No) to forward a **negative recommendation** on the application to the Zoning Board of Review.

- **CARLSON REALTY, LLC (OWN/APP)** has filed an application to convert an existing mixed use building into a two- family dwelling with restricted area and off-street parking at 1540 Elmwood Avenue, A.P. 4, lot 2203; area 4,420 s.f; zoned C5. Applicant seeks relief per Section 17.92.010 Variance; Sections 17.20.030- Schedule of Uses; 17.20.120- Schedule of Intensity Regulations; 17.64.010- Off Street Parking; 17.88.030 -Extension- 17.88.040- Change of Use; 17.88.050- Structural Alterations.

Due to the finding that the Use Variance contains a high standard of review that has not been demonstrated by the applicant, and due to the finding that it is inconclusive whether this proposal is consistent with the Comprehensive Plan, upon motion made by Ms. Lanphear, and seconded by Mr. Frias, the City Plan Commission unanimously voted (8-0) to forward a **negative recommendation** on this application to the Zoning Board of Review.

#### **PLANNING DIRECTOR'S REPORT**

(no votes taken)

- Comprehensive Plan Update

Director Pezzullo said he had no updates to offer for this meeting.

#### **ADJOURNMENT / NEXT REGULAR MEETING**

(vote taken)

- Tuesday, August 2<sup>nd</sup>, 2022 — City Hall Council Chambers, 869 Park Avenue

Upon motion made by Mr. Donahue, and seconded by Mr. Bernardo, the City Plan Commission unanimously voted to adjourn the meeting at 11:45 p.m.