

City of Cranston

City Plan Commission

Allan Fung
Mayor

Jason Pezzullo
Planning Director



Michael Smith
Chair

Frederick Vincent
Vice-Chair

Robert Strom
Ken Mason

Robert Coupe
Kathleen Lanphear

Joseph Morales
Robert DiStefano

Anne Marie
Maccarone

July 7, 2020

ORDINANCE RECOMMENDATION

Ordinance #5-20-04 (Amendment to Zoning Ordinance - Special Use Permit)

- Zoning Ordinance text amendment to Section 17.92.020 (Special Use Permit).
- Proposed new text:

“An applicant may apply for, and be granted, a dimensional variance in conjunction with a special use. If the special use could not exist without the dimensional variance, the zoning board of review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the above special use criteria and the dimensional variance evidentiary standards.”

- No other language is proposed to be added, removed, or amended.

Planning Analysis

- Intent is to clarify local zoning code in lieu of potential conflict with State Law (RIGL § 45-24-42 and § 45-24-41).
- Planning staff is supportive of this petition as it provides for greater flexibility for applications/development without sacrificing regulatory review.
- Supporting memo from Robert Murray states 30 of 39 RI municipalities have adopted similar provisions in their zoning code.
- Proposal is consistent with Comprehensive Plan in its general intent to support development that meet community need and fit with character and Land Use Element, Page 31:

“Most properties in the A6, B1 and B2 zoning districts have less than the 6,000 square feet minimize lot size. In fact, about half (over 48 % and 55% of the A6 and B1 zones, respectively), are less than 5,000 square feet in area. This inconsistency between the lot sizes and zoning occurs typically in the older parts of the City, which limits development potential, and requires variances for changes to existing properties.”

Findings

- **Cranston Comprehensive Plan 2010:**

The proposed ordinance amendment will provide for greater flexibility in allowing different types of applications to be submitted, and greater clarity on the specific standards those applications need to meet. Staff finds that Comprehensive Plan is supportive of flexibility with regard to using variances as a tool for addressing inconsistencies between the zoning code and the realities of our built environment. Based on the above, staff submits that **the proposed application is consistent with the City's Comprehensive Plan.**

- **Findings Under §17.04.010 City Code:**

Sec. 17.120.030 requires that the City Plan Commission as part of its recommendation to the City Council “Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in Section 17.04.010 of this title.” Section 17.04.010 set forth the General Purpose for Title 17 (Zoning Ordinance) of the City Code. To the extent that any development will be required to comply with all aspects of the Zoning Ordinance, the City of Cranston Subdivision and Land Development Regulations, and, where applicable, the standards of review for special use permits and dimensional variances, staff finds that **the proposed ordinance amendment will adequately address the appropriate purposes detailed in §17.04.010.**

Recommendation

Due to the fact that the proposed ordinance amendment will clarify the allowance of, and the standards of review for, any application that includes both a special use permit and a dimensional variance, and due to the fact that City staff recognizes the need for flexibility in reviewing projects within a unique and diverse built environment that includes many non-conforming lots, buildings, and uses, and due to the finding that proposed ordinance amendment is consistent with the City's Comprehensive Plan, staff recommends that the Plan Commission send a *positive recommendation* on this application to the City Council.

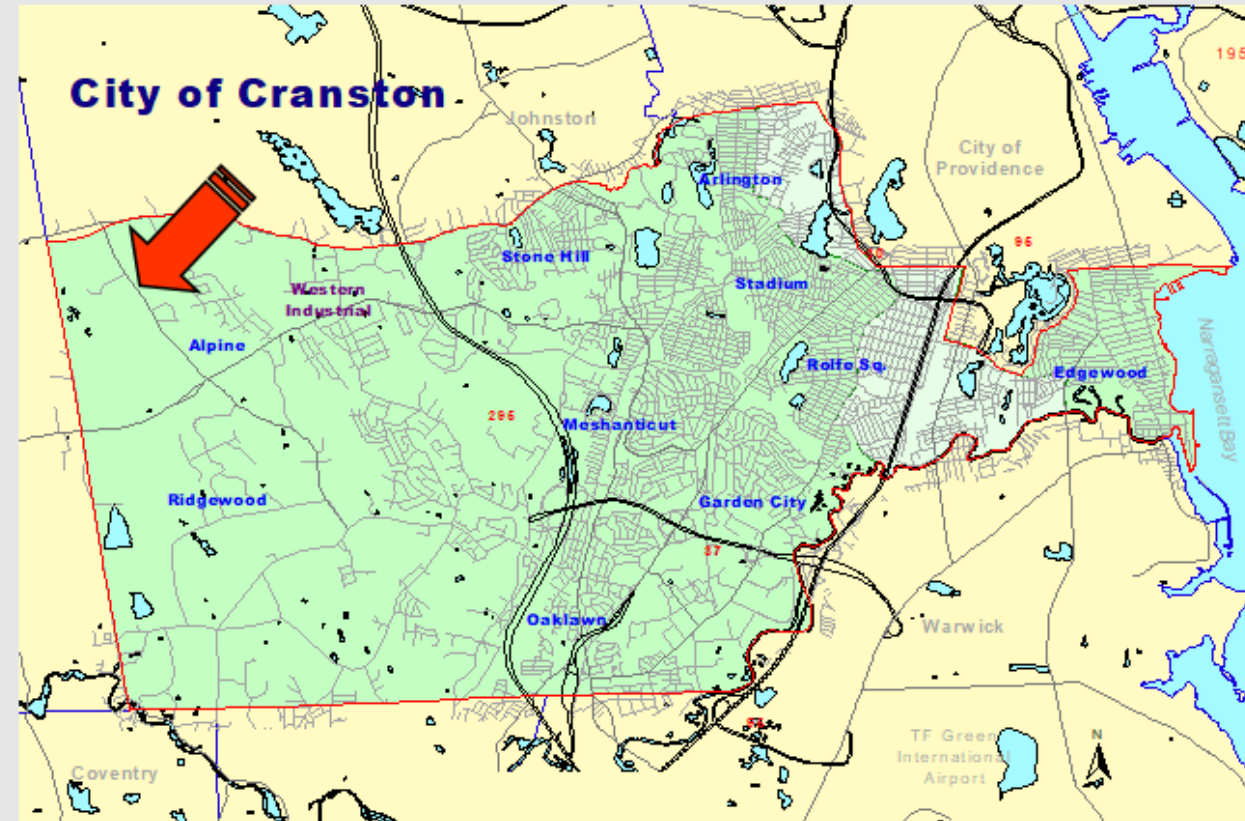
300 Pippin Orchard Subdivision

Minor Subdivision with Street Extension - Preliminary Plan

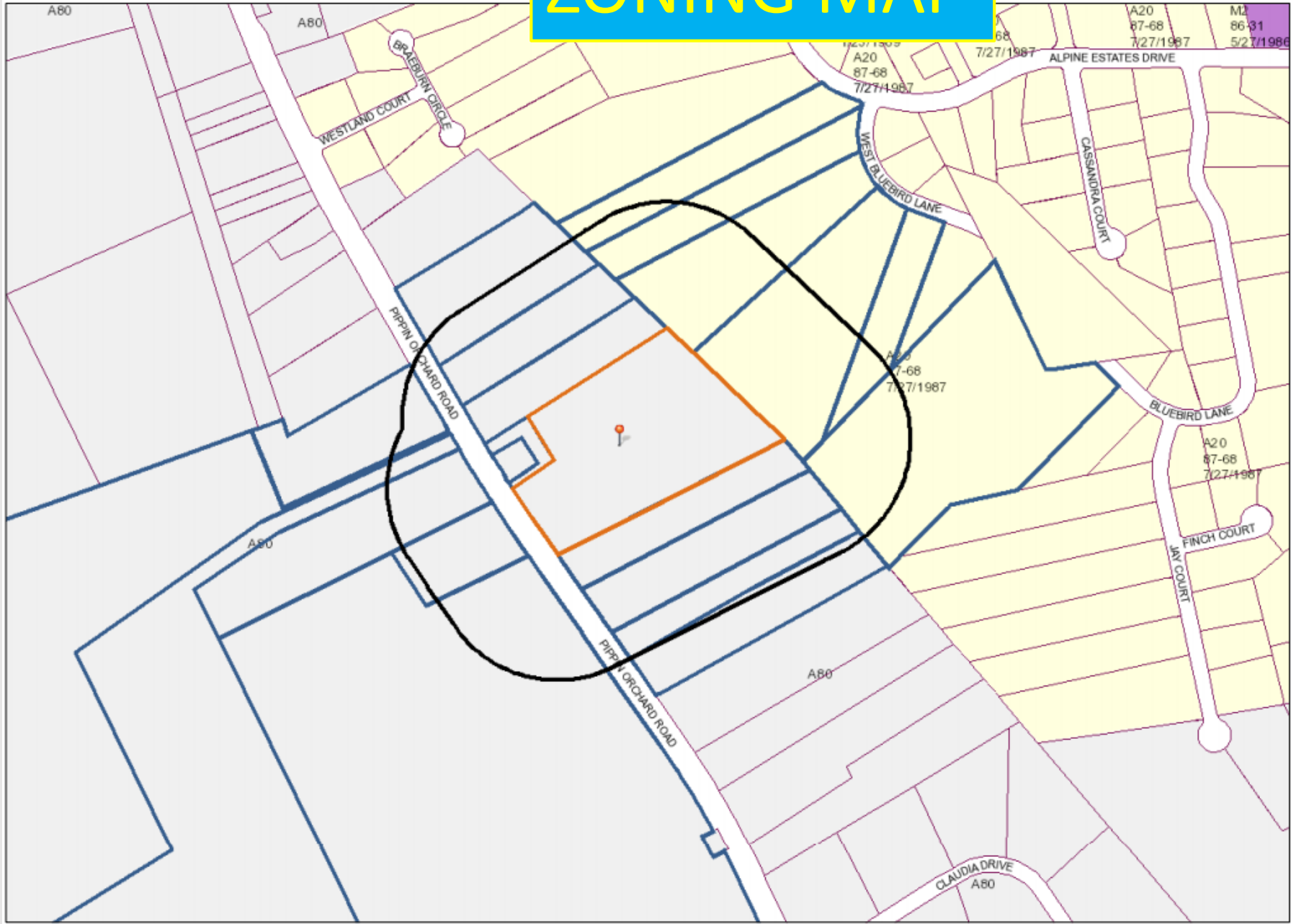
Owner/App: Advanced Real Estate Developments, LLC and/or Roberto Pereyra
Location: 300 Pippin Orchard Road
Plat & Lot: AP 33 Lot 44
Zone: A-80 (SF Res on 80,000 ft² Lots)
FLU: SF Res less than 1 unit/acre

Proposal Summary:

The applicant proposes to subdivide a 7 acre lot into 3 conforming A-80 lots which will require a new public road.



ZONING MAP



UserSelectedParcels
 vParcels_Buffer
 ParcelsInBufferOutput

Parcels
 Streets Names
 Zoning Dimensions
 Historic Overlay District

Zoning

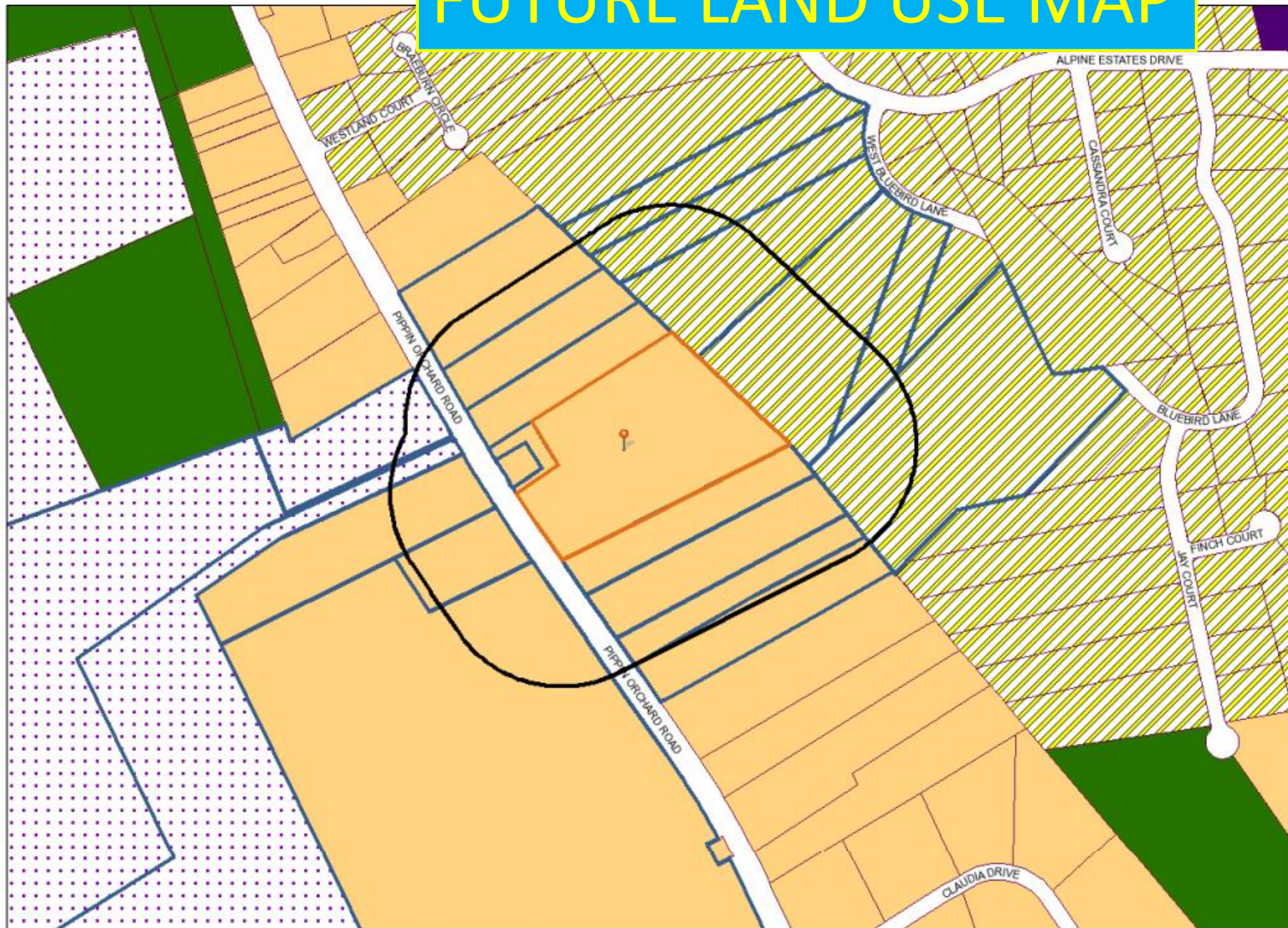
- none
- A80
- A20
- A12
- A8
- A6
- B1
- B2
- C1
- C2
- C3
- C4
- C5
- M1
- M2
- E1
- MPD
- S1
- Other

Street Names

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FUTURE LAND USE MAP

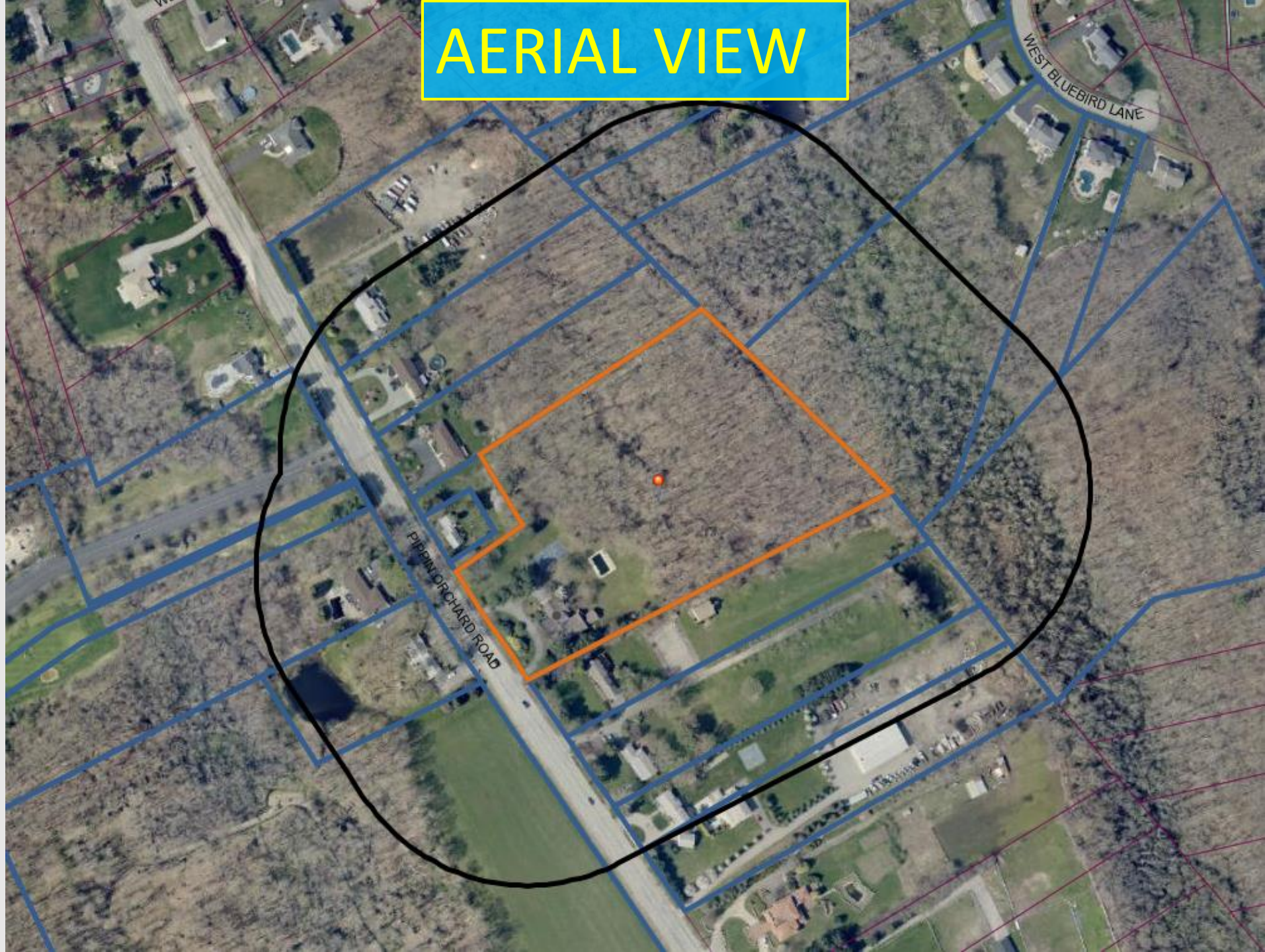


- UserSelectedParcels
- vParcels_Buffer
- ParcelsInBufferOutput
- Parcels
- Streets Names
- Future Village Centers
- Future Land Use**
 - Governmental/Institutional
 - Highway Commercial/Services
 - Industrial
 - Mixed Plan Development
 - Multifamily
 - Neighborhood Commercial/Services
 - Open Space
 - Residential Less Than 10.39 Units Per Acre
 - Right Of Way
 - Single Family Residential 3.63 To 1 Unit Per Acre
 - Single Family Residential 7.26 To 3.64 Unit Per Acre
 - Single Family Residential Less Than 1 Unit Per Acre
 - Single/Two Family Residential Less Than 10.89 Units Per Acre
 - Special Redevelopment Area
 - Water
- Streets Names

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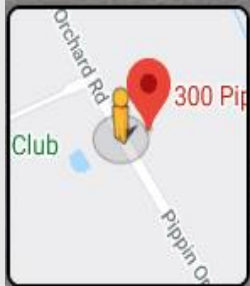
AERIAL VIEW



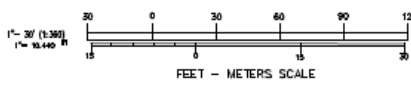
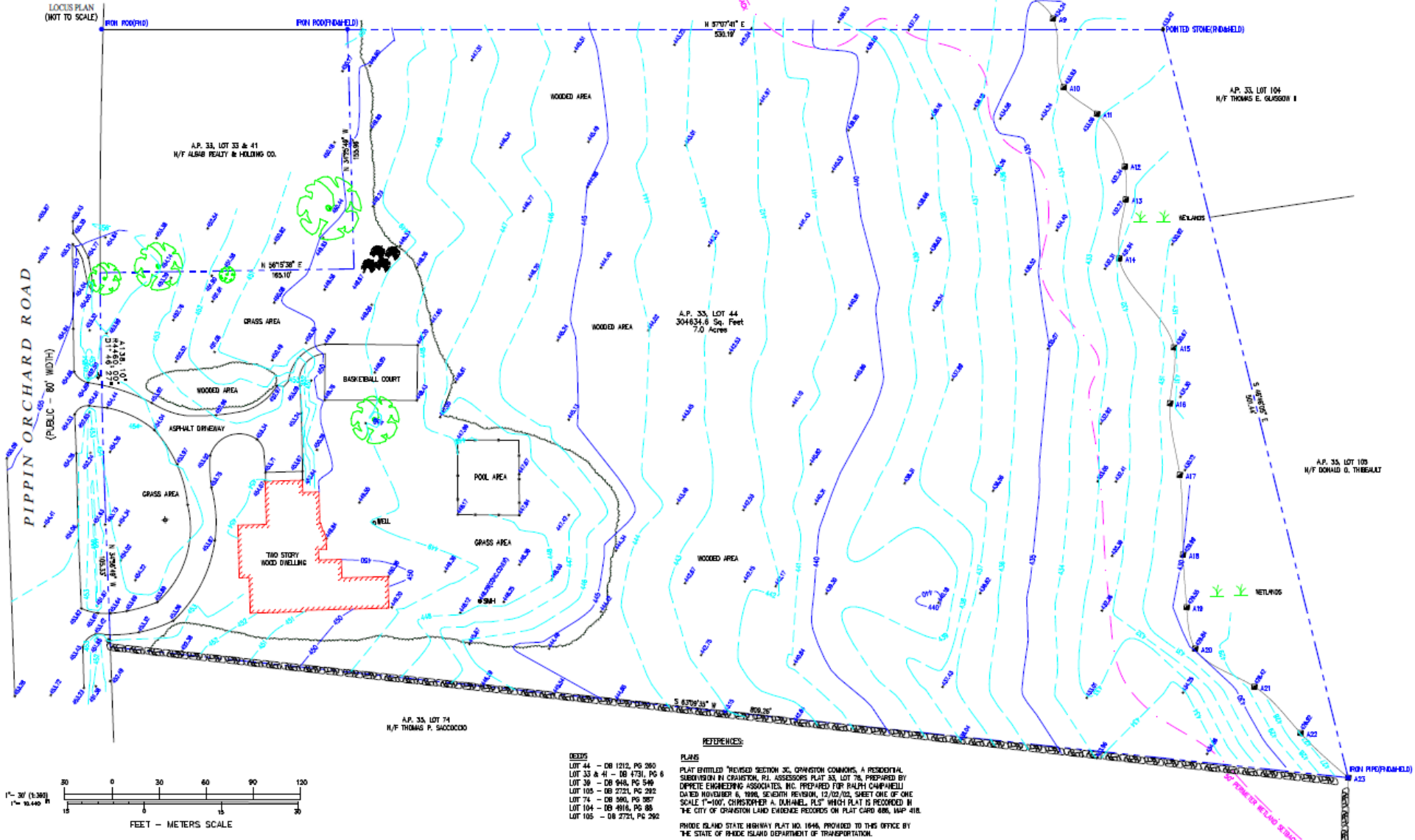
3-D VIEW (facing east)



STREET VIEW (facing east)



EXISTING CONDITIONS



- DEEDS**
- LOT 44 - DB 1212, PG 280
 - LOT 33 & 41 - DB 4731, PG 6
 - LOT 38 - DB 948, PG 549
 - LOT 109 - DB 2721, PG 292
 - LOT 74 - DB 590, PG 357
 - LOT 104 - DB 4916, PG 88
 - LOT 105 - DB 2721, PG 292

REFERENCES

PLAN ENTITLED "NEWED SECTION 33, CRANSTON COMMONS, A RESIDENTIAL SUBDIVISION IN CRANSTON, RI, ASSASSORS PLAT 33, LOT 78, PREPARED BY DEPRETE ENGINEERING ASSOCIATES, INC. PREPARED FOR RALPH CAMPANELLI DATED NOVEMBER 6, 1986, SEVENTH REVISION, 12/02/05, SHEET ONE OF ONE SCALE 1"=100'. CHRISTOPHER A. DURANEL, PLS. WHEN PLAT IS RECORDED IN THE CITY OF CRANSTON LAND EVIDENCE RECORDS ON PLAT CARD 886, MAP 418.

RHODE ISLAND STATE HIGHWAY PLAT NO. 1646, PROVIDED TO THIS OFFICE BY THE STATE OF RHODE ISLAND DEPARTMENT OF TRANSPORTATION.

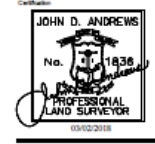
CERTIFICATION

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH SECTION 14 OF THE PLANS AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON JANUARY 1, 2016, AS FOLLOWS:

TYPE OF SURVEY: MEASUREMENT / ACCURACY SPECIFIED
 COMPREHENSIVE BOUNDARY SURVEY
 OTHER TYPE OF SURVEY: _____
 DATA ACCUMULATION SURVEY: _____
 TOPOGRAPHIC SURVEY: _____

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:
 PROPERTY AND TOPOGRAPHIC SURVEY FOR PLANNING.

BY: John D. Andrews, PLS REG. NO. _____ DATE: _____
 JOHN D. ANDREWS, P.L.S. REG. NO. _____
 DOUGLAS DESIGN GROUP (A.S.0004354-04)

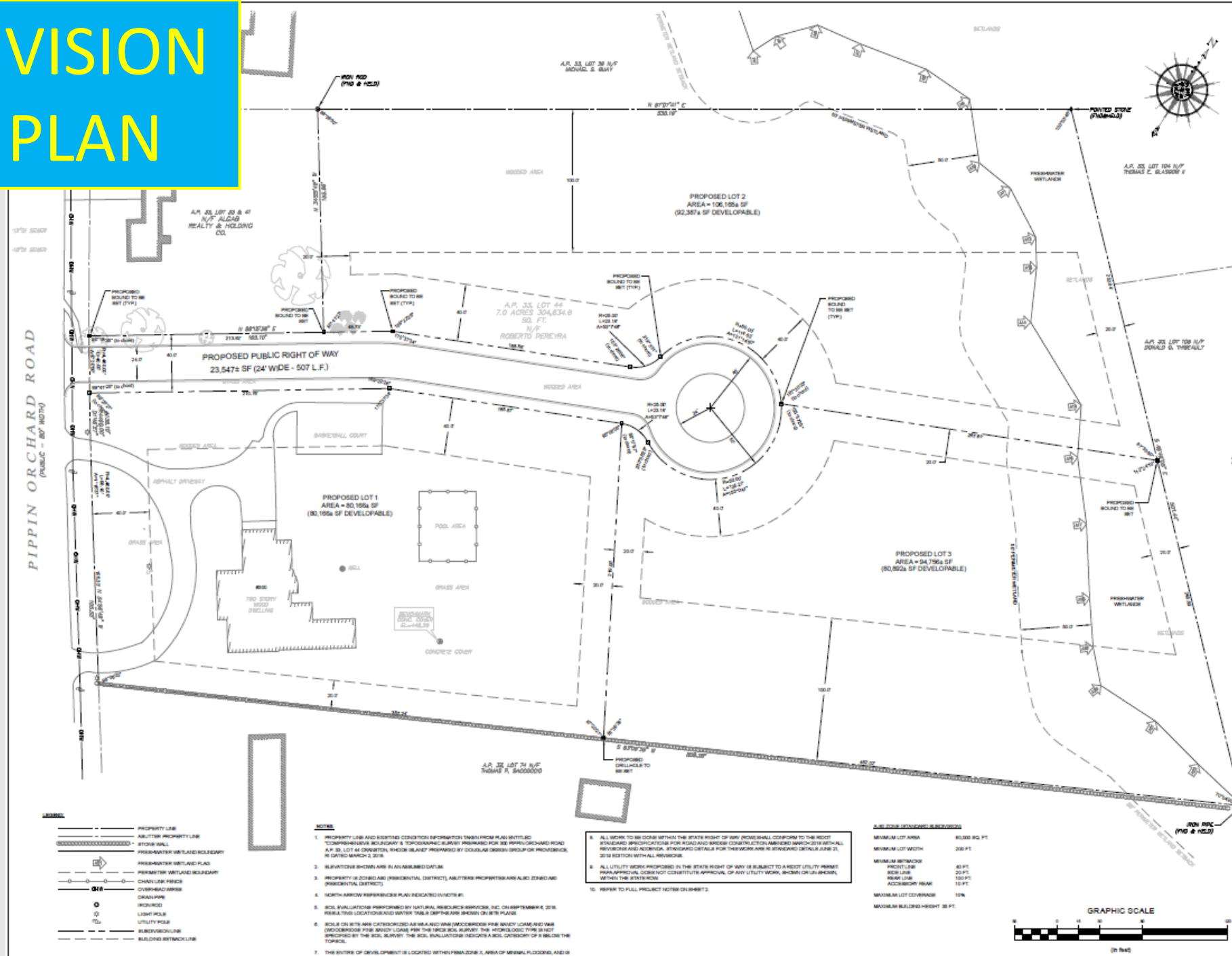


COMPREHENSIVE BOUNDARY & TOPOGRAPHIC SURVEY
 PREPARED FOR
300 PIPPIN ORCHARD ROAD
 A.P. 33, LOT 44
 CRANSTON
 RHODE ISLAND
 DATE: FEBRUARY 20, 2018
 SCALE: 1" = 30'

Douglas
 LAND SURVEYING & CONSULTING
 847 TOWNSEND AVENUE, SUITE C
 PROVIDENCE, RHODE ISLAND 02903
 401.451.4700 FAX 401.451.4701
 douglasdesigngroup.com

Drawn by: SKA
 Checked by: JDA
 Scale: _____
SITE SURVEY
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 Project Number: 18-18-000
 Drawing No.: _____

SUBDIVISION SITE PLAN



NORTHEAST ENGINEERS & CONSULTANTS, INC.

NE & C

A KNOWLEDGE CORPORATION

55 JOHN CLARKE ROAD MIDDLETOWN, RHODE ISLAND 02842
PHONE: (401) 849-0810 FAX: (401) 848-4189
WWW.NORTHEASTENGINEERS.COM

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PROFESSIONAL SURVEYOR

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED TO SECTION 5 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON JULY 11, 2018, AS FOLLOWS:

NAME OF SURVEYOR: JOHN D. ANDREWS
MEASUREMENT FACTOR: 1.00000000

DATE: 12/13/2019

PROFESSIONAL LAND SURVEYOR
No. 001838

John D. Andrews

100
12/13/2019
DATE

2	PROJECT COMMENTS	DATE:	
3	REVISION HOW AND WHEN MADE/ADJUSTED/LOTT	DATE:	
1	AS-BUILT INFORMATION	DATE:	
No.	Revision	Date	App.
Designed By:	Drawn by:	Checked by:	GES
Scale:	1"=30'	Date:	06AUG19
Project Title:	A.P. 33 LOT 44 300 PIPPIN ORCHARD ROAD CRANSTON, RHODE ISLAND		
Client/Owner:	ADVANCED REAL ESTATE DEVELOPMENTS, LLC 200 BALD HILL ROAD WARWICK, RI 02886		
Issued for:	PERMITTING		
Drawing Title:	PROPOSED SUBDIVISION		
Drawing Number:	C-4		
Sheet:	4 of 9		
Project Number:	17121.0		
Survey Index:	-		
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SUBDIVISION SITE PLAN

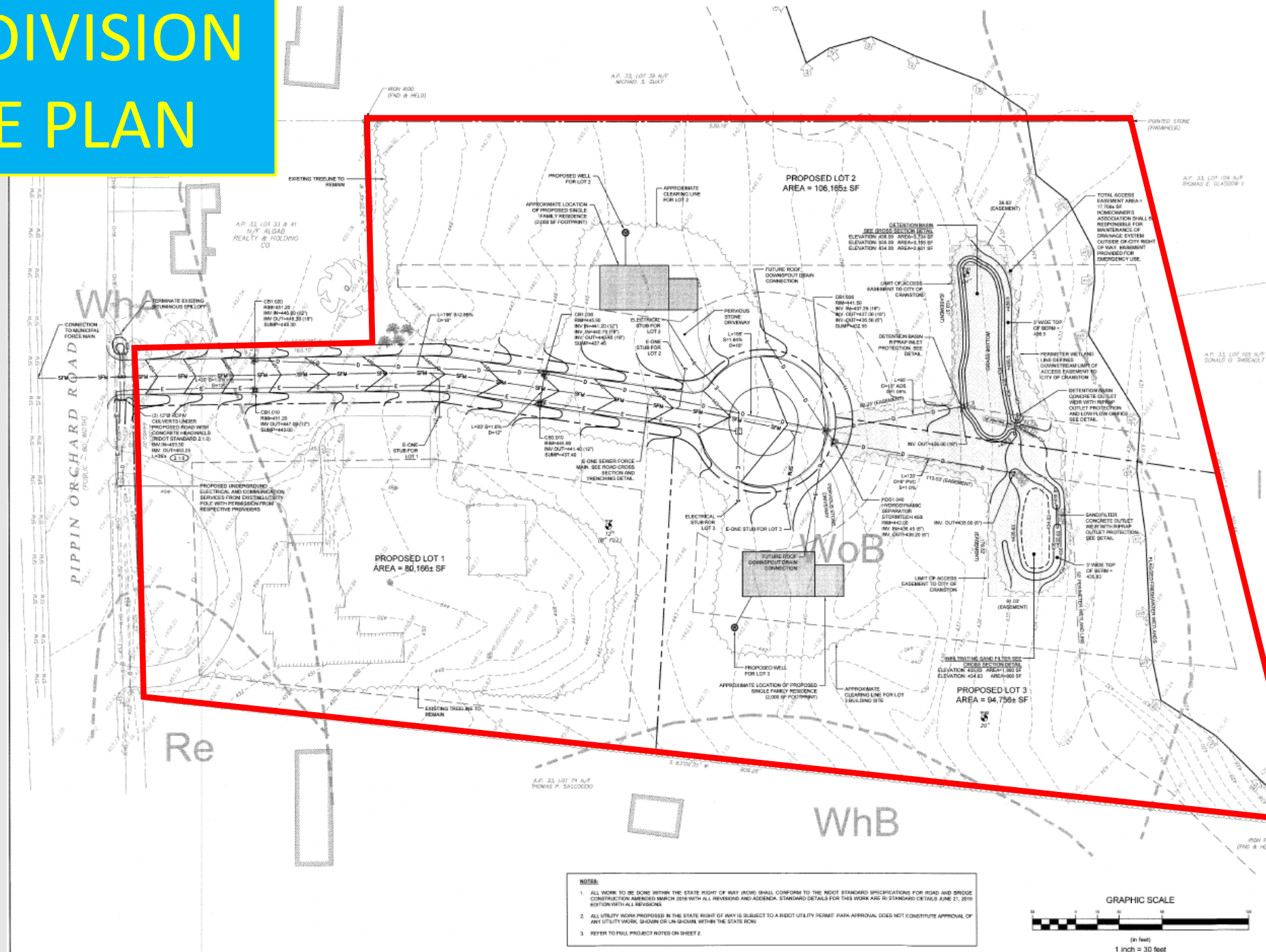
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- SURVEYING
- GEOTECHNICAL
- ENVIRONMENTAL
- TRANSPORTATION
- STRUCTURAL



1	TOWN COMMENTS	20MY22
4	RSDM COMMENTS	11MAR20
3	RSDM COMMENTS	07SEP20
2	RSDM COMMENTS	16DEC19
1	REVIEWED SUBVISION	16DEC19
No.	Revision	Date App
Designed by:	Drawn by: JJR	Checked by: GES
Scale:	1"=30'	Date: 12SEP19

Project Title:
A.P. 33 LOT 44
300 PIPPIN ORCHARD ROAD
CRANSTON, RHODE ISLAND

Client/Owner:
 ADVANCED REAL ESTATE DEVELOPMENTS, LLC
 200 BALD HILL ROAD
 WARWICK, RI 02886

Issued for:
 PERMITTING

Drawing Title:
PROPOSED DEVELOPMENT PLAN


Drawing Number:
C-5

Sheet 5 of 9

Project Number:
 17121.0

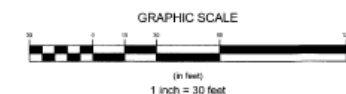
Survey Index: -

REMY J. ROSA



REGISTERED PROFESSIONAL ENGINEER

- NOTES:**
- ALL WORK TO BE DONE WITHIN THE STATE RIGHT OF WAY (ROW) SHALL CONFORM TO THE MOST STRINGENT SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AMONG ALL STATES WITH ALL RELEVANT AND ADEQUATE DETAILS FOR THIS WORK ARE AS SHOWN ON JUNE 21, 2019 EDITION WITH ALL REVISIONS.
 - ALL UTILITY WORK PROPOSED IN THE STATE RIGHT OF WAY IS SUBJECT TO A ROOT UTILITY PERMITS. PARK APPROVAL DOES NOT CONSTITUTE APPROVAL OF ANY UTILITY WORK. GROUND OR LUN GROUND WITHIN THE STATE ROW.
 - REFER TO FULL PROJECT NOTES ON SHEET 2.



DEVELOPMENT SITE PLAN

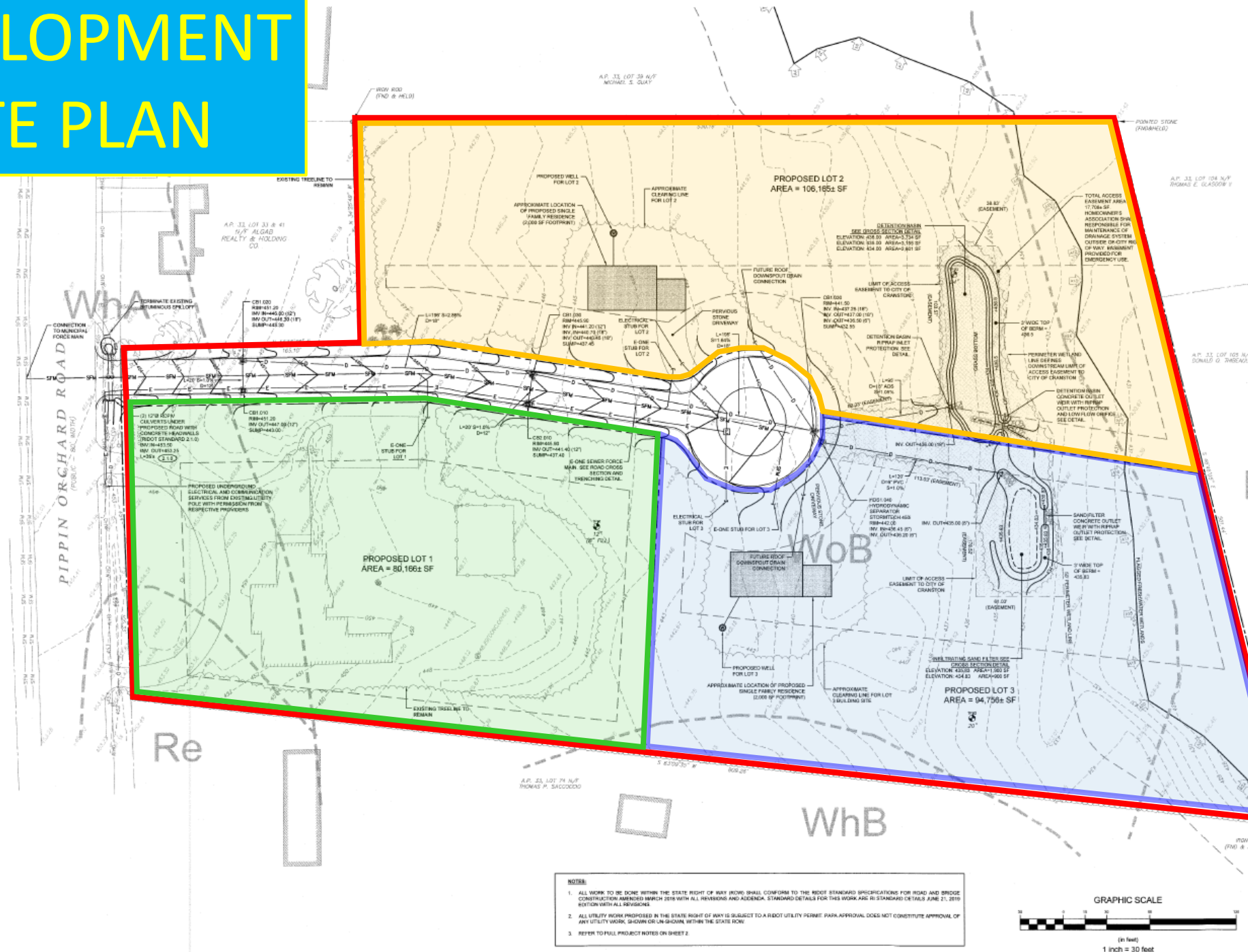
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5	TOWN COMMENTS	20MAY20
4	RDEN COMMENTS	11MAY20
3	RDEN COMMENTS	10PEB20
2	RDOT COMMENTS	28JUL19
1	REVISION SURVEYOR	10DEC19

No. Rev#(s) Date App
Designed By: Drawn by: JJR Checked by: GES
Scale: 1"=30' Date: 12SEP19

Project Title:
A.P. 33 LOT 44
300 PIPPIN ORCHARD ROAD
CRANSTON, RHODE ISLAND

Client/Owner:
ADVANCED REAL ESTATE DEVELOPMENTS, LLC
200 BALD HILL ROAD
WARWICK, RI 02886

Issued for:
PERMITTING

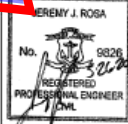
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PROPOSED DEVELOPMENT PLAN

Drawing Number:
C-5

Sheet **5** of **9**

Project Number:
17121.0

Survey Index: -



- NOTES:**
- ALL WORK TO BE DONE WITHIN THE STATE RIGHT OF WAY (ROW) SHALL CONFORM TO THE MOST RECENT SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AMENDED MATCH WITH ALL REVISIONS AND AMENDMENTS AND SHALL BE IN ACCORDANCE WITH THE STATE RIGHT OF WAY (ROW) SECTION WITH ALL REVISIONS.
 - ALL UTILITY WORK PROPOSED IN THE STATE RIGHT OF WAY IS SUBJECT TO A RDOT UTILITY PERMIT. PARK APPROVAL DOES NOT CONSTITUTE APPROVAL OF ANY UTILITY WORK. SHOW ON PLAN SHOWING WITHIN THE STATE ROW.
 - REFER TO FULL PROJECT NOTES ON SHEET 2.



Proposal Highlights

- 507 linear feet of proposed public road “Lani Lane”
- Waivers requested for sidewalks and curbing
- PAP approval from RIDOT pending insurance certificate & bond
- Public sewer available, approval of design pending
- Public water is NOT available – private wells proposed
- Wetlands on site, all disturbance outside of buffers
- “By right” under A-80 zoning, no relief required
- Consistent with FLU / density allocation
- No floodplains or historic/cultural districts on site

TREE IMPACTS

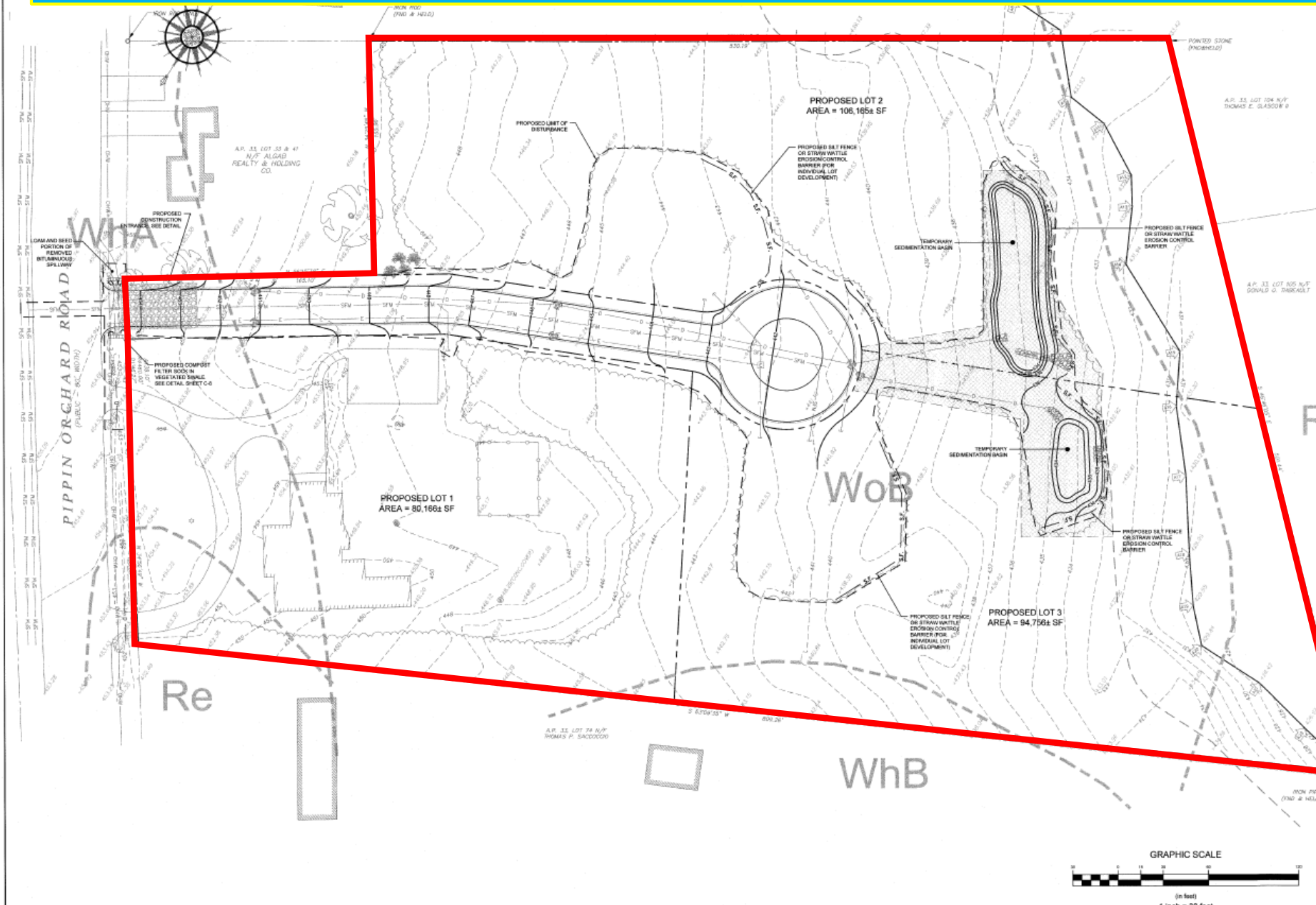
- Limits of disturbance proposed to minimize tree clearance
- Potential measures to preserve trees nears Pippin Orchard Road

SOIL EROSION & SEDIMENT CONTROL PLAN

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3	REVISION COMMENTS	03/04/20
2	REVISION COMMENTS	3/26/21
1	REVISED SUBDIVISION	03/22/19
No.	Revision	Date
Designed By:	Drawn by: JJR	Checked by: GES
	Scale: 1"=30'	Date: 12SEP19

Project Title:
A.P. 33 LOT 44
300 PIPPIN ORCHARD ROAD
CRANSTON, RHODE ISLAND

Client/Owner:
ADVANCED REAL ESTATE DEVELOPMENTS, LLC
200 BALD HILL ROAD
WARWICK, RI 02886

Issued for:
PERMITTING

Drawing Title:
SOIL EROSION AND
SEDIMENT CONTROL PLAN

Drawing Number: C-7
Sheet: 7 of 9
Project Number: 17121.0
Survey Index: -

JEREMY J. ROSA
No. 200
200
PROFESSIONAL ENGINEER

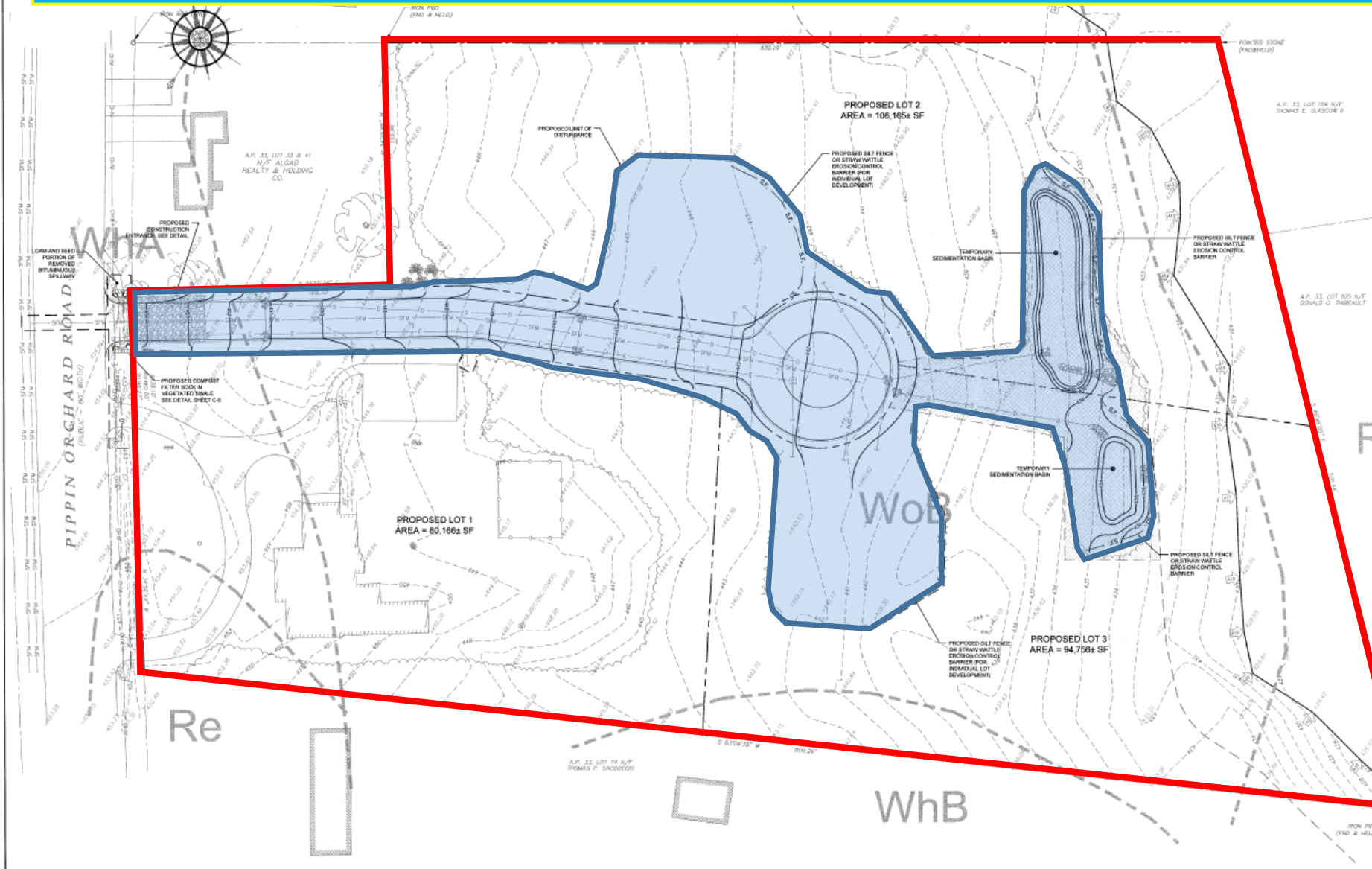
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SOIL EROSION & SEDIMENT CONTROL PLAN

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Proposed Limits of Disturbance

3	REVISION COMMENTS	03/04/20
2	REVISION COMMENTS	3/26/20
1	REVISED SUBDIVISION	02/27/20
No.	Revision	Date
Designed By:	Drawn by:	Date
	JJR	02/27/20
Scale:	1"=30'	Checked by:
		GES
Project Title:	12SEP19	

A.P. 33 LOT 44
300 PIPPIN ORCHARD ROAD
CRANSTON, RHODE ISLAND

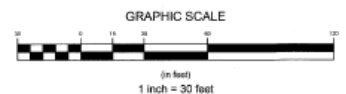
Client/Owner:
ADVANCED REAL ESTATE DEVELOPMENTS, LLC
200 BALD HILL ROAD
WARWICK, RI 02886

ISSUED FOR: PERMITTING

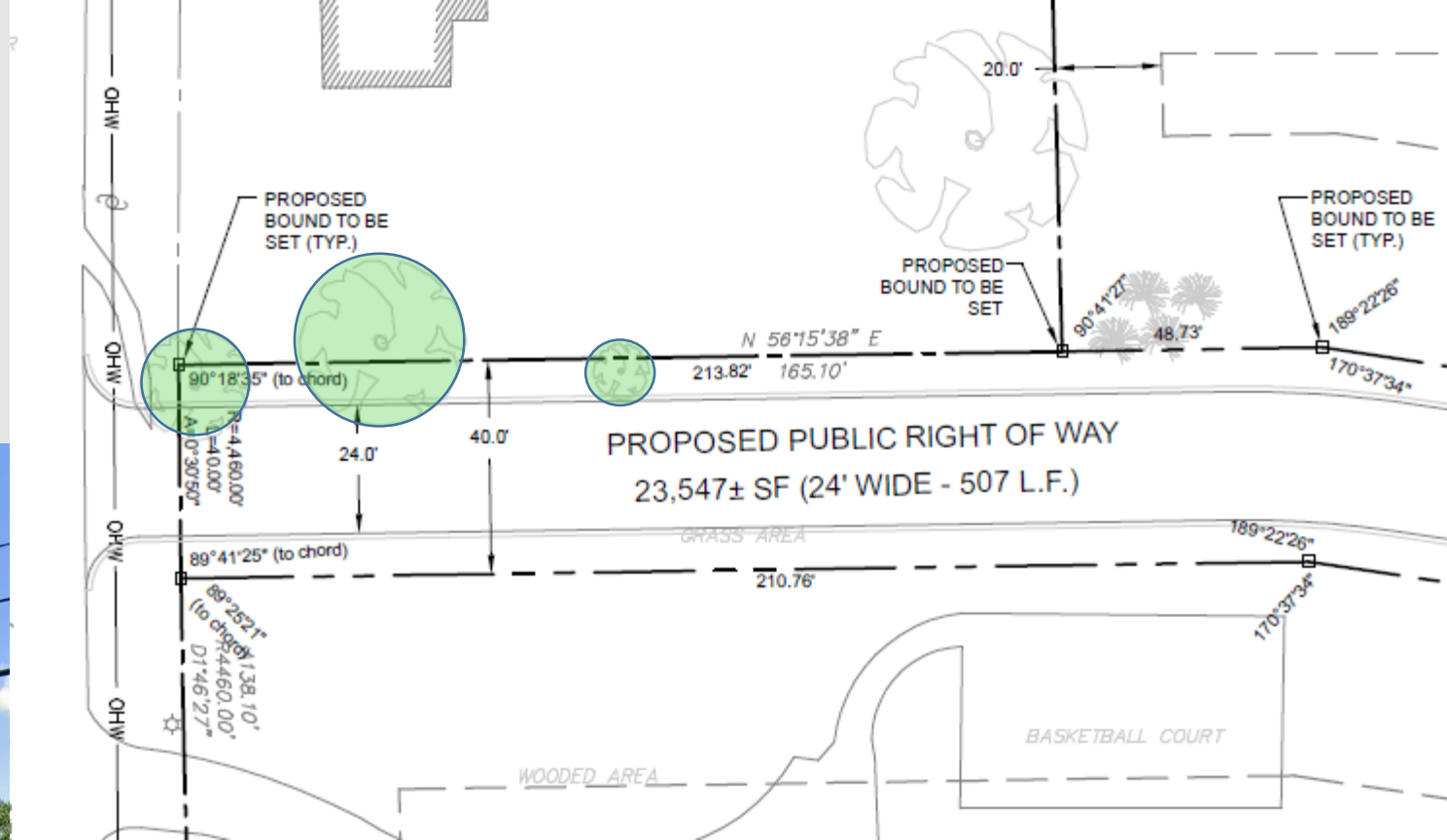
Drawing Title:
SOIL EROSION AND SEDIMENT CONTROL PLAN

Drawing Number: **C-7**
Sheet: **7** of **9**
Project Number: **17121.0**
Survey Index: -

JEREMY J. ROSA
Professional Engineer
No. 2000
2000
2000



Minimizing Impacts



Recommended Actions:

1. Potentially preserve the trees by installing a snow fence during construction;
2. Mitigate tree loss on AP 33 Lot 33 & 41 with planting(s).

Planning Analysis

- Proposal is consistent with the surrounding area
- Compliant with zoning (“by right”)
- Consistent with Comprehensive Plan
- Waivers for sidewalks and curbing are reasonable
- Applicant working with staff in good faith to mitigate impacts

RECOMMENDATION (1 of 2)

Staff recommends that the City Plan Commission adopt the findings of fact in the staff memo and approve the Preliminary Plan submittal, subject to the conditions denoted below:

1. Payment of Western Cranston Capital Facilities Impact Fee in the amount of \$2,779 at the time of Final Plan recording.
2. Payment of the public advertisement fee prior to the time of Final Plan recording.
3. Obtain a PAP from RIDOT prior to submitting a Final Plan.
4. Sewer design shall be approved by Veolia Water and DPW prior to submitting a Final Plan.
5. Provide a performance bond in the amount of \$219,000 and a separate 2% administrative fee of \$4,380 at the time of Final Plan recording, unless all public improvements have been constructed.
6. Maintenance schedule and O&M manual shall be subject to approval by DPW Environmental Engineer.

RECOMMENDATION (2 of 2)

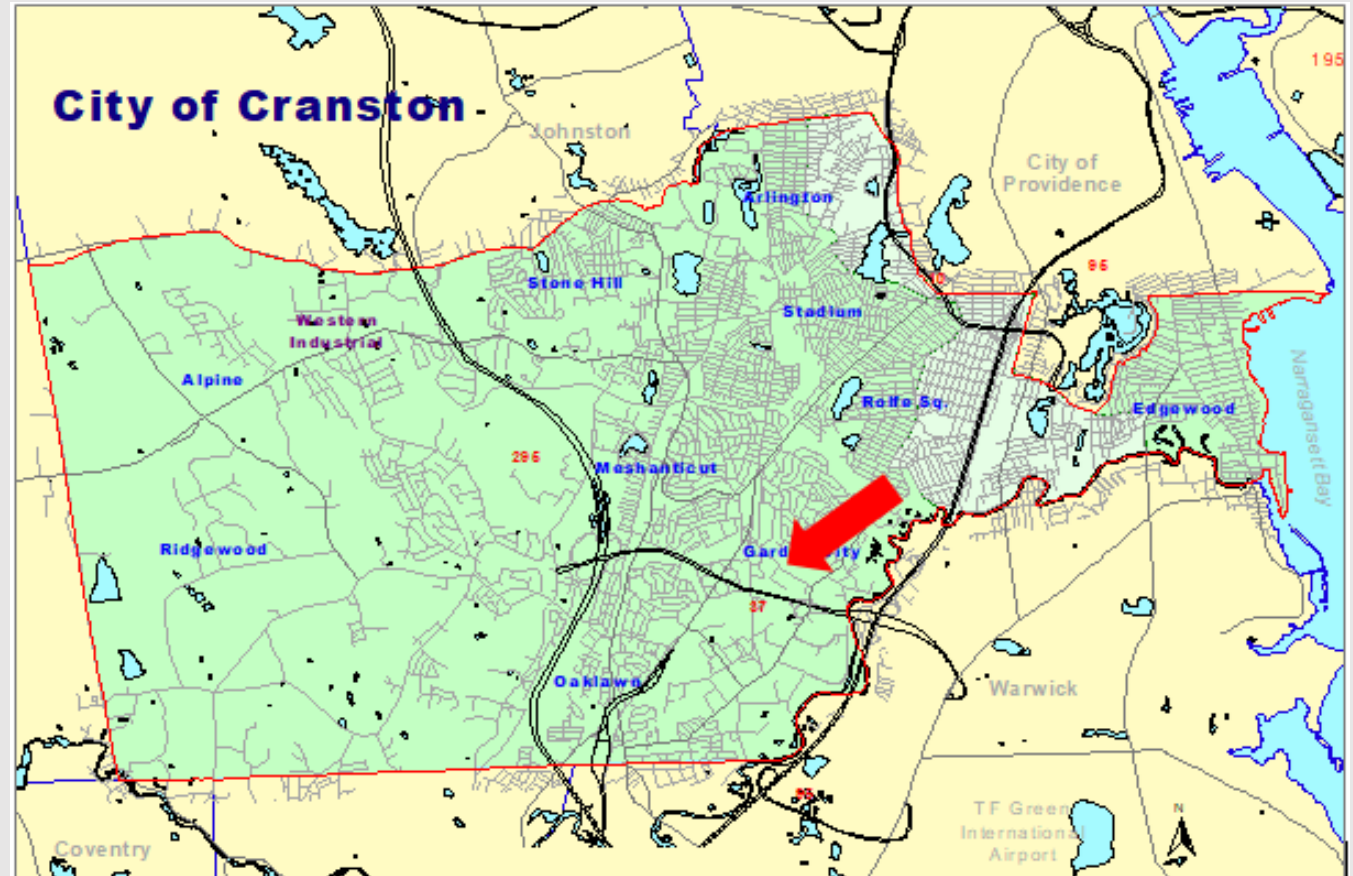
7. Detention pond design, construction, and improvements shall be the responsibility of the developer.
8. Deeds for the new lots shall include mutually enforceable restrictive covenants detailing the responsibility to maintain the detention pond, subject to review and approval by the City.
9. The applicant shall install a snow fence near the northern property along Lani Lane near its intersection with Pippin Orchard Road in an attempt to protect the existing trees from damage during construction.
10. Should any trees on the neighboring property (A/P 33 Lot 41) be lost due to construction, the applicant shall mitigate the impact by planting replacement(s) of reasonable equivalence to the tree(s) lost with the consent/permission of the owner of A/P 33 Lot 41.
11. A fire hydrant shall be located within 600 feet of new residences. (new since memo)

Marcia B. Smith & Marvin M. Smith (OWNER), WINES AND MORE of RI, INC (APPLICANT)

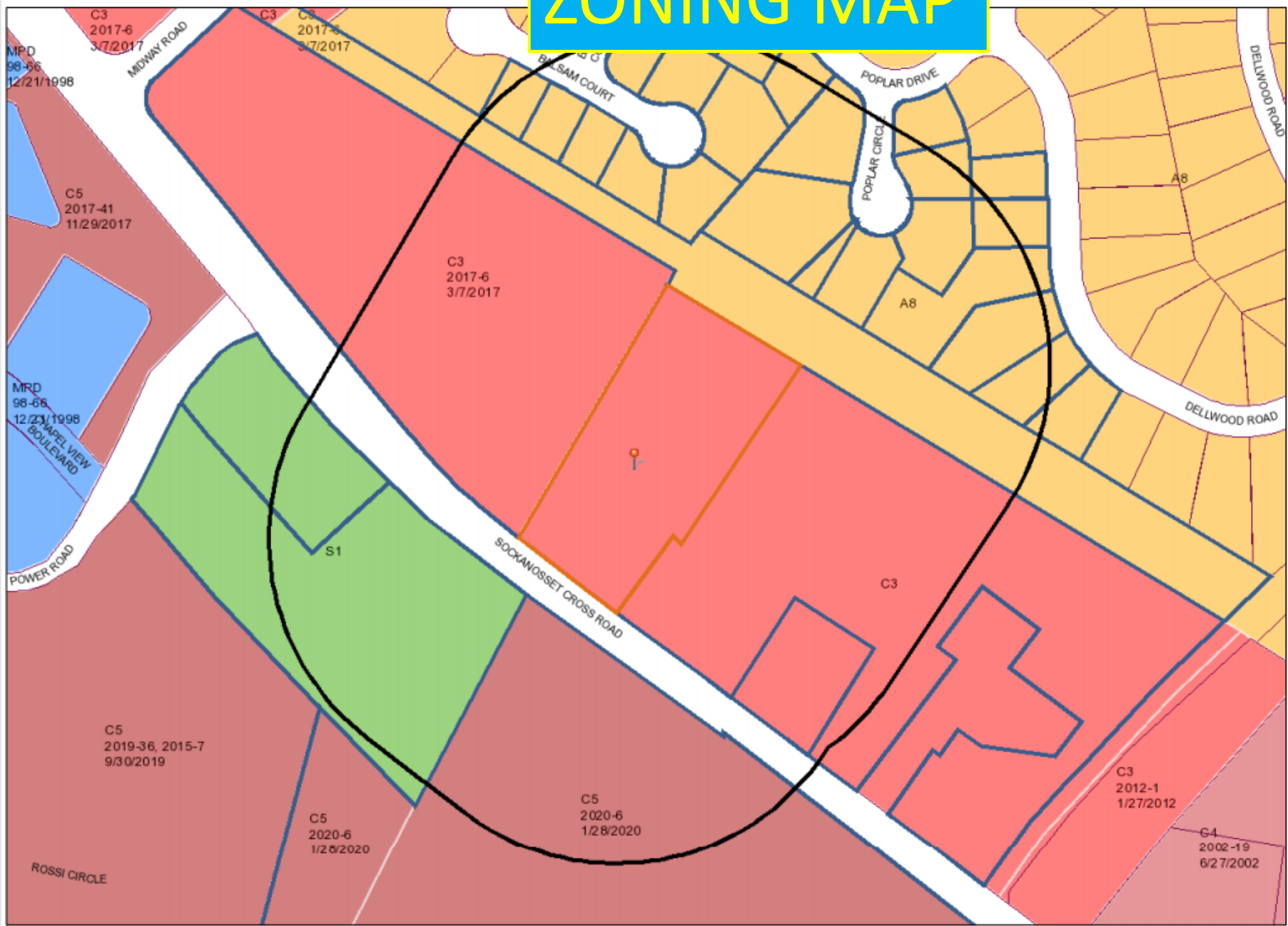
125 Sockanosset Crossroads , AP 10, Lot 1489. Zone: C-3

Variance Requests:

1. To allow an animated sign to replace the changeable copy portion of an existing free standing sign where LED/digital/animated signs are not allowed in any zone.



ZONING MAP



- UserSelectedParcels
- vParcels_Buffer
- ParcelsInBufferOutput
- Parcels
- Streets Names
- Zoning Dimensions
- Historic Overlay District
- Zoning**
 - none
 - A80
 - A20
 - A12
 - A8
 - A6
 - B1
 - B2
 - C1
 - C2
 - C3
 - C4
 - C5
 - M1
 - M2
 - EI
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 - Other
- Street Names

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AERIAL VIEW



3-D AERIAL VIEW

125 Sockanosset
Cross Road

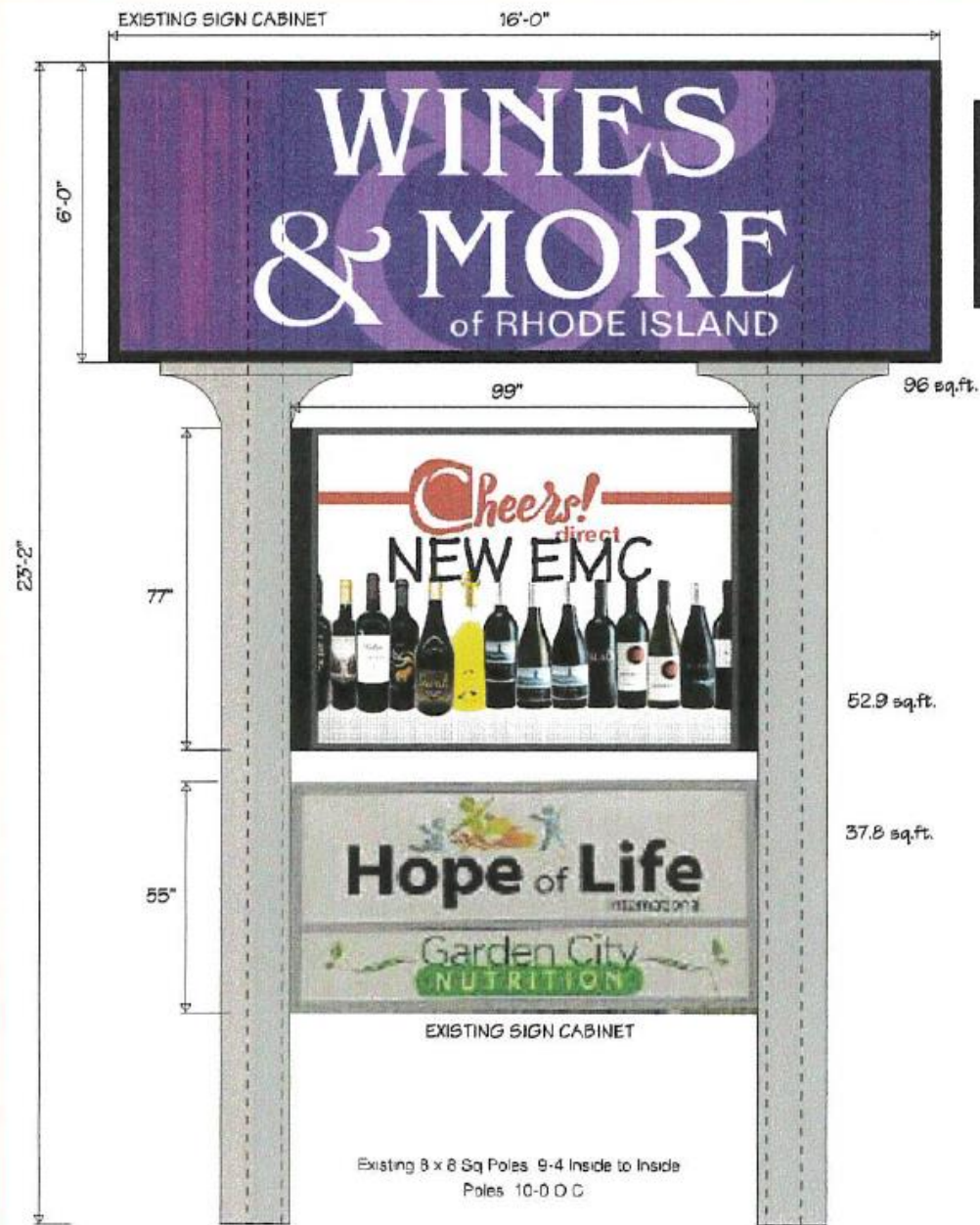
Wines & More of RI
Delivery

USCIS Application
Support Center

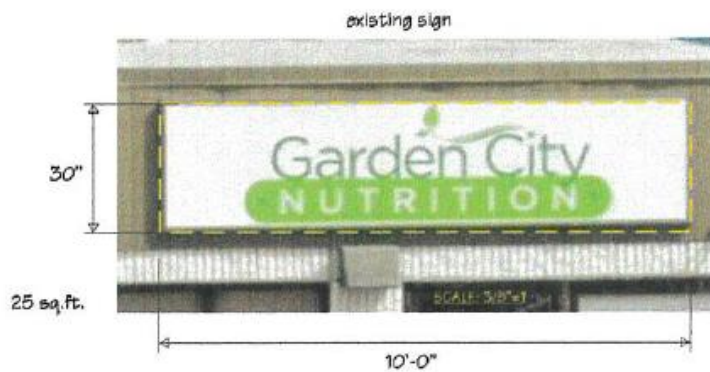
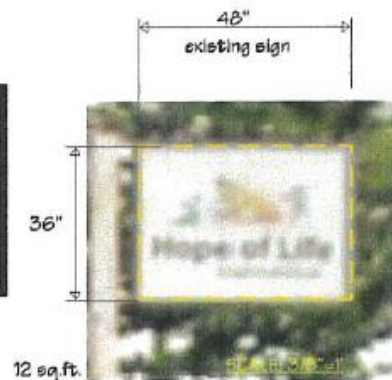


STREET VIEW





PYLON SIGNAGE:	BUILDING SIGNAGE:
WINES & MORE: 96 sq.ft.	WINES & MORE: 144.5 sq.ft.
EMC: 52.9 sq.ft.	GARDEN CITY: 25 sq.ft.
HOPE OF LIFE: 37.8 sq.ft.	HOPE OF LIFE: 12 sq.ft.
TOTAL: 186.7 sq.ft.	TOTAL: 181.5 sq.ft.



SCALE: 3/8"=1'

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Berlin, CT 06037
Ph: (860) 829-9090

MASSACHUSETTS
21 Larsen Way
North Attleboro, Ma
Ph: (508) 809-4638

CLIENT / PROJECT LOCATION:

WINES & MORE
of RHODE ISLAND

ADDRESS:

125 Sockanosset Cross Road
Cranston, RI

FILE LOCATION:

pflwine&spirits.retail/cranston/sockanosset

DRAWING NO:

66073-02

DRAWING DATE:

06/06/20

PROJECT MANAGER:

RH

DRAWN BY:

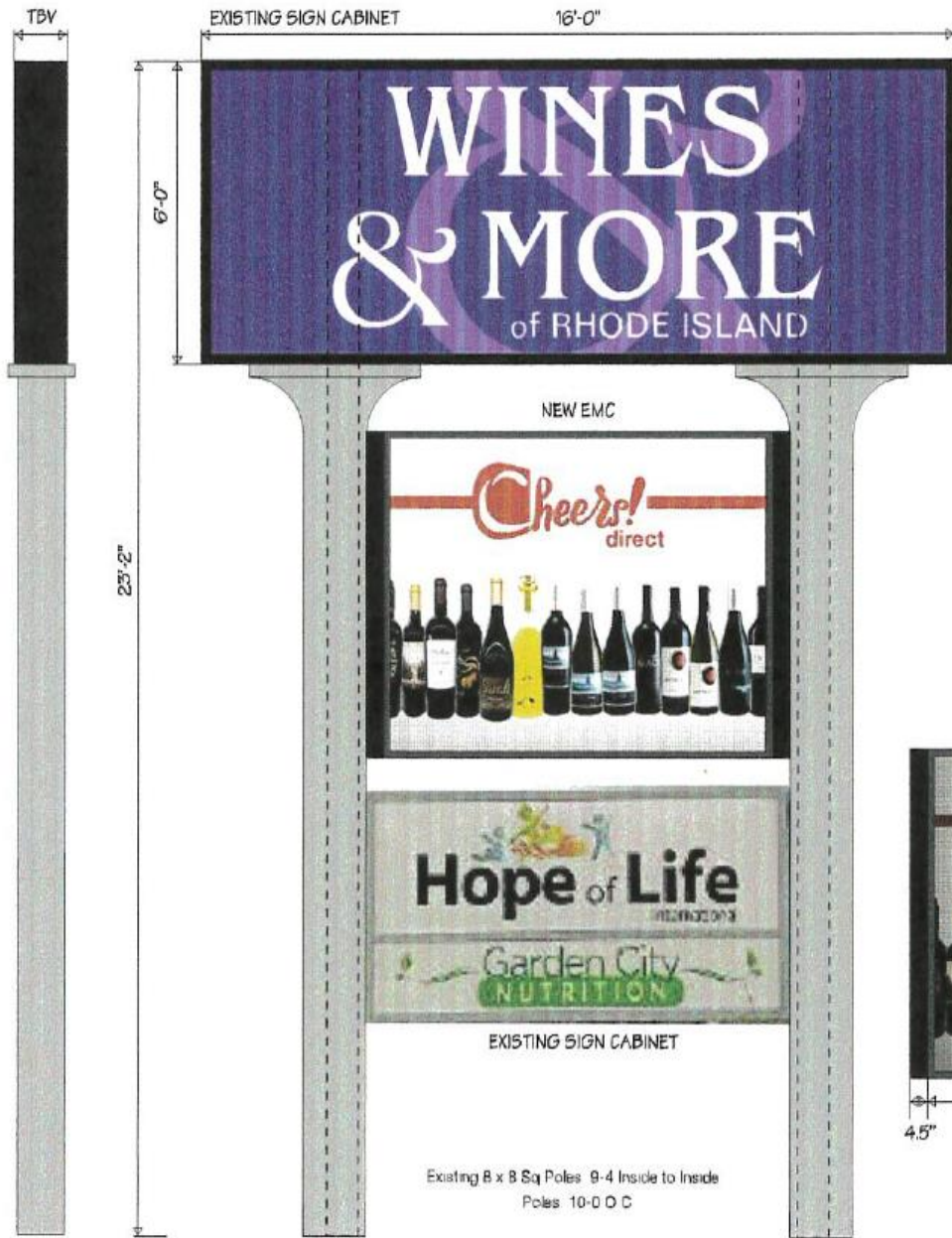
DDD

REVISIONS/NOTES:

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

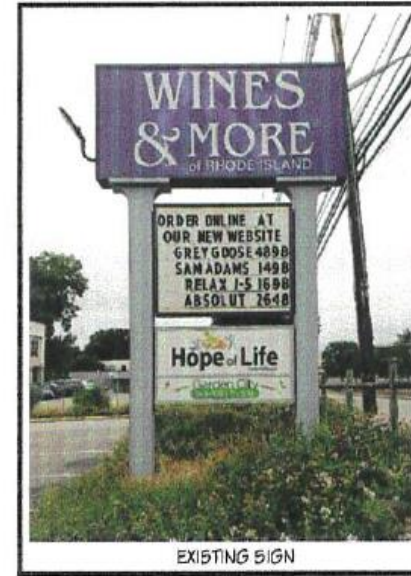


E164024

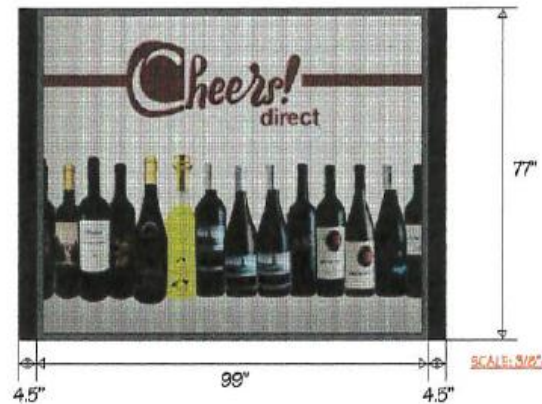


Existing 8 x 8 Sq Poles 8-4 Inside to Inside
Poles 10-0 O C

SCALE: 3/8"=1'



EXISTING SIGN



- (Qty: 2) New 8'-3" x W6'-5"H, 10mm, full color, face vent EMCs secured to existing 8" x 8" square steel poles in field with 2" x 2" x 3/16" steel angle runners
- 2" x 2" x 3/16" x 5"L steel angle clips mechanically fastened to 8" steel poles in field as required
- Existing reader board to be replaced
* exact same size as existing
- Primary electrical connection by others

Staff Analysis

- The proposal does not increase the height or area of existing signage on the site, which the ZBR granted relief for in 2009.
- There are at least 3 other examples of animated signs on Sockanosset Crossroad alone, so relief would not be out of character with the area.
- Regarding animation and timing of images on the message board, the applicant clarified that *“the petitioner is requesting that a variance be granted to permit the digital sign to change every twenty (20) seconds to delineate products and items for sale at the establishment.”*
- Regarding brightness of the sign, the applicant has corresponded that *“the electronic message centers have automatic dimming capabilities and Watchfire Electronic message centers are equipped with a photocell that detects ambient light and adjusts brightness levels accordingly.”*
- Staff holds that if the City chooses to allow changeable copy signs, that allowing them to be upgraded to animated signs (with restrictions) would be reasonable.
- Relief, if granted, would not undermine the intent of zoning or the Comprehensive Plan.

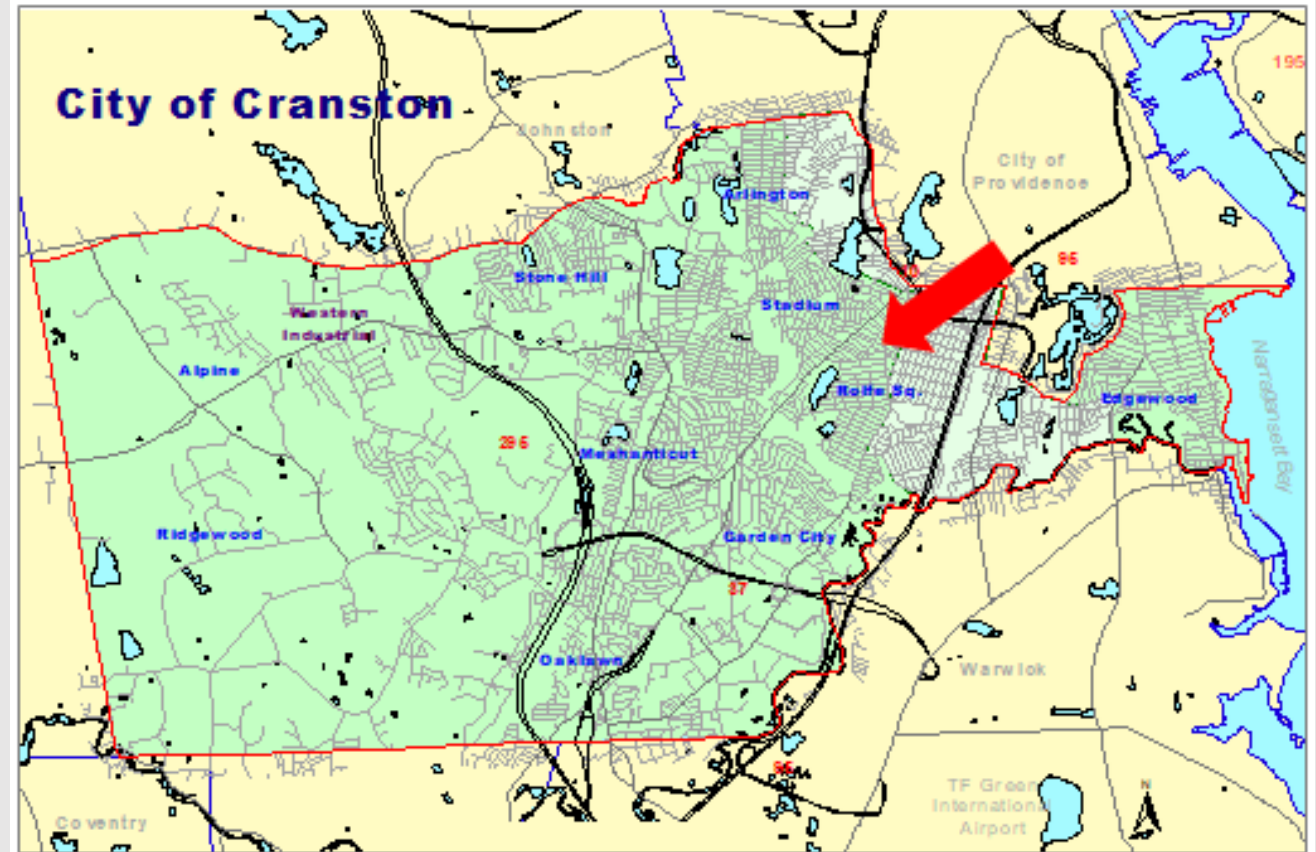
Recommendation

Due to the findings that the proposal is consistent with the Comprehensive Plan and the character of the commercial area, and due to the assertion that businesses should be allowed to have animated signs instead of changeable copy signs (with restrictions), the Planning Department recommends that the Plan Commission forward a **positive recommendation** on this application to the Zoning Board of review, with restrictions to the sign's luminescence, animation, and frame change timing.

Albert Baccari and Virginia A. Baccari (OWNER/APP)

880 Park Avenue, AP 9, Lot 169. Zone: C-3

**THE APPLICANT HAS REQUESTED A CONTINUANCE TO
ADDRESS CITY CONCERNS**



APPLICATION CHECKLISTS

- Haven't been updated in 20+ years
- Increase transparency & clarify expectations in the review process
 - What is a complete application?
- Increase consistency with the Subdivision Regulations
- Each application type gets its own tailored checklist