

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP - Principal Planner
Date: December 3, 2021
Re: **“Comstock Industrial”** Master 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 proposes 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. The proposal consists of a by-right development and 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 will trigger a RIDEM freshwater wetland permit at a future stage of development.

The applicant has provided a traffic study to determine the impacts that the proposal will have on the surrounding street network. The applicant's traffic study has been reviewed by a 3rd party peer review traffic engineer on behalf of the City. The peer reviewer has provided a series of comments on the traffic study in three (3) separate documents. In response, the applicant has revised its traffic study and provided three (3) supplemental documents to address the peer reviewer's comments.

The Plan Commission is charged with making a decision on the Master Plan stage of this Major Land Development application. The Public Hearing on this matter was opened on November 2, 2021 and was continued to December 7, 2021. All notable project materials are available for review at the City's website here: <https://www.cranstonri.gov/city-plan-commission/12/7/21.aspx>

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

1. Master Plan application and checklist;
2. Application filing fees;
3. Subdivision plan set entitled “Comstock Industrial,” prepared by DiPrete Engineering Associates, Inc. dated 9/25/21;
4. Conceptual Landscape Plan prepared by John C. Carter & Company, Inc.;
5. Project Narrative by DiPrete Engineering Associates, Inc.;
6. Letter from John Walsh, Principal of Comstock Industrial LLC, dated 9/30/21;

7. Letter from John Walsh, Principal of Comstock Industrial LLC dated 11/22/21;
8. Traffic Impact Study prepared by Paul Bannon of BETA Group, Inc. dated September 2021;
9. Revised Traffic Impact Study prepared by Paul Bannon of BETA Group, Inc. dated October 2021 (this report is intended to wholly replace the previous traffic report);
10. Traffic Response Letter from Paul Bannon of BETA Group, Inc. dated 10/27/21;
11. Traffic Response Letter from Paul Bannon of BETA Group, Inc. dated 11/19/21;
12. Traffic Response Letter from John Walsh, Principal of Comstock Industrial LLC, dated 12/1/21;
13. Planning Consulting Report prepared by Pimentel Consulting, Inc. dated 9/27/21;
14. Wetland edge verification letter from RI Dept. of Environmental Management;
15. Zoning certificate approval from City Zoning Official;
16. 100' radius map and list of abutters;
17. Letter regarding sewer availability signed by City Environmental Program Manager;
18. Letter regarding water availability from Providence Water;
19. Certificate of Municipal Leans.

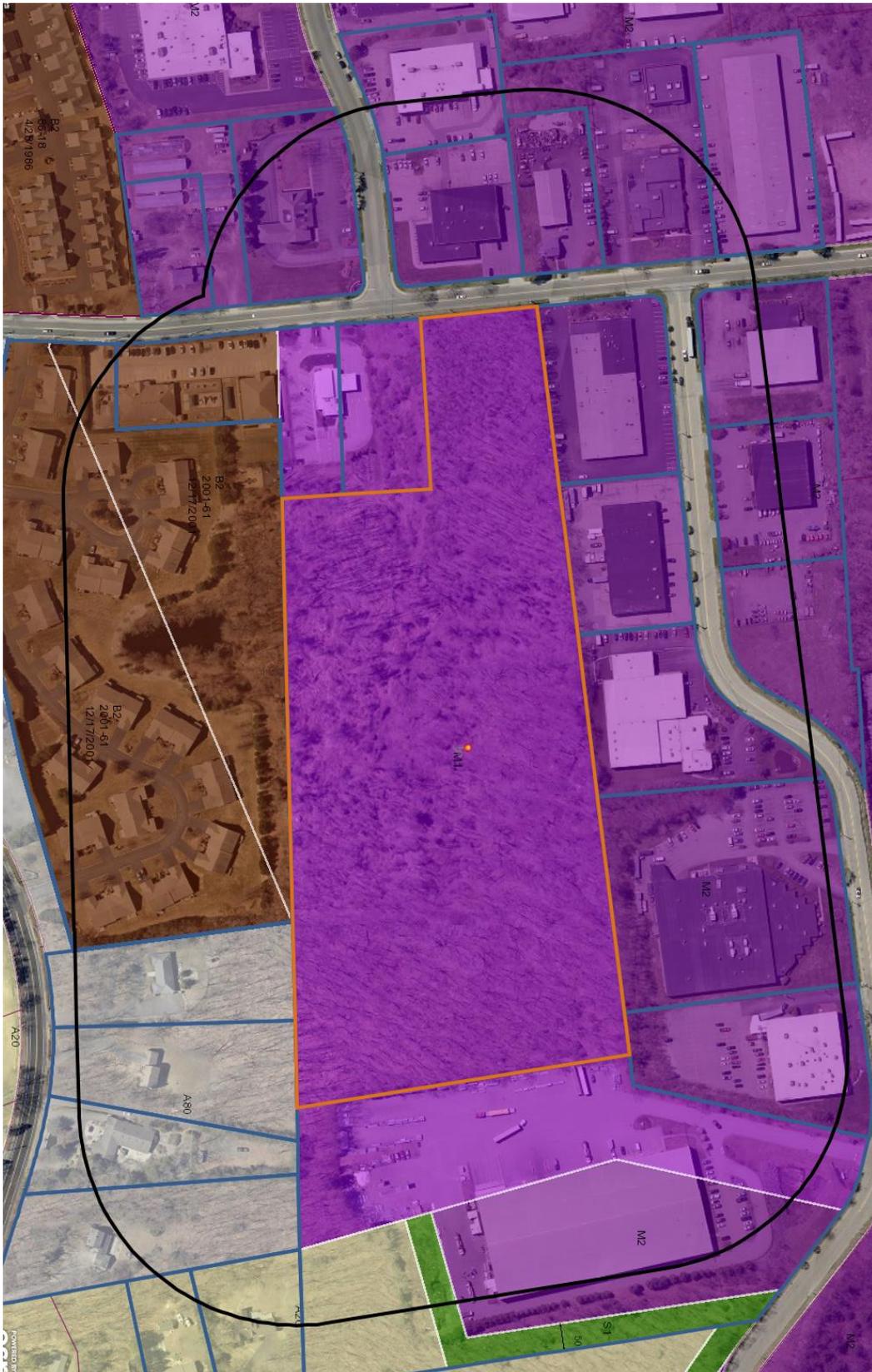
III. Additional documents as part of the project file:

1. Public Comments received before 11-2-21 Public Hearing;
2. Public Comments received after 11-2-21 Public Hearing;
3. Public Comment - Letter from Amy Goins, Attorney for Crossroads Condo Association, dated 10/28/21;
4. Public Comment - Planning Opinion Letter from Peter Friedrichs, dated 11/30/21.
5. Transcript of November 2, 2021 Public Hearing
6. Traffic Peer Review letter prepared by Fuss & O'Neill, dated 10/22/21
7. Traffic Peer Review letter prepared by Fuss & O'Neill, dated 11/9/21
8. Final Traffic Peer Review letter prepared by Fuss & O'Neill, dated 11/24/21

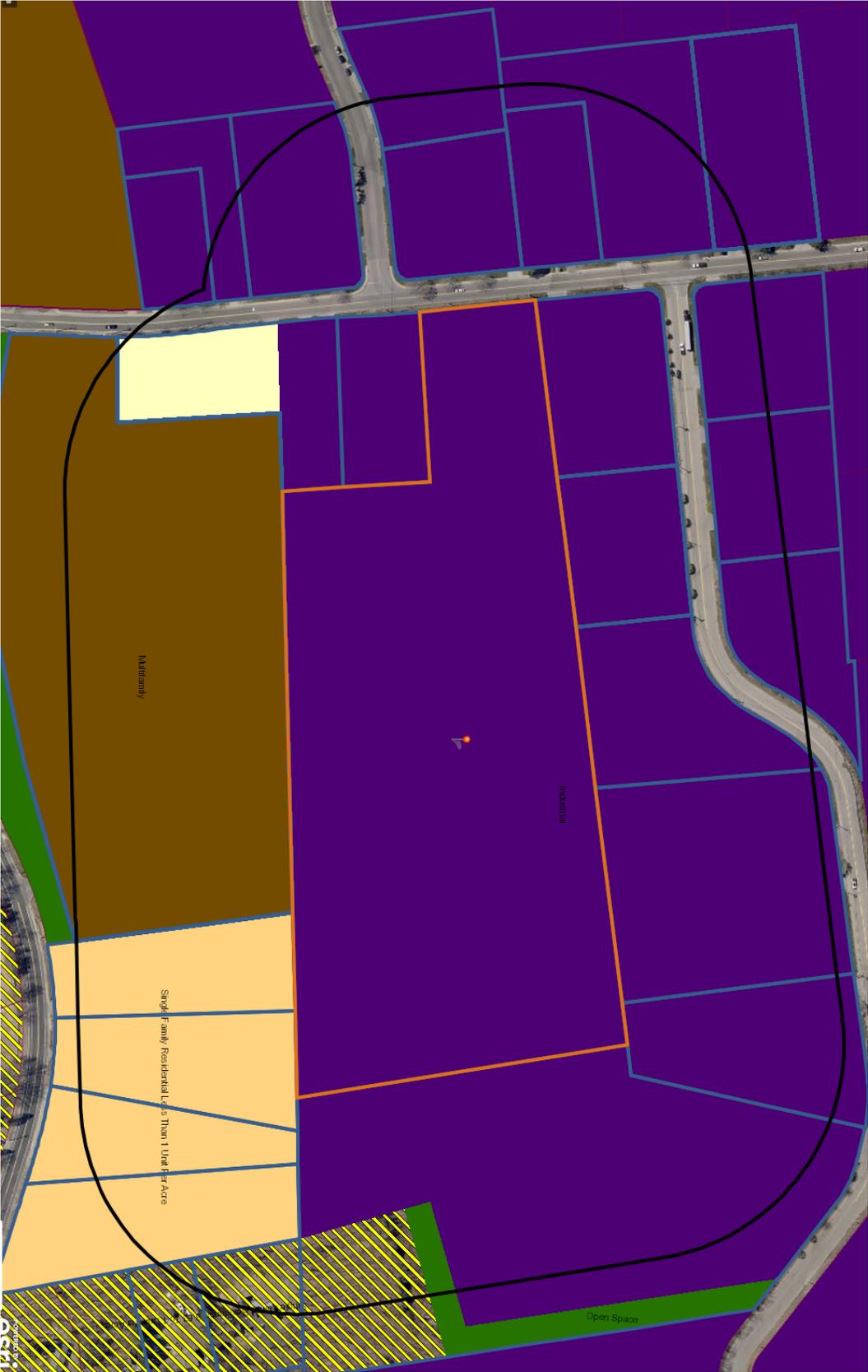
NEIGHBORHOOD AERIAL
(subject parcels in orange, 400 ft. radius in black)



ZONING MAP



FUTURE LAND USE MAP



SITE PLAN (snippet)



3-D AERIAL (facing north)



STREET VIEW (from Comstock Parkway)



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: *This office has reviewed the applicant's traffic study and the subsequent peer review report and agrees with the technical determination of adequate and safe site access to Comstock Parkway at the proposed industrial site. Although the concept of obtaining an easement to provide site access to Amflex Drive may appear optimal, it has become apparent that attempts by the applicant to pursue such have been wholly rejected by the abutters. However, any change in circumstance leading to advancing this alternative may be worth revisiting.*
- The City Director of Public Works provided the following comment: *The applicant should revise the entry driveway to increase the turning radius so that trucks leaving the subject property in a northbound direction do not need to make a wide turn into the southbound lane. This revision should be made prior to the Preliminary Plan submission.*
- The City Fire Department provided the following comment: *The Fire Department would like full access to the corners of the proposed buildings and that these areas should be free of obstructions. The Fire Department requests that such changes be made prior to the Preliminary Plan submission.*

No other City Departments have provided comments or concerns at this time. It is anticipated that additional technical engineering details will be provided by applicant at the Preliminary stage of the application and such information will be subject to City staff review.

VI. Interests of Others

City planning staff have received several public comments on this application that have been made part of the record file. All written public comments have been posted to the City's website for review by the City Plan Commission: <https://www.cranstonri.gov/city-plan-commission/12/7/21.aspx>. The public comments from residents are organized into 2 documents on the webpage: 1) comments received before the 11/2/21 Public Hearing, and 2) comments received after the 11/2/21 Public Hearing. Additionally, staff have received two (2) documents from paid representatives of the abutting Crossroads Condominium Condo: 1) a letter from Amy Goins, Attorney for Crossroads Condo Association, dated 10/28/21, and 2) a Planning

Opinion from Peter Friedrichs, dated 11/30/21. Staff have attempted to address the most commonly raised issues from all of the public comments through the following staff analysis.

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 subject parcel is currently wooded and includes two (2) separate wetland complexes. As required for the Master Plan application, the applicant has provided a wetland edge verification letter from the Rhode Island Dept. of Environmental Management. The project is free of any regulated floodplains or rare species as depicted on the 2018 Natural Heritage Map.

It should be noted that concerns have been expressed through public comments regarding several aspects of the proposed project. Amongst the issues raised, the most frequently mentioned topics are: 1) increase in traffic, 2) air quality impacts, 3) noise impacts, and 4) aesthetic impacts to the abutting residential uses. There are other issues and concerns expressed throughout the public comments and the Plan Commission should review all of the public comments posted on the Planning Department webpage to understand the breadth of issues raised. With regard to traffic impacts, that is an issue that is further detailed in its own section of this memo. With regard to air quality impacts, that is an issue that the City does not regulate through City code, and is addressed as a matter of state law regulated by the Rhode Island Dept. of Environmental Management – Office of Air Resource (<http://www.dem.ri.gov/programs/air/>). The applicant must adhere to all aspects of state law relating to air quality impacts.

With regard to noise impacts, the applicant must adhere to the City's Noise Ordinance (Sec. 8.20 of City Code) which establishes limits on noise as measured at all property boundaries. The noise level allowed at a property boundary bordering residential abutters must be lower than property boundaries bordering commercial/industrial abutters. The noise level allowed at any residential property boundary can be no higher than 55 dB(A) [decibels] between the hours of 7AM to 10PM, and 50 dB(A) between the hours of 10PM to 7AM. For reference, 50-55 dB(A) is roughly equivalent to the noise level of a household refrigerator (Source: <https://ehs.yale.edu/sites/default/files/files/decibel-level-chart.pdf>). The applicant will be asked to submit a noise study as part of the Preliminary Plan stage of application to demonstrate that the proposed activities on the site will not exceed the allowed noise levels at all property lines.

With regard to aesthetic impacts to the abutting residential uses, this is an issue that will be best handled through the submission of additional engineering details and a landscape plan. Such details will be a required element at the Preliminary Plan stage of this application at which point the applicant must appropriately address property buffers. Planning Department staff conducted a site visit on 10/25/21 to the area along the southern boundary to better understand the existing conditions as it relates to nearby residential uses. There is a row of mature evergreen trees along this property line that provides the basis for an effective visual screen. It is anticipated that any future plantings along this property line should add to (and not damage) the existing evergreen trees. It should be noted that there are areas along the southern property in which additional plantings may be warranted to reinforce the existing visual screen. The picture on the following page was taken during the staff site walk of the southern property boundary. This picture illustrates an example of an area where the existing evergreen buffer is thin and additional plantings may be warranted.



Image from staff site walk of property boundary abutting Crossroad Condominiums

Traffic Impacts

One of the requirements for a Master Plan proposal is that the project must provide adequate physical access to a public street. The applicant has provided a Traffic Impact Study to determine the impacts that the proposal will have on the surrounding street network. The applicant's traffic study has been reviewed by a 3rd party peer review traffic engineering consultant on behalf of the City. As previously mentioned, the peer reviewer has provided a series of comments on the traffic study in three (3) separate documents. In response, the applicant has revised its traffic study and provided three (3) supplemental documents to address the peer reviewer's comments. All relevant traffic documents are on the City's webpage for further review by Plan Commission members and other interested parties.

The final conclusion of the City's peer reviewer on this application was that, following revisions made to the initial Traffic Impact Study and subsequent information provided as addendums to said Study, **the applicant has successfully demonstrated that the proposal will provide adequate and safe access to a public street, and will not have an adverse impact on public safety and welfare in the study area.** Additionally, while the proposal will add traffic to the surrounding street, the estimated increase in traffic during the peak periods resulting from the proposed industrial project will have a minor impact on overall traffic operations along Comstock Parkway in the project area, particularly during the weekday morning and afternoon peak hours when the site would service its greatest daily volumes.

The peer reviewer's final letter dated 11-24-21 provide their concurrence with the major conclusions of the applicant's Traffic Impact Study. Additionally, the peer review's final letter offered an ancillary suggestion to explore the possibility of access easements on abutting properties to avoid traffic being directed exclusively onto Comstock Parkway. The applicant has offered a response letter dated 12-1-21 to detail their efforts made to secure access easements on the surrounding abutting properties with no successful outcome.

The City Traffic Engineer reviewed all of the relevant traffic information and agrees with the final conclusion of both the applicant's Traffic Impact Study and the peer reviewer's final determination that the project will provide adequate and safe access to a public street, and will not have an adverse impact on public safety and welfare in the study area. The City Traffic Engineer also commented on the latest submission by the applicant and he addressed the concept of an alternative access point via an easement on abutting land with the following: *"Although the concept of obtaining an easement to provide site access to Amflex Drive may appear optimal, it has become apparent that attempts by the applicant to pursue such have been wholly rejected by the abutters. However, any change in circumstance leading to advancing this alternative may be worth revisiting."*

Based on the above information, planning staff is of the view that the traffic engineering conclusions/materials provided on the record have successfully demonstrated that the project meets the statutory required finding from RIGL Section 45-23-60 for Major Land Development Master Plan with regard to providing "adequate and permanent physical access to a public street."

Zoning Ordinance Compliance

One of the requirements for a Master Plan proposal is that the project must be in compliance with the City's Zoning Ordinance. This proposal is a "by-right" development, meaning 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 are consistent with the City's Zoning Code. Staff has reviewed this application against the totality of the Zoning Code, including Sec. 17.04.010 – *General Purposes*, and finds that the proposal meets the City's zoning standards. Staff did not identify any sections of the zoning code in which the applicant does not comply based on the conceptual Master Plan application plan in its current form.

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 on page 10 of this memo, the City does intend to address buffering and landscape screening at the Preliminary Plan stage of development when a landscape plan is a required element of the application process. With regard to locating suitable points of egress/ingress, as outlined on page 12 of this memo, the sum of traffic materials on the record for this proposal has demonstrated that the proposed access point on Comstock Parkway allows for suitable and safe egress/ingress. With regard to loading and parking locations, the applicant has designed the site to locate the fleet vehicle loading areas on the opposite side of the building from the residential abutters. The applicant's plan utilizes the building as a noise shield while also locating the loading areas further away from the southern property line where the residential abutters exist.

Comprehensive Plan Consistency

One of the requirements for a Master 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 has provided a Comprehensive Plan Analysis prepared by a planning expert (Ed Pimentel) that provides support to the argument that the project is consistent with the City’s Comprehensive Plan and Zoning Ordinance. Conversely, the abutting Crossroads Condo Association has secured their own planning expert (Peter Friedrichs) who has provided an opinion that there are some elements of the Comprehensive Plan that support the project, however Mr. Friedrichs finds that there are also inconsistencies with the proposal that should be addressed leading up to the Preliminary Plan stage of application. Plan Commission members should review all materials on this topic to understand the full breadth of information and expert opinions provided on the record.

Based on a review of all relevant materials outlined above, 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 Master 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 Master 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 subdivision 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 conceptual Master Plan application.
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 letters provided 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 Master Plan application.