

MINUTES

December 8, 2020

Chairman Smith called the City Plan Commission Meeting to order at 6:35 p.m. via Zoom.

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

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

Also attending: Steve Marsella, Assistant City Solicitor

ORDINANCE RECOMMENDATIONS

7-20-04 Ordinance in amendment of Ch.17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – New London Ave.). Petition filed by Coastal Partners LLC, Mulligan's Island LLC, and State of Rhode Island. (***Continued from the December 1, 2020 Agenda***)

Chairman Smith stated that additional materials were submitted yesterday by the community group that were posted late to the City website.

Mr. Pezzullo reminded everyone that what is before the Commission is a Major Amendment to an existing MPD which is a zone change with an associated Preliminary Overall Development Plan. He stated that at this phase (rezoning) RIDOT has stated to him that there is nothing inherent about this site from an engineering perspective that would not result in an eventual approval from them. Additionally the Department of Corrections did not provide justification or any additional correspondence for their letter recommending denial of the proposal. He stressed that the developer must obtain approvals for mitigation strategies at the Major Land Development phase. He stated that the developer stated at the December 1st public hearing that the Parcel 3 will be limited to retail only on the plan. He stated that the loading/delivery areas were not relocated as the Plan Department had suggested in the pre-application memo and that overall signage has not yet been determined on site. The Plan Department had also suggested the gas station be relocated to the prison side, even though it will be over 530 ft. away from the nearest residual property line, which is in excess of what is required by ordinance. Regarding relocation of the burial ground, the City Council ultimately is the body to approve such a request. Regarding relocation of the existing cell tower, he stated that the applicant is aware of the City's performance standards and they must comply during relocation. He stated that the neighborhood has legitimate concerns but that they are not at the stage to review those matters at this time. A landscape plan will be required at the Preliminary Plan stage and will be peer reviewed by an expert of the Commission's choosing. He explained that the Future Land Use Map calls for an MPD at that site however, the Comprehensive Plan does not explicitly prescribe the future intensity or mix of uses at the site. He stated that as a member of the planning staff when the 2010 Comp Plan was being written, planning acknowledged the need for zoning flexibility, therefore the choice to designate the lot as MPD on the Future Land Use Map.

Mr. Vincent stated that while 18 acres, plus 3 additional acres, are proposed as open space, "this is more than a major amendment". He has concerns that the developer was unwilling to act on some of the relocation

requests made. He has "issues with the drive thru on the front pad" and agrees with Mr. Schiappa's (RIDOT) letter. He stated he feels that the developer has not taken steps to mitigate the concerns raised.

Attorney Amy Goins, stated that she had issue with the staff memorandum, dated 12/4/20, being posted late to the website. She also reiterated her procedural objections from the 12/1/20 meeting that the process being undertaken was improper.

Planning expert, Kevin Flynn, stated that he has no comment on what was submitted yesterday or today. Rather, his comments are limited to the staff memorandum and asked why the staff couldn't address the concerns raised. He mentioned the very late timeframe in which the State had submitted written comments and was surprised about the Department of Corrections (DOC) concerns. He stated that "they are not a normal neighbor and would give more deference to their letter". He listed all of the concerns discussed last week and reiterated Mr. Vincent's concerns. He stated that good projects can take years to come to fruition and take time.

Attorney Bolton objected over straying from what was recently submitted.

Attorney Goins stated that five documents were submitted but not reviewed by Mr. Caito, P.E., the neighborhood groups engineer.

Attorney Bolton stated that he is in receipt of an approval from the Cranston Historical Cemetery Commission (dated 7/17/2020) for relocation of the existing cemetery. He asked; "what happened between July and November to the cemetery that made them change their mind". Also, he stated that last week's site line analysis depictions were erroneous and not to scale. Mr. Bolton then presented the actual elevations and distances which were markedly differently. He presented views from 86 and 76 Hilltop Drive as well as views from 61 Beeckman Avenue. He then presented examples of various sites throughout the City and the distance from the residential to the commercial (as little as 73 ft. away, the Stop and Shop on Warwick Avenue), which were substantially less than the average 390 ft. the COSTCO proposal would be.

Mr. Mark Marciano, Director of Development for COSTCO, addressed the relocation of both the gas station and the loading docks. He stated there are two main obstructions to these relocation requests: there is a "no building setback from the jail" as there is an easement setback from the prison (200-300 ft.), which is depicted on the plan. The gas station would not fit with 18 pumps at the suggested location. Regarding the loading dock, he stated that the loading dock is located on the opposite side of the building and he was unable to "flip" the building as there would be no drive aisle to access the doors on the tire center site. He also noted that Mr. Caito's site line analysis shown last week are incorrect proportionally and are out of scale. He stated that what was shown tonight are to scale and proper proportion.

Chairman Smith asked if a berm would be constructed. Mr. Bolton responded, "yes, with plantings on top that would provide year round buffer". Mr. Bolton stated that when we get into major land development the landscaping will be determined and presented. He stated that "there is more than enough land to adequately buffer the proposal".

Mr. Ben Caito, P.E., 97 Hilltop Drive, stated that his sections "are akin to roadway profiles". He claimed that his drawings were to scale using his method. He stated that the berm he showed "was a two to one". He stated that a ten ft. berm would require twenty ft. of distance, there, 46 ft. would be needed. He disagreed with some of the findings relating to existing residential distance from other businesses in the City, which were there prior to zoning. He also had concern with the buffering shown that was landscaped.

Attorney Bolton stated that the applicant will have to demonstrate, to the Commission's satisfaction, appropriate buffers/landscaping. He stated that Garden City is a good example of commercial in harmony with residential. He stated that the distances of existing residential to the proposed commercial are significantly more in this proposal when compared to other similar proposals and well in excess of what is required. Regarding traffic, Mr. Paul Bannon, traffic engineer, stated that they have provided answers to Fuss & O'Neill's questions to their satisfaction. He stated that the major issue is stacking on the service road to Mulligan's Island. They are working on a design that reduces traffic at Howard Avenue. Also, he stated that

Howard Avenue is a cut thru road. He stated that it has been difficult this year due to the pandemic. He stated that normally “they sit together at the table”.

Chairman Smith asked how this proposal complies with the Comprehensive Plan. Mr. Pezzullo responded, stating that the FLUM “is inclusive” but leaves the MPD as a placeholder for future commercial development. Mr. Berry then went through his presentation of Comprehensive Plan compliance whereby the proposal complies in some ways and not in others.

Attorney Bolton complimented the staff and their comprehensive memorandum. He stated that the core part of the memo is in Mr. Pezzullo’s final analysis, which is as follows: “ The City is well equipped to handle the mitigation strategies of a development proposal such as this since this development is not atypical. The Comprehensive Plan has been shown consistent with the proposal in some aspects, but is silent and unclear in others. Ultimately, the City Plan Commission has been specifically empowered to interpret the intent of the Comprehensive Plan. Staff therefore offers no specific recommendation on the proposed MPD ordinance amendment. We further recommend that the City Plan Commission weigh the merits and deficiencies of this particular application and exercise their own rational judgement to decide if this application is an appropriate future land use at this location and how it conforms or not to the Comprehensive Plan.”

In closing, Attorney Bolton asked that the Commission consider the tax revenue and jobs that this proposal would bring to the City.

Mr. Michael DeGiuseppe, Coastal Partners, LLC, the applicant, summarized the projects path and stated that he felt he “went way beyond what a typical developer does”. He stated that 40% of the development is open space. He has forfeited nearly two million dollars in removing the housing portion of the plan. He reiterated the tax revenue and good jobs that will be created.

Mr. DiStefano stated that there are valid points on both sides and that this is a policy discussion that should be left to the City Council. He made a motion to make so specific recommendation on the proposed ordinance. The motion failed to receive a second.

Mr. Vincent asked Mr. Pezzullo about whether or not staff was confident that the proposal would be able to obtain the required approvals and mitigation actions moving forward. Mr. Pezzullo stated there is nothing particular about the proposal that they would not be able to meet. It is not a mix of land uses that we have not seen before and have mitigated various impacts. He stated that this process is a zone change request and that if this developer cannot meet the mitigation requirements of the Commission or other outside agencies, they won’t have a viable project and will not be able to move forward. He stated the risk lies with the developer and not the City.

Ms. Lanphear, stated that she agrees that this is an issue limited to zoning and the Commission does not have the ability to continue this matter any longer based on the time limits of the process. She stated that it is not the Commission’s burden to prove compliance with the Comprehensive Plan, but rather the applicant’s. She further stated that “it is indisputable that this meets the Economic Development portion of the Comprehensive Plan” but a balance needs to be achieved between residential and commercial. She stated that she does not believe the applicant has demonstrated compliance with the Comprehensive Plan and that this is not a true mixed use development but rather a commercial highway use. She stated that no information has been provided by the applicant showing how or why there would be no impact to the neighbors. She stated that “based on what we know now the applicant has not met their burden”.

Chairman Smith stated that this has been a very ambitious proposal and a challenge to put this together. He expressed concern that “we would be establishing an island of big box shopping area where there is no chance that there will be other compatible uses next to it. He stated that this is an area that does not have the potential to expand in any significant way. It is a valuable piece of property, a key piece, that has high potential, but the proposal is not the highest and best use of the land that is before us, nor it is in the context of smart growth, and therefore was not inclined to support favorable recommendation.

Chairman Smith entertained a motion made by Ms. Lanphear and seconded by Mr. Vincent, to send a **unfavorable** recommendation on this ordinance to the City Council Ordinance Committee. During discussion on the motion, Mr. Vincent stated that he agreed with Ms. Lanphear on the analysis of the Comprehensive Plan. He stated the weakness of the part of the applicant in showing us how it is consistent with the plan. He also stated the economic benefits of a Costco were a positive aspect of the proposal. He states his problems with the design scheme is that the project is not a mixed-use development and that there are different option for site design for the 55 acre parcel. Mr. Vincent stated that the developer should give the Commission additional time to consider the various aspects of proposal. Mr. DiStefano stated he no vote on the motion is because this should move to the City Council because it is a policy decision for them to decide. belief that the zone change is a policy question and should be moved to the Council to decide.

The City Plan Commission voted 6-1 to forward a unfavorable recommendation to the City Council Ordinance Committee. (6/1 – Mr. DiStefano voted nay).

ZONING BOARD OF REVIEW RECOMMENDATION

M.T.M. DEVELOPMENT CORPORATION (OWN) and THE WINDING RHODE COMPASSION CENTER, INC. have filed an application for permission to establish a medical marijuana dispensary for the sale of same to be allowed at 100 Glen Road, A.P. 10, lot 778, area 57,402 s.f. zoned M2. Applicant seeks approval per 17.92.020 Special use permit; Sections 17.20.030 Schedule of Uses. Application filed 10/30/20. Christine Engustian, Esq.

Due to the fact that the application is consistent with the Cranston Comprehensive Plan, and due to the fact that the applicant has demonstrated compliance with all required sections of zoning, including the Special Use Permit criteria, upon motion made by Mr. DiStefano and seconded by Mr. Mason, the Plan Commission unanimously voted (7/0) to forward a **positive recommendation** to the Zoning Board of Review.

ADJOURNMENT

Upon motion made by Mr. Vincent and seconded by Mr. DiStefano, the Commission unanimously voted (7/0) to adjourn at 10 p.m.

NEXT MEETING

Tuesday, January 5, 2021, at 6:30 p.m. via teleconference/zoom