

CPC Minutes of April 23, 2013

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, April 23, 2013 at 4:45 p.m. in the Department of the Planning and Development (DPD) 1st Floor Meeting Room, 444 Westminster Street, Providence, Rhode Island.

Opening Session

Call to order: Chairwoman West called the meeting to order at 4:47 p.m.

Members Present: Chairwoman Christine West, Harrison Bilodeau, Ina Anderson, JoAnn Ryan and Victor Capellan

Members absent: Meredyth Church,

Staff Present: Robert Azar, Choyon Manjrekar and Lisa Dinerman, City Solicitor

Approval of meeting minutes from February 26, 2013: Ms. Ryan made a motion seconded by Mr. Bilodeau to approve the minutes. All voted in favor.

Director's report: Mr. Azar said the DPD was beginning the Thayer Street planning study and had hired the firm NBBJ. A steering committee consisting of stakeholders would meet during the week followed by meetings that would be announced later. He said the firm Camiros had been hired to work on rewriting the zoning ordinance.

MAJOR LAND DEVELOPMENT PROJECT

1. Case No. 13-006 MA – 2-100 Harris Ave (Master Plan Approval)

The applicant is proposing to develop the subject property, zoned D-2, into a parking lot providing approximately 737 parking spaces. The lot measures approximately 174,575 SF and the applicant is requesting master plan approval – for action (AP 19 Lot 38, Smith Hill)

Mr. Azar introduced the project. He said the site was occupied by the former fruit and produce warehouse and being reviewed as a major land development project as over 50 parking spaces - a total of 737 spaces - were proposed for the site.

Mr. Thomas Moses introduced the project and said the D-2 zoning permitted the parking lot. He said a portion of the lot was occupied by a Rhode Island Department of Transportation (RIDOT) easement that restricted use of the lot. Mr. Kelly Coates of the Carpionato group used a plan to show how the route of Harris Avenue would change as a portion of it was abandoned by the City. He said although a parking lot was currently proposed, it would lay the foundation for building in the future. Mr. Ron Cataldo used a plan to explain how parking would occur around the easement area. Mr. Phil Fusco, a transportation engineer, explained how traffic was intended to flow and explained the site layout. Mr. Azar asked if curbing would be installed on Harris Ave and if there would be a shoulder. A discussion on the location of the sidewalk ensued. Mr. Azar said it appeared that the applicant would not be installing a sidewalk where it did not currently exist. Mr. Moses said that was consistent with the applicant's plan for abandonment of Harris Ave. Ms. West asked how pedestrians would access the site. Mr. Coates said the plan followed the proposal for street abandonment. Mr. Moses said parking was an interim use and the site would be improved by landscaping.

Alan Alstrom, a landscape architect explained the landscaping plan. He said different varieties of trees would be used to promote biodiversity and reduce the spread of disease. Ms. Anderson asked if there was any contamination on the site. Mr. Alstrom said the project engineer would address the question. Mr. Azar asked if there would be a fence along the entire length of the right of way. Mr. Alstrom said the fence would be continuous except in areas along the bridge and railroad.

Mr. Joe Lombardo presented a report outlining the project's conformance with the Zoning Ordinance and Comprehensive Plan. He said the use was permitted by right in the D-2 zone and would eventually become a commercial use as intended by the zone. He said it conformed to the land use designation for business/mixed use as it prepared the site for future development and beautified the site. Mr. Robert Clinton, a traffic engineer from VHB

said realignment of Harris Avenue would have advantages like traffic calming and a shorter crossing distance for pedestrians.

Mr. Bilodeau asked when the site would be fully developed. Mr. Coates said there was no set timeframe but plans could be announced in the future. A discussion on the site ensued. Ms. West asked if the DOT was satisfied with the easement agreement. Mr. Moses said the DOT had signed the easement agreement and agreed to the terms. Mr. Bilodeau asked who was expected to use the lot. Mr. Coates said it would be a user that the applicant would negotiate with. Mr. Azar asked if the applicant had a client. Mr. Coates said there wasn't one presently. A discussion on the site's development ensued.

Mr. Azar said the applicant was requesting approval for the parking lot, not development on the site. He said the applicant would return for project approval when development for the site was finalized. Ms. Capellan asked if the applicant had received Coastal Resources Management Council (CRMC) approval for the site. Mr. Coates said the plans had been submitted for CRMC approval. Mr. Azar said the applicant was required to comply with CRMC and other state agencies by the preliminary plan stage. Mr. Coates said the applicant would comply with all requirements. Ms. Ryan asked if the easement agreement would become void if the applicant found an applicant within three years. Mr. Coates said the applicant was bound by the agreement.

Ms. West said she was concerned about contamination and did not see sufficient evidence of compliance with CRMC regulations. Mr. Coates said the applicant would conform to the regulations at the preliminary plan stage. A discussion on the environment ensued. Ms. West asked said she felt it was a safety hazard to not have the sidewalk extend across the entire site. Mr. Coates said there was an adequate sidewalk on the opposite side of the street. Mr. Bilodeau said it was unsafe to have over 700 vehicles and not provide a sidewalk along the entire site. Mr. Coates said the lot design did not require a sidewalk along the entire site. A discussion on pedestrian access ensued.

Mr. Azar asked if lighting was being proposed. Mr. Moses said the applicant would submit a lighting plan at the preliminary plan stage. Mr. Azar said the extent of the lot was not fully depicted on the plans and asked that the applicant perform a subdivision to include the entire portion of the lot. Mr. Azar asked about the signage details for the proposed pylon sign. Mr. Coates said there were no plans for signage other than the sign for the parking lot.

Mr. Christopher Tompkins said he opposed the project as there was a surplus of parking space in the City and plans to develop parcels should be submitted. Mr. Michael Marroccio said he was the director of security for the 903 residences and asked if the lot would be used to provide parking to patrons of nightclubs. He said he was concerned about traffic from the lot. A discussion on use of the lot ensued. Ms. Barbara Gianola, a resident of the 903 said the lot was poorly maintained and was concerned about the quality of the lot.

Ms. Lisa Dinerman asked how the zoning ordinance handled interim uses. Mr. Azar said the ordinance does not define interim uses except in the D-1 zone and that the CPC was reviewing the project for conformance with the zoning ordinance. Mr. Bilodeau asked if a decision on the plan could be made after the applicant presented plans for onsite development. Mr. Azar said that future development was speculative and the CPC was obligated to act on the plan within 120 days. A discussion on the plan ensued. Mr. Bilodeau asked if the review period would stop if the plan were denied. Mr. Azar said it would, but the CPC would be required to have a clear reason for denial, and the decision could be appealed.

Mr. Azar read from the DPD's staff report, which found the plan to be in conformance with the comprehensive plan and zoning ordinance. A discussion on site drainage ensued. Mr. Bilodeau asked if the site had been tested for contamination. Mr. Coates said the site had been remediated and would conform to all city and state requirements. Mr. Azar said the site was a buildable lot and provided street access. He said the staff report recommended that the project be approved subject to the conditions in the report. A discussion on the conditions of approval ensued.

Ms. West said the CPC should not make findings on the site's environmental impact until more information regarding drainage and conformance with CRMC approval was provided. A discussion on CRMC approval ensued. Mr. Capellan if all residents had been noticed. Ms. Moses said all property owners had been noticed.

Ms. Ryan said she was in favor of taking action on the plan so that conditions of approval like drainage could be specified to the applicant. Mr. Azar said the recommendation could state that the applicant should present an erosion

and stormwater management plan, consistent with CRMC and any other City and State regulations at the preliminary plan stage. Ms. Ryan agreed with the suggestion. Ms. West suggested that the CPC not make findings on environmental impacts until the applicant had presented more supporting information at the preliminary plan stage. A discussion on the condition for a pedestrian movement plan ensued. Mr. Azar said the design guidelines in the CPC's development review regulations discussed the need for pedestrian access to development. He asked if the CPC would be more supportive of the project if there was a sidewalk around the southern edge of Harris Ave. Ms. West and Ms. Ryan said they agreed. Mr. Azar said he could work with the applicant based on the CPC's recommendation. Mr. Bilodeau asked if it would be possible to ask the applicant to develop the site within a set time period. Mr. Azar said parking lots are a permitted use in the D-2 zone.

Mr. Manjrekar read out the conditions of approval revised by the CPC. They included the requirement for obtaining CRMC and state approvals, the applicant working with DPD staff for submission of a pedestrian plan that showed the location of crosswalks and movement around the site and making a right of way dedication upon completion of the Harris Ave. abandonment. Ms. West said that the CPC should make findings of environmental impact upon submission of the preliminary plan.

Ms. Ryan made a motion seconded by Ms. Anderson to approve the master plan subject to the conditions of approval in the staff report and those outlined by the CPC. The motion passed 4-1 with all except Mr. Bilodeau voting in favor.

CITY COUNCIL REFERRAL

2. Referral 3362 - Petition for zone change from R-2 to M-1 at 230 Carolina Ave.

Petition to rezone the property at 230 Carolina Ave from R-2 to M-1 – for action (AP 58 lots 704-724, 726 and 730, Washington Park)

MAJOR LAND DEVELOPMENT PROJECT

3. Case No. 13-011MA – 225 and 230 Carolina Ave (Master Plan Approval)

The applicant is proposing to develop the subject property into a parking lot providing approximately 107 parking spaces. The subject property is zoned R-2 and will provide parking for an industrial business to the north located in an M-1 zone. The combined area of all the lots is approximately 45,360 SF. The applicant will apply to change the zone of the subject property to M-1 and is requesting master plan approval – for action (AP 58 lots 704-724, 726 and 730, Washington Park) (AP 31 Lots 192, 252, 54 and 55 and AP 30 Lots 298, 293, 295, 296, 266, 674, 675 and 388, West End)

Ms. West suggested that items 2 and 3 be heard simultaneously. Mr. Azar introduced the project and said the property was a collection of small lots in the R-2 zone that would be used to provide parking for the building across the street at 225 Carolina Ave. The applicant is petitioning to change the zoning from R-2 to M-1. The development was considered a land development project as it would provide over 50 parking spaces.

Mr. Thomas Moses said the applicant would use the building on 225 Carolina to operate a business and use the subject property for parking. Mr. David Taglianetti described the site and said three curb cuts would be used to provide access to the lot. He said the plan met the dimensional requirements for parking lots and landscaping. He said there were two stormwater management sites along the length of the site.

Ms. Kelly Morris used a map to describe the site and said that the neighborhood was a mix of residential and industrial development. She said the proposed development conformed to the comprehensive plan as it would support a business that provided jobs and would increase the amount of landscaping. She said the future land use map of the comprehensive plan noted that it was not intended for parcel level analysis. She said the parking lot was a suitable transitional use according to the comprehensive plan as it was located among a mix of residential and industrial development. Ms. Morris said the project would conform to the zoning ordinance.

Ms. West asked why the applicant was applying for a zone change to M-1 instead of a variance. Ms. Morris said a zone change was preferred to requesting a variance as it would be difficult to prove lack of all beneficial use. She said the surrounding area was zone M-1, which would continue the land use pattern. Mr. Moses said there was a

similar lot on Carolina Ave. whose zoning was changed to M-1. Mr. Azar said the DPD's recommendation was that the use of the lot be restricted to parking to act as a transitional use. Mr. Moses said he had no objection to the request. Ms. Ryan asked about a lighting plan. Mr. Moses said he would discuss the possibility of asking for a waiver from the lighting requirement from DPD staff.

Councilman Luis Aponte said parking seemed to be a good transitional use, but he had some concerns about lighting impacting neighboring residences, the removal of significant trees and screening of the lot from neighboring residences. He requested that the CPC recommend that the use of the lot also be restricted to parking for future owners. Mr. David Taglianetti said the proposed landscaping would act as a stormwater management area and the plan required more pervious surface along Carolina Ave. He said more trees could be added to the rear of the lot if stormwater calculations showed that the width of the planting strip could be reduced. Ms. West asked if the applicant could reduce the total number of parking spaces to plant more trees. Mr. Azar said the applicant required 74 spaces but was requesting 111.

Ms. Linda Perri said she opposed the zoning change because it could bring industrial uses closer to residences. She said she the applicant had removed trees from the property and wanted an opaque fence to provide privacy for residences. Mr. Azar said the proposal was to restrict the use of the lot to parking and would not permit buildings.

Mr. Dwayne Blevins said he felt site lighting and any development could interfere with the resident's views of the City. He said he was concerned about the heat island effect from parking. Ms. Shelly Spiro said she was concerned about speeding on New York Avenue and was concerned about the traffic generated from the parking lot.

Mr. Capellan asked if the CPC could take measures to ensure the lot did not affect residents. Ms. West said the recommendation could be altered to ensure the site was adequately fenced. Mr. Azar said the zoning ordinance does not require that a lot be lit, but is required to conform with the ordinance if lighting is proposed. Ms. Anderson asked how the applicant would ensure that fencing would not be on adjacent property. Mr. Azar said the DPD recommended that the applicant merge the lots on site and would require a survey that would determine the property line.

Mr. Azar read out the DPD's recommendations for the zoning change. He said the DPD recommended that the CPC make a positive recommendation to the City Council for the zoning change subject to the lot being restricted to parking.

Ms. Ryan made a motion seconded by Mr. Bilodeau to make a positive recommendation to the City Council that the lots be rezoned M-1 subject to the use of the lot being restricted to parking. All voted in favor.

Mr. Azar read out the DPD's report on the land development project, which found the project to be in conformance with the zoning ordinance and comprehensive plan subject to the conditions of approval contained in the staff report. He also suggested that the CPC add conditions that a lighting plan and fencing details be submitted at the preliminary plan stage in addition to the applicant exploring adding landscaping at the rear of the lot.

Mr. Capellan made a motion seconded by Ms. Ryan to approve the plan subject to the conditions outlined in the staff report and those added at the hearing. All voted in favor.

Adjournment

Mr. Bilodeau made a motion seconded by Ms. Ryan to adjourn the meeting. All voted in favor. The meeting adjourned at 7:58 pm.

Respectfully Submitted,



Choyon Manjrekar,
Recording Secretary