

MINUTES

April 1, 2014

Chairman Smith called the Planning Commission Meeting to order at 7 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman
Frederick Vincent
Gene Nadeau
James Moran
Ken Mason
Mark Motte
Robert Strom

Also present were:

Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Lynn Furney, Senior Planner

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Moran, the Commission unanimously voted to approve the minutes of the March 4, 2014, Plan Commission meeting.

ORDINANCE RECOMMENDATION

Ordinance #2-14-01 In Amendment of Title 17 of the Code of the City of Cranston, 2005, Entitled "RPD" Residential Planned District

This matter was withdrawn.

SUBDIVISION AND LAND DEVELOPMENT PROJECTS

Stoneham Street Plat – Preliminary Plan
Minor Subdivision
Stoneham Street
AP 18/4, Lot 707

Due to a problem with the mailing of the notice of the public hearing, this matter was continued to the May 6, 2014, Plan Commission Meeting.

ZONING BOARD OF REVIEW RECOMMENDATIONS

MICHAEL AND BRENDA REYES 5 MAYFIELD ROAD CRANSTON RI 02905 (OWN/APP) have filed an application for permission to keep an 8' X 10' storage shed in a corner side yard with restricted set back at **5 Mayfair Road**. AP 1, lot 403, area 6914 SF +/-, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.60.010 B, 5, Accessory Uses.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The existing single family use is consistent with the Comprehensive Plan Future Land Use Map designation of single family residential for this area of the City.
2. The 8' x 10' storage shed was installed without a building permit.
3. The existing house is located on a corner lot with a 20' front yard setback from Mayfield Road, and a 18.5' setback from Parkway Avenue.
4. The shed was installed 6" from the Parkway Avenue property line.
5. There are no other properties with Parkway Avenue frontages that have sheds located within the street yard setback areas.
6. Both aerial maps and the site plan submitted indicate there are other areas on the property where the shed could be located without a variance.

Recommendation

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board, based on the fact that the shed is located 6" from the street property line, does alter the general character of Parkway Avenue and the surrounding area, as no sheds are located within any of the street yard setback areas, on any properties located within the entire 400' radius from the applicant's property.

Ayes: Smith, Moran, Motte, Nadeau, Strom, Mason and Vincent. Nay: none.

WILLIAM R TEOLI 88 CARRS POND ROAD WEST GREENWICH RI 02817 (OWN) AND RHODE ISLAND LIMB CO 1559 ELMWOOD AVENUE (APP) have filed an application for permission continue to operate a business for the fabrication and sale of artificial limbs and maintain two apartments on the second floor at **1559 Elmwood Avenue**. AP 4, lot 2561, area 5.1 acres +/-, zoned C-5. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.72.010 Signs, 17.64.010 Off-Street Parking, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The 2010 Comprehensive Plan Future Land Use Map designates the area where this lot is located as a Special Redevelopment Area.
2. The application states that the existing business has been operating for many years.
3. The existing building has front yard setbacks of 7.6 ft. from Elmwood Ave., and 1.5 ft. from Bedson Road, where 30 ft. setbacks are required per the Zoning Ordinance.
4. The existing rear yard setback is 10 ft., where 20 ft. is required.
5. Residential units are not permitted in a C-5 Zone.
6. The site plan shows 11 parking spaces. Nine of those spaces on the north side of the building, can only be accessed through a curb cut on the neighboring Providence Worcester Railroad property.

Recommendation: The designation of Special Redevelopment Area on the Future Land Use Map would allow a mix of Commercial, Manufacturing and Residential uses. Based on the fact that the business and residential uses have existed for several years, upon motion made by Mr. Vincent and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application, as the application does not alter the general character of

the neighboring area, and will not impair the intent or purpose of the Zoning Ordinance, or the Comprehensive Plan, upon which the Ordinance is based.

Ayes: Smith, Moran, Motte, Nadeau, Strom, Mason and Vincent. Nay: none.

LUCIO A CIACCIARELLI & WF CONCETTA LIFE ESTATE 116 ROCKWOOD AVENUE CRANSTON RI 02920 (OWN) AND MICHAEL CIACCIARELLI 116 ROCKWOOD AVENUE CRANSTON RI 02920 (APP) have filed an application for permission to have an accessory family apartment larger than that allowed by ordinance at **116 Rockwood Avenue**. AP 12, lots 1328, 1330, 1332, 1702, area 12,000 SF +/-, zoned A-8. Applicant seeks relief from Sections; 17.92.010 Variance, 17.24.010 (F) Accessory Family Apartments, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The existing residential dwelling is consistent with the 2010 Comprehensive Plan Future Land Use Map's designation of this area of the City as Single Family Residential, 7.26 to 3.64 units per acre.
2. The existing single family dwelling has 1,233 sq. ft. of gross living space. According to the Zoning Ordinance, total floor space devoted to an accessory family apartment shall not exceed 25% of the entire floor area of the primary dwelling, (which is this case would be 308 sq.ft) or a minimum of 400 sq. ft. Based on the 400 sq. ft. minimum, the relief requested is 592 sq. ft.
3. The application is to construct a garage and a 972 sq. ft. accessory family apartment, with full basement. The proposal exceeds the 600 sq. ft. maximum allowed square footage that would be allowed for that use had the primary dwelling contained a greater gross floor area.
4. A new garage addition is located between the primary dwelling and the addition for the proposed accessory family apartment.
5. Section 17.24.010 F. of the Zoning Ordinance states "The dwelling containing an accessory family apartment shall retain the appearance of a single family dwelling with no major structural alteration to the exterior. The accessory family apartment shall have no additional external entrance that faces a street." The proposed 26' x 36'-1" addition for the apartment has its own front door.
6. The proposed apartment is a totally separate unit, as there is no common door between the accessory family apartment and the primary dwelling.

Recommendation: Based on the findings of fact, and upon motion made by Mr. Nadeau and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board, as the size, location and area of the addition exceeds the Specific Requirements for Accessory Family Apartments, and finds that the addition more resembles a 2nd unit.

Ayes: Smith, Moran, Motte, Nadeau, Strom, Mason and Vincent. Nay: none.

ANTHONY J DIBALSI DDS 792 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to convert a former dentist office with separate apartment to a professional office with separate apartment at **792 Oaklawn Avenue**. AP 15/2, lot 1000, area 7068 SF +/-, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of intensity, 17.20.030 Schedule of Uses, Off-Street Parking, 17.72.010 Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The 2010 Comprehensive Plan Future Land Use Map designates this lot and three abutting lots to the north as Residential, however the remainder of Oaklawn Avenue in this area is designated as Highway Commercial.
2. Two abutting properties to the north of the applicant's property (also located in a residential zone) are commercial business uses.
3. The application states that the owner has had his dental practice at this location for 54 years, prior to the 1966 adoption of the 1966 Zoning Ordinance.

4. According to the floor plan submitted, the office space takes up approximately ½ of the floor area of the first floor; the remainder contains living space for the apartment, in addition to two bedrooms on the 2nd floor.
5. Within the 400' radius from the applicant's property, there are 10 commercial buildings and one single family located on Oaklawn Avenue.
6. The applicant is also requesting an 18" x 18" sign.

Recommendation:

Based on the Findings of Fact, upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, recognizing that although the Comprehensive Plan Future Land Use Map designates this lot as Residential, the surrounding area is designated as Highway Commercial.

Ayes: Smith, Moran, Motte, Nadeau, Strom, Mason and Vincent. Nay: none.

TRT LLC 518 17TH STREET 17TH FLOOR, DENVER, CO 80202 (OWN) AND CARMAX AUTO SUPERSTORES INC C/O CENTERPOINT INTERGRATED SOLUTIONS, LLC 1240 BERGAN PARKWAY, SUITE A-250, EVERGREEN, CO 80439 (APP) have filed an application for permission to have additional signage than that allowed by ordinance at **227 Bald Hill Road**. AP 18/3, lot 1044, area 5.1 acres +/-, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The business is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Highway Commercial.
2. The site plan submitted shows the proposed pylon sign at the driveway entrance on Old Bald Hill Road is actually located in Warwick, so the Plan Commission has no jurisdiction.
3. The application is for three, 55 sq. ft. "CAR MAX" wall signs, and one 26.7 s.f. "SERVICE" wall sign, where 30 sq. ft. is the maximum allowed per street frontage.
4. The letter height for each of the three "Car Max" signs is 2'-2-1/2", and 1'-8" high letters for the "Service" sign.
5. Total wall signage area requested is 191.7 sq. ft., where 60 sq. ft. is allowed because of frontage on two streets.
6. A former store on the lot (Ames) had one wall sign that totaled 156 s.f. (Those letters were 6 feet high), and another former store, Zayres, had letters that were 5' high.
7. The new building has a 161 ft. setback from Bald Hill Road.

Recommendation: Although the proposed wall sign area is 3 times the area permitted in the zoning code for wall signs, the Commission finds that letters that are 26 -1/2" high is not an excessive height, given the distance of the building from the public highway. The Commission also notes that the proposed height of the wall sign letters is less than the 6 ft. and 5 ft. high letters of the former stores; therefore, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

Ayes: Smith, Moran, Motte, Nadeau, Strom, Mason and Vincent. Nay: none.

ADJOURNMENT Upon motion made by Mr. Strom and seconded by Mr. Vincent, the Commission unanimously voted to adjourn at 8:05 pm.

DATE OF NEXT MEETING May 6, 2014 – City Council Chamber – 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner