

MINUTES

April 5, 2011

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

Charles Rossi, Chairman
Michael Smith
Robert Strom
Gene Nadeau
Mark Motte

Also present were:

Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Lynn Furney, Senior Planner
Jason Pezzullo, Principal Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Planning Commission unanimously voted to *approve* the minutes of the March 1, 2011, Planning Commission Meeting.

ORDINANCES

Ordinance #02-11-3 In Amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Zoning Reform)

Mr. Lapolla summarized the proposed amendment to change the Site Plan Review procedure and submission requirements, as well as some aspects of the Zoning Board of Review and Planning Commission meeting procedures. (See Mr. Lapollas memorandum, dated March 31, 2011).

Attorney Robert Murray addressed the Commission, stating that "the ordinance proposal is well intentioned but ill-informed". He expressed concern with the proposal to require that two sets of plans be submitted to the Site Plan Review Committee. Regarding meetings held after regular office hours, he expressed concern with the overtime expense this would cause the City. He concluded his comments by stating that the Site Plan Review Committee "works" well using the present procedure

Assistant City Solicitor, Stephen Marsella, stated the Zoning Board of Review procedures have been upheld in appeals to the Supreme Court.

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Planning Commission unanimously voted to adopt the findings denoted in Mr. Lapolla's March 31, 2011, memorandum and to adopt a resolution disapproving the ordinance and its passage by the City Council.

Aye votes: Chairman Rossi, Mr Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. Nay votes: none

Ordinance #02-11-2 In Amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Scituate Avenue, Sundale Road and Charcalee Drive – Zone Change)

Assistant City Solicitor, Stephen Marsella, cited a conflict of interest in this matter and recused himself.

Attorney John DiBona explained the proposal to rezone a portion of Zoning Plan 36/4, Lot 1 from A-20 and S-1 to M-2. Last year, the City Plan Commission adopted the 2010 Cranston Comprehensive Plan and Future Land Use Map. During the process of creating new Future Land Use the Planning Department requested property owners to come forward if they had requests that could be incorporated into the Plan as long as they complied with the goals and policies of the Comprehensive Plan. The petitioned zone change is specifically referenced on page 27 of the Land Use Element.

The resulting configuration will be a 5.33 acre residential lot (Proposed Lot 1) and a 3.61 acre parcel that will accommodate industrial development consistent with the Future Land Use Map designation of the 2010 Comprehensive Plan (Proposed Lot 2). Part of this lot (Parcel A) is being subtracted from AP 36/4, Lot 108. The land area of Parcel A provides this proposed lot with suitable frontage on Amflex Drive. AP 37/3, Lot 839 an existing residential property zoned A-20, will increase in size by .23 acres from AP 36/4, Lot 1 – denoted as Parcel B.

Mr. Kevin Morin, Registered Civil Engineer, DiPrete Engineering, stated that the existing site is mostly wooded. He stated that the 3.61 acre lot (Proposed Lot 2) is approximately 160 ft. from the neared home on Charcalee Drive. On Sundale Drive, to the east, the nearest home is approximately 350 ft. away.

Mr. Jason Pezzullo, Principal Planner, noted that the Comprehensive Plan Future Land Use Map specifically referenced this parcel for a zone change. He cited page 27 of the Lane Use Element as follows: AP 36, Lot 1 - Change the land use classification from open space and residential to open space and industrial. Change the zoning from A-20 to M-2 (should zoning be changed to M-2, said zoning should be restricted to low impact uses to protect the abutting residential neighborhood).

Councilman Santamaria spoke on behalf of the residents of Charcalee Drive, who are against this proposal. He noted the truck noise the residents of this area have to endure from Penske and KAMCO. He further noted that Penske was "noisy on a Saturday afternoon". He presented a letter from Charcalee Drive resident, Mrs. Falvey, citing a 50% reduction in her property value since these industrial uses came to that area. He asked if there are any proposals for the industrial property. Mr. Lapolla responded, stating that we have no proposals at this time. The councilman asked if consideration had been given to zoning the area a commercial zone (C zone) rather than industrial (M zone). Mr. Pezzullo responded, stating that commercial zones usually bring traffic.

Commissioner Smith asked how many homes could be proposed for the residential area. Mr. Pezzullo responded, stating that as it is today the lot is viable for one house unless a subdivision is proposed, which would require a street extension.

Chairman Rossi added that the City Council can put "stiff recommendations on what goes there".

No public comment was offered on this matter.

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Planning Commission unanimously voted that the proposed zone change from A-20 & S-1 to M-2 is consistent with the 2010 Comprehensive Plan and the Future Land Use Plan and makes a *favorable* recommendation on this ordinance. The Commission further recommends that any zone change by the City Council respect the language of the approved Comprehensive Plan which specifically calls for "low impact uses to protect the abutting residential neighborhood". The Commission

feels that recommending specific land uses would be unwise at this time, however, we are prepared to recommend that any future use of the property should be limited to the following:

- Noise levels and hours of operation which respect the abutting residential neighborhood
- Severely limit or prohibit the scope of outside operations on site
- Minimize the level of lighting to the least amount necessary for the safe operation of any future business

Ayes: Chairman Rossi, Mr. Motte, Mr. Smith, Mr. Nadeau and Mr. Strom. Nay: none.

SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS

Bunn Family Farm Subdivision - Preliminary Plan

Minor Subdivision with street extension

Burlingame Road

AP 23, Lot 87

Mr. Kenneth Conte, Beals & Thomas, gave an overview of the proposal to construct a **private** roadway to subdivide their 9.09 acre parcel into 2 lots: Lot 1 will have 6.76 acres of land and will accommodate the existing single-family home; and Lot 2 will have 1.9 acres of land for one additional single-family home. He noted that the private road will be maintained by the family.

The proposed lots and private roadway conform to the area and frontage requirements prescribed under the Cranston Zoning Code. The proposed lot will be serviced by private wells and individual septic systems (OWTS).

Mr. Pezzullo noted that bonding will be required so as to ensure no negative impact to Burlingame Road.

No public comment was offered on this matter.

Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision, with PRIVATE street extension, subject to the following conditions.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on 3/15/11 and the meeting agenda has been properly posted. Advertisement for this minor subdivision appeared as a display ad in the 3/16/11 edition of the Cranston Herald.
2. The proposed subdivision and its resulting density of approximately .5 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" Less than 1 residential units per acre".
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. 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.
7. The property in question has adequate permanent physical access to Burlingame Road, an improved public roadway located within the City of Cranston.

8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Applicant shall obtain and submit required RIDEM wetlands approval, if deemed necessary, at the time of Final Plan application.
2. The Final Plan shall depict the location of at least one granite bound to ensure the proper permanent location of the proposed private roadway.
3. Provide a performance guarantee in the amount of \$21,000 with a separate \$420 (2% administrative fee) at the time of Final Plan application submission.
4. Payment of Western Cranston Capital Facilities Impact Fees of \$1,389.50 at the time of Final plat recording.
5. The proposed private roadway shall remain private unless and until the property owner brings the roadway and right-of-way into conformance with the performance standards for public roadways. This includes a 40' minimum ROW, 30' of pavement and a drainage system specifically designed to accommodate additional road runoff.

Aye votes: Chairman Rossi, Mr. Motte, Mr. Smith, Mr. Nadeau and Mr. Strom. Nay votes: none.

Tory Woods Minor Subdivision – Preliminary Plan

Minor Subdivision without street extension

Old Scituate Avenue/Amflex Drive

AP 36/4, Lots 1, 108 & 839

Attorney John DiBona, speaking on behalf of the owners/applicants, explained the proposal to subdivide the above referenced existing parcels to create the following lots:

- Proposed Lot 1 will front on Old Scituate Avenue, have 5.33 acres of land and be available for future residential development / subdivision consistent with the A-20 zoning regulations.
- Proposed Lot 2 will front on Amflex Drive and have 3.61 acres of land and will accommodate industrial development consistent with the Future Land Use Map designation of the 2010 Comprehensive Plan. Part of this lot (Parcel "A") is being subtracted from AP 36/4, Lot 108. The land area of Parcel A provides this proposed lot with suitable frontage on Amflex Drive.
- AP 37/3, Lot 839, and existing residential property zoned A-20 will increase in size by .23 acres from AP 36/4, Lot 1, denoted as Parcel "B".

The proposed lots conform to the A-20 and M-2 frontage and area requirements prescribed under the Cranston Zoning Code. The proposed lots will be serviced by public water and public sewer.

Proposed Lot 2 will require a zone change from the Cranston City Council from A-20 to M-2 in order to accommodate future industrial development on this parcel. The proposed zone change is specifically prescribed in the 2010 Cranston Comprehensive Plan, Future Land Use Map and Land Use Element.

Upon motion made by Mr. Nadeau and seconded by Mr. Smith, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this minor subdivision subject to the following conditions:

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on 3/26/11 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed subdivision and its resulting density of approximately .2 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" 3.63 units to 1 residential units per acre", and Industrial.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. 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.
7. The property in question has adequate permanent physical access to Amflex Drive and Scituate Avenue improved public roadway located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Provide a 100' vegetated buffer split evenly between proposed Parcel A and Parcel B.
2. Payment of Western Cranston Capital Facilities Impact Fee of \$1,389.50 at the time of final plat recording.
3. Western Cranston Water District Impact fees will be collected at the time of building permit.

Aye votes: Chairman Rossi, Mr. Motte, Mr. Smith, Mr. Nadeau and Mr. Strom. Nay votes: none.

Campisani Minor Subdivision - Preliminary Plan

Minor Subdivision without street extension
25 Country Lane and Phenix Avenue
AP 23, Lot 28

Attorney Robert Colagiovanni explained the proposal subdivide the 47, 725 square foot (1.1 acre) parcel into 2 lots: Parcel A will have 24,971 square feet of land with 161' of frontage to accommodate the existing single-family home; Parcel B will have 22,753 square feet of land area with 150' of frontage for the construction of one additional single-family home.

The proposed lots conform to the A-20 area and frontage requirements prescribed under the Cranston Zoning Code. The proposed lots will be serviced by public water and sewer.

Mr. Pezzullo pointed out that this parcel was re-zoned from A-80 to A-20 about four months ago. No public comment was offered on this matter.

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision subject to the following conditions.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on 3/28/11 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed subdivision and its resulting density of approximately 2 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as "Residential" allowing 3.63 to 1 residential units per acre" and therefore will not impair or alter its intent or purpose.
3. The proposed subdivision is consistent with the A-20 zoning district and will not impair the intent of the Cranston Zoning code.
4. The property in question has adequate permanent physical access on Phenix Avenue and Country Lane, improved public roadways located within the City of Cranston.
5. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
6. Significant negative environmental impacts are not anticipated to result from the proposed subdivision as shown on the Preliminary Plan.
7. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on these lots, according to pertinent regulations and building standards would be impractical.
8. The design of building lots, utilities, engineered drainage and other improvements will conform to local regulations for mitigation of flooding and soil erosion.
9. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.
10. The proposed subdivision provides for safe vehicular through traffic, for adequate surface water run-off, and for a suitable building site.

Conditions of Approval

The following conditions shall apply to this Preliminary Plan approval, in addition to other applicable state and local requirements:

1. Final record plan shall not depict proposed structures or other lot improvements.
2. Payment of Western Cranston Capital Facilities Impact Fees of \$1,389.50 at the time of Final plat recording.
3. Payment of Western Cranston Water District Impact Fee is collected at the time of Building Permit.

Aye votes: Chairman Rossi, Mr. Motte, Mr. Smith, Mr. Nadeau and Mr. Strom. Nay votes: none.

John Prescott Farm – Final Plan
Major Subdivision with street extension
Amended Final Record Plan
Burlingame Road
AP 23, Lots 5 & 55

Mr. Pezzullo, Principal Planner, stated that this is an atypical matter in that the street created does not conform to the to the major subdivision that was approved by the Plan Commission in late 2006 and was subsequently recorded on March 8, 2007. The capital facilities impact fees were collected and a performance guarantee is on file with the City for the successful completion of the public improvements.

When the public roadway was being laid out, (Juliana Drive and Nina Court), a minor deviation occurred in the angle in which Juliana Drive is set off of Burlingame Road. The result of which was the construction of the roadway slightly (+/- 10') outside of the established 40' right-of-way. The proposed minor modification before the Plan Commission is to adjust the recorded property lines to reflect this current roadway location. The option of relocating the actual roadway has been deemed infeasible and ultimately unnecessary.

With this minor modification all lots within this major subdivision will conform to the area and frontage requirements of the Cranston Zoning Code without the need for any relief from the Zoning Board of Review or any additional wetlands review of the RIDEM.

The resulting lot dimensions are as follows:

	<u>Record Plan Area (sf)</u>	<u>Modified Area (sf)</u>
Lot 2:	79,972	81,481
Lot 3:	266,888	268,737
Lot 4:	260,392	260,396
Lot 5:	517,190	506,846
Lot 6:	80,150	80,168
Lot 8:	5,974	8,390 (detention basin)
Lot 9:	81,297	80,168

An area resident asked what the next steps are for property owners. Assistant City Solicitor, Stephen Marsella, stated that the action required will be a revised legal description for all of the lots.

Upon motion made by Mr. Smith and seconded by Mr. Motte, the City Plan Commission unanimously voted to *approve* this "minor amendment" to the Final Record Plan as the proposal is consistent with conditions and intent of the original approval. The following conditions of approval shall apply:

Conditions

1. Applicants shall submit a revised right-of-way deed, and a revised deed for the detention basin, (Lot 8) to the City for review and these documents shall be recorded at the same time as the amended record plan.
2. Applicants shall submit revised lot deeds for review accurately reflecting the modified dimensions for all subject proposed lots. These revised deeds shall then be recorded at the same time as the modified record plan.
3. Applicant shall submit a revised record plan depicting all proposed changes to the subdivision and this record plan shall depict the ***actual constructed*** location of the City's

roadway (Juliana Drive and Nina Court).

Aye votes: Chairman Rossi, Mr. Motte, Mr. Smith, Mr. Nadeau and Mr. Strom. Nay votes: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

AUTOMOBILE CLUB OF RI AKA AAA SOUTHERN NEW ENGLAND 110 ROYAL LITTLE DRIVE PROVIDENCE RI 02904 (OWN/APP) have filed an application for permission to erect a 15 foot +/- freestanding electronic led message board sign at **1035 Reservoir Avenue**. AP 9/4, Lot 2385, area 30,000+/- SF, zoned C-1. Applicant seeks relief from Section 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 area permitted for a freestanding sign in a C-1 zone is 25 square feet.
2. The proposed total area of signage on the freestanding sign is 92.9 square feet, based on the zoning code computation formula to encompass the limits of the sign within the smallest rectangle:
$$7.08' \times 4.58' = 32.45 \text{ s.f.} \times 2 = 64.9 \text{ s.f.} \quad (\text{AAA})$$
$$2.33' \times 6' = 13.998 \text{ s.f.} \times 2 = 28 \text{ s.f.} \quad (\text{electronic led message board})$$

Total	92.9 s.f.
-------	-----------
3. The request is for signage that is 3.7 times larger than what is permitted by code. (a 272% increase in area)
4. The maximum height allowed by code is 12 feet, the application is for 15 feet. (a 25% increase).
5. The Planning Department has knowledge that the "AAA" sign will rotate; though the application submitted does not ask for a rotating sign. However, the sign plan submitted does list under power requirements for the sign, that a 30 AMP circuit is required for a "Rotator."
6. The proposed freestanding sign will have a setback of 16' from the front property line, where 5' is the minimum setback required by code.
7. As required, a scaled photoshop rendering was submitted of the proposed sign on the property.

Recommendation: Given the fact that the proposed new sign is located 16' from the front property line (rather than the allowed 5' setback), thereby reducing the visual sign pollution as seen from a vehicle on Reservoir Avenue, upon motion made by Mr. Nadeau and seconded by Mr. Motte, the Plan Commission voted to forward a positive recommendation on this application to the Zoning Board with the following conditions:

1. No rotation of the sign is to be allowed, as the Planning Department is not aware of any rotating signs that are located within the City.
2. The L.E.D. message board be limited to amber letters only.
3. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Ayes: Chairman Rossi, Mr. Nadeau, Mr. Strom, and Mr. Motte. Nay: Mr. Smith

JAMES AND DEBRA MARTIN 809 SCITUATE AVENUE CRANSTON RI 02921 (OWN/APP) have filed an application for permission to leave an existing single family home on an undersized 14,830+/- SF [lot 166] and build a new 37' X 65' two-story single family home with attached two car garage on the abutting undersized 11,786+/- SF [lot 168] to the east at **809 Scituate Avenue**. AP 37/3, Lots 168 & 166, area 26,616+/- SF, zoned A-20. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Sub Standard lot of record, 17.116.030 Limitation on Successive Petitions.

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 application for a single family home on this lot was approved by the Zoning Board without a garage in February 2011. That application was for a 75' house with corner front yard setbacks of 17.9' and 19'.
2. The area of both lots combined currently meet the required minimum lot size and is consistent with the Comprehensive Plan Future Land Use Map which designates this area as Single Family Residential, 3.63 to 1 unit per acre.
3. The proposed house on 11,786 sq. ft. is **inconsistent** with the density requirements of the 2010 Comprehensive Plan Future Land Use Map.
4. The average lot size for the 16 single family dwelling located within the 400' Zoning Radius is 31,284 sq. ft. The applicant's both lots only total 26,616 sq. ft., which exceeds the minimum lot size of 20,000 sq. ft., but is still 4,668 sq. ft. smaller than the neighborhood's average lot size.
5. The area of lot #168 for the proposed new single family is only 1/3 the size of the single family average lot sizes in the neighborhood.
6. The proposed house will have the required 30' front corner yard setbacks from each street.
7. The 15' side yard setback meets the zoning code requirement.
8. With the exception of the bulkhead, the house meets the required 30 ft. rear setback.

Recommendation: Upon motion made by Mr. Strom and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board as the application is **inconsistent** with the density requirements of the 2010 Comprehensive Plan.

Ayes: Chairman Rossi, Mr. Nadeau, Mr. Strom, Mr. Smith and Mr. Motte.

ROBERT AND SANDRA GUARINO 74 CEDAR HILL DRIVE JAMESTOWN RI 02835 (OWN) AND JOSEPH PENNACCHIO 20 FOX RUN DRIVE CRANSTON RI 02921 (APP) have filed an application for permission to operate a restaurant / gourmet with retail sales and class BV limited alcoholic beverage license from a portion of an existing building at **140 Comstock Parkway**. AP 36/2, Lot 70, area 78,164+/- SF, zoned M-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.64.010 Off-Street Parking, 17.72.010 Signs, 17.92.020 Special Use Permit.

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 property received a variance in November 2010 to use 2 units for a dance studio and personal training gym (commercial and services). Those uses are **inconsistent** with the Comprehensive Plan's 2010 Future Land Use Map, which designates this parcel and the surrounding area for industrial uses. The current application for a restaurant, though a commercial use, only requires a Special Use permit in an industrial M-2 zone; so therefore, the application is not inconsistent with regard to the Future Land Use Map.
2. The current application proposes to use 2 units (5,000 sq. ft.) of the former 10 unit industrial building.
3. An application for Site Plan Review has been submitted and will be reviewed on April 6, 2011, by the Site Plan Review Committee.
4. The proposed restaurant use has 53 seats, requiring 18 parking spaces out of 62 total parking spaces on site for the 10 units. This exceeds the allotted 6.2 spaces per unit for the industrial use.
5. The existing gym and dance studio already require 18 dedicated parking spaces, leaving 26 spaces for the remaining 6 industrial units, if the restaurant is granted. (leaving 4.3 spaces for each of the remaining industrial units)
6. The sign request is for 2 wall signs, and 5 awnings. A 67.5 sq. ft. sign (3' x 22'-6") is to be installed on the left side of the building, and a 54.5 sq. ft. sign (3' x 18'-2") is to be installed on the front of the building. Per the Zoning Code, 45 sq. ft. total is permitted for wall signs per street frontage in an M-2 zone, with a 25% increase allowance for multiple storefronts. This would allow 56.25 s.f. total for the wall signs on left side building face, or 11.25 sq. ft. each for the 5 units on the left side.
7. Two 12 ft. awnings, two 16 ft. awnings and one 7'-3" awning (all with "GC" logos) will be installed over the windows and door. The area of the 5 awnings is 347.88 sq. ft.
8. According to the floor plan submitted, there is no front door to the restaurant, eliminating the need for a sign on the front of the building.
9. In the recent past, the City's industrial base has been eroding through the issuances of Zoning Variances for other than industrial uses.

Recommendation: The application for a restaurant in an industrial zone is **not inconsistent** with the 2010 Comprehensive Plan and the 2010 Future Land Use Map that designates this property and surrounding area as "Industrial". Therefore, upon motion made by Mr. Smith and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, providing the Zoning Board is satisfied with the diminished number of parking spaces that remain for the other industrial units in the building. The staff also recommends that the length of the wall signs be reduced to no longer than 10 ft., with the height reduced proportionately, or return with a different sign layout that does not exceed 30 sq. ft. total for each wall sign.

Ayes: Chairman Rossi, Mr. Nadeau, Mr. Strom, Mr. Smith and Mr. Motte.

HALMI-BRIGGS LLC PO BOX 8479 CRANSTON RI 02920 (OWN) AND TRANS-TEX LLC 6 ROBIN STREET PROVIDENCE RI 02908 (APP) have filed an application for permission to build a 3976+/- SF one story addition to an existing legal non-conforming building with restricted front and side yard setback on an undersized lot at **117 Pettaconsett Avenue**. AP 10/4, Lots 775 & 776, area 44,900+/- SF, zoned M-2. Applicant seeks relief from Section 17.92.010 Variance, 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 proposed addition (to enlarge a commercial printing manufacturer) is consistent with the Comprehensive Plan's 2010 Future Land Use Map, which designates this parcel and the surrounding area for industrial uses.
2. The application received preliminary approval from the Site Plan Review Committee on March 16, 2011.

3. The existing building has a 9'-9" right side yard setback.
4. The proposed addition will meet rear yard setbacks, but will have an 18' right side yard setback, where 25' is required by code.
5. The entire building is currently located within the 200' riverbank wetland for the Pawtuxet River. The rear addition will be in the riverbank wetland as well, and therefore, under DEM's jurisdiction.
6. The business currently employs 50 people, requiring 13 parking spaces, and one space for one company owned vehicle. The site plan shows 28 spaces. Of those spaces, 14 spaces at the front of the building are 8' x 18' (where a 9' x 18' space is required by code) and those spaces require all vehicles to back out onto Pettaconsett Avenue to exit the space; however, that parking area is existing today.
7. The remainder of the 11 parking spaces are parallel spaces that measure 20' x 8'
8. Of the 11 existing industrial buildings located within the 400' zoning radius, only 2 have side yard setbacks that conform to the Zoning Code. The addition therefore, will not alter the general character of the surrounding area.

Recommendation: Based on the fact that the use is consistent with the 2010 Comprehensive Plan Future Land Use Map, and the remaining findings of fact, upon motion made by Mr. Motte and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the following conditions:

1. That the application receive DEM approval prior to the issuance of a building permit,
2. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Ayes: Chairman Rossi, Mr. Nadeau, Mr. Strom, Mr. Smith and Mr. Motte.

KELLY & PICERNE 75 LAMBERT LIND HIGHWAY WARWICK RI 02886 (OWN) AND CROSSFIT WARWICK LLC 152 SOUTH WOOD HILL ROAD WESTERLY RI 02891 (APP) have filed an application for permission to operate a health club/personal training facility at **50 Freeway Drive**. AP 10/4, Lot 1484, area 1.1+/- acre, zoned M-1. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of 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. A health club/personal training use is **inconsistent** with the Comprehensive Plan's 2010 Future Land Use Map, which designates this parcel and the surrounding area for industrial uses.
2. The application proposes to use one unit (4,300 sq. ft.) of the 4 unit industrial building, that currently houses CA Pretzer Engineering (4,500 sq. ft.) Precision Construction (2,000 sq. ft.), and warehouse storage (1,200 sq. ft.).
3. Land Use Policy LUP-4.3 on page 8 of the 2010 Comprehensive Plan states "Prevent the intrusion of commercial land retail activities into industrial zones particularly those that would lead to strip commercial development."
4. Allowing the infiltration of Commercial and Services into the industrial building would continue to set the precedence for expansion of other commercial uses for the remaining 3 units in the future.
5. Economic Development Policy EDP-3.1 (page 12) states "Strengthen the standards for industrially zoned land to prevent the erosion of the City's supply of land suitable for these purposes."

6. In the recent past, the City's industrial base has been eroding through the issuances of Zoning Variances for other than industrial uses. Within 630 feet of the applicant's property, within the same industrial park (on Worthington Road), a variance was given in January 2011, for another health club/personal training facility in several units of an industrial condominium.

Recommendation: The findings of fact were based on the premise that the application was for a health club. However, it was presented at the Plan Commission meeting that the applicant derives much of its business by providing medical physical rehab therapy for its clients, (a health care facility is permitted in industrial zones) in addition to non-medical personal training. Taking that into consideration, the proposed use, permitted in an industrial zone, would not be inconsistent with the 2010 Comprehensive Plan Future Land Use Map. 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: Chairman Rossi, Mr. Nadeau, Mr. Strom, Mr. Smith and Mr. Motte.

ADJOURNMENT

Upon motion made by Mr. Strom and seconded by Mr. Smith, the Plan Commission unanimously voted to adjourn at 9:15 p.m.

NEXT MEETING

Tuesday, May 3, 2011, at 7 p.m. in the Planning Department Office, Room 309

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary