

MINUTES

April 6, 2010

Chairman Charles Rossi called the Planning Commission Meeting to order in the City Council Chamber at 7:05 p.m. The following Commission members were in attendance:

Charles Rossi, Chairman
James Moran, Vice Chairman
Robert Strom, Finance Director
Richard Bernardo, Public Works Director
Michael Smith
Gene Nadeau
Mark Motte

Also present were:

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

Please refer to the attendance sheet that is part of these minutes in the Planning Department Office for a listing of the members of the public that attended this meeting.

MINUTES

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to *approve* the minutes of the March 2, 2010, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT

Power Road Subdivision (Training School) – Preliminary Plan

Minor Subdivision with street extension
AP 14, Lot 15

Chairman Rossi announced that the applicant, the State of Rhode Island, has requested this matter be continued to the May Planning Commission Meeting. Mr. Lapolla added that the Mayor has asked him to convey his dissatisfaction with the situation surrounding the taking of this parcel.

In accordance with the applicant's request, upon motion made by Mr. Bernardo and seconded by Mr. Strom, the Commission unanimously voted to *continue* this matter to the May 4, 2010, Planning Commission Agenda.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Strom, Mr. Smith, Mr. Bernardo, Mr. Motte and Mr. Nadeau. There were no nay votes.

Lantern Hill Estates Phase II – Preliminary Plan
(formerly know as Lippitt Hill Estates Phase II)

Major Subdivision with street extension
AP 30/4, Lot 250

Mr. Lapolla stated that the applicant has requested this matter be continued to the May Planning Commission Meeting.

In accordance with the applicant's request, upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to *continue* this matter to the May 4, 2010, Planning Commission Agenda.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Strom, Mr. Smith, Mr. Bernardo, Mr. Motte and Mr. Nadeau. There were no nay votes.

Chapel View MPD

Addition of dumpster enclosure
Sockanosset Crossroad

Mr. Lapolla explained that the applicant, Chapel View Associates, LLC, has proposed to construct a dumpster enclosure to service Buildings A1 and A2. After due discussion, the Planning Commission agreed to allow the construction of said enclosure administratively conditioned upon the enclosure being appropriately screened by vegetation.

Chapel View MPD

Modification to Final Plan - Landscaping
Sockanosset Crossroad

Mr. Lapolla presented the applicant's, Chapel View Associates, LLC, proposal to remove trees to allow for visibility of a new monument sign to be constructed off New London Avenue. After due discussion, the Plan Commission allowed administratively for the removal of up to five (5) trees conditioned upon the following:

- A maximum of five (5) trees may be removed;
- Said trees to be marked by Chapel View Associates and confirmed by the Planning Department staff prior to their removal; and
- Chapel View Associates shall compensate for the removal of said trees by replanting seven (7) trees of a species and in a location to be determined by the Planning Department.

Attorney John Bolton concurred that seven (7) new trees will be provided by the applicant.

At this point in the meeting Chairman Rossi announced that the Zoning Board of Review application regarding Tilcon had been withdrawn by the applicant.

Replat of Wayland Park – Record Lots 143, 146, 147, 150 & 151
Preliminary Plan

Minor Subdivision without street extension
Corner of Brooks and Norton Streets
AP 11, Lots 470 & 473

Attorney John Shekarchi explained that the applicant is "basically proposing to move a lot line". The proposal is to subdivide, or shift, the common property line between the two lots ten feet in order for AP 11, Lot 473 to meet the minimum frontage requirement in the B-1 Zoning District. Lot 473 will have 60 ft. of frontage and 6,000 sq. ft. of land area. Lot 470 will have 65 ft. of

frontage and have 6,500 sq. ft. of land area. Both lots conform to the area and frontage requirements of the zoning code and will be serviced by public water and sewer.

Neighboring property owners Elizabeth Capwell of Norton Avenue; Michael D'Ambra of 48 Brooks Street and Ms. Ann Marie Shaw commented that they had no objection to the proposal as a single family home is proposed.

Mr. Pezzullo concluded the discussion, stating that a multi-family dwelling would require a variance. He stated that the proposal actually makes these lots conform to the Zoning Code.

Upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision proposal 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 March 29, 2010 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 6.96 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 4-8 residential units per acre".
3. The proposal is consistent with 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 on Brooks Street, 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. Provide correspondence from the Providence Water Supply Board certifying that the water supply is adequate to service the proposed dwelling with the Final Plan application submittal.
2. Provide correspondence from Veolia Water certifying that there is adequate sewer capacity to service the proposed dwelling with the Final Plan application submittal.
3. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.

4. Final Record Plan submittal shall depict the building envelope without any proposed structures.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Motte, Mr. Bernardo, Mr. Strom and Mr. Nadeau. There were no nay votes.

Independence Park Redevelopment (Plainfield Pike Walmart)

Master Plan

Major Land Development without street extension
1776 Plainfield Pike & Independence Way
AP 37-1, Lot 3

Mr. Lapolla explained the proposal to demolish a portion of the existing building in the adjacent vacant mall and expand the Walmart structure on its northern and eastern sides. The result will be 35,200+/- sq. ft. of new retail space. The one story façade of the building will be remodeled and the parking area reconfigured. Along with a pedestrian access way leading to the garden center and the store's two new front-entry vestibules, additional landscape enhancements are proposed. He further stated that at this Master Plan level of review, the proposed expansion will not have a significant impact on the surrounding area, based on the submittal materials. He noted the area resident's concerns regarding runoff are valid and will be fully addressed at the Preliminary Plan stage of review, as well as the City's Site Plan Review Committee.

Attorney Elizabeth Noonan, Adler Pollock Sheehan, who is representing Walmart, reiterated Mr. Lapolla's comments. In addition to those comments, she stated that traffic and drainage reports have been submitted. She also noted that the project has been before the Site Plan Review Committee. She stated that no changes are proposed to the existing traffic pattern.

Mr. Bill Goebel, Bohler Engineering, presented a rendering of the existing site. He reiterated that the project will be expanding to the north and the east. Approximately 130 ft. of store front will be removed. Access and circulation will remain the same, with some additional plantings proposed. He stated that the new store will have two entrances; a grocery component is proposed. The existing curb line in the back will be pushed back 15 ft. Loading docks will be on the south and north side of the building, along with new sound attenuation walls. He also stated that the 42 ft. high lights in the back of the property will be removed.

Regarding storm water management, the northern detention basin runoff will be reduced. To the rear of the site there will be a slight increase in impervious surface. Forty eight inch pipes are proposed to mitigate additional runoff.

Ms. Noonan stated that the applicant is aware that drainage and traffic are the two major concerns of the neighboring residents. She reiterated that under the present drainage proposal there will be no increase in storm water runoff. She further stated that the property owner is committed to maintaining the site.

Mr. Shaun Daily, traffic engineer, Vanasis, stated 6 locations were studied, the results of which are contained in the traffic report. Traffic count and movement were tabulated and are also part of the study. He indicated that there would be no change in Level of Service, which is currently 'C' (mid-range).

Regarding cut-thru traffic traveling behind the site, which is of concern to the City, the following action will be taken: 1) a curb will be placed between the buildings and, 2) Jersey barriers have been put in place, providing a physical barrier to cut-thru traffic.

Architect Shad Vanesian reiterated the engineer's comments, adding that the garden center will be unchanged, the exterior color will be earth tones and browns, additional exterior architectural changes are proposed and, signage will indicate the location of the market and the general merchandise area.

Ms. Tara Calabrese, AICP, stated that the proposal has been reviewed for conformance with the City's Comprehensive Plan and Zoning Code. Her analysis finds that there will be no environmental impact and negligible traffic impact. She stated that the project will increase employment in the area, will increase the property tax base (25-30%), as well as provide a grocery store in the area.

Mr. Pezzullo presented his staff report, which is contained in these minutes. He stated that what the applicant has submitted is well beyond the requirements for a Master Plan proposal.

Mr. Lapolla noted the residents concern with trash in the area. He mentioned that there is a 300 ft. green space. A fence will be placed along the back of the property to tie in with the existing fence. He also noted that the detention basin in front of the parcel was leaking through the dam wall during the historic, record setting rainfall/flooding experienced a week earlier. In response, Ms. Noonan, the applicant's attorney, stated that the property owner is addressing this matter. The engineer stated that there will be 5-10% less water going into the basin than is now.

Area residents Joseph DeSimone, Newton Link, William Marocco, Carolyn Riveir, Steve Berger, Steve Biello, Dennis Cardillo and the resident directly across from Walmart on Plainfield Pike expressed their concerns with the following: 1) noise, 2) trash on the site, 3) increased traffic, 4) rodents and, 5) flooding that already exists and the potential for additional flooding. The residents cited the need for better drainage in the area and upgraded storm water control, stating that the existing 24" pipe is inadequate and a 48" pipe is needed.

Councilman Santa Maria, Ward 5, mentioned store delivery times will be restricted, as determined by the Site Plan Review Committee. Councilman Lupino reiterated the resident's concern with trash and dumping. He asked if a tax deferment will be given to the applicant. He asked if infrared cameras could be installed to deter dumping. He asked that a maintenance agreement be enforced. He also asked if the existing detention pond could be made larger.

In response, Ms. Noonan stated that there is no tax deferment. She also stated that she was not sure if the detention pond capacity could be increased. She noted that this is a Master Plan proposal and the matter will be further investigated.

Councilman Lanni mentioned the 2005 flooding on Pond View Drive. He stated that a "chicken wire fence" was placed on the 24" pipe to prevent it from clogging. He further stated that he will seek a Capitol Project expenditure to have the existing 24" pipe replaced with something larger. He also stated that a sign will be put in place to prevent trailer trucks parking overnight. Regarding noise, he stated that the noise generated on the site probably does not exceed the City standard. Regarding the high water table, he stated that "a high water table is an act of god".

In closing, Mr. Lapolla reminded everyone that this is a Master Plan review seeking conceptual approval. All outstanding issues should be mitigated at the time of Preliminary Plan submittal. Chairman Rossi noted that before this project progresses all of the issues raised will be addressed.

There being no further testimony, the Commission moved to a vote. 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 Master Plan subject to the following conditions.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on 3/29/10 and the meeting agenda has been properly posted. Advertisement for this Major Land Development was published as a display ad in the 3/30/10 edition of the Cranston Herald.

2. The proposed expansion of the Walmart store is considered a use allowed by right and conforms to the intensity regulations of the Cranston Zoning Code.
3. The proposed retail establishment is consistent with the Comprehensive Plan, Future Land Use Map as amended, which designates this area as "Commercial and Services".
4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
5. There will be no significant negative environmental impacts from the proposed major land development as shown on the proposed Master Plan. The applicant will require a final determination from the RIDEM at the Preliminary Plan stage of approval.
6. The proposed major land development promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
7. The proposed major land development 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.
8. The property in question has adequate permanent physical access to Independence Way, an improved public roadway located within the City of Cranston.
9. The proposed major land development, Master Plan, 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.
10. The design and location of roadways, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Applicant shall receive Preliminary Plan approval from the Site Plan Review Committee ***prior*** to appearing before the City Plan Commission for Preliminary Plan consideration.
2. Major Land Development - Preliminary Plan – application, plan set and supporting materials shall include and incorporate all conditions imposed by the Site Plan Review Committee prior to appearing before the City Plan Commission for Preliminary Plan Consideration.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Motte, Mr. Bernardo, Mr. Strom and Mr. Nadeau. There were no nay votes.

Castleton Estates – Request to Modify Subdivision Approval (Land Donation)

Major Subdivision
Scituate Avenue

Mr. Lapolla explained that in 1988 the City Planning Commission approved the Castleton Estates Subdivision. As part of that approval the Commission accepted a portion of that subdivision (Plat Section 1, Lot 1, now identified as AP 20, Lot 2) in lieu of impact fees for a future library site.

Subsequent to 1988, the City acquired land in Western Cranston and constructed the Orchard Farms School on a portion of that land. The City now wishes to locate a future library on the remaining portion of that parcel, next to the Orchard Farms School and to surplus the land at Castleton Estates.

Findings of Fact

- Per the 1988 approval, AP 20, Lot 2 had been gifted to the City. The deed for said land designates Cranston (not any sub-entity) as owners.

- The Orchard Farm School site consists of two parcels of land, AP 34, Lots 8 and 9. The school has been constructed on Lot 8. With the exception of a small parking area, Lot 9 is undeveloped. By ordinance, the City has designated only Lot 8 as a school site.
- AP 34, Lot 9 has a total area of 25.76 acres, a portion of which is wetlands. There is sufficient available upland area to accommodate a library.
- The Planning Department staff is of the opinion that co-locating a library and school is better in terms of providing services, especially for the students of Orchard Farms. It simply makes sense to have both the library and the school abut each other.
- Finally, staff would note that both the 1992 and the proposed 2010 Comprehensive Plan call for the creation of a village center in Western Cranston and to consolidate municipal services in to said center. The proposed co-location of a school and library conform to the Comprehensive Plan.

Upon motion made by Mr. Bernardo and seconded by Mr. Strom, the Commission unanimously voted to *approve* AP 34, Lot 9 as a future library site and to *approve* this minor modification to the Castleton Estates subdivision that will allow the City to surplus Plat Section 1, Lot 1, now identified as AP 20, Lot 2.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Motte, Mr. Bernardo, Mr. Strom and Mr. Nadeau. There were no nay votes.

ZONING BOARD OF REVIEW

COMMUNICATIONS COTTAGE LLC 35 KENT PLACE CRANSTON RI 02905 (OWN) AND BARRY M PRIZANT 35 KENT PLACE CRANSTON RI 02905 (APP) have filed an application for permission to continue to use an existing real estate office as a business / professional office at **2024 Broad Street**. AP 2, lot 2214, area 5362+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.64.010 Off Street Parking.

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 current and proposed business/office use does not conform with the Comprehensive Plan's Future Land Use Map, which designates this area as residential, more than 8 units per acre.
2. The building has been used as a professional office since 1952 (real estate office).
3. Historically, the property never provided any off street parking on site, and none is being proposed.
4. There are 5 other commercial properties on Broad Street within 400' of the applicant's property. Only one of those properties provides off-street parking.
5. The application states that for the past 12 years, the property has been used as a professional office that provides speech and language therapy services.
6. The building is a single story cottage, that has a residential appearance from the exterior. No exterior structural changes are planned, therefore, the continuance of the office use 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.

Recommendation: Based on the findings of fact, upon motion made by Mr. Bernardo and seconded by Mr. Motte, the Planning Commission unanimously voted to forward a positive recommendation of this application with the following conditions:

1. The variance be limited to professional or business office use only, and not commercial retail.
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.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Smith, Mr. Motte and Mr. Bernardo. There were no nay votes.

NARIN CHHOUN 15 HARMON AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to build a 14' X 21' second story addition onto an existing single family dwelling with restricted frontage, front side and corner side yard set back on an undersized at **15 Harmon Avenue..** AP 7/5, lot 2129, area 3578+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard Lot of record.

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 current residential use conforms with the Comprehensive Plan's Future Land Use Map, which designates this area as residential, more than 8 units per acre.
2. The proposed 2nd story addition will be constructed over the existing attached garage and breezeway that has an existing 18' setback from Crawford Street. The existing restricted corner yard setback for the existing 2 story house is 11'-8" from Crawford Street.
3. The existing side yard setback of 3 feet for the garage will remain, with the second story addition set back to allow for the conforming 8' side yard setback.
4. There are 11 corner lots within the 400' Zoning notification radius. The City's GIS aerials show that 9 (82%) of those corner lots have restricted side or front yard setbacks similar to, or less than, the applicant's. Therefore, the applicant's proposed 18' street yard setback will not alter the general character of the neighborhood, or impair the intent or purpose of the Zoning Code, or the Comprehensive Plan upon which the Code is based.

Recommendation: Based on the findings of fact, upon motion made by Mr. Moran and seconded by Mr. Strom, the Planning Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the following conditions:

1. The applicant is to prove to the Zoning Board that a substantial change has occurred, that would permit successive zoning submittal within a 24 month period.
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.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Smith, Mr. Motte and Mr. Bernardo. There were no nay votes.

DERCOLE GROUP REALTY LLC 9 DERCOLE DRIVE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a 60' X 75' garage/storage building with office at **2814 Plainfield Pike.** AP 33, lot 22, area 62,300+/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 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 and proposed construction/industrial use does not conform to the Comprehensive Plan's Future Land Use Map, which designates this area as residential, less than 1 unit per acre.
2. Goal LU-1 of the Comprehensive Plan states "Preserve the rural quality and critical resources of Western Cranston through appropriate land use controls." Though the Zoning Variance in 1988 allowed the industrial use to encroach into the residential A-80 zone, by utilizing an existing 30' x 40' building that was formerly used as a horse barn; the proposed 75' x 60' building to be located 42 feet from Plainfield Pike, will exacerbate the visual impact of the expanded industrial use, thereby conflicting with Goal LU-1.
3. The property received a variance in 1988 from the Zoning Board to park and store construction equipment and related materials. The condition placed on the approval was to provide a minimum 5' high arborvitae shrubbery buffer around the perimeter of the property to conceal the trucks and equipment from view. (The Plan Commission had recommended denial on the application, for the reason that it was an over intensive use in the residential zone.)
4. The proposed building will have a front yard setback of 42 ft., and a side yard setback of 10 ft. The proposed building is closer to Plainfield Pike than the existing house on the same lot that has a 95' setback from Plainfield Pike, thereby blocking the house and altering the residential streetscape on Cranston's side of Plainfield Pike.
5. The applicant received a preliminary approval from the Site Plan Review Committee on September 16, 2009.
6. The elevation drawings submitted with the zoning application, shows what appears to be a corrugated metal building, with the gable end of the building being a solid wall facing Plainfield Pike. This is totally different from what was submitted for Site Plan Review.
7. Six parking spaces are perpendicular to the building along the Plainfield Pike façade; but only four of those spaces have the required back up aisle distance, because the location of a proposed sign, within a fenced island, restricts the backup aisle space to 15' for the handicap space and the abutting parking space.
8. Two overhead garage doors face the interior of the lot, with a distance of 70' between the proposed new building's garage doors and the fence enclosing the single family tenant's residential yard on the lot.
9. Within the 400' zoning radius, there are 4 residential properties, (three of which have front yard setbacks of 54', 96', and 175') and the Providence Water Supply Board aqueduct property that abuts the rear property line. The proposed building's location will alter the general residential character of the area, and impair the intent and purpose of the Zoning Code and the Comprehensive Plan upon which the Code is based.
10. The L-shaped lot is almost entirely paved with recycled asphalt, with an existing 30' x 40' storage building already on the left rear corner of the lot
11. The right rear corner of the lot (behind the house) is strewn with outdoor storage of construction materials, as seen with pictometry bird's eye 2009 aerial maps. This corner of the lot abuts City of Cranston property and City of Providence property.
12. The application states that because of the "layout of the property, including existing structures," the location of the new building is limited to the location shown. Actually, if the structure were moved to the right rear corner with a 15' side yard, and 20' rear yard,

the building's overhead doors would have a clear access driveway area of 80', where 70' is provided in the proposed building's location.

13. The existing 2-sided, 4' x 4' x 8' high freestanding sign will remain in its current location.

Recommendation:

The application is not consistent with both the current 1992 Comp Plan's Future Land Use Map, and the Planning Commission's adopted 2010 Comprehensive Plan's Future Land Use Map. Upon motion made by Mr. Moran and seconded by Mr. Nadeau, the Planning Commission unanimously voted to make no specific recommendation on the application.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Smith, Mr. Motte and Mr. Bernardo. There were no nay votes.

PAUL MATRULLO 1283 PARK AVENUE CRANSTON RI 02910 (OWN) AND JEFFERY MANZO AND KRISTEN CATANZARO 1525 MINERAL SPRING AVENUE NORTH PROVIDENCE RI 02904 (APP) have filed an application for permission to operate a restaurant serving alcohol [beer & wine] with restricted front, side and rear yard setback at **1283 Park Avenue**. AP 11/1, lot 139, area 7903+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.72.010 (1) Signs, 17.64.010 Off Street Parking.

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 restaurant use conforms with the Comprehensive Plan's Future Land Use Map, which designates this area as commercial and services.
2. The floor plan shows 31 seats for the restaurant, requiring 11 off-street parking spaces.
3. The floor plan shows an area of the restaurant devoted to take out, which would require additional parking spaces.
4. No site plan showing parking was submitted with the application.

Recommendation:

A site plan that shows parking was not submitted with the original application, or to the Planning Office by 4/2/10; therefore, upon motion made by Mr. Motte and seconded by Mr. Moran, the Planning Commission unanimously voted to *table* this application until that information is received.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Smith, Mr. Motte and Mr. Bernardo. There were no nay votes.

RANDALL REALTY CORPORATION 46 WOODMONT DRIVE CRANSTON RI 02020 (OWN/APP) has filed an application for permission to operate a fitness and exercise business with retail on an undersized lot with restricted frontage at **453 Atwood Ave**. AP 12/4, lot 3119, area 15,000+/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.88.010 Sub-standard lots of record, 17.20.120 Schedule of Intensity, 17.36.010 Industrial 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 proposed fitness and exercise club use is consistent with the existing Comprehensive Plan's Future Land Use Map that designates all of Atwood Avenue, north of Phenix Avenue as Commercial and Services.
2. The floor plan submitted shows 5 tread mills, 5 ellipticals, 2 exercise bikes, over twenty separate exercise machines, and several weight stations.
3. The off-street parking site plan submitted shows 18 parking spaces and 2 handicap spaces. However, the City traffic engineer has noted that spaces P1, P2 and P3 contain a raised concrete pad with a manhole cover, and at the current time are not useable. Space #P19 contains a dumpster. This lowers the available parking spaces to 16 total. Based on the parking formula for commercial service establishments, (5,760 sq. ft. / 200), 29 spaces are required per the Zoning Ordinance, therefore, the application is 13 spaces short of the requirement for the proposed use.
4. An exercise/fitness club is a use that generates a high parking need. Sixteen parking spaces for over 30 exercise machines is insufficient, especially when considering that some spaces will be needed for staff/personal trainers.
5. No shared parking agreements between the abutting commercial uses were submitted. (Ruggeiri's Market is abutting the applicant's property to the south.)
6. There is no other location on the lot that could accommodate patron parking. The northerly side of the building is located directly on the property line and the southerly side of the building is located 3' from the side lot line. The rear of the building has a 20' setback from Libera Street.

Recommendation:

The Plan Commission noted that the proposed use is consistent with the Future Land Use Map that designates this area for commercial and service use, and makes no specific recommendation on the hardship aspect of the application, concerning insufficient parking.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Strom, Mr. Nadeau, Mr. Smith, Mr. Motte and Mr. Bernardo. There were no nay votes.

TILCON MINERALS INC 998 RESERVOIR ROAD LUNENBERG MA 01462 (OWN) AND T-MOBILE NORTHEAST LLC D/B/A CENTERLINE COMMUNICATIONS LLC 960 TURNPIKE STREET CANTON MA 02021 (APP) AND T-MOBILE NORTHEAST LLC 15 COMMERCE WAY NORTON MA 02766 (LESSEE) have filed an application for special permit to build a 100 foot uni-pole telecommunication tower with a 40' X 40' compound to house associated equipment cabinets on **AP 26/1 lot 7 Rowe Drive**. AP 26/1, lot 7, area 70.7+/- acres, zoned A-80. Applicant seeks relief from Sections; 17.92.020 Special Permit, 17.20.030 Schedule of Uses, 17.76.010 Telecommunications Facilities, 17.20.120 Schedule of Intensity, 17.92.010 Variance.

On April 6, 2010, this application was withdrawn without prejudice by the applicant.

ADJOURNMENT: Upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 10:55 p.m.

NEXT MEETING: Tuesday, May 4, 2010, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary

