

## MINUTES

August 2, 2016

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  
Kenneth Mason, P.E.  
Mark Motte  
Lynne Harrington  
Fred Vincent  
Robert Strom (for the first zoning matter only)  
Kimberly Bittner  
Gene Nadeau  
Jennifer Lepre

Also present were:

Peter Lapolla, Planning Director  
Stephen Marsella, Esq. Assistant City Solicitor  
Jason Pezzullo, AICP, Principal Planner

### APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission unanimously voted to approve the minutes of the July 12, 2016, Plan Commission Meeting.

### ZONING BOARD OF REVIEW RECOMMENDATIONS

**LEGION REALTY PO BOX 3730 CRANSTON RI 02910 (OWN) AND JURY EXPRESS 85 ROLFE SQUARE CRANSTON RI 02910 (APP & LESSEE)** have filed an application for permission to operate a restaurant from a portion of an existing building with restricted off-street parking at **85 Rolfe Square**. AP 5/1, lots 649, 650, 651 & 652, area 29,926+/- SF, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance and 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 public notice incorrectly stated the properties are zoned A-80. The correct zone is C-3 Commercial.
2. Based on the C-3 zoning, the application is consistent with the Comprehensive Plan Future Land Use Map that designates this area of Rolfe Square as Neighborhood Commercial/Services.
3. The proposed restaurant will require 21 off street parking spaces, for 62 seats as stated in a notarized letter dated August 2, 2016. (The original application was for 90 seats).
4. The proposed new floor plan for the restaurant shows 5 dining rooms, occupying 3,400 sq. ft. of the larger 22,959 sq. ft. commercial building. (Dining Area 5 was originally a bar and lounge area.)
5. The survey plan submitted shows 37 parking spaces total on site.
6. The large 22,959 sq. ft. building contains an adult education school, a dance studio, and a dog grooming service that all use the parking lots. The number of parking spaces required for those uses has been determined by the

building inspector as 102 spaces. The building inspector has required that the school be treated as a commercial use, requiring 1 space per 200 sq. ft.

7. The site/parking plan states that the restaurant is only open until 3:00 pm.
8. A site visit by staff shows that there are two existing dumpsters located in the Pontiac Avenue parking lot that are not shown on the site plan.
9. The original floor plan included a bar/lounge area, however, the applicant has said they are not requesting a liquor license.
10. An Administrative Subdivision must also be submitted, approved and recorded,
11. reflecting the court judgement on adverse possession, to combine a triangular portion of the abutting owner's property to the applicant's property, that is being used for parking.

**Recommendation:** Based on the findings, upon motion made by Mr. Motte and seconded by Ms. Bittner, the Plan Commission unanimously voted (9/0) to forward a positive recommendation on the application with the following conditions:

1. The proposed seating be restricted to 62 seats, which was agreed to by the applicant in order to avoid an application to Development Plan Review.
2. No liquor license was agreed to by the applicant, in order to reduce the parking requirement by eliminating the seating in the bar/lounge area.
3. The Administrative Subdivision must be submitted, approved, and recorded prior to the issuance of a Certificate of Occupancy.

**ESTATE OF FRANK RUSSO C/O JAMES T MCCORMICK ESQUIRE 128 DORRANCE STREET PROVIDENCE RI 02903 (OWN/APP)** has filed an application for permission, pending minor sub-division, to propose two residential house lots with restricted frontage and areas of 4.20 acres +/- [lot 1] and 5.72 acres +/- [lot 2] at **Seven Mile Road**. AP 32, lot 12, area 11.80+/- acres, zoned A-80. Applicant seeks relief from Sections; 17.92.010 Variance and 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 original 11.80 acre lot had 369 linear feet of frontage on Seven Mile Road.
2. The proposed 3 lot minor subdivision was given Preliminary approval by the Plan Commission on June 7, 2016, with the condition that Zoning relief for frontage be applied for and received.
3. The proposed 3 lots will have 200 ft. of frontage for the existing house on 1.89 acres, and 84 ft. frontage for each of the proposed 5.72 acre and 4.20 acre lots.
4. The proposed configuration of the two lots would prohibit further subdivision of the property. The applicant had presented a formal 5 lot subdivision with a new 850 + ft. road that would not need any zoning relief; however, the Plan Commission agreed that this proposal for 2 lots with no additional road was a more acceptable proposal for the property, with only frontage deficiencies.
5. The proposed residential subdivision and its resulting density of .38 units per acre conforms to the Comprehensive Plan – Future Land Use designation of "Residential less than 1 unit per acre"
6. There are 7 single family dwellings, 2 churches, and agricultural uses located within the 400' Zoning radius.
7. Each of the proposed lots will have their own driveways to access the new single family dwellings.

**Recommendation:** The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code or the Comprehensive Plan. Therefore, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Plan Commission unanimously voted (8/0) to forward a positive recommendation on this application to the Zoning Board.

**SANA DEVELOPMENT PONTIAC LLC 10 SOUTHERN INDUSTRIAL DRIVE CRANSTON RI 02921 (OWN) AND FERRANRI PROPERTIES INC 29 LARK INDUSTRIAL PARKWAY SMITHFIELD RI 02828 (APP)** have filed an application for permission to use a former preschool building for a professional office and light manufacturing at **1081 Pontiac Avenue**. AP 10/4, lot 23, area 16,849+/- SF, zoned A-8. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.92.010 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 area of Pontiac Avenue as Neighborhood Commercial/Services, (C-1, C-2, and C-3 zones) which permits professional offices but not light manufacturing.
2. The square footage of the building (3,410 sq. ft.) would require 14 parking spaces for the proposed office/light manufacturing use. The site plan shows 15 parking spaces.
3. The Development Plan Review Committee took no jurisdiction on this application, as the Committee deemed that the change in use and parking plan would not have an impact on the surrounding area. However, the Committee did require a landscape plan be submitted to the Plan Director for approval, as the entire lot is now paved.
4. The light manufacturing use located in one small room of the building, consists of 2 sewing machines that do embroidery on t-shirts, hats, etc.
5. Within 400' of the applicant's property along Pontiac Avenue, there is a mix of commercial, office, industrial, and residential uses.

Recommendation: The Commission finds that the application is consistent with the 2010 Comprehensive Plan Future Land Use designation of Neighborhood Commercial/Services designation for this area of Pontiac Avenue. The Commission considers the percentage of the floor plan dedicated to light manufacturing is an accessory use to the advertising business, and will not alter the general character of the surrounding area. Upon motion made by Mr. Motte and seconded by Ms. Harrington, the Plan Commission unanimously voted (8/0) to forward a positive recommendation on this application to the Zoning Board, with the condition that the landscape plan be submitted and approved by the Planning Director, prior to the issuance of an occupancy permit by the Building Inspections Department.

**BIGNEY AND BARROS PROPERTIES LLC 334 EAST AVENUE PAWTUCKET RI 02860 (OWN/APP) AND NURSING PLACEMENT INC 334 EAST AVENUE PAWTUCKET RI 02860 (LESSEE)** have filed an application for permission to install an LED electronic message board at **480 Reservoir Avenue**. AP 6/2, lot 1446, area 5000+/- SF, zoned C-4. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.92.010 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:

On July 29<sup>th</sup>, 2016, the applicant's attorney requested the application be continued to the September Zoning Board hearing as a revised site plan done by a registered land surveyor showing parking and the location of the proposed pylon sign has not been completed. Upon motion made by Mr. Motte and seconded by Ms. Lepre, the Commission unanimously voted (8/0) to continue this matter to the next meeting.

**PLANNING DIRECTORS REPORT** – status of Plan Commission initiatives

Mr. Lapolla said that the revised RPD ordinance has been submitted for sponsorship without any response. The proposed digitization of the zoning map has been submitted to the Mayor's Office and, to date, there has been no response. After due discussion, the Commission decided to submit a letter to the Mayor's Office strenuously urging the sponsorship of this zoning article. As a future initiative, Mr. Lapolla indicated that the Department would like to re-draft the City's parking ordinance.

**ADJOURNMENT**

Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission unanimously voted to adjourn at 8 pm.

**NEXT MEETING** September 6, 2016 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Administrative Officer