

MINUTES

August 7, 2012

Chairman 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
Mark Motte
Gene Nadeau
Robert Strom
James Moran

Also present were:

Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Lynn Furney, Senior Planner
Jason Pezzullo, Principal Planner
J. Resnick, Sr. 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 July 10, 2012, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT

Lippitt Hill Crossing – Master/Preliminary Plan
Major Subdivision
1279 Hope Road
AP 30/4, Lot 263

Mr. Pezzullo explained that the proposal is for a two lot Major Subdivision. A Major Subdivision process is required due to the “litany of zoning variances needed”. The existing barn has received RIDEM approval for a septic system, which has not been done yet.

Attorney Jeffrey Gladstone, Partridge Snow & Hahn, represented the applicant, Ms. Alma Greene. He stated that the area is “rural, pristine, historic and not heavily traveled”. He further stated that the applicant is not here by choice and does not wish to develop the property. He stated that Ms. Greene received a Notice of Violation that has led to this subdivision application. He explained that the proposed lot that will contain the existing barn has been in existence since the 1850’s and has historically been used as a dwelling by property keepers. It has been modernized. Ms. Greene renovated the barn in the 1990’s and actually lived there while recuperating from a “near death experience”. He further explained that it was always Ms. Greene’s intent to keep the property as is (one property).

There have always been two means of access to the property. He noted that nothing will change other than adding the proposed property line in an attempt to work with the City to conform with zoning regulations.

Mr. Joseph Lombardo, AICP, spoke on behalf of Ms. Greene. He stated that the parcel has enough land to accommodate two lots. He concurred with the proposal to split the lot as depicted on the subdivision plan. The proposal complies with the 2010 Comprehensive Plan Future Land Use Map. Regarding suitability, he stated that the proposal is in keeping with the land use pattern that exists in the area.

Property owner, Alma Greene, confirmed that a few years ago she lived in the barn while recuperating. In 2002, she did some retirement planning and sold the parcel in the middle but attempted to keep the rural farm. She stated that at the time of the recording of that parcel she was in the hospital. She was granted approval to build the new house on the right side of the property. She stated that at the time she was in the nursing home recuperating her contractor received two building permits, one for creating a bathroom and remodeling of the kitchen and the second permit allowed for a chair lift to the upstairs and also for an alarm system.

Mr. David Miller, property abutter, stated that he is here "because of dual dwellings". He stated that Ms. Greene is renting out the barn apartment. He referenced the Planning Commission Minutes of 2002 when the subdivision was created. He stated that he would not have bought the property if he knew the barn would be rented out. He asked the Commission to "just say no" to this project. He also stated that this subdivision would allow Ms. Greene to sell the newly created lot.

Attorney Gladstone rebutted, stating that two permits were issued by the City for the work that was done. He stated that Mr. Miller's lot is not in compliance with the required lot size. He further stated that Mr. Miller's friend actually lived in the barn apartment.

Chairman Rossi asked if the barn was always a rental property. Mr. Gladstone responded, 'yes'. He also stated that there is an easement to allow for use of the existing well. Upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously voted to accept Attorney Murray's report on behalf of Mr. Miller.

In closing, Mr. Pezzullo stated that the matters concerning the variances needed are for the Zoning Board of Review to decide. The property is consistent with the 2010 Future Land Use Map.

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to accept the Findings of Fact denoted below and *approve* this Master/Preliminary Plan with the requested waivers for sidewalk provision, curbing, area and lot configuration, and to allow the staff to handle the final plan administratively, subject to the following conditions.

Findings of Fact

Positive Findings

1. An orderly, thorough and expeditious technical review of this Master/Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on July 24, 2012 and the meeting agenda has been properly posted.
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" allowing less than 1 residential units per acre".
3. The proposed subdivision does not conform to the Cranston Zoning Code. The lots will require variances from the frontage, area, and setback requirements. However, the proposal will not alter the general character of the surrounding area or impair the intent or general purpose of the Cranston Zoning Code.

4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Master/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 Hope 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 receive all the necessary relief from the Zoning Board of Review for the proposed subdivision layout and existing house placement prior to submission of the Final Plan Application.
2. Applicant shall submit the Western Cranston Capital Facilities Impact Fee in the amount of \$1,389.50 at the time of Final Plan Submission
3. Applicant shall pay the Western Cranston Water District Impact Fee in the amount of \$3,071 at the time of water service connection.
4. Applicant shall provide a performance guarantee to ensure the installation of the RIDEM approved OWTS system.

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

PERFORMANCE GUARANTEE

Lawrence & Elizabeth Moses Minor Subdivision
 Laten Knight Road
 AP 29, Lot 2

On August 7, 2012, the Plan Commission, upon motion made by Mr. Moran and seconded by Mr. Smith, unanimously voted to *table* any action involving the matter of sewer repair on Laten Knight Road. This action was taken in accordance with the Public Works Department request.

Ayes: Chairman Rossi, Messers Moran, Smith, Nadeau, Motte and Strom. Nays: none.

ZONING BOARD OF REVIEW ITEMS

FIRST CHOICE AUTO SALES 1586 BROAD STREET CRANSTON RI 02905 (OWN) AND RAUL DELACRUZ 3 ZINNIA DRIVE CRANSTON RI 02910 (APP) have filed an application for permission to increase the number of cars from 8 to 20 at an existing auto sales/auto repair/auto

reconditioning business with restricted side and rear yard setbacks at **1586 Broad Street**. AP 2/4, lot 648, area 7240 +/- SF zoned C-3. 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 uses are inconsistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Broad Street for Neighborhood Commercial and Services; the existing use would only be allowed in a highway commercial designation.
2. In August 1991, the property received the variance to operate the auto reconditioning service with limited used car sales, and outside storage for 8 cars.
3. The existing lot is 4,760 sq. ft. short of the required 12,000 sq. ft. lot size for a used car lot.
4. The Zoning Code states that no driveway opening for a used car lot shall be located closer than 20 feet to a side or rear property line. The applicant's existing left driveway curb cut is closer than 2' to the side property line..
5. In 1996 the PC recommended denial to add an auto body repair shop and auto painting to the existing auto sales and reconditioning business. The Zoning Board denied the application in April 1996.
6. Spring 2011 RIDEM aerial photography shows 18 vehicles parked on the lot, and 4 cars parked on the street.
7. The 2008 Pictometry aerials show 19 vehicles parked on the lot, and 3 parked on the street.
8. Current Bing maps show the lot with 19 vehicles parked on site.
9. The site plan submitted shows no legal parking area that would permit vehicles that are parked and waiting for service, to exit the property in a forward motion.
10. The City's Traffic Engineer denied the parking plan as submitted on June 25, 2012.
11. Within the 400' radius, there are 4 commercial and 2 mixed commercial/residential uses on Broad Street. Across the street is the Oakland Cemetery. Fifty three residential dwellings are also located within the radius.

Recommendation: The proposed Highway Commercial use and expansion is inconsistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Broad Street for Neighborhood Commercial and Services; therefore, upon motion made by Mr. Smith and seconded by Mr. Moran the Commission unanimously voted to forward a negative recommendation on the application.

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

EDGEWOOD CONGREGATIONAL CHURCH 1788 BROAD STREET CRANSTON RI 02905(OWN) AND THE EDGE FITNESS FOR WOMEN 1788 BROAD STREET CRANSTON RI 02905 (APP) have filed an application for permission to add massage therapy to an existing fitness aerobic studio at **1788 Broad Street**. AP 2/3, lot 1726, area 37,174 +/- SF, zoned C-2. Applicant seeks relief from Sections; 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. The application's proposed Commercial/Service use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Broad Street for Neighborhood Commercial/Services.
2. The existing fitness/dance aerobic studio received a zoning certificate in February 2012.
3. The site plan submitted shows 20 off-street parking spaces.
4. The application states that the massage therapy service is for the members of the fitness studio, and would be considered as an accessory use.

Recommendation: The application's proposed Commercial/Service use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Broad Street for Neighborhood Commercial/Services. Therefore, upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

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

THE LITTLE SOPHIA HOME 420 FRUIT HILL AVENUE N PROVIDENCE RI 02911 (OWN) AND WILDCAT REALTY LLC (SOLE MEMBER: JOHNSON & WALES UNIVERSITY) 8 ABBOT PARK PLACE PROVIDENCE RI 02903 (APP) have filed an application for permission to use an existing building for a selective student residential program at **135 Norwood Avenue**. AP 2/3, lots 826, 827, 2628, area 44,037 +/- SF, zoned B-2. Applicant seeks relief from Sections; 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. The 2010 Comprehensive Plan Future Land Use Map designates this area of Norwood Avenue as Residential, less than 10.39 units per acre. College dormitories are not listed as a permitted use in a B-2 zone, therefore, the application is inconsistent with the Comprehensive Plan
2. The application states the building is for Johnson & Wales College selective student residential housing with 25 bedrooms, the same number of bedrooms that the building contained in 1918, for its former use as a maternity hospital for unwed women.
3. The building plan submitted does not indicate whether there will be 2 students per room or one student per room.
4. The application states that the most recent use of the building was for offices, also a non-conforming use in a B-2 zone, but the building has been vacant for several years.
5. Within the 400' zoning notification radius, there are 45 single family, 19 – two family, 18 – three family, 2 – four family and 2-six unit apartment buildings.

Recommendation: The Commission finds that the application is inconsistent with the 2010 Comprehensive Plan Land Use Map, and will alter the character of the surrounding neighborhood and hinder the intent and purpose of the Zoning Code. The Plan Commission, however, upon motion made by Mr. Moran and seconded by Mr. Smith, unanimously voted to forward this application without a recommendation.

Upon motion made by Mr. Moran and seconded by Mr. Smith, the Commission voted to adopt Mr. Lee Whitaker's Planning Report.

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

ROBERT A ROCCHIO JR 8 GRAY COACH WEST CRANSTON RI 02921 (OWN/APP) has filed an application for permission to convert a 576+/- SF portion of an existing 3894+/- SF cold storage facility from a studio residence to personal convenience service use to include; barber shop, hair salon, spa, tailor, tattoo studio or similar uses with existing two-family to remain and restricted off-street parking at **642-644 Dyer Avenue**. AP 8/3, lot 1497, area 7984 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.64.010 Off-Street Parking, 17.72.010 Signs, 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 use which could be considered Neighborhood Commercial/Services is not consistent with the 2012 Comprehensive Plan Future Land Use Map that designates this area of Dyer Avenue as Single/Two Family Residential Less than 10.89 Units per Acre.
2. The property received a Zoning variance in 2009 to use the rear portion of the building for commercial storage for no more than 2 units, and the front portion of the building as a studio apartment. There is also an existing, separate, 2-family dwelling on the same lot.
3. The warehouse/storage portion of the building will continue.
4. The site plan submitted provides for 6 off street parking spaces, all of which do not conform to the Zoning code regulations, as 3 of the 6 spaces are double stacked, and all four of the spaces that are perpendicular to Dyer Avenue, require egress by backing out onto Dyer Avenue.
5. There are 46 residential buildings located within the 400' Zoning Radius, as well as 4 small business uses on Dyer Ave.

Recommendation: The proposed Commercial use of the building is not consistent with the 2012 Comprehensive Plan Future Land Use Map that designates this area of Dyer Avenue as Single/Two Family Residential Less than 10.89 Units per Acre. Therefore, upon motion made by Mr. Smith and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board.

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

ADJOURNMENT Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to adjourn at 9 p.m.

NEXT MEETING September 4, 2012, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary

