

MINUTES

December 4, 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, Vice Chairman
Mark Motte
Gene Nadeau
Ken Mason, P.E.

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Planning Commission unanimously voted to approve the minutes of the November 13, 2012, Planning Commission Meeting.

ORDINANCES

Ordinance 11-12-1 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Narragansett Blvd. and Pierce Place)

The owner of the land identified as Zoning Plat 2/4 Lots 3240, 3368, 3901 and a portion of Lot 2949 and Zoning Plat 2/3 Lot 681] have filed an application with the City Council to rezone said land. The request before the City Council is to rezone said land from B-2 Residential to EI Educational Institution.

The proposed rezone represents a final step in implementing a Memorandum of Understanding with respect of Payment in Lieu of Taxes [adopted by ordinance] between the City and Johnson and Wales University. As part of said memorandum, the City has agreed to a rezone of the above cited properties.

The Future Land Use Map of the 2010 Comprehensive Plan adopted in August, 2012 was amended to facilitate the proposed zone change. As part of the adoption, the land use designation for Zoning Plat 2/4 Lots 3240, 3368, 3901 and a portion of Lot 2949 and Zoning Plat 2/3 Lot 681] had been changed from Residential Less than 10.39 Units Per Acre to Mix Plan Development. The proposed rezone to EI is therefore consistent with The Future Land Use Map of the 2010 Comprehensive Plan.

The land being rezoned is used for education activities by Johnson and Wales University and said use is not authorized in a B1 Zoning District. The designation of the properties to EI would both reflect existing conditions and would bring the affected properties into conformity with the City's Zoning Ordinance.

Chapter 17.106 - EDUCATIONAL INSTITUTION ZONING DISTRICT of the zoning ordinance requires the submission of an institutional master plan to guide development to the City Plan Commission for any higher education institutions desiring to utilize this Chapter 17.106. Chapter 17.106 further gives the City Plan Commission the authority to amend said plan upon application. An institution master plan was submitted in support of the 2005 rezone of the Johnson and Wales campus in Cranston to EI. This plan did not include the 5 properties being rezoned. The Commission would suggest that as a final step in the rezoning process an amendment to include said properties in the institutional master plan be filed with the City Plan Commission.

Recommendation: 1) The rezone of the land to EI is part of a Memorandum of Understanding between the City and the University; 2) the rezone is consistent with the Future Land Use Map of the 2010 Comprehensive Plan; 3) a rezone to EI would reflect the current uses on the parcels and would bring the parcels into conformity with the zoning ordinance. Therefore, upon motion made by Mr. Motte and seconded by Mr. Smith, the Plan Commission unanimously voted to adopt a resolution approving the ordinance and its passage by the City Council.

Ayes: Chairman Rossi, Mr. Smith, Mr. Motte, Mr. Nadeau and Mr. Mason. Nays: none.

PERFORMANCE GUARANTEES

Bunn Family Farm Subdivision

Minor Subdivision with (private) street extension

Burlingame Road

AP 23, Lot 87

Request for cash bond release

Upon motion made by Mr. Smith and seconded by Mr. Nadeau, the Commission unanimously voted to *release* the remaining \$6,000 cash bond in its entirety; in accordance with the Department of Public Works recommendation.

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

Sanctuary Estates – Preliminary Plan

Minor subdivision with street extension

Pippin Orchard Road

Plat 28, Lot 64

Request for cash bond reduction

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to *release* the remaining \$23,500 cash bond in its entirety; in accordance with the Department of Public Works recommendation.

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

1102 CRANSTON REALTY LLC 64 ORCHARD DRIVE CRANSTON RI 02920 AND FOURTEEN FIELD STREET LLC 14 FIELD STREET CRANSTON RI 02920 AND MALCOSAW CO INC 22 FIELD STREET CRANSTON RI 02920 (OWN) AND L/M TACO RI INC 79 NORTH MAIN STREET MANSFIELD MA 02048 (APP) has filed an application for permission to leave an existing legal non-conforming commercial building on a proposed 15,000+/- SF [lot 3184] and build a new 2150+/- SF restaurant with drive through on the abutting [lots 2628, 2629, 3181, 3186 and portion of 3184] with restricted frontage, front and side yard set back on an undersized lot at **1102 Cranston Street..** AP 7/5, lots 2628, 2629, 3181, 3184, area 24,235 +/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.28.010 Drive in Uses, 17.72.010 Signage.

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 Cranston Street as Industrial; therefore, the application is not consistent with the Comprehensive Plan.
2. The new drive-thru restaurant will contain 50 seats, requiring 17 off street parking spaces, plus 5 additional spaces for a drive-thru. per the Zoning Ordinance The site plan provides 27.
3. The proposed drive through lane provides the required 6 stacking spaces from the ordering station.
4. The minimum lot size required in an M-2 zone is 60,000 sq. ft.; however, there are four other industrial uses within the 400’ radius on undersized lots.
5. The minimum lot size for a restaurant with drive thru located in a permitted zone is 40,000 sq. ft. The applicant’s lot will be 15,765 sq. ft. short of the required area for a drive thru restaurant.
6. The proposed drive-thru restaurant parcel on Cranston Street abuts a commercial C-4 zone where drive-thru restaurants are permitted.
7. The opposite side of Cranston Street is zoned C-5, that also permits restaurants with a drive-thru. The Comp Plan also designates that side of Cranston Street as *Highway Commercial*.
8. The Major subdivision to create the new lots was given a Preliminary approval by the Plan Commission on October 2, 2012, pending the granting of Zoning variances.
9. The proposed restaurant has no driveway opening on Cranston Street.
10. The proposed building set back from Cranston Street is 31’, where 40’ is required for a drive thru.
11. The proposed building’s side yard setback is 15’, where 20’ is required.
12. The abutting pre-existing non-conforming assessor’s lot #3184 will be reduced by 2,500 sq. ft.
13. The application is for a commercial use in an industrial zone, but the request for signage area relief is based the industrial standards for signage, which permits larger wall signs. The overall combined signage request is for 377.3 sq. ft. where the permitted signage area of 300 sq. ft., is the same in both commercial and industrial zones.
14. The signage relief requested is for 216 sq. ft. of free standing signs, where 50 sq. ft. is permitted in both industrial and commercial zones.
15. A 15’ height for freestanding signs is permitted by the Zoning Code, the request is for a 25’ high sign. No freestanding signs are on this side of Cranston Street, within several City blocks; therefore, a sign of this height would be out of character with the surrounding area.
16. A 45 sq. ft. wall sign is permitted in an industrial zone, and 30 sq. ft. in a commercial zone. The request is for 77.3 sq. ft of wall signage.

Recommendation:

The 2010 Comprehensive Plan Future Land Use Map designates this area of Cranston Street as *Industrial*; therefore, the application is not consistent with the Comprehensive Plan. However, the Commission finds that a restaurant use would not be out of character with the surrounding area, given the Comprehensive Plan’s designation of *Highway Commercial* directly across the street. Therefore, upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to forward no recommendation on the use to the Zoning Board, but recommends no relief on height or area for the freestanding signage.

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

KEITH D STRICKLAND 3 ANDREOZZI DRIVE BARRINGTON RI 02806 (OWN/APP) has filed an application for permission to convert an existing single family dwelling back to a two-family dwelling with restricted front and corner side yard setback on an undersized lot at **155 Oxford Street..** AP 7/4, lots 1021, area 5,000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 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 application's proposed density will be 17.42 units per acre which is not consistent with the 2010 Comprehensive Plan Future Land Use Map which calls for *Single/Two Family Residential, less than 10.89 units per acre.*
2. The dwelling was originally a two-family dwelling, as shown on the 1965 Zoning Maps.
3. There are 68 single family and 14 two family dwellings within the 400' zoning radius.
4. The average lot size for those 14 two family dwellings is 6,325 sq. ft., which is 1,325 sq. ft. bigger than the applicant's lot.
5. The street, corner yard setbacks of 7.5' and 6.8' are existing.
6. The site plan shows 6 double stacked parking spaces.
7. 42 of the 68 single family houses in the radius are on 5,000 sq. ft. lots.

Recommendation: The resulting residential density of 17.42 units per acre is not consistent with the 2010 Comprehensive Plan Future Land Use Map's prescribed density of *less than 10.89 units per acre* for this area of the City. However, based on the fact that the house was originally a two family, upon motion made by Mr. Smith and seconded by Mr. Motte, the Plan Commission unanimously voted to forward no recommendation on this application.

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

NE PROPERTIES INC 400 PONTIAC AVENUE CRANSTON RI 02910 (OWN/APP) has filed an application for permission to leave an existing legal non-conforming single family dwelling with restricted frontage and corner side yard set back on an undersized 5,000+/- SF [lot 515] and build a new 34' X 32' two-story single family dwelling on the abutting undersized 5,000+/- SF [lot 516] at **91 Vinton Avenue..** AP 18/4, lots 515 & 516, area 10,000 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard lots 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 2010 Comprehensive Plan Future Land Use Map designates this area of the City as *Single Family Residential, 7.26 to 3.64 units per acre.* The resulting density of the application will be 8.71 units per acre, which exceeds the prescribed density of the Comprehensive Plan. The application therefore, is inconsistent.
2. There are 39 single family dwellings located within the 400' Zoning Radius. Of those, 12 or 30.% are on 5,000 sq. ft. or slightly smaller lots. The remaining 70% are on larger lots that average 7,691 sq. ft.
3. Excluding the applicant's property, the average lot size for the 10 dwellings located on the same City block is 7,000 sq. ft.

4. Excluding the applicant's property, the average frontages for the 10 dwellings on Vinton Ave. located within the 400' radius is 82.5 feet. The proposal is for 50' of frontage for each lot.
5. The average lot size for all 39 single family dwellings located within the radius is 6,991 sq. ft.
6. The site plan submitted shows the proposed new house can meet all of the required front, side and rear yard setbacks.

Recommendation: Based on the findings of fact, upon motion made by Mr. Smith and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a negative recommendation on this application for the following reasons: 1) The resulting residential density of 8.71 units per acre is not consistent with the 2010 Comprehensive Plan Future Land Use Map's prescribed density of 7.26 to 3.64 units per acre for this area of the City. 2) The application would alter the general character of the surrounding area that contains a majority of single family dwellings on lots that are larger and wider than the applicant's proposed lots.

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

HEATHER FORREST 51 BATCHELLER AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a 26' X 31'+/- two story addition to an existing two family dwelling with restricted front yard set back at **51 Batcheller Avenue..** AP 11/1, lot 1870, area 10,000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 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 existing residential use with density of 8.71 units per acre, is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as *Single/Two Family Residential Less than 10.89 units per acre.*
2. The applicant's two-family has an existing front yard setback of 4 ft. The proposed addition will have a front yard setback of 8.49 ft.
3. The existing building with the addition, meets the remaining yard setbacks required in this zone.

Recommendation: The Commission finds that the proposed application is consistent with the 2010 Comprehensive Plan Future Land Use Map. Therefore, 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.

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

GREENBAUM REALTY TRUST LLC 332 COLE AVENUE PROVIDENCE RI 02906 (OWN) AND OCEAN STATE FUNCTIONAL FITNESS LLC 50 FREEWAY DRIVE CRANSTON RI 02920 (APP/LESSEE) have filed an application for permission to operate a health club/personal training facility at **41 Webb Street..** AP 10/4, lots 789, area 18,123 +/- SF, zoned M-2. Applicant seeks relief from Sections: 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 2010 Comprehensive Plan Future Land Use Map designates this area of the City as Industrial. The proposed application is for a commercial/service use which is not consistent with the Comprehensive Plan.
2. There are 18 industrial and 4 commercial uses located within the 400' Radius. All are located within the industrial zone.
3. In 2007, the Plan Commission recommended Denial for an auto parts retail sales business located across the street from the applicant's property. The Zoning Board granted the variance.
4. The property abutting the applicant's property to the south, received a zoning variance for auto sales and repair in 1989.
5. The Comp Plan states in LUP-4.3: *Prevent the intrusion of commercial land retail activities into industrial zones, particularly those that might lead to strip commercial development. However, mixed use commercial office and industrial parks and auxiliary commercial activities that serve the needs of an industrial park, should not be discouraged.*

Recommendation: The proposed Commercial/Service use is inconsistent with the Comprehensive Plan Future Land Use Map that designates this area of the City for Industrial use. However, based on the fact that there are other commercial uses in the industrial park, upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward no recommendation on this application to the Zoning Board.

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

THOMAS AND KIMBERLY SACCO 21 SWEETBRIAR DRIVE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build an 868+/- SF addition to an existing single family dwelling with restricted rear and side yard setback at **21 Sweetbriar Drive..** AP 16/3, lots 918, area 8,000 +/- SF, zoned A-8. Applicant seeks relief from Sections; 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 2010 Comprehensive Plan Future Land Use Map designates this area of the City as *Single Family Residential, 7.26 to 3.64 units per acre*. The application and current use is consistent with the Comprehensive Plan.
2. The existing rear yard setback for the house is 39 feet.
3. The proposed 17' x 26' addition on the right rear, that contains the master bedroom, will continue an existing restricted right side yard setback of 7.6 ft. for 26 ft., and creates a restricted rear yard setback of 12.95'.
4. The 18' x 16' proposed addition for the left rear of the house, that contains the new family room, meets the required rear and side yard setbacks.
5. There are 37 houses located within the 400' Zoning Radius. The City's GIS shows of those, three have restricted rear yard setbacks; none of those 3 are on Sweetbriar Drive.
6. The rear elevation submitted shows a walkout lower level with double glass sliding doors, though no floor plan was submitted for that level.

Recommendation: The existing residential use is consistent with the 2010 Comprehensive Plan Future Land Use Map. Upon motion made by Mr. Nadeau and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on the application.

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

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 8:31 p.m.

NEXT MEETING January 8, 2013, at 7 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner