

MINUTES

January 2, 2018

Chairman Smith called the City Plan Commission Meeting to order at 7:05 p.m. in the Cranston High School East Auditorium.

The following Commission members were in attendance:

Michael Smith, Chairman
Ken Mason, P.E.
Hy Goldman
Lynne Harrington
Fred Vincent
Kimberly Bittner
Kathleen Lanphear

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission unanimously voted (7/0) to table approval of the December 5, 2017, City Plan Commission Meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 10-17-03 – *Amending the Comprehensive Plan of 2010 (Cumberland Farms - Intersection Park and Warwick Avenue)*

Attorney John Bolton explained that the planning expert is ill, also, he received; “just last Thursday and today”, reports prepared by the opposition. Therefore, he requested the matter be continued to the February 6, 2018, Plan Commission Meeting, also to be held at the CHSE Auditorium.

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission unanimously voted (7/0) to continue this meeting to the February 6, 2018, Plan Commission Meeting, also to be held at the CHSE Auditorium.

Ordinance 10-17-04 – *In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled ‘Zoning’ (Change of Zone – Warwick Avenue and Park Avenue Intersection)*

Upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission unanimously voted (7/0) to continue this meeting to the February 6, 2018, Plan Commission Meeting, also to be held at the CHSE Auditorium.

Attorney Bolton then congratulated Planning Director, Peter Lapolla, on his pending retirement. He wished him well, praised his professionalism and thanked him for his service to the City. Attorney John DiBona also congratulated Mr. Lapolla on his pending retirement.

ZONING BOARD OF REVIEW RECOMMENDATIONS

MARTHA WERENFELS AND FRANK SATTERTHWAITE, JR.(OWN/APP) have filed an application for permission to convert an existing detached accessory structure into a dwelling unit creating a multi-family use of an existing legal non-conforming two family use at 66-72 Fort Avenue. A/P 1 lot 103, 25,528 s.f. area zoned A12. Applicant seeks relief per Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.20.070 More than One Dwelling Structure on a Lot Prohibited; 17.88.030 Extension. Application filed 11/28/17, John J. Garrahy, Esq.

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 Comprehensive Plan Future Land Use map designates this side of Fort Avenue as Single Family Residential 3.63 to 1 unit per acre. The existing house on the property contains 2 residential units. Although the principal use on the property is not a single family, the proposed density of 3 units would create a density of 5.1 units per acre, which is not consistent with the Comprehensive Plan.
2. There are 3 other former carriage houses on Fort Avenue that have been converted to single residential units.
3. One other large carriage house near the intersection of Ocean Avenue has been converted to 2 residential units. However, that building is located in a section of Fort Avenue that conforms to Zoning and the Comprehensive Plan.
4. The building is located with the Pawtuxet Village National Register Historic District.
5. No exterior changes are proposed to the carriage house. Extensive historic restoration of the exterior of the carriage house has already been performed.
6. Within the 400 foot zoning radius of this side of Fort Avenue containing 15 residential buildings, 2 properties contain 2 units, and 3 properties contain multi-family units.
7. The opposite side of Fort Avenue is in a single and two family zone, and contains 4 multi family dwellings.
8. Conversion of the carriage house to a residential unit will not alter the general character of the neighborhood.

Recommendation: Although the proposal is not consistent with the designation of single family use and prescribed density of the Future Land Use Map, the proposal will not alter the general character of the surrounding area or hinder the general purpose of the Zoning Code or the Comprehensive Plan. Further, the Commission recognizes that this will help preserve the historic character of the area. Upon motion made by Ms. Lanphear and seconded by Mr. Vincent, the Commission unanimously voted (7/0) to forward a positive recommendation on this application.

ESTATE OF DOROTHY A. DELUCA (OWN/APP) has filed an application to create three lots from five existing lots at 35 and 39 Southern Street A/P 8 lots 867,868,869,870, & 871, 21,170 s.f. area total zoned

B1. Applicant seeks relief per 17.92.010 Variance, 17.20.120 Schedule of Intensity, 1720.090 Side lot Line at Right Angle to Street Line. Application filed 12/1/17, John S. DiBona Esq.

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. At the November 7, 2017, the applicant filed a Preliminary Plan application entitled "Replat of Highland Park, No.2" The five preexisting, nonconforming lots would be recombined into three new conforming lots.
2. The resulting subdivision would result in the following:
 - Parcel A – 8,000 square feet with 80' of frontage (existing multi-family);
 - Parcel B – 6,770 square feet with 64' of frontage (vacant);
 - Parcel C – 6,400 square feet with 160' of frontage (existing single-family).
3. Parcel A and Parcel C have preexisting residential development situated in such a manner that necessitated the creation of an irregular common lot line configuration. A waiver for this configuration was approved with the Preliminary Plan of this subdivision by the City Plan Commission.
4. Parcel B conforms to area and frontage requirements and will not require a variance.

Recommendation: Upon motion made by Mr. Mason and seconded by Ms. Bittner, the Commission unanimously voted (7/0) to recommend approval of the irregular common lot configuration between Parcel A and Parcel C. The application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance of comprehensive plan upon which the ordinance is based.

275 ATWOOD LLC(OWN) AND 275 ATWOOD LLC C/O MOSES AFONSO RYAN LTD (APP) have filed an application to allow additional wall and a freestanding signage to be installed on the property currently under development at 275 Atwood Avenue A/P 12 lot 2700, 92,603 s.f. area zoned C4. Applicant seeks relief per Sections; 17.92.010 Variance, Section 17.72.010 (P) Table 17.72.010 (5) Signs. Application filed 11/21/17. Moses Afonso Ryan, Ltd.

Upon motion made by Ms. Harrington and seconded by Ms. Bittner, the Commission unanimously voted (7/0) to continue this matter to the February 6, 2018, Plan Commission Meeting; at the applicants request.

R&S INVESTMENTS,LLC (OWN/APP) has filed an application to leave an existing dwelling and construct a new single family dwelling at 47 & 0 Nickerson Street A/P 9 lots 2796, 2797 total 10,000 s.f. area zoned A6. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity Regulation, Section 17.88.010 (B) Contiguous Substandard Lots of Record. Application filed 11/8/ 2017. John S.DiBona, Esq.

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 applicant is the owner of records lots AP 9, Lots 2796 and 2797. Each lot has 5,000 sq.ft. and 50' of frontage. These lots are considered contiguous, preexisting, nonconforming lots, under common ownership and are therefore merged for zoning purposes.
2. The existing single-family dwelling unit is located on lot 2797. Lot 2796 is vacant.
3. The lots are zoned A-6 which requires 6,000 square feet with 60' feet of frontage per lot.
4. The Comprehensive Plan – Future Land Use Map calls for a density of “Residential – allowing for 7.26-3.64 units per acre”.
5. The applicant’s proposal will result in a density of **8.71** units per acre.
6. Nickerson Street was created (platted) prior to the establishment of the A-6 zoning district.
7. Using the City’s GIS database, there are 19 residential lots with 23 housing units (4 duplex structures). The approximate total land area on Nickerson Street is 114,400 square feet. The average parcel size is 6,021 sf, and the average unit size is 4,973sf.
8. Of the 19 residential lots, 12 have 5,000 square feet.

Recommendation: Upon motion made by Ms. Bittner and seconded by Ms. Harrington, the Commission unanimously voted (7/0) to recommend approval to unmerge two preexisting, nonconforming 5,000 square foot lots to create the ability to build one new single-family house lot on this record lot. The application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance of comprehensive plan upon which the ordinance is based.

JOHN A. DELBONIS IRREVOCABLE TRUST (OWN/APP) has filed an application to construct an addition to an existing building at 1487 Park Avenue, A/P 11, lot 2992, 7,890 s.f. area zoned C2. Applicant seeks relief per Sections 17.92.010 Variance; Section 17.20.120 Schedule of Intensity

Compliance with Schedule of Intensity Regulations.							
Parcel	Minimum Lot Area (sq. ft.)*	Minimum Lot Width and Frontage (ft.)	Minimum Yards (ft.) Front	Minimum Yards (ft.) Rear	Minimum Yards (ft.) Side	Maximum Lot Coverage	Maximum Building Height
Required C-2 Zoning District	6,000	60	25	20	8	60%	35
AP11 Lot 2992 Provided	8,124	99.14	24.93 <u>Excluding Canopy</u>	2.5	94.12/20.14	12.3%	n/a
AP11 Lot 2992 Proposed	8,124	99.14	24.93 <u>Excluding Canopy</u>	2.5	94.12/2.5	17.3%	n/a

Regulations, Section 17.88.030 Extension of Nonconforming Use, Section 17.88.050 Structural Alterations to Nonconforming Building. Application filed 11/8/17, John S. DiBona, Esq.

FINDINGS OF FACT

1. The applicant is seeking authorization to construct a 17” x 24 addition to an existing Motor Vehicle Repair and Service Establishment, Minor at land identified as Assessor’s Plat 11 Lot 2992 [1487 Park Avenue] from the Zoning Board of Review. The proposal is to add one service bay to the building.
2. Assessor’s Plat 11 Lot 2992 is currently zoned C-2 Neighborhood Business and a Motor Vehicle Repair and Service Establishment, Minor is a use not allowed.
3. The Tax Assessors field cards indicate that the building on site was constructed approximately 1940. Given that the building is a purpose built building [gas station], the use onsite has also existed since 1940.
4. Assessor’s Plat 11 Lot 2992 is an existing lot which does not conform to the standards set by Section 17.20.120 Schedule of Intensity Regulation [see below].

5. *The Future Land Use Plan of Cranston's Comprehensive Plan designates a Land Use Classification [LUC] of Neighborhood Commercial/Services to Assessor's Plat 11 Lot 2992. With a LUC of Neighborhood Commercial/Services, a Motor Vehicle Repair and Service Establishment, Minor Use would not be consistent with the Comprehensive Plan.*
6. Assessor's Plat 10 Lot 794 is located within 200' of a residential zone district. However, the building and its proposed addition is less than 5,000 SF [1,400±]. As such, no Development Plan Review Approval will be required.
7. The site plan submitted in support of the zoning application does not delineate off street parking. The zoning ordinance is silent as to how many parking spaces are required. In such cases, the amount of off street parking required is to be determined by the Building Inspector and said spaces should be shown on the site plan.

RECOMMENDATION: The use requested is inconsistent with the Future Land Use Plan of the Comprehensive Plan. However, given that the request is to construct a 400 SF addition to a pre-existing, nonconforming use that was established in 1940 and will not detract from the Knightsville Village, upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Commission voted (6/0 Ms. Harrington voted nay) to recommend approval on this application.

PLANNING DIRECTORS REPORT - 2018 City Plan Commission meeting Schedule, CIP Update

Mr. Pezzullo stated that the first draft of the Capital Improvement Plan will be ready next month.

ELECTION OF PLAN COMMISSION OFFICERS –

The Commission decided that this matter will be handled next month.

ADJOURNMENT Upon motion made by Ms. Harrington and seconded by Mr. Vincent, the Commission unanimously voted to adjourn at 8 p.m.

NEXT MEETING February 6th, 2018 – Cranston East Auditorium, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer