

## MINUTES

January 4, 2011

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  
Michael Smith  
Robert Strom  
Dave Ventetuolo, Acting Public Works Director

Also present were:

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

### APPROVAL OF MINUTES

Upon motion made by Mr. Moran and seconded by Mr. Smith, the Planning Commission unanimously voted to *approve* the minutes of the December 7, 2010, Planning Commission Meeting.

### ZONING BOARD OF REVIEW RECOMMENDATIONS

**C & B CRANSTON LLC 10 GREEN STREET PROVIDENCE RI 02903 (OWN/APP) AND THE STOP AND SHOP SUPERMARKET COMPANY LLC 1385 HANCOCK STREET QUINCY MA 02619 (LESSEE)** have filed an application for permission to have additional signage than that allowed by ordinance at **275 Warwick Avenue**. AP 4, Lot 2659, 2559, 2703, area 7.47+/- acres, zoned C-5. Applicant seeks relief from Section 17.92.010 Variance, 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 existing commercial use is consistent with the 2010 Comprehensive Plan Future Land Use Map which designates this area as Highway Commercial/Services.
2. The applicant proposes to install a total of 457 square feet of signage on the property where 300 sq. ft. is the maximum allowed in a C-5 zone. (an increase of 52% over the allowed 300 sq. ft.)
3. The proposed height of the freestanding sign is 20 feet, where 15 feet is permitted by code.
4. The proposed area of the freestanding sign is 129 sq. ft., where 50 sq. ft. is permitted by code. (a 158% increase over the square footage allowed.)

5. A total of 328.02 sq. ft. of wall signage is proposed to be installed on the building, where 30 sq. ft. of wall signage is permitted by the Zoning Code. (This is an increase of 993 % over what is allowed for wall signage.)
6. The Commission questions whether 14" high wall signs that read "low prices" "great food" "flavorful meat" and "fresh picked produce" are necessary – eliminating those signs would bring the total wall signage down to 268.18 sq. ft., which is an increase of 794 %.)
7. There is no signage on the building face that is parallel with Warwick Avenue. All of the wall signage is on the building face that is perpendicular with Warwick Avenue, and faces the residential neighborhood that abuts the site. Section 17.72.010.C.4 of the Cranston Zoning Code states "...Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building or wall area frontage on that street. In the case of abutting residential and commercial zones, commercial signs shall be oriented towards primary street frontage and directed away from abutting residential zones."

Recommendation:

The Plan Commission finds that 328.02 square feet of building signage and 129 sq. ft. of freestanding signage is excessive, though finds that the 5' variance height request for the freestanding sign is acceptable. Therefore, upon motion made by Mr. Moran and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a negative recommendation on the application as it stands, and recommends that the Zoning Board ask the applicant for a reduced signage package that does not exceed the total allowed square footage of signage on the site by more than 25%.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Strom and Mr. Ventetuolo. Nays: none.

**RONALD R S PICERNE TRUST DATED 12-30-93 75 LAMBERT LIND HIGHWAY WARWICK RI 02886(OWN) AND XIU JIN ZHANG 240 NORWOOD AVENUE WARWICK RI 02888 (APP) AND SANG LIEV 32 SINCLAIR AVENUE PROVIDENCE RI 02907 (LESSEE)** have filed an application for permission to serve alcoholic beverages from an existing restaurant at **957 Reservoir Avenue**. AP 9/4, Lot 2370, area 20,527+/- SF, zoned C-1. Applicant seeks relief from Section 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 existing restaurant use is consistent with the 2010 Comprehensive Plan Future Land Use Map which designates this area as Highway Commercial/Services.
2. The applicant received Zoning Variance for a beer and wine license in July 2005.
3. The floor plan shows seating for 99 people, which requires 33 parking spaces per the zoning code; the parking area shows 38 off-street spaces plus 2 handicap parking spaces.
4. The Planning Staff and Building/Zoning Official are currently rewriting the Schedule of Permitted Uses Matrix in the Zoning Code, which will propose that restaurants with or without liquor licenses be allowed in all Commercial Zones.

Recommendation:

Upon motion made by Mr. Smith and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the application will not alter the character of the surrounding area, or impair the intent or purpose of the Zoning Code or the Comprehensive Plan upon which the Code is based.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Strom and Mr. Ventetuolo. Nays: none.

**DAVID P IANNUCILLI TRUSTEE OF M&L FAMILY TRUST 982 FRENCHTOWN ROAD EAST GREENWICH RI (OWN) AND CURRERI COLLISION CENTER INC 2160 HARTFORD AVENUE JOHNSTON RI 02919 (APP)** have filed an application for permission to operate a taxi cab

dispatching business and automotive repair with towing operation and vehicle storage from an existing building on an undersized lot at **36 Dewey Street**. AP 7/2, Lot 2216 and 3821, area 13115+/- SF, zoned M-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 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 proposed automotive repair and towing operation use is inconsistent with the Comprehensive Plan Future Land Use Map which designates this area as Industrial, however, historically, the property has been used as a trucking business and storage of vehicles.
2. The property is located on a dead end street that abuts RI Route 10 to the west.
3. The application states that no automotive body repair will occur on site.
4. The survey plan submitted as well as the City's GIS aerial maps, and Bing Maps, show that the applicant's fencing encompasses a 22' x 100' (2,200 sq. ft.) area of the Right of Way for RI Route 10. The chain link fence has existed for several years in this location.
5. There is a billboard located on Lot 3821, that will be remaining.
6. The City's GIS shows a few trees are located on the two lots, that are not depicted on the site plan submitted.
7. The application states that no alterations are being planned to the building other than cosmetic.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the application will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Code or the Comprehensive Plan, upon which the Code is based, and with the following conditions:

1. Install either a dense evergreen hedge or suitable solid fencing along the area that abuts the right of way for Route 10 that will serve to screen the disabled vehicles that will be towed and stored onsite.
2. All existing trees on site should remain.
3. 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.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Strom and Mr. Ventetuolo. Nays: none.

**DEBORAH BRIDGE 75 LINCOLN PARK AVENUE CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to build a 28' X 44' two story addition to an existing single-family dwelling with restricted front yard setback at **75 Lincoln Park Avenue**. AP 18/4, Lot 1922, area 10,000+/- SF, zoned A-6. Applicant seeks relief from Section 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 single family residential use is consistent with the Comprehensive Plan Future Land Use Map which designates this area as Single Family Residential, 7.26 to 3.64 units per acre.
2. No other houses on Lincoln Park Avenue have an 18.9' front yard setback.
3. The proposed 18.9' setback just meets the required length for a parking space in front of the new garage. In the area in front of the proposed addition, photographs show a 22' camper is parked on the applicant's lot, but extends onto the paved portion of Lincoln Park Ave.
4. The applicant's existing front yard setback is 30'.
5. The applicant's existing rear yard setback is 43'. There is ample room to construct the 44' deep addition with the required 25' front yard setback, and still leave a 31' rear yard setback, where 20' is the minimum required. Therefore, the applicant is creating his own hardship.
6. There are 49 houses located within the 400' zoning notification radius. The city's GIS shows that only 13 (26.5%) of those have restricted front yard setbacks. Eight of those 13 are two streets away from the applicant's property. Twelve of those houses were constructed between 1904 and 1963, prior to the City's 1965 (current) Zoning Ordinance.
7. The house that abuts the applicant's property to the north has a 20.2' setback. However, that house was constructed in 1930, prior to the 1965 Zoning Ordinance that requires 25' front yard setbacks. All of the houses on Lincoln Park Avenue to the south of the applicant's lot have the required front yard setbacks.
8. The average front yard setback 200' from either side of the applicant's lot is 22.05'.
9. The applicant is also constructing an 18' x 13' screened porch on the rear of the existing house, leaving a 24' rear yard setback.

Recommendation:

Based on the Findings of Fact, upon motion made by Mr. Moran and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a negative recommendation on this application for an 18'-9" front yard setback, as the application will alter the general character of the surrounding area, and impair the intent and purpose of the Zoning Code and the Comprehensive Plan upon which the Code is based. There is sufficient area to construct the addition that will meet the required 25' front yard setback, and still leave a 31' rear yard setback.

Ayes: Mr. Moran, Mr. Smith, Mr. Strom and Mr. Ventetuolo. Nays: Chairman Rossi.

**JAMES AND DEBRA MARTIN 809 SCITUATE AVENUE CRANSTON RI 02921 (OWN/APP)** have filed an application for permission to build a 33' X 74' two-story single family home with restricted front and corner side yard setback on an undersized lot at **809 Scituate Avenue**. AP 37, Lot 168, area 11,786+/- SF, zoned A-20. Applicant seeks relief from Section 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:

The existing single family residential use on the abutting 14,830 sq. ft. lot #166, is also owned by the applicant, and therefore merged for Zoning purposes with the subject lot. Therefore, the application should be **amended and readvertised** to include relief from the merger clause, that would leave an existing single family home on an undersized lot (#166), and build a new single family on an undersized lot (#168) with restricted front and corner side yard setbacks.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Strom, the Plan Commission unanimously voted to table this matter so that it can be amended and re-advertised.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Strom and Mr. Ventetuolo. Nays: none.

**BHS REALTY 89 PETTACONSETT AVENUE CRANSTON RI 02920 (OWN) AND THE WAY HUMAN PERFORMANCE INSTITUTE 10 WORTHINGTON ROAD UNIT F,G,H,J 02920 (APP)** have filed an application for permission to operate a personal training studio at **10 Worthington Road**. AP 10/4, Lot 770, area 99,012+/- SF, zoned M-2. Applicant seeks relief from Section 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 lot number listed in the application is incorrect. The correct lot number is #773.
2. The application's "commercial and services" use is inconsistent with the City of Cranston 2110 Comprehensive Plan's Future Land Use Map, which designates the subject parcel and surrounding area as "Industrial."
3. There are 25 industrial businesses located within the 400' zoning notification radius.
4. Land Use Policy LUP-4.3 on page 8 of the 2010 Comprehensive Plan states "Prevent the intrusion of commercial land retail activities into industrial zones particularly those that would lead to strip commercial development."
5. Economic Development Policy EDP-3.1 (page 12) states "Strengthen the standards for industrially zoned land to prevent the erosion of the City's supply of land suitable for these purposes."
6. In July of 2008, the Plan Commission recommended denial (the Zoning Board granted) for an application for an indoor party facility for children that encompassed 7,500 sq. ft. (5 units) of the same 15,000 sq. ft. building.
7. The proposed personal training studio will occupy (alter) units F,G,H, & J(6,000 sq. ft. total out of the former children's party facility location)
8. No floor plan was submitted for the fit-out of units F,G,H & J.
9. The building currently houses 5 condominiums. Four of those units are occupied, two of which are industrial uses.

Recommendation: The Commission recognizes that the proposed commercial/services use application is not consistent with the 2010 Comprehensive Plan Future Land Use Map, but also recognizes the hardship issue; therefore, upon motion made by Mr. Moran and seconded by Mr. Strom, the Plan Commission unanimously voted to make no specific recommendation on this application to the Zoning Board.

Ayes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Strom and Mr. Ventetuolo. Nays: none.

**ELECTION OF OFFICERS**

Due to the fact that there were only four regular members of the Commission in attendance at this meeting, the Commission decided to table this matter to the February 1, 2011, Plan Commission Meeting.

**PLANNING DIRECTOR'S REPORT**

Mr. Lapolla informed the Commission that the 2010 Comprehensive Plan has been submitted to the Division of Statewide Planning. He mentioned that he will postpone professional printing of the Plan until the State submits their changes to the document. He also mentioned that the final bill from The Cecil Group is still outstanding, and several members of the Commission suggested possibly negotiating the final roughly \$11,000 payment.

**ADJOURNMENT**

Upon motion made by Mr. Strom and seconded by Mr. Moran, the Plan Commission unanimously voted to adjourn at 8:40 p.m.

**NEXT MEETING**

February 1, 2011, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Peter S. Lapolla  
Planning Director