

MINUTES

July 12, 2011

Chairman Charles 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
James Moran
Mark Motte
Robert Strom

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. Strom, the Planning Commission unanimously voted to approve the minutes of the June 7, 2011, Planning Commission Meeting.

ZONING BOARD OF REVIEW RECOMMENDATIONS

WILLIAM AND DIANE FARRELL 11 SEFTON DRIVE CRANSTON RI 02905 (OWN/APP) have filed an application for permission to build a 750+/- SF detached two car garage with loft with restricted side and rear yard setback at **11 Sefton Drive**. AP 2/2, Lot 2173, area 22,483+/- SF, zoned A-12. 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 single family use for the property is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City as **Single Family Residential, 3.63 to 1 unit per acre**.
2. The property received a Zoning variance in April 2009 for an application to build a new garage in the same location as an existing garage. The existing garage was demolished in June 2009.
3. The new building's proposed 3'6" side yard setback (minimum 8' required), and 2' rear yard setback (minimum 10' required) will encompass the same footprint as the former garage that was demolished.

4. The proposed new garage will have a roof peak height of 22'-6". (A 35' height is the max allowed per the Zoning Code.)
5. The City GIS shows the single story garage on the lot directly north of the applicant's rear yard has a 0' yard setback, therefore, there is only 2' separating the existing garages. The single story garage abutting the westerly boundary of the applicant's lot has a conforming side yard setback.
6. The property fronts on Narragansett Bay, and therefore is under Coastal Resource Management Council's jurisdiction.
7. The City's GIS shows that within the 400' Zoning notification radius, there are 20 other single story garages that have similar restricted setbacks.

Recommendation: Based on the fact that the application is not inconsistent with the Comprehensive Plan, and the application will not alter the general character of the surrounding neighborhood, upon motion made by Mr. Moran and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the condition 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. Strom, Mr. Smith and Mr. Motte. Nays: none.

JEFE PROPERTIES LLC PO BOX 5799 PROVIDENCE RI 02903 (OWN) AND MJV ENTERPRISES LLC 350 PIPPIN ORCHARD ROAD CRANSTON RI 0291 (APP) have filed an application for permission to leave an existing legal non-conforming single family dwelling on a 5000+/- sf undersized [lot 97] with restricted frontage and front yard setback and build a new one story 1344+/- sf single family dwelling on the abutting 5000+/- sf undersized [lot 95] with restricted frontage and front yard setback at **232 Magnolia Street**. AP 5, Lots 95 & 97, area 10,000 SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Sub-standard Lot of Record 17.116.030 Limitation on Successive Petitions.

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 single family use on 5,000 sq. ft. 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**. The proposed density is 8.71 units per acre.
2. There are 80 residential lots containing a total of 122 residential units located within the 400' zoning notification radius (this includes 1,2,3 and 4- family dwellings). The average land area per residential unit is 4,095 sq. ft. The applicant's lots are 905 sq. ft. larger than the average land area per neighborhood average.
3. 54 (68%) out of the 80, are residential lots that are 5,000 sq. ft. or smaller.
4. There are 49, 1-family dwellings within the 400' radius. 33 (67%) of those dwellings are on lots that are the same size or smaller than the applicant's 5,000 sq. ft. lots. Therefore, the applicant's proposal will not alter the general character of the neighborhood, or impair the intent or purpose of the Zoning code, or the Comprehensive Plan upon which the code is based.
5. The proposed single family house will have conforming side yard setbacks of 9.7' and 11.8' , but will have a restricted front yard setback of 18' (where 25' is required). However, the 18' setback conforms to the average of the setbacks located within 200' of the applicant's property on the same side of the street.

6. The City's GIS aerial maps show that 10 (44%) out of the 23 dwellings on Magnolia Street within the 400' radius have restricted front yard setbacks.
7. The proposed garage for the house is located under the bed rooms, with an 18" long access driveway, which is long enough to park a vehicle out side of the garage doors, without extending onto the City sidewalk.

Recommendation: The Plan Commission finds that the application is consistent with the purpose and intent of the Comprehensive Plan. Based on that consistency and the above findings of fact, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the condition 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. Strom, Mr. Smith and Mr. Motte. Nays: none.

PHILLIP MANZO 1051-1053 PARK AVENUE CRANSTON RI 02920 (OWN) AND ALEXANDRA MANZO 14 WALKER STREET CRANSTON RI 02920 (APP) have filed an application for permission operate a pawn broker business from an existing legal non-conforming building with restricted frontage, front and side yard set back on an undersized lot at **1051-1053 Park Avenue**. AP 6, Lot 1934, area 3568 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 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 proposed application is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City as **Highway Commercial/Services**.
2. Pawn shops are only allowed by special permit in industrial M-1 and M-2 zones.
3. The proposed pawn shop will be located in one of the two units in the building; the other unit houses a beauty salon.
4. The existing deficient parking area in the rear of the building contains 3 spaces and one H.C. space.
5. The commercial unit contains approximately 836 sq. ft.
6. A photograph taken on July 11, 2011, shows a dumpster located in the north west corner of the rear parking area, within a parking space. A second dumpster is located in the south west corner of the parking area.

Recommendation: Based on the fact that a commercial pawn shop use is consistent with the Highway Commercial/Service classification for this area as designated on the Comprehensive Plan Future Land Use Map, upon motion made by Mr. Strom and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, and suggests that the dumpster that sits in the north west corner parking space, be relocated to the southwest corner, next to the other dumpster.

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

CRE IP LLC 76 DORANCE STREET PROVIDENCE RI 02903 (OWN) AND WALMART 2001 SE 10TH STREET BENTONVILLE AR 72712 (APP/LESSEE) have filed an application for permission to have additional signage than that allowed by ordinance at **1776 Plainfield Pike**. AP 37/1, Lot 3, area 29+/- acres, zoned C-4 & C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 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 existing retail commercial use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Highway Commercial/Services.
2. On October 20, 2010, the application received Site Plan Review approval for a 32,621 sq. ft. addition to the existing building.
3. The original building has approximately 312.23 sq. ft. of wall signage on a wall façade of 11,637 S.F.
4. The proposal is for a total of 550.64 sq. ft. of wall signage on the building's facade that will now be expanded by 80'. Total allowed wall signage per the zoning code is 30'.
5. The letters on the former "Walmart" sign were 5' high; the new Walmart sign letters are 5'-6".
6. The former wall signs that read "Satisfaction Guaranteed" (64 s.f.), "We sell for less" (43.67 s.f.), and "Pharmacy" (14.56 s.f.) will be replaced with new wall signs that read "Market and Pharmacy" (102.74 s.f.), "Home & Living" (72.59 s. f.) and "Outdoor Living", (77.31 s. f.).
7. The building is set back over 460' away from Independence Way, and over 580' from Plainfield Pike.
8. The area of the freestanding sign on Plainfield Pike will not change, though the sign will be refaced.

Recommendation: Given the square footage of the façade, and the distance that the building is away from the road, the Commission feels that the area of the proposed wall signs are not excessive, given the location of the property on a street that is designated for Highway Commercial use on the Comprehensive Plan Future Land Use Map. Therefore, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board with the condition 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. Strom, Mr. Smith and Mr. Motte. Nays: none.

TASCA ENTERPRISES INC 1300 PONTIAC AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to install additional signage than that allowed by ordinance at **1300 Pontiac Avenue**. AP 13, Lot 76, area 12.52 +/- acres, zoned C-5. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 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 existing retail commercial use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Highway Commercial/Services.
2. Per the Sign Ordinance, 30 sq. ft. is permitted for a wall sign.
3. In June 2001, a sign variance for 934 sq. ft. total for the entire site was granted by the Zoning Board. (988.14 sq.ft. including directional signage) The new request is for 1,114 sq. ft. total, that includes directional signage. (A 12.7% increase)

4. Two existing signs on the building will be removed “Mercury”, 23 sq. ft. and “Lincoln”, 22 sq. ft., and will be replaced by “Volvo” 10.5 sq. ft., and “Tasca Volvo”, 10.2 sq. ft.
5. The letter height for each new sign is 14”; where 18” and 15” were the height of the previous signs. The total area of the letters for the 2 new signs are 54% smaller than the area of the letters of the existing signs.
6. The fact that the 14” “Volvo” letters are placed on a 9’-6” by 11’-2” blue background, is the contributing factor for the 106 sq. ft. total area for this sign.
7. The property abuts Rt.37 to the north, and industrial properties to the east and south.

Recommendation: The Commission feels that the area of the proposed wall signs are not excessive, given the location of this property that abuts Route 37 and is otherwise surrounded by Industrial zoned property. The application is not inconsistent with the Comprehensive Plan Future Land Use Map, therefore, upon motion made by Mr. Moran and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

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

GATEWAY WOODSIDE INC 100 MIDWAY ROAD SUITE 14 CRANSTON RI 02920 (OWN) AND DESTINATION MATERNITY CORPORATION 456 NORTH 5TH STREET PHILADELPHIA PA 19123 (APP) have filed an application for permission to have additional signage than that allowed by ordinance at **85 Hillside Road**. AP 10/3, Lot 739, area 6.6+/- acres, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 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 existing retail commercial use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Highway Commercial/Services.
2. Total area of the proposed 3 new signs is 65.4 sq. ft.
3. The largest sign – “destination maternity” (49.29 sq. ft.) has letters that have an overall height of 26” and length of 22’-9”. The overall sign height is determined by drawing a rectangle around the upper and lower limits of the letters, in this case, the top of the “d” to the bottom on the “y”. The actual height of the letter “d” is 21”.
4. The “MOTHERHOOD” letters (6.93 sq. ft.) are 1’ x 6’-11 ¼”, and the “pea in the pod” letters (9.18 sq. ft.) are 18” x 6’-1 ½”.
5. The building is located directly on the site circulation road on the perimeter of the parking area, within the Garden City shopping area
6. Photographs taken on the same side of the parking lot of the plaza show that other businesses located within 200’ of the applicant’s building have smaller signs.

Recommendation: The application is not inconsistent with the Comprehensive Plan Future Land Use Map, therefore, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the condition 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. Strom, Mr. Smith and Mr. Motte. Nays: none.

COMPREHENSIVE PLAN REVISION

Mr. Lapolla explained the process of bringing existing zoning into compliance with the Future Land Use Plan. He informed the Commission that he has been meeting weekly with Building Official, Stanley Pikul, and Zoning Official, Steven Riales; reviewing the existing Zoning Code and crafting proposed changes to update the Zoning Code.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 8:15 p.m.

NEXT MEETING August 2, 2011 at 7 p.m., City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary.