

MINUTES

July 6, 2010

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
Richard Bernardo, Public Works Director
Richard Nadeau
Michael Smith
Robert Strom
Mark Motte

Also present were:

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

The following members of the public attended: Attorney Scott DeMelo and Kristen Catanzaro.

APPROVAL OF MINUTES

Upon motion made by Mr. Smith and seconded by Mr. Bernardo, the Planning Commission unanimously voted to *approve* the minutes of the June 1, 2010, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT

Warwick Avenue Stop & Shop

Minor Modification to the Final Record Plan

Major Land Development without street extension

Warwick Avenue

AP 4, Lots 2559, 2659 and 2703

Planning Director, Peter Lapolla, explained that the applicant has requested an 18 ft. increase in the size of the loading platform, from 32 ft. to 50 ft. The location and width of the platform remain unchanged.

Upon motion made by Mr. Bernardo and seconded by Mr. Motte, the Commission unanimously voted to *approve* the applicant's minor modification to the previously approved Final Record Plan as:

1. An expansion of the loading platform will not increase the building size and will not require additional off street parking.

2. The proposed expansion of the loading platform will not impact site circulation.
3. The proposed expansion of the loading platform will not “fill” the floodplain so as to increase down stream flooding.

Aye votes: Chairman Rossi, Mr. Strom, Mr. Bernardo, Mr. Motte, Mr. Smith and Mr. Nadeau.
Nay votes: none.

ORDINANCES

Ordinance #6-10-01 In Amendment of Title 17.92 of the Code of the City of Cranston, 2005, Entitled “Zoning” (Variances and Special Use Permits)

Mr. Lapolla explained that the existing ordinance does not specify that signage applications for zoning variance be drawn to scale. As this has presented a problem in the past, this amendment to the City’s Zoning Ordinance would require all signage zoning variance applications be drawn to scale.

Upon motion made by Mr. Bernardo and seconded by Mr. Motte, the Commission unanimously voted to allow this minor modification to the previously approved Final Record Plan.

Aye votes: Chairman Rossi, Mr. Strom, Mr. Bernardo, Mr. Motte, Mr. Smith and Mr. Nadeau.
Nay votes: none.

Ordinance #6-10-02 In Amendment of Title 17 of the Code of the City of Cranston, 2005, Entitled “Zoning” (Nightclubs)

Mr. Lapolla explained that there have been recurrent problems in the City with parking at existing nightclubs. Also, the present Zoning Ordinance does not address this use in the E-1 Zone.

In that the proposed amendment addresses an issue that has been identified by the City Council and it is not in conflict with the City’s Comprehensive Plan, upon motion made by Mr. Bernardo and seconded by Mr. Nadeau, the Planning Commission unanimously voted to recommend that nightclubs be prohibited in E1 Zones and further recommends that the City Council adopt the proposed amendment.

Aye votes: Chairman Rossi, Mr. Strom, Mr. Bernardo, Mr. Motte, Mr. Smith and Mr. Nadeau.
Nay votes: none.

PERFORMANCE GUARANTEES

Scituate Farms – Letter of Credit
Extension of Time

Principal Planner, Jason Pezzullo, stated that the top coat remains to be done. The developer has currently completed Section 4 of the subdivision and will be coming before the Planning Commission soon with Section 5, which will most likely comprise the addition of 8-10 lots for development.

Public Works Director, Richard Bernardo, stated that the existing binder was put down several years ago and is in disrepair. It has especially created a problem with snow removal. Mr. Bernardo suggested that any extension of time of the existing performance guarantee (Sovereign Bank LOC#4749 in the amount of \$66,000) be conditioned upon repair of the binder.

Mr. Pezzullo suggested repair of the binder could be added to the future Section 5 proposal, however, Mr. Bernardo suggested the binder repair be done as soon as possible.

Upon motion made by Mr. Bernardo and seconded by Mr. Smith, the Commission unanimously voted to *extend* the existing Letter of Credit for two years and notify the developer of the needs of the City.

Aye votes: Chairman Rossi, Mr. Strom, Mr. Bernardo, Mr. Motte, Mr. Smith and Mr. Nadeau.
Nay votes: none.

ZONING BOARD OF REVIEW RECOMMENDATIONS

PAUL MATRULLO 1283 PARK AVENUE CRANSTON RI 02910 (OWN) AND JEFFERY MANZO AND KRISTEN CATANZARO 1525 MINERAL SPRING AVENUE NORTH PROVIDENCE RI 02904 (APP) have filed an application for reconsideration for permission to operate a restaurant serving alcohol [beer & wine] with restricted front, side and rear yard setback at **1283 Park Avenue**. AP 11/1, lot 139, area 7903+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.72.010 (1) Signs, 17.64.010 Off Street Parking.

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 restaurant use conforms to the Comprehensive Plan's Future Land Use Map, which designates this area as commercial and services.
2. Restaurants serving alcohol are not allowed in C-1 or C-2 zoning districts. The Zoning Ordinance states in chapter 17.92.010 C.1., in granting a use variance, evidence must be entered into the record showing that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance.
3. The floor plan shows 27 seats for the restaurant, requiring 9 off-street parking spaces.
4. The site plan submitted shows 9 parking spaces are being provided.
5. The proposed parking plan has been approved by the City's Traffic Engineer.
6. The GIS aerials show that the former business on the property used the City's street right-of-way for Old Park Avenue as 90 degree parking spaces.

Recommendation: Upon motion made by Mr. Motte and seconded by Mr. Bernardo, the Commission unanimously finds that the application is in conformance with the Comprehensive Plan's Future Land Use Map that designates this area for commercial and services, and based upon that, makes a positive recommendation, as the application will not impair the intent or purpose of the Comprehensive Plan.

Aye votes: Chairman Rossi, Mr. Strom, Mr. Bernardo, Mr. Motte, Mr. Smith and Mr. Nadeau.
Nay votes: none.

CAROL BISSANTI AND MARJORIE GALLO 30 HAWTHORNE AVENUE CRANSTON RI 02910 (OWN/APP) have filed an application for permission to leave an existing single family dwelling on a proposed 29,562+/- sf lot [parcel "A"] with restricted frontage and build a new 32' X 64' single family home on proposed 31,562+/- sf lot [parcel "B"] with restricted frontage at **268 Olney Arnold Road**. AP 25, lot 13, area 1.40+/- acres, zoned A-20. 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 proposed subdivision and its resulting density of approximately .73 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 1-4 residential units per acre".
2. Each of the proposed lots exceed the minimum area requirements of the A-20 zoning district but will have 18.37' less than the required 125' of frontage. (106.63 ft. each)
3. Within the 400' zoning radius, there are 12 lots that have frontages that are less than 125 feet. The proposed lots will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. The proposed subdivision received a Preliminary Approval from the Plan Commission on September 9, 2008.
5. The proposed new single family meets all the required yard setbacks for an A-20 zone.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously finds that the application is consistent with the Comprehensive Plan's Future Land Use Map that designates this area as residential and, therefore, forwards a positive recommendation on this application to the Zoning Board.

Aye votes: Chairman Rossi, Mr. Strom, Mr. Bernardo, Mr. Motte, Mr. Smith and Mr. Nadeau.
Nay votes: none.

COMPREHENSIVE PLAN UPDATE

Mr. Lapolla explained that the Ordinance Committee has asked for further review of the Draft Comprehensive Plan, therefore, he has proposed attending the next several Ordinance Committee Meetings to go through the draft plan element by element.

PLANNING DIRECTOR'S COMMENTS

Each member of the Planning Commission was given a copy of the June 28, 2010, City Council Resolution 'encouraging responsible development to protect and preserve the historic waterfront nature of the Edgewood/Pawtuxet Village area'.

Mr. Lapolla stated that the only time the CVS proposal will come before the Planning Commission will be for a zoning variance recommendation.

ADJOURNMENT

Upon motion made by Mr. Bernardo and seconded by Mr. Motte, the Planning Commission unanimously voted to adjourn at 7:25 p.m.

NEXT REGULAR MEETING: Tuesday, August 3, 2010, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary

