

## **MINUTES**

**July 8, 2008**

Vice Chair Paula McFarland called the Planning Commission Meeting to order at 7:20 p.m. in the City Council Chamber. She announced that the Phenix Terrace Comprehensive Permit matter would not be heard. The following Commission members were in attendance:

Councilwoman Paula McFarland, Vice Chair  
Corsino Delgado, Finance Director  
Anthony Sylvia, P.E., Public Works Director  
James Moran  
Robert Cicerone

Also present were:

Peter Lapolla, Planning Director  
Jason M. Pezzullo, AICP, Principal Planner  
Lynn Furney, AICP, Senior Planner  
Vito Sciolto, Esq., City Solicitor  
J. Resnick, Clerk

For those members of the public that were in attendance please refer to the meeting sign-in sheets located in the Planning Department.

### **APPROVAL OF MINUTES**

The minutes of the June 3, 2008, Planning Commission Meeting will be approved at the July 16, 2008, Planning Commission Workshop/Planning Commission Meeting.

### **ORDINANCES**

**Ordinance in Amendment of Chapter 17 of the Code of the City of Cranston 2005, entitled "Zoning". Change of Zone – 10 Budlong Road (AP 11/1, Lots 1862, 1863, and 1864) from M-1 to C-2**

Attorney John Bolton, on behalf of property owner, Gene Markarian, stated that the subject lots front on Budlong Road and Macklin Street, just south of the intersection of Park Avenue and Dyer Avenue. The site has one existing commercial building (containing a hair salon, tanning salon and daycare center).

Planning expert, George Caldow, spoke on behalf of the property owner as well, stating that the subject site is 15,000 sq. ft., a multi-tenant building, zoned M-1. He stated that the surrounding properties are commercial as well and do not comply with the Comprehensive Plan Future Land Use Map; which calls for the area to be zoned C-2, "Commercial and Services".

Jason Pezzullo, Principal Planner, stated that Page 72, of the 1992 Comprehensive Plan – Map 2 – 4 entitled "*Proposed Zoning Changes – Atwood Ave. – Park Ave. – Cranston St.*" clearly identifies this subject area for a change of zone from M-1 to C-2. In this case, the Comprehensive Plan is clear and the proposed zone change request is obligatory on the part of

the City. Councilwoman McFarland stated her support for the change of zone, stating that the current use is not consistent with the M-1 Zone.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Delgado and seconded by Mr. Sylvia, the Commission unanimously voted to adopt the Findings of Fact noted below and recommend *approval* of the proposed zone change.

#### Findings of Fact

The proposed change of zone for AP 11/1, Lots 1862, 1863 & 1864 from M-1 (Restricted Industrial) to C-2 (neighborhood business) is consistent with the City of Cranston's 1992 Comprehensive Plan, Map 2 – 4 for specific zone change recommendations.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Cicerone and Mr. Moran.  
There were no nay votes.

#### **Street Abandonment of a portion of Moon Avenue**

Westerly side of Bald Hill Road

AP 18/3, Lot 846

Attorney Robert Murray, on behalf of property owner, Vasa Hall Association, stated that the Association has the opportunity to purchase the subject site and intend to use the additional square footage for parking.

Lynn Furney, Senior Planner, stated this unpaved portion of Moon Avenue is located on Assessors Plat 18, between lots 846 to the north, and lot 708 to the south and are both owned by the Vasa Music Hall Association. The street is bounded to the west by RI DOT property. Abandonment of this parcel will enable the Association to connect the two parcels that they own.

Anthony Sylvia, Public Works Director, stated that the parking lot must be designed appropriately to roadway standards and be reviewed and approved by the Public Works Department.

#### **Findings of Fact**

1. The paved section of Moon Avenue (approximately a 25' wide section by approximately 140 feet in length) will remain to give access and frontage to three abutting lots to the south of the existing right of way.
2. The strip of land to the south (lot 708) separating the length of the Moon Street right-of-way has been owned by the Vasa Hall since 1969.
3. This 3,760 square foot portion of Moon Avenue to be abandoned does not provide frontage or access to any other lots.
4. A Sanitary Sewer gravity line runs through a portion of the road to be abandoned.

Upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission unanimously voted to adopt the above Findings of Fact and recommend *approval* of the abandonment of Moon Avenue, subject to any easements retained by the City.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Cicerone and Mr. Moran.  
There were no nay votes.

## **Chapel View**

Request for a Minor Alteration to Mixed Planned District  
Final Overall Development Plan and Final Land Development Plan

Mr. Lapolla explained the above referenced ordinance was referred to the Planning Commission for a minor alteration that involves a 700 sq. ft. addition, gross leasable area [GLA] at the northern end of the Chapel Building (Building A-4) with said addition to be used for dining space.

- The addition will increase GLA at the Building A-4 from the approved 4,780 SF to 4,840 SF.
- The additional restaurant space will not exceed the project's land use allocation for restaurant activities. The MPD approval allows for a total of 24,780 SF and with the addition, there will be 17,136 SF of restaurant space.
- The 700 SF addition will not result in an increase in the building density [368,294 SF] on site.
- The addition will result in the loss of approximately four parking spaces in the parking field to the north of Building A-4. However, the site has off street parking in excess of the minimum number of space required though the MPD.
- The addition will not significantly change site circulation or landscaping.

Upon motion made by Mr. Moran and seconded by Mr. Sylvia, the Commission unanimously voted to adopt the Findings of Fact denoted below and **approve** your request for a minor modification to the recorded Mixed-Use Planned District/Final Overall Development Plan; subject to the Conditions of Approval listed below.

### Findings of Fact

1. The proposed change will not alter the land-use mix of the approval nor will it increase the overall density of the project.
2. The proposed change will not change the proposed building locations.
3. The proposed change will result in a minor reorientation of the parking plan that will not decrease the total of off street parking space below that which is required by the MPD approval.
4. The proposed change will result in minor alterations to landscaping and sidewalks.
5. The proposed change [a 700 SF of Build A-4] will not substantially change the character of the approved Mixed-Use Planned District/final Overall Development Plan.

### Conditions of Approval

1. The proposed change shall be reviewed and approved by the Site Plan Review Committee.
2. The Cranston Departments of Public Works, Engineering, Traffic, Building/Zoning and Fire Department approve of the requested modification.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Cicerone and Mr. Moran.

There were no nay votes.

Upon motion made by Mr. Moran and seconded by Mr. Sylvia, the Commission unanimously voted to adopt the Findings of Fact denoted below and **approve** your request for a minor modification to the recorded Final Land Development Plan; subject to the Conditions of Approval listed below.

Findings of Fact

1. The proposed change does not require further approval by any State or Federal reviewing authority.
2. The proposed change will neither effect or create additional lots or dwelling units within the development nor increase the overall density of the project.
3. The proposed change is not contrary to any applicable provision of City of Cranston Zoning Code.
4. The proposed change will not impact abutting property owners.

Conditions of Approval

1. The proposed change shall be reviewed and approved by the Site Plan Review Committee.
2. The Cranston Departments of Public Works, Engineering, Traffic, Building/Zoning and Fire Department approve of the requested modification.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Cicerone and Mr. Moran.  
There were no nay votes.

**SUBDIVISION AND LAND DEVELOPMENT PLANS**

**Glen Hills Drive Minor Subdivision**

Minor Subdivision without street extension - **Preliminary Plan**

Glen Hills Drive and Evans Way

AP 16/1, Lot 1286

Attorney Robert Murray requested that the proposed subdivision request be continued to the August 5, 2008 Planning Commission Meeting as there were only four of the seven Planning Commission members in attendance who could vote on this matter. Planning Commissioner Robert Cicerone recused himself for this application. Mr. Murry stated that it is his preference that the subdivision application be presented to and heard by the entire Commission.

Councilwoman McFarland asked that the City Solicitor research a matter raised by a member of the public in regard to Mr. Murray's representing the neighbors on a separate matter approximately seven years ago. Mr. Sciolto stated that he would research the matter for the August 5, 2008, Planning Commission Meeting.

Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to *continue* this matter to the August 5, 2008, Planning Commission Meeting.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, and Mr. Moran.  
There were no nay votes.

**Lawrence and Elizabeth Moses Minor Subdivision**

Minor Subdivision without street extension – **Preliminary Plan**

Laten Knight Road

AP 29, Lot 2

Mr. Pezzullo requested that this subdivision application be tabled until the sewer design has been approved by Veolia Water and the Public Works Director.

Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to *table* this matter until the September 9, 2008, Planning Commission Meeting.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Cicerone and Mr. Moran.  
There were no nay votes.

**EXTENSION OF TIME**

**Aceto Plat - Preliminary Plan Extension**

Minor Subdivision without street extension

Phenix Avenue

AP 17/2, Lot 1756

As the property owner/applicant has been proactive in addressing the conditions of the Preliminary Plan approval, the Commission took the following action: Upon motion made by Mr. Moran and seconded by Mr. Delgado, the Commission unanimously voted to grant a **one year extension** of the Preliminary Plan approval.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Moran and Mr. Cicerone.  
There were no nay votes.

**PERFORMANCE GUARANTEES**

**Greenfield Commons**

AP 12, Lots 3158, 3166, 3167 and 3234

Pending Performance Guarantee Expiration 8-1-08

Upon motion made by Mr. Delgado and seconded by Mr. Moran; and in accordance with the recommendation of the Public Works Department, the Commission unanimously voted to:

1. Allow extension of the Sovereign Bank Letter of Credit #4973, in the amount of \$56,000, to August 1, 2009, if received prior to July 25, 2008; and to
2. Authorize the City Finance Department to withdraw the applicable funds should an extension not be received by July 25, 2008.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Cicerone and Mr. Moran.  
There were no nay votes.

**Scituate Farms**

Pending Performance Guarantee Expiration 8-2-08

Upon motion made by Mr. Sylvia and seconded by Mr. Delgado; and in accordance with the recommendation of the Public Works Department, the Commission unanimously voted to:

1. Allow extension of the Sovereign Bank Letter of Credit #4749, in the amount of \$66,000, to August 1, 2009, if received prior to July 25, 2008; and to
2. Authorize the City Finance Department to withdraw the applicable funds should an extension not be received by July 25, 2008.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Cicerone and Mr. Moran.  
There were no nay votes.

### **Jenny Estates**

#### **Performance Guarantee Release Request**

Upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission unanimously voted to *table* this matter for one month as we have not yet received verification from the Public Works Department/Engineering Division for release of Citizens Bank Letter of Credit #S902687, in the amount of \$34,000.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Cicerone and Mr. Moran.  
There were no nay votes.

### **ZONING BOARD OF REVIEW ITEMS**

**BRIAN HANLEY 106 MASSASOIT AVENUE CRANSTON RI 02905 (OWN/APP)** has filed an application for permission to build a 12' X 34'+/- one story sunroom addition and a 10' X 43'+/- front porch to an existing legal non-conforming single family dwelling with restricted front and rear yard setback at **106 Massasoit Avenue**. AP 2, Lot 2134, area 7604 +/- SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.020 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 use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as Residential.
2. The proposal is for a 10' front yard setback for the covered porch where a 25' setback is required by the zoning ordinance. Of the 20 residential buildings that front on Massasoit Avenue that are located within the 400' zoning notification radius, only 3 (15%) have a setbacks that range between 8.2' and 10 ft. (The analysis was done using the City's GIS).
3. The abutting house on lot #2393 has a front yard setback of 13'.
4. The proposed steps for the proposed new porch will be located 4.5' from the front property line.
5. However, the average setback of the remaining 17 dwellings is 16.3' (the applicant's existing front setback is 16.7' which conforms with the average setback for the street.).
6. The median setback on the street is 13'. None of the buildings on the street have conforming setbacks.
7. The existing rear yard setback is shown as 7.5' on the survey plan. The proposed rear yard setback will be 6.4'. The zoning code calls for a 20' rear yard setback. The irregular shape of the lot that ranges in depth from 33.96' to 59.91' attributes to the reduced, existing and proposed, rear yard setback.

**Recommendation:** Upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission unanimously voted to recommend **approval** with the following conditions:

1. Reduce the width of the front porch by 3 feet, thereby conforming with the 13' median front yard setback of the other dwellings on the street.
2. Construct the steps to enter the right side of the front porch, thereby maintaining the 13' front yard setback of the new porch.

Aye votes: Councilwoman McFarland, Mr. Delgado, Mr. Sylvia, Mr. Moran and Mr. Cicerone. There were no nay votes.

**SANTURRI REALTY INC 1152 PARK AVENUR CRANSTON RI 02920 (OWN) AND ICON IDENTITY SOLUTIONS 1418 ELMHURST ROAD ELK GROVE IL 60007 (APP) AND CVS PHARMACY # 2021 205 ATWOOD AVENUE CRANSTON RI 02920 (LESSEE)** have filed an application for permission to have additional signage than that allowed by ordinance including an electronic message board at **205 Atwood Avenue**. AP 12/4, Lot 2752, 3229,3227, 3226, 3228, 2746, 2745, 2744, 2743, 2742, 2741, 2740, 2739, 2738, 2737, 2755, 2804, 2756, area 97,853 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 B, G & P 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 C-4 zone that is listed in the application is incorrect. The parcel is located in a C-2 and B-1 zone.
2. The existing pharmacy use is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as Commercial and Services.
3. The zoning ordinance permits freestanding signs with a maximum area of 25 sq. ft. in a C-2 zone. The proposed new EMU sign is 56.06 sq. ft., which is 124% larger than what is permitted by ordinance. Therefore, the proposed sign will alter the general character of the surrounding area and impair the intent and purpose of the Zoning Code.
4. The existing white faced sign is 44.92 sq. ft. which is larger than the 25 sq. ft. of signage permitted in a C-2 Zone.
5. The Zoning Variance given in August 1994, did not include a variance for increased signage.

Recommendation: The Planning Commission is forwarding this application with ***no recommendation.***

The staff's original recommendation was for denial, however, the Commission did not accept the staff's recommendation but instead a motion was made and seconded to recommend approval for this application. The motion did not carry as the necessary 4 affirmative votes of the Commission could not be reached to approve the motion.

Aye votes: Councilwoman McFarland, Mr. Delgado and Mr. Sylvia. Nay votes: Mr. Moran and Mr. Cicerone.

Note: The staff notes that a precedent could be set for other commercials uses in the area to take the opportunity to request EMUs for their signs (there is a Rite Aide Pharmacy across the street) if this variance request is granted.

**CHARLES & BETTY WEDDERBURN 22 CHICORY LANE CRANSTON RI 02921 (OWN/APP)** have filed an application for special permit use to build a 38' X 36' handicap assessable family accessory apartment at **22 Chicory Lane**. AP 25, Lot 527, area 20,000 +/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 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 use is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map, which designates the subject parcel as Residential.
2. The proposed accessory family apartment does not meet any of the specific performance standards listed in the zoning code that must be met for a special use permit:
  - a. By ordinance, the accessory family apartment shall not exceed 600 sq. ft. in gross floor area; the proposed 38’ x 36’ apartment addition contains 1,387 sq. ft., which is 131% larger than what is permitted.
  - b. By ordinance, the total floor space devoted to an accessory family apartment shall not exceed 25% of the primary dwelling, which is currently a two story colonial with a total of 1,620 sq. ft. of living space. Without the addition, that space is 405 sq. ft. With the addition, the 25% exceeds the maximum of 600 sq. ft. by 152 sq. ft.
  - c. The zoning ordinance states “The dwelling containing an accessory family apartment shall retain the appearance of a single-family dwelling with no major structural alterations to the exterior. The accessory family apartment shall have no additional external entrance that faces a street.” The proposed in-law is a large addition that has a new front door that faces the street.
  - d. Since there are no public sewers at this location, the zoning ordinance states that adequate provisions for sewage disposal must be made, including evidence that the on-site septic system is designed to accommodate the additional sewage flow. It is not known whether the applicant has an approval from the DEM ISDS division, in order to comply with this zoning requirement.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to recommend **denial** for the following reasons:

1. The addition actually converts the house into a two family with its own front door, as the large 1,387 sq. ft. addition for new living space does not meet any of the specific requirements for a 600 sq. ft. accessory family apartment.
2. No approval has been received from DEM, ISDS division for the additional bedroom.

Aye votes: Councilwoman McFarland, Mr. Delgado, Mr. Sylvia, Mr. Moran and Mr. Cicerone. There were no nay votes.

**SALCICCIO INC 11 LAUREN COURT CRANSTON RI 02921 (OWN) AND UMBERTO SORBO 11 LAUREN COURT CRANSTON RI 02921 (APP)** have filed an application for permission to expand an existing restaurant with restricted rear yard setback and off street parking at **505 Atwood Ave.** AP 12, Lot 3114, area 20,130 +/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.64.010 Off Street Parking, 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 use is consistent with the City of Cranston Comprehensive Plan’s Future Land Use Map, which designates the subject parcel as Commercial and Services.



2. The application is to acquire 2,085 sq. ft. from the abutting commercial business (Pittsburgh Paints) and convert the area into a lounge area for the existing restaurant.
3. The title page of the plans submitted states “The proposed lounge expansion will only operate while the adjacent tenant (Pittsburgh Paints) and the adjacent building (Dr. David Carpenter’s practice) are closed. These hours of operation for the expansion shall be:
  - i. Monday – Friday 6:00 pm – 1:00 am
  - ii. Saturday – 3:00 pm to 1:00 am
  - iii. Sunday - unrestricted”
4. The plans submitted shows the proposed lounge will contain 56 seats, and the restaurant will have 65 seats, for a total of 121 seats, which requires 41 parking spaces total.
5. The remaining paint store will contain 2,496 sq. ft., requiring 9 parking spaces. For a total of 50 parking spaces required. The parcel provides 39 spaces – a total shortage of 11 spaces. However, the 19 parking spaces required for the lounge won’t be needed until the evening hours, when the retail businesses are closed.
6. An agreement has been reached with the adjacent building owner, Carpenter Realty, LLC., allowing patrons of Sharx to park at the adjacent building while that building is closed.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission unanimously voted to recommend **approval** as the parking requirement during the day (prior to 6:00 pm) for both business, 22 for the restaurant (65 seats), and 9 spaces for the retail use (paint store) is a total of 31, where 39 spaces are provided on site.

Aye votes: Councilwoman McFarland, Mr. Delgado, Mr. Sylvia, Mr. Moran and Mr. Cicerone. There were no nay votes.

**1195 OAKLAWN REALTY LLC 1150 NEW LONDON AVENUE CRANSTON RI 02920 (OWN) AND ICON IDENTITY SOLUTIONS 1418 ELMHURST ROAD ELK GROVE ILLINOIS 60007 (APPLICANT) AND CVS PHARMACY #1414 1195 OAKLAWN AVENUE CRANSTON RI 02920 (LESSEE)** have filed an application for permission to have additional signage than that allowed by ordinance including an electronic message board at **1195 Oaklawn Avenue**. AP 18/3, Lot 4, area 113693 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 B, G & P 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 height of the existing freestanding (monument) sign is 15 feet. The height conforms, and will not change.
2. Within the 400’ zoning radius is another drugstore (Walgreens) that was approved by the Site Plan Review Committee on 4/5/06 without a sign variance.
3. This CVS received Site Plan Review approval for the project on August 23, 2006. No deviation from the zoning requirements for signage was proposed. In fact, the proposed signage was 228 sq. ft., which is less than the zoning code’s maximum allowed total signage area of 300 sq. ft. The signage plan submitted and approved illustrated a 15 ft. high, 2-sided, freestanding sign with 22.27 sq. ft. of signage for each side. No electronic message board was shown on that sign.
4. The existing 2-sided freestanding (monument) sign is 45.55 sq. ft., which conforms to the Zoning Code’s maximum allowed 50 sq. ft. for freestanding signs. The proposed 2’-7” x 7’-

10" electronic message board will add 40.5 sq. ft. of signage to the existing sign. This is an area increase of 89%.

5. The Petitioner's written statement in support of the request for variance submitted as part of the application, states "An EMU increases retail traffic, allows for goodwill messaging, and, can show community support via broadcast of Amber alerts/emergency messaging, etc." An increase in retail traffic would be beneficial to the applicant, as the end result would satisfy the desire of the applicant to realize greater financial gain, which contradicts any qualifying reason for a variance request.

**Recommendation:** The Planning Commission is forwarding this application with **no recommendation**.

The staff's original recommendation was for denial, however, the Commission did not accept the staff's recommendation but instead a motion was made and seconded to recommend approval for this application. The motion did not carry as the necessary 4 affirmative votes of the Commission could not be reached to approve the motion.

Aye votes: Councilwoman McFarland, Mr. Delgado and Mr. Sylvia. Nay votes: Mr. Moran and Mr. Cicerone.

Note: The application for increased signage does not conform with the Site Plan Review's approval of June 20, 2007. Any change in signage must be submitted to the Site Plan Review Committee as an amendment to the final approved plan on file.

**J LAWRENCE BRILLON 10 WORTHINGTON ROAD CRANSTON RI 02920 (OWN) AND TRACY SISSON 1710 PHENIX AVE CRANSTON RI 02921 (APP)** have filed an application for permission to operate an indoor party facility for children at **10 Worthington Road**. AP 10/4, Lot 770, area 99012 +/- SF, zoned M-2. Applicant seeks relief from Sections; 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 is incorrect in the application. The correct lot number is #773.
2. The application's "commercial and services" use is inconsistent with the City of Cranston 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. The Economic Development Element of the Cranston's Comprehensive Plan, on page 105, entitled *Strengthening and Preserving Existing Industrial Districts*, states: "...there is a danger that commercial and service development will erode an important job-creating resource for the City if they are allowed to occur in industrial zones."
5. The Land Use Element of the Comprehensive Plan states on page 26: "Commercial development should be restricted in industrial districts in order to maintain the existing industrial base and provide for future expansion."
6. Land Use Policy LU-4.3 on page 26 of the Comprehensive Plan states "Discourage infiltration of commercial and retail activities into industrial zones..."
7. Economic Development Policy ED-3.1 states "Strengthen use standards for industrially zoned land to prevent the erosion of the City's supply of land suitable for manufacturing."

8. The proposed children's party facility will occupy (alter) 5 out of the 10 units located within a new industrial condominium building. The party facility will encompass 7,500 sq. ft. of the 15,000 sq. ft. building.
9. Using the parking standard for commercial service establishments, 38 parking spaces would be required for the use. However, using the parking standard for dance halls, as 4920 sq. ft. will be used for 2 private party rooms and 2 activity areas, (1 space for every 25 sq. ft. of dance floor area), the required parking is over 150 spaces.
10. The site plan submitted provides 31 parking spaces total which must be shared by the remaining industrial condominiums within the building.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to recommend **denial**, as detailed in the above findings of fact, and for the following reasons:

1. The request for a Party facility for children in an industrial area is inconsistent with the Policies and Future Land Use Map of the City of Cranston Comprehensive Plan.
2. The proposal to locate a commercial service consisting of a children's party facility will alter the general character of the industrial area and impair the intent or purpose of the Zoning Code.

Aye votes: Councilwoman McFarland, Mr. Delgado, Mr. Sylvia, Mr. Moran and Mr. Cicerone.  
There were no nay votes.

**COMPREHENSIVE PLAN UPDATE – Meeting Dates: 7/16, 7/23, 7/30, 8/6, 8/13, 8/20**

Mr. Lapolla reiterated the Comprehensive Plan update meeting dates, listed above. The meetings will be held at the Cranston Senior Center, 1070 Cranston Street, from 6-8 p.m., and will be posted as a Planning Department Workshop/Planning Commission Meeting.

**MISCELLANEOUS**

In regard to the matter of the Phenix Terrace Comprehensive Permit, E.A. Fish, the developer, has offered to incur the cost of peer review of their school impact and traffic reports. When these reviews are complete, the matter will be placed on the agenda.

In regard to the matter of the Planning Commission accepting expert witnesses, Mr. Sylvia suggested the Commission adopt a procedure for credentials verification; i.e., a resume.

**NEXT REGULAR MEETING**

Tuesday, August 5, 2008 at 7 p.m. in the City Council Chamber

**ADJOURNMENT**

Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to adjourn at 10 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary

