

MINUTES

June 5, 2007

Chairman Petit called the Planning Commission Meeting to order at 7:25 p.m. at the Cranston High School West Auditorium. He announced that 'The Centre at Garden Hills' Master Plan proposal has been continued, at the request of the applicant, and public comment would not be taken on this matter. The applicant's attorney, Elizabeth Noonan, representing Churchill & Banks, then formally requested the matter be continued to the Planning Commission's August 7, 2007, meeting. Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *continue* this matter to the August 7, 2007 Planning Commission Meeting; to be held at the Cranston High School East Auditorium.

The following Commission members were in attendance:

Paul M. Petit, Chairman
Councilwoman Paula McFarland, Vice Chair (7:55 p.m.)
Corsino Delgado, Finance Director
Charles Rossi
Stephen Devine

Also present were:

Peter Lapolla, Planning Director
Jason Pezzullo, Principal Planner
Lynn Furney, Senior Planner
Aubrey Lombardo, Assistant City Solicitor
Vito Sciolto, City Solicitor (8:50 p.m.)
J. Resnick, Senior Clerk

The following members of the public attended:

Ralph Cataldo
John DiBona

Joseph Lombardo
Robert D. Murray

Marie Sweet
several members of the public

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to *approve* the minutes of the May 1, 2007 Planning Commission Meeting.

ORDINANCES

Ordinance #4-07-7 - Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 340 Scituate Ave.) Subject property is located on the southerly side of Scituate Avenue between Amy Drive and Phenix Avenue, on Assessor's Plat 20/2, Lot 2121. The requested amendment involves a change of Zone from A-20 to B-2.

Attorney John DiBona, representing the applicant, Mr. Gary Tantimonaco, gave a brief explanation of the history of the proposal, stating that in June, 2006, the Planning Commission

submitted a recommendation of approval to the Ordinance Committee on this proposal. However, the Ordinance Committee subsequently tabled the proposal as subdivision approval was required. In April, 2007, the Commission granted Preliminary Plan approval for this townhouse condominium development entitled 'Scituate Crossing'.

No public testimony was offered on this proposal.

Upon motion made by Mr. Devine and seconded by Mr. Rossi, the Commission unanimously voted to adopt the Findings of Fact denoted below and forward them to the Ordinance Committee with a recommendation of *approval* on Ordinance 4-07-7.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi and Mr. Delgado. There were no nay votes.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Phenix Terrace "Formerly 150 Unit Apartments-Natick/Phenix" Master Plan

Major Subdivision with street extension
Natick/Phenix Avenue
AP 19/1, Lot 3

Attorney John DiBona, representing the applicant, Anthony Delbonis, President, Delbonis Sand and Gravel Company, 950 Phenix Avenue, explained the proposal to construct 150 condominium units; the original proposal was for 150 apartments. He stated that the matter was continued from the May 1, 2007 meeting in order to allow sufficient time for the developer to meet with the Planning Department to consider developing the project as a "village center", with a mix of office, retail and residential space. He explained that at that meeting the Planning Department staff asked that the developer consider some percentage of the project for affordable housing units.

Mr. DiBona went on to explain that an application is pending before the City Council that would allow a change of zone from A-12 to C-2, which would permit multi-family, office and neighborhood business use. An amendment to the Comprehensive Plan is also pending, seeking a Commercial and Services designation from the properties current zoning designation allowing residential use, one to four units per acre. The project, as proposed, will also require a zoning variance for the proposed 65' height. The developer has proposed to retain the vegetation that exists in front of the parcel.

In regard to the original proposal of one large septic system, the developer has revised the plan and is now proposing three separate septic systems or possibly extension to the City sewer system approximately ½ mile away. He stated that there is negligible difference in traffic with the current condominium proposal vs. apartment development; reiterating that a traffic signal will be installed at the Phenix/Natick Avenues intersection. In closing, he stated that the RIDEM has requested additional information and is continuing their review of the project.

Mr. Joseph Lombardo, project planner, cited a report submitted last month regarding the proposed zone change, which is a component of the "village center" concept. He submitted a Fiscal Report to the Commission, which is contained in the minutes stored in the Planning Department.

Discussion ensued regarding the feasibility of setting aside a percentage of permanently maintained affordable housing units. The Planning Department staff recommended 25-40% of the total housing units to be maintained as permanent affordable housing units. By doing so, the applicant would then have legitimate justification as to why a much higher density than allowed by zoning could be entertained by the Planning Commission.

Councilwoman McFarland stated that she is “supportive of affordable housing” that would give homeowners on the other side of the City an opportunity to move to what is considered “the beginning of the western side of the City and would support a proposal of 25% of the proposal to be set aside for permanent affordable housing units. She also stated that the proposed 4-way light should not be funded by impact fees but rather by the developer.

Mr. Devine questioned the proposed drainage and outfall and asked about a “pedestrian connection” to the ice rink. The developer, Mr. Ralph Cataldo, stated that an underground system is proposed for drainage and that a pedestrian walkway can be installed.

Marie Sweet, Conservation Commission Chairwoman, requested a landscape design plan to which the developer was amenable. She also asked that consideration be given to the development’s mandatory participation in the City’s recycling program.

Mr. DiBona, after conferring with his client, stated that the developer is amenable to 25% of the units to be used as permanently maintained affordable housing units and a Comprehensive Permit that would exempt the project from the 35 ft. height limitation. It was also determined that the proposed mixed use is permitted in a Comprehensive Permit.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Master Plan proposal subject to the following conditions.

Findings of Fact

Staff has reviewed this Master Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston’s Subdivision and Land Development Regulations and finds as follows:

1. An orderly, thorough and expeditious technical review of this Master Plan has been conducted. The abutters within 100’ have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for the public hearing was published in the April 25, 2007 edition of the Cranston Herald.
2. The proposed development will have permanent physical access to Phenix Avenue, an improved public street within the City of Cranston.

Premature Findings

3. The proposed land development will not result in the creation of an individual lot with such physical constraints to development that building on this lot according to pertinent regulations and building standards would be impracticable.
4. The design and location of streets, building lots, utilities, drainage improvements and other improvements conform to local regulations for mitigation of flooding and soil erosion.
5. The proposed land development provides for safe and adequate local circulation of pedestrian and vehicular traffic.

Negative Findings

6. The proposed development and the resulting density of 10.08 residential units per acre is inconsistent with the City of Cranston Comprehensive Plan’s Future Land Use Map which designates the subject parcel as “Residential, allowing 1-4 units per acre”.
7. The proposed multi-family development of 150 apartments does not comply with the standards and provisions of the A-12 single-family zoning designation as part of the City of Cranston Zoning Code.

8. It is unknown if significant negative environmental impacts will result from the proposed development as shown on the Master Plan since the applicant has not yet provided a RIDEM verified wetlands edge or information as to the viability/feasibility of the proposed bottomless sand filter ISDS systems.
9. Natural wetlands have been identified on site but the not been verified by the RIDEM at this time. Significant cultural or historic features contributing to the attractiveness of the community have not yet been identified on site.
10. It is unknown if the proposed development will be well integrated with the surrounding neighborhood, and reflect its general characteristics.

Conditions of Approval

The following conditions shall apply to this Master Plan approval, in addition to other applicable state and local requirements:

1. The proposal shall set aside a minimum of 25% of the total 150 proposed condominium units as *permanently* maintained affordable housing as defined by State Law.
2. The applicant shall submit an Affordable Housing *Comprehensive Permit* to the Planning Commission addressing the following concerns raised by staff during the Master Plan stage of Review:
 - a. The Comprehensive Permit application shall include all applicable wetlands alteration permits from the RIDEM prior to appearing before the Planning Commission.
 - b. The Comprehensive Permit shall include a hydrant map per the Cranston Fire Departments request.
 - c. The Comprehensive Permit application to the Planning Department shall include an approved sewer design from Veolia Water, or approval of the three 50-unit ISDS systems from the RIDEM.
 - d. The Comprehensive Permit shall include a detailed landscaping plan as requested by the Conservation Commission.
 - e. Consideration shall be given to encourage waste recycling within this housing complex.
 - f. Coordinate with the City’s Traffic Engineer as to the proper optimization of the traffic signal to be located at the entrance of the property.
 - g. The applicant shall coordinate with the City of Cranston to determine the most appropriate location for an access to the abutting City land.
 - h. The proposed stormwater management shall be approved by the Public Works/Engineering Division prior to consideration of the Comprehensive Permit.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

Phenix Avenue Minor Subdivision – Preliminary Plan

Minor Subdivision with no street extension

Phenix Avenue

AP 17/2, Lot 1756

Chairman Petit announced that this application would be *continued* at the applicant’s request and apologized to those members of the public that had been waiting for this matter to be heard. Attorney Robert Murray stated that he expects to move forward with this application in July.

Rosaki Minor Subdivision– Preliminary Plan

Minor Subdivision with no street extension
1200 Pippin Orchard Road
AP 28, Lot 55

Attorney Robert Murray, representing property owners/applicants Arthur and Kelen Rosaki, explained the proposal to subdivide the 11.52 acre parcel, zoned A-80, and create one additional 5.72 acre frontage lot for development. Currently utilities for Orchard Valley, Phase 5, are being brought through the Rosaki property, therefore, if Veolia Water allows, the property will be serviced by public water and sewer. The newly created lot will be accessed through the Rosaki's driveway, where an existing National Grid easement is located at the driveway entrance. Mr. Murray stated that a verified wetland edge has been received from RIDEM. In closing, Mr. Murray requested that the Final Plan be handled administratively.

No public testimony was offered on this matter.

Mr. Pezzullo stated that this minor subdivision is slightly atypical because neither of the homes is accessed directly from the frontage found on Pippin Orchard Road. Instead, the construction of the existing house utilizes an access easement through AP 28, Lot 44 as well as an easement through the Narragansett Electric power lines for a driveway which then leads to this home site. The proposed additional house lot does not change this configuration but rather utilizes the existing right-of-way and driveway for the development of the second home site. There are no public improvements or alterations that will result from the subdivision of this second lot. No waivers have been requested.

However, when the applicant submits the Final Plan set to planning staff for review, the applicant must submit recent documentation for the proposed crossing of the following:

- The 250' Narragansett Electric Easement including the area of AP 28, Lot 44.
- The 35' Natural Gas Pipeline Easement
- The 10' Permanent Sewer Easement

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to adopt the following Findings of Fact and *approve* this Minor Subdivision Preliminary Plan subject to the following conditions:

Findings of Fact

Staff has reviewed this Preliminary Plan application for conformance with the required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on May 25, 2007 and the meeting agenda has been properly posted. Advertisement for this public informational meeting is not required since no street extension is proposed.
2. The proposed subdivision and its resulting density is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing less than 1 residential units per acre.

3. The proposal is consistent with the Cranston Zoning Ordinance which has designated this area as A-80 and will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access to Pippin Orchard Road, an improved public roadway located within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of driveways, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

The following conditions shall apply to this Preliminary Plan approval, in addition to other applicable state and local requirements:

1. Provide current easement documentation for the crossing of the 250' Narragansett Electric Easement which includes AP 28, Lot 44.
2. Provide a Municipal Lien Certificate certifying that all taxes are currently up to date.
3. Payment of the outstanding notification fees associated with the Preliminary Plan application in the amount of \$4.51.
4. Provide documentation from Veolia Water confirming final approval of the sewer design.
5. Provide a draft easement agreement for the owner of Lot A to cross over the Lot B.
6. Final Plan approval shall be handled administratively.
7. Payment of Western Cranston Capital Facilities Impact Fees of \$1,389.50 at the time of Final plat recording.
8. Payment of Western Cranston Water District Impact Fee of \$1,352.00 at the time of Final Plat Recording.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Delgado and Councilwoman McFarland.
There were no nay votes.

Equestrian Estates “Formerly Moses Plat” – Master Plan
Major Residential Planned Development with street extension
Laten Knight Road
AP 28, Lot 11

Chairman Petit announced that the Equestrian Estates Master Plan hearing would be *continued* to the July 10, 2007 Planning Commission Meeting at Cranston City Hall.

PERFORMANCE GUARANTEES

Orchard Meadows

Bond Expiration

Mr. Pezzullo explained that six months ago the applicant requested and received a six month extension of the existing Bristol County LOC #215 in the amount of \$164,000. At that time the applicant assumed the required public improvements would be complete by this time. However, communication with the Engineering Division confirms that the planned improvements have not been completed.

Upon motion made by Councilwoman McFarland and seconded by Mr. Devine, the Commission unanimously voted to *extend* the above referenced LOC#215 for an additional six months, to December 6, 2007, if received prior to June 22, 2007 and to *authorize* the City Finance Department to withdraw the applicable funds should an extension not be received by June 22, 2007; in accordance with the City Engineering Division's recommendation.

Voting Aye: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Delgado and Councilwoman McFarland. There were no nay votes.

Birchwood Estates

Request for Bond Reduction

Mr. Pezzullo explained that correspondence dated 5/21/07 was received by the Planning Department requesting release of existing Hartford ITT Bond #02BCSAA8195 in the amount of \$135,250. However, the Engineering Division recommended that the current surety being held for this project cover the proposed improvements associated with the installation of a sewer force main that will service the two lots located on Rose Bush Circle to the Wildflower Estates Subdivision.

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to *transfer* existing Hartford ITT Bond #02BCSAA8195, in its entirety, to the completion of the remaining sewer work on Rose Bush Circle to the satisfaction of the Public Works Department; subject to the following:

- 1.) Receipt by the Public Works/Engineering Division of the approved as-built drawings. The Office currently has a preliminary submission for review and is currently coordinating with the developer to complete this item.
- 2.) The current performance bond being held by the City be TRANSFERRED for the use as stated above and be verified that it is still an active and valid means of surety;
- 3.) Installation of the proposed sewer system and conformance to the approved plans by Veolia Water and per the Department of Public Works letter dated 11/13/06 by Marco Schiappa. Due to the road being a newly completed roadway surface, final pavement improvements shall include a curb to curb overlay with six foot wide gutter-line grinding per City of Cranston standards. Also a construction schedule for said improvements be submitted to this Office for approval with the anticipation of said work to be completed as soon as practical to ensure the residents of Birchwood Estates do not endure unnecessary delays involving this matter.

Voting Aye: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Delgado and Councilwoman McFarland.
There were no nay votes.

Rossi Subdivision

Request for Bond Reduction

Mr. Pezzullo explained that on May 10, 2007, correspondence was received by the Planning Department stating that the public improvements associated with this project had been completed and the applicant was requesting a reduction in the Performance Guarantee amount required. The property owner had elected to use an existing water supply well located on Lot 2, thereby precluding the need for extending the water main to that lot.

Upon motion made by Mr. Devine and seconded by Mr. Rossi, the Commission unanimously voted to *reduce* the Performance Guarantee amount required to \$9,600, in accordance with the Engineering Division's recommendation.

Voting Aye: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Delgado and Councilwoman McFarland.
There were no nay votes.

ZONING BOARD OF REVIEW ITEMS

JANET AND FRANK SPINELLI 110 ALLEN AVENUE CRANSTON, RI 02910 (OWN/APP)

have filed an application for permission to convert an existing single-family dwelling into a 2-family dwelling with restricted front and corner side yard setback at **110 Allen Avenue**. AP 5/3 Lot 957, area 8544 +/- SF, zoned A-6. Applicant seeks relief from Sections; 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 application's proposed density of 10.2 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 more than 8 residential units per acre".
2. The total number of residential units within the 400' radius, including the single, two and multi-family dwellings, is 86 (70 single-family, 8 two-family, and no three-family dwellings). The average density of these units is one per 6,525.5 square feet of lot area. Therefore, the applicant's proposal is denser (1 unit per 4,272 sq. ft.) than the existing residential development density in the surrounding neighborhood.
3. However, the average lot size of other two-family dwellings within the 400' ZBR notification radius is 7,680 sq. feet, whereas the size of the subject parcel is 8,544 sq. ft. Therefore, the application's area is larger than the average area for the two family dwellings in the surrounding neighborhood.
4. The average per unit density for the area's 2 family dwellings is 3,840 sq. ft. The applicant's proposal is less dense (1 unit per 4,272 sq. ft.) than the existing 2 family development in the surrounding neighborhood.
5. Therefore, in comparing density, the proposal to construct a 2-family on an undersized lot will not alter the general character of the surrounding area.

6. However, the proposed 12' x 26' two story addition, will encroach into both corner front yard setback areas, leaving a corner front yard setback of only 10.2' from the Hans Street property line, and 14.9' from the Allen Avenue property line. The City's GIS shows that of the 20 other corner lots within the 400' radius, only 2 have similar restricted front yard setbacks. Therefore, the proposed addition will alter the general visual character of the neighborhood, and impair the intent or purpose of the Cranston Zoning Code.
7. Four different parking plans were submitted with the application, none of which complies with the Zoning Code requirements. All four plans utilize the city's sidewalk right of way for their parking area, and depict 4 parking spaces that require vehicles to back out into Hans Street and Allen Avenue.

Recommendation:

At the applicant's request to continue the application until the July meeting, a motion was made by Mr. Rossi and seconded by Mr. Delgado and unanimously voted by the Commission, to *continue* this application to the July 10, 2007 Planning Commission Meeting, in order to allow the applicant sufficient time to meet with the Planning Department and Traffic Engineer to revise their plans.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

DEBORAH ANN AND LAWRENCE THOMAS BYRNE 965 BANNOCK COURT CONCORD CA 94518 (OWN/APP) have filed an application for permission to leave an existing legal non-conforming single family dwelling with restricted frontage, front and side yard setback on an undersized [lot 2295] and build a new 26' X 32' cape style home on the abutting [lot 2293] at **17 Hampshire Road**. AP 5/4 Lots 2295 & 2293, area 11,459 +/- SF, zoned A-6. 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 application's proposed density of 7.6 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 more than 8 residential units per acre".
2. The average single family density of the lots easterly of Pontiac Avenue and within the 400' zoning notification radius is one unit per 6,135 square feet of lot area, which exceeds the minimum lot area required in an A-6 zone. The applicant's overall proposal is denser (1 unit per 5,729.5 sq. ft.) than the existing residential development density in the surrounding neighborhood.
3. Taken separately, the proposed new single family will be constructed on an existing 7,182 sq. ft. lot, which exceeds the minimum required lot area by 1,182 sq. ft., and the existing single family will remain on an existing 4,277 s. ft. lot., which is 1,723 sq. ft. smaller than the required 6,000 sq. ft. lot area.
4. However, of the 59 single family dwellings within the entire 400' radius, 37 or 61 % are on lots that are smaller than the required 6,000 sq. ft. minimum, therefore, the application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.

Recommendation:

Upon motion made by Mr. Devine and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* with the following condition:

1. 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.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

GREEN BLANKY LLC 699 PARK AVENUE CRANSTON RI 02910 (OWN) AND JASON AND LYNSEY COLGAN 117 WOODBINE STREET CRANSTON RI 02910 (APP) AND A SAFER START CHILD UNIVERSITY 699 PARK AVENUE CRANSTON RI 02910 (LESSEE) have filed an application for permission to build a new daycare facility with restricted corner visibility at **699 Park Avenue**. AP 6/1 Lots 3340, area 13,648 +/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.100 (A) Corner Visibility.

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 application is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel for Commercial and Services.
2. The building has front yard setbacks of 2' from the Woodbine Street property line, and 2'-6" from the Park Avenue property line. A zero front and side yard setback is allowed in a C-3 zone.
3. The southeasterly corner of the building is cut back a distance of 14.4' from the Park Avenue property line, and 13.5' from the Woodbine Street property line. The Zoning Code requires a corner visibility setback of 30' from the intersecting street lines. However, there is a 30' visibility setback distance as measured from the intersecting curb line of both streets.
4. Analysis using the City's GIS shows that there is a large commercial building on the opposite corner of the same block along Park Avenue. That building has a zero lot line setback from the corner.
5. Four additional buildings along Park Avenue (within 2 blocks of the applicant's property) have zero corner setbacks. The proposed building's corner setback exceeds the corner setbacks of the existing buildings in the surrounding area, and therefore, is more conforming than the other buildings in the neighborhood.
6. The project has received Final Site Plan Review Approval from the SPR Committee, with no concerns from the City Traffic Engineer.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* with the following condition:

1. 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.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

CHERYL L. LEVESQUE 150 BURNSIDE STREET CRANSTON RI 02910 (OWN/APP) has filed an application for permission to convert 1536+/- SF garage portion of an existing legal non-conforming office building into a professional office at **150 Burnside Street**. AP 6/4 Lots 795 & 800, area 15,000 +/- SF, zoned B-1 & C-4. Applicant seeks relief from Sections; 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) In 1976, a Zoning Variance was granted for the office building. In 1995, the property received a Zoning variance to construct a 24' x 26' one story garage addition with storage space.
- 2) The existing 4,428.8 sq. ft., (42.3 ft. x 52.35 ft.) 2 floor office building on the parcel requires 18 parking spaces. There are 14 existing spaces on the site.
- 3) The proposed garage conversion to offices will add 1,569 sq. ft. (24.25' x 64.70') of office space on the property, requiring an additional 7 off street parking spaces, for a total of 21 required off-street parking spaces.
- 4) The proposed new parking layout provides a total of 21 spaces. The parking plan has been approved by the City's Traffic Engineer.
- 5) As the proposal provides 21 parking spaces and will result in a total of 5,997.8 sq. ft. of office space, the application requires a Preliminary Approval from the Site Plan Review Committee, prior to the Zoning Board's consideration of this variance. (Section 17.84.030 of the Zoning Code.
- 6) The application has received Pre-application approval from the SPRC. The approval letter dated May 24, 2007 notes that the following requirements are to be addressed in the Preliminary/Final Submission:
 - a) Indicate on the Site Plan the location of the dumpster and provide details of the enclosure being proposed.
 - b) Locate a secondary access/egress point remote from the main front entrance and not in conflict with any parking spaces.
 - c) Provide a Zoning information block, specifying the City's Code requirements, the proposal's data, and any of the site's Zoning history.
 - d) Include notation on the plan that no additional commercial signage is proposed.
 - e) Show locations of handicapped signs and exterior lighting fixtures.
- 7) The Preliminary/Final Site Plan Review application is scheduled to be heard by the SPRC on June 13, 2007 at 9:00 a.m. Staff review of the submittal confirms that the applicant has complied with the conditions outlined in the Committee's May 24, 2007, Pre-application review, and therefore anticipates that the applicant will in fact have a Preliminary SPR approval prior to the June 13, 6:30 p.m. Zoning Board hearing.

Recommendation:

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

1. 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.
2. Final Approval must be received from the Site Plan Review Committee prior to the issuance of a building permit.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

MESHANTICUT PARK CHURCH 180 OAKLAWN AVENUE CRANSTON RI 02920 (OWN) AND OMNIPOINT COMMUNICATIONS INC A WHOLLY OWNED SUBSIDIARY OF T-MOBILE USA INC 15 COMMERCE SUITE B NORTON MA 02766 (APP) have filed an application for a special permit to install wireless telecommunications facility / antennas within an existing church steeple at **180 Oaklawn Avenue**. AP 11/5, lots 3419, area 1.13+/- acres, zoned A-8. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.130 Schedule of Uses.

This application was reviewed for conformance with Chapter 17.76.010 C.3.I. of the Cranston Zoning Code, entitled *Telecommunications Facilities*, which states *Communication antennas not attached to a communication tower shall be permitted as an accessory use to any commercial, industrial, office, institutional or public utility structure, provided that:*

- i. The antennas are not higher than twenty-five (25) feet above the highest point of the structure;*
- ii. The antennas comply with applicable FCC and FAA regulations; and*
- iii. The antennas comply with all applicable zoning requirements and building codes, with the exception of the restriction pertaining to height limitations.*

Findings of fact:

- 1) The application proposes to install telecommunications antennae within the steeple of an existing church and to construct an equipment area within the second floor attic of the church, and is not for the construction of a new telecommunications tower.
- 2) The application complies with applicable FCC/FAA regulations as well as the City's applicable Zoning requirements.
- 3) The proposal is in accordance with Section 17.76.010.C.3.a. of the Cranston Zoning Code, which states "A reasonable effort shall be made to utilize existing structures for telecommunications antennae." The existing steeple and church attic will house the antennae and equipment.

Recommendation:

Upon motion made by Mr. Delgado and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval*, as the proposal is in accordance with Section 17.76.010.C.3.a. of the Cranston Zoning Code, which states "A reasonable effort shall be made to utilize existing structures for telecommunications antennae." The proposal should, therefore, be permitted as an accessory use since the antennae will be located within the steeple of an existing church.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

GREEN PHILIP AND MARY SACCOCCIO 23 ALDRICH AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to leave an existing legal non-conforming two family dwelling on an undersized parcel [lots 146 & 147] at **23 Aldrich Avenue**. AP 12/5 Lots

146, 147 area 7,376 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard lots of Record.

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 application's proposed density of 9.3 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 more than 8 residential units per acre".
- 2) The average lot size for the 24, two family dwellings within the 400' zoning notification area is 7,508.3 sq. ft. The applicant's lot is only 1.76% smaller than the average two family lot size in the surrounding area; therefore the application will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *approval* with the following condition:

1. 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.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

ARNOLD J RAVO JR 4 COLD BROOK COURT CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a 10' X 32' carport on an existing single family dwelling with restricted side yard setback at **4 Cold Brook Court**. AP 16-2 Lot 1110, area 11216 +/- SF, zoned A-8. 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 application conforms to the Comprehensive Plan's Future Land Use Map, which designates this area as residential.
2. The proposed carport will be ten feet wide, and have a proposed sideyard setback of 2.2 feet, where 5 feet is required by zoning code.
3. Analysis using the city's GIS to view the 35 single family dwellings within the 400' zoning notification radius, showed that none appear to have a restricted side yard setback of less than 4 feet, therefore the proposed 2.2 ft. setback does not conform with the setbacks in the neighborhood.
4. The garage on the abutting lot to the right (east) of the applicant's lot has a side yard setback of 5 feet.

Recommendation:

Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to recommend *denial*, the request for a 2.2' restricted side yard setback does not conform to the general character of the neighborhood, and impairs the intent and purpose of the Zoning Code.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

JAMES J CARDI REALTY MANAGEMENT 410 TRIMTOWN ROAD SCITUATE RI 02857 (OWN) AND CPAA INC D/B/A/ NEO PIZZA 2244 PLAINFIELD PIKE CRANSTON RI 02921 (APP) have filed an application for permission to expand an existing restaurant with restricted off street parking at **2244 Plainfield Pike**. AP 36 Lot 6, area 31798 +/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Uses, 17.64.010 Off-Street parking.

This application was reviewed for conformance with Chapter 17.92.020 A.1.c.of the Cranston Zoning Code, entitled Special Use Permit, subject to affirmative findings: *Within an industrial district, that the factual evidence has demonstrated that the proposed use will predominantly serve the employees and visitors to the existing industrial uses within the district.*

Findings of Fact:

1. The Comprehensive Plan Future Land Use Map calls for industrial use along this stretch of Plainfield Pike. On July 1, 2003, the Planning Commission recommended denial for a 7,000 sq. ft.. retail building, because of non-compliance with the Comprehensive Plan.
2. On February 11, 2004, the property received a final zoning variance to construct a 7,000 S.F. building for retail and service establishments, with 38 parking spaces. The Site Plan Review Committee approved plans that proposed a 6,000 S.F. building with 30 parking spaces. The applicant's submitted plans show a 6,000 S.F. building with 30 parking spaces.
3. Restaurants are allowed by a Special Use Permit in an M-2 zone. The existing restaurant will add the abutting 1000 sq. ft. of retail space to the existing restaurant use.
4. The 30 parking spaces currently on site, conform to the zoning code requirements for the building's square footage of retail use. The expansion of the restaurant use will require 13 spaces for the proposed 37 seats. The net increase in parking spaces required for the retail and restaurant use is 3 additional, for a total of 33. Seven seats would have to be eliminated from the restaurant in order to conform to the 30 parking spaces currently provided on site.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to recommend *approval* with the following condition:

1. Limit the number of seats in the restaurant to 30, so the required number of parking spaces does not exceed what is currently provided on the site.

Aye votes: Chairman Petit, Mr. Devine, Mr. Rossi, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

ADDITIONAL MATTERS

Comprehensive Plan-Five Year Update

Mr. Lapolla stated that the Planning Department is in the process of reviewing the second draft of the Comprehensive Plan. He explained that the department will be reviewing one element at a

time, starting with the Housing Element. He stated that public meetings will be held in the fall.

Councilwoman McFarland expressed concern that the second draft of the Comprehensive Plan is not available on the City of Cranston web site; stating that she has received several inquires on this. She also requested that a time line be set for review of the various elements. Mr. Lapolla responded; stating that the Planning Department has not yet received a digital copy of the draft Comprehensive Plan from the consultant, The Cecil Group.

Land Development Application Fees

Mr. Lapolla began the discussion on this matter; stating that there is room for growth in the current fee schedule. He stated that it is his opinion that the development community should reimburse the city for the review process. He stated that he will present a proposed fee schedule at the July 10, 2007 Planning Commission meeting.

Discussion ensued regarding possible use of the additional funds generated by fee increases, with Chairman Petit questioning whether the additional funds could be used to add staff to the Planning Department. Mr. Devine questioned whether the additional funds could possibly be used for the next Comprehensive Plan update.

Mr. Lapolla also informed the Commission that the Planning Department will be implementing the following two procedural changes beginning in July: 1) invoices for legal advertisement for public hearings will go directly to the applicant and, 2) the applicant will be responsible for the mailing of public hearing notices to property abutters and will provide a certificate that certifies the completeness and authenticity of the abutters list.

In regard to the matter of the Western Cranston Water District (WCWD) fees for those parcels in the southwestern-most section of the City, the Providence Water Supply Board has determined that the City may set whatever WCWD fee they see fit for those parcels to connect to the water main that exists on Pippin Orchard Road. Mr. Lapolla stated that, at the next meeting, he would like to determine what development could happen if water service is "opened up" in that section of the City.

ADJOURNMENT

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to adjourn at 9:55 p.m.

NEXT MEETING

Tuesday, July 10, 2007 at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary

