

MINUTES

June 5, 2012

Chairman 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
Mark Motte
Gene Nadeau
James Moran

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Moran and seconded by Mr. Smith, the Planning Commission unanimously voted to approve the minutes of the May 1, 2012, Planning Commission Meeting.

PERFORMANCE GUARANTEES

Apple House Estates – Phase 4 Bond Release Request

On April 19, 2012, the Planning Department received correspondence from Attorney Mary Shekarchi requesting release of a passbook. The Planning Commission reviewed the request for release of Passbook Savings Account #449000 64294, in the amount of \$5,000.

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to *release* this passbook in its entirety; in accordance with the Department of Public Works recommendation.

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

Bunn Family Farm Subdivision Bond Reduction Request

Mr. Edward J. and Mrs. Sharon E. Bunn have requested a reduction in their performance guarantee (cash bond) for the construction of their public improvements associated with the above referenced subdivision. Twenty one thousand dollars (\$21,000) was deposited in a restricted account by the Finance Department when the subdivision was recorded on 7/18/2011.

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to *reduce* this amount by \$15,000, leaving a balance of \$6,000; in accordance with the Department of Public Works recommendation.

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

ZONING BOARD OF REVIEW ITEMS

DAVID J STUDLEY 63 EAST MAIN STREET WEST WARWICK RI 02893 (OWN/APP) has filed an application for permission to convert an existing legal non-conforming auto body / auto repair building to professional office use at **45 Hodsell Street**. AP 5/1, lot 526, area 5355+/- SF, zoned B-1. 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 **former** auto body repair use of the property is **inconsistent** with the 2010 Comprehensive Plan Future Land Use Map that designates this area as Single/Two Family Residential; the **application** for professional office use would also be **inconsistent** with the Comprehensive Plan Future Land Use Map. There are 52 residential dwellings within the 400' radius.
2. The former use on the lower level – an auto body repair business - was a grandfathered use. No Zoning variances were granted for the storage units on the first level.
3. The floor plans submitted do not reflect the application's request, for a conversion to office space, but instead shows the upper level (assessable from Hodsell St.) as 7 separate units labeled as 5 storage units, and a unit labeled kitchen and separate unit labeled living room. A photograph of the building shows 7 separate exterior doors.
4. The lower level floor plan shows a labeled office area (13' x 10') in the building, and three separate rooms for storage, and a 49' x 25' garage with over head doors.
5. The site plan submitted shows a different 22' x 25' office space on the lower level, with the 4 car garage, and the upper level storage units, and 5 on-site parking spaces. The site plan and floor plans are contradictory.
6. Section 17.88.040 of the Zoning Code states "A nonconforming use shall not be changed to another nonconforming use; may not thereafter be changed back to a nonconforming use." Discussions with the applicant indicate that the proposed use of the lower level is for a taxi cab business, which will utilize the entire garage, and small office for dispatch.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Motte, the Planning Commission unanimously voted that the application is not consistent with the Comprehensive Plan Future Land Use Map, and the plans submitted do not reflect application's request as stated.

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

AFS PROPERTIES LLC 53 AMFLEX DRIVE CRANSTON RI 02921 (OWN) AND TORY WOODS INVESTMENT LLC 1150 NEW LONDON AVENUE CRANSTON RI 02920 (APP) have filed an application for permission to build a 20,000+/- SF office and construction equipment warehousing building at **Amflex Drive**. AP 36/4 portion of lot 1 and portion of lot 108, area 3.61+/- acres zoned A-20, S-1 and M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 Signs, 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 2010 Comprehensive Plan Future Land Use Map designates this area of the City for Industrial uses; the application is therefore, consistent with the Comprehensive Plan.
2. The proposed new lot received Minor Subdivision Preliminary Approval from the Plan Commission on April 5, 2011, with the condition that the applicant provide a 100' vegetated buffer split evenly between proposed Parcel A and Parcel B.
3. The application received Preliminary Site Plan Review approval on May 22, 2012, which included the requirement for a wider, maintained, undisturbed natural, 200 foot wide, buffer strip along the rear property line, and the relocation of the dumpster from the rear property line to an area closer to the building.
4. The proposed building meets the required yard setbacks for an M-2 zone.

5. The plans submitted show that the building is to be built in 2 phases. The front half of the **Phase 1** building is located in the M-2 zone, and the back half of the building is in the S-1 zone. The **Phase 2** portion of the building is located within the S-1 and A-20 zones.
6. The closest residential dwelling is located over 520' feet away from the rear corner of the Phase 2 building.

Recommendation: Based on the Findings of Fact, upon motion made by Mr. Smith and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the application is consistent with the Industrial designation of this area as shown on the Comprehensive Plan Future Land Use Map.

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

JOHN CRANE INC 6499 WEST OAKTON STREET MORTON GROVE IL 60053 (OWN) AND DONNELLY REAL ESTATE LLC 333 NIANTIC AVENUE PROVIDENCE RI 02907 (APP) have filed an application for permission to use a 10,560+/- SF portion of an existing 56,594+/- SF general industry building for retail sales of specialty garments at **50 Sharpe Drive**. AP 13, lot 59, area 4.67 +/-acres, 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 proposed warehousing use with some retail sales is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of the City as Industrial.
2. The proposed area of the building for retail sales of school uniforms is ancillary to the warehousing and shipping of those items.
3. According to the application, 10,560 sq. ft. of retail use would require 53 parking spaces. The site contains 189 parking spaces.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Moran, the Planning Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the staff finds that the warehousing of specialty garments is consistent with the Comp Plan Future Land Use Map designation of Industrial Uses for this area of the City, and finds that retail sales of those garments is an ancillary use, and will not alter the general character of the surrounding industrial neighborhood, or hinder the intent and purpose of the Zoning Code.

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

ADJOURNMENT

Upon motion made by Mr. Moran and seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 7:50 p.m.

NEXT MEETING July 10, 2012, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary