

June 6, 2006

MINUTES

Chairman William Guglietta called the Planning Commission meeting to order in the City Council Chamber at 7:12 p.m. The following Commission members were in attendance:

William R. Guglietta, Esq., Chairman
Councilwoman Paula McFarland (arrived 8:17 p.m.)
Marco Schiappa, P.E., Public Works Director
Jerome Baron, Finance Director (until 8:30 p.m.)
Stephen Devine
Charles Rossi

Also in attendance were:

Jared L. Rhodes II, Planning Director
Jason M. Pezzullo, Principal Planner
Lynn Furney, Senior Planner
Vito Sciolto, Esq. Asst. City Solicitor
Tracey Shepherd, Stenographer
Joanne Resnick, Clerk

Members of the public in attendance were:

Debbie Hayden
Sindy Paiva
Norman Audino
Steven Labrie
John Gautieri
John DiBona, Esq.

Marion Gannon
Belinda Braga
Vincent DiNofrio
Denise DiPippo
Paula Gautieri

Kevin Dorsey
Paul Sasso
David Sasso
Roberta Simone
Robert D. Murray, Esq.

MINUTES

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to *approve* the minutes of the May 2, 2006 Planning Commission meeting.

ORDINANCE COMMITTEE ITEMS

Ordinance #4-06-11 – Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Schedule of Uses-Concrete)

Mr. Rhodes presented the staff report and explained that the proposed ordinance seeks to amend the City Zoning Code to prohibit the operation of concrete plants in all zoning districts. It is an amendment to an earlier ordinance that was reviewed by the Planning Commission in March, 2006, adopted by the City Council as Ordinance #2006-28 and prohibited the operation of asphalt and cement plants in all zoning districts within the City.

He stated that the staff considered this ordinance in accordance with Section 45-24-52 of the Rhode Island General laws and Section 17.120.030 of the Cranston Zoning Code which stipulates that in reviewing proposed amendments to local zoning ordinances the Planning Commission shall:

1. Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
2. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30.

In concluding the presentation of the Staff Report the Planning Director reviewed the recommended findings of fact and staff notes.

The public was then given an opportunity to speak on this matter however no members of the public came forward to offer testimony.

Chairman Guglietta called attention to the City Solicitor's March 13, 2006 memorandum, citing the Johnson & Wales case law in regard to an outright prohibition of certain allowed uses citywide and expressing concern that such an action, as this ordinance proposes, may be deemed unconstitutional.

Mr. Rhodes mentioned that when the previous ordinance was introduced, the Planning Commission did not have the benefit of the City Solicitor's memorandum; however, the City Council had received the Solicitor's memorandum for consideration prior to rendering a decision of approval of *Ordinance #2006-28*.

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 City Council for consideration along with the following notes:

Findings of Fact

1. Ordinance 4-06-11 is generally consistent with the goals and policies statement, implementation program and all other applicable elements of the Cranston Comprehensive Plan in that the plan does not specifically address whether concrete plants should be allowed or prohibited within the City.
2. Ordinance 4-06-11 is consistent with all of the applicable purposes of zoning as presented in Section 45-24-30 of the Rhode Island General Laws and Section 17.04.010 of the Cranston Zoning Code.
3. Ordinance 4-06-11 is consistent with the Cranston Zoning Code's current prohibition on the operation of asphalt and cement plants within all zoning districts of the City.

Notes

1. Concrete plants are currently allowed only in the City's most intense industrial zoning district (M2).
2. Regulations are in place at both the local and state level to ensure that such uses are environmentally compatible and do not become nuisances to surrounding properties.
3. If adopted, this ordinance will result in an outright prohibition on the ability to locate concrete manufacturing plants within the City.
4. The City Solicitors Office, in correspondence dated March 13, 2006, warns that such prohibitions may be invalid and unconstitutional.

5. The Commission is in receipt of the City Solicitor's memorandum, dated March 13, 2006. The Commission is not passing judgment on the issue of the ordinance's constitutionality and will leave that analysis to the Solicitor's office and the Council.

Aye votes: Chairman Guglietta, Mr. Baron, Mr. Rossi, Mr. Devine and Mr. Schiappa. There were no nay votes.

Ordinance #4-06-16 – Ordinance in amendment of Title 17 of the City of Cranston, 2005, entitled "Zoning" (Change of Zone-20 Phenix Avenue)

Chairman Guglietta stated that on May 22, 2006 the City Council adopted *Ordinance #4-06-15*, authorizing the sale of a parcel of land to United Cerebral Palsy of Rhode Island for the development of eight affordable housing units for persons with physical disabilities at 20 Phenix Avenue (a portion of the former City Highway Garage site). The area is currently zoned C-5 (Heavy Business/Industry) which does not allow residential use, therefore, a change in zoning designation to C-2 (Neighborhood Business) is being sought to allow the residential use by right. In addition, the ordinance requests that the City Council authorize the use of an irregular shaped common lot line with 40.4 ft. of frontage.

The public was then given an opportunity to speak on this matter, however, no members of the public came forward to offer testimony.

Mr. Rhodes presented the staff report. He stated that staff reviewed the above referenced ordinance for conformance with Section 45-23-61 (b) of the Rhode Island General Laws and Section 17.120.030 of the Cranston Zoning Code which stipulates that:

"when an applicant requires both planning board approval and council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the council, and then return to the planning board for subsequent required approval(s)."

In concluding the presentation of the Staff Report the Planning Director reviewed the recommended findings of fact.

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission unanimously voted to adopt the findings of fact documented below and to recommend that the City Council *table* the ordinance until such time that the applicant receives Master Plan approval for the proposed Major Land Development Plan from the Planning Commission.

Findings of Fact

1. The proposed construction of eight residential units in four multi-family structures qualifies as a Major Land Development in accordance with Section IV. A. of the Cranston Subdivision and Land Development Regulations.
2. In accordance with Section 45-23-61 of the Rhode Island General Laws and Section V. G. of the City of Cranston Subdivision Regulations the proposal therefore requires Planning Commission approval for the first stage of development (master plan) prior to obtaining a conditional zone change from the City Council.
3. As of this date the applicant has not received master plan approval for the proposed development from the Planning Commission.

Aye votes: Chairman Guglietta, Mr. Devine, Mr. Baron, Mr. Rossi and Mr. Schiappa. There were no nay votes.

Ordinance #4-06-17 – Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Joy Homestead Local Historic District)

Ms. Furney presented the staff report and explained that the subject property is owned by the Cranston Historical Society. The Society approached the Cranston Historic District Commission and requested the property be designated a Local Historic District overlay zone.

The public was then given an opportunity to speak on this matter, however, no members of the public came forward to offer testimony.

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to adopt the following Findings of Fact and forward them to the Ordinance Committee along with the Commission’s recommendation of *approval* of the proposed ordinance.

Findings of Fact

1. 1992 Comprehensive Plan, Historic Preservation Element (5A, Local Historic Districts, states that “historic districts are the most powerful tool available to a community to help preserve the distinct character and sense of place of an historic area and ensure that it will not be undermined by unsympathetic changes.”
2. 1992 Comprehensive Plan, Historic Preservation Action Program (HP-4), states that the City should “Continue to establish local historic zoning overlay districts for areas and begin designation of individual structures.”
3. Ordinance 4-06-17 is generally consistent with the goals and policies statement, implementation program and all other applicable elements of the Cranston Comprehensive Plan.
4. Ordinance 4-06-17 is consistent with all of the applicable purposes of zoning as presented in Section 45-24-30 of the Rhode Island General Laws and Section 17.04.010 of the Cranston Zoning Code.

Aye votes: Chairman Guglietta, Mr. Baron, Mr. Rossi, Mr. Devine and Mr. Schiappa. There were no nay votes.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Dynamic Estates – Preliminary Plan

Minor Subdivision with street extension
1730 Plainfield Pike
AP 37, Lot 533

Chairman Guglietta explained the proposal to subdivide the existing 1.42 acre parcel into five conforming lots with frontage on a proposed public roadway with a 40 ft. wide right-of-way, 26 ft. wide pavement surface, ending in a cul-de-sac. The property is zoned A-8, and the subdivision will be serviced by public water and sewer.

The Chairman then asked Mr. Rhodes to brief the Commission on the history of the project prior to the applicant’s presentation. In response, Mr. Rhodes stated that the proposal was originally heard by the Planning Commission in December, 2005, at which time the application was tabled due to drainage, traffic, sidewalk and roadway width concerns. Mr. Rhodes then went on to explain how the applicant had been working to address these concerns noting that the last remaining issue to be resolved related to drainage.

He further noted that following the December, 2005 meeting it came to the Planning staff's attention that the abutters were concerned over the proposals failure to address an existing sub drain that begins on the Robles property (Lot 612), crosses the Labrie property, the subject site and the Sasso property before tying into the State drainage system in Plainfield Pike. In particular, the residents concern is that the plan fails to address this sub drain which could result in it being damaged during construction and increase the probability of flooding on their properties. In addressing this concern Mr. Rhodes noted that he, Mr. Pezzullo, Mr. Skorupski, Mr. Labrie, Mr. Sasso and Mr. Dinafrio have since met on site and that the applicant has revised his plans to ensure that this pipe will be field located and tied into the public system that is to be installed in the proposed roadway during the construction phase.

Mr. Rhodes also noted that the Public Work's Department had recently raised concern with the applicant's proposal to tie the public drainage system into the existing 12" pipe which currently crosses Mr. Sasso's property. The Department in particular is unwilling to accept the proposed connection as part of the public system since the design and structural integrity of the existing pipe can not be ensured. As a result the Public Works Department is requesting that the applicant provide for the installation of a new 12" line that will run over proposed lot 1 and connect directly to the Plainfield Pike system thereby alleviating the need to use the piping currently located on the Sasso property.

Attorney John DiBona, representing the applicant, Mr. Anthony DeReasis, stated that he agreed with Mr. Rhodes summation of the travel of the proposal his client agrees to re-direct and replace the drainage pipe mentioned by Mr. Rhodes. In concluding his formal presentation, Mr. DiBona asked the Planning Commission to allow the Final Plan application to be processed administratively.

Several members of the public came forward to offer testimony on this proposal.

Area resident Debbie Hayden expressed concern with the absence of a buffer zone and asked who is responsible for maintenance of the proposed drainage swales and ditches. Mr. Rhodes responded that buffering will be accomplished through enforcement of the City's building setback requirements, that buffer plantings are not generally required along the property boundaries of similar uses, and that the swales are to be the maintenance responsibility of the homeowners not the City. Ms. Hayden then asked whether the swales were designed appropriately and Mr. Robert Cournoyer, project engineer, stated they were designed to the City's requirements for the "25 year storm" which was subsequently confirmed by the Public Works Director. Ms. Hayden then stated that the proposal is wrong to require existing homeowners "to go after the owners of Lots 3 and 4 if there is a problem".

Mr. David Sasso, a resident of Tarro Court and employee of the Rhode Island Department of Transportation (RIDOT) and representing his brother and abutting property owner Mr. David Sasso, stated that he is not opposed to the proposal but asked if a Physical Alteration Permit (PAP) application was submitted to RIDOT for the proposed amendments. Mr. Rhodes addressed this by stating that his recommendation includes a requirement for the applicant to provide a revised Physical Alteration Permit from the RIDOT at the Final stage of review.

Mr. Steve LaBrie, 1740 Plainfield Pike, asked the following: 1) what will happen to the previous garage's remaining slab, 2) will the elevation be raised along his property line, and 3) what effect will the proposed subdivision have on his property value? He stated that there is a 3 ½ -4 ft. drop between his property and the proposed subdivision. He noted "problems" with the Walmart truck access road and the traffic it has created. He feels that the current proposal will further exacerbate the current conditions.

In addressing Mr. LaBrie's concerns, Mr. Rhodes explained that the proposed slab is to be removed, that minimal grading is proposed along his property line, that the existing rubble retaining wall is to remain, and that his question regarding property values would be best

addressed to the tax assessor. Attorney DiBona added that the developers intention is to construct homes that are to be marketed for \$300,000 and up.

Mr. Paul Sasso, direct property abutter, asked the Commission to consider that the residents have lived in the area for a long time and are losing the rural character of their neighborhood. He asked that existing residents have some assurances that the drainage grates located in the swales will be regularly cleaned and maintained. He is concerned that existing residents will have drainage problems if the newly proposed properties are not maintained.

Chairman Guglietta explained that the Planning Commission is trying to ensure that the final design will actually improve existing drainage conditions overall and mitigate current flooding concerns. He explained that the Commission will ensure that the deeds stipulate the homeowner's maintenance responsibilities for the regular cleaning of the grates. Furthermore he noted that although the city will be responsible for the maintenance of the catch basins and piping; he stated that the Planning Commission will not require additional burden on the City for the cleaning of the drainage grates.

Commissioner Devine asked about alterations to the retaining wall on Plainfield Pike, as was requested last December, 2005. Mr. Cournoyer responded that the retaining walls have been cut back, and those changes have been reflected on the revised plan.

With the conclusion of public testimony, Mr. Rhodes summarized the staff memo which is attached and made part of these minutes. He stated that all appropriate agencies have responded without concern and offered a series of findings of fact and conditions of approval for the Commission's consideration.

There being no further testimony, the Planning Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, the Commission voted to adopt the following Findings of Fact denoted below and to *approve* this Preliminary Plan with waiver for 26 inch pavement width subject to the following conditions.

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. This Preliminary Subdivision has been properly advertised per Section V.C.2.h of the City of Cranston Subdivision Regulations and has appeared in the 5/17/06 edition of the Cranston Herald. All property owners within a 100' radius have been notified via certified and return/receipt requested mail and the meeting agenda has been properly posted.
2. The proposed subdivision and its resulting density of approximately 3.52 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the property in question as "Residential" allowing a 4-8 residential units per acre.
3. The proposal is consistent with the City of Cranston Zoning Code. All proposed lots conform to the area and frontage requirements of the underlying A-8 single family residential zone.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. Significant natural, cultural, or historic features that contribute to the attractiveness of the community have not been identified on this site.
6. The proposed development 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 Plainfield Pike, an

improved public roadway located within the City of Cranston. The proposed lots will have access to Plainfield Pike via the Olivia Drive cul-du-sac.

8. The proposed subdivision promotes high quality appropriate design and construction and will be well integrated with the surrounding neighborhood and will reflect its existing characteristics.
9. The proposed subdivision provides for safe and adequate local circulation of vehicular traffic, for suitable building sites and will *improve* the existing pattern of surface water runoff.
10. 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.

Conditions for Approval

1. Drainage plan depicted on sheet 1 of 5 to be revised to provide for connection to the Plainfield Pike system via a new 12" line to be installed across proposed Lot 1 as opposed to using the existing line which currently crosses A.P. 37 Lot 158.
2. Revised Physical Alteration Permit to be provided from RIDOT approving reconfiguration of the system in the above manner.
3. Sheet 1 of 5 to be revised to show an extended 20' easement across lot 1 and to indicate that the infrastructure to be installed between proposed catch basin 1. The final connection to the state system in Plainfield Pike is to be owned and maintained by the city except for the regular clearing of the grates associated with basins 3 and 4 whose regular clearing is to be the responsibility of the associated homeowners.
4. Sheet 1 of 5 to be revised to indicate that the property owners of lots 2, 3, and 4 are to be responsible for the maintenance of the drainage swales and ditches, for the cleaning of the catch grates proposed for these lots and to note that surface water runoff in these areas cannot be hindered or redirected in any way.
5. Draft deeds to be provided at final submission stipulating that the drainage swales and ditches located on proposed lots 2, 3, and 4 are the maintenance responsibility of the property owners into perpetuity and that surface water runoff in these areas cannot be hindered or redirected in any way.
6. Sheet 1 of 5 to be revised to indicate that the proposed 8" subdrain running between lots 4 and 5 is the responsibility of the owner of abutting lot 706, not the city and that the associated easement is to be granted to this individual into perpetuity as opposed to being granted to the City.
7. Draft easement addressing condition 5 above to be provided at Final.
8. Payment of the outstanding Preliminary Plan filing fee of \$370.72 for the stenographer and advertisement costs in addition to Final Plan filing fees at the time of submission.
9. Coordinate with Veolia Water for Final sewer design approval and the scheduling of a pre-construction meeting.
10. Submittal of draft right-of-way deed for Olivia Drive at Final Plan submittal.
11. Payment of Eastern Cranston Capital Facilities Impact Fees of \$2,373.84 (\$593.46 x 4) at the time of Final plat recording.
12. The Final plat shall be subject to a performance bond of \$124,000, with a 2% administrative fee of \$2,480.
13. The Final Plan submission shall properly depict the reconfigured retaining wall on Plainfield Pike.
14. At the request of the applicant, Final Plan approval shall be handled administratively.

Aye votes: Chairman Guglietta, Mr. Baron, Mr. Rossi, Mr. Devine and Mr. Schiappa. Nay votes: Councilwoman McFarland.

The Larkin Replat of Lots 381-385 – Preliminary Plan

Minor Subdivision without street extension
55 Clark Avenue
AP 12/2, Lots 1264, 1266, 1269, 1271 and 1680

Attorney John DiBona, representing the applicant, Cheryl Macera, requested that the Public Informational Hearing for the above captioned subdivision be continued to the August Planning Commission Agenda. The applicant wishes to submit a revised plan for Planning Commission consideration.

Upon motion made by Mr. Schiappa and seconded by Mr. Devine, the Commission unanimously voted to *continue* the Public Informational Hearing for The Larkin Replat of Lots 381-385 to the August Planning Commission Agenda.

Aye votes: Chairman Guglietta, Mr. Baron, Mr. Rossi, Mr. Devine, Mr. Schiappa and Councilwoman McFarland. There were no nay votes.

West Edgewood Replat Lots 130-132 – Preliminary Plan

Minor Subdivision without street extension
Wester Promenade and Aumond Street
AP 31, Lots 1475, 1476 and 1477

Mr. Kevin Dorsey, owner and applicant, Realty Group of Rhode Island, LLC, addressed the Commission, stating that it is his intention to renovate the property located at Western Promenade and Aumond Street. He stated that the proposal is to remove the garage and breezeway leaving the existing home on proposed parcel 1, to create parcel 2 for future development and to complete the sidewalk and curbing networks along the Aumond and Promenade frontages.

Several members of the public came forward to offer testimony on this proposal.

Mr. John Phillips, 21 Aumond Street, stated that he has lived in his home for 20 years and originally bought the property because of the “openness” and the understanding that, based on Zoning Regulations, no homes could be built on that lot. He has safety concerns with speeding traffic, claiming that Stop Signs have not slowed traffic, and additional traffic in an already congested area. He is also concerned with removal of existing mature trees, and he asked where the curb cut would be located for any future development. He further stated that the tax generated by any future development would not off-set the cost of sending one additional child to Cranston Public Schools.

Mr. John Altieri, 86 Edgewood Boulevard, reiterated Mr. Phillips concerns. He stated that the proposal will have adverse affects on the quality of life in the area, namely loss of privacy.

There being no further public testimony, Mr. Pezzullo then presented the staff memorandum, dated June 6, 2006, which is attached and made part of these minutes. He informed Mr. Phillips that both proposed parcels conform to the current zoning regulations and therefore would be considered buildable by right, that the location of the curb cut would be determined at the time of building permit application and that the addition of one additional dwelling unit should not exacerbate traffic issues within the surrounding area. In concluding his presentation Mr. Pezzullo offered a series of findings of fact and conditions of approval for the Commission’s consideration.

Chairman Guglietta asked if the nearby City of Providence properties were considered in the density analysis. Mr. Rhodes explained that the existing lot line indicates an undersized lot, however, the applicant is moving a lot line that will provide for the creation of a conforming lot.

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

Findings of Fact

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 23, 2006 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed subdivision and its resulting density of approximately 6.11 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".
3. The revised proposal, noting the removal of the existing breezeway to alleviate the need for a setback variance, is consistent with the frontage and area requirements of the City of Cranston. The proposal 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 on Western Promenade, 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 streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of Approval

1. Payment of Eastern Cranston Capital Facilities Impact Fees of \$593.46 at the time of Final plat recording.
2. Final Plan submittal shall depict the removal of the existing breezeway and garage on Parcel 1.
3. Performance guarantee in the amount of \$7,000 with a 2% administrative fee of \$140.00

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

Rhode Island Resource Recovery-Preliminary Reinstatement

Minor Subdivision without street extension
Plainfield Pike (Route 14)
AP 35, Lot 17

Attorney Christopher Mulhearn, on behalf of Rhode Island Resource Recovery, stated that the request is to reinstate the conditional Preliminary Plan approval granted for this subdivision by the Planning Commission on December 2, 2003. Since the applicant did not formally request an extension of time for this approval, the approval has effectively expired, requiring a reinstatement of the Preliminary Plan.

The public was then given an opportunity to speak on this matter, however, no members of the public came forward to offer testimony.

Mr. Jason Pezzullo then presented the staff memo which is attached and part of these minutes; noting the criteria used for review, the findings of fact reached and the staff's recommendation to the Planning Commission.

There being no public testimony on this application, the Planning Commission moved to a vote. Upon motion made by Mr. Schiappa and seconded by Mr. Rossi, the Commission unanimously voted to adopt the Findings of Fact denoted below and to *approve* the reinstatement of the Preliminary Plan for the Rhode Island Resource Recovery Subdivision subject to the following:

Findings of Fact

1. The subdivision is consistent with the Comprehensive Plan and with the prior approval including all conditions attached thereto;
2. The Subdivision and Land Development Regulations are substantially the same as they were at the time of original approval;
3. The zoning of the subdivision parcel is substantially the same as it was at the time of the original approval;
4. Physical conditions on the subdivision parcel are substantially the same as they were at the time of the original approval; and
5. Applicable state or federal regulations are substantially the same as they were at the time of the original approval.

Conditions of Approval

1. Western Cranston Water District fee to be paid at the building permit stage.
2. Revise plans to address concerns of the Public Works Director as indicated in his December 1, 2003 memorandum prior to Final Plan submittal to include the following:
 - a. Limit the sanitary sewer flow to domestic waste only,
 - b. Sewer connection to be designed to be accessed directly from the street or through an access easement.
3. Applicant shall receive a Physical Alteration Permit from the RIDOT for access to Plainfield Pike prior to Final Plan approval.

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

ZONING BOARD OF REVIEW ITEMS

RICHARD S AND SUSANNE L NORDLUND 52 BARTLETT AVENUE CRANSTON RI 02905 (OWN/APP) have filed an application for permission to convert the first floor of an existing legal non-conforming single family dwelling into a professional office and convert the second floor into an apartment with restricted frontage and side yard setback at **1627 Broad Street**. AP 2, lot 1893, area 7733+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity 17.72.010 Signage.

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 Cranston Comprehensive Plan Future Land Use Map designates the property for “Commercial & Services”; therefore, the proposed office use is consistent with, and will not impair the intent or purpose of the Comprehensive Plan.
2. Though the minimum lot area in a C-1 office business zone is 6,000 sq. ft., an additional 2,000 sq. ft. of lot area is required for each added residential unit. The property is, therefore, 267 sq. ft. short of the required lot area.
3. Of the 55-properties within the 400’ radius, at least 30 have lot sizes that are the same size or smaller than what is proposed by this application.
4. The subject lot’s frontage is 50 feet, where 60 feet is required. Of the 55 properties within the 400’ radius, 11 have frontages equal to, or smaller than, the applicant’s lot frontage.
5. The property’s current C-1 zoning designation allows for the mixing of commercial & residential uses on the property as proposed. There are currently two other mixed use properties, and two other commercial uses within the 400’ radius, and therefore, the proposal does not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.
6. As of today’s date, no signage plans have been submitted. Although the application request signage relief, signage plans have yet to be submitted for review.
7. The proposed office use of 812 sq. ft. requires 4 off-street parking spaces. The residential use requires 2 additional spaces for a total requirement of 6 spaces.
8. The proposed site plan depicts the potential for a total of 9 off-street parking spaces.
9. The parking area has not been reviewed or approved by the City Traffic Engineer as of this date, and therefore, the functionality and acceptability of the design can not be confirmed.
10. Preliminary review of the parking plan by planning staff indicates that spaces #1, 2, 3, 6 and 7 do not meet minimum back up aisle requirements.

Recommendation:

Upon motion made by Mr. Schiappa and seconded by Mr. Rossi, 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. The parking plan is to be approved by the City's Traffic Engineer prior to final consideration.
3. As no plans for proposed signage were submitted for the Planning Commission's review, any proposed signage should conform to the requirements of the zoning code.
4. Business parking shall be restricted to the front of the building with residential parking to utilize the driveway and garage parking area, eliminating the three proposed rear spaces.

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

ROBERT E & JUDITH A BOYLE 53 BURBANK STREET CRANSTON RI 02910 (OWN) AND DAVID W YATES 50 STANFIELD STREET WARWICK RI 02889 (APP) have filed an application for permission to build a new 24' x 43' three story single family home with restricted frontage on an undersized lot on **Bradshaw Street**. AP 4/2, lot 2306, area 5000+/- 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 will result in a density of 8.7 units per acre, whereas the Future Land Use Map allows for more than 8 units/acre in this area. Therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan.
2. 52% of the single family dwellings within the 400' radius are on lots that are 5,000 sq. ft. or less. (25 out of 48).
3. The existing lot's frontage is 10 feet short of the required 60 feet, but conforms with the previous 52% for single family frontages.
4. The proposal therefore, does not alter the general character of the surrounding area, and will not impair the intent or purpose of the Zoning Ordinance.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, 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. Remove the existing asphalt parking area and install curbing and sidewalk on the full frontage along Bradshaw Street.

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

JOAO AND CLOTILDE PAIVA 221 GRACE STREET CRANSTON RI 02910 (OWN) AND SINFONICAL SALON 221 GRACE STREET CRANSTON RI 02910 (APP) have filed an application for permission to operate a 395+/- SF hair and nail salon from a storefront in an existing legal non-conforming mixed use building with restricted front yard setback at **1594 Elmwood Avenue**. AP 4/2, lots 2351, 370, 372, 373 and 371, area 17,720+/- SF, zoned C-5. 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 is consistent with and will not impair the intent or purpose of the Comprehensive Plan, which calls for Commercial and Service uses to be made of this property.
2. The property has been legally used for commercial & residential purposes since 1954.
3. There are 5 other commercial/residential mixed use buildings on Elmwood Avenue within the C-5 zone and the 400' radius.
4. Whereas the applicant proposes to operate a hair & nail salon from the existing storefront, Planning Department records indicate that the storefront was previously a Barber Shop.
5. Given the similarity of the previous and proposed uses, as well as the presence of other mixed use properties within the radius, it is therefore found, that the application will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.
6. The site plan submitted shows two off-street parking spaces for the business, though the lot can accommodate several additional parking spaces for the residential use.
7. Though the applicant jointly owns all of the property listed in the application, the proposal is located entirely on lot #2351, with the parking shown on abutting lot #370.

Recommendation:

Upon motion made by Mr. Devine and seconded by Mr. Rossi, 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. Remove the existing trash bin, debris and large storage containers from the side parking area in order to accommodate the parking spaces shown on the plans.

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

BERNICE TOUGAS 2069 CRANSTON STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission to reduce an existing 8 unit dwelling to a 3 unit dwelling with restricted frontage on an undersized lot at **828 Cranston Street**. AP 7, lot 54, area 3953+/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 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. Although the Comprehensive Plan Future Land Use Map calls for the property to be used for Industrial purposes, it is found that the continued legal, non-conforming use of the property for residential purposes, will not impair the intent or purpose of the Comprehensive Plan, since it is consistent with the following goals & policies of the Plan's Housing Element:
 - a. H-3 Preserve the existing density of established neighborhoods.
 - b. H-4.2 Maintain the stability of established neighborhoods in connection with continued economic development and revitalization: in particular, protect neighborhoods abutting the City's major commercial corridors from adverse impacts arising from incompatible uses.
 - c. H-5 Promote housing opportunity for a wide range of household types and income levels.
 - d. H-5.1 Maintain a varied housing stock, with units of different age, size and type, and affordable to a wide range of income types.
2. Five out of the 18 residential properties located within the 400' radius contain 3-family structures, and therefore, the application would not alter the general character of the surrounding area or impair the intent or purpose of the zoning code.
3. Planning Department records indicate however, that the property is not a legal 8 unit structure as noted in the application, and that it could only be considered a legal single family structure at this point. The 1966 zoning map shows the property as a single family and the land use cards do not indicate that a variance has ever been approved to increase the number of allowable units.
4. The site plan provides six, grandfathered, off-street parking spaces, which is sufficient for the proposal.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, 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. Review and approval of the proposed parking plan by the City's traffic engineer.
3. Pave the Cranston Street parking area.

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

THOMAS GIANNINI 446 LAUREL HILL AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to enclose an existing 6' X 28' front porch for living space on a legal non-conforming single family dwelling with restricted front yard setback at **446 Laurel Hill Avenue**. AP 7/4, lots 3418, 3419 & 3420, area 10,791+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.110 B Residential yard exceptions.

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 will not alter the density or use of the property, and is consistent with and will not impair the intent or purpose of the Comprehensive Plan, which calls for residential use of the property.
2. The existing porch has a 14.5 ft. front yard setback, which will not change, whereas 25' is required.
3. The City's GIS shows that there are at least 27 dwellings within the 400 ft. radius that have similar restricted front yard setbacks, therefore, the proposal is not out of character with the surrounding area, and will not 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.

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

ROBERT M HAWES 8 MANKILL ROAD NEW HAMPSHIRE 03865 (OWN) AND J BOSCIA AND SONS 6 SWEETMEADOW DRIVE CRANSTON RI 02920 (APP) have filed an application for permission to build a new 1250+/- SF single family dwelling with restricted frontage on an undersized lot on **Delway Road**. AP 9, lots 2700, area 4500+/- SF, zoned A-6. 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 proposal results in an onsite residential density of 9.7 units per acre, and therefore will not impair the intent & purpose of the Comprehensive Plan's Future Land Use Map which allows for residential densities in excess of 8 units per acre
2. Of the 50 residential structures within the 400' radius, 27 or 54 % of them have the same size frontage as that proposed. In addition, there are currently 5 single family homes on the same size lot as that proposed. These five are located on the same side of the street as the proposal. The application, therefore, will not alter the general character of the surrounding area, or impair the intent or purpose of the zoning ordinance.
3. The applicant also owns two abutting, 4,500 s.f. lots to the rear of lot #2700, that were listed in the application (lots 2887 & 2888)
4. All of these lots are located within a 500 year FEMA Flood Hazard Zone.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Mr. Schiappa, 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. The proposed new house must conform to construction specifications, required of new construction within the City's Flood Hazard Overlay District.

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

ALEX TENNIS 901 RESERVOIR AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to reposition and leave an existing nonconforming sign larger than allowed by ordinance at **901 Reservoir Avenue**. AP 9/4, lots 2331, area 4500+/- SF, zoned C-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 Signage.

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 and will not impair the intent or purpose of the Comprehensive Plan, which calls for Commercial and Services for this area.
2. The existing sign has a single face, has 28.5 sq. ft., and is oriented parallel to Reservoir Avenue, and therefore conforms to the Zoning Code's maximum allowable area of 35 sq. ft.
3. The proposal is to reorient the sign perpendicular to Reservoir Avenue, and convert it to a 2-sided sign, for a total of 57 square feet.
4. The total square footage of the proposed 2-sided sign is therefore, 22 sq. ft. larger than the allowed 35 sq. ft. The actual lettering is confined within a 5' x 5' area.
5. The proposed setback for the sign conforms with the zoning code.
6. A field check of other signs in the surrounding area, revealed that this proposal is similar to other existing signs along Reservoir Avenue and therefore, the proposed sign 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 Mr. Devine, 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.

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

ROBERTA A SIMONE AND DOROTHY AND UGO A CATALDI 190 CAPUANO AVENUE CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a 24' X 36' one story family accessory apartment addition to an existing legal non-conforming single family dwelling with restricted front side and rear yard setback at **190 Capuano Avenue**. AP 10/1, lot 227, area 8400+/- SF, zoned A-8. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 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 will not increase the overall density, as the Zoning Code's definitions (Sec. 17.040.030) limits the sole use of an accessory family apartment to one or more members of the immediate family, and does not need to have a separate means of ingress and egress.; therefore, the application is consistent with and will not impair the intent or purpose of the Comprehensive Plan's Future Land Use Map, which calls for 4 to 8 residential units per acre for this area.
2. Sec. 17.24.010 F.4. of the Cranston City code states that dwellings containing accessory family apartments shall retain the appearance of a single family dwelling with no major structural alterations to the exterior, and shall have no additional external entrance that faces a street. This proposal constructs a stand alone unit on the other side of the principal residence's garage, and has a separate front door entrance.
3. The Zoning Code stipulates that the size of the Accessory Family Apartments shall not exceed 25% of the floor area of the primary dwelling, or 600 s.f., so as not to approach the size of an additional unit. This application exceeds those requirements, in that the proposed accessory family apartment addition is 864 s.f., or 57% of the primary dwelling's floor area.
4. The proposed location of the accessory family apartment on the northwesterly side of the existing garage, will also prevent incorporation of its floor or living area with that of the primary residence. When the accessory apartment is no longer needed; the location makes it highly probable that a variance to use the structure as a second stand alone unit will be required in the future.
5. The proposed addition will be 7.8 feet short of the required front yard setback of 25 feet. Of the 71 residential structures within the 400' radius, the City's GIS indicates that only 5 residential buildings have a front yard setback similar to the proposal.
6. The proposed addition will be 3.2 feet short of the required rear yard setback of 20 feet. This restricted setback however, continues the existing rear yard setbacks for the garage and house.
7. The proposed addition will be 2.6 feet short of the required side yard setback of 10 feet. Approximately 20 (29%) of the 69 residential buildings within the 400 foot radius, have side yard setbacks similar to, or less than, the proposal.
8. The proposal is inconsistent with the intent and purpose of the zoning code, since the existing residence will not retain the appearance of a single family home, exceeds the allowable size limits for accessory family apartments, and contains a separate entrance on the side of the structure which faces the street.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Schiappa, the Commission unanimously voted to recommend *approval* of this application.

The application's proposed location for the apartment, on the other side of the existing garage, physically separates the apartment addition from the primary dwelling unit and creates a new, stand-alone residential unit that also changes the appearance of the single family dwelling. Although 7 out of the 8 Findings of Fact would support a recommendation of denial as submitted, the staff finds a positive recommendation for approval could be given to accommodate the applicant's request for an apartment for her aging parents, if the following conditions are met:

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. Reduce the accessory apartment square footage and construct it within the walls of the existing 24'x 24' garage. An interior door would give it access to the primary dwelling, bringing it into conformance with the Zoning Code's definition of accessory family apartment.
3. Eliminate the new exterior front door and utilize the existing breezeway door for access to the new accessory family apartment.
4. A new 24'x 24' garage addition could then be constructed to the right of the new accessory apartment.
5. The proposed 7.4' side yard setback for the new garage addition would then conform to the Zoning Code.

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

CHERYL A MACERA 55 CLARK AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave an existing legal non-conforming two-family dwelling with restricted front and side yard setback on a proposed 9600+/- SF lot [parcel 1] and build a new 50' X 32' two story two-family dwelling with a detached 24' X 24' two car garage on the proposed remaining 10,159+/- SF lot [parcel 2] at **55 Clark Avenue**. AP 12/2, lots 1264, 1266, 1269, 1271 & 1680, area 19,579+/- SF, zoned A-8. 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 requires preliminary subdivision approval by the Planning Commission for the creation of the proposed lots, prior to the Zoning Board's consideration of a variance to construct an additional non-conforming two family structure in this single family zone. (Cranston Subdivision Regulations Sec. V.G.1.a.).
2. The applicant has not received preliminary subdivision approval as of June 6, 2006.

Recommendation:

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to recommend *tabling* the application until such time that subdivision receives preliminary approval from the Planning Commission.

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

JOHN AND CAROL MASTROBUONO 399 COMSTOCK PARKWAY CRANSTON RI 02921 (OWN) AND EMPOWERMENT FITNESS AND WELLNESS STUDIO 2 STARLINE WAY CRANSTON RI 02921 (APP) have filed an application for permission to operate a fitness and wellness studio at **2 Starline Way**. AP 35, lot 10, area 60,000+/- 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 Comprehensive Plan Future Land Use Map calls for Industrial uses for this area of Plainfield Pike, (the property is on the corner of Starline Way and Plainfield Pike); therefore, the application is not consistent with the Comprehensive Plan.
2. Page 26 of the comp Plan states "Commercial development should be restricted in industrial districts in order to maintain the existing industrial base and provide for future expansion."
3. Also on page 26, "Commercial and community services should be provided for existing and future residents of western Cranston without supplanting industrial opportunities."
4. Page 36 states, "...this area of Plainfield Pike has the potential for adverse impacts on Cranston's industrial area, resulting from the proposed commercial zoning in Johnston's Comprehensive Plan for the opposite side of the road. Cranston opposed Johnston's Comprehensive Plan for that reason.
5. Page 105, "Cranston has taken steps through its planning and zoning standards to prevent uncoordinated commercial development from occurring ...along Plainfield Pike."
6. Page 113, Action Item ED-23 states, "Encourage the town of Johnston to rezone the property on the north side of Plainfield Pike for industrial uses".
7. In December 2002, the Planning Commission recommended denial for a retail bakery/coffee shop for one of the units in the same building, citing its inconsistency with the Comprehensive Plan.
8. In December 2004, the Planning Commission recommended denial for the construction of a 2-story commercial/office building across the street, also citing inconsistency with the Comprehensive Plan.

Recommendation:

Upon motion made by Chairman Guglietta and seconded by Mr. Schiappa, the Commission unanimously voted to recommend *denial*; in accordance with R.I.G.L. 45-24-41, in that the proposal will impair the intent and purpose of the Comprehensive Plan.

Voting Aye: Chairman Guglietta, Mr. Schiappa, Mr. Rossi, Mr. Devine. There were no nay votes. Councilwoman McFarland was absent from the room when the vote was taken.

MISCELLANEOUS

Mr. Rhodes stated that he will provide an update on the status of the Comprehensive Plan at next month's meeting.

DATE AND TIME OF NEXT MEETING

Tuesday, July 11, 2006 at 7 p.m. in the City Council Chamber *Note: Due to the July 4th holiday, the Planning Commission Meeting will be held on the second Tuesday of July.*

ADJOURNMENT

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

Respectfully submitted,

Jason M. Pezzullo
Principal Planner/Secretary