

MINUTES

June 7, 2011

Vice Chairman Michael Smith called the Planning Commission Meeting to order in the City Council Chamber at 7:07 p.m. The following Commission members were in attendance:

Michael Smith
James Moran
Gene Nadeau
Mark Motte
Robert Strom

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Planning Commission unanimously voted to approve the minutes of the April 5 and May 3, 2011, Planning Commission Meetings.

Ordinance #04-11-5 In amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of zone-800 Oaklawn Avenue and 826-836 Oaklawn Avenue)

Mr. Lapolla explained that the owners of land identified as Assessors Plat 15 Lots 282, 283, 378, 384, 385, 387, 372 and 374 [800 Oaklawn Avenue 828 Oaklawn Avenue and 836 Oaklawn Avenue] have petitioned the City Council to rezone said land as follows:

- To rezone Assessors Plat 15 Lots 282, 283, 378, 384, 385 and 387 from Commercial C-2 to Commercial C-3
- To rezone Assessors Plat 15 Lots 372 and 374 from Residential A-6 to Commercial C-3.

The Future Land Use Map of the 2010 Cranston Comprehensive Plan designates the land use for the parcels to be rezoned as Highway Commercial/Services.

The Land Use Plan Element of the 2010 Cranston Comprehensive Plan [page 48] indicates that the owners of Assessors Plat 15 Lot 372 and 374 had requested a change in land use designation from Residential to Highway Commercial/Services. The Land Use Plan Element further indicates that said request was incorporated into the Future Land Use Map.

The Land Use Plan Element of the 2010 Cranston Comprehensive Plan [page 45] states:

**Neighborhood Commercial/Services and Highway
Commercial/Services:** The Future Land Use Plan divides the previous

1992 designation of Commercial and Services into two new categories: Neighborhood Commercial/Services [NCS] and Highway Commercial/Services [HCS] in recognition that commercial land has a hierarchy of intensity of uses and service different market areas. NCS is oriented towards providing services to local neighborhoods while HCS is oriented towards providing services to citywide and regional markets. This plan recommends that the appropriate zoning for NCS is C-1, C-2 and C-3, and the appropriate zoning designation for HCS is C-3, C-4, C-5.

Therefore, upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted a resolution finding that the requested zone change is consistent with the 2010 Cranston Comprehensive Plan and its Future Land Use Map and recommends favorable action by the City Council.

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

ZONING BOARD OF REVIEW RECOMMENDATIONS

JOSEPH BOISVERT 39 DROWNE STREET CRANSTON RI 02905 (OWN/APP) has filed an application for permission to operate a catering business with commercial kitchen from an existing legal non-conforming building with restricted front, rear and side yard set back at **9 Drowne Street**. AP 2/5, Lot 2781 & 2780, area 6,779+/- SF, zoned A-6. Applicant seeks relief from Section 17.92.020 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 proposed commercial/service use is inconsistent with the 2010 Comprehensive Plan Future Land Use Map., that designates this area of the City for Residential use.
2. The building was constructed as a garage for a building contracting business in 1954; the tax assessor field cards show that the building has been used commercially since at least 1984, when Narragansett Roofing Co., used it for commercial storage.
3. The building is currently taxed as a large business by the City's Tax Assessor.
4. There are no other commercial uses within the 400' zoning notification radius.
5. The applicant took ownership of the property in December 2010.
6. The floor plan submitted shows that the rear 425 sq. ft. area of the building will contain a commercial kitchen, and a 276 sq. ft. office and 1,064 sq. ft. of garage/ storage area.

Recommendation: In applying the standard as required by State Law Sec. 45-24-41.B, the Plan Commission cannot include a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan. Therefore, upon motion made by Mr. Moran and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board.

Aye votes: Mr. Moran, Mr. Smith, Mr. Motte, Mr. Strom and Mr. Nadeau. Nay votes: none.

LINK COMMERCIAL PROPERTIES LLC 1150 NEW LONDON AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for special use permit to construct a new bank building with three drive-thru lanes and free standing signage with led electronic time/date display on **Comstock Parkway**. AP 36/4, Lot 158, area 50,890+/- SF, zoned M-1. Applicant seeks relief from Section 17.92.020 Special Use Permit, 17.72.010 (7) Signs, 17.20.030 Schedule of Uses.

Findings:

1. The 2010 Comprehensive Plan Future Land Use Map designates this area as Industrial.
2. Banks, with or without a drive-thru, are allowed by special use permit in industrial zones; therefore, the proposed use is consistent with the Comprehensive Plan.
3. The proposal received preliminary Site Plan Review approval on May 4, 2011.
4. The application has received both a UIC (underground injection control) permit from DEM for drainage and a wetlands permit.
5. The proposed use will predominantly serve the employees and visitors to the existing industrial uses within this district.
6. The proposed wall sign is 41 sq. ft., where a 45 sq. ft. wall sign is permitted in an M-1 Zone.
7. The proposed monument sign is 7'-6" high with sign area of 52.33 sq. ft, including the L.E.D. sign, where 4 ft. is the code allowed maximum height, and 50 sq. ft. of area is allowed for monument signage.
8. All of the proposed yard setbacks exceed the minimum required setbacks for a drive-thru in this zone.

Recommendation: The Plan Commission finds that the bank and drive-thru is consistent with the purpose and intent of the Comprehensive Plan. Therefore, upon motion made by Mr. Strom and seconded by Mr. Motte, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

BEL TERRA LANDSCAPING INC 1199 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (OWN) AND PAULA L TAYLOR D/B/A DRAGON FLY STUDIO 1199 PIPPIN ORCHARD ROAD CRANSTON RI 02921 (APP) have filed an application for permission to convert an existing building to an exercise studio at **1199 Pippin Orchard Road**. AP 28, Lot 196, area 22.218+/- acres, zoned A-80. Applicant seeks relief from Section 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 proposed commercial service use is not consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City as residential, less than 1 unit per acre.
2. The property is currently a farm, with sales of agricultural products grown on the property, an allowed use in a residential A-80 zone.
3. A 2,120 sq. ft. building, currently being used as a garden center, would be converted to an exercise studio.
4. An existing 2,035 sq. ft. greenhouse would be converted to the Garden Center.
5. In order for this variance to receive a positive recommendation from the Plan Commission, there would have to be entered into the record the manner in which the relief being sought is consistent with the 2010 Comprehensive Plan, that calls for residential use in this area of the city.

Recommendation: In applying the standard as required by State Law Sec. 45-24-41.B, the Plan Commission cannot include a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan. Therefore, upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board.

Aye votes: Mr. Moran, Mr. Smith, Mr. Motte, Mr. Strom and Mr. Nadeau. Nay votes: none.

PRIMO DEPETRILLO 59 NEW HAMPSHIRE STREET CRANSTON RI 02920 (OWN) AND SEAFOOD EXPRESS LLC 1674 CRANSTON STREET CRANSTON RI 02920 (APP) have filed an application for a BV limited alcoholic beverage license and permission to serve alcoholic beverages from an existing restaurant on an undersized lot with restricted frontage, side yard setback and off-street parking at **1674 Cranston Street**. AP 8, Lot 2422, area 2687+/- SF, zoned C-2. Applicant seeks relief from Section 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. The current restaurant use (without serving alcohol) is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this section of Cranston Street as Neighborhood Commercial/Service.
2. Restaurants serving alcohol are also consistent with the Neighborhood Commercial/Service classification in the Comprehensive Plan.
3. The building was constructed in 1986 with a Zoning Variance.
4. The building has been occupied over the years, by several different restaurants.
5. The floor plan submitted states there is seating for 16 people, requiring 6 parking spaces (1 space for every 3 seats). The site plan submitted shows 1 conforming - 9' x 18' space, and 5 - 9'x12' undersized spaces in the front of the building, that cannot accommodate the length of a typical motor vehicle. The site plan submitted shows a 24.67' front yard building setback, which only leaves a 6' back up area behind a legal 18' parking space.
6. Spaces 1, 2, and 5 cannot be accessed without driving up over the Cranston Street curb and brick sidewalk and egress from the parking spaces require backing out onto the sidewalk.

Recommendation: Based on the fact that a restaurant serving alcohol use is consistent with the Neighborhood Commercial/Service classification on the Comprehensive Plan Future Land Use Map, the Commission; upon motion made by Mr. Nadeau and seconded by Mr. Strom, unanimously voted to forward a positive recommendation on this application to the Zoning Board, with the recommendation that the Zoning Board examine the off street parking deficiency.

Aye votes: Mr. Moran, Mr. Smith, Mr. Motte, Mr. Strom and Mr. Nadeau. Nay votes: none.

IMONDI REALTY LLC DBA DON'S RESTAURANT 1106 PONTIAC AVENUE CRANSTON RI 02920 (OWN) AND 1106 PONTIAC LLC 75 SOCKANOSSET CROSSROAD SUITE 24 CRANSTON RI 02920 (APP) have filed an application for permission to serve alcoholic beverages and operate a tailor shop from an existing legal non-conforming building with restricted frontage, side and rear yard set back on an undersized lot at **1106 Pontiac Avenue**. AP 10/4, Lot 1488, area 11,488+/- SF, zoned M-2. Applicant seeks relief from Section 17.92.020 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 existing restaurant use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Pontiac Avenue as Neighborhood Commercial/Services. A

Comprehensive Plan's recommendation for a future zone change from an M-2 to a C-3 zoning designation would allow restaurants serving alcohol, therefore the application will be an allowed use in the future C-3 Zoning district.

2. Restaurants serving alcohol are allowed by special use permit in this existing industrial zone.
3. The Tailor shop is a use that is consistent with the Future Land Use Map's designation of Neighborhood Commercial/Services.
4. The restaurant opened in 1972, and has had a beer and wine (Class B) license since 1979, and a full privilege liquor license since 1990.

Recommendation: Based on the fact that a restaurant serving alcohol and tailor shop use is consistent with the Neighborhood Commercial/Service classification on the Comprehensive Plan Future Land Use Map, the Commission; upon motion made by Mr. Motte and seconded by Mr. Moran, unanimously voted to forward a positive recommendation on this application to the Zoning Board.

Aye votes: Mr. Moran, Mr. Smith, Mr. Motte, Mr. Strom and Mr. Nadeau. Nay votes: none.

ADJOURNMENT

Upon motion made by Mr. Strom and seconded by Mr. Moran, the Commission unanimously voted to adjourn at 8:15 p.m.

NEXT MEETING

July 12, 2011 at 7 p.m., City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary