

MINUTES

March 1, 2011

Chairman Charles 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
James Moran
Michael Smith
Robert Strom
Gene Nadeau
Mark Motte

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Planning Commission unanimously voted to *approve* the minutes of the February 8, 2011, Planning Commission Meeting.

ZONING BOARD OF REVIEW RECOMMENDATIONS

EDGEWOOD YACHT CLUB 1 SHAW AVENUE CRANSTON RI 02905 (OWN/APP) has filed an application for permission to convert a single family dwelling into a professional office at **1 Shaw Avenue**. AP 2/2, Lot 866, 2852, 4000, area 40,596+/- SF, zoned B-1, A-12. Applicant seeks relief from Section 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 application's office use is not consistent with the Comprehensive Plan Future Land Use Map, that designates this area as single and 2-family residential. However, the City's GIS 2001 aerial photography shows that the property was used at least since that time, for parking and boat storage for the former Edgewood Yacht Club, that was destroyed by fire on January 12, 2011.
2. The property is on the dead end and has frontage on Narragansett Bay.

3. The 2010 aerials on Bing Maps, show the property being used for parking and boat storage in addition to a single family use.
4. The property, owned by the yacht club, could have been considered as accessory to the Yacht Club's operation.
5. The application states the proposed office use will be for the Edgewood Yacht Club operations, while the Yacht Club is being rebuilt.

Recommendation:

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

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

DEBORAH BRIDGE 75 LINCOLN PARK AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for re-consideration for permission to build a 28' X 44' two story addition to an existing single-family dwelling with restricted front yard setback at **75 Lincoln Park Avenue**. AP 18/4, Lot 1922, area 10,000+/- SF, zoned A-6. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.116.030 Limitation of Successive Petitions.

In the event that the Zoning Board finds that the application represents a substantial change over the previous January 1011 denial by the Zoning board, and warrants a new review, the Plan Commission makes the following Findings and Recommendation:

Findings of Fact:

1. The previously denied application requested a variance to permit a 18.9' front yard setback. The current request is for a one foot difference in the front yard setback to 19.9'.
2. The existing single family residential use is consistent with the Comprehensive Plan Future Land Use Map which designates this area as Single Family Residential, 7.26 to 3.64 units per acre.
3. One other house on Lincoln Park Avenue built in 1930 (before the current Zoning regulations) has a 19.0' front yard setback.
4. There are 49 houses located within the 400' zoning notification radius. The city's GIS shows that only 13 (26.5%) of those have restricted front yard setbacks. Eight of those 13 are two streets away from the applicant's property. Twelve of those houses were constructed between 1904 and 1963, prior to the City's 1965 (current) Zoning Ordinance.
5. The proposed 19.9' setback just meets the required length for a parking space in front of the new garage. In the area in front of the proposed addition, photographs show a 22' camper is parked on the applicant's lot, but extends onto the paved portion of Lincoln Park Ave.
6. The house that abuts the applicant's property to the north has a 20.2' setback. However, that house was constructed in 1930, prior to the 1965 Zoning Ordinance that requires 25' front yard setbacks. All of the houses on Lincoln Park Avenue to the south of the applicant's lot have the required front yard setback.
7. The existing house is 25 x 46, (1,150 sq. ft.), the proposed 28' x 44' addition is 1,232 sq. ft. which more than doubles the building's footprint.
8. The addition will contain a 3 car garage and a storage room, and over the garage, three bedrooms, walk in closet, and bath.
9. The applicant's existing front yard setback is 30'.
10. The applicant's existing rear yard setback is 43'. There is ample room to construct the 44' deep addition with the required 25' front yard setback, and still leave a 31' rear yard setback, where 20' is the minimum required. Therefore, the applicant is creating his own hardship.

11. The proposed addition will have a 12'-5" side yard setback.
12. The average front yard setback for houses 200' from either side of the applicant's lot is 22.05'.
13. The applicant is also constructing an 18' x 13' screened porch on the rear of the existing house, leaving a 24' rear yard setback.

Recommendation:

During the presentation, the applicant's son-in-law testified that there is an above ground pool located in the rear yard behind the proposed addition 's location. He said the pool would have to be moved to accommodate the required front yard setbacks for the addition. Some of the Commission members took that into consideration, and the fact that the residential use is consistent with the 2010 Comprehensive Plan Future Land Use map, therefore, Mr. Strom made a motion to forward a positive recommendation on this application to the Zoning Board. _Mr. Motte, made the second, which passed on a 4 to 2 vote.

Voting aye: Mr. Motte, Mr. Strom, Mr. Nadeau and Chairman Rossi. Voting nay: Mr. Smith and Mr. Moran.

COSMO HARALAMBIDIS 59 PHENIX AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a 600+/- SF addition to an existing legal non-conforming professional [dentist] office with restricted rear and corner side-yard setback at **59 Phenix Avenue**. AP 12/4, Lots 122,123 and 125, area 23,095+/- SF, zoned B-1. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 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 proposed addition and existing dentist office is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Phenix Avenue for Neighborhood Commercial/Services.
2. The proposed 600 sq. ft. addition to the dentist office, straddles the common lot line for lots 122 and 123, that contain the existing dentist's office, and an existing single family (that will remain).
3. The site plan submitted shows Lot #123 will also contain 9 new parking spaces.
4. Lot #125 contains the former Knightsville Congregational Church, a National Historic Register property. Though the site plan submitted shows a new paved parking lot on this lot, the application does not request a change of use for the Church.
5. The proposed addition will continue the restricted rear yard setback of the existing dentist's office. The new addition will have a setback of 2'. (Existing setback is 1.5', the Zoning Code requires 20')
6. The site plan submitted gives square foot calculations of 2,385 sq. ft. for the proposed dentist office and 2,664 sq. ft. for professional offices on lot #125. This would require 21 parking spaces. The site plan shows a total of 23 spaces, which also takes into account the 2 parking spaces needed for the existing residential use on lot 123. However, the change in use from church to office on lot #125 is not requested in the application.
7. A photograph taken on March 1, shows that the trash generated by the dentist office is placed at the front corner of the building on Greene Ave. No dumpster location is pictured on

the site plan. The Site Plan Review Committee was told during meetings that the office did not generate much trash. The photo shows otherwise.

Recommendation: Upon motion made by Mr. Smith and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, as the addition will not alter the general character of the surrounding area, or impair the intent or purpose of the Zoning Code or the Comprehensive Plan upon which the Code is based, and 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. Submit and receive an approval for an Administrative Subdivision that will merge lots 122 and 123, prior to applying for a building permit for the addition.
3. A trash enclosure should be located on the property in a location other than the front yard. The location is to be approved by the Site Plan Review Committee, and shown on the Final Plan.

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

ALFRED AND DEBRA ZANNINI 171 WHITING STREET CRANSTON RI 02920 (OWN/APP)

have filed an application for permission build a 6' X 17'+/- dining room addition with restricted front and side yard setback at **171 Whiting Street**. AP 12/6, Lot 2583, area 12,218+/- SF, zoned A-6. Applicant seeks relief from Section 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 is consistent with the 2010 Comprehensive Plan Future Land Use Map, which calls for residential use in this area.
2. The proposed addition will have a 3'-2" side yard setback, where a conforming 8'8" side yard setback currently exists.
3. The City's GIS shows that out of the 52 houses that are located within the 400' Zoning radius, only 8 have restricted side yard setbacks of between 5 and 8 ft.. (15%). Therefore a side yard setback of 3'-2 ½" will alter the character of the remaining 85% of the surrounding neighborhood, and impair the intent or purpose of the Zoning Code and the Comprehensive Plan upon which the Code is based.
4. The existing deck on the rear of the house has a rear yard setback of 90.3 ft..
5. Bing Maps show that the house is built on flat ground, but the regraded contour begins to rise slightly under the 12' x 31' rear deck. There is ledge beyond that.
6. There is ample room at the rear of the house to construct an addition, by moving the deck to the right.
7. The City's GIS aerials, Bing Maps, and a photograph taken on March 1, 2011, show that the area where the addition is proposed is currently paved and used as a parking area for either a red pickup or a white SUV.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Smith and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board as the setback relief sought brings the applicant's addition too close to the neighboring house, and would alter the general character of

the surrounding neighborhood. The relief requested is the result of the applicant's own making, where there is ample room to construct an addition on the rear of the house where the deck is currently located.

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

ALLIANCE ENERGY LLC 404 WYMAN STREET WALTHAM MA 02451 (OWN) AND ROYAL OAKS REALTY LLC 10 GREENE STREET PROVIDENCE RI 02903 (APP) have filed an application for permission to convert a gasoline service station with minimart to a restaurant with drive-thru window at **1200 Pontiac Avenue**. AP 10/4, Lot 31, area 23,159+/- SF, zoned M-2. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity, 17.28.020 Drive in Uses, 17.88.050 Structural Alterations, 17.84 Site plan Review, 17.72.010 Signs.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.*"

Findings of Fact:

1. The application for commercial restaurant use is consistent with the 2010 Comprehensive Plan Future Land Use Map, which calls for a Highway Commercial designation for this area.
2. Restaurants with or without drive-thrus are not permitted in an M-2 zone.
3. The lot's area is 23,159 s.f. where 60,000 s.f. is required in an M-2 zone.
4. The lot's frontage is 193.07 where 200' is required in an M-2 Zone.
5. The site plan provides a total of 23 parking spaces which is the required amount for 54 seats, plus 5 spaces for the drive-in ordering station.
6. The application received Preliminary Site Plan Review approval on 2/22/11.
7. Total proposed signage for the site is 415.45 sq. ft. where 300 sq. ft. is allowed in an M-2 zone. (former Sunoco station had approximately 448 sq. ft. of signage)
8. The proposed wall sign is 75.53 sq. ft., where 45 s. f. is allowed. The "Brewed Awakenings" sign is 22'-4" x 3'-4". The coffee cup logo is 3'-10" x 3'. The proposed wall sign is 68% larger than what is permitted by code.
9. The proposed freestanding 2 sided sign on Pontiac Avenue is a total of 126 sq. ft. (10' x 6') x 2. , plus "drive thru" sign of 6 sq. ft. Ordinance allows 50 sq. ft. The freestanding sign is 152 % larger than the area permitted by code. The height of the proposed sign is 20' high, (the same height of the existing Sunoco sign) A 15' height is permitted by code.
10. The high rise sign on the rear of the property will have 213.92 sq. ft. of signage. (a 2- sided coffee cup that measures 15'-3 1/3" x 7'.) (The application states that the existing Sunoco sign is 214 sq. ft.) The top of the coffee cup sign is 81' above grade. The top of the supporting structure is 70' above grade.
11. A 600 sq. ft. addition is proposed to be added to the rear of the existing building, along with a drive thru window.
12. The parking and traffic circulation plan has been approved by the City's Traffic Engineer.

Recommendation:

The proposed commercial use is consistent with the Highway Commercial designation of this area on the 2010 Comprehensive Plan Future Land Use Map; therefore, upon motion made by Mr. Smith and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward a

positive recommendation for the drive-thru commercial use and for the signage as proposed on the building and Pontiac Avenue freestanding sign, but not the high rise signage proposal detailed in Finding of Fact #10.

The Plan Commission is taking the opportunity for this proposed change of use (from highway commercial use of gasoline station to a neighborhood commercial use of coffee shop) to eliminate the excessive height of signs along local RT. 37.

The Plan Commission recognizes that a gasoline station on a highway may need a sign that can be seen from miles away, but does not acquiesce to the proposal that a coffee shop requires the same visibility.

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

CAPITOL BUDGET AND IMPROVEMENT PLAN – Second Draft

Mr. Pezzullo stated that the 7 million dollar budget presented is “responsible” and reflects only emergency items or items required by mandate. He stated that he had added \$500,000 for Open Space in the hopes of having matching funds on hand should the need arise, however, the administration has already eliminated it. On the other hand, they added \$40,000 “Stadium Wall Safety Upgrades” as this is a matter of public safety. Administration has eliminated an Elgin Street Sweeper and a back hoe and increased the number of six wheel dump trucks to two. Stadium seating upgrades and tennis court renovations requests have also been eliminated.

At this time the Elgin Street Sweeper and backhoe have been moved to the 2013 budget. Chairman Rossi has asked that the Fire Department requests be verified that they are mandated.

Upon motion made by Mr. Smith and seconded by Mr. Strom, the Commission unanimously voted to make the adjustments recommended by the administration and approve this Capitol Budget and Improvement Plan.

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

ADJOURNMENT: Upon motion made by Mr. Nadeau and seconded by Mr. Moran, the Commission unanimously voted to adjourn at 9 p.m.

NEXT MEETING: April 5, 2011 at 7 p.m., City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary