

MINUTES

May 6, 2008

Vice Chair Paula McFarland called the Planning Commission Meeting to order at 7:15 p.m. in the City Council Chamber. The following Commission members were in attendance:

Councilwoman Paula McFarland, Vice Chair
Corsino Delgado, Finance Director
Anthony Sylvia, P.E., Public Works Director
James Moran
Robert Cicerone

Also present were:

Peter Lapolla, Planning Director
Jason M. Pezzullo, AICP, Principal Planner
Lynn Furney, AICP, Senior Planner
Vito Sciolto, Esq., City Solicitor
Ron Ronzio, Stenographer
J. Resnick, Senior Clerk

The following members of the public attended:

Tom Daley
Bob D'Amico
Sherman Drew
Marco Malo
Mark Lombardi

Kevin Morin
Al Vasconcellos
Chris Placco
Sam Parente
Richard Licht

Robert Murray, Esq.
Donna Vasconcellos
Joseph Caldeiro
Doug Yates
Alison Albanese

APPROVAL OF MINUTES

Upon motion made by Mr. Delgado and seconded by Mr. Cicerone, the Commission unanimously voted to recommend *approval* of the minutes of the April 1, 2008, Planning Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Atwood Village Condominiums

Master Plan – Major Land Development
Burton Street, Berry Street and Cady Avenue
AP 12/4, Lots 938-953 and 996-1002

Attorney John DiBona requested that due to a mix up in the required property abutters notification, the hearing for this matter be continued to the June 3, 2008, Planning Commission Meeting.

Upon motion made by Mr. Cicerone and seconded by Mr. Sylvia, the Commission unanimously voted to *continue* the public hearing for the Atwood Village Condominiums application to the June 3, 2008, Planning Commission Meeting.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Moran, Mr. Cicerone and Mr. Delgado. There were no nay votes.

Equestrian Estates – Master Plan

Major Residential Planned District (RPD) with street extension
Laten Knight Road
AP 28, Lot 11

Attorney John DiBona explained that although the required property abutters notification was sent in a timely manner, many residents claim they did not receive it. Therefore, Attorney DiBona requested that this matter be *continued* to the June 3, 2008, Planning Commission Meeting.

Upon motion made by Mr. Cicerone and seconded by Mr. Moran, the Commission unanimously voted to *continue* the hearing on the proposed Equestrian Estates Master Plan application to the June 3, 2008, Planning Commission Meeting.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Moran, Mr. Cicerone and Mr. Delgado. There were no nay votes.

Lippitt Farm Phase I – Preliminary Plan

Major Subdivision with street extension
Laten Knight Road
AP 30/4, Lot 250

Attorney Robert Murray, representing J.G.P. Builders, Inc. explained this proposal is the first phase of a 26 lot subdivision. The first phase will consist of 13 lots; 12 new building lots and one open space/detention basin lot. He stated that the proposals for this project have been continued many times by the Planning Commission. He went on to explain that many years ago The Picerne Group built several homes on Laten Knight Road and provided an easement for the proposed subdivision. He stated that the current subdivision proposal conforms to the subdivision regulation requirements.

Mr. Murray mentioned Adelaide Knight's concern with the name of the development and her request that another name be considered other than the proposed "Lippitt Farm". He stated that her request will be honored, and the project will be re-named at the time of final plan submittal.

Mr. Kevin Morin, P.E., DiPrete Engineering, stated that he has been involved with the project since Master Plan approval in 2003. He stated that the parcel is zoned A-80 and comprises 64 acres. He stated that the soil in the area is ridgebury; typical of a wetland area, and drains from North to South. He noted that the wetland to the East does not affect the site. The parcel has a 2-5 ft. water table, is relatively flat with a 2-7% slope and is not in a flood plain. In late 2004 RIDEM issued wetland permits. In 2005 the drainage system was installed, and in 2007 the project received RIDEM site suitability. The roadway has been roughed in, and 27 ft. pavement width with concrete curbing is proposed. He stated that roadway width, temporary cul-de-sac length and sidewalk waivers are sought. One detention basin has already been constructed on the eastern side of the parcel and is approximately 30 ft. wide. There are two watersheds; one to the southeast and one on Laten Knight Road. Infiltration swale is proposed.

Public Works Director, Anthony Sylvia, asked the timeline for submittal of Phase 2 and the provision of a proper cul-de-sac. Mr. Morin responded, stating that he did not know. Attorney Robert Murray stated that there is no proposal for Phase 2 at this time. He assured Mr. Sylvia that the developer will satisfy the requirements of the Public Works Department regarding the temporary cul-de-sac.

Commissioner Moran asked about drainage outfall. Mr. Morin responded, stating that it will continue through the existing stream through to the "ice pond".

Mr. Tom Daley, of L.F.R, a national site development engineering firm, was present. His resume was presented, as well as a report on his findings. He stated that he looked at the entire subdivision. Private wells and septic systems are proposed on 80,000 sq. ft. lots. He stated that the purpose of his study was to 1) determine water availability for the use of private wells and 2) to determine what potential impact this proposed development would have on the surrounding area. He stated that he studied existing well yields on site and in the vicinity. He stated there are "a lot of private wells" on Hope Road, Pippin Orchard Road and the Beechwood Drive area. The DEM Wells Completion Report identified 184 private wells. He stated that the median depth was 362.5 ft. with a 5 gallon per minute yield, which is nearly five times the RIDEM requirement.

Mr. Daley stated that the soil in the area is classified as "glacial till", which is typical in the area. He also stated that the bedrock is granite, also typical in Rhode Island. He stated that the site in question is a bedrock aquifer, with 10-20 ft. of soil over rock. He went on to explain the inner workings of a bedrock well. His presentation contained well data from 1988-1989. He stated that "wells should function now as they did in 1988 due to the fact that there is sufficient water".

Mr. Sylvia pointed out that there will be a greater difference in ground water in the summer (dry) months; further stating that he disagreed with the report presented and requested an updated report. Mr. Daley responded, stating that "there will be cyclical changes", however, he was trying to show the "magnitude of the water that is actually used and what is there".

Neighboring property owner, Al Vasconcellos, 766 Laten Knight Road; a civil and mechanical engineer, expressed concern with the fact that the majority of the data presented was 20 years old. He stated that wells change over time. He questioned the validity of the 2 ½ mile radius studied and the fact that in 1988 the requirement was a 2 hour flow. He stated that the current requirement is a 5 hour flow. He pointed out that hydrofracturing the proposed wells will have an impact on nearby existing wells. He stated that of the five wells studied, four wells were hydrofractured to produce the yields given. He asked that the Commission require updated well yield data and to consider two deed restrictions be imposed; i.e., 1) lawn watering be prohibited and 2) the developer escrow funds to repair individual existing wells.

Mr. Doug Yates, 780 Laten Knight Road, expressed concern with 1) the temporary cul-de-sac proposed if Phase 2 does not come to fruition, 2) the deterioration of the soil in the temporary construction easement on his property, 3) deterioration of the side walls of the soil due to a grading difference, 4) the property "grades down to two reservoirs" and 5) he would like the existing large Oak trees to remain. He stated that more specific data and not "Rhode Island generalities" are needed.

Mr. Kevin Morin responded to Mr. Yates concerns, stating that a silt fence has been installed and he will coordinate with the property owner regarding proper maintenance of the silt fence. In regard to the existing roadway grade, Mr. Morin stated that there will be a "3-1 slope. The silt fence is the limit of work being done". Mr. Murray reassured Mr. Yates that the developer will satisfy his concern with the temporary easement. He stated that along with the Master Plan a landscape plan was submitted that ensured that one Oak tree, in particular, would remain. He further stated that two easements were created; a construction easement and a 25 ft. grading easement. He stated that the developer is committed to the existing homeowners that proper grading will be done.

Councilwoman McFarland then questioned the City Solicitor about the requirement of a grading easement. City Solicitor, Vito Sciolto, responded; stating that he would need to review the existing grading easement document before responding. Therefore, Councilwoman McFarland asked that the matter be continued to the next monthly meeting in order to allow sufficient time for review of this proposal by Public Works Director, Anthony Sylvia, and City Solicitor, Vito Sciolto.

In an attempt to defend his findings, Mr. Daley, asked to review the data documenting reduced well yields in the area, reiterated that 184 wells is an inordinately large number of wells that were studied, explained the procedure of hydrofracturing a well-stating that water yield changes with age through the process of mineral accumulation, questioned the static water level of 98 ft. on Laten Knight Road and stated that he had never seen any data or evidence of an underground river in Rhode Island.

In closing, Planning Director, Peter Lapolla, asked that existing well yield be provided; to which Mr. Vasconcellos offered his documented diminished well yield data.

Prior to action taken on this matter, and as a matter of procedure, Attorney Murray pointed out that the Master Plan approval for this proposal will expire this month, however, this Preliminary Plan submission satisfies the Master Plan condition/s.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to *continue* this matter to the June 3, 2008, Planning Commission Meeting.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Moran, Mr. Cicerone and Mr. Delgado. There were no nay votes.

PERFORMANCE GUARANTEES

Dynamic Estates

Upon motion made by Mr. Moran and seconded by Mr. Cicerone, the Commission unanimously voted to *approve* the request for a *one year extension* of Bank RI Letter of Credit No. D8401, in the amount of \$124,000; to expire on May 15, 2009.

Aye votes: Councilwoman McFarland, Mr. Sylvia, Mr. Delgado, Mr. Moran and Mr. Cicerone. There were no nay votes.

Western Cranston Industrial Park East (Delfino Property)

Upon motion made by Mr. Sylvia and seconded by Mr. Cicerone, the Commission unanimously voted to: 1. Allow the extension of the United Stated Fire Insurance Company Bond No. 610-2296001, in the amount of \$171,000, to June 1, 2009 if received prior to May 23, 2008; and to Authorize the City Finance Department to withdraw the applicable funds should an extension not be received by May 23, 2008.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Sylvia, Mr. Cicerone and Mr. Delgado. There were no nay votes.

Glenham Park

Phase 1 – Performance Guarantee Release Request

Phase 2 – Performance Guarantee Release Request

In response to a request for release of existing Phase I Key Bank Letter of Credit No.S311110 in the amount of \$89,105, and Phase II Key Bank Letter of Credit No. S311111 in the amount of \$71,000, the Planning Commission took the following action at the May 6, 2008, Planning Commission Meeting.

Upon motion made by Mr. Sylvia and seconded by Mr. Cicerone, the Commission unanimously voted to *release* both Letters of Credit in their entirety; in accordance with the Public Works Department's recommendation.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Sylvia, Mr. Delgado and Mr. Cicerone.
Nay votes: none.

Vendetti Plat - Final
Bond Release Request

Upon motion made by Mr. Sylvia and seconded by Mr. Moran, the Commission unanimously voted to *release* the \$35,000 cash bond in its entirety, in accordance with the Public Works Department's recommendation.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Sylvia, Mr. Delgado and Mr. Cicerone.
Nay votes: none.

Replat of the Vendetti Plat – Preliminary Plan
Reduction in the required Performance Guarantee Amount

The Planning Commission reviewed Mr. Sepe's request for a reduction of the required bond amount (\$63,000) approved by the Planning Commission on April 1, 2008. This bond amount included sewer work that was already completed as part of *The Vendetti Plat*.

Therefore, upon motion made by Mr. Moran and seconded by Mr. Cicerone, the Commission unanimously voted to *approve* a reduced bond amount of \$35,000; in accordance with the Public Works Department's recommendation.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Sylvia, Mr. Delgado and Mr. Cicerone.
Nay votes: none.

ZONING BOARD OF REVIEW ITEMS

CROWN ASSOCIATES 72 PINE STREET PROVIDENCE RI 02903 (OWN) AND SSG DEVELOPMENT LLC 651 WASHINGTON STREET SUITE 200 BROOKLINE MA 02446-4518 (APP) have filed an application for permission to build a new 382' X 117' +/- three story self storage facility with restricted frontage and height at **604 Park Avenue**. AP 3/2, Lot 611, area 1.84 +/- acres, zoned M-2. 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 is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as "Industrial."
2. The proposal includes demolishing the old one story, former Hostess Bakery Discount Store at that address, and constructing a new three story building, containing 986 self storage units; with a footprint of approximately 40,574 sq. ft.
3. The proposed building lot coverage is 53.5 % of the entire parcel. (60% lot coverage is allowed in an industrial zone.)
4. The application has received a Preliminary Approval from the Site Plan Review Committee for site layout, traffic flow, and landscaping.

5. The existing frontage is 193.58' where 200' frontage is required, however, there are 6 other industrial lots within the 400' radius that have undersized frontages, therefore, development on this lot will not alter the general character of the neighborhood.
6. Total signage proposed is 221 sq. ft., where 300 sq. ft. is allowed by code.
7. A 30' x 50' area (1,500 sq. ft.) within the 1st floor of the building at the northeast corner, will be used as the storage rental office, as well as retail space for sale of storage boxes and packing supplies.
8. The entire area of the 40,574 sq. ft. building is at elevation 38'-4" (top of parapet wall), except for a 32' x 32' (1,024 sq. ft.) northeast corner section at elevation 44.13 ft. The Zoning code allows for a maximum height of 35 feet. The east elevation's 382 linear feet of wall will be at elevation 38'-4", except for a 32' section of wall at elevation 44.13 feet. The increased 5.8' of height serves no function, and is asymmetrical with the rest of the building.
9. A site visit and photos taken of neighboring buildings reveals that the surrounding industrial buildings are only one story.
10. Storage unit customers will also have the opportunity to rent trucks.(2 will be available for rent on site)
11. The proposed curb cut opening is 48' where 35' maximum is permitted by the Zoning Code. However, the 48' opening is recommended by the City Traffic Engineer, in order to allow eastbound truck and fire truck access, eliminating the necessity to cross over into the westbound lane of travel in order to navigate the turn onto the driveway.
12. A minimum of 6 additional parking spaces will be needed for the office/retail use within the building. There are no parking regulations in the Zoning Code for storage units, as the concept did not exist when the code was adopted in 1965. However, practicality indicates that the 20 parking spaces provided on the plan is not a sufficient number to accommodate 986 units, most of which will be visited on the weekend. (This is only parking for 5.7% of the storage units)

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

1. That the 44.13' height of the northeast corner be lowered to match the proposed 38'-4" height of the rest of the building, hereby, allowing a 3'-4" overall height variance.
2. Increase the number of parking spaces on site to an appropriate number to be determined by the building inspector.
3. That the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Delgado, Mr. Cicerone and Mr. Sylvia.
There were no nay votes.

RICHARD CARLUCCI 325B SCITUATE AVENUE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build a new 28' X 48' single family home with 10' X 12' deck with restricted front and rear yard setback on an undersized lot on the corner of **Greenwood and Beckwith Street**. AP 6, Lot 1533 and 63, area 4987+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

This application was reviewed for conformance with criteria (3) of R.I.G.L. 45-24-41 (c) "*Standards for Variance*" which reads as follows: "*That the granting of the requested variance will not alter the general*

character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based."

Findings of Fact:

1. The application's proposed density of 8.7 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more than 8 residential units per acre".
2. An analysis of the City's GIS aeriels shows the proposed 15 ft. front yard setback conforms with 15 out of 18 residential setbacks within the 400' radius, as only 3 dwellings on Beckwith Street have setbacks that conform to the zoning code.
3. The proposed house will have a 10' rear yard setback where 20' is required by zoning code. The proposed 10' x 12' rear deck will have a 12 rear yard setback, where 20' is required.
4. There are 85 residential dwellings within the 400' zoning notification radius. 63 are single family dwellings on lots that average 5,955 sq. ft.; 21 are two-family dwellings on lots that average 6,828 sq. ft. ; and 2 are three-family dwellings on lots that average 4,827 sq. ft. Eighty out of the 85 residential lots in the radius are larger than the applicant's lot.
5. 50 out of 63 (79%) 1 family dwellings within the radius are on lots that are larger than the applicant's lot. The applicant's lot is 968 sq. ft. smaller than the average single family lot size within the radius. The proposal therefore, will alter the general character of the area, and impair the intent or purpose of the Zoning Code.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Cicerone, the Commission unanimously voted to recommend *Denial*. The proposed construction of a single family on an undersized lot will alter the general character of the surrounding area and impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based."

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Delgado, Mr. Cicerone and Mr. Sylvia.
There were no nay votes.

GARY BALLETO 40 SURREY DRIVE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a new 32' X 60' two-story 3 unit residential dwelling on a proposed 10,202 +/- SF lot [**parcel 1**] and build a new 32' X 60' two-story 3 unit residential dwelling on a proposed 9372+/- SF lot [**parcel 2**] on **Lincoln Avenue**. AP 7/2, Lots 137, 138, 2334, 3607 and portion of 136, area 19,574+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses.

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

Findings of Fact:

1. The application's proposed density of 13.4 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more than 8 residential units per acre".
2. There are 29 residential dwellings within the 400' zoning notification radius. Ten are single family dwellings on lots that average 4,757.7 sq. ft., ten are 2 family dwellings on lots that average 4,351 sq. ft., eight 3-family dwellings on lots that average 4,115.5 sq. ft., and one 4-family on a 4,724 sq. ft. lot, and one 51-unit apartment building. (The apartment building's units are not included in the analysis).
3. 100% of those 3 family dwellings within the radius are on lots that are smaller than the applicant's lot.

4. The average density for the 58 total residential units within the 400' radius is 1 unit per every 2227 sq. ft. of land area. The application's proposed density of 1 unit per 3262 sq. ft. of land area is less dense than the surrounding neighborhood.
5. The City's GIS aerial maps show that all of the 15 residential structures on Lincoln Avenue within 400 feet, have restricted front yard setbacks of less than 5ft.
6. Therefore, the proposal to construct two, 3-family dwellings on 10,202 and 9372 . sq. ft. lots with 3.5 ft. front yard setbacks, will not alter the general character of the area, and will not impair the intent or purpose of the Zoning Code.
7. Complaints concerning excessive on-street parking on narrow Lincoln Avenue have been registered with the City Council on numerous occasions.

Recommendation: Councilwoman McFarland motioned to recommend *Approval* with the condition that 1.) reduce the total number of units to four, (eliminating the need for a zoning variance) or provide additional off-street parking for visitors; acknowledging an on-street parking issue on this densely populated street which has created health and fire safety issues in the past and 2.) 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. The motion was seconded by Mr. Delgado.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Delgado, Mr. Cicerone and Mr. Sylvia.
There were no nay votes.

GARY BALLETO 40 SURREY DRIVE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to build a new 24' X 40' one-story single family dwelling with restricted frontage on an undersized lot on **Lincoln Avenue**. AP 7/2, Lot 141, area 5000+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity.

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

Findings of Fact:

1. The application's proposed density of 8.7 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more than 8 residential units per acre".
2. The property is currently enclosed with a chain link fence and gate for a paved area used as a parking lot. (The GIS aerial showed 2 cars utilizing the space.)
3. There are 40 residential dwellings within the 400' zoning notification radius. 12 are single family dwellings on lots that average 4,963.33 sq. ft., 16 are 2-family dwellings on lots that average 4,948.6 sq. ft., 11 are 3-family dwellings on lots that average 4143, one 4-unit on 4,725 sq. ft., and one 51-unit apartment building. (The apartment building's units are not included in the analysis).
4. 58% (7 out of 12) of those 1 family dwellings within the radius are on lots that are the same size or smaller than the applicant's lot.
5. The average density for the 77 total residential units within the 400' radius is 1 unit per 2,396 sq. ft. of land area.
6. The City's aerial GIS information shows within the 400' radius, that the proposed 50 ft. frontage conforms to 24 (60%) of other lots with undersized frontages.
7. All but one of the 18 residential structures on Lincoln Avenue within the radius, have restricted front yard setbacks.

8. Therefore, the proposal to construct a single family on 5,000 sq. ft. with restricted 50' frontage and 15' front yard setback, will not alter the general character of the area, and does not impair the intent or purpose of the Zoning Code.

Recommendation: Upon motion made by Mr. Delgado and seconded by Mr. Sylvia, the Commission unanimously voted to recommend *Approval* with the condition 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.

Note: The Zoning Board may wish to address the displacement of the parking area in this densely populated neighborhood.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Delgado, Mr. Cicerone and Mr. Sylvia. There were no nay votes.

GUDA ENTERPRISES LLC (UNITS 2 & 3), VINCENT J DINOFRIO JR, (UNIT 5) AND ROMAN SUSLOVICH (UNIT 4) 39 PHENIX ANENUE CRANSTON RI 02910 (OWN) AND BPR ENTERPRISES INC D/B/A SHIRAZ 39 PHENIX AVENUE CRANSTON RI 02910 (APP/ LESSEE) have filed an application for permission to operate a restaurant serving alcoholic beverages at **39 Phenix Avenue**. AP 11, Lot 1861, area 34,720+/- SF, zoned C-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 application is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as Commercial and Services.
2. The applicant's unit is located within a Plaza that contains a total of 8 commercial units, with a 46 space parking lot.
3. Restaurants serving alcohol are only allowed in C-3, C-4 and C-5 zones; however, the applicant's space formerly housed the West End Café, a restaurant and lounge, serving alcohol. The applicant's same units currently house "N'Joy," which is also a restaurant.
4. Tony Papa's, another restaurant located in the plaza, received a zoning variance to serve alcohol in June 2001.
5. The Plaza's other units are occupied by a Laundromat, a dog groomer, hair salon, jewelry store, dry cleaners, and cell phone store.
6. Directly across the street is Moon's Tap, a bar serving alcohol, and within 425' of the applicant's property is a martini bar; therefore, the application will not alter the general character of the area, and will not impair the intent or purpose of the Zoning Code or the Comprehensive Plan.

Recommendation: Upon motion made by Mr. Sylvia and seconded by Mr. Cicerone, the Commission unanimously voted to recommend *Approval*, with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Delgado, Mr. Cicerone and Mr. Sylvia. There were no nay votes.

FV LLC 41 COMSTOCK PARKWAY CRANSTON RI 02920 (OWN) AND EMPOWERMENT ENTERPRISES INC 2 STARLINE WAY CRANSTON RI 02921 (APP) have filed an application for permission to operate an aerobics and fitness studio from a portion of an existing 41,650+/- SF industrial building at **41 Comstock Parkway**. AP 36, Lot 62, area 105,415 +/- 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, 17.88.050 Structural alterations.

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 "commercial and services" use is inconsistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel and surrounding area as "Industrial."
2. The Economic Development Element of the Cranston's Comprehensive Plan, on page 105, entitled *Strengthening and Preserving Existing Industrial Districts*, states: "...there is a danger that commercial and service development will erode an important job-creating resource for the City if they are allowed to occur in industrial zones."
3. The Land Use Element of the Comprehensive Plan states on page 26: "Commercial development should be restricted in industrial districts in order to maintain the existing industrial base and provide for future expansion."
4. Land Use Policy LU-4.3 on page 26 of the Comprehensive Plan states "Discourage infiltration of commercial and retail activities into industrial zones..."
5. Economic Development Policy ED-3.1 states "Strengthen use standards for industrially zoned land to prevent the erosion of the City's supply of land suitable for manufacturing."
6. The proposed aerobic and fitness facility will alter 2,820 sq. ft. of the 41,649 sq. ft. industrial building.
7. Using the parking standard for commercial services, 10 parking spaces would be required for the use. However, using the more practical parking standards for dance halls, as 2071 sq. ft.(43.6' x 47.5') will be used for aerobic exercise, which is performed to music, 82 parking spaces would be required. (1 space for every 25 sq. ft. of dance floor area).
8. The site plan submitted provides 40 parking spaces which must be shared by the manufacturing use, and 6 spaces for tractor trailer parking.
9. In 1999 the property received a Zoning variance for a 26,200 sq. ft. addition with restricted side yard setbacks of 12' where 25' is required by code. The existing building was 12,155 sq. ft., for a total of 38,355 sq. ft. The current application lists the current square footage as 41,649 sq. ft., which is 3,294 sq. ft. larger than what was approved by the zoning board.

Recommendation: Upon motion made by Mr. Moran and seconded by Mr. Sylvia, the Commission voted to forward this application without a recommendation as a majority vote of the Commission could not be reached on the Planning staff's recommendation for denial.

Aye votes: Councilwoman McFarland, Mr. Moran and Mr. Sylvia. Nay votes: Mr. Delgado and Mr. Cicerone.

60 KENNEY LLC 60 KENNEY DRIVE CRANSTON RI 02920 (OWN) AND JOHN ADAMS 60 KENNEY DRIVE CRANSTON RI 02920 (APP) MILLWORK ONE 60 KENNEY DRIVE CRANSTON RI 02920 (LESSEE) have filed an application for permission to install mechanical

equipment exceeding the height limitation allowed by ordinance at **60 Kenney Drive**. AP 13, Lot 49, area 5.75+/- acre, zoned M-1. 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 is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map, which designates the subject parcel as "Industrial."
2. The proposed dust tower is 3'-9" higher than the 35' height that is allowed by the zoning code.
3. Within the 400' zoning notification radius, there are 3 industrial uses, and the State's Minimum Security prison on the abutting lot. The prison's height appears to exceed 35 feet.
4. The application will not alter the general character of the area, and will not impair the intent or purpose of the Zoning Code or the Comprehensive Plan.

Recommendation: Upon motion made by Mr. Delgado and seconded by Mr. Sylvia, the Commission unanimously voted to recommend *Approval* with the condition that the applicant enters into the Zoning Board of Review's record of proceedings, sufficient evidence satisfying the remaining standards for the granting of variances relating to hardship, least relief necessary, mere inconvenience and reasonable use, as put forth in R.I.G.L. 45-24-41.

Aye votes: Councilwoman McFarland, Mr. Moran, Mr. Sylvia, Mr. Delgado and Mr. Cicerone. There were no nay votes.

MISCELLANEOUS

Johnson & Wales University

Mr. Lapolla explained the University's proposal to construct a new Admissions Office/Visitors Center at the Harborside Campus of Johnson & Wales University that would replace an existing academic facility (computer center) that will be demolished. He stated that on May 3, 2005, the Planning Commission granted Preliminary Plan Approval to a project identified as 'The Johnson & Wales Harborside Student Housing', which allowed for the construction of student housing on the Cranston portion of the campus. This approval was granted pursuant to Chapter 17.106 EDUCATIONAL INSTITUTION ZONING DISTRICT (E1 ZONE) of the City's Zoning Ordinance. Per Chapter 17.106, the permitting process combined the Master and Preliminary Plan stages into one step [an Institutional Master Plan] with said Plan to be reviewed/updated every five years. Chapter 17.106 also provides that said plan can be administratively amended [for minor changes] provided certain criteria are met.

Given the above, the Planning Department will treat the proposed Admissions Office/Visitors Center as a minor alteration which will be subject to Site Plan Review.

Planning Department Workshop

Mr. Lapolla stated that on Tuesday, May 13, 2008, a Planning Department Workshop/Planning Commission Meeting would be held in the Council Chamber for review and comment on the Housing, Natural Resources and Open Space and Recreation Elements of the Comprehensive Plan.

ADJOURNMENT

Upon motion made by Mr. Sylvia and seconded by Mr. Delgado, the Commission unanimously voted to adjourn at 10:25 p.m.

NEXT REGULAR MEETING

Tuesday, June 3, 2008, at 7 p.m. in the City Council Chamber.

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary