

MINUTES

November 1, 2011

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

Michael Smith, Vice Chairman
Mark Motte
James Moran
Gene Nadeau
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. Moran and seconded by Mr. Motte, the Planning Commission unanimously voted to approve the minutes of the October 4, 2011, Planning Commission Meeting.

ORDINANCES

Ordinance #10-11-3 In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled "Zoning", as amended (The James H. Armington House Local Historic District)

Ordinance #10-11-3 proposes to add a new Local Historic District property (James H. Armington House), to Section 17.12.010 entitled *Historic Districts* located in the City of Cranston's Zoning Ordinance. The proposed Local Historic District property is located at 12 Talbot Manor, off of Broad Street, in the northern Edgewood area of the City. The boundary of the proposed overlay district is identified as lot 3598, on Zoning Plat 2/4.

Background:

Senior Planner, Lynn Furney, explained that the owner of the property, Marilyn Von Kriegenbergh, approached the Historic District Commission, with the request that her property be designated as a Local Historic District in the City of Cranston.

This house was built c.1868. The original owner, James H. Armington, was the superintendent of several textile mills in Rhode Island and nearby Massachusetts. He was married to Harriet Talbot.

The house, an elaborate bracketed brick cottage with a cross gable, bay windows and entrance hood, was originally located on 1630 Broad Street, but was moved to its present location in 1925. A photograph of the house is found in the State of RI Historical Preservation Report P-C-1, September 1980. The report states the properties listed are important structures, and should be

recognized that they represent those properties most essential to Cranston's Historical and architectural identity.

Findings:

1. The proposed ordinance has been fully supported by the Cranston Historic District Commission, and the RI Historic Preservation and Heritage Commission.
2. The Proposed Ordinance is consistent with the following **Goals and Policies** of the Historic Preservation Element of the City of Cranston 2110 Comprehensive Plan:

HPG-1 Protect and preserve properties of historic and architectural significance, as well as known and suspected archaeological sites, cemeteries, engineering structures and city-owned properties.

HPG-3 Survey , inventory, and designate local historic preservation districts.
3. The Proposed Ordinance is consistent with the following **Implementation Program** of the Historic Preservation Element of the City of Cranston 2110 Comprehensive Plan:

HP-2 Continue to establish local historic overlay districts for areas and begin designation of individual structures.

HP-6 Continue to work with private property owners to encourage preservation of known archeological and historic sites on their land.
4. The proposed ordinance is also consistent with all of the applicable purposes of zoning as presented in Section of 45-24-30 of the Rhode Island General Laws and Section 17.040.010 E. General Purposes, of the Cranston Zoning Code, which states the code "provides for the preservation and promotion of the natural, historic, cultural and scenic character of the city."

Recommendation:

Based on the above findings of fact; upon motion made by Mr. Motte and seconded by Mr. Strom, the Planning Commission unanimously voted to recommend **approval** of Ordinance #10-11-3 as the designation of a new Local Historic District property satisfies several of the goals and policies in the City's Comprehensive Plan, as well as Sec. 17.12.010 A. of the Zoning Ordinance, which states: "the regulations in this section (historic districts) have been adopted to preserve districts and specific buildings of the City which reflect elements of its cultural, social, economic, political and architectural history."

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

ZONING BOARD OF REVIEW ITEMS

CHRISTOPHER P AND SARAH K LEE 131 SHAW AVENUE CRANSTON RI 02905 (OWN/APP) have filed an application for permission to add a second story with a dormer to an existing legal non-conforming detached two car garage with restricted side yard set back at **131 Shaw Avenue**. AP 2/2, Lot 3461 area 7861 SF, zoned A-6. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.050 Structural alterations to non-conforming building.

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 single family use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area as Single Family Residential 7.26 to 3.64 units per acre.
2. The existing garage has a restricted side yard setback of 2 ft., where 5 ft. is required per the Zoning Code.
3. The existing rear yard setback is 9.2 ft., where 5 ft. is required per Code.
4. The peak height of the new roof is 21 ft.
5. One of the garage doors on the existing flat roofed garage will be removed and replaced with a wall and regular residential entrance door.

Recommendation: Based on the fact that the restricted side yard setback is existing, and the residential use is consistent with the Comprehensive Plan, upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board 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.

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

ALWOODLY REALTY LLC 315 STONE RIDGE DRIVE EAST GREENWICH RI 02818 (OWN) AND THE WASHINGTON TRUST COMPANY 23 BROAD STREET WESTERLY RI 02891 (APP) have filed an application for permission to convert an existing donut shop with drive-in use to a bank with drive-in use with two drive-through lanes at **2174 Plainfield Pike**. AP 36/2, Lot 5 & 36 area 35,566.4 SF, zoned M-2. Applicant seeks relief from Sections; 17.92.020 Special Use Permit, 17.20.120 Schedule of Intensity, 17.20.030 Schedule of Uses, 17.72.010 (7) 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 proposed bank is an allowed use by special permit in an industrial zone, and therefore the use is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City as Industrial.
2. The application received Preliminary Site Plan Review approval on October 19th, 2011.
3. Eleven parking spaces are required for the bank; the site plan provides 17 parking spaces and 1 handicap space.
4. The easterly driveway opening is located 19 feet from the property line, where a minimum of 20 feet is required per the Drive-in Ordinance.
5. The two drive-thru lanes each provide 6 stacking spaces as required by the Zoning Code.
6. All remaining specific requirements for banks with a drive thru have been met.
7. The entrance only westerly driveway does not have any “do not enter” signs posted to prohibit vehicles exiting the parking area from using this entrance only drive way.
8. The proposed total signage is 151.14 sq. ft. (allowed total signage is an M-2 zone is 300 sq.ft.) The proposal is for 34.74 sq. ft. of wall signage and a 116.4 sq. ft. 2 sided pylon sign. (The 18’-6” pylon sign was the existing sign for the vacated donut shop.) Permitted

wall signage in an M-2 zone is 45 sq.ft., and 50 sq.ft. is permitted for a 15' high freestanding sign. The proposed signage is a 59% increase in area for permitted signage in those categories but 50% less than the total signage permitted in an M-2.

Recommendation: The proposed application is consistent with the 2010 Comprehensive Plan Future Land Use Map. Upon motion made by Mr. Nadeau and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board with the following conditions:

1. Install "Do Not Enter" signs facing the interior of the site that will be read by vehicles within the parking area who may attempt to exit at the westerly driveway opening.
2. 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.

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

MARIO CARLINO 45 TRAYMORE STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission to leave an existing legal non-conforming single family dwelling with restricted front and side-yard setback on an undersized 3688+/- SF [lot 889] and build a new 26' X 34' two story single family dwelling on the abutting 3222+/- SF undersized [lot 888] at **84 Florida Avenue**. AP 8/1, lots 888 & 889, area 6,910 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 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 property's residential use is inconsistent with the 2010 Comprehensive Plan's Future Land Use Map, which designates this area of the City for Single/Two Family Residential, less than 10.89 units per acre. The proposed density for the new house is 13.5 units per acre, the average density within the 400 ft. radius is 7.5 units per acre.
2. In September 2009, the Zoning Board denied an application for a 26' x 30' single family house on this same lot.
3. The average lot size for the 48 single family houses within the 400' Zoning notification radius is 5,358 sq. ft.
4. Both lots were owned by the same person in 1965 when the current Zoning went into effect, and are therefore considered merged for zoning purposes, to create a parcel with conforming area.
5. The lot has two street frontages - Florida Avenue and Rose Street.
6. The plans submitted shows a 26' x 34' salt box cape style dwelling that will have a 15' rear yard setback from Florida Street, and a 20' front yard setback from Rose Street.
7. The applicant's surveyor provided the front yard setbacks for 16 houses on Rose Street that range from 7' to 20', with an average of 17'.
8. Only 13 (20%) out of the 64 total residential lots in the radius are on 3200 sq. ft. lots.
9. The applicant's vacant lot is 40% smaller than the average single family lot area within the 400' radius; therefore, constructing a house on the 3,222 sq. ft. lot will alter the

general character of the surrounding area, and impair the intent and purpose of the Zoning code, and the Comprehensive plan, upon which the code is based.

Recommendation: Based on the above findings of fact, upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to forward a negative recommendation on this application. Constructing a single family on a 3,222 sq. ft. lot is inconsistent with the density of this area as shown on the Comprehensive Plan Future Land Use Map. The proposal will alter the general character of the neighborhood, and impair the intent and purpose of the Zoning Code, and the Comprehensive Plan, upon which the Code is based.

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

ADJOURNMENT

Upon motion made by Mr. Moran and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 7:45 p.m.

NEXT MEETING: December 6, 2011 at 7 p.m., City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary