

MINUTES

October 2, 2007

Chairman Petit called the Planning Commission Meeting to order at 7:05 p.m. in the City Council Chamber. The following Commission members were in attendance:

Paul M. Petit, Chairman
Councilwoman Paula McFarland, Vice Chair
Corsino Delgado, Finance Director
Anthony Sylvia, P.E., Public Works Director
Charles Rossi
Stephen Devine

Also present were:

Peter Lapolla, Planning Director
Jason M. Pezzullo, AICP, Principal Planner
Lynn Furney, AICP, Senior Planner
Aubrey Lombardo, Asst. City Solicitor
Vito Sciolto, Esq., City Solicitor (8:25 p.m.)
J. Resnick, Senior Clerk

The following members of the public attended:

John Bolton, Esq.
Janet Spinelli
Robert Fraielli
Ralph Cataldo
Jacky Vient
Sylvia Cambio
Diane Fusco
Marie Sanda
Michael Kyriakkis

John Pariseault
Frank Spinelli
Francisco Colouzzo
Mary Ann Petrucci
Joseph Baldino
Henry Kinch
Julio Soprano
Rudolph Sanda
Deborah Fraielli

Joseph Lombardo
Carol Monti
Frank Monti
Laurie Fazio
Renat Napolitano
Mark Altman
Louis Lembo
Diane Amaral Costa
John DiBona, Esq.

MINUTES

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to *approve* the minutes of the September 11, 2007, Planning Commission Meeting.

AMENDMENT TO THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

Amendment to Fee Schedule

Mr. Lapolla presented the proposed Amendment to the Subdivision and Land Development Regulations (see attached). He explained that fee increases from Pre-Application through Final

Plan submittal are proposed, with a penalty for untimely Final Plan submittal. The proposed schedule will be adjusted each fiscal year in conjunction with departmental increases/decreases.

Upon motion made by Mr. Delgado and seconded by Mr. Devine, the Commission unanimously voted to adopt this amendment to the Subdivision and Land Development Regulations.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia, Mr. Devine and Councilwoman McFarland. There were no nay votes.

ORDINANCES

Ordinance #8-07-5 – Seeks to amend Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 22 Oaklawn Avenue) from A-8 to B-2.

Attorney John Bolton, representing Amalgamated Financial Equities, III, LLC, explained the purpose of the petition is to change the current zoning from A-8 to B-2. He stated that the existing Chateau Chatillion Apartment complex will not be changed, further stating that the property owner is committed to updating the property (currently a legal, non-conforming use) and is seeking the zone change to “make the property less non-conforming”; thereby negating delay should any future changes/enhancement be proposed.

Mr. Joseph Lombardo, AICP, presented the Commission with a report which he summarized as follows: stating that the zone change petition proposes “to bring the property into conformance which would allow the owners to make improvements going forward”. He further stated that the property across the street is zoned B-2, and this proposal is in keeping with the character of the neighborhood.

No public comment was offered on this proposal.

Mr. Pezzullo further explained that the proposal does not make the property conform to the proposed B-2 zone as too many apartment units exist but rather makes the parcel “less non-conforming”.

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 this amendment to the Subdivision and Land Development Regulations.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia and Mr. Devine. Councilwoman McFarland abstained. There were no nay votes.

SUBDIVISION AND LAND DEVELOPMENT PLANS

Montgomery Avenue Minor Subdivision

Broad Street

AP 2/4, Lots 1581 and 3373

Mr. Ralph Cataldo, representing RIPTA, explained that the subject parcel (1.48 acres) is surplus land at Broad Street and Montgomery Avenue that the applicant proposes to subdivide to create two conforming lots. The area is zoned C-3 (General Business). Lot 1 will be 1.1 acres with 222’ of frontage and Lot 2 will be .38 acres with 108’ of frontage. Lot 3 is a nonconforming pre-existing lot of record which is not proposed to change as a result of this subdivision. Both of the proposed lots will have the required frontage and area required in the C-3 zone and will be serviced by public water and sewer.

Councilwoman McFarland questioned whether the proposal provides sufficient turn around space. Mr. Pezzullo responded, stating that there will be no change to the surrounding area. He also stated that this development will be reviewed by the Site Plan Review Committee, and at that time matters of sufficient driveway access/egress will be addressed.

No public testimony was offered on this proposal.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision 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 September 24, 2007 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 is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Commercial and Services" as there is no impending change in the use of the property.
3. 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 impractical.
7. The property in question has adequate permanent physical access on Montgomery Avenue and Broad Street, improved public roadways 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. Provide a Municipal Lien certificates for AP 2/4 Lots 1581 & 3373 confirming that taxes for the subject properties are currently up to date.
2. Future utilization of the property amounting to more than 5,000 sq.ft. of gross floor area (GFA) will require the applicant to appear before the City's Site Plan Review Committee for substantive technical review.
3. Payment of Eastern Cranston Capital Facilities Impact Fees will be assessed once a commercial proposal of this property has been approved and a Building Permit is being

sought by the applicant.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia, Mr. Devine and Councilwoman McFarland. There were no nay votes.

Replat of Elmwood Gardens

70 Sharon Street

AP 4/2, Lots 2109, 2110 and 2111

Mr. Michael Kyriakkis, the applicant, began the discussion on this proposal by stating that he intends to convert the existing two family dwelling to a single family dwelling. Mr. Pezzullo explained the proposal to subdivide the existing 12,000 square foot parcel (comprised of three nonconforming record lots) to create two conforming building lots. Parcel A will have 6,000 square feet and contain one structure to be converted from a two-family to a single-family dwelling unit. Parcel B will have 6,000 square feet of land area. Both of the proposed lots will have the required frontage and area for the A-6 zone which requires a minimum of 6,000 square feet of area with 60' of frontage. Both lots will be serviced by public water and sewer.

No public testimony was offered on this proposal.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Delgado and seconded by Mr. Devine, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision 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 September 24, 2007 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 7.26 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 units per acre".
3. The proposal will not alter the general character of the surrounding area nor impair the intent or purpose of the Cranston Zoning Code. The applicant has proposed to convert the nonconforming two-family unit into a conforming single-family unit.
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 impractical.
7. The property in question has adequate permanent physical access on Sharon Street which is 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. Applicant shall complete the conversion of the two-family unit into a single-family unit. Applicant shall then obtain a Zoning Certificate from the Cranston Zoning Official certifying that the conversion work has been completed prior to Final Plan submission with the Planning Department.
2. Final Plan title shall be "Replat of Elmwood Gardens – Lots 43-45"
3. Provide Municipal Lien Certificates for Lots 2109, 2110, and 2111 certifying that all taxes are up to date at the time of Final Plat Recording.
4. Proposed structures shall not be depicted on the Final Record Plan.
5. Payment of Eastern Cranston Capital Facilities Impact Fees in the amount of \$593.46 at the time of Final Plat recording.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia, Mr. Devine and Councilwoman McFarland. There were no nay votes.

Replat of Lot 1 – Elmwood Oso Plat

Burbank Street
AP 4/2, Lot 192

Mr. Harry Miller, PLS, explained the proposal to create one additional 6,000 sq. ft. conforming lot in this A-6 zone. Mr. Pezzullo elaborated, stating that the applicant has proposed to subdivide the existing 31,286 square foot parcel to create one additional conforming building lot. Lot 1 will have 18,136 square feet with 84' of frontage and Lot 2 will have 13,150 square feet with 60' of frontage. Both of the proposed lots will have the required frontage and area required in the A-6 zone and will be serviced by public water and sewer.

No public testimony was offered on this proposal.

There being no further testimony, the Commission moved to a vote. Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision 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 September 24, 2007 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 3.5 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 units per acre".
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code. The applicant will require a use variance for the existing two-family home.
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 impractical.
7. The property in question has adequate permanent physical access on Burbank Street which is 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. Applicant shall receive the required zoning variance, if needed, from the Cranston Zoning Board of Review prior to Final Plan submission with the Planning Department.
2. Provide written correspondence from the Providence Water Supply Board stating the availability of public water for proposed Lot 2.
3. Payment of Eastern Cranston Capital Facilities Impact Fees in the amount of \$593.46 at the time of Final Plat recording.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Delgado, Mr. Sylvia, Mr. Devine and Councilwoman McFarland. There were no nay votes.

PERFORMANCE GUARANTEES

Orchard Meadows

Pippin Orchard Road
AP 33, Lots 15 and 124
Request for Bond reduction

Mr. Pezzullo stated that he received correspondence from Mr. Peter Alvit, P.E., requesting a reduction in the existing Performance Guarantee for the above referenced subdivision.

Upon motion made by Mr. Devine and seconded by Councilwoman McFarland, the Commission unanimously voted to *reduce* existing Letter of Credit #215 in the amount of \$164,000 by \$36,500, thereby leaving a balance of \$127,500; in accordance with the Engineering Division's recommendation.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

Briar Hill Drive Extension

Briar Hill Drive/Natick Avenue
AP 22/4, Lot 121
Request for Bond reduction

Mr. Pezzullo stated that he recently received correspondence from John S. DiBona, Esq., requesting a reduction in the existing Performance Guarantee for the above referenced subdivision.

Upon motion made by Mr. Rossi and seconded by Mr. Devine, the Commission unanimously voted to *reduce* the existing cash bond currently being held in the amount of \$79,000 by \$14,000, thereby leaving a balance of \$65,000; in accordance with the Engineering Division's recommendation.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

Pine Ridge Estates

AP 35, Record Lots 14, 15 & 16
Request for Bond release

Mr. Pezzullo stated that he recently received correspondence from Robert DiSciullo requesting release of the existing Letter of Credit No.901459 in the amount of \$151,000, for the above referenced subdivision.

Upon motion made by Mr. Rossi and seconded by Mr. Delgado, the Commission unanimously voted to *table* their decision on this matter for one month in accordance with the Public Works Director's request.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

Independence Way

AP 37. Lot 12
Request for Bond release

Mr. Pezzullo stated that he recently received correspondence from Mr. John O'Connor requesting release of existing U.S. Fidelity & Guaranty Co. Bond #TE5951 in the amount of \$152,000 for the above referenced subdivision.

Upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to *table* their decision on this matter for one month in accordance with the Public Works Director's request.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

ZONING BOARD OF REVIEW ITEMS

INTERSTATE TAX TITLE COMPANY INC 2 SWEET HILL DRIVE CUMBERLAND RI 02864 (OWN/APP) for permission to build a 24' X 44' single family home with restricted frontage on **Woodrow Avenue**. AP 15/1, Lot 649, area 8622 +/- SF, zoned A-8.

Between 1959 and April 5, 1991, the property was under common ownership with the undersized, abutting lot # 650. The Planning staff's research revealed that in 1991, the abutting property was transferred without a zoning variance, and requests that the City Solicitor give an opinion on the legal zoning status of both lot 649, and the abutting non-conforming lot #650.

Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to recommend that this application be *continued* until next month, November, 2007, at the request of the applicant's attorney.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

ESTATE OF SALVATORE DIPIETRO C/O CYNTHIA WHELAN 226 WAYLAND AVENUE CRANSTON RI 02920 (OWN) AND GRB LLC 460 WARWICK AVENUE WARWICK RI 02888 (APP) have filed an application for permission to leave an existing legal non conforming single family dwelling with restricted frontage on a 7109 SF [lot 3942] and build a new 26' X 34' two story single family home with restricted frontage on the abutting [lot 3978] to the east at **135 Westwood Avenue**. AP 2, Lots 3942, 3978, area 13,954 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Sub Standard Lot 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 application's proposed resulting density of 6.2 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 A-6 zoning in this area requires minimum lot frontages of 60 feet. Each of the applicant's lots are 10 feet short of the minimum zoning requirement.
3. The proposed house meets all the required yard setbacks.
4. Of the 59 one family dwellings within the radius, 29(49%) are on lots that have the same size or smaller frontages as the applicant's proposal. In addition, within the 400 ft. zoning radius, 10 of those 29 lots are on the same street (Westwood) as the subject lots.
5. Therefore, the proposal to construct a single family on an existing lot with insufficient frontage, will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, 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.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

MICHAEL COSTA 290 ALPINE ESTATES DRIVE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to leave an existing legal non conforming single family dwelling with restricted frontage and side yard set back on an undersized 4000 SF [lot 963] and build a new 24' X 44' single family home with restricted frontage on the abutting undersized [lot 964] to the west and build a new 24' X 44' single family home with restricted frontage on the abutting undersized [lot 962] to the east at **101 Chestnut Avenue**. AP 9/3, Lots 962, 963, 964, area 12,000 +/- 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 10.9 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 average lot area for the 61 one-family dwellings within the 400' ZBR notification radius is 5,265 square feet; whereas the applicant's existing 1 family and remaining new lots will each have 4,000 sq. ft., which is 1,264 sq. ft. smaller than the 1-family average lot area in the neighborhood. The proposal is denser than the existing 1 family development in the surrounding neighborhood.
3. However, of the 61 one family dwellings within the radius, 33 (54%) are on lots that are the same size or smaller than the applicant's lots, and
4. The Assessor's map shows that of the 61 single family lots within the 400' zoning notification radius, 33 (54%) have frontages that are the same length (40') or smaller than the applicant's lots.
5. Therefore, the proposal to leave an existing single family on an undersized lot and separate the 2 abutting, undersized lots in order to construct 2 single family houses, will not alter the general character of the surrounding area, or impair the intent or purpose of the Cranston Zoning Code.

Recommendation:

Upon motion made by Mr. Devine and seconded by Mr. Delgado, 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.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

JOHN T AND DIANE AMARAL COSTA 22 CARRIE ANN DRIVE CRANSTON RI 02921 (OWN/APP) have filed an application for special permit to build a one story 630 +/- SF family accessory apartment addition with a sun deck with restricted corner side yard set back at **22 Carrie Ann Drive**. AP 25/1, Lot 542, area 22,839 +/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.020 Special Permit, 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 density of 1.9 residential units per acre will not change, and therefore, is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential, 1-4 units per acre."
2. The proposed addition will have a door which faces Baneberry Drive.. This violates Zoning Code Sec. 17.24.010F.4. which states "The accessory family apartment shall have no additional external entrance that faces a street.
3. The proposed 28' x 22.5' accessory family apartment's area of 630 sq. ft. exceeds the zoning code's maximum allowed square footage by 30 square feet. (A 1 foot, 4 inch reduction in the 28' dimension, would bring the total area to within the maximum 600 sq. ft. allowed)
4. By zoning ordinance, the total area devoted to an accessory family apartment shall not exceed 25% of the entire floor area of the primary dwelling. The proposed apartment addition is 33% of the entire floor area of the primary dwelling. (25% would allow a 476 sq. ft. accessory apartment)
5. A common door to the main house is proposed, connecting both living rooms.
6. The required front yard setback per the Zoning Code is 30'. The proposed setback from Baneberry Drive will be 15.0', which is exactly half of the required front yard setback distance.
7. The City's GIS aeriels, show that within the 400' zoning notification radius (and beyond), there are no other houses with restricted street front yard setbacks; therefore, the proposed addition's location will alter the general character of the surrounding area and impair the intent or purpose of the Cranston Zoning Code.

Recommendation: Upon motion made by Mr. Devine and seconded by Mr. Delgado, the Commission unanimously voted to recommend *Denial* for the following reason:
In accordance with R.I.G.L. 45-24-41, the location of the proposed addition alters the general character of the neighborhood and impairs the intent and purpose of the Zoning Ordinance.

Note: The staff suggests that the applicant relocate the addition anywhere to the rear of the house. A possible location is at the rear of the garage with a common entrance through the main house's kitchen and an exterior door that faces the side lot line.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

SOPRANO REALTY COMPANY 4 NOTTINGHAM DRIVE HOPE RI 02831 (OWN/APP) has filed an application for permission to leave an existing legal non conforming 5000+/- SF commercial building with restricted frontage, front and side yard set back on a proposed undersized 20,481+/- SF lot [parcel A] and leave an existing legal non-conforming 7000+/- SF commercial building with restricted frontage, front and side yard set back on a proposed undersized 20,877+/- SF lot [parcel B]at **225 Macklin Street and 86 Calder Street**. AP 11, Lot 2064, area 41,358 +/- SF, 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.*"

Recommendation:

Upon motion made by Councilwoman McFarland and seconded by Mr. Rossi, the Commission unanimously voted to recommend that this application be *Tabled* in order to provide sufficient time for research to be conducted to determine what was originally proposed for the site.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

DIANE M FUSCO 20 HOLLY HILL LANE CRANSTON RI 02921 (OWN/APP) has filed an application for permission to build 25' X 37' third living unit addition onto an existing legal non-conforming two family dwelling with restricted front, rear, side and corner side-yard setbacks at **77 A Street**. AP 11/3, Lot 877, area 8000+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.050 Structural Alterations, 17.20.090 (A) Specific Requirements, 17.64.0109F0 Off Street Parking street access.

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 16 residential units per acre. 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. There are 39 single-family, 34 two-family, 1 three-family, and 3 four-family structures located within the 400' Zoning Board of Review (ZBR) notification radius. The average land area provided for each unit in the neighborhood is 4,298.3 square feet. The proposed density is 2,666.7 sq. ft. of land area per unit, which is 38% denser than the average density in the neighborhood.
3. Only single and two family dwellings are allowed in a B-1 zone. The three existing 4 family dwellings within the 400' radius were allowed by variance between 1985 and 1999. Records show that the Planning Commission had recommended **denial** on all of those conversion applications.
4. The applicant's property was before the Zoning Board in February 2007 for a 45' x 28' addition for the third unit. The application was denied by the Zoning Board. Though this application is for a smaller addition (37' x 25'), the proposed density does not change.
5. The existing conditions site plan shows 4 off-street parking spaces; all of which, back out onto A Street and C Street. No changes in the parking layout are proposed, even though 2 additional parking spaces are required for the additional unit.
6. The applicant owns the abutting single family rental property on lot 880.
7. The proposed application therefore, will alter the general character of the neighborhood and impair the intent or purpose of the Cranston Zoning Code.

Recommendation: The Planning Department staff recommended denial; however, the Planning Commission elected not to accept the staff's recommendation, and upon motion made by Mr. Rossi and seconded by Councilwoman McFarland, the Commission unanimously voted to recommend *Approval* of this application because of the unique characteristics of the neighborhood.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

JANET AND FRANK SPINELLI 110 ALLEN AVENUE CRANSTON, RI 02910 (OWN/APP) have filed an application for permission to convert an existing single-family dwelling into a 2-family dwelling with restricted front and corner side yard setback at **110 Allen Avenue**. AP 5/3 Lot 957, area 8544 +/- SF, zoned A-6. 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. At the July 2007 Planning Commission Meeting, the applicant requested a continuance, in order to meet with the Planning Department and Traffic Engineer to discuss a redesign of the addition and parking areas.
2. The application’s proposed density of 10.2 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 total number of residential units within the 400’ radius, including the single, two and multi-family dwellings, is 86 (70 single-family, 8 two-family, and no three-family dwellings). The average density of these units is one per 6,525.5 square feet of lot area. Therefore, the applicant’s proposal is denser (1 unit per 4,272 sq. ft.) than the existing residential development density in the surrounding neighborhood.
4. However, the average lot size of other two-family dwellings within the 400’ ZBR notification radius is 7,680 sq. feet, whereas the size of the subject parcel is 8,544 sq. ft. Therefore, the application’s area is larger than the average area for the two family dwellings in the surrounding neighborhood.
5. The average per unit density for the area’s 2 family dwellings is 3,840 sq. ft. The applicant’s proposal is less dense (1 unit per 4,272 sq. ft.) than the existing 2 family development in the surrounding neighborhood.
6. Therefore, the proposal to construct a 2-family on an undersized lot will not alter the general character of the surrounding area and impair the intent or purpose of the Cranston Zoning Code.
7. The proposed two story addition will encroach into both corner front yard setback areas, leaving a corner front yard setback of 10.5’ from Hans Street property line, and 14.9’ from the Allen Avenue property line. The City’s GIS shows that of the 20 other corner lots within the 400’ radius, 3 houses have similar restricted corner, front yard setbacks. One of those houses abuts the applicant’s lot.
8. The proposed addition’s corner has been cut back from the original proposal, leaving a clear sight distance in the area measured 30’ from the point of the intersecting lot lines along Hans Street and Allen Avenue. This complies with Section 17.20.100 A. of the Zoning Code, entitled *Corner Visibility*.
9. The parking plan submitted shows the existing curb cuts for the existing garage on Hans Street will be closed, and relocated to the rear property line, perpendicular to Hans Street. This eliminates the former driveway that was partially located within the City’s right of way for Hans Street. A proposed parking area for 2 additional cars will be located parallel to the westerly lot line, off Allen Avenue. Both new driveways are located the maximum distance possible from the intersecting streets.

Recommendation:

Upon motion made by Mr. Delgado 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.

2. Loam and seed the former driveway area. Curbing is not recommended, as there is no curbing in the neighborhood.

Aye votes: Chairman Petit, Mr. Rossi, Mr. Devine, Mr. Sylvia, Mr. Delgado and Councilwoman McFarland. Nay votes: none.

COMP PLAN UPDATE

Mr. Lapolla stated that the staff is currently working on the 'Natural Resources/Open Space' section of the draft Comprehensive Plan. He stated that Mr. Devine's comments have been incorporated into the 'Housing Element' section of the draft Comprehensive Plan.

NEXT MEETING

Tuesday, November 6, 2007 at 7 p.m. in the City Council Chamber

ADJOURNMENT

Upon motion made by Mr. Delgado and seconded by Mr. Devine, the Commission unanimously voted to adjourn at 9:35 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Secretary

