

MINUTES

October 2, 2012

Chairman Rossi called the Planning Commission Meeting to order in the City Council Chamber at 7:04 p.m. The following Commission members were in attendance:

Charles Rossi, Chairman
Michael Smith, Vice Chairman
Mark Motte
Gene Nadeau
Ken Mason, P.E.
James Moran

Also present were:

Peter Lapolla, Planning Director
Stephen Marsella, Esq., Assistant City Solicitor
Jason Pezzullo, Principal Planner
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 September 4, 2012, Planning Commission Meeting.

ORDINANCES

Ordinance of the City Council - 08-12-3: Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled "Zoning" – 59 Phenix Avenue – Zone Change – B-1 to C-2 (Assessors Plat 12/4, Lots 122, 123, and 125 – 59, 61, and 67 Phenix Avenue)

The proposed ordinance requests to change the zoning classification for the above referenced property from B-1 to C-2. The subject lot fronts on Phenix Avenue within the Knightsville neighborhood of the City. The two sites contain a dentist office and a historic meeting house (67 Phenix Avenue). The proposed zone change conforms to the 2010 Cranston Comprehensive Plan and the Future Land Use Map which designates these two lots as Neighborhood Commercial which calls for C-1, C-2, or C-3. This Comprehensive Plan amendment was considered and approved by the City Plan Commission with the stipulation that this historic façade of the meeting house be preserved.

Through the redevelopment process of the meeting house property, the applicant was required to present their proposal to the Cranston Historic District Commission for their review and approval. The applicant claimed that the building and façade had deteriorated to the point that it was infeasible to retrofit this building. The proposal called for a demolition of the site with a special historic rebuild of the structure and façade to match the original historic character (note: The Ocean House in Westerly was completely demolished and historically rebuilt as a new structure which mirrors the architecture and look of the original building). The Cranston Historic District Commission subsequently approved the rebuild proposal.

Findings of Fact

1. The proposed change of zone for AP 12/4, Lots 122, 123 and 125 is consistent with the City of Cranston's 2010 Comprehensive Plan – Future Land Use Map which designates this area as Neighborhood Commercial allowing for the C-2 district.
2. The Cranston Historic District Commission approved the historic rebuild proposal of the meeting house (67 Phenix Avenue) and is consistent with the condition set by the City Plan Commission that the historic façade of this building be preserved.

Recommendation Upon motion made by Mr. Moran and seconded by Mr. Motte, the City Plan Commission unanimously voted to adopt the findings of fact documented above and forward them along with a recommendation of ***approval*** to the City Council for the requested change of zone.

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

SUBDIVISIONS AND LAND DEVELOPMENTS

Replat of Lot Nos. 54 and 55 of Plat No.3 belonging to Harriet A. Field and Caroline Fenner, Cranston RI, by J.A. Latham, December 1910” – Master / Preliminary Plan

Carolina and Field Street
AP 7/4, Lots 3181 & 3184

Upon motion made by Mr. Motte and seconded by Mr. Smith, the Commission unanimously voted to adopt the Findings of Fact denoted below and *approve* this Master/Preliminary Plan; subject to the following condition:

Findings of Fact

1. An orderly, thorough and expeditious technical review of this Master/Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail and the meeting agenda has been properly posted. Advertisement for this 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 "Industrial".
3. The proposal is inconsistent with the frontage and area requirements of the City of Cranston. However, 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 Master/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 impracticable.
7. The property in question has adequate permanent physical access on Field Street and Carolina 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.

Condition of Approval

Applicant shall receive the required dimensional variance from the Zoning Board of Review.

Ayes: Chairman Rossi, Mr. Motte, Mr. Nadeau, Mr. Smith, Mr. Moran and Mr. Mason. Nay: none

PERFORMANCE GUARANTEES

Lawrence & Elizabeth Moses Minor Subdivision – Exercise of Bond
Laten Knight Road
AP 29, Lot 2

Upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously voted to *table* until December 4, 2012, any action involving the matter of sewer repair on Laten Knight Road. This action was taken in accordance with the Public Works Department request.

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

ZONING BOARD OF REVIEW ITEMS

OSJ OF CRANSTON LLC 375 COMMERCE PARK ROAD NORTH KINGSTOWN RI 02852 (OWN/APP) has filed an application for permission to operate a health and fitness center from a 19,316+/- SF portion of an existing building with restricted rear yard setback and off street parking at **1441 Elmwood Avenue**. AP 4, lot 2683, area 419,284 +/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.64.010 Off-Street Parking, 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 2010 Comprehensive Plan Future Land Use Map has designated this area of Elmwood Avenue as a Special Redevelopment Area, therefore the application's Commercial/Service use is not inconsistent with the Comprehensive Plan.
2. The building currently contains 3 commercial uses - Ocean State Job Lot, Price Rite grocery store, and TYCO, which is also expanding. All of these commercial uses are remaining.
3. The entire parcel contains 320 parking spaces.
4. According to the parking regulation in the Zoning Code, the square footages of the Job Lot and Price Rite together require 408 parking spaces.
5. The existing Zoning Code does not have a parking standard for health and fitness studios.
6. A Preliminary Site Plan Review meeting for the application was held on September 19, 2012, but was continued for lack of a landscaping plan, and revised parking plan. The decision will be rendered prior to the Zoning Board hearing.
7. The existing 2 sided pylon has 284 sq. ft. of signage, where 50 sq. ft. is permitted in an M-2 Zone. The additional sign will result in 376 sq. ft. of total signage on the pylon.
8. The proposed new building sign is 102 sq. ft., resulting in 555 sq. ft. total signage for the 4 businesses located in the building.

Recommendation: Based on the fact that the use is not inconsistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Elmwood Avenue as a Special

Redevelopment area, upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a positive recommendation on the proposed use to the Zoning Board with the following condition: Install a sufficient amount of landscaping as approved by the Site Plan Review Committee.

Ayes: Chairman Rossi, Mr. Motte, Mr. Nadeau, Mr. Smith, Mr. Moran and Mr. Mason. Nay: none

ALMA FELIX GREEN 1279 HOPE ROAD CRANSTON RI 02831 (OWN/APP) has filed an application for permission to leave an existing single family dwelling on a proposed 2.73 +/- acre [lot263] with restricted frontage and leave an existing single family dwelling on a proposed abutting undersized 1.42 acre [lot 263-2] with restricted frontage and rear yard setback at **1279 Hope Road**. AP 30/4, lot 263, area 4.15 +/- acres, zoned A-80. 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 2010 Comprehensive Plan Future Land Use Map which designates this area as **Single Family Residential, less than one unit per acre**.
2. The zoning code required 200 feet of frontage in an A-80 zone. The proposed 2.73 acre lot has 147.20' of frontage, and an existing single family.
3. The existing 2-bedroom home on the proposed 1.42 acre lot has 127.71' of frontage.
4. The existing lot is "U" shaped, therefore the frontages on Hope Road are existing.
5. The minimum lot width required in an A-80 zone is 200; the proposed lot with 127.71' of frontage is 80' wide at a point 140' from the front property line. The proposed lot with 147.20', is 144' wide for 245' from the front property line.
6. The existing rear yard setback for the dwelling on the proposed 1.42 acre lot is 23.8', where 100' is required per the zoning code.
7. All of the non conforming conditions on findings 2 through 6 are existing; therefore, the proposal will not alter the general character of the surrounding area or impair the intent or general purpose of the Cranston Zoning Code, or the Comprehensive Plan, upon which the code is based.

Recommendation: Based on the above listed Findings of Fact, upon motion made by Mr. Smith and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on the application to the Zoning Board.

Ayes: Chairman Rossi, Mr. Motte, Mr. Nadeau, Mr. Smith, Mr. Moran and Mr. Mason. Nay: none

ALBERT F AND LINDA D GUERCIA 658 SCITUATE AVENUE CRANSTON RI 02921 (OWN/APP) have filed an application for permission to build a 9'X 12'+/- kitchen addition on to an existing single family dwelling on an undersized lot at **658 Scituate Avenue**. AP 26/4, lot 17, area 11,950 +/- SF, zoned A-20. 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 existing single family residential use is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City as **Single Family Residential 3.63 to 1 unit per acre.**
2. The property is on the corner of Leah Dr. and Old Scituate Avenue.
3. The lot is located on a plat that was approved by the Plan Commission and was recorded in 1946, which predates the current zoning map.
4. The City's GIS aerials, show the applicant's house has a smaller footprint than all 21 of the other houses located within the 400' Zoning Radius, therefore the application will not alter the general character of the surrounding area.
5. The proposed addition will have conforming setbacks of 51 ft. from the rear yard, where a minimum of 30' is required, and 27 ft. from the side yard, where 15' is required.

Recommendation: The Plan Commission finds that the application is consistent with the Comprehensive Plan and will not alter the general character of the surrounding area. Therefore, upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

Ayes: Chairman Rossi, Mr. Motte, Mr. Nadeau, Mr. Smith, Mr. Moran and Mr. Mason. Nay: none

ARD HOLDINGS INC 647 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to have additional signage than that allowed by ordinance at **1375 Park Avenue**. AP 11, lots 749, 3599, 3600, area 14,962 +/- SF, zoned C-3. Applicant seeks relief from Sections; 17.92.010 Variance, 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. In September 2006, the Zoning Board granted a variance for the 8 individual storefront wall signs that are 36 sq. ft. each, totaling 288 sq. ft. The Board also granted the monument sign that measures 8 ft. high by 5 feet wide. The total variance granted is for 368 sq. ft. of total signage.
2. The existing use of the property is consistent with the Comprehensive Plan Future Land Use Map, which calls for Commercial and Services for this area.
3. A building with multiple storefronts in a C-3 zone permits 200 sq. ft. plus 25 % for a total of 250 sq. ft. maximum of total signage, Chapter 17.72.010 E. The proposal will result in 488 sq. ft. of total signage for the site.
4. The proposal calls for a new double sided monument sign that measures 10 feet by 10 feet, for a total of 200 square feet of signage, which alone, uses up most of the maximum square footage allotment of signage in a C-3 zone. A monument sign that has 45 sq. ft. is allowed by ordinance, with a maximum height of 4 feet.
5. The proposed monument sign is 150% larger than the area approved by variance for the existing monument sign.
6. The proposed monument sign shows the address at the top plus spaces for 10 individual signs, where the site plan submitted, shows the building has 7 individual storefronts.
7. This application will impair the intent and purpose of the Zoning Code in that it proposes almost 2 times larger signage area than what is allowed in the Zone in which it is located.

Recommendation: Upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted to make no recommendation on this application, but points out because of the new size and location of the monument next to the driveway opening, the traffic engineer should approve line of sight visibility of the approaching west bound traffic on Park Ave.

Ayes: Chairman Rossi, Mr. Motte, Mr. Nadeau, Mr. Smith, Mr. Moran and Mr. Mason. Nay: none

FEDERAL NATIONAL MORTGAGE ASSOCIATION 14221 DALLAS PARKWAY DALLAS TX 75265 (OWN) AND ANTHONY P VECCHIARELLI AND LAURA M VECCHIARELLI 7 VIOLET DRIVE CRANSTON RI 02920 (APP) have filed an application for permission to revert a single family back to a two family dwelling at **46 Vervena Street**. AP 11, lots 803, area 6000 +/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.20.090 (A) Specific Requirements.

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 resulting density of 14.52 units per acre is inconsistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area as *Single/Two Family Residential, Less than 10.89 units per acre*.
2. Of the 30 two family dwellings that are located within the 400' zoning radius, 15 are on undersized lots; therefore, the application 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."
3. The dwelling was a 2-family dwelling when the City's Zoning was adopted in 1965.
4. The dwelling has been used as a single family since 2004.
5. The site plan shows 5 existing paved parking spaces in the rear yard.

Recommendation: The proposed residential density of 14.52 units per acre is inconsistent with the Future Land Use Map's designated density of 10.89 or less units per acre. However, given the fact that ½ of the two-family dwellings located within the 400' radius have densities greater than 10.89 units per acre, the Plan Commission, upon motion made by Mr. Motte and seconded by Mr. Moran, unanimously voted to forward a positive recommendation this application to the Zoning Board.

Ayes: Chairman Rossi, Mr. Motte, Mr. Nadeau, Mr. Smith, Mr. Moran and Mr. Mason. Nay: none

ADJOURNMENT

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to adjourn at 8:12 p.m.

NEXT MEETING

Tuesday, November 13, 2012, at 7 p.m. at a location to be determined.

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer