

## **MINUTES**

October 4, 2011

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

Charles Rossi, Chairman  
Michael Smith  
Mark Motte  
James Moran  
Gene Nadeau

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. Smith and seconded by Mr. Motte, the Planning Commission unanimously voted to approve the minutes of the September 6, 2011, Planning Commission Meeting.

### **PERFORMANCE GUARANTEES**

**Alpine East**  
Scituate Avenue  
AP 36/3, Lot 11

The Planning Commission reviewed the status of the existing Citizens Bank Letter of Credit No. S906411, Amendment No. 002, in the amount of \$107,000.

Upon motion made by Mr. Smith and seconded by Mr. Moran, the Commission unanimously voted to:

1. Allow extension of Irrevocable Standby Letter of Credit (LOC) number S906411, Amendment No. 002, to now expire on November 1, 2013, conditioned on Mr. Paolino submitted a renewed LOC to the Planning Department no later than October 14, 2011.
2. If a renewed LOC is not received by October 14, 2011, the Commission authorizes the Public Works Department and the City Finance Department to withdraw the applicable funds should an extension not be received by October 14, 2011.

Aye votes: Chairman Rossi, Mr. Moran, Mr. Smith, Mr. Nadeau and Mr. Motte. Nay votes: none.

## **ZONING BOARD OF REVIEW ITEMS**

**JOHN VOLPE 1591 CRANSTON STREET CRANSTON RI 02920 (OWN/APP)** has filed an application for permission to operate a; day spa with massage services, hair salon and art gallery with retail sales from an existing professional office building at **1591 Cranston Street**. AP 8/1, Lots 277, 308, 309,310, 311, & 312, area 36,150 SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 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. This area of Cranston Street is designated as Neighborhood Commercial and Services on the 2010 Comprehensive Plan Future Land Use Map, therefore the application is consistent with the Comprehensive Plan. The application states that the owner will be seeking a zone change for the property in the near future. Absent the specific zone request, the application was reviewed anticipating a C-2 Neighbor Commercial Zone designation.
2. On April 14, 2010, the property received Site Plan Review Approval. (to remodel a 3,325 sq. ft. portion of an existing 7,171 sq. ft., one story building with restricted front and rear yard setbacks, located on a 32,304 sq.ft. parcel of land at the site of the former LaPolla Motors Building.)
3. In March 2010, the property received a Zoning variance for medical offices, with 8 exam rooms, requiring 14 parking spaces; the site provides 24 on site, and 11 spaces across Urbana Street.
4. The proposed retail uses in the remaining 3846 sq. ft. of the building's floor space would require 20 parking spaces. Utilizing the 11 spaces on Urbana Street, the parking area exceeds the parking requirement by one space.
5. There are 11 commercial uses and 12 purely residential properties on Cranston Street that are located within the boundaries of the 400' zoning notification radius.
6. The former car dealership on the applicant's property (a use allowed in a highway commercial zone), was a more intensive use than the proposed uses that are allowed in a C-2 neighborhood business zone. Therefore, the proposed day spa, hair salon, and art gallery (in addition to the approved medical offices) will not alter the general character of the surrounding area, or impair the intent or purpose of the Zoning Ordinance, or Comprehensive Plan, upon which the Ordinance is based.
7. The freestanding two-sided pylon sign is 57.25 sq. ft. where 25 sq. ft. is allowed by ordinance in a commercial C-2 zone. The existing B-1 residential zone does not allow pylon signs. The 14' – 7"proposed height of the pylon sign is 2'-7" over the C-2 height limit.
8. 30 sq. ft. of building signage is allowed in a C-2 zone per street frontage. The plan submitted shows 12 sq. ft. of building signage on Urbana Street, and 27 sq. ft. of building signage on Cranston Street, and 20.7 sq. ft. of building signage on Cavalry Street.

**Recommendation:** The application's proposed commercial use is consistent with the intent and purpose of the 2010 Comprehensive Plan, and the signage request is not excessive when considering the size of the building and total lot area. Therefore, upon motion made by Mr. Motte and seconded by Mr. Smith, the Plan Commission unanimously voted to send 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: Chairman Rossi, Mr. Nadeau, Mr. Motte, Mr. Smith and Mr. Moran. Nays: none.

**TIMOTHY P MAMMEN 78 SEAVIEW AVENUE CRANSTON RI 02905 (OWN/APP)** has filed an application for permission to raze an existing 1615+/- SF legal non-conforming single family dwelling and build a new 3640+/- SF single family dwelling with restricted frontage on an undersized lot at **78 Seaview Avenue**. AP 1, Lot 164 area 6892 SF, zoned A-12. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.050 Structural alterations to non-conforming building, 17.88.030 Extension of non-conforming use.

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 new single family dwelling to be constructed on the property is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City as **Single Family Residential, 7.26 to 3.64 units per acre.**
2. None of the 14 dwellings on Seaview Avenue within 400' of the applicant's property have the conforming 100 feet lot frontages.
3. The new house will meet all of the required minimum yard setbacks.
4. Maximum lot coverage allowed per the Zoning Code is 30%, the application is for 32% lot coverage.
5. The proposed new house requires CRMC and RIHPHC approvals prior to issuance of a building permit.

Recommendation: Based on the fact that the residential use and density is consistent with the Single Family Residential classification on the Comprehensive Plan Future Land Use Map, and the proposed application will not alter the general character of the surrounding neighborhood, the Plan Commission, upon motion made by Mr. Moran and seconded by Mr. Smith, 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: Chairman Rossi, Mr. Nadeau, Mr. Motte, Mr. Smith and Mr. Moran. Nays: none.

**DONALD E AND LARRY P WELESKO 8 CUTTING AVENUE CRANSTON RI 02920 (OWN) AND LAURENCE M DUBROFF C/O PARISI LAW ASSOCIATES PC 177 N MAIN STREET PROVIDENCE RI 02903 (APP)** have filed an application for permission to use an existing commercial building for two residential living units and a commercial garage with restricted front rear and side yard setback on an undersized lot at **24 Cory Street**. AP 7/2, Lot 650 area 6400 SF, zoned C-5. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.20.120 Schedule of Intensity.

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

#### Findings of Fact:

1. This area of the City is designated as Highway Commercial and Services on the 2010 Comprehensive Plan Future Land Use Map, therefore the application for additional residential use is **not** consistent with the Comprehensive Plan.
2. Residential uses are not allowed in Commercial C-3, C-4 or C-5 Zoning districts.
3. The lot is located on the corner of Cory Street and Whipple Ave, and has been in a C-5 zoning district since the current zoning was put into place in 1965.
4. The 1965 Zoning Map shows the 30' x 32' original building on the property was used as a business.
5. Within the 400' radius, there are 44 residential uses, and 9 commercial uses. Thirteen of those 44 residential uses, are located within the C-5 zoning district, and were existing in 1965. R.I.G.L. 45-24-41 c.1 states that the hardship from which the applicant seeks relief must be due to the **unique characteristics of the subject land** or structure and **not** to the general characteristics of the surrounding area.
6. On June 2, 1971, the Zoning Board granted a variance to build the garage/warehouse addition with restricted side, front and rear yard areas.
7. The tax assessor's field card shows the 44' x 47' attached garage/warehouse building was 30% complete on December 21, 1971.
8. The 1984 tax assessor's field card shows the building being used as a commercial garage with office space for an attorney.
9. An inspection performed in 1987, revealed that the original structure was converted illegally to 3 apartments, without a building permit or Zoning Variance. The most recent Vision Appraisal field card shows the building being used as mixed commercial garage/warehouse, with apartments.
10. The lot is surrounded by a 8-10' high chain link fence, topped by barbed wire.
11. The second floor apartment has one window for the entire apartment. The floor plan submitted does not show a bathroom for the second floor apartment. As the units were installed without the benefit of a building permit, it is not known whether the 2 apartments meet the minimum building code standards for residential units.
12. There are no unique factors of the building; it is a concrete block warehouse/garage with an adjoining office located in a highway commercial zone.
13. The existing portion of the building to be used residentially, has a 2' rear yard setback, where typically 20' rear yard setbacks are the zoning standard in a residential zone. The abutting dwellings on Whipple Ave have 40' +/- rear yard setbacks.
14. A site visit and photographs show the property is almost 100% paved. (weeds along the 2' rear yard)

#### Recommendation:

The proposed application for residential use is not consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area as Highway Commercial. The Commission cannot include a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan, and therefore, upon motion made by Mr. Motte and seconded by Mr. Smith, the Plan Commission unanimously voted to send no specific recommendation on this application, based on the fact that there are several residential uses in this Commercial Zone.

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

**BRET HUDICK AND DAYNA CIANCI 53 SCOTLAND ROAD CRANSTON RI 02920**

**(OWN/APP)** has filed an application for permission to build a 16' X 16' family room addition with restricted side-yard set back at **53 Scotland Road**. AP 12/6, Lot 2998 area 6000 SF, zoned A-6. 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 dwelling and proposed addition is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of the City as **Single Family Residential, 7.26 to 3.64 units per acre**.
2. The existing side yard setback is 19'-11"; the proposed side yard setback is 3'-11", where 8' is required in this zone. (This provides for an 16' separation between residential buildings).
3. There are 47 single family dwellings located within the 400' zoning radius. The City's GIS shows that there are only 6 dwellings (12.7%) within that radius that have restricted side yard setbacks.
4. One of those 6 dwellings abuts the applicants property on the same side as the variance request, resulting in a building separation distance of less than 8-10 ft.

Recommendation: The existing residential use and proposed residential addition is consistent with the Comprehensive Plan Future Land Use Map that designates this area of the City for residential, Single family use. Therefore, upon motion made by Mr. Moran and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, with a note that the Zoning Board consider whether the reduced distance between the residential buildings, alters the general character of the surrounding area.

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

**RAYMOND F COLELLA 52 MATHEWSON STREET CRANSTON RI 02020 (OWN) AND CAFÉ**

**ITRI INC 1686 CRANSTON STREET CRANSTON RI 02920 (APP)** have filed an application for permission to build a 1403+/- SF addition to an existing legal non-conforming restaurant with an alcoholic beverage license at **1686 Cranston Street**. AP 11, Lots 266 & 1860 area 36,446 SF, zoned C-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.72.010 Signs, 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. This area of the City is designated as Neighborhood Commercial and Services on the 2010 Comprehensive Plan Future Land Use Map, therefore the application for an addition to a restaurant serving alcohol is consistent with the Comprehensive Plan. (Neighborhood Commercial permits uses allowed in C-1, C-2 and C-3 Zones.)
2. The application requires a use variance, since a restaurant serving alcohol is not an allowed use in a C-2 zone, but is allowed in a C-3 zoning district.
3. The proposed front yard setback for the addition is 13'-8.4", where the required setback is 25'.

4. The application will require an application for Site Plan Review. The Site Plan Review Committee will not see the preliminary SPR application until October 5, 2011; therefore, the Plan Commission could not include SPR recommendations in its findings.
5. The floor plan shows 69 interior seats and 28 outdoor seats, requiring a total of 33 parking spaces. The site plan shows 44 parking spaces and 2 handicap spaces.
6. The elevation plan shows 4 building signs totaling 52.5 square feet. Three of those signs (39.38 square feet) face Cranston Street. (30 sq. ft. of wall signage is allowed per the zoning code.)
7. There is also a 36" x 26" two sided blade sign (13 sq. ft. total) on the front of the building. A 20 sq. ft. projecting sign is allowed by ordinance.
8. Total signage for the property (65.5 sq. ft.) is less than the 100 sq. ft. total allowed by ordinance.

Recommendation: The existing Commercial use and proposed Commercial addition is consistent with the Comprehensive Plan Future Land Use Map that designates this area of the City as Neighborhood Commercial and Services. Therefore, upon motion made by Mr. Moran and seconded by Mr. Smith, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board, noting that the proposed signage is not excessive, and with the condition that the application receive Preliminary Site Plan Review approval prior to the Zoning Board's hearing on October 12, 2011.

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

#### **ADJOURNMENT**

Upon motion made by Mr. Smith and seconded by Mr. Motte, the Commission unanimously voted to adjourn at 8:15 p.m.

**NEXT MEETING:** November 1, 2011, at 7 p.m., City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary