

MINUTES

February 1, 2005

Chairman William Guglietta called the Planning Commission meeting to order in the City Council Chamber at 7:07 p.m. The following Commission members were in attendance:

William Guglietta, Chairman
Paul Petit, Vice Chairman
Charles Rossi
Stephen Devine
Marco Schiappa
Jerome Baron
Councilwoman Paula McFarland

Also present were: Kevin Flynn, Planning Director
Michael DeLuca, Principal Planner
Jared Rhodes, Senior Planner
Joanne Resnick, Senior Clerk

Members of the public in attendance were:

Claude Charpentier
Donna Charpentier
Jim Wardick
Vin Polisena

MINUTES

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission unanimously voted to approve the minutes of the January 4, 2005, meeting.

SUBDIVISIONS AND LAND DEVELOPMENT PLANS

None

ZONING BOARD OF REVIEW ITEMS

CARL C. AND FRANCES FERRUCCI, 9 BEACON HILL DRIVE, WARWICK RI 02886 (OWN) AND DDB PONTIAC LLC, 76 DORRANCE STREET, SUITE 212, PROVIDENCE RI 02903 AND RICKY GREIGRE, 415 LINDSEY STREET, ATTLEBORO MA 02703 (APP) has filed an application for permission to operate a Dunkin Donuts coffee shop with drive-thru and a convenience store from an existing legal non-conforming gasoline service station at **480 Pontiac Avenue**. AP 5/1, lots 630, area 19,829+/- SF, zoned C-3. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Intensity, 30-18 (e), (2), (b), (c), (d), Additional Performance Standards and 30-18 (r) Signage (e) Driveway openings and 30-18 (p) Off-Street Parking.

Site Plan Review pre-application has not been completed, therefore, the Planning Commission and Zoning Board of Review can take no action at this time.

JAMES WARDICK AND ATHA SALPOGLOU, 151 GREELEY STREET, PROVIDENCE RI 02904 (OWN/APP) have filed an application for permission to build a new 30'x 80' one story masonry commercial building with restricted rear yard setback and additional signage than that allowed by ordinance at **699 Park Avenue**. AP 6, lot 3340, area 6680+/- SF, zoned C-3. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity and 30-18 (r) Signage.

Findings:

1. In 1984 the Zoning Board of Review denied owner's application to operate an automotive repair service on site.
2. The 2,400 sq. ft. building requires 8 parking spaces for retail use and 10 parking spaces for office use. A total of 8 spaces are provided. It is unclear from the application and mapping if the proposal is intended to be limited to retail use.
3. The Del's Lemonade building was 754 sq. ft.
4. Parking/circulation plan has not been approved by the City Traffic Engineer.
5. Dumpster location does not conform to city specifications and raises with the staff very strong safety, sanitation and aesthetic concerns.
6. Proposed rear setback is 3 ft., 20 feet is required. Woodbine Street setback is 6.5 feet, 0 is required.
7. Abutting structure to the rear is located no more than 10 ft. from lot line and supports a day care center.
8. Existing billboard is located in parking space #8.
9. Proposed building signage total is 90 sq. ft. Plans do not show any freestanding sign proposed onsite.
10. The proposed use complies with the Comprehensive Plan Land Use Element.

Upon motion made by Mr. Schiappa, seconded by Mr. Petit, the Commission unanimously voted to recommend DENIAL of this application for the following reasons:

1. Over-intensive use of site.
2. No apparent hardship. With zero front and side setback requirements, (C3 zone) the applicant should be able to avoid the need for the requested dimensional relief.
3. Potentially insufficient number of parking spaces.
4. Site plan does not comply with the city regulations for dumpster location and parking layout.

FLEET BOSTON PRIVATE CLIENTS GROUP, 100 FEDERAL STREET, BOSTON MA 02110 (OWN) AND BICKFORDS FAMILY RESTAURANTS, 1330 SOLDIERS FIELD ROAD, BOSTON MA 02135 (APP) AND BICKFORDS FAMILY RESTAURANTS, 1330 SOLDIERS FIELD ROAD, BOSTON MA 02135 (LESSEE) have filed an application for permission to serve beer, wine and spirits at an existing restaurant at **860 Reservoir Avenue**. AP 9/5, lots 0621, area 16,197+/- SF, zoned C-1. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Uses.

Findings:

1. Restaurants **not serving** alcoholic beverages are allowed in the C-1 zone.
2. Application requests a use variance to serve alcoholic beverages which is prohibited in a C-1 zone. Zoning Certificate for this use was denied by zoning officer on August 4, 2003.
3. Applicant has received conditional approval for the use of a liquor license at the restaurant by the Cranston Safety Services Committee.
4. No structural change / expansion is proposed.
5. Application does not indicate change / expansion of signage.

Upon motion made by Mr. Petit, seconded by Mr. Devine, the Commission unanimously voted to make no specific recommendation on this application.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

JACK AND ELAINE CAPUANO, 145 CAPUANO AVENUE, CRANSTON RI 02920 (OWN/APP) have filed an application for permission to legalize a fourth living unit in an existing legal non-conforming 3 unit apartment building with restricted front yard setback at **9-11 Kearney Street**. AP 10, lots 270, 271, 272 and 273, area 6300+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Intensity, 30-14 (a) Specific Requirements and 30-18 (p) Off-Street Parking.

Findings:

1. Originally constructed as a 2 family dwelling. The third unit was added via Zoning Board of Review approval in 1975.
2. The property has been taxed as a 4-family dwelling since 1983.
3. There are seven other multi-family structures within near proximity to this site.
4. Lots 270/271 support a 2 family dwelling and should not be considered.
5. It is uncertain how parking spaces #27-35 are apportioned throughout the site.
6. The use complies with the Comprehensive Plan Land Use element.
7. Neighborhood Density: 52 dwelling units on 191,505 sq. ft. = 3,682 sq. ft. per dwelling unit.
8. Site Density (all five structures)
 - If approved:
 - 18 dwelling units in 29,653 sq. ft. = 1,647 sq. ft. per dwelling unit. Would exceed neighborhood density by more than 100%.
 - If not approved:
 - 14 dwelling units in 29,653 sq. ft. = 2,118 sq. ft. per dwelling unit. Would exceed neighborhood density by 73%.

Upon motion made by Mr. Baron, seconded by Mr. Devine, the Commission unanimously voted to recommend APPROVAL of this application with the following conditions:

1. There shall be no subdivision of the property.
2. The existing two-family dwelling shall remain a two family.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

JACK AND ELAINE CAPUANO, 145 CAPUANO AVENUE, CRANSTON RI 02920 (OWN/APP) have filed an application for permission to legalize a fourth living unit in an existing legal non-conforming 3 unit apartment building with restricted front yard setback at **19-21 Kearney Street**. AP 10, lots 270, 271, 272 and 277, area 7875+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Intensity, 30-14 (a) Specific Requirements and 30-18 (p) Off-Street Parking.

Findings:

1. Originally constructed as a 2 family dwelling. The third unit was added via Zoning Board of Review approval in 1975.
2. The property has been taxed as a 4-family dwelling since 1983.
3. There are seven other multi-family structures within near proximity to this site.
4. Lots 270/271 support a 2 family dwelling and should not be considered.
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1. There shall be no subdivision of the property.
2. The existing two-family dwelling shall remain a two family.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

JACK AND ELAINE CAPUANO, 145 CAPUANO AVENUE, CRANSTON RI 02920 (OWN/APP) have filed an application for permission to legalize a fourth living unit in an existing legal non-conforming 3 unit apartment building with restricted front yard setback at **34-36 Capuano Avenue**. AP 10, lots 266, 270, 271 and 272, area 6300+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Intensity, 30-14 (a) Specific Requirements and 30-18 (p) Off-Street Parking.

Findings:

1. Originally constructed as a 2 family dwelling. The third unit was added via Zoning Board of Review approval in 1975.
2. The property has been taxed as a 4-family dwelling since 1983.
3. There are seven other multi-family structures within near proximity to this site.
4. Lots 270/271 support a 2 family dwelling and should not be considered.
5. It is uncertain how parking spaces #27-35 are apportioned throughout the site.
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Upon motion made by Mr. Baron, seconded by Mr. Devine, the Commission unanimously voted to recommend APPROVAL of this application with the following conditions:

1. There shall be no subdivision of the property.
2. The existing two-family dwelling shall remain a two family.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

JACK AND ELAINE CAPUANO, 145 CAPUANO AVENUE, CRANSTON RI 02920 (OWN/APP) have filed an application for permission to legalize a fourth living unit in an existing legal non-conforming 3 unit apartment building with restricted front yard setback at **50-52 Capuano Avenue**. AP 10, lots 263, 270, 271 and 272, area 7875+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Intensity, 30-14 (a) Specific Requirements and 30-18 (p) Off-Street Parking.

Findings:

1. Originally constructed as a 2 family dwelling. The third unit was added via Zoning Board of Review approval in 1975.
2. The property has been taxed as a 4-family dwelling since 1983.
3. There are seven other multi-family structures within near proximity to this site.
4. Lots 270/271 support a 2 family dwelling and should not be considered.
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If not approved:
14 dwelling units in 29,653 sq. ft. = 2,118 sq. ft. per dwelling unit. Would exceed neighborhood density by 73%.

Upon motion made by Mr. Baron, seconded by Mr. Devine, the Commission unanimously voted to recommend APPROVAL of this application with the following conditions:

1. There shall be no subdivision of the property.
2. The existing two-family dwelling shall remain a two family.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

DIANE GAGLIONE, 125 RUTLAND STREET, CRANSTON RI 02920

(OWN/APP) has filed an application for permission to build a 14' x 40' +/- addition with a covered porch with restricted rear yard setback at **125 Rutland Street**. AP 11/4, lot 3684, area 6586 +/- SF, zoned A-6. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

1. The applicant is requesting a 6 ft. rear yard setback. An A-6 zone requires a 20 ft. setback. The existing house is located at the setback line.
2. The adjacent home is less than 12 ft. from the side lot line and 30 ft. from the existing Gaglione home.
3. The existing home is 1500 sq. ft. A 384 sq. ft. addition is proposed, making the total square footage 1884 (28% coverage).
4. The application complies with the Comprehensive Plan Land Use Element.

Upon motion made by Mr. Schiappa, seconded by Mr. Devine, the Commission unanimously voted to recommend DENIAL of this application for the following reasons:

1. Over-intensive use.
2. Out of character with the neighborhood.
3. Proximity to neighboring home.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

CLAUDE AND DONNA CHARPENTIER, 73 HILLTOP DRIVE, CRANSTON RI 02920 (OWN/APP) have filed an application for permission to build a 29' x 32' +/- two story addition with restricted rear and corner side yard setback at **73 Hilltop Drive**. AP 15/1, lots 964, area 8375 +/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

1. Existing house setback is 25.5 ft. An A-8 zone requires 25 ft. setback. The proposal is 13 ft.
2. All other homes in the area seem to conform to setbacks.
3. This area is served by sewers and public water.
4. The existing area is 1344 sq. ft. A 1666 sq. ft. addition is proposed, for a total square footage of 3010.
5. The application conforms with the Comprehensive Plan Land Use Element.

Staff recommended approval with the condition of elimination of the corner side encroachment.

Upon motion made by Chairman Guglietta, seconded by Mr. Rossi, the Commission unanimously voted to recommend APPROVAL of this application with no condition.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

MARILYN J. AND DIAMANTE C. SANTILLI, 258 WILBUR AVENUE, CRANSTON RI 02921 (OWN/APP) have filed an application for permission to reduce the frontage and area of a parcel of land with an existing legal non-conforming 3 family dwelling at **258 Wilbur Avenue**. AP 18, lot 20, area 27,290+/- SF, zoned A-8. Applicant seeks relief from Section 30-28 Variance, 30-17 Schedule of Intensity.

Findings:

1. All three lots are already developed. No additional residential expansion is proposed.
2. Two of the lots will have slight increases in area (1757 and 1784). Lot 1757 will have an increase of 18.46 feet of frontage.
3. Frontage of Lot 20 will decrease by 18.46 ft. The area will decrease by 3891 sq. ft.
4. The application conforms with the Comprehensive Plan Land Use Element.
5. All new side yard setbacks will comply with the zoning ordinance.
6. Administrative Subdivision is pending approval subject to this variance.

Upon motion made by Mr. Petit, seconded by Councilwoman McFarland, the Commission unanimously voted to recommend APPROVAL of this application.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

JAMES J. CARDI REALTY MANAGEMENT LLC, 410 TRIMTOWN ROAD, SCITUATE RI 02857 (OWN/APP) have filed an application for permission to have more signage than allowed by ordinance at **2244 Plainfield Pike**. AP 36/1, lot 6, area 30,618+/-SF, zoned M-1. Applicant seeks relief from Section 30-28 Variance, 30-8 Schedule of Intensity, 30-14 (a) Specific Requirements and 30-18 (r) Signage.

Findings:

1. The Zoning Board approved retail use on the site on 7/9/03 and 2/11/04.
 - a. 7/9/03 – Signage not approved
 - b. 2/11/04 – No signage plan submitted. The application was approved with no sign variance.
2. Proposed sign – the drawing is not to scale/the chart does not add up

- a. One header: 6.96 sq. ft. (both sides)
- b. 12 retail signs totaling 96 sq. ft. (both sides) – for a total of 102.96 sq. ft.
3. Existing signage totals 180 sq. ft.
4. Total signage proposed – 282.96 sq. ft.
5. The freestanding sign exceeds the allowance by 52.96 sq. ft.
6. The Planning Commission originally opposed the use variance for retail use.
7. This proposal, while significantly less than original (1750 sq. ft.), still exceeds the area maximum for freestanding signs.
8. Need for a sign variance is driven by the use variance approved by the Zoning Board of Review but opposed by the Planning Commission.

Upon motion made by Mr. Devine, seconded by Mr. Petit, the Commission unanimously voted to recommend DENIAL of this application for the following reasons:

1. No apparent hardship.
2. Exceeding the signage maximum would perpetuate “adverse impacts” cited from the Comprehensive Plan, page 36, when the Planning Commission originally opposed the application for the use variance.

Voting Aye: Mr. Guglietta, Mr. Petit, Mr. Schiappa, Mr. Rossi, Mr. Devine, Mr. Baron and Councilwoman McFarland. There were no nay votes.

PERFORMANCE GUARANTEES

Fox Ridge Phase 2A & 2B – Bond extension – discussion only

Mr. DeLuca informed the Commission that he will contact the developer soon to discuss their Performance Bond, which is due to expire at the end of March, 2005.

CAPITAL BUDGET FOR FISCAL YEAR 2005-2006

Members of the Planning Commission were provided with a copy of the **2005-2010 Capital Budget and Improvement Program – Departmental Requests**, which is a part of these minutes. The requests total \$15,606,400 for the 2005-06 fiscal year.

Mr. Flynn pointed out the recent upgraded bond ratings the city has attained. He mentioned that in the next month planning staff will meet with various department heads to finalize their budgets. A revised capital budget proposal will be distributed prior to next months meeting. It will be placed on the agenda for approval at that time.

MISCELLANEOUS ITEMS

Comprehensive Plan Update

Mr. Flynn announced that the planning staff is currently reviewing Chapter drafts. Additional public meetings will be held in the spring.

Johnson & Wales

Mr. Flynn also mentioned that the City Council recently passed the Johnson & Wales zone change to the newly created “Educational Institution” designation. This will allow Johnson and Wales University to bring forward their plan for expansion of student housing on the Harborside Campus.

School Department Projections

Mr. Flynn reported that population projections for the School Department show flat enrollment at the elementary level, with declining enrollments at the secondary level. However, projections indicate a disturbing trend that out-of-district students have been suspected of attending Cranston middle and high schools, as indicated by higher than expected enrollments at these levels. Mr. Flynn indicated that the city will research this further. He noted that other communities have full time employees to monitor this type of situation, while Cranston has only one part-time employee.

DATE AND TIME OF NEXT MEETING

Tuesday, March 1, 2005, at 7 p.m.

ADJOURNMENT

Upon motion made by Mr. Devine, seconded by Mr. Rossi, the Commission unanimously voted to adjourn at 8:28 p.m.

Respectfully submitted,

Michael J. DeLuca
Secretary