

CITY OF EAST PROVIDENCE

PLANNING BOARD

Minutes of March 8, 2010

Present: Burton Batty, Octavio Cunha, Krista Moravec, Chairman Michael Robinson, Matthew Robinson. City Staff: Jeanne Boyle (Planning Director), James Moran (Principle Planner), Wayne Barnes (Planner I), James Briden (City Solicitor).

The Board recited the Pledge of Allegiance.

1. SEATING OF ALTERNATE MEMBER AND CHAIRMAN

Mr. Cunha was seated as a voting member in place of Mr. Antonio Almeida, and Mr. Matthew Robinson was seated as a voting Member in place of Mr. Robert Cole.

2. APPROVAL OF PLANNING BOARD MINUTES

- A. Minutes of January 11, 2010 (To be submitted)
- B. Minutes of February 8, 2010 (To be submitted)

3. APPROVAL OF PLANNING BOARD CORRESPONDENCE

There was no new correspondence.

4. NEW BUSINESS

- A. Rezoning Request – Applicant: 957 Warren Avenue LLC. Address: 945 Warren Avenue, Map 507, Block 10, Parcel 1 (with enclosure)

Attorney Martin Slepko presented the rezoning application of 957 Warren Avenue, LLC indicating that Al Morris was the principal of the LLC. Mr. Slepko described the property and surrounding properties that were also owned by the applicant, their land uses as well as the zoning categories for the property involved. He indicated that the property was the subject of a recent subdivision. He stated that it is the intention of the applicant to construct a building that will contain primarily office space but will also contain a limited amount of retail space, as well. Mr. Slepko said that he and the applicant are aware that they will be required to come back to the Board for Land Development approvals when they begin the process of designing the building and other improvements on the property.

Mr. Slepko discussed the need to have C-2 versus C-1 Zoning. He stated that the Comprehensive Plan does identify that the area in question should be developed with office/services as the dominant use but that it also states that other non-residential uses may be allowed if it does not alter the dominant character of the neighborhood. Mr. Slepko said that he agreed with the assessment by the Planning Department that the proposed use is

consistent with the neighborhood character. He said that his client is amenable to the four stipulations proposed by the Planning Department as a condition of the rezoning. He said that there will be no variances requested when they proceed for permitting of this building.

Mr. Batty asked if Mr. Sleprow could provide an overview of the different land uses that exist in the vicinity of the property. Mr. Sleprow named a number of businesses that operate in the vicinity of the subject property and stressed that the area, from a land use perspective, is a very mixed use area. He reiterated that there will not be a restaurant located on this property. Mr. Al Morris affirmed that he had no interest in establishing a restaurant on the property in the future.

There was discussion by the Board regarding the restriction of all restaurants including fast food restaurants. Mr. Moran stated that the Planning Department focused on restricting fast food restaurants particularly because these types of establishments typically have drive through facilities associated with them. Mr. Sleprow said that they would be fine with restricting all restaurants on the property if the Board wanted it that way.

Chairman Robinson said that he read the paragraph in the recommendation that stated that the C-1 use was the most appropriate zoning designation but that the C-2 designation was also acceptable and that he was not sure how to interpret that statement. Ms. Boyle indicated that the C-1 designation allows primarily, office uses, which is the designated land use description in the Comprehensive Plan for this area. The C-2 district allows office, as well as other uses. She said that based upon the Comprehensive Plan statement allowing uses that are consistent with the dominant character of the neighborhood, it is possible to demonstrate that a C-2 designation would also be consistent with the Comprehensive Plan. She stated that the language in the Comprehensive Plan is flexible enough to allow both of these Zoning designations to be consistent with the Comprehensive Plan, although the C-1 designation would be intrinsically more consistent than the C-2 designation. Ms. Boyle felt that by restricting the retail on the site to less than 25%, we are protecting the area's integrity and keeping the potential uses on the property consistent with the neighborhood's mixed use character.

Mr. Moran described the process of a rezoning request to the Board. Mr. Moran described the Comprehensive Plan consistency review and mirrored the comments made by Director Boyle previously. He provided an overview of the uses in the neighborhood and described the consistency review study area (1000 foot radius from the subject property) and the methodology for identifying the land uses in the area. Mr. Moran stressed that the Planning Department did assign some restrictions in its recommendation to assure that the development does not develop in a manner that would cause it to become inconsistent with the neighborhood's character. Specifically, the primary restriction would be to confine the development to no more than 25% retail and to restrict certain specific uses including fast food restaurants, restaurants and gasoline filling stations. Other recommended restrictions include requiring that any development proposed would be subject to the City's Development Plan Review (DPR) process at a minimum and also, that all drive through facilities with the exception of drive through facilities associated with a bank or credit union be restricted.

Mr. Moran identified other areas of the Comprehensive Plan where the development was consistent, including the Economic Development Element of the Plan.

Mr. Moran read the recommendation into the record:

Based upon the above findings and for the reasons stated within this memorandum, the Planning Department finds that the proposal is not inconsistent with the City's adopted Comprehensive Plan, the general purposes of Section 19-2 of the East Providence Zoning Ordinances and recommends that the Planning Board make an advisory opinion to the City Council to **APPROVE** the petition to amend the Zoning Map for the subject property from the existing C-1 and R-5 and R-2 designations, to a C-2 Neighborhood Business designation subject to the following general conditions:

1. That the property be restricted to a maximum of 25% retail as a percentage of the total development of the property;
2. That the following uses normally allowed as of right or through Special Use Permit in the C-2 district be restricted: fast food restaurant and gasoline filling station;
3. That any development proposed for the site be subject to review under the City's Development Plan Review process at a minimum, and
4. That all drive through facilities, with the exception of drive through facilities associated with a bank or credit union use, be restricted on the property.

After discussion, the Board agreed to add "restaurant" to the list under item 2 of the recommendation.

Mr. Robinson made a Motion to enter the memorandum dated March 4, 2010 from the Planning Department and all supporting documentation into the record. Ms. Moravec Seconded the Motion. The Motion was unanimously Approved.

Mr. Robinson made a Motion to forward an advisory opinion to the City Council that this rezoning proposal is consistent with the Comprehensive Plan and recommends a rezoning from its existing zoning designation to a C-2 zoning designation, subject to the four identified general conditions and further, adding a restriction under condition two to include "restaurants" in addition to "fast food restaurants". The Motion was Seconded by Mr. Batty.

Roll call vote

Mr. Batty -	Aye
Ms. Moravec -	Aye
Mr. Cunha -	Aye
Mr. Robinson -	Aye
Chairman Robinson -	Aye

B. Application #2009-11 Administrative. Applicant: Laureanno J. Mourato. Owners: Laureanno J. Mourato and Maria A. Mourato. Addresses of Properties: 26 and 26 Cedar Avenue, Map 312, Block 42, Parcels 12 and 13 (with enclosures)

Laureanno J. Mourato is sworn in by City Solicitor Briden.

Mr. Barnes from the Planning Department hands out an amended Planning Department recommendation for this proposal as the one that council and the Board have was sent in error.

Atty. Martin P. Sleprow speaks on behalf of the property. He describes the subdivision area as having frontage on three streets, Cedar Avenue, Pine Street, and Shore Road. The applicant wishes to move the lot line between the two parcels in a way that would bring Parcel 13 to over 10,000 square feet. This would allow for a subsequent minor subdivision that would create two 5,000 square-foot lots, which is the required lot size for a Residential-4 District. The application is before the Board because of the request for waiver from sidewalks and curbing along the three-street frontage of the subdivision. The applicant plans to later install a sidewalk and curbing along the Cedar Avenue frontage of what would be the two new lots created by the minor subdivision. Atty. Sleprow states that if the applicant needed to install sidewalks and curbing along the length of the administrative subdivision, the cost would be prohibitive and why even come in with the proposal. Due to questions regarding the amended recommendation and the lack of time to properly review it, and having everyone on the same page regarding the recommendation, Chairman Robinson suggests that this matter be postponed until the meeting of April 12, 2010, giving Atty. Sleprow and the Planning Department the opportunity to clarify issues regarding the proposal. Atty. Sleprow and the applicant acknowledge the administrative timetable and are amenable to the April 12th date.

Mr. Robinson makes a motion to continue consideration of this application until the meeting of April 12, 2010.

The motion is seconded by Ms. Moravec.

Roll Call Vote:

Mr. Batty	Aye
Ms. Moravec	Aye
Mr. Cunha	Aye
Mr. Robinson	Aye
Chairman Robinson	Aye

The motion passes unanimously. The matter will be continued to the April 12, 2010 Planning Board Meeting.

After brief further discussion, it is determined that none of the documents submitted at this meeting will be entered into the record at this time.

5. CONTINUED BUSINESS

A. Staff Report

6. COMMUNICATIONS

A. Memo to the Zoning Board of Review from the Planning Department Re: Zoning Board Cases to be heard of February 24, 2010 (enclosed)

7. ANNOUNCEMENT

A. Next meeting – Monday, April 12, 2010

8. ADJOURNMENT

Mr. Robinson made a motion to adjourn the meeting.

Ms. Moravec seconded.

The meeting was adjourned at 8:30 pm.