

Approved As Written
PLANNING COMMISSION MINUTES
November 19, 2014
7:00 PM
Jamestown Town Hall
93 Narragansett Ave.

I. Call to Order and Roll Call

The meeting was called to order at 7:05 p.m. and the following members were present:

Michael Swistak – Chair	Rosemary Enright – Secretary
Mick Cochran	Michael Jacquard
Bernie Pfeiffer	Michael Smith

Not present:

Duncan Pendlebury – Vice Chair

Also present:

Lisa Bryer, AICP – Town Planner
Cinthia Reppe – Planning Assistant
Wyatt Brochu – Town Solicitor
John Murphy, Esq.
Bill Burgin, Burgin Lambert Architects
Ben Brayton, Simpatico
Amy Barclay, Simpatico
Don Powers, Union Studios
Paul Cardin, East Bay Bed and Breakfast

II. Approval of Minutes November 5, 2014

A motion was made by Commissioner Enright and seconded by Commissioner Jacquard to accept the minutes with the following change:

Page 1, Also present: add **Amy Barclay**

So unanimously voted.

III. Correspondence

1.FYI – Chapter News – RI American Society of Landscape Architects – Newsletter. Received

IV. Citizen's Non Agenda Item – nothing at this time

V. Reports

1. Town Planner's Report
2. Chairpersons report
3. Town Committees
4. Sub Committees

Commissioner Swistak recused and left the table.

VI. Old Business

- 1. Simpatico Jamestown – Plat 9, Lot 603, 13 Narragansett Ave. – Development Plan Review per Article 11 – Jamestown Special Development District – Building and Restaurant Expansion to 2nd floor, building expansion of 2nd & 3rd floor, Restaurant expansion to 2nd floor – 45 new seats and amendment to Special Use Permit for Parking – continued – approval of Motion**

Lisa Bryer gave an update on this application. At the last meeting she was instructed to prepare a motion of approval after a straw poll in which 3 of the 5 commissioners present agreed to approval of the application with some conditions.

Ms. Bryer went through the draft motion reading the comments from Mr. Murphy too.

Commissioner Pfeiffer said since the 3rd floor deck is for mechanical space can a visual shielding be put in. Applicant Ben Brayton said there is a solid railing around just the front area so it is already shielded both visually and sound wise. Attorney Murphy said the only issue they have is with condition 5 regarding the use of umbrellas and awnings. Commissioner Enright noted that umbrellas are more objectionable than awnings. They noted they have one now and only use them in case people are seated outside and it begins to rain and then they are retracted immediately once the weather is better. If they are talking about the second floor Mr. Brayton is in agreement with no umbrellas and only awning. Commissioner Pfeiffer does not want it to be a permanent structure. Pfeiffer does not want incremental construction. The parking issue was put on hold at the last meeting. Solicitor Brochu said they are able to comment to the zoning board for the shared parking special use permit. Mr. Brayton again told the Planning Commission that his employees will be parking off site in these sites and it is strictly monitored.

Paul Cardin – East Bay Bed and Breakfast on Union St. he said what Ben is saying is absolutely true; they monitor the parking. On one occasion this year it happened, I called them and within 10 minutes the car was moved.

A motion was made by Commissioner Cochran and seconded by Commissioner Jacquard to approve the application which includes the awning modification, three plans submitted tonight and color scheme presented based on the following finding of fact and subject to the following conditions of approval:

Findings of Fact:

1. The application was reviewed under the standards of Zoning Article 11.
2. This application has been reviewed by the TRC as required. (See attached Memo from TRC)
3. The applicant has provided the following information for the current application:
 - A front building/street-side perspective
 - Plans showing existing floor plan, proposed floor plan and parking plan
 - Plan showing existing East, North, West and South elevations
 - Proposed elevations, East, North, West and South
 - Amended elevation showing East, North, West and South Elevation dated 11-19-14

- A front building/street-side perspective, “Roof Study”
- Elevations of roof study
- Proposed North Façade Addition dated 11-19-14
- Photograph with addition projected onto photograph

4. The proposed Phase 2 consists of:

New Construction

- a) Replace the existing garden room, which has a canvas roof, with a permanent open air structure and a permanent foundation with a second and third floor deck/porch above
- b) 12 x 20’ kitchen addition on first floor
- c) Construct 2nd floor deck/porch (partially covered) with 3rd floor open deck above along the entire east side which will include restaurant seating, bathrooms and storage/mechanicals
- d) Two additional staircases for second floor customer and employee ingress/egress

Change/Expansion of Use

- a) Expand and utilize the second floor for restaurant use
 - b) Provide a new bar on the second floor porch area
 - c) Second floor bathrooms
 - d) New roof over kitchen area
 - e) Large third floor deck/mechanical area
 - f) 14 Additional off-site parking spaces leased to accommodate on site expansion of 45 restaurant seats
5. The Building Official has determined that the third floor deck is considered a “roof”. The proposed roof is in violation of 82-1108 A.9. that states “No flat-roofed buildings may be constructed unless they meet the definition of a green roof. All roofs should have a minimum pitch of six inches on 12 inches (22.5 degrees).”
6. This property is located in the Commercial Downtown (CD) District. Restaurant and office use is permitted in the CD District.
7. The restaurant currently has approval for 190 seats and has adequate parking for this approval based on approval by the Zoning Board of Review of a Special Use Permit for Shared Parking. The proposal will increase seating to 235.
8. Understanding that many of the restaurants off-site parking spaces are located on properties that are currently for sale, the Applicant noted at the Planning Commission meeting that they will notify the Zoning Enforcement Officer if any of the off-site parking spaces become null and void and will replace such within 30 days or be subject to violation of the Special Use Permit.
9. The second floor will be restaurant use (new use to second floor) and office use ancillary to the restaurant use.
10. A second phase was contemplated when Phase 1 was approved by the Planning Commission/Zoning Board. At that time, Phase 2 was shown as replacement of the canvas roofed “Garden Room” with a permanent structure with a peaked roof.

11. Two “waivers” were granted to the applicant during Phase 1: 1) the flat roof deck at the frontage above the dining porch and 2) the flat roof pergola, an accessory structure, at the frontage and not set back as required.
12. “Final Finish of the column colors are to be reviewed by staff” was a condition of approval in the March 25, 2013 approval.

Conditions of Approval:

1. A bike rack was installed on site and will be maintained on the property
2. The applicant will notify the Zoning Enforcement Officer if any of the off-site parking spaces become null and void and will replace such within 30 days or be subject to violation of the Special Use Permit.
3. A full wall shall be completed on the south side of the building on the second floor deck for noise attenuation to the south.
4. The second and third floor flat roof/deck areas are permitted to be flat to the extent shown on the drawings as submitted and approved.
5. Should sheltering or permanent covering of the open seating on the second level is desired, a pitched roof shall be required in accordance with 82-1108 A.9. Awnings shall be used only as a temporary protection when rain or direct sunshine would make unprotected seating uncomfortable for customers.
6. Final finish of column/railing colors will be reviewed by staff and will include the pergola and be consistent with current site/building colors.

Mike Swistak returned to the table.

VII. New Business

1. Discussion with Don Powers, Union Studios

Commissioner Swistak introduced Mr. Don Powers and told him it is an honor to have him here tonight. We have been wrestling with the idea of using the design guidelines as part of the code since we want to provide better standards for the commercial district.

Lisa Bryer gave a background of the project and what the Planning Commission was thinking. At the time the Design Guidelines were written he put the commercial guidelines in but residential was the focus at the time. Town Planner Lisa Bryer said we talked about utilizing the commercial guidelines only in the Commercial Districts for new construction and also guidelines for changing or renovating historic structures.

Powers said one of the early points of consensus of the Charette was that 95% generally said they prefer the traditional architecture and character of the downtown but they were not comfortable telling people what to do in terms of type of architecture. The guidelines are just that, guidelines showing how to build if you want traditional architecture. The preamble states if you want to be

traditional this is what you should do. The other component or benefit is to have an objective document that exists beyond the life of the current planning commission.

Most people will want the familiar and traditional. The 5% that do not want to follow the pattern, you could decided to not make them do it and they can do whatever style they want, this would happen once in a blue moon. The Planning Commission would like it to have teeth since we review applications with significant modifications anyway. There are a number of things that can be codified into the zoning ordinance. It could address things like bulk, massing, parking and not so much about style if that is what you want. Don Powers asked Wyatt at what point does making it an ordinance become a difficult thing to enforce. At some point the concept of Design Guidelines should be put into the Comprehensive Plan which can be updated a few times a year.

The concept of allowing variance to the guidelines or parking if they adhere to the guidelines was discussed. Lisa Bryer noted you could offer incentives such as a TRC or Administrative approval that could be a trade off if you use the guidelines.

Pfeiffer said taking pieces of the guidelines and putting in the zoning code is what they want to do. He can pull out the things that are crucial in his opinion and the ones most easily enforceable.

Wyatt Brochu said if you have arbitrary language it will not be sustained if you have something that is objective it has greater potential to be sustained.

Mr. Powers said there are 2 issues, you as a board need more confidence as to what you desire. Beef up the design guidelines with more local images and guidelines for the village district, giving it more graphic images. Second is how do you then take that and make it a defensible tool and finally amending the comp plan if necessary.

Brochu said it is trickier dealing with residential than commercial. The most leeway is an educational campaign. You don't need Town Council approval for that or a public hearing. Brochu also brought up, what is the council looking for? Common sense is going to dictate that the more objective the requirements the more palpable to the applicant. Input from council going forward is what is going to drive this.

Commissioner Pfeiffer asked when zoning came to Jamestown? In the 1930's but Development Plan Review came into effect in 1995.

Commissioner Swistak asked if we need something formal like a motion to update illustrations and also coming up with a list of things we can amend first. What's the consensus of the board? Jacquard wants a weigh in from the council. Brochu agrees ask the council first. Don said that he and Lisa can get together first and come up with a game plan on what needs to be changed and then bring that back to the Planning Commission. Lisa will coordinate with Town Administrator Andy Nota so he is aware of our progress.

VIII. Adjournment

A motion to adjourn was made by Commissioner Enright and seconded by Commissioner Cochran at 9:12 p.m. So unanimously voted.

Attest:

Cynthia L Reppe
Cynthia L Reppe

This meeting was digitally recorded