

## **MINUTES**

December 3, 2013

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

Michael Smith, Vice Chairman  
Frederick Vincent  
Mark Motte  
James Moran  
Gene Nadeau  
Robert Strom  
Ken Mason, P.E.

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. Moran and seconded by Mr. Vincent, the Commission unanimously voted to approve the minutes of the November 5, 2013, Plan Commission meeting.

### **SUBDIVISIONS AND LAND DEVELOPMENT PROJECTS**

**Scituate Farms - Phase 5a and 5b** – Continued from November 5, 2013  
Preliminary Plan  
Scituate Avenue/Doreen Court  
AP 37/3, Lot 15

Upon motion made by Mr. Moran and seconded by Mr. Motte, the Commission unanimously voted to *continue* this matter to the January 7, 2014, Plan Commission Meeting in order to allow the applicant time to submit the necessary state and agency approvals so that this application may be deemed *complete* and ready to be heard.

If the afore mentioned approval letters are not submitted prior to **December 20, 2013**, the Commission will then ask that the application be formally withdrawn *without prejudice*.

Ayes: Messers Smith, Motte, Moran, Mason, Nadeau, Strom and Vincent. Nay: none.

### **PERFORMANCE GUARANTEES**

**Pezza Subdivision**  
180 Budlong Road  
AP 11, Lot 1878  
Bond Reduction Request

The Plan Commission reviewed the request for a reduction in the existing BankRI Letter of Credit No J0206 in the amount of \$38,148. Mr. Ken Mason, Public Works Director, expressed concern regarding the type of

repair (patches) to Budlong Road. Budlong Road was newly paved when construction of the above referenced subdivision began.

When the bond amount was set prior to construction, the City's Engineering Division was clear in their requirement that the road be paved 'curb to curb' when construction was complete. The existing repairs do not satisfy the City's requirement for 'curb to curb' paving.

Therefore, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to deny the request for a reduction of the bond amount and continue this matter to the January 7, 2014, Plan Commission Meeting. If the required paving has not been completed by that date, the Plan Commission will move to exercise the existing \$38,148 BankRI Letter of Credit and perform the necessary repairs.

Ayes: Messers Smith, Motte, Moran, Mason, Nadeau, Strom and Vincent. Nay: none.

#### **ZONING BOARD OF REVIEW RECOMMENDATIONS**

**DAVID AND MARIA MADONNA 262 AUSDALE ROAD CRANSTON RI 02910 (OWN/APP)** have filed an application for permission to alter an existing single car garage to a two car garage with restricted side yard setback at **262 Ausdale Road**. AP 11/1, lot 43, area 9,888+/- 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 application 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 12' x 22' single car garage will be removed, and replaced with an attached 24' x 22' , two car garage.
3. The new garage will have a 3.1' side yard setback, where a 5' setback is required, per the Zoning Ordinance.
4. The City's GIS aerials show that there are 6 (43%) out of 14 residential properties located on the same block as the applicant's house, that have restricted side yard setbacks for their garages.

**Recommendation:** Based on the Findings, upon motion made by Mr. Motte and seconded by Mr. Strom, the Plan Commission unanimously voted to forward a positive recommendation to the Zoning Board for the 1.9' side yard setback relief for the garage, as the application will not alter the general character of the surrounding neighborhood, nor impair the intent or purpose of the Zoning Code.

Ayes: Messers Smith, Nadeau, Strom, Moran, Motte, Mason and Vincent. Nay: none

**HARTER REALTY INC27 SPLIT CREEK COURT CRANSTON RI 02921 (OWN) AND BS MANAGEMENT INC D/B/A SHORE'S FOOD MARKET 435 ATWOOD AVENUE CRANSTON RI 02920 (APP)** have filed an application for permission to install an electronic LED message board at **435 Atwood Avenue**. AP 12, lot 3093, area 44,867+/- SF, zoned M-1. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 (7) 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. Cranston's 2010 Comprehensive Plan Future Land Use Map designates this area of Atwood Avenue as Highway Commercial; therefore, an application for signage for an existing Commercial/retail use is consistent with the Comp Plan.
2. The proposed 2 sided L.E.D. sign is 4' x 8', for a total of 64 sq. ft.
3. The proposed L.E.D. sign will be placed underneath an existing freestanding 6' x 12' double face sign along Atwood Avenue, at the driveway opening.

4. A freestanding sign on the applicant's property at the corner of Saverio Street and Atwood Avenue totaling 146 sq. ft., has been removed, and will not be replaced.
5. There is 284 sq. ft. total of existing signage on the site, consisting of a 3' x 4' wall sign (12 sq. ft.), a 4' x 32' wall sign (128 sq. ft.), and 6' x 12' freestanding sign (144 sq. ft.).
6. Per the Zoning Code, 300 square feet of signage is permitted in an M-1, C-4 and C-5 zones.
7. Supermarkets are permitted in C-4 and C-5 zones, the "Highway Commercial" designation in the Comprehensive Plan
8. Resulting total signage with the new L.E.D. sign will be 348 sq. ft.; a 16% increase over the area permitted for signage.

Recommendation: Considering that 146 sq. ft. of signage has been removed, and will not be replaced; the former total signage of 430 sq. ft. on the site will now be reduced to 348 sq. ft., including the new L.E.D. sign. Based on that fact, upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board.

Ayes: Messers Smith, Nadeau, Strom, Moran, Motte, Mason and Vincent. Nay: none

**1195 OAKLAWN REALTY LLC 1150 NEW LONDON AVENUE CRANSTON RI 02920 (OWN) AND ICON IDENTITY SOLUTIONS /IMS/ESS 1418 ELMHURST ROAD, ELK GROVE ILLINOIS 60007 (APP) AND CVS PHARMACY (#1414) 1195 OAKLAWN AVENUE CRANSTON RI 02920 (LESSEE)** have filed an application for permission to reorganize previously approved additional signage than that allowed by ordinance at **1195 Oaklawn Avenue**. AP 18/3, Lot 4, area 113692 +/- SF, zoned C-4. 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. The existing commercial use of the property is consistent with the Highway Commercial designation of this area of the City on the 2010 Comprehensive Plan Future Land Use Map.
2. Per the Sign Ordinance, the total area permitted for wall signage is 30 sq. ft. The existing wall signage on the building today contains 78.12 square feet on the Oaklawn Avenue easterly elevation, and 78.88 square feet on the Oaklawn Avenue northerly elevation, and 33.5 sq. ft. sign on the rear wall of the building that faces New London Avenue. Each of the three existing wall signs on the building, already exceed the maximum area.
3. The applicant received a negative recommendation from the Plan Commission for a variance for increased signage on September 4, 2012 and March 5, 2013, and a denial from the Zoning Board on the March 2013 application.
4. The property, however, did receive a sign variance from the Zoning Board on September 12, 2012 to increase the size of two "**CVS/Pharmacy**" wall signs (signs # 3 and #4) to 3.5' x 29.25' (102.4 sq. ft.) . The increase was conditioned on the removal of wall signs #1 and #6, and Signs #2 and #5 were to be changed to a "**24 HOURS**" box sign from the current "Open 24 Hours" lineal sign. None of the variance was acted on.
5. The current application's request is to leave signs #1 and #6 on the building, and reduce signs #2 and #5 on the building, from 18.92 sq. ft. each to 9.6 sq. ft. each. The "CVS / Pharmacy" sign would be reduced in size from the approved 3'-6" high letter to a 3' letter, and from 29'-3" to 25'-1" in length. The resulting square footage would then be: 111.5 sq. ft. of signage each on the northerly and easterly walls, which are both visible from Oaklawn Avenue.
6. The approved 29.52 sq. ft. of drive-thru canopy signage will be reduced to 19.54 sq. ft. of signage.
7. There is also an 8.3' x 16.5' (138.2 Sq.Ft. ) transom banner sign that reads "Open 24 hours" located behind the glass windows over the front entrance doors.
8. The total area of building signage only will decrease slightly from the approved 425.22 sq. ft. to the requested 414 sq. ft.

9. The existing 86.68 sq. ft. of freestanding signage on Oaklawn Avenue that reads "CVS Pharmacy open 24 hours" was **not included** in the total signage calculations submitted by the applicant.
10. The Zoning Code permits 300 sq. ft. total signage in this zone. Total requested signage on the site will be 500.68 sq. ft., which includes the freestanding sign.
11. Within the 400' Zoning Radius there is another larger drugstore (Walgreens) that was approved by the Site Plan Review Committee in April 2006. Though this building is 1,980 sq. ft. larger (Vision Appraisal data) than the CVS and has three street frontages, it has signage that conforms to the sign ordinance.
12. Section 17.72.010 A. of the Zoning Code entitled **SIGNS**, states **Purposes:** *"to minimize the possible adverse effect of signs on nearby public and private property; enable the fair and consistent enforcement of these sign restrictions..."*
13. A photograph showing the red and yellow CVS Corporate Identity Architecture of the building in the background, also shows the freestanding sign on Oaklawn Avenue that states "**CVS pharmacy open 24 hours**"
14. There are two "Open 24 hours" neon signs, one each, located in the windows on the north elevation, and the east elevation, and two red "Open 24 hours" signs that fill the entire bottom glass panels of the two front doors. None of these are included in the total sign calculations.

**Recommendation:** The existing Commercial use of the building is consistent with the Comprehensive Plan Future Land Use Map. However, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Plan Commission unanimously voted to make no specific recommendation on this increased sign application to the Zoning Board.

Ayes: Messers Smith, Nadeau, Strom, Moran, Motte, Mason and Vincent. Nay: none

#### **ADJOURNMENT**

Upon motion made by Mr. Motte and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 8:20 p.m.

**DATE OF NEXT MEETING** January 7, 2013 – City Council Chamber – 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Administrative Officer