

## **MINUTES**

December 6, 2016

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, Chairman  
Kenneth Mason, P.E.  
Lynne Harrington  
Jennifer Lepre  
Gene Nadeau  
Mark Motte  
Fred Vincent

Also present were:

Peter Lapolla, Planning Director  
Stephen Marsella, Esq. Assistant City Solicitor  
Jason Pezzullo, AICP, Principal Planner

### **APPROVAL OF MINUTES**

Upon motion made by Mr. Nadeau and seconded by Ms. Lepre, the Commission unanimously voted (7/0) to approve the minutes of the November 1 2016, Plan Commission Meeting.

### **PERFORMANCE GUARANTEES**

The Oaks at Orchard Valley – Phase V  
Performance Guarantee Expiration

At this time, public improvements still need to be finalized before the City can consider release of the Letter of Credit. Therefore, upon motion made by Mr. Vincent and seconded by Mr. Motte, the Commission unanimously voted (7/0) to *approve* a two year extension of this performance guarantee.

If the renewed Letter of Credit is not received in a timely fashion, the Commission will instruct the Finance Department to exercise the existing Letter of Credit.

D'Ercole Plat  
Request for Bond Release

Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission unanimously voted (7/0) to *approve* your request for release of Travelers Bond #106207077 in the amount of \$26,400 in its entirety, in accordance with the Engineering Division's recommendation.

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

**THE CITY OF CRANSTON, CRANSTON PUBLIC SCHOOLS, 869 PARK AVE, CRANSTON, RI 02920** has filed an application to install an LED sign at **899 Park Avenue** A/P 6/2, Lot 550, area 2.91 acres, zoned C-1. Applicant seeks relief per 17.92.010 Variance; Sections 17.72.010 G, 17.72.010 (5) Signs, Section 17.20.030 Schedule of Uses.

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 incomplete, as the application is not signed.
2. There is an existing monument sign to the right of the school's main entrance.
3. The proposed L.E.D. sign itself is 8 ft. by 4 ft., placed on a 3'6" high by 2'-8" wide pedestal for a total sign height of 7'-6" .
4. The double sided sign is 64 sq. ft.
5. Per the Zoning Code, the maximum area of a freestanding sign in a C-1 zone is 25 sq. ft.; therefore, the proposed sign is 2-1/2 times larger than what is allowed.
6. The proposed sign setbacks are 8' from the Elsie Street right of way, and 12' from the Park Avenue right of way. (5' minimum setbacks are required).
7. LED electronic message boards are prohibited per the Sign ordinance. In addition to the dimensional variance, the application is seeking a use variance for a sign not allowed. As such, the review standard should be greater than the presence of a mere inconvenience. Sec.17.92.020 Variances, states "In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance".
8. Section 17.72.010 B.1.b. of the Sign Ordinance, states the applicability and effect of this section is "to allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located." The proposed sign is 2-1/2 times larger than what is allowed.
9. Section 17.72.010 B.1.c. states the effect of the section is "to prohibit all signs not expressly permitted by this section." (Electronic message boards fall under that category)
10. Page 34 of the Comp Plan, in the Land Use Strategies and Actions section, reads: *The City should adopt design and signage guidelines along commercial corridors, such as Reservoir Ave., Park Ave., Elmwood Ave., Atwood Ave. and Oaklawn Ave., to improve the attractiveness and quality of the business.* To the extent that the existing sign ordinance is assumed consistent with the Comp Plan, an electronic message board would be inconsistent with the Comp Plan, because said sign is explicitly prohibited by the Zoning Ordinance.

Recommendation: Based on the fact that the applicant is seeking a use variance for a use not allowed, to the extent that the existing sign ordinance is assumed consistent with the Comp Plan, an electronic message board would be inconsistent with the Comp Plan, because said sign is explicitly prohibited by the Zoning Ordinance. Therefore, upon motion made by Mr. Motte and seconded by Ms. Lepre, the Plan Commission unanimously voted (7/0) to forward a negative recommendation on this application to the Zoning Board.

**PENNE PROPERTIES, LLC, 647 OAKLAWN AVENUE, CRANSTON, RI 02920** has filed an application to install a digital LED sign with changeable copy to an existing freestanding sign at **647 Oaklawn Avenue**. A/P 17/3 lots 145 and 146, area 5,107 SF, zoned C-2. Applicant seeks relief per 17.92.010 Variance; Sections 17.72.010 G, 17.72.010 (5) 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 proposed L.E.D. sign is 6 ft. by 4 ft. and replaces the middle of 3 signs on a freestanding sign with a 48 sq. ft. sign above and a 36 sq. ft. sign below.
2. The double sided L.E.D. sign is 48 sq. ft., for a total of 132 sq. ft. of freestanding signage.
3. Per the Zoning Code, the maximum area of a freestanding sign in a C-2 zone is 25 sq. ft.; just the proposed L.E.D. sign alone, is 2 times larger than what is allowed.
4. The proposed sign setback is 10.8 inches from the Oaklawn Avenue right-of-way, where a 5' minimum setback is required.
5. The height of the existing sign is 19', where 12' is the maximum allowed.
6. Section 17.72.010 B.1.c. states the effect of the section is "to prohibit all signs not expressly permitted by this section." (Electronic message boards fall under that category)
7. LED electronic message boards are prohibited per the Sign ordinance. In addition to the dimensional variance, the application is seeking a use variance for a sign not allowed. As such, the review standard

should be greater than the presence of a mere inconvenience. Sec.17.92.020 Variances, states “*In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Zoning Ordinance*”. The office building, built in 1963, has always used conventional signage for its tenants.

8. Section 17.72.010 B.1.b. of the Sign Ordinance, states the applicability and effect of this section is “*to allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located.*”
9. Page 34 of the Comp Plan, in the Land Use Strategies and Actions section, reads: *The City should adopt design and signage guidelines along commercial corridors, such as Reservoir Ave., Park Ave., Elmwood Ave., Atwood Ave. and Oaklawn Ave., to improve the attractiveness and quality of the business.* To the extent that the existing sign ordinance is assumed consistent with the Comp Plan, an electronic message board would be inconsistent with the Comp Plan, because said sign is explicitly prohibited by the Zoning Ordinance.

**Recommendation:** Based on the fact that the applicant is seeking a use variance for a use not allowed, to the extent that the existing sign ordinance is assumed consistent with the Comp Plan, an electronic message board would be inconsistent with the Comp Plan, because said sign is explicitly prohibited by the Zoning Ordinance. Therefore, upon motion made by Ms. Lepre and seconded by Mr. Vincent, the Plan Commission unanimously voted (7/0) to forward a negative recommendation on this application to the Zoning Board.

### **WORKSHOP- SIGN ORDINANCE - REVIEW AND DISCUSSION**

The proposed sign ordinance was reviewed. The Commission suggested some modifications, and a separate workshop will be held in January on this matter.

### **PLANNING DIRECTORS REPORT**

Mr. Lapolla stated that the RPD and Zoning Map ordinances have been approved by the City Council.

**ADJOURNMENT** – Upon motion made by Mr. Motte and seconded by Mr. Nadeau, the Commission unanimously voted to adjourn at 8:53 pm.

**NEXT MEETING** January 3, 2017 – City Council Chamber, 7 pm.

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Administrative Officer