

MINUTES

May 2, 2017

Chairman Smith called the City Plan 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.
Mark Motte
Lynne Harrington
Gene Nadeau
Fred Vincent
Kimberly Bittner
Kathleen Lanphear

Also present were: Peter Lapolla, Planning Director
Stephen Marsella, Esq. Assistant City Solicitor (arrived at 7:40)
Jason M. Pezzullo, AICP, Principal Planner
J. Resnick, Clerk

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Ms. Harrington, the Commission unanimously voted (8/0) to approve the April 4, 2017, Plan Commission minutes with a minor addition from Commissioner Vincent.

ORDINANCE RECOMMENDATIONS

Ordinance 04-17-04 In Amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled 'Zoning' (Change of Zone – 1315 Park Avenue) **M-1** Restricted Industry to **C-3** General Business

Mr. Lapolla explained that Ordinance 04-17-04 proposes to change the zoning classification for a parcel of land identified as Assessors Plat 11 Lot 754 located at 1315 Park Avenue from M-1 Restricted Industry and to C-3 General Business. The site consists of 0.67 acres and its current use is classified as a Commercial Small Scale [the site is currently not developed]. It was the site of a former gas station. The property is located at the intersection of Dyer Avenue and Park Avenue. It is bounded by a mix commercial uses the west, the Pocasset River and undeveloped land zoned C-1/B-1 [split] to the east, a commercial and an industrial use to the south and a multi-family development to the north. The Site is owned by Omega Inc. who proposes the rezone to allow a proposed Dollar General.

The site is currently zoned M-1 Restricted Industry which is not consistent with the Future Land Use Plan. The Future Land Use Plan of the 2010 Comprehensive Plan designates the site as Neighborhood Commercial and Services [Land Use Classification]. The Land Use Element of the 2010 Comprehensive Plan indicates that for Neighborhood Commercial and Services the appropriate zoning would be C-1, C-2 and C-3. Therefore the proposed rezone to C-3 General Business will be consistent with the Comprehensive Plan.

LU-24 of the Land Use Plan Action Program of the Land Use Element of the 2010 Comprehensive Plan requires the City to “Amend Zoning Map and Zoning Ordinance to eliminate inconsistencies between the Future Land Use Map and Zoning.”

Section 17,120-“Power of the city council to adopt-Consistency with the comprehensive plan” of the City Code of Ordinances states:

‘For the purpose of promoting the public health, safety, morals and general welfare of the city, the city council may adopt, amend or repeal and provide for the administration, interpretation and enforcement of this chapter or any part thereof. The provisions of a zoning ordinance shall be set forth in text and map(s) and may incorporate charts or other material. The zoning ordinance and all amendments thereto, shall be consistent with the city's comprehensive plan, as described in Rhode Island General Laws Section 22-2 and shall provide for the implementation of the city's comprehensive plan.’

Attorney Robert Murray reiterated Mr. Lapolla’s comments; further stating that a C-3 zoning designation was chosen as there are zero setbacks, and the proposed *Dollar General Store* will be one of the company’s smallest. He also mentioned the associated right-of-way abandonment request. He stated that, if approved, that parcel will be added the existing parcel. The parcel to be abandoned is about 7,800 sq. ft. He mentioned that Providence Water has an easement on that portion and intends to maintain their existing water line. He stated that the project will next be considered by the Development Plan Review Committee.

Mr. Vincent asked if any portion of the site is in the flood plain. Mr. Lapolla responded, stating that only the rear embankment is in the flood plain.

Suzanne Godin, 37 Cedar Street, asked what portion of Old Park Avenue would be abandoned. Mr. Lapolla illustrated the area to her satisfaction.

No further comment was offered. Upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted (8/0) to support the staff recommendation of approval for the re-zone proposal.

Abandonment of Portion of Old Park Avenue / Plan Commission Recommendation

Upon motion made by Mr. Motte and seconded by Ms. Lanphear, the Commission unanimously voted (8/0) to recommend favorably on the resolution for the abandonment of a portion of Old Park Avenue.

SUBDIVISION AND LAND DEVELOPMENT

Replat of Lot 3 (Lang Estates)

Minor subdivision without street extension

Preliminary / Final Plan

AP 21/3, Lot 370 – Terminus of Lang Court

Mr. Pezzullo stated that this minor subdivision submittal was brought about by the need to correct a past mistake. Lang Court, as constructed, does not conform to the placement and bounds of the original recorded plat which is Lang Estates. Instead, the existing roadway passes directly through subject Lot 3. The owner is granting a portion of Lot 3 (2,974 sq. ft.) to the City to be incorporated as the new right- of- way for Lang Court. Lot 3 will have 22,415 sq. ft. of land area once this subdivision is complete. The access land will be deeded to the City.

Mr. Motte asked how this situation came about. Mr. Mason, Public Works Director, stated that “the subdivision plan was changed but the road never got changed”.

No public comment was offered on this matter. Upon motion made by Mr. Motte and seconded by Mr. Mason, the Commission unanimously voted (8/0) to adopt the following Findings of Fact and *approve* the Preliminary/Final Plan subject to the conditions denoted below.

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on April 19, 2017 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed subdivision and its resulting density is consistent with the Comprehensive Plan – Future Land Use Map.
3. The proposed subdivision does not affect consistent with the A-20 zone.
4. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
5. The proposed subdivision promotes high quality appropriate design and construction, will be well integrated with the surrounding neighborhoods and will reflect its existing characteristics.
6. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
7. The property in question has adequate permanent physical access on Lang Court, an improved public right of way within the City of Cranston.
8. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
9. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
10. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Conditions of approval

1. Submit draft deeds for the Lot 3 land conveyance for Public Works Department and City Solicitor review prior to Record Plat recording.
2. The subdivision filing fee will be reimbursed to the applicant as this was not technically a subdivision application but rather a correction to an existing subdivision.
3. Final Plan application submission is not required.

Pirce Plat Replat

Minor subdivision without street extension
One additional house lot
Preliminary Plan
AP 12-2, Lots 174, 1715, 1860 & 1861
Plainfield Pike and Yeoman Avenue

Attorney John DiBona explained that the subject parcel is located on Plainfield Pike and Yeoman Avenue, AP 12-2, Lots 1714, 1715, 1860 & 1861 and is zoned **A-8** (8,000 sq.ft. lot with 80 ft. of frontage). The property owner and applicant is MJV Enterprise, LLC, 350 Pippin Orchard Road, Cranston RI.

The proposal is for a two-lot minor subdivision without street extension. The four subject record lots have a total land area of 11,710 square feet and contain one existing single-family home. The applicant proposes to subdivide the area into two new nonconforming lots:

- **Parcel A** will front on Plainfield Pike with the existing single-family home, have 80' of frontage and a lot area of 5,699 square feet;
- **Parcel B** will front on Yeoman Avenue, have 104' of frontage with a lot area of 6,011 square feet for a proposed new single-family dwelling.

Both lots will require dimensional and density variances from the A-8 zoning requirements from the Zoning Board of Review. The proposed lots will have access to public water and public sewer.

He further stated that many homes in the area are situated on lots similar in size or smaller than what has proposed.

Mr. John DiBona, Esq, presented the application on behalf of the applicant.

Mr. Richard Bzdyra, PLS, Ocean State Planners, stated that the area was originally platted in 1912. The proposal involves four record lots. He reiterated Mr. DiBona's presentation comments, further stating he has considered the size of the lots located within a 400' radius. In this radius, there are 87 lots with 61 owners. Thirty three of the house lots are undersized, and more than half of those are less than 6,000 sq. ft. in the A-8 zone.

Mr. Pezzullo stated that the Comprehensive Plan calls for this area to be a minimum of 6,000 sq. ft. in area, to reflect the existing characteristics of the neighborhood. He stated that the resulting density of 7.43 units per acre *generally* conforms to the Comprehensive Plan Future Land Use designation of "Residential 7.26-3.64 units per acre".

No public comment was offered on this matter. Upon motion made by Mr. Vincent and seconded by Ms Bittner, the Commission voted (7/1 – Ms. Lanphear voted nay) to adopt the following Findings of Fact and *approve* your Preliminary Plan, with waiver for sidewalks and curbing, and subject to the conditions denoted below.

Findings of Fact

The City Plan Commission has reviewed the Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as the City of Cranston's Subdivision and Land Development Regulations and finds as follows:

Positive Findings

1. An orderly, thorough and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 100' radius have been notified via first class mail on 4/20/17 and the meeting agenda has been properly posted. Advertisement for this minor subdivision is not required under Section V.C.2.h of the City of Cranston Subdivision Regulations since no street extension is proposed.
2. The proposed residential subdivision and its resulting density of 7.43 units per acre *generally* conforms to the Comprehensive Plan – Future Land Use designation of "Residential 7.26 – 3.64 units per acre".
3. There will be no significant negative environmental impacts from the proposed subdivision as shown on the Preliminary Plan.
4. The proposed subdivision promotes high quality appropriate design and construction, will be

well integrated with the surrounding neighborhoods and will reflect its existing characteristics.

5. The proposed subdivision will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.
6. The lots in question have adequate permanent physical access on Yeoman Avenue, an improved public roadway located within the City of Cranston.
7. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through traffic, for adequate surface water run-off and for a suitable building site.
8. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.
9. The design and location of streets, building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

Negative Findings

10. The proposed subdivision does not conform the dimensional regulations of the A-8 zoning district. However, the proposal will not alter the general character of the surrounding area of impair the intent or purpose of the Cranston Zoning Code.

Conditions of approval

1. Payment of Eastern Cranston Capital Facilities Impact Fee in the amount of \$593.46 at the time of Final Plat recording.
2. Applicant shall receive all applicable variances from the Zoning Board of Review prior to filing a Final Plan application with the Planning Department.

ZONING BOARD OF REVIEW RECOMMENDATIONS

PONTIAC AVENUE LIMITED PARTNERSHIP (OWN) AND DAVE'S FRESH MARKETPLACE OF CRANSTON, INC. (APP) have filed an application for permission to install new signage at **550 Pontiac Avenue**. AP 5/1, Lot 18, area 89,298+/- SF, zoned C-3. Applicant seeks relief per Section 17.92.010 Variance; Section 17.72.010 Signage.

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.*"

1. The proposed new freestanding sign has a total area of 208 sq. ft. The double sided, full color L.E.D. area of the sign alone is 100 sq. ft. (5' x 10', times 2 sides).
2. Per the Zoning Code, the maximum area of a freestanding sign in a C-3 zone is 35 sq. ft.; the proposed freestanding sign is 590% larger than what is permitted by the sign ordinance.
3. The proposed sign street yard setback is 5 ft. from the Pontiac Avenue property line, and 10 ft. from the Hodsell Street property line, where a 5' minimum front yard setback is required.
4. The height of the proposed sign is 18' ft. high, where 15 ft is the maximum allowed.
5. The proposed 9' x 21' "Dave's marketplace" wall sign equals 189 sq.ft., where 30 sq. ft. is the maximum wall sign area that is permitted by the zoning code. (The proposal is 630% larger than permitted)
6. The 15 additional word band signs on the building totals 93.5 sq. ft. (Seafood, Butcher Shop, Produce, Organic Foods, Hot Foods, Sushi, Bakery, Deli, Pizza, Salad Bar, Gourmet Cheese, Natural Foods, Floral, Fried Chicken, Prepared Foods).
7. Total signage on the building is 282. 5 sq. ft., which is over 9 times larger than what is allowed per the zoning code for wall signs.

8. 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).
9. LED electronic message boards are prohibited per the Sign ordinance.
10. 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.*” Total proposed signage for the property is 490 sq. ft., where 200 sq. ft. total is allowed per the sign ordinance.
11. Located directly across Hodsell Street from the sign's location, is a 4 family dwelling with 14 windows that are parallel with, and face, the brightly lit LED TV screen.
12. This proposed large LED sign is the first in this tightly knit neighborhood commercial area, and is out of the general character with the surrounding area.
13. 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: The Commission recognizes that the proposed LED 5' x 10' full color TV screen would alter the general character of the surrounding area, and impairs the intent or purpose of the Zoning Ordinance or the Comprehensive Plan, upon which the Ordinance is based. The LED component is inconsistent with the Comprehensive Plan, because said sign is explicitly prohibited by the Zoning Ordinance. Therefore, upon motion made by Mr. Motte and seconded by Ms. Harrington, the Plan Commission unanimously voted (8/0) to forward a negative recommendation on the LED sign proposal and makes no specific recommendation on the remaining request.

KAREN EMMA (OWN) AND UNIVERSAL WEALTH MANAGEMENT (APP) have filed an application for permission to install new signage at **945 Reservoir Avenue**. AP 9/4, Lot 2361, area 8,640 +/- SF, zoned C-1. Applicant seeks relief per Section 17.92.010 Variance; Section 17.72.010 Signage.

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.*”

1. The area of the proposed new sign is 6'-10" wide x 6'-7'- 7/8" which equals 45.56 sq. ft. per side, for a total of 91.12 sq. ft.
2. The full color L.E.D. portion of the sign is 2'-5" x 5'-3". The double sided L.E.D. sign alone is 12.7 sq. ft. per side x 2 for a total of 25.4 sq. ft. of LED signage.
3. Per the Zoning Code, the maximum area of a freestanding sign in a C-1 zone is 25 sq. ft.; the proposed sign is over 3-1/2 times larger than what is allowed in this zone.
4. The proposed setback from the Reservoir Avenue property line is 2 feet, where a 5' minimum front yard setback is required.
5. The height of the proposed sign is 9' – 10" ft. high, where 12 ft is the maximum height allowed.
6. Section 17.72.010 B.1.c. of the Zoning Code, 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
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 not “*small*” as it is 350% larger than what is permitted.
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.*
10. 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 variance for a sign 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. Bittner, the Plan Commission unanimously voted (8/0) to forward a negative recommendation on the proposed sign and L.E.D. sign that is part of an oversized sign that is 350% larger than what the ordinance permits.

PLANNING DIRECTORS REPORT – 1.) Status of online posting of agenda materials – Mr. Pezzullo stated that he has been working with the IT Department on this. He stated that it is a complicated process but he is working with Maria Giarrusso to come up with a solution. 2.) RPD Joint workshop with City Council and stakeholders – Mr. Pezzullo stated that due to the budget hearings, he will work with the City Clerk on finding available dates. 3.) Signs – Mr. Lapolla stated that “we need to work on the new sign ordinance”. He will e-mail the latest version to everyone. He stated that the ‘sticking points’ have been billboards and LED signs. He stated that some council members have indicated that “these are the latest technology and we should just regulate them”.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Ms. Lanphear, the Commission unanimously voted (8/0) to adjourn at 8:30 p.m.

NEXT MEETING June 6, 2017 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, MCP, MPA, AICP
Principal Planner/Administrative Officer