

MINUTES

November 1, 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
Robert Strom
Kimberly Bittner
Gene Nadeau

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Nadeau and seconded by Mr. Strom, the Commission unanimously voted (6/0) to approve the minutes of the October 4, 2016, Plan Commission Meeting with a minor correction.

ORDINANCE RECOMMENDATIONS

Ordinance 10-16-04 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (950 Phenix Ave. – Signage) –*150' tall signage*

Attorney John Mancini, on behalf of the applicant and owner, gave a history of the many tribulations in the submission of this major amendment to the narrative of the original ordinance for a 150 ft. proposed "sign". He stated that the proposal is not a sign (there are no words), but rather a logo that defines Cube Smart, a national company. The proposed lattice structure will be 125 ft. tall with a 25 ft. cube on top with lighting on the interior. It will be visible from Route 37 and Route 295. He stated that the parcel is unique due to its location and the fact that it is shielded by vegetation.

Mr. Lapolla summarized his prepared report by stating, "a sign if a sign". He further pointed out that the existing cell tower is governed by Federal regulations and has no relationship to the cube sign proposal. He stated that, if approved, this will set an undesirable precedent.

No public comment was offered on this matter. The following is the content of Mr. Lapolla's report and the Plan Commission recommendation.

I. PROPOSAL

Ordinance 10-16-04 proposes to amend the Pandora Storage Mixed Use Development MPD Zone by authorizing a free standing sign with a total height of 150 feet [supporting base of 125' and sign of 25'] and with a sign area 1350 SF [a cube with 6 faces of 15' X 15' each]. The subject land is located at 950 Phenix Avenue and is identified as Assessors Plat 9 Lot 3. The site is zoned Mixed Planned Development [Ordinance 1-15-01 enacted 05/06/2015 and as amended on 09/26/2016.

The ordinance as proposed:

1. Will add to Section 1 Project Summary of the existing ordinance the following language:

“This instant proposal is to revise the plans to include a one hundred and twenty-five foot (125’) lattice pole with a twenty-five (25’) foot design/sign in the form of a “cube”, which is 15’ x 15’, as further depicted herein.”
2. Will delete from Section 4 Additional Approvals from the City Council- Signage of the existing ordinance the following “actual” language

Signage

The Applicant will seek signage consist with the C-3 Zoning Designation and seeks a sign at the entrance, which will be a monument sign. The monument sign is 12 x 8 feet construction with actual signage of 8 x 6 feet totaling 96 square feet.

In addition, thereto, the Applicant seeks a pylon sign to be located to the rear of the Site [eastern side]. Said sign shall not have a height greater than twenty (20) feet above the existing tree line conditioned on the tree line blocking the view of the sign. The construction of which will be 7 x 24 feet, total signage to be 340 sq. ft. The purpose is for the sign to solely be seen from Route 37 and 295, and because of the topography the sign will not be seen from Phenix Avenue. The sign shall advertise only the commercial retail uses, the self storage and the automotive storage uses on the site. The sign shall not advertise any occupant of the commercial storage/industrial building. A telecommunication antenna not exceeding fifteen (15) feet above the sign may be incorporated into the pylon sign.

Will add to Section 4 “Additional Approvals from the City Council- Signage” of the ordinance the following language:

The Applicant proposes the installation of a one hundred twenty-five (125’) lattice pole with a design of a “cube” on top of the lattice pole, which will extend an additional twenty-five feet (25’), making the total signage height one hundred-fifty (150). Moreover, the Applicant proposes to illuminate the sign with LED lights; there will be no panels or words on the cube. A complete depiction of the sign is attached hereto as Exhibit A.

This signage is in addition to that which is already approved at the site, which is signage that is consistent with the C-3 zoning designation and a monument sign at the entrance. The monument sign is 12 x 18 feet construction with actual signage of 8 x 6 feet totaling 96 square feet.

II. ANALYSIS

The Commission has reviewed the above cited zoning amendment and would make the following comments and raise the following issues:

Technical Comments:

1. The proposed amendment authorizes a 125’ “lattice pole” to support the sign. If the sign support is to be a lattice construction, it is not a pole. It is either a “lattice structure” or a “lattice tower.”
2. As noted above, the amendment as submitted proposes to eliminate the following from the existing ordinance:

In addition, thereto, the Applicant seeks a pylon sign to be located to the rear of the Site [eastern side]. Said sign shall not have a height greater than twenty (20) feet above the existing tree line conditioned on the tree line blocking the view of the sign. The construction of which will be 7 x 24 feet, total signage to be 340 sq. ft. The purpose is for the sign to solely be seen from Route 37 and 295, and because of the topography the sign will not be seen from Phenix Avenue. The sign shall advertise only the commercial retail uses, the self-storage and the automotive storage uses on the site. The sign shall not advertise any occupant of the commercial storage/industrial building. A telecommunication antenna not exceeding fifteen (15)

feet above the sign may be incorporated into the pylon sign.

The Commission would note that this language is not included in the ordinance as adopted. It does not exist and therefore this does not have to be deleted.

3. As noted above, the ordinance as submitted proposes to delete the following:
"The Applicant will seek signage consist with the C-3 Zoning Designation and seeks t a sign at the entrance, which will be a monument sign. The monument sign is 12 x 8 feet construction with actual signage of 8 x 6 feet totaling 96 square feet."

and to add the following:

"This signage is in addition to that which is already approved at the site, which is signage that is consistent with the C-3 zoning designation and a monument sign at the entrance. The monument sign is 12 x 18 feet construction with actual signage of 8 x 6 feet totaling 96 square feet."

The Commission would note that the monument sign as authorized increases from 12 x 8 feet to 12 x 18 feet with no increase in "actual signage" authorized. The Commission would inquire as to if the 12 x 18 feet is a typo.

4. The supporting documentation submitted in support of this zoning amendment identifies a cell tower at the ice skating rink and indicates that its height is 170 feet. If the applicant intends to use the cell site as justification for the proposed sign height, staff would suggest that any comparison would not be appropriate. A cell tower is not a sign and the siting of the cell tower including its height is governed by Federal Law.

Policy Comments:

1. Under the current zoning ordinance, the maximum height for a free standing sign in all commercial and industrial zoning districts is 15'. The ordinance as submitted would authorize a free standing sign with a height of 150'. At 150', this sign would be 10 times higher than what is currently allowed. To try to set the request into perspective, the applicant is seeking authorization for a sign that will be 1.5 times taller than the 6 story office building at Chapel View.
2. Under the current Zoning Ordinance, the maximum area allowed for a free standing sign is 35 SF for a C-3 zone and 50 SF in all other commercial and industrial zoning districts. The ordinance as submitted would authorize a free standing sign with an area 1350 SF [a six sided cube that is 15' x 15' per face]. At 1350 SF, this sign would be 38.6 times larger than what would be allowed in a C-3 zone and 27 times larger than what is allowed in all other commercial and industrial zones.
3. The applicant is seeking to amend the Zoning Ordinance. Said amendment is a policy statement that will set precedent to guide future actions. [If enacted the City would be affirming that signs that are 150' in height and 1350 SF in area can be allowed by right within the City.] The Commission would suggest that if this amendment is enacted, it would become the starting argument in support of similar requests to allow increased signage under zoning. If the City is to be consistent in its zoning actions, if the amendment is granted here it will be difficult to deny similar request for other locations throughout the City.
4. The applicant and his attorney have suggested to the Commission that the height and size of the sign that is being requested is necessary to provide visibility from Interstate 295 and from Rhode Island Route 37. The Commission would note the need to be seen from a particular highway is not recognized in the zoning ordinance and should not be used to determine height or size of any given sign. The Commission would suggest that, to the extent practical, zoning standards should be based on absolutes and not some amorphous standards such as the need to be seen from a highway. If the City was to accept this argument as a guiding principle for determining sign dimensions, a future applicant could argue that a 200' or even 400' sign is needed because to provide visibility. Where is the standard?
5. There are no advertising structures within the Rt. 295 corridor within the City of Cranston, thereby maintaining, preserving, and enhancing the natural scenic beauty or aesthetic features of the highway and adjacent area located within Cranston's City limits. The 150' advertising structure will alter the general character of the surrounding area, as it will be visible from other areas in the City.

Trees were planted along the highway to create a visually aesthetic buffer screen between the abutting properties and the motorists on the highway; a cube that glows in the dark 150' above the treed horizon line

serves to mire, circumvent and defeat the purpose of the treed screening buffer zone along the highway. A 150' commercial structure denigrates the intent of the treed buffer.

III. RECOMMENDATION

The applicant is seeking authorization for a sign that is higher and larger [area], by multiples from what is allowed through the Zoning Ordinance and what already exists in Cranston. [Staff has asked for and has yet to receive, from the applicant, examples of signs in Cranston that are of similar height and size.] The standard for signage set by this Zoning Ordinance, if enacted, would become the bench mark for other ordinance submissions and would become argument one for granting other ordinances. The argument set forth to justify the height and size of the sign would set a variable standard [visibility from a highway] which could justify signs of even greater height and size. Given all of the above, upon motion made by Ms. Bittner and seconded by Ms. Harrington, the Plan Commission unanimously voted (6/0) to recommend that Ordinance 10-16-04 be denied and to adopt and forward a "resolution disapproving the ordinance" to the City's Ordinance Committee and to the City Council.

Ordinance 10-16-02 Ordinance in amendment of Chapter 15.04.020 (A) of the Code of the City of Cranston, 2005, entitled "Building Code" (Amendments, Additions and Deletions) (Impact Fees Revised).

Mr. Lapolla explained that impact fees are generated by needed capital improvements. He stated that if a study were to be undertaken, it would probably find that "we do not need to do this" (raise fees). Assistant City Solicitor, Steve Marsella, stated that there has been a case on the matter of fees collected by the City. It revealed that fees have to be in line with actual costs. Mr. Marsella advised Mr. Lapolla to prepare a memorandum on this matter.

No public comment was offered on this matter.

Upon motion made by Mr. Strom and seconded by Mr. Nadeau, the Commission unanimously voted (6/0) to continue this matter to the December 6, 2016, Plan Commission Meeting and to have Mr. Lapolla prepare a memorandum to be submitted to the Ordinance Committee.

SUBDIVISIONS AND LAND DEVELOPMENTS

Garden Vista – Final Plan
Major Land Development (RPD) without street extension
5 duplex units (10 total)
Randall Street, Bellevue Drive - AP 12/6, Lot 2285
Final Administrative Approval

Mr. Pezzullo stated that the Preliminary Plan for this project was approved in 2006. At that time there was a requirement that the Final Plan come back before the Plan Commission for final approval. He stated that, at this time, everything is in order and the applicant is now ready to record the Final Plan.

No public comment was offered on this matter.

Upon motion made by Mr. Nadeau and seconded by Mr. Strom, the Commission unanimously voted (6/0) to verify that the conditions of the Preliminary Plan have been met and that the Final Plan is ready to be recorded consistent with standard administrative procedure.

Conditions of Approval

The following conditions shall apply to this Final Plan, in addition to other applicable state and local requirements.

1. Final Site Plan Review Committee approval required prior to Final RPD submittal.
COMPLETE
2. All roadways, utilities, drainage facilities and the entire sewer force main are to be privately owned, operated and maintained by the condominium association who shall also have sole responsibility for any associated liabilities. Language to this effect shall appear on the Final Record Plan, and in the associated condominium documents.
COMPLETE
3. Final Record Plan and condominium documents shall include the language supplied by Mr. Marco Schiappa on 9/7/06 pertaining to the stipulations for the Low Pressure Sewer System.
COMPLETE

4. Revised condominium documents addressing the above to be provided at Final Plan submission.
COMPLETE
5. A meets and bounds description referencing the open space area shall be included within the Conservation Easement documents at Final Plan submission.
COMPLETE
6. Final Record Plan to include a note stating "Open Space area shall be maintained in perpetuity through a conservation easement granted to the City of Cranston".
COMPLETE
7. Final written sewer design approval from Veolia Water required with Final RPD submittal.
COMPLETE
8. Draft 40' utility easement benefiting National Grid to be provided at Final Plan submission.
COMPLETE
9. *National Grid's written Assent Agreement approving the proposed construction within the easement area to be provided with Final RPD submittal. – Removed by Plan Commission*
10. Payment of Eastern Cranston Capital Facilities Impact Fees of \$5,936.00 (\$593.46 x 10) at the time of Final plat recording.
11. Performance guarantee in the amount of \$70,000 with a 2% administrative fee of \$1,400.
VERIFIED

PLANNING DIRECTORS REPORT

Mr. Lapolla stated that he plans to attend the Ordinance Committee meeting to speak on behalf of the above ordinances as well as the digitized zoning map ordinance. He stated that in "the new year" he will move forward with the RPD ordinance as well.

ADJOURNMENT

Upon motion made by Ms. Bittner and seconded by Ms. Harrington, the Commission unanimously voted to adjourn at 7:34 pm.

NEXT MEETING December 6, 2016 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer