

MINUTES

October 6, 2015

Chairman Smith called the Planning Commission Meeting to order at 7:01 p.m. in the City Council Chamber. The following Commission members were in attendance:

Michael Smith, Chairman
Kenneth Mason, P.E.
Mark Motte
James Moran (arrived late)
Lynne Harrington
Fred Vincent
Kimberly Bittner

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. Vincent and seconded by Mr. Motte, the Commission unanimously voted (7/0) to approve the minutes of the August 4, 2015, Plan Commission Meeting.

SUBDIVISION AND LAND DEVELOPMENTS

Coggins Plat – Preliminary Plan

Minor Subdivision without street extension
Narragansett Blvd. & Kensington Road
AP 2/2, Lots 935, 2334 & 3987

Upon a motion, as amended, by Mr. Moran and seconded by Mr. Mason, the Commission unanimously voted (7/0) to adopt the Findings of Fact denoted below and *approve* this Minor Subdivision, subject to the following conditions and with waiver for lot design standards for area and frontage as follows:

The proposed abandonment of the terminus of Kensington Road presents some complications. The existing R.O.W has been utilized by the applicant for many decades as a driveway. In addition, two garage structures are also located within the city land. As the applicant owns the lots on either side of the R.O.W., they have proposed to abandon the 68 linear feet of roadway, and incorporate this land area, and a portion of lot 2334 into the larger Lot A benefiting the existing home. If the proposed abandonment is approved by the City Council, the lot configuration will result in Lot A having substandard frontage for an A-12 lot (70' where 100' is required), and the existing garage structures would need dimensional variances as they are sited on the southern property line with substandard setback. Finally, the Commission requires the zone line be moved in conjunction with this subdivision as to avoid the creation of Lot B having a split zone.

The remainder of the subdivision has no complications. Record Lot 3987 will be merged with the remainder of Record Lot 2334 resulting in Lot B with 8,139 square feet with 80' of frontage which exceeds the minimum requirements of the A-6 Zone.

Findings of Fact

Staff has reviewed this 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 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 of approximately 5.5 residential units per acre is consistent with the City of Cranston Comprehensive Plan's Future Land Use Map which designates the subject parcel as "Residential" allowing more 7.26 to 3.64 residential 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 property in question has adequate permanent physical access on Narragansett Avenue and Kensington Road, improved public roadways 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 Finding

10. The proposal does not conform to the A-12 zoning classification for frontage. However the proposal will not alter the general character of the surrounding area or impair the general intent or purpose of the Cranston Zoning Code.

Conditions of approval

1. Applicant shall receive approval for the abandonment of the terminus of Kensington Road and zone change from the Cranston City Council prior to filing the Final Plan Application with the Cranston Planning Department.
2. Applicant shall receive all required variances from the Zoning Board of Review prior to filing the Final Plan Application with the Cranston Planning Department.

Gold Meadow Farms – Phase IV (Whispering Pines Extension)
Performance Guarantee Release Request

Upon motion made by Mr. Vincent and seconded by Mr. Motte, the Commission unanimously voted (7/0) to release North American Specialty Insurance Company; Letter of Credit No. 2177978 in the amount of \$60,000 in its entirety, in accordance with the Public Works Engineering Department recommendation.

ZONING BOARD OF REVIEW RECOMMENDATIONS

GASHY DOWLATSHAHI A/K/A SOLOMO INC 1150 OAKLAWN AVENUE CRANSTON RI 02920 (OWN/APP) has filed an application for permission to replace an existing billboard with a digital LED billboard of the same size at **1150 Oaklawn Avenue**. AP 15/1, lot 15, area 45,302+/- SF, zoned C-4. Applicant seeks relief from Section 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. Billboards are not an allowed use in a C-4 zone.
2. Chapter 17.88.040 of the Zoning Code entitled **Change of Use** states: "A nonconforming use shall not be changed to another nonconforming use."
3. The proposed LED billboard is located at the middle of a horseshoe (severe) curve on the exit ramp from the state highway portion of Route 2 north to Route 2 south to Oaklawn Avenue.
4. Staff questions that a LED billboard located in the middle of an exit ramp at the point of the curve that changes direction 180 degrees, may be a safety condition, and would seek the opinion of the City's Traffic Safety Engineer.
5. The proposed LED (and existing billboard) is 10' x 44'-2".
6. The existing billboard height is 13'-4". The area where the billboard is located is at an elevation that is 10 ft. higher than the parking lot. The proposal is to raise the billboard height to 24', which would result its being 34 ft. higher than the parking lot.
7. The Zoning Ordinance states in Chapter 17.92.010.C.1. Variances, that evidence must be entered into the record that shows "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 lot that contains the billboard already contains a strip commercial building that contains a restaurant, commercial/office units and 51 parking spaces.
8. The application is also requesting a dimensional variance for a 24' height where 15' is the maximum signage height allowed in a C-4 Zone. The Zoning Ordinance states in granting a dimensional variance, 'the applicant must enter into evidence that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property, and the fact that a use may be more valuable after the relief is granted shall not be grounds for relief.' The lot already contains a strip commercial building that is an allowed use in a C-4 district.
9. RIDOT requires a permit for any changes to a preexisting billboard on property that abuts a state highway right of way.
10. RIDOT will not allow the conversion of signs utilizing LED technology pending its study of safety issues.

Recommendation: The Commission finds that the applicant's lot already contains a commercial strip store, which conforms to the provisions of the Zoning Ordinance, therefore, the applicant is already receiving a beneficial use for the property. Upon motion made by Mr. Motte and seconded by Ms. Harrington, the Plan Commission unanimously voted (7/0) to forward a negative recommendation on this application to the Zoning Board.

CFS PARTNERS LP 95 SOCKANOSSET CROSSROAD SUITE 203 CRANSTON RI02920 (OWN/APP) has filed an application for permission to install new signage in front of four existing buildings at **45-51, 63,75, 95, & 105 Sockanosset Crossroad**. AP 10/4, lots 42 & 1360, area 9.21 acres, zoned C-3. Applicant seeks relief from Section 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 total area of signs permitted in a C-3 Zone is 200 sq. ft.
2. Per the Zoning Code, monument signs may contain 45 sq. ft., and be a max of 4 ft. high.
3. The property currently contains 4 separate freestanding signs that have a total area of 373.6 sq. ft.
4. The application's total area of signage will be increased to 388.3 sq. ft.

5. The height of the existing freestanding signs range from 5'-5" to 12 ft.
6. The proposed monument sign heights will range from 8'-10" to 15 feet.
7. The applicants 2 large lots contains 4 separate buildings, all of which face Sockanosset Crossroad.
8. Though not contiguous, (as there are 2 lots with frontage on Sockanosset Crossroad with different ownership in the center of lot 42) the applicant's property contains a total of 629.67 linear feet on Sockanosset Crossroad.

Recommendation:

The Commission finds that an increase in total area of 14.7 sq. ft. over what currently exists for the 4 signs within the 629.67 linear feet on Sockanossett Crossroad is de minimus. Therefore, upon motion made by Mr. Vincent and seconded by Ms. Bittner, the Plan Commission unanimously voted (7/0) to forward a positive recommendation on this application to the Zoning Board.

PLANNING DIRECTOR'S REPORT

Mr. LaPolla briefed the Commission as to the status of the proposed zone changes before the City Council. He indicated that the Ordinance Committee had continued its hearing until October so as to gather additional information. He also informed the Commission that, at the Ordinance Committee meeting, it was made public that there is a potential solar farm project at the Hope Farms site. Commissioner Harrington voiced her opposition to the Hope Farms project because it is located on the historic farm route and because it would be located on land that the West Bay Land Trust hopes to preserve as a farm.

ADJOURNMENT

Upon motion made by Mr. Mason and seconded by Mr. Vincent, the Commission unanimously voted to adjourn at 8:30 p.m.

NEXT MEETING November 3, 2015 – City Council Chamber, 7 p.m.

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer