

## **MINUTES**

September 4, 2012

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

Michael Smith, Vice Chairman  
Mark Motte  
Gene Nadeau  
Robert Strom  
James Moran

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. Motte and seconded by Mr. Moran, the Planning Commission unanimously voted to approve the minutes of the August 7, 2012, Planning Commission Meeting with the correction noted by Mr. Motte.

### **ORDINANCES**

Ordinance of the City Council - 08-12-3: Amendment of Chapter 17 of the Code of the City of Cranston, 2005, Entitled "Zoning" – 59 Phenix Avenue – Zone Change – B-1 to C-2 (Assessors Plat 12/4, Lots 122, 123, and 125 – 59, 61, and 67 Phenix Avenue)

Upon motion made by Mr. Moran and seconded by Mr. Nadeau, the Commission unanimously voted to *continue* this matter to the October 2, 2012, Plan Commission Meeting.

Ayes: Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. Nays: none.

### **PERFORMANCE GUARANTEE**

Lawrence & Elizabeth Moses Minor Subdivision  
Laten Knight Road  
AP 29, Lot 2

The Plan Commission, upon motion made by Mr. Motte and seconded by Mr. Strom, unanimously voted to *table* any action involving the matter of sewer repair on Laten Knight Road. This action was taken in accordance with the Public Works Department request.

Ayes: Mr. Moran, Mr. Smith, Mr. Nadeau, Mr. Motte and Mr. Strom. Nays: none.

## ZONING BOARD OF REVIEW ITEMS

**BARBARA A AND THEODORE L RAMPINI SR AND KIM A TESTA AND GLENN M RAMPINI AND THEODORE L RAMPINI JR 29 BLUEBERRY LANE CRANSTON RI 02921 (OWN) AND ZARELLA DEVELOPMENT CORP 2 OLSONS WAY EAST GREENWICH RI 02818 (APP)** have filed an application for permission to leave an existing single family dwelling on a 10,556 SF undersized [lot 169] with restricted frontage, side and rear yard setback and build a new 1600 SF two-story single family dwelling on the abutting undersized 9,246 SF [lot 168] with restricted frontage at **29 Blueberry Lane**. AP 21, lots 168 & 169, area 19,830 +/- SF, zoned A-12. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.88.010 Substandard Lots of Record.

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 resulting density for both the existing and proposed residential lots is 4.13 and 4.71 units per acre, respectfully. The 2010 Comprehensive Plan Future Land Use Map, designates this area of the City as *Single Family Residential, 3.63 to 1 unit per acre*, therefore, the application is inconsistent with the Comprehensive Plan.
2. Of the 13 lots that are on Blueberry Lane, 9, or 69% of those lots are smaller than the 12,000 sq. ft. required in an A-12 zone.
3. 64% of the single family developed lots on Blueberry Lane are under 12,000 sq. ft.
4. Each of the applicant's existing lots has frontages of 95' and 73', where the required frontage in this zone is 100'. Nine out of the twelve lots on Blueberry Lane have less than 100' of frontage.
5. The existing single family has side yard setbacks of 9.9 ft. and 7.1 ft. , where 10 ft. is required per the Zoning Code. The existing front yard setback is 24 ft., where 25 ft. is required. The proposed new house will meet all the required front, side and rear setbacks.
6. The original 59 lot subdivision where these lots are located, was recorded in 1956, prior to the adoption of the current Zoning Map. Fifteen of the lots in that subdivision are under 12,000 sq.ft.

Recommendation: The proposed density for each lot is inconsistent with the density designated on the 2010 Comprehensive Plan Future Land Use Map, however, 64% of the developed lots on Blueberry Lane are under 12,000 sq. ft.; therefore, upon motion made by Mr. Nadeau and seconded by Mr. Motte, the Plan Commission unanimously to forward no recommendation on this application to the Zoning Board.

Ayes: Mr. Smith, Mr. Nadeau, Mr. Motte, Mr. Moran and Mr. Strom. Nays: none

**SCITUATE FARMS INC 98 PLAINFIELD STREET PROVIDENCE RI 02909 (OWN/APP)** has filed an application for permission to build a new 44' X 60' single family dwelling with restricted corner side yard set back at **AP 37 lot 880 Paliotta Parkway**. Area 20,058 +/- SF, zoned A-20. Applicant seeks relief from Sections; 17.92.010 Variance, 17.20.090 L Additional Setbacks on Certain City Streets, 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 2010 Comprehensive Plan Future Land Use Map, designates this area of the City as *Single Family Residential, 7.26 to 3.64 units per acre*, therefore, the application is consistent with the Comprehensive Plan, as the resulting density of 2.17 units per acre is less dense than the prescribed density of the Comprehensive Plan.
2. The proposed corner side yard setback from Scituate Avenue is 52.1 ft, which is less than the required 75' setback required in the Zoning Code.
3. The opposite proposed 22.1 ft. side yard setback is 7.1 ft. more than the required 15 ft. side yard setback.
4. The City's GIS aerial maps show the abutting house on lot #362 has a restricted front yard setback of less than 20 ft. from the front property line on Scituate Avenue.
5. The City's GIS aeriels show that the remaining houses on Scituate Avenue 1000' in either direction from the applicant's property, have setbacks less than 75', but more than 55'.

Recommendation: The Plan Commission finds that the application for a single family dwelling on a 20,058 sq.ft .lot that will have a density of 2.17 units per acre is consistent with and is less dense than the prescribed residential density on the Comprehensive Plan Future Land Use Map. Therefore, upon motion made by Mr. Moran and seconded by Mr. Motte, the Plan Commission unanimously voted to forward a positive recommendation on this application to the Zoning Board with the restriction that driveway access be restricted to Paliotta Parkway only, with no curb cut allowed on Scituate Avenue in the future.

Ayes: Mr. Smith, Mr. Nadeau, Mr. Motte, Mr. Moran and Mr. Strom. Nays: none

**1106 PONTIAC LLC 75 SOCKANOSSET CROSSROAD SUITE 24 CRANSTON RI 02920 (OWN) AND CRANSTON TAVERN LLC 9 CORONADO STREET JAMESTOWN RI 02835 (APP)** have filed an application for permission to expand a legal non-conforming use to an additional part of an existing building with restricted frontage, side and rear yard setback at **1106 Pontiac Avenue**. AP 10/4, lot 1488, area 11,488 +/- SF, zoned M-2. Applicant seeks relief from Sections; 17.92.010 Variance, 17.64.010 Off-Street Parking, 17.72.010 Signs, 17.20.120 Schedule of Intensity, 17.88.030 Extension.

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 to expand an existing restaurant that has been operating since 1979, is consistent with the 2010 Comprehensive Plan Future Land Use Map, that designates this area of Pontiac Avenue for Neighborhood Commercial/Services.
2. The proposed expansion will convert a former tailor shop to the abutting restaurant space, adding 18 seats to the existing restaurant that currently has 48 seats.
3. The resulting 66 seats will require 22 parking spaces; the site plan submitted shows 22 spaces exactly.
4. The proposed 20' x 20' future patio area located in the front of the building to be enclosed with a 3' high block wall, will require additional seasonal parking.
5. The site plan submitted shows that a portion of all eight of the parking spaces perpendicular to Pettaconsett Avenue are located within the City's right-of-way for the

road. Three of the spaces perpendicular to Pontiac Avenue are also located within the street right-of-way.

6. The parking plan has been approved by the City's Traffic Engineer, as the spaces and use are preexisting.
7. No increase is requested for the pre-existing 80 sq. ft. freestanding pylon sign, that will be refaced. Fifty square feet is permitted in this zone. The existing 16'-3" height of the sign will not be increased. The height exceeds the maximum height permitted by 1'-3".
8. A wall sign that is 40 sq. ft. is proposed for the building's Pontiac Avenue façade. This sign is smaller than the 45 sq. ft. wall sign permitted on a building in an M-2 zone.

Recommendation: 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 on this application to expand the restaurant, as the use is consistent with the 2010 Comprehensive Plan Future Land Use Map that designates this area of Pontiac Avenue for Neighborhood Commercial/Services. The Commission also recommends approval on the signage request as the pre-existing non-conforming freestanding sign area will not increase.

Ayes: Mr. Smith, Mr. Nadeau, Mr. Motte, Mr. Moran and Mr. Strom. Nays: none

**1195 OAKLAWN REALTY LLC 1150 NEW LONDON AVENUE CRANSTON RI 02920 (OWN) AND THE ICON COMPANIES 1418 ELMHURST ROAD, ELK GROVE ILLINOIS 60007 (APP) AND CVS PHARMACY (#1414) 1195 OAKLAWN AVENUE CRANSTON RI (LESSEE)** have filed an application for permission to have additional signage than that allowed by ordinance at **1195 Oaklawn Avenue**. AP 18/3, Lot 4, area 113,693 +/- SF, zoned C-4. Applicant seeks relief from Sections; 17.92.010 Variance, 17.72.010 B, G & P 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. According to Planning Department records, the site contains 269.127 sq. ft. of total signage, which is less than the 300 sq. ft. allowed for total signage in a C-4 Zone. This includes the original 228 sq.ft of signage approved by the Site Plan Review Committee in August 2006, and the Zoning variance received in July 2008 for an additional 41.127 sq. ft. of an electronic message board on the freestanding sign on Oaklawn Avenue.
2. According to the applicant's plans submitted, the total sum of all existing wall signs on the three walls of the building, including the canopy, is 222.58 sq. ft. When the existing freestanding sign of 86.68 sq. ft. is added, the result is 309.26 sq. ft. of **total existing** signage on the site.
3. The proposal is to remove the 3 existing "CVS/Pharmacy" building signs that each measure 2' x 16'-9" and currently total 100.5 sq. ft., and replace them with 3 building signs that each measure 3'-6" x 29'-3" and together total 307.2 sq. ft. The three signs alone, total 7.2 sq. ft. more than the total combined signage permitted for the entire site.
4. Per the Sign Ordinance, the total area permitted for wall signage is 30 sq. ft. The existing wall signage contains 80.52 square feet on the Oaklawn Avenue wall, 78.88 square feet on the New London Avenue wall, and a 33.5 sq. ft. sign on the rear wall of the building that also faces New London Avenue. Each of the three existing wall signs already exceed the maximum area.
5. The **proposed** 3 larger building signs will result in a total of 515.96 sq. ft. of signage for the **entire site**, which is an increase of 72% over what is permitted in this zone.
6. Within the 400' Zoning Radius is another drugstore (Walgreens) that was approved by the Site Plan Review Committee in April 2006 with signs that conform to the sign ordinance.

7. 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;...”*
8. A photograph submitted by the applicant with the CVS Corporate Identity Architecture of the building in the background, shows that the freestanding Pylon sign that states “CVS pharmacy” is clearly visible from Oaklawn Avenue.

Recommendation: Based on the findings of fact, the Commission finds that the amount of signage proposed is excessive, and will alter the general character of the surrounding area that contains businesses, including a drugstore competitor, that have signage that conforms to the maximum allowed area. Upon motion made by Mr. Motte and seconded by Mr. Moran, the Plan Commission unanimously voted to forward a negative recommendation on this application to the Zoning Board.

The Commission further finds that the photograph submitted by the applicant, shows that the “CVS pharmacy” freestanding Pylon sign is clearly visible from Oaklawn Avenue, which dispels the reason for larger signage on the building, which in itself, is identifiable as a CVS because of its corporate identity architecture..

Ayes: Mr. Smith, Mr. Nadeau, Mr. Motte, Mr. Moran and Mr. Strom. Nays: none

### **ADJOURNMENT**

Upon motion made by Mr. Nadeau and seconded by Mr. Strom, the Commission unanimously voted to adjourn at 8:17 p.m.

### **NEXT MEETING**

October 2, 2012, at 7 p.m. in the City Council Chamber

Respectfully submitted,

Jason M. Pezzullo, AICP  
Principal Planner/Secretary