

MINUTES

September 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.
Mark Motte
Lynne Harrington
Fred Vincent
Robert Strom
Kimberly Bittner
Gene Nadeau
Jennifer Lepre

Also present were:

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

APPROVAL OF MINUTES

Upon motion made by Mr. Motte and seconded by Ms. Lepre, the Commission unanimously voted to approve the minutes of the August 2, 2016, Plan Commission Meeting.

ORDINANCE RECOMMENDATIONS

Ordinance 08-16-01 In amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 1353 Park Avenue) – M-2 to C-3

Upon motion made by Mr. Vincent and seconded by Mr. Mason, the Commission unanimously voted (9/0) to continue this matter to the October 4, 2016 Plan Commission Meeting. This action was taken at the applicant's request.

Ordinance 6-16-10 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (950 Phenix Ave.) – *Daycare/Education & 150' tall signage*

Mr. Lapolla stated that the materials for this matter have been coming in piecemeal. The narrative is suggesting different language than what was submitted, therefore, he suggested that this matter be continued. In response, attorney John Mancini asked for specifics of what is required. A meeting will be scheduled to discuss the requirements.

Upon motion made by Mr. Strom and seconded by Mr. Motte, the Commission unanimously voted (9/0) to continue this matter to the October 4, 2016 Plan Commission Meeting. This action was taken in agreement with the applicant's attorney.

SUBDIVISIONS AND LAND DEVELOPMENT

Ashley Street Minor – Preliminary Plan

Minor Subdivision without street extension – 2 additional housing units

Ashley Street – AP 11/2, Lots 2136, 2137 and 2138

Attorney John DiBona, on behalf of the applicants, have proposed a two-lot minor subdivision for the combined 12,200 square feet of land area:

- Lot 1 – 6,200 square feet of area with 68' of frontage for one new single-family home;
- Lot 2 – 6,000 square feet of area with 60' of frontage for one new single-family home.

The proposed subdivision conforms to the minimum A-6 zoning requirements and is consistent with the Cranston Comprehensive Plan – Future Land Use Map. He stated that this is a straight-forward subdivision that does not require any variances. Mr. DiBona asked that the final plan be handled administratively, which is as usual.

No public comment was offered on this matter.

Mr. Pezzullo stated that he had nothing to add. Therefore, upon motion made by Mr. Motte and seconded by Mr. Vincent, the Commission unanimously voted (9/0) to adopt the Findings of Fact denoted below and *approve* this Preliminary Plan, with a waiver for provision of sidewalks, subject to the following conditions:

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 8/26/16 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 7.14 units per acre conform to the Comprehensive Plan – Future Land Use designation of “Residential 7.26 – 3.64 units per acre”.
3. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code as the lots are proposed consistent with the A-6 zoning district.
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 lots in question have adequate permanent physical access on Ashley Street, an improved public roadway located 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. Payment of Western Cranston Capital Facilities Impact Fee in the amount of 1,186.92 (\$593.46 x 2) at the time of Final Plat recording.
2. Municipal Lien Certificates verifying that all taxes are paid up to date.
3. Final Plan will be approved administratively.
4. The driveway opening shall not be wider than 20 ft.

ZONING BOARD OF REVIEW RECOMMENDATIONS

BLACKAMORE INVESTMENTS LLC 75 LAMBERT LIND HIGHWAY WARWICK RI 02886 (OWN) AND RESERVOIR AVENUE FOODS LLC 887 GREENWICH AVENUE WARWICK RI 02886 (APP) have filed an application for permission to install a digital LED sign with changeable copy at **950 Reservoir Avenue**. AP 9/3, lot 2899, 2901 & 3361, area 41,390+/- SF, zoned C-4. Applicant seeks relief from Section 17.92.010 Variance, 17.20.030 Schedule of Uses, 17.72.010 G Signs, Table 17.72.010 (5)

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. 50 square feet is permitted for a freestanding sign in a C-4 Zone.
2. The Zoning Board approved the 190 sq. ft. existing freestanding sign in 2014.
3. The proposed height is 21'-6" , which is 6'-6" higher than the 15 ft. height that is permitted per the sign ordinance. The existing sign height is 18'.
4. The proposed (2.5' x 9') x 2 = 45 sq. ft. two sided electric message board will be full color.
5. Total proposed square footage for the new pylon sign is 235 sq. ft
6. The minimum street yard setback for a freestanding sign is 5 ft. The site plan submitted shows a 0 front yard setback.
7. The Zoning Board approved 3 wall signs totaling 139.535 sq. ft., plus one 10.34 sq. ft. wall sign, totaling 149.87 sq. ft. where 90 sq. ft. maximum is allowed per the sign ordinance.
8. There are three 8.6 sq. ft. directional signs on the property totaling 25.8 sq. ft.
9. Total signage proposed is 384.875 sq. ft. where 300 sq. ft. total signage is permitted on the lot. The square footage does not include three 8.6 sq. ft. directional signs with Wendy's logo (25.8 sq. ft. additional signage).
10. 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.
11. 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.*"
12. 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)
13. 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.
14. Signs fall under the definition of Accessory use, as signs are incidental to and customarily associated with the principal use on site. Electronic signs as noted above are prohibited. 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*".

Recommendation: Based on the fact that the request is inconsistent with the Comp Plan, and based on the fact that the applicant is seeking a use variance for an accessory use not allowed, upon motion made by Mr. Motte and seconded by Ms. Harrington to forward a negative recommendation to the Zoning Board; the Plan Commission failed to reach a sufficient number of votes to pass the motion. Therefore, the application is being forwarded without a recommendation. (Voting for negative recommendation: Mr. Motte, Ms. Harrington, Mr. Nadeau and Mr. Smith. Voting for positive recommendation: Mr. Mason, Mr. Strom, Ms. Bittner and Ms. Lepre. Mr. Vincent abstained.)

BNMA PROPERTIES LLC 5 EXCHANGE STREET CRANSTON RI 02920 (OWN/APP) has filed an application for permission to legalize a third dwelling unit in an existing building at **131 Phenix Avenue**. AP 12/4, lots 2605, 2606 & 2607, area 12,764+/- SF, zoned B-1. Applicant seeks relief from Sections; 17.92.010 Variance and 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 Comprehensive Plan Future Land Use Map designates this area of Phenix Avenue as Highway Commercial which does not allow residential use at all.
2. The 1984 tax assessor field card shows the dwelling was a 2 family.
3. The Tax assessor field cards shows the 3rd unit was added between 1996 and 2006.
4. The existing building has a 6.5 ft. side yard setback, where 8 ft. is required.
5. The existing building has a 24.5 ft. front yard setback, where 25 ft. is required.
6. The site plan shows parking for 6 vehicles; 3 of those spaces require backing out onto Kingwood Avenue to exit the parking space.
7. The parking area has an existing 58 ft. curb cut on Kingwood Avenue.
8. The existing basement apartment window does not meet building code size for bedroom egress.

Recommendation: Although the Future Land Use Map calls for Highway Commercial for this area of Phenix Avenue, which does not permit residential, the current zoning is for residential, single and two family dwellings. The property has had a third unit for at least 10 years, which has not altered the general character of the neighborhood. Upon motion made by Mr. Motte and seconded by Ms. Bittner, the Plan Commission unanimously voted (9/0) to make no specific recommendation on this application to the Zoning Board.

BIGNEY AND BARROS PROPERTIES LLC 334 EAST AVENUE PAWTUCKET RI 02860 (OWN/APP) AND NURSING PLACEMENT INC 334 EAST AVENUE PAWTUCKET RI 02860 (LESSEE) have filed an application for permission to install an LED electronic message board at **480 Reservoir Avenue**. AP 6/2, lot 1446, area 5000+/- SF, zoned C-4. Applicant seeks relief from Section 17.92.010 Variance, 17.20.120 Schedule of Intensity, 17.92.010 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:

As of August 29th, 2016, the applicant's attorney stated that they have not received the survey plan yet from their surveyor.

Recommendation: Upon motion made by Ms. Lepre and seconded by Mr. Nadeau, the Commission unanimously voted (9/0) to recommend tabling until the October 4, 2016, meeting.

PLANNING DIRECTORS REPORT

Mr. Lapolla stated that the Mayor's Office will introduce the ordinance pertaining to the digitized zoning map in October. He also informed the Commission that the applicant for the Chapel View Starbucks will be proposing a change to the drive-thru entrance. Public Works Director, Ken Mason, stated that the Carpionato Corporation will be planting twelve "appropriate" trees on their property as part of the first level of the new retaining wall.

ADJOURNMENT

Upon motion made by Mr. Motte and seconded by Ms. Lepre, the Commission unanimously voted to adjourn at 8:10 pm.

NEXT MEETING October 4, 2016 – City Council Chamber, 7 pm

Respectfully submitted,

Jason M. Pezzullo, AICP
Principal Planner/Administrative Officer

