

City Planning Department



Updated Memo (New Information on Page 7)

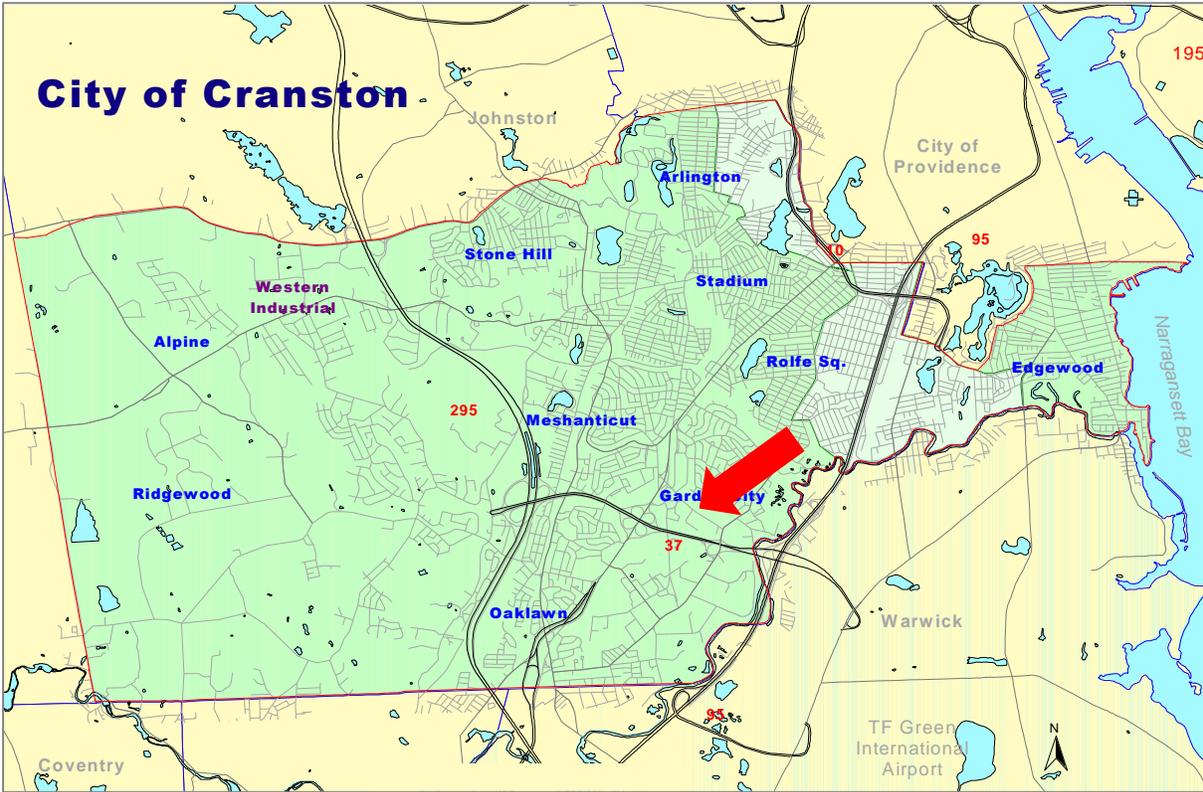
To: Cranston City Plan Commission
From: Joshua Berry, AICP, Senior Planner
Date: July 28, 2020
Re: Variance Application for 125 Sockanosset Crossroad (AP 10/4, Lot 1498)

Owner: Marcia B. Smith & Marvin M. Smith
Applicant: Wines & More of RI, Inc.
Location: 125 Sockanosset Crossroad
Zone: C-3 (General business)
FLU: Commercial/Highway Services

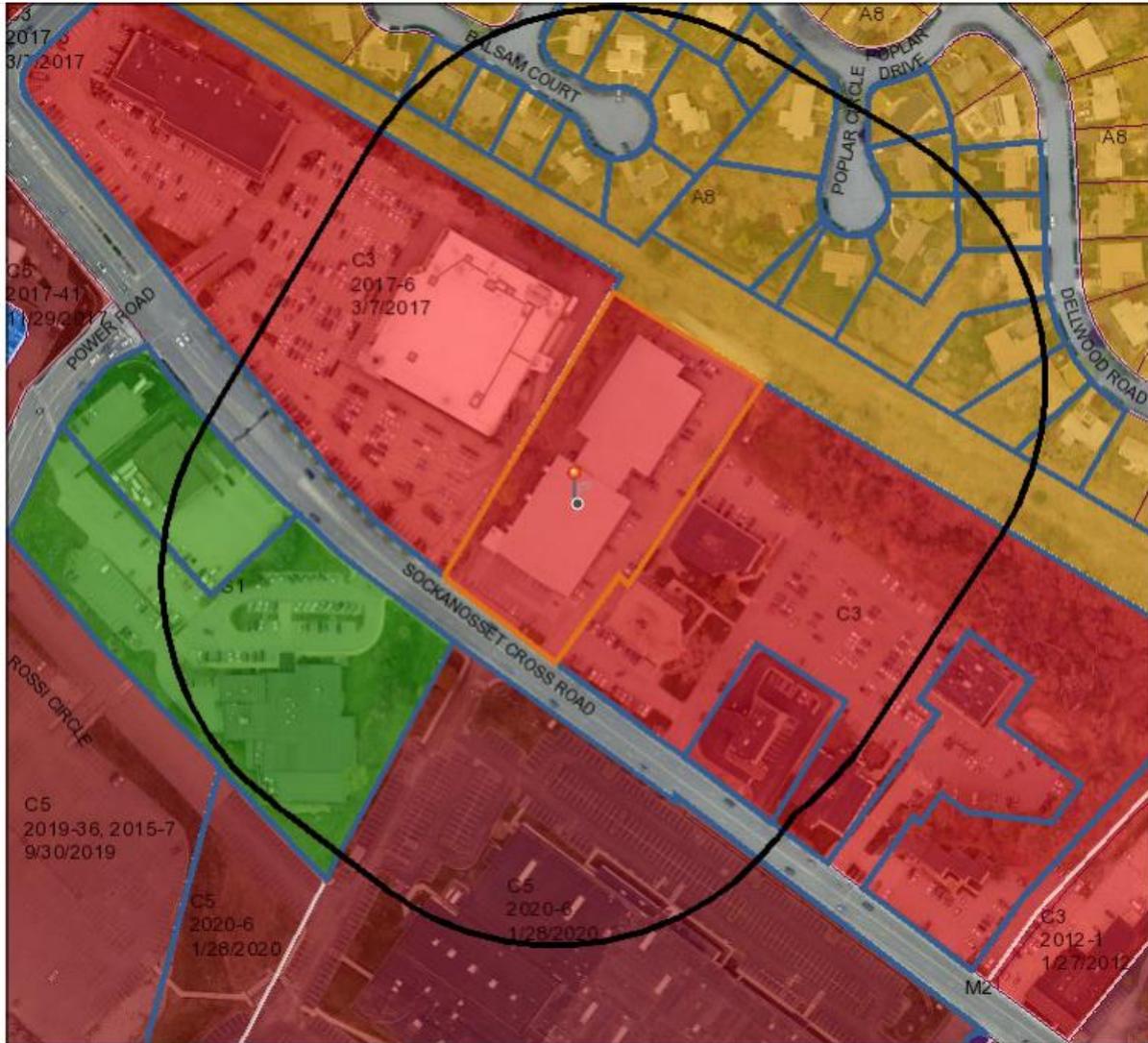
DIMENSIONAL VARIANCE REQUEST:

1. To allow an animated sign to replace the changeable copy portion of an existing free standing sign where LED/digital/animated signs are not allowed in any zone. [17.72.010 - Signs]

LOCATION MAP



ZONING MAP



User/SelectedParcels	Light Gray	A80	Red	C3	Wetlands (RIGIS 1988)	Green	Green: Green
vParcels_Buffer	Yellow	A20	Light Red	C4	No Data	Blue	Blue: Blue
ParcelsInBufferOutput	Light Yellow	A12	Dark Red	C5	Coniferous Wetland		
Parcels	White	A8	Purple	M1	Deciduous Wetland		
Streets Names	Light Blue	A6	Light Purple	M2	Emergent Marsh/Wet Meadow		
Zoning Dimensions	Light Green	B1	Light Blue	E1	Estuarine Emergent Wetland		
Historic Overlay District	Dark Green	B2	Blue	MPD	Shrub Swamp		
Zoning		C1	Light Green	S1	Street Names		
none		C2	Dark Blue	Other	Red: Red		



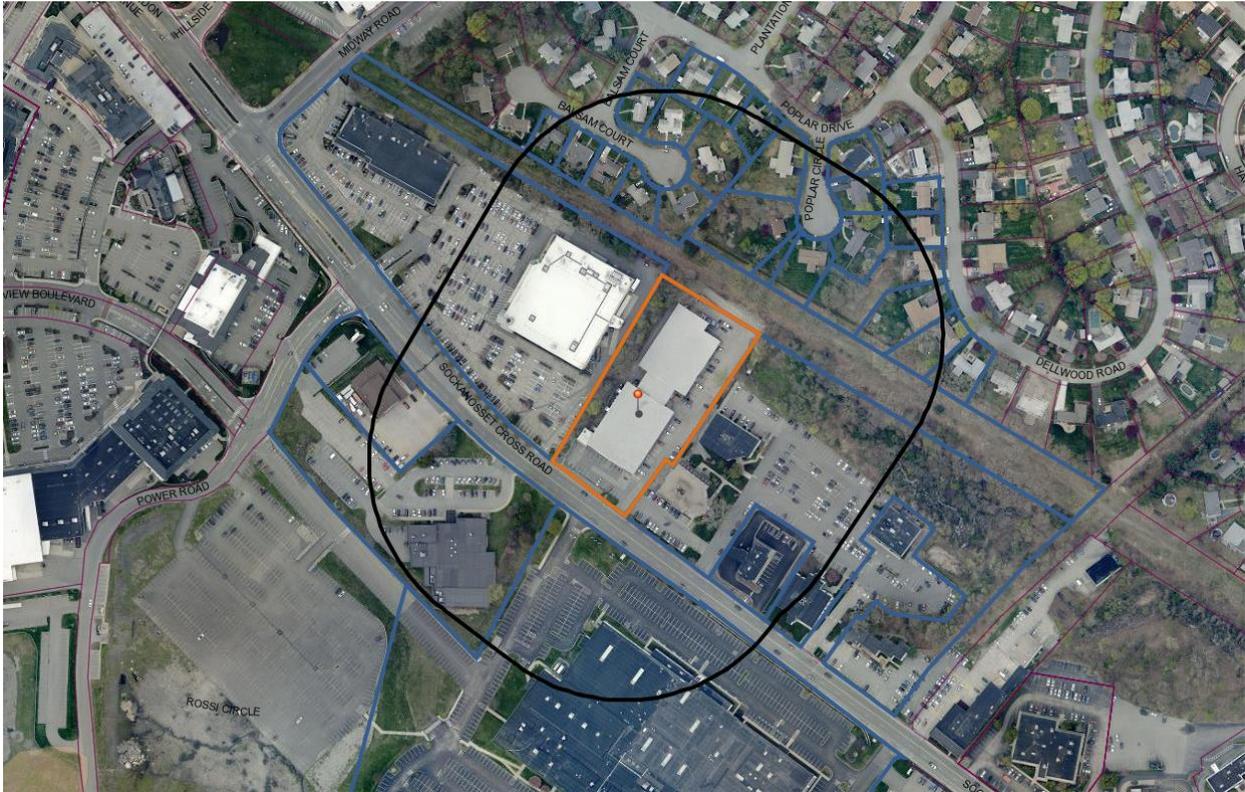
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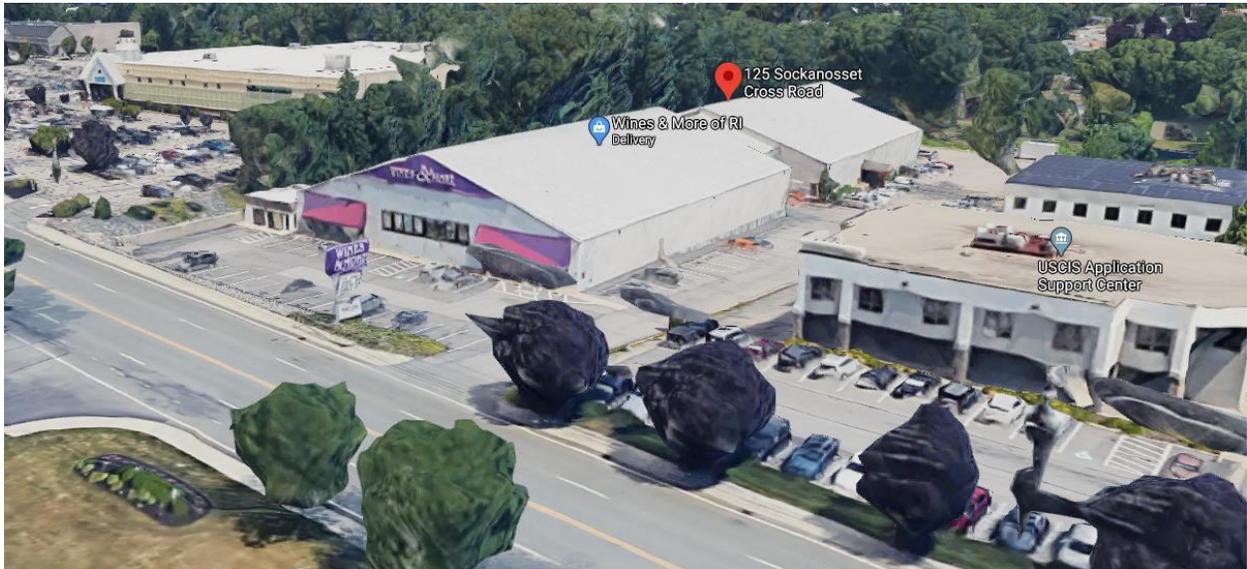
City of Cranston

NEIGHBORHOOD AERIAL

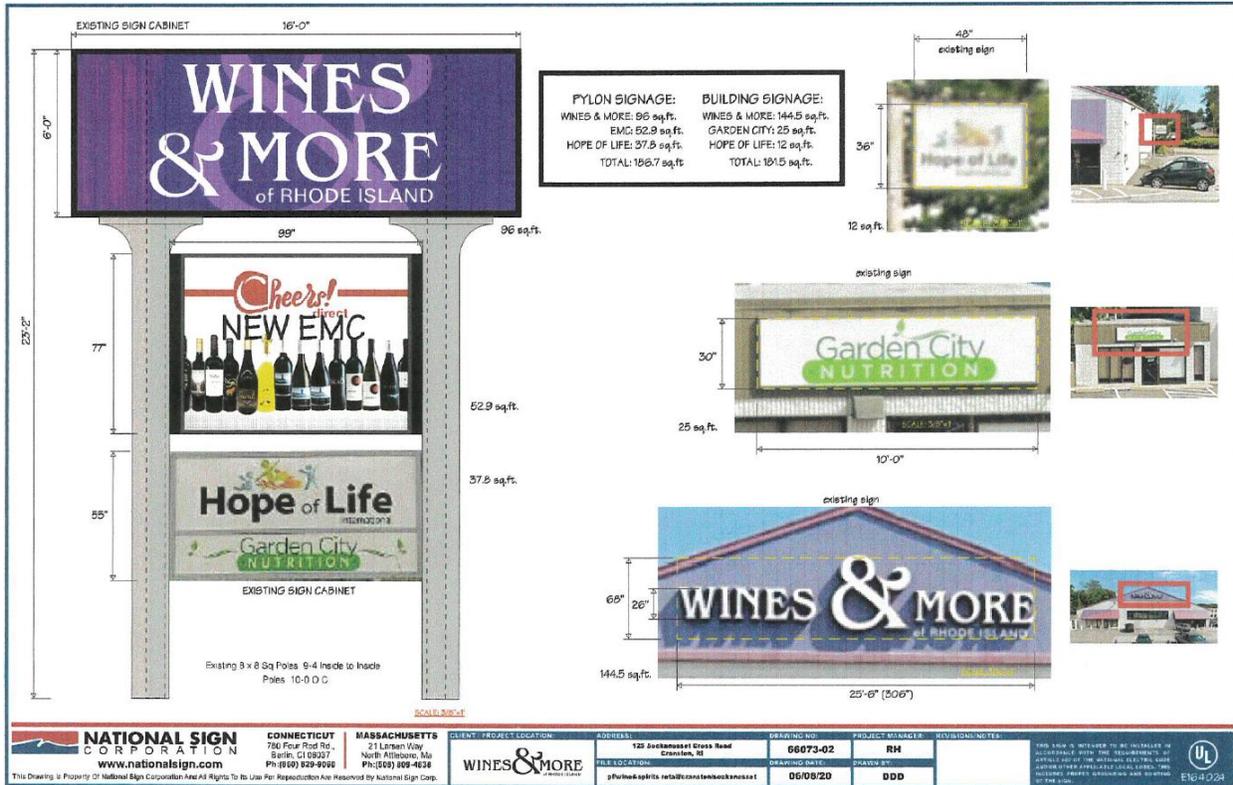
(subject parcel marked in orange, 400 foot radius marked in black)



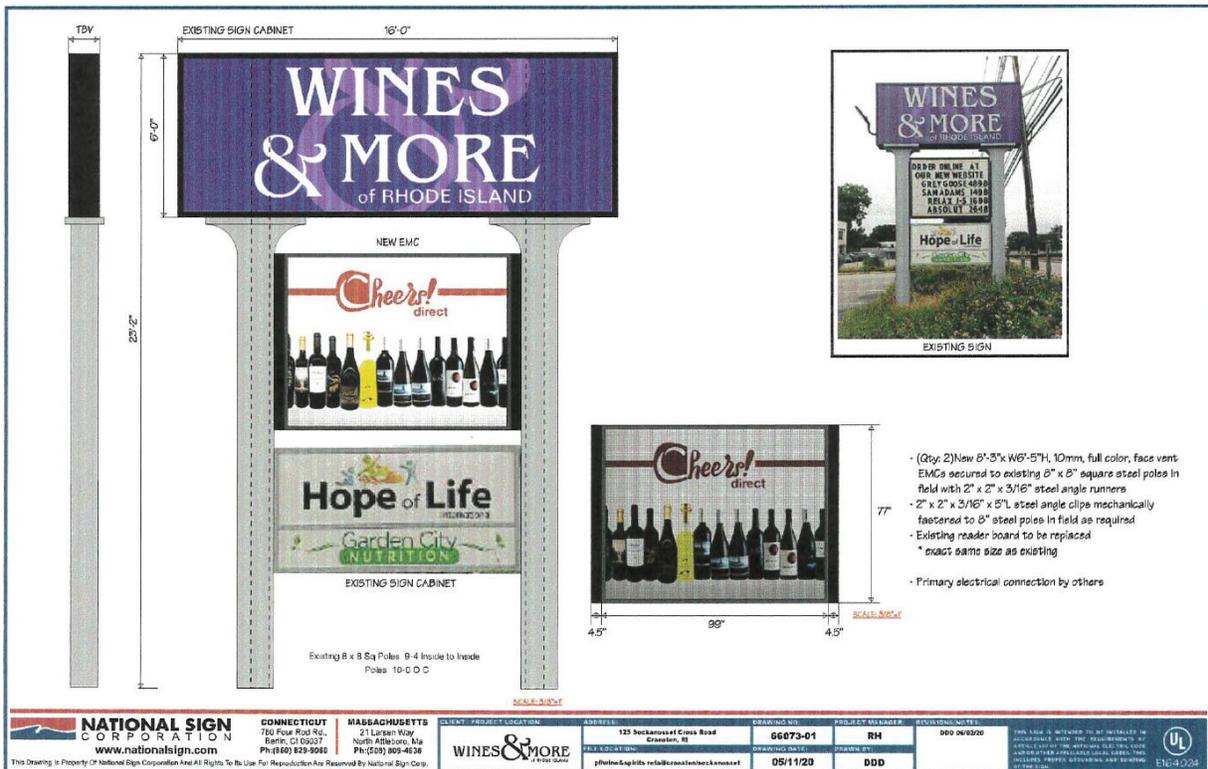
3-D AERIAL VIEW



SIGNAGE DETAILS



EXISTING VS PROPOSED



STREET VIEWS (from Sockanosset Cross Rd)



FINDINGS OF FACT:

1. Electronic LED message board signs are considered “animated signs” and are not permitted in the zoning code in any zone. Per Zoning Sect 17.72.010.G. [Signs Prohibited Under This Section]: *“All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the previous section are prohibited in the city.”*
2. The applicant, Wines & More of RI, requests a sign variance to replace an existing 77” by 99” message board with a digital LED message board (animated sign) with the exact same placement and dimensions on the existing free standing changeable copy sign. Re-facing legally existing signs is allowed by right in the City, but not converting them to animated signs, for which the relief is requested.
3. The Cranston Zoning Board granted relief to allow the pylon/freestanding sign on September 9, 2009. The City Code allows for a maximum area of 35 ft² and a maximum height of 15’ in height for pylon/freestanding signs in C-3 zones. Relief was granted to

allow the existing pylon/free standing sign which consists of a 96 ft² Wines & More of Rhode Island on top with a 52.9 ft² message board (to be replaced) and a 37.8 ft² Hope of Life/Garden city Nutrition sign on the bottom.

4. There is 181.5 ft² of existing building/wall signage which is **not** to be altered as part of this request.
5. The applicant specifies that they seek relief to allow the digital animated sign to “*change every twenty (20) seconds to delineate products and items for sale at the establishment.*”
6. In a letter to the Planning Department dated June 29, 2020 from the applicant’s attorney, Louis A DeSimone, states, “*Should the zoning board (or your department) require any further programming conditions for the sign in question, I have been assured by the company that any such requirements can be accomplished in the digital interface.*”
7. The property’s existing uses are consistent with the Comprehensive Plan which calls for commercial/services.
8. The Comprehensive Plan Land Use Element states “The City should adopt design and signage guidelines along commercial corridors, such as Reservoir Avenue, Park Avenue, Elmwood Avenue, Atwood Avenue, and Oaklawn Avenue to improve the attractiveness and quality of the businesses” (p. 34). Although “attractiveness” is subjective, the message board has more aesthetic capacity than black lettering on a changeable copy board and will appear more modern.
9. The sign would not be out of character with the commercial area as there are other animated signs on Sockanosset Crossroads, for example, at Ruggieri Carpet One Floor & Home, Garden City Center, and Chapel View.
10. The proposal does not impair the intent or purpose of zoning or the Comprehensive Plan.

PLANNING ANALYSIS:

The application seeks to replace the changeable copy portion of an existing free standing sign with a new electronic LED message board (animated sign) at 125 Sockanosset Crossroad. The existing free standing sign was approved by the Cranston Zoning Board in 2009. The applicant is in compliance with all of the conditions of approval, and the request, if granted, would also be in compliance with the conditions. Importantly, the applicant is not requesting more signage on the site, so this request would be the least relief necessary to modernize the portion of the sign.

The City’s sign code, written in the 1960’s, has been problematic for it does not address modern trends and technologies. Staff understands the role that signage plays in regards to the character and aesthetic of the City and seeks to maintain a reasonable standard for assessing requests for animated signs. In this case, staff finds Sockanosset Crossroads as an appropriate location for animated signs (with restrictions) due to the commercial nature and existing signage in the area. Furthermore, staff believes that, should the City want to continue to allow changeable copy signs, that it generally allow them to be animated (with restrictions). It is not reasonable to expect business employees to manually change letters in perpetuity. The animated signs will be easier to read, arguably more aesthetically pleasing, more efficient for the businesses, and would allow Cranston businesses to have similar signage allowances as they would in other cities.

However, although staff supports a reasonable allowance for animated signs, it is important that they are regulated in terms of their impacts. For example, staff recommends that they are not fully animated like a television screen, but are restricted to be static images that can change no more than once every 20 seconds. The rationale behind this recommendation is that staff finds it reasonable for drivers to see the sign change, but not so often as to cause a consistent or flashing distraction. Another issue staff would like to see regulated is how bright the sign will appear, particularly at nighttime. Staff recommends the applicant address how the sign can be programmed/designed to reduce its illumination/brightness to an appropriate level when daylight subsides. Staff corresponded this request to the applicant on 7/1/2020.

Staff has reviewed this application in relation to the Comprehensive Plan and finds no significant inconsistencies. The Comprehensive Plan calls for guidelines for signage and streetscape improvements, but does not provide detail or clear direction on what the guidelines would regulate or prohibit. Staff could not find any language within the Cranston Comprehensive Plan that provides for reason to oppose the application. Therefore, this application is believed to be consistent with the Comprehensive Plan.

New Information Since the July Meeting

There was substantial discussion on this application during the July 7th Plan Commission meeting. This new portion of the memo seeks to address some of the main points to provide greater clarity for the Plan Commission to consider in making its recommendation to the Zoning Board.

Regarding the concern raised that the proposed sign would alter the streetscape and/or character of the neighborhood.

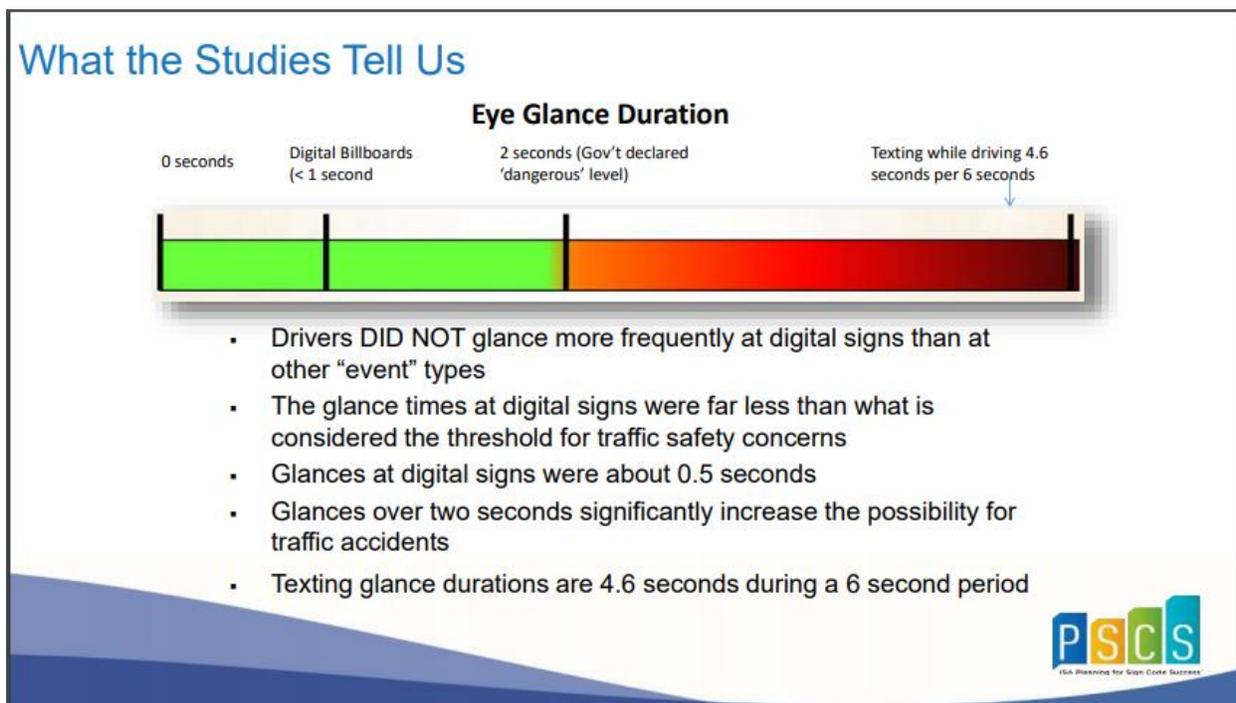
Staff holds, as stated in Finding #9, that the sign would not be out of character with the commercial area as there are other animated signs on Sockanosset Crossroads, for example, at Ruggieri Carpet One Floor & Home, Garden City Center, and Chapel View. Also, anticipating developments in the vicinity, staff does not find that the sign would be out of character with TopGolf, once it is constructed. Sockanosset Crossroad is a major commercial destination for the City and state. It makes sense to limit electronic or animated signs in neighborhood commercial areas, but staff recommends a less restrictive approach may be appropriate in this particular area.

Regarding the concern raised that the sign could be distracting and could be a safety issue.

Data does not support the claim that animated signs are a traffic safety hazard. If reputable studies could demonstrate that digital signage causes fatal accidents, then these studies would be widely used to ban digital signs, but there are no such studies. Staff found that studies did not or could not definitively draw the correlation between electronic signage and traffic safety issues or argued that there is no correlation. Perhaps one of the more reputable and widely cited studies was conducted by the U.S. Department of Transportation Federal Highway

Administration (FHWA) in 2011 ([click here](#)). Utilizing eye-tracking systems, the study acknowledged that drivers did look at electronic message signs than standard signs, but that “glances greater than 1 second were rare events” and the longest glance during the study was less than 1.3 seconds. The National Highway Traffic Safety Administration asserts that driving “hazards” are conditions that causes a 2 second or more distraction. Therefore, staff finds no statistical or empirical evidence to suggest that the proposed sign would cause unsafe driving conditions.

Commission President Mike Smith, Planning Director Jason Pezzullo, and Senior Planner Joshua Berry attended a conference on signage in 2019. One of the sessions in this conference was “*Finding Common Ground: Regulation Electronic Message Centers.*” The findings from this session are generally consistent with the research stated above, and staff encourages the Commission to click the link below the image for further information on electronic signs:



<https://cdn2.hubspot.net/hubfs/2588483/Finding%20Common%20Ground%20EMCs%20-%20Deacon%20Wardlow%20-%20PSCS%20Ledyard%20CT.pptx.pdf>

During the July meeting a Plan Commissioner stated that the other existing animated signs were at intersections whereas the proposed animated sign is not, and asserted that the distraction may be more significant when not located at an intersection. Staff does not hold this to be true, but anecdotally would argue that intersections have a greater risk of accidents and decision points and therefore any increased level of distraction, if any, would have more detrimental impact at intersections.

Regarding the question about whether the building signs were part of the approved 2009 variance request.

The records for the September 1, 2009 Plan Commission meeting show that the building signage **WAS** included in the request, which is corroborated by the minutes for the Zoning Board of Review meeting on September 9, 2009. However, the unanimous recommendation of

approval from the Plan Commission came with the conditions to reduce the size of the building sign from 146 ft² to 100 ft², to reduce the area of the proposed freestanding sign to 200 ft² (374 ft² proposed) and to impose a maximum height of 20' (23'-2" proposed). These conditions were **not** incorporated into the approval from the Zoning Board of Review.

Regarding the concern about staff's finding of consistency of the Comprehensive Plan.

Consistency with the Comprehensive Plan is a required finding for variance recommendations to the Zoning Board of Review. It is clear that this finding is not always black and white, but often requires judgement and discretion. Staff Findings #7, #8 & #10 all refer to the Comprehensive Plan. Finding #7 is a statement about the consistency of the uses on site with the Future Land Use Map. Finding #8 quotes one of the very few times the Comprehensive Plan directly addresses signage, where it calls for the City to adopt sign regulations to "improve the attractiveness and quality of the businesses." Staff holds that the proposal would improve an existing changeable copy sign, which would improve the existing business consistent with the Comprehensive Plan guidance. Lastly, staff Finding #10 states that relief would not undermine the Comprehensive Plan. Staff does not find any goal, policy or action item with which the proposal is in conflict with. If a proposal is not inconsistent with the Comprehensive Plan or is not explicitly addressed, staff uses its judgement to make this required finding. In this instance, the request is more consistent than inconsistent with the Comprehensive Plan.

RECOMMENDATION:

Due to the findings that the proposal is consistent with the Comprehensive Plan and the character of the commercial area, and due to the assertion that businesses should be allowed to have animated signs instead of changeable copy signs (with restrictions), the Planning Department recommends that the Plan Commission forward a **positive recommendation** on this application to the Zoning Board of review, with restrictions to the sign's luminescence, animation, and frame change timing.