

City Planning Department



Memo

To: City Plan Commission
From: Jason M. Pezzullo, MPA, MCP, AICP – Planning Director
Date: March 31, 2021
Re: Ordinance 2-21-1 – Change of Zone for AP 35, Lot 13 from A-80 to A-20

Action Requested

Ordinance 2-21-1– Requests to change the zoning classification of the property in question from A-80 (Single-Family 80,000 square feet) to A-20 (Single-family residential, 20,000 sq.ft. lot size) for AP 35, Lot 13.

Site Characteristics and Context

The subject lot has frontage on its southern lot line at the terminus of Pepper Mill Lane. This lot is also designated as 0 Peppermill Lane. The site is vacant, is substantially wooded with areas of wetlands. The north, west and south of the parcel directly abuts developed residential parcels that are developed consistent with A-20. The eastern portion of the lot abuts a vacant and largely undevelopable industrial lot zoned M-1. The cul-de-sac terminus of Pepper Mill Lane was platted as a “Temporary Turnaround Easement” to accommodate a future extension of the roadway for the benefit of AP 35, Lot 13.

Consistency with the 2010 Comprehensive Plan

The 2010 Comprehensive Plan – *Future Land Use Map* specifically designates this area as “**Residential allowing for 3.63 to 1 units per acre**”. This designation on the Future Land Use Map equates to the A-20 zone.

In addition, **Appendix A – Zoning Consistency Analysis** of the Comprehensive Plan, page 15 of 16 specifies the prescribed zone change from **A-80 to A-20**.

In this instance, both the Comprehensive Plan – Future Land Use Map, as well as Appendix A of the Comp Plan are clear and unambiguous and the request should be viewed as conforming to the City’s duly adopted Comprehensive Plan.

Analysis

The proposal before the City Plan Commission and the City Council at this time is simply for the zone change request to bring the subject lot into conformance the Comprehensive Plan and with the rest of the development residential neighborhood. During the process of drafting the 2010 Comprehensive Plan, planning staff was tasked with reconciling the Comprehensive Plan’s Future Land Use Map, which is the legally binding basis for our existing zoning map, with that of the existing zoning. We identified well over 1,200 parcels of land that were deemed by the City Council to have the incorrect zoning classification. The subject lot, AP35-13 is specifically one of those lots. When Alpine Estates was developed decades ago, along with a zone change from A-80 to A-20, the subject parcel was not a part of this major proposal, for whatever reason that might have been at the time.

In our analysis of the surrounding neighborhood, we did not find a compelling reason why this particular lot should remain with a different zoning classification that the rest of the surrounding

neighborhood. Therefore, staff recommended this lot to have the A-20 designation, to be consistent with the rest of the built neighborhood. The City Council agreed and was memorialized as part of the Comprehensive Plan.

Since the applicant has requested this zone change, there have been a number of questions brought forth, along with a deep concern about how a potential subdivision in this area might impact their abutting property. In an attempt to address some of these concerns, it's important to understand the process a subdivision takes before development permits are issued.

Again, the process at hand is the simple rezone of the property. The City Plan Commission is obligated to make a formal recommendation on all land use ordinances and to forward that to the City Council / Ordinance Committee prior to their public hearing. Only the City Council is empowered to change the zoning on any given parcel of land.

However, during the rezone application process, the City Council is not required to make findings of fact on the potential impacts of a future subdivision because doing so is outside of their purview. The vetting of the proposal and mitigation actions will occur **after** the rezone process is completed during the subdivision and land development process, which is left solely to the City Plan Commission. The Commission is tasked with the standard bureaucratic / regulatory review involved with the creation of roads and new housing lots, and all other manner of mitigation actions within their power.

The applicant for the zone change is expected to propose a future subdivision of the parcel which would must conform to the requirement of the A-20 zoning district, if approved by the City Council. As this is anticipated to be a future application for a subdivision with street extension, it is presently unknown exactly what form this may take. Various issues such as the roadway placement, the shape of and number of new lots, the location of the storm water detention areas, the wetlands permits and mitigation structures, etc., will all be thoroughly reviewed and approved by the various city and State agencies PRIOR to full consideration by the City Plan Commission to grant an approval for such a subdivision.

All of the abutting homeowners will be notified in advance of any meetings before the City Plan Commission dealing with a future subdivision. The concerns raised about wetlands, high water tables, storm water runoff, etc., will be fully and properly addressed with during the subdivision process. While, these concerns are real, it is not the place for the City Council to deny the applicant the ability to work through the established processes both with the City and the State to obtain the proper permits to mitigate these possible impacts. This information will be part of the subdivision and land development process, not the simple rezone to come into conformance with the Comprehensive Plan.

Findings of Fact

Findings Under Cranston Comprehensive Plan 2010

1. The proposed change of zone for AP 35, Lot 13 from A-80 to A-20 is consistent with the City of Cranston's 2010 Comprehensive Plan – Future Land Use Map which designates this area as “Residential allowing for 3.63 to 1 units per acre”.
2. The proposed change of zone for AP 35, Lot 13 from A-80 to A-20 is specifically denoted on page 15 of 16 of Appendix A – Zoning Consistency Analysis of the 2010 City of Cranston Comprehensive Plan, and therefore this specific change of zone is explicitly consistent with the Comprehensive Plan.

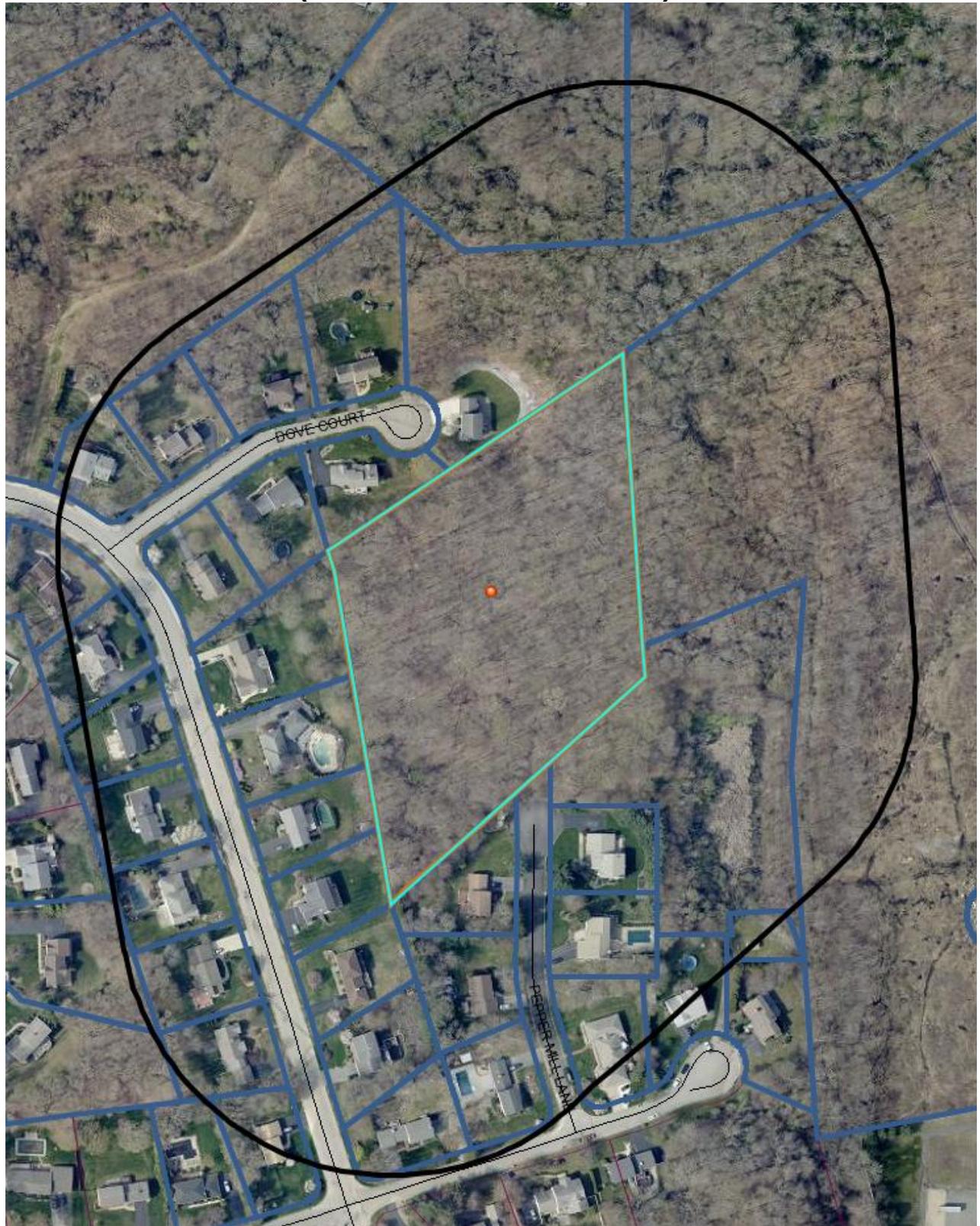
Findings Under §17.04.010 City Code

3. Sec. 17.120.030 requires that the City Plan Commission as part of its recommendation to the City Council “Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in Section 17.04.010 of this title.” Section 17.04.010 set forth the General Purpose for Title 17 (Zoning Ordinance) of the City Code. To the extent that any development of this site will be required to comply with all aspects of the Zoning Ordinance, including Development Plan Review, and will be required to comply with City of Cranston Subdivision and Land Development Regulations, staff finds that the proposed rezone will adequately address the appropriate purposes detailed in §17.04.010.

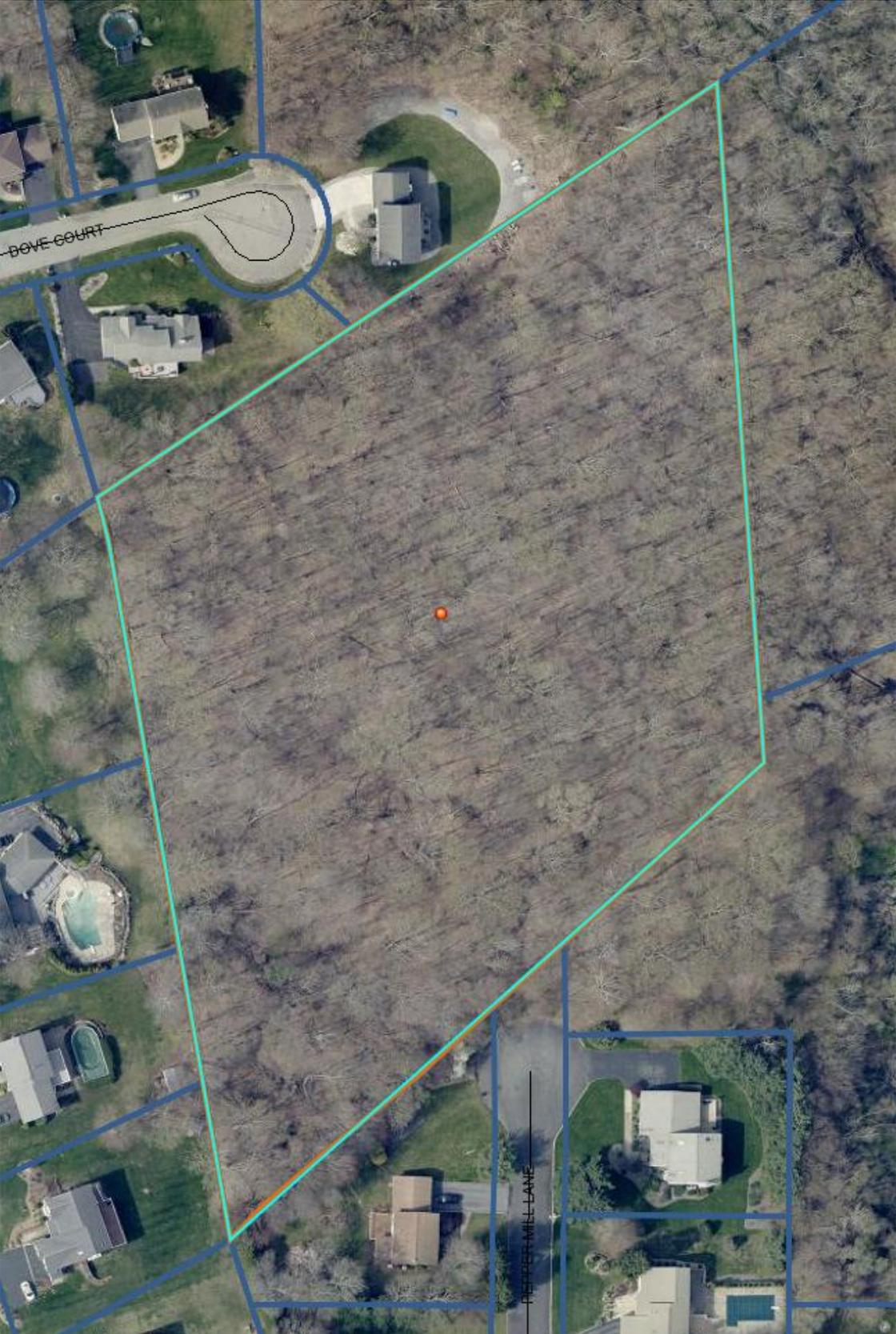
Recommendation

Due to the finding that Ordinance 2-21-1 is consistent with the Cranston Comprehensive Plan, and due to the finding that it is also consistent with Section 17.04.010 of the City Code, staff recommends that the City Plan Commission adopt the finding of fact and forward a **positive recommendation** to the City Council / Ordinance Committee for the proposed zone change.

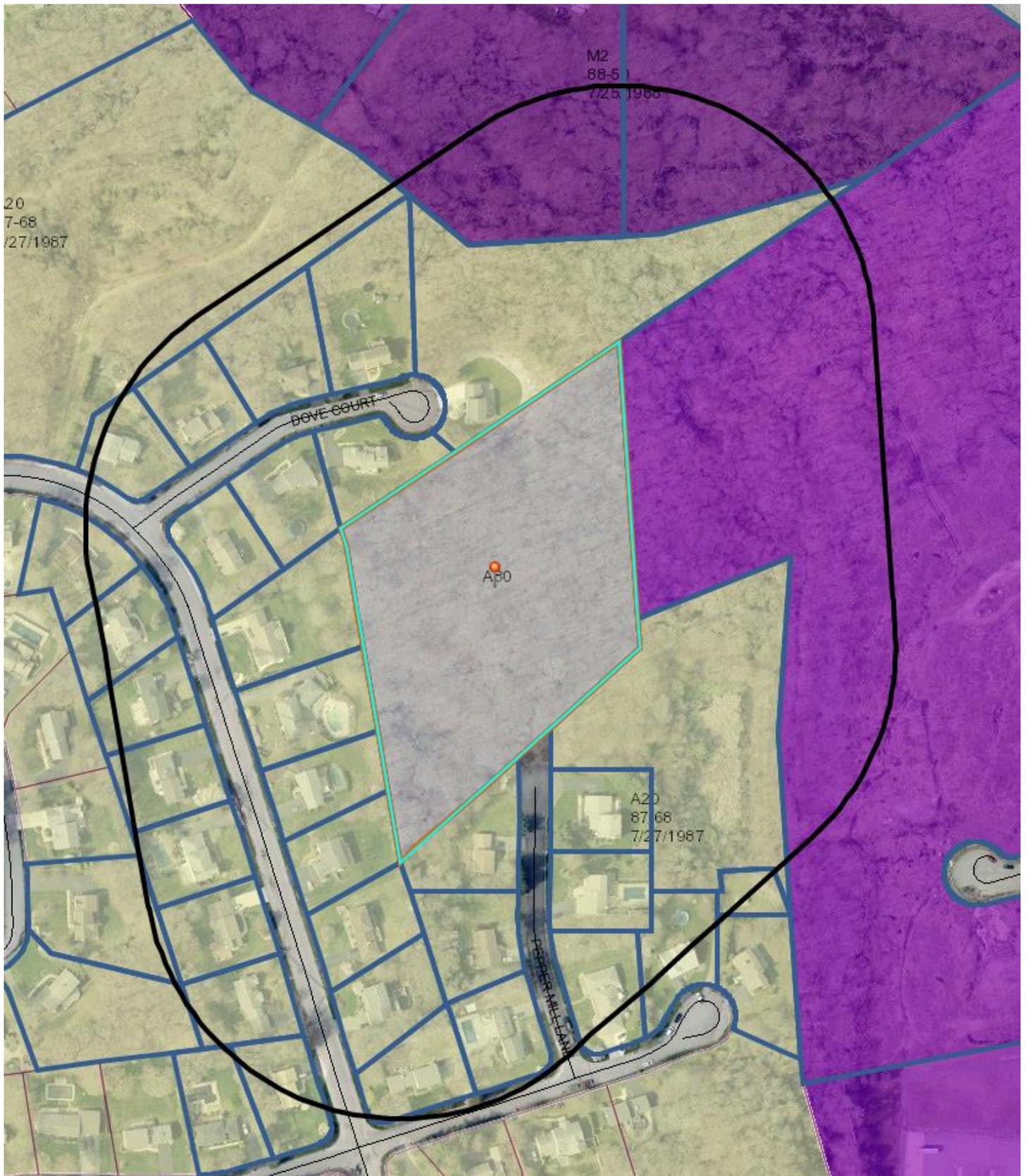
**AERIAL VIEW
(400 foot radius in black)**



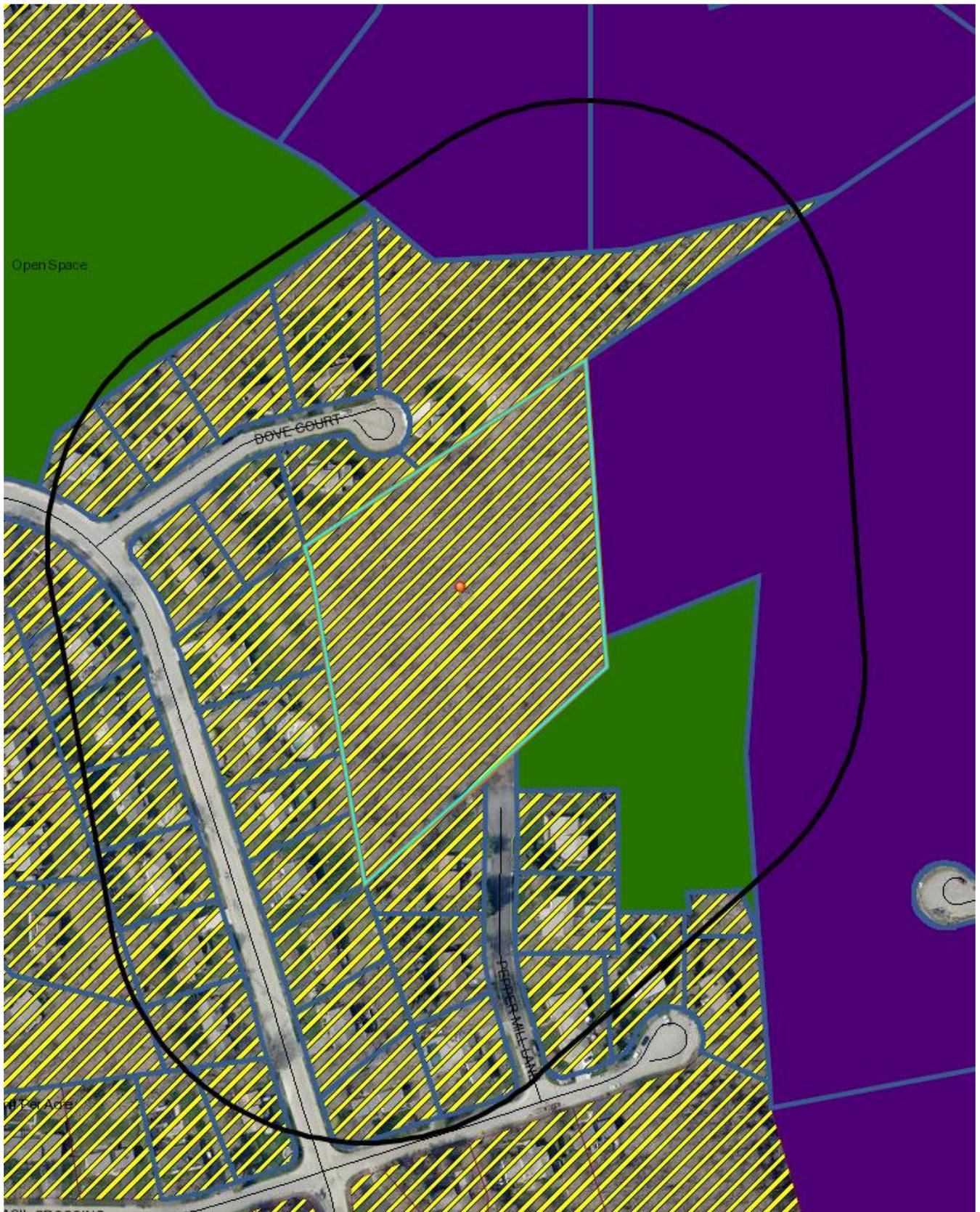
AERIAL VIEW (close up)



ZONING MAP



FUTURE LAND USE MAP



3-D AERIAL VIEW



STREET VIEW (from Pepper Mill Lane)

