

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP – Principal Planner
Date: July 29, 2021
Re: **“1299 Park Avenue Plat”** Preliminary Plan - Minor Subdivision without street extension

Owner: Three Kids, LLC
Applicant: Dwight Leigh
Location: 1299 Park Avenue and 12 Old Park Avenue, AP 11, Lot 145
Zone: B-1 and C-1 (split zone parcel).
FLU: Neighborhood/Commercial Services

I. Proposal

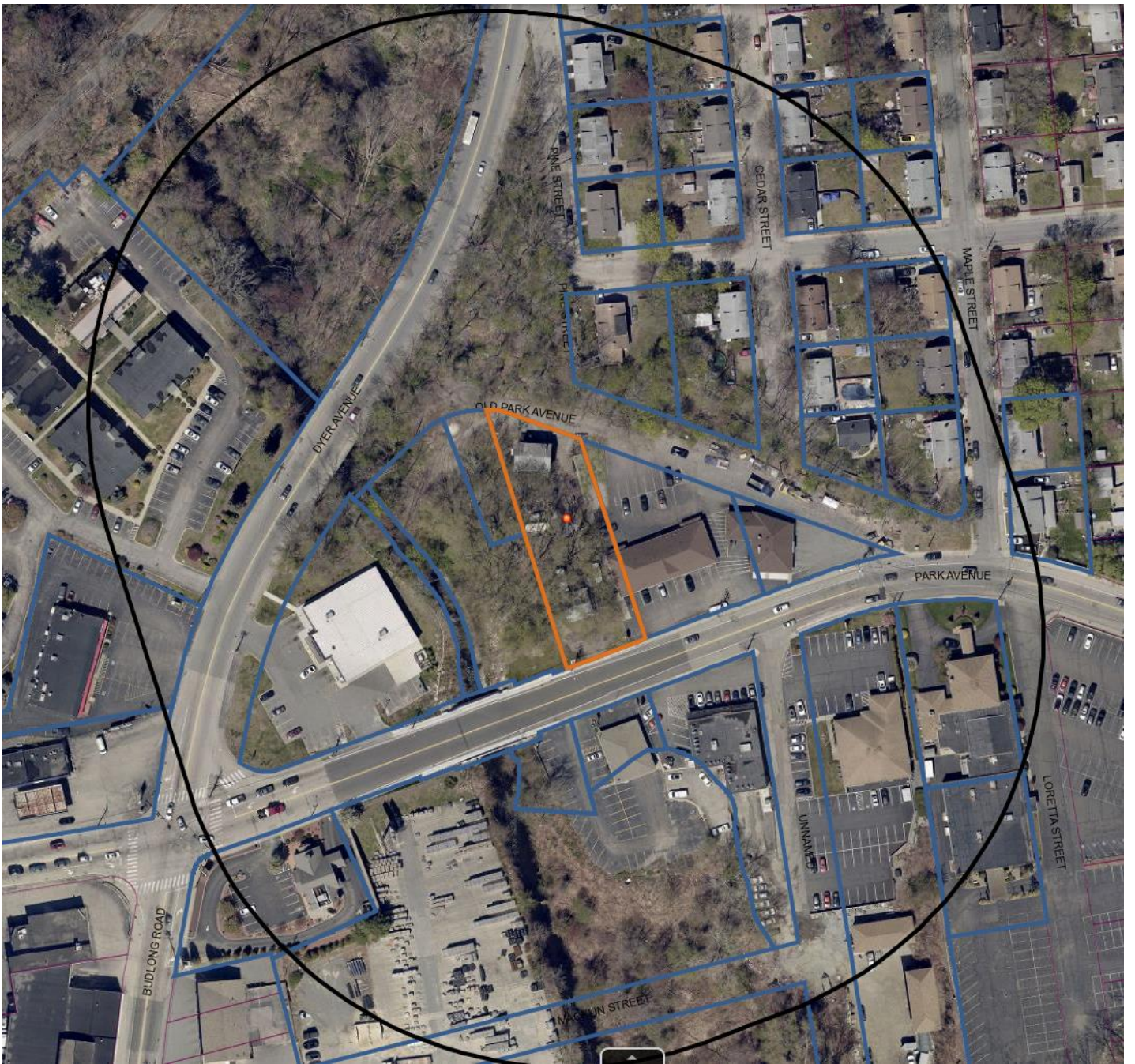
The applicant is proposing to subdivide an existing 14,211 sq. ft. lot (0.33 acres) lot into two (2) lots that will each be host to an existing residential structure. No new vacant lots will be created as a result of this subdivision. The primary purpose of this subdivision is to divide the lots so that each of the two (2) residential structures on the property will exist on their own separate lot. The lot currently has a 2-family dwelling (near the Park Avenue frontage) and a multi-family dwelling (near Old Park Avenue frontage). The subdivision also serves the purpose of dividing a parcel that is currently a split zone property (containing portions of both a B-1 zone and a C-1 zone). The subdivision of the parcel will occur directly along the existing zoning boundary line so this subdivision will leave 1 new parcel solely in a B-1 zoning designation and another new parcel solely in a C-1 zoning designation. The result of the subdivision will “cure” the existing non-conformity of having 2 primary residential structures on one lot, and also “cure” the existing split zone circumstance by dividing the lot along the existing zoning boundary line. Based on the above, staff finds this subdivision offers a benefit to the subject land and surrounding neighborhood as it will reduce non-conformities and foster orderly and predictable development moving forward.

The applicant is requesting two (2) dimensional variances for lot area for each of the proposed new lots. The variances are addressed as part of a separate, standalone staff memo available on the City’s Planning Department website (anticipated on Monday, August 2, 2021).

II. Documents which are part of the application

1. Preliminary Plan application signed by Three Kids, LLC and Dwight Leigh (owner/app).
2. Check for application filing fees.
3. Preliminary Plan subdivision plan set entitled “1299 Park Avenue Plat” prepared by Ocean State Planners, PLS, dated 6/28/21.
4. Preliminary Plat checklist.
5. 100’ radius map and list of abutters.
6. Certificate of Municipal Leans.

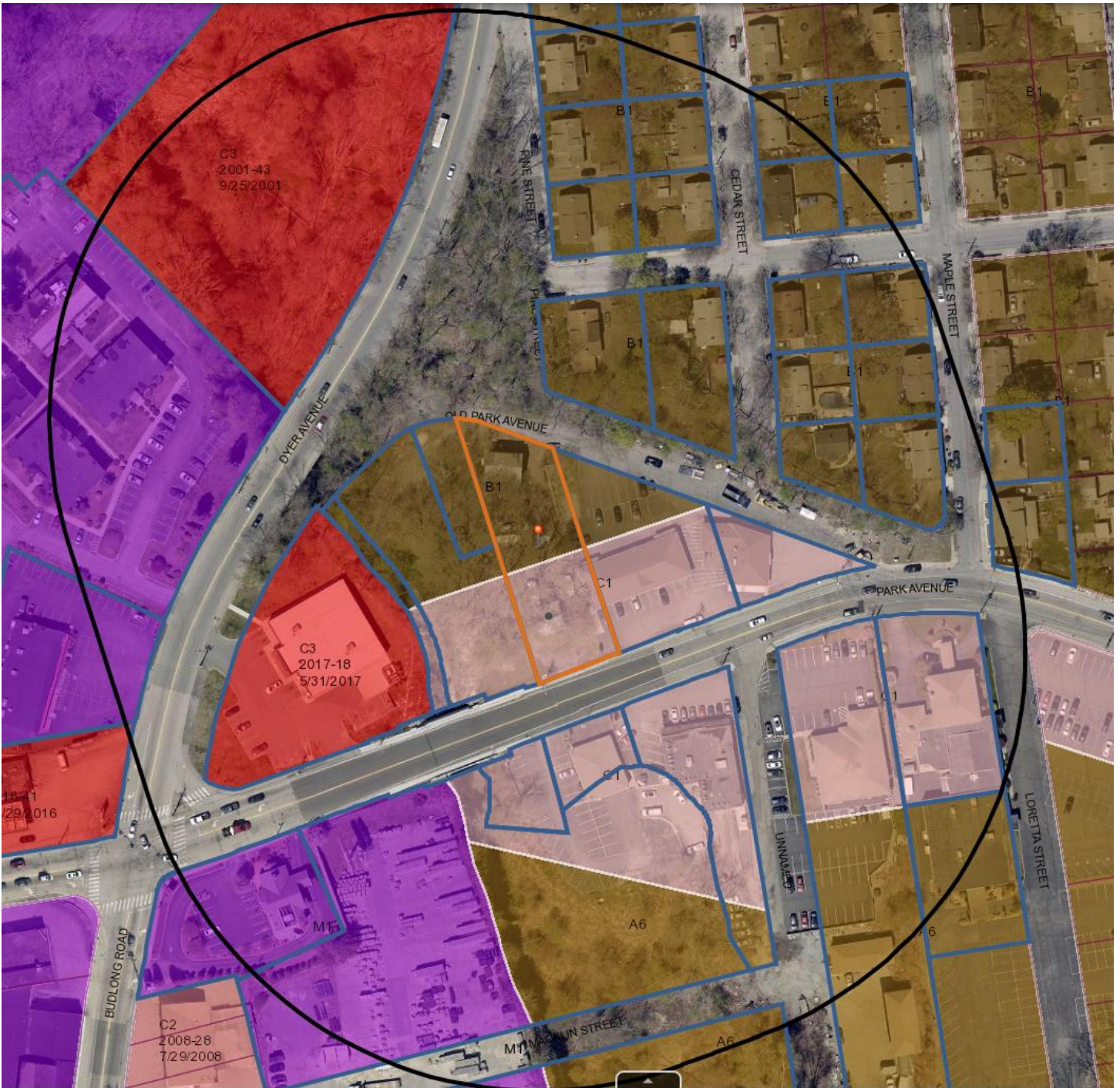
**NEIGHBORHOOD AERIAL
(400 ft radius line shown in black)**



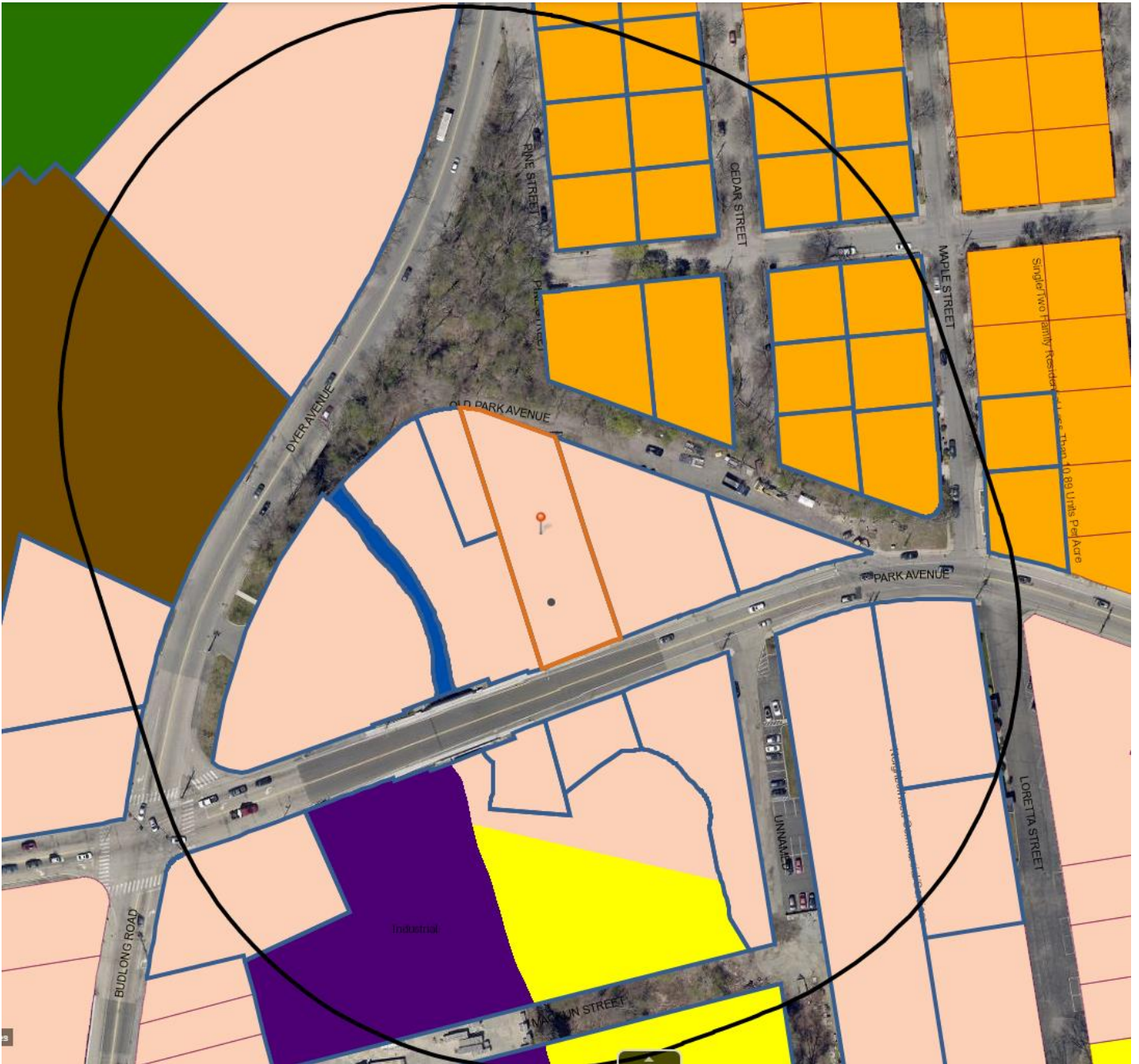
PARCEL AERIAL



ZONING MAP



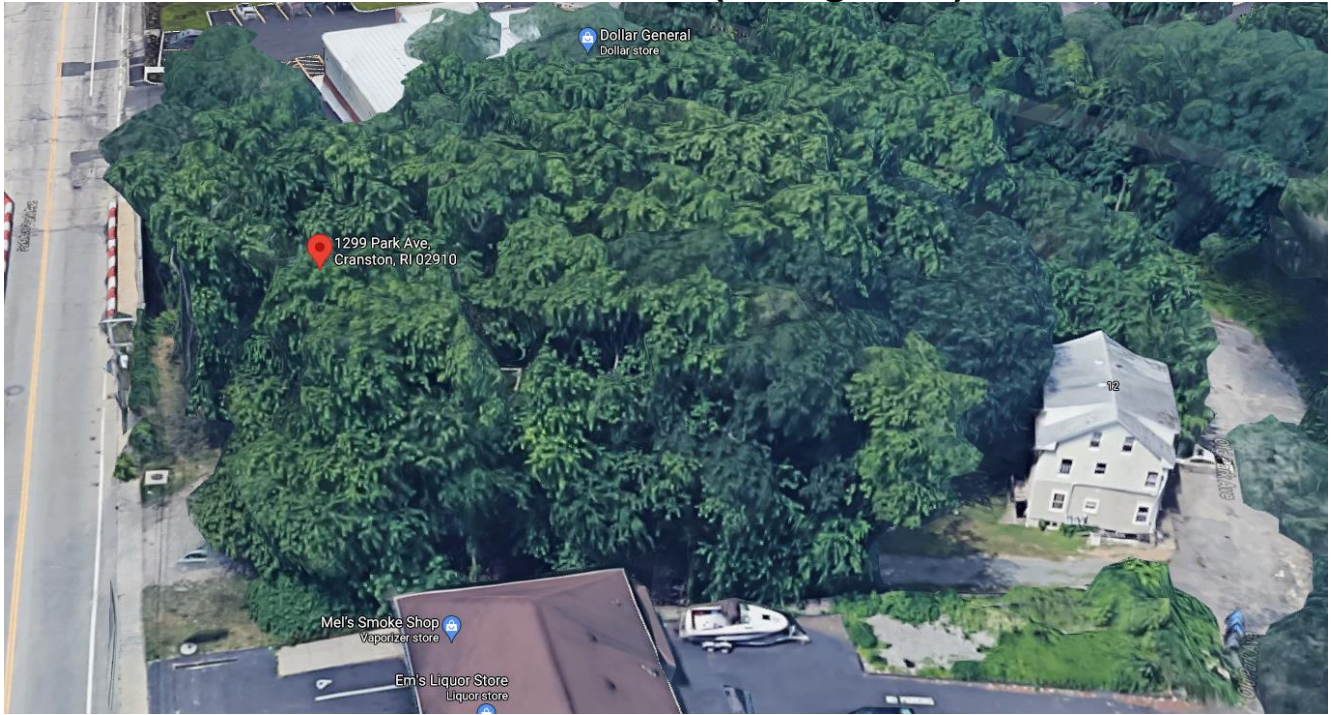
FUTURE LAND USE MAP



3-D AERIAL VIEW (facing north)

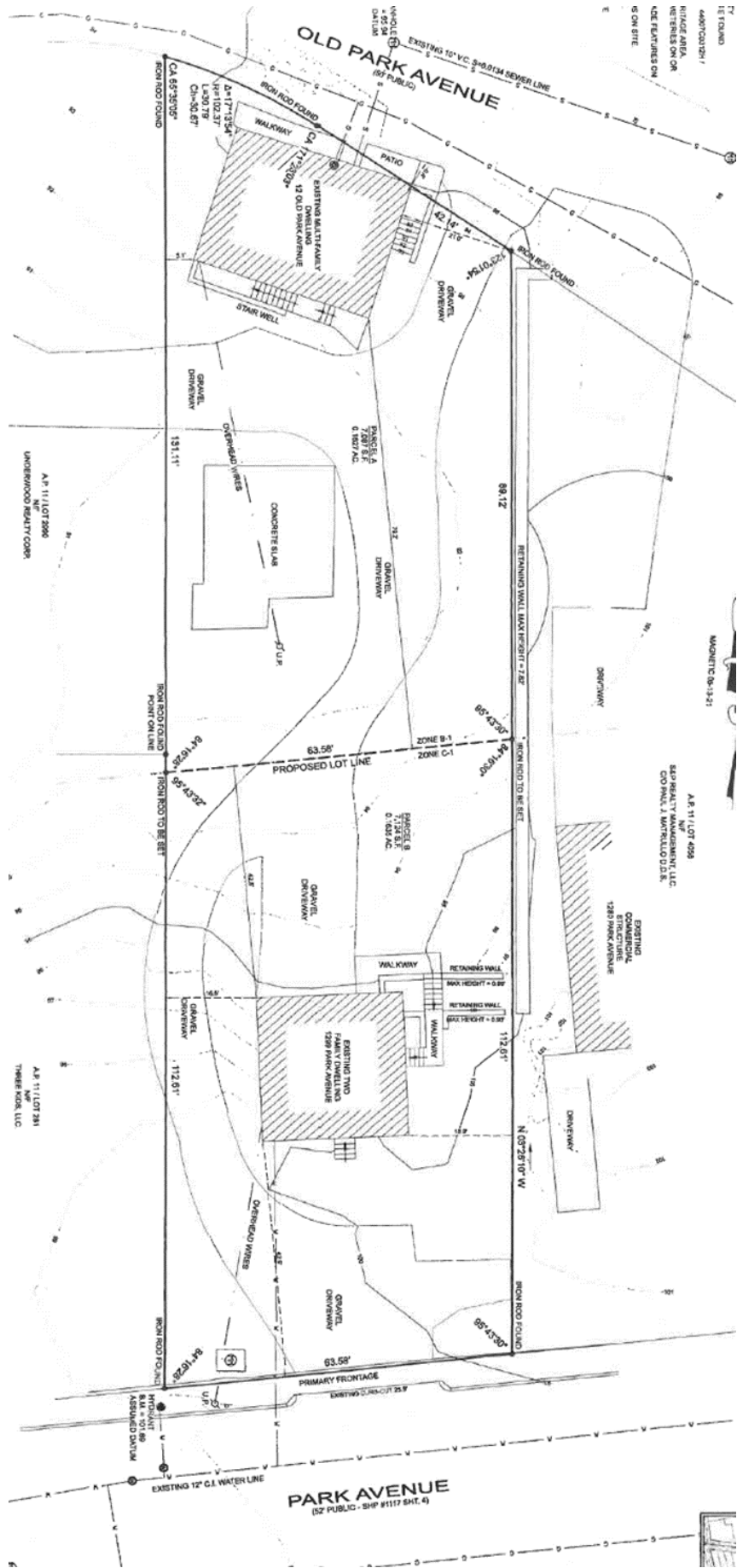


3-D AERIAL VIEW (facing west)



STREET VIEW





Site Plan Snippet

III. Surrounding land use and context

Analysis using Geographic Information System indicates that:

1. The subject parcel is located in Eastern Cranston on the north side of Avenue, and south side of Old Park Avenue.
2. The existing parcel is currently developed with a 2-family dwelling (near the Park Avenue frontage) and a multi-family dwelling (near Old Park Avenue frontage).
3. The site is relatively flat.
4. The project is free of any regulated floodplains or historic/cultural districts.
5. The 2018 Natural Heritage Map does not show any known rare species located on or near the site.

IV. Staff / Agency Comments

The plans were distributed for comment to the Public Works Department, Engineering Division, Traffic Division, Building and Zoning Department, Conservation Commission and the Fire Department. No comments have been received at this time.

V. Interests of Others

None to report at this time.

VI. Planning Analysis

The applicant is proposing to subdivide an existing 14,211 sq. ft. lot (0.33 acres) lot into two (2) lots that will each be host to an existing residential structure. The lot currently has a 2-family dwelling (near the Park Avenue frontage) and a multi-family dwelling (near Old Park Avenue frontage). No new vacant lots will be created by this subdivision and no permanent site improvements intended as part of this subdivision.

Since there are no proposed new dwellings intended with this subdivision and the pre-existing dwellings are no being altered, any future development of the parcel must comply to all zoning standards. Therefore, staff finds the proposed subdivision is consistent with the City of Cranston Comprehensive Plan policies and Future Land Use Map (FLUM) designation of "Neighborhood/Commercial Services" as the density levels are not changing as a result of this subdivision. No zoning district changed are being requested and any future development must be consistent with the underlying zoning.

Staff finds this subdivision offers a benefit to the subject land and surrounding neighborhood as it will reduce non-conformities and foster orderly and predictable development moving forward.

VII. Waivers

No waivers were requested in association with this project.

VIII. Findings of Fact

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 no less than ten (10) days prior to the public meeting, and the meeting agenda has been properly posted.

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:

RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, “The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

1. The proposed subdivision is consistent with the City of Cranston Comprehensive Plan policies and Future Land Use Map (FLUM) designation of “Neighborhood/Commercial Services”. There are no new dwellings being proposed and no permanent site improvements intended as part of this subdivision so there is no change in the density of the site.
2. Significant cultural, historic or natural features that contribute to the attractiveness of the community have not been identified on site.

RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, “The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance.”

3. The subdivision requires zoning relief. Should the Cranston Zoning Board of Review provide the requested relief, this project shall be compliant with the standards and provisions of the zoning ordinance.
4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, “There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval.” (emphasis added)*

5. This finding pertains specifically to the final plan, however, the buildable area for the newly proposed lot does not create undue impacts to nearby wetlands. No significant environmental impacts are anticipated.
6. The Rhode Island November 2018 Natural Heritage map shows that there are no known rare species located on the site.

RIGL § 45-23-60. Procedure – Required findings. (a)(4) states, “The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.”

7. 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.

8. The design and location of building lots, utilities, drainage and other improvements conform to local regulations for mitigation of flooding and soil erosion.

RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”

9. The property in question currently has adequate permanent physical access on both a Parke Avenue (to the south) and Old Park Avenue (to the north) so the newly created two (2) lots will both have permanent access to public roadways located within the City of Cranston.
10. The proposed subdivision provides for safe and adequate local circulation vehicular traffic, for adequate surface water run-off and for a suitable building site.

IX. Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the City of Cranston’s Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and **approve** the Preliminary Plan application subject to the conditions denoted below.

X. Conditions of approval

1. Applicant must receive subsequent approval from the Zoning Board of Review for the requested variances relating to lot size.