

City Planning Department



Memo

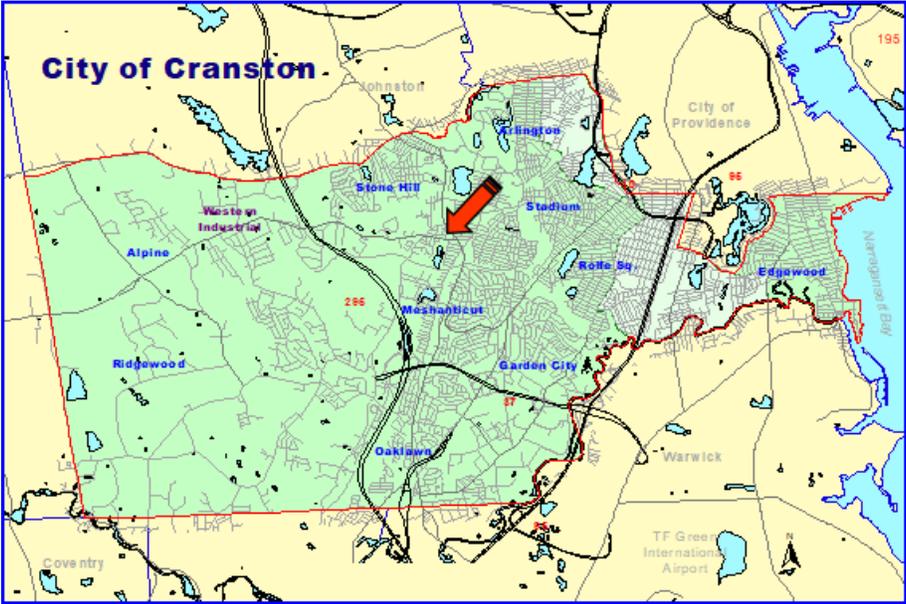
To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: May 28, 2021
Re: "145 Wayland Avenue" Preliminary Plan - Minor Subdivision with street extension

Owner: Bryan White
Applicant: Gary White
Location: 145 Wayland Avenue & 0 Elmhurst Avenue, AP 12/5, Lots 294-299
Zone: A-6 (Single-family dwellings on lots of minimum areas of 6,000 ft²)
FLU: Single Family Residential 7.26 to 3.63 units per acre

I. Proposal

The applicant proposes to replat the six existing A-6 zoned record lots into 2 lots - one conforming lot (13,650 ft²) where the existing residence at 145 Wayland Avenue would remain, and a second lot (12,350 ft²) to the rear where a duplex is proposed. Elmhurst Avenue would be extended 46 feet to create street frontage for vehicular access to the duplex. The new buildable lot will require zoning relief for the use (two-family), substandard frontage and substandard street access and requests waivers from the Subdivision Regulations for frontage, dead-end streets, curbs and sidewalks. The existing residence will require relief from the newly created rear setback. The proposed new lot will be serviced by public water and sewer.

LOCATION MAP



ZONING MAP

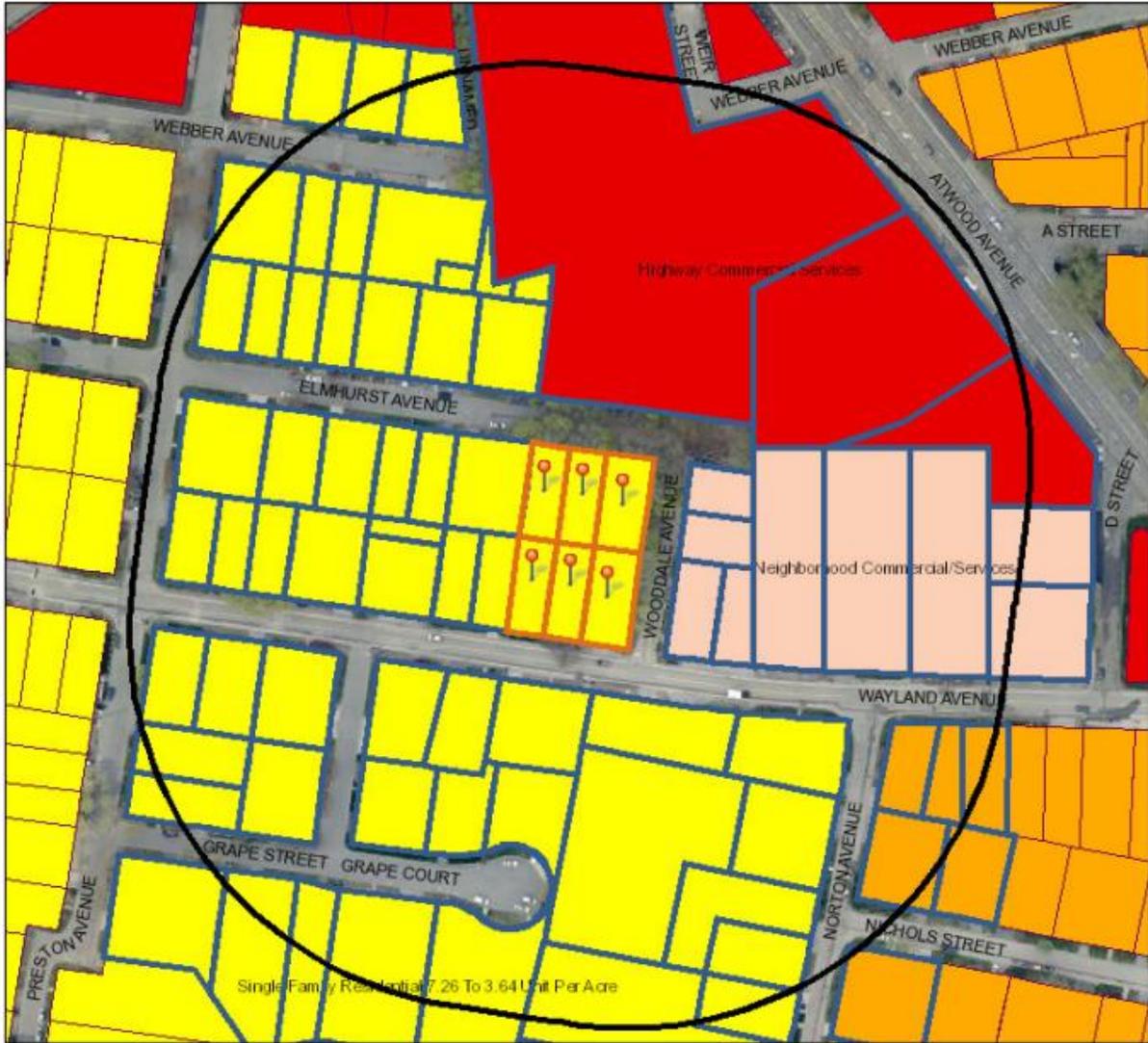


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FUTURE LAND USE MAP



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AERIAL VIEW



3-D AERIAL VIEW (facing east)



STREET VIEW
(Wayland Ave facing north)

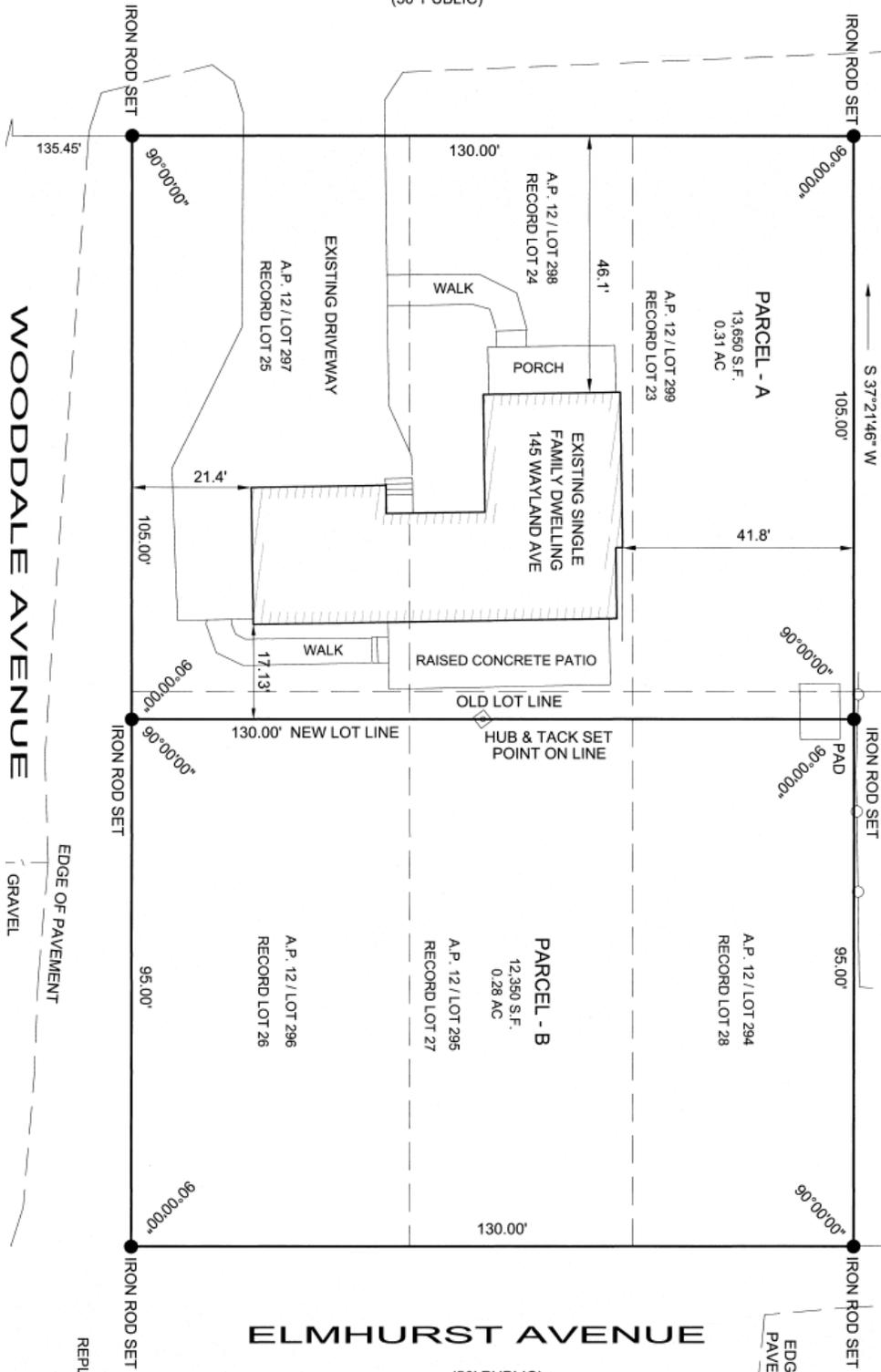


STREET VIEW
(Elmhurst Ave facing east)



WAYLAND AVENUE

(50' PUBLIC)



SUBDIVISION PLAN

3D RENDERING (facing southeast)



3D RENDERING (facing northwest)



II. Documents which are part of the application

1. Preliminary Plan application;
2. Application filing fees;
3. Subdivision plan set entitled "145 Wayland Avenue," prepared by Joseph Casali, PE of Joe Casali Engineering, Inc. including a survey and Subdivision Plan by Richard Bzdyra, PLS of Ocean State Planners;
4. Preliminary Plan checklist;
5. Project Narrative signed by Joe Casali Engineering, Inc. dated 4/20/21;
6. Waiver request letter signed by Robert D. Murray, dated 4/25/21;
7. 100' radius map, list of abutters and an Affidavit of Notice Compliance signed by Robert D. Murray, dated 5/18/21;
8. Letter regarding sewer availability signed by Edward Tally, Environmental Program Manager of the City of Cranston, dated 5/12/21;
9. Letter regarding water availability from Providence Water dated 4/30/21;
10. Certificate of Municipal Leans;
11. Variance Narrative;
12. Neighborhood Analysis;
13. Floor Plans & Elevations by Buckingham Architectural Design, Inc.

III. Surrounding land use and context

Analysis using Geographic Information System indicates that:

1. The subject parcel is located in Eastern Cranston (speaking in general terms, but more specifically described as north-central Cranston) in the northern section of the Meshanticut neighborhood east of I-295, west of Atwood Avenue.
2. The entire abutting neighborhood to the west and south is zoned A-6 and has been developed with mostly single-family lots (there are some nonconforming two-family, multi-house and commercial uses).
3. The subject property is the last/only undeveloped portion of Elmhurst Ave between Preston Ave and Wooddale Ave. The portions of Elmhurst Ave and Wooddale Ave which abut the subject property are not improved so the lot currently has restricted vehicular access and frontage.
4. The site and abutting residential neighborhood are designated as Single Family Residential 7.26 to 3.63 Units/acre on the Future Land Use Map. There is Neighborhood Commercial to the east and Highway Commercial/Services to the northeast.
5. There are no wetlands on site.
6. The site generally slopes downwards towards the northwest with a total grade change of 16' over the 130' wide parcel.
7. The project is free of any regulated floodplains or historic/cultural districts.

8. The 2018 Natural Heritage Map does not show any known rare species located on or near the site.

IV. Waivers

The following waivers are being requested from Section XII – *Design and Public Improvement Standards*:

B. Street Design Standards

1. *Frontage on Improved Streets*
7. *Dead-end Street and Cul-de-sac*
16. *Curbs*
18. *Sidewalks*

As the variance application and subdivision application will be heard concurrently, the waiver for Frontage on Improved Street should be handled consistently with the Commission's recommendation on the relief for frontage. Staff supports this waiver for the same reasons it supports the relief for frontage which are explained in detail in the separate memo pertaining specifically to the variances.

Item 7 *Dead End Street and Cul-de-sac* reads:

Dead-end streets without a turnaround and not designed for eventual continuance shall not be approved. Streets which are designed to have one end permanently closed (cul-de-sacs) shall be provided at the closed end with a turnaround roadway having a minimum outside curb radius of at least thirty-five (35) feet. Such cul-de-sacs shall not exceed four hundred (400) feet in length. In cases where unusual conditions exist, the Commission may modify the requirements for dead-end streets and cul-de-sacs. (p. 77)

Staff believes the waiver is justified for two reasons. The first is that the existing condition does not comply to this section, so the extension of the road by 46 feet does not *create* a nonconforming condition from a conforming condition, it merely continues the existing nonconformity. Second, there is no room for a bulb or cul-de-sac on Elmhurst Ave, so the only other way to comply would be to fully extend Elmhurst *and* extend Wooddale Avenue to connect to Wayland Ave. This would be a significant undertaking that outweighs the benefits, particularly considering the grades/slopes.

There are some curbs along Elmhurst Avenue, but they are inconsistent, and there are no sidewalks. The two lots immediately to the west of the subject property do not have curbing, so requiring the applicant to install curbs or sidewalks for the few feet that the road is extended before the proposed driveway connection would not be reasonable.

Therefore, **staff recommends that the Plan Commission grant the requested waivers.**

V. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to the Public Works Department, Engineering Division, Traffic Division, Building and Zoning Department, Conservation Commission and the Fire Department. DPW has provided a letter regarding public sewer availability. **DPW has indicated that they would prefer that the subdivision be developed as proposed instead of requiring the extension of public roads and utilities.** No other comments have been received at this time.

VI. Interests of Others

None to report at this time.

VII. Planning Analysis

This minor subdivision preliminary plan application has unique circumstances which need to be taken into consideration, especially when considering the zoning relief and waivers from the Subdivision Regulations that are being requested. Proposed Parcel B, where the duplex would be located, abut portions of Elmhurst Avenue and Wooddale Avenue which are currently unimproved – the unimproved nature of the roads is the primary source of the complexity of the application. Additionally, there are significant slopes running downhill towards the northeastern corner of the site, which would make the roadways, utilities and drainage difficult to engineer, construct and maintain.

The total area of the six existing lots is 26,000 ft². This means that:

- This land can yield **4 lots** in A-6 zoning with 2,000 ft² to spare (only 3 are proposed); and
- The proposed density is 5.03 units/acre, **well under the maximum density established by the Future Land Use Map** designation of 7.26 to 3.63 units/acre.

The Technical Review Committee met on this project on more than one occasion in 2020, which **advised the applicant to design the project as to not extend Elmhurst Ave and Wooddale Ave beyond the minimum required for vehicular access.** The Department of Public Works is of the position that it is better for the City that the public roads **NOT** be extended, and have indicated support for the proposed design as the preferred path to develop the subject property. The motivation for DPW's support for the proposed layout is to save the City money and resources. If the roads were built, DPW would be responsible to plow and maintain the roads and would also be responsible for the maintenance of any extension of the public sewer and water mains.

The applicant has taken the advice of the Technical Review Committee and proposes to extend Elmhurst Avenue by 46' as to provide adequate vehicle access to the newly proposed duplex. The applicant proposes a duplex instead of two single-family lots as it may be more efficient and because vehicular access to the eastern lot would be problematic. A 4'-6' redi-rock gravity block retaining wall is proposed along the northern and western property lines to allow for the units to enjoy a space that would function as a rear yard, host an underground a stormwater infiltration system, and host underground the sewage pipes and pump station. The proposed layout allows

Parcel B, which has enough land to yield two dwelling units, to do just that in a way that minimizes the necessary infrastructure improvements. The sewer main will not be extended, a private tie-in is proposed and the design approval will be part of the recommended conditions. The water main will be extended 40 linear feet and will have two individual private tie-ins.

Whether there are negative impacts to the neighborhood beyond what could be built by-right is a matter of subjective opinion, but staff does not find the impacts specific to the variance and waiver requests to raise to the level to justify a denial of the application. There may be a very slight difference that the abutting neighbor to the west would see two garage doors and two doorways (although please note that nothing in the City Code would prevent a single-family home from having two of either or orienting the house in this way), but beyond this, staff does not find any real aesthetic difference between a single and two-family home. If the neighbor voices concern, staff is confident that a fence or other mitigation could resolve any aesthetic issues. Furthermore, it should be considered that **the development of the road would likely cause more visual impact** than the duplex as the construction of the roads would involve removing the existing visual buffer preventing the view to the rear of the Job Lot to the northeast.

Staff noticed that the tree clearing line is very close to the proposed retaining wall and that there are two proposed grade lines in the city's right-of-way. Staff spoke to the applicant's engineer about the concern that this could cause tree disturbance beyond what is shown on the plans. The engineer, Bill Lavery, PE acknowledged staff's concern and explained how the retaining wall and grading could be accomplished with minimal disturbance to the existing vegetation in the unimproved right-of-way. Staff was satisfied by the explanation but proposes a condition to help ensure the protection of the existing buffer to the Job Lot by requiring the minimal practical disturbance of the trees.

In conclusion, staff sees this as a reasonable attempt by the applicant to work with the City's recommendations to develop a challenging piece of land. The variance and waiver requests are critical to allow the development as proposed. If denied, the applicant could revise the plan and develop two single-family homes by-right by extending two public roads, causing much more disturbance to the area and extending the city's responsibility in maintaining the new roads and utilities. Staff finds the requested relief to be generally consistent with the Comprehensive Plan and recommends **approval** in order to minimize impact to the environment and conserve public resources.

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, a display advertisement was published in the Cranston Herald on 5/19/21 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 density of the proposed subdivision is 5.03 units per acre which is consistent with the density prescribed by the City of Cranston Comprehensive Plan Future Land Use Map (FLUM) 7.26 to 3.63 unit per acre.
2. The Future Land Use Map allocation calls for single-family residential whereas the proposal includes a two-family residential building. This inconsistency is satisfactorily addressed by the amount of land area (sufficient for 4 units and only 3 are proposed), the site conditions (slopes, unimproved roads), and the benefits to the City by not fully extending the public roads and utilities.
3. As mentioned in the Planning Analysis section of this memo and as discussed in greater detail in the Planning staff memo specific to the variance application, the proposal is consistent with the Comprehensive Plan. The proposed site layout offers attributes that have been identified as desired elements found in conservation subdivisions such as but not limited to more efficient/less sprawling development, minimizing disturbance, and programming public roadways and utilities.
4. 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.”

5. Relief is being requested for the necessary deficiencies under the City's zoning ordinance. Staff is in support of these requests so that the subdivision design can minimize impacts to the environment, neighbors and public resources.
6. The proposal will not substantially alter the general character of the surrounding area or impair the intent or purpose of the Cranston Zoning Code, but offers a balance between the development rights of the property owner and minimizing the impacts to the abutters and city resources.

*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)*

7. This finding pertains specifically to the final plan, however, no significant environmental impacts are anticipated. The proposed layout is specifically designed to eliminate the need to construct new roads and cause further impacts.
8. The project will be subject to all state and local regulations pertaining to environmental impacts.
9. 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.”

10. 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.

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.”

11. Proposed Parcel B will have adequate permanent physical access to Elmhurst Avenue. The existing single-family dwelling on proposed Parcel A has existing physical access to Wayland Avenue.
12. The proposed subdivision has been reviewed by the Fire Department and Bureau of Traffic Safety and provides for safe and adequate local circulation for vehicular traffic.

VIII. 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, with the waivers for curbing, sidewalks and dead-end streets and cul-de-sacs as requested, subject to the conditions denoted below:

IX. Condition of approval

1. The applicant shall obtain relief from the Zoning Board of Review, as applicable, and shall include the decision letter as part of the Final Plan application.
2. The applicant shall obtain approval from Veolia Water for the sewer design and include the approval letter as part of the Final Plan application.
3. The applicant shall pay the Eastern Cranston Capital Facilities Impact Fee in the amount of \$1,186.92 (\$593.46 per new unit) at the time of Final Plan recording.
4. The applicant shall limit tree disturbance within the City’s public right-of-way to the greatest practical extent.