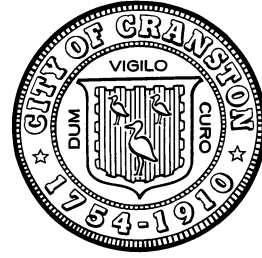


# City Planning Department



## Memo

**To:** Cranston City Plan Commission  
**From:** Jason M. Pezzullo, AICP – Planning Director  
Joshua Berry, AICP - Senior Planner / Administrative Officer  
**Date:** May 6<sup>th</sup>, 2024  
**Re:** Ordinance #04-24-01 Entitled “Zoning”  
Proposed Change of Zone – 0 Sage Drive (AP 35 Lot 2) [from A-80 to A-20]

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### INTRODUCTION

This rezone application for Sage Drive is back before the City Plan Commission for the third time. The applicant is seeking the Commission’s recommendation to rezone the property on Sage Drive from A-80 to A-20 following litigation that was filed after the City Council rejected the zoning amendment in 2021.

Following that denial, an action by the applicant’s team in Superior Court sought a declaratory judgment that the property should be rezoned to A20 from A80. Following settlement discussions with the City’s attorney’s and the filing of pleadings in court seeking a decision on the declaratory judgment request, the City Solicitors and the applicant were able to come to an agreement as memorialized in the Consent Order (attached).

A new rezoning petition was filed in April 2024 (Ordinance #04-24-01). It was accepted as new business by the City Council on April 22, 2024 and referred to the Ordinance subcommittee which will meet on May 15, 2024. The court hearing on the declaratory judgment has been continued until July 26, 2024. If the zoning ordinance is approved by the City Council, there will be no further court action. The applicant will then begin the minor subdivision process for an 8-lot subdivision consistent with the A-20 designation presently being sought.

The following staff report remains largely unchanged from the last time it was issued in 2021 as there are no differences in the proposal, staff’s findings, and recommendation.

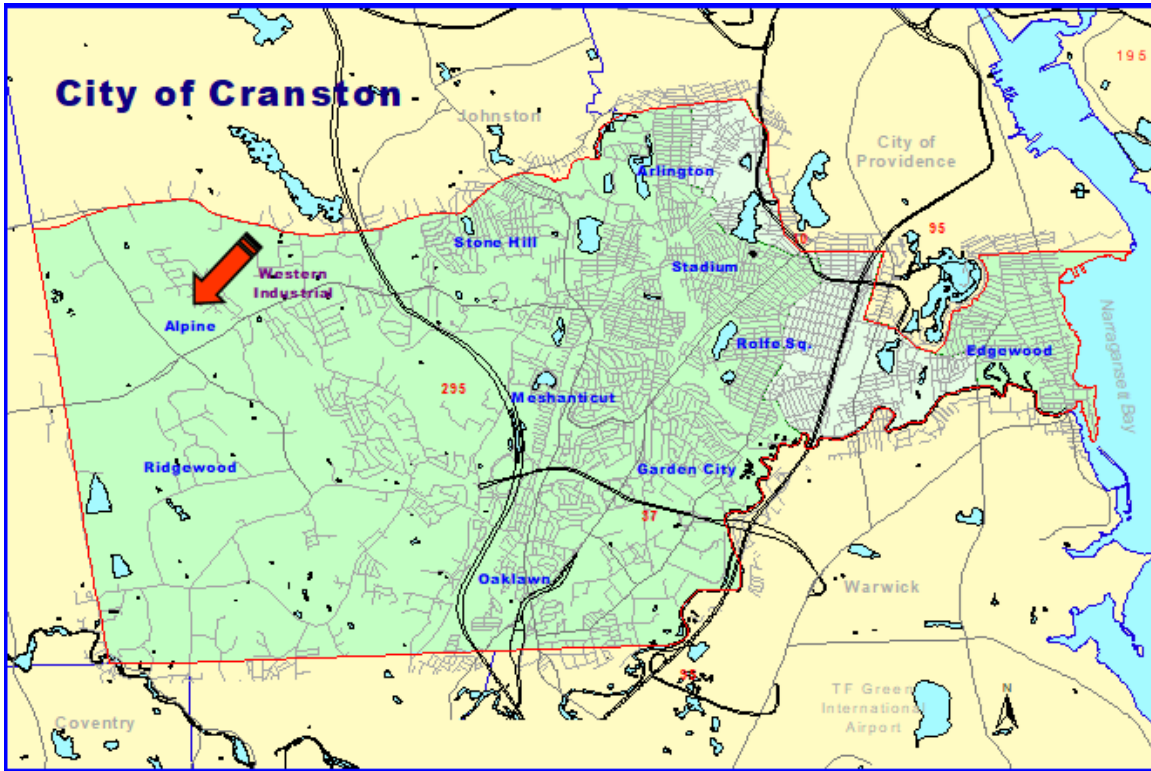
## March 2021 Aerial Image



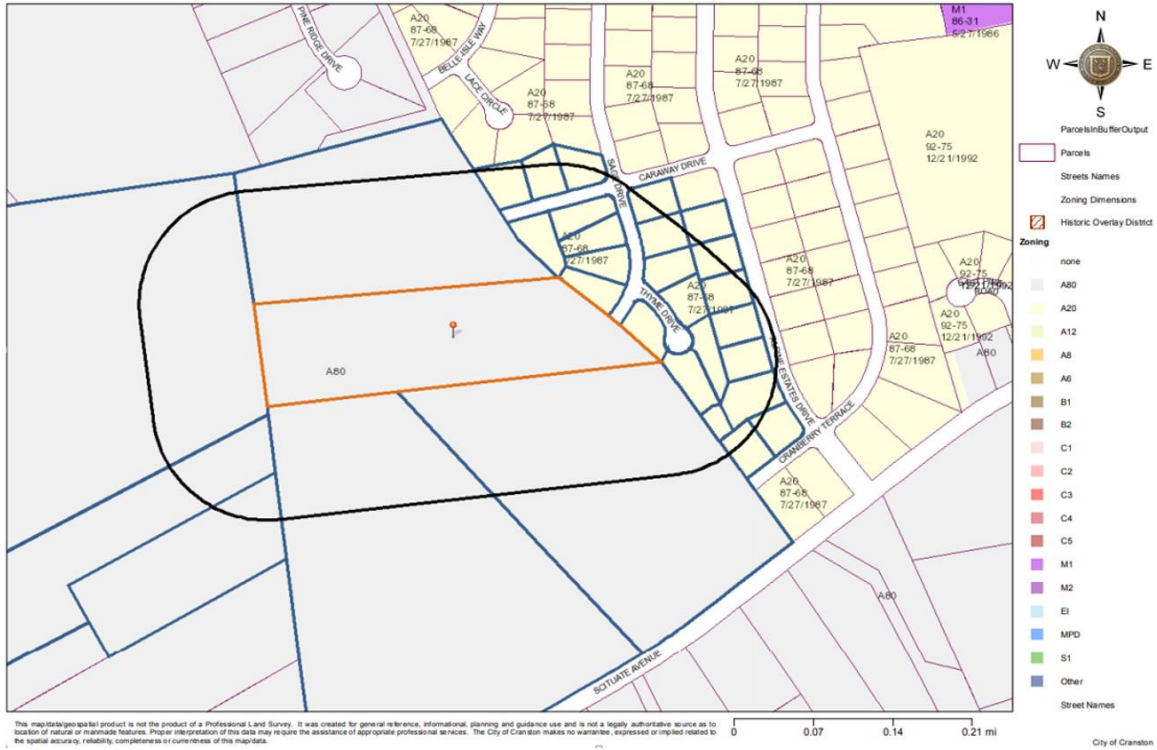
### I. Proposal

The owner/applicant, John Casale III, is requesting a zone change for the property located at the terminus of Sage Drive, AP 35, Lot 2 (located at the southwestern end of Sage Drive) from A-80 (Single Family Residential on 80,000 ft<sup>2</sup> lots) to A-20 (Single Family Residential on 20,000 ft<sup>2</sup> lots). The property is currently undeveloped. The proposal is intended to for future development of the property for single family residences.

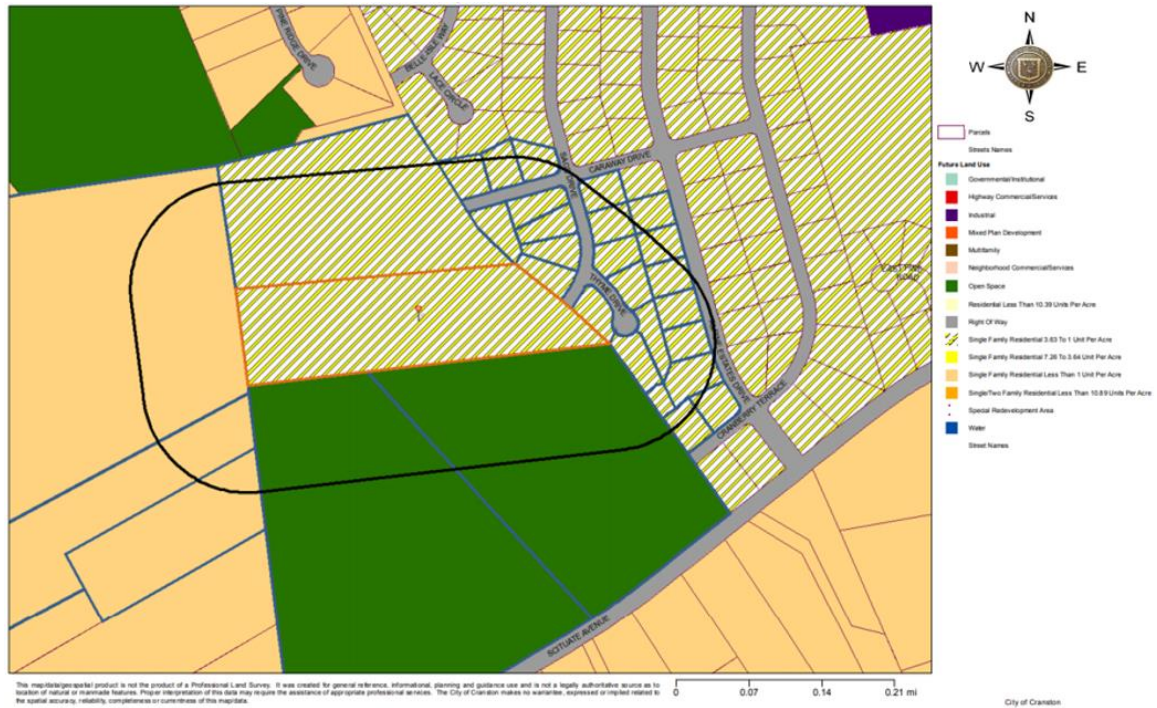
# LOCATION MAP



# ZONING MAP



# FUTURE LAND USE MAP





## AERIAL VIEW



## STREET VIEW (facing west on Sage Drive)



## II. Planning Analysis

**Rezoning AP 35, Lot 2 from A-80 to A-20 is not just consistent with but is specifically recommended by the Comprehensive Plan.** The Land Use Plan, under *Part III. Strategies and Actions – Consistency of Zoning with the Future Land Use Map: Residential Land*, includes a list of ten (10) zoning and Future Land Use requests which have been reviewed by staff, have undergone the public and civic processes for approval, and were incorporated in to the Future Land Use Map. In this section, this exact rezone request is addressed, “**AP 35, Lots 3, 2, - Change the land use classification from residential less than 1 unit per acre to residential 1 unit to 3.63 units per acre. Change the zoning from A-80 to A-20**” (p. 44). The change to the Future Land Use Map was part of the Comprehensive Plan approval and adoption, but the zoning changes were not and were left to the owners to request separately. Consistent with page the recommendation cited above, the Comprehensive Plan “Appendix A” which lists parcels that have been identified as having inconsistent zoning and future land use designations; the subject property is found on page 15 of the appendix. R.I.G.L. 45-24-50 requires zoning amendments to be consistent with the Comprehensive Plan, and Cranston’s Charter Sec. 13.03 *Comprehensive plan and its effect*, “Thereafter no ordinance or other action of the council and no act or order of any department, board, commission, office or agency of the city in violation of the terms of the comprehensive plan or any portion or amendment thereof, adopted as above provided, shall be valid or legally effective.”

Furthermore, the rezone request is consistent with the surrounding land uses. The project site abuts fully developed A-20 single-family lots to the east (Alpine Estates). The abutting land to the south, west and north are zoned A-80, however, the undeveloped land directly to the north, AP 35 Lot 3, is part of the same recommendation of the subject property to be A-20 by the Comprehensive Plan. Orchard Farms Elementary School directly abuts the subject property to the south. The land to the west of the property are currently undeveloped, containing large areas of wetlands.

A-20 zoning better fits the existing development pattern of the area than the existing zoning, A-80. It is not insignificant that the access to the site is from Sage Drive, where A-20 single-family homes abut to the east. The subject site is not *conserved* open space, it is privately owned land and there is nothing prohibiting the development of the land. The development pattern which would result from application of A-80 zoning regulations, or any zoning with higher or lower density than A-20, would be more *inconsistent* and out of character with the existing development pattern on Sage Drive than what is proposed.

The Comprehensive Plan recognizes that neighborhoods are still being formed in Western Cranston and recommends growth management while protecting existing neighborhoods (Land Use Element p. 21). Staff does not see A-20 development as being a threat to A-20 development, but may actually reaffirm it. This assertion is consistent with the Comprehensive Plan’s Land Use Element’s *Land Principle 4*, stabilizing existing residential neighborhoods by supporting existing development patterns (p. 34). The growth management strategies that may be employed will come into play when/if a development plan is proposed, not at the rezoning phase.

The Comprehensive Plan Housing Element cites several considerations associated with housing development in Western Cranston, “Preservation of existing undeveloped land, historic and cultural resources, infrastructure capacity, and traffic are western Cranston’s largest concerns as a result of this high growth trend” (p. 64). The City does not have a mechanism currently available to preserve this land (staff fully supports pursuing one – but this is a separate discussion). There are no cultural or historic resources identified at the subject site. The anticipated development that may result from the rezoning, if approved, would not overly burden the City’s infrastructural capacity (verification of the availability of public sewer and water utilities is required for all minor and major subdivisions, not at the time of rezoning). Lastly, the anticipated development that may result from the rezoning, if approved, is not anticipated to have a significant impact on traffic to

the point where staff would object to approval of the rezoning request. For these reasons, the proposal does not trigger the main concerns for housing development in Western Cranston.

### **III. Findings**

#### Comprehensive Plan Consistency

The proposal is consistent with multiple aspects of the Comprehensive Plan, including the Housing Element, Land Use Element, Implementation Program, and goals and policies. Additionally, **the rezone is explicitly recommended** on page 44 and subject property is listed in Appendix A with the recommendation to be rezoned from A-80 to A-20 to be consistent with the Future Land Use Map.

#### Findings Under §17.04.010 City Code

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 the proposed rezone and any subsequent residential development on this site will be required to comply with all aspects of the Zoning Ordinance, including Major Subdivision review by the Plan Commission, 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.

### **IV. Recommendation**

Based on the findings that the rezone is not just consistent with but ***prescribed by*** the Comprehensive Plan, in addition to the findings that the rezone is consistent with the surrounding land uses and existing development pattern, staff recommends that the Plan Commission forward a **positive recommendation** on Ordinance #04-24-01 to the City Council.