

CITY PLANNING DEPARTMENT



Memorandum – Unified Development Review

FINAL DRAFT – AMENDED ON MAY 6, 2024

To: City Plan Commission
From: Jonas U. Bruggemann, MSCRP | Senior Planner
Date: May 7, 2024
RE: The Almberg Plat: 11 Jennie Street – Assessors Plat 15-1, Lots 541, 542, 543, 544 & 545
Application for Unified Development Review for a Preliminary Plan

Owner: Robert E. and Lucy R. Almberg
Applicant: Ryan Almberg
Location: 11 Jennie Street
Zoning: A8 – Single-Family Residential, (8,000 sq. ft.)
FLUM Designation: Single Family Residential 7.26 To 3.64 Unit Per Acre

I. Applicant | Property | Proposal

The Applicant is Ryan Almberg, and the Owner is Robert E. and Lucy R. Almberg.

The subject property is in the Almberg Plat, abutting Jennie Street and Bateman Avenue, identified as Assessors Plat 15-1, Lots 541, 542, 543, 544 & 545.

The property is zoned Residential A-8 (A-8) and is not located in any municipal overlay district.

The Proposal is to reconfigure the existing five (5) record lots into two (2) new lots for a two-family residential development:

- Lot A: 9,065 sq. ft.
- Lot B: 9,417 sq. ft.

Required relief includes relief from setback and frontage requirements for a replat and residential development project in a A-8 zone (17.92.010 – Variances and 17.20.120 - Schedule of Intensity Regulations.)

Relief from 17.20.120 - Schedule of intensity regulations:

- Parcel A Rear Setback
 - Required: 20'
 - Proposed: 10.7'
- Parcel B Front Setback (Catherine Street)
 - Required: 25'
 - Proposed: 16.9'

II. Land Evidence Records References **11 Jennie Street – The Almberg Plat**

Land: The subject property includes land referenced as “Lots 16-21” on a Plan entitled “Replat of a Portion of the Mayfield Plat. Cranston, R.I. Belonging to P.J. Curran, By Frank E. Waterman. June, 1911” recorded in the City Clerk’s Land Evidence Records Office as Plat Card 194.

Title: The subject property is referenced in a Deed recorded in the City Clerk’s Land Evidence Records Office in Book 372, Page 805; and a Deed recorded in the City Clerk’s Land Evidence Records Office in Book 375, Page 774.

III. Documents Submitted for This Application

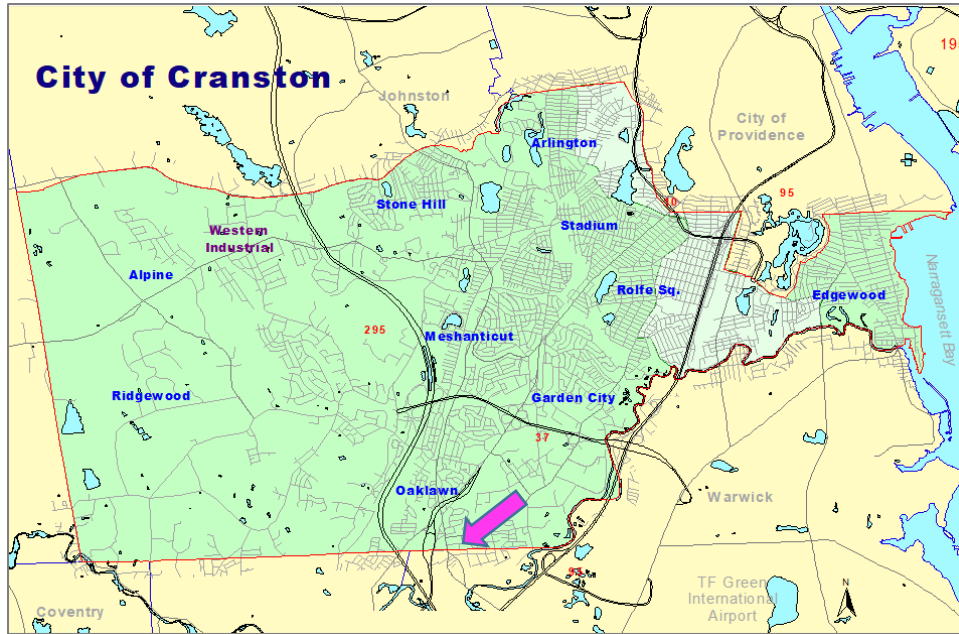
1. Minor Subdivision Plan entitled “**The Almberg Plat**” prepared by Richard T. Bzdyra, PLS, of Ocean State Planners, Inc.; dated February 26, 2024.
 - a. Sheet 1 of 3: Existing Conditions
 - b. Sheet 2 of 3: Preliminary Plan
 - c. Sheet 3 of 3: Record Plan
2. Minor Subdivision – Preliminary Plan Application, signed by Applicant Ryan Almberg; dated February 27, 2024. Signed by Owners Robert E. Almberg; dated February 22, 2024, and Lucy R. Almberg; dated February 27, 2024.
 - a. Application Fee for \$335.00; dated March 15, 2024.
3. “The Almberg Plat” Narrative Report prepared by Ocean State Planners, Inc. Signed by Richard T. Bzdyra, PLS, of Ocean State Planners, Inc.; dated February 26, 2024.
4. Abutter Documentation
 - a. 100’ Abutters List
 - b. 100’ Abutters Map
 - c. 400’ Abutters List
 - d. 400’ Abutters Map
 - e. Signed affidavit certifying mailing of 400’ abutter notices; sent April 22, 2024; signed by Robert D. Murray; dated April 23, 2024

IV. Surrounding Land Use & Context

Analysis using the Cranston Geographic Information System and the FEMA Flood Map Service Center indicates that:

1. The subject property is located on the easterly side of Catherine Street, southerly side of Bateman Avenue, and westerly side of Jennie Street.
2. The surrounding area is A-8 land, with C-4 to the immediate west. Development in the area consists of single-, two-family, and multifamily residential, with commercial development directly abutting Catherine Street.
3. The subject property is outside of any regulated resource areas under jurisdiction of the Rhode Island Department of Environmental Management, (RIDEM).
4. The subject property is outside of any identified historic / cultural districts under jurisdiction of the Local Historic District Commission, State Historical Preservation Commission, State, or National Registers of Historic Places.
5. The subject property is identified as “Zone X – Area of Minimal Flood Hazard” on FEMA Flood Map Panel 44007C0426H, and outside of any regulated floodplain or flood hazard districts.

LOCATION MAP



AERIAL PHOTO

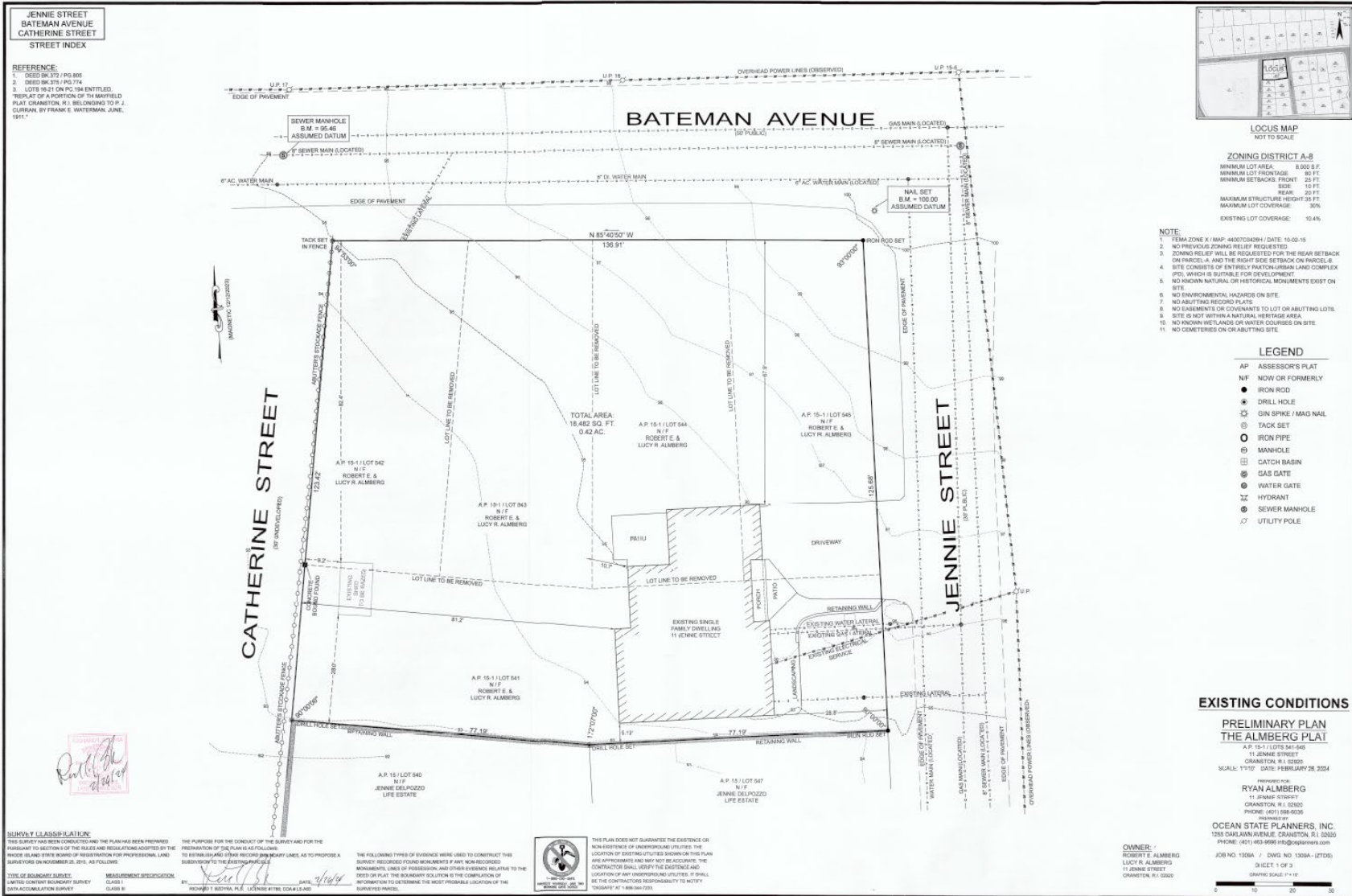


STREET VIEW

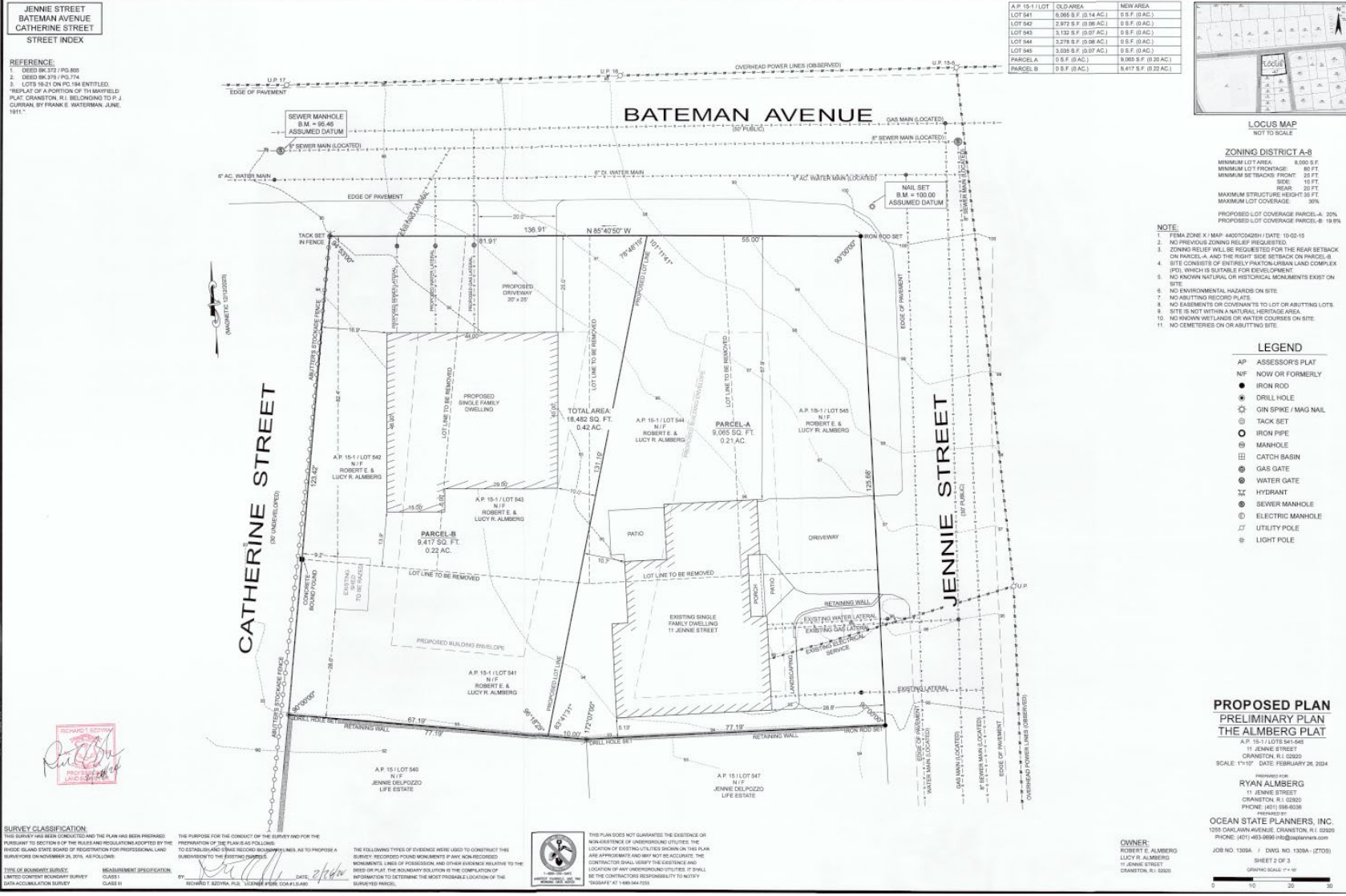


(View east from Jennie Street)

EXISTING CONDITIONS PLAN



PROPOSAL



JENNIE STREET
BATEMAN AVENUE
CATHERINE STREET
STREET INDEX

REFERENCE:
1. DEED BK 373 / PG 805
2. DEED BK 378 / PG 774
3. LOTS 18-21 ON PG 184 ENTITLED "REPLAT OF A PORTION OF TH MAYFIELD PLAT CRANSTON, RI, BELONGING TO J CURRIAN BY FRANK E. WATERMAN, JUNE, 1911."



ZONING DISTRICT A-8
MINIMUM LOT AREA: 8,000 S.F.
MINIMUM LOT FRONTAGE: 80 FT.
MINIMUM SETBACKS FRONT: 30 FT.
REAR: 30 FT.
SIDE: 10 FT.
MAXIMUM STRUCTURE HEIGHT 30 FT.
MAXIMUM LOT COVERAGE: 30%
PROPOSED LOT COVERAGE PARCEL-A: 20%
PROPOSED LOT COVERAGE PARCEL-B: 19.0%

- NOTE:**
1. FEMA ZONE X (MAP: 400702428H) DATE: 10-02-15
 2. NO PREVIOUS ZONING RELIEF REQUESTED.
 3. ZONING RELIEF WILL BE REQUESTED FOR THE REAR SETBACK ON PARCEL-A AND THE RIGHT SIDE SETBACK ON PARCEL-B.
 4. SITE CONSISTS OF ENTIRELY PAVED/PAVEMENT LAND COMPLEX (PCL) WHICH IS SUITABLE FOR DEVELOPMENT.
 5. NO KNOWN NATURAL OR HISTORICAL MONUMENTS EXIST ON SITE.
 6. NO ENVIRONMENTAL HAZARDS ON SITE.
 7. NO ABUTTING RECORD PLATS.
 8. NO EASEMENTS OR COVENANTS TO LOT OR ABUTTING LOTS.
 9. SITE IS NOT WITHIN A NATURAL HERITAGE AREA.
 10. NO KNOWN WETLANDS OR WATER COURSES ON SITE.
 11. NO CEMETERY ON OR ABUTTING SITE.

LEGEND

- AP** ASSESSOR'S PLAT
N/F NOW OR FORMERLY
- IRON ROD
 - DRILL HOLE
 - ⊕ GIN SPIKE / MAG NAIL
 - ⊙ TACK SET
 - ⊖ IRON PIPE
 - ⊕ MANHOLE
 - ⊖ CATCH BASIN
 - ⊕ GAS GATE
 - ⊖ WATER GATE
 - ⊕ HYDRANT
 - ⊖ SEWER MANHOLE
 - ⊕ ELECTRIC MANHOLE
 - ⊖ UTILITY POLE
 - ⊕ LIGHT POLE

**PROPOSED PLAN
PRELIMINARY PLAN
THE ALMBERG PLAT**

A.P. 15-1 LOTS 541-545
11 JENNIE STREET
CRANSTON, RI 02905
SCALE: 1"=10' DATE: FEBRUARY 24, 2024

PREPARED FOR:
RYAN ALMBERG
11 JENNIE STREET
CRANSTON, RI 02905
PHONE: (401) 998-6038

PREPARED BY:
OCEAN STATE PLANNERS, INC.
1025 CARLIAN AVENUE, CRANSTON, RI 02905
PHONE: (401) 483-8696 / 900@osplanners.com

JOB NO. 1305A / DWG. NO. 1305A - (2705)
SHEET 2 OF 3
GRAPHIC SCALE: 1"=10'

SURVEY CLASSIFICATION
THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 17 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 14, 2016, AS FOLLOWS:

TITLE OF BOUNDARY SURVEY: LIMITED CONTROL BOUNDARY SURVEY
MEASUREMENT REPRODUCTION: CLASS II

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:
TO ESTABLISH AND HAVE RECORD BOUNDARIES, LINES, AND TO PROPOSE A SUBDIVISION TO THE EXISTING RECORDS.

THE FOLLOWING TYPES OF EVIDENCE WERE USED TO CONSTRUCT THIS SURVEY: RECORDED FOUND MONUMENTS BY ANY NON-RECORDED MONUMENTS, LINES OF POSSESSION, LINE OTHER EVIDENCE RELATIVE TO THE DEED OR PLAN, THE BOUNDARY SOLUTION IS THE COMPARISON OF INFORMATION TO DETERMINE THE MOST PROBABLE LOCATION OF THE BOUNDARY MARKS.

BY: *[Signature]* DATE: 2/24/24
ROBERT T. ALMBERG, PLS. LICENSE # 000411-040



THIS PLAN DOES NOT GUARANTEE THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES. THE LOCATION OF EXISTING UTILITIES SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY NOT BE ACCURATE. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY "UTILITY" AT 1-800-345-7533.

V. Technical Review Committee

Pursuant to RIGL §45-23-38, these Plans and submitted documents were reviewed for comment at the Technical Review Committee meeting on April 17, 2024. Responses are as follows:

Technical Review Committee Members:

- i. Mr. Ken Kirkland, MRP, MPA, AICP, Assistant Planning Director, Planning Department (substituting for Jason M. Pezzulo, MCP, MPA, AICP, Planning Director, Planning Department) had no concerns at this time.
- ii. Mr. Justin Mateus, P.E., Public Works Director, Engineering Division, was not present at this time.
- iii. Mr. Steven Mulcahy, Traffic Safety Division had no concerns at this time.
- iv. Mr. David Rodio, Building Official, Department of Building Inspection & Zoning Enforcement was not present.
- v. Mr. Stan Pikul, Alt. Building Official, Department of Building Inspection & Zoning Enforcement had no concerns at this time.
- vi. Mr. James Woyciechowski, Fire Marshal, Fire Department was not present.

VI. Municipal Review

Pursuant to RIGL §45-23-37, these Plans and submitted documents were distributed for comment to the following agencies. Responses are as follows:

1. Department of Public Works
 - a. Engineering Division: Mr. Justin Mateus, P.E., Public Works Director, reviewed the Proposal with Staff and has no issues at this time.
 - b. Traffic Safety Division: Mr. Steven Mulcahy has not provided commentary at this time.
 - c. Sewer Division: Mr. Edward Tally, Environmental Program Manager, reviewed the Proposal with Staff and states that a letter from Viola Water has no issues at this time.
 - d. Providence Water Supply Board: Although PWSB hasn't responded at this time, the presence of a water supply line on the Existing Conditions Plan indicates existing service to existing building. The Proposed Plan calls for a waterline connection from the proposed building on Parcel B to the existing watermain along Bateman Avenue.
2. Department of Building Inspection & Zoning Enforcement
 - a. Mr. David Rodio, Building Official, has not provided commentary at this time.
 - b. Mr. Stan Pikul, Alt. Building Official, reviewed the Proposal and determined that Parcel A requires dimensional relief from rear setbacks and frontage.
3. Fire Department: Mr. James Woyciechowski, Fire Marshal has not provided commentary at this time.

VII. Planning Analysis

Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as "*Single Family Residential 7.26 To 3.64 Unit Per Acre.*"

- Per the Comprehensive Plan, the A-8 zoning district is an appropriate zoning classification for single-family residential development.
 - The proposed use (single-family residential) is consistent with the Comprehensive Plan.
 - The proposed density (4.76 units/acre) falls well below the Future Land Use Map density designation of between 7.26 and 3.64 units/acre.
 - Staff finds that the Application is directly consistent with the Future Land Use Map designation.
- The Comprehensive Plan outlines goals, policies, and action items pertaining to residential development which Staff find support the approval of this Application, specifically:
 - Land Use Goal 9: Protect and stabilize existing residential neighborhoods.
 - Land Use Policy 9.3: Protect and stabilize existing residential neighborhoods by increasing open space, improving roadway conditions, and making the zoning conform to existing uses.
 - Land Use Policy 9.3: Preserve the existing density of established neighborhoods.
 - Housing Goal 4: Promote housing opportunity for a wide range of household types and income levels.
 - Housing Policy 4.1: Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.
- Staff has reviewed this Application in consideration of the compatibility with the character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
 - The surrounding area is A-8 land, with C-4 to the immediate west. Development in the area consists of single-, two-family, and multifamily residential, with commercial development directly abutting Catherine Street, an undeveloped paper street.
 - Three small single-family houses used to exist along Bateman Avenue west of Catherine Street but were removed in 2020. Catherine Street was a paved road that was used as an access point to commercial buildings which have been replaced with the existing commercial development.
 - The Proposal is a reconfiguration of existing record lots and would eliminate existing nonconformities regarding lot area.
 - Off-site traffic impacts are negligible.
 - The proposed use (single-family residential) is consistent with the Comprehensive Plan.
 - Staff finds that the Application is generally compatibility with the character of the surrounding area.

VIII. Interests of Others

None to Report.

IX. Additional Matters

Municipal tax payments are current as certified by the Tax Collection's Office on March 18, 2024.

X. Waivers

None Requested.

XI. Findings of Fact:

An orderly, thorough, and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 400' radius have been notified via certified mail (dated April 22, 2024) and the meeting agenda has been properly posted.

A. Unified Development Review

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL §§ 45-23-50.1(b)(1), 45-24-41(d), 45-24-41(e)(2), and 45-24-46.4(f), as well as Section VII of the Subdivision & Land Development

Regulations and finds as follows:

The Applicant has submitted the following response to the required Findings of Fact in accordance with RIGL § 45-24-41:

The proposed dimensional relief sought is minimal, reasonable in nature and will create any additional dwelling unit for housing purposes.

Staff has reviewed the requested dimensional relief for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-24-41 and finds as follows:

RIGL § 45-24-41. General provisions – variances. (d)(1) states, “That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16).”

- Staff notes that there is no avenue to construct this type of permitted development on the subject property without dimensional relief due to the placement of the existing house, the shape of the subject property, and the corner placement of the property, subjecting the lots to at least two frontages. Alternatives requiring less relief would restrict the proposed building footprint in a way that makes it inconsistent with the neighboring buildings and impractical for the property owner.

RIGL § 45-24-41. General provisions – variances. (d)(2) states, “That the hardship is not the result of any prior action of the applicant.”

- It is anticipated that the applicant will present sufficient testimony to satisfy this required finding of fact during the public hearing.

RIGL § 45-24-41. General provisions – variances. (d)(3) states, “That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.”

- The proposal is compatible with the general character of the surrounding area as:
 - the Proposal consists of construction of a single-family residential dwelling within an A-8 zoning district.
 - The surrounding area is A-8 land, with C-4 to the immediate west with development in the area consisting of single-, two-family, and multifamily residential, with commercial development directly abutting Catherine Street, an undeveloped paper street.
 - Three small single-family houses used to exist along Bateman Avenue west of Catherine Street. The Proposal would be adding less density than previously existed along Bateman Avenue.
 - The proposed subdivision would create two (2) buildable lots as the Proposal meets the required minimum lot area needed for the proposed single-family residential dwellings in the A-8 district under Section 17.20.120 of the Zoning Ordinance.
- The proposed use (single-family residential) is consistent with the Comprehensive Plan.
- The Application is directly consistent with the Future Land Use Map designation as the proposed density (4.76 units/acre) falls within the Future Land Use Map density designation of between 7.26 and 3.64 units/acre.

RIGL § 45-24-41. General provisions – variances. (e)(2) states, “In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is

granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.”

- Staff notes that there is no avenue to construct this type of permitted development on the subject property without dimensional relief due to the placement of the existing house, the shape of the subject property, and the corner placement of the property, subjecting the lots to at least two frontages. Alternatives requiring less relief would restrict the proposed building footprint in a way that makes it inconsistent with the neighborhood and impractical, if not impossible to develop.

B. Subdivision & Land Development Review

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-23-60 as well as the Subdivision & 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 plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

- The Proposal is consistent with the Comprehensive Plan’s Future Land Use Map (FLUM). The proposed resulting density of approximately 4.76 units per acre is less than the FLUM’s designation of the subject property as “Single Family Residential 7.26 To 3.64 Unit Per Acre.”

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.”

- Staff notes that this Proposal requires and will seek dimensional zoning relief, (frontage and rear setback on Parcel A & front setback on Parcel B) which if granted, will establish compliance with the Zoning Ordinance.

*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 **preliminary** plan, with all required conditions for approval.” (emphasis added)*

- No significant environmental impacts are anticipated.
- The Proposal will be subject to all state and local regulations pertaining to environmental impacts and wetlands.
- RIDEM’s 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.”

- The Proposal 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.

- The design and location of building lots, utilities, drainage, and other improvements will 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.”

- The Proposal will have adequate permanent physical access to Jennie Street (Parcel A) and Bateman Avenue (Parcel B). Both are public city streets.
- The Proposal provides for safe and adequate local circulation for vehicular traffic.

XII. Recommendation – Land Development Project

Staff finds this Proposal generally consistent with the Comprehensive Plan, the Zoning Ordinance, and the standards for required Findings of Fact set forth in RIGL § 45-23-60 and Section **III(L)** of the Subdivision & Land Development Regulations.

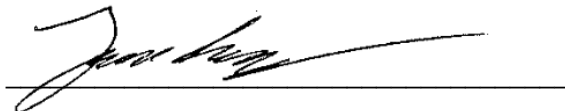
Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Minor Land Development Project – Preliminary Plan submittal subject to the conditions denoted below.

XIII. Recommended Conditions of Approval

The Final Plan submittal shall be subject to the following:

1. Submission of letters of availability from the Providence Water Supply Board and Veolia Water for water and sewer availability, respectively.
2. Curb-to-curb pavement restoration shall occur as needed in accordance with and to the satisfaction of the Department of Public Works.
3. Applicant shall install two granite bounds: one on the northern property line, and one on the southern prior to recording of the Final Plan.
4. Payment of the Eastern Cranston Capital Facilities Development Impact Fee of \$593.46.

Respectfully Submitted,



Jonas U. Bruggemann, MSCRP
Senior Planner / Administrative Officer

Cc: City Planning Director
File