

City Planning Department



Memo

To: Cranston City Plan Commission
From: Joshua Berry, AICP – Senior Planner
Date: August 27, 2020
Re: “Replat Oaklawn Plat Lots 86, 87, 88, & 89” Preliminary Plan - Minor Subdivision without street extension

Owner: Richard Cardello
Applicant: Barbara Gaglione
Location: 21 Turner Avenue (AP 18-4 Lots 485, 486, 489, and 490)
Zone: A-6 (Single-family dwellings on lots of minimum areas of 6,000 ft²)
FLU: Residential 7.26 to 3.64 units per acre

How can the City entertain this proposal when a variance request was denied at this site this past December?

There was a Preliminary Plan application to subdivide the same parcels which was granted approval by the Plan Commission on December 3rd, 2019, conditioned to the ZBR granting relief for lot area and frontage. The ZBR did NOT grant said relief, and therefore the subdivision could not move forward.

City Code Section 17.116.030 *Limitations on Successive Petitions* prevents applicants from submitting the same application within two years of a denial. **Staff believes that this application is NOT in violation with the limitation of successive petitions.**

Staff holds this position due to the facts differentiating the applications, mainly that the applicant is not asking for the same variance. The previous application requested a layout of the lots that required relief for lot area and width/frontage for Parcels B & C from the Zoning Board whereas the current lot configuration does NOT require relief for lot area or frontage. Essentially, the current lot layout meets all of the zoning requirements and is considered by-right under zoning. The current proposal does request relief, but only for the 3.7' encroachment of the existing residence into the required 8' side yard setback, which is not on the same lots where relief was previously requested. The language in the Code Section only applies to applications where “the same amendment, exception or variance has been denied,” so with a different variance being sought on a different lot, staff finds the restriction would not apply to this application.

I. Proposal Summary

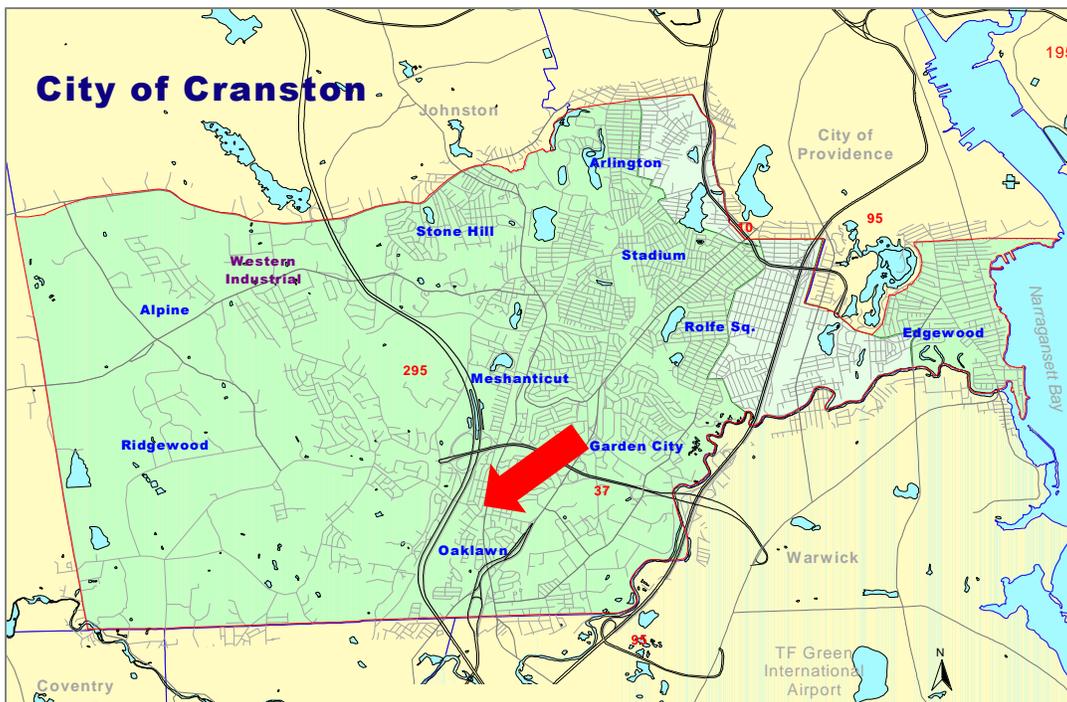
The proposed minor subdivision is located at 21 Turner Avenue, AP 18-4, Lots 485, 486, 489, and 490, with a total land area of 20,000 ft². The site is zoned A-6, which allows for single-family residential homes on lots that have a minimum of 60' of frontage and 6,000 ft² of land area.

The applicant proposes to subdivide/merge the existing four (4) lots into three (3) lots for the purposes of creating two (2) additional buildable lots. There is a pre-existing conforming single-family dwelling on site which is to remain on proposed Parcel A which would consist of 8,000 ft² on the northern portion of the property. Proposed new buildable parcels B and C contain 6,000 ft² each. The applicant is seeking relief for a 3.7' encroachment into the required 8' side yard setback. All parcels in the proposed subdivision will have direct frontage along Turner Avenue. The proposed development would be serviced by public water and public sewer systems. The applicant indicates that Parcel C (southernmost parcel) would be developed first, followed by Parcel B (the middle of the three parcels). The site does not lie within a flood zone or natural heritage area. The proposal is consistent the density prescribed by the Comprehensive Plan Future Land Use Map with an allocation of Residential 7.26 to 3.63 units per acre.

II. Documents Which Are Part of the Application

1. Preliminary Plan application signed by Richard Cardello (owner) and Barbara Gaglione (applicant).
2. Check for application filing fee signed by Barabara Gaglione.
3. Project Narrative Report titled "A.P. 18-4 / Lots 485, 486, 489, & 490 21 Turner Avenue Cranston, RI" prepared by Ocean State Planners, INC dated 7/20/20.
4. Preliminary Plan subdivision plan set entitled "Replat Oaklawn Plat Lots 86, 87, 88, & 89" prepared by Richard T. Bzdyra, PLS.
5. Preliminary Plat checklist.
6. 100' radius map and list of abutters.
7. Documentation from Kent County Water confirming public water availability.
8. Municipal lien certificates showing that the properties are current on all tax payments.
9. Letter from DPW confirming public sewer availability.

LOCATION MAP



ZONING MAP



UserSelectedParcels	Zoning	B1	M1
vParcels_Buffer	none	B2	M2
ParcelsInBufferOutput	A80	C1	E1
Parcels	A20	C2	MPD
Zoning Dimensions	A12	C3	S1
Historic Overlay District	A8	C4	Other
	A6	C5	Street Names

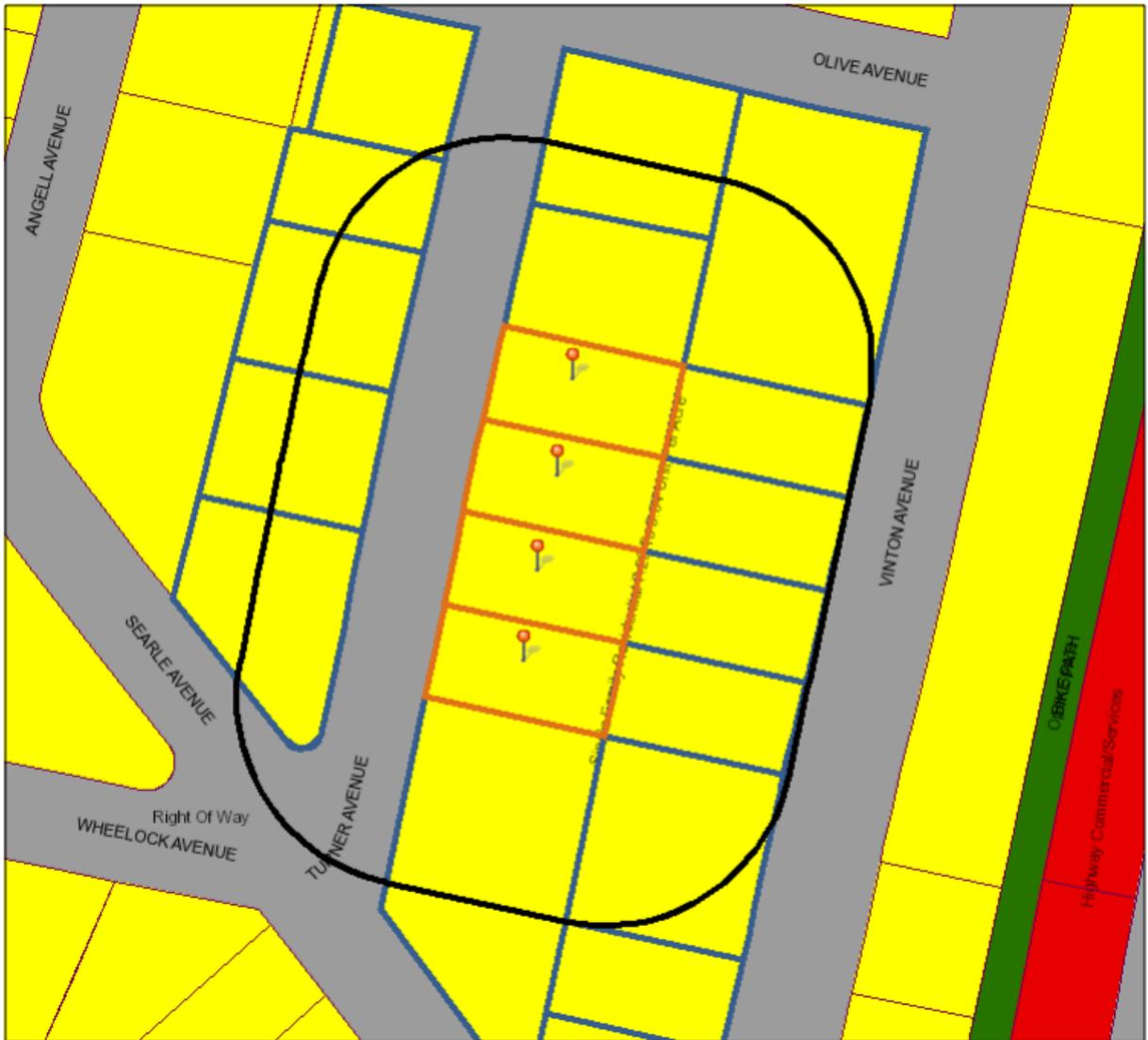


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City of Cranston

FUTURE LAND USE MAP



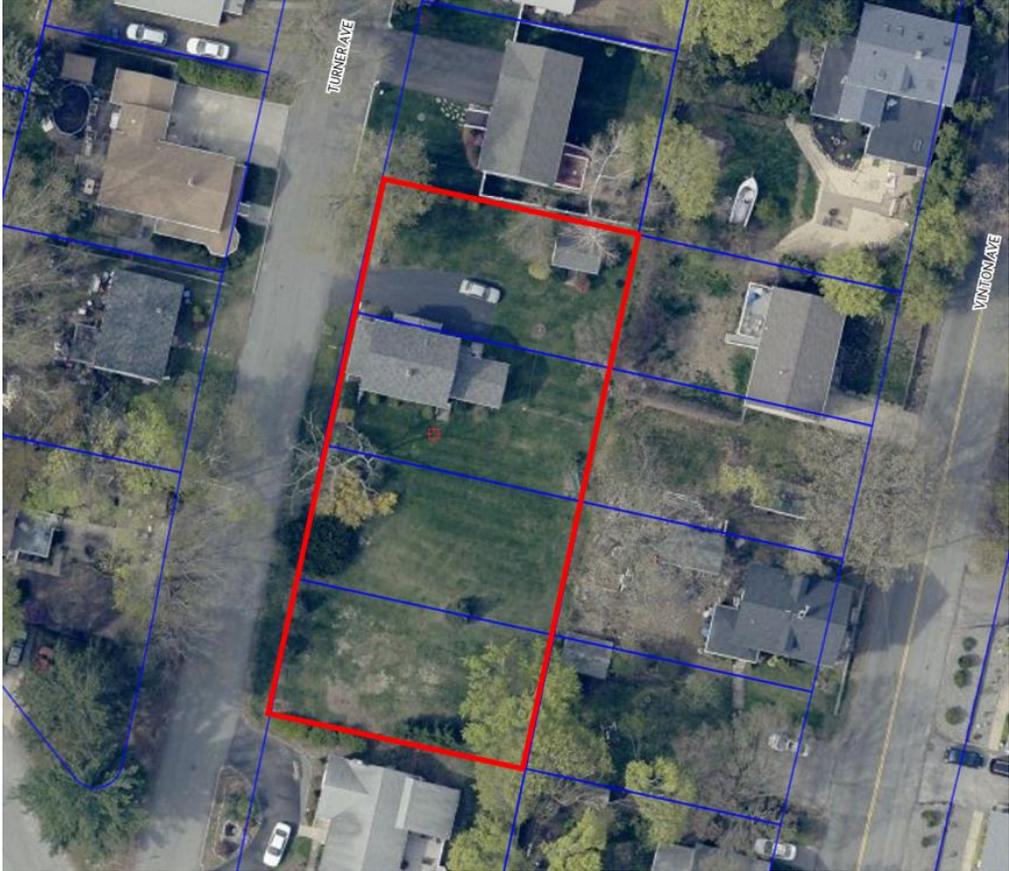
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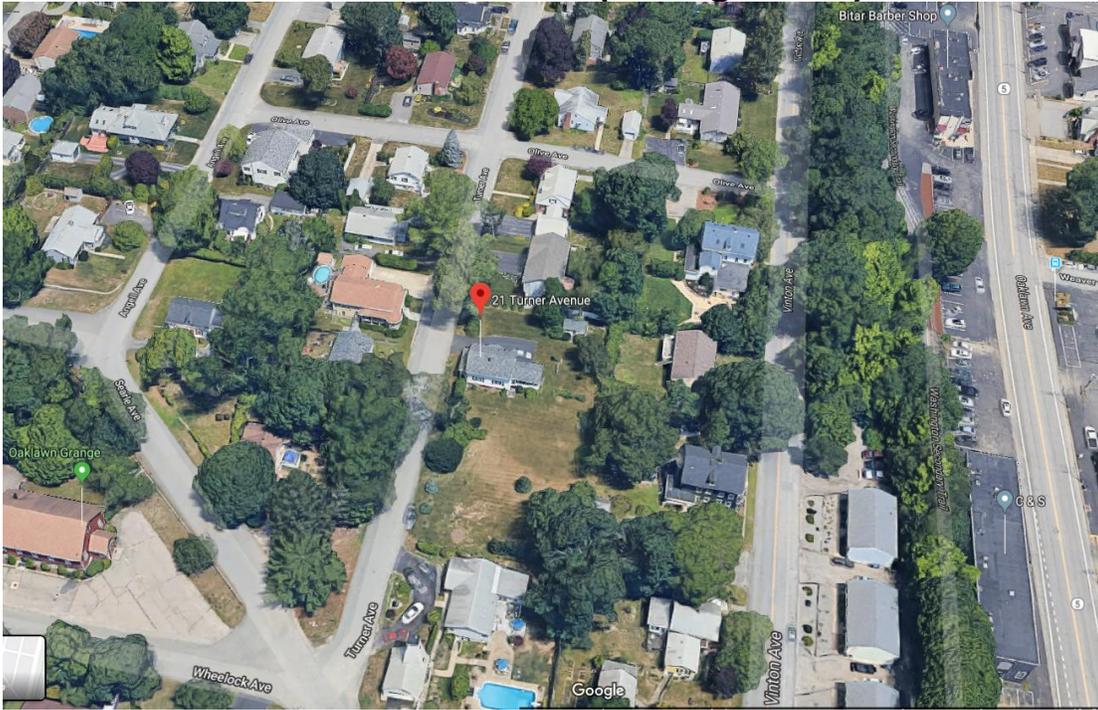
AERIAL VIEW



AERIAL CLOSE UP



3-D AERIAL VIEW (facing north)



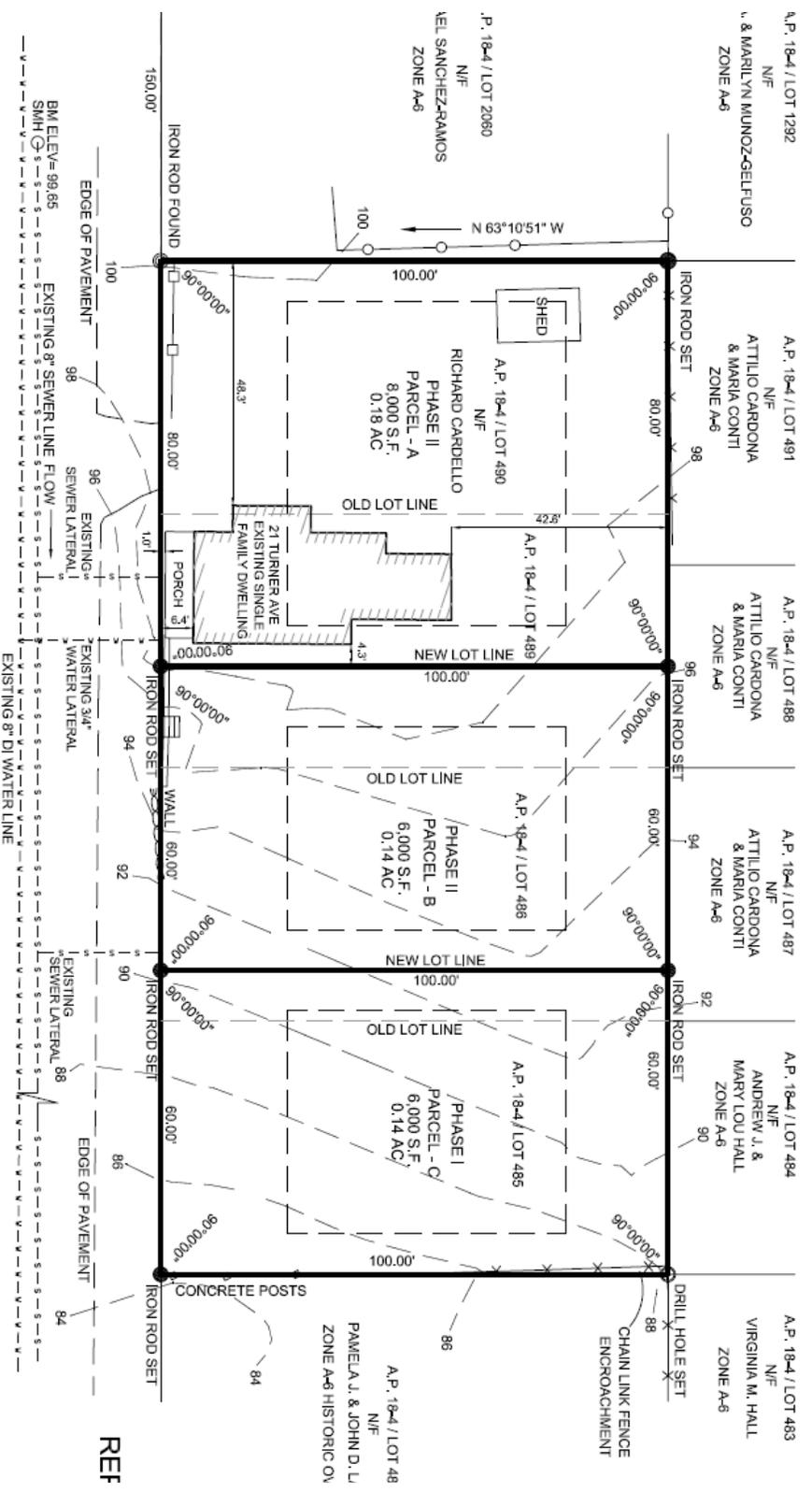
STREET VIEW (from facing SE)



STREET VIEW (from facing NE)



SUBDIVISION PLAN



TURNER AVENUE
(50' PUBLIC)

REF

III. Surrounding land use and context

Analysis using the City of Cranston Geographic Information System indicates that:

1. The subject site is located in Eastern Cranston on the east side of Turner Avenue between Searle Avenue to the south and Olive Avenue to the north.
2. The existing site contains a single-family dwelling, driveway, a shed, and assorted vegetation.
3. The surrounding neighborhood is zoned A-6, comprised of mostly single family residential lots with some two-family structures and one four-family residence.
4. The site slopes from the northwest corner to the southeast corner, dropping approximately 14 feet over 220 linear feet (slope of 3.65° or 6.36%)
5. The project is free of wetlands and outside of any regulated floodplains or historic/cultural districts.
6. The 2018 Natural Heritage Map does not show any known rare species located on or near the site.

IV. Staff / Agency Comments

No comments have been received by other departments at this time.

V. Interests of Others

No public comments have been received at this time.

VI. Planning Analysis

The subdivision has been redesigned from its previous version so that all of the lots now comply with A-6 zoning requirements, therefore, the subdivision of the lots is considered a “by-right” application. Importantly, the proposal is consistent the density prescribed by the Comprehensive Plan Future Land Use Map with an allocation of Residential 7.26 to 3.63 units per acre with approximately 6.53 units per acre, and the Comprehensive Plan supports housing development on infill lots in Eastern Cranston. The project site does not contain historic, cultural or natural features which would require preservation.

The proposal incorporates a few elements that are NOT by-right - the applicant is requesting waivers from the requirements for sidewalks and curbing and relief to allow the existing residence to encroach 3.7' into a newly relocated interior side setback. The sidewalk and curbing waivers are consistent with existing conditions, which was justification for the Plan Commission to grant with their approval of the previous subdivision proposal. Nothing has changed which would lead staff to change its recommendation on this matter or expect a different outcome.

A full analysis of the variance request is provided in the staff memo specific to the variance request, but to summarize staff's analysis - the relief requested is the minimum necessary & the applicant is offering mitigation with the increased setback on the abutting side yard, relief will not alter the character of the area, and it is consistent with the intent of zoning and the Comprehensive Plan. Importantly, relief would be consistent with Comprehensive Plan Goal

HG-5, “Conserve housing resources, especially affordable housing units, to preserve the base housing stock, as the costs of locating and constructing new housing units are significant.”

The applicant is offering to self-impose a 12’ side yard setback on the adjacent lot with the shared interior lot line as to offset the impacts and prevent buildings from appearing too close together. If relief is not granted, the applicant can knock the house down and build another one, so there is no substantive difference in outcome from the City’s perspective, only the matter of whether the City wants the applicant to knock down a house and build a new one because of a 3.7’ encroachment that is being offset.

VII. Waivers

The proposed subdivision requests a waiver from the provision of sidewalks and curbing.

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 first class mail 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). The proposed resulting density of approximately 6.53 units per acre is consistent with the FLUM’s designation of the subject parcel as “Residential 7.26 to 3.63 units per acre.”
2. The proposal is consistent with Comprehensive Plan Goal HG-5, “Conserve housing resources, especially affordable housing units, to preserve the base housing stock, as the costs of locating and constructing new housing units are significant.”
3. 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.”

4. All of the proposed lots will conform to zoning.
5. Zoning relief is requested for the existing residence to encroach into the relocated side property line. Approval of the subdivision shall be conditioned to zoning relief, or if relief is denied, the demolition or relocation of the existing structure so there is no encroachment.
6. 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.”

7. There is no proposed vegetation clearing other than for the footprint of a potential structures. With the exception of the existing single-family residence and associated improvements, the rest of the site is currently undeveloped grass lawn with a few trees and bushes.
8. 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.”

9. 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.
10. 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.”

11. The properties in question will have adequate permanent physical access on Turner Ave, a public roadway located within the City of Cranston.
12. The proposed subdivision provides for safe and adequate local circulation of pedestrian and vehicular through 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, with a waiver from the provision of sidewalks and curbing, subject to the conditions denoted below.

X. Conditions of approval

1. The applicant shall receive the necessary relief from the Zoning Board of Review for the encroachment of the existing residence into the side yard setback on Parcel A. Should relief be granted, the adjacent side yard setback for proposed Parcel B shall be 12 feet

instead of 8' feet. If relief is denied, the existing residence must be demolished or relocated as to eliminate the encroachment into the side yard setback and the side yard setback for Parcel B will be 8';

2. The applicant shall pay the Eastern Cranston Capital Facilities Impact Fee in the amount of \$1,186.92 (\$593.46 per new buildable lot) at the time of Final Plan recording.