

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP - Principal Planner / Administrative Officer
Date: October 27, 2020
Re: **Minor Subdivision without street extension - Preliminary Plan**
"Replat of Record Lots 568, 569, and 570"

Owner/ Applicant:

Powerhouse Realty, LLC

Location: 0 Waldron Avenue, AP 9, Lots 1155, 1156, and 1157

Zone: B-1 (Single-family and two-family dwellings)

FLU: Single/Two Family Residential Less Than 10.89 units per acre

I. Proposal

The proposal is to subdivide/merge 3 existing lots of record (totaling 11,000 ft²) into 2 new lots. If approved, Parcel B will host an existing single-family house on 6,000 ft² of land, and Parcel A will be a buildable lot on 5,000 ft² of land. The application requires 2 dimensional variances for Parcel A for proposed substandard lot size (proposed 5,000 ft² where 6,000 ft² is required) and proposed irregular side lot line (side lot line does not extend straight from the front of lot to the rear of lot). This application will require subsequent approval for dimensional relief from the Zoning Board of Review. The proposed subdivision is located in a B-1 zone and will be serviced by public water and sewer.

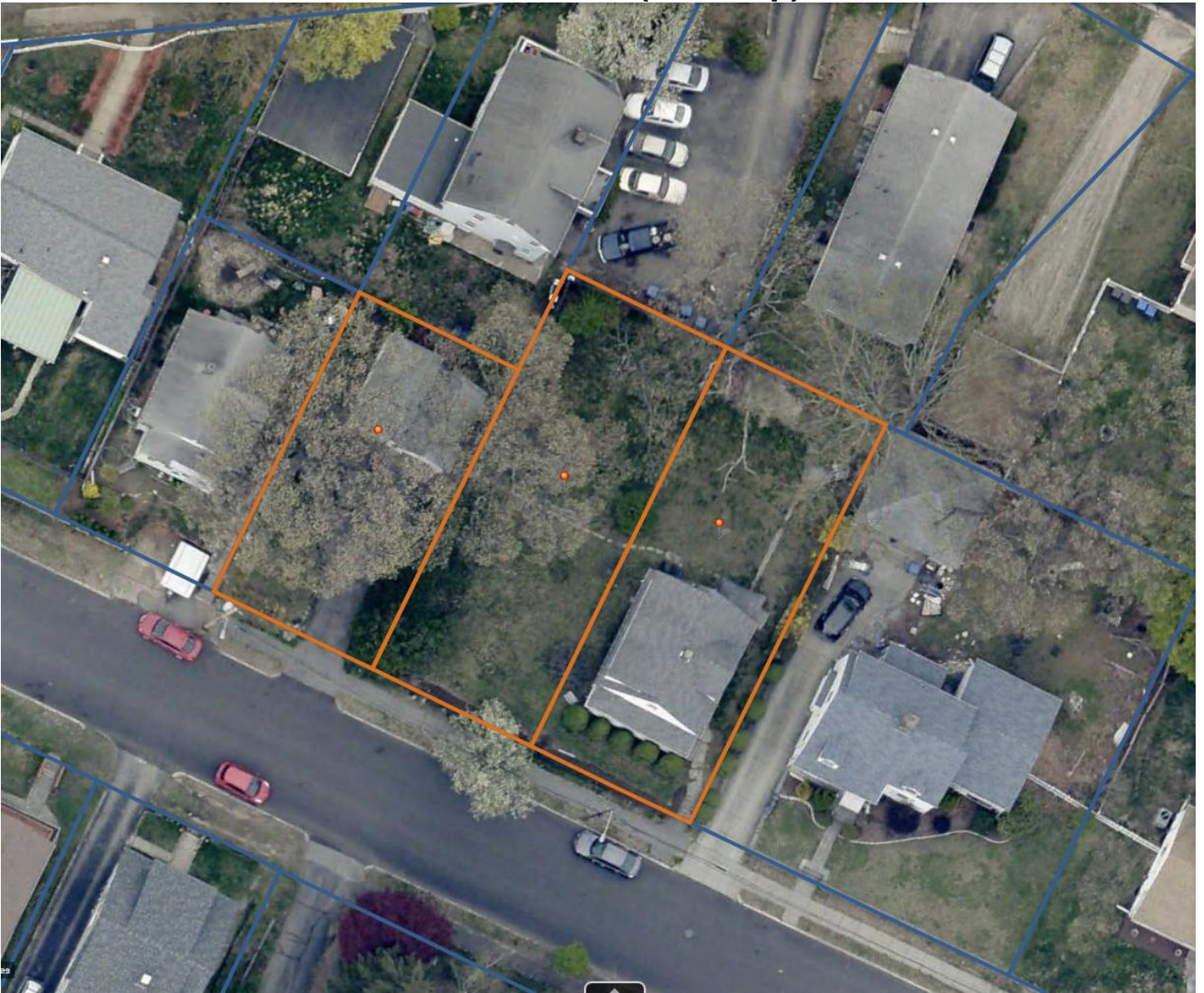
II. Documents which are part of the application

1. Preliminary Plan application signed by a Powerhouse Realty, LLC representative.
2. Application filing fees in the form of a check.
3. Preliminary Plan subdivision plan entitled "Minor Subdivision – Replat of Record Lots 568, 569, and 570" prepared by Robert Engelhardt, PLS.
4. Project Narrative with neighborhood assessment prepared by attorney Robert Murray.
5. 100' radius map and list of abutters.
6. Certificates of Municipal Liens showing property taxes are in good standing.

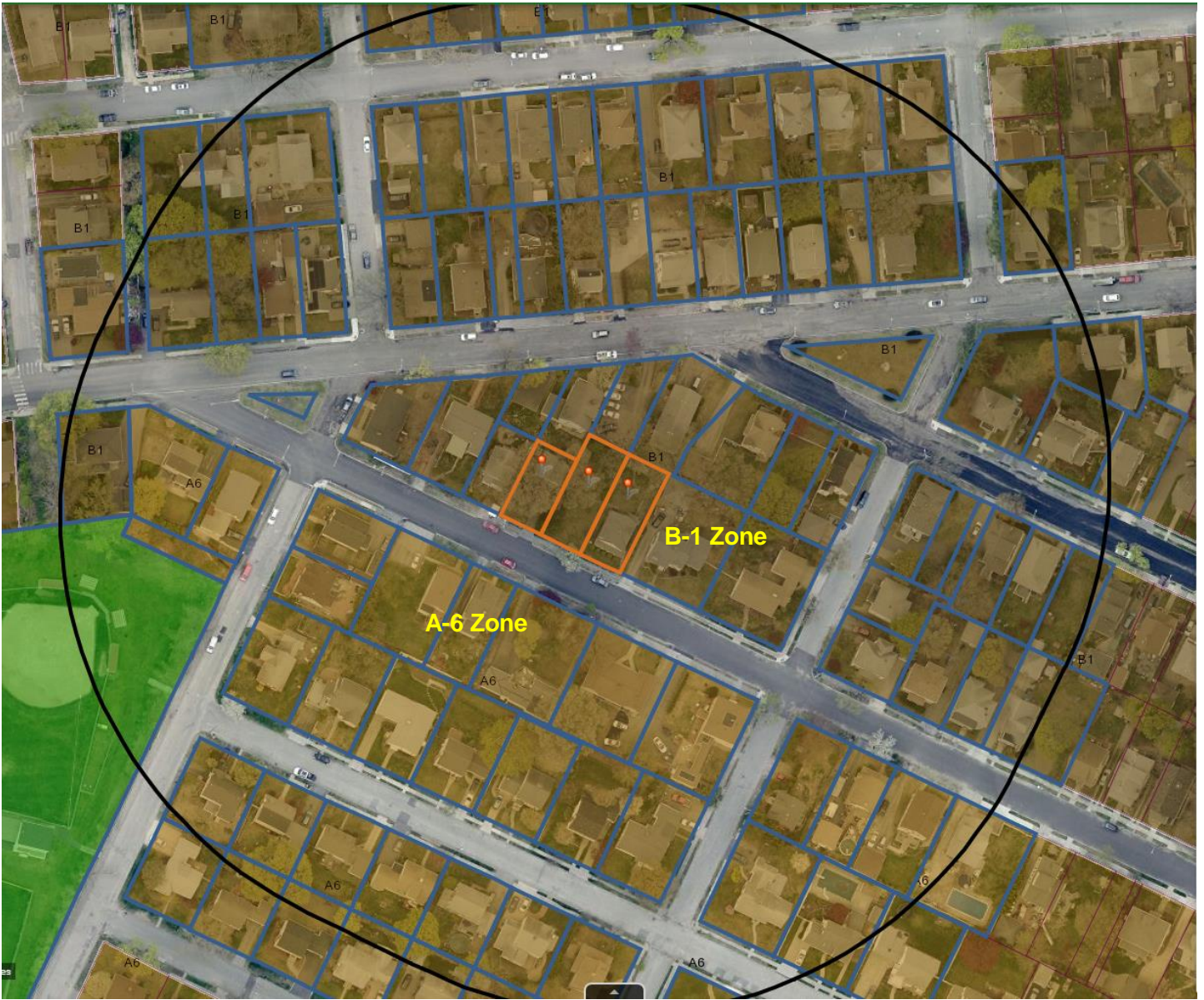
AERIAL VIEW (400' radius shown in black)



AERIAL VIEW (close up)



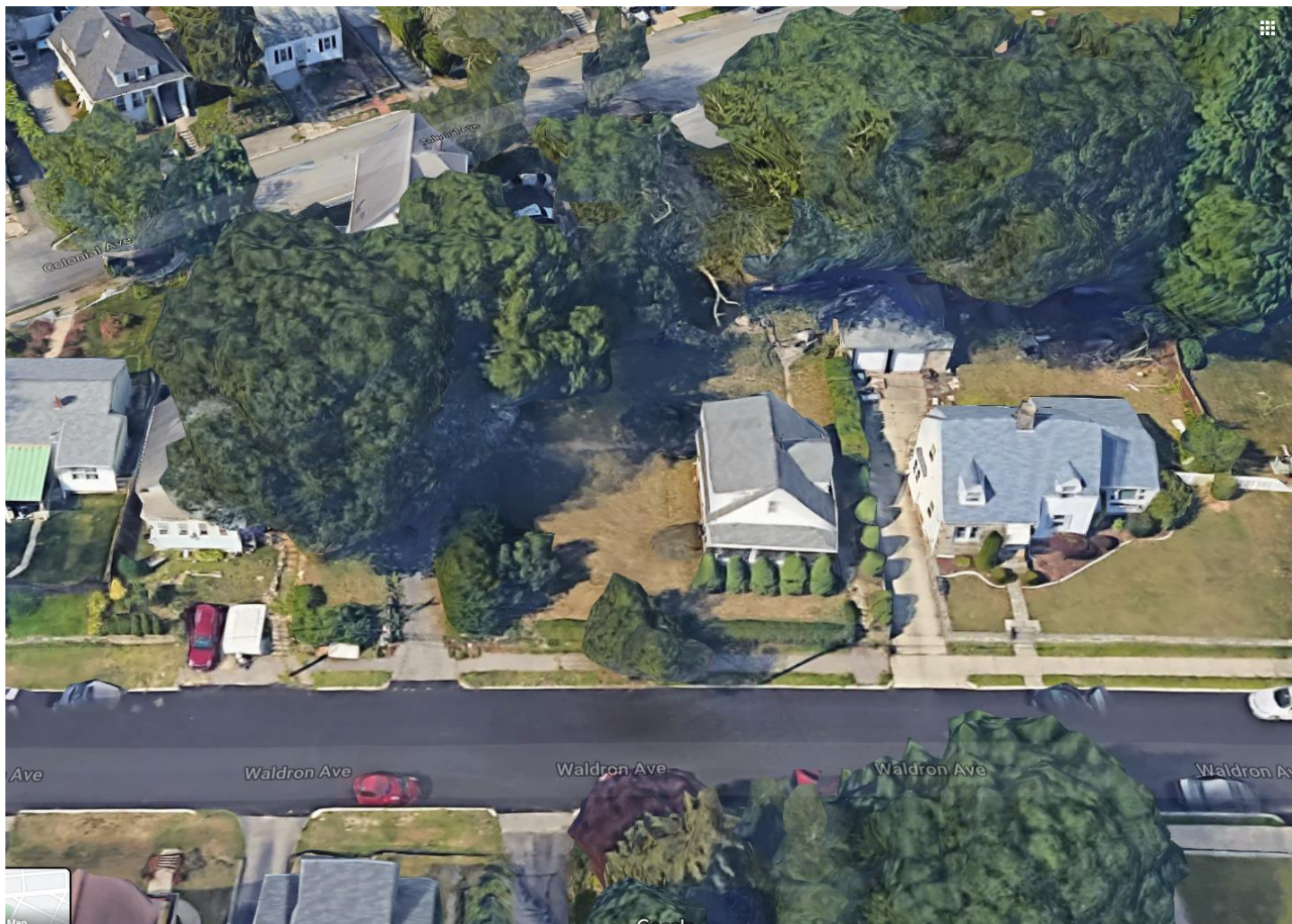
ZONING MAP



FUTURE LAND USE MAP



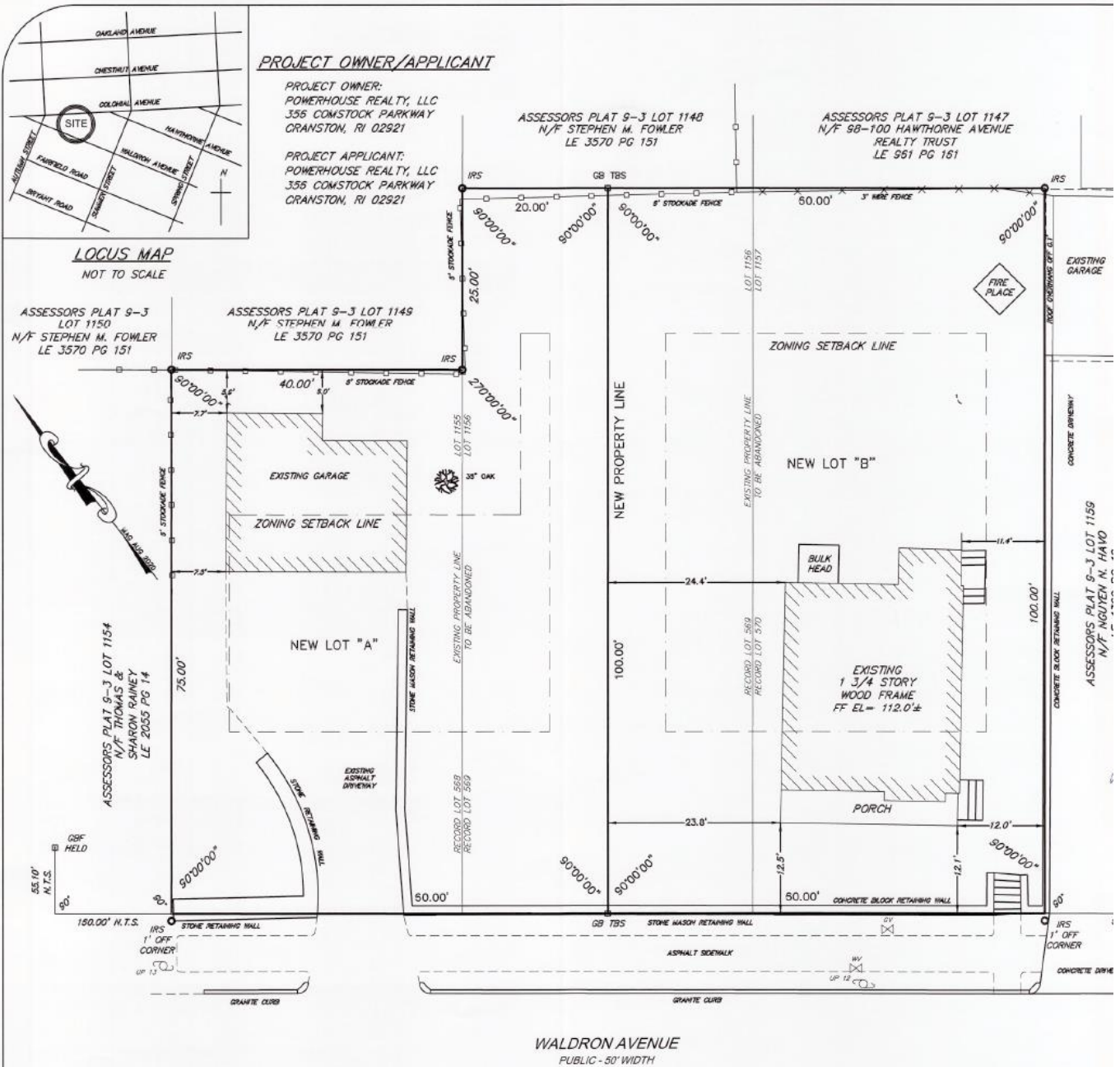
3-D AERIAL VIEW



STREET VIEW (from Waldron Avenue)



SITE PLAN



III. Surrounding land use and context

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

1. The subject parcels comprises a total of 11,000 ft² and is located in Eastern Cranston near the intersection of Waldron Avenue and Colonial Avenue.
2. The existing site contains a single-family dwelling, a detached 2-car garage, and surrounding vegetation/lawn.
3. The surrounding neighborhood (400 foot radius) is comprised of B-1 and A-6 zoned parcels, containing mostly single-family residential lots, with a smaller number of higher density residential uses (2-family, 3-family, etc).
4. The neighborhood was primarily developed prior to the establishment of this zoning designation and many of the lots in the neighborhood do not meet the minimum lot area requirement in a B-1 or A-6 zone (6,000 sq. ft.).
5. There is no significant slope within the subject property area.
6. The project is free of wetlands and outside of any regulated floodplains or historic/cultural districts.
7. The 2018 Natural Heritage Map does not show any known rare species located on or near the site.

IV. Interests of Others

No comments received at this time.

V. Staff / Agency Comments

Pursuant to RIGL 45-23-41 A3, these plans were distributed for comment to the Public Works Department / Engineering Division, Building and Zoning Department and the Fire Department.

No comments were received by other department at this time.

VI. Planning Analysis

The proposal is to subdivide/merge 3 existing lots of record (totaling 11,000 ft²) into 2 new lots. If approved, Parcel B will host the existing single-family house on 6,000 ft² of land, and Parcel A will be a vacant, buildable lot on 5,000 ft² of land. The applicant intends to build a conforming single-family house on Parcel A. The new dwelling would be serviced by public water and sewer.

This application will require subsequent Zoning Board of Review approval for 2 dimensional variances relating to Parcel A only. The 2 proposed variances are as follows:

- 1) Substandard lot size of 5,000 ft² where 6,000 ft² is required.
- 2) An irregular side lot line that does not extend straight from the front of lot to the rear of lot.

The proposed irregular side lot line configuration is the result of merging 2 pre-existing lots of record that are unique in their dimensional layout, whereas record lot 568 is 75 feet deep and record lot 569 is 100 feet deep. This lot depth discrepancy is the result of the existing conditions of these record lots and is not the result of any prior action of the applicant. Technically, the 3 subject lots are currently merged for zoning purposes (per Zoning Sec. 17.88.010 - Substandard lots of record), so it would follow that using the subdivision process to formally merge the lots does not inherently increase or change the existing non-conformity with regard to this side lot line. Regardless, the applicant has requested relief for the site lot line condition in an abundance of caution

With regard to the substandard lot size issue (proposed 5,000 ft² where 6,000 ft² is required), the applicant has submitted a neighborhood assessment that provides the following facts:

- Total number of residential lots within a 400 ft radius: 112
- Total number of lots with single family dwelling: 76
- Total number of lots with 2-3 family dwelling: 21
- Total number of lots with other uses: 15
- Lots less than or equal to 5,000 ft²: 63
- Average size of applicable lots: +/- 5,124 ft²

The surrounding neighborhood contains mostly single-family residential lots, but also has a small number of higher density residential uses. Overall, staff finds that the neighborhood analysis provided by the applicant gives positive evidence for consideration of the proposed substandard lot size based on consistency with the character of the surrounding neighborhood.

Additionally, the Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Single/Two Family Residential Less Than 10.89 units per acre". The proposed density of the project is 7.92 units/per acres (including the pre-existing single-family dwelling) so the project is in conformance with the Future Land Use Map despite the need for a lot size variance.

It should be noted that the Land Use Plan Element recognizes that many existing lots in the eastern portion of the city are undersized, and the Comprehensive Plan supports the development of these lots, stating: "*...the City grants variances routinely when properties are 5,000 square feet limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock.*" The Comprehensive Plan supports the development of undersized lots and provides clear policy direction relevant to this proposal. Furthermore, the proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston.

Staff has no concerns with the application and the resulting density on the site. This application provides an opportunity for infill development in Eastern Cranston in a manner that fits with the surrounding neighborhood.

VII. Waivers

None.

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 Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as “Single/Two Family Residential Less Than 10.89 units per acre”. The proposed density of the project is 7.92 units/per acres (including the pre-existing single-family dwelling) so the project is in conformance with the Future Land Use Map despite the need for a lot size variance. Additionally, the Land Use Plan Element recognizes that many existing lots in the eastern portion of the city are undersized, and the Comprehensive Plan supports the development of these lots, stating: “...the City grants variances routinely when properties are 5,000 square feet limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock.” The Comprehensive Plan supports the development of undersized lots and provides clear policy direction relevant to this proposal. Furthermore, the proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston.
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 proposed lots will require zoning relief for substandard lot size and an irregular side lot line. Should approval be granted through a separate decision by the Zoning Board of Review, the project will be in compliance with the City's 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.”

5. Clearing of vegetation (trees and bushes) may be needed in order to accommodate development on the proposed new buildable lot. However, the vegetation does not provide environmental habitat, and is located within a dense urban neighborhood. Additionally, the project will be subject to all local, state and federal standards regarding environmental impacts. Thus no negative 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 properties in question will have adequate permanent physical access on Waldron Avenue, a public roadway located within the City of Cranston.
10. 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, subject to the conditions denoted below.

X. Conditions of approval

1. Applicant shall receive variance approval for substandard lot area and an irregular side lot line from the Cranston Zoning Board of Review prior to filing the Final Plan Application with the Cranston Planning Department.
2. Payment of the Eastern Cranston Capital Facilities impact fee in the amount of \$593.46 (1 new unit) must be submitted at the time of final plat recording.

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean, AICP - Principal Planner / Administrative Officer
Date: October 28, 2020
Re: **Powerhouse Realty LLC, Two (2) Variance Requests Requiring Plan Commission Recommendations**

**Owner/
Applicant:**

Powerhouse Realty, LLC

Location: 0 Waldron Avenue, AP 9, Lots 1155, 1156, and 1157

Zone: B-1 (Single-family and two-family dwellings)

FLU: Single/Two Family Residential Less Than 10.89 units per acre

DIMENSIONAL VARIANCE REQUESTS:

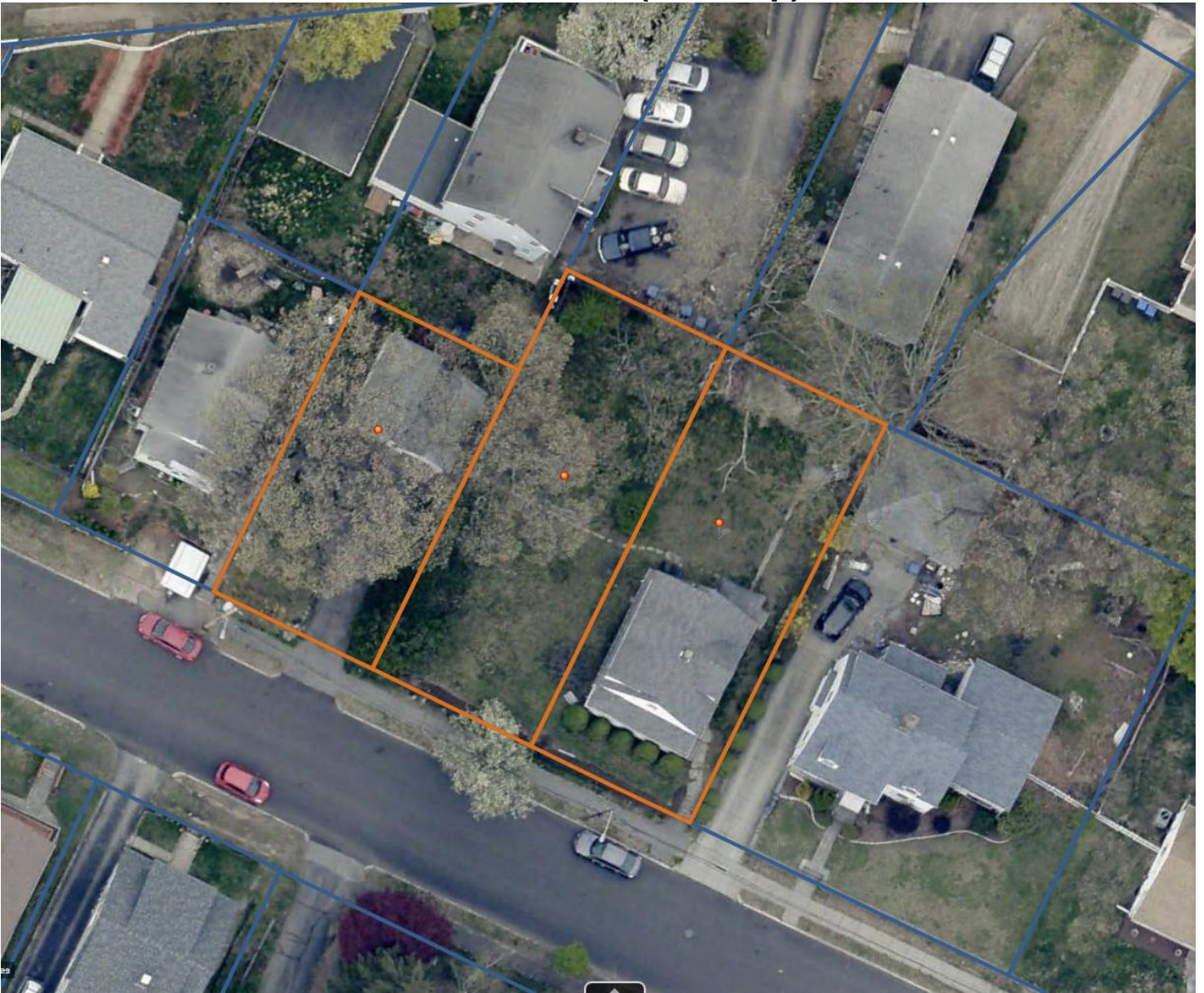
- 1) To allow a subdivision that will create a new buildable lot that is substandard in size, whereas the lot contains 5,000 ft² while 6,000 ft² is required. [Section 17.20.120 – Schedule of Intensity]
- 2) To allow a subdivision that will create an irregular side lot line that does not extend straight from the front of lot to the rear of lot. [Section 17.20.090 – Specific requirements]

NOTE: the 2 dimensional variances noted above both relate to “Parcel A” of the proposed subdivision.

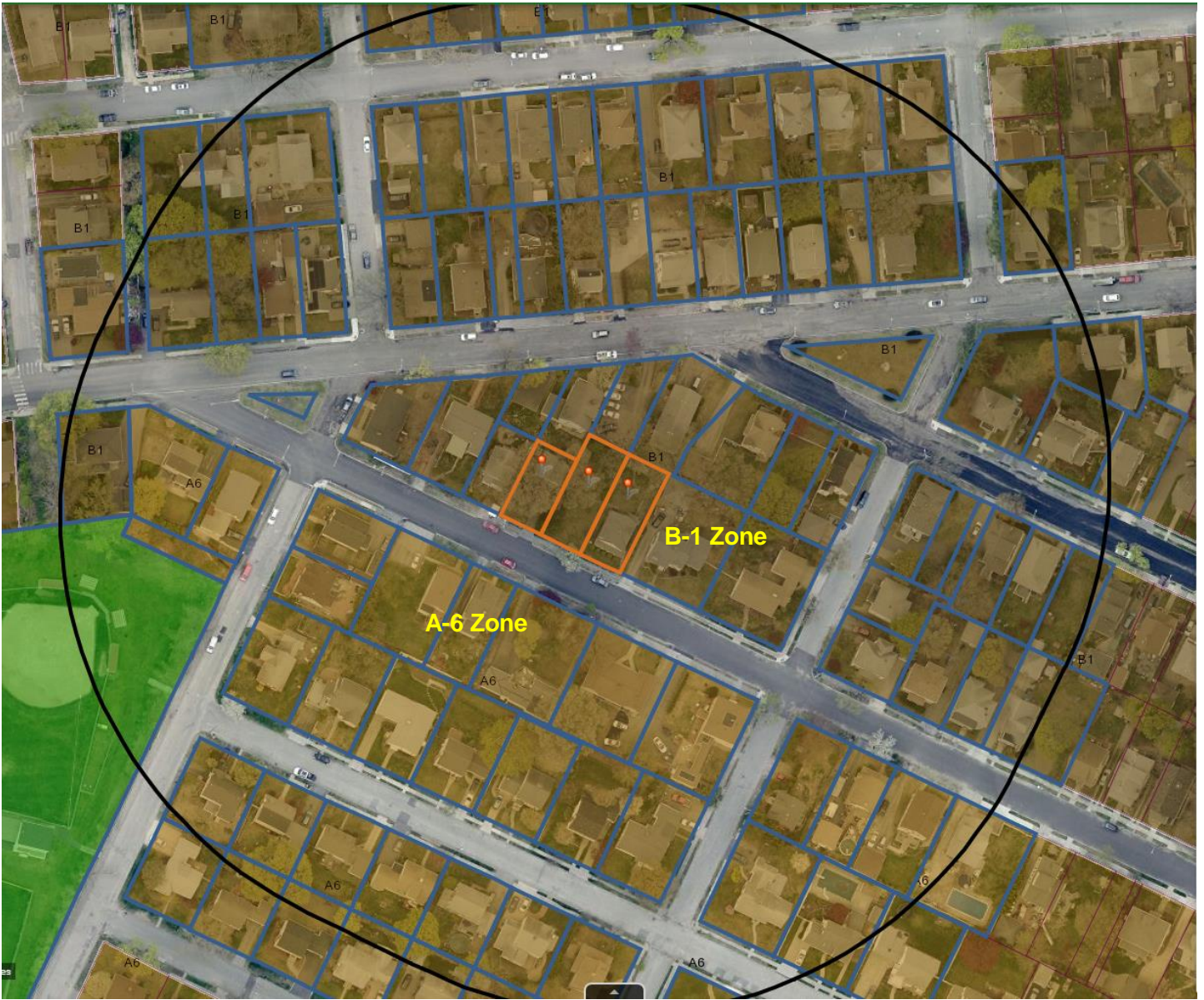
AERIAL VIEW (400' radius shown in black)



AERIAL VIEW (close up)



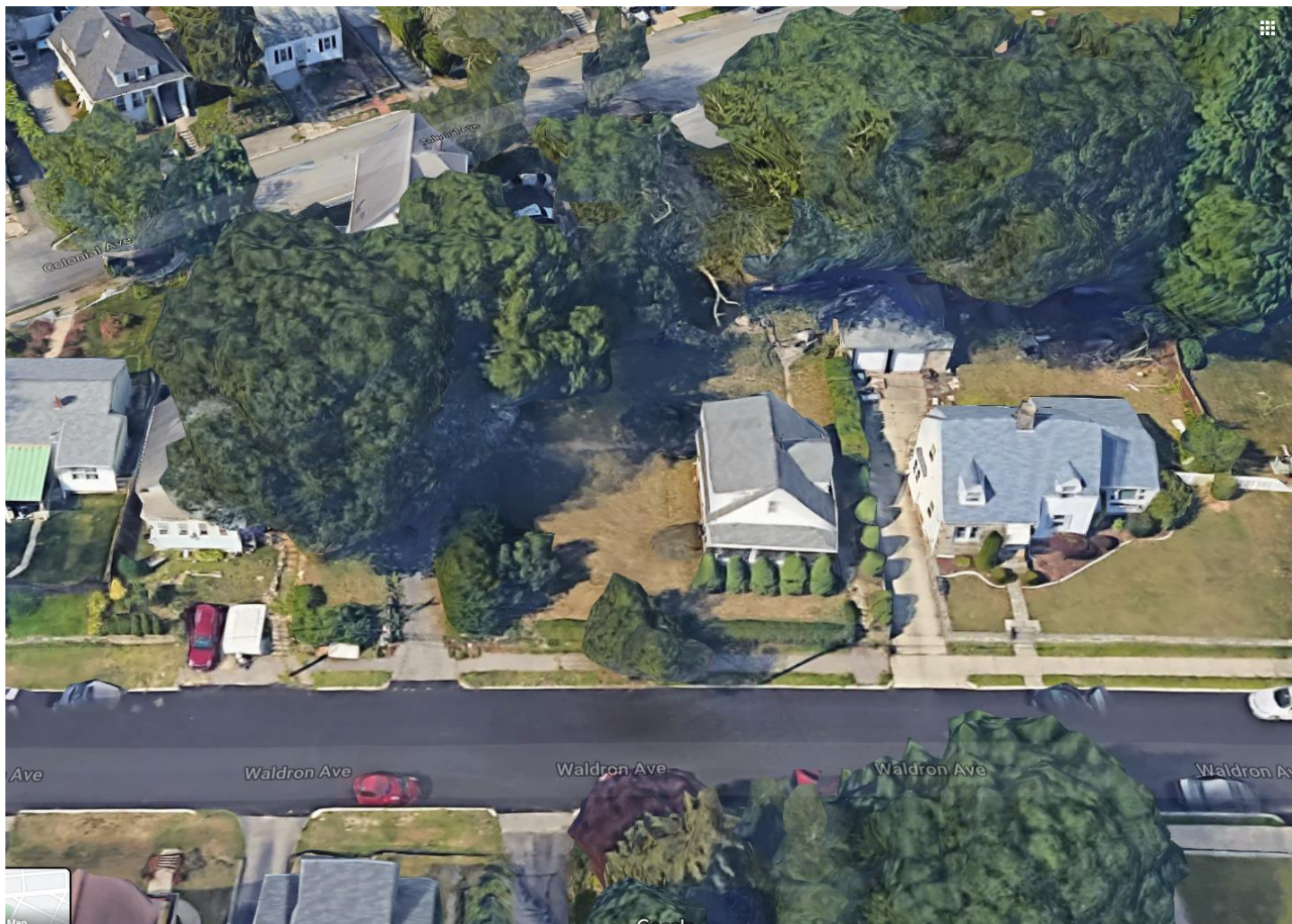
ZONING MAP



FUTURE LAND USE MAP



3-D AERIAL VIEW



STREET VIEW (from Waldron Avenue)



FINDINGS OF FACT:

- 1) The overall proposal is to subdivide/merge 3 existing lots of record (totaling 11,000 ft²) into 2 new lots. Parcel B will host an existing single-family house on 6,000 ft² of land (no variances required for Parcel B), and Parcel A will be a buildable lot on 5,000 ft² of land.
- 2) The application requires 2 dimensional variances relating to Parcel A as follows:
 - a. Substandard lot size of 5,000 ft² where 6,000 ft² is required.
 - b. An irregular side lot line that does not extend straight from the front of lot to the rear of lot.
- 3) The proposed subdivision is located in a B-1 zone and will be serviced by public water and sewer.
- 4) The surrounding neighborhood (400 foot radius) is comprised of B-1 and A-6 zoned parcels, containing mostly single-family residential lots, with a smaller number of higher density residential uses (2-family, 3-family, etc).
- 5) The neighborhood was primarily developed prior to the establishment of this zoning designation and many of the lots in the neighborhood do not meet the minimum lot area requirement in a B-1 or A-6 zone (6,000 sq. ft.).
- 6) The applicant has submitted a neighborhood assessment that provides the following facts:
 - a. Total number of residential lots within a 400 ft radius: 112
 - b. Total number of lots with single family dwelling: 76
 - c. Total number of lots with 2-3 family dwelling: 21
 - d. Total number of lots with other uses: 15
 - e. Lots less than or equal to 5,000 ft²: 63
 - f. Average size of applicable lots: +/- 5,124 ft²
- 7) Staff finds that the neighborhood assessment provided by the applicant gives positive evidence for consideration of the proposed substandard lot size based on consistency with the character of the surrounding neighborhood.
- 8) The proposed irregular side lot line configuration is the result of merging 2 pre-existing lots of record that are unique in their dimensional layout, whereas record lot 568 is 75 feet deep and record lot 569 is 100 feet deep. This lot depth discrepancy is the result of the existing conditions of these record lots and is not the result of any prior action of the applicant. Technically, the 3 subject lots are currently merged for zoning purposes (per Zoning Sec. 17.88.010 - Substandard lots of record), so it would follow that using the subdivision process to formally merge the lots does not inherently increase or change the existing non-conformity with regard to this side lot line.
- 9) the Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Single/Two Family Residential Less Than 10.89 units per acre". The proposed density of the project is 7.92 units/per acres (including the pre-existing single-family dwelling) so the project is in conformance with the Future Land Use Map despite the need for a lot size variance.
- 10) The Land Use Plan Element recognizes that many existing lots in the eastern portion of the city are undersized, and the Comprehensive Plan supports the development of these lots, stating: "...the City grants variances routinely when properties are 5,000 square feet limiting the purpose and effectiveness of the existing minimum size requirements. The City needs to address this issue and consider changing regulations to reflect the higher density in these areas, which are essentially built out and have an older housing stock." The Comprehensive Plan supports the development of undersized lots and provides clear policy direction relevant to this proposal.
- 11) The proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots is encouraged in Eastern Cranston.

IX. Recommendation

Due to the fact that the application is consistent with the Cranston Comprehensive Plan, due to the fact that the proposed lot size is consistent with the character of the surrounding neighborhood, and due to the fact that the irregular side lot line stems from a pre-existing non-conforming condition, staff recommends the Plan Commission forward a **positive recommendation** on this application to the Zoning Board of Review.