

MINUTES

May 5, 2020

Chairman Smith called the City Plan Commission Meeting to order at 6:35 p.m. via Zoom. He announced that there was no April meeting due to technical difficulties. All matters on that agenda were carried over to this meeting.

The following Commission members were in attendance: Chairman Smith, Ken Mason, Robert Strom, Joseph Morales, Ann Marie Maccarone, Kathleen Lanphear, Frederick Vincent and Robert Coupe.

The following Planning Department were in attendance: Jason M. Pezzullo, Planning Director, Douglas McLean, Principal Planner, Joshua Berry, Senior Planner, Joanne Resnick, Planning Clerk.

APPROVAL OF MINUTES

Upon motion made by Mr. DiStefano and seconded by Mr. Vincent, the Commission voted (8/1 – Chairman Smith abstained) to approve the minutes of the March 7th, 2020 regular meeting.

SUBDIVISIONS

“West Arlington Replat of Lots 391-394 & 434 – 436”

Minor subdivision without street extension

Three (3) additional house lots

Harmon Ave and Crescent Avenue

AP 7, Lots 1772-1774 & 1813-1815 / AP 6, Lot 1378

Mr. McLean presented the staff memorandum and PowerPoint presentation for for the proposed subdivision. The applicant proposed to subdivide/merge a total of 7 existing lots, comprising a total of 22,400 ft², into 4 proposed new lots that will be larger in size. If approved, 3 of the proposed lots will each contain 4,800 ft² with 60 feet of frontage, and 1 proposed lot will contain 8,000 ft² with 100 feet of frontage. The proposed lot containing 8,000 ft² has a pre-existing, nonconforming two-family dwelling that will remain. The proposed lots containing 4,800 ft² are currently vacant and will require approval for dimensional relief as part of a separate application to the Zoning Board of Review. The proposed lots are consistent with the Comprehensive Plan.

Mr. McLean also outlined the area residents’ concerns, which were provided to the Planning Department in writing. The comments were provided by Joshua Macomber, 40 Malcolm Street; Linda Baron, 214 Harmon Avenue and David Baron, 208-210 Harmon Avenue. There concerns were the loss of trees, traffic, speeding, on-street parking making it difficult for emergency vehicles to get through, cars parked on the City right-of-way and litter on the sidewalks.

Public Works Director, Ken Mason, stated that two new homes would not have an effect on traffic even though Harmon Avenue might be considered a “cut-through”. Traffic Safety Division, Steve Mulcahy, stated that these concerns are typical but would not affect traffic in the area.

Attorney Robert Murray representing the applicant, stated that Mr. L'Heureux has a purchase and sale agreement in place for the proposed development. He stated that the church owns four lots and Ms. Lawson owns one lot on Harmon Avenue and lives at 212 Crescent Avenue. The proposed new homes will be two-story with a garage and will meet the frontage and setback requirements. The only zoning relief required is for the size of the lots (4,800 for three lots and Parcel 4 will have 8,000 sq. ft. and contain the existing two-family dwelling), which are in excess of existing lots in the area.

Area resident, Joshua Macomber, stated that the existing older homes in the area cannot efficiently park the cars of the homeowners. He stated that the newer "Zarella properties" have cars parked in the street and do not allow sufficient space for a fire truck to get down the street. He stated that "every night there are 3-5 cars parked in the street".

Ms. Linda Baron expressed concern with the length of the driveways (25 ft. long) and the effect on pedestrian traffic.

Mr. Jose Mendez asked about the timeframe of construction and roadway patching. Attorney Murray stated the construction timeline will depend on the economy and that Mr. L'Heroux would build only one home at a time. Regarding roadway patching, Mr. Murray stated that State Law will be enforced regarding road patching. He stated that there is an ordinance in effect that does not allow for overnight on street parking that this matter is more of a police enforcement matter.

Upon motion made by Mr. Strom and seconded by Mr. Mason, the Commission unanimously voted (9/0) to adopt the Findings of Fact denoted below and approve this Minor Subdivision application subject to the following conditions.

Findings of Fact

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 policy direction within the City of Cranston Comprehensive Plan that states: "...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 proposed parcels are 4,800 ft² in area which is above the average lot size of the existing housing stock within a 400 foot radius of the subject property. Furthermore, the proposal is consistent with the Comprehensive Plan Housing Element in that development of infill lots are encouraged in Eastern Cranston. Based on the above, the subdivision is consistent with the Cranston Comprehensive Plan.
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. Three (3) of the proposed lots will require zoning relief for substandard lot size (proposed 4,800 ft² lots where 6,000 ft² is required). 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) would be needed in order to accommodate the development of new structures on proposed Parcels 1 and 2, however, the vegetation is not significant in size, 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 Crescent Avenue or Harmon Avenue, public roadways 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.

Conditions of approval

1. Applicant shall receive variance approval for substandard lot area 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 \$1,780.38 (3 new units) must be submitted at the time of final plat recording.

ZONING BOARD OF REVIEW

CHARLOTTE LAWSON (OWN) and CRANSTON BIBLE CHAPEL, INC. (OWN) and KEITH L’HEUREUX (APP) have filed an application to reconfigure an existing lot to create a new lot to construct a new single family dwelling at **0 Harmon Avenue, Parcel 2**, A.P.7, Lot 1772 and a portion of Lot 1773, Area 4,800 sq.ft., zoned A6. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity Regulations.

CHARLOTTE LAWSON (OWN) and CRANSTON BIBLE CHAPEL, INC. (OWN) and KEITH L’HEUREUX (APP) have filed an application to reconfigure an existing lot to create a new lot to construct a new single family dwelling at **0 Harmon Avenue, Parcel 1**, A.P.7, Lot 1774 and a portion of Lot 1773,

Area 4,800 sq.ft., zoned A6. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity Regulations.

CRANSTON BIBLE CHAPEL, INC. (OWN) and CHARLOTTE LAWSON (OWN) and KEITH L'HEUREUX (APP) have filed an application to reconfigure an existing lot to create a new lot to construct a new single family dwelling at **0 Crescent Avenue, Parcel 3**, A.P.7, Lot 1813 and a portion of Lot 1814, Area 4,800 sq.ft., zoned A6. The existing two family dwelling at 212 Crescent Avenue will remain on a reconfigured lot of 8,000 s.f. on Lots 1815, 1378 and a portion of Lot 1814. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity Regulations.

FINDINGS OF FACT:

1. The overall project proposal is to subdivide/merge a total of 7 existing lots, comprising a total of 22,400 ft², into 4 proposed new lots that will be larger in size. If approved, 3 of the proposed lots will each contain 4,800 ft² with 60 feet of frontage, and 1 proposed lot will contain 8,000 ft² with 100 feet of frontage.
2. The subject lots are located between Harmon Avenue and Crescent Avenue (each having frontage on one of these public rights-of-way). The lots are 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.
3. The project will retain a pre-existing, nonconforming two-family dwelling on 8,000 ft² (Parcel 4) that will NOT require a use or dimensional variance from the Zoning Board of Review. This project is only being discussed in the context of its inclusion in the subdivision plan.
4. The proposal includes three (3) lots containing 4,800 ft² that are currently vacant and will require approval for dimensional relief for being below the 6,000 ft² minimum lot size.
5. The surrounding neighborhood (400 foot radius) is comprised of A-6 zoned parcels, however this neighborhood was primarily developed prior to the establishment of the zoning designation and the average residential lot size in the neighborhood (4,225 ft²) is below the 6,000 ft² minimum lot size zoning requirement. Additionally, the average size of residential lots in the neighborhood is below the proposed lots that require dimensional relief (4,800 ft²).
6. The Cranston Comprehensive Plan's Future Land Use Map designates the subject parcels as "Single Family Residential 7.26 to 3.64 units/acre". While the proposed density of the project is 9.72 units/per acres (including the pre-existing two-family dwelling) 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.*"
7. The proposal is consistent with the Comprehensive Plan Housing Element in that the development of infill lots is encouraged in Eastern Cranston.
8. Based on finding #6 and #7 above, staff finds the proposal is consistent with the policy direction in the Comprehensive Plan.

PLANNING ANALYSIS:

The proposed subdivision includes 3 lots (Parcels 1-3) that have substandard lot area, but will meet all other zoning requirements. The lots in the surrounding neighborhood were established prior to the effective date of the Zoning Map, the majority of which are below the minimum lot size in an A-6 zone. The average size of residential lots within 400 feet of the subject parcels is 4,225 ft², which is less than the proposed substandard parcels (4,800 ft²). 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 are encouraged in Eastern Cranston.

It should be noted that the minimum lot size requirement for any use, including the pre-existing nonconforming two-family dwelling, in the A-6 zone is 6,000 ft². Therefore, the parcel with the existing two-family dwelling (Parcel 4) will not require zoning relief. Although it was not required, it should be noted that the applicant altered the proposal based on Planning Department staff feedback to provide additional square footage to the lot that with the pre-existing two-family dwelling in order to increase its lot size to 8,000 ft². By means of comparison, the closest zoning standard for a minimum lot size for a two-family dwelling can be found in the B-1 zone, which allows such a use on an 8,000 ft² lot by-right. This comparison provides positive evidence that a lot with 8,000 ft² is an adequate size to accommodate a two-family dwelling.

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. Additionally, the site is already serviced with public water, sewer, and roadway infrastructure.

The following table summarizes the existing and proposed conditions of the subject lots:

LOT	Area of each lot (ft ²)	Area deviation from 6,000 ft ² requirement	Frontage of each lot (ft)	Deviation from 60 ft requirement
Existing 7 Lots	3,200	-2,800	40	-20
<i>Proposed Parcel 1</i>	<i>4,800</i>	<i>-1,200</i>	<i>60</i>	<i>0</i>
<i>Proposed Parcel 2</i>	<i>4,800</i>	<i>-1,200</i>	<i>60</i>	<i>0</i>
<i>Proposed Parcel 3</i>	<i>4,800</i>	<i>-1,200</i>	<i>60</i>	<i>0</i>
<i>Proposed Parcel 4*</i>	<i>8,000</i>	<i>+2,000</i>	<i>100</i>	<i>+40</i>

**Parcel 4 has a pre-existing nonconforming two-family dwelling that does NOT require a use or dimensional variance from the Zoning Board of Review.*

PLAN COMMISSION RECOMMENDATION:

NOTE: The overall application to the Zoning Board of Review has been broken into 3 separate applications, representing 1 application for each of the proposed 3 substandard lots. The Plan Commission took 3 separate votes on this matter at its May 5, 2020 meeting, and the 3 votes were all unanimously approved for the same recommendation as stated below.

Due to the fact that the application is consistent with the Cranston Comprehensive Plan, and due to the fact that the proposed lot size is consistent with the character of the surrounding neighborhood, the Plan Commission forwards a positive recommendation on this application to the Zoning Board of Review.

Three separate votes were taken on this matter as follows:

Parcel 2 – Motion to recommend approval was made by Mr. DiStefano and seconded by Mr. Morales. The Plan Commission unanimously voted (9/0) to recommend approval of this application to the Zoning Board of Review.

Parcel 1 - Motion to recommend approval was made by Mr. Coupe and seconded by Mr. Vincent. The Plan Commission unanimously voted (9/0) to recommend approval of this application to the Zoning Board of Review.

Parcel 3 - Motion to recommend approval was made by Mr. Mason and seconded by Mr. DiStefano. The Plan Commission unanimously voted (9/0) to recommend approval of this application to the Zoning Board of Review.

NEXT REGULAR MEETING - June 2nd, 6:30PM – Location/Format TBD

ADJOURNMENT

Upon motion made by Mr. DiStefano and seconded by Mr. Vincent, the Plan Commission unanimously voted to adjourn at 7:35 pm.