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September 8, 2021

Councilman Reilly
Ordinance Committee Chair
Cranston City Hall
869 Park Avenue
Cranston, RI 02910

RE: Ordinance 7-21-17 - Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone from A-80 to A-20 – 0 Sage Drive).

Dear Chairman Reilly:

The above referenced ordinance was reviewed by the City Plan Commission on September 7, 2021 for the purpose of providing the Council with an advisory recommendation, as required by Section 45-24-52 of the Rhode Island General Laws and Section 17.120.030 of the Cranston Zoning Code.

After review and consideration, upon a motion by Mr. Strom and seconded by Mr. Vincent, the City Plan Commission voted (7-0) to forward the following recommendation:

*Based on the findings that Ordinance #07-21-17 is not just consistent with but **prescribed by** the Comprehensive Plan, is consistent with the applicable purposes of zoning as presented in Section 17.04.010, and is consistent with the surrounding land uses and existing development pattern, the City Plan Commission forwards a **positive recommendation** on Ordinance #07-21-17 to the City Council.*

For further background on this application, please find the enclosed Planning Department memo that was provided to the Plan Commission in advance of their meeting.

Respectfully submitted,

Joshua Berry, AICP, MURP
Senior Planner/Administrative Officer

City Planning Department



Memo –

To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: August 31, 2021
Re: Ordinance #07-21-17 Entitled “Zoning”
Proposed Change of Zone – 0 Sage Drive (AP 35 Lot 2) [from A-80 to A-20]

Preamble:

This ordinance was previously submitted to the city in 2019. In May of the same year, the Plan Commission forwarded a positive recommendation (6/3 vote) to the Ordinance Committee with the condition that only 8 single-family homes be allowed. However, the applicant **withdrew** the ordinance before a vote by the Ordinance Committee. The applicant has waited the mandatory two-year period and has resubmitted.

The only difference staff identifies between the last proposal and the current proposal is the fact that the owner had the trees cut down on a portion of the site. See aerial images from March 2021, below.

March 2021 Aerial Image

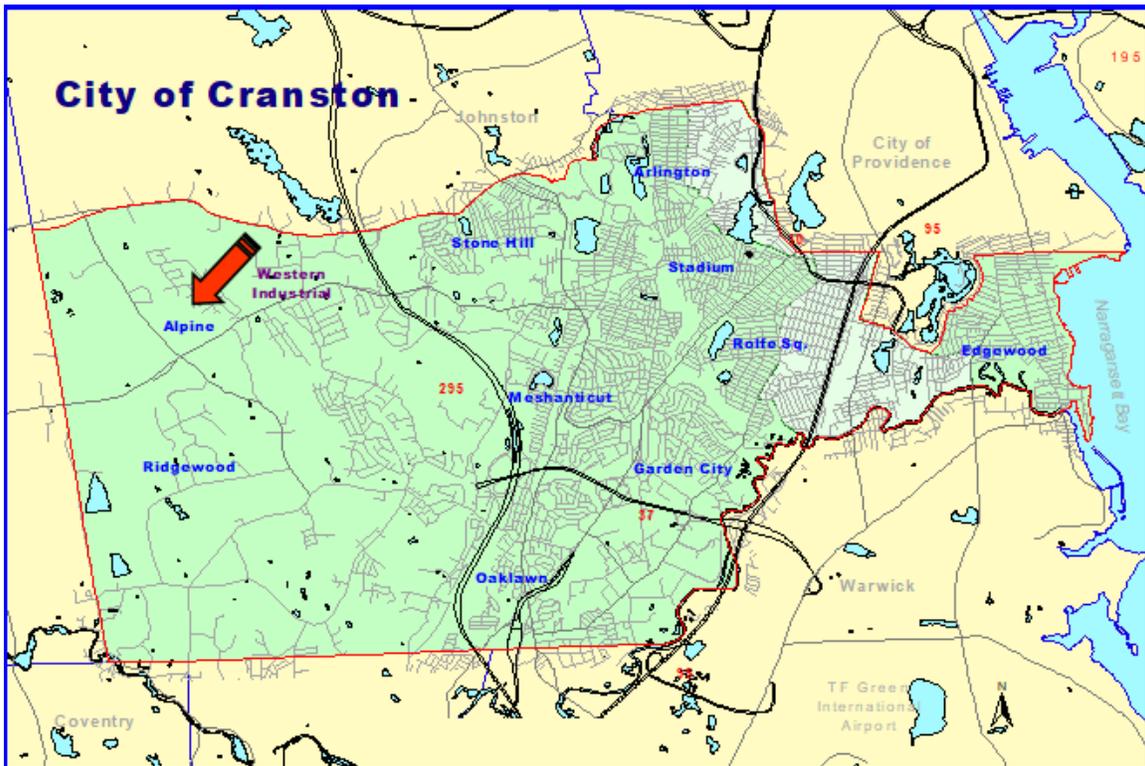


The above image indicates that the owner roughed out the approximate area for the proposed roadway. The city does not prohibit/regulate in the absence of environmental or other restrictions, so the owner is not in violation with city regulations. This action, although it may be highly unpopular with the neighbors, is not within Planning staff's purview in relation to the required findings of fact for a rezone application, and therefore staff's recommendation remains unchanged.

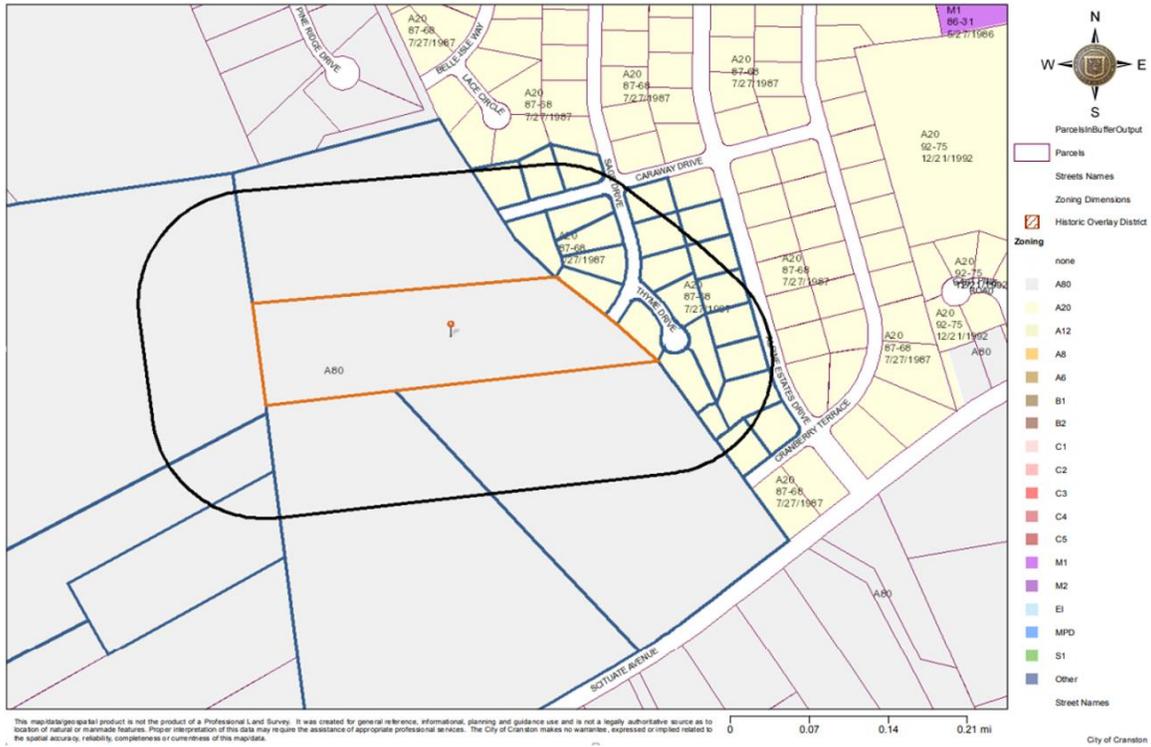
I. Proposal

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 ft² lots) to A-20 (Single Family Residential on 20,000 ft² lots). The property is currently undeveloped. The proposal is intended to for future development of the property for single family residences.

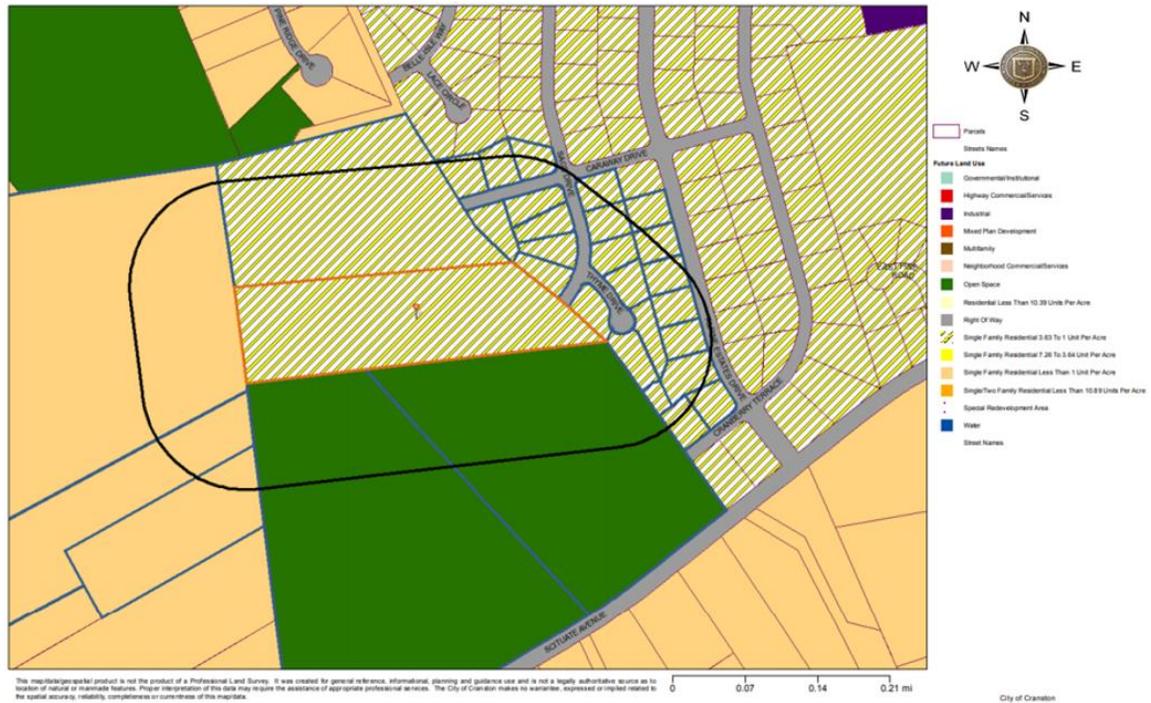
LOCATION MAP



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 #07-21-17 to the City Council.