

CITY PLANNING DEPARTMENT



Memorandum – FINAL

To: City Plan Commission
From: Jonas U. Bruggemann, MSCRP – Senior Planner
Date: June 21, 2024
RE: Pavilion Avenue – Assessors Plat 7/4, Lots 3363, 3366, 3644, & 3814
“**Pavilion Ave Plat**” – Minor Subdivision: Preliminary Plan

This application is a resubmission of a Preliminary Plan of a project entitled “Pavilion Ave Plat” that was received on October 27, 2023. The Application was reviewed and approved by the City Plan Commission in a public hearing on February 7, 2024 under the Condition that the Zoning Board of Review grant the required dimensional relief. The Request for Zoning Relief was reviewed by the Zoning Board of Review in a public hearing on April 10, 2024 and denied. This Application was submitted under Unified Development Review in accordance with RIGL §§ 45-23-50.1 and 45-24-46.4 ratified on January 1, 2024, as well as Section 17.86 of the Cranston Code of Ordinances, ratified on December 19, 2023, thereby being considered by the City Plan Commission as a new Application.

I. Applicant | Property | Proposal

The Applicant and Owner is AA&E Properties, LLC.

The subject property is in the Potter Homestead Plat, located off Pavilion Avenue, identified as Assessors Plat 7/4, Lots 3363, 3366, 3644, & 3814.

The property is zoned Residential B-1 (B-1) and is not located in any municipal overlay district.

The Proposal is to reconfigure the existing four (4) record lots into two (2) new lots for two-family residential development:

- Lot A: 13,237 sq. ft.
- Lot B: 13,237 sq. ft.

The following dimensional relief is required for the Proposal to comply with the Zoning Ordinance:

- Parcel A: To allow the construction of a two-family dwelling on a 13,237 sq. ft. lot with 20’ feet of frontage where 60’ of frontage is required in an B1 zone, (17.92.010 – Variances and 17.20.030 – Schedule of Intensity Regulations.
- Parcel B: To allow the construction of a two-family dwelling on a 13,237 sq. ft. lot with 40’ feet of frontage where 60’ of frontage is required in an B1 zone, (17.92.010 – Variances and 17.20.030 – Schedule of Intensity Regulations.

II. Documents Submitted for This Application

1. Minor Subdivision Plan entitled “**Pavilion Avenue Plat**” prepared by Richard T. Bzdyra, PLS, of Ocean State Planners, Inc.; dated October 10, 2023.
 - a. Sheet 1 of 3: Preliminary Plan
 - b. Sheet 2 of 3: Existing Conditions
 - c. Sheet 3 of 3: Record Plan

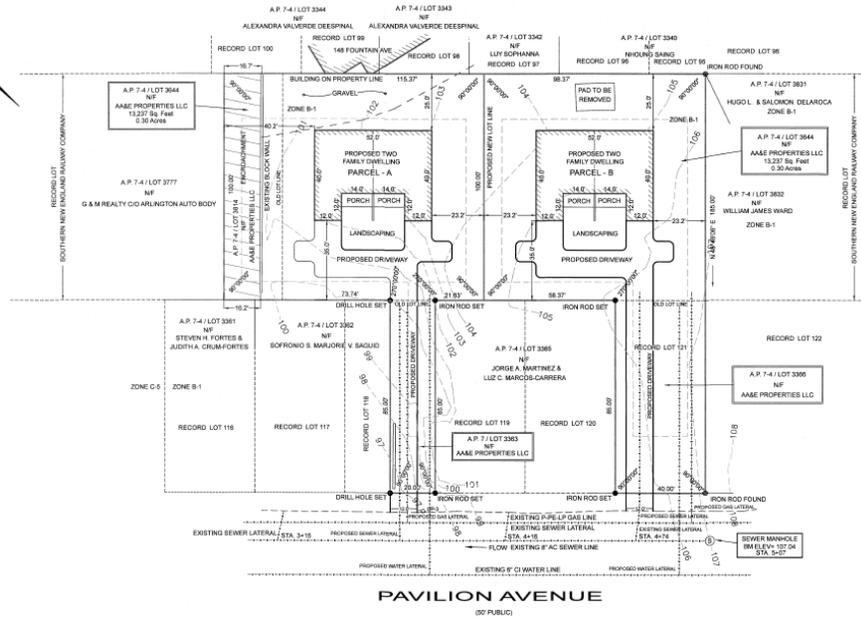
2. Minor Subdivision – Preliminary Plan Application, signed by Applicant and Owner AA&E Properties, LLC.
 - a. Application Fee for \$240.00; dated June 11, 2024.
3. Project Narrative, prepared by Ocean State Planners, Inc.; dated October 6, 2023.
4. Request for Municipal Lien Certificate

III. 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 northerly side of Fountain Avenue, southerly side of Pavilion Avenue and Pavilion Court, and westerly side of Cranston Street.
2. The surrounding area is B-1 land, with C-5 to the immediate southeast. Development in the area consists of single- and two-family residential, with commercial development directly abutting Cranston 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 44007C0312H, and outside of any regulated floodplain or flood hazard districts.

PAVILION AVENUE
STREET INDEX



PAVILION AVENUE
(50' PUBLIC)



LOCUS MAP

ZONING DISTRICT B-1
TWO FAMILY

MINIMUM LOT AREA: 8,000 S.F.
MINIMUM LOT FRONTAGE: 60 FT.
MINIMUM SETBACKS: FRONT: 25 FT.
SIDE: 8 FT.
REAR: 20 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM LOT COVERAGE: 50%
PARCEL - A TOTAL PERCENT COVERAGE = 35%
PARCEL - B TOTAL PERCENT COVERAGE = 35%

MINOR SUBDIVISION PLAN

PRELIMINARY PLAN
PAVILION AVENUE PLAT
A.P. 7 / LOTS 3363, 3366, 3644 & 3814
PAVILION AVENUE
CRANSTON, R.I.

SCALE: 1"=20' DATE: OCTOBER 10, 2023

PREPARED FOR:
AA&E PROPERTIES, LLC
688 PRAIRIE AVENUE
PROVIDENCE, R.I. 02905

PREPARED BY:
OCEAN STATE PLANNERS, INC.
1255 OAKLAWN AVENUE, CRANSTON, RI 02920
PHONE: (401) 463-9696 info@osplanners.com

JOB NO. 10410 / DWG. NO. 10410 - (JNP)

SHEET 1 OF 3
GRAPHIC SCALE 1" = 20'
0 20 40 60

SURVEY CLASSIFICATION:

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOVEMBER 22, 2012, AS FOLLOWS:

TYPE OF BOUNDARY SURVEY: MEASUREMENT SPECIFICATION:
LIMITED CONTENT BOUNDARY SURVEY CLASS I
DATA ACCUMULATION SURVEY CLASS II

THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:
FOR MINOR SUBDIVISION PRELIMINARY PLAN FOR PROPOSED TWO SINGLE FAMILY DWELLINGS.
BY: _____ DATE: _____

BY: RICHARD T. SZYRA, P.L.S. LICENSE #1786, COA #LS480

THE FOLLOWING TYPES OF EVIDENCE WERE USED TO CONSTRUCT THIS SURVEY:
RECORDED FOUND MONUMENTS IF ANY, NON RECORDED MONUMENTS, LINES OF POSSESSION, AND OTHER EVIDENCE RELATIVE TO THE DEED ON PLAT. THE BOUNDARY SOLUTION IS THE COMPILED OF INFORMATION TO DETERMINE THE MOST PROBABLE LOCATION OF THE SURVEYED PARCEL.

NOTE:

1. FEMA MAP 4407C0312H / 10/2015 / ZONE X.
2. THIS PROPERTY IS NOT IN A NATIONAL HERITAGE SURVEY AREA.

REFERENCE:

1. DEED BK 8426 / PG. 13
2. TROTTER HOMESTEAD PLAT CRANSTON, R.I. THE PROVIDENCE REAL ESTATE IMPROVEMENT COMPANY BY FRANK E. WATERMAN DECEMBER 1919 PLAT CARD 221
3. SUBDIVISION PLAN PAVILION COURT CRANSTON, R.I. MARCH 6, 1984 AMERICAN ASSOCIATES' PLAT CARD 514

LOT / PARCEL	OLD AREA	NEW AREA
LOT 3644	18,774 S.F.	0
LOT 3366	3,400 S.F.	0
LOT 3363	1,700 S.F.	0
LOT 3814	2,600 S.F.	0
PARCEL - A	0	13,237 S.F.
PARCEL - B	0	13,237 S.F.

OWNER:

AA&E PROPERTIES, LLC
688 PRAIRIE AVENUE
PROVIDENCE, R.I. 02905

V. 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, have not responded at this time. An equivalent proposal was reviewed with Staff in 2023 and no issues were found at that time.
 - d. Providence Water Supply Board: Although PWSB hasn't responded at this time, the existence of a 6" water supply line on the Existing Conditions Plan indicates existing service.
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, has not provided commentary at this time.
3. Fire Department: Mr. James Woyciechowski, Fire Marshal has not provided commentary at this time.

VI. Planning Analysis

Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as "*Single/Two Family Residential – Less than 10.89 Units/Acre.*"
 - Per the Comprehensive Plan, the B-1 zoning district is an appropriate zoning classification for two-family residential development.
 - The proposed use (two-family residential) is consistent with the Comprehensive Plan.
 - The proposed density (6.58 units/acre) falls far below the Future Land Use Map density designation of Less than 10.89 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: 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.
 - Housing Policy 4.3: Promote regulations that facilitate the development of affordable housing.

VII. Interests of Others

None to Report.

VIII. Additional Matters

None to Report.

IX. Waivers

None Requested.

X. 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, return receipt requested (dated June 20, 2024) and the meeting agenda has been properly posted.

A. Unified Development Review

The Applicant has submitted a Declaration of Hardship in response to the required Findings of Fact in accordance with RIGL § 45-24-41 which can be viewed as part of the application materials.

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 17.86 of the Cranston Code of Ordinances 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 concurs with the Applicants statement that the hardship is due to the unique physical characteristics of the lots, as two lots are landlocked and three lots are undersized lots of record.
- There are no factors that suggest that the hardship is due to a physical or economic disability of the applicant.

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

- The undersized frontage of the lots pre-dates the current ownership.

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 two two-family residential dwellings within a B-1 zoning district.
 - The surrounding area is B-1 land, with C-5 to the immediate southeast. Development in the area consists of single- and two-family residential, with commercial development directly abutting Cranston Street.
 - 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 B-1 district under Section 17.20.120 of the Zoning Ordinance.
 - The proposed use (two-family residential) is consistent with the Comprehensive Plan.
 - The proposed density (6.58 units/acre) falls far below the Future Land Use Map density designation of Less than 10.89 units/acre.
 - Staff finds that the Application is directly consistent with the Future Land Use Map designation.
- The Proposal does not impair the intent or purpose of the Zoning Ordinance as described in Section 17.04.010 of the Cranston Zoning Ordinance.
- The Proposal is consistent with the Comprehensive Plan as:
 - The proposed use (two-family residential) is consistent with the Comprehensive Plan.

- The Application is directly consistent with the Future Land Use Map designation as the proposed density (6.58 units/acre) falls within the Future Land Use Map density designation of Less than 10.89 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 concurs with the Applicant statement that the requested relief is the minimum needed for the Applicant to enjoy a reasonable, by-right use of the property.

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 6.58 units per acre is less than the FLUM’s designation of the subject property as “Single/Two Family Residential Less than 10.89 units 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) which if granted, will grant 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 **final** 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 Pavilion Avenue, a public city street.
- The Proposal provides for safe and adequate local circulation for vehicular traffic.

XI. Recommendation

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.

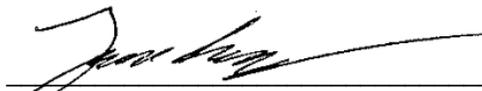
Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Preliminary Plan submittal subject to the conditions denoted below.

XII. 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. Final Plan shall be stamped by Rhode Island Licensed Engineer or Land Surveyor.
3. Final Plan shall provide details on driveway arrangement for Parcel A in relation to abutting retention walls.
4. Curb-to-curb pavement restoration shall occur as needed in accordance with and to the satisfaction of the Department of Public Works.
5. Payment of the Eastern Cranston Capital Facilities Development Impact Fee of \$2,373.84, (\$593.46 x4 units).

Respectfully Submitted,



Jonas U. Bruggemann, MSCRP
Senior Planner / Administrative Officer

Cc: Applicant
City Planning Director
File