

CITY PLANNING DEPARTMENT



Memorandum – Unified Development Review

AMENDED 8/5/24

To: City Plan Commission
From: Brianna L. Valcourt, M.Arch; Senior Planner
Date: July 30, 2024
RE: "Replat of Lots 86, 87 & 88 Pirce Plat" – Assessors Plat 12/2, Lots 1796, 1797 and 1798
Minor Subdivision with Street Extension: Preliminary Plan
Application for Dimensional Variance

Owner / Applicant: Joseph M. Furtado
Location: 0 Macera Drive
Zoning: A-8 – Single-family dwellings (8,000 sq. ft.)
FLUM Designation: Single Family Residential 7.26 to 3.64 Unit Per Acre

I. Applicant | Property | Proposal

The Owner and Applicant is Joseph M. Furtado for 6 South Drive LLC.

The subject property is located at 0 Macera Drive, abutting Vera Street and Yeoman Avenue, identified as Assessors Plat 12/2, Lots 1796, 1797 and 1798.

The property is zoned Residential A-8 and is not located in any municipal overlay district.

The Proposal is to reconfigure the three (3) record lots into two (2) new lots of 6,000 square feet for two new homes:

- Lot 1: 6,000 sq. ft.
- Lot 2: 6,000 sq. ft.

Required relief includes relief from multiple dimensional requirements for a replat and residential development project in a A-8 zone (17.20.120 – Schedule of Intensity Regulations, 17.92.010 – Variances).

Relief from 17.20.120 - Schedule of intensity regulations:

- Parcels A & B: Minimum Land Area
 - Required: 8,000 sq. ft.
 - Proposed: 6,000 sq. ft.
- Parcels A & B: Minimum Frontage
 - Required: 80 ft.
 - Proposed: 60 ft.
- Parcels A & B: Minimum Setback
 - Front

- Required: 25 ft.
- Proposed: 18.75 ft.

- Side
 - Required: 10 ft.
 - Proposed: 7.5 ft.
- Rear
 - Required: 20 ft.
 - Proposed: 15 ft.

II. Land Evidence Records References

“Replat of Lots 86, 87 & 88 Pirce Plat”

Land: The subject property includes land referenced as “Lots 86, 87 & 88” on a Plan entitled “Pirce Plat Cranston, R.I.” Prepared For Bodwell Land CO., Prepared by J.A. Latham, Sheet 1 of 1, Dated May 1911, Scale 1” = 120’ recorded in the City Clerk’s Land Evidence Records Office as Plat Card 194 in Plat Book 8, Page 10.

Title: The subject property is referenced in a Deed recorded in the City Clerk’s Land Evidence Records Office in Book 904, Page 266; Book 4649, Page 247; Book 5679, Page 3; Book 4121, Page 111; & Book 5124, Page 312.

III. Documents Submitted for This Application

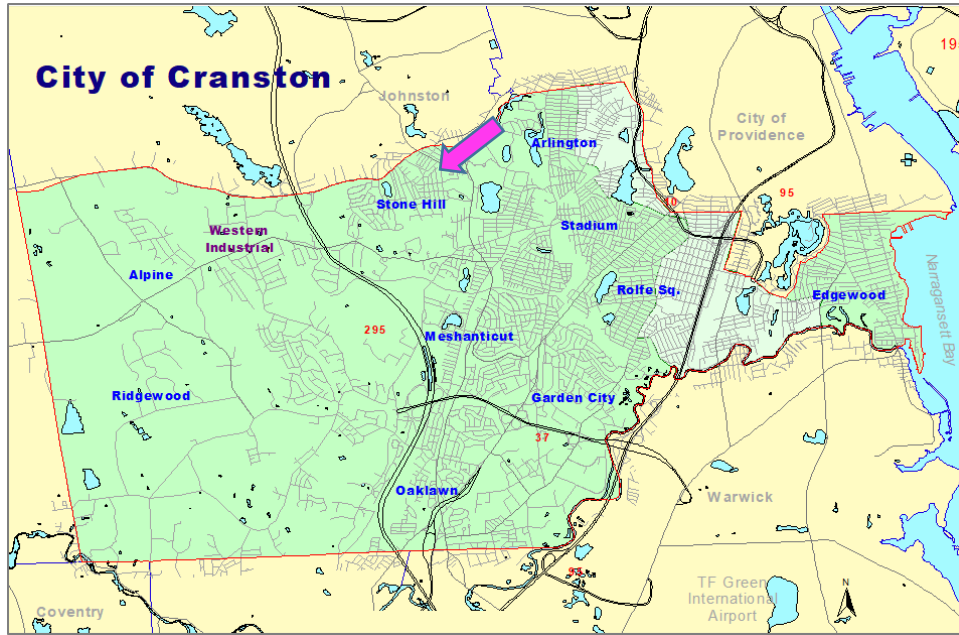
1. Minor Subdivision Plan entitled “Preliminary Minor Subdivision - Replat of Lots 86, 87 & 88 Pirce Plat” prepared by Peter V. Cipolla, Jr., PLS; dated March 25, 2024.
 - a. Sheet 1 of 1: Record Plan
2. Minor Subdivision – Preliminary Plan Application, signed by Applicant/Owner Joseph M. Furtado for 6 South Drive LLC; dated June 12, 2024.
 - a. Application Fee for \$370.00; dated July 12, 2024.
3. Minor Subdivision Preliminary Plan Checklist; Prepared by Robert D. Murray, Esq., dated June 27, 2024.
4. Municipal Liens Certificate; dated June 11, 2024
5. Abutter Documentation
 - a. 400’Abutters List
 - b. 400’ Abutters Map

IV. 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 southerly side of Colony Street, westerly side of Vera Street and easterly side of Yeoman Avenue.
2. The surrounding area is A-8 land, with A-6 to the northeast. Development in the area consists of single-family and two-family development.
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 44007C0311H, and outside of any regulated floodplain or flood hazard districts, effective October 2, 2015.

LOCATION MAP



AERIAL PHOTO

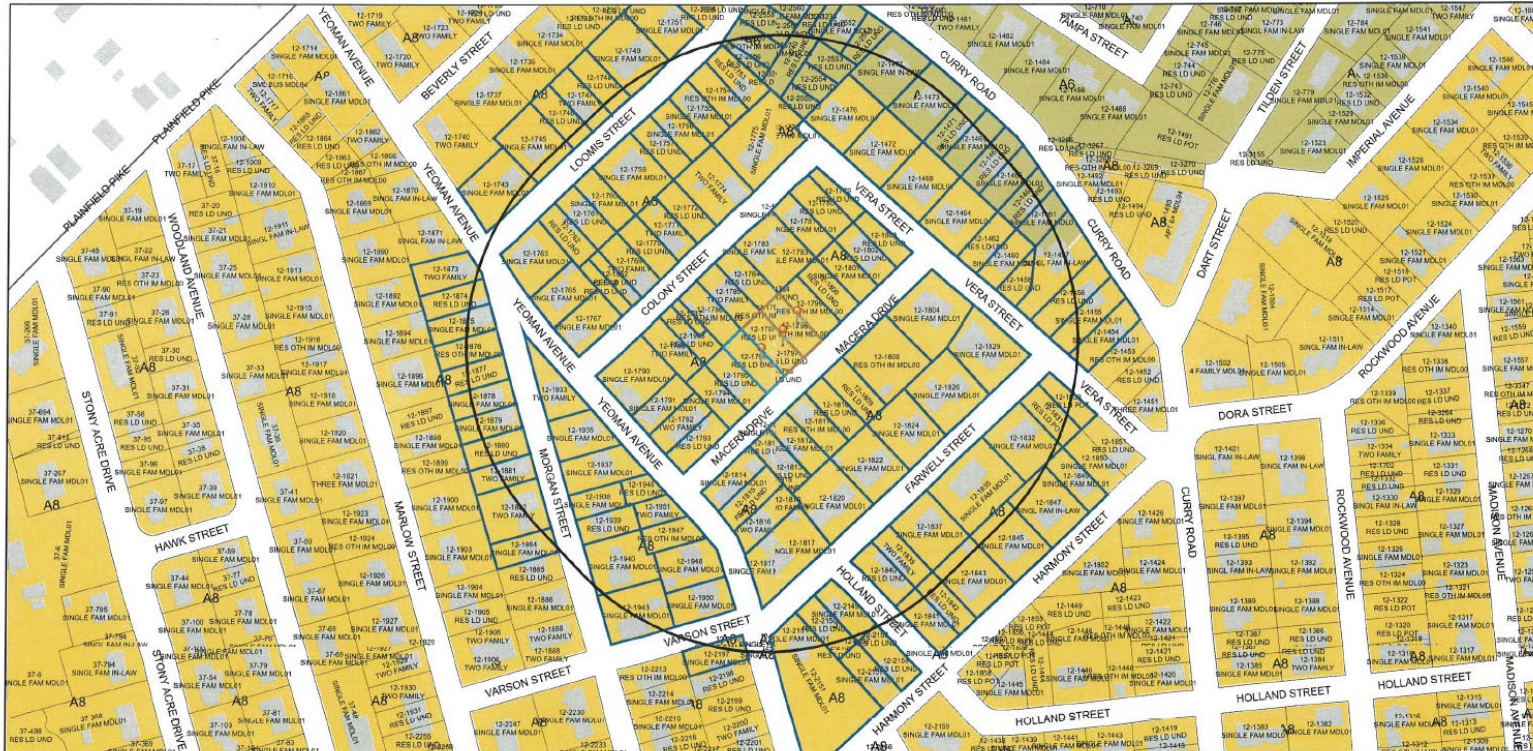


STREET VIEW



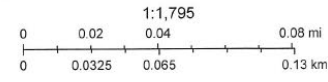
(View east from Macera St)

0 Macera Dr 400' Radius Plat 12 Lots 1796-1798



7/15/2024, 8:03:27 AM

- Selected Parcels in Buffer Parcels
 - Selected Parcels Buildings
 - Parcels In Buffer Zoning Dimensions
 - Parcel ID Labels Historic Overlay District
 - Streets Names Zoning
 - Cranston Boundary none
- | | | | | | |
|-----|--|----|--|-------|--|
| A80 | | B2 | | M1 | |
| A20 | | C1 | | M2 | |
| A12 | | C2 | | EI | |
| A8 | | C3 | | MPD | |
| A6 | | C4 | | S1 | |
| B1 | | C5 | | Other | |



City of Cranston

Web User
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LEGEND:
 AP = ASSESSORS PLAT NO.
 RP = RECORDED PLAT NO.

ZONING DATA:	PROPOSED:
CLASSIFICATION A-8	CLASSIFICATION A-8
MIN AREA = 8,000 sq.ft.	AREA = 6,000 sq.ft. (75%)
MIN FRONTAGE = 80 ft.	FRONTAGE = 60 ft.
SETBACKS ;	SETBACKS ;
FRONT = 25'	FRONT = 18.75 ft.'
SIDE = 10 ft.	SIDE = 7.5 ft.
REAR = 20 ft.	REAR = 15 ft.

FLOOD DATA:
 ENTIRE PARCEL IS NOT LOCATED IN ANY AREA OF FLOOD HAZARD
 ON FIRM COMMUNITY PANEL 44007C0311K EFFECTIVE 10/02/2015

- REFERENCES:
- 1.) CRANSTON ASSESSORS PLAT NO. 12/2
 - 2.) CRANSTON DEED BOOK/PAGE;
 904/266, 4649/247, 5679/3, 4121/111 & 5124/312
 - 3.) CRANSTON RECORDED PLAT BOOK 8 PAGE 10
 "PIRCE PLAT" - 1911 BY J.A.LATHAM

SURVEY CERTIFICATION:

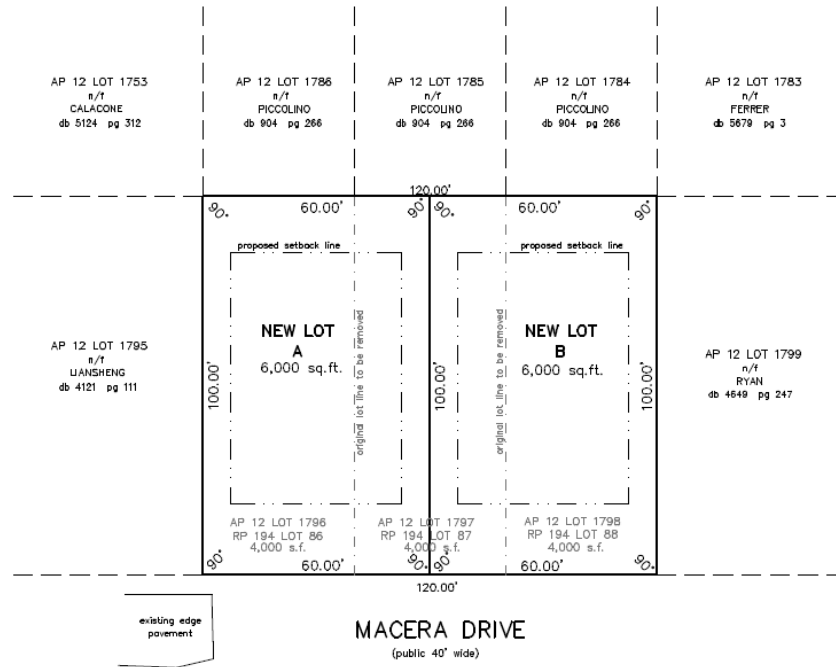
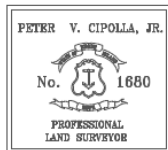
THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO SECTION 9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON NOV. 25, 2015, AS FOLLOWS:

TYPE OF SURVEY:	MEASUREMENT SPECIFICATION
COMPREHENSIVE BOUNDARY SURVEY	CLASS III
DATA ACCUMULATION - PLANIMETRIC	CLASS III

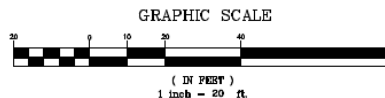
THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS AS FOLLOWS:

PERFORM A CLASS 1 PROPERTY SURVEY
 SHOW PROPOSED SUBDIVISION

BY: *Peter V. Cipolla, Jr*
 PETER V. CIPOLLA, JR. - RIPLS # 1680
 COA # LS-A64



TOTAL AREA
 12,000 sq.ft.
 db 904 pg 266



PRELIMINARY
 MINOR SUBDIVISION
 REPLAT OF LOTS 86, 87 & 88
 " PIRCE PLAT "
 0 MACERA DRIVE
 A.P.12 LOTS 1796,1797 & 1798
 CRANSTON, R.I.

1" = 20' MAR. 25, 2024
 PETER V. CIPOLLA, JR.
 professional land surveyor
 P.O. BOX 8662 - CRANSTON, R.I. - 02920

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 addressed that evidence of a water and sewer supply is still needed.
 - b. Traffic Safety Division: Mr. Steven Mulcahy has provided commentary that states a street extension is required to develop the dwellings of this subdivision. At a minimum, a cul-de-sac is required on Macera Drive and must be located past the driveway entrance of both dwellings. Ideally, the street would be extended as a throughway from Yeoman Avenue to Vera Street, making Macera Drive a highly accessible improved city street.
 - c. Sewer Division: Mr. Edward Tally, Environmental Program Manager, reviewed the Proposal and determined that the submission of a sewer design is to be reviewed and approved by the DPW Department and states that a letter from Viola Water is still needed at this time.
 - d. Providence Water Supply Board: PWSB has not provided commentary at this time. Evidence of a water supply line on the Existing Conditions Plan is still needed. Staff notes that correspondence will be provided with the Final Plan application regarding suitable supply.
2. Department of Building Inspection & Zoning Enforcement
 - a. Mr. David Rodio, Building Official, has not provided commentary at this time.
 - b. Mr. Stanley Pikul, Alt. Building Official, reviewed the Proposal and determined that the Proposal does require the zoning relief requested.
3. Fire Department: Mr. James Woyciechowski, Fire Marshal has no commentary at this time.

VI. Planning Analysis

Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as “*Single Family Residential 7.26 To 3.64 Unit Per Acre*”
 - Per the Comprehensive Plan, the A-8 zoning district is an appropriate zoning classification for Single Family Residential development.
 - The proposed use (Residential) is consistent with the Comprehensive Plan.
 - 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.

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 first class mail (dated 7/24/24) and the meeting agenda has been properly posted.

A. Unified Development Review (Zoning Variances)

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 VII of the Subdivision & Land Development Regulations and finds as follows:

The Applicant has submitted the following response to the required Findings of Fact in accordance with RIGL § 45-24-41:

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;

The hardship is not the result of any prior action of the applicant and;

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 codified in this title or the comprehensive plan upon which the ordinance is based.

That the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that the relief sought is minimal to the reasonable enjoyment of the permitted use to which the proposed property is devoted.

Staff has reviewed the requested dimensional relief for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-24-41 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 notes that there is no reasonable avenue to construct this type of permitted development on the subject property without some type of dimensional relief due to the shape of the subject property. The relief requested is the least relief necessary.

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 applicant has presented sufficient testimony to satisfy this required finding of fact during the preliminary review process.

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 character of the surrounding area as:

- The Proposal consists of construction of (2) two single-family residential dwellings. Residential use is permitted by right in the A-8 zoning district.
- The surrounding area is A-8 land, with a similar characteristic of single-family residential dwellings. There are instances of two-family residential dwellings scattered throughout the surrounding A-8 single-family residential zone and neighborhood.
- The proposed use (single-family residential) is consistent with the Comprehensive Plan.
- Staff finds that the Application is directly consistent with the Future Land Use Map designation.

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 notes that there is no reasonable avenue to construct this type of permitted development on the subject property without some type of dimensional relief due to the shape of the subject property. The relief requested is the least relief necessary.

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), which designates the subject property as “*Single Family Residential 7.26 To 3.64 Unit 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 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 **preliminary** 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, with the anticipated street extension, will have adequate permanent physical access to Yeoman Avenue and Vera Street; both are public city streets.
- The Proposal, with the anticipated street extension, will provide for safe and adequate local circulation for vehicular traffic.

XI. Recommendation – Land Development Project

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 and Section III(L) of the Subdivision & Land Development Regulations.

Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Minor Subdivision with Street Extension – 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 for water availability and sewer main extension approval from Veolia Water, respectively.
2. Submission of complete engineering for street extension, including road profiles and drainage.
3. Class I Survey is to be conducted and submitted.
4. Submission of performance guarantee to be reviewed and approved by the DPW and Finance Departments prior to Final Plan recording for the street extension.
5. Payment of the Eastern Cranston Capital Facilities Development Impact Fee of \$593.46 x 2 (\$1,186.92)
6. The Final Plan Application will be considered by the City Plan Commission prior to recording.

Respectfully Submitted,

Brianna L. Valcourt

Brianna L. Valcourt, M.Arch
Senior Planner

Cc: City Planning Director
File