

# CITY PLANNING DEPARTMENT



## Memorandum – FINAL

**To:** City Plan Commission  
**From:** Kenneth R. Kirkland, MPA, MRP, AICP; Asst. City Planning Director  
**Date:** February 6, 2024  
**RE:** Pavilion Avenue – Assessors Plat 7/4, Lots 3363, 3366, 3644, & 3814  
“**Pavilion Ave Plat**” – Minor Subdivision: Preliminary Plan

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### 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.

### II. Land Evidence Records References

#### ***Pavilion Avenue – Potter Homestead Plat***

Land: The subject property includes land referenced as “Lots 118-121” on a Plan entitled “Potter Homestead Plat” recorded in the City Clerk’s Land Evidence Records Office as Plat Card 221.

Title: The subject property is referenced in a Deed dated January 21, 2022, recorded in the City Clerk’s Land Evidence Records Office in Book 6426, Page 13.

### III. 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; dated October 26, 2023.
  - a. Application Fee for \$240.00; dated November 27, 2023.

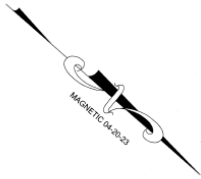
### IV. Surrounding Land Use & Context

Analysis using the Cranston Geographic Information System and the FEMA Flood Map Service Center indicates that:

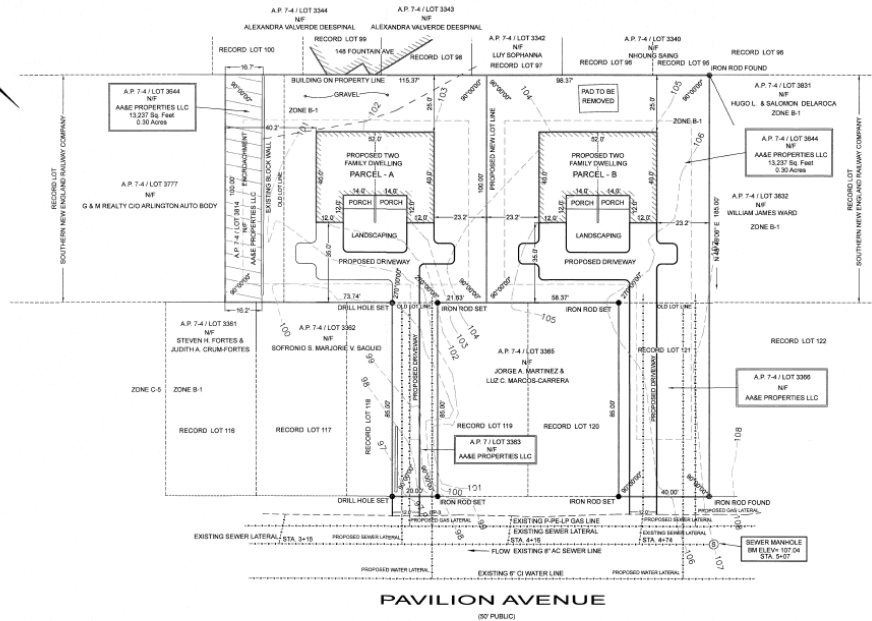
1. The subject property is located on the northerly side of Fountain Avenue, southerly side of Pavilion Avenue and Pavilion Court, and westerly side of Cranston Street.
2. The surrounding area is B-1 land, with C-5 to the immediate southeast. Development in the area consists of single- and two-family 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



LOCUS MAP



**PAVILION AVENUE**  
(57' PUBLIC)

**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 COMPARISON OF INFORMATION TO DETERMINE THE MOST PROBABLE LOCATION OF THE SURVEYED PARCEL.

**NOTE:**

1. FEMA MAP 44027C0312H / 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, RI, THE PROVIDENCE REAL ESTATE IMPROVEMENT COMPANY BY FRANK E. WATERMAN DECEMBER 1919 PLAT CARD 221
3. "SUBDIVISION PLAN PAVILION COURT CRANSTON, RI, 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

**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'



## 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, reviewed the Proposal with Staff and states that a letter from Viola Water has no issues at this 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, reviewed the Proposal and inquired about certain setbacks for surrounding structures on adjacent properties and proposed lot lines.
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 100' radius have been notified via first class mail (dated 1/26/24) and the meeting agenda has been properly posted.

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.

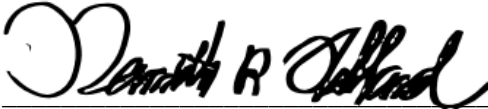
Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Preliminary Plan submittal subject to the conditions denoted below.

#### **XII. Recommended Conditions of Approval**

The Final Plan submittal shall be subject to the following:

1. Proof of zoning relief granted by the Zoning Board of Review.
2. Submission of letters of availability from the Providence Water Supply Board and Veolia Water for water and sewer availability, respectively.
3. Payment of the Eastern Cranston Capital Facilities Development Impact Fee of \$2,373.84, (\$593.46 x4 units).

Respectfully Submitted,



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Kenneth R. Kirkland, MPA, MRP, AICP  
Asst. City Planning Director / Administrative Officer

**Cc:** Applicant  
File