

**City of Newport
Department of Planning and Economic Development
Staff Report to the Planning Board**

**Minor Subdivision
Preliminary Approval**

Meeting: June 1, 2020
Certified Complete: April 29, 2020
Filed: February 5, 2020

Location: 59 Kay Boulevard
Applicant(s): David Bazarsky
Assessor's Plat: 11
Assessor's Lot(s): 373
Zoning District: R-10A Residential
Land Area: 82,752+/- square feet
Surveyor: Land Development Engineering & Consulting, LLC

The Applicant is requesting combined Preliminary Approval of a Minor Subdivision to subdivide one (1) existing lot to create two (2) lots, the proposed lots being 62,179 sf and 20,573 sf.

Planning Department Findings

The Planning Department makes the following general findings:

1. The subject property consists of one tax assessor's lot and is currently zoned R-10A Residential. The R-10A Residential Zoning District requires a minimum area of 10,000 square feet per individual lot and a minimum lot width of 80'.
2. The subject property is located at 59 Kay Boulevard and is identified as Assessor's Plat: 11, Assessor's Lot: 373. The parcel is considered to be located within the Eustis / Easton's Pond neighborhood (Comprehensive Land Use Plan, Map 5-7, Neighborhood Areas).
3. The property is co-owned by David G Bazarsky Revocable Trust and Carol R Bazarsky Revocable Trust since 2015.
4. There are two single-family residences in separate buildings on the existing lot. The second dwelling was constructed within the last two years. The subdivision will assign one building to each lot.
5. The buildings share a driveway.
6. All of the properties within a 200' radius of the parcel are zoned R-10A Residential.
7. The subdivided properties would have access to public water and public sewer, provided an easement is assigned through the southerly lot.

**Planning Board Review of
Section 1, General Provisions of the
City's Subdivision Regulations**

The Planning Board shall consider if this proposal addresses each of the general purposes stated in RIGL 45-23-30, and the General Provisions, Section I, of the City's Subdivision Regulations:

- 1.) Was the Board able to thoroughly and expeditiously review this proposal?

Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;

The survey plan submitted with the application was deficient. A revised survey plan was submitted April 23 and the Certificate of Completeness was issued April 29. The petition is being reviewed prior to the 65-day timeline (June 28) outlined in the state subdivision act. The application was supplied to the Board 5 days prior to the meeting and the staff report was provided in advance of the meeting. The applicant has communicated with the Administrative Officer regarding this project several times over the last few months.

- 2.) Does the Board consider this subdivision to be high quality and appropriate design?

Promoting high quality and appropriate design and construction of land developments and subdivisions;

The Board should weigh the shared driveway in referencing this purpose.

- 3.) Does this proposal promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment?

Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;

The property is already developed. The shared driveway limits the amount of impervious surface.

- 4.) Is this subdivision well integrated with the surrounding neighborhoods with regard to natural and built features, and concentrates development in an area that can support the use?

Promoting design of land developments and subdivisions which are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

The existing property is much larger than surrounding properties. The proposed property lines align with existing buildings.

- 5.) Does this proposal encourage local design and improvement standards that reflect the intent of the Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the city?

Encouraging local design and improvement standards to reflect the intent of the Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the City;

As was previously mentioned, the existing lot is much larger than surrounding lots.

- 6.) Has this proposal been given a thorough technical reviewed by City Officials?

Promoting thorough technical review of all proposed land developments and subdivision by City officials;

This proposal has been reviewed by the Zoning Official, City Planner, Preservation Planner, Director of Planning and Economic Development, City Engineer, and Director of Utilities.

- 7.) Is there any documented need related to this subdivision that calls for the dedication of public land, impact mitigation or payment in lieu thereof? **Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered.**

No need for public dedication, impact mitigation, or payment-in-lieu thereof has been identified at this point.

- 8.) Are consistent records being kept of all matters regarding this proposal? **Encouraging the establishment and consistent application of procedures for the record keeping on all matters of land development and subdivision review, approval and construction.**

Staff will maintain records of this proposal consistent with Department of Planning and Economic Development practices.

**Planning Board Review of
the Standard Provisions of RIGL 45-23-60:**

The Planning Board shall make positive findings on the following standard provisions, as part of the proposed project's record, prior to granting approval.

- 1.) Is the proposed development consistent with the Comprehensive Plan and/or has satisfactorily addressed the issues where there were inconsistencies?**

Staff have identified the following components of the Comprehensive Plan for a finding of consistency:

Goal LU-1 - To provide a balanced City consisting of residential, commercial, and employment uses consistent with the character, environmental resources and vision of the Community.

Vision: The City of Newport is a vibrant, forward-looking and welcoming community built upon a strong sense of place and cultural heritage. Residents and visitors alike enjoy the city for its rich history, natural beauty, boating traditions, walkability, enticing downtown, community diversity, and overall quality of life. We are committed to charting a course for our future that embraces and encourages innovative growth and development, taking an active role in the stewardship of our architectural and natural resources, and an enhanced quality of life, all while we maintain our unique historic and cultural assets that are the foundation of our character.

The historic character of this property is unknown. Looking at the 1939 imagery of the area in the City's GIS portal, this property predates much of the surrounding development. It is unlikely the property will change substantially due to subdivision. The subdivision may alter the historic character of the property, but will embrace and encourage innovative growth and development. It may diminish the stewardship of this architectural resource.

The Board should address these inconsistencies in making a finding.

2.) Is the proposed development in compliance with the standards and provisions of the city's zoning ordinance?

All lots, as proposed, will conform to the requirements of the Residential R-10A Zoning District.

3.) Is there any significant negative environmental impact from the proposed development as shown on the submitted plan? If yes, can these impacts be resolved on a final plan, with required conditions of approval?

There are no significant environmental impacts from the proposed development as shown on the submitted plan.

4.) Does the subdivision, as proposed, 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?

The development 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.

5.) Do all the proposed lots have adequate and permanent physical access to a public street?

The proposed lots have adequate and permanent physical access to a public street.

Planning Department Recommendations

That, if the Planning Board finds this proposal addresses each of the general purposes of RIGL 45-23-30, and Section 1 "General Provisions" of the City's Subdivision Regulations, and makes positive findings on the Standard Provisions of RIGL 45-23-60, the Planning Department recommends granting Preliminary approval, with Final Approval to be through the Administrative Officer, upon compliance with the following stipulation:

1. The Final Plan shall depict the following items in accordance with Section II.H. Easements, of the Subdivision Regulations:
 - i. A 15' easement for the sewer line from lot 2