

Public Hearing
Major Subdivision
Preliminary/Final Approval
435 Broadway

Applicant:	Island Moving Company
Property Owner:	City of Newport
Location:	435 Broadway
Tax Assessor's Plat:	6
Assessor's Lot:	11
Zoning District:	R-10, Zoning Board of Review approval recorded decision, Book 3015, Page 242
Land Area:	79,378 sf
Number of existing lots:	1
Number of proposed lots:	5
Surveyor:	Sean M Leach, RI PLS 1907
Plan:	Triplett School Subdivision Plan, dated 6 August 2021

Background

The Applicant is requesting combined Preliminary and Final Approval of a Major Land Subdivision, to subdivide one (1) lot, into five (5) lots, one (1) for a school of limited instruction accessed from Broadway, three (3) residential lots accessed from Princeton Avenue (lots A-C) and one (1) residential lot accessed from Brook Street extension (lot D), to provide for the construction of new single-family dwellings.

Due to the proposed non-residential use, the subdivision is classified as a major subdivision, which has three approval stages, master plan, preliminary and final. In accordance with RIGL 45-23-39, the applicant may request combined Preliminary and Final approvals.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's *Development Review Regulations*, addresses the general purposes stated in RIGL 45-23-30, meets the Standard Provisions of RIGL 45-23-60, and makes the following findings of fact:

1. That at the July 1, 2019 meeting, the Planning Board voted unanimously to grant Master Plan Approval, subject to the Applicant securing the necessary relief from the Newport Zoning Board of Review. Book 2821, Page 315.
 - a. Prior to granting Master Plan approval, the Board considered the general purposes of the City's Development Review Regulations in relation to this subdivision.

2. That the proposal is generally consistent with the City’s Comprehensive Plan. At the June 3, 2019 and July 1, 2019 meetings, the Planning Board found this proposal consistent with the Goals and Policies of the Comprehensive Plan, specifically identifying Goals LU-1, ED-1, H-1, H-3, CFS-4, OSR-1, T-1, HC-1, and HC-3 and Policies LU-1.6, LU-1.7, ED-1.3, ED-1.5, ED-1.8, ED-3.6, H-1.3, T-1.5, T-1.6, HC-1.2, HC-1.3, HC-1.7, HC-1.9, HC-1.1-, HC-3.1, HC-3.2, and HC-3.3. Chair Salerno noted this subdivision advances the institution and the cultural resources of the community. Ms. Pattavina noted that Island Moving Company is one of the largest and most impactful cultural resources in the community, that they bring in dancers and staff from other places, giving the city great exposure, and that it adds activity back to this location and returns the property to the tax rolls. Secretary Brooks noted the subdivision is adds housing resources and an attraction further north on Broadway.
3. That the proposal is in compliance with the standards and provisions of the City’s Zoning Ordinance, having received Zoning Board of Review approval for less than required lot area and less than required lot width, as follows:

Record Lot	A	B	C	D	Required
Area	Conforming	9,058 sf	9,124 sf	9,003 sf	10,000sf
Width	14.66’	14.66’	14.66’	41.04’	80’

- . This Zoning Decision was filed on July 1, 2021, Book 3015, Page 242; this information is indicated on the final plan.
4. That there are no significant negative environmental impacts from the proposed development.
 - a. The property exists as a derelict and abandoned school property, with structures that have environmental concerns and conditions requiring removal.
 - b. The Applicant has received conditional demolition approval for the existing structures on the lot and will comply with all environmental requirements for demolition.
 - c. The applicant completed preliminary Development Plan Review (for the school of limited instruction) with the Technical Review Committee and final Development Plan review with the Planning Board.
5. That 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.
 - a. The property exists as a long, narrow lot.
 - b. The proposed four (4) residential lots are much larger than existing lots in the area, and are close to the minimum lot size required by the zoning ordinance.

6. That the proposed development possesses adequate access to Broadway, for the school of limited instruction, adequate access to Princeton Avenue for residential lots, A, B and C, and access to Brook Street Extension for lot D.
 - a. Access to Princeton Avenue is provided by an easement as indicated on the final plan.
 - b. Access to Brook Street Extension is provided through an improved roadway area of 1,285 +/- sf.
7. That the City has owned the land since 1991, and considers all tax interest merged.
8. That the Final Plan was reviewed by the Department of Utilities and Public Service, both expressing no additional comments.

Planning Department Recommendations

Planning Department recommendation is to grant Preliminary Approval and Final Approval, with the following stipulations:

1. That, prior to the sale of the first residential lot, the Developer shall establish a Homeowner's Association, or other legal entity, for the care and maintenance of the private utilities. These documents shall be recorded by the city clerk.
2. That the Developer shall provide an Operation and Maintenance Plan for the proposed stormwater collection system (inclusive of the individual lots) to the property owners/homeowner's association. The property owner(s) shall be responsible for the long-term care of the stormwater system. Maintenance records shall be kept and must be provided to a regulatory agency if requested by said agency.
3. That verbiage for an access easement from Princeton Street, as indicated on the Final Plan, shall be recorded with the city clerk, prior to the sale of the first residential lot.
4. That the extension of Brook Street shall be completed prior to the sale of Lot D. The Developer shall contact the City's Public Services Department, before beginning any roadway construction. This roadway extension will not be maintained by the City.
5. That verbiage for proposed 20' drainage easement, as indicated on the Final Plan (or altered and approved by the Department of Utilities), shall be recorded with the city clerk, prior to issuance of a building permit for the first residential lot.
6. That there shall be no additional pavement or impervious surfaces installed without approval from the Department of Utilities. Any additional impervious surface requires 100% mitigation via stormwater control features.

7. That the proposed granite bounds shall be protected during the construction process.