



TOWN OF COVENTRY, RI
DEPARTMENT OF PLANNING & DEVELOPMENT

STAFF REPORT

Project Name:	Moore Plat
Plan Type:	Unified Development Review (Minor Subdivision w/ associated Dimensional Variance)
Plan Review Phase:	Preliminary Plan
Owner/Applicant:	Donna & Cecil Moore
Address:	225 Rice City Road
Plat / Lot / Zone:	AP 320 Lot 83 Zone RR-5 Lot Size 21.88 acres
Existing Use:	Single-family residential
Proposed Use:	Single-family residential
Description:	The applicant proposes to subdivide a 21.88-acre lot into two lots, a 5.01-acre lot and creating a new 16.87-acre lot. The Applicant is seeking a zoning variance for substandard frontage.

I. PROJECT INFORMATION

Background and Existing Conditions

This item will be reviewed as the Preliminary Plan Stage of a Unified Development Review for a proposed Minor Subdivision of a 21.88-acre parcel at the location listed above. It currently consists of a mostly undeveloped lot with one single-family house on the eastern side of the property and is zoned RR-5, as are the surrounding abutters. A wetland exists on the southeast corner of the lot; the site lies within Zone “X” (defined as area outside the 0.2% annual chance floodplain) of the National Flood Insurance Maps for the Town of Coventry.

Proposed Conditions

The Applicant is proposing to subdivide the above-mentioned lot into two lots, leaving one existing single-family house on a 5.01-acre lot, and creating a new 16.87-acre lot from the remainder, referred to as Parcel B. The applicant has indicated that there is a wetland on “the very southwest corner of the lot, which is 800’+ from the existing test holes on proposed Parcel B. This proposal is outside of RIDEM Wetlands Jurisdiction by more than 600’ and would not need to be reviewed.” The applicant also supplied correspondence from the Western Coventry Fire that a cistern would not be required.

with required standards set forth in RIGL Section 45-24-41. Staff's findings are 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)"

- The subject parcel is uniquely shaped in such a way as to limit the amount of frontage available for the creation of a second parcel, despite having more than sufficient lot size for multiple new lots. The Applicant's proposed plan gives Parcel A 300.02' of frontage, leaving 259.98' remaining for Parcel B, where 300' is required.

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 purchased the lot as is and has made no alteration to it. The applicant is forced to seek zoning relief due to the conditions as they are, stating "The applicant for this subdivision did not cause any prior hardship that required a deviation from the zoning ordinance."

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 applicant states "The shortfall of 40.02' frontage does not deviate the lot structure of the surrounding lots of this particular area of Rice City. Several of the existing lots on Rice City Road have frontage that is less than the relief being asked here."
- The Comprehensive Plan shows this location's Future Land Use Map as residential.

RIGL § 45-24-41. General provisions – Variances. (d)(4) 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, [planning board] in unified development review, has the power to grant dimensional variances where the use is permitted by special-use permit."

- The applicant states "Not granting this variance will result in a hardship more egregious than a simple inconvenience. The relief sought is minimal (13.3%) to a reasonable enjoyment of the permitted use as a single family dwelling lot."
- The applicant's Zoning Narrative provides a reasonable foundation of information for positive consideration of the requested Dimensional Variances.

Variance Recommendation

Staff finds this proposal consistent with the standards for required Dimensional Variance findings of fact set forth in RIGL Section 45-24-41. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and **approve** the Dimensional Variance application with a condition that the applicant receive approval of its Preliminary Plan – Minor Subdivision application.

III. MINOR SUBDIVISION

Findings of Fact

Staff has conducted an orderly, thorough, and expeditious technical review of this Preliminary Plan Minor Subdivision application for conformance with required standards set forth in RIGL Section 45-23-60, as well as in the Town of Coventry’s Subdivision and 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 community plan and/or has satisfactorily addressed the issues where there may be inconsistencies.”

1. The proposed subdivision is consistent with the Town of Coventry’s Land Use Plan designation of Low-Density Residential.
2. Significant cultural, historic, or natural features that contribute to the attractiveness of the community have not been identified on site.

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.”

3. The proposed Minor Subdivision requires relief from the zoning ordinance due to substandard frontage (259.98’ where 300’ is required). Assuming the Commission has approved the Dimensional Variance component, this project is considered compliant with the standards of the zoning ordinance.
4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Coventry Zoning Code as consistent with the findings for the Dimensional Variance

*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)*

5. This finding pertains specifically to the final plan, however, no significant environmental impacts are anticipated.
6. The Rhode Island November 2023 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.”

7. The proposed subdivision 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.

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.”

8. Both proposed parcels will have adequate permanent physical access to a public right-of-way through conforming lot frontage on Rice City Road.

Subdivision Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the Town of Coventry’s Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and **approve** the Preliminary Plan application, subject to the conditions denoted below.

Conditions of approval

1. Preliminary Plan approval is conditioned upon strict adherence to the associated Dimensional Variance Application as presented and approved.
2. The applicant shall add a 50-foot no-cut buffer across the length of both proposed lots in lieu of the requirement to plant street trees to the Final Plans.
3. Fair Share Development Fees shall be enforceable for the issuance of any building permits for any future housing development on Proposed Parcel B, payable by check made out to “Town of Coventry.”

Pursuant to Article XII. Appeals, Subsection A. Procedure for Appeals to the Board of Appeal of the Coventry Subdivision Regulations, the decision of the Planning Commission herein may be appealed in writing by any party aggrieved by said decision to the Coventry Board of Appeal. Any such appeal shall be made within 20 days of the day of the decision is recorded and posted in the Town Clerk’s Office.



TOWN OF COVENTRY
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TECHNICAL REVIEW COMMITTEE REPORT

DATE: November 12, 2024
PROJECT NAME: "Moore Plat"
PROPERTIES: AP 320, Lot 83
ADDRESS: 225 Rice City Road
ZONE: RR-5 (Residential)
OWNER/APPLICANT: Donna & Cecil Moore

This matter came before the Coventry Technical Review Committee at its November 12, 2024 meeting as a Unified Development Review Application for a Preliminary Plan of a Minor Subdivision project with a Variance Application in accordance with Article V, § D.4. of the Coventry Subdivision & Land Development Regulations.

An application and plan were submitted for review on August 2, 2024. The applicant proposes to subdivide one 21.88-acre lot into two lots, leaving one existing single-family dwelling on a 5.01-acre lot and creating a new 16.87-acre lot from the remainder. The Applicant is also seeking zoning relief for substandard frontage, as the new parcel will have 259.98' where 300' is required.

The members of the Technical Review Committee reviewed the following documents related to this application when preparing the comments below:

Moore Plat – Fire Letter.pdf
Moore Plat – Itemization of Waivers Revised.pdf
Moore Plat – Planset.pdf
Moore Plat – Wetlands Letter.pdf

TOWN ENGINEER

- Engineering takes no exception to the requested waiver for sidewalks (Article XIV D. Sidewalks) and curbs (Article XIV C. Curbs).
- Engineering takes no exception to the requested waiver for a 50' no-cut buffer along the entire frontage of the subdivision in lieu of street trees (Article XIII B. Street Design Standards 13. Street Trees).

PRINCIPAL PLANNER DESIGNEE

- Planning staff notes that this application is for Unified Development as a Zoning Modification was objected to.
- Planning recommend a 50' no-cut buffer be added to the plans across the length of both proposed lots in lieu of the requirement to plant street trees.

PUBLIC WORKS DIRECTOR

- No comment at this time.

FIRE REPRESENTATIVE

- No comment at this time.

POLICE CHIEF

- No comment at this time.

PLANNING COMMISSION CHAIR

The Planning Commission Chair recused as this item will be heard before the Planning Commission.