

Providence City Plan Commission July 18, 2023



AGENDA ITEM 2 ■ ABANDONMENT OF BENTLEY LANE



Proposed abandonment area



Aerial view of the site

OVERVIEW

PETITIONERS:	Thomas Morgan	PROJECT DESCRIPTION:	Abandonment of a portion of Bentley Lane
CASE NO./ PROJECT TYPE:	REFERRAL 3547 Right-of-way abandonment	RECOMMENDATION:	Recommendation of approval subject to the noted findings of fact
PROJECT LOCATION:	Bentley Lane between 36 and 38 Collyer Street (lots 284 and 35)	PROJECT PLANNER:	Choyon Manjrekar
NEIGHBORHOOD:	Hope		

OVERVIEW

The petitioner is requesting that the City abandon a portion of Bentley Lane that is located between 32 and 38 Collyer Street (AP 75 Lots 284 and 35). Bentley Lane runs west to east between Concord and Collyer Streets. The portion requested for abandonment is undeveloped.

FINDINGS OF FACT

The *City Plan Commission Handbook* Policy No. 1: “Criteria and Guidelines for Approval of Street, Highway and Rights-of-way Abandonment,” states that six standards should be met before the Commission recommends approval of an abandonment request. Below are the standards, including staff comments for each:

1. *A public interest has to be clearly demonstrated. A public interest is defined as one or more of the following: public health and safety, adequate provision of transportation, general improvement of traffic patterns and/or circulation, convenient access to properties, avoidance of a nuisance, significant economic development, preservation of a historical or cultural feature, and improvement of the general welfare of the community.*

The portion of Bentley Lane proposed for abandonment is undeveloped and only appears to be useful for accessing property that it abuts. The DPD would not object to the abandonment as it would not have an adverse impact on the public interest.

2. *No negative impact is evident on existing land uses, future plans, zoning, safety, health or welfare of the community by the proposed abandonment.*

It is not apparent that the abandonment will negatively affect future plans for development or existing land use as the proposed abandonment area is only useful for accessing land that is owned by abutting properties. No negative impact to the health and welfare of the surrounding community is expected as the street is not essential to provide access to other parts of the City.

3. *All abutting landowners agree to the proposed abandonment.*

The petitioner owns lot 35 that abuts the abandonment area. However, it is unclear if other abutters agree to the abandonment or if the abutters would be in favor of abandoning the entirety of Bentley Lane up to Concord Street. It is the DPD’s opinion that all abutters should agree to a plan of abandonment prior to approval.

4. *No physical or legal access will be denied to any land or property in surrounding areas by the proposed abandonment.*

As discussed no physical or legal access will be denied as the street is only useful for providing access to lots that it abuts.

5. *No existing or future public services or facilities need to be protected, provided, or maintained within the right-of-way. An easement retention may be necessary to provide access to, maintain, or provide existing or future service or utility needs.*

It is unknown whether public services or facilities need to be protected, provided or maintained. The petitioner would need to grant any necessary easements.

6. *The proposed or intended use of the street and/or adjacent properties must be shown on a petition or plan, and such use shall be in conformance with existing zoning and Comprehensive Plan Objectives.*

A petition and plan have been provided.

RECOMMENDATION

Based on the foregoing discussion, the City Plan Commission should advise the Committee on Public Works that the proposed abandonment be approved subject to the following conditions:

1. All abutters shall come to an agreement on a plan for abandonment prior to final approval.
2. The petitioners shall apply for an administrative subdivision to merge the abandoned street with their respective property should the abandonment be approved.
3. The petitioners shall grant any necessary easements for access to property, utility access and maintenance.