

# CITY PLANNING DEPARTMENT



## Memorandum – Unified Development Review

**To:** City Plan Commission  
**From:** Brianna Valcourt, M.Arch | Senior Planner  
**Date:** May 22, 2024  
**RE:** Itri Commons: 1455 Park Avenue – Assessors Plat 11-2, Lots 269, 2822, & 2823  
**Application for Dimensional Variance**

**Owner / Applicant:** Daniel Balkun  
**Location:** 1455 Park Avenue  
**Zoning:** C-2 – Neighborhood Business (6,000 sq. ft.)  
**FLUM Designation:** Neighborhood Commercial/Services

### I. Applicant | Property | Proposal

The Applicant and Owner is Daniel Balkun.

The subject property is in the Itri Commons, abutting Park Avenue, identified as Assessors Plat 11-2 Lots 269, 2822, & 2823.

The property is zoned Neighborhood Business (C-2) and is not located in any municipal overlay district.

The Proposal is to reconfigure the existing three (3) record lots into one (1) new lot for the existing mixed-use building, containing two (2) residential uses and an office use, to be converted into just two (2) residential units. If approved, the owner would then construct six (6) additional units for a total of eight (8) residential units. Under the existing zoning, five (5) dwelling units are allowed.

- Lot A: 23,871 sq. ft.

Required relief includes a dimensional variance for area to allow the additional three (3) units (17.20.090A – Specific Requirements, 17.92.010B – Variances, and 17.92.020 – Special Use Permit).

*Relief from 17.20.090A – Specific Requirements:*

- Parcel A Zoning Criteria
  - Lot Area Requirement: 34,000 sq. ft. for 8 units
    - $6,000 \text{ sq. ft.} + (4,000 \text{ sq. ft.} \times 7 \text{ units}) = 34,000 \text{ sq. ft.}$
  - Lot Area Proposed: 23,871 sq. ft. for 8 units
    - $23,871 \text{ sq. ft.} - 6,000 \text{ sq. ft. (1st unit)} = 17,871 \text{ sq. ft.} / 4,000 \text{ sq. ft. (subsequent units)} = 4.46 + 1 = 5.56 \text{ units} = 5 \text{ units allowed by right; } 8 \text{ units proposed}$
  - Relief Requested: 10,129 sq. ft. or 3 units.

## II. Documents Submitted for This Application

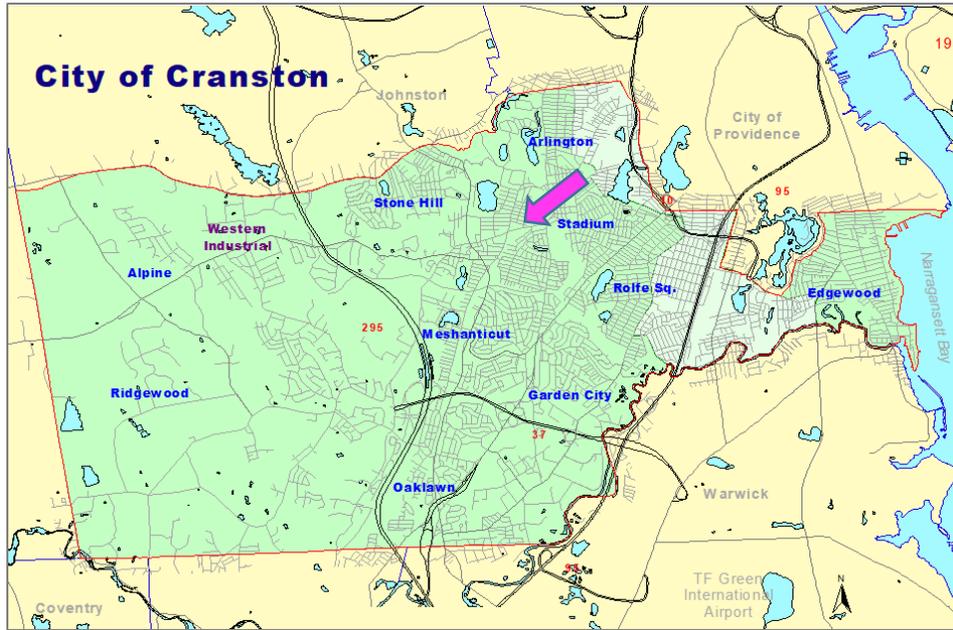
1. Minor Subdivision – Preliminary Plan Set entitled “**Itri Commons**” prepared by Joseph A. Casali, PE, of Joe Casali Engineering, Inc.; dated March 2024.
  - a. Sheet 1 of 7: Cover Sheet
  - b. Sheet 2 of 7: General Notes & Legend
  - c. Sheet 3 of 7: Existing cond. & Site Prep. Plan; Site Plan
  - d. Sheet 4 of 7: Utility Plan; Grading & Drainage Plan
  - e. Sheet 5 of 7: Rhode Island Standard Details
  - f. Sheet 6 of 7: Civil Details I
  - g. Sheet 7 of 7: Drainage Details I
2. Minor Subdivision – Site Plan entitled “**Boundary Stake-out Survey**” prepared by Richard T. Bzdyra, PLS, of Ocean State Planners, Inc.; dated March 8, 2024.
3. Minor Subdivision – Preliminary Landscape Plan Set entitled “**Itri Commons**” prepared by Brian M. Muoio, of Muoio Design Group, LLC; dated March 24, 2024.
  - a. Sheet 1 of 2: Landscape Plan
  - b. Sheet 2 of 2: Landscape Details Plan
4. Minor Subdivision – Preliminary Plan Application, signed by Owner/Applicant Daniel S. Balkun; dated May 2, 2024.
  - a. Application Fee for \$580.00; dated May 2, 2024
5. Minor Subdivision – Preliminary Plan Checklist, prepared by Daniel DeCesaris, PE, of Joe Casali Engineering, Inc.; dated March 29, 2024.
6. “Itri Commons” Project Narrative and Stormwater Mitigation Report prepared by Joseph A. Casali, PE, of Joe Casali Engineering, Inc.; dated March 2024.
7. Abutter Documentation
  - a. 400’ Abutters List
  - b. 400’ Abutters Map
  - c. Signed affidavit certifying mailing of 400’ abutter notices; sent May 17, 2024; signed by Robert D. Murray; dated May 17, 2024

## III. 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 westerly side of Cranston Street, southerly side of America Street, and northerly side of Park Avenue.
2. The surrounding area is C-2 land, with B-1 to the immediate north and C-5 to the immediate south. Development in the area consists of single-family and two-family, with commercial development directly abutting Park Avenue, Cranston Street and America 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.

**LOCATION MAP**



**AERIAL PHOTO**



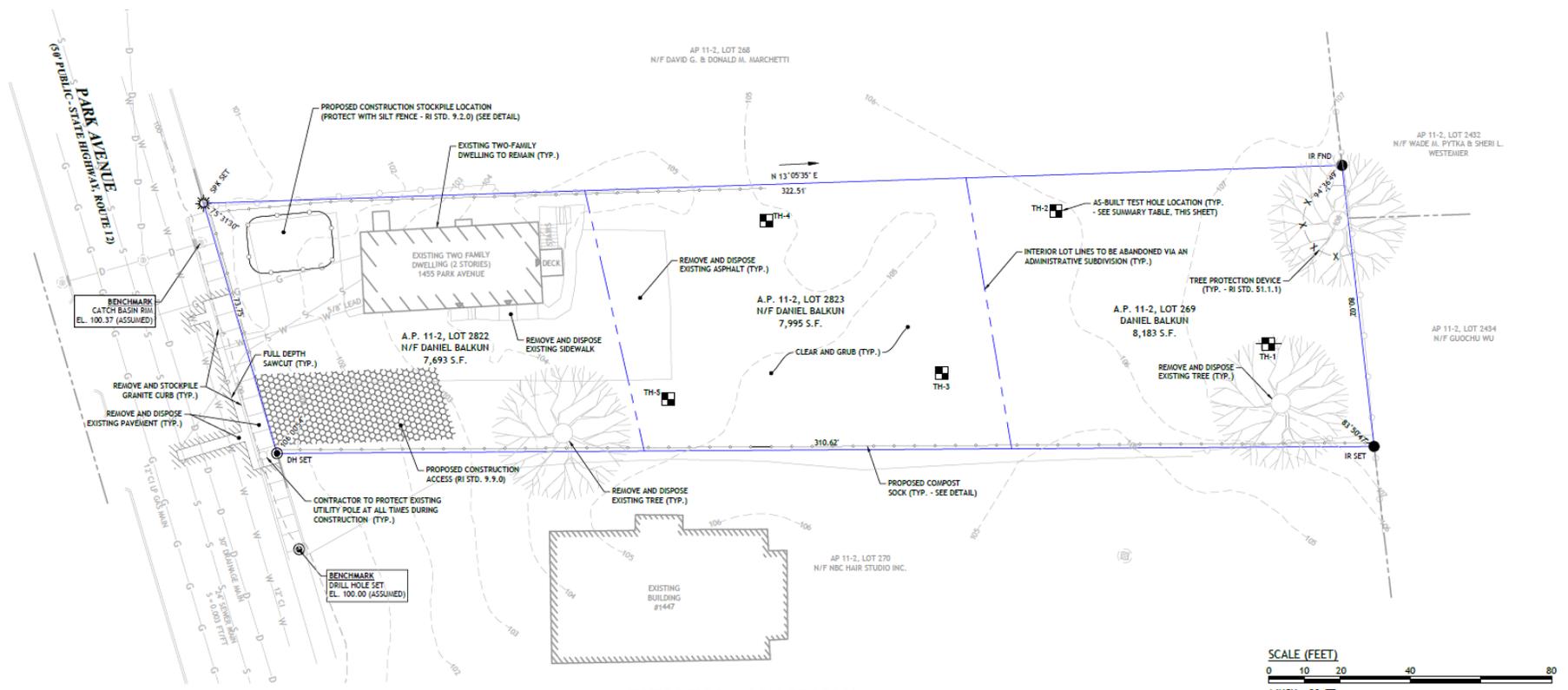
**STREET VIEW**



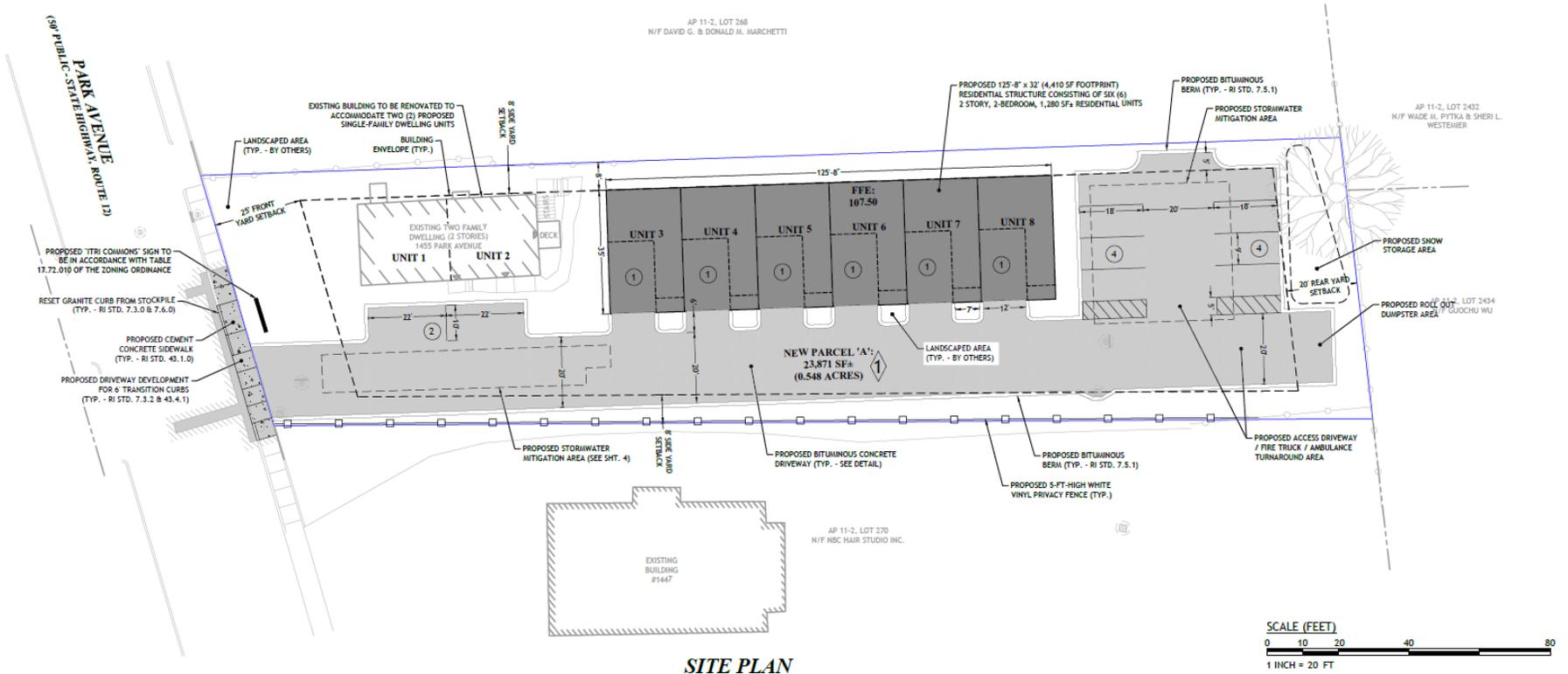
*(View north from Park Ave)*

DRAFT

# EXISTING CONDITIONS PLAN



# PROPOSAL



**SITE PLAN**

#### **IV. 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 reviewed the Proposal with Staff and has no issues at this time.
  - c. Sewer Division: Mr. Edward Tally, Environmental Program Manager, reviewed the Proposal and determined that The City of Cranston requires a sewer design in accordance with Annex A Design of Sewers; Stormwater controls shall be privately owned, operated, and maintained; and Stormwater operation and maintenance agreement shall be recorded in the land evidence records and annual inspection reports shall be due June 30th of each year.
  - d. Providence Water Supply Board: PWSB has not commented at this time. Staff notes that public water is available in Park Avenue and correspondence will be provided with the Final Plan application regarding suitable supply.
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 determined that Parcel A requires dimensional relief from density.
3. Fire Department: Mr. James Woyciechowski, Fire Marshal, has provided concerns regarding the Fire department access, which is limited at this time. An additional concern is resident/visitor parking along the eastern side of the driveway, although no parking spaces are proposed in this area, he recommends no parking and that the space be reserved for fire access only.

#### **V. Planning Analysis**

##### Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as "*Neighborhood Commercial/Services.*"
  - Per the Comprehensive Plan, the C-2 zoning district is an appropriate zoning classification for multi-family residential development.
  - The proposed use (multi-family residential) is consistent with the Comprehensive Plan.
  - The proposed density is slightly above **(1.54 units)** the calculated density designated within the Comprehensive Plan.
  - Staff finds that the Application is generally 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 4.2 Identify potential sites for redevelopment options for future residential use, and mixed use.

- Staff has reviewed this Application in consideration of the compatibility with the character of the surrounding area and the request does not impose undue nuisances and is not out of character beyond any other uses on this site or within the surrounding area.
  - The surrounding area is C-2 land, with B-1 to the immediate north and a C-5 to the immediate south. Development in the area consists of single-family and multi-family, with neighborhood business zones abutting Park Avenue, Cranston Street and America Street.
  - The pre-existing mixed-use building that exists along Park Avenue, along with the two adjacent lots being merged and have remained unchanged for over twenty years.
  - The Proposal is a reconfiguration of existing record lots.
  - Off-site traffic impacts are negligible.
  - The proposed use (multi-family residential) is consistent with the Comprehensive Plan.
  - Staff finds that the Application is generally compatible with the character of the surrounding area.
  
- Staff has performed a neighborhood analysis of the residential units within a 400' radius, to make a comparison of density between the Proposal and the existing.
  - The prescribed multi-family density of 14.6 Units Per Acre, addresses any lack of consistency with the FLUM, by corresponding to the current use and density of the residential units to the immediate north. The B-1 parcels north of the Proposal are designated as "*Single/Two Family Residential Less Than 10.89 Units Per Acre*" in the Comprehensive Plan's FLUM.
  - Within the 400' radius, B-1 and C-2 parcels are built to a density of ~13.06 Units Per Acre. The existing residential density is above **(2.17 units)** the Comprehensive Plan's FLUM designation of "*Single/Two Family Residential Less Than 10.89 Units Per Acre*".
  - The proposed density is above **(3.71 units)** the Comprehensive Plan's FLUM designation of "*Single/Two Family Residential Less Than 10.89 Units Per Acre*" and only slightly above **(1.54 units)** the calculated that currently exists.

#### **VI. Interests of Others**

None to Report.

#### **VII. Additional Matters**

Municipal tax payments are current as certified by the Tax Collection's Office on May 3, 2024.

#### **VIII. Waivers**

None Requested.

#### **IX. Findings of Fact:**

An orderly, thorough, and expeditious review of this Preliminary Plan has been conducted. Property owners within a 400' radius have been notified via certified mail and the meeting agenda has been properly posted.

#### **A. Unified Development Review**

Staff has reviewed this Preliminary Plan application for conformance and consistency with the required Findings of Fact in accordance with RIGL §§ 45-23-50.1(b)(1), 45-24-41(d), 45-24-41(e)(2), and 45-24-46.4(f), as well as Section VII of the Subdivision & Land Development Regulations and finds as follows:

**The Applicant has submitted the following response to the required Findings of Fact in accordance with RIGL § 45-24-41:**

The proposed dimensional relief sought is minimal, reasonable in nature and will create any additional dwelling unit for housing purposes.

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**Staff has reviewed the requested dimensional relief for conformance and consistency with the required Findings of Fact in accordance with RIGL § 45-24-41 and finds 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).”*

- Staff notes that there is no avenue to construct this type of permitted development on the subject property without dimensional relief due to the placement of the existing house and the shape of the subject property. Alternatives requiring less relief would restrict the proposed building footprint in a way that makes it inconsistent with the neighboring buildings and impractical for the property owner.

*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 has presented sufficient testimony to satisfy this required finding of fact during the preliminary review process.

*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 proposal is compatible with the general character of the surrounding area as:
  - the Proposal consists of construction of a multi-family residential dwelling within a C-2 zoning district.
  - The surrounding area is C-2 mainly developed as commercial uses; with B-1 to the immediate north and a C-5 to the immediate south. Development in the area consists of single-family and multi-family, with neighborhood business zones abutting Park Avenue, Cranston Street and America Street.
  - The Proposal would be adding complimentary yet higher as present in neighboring zones B-1 and A-6.
  - The proposed subdivision would create one (1) buildable lot as the Proposal is short of the required minimum lot area needed for the eight (8) proposed multi-family dwellings in the C-2 zone under Section 17.20.120 of the Zoning Ordinance.
- The proposed use (multi-family residential) is consistent with the Comprehensive Plan.
- The Application is directly consistent with the Future Land Use Map designation as the proposed use) falls within the Future Land Use Map density designation as “*Neighborhood Commercial/Services*.”
  - Per the Future Land Use Map, the “Neighborhood Commercial/Services” district is an appropriate zoning classification for multi-family residential development.

*RIGL § 45-24-41. General provisions – variances. (e)(2) 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, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.”*

- Staff notes that there is no avenue to construct this type of permitted development on the subject property without dimensional relief due to the placement of the existing house and the shape of the subject property. Alternatives requiring less relief would restrict the proposed building footprint in a way that makes it inconsistent with the neighborhood and impractical, if not impossible to develop.

#### B. Subdivision & Land Development Review

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 **generally** consistent with the Comprehensive Plan’s Future Land Use Map (FLUM) of Neighborhood Commercial/Services.
- The prescribed multi-family density of 14.6 Units Per Acre, addresses any lack of consistency with the FLUM, by corresponding to the current use and density of the residential units to the immediate north. The B-1 parcels north of the Proposal are designated as “*Single/Two Family Residential Less Than 10.89 Units Per Acre*” in the Comprehensive Plan’s FLUM.
- Within a 400’ radius, B-1 and C-2 parcels are built to a density of ~13.06 Units Per Acre. These parcels contain a mix of mixed-use, single-family, two-family and multi-family residences. The existing residential density is above **(2.17 units)** the Comprehensive Plan’s FLUM designation of “*Single/Two Family Residential Less Than 10.89 Units Per Acre*”.
- The proposed density is above **(3.71 units)** the Comprehensive Plan’s FLUM designation of “*Single/Two Family Residential Less Than 10.89 Units Per Acre*” and only slightly above **(1.54 units)** the calculated that currently exists.

*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, (density on Parcel A) which if granted, will establish 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 **preliminary** 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 Park Ave, a public city street.
- The Proposal provides for safe and adequate local circulation for vehicular traffic.

#### **X. Recommendation – Land Development Project**

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 and Section III(L) of the Subdivision & Land Development Regulations.

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

#### **XI. Recommended Conditions of Approval**

The Final Plan submittal shall be subject to the following:

1. Submission of letters of availability from the Providence Water Supply Board and Veolia Water for water and sewer availability, respectively.
2. Curb-to-curb pavement restoration shall occur as needed in accordance with and to the satisfaction of the Department of Public Works.
3. Applicant shall install two granite bounds: one on the northern property line, and one on the southern prior to recording of the Final Plan.
4. Restrict parking on the eastern property line for fire access only.
5. Payment of the Eastern Cranston Capital Facilities Development Impact Fee of \$593.46 x 6 (\$3,560.76)

Respectfully Submitted,

*Brianna L. Valcourt*

Brianna Valcourt, M'Arch  
Senior Planner / Administrative Officer

**Cc:** City Planning Director  
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