

**City of Cranston
Zoning Board of Review
Application**

Application for exception or variation under the zoning ordinance "City of Cranston Zoning Code, December 1994 Edition as amended."

To: Cranston Zoning Board of Review
35 Sockanosset Crossroad Suite 6
Cranston, RI 02920

Date: April 20, 2023

THE UNDERSIGNED HEREBY APPLIES TO THE ZONING BOARD OF REVIEW FOR AN EXCEPTION OR A VARIATION IN THE APPLICATION OF THE PROVISIONS OR REGULATIONS OF THE ZONING ORDINANCE AFFECTING THE FOLLOWING DESCRIBED PREMISES IN THE MANNER AND ON THE GROUNDS HEREINAFTER SET FORTH.

OWNER: RICA Realty, LLC

ADDRESS: 481 Atwood Avenue, Cranston, RI Attn: Richard Palumbo ZIP CODE: 02920-5358

APPLICANT: Cranston Municipal Employees Credit Union

ADDRESS: 1615 Pontiac Avenue, Cranston, RI Attn: Brian Ducharme ZIP CODE: 02920

LESSEE: N/A

ADDRESS: N/A ZIP CODE: _____

1. ADDRESS OF PROPERTY: 1224 Oaklawn Avenue, Cranston, RI 02920
2. ASSESSOR'S PLAT #: 15 BLOCK #: 1 ASSESSOR'S LOT #: 1012 & 1014 WARD: 4 / 6
3. LOT FRONTAGE: 150' LOT DEPTH: 165' +/- LOT AREA: 0.57 Acres (24,661 SF +/-)
4. ZONING DISTRICT IN WHICH PROPERTY IS LOCATED: C-4 20,000 SF 35'
(ZONE) (AREA LIMITATION) (HEIGHT LIMITATION)
5. BUILDING HEIGHT, PRESENT: N/A PROPOSED: <35'
6. LOT COVERAGE, PRESENT: N/A PROPOSED: 10.1%
7. HOW LONG HAVE YOU OWNED THE ABOVE PREMISES? Applicant under contract to purchase
8. ARE THERE ANY BUILDINGS ON THE PREMISES AT PRESENT? No
9. GIVE SIZE OF EXISTING BUILDING(S): N/A
10. GIVE SIZE OF PROPOSED BUILDING(S): 2,500 SF - Bank Branch
11. WHAT IS THE PRESENT USE? Vacant
12. WHAT IS THE PROPOSED USE? Bank Branch with Drive-Thru
13. NUMBER OF FAMILIES FOR WHICH BUILDING IS TO BE ARRANGED: N/A

14. DESCRIBE IN DETAIL THE EXTENT OF PROPOSED ALTERATIONS: See enclosed Project Narrative, Site Plans, and Preliminary Plan Approval with Conditions from Cranston DPRC.

15. HAVE YOU SUBMITTED PLANS TO THE BUILDING OFFICIAL? Not beyond DPRC

16. WERE YOU REFUSED A PERMIT? N/A

17. PROVISION OR REGULATION OF THE ZONING ORDINANCE OR STATE ENABLING ACT UNDER WHICH APPLICATION FOR EXCEPTION OR VARIANCE IS MADE.
See enclosed Project Narrative

18. STATE GROUNDS FOR EXCEPTION OR VARIANCE IN THIS CASE: See enclosed Project Narrative

SIGNATURE OF APPELLANT(S) AND ATTORNEY (IF APPLICABLE) IS REQUIRED AND MUST BE LEGIBLE.

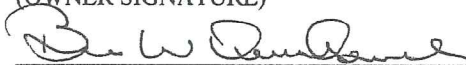
RESPECTFULLY SUBMITTED,

(OWNER SIGNATURE)

401-490-0994
(PHONE NUMBER)

(OWNER SIGNATURE)

(PHONE NUMBER)


(APPLICANT SIGNATURE)

401-463-7138
(PHONE NUMBER)

(LESSEE SIGNATURE)

N/A
(PHONE NUMBER)


(ATTORNEY SIGNATURE)

401-453-1200
(PHONE NUMBER)

Daniel P. Meyer, Esq.
(ATTORNEY NAME-PLEASE PRINT)

ATTORNEY ADDRESS: DarrowEverett LLP, One Turk's Head Place, Suite 1200, Providence, RI 02903

PRE-ZONING APPLICATION MEETING:

(PLANNING DEPT. SIGNATURE)

(DATE)

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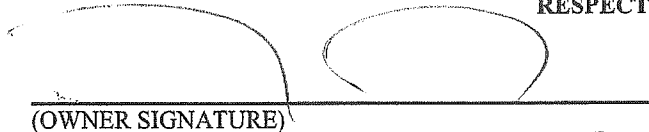
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(DATE)



DarrowEverett^{LLP}

Daniel P. Meyer, Esq.
dmeyer@darroweverett.com

April 21, 2023

VIA HAND DELIVERY & EMAIL

City of Cranston
Attn.: Stanley Pikul
Zoning Board of Review
869 Park Avenue
Cranston, RI 02910

**RE: Application for Dimensional Relief
1224 Oaklawn Avenue, Cranston, Rhode Island (AP 15, Lots 1012 & 1014)**

Dear Mr. Pikul and Honorable Members of the Cranston Zoning Board of Review:

This office represents the CME (Cranston Municipal Employees) Credit Union (“Applicant”) in connection with its application to the Cranston Zoning Board of Review (“CZBR”) seeking dimensional relief from select provisions of the City of Cranston Zoning Ordinance (the “Ordinance”), in connection with Applicant’s planned development of the above-captioned real property (the “Property” or “Project”). Applicant received preliminary plan approval from the Cranston Development Plan Review Committee (the “DPRC”) at a public hearing held on Wednesday, April 5, 2023, which preliminary plan approval was granted subject to certain conditions, including that Applicant apply for and obtain the requisite dimensional relief from the CZBR, all as set forth in greater detail herein. At our public hearing, Applicant intends to introduce evidence into the record, via testimony and supporting documentation, that, if the dimensional relief requested hereby were not granted by the CZBR, (a) it will not be economically feasible for Applicant to proceed with its acquisition of the Property from Owner, and (b) beyond being a mere inconvenience, the rejection of Applicant’s requested dimensional relief by the CZBR will result in Applicant terminating its contract to acquire the Property. We sincerely believe our Project represents a very desirable use of the Property, will improve the general character of the Oaklawn Corridor and current state of affairs for our residential abutters (especially on Rose Hill Drive), and is, candidly, likely one of the best options the City is likely to see for the particular Property (particularly considering present economic conditions and interest rate environment).

I. The Applicant, the Property & the Project

Applicant, CME Credit Union (CME CU), is a \$74 million local financial institution established in 1947 to serve City of Cranston employees and our city’s public-school teachers and administrative employees. Although our charter allows us to serve the broader Cranston



community, we pride ourselves on providing unique services that focus on serving City and School workers and their families.

We believe our new location at the Property will have a significant impact on the community as a whole. Today CME CU has eleven (11) employees at our 1615 Pontiac Avenue location. The proposed new retail branch, which will consist of a 2,500 +/- square foot, stand-alone bank branch with drive-thru, will be located at 1224 Oaklawn Avenue and is located just under 2 miles from our current location. In the first year we will be hiring four (4) additional employees, increasing our team to fifteen (15) employees. We will also continue to occupy the 1615 Pontiac Avenue location in Cranston for administrative and back-office operations. Over the next few years, we anticipate our growth will continue and the need to add additional staffing going forward.

As a not-for-profit financial institution, we deliver members timely advice, lower loan rates and higher savings rates for the single purpose of improving their lives and financial well-being. We know based on the average rates that other financial institutions charge, CME CU saves our members significant amounts in fees each and every year, in the tens of thousands of dollars.

Having a more prominent retail branch location allows us to serve more members of the Cranston Community, providing them with the valuable services we currently offer to our members today. Furthermore, the inclusion of the drive-thru facilities at the new location, aside from being in conformity with industry standards for retail bank branches in general, will offer our customers additional convenience and accessibility to our products and services. The existing branch on Pontiac Avenue does not include drive-thru facilities and is otherwise limited in terms of overall customer convenience and accessibility.

The subject Property is comprised of two separate tax parcels (AP 15, Lots 1012 & 1014), but is being developed as a single-building, single-use site. At present, the Property is vacant and largely unimproved; the previous structures situated on the Property having been demolished by a previous owner of the Property. The parcels comprising the Property are located within the C-4 (Highway Business District) zoning district under the Ordinance. Applicant's intended use of the Property, as a standalone Cranston Municipal Employees Credit Union retail bank branch, is a use that is permitted by right under the Ordinance; *however*, Applicant's inclusion of drive-thru facilities brings the entire Project under Development Plan Review and subjects the Project to the additional zoning standards applicable to all drive-thru uses in the City. As such, and in addition to Applicant's submissions to the DPRC, Applicant is seeking the specific items of dimensional relief from the CZBR described in greater detail below. Applicant is presently and contemporaneously pursuing all necessary permits and approvals from the applicable state regulatory authorities and/or commissions for the Project, including, without limitation, a PAPA from the Rhode Island Department of Transportation due to the Project's location along Route 5 (Oaklawn Avenue), a road owned and maintained by the State of Rhode Island. Finally, Applicant has done some preliminary door-to-door abutter outreach, specifically with those neighbors who would likely be most impacted by our project, in connection with our DPRC application and the conversations we were able to have were positive.

II. Dimensional Relief Requested



A. Section 17.28.010.B.4. – Drive-in uses – Driveway Openings.

Applicant is seeking a variance from the dimensional requirements set forth in Section 17.28.010.B.4. and 17.28.010.B.5. of the Ordinance governing the siting and width of driveway openings for development projects that include “drive-thru” facilities, namely:

1. 60’ Setback from Intersecting Street (Old Bald Hill Road) – Due to the Property’s physical proximity to the intersection between Old Bald Hill Road and Oaklawn Avenue (Old Bald Hill Road intersects with Oaklawn Avenue across Oaklawn Avenue from the Property), there is no feasible alternative siting of our driveway elsewhere on the Property and, thus, dimensional relief is necessary.
2. 20’ Setback from Side Lot Line (from AP 15, Lot 1015) – Applicant’s Site Plan provides for a setback from the side lot line equal to 14’+/-, necessitating dimensional relief of 6’ +/- . See comments to #3 below for further discussion.
3. 40’ Spacing between Driveway Openings (from AP 15, Lot 1015) – Due to the physical characteristics and the siting of third-party improvements affecting the Property, including the location of abutters’ driveways/curb cuts, existing driveway/curb cut placements on the Property, and existing utility poles along Oaklawn Avenue abutting the Property, there is no feasible alternative siting of our driveway elsewhere on the Property and, thus, dimensional relief is necessary. Applicant has worked extensively with the DPRC staff to consider potential alternative layouts, and the present layout is the best option and is ultimately the positioning that would likely have been used for a project that was not subject to the more restrictive drive-thru performance standards.
4. 35’ Maximum Driveway Width – While the width of the driveway itself (24’ +/-) is under the 35’ maximum set forth in the Ordinance, the distance from the terminus of each of the curb cuts, where the driveway opens up to Oaklawn Avenue vehicular traffic, is 48’ +/-, necessitating dimensional relief of 13’ +/- . Similar to our comments above in #3, we have worked closely with traffic and public safety officials on the DPRC to ensure our proposed siting of the driveway, drive-thru lanes, and other site improvements are consistent with any concerns they may have raised.

B. Section 17.28.010.B.10. – Noise Abatement – Speaker System Setback

Applicant is also seeking a variance from the dimensional requirements set forth in Section 17.28.010.B.10. of the Ordinance governing noise abatement, namely the requirement that a 100’ minimum setback be provided from residential abutters for the audio components of the Project. Applicant and its engineers and advisors have worked with DPRC staff to explore various site plans and the laying out of improvements for the Project to provide the full 100’ setback, but there is no other siting that achieves the requisite setback from the drive-thru’s audio components. To address this reality, and in an effort to satisfy, to the extent possible, concerns relating to noise emanating from the Project and its impact on our residential neighbors, Applicant and its team

have and continue to work with the DPRC to provide substantial additional screening and buffering along the easterly lot line running between the Property and the residential abutters located along Rose Hill, Oak Hill and Hilltop Drives. Additionally, Applicant and its development team have, wherever feasible, incorporated additional design techniques and equipment to further mitigate any noise and/or light migration onto abutting properties, all of which Applicant is happy to discuss in greater detail with the DPRC and our abutters.

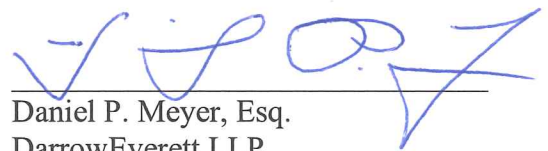
C. Standards of CZBR Review

1. 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. As previously noted, Applicant is a credit union whose “profits” go into better rates and services for its customers/shareholders, so there is no profit or other economic motive, just the desire to have a better branch for its customers. Applicant’s customers’ ability to have easier access to our banking services, especially for those who are disabled and/or elderly, is certainly one of the factors driving Applicant’s desire to invest considerable resources into this Project, but it’s not the sole reason.
2. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. Applicant is under contract to buy this vacant Property and, as such, did not play a role in any previous development decisions or activities prior to the planned development that is the subject of the Application. It is our understanding that the Property only fairly recently changed hands into Owner, and it was conveyed to Owner after previous parties had attempted to develop the Property for different, apparently less acceptable uses. The financial gain aspect has been discussed above at length, and Applicant is simply looking to build an industry-standard retail banking facility for its customers/shareholders.
3. 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 codified in this title or the comprehensive plan upon which the ordinance is based. Applicant’s Project will alter the existing conditions at the Property, for the better. The anticipated site work, landscaping, planting, screening (fencing and shrubs), etc., will improve the Property in many ways, including improvements to drainage, but perhaps most notably it will effectively seal our abutters from what is presently an open view onto Oaklawn Avenue (as discussed in person with our most direct residential abutters on Rose Hill Drive). Beyond that, our Project will very much fit in with the general character of the surrounding Oaklawn Avenue corridor and will contribute positively to the intent and purpose of the Ordinance and Comprehensive Plan. Indeed, during our DPRC hearing we discussed with DPRC staff how Oaklawn Avenue is becoming a banking center for Cranston.

4. *That the relief to be granted is the least relief necessary.* Applicant and its advisors have spent significant time, gratefully, working with the DPRC staff to look at different potential configurations for the site, and ultimately this is the only one the configuration that requires us to obtain the least relief necessary. Applicant's proposed use of the Property as a retail bank branch with ancillary office use is permitted by right under the Ordinance, so this Application is purely for dimensional relief from the additional standards imposed by virtue of the drive-thru. Throughout the DPRC process to date, Applicant and its team has worked closely with DPRC staff to address comments from the various city departments represented on that commission. Not that any department's comments aren't taken seriously by Applicant, but we have been particularly mindful of comments regarding public safety, maneuverability for first responders and fire apparatus, mitigating traffic flow issues, and, of course, the comments of our closest abutters, all in light of the desire to include drive-thru for our customers. Applicant believes that our development of the Property will not only aesthetically improve what is presently a vacant site, but it will be done in a way that more than adequately addresses any noise (from the drive-thru speaker system), light or traffic migration concerns of our abutters.

Applicant and its team look forward to continued collaboration with the DPRC staff, the CZBR, the City, and our neighbors to make the Project a reality. In addition to further outreach efforts with our neighbors prior to our hearings before the DPRC and CZBR, we look forward to our upcoming hearings so that we may answer any questions regarding our Project and operational matters, and, hopefully, adequately address any staff and abutter concerns expressed at public hearings and staff meetings.

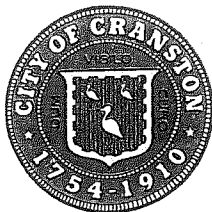
Respectfully submitted,



Daniel P. Meyer, Esq.
DarrowEverett LLP
Counsel to Applicant

Kenneth J. Hopkins
Mayor

Jason M. Pezzullo, AICP
Committee Chairman
Director of Planning



James Woyciechowski
Fire Department

Stan Pikul
Zoning Official

Justin Mateus P.E.
Engineering Division

Stephen Mulcahy
Traffic Safety Division

DEVELOPMENT PLAN REVIEW COMMITTEE
Cranston City Hall
869 Park Avenue, Cranston, Rhode Island 02910

April 18, 2023

RICA Realty, LLC
481 Atwood Avenue, Cranston, RI 02920, Attn.: Richard Palumbo Jr.



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Development Plan Review - Preliminary Plan Approval
“Cranston Municipal Employees Credit Union Branch”
1224 Oaklawn Avenue
AP 15, Lots 1012 & 1014

Dear Property Owner and Applicant,

Please be advised that on April 5th, 2023, the Development Plan Review Committee [COMMITTEE] held a public meeting to consider the Preliminary Plan application entitled “Cranston Municipal Employees Credit Union Branch” located at 1224 Oaklawn Avenue. [AP 15, Lots 1012 & 1014]. After due discussion, upon a motion made by Stephen Mulcahy and seconded by Stan Pikul, the Committee unanimously voted [5/0] to issue a Preliminary Plan Approval. In granting Approval, the Committee voted as follows:

	Approve	Deny
Jason Pezzullo	X	
Justin Mateus	X	
Stephen Mulcahy	X	
Stan Pikul	X	
James Woyciechowski	X	

In taking its vote, the Committee set the following conditions:

1. The applicant will submit a photometrics plan as part of the Final Plan application;
2. The applicant will either submit a conforming signage plan or apply for variances as needed ZBR relief;
3. The applicant will request landscaping waivers as needed;
4. Approval will be conditioned upon granting of relief by the Zoning Board of Review for all associated variance applications;

Sincerely,

Gregory Gurtin, MA
Senior Planner / Administrative Officer

