

A meeting of the Cranston Zoning Board of Review was called to order via WebEx voice and video conference by Chairperson Matthew Gendron on **Wednesday April 8, 2020 at 6:30 pm**. Also present were Joy Montanaro, Thomas Barbieri, Paula McFarland, 1<sup>st</sup> alternate Craig Norcliffe, and second alternate Josh Catone. Assistant Solicitor Stephen Marsella, Esq. was Counsel to the Board.

WebEx.com Video and Voice Conference reference:

[+1-408-418-9388](tel:+14084189388) :

**Meeting number: [628 557 242](tel:628557242),**

The Board heard the following applications:

### **OLD BUSINESS:**

PER SECTION 17.108.030; A CHAIRPERSON SHALL BE ELECTED.

**On a motion made by Mr Barbieri, and seconded by Ms. McFarland, the Board voted unanimously by roll call to re-elect the current Chair, Mr. Gendron, as Chairperson for another term. Mr. Gendron abstained from the vote.**

**RENAISSANCE DEVELOPMENT CORPORATION (OWN) and NAVIGANT CREDIT UNION (APP)** have filed an application to establish a bank, financial institution with drive through facility at **200 Phenix Avenue** A.P. 12, lots 217, 218, 219, and 322, area 34,586 zoned C2. Applicant seeks relief per Sections 17.92.010 Variance; Sections 17.28.010 B (8), (10) Drive in uses; 17.84.140 Development and Landscape Standards; 17.72.010 (3) Signage. Application filed 1/22/2020. Robert D. Murray Esq.

The applicant's attorney called the following expert witnesses to testify on behalf of the applicant: Mr. Robert Clinton from VHB Engineering for Traffic Engineering, Ms. Rene Codega from VHB Engineering as a Civil Engineer, Mr. Quan Tat from VHB Engineering as an Environmental Engineer for noise, and Mr. James Drake as Facilities Manager for Navigant Credit Union.

There were no objectors to the project. Navigant Credit Union has committed to the installation of a new vinyl fence to two abutting residential properties to the south but this is not a condition of approval because the fence lies on the abutters property.

On a motion made by Ms. McFarland and seconded by Mr. Norcliffe, the Board voted unanimously (5-0) by roll call to **approve** the application with conditions.

**Condition: Drive in use approved specifically for financial institution use only. Any other proposed use of the site must seek a new approval for said drive-in use.**

The Board made the decision based on the following **findings of fact**:

### **FINDINGS OF FACT:**

1. The applicant, Navigant Credit Union, proposes to establish a branch facility at 200 Phenix Avenue, the site of a former Burger King restaurant.
2. The overall redevelopment of the site will include the conversion to the credit union branch, the installation of 3 drive through lanes including an exterior ATM, modification to existing parking and landscaping improvements.
3. The proposed credit union building will utilize the existing footprint and the branch will total 2,626 +/- square feet.
4. The lot is zoned C-2 (Neighborhood Business) and contains approximately 34,586 +/- square feet. The use of a bank is allowed by-right in the C-2 zone.
5. The applicant has received conditional approval from Development Plan Review Committee on February 5, 2020 with conditions.
6. The applicant is seeking relief from 2 sections of the Zoning Code drive in business ordinance, Sec 17.28, as follows:

*Stacking Spaces. All drive-in uses shall provide stacking spaces for a minimum of six automobiles for each drive-in window. Stacking spaces shall be designed so as not to interfere with points of access to or from streets. Location of stacking spaces shall not interfere with entry to or exit from parking spaces. For automobile*

washing businesses, additional stacking spaces may be required at the exit of the auto wash structure.

*Noise Abatement.* No loud speakers or audio devices shall be permitted within one hundred (100) feet of a residential use.

7. The applicant is providing 2 stacking spaces for the outer lane and 5 stacking spaces for the 2 inner lanes.
8. Due to nature of the site's size limitations, the applicant's desire to utilize the existing building, and the expected frequency of usage of the drive-in lanes at other similar banking facilities, the Board finds that the requested relief for vehicle stacking will not create an undue traffic nuisance to interior site circulation or surrounding neighborhood.
9. There is a substantial grade difference of about ten (10) feet from the rear of the subject property to the top of the embankment leading to the abutting properties nearest to the 11 drive-in lanes. In addition, the embankment is heavily treed.
10. The applicant has submitted a noise study that concludes there will be minimal increase in noise due to the drive-in facilities and will be under the requirements of the noise ordinance for commercial districts and the applicants expert testified to that during the hearing.
11. Due to the existing conditions of grade and vegetation that provide a significant buffer between the drive-in lanes and abutting residences, and due to the abutter's concerns being addressed in a direct fashion by the applicant through replacing a fence, the Board finds that the noise issues are being properly mitigated.
12. City Code Sec 17.84.140 requires that a minimum of ten (10) feet wide landscaped strip shall be provided along property lines parallel to a street where parking or circulation areas abuts said street.
13. Due to the existing conditions of the site that provides a 4 foot buffer strip, and due to the applicant's desire to minimize overall site disturbance while also working with the existing building and circulation pattern, and due to the applicant's willing ness to make additional vegetation improvements within the existing buffer, the Board finds that such relief is appropriate and the least relief necessary.
14. The applicant is proposing to re-face an existing sign as depicted on page 9 of this memo. The current sign is approximately 97 square feet (both sides) in a C-2 zone, where twenty feet (25) feet of signage is allowed. In addition, the existing free standing is 27'11" tall where the maximum height allowed is twelve (12) feet.
15. Due to the applicant working within the area and height of the existing sign, and due to the applicant reducing the area of a portion of the existing sign the Board finds that such relief is appropriate and the least relief necessary.

In this case, applying the facts above to the standard for a variance, the Board further finds that the application involves a hardship that is due to the unique characteristics of the property, and is not due to a physical or economic disability of the applicant. The hardship does not result primarily from the desire of the applicant to realize greater financial gain, will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the comprehensive plan, and is the least relief necessary. In granting the variances, the Board finds that the hardship suffered by the applicant if the variances are not granted amounts to more than a mere inconvenience. Further, the applicant met the requirements of the Zoning Code and relief per Section 17.92.010, Sections 17.28.010B (8), (10) Drive in Uses; 17.84.140 Development and Landscape Standards; and 17.72.010 (3) – Signs.

## **NEW BUSINESS**

### **Ward 3**

**CHARLOTTE LAWSON (OWN) and CRANSTON BIBLE CHAPEL, INC. (OWN) and KEITH L'HEUREUX (APP)** have filed an application to reconfigure an existing lot to create a new lot to construct a new single family dwelling at **0 Harmon Avenue, Parcel 2, A.P.7, Lot 1772** and a portion of Lot 1773, Area 4,800 s.f., zone A6. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity Regulations. Application filed 3/11/2020. Robert D. Murray Esq.

*This application was continued to the May 13, 2020 meeting*

**Ward 3**

**CHARLOTTE LAWSON (OWN) and CRANSTON BIBLE CHAPEL, INC. (OWN) and KEITH L'HEUREUX (APP)** have filed an application to reconfigure an existing lot to create a new lot to construct a new single family dwelling at **0 Harmon Avenue, Parcel 1, A.P.7**, Lot 1774 and a portion of Lot 1773, Area 4,800 s.f., zone A6. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity Regulations. Application filed 3/11/2020. Robert D. Murray Esq.

*This application was continued to the May 13, 2020 meeting*

**Ward 3**

**CRANSTON BIBLE CHAPEL, INC. (OWN) and CHARLOTTE LAWSON (OWN) and KEITH L'HEUREUX (APP)** have filed an application to reconfigure an existing lot to create a new lot to construct a new single family dwelling at **0 Crescent Avenue, Parcel 3, A.P.7**, Lot 1813 and a portion of Lot 1814, Area 4,800 s.f., zone A6. The existing two family dwelling at 212 Crescent Avenue will remain on a reconfigured lot of 8,000 s.f. on Lots 1815, 1378 and a portion of Lot 1814. Applicant seeks relief per 17.92.010 Variance, Sections 17.20.120 Schedule of Intensity Regulations. Application filed 3/11/2020. Robert D. Murray Esq.

*This application was continued to the May 13, 2020 meeting*

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**Stanley F. Pikul**  
Secretary, Zoning & Platting Boards

**Ron Ronzio from Allied Court Reporters took the stenographic records.  
The meeting was adjourned at 9:10 PM**