

# CITY PLANNING DEPARTMENT



## Memorandum – Unified Development Review

**FINAL DRAFT – AMENDED ON MAY 6, 2024**

**To:** City Plan Commission  
**From:** Jonas U. Bruggemann, MSCRP | Senior Planner  
**Date:** May 7, 2024  
**RE:** Brewed Awakenings: 1234 Oaklawn Avenue – Assessors Plat 15/1, Lot 1015  
**Application for Unified Development Review for a Preliminary Plan**

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**Owner:** Chaychen LLC  
**Applicant:** David Levesque dba Brewed Awakenings  
**Location:** 1234 Oaklawn Avenue  
**Zoning:** C4 – Highway Business  
**FLUM Designation:** Highway Commercial/Services

### **I. Applicant | Property | Proposal**

The Applicant is David Levesque of Brewed Awakenings, and the Owner is Chaychen LLC.

The subject property is 1234 Oaklawn Avenue, abutting Oaklawn Avenue and Oak Hill Drive, identified as Assessors Plat 15/1, Lot 1015.

The subject property is zoned Highway Business (C-4) and is not located in any municipal overlay district.

The Proposal is to demolish an existing commercial building and construct a two-story drive-in restaurant with office space:

- Lot A: 33,763 sq. ft.

Required relief includes relief from setback and frontage requirements for a replat and residential development project in a C-4 zone (17.92.010 – Variances; 17.28.010 – Drive-In Uses; 17.72.010 – Signs, and 17.84.140 – Development and landscaping design standards):

#### *Relief from § 17.28.010 – Drive-In Uses:*

- Section B(1) – Lot Size
  - Required: 40,000'
  - Proposed: 33,763'
- Section B(4) – Driveway Openings
  - Required: 60'
  - Proposed: 23.8
- Section B(6) – Landscaping
  - Required: 5.0'
  - Proposed: 0'
- Section B(10) – Noise Abatement
  - Required: 100'
  - Proposed: 29'

*Relief from § 17.72.010 – Signs*

- Section P, Table 17.72.010(5) – C-4 Highway Business District Schedule of Permitted Sign Types. Wall Mounted
  - Required: 30SF
  - Proposed: 120SF

*Relief from 17.84.140 – Development and landscaping design standards*

- Section C(6)(b) – Buffer Area Dimensions
  - (i) A minimum ten (10) feet wide landscaped strip shall be provided along property lines parallel to a street where parking or circulation areas abuts said street.
    - Required: 10'
    - Proposed: 0'
  - (ii) A minimum five feet landscape strip shall be provided along side and rear property lines where parking and circulation areas are adjacent to abutting properties.
    - Required: 5'
    - Proposed: 2.2'
- Section C(1)(b) – General Requirements.
  - Required: 15% of parcel landscaped
  - Proposed: 10.2% of parcel landscaped
- Section C(7)(c) – Parking Area Landscape Requirements
  - Required: 6' x 12'
  - Proposed: 4' x 18' (min.) (same total square footage as regulation)

**II. Land Evidence Records References**

***1234 Oaklawn Avenue – Brewed Awakenings***

Land: The subject property includes a Plan entitled “Oak Hill Terrace, Cranston, RI, Belonging to R.I. Home Builders, Inc” by Waterman Engineering Co. dated August 1947, recorded in the City Clerk’s Land Evidence Records Office as Plat Card 355.

The subject property includes a Plan entitled “Subdivision of Lot B on Oak Hill Terrace, Cranston, RI, Belonging to Susie Meloccaro and Rose Picerne” by Waterman Engineering Co. dated August 1947, recorded in the City Clerk’s Land Evidence Records Office as Plat Card 360.

Title: The subject property is referenced in a Deed recorded in the City Clerk’s Land Evidence Records Office in Book 6549, Page 335; recorded March 25, 2024.

**III. Documents Submitted for This Application**

1. Minor Subdivision Plan entitled “**Brewed Awakenings**” prepared by Louis Barone III, PE, of DiPrete Engineering; dated April 3, 2024.
  - a. Sheet 1 of 11: Cover Sheet
  - b. Sheet 2 of 11: Aerial & Half-Mile Radius
  - c. Sheet 3 of 11: Notes and Legend
  - d. Sheet 4 of 11: Existing Conditions Plan
  - e. Sheet 5 of 11: Soil Erosion & Sediment Control Plan
  - f. Sheet 6 of 11: Site Layout Plan
  - g. Sheet 7 of 11: Grading Drainage & Utilities Plan
  - h. Sheet 8 of 11: Stormwater BMP Plan
  - i. Sheet 9 of 11: Details - 1
  - j. Sheet 10 of 11: Details - 2
  - k. Sheet 11 of 11: Truck Circulation Plan
2. Landscaping Plan entitled “Preliminary Plan Review Brewed Awakenings” prepared by Matanuck Design Group Inc; dated April 2, 2024.
  - a. Sheet 1 of 2: Landscaping Planting Plan

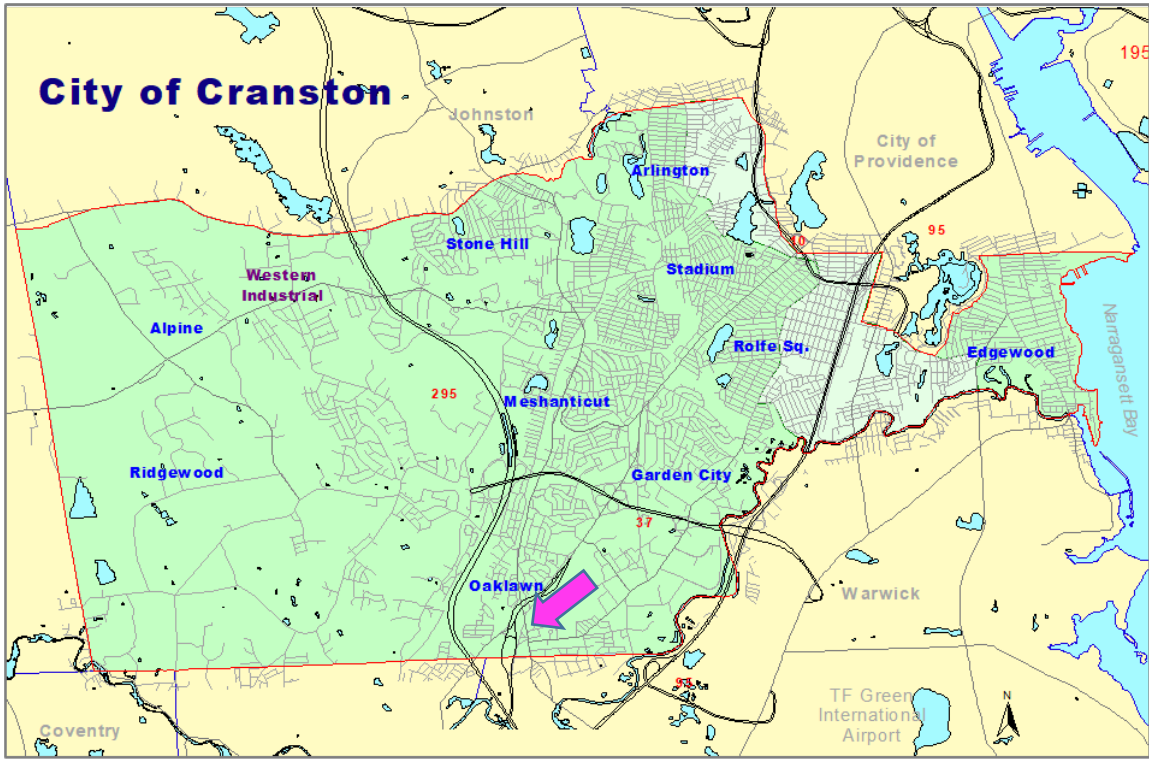
- b. Sheet 2 of 2: Landscaping Lighting Plan
3. Architectural Plan entitled "Brewed Awakenings Coffee Shop" prepared by Frank Karpowicz Architects, Inc.; dated April 3, 2024
4. Minor Subdivision / Minor Land Development – Preliminary Plan Application, signed by Applicant David Levesque; dated February 7, 2024. Signed by Owner Charles Chin of Chaychen LLC; dated February 7, 2024.
  - a. Minor Subdivision - Preliminary Plan Checklist completed by DiPrete Engineering; dated April 3, 2024.
  - b. Pre-application Fee for \$160.00; dated April 4, 2024.
  - c. Application Fee for \$335.00; dated April 4, 2024.
5. Narrative Report prepared by DiPrete Engineering Associates, Inc., prepared by Louis Barone III, PE, of DiPrete Engineering; dated April 3, 2024.
6. Traffic Impact Assessment by Crossman Engineering, Inc., prepared by Paul J. Bannon of Crossman Engineering; dated April 12, 2024.
7. Stormwater Management Report prepared by DiPrete Engineering Associates, Inc; dated April 3, 2024.
8. Stormwater System O&M Plan prepared by DiPrete Engineering Associates, Inc; dated April 3, 2024.
9. Drive-Thru Noise Analysis prepared by HM Electronics, Inc.
10. Municipal Lien Certificate; dated February 28, 2024.
11. Abutter Documentation
  - a. 400' Abutters List
  - b. 400' Abutters Map
  - c. Signed affidavit certifying mailing of 400' abutter notices; sent April 22, 2024; signed by Robert D. Murray; dated April 23, 2024

#### **IV. 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 easterly side of Oaklawn Avenue and northerly side of Oak Hill Drive.
2. The surrounding area is C-4 land, with A-8 abutting the property to the east. Development in the area consists of highway commercial along Oaklawn Avenue and single-family residential immediately east of the property.
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 44007C0426H and 44003C0126H, and outside of any regulated floodplain or flood hazard districts.

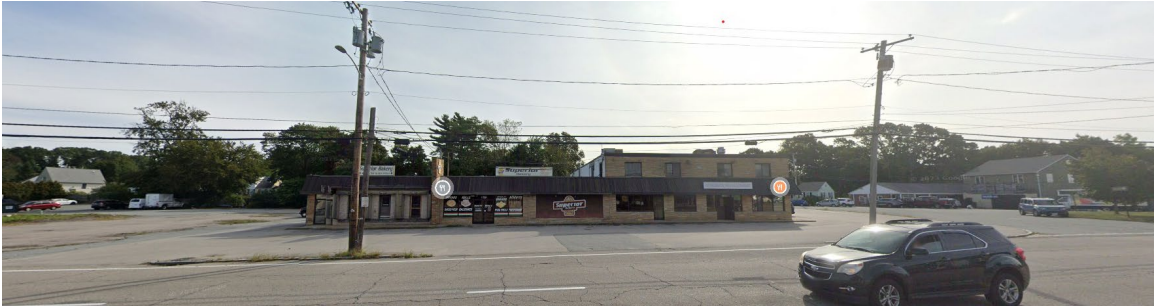
**LOCATION MAP**



**AERIAL PHOTO**



**STREET VIEW**



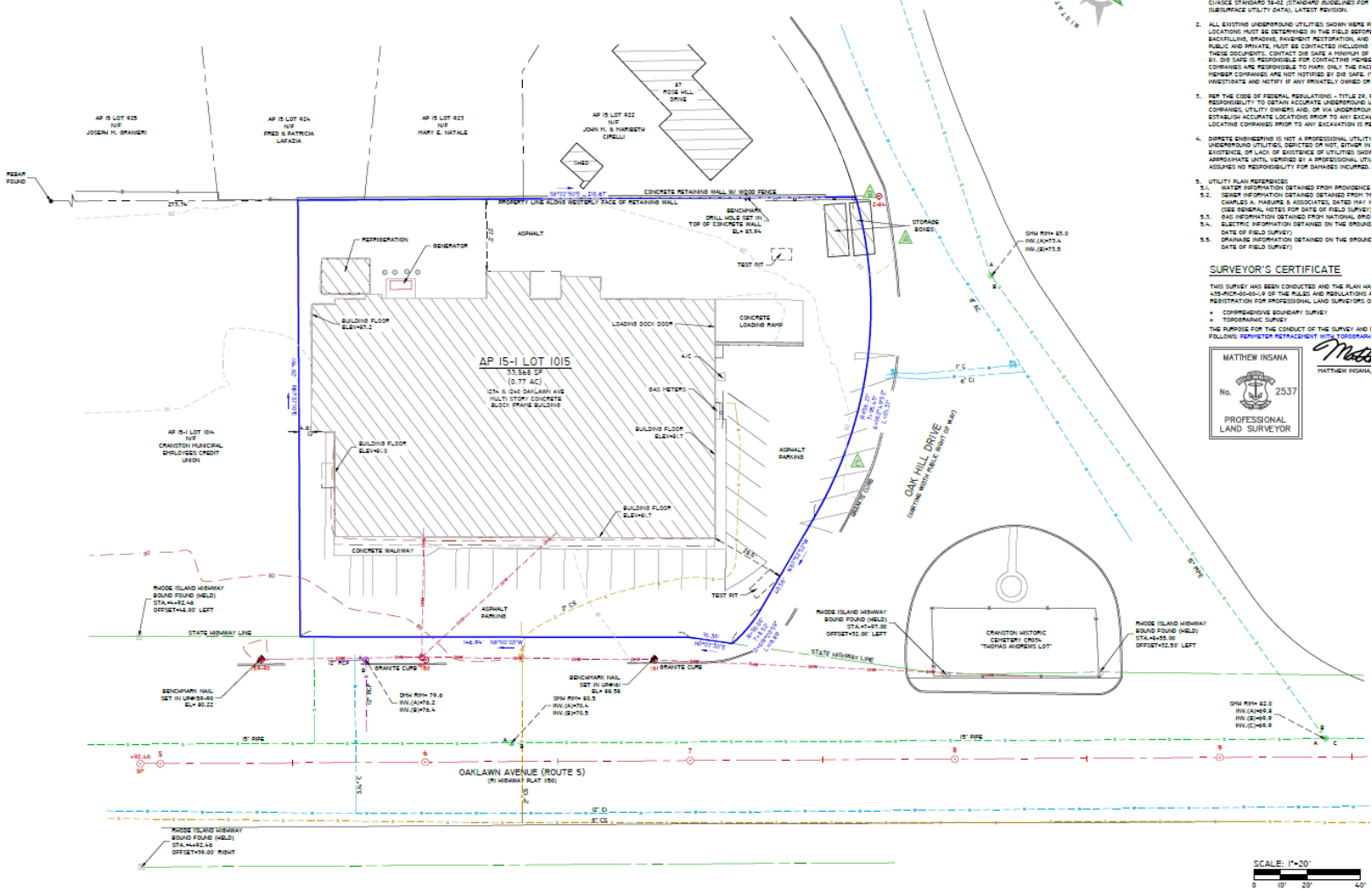
*(View east from Oaklawn Avenue, Google, Sept 2023)*



*(View north from Oak Hill Drive, Google, Oct 2022)*

# EXISTING CONDITIONS PLAN

LOCUS M





## **V. Technical Review Committee**

Pursuant to RIGL §45-23-38, these Plans and submitted documents were reviewed for comment at the Technical Review Committee meeting on April 17, 2024. Responses are as follows:

### Technical Review Committee Members:

- i. Mr. Ken Kirkland, MRP, MPA, AICP, Assistant Planning Director, Planning Department (acting as DPRC Chair Designee) had no concerns at this time.
- ii. Mr. Justin Mateus, P.E., Public Works Director, Engineering Division, was not present at this time, but will review the Proposal as part of the Land Development Project approval process.
- iii. Mr. Steven Mulcahy, Traffic Safety Division had no concerns at this time.
- iv. Mr. David Rodio, Building Official, Department of Building Inspection & Zoning Enforcement was not present.
- v. Mr. Stan Pikul, Alt. Building Official, Department of Building Inspection & Zoning Enforcement requested that lighting should not be directed onto the neighboring residential properties.
- vi. Mr. James Woyciechowski, Fire Marshal, Fire Department was not present, but the applicant stated that the Fire Marshal was aware of the project and will review the Proposal as part of the Land Development Project approval process.

## **VI. 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 has not provided commentary at this time.
  - c. Sewer Division: Mr. Edward Tally, Environmental Program Manager, has not provided commentary at this time.
  - d. Providence Water Supply Board: Although PWSB hasn't responded at this time, the existence of a 6" water supply line on the Existing Conditions Plan indicates existing service.
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 with Staff and requested that lighting should not be directed onto the neighboring residential properties.
3. Fire Department: Mr. James Woyciechowski, Fire Marshal has not provided commentary at this time.

## **VII. Planning Analysis**

### Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as "*Highway Commercial/Services*."



- Per the Comprehensive Plan, the C-4 zoning district is an appropriate zoning classification for a drive-in restaurant and business office.
- The proposed uses (drive-in restaurant and business offices) are consistent with the Comprehensive Plan.
- Staff finds that the Application is directly consistent with the Future Land Use Map designation.
- The Comprehensive Plan outlines goals, policies, and action items pertaining to commercial (re)development which Staff find support the approval of this Application, specifically:
  - Economic Development Goal 1A: Preserve and increase employment opportunities for Cranston residents.
  - Economic Development Goal 3: Add to the City's taxable property base by constructing industrial and commercial structures which are properly designed and sited in keeping with environmental, planning and design considerations.
  - Economic Development Goal 5: Ensure that new and expanded commercial development along major arterials exhibits a high standard of design quality and is compatible with existing roadway functions and adjacent residential neighborhoods.
  - Economic Development Goal 9: Have a clear and concise and efficient development process throughout all departments of the City.
    - Economic Development Policy 9.1: Work with regulatory staff to proactively inform and assist developers in regulatory and approval processes and otherwise improve relations with developers, businesses, and property owners.
- Staff has reviewed this Application in consideration of the compatibility with the character of the surrounding neighborhood 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-4 land, with A-8 abutting the property to the east. Development in the area consists of highway commercial along Oaklawn Avenue and single-family residential immediately east of the property.
  - The proposal is compatible with the general character of the surrounding neighborhood.
  - Off-site traffic impacts are minimal according to the Traffic Impact Assessment from Crossman Engineering; dated April 12, 2024.
  - Drive-thru noise analysis determined that noise impact to residential abutters should be minimal to negligible.
  - The proposed use (drive-in restaurant) is consistent with the Comprehensive Plan.
  - Staff finds that the Application is generally compatible with the general character of the surrounding neighborhood.

### **VIII. Interests of Others**

None to Report.

### **IX. Waivers**

None Requested. Staff notes that several of the requested variances in this application would have otherwise been handled as simple waivers by the DPRC. In this instance under Unified Development Review, all of these waivers now considered variances.

### **X. Findings of Fact:**

An orderly, thorough, and expeditious technical review of this Preliminary Plan has been conducted. Property owners within a 400' radius have been notified via certified mail (dated April 22, 2024) and the meeting agenda has been properly posted.

#### **A. Unified Development Review (Zoning Variances)**

**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 redevelopment of the site requires some dimensional relief but given the restrictions of area and corner location, the relief sought is reasonable and will create a new beginning for this area along Route 5 Oaklawn Avenue.

**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 reasonable avenue to construct this type of permitted development on the subject property without some type of dimensional relief due to the shape of the subject property and the corner lot placement of the property. Alternatives requiring less relief would affect space needed for queuing vehicles and may affect parking provisions.

*RIGL § 45-24-41. General provisions – variances. (d)(2) states, “That the hardship is not the result of any prior action of the applicant.”*

- It is anticipated that the applicant will present sufficient testimony to satisfy this required finding of fact during the public hearing.

*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 character of the surrounding area as:
  - The Proposal consists of construction of a drive-in restaurant and business office. Both uses are permitted uses by right in the C-4 zoning district.
  - The surrounding area is C-4 land, with A-8 abutting the property to the west. Development in the area consists of highway commercial along Oaklawn Avenue and single-family residential immediately east of the property.
- The proposed uses (drive-in restaurant and business offices) are consistent with the Comprehensive Plan.
- Staff finds that the Application is directly consistent with the Future Land Use Map designation.

*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 likely no reasonable avenue to construct this type of permitted development on the subject property without dimensional relief due to the shape of the subject property and the corner lot placement of the property. Alternatives requiring less relief would affect space needed for queuing vehicles and may affect parking provisions.

#### 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 proposed uses (drive-in restaurant and business offices) are consistent with the Comprehensive Plan.
- The Proposal is consistent with the Comprehensive Plan’s Future Land Use Map (FLUM).
- The Proposal is consistent with the Comprehensive Plan, namely:
  - Economic Development Goal 1A: Preserve and increase employment opportunities for Cranston residents.
  - Economic Development Goal 3: Add to the City’s taxable property base by constructing industrial and commercial structures which are properly designed and sited in keeping with environmental, planning and design considerations.
  - Economic Development Goal 5: Ensure that new and expanded commercial development along major arterials exhibits a high standard of design quality and is compatible with existing roadway functions and adjacent residential neighborhoods.
  - Economic Development Goal 9: Have a clear and concise and efficient development process throughout all departments of the City.
  - Economic Development Policy 9.1: Work with regulatory staff to proactively inform and assist developers in regulatory and approval processes and otherwise improve relations with developers, businesses, and property owners.

*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 which if granted, will grant 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 Oaklawn Avenue and Oak Hill Drive; both are public city streets.
- The Proposal provides for safe and adequate local circulation for vehicular traffic according to the Traffic Impact Analysis.

#### **XI. 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.

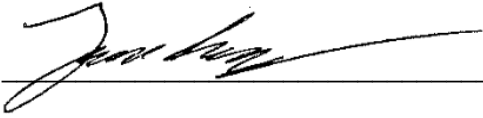
Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Minor Land Development Project – Preliminary Plan submittal subject to the conditions denoted below.

#### **XII. 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. **An (8) foot solid wood fence** shall be provided along abutting the easterly property line.
4. Shrubs of no more than four (4) foot height shall be provided in the landscaped area along Oaklawn Avenue. The width of the landscaped area shall be adjusted to provide appropriate space for the shrubs. The shrubs shall be native to New England and be appropriate for the conditions of the site.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jonas U. Bruggemann', is written over a horizontal line.

Jonas U. Bruggemann, MSCRP  
Senior Planner / Administrative Officer

**Cc:** City Planning Director  
File