

CITY PLANNING DEPARTMENT



Memorandum – Unified Development Review

To: City Plan Commission
From: Jonas U. Bruggemann, MSCRP | Senior Planner
Date: July 30, 2024
RE: 927 Cranston Street – Assessors Plat 7, Lots 632, 3488, 3514, & 3669
“**McDonald’s**” –Minor Land Development Project: Preliminary Plan with Zoning Relief Requested

Owner/Applicant: McDonald’s Corporation and McDonald’s Real Estate Company
Location: 927 Cranston Street & Lots 3488, 3514, & 3669 Webster Avenue
Zoning: C-5: Heavy Business, Industry
B-1: Single-family and two-family dwellings
FLUM Designation: Highway Commercial/Services
Single/Two-Family Residential – Less than 10.89 Units Per Acre

I. Applicant | Property | Proposal

The Applicant/Owner is McDonald’s Corporation and McDonald’s Real Estate Company.

The subject property is 923 Cranston Street, abutting Cranston Street, Webster Avenue, and Whipple Avenue, identified as Assessors Plat 7, Lots 632, 3488, 3514, & 3669.

Lots 632, 3514, & 3669 are zoned Heavy Business, Industry (C-5) and Lot 3488 is zoned Single-family and two-family dwellings (B-1). None of the lots are located in a municipal overlay district.

The Proposal is to demolish an existing drive-in commercial building and construct a double drive-in restaurant with expansion to the parking and various improvements:

- Lot 632: 29,985 sq. ft.
- Lot 3488: 6,473 sq. ft.
- Lot 3514: 4,950 sq. ft.
- Lot 3669: 4,944 sq. ft.

Required relief includes relief from setbacks for speaker boxes for Drive-In Uses and locations of ingress and egress of off-street parking in residential zones (§§ 17.92.010 – Variances; 17.28.010 – Drive-In Uses; and 17.64.010 – Off-Street Parking).

Relief from § 17.28.010 – Drive-In Uses:

- Section B(10) – Noise Abatement
 - Required: 100’
 - Proposed: 62.9’ & 50.5’

Relief from § 17.64.010 – Off-Street Parking

- Section 17.64.010 (C) - Extension of Parking Across District Boundaries in Residential, Commercial and Industrial Districts.

- Required: Ingress and egress for off-street parking may not be located in a residential district
- Proposed: Ingress and egress is located in the residential district.

II. Project History

In 2019, the Applicant submitted an application for Development Plan Review and to the Zoning Board of Review for dimensional variances for the demolition of an existing drive-in commercial building and construction of a restaurant with a double drive-through. That project received Preliminary Plan approval from the Development Plan Review Committee, approval for all variances from the Zoning Board of Review, and Final Plan approval by the Planning Department in 2019. The approvals issued in 2019 and building permits last issued in 2023 expired after no action was taken.

The applicant submitted a similar project to the 2019 proposal in April of 2024. The core difference with this application was that it proposed a four wall rebuild on the same building footprint of the existing structure, rather than a complete demolition and reconstruction of the building. This application was voluntarily withdrawn by the applicant prior to its scheduled appearance before the City Plan Commission meeting on May 7, 2024. The Planning Director determined the withdrawal to be “without prejudice.”

This application submitted in June of 2024 proposes a complete rebuild as was approved in 2019 but differs with a more rectangular building footprint, changes to building entrances and access paths, and the addition of a transformer just north of the proposed building.

III. Documents Submitted for This Application

1. Plan set entitled “Proposed Site Plan Documents for Proposed McDonald’s Drive-Thru” prepared by John A. Kucich, PE, of Bohler Engineering; drafted January 15, 2024; revised May 9, 2024.
2. Development Plan Review – Preliminary Plan Application, signed by Owner/Applicant; dated June 19, 2024.
3. Zoning Board of Review Application, signed by Owner/Applicant Attorney Christine E. Dieter; dated June 24, 2024
4. Narrative Report prepared by Christine E. Dieter of Hinckley Allen & Snyder LLP; dated June 24, 2024.
5. Drainage Memo prepared by Bohler Engineering; dated May 28, 2024, referencing Development Plan Review Approval from October 15, 2019.
6. Decision – Preliminary Development Plan Approval; recorded September 11, 2019
7. Decision Letter - Final Development Plan Review Approval – McDonald’s Drive-Through Remodel and Other Site Upgrades, recorded October 15, 2019.
8. Notice of Decision – Office of the Zoning Board of Review; recorded September 11, 2019.
9. 400’ Radius Map and Abutter List

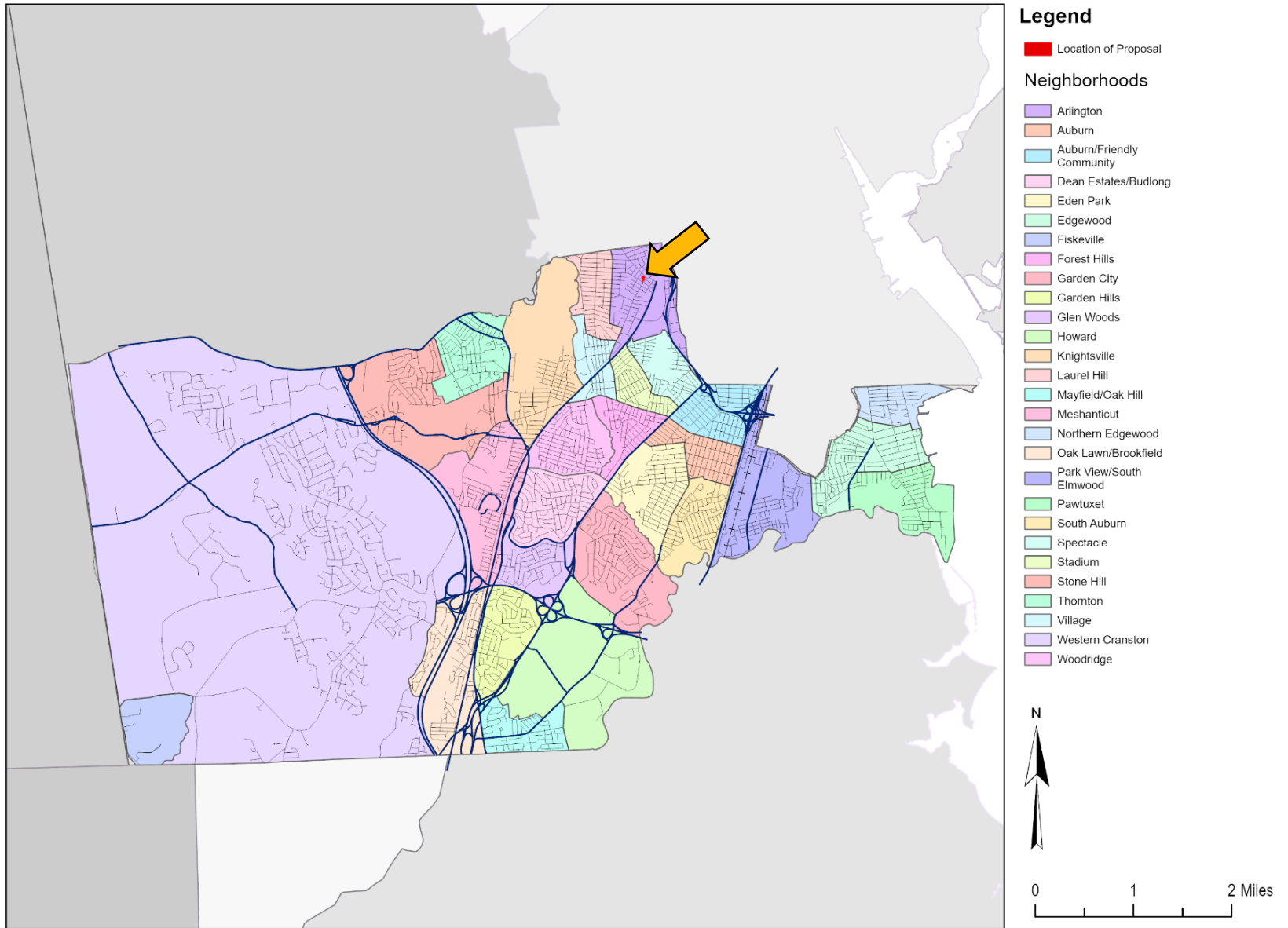
IV. Surrounding Land Use & Context

Analysis using the Cranston Geographic Information System and the FEMA Flood Map Service Center indicates that:

1. The subject properties are located on the northwesterly side of Cranston Street, northerly side of Whipple Ave, and southerly side of Webster Avenue.
2. The surrounding area along Cranston Street is zoned C-5, with B-1 abutting the property to the west. Development in the area consists of highway commercial along Cranston Street and single and two-family residential immediately west 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 44007C0312H, and outside of any regulated floodplain or flood hazard districts.

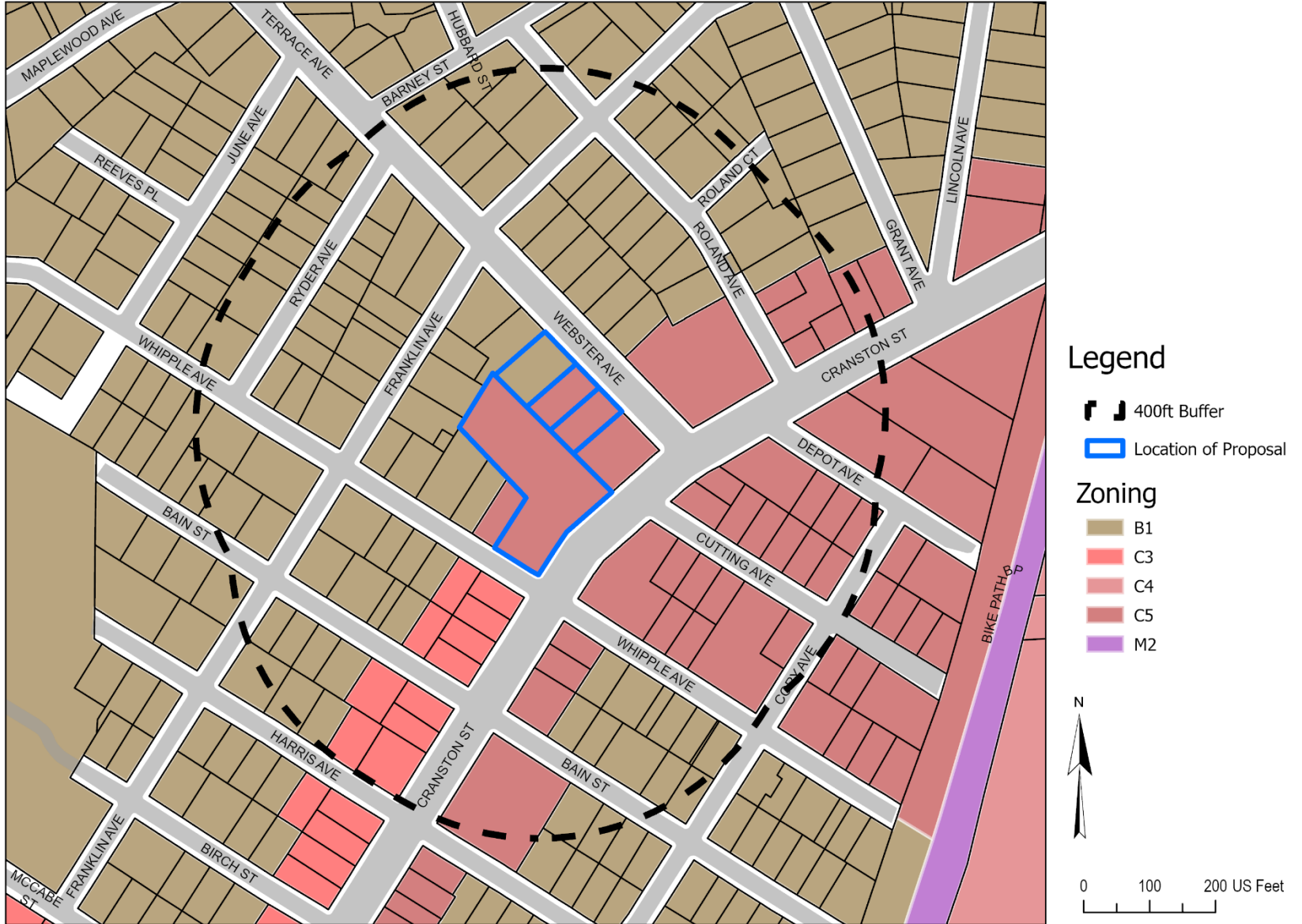
LOCATION

THIS MAP IS TO BE USED FOR PLANNING PURPOSES ONLY

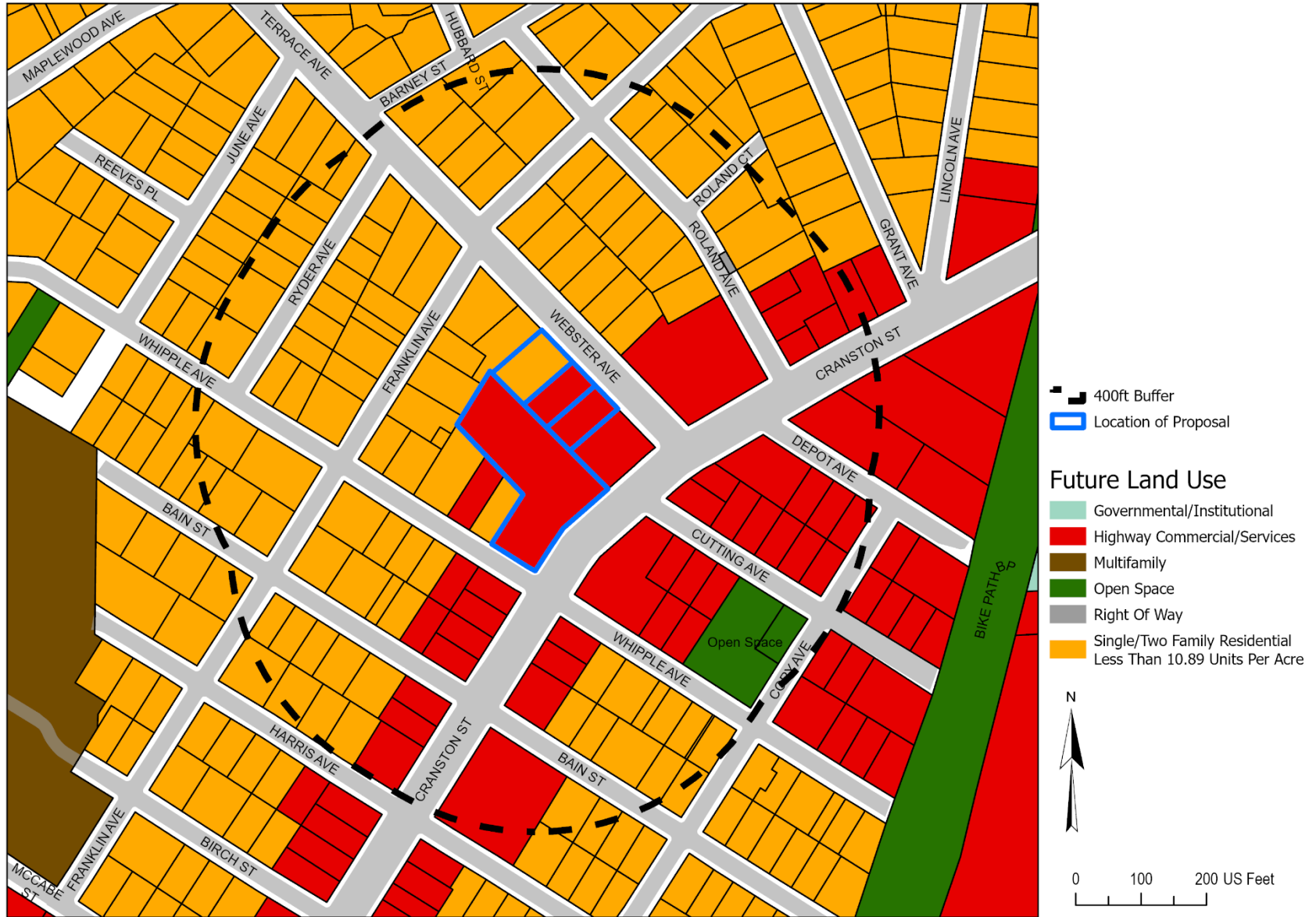


ZONING MAP

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FUTURE LAND USE MAP
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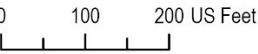
AERIAL VIEW

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Legend

-  400ft Buffer
-  Location of Proposal



STREET VIEW

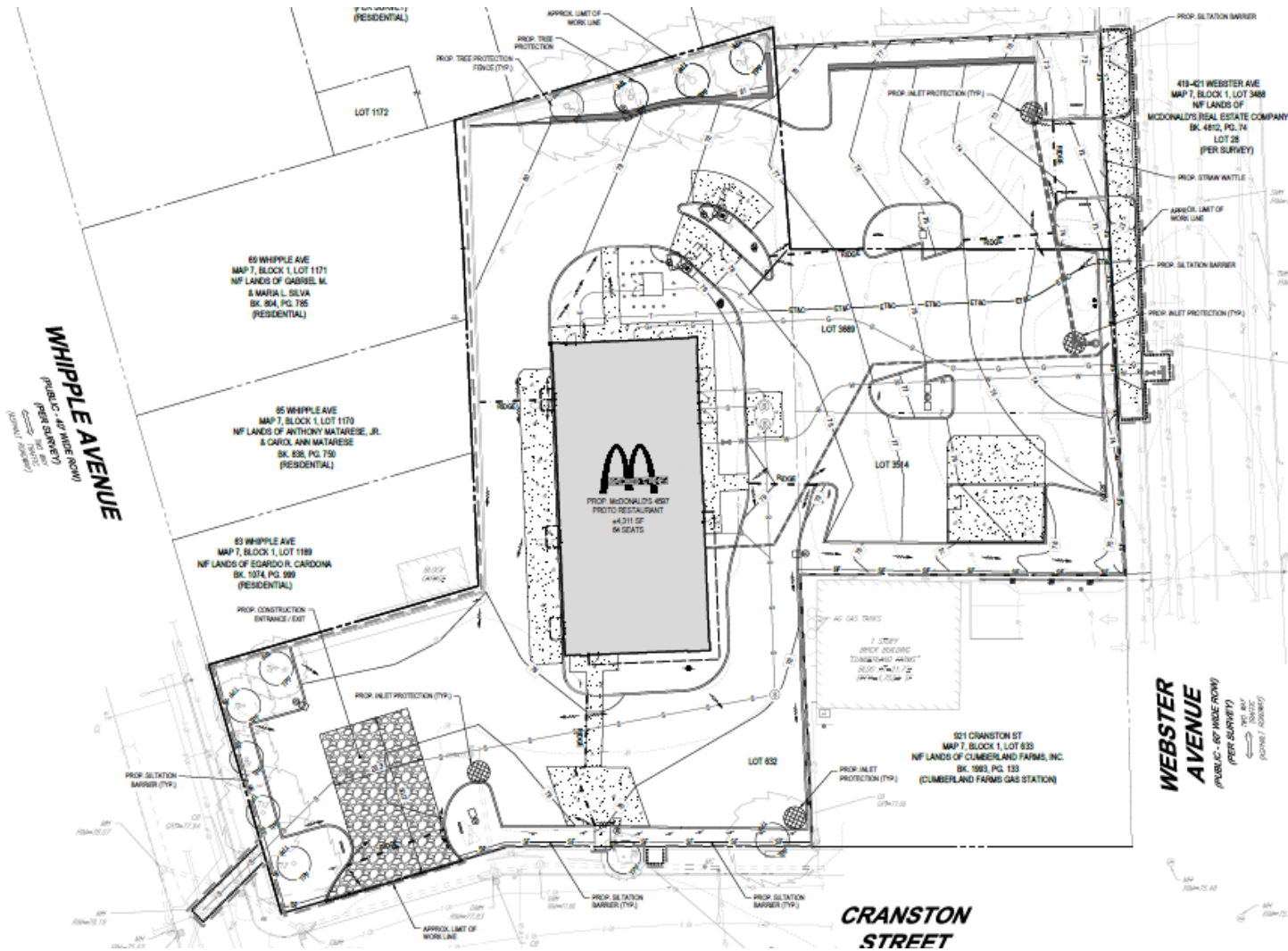


(Looking north from Cranston Street, Google, Aug 2023)



(Looking south from Webster Avenue, Google, Aug 2023)

PROPOSAL SITE PLAN WITH LANDSCAPING



V. 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, has not provided commentary 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, has not provided commentary at this time.

3. Fire Department: Mr. James Woyciechowski, Fire Marshal has not provided commentary at this time.

VI. Planning Analysis

Consistency with the Comprehensive Plan

- The Future Land Use Map (FLUM) designates the subject property as "*Highway Commercial/Services*" (Lots 632, 3514, & 3669) and "*Single/Two-Family Residential – Less than 10.89 Units Per Acre*" (Lot 3488).
 - Per the Comprehensive Plan, the C-5 zoning district is an appropriate zoning classification for a commercial drive-thru restaurant.
 - The Proposal seeks to expand the parking lot into Lot 3488, a B-1 zoned parcel with a residential FLUM designation. The Comprehensive Plan is silent on commercial off-street parking uses on residential land, but Section 17.64.010.C of the Cranston Zoning Ordinance permits expansion of off-street parking into an adjacent residential zone.
 - The Applicant is seeking zoning relief from ban on ingress and egress as described in Section 17.64.010.C of the Cranston Zoning Ordinance.
 - 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 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.

Compatibility with the Surrounding Neighborhood

- Staff has reviewed this Application in consideration of the compatibility with the general characteristics of the surrounding neighborhood and the requests do 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-5 land, with B-1 abutting the property to the west. Development in the area consists of highway commercial uses along Cranston Street and single and two-family residential immediately west of the property.
 - The Proposal for a commercial drive-in restaurant is compatible with the general character of the highway commercial corridor along Cranston Street and does not provide any undue impacts to the neighboring residential area.
 - The Proposal improves upon the existing traffic flow of the site and the surrounding area as:
 - The additional queuing capacity coupled with the double drive-through arrangement should reduce the chances of spillage onto public streets due to increased order processing speed and additional on-site capacity, even with the chances of increased traffic to the site.
 - Moving the access point on Webster Avenue further away from the signalized intersection with Cranston Street reduces chances for vehicles queuing at the light blocking the entrance to the site for left-turning traffic.
 - The possibility for noise disturbances created by the drive-through speakers has been adequately addressed by the Applicant through the use of noise adjusting technology, landscaping, and fencing as stated in the Applicant's Narrative Report.

Access to the Site and Fencing

Access to the site will be achieved via an existing two-way driveway along Cranston Street and a new proposed two-way driveway along Webster Avenue. A concrete wall topped with a wooden fence runs along the property line bordering the residential properties along Whipple Avenue and Franklin Street. A new 8-foot vinyl fence is proposed along the border of 415 Webster Avenue (Lot 2387) to create a visual barrier between the new expanded parking lot and the neighboring residential property. The final design of the driveway and fencing will be subject to review by the City's Department of Public Works and the Fire Department.

Environmental Impact

No significant environmental impacts are anticipated. The proposal is redevelopment of an existing disturbed urban land, outside of a flood zone, and without wetlands on site. RIDEM's Natural Heritage Map shows that there are no known rare species or sensitive habitats located on or near the site. Removed trees and permeable surfaces on the vacant property along Webster Avenue will be compensated for with landscaping in kind and new drainage structures.

The Proposal will be subject to all state and local regulations pertaining to environmental impacts and wetlands.

VII. Interests of Others

None to Report.

VIII. Additional Matters

Municipal tax payments are current as certified by the Tax Collection's Office on March 18, 2024. The applicant must supply a municipal lean certificate

IX. Waivers

None Requested.

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, return receipt requested and the meeting agenda has been properly posted with the Secretary of State.

A. Unified Development Review

The Applicant has submitted a narrative regarding the requested relief in the document labeled as "Project Narrative" which can be viewed on the website of the City Planning Department.

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:

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 agrees with the Applicants' testimony that the hardship is due to the physical constraints of the lot area and building shape and is not due to a physical or economic disability of the applicant. Granting the relief allows for the business to reinvest in the site and conduct improvements to the traffic flow on and around the site.

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

- Staff have not found evidence that the applicant has created the presented hardship.

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."

- Staff finds that the Proposal is compatible with the general character of the surrounding area and the Comprehensive Plan as:
 - The surrounding area is C-5 land, with B-1 abutting the property to the west. Development in the area consists of highway commercial uses along Cranston Street and single and two-family residential immediately west of the property.
 - The Proposal for a commercial drive-in restaurant is compatible with the general character of the highway commercial corridor along Cranston Street and does not provide any undue impacts to the neighboring residential area.
 - The Proposal improves upon the existing traffic flow of the site and the surrounding area.
 - The possibility for noise disturbances created by the drive-through speakers has been adequately addressed by the Applicant through the use of noise adjusting technology, landscaping, and fencing as stated in the Applicant's Narrative Report.

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 agrees with the Applicants' testimony that by not granting the requested relief for §17.28.010B(10), the Applicant would have to substantially downgrade their proposal, thereby making any reconstruction financially impractical.
- Staff agrees with the Applicants' testimony that by not granting the requested relief for §17.64.010(C), traffic flow and safety on the site would be impeded.

B. Subdivision & Land Development Project 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 use (drive-in restaurant) is 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. Add in others from Section VII above.
 - 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 Cranston Street and Webster Avenue; both are public city streets.
- The Proposal provides for safe and adequate local circulation for vehicular traffic.

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.

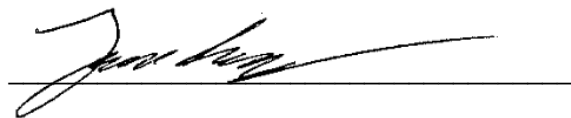
Staff therefore recommends that the City Plan Commission adopt the Findings of Fact documented above and **APPROVE** the Minor Land Development Project – Preliminary Plan submittal subject to the conditions denoted below.

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. Submission of Municipal Lien Certificate.
3. Curb-to-curb pavement restoration shall occur as needed in accordance with and to the satisfaction of the Department of Public Works.

Respectfully Submitted,



Jonas U. Bruggemann, MSCRP
Senior Planner

Cc: City Planning Director
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