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Mayor

Marc Greenfield  
Chair

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## Zoning Board of Review

### RESOLUTION NO. 2022-15

July 6, 2022

DOC# 2022327184  
BK# 13641 PG# 160

IN RE: Application for Special Use Permit  
(Alteration to Existing Drive-Through Facility)

PROPERTY: Plat 59, Lot 883  
1481 Broad Street  
C-2 General Commercial District

OWNER/  
APPLICANT: McDonald's USA, LLC  
110 Carpenter Street  
Chicago, IL 60607

On June 8, 2022, the within matter came before the Zoning Board of Review (the "Board") for a duly noticed public hearing on the request by the Owner and Applicant (the "Applicant") to modify the single drive-through lane on the above designated property (the "Property"). The Applicant sought a special use permit pursuant to Table 12-1 and Section 1202.J. and 2000.D. of the Providence Zoning Ordinance of 2014, as amended (the "Ordinance"). The following members of the Board were present throughout the hearing: Chair Greenfield, Mr. Wolf, Ms. Maniotes, Ms. Rodriguez, and Mr. Mitchell. Mr. Scott sat as a non-voting alternate, and Mr. Strother was absent.

WHEREAS, prior to the hearing, the members of the Board individually made inspections of the Property and of the surrounding neighborhood; and

WHEREAS, Mr. Eric Wagner on behalf of McDonald's USA, presented the application, and Mr. Eric Dubrulle, of Bohler Engineering, provided testimony; and

WHEREAS, there were no written or oral objections to the application; and

WHEREAS, the Board received, and the Chair read into the record, the June 8, 2022 recommendation of the Department of Planning and Development ("DPD") recommending the granting of the special use permit; and

NOW, THEREFORE, after careful consideration of the record as a whole, including the application, supporting documents and testimony, the Board's site inspection, and the recommendation of the DPD, the Board voted unanimously (5-0) to APPROVE the application for a special use permit with the condition delineated below.

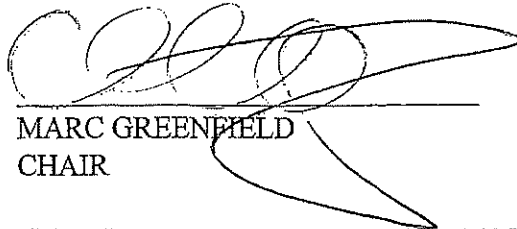
**THE BOARD HEREBY MAKES THE FOLLOWING  
FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The Property is located in a C-2 General Commercial District. It has approximately 60,398 sq. ft. of lot area and is improved with one structure used as a fast-food restaurant with an existing single lane drive-through.
2. The Applicant proposes to redevelop the existing drive through-lane, to reconfigure some of the existing parking, and to provide a new gate for the existing dumpster enclosure.
3. The Applicant seeks a special use permit for the change to the existing drive-through facility, pursuant to Table 12-1 and Section 1202.J. of the Ordinance.
4. The existing drive-through predates the current Ordinance and is therefore considered to be a lawful Special Use under Ordinance Section 103. However, pursuant to Section 2000.D of the Ordinance, any change requires a new Special Use Permit and is subject to the conditions of 1202.J.
5. Specifically in this case, the Board has determined that within the limits of disturbance, the proposed drive-through lane reconfiguration and associated improvements meet the requirements of 1202.J.
6. The Board further finds that the proposed reconfigured drive-through lane would not substantially injure the use and enjoyment of, nor significantly devalue neighboring property. The drive-through is located in a commercial area, and the proposed updates will meet the requirements set forth in the Ordinance. In fact, the modifications to the site will result in an increase of permeable surface and green space. The Board further incorporates, relies on, and agrees with the recommendation of the DPD.
7. For the reasons stated in paragraphs 5 and 6 above, and based on its general knowledge of the area, the Board finds that the proposed reconfiguration of the drive-through lane will not be detrimental to the health and welfare of the community.

WHEREFORE, upon motion by Mr. Wolf, seconded by Ms. Maniotes, the Board voted unanimously (5-0) to APPROVE the application for a special use permit **with the following condition:**

**The Applicant shall meet the tree canopy requirements of the Ordinance under the supervision of the City Forester.**

By Order of the Zoning Board of Review.

  
MARC GREENFIELD  
CHAIR

**ATTENTION:** SECTION 1902 OF THE ORDINANCE REQUIRES THAT ANY VARIANCE OR SPECIAL USE PERMIT GRANTED BY THE BOARD SHALL EXPIRE SIX MONTHS AFTER THE DATE OF THE FILING OF THE RESOLUTION IN THE OFFICE OF THE BOARD UNLESS THE APPLICANT SHALL, WITHIN THE SIX MONTHS, OBTAIN A LEGAL BUILDING PERMIT AND PROCEED WITH CONSTRUCTION; OR OBTAIN A LEGAL BUILDING PERMIT AND A CERTIFICATE OF OCCUPANCY WHEN NO CONSTRUCTION IS REQUIRED.

**NOTE:** THE ORIGINAL RESOLUTION IS ON FILE IN THE OFFICE OF THE ZONING BOARD OF REVIEW AND MUST BE OBTAINED BY THE OWNER OR HIS/HER/ITS REPRESENTATIVE AND RECORDED IN THE LAND EVIDENCE RECORDS OF THE CITY OF PROVIDENCE BEFORE THE ISSUANCE OF A BUILDING PERMIT. A COPY OF THE RECEIPT ACKNOWLEDGING THAT THE RESOLUTION HAS BEEN RECORDED MUST BE SUBMITTED TO THE OFFICE OF THE ZONING BOARD OF REVIEW AND TO THE DEPARTMENT OF INSPECTION AND STANDARDS BEFORE THE ISSUANCE OF A BUILDING PERMIT.

MOTION TO APPROVE THE SPECIAL USE PERMIT MADE BY: Wolf

SECONDED BY: Maniotes

MEMBERS VOTING IN FAVOR: Wolf, Maniotes, Rodriguez, Mitchell, Greenfield

MEMBERS VOTING AGAINST: None

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