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April 2, 2024

James D. Rabbitt, AICP
Jay Parker, AICP
Jamie Gorman, Building Official
Planning Department
Town of South Kingstown
180 High Street
South Kingstown, RI 02879

Re: Zoning Ordinance Text Amendment – Narrative
Section 301. Schedule of Use Regulations Table
Use Code 58 – Accessory Drive-up Window for Financial Institutions in
Commercial Highway (CH) Zone with Special Use Permit – Development
Standards

Dear Director Rabbitt, Planner Parker, and Building Official Gorman:

We hope you are all doing well. As you know, this office has been working with People’s Credit Union (PCU) in its efforts to develop 703 Kingstown Road as a financial institution with drive up access. As we have discussed, PCU has encountered some unanticipated zoning issues.

We have drafted the zoning ordinance text amendment below to allow for drive up window access for a financial institution in the Commercial Highway (CH) zone through a special use permit. We have also drafted the required development standards. We based the development standards on a combination of standards in nearby communities.

In prior meetings, we discussed a desire on behalf of the Town and PCU to develop text amendment/development standards that fit the needs of a modern financial institution and the goals of the Town of South Kingstown.

We reach out to you now, prior to official application for a zoning ordinance text amendment, in an effort to collaborate. We understand this issue is only one of many currently before Planning and Zoning. For us it is our primary priority. We wanted to inquire whether your offices anticipate the proposed amendment will come either from PCU or as

a staff request. At our last meeting it was suggested that the amendment would be at the request of staff. We are open to either option. We look forward to discussing this aspect in more detail as soon as possible.

I. Background:

This proposed amendment includes the entire CH zone. However, this amendment is designed specifically for financial institutions only.

By way of background, since June of 2023, PCU has been in the progress of acquiring a new location for its South Kingstown credit union. Currently PCU is sited in the parking lot of the Wakefield Mall. Due to a variety of factors, PCU wants to relocate in the Wakefield area. The new proposed location is the site of the former Bobby G's Pub at 703 Kingstown Road. As part of its extensive due diligence process, PCU determined that a drive up window accessory to a financial institution was an allowed use at 703 Kingstown Road in the CH zone through a special use permit. Based on that fact, PCU contracted with the owners of the site to purchase the property. That purchase and sale process was progressing smoothly, but then circumstances intervened.

In the ensuing months, PCU met with the Planning Department staff on a number of occasions in person, by phone, and virtually. Additionally, PCU appeared before the Planning Board for conceptual pre-application review on November 27, 2023 and on February 27, 2024. We received excellent feedback from both staff and the Planning Board and incorporated those discussions into an improved overall design. After the February 27, 2024 Planning Board meeting we were excited to submit applications to the Planning Board for both Development Plan Review and a Special Use Permit for the drive up accessory window.

While preparing the submissions, we came across a surprising revelation. On December 11, 2023, as part of a series of zoning amendments related to the new land use laws passed by the legislature in the summer of 2023, the Town Council eliminated accessory drive-up windows via special use permit (for all uses) in the Commercial Highway (CH) Zone. Because PCU was in the process of improving its site design, it did not submit an application prior to December 11, 2023. Since the application was not submitted, even with Pre-Application Review, the project did not vest to "grandfather" the drive up accessory option.

The zoning amendment completely put the PCU plans in flux. Unfortunately, without drive up availability, the PCU business plan on Kingstown Road is simply not viable. However, PCU has already invested significant amounts of time, funds, and energy toward 703 Kingstown Road. After much deliberation, PCU decided to continue to move forward at 703 Kingstown Road.

We discussed our options at length with both the Planning Department and the Building Official. After those talks, we concluded that the best option would be a zoning text amendment related to accessory drive up windows.

The proposed amendment will be limited to financial institutions in the CH zone and includes specific and objective criteria for issuance of this type of special use permit pursuant to RIGL § 45-24-42 (b) (3).¹

II. Proposed Zoning Ordinance Text Amendment:

For reference, Article 12 of the Zoning Ordinance includes the following definition:

Drive-up window accessory (Use Code 58). A window or opening in a building or premises where all or a portion of customer service and/or ordering is by means of a drive-through service accessed by motor vehicles. This may be accessory to any use, including, but not limited to, restaurant, fast food restaurant, pharmacy, photo processor, bank or financial institution.

Below the proposed text amendment for Section 301 and the specific criteria (Section 504.18) required by RIGL § 45-24-42 (b) (3) is in red.

Sec. 301. Schedule of Use Regulations Table

Use Code	Use	R200	R80	R40	R30	R20	R10	RM	MU	CN	CD	CH	COD-R MOD-R	Notes
58	Accessory Drive-Up Window	N	N	N	N	N	N	N	N	N	N	N S*	N	*Financial Institutions Only See 504.18 for specific criteria/Development Standards

Section 504.18 Accessory Drive-Up Windows for Financial Institutions

A. Drive-thru uses, where permitted, shall meet the following development standards:

¹ **§ 45-24-42. General provisions — Special-use permits. [Effective January 1, 2024.] (b)(3)** Establish specific and objective criteria for the issuance of each type of use category of special-use permit, which criteria shall be in conformance with the purposes and intent of the comprehensive plan and the zoning ordinance of the city or town; however, in no case shall any specific and objective criteria for a special use permit include a determination of consistency with the comprehensive plan.

1. The minimum lot area shall be no less than 20,000 square feet for a building proposed for a drive-thru window.
2. There shall be adequate off-street parking and loading spaces to serve the proposed use. There must be sufficient on-site stacking areas to accommodate at least two (2) queued vehicles, entering the site waiting to park or approach the order window/order box, and at least three queued vehicles exiting the site.
3. Any accessory drive-thru window(s) shall be properly located within the parking and circulation plan to avoid any effect on off-site vehicular or pedestrian traffic, and in no case shall a drive-thru window be located on any building façade which faces a public street.
4. Vehicular entrances and exits shall be controlled by curbing
5. All other dimensional and parking requirements for the site and the use shall be met.

III. Analysis

In anticipation of submitting material in support of the drive up option in the CH zone, we submit the following analysis of the zone and the proposed amendment.

Prior to the December 11, 2023 zoning amendments, accessory drive up windows were allowed by special use in the CH zone for nearly any business use. Based on the vehicular nature of the CH zone, accessory drive up windows for certain uses make sense for both the Town and the public at large. This proposed amendment refines drive up windows in the CH zone in a limited and thoughtful manner.

a. Commercial Highway Zone (CH)

The Commercial Highway zone is defined as follows:

This district represents an orientation toward the automobile, with sufficient off-street parking areas and direct traffic access to major highways. The predominant pattern is the shopping center, where several individual stores are planned and owned as a unit on the same parcel of land, but also may include many individual single-unit buildings and uses as well. Such retail uses as gas stations, fast food establishments and the larger supermarkets predominate in shopping centers. Also included are such uses as repairing, open lot sales, wholesale business, storage, etc. These uses are subject to

performance standards. It is intended that this zone permits and encourages revitalization and intensification so that the areas so zoned are used to their peak potential. Provision of public water in the future may be permitted, particularly if area wells become contaminated, but such water line extensions should not be used to justify commercial expansion. Residential development is excluded from these areas.

The proposed text amendment includes only the Commercial Highway Zone. For context, there are at least twelve (12) other drive up operations within one mile of 703 Kingstown Road.

This amendment specifically only addresses financial institutions. The financial institution drive up is an accepted fact of American life and commerce. Even before Covid, drive up windows were absolutely essential. Drive ups increase operational efficiency, enhance ability to meet demand, and fulfill client needs. The drive up option provides a simple, safe, convenient, and accessible solution for consumers. As noted previously, PCU's business model cannot operate at 703 Kingstown Road without this zoning text amendment.

Additionally, the criteria outlined above will ensure that all drive up windows for financial institutions will follow defined specifications that emphasize safety, order, and uniformity.

Overall, we believe that the CH zone was designed with the expectation that drive up windows for financial institutions would be allowed either by right or by special use. In fact, the December 11, 2023 amendment included a note that standard would be developed for financial institution drive up access with special use permits.² Notably, even though PCU will benefit from this amendment, any financial institution within the CH zone will benefit from this petition.

b. Comprehensive Plan - Consistency

Notably the Comprehensive Plan does not specifically address drive up windows. However, the Comprehensive Plan does address the Commercial Highway Zone.

The Commercial Highway Zone is referenced in the Comprehensive Plan at the following points:

ED-5 and ED 11: Establish more sophisticated standards regarding the aesthetic features of development within the Commercial Highway, Commercial

² The December 11, 2023, amendment referenced special use permits for accessory drive up windows in the Commercial Downtown (CD) zone rather than the Commercial Highway (CH) zone. We believe that the drive-up option better fits the CH zone based on the vehicular nature of the CH zone. And the fact that the CD definition excludes "uses primarily oriented toward the automobile."

Downtown, and Commercial Neighborhood Districts such as architecture, signage, and appropriate landscaping.

IMP-6, IMP-29, LU-6, LU-13: The Town shall amend the regulations for the Commercial Highway, Commercial Downtown, and Commercial Neighborhood Districts to address standards for building scale, architectural elements, pedestrian access and connectivity, signage, and landscaping.

The Comprehensive Plan does not appear to contemplate the prohibition of drive up access in CH zone. Instead, the Comprehensive Plan focuses on scale, architecture, pedestrian access, signage, and landscaping – which are all aspects of PCU’s plans that have been reviewed by the Planning Board at the concept stage.

Also, for context, PCU has proposed extensive open space and landscaping at 703 Kingstown Road. Additionally, we have proposed that no drive up window façade face the street in any instance.

Overall, we believe the standards we have proposed are consistent with the Comprehensive Plan. We also understand the Town of South Kingstown is engaged in an analysis of the area through the Old Tower Hill Road Neighborhood Plan – Charette Planning Process. We have visited the interactive public meetings and commend the Town for its efforts to revitalize the area. We believe the PCU proposal fits well within the future plans and we hope it is a model for future development along Kingstown Road and Old Tower Hill Road.

We are looking forward to a dialogue with staff in effort to craft an amendment that makes sense for the Town, financial institutions, and the public.

We would appreciate the opportunity to either discuss this proposal or review any suggested changes as soon as possible. Thank you for your time and consideration.

Sincerely,

/s/ James M. Callaghan

James M. Callaghan