

**Meeting Notice
City of Warwick
Planning Board**

Date: Wednesday, October 17, 2012

Time: 6:00 p.m.

**Location: Warwick City Hall
Lower Level Conference Room
3275 Post Road
Warwick, RI 02886**

Review and approval of the September 2012, meeting minutes.

Public Meeting

Minor Subdivision

Replat of the Rathbun Plat

Location: Old Forge Road and Potowomut Road

Applicant(s): Stephen Miller

Assessor's Plat: 210

Assessor's Lot(s): 163

Zoning District: A-7-Residential

Land Area: 37,673 square feet

Surveyor: Ocean State Planners, Inc.

Ward: 9

The Applicant is requesting Preliminary Approval of a Minor Subdivision to subdivide one (1) lot to create four (4) new conforming single family lots for development in an A-7 Residential Zoning District.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1, “Purposes and General Statements” of the City’s Development Review Regulations, and:

1. That the subject property is located along Old Forge Road & Potowomut Road and is identified as Assessor’s Plat: 210; Assessor’s Lot: 163.

2. That the subject property is the residual land from a subdivision in April 2011, in which three (3) conforming lot were created; one (1) conforming lot with an existing single family dwelling ; and two (2) new conforming single family lots for development.

3. That the subject property consists of one (1) tax assessor’s lot totaling 37,673 square feet and is currently zoned Residential A-7.

4. That the Residential A-7 Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.

5. That the Applicant proposes to create four (4) new conforming single family lots for development in an A-7 Residential Zoning District.

6. That all lots, as proposed, will conform to the requirements of the Residential A-7 Zoning District.

7. That the Applicant has received RIDEM-OWTS Approval No. 1235-0493 for record lot 1; Approval No. 1235-0927 for record lot 2; Approval No. 1235-0926 for record lot 3 and Approval No. 1235-0928 for record lot 4.

8. That there are no wetlands located within 200-feet of the proposed project.

9. That the parcel is outside of the 100 year Flood Zone per FEMA Map Panel NO. 445090139G, December 3, 2010.

10. That the proposed development is generally consistent with the Comprehensive Community Plan.

11. That the proposed subdivision is in compliance with the provisions of the City's Zoning Ordinance.

12. That there will be no significant negative environmental impact from the proposed development.

13. That the development 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.

14. That the property will have access to public water.

15. That the proposed development possesses adequate access to a public street.

Planning Department Recommendation

The Planning Department's recommendation is to grant Preliminary Approval, with Final to be by the Administrative Officer, with the following stipulations:

1. That the Final Record Plat and the Final Development Plan shall show a North Arrow, as required per Development Review Regulation, Appendix B, Checklist Item #3.

2. That the Final Record Plat and the Final Development Plan shall show Deed Book and Page References, as required per Development Review Regulation, Appendix B, Checklist Item #6.

3. That the Final Record Plat and the Final Development Plan shall show all geometry, including, but not limited to, lot areas, distances, and interior angles, as per Development Review Regulations, Appendix B, Checklist Item #'s 10 and 22.

4. That the Final Record Plat and the Final Development Plan shall show all location and dimensions of all existing and proposed utilities within and immediately adjacent to the subdivision, as per Development Review Regulations, Appendix B, Checklist Item # 16.

5. That the Surveyor shall install one (1) granite bound per lot, at a corner, and iron rods at the remaining corners, prior to Final Approval, or provide a Performance Bond for the installation, as per Development Review Regulations, Appendix B, Checklist Item # 29.

6. That the Applicant shall receive all necessary State and Local permits, prior to Final Approval, as per, Development Review Regulations, Appendix B, Checklist Item # 33.

7. That trees located within the State highway line shall be protected with continuous dripline tree, prior to the commencement of

construction.

8. That the one (1) mature Norway Spruce located in the southeastern portion of Record Lot 2, as shown on the Ocean State Planners, Inc. plan dated September 17, 2012, shall be preserved and protected with dripline tree preservation, prior to construction.

9. That the two (2) mature Norway Maples located along the Southwestern line of Record Lot 4, as shown on the Ocean State Planners, Inc. plan dated September 17, 2012, shall be preserved and protected with dripline tree preservation, prior to construction.

10. That the Applicant shall plant one (1) 2-2.5 caliper shade tree on each of the four Record Lots, as shown on the Ocean State Planners, Inc., plan dated September 17, 2012. The Applicant shall consult with the City's Landscape Project Coordinator regarding specific location and species.

Public Hearing

Major Land Development Project/Subdivision

BAR RI, LLC

Post Road

Applicants: Balise Motor Sales,

**Madelyn M. Dee (Trustee), Angeline M. Kiernan (Trustee),
Elena M. Rocchio (Trustee)**

Location: 1300, 1338, 1354, 1356 and 1400 Post Road

Assessor's Plat: 309

Lots: 39, 41, 47, 48, 49, 50 and 247

Zoning District: General Business, Light Industrial

Proposed Zone: General Business, with variances

Land Area: 10.6 acres

Number of Lots: 7

Proposed Number of Lots: 4

Engineer: Fuss & O'Neill

Ward: 3

Background

The applicants are requesting Preliminary approval of a Major Land Development Project/Subdivision. The proposal is to merge four (4) lots to create one (1) lot, demolish four (4) existing structures in order to construct two (2) new buildings to be used for vehicle sales and service, with associated outdoor vehicle display areas. The proposed buildings will have footprints of approximately 21,600 square feet and 23,000 square feet. As a result of construction, there will be a decrease in impervious area of approximately 35,760 square feet.

Planning Department Findings

The Planning Department finds this proposal to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and:

1. That the subject property is located on the easterly side of Post Road and the southerly side of Ethan Street, and is identified as Assessor’s Plat: 309; Assessor’s Lots: 39, 41, 47, 48, 49, 50 and 247 and consists of approximately 10.6 acres.

2. That the four (4) lots proposed to be merged (AP 309, AL’s 39, 47, 48, and 49) are leased by the applicant, Balise Motor Sales, and owned jointly by Madelyn M. Dee (Trustee), Angelina M. Kiernan (Trustee), and Elena M. Rocchio (Trustee).

3. That Balise Motor Sales owns abutting parcel (AP 309, AL 062), which is zoned General Business and authorized for vehicle sales, service, and outdoor vehicle display by City Council Zone change PCO-18-08.

4. That the project received Master Plan approval from the Warwick Planning Board at a Public Information Meeting held on May 9, 2012, for which notice was served and a record kept.

5. That the proposed project will result in a similar total building footprint, with 45,457 square feet of building to be demolished and approximately 44,600 square feet to be constructed.

6. That the proposed project will result in a reduction in the amount of impervious pavement on the site.

7. That the subject property is currently being used for vehicle sales, service, and associated outdoor vehicle display.

8. That the properties 200' north and south of the subject parcel, and fronting on Post Road are general business uses.

9. That Historic Cemetery #10, the Vincent Gardiner Lot, is located within the project area. (Vincent Gardiner died in 1897 and was a veteran of the Civil War.)

10. That the eastern edge of the property is within the 50' wetlands setback, with no construction proposed within this buffer area. That the applicant has received a Rhode Island Department of Environmental Management (DEM) Insignificant Alteration Permit No. 12-0121 indicating no significant negative environmental impacts from the proposed development.

11. That the applicant has received a Rhode Island Department of Transportation (DOT) Physical Alteration Permit (PAP) #120621, to utilize an existing 30 foot wide curb cut for ingress/egress and eliminate four (4) existing curb cuts with the installation of granite curb and concrete sidewalk.

12. That the project has a landscape plan, drawn and stamped by a Rhode Island licensed Landscape Architect and approved by the Warwick Landscape Project Coordinator.

13. That the proposed development is generally consistent with the Comprehensive Community Plan.

14. In compliance with the standards and provisions of the City's Zoning Ordinance, having received approval for City Council zone change PCO-7-12 from General Business and Light Industrial, to General Business with relief for location and size of parking spaces, parking spaces less than five (5) feet from building, less than required loading spaces, less than required landscape and signage larger than allowed.

15. That the development 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.

16. That the proposed development possesses adequate access to a public street.

17. That the property has access to public sewer and water.

Planning Department Recommendation

Planning Department recommendation is to grant Preliminary approval, with Final Approval to be granted through the Administrative Officer, with the following stipulations:

1. That the project shall maintain a 25' landscape buffer around the historic cemetery, as per state law and this buffer shall not be used for vehicle parking or storage. The applicant shall record an access easement to the historic cemetery.

2. That the applicant shall coordinate any proposed work on the waterline with the Warwick Water Division.

3. That the applicant shall submit new flows generated and an Inflow and Infiltration (I&I) fee to the Warwick Sewer Authority (WSA), prior to obtaining a building permit.

4. All landscaping must be maintained in healthy condition for the life of the project, as per Warwick Zoning Ordinance, 505.7(B) Maintenance of Landscaped Areas.

5. That the Surveyor shall submit a Bound Certification.

Public Meeting

Request for an Amendment to the City's Zoning Ordinance

Zoning Ordinance, Table 1 Use Regulations

The Proposed Text Amendment to the Warwick Zoning Ordinance SECTION 300 entitled "ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS" Table 1 of the Use Regulations Actual Use Code 503.2. Entitled "Retail trade-community-wide establishment, more than 2,000 square feet GFA" within a light industrial zoning district is intended to enhance zoning ordinance consistency with the City's Comprehensive Plan and the Warwick Station Development District Master Plan (WSDD) approved by the Warwick City Council in January of 2012.

Applicant: Warwick City Council

Location: 3275 Post Road

Subject Zoning District: Light Industrial

Proposed Amendment: Amend WZO Section 300 Table I of the Use Regulations Actual Use Code 503.2 within a light industrial district from "yes" as a use permitted by right to a "yes with footnote (26)" the added footnote (26) to read "There shall be only one building on the lot or parcel and the building shall not exceed 20,000 square feet in gross floor area, have no outdoor display and must be dedicated to only one actual use (503.2.), otherwise the use is prohibited within this zoning district".

The purpose of this amendment is to foster greater conformity by and between the City's zoning ordinance and the City Council approved Warwick Station Master Plan and Comprehensive Plan which are templates for Warwick's development in the 21st century.

The proposed text amendment is limited to actual use code 503.2 contained within Section 300 of the Table I Use Regulations for a retail trade-community-wide establishment of more than 2,000 square feet GFA located within a light industrial zoning district. The proposed amendment would continue to allow retail development to be located as a "by right" use within a light industrial district with build considerations being more congruent with the intent of the LI district and consistent with the goals, objectives and archetype of the nearby mixed use transit oriented development approved by the City Council in January of 2012 as part of the Warwick Station Development District Master Plan and Ordinance.

The proposed amendment is required because the existing zoning bylaw sets no limitation to establishing a retail use within a light industrial district which in effect transforms all the City's light industrial zoned properties into a de facto general business district without the requisite study, procedure, consistency, diligence and evaluation that is ordinarily and statutorily accompanied with a request for zone change before the City Council.

The short and long term effect of this zoning anomaly on the City generally; and Warwick Station Development District specifically, may be significant and adverse; especially considering that the City has limited properties zoned light industrial and a majority of these LI properties are located within a 1.5 mile radius of the WSDD's intermodal and gateway zoning districts.

In effect because a retail use is allowed as a "by right" use within a LI district this aberration could act to incentivize and redirect investment away from the WSDD to surrounding areas for all types of single user auto centric retail developments that would be wholly inconsistent with the pedestrian centric mixed development desired by the City Council in their approval of the WSDD master plan. Besides the adverse impact on the WSDD district, the referenced bylaw internally conflicts with specific policies contained within the City Comprehensive Plan as well as the definition of a light industrial district itself which is referenced in more detail in our findings.

The proposed text amendment seeks to correct this problem as well as its latent consequences by limiting "by right" retail uses identified within actual use code 503.2. entitled "Retail trade-community-wide establishment, more than 2,000 square feet GFA" in light industrial zoning districts to one building on the lot or parcel with the building not exceeding 20,000 square feet in gross floor area, having no outdoor display and dedicated to only one actual use (503.2.).

In this way, significant retail opportunities are still offered within the LI district but with a size and scale that is in greater harmony with mixed use intentions of the WSDD master plan and its intermodal and gateway zoning districts while also being more broadly consistent with the policies of the City Comprehensive Plan and general intent and purpose of the WZO definition of a light industrial and general business zoning districts.

Planning Department Findings

I. The Planning Department finds the proposal to be in compliance with the City's Comprehensive Plan including the Goals and Policies Statement, the Implementation Program, the Land Use Element and the Economic Development Element. (Refer to figure 1 above).

City of Warwick Comprehensive Plan POLICY RECOMMENDATIONS Land Use Element Page 98

Commercial

b. New or expanded commercial activity should generally be limited to locations within existing business areas.

c. New or expansion of existing commercial activity can be permitted in designated areas where conflicts with residential or other uses will not occur (i.e. Bald Hill Road/Quaker Lane, see future land map).

e. Establish a Planned Unit Development or Mixed Use District as a transition between existing residential and commercial/industrial areas or to promote development as appropriate.

**City of Warwick Comprehensive Plan POLICY RECOMMENDATIONS
Land Use Element Page 99**

Major Arterials

a. Strictly control and in many instances prohibit the expansion of commercial strip development along major arterial roadways.

c. New or expanded non residential activity should generally be limited to in fill sites within and along existing business arterials. New or expanded non residential activity should not encroach into residential or other sensitive areas off arterials.

f. Encourage the revitalization of existing commercial centers such as Apponaug, Conimicut, and others.

g. To the extent possible and where appropriate, encourage low traffic generating uses such as office and discourage high traffic generating uses such as retail.

**City of Warwick Comprehensive Plan POLICY RECOMMENDATIONS
Land Use Element Page 102**

Jefferson Boulevard

- a. Designate areas as appropriate for industrial use.**
- b. Generally prohibit non industrial uses along Jefferson Boulevard such as residential, commercial, institutional and other inappropriate uses. Office or other related uses customarily associated with industrial activity may be permitted.**
- c. In some locations a planned unit development district may be appropriate allowing for industrial use and limited commercial uses.**

Airport Road

- a. Prohibit the expansion of retail or other high traffic generating uses between Warwick Avenue and the Airport Property.**
- c. Require strict site design standards for all new and expanded commercial activity. Encourage existing uses to consider site design improvements.**

City of Warwick Comprehensive Plan POLICY RECOMMENDATIONS Economic Development Element Page 29

Take advantage of under utilized resources.

- Develop airport related services and industry.**

- Consider rezoning additional land for industry. Said rezoning should be so located as to provide easy access to I 95 and/or I 295. Rezoning should also take into account the feasibility of public sewer tie ins either to the Warwick Treatment Plant (or to the West Warwick**

facility using the existing capacity intermunicipal sewerage agreements). Potential sites for rezoning should abut existing industrially zoned parcels.

II. The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the Warwick Zoning Ordinance:

Warwick Zoning Ordinance sections;

103.2 Provide for a range of uses and intensities of use appropriate to the character of the city and reflects current and future needs.

103.3 Provides for orderly growth and development, which recognizes:

(A) The goals and patterns of land use contained in the comprehensive plan of the city.

(F) The need to shape the urban and suburban development.

(G) The use of innovative development regulations and techniques.

103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.

301.11A Warwick Station Intermodal District (Intermodal). Properties mapped in accordance with subsection 303 of this ordinance and which are intended to capitalize on the opportunities resulting from

their location in proximity to the Intermodal facility and the Airport terminal, including appropriate complementary uses, pedestrian and vehicular circulation and parking needs, access issues, traffic flow and congestion, lot coverage and height restrictions. The intent of the Intermodal District is to create and sustain an area of regional economic activity consisting of retail, commercial, office and residential uses located on a circulation access spine linking transportation nodes. This area is the core commercial activity area within Warwick Station Development District. It is intended that this zone have a high quality of design for pedestrian use, infrastructure improvements that will enable a flow of users between different transportation nodes and an appropriate density of associated retail, office, residential and hotel uses.

301.11B. Warwick Station Gateway District (Gateway). Properties mapped in accordance with subsection 303 of this ordinance and which are intended to serve as transitional areas leading to the Intermodal District of the Warwick Station Development District from outlying areas, including the Post Road and Airport Road general business districts. The Gateway District is intended to allow limited commercial uses customarily associated with transportation facilities as well as general commercial uses commonly allowed within general business districts.

It is intended that this zone have a high quality of design associated with vehicular circulation and appropriate landscaping and

architectural design intended to create a separate identity and a cohesive appearance distinguishable from the outlying areas.

301.9. Light industrial district (LI). Properties mapped in accordance with subsection 303 of this ordinance and used for limited or light industrial purposes generally of a less intensive nature than those allowed in the general industrial district.

301.8. General business district (GB). Properties mapped in accordance with subsection 303 of this ordinance and generally used for a wide diversity of commercial establishments including retail, service, office, and automotive related uses.

III. The Planning Department finds the proposal to be in consistent with the Warwick Station Development District Master Plan Approved by the City Council in January of 2012.

Warwick Station Development District Master Plan A Transit-Oriented Development- Executive Summary- -Page27

Steering Development to the District

“Steering development to the District City and state planning policy should actively encourage appropriate new development to locate in the District rather than outlying locations, as the District’s marketability and success as a walkable mixed-use setting will

increase with the amount of development it contains. The District meets state criteria for priority “Growth Centers” (see page 43) and should be promoted as such.”

Warwick Station Development District Master Plan A Transit-Oriented Development- Executive Summary- Project Purpose Page 5

“This Master Plan provides a framework for the development of up to 1.5 million square feet of office, retail, hotel and residential development in the core of the Intermodal Area, with 1 to 2 million square feet of additional development possible over the long term in surrounding areas within convenient walking distance. The Master Plan is shaped by the City’s goals, an assessment of the site’s market potential, consideration of the context of uses and buildings, and an evaluation of the capacity of the local roadway and utility infrastructure”.

Warwick Station Development District Master Plan A Transit-Oriented Development- Executive Summary- Project Purpose Page 6

“An additional 1 million to 2 million gsf of new development is possible along Jefferson Boulevard between the Airport Connector and Coronado Road, within the Intermodal District and in additional

area recommended for inclusion within the District. This yields a total development opportunity of about 2.5 to 3.5 million gsf.”

Warwick Station Development District Master Plan A Transit-Oriented Development -Executive Summary- Page 14

“The remainder of the Leviton site represents one of the most significant opportunities for new high-value, walkable, mixed-use development that takes advantage of the district’s excellent access options. Redevelopment there should be based around new streets that provide inviting pedestrian connections to the InterLink and adjacent residential streets, and attractive addresses for mixed-use transit-oriented development.”

Warwick Station Development District Master Plan A Transit-Oriented Development- Executive Summary- Page 19

“The presence of the airport, the people-mover, parking garage, and the proposed commuter rail service create an opportunity to develop a transit oriented, walkable, mixed-use district unique in the Northeast. Mixed-use districts increasingly draw a variety of commercial and residential activities because they offer a whole that is greater than the sum of its parts. They offer a sustained level of energy throughout weekdays, weeknights and weekends; a strong

sense of identity; and efficient use of public infrastructure that single-use environments typically lack.¹ A committed long-term effort to make this transit-oriented, walkable, mixed-use vision a reality will enable Warwick to brand the District as an ideal investment and location opportunity.”

Proposed Text Amendment to be revised to read as follows:

Zoning Districts OS A-40 A-15 A-10 A-7 O WB GB LI GI

Intermodal Gateway Village

503.2. Retail trade- community-wide establishment, more than 2,000 square feet GFA No

No

No

No

No

No

No

Yes

Yes

Yes (26) No Yes (24) Yes S (22)

Footnotes:

(26) There shall be only one building on the lot or parcel and the building shall not exceed 20,000 square feet in gross floor area, have no outdoor display and must be dedicated to only one actual use (503.2.), otherwise the use is prohibited within this zoning district.

Planning Department Recommendation

Presented with the aforementioned evaluation and findings of fact the Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zoning text amendment.

Bond Release

110 Access Road

New England Institute of Technology

Current Bond Total \$20,052.03

Amount to be Released 20,052.03

Retain 0.00

Actions by the Administrative Officer

Administrative Subdivision

Name Assessor's Plat: Assessor's Lot/s

Higgins Plat 203 264 & 265

Fear Plat 317 292, 293, & 295

Kohlman Plat 322 29 & 30

Kent Hospital Plat 256 & 247 78, 80, & 6