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**CITY OF WARWICK**  
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**City of Warwick Planning Board  
Meeting Minutes  
Wednesday, January 11, 2017**

**Members Present:** Benny Bergantino  
Steve Catalano  
James Desmarais (6:15 arrival)  
Vincent Gambardella  
Cynthia Gerlach  
Steve Horowitz  
Philip Slocum  
Sue Stenhouse

**Members Absent:** Thomas Kiernan

**Also in Attendance:** Patricia Reynolds, Senior Planner  
Lidia Cruz-Abreu, Assistant Administrative Officer  
Eric Hindinger, Engineer Project Manager  
Diana Pearson, City Solicitor

The December 2016 meeting minutes were presented for review and approval. A motion was made by Ms. Stenhouse to approve the December 2016 meeting minutes, seconded by Mr. Bergantino. All voted in favor, none opposed; with Mr. Gambardella and Mr. Slocum abstaining.

Chairman Slocum called the meeting to order at 6:00 pm.

**Public Informational Meeting**  
**Major Land Development**  
**Master Plan/Zone Change Recommendation**  
**1009 Centerville Road**  
**Restaurant**

Mr. Joseph Brennan, Shekarchi Law Offices; represented the Applicant who was requesting Master Plan Approval of a Major Land Development Project to demolish an existing single-family dwelling and accessory structures in order to allow for the construction of a 2,596 square foot, 60 seat restaurant building. The Applicant was also requesting a recommendation to the City Council for a Zone Change for the parcel, from Residential A-15 to General Business (GB), with waivers for less than required building front setback from both Centerville Road

(Route 117) and Bald Hill Road (Route 2, no access), less than required interior landscape and landscape buffer, and less than required parking area setback from the roadway frontage.

Mr. Brennan indicated that the Project was consistent with the Comprehensive Plan and the existing area. Mr. Brennan indicated that the application was for a restaurant use with no drive-thru window. Mr. Brennan stated that the hours of operation would not conflict with the existing uses in the area and therefore, would not adversely impact traffic in the area. Mr. Brennan indicated that the Applicant submitted a traffic study that showed that the proposed project would not create a greater adverse impact on traffic than currently existed on-site. Mr. Brennan stated that the land was not usable for residential use because it was surrounded by commercial uses.

Ms. Stenhouse asked if the access to the proposed site would be via the abutter parking. Mr. Brennan indicated that the project would not be accessed via the abutting lot.

Mr. Slocum asked for verification that the buffer between the two lots would be sufficient to prevent access. Mr. Brennan indicated that the buffer would prevent vehicular access.

Mr. Desmarais arrived and joined the Planning Board meeting.

Mr. Horowitz asked if there if there was sufficient parking. Mr. Brennan indicted that the project met the parking requirements but did not have sufficient setbacks from the property line.

Ms. Gerlach asked if there was a prevision for snow storage. Mr. Brennan indicated that there was an area for snow storage to the rear of the property.

Ms. Stenhouse asked if the restaurant use was going to be “Flippin Burgers” or another franchise. Mr. Brennan indicated that he believed it was going to be the aforementioned restaurant but if not it could be a cigar bar, that would meet the same standard as the proposed restaurant use. Ms. Stenhouse indicated that she was concerned with a use that would adversely impact the existing traffic if it had different hours than the testimony presented or a drive-thru were to be added at later date.

Being no further testimony, Ms. Stenhouse, seconded by Mr. Gambardella, made a motion to open the Public Information Meeting. All in favor; none opposed.

Being no testimony, Ms. Stenhouse, seconded by Mr. Bergantino and Mr. Catalano, made a motion to close the Public Informational Meeting. All in favor; none opposed.

Being no further questions, the Planning Board waived the reading of the Planning Department Findings and Planning Staff read the Planning Department Recommendations into the record.

### **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. Generally consistent with the City of Warwick, Comprehensive Plan 2033, (Comprehensive Plan) which finds that land development in the future will increasingly involve redevelopment of previously used sites.

Over 60 percent of City residents who responded to a Comprehensive Plan survey indicated that improving the appearance of major roads and commercial corridors is “very important”.

2. That Chapter 12 of the Comprehensive Plan, the Future Land Use, Zoning and Urban Design element, states as a Goal, that Warwick has sufficient diversity of land uses to support a strong and stable tax base, and to continue to balance land uses, particularly between regional retail and non-retail commercial uses.
3. That the Future Land Use Map (FLUM) as contained in the Comprehensive Plan 2033, shows this area as commercial uses.
4. That the subject parcel fronts on Centerville Road (Route 117), is identified as Assessor’s Plat: 241 Assessor’s Lot: 10, and is currently zoned Residential A-15.
5. That the existing land uses in the immediate area of the parcel can be defined as generally commercial in nature. The site is located at the northerly side of Centerville Road (Route 117), and abuts a large, existing retail development (including TGI Fridays, Chick Fil-A, Michaels, LA Fitness).

Across from the site, on the southerly side of Centerville Road (Route 117), is an existing retail development, which includes a fast food restaurant (Dunkin Donuts).

6. That the subject parcel is not in compliance with the standards and provisions of the City’s Zoning Ordinance, therefore requiring City Council approval for a Zone Change on the parcel, from Residential A-15, to General Business (GB), with waivers for less-than-required building front setback from both Centerville Road (Route 117) and Bald Hill Road (Route 2, no access), less-than-required interior landscape and landscape buffer, and less-than-required parking area setback from the roadway frontage.
7. That the existing dwelling and related outbuildings on the site will be razed to provide for the construction of a new 2,596 sf restaurant, with no drive-thru.
8. That the development will be accessed by a single, un-signalized, full-service driveway located on Centerville Road (Route 117).
9. That a traffic report, prepared by RAB Professional Engineers, Inc., dated May 5, 2016, concludes that “...based upon the data collected on the servicing roadways, and the analysis completed as part of this study, it can be concluded that the proposed commercial redevelopment project has adequate and safe access to a public street, and will not have a detrimental effect on public safety and welfare in the study area.”

10. That the traffic report, prepared by RAB Professional Engineers, Inc., dated May 5, 2016, Table 3, Level of Service Summary indicates that the site driveway will be a LOS D for the afternoon peak hour, with typically one to two vehicles waiting to exit the site driveway at any one time due to the minor driveway volumes.
11. 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.
12. That there are no indications of significant negative environmental impacts from the proposed development.
13. That there is no sewer service available to the site. The building shall be serviced by an On Site Wastewater Treatment System (OWTS), as approved by the Rhode Island Department of Environmental Management (RI DEM).
14. That water is available to the subject property, provided by the Kent County Water Authority (KCWA).

#### **Planning Department Recommendation**

Planning Department recommendation is to grant Master Plan approval, with the following stipulations:

1. That the Preliminary Plan shall comply with Section 3.02C of the Procedural & Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations, Effective November 25, 2015.
2. That the proposal shall receive City Council approval for a Zone Change for Assessor's Plat 241, Assessor's Lot 10, from Residential A-15 to General Business (GB), with waivers for less-than-required building front setback, less- than-required interior landscape and landscape buffer, and less-than-required parking area setback from the roadway frontage.
3. That a Storm Water Management Plan shall be submitted in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, and designed to demonstrate a zero-net runoff from the proposed development.
4. That all necessary State permits, including but not limited to, RI DEM, and RI DOT Physical Alteration Permit (PAP), shall be obtained prior to submission to the Planning Board for Preliminary Plan approval.
5. That the Preliminary Plan submittal shall include a photometric site plan, and specifications for all exterior lighting; the site lighting shall be Dark Sky compliant, to the extent practicable.

6. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800, and the sign design shall be included in the Preliminary Plan submittal. Please note that LED advertising message boards are prohibited.
7. That prior to the issuance of any permits for construction of the building, the Warwick Fire Department shall review the plans for compliance with all life safety codes and issues.
8. That, the Preliminary Plan submittal shall include a Landscape Plan, prepared and stamped by a registered Rhode Island Landscape Architect. The Landscape Architect shall contact the Planning Department prior to beginning the design process. Said plan shall be subject to approval by the Administrative Officer and provide, at a minimum, a wooden guard rail or fencing at the easterly property line of Assessor's Plat 241, Assessor's Lot 10, between the site and the abutting commercial development (TGI Friday's parking area).
9. That the dumpster shall be screened by a fence and an evergreen hedge as per Warwick Zoning Ordinance, Section 505. (D). This shall be indicated on the Preliminary Plan.
10. That due to site constraints, there shall be no drive-thru use allowed at this site. This shall be clearly noted on the Preliminary Plan.

Ms. Stenhouse, seconded by Mr. Gambardella, made a motion to adopt the Planning Department's Findings, and to grant Master Plan Approval with the Planning Department's Recommendations, as read. All in favor; none opposed.

**Recommendation to the City Council**  
**Request for a Zone Change**

<b>Applicant:</b>	Michael Kent
<b>Location:</b>	1009 Centerville Road (Route 117)
<b>Assessor's Plat:</b>	241
<b>Assessor's Lot:</b>	10
<b>Zoning District:</b>	Residential A-15
<b>Proposed Zoning:</b>	General Business, with waivers
<b>Proposed Waivers:</b>	<ul style="list-style-type: none"> <li>• Less-than-required building front setback (Table 2A. Dimensional Regulations);</li> <li>• Less-than-required interior landscape (Section 505.6A and B <i>Parking lot buffers</i>); and less than required landscape buffer</li> <li>• Less-than-required parking area setback from the roadway frontage (Section 701.3)</li> </ul>

Mr. Brennan, ESQ, Shekarchi Law Offices; represented the Applicant indicating that they had reviewed the Planning Department's Findings and Recommendations and are in agreement.

Ms. Stenhouse addressed concerns regarding the early morning traffic being impacted if the Applicant were to propose a different type of use or a use that would have morning hours of operation that would impact the traffic along this portion of Centerville Road.

Mr. Kent, Applicant, 39 Nooseneck Hill Road, West Greenwich, addressed the Board indicating that he was looking for a high-end burger use. He indicated that he was not looking to open a cigar bar or a coffee shop at this location. Additionally, Mr. Kent questioned having the fencing between the abutter and his property. Mr. Slocum indicated that the fencing was to add a measure of safety.

There was discussion regarding adding a stipulation to address the Planning Board's traffic concerns.

Being no further questions, the Planning Board waived the reading of the Planning Department's Findings and Planning Staff read the Planning Department's Recommendations into the record.

### **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. Generally consistent with the City of Warwick, Comprehensive Plan 2033, (Comprehensive Plan) which finds that land development in the future will increasingly involve redevelopment of previously used sites.

Over 60 percent of City residents, who responded to a Comprehensive Plan survey, indicated that improving the appearance of major roads and commercial corridors is "very important".

2. That Chapter 12 of the Comprehensive Plan, the Future Land Use, Zoning and Urban Design element, states as a Goal, that Warwick has sufficient diversity of land uses to support a strong and stable tax base, and to continue to balance land uses, particularly between regional retail and non-retail commercial uses.
3. That the Future Land Use Map (FLUM) as contained in the Comprehensive Plan 2033, shows this area as commercial uses.
4. That the City's Engineering Division, Sewer Authority, Water Division, Fire Department, Police Department, Tax Assessor, Conservation Commission, Historic District Commission, Cemetery Commission and Land Trust have reviewed the proposal and have no objection to the proposed zone change.

The Planning Department also finds this proposal to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

103.1 Promote the public health, safety and general welfare of the City.

- 103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect 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 of Warwick.
  - E.) The availability and capacity of existing and planned public and/or private services and facilities;
  - F.) The need to shape and balance urban and suburban development;
- 103.10 Promote a high level of quality in design in the development of private and public facilities.
- 103.11 Promote the implementation of the Warwick Comprehensive Community Plan, as amended.

#### **Planning Department Recommendation**

The Planning Department recommends forwarding a favorable recommendation to the City Council for the requested Zone Change from Residential A-15 to General Business (GB), with waivers for less-than-required building front setback, less-than-required interior landscape and landscape buffer, and less-than-required parking area setback from the roadway frontage, and with the following stipulations as integral to the zone change:

1. That all exterior lighting and signage shall be contained on site and designed to minimize negative impacts on neighboring properties; the site lighting shall be Dark Sky compliant, to the extent practicable.
2. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800. LED advertising message boards are prohibited.
3. That, due to site constraints, there shall be no drive-thru use allowed on this parcel.
4. That this recommendation for zone change is contingent upon a permitted General Business (GB) use which presents no impact on the early morning peak travel times on that section of Centerville Road (Route 117). If an otherwise permitted GB occupancy is proposed that has hours of operation that include early morning, peak travel times, then a revised traffic study shall be required to be submitted to the Administrative Officer and/or the Planning Board for review and approval of that use prior to any permitting. The Planning Department withholds the right in this position to direct the traffic study at the Applicant's expense.

Ms. Stenhouse, seconded by Mr. Catalano made a motion to adopt the Planning Department's Findings and to forward a favorable recommendation to the City Council with the Planning Department's recommendations, as read and amended. All in favor; none opposed.

On a motion by Ms. Stenhouse, seconded by Mr. Catalano, the meeting was adjourned at 6:45 p.m. All in favor; none opposed.