PCO-20-15

THE CITY OF WARWICK

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER ARTICLE

APPENDIX A
ZONING

No..... *Date*.....

Approved.....*Mayor*

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WARWICK STURBRIDGE HOMEBUILDERS, INC. and EDWARD W. BURMAN, II, TRUSTEE UNDER THE LIVING TRUST AGREEMENT OF MARTHA F. COFFEY, PETITIONERS

Be it ordained by the City of Warwick:

Section I. The Zoning Map and the Record Book of Lot Classifications which are a part of the Zoning Ordinance of the City of Warwick are hereby amended by changing the classification of the following described premises from Residential A-10 to Residential A-10 PDR.

> Lots 50 and 61 on Assessor's Plat 352 as said plat appeared in the Tax Assessor's office on December 31, 2014 are hereby changed from Residential A-10 Residential A-10 PDR. The Lots are set forth in the legal description and on the map attached hereto as Exhibit A.

Subject to the following condition and stipulation:

1) Relief is granted for less than required front yard setback in the dimension shown on the project development plan.

2) The Petitioners shall coordinate with the Planning Department staff regarding which stones shall be retained and reused on the site as part of the overall development design.

3) The Petitioners shall coordinate with the Planning Department staff regarding :historic Marker Signage to include a summary of the historic significance of the site as specified in Chapter 6 of the City's Planning Development Regulations entitled Historic and Natural Resources.

4) The Homeowners' Association shall be responsible for maintenance the Wickes-Greene Historic Cemetery No. 28.

Section II. The Clerk of the Zoning Board of Review is hereby authorized and directed to cause said changes to be made on the Zoning Map and the Record Book of Lot Classifications.

Section III. This Ordinance shall take effect upon passage and publication as prescribed by law.

SPONSORED BY: COUNCILMAN LADOUCEUR

COMMITTEE: LAND USE

William DePasquale, Jr., AICP
Planning Director

Scott Avedisian
Mayor

CITY OF WARWICK

Planning Department
3275 Post Road, Annex; Warwick, RI 02886
Tel. (401) 738-2000 Ext. 6289
T.D.D. (401) 739-9150

MEMORANDUM

TO: Honorable Donna Travis, Council President
Warwick City Council Members
Judy Wild, City Clerk

FROM: William J. DePasquale, Jr. AICP
Planning Director

DATE: September 1, 2015

SUBJECT: Planning Board Recommendation/Zone Change
Assessor's Plat 352, Assessor's Lot: 50 & 61
West Shore Road

APPLICANT: Sturbridge Home Builders

Background

The Applicant is requesting to merge (2) two vacant lots and a zone change from A-10 Residential to A-10 Planned District Residential (PDR) with City Council Zoning exemptions for less-than-required front-yard setback; to accommodate an (18) eighteen-unit condominium complex. The Applicant is proposed single-story and story-and-a-half units to meet the diverse needs of households at all stages of life.

The City's Engineering Division, Sewer Authority, Kent County Water, Fire Department, Police Department, Tax Assessor, Tax Collector, Conservation Commission, Historic District Commission, Land Trust, and the Historic Cemetery Commission have reviewed the application and have no objection to the proposed zone change.

Planning Board Findings

The Planning Board found the proposal to be generally consistent with Article 1 "Purposes and General Statements of the City's Development Review Regulations, and:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, being consistent with the existing neighborhood, having other multi-unit residences within the 200'raduis of the subject property.

2. That, the Project, as proposed, is in compliance with the City's Comprehensive Plan, including the Goals and Policies Statement, the Historic and Cultural Resources, the Housing and Neighborhoods Element, and the Natural Resources Element.

3. That, the Project, as proposed is not in compliance with the standards and provisions of the City's Zoning Ordinance, and therefore, requires exemptions for less-than-required front-yard setbacks.

4. That, based on the Planning Department's request, the Applicant held a community outreach meeting at City Hall on February 18, 2015 to present the plan, as well as to gain feedback from the community.

5. That, subsequent to that neighborhood meeting, the Applicant purchased an additional abutting lot and sent letters to neighbors notifying them of an increase of units from the original (13) thirteen to the current (18) eighteen units.

6. That the Applicant and the Project's Engineer held a pre-submission meeting with Planning Staff and City Departments to review the proposed development and that the Applicant has made several revisions to the original plan based on the departmental comments and community feedback.

7. That the RI Historical Preservation and Heritage Commission has reviewed the project and determined that the area is sensitive for archaeological resources. Findings of Native American Artifacts have been reported to RIHPHC, with the potential that the area contains a significant pre-contact site. Additionally, this was the site of the "Stone Castle," built in 1649, a stone-built house that served as the garrison house of the Colonial settlement in Warwick. It was the only English building to survive the King Philip's War and was demolished in 1795. It is expected that foundations of the "Stone Castle" and associated artifacts from the 17th and 18th centuries will be found on-site, representing a significant cultural resource. This is potentially the most important early historic archaeological site in Rhode Island.

8. That, additionally, RIHPHC found that the Wickes-Greene Historic Cemetery No. 28 may contain burials that are outside of the proposed 25-foot buffer.

9. That the Applicant has coordinated with Public Archaeology Laboratory to perform a comprehensive survey of the property and RIHPHC has issued a permit for archeological investigation.

10. That the Applicant has received RIDEM-Wetlands Verification Application No. 11-0234.

11. That West Shore Road is a 35-mph zone roadway, which requires a sightline distance of 250 feet and that the proposed entrance locations provide in excess of 300 feet of sightline distance in both the east and west direction.

12. That the parcel will have access to Municipal Water and Sewer.

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

Additionally, the Planning Board found the proposed zoning amendment 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.
B.) The natural Characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface (water) or groundwater pollution.
C.) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands.
D.) The values of unique of valuable natural resources and features.

103.5 Provide for the protection of the natural, history, cultural, and scenic character of the City or areas therein.

103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing, including opportunities for the establishment of low and moderate income housing.

103.10 Promote a high level of quality in design in the development of private and public facilities.

Planning Board Meeting

At the May 13, 2015 regularly scheduled Planning Board Meeting, Ms. Stenhouse, seconded by Mr. Desmarais and Mr. Horowitz, made a motion to adopt the Planning Department Findings and Recommendations, as presented, and to forward a favorable recommendation the Warwick City Council for an amended zoning amendment from A-10 Residential to A-10 Planned District Residential (PDR), with exemptions for less than required front-yard setbacks, with the following stipulations:

1. That the Applicant shall coordinate with Planning Staff regarding stones located on-site that shall be retained and reused on-site as part of the overall design.

2. That, as specified in Chapter 6, Historic and Natural Resources, the Applicant shall coordinate with Planning Staff regarding "Historic Marker Signage" for the site with a summary of the historic significance of the site.

3. That the Homeowners Association shall be responsible for the maintenance of the Wickes-Greene Historic Cemetery No. 28.

PETITION REQUESTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF WARWICK

To the Honorable city Council of Warwick:

Respectfully represent: Sturbridge Home Builders, Inc.

Who furnishes the following information in connection with (his-her) request for an Amendment to the Zoning Law.

Amendment to the Zoning Law:

1. Ownership of Premises:

Sturbridge Home Builders, Inc.	Edward W. Burman, II, Trustee under the Living Trust Agreement of Martha F. Coffey Dated (blank), or any successor trustee thereto
831 Bald Hill Road	33 Vermont Avenue
Warwick, RI 02886	Warwick, RI 02888

(Furnish name of title owner of property and address of owner)

2. Description of Premises: Plat No. 352 Lot(s) No. 50 and 61

Street West Shore Road Ward 5

(Furnish Assessor's Plat and Lot numbers and Name of Street and Ward Number)

3. Present Zoning Classification: Residential A-10

4. Zoning Change Requested A-10 PDR with waivers as shown on Exhibit A

5. Reasons for Proposed Change: to construct an 18 unit condominium

WHEREFORE, it is respectfully requested that the Zoning Law be amended by Changing the Zoning Classification of the above described premises from _____

Respectfully Submitted,
Sturbridge Home Builders, Inc.

(Signature of Owner and Petitioner)

Respectfully submitted,
Edward W. Burman, II, Trustee of the Living Trust Agreement of Martha F. Coffee dated (blank), or any Successor trustee thereto

TRUSTEE

(Signature of Owner and Petitioner)

EXHIBIT A

West Shore Road Condominiums – Warwick, RI

Zoning Section 308.2 PDR Design Standards

Section 308.2.E – *Off-street parking and landscaping* - Relief requested from 308.2.E "No outdoor parking space is permitted within any required front or corner side yard and no outdoor parking space or driveway is permitted within 15 feet of any residential building. No outdoor parking space or driveway is permitted within ten feet of any property line. A ten-foot-wide border of grass, vegetation, or other live ground cover is required around the entire perimeter of the site, except for any curb cuts"

Section 308.2.G – *Yards* – See 308.3 relief requirements below

Section 308.3(A) – *Development standards* – Relief requested from 308.3(A) Development Standards for Planned District Residential (PDR). Zoned A-10

Minimum lot area – 55,000 sf (No relief requested)
Minimum frontage – 200 ft (No relief requested)
Minimum Lot Width – 200 ft (No relief requested)
Minimum Front and Corner Side Yard – 40 ft (25 ft requested)
Minimum Side Yard – 30 ft (No relief requested)
Minimum Rear Yard – 40 ft (No relief requested)
Maximum Structure Height -35 ft (No relief requested)
Minimum landscaped Open Space – 20% (No relief requested)

001123 BK 1717 PG 0325

MARTHA F. COFFEY, formerly MARTHA F. BURMAN, widow of the late EDWARD W. BURMAN, of Warwick, Rhode Island

for consideration paid, grant to MARTHA F. COFFEY, Trustee under the Living Trust Agreement of Martha F. Coffey dated , or any successor trustee thereto,

of Warwick, Rhode Island with WARRANTY COVENANTS

(Description, and Incumbrances, if any)

That tract or parcel of land with all buildings and improvements therein situated on the northerly side of West Shore Road in the City of Warwick and State of Rhode Island bounded and described as follows:

Beginning at a point in the northerly line of West Shore Road 95.95 feet easterly as measured along said line from a R. I. Highway Bound set in said line opposite Station 202+61.19 shown on R. I. Highway Plat 726 (said bound also being 58.80 feet easterly from the southerly end of a stone wall at the southeasterly corner of land now or lately of Champlin Jewelry Company as measured along said northerly line of West Shore Road), being the southwesterly corner of said parcel;

thence northerly 148.52 feet to an angle;
thence at an interior angle of 178° 31' northerly 90.97 feet to a corner;
thence at an interior angle of 77° 17' easterly 111.77 feet to a corner.
thence at an interior angle of 90° southerly 30 feet to a corner;
thence at an interior angle of 270° easterly 118 feet to a corner;
thence at an interior angle of 98° 3' southerly 175.37 feet to West Shore Road; the last six courses bounding on land now or lately of Bishop Hendricken High School;
thence westerly bounding southerly on West Shore Road 200 feet to the point and place of beginning (the last described course being along the arc of a circle, the chord of which makes an interior angle of 90° 18' 42" with prior course, said chord also making an interior angle of 95° 50' 18" with the first described course).

Said parcel is shown as "43,609± Sq. Ft." on a plan entitled "PORTION OF A PARCEL OF LAND IN WARWICK, R. I. Owned By ROMAN CATHOLIC BISHOP OF PROVIDENCE Nov. 27, 1974 Scale 1" = 40' Clifford R. Stewart Reg Land Surveyor".

The consideration is such that no tax stamps are required.

I, JOHN G. COFFEY husband wife of the grantor of Warwick, Rhode Island release to said grantee all right of curtesy and all other interest in the aforedescribed premises.

Witness my hand this 15th day of January 1992

Martha F. Coffey
(PRINT OR TYPE NAME OF GRANTOR)

John G. Coffey, Releasor
(PRINT OR TYPE NAME OF GRANTOR)

State of Rhode Island, Etc.
COUNTY OF Providence

In Providence on the 15th day of January, 1992 before me personally appeared Martha F. Coffey

to me known and known by me to be the party executing the foregoing instrument, and she acknowledged said instrument, by her executed, to be her free act and deed.

Thomas M Burman

Thomas M Burman

Martha F. Coffey, Trustee
740 Namquid Drive
Warwick, Rhode Island 02888
(PRINT OR TYPE NAME AND ADDRESS OF GRANTEE)

Recorded JAN 17 1992 at 10:40 AM
Witness: Carole F. Sherman
Warwick City Clerk 25.

001123 BK 1717 PG 0325

MARTHA F. COFFEY, formerly MARTHA F. BURMAN, widow of the late EDWARD W. BURMAN, of Warwick, Rhode Island

All

for consideration paid, grant to MARTHA F. COFFEY, Trustee under the Living Trust Agreement of Martha F. Coffey dated , or any successor trustee thereto,

of Warwick, Rhode Island with WARRANTY COVENANTS

(Description, and incumbrances, if any)

That tract or parcel of land with all buildings and improvements therein situated on the northerly side of West Shore Road in the City of Warwick and State of Rhode Island bounded and described as follows:

Beginning at a point in the northerly line of West Shore Road 95.95 feet easterly as measured along said line from a R. I. Highway Bound set in said line opposite Station 202+61.19 shown on R. I. Highway Plat 726 (said bound also being 58.80 feet easterly from the southerly end of a stone wall at the southeasterly corner of land now or lately of Champlin Jewelry Company as measured along said northerly line of West Shore Road), being the southwesterly corner of said parcel;

thence northerly 148.52 feet to an angle;
thence at an interior angle of 178° 31' northerly 90.97 feet to a corner;
thence at an interior angle of 77° 17' easterly 111.77 feet to a corner.
thence at an interior angle of 90° southerly 30 feet to a corner;
thence at an interior angle of 270° easterly 118 feet to a corner;
thence at an interior angle of 98° 3' southerly 175.37 feet to West Shore Road; the last six courses bounding on land now or lately of Bishop Hendricken High School;
thence westerly bounding southerly on West Shore Road 200 feet to the point and place of beginning (the last described course being along the arc of a circle, the chord of which makes an interior angle of 90° 18' 42" with prior course, said chord also making an interior angle of 95° 50' 18" with the first described course).

Said parcel is shown as "43,609± Sq. Ft." on a plan entitled "PORTION OF A PARCEL OF LAND IN WARWICK, R. I. Owned By ROMAN CATHOLIC BISHOP OF PROVIDENCE Nov. 27, 1974 Scale 1" = 40' Clifford R. Stewart Reg Land Surveyor".

The consideration is such that no tax stamps are required.

I, JOHN G. COFFEY, husband ~~wife~~ of the grantor

of Warwick, Rhode Island

release to said grantee all right of curtesy ~~dower~~ and all other interest in the aforedescribed premises.

Witness my hand this 15th day of January 1992

Martha F. Coffey
(PRINT OR TYPE NAME OF GRANTOR)

John G. Coffey, Releasor
(PRINT OR TYPE NAME OF GRANTOR)

State of Rhode Island, Etc.
COUNTY OF Providence

In Providence on the 15TH day of January, 1992 before me personally appeared Martha F. Coffey

to me known and known by me to be the party executing the foregoing instrument, and she acknowledged said instrument, by her executed, to be her free act and deed.

Thomas M Burman
NOTARY PUBLIC

Martha F. Coffey, Trustee
740 Namquid Drive
Warwick, Rhode Island 02888
(PRINT OR TYPE NAME AND ADDRESS OF GRANTEE)

Recorded JAN 17 1992 at 10:40 AM
Witness Clerk
Warwick City Clerk

THOMAS M BURMAN

EXHIBIT A

Metes & Bounds Description
Warwick Assessors Plat Map 352 – Portion of Lot 43 – Lot B

A Parcel of land located along the northerly side line of West Shore Road in the City of Warwick, Kent County, Rhode Island, said Parcel of land being more particularly shown and described as Lot B on a plan entitled: "Final Minor Subdivision Plan – Recorded", of "Stone Castle Plat", West Shore Road, Warwick, Rhode Island, Assessors Map 352 Lot 43" prepared by: InSite Engineering Services, LLC, Dated: November 4, 2011 (Revised: August 28, 2012), said parcel of land being more particularly described as follows: PC 1545

Beginning at granite bound with a drill hole located in the southeasterly corner of said lot, along the northerly line of West Shore Road, said point being the POINT OF BEGINNING
Thence;

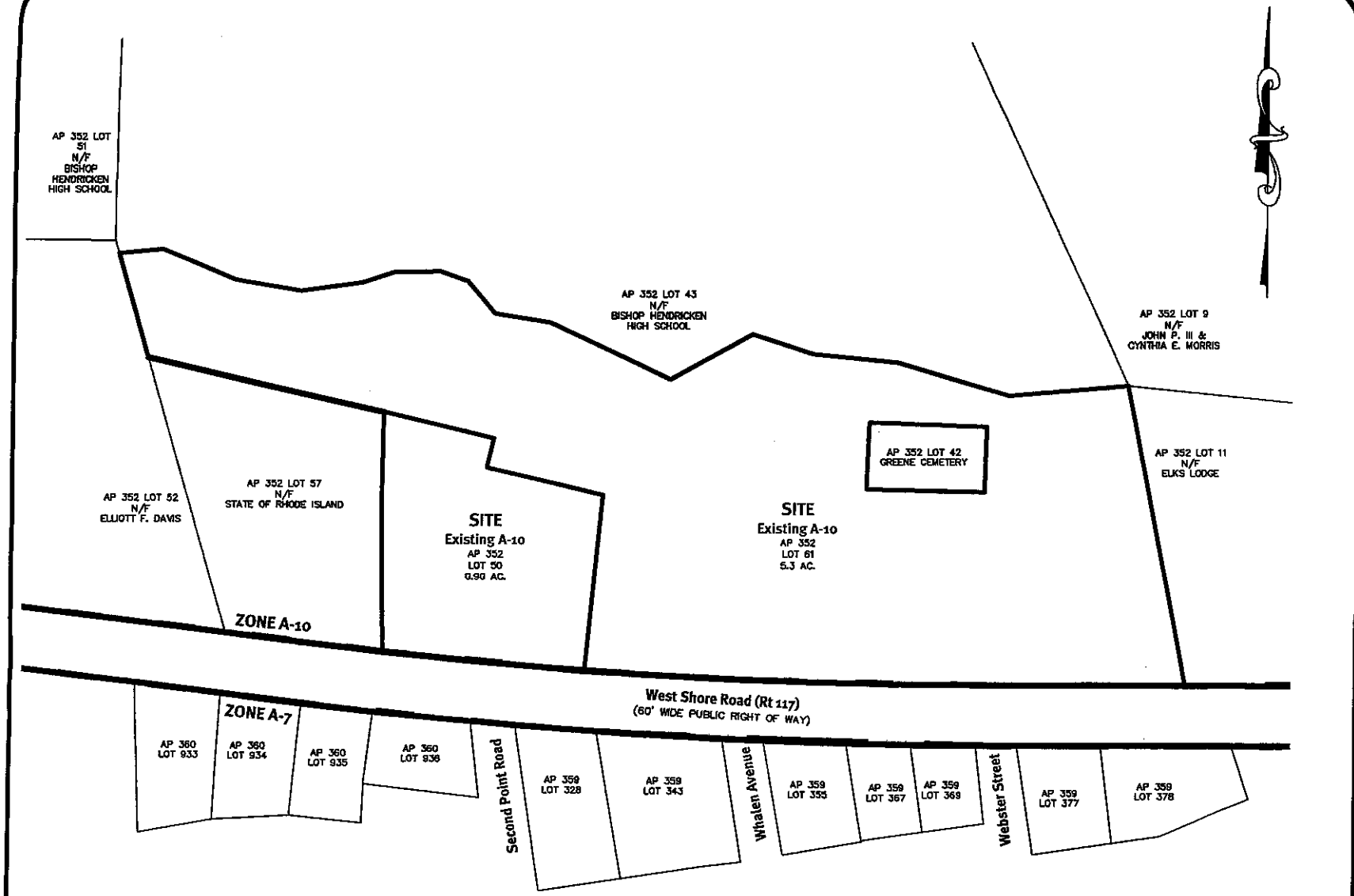
N88°33'20"W	193.33 feet along the northerly line of West Shore Road to a Rhode Island Highway Bound with drill hole; thence running westerly 399.55 feet along an arc of a curve to the right having a radius of 5,578.65 feet along the northerly line of West Shore Road; thence running;
N06°53'30"E	175.16 feet by the land n/f of Martha F. Coffey to a point; thence running;
N75°01'33"W	118.00 feet by the land n/f of Martha F. Coffey to a point; thence running;
N14°58'27"E	30.00 feet by the land n/f of Martha F. Coffey to a point; thence running;
N75°01'33"W	111.77 feet by the land n/f of Martha F. Coffey to a point; thence running;
N75°39'26"W	238.87 feet by the land n/f of State of RI & Prov. Plantations D.O.T. State office building to a point; thence running;
N14°36'55"W	107.32 feet by the land n/f of Elliott F. Davis to a point; thence running;
N86°13'38"E	43.57 along the approximate centerline of Parsonage Brook to a point; thence running;
S65°45'22"E	78.51 along the approximate centerline of Parsonage Brook to a point; thence running;
S78°50'36"E	65.38 along the approximate centerline of Parsonage Brook to a point; thence running;
N83°39'22"E	60.00 along the approximate centerline of Parsonage Brook to a point; thence running;

N72°44'29"E	33.29 along the approximate centerline of Parsonage Brook to a point; thence running;
S89°17'35"E	46.61 along the approximate centerline of Parsonage Brook to a point; thence running;
S68°52'25"E	28.50 along the approximate centerline of Parsonage Brook to a point; thence running;
S38°45'06"E	41.84 along the approximate centerline of Parsonage Brook to a point; thence running;
S79°07'46"E	54.97 along the approximate centerline of Parsonage Brook to a point; thence running;
S63°36'05"E	130.68 along the approximate centerline of Parsonage Brook to a point; thence running;
N63°03'22"E	92.07 along the approximate centerline of Parsonage Brook to a point; thence running;
S70°22'53"E	63.58 along the approximate centerline of Parsonage Brook to a point; thence running;
S83°01'50"E	84.76 along the approximate centerline of Parsonage Brook to a point; thence running;
S72°24'07"E	114.85 along the approximate centerline of Parsonage Brook to a point; thence running;
N86°41'58"E	117.33 along the approximate centerline of Parsonage Brook to a point; thence running;
S09°28'33"E	303.30 feet by the land n/f of Elks Lodge to a point; thence running to the POINT OF BEGINNING.

The above described Parcel of land contains an area 229,951 square feet (5.279 acres) more or less, excepting and excluding from the above described land AP 352 Lot 42 Greene Cemetery as shown on the above said plan and is subject to and benefit of easements and restrictions of record.

2132875_1/12641-3

RECORDED
Aug 21,2014 01:08P
Marie T. Ahlert, City Clerk
City of Warwick, RI



Dimensional Regulations:

CURRENT ZONING:	A10
MINIMUM LOT AREA:	10,000 SF
MINIMUM FRONTAGE AND LOT WIDTH:	100'
MINIMUM FRONT AND CORNER SIDE YARD:	25'
MINIMUM SIDE YARD:	15'
MINIMUM REAR YARD:	20'
MAXIMUM STRUCTURE HEIGHT:	35'
MINIMUM LANDSCAPED OPEN SPACE:	10%

Scale: 1"=150'

0 75' 150' 300'

DiPrete Engineering

Two Stafford Court Cranston, RI 02920
tel 401-943-1000 fax 401-464-6006 www.DiPrete-Eng.com

Engineers • Planners • Surveyors

Existing Conditions Plan

The Cottages at StoneBrooke

Warwick Rhode Island

Owner and Applicant

Sturbridge Home Builders **Date:** 08-20-2015

831 Bald Hill Road, Warwick, Rhode Island 02886

SHEET 1 OF 2

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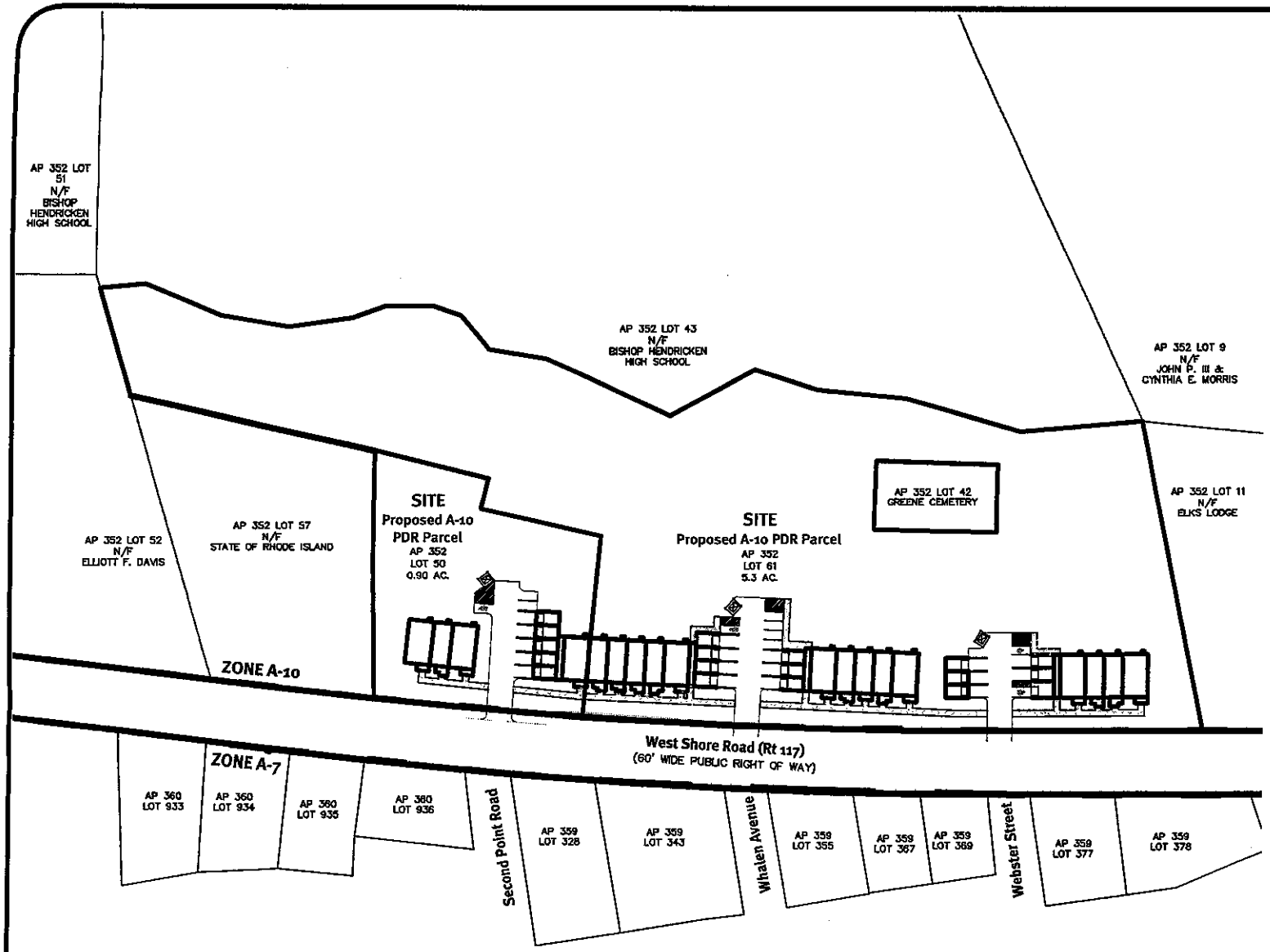

Dimensional Regulations:

CURRENT ZONING: A-10
PROPOSED ZONING: A-10 PDR PARCEL

ZONING TO MEET PDR REGULATIONS WITHIN SECTION 308 OF THE WARWICK ZONING CODE OF ORDINANCES.

Scale: 1"=150'

0 75' 150' 300'

DiPrete Engineering
Two Stafford Court Cranston, RI 02920
tel 401-943-1000 fax 401-464-6006 www.DiPrete-Eng.com
Engineers • Planners • Surveyors

Proposed Conditions Plan

The Cottages at StoneBrooke

Warwick Rhode Island

Owner and Applicant
Sturbridge Home Builders
831 Bald Hill Road, Warwick, Rhode Island 02886

08-20-2015

SHEET 2 OF 2

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