

William DePasquale, Jr., AICP  
Planning Director



Scott Avedisian  
Mayor

**CITY OF WARWICK**  
Planning Department  
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**Meeting Notice  
City of Warwick  
Planning Board**

Date: Wednesday, September 14, 2016  
Time: 6:00 p.m.  
Location: City of Warwick  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886

The following items will be heard by the City of Warwick Planning Board and a vote will be taken:

**Public Meeting**  
**Minor Subdivision**  
**Monroe Street Plat**  
**Preliminary Approval**

Applicant: Michael A. Romano  
Denise M. Gilbert  
Location: 50 Yates Avenue  
60 Yates Avenue  
Kenneth Avenue  
Assessor's Plat: 350  
Assessor's Lot: 221 & 239  
Zoning District: A-7 Residential  
Land Area: 29,917± square feet  
Number of existing lots: 2  
Number of proposed lots: 3  
Surveyor: Clift Land Surveying LLC.  
Ward: 6

**Project Scope**

The Applicant is requesting Preliminary Approval of a Minor Subdivision. The Applicant is proposing to subdivide (2) two lots totaling 29,917± square feet lot to create (3) three lots, (1) one 13,876±, square foot conforming lot with an existing single family dwelling (50 Yates Avenue) fronting on Yates Avenue and Kenneth Avenue;

(1) one 8,550± square foot conforming lot with an existing single family dwelling (60 Yates Avenue) fronting on Yates Avenue; and (1) one new 7,490± square foot lot for the development of a single family dwelling fronting on Kenneth Avenue 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 proposed development is generally consistent with the Comprehensive Community Plan, and consistent with the existing neighborhood, having lots within the 200’ radius containing single-family dwellings that meet and exceed the existing zoning requirements.
2. That the subject property is located along Yates Avenue and Kenneth Avenue and is identified as Assessor’s Plat: 350, Assessor’s Lots: 221 and 239.
3. That the subject property consists of (2) two Tax Assessor’s lots totaling 29,917 square feet and is zoned A-7 Residential.
4. The Applicant is proposing to subdivide (2) two lots totaling 29,917± square feet lot to create (3) three lots, (1) one 13,876±, square foot conforming lot with an existing single family dwelling (50 Yates Avenue) fronting on Yates Avenue and Kenneth Avenue; (1) one 8,550± square foot conforming lot with an existing single family dwelling (60 Yates Avenue) fronting on Yates Avenue; and (1) one new 7,490± square foot lot for the development of a single family dwelling fronting on Kenneth Avenue.
5. That the subdivision, as proposed, is in compliance with the standards and provisions of the City’s Zoning Ordinance, meeting or exceeding all of the requirements of the A-7 Residential Zoning District which require a minimum of 70 feet of frontage, and a minimum area of 7,000 square feet per individual lot.
6. That the subdivision will have access to City of Warwick Sewer and Water.
7. That there are no wetlands within 200’, therefore there will be no significant negative environmental impacts from the proposed development.
8. 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.
9. That the proposed development possesses adequate and permanent access to Yates Avenue and Kenneth Avenue.

### **Planning Department Recommendations**

The Planning Department recommendation is to grant Preliminary Approval, with Final Approval through the Administrative Officer, upon compliance with the following stipulations:

1. That the Applicant shall submit a Final Development Plan and Record Plat that 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 April 1, 1994; Amended November 25, 2015.

2. That the Applicant shall submit a Final Development Plan and Record Plat that shall comply with Appendix B, Minor Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001, and shall include at a minimum, but not be limited to:
  - Note graphic scale (True North or Magnetic w/date).
  - Note locations and dimensions of existing and proposed utilities within and immediately adjacent to the subdivision.
  - Note location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision.
  - Note the setback, to the proposed property line, from the existing shed noted on the 60 Yates Avenue parcel, as depicted on the Minor Subdivision plan, entitled The Gilbert Plat, dated July 18, 2016. Setback must comply with the City of Warwick Zoning requirements for accessory structures or the shed must be moved/removed to comply with the Zoning requirements.
  - Provide a grading plan that shall note existing and proposed contours.
  - Provide a drainage plan and calculations.
  - Note parcel identification. (Parcel 1, 2, 3 or Record Lot 1, 2, 3)
  - Note the sewer connection for the proposed dwelling via the existing infrastructure located in the recorded easement.
  - Note a clean-out valve and back-water valve outside each of the proposed residential dwellings, in proximity to the foundation. The clean-out valve shall be installed downstream and in close proximity to the backwater valve.
3. That prior to the Final Approval submission, the Applicant shall move/remove the three existing sheds located along the Kenneth Ave frontage of the newly created parcel, as depicted on the Minor Subdivision plan, entitled The Gilbert Plat, dated July 18, 2016.
4. That, prior to Final Approval, the Applicant shall coordinate with the Warwick Sewer Authority and enter into a Developer's Agreement and Work Order for the newly created parcel, as depicted on the Minor Subdivision plan, entitled The Gilbert Plat, dated July 18, 2016.
5. That, prior to Final Approval, the Applicant shall coordinate with the Planning Department, prior to the development of a Landscape Plan. The Applicant's Arborist shall determine if the existing trees can be adequately preserved and protected during construction, prior to the development of a Landscape Plan. That the Landscape Plan shall include, but not be limited to:
  - Note the Preservation and Protection of existing mature trees that do not require removal for the new proposed development. (Including drip line tree protection details.)
  - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Kenneth Avenue. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
5. That, prior to Final Approval, the Applicant/Developer shall provide deed descriptions for review.
6. That the Applicant shall provide a Performance Bond for the installation of Landscaping and Monumentation, prior to the recording of the "Final Record Plat".

7. That, prior to the issuance of a Certificate of Occupancy, the Applicant shall plant (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
8. That the Applicant shall coordinate with Planning Department Staff regarding species and location, prior to tree purchase.
9. That, prior to the issuance of a Certificate of Occupancy, the Applicant/Developer shall install all Landscaping and Monumentation, as depicted on the Final Record Plat.

**Public Informational Meeting**  
**Major Land Development/Street Abandonment/Zone Change Recommendation**  
**Cumberland Farms/Lambert Lind Highway-Soule Street**  
**Master Plan**

Applicant:	TMC CF New England LLC
Property Owners:	APM Associates (Lots 379, 382, 383, 410) Rebecca Brosco (Lot 409)
Location:	135 Lambert Lind Highway, Soule Street
Assessor's Plat:	273
Assessor's Lots:	379, 382, 383, 409, 410
Zoning District:	General Business (GB) and Residential A-7
Land Area:	1.29 +/-acres
Number of existing lots:	5
Number of proposed lots:	1
Engineer:	Garofalo and Associates, Inc.
Ward:	8

**Background**

The Applicant is requesting Master Plan Approval of a Major Land Development Project/ Subdivision for the construction of a one story, 4,786 square foot convenience store, and a 22' x 69' canopy with three (3) fueling pumps (six total fueling positions). The Applicant is also requesting a recommendation to the City Council for a zone change on a portion of the development parcel, from Residential A-7 to General Business, with waivers for a Special Use Permit for *Use Code 421. Gas station (no repairs), with a convenience store*, and dimensional relief for less than required setback from an abutting residential zone. The Applicant is also requesting a recommendation to the City Council for an abandonment of a portion of Soule Street, which is located within the proposed development area.

The proposed development is sited on five (5) Assessor's lots and a portion of Soule Street, with a combined area of approximately 1.29 acres. The Applicant is proposing to merge the five (5) existing lots and the proposed abandonment portion of Soule Street, to create one (1) lot for development. The site is located at the northwest corner of the signalized intersection of Lambert Lind Highway (Route 5) and West Natick Road. The project site currently consists of four (4) vacant commercial properties with adjacent parking areas, and a majority of Soule Street.

The parcel lies within two (2) zoning districts; Lots 379, 409, and 410 are zoned General Business (GB), Lot 382 is zoned Residential A-7 (A-7), and Lot 383 is zoned a combination of GB and A-7. The parcel abuts a residential zone (A-7) to the northwest.

The proposal is projected to create 12 to 14 new full and part time jobs and generate tax revenue for the City of \$28,000 per year.

### **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 Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is “very important” and when asked what kind of development they would like to see more of in the City, most respondents included neighborhood retail.
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 a combination of commercial and high density residential uses.
4. That the subject parcel fronts on Lambert Lind Highway (Route 5), West Natick Road and Soule Street, and is identified as Assessor’s Plat: 273 Assessor’s Lots: 379, 382, 383, 409, 410. The development area is primarily zoned General Business, with Lot 382 and a portion of Lot 383 zoned Residential A-7.
5. 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 for a portion of the parcel,  
(Assessor’s Lot 382 and a portion of Assessor’s Lot 383) from Residential A-7, to General Business, with a Special Use permit for Use Code 421, and relief for less than required setback from an abutting residential zone.
6. That the four (4) existing commercial buildings on the site will be razed, and were formerly used as a hair salon, a restaurant, retail, and a vacant commercial building.
7. That there was a gasoline filling station on Assessor’s Lot 410 from 1969 to 1982.
8. That the proposed development possesses access to two public streets, Lambert Lind Highway and West Natick Road, with one (1) full service driveway proposed on Lambert Lind Highway, one (1) full service driveway proposed on West Natick road, which will utilize an existing traffic signal.
9. That a traffic report, prepared by McMahan Associates, and dated July 2016, concludes that *“With the predominately pass-by nature of the proposed Cumberland Farms convenience store and gasoline station, the project will not result in a significant impact on the overall traffic operations of the study area roadways....due to the nature of the convenience market with gas station sites, patrons will seek out the most efficient routes for entering and exiting a site.*

*Based on the analysis results presented in this report, the proposed development of Cumberland Farms is expected to have a minimal impact on the operations of the study area roadways and the site access modifications will improve overall access and safety.*"

10. That the properties north and south of the subject parcel, and fronting on Lambert Lind Highway are general business uses; there is an area of residentially zoned properties to the northwest.
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.

### **Planning Department Recommendations**

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 parcel shall receive City Council approval for a Zone change for Lots 382 and a portion of Lot 383, and a waiver for a Special Use Permit for Use Code 421. Gas station (no repairs), with a convenience store, and dimensional relief for less than required setback from an abutting residential zone.
3. That prior to Preliminary approval, the Applicant shall receive approval from the Warwick City Council for the abandonment of the requested portion of Soule Street.
4. That prior to Final Approval, the Property Owner shall merge Assessor's Plat 273, Assessor's Lots 379, 382, 383, 409 and 410, and the abandoned portion of Soule Street, and record a subdivision as per The City of Warwick's Development Review Regulations. This plan shall include a Record Plat name and Record Lot designations.
5. 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.
6. That the project engineer shall meet with the City of Warwick DPW Engineering staff to review the proposed drainage system prior to submission to Rhode Island Department of Environmental Management (RI DEM) or Rhode Island Department of Transportation (RI DOT).
7. That the Operation and Maintenance Plan for the proposed stormwater collection system shall be included in the Preliminary submission.
8. 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.

9. That the project engineer shall carefully review the access/egress points and internal traffic circulation to ensure the safety of vehicles and pedestrians. The project engineer shall install measures to discourage cut through traffic, including, but not limited to, raised pedestrian crosswalks and signage.
10. That the Preliminary submittal shall include a photometric site plan, indicating provisions to protect the neighboring residential properties from any light emissions from the proposed development. The lighting design shall be Dark Sky compliant, to the extent practicable.
11. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800. LED signage may be utilized for gas/fuel price information only. LED advertising message boards are prohibited.
12. That prior to the issuance of any permits for construction of buildings within the project, the Warwick Fire Department shall review the plans for compliance with all life safety codes and issues.
13. That the Applicant shall work with the Administrative Officer to the Planning Board regarding the exterior elevations of the building and canopy in order to design a project that is compatible with, and complimentary to, the abutting residential neighborhood and nearby Pontiac Village.
14. That the Preliminary 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, hardscape along Lambert Lind Highway and West Natick Road, and landscape screening for area residential properties.
15. That there is currently no sewer service available, and when sewer service is extended to the site, the Property Owner will be assessed in accordance with Warwick Sewer Authority (WSA) Regulation No. 60. All proposed work shall comply with WSA guidelines.
16. That water is available to the subject property through an existing distribution line on Soule Street. The project engineer shall provide further details.
17. That the existing water line on Soule Street crosses Lambert Lind Highway and provides water and fire protection to existing buildings on Lambert Lind Highway. Any cutting and capping at the existing waterline must provide for a new tie-in to the existing eight inch (8") water line on West Natick Road, approximately 150'; any costs associated with this requirement shall be paid by the Applicant prior to the water line being abandoned in the field.

**Street Abandonment**  
**A portion of Soule Street**

**Petitioner:** TMC CF of New England, LLC  
**Location:** Abutting Assessors Plat: 273,  
Assessor's Lots 379, 382, 383, 409, and 410  
**Ward:** 8  
**Reason:** The Applicant is requesting an abandonment of a portion of Soule Street to provide for the assemblage and redevelopment of the abutting lots.

The abandonment of a portion of Soule Street will enable allow the Applicant to merge the five (5) abutting Lots to provide for the development of convenience store, 6 fueling pumps, associated parking and landscaping.

**Recommendation:**

The City's Engineering Division, Sewer Authority, Water Division, Fire Department, Tax Assessor, Conservation Commission, Historic District Commission, Cemetery Commission and Land Trust have reviewed the proposal and have no objection to the proposed abandonment.

The Planning Department recommends the Planning Board forward a positive recommendation to the City Council for the requested abandonment of the certain portion of Soule Street, with the following stipulations:

1. That the City shall maintain the perpetual right to use any or all of the abandonment for the maintenance of any existing utilities or the installation of new utilities as needed in the future.
2. That, as per City Council Ordinance, PCO-42-09 No. 0-01-2, the Applicant shall provide a summary appraisal of the fair market value of the highway or driftway sought to be abandoned, prior to submission to the City Clerk for the requested abandonment.
3. That an Administrative Subdivision meeting the standards as set forth in the "*Development Review Regulations Governing Subdivisions Land Development Projects Development Plan Review*" must be completed by the Applicant and recorded for the abandoned portion of Soule Street and Assessor's Plat 273, Assessor's Lots 379, 382, 383, 409 and 410, if the abandonment is approved by the City Council, prior to Final Approval.
4. That the Administrative Subdivision Plan shall include the Record Name and Record Lots (A and B, e.g.)

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

<b>Applicant:</b>	TMC CF New England, LLC
<b>Location:</b>	Soule Street
<b>Assessor's Plat:</b>	273
<b>Assessor's Lots:</b>	382, and a portion of 383
<b>Zoning District:</b>	Residential A-7
<b>Proposed Zoning:</b>	General Business
<b>Waivers:</b>	A Special Use Permit for <i>Use Code 421. Gas station (no repairs), with a convenience store</i> , and dimensional relief for less than required setback from an abutting residential zone.

**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 Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is “very important” and when asked what kind of development they would like to see more of in the city, most respondents included neighborhood retail.

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 City’s Engineering Division, Sewer Authority, Water Division, Fire 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 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.
  - 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;
  - G.) The use of innovative development regulations and techniques.
- 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.
- 103.12 Provide for coordination of land uses with contiguous municipalities, other municipalities, the State, and other agencies.

#### **Planning Department Recommendation**

The Planning Department recommends forwarding a favorable recommendation to the City Council for the requested zone change from Residential A-7 to General Business, with waivers for a Special Use Permit for *Use Code 421. Gas station (no repairs), with a convenience store*, and dimensional relief for less-than-required setback from an abutting residential zone, with the following stipulations:

1. That the Applicant shall receive approval from the City Council for the abandonment of the requested portion of Soule Street.

2. That an Administrative Subdivision meeting the standards as set forth in the “*Development Review Regulations Governing Subdivisions Land Development Projects Development Plan Review*” must be completed by the Applicant and recorded for the abandoned portion of Soule Street and Assessor’s Plat 273, Assessor’s Lots 379, 382, 383, 409 and 410, prior to Final Approval. This plan shall include a Record Plat name and Record Lot designations.
3. That the project engineer shall carefully review the access/egress points and internal traffic circulation to ensure the safety of vehicles and pedestrians. In particular, the northbound movement of the egress onto Lambert Lind Highway and the westbound traffic entering the site from West Natick Road shall be reviewed. The project engineer shall install measures to discourage cut through traffic, including, but not limited to, raised pedestrian crosswalks and signage.
4. That all exterior lighting and signage shall be contained on site and designed to minimize negative impacts on neighboring properties.
5. Glare from outdoor lights and signs and from the movement of vehicles on site shall be shielded from the view of adjacent residential properties.
6. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800. LED signage may be utilized for gas/fuel price information only. LED advertising message boards are prohibited.

**Public Informational Meeting**  
**Major Land Development/Zone Change**  
**91 Canonchet Condominiums**  
**Master Plan**

Location: 91 Canonchet Avenue  
 Assessor’s Plat: 292  
 Assessor’s Lots: 178  
 Applicant: 270 Austin LLC  
 Zoned: A-7 (Residential)  
 Proposed Zone: A-7 (Planned District Residential-PDR-L w/waivers)  
 Area: 22,500 square feet  
 Ward: 1  
 Surveyor: Alexander A. Scungio, PLS

**Background**

The Applicant is requesting Master Plan Approval of a Major Land Development Project. The existing parcel consists of (3) three structures; (1) one residential unit to the front (southerly) portion of the property and (2) two commercial buildings to the rear (northerly) portion of the property (formerly Lad & Lassie Daycare). The applicant is proposing to convert the (2) two commercial buildings to the rear of the property into (2) residential units, for a total of (3) three residential units on a 22,500 square foot lot, with less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks.

That Applicant is also requesting a recommendation for a City Council Zone Change from A-7 Residential to A-7 Planned District Residential-Limited (PDR-L) w/waivers for less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks.

### **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 further finds:

1. That the proposed development is generally consistent with the City of Warwick Comprehensive Community Plan 2033; specifically, Part VI, Chapter 12 Future Land Use, Zoning and Urban Design which specifies limited commercial intrusion into residential neighborhoods; and Chapter 13 Stewardship and Implementation, which specifies the consideration of single-level-living, as a varied housing option.
2. That the subject property is located along Canonchet Avenue; and is identified as Assessor's Plat: 292; Assessor's Lot: 178.
3. That the subject property consists of (1) one Tax Assessor's lots totaling 22,500 square feet and is zoned Residential A-7.
4. That the Applicant is requesting a Residential A-7 PDR-L Zone Change for three units, which requires 20,000 square feet of land area, 135' frontage and lot width, 30' front and corner side-yard, 20' side-yard and 30' rear-yard setbacks.
5. That the subject property consists of (3) three existing buildings (1) one single family dwelling constructed in 1925; (1) one 30'x50' nursery school building, approved by the Zoning Board of Review in 1950; (1) one 32'x52' nursery school building, approved by the Zoning Board of Review, Petition NO. 2349 in 1967.
6. That the Applicant and the Project's Surveyor held a pre-submission meeting with Planning Staff to review the proposed development and that the Applicant has made revisions to the original plan based on the departmental comments.
7. That, based on the Planning Department's request, the Applicant held a community outreach meeting at City Hall on August 10, 2016 to present the plan, as well as, to gain feedback from the community.
8. That the Project, as proposed, is not in compliance with the standards and provisions of the City's Zoning Ordinance and therefore, requires a City Council Zone Change from A-7 Residential to A-7 Planned District Residential with waivers for less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks.
9. That there are no wetlands present within 200' of the subdivision; therefore there will be no significant negative environmental impacts from the proposed development.
10. That the project consists of a singular lot with existing non-conforming structure; therefore, the development will not result in the creation of individual lots with such physical constraints to development that the building on those lots according to pertinent regulations and building standards would be impracticable.
11. That the parcel will have access to Municipal Water and Sewer.
12. That the proposed development possesses adequate access to a public street along Canonchet Avenue.

### **Planning Department Recommendations**

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

1. That the Applicant shall receive a City Council Zone Change from A-7 Residential to A-7 Planned District Residential-Limited with for less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks.
2. That the Applicant shall submit a Preliminary Development Plan that 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 April 1, 1994; Amended November 25, 2015.
3. That the Applicant shall submit a Preliminary Development Plan that shall comply with Appendix C, Major Subdivision/Land Development Application, of the Development Review Regulation governing Subdivisions, Land Development Projects, and Development Plan Review, Effective January 1, 1996; Amended January 01, 2000 and March 14, 2001; which shall include but not be limited to:
  - Note a clean-out valve and back-water valve outside each of the proposed residential dwellings, in proximity to the foundation. The clean-out valve shall be installed downstream and in close proximity to the backwater valve.
4. That, prior to Preliminary Approval, a Storm Water Management Plan shall be submitted in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010.
5. That the Applicant shall coordinate with the City's Sanitation Division regarding trash and recycling collection.
6. That the Applicant shall coordinate with the City's Water Division regarding water services, prior to the submission for Preliminary Approval.
7. That the Applicant shall coordinate with the City's Fire Marshall regarding residential sprinklers, prior to the submission for Preliminary Approval.
8. That all Monumentation shall be protected during all phases of construction. Any Monumentation that is disturbed or destroyed shall be replaced by the Applicant.
6. That, prior to Preliminary Approval, the Applicant shall coordinate with the Planning Department, prior to the development of a Landscape Plan. The Applicant's Arborist shall determine if the existing trees can be adequately preserved and protected during construction, prior to the development of a Landscape Plan. That the Landscape Plan shall include, but not be limited to:
  - Note the Preservation and Protection of existing mature trees that do not require removal for the new proposed development. (Including drip line tree protection details.)
  - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Canonchet Avenue.
  - Note fencing along the westerly and easterly property lines.

- Note the removal of pavement/parking along the front-yard of the existing single family dwelling, Unit C, as depicted on the Master Plan dated June 20, 2016. This area shall be loamed and seeded to match the existing front-yards of abutting, City Assessor lots 177 and 180.
- Note the removal of pavement to the west of Units A & B, as depicted on the Master Plan dated June 20, 2016. This area shall be landscaped.

**Request for a Zone Change**  
**Recommendation**  
**Canonchet Avenue**

Location: 91 Canonchet Avenue  
 Assessor's Plat: 292  
 Assessor's Lots: 178  
 Applicant: 270 Austin LLC  
 Zoned: A-7 (Residential)  
 Proposed Zone: A-7 (PDR-L w/waivers)  
 Area: 22,500 square feet  
 Ward: 1  
 Surveyor: Alexander A. Scungio

That Applicant is requesting a zone change recommendation to allow for the conversion of the (2) two commercial units (daycare) to residential units; to allow for (3) three residential units on a 22,500 square foot lot. The Applicant is requesting a zone change from A-7 Residential to A-7 Planned District Residential-Limited (PDR-L) with waivers for less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks.

**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 proposed development is generally consistent with the City of Warwick Comprehensive Community Plan 2033; specifically, Part VI, Chapter 12 Future Land Use, Zoning and Urban Design which specifies limited commercial intrusion into residential neighborhoods; and Chapter 13 Stewardship and Implementation, which specifies the consideration of single-level-living, as a varied housing option.
2. That the Applicant is requesting a Residential A-7 PDR-L Zone Change for three units, which requires 20,000 square feet of land area, 135' frontage and lot width, 30' front and corner side-yard, 20' side-yard and 30' rear-yard setbacks.
3. That the subject property consists of (3) three existing buildings (1) one single family dwelling constructed in 1925; (1) one 30'x50' nursery school building, approved by the Zoning Board of Review in 1950; (1) one 32'x52' nursery school building, approved by the Zoning Board of Review, Petition NO. 2349 in 1967.
4. That the Applicant and the Project's Surveyor held a pre-submission meeting with Planning Staff to review the proposed development and that the Applicant has made revisions to the original plan based on the departmental comments.

5. That, based on the Planning Department's request, the Applicant held a community outreach meeting at City Hall on August 10, 2016 to present the plan, as well as, to gain feedback from the community.
6. That the Project, as proposed, is not in compliance with the standards and provisions of the City's Zoning Ordinance and therefore, requires a City Council Zone Change from A-7 Residential to A-7 Planned District Residential with waivers for less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks.
7. That there are no wetlands present within 200' of the subdivision; therefore there will be no significant negative environmental impacts from the proposed development.
8. That the project consists of a singular lot with existing non-conforming structure; therefore, the development will not result in the creation of individual lots with such physical constraints to development that the building on those lots according to pertinent regulations and building standards would be impracticable.
9. That the parcel will have access to Municipal Water and Sewer.
10. That the proposed development possesses adequate access to a public street along Canonchet.

The Planning Department also finds 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", and:

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

### **Planning Department Recommendations**

The Planning Department recommends a favorable recommendation to the Warwick City Council for a zoning amendment from A-7 Residential to A-7 Planned District Residential-Limited (PDR-L), with waivers for less than required frontage and lot width and with existing structures having less than required space between buildings and front-yard, side-yard, and rear-yard setbacks, with the following stipulations:

1. That the Applicant shall submit a Final Development Plan that 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 April 1, 1994; Amended November 25, 2015.
2. That the Applicant shall receive Preliminary and Final Approval from the City of Warwick Planning Board.
3. That the Applicant shall coordinate with the City's Sanitation Division regarding trash and recycling collection.
4. That the Applicant shall coordinate with the City's Fire Marshall regarding residential sprinklers.
5. That all Monumentation shall be protected during all phases of construction. Any Monumentation that is disturbed or destroyed shall be replaced by the Applicant.
6. That the Applicant shall coordinate with the Planning Department regarding the development of a Landscape Plan. The Applicant's Arborist shall determine if the existing trees can be adequately preserved and protected during construction, prior to the development of a Landscape Plan. That the Landscape Plan shall include, but not be limited to:
  - Note the Preservation and Protection of existing mature trees that do not require removal for the new proposed development. (Including drip line tree protection details.)
  - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Canonchet Avenue.
  - Note fencing along the westerly and easterly property lines.
  - Note the removal of pavement/parking along the front-yard of the existing single family dwelling, Unit C, as depicted on the Master Plan dated June 20, 2016. This area shall be loamed and seeded to match the existing front-yards of abutting, City Assessor lots 177 and 180.
  - Note the removal of pavement to the west of Units A & B, as depicted on the Master Plan dated June 20, 2016.

**Actions by the Administrative Officer**  
**Final Record Plat**

<b><u>Plat</u></b>	<b><u>Lot</u></b>	<b><u>Plat Title</u></b>
231	6	Cobble Hill Plat
296	151 & 712	Pettaconsett Avenue Plat
358	212, 213, & 214	Marley Plat
362	446	Lavado Plat
362	34, 595,	2680 West Shore Road Plat

**Actions by the Administrative Officer**  
**Administrative Subdivisions**

<b><u>Plat</u></b>	<b><u>Lot</u></b>	<b><u>Plat Title</u></b>
357	440 & 437	Replat of the Barton Homestead Plat
358	417 & 424	The Warren Avenue Plat
251	11 & 138	Barnes Plat
339	331 & 446	Haley Plat
317	151 & 152	D'Amico Plat
311	46, 47, 48, & 49	Replat of RL 44-47 Frank E. Hoxsie Plat No. 2

Any party, person(s) or entity interested in registering for electronic notice for proposed zoning amendments and/or amendments to the City's Zoning Ordinance and the City's Development Review Regulations governing Subdivision, Land Development and Development Plan Review should contact the City's Planning Department at 401-738-2000, extension 6289.