



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

DATE

1119 Division Site, LLC
1140 Reservoir Avenue
Cranston, RI 02920

RE: Assessor's Plat 215, Assessor's Lot 7, 8
1119 Division Street (Route 401)

The following is the decision on your application for combined Preliminary/Final Plan Approval of a Major Land Development Project with zone change (Special Use Permit with exemptions greater than allowed by Ordinance) heard by the Warwick Planning Board at the regularly scheduled meeting held on May 10, 2023.

The Planning Board reviewed your proposal to develop the parcel with a 4,739± s.f. drive-through carwash. The parcel is zoned General Business (GB), with a total land area of 38,226 s.f. The development of the site will include parking improvements, landscaping, stormwater management, and associated utilities. The project also proposes a parking area with vacuum equipment for customer use. The site improvements include one, new access curb cut at Division Street to the south, as well as two cross-access curb cuts to the abutting parcel located at 1149 Division Street. Proposed access/egress to/ from the site will be provided by: one, right-in only driveway from the westbound side of Division Street (Route 401) and one, shared (with abutting lot 8) full access curb-cut aligned with the signalized intersection that will allow vehicles to enter or exit the site eastbound or westbound to/from Division Street, or access the on-ramp to Route 4 southbound.

After completion of the Public Hearing, for which notice was served and a record was kept, the Warwick Planning Board taking into consideration its knowledge and expertise, and after considering all of the representations and presentations made at the Public Hearing, voted to grant combined Preliminary and Final approval with the following conditions of approval:

1. That all Plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island," effective date November 25, 2015.
2. All work must be in accordance with the approvals of the Rhode Island Department of Environmental Management (RIDEM) and the Rhode Island Department of Transportation (RIDOT).
3. A Soil Erosion and Sediment Control permit must be obtained from the City of Warwick Building Department prior to the commencement of any construction activities, including vegetation clearing and earthwork.

4. Soil erosion and sediment control measures must be properly maintained throughout construction.
5. The Design Engineer must inspect the installation of the Stormwater Management System and submit a certification that the construction substantially conforms to the approved plans prior to the Certificate of Occupancy. In addition, the Design Engineer must prepare an as-built plan of the System; highlighting any significant deviations from the approved plan. Deviations from the approved design plan will require prior authorization from the Approving Authority.
6. The Property Owner must be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System. The Property Owner shall be responsible for the operation and maintenance of all proposed stormwater mitigation measures.
7. Protect all RI Highway Bounds and permanent survey markers throughout the completion of the project. Should any monuments be disturbed, the property owner shall be responsible to have a qualified professional reinstall the monuments.
8. Compliance is required with all conditions of approval issued by *James. J Geremia & Associates*, consulting engineers to the West Warwick Sewer Treatment Facility as detailed in the March 7, 2023 letter of approval. A Certificate of Occupancy (C.O.) shall not be issued until all conditions have been met and a permit/statement provided as part of the building permit submission.
9. That the Applicant shall obtain all necessary permits from the Kent County Water Authority for water service to the site.
10. That the development have an adequate number of fire hydrants spaced 300 Ft. apart and providing a minimum of 1000 GPM. Sprinklered buildings require a hydrant within 100 Ft. of the Fire Department Connection (FDC).
11. That there shall be no architectural, landscaping, or natural barriers proposed on the plan that prevent easy access of fire apparatus.
12. All landscaping must be maintained throughout the entire life of the project and any plant material that dies within this time period shall be replaced by the owner.

In granting approval, the Warwick Planning Board found this proposal to be generally consistent with RIGL Section 45-23-30 and Article 1 Purposes and General Statements of the City's Development Review Regulations, and that this proposal met the Standard Provisions of RIGL Sections 45-23-60, and made the following findings of fact:

1. That the proposal is generally consistent with the *City of Warwick, Comprehensive Plan 2033*, or must satisfactorily address issues where there may be inconsistencies, as follows:
 - a. Although the proposed project abuts a parcel to the west and north currently zoned residential (A40), the actual use on the abutting property is industrial in nature with an electric substation which is then bounded to the north and west by interstate 95 and Route 4. The project is therefore consistent with a stated policy in *Chapter 12* of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element to “ensure that proposed new residential, business and industrial uses are compatible with the character and surrounding area.”
 - b. A stated land use issue relating to Division Street in *Chapter 12, Section K*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is “potential impacts of nonresidential development on residential areas...” Although the proposed project abuts parcels to the north and east currently zoned residential (A40), the parcel contains an electric substation so the actual use is industrial/commercial in nature. The closest actual residential dwelling is more than a quarter mile from the site and across a major highway. The project is therefore consistent with this *Comprehensive Plan* element.
 - c. *Chapter 9*, of the *Comprehensive Plan, Transportation and Circulation(9.30)* element states: “Warwick has an efficient road network that responds to existing and future development patterns while reducing auto congestion and improving circulation,” with the corresponding Policy: “Reduce traffic congestion throughout Warwick, particularly along east/west routes and along major commercial corridors,” by (Action #3) “Limit multiple access points on the City’s major arterial roadways, and where possible, seek to consolidate and/or eliminate redundant accesses and curb cuts.” The applicant has proposed to maintain consistency with the *Comprehensive Plan* by sharing egress from the site with the adjacent parcel which affords both sites access to a traffic light on this busy roadway.
2. That the proposal is compliant with the standards and provisions of the City’s Zoning Ordinance as an exception to Ordinance was granted by the Warwick City Council (PCO-16-22, **Ordinance Number O-22-16**, dated August 17, 2022) authorizing the following:
 - a. Use Code 420, Carwash with the following dimensional waivers:
 - o Section 301 Table 1 Use Regulations, Footnote 7: The existing parcel has a frontage and minimum lot width of 98.73’; the Ordinance requirement is 100’.
 - o Section 301 Table 2B Dimensional Regulations, Footnote 2. A commercial building or use shall be set back a minimum of 40’ from an abutting residence district.
 - o Section 505.1 Minimum Landscape Buffer: A 20’ minimum landscape buffer is required along any property line that abuts a residence district. The project provides a 5.4’ landscape buffer. (Note the ZB is limited to granting a maximum of 50% of relief under the provisions of 906.3.C.2).

- Section 505.6(B) Parking Lot Interior Landscaping: 5% minimum interior landscaping is required for parking areas. The parking area does not include any interior landscaping require relief from Section 505.6(B).
 - Section Loading Requirements: No loading space is shown on the parcel requiring relief from Section 702.
3. That there will be no significant negative environmental impact from the proposed development provided the applicant conforms to all conditions of the Rhode Island Department of Environmental Management's approval for *Wetlands Application No. 22-0458 & Groundwater Discharge/UIC File No. 002142*, dated February 20, 2023.
 4. That the development, as proposed, 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 in consideration of the following:
 - a. The development, as proposed, is contained solely on a single lot (AP 215/Lot 007) with shared egress from adjacent Lot 8, and the Applicant has sufficiently demonstrated that the lot can appropriately support development while remaining in conformance with pertinent regulations and building standards.
 5. That the proposed development possesses adequate and permanent access to a public street (Division Street/Route 401).
 - a. The Rhode Island Department of Transportation (RIDOT) has found that the project meets DOT design requirements and authorized the issuance of a Physical Alteration Permit (*PAP 22-111*, dated October 31, 2022) for the project upon compliance with bonding, insurance and inspection requirements.

This decision will be rendered final upon recording of a signed copy of this letter and associated documents as required with the City Clerk.

Sincerely,

Kevin Flynn, Vice-Chair
Warwick Planning Board

Cc: Connor Bailey, Bohler Engineering
K. Joseph Shekarchi, Esq., Shekarchi Law