

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

To the Honorable City Council of Warwick:

Respectfully represent: 989 Centerville LLC

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: 989 Centerville LLC
333 Main Street, Suite 200 (Name)
East Greenwich, RI 02818 (Address)

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

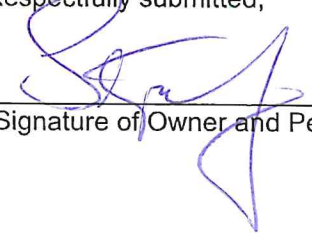
2. Description of Premises: Plat No. 241 Lot (s) 11
Street 989 Centerville Road
Ward _____

(Furnish Address, Assessor's Plat and Lot Numbers, and Ward number that property is in)

3. Present Zoning Classification: GB
4. Zoning Change Requested An Amendment to 0-83-2 approved 02/23/1983
5. Reasons for Proposed Change: See Exhibit A attached hereto.

WHEREFORE, it is respectfully requested that the Zoning Law be amended by changing the Zoning Classification of the above-described premises from See Exhibit A attached hereto. to _____

Respectfully submitted,



(Signature of Owner and Petitioner)

EXHIBIT A to Zone Change Petition

5. Reasons for Proposed Change:

Ordinance 0-83-2 (copy enclosed) changed the Zoning Designation from Residential to General Business with a condition the property could be used only as a restaurant in substantial conformance with the plans submitted and "shall not be used as a drive-in type restaurant". Owners desire to amend to specifically allow multi-use and multiple buildings zoned General Business to be constructed on the property.



300 Centerville Road • Suite 300
Summit West • Warwick, RI 02886
401-738-4500 • Fax 401-738-5892

Sanford J. Resnick**
Jeffrey F. Caffrey
James Moretti

MEMORANDUM

The property located at 989 Centerville Road, also known as Assessor's Plat 241 Lot 11 is presently zoned GB. In February 1983 the City Council, via Ordinance 0-83-2, changed the Zoning Map for Plat 241 portions of lots 11 and 16 from Residential to General Business. The stipulation stated "This Amendment is granted on a specific condition that the above parcel be used only as a restaurant with such restaurant being built in substantial conformance with the plan submitted by the petitioner and shall not be used as a drive-in type restaurant.

Enclosed please find a copy of the Ordinance which was effective on or about March 20, 1983. I am also enclosing herewith a plan prepared by Richard T. Bzdyra, Professional Land Surveyor, showing the approximate location in 1983 overlaid on today's Assessor's map. It shows that all of lot 11, all of lot 35, portions of lots 12 and 13, were involved in the zone change. For many years, Fridays restaurant occupied lot 11 on Plat 241. It has been empty for a number of years and the inside of the building has now been abolished.

The owner of the property is requesting that although the applicant may operate a restaurant out of either all or a portion of the property, the applicant is requesting that this ordinance be amended to (i) remove the restriction of only a restaurant and (ii) to amend same to specifically allow multi-use in multiple buildings zoned General Business to be constructed on the property.

Respectfully Submitted,

Sanford J. Resnick, Esq.
Resnick and Caffrey, PC
300 Centerville Road
Summit West, Suite 300
Warwick, RI 02886

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Effective 3/20/83

CHAPTER

No. 0-83-2 **AN ORDINANCE** AMENDING THE ZONING ORDINANCE OF
THE CITY OF WARWICK, WOLOOHOJIAN REALTY CORPORATION,
PETITIONER

Approved *Joseph W. Walsh* Mayor
FEB 23 1983

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 portion of Lots 11 and 16 of Assessor's Plat (241) from Residential to General Business:

BEGINNING at a point in the northerly line of Centerville Road, being approximately two hundred twenty-five (225') feet westerly of land N/F of Joseph H. and Laura W. Coghill and Station 95 + 91.62 R 91.49' from the centerline of Rhode Island State Highway Plat No. 1047, Sheet No. 10.

THENCE, running westerly, along a stone wall on the northerly line of Centerville Road, eighty-five and eight hundredths (85.08') feet to a drill hole at the corner in the wall;

THENCE, turning an interior angle of 270°-26'-26" and running southerly, partly along a stone wall in the westerly line of Centerville Road, sixteen and sixty-six hundredths (16.66') feet to a RIHB at Station 98 + 99.00 R 43.61' from the centerline of Rhode Island State Highway Plat No. 1047;

THENCE, turning an interior angle of 90°-54'-47" and running generally westerly, along the northerly line of Centerville Road, ninety-eight and four hundredths (98.04') feet to a point in the State Highway Line as delineated on State Highway Plat No. 836;

THENCE, turning an interior angle of 172°-01'-13" and running westerly, along the northerly State Highway Line of Centerville Road, one hundred sixteen and eighty-three hundredths (116.83') feet to a corner at land N/F of Alice A. Chenevert;

THENCE, turning an interior angle of 89°-17'-53" and running northerly, bounded westerly by Chenevert, two hundred ninety-two and eighty-one hundredths (292.81') feet to Bald Hill Road at a point in the easterly Freeway Line as delineated on Rhode Island Freeway Plat No. 837, Sheet No. 3;

THENCE, turning an interior angle of 158°-33'-47" and running northeasterly, along the southeasterly Freeway Line of Bald Hill Road, two hundred eighty-three and twenty hundredths (283.20') feet to an angle point at station 161+00 L 90';

THENCE, turning an interior angle of $180^{\circ}-05'-14''$ and running northeasterly, along the southeasterly Rhode Island State Highway Line of Bald Hill Road as delineated on Rhode Island State Highway Plat No. 836, Sheet No. 3, five hundred twenty-nine and ninety-seven hundredths ($529.97'$) feet to a granite bound at Station $155 + 67.25$ L $86.30'$;

THENCE, turning an interior angle of $24^{\circ}-12'-24''$ and running southerly along a wire fence and the remains of a wire fence, bounded easterly by land N/F of Peter J. and Dorothy M. Jurgelon, two hundred ninety-five and seventy-five hundredths ($295.75'$) feet to a corner in said fence;

THENCE, turning an interior angle of $257^{\circ}-39'-27''$ and running easterly, bounded northerly by Jurgelon, sixteen and thirty-three hundredths ($16.33'$) feet to a drill hole at a corner in a stone wall;

THENCE, southerly to the place of beginning.

SECTION II: This amendment is granted on the specific conditions that the above parcel be used only as a restaurant with such restaurant being built in substantial conformance with the plans submitted by the Petitioner and shall not be used as a drive-in type restaurant.

STRIKE

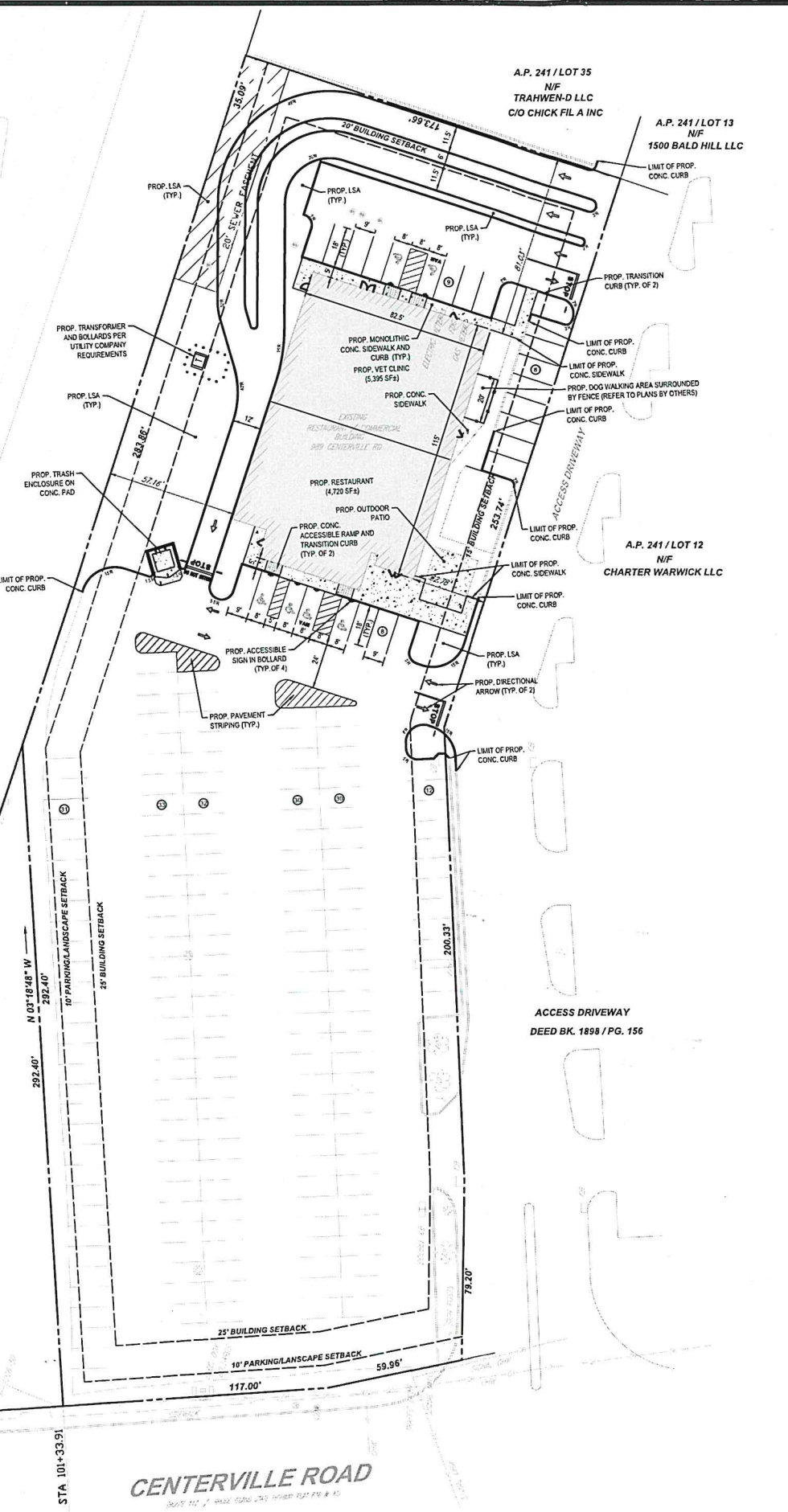
SECTION III: The Clerk of the Zoning Board is hereby authorized and directed to cause said changes to be made in the Zoning Map and Record Book of Lot Classifications.

SECTION IV: This Ordinance shall take effect after passage and publication as provided by law.

see next page (amendment)



BALD HILL ROAD
100' WIDE ROADWAY



ZONING ANALYSIS TABLE			
ZONING DISTRICT	GENERAL BUSINESS DISTRICT (GB)		
OVERLAY DISTRICT	N/A		
REQUIRED PERMIT	VET CLINIC: ALLOWED BY RIGHT RESTAURANT: ALLOWED BY RIGHT		
ZONE CRITERIA	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	6,000 SF	102,461 SF	NO CHANGE
MIN. LOT WIDTH	60 FT	123.6 FT	NO CHANGE
MAX. BLDG COVERAGE	N/A	10,118 SF	NO CHANGE
MIN. FRONT SETBACK	25 FT	57.3 FT	NO CHANGE
MIN. SIDE SETBACK	15 FT	32.6 FT	NO CHANGE
MIN. REAR SETBACK	20 FT	61.9 FT	NO CHANGE
MAX. BUILDING HEIGHT	48 FT	21.0 FT	NO CHANGE
MIN. LANDSCAPE COVERAGE	10%	7.0%	13.5%
PARKING SPACES	61	192	193
ACCESS: PARKING SPACES	6	7	6
PARKING STALL CRITERIA	USE CATEGORY: RESTAURANT BUSINESS AND COMMERCIAL SERVICE (VET CLINIC)		
STANDARD: 9 FT x 18 FT	REQUIRED PARKING: 61 REQUIRED SPACES		
COMPACT: 8 FT x 16 FT	CALCULATION: RESTAURANT: 1 SPACE/100 SF OF GFA: 4,077 SF/100 SF = 40.77 = 41 REQUIRED SPACES		
	BUSINESS AND COMMERCIAL SERVICE: 1 SPACE/250 SF OF GFA: 5,000 SF/250 SF = 20 REQUIRED SPACES		
	TOTAL SPACES = 20 + 41 = 61 REQUIRED SPACES		
ACCESSIBLE PARKING CRITERIA	1-25 SPACES = 1 MIN. ACCESSIBLE SPACE		
STANDARD:	26-50 SPACES = 2 MIN. ACCESSIBLE SPACES		
5 FT x 18 FT STALL (MIN.)	51-75 SPACES = 3 MIN. ACCESSIBLE SPACES		
8 FT x 18 FT STALL (MIN.)	76-100 SPACES = 4 MIN. ACCESSIBLE SPACES		
8 FT x 18 FT ASIDE (MIN.)	101-150 SPACES = 5 MIN. ACCESSIBLE SPACES		
	151-200 SPACES = 6 MIN. ACCESSIBLE SPACES		
	201-300 SPACES = 7 MIN. ACCESSIBLE SPACES		
	301-400 SPACES = 8 MIN. ACCESSIBLE SPACES		
	401-500 SPACES = 9 MIN. ACCESSIBLE SPACES		
	501-1,000 SPACES = MIN. 2% OF TOTAL		
	1,001+ SPACES = MIN. 20' x 1' FOR EACH 100 SPACES OVER 1,000		
VAN:	1 ACCESSIBLE VAN SPACE PER 6 STANDARD ACCESSIBLE SPACES (MIN.)		

ZONING NOTES

- SECTION 302 TABLE OF USES (USE: RESTAURANT) - OUTDOOR STORAGE OR OVERNIGHT PARKING IN EXCESS OF FIVE VEHICLES OR IN EXCESS OF 25% OF THE LOT DEVOTED TO OUTDOOR STORAGE OF EQUIPMENT OR MATERIALS IN ACCESSORY TO THE PRINCIPAL USE SHALL REQUIRE A SPECIAL USE PERMIT.

BOHLER //

SITE CIVIL AND CONSULTING ENGINEERING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	BY

811
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PRELIMINARY

THIS DRAWING IS INTENDED FOR MUNICIPAL AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MAA220042
 DRAWN BY: JMT
 CHECKED BY: NPD/RMM
 DATE: 03/15/2023
 CAD L.D.: MAA220042-00-SPD-04

PROPOSED SITE PLAN DOCUMENTS

FOR

GASPEE
 REAL ESTATE PARTNERS

PROPOSED DEVELOPMENT
 MAP: #241 LOT: #11
 989 CENTERVILLE ROAD,
 TOWN OF WARWICK,
 KENT COUNTY,
 RHODE ISLAND

BOHLER //

352 TURNPIKE ROAD
 SOUTHBOROUGH, MA 01772
 Phone: (508) 480-9900
 www.BohlerEngineering.com

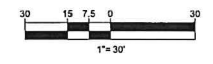
DRAFT: 3/15/23

SHEET TITLE:
SITE LAYOUT PLAN

SHEET NUMBER:
C-301

ORG. DATE - 03/15/2023

THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY. REFER TO GENERAL NOTES SHEET FOR ADDITIONAL NOTES



R:\DRAWINGS\2023\241\241-SPD-04.dwg (3/15/23) 10:00 AM - LAYOUT: C-301 SITE



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

MEMORANDUM

To: Honorable Stephen P. McAllister, City Council President
Honorable Warwick City Council

From: Tom Kravitz, Director

Date: April 2023

Subject: Advisory Recommendation: Amendment to **O-83-2**
989 Centerville Road

Applicant: 989 Centerville, LLC

Existing Zoning: General Business (GB) with Restrictions
Proposed Zone: General Business (GB) with allowance for more than one nonresidential building and use on a lot.

Ward: 8

SUMMARY

The Applicant is requesting City Council approval to amend **City Council Ordinance O-83-2 approved 2/23/1983** (attached) by removing a City Council restriction placed on the property that portions of then lot 11 and 16, could be used “*only as a restaurant*” in substantial conformance with the plan submitted and “*shall not be used as a drive-in type restaurant.*” The Applicant is also requesting that the City Council specifically allow more than one nonresidential building and uses on the lot.

EXISTING CONDITION

989 Centerville Road is 2.35acre lot fronting on the north side of Centerville Road and abutting Bald Hill Road/Route 2 to the west. The existing 10,000sf +/- structure was formerly occupied by a single restaurant (TGIF) and is currently vacant. The applicant is seeking to divide the vacant, unoccupied building to allow multiple commercial tenants and potentially construct an additional commercial building(s) in the future.

FINDINGS OF THE BOARD

At the April 12, 2023 meeting of the Warwick Planning Board, this project and proposed zoning amendment was found to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City’s Development Review Regulations.

The Planning Board also found the proposed zoning amendment to be generally consistent with the Comprehensive Plan of the City of Warwick, specifically the following sections:

1. Bald Hill Road/Route 2 is described in the narrative as *“Once a rural highway connecting Providence and South County, Bald Hill Road has evolved into a major regional commercial corridor.”* (12.11).
2. The General Principles to Guide Future Land Use includes a Principle to *“Preserve land in the Route 2 corridor for regional commercial uses while enhancing function and appearance.”* (12.15)
3. Part IV, Prosperous City, supports *“Bald Hill Road/Route 2 as a Regional Retail center and the need to maintain this district as the state’s premier destination shopping area.”* (7.20)
4. Chapter 8 Economic Development states as a Goal *“Implement land use policies that support a diversity of industries and promote a strong, stable tax base.”*(8.2)

Removing the existing restriction and allowing more than one non-residential use on the subject lot is wholly consistent with the above Comprehensive Plan policies that support promoting and maintaining the Bald Hill Road/Route 2 as a major commercial corridor.

The Board also found the request to be 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;
- 103.11 Promote the implementation of the Warwick Comprehensive community plan, as amended.

PLANNING BOARD RECOMMENDATION

On the Motion of X, seconded by X, the Planning Board voted to both to forward a favorable recommendation to the Warwick City Council for the requested Ordinance Amendment to remove the existing restriction and to allow more than one nonresidential use and building on the lot.