



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

June XX, 2022

Cumberland Farms, Inc.

APM Associates, LLC
35 Lantern Road
Lincoln, RI 02865

RE: Assessor's Plat 273, Assessor's Lots 378 & 409
66 Fessenden & 87 West Natick Road

Dear Applicant:

The following is the decision on your application for Master Plan Approval of a Major Land Development Project with subdivision and recommendation to the Warwick City Council for zone change, heard by the Warwick Planning Board at the regularly scheduled meeting held on June 8, 2022.

The Planning Board reviewed your proposal to develop the 0.53 acre parcel (Plat 273 Lot 378) with a single-bay car wash with 6 vacuum spaces that will be consolidated with the abutting Cumberland Farms gas station and convenience store parcel (Plat 273 Lot 409) to create a new single parcel totaling 1.82± acres. The development will be accessed through the gas station by way of site modifications, new curb cuts are not proposed on West Natick Road (Route-5) nor on Fessenden Street.

The subject parcel is currently split zoned: A-7 Residential and General Business, therefore, the site requires a City Council rezone to entirely General Business (GB). The parcel slopes away from Fessenden Street into a swale behind the convenience store. The project will require a front yard setback variance along Fessenden Street, requesting the building to be situated 19'± from the right of way, where 25 feet is required. The need for the variance is due to the lack of lot depth relative to Fessenden Street. The proposed layout is based design considerations including the location of the existing convenience store - providing the minimum requisite width/length for a drive aisle, parking spaces, sidewalk separation to buildings and the car wash created the need for the variance request.

The Planning Board was also asked to make a recommendation to the Warwick City Council for a Zone Change from the split zone, Residential and General Business (A7/GB) to General Business (GB) and a Special Use Permit for Use Code 420. Carwash with exemptions from front-yard setback requirement (Fessenden).

After completion of the Public Meeting, 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 Meeting, found this proposal 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, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

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. The applicant needs to perform further traffic analysis to determine traffic impacts at both the Lambert Lind Highway (Route 5) curb cut and at the West Natick Road curb cut. The analysis shall include review of internal site circulation and identify and mitigate any vehicular conflicts with the abutting commercial property located at 99 West Natick Road in order to maintain consistency with the Comprehensive Plan.
 - b. 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,” and a General Principle to Guide Future Land Use (12.15) is to “Limit commercial intrusion into residential neighborhoods.” The proposed development is located at the bottom of slope that increases in elevation as the site reaches Fessenden and then the topography slopes higher in a northerly direction where several residences front on Fessenden Street. To mitigate impact to these residences and maintain consistency with the Comprehensive Plan, the applicant will need to provide a substantial landscape buffer along Fessenden Street.
 - c. *Chapter 4, Natural Resources* identifies a land use challenge in the City of Warwick being “Reducing nonpoint source pollution of water bodies and waterways.” (4.3) Similarly, a goal and policy related to stormwater in *Chapter 10 (10.2) of the Comprehensive Plan, Public Facilities and Services* includes a goal that “stormwater management and drainage systems are effective, reliable and incorporate best practices,” with a corresponding policy, “require all new development and redevelopment projects to meet or exceed the standards in the latest edition of the *Rhode Island Stormwater Design and Installation Standards Manual*.” To remain consistent with these provisions, the applicant must incorporate appropriate measures to mitigate stormwater runoff, provide pretreatment, and other best management practices (BMPs) and adhere to state and local stormwater management regulations.
 - d. *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 maintaining the existing ingress/egress onto West Natick and Lambert Lind Highway and by eliminating access to Fessenden Street.

2. That the proposal is not compliant with the standards and provisions of the City’s Zoning Ordinance, and as the relief sought exceeds the authority of the Zoning Board (906.3C.2), an exception to Ordinance must be sought through the Warwick City Council in consideration of the following:
 - a. The project requires A Special Use Permit (SUP) pursuant to *TABLE 1. USE REGULATIONS, Use Code 420. Carwash.*
 - b. The project requires exceptions to Ordinance for the following:
 - 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 Table 2B Dimensional Regulations, Minimum Front Yard (25’ required, 19+/- proposed).
3. That there will be no significant negative environmental impact from the proposed development provided the applicant conforms to all conditions of approval and proposes appropriate mitigation measures in order to maintain consistency with the Comprehensive Plan in future review phases.
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 to be contained solely on a single lot to be created via an administrative subdivision, merging Assessor’s Plat 273 Lots 378 & 409 into a single parcel and the Applicant has sufficiently demonstrated that the lot can appropriately support development while remaining in conformance with pertinent regulations and building standards, provided a Special Use Permit and exemptions to Ordinance are granted by the City Council.
5. That the proposed development possesses adequate and permanent access to a public street (West Natick Road and Lambert Lind Highway/Route 5) provided:
 - a. The Applicant provides a trip generation/traffic impact study and assessment of signalized intersection at the full access curb cut at West Natick Road, and the Route 5 ingress/egress.
 - b. An analysis of the internal circulation between the car wash and gas station is provided and design measures are proposed to mitigate any vehicular circulation

conflicts; with no adverse impact (stacking) to Route 5. Review of internal site circulation as it relates to any vehicular conflicts with the abutting commercial property located at 99 West Natick Road.

- c. An assessment of the potential impact of additional traffic flow to/from the site on the Route 5/West Natick intersection and the West Natick intersection is provided.
- d. Appropriate mitigation measures are provided to minimize disruption to the existing traffic flow as required by the Rhode Island Department of Transportation (RIDOT).
- e. RIDOT finds that the project meets state design requirements and authorizes the issuance of a Physical Alteration Permit for the project.

Zone Change Findings

In addition to the above findings, the Planning Board finds the proposed zoning amendment to be generally consistent with the Comprehensive Plan (as detailed above) of the City of Warwick and finds it also 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;
- F.) 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.

Based on the foregoing findings of fact, on a motion by XXXX, seconded by XXX, the Warwick Planning Board voted XXX in favor, XXX opposed, to grant Master Plan approval with a favorable recommendation to the Warwick City Council to grant a Zone Change to General Business, with a special use permit and dimensional variance as outlined herein, with the following stipulations:

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. That the Applicant shall submit a Preliminary Land Development Plan that complies with Appendix C, Final Application, of the City's Development Review Regulations Governing Subdivisions, Land Development Projects, and Development Plan Review, last amendment dated March 14, 2001.
3. That a Storm Water Management Plan shall be submitted in accordance with the Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, that is designed to demonstrate a net zero rate of runoff from the proposed development.
4. That the design Engineer must meet with the City of Warwick Department of Public Works (DPW) engineering staff to review the proposed drainage system prior to submission to the RI Department of Environmental Management (RIDEM) or RIDOT. DEM and DOT approvals must be submitted with the Preliminary Application to the Planning Department.
5. That an Operation and Maintenance Plan for the proposed stormwater collection system be included with the Preliminary Plan submission to the Planning Department.
6. That sewer service be reviewed and approved by the Warwick Sewer Authority.
7. That the Applicant shall obtain all necessary permits from the Warwick Water Department for water service to the site.
8. That the Applicant provide the following items related to traffic with their Preliminary Plan application:
 - a. A trip generation/traffic impact study and assessment of the full access curb cut at West Natick Road, and the Lambert Lind Highway (Route 5)/West Natick Road intersection is provided.
 - b. An analysis of the internal circulation between the car wash and gas station is provided and design measures are proposed to mitigate any vehicular circulation conflicts; with no adverse impact (stacking) to Route 5. Review of internal site circulation as it relates to any vehicular conflicts with the abutting commercial property located at 99 West Natick Road.
 - c. An assessment of the impact of additional traffic flow to/from the site on the Route 5/West Natick intersection and the West Natick intersection is provided.
 - d. Appropriate mitigation measures are provided to minimize disruption to the existing traffic flow as required by the Rhode Island Department of Transportation (RIDOT).
 - e. RIDOT finds that the project meets state design requirements and authorizes the issuance of a Physical Alteration Permit for the project.
9. 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).

10. That there shall be no architectural, landscaping, or natural barriers proposed on the plan that prevent easy access of fire apparatus.
11. That the Preliminary Plan phase submission include a landscape plan prepared by a registered landscape architect, approved by the City's Landscape Coordinator, that meets all requirements under Section 505 of the City's Zoning Ordinance, and includes the following:
 - a. Plantings, as practicable, within and around any stormwater management basins and swales. Plantings shall include native grasses, perennials, and shrubs that will assist in the control of erosion, uptake and treatment of stormwater, and reduction of any fertilizers or nutrient supplements.
 - b. Enhanced landscaping along Fessenden Street to include a solid fence and a tight evergreen buffer to include 6' to 8' evergreens at time of planting, or as further specified by the City Landscape Project Coordinator.
 - c. Screening of the Dumpster with a tight evergreen hedge on sides abutting adjacent parcels.
12. That the Preliminary Plan submittal include a photometric site plan, and specifications for all exterior lighting. Site lighting shall be Dark Sky compliant, to the extent practicable. All exterior lighting and signage shall be designed to minimize negative impacts on neighboring residential properties. Glare from outdoor lights, signs, and from the movement of vehicles on site shall be shielded from the view of adjacent properties.
13. That the Preliminary Plan submittal shall include location, details, and color elevations of all proposed signage. All signage shall be subject to approval by the Administrative Officer to the Planning Board and conform to the standards of the Warwick Zoning Ordinance, Section 800.
14. That the Preliminary Plan submittal include color elevations of the proposed building façade.
15. That the Preliminary Plan submittal include a document that summarizes general business operations, to include hours of operation, shift changes, timing of typical peak traffic flow, and any other relevant operations information for consideration by the Board.

Sincerely,

Philip Slocum, Chair
Warwick Planning Board

Cc: K. Joseph Shekarchi, Esq., Shekarchi Law