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Planning Director



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CITY OF WARWICK

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Meeting Notice City of Warwick Planning Board

Date: Wednesday, May 11, 2016

Time: 6:00 p.m.

Location: Warwick City Hall
Lower Level Conference Room
3275 Post Road
Warwick, RI 02886

Consideration, Review, and Approval of the August 2015, Planning Board Minutes

Consideration, Review, and Approval of the January 2016, Special Planning Board Minutes

Consideration, Review, and Approval of the February 2016, Planning Board Minutes

Consideration, Review, and Approval of the April 2016, Planning Board Minutes

ZONE CHANGE RECOMMENDATION

Applicant: Veracruz Shabo LLC
Location: 2477 West Shore Road
Assessor's Plat: 349
Assessor's Lot: 465
Ward: 6
Zoning Classification: Office

Background

The Applicant is requesting relief from the City of Warwick's Zoning Ordinance, Section 906.3(C)(2) *Standards For Relief / Special Use Permit* to construct two, (2) additions to the existing car wash/oil change business located at 3477 West Shore Road, which requires a Special Use permit and dimensional relief. The property is zoned Office and measures 12,800 square feet in size. The existing building is 58'8" long by 34' wide. The Applicant will be reopening a shuttered business on the site.

Part (2) of 906.3(C) reads as follows:

‘That the special use meets all the criteria set forth in the subsection of this ordinance authorizing such special use, except that the board may issue a special use in conjunction with a dimensional variance provided that the dimensional variance may be issued only for the following dimensional requirements, no other dimensional relief can be sought except for that specifically listed herein, and the requested relief shall not exceed a 50 percent deviation from each required dimensional standard, provided however, that the 50 percent limitation shall not apply to non-residentially zoned properties which: ‘

I. Do not abut or share a common boundary with open space and residentially zoned property: or

II. Directly abut the Amtrak Northeast Rail Corridor (NEC), irrespective of the zoning classification of the rail corridor;

(a)Section 300, Table 2A and Table 2B Dimensional Regulations, minimum front yard, minimum side yard, minimum rear yard, minimum landscape open space.

(b)Sections 505 and 505.1, landscaping and screening.

(c)Section 505.6, parking lot buffers.

(d)Section 701.7, off-street parking.

(e)Section 702.2, number of required loading spaces.

(f)Section 806, permitted signs by district.

Table 1 Use Regulations of the Warwick Zoning Ordinance, section 420 entitled “carwash” prohibits the operation of said use in an Office zone.

Zoning Board History (See Appendix A)

The original zoning history of this property started in February of 1987 when the owners at that time petitioned the Zoning Board of Review to build a new building in order to operate a Jiffy Lube Service Facility. The application was approved with stipulations and the business opened and operated for a number of years.

In December of 2010, the property was purchased by the present Applicant in order to reopen the existing oil change/lube business. In January of 2012, the owner petitioned the Zoning Board for a special use permit/dimensional variance to add a car wash use to in one of the existing bays and operate the oil change/lube facility in the remaining two bays. This request was approved by the Board with stipulations.

In February of 2014, the owner petitioned the Board for a Special Use Permit to add to additions to the car wash side of the building with less than required setbacks. The application was approved by the Board with stipulations.

In July of 2014, the Applicant petitioned the Board to change the size of the previously approved additions as well as build a 6'x40' addition to the side of the building with less than required setbacks. The application to increase the size of the two previously approved additions was approved with conditions. One of those conditions was the denial by the Board of the proposed new, 6'x40' addition.

ISSUE

At issue is Section 906 (C)(2) of the Ordinance that deals with situations of zoning which deal with the issuance of a special use permit in conjunction with dimensional relief for specific sections of the Zoning Ordinance and which abut a residentially or open space zoned properties. The dimensional relief sought can only be for the following sections of the Zoning Ordinance:

- Section 300, Table 2A & 2B
- Sections 505 & 505.1: Landscaping & Screening
- Section 505.6: Parking Lot Buffers.
- Section 701.7: Off Street Parking
- Section 702.2: Number of Required Loading Spaces.
- Section 806: Permitted Signs by District.

Simply stated, the Zoning Board of Review may not entertain an application for both a Special Use Permit and dimensional relief, if the property in question abuts a residential or open space zone and the relief that is being sought is more than 50% of what is required. This section DOES NOT pertain when an applicant is seeking special use permit/dimensional relief for a property which DOES NOT abut a residential/open space zone, or, directly abuts the Amtrak Northeast Rail Corridor, irrespective of the zoning classification of the rail corridor.

The development of Section 906 (C)(2) was predicated on the RI Superior Court ruling in Colbea Enterprises, L.L.C v. Zoning Board of Review of Warwick. The applicant, Alliance Energy Corporation, sought a Special Use Permit and dimensional relief to demolish an existing service station and convenience store and construct a new service station and convenience store. At issue was whether or not the Warwick Zoning Board exceeded its authority by issuing a Special Use Permit and dimensional relief for the same application.

In Newton v.Zoning Board of Review, the applicants had applied for a dimensional variance in conjunction with a special use permit. In Newton, the Supreme Court upheld the Superior Court's decision and held *that a dimensional variance can only (emphasis added) be granted in conjunction with a legally permitted use and therefore not in conjunction with a use granted by special use permit*

In their conclusion, the Superior Court decision on Colbea found that the Board acted improperly in granting the Alliance application for a dimensional variance due to the fact that any expansion of the existing service station is required to comply with the requirements of the Warwick Zoning Ordinance and the Warwick Zoning Ordinance did not provide that dimensional relief can be granted in conjunction with a specially permitted use. Therefore, in granting the application, the Board acted in excess of its authority, violated State law as well as the Warwick Zoning Ordinance.

As a result, and in order to address the issue of Special Use / dimensional relief requests, Section 906(C)(2) was developed by the Warwick Planning Department and adopted by the City Council. The intent of the ordinance was to allow for the granting of dimensional variances in conjunction with Special Use Permits under certain circumstances. In addition to addressing the legality of such an application, the City's intent was also to protect abutting residential zones without the outright prohibition of such applications. The Zoning Ordinance now addresses this issue while requiring a certain dimensional requirement ("50% rule") to provide protection to abutting residential zones without an outright prohibition.

In this particular case, however, holding the Applicant to the letter of the law would seem to be contrary to the intent of the ordinance. The property in question is located at 2477 West Shore Rd (AP 349, AL 465), on the corner of West Shore Rd and Scolly Street. The site is zone Office, while the properties on the east and west are zoned General Business. The uses along that section of West Shore Rd are a mixture of commercial, service and retail.

It is the property to the rear (north) of the site that is the crux of the problem. The property to the rear is Warwick Veterans Memorial High School (Vets). One of the school parking lots abuts the property in question. The entire school property is zoned Residential A-7. While Vets is slated to be transitioned into a junior high school in 2016-2017 and a middle school in 2017-2018, the residential zoning classification is not affected by these changes. Since the school is zoned Residential, Section 906(C)(2) comes into play. However, the objective of this section to protect abutting residential zones through this section of the Zoning Ordinance does not meet the spirit of the law since the residentially zoned area is the parking lot for the school. If the requirements of Section 906 (C)(2) cannot be met, then the Zoning Board of Review cannot hear the application. If this is the case, the alternative for an applicant is to petition the Warwick City Council for relief from this section of the Ordinance.

The applicant wishes to construct two additions to the existing structure, above and beyond what has already been approved by the Zoning Board: a 7'x40' addition to the west side of the existing building to house the carwash mechanical equipment. This addition is proposed to have a setback of 1' from the side property line and a 1,400 square foot, L-shaped addition located in the rear, northwest corner of the property which is proposed to have a 5' setback from the rear line and 1' setback from the side property line. This addition would extend the previously approved rear addition. The applicant is requesting dimensional relief for the additions. This addition would allow the applicant to process more vehicles for car washes indoors. In addition, it would provide protection for those vehicles from foul balls which occasionally land in the applicant's property from the abutting baseball field.

PLANNING DEPARTMENT FINDINGS

Due to the fact that the applicant is asking for dimensional relief that exceeds the 50% limit as prescribed in 906 (C)(2) of the Warwick Zoning Ordinance, the Warwick Zoning Board cannot hear the application. In reviewing this proposal, the addition of the carwash into one of the existing bays is not out of character with the surrounding area. The Warwick Comprehensive Plan Future Land Use Map (FLUM) identifies this area of West Shore Road as one of Mixed Use development. The mixed uses in this area are expected to be the type of uses that would service the immediate neighborhood.

After review of this application, this department is of the following opinion:

1. The use of this property as an oil/lube service facility/carwash requires a Special Use permit as identified in Table I Use Regulations #420 & #422.
2. The applicant has appeared before the Warwick Zoning Board of Review on four separate occasions to add a carwash and additions to the property, seeking a special use permit and dimensional relief.
3. The applicant now comes with a plan to add another addition to the rear and side of the building which requires dimensional relief.
4. The new proposal will run afoul of Section 906 (C)(2) of the Warwick Zoning Ordinance since the request is for both a special use permit and dimensional relief, the subject property abuts a residentially zoned property (Warwick Vets) to the north and the dimensional relief being sought is more than 50% of what is required.
5. Since this proposal does not conform to Section 906(C)(2), the Zoning Board is prevented from hearing the application and rendering a decision.
6. The avenue for the applicant is to appear before the Warwick City Council to ask for relief from Section 906(C)(2) of the Warwick Zoning Ordinance.

The review of this application by this department finds that the proposal, as presented, is in compliance with the goals and objectives of the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program, the Land Use Element and the Economic Development element, including but not limited to, the following:

- Support the development and sustainability of locally-owned businesses. **(WCP: Chapter 8-Economic Development-Goal#2, Policy#2)**
- Promote an economic climate which increases quality job opportunities and overall economic well-being. **(WCP: Chapter 1: 21st Century Warwick, City of Livable Neighborhoods, Pg. 1.4)**
- Encourage commercial development in Warwick that emphasizes business retention and expansion. **(WCP: Chapter 8-Economic Development-Goal #2)** The applicant will be reopening a closed business to the betterment of the neighborhood in particular and the City as a whole.
- The project will foster job creation and tax revenue. **(WCP: Chapter 8-Economic Development-Goal #3)**
- The project will make efficient reuse and expansion of existing land uses. **(WCP: Chapter 3-Population and Land Use Trends)**

The Planning Department also finds the proposed modification to the existing zoning to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose":

Section 103.1: Promote the public health, safety and general welfare of the City.

Section 103.2: Provide for a range of uses and intensities of use appropriate to the character of the City and reflect current and expected future needs.

Section 103.3: Provide for orderly growth and development which recognizes:

- A. The goals and patterns of land use contained in the comprehensive plan of the City adopted pursuant to G.L. 1956,*45-22.2-1 et seq. (as amended).
- 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.

Section 103.11: Promote implementation of the Warwick Comprehensive Community Plan as amended.

PLANNING DEPARTMENT RECOMMENDATION

Based on the facts and analysis of this specific petition, the Administrative Officer to the Planning Board will not oppose the petitioner's request for waivers from the Warwick City Council from Section 906(C)(2) of the Warwick Zoning Ordinance and modify the existing zoning classification of this lot from Office to Office/w/Restrictions with the following restrictions:

1. The Applicant shall conform with all of the prior stipulations required by the Zoning Board of Review, except that the landscape buffer area along the rear property line shall be reduced to a minimum of 5' instead of a minimum of 10'. (See Appendix A)
2. The side setback shall be no less than 1' from the property line and the rear setback shall be no less than 5' from the rear property line.
3. The applicant shall provide an as built survey of the property to verify compliance with all stipulations of the Planning Board decision.

APPENDIX A

February 25, 1987 (Zoning Board Petition # 5778)

The owners at the time, Kenneth and Maryann Keenan, petitioned the Zoning Board for an exception or variation to construct a building to operate a Jiffy Lube Service Center with less than required setback from side lot line and to have a free-standing sign and wall sign larger than allowed by ordinance. At that time, the Zoning Board made the following findings:

1. The subject property was zoned Limited Business.
2. The petitioner wished to sell the property for a Jiffy Lube Service Center, which would be a drive-in lube center with three bays and 11 parking spaces.

3. The existing house and garage on the site will be removed.
4. The petitioner's real estate expert testified that there were other automotive uses in the area and that this business would have a good layout for good traffic flow and would not be harmful to the area.
5. There were no objectors to the petition.

Based on these findings, the Zoning Board granted this petition with the following stipulations:

1. The signage shall be adhered to as testified,
2. Strict compliance with the plans submitted to the Board.
3. No expansion of the use without approval of the Board,
4. Grant shall be activated with a building permit within one year, unless extended by the Board, or it will become void.

January 31, 2012 (Zoning Board Petition # 9945)

The owner of the property, Veracruz Shabo, LLC., petitioned the Zoning Board for dimensional relief and a special use permit to convert an existing auto service bay to a car wash, with the existing building having less than required side yard and side street setback, less than required off street parking, landscaping & landscaping buffer. At that time, the Zoning Board made the following findings:

1. The subject property is known as A.P. 349, A.L. 465, containing appx. 12,800 square feet of land and is zoned Office.
2. The petitioner has owned the property since December of 2010.
3. There is an existing building located on the subject property (see Petition # 5778). The building was previously occupied as a Jiffy Lube Service Center.
4. The building contains three service bays. The petitioner wishes to utilize two of the bays for the lubrication/oil change service and convert the third bay into a touchless, automated carwash.
5. The carwash would contain rapid doors on the front and back. It would be self-contained. The hours of operation would be 8 A.M. – 6 P.M. and in the summer 8 A.M. – 8 P.M. It would not be a 24 hour operation.
6. The petitioner agreed to all of the stipulations as presented at the hearing and by the Planning Department.
7. There would be no changes to the dimensions of the building.
8. There was one neighbor present with concerns of traffic, noise, hours and access to her property.
9. The area surrounding the subject property consists of all commercial operations.
10. The Board found that the petitioner met all of the criteria for the granting of a special use permit and dimensional relief.

Based on these findings, the Zoning Board unanimously granted this petition with the following stipulations:

1. The petitioner shall maintain a 6' stockade fence along the rear property line and west side property line.
2. All lighting shall be contained on the property. All parking lot lighting shall contain light shields and be directed away from all abutting properties.
3. Petitioner shall supply a landscape plan, prepared and stamped by a registered landscape architect, to the City for review and approval. Plan shall include a tight evergreen hedge along the rear portion of the west side property line, which abuts 128 Stetson St.
4. The queuing of vehicles onto Scolly Street and West Shore rd. shall not be allowed at any time for any reason. The queuing of vehicles onto these abutting streets shall be considered a violation of this Zoning Board approval.
5. The car wash shall be of the type that can only operate when the doors are closed.
6. Hours of operation shall be from 8 A.M. until 6:00 P.M. and summer hours are 8:00 A.M. to 8:00 P.M. A 24 hour operation of both the car wash and oil change service is strictly prohibited.
7. The location of the vacuum and trash barrel shall be screened from neighboring properties by a solid 6' fence and tight evergreen.
8. All drainage from the car wash shall be collected on site and disposed of in a manner approved by the City of Warwick Engineer.
9. The petitioner shall receive approval from the City Engineer for the new curb cut on Scolly Street prior to its installation.
10. A sunset provision to this approval shall require the applicant to appear before the Warwick Zoning Board within 18 months of the date of this approval for review and final approval.
11. That the landscape buffer abutting the rear property line must be increased to 10'.
12. The parking space (#2) on the plan must be removed.
13. Strict compliance with the plans and testimony as presented to the Board.
14. No expansion of the use without prior approval of the Zoning Board.

February 25, 2014 (Zoning Board petition # 10097)

The petitioner is seeking a dimensional variance and special use permit to expand the previously approved car wash portion of the oil change service building with less than required side yard setback, with the existing building having less than required side and corner side setbacks, off street parking, landscaping and landscape buffer.

After the testimony was completed, the site was viewed and taking into consideration its knowledge of the area, the Board made the following findings of fact:

1. The property is appx. 12,800 square feet in size and is zoned Office.
2. Petitioner has owned the property since December 2010.
3. The existing building was formerly occupied as a Jiffy Lube Service operation.
4. Petitioner received ZB approval in December of 2011 to convert one of the service bays into a carwash. The petitioner intends to utilize the building as the auto service/car wash operation.
5. The petitioner requests to construct 14'6" x 33' addition on the back left side of the building and a 10' x 14'6" addition to the front left side of the building.

6. The additions and the existing building will not comply with the side yard setbacks. The two additions will maintain the same 7.5' side setback as the existing building.
7. The petitioner proposes to install a different type of car wash than last proposed. The new equipment would enable the petitioner to enclose 3 vehicles at a time and lessen the amount of time for the car wash process.
8. The Planning Department did not object to the change and asked the petitioner to continue an architectural feature that is currently on the building completely around the building. The petitioner agreed.
9. The area surrounding the subject property consists of commercial and residential structures.

Based on these findings, the Board voted unanimously to grant the petition with the following stipulations:

1. The architectural feature on the building soffit must be constructed completely around the building.
2. The applicant shall maintain a 6' stockade fence along the rear property line and west property line.
3. A landscape plan, prepared and stamped by a registered landscape architect, shall be submitted to the Warwick Planning Department for review and approval. Said plan shall include a tight evergreen hedge along the rear portion of the west side property line, which abuts 128 Stetson Street.
4. All lighting shall be contained on the property. All parking lot lights shall contain light shields and be directed away from all abutting properties.
5. The queuing of vehicles onto Scolly Street and West Shore rd. shall not be allowed at any time for any reason. The queuing of vehicles onto these abutting streets shall be considered a violation of this Zoning Board approval.
6. The car wash shall be of the type that can only operate when the doors are closed.
7. Hours of operation shall be from 8 A.M. until 6:00 P.M. and summer hours are 8:00 A.M. to 8:00 P.M. A 24 hour operation of both the car wash and oil change service is strictly prohibited.
8. The location of the vacuum and trash barrel shall be screened from neighboring properties by a solid 6' fence and tight evergreen.
9. All drainage from the car wash shall be collected on site and disposed of in a manner approved by the City of Warwick Engineer.
10. The petitioner shall receive approval from the City Engineer for the new curb cut on Scolly Street prior to its installation.
11. A sunset provision to this approval shall require the applicant to appear before the Warwick Zoning Board within 18 months of the date of this approval for review and final approval.
12. That the landscape buffer abutting the rear property line must be increased to 10'.
13. The parking space (#2) on the plan must be removed.
14. Strict compliance with the plans and testimony as presented to the Board.
15. No expansion of the use without prior approval of the Zoning Board.

July 24, 2014 (Zoning Board petition # 10143)

The petitioner requested a special use permit and dimensional relief to operate the same carwash at the site as previously approved by the ZB, but is requesting dimensional relief to construct a 6' x 40' addition to the west side of the building, as well as change the size of the two previously approved additions. The two resized additions will still require dimensional relief for less than required side yard, landscaping, landscaped buffer and parking.

After hearing public comment and the petitioner's application, the Board made the following findings of fact:

1. The subject property is known as A.P. 349, A.L. 465, containing appx. 12,800 square feet of land and is zoned Office.
2. The petitioner has owned the property since December of 2010.
3. There is an existing building located on the subject property (see Petition # 5778). The building was previously occupied as a Jiffy Lube Service Center.
4. Petitioner received ZB approval in December of 2011 to convert one of the service bays into a carwash. The petitioner intends to utilize the building as the auto service/car wash operation. He then received ZB approval on 1/31/2012 and 2/25/2014 to alter the approved plan.
5. The current application requests approval to construct an addition on the left side of the existing building appx. 6'x40' with a 1.5' setback off the left side property line.
6. The petitioner is also requesting a change to the size of the previously approved additions. The front addition would be changed to 12'x16.5' and the rear addition would be 16.5'x38'.
7. The relief for the parking and landscaping has not changed from the approval given in January 2014.
8. The existing building does not meet the setback from the side street property line. There is no change to that side of the building.
9. The area surrounding the subject property consists of commercial and residential structures.

Based on these findings, the Board voted unanimously to approve the petition with the following stipulations:

1. The proposed 6'x40' addition to the left side of the building be eliminated from the plan.
2. The architectural feature on the building soffit must be constructed completely around the building.
3. The applicant shall maintain a 6' stockade fence along the rear property line and west property line.
4. A landscape plan, prepared and stamped by a registered landscape architect, shall be submitted to the Warwick Planning Department for review and approval. Said plan shall include a tight evergreen hedge along the rear portion of the west side property line, which abuts 128 Stetson Street.
5. All lighting shall be contained on the property. All parking lot lights shall contain light shields and be directed away from all abutting properties.

6. The queuing of vehicles onto Scolly Street and West Shore rd. shall not be allowed at any time for any reason. The queuing of vehicles onto these abutting streets shall be considered a violation of this Zoning Board approval.
7. The car wash shall be of the type that can only operate when the doors are closed.
8. Hours of operation shall be from 8 A.M. until 6:00 P.M. and summer hours are 8:00 A.M. to 8:00 P.M. A 24 hour operation of both the car wash and oil change service is strictly prohibited.
9. The location of the vacuum and trash barrel shall be screened from neighboring properties by a solid 6' fence and tight evergreen.
10. All drainage from the car wash shall be collected on site and disposed of in a manner approved by the City of Warwick Engineer.
11. The petitioner shall receive approval from the City Engineer for the new curb cut on Scolly Street prior to its installation.
12. A sunset provision to this approval shall require the applicant to appear before the Warwick Zoning Board within 18 months of the date of this approval for review and final approval.
13. That the landscape buffer abutting the rear property line must be increased to 10'.
14. The parking space (#2) on the plan must be removed.
15. Strict compliance with the plans and testimony as presented to the Board.
16. No expansion of the use without prior approval of the Zoning Board.

Public Meeting
Minor Subdivision
Capron Farm Drive
Preliminary Plan

Location:	261 Capron Farm Drive
Assessor's Plat:	369
Assessor's Lots:	18
Applicant:	Jean S. Martin Trust 2013 c/o Paul Martin
Zoned:	A-7 (Residential)
Area:	19,500 square feet
Ward:	7
Engineer:	DiPrete Engineering

Project Scope

The Applicant is requesting Preliminary Approval of a Minor Subdivision. The Applicant is proposing to subdivide (1) one conforming 19,500 square foot lot, with an existing single-family dwelling, to create (2) two lots; (1) one conforming 12,500 square foot lot with an existing single-family dwelling, and (1) one new conforming 7,000 square foot lot for the development of a single-family dwelling; both lots fronting on Capron Farm Drive and zoned Residential A-7.

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 Comprehensive Community Plan, which supports the protection of established High-Medium Density Residential neighborhood land uses in the City and is generally consistent with the existing neighborhood, containing other parcels of land within the 200' radius containing single-family dwellings that meet and exceed the existing zoning requirements.
2. That the subject property is located along Capron Farm Drive, and is identified as Assessor's Plat: 369; Assessor's Lot: 18.
3. The Applicant is proposing to subdivide (1) one conforming 19,500 square foot lot, with an existing single-family dwelling, to create (2) two lots; (1) one conforming 12,500 square foot lot with an existing single-family dwelling, and (1) one new conforming 7,000 square foot lot for the development of a single-family dwelling; both lots fronting on Capron Farm Drive.
4. That the subject property consists of (1) one Tax Assessor's lot totaling 19,500 square feet and is zoned Residential A-7.
5. That the A-7 Residential Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet of land area per individual lot.
6. That the subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance.
7. That the subdivision, as proposed, will have no significant negative environmental impact, having received a Coastal Resources Management Council (CRMC) Assent No. W2016-01-027.
8. That the existing parcel contains large mature trees along Capron Farm Drive and along abutting property lines.
9. That the subdivision will have access to Municipal Sewer and Water.
10. That the subdivision, 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.
11. That the proposed development possesses adequate access to a public street, Capron Farm Drive.

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 that all driveway and parking areas shall have a permeable pavement and subbase consisting of gravel, crushed stone, shells, or similar highly permeable material.
 - Note that all roof drainage shall be discharged into dry wells filled with crushed stone or concrete galleys surrounded by crushed stone.
 - Note the names and addresses of abutting property owners across any adjacent streets.
 - Note existing and proposed contours at least two-foot interval for all grading for on and off-site street construction, drainage facilities, and upon individual lots.
 - Note required Monumentation.
 - Note a minimum of 1" curb-stop tapped of the existing 6" distribution line for proposed dwelling
3. That, prior to Final Development Plan submittal, the Applicant shall receive Final Approval from the City of Warwick Sewer Authority.
4. That the Applicant shall provide a Final Development Plan that is consistent with the CRMC Assent No. W2016-01-027.
5. That the Final Development Plan submittal shall include a Storm Water Management Plan in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010.
6. That, the Final Development Plan submittal, shall include a Landscape Plan prepared and stamped by a Rhode Island Licensed Landscape Architect. The aforementioned Landscape Plan shall include, but not be limited to:
 - Note the preservation and protection of existing mature trees along Capron Farm Drive that do not require removal for the new proposed development. (Including drip-line tree protection details.)
 - Note the preservation of trees in close proximity to abutting lots.

- Note that the Applicant's Arborist shall be responsible for removing invasive vines and invasive vegetation that may be threatening the structural integrity of existing trees.
 - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Capron Farm Drive. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
 - Note that the Applicant/Developer shall coordinate with Planning Department Staff regarding species and location, prior to tree purchase.
 - Note location of overhead wires.
7. That, prior to Final Approval, the Applicant/Developer shall provide metes and bounds descriptions for review.
 8. That, prior to Final Approval, the Applicant/Developer shall remove all encroachments onto proposed Parcel B, *as depicted on the 261 Capron Farm Drive Site Plan, dated December 22, 2015, revision date February 22, 2016.*
 9. That, prior to Final Approval, the Applicant/Developer shall coordinate with the Building Official regarding the existing garage on proposed Parcel B, *as depicted on the 261 Capron Farm Drive Site Plan, dated December 22, 2015, revision date February 22, 2016.*
 10. That, prior to the recording of the "Final Record Plat", the Applicant shall provide a Performance Bond for the installation of Landscaping and Monumentation.
 11. 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 along Parcel B, *as depicted on the 261 Capron Farm Drive Site Plan, dated December 22, 2015, revision date February 22, 2016.* This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
 12. That, prior to the issuance of a Certificate of Occupancy, for the proposed single-family dwelling proposed on Parcel B, the Applicant/Developer shall install all Monumentation, as depicted on the Final Record Plat.

Public Meeting
Minor Subdivision
Pettaconsett Avenue
Preliminary Plan

Location: 200 and 210 Pettaconsett Avenue
Hiawatha Street
Lufkin Court
Assessor's Plat: 296
Assessor's Lot: 151 & 712
Applicant: Sturbridge Home Builders
Property Owner: St. William's Church Corporation
St. William's Church Corporation of Norwood
Zoned: A-7 Residential
Land Area: 4.27± acre
Ward: 2
Engineer: DiPrete Engineering

Project Scope

The Applicant is requesting Preliminary Approval of a Minor Subdivision. The Applicant is proposing to subdivide (2) two lots totaling 4.27± acres to create (4) four lots; (1) one conforming 28,735 square foot lot with an existing single-family dwelling, (Church Rectory 200 Pettaconsett Avenue); (1) one conforming 2.82 ± acre lot with a religious building (Church 210 Pettaconsett Avenue) and related parking; (1) one new conforming 16,595 square foot lot for the development of a single-family dwelling; and (1) one new conforming 18,345 square foot lot for the development of a single-family dwelling, in an A-7 Residential 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 further finds:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports the preservation of existing residential neighborhoods and is generally consistent with the existing neighborhood, containing other parcels of land within the 200' radius containing single-family dwellings that meet and exceed the existing zoning requirements.
2. That the subject property is located at 200 & 210 Pettaconsett Avenue, and is identified as Assessor's Plat: 296, Assessor's Lots: 151 & 712.
3. That the subject property consists of (2) two Tax Assessor's lots totaling 4.27± acres and is zoned A-7 Residential.

4. The Applicant is proposing to subdivide (2) two lots totaling 4.27± acres to create (4) four lots; (1) one conforming 28,735 square foot lot with an existing single-family dwelling, (Church Rectory 200 Pettaconsett Avenue); (1) one conforming 2.82 ± acre lot with a religious building (Church 210 Pettaconsett Avenue) and related parking; (1) new one conforming 16,595 square foot lot for the development of a single-family dwelling; and (1) one new conforming 18,345 square foot lot for the development of a single-family dwelling.
5. That the A-7 Residential Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
6. That the subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance.
7. That at the March 16, 2016 meeting, the Historic District Commission found that the existing stone wall located on the parcel was not a historic structure.
8. That the subdivision, as proposed, will have no significant negative environmental impact.
9. That the subdivision will have access to Municipal Sewer and Water.
10. 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.
11. That there will be no significant negative environmental impacts from the proposed development.
12. That the proposed development possesses adequate access to the public street, Pettaconsett Avenue, and frontage along Hiawatha Street, and Lufkin Court.

Planning Department Recommendations

Planning Department recommendation is to grant Preliminary Approval, with Final Approval to be through the Administrative Officer, 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 a 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 Record Plat name.
 - Note location and dimension 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 existing and proposed contours at least two-foot interval for all grading for on and off-site street construction, drainage facilities, and upon individual lots.
 - Note Curb Stop detail.
 - Note Monumentation.
3. That, the Final Plan submittal, shall include a Landscape Plan prepared and stamped by a Rhode Island Licensed Landscape Architect. The aforementioned Landscape Plan shall include, but not be limited to:
- Note the preservation and protection of existing mature trees along Pettaconsett Avenue that do not require removal for the new proposed development. (Including drip line tree protection details.)
 - Preservation of trees in close proximity to abutting lots.
 - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Pettaconsett Avenue. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
 - That the Applicant shall coordinate with Planning Department Staff regarding species and location, prior to tree purchase.
 - Note location of overhead wires.
4. That, the Final Development Plan submittal, shall include a Storm Water Management Plan in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010.
5. That, prior to Final Development Plan submittal, the Applicant shall receive Final Approval from the City of Warwick Sewer Authority and Water Division.
6. That, prior to Final Approval, the Applicant/Developer shall remove/note/address any/all encroachments (above or below ground) and, if necessary, shall provide easement verbiage for review and approval.
7. That, prior to Final Approval, the Applicant/Developer shall provide metes and bounds descriptions for review.
8. That the Applicant shall provide a Performance Bond for the installation of Landscaping and Monumentation, prior to the recording of the "Final Record Plat".

9. 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 along Lots 1 and 2, *as depicted on the Pettaconsett Avenue Site Plan, dated January, 15, 2016, revised February 23, 2016.*
10. That, prior to the issuance of a Certificate of Occupancy, the Applicant/Developer shall install all Monumentation, as depicted on the Final Record Plat.

Public Meeting
Minor Subdivision
Charlestown Avenue
Preliminary Plan

Location:	1 Charlestown Avenue
Assessor's Plat:	358
Assessor's Lot:	212, 213, & 214
Applicant:	K. Joseph Shekarchi
Property Owner:	James Arthur Marley
Zoned:	A-7 and A-10 Residential
Land Area:	62,640 square feet
Ward:	5
Engineer:	Joe Casali Engineering, Inc.
Surveyor	Flynn Surveys, Inc.

Project Scope

The Applicant is requesting Preliminary Approval of a Minor Subdivision. The Applicant is proposing to subdivide (3) three lots totaling 62,640 square feet to create (4) four lots; (1) one conforming 37,440 square foot lot with a pre-existing non-conforming single-family dwelling, having less than required front yard setback, in an A-10 Residential District; and (3) three conforming 8,400 square foot lots for the development of single-family dwellings; in an A-7 Residential 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 further finds:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports the preservation of existing residential neighborhoods and the protection environmental resources in a densely-developed community and is generally consistent with the existing neighborhood, containing other parcels of land within the 200' radius containing single-family dwellings that meet and exceed the existing zoning requirements.

2. That the subject property is located at 1 Charlestown Avenue, and is identified as Assessor's Plat: 358; Assessor's Lots: 212, 213, & 214.
3. That the subject property consists of (3) three Tax Assessor's lots totaling 62,640 square feet and is zoned A-7 & A-10 Residential.
4. The Applicant is proposing to subdivide (3) three lots totaling 62,640 square feet to create (4) four lots; (1) one conforming 37,440 square foot lot with a pre-existing non-conforming single-family dwelling, having less than required front yard setback, in an A-10 Residential District; and (3) three conforming 8,400 square foot lots for the development of single-family dwellings, fronting on Charlestown Avenue.
5. That the A-7 Residential Zoning District requires a minimum of 70 feet of frontage and lot width and a minimum area of 7,000 square feet per individual lot.
6. That the A-10 Residential Zoning District requires a minimum of 100 feet of frontage and lot width and a minimum area of 10,000 square feet per individual lot.
7. That Parcels A, B, and C, depicted on the Marley Plat, dated March 2016, as proposed, are in compliance with the standards and provisions of the City's Zoning Ordinance, specifically the A-7 Residential District.
8. That Parcel C depicted on the Marley Plat, dated March 2016, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance, specifically the A-10 Residential District. The parcel contains a pre-existing non-conforming single-family dwelling, have less than required front-yard setback.
9. That the Applicant/Developer is coordinating with Coastal Resources Management Council (CRMC) for final approval and a conservation easement.
10. That the existing parcel contains large mature trees along abutting property lines and along Charlestown Avenue.
11. That the subdivision will have access to Municipal Sewer and Water.
12. That water service will be supplied through an existing 6" cast iron distribution line.
13. That the proposed development possesses adequate access to the public street, Charlestown Avenue.

Planning Department Recommendations

Planning Department recommendation is to grant Preliminary Approval, with Final Approval to be through the Planning Board, 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 a 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, which shall include at a minimum, but not be limited to:
 - Note deed book and page references.
 - Note names and addresses of abutting properties.
 - Note locations of structures on abutting properties.
 - Note tie distances from existing Monumentation on Charlestown Avenue.
 - Note low pressure sewer services for Parcels B & C
 - Note sewer services to be installed as 1.5SDR 21.
 - Note required Monumentation.
 - Note Conservation Monumentation along the 50' perimeter wetland, quantity and location to be approved by the Administrative Officer.
 - Note curb to curb restoration of paved surface in all the locations of the proposed utilities. An even saw-cut shall transverse the pavement. The interface between new and old pavement shall be completed with a smooth transition. The patch area must be properly compacted and a permanent patch shall not be installed prior to a 90-day settlement period. If, based on layout, restoration is required the Applicant shall provide a Performance Bond.
3. That, the Final Plan submittal, shall include a Landscape Plan prepared and stamped by a Rhode Island Licensed Landscape Architect. The aforementioned Landscape Plan shall include, but not be limited to:
 - Note the preservation and protection of existing mature trees along Charlestown Avenue that do not require removal for the new proposed development. (Including drip line tree protection details.)
 - Note preservation of trees in close proximity to abutting lots.
 - Note 50' wetland perimeter and Limit of Disturbance.
 - Note (1) one 2"-2.5" caliper deciduous shade tree for every 50 feet of lot frontage along Charlestown Avenue. This number may be reduced if there are existing mature trees in good condition that can be preserved and protected during construction.
 - Note that the Applicant shall coordinate with Planning Department Staff regarding species and location, prior to tree purchase.
 - Note location of overhead wires.
4. That, the Final Development Plan submittal, shall include a Storm Water Management Plan in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010. The design must demonstrate a zero-net runoff and shall be approved by the City Engineer.

5. That, prior to Final Approval, the Applicant shall receive written determination from the RI Historical Preservation and Heritage Commission (RIHPHC) that the subdivision will have no adverse effect on any significant cultural resources, above-ground or archaeological.
6. That, prior to Final Approval, the Applicant/Developer shall meet with the Sewer Authority regarding a Developer's Agreement.
7. That, prior to Final Plan submittal, the Applicant shall receive Final Approval from CRMC.
8. That, the Applicant shall record the CRMC Conservation Easement and Restrictions as part of the Final Record Plat.
9. That, prior to Final Development Plan submittal, the Project Surveyor shall confirm the location of abutting property, identified as Assessor's Plat 358, Assessor's Lot 501, and address, if necessary, any property line adjustments.
10. That, prior to Final Plan submittal, the Applicant shall receive Final Approval from the City of Warwick Sewer Authority and Water Division.
11. That any alteration to Charlestown Avenue shall require a City of Warwick Physical Alteration Permit (PAP), prior to receiving a Building Permit.
12. That elevations of the lowest living space (including the basement) for the proposed single-family dwellings shall be at least 3-feet above the maximum high groundwater elevation.
13. That, prior to Final Approval, the Applicant/Developer shall provide metes and bounds descriptions for review.
14. That the Applicant shall provide a Performance Bond for the installation of Landscaping, Road Way Restoration, and Monumentation, prior to the recording of the "Final Record Plat".
15. 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 along Lots 1 and 2, *as depicted on the Charlestown Avenue Site Plan, dated January, 15, 2016, revised February 23, 2016*
16. That, prior to the issuance of a Certificate of Occupancy, the Applicant/Developer shall install all Monumentation, as depicted on the Final Record Plat.

Public Meeting
Minor Subdivision
Palmer Avenue
Preliminary Plan

Location: 445 Palmer Avenue
Assessor's Plat: 379
Assessor's Lot: 62
Applicant: Four Hundred Forty Five Palmer, LLC
Zoned: A-10 Residential
Land Area: 4.16 ± acres
Ward: 5
Engineer: Andrews Surveying and Engineering, Inc.

Project Scope

The Applicant is requesting Preliminary Approval of a Minor Subdivision. The Applicant is proposing to subdivide (1) one lot totaling 4.16± acres to create (3) three new lots; (1) one new conforming 66,597 square foot lot for the development of a single-family dwelling; (1) one new conforming 71,789 square foot lot for the development of a single-family dwelling; and (1) one new conforming 43,014 square foot lot for the development of single-family dwelling; in an A-10 Residential 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 further finds:

1. That the proposed development is generally consistent with the Comprehensive Community Plan, which supports the preservation of existing residential neighborhoods, and is generally consistent with the existing neighborhood, containing other parcels of land within the 200' radius containing single-family dwellings that meet and exceed the existing zoning requirements.
2. That the subject property is located at 445 Palmer Avenue, and is identified as Assessor's Plat: 379, Assessor's Lot: 62.
3. That the subject property consists of (1) one Tax Assessor's lot totaling 4.16 ± acres and is zoned A-10 Residential.
4. That the Applicant is proposing to subdivide (1) one lot totaling 4.16± acres to create (3) three new lots; (1) one new conforming 66,597 square foot lot for the development of a single-family dwelling; (1) one new conforming 71,789 square foot lot for the development of a single-family dwelling; and (1) one new conforming 43,014 square foot lot for the development of single-family dwelling, fronting on Palmer Avenue.

5. That the A-10 Residential Zoning District requires a minimum of 100 feet of frontage and lot width and a minimum area of 10,000 square feet per individual lot.
6. That, the subdivision, as proposed, is in compliance with the standards and provisions of the City's Zoning Ordinance, specifically the A-10 Residential District.
7. That, the site, is the former location of the Rocky Point Hotel/Rooming House built c. 1880.
8. That, the Applicant has received a Preliminary Determination No. W2016-04-025 from Coastal Resources Management Council (CRMC).
9. That the Applicant has received RI Department of Environmental Management (RIDEM) On-Site Wastewater Treatment System (OWTS) Approvals No. 1535-1183, 1535-1184, and 1535-1185.
10. That freshwater wetlands are present on-site which may be regulated by the US Army Corp of Engineers.
11. That the existing parcel contains large mature trees along abutting property lines and along Palmer Avenue.
12. That, the subdivision will have access to Municipal Water, through and 8" cast iron line along Palmer Avenue and On-Site Wastewater Treatment Systems.
13. That, the proposed development possesses adequate access to the public street, Palmer Avenue.

Planning Department Recommendations

Planning Department recommendation is to grant Preliminary Approval, with Final Approval to be through the Planning Board, 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 a 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 Plat Name
 - Note base flood elevation.
 - Note tie distances to Monumentation from existing recorded Plats.

- Note required Monumentation.
 - Note Conservation Monumentation along the 50' perimeter wetland, quantity and location to be approved by the Administrative Officer.
 - Note curb to curb restoration in all the locations of the proposed utilities. An even saw-cut shall transverse the pavement. The interface between new and old pavement shall be completed with a smooth transition. The patch area must be properly compacted and a permanent patch shall not be installed prior to a 90-day settlement period.
3. That the existing ¾" curb stop shall be upgraded to a 1" curb stop, at a minimum.
 4. That, prior to Final Approval, the Applicant shall receive written determination from the RI Historical Preservation and Heritage Commission (RIHPHC) that the subdivision will have no adverse effect on any significant cultural resources, above-ground or archaeological.
 5. That the Applicant/Developer shall coordinate with National Grid and shall be solely responsible for the relocation of existing utility poles.
 6. That, the Applicant/Developer shall coordinate with the US Army Corp of Engineers to determine if a Federal Permit is required under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 USC 1344).
 7. That, the Final Development Plan submittal, shall include a Storm Water Management Plan in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010. The design must demonstrate a zero-net runoff and shall be approved by the City Engineer.
 8. That, prior to Final Plan submittal, the Applicant shall receive Final Approval from CRMC.
 9. That prior to Final Plan submittal, the Applicant shall receive Final Approval from the City of Warwick Water Division.
 10. That any alteration to Palmer Avenue shall require a City of Warwick Physical Alteration Permit (PAP), prior to receiving a Building Permit.
 11. That elevations of the lowest living space (including the basement) for the proposed single-family dwellings shall be at least 3-feet above the maximum high groundwater elevation.
 12. That, prior to Final Approval, the Project's Landscape Architect shall verify the existence of overhead wires and evaluate proposed street tree species to prevent future conflicts.
 13. That prior to Final Approval, the Applicant/Developer shall provide metes and bounds descriptions for review.

14. That the Applicant shall provide a Performance Bond for the installation of Landscaping, Road Way Restoration, and Monumentation, prior to the recording of the "Final Record Plat".
15. That, prior to the issuance of a Certificate of Occupancy, the landscaping shall be installed, as depicted on the Final Landscape Plan.
16. That, prior to the issuance of a Certificate of Occupancy, the Applicant/Developer shall install all Monumentation, as depicted on the Final Record Plat.

Actions by the Administrative Officer

Administrative Subdivisions

<u>Plat</u>	<u>Lot</u>	<u>Plat Title</u>
284	80, 330, & 331	Conreal Plat
304	158, 286, & 287	Bentley Road Plat

Final Approval

<u>Plat</u>	<u>Lot</u>	<u>Plat Title</u>
356	13	Three G's Plat