




CITY OF WARWICK

JOSEPH J. SOLOMON, MAYOR

MEMORANDIUM

TO: Chairman Donald Morash and Members of the Warwick Zoning Board

FROM: William DePasquale, Chief of Staff/Planning Director
Dan Geagan, Principal Planner/GIS Coordinator 

Date: April 29, 2019

RE: Planning Comments for April 29, 2019 Special Meeting

Pond Plaza

Owner: Cenikor, LLC
Applicant: PRW Holdings, LLC
Location: 1160 Post Road
Assessor's Plat: 298
Assessor's Lot: 18
Zoning District: General Business (GB), abuts Residential A-7

Zoning Relief: Special Use Permit for self-storage, Use Code 807, Ministorage and mini-warehouse facility, and Section 304.5 More than one nonresidential use or building on a lot, and dimensional relief, Section 701.7 Off-street parking space requirements, for less than required parking spaces.

Background

The Applicant is requesting a Special Use Permit for Use Code 807, Ministorage and mini-warehouse facility and Section 304.5 More than one nonresidential use on a lot, and dimensional relief, Section 701.7 Off-street parking space requirements for less than required parking spaces.

The Applicant is proposing to redevelop a parcel with an existing building (a portion to remain), to construct a three (3) story addition to the building to be used as a self-storage facility, and to reconfigure the parking area. Total building area proposed to be 113,400 square feet, with 100,000 square feet to be dedicated to self-storage use. The front portion of the existing building will remain and be renovated for the retail uses. The rear portion of the building is to be demolished to provide for the development of the 100,000 square foot, self-storage facility to include 630 storage units. The applicant is required to provide 267 parking spaces; the site is unable to physically provide the required number of spaces and therefore the applicant has requested a 50% variance request on parking – which equates to relief for 134 parking spaces.

STANDARDS FOR RELIEF 906.3

906. - Variances, special use permits, and appeals.

906.3. Standards for relief.

(A) All variances. In granting a variance, the board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area.

The applicant is seeking a dimensional variance for a 50% reduction on total parking spaces. The project as proposed requires relief from 134 spaces, leaving the subject property with 135 parking spaces total. It is the opinion of the Planning Department, as explained in greater detail in the below review of the Special Use Permit, that the proposed 113,400 square feet of development proposed to include 630 storage units and 13,400 square feet of retail space is too intense of a use for the subject property. It is further the opinion of the department that the proposed project site is incapable of supporting a structure and business of this size and evidence of this fact is clearly demonstrated by the need to include the maximum allowable request of a parking deviation of 50% from the standard.

- (2) That said hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;

- (3) That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this zoning ordinance or the comprehensive plan of the city;

The Department finds that the proposed project will alter the general characteristics of the surrounding area, will impair the intent and purpose of the Zoning Ordinance and will impair the Comprehensive Plan of the City, such findings to be detailed in the analysis of the Special Use Permit.

- (4) That the relief to be granted is the least relief necessary.

The Planning Department is of the opinion that the proposed project is too large, too intense and oversized for the site and that a more reasonable development consistent with the character of the surrounding area could be constructed without the need for a 50% parking deviation.

SPECIAL USE PERMIT REVIEW

(C) Special use permit. In granting a special use permit, the board shall require that evidence to [of] the satisfaction of the following standards be entered into the record of the proceedings:

(1) That the special use is specifically authorized by this ordinance, and setting forth the exact subsection of this ordinance containing the jurisdictional authorization;

*The Planning Department finds that the Zoning Ordinance Table 1 Use Regulations categorizes (Use Code 807) ministorage and miniwarehouse facility as an **Industrial Use** and allows the use by-right only in a General Industrial Zoning District. The Ordinance does recognize that in certain conditions it may be a compatible use in a Light Industrial and a General Business Zoning District and therefore only allows it within these zoning districts subject to a Special Use Permit. The Use is prohibited in all other zoning districts. Therefore, for this industrial use to be authorized in a General Business zoning district it must be found by the Zoning Board to meet the required standards of a Special Use Permit which include a requirement of not altering the character of the surrounding area.*

The Planning Department has consistently supported a policy that the proposed use in a General Business zone is only supported if it is not located on a primary retail location and rather, is better located in an Industrial zone or a secondary, interior General Business location.

(2) 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.

The proposed project does not meet the dimensional criteria required by the Zoning Ordinance and therefore, in addition to requesting a Special Use Permit, the applicant is requesting zoning relief for 50% reduction in total parking. The requested relief does not exceed the 50 percent deviation that the applicant is entitled by Ordinance to request of the Board.

(3) That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance or the comprehensive plan of the city.

REVIEW: GENERAL CHARACTER OF THE SURROUNDING AREA

The site is zoned General Business with an existing building, Pond Plaza, which formerly included a variety of commercial uses - a pizza restaurant, hair salon, nail salon, daycare, and a laundromat, all neighborhood supportive commercial enterprises. The site also shares a parking lot and driveways with the commercial building to the northeast. The site is located on the east side of Post Road, north of Route 37 and south of Elmwood Avenue directly abutting a commercial property and a residential neighborhood northeast, with Sand Pond abutting the property to the south.

Sand Pond is generally characterized as a 12-acre kettle pond that is primarily surrounded by single-family, residential homes with commercial and multi-family properties characterizing the frontage lots along Post Road. The Pond itself contains two basins divided by a narrow earthen berm and remains a valuable wildlife habitat in the highly urbanized Warwick (see aerial detail).

There are no streams discharging into or draining from the pond, nor are there any contiguous wetlands. Inflow to the pond consists primarily of groundwater, surface water runoff, stormwater runoff, and direct precipitation. There is a narrow forested buffer around most of the pond, but several lawns extend to the water's edge. There is a small public beach at the southeast end of the pond.

• Sand Pond, also in the Pawtuxet watershed, has a surface area of approximately 12 acres. As a kettle hole pond, it has no streams discharging into or draining from the pond, nor are there any contiguous wetlands. Inflow to the pond consists primarily of groundwater, surface water runoff, stormwater runoff, and direct precipitation. The pond's watershed is highly urbanized and encompasses approximately 62 acres. There is a narrow forested buffer around most of the pond, but several lawns extend to the water's edge. Sand Pond is made up of two basins separated by a low narrow earthen berm. The smaller basin has extremely dense growth of aquatic vegetation. Hundreds of geese have periodically overwintered on the pond. There are six identified storm drains and one area of concentrated surface water flow discharging to Sand Pond.

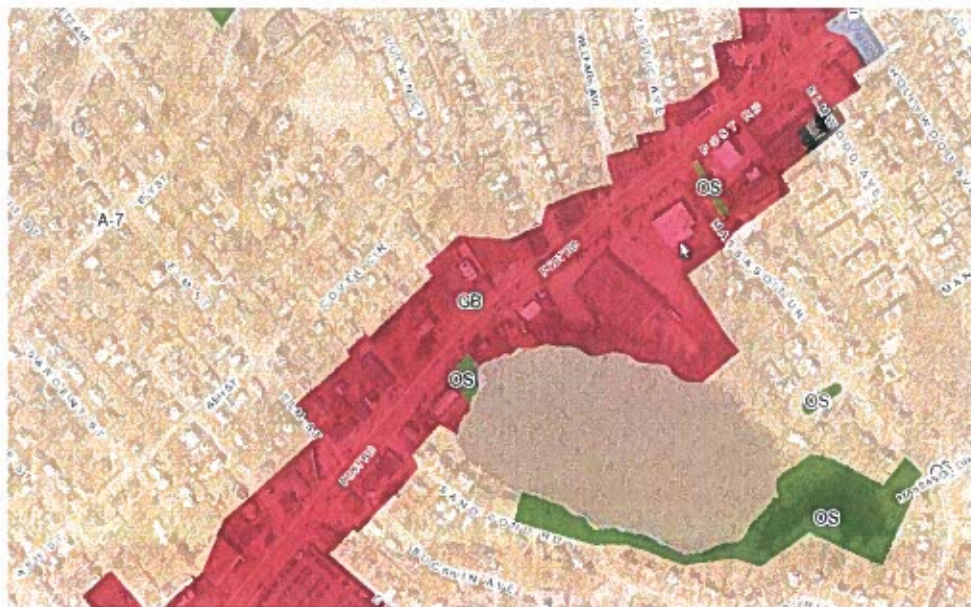
The Pond is listed on the State of Rhode Island's (303d) Impaired Waters Report for high levels of phosphorous and low levels of dissolved oxygen. Recognizing that the Pond is impaired, the State has set phosphorous loading limits for the Pond and recommended measures to reduced inputs as part of a TMDL.

Sand Pond Aerial Photo: View Looking West towards Post Road:



GENERAL CHARACTER: SURROUNDING LAND USE REVIEW

The frontage lots along this section of Post Road are primarily zoned General Business surrounded by high-density zoned residential neighborhoods located on both the east and west side of Post Road, zoned A7, with several open space (OS) zoned lots surrounding Sand Pond.



View South: Residential neighborhoods abutting and surrounding 1160 Post

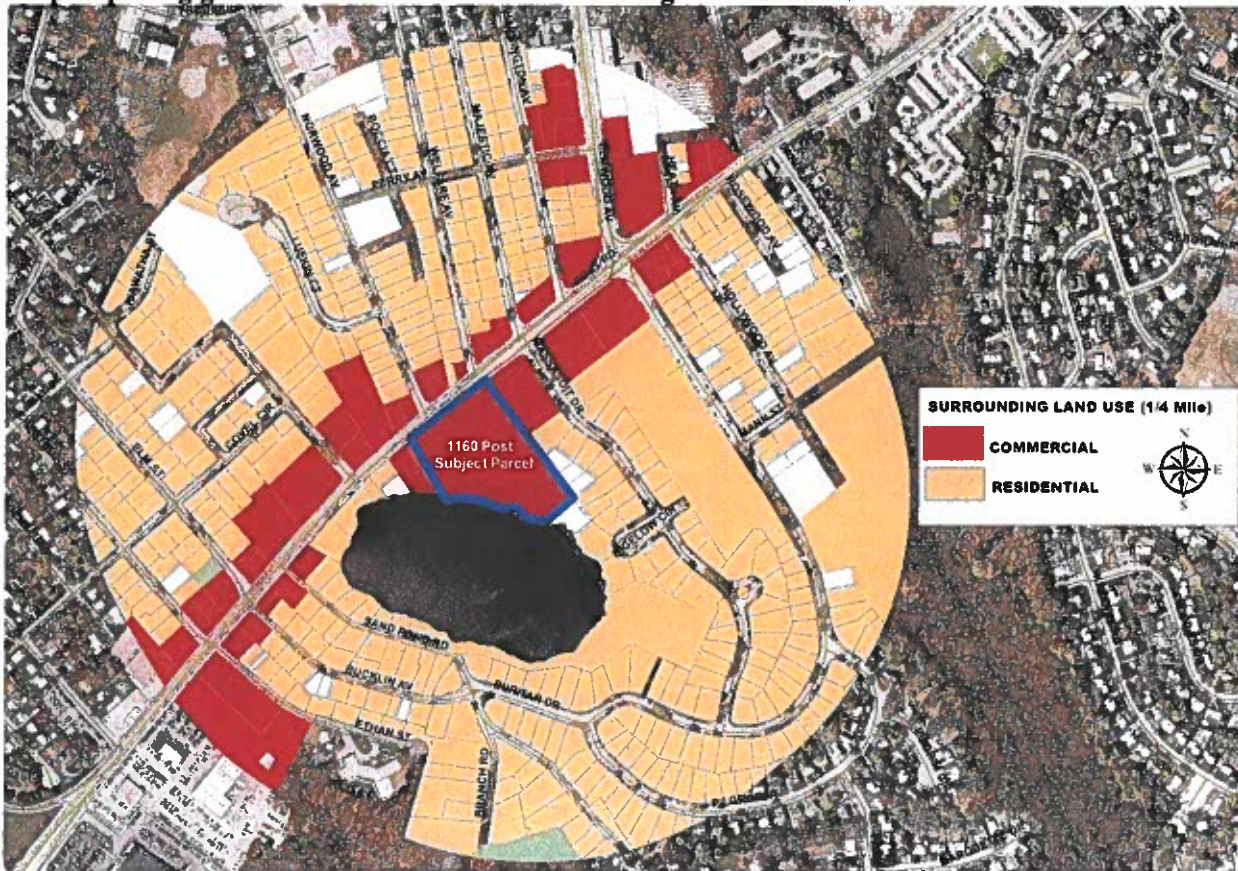


When reviewing this project it is obligatory for the Board to make a finding that the proposed project, will not alter either the “*general characteristics or the general character of the surrounding area.*” This condition of both the special use request and dimensional variance, therefore, requires an actual understanding of the general character of the area. What is this area like? What makes it special? What makes it not special . . .? What are its characteristics? How is it character defined?

To take the mystery out of defining the character and to better understand these general characteristics of the surrounding area, in context with the proposed Special Use and dimensional request, the Department employed a quantitative, data driven analysis that involved the use of verifiable and factual records obtained from the Warwick Tax Assessor in conjunction with parcel data. These records enabled the Department to obtain and calculate measurable facts relative to the general character of the surrounding area.

For the surrounding Land Use study, the Department utilized a standard planning metric of ¼ mile project area radius; ¼ mile is widely considered to be the equivalent of a 5-minute walk and is a metric used almost universally in planning studies and therefore cannot be considered arbitrary. The quantitative data is displayed two-fold, first it is exhibited utilizing modern parcel mapping relative to the individual parcel land uses and then the data is further refined by calculating the actual land use percentages within the surrounding land area.

Map Depicting general characteristics of surrounding area: Land Use.



The land use map generated from the analysis reinforces the qualitative site observations and review of current orthophotography. The data (see Table) extracted and quantified from the ¼ mile radius shows that the surrounding land use consists of 72% residential, 19% commercial.

Therefore it is factual to conclude that the specific characteristics of the land use surrounding the proposed development is predominantly and quantifiably residential in nature with neighborhood supportive general business commercial uses along the Post Road corridor.

Table: Summary Table Quantifying Surrounding Land Use Data

Land Use Description	Percent Total
RESIDENTIAL	72.4%
<i>Single Family Residential</i>	[47%]
<i>VACANT</i>	2.5%
COMMERCIAL	19.2%
OTHER	5.9%

FINDING: SURROUNDING LAND USE

The general character of the land use surrounding the project area is:

- 72% residential
- 19% neighborhood supportive commercial

POST ROAD CORRIDOR: GENERAL CHARACTER - BUILDING FORM

A. Existing Building Height

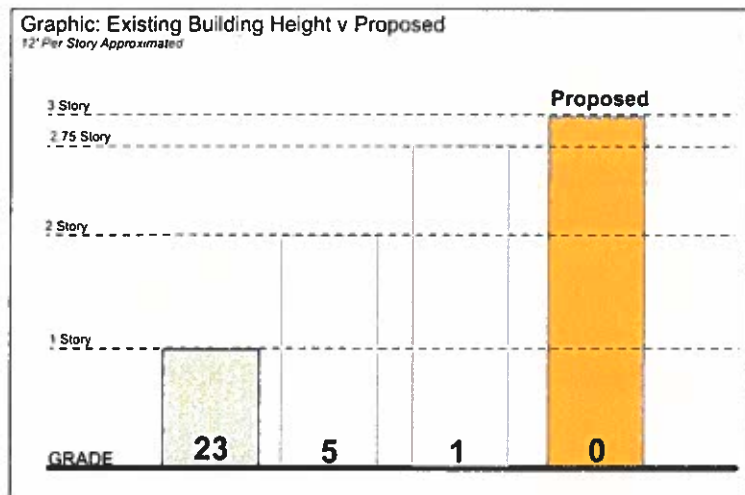
As the project is proposed to be 3-stories in height for a linear dimension of 275', the Department felt it essential to analyze the Post Road portion of the project area to determine the general character of the corridor itself, relative to existing building form, in terms of height, area and dimensions.

While Zoning allows development in General Business Zoning Districts to achieve a maximum structure height of 40', this height allowance *must be considered in context of the total project and the surrounding area as part of a reasonable and thoughtful analysis when considering a Special Use Permit. **Is the 40' in height, relative to the size of the total proposed structure and building massing, consistent with the general characteristics of the surrounding area?***

To answer this question, an analysis of existing buildings was conducted to establish whether or not there is a general pattern of development relative to existing commercial properties along the Post Road frontage lots. And, if so, to then *compare this pattern to the proposed project to determine if it will, or will not, alter the general character of the surrounding area.*

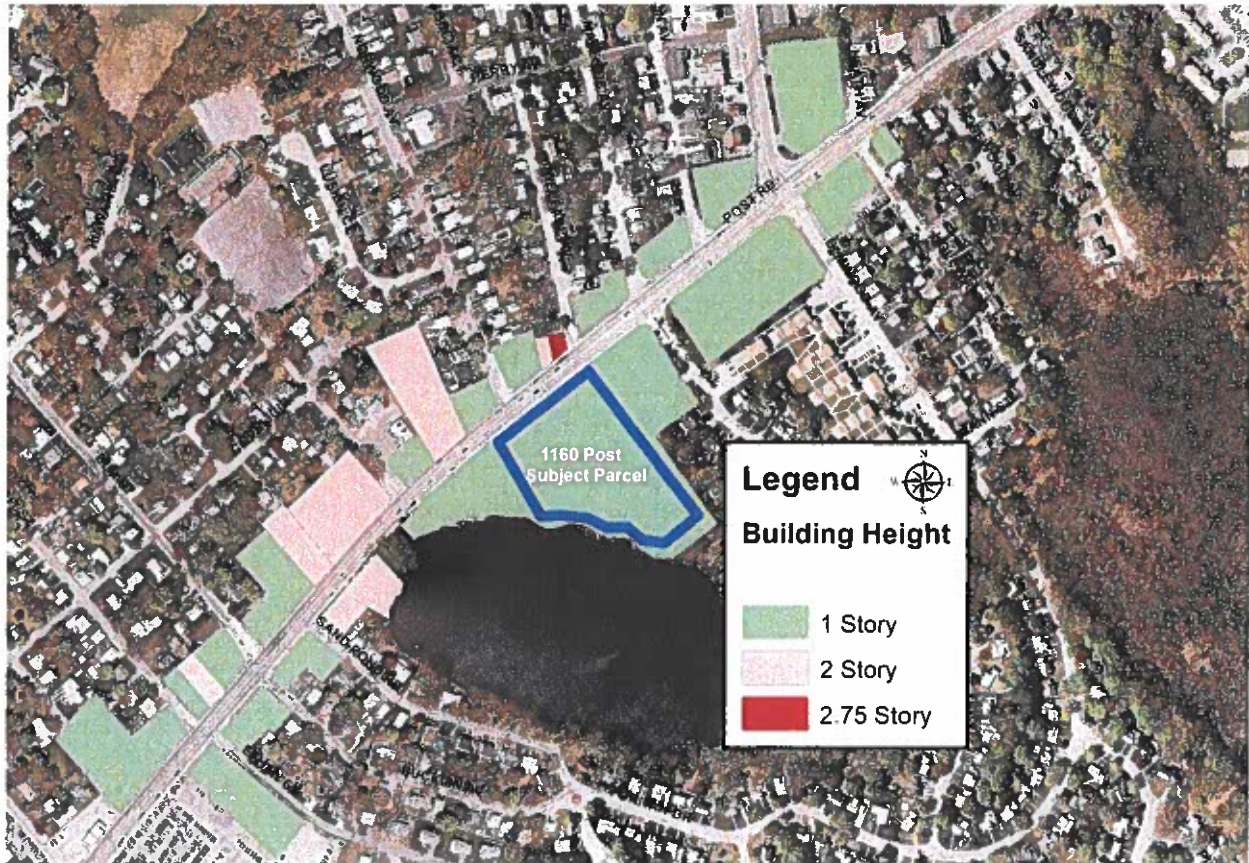
The Department studied the general characteristics of the existing building forms within the project area, on both sides of the roadway, north and south of the site, to establishing general building height. Data used for the analysis was extracted from the Warwick Tax Assessment records and visually confirmed with site visits and observations of available digital photography.

A very clear pattern of building height and form immediately presents itself within the corridor. The data shows that twenty-three (23) of the structures are single-story; four (4) are classified as two-story; 1 as 1.75 and 1 as 2.75. Therefore, it is without question, evident that the **predominant, commercial building form in the project area is characterized as single-story, neighborhood supportive commercial structures.** There are ZERO (0) three-story, commercial structures present and no industrial categorized uses present on the Post Road corridor in the study area.



A corridor Map was also generated within the same ¼ radius of the site. The map is used to detail the frontage lots distribution of the existing building height data in terms of the number of stories per structure.

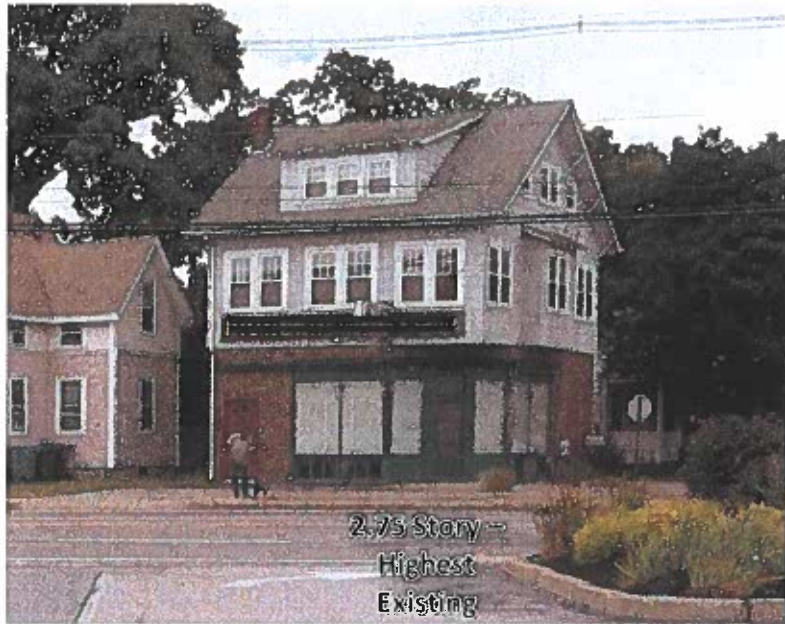
CORRIDOR MAP: BUILDING FORM – HEIGHT



Building Height Finding:

- 23 of the 29 structures fronting Post Road in the project area are single-story.
- There are 0, 3-story structures (2.75 is depicted as 3 on the map).
- The predominant building form in this area is characterized as single-story, commercial structures.

It is accepted and acknowledged that the Zoning Ordinance permits a maximum allowance of 40' in height for a General Business Zoning District, however, in context of consideration of a Special Use permit, this height and massing may not adversely impact or alter the surrounding area. The proposed 3-story building height, relative to its 275' of linear massing is out of scale and too intense when viewed in context of the surrounding area and existing buildings. Therefore, it is the opinion of the Department that, in context of consideration of the requested Special Use permit with dimensional variance, the size, scale and building massing is inconsistent with the surrounding area.



B. Existing Building Size (Gross Floor Area)

The Department then analyzed the corridor to determine the general character of the size of the existing buildings within the general area. To complete this analysis, gross square foot of building area was collected for the existing structures, tabulated and averaged. This allows a simple, but effective comparison of the proposed project relative to the existing building character within the surrounding area.

TABLE: DATA SUMMARY: EXISTING BUILDING FORM (AREA/HEIGHT)

Parcel (Plat-Lot)	Address	Building (Gross Square Feet)	Occupancy	Height
Post - East				
298-0018	1160 Post	PROPOSED: 113,400		
298-0270	1138 Post	11,456	2	1
298-0020	1092 Post	18,075	3	2
298-0055	2174 Elmwood	4,848	4	1
298-0058	1068 Post	No data		1
298-0290	1188 Post	1,488	1	1
298-0015	No address	2,082	1	
298-0014	1204 Post	2,557	1	1.5
298-0012	1212 Post	864	1	1
298-0010*	1230 Post	(2184 per unit)	4 units	2
298-0009	1250 Post	2,734	2	2
309-0001	1260 Post	6,030	3	1
309-0256	1268 Post	2,461	1	1
309-0016	1278 Post	4,014	1	1
309-0034	1292 Post	2,352	2	1
Post-West				
295-0001	2128 Elmwood	4,484	2	1
296-0461	1101 Post	2,604	1	1

296-0391	1123 Post	5,302	1	1
296-0520	1141 Post	4,140	2	1
296-0202	1153 Post	3,220	1	2.75
296-0201	1159 Post	1,660	1	1.75
296-0187	1175 Post	7,930	3	1
296-0657	1181 Post	1,976	1	1
296-0162	1187 Post	6,558	6	1
296-0620	1201 Post	6,880	2	1
297-0552	1221 Post	5,796	3	1
297-0547	1243 Post	5,544	2	1
297-0533	1253 Post	2,760	1	1
297-0528	1265 Post	1,658	1	1
297-0468	1277 Post	7,053	4	1
297-0462	1287 Post	10,206	3	2
297-0461	1295 Post	1,982	2	1
TOTAL	29 Buildings	Average 4,783 GSF per structure (138,714gsf/29structures)		

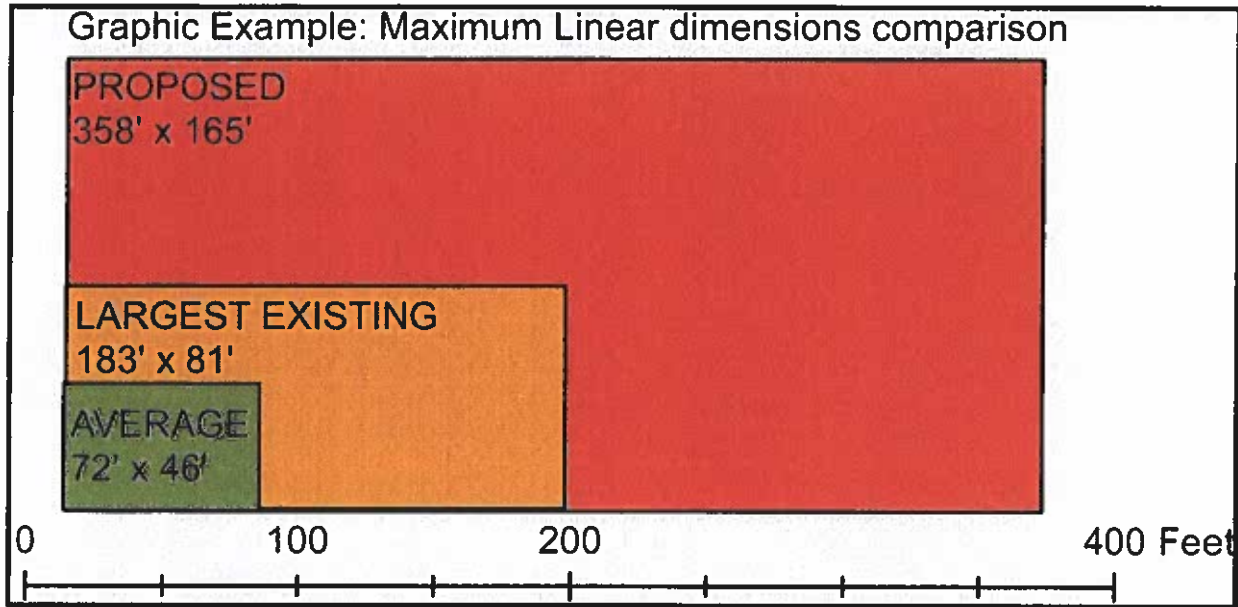
*not calculated

GENERAL CHARACTER: BUILDING SIZE FINDINGS

- The average building size along the Post Road corridor within the general project area is approximately **4,783 gross square feet**.
- 16 of the 29 existing structures have multiple tenants.
- The largest existing building within the project area is **18,075 square feet**.
- The proposed project, at 113,400 gross square feet is over 6 times larger than the largest existing structure within the project area and over 23 times larger than the average building size within the general project area (approximate).

The data has shown that the average building size along the Post Road corridor within the study area averages approximately 4,783 gross square feet with the largest existing building being 18,075 square feet. The proposed project, at 113,400 gross square feet is estimated to be over 6 times larger than the largest existing structure within the project area and over 23 times larger than the average building size within the project area. The largest existing building within the study area contains space that is occupied by 3 tenant spaces, appropriately sized spaces for neighborhood supportive enterprises. A building 6 times greater than the largest existing structure and 23 times greater than the average structure within this section of roadway unequivocally alters the general character of the surrounding area. It is the opinion of the Planning Department that the proposed building massing and size is out of scale and too intense when viewed in relation to the character of the surrounding area.

C. GENERAL CHARACTER: Building Dimension



To complete the analysis on the general character of the area relative to building form, the Department surveyed the existing 29 structures fronting Post Road in the project area for maximum linear dimension of structure, that being approximate length and width measurements of existing structures and the proposed structure. The project is proposing to construct maximum linear dimensions of 358' x 165', a structure to be primarily occupied by an industrial use. A survey of the general area shows the **largest, existing structure to be approximately half the proposed size at 183' x 81'**; a structure that is also **only single-story, unlike the proposed 3-story building**. In addition, the largest structure is occupied by three (s) tenants, a fast food restaurant, a retail store and an additional tenant space. The average maximum linear dimensions of structures within the project area being 72' x 46'. Therefore, compared to the average linear dimensions, the project as proposed is to be 3 to 5 times greater than of the existing structures. (Note: these dimensions do not reflect the entirety of the building footprint, it is a comparison of maximum linear dimensions per side.)

TABLE: MAXIMUM LINEAR DIMENSION

Parcel (Plat-Lot)	Address	Maximum Linear Dimensions*	General shape
Post - East		Maximum Linear Dimensions*	General shape
298-0018	1160 Post	Proposed 358' x 165'	
298-0270	1138 Post	114' x 100'	square
298-0020	1092 Post	183' x 81'	rectangular
298-0055	2174 Elmwood	114' x 114'	square
298-0058	1068 Post	101' x 48'	rectangular
298-0290	1188 Post	51' x 37'	L
298-0015	No address		
298-0014	1204 Post	29' x 27'	square
298-0012	1212 Post	24' x 22'	square
298-0010	1230 Post	NA	
298-0009	1250 Post	41' x 26'	rectangular
309-0001	1260 Post	60' x 58'	square
309-0256	1268 Post	71' x 41'	rectangular

309-0016	1278 Post	50' x 40'	square
309-0034	1292 Post	38' x 22'	rectangular
Post-West			
295-0001	2128 Elmwood	99' x 48'	rectangular
296-0461	1101 Post	65' x 44'	irregular
296-0391	1123 Post	119' x 46'	rectangular
296-0520	1141 Post	60' x 46'	square
296-0202	1153 Post	24' x 34'	rectangular
296-0201	1159 Post	24' x 25'	square
296-0187	1175 Post	81' x 64'	Irregular
296-0657	1181 Post	32' x 26'	square
296-0162	1187 Post	60' x 41'	rectangular
296-0620	1201 Post	80' x 40'	rectangular
297-0552	1221 Post	82' x 30'	rectangular
297-0547	1243 Post	126' x 40'	rectangular
297-0533	1253 Post	50' x 30'	rectangular
297-0528	1265 Post	69' x 28'	rectangular
297-0468	1277 Post	118' x 81'	Irregular/pie
297-0462	1287 Post	75' x 6'2	L
297-0461	1295 Post	50' x 40'	square
TOTAL	29 Buildings	Average 72' x 46'	

GENERAL CHARACTER: BUILDING LINEAR DIMENSION FINDINGS

- The Project is proposed to have maximum linear dimensions of 358' x 165'
- The largest existing building in the project area is 183' x 81'
- The average building linear dimensions is 72' x 46'
- The proposed project, at 358 linear feet by 165 linear feet is double that of the largest existing building and 3 to 5 times greater than the average building within the general area.

Again, it is the opinion of the Planning Department that the proposed building massing and size is out of scale and character when viewed in context of the character of the surrounding area.

Building Form Conclusion

To conclude, the Building Form analysis of the surrounding area has presented facts that show the proposed structure, containing an incompatible Industrial Use, is to have approximately 6 times greater floor area than the largest, existing structure, 23 times greater floor area than the average structure within this section of the roadway; has a linear dimension approximately twice that of the largest existing building and 3 to 5 times greater than the average linear dimension for the area; and is also proposed to be the only 3-story commercial structure in the surrounding area. The Planning Department's opinion is that the proposed building form is far greater in all metrics, than any other commercial structure within the context of the surrounding area; is out of scale for the surrounding area and will adversely impact and alter the general character of the corridor. Further, this would be the only industrial use present on the corridor, a corridor composed of small to medium commercial businesses that are supportive to the surrounding neighborhood. Uses such as hair salons, retail and restaurants, none of these are classified as the much more intense industrial categorized use proposed.

COMPREHENSIVE PLAN REVIEW

906.3(C)(3) That the granting of the special use permit will not impair the intent or purpose of this ordinance or the comprehensive plan of the city.

The Department recognizes that certain elements of this project can be found to be generally consistent with elements of the Comprehensive Plan of the City of Warwick such as providing for a sufficient diversity of land uses to support a strong and stable tax base and revitalizing tired sections of roadway.

However, the proposed height, size and expansion of the existing commercial property clearly represents an intrusion towards abutting residential homes and neighborhoods and is entirely inconsistent with Chapter 12 Future Land Use Zoning and Urban Design of the Comprehensive Plan which specifically states as an action” *prevent commercial intrusion in to residential neighborhoods.*” (12.29)

The Plan further states as Land Use Policy “Ensure that

proposed new residential, business and industrial uses are compatible with the character and surrounding area” (12.31)

Again, based on the analysis, the Department believes that the proposed use is inconsistent with the surrounding area in that the proposed size and scale relative to the use is too intense, too large and will adversely impact the general character of the surrounding area. This opinion is further augmented by Goal 6 Action 3. Which



recommends the strategy of “*maintaining appropriate transitional uses and buffering between commercial and residential districts.*” The proposed expansion of the structure, and more significantly, the introduction of an Industrial categorized use, towards the abutting residential neighborhood of this size and scale is *wholly inconsistent and contrary* to the Comprehensive Plan’s guidance to provide *reasonable buffers between commercial and residential areas.*

The Comprehensive Plan also dissuades intrusion of nonresidential uses into residential zones including those nuisances that may come in the form of blight, nuisance, environmental and public safety. Limiting commercial intrusion into neighborhoods is specifically mentioned as a General Principal to Guide Future land use (12.15) and as an action goal (12.30).

While the Department recognizes that the reduction of the existing impervious area (0.75) on the site represents an improvement over the existing condition in terms of the pre and post environmental condition, the Department still believes that the post built condition both remains inconsistent with guidance provided in the Comprehensive Plan relative to redevelopment of existing sites. The mere fact that there is a reduction in impervious surface does not mean that there is a substantive improvement to the site from an environmental and natural system perspective. The property is, and is proposed to be substantially developed with little landscape and green space outside of the kettle pond embankment which is a steep slope that, by its very nature, is unsuitable for development. The Comprehensive Plan provides clear direction relative to both protecting the City’s natural resources and limiting requests for variances and expansion for redevelopments.

The Plan speaks further “*Warwick’s Commercial Districts . . . from the big box . . . to the numerous commercial strips on arterial streets – need to reduce their ecological footprint while evolving to align with retailing changes in the 21st century.*” (4.15)

The Plan further states the need to address these protective measures when areas are developed and redeveloped. A 30% footprint intensification of structure development on site that exists as almost fully developed with very little remaining natural features, outside of the unbuildable slope along the Pond’s edge, does not represent an improvement or enhancement of the natural condition.

This project also fails to meet the challenge recognized within the Comprehensive Plan – *balancing economic development without adversely impact the surrounding residential neighborhood.*

Supporting economic development without adverse impacts on residential neighborhoods and traffic.

The size, intensity and form of the proposed storage facility has a clear, negative adverse impact on the neighborhood immediately adjacent to the subject site and within direct visibility of the subject site. The form of the proposed structure is clearly that of an industrial style, 275’ linear, 3story structure, box building with a size and intensity that is too great for the lot and the surrounding area. The physical development density and intensity is too great for the lot, a fact clearly demonstrated by the need for a 50% parking deviation.

Again, the Comprehensive Plan makes it abundantly clear in Chapter 12 **General Principles to Guide Future Land Use** by stating as a guiding principle “*Limit commercial intrusion into residential neighborhoods*” (12.15)

It cannot be argued that the proposed expansion of the footprint, height and gross square footage at this size, scale and Use does not represent a commercial intrusion to the adjacent residential neighborhood. Not only does this expansion adversely affect the properties located across the flat plane of the Pond; more significantly it greatly impacts the residences that directly about the subject property (shown) along the northeast boundary. Said residences being the edge of the neighborhood that surrounding the site and Pond. In addition the structure, the proposal is to replace an existing, neighborhood supportive plaza with a much more intense industrial use. By this metric alone this project impairs the intent of the Comprehensive Plan.

View: Looking West showing abutting residential neighborhood.



SUMMARY AND CONCLUSION

As summarized here and contained above, the Planning Department, in its review of the proposal to construct a 3-story, 100,000 square feet, 630-Unit Storage Facility, with an additional 13,400 square feet of mixed-use retail reiterates the above findings:

The Planning Department finds that the requested Special Use Permit for the Industrial categorized, mini-storage/mini-warehouse use is allowed by Special Use Permit in General Business Zones and Light Industrial Zones only when the applicant can meet all of the required standards of a Special Use Permit. The Department is of the opinion that the above analysis provides credible evidence of fact proving that the proposed Industrial Use will alter the general character of the surrounding neighborhood; is incompatible with the directly abutting and surrounding residential neighborhood and the neighborhood supportive commercial uses; is incapable of providing adequate buffer between the use and the surrounding residential neighborhood, as required by the Comprehensive Plan of the City of Warwick, and is inconsistent with the Purpose of the Warwick Zoning Ordinance, specifically 103.2 "Promote for a range of uses and intensities of use appropriate to the character of the city" 103.3 Provide for orderly growth and development (F) the need to shape and balance urban and suburban development; 103.10 Promote a high level of quality and design in the development of private and public facilities and 103.11 Promote implementation of the Warwick Comprehensive Community Plan

The Department finds that the special use **does not meet all of the criteria set forth in the subsection of this ordinance** authorizing such special use, due to the applicant's proposed size, scale and intensity of development and therefore the proposed excessive development intensification of the site is the cause of the applicant's request to also seek a 50% parking variance, the maximum request allowable by Ordinance. **The Department is of the opinion that this request for variance is not the least relief necessary** as the applicant could reduce the size of the project to meet or better meet the required standards set forth within the Ordinance.

With that being said, and based on the analysis and evidence presented, the Planning Department makes the following findings:

FINDINGS AND RECOMMENDATION

DIMENSIONAL VARIANCE: PARKING

1. That the requested hardship, a dimensional variance for parking relief is not due to the unique characteristics of the subject land or proposed structure.

The subject site has existed for many years as a mixed-use, commercial building with parking. The geometry of the property affords it a large area suitable for development with relatively gentle topography, and suitable access to public roadways and supportive utilities. The parcel contains some uniqueness relative to its location on Sand Pond and a small area of wooded embankment, unsuitable for development along the Pond's edge. However this embankment has minimal impact on the ability to maintain the existing development and/or limit reasonable development potential of the site for the beneficial use of the property for legally permitted uses.

It is the opinion of the Department that the applicant's requested relief is due to the applicants wish to maximize the size, scale and intensity of the proposed Uses and structure on the parcel at such a scale that it simply cannot meet the required dimensional standards within the geometry of the space afforded to the site.

2. That the proposed application is found to be the result of the applicant's desire to realize greater financial gain.

The Department is of the opinion that the evidence clearly shows the applicants desire to realize greater financial gain is the motivating factor. This is evidenced by the facts which include the proposed expansion of size and intensity of the land use and structure over the existing, developed condition and the excessive number of storage units (630), building area, 113,400sf, and proposed introduction of an Industrial use to a site that has existed successfully as a longstanding, neighborhood supportive, mixed-use plaza. The Department is supportive of business and development within the City, however such successful commerce must be designed and built at a size and scale that is appropriate for the surrounding area and environment.

The applicant's contention that a denial will result in a stagnant commercial plaza with site discrepancies and haphazard conditions is not to be considered a hardship imposed by the Board, failure to maintain, reinvest and seek creative solutions to redevelop property is a self-imposed hardship

3. That, based on the above analysis as submitted for the record, and as summarized in greater detail within the below finding for the Special Use Permit, that the granting of the requested 50% parking variance equating to relief from 134 parking spaces **will alter the general character of the surrounding area and impair the intent or purpose of this ordinance and the Comprehensive Plan of the city by supporting a development that is too large and too intense and represents an incompatible industrial use to an abutting, high-density residential area.**

4. That the applicant's requested dimensional variance is NOT the least relief necessary as it is the opinion of the Department that the proposed structure with associated uses is too large for the site which is incapable of supporting 100,000 square feet of storage and 13,400 square feet of retail and meet the required parking standard; this proposed development intensity has necessitated a maximum request of 50 % of relief from the parking standards contained within the Ordinance. **It is further noted that the property currently enjoys a legally-permitted, 34,700 square foot, mixed-use retail building which, in the opinion of the Department, is reasonably considered a beneficial use of the property.** Further, the Department cannot support an **introduction of an industrial categorized use**, at the proposed development intensity that directly abuts, and adversely impacts, a well-established, well-defined and well-kept residential neighborhood. The applicant did not provide any alternative, less intense development plans showing the least relief necessary.

The applicant also contends that the proposal would negatively impact the surrounding area "should it provide the required parking." It is a physical fact, based on the geometry of the parcel, the proposed footprint of the building and proposes use mix, the site is simply physically unable to meet the required parking standard; therefore the applicant is requesting relief due to the sole fact that it is unable to provide additional parking within the geometry and space provided. A simple solution is to eliminate the industrial storage use and construct a conforming development.

The applicant has provided a traffic impact statement for the board as part of its submission. This traffic impact statement is exactly the type of information that the Planning Board uses to make one of its legislated required findings, "*adequate and permanent physical access to a public street.*" However, it **does not specifically address the issue before the board for dimensional variance.** There is no parking analysis relative to the proposed use mix, the parking need generated by each use, at different times of day and different times of year. The Zoning Ordinance contains parking regulations to ensure that there will be sufficient parking to avoid shortages and prevent spillover at adjacent properties. These regulations are both necessary and relevant. A requested deviation of 50% should be accompanied by credible analysis based on parking demand corresponding with distinct uses and peak periods; *evidence specific to the actual request, not related to the request.*

5. The Planning Department also finds, relative to the requested dimensional variance that the that no undue hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted and that it shall not amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally

permitted beneficial use of one's property. **The Department finds, as stated previously, and testified to by the applicant, the project site currently enjoys beneficial use through numerous business, development and structure in its existing condition, and therefore a legally-permitted, beneficial use exists.**

SPECIAL USE PERMIT

1. The Planning Department finds that the Zoning Ordinance Table 1 Use Regulations categorizes (Use Code 807) ministorage and miniwarehouse facility as an **Industrial Use** and allows the use by-right only in a General Industrial Zoning District. The Ordinance does recognize that in certain conditions it may be a compatible use in a Light Industrial and a General Business Zoning District and therefore only allows it within these zoning districts subject to a Special Use Permit. The Use is prohibited in all other zoning districts. Therefore, for this industrial use to be authorized in a General Business zoning district it must be found by the Zoning Board to meet the required standards of a Special Use Permit which include a requirement of not altering the character of the surrounding area. Based on the entirety of the above analysis, **the Department finds that the applicant did not meet the requirements of the Special Use Permit and therefore does not find that this use is specifically authorized.**
2. The Department finds that the special use **does not meet all of the criteria set forth in the subsection of this ordinance** authorizing such special use, due to the applicant's proposed size, scale and intensity of development and therefore the proposed excessive development intensification of the site is the cause of the applicant's request to also seek a 50% parking variance, the maximum request allowable by Ordinance. **The Department is of the opinion that this request for variance is not the least relief necessary** as the applicant could reduce the size of the project to meet or better meet the required standards set forth within the Ordinance and that the applicant did not submit less intense plans that did not include the relief required.
3. The Department further finds, based on the stated analysis and as submitted for the record, that the granting of the special use permit **will alter the general character of the surrounding area and impair the intent or purpose of this ordinance and the Comprehensive Plan of the city.**

A summary of such findings includes, but not limited to, the following facts:

The **general character of the surrounding areas is proven to be:**

- That the surrounding Land Use is predominantly residential in nature approximately 72% Residential, 19% Commercial, 3.5% Industrial.
- That the General commercial building form is proven to be predominantly single-story structures averaging 4,783 gross square feet per building with zero, existing 3-story structures with maximum linear length of buildings to be proven to be an average of 72' x 46'.
- The existing commercial buildings in the general area are occupied by neighborhood supportive uses such as retail and services uses such as restaurants, hair salons and laundromats and as consistent with the average existing commercial building size stated above. **The introduction of an Industrial categorized Use would alter the neighborhood supportive commercial character of the surrounding area.**

- The proposed introduction of an incompatible, 3-story, 100,000 square feet of Industrial Use in an area predominantly defined as single-family residential with neighborhood supportive commercial uses would, in addition to being a new, incompatible Use be:

The only 3-story structure building within the area, the proposed 113,400 gross square feet in area would be over **23 times larger than the average building (GFA) in the area; 6 times larger than the largest existing building in area (GFA) 3 to 5 times greater than the average building's maximum linear dimension in the area (length x width) and would be twice that of the largest existing building** in the area (L x W).

The Department finds that the proposed Use is so intense that it includes a maximum allowed variance request for a 50% parking reduction.

That based on the analysis and summarized findings, the Department finds that the proposed 113,400 square feet, 630 unit, Industrial Storage use, combined with mixed-use retail, will alter the general character of the surrounding area in terms of both Use and Size as it is proposed to be at such proportions that it will dominate the commercial corridor and residential neighborhood in height, area, and size, and USE, to such a scale and extent that it will inordinately and adversely impact and alter the general character of the surrounding area.

That the proposed project's setback, height and scale is intrusive to the neighboring residential district and therefore inconsistent with the City's Comprehensive Plan and will adversely alter the character of the surrounding area. The proposed development project represents a development intensification that includes a 30 percent expansion of footprint and is three stories in height versus the existing one-story building. The proposed structure is also 120' closer to the southern residential property line than the 250' setback afforded the community in the existing condition. This intensification creates a structure that would be wholly and unequivocally out of scale for the surrounding area and invoke dominance over the Post Road commercial corridor, the surrounding high-density residential neighborhoods and the natural surface plane of Sand Pond.

Based on the submitted analysis and stated findings, and after a thorough review of the standards required to be met by the applicant for both a Special Use permit and dimensional variance, the Department finds that the proposed project is too intense of a use for the site and the surrounding area, that approving this incompatible, predominantly Industrial use will definitively alter the general character of the surrounding residential and supportive residential commercial area and will impair both the intent and purpose of the Comprehensive Plan of the City of Warwick and the Warwick Zoning Ordinance and therefore the Department finds the proposed project to be unable to meet the required standards for both a dimensional variance and Special Use Permit (2), both individually and combined, as fully stated and described within this document and therefore the Department recommends that the Zoning Board adopt this analysis with its findings and recommends that the Board Deny the request for variance and Special Use.