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Planning Director



Scott Avedisian
Mayor

CITY OF WARWICK
Planning Department
3275 Post Road, Annex; Warwick, RI 02886
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POSTED: March 12, 2018

Meeting Notice
City of Warwick
Planning Board

Date: Wednesday, March 14, 2018

Time: 6:00 p.m.

Location: City Hall Council Chambers **(NOTE NEW LOCATION)**
City of Warwick
3275 Post Road
Warwick, RI 02886

Review and Approval of the February 2018 Meeting Minutes.

Public Informational Meeting
Major Land Development
Retail Gas Facility with Convenience Store
Master Plan

Applicant: One Energy
Property Owners: PostWarLLC
Location: 446,480 and 482 Post Road
Assessor's Plat: 293
Assessor's Lots: 4, 7, and 8
Zoning District: General Business (GB)
Land Area: 31,265 sf
Number of existing lots: 3
Number of proposed lots: 1
Engineer: Ayoub Engineering, Inc.
Ward: 2

Background

The Applicant is requesting Master Plan Approval of a Major Land Development Project for the reconstruction of a retail gas facility, including a 4,000sf convenience store and 96’x26’ canopy over four (4) fuel dispensers. The Applicant is also requesting, from the Zoning Board of Review, a Special Use Permit for TABLE 1. USE REGULATIONS, 421. Gas Station (no repairs), may include convenience and/or grocery retail, and the following dimensional relief:

Section 300. Table 2B	Less than required Front Yard set back	For the convenience store from Post Road and Crossings Court
		For the canopy from Post Road.
		For the drive thru access lane.
Section 300. Table 2B	Less than required Side Yard set back	Dumpster enclosure located within side yard.
Section 505.1	Less than required landscape buffer, frontage	On Post Road and Crossing Court

The proposed development is sited on three (3) Assessor’s lots, with a combined area of approximately 31,265sf. The site is located at 446, 480, 482 Post Road and is currently occupied by three (3) buildings, which will be razed to provide for the development. The parcel is zoned General Business (GB) and fronts on Post Road (Route 1A), Warwick Avenue (Route 117) and Crossing Court.

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

1. Generally consistent with the Comprehensive Community Plan, and consistent with the principles as proposed in the current Comprehensive Plan update, which finds that land development in the future will increasingly involve redevelopment of previously used sites. Over 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is “very important.”
2. That the subject parcel fronts on Post Road, Warwick Avenue and Crossing Court, and is identified as Assessor’s Plat: 293 Assessor’s Lots: 4,7, & 8 and is zoned General Business,
3. That the proposal is not in compliance with the standards and provisions of the City’s Zoning Ordinance, therefore requiring Zoning Board of Review approval for a Special Use Permit for TABLE 1. USE REGULATIONS, 421. Gas Station (no repairs), may include convenience and/or grocery retail, and the following dimensional relief:

Section 300. Table 2B	Less than required Front Yard set back	For the convenience store from Post Road and Crossings Court
		For the canopy from Post Road.

		For the drive thru access lane.
Section 300. Table 2B	Less than required Side Yard set back	Dumpster enclosure located within side yard.
Section 505.1	Less than required landscape buffer, frontage	On Post Road and Crossing Court

4. That the properties within the 200’ radius of the subject parcel are zoned general business. (Abutting parcel AP293, AL010 is zoned General Business but is currently a residential use.)
5. 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.
6. That the proposed development possesses adequate access to two (2) public streets, Post Road and Warwick Avenue; the proposed development will utilize existing curb cuts and will close two (2) existing curb cuts.
7. That public water and sewer service are available to this parcel.
8. There are no indications of significant negative environmental impacts from the proposed development at the Master Plan phase.

Planning Department Recommendations

Planning Department recommendation is to grant Master Plan approval, and a favorable recommendation to the Zoning Board of Review for the requested Special Use permits and dimensional relief, with the following stipulations:

1. That the Preliminary submittal shall include a revised subdivision plan for the merger of Assessor’s Plat 293, Assessor’s Lots 4,7 and 8, completed as per The City of Warwick’s Development Review Regulations. The approved subdivision plan shall be recorded as part of the Final Recording.
2. That all Plans shall comply with “Rules and Regulations for Professional Land Surveying in the State of Rhode Island”, effective date November 25, 2015.
3. That the parcel shall receive Zoning Board of Review approval for a Special Use permit for TABLE 1. USE REGULATIONS, 421. Gas Station (no repairs), may include convenience and/or grocery retail, and the following dimensional relief:

Section 300. Table 2B	Less than required Front Yard set back	For the convenience store from Post Road and Crossings Court
		For the canopy from Post Road.
		For the drive thru access lane.

Section 300. Table 2B	Less than required Side Yard set back	Dumpster enclosure located within side yard.
Section 505.1	Less than required landscape buffer, frontage	On Post Road and Crossing Court

4. That a Storm Water Management Plan shall be submitted in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, and designed to demonstrate a zero-net runoff from the proposed development. The Project Engineer shall meet with the City of Warwick DPW Engineering Staff to review the proposed drainage system prior to submission to RI DEM or RI DOT.
5. That the Operation and Maintenance Plan for the proposed storm water collection system shall be included in the Preliminary submission to the Planning Board.
6. That all necessary state permits, including but not limited to RI DEM and RI DOT Physical Alteration Permit, shall be obtained prior to submission to the Planning Board for Preliminary plan approval.
7. That as per the WSA, a backflow valve shall be installed and cleanouts shall be installed at the street and outside of the building. A sampling manhole shall be installed on the new connection line to the collection system; a pretreatment system for grease removal shall be installed. All other standard Commercial Connection Requirements shall be met.
8. That Preliminary submittal shall include a signage plan for review and approval by the Administrative Officer. All signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800.
9. That Preliminary submittal shall include building and canopy elevations for review and approval by the Administrative Officer.
10. That all two way travel lanes shall have a minimum of 24 feet of unobstructed width and an unobstructed vertical clearance of 13'6", and that all corners shall be negotiable by vehicles having an outer tire turning radius of 50' to allow for unimpeded access by fire apparatus.
11. That the Preliminary submittal shall include a Landscape Plan, prepared and stamped by a registered Rhode Island Landscape Architect. The Landscape Architect shall contact the Planning Department prior to beginning the design process. The Final Landscape plan shall be subject to approval by the Administrative Officer.

Public Informational Meeting

Major Land Development-Subd./Zone Change w/Waivers
701 East Avenue-Solar Park
Master Plan

Applicant: Smart Energy Holdings, LLC
Property Owner: Kevin Rossi
Location: 701 East Avenue
Assessor's Plat: 263
Assessor's Lots: 05 and 101
Zoning District: Light Industrial (LI)
Proposed Zone: Light Industrial (LI), with waivers for Use Code 608. Electric Power Plant (for solar generation of power), and dimensional waivers from Warwick Zoning Ordinance, Dimensional Table, Footnote (3), for less-than-required setback for an industrial use from an abutting Residential District, and Section 505.1 Minimum landscaped buffer.
(B) for less-than-required landscape buffer along a property line that abuts a residential district; and (C) for fencing/screening not located on the abutting residential district property line.

Land Area: 8.45+/-acres
Number of existing lots: 2
Number of proposed lots: 1
Engineer: Boyer Associates
Ward: 8

Background

The Applicant is requesting Master Plan Approval of a Major Land Development Project/ Subdivision for the development of a 500 kilowatt solar park for the generation of electric power, with a total of approximately 880 photovoltaic modules (solar panels) - 440 solar panels to be constructed in Phase 1, and 440 photovoltaic modules (solar panels) in Phase 2. In addition, there will be associated site improvements and electrical utility connections. The Applicant is also requesting a recommendation to the City Council to modify the existing zoning on the site to allow for Use Code 608. Electric Power Plant, for solar generation of electric power use only and dimension waivers from the Warwick Zoning Ordinance, Dimensional Table, Footnote (3), for less-than-required setback for an industrial use from an abutting Residential District, and Section 505.1(B) less-than-required minimum landscape buffer along a property line that abuts a residential district, and Section 505.1(C) for fencing/screening not located on the abutting residential property line.

The proposed development is sited on two (2) Assessor's Lots, with a combined area of approximately 8.45+/- acres. The Applicant is proposing to merge the two (2) existing lots, to create one (1) lot for development. The total solar park build-out will occupy approximately 2 acres of the 8.45+/- acres site.

The site abuts land owned by the State of Rhode Island to the East (West Bay Bike Path), is bounded by the Pawtuxet River to the North and West, and abuts a Residential zone to the South.

The project site is currently undeveloped, with topography that slopes toward the Pawtuxet River. The parcel is within a Light Industrial (LI) zone.

Access to the development will be provided via a paved driveway on East Avenue. The site will be accessed for routine maintenance and in case of emergency.

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

1. That the proposal is generally consistent with the City of Warwick, *Comprehensive Plan 2033*, (Comprehensive Plan), Part V, Sustainable Systems which calls for regulations to support renewable energy installations; and to choose sustainable materials, methods and practices, when possible.

That Part V, Sustainable Systems, states that “access to affordable, clean energy is critical to the City and its residents. Energy use, cost and conservation are integrally tied to many of the traditional elements of the Comprehensive Plan, including housing, transportation, economic development, community services, and natural resources...Energy conservation and efficiency are cost effective and reduce air pollution and negative impacts on other natural resources. Techniques for promoting energy demand reduction and efficiency include....the use of renewable and alternative energy sources.”

That Goal 1, of Part V, Sustainable Systems states that the City shall implement practices to conserve energy and use renewable energy.

2. That Warwick City Council approved PCR-80-16, a resolution which states “the City of Warwick recognizes the benefits of renewable energy and wishes to increase the presence of renewable energy projects with the development of solar energy projects in Warwick.”
3. That the subject parcel fronts on East Avenue, and is identified as Assessor’s Plat: 263 Assessor’s Lots: 05 and 101. The development area is zoned Light Industrial and the lot is currently undeveloped, with the exception of an existing garage on site which will be utilized for storage of materials and maintenance equipment for the proposed solar park use.
4. That the subject parcel abuts the Pawtuxet River to the North and West and the West Bay Bicycle Path to the East.
5. That the Applicant held a neighborhood meeting on March 22, 2018 to present the proposal to the project abutters. The meeting was attended by 12 people, all in support of the proposal.
6. That Use Code 608. Electric Power Plant, is not an allowable use within a Light Industrial zone.

7. That the proposal is not in compliance with the standards and provisions of the City's Zoning Ordinance therefore requiring City Council approval for the use, Use Code 608. Electric Power Plant, for the solar generation of electricity, in a Light Industrial zone, and dimensional waivers from the Warwick Zoning Ordinance, Dimensional Table, Footnote (3), for less-than-required setback for an industrial use from an abutting Residential District, and Section 505.1(B) for less-than-required minimum landscape buffer along a property line that abuts a residential district and Section 505.1(C) for fencing/screening not located on the abutting residential district property line.
8. 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.
9. That the Master Plan indicates a wetlands area on the site, therefore requires approval from the Rhode Island Department of Environmental Management (RIDEM). Approximately 75 percent of the lot is located within flood zone (AE) that is associated with the Pawtuxet River. There are no indications of significant negative environmental impacts from the proposed development at the Master Plan phase.
10. That the proposed location of the solar panels is in close proximity to the delineated AE flood zone boundary.
11. That the existing site driveway encroaches on Assessor's Plat 263, Assessor's Lot 92, property owned by the State of Rhode Island.
12. That the proposed development possesses access to a public street, East Avenue.
13. That there is an existing 30' Water Department easement on AP 263, AL 05, with an existing 42" transmission water main.
14. That there is no sewer access proposed or required for this use.

Planning Department Recommendations

Planning Department recommendation is to grant Master Plan approval, with the following stipulations:

1. That the all plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island, effective date November 25, 2015. All survey monumentation (if necessary) shall be set prior to recording of the Final Subdivision Plan.
2. That, prior to Final Approval, the Property Owner shall merge Assessor's Plat 263, Assessor's Lots 05 and 101, and record a subdivision as per The City of Warwick's Development Review Regulations. This plan shall include a Record Plat name and Record Lot designations.

3. That the parcel shall receive City Council approval for the use (Electric Power Plant for the solar generation of electricity within a Light Industrial zone) and dimensional waivers from the Warwick Zoning Ordinance, Dimensional Table, Footnote (3), for less-than-required setback for an industrial use from an abutting Residential District, and Section 505.1(B) for less-than-required minimum landscape buffer along a property line that abuts a residential district and Section 505.1(C) for fencing/screening not located on the abutting residential district property line.
4. That a Storm Water Management Plan shall be submitted in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, and designed to demonstrate a zero-net runoff from the proposed development.
5. That the Project Engineer shall meet with the City of Warwick Department of Public Works (DPW) Engineering staff to review the proposed drainage system prior to submission to Rhode Island Department of Environmental Management (RIDEM) or Rhode Island Department of Transportation (RIDOT).
6. That the Operation and Maintenance Plan for the proposed stormwater collection system shall be included in the Preliminary submission.
7. That all necessary state permits, including, but not limited to RIDEM and RIDOT Physical Alteration Permit (PAP), shall be obtained prior to submission to the Planning Board for Preliminary approval.
8. That the Project Engineer shall submit as part of the Preliminary submittal, an elevation certificate for the development area, and shall flag the edge of the flood zone in the field prior to the issuance of a building permit. Based on the location of the flood zone in the field, the Building Official may require specialized construction for the installation.
9. That all corners shall be negotiable by vehicles having an outer tire turning radius of 50' to allow for unimpeded access by fire apparatus.
10. That dead-end roads longer than 150 feet must provide turning capabilities for fire apparatus as per NFPA 1 (RIFC) 2012 edition.
11. That there shall be no landscaping or natural barriers to prevent easy access of fire apparatus.
12. That a gravel or other non-combustible base shall be installed and maintained under and around the installation.
13. That before issuance of any permits, the Fire Department shall review all plans for compliance with all life safety codes and issues as outlined in NFPA – FIRE CODE, 2012 Edition and NFPA 70 – National Electrical Code, 2011 Edition; ARTICLE 690 –Solar Photovoltaic Systems; and ARTICLE 490 – Equipment, Over 600 Volts, Nominal.

14. That the location of the transformers/inverters shall be indicated on the Preliminary plan and located as far from the abutting Residential zone as practicable. The transformers/inverters shall maintain a noise level at or below 55dB and there shall be no greater than a 3dB change in amplitude (the minimum audible difference perceptible to the average person) measured along the entire southern property line which abuts the existing residential zone or the eastern property line which abuts the state owned property, the West Bay Bicycle Path. If necessary, and at the request of the City, the Applicant shall be responsible to fund and submit a *noise study*, conducted by an environmental professional, measuring pre-background sound with the post construction as-built conditions that illustrate adherence with this stipulation. Said study shall be submitted to the Building Inspector and Administrative Officer to the Planning Board within 90 days of the City's request.
15. That the Preliminary submittal shall include a Landscape Plan, prepared and stamped by a registered Rhode Island Landscape Architect. The Landscape Architect shall contact the Planning Department prior to beginning the design process. Said plan shall be subject to approval by the Administrative Officer and provide, at a minimum, fencing and gate details, and screening/fencing for the neighboring residential properties.
16. That the Project Engineer shall indicate the location of the security fence and access gate on the site plan.
17. That no fencing or landscaping shall be installed on the Water Department easement as to not interfere with the integrity of the 42" water transmission line.
18. That the Applicant shall install educational signage along the bike path regarding the benefits of renewable energy/solar power. Wording and sign location to be approved by the Administrative Officer.
19. That the area of pavement (Assessor's Plat 263, Assessor's Lot 101) encroaching on the abutting State property shall be removed. The site access driveway shall be repaved to city standards to provide adequate access for emergency vehicles.
20. That the solar park shall be maintained on a regular basis by the owner/operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs and maintaining the integrity of fencing. The equipment shall be maintained in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property immediately and disposed of in accordance with all applicable federal, state, and local regulations.
21. That, a sign shall be posted on the facility and shall display the name of the owner and or operator of the facility and provide a twenty-four (24) hour emergency contact number.
22. That the solar park shall not be used for displaying any advertising.

23. That the Applicant shall utilize measures that minimize impacts on neighboring properties to the maximum extent possible. To this end, the Applicant shall submit a detailed report of the proposed operational characteristics of the solar park, including key features of the inverters (overall size, height and noise level which shall be limited to 55 dBs); and concerning the means and methods planned to minimize or avoid off-premises impacts to the adjoining residential uses. In addition to addressing noise concerns, the report shall include security provisions to prevent unauthorized access, emergency access provisions, security lighting, and details of any proposed identification signage.
24. That the clearing of natural vegetation shall be strictly limited to what is necessary for the construction, optimal operation, and maintenance of the solar park. The Applicant shall submit a site plan indicating the areas of vegetation to be cleared.
25. That at the abandonment of the use of this solar park, all equipment shall be removed from the site, no more than six months after the date of discontinued operations. The owner/operator shall notify the building official of the proposed date of discontinued operation and plans for removal. At a minimum, decommissioning shall consist of: removal of all solar park related structures, equipment, security barriers, and transmission lines from the site; disposal of all solid and hazardous waste in accordance with applicable disposal regulations; and stabilization and revegetation of the site as necessary to prevent erosion and restore the natural habitat.
26. That the Applicant shall post a bond, in an amount to be determined by the Administrative Officer, to provide a guarantee that the facility will be promptly removed after it reaches the end of its useful life.

Recommendation to the City Council
Request for a Zone Change to allow for an Electric Power Plant (Use Code 608),
for the Solar Generation of Electricity within a Light Industrial Zone

Applicant: Smart Energy Holdings, LLC
Property Owner: Kevin Rossi
Location: East Avenue
Assessor's Plat: 263
Assessor's Lots: 05 and 101
Zoning District: Light Industrial
Proposed Zone: Light Industrial, with waivers for *Use Code 608. Electric Power Plant* for the solar generation of electric power, and dimensional waivers from *Warwick Zoning Ordinance, Dimensional Table, Footnote (3)*, for less-than-required setback for an industrial use from an abutting Residential District, and *Section 505.1 Minimum landscaped buffer.(B)* for less-than-required landscape buffer along a property line that abuts a residential district, and *Section 505.1 (C)* for fencing/screening not located on the abutting residential district property line.
Land Area: 8.45+/-acres
Engineer: Boyer Associates
Ward: 8

Planning Department Findings

The Planning Department finds the proposed zoning modification to be generally consistent with Article 1 “Purposes and General Statements” of the City’s Development Review Regulations, and,

1. That the proposal is generally consistent with the City of Warwick, Comprehensive Plan 2033, (Comprehensive Plan), Part V, Sustainable Systems which calls for regulations to support renewable energy installations; and to choose sustainable materials, methods and practices, when possible.

That Part V, Sustainable Systems, states that “*access to affordable, clean energy is critical to the City and its residents. Energy use, cost and conservation are integrally tied to many of the traditional elements of the Comprehensive Plan, including housing, transportation, economic development, community services, and natural resources...Energy conservation and efficiency are cost effective and reduce air pollution and negative impacts on other natural resources. Techniques for promoting energy demand reduction and efficiency include....the use of renewable and alternative energy sources.*”

That Goal 1, of Part V, Sustainable Systems states that the City shall implement practices to conserve energy and use renewable energy.

The Planning Department also finds the proposed zoning amendment to be generally consistent with the following purposes of the City’s Zoning Ordinance, as presented in Section 100, “Title and Purpose.”

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
 - A.) The goals and patterns of land use contained in the Comprehensive Plan of the City of Warwick.
 - E.) The availability and capacity of existing and planned public and/or private services and facilities;
 - F.) The use of innovative development regulations and techniques.
- 103.10 Promote a high level of quality in design in the development of private and public facilities.
- 103.11 Promote the implementation of the Warwick Comprehensive community plan, as amended.

Planning Department Recommendation

The Planning Department recommends forwarding a favorable recommendation to the City Council for the requested zone change and waivers, with the following stipulations:

1. That the allowed use shall be restricted to the solar generation of electric power.
2. That the Applicant shall utilize measures that minimize impacts on neighboring properties to the maximum extent possible. To this end, the Applicant shall submit to the Planning Board, a detailed report of the operational characteristics of the solar park (and inverters), including key features concerning the means and methods planned to minimize or avoid off-premises impacts to the adjoining residential uses. In addition to addressing noise concerns, the report shall include security provisions to prevent unauthorized access, emergency access provisions, security lighting, and any proposed identification signage.
3. That the proposed transformers/inverters for the solar farm shall maintain a noise level at or below 55dB and there shall be no greater than a 3dB change in amplitude (the minimum audible difference perceptible to the average person) measured along the entire southern property line which abuts the existing residential properties. If necessary, and at the City's request, the petitioner shall be responsible to fund and submit a *noise study*, conducted by an environmental professional, measuring pre-background sound with the post construction as-built conditions that illustrates adherence with this stipulation. Said study shall be submitted to the Building Inspector and Administrative Officer to the Planning Board within 90 days of the City's request.
4. That the solar park shall be maintained on a regular basis by the owner/operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs and maintaining the integrity of fencing. The equipment shall be maintained in good repair and working order. Malfunctioning or inoperable equipment shall be removed from the property immediately and disposed of in accordance with all applicable federal, state, and local regulations.
5. That, a sign shall be posted on the facility and shall display the name of the owner and or operator of the facility and provide a twenty-four (24) hour emergency contact number.
6. That the solar park shall not be used for displaying any advertising.
7. That the clearing of natural vegetation shall be strictly limited to what is necessary for the construction, optimal operation, and maintenance of the solar park.
8. That at the abandonment of the use of this solar park, all equipment shall be removed from the site, no more than six months after the date of discontinued operations. The owner/operator shall notify the building official of the proposed date of discontinued operation and plans for removal. At a minimum, decommissioning shall consist of: removal of all solar park related structures, equipment, security barriers, and transmission lines from the site; disposal of all solid and hazardous waste in accordance with applicable disposal regulations; and stabilization and revegetation of the site as necessary to prevent erosion and restore the natural habitat.

9. That the Applicant shall post a bond, in an amount to be determined by the Administrative Officer to the Planning Board, to provide a guarantee that the facility will be promptly removed after it reaches the end of its useful life.

10. That there shall be strict compliance with the Final Plan, as approved by the Planning Board. Any changes to said plan shall require review by the Planning Board or Administrative Officer to the Board.

Public Informational Meeting
Major Land Development/Subdivision
MARVAL-Car Wash
Master Plan

Applicant: MARVAL, LLC.
Property Owners: Donald J. Boyle and Susan W. Boyle
Location: 2309 and 2313 Post Road
Assessor’s Plat: 344
Assessor’s Lots: 83 and 88
Zoning District: General Business (GB)
Land Area: .63 acres
Number of existing lots: 2
Number of proposed lots: 1
Engineer: Crossman Engineering
Ward: 3

Background

The Applicant is requesting Master Plan Approval of a Major Land Development Project for the construction of a one story, 2,400 square foot carwash, with outdoor car vacuum spaces. The Applicant is also requesting, from the Zoning Board of Review, a Special Use Permit for TABLE 1. USE REGULATIONS, Section 420. Carwash, and the following dimensional relief:

Section 300. Table 2B	Less than required Front Yard set back	From Post Road for car vacuum use
Section 300. Table 2B	Less than required Front Yard set back	From Lauderdale Boulevard for dumpster, pay station and canopy.
Section 300. Table 2B	Less than required Side Yard set back	Dumpster enclosure located within side yard.
Section 505.1	Less than required landscape buffer, frontage	Near Dumpster enclosure
Section 505.6	Less than required landscape	Near Dumpster enclosure
Section 701.7 Parking	Less than required designated parking spaces	

The proposed development is sited on two Assessor’s lots, with a combined area of approximately .63 acres. The site is located at 2309 and 2313 Post Road. The site is currently occupied by

one (1) building, which will be razed to provide for the development. The parcel is zoned General Business (GB) and fronts of both Post Road and Lauderdale Boulevard. The surrounding uses are primarily commercial and industrial in use.

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

1. Generally consistent with the Comprehensive Community Plan, and consistent with the principles as proposed in the current Comprehensive Plan update, which finds that land development in the future will increasingly involve redevelopment of previously used sites. Over 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is “very important.”
2. That the subject parcel fronts on Post Road, and is identified as Assessor’s Plat: 344 Assessor’s Lots: 83 and 88 is zoned General Business,
3. That the proposal is not in compliance with the standards and provisions of the City’s Zoning Ordinance, therefore requiring Zoning Board of Review approval for a Special Use Permit for TABLE 1. USE REGULATIONS, Section 420. Carwash, and the following dimensional relief:

Section 300. Table 2B	Less than required Front Yard set back	From Post Road for vacuum equipment and use
Section 300. Table 2B	Less than required Front Yard set back	From Lauderdale Boulevard for dumpster, pay station and canopy.
Section 300. Table 2B	Less than required Side Yard set back	Dumpster enclosure located within side yard.
Section 505.1	Less than required landscape buffer, frontage	Near Dumpster enclosure
Section 505.6	Less than required landscape	Near Dumpster enclosure
Section 701.7 Parking	Less than required designated parking spaces	

4. That the properties within the 200’ radius of the subject parcel are general business uses.
5. 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.
6. That Sewers are available at the site.
7. That the proposed development possesses adequate access to two (2) public streets, Post Road and Lauderdale Boulevard.

8. There are no indications of significant negative environmental impacts from the proposed development at the Master Plan phase.

Planning Department Recommendations

Planning Department recommendation is to grant Master Plan approval, and a favorable recommendation to the Zoning Board of Review for the requested Special Use permits and dimensional relief, with the following stipulations:

1. That the parcel shall receive Zoning Board of Review approval for a Special Use permit the Zoning Board of Review, a Special Use Permit for TABLE 1. USE REGULATIONS, Section 420. Carwash, and the following dimensional relief:

Section 300. Table 2B	Less than required Front Yard set back	From Post Road for vacuum use
Section 300. Table 2B	Less than required Front Yard set back	From Lauderdale Boulevard for dumpster, pay station and canopy.
Section 300. Table 2B	Less than required Side Yard set back	Dumpster enclosure located within side yard.
Section 505.1	Less than required landscape buffer, frontage	Near Dumpster enclosure
Section 505.6	Less than required landscape	Near Dumpster enclosure
Section 701.7 Parking	Less than required designated parking spaces	

2. That all Plans shall comply with “Rules and Regulations for Professional Land Surveying in the State of Rhode Island”, effective date November 25, 2015.
3. That, prior to Final Approval, the Property Owner shall merge Assessor’s Plat 344, Assessor’s Lots 83 and 88, and record a subdivision as per The City of Warwick’s Development Review Regulations. This plan shall include a Record Plat name and Record Lot designations.
4. That a Storm Water Management Plan shall be submitted in accordance with Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, and designed to demonstrate a zero-net runoff from the proposed development. The Project Engineer shall meet with the City of Warwick DPW Engineering Staff to review the proposed drainage system prior to submission to RI DEP or RI DOT.
5. That the Operation and Maintenance Plan for the proposed storm water collection system shall be included in the Preliminary submission to the Planning Board.
6. That all necessary state permits, including but not limited to RI DEM and RI DOT Physical Alteration Permit, shall be obtained prior to submission to the Planning Board for Preliminary Plan approval.

7. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800.
8. That safety measures shall be installed to prevent potential conflicts between the vehicles entering and exiting the car wash facility.
9. That all two way travel lanes shall have a minimum of 24 feet of unobstructed width and an unobstructed vertical clearance of 13'6, and that all corners shall be negotiable by vehicles having an outer tire turning radius of 50' to allow for unimpeded access by fire apparatus.
10. That a sampling manhole shall be installed where the process line and sanitary line meet; and a sand trap for solids removal and an oil/water separator shall be installed on the process waste line.
11. That plumbing plans shall be submitted to the Sewer Authority for review; all standard commercial connection requirements shall be met.
12. That the eight (8) vacuum spaces located along the Post Road frontage shall be limited to the post style (Type A, as indicated on the Master Plan submission, dated January, 2018, and prepared by Crossman Engineering.)
13. That the Preliminary submittal shall include a Landscape Plan, prepared and stamped by a registered Rhode Island Landscape Architect. The Landscape Architect shall contact the Planning Department prior to beginning the design process. Said plan shall include hardscape along Post Road and adequate screening for the eight (8) Type A Post vacuum equipment along Post Road. The color of the six (6) Type B Post and Boom vacuum equipment located along the building frontage to be approved by the Administrative Officer. The Final Landscape Plan shall be subject to approval by the Administrative Officer.

Public Hearing
Major Land Development
1009 Centerville Road-Restaurant
Preliminary

Applicant/Owner:	Michael Kent
Location:	1009 Centerville Road (Route 117)
Assessor's Plat:	241
Assessor's Lot:	10
Zoning:	City Council approved zoned change PCO-18-17, dated May 21, 2017, changing the classification from Residential A-15 to General Business (GB), with waivers and stipulations.
Land Area:	16,971sf

Number of Lots : 1
Engineer: Andersen Engineering, LLC
Ward: 8

Background

The Applicant is requesting Preliminary Approval of a Major Land Development Project to demolish an existing single-family dwelling and accessory structures in order to allow for the construction of a 2,596 square foot, 60 seat restaurant building. The Applicant has received approval from the City Council for a Zone Change for the parcel, from Residential A-15 to General Business (GB), with waivers for less than required building front setback from both Centerville Road (Route 117) and Bald Hill Road (Route 2 (no access), less than required interior landscape and landscape buffer, and less than required parking area setback from the roadway frontage.

The proposed development is sited on one (1) Assessor's Lot with an area of 16,971 square feet. Existing land uses in the immediate area of the parcel can be defined as generally commercial in nature, and include restaurant, fast food restaurant and retail uses. The site is located at the northerly side of Route 117 and abuts a large, existing shopping center, which has a signalized access.

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

1. Generally consistent with the City of Warwick, Comprehensive Plan 2033, (Comprehensive Plan) which finds that land development in the future will increasingly involve redevelopment of previously used sites.

Over 60 percent of City residents who responded to a Comprehensive Plan survey indicated that improving the appearance of major roads and commercial corridors is "very important".

2. That Chapter 12 of the Comprehensive Plan, the Future Land Use, Zoning and Urban Design element, states as a Goal, that Warwick has sufficient diversity of land uses to support a strong and stable tax base, and to continue to balance land uses, particularly between regional retail and non-retail commercial uses.
3. That the Future Land Use Map (FLUM) as contained in the Comprehensive Plan 2033, shows this area as commercial uses.
4. That the subject parcel fronts on Centerville Road (Route 117), is identified as Assessor's Plat: 241 Assessor's Lot: 10, and is currently zoned Residential A-15.
5. That the existing land uses in the immediate area of the parcel can be defined as generally commercial in nature. The site is located at the northerly side of Centerville Road (Route 117), and abuts a large, existing retail development (including TGI Fridays, Chick Fil-A,

Michaels, LA Fitness). Across from the site, on the southerly side of Centerville Road (Route 117), is an existing retail development, which includes a fast food restaurant (Dunkin Donuts).

6. That this proposal received Master Plan approval at the January 11, 2017 regularly scheduled meeting of the Planning Board.
7. That the subject parcel is in compliance with the standards and provisions of the City's Zoning Ordinance, having received City Council approval PCO-18-17, dated May 21, 2017, changing the zoning classification on the parcel, from Residential A-15, to General Business (GB), with waivers for less-than-required building front setback from both Centerville Road (Route 117) and Bald Hill Road (Route 2, no access), less-than-required interior landscape and landscape buffer, and less-than-required parking area setback from the roadway frontage.
8. That at the January 11, 2017 meeting the Planning Board amended the Zone Change recommendation to include the following, as integral to the zone change:
"That this recommendation for zone change is contingent upon an allowed General Business (GB) use which presents no impact on the early morning peak travel times on that section of Centerville road (Route 117). If an otherwise allowed GB use is proposed that has hours of operation that include early morning peak travel times, then a revised traffic study shall be required to be submitted to the Administrative Officer and/or the Planning Board for review and approval of that use prior to any permitting. The Planning Department reserves the right in this position to require the traffic study at the Applicant's expense."
9. That the existing dwelling and related outbuildings on the site will be razed to provide for the construction of a new 2,596 sf restaurant, with no drive-thru.
10. That the development will be accessed by a single, un-signalized, full-service driveway located on Centerville Road (Route 117).
11. That a traffic report, prepared by RAB Professional Engineers, Inc., dated May 5, 2016, concludes that *"...based upon the data collected on the servicing roadways, and the analysis completed as part of this study, it can be concluded that the proposed commercial redevelopment project has adequate and safe access to a public street, and will not have a detrimental effect on public safety and welfare in the study area."*
12. That the traffic report, prepared by RAB Professional Engineers, Inc., dated May 5, 2016, Table 3, Level of Service Summary indicates that the site driveway will be a LOS D for the afternoon peak hour, with typically one to two vehicles waiting to exit the site driveway at any one time due to the minor driveway volumes.
13. 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.

14. That there are no indications of significant negative environmental impacts from the proposed development.
15. That there is no sewer service available to the site. The building shall be serviced by an On Site Wastewater Treatment System (OWTS), as approved by the Rhode Island Department of Environmental Management (RI DEM).
16. That water is available to the subject property, provided by the Kent County Water Authority (KCWA).

Planning Department Recommendation

Planning Department recommendation is to grant Preliminary approval, with Final Approval to be granted the Administrative Officer, upon compliance with the following stipulations:

1. That the Final Plan 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 November 25, 2015.
2. That a Soil Erosion and Sediment Control Permit shall be obtained from the Building Department prior to the commencement of any work on-site; soil erosion and sediment control measures must be properly maintained throughout construction.
3. That the Project Engineer shall inspect the installation of the Stormwater Management System and submit a certification that the construction substantially conforms to the approved plans. In addition, the Project Engineer shall prepare an as-built plan of the system; highlighting any significant deviations from the approved plan. Changes from the approved design plan will require prior authorization from the Approving Authority.
4. That the Property Owners shall be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System; the Property Owners shall be responsible for the long-term maintenance and operation of the Stormwater Management System and shall submit an annual report detailing all inspections and maintenance performed on the System to the Department of Public Works.
5. That all site lighting shall be Dark Sky compliant, to the extent practicable.
6. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800, and the sign design shall be included in the Preliminary Plan submittal. Please note that LED advertising message boards are prohibited.
7. That prior to the issuance of any permits for construction of the building, the Warwick Fire Department shall review the plans for compliance with all life safety codes and issues.

8. That the Landscape plan shall be subject to approval by the Administrative Officer and provide, at a minimum, a wooden guard rail or fencing at the easterly property line of Assessor's Plat 241, Assessor's Lot 10, between the site and the abutting commercial development (TGI Friday's parking area).
9. That due to site constraints, there shall be no drive-thru use allowed at this site. This shall be clearly noted on the Final Plan.

Public Hearing
Request for a Recommendation for a
Comprehensive Plan Amendment/Zone Change
Pleasure Marina – 7 Ottawa Avenue

Owner/Applicant:	Joseph DiCenzo, III and Joanne DiCenzo
Location:	7 Ottawa Avenue, Pequot Avenue and Quonset Avenue
Assessor's Plat:	376
Assessor's Lots:	542,543,544,557,559 (Comprehensive Plan Amendment)
Assessor's Los:	542, 543,544 (Zone Change)
Existing Zoning:	Waterfront Business, Residential A-7 and Residential A-10
Proposed Zoning	Waterfront Business
Land Area:	118,800+/- sf
Surveyor:	Jeffrey K. Balch, Frisella-Balch & Associates
Ward:	6

Background

The Applicant is requesting an amendment to the Future Land Use Map (FLUM) as contained in the *City of Warwick Comprehensive Plan 2013-2033 "City of Livable Neighborhoods"* (*Comprehensive Plan*) as the first stage in a zone change process to correctly reflect the existing marina and associated uses on the parcel.

The Applicants are proposing to amend the FLUM, specifically for Assessor's Plat 376, Assessor's Lots 542, 543, 544, and 557, 559. The FLUM depicts the intended use for these lots as "Medium Density Residential." The Applicants are seeking to revise the intended use to "Commercial" to reflect the existing marina (Waterfront Business) use on site.

In 2002, the City Council approved Zone Change, PCO-54-01, dated February 26, 2002 changing the zoning classification of lots 557, 559 (and a portion of lot 82) on Assessor's Plat 376 from Residential A-7 and A-10, to Waterfront Business. The FLUM does not reflect that fifteen year old change in zoning or the current use of the site and inadvertently indicates the future land use for these two (2) parcels (Assessor's Plat 376, Assessor's lots 557 and 559), as "Residential." These lots have been included in this proposal in order to correct this oversight.

If given a favorable recommendation, the Applicants will then seek a recommendation for a zone change for Assessor's Plat 376, Assessor's Lots 542, 543, and 544, from a combination of Residential A-7 an Residential A-10, to Waterfront Business (WB) to reflect the long-standing,

existing use of the parcel; and to then administratively merge Assessor's Plat 376, Assessor's lots 82, 540-544, 557, 559, and 562 to consolidate the existing marina use on the parcel.

Planning Department Findings Comprehensive Plan Amendment (FLUM)

1. The Applicant has provided an analysis, prepared by Edward Pimentel, entitled *Marina Operation and Boat Storage Yard, Rezone and Comprehensive Plan Amendment* dated June 22, 2016 and revised on August 15, 2017, evaluating the proposed Comprehensive Plan amendment and rezoning of Assessor's Plat 376, Assessors Lots 542, 543, 544, 557 and 559, and concludes:
"...this Planning consultant professionally believes that the Planning Board should not have any reservation in forwarding a positive recommendation to the Warwick City Council in regard to the requested zone change/comprehensive plan amendment. The proposed changes are purely for the purpose of realizing retention of appropriate land use(s), considering the location, need for tax revenue and long-standing presence of the subject marina business. Furthermore, the purpose for the zone change is to realize consistency with the comprehensive plan, as mandated by law."
2. That the City's Comprehensive Plan was adopted in 2013. The Future Land Use Map (FLUM) reflects the preferred or acceptable pattern of land use.
3. That in 2002, the City Council approved Zone Change, PCO-54-01, dated February 26, 2002 changing the zoning classification of lots 557, 559 (and a portion of lot 82) on Assessor's Plat 376 from Residential A-7 and A-10, to Waterfront Business.
4. That The FLUM inadvertently indicates the future land use for these two (2) parcels (Assessor's Plat 376, Assessor's lots 557 and 559), as "Residential" and does not reflect the fifteen year old change in zoning or the current use on the site. These lots have been included in this proposal in order to correct this oversight.
5. That there are no apparent textual inconsistencies between the proposal and the Comprehensive Plan.
6. That the Applicants have been acquiring abutting parcels in the immediate vicinity to the marina, to minimize negative effects on abutting residential properties.
7. That the Applicants received a violation notice from the City's Building Department citing Assessor's Plat 376, Assessor's Lot 543, as being in violation of the City of Warwick Zoning Ordinance, Section(s) 601.2B, 601.5D, and Use Table 508. Marine equipment, fish and tackle store, bait shop as a prohibited use in any residential zone.

8. That Use Code 418. Marina, yacht club, as contained in Table 1. Use Regulations, is a use allowed by right in a Waterfront Business zone, only.
9. That the subject area is comprised of ten (10) assessor's lots, has 118,800+/- sf in land area, and is predominately zoned Waterfront Business, with interspersed areas of Residential zoning.
10. That the marina fronts on Ottawa Avenue, Quonset Avenue, and Pequot Avenue

Recommendation to the City Council
Request for a Comprehensive Plan Amendment

Planning Department recommendation is to forward a favorable recommendation to the City Council for the requested Comprehensive Plan Amendment, with the following stipulations:

1. That the Applicant shall provide a revised Future Land Use Map, clearly indicating the areas of change.

Recommendation to the City Council
Request for a Zone Change

Applicant:	Joseph DiCenzo III and Joanne DiCenzo
Location:	Ottawa Avenue, Pequot Avenue and Quonset Avenue
Assessor's Plat:	376
Assessor's Lots:	542, 543 and 544
Zoning District:	Residential A7 and A10
Proposed Zoning:	Waterfront Business

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,

1. Not generally consistent with the Future Land Use Map of the City of Warwick, *Comprehensive Plan 2033, (Comprehensive Plan)*, therefore requiring City Council approval of a map amendment.
2. That the City's Engineering Division, Sewer Authority, Water Division, Fire Department, Police Department, Tax Assessor, Conservation Commission, Historic District Commission, Cemetery Commission and Land Trust have reviewed the proposal and have no objection to the proposed zone change

The Planning Department also finds this proposal to be generally consistent with the following purposes of the City's Zoning Ordinance, as presented in Section 100, "Title and Purpose."

- 103.1 Promote the public health, safety and general welfare of the City.
- 103.2 Provides for a range of uses and intensities of use appropriate to the character of the City and reflect current and future needs.
- 103.3 Provides for orderly growth and development, which recognizes:
- A.) The goals and patterns of land use contained in the Comprehensive Plan of the city of Warwick.
 - B.) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or ground water pollution.
 - C.) The values and dynamic nature of coastal and freshwater ponds, the shoreline and freshwater and coastal wetlands.
 - D.) The values of unique or valuable natural resources and features.
- 103.10 Promote a high level of quality in design in the development of private and public facilities.
- 103.11 Promote the implementation of the Warwick Comprehensive community plan, as amended.

Planning Department Recommendation

The Planning Department recommends forwarding a favorable recommendation to the City Council for the requested Zone Change from a combination of Residential A-7 and A-10 to Waterfront Business with, with the following stipulations as integral to the zone change:

1. That the Property Owner shall record a subdivision, as per The City of Warwick's Development Review Regulations, merging the nine (9) existing, contiguous lots currently dedicated to the marina use AP 376, ALs 82, 540, 541, 542, 543, 544, 557, 559. 562 into one (1) lot for the existing marina use. This subdivision plan shall include a Record Plat name and Record Lot designations. There are outstanding sewer assessments remaining on lots within the parcel which will need to be addressed as part of the subdivision process.
2. That there shall be no boat storage or marina uses conducted on Quonset Avenue or Ottawa Avenue.
3. That there shall be no restrictions to public access to Quonset or Ottawa Avenue; signage shall be posted at the terminus of said streets indicating shoreline access.
4. That, prior to recording of the subdivision, the Applicant shall remove or relocate the existing chain line fencing encroaching on Quonset Avenue and Ottawa Avenue. Removal of the encroachment shall be noted on the Final Plan.

5. That the Applicant shall maintain, in good condition, a solid fence along the abutting residentially zoned property lines.
6. That all exterior lighting and signage shall be contained on site and designed to minimize negative impacts on neighboring properties; the site lighting shall be Dark Sky compliant, to the extent practicable.
7. That all signage shall conform to the standards of the Warwick Zoning Ordinance, Section 800. LED advertising message boards are prohibited.

Actions by the Administrative Officer

Administrative Subdivisions

<u>Plat</u>	<u>Lot</u>	<u>Plat Title</u>
282	51 & 53	Jefferson Boulevard Plat

Any party, person(s) or entity interested in registering for electronic notice for proposed zoning amendments and/or amendments to the City's Zoning Ordinance and the City's Development Review Regulations governing Subdivision, Land Development and Development Plan Review should contact the City's Planning Department at 401-738-2009. Facilities are accessible for people with disabilities. If you are in need of interpreter services for the hearing impaired, please contact the City Clerk's Office at 738-2006 not less than 48 hours in advance of the hearing date.