



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

November 2023

Malibu Investments, LLC
225 Cowesett Avenue
West Warwick, RI 02893

RE: Assessor's Plat 267 Lot 217
Property Address: 2826 Post Road

The following is the decision on your application for Preliminary Plan Approval of a Phased Major Land Development Project heard by the Warwick Planning Board at the regularly scheduled meeting held on November 8, 2023. The subject property is zoned General Business (GB) with a total lot area of 10.8 acres; 4.48 acres is to be developed as part of this proposal.

This project was originally designed to be constructed in three phases. Phase I of the construction was completed in summer of 2022. Phases II and III are now proposed to be combined and incorporate changes to the building size and layout. Phase I of the project consisted of six (6) self-storage buildings with a total of 152,900 sq. ft. of building area and a 1,600 sq. ft. office building along the southern portion of the project area. Phase II previously included the construction of a 19,500 sq. ft. two-story mixed-use building along with four (4) additional storage buildings ranging in size from 8,000 sq. ft. to 10,800 sq. ft.

The Applicant proposed modifications to Phase II which is now to include a 9,500 sq. ft. mixed-use building along with two (2) 24,000 sq. ft. contractor rental unit buildings and one (1) 6,900 sq. ft. mini-storage building.

After completion of the Public Hearing, for which notice was served and a record was kept, the Warwick Planning Board taking into consideration its knowledge and expertise, and after considering all of the representations and presentations made at the Public Meeting, found this proposal to be generally consistent with RIGL Section 45-23-30 *General Purposes of Land Development and Subdivision Review Ordinances, Regulations and Rules*, and Article 1 *Purposes and General Statements* of the City's Development Review Regulations, and Subdivision of Land, specifically, RIGL Sections 45-23-60, *Procedure – Required Findings*, as follows:

1. That the proposal is generally consistent with the *City of Warwick, Comprehensive Plan 2033*, or must satisfactorily address issues where there may be inconsistencies, as follows:
 - a. The project is generally consistent with the City of Warwick Comprehensive Plan 2033 which finds that land development in the future will increasingly involve redevelopment.
 - b. That Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design, Section C, entitled "What the Community Said" states a majority of City residents who responded to a Comprehensive Plan survey indicated that improving the

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appearance of major roads and commercial corridors is “very important,” and that more land should be devoted to village-style, Main Street Development. The proposed project includes an appropriately scaled commercial building that supports neighborhood sized businesses. The proposed structure contains architectural features that creates a street level, village-style façade while also being high enough to shield the contractor units from view along the corridor.

- c. That Chapter 12 also states as a Goal, that Warwick has a 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. The proposed project includes both retail and non-retail commercial uses and therefore is generally consistent with this element of the Comprehensive Plan.
 - d. A stated policy in *Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is to “ensure that proposed new residential, business and industrial uses are compatible with the character and surrounding area.” The proposed project area is located in an appropriately zoned General Business (GB) district, the site abuts varied commercial uses on the east side of Post Road, and abuts the northeast corridor along the easterly boundary and therefore the proposed mixed-use commercial development is generally consistent with the surrounding area.
2. That the proposal is in compliance with the standards and provisions of the City’s Zoning Ordinance in consideration of compliance with the following:
 - a. The applicant received a Special Use Permit (Petition # 10927; September 12, 2023) from the Warwick Zoning Board of Review to have more than one, non-residential use and building on the lot.
 - b. The applicant received dimensional variances from the Warwick Zoning Board of Review (Petition #10927; September 12, 2023) for:
 - i. Less than required parking spaces (199 proposed, 401 required)
 - ii. Less than required interior landscaping (3.7% proposed, 5% required).
 3. That there will be no significant negative environmental impact from the proposed development.
 - a. The applicant has provided a Stormwater Management Report and a Soil and Sediment Control Report by *Cherenzia & Associates* and updated by *Joe Casali Engineering*.
 - b. The project has been reviewed and permitted with conditions (**WQC File No. 18-037; RIPDES File No. RIR101718; UIC No. 001834**) by the Rhode Island Department of Environmental Management Office of Water Resources.
 4. That the development, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable in consideration of the following:
 - a. The development, as proposed, is contained on Plat 267, Lot 217 and the Applicant has sufficiently demonstrated that the lot can appropriately support development while remaining in conformance with pertinent regulations and building standards.

5. That the proposed development possesses adequate and permanent access to a public street (Post Road).
 - a. The applicant has received a Physical Alteration Permit (PAP) from the Rhode Island Department of Transportation (**Permit No. 180314**). The Applicant has also received permit modification approval from RIDOT (dated January 19, 2023) to account for the change to the original plan approvals.

Based on the foregoing findings of fact, on a motion by XXX, seconded by XXX, the Warwick Planning Board voted to adopt the above findings and to grant Preliminary Plan approval with Final Plan approval to be through the Administrative Officer. The Planning Board's approval included the following conditions of approval:

1. That all Plans shall comply with "Rules and Regulations for Professional Land Surveying in the State of Rhode Island", effective date November 25, 2015.
2. All work must be in accordance with the approvals of the Rhode Island Department of Environmental Management and Rhode Island Department of Transportation.
3. A soil erosion and sediment control permit must be obtained from the Building Permit prior to commencement of any work on site.
4. Soil erosion and sediment control measures must be properly maintained throughout construction.
5. The Design Engineer must inspect the installation of the Stormwater Management System and submit a certification that the construction substantially conforms to the approved plans. In addition, the Design Engineer must 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.
6. The City Department of Public Works and the Property Owner must be provided with the as-built plan and the Operation and Maintenance Plan for the Stormwater Management System.
7. The Property Owner shall be responsible for the long-term maintenance and operation of the Stormwater Management System
8. Monumentation must be installed prior to the recording of the Final Plan. If this is not possible, the Planning Department will establish a bond for the monumentation. This bond will be released when the installation of the monumentation is verified by the City Surveyor.
9. Prior to Final Plan, the Design Engineer must review and make any necessary plan revisions to the piping of the roof drain from Building #6 and the drain pipe from CB #12 to CB #11.
10. That an adequate number of fire hydrants be provided throughout the development spaced 300 Ft. apart and providing a minimum of 1000 GPM. Sprinklered buildings require a hydrant within 100 Ft. of the Fire Department Connection (FDC). In addition, the Fire Department shall review all plans for compliance with all life safety codes and issues.

11. That the Applicant shall comply with all of applicable requirements of the Warwick Sewer Authority (WSA), including the Collection, Industrial/Commercial Pretreatment and Billing Departments.
12. Each Unit in the mixed-use building must have an individual and separate sewer line that exits the building and wye in a sampling manhole in order to allow for individual sampling of each waste stream. Back Flow protection will be required in accordance with WSA regulations.
13. A sampling manhole must be installed on the sewer line serving Mixed-Use Building #1. WSA recommends that the best location is at the turn, where the clean out is currently drawn.
14. A WSA permit must be pulled prior to connection. Per WSA regulations, the property will be assessed a sewer access charge upon connecting to the sewer system.
15. The Applicant shall comply with all applicable requirements of the Warwick Water Department.
16. All landscaping must be maintained throughout the entire life of the project and any plant material that dies within this time period shall be replaced by the property owner.
17. That prior to a certificate of occupancy for the additional mini-storage and contractor units, the proposed commercial 9,500sf mixed-use building shall be substantially constructed in accordance with the approved plans; substantially constructed to be determined by the Planning Director.

Sincerely,

Philip Slocum, Chair
Warwick Planning Board