

THE CITY OF WARWICK  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER ARTICLE

APPENDIX A  
ZONING

No..... Date.....

Approved.....Mayor

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF WARWICK  
VERACRUZ SHABO, LLC, PETITIONER

*Be it ordained by the City of Warwick:*

Section I. The Zoning Map and the Record Book of Lot Classifications which are a part of the Zoning Ordinance of the City of Warwick are hereby amended by changing the classification of the following described premises from Office to Office with restrictions, conditions and stipulations.

Lot 465 on Assessor's Plat 349 as said plat appeared in the Tax Assessor's office on December 31, 2015 is hereby changed from Office to Office with the following restrictions, conditions and stipulations. The Lot is set forth in the legal description and on the map attached hereto as Exhibit A.

The change of zoning is subject to the following conditions and stipulations:

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

Section II. The Clerk of the Zoning Board of Review is hereby authorized and directed to cause said changes to be made on the Zoning Map and the Record Book of Lot Classifications.

1 Section III. This Ordinance shall take effect upon passage and publication as prescribed by law.  
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27 SPONSORED BY: COUNCIL PRESIDENT TRAVIS  
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30 COMMITTEE: LAND USE  
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## APPENDIX A

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

PETITION REQUESTING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF WARWICK

To the Honorable city Council of Warwick:

Respectfully represent: I, MILAD SHABO As owner of Property

who furnishes the following information in connection with (his-her) request for an Amendment to the Zoning Law.

Amendment to the Zoning Law:

1. Ownership of Premises: VERACRUZ SHABO LLC  
1325 BROAD STREET  
CENTRAL FALLS, RI 02863

(Furnish name of title owner of property and address of owner)

2. Description of Premises: Plat No. 349 Lot(s) No. 465  
Street 2477 WEST Shore Rd Ward 6

(Furnish Assessor's Plat and Lot numbers and Name of Street and Ward Number)

3. Present Zoning Classification: office

4. Zoning Change Requested office (R)

5. Reasons for Proposed Change: EXCEPTION FROM 906(C)(2) OF THE WARWICK ZONING ORDINANCE FOR DIMENSIONAL RELIEF FOR SIDE & REAR SETBACKS OF BUILDING ADDITIONS.

WHEREFORE, it is respectfully requested that the Zoning Law be amended by changing the Zoning Classification of the above described premises from

OFFICE TO OFFICE (R)

Respectfully Submitted,

Milad Shabo  
(Signature of Owner and Petitioner)




## CITY OF WARWICK

Planning Department  
3275 Post Road, Annex; Warwick, RI 02886  
Tel. (401) 738-2000 Ext. 6289  
T.D.D. (401) 739-9150

### MEMORANDUM

**TO:** Honorable Donna Travis, Council President  
Warwick City Council Members  
Judy Wild, City Clerk

**FROM:** William DePasquale, Jr. AICP, Planning Director 

**DATE:** May 13, 2016

**SUBJECT:** Planning Board Recommendation  
Relief from Section 906.3(C)(2) of the Warwick Zoning Ordinance

**LOCATION:** 2477 West Shore Rd  
A.P. 349, A.L. 465

**APPLICANT:** Veracruz Shabo LLC

**WARD:** Six (6)

**EXISTING ZONING:** O

**PROPOSED ZONING:** O (With Restrictions)

**WAIVERS:** Relief from Section 906.3 (C)(2), *Standards For Relief/Special Use Permit*, of the Warwick Zoning Ordinance.

### BACKGROUND

The Applicant is requesting relief from the City of Warwick's Zoning Ordinance, Section 906.3(C)(2) *Standards For Relief / Special Use Permit* to construct two, (2) additions to the existing car wash/oil change business located at 3477 West Shore Road, which requires a Special Use permit and dimensional relief. The property is zoned Office and measures 12,800 square feet

in size. The existing building is 58'8" long by 34' wide. The Applicant will be reopening a shuttered business on the site.

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

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

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

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

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

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

(c) Section 505.6, parking lot buffers.

(d) Section 701.7, off-street parking.

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

(f) Section 806, permitted signs by district.

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

### **Zoning Board History (See Appendix A)**

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

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

operate the oil change/lube facility in the remaining two bays. This request was approved by the Board with stipulations.

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

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

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

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

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

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

## PLANNING BOARD FINDINGS

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

After review of this application, the Planning Board made the following findings:

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

The Planning Board also found that the proposal, as presented, is in compliance with the goals and objectives of the City's Comprehensive Plan, including the Goals and Policies Statement, the Implementation Program, the Land Use Element and the Economic Development element, including but not limited to, the following:

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



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

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

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

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

- A. The goals and patterns of land use contained in the comprehensive plan of the City adopted pursuant to G.L. 1956,\*45-22.2-1 et seq. (as amended).
- E. The availability and capacity of existing and planned public and/or private services and facilities.
- F. The need to shape and balance urban and suburban development
- G. The use of innovative development regulations and techniques.

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

### **PLANNING BOARD RECOMMENDATION**

At the May 13, 2016 meeting of the Warwick Planning Board, the following vote was taken on the Veracruz Shabo, LLC's application seeking relief by the Warwick City Council from Section 906( C )(2) of the Warwick Zoning Ordinance and modify the existing zoning classification of this lot from Office to Office/w/Restrictions with the following restrictions:

On the motion of Mr. Robert, seconded by Mr. Kiernan, the Planning Board voted six, (6) in favor and one, (1) against to forward a favorable recommendation the Warwick City Council for the requested zone change from O, to O w/restrictions, with a waiver from Section 906.3( C )(2) of the Warwick Zoning Ordinance for Veracruz Shabo, LLC. with the following stipulations:

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

The following City Departments & Boards/Commissions have reviewed this application and have the following comments:

- Tax Collection: The applicant is current with the property tax payment plan.
- Building: Strict compliance with all Building Code requirements.
- Sewer: Applicant should be aware of an existing 8" sewer main directly behind the property located in an easement in the school parking lot.

- Engineering, Fire, Tax Assessor, Water, Historic District Commission, Police, Land Trust & Wildlife and Conservation Commission have no comments or objections.

## APPENDIX A

### February 25, 1987 (Zoning Board Petition # 5778)

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

1. The subject property was zoned Limited Business.
2. The petitioner wished to sell the property for a Jiffy Lube Service Center, which would be a drive-in lube center with three bays and 11 parking spaces.
3. The existing house and garage on the site will be removed.
4. The petitioner's real estate expert testified that there were other automotive uses in the area and that this business would have a good layout for good traffic flow and would not be harmful to the area.
5. There were no objectors to the petition.

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

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

### January 31, 2012 (Zoning Board Petition # 9945)

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

1. The subject property is known as A.P. 349, A.L. 465, containing appx. 12,800 square feet of land and is zoned Office.
2. The petitioner has owned the property since December of 2010.
3. There is an existing building located on the subject property (see Petition # 5778). The building was previously occupied as a Jiffy Lube Service Center.
4. The building contains three service bays. The petitioner wishes to utilize two of the bays for the lubrication/oil change service and convert the third bay into a touchless, automated carwash.

5. The carwash would contain rapid doors on the front and back. It would be self-contained. The hours of operation would be 8 A.M. – 6 P.M. and in the summer 8 A.M. – 8 P.M. It would not be a 24 hour operation.
6. The petitioner agreed to all of the stipulations as presented at the hearing and by the Planning Department.
7. There would be no changes to the dimensions of the building.
8. There was one neighbor present with concerns of traffic, noise, hours and access to her property.
9. The area surrounding the subject property consists of all commercial operations.
10. The Board found that the petitioner met all of the criteria for the granting of a special use permit and dimensional relief.

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

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

February 25, 2014 (Zoning Board petition # 10097)

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

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

1. The property is appx. 12,800 square feet in size and is zoned Office.
2. Petitioner has owned the property since December 2010.
3. The existing building was formerly occupied as a Jiffy Lube Service operation.
4. Petitioner received ZB approval in December of 2011 to convert one of the service bays into a carwash. The petitioner intends to utilize the building as the auto service/car wash operation.
5. The petitioner requests to construct 14'6" x 33' addition on the back left side of the building and a 10' x 14'6" addition to the front left side of the building.
6. The additions and the existing building will not comply with the side yard setbacks. The two additions will maintain the same 7.5' side setback as the existing building.
7. The petitioner proposes to install a different type of car wash than last proposed. The new equipment would enable the petitioner to enclose 3 vehicles at a time and lessen the amount of time for the car wash process.
8. The Planning Department did not object to the change and asked the petitioner to continue an architectural feature that is currently on the building completely around the building. The petitioner agreed.
9. The area surrounding the subject property consists of commercial and residential structures.

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

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

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

July 24, 2014 (Zoning Board petition # 10143)

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

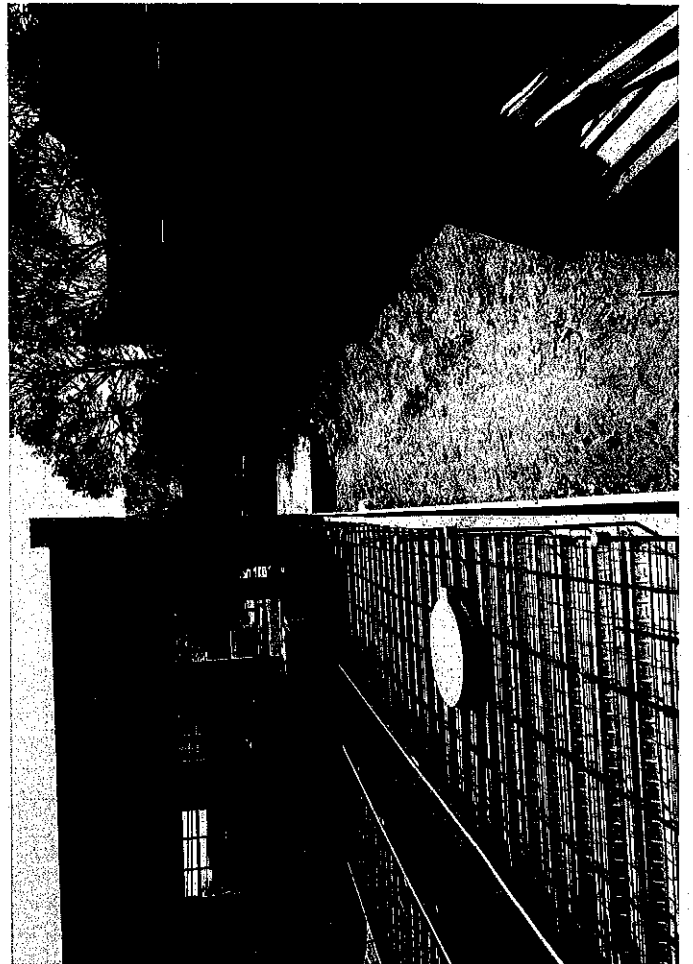
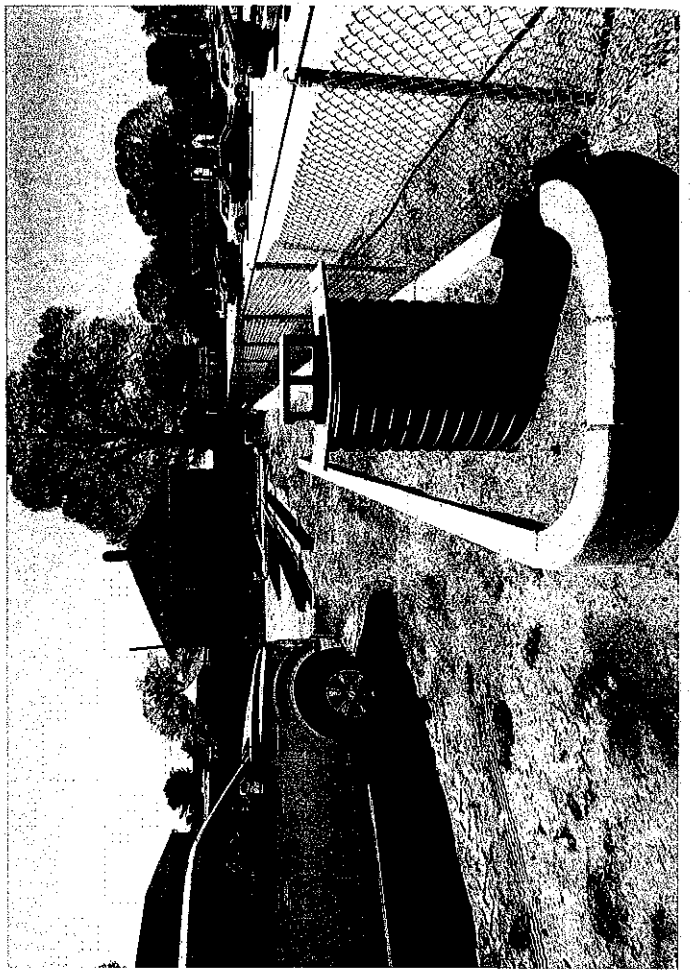
After hearing public comment and the petitioner's application, the Board made the following findings of fact:

1. The subject property is known as A.P. 349, A.L. 465, containing appx. 12,800 square feet of land and is zoned Office.
2. The petitioner has owned the property since December of 2010.
3. There is an existing building located on the subject property (see Petition # 5778). The building was previously occupied as a Jiffy Lube Service Center.
4. Petitioner received ZB approval in December of 2011 to convert one of the service bays into a carwash. The petitioner intends to utilize the building as the auto service/car wash operation. He then received ZB approval on 1/31/2012 and 2/25/2014 to alter the approved plan.
5. The current application requests approval to construct an addition on the left side of the existing building appx. 6'x40' with a 1.5' setback off the left side property line.
6. The petitioner is also requesting a change to the size of the previously approved additions. The front addition would be changed to 12'x16.5' and the rear addition would be 16.5'x38'.

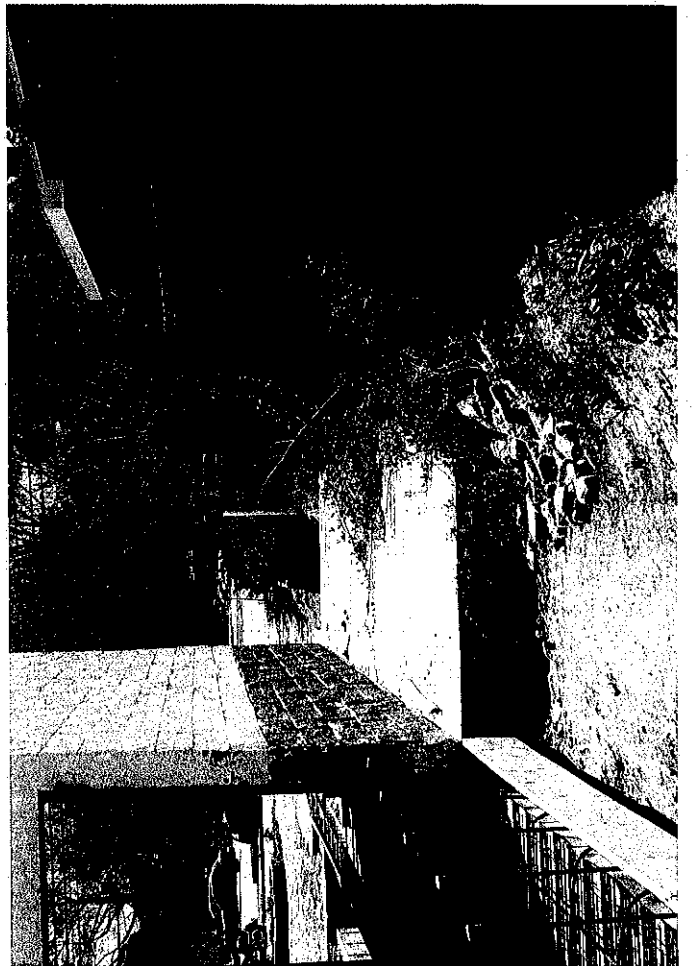
7. The relief for the parking and landscaping has not changed from the approval given in January 2014.
8. The existing building does not meet the setback from the side street property line. There is no change to that side of the building.
9. The area surrounding the subject property consists of commercial and residential structures.

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

1. The proposed 6'x40' addition to the left side of the building be eliminated from the plan.
2. The architectural feature on the building soffit must be constructed completely around the building.
3. The applicant shall maintain a 6' stockade fence along the rear property line and west property line.
4. A landscape plan, prepared and stamped by a registered landscape architect, shall be submitted to the Warwick Planning Department for review and approval. Said plan shall include a tight evergreen hedge along the rear portion of the west side property line, which abuts 128 Stetson Street.
5. All lighting shall be contained on the property. All parking lot lights shall contain light shields and be directed away from all abutting properties.
6. The queuing of vehicles onto Scolly Street and West Shore rd. shall not be allowed at any time for any reason. The queuing of vehicles onto these abutting streets shall be considered a violation of this Zoning Board approval.
7. The car wash shall be of the type that can only operate when the doors are closed.
8. Hours of operation shall be from 8 A.M. until 6:00 P.M. and summer hours are 8:00 A.M. to 8:00 P.M. A 24 hour operation of both the car wash and oil change service is strictly prohibited.
9. The location of the vacuum and trash barrel shall be screened from neighboring properties by a solid 6' fence and tight evergreen.
10. All drainage from the car wash shall be collected on site and disposed of in a manner approved by the City of Warwick Engineer.
11. The petitioner shall receive approval from the City Engineer for the new curb cut on Scolly Street prior to its installation.
12. A sunset provision to this approval shall require the applicant to appear before the Warwick Zoning Board within 18 months of the date of this approval for review and final approval.
13. That the landscape buffer abutting the rear property line must be increased to 10'.
14. The parking space (#2) on the plan must be removed.
15. Strict compliance with the plans and testimony as presented to the Board.
16. No expansion of the use without prior approval of the Zoning Board.









LOCUS MAP  
M.T.S.

**ZONING:**  
 THESE PREMISES ARE LOCATED IN RESIDENTIAL DISTRICT 0.  
 DISTRICT REQUIREMENTS:  
 MIN. AREA: 7,000 SQ. FT.  
 MIN. WIDTH: 70'  
 MIN. FRONT YARD: 25'  
 MIN. REAR YARD: 20'  
 MIN. SIDE YARD: 5'  
 MIN. SETBACK: 10'  
 MIN. LANDSCAPING OPEN SPACE: 10%

**NOTES:**  
 1. THE LOCATION, DEPTH AND EXTENT OF ANY TIES OR OTHER UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE BEST AVAILABLE INFORMATION. LOCATIONS ARE NOT WARRANTED TO BE EXACT. IT IS WARRANTED THAT ALL EXISTING UTILITIES ARE SHOWN.  
 2. CONTRACTOR IS REQUIRED TO CALL DIG-SAFE 811 BEFORE ANY EXCAVATION IS COMMENCED 1-800-368-585.  
 3. CONTRACTOR IS REQUIRED TO VERIFY WITH THE CITY OF WARWICK ON THE REGULATION AND REQUIREMENTS BEFORE THE START OF THE PROJECT.  
 4. TOTAL EXISTING BUILDING COVERAGE 16%.

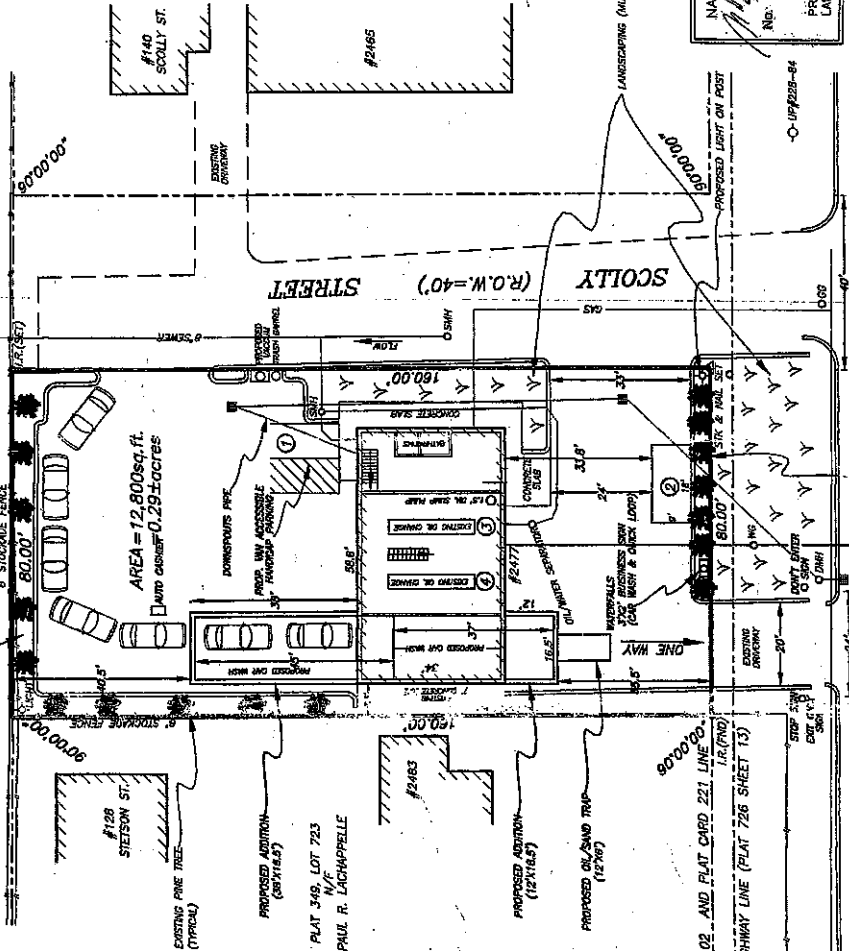
**VARIANCES REQUIRED:**

1. USE CHANGE - 1. BUY AT THE WESTERLY SECTION OF THE BUILDING TO BE CONVERTED FROM OIL CHANGE TO CAR WASH BAY.
2. 3 REGULAR PARKING SPACES (REQUIRED 8 PARKING SPACES, PROVIDED 5 PARKING SPACES).
3. THE APPLICANT REQUESTS A DIMENSIONAL VARIANCE FOR THE NEW PROPOSED (40'X6') ADDITION ON THE WESTERLY SIDE OF THE BUILDING (REQUIRED 8' YARD SETBACK, PROVIDED 1.5' LEFT YARD SETBACK).
4. THE APPLICANT REQUESTS A DIMENSIONAL VARIANCE FOR THE CONCRETE CURBING (REQUIRED 10' YARD SET BACK, PROVIDED 5').

**OFF STREET PARKING:**  
 FOR BUSINESS AND COMMERCIAL USE, ONE (1) SPACE PER TWO HUNDRED FIFTY (250) SQUARE FEET OF GROSS FLOOR SPACE.  
 REQUIRED PARKING - (2,000 SF X 1SPACE/250 SF) = 8 SPACES  
 REQUIRED HANDICAP SPACES: 1 SPACE PROVIDED: 1 SPACE  
 REQUIRED REGULAR SPACES: 7 SPACES PROVIDED: 7 SPACES

**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING DWELLING
- HOW OR FORMERLY
- STOCKPILE FENCE
- CHAINLINK FENCE
- EDGE OF ASPHALT
- EXISTING CONTOURS
- PROPOSED CONTOURS
- CONCRETE FOUND FOUND
- CONCRETE FOUND
- IRV - PIPE FOUND
- SPACE & MAIL SET
- DRILL HOLE SET
- IRON ROD SET
- P.I. MAIL SET
- IRON ROD FOUND
- WHITE GATE
- CAS ONE (CAS SHUT OFF)
- FIRE HYDRANT
- UTILITY POLE
- SEWER MANHOLE
- SEWER MANHOLE
- CATCH BASIN



**SITE PLAN**  
 FOR  
**VERACRUZ SHABO LLC**  
 2477 WEST SHORE ROAD  
 WARWICK, RHODE ISLAND  
 PLAT 349, LOT 465

**NBC ASSOCIATES**  
 P.O. BOX 14489  
 EAST PROVIDENCE, RHODE ISLAND 02914  
 (401)954-0208

NO.	DATE	REVISION
1	12/2/13	PROPOSED ADDITION
2	6/16/14	PROPOSED EQUIPMENT ROOM (40'X6')
3	7/25/14	FINAL PLAN

DATE: 7/28/14  
 BY: [Signature]  
 REGISTERED PROFESSIONAL LAND SURVEYOR

**REFERENCE:**

1. PLAT ENTITLED "PLAT NO. 1 OF LAND IN WARWICK BELONGING TO FRANK E. WALLING, CIVIL ENGINEER 1883", WHICH IS ON FILE IN THE ENGINEERING RECORDS OF THE CITY OF WARWICK ON PLAT CARD 220.
2. PLAT ENTITLED "UPPOND PARK, WARWICK, R.I. BY FRANK E. WALLING, CIVIL ENGINEER 1883", WHICH IS ON FILE IN THE ENGINEERING RECORDS OF THE CITY OF WARWICK ON PLAT CARD 221.
3. RHODE ISLAND STATE HIGHWAY PLAT 726 SHEET 13.
4. REEKS BOOKS/PAGES: 7449/102, 7339/13 & 270/502.

**FLOOD NOTE**

THESE PREMISES ARE LOCATED IN FLOOD ZONE X, WHICH IS DESIGNATED BY THE CITY OF WARWICK COUNTY AS A FLOOD HAZARD AREA. THE FLOOD HAZARD MAP NUMBER IS 40030 D1832. MAP EFFECTIVE DATE: DECEMBER 3, 2010.

**DEED 7449/102 AND PLAT CARD 221 LINE 100**

STATE HIGHWAY LINE (PLAT 726 SHEET 13)

**WEST SHORE ROAD**

(R.O.W. = 90')

**SCOLLY STREET**

(R.O.W. = 40')

**PLAT 349, LOT 585**

N/F

**WARWICK VETERANS MEMORIAL SENIOR SCHOOL**

8' STOCKPILE FENCE

AREA = 12,800 sq. ft.

Dump capacity 0.29 tonnes

PROPOSED ADDITION (8'X16'5")

PLAT 349, LOT 723

N/F

PAUL R. LACHAPPELLE

PROPOSED ADDITION (12'X16'5")

PROPOSED OIL/SAND TRAP (12'X6')

DEED 7449/102 AND PLAT CARD 221 LINE 100

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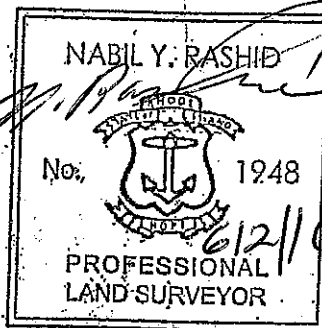


**"EXHIBIT A"**

That certain parcel or tract of land with all buildings and improvements thereon situated on the northerly side of West Shore Road, in the City of Warwick, County of Kent, State of Rhode Island, being bounded and described as follows:

Beginning at a point on the southeasterly corner of the intersection of West Shore Road and Scolly Street, said point is being the most southeasterly corner of herein described parcel; thence turning and running northeasterly along the westerly line of Scolly Street a distance of one hundred sixty and 00/100 (160.00) feet to an iron rebar set; thence turning an interior angle of  $90^{\circ} 00' 00''$  and running northwesterly bounded northeasterly by land now or formerly belonging to Warwick Veterans Memorial Senior School a distance of eighty and 00/100 (80.00) feet to a point; thence turning an interior angle of  $90^{\circ} 00' 00''$  and running southwesterly bounded northwesterly by land now or formerly belonging to Paul R. Lachappelle a distance of one hundred sixty and 00/100 (160.00) feet to an iron rebar found at the northerly line of West Shore Road; thence turning an interior angle of  $90^{\circ} 00' 00''$  and running southeasterly along the northerly line of West Shore Road a distance of eighty and 00/100 (80.00) feet to the point and place of beginning. The last course forms an interior angle of  $90^{\circ} 00' 00''$  with the herein first described line.

Said parcel or tract of land contains an area of twelve thousand eight hundred (12,800) square feet.



QUIT-CLAIM DEED

MILAD SHABO, of 32 Meeting Street, Cumberland, State of Rhode Island, 02864,

For Consideration paid, grants to Veracruz Shabo, LLC, a Florida Limited Liability Company, having its principal place of business located at 90 Alton Road, Apt. 2104, Miami Beach, Florida, 33139

with QUIT-CLAIM COVENANTS

See Attached Exhibit "A"

*Consideration is such that no revenue stamps are required*

Subject to all encumbrances, agreements, and restrictions of record.

The consideration for this conveyance is such that no revenue stamps are required.

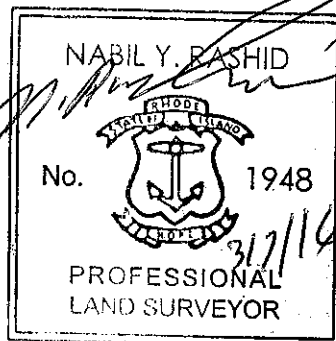
Witness my hand this 8<sup>th</sup> day of March, 2011.

*Milad Shabo.*  
MILAD SHABO

State of Rhode Island  
County of Kent

In Warwick on the 8<sup>th</sup> day of March, 2011, before me personally appeared Milad Shabo, to me known and known by me to be the party executing the foregoing instrument, and he acknowledged said instrument, by him executed, to be his free act and deed.

*M. W. F.*  
Notary Public *Michael W. Fariachio* ESQ  
My commission expires: 2/18/14



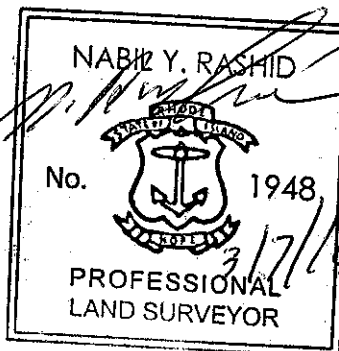
EHXHIBIT "A"

LEGAL DESCRIPTION

Those four (4) certain lots or parcels of land with all the buildings and improvements thereon, situated on West Shore Road and Scolly Street in the City of Warwick, County of Kent and State of Rhode Island, laid out and designated as Lots Nos. 267 (two hundred sixty-seven), 268 (two hundred sixty-eight), 269 (two hundred sixty-nine) and 270 (two hundred seventy), Section No. 16, on that plat entitled, "Plat (No. 1) of land in Warwick belonging to Francis Haswill H.P. Walling Civ' Eng. 1853", which plat is recorded with the Land Evidence Records of the City of Warwick in Drawer No. 7, Plat I.

Property Address: 2477 W. Shore Road, Warwick, RI 02889

RECORDED  
Mar 11, 2011 03:53:46P  
Marie T. Ahlert, City Clerk  
City of Warwick, RI

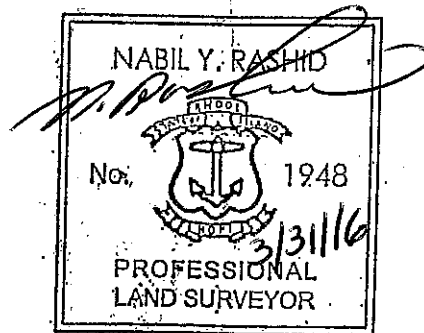


NRC Associates  
P.O. Box 14459  
East Providence, RI 02914  
(401) 954-0206

March 31, 2016

**List of the abutters within 200' radius  
Map 349, Lot 465  
2477 West Shore Road  
Warwick, Rhode Island**

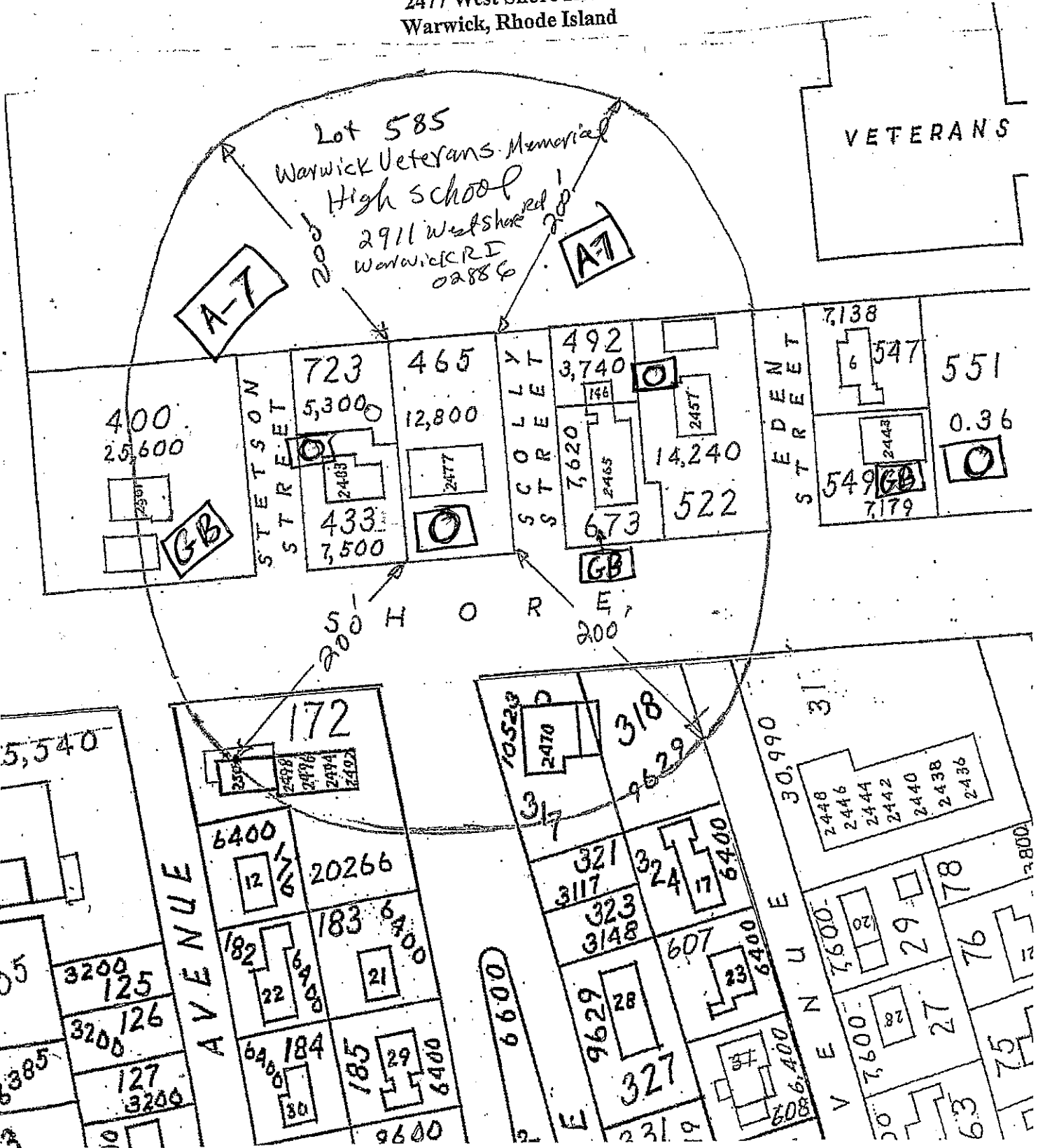
	<u>Owner</u>	<u>Address</u>
<u>Plat 349:</u>		
<u>Lot:</u>		
	400 Christopher Levasseur	2501 West Shore Rd Warwick RI 02886
	723 Paul Lachappelle, C/O Denise Gilbert	60 Yates Ave Warewick RI 02886
	492 Wendy A. Weiss	140 Scally St. Warwick RI 02889
DORR Assoc†	522 Cobalt Properties LLC	<del>2457</del> -2465 West Shore Rd Warwick RI 02889
	585 Warwick Veterans Memorial High School	2911 West Shore Rd Warwick RI 02886
	673 Victor Bica Jr. & Nancy Fernandes	100 Oakland Beach Ave Warwick RI 02889
	433 Christopher A. Levasseur	51 Harris Ave Warwick RI 02889
 <u>Plat 362:</u>		
<u>Lot:</u>		
	172 Lamina Realty Inc.	167 Harrison St. North Kingstown RI 02852
	176 Teanny v. Gonzalez	12 Cottage Grove Ave Warwick RI 02889
	317 Lau Realty Inc.	2470 West Shore Rd Warwick RI 02889
	318 Lau Realty Inc.	2470 West Shore Rd Warwick RI 02889
 <u>Plat 361:</u>		
<u>Lot:</u>		
	31 George Panteleakis	95 Harvard Ave Warwick RI 02889



October 17, 2011

NRC Associates  
P.O. Box 14459  
East Providence, RI 02914  
(401) 954-0206

List of the abutters within 200' radius  
Map 349, Lot 465  
2477 West Shore Road  
Warwick, Rhode Island







CITY OF WARWICK  
 OFFICE OF THE CITY CLERK  
 3275 POST ROAD  
 WARWICK, RHODE ISLAND 02886  
 TEL. (401) 738-2000, ext. 6214  
 FAX (401) 732-7640

SCOTT AVEDISIAN  
 MAYOR

JUDY WILD  
 CITY CLERK

TO: Patricia Reynolds - Historic District Commission  
 Susan Cabeceiras Land Trust (open space only) and Wildlife & Conservation  
 Commission Chairman

Al DeCorte - Building Official  
 David Olsen - Tax Collector  
 Eric Earls - DPW Engineering  
 Chief McLaughlin - Fire Department

Janine Burke - Sewer  
 Christopher Celeste - Tax Assessor  
 Dan O'Rourke - Water Division Chief  
 Col. Stephen McCartney - Police

FROM: Judy Wild City Clerk

Date: March 16, 2016

Subject: Zone Change Application

Subject: Zone Change

Name of Applicant: Veracruz Shabo, LLC

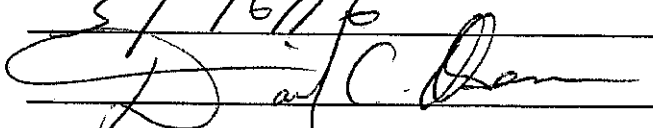
Plat: 349  
 Lot: 465  
 Address: 2477 West Shore Road

Please review and comment on the attached application and return to the Clerk's office no later than **March 25, 2016**. Your comments are required so that the City Council may consider this application on **April 11, 2016**. Should you have "no comment" on the attached plan, you are still required to sign off on this memo with a notation that your department does not have any concerns with the application.

Comments:

Date:

Director's signature:

3/16/16  


**For use by Tax Assessor/Collector and Planning Director only (if applicable):**

Assessed value of property: \_\_\_\_\_

Annual taxes: 2015 - 8517.17

Appraised value of property: \_\_\_\_\_

Back Taxes unpaid  
 Taxpayer currently  
 owes - \$25,145.17



CITY OF WARWICK  
OFFICE OF THE CITY CLERK  
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WARWICK, RHODE ISLAND 02886  
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SCOTT AVEDISIAN  
MAYOR

JUDY WILD  
CITY CLERK

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Susan Cabeceiras Land Trust (open space only) and Wildlife & Conservation  
Commission Chairman  
Al DeCorte-Building Official  
David Olsen - Tax Collector  
Eric Earls - DPW Engineering  
Chief McLaughlin -Fire Department  
~~Janine Burke - Sewer~~  
~~Christopher Celeste - Tax Assessor~~  
Dan O'Rourke - Water Division Chief  
Col. Stephen McCartney -Police

FROM: Judy Wild City Clerk

Date: March 16, 2016

Subject: Zone Change Application

Subject: Zone Change

Name of Applicant: Veracruz Shabo, LLC

Plat: 349  
Lot: 465  
Address: 2477 West Shore Road

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Comments: *NO COMMENT*

Date: 3-17-16

Director's signature: *[Signature]*

**For use by Tax Assessor/Collector and Planning Director only (if applicable):**

Assessed value of property: 273,600 (FY16) Annual taxes: \_\_\_\_\_

Appraised value of property: \_\_\_\_\_



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Col. Stephen McCartney - Police

FROM: Judy Wild City Clerk

Date: March 16, 2016

Subject: Zone Change Application

Subject: Zone Change

Name of Applicant: Veracruz Shabo, LLC

Plat: 349

Lot: 465

Address: 2477 West Shore Road

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Comments: **NO COMMENT**

Date:

**3/17/16**

Director's signature:

**[Signature]**

**For use by Tax Assessor/Collector and Planning Director only (if applicable):**

Assessed value of property: \_\_\_\_\_ Annual taxes: \_\_\_\_\_

Appraised value of property: \_\_\_\_\_

William DePasquale, Jr., AICP  
Planning Director



Scott Avedisian  
Mayor

CITY OF WARWICK  
Planning Department  
3275 Post Road, Annex; Warwick, RI 02886  
Tel. (401) 738-2000 Ext. 6289  
T.D.D. (401) 739-9150

---

## MEMORANDUM

**TO:** Chairperson, Historic District Commission

**FROM:** Lidia Cruz-Abreu, Planning Specialist

**DATE:** May 26, 2016

**SUBJECT:** Zone Change for VeraCruz Shabo, LLC., 2477 West Shore Rd  
Plat 349; Lot 465

---

The Applicant is requesting a zone change recommendation to convert the third bay of a 3 bay oil change facility into a car wash. The facility is presently closed and will reopen with a carwash and two bays for oil changes. The zone change is from Office to Office w/stipulations.

Comments:

The Historic District Commission has no concerns with this proposed zone change.

5/26/14  
Date

\_\_\_\_\_  
Authorized Representative  
FOR WHDC



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 Commission Chairman

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 Christopher Celeste - Tax Assessor  
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FROM: Judy Wild City Clerk

Date: March 16, 2016

Subject: Zone Change Application

Subject: Zone Change

Name of Applicant: Veracruz Shabo, LLC

Plat: 349

Lot: 465

Address: 2477 West Shore Road

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Comments: *no objection*

Date: 3-21-16

Director's signature: *Susan Cabeceiras*

**For use by Tax Assessor/Collector and Planning Director only (if applicable):**

Assessed value of property: \_\_\_\_\_ Annual taxes: \_\_\_\_\_

Appraised value of property: \_\_\_\_\_



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FROM: Judy Wild City Clerk

Date: March 16, 2016

Subject: Zone Change Application

Subject: Zone Change

Name of Applicant: Veracruz Shabo, LLC

Plat: 349

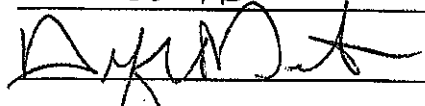
Lot: 465

Address: 2477 West Shore Road

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Comments: BECAUSE the proposed structure is one foot from the property line, STRICT COMPLIANCE WITH ALL APPLICABLE BUILDING AND FIRE CODES ARE REQUIRED. All UNprotected areas of the open pits SHALL BE continuously protected by A FENCE APPROVED BY THE BUILDING OFFICIAL.

Date: 3-25-16

Director's signature: 

**For use by Tax Assessor/Collector and Planning Director only (if applicable):**

Assessed value of property: \_\_\_\_\_ Annual taxes: \_\_\_\_\_

Appraised value of property: \_\_\_\_\_



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3275 POST ROAD  
WARWICK, RHODE ISLAND 02886  
TEL. (401) 738-2000, ext. 6214  
FAX (401) 732-7640

SCOTT AVEDISIAN  
MAYOR

JUDY WILD  
CITY CLERK

TO: Patricia Reynolds - Historic District Commission  
Susan Cabeceiras Land Trust (open space only) and Wildlife & Conservation  
Commission Chairman  
Al DeCorte-Building Official  
David Olsen - Tax Collector  
Eric Earls - DPW Engineering  
Chief McLaughlin -Fire Department

Janine Burke – Sewer  
Christopher Celeste - Tax Assessor  
Dan O'Rourke - Water Division Chief  
Col. Stephen McCartney -Police

FROM: Judy Wild City Clerk

Date: March 16, 2016

Subject: Zone Change Application

Subject: Zone Change

Name of Applicant: Veracruz Shabo, LLC

Plat: 349

Lot: 465

Address: 2477 West Shore Road

Please review and comment on the attached application and return to the Clerk's office no later than **March 25, 2016**. Your comments are required so that the City Council may consider this application on **April 11, 2016**. Should you have "no comment" on the attached plan, you are still required to sign off on this memo with a notation that your department does not have any concerns with the application.

Comments:

The requested zone change will have no impact on the Warwick Sewer Authority (WSA)'s infrastructure. However, the WSA would like to take this opportunity to remind the property owner of the 8-inch sewer main directly behind the property located in an easement in the school parking lot. The owner may observe sewer-related emergency or maintenance activities from time to time at the rear of the property.

Date:

3/17/16

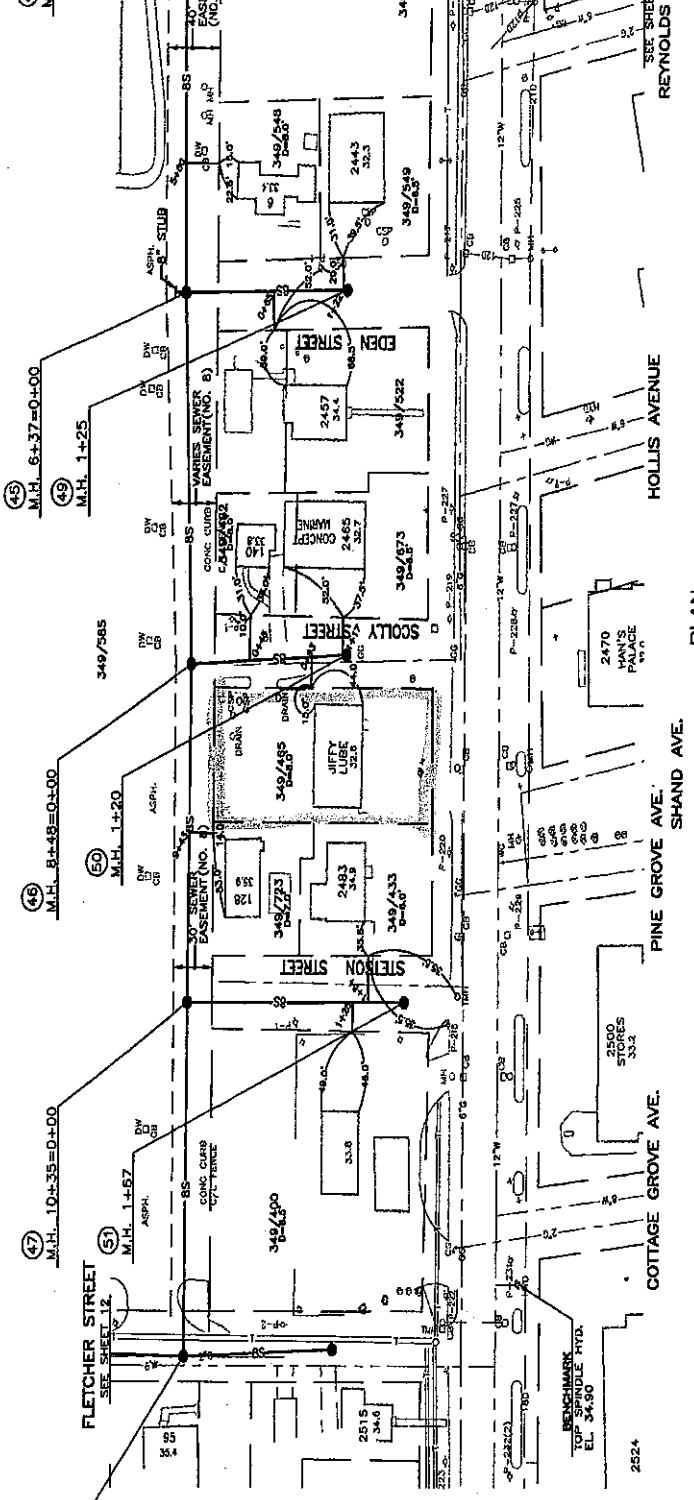
Director's signature:

*Janine Burke*

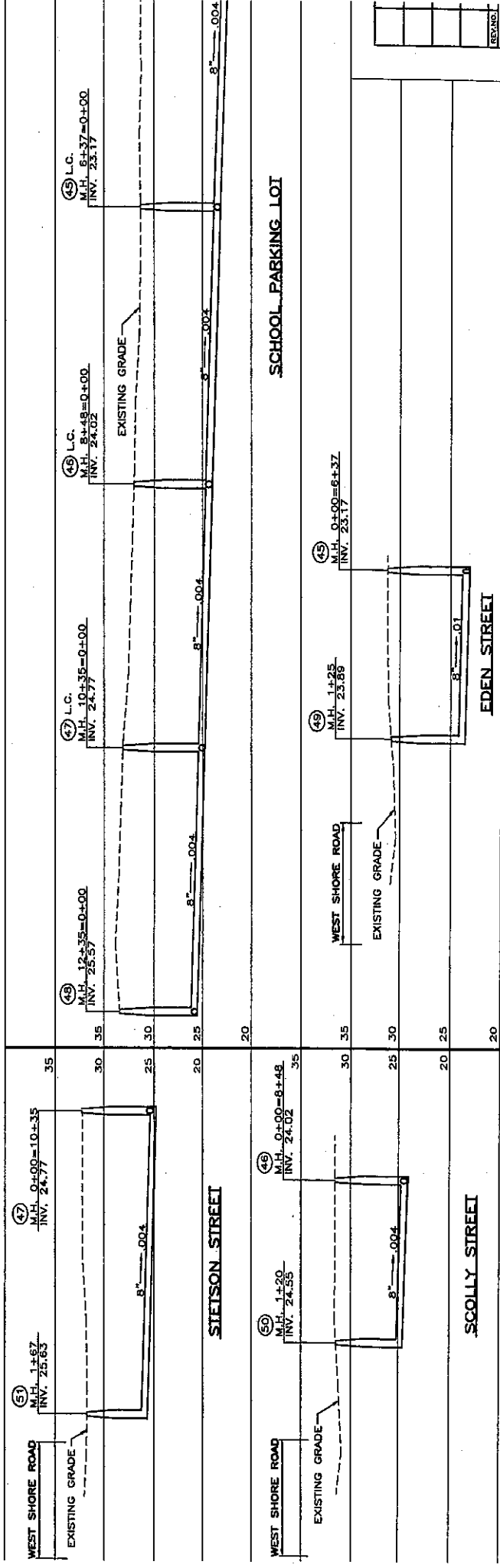
**For use by Tax Assessor/Collector and Planning Director only (if applicable):**

Assessed value of property: \_\_\_\_\_ Annual taxes: \_\_\_\_\_

Appraised value of property: \_\_\_\_\_



PLAN SCALE: 1" = 50'



PROFILE SCALE: HORIZ. 1" = 50' VERT. 1" = 5'

REVISIONS

APPROVAL





CITY OF WARWICK  
 OFFICE OF THE CITY CLERK  
 3275 POST ROAD  
 WARWICK, RHODE ISLAND 02886  
 TEL. (401) 738-2000, ext. 6214  
 FAX (401) 732-7640

SCOTT AVEDISIAN  
 MAYOR  
 JUDY WILD  
 CITY CLERK

TO: Patricia Reynolds - Historic District Commission  
 Susan Cabeceiras Land Trust (open space only) and Wildlife & Conservation  
 Commission Chairman

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Comments: *NO COMMENT / OBJECTION.*

Date: 3/21/16

Director's signature: *Dan P. Burke*

**For use by Tax Assessor/Collector and Planning Director only (if applicable):**

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Appraised value of property: \_\_\_\_\_



CITY OF WARWICK  
OFFICE OF THE CITY CLERK  
3275 POST ROAD  
WARWICK, RHODE ISLAND 02886  
TEL. (401) 738-2000, ext. 6214  
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SCOTT AVEDISIAN  
MAYOR

JUDY WILD  
CITY CLERK

TO: Patricia Reynolds - Historic District Commission  
Susan Cabeceiras Land Trust (open space only) and Wildlife & Conservation  
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Comments: <sup>5</sup> No Comment <sup>41</sup>

Date: 3/17/16  
Director's signature: *Chief J. McLaughlin*

**For use by Tax Assessor/Collector and Planning Director only (if applicable):**

Assessed value of property: \_\_\_\_\_ Annual taxes: \_\_\_\_\_  
Appraised value of property: \_\_\_\_\_

William DePasquale, Jr., AICP  
Planning Director



Scott Avedisian  
Mayor

CITY OF WARWICK  
Planning Department  
3275 Post Road, Annex; Warwick, RI 02886  
Tel. (401) 738-2000 Ext. 6289  
T.D.D. (401) 739-9150

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## MEMORANDUM

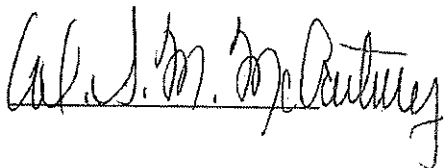
**TO:** Stephen McCartney, Chief  
**FROM:** Lidia Cruz-Abreu, Planning Specialist  
**DATE:** May 27, 2016  
**SUBJECT:** Zone Change for VeraCruz Shabo, LLC., 2477 West Shore Rd  
Plat 349; Lot 465

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The Applicant is requesting a zone change recommendation to convert one bay of the former Jiffey Lube business located at this site into a carwash and reopen the business with two bays for oil changes and the car wash. The zone would change from Office (O) to Office with stipulations.

Comments:

WPD has no objections at this time.



May 27, 2016

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