



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

MEMORANDUM

TO: Stephen P. McAllister, Honorable Council President
Honorable Warwick City Council Members
Lynn D'Abrosca, City Clerk

FROM: Tom Kravitz, Planning Director/AO TK

DATE: August 10, 2022

SUBJECT: Planning Board Recommendation: Request for a Zone Change: A7 to Gateway
Assessor's Plat 323, Assessor's Lots 167, 168, 169, 182, 183 (Note: (Lot 170 is included in development proposal and is currently zoned Gateway)

1795 Post Road

APPLICANT: Premier Land Development/DNC Holdings
56 Pine Street 3rd Floor
Providence, RI 02903

ZONING DISTRICT: Residential A7

PROPOSED ZONING: Gateway/A7 (portion)

LAND AREA: 0.97 +/- acres (combined parcels)

WARD: 3

PROJECT SUMMARY

The Applicant is requesting City Council approval for a modification to the existing zoning on the site from Residential A7 (Assessor's Plat 322 Lots 167 (portion of) 168, 169, 182, and 183) to City Centre Warwick Gateway (G) in accordance with the attached exhibit.

The applicant is proposing to create two (2) new lots to support a commercial building of 5,040 Square Feet with associated parking. The proposed use is to be a bank with drive-through and an additional tenant space. There is a total of 26 proposed parking spaces on site. The main access is proposed from an upgraded signal with curb-cut at the Post Road and Airport Road intersection. An additional access point is also proposed for Guilford Avenue. The Planning Board has recommended that the parcel be merged into a singular lot, with the rear of the property to be preserved as open space/ buffer area with permissions to the neighborhood for passive park use. This area to be maintained by the applicant.

The following municipal departments have reviewed the proposal project and have posed no objections: Public Works/Engineering, Sewer, Assessor, Building, Water, and Fire. Water and Sewer Service is to be provided by the City of Warwick Sewer Authority and Water Department.

FINDINGS OF THE BOARD

At the June 13, 2022 meeting of the Warwick Planning Board, this project and proposed zoning amendment was found 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 as further detailed in the Conditional Master Plan Decision Letter (Recorded and posted July 21, 2022: Book 10176 Page(s) 325-330).

The Planning Board also found the proposed zoning amendment to be generally consistent with both the Comprehensive Plan of the City of Warwick a the City Centre Warwick Master Plan and also finding the project to be 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.

PLANNING BOARD RECOMMENDATION

The Planning Board voted unanimously (Members in favor: Bergantino, Cullion, Flynn, Gerlach Penta, Polselli, Slocum: None opposed) to grant Conditional Master Plan Approval and to forward a **favorable recommendation to the Warwick City Council for the requested zone change from Residential A7 to Gateway.**

The Board provided additional guidance to the City Council, that use of the non-bank tenant be limited to a type of business that is characterized as a low-trip generator.

Should the City Council grant favorable action on this petition, the applicant will be required to return to the Planning Board for Preliminary and Final Approvals.



CITY OF WARWICK

FRANK J. PICOZZI, MAYOR

July 19, 2022

Premier Land Development, Inc/DNC Holdings
56 Pine Street, 3rd Floor
Providence, RI 02903

State of Rhode Island
Department of Transportation Relocations

RE: Assessor's Plat 322, Assessor's Lots 167-170, 182, 183
1795 Post Road

Dear Applicant:

The following is the decision on your application for Conditional Master Plan Approval of a Major Land Development Project with Subdivision and Recommendation for Zone Change, heard by the Warwick Planning Board at the regularly scheduled meeting held on July 13, 2022.

The applicant is proposing to create two-new lots to support a commercial building of 5,040 Square Feet with associated parking. The proposed use is to be a bank with drive-through and an additional retail tenant. There is a total of 26 proposed parking spaces on site. The main access is proposed from an upgraded signal with curb-cut at the Post Road and Airport Road intersection. An additional two-way access point is also proposed for Guilford Avenue. No access is proposed for Pell Avenue.

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 I *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. A stated land use issue/concern relating to traffic on Airport Road in *Chapter 12, Section J*, of the *Comprehensive Plan, Future Land Use, Zoning and Urban Design* element is the "potential traffic impacts of future development or redevelopment." Additionally *Chapter 9 Transportation and Circulation* (9.9 narrative) notes that the Airport Road/Post Road intersection have lane groups that operate at a Level of Service (LOS) E or F during the morning or evening peak hours. It also further identifies the intersection as one of the fifty-most dangerous in the State in 2011. Planning staff remain concerned about potential lane delays associated with the proposed development, and the resulting impact on the Airport Road and Post Road intersection. Additional concerns include traffic circulation impacts on Guilford Avenue where an existing curb cut is proposed to remain. The applicant therefore needs to perform additional analysis to determine traffic impacts the new use will

PLANNING DEPARTMENT • THOMAS KRAVITZ, DIRECTOR
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have on nearby roadways and propose appropriate mitigation measures as prescribed by the Rhode Island Department of Transportation, in accordance with their Physical Alteration Permit, in order to maintain consistency with the Comprehensive Plan.

- b. The project involves the redevelopment of a highly-visible, vacant and dilapidated property that is in need of reinvestment. The applicant is proposing to completely renovate the site with substantial improvements to the overall site layout, landscaping, stormwater management, and signage. *Chapter 12 of the Comprehensive Plan, Future Land Use, Zoning and Urban Design* element states that 60 percent of Comprehensive Plan survey respondents indicated that improving the appearance of major roads and commercial corridors is "very important." The project is consistent with this Comprehensive Plan element, provided the landscaping, signage, and building features conform to all current zoning requirements or required relief is granted.
- c. 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," and the *General Principles to Guide Future Land Use* includes a policy to "Limit commercial intrusion into residential neighborhoods" (12.15). The proposed project parcel is located along the heavily traveled Post Road commercial corridor and also directly abuts a densely-developed residential neighborhood. The project proposes a rezoning of several parcels of land from residential (A7) to a commercial zone (Gateway). Planning staff remain concerned about the visual impact of the building and its lighting; and traffic and circulation impacts from the project on the residential roadways. To address these concerns and to maintain consistency with the Comprehensive Plan the applicant is proposing mitigation measures that include: landscape screening and buffering; shielded lighting and protection of land for buffering. The project is therefore consistent with this element of the Comprehensive Plan provided adequate landscaping and buffering is provided to minimize impacts on the neighborhood.
- d. *Chapter 4, Natural Resources* section of the Comprehensive Plan states as a goal that Warwick's natural resource systems, sensitive water resources and natural habitats be preserved and protected for future generations, with a companion policy to "protect, preserve and enhance natural resource areas adjacent to developed or potentially developed areas." The Applicant must incorporate appropriate measures to mitigate stormwater runoff, provide pretreatment and TSS removal, and other best management practices (BMP's) in order to maintain consistency with the Comprehensive Plan.
- e. *The City Centre Warwick Master Plan (aka "Warwick Station Development District") Land Use Guidelines (p31)* states that "A balanced mix of land uses will be an important component of successful redevelopment of the area. Mixed-use development will help keep the area active and safe during evening as well as daytime hours, help it serve a wide variety of people, and allow development some flexibility to follow market opportunities." The proposed, mixed-use development is consistent this element of the Comprehensive Plan.
- f. *The City Centre Warwick Design Guidelines* identifies this parcel as being located in Character Area 2 which is defined as a "Perimeter Area" which is "an area that promotes a range of uses that accommodate cars while still encouraging pedestrian activity and an area that allows more flexible building forms than the (Intermodal) Core" and finds that "one-story buildings are allowed in Perimeter areas" (p12). The CCW Design Manual

further states that Gateway areas "are to be developed to respond to the character of the architecture they frame." The proposed development is consistent with the Design Guidelines as the project has been designed to balance the need for redevelopment and commercial expansion with a suitable, one-story, mixed-use building that serves the neighborhood and functions as a properly located commercial use along the busy Post Road corridor.

- g. *Chapter 13* of the Comprehensive Plan, *Stewardship and Implementation* states a Goal and Policy (3.A), "City Centre Warwick is a major center of compact, higher-density transit oriented development," and that "private development in City Centre Warwick is designed based on the master plan." Future phases of this project must be shown to be designed in accordance with the City Centre Warwick Design Manual in order to remain consistent with this element of the Comprehensive Plan.
2. That the proposal is not in compliance with the standards and provisions of the City's Zoning Ordinance in consideration of the following:
 - a. The subject parcel is located within a Gateway (G) Zoning District and a single-family residential (A7) zoning district and therefore a City Council zone change is required to rezone the majority of the lot to Gateway.
 - b. (505.1B) 10' Landscape buffer variance is being sought for Landscape buffer along Pell and Guilford with 10' of landscaping proposed.
 - c. Table 2B: Dimensional Regulations: footnote 2; A commercial building or use shall be set back a minimum of 40' from an abutting residential or Open Space District. Relief is sought to allow 20'.
 3. That there will be no significant negative environmental impact from the proposed development on the final plan provided the project meets requirements contained in the RIDEM Stormwater Design and Installation Standards Manual (latest edition), all required permits from RIDEM are obtained, the applicant conforms to all conditions of approval, and appropriate mitigation measures are put in place to maintain consistency with the Comprehensive Plan in future review phases.
 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 applicant is proposing to create 2 new lots; one lot for the proposed development and an additional lot not for development.
 5. That the proposed development possesses adequate and permanent access to a public street in consideration of the following:
 - a. The Applicant has presented a Traffic Impact Study (Beta) that included a review of recent developments that would impact the intersection, those being the I95 Gateway Project (Commerce Drive); and 1776 Post Road (Neon Marketplace). The conclusion of the TIS operational analysis was that "*the estimated increase in traffic during the peak periods resulting from the proposed commercial redevelopment project will have a minor effect on overall traffic operations along Post Road and Airport Road in the project area with the recommended driveway and phasing/timing modifications.*"
 - b. Prior to Preliminary Plan, the traffic impact study should also review the recently approved conversion of the former hotel located at 1850 Post Road to 238 residential apartments and

the proposed 200 apartment units at 2119 Post Road. Any additional lane delays should be noted.

- c. The Rhode Island Department of Transportation (RIDOT) finds the project to meet the design regulations of the State of Rhode Island by authorizing the issuance of a Physical Alteration Permit.

ZONE CHANGE FINDINGS

In addition to the above findings, the Planning Board finds the proposed zoning amendment to be generally consistent with the Comprehensive Plan (as detailed above) of the City of Warwick and finds it also to be 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.

Based on the foregoing findings of fact, on a motion by Mr. Flynn, seconded by Ms. Polselli, the Warwick Planning Board voted unanimously (Members in favor: Bergantino, Cullion, Flynn, Gerlach Penta, Polselli, Slocum: None opposed) in favor to grant Conditional Master Plan approval with the below conditions of approval.

Zone Change

On the motion of Ms. Gerlach, seconded by Mr. Penta, the Board vote unanimously (Members in favor: Bergantino, Cullion, Flynn, Gerlach Penta, Polselli, Slocum: None opposed) to forward a favorable recommendation to the Warwick City Council to grant the zone change request to allow a bank with drive-through and additional tenant space.

The Board provided additional guidance to the City Council, that for safety reasons and to mitigate delays at the busy intersection, the future tenant for the additional space should be restricted to a type of business that is characterized as a low-trip generator and not a food/fast food or similar busy establishment.

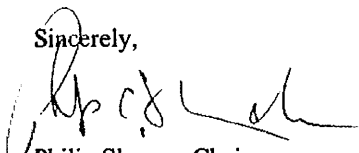
Conditions of Approval:

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. That the Applicant shall submit a Preliminary Land Development Plan that complies with Appendix C, Final Application, of the City's Development Review Regulations Governing Subdivisions, Land Development Projects, and Development Plan Review, last amendment dated March 14, 2001.
3. That a Storm Water Management Plan shall be submitted in accordance with the Rhode Island Storm Water Design and Installation Standards Manual, dated December 2010, that is designed to demonstrate zero-net rate of runoff from the proposed development.
4. That the site design for the Preliminary review phase include areas adequate for snow storage and/or develops a practical method of removal and disposal of snow.
5. That an Operation and Maintenance Plan for the proposed stormwater collection system be included with the Preliminary submission to the Planning Department.
6. That the Traffic Impact Study be updated to include in its review and operational analysis:
 - a. The recently approved conversion of the former hotel located at 1850 Post Road to 238 residential apartments and the proposed 200 apartment units at 2119 Post Road.
 - b. The impact of the proposed project on Pell Avenue and Guilford Avenue.
 - c. An analysis of the project utilizing the existing curb cuts onto Pell and Guilford, with no new curb cut directly on to Post Road.
 - d. Additional analysis of the Guilford curb cut reviewing two scenarios:
 - i. Closing the curb cut
 - ii. Egress only
7. That the Project Engineer shall meet/review with the City of Warwick DPW engineering staff to review the proposed drainage system and traffic impact report documents prior to submission to the Rhode Island Department of Environmental Management (RIDEM) or RIDOT.
8. That RIDOT finds the proposed curb-cut and modifications to meet the State of Rhode Island Design Regulations by authorizing the issuance of a Physical Alteration Permit. Preliminary Plan submission shall include the authorization and a plan detailing all RIDOT Design requirements and signal/intersection modifications.
9. 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.
10. 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. Prior to demolition of the existing building the developer shall obtain a WSA Demolition Permit and have an inspector present at the cutting and capping of the line. Prior to reconnection, a WSA Connection Permit is required and an inspector shall be present to witness the connection.
11. Any current water or fire service not to be reused, must be cutoff at the water main. Any services that will be utilized again in the future must be cut and whip installed at the curb stop before the Water Division will authorize a demolition permit.

12. That the Preliminary phase submission include a landscape plan prepared by a registered landscape architect, approved by the City's Landscape Coordinator, that meets all requirements under Section 505 of the City's Zoning Ordinance and the *City Centre Warwick Design Manual* and includes the following:
 - a. A solid fence, berm, with a contiguous evergreen planting buffer or similar structure shall be installed along residential abutting areas to clearly denote and separate land uses as well as mitigate nuisances likely to occur such as migrating trash, fertilizer, or unauthorized storage.
 - b. Landscape enhancements, including hardscape and ornamental fencing along the Post Road frontage. Landscape Plan shall include a re-facing treatment or removal of the existing curb wall along the Post Road frontage.
 - c. Pedestrian elements as feasible and in accordance with the CCW Design Manual.
13. That the Preliminary Plan submittal include a photometric site plan, and specifications for all exterior lighting. Site lighting shall be Dark Sky compliant, to the extent practicable. All exterior lighting and signage shall be designed to minimize negative impacts on neighboring properties. Glare from outdoor lights, signs, and from the movement of vehicles on site shall be shielded from the view of adjacent properties with attention paid to houses along Guildford Avenue.
14. That the Preliminary Plan submittal shall include a signage plan that is consistent with the City Centre Warwick Design Manual. Internally illuminated signage will only be considered if the proposed sign(s) are found to be generally consistent with the City Centre Warwick Design Manual. Any proposed freestanding sign shall be monument style and shall not obstruct views exiting or entering the property or obstruct views from the adjacent roadways.
15. That, as part of the Preliminary phase submission, the Applicant shall provide a summary of business operations noting the hours of operation, shift changes, timing of typical peak traffic flow, and any other relevant information for all proposed tenants at that time.
16. That the applicant provide a clarification regarding the property ownership relationship between the Rhode Island Department of Transportation, the Rhode Island Airport Corporation and the Federal Aviation Administration.
17. That as part of the Preliminary Plan submission, proposed Parcel B, is to be incorporated into Parcel A so that the project results in a single development parcel. Parcel B and the proposed landscape buffer area from Guilford north to Pell Avenue shall be conditioned to be a permanent landscape buffer. The buffer area shall be allowed to be utilized by the residents of the neighborhood as a passive pocket park/open space area which shall be maintained at the applicant's expense.

Sincerely,



Philip Slocum, Chair
Warwick Planning Board

RECORDED
Jul 21, 2022 11:40A
Lynn D'Abrasca
City Clerk
City of Warwick, RI