

TAB 15

**Maintenance of the Present
Marina Operation and Boat Storage Yard**

**Major Land Development Project, Administrative Subdivision,
Rezone and Comprehensive Plan Amendment**

**Wharf Road
Assessor's Plat 359 - Lot(s) 389, 391-396, and 549**

Prepared for: Safe Harbor Greenwich Bay, LLC

Prepared by: Pimentel Consulting, Inc.

28 September 2023

INTRODUCTORY STATEMENT

Safe Harbor Greenwich Bay, LLC ("Applicant") has retained the professional land use planning and zoning consulting services of Pimentel Consulting, Inc. ("Consultant"), in order to evaluate the proposed lot merger for the express purpose of realizing long-standing marina operational conformance. Regulatory compliance necessitates several regulatory actions, to include administrative subdivision, rezoning of several parcels, and a corresponding Amendment to the Comprehensive Plan - Future Land Use Map ("FLUM") to assure zone change 'consistency'. Furthermore, the subject development requires Major Land Development Project ("Major LDP") review and approval. Proposed rezone action and associated land use classification amendment are merely extension(s) of the current 'Waterfront Business' District and corresponding 'Commercial' classification onto adjacent under-utilized parcels.

In light of the subject development proposal and requisite regulatory actions, this Consultant has conducted a thorough analysis of all pertinent application and associated plan materials, in addition to the following regulatory documents:

- o City of Warwick Comprehensive Plan 2033 - City Council Approved 17 April 2014 ("Comprehensive Plan");
- o City of Warwick Zoning Ordinance ("Ordinance");
- o City of Warwick Development Review Regulations - Governing Subdivisions, Land Development Projects, and Development Plan Review ("LDP Regulations");
- o Harbor Management Plan: 1996 - 2001 ("Harbor Plan");
- o Reviewing pertinent Rhode Island General Law ("RIGL") and case law.

In addition, a general analysis of the immediate neighborhood was completed. Stated analysis entailing several site inspections, followed by reviewing Property Tax Data, for the express purpose of evidencing neighborhood 'compatibility'. The proposed regulatory actions will not only realize 'consistency' with the Comprehensive Plan and compliance with pertinent zoning regulations, but also permit continuation of successful marina related services, thereby fostering economic development. This is in direct accord with the overall vision for the City of Warwick, as evidenced by the Comprehensive Plan.

Our Vision for 2033 - *"Vision statements focus attention on a community's values, sense of identity, and aspirations. They identify what citizens want to preserve and what they want to change, and articulate their desires and hopes for the future. This vision statement for Warwick provides a guiding image for the city as it faces choices and challenges over the next twenty years."* [Page 1.3]

"Twenty-first century Warwick is a connected, sustainable, and prosperous coastal city of livable neighbor- hoods and walkable villages—a community that honors and preserves the

*best from its past, protects and enhances its environment of water and land, provides varied housing opportunities for people across the age and income scale, and supports an increasingly diversified economy. **We are strengthening our city and our community to meet the needs of current and new generations of Warwick residents, within the context of our traditions, history, and maritime heritage.***

- **"We are committed to a diversity in land use that promotes a strong, stable tax base, including preserving industrially zoned land for non-retail uses."**
- **"We are committed to preserving and enhancing the city's open space, recreation and water resources, improving the utility of these properties for the community while promoting economic development and public-private partnerships that provide revenue for ongoing maintenance and infrastructure improvements."**

EXISTING PROPERTY CONDITIONS

The property that is the focus of the proposed lot merger is comprised of multiple parcels, eight (8) in total. The act of lot merger via an administrative subdivision, will realize a greater regulatory compliant marina operation by extinguishing the present inappropriate split-zone condition. In addition to the parcels in question, the Applicant owns the greater majority of the block opposite Wharf Road, which is in pursuit of similar regulatory action(s). Presence of such operations are well recognized by the Comprehensive Plan, as evidenced by the following:

D.8 Existing Conditions - Marine Terminals and Facilities

"Warwick is host to several mooring areas, marinas, and public boat launches, supporting a range of commercial and private recreational boating uses..." [Page 9.21]

"The city's shoreline is also host to a number of harbor facilities, consisting of public, private and commercial marinas, yacht clubs, boatyards, docks, and boat ramps. As of 2006, there were 20 marinas, boatyards and yacht clubs operating in the City of Warwick, with facilities located along Greenwich Cove, Apponaug Cove, Brush Neck Cove, Warwick Cove, Pawtuxet Cove, and Greenwich Bay. These marinas contain over three thousand two hundred (3,200) slips and provide various services and amenities for commercial and private users. 18 of the city's 20 marinas provide restrooms, 12 provide sewage pump-out facilities, and 6 are equipped with fuel service pumps." [Page 9.23]

The present marina operation encompasses the entire conglomeration of parcels illustrated on the following page. There are a smattering of residences situated to the immediate north, however they have long co-existed with the subject and other proximate marinas, thereby evidencing the non-intrusive nature of the operations. Regardless, present mature proximate vegetation will continue to serve as natural buffering, visually screening all operational components.

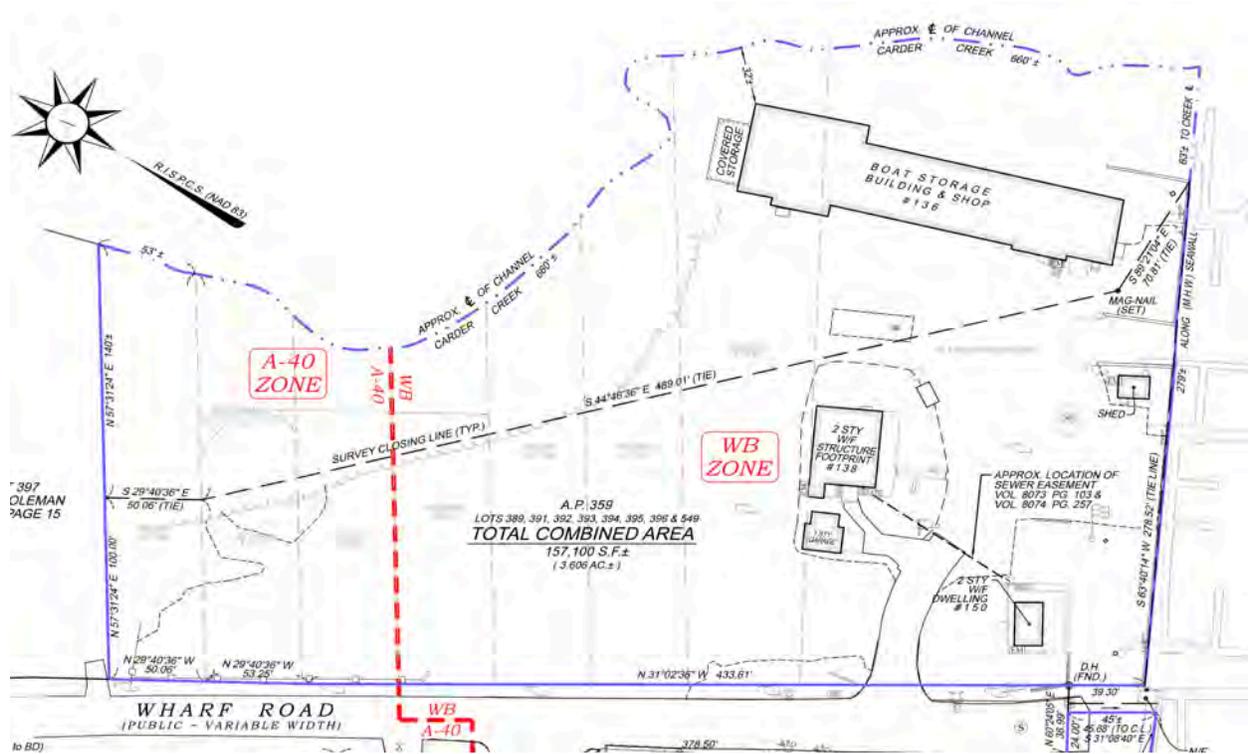


The following table details the parcels in question.

| Land Analysis - Present Conditions | | | |
|------------------------------------|----------------|---|--------|
| Plat - Lot | Address | Land Use | Zoning |
| Marina Operation(s) Proper | | | |
| 359 - 389 | 138 Wharf Road | Commercial Facilities, Boat Storage, Vehicular Parking, and Ancillary Marina Patron Services. | WB |
| Under-Utilized Marina Property | | | |
| 359 - 391 | Wharf Road | Boat Storage | WB |
| 359 - 392 | Wharf Road | Boat Storage | WB |
| 359 - 393 | Wharf Road | Boat Storage | WB |
| 359 - 394 | Wharf Road | Boat Storage | A-40 |
| 359 - 395 | Wharf Road | Boat Storage | A-40 |
| 359 - 396 | Wharf Road | Unimproved | A-40 |

| Plat - Lot | Address | Land Use | Zoning |
|---------------|------------|---------------|--------|
| 359 - 549 | Wharf Road | Single-Family | WB |
| Total: | | 157,100 sf | |

The following plan, excerpted from the Applicant's submission package, in addition to personally obtained photographs (below and on following pages) detail existing site conditions.



Looking southeast from Wharf Road, illustrating long-standing pre-existing marina operational conditions



Looking east from Wharf Road as you physically enter the Property, once again illustrating long-standing pre-existing marina operational conditions



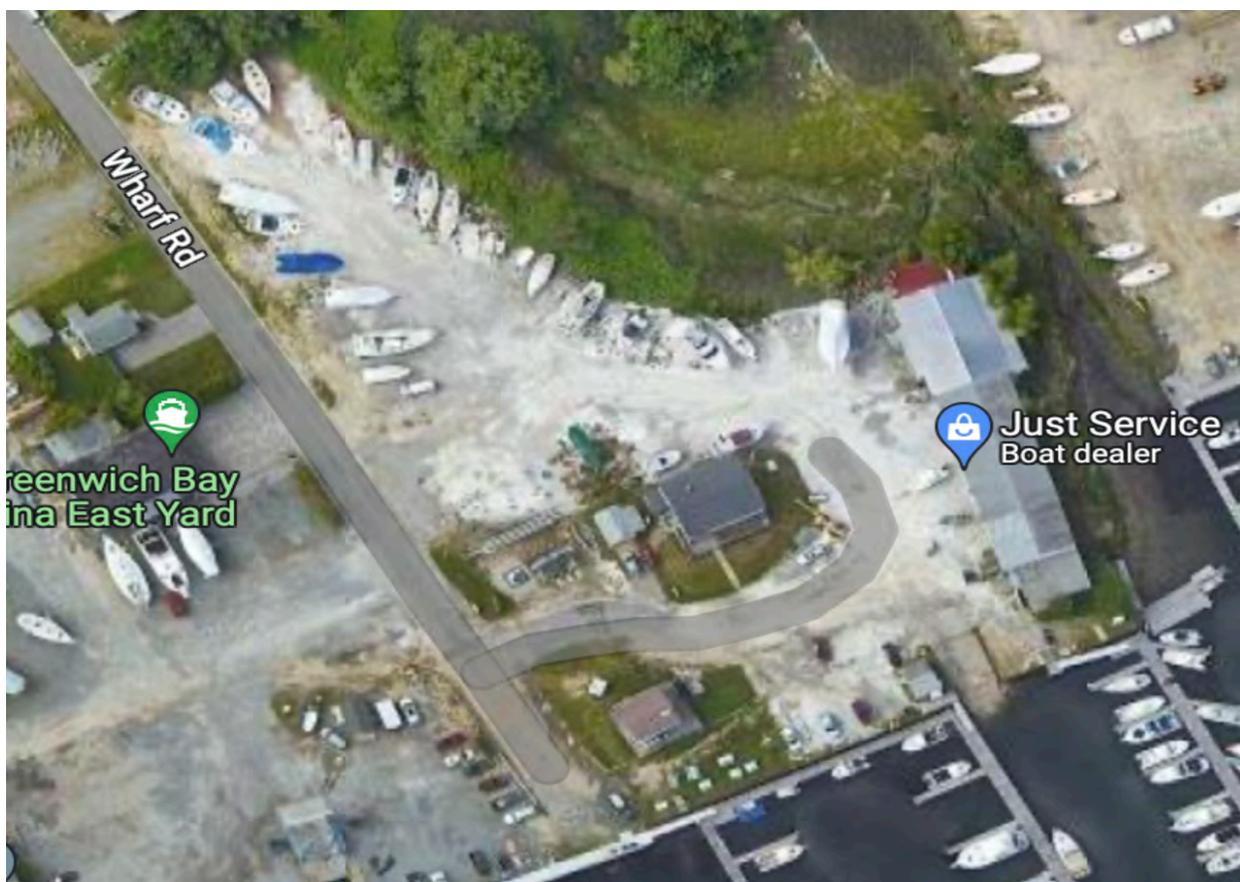
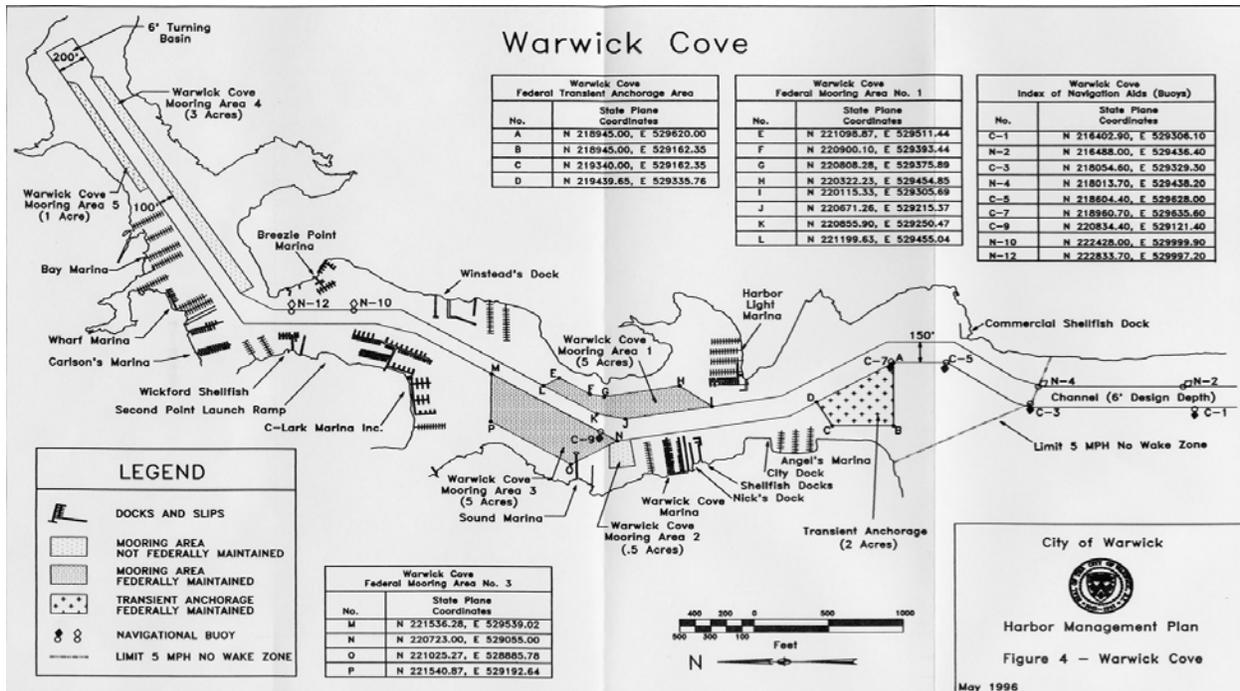
Looking north from the interior of the Property, detailing long-standing pre-existing boat-storage conditions and extensive perimeter vegetative conditions

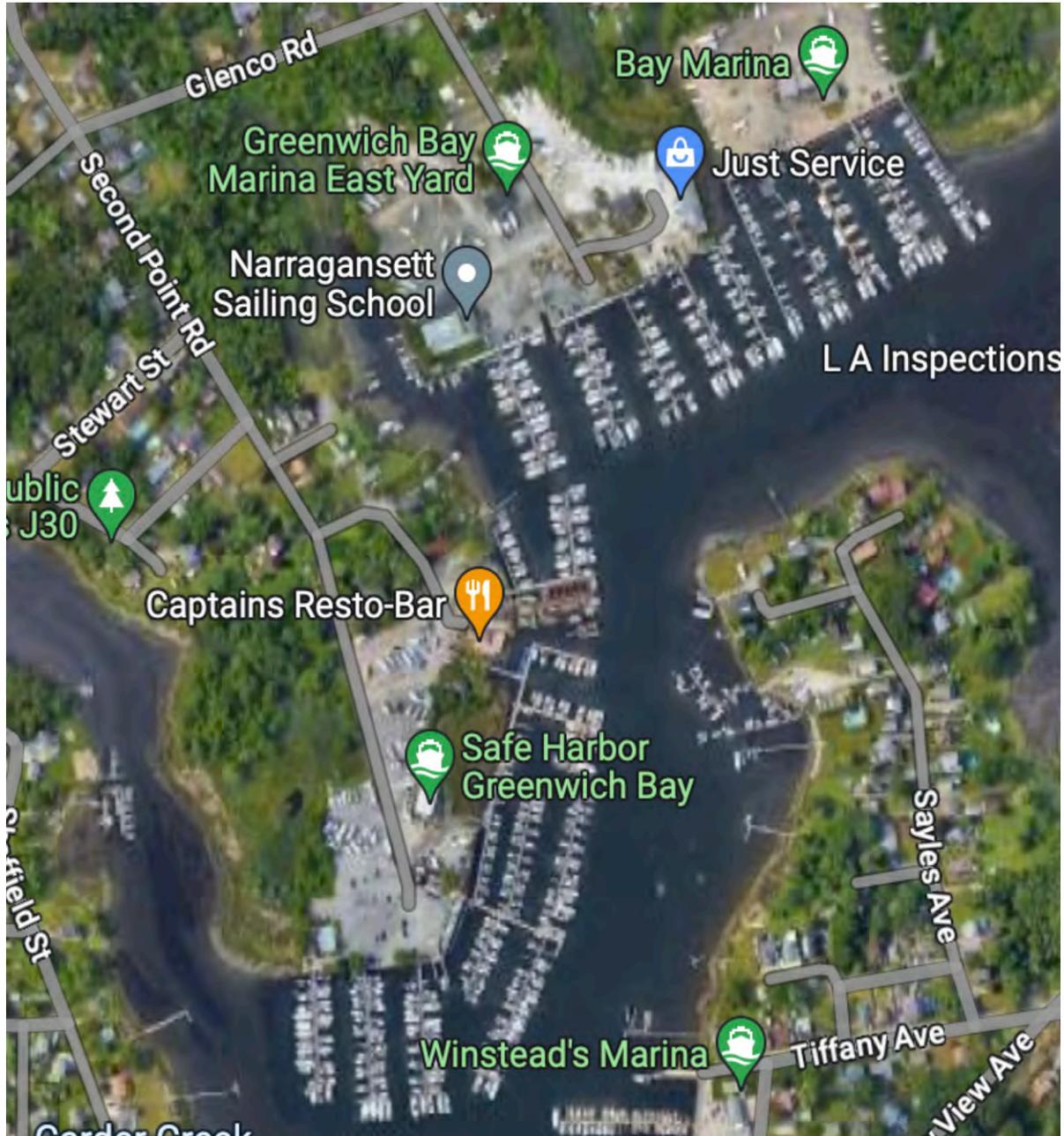


Looking northeast from the interior of the Property, once again detailing long-standing pre-existing boat-storage conditions and extensive perimeter vegetative conditions



The map below and aerial photograph(s) illustrated below and on the following page(s), Credit - Harbor Plan and Google Maps, respectively, clearly acknowledge the extent of the subject and proximate marina operation(s) along Warwick Cove. Once again, a review of historical mapping evidences the presence and extent of the subject and similar marina entities, thereby acknowledging the long-standing cooperative interaction between the marina operation(s) and immediate residences.





The subject properties are zoned in a variety of commercial and residential manners, and thus the need for the proposed zone change to reflect appropriate marina usage. The Waterfront Business District (“WB District”) is well represented within both the subject marina operation as well as proximate marina businesses. The present variety of zoning designations, distributed across the parcels as detailed above, are individually defined below:

Section 301.7. ‘WB District’: *“Properties mapped in accordance with subsection 303 of this ordinance used primarily for businesses catering to marine activities.”*

Section 301.2. 'A-40 District': *"Properties mapped in accordance with subsection 303 of this ordinance and used for very low density residential use, comprising not more than one single-family dwelling unit per lot area measuring a minimum of 40,000 square feet."*

The vast majority of the combined parcels will be properly zoned 'WB District' in accordance with the corresponding 'Commercial' land use classification pursuant to the FLUM. In fact, because the FLUM is not parcel specific, it could very well be argued that the proposed zone change will be entirely located within the present 'Commercial' classification. Regardless, due to the appropriateness of all proposed regulatory actions, seeking a FLUM land use classification amendment has merit. The stated amendment will ensure that there is no question as to Comprehensive Plan 'consistency', particularly considering the statute amendment in 2024 which mandates that all development decisions reflect the development pattern detailed in a community's FLUM. **Map 3.5 'Existing Zoning'** and **Map 12.1 'Future Land Use'** are both presented below, as excerpted from the Comprehensive Plan.

.Map 3.5 'Existing Zoning' [Page 3.19]
Blue shading designates properties already zoned in a WB District manner
[Illustrates that the subject property and many pockets along the waterfront are all zoned 'Waterfront Business'.]



Map 12.1 'Future Land Use' [Page 12.18]
Red shading designates properties already classified in 'Commercial' manner
[Illustrates that the subject property and immediately surrounding parcels are all classified 'Commercial'.]



DEVELOPMENT PROPOSAL

The present proposal is quite unique, because it is unlike the typical zone change. A typical zone change is mandated by the manner in which a property is to be improved, for example rezoning to some form of high-density residential designation for purposes of realizing a multifamily development. The subject property has historically been used for marina and other

water-related purposes, not unlike numerous entities situated throughout the Warwick Cove coastline. The present zone change and land use classification amendment proposal(s) are merely to realize historical land usage correction; rendering conforming those marina operation components, such as boat storage, that are presently non-conforming. It will also permit appropriate usage of well under-utilized land resources, as evidenced by the in-depth analysis of the Comprehensive Plan, in addition to historical analysis of the general Warwick Cove neighborhood. In fact, as corroborated by the Comprehensive Plan, marina operations, to include boat maintenance and storage operation, are well supported by the local citizenry.

A. Goals and Policies

Goal 1. Attract and retain business in key existing and emerging economic base industries. [Page 8.2]

Policies for Decision Makers

- *“Identify target industries and strategically target marketing, development incentives, and land use policies to attract and retain businesses in these industries.”*

C. What the Community Said: [Page 8.4]

- *“The top choice for economic development investment among community survey respondents was increased support for locally-based retail. **Other investments choices that received strong support were** improving the aesthetics of existing commercial corridors, **support for improved waterfront businesses and facilities**, support for more neighborhood retail and services, and providing tax incentives to attract new business.”*

In general, feedback was quite consistent from Ward to Ward. Common themes included: [Pages 2.6 - 2.7]

Top Assets - Commercial Areas

- **Marine businesses**

Top Issues and Improvements Needed - Commercial Areas [Page 2.7]

- **Retention of marine industries**, particularly shellfish.”

COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

The Comprehensive Plan acknowledges that the vast City's waterfront is an invaluable resource, *“Our coastline makes Warwick a hidden gem: But we need to take care of the parks, ponds, marshes, beaches, and coastal waters that can draw new generations to our city.”* The Comprehensive Plan also acknowledges the economic importance of the waterfront, thus the reason for establishing the WB District, for the express purpose of assisting water-related land uses; uses that contribute to the overall objective of realizing expanded 'Tourism'.

Emerging Growth Opportunities - “A review of recent industry trends and future projections, and discussions with local and state economic development professionals, point to a number of particularly strong industry growth opportunities for Warwick. These include tourism, ambulatory health care services, professional and technical services, and medical device manufacturing.” [Page 8.8]

Tourism - “Tourism is already a significant industry in Warwick. The city has 16 lodging facilities with 2,237 guest rooms. Six of these have convention and/or smaller meeting facilities (including the state's second largest convention facility). The city's central location in the state along with its transportation infrastructure makes it a convenient location for smaller conventions and conferences and provides easy access to all regions of the state for pleasure visitors. The city also has its own tourist attractions, including its coastline, recreational boating opportunities, and other recreational, historical and cultural attractions. Several new or planned initiatives, including the extension of commuter rail to Warwick and North Kingstown, the planned development of City Centre, the proposed development of Rocky Point for active and passive recreational activities, and the runway extension at T.F. Green airport, which would accommodate flights to and from more distant locations, create the opportunity to significantly expand tourism activity in Warwick in both the convention and recreational markets.”

A secondary criterion is assuring that preferred commercial entities are balanced, or in harmony, with adjacent dissimilar land uses, such as residential neighborhoods. Although the subject operation has been long-present, similar to other proximate marinas, the Applicant is nevertheless well aware and considerate of the immediate residences, thereby preparing to maintain the present extensive mature vegetation for the express purpose of visually screening proposed improvements. Marinas, inclusive of typical patron amenities, boat maintenance and storage, and other water related commercial activities, are vitally important to the economic well-being of the community, particularly in their desire to foster tourism. This is not mere conjecture, but well corroborated by the Comprehensive Plan.

Prosperous City - Economic Development [Page - Executive Summary]

- “Strengthen and expand the tourism industries.”

The Future City - Future Land Use, Zoning and Urban Design [Page - Executive Summary]

- “Incorporate basic urban design, form-based, and performance standards into zoning districts.”

C.1 Our 21st Century Priorities - Issues facing the city.

- o **Securing and maintaining public waterfront access. “Warwick residents see the city's 39 miles of coastline and its rivers and ponds as among its most important positive attributes. Making sure that all residents have an opportunity to enjoy the waterfront and the water is a very high priority.”** [Page 1.5]

2. Commercial and Industrial Uses - Waterfront Commercial Uses - “For a city with 39 miles of waterfront, there is a noticeable lack of retail commercial activity along”

Warwick's shore. With the exception of marinas and adjacent restaurants, a few establishments in Pawtuxet Village, and a grouping of restaurants in Oakland Beach, Warwick is not taking advantage of its waterfront. In fact, during public meetings, many commented that they would like to see Warwick have an area like that found in East Greenwich, one with multiple waterfront restaurants concentrated in one area. Warwick's lack of such an area is most notable in and around Apponaug Village, which for the most part has no connection to Apponaug Cove. Water adjacent properties in the area make little to no attempt to connect with the water. For example, the largest waterfront parcel in the village area holds a lumber yard with no public access to the waterfront, and retail uses along Post Road have located parking lots, not active uses along the shoreline. This is a wasted opportunity to provide a waterfront amenity and improve the area's sense of place." [Page 3.17]

A. Goals and Policies [Page 12.2]

Goal - "Warwick's neighborhoods are safe, attractive, well-maintained, and stable."

- "Protect and support existing residential neighborhoods."
- "Use the Comprehensive Plan and the zoning ordinance to guide infill and redevelopment."

Goal - "Public and private development meets high standards of design."

- "Ensure that proposed new residential, business and industrial uses are compatible with the character and surrounding area."

B. Findings - "Warwick is close to built-out and older non-residential areas will need to be redeveloped to meet the city's goals." [Page 12.3]

B. Challenges [Page 12.3]

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

"Directing commercial, industrial, and office development to appropriate areas of the city to promote implementation of the Comprehensive Plan and City Centre Master Plan."

It should also be emphasized that the community desires a balance between residential and commercial / industrial tax base, in order to avert heavy reliance on residential property taxes. A strong stable non-residential tax base, will avoid straining an overburdened tax structure. The community therefore supports retention of businesses that positively contribute to the community.

The Future City - Future Land Use, Zoning and Urban Design [Page - Executive Summary]

- "Retain diverse land uses to support a strong and stable tax base."

A. Goals and Policies

Goal 1. Attract and retain business in key existing and emerging economic base industries.
[Page 8.2]

Policies for Decision Makers

- **“Implement land use policies that support a diversity of industries and promote a strong, stable tax base.”**
- *“Work to retain traditional industries that remain economically viable and have played an important role in the city’s historical development.”*

ZONE CHANGE: A-40 DISTRICT to WB DISTRICT

A zone change is absolutely mandatory in order to render conforming those marine-related components, such as boat storages, that are presently pre-existing legal non-conforming and yet necessary for the overall marina’s continued success. Marinas have, and will continue, to positively contribute to the community’s economy. The zone change will continue to realize a valuable tax generating revenue stream, by assuring the continued success of the subject marina. The results of the Comprehensive Plan analysis clearly acknowledges support for water-related uses in general, especially when they are in character with surrounding land uses. The applicant thus seeks a zone change of the following parcels from their present ‘A-40 District’ designation to the ‘WB District’ designation, to reflect existing and proposed business conditions.

- | | |
|---------------------------------|----------------------------------|
| o Assessor’s Plat 359 - Lot 394 | ‘A-40 District’ to ‘WB District’ |
| o Assessor’s Plat 359 - Lot 395 | ‘A-40 District’ to ‘WB District’ |
| o Assessor’s Plat 359 - Lot 396 | ‘A-40 District’ to ‘WB District’ |

The referenced zone change will ensure neighborhood character consistency. The WB District is defined pursuant to Section 301.7 of the Ordinance in the following manner.

Section 301.7. Waterfront business district (hereinafter ‘WB District’) - “Properties mapped in accordance with subsection 303 of this ordinance used primarily for businesses catering to marine activities.”

COMPREHENSIVE PLAN - FUTURE LAND USE MAP CONSISTENCY

The applicant is required by law to evidence consistency with the Comprehensive Plan, and more importantly the FLUM. R.I.G.L. 45-24-50 – “Consistency with Comprehensive Plan”, specifically grants local communities the authority to amend their Ordinances, when it is done so for the purpose of promoting the public health, safety, morals and general welfare. An Ordinance amendment, including change to the official zoning map, must first evidence

consistency with the Comprehensive Plan. Textual consistency has already been affirmed, however there must also be agreement between the FLUM and the proposed zone change. Consistency with the 'FLUM', which reflects, "...the preferred or acceptable patterns of land use..." is legally mandatory. Evidence of this consistency must be satisfied, otherwise RIGL mandates a Comprehensive Plan amendment. Although there may be some valid argument for already concluding FLUM consistency, a reclassification will most assuredly realize true 'consistency'. It is the professional opinion of this Consultant that this is most appropriate given the vast 'Commercially' classified and 'Waterfront Business District' designation presence in regard to both the subject property and immediate waterfront. This is complimented by the great desire of the community to both preserve and enhance water-related commercial entities, particularly when furthering the tourism industry. Therefore, in order to avert any argument regarding 'Consistency', a corresponding amendment to the Comprehensive Plan - Future Land Use Map will be pursued; an amendment of the following parcels from the present 'Residential-Medium' to 'Commercial' land use classification.

- o Assessor's Plat 359 - Lot 394 'Residential-Medium' to 'Commercial'
- o Assessor's Plat 359 - Lot 395 'Residential-Medium' to 'Commercial'
- o Assessor's Plat 359 - Lot 396 'Residential-Medium' to 'Commercial'

CONCLUSION

In summary, this 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 and corresponding Comprehensive Plan - FLUM land use classification amendment. The proposed changes are purely for the purpose of realizing retention and improvement of appropriate water-related 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.

I believe the following language excerpted from the Comprehensive Plan [Page 12.4] provides strong support for the continued retention of the applicants' commercial operation.

C. What the Community Said

- "A majority of respondents said that more land should be devoted to village, Main Street development. Most respondents saw the amount of land dedicated to all other land uses as "about right," except for natural areas, recreational facilities, and boating and waterfront businesses, of which they felt the city needed more."