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CITY OF WARWICK
ZONING BOARD OF REVIEW
WARWICK, RHODE ISLAND 02886
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RECEIVED
WARWICK ZONING BOARD OF REVIEW
AUG 11 2023

PETITION NO. 10927

City of Warwick
ZONING BOARD OF REVIEW

Application for Special Use Permit, Variance, or Appeal

Date August 9, 2023

The undersigned hereby applies to the Warwick Zoning Board of Review for the following:

- SPECIAL USE PERMIT
- VARIANCE
- APPEAL
- AMENDMENT TO A PREVIOUSLY GRANTED RESOLUTION

Malibu Investments, LLC
 Applicant: Attn: Mr. Rick Nardella Address: 339 Quaker Lane, West Warwick, RI 02893
 Malibu Investments, LLC
 Owner: Attn: Mr. Rick Nardella Address: 339 Quaker Lane, West Warwick, RI 02893
 Lessee: _____ Address: _____

1. Ownership Tenure

DATE OF PURCHASE of the above stated property by the CURRENT OWNER:

2019-07-08

Will ownership of said property be transferred by the CURRENT OWNER TO THE

APPLICANT for developmental purposes? No

2. Location of Premises 2826 Post Road, Warwick RI

3. Assessor's Plat & Lot 267 217
 Plat No. Lot No.

4. Dimensions of lot 440.91' 561.5' Area 470,520 sq ft
 Frontage Depth Square Feet

5. Zoning District in which premises is located General Business (GB)

6. DEVELOPMENTAL STATUS AND PROPOSAL

Are there any buildings on the premises at present? Yes

If YES, how many buildings? 7

Identify the size, height and use of each building:

(1) One (1) one-story 1,600 sq. ft. self-storage office building; and six (6)

(2) one-story self-storage buildings of varying size ranging from 8, 560 sq. ft.

(3) to 32,500 sq. ft. (see Site Plans for additional details).

**Note: Use additional sheet (s) of paper, if necessary.

7. State legal use of premises Commercial

8. Have plans for the proposed construction activities/change of use for any existing and proposed building (s) been submitted to the Warwick Building Official?

Yes () No (x) Does not apply ()

If yes, has a building permit been refused? Yes () No (x)

9. Total number of units, residential/commercial Eleven (11) total commercial units.

10. Type of Sewer System - Public x Private _____
Septic _____ Cesspool _____ Sewers _____

11. Is the subject property located in a flood zone? No; located in Flood Zone X.
If so, what flood zone? _____

12. Is the subject property located in a Historic District? No
If so, have you received approval from the Historic District Commission? _____

13. Does your application required Planning Board approval? Yes
If so, have you applied and received approval from the Planning Board Yes

Master Plan Approval was recorded on April 17, 2017; Preliminary Plan for Phase II has been submitted.

14. **SPECIAL USE PERMIT**

A. State proposed use of premises Mixed-use commercial

B. Detail of proposed alterations Existing: Six (6) mini self-storage buildings and one (1) office building. Proposed: Additional 9,500 sq. ft. multi-use building (with 6 commercial units; tenants to be determined) along with two (2) 24,000 sq. ft. contractor unit buildings (23 units each) and one (1) 6,900 sq. ft. mini-self storage building for a total of eleven (11) buildings.

C. LIST precise ARTICLE (S) and SECTION (S) of the ZONING ORDINANCE which authorize consideration of the SPECIAL USE PERMIT described in above.

See attached

D. Describe how the granting of the SPECIAL USE PERMIT will meet the requirements of the Zoning Ordinance per Section 906.3 (C)

See attached

15. VARIANCES

A. Current use of premises Six (6) mini self-storage buildings and one (1) office building.

B. Detail of proposed alterations:

Additional 9,500 sq. ft. multi-use building (with 6 commercial units; tenants to be determined) along with two (2) 26,000 sq. ft. contractor unit buildings (25 units each) and one (1) 6,900 sq. ft. mini-self storage building for a total of eleven (11) buildings.

C. List precise RELIEF, ARTICLE (S) and SECTION (S) of the ZONING ORDINANCE which authorize consideration of the VARIANCE described in above.

See attached

D. Identify grounds for the proposed VARIANCE. As required in Section 906.3 (A) and 906.3 (B) of the Zoning Ordinance.

See attached

16. APPEALS

A. Appeal of the Building Official (Attach a copy of any denial, notification, violation or correspondence relating to appeal).

1. Date of denial/issuance of permit or date of alleged error in enforcement of Ordinance. _____, 20_____

2. Basis of Appeal (Cite applicable provisions of the Ordinance).

B. Appeal to the Warwick Zoning Board of Appeals from an action of the Warwick Planning Board. (Note: Attach all copies of correspondence, plans and the written decision pertaining to the appeal, including any transcript, audiotapes, constituting the record upon which the action appealed was taken, per Section 906.4 (A) of the Ordinance.

Basis for Appeal (Cite applicable Ordinance provisions)

I/We the UNDERSIGNED, swear that all information provided in this APPLICATION is to the best of MY/OUR knowledge complete and correct in every detail.

Respectfully submitted,

(Owner Signature)



(Address) 339 Quaker Lane, West Warwick, RI 02893

(Phone) 401-821-9663

EMAIL: ribuilder@yahoo.com

Respectfully submitted,

(Applicant Signature)



(Address) 339 Quaker Lane, West Warwick, RI 02893

(Phone) 401-821-9663

EMAIL ribuilder@yahoo.com

Attorney:

Name: Shekarchi Law Office, Attn: K. Joseph Shekarchi, Esq.

Address: 51 Jefferson Blvd., Suite 400, Warwick, RI 02888

Phone: 401-827-0100

EMAIL joe@shekarchilaw.com

*PLEASE BE ADVISED THAT THE STREET NUMBER MUST APPEAR ON ANY EXISTING STRUCTURE

amy.e.cota@warwickri.com

THIS APPLICATION MUST BE REVIEWED FOR COMPLETENESS BY THE BUILDING OFFICIAL PRIOR TO BEING SUBMITTED TO THE ZONING BOARD. PLEASE BE SURE TO REVIEW REQUIREMENTS CAREFULLY.

******PLEASE NOTE A CLASS I SURVEY IS REQUIRED******

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Attachment #1 to City of Warwick Zoning Board of Review Application

Malibu Investments, Attn: Mr. Rick Nardella, 339 Quaker Lane, W. Warwick, RI 02893

Project History and Summary: This project was originally approved by the Warwick Zoning Board of Review on June 13, 2017 for Phase I which included a special use permit to have six (6) mini-storage buildings and one (1) 1,600 square foot detached facility office (Petition #10458). Dimensional variances were granted for less than required parking and a proposed fence being higher than allowed. Phase I of the construction was completed in the summer of 2022 and the facilities are open and operational.

The project included two future phases (Phase II and Phase III) which have now been combined into one new Phase II project. Originally, Phase II and III of the project included the construction of a 19,500 square foot two-story multi-use building along with four (4) additional mini-storage buildings ranging in size from 8,000 square feet to 10,800 square feet. Phase II and III are now proposed to be combined into a new Phase II project which includes a 9,500 square foot multi-use building along with two (2) 24,000 square foot contractor unit buildings and one (1) 6,900 square foot mini-storage building.

This Zoning Application is for the new proposed Phase II project; and includes a request for a Special Use Permit for more than one non-residential use or building on a lot, a Special Use Permit for the proposed mini-storage building and dimensional variances for less than the required parking and landscaping.

14. Special Use Permit

C. LIST precise ARTICLE(S) and SECTION(S) of the ZONING ORDINANCE which authorize consideration of the SPECIAL USE PERMIT described in above.

Response: Section 304.5 authorizes the consideration of a Special Use Permit for more than one nonresidential structural on a single lot within appropriately zoned nonresidential districts. Section 300, Table 1, Subsection 807 authorizes the consideration of a Special Use Permit for ministorage within the General Business (GB) zone.

D. Describe how the granting of the SPECIAL USE PERMIT will meet the requirements of the Zoning Ordinance per Section 906.3 (C).

- 1. That the special use is specifically authorized by this ordinance, and setting forth the exact subsection of this ordinance containing the jurisdictional authorization;**

Response: Phase II of the project proposes to construct four (4) new commercial buildings, including two (2) contractor unit buildings, one (1) mini-storage building and one (1) multi-use building. The entire parcel lies within the City's General Business (GB) Zone. Per

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Section 300, Table 1, Subsection 807 ministorage within the General Business (GB) zone can be authorized via Special Use Permit. In addition, Per Section 304.5 of the Zoning Ordinance, a Special Use Permit is required for more than one nonresidential use or building on a lot. The other proposed uses are permitted within the General Business (GB) Zone as follows (per Section 300, Table 1):

Contractor Rental Units:

(Subsection 809) Wholesale business and storage in roofed structure or outdoors, but not including wholesale storage or flammable liquids, gas, or explosives.

Mixed Use Building:

(Subsection 300) Various office uses, allowed by right.

(Subsection 400) Various service uses, allowed by right.

(Subsection 500) Various retail uses, allowed by right.

Section 304.5 of the Zoning Ordinance also stipulates that principal front and rear walls of a building shall be at least 40 feet from any wall of another building. Any side wall of a building may not be less than 25 feet from any side wall of another building. The proposed buildings all meet these requirements.

2. *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 that specifically listed herein, and the requested relief shall not exceed a 50% deviation from each required dimensional standard, provided however, that the 50% limitation shall not apply to non-residentially 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;*

Response: The Application requests a Special Use Permit in conjunction with dimensional variances. The Sections of the Zoning Ordinance from which the dimensional variances are requested are limited to Sections 505.1(B), 505.6(B), and 701.7 which are specifically identified as sections from which dimensional variances can be granted in conjunction with a Special Use Permit, with a limit of a 50% deviation. However, this parcel directly abuts the Amtrak Northeast Rail Corridor (NEC), and therefore the 50% deviation limit does not apply.

3. *That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance or the comprehensive plan of the city.*

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Response: The granting of the requested special use permit will not alter the general characteristic of the surrounding area as the proposed use of the site, contractor units and ministorage, is essentially an expansion of the currently existing use on the parcel. In addition, the proposed multi-use building proposes multiple commercial type uses that are in harmony with the general characteristics of the surrounding area along Post Road. The surrounding properties are all zoned General Business or Office. The A-10 Zoning District abuts the eastern portion of the subject property, but all residential properties to the east are bifurcated from the site by the Amtrak NEC and the Post Road Bypass. The proposed use is in conformance with the general character of the surrounding area and will not impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the City of Warwick.

15. Variances – (Use or Dimensional)

C. List precise ARTICLE(S) and SECTION(S) of the ZONING ORDINANCE which authorize consideration of the VARIANCE described in above.

Response: The Applicant is requesting a dimensional variance from the following sections of the Warwick Zoning Ordinance:

Section 701.7 – Off-Street Parking Requirements:

Existing Phase I: Ministorage Use per Section 701.9, Other Uses - parking requirements shall be determined by the Building Official; per Building Official, 1 space required per 500 sq. ft. and Ministorage Office Use per Section per Section 701.7 – 1 space required per 250 sq. ft.

Ministorage = 113,785 SF * 1 space/500 SF = 228 spaces

Ministorage Facility Office = 1,600 SF * 1 space/250 SF = 6 spaces

Proposed Phase II: Ministorage Use per Section 701.9, Other Uses - parking requirements shall be determined by the Building Official; per Building Official, 1 space required per 500 sq. ft.; Contractor Unit Use per Section 701.9, Other Uses - parking requirements shall be determined by the Building Official; per Building Official, 1 space required per 500 sq. ft.; Multi-Use Building various uses per Section 701.7, as follows:

Ministorage = 6,900 SF * 1 space/500 SF = 14 spaces

Contractor Units = 48,000 SF * 1 space/500 SF = 96 spaces

Potential Medical Use in Multi-Use Building = 1,850 SF * 1 space / 200 SF = 9 spaces

Potential Business Use in Multi-Use Building = 2,750 SF * 1 space / 250 SF = 11 spaces

Potential Retail Use in Multi-Use Building = 2,500 SF * 1 space / 200 SF = 13 spaces

Potential Restaurant Use in Multi-Use Building = 2,400 SF * 1 space / 100 SF = 24 spaces

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Total Parking Spaces Required: 401 spaces

Total Parking Spaces Proposed: 199 spaces

Relief Requested: 202 spaces (49%)

The Applicant is requesting a dimensional variance from Section 505 Landscaping and Screening Requirements, Section 505.1(B) – A 20-foot-wide landscaped border shall be provided along any property line that abuts a residence district, PDR overlay district, residential PUD overlay district.

Required = 20-feet

Proposed = 3.1-feet

Relief Requested = 16.9-feet

The Applicant is requesting a dimensional variance from Section 505 Landscaping and Screening Requirements, Section 505.6(B) – Provide a minimum of five percent interior landscaping for the purpose of planting shade trees and shrubs.

Required = 5% interior landscaping

Proposed = 3.7% interior landscaping

Relief Requested = 1.3%

D. Identify grounds for the proposed VARIANCE. As required in Section 906.3 (A)/906.3 (B)/906.3 (C) of the Zoning Ordinance:

1. The hardship from which the petitioner seeks relief is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area and not due to a physical or economic disability of the applicant.

Response: The hardship from which the petitioner seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area and not due to a physical or economic disability of the applicant.

With respect to parking, the parking requirements for the ministorage use are an extreme overestimation of striped parking required for this use, as there is no demand for striped parking for ministorage buildings. Ample parallel parking is available in each drive aisle between buildings; instructions for parking will be identified in lease agreements.

With respect to the required 20-ft buffer required along any property line that abuts a residence district, PDR overlay district, residential PUD overlay district – the rear property line abuts a residential zone (A-7) however, this is the Amtrak NEC – a nonresidential use. Beyond the Amtrak NEC lies the Post Road Bypass, an additional nonresidential use. As such, the intent of the 20-ft buffer is to provide a true buffer between non-compatible

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commercial and residential uses, which doesn't exist in this instance.

With respect to the interior landscaping, the site is designed to provide ample space for loading and unloading storage units and to provide safe customer and Fire Department routing through the site. Landscape islands are provided where practical throughout the multi-use portion of the development. Elsewhere, while internal landscaping is not provided, perimeter landscaping is provided in excess of what is required by the Zoning Ordinance.

2. The hardship in which the applicant seeks relief from is not the result of any prior action of himself and does not result primarily from the desire to realize greater financial gain.

Response: Said hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

3. The granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this zoning ordinance or the comprehensive plan of the City.

Response: The granting of the requested variances will not alter the general characteristic of the surrounding area or impair the intent or purpose of this zoning ordinance or the comprehensive plan of the City. The proposed uses and improvements to the property would significantly enhance the use, value and enjoyment of the subject property and the surrounding properties.

4. The relief requested is in fact the least relief necessary.

Response: The relief requested is the least amount of relief necessary. Literal enforcement of the dimensional regulations in this case would constitute more than a mere inconvenience for the applicant requiring excessing and unnecessarily large parking fields which would remain vacant. The Zoning Board of Review previously approved no parking for the Phase I ministorage use (Petition #10458) and this application builds upon that standard. The landscaped relief is the least relief necessary. The project requires a minimum of 10% landscaped open space overall and 14.8% has been provided, thus exceeding the minimum landscaped requirements overall.

**Warwick Zoning Board of Review Application
Post Road Storage Facility**

EXHIBIT 1

AP 267, LOT 217 BUILDING LIST

Building	Size	Use
<u>Phase I</u>		
Two Story Self Storage	32,500 ± SF	Mini-Storage
Single Story Self Storage	10,500 ± SF	Mini-Storage
Single Story Self Storage	9,600 ± SF	Mini-Storage
Single Story Self Storage	18,750 ± SF	Mini-Storage
Single Story Self Storage	20,625 ± SF	Mini-Storage
Single Story Self Storage	22,500 ± SF	Mini-Storage
Office Building	1,600 ± SF	Office Space
<u>Phase II</u>		
Single Story Building	24,000 ± SF	Contractor Units
Single Story Building	24,000 ± SF	Contractor Units
Single Story Building	6,900 ± SF	Mini-Storage
Single Story Building	9,500 ± SF	Mixed Use: <ul style="list-style-type: none"> • Potential Medial Use • Potential Business Use • Potential Retail Use • Potential Restaurant Use