

**City of Warwick Planning Board  
Meeting Minutes**

**Wednesday October 10, 2007**

**Members Present:** John J. Mulhearn Jr., Chairman  
Thomas Kiernan  
Rick Robinson  
Philip Slocum  
Michael Constantine  
Vincent Gambardella

**Members Absent:** Michael Grande  
George Arnold  
Jeanne Foster

**Also in attendance:** Peter Ruggiero, Solicitor  
John DeLucia, City Engineer  
Patricia Reynolds, Business Development Planner

Chairman Mulhearn called the meeting to order at 6:05 P.M.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted unanimously to accept the August 2007 meeting minutes.

On the motion of Mr. Slocum, with an amendment that he be recused from participation in the Spring Green Manor reinstatement, seconded by Mr. Constantine, the Planning Board voted unanimously to accept the September 2007 meeting minutes as amended.

Chairman Mulhearn altered the agenda to consider the Orchard Avenue Medical Office Building as the first petition.

**Public Hearing**

**Major Land Development Project  
and  
Request for a Zone Change**

Orchard Avenue Medical Office Building

Applicant: North End Realty, LLC  
Location: Centerville Road and Orchard Avenue  
Assessor's Plat: 246  
Lot(s): 243  
Zoning District: Residential A-10

Proposed Zone: Office  
Land Area: 1.3 +/- acres  
Number of lots: 1  
Engineer: SFM Engineering Associates  
Ward: 8

Attorney K. Joseph Shekarchi represented the applicant and requested that the Planning Board open the public hearing and continue the matter to the November meeting. Attorney Shekarchi explained that National Grid had submitted a letter asking to review the project prior to proceeding.

On the motion of Mr. Constantine, seconded by Mr. Robinson, the Planning Board voted to open the public hearing and continue to the next regular meeting on November 14, 2007.

### **Public Meeting**

### **Request for a Zone Change**

Exxon Gas Station

**Applicant:** Alliance Energy Corporation  
**Location:** 2003 Post Road  
**Assessor's Plat:** 323  
**Assessor's Lot(s):** 399 & 400  
**Zoning District:** Intermodal District to Gateway District

Attorney K. Joseph Shekarchi represented the applicant and was requesting a recommendation to the City Council for a zone change from Intermodal District to Gateway District to allow demolition of an existing Exxon gas station and adjacent vacant retail building and the construction of a new 3,622 square foot gas station with a convenience store and fast-food takeout. The proposed facility will have less than the required front and side setbacks, parking spaces, and loading area, landscaping and wider than allowed driveways.

Board member Gambardella informed the Planning Board that he was recusing himself from the hearing because he owns a business within the redevelopment district.

Attorney Shekarchi explained that his client had applied the Warwick Station Redevelopment Agency and received a master plan approval and a positive recommendation for the Zoning Board of Review for the project. Shekarchi explained that the Zoning Board had granted its approval but that one of the abutting property owners filed an appeal to the Superior Court and the court reversed the Zoning Board decision.

Attorney Shekarchi informed the Board that the applicant decided to apply for a zone change from Intermodal District to Gateway District because the Gateway designation allows the gas station by way of a Special Use Permit (SUP) while the Intermodal district prohibits gas stations.

Attorney John C. Revens represented Colebra Enterprises LLC., an abutter to the project. Attorney Revens expressed his opposition to the request and told the Planning Board that the City did not have the power to grant the request. Revens argued that the application constituted “Spot Zoning” because the Intermodal Zoning District would surround the proposed Gateway District.

Attorney Revens also argued that the City Council could not authorize the proposed use through a Zone Change because the City Council cannot issue SUP’s. He further argued that the proposed zone change was not consistent with the City’s Comprehensive Plan and that the State Enabling Act requires zoning to be in conformity with local comprehensive plans.

Attorney concluded his argument by stating that the property had received a Zoning Board approval in 1988 and that the approval required strict compliance to the plans and testimony at that time.

Chairman Mulhearn asked Attorney Revens if his client owned any abutting property and what type of business was located on the property.

Attorney Revens responded that his client owned property within the radius area across the street and that the property was a gas station.

The Chairman facetiously expressed his surprise that a gas station would object to another gas station being built across the street.

Board member Slocum asked Attorney Revens what the property was zoned at the time of the 1988 zoning approval.

Attorney Revens responded that the property was zoned General Business.

Being no further questions or comments the Planning Board then heard the Planning Department’s findings and recommendation.

The Planning Department found the proposed zone change to be in compliance with the City’s Comprehensive Plan, including the goals and Policies Statement, the Implementation Program, the Land Use Element and the Economic Development Element.

The Planning Department also finds the proposed zoning amendment to be generally 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 need to shape and balance urban and suburban development.
- G) 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.

The Planning Department recommended a favorable recommendation to the Warwick City Council for the requested zoning change.

On the motion of Mr. Constantine, seconded by Mr. Slocum, the Planning Board voted five in favor, with Gambardella recusing himself, to formally adopt the Planning Department's findings and to forward a favorable recommendation to the Warwick City Council for the requested zone change.

### **Public Meeting**

#### **Request for a Comprehensive Plan Amendment**

Airport Road LLC. - Home Depot

<b>Applicant:</b>	Airport Road LLC.
<b>Location:</b>	Commerce Drive and Airport Road
<b>Assessor's Plat:</b>	311
<b>Assessor's Lot(s):</b>	138 & 191
<b>Land Use Map Change:</b>	Offices to General Commercial
<b>Zoning District:</b>	Light Industrial to General Business

Attorney Mark Fay represented the applicant and was requesting a Comprehensive Plan Amendment as the first stage in a zone change process to allow for the construction of approximately 369,000 square feet of new retail development including a new Home Depot and a Super Wal-Mart Store.

Attorney Fay then introduced the Comprehensive Plan Report as "Exhibit 1" and then introduced Mr. Joe Lombardo, AICP a professional planner and one of the co-authors of the proposed Comprehensive Plan Amendment Report. Mr. Lombardo reviewed the report for the Board explaining the proposal in general as well as addressing some of the specific language. Mr. Lombardo also performed a page by page summary of the report for the Board.

Mr. Fay then introduced Mr. George Caldo, AICP co-author who arrived during Mr. Lombardo's presentation. Mr. Caldo added that the proposed use is allowed within the existing Light Industrial zoning district but that the applicant wants to make sure that the use is compliant with the City's Comprehensive Plan.

Mr. Kelly Coates, Executive Vice-President of Carpionato Properties and Airport Road LLC. asked to be recognized and explained his vision of the development to the Planning Board. Mr. Coates explained that Route 2 is a regional corridor for retail development similar to North Attleboro and Seekonk. He believes that there was no comparison to these other retail corridors and what Airport Road LLC. was proposing for Airport Road. Coates explained that the proposed use would serve as a convenience for the surrounding residents so that they would not have to drive to Route 2 to shop at a Home Depot.

Chairman Mulhearn asked Mr. Coates if the proposal included a Super Wal-Mart.

Mr. Coates responded to the affirmative.

Mr. Mulhearn then asked what would happen to the Wal-Mart located just to the north on Post Road.

Mr. Coates responded that the two stores would serve different clientele.

Attorney Fay then introduced Mr. Lombardo's resume as "Exhibit 2."

Being no further testimony or comment the Planning Board then heard the Planning Department's findings and recommendation.

The Planning Department stated that the applicant provided a thorough analysis of the Warwick Comprehensive Plan and was proposing several substantial amendments to the Comprehensive Plan including a map amendment as the first stage of a proposed Zone Change to allow for the construction of approximately 369,000 square feet of new retail development including a Home Depot and potentially a Super Wal-Mart store along Airport Road and Commerce Drive.

The Planning Department had several concerns relating to the proposal. These concerns included runway expansion and the potential closure of Airport Road, the incompatibility of "big box" retail as an airport related land use, the potential proliferation of "big box" retail in the northern section of the City and the by-product "spin-off" retail that would accompany the development, as well as replication and/or relocation of existing retail businesses within the City.

The Department informed the Planning Board that in June 2007, the Federal Aviation Administration (FAA), the agency responsible for performing an Environmental Impact Statement (EIS) for T.F. Green Airport publicly declared its plan to eliminate a proposed (5-23) runway extension to the south across Main Avenue and in the alternative, the FAA had decided the 5-23 extension would be directed northerly across Airport Road closing the roadway and eliminating it

as a major east/west corridor in the City of Warwick.

As a result of this decision, the FAA is required to provide an alternative which will allow continued traffic circulation in an east/west direction. The alternative proposed by the FAA is to relocate Airport Road to the north as an extension of Route 37. This new roadway would be a limited access roadway consisting of a four lane divided highway similar to Route 2 or Post Road. As a result, the timing of this proposal for a 369,000 square foot retail development with access from Airport Road is considered premature until the future of Airport Road has been determined.

For approximately 30 years, beginning in 1976 with the adoption of the “Land Use Plan – Warwick, RI” and continuing to the present with the subsequent adoptions of the “Land Use Plan 1986 – 1991” and the current City of Warwick Comprehensive Plan approved by the Rhode Island Department of Administration in October 2002, the area surrounding the airport has been designated for airport related uses such as hotels, conference centers, offices, restaurants, warehousing, freight facilities, etc. The proposed 369,000 square foot retail complex, virtually located at the end of the main runway 5-23 at T.F. Green Airport, is not consistent with current and longstanding City policy designed to capitalize on the airport as an economic generator for the City of Warwick.

During the 1970’s, upon the completion of the exit ramps providing direct access to Interstate Route 95 and Route 295, the City of Warwick established a policy designed to contain large “big box” retail development on the western side of the City. At the time, commercial land use in Warwick had experienced a major transformation with the completion of the “Golden Triangle” consisting of Apex, the Warwick Mall and the Midland Mall (now the Rhode Island Mall).

In an attempt to expand its tax base, the City of Warwick made a calculated decision to capitalize on this phenomenon and implement a major rezoning along the Route 2 corridor through the 1980’s and 1990’s. This rezoning effort resulted in the creation of the “Golden Mile.” As had been previously established, this policy was designed to permit and contain the expansion of “big box” retail along the Route 2 corridor and prevent the proliferation of “big box” retail throughout the City of Warwick. As a result of this policy, the “Golden Mile” has developed into one of the largest and most successful retail corridors in the northeast.

While the applicant is proposing several amendments to the City’s Comprehensive Plan which would require prospective developers to provide solutions to the by-products of expanded commercial development, in particular roadway improvements resulting from increased traffic, the applicant is also asking the City to abandon its 30 year containment policy for “big box” retail. This proposed policy shift could potentially result in a proliferation of new “big box” retail development throughout the city, in particular, the northern portion of Warwick. The consequence of this new retail development would include increased traffic in the area and a revival new strip development along the corridor ultimately resulting in urban blight.

Should this Comprehensive Plan amendment be approved by the City and the proposed 369,000 square foot retail development be constructed, the FAA will be required to allow the proposed retail development to access the relocated Airport Road – Route 37 extension. This scenario is

similar to that which occurred along Route 2 during the 1980's and 1990's; a new roadway providing direct access to the Interstate Highway system, a change in policy resulting from the proposed Comprehensive Plan amendment which would allow "big box" retail in the general area and 369,000 square feet of new retail development. The Planning Department's opinion is that the combination of these factors will provide the catalyst for the establishment of a "New Route 2" in the northerly section of the City situated between Route 37 and connecting with Warwick Avenue north of Hoxie Four Corners.

The Planning Department recommended that the Planning Board formally adopt the Planning Department's findings and forward a recommendation of Denial to the Warwick City Council for the proposed Comprehensive Plan Amendment.

On the motion of Mr. Slocum, seconded by Mr. Constantine, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to forward a recommendation of Denial to the Warwick City Council for the proposed Comprehensive Plan Amendment.

### **Public Hearing**

### **Major Subdivision**

### **Homeland Plat**

<b>Applicant:</b>	Lynn Thomas and R.I. Real Estate & Construction Solutions
<b>Location:</b>	34 Hamilton Avenue
<b>Assessor's Plat:</b>	342
<b>Lot(s):</b>	230, 231, 255 & 256
<b>Zoning District:</b>	Residential A-7
<b>Land Area:</b>	15,290 square feet
<b>Number of lots:</b>	2
<b>Engineer:</b>	David Gardner and Associates
<b>Ward:</b>	5

Attorney K. Joseph Shekarchi represented the applicant and was requesting master plan approval in order to legalize an illegal subdivision. Attorney Shekarchi explained that the applicant desired to create a new undersized lot to build a home for his son. He further explained that the proposed new lot would be similar in size to other lots in the general area.

Mr. Thomas explained that he had approached the neighbors about dividing the lot and no one objected.

Mr. Shekarchi concluded his comments by telling the Planning Board that if they approved the application that the applicant would also have to appear before the Zoning Board for its approval.

Mr. Paul and Cindy Badalon of 91 Pinnery Avenue told the Planning Board that he lives next door

to the property and that no one approached him about building on the lot. Mr. Badalon informed the Board that he owns six lots adjacent to the property and does not want to see any new undersized lots in the neighborhood.

Mr. Larry Coletta of 37 Hamilton Avenue stated that he had a RIDEM Wetland approval to build a house on his undersized lot on Pheasant Street but when he met with the Planning Department he was told that his proposal would create an undersized lot similar to this proposal and that the Planning Board would not approve it. Mr. Coletta told the Planning Board that he was opposed to the application but that if they approved it he would apply for his undersized lot on Pheasant Street.

Being no further questions or comment the Planning Board closed the public hearing and heard the Planning Department's findings and recommendation.

The Planning Department found the proposal to **not to be generally** consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

- 1) **Not** consistent with the Comprehensive Community Plan. The Comprehensive Plan Land Use Element does not support the creation of undersized lots.
- 2) **Not** in compliance with the standards and provisions of the City's Zoning Ordinance. Zoning Section 405.3 (B) "Subdivision of merged lots" requires that all resulting lots from a subdivision shall conform to all dimensional requirements including the minimum lot area.
- 3) That there will be no significant negative environmental impacts from the proposed development.
- 4) That the development 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, and:
- 5) That the proposed development possesses adequate and permanent access to a public street.

Planning Department recommendation was to deny the master plan.

On the motion of Mr. Constantine, seconded by Mr. Gambardella, the Planning Board voted unanimously to formally adopt the Planning Department's findings and to deny the master plan.

**Bond Reductions**

**Kenneth Avenue Subdivision**

Current bond total	\$135,106.00
<u>Amount to be released</u>	<u>\$ 98,470.00</u>
New Bond Amount	\$ 36,636.00

On the motion of Mr. Slocum, seconded by Mr. Gambardella the Planning Board voted unanimously to approve the bond reduction request for the Kenneth Avenue

**Administrative Subdivisions**

The Planning Department informed the Planning Board regarding the Oakland Beach Avenue administrative subdivision.

Oakland Beach Avenue      Plat: 375                      Lots: 439 & 549

Being no further business the meeting was adjourned at 7:45 P.M.