

**Meeting Notice  
City of Warwick  
Planning Board**

**Date:** Wednesday, February 10, 2010

**Time:** 6:00 p.m.

**Location:** Warwick City Hall  
Lower Level Conference Room  
3275 Post Road  
Warwick, RI 02886

Review and approval of January 2010 meeting minutes.

**Public Informational Meeting**

**Major Land Development Project**

1202 Jefferson Boulevard

**Applicants:** Raymond T. and Ann Mancini, and  
Management Property and Investment Ventures

**Location:** 1202 Jefferson Boulevard

**Assessor's Plat:** 268

**Lot(s):** 352,371,393-396, 398-402 and 424

**Zoning District:** Light Industrial (LI)

**Land Area:** 193,574 sf

**Existing No. of lots:** Twelve (12)

**Proposed No. of lots:** Two (2)

**Engineer:** Crossman Engineering, Inc.

**Ward:** 8

The applicant is requesting Master Plan approval of a Major Land Development Project to demolish a 48,000 square foot section of an existing building to create two separate buildings, with a subdivision to combine twelve (12) existing lots to create two (2) new lots, with a building on each lot, and a shared driveway for the two lots.

**Planning Department Findings**

The Planning Department finds this proposal to be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations, and:

1. Generally consistent with the Comprehensive Community Plan.
2. Not compliance with the standards and provisions of the City's Zoning Ordinance, therefore requiring approval from the Zoning Board of Review for less than required side and rear yard setback, less than required open space, greater than allowed driveway width and less than required parking.
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.
5. That the proposed development possesses adequate and permanent access to a public street.

### **Planning Department Recommendations**

Planning Department recommendation is to grant Master Plan approval, with the following stipulations:

1. That the applicant shall receive the necessary dimensional relief from the Zoning Board of Review.
2. That the applicant shall record an administrative subdivision and cross easements for the project, merging the twelve existing lots and creating two lots with a shared driveway.
3. That the preliminary plan shall include a landscape plan designed and stamped by a Rhode Island Registered Landscape Architect and approved by the Warwick Landscape Project Coordinator.
4. That the following changes shall be made to the plans:
  - a. On sheet C5, the plan datum should be shown and all building encroachments shall be noted.
  - b. On sheet C6, the abandonment of Dennis Street and all building encroachments shall be noted.
  - c. All street abandonments and the associated dates shall be shown.
  - d. A note shall be added to the plan stating that the Contractor shall obtain a City of Warwick Physical Alteration Permit (PAP), prior to beginning construction.
5. That an infiltration system for the new parking area should be incorporated to reduce runoff to the drainage system in Jefferson Boulevard, prior to preliminary approval.

6. That all plans submitted must comply with Section 3.02C of the Procedural and Technical Standards for the Practice of Land Surveying in the State of RI and Providence Plantations, effective April 1, 1994.
7. That the location and number of hydrants shall be approved by the Warwick Fire Marshall.
8. That a “detector check” shall be required on any new fire service and that both the “detector check” and the RPZ device on any domestic service shall be located inside the building.
9. That the applicant shall provide two way travel lanes having a minimum 24 feet of unobstructed width and 13’6” of unobstructed vertical clearance. That all corners shall have an outer turning radius of 50 feet, and there shall be no obstructions preventing easy access by fire apparatus.
10. That existing water service to be abandoned shall be cut and capped at the water main on Jefferson Boulevard.
11. Warwick Sewer Authority approval shall be required prior to preliminary approval and all outstanding assessments and inspections fees shall be paid prior to final approval.

### **Public Meeting**

#### **Request for an Amendment to the City’s Zoning Ordinance**

##### **Section 605 “Special Use Permits and Variances”**

**Applicant:** City of Warwick  
**Location:** 3275 Post Road  
**Zoning District:** Zoning Ordinance amendment to Section 605  
“Special Use Permits and Variances”

The Warwick City Council desires to amend Zoning Ordinance Section 605 “Special Use Permits and Variances” to allow an applicant to request a “Dimensional Variance” in combination with a “Special Use Permit.”

Currently the City of Warwick Zoning Ordinance does not include a provision for such combination relief. The proposed language will allow limited (not to exceed a 50 percent) dimensional relief to be granted simultaneously with a request for a Special Use Permit only for those properties that do not abut residential zoning districts, this 50 percent limitation will not apply to non-residentially zoned properties that do not abut or share a common boundary with a residentially zoned and/or open space zoned property.

The Planning Board had previously forwarded a favorable recommendation on this proposal to

the City Council in June 2009. Subsequently, the Planning Department has received a request from the City Council to further amend Zoning Ordinance Section 605, and to have the Planning Board forward a recommendation on the following amendment.

## **AN ORDINANCE AMENDING APPENDIX A OF THE WARWICK CODE OF ORDINANCES, ZONING, SECTION 600**

SECTION I. Appendix A, Zoning of the Code of Ordinances of the City of Warwick, Section 600 is hereby amended by adding thereto the following section:

401.7 *Existence by variance or special use permit.* A nonconforming building, structure, sign, or parcel of land or use thereof, which exists by virtue of a variance or special use permit (or a special exception) granted by the board, shall not be considered a nonconformance for the purposes of this section, and shall not acquire the rights of this section. Rather, such building, structure, sign, parcel of land, or use thereof, shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification, or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this ordinance, shall require a further variance or special use permit from the board.

### 605. Special Use Permits and Variances.

All special use permits authorized by Sections 300, Table I USE REGULATIONS, 904 and 906.3 (C) of this ordinance may be issued by the zoning board of review in conjunction with a dimensional variance authorized pursuant to Section 906.3 of this ordinance.

If the special use could not exist without the granting of a dimensional variance, the zoning board of review may consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.

### 906.3 *Standards for relief.*

(C) *Special use permit.* In granting a special use permit, the board shall require that evidence to [of] the satisfaction of the following standards be entered into the record of the proceedings:

- (1) That the special use is specifically authorized by this ordinance, and setting forth the exact subsection of the ordinance containing the jurisdictional authorization;
- (2) That the special use meets all the criteria set forth in the subsection of the 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 the required dimensional standard, **provided however, that the 50 percent limitation shall not apply to non-residentially zoned properties which do**

**not abut or share a common boundary with residentially zoned and/or open space zoned property:**

- (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 & 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.
- (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.

SECTION II. This Ordinance shall take effect upon passage and publication as prescribed by law.

**Planning Department Findings**

The Planning Department found the proposal 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 Provide for a range of uses and intensities of use appropriate to the character of the city and reflects 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.
  - (E) The availability and capacity of existing and planned public and private services and facilities
  - (F) The need to shape the urban and suburban development
  - (G) The use of innovative development regulations and techniques.
- 103.11 Promote implementation of the Warwick Comprehensive Community Plan, as amended.
- 103.13 Provide for efficient review of development proposals, to clarify and expedite the

zoning approval process.

103.14 Provide for procedures for the administration of the zoning ordinance.

### **Planning Department Recommendation**

The Planning Department's recommendation is for a favorable recommendation to the Warwick City Council for the requested zoning amendment.