

**Meeting Notice
City of Warwick
Planning Board**

Date: Wednesday June 7, 2006

Time: 6:00 p.m. **(Please Note Time Change)**

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

Review and acceptance of May 2006 meeting minutes.

Public Hearing

Major Land Development Project

Oatley Office Building

Applicant: Scott Oatley
Location: 404 Toll Gate Road @ Leon Whipple
Assessor's Plat: 247
Lot(s): 13
Zoning District: Office
Land Area: 26,433 square feet
Number of lots: NA
Engineer: Crossman Engineering, Inc.
Ward: 8

The applicant is requesting preliminary approval to construct a 5,400 square foot office building with less than the required wetland setbacks on a 26,433 square foot lot.

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) In compliance with the standards and provisions of the City's Zoning Ordinance.

- 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 Recommendation

The Planning Department recommendation is to grant a preliminary approval with the with final approval to be through the Administrative Officer upon compliance with the stipulation that a final fire hydrant location shall be approved by the City Fire Marshall's Office, if necessary.

Public Hearing

Major Subdivision

Byron Boulevard

Applicant: Mount Development Corporation
Location: Byron Boulevard
Assessor's Plat: 289
Lot(s): 270 through 273
Zoning District: Residential A-7
Land Area: 22,928 square feet
Number of lots: 3
Engineer/Surveyor: SFM Engineering Associates/Flynn Surveys
Ward: 2

The applicant is requesting preliminary approval to subdivide four lots to create three lots for development, two conforming lots and one lot with less than the required frontage on an improved street in a residential A-7 Zoning District.

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) In compliance with the standards and provisions of the City's Zoning Ordinance having received Zoning Board of Review approval, Petition #9265, to create a lot for development with less than the required frontage on an improved City street.
- 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 Recommendation

The Planning Department recommendation is to grant preliminary approval with final approval to be through the Administrative Officer, upon compliance with following stipulations:

- 1) That the proposed sewer connections shall be approved by the Warwick Sewer Authority prior to final approval.
- 2) That the 34" Maple located on lots 1 and 2 shall be protected during construction.
- 3) That upon completion of construction and prior to the issuance of a Certificate of Occupancy (CO) the developer shall plant two street trees to be approved by the City's Landscape Project Coordinator within the City Right of Way (ROW) along Byron Boulevard.
- 4) That a guardrail or rustic barrier in conformance with RIDOT standards shall be installed at the end of Byron Boulevard, prior to the issuance of a CO.

Public Informational Meeting

Major Land Development Project

Wentworth Avenue Two-Family

Applicant: Carmel Cemani
Location: 126 Wentworth Avenue
Assessor's Plat: 355
Lot(s): 322
Zoning District: Residential A-7
Land Area: 8,932 square feet
Number of lots: NA
Engineer: Walker Engineering, Ltd.
Ward: 5

The applicant is requesting Master Plan approval to legalize a second dwelling unit currently in violation of an existing Zoning Board Approval in a structure with less than the required side and rear yard setbacks on a lot with less than the required land area in a Residential A-7 Zoning District.

Planning Department Findings

The planning Department finds that the applicant received Zoning Board approval, Petition #5903, in 1987 to have a three family dwelling in the main house and an apartment in the existing garage on Assessor's Plat 355, Lot 322 which at the time of approval consisted of approximately 21,100 square feet. The zoning decision letter contained stipulations requiring strict compliance and no expansion of the approved use on the property.

Subsequent to the zoning approval, in 1991, the applicant subdivided the property in violation of the zoning approval deeding 2,867 square feet to an abutting lot and further subdividing lot 322 into two new lots, lot 711 consisting of three-family dwelling on a 9,299 square foot lot and lot 322 consisting of a two-family dwelling with less than the required side and rear setbacks on a 8,932 square foot lot.

The result of this action was to violate the Zoning Board's strict compliance and no expansion stipulations. As a result of the subdivision the property is no longer in strict compliance with the zoning approval the establishment of the second dwelling unit in the garage constitutes an unauthorized expansion. Further, the subdivision of the property has resulted in an additional zoning violation in that it has created a structure with less than the required side and rear setbacks.

As a result, the Planning Department has determined this proposal **not to** be generally consistent with Article 1 "Purposes and General Statements" of the City's Development Review Regulations:

- 1) **Not generally** consistent with the Comprehensive Community Plan in that the unauthorized subdivision has resulted in the creation of undersized lots resulting from the establishment of multi-family dwellings on lots with less than the required minimum land area.
- 2) **Not** in compliance with the standards and provisions of the City's Zoning Ordinance and further in violation of an existing Zoning Approval Petition # 5903.

Planning Department Recommendation

Planning Department recommendation is to deny the application.

Public Informational Meeting

Major Subdivision

Francis Estates

Applicant: Allen Francis
Location: 42 Oxford Avenue
Assessor's Plat: 317
Lot(s): 133, 134, 135 & 407
Zoning District: Residential A-7
Land Area: 17,625 square feet
Number of lots: 2
Engineer: WP Skorupski, PLS.
Ward: 4

The applicant is requesting Master Plan approval to subdivide four abutting nonconforming lots to create two lots, one conforming 7,200 square foot lot with an existing dwelling and one new 10,425 square foot lot for development with less than the required frontage and lot width on an existing street in a Residential A-7 Zoning District.

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 in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring Zoning Board of Review approval to create a lot with less than the required frontage and lot width on an existing street.

- 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 access to a public street.

Planning Department Recommendation

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

- 1) That the applicant shall receive Zoning Board of Review approval to create a lot with less than the required frontage and lot width on an existing street.
- 2) That the existing shed and garage on proposed parcel 1 shall be removed prior to the recording of the subdivision. Zoning Ordinance Section 601.1 (b) requires that accessory uses be on the same lot as a principal use. Therefore, the creation of the proposed new lot would not allow the continuance of the accessory uses without the existence of a principal use (dwelling) on the new lot.
- 3) That the existing dwelling and any proposed new dwelling shall be connected to the Warwick Sewer System prior to the issuance of a Certificate of Occupancy (CO).

Public Informational Meeting

Major Subdivision

100 Meadow Street

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| Applicant: | Michael C. Kent Irrevocable Trust and John Allen & Sons, Inc. |
| Location: | 100 Meadow St |
| Assessor's Plat: | 244 |
| Lot(s): | 230 & 232 |
| Zoning District: | Light Industrial |
| Land Area: | 86,467 square feet |
| Number of lots: | 2 |
| Engineer: | Waterman Engineering Co. |
| Ward: | 7 |

The applicant is requesting Master Plan approval to subdivide two lots to create one 1.42 acre parcel with two buildings having less than the required side and rear setbacks, less than the required parking and landscaping and one .56 acre parcel with one building having less than the required rear setbacks and landscaping in a Light Industrial Zoning District.

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 in compliance with the standards and provisions of the City’s Zoning Ordinance; therefore, requiring Zoning Board of Review approval to create two lots, one lot with two buildings having less than the required side and rear setbacks, less than the required parking and landscaping and one lot with one building having less than the required rear setbacks and landscaping.
- 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 access to a public street.

Planning Department Recommendation

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

- 1) That the applicant shall receive Zoning Board of Review approval to create two lots, one lot with two buildings having less than the required side and rear setbacks, less than the required parking and landscaping, and one lot with one building having less than the required rear setback and landscaping.
- 2) That existing right of way (ROW) easement depicted on lot 230 shall be removed in order to provide additional parking to support the uses on the property.
- 3) That the preliminary plan shall include the control points used to establish the property lines, all existing and proposed utilities, an easement addressing the existing encroachment of the 100 Meadow Street building onto lot 213 and the purpose and need of the proposed easement located along the easterly property line of lot 211.

Public Informational Meeting

Major Subdivision

Aurore Plat

Applicant: Aurore Development, LLC.
Location: Ethan Street and Bucklin Avenue
Assessor's Plat: 309
Lot(s): 27 & 36
Zoning District: Residential A-7
Land Area: 35,237 square feet
Number of lots: 5
Engineer: Ocean State Planners, Inc.
Ward: 3

The applicant is requesting a Master Plan approval to subdivide two lots to create five new lots, four conforming lots on a new street with less than the required cul-de-sac radius and one lot with less than the required land area on an existing street in a Residential A-7 Zoning District.

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 in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring Zoning Board of Review approval to build on a lot with less than the required 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

The Planning Department recommendation is to grant master plan approval with the following stipulations:

- 1) That the applicant shall receive Zoning Board of Review approval to build on a lot with less than the required land area.
- 2) That the preliminary plan shall include a minimum of 0.7% grade for the proposed roadway (greater than 1% is strongly recommended),
- 3) That the preliminary plan shall call for the relocation of utility pole #5 to accommodate the roadway and curbing.
- 4) That the preliminary plan shall include at least one granite bound per lot.
- 5) That the preliminary plan shall include the overall grading of the site which shall ensure that the storm-water is properly directed toward the proposed collection system and away from the proposed dwellings.
- 6) That the preliminary plan shall include a five foot (5') wide permanent maintenance easement along the north side of the proposed Ethan Street extension.
- 7) That the preliminary plan shall clarify the ownership of the storm drains and the underground injection control (UIC) system.
- 8) That the preliminary plan shall depict a one inch water service to the proposed dwellings.
- 9) That the preliminary plan shall include street trees, species to be approved by the City's Landscape Project Coordinator, to be located 35 feet on center on both sides of Ethan Street extension, including the cul-de-sac.
- 10) That the grouping of mature evergreen trees located between Ethan Place and the southern edge of the proposed cul-de-sac should be preserved and protected during construction, if possible.

Public Meeting

Minor Land Development Project

1 International Way

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| Applicant: | VAS Realty LLC. |
| Location: | 1 International Way |
| Assessor's Plat: | 276 |
| Lot: | 9 |
| Zoning District: | GI (General Industrial) |
| Land Area: | 2.26 acres |
| Number of lots: | 1 |
| Engineer: | David D. Gardner & Associates, Inc. |
| Ward: | 8 |

The applicant is requesting Preliminary Approval for a Minor Land Development Project to construct a new 2 story, 30,000 square foot office building.

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) In compliance with the standards and provisions of the City's Zoning Ordinance.
- 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 access to a public street.

Planning Department Recommendations

The Planning Department recommendation is to grant Preliminary approval with final approval to be through the Administrative Officer upon compliance with the following stipulations:

- 1) That the final landscape plan shall be approved by the City's Landscape Project Coordinator.

- 2) That storm-water quality calculations shall be provided by the Project Engineer and approved by the City's Engineering Department prior to final approval.
- 3) That the final plan shall include an Operation and Maintenance plan for all components of the drainage system, which must clearly state that the owner shall be responsible for the implementation and maintenance of the system.
- 4) That all necessary State permits, including, but not limited to, RIDEM Wetlands and RIDOT Physical Alteration Permit (PAP) shall obtained prior to Final Approval.
- 5) That the final plans shall include the domestic water service which shall include an RPZ backflow device after the meter and a double check detection check installed on the fire service and that any outside irrigation service must be tapped off the domestic service and contain an RPZ backflow device.
- 6) That the location and number of hydrants be approved by the Warwick Fire Marshall's Office and depicted on the final plan prior to final approval.
- 7) That Project Engineer shall provide existing and projected sewer flows, as well as, any other pretreatment requirements which shall be approved by the Warwick Sewer Authority, prior to final approval.
- 8) That any outstanding Sewer Assessments shall be paid in full prior to final recording.

Public Informational Meeting

Major Land Development Project

Crown Plaza Hotel Addition

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|------------------|-----------------------------|
| Applicant: | Warwick Hotel Associates |
| Location: | 801 Greenwich Avenue |
| Assessor's Plat: | 265 |
| Lot(s): | 18 & 21 |
| Zoning District: | GB (General Business) |
| Land Area: | 17.8 acres |
| Number of lots: | 2 |
| Engineer: | Garofalo & Associates, Inc. |
| Ward: | 8 |

The applicant is requesting Master Plan approval of a Major Land Development Project to reconfigure two lots, resulting in two lots, one lot with less than required side setback in order to provide for the expansion of an existing hotel.

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 in compliance with the standards and provisions of the City’s Zoning Ordinance; therefore, requiring a variance to construct an addition to an existing building with less than the required setbacks.
- 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 access to a public street.

Planning Department Recommendations

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

- 1) That the applicant shall receive Zoning Board of Review approval to construct a building addition and to have an existing building with less than the required side-yard setbacks.
- 2) 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.
- 3) That all State permits including, but not limited to, RIDEM Wetlands, RIDOT Physical Alteration Permit (PAP), RIDEM Underground Injection Control (UIC) shall be obtained, prior to preliminary approval.
- 4) That the location and number of hydrants and the flow rate shall be approved by the Warwick Fire Marshall’s Office, prior to preliminary approval. Should a larger service line be required to service the expansion, this should be coordinated immediately with RIDOT as part of the Route 5 reconstruction project.
- 5) That the Project Engineer shall provide existing and projected sewer flows, as well as, any other pretreatment requirements which shall be approved by the Warwick Sewer Authority, prior to preliminary approval.

Public informational Meeting

Major Land Development Project

Jefferson Boulevard Office Park

Applicant: Wilco Development LLC.
Location: Jefferson Boulevard, Kansas Avenue, and Malbone Street
Assessor's Plat: 282
Lot(s): 78 (portion), 82-84, 87-90, 93, 96, 97, 100-102, 105-108
Zoning District: GI and LI (General and Light Industrial)
Land Area: 3.76 acres
Number of lots: 2
Engineer: DiPrete Engineering
Ward: 3

The applicant is requesting Master Plan approval of a Major Land Development Project to construct a new 75,000 square foot office building on a lot with less than required landscape buffer, and off-site parking.

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 in compliance with the standards and provisions of the City's Zoning Ordinance; therefore, requiring Zoning Board of Review approval to construct an office building with less than required landscape buffer and off-site 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 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 Zoning Board of Review approval to construct an office building on a lot with less than required landscaping and off-site parking.

- 2) 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.
- 3) That all State permits including, but not limited to, RIDEM Wetlands, RIDOT Physical Alteration Permit (PAP), RIDEM Underground Injection Control (UIC) shall be obtained prior to Preliminary Approval.
- 4) That the preliminary plan shall include and clearly designate a provision for safe pedestrian access from the abutting off site parking lot to the proposed office building.
- 5) That the preliminary plan shall include the location and number of hydrants to be approved by the Warwick Fire Marshall's Office.
- 6) That Project Engineer shall provide existing and projected sewer flows, as well as, any other pretreatment requirements which shall be approved by the Warwick Sewer Authority, prior to preliminary approval.
- 7) That the applicant shall merge all abutting lots by way of an Administrative Subdivision

Request for an Amendment to the City's Zoning Ordinance

Offices at the Crossings

Applicant: Bellcastle Realty Inc.
Location: Greenwich Avenue
Assessors Plat: 257
Assessors Lots: a portion of lot 10 & a portion of lot 13
Zoning District: Amendment of existing City Council Zone Change PCO-22-98.

The applicant desires to amend an existing Zoning Ordinance PCO-22-98 in order to eliminate an approved hotel use, and to allow two office buildings totaling 180,000 square feet with dimensional relief from Zoning Ordinance, Table 2B, Dimensional Regulations, to have structures exceeding the maximum height in an Office Zoning District.

Planning Department Findings

The Planning Department finds 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 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 of Warwick
 - B) The natural characteristics of the land, including its suitability for use based on soil characteristics and topography.
 - 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.
- 103.10 Promotes a high level of quality in design in the development of private and public facilities.
- 103.1 Promotes implementation of the Warwick Comprehensive Community Plan, as amended.

The Planning Department recommends favorable recommendation to the Warwick City Council for the requested zoning amendment with the following stipulations:

- 1) That the Warwick City Council shall amend those certain elements previously approved in City Council Zone Change PCO-22-98 in order to eliminate the hotel use and to allow two office buildings totaling 180,000 square feet with dimensional relief from Zoning Ordinance, Table 2B, Dimensional Regulations, to have structures exceeding the maximum height in an Office Zoning District.
- 2) That the Developer shall seek the installation of a fully actuated traffic signal at the intersection of Greenwich Avenue and the site access drive as recommended in the traffic analysis prepared by Garofalo & Associates and dated May 2006. This signal should be incorporated into the coordinated signal system presently being installed as a part of the RIDOT Route 5 Reconstruction Project.
- 3) The Project Engineer shall submit a complete parking plan for all existing and proposed uses on the site including the ancillary parking for Assessor's Plat 265, Assessor's Lots 18 and 21.
- 4) That the existing fifty foot (50') buffer shall be maintained along the southern property line and that the developer shall be allowed to construct and maintain paving and/or a

detention pond within twenty-five (25') of the buffer, farthest from the southerly property line of the site.

- 5) That the Developer shall continue to provide land for the remainder of the 20 year term in accordance with the existing lease, provide water and gas service, construct the roads and install roadway lighting for the Continental Little League baseball facilities. The Continental Little League shall be responsible for the maintenance of the Baseball Facilities.
- 6) That PCO-22-98 shall be repealed upon effective date of this ordinance.

Land Donation

City of Warwick

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|-------------------------|----------------|
| Applicant: | House of Hope |
| Location: | Winter Avenue |
| Assessors Plat: | 332 |
| Assessors Lots: | 483, 484 & 485 |
| Zoning District: | Open Space |
| Ward: | 4 |

The City of Warwick desires to donate Assessors Plat 332, Assessors Lots 483, 484 and 485 totaling approximately 8,756 square feet currently zoned Open Space to the House of Hope, a private nonprofit housing organization for the purpose of constructing a single family home on the site.

Recommendation

The Planning Department has contacted all effected City Departments, Agencies and Commissions and had received no objection. The Sewer Authority did request it be allowed to continue to use the subject lots as a staging area for the Conimicut West Sewer Construction Project until the project has been completed in December 2006 or spring 2007.

The Planning Department recommends a favorable recommendation to the City Council for the land dedication with the following conditions:

That the Warwick Sewer Authority continues to utilize the property as a staging area for the Conimicut West Sewer Construction Project until the project has been completed.

That the City Council rezone the property from Open Space to Residential A-7 with a restriction that the property be utilized for the construction of an affordable single family home.

Bond Reduction

Buckpell Estates

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|------------------------------|--------------------|
| Current bond total | \$45,660.00 |
| <u>Amount to be released</u> | <u>\$45,660.00</u> |
| | Full Release |