

**Meeting Notice  
City of Warwick  
Planning Board**

**Date:** Wednesday, March 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 square feet  
**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 an existing 48,000 square foot, centrally located section of an existing building to create two separate buildings, with a subdivision to combine twelve (12) existing lots to create two (2) lots, with a building sited on each lot, with 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 Recommendation**

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, prior to final approval.
- 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 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.
- 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 Warwick Sewer Authority approval shall be required prior to preliminary approval and all outstanding assessments and inspection fees shall be paid prior to final approval.

### **Public Meeting**

## Minor Subdivision

### **Re-plat of a portion of Homeland Plat**

Applicant: U.S. Bank National Associates &  
Anthony Famiano Jr.  
Location: 34 Hamilton Avenue and Pinnery Avenue  
Assessor's Plat: 342  
Lot(s): 230, 231, 255, 256 & 257  
Zoning District: Residential A-7  
Land Area: 15,707 square feet  
Number of lots: 2  
Engineer: Ocean State Planners, Inc.  
Ward: 3

The applicant is requesting preliminary approval to subdivide five lots with an existing dwelling to create two new lots, one conforming lot with an existing dwelling and one conforming lot for development, 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.
- 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 preliminary approval with final approval to be through the Administrative Officer with the following stipulations:

- 1) That one granite bound per lot shall be installed and noted on the plan prior to recording of the final plan.

- 2) That drywells, or the equivalent shall be installed to collect roof runoff for the proposed new dwelling.
- 3) That the tree closest to Pinnery Avenue on proposed lot “B” shall be removed and the tree closest to the northerly property line on proposed lot “B” shall be preserved and protected with drip-line tree protection during construction.

**Public Meeting**

**Minor Subdivision**

**Point Avenue Project**

Applicant:	ANG Properties, Inc.
Location:	344 Point Avenue
Assessor’s Plat:	333
Lot(s):	37, 38 & 39
Zoning District:	Residential A-7
Land Area:	15,000 square feet
Number of lots:	2
Engineer:	Commonwealth Engineers
Ward:	4

The applicant is requesting preliminary approval to demolish an existing dwelling and subdivide three lots to create two new lots for development 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.
- 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 preliminary approval with final approval to be through the Administrative Officer with the following stipulations:

- 1) That drainage calculations and mitigation measures demonstrating zero-net runoff shall be approved by the City Engineering Office prior to final approval.
- 2) That a detail illustrating how the existing sewer service will be protected during demolition and construction shall approved by the Warwick Sewer Authority prior to final approval.
- 3) That the existing water meter pit shall be removed.
- 4) That the oak tree located at the northwesterly corner of Assessors Lot 37 shall be preserved and protected with drip-line tree protection during construction.
- 5) That one new street tree shall be planted on each new lot prior to issuance of a Certificate of Occupancy; location, size, and species to be approved by the City’s Landscape Project Coordinator and noted on final plan prior to recording.

**Public Informational Meeting**

**Major Land Development Project**

**57 Fair Street**

Applicant:	House of Hope Community Development Corporation
Location:	57 Fair Street
Assessor’s Plat:	292
Lot:	507
Zoning District:	Residential A-7, with Historic Overlay
Proposed Zone:	Planned District Residential, A-7
Land Area:	18,572 square feet
Number of Lots:	1
Engineer:	Casali & D’Amico Engineering, Inc.
Ward:	1

The applicant is requesting Master Plan approval of a Major Land Development Project and a zone change recommendation to the Warwick City Council to convert an existing thirteen (13) bed congregate elderly housing facility to a five (5) unit multi-family development, on an undersized lot with less than the required frontage and lot width, and less than required building side setback and driveway setback from the existing 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) Not in compliance with the standards and provisions of the City's Zoning Ordinance, therefore requiring City Council approval for a zone change from Residential A-7 to Planned District Residential, A-7, with waivers from the minimum lot area, less than required frontage and lot width, and less than required building side set back and driveway setback from the existing building.
- 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**

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

- 1) That the applicant shall receive approval from the City Council for a zone change from Residential A-7 to Planned District Residential (PDR) A-7 with the necessary waivers.
- 2) That the project engineer shall consult with the City Engineer regarding the installation of a trench drain to collect storm water runoff.
- 3) That all necessary State permits are required prior to Preliminary Plan submission.
- 4) That all corners shall be negotiable by vehicles having an outer turning radius of 50 feet and there shall be no architectural, landscape or natural barriers to prevent easy access by fire apparatus.
- 5) 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 addressing the following issues:
  - a. Buffering adjacent properties
  - b. Elimination of the existing northerly drive.
  - c. Widening the southerly drive to provide primary access to the site.

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

<b>Applicant:</b>	House of Hope Community Development Corporation
<b>Location:</b>	57 Fair Street
<b>Assessor's Plat:</b>	292
<b>Assessor's Lot:</b>	507

**Zoning District:** Residential A-7/Historic Overlay  
**Proposed Zoning:** Planned District Residential (PDR) A-7/Historic Overlay

### **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 Housing Element.

The Planning Department also finds the proposed zone change 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.

103.5 Provide for the protection of the natural, historic, cultural and scenic character of the city or areas therein.

103.8 Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing, including opportunities for the establishment of low and moderate income housing.

103.10 Promote a high level of quality in design in the development of private and public facilities.

103.15 Provide for reasonable accommodations in order to comply with the RI Fair Housing Practices Act, the US Fair Housing Amendments Act of 1988 (FHAA), the RI Civil Rights of Individuals with Handicaps Act, and the American with Disabilities Act (ADA).

The Planning Department recommends a favorable recommendation to the Warwick City Council for the requested zone change from Residential A-7 to Planned Unit Development

(PDR), Residential A-7, with waivers from the minimum lot area, less than the required frontage and lot width and less than required building side set back and driveway setback from the existing building, with the following stipulation:

- 1) That any additional development on the property shall require a Development Plan Review (DPR) to be approved by the Warwick Planning Board in compliance with the City of Warwick Zoning Ordinance and Development Review Regulations.

### **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 each 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.

### **Bond Reduction**

#### **Faria Subdivision Viewesta Road**

Current bond total	\$180,000.00
<u>Amount to be released</u>	<u>\$144,982.00</u>
Retain	\$35,018.00

### **Administrative Subdivision**

PJC Realty Re-plat	Plat 279 Lots 3 & 30
Dulude Plat	Plat 355 Lots 664, 665 & 666