

**Meeting Notice
City of Warwick
Planning Board**

Date: Wednesday, October 10, 2007

Time: 6:00 p.m.

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

Review and acceptance of meeting minutes from August and September 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

The applicant is requesting 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.

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 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 recommends favorable recommendation to the Warwick City Council for the requested zoning change.

Public Hearing

Major Land Development Project

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

The applicant is requesting Master Plan approval of a Major Land Development Project and a Zone Change recommendation from Residential A-10 to Office to allow construction of a new 10,800 square foot medical office building with less than required setback for parking spaces and less than required landscape buffer on a lot zoned Residential A-10.

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-10 to Office, with waivers for less than required setback for parking spaces and less than required landscape buffer.
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-10 to Office, with the requested waivers.
2. That the project engineer shall meet with the City Engineer to discuss stormwater drainage issues, prior to beginning the preliminary design. The project engineer must be aware that Zero Net Runoff is considered a minimum and that this site discharges into Hardig Brook, a water body that had been targeted by Rhode Island DEM for a Total Maximum Daily Loading (TMDL); therefore the project engineer must make every effort to minimize storm water runoff, improve water quality and promote infiltration on site
3. The project engineer shall indicate the width of the Narragansett Electric Easement on the preliminary plan.
4. That the applicant shall relocate the dumpster to eliminate access from Orchard Avenue and to conform to required setbacks.
5. That there shall be no access to Orchard Avenue from the development.
6. That the applicant shall meet with the Warwick Sewer Authority to discuss sewer extension policy and the project engineer shall stamp and submit all projected flows to the Warwick Sewer Authority.

7. 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

Request for a Zone Change

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

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 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.
- B.) The natural characteristics of the land, including its suitability for use based on the 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 Promote a high level of quality in design in the development of private and public facilities.

The Planning Department recommends favorable recommendation to the Warwick City Council for the requested zone change from A-10 to Office with waivers for less than required setback for parking spaces and less than required landscape buffer, with all of the Planning Department recommendations.

Public Meeting

Request for a Comprehensive Plan Amendment

Airport Road LLC. - Home Depot

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

The applicant is 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.

Planning Department Findings

The applicant has provided a thorough analysis of the Warwick Comprehensive Plan and is 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 has several concerns relating to this proposal. These concerns include 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.

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. In the alternative, the FAA has decided the 5-23 extension will now 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 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.

Based on this analysis, the Planning Department strongly recommends that the Planning Board formally adopt the Planning Departments findings and forwards a recommendation of Denial to

the Warwick City Council for the proposed Comprehensive Plan Amendment.

Public Hearing

Major Subdivision

Homeland Plat

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

The applicant is requesting master plan approval in order to legalize an illegal subdivision. The applicants are requesting approval to subdivide five merged record lots with an existing dwelling to create two new lots; one conforming lot with an existing dwelling, and one new undersized nonconforming lot for development in a residential A-7 Zoning District.

As part of this application the applicant has submitted a written analysis performed by a Certified Planner. In his analysis the planner presents a finding that the applicant is exempt from the merger provision contained in the City's Zoning Ordinance as a result of the "residual lot exemption." The Planning Department would like the Planning Board to be aware that there is no "residual lot exemption" provision contained in the City of Warwick Zoning Ordinance.

In fact, the Rhode Island Superior Court Case of Dotson V. The Warwick Zoning Board of Review, the court determined that the Warwick Zoning Ordinance merger provision contained in Section 403.1 "...contains clear and unambiguous language...that when abutting undersized lots are held in the same ownership they are merged and become a single parcel of land because of their lack of requisite square footage." The court further found that the lots could not be sold separately.

This Superior Court determination is contrary to the so called "residual lot exemption" presented in the applicants planning analysis. As a result, the Department requests that the Planning Board reject the analysis as factually inaccurate and not accept the analysis as part of the official record.

Planning Department Findings

The Planning Department finds this 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

Planning Department recommendation is 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

Administrative Subdivisions

Oakland Beach Avenue Plat: 375 Lots: 439 & 549