

City of Warwick Comprehensive Plan 'Consistency Analysis'

Major Land Development Project

**175 Post Road
Assessor's Plat 291 - Lot(s) 45 and 74**

Prepared For: Artak Avagyan and Lee Beausoleil

Prepared By: Pimentel Consulting, Inc.

Date: 16 November 2022

INTRODUCTORY STATEMENT

Artak Avagyan and Lee Beausoleil ("Applicants") have retained my professional land use planning and zoning consulting services ("Consultant"), in order to evaluate the appropriateness of entirely redeveloping long-standing industrial property situated amidst a vast pocket of industrial entities staggering the border of the City of Cranston, and literally abutting the Pawtuxet River. The subject proposal entails reviving a severely under-utilized industrial property by introducing a growing and necessary land use on a statewide level, namely contractor's storage units, realizing a new tax revenue stream and expanded employment base. Perhaps even more importantly, given pre-existing development conditions and therefore non-presence of any pertinent design features, most notably appropriate drainage controls averting impacting the Pawtuxet River, is the introduction of such environmentally considerate design elements. Likewise is the applicant's gracious offer to donate land resources for purposes of achieving direct waterway access; a development condition that achieves numerous Comprehensive Plan goals and objectives.

Natural Resource Goal 1 - *"Warwick's natural resource systems, sensitive water resources and natural habitat are preserved and protected for future generations."* [Page 4.20]

Strategy B - *"Protect, preserve and enhance natural resource areas adjacent to developed or potentially developed areas."* [Page 4.20]

Action 5 - **"Continue to prioritize acquisition in areas with the most potential for preserving the city's natural resources."** [Page 4.21]

Strategy C - *"Protect freshwater bodies, coastal waters, areas with soil limitations, unique natural features, fish and wildlife habitat, and threatened and endangered species habitat through land use planning and regulatory management programs."* [Page 4.21]

Action 2 - **"Adopt Low Impact Development Standards for new development, substantial renovations, and undersized properties seeking dimensional variances."**

Action 3 - *"Preserve remaining coastal and riparian vegetated buffers, establish them on public lands, and **promote the establishment of new vegetated buffers at water edges on private lands.**"*

Strategy D - *"Support the programs of the Pawtuxet River Authority and Watershed Council that mitigate flood damage to low lying areas of the City."* [Page 4.22]

Action 1 - **"Support the programs of the Pawtuxet River Authority and Watershed Council that promote increased access to the River for Warwick's residents."**

Action 3 - **"Carefully review proposed developments within the Pawtuxet River flood zone to mitigate or eliminate potential additional future flood damage."**

The referenced redevelopment proposal is literally a by-right project, introducing permissible land use(s) and curing many pre-existing dimensional nonconformities, most notably excessive lot coverage by introducing true landscaping and waterway design features. The

redevelopment proposal is however defined as a Major Land Development Project, necessitating Master Plan approval. The referenced redevelopment will foster economic development and further both the intent and purpose for the Zoning Ordinance as well as the goals and objectives of the Comprehensive Plan.

In light of the subject redevelopment proposal, this Consultant has conducted a thorough analysis of all pertinent application materials, to include the respective site plan package submitted by the applicants. In addition, this Consultant has thoroughly researched the following regulatory documents:

- o City of Warwick Comprehensive Plan 2033 - City Council Approved 17 April 2014 ("Comprehensive Plan");
- o City of Warwick Zoning Ordinance ("Ordinance");
- o City of Warwick Development Review Regulations - Governing Subdivisions, Land Development Projects, and Development Plan Review - Adopted 1 January 1996 - Amended through 13 March 2001 ("LDP Regulations"); and,
- o Reviewing pertinent Rhode Island General Law ("RIGL") and case law.

In addition, a general analysis of the immediate neighborhood has been conducted, for purposes of evidencing neighborhood compatibility. The proposed regulatory changes will not only realize consistency with the Comprehensive Plan goals and objectives, but also revitalization of an industrial property that has been well under-utilized and failing to proffer any natural resource protection. This is in direct accord with the overall vision for the City of Warwick, as evidenced by the Comprehensive Plan [Page - Executive Summary].

The City of Warwick's Vision for 2033

- **"We are committed to a diversity in land use that promotes a strong, stable tax base..."**
- **"We are committed to preserving and enhancing the city's open space, recreation and water resources, improving the utility of these properties for the community while promoting economic development and public-private partnerships that provide revenue for ongoing maintenance and infrastructure improvements."**
- **"We are making more sustainable choices about how we manage the impacts of development on our streams, ponds, wetlands, and coastal waters because we understand how our actions on land affect water quality and flooding. We are implementing a coordinated program to manage stormwater, impervious surfaces, wastewater, and landscape practices so that all our waters will once again be clean for fish and shell fish, for recreation, and for commercial purposes. Warwick's coastal waterfront is one of our most precious assets, but we know we must plan for the likelihood of sea level rise in this century."**

PRESENT PROPERTY and NEIGHBORHOOD CONDITIONS

The subject property is addressed 175 Post Road, further designated Assessor's Plat 291, Lot(s) 45 and 74, and presently containing approximately 15.67-acres on total land area ("Property"). The Property is presently unimproved, albeit long-used for heavy industrial purposes. In fact, the Property was recently improved with a vast industrial facility. However the Applicants razed the building for a number of pertinent reasons, albeit maintenance would have only served to further acknowledge the need for an entire redevelopment; long-standing conditions being fraught with numerous nonconformities. Although, the buildings removal does not negate the legitimacy of the subject redevelopment proposal because the property still exhibits a number of dimensional nonconformities (e.g., vastly excessive impervious coverage), its continued presence would have visually served to further evidence the development's appropriateness. Pursuant to the Ordinance's 'Nonconforming' language, a property owner has the right to rehabilitate a nonconforming facility and/or site conditions, regardless of whether said facility and/or site is merely dimensionally nonconforming, or improved with a nonconforming land use. In fact, a facility improved with a nonconforming land use may even be entirely restored when deemed to be structurally defective; defectiveness implying structural integrity and/or economic infeasibility.

Section 402 'Building or structure nonconforming by use

402.2. Continuance of use - *"Nothing in this ordinance shall prevent or be construed to prevent the continuance of a nonconforming use of any building or structure for any purpose to which such building or structure was lawfully established."*

402.9. Abandonment - *"If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless the owner can demonstrate an intent not to abandon the use. An involuntary interruption of nonconforming use, such as by fire and natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of one year or more, the owner of the nonconforming use will be presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use."*

Section 403 'Building or structure nonconforming by dimension

403.2. Maintenance and repair - *"A building or structure nonconforming by dimension may be maintained and repaired except as otherwise provided in this section."*

403.8. Demolition - *"A building or structure nonconforming by dimension, if voluntarily demolished, shall not be reconstructed, unless it conforms with the dimensional regulations of the zone in which it is located. Such voluntary demolition shall be considered an abandonment of the use. If such building or structure is involuntarily demolished, destroyed, or damaged, it may be repaired or rebuilt to the same size and dimension as previously existed."*

Regardless of its removal, its long-standing presence is worthy of recognition. The referenced facility literally had an approximate 96,664 square foot building footprint. The foundation still remains evidencing its long-standing presence. The referenced facility is illustrated below, as excerpted from personally obtained photographs and Google Earth, respectively.

Aerial View - Existing Conditions



Aerial View - Existing Conditions



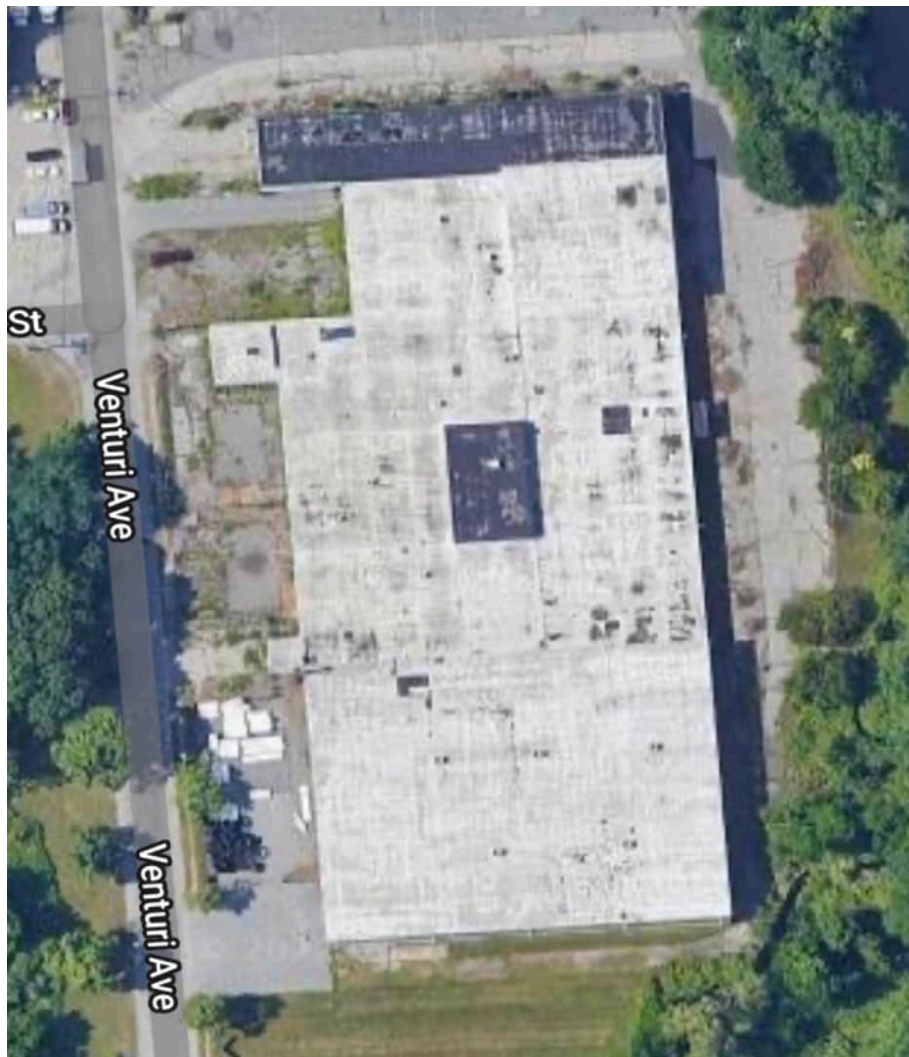
View Looking Northeast, from Venturi Avenue



View Looking Southeast, from Venturi Avenue



Aerial View



Present site conditions, exclusive of the afore-referenced industrial facility, is nevertheless woefully still dimensionally nonconforming. The Property is vastly covered with impervious surface, with literally no deterrent drainage controls; on-site runoff directed in a free-for-all, inclusive of the Pawtuxet River. Once again, existing conditions are woefully deficient, particularly from an environmental perspective, and only capable of being remediated through redevelopment actions. This not only includes addressing unregulated on-site drainage (uncontrolled run-off), both in regard to quantity and quality, but also realizing true permanent public access

The big picture challenges opportunities for a new era of transformation in Warwick's history - *"Over Warwick's long history from a colonial town of farming and fishing villages to a successful 20th century suburban city, it has gone through many transformations. New challenges and changes are ahead in the 21st century."* [Page - Executive Summary]

- **"From now on, it's all about redevelopment. Warwick is a mature community with little undeveloped land. Improvements must come through redevelopment of previously developed land and through upgrading and redesign of public infrastructure and amenities for new residents and new businesses."**
- **"Warwick's environmental assets are a key competitive resource. With ponds, streams, marshes, 39 miles of coastline, and Rocky Point, Warwick has tremendous natural attractions. Protecting and enhancing these assets, and making sure that there is continued affordable access to the coastline, has multiple benefits."**

The Property is uniquely configured, having in excess of ten (10) physical property boundaries and physical frontage along both Post Road and Venturi Avenue, thus being defined as a corner lot. The Property has literally approximately 1,100 linear feet along Venturi Avenue, and an additional approximately 490 linear feet along Post Road. Furthermore, the Property has historically been improved with multiple curb-cuts, several of which appear to be excessively wide; far in excess of standard engineering and regulatory standards. The presence of a corner-lot and such excessive linear roadway frontage, in addition to multiple curb-cuts, permits greater development opportunity.

Venturi Avenue is classified a local roadway and the portion of Post Road in question classified a Minor Arterial roadway. The referenced roadway classification is defined by the Rhode Island Department of Transportation, in the following manner:

Minor Arterials - *"Minor Arterials provide service for trips of moderate length, serve geographic areas that are smaller than their higher Arterial counterparts and offer connectivity to the higher Arterial system. In an urban context, they interconnect and augment the higher Arterial system, provide intra-community continuity and may carry local bus routes. The spacing of Minor Arterial streets may typically vary from 1/8- to 1/2-mile in the central business district (CBD) and 2 to 3 miles in the suburban fringes. Normally, the spacing should not exceed 1 mile in fully developed areas."*

The subject property is presently zoned Light Industrial 'L-1' District ("L-1 District"), defined pursuant to Section 301.9 'Districts' of the Ordinance, in the following manner:

L-1 District - *"Properties mapped in accordance with subsection 303 of this ordinance and used for limited or light industrial purposes generally of a less intensive nature than those allowed in the general industrial district."*

The referenced zoning district is further substantiated by the Comprehensive Plan - Map 12.1 'Future Land Use Map' [Page 12.18], which illustrates that the subject property and vast surrounding pocket of properties are classified in an 'Industrial' manner. Further evidencing Comprehensive Plan consistency is Map 3.4 'Commercial and Industrial Land Use' [Page 3.15], which illustrates that there are only a selective few areas dedicated to industrial land usage City-wide. In addition to the primary industrial spine surrounding the Airport property proper, there are only three (3) smaller areas that serve the community's industrial needs. The referenced maps are displayed below and on the following page, respectively, for purposes of corroborating this Consultant's determination on Comprehensive Plan consistency.

Future Land Use Map

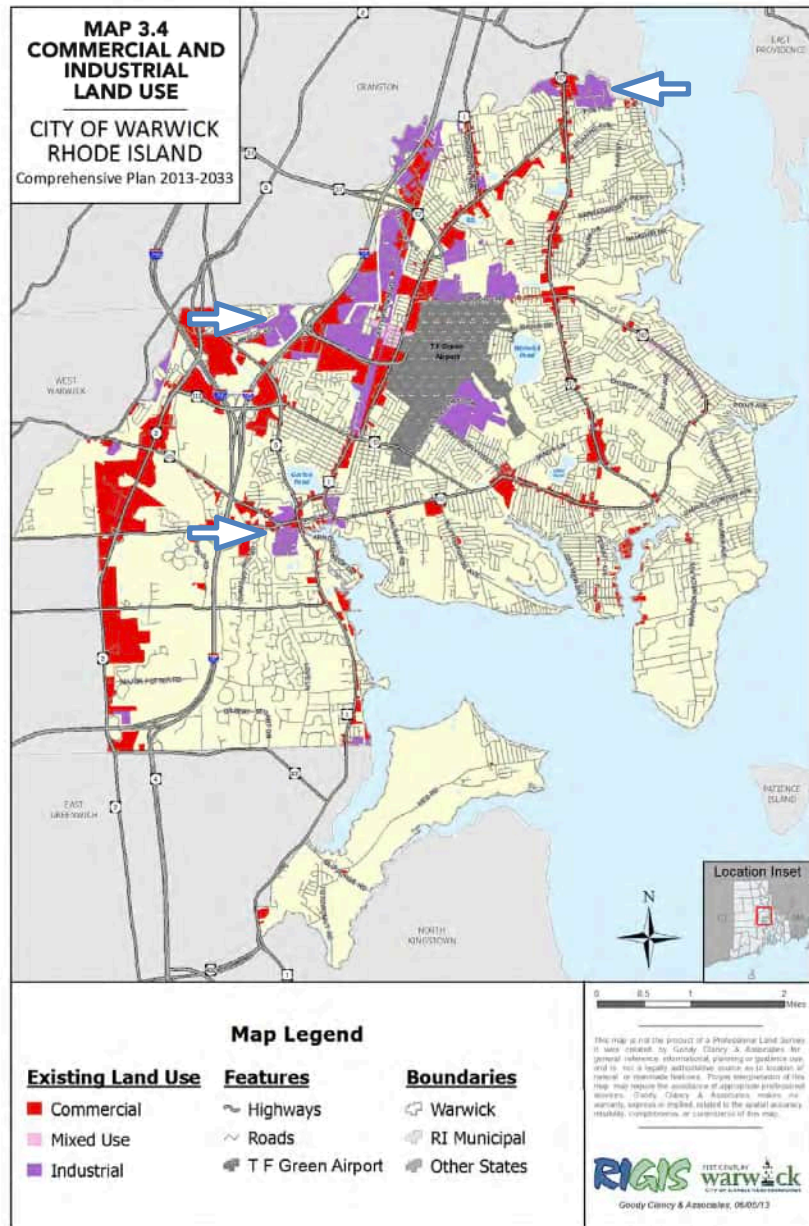


In regard to neighborhood compatibility, the Property is literally situated amidst a vast pocket of similar, or even more intensive, industrial entities. A comprehensive analysis of the surrounding area has been conducted, and the results clearly evidence redevelopment consistency, averting impacting any dissimilar land use. Exclusive of the Property and perimeter commercial outlying parcels staggering Warwick Avenue, the industrial area in question occupies approximately 49-acres, is improved with approximately 8.6-acres of gross floor area, and minimally an additional

17-acres of impervious lot surface. Another very important consideration is realizing direct and permanent access to the Pawtuxet River. Such a worthy objective is typically difficult to achieve, considering most land resources have long been privately owned. The City of Warwick is making great strides in acquiring such resources as they avail themselves. However, both opportunity and cost are major obstacles. The City of Warwick does presently own Assessor's Plat 291, Lot 2, situated several parcels to the immediate West of the Property. Although non-contiguous, donated acreage resulting from the subject redevelopment proposal, would greatly assist in achieving a connected greenway corridor and do so without the need for public financing.

**REDEVELOPMENT
PROPOSAL**

The subject proposal entails redeveloping the property once again for entirely industrial purposes, namely Contractor's Storage Units, otherwise defined as a Wholesaling and Warehousing operation pursuant to the zoning regulations. The referenced redevelopment proposal will realize far greater zoning, land development, and Comprehensive Plan regulatory compliance and consistency, because the proposed business entity will operate in accordance with current engineering and site design regulatory standards. Finally, it will be buffered from the sole residential pocket to the South and Southeast through some creative lot



subdivision and potential future residential development. The proposed redevelopment will entail the following improvements:

1. The Property will be partially improved at this time, with the most notable change being the exclusion of upwards 6.9-acres from any future development; being protected via the imposition of a 'Conservation Easement.'
2. Proposed industrial redevelopment will be comprised of two (2) separate structures totaling approximately 65,000 square feet. The referenced facilities will be situated no closer than 58-feet to the front property boundary, and surrounded by upwards of 130-spaces. The most glaring improvement is the introduction of almost non-existent green-space.
3. The referenced 'conservation easement,' consisting of upwards 6.9-acres, will provide direct and permanent access to the Pawtuxet River, from both Post Road and Venturi Avenue. The easement will be configured such that it will buffer the proposed industrial operation from the Pawtuxet River, as well as the present residences to the South and Southeast.
4. The present proposal will realize an approximate 33% reduction in overall building footprint in comparison to recent historical development. It will also realize considerable green and open space enhancements.
5. In addition to overall green improvement and provision of public river access, is the introduction of true drainage controls, addressing both quantity and quality. This will greatly assist in the community's long-term goal of restoring the Pawtuxet River.

The described redevelopment proposal is illustrated below, as excerpted from the Applicant's submission package [Credit: DiPrete Engineering]



COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

The Comprehensive Plan not only well recognizes the proximate location for industrial development, but also details a number of long-standing deficiencies; many of which are to be addressed by the subject redevelopment proposal.

B. Warwick Avenue - *“Warwick Avenue is an intensely developed arterial road characterized by long rows of commercial strip development and high traffic counts, particularly at Airport Road. It is also known as State Route 117 up to Airport Road and, south of Airport Road moving southerly to West Shore Road, it is known as State Route 117A. For the purposes of this discussion, Warwick Avenue will be divided into three sections.”* [Page 12.9]

1. Warwick Avenue Cranston line to Airport Road: **“Continuous commercial development of all types including retail, office, heavy commercial and light industrial land uses in obsolete designs with expanses of impervious pavement, multiple curb cuts, obtrusive signage and few green areas is characteristic of this corridor segment.** One portion of the corridor, around and across from Posnegansett Lake, is residential. **There are three environmentally fragile water systems in this area, the Pawtuxet River, Posnegansett Lake, and Spring Green Pond. There is limited developable vacant land.”**

Land use issues:

- **“Deteriorating conditions—disinvestment and blight—** in the strip between the Cranston line and Post Road require updated design and development standards.”
- *“Establishment of access management, design and development standards.”*
- **“Potential impacts of development on sensitive wetlands** and Spring Green Pond.”

The Comprehensive Plan acknowledges that there has been a change in vision when discussing future industrial development, realigning outlying industrial pockets, to include the subject area, for more ‘light industrial’ land usage. The Comprehensive Plan desires to concentrate ‘general industrial’ land usage along the primary industrial located along the far Northwest corner of the Property. It is the professional opinion of this Consultant that the anticipated land usage, namely Contractor’s Storage Units, is such a land use, not only aligned with the concept of light industrial land usage, but also affording greater protection of environmentally sensitive areas; averting usage of manufacturing processes and products that are otherwise disconcerting.

3. Future Land Use Categories - Industry

Light Industry - **“The Light Industry land uses are small scale manufacturing, warehousing, and similar uses that have limited impacts on adjacent properties.”** [Page 12.19]

Once again, the City of Warwick greatly desires a balanced approach between residential and commercial / industrial land usage, assuring a stable tax base; averting an untenable and disconcerting reliance on residential land usage as the primary source of tax revenue.

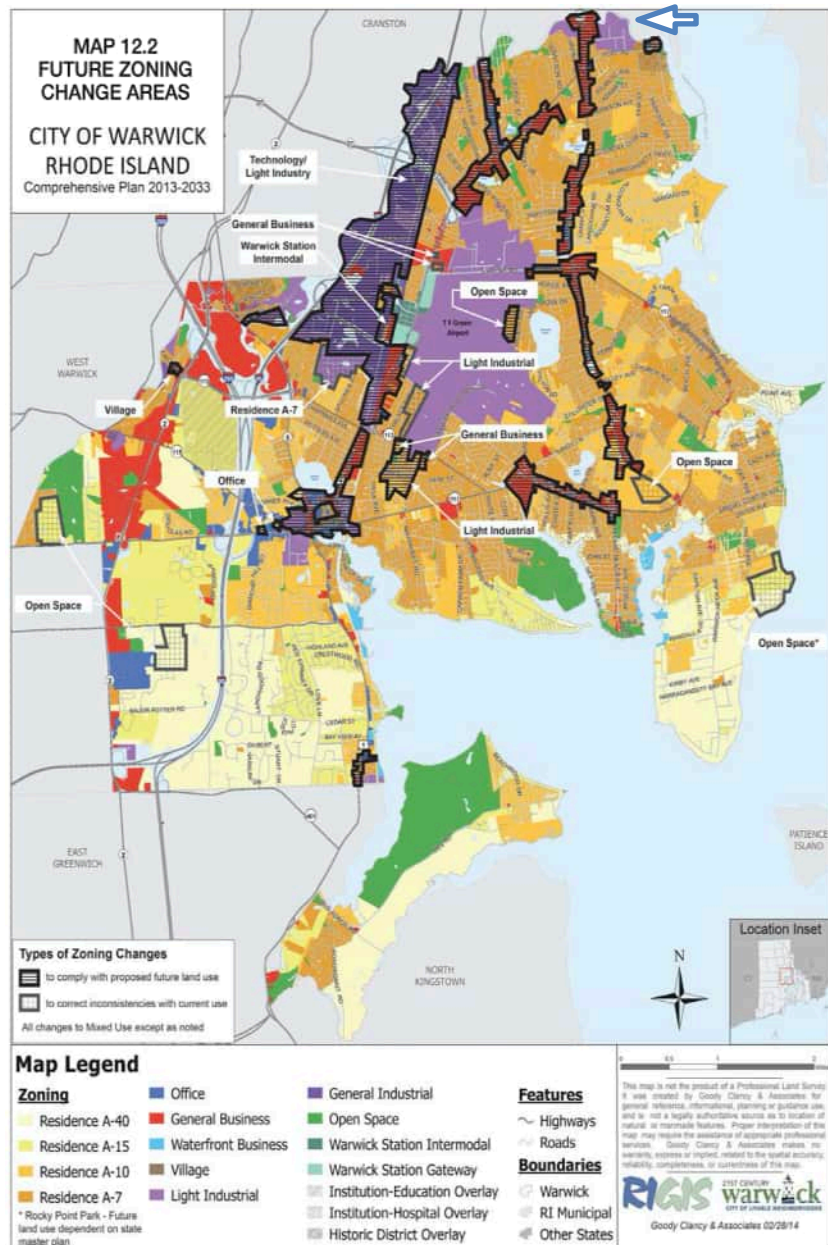
Land Use Goal 1:
 "Warwick has sufficient diversity of land uses to support a strong and stable tax base." [Page 12.25]

Policy: "Continue to balance land uses, particularly between regional retail and non-retail commercial uses."

Land Use Goal 6: "Public and private development meets high standards of urban design." [Page 12.31]

Policy: "Promote infill and redevelopment of outmoded/ blighted commercial or industrial properties."

Economic Development Element Challenge -
 "Upgrading its aging and deteriorated commercial and industrial real estate inventory and adjacent public infrastructure." [Page 8.4]



MAJOR LAND DEVELOPMENT PROJECT - REGULATORY CONSISTENCY ANALYSIS

It is the professional opinion of this consultant that the subject redevelopment proposal is in accordance with the respective goals and objectives of the Comprehensive Plan. Public water and sewer, as well as all pertinent utilities are available, and will be accordingly connected. In order to attain Major LDP approval, the applicant must assure the Planning Board that all required standards pursuant to Section 8.6 'Required Findings' of the Land Development Regulations, can be adequately satisfied.

Section 8.6 'Required Findings: *"For all subdivision or development project applications, the approving authority, whether Administrative Officer or Board, shall address each of the general purposes stated in Article 1 of these Regulations and R.I.G.L. and Section 45-23-30, and shall make positive findings on each of the following provisions as they apply to the application under review, as part of the project's record prior to approval."*

Section 8.6.1. *"The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies."*

The proposed 'by-right' redevelopment project is in accordance with all dimensional criteria and will realize neighborhood compatibility. The area in question is quite suitable for light industrial land usage, as evidenced by the neighborhood analysis and thorough Comprehensive Plan consistency analysis. Comprehensive Plan consistency has been evidenced throughout this report. The redevelopment proposal will realize greater engineering and landscaping regulatory site design; in fact introducing elements and features that are presently altogether non-existent. It will also realize direct and permanent physical access to the Pawtuxet River, as well envisioned by the Comprehensive Plan.

2. *"The proposed development is in compliance with the standards and provisions of the City's zoning ordinance."*

The proposed redevelopment will realize full use and dimensional compliance, as has been corroborated by City regulatory officials.

3. *"There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval."*

4. *"The proposed development, will not result in the creation of individual lots/areas/parcels with such physical constraints to development that building on those lots/areas/parcels in accordance with pertinent regulations and building standards would be impracticable, such lots/areas/parcels are identified as permanent open space or are to be permanently reserved for a public purpose on the approved recorded plans."*

There are literally a number of missing site and/or environmental elements and features that will be sufficiently addressed, most notably drainage thereby affording greater Pawtuxet River protection. This includes the donation of land resources, realizing direct and permanent physical access to the Pawtuxet River. Public water and sewer, as well as all utilities, are available and will be accordingly connected. Specific design elements, such as drainage, traffic, landscaping, etc., will be individually addressed by consultants with expertise in their respective field.

5. *"All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street."*

Permanent and direct access off of Venturi Avenue will be maintained. However, unlike present free-for-all conditions, means of ingress and egress will be introduced in accordance with pertinent engineering and regulatory design standards.

CONCLUSION

It is the professional opinion of this Consultant that the subject request to redevelop the Property will be consistent with the Intent and Purposes of the Ordinance as well as achieve the goals and objectives of the Comprehensive Plan - specifically the Land Use and Economic Development Elements. My professional opinion is based upon the manner in which the proposed redevelopment can be well incorporated into the overall fabric of the surrounding industrialized neighborhood; introducing site improvements that reflect the area's environmentally sensitive characteristics.