



TOWN OF COVENTRY, RI  
DEPARTMENT OF PLANNING & DEVELOPMENT

## STAFF REPORT

<b>Project Name:</b>	<b>Harkney Hill Office/Storage Units</b>
<b>Plan Type:</b>	Unified Development Review (Major Land Development w/ associated Dimensional Variance)
<b>Plan Review Phase:</b>	Preliminary Plan
<b>Owner:</b>	AJB Real Estate, LLC
<b>Applicant:</b>	Andrew Barber
<b>Address:</b>	71 Harkney Hill Road
<b>Plat / Lot / Zone:</b>	<b>AP 10 Lot 42 Zone GB-1 Lot Size 2.2 acres</b>
<b>Existing Use:</b>	Vacant
<b>Proposed Use:</b>	Commercial office and equipment storage buildings
<b>Description:</b>	Applicant proposes to develop one commercial office building and two equipment storage buildings for contractor use, with development occurring in phases. The applicant is seeking zoning variances for the building design elements proposed for this site (which is located within a Special Planning Overlay District) and therefore will be heard via Unified Development Review.

### I. PROJECT INFORMATION

#### Overview

This matter previously came before the Planning Commission in November 2024 via Unified Development Review as a proposed Major Land Development (Master Plan) with associated dimensional variances for the number of loading spaces, required distance between driveways, and minimum landscaped buffers. Approvals for both the Master Plan application as well as the requested dimensional variances were recorded on November 22, 2024.

As the applicant indicated during the November 2024 meeting, it is seeking additional dimensional variances at the Preliminary Plan phase of review for building design elements, thus elevating the project again to Unified Development Review. In support of its proposal, the applicant has submitted a narrative elaborating on the requested relief and the status of various required state and local permits.

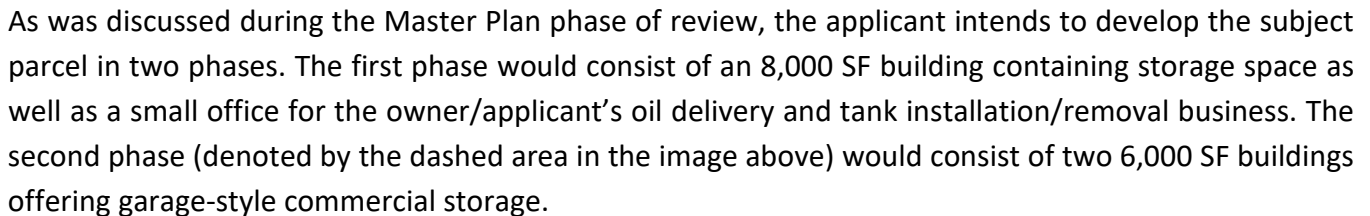
## Existing Conditions



The subject parcel is an undeveloped lot located behind the Dollar General at the corner of Nooseneck Hill Road and Harkney Hill Road, with frontage along both roadways. No wetlands exist on the site, but the parcel does fall within a Natural Heritage Area (RIDEM ID #128).

Along with its two immediate abutters, the subject parcel is zoned GB-1 (General Business, minimum one acre) and falls within the Route 3 and Sandy Bottom Road Special Planning Overlay District/Special Management District. This overlay is intended to improve the functionality and aesthetic character of these corridors, and as such the parcel is subject to certain design standards in addition to the dimensional and use standards inherent to the underlying zone.

Although the subject parcel is not located within a Groundwater Protection Zone or a Local Historic District, it does fall within a Natural Heritage Area (RIDEM ID #128). The parcel is located within Zone "X" (defined as area outside the 0.2% annual chance floodplain) of the National Flood Insurance Maps for the Town of Coventry.



At the time Master Plan approval was granted, the Planning Commission voted to reduce the number of off-street parking spaces as requested by the applicant from 70 (which would have been required per Article XII, Section 1220(c)(Table 12-3) of the Zoning code) to 24 (16 serving the Phase 1 building and 8 serving the Phase 2 buildings).

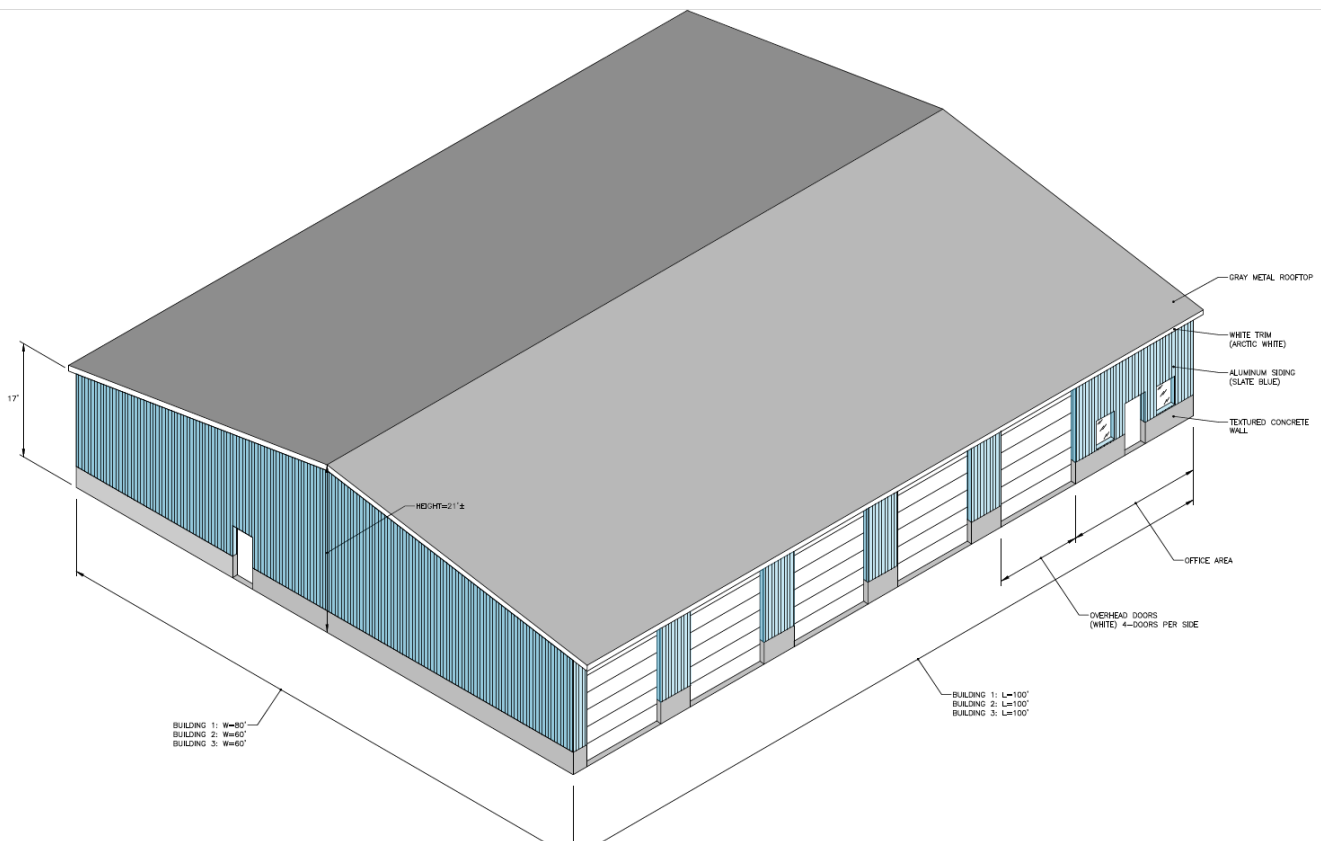
## Variances

The applicant has requested dimensional relief from two components of Article V, Section 530, which concerns architectural and site design standards for properties within the Route 3 Special Management Area. The sections which the applicant specifically identified are:

- 255-V-530E(2)(c) – “Traditional building materials such as shingles, wood clapboards, stucco, brick and stone should be used for the exterior sheathing of additions and new construction.”
- 255-V-530F(1) – “Exterior materials shall be of high quality such as wood, brick, stucco, sandstone, or nature stone”

In response to both required standards, the applicant listed “Metal siding with overhead doors (building is blue in color).” Based on supplementary materials, Staff understands the applicant intends to purchase and install the same model of prefabricated metal building with aluminum siding from Olympia Steel Buildings. The 8,000 SF “Phase 1” building would be 80 feet wide, while the two 6,000 SF “Phase 2” buildings would be 60 feet wide; all three buildings would be 100 feet long.

The isometric view below shows the shade of blue (“slate blue”) the applicant intends to select as the color for all three buildings; note as well the white trim around the roof and the textured concrete hip wall along the base.





Per Section 255-V-530E(2)(e)[1] of the Zoning Code, “There shall be no blank, windowless uninterrupted facade in excess of 60 feet in length. Lengthy facades shall be interrupted by recesses, projections, windows, awnings or similar measures.” The rear wall of both 6,000 SF buildings – the 100-foot-long side – lacks windows and doors. The applicant did not request relief for this section of the Code; instead, the applicant indicated in an email dated April 13, 2025:

*“The back of the building (Building 2 back faces Dollar General – Building 3 back faces the stormwater basin) These sides would not have any doors or windows. (windows could potentially be added if required to avoid a variance).”*

As these rear walls will be the buildings’ least visible facades, and windows would therefore add little aesthetic value in practice, Staff would support granting dimensional relief for 255-V-530E(2)(e)[1] in lieu of a Condition of Approval requiring windows to be cut into the walls.

In a comment provided at the April Technical Review Committee meeting, Staff also encouraged the applicant to incorporate non-metal exterior materials, such as wood, brick, stucco, sandstone, or nature stone, into all facades facing public rights-of-way across the three proposed buildings. For example, the applicant may wish to consider cladding the proposed textured concrete hip wall in one of the materials named above.

### **Waivers**

Although the applicant has not requested any waivers, Staff would support granting waivers for sidewalks and curbing, as these would not connect to any existing sidewalk/curbing networks. Staff would also support granting waivers for streetlights, as they already exist along the subject parcel’s Nooseneck Hill Road frontage (and as the poles along Harkney Hill Road are located on the other side of the street and therefore would not be the applicant’s responsibility). The applicant does propose to plant street trees along both frontages, so no waivers are required for that item.

### **Interdepartmental Review and Comments**

Please see the attached report from the Technical Review Committee (dated April 14, 2025) for interdepartmental comments on this application.

## II. DIMENSIONAL VARIANCE

### Findings of Fact

Staff has conducted a review of the Dimensional Variance component of this application for conformance with required standards set forth in RIGL Section 45-24-41. Staff's findings are as follows:

*RIGL § 45-24-41. General provisions – Variances. (d)(1) states, "That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16)"*

1. The hardship from which the applicant seeks relief is not due to a physical or economic disability. The applicant wishes to erect buildings whose design template was established by the vendor and has limited opportunities for customization (for example, color may be customizable, but not metal as a building material).

*RIGL § 45-24-41. General provisions – Variances. (d)(2) states, "That the hardship is not the result of any prior action of the applicant"*

2. Aside from selecting a desired building template, the applicant has not taken any prior action to create the hardship in question.

*RIGL § 45-24-41. General provisions – Variances. (d)(3) states, "That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based"*

3. The subject parcel's existing Zoning designation is GB-1 (General Business), while its Future Land Use designation is Business. The proposed office and storage uses are consistent not only with the intent of both Zoning and Future Land Use, but also with the mix of business uses currently found in close proximity along Nooseneck Hill Road.
4. The applicant's desired building model is reasonably comparable in design and use to other nearby garage/storage buildings along Nooseneck Hill Road.
5. The proposed street trees to be planted along the subject parcel's Nooseneck Hill Road and Harkney Hill Road frontages will serve to partially screen the buildings from the public rights-of-way to further minimize the potential for conflicts with the general character of the surrounding area.

*RIGL § 45-24-41. General provisions – Variances. (d)(4) states, "In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, [planning board] in unified development review, has the power to grant dimensional variances where the use is permitted by special-use permit."*

6. Viewed in light of the applicant's assertion that the owner would not be able to move his business to the subject parcel if relief is not granted to allow the proposed buildings to be constructed, the relief sought appears minimal.
7. The applicant's Zoning Narrative provides a reasonable foundation of information for positive consideration of the requested Dimensional Variances.

### **Recommendation**

Staff finds this proposal consistent with the standards for required Dimensional Variance findings of fact set forth in RIGL Section 45-24-41. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and approve the Dimensional Variance application with a condition that the applicant receive approval of its Final Plan – Major Land Development application.

## **III. MAJOR LAND DEVELOPMENT**

### **Findings of Fact**

Staff has conducted an orderly, thorough, and expeditious technical review of this Preliminary Plan application for conformance with required standards set forth in RIGL Section 45-23-60, as well as in the Town of Coventry's Subdivision and Land Development Regulations, and finds as follows:

*RIGL § 45-23-60. Procedure – Required findings. (a)(1) states, "The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies."*

1. The Comprehensive Plan's Future Land Use designation for the subject parcel is Business. The office and storage uses proposed for this parcel are consistent with the Business designation.

*RIGL § 45-23-60. Procedure – Required findings. (a)(2) states, "The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance."*

2. The proposed uses for the subject parcel are allowed by-right within the GB-1 zone.
3. Preliminary Plan approval is conditioned upon obtaining relief in the form of a Dimensional Variance.
4. The proposal will not alter the general character of the surrounding area or impair the intent or purpose of the Coventry Zoning Code as consistent with the findings for the Dimensional Variance component of this project.

*RIGL § 45-23-60. Procedure – Required findings. (a)(3) states, "There will be no significant negative environmental impacts from the proposed development as shown on the **final** plan, with all required conditions for approval." (emphasis added)*

5. This finding pertains specifically to the final plan; however, no significant environmental impacts are anticipated based on the Preliminary Plan level of detail required at this stage.
6. The March 2023 update of the Rhode Island Natural Heritage map shows that the subject parcel falls within a Natural Heritage Area overlay.

*RIGL § 45-23-60. Procedure – Required findings. (a)(5) states, “All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.”*

7. The subject parcel currently enjoys adequate permanent physical access to two public rights-of-way (Nooseneck Hill Road and Harkney Hill Road).
8. The Nooseneck Hill Road curb cut will restrict turning movements to right-turn only (both in and out of the subject parcel) to provide for safe and adequate circulation for vehicular traffic as well as for emergency vehicles.

## **Recommendation**

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60 as well as with the Town of Coventry’s Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and **approve** the Preliminary Plan application, subject to the conditions denoted below.

## **Conditions of approval**

1. Preliminary Plan approval is conditioned upon strict adherence to the associated Dimensional Variance Application as presented and approved.
2. The applicant shall provide an approval letter from the Central Coventry Fire District with its Final Plan application.
3. The applicant shall submit a revised site plan with its Final Plan application containing the following edits:
  - a. Dumpster enclosure will be shown for the Phase 1 portion of the site
  - b. A statement affirming the plans have been drawn to Class 1 standards will be added
4. Evidence of all required state and local permits shall be submitted with the Final Plan application.
5. The Engineer of Record shall submit a Certificate of Conformance (COC) prior to issuance of Certificates of Occupancy for the proposed buildings.
6. Upon project completion, a Certificate of Conformance (COC) from the Engineer of Record (EOR) shall be required. The COC shall certify that the constructed project meets all required standards, regulations and specifications in the permitting and construction documents. The COC shall be focused on site civil related work. Work includes, but is not limited to; all drainage system components, earth grading, roadway subbase, pavement and curbing, concrete



flatwork, underground utilities (sewer, electric, water, etc.), survey markers and monuments, fire cisterns, signage, fencing and landscaping. EOR shall partner with a qualified sub-consultant to perform necessary inspection related duties if EOR does not perform these duties in-house. All coordination between EOR and inspection sub-consultant shall be finalized before construction commences. A certificate of occupancy will not be issued until COC is received and accepted by the town.

Pursuant to Article XII. Appeals, Subsection A. Procedure for Appeals to the Board of Appeal of the Coventry Subdivision Regulations, the decision of the Planning Commission herein may be appealed in writing by any party aggrieved by said decision to the Coventry Board of Appeal. Any such appeal shall be made within 20 days of the day of the decision is recorded and posted in the Town Clerk's Office.



## TOWN OF COVENTRY

Department of Planning & Development

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### TECHNICAL REVIEW COMMITTEE REPORT

**DATE:** April 14, 2025  
**PROJECT NAME:** "Harkney Hill Office/Storage Units"  
**PROPERTIES:** AP 10, Lot 42  
**ADDRESS:** 71 Harkney Hill Road  
**ZONE:** GB-1 (General Business)  
**OWNER /APPLICANT:** Andrew Barber

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This matter came before the Coventry Technical Review Committee at its April 14, 2025 meeting as a Preliminary Plan for a Major Land Development with associated Dimensional Variances in accordance with Article V, § D.4. of the Coventry Subdivision & Land Development Regulations.

An application and plan were submitted for review on March 21, 2025; a revised site plan and supplementary materials were later sent on April 2. The applicant proposes to develop one commercial office building and two equipment storage buildings for contractor use, with development occurring in phases. The applicant is seeking zoning variances for the building design elements proposed for this site (which is located within a Special Planning Overlay District) and therefore will be heard via Unified Development Review. Note that dimensional variances for the number of loading spaces, required distance between driveways, and minimum landscaped buffers were approved at the previous (Master Plan) stage of review.

The members of the Technical Review Committee reviewed the following documents related to this application when preparing the comments below:

71 Harkney Hill - Dimensional Variance Narrative.pdf  
71 Harkney Hill - Drainage Narrative.pdf  
71 Harkney Hill - Preliminary Plan Set.pdf  
71 Harkney Hill - Building Reference Plans.pdf  
71 Harkney Hill - Dimensional Variance Application.pdf  
71 Harkney Hill - SESC Plan.pdf  
71 Harkney Hill - Stormwater O&M Manual.pdf  
71 Harkney Hill - Watershed Graphics.pdf

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#### TOWN ENGINEER

##### Plans

- 1) C7 - Grading and Drainage Plan – Drainage Notes (Note 11) – Be more specific when referencing "Engineer" in the note.

- 2) C10 - Soil Erosion and Sediment Control Plan – Phase I Plan - The silt fencing on the west side of the site is shown to be installed down the middle of the basin.

#### Drainage Report

- 1) WSD 2 – WSD PR Conditions – Plan states PA4 drains to DMH2. I didn't see a DMH2. Should be labeled as DMH1?

#### General

- 1) A Certificate of Conformance (COC) shall be submitted by the Engineer of Record prior to issuance of a Certificate of Occupancy for the proposed building.

#### PRINCIPAL PLANNER

- The applicant reported in its project narrative that the following permits are pending, but not yet in hand:
  - Kent County Water Authority
  - RIDEM – RIPDES, OWTS, and Stormwater Construction/Water Quality Certification
  - RIDOT – PAP for driveways on both Nooseneck and Harkney Hill Roads
- A water letter or equivalent evidence from KCWA confirming availability of water must be submitted prior to the meeting, as a condition of this project's Master Plan approval was that "The applicant shall provide a letter confirming water availability with its Preliminary Plan application."
- Consistent with one of the conditions on this project's Master Plan approval and with Checklist Item #51, building elevations/renderings for each façade shall be provided with the Preliminary Plan application.
- Regarding the applicant's request for dimensional relief from Section 255-V-530(f) of the Zoning Code, which concerns building colors and materials, the applicant is encouraged to incorporate non-metal exterior materials, such as wood, brick, stucco, sandstone, or nature stone, into all facades facing public rights-of-way across the three proposed buildings.

#### PUBLIC WORKS DIRECTOR

- DPW has no comments as both access points are on State roadways.

#### FIRE REPRESENTATIVE

- No comments at this time.

#### POLICE CHIEF

- No comments at this time.

#### PLANNING COMMISSION CHAIR

*The Planning Commission Chair recused as this item will be heard before the Planning Commission.*