



**TOWN OF COVENTRY, RI
DEPARTMENT OF PLANNING & DEVELOPMENT**

STAFF REPORT

Project Name:	Proposed 9,000 SF Industrial Building
Plan Type:	Unified Development Review (Major Land Development w/ associated Dimensional Variance)
Plan Review Phase:	Master Plan
Owner/Applicant:	BJK Realty
Address:	1600 Flat River Road
Plat / Lot / Zone:	AP 60 Lot 12 Zone I-1 Lot Size 3.36 acres
Existing Use:	Industrial
Proposed Use:	Industrial with new building
Description:	The applicant seeks to construct a 9,000 SF industrial building in the southeastern corner of the lot with associated parking and landscaping. The applicant is seeking three zoning variances for the number of loading spaces, minimum distance to residential structures, and minimum landscaping buffers.

I. PROJECT INFORMATION

Background and Existing Conditions

This item will be reviewed as the Master Plan Stage of a Unified Development Review for a proposed Major Land Development with associated Dimensional Variance on a 3.36-acre parcel. It currently consists of a developed industrial lot with one industrial building on the northwestern corner of the property and is zoned I-1. The abutters to the west are Industrial uses, the abutters to the north and east are residential uses, and to the south is the Coventry Greenway. No wetlands exist on the lot; the site lies within Zone "X" (defined as area outside the 0.2% annual chance floodplain) of the National Flood Insurance Maps for the Town of Coventry.

Proposed Conditions

The Applicant is proposing to construct a 9,000 SF industrial building in the southeastern corner of the lot with associated parking and landscaping. The building will be 50' deep and 180' long, and 28' high at the peak, and 17' high at the edge of roofline. The plans show 18 new parking spaces, and landscaping along the eastern edge, adjacent to the residential properties, and along the southern edge, adjacent to

Waivers

The applicant has not yet requested any waivers. A determination on waivers will be addressed at the Preliminary Plan stage.

Interdepartmental Review and Comments

Please see the attached report from the Technical Review Committee (dated November 12, 2024) for interdepartmental comments on this application.

II. DIMENSIONAL VARIANCES

Findings of Fact

Staff has conducted a review of the three (3) Dimensional Variance requests as part of this application for conformance with required standards set forth in RIGL Section 45-24-41. The applicant is seeking zoning relief for the number of loading spaces, minimum distance to residential structures, and minimum landscaping buffers. 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 applicant's narrative states "The hardship we are requesting is due to fire truck and semi-trailer turning circles at the end of the proposed building. These turning circles are required to provide adequate fire protection for the existing building on the abutting property and is not due to the physical or economic disability of the applicant."
 - STAFF COMMENT: At this time, the applicant has NOT provided adequate justification that the hardship is due to the unique characteristics of the subject land or structure.

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

- STAFF COMMENT: At this time, the applicant has NOT provided adequate justification that the hardship is not the result of any prior action of the applicant.

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"

2. The applicant states "By planting the proposed "Green Giants" we are effectively screening the abutting neighbors from the entire property and providing additional screening for the bike

path. This additional screening will effectively block traffic lights and reduced traffic noise coming off the property, providing improved conditions of the site.”

- STAFF COMMENT: At this time, the applicant has NOT provided adequate justification that 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.

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.”

- STAFF COMMENT: At this time, the applicant’s Zoning Narrative, which contains the applicant’s two statements included in the findings above, has NOT provided a sufficient foundation of information for positive consideration of the requested Dimensional Variances standards as required by local code and state law.

Zoning Variance Recommendation

As further background on the requested Dimensional Variances, staff provided the applicant with guidance on October 22, 2024 on the expected level of detail the applicant should provide within their Zoning Narrative. On November 8, 2014, staff provide the applicant with follow-up guidance to indicate the Zoning Narrative still did not adequately address the required variance standards, and staff provided further instruction on the level of detail sought. On November 14, 2024 (the date of this Planning Staff Report), the applicant provided a revised Zoning Narrative that still did not adequately address the required variance standards. The applicant’s revised Zoning Narrative has been distributed to the Planning Commission in the meeting packet and is available on the Commission’s “meeting materials” webpage for review. The applicant’s attorney has indicated they plan to further address the required Dimensional Variance standards at the meeting.

At this time, staff finds this application has NOT satisfied the required standards for a Dimensional Variance as set forth in RIGL Section 45-24-41. Staff therefore recommends that the Planning Commission **continue** the Dimensional Variance application until adequate justification to meet the required standards has been presented.

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 Light Industrial. The use proposed for this parcel is consistent with the Industrial 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 use for the subject parcel is allowed by-right within the I-1 zone.
3. The applicant proposes three Dimensional Variances to provide 0 loading spaces whereas 2 are required; locate the proposed building 77 feet away from a residential structure whereas 100 feet is required; and provide a 10-foot landscaped buffer whereas 50 feet is required from abutting residential uses.
4. Master Plan approval of this Major Land Development is conditioned upon obtaining approval of the three Dimensional Variances.
5. At this time, staff finds this application has **NOT** satisfied the required standards for the Dimensional Variance as set forth in RIGL Section 45-24-41 and therefore this required finding for the Major Land Development project under RIGL 45-23-60 cannot be made.

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)

6. This finding pertains specifically to the final plan; however, no significant environmental impacts are anticipated based on the Master Plan level of detail required at this stage. Further details on environmental components and mitigations will be reviewed and addressed at future stages of review to demonstrate how the application complies with this same finding at each stage.
7. 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.”

8. The subject parcel currently has adequate permanent physical access to a public right-of-way (Flat River Road).

Recommendation

Staff finds this proposal is NOT consistent with the standards for required findings of fact set forth in RIGL Section 45-23-60, specifically the finding that the proposal is in compliance with the provisions of the zoning ordinance. This is because at this time the applicant has NOT satisfied the required standards for a Dimensional Variance. Staff therefore recommends that the Planning Commission ***continue*** the Master Plan – Major Land Development application until adequate justification to meet the required standards has been presented.

However, if the Commission should wish to offer positive consideration to the Dimensional Variance and Major Land Development applications at the 11/20/24 meeting, staff recommends any consideration shall be subject to the conditions denoted below.

Conditions of approval

1. Master Plan approval is conditioned upon strict adherence to the associated Dimensional Variance Application as presented and approved.
2. A Landscape Plan addressing all components of Zoning Article XVII “Landscaping” will be required at Preliminary Plan stage.
3. A Lighting Plan will be required at the Preliminary Plan stage to meet Town Code and reduce impacts to abutting residential properties.
4. A report or statement demonstrating the proposed use will be compliant with Zoning Article VII “Industrial Performance Standards” will be required at the Preliminary Stage.

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
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TECHNICAL REVIEW COMMITTEE REPORT

DATE: November 12, 2024
PROJECT NAME: "Proposed 9,000 SF Industrial Building"
PROPERTIES: AP 60, Lot 12
ADDRESS: 1600 Flat River Road
ZONE: I-1 (Industrial)
OWNER/APPLICANT: BJK Realty

This matter came before the Coventry Technical Review Committee at its November 12, 2024 meeting as a Unified Development Review of a Master Plan Application for a Major Land Development project in accordance with Article V, § D.4. of the Coventry Subdivision & Land Development Regulations.

An application and plan were submitted for review on October 1, 2024. The applicant proposes to construct a 9,000 SF industrial building in the southeastern corner of the lot with associated parking and landscaping. The applicant is seeking zoning variances for the number of loading spaces, the minimum distance to residential structures, and minimum landscaped buffers.

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

Proposed 9000 SF Industrial Bldg – Plan Set.pdf
Proposed 9000 SF Industrial Bldg – Response to October TRC Comments.pdf
Proposed 9000 SF Industrial Bldg – Zoning Narrative.pdf

TOWN ENGINEER

- All outstanding comments have been adequately addressed. No additional comments.
- Upon project completion, a Certificate of Conformance (COC) and a Section 128 Project Certification Form shall be submitted by the Engineer of Record (EOR).

PRINCIPAL PLANNER DESIGNEE

- Previous TRC comments have been satisfied, with the following exceptions:
- Planning staff seeks the proposed trees to be planted to the west of Second Street be staggered to match the pattern of all other proposed tree plantings.

- A Landscape Plan addressing all components of Zoning Article XVII “Landscaping” will be required at the Preliminary Plan stage.
- A Lighting Plan will be required at the Preliminary Plan stage to meet Town code and reduce impacts to abutting residential properties.
- A report or statement demonstrating the proposed use will be compliant with Zoning Article VII “Industrial Performance Standards” will be required at the Preliminary Plan stage.
- Adjust the placement of the loading spaces as per Chapter 255-1200 C. which states, in part, “No parking or loading facility, exclusive of driveways, shall be located within 10 feet of a street right-of-way line or five feet of a sidewalk or abutting property line.” Alternatively, the applicant can adjust their requested zoning relief to provide 0 (zero) loading spaces if there is no practical need for such a space.
- Revise the Certificate of Completeness to have “& addition to an existing building” and “& addition on the existing building” removed as this was part of a previous application and is currently under construction.
- Revise plans to remove the reference to the “addition to existing building” as this is from a previous application and is currently under construction.

PUBLIC WORKS DIRECTOR

- No comment at this time.

FIRE REPRESENTATIVE

- No comment at this time.

POLICE CHIEF

- No comment at this time.

PLANNING COMMISSION CHAIR

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