



**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

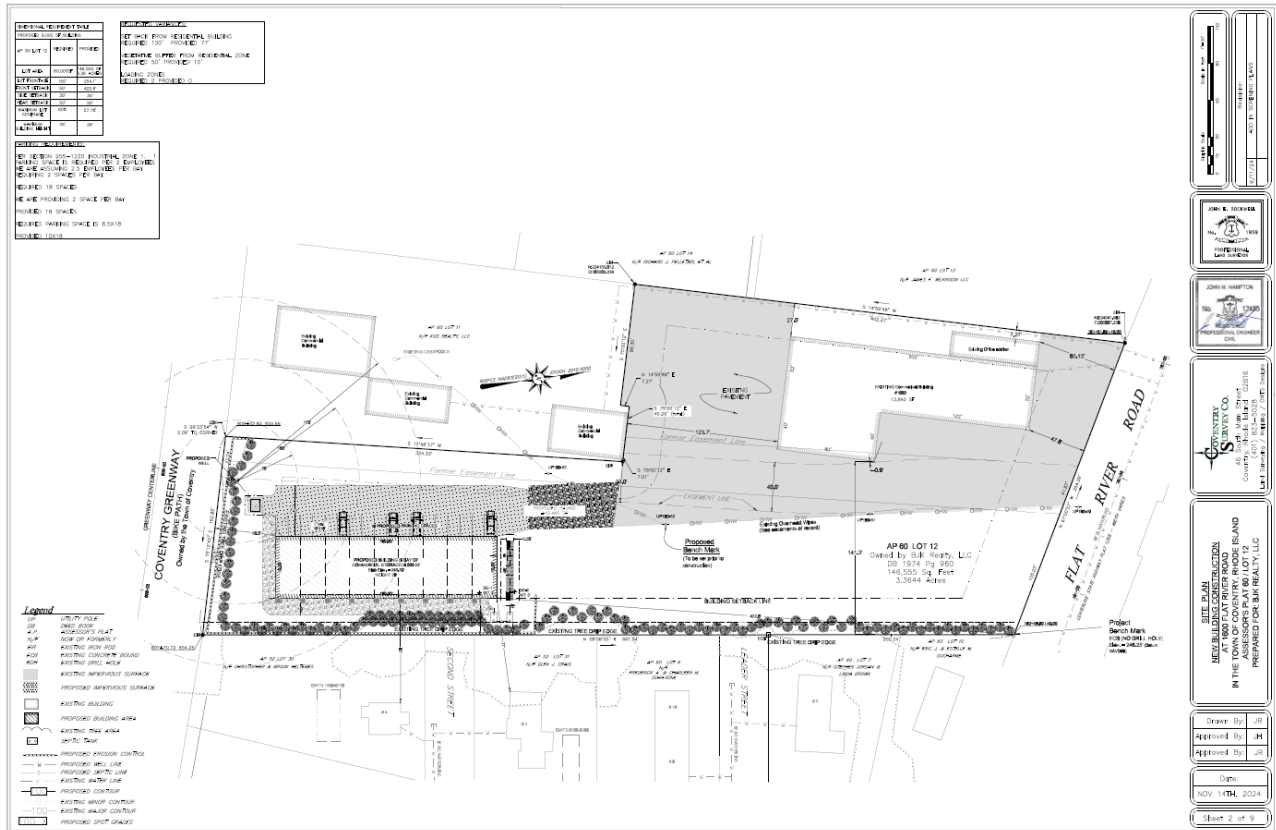
Background and Existing Conditions

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

the Coventry Greenway. The Applicant has stated that the proposed use will be General Warehousing and Storage (Use Code 9-1 on the Table of Uses), a use allowed by right, and further states this will be “general storage of non-hazardous, non-explosive, and non-radioactive material. No industrial manufacturing is proposed in the 9,000 SF building.” It should be noted that the applicant provided a revised site plan on November 14, 2024 (the date of this Planning Staff Report) with a minor change to site plan to address proposed tree staggering as request through TRC comments. Staff did not receive physical copies of the revised site plan to update the Commission packets, but the revised site plan is available on the Commission’s “meeting materials” webpage for review.



Variations

The applicant has requested three dimensional variations with this application, elevating it to Unified Development Review. The first request is to provide a 10’ landscape buffer whereas the code requires a minimum required landscape buffer of 50’ from industrial activity to an adjoining residential property line, thus equating to 40’ of requested relief from the minimum landscaped buffer (Chapter 255-1730 Table 17-1). The second request is to provide an industrial structure that is 77’ from a residential structure whereas the code requires a minimum distance of 100’, thus equated to 23’ of requested relief from distance between structures (Chapter 255 Attachment 2 – Dimensional Regulations Table 6-3). The third variation is requesting no (zero) loading zone spaces for the proposed new building whereas 2 are required (Chapter 255-1210).

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 is due to the unique characteristics of the subject lot of record and not due to the general characteristics of the surrounding area nor due to a physical or economic disability of the applicant. The adjacent lot on the west side of the property (AP 60, Lot 11) contains multiple commercial buildings with its only access through an easement on the subject property. This easement needs to remain free from structures and interference because it serves those abutting buildings often require large trucks to service its business. These trucks require a large turnaround area, and the access needs to be free and clear for adequate emergency vehicles.
Further, the area of the subject property adjacent to the street and next to the current existing commercial building located on the property is used for the operation of the existing commercial business where it stores necessary materials and deliveries. Placing a building in that location will interfere with that building's operation. As a result, the unique characteristics of this lot creates the hardship from which the applicant seeks relief."

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. The applicant's narrative states "The hardship is not the result of any prior action of the applicant. The hardship is due to the existing conditions and approved uses of the lot. The existing commercial buildings on the abutting lot were approved with the only access to those

through an easement on the subject property. Both the subject lot and the abutting lot with the easement buildings existed prior to applicant's ownership.

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 applicant states "The general character of the surrounding area is commercial to the west and northwest, which the proposed building, if approved will fit into the character of that area. The proposed building will have all its entrances in front of the building facing the industrial abutting property. All the activity and ingress and egress to the proposed building has been designed to be in the front so as minimize the impacts and views to the abutting properties to the north and east of the property which are residential, and to the south which is where the Coventry Greenway is located. The proposed structure's building's exterior where there are no windows and only an emergency door for emergency purposes will face the residential abutting properties so there will be no activity in the back of the building that will alter the character of the residential character of the residential area. In addition, the side of the proposed building which will face the Coventry Greenway which again will have no activity from the building. In addition, on both the back and side, the Applicant is proposing a detailed landscaping plan so that the proposed building will have limited if no impact on the surrounding area. Even though the applicant is seeking dimensional relief from the residential areas, the applicant will be improving the buffer area between the proposed building and the residential property. It will clean up the area of debris and the landscaping will have additional plantings compared to what is currently there. This will provide better screening between the subject property and its abutters to the north and east. The design of the proposed building and the planting and lighting scheme will also minimize the impacts to those abutting properties. The requested relief from the residential area will, if granted with the additional screening will not alter the general character of the area and will in fact enhance and maintain the general character of the neighborhood. The purposes of the zoning ordinance the applicant is seeking relief from will not be altered by the subject proposal but will in fact enhance the purposes of the code because it will provide better screening between the residential and industrial areas as noted above."

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."

4. The applicant's narrative states "Without the relief sought, the hardship that will be suffered by the owner of the subject property will amount to more than a mere inconvenience and the owner will not be able to reasonably enjoy the permitted use of its property. The proposed variances needed to construct the general warehousing and storage building will allow the

applicant to reasonably enjoy its property's permitted use while maintaining the general characteristics of the surrounding area. The relief sought is minimal for the applicant to reasonable enjoy its property."

Zoning Variance Recommendation

As further background on the requested Dimensional Variances, staff provided the applicant with guidance through the months of October-November on the expected level of detail the applicant should provide within their Zoning Narrative. As of November 14, 2024, the date of the previous staff report on this matter, the applicant had not yet provided sufficient information to meet the required variance standards. On November 15, 2024, the applicant requested a continuance of this matter to the December meeting of the Planning Commission. A new Zoning Narrative was received by the Planning Department on December 11, 2024, which has been reflected in this updated staff report and is available on the Commission's "meeting materials" webpage for review.

Based on the new Zoning Narrative provided, 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.

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 application includes 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. This Major Land Development application is in compliance with the standards and provisions of the Zoning Ordinance upon obtaining approval of the three Dimensional Variances.

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 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.
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 has adequate permanent physical access to a public right-of-way (Flat River Road).

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 Master Plan – Major Land Development application, 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 the 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.

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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 Plan stage.
5. Any desired waivers from the standards of the Subdivision and Land Development Regulations must be itemized and requested by the Applicant at the Preliminary Plan 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
Department of Planning & Development
1675 Flat River Road, Coventry, RI 02816
Phone (401) 822-9184 Fax (401) 822-6236

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.