

# PLANNING DEPARTMENT MEMORANDUM

**TO:** Coventry Planning Commission

**FROM:** Doug McLean, Director of Planning and Development

**DATE:** May 21, 2026

**SUBJECT:** Advisory Recommendation on Ordinance 2026-18; Proposed Gasoline Service Station Use,

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Melissa Horne of Higgins, Cavanagh, and Cooney, LLP, on behalf of Walmart, has proposed an amendment to the Town of Coventry Zoning Code identified as Ordinance 2026-18 (attached to this memorandum). This Ordinance makes amendments to Sec. §255-600 – Schedule of Zoning District Use Regulations to allow “Gasoline service (full or self) station (minor repairs only, may be combined with convenience store)” as a new permitted use in the BP (Business Park) zone. This land use was previously allowed in Town through a Special Use Permit, but this allowance was removed in January of 2024 due to changes in state law on the permitting criteria for Special Use Permits to make such permits more permissive. It has always been the intent of Town staff to allow this land use again without utilizing the Special Use Permit approach.

In addition to allowing this use in the BP zone, this Ordinance also proposes specific restrictions on this use, which are detailed as new provisions in the Zoning Code to be inserted at Sec. §255-930. Ms. Horne’s stated intent with this Ordinance was to follow the research that Planning Staff had done, which was to find a well-researched and appropriate approach to allowing this use in a wider context.

## **Context**

Although the ultimate authority to amend a municipal Zoning Ordinance resides with that municipality’s Town Council, R.I. Gen. Laws § 45-24-51 (“Adoption – Review by planning board or commission.”) establishes that the Planning Commission’s role in the process begins upon referral of proposed amendments, and describes that role as follows: “...The planning board or commission shall, in turn, notify and seek the advice of the city or town planning department, if any, and report to the city or town council within forty-five (45) days after receipt of the proposal, giving its findings and recommendations as prescribed in § 45-24-52.” It is anticipated the Town Council will conduct a first reading of this Ordinance on 05/12/26 and therefore the next step in the Town’s review process is for the Ordinance to be reviewed by the Planning Commission at its 05/27/26 meeting for an advisory recommendation.

## **Proposed Gasoline Service Station Ordinance**

The applicant and Town Staff believe that the BP Zone is an appropriate zone for the proposed use of gasoline service station as many large “big box” stores and other commercial uses that have similar traffic volumes also occupy the BP zone.

The applicant's proposed Gasoline Service Station Use ordinance requires a separation distance of 100 feet from the fuel pumps to a residential zoned property, or a property that is currently being used for a residential use. A non-residentially zoning property would be required to have a separation distance of 50 feet. Also included in that language is that the fuel pumps cannot be located within 30' of a right of way, public or private. These distances mirror the suggested amount of separation that Town Staff had envisioned from our own research and judgment.

In addition to the above criteria, the applicant has proposed a limit on the amount of light that can "spill over" onto an adjacent property. The criteria submitted states that no light over 0.50 foot candles shall be measured at an adjacent residentially zoned parcel, or one that is being used as a residential use. This language mirrors the Performance Standards for Glare located in § 255-7130. While this performance standard is for industrial uses, Town Staff feel that it is an appropriate standard to use in this case.

Comparing the proposed criteria to other municipality's code can be challenging, as many municipalities use different metrics, and some use slightly different processes. For example, the only criteria in West Warwick is that a gasoline pump can't be closer than 20 feet to a lot line. Narragansett has a set of 12 or so criteria and can only be approved by a Special Use Permit. As stated earlier, Planning Staff had researched this use in surrounding municipalities, and found that the criteria included in this proposed ordinance to be a suitable mix from several communities, and a good fit for Coventry.

Planning Staff anticipate that the applicant will be applying for a Minor Land Development in the near future and this application will include a traffic study that has already been undertaken for the Walmart property. This traffic study concludes that the proposed fueling station, along with a minor expansion to the current Walmart building, will not create undue traffic impacts to the surrounding roadways.

### **Findings of Fact**

Staff has conducted an orderly, thorough, and expeditious review of this proposed ordinance for conformance with required standards set forth in RIGL Section 45-24-52, as well as in the Town of Coventry's Comprehensive Plan and Zoning Code, and finds as follows:

*RIGL § 45-24-52 ("Adoption – Review by planning board or commission.") states that, "Among its findings and recommendation to the city or town council with respect to a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map, the planning board or commission shall:"*

*"(1) Include a statement on the general consistency of the proposal with the comprehensive plan of the city or town, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and*

1. The Comprehensive Plan adopted in 1999 does not provide any specific guidance on gasoline service stations. However, other retail uses are currently permitted uses in the BP (Business Park) zone and it is worth noting that the use was allowed by Special Use Permit up until the changing of State Law in 2023.
2. The proposed gasoline service station use is generally consistent with the Land Use Plan designation of the current BP zoning area, as the zone "Uses should primarily include retail,

service, office and light industrial development, with incidental retail and services integral to the overall area development.” in the Comprehensive Plan.

*“(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30.”*

3. The proposed ordinance is consistent with the applicable purposes of zoning as presented in Rhode Island General Laws (RIGL) § 45-24-30 and the Town of Coventry Code of Ordinances § 255-110, specifically:
  - a. The proposed ordinance “promote[s] the health, safety, morals and general welfare of the public” by establishing separation distances between Gasoline Service Station Uses and other sensitive uses.
  - b. The proposed ordinance also “provide[s] for a range of uses and intensities of uses appropriate to the character of the Town and reflecting current and expected future needs.” The Gasoline Service Station Use is an intensive commercial use for which the Business Park Zone is an appropriate location.

### **Recommendation**

Staff finds proposed Ordinance 2026-18 to be consistent with the standards for the required findings of fact set forth in RIGL Section 45-24-52 and Coventry Zoning Section § 255-110 with regard to the Town of Coventry’s Comprehensive Plan and Purposes of Zoning Code. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and forward a **positive recommendation** to the Town Council.

1 THE TOWN OF COVENTRY  
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4 **ORDINANCE OF THE TOWN COUNCIL**

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6 IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,  
7 2008 PART II – GENERAL LEGISLATION,  
8 CHAPTER 255, ARTICLE IX – Supplementary Regulations  
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10 **Ordinance No. 2026-18**

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12 *The Town Council of the Town of Coventry hereby ordains as follows:*

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14 **Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby  
15 amended by amending the following Chapter and Sections of Article X:

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17 **Article IX, Chapter 255 — Zoning (Supplementary Regulation)**

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19 **§ 255-930 Supplemental regulations for specific land uses.**

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21 A. Gasoline service stations, automotive repair and drive-in restaurants. Gasoline stations, service  
22 stations, drive-in restaurants, car washes, automotive repair shops and similar highway oriented  
23 "drive-in" uses shall be designed to conform with the following requirements, in addition to other  
24 applicable provisions of this chapter.

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26 (1) The minimum lot area shall be 20,000 square feet with a minimum street frontage of not less  
27 than 150 feet.

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29 (2) Suitable separation shall be made between the pedestrian sidewalk and the vehicular parking  
30 or moving area with the use of appropriate bumper, wheel guards, or traffic islands in accordance  
31 with Article XII of this chapter. Where the portion of the property used for vehicular traffic abuts  
32 a street, such portion shall be separated from the street line by a concrete curb at least six inches  
33 high.

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35 (3) The entire area used for vehicle service shall be paved, except for such unpaved area as is  
36 landscaped and protected from vehicle use by a low barrier.

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38 (4) The construction standards for all drive access openings (curb cuts) shall be in accordance with  
39 Code § 255-1230C.

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41 (5) The distance of any driveway from any property line shall be at least 10 feet.

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43 (6) The distance between curb cuts serving the same lot or adjacent lots shall be no less than 40  
44 feet.

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46 (7) The distance between a street intersection and a curb cut shall be in accordance with Code §  
47 255-1230D.

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49 (8) Buffer landscaping and screening shall be done in accordance with Article XVII of this chapter.

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51 (9) No vehicles shall be stored on site for salvage or dismantling.

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53 (10) Hydraulic hoists, pits, lubricating, greasing, washing and repair equipment shall be entirely  
54 enclosed within a building. Tire and battery service and automotive repair, excluding automobile  
55 body repair and painting, may be carried out within the premises.

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57 (11) Fuel pumps shall not be located within 100 feet of a residential zoned property, or a property that is  
58 currently being used for a residential use.

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60 (12) Fuel pumps shall not be located within 50 feet of a non-residential zoned property.

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62 (13) Fuel pumps shall not be located within 30 feet of a public or private right-of way.

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64 (14) Light shall not produce direct or indirect glare as to cause illumination in excess of 0.50 foot-candles  
65 when measured from an adjacent residential zoned parcel, or a parcel that is currently being used as a  
66 residential use.

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68 **Section 2.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby  
69 amended by amending the following Chapter and Sections of Article VI: 140.

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71 **Article VI, Chapter 255-Zoning (Zoning District Use and Dimensional Regulations)**

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73 **§ 255-600 Zoning District Use and Dimensional Regulations.**

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75 A. The following Schedule of District Use Regulations, attached to this Chapter as Table 6-1, is  
76 designed to regulate the uses in the various zoning districts in the Town. Specific uses are listed  
77 for each zoning district.

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79 B. For uses not specifically listed in Table 6-1, the property owner may submit a written request  
80 to the Zoning Official for an evaluation and determination of whether the proposed use is of similar  
81 type, character, and intensity as a listed use.

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83 C. The following uses are permitted only in the zoning district marked with a " P." Uses  
84 permitted in the zoning district as a special use permit under the provisions of Article IV of this  
85 chapter are marked with an " S." Where the letter "N" appears, the uses are prohibited. Note that  
86 Article XII, regarding parking, Article XVI (Development Plan Review), Article XIV (Land  
87 Development Projects), and Article XVII (Landscaping), will likely apply to some residential and  
88 agricultural uses, as well as most commercial and industrial uses.

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90 **[Amended \_\_\_\_\_ by Ord. No. 2026-\_\_\_\_\_]**  
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### Town of Coventry Schedule of District Use Regulations

The following uses are permitted only in the zoning district marked with a "P." Uses permitted in the zoning district as a special use permit under the provisions of Article IV of this chapter are marked with an "S." Where an "N" appears, the uses are prohibited. Note that Article XII (regarding parking), Article XVI (Development Plan Review), Article XIV (Land Development Projects), and Article XVII (Landscaping) will likely apply to some residential and agricultural uses, as well as most commercial and industrial uses.

#### 4. Retail trade: motor vehicles.

|    | Use   | RR5 | RR3 | RR2 | R20 | VRC | VMC | GB | BP             | I1 | I2 | Comments        |
|----|---|-----|-----|-----|-----|-----|-----|----|----------------|----|----|-----------------|
| 01 | Motor vehicle motorcycle or trailer dealers – new and used (including repairs conducted only within a building) | N   | N   | N   | N   | N   | N   | N  | P              | P  | N  | See § 255-930B  |
| 02 | Tire, battery and accessory dealers – no service (auto parts store)   | N   | N   | N   | N   | P   | P   | P  | P              | P  | N  |                 |
| 03 | Gasoline service (full or self) station (minor repairs only, may be combined with convenience store)            | N   | N   | N   | N   | N   | N   | N  | <del>N</del> P | N  | N  | See § 255-930A  |
| 04 | Storage, repair and sales of boats  | N   | N   | N   | N   | N   | N   | N  | P              | P  | N  | See § 255-930CC |

