Application of David Urban et al, The Secret Garden, whose property is located at 12 Southwest Ave., and further identified as Assessor's Plat 9, Lot 592 for a variance from Article 12, Section 82-1203, Minimum Parking Regulations, and Sec. 82-1204, Parking Standards, and 82-1206, Off-street loading requirements, and Art. 6, Sec. 82-605, 606, & 607 to expand the current footprint and construct new mixed use residential, provide 8 total parking spaces (6 commercial & 2 residential) where 12 are required (10 commercial & 2 residential) and to have 2 of the commercial spaces be compact size (8 by 16 feet) where only 20% of total spaces are allowed to be compact. Said property is located in a CL zone and contains 8692 sq. ft.

TOWN OF JAMESTOWN ZONING BOARD OF REVIEW

Application for Exception or Variation under the Zoning Ordinance

Zoning Board of Review;	
Jamestown, R. I.	Date HARRH 6 2022
Gentlemen:	
described premises in the manner and on the	ing Board of Review for an exception or a variation in ions of the zoning ordinance affecting the following are grounds hereinafter set forth. Address 12 SWIMMEST AVENUE
A 3	Address 12 200 Miyor of Propogs
Owner SAME	Address
Lessee	Address
1. Location of premises: No12	GOUTHWEST AVE Street
2. Assessor's Plat 9 Lot _	592
3. Dimensions of lot: frontage 26.63	ft. depth 129.5 North Area 8692 sq. ft.
4. Zoning Districts in which premises are lo	ocated: Use CL Area 8000 4 MHeight 35
5. How long have you owned above premis-	es? SINCE FEBRUARY 2008 (KYEARS)
6. Is there a building on the premises at pres	sent? YPS
7. Size of existing building SHOL 109	1492 99 PT BOTH BYLWINGS
Size of proposed building or alteration	385 30 FT APPITION TO 1032 SHOP = 2387 50 FT POVCUPING. 4 LFA = 1987.5
8. Distance of proposed bldg.or alteration fr	om lot lines: 4 LFA = 1987.5
front 20 rear 12.5	left side 6.25 right side 10
9. Present use of premises: FURLIST	
10. Proposed use of premises: 5AUE	
Location of septic tank & well on lot	- itA

	nuilding is to be arranged: LAGACTUBUT AGOVE F
	bove to Inspector of Buildings?
Has the Inspector of Buildings r	refused a permit? Yes
14. Provision or regulation of Zonin	ng Ordinance or State Enabling Act under which application
for exception of variance is made:	
·	
15. State the grounds for exception of	or variation in this case:
2	or variation in this case.
SBE ATTACHER	
	-
	Respectfully Submitted,
	Respectfully Submitted,
	Respectfully Submitted, James D. Signature David Ghran James D. Address 12 GOUTHWEST AVE
	Respectfully Submitted, Souna, Signature David July James D.
	Respectfully Submitted, Sounce Signature David Gliven James D. Address 12 GOUTHWEST AVE JAMES TOWN, RE 02835
	Respectfully Submitted, James D. Signature David July James D. Address 12 GOUTHWEST AVE

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Application of David, James and Sarina Urban

Owners of The Secret Garden Flower Shop 12 Southwest Ave Jamestown RI

For a Zoning Variance from Section 82. 1203 Minimum off-street Parking requirements and Section 82.1204 Parking Standards

13 Give extent of proposed alterations: We hope to take down the existing garage and replace it with an addition to the west of the existing shop that runs north to south. The addition will replace the storage and garden center functions of the garage and provide more adequate space in which we can prepare, arrange, and store flowers. There will be a larger office, a handicapped accessible bathroom and entrance ramp. The second floor of the addition will house a two-bedroom apartment.

14 Provision or regulation of the Zoning Ordinance or State Enabling Act under which the application for exception or variance is made: Article 5 of Jamestown Zoning Ordinance empowers the Zoning Board of Review to grant a variance as per the conditions described in Article 6, Section 82-606, to the Parking regulations of Article 12, Section 82-1203 Minimum parking regulations. This stipulates that a retail trade business must provide 5 parking spaces per 1000 square feet of Gross Leasable Floor Area. The ordinance also requires 2 off street parking spaces for single family residential development. Section 82-1204 allows 20% of such spaces to be compact size.

Section 82-1203 requires that the renovated Secret Garden flower shop should have 10 spaces for the amount of Gross Leasable Floor area (1958 sq feet) it provides and the two bedroom apartment above should have 2 spaces, for a total of 12 spaces. We can provide 6 spaces for the shop and 2 spaces for the apartment, for a total of 8 spaces. Two of the spaces that serve the flower shop will be compact size. These compact spaces represent 25% of the total spaces and 33 % of the commercial parking spaces instead of the 20% allowed by Section 82-1204.



Application of David, James and Sarina Urban The Secret Garden 12 Southwest Ave continued

15 State the grounds for exception or variation in this case: We seek a variance from the parking regulations which require that we should provide ten parking spaces for our enlarged flower shop. Our lot is narrow. Our building was originally a small house with a garage, so its location and orientation has always proved an impediment to creating a parking lot. We can provide 6 parking spaces, one of which is a handicap accessible space (16 by 18 feet) as required by federal law and two of which are compact (8 by 16 feet) spaces.

In providing these spaces, we will not expand or alter the existing curb cut which was installed by the state of Rhode Island after the Secret Garden was established at this address in 1981. However, we will vastly improve the conditions in which cars are parked at this location.

Currently, it appears that we offer 6 full parking spaces. This is one less space than is required by the Zoning code for the Gross Leasable Floor area of the existing shop, which is 1258.5 square feet. However, only two of the existing parking spaces are located fully on our property. Due to landscape conditions, a neighbor's fence which encroaches on our property and the paving pattern off the road, the other four parking spaces extend from our property into the right of way, crossing the area that would be the pedestrian sidewalk. (see RIGIS photo and site plan depicting existing conditions)

In our proposed plan, we will ensure that our spaces exist entirely on our property, creating more safe passage for pedestrians and drivers alike.

Moreover, though we are enlarging the size of our flower shop, we are only slightly enlarging the area that serves as display. The purpose of this addition is not to attract more daily, off the street customers. It is to give the staff of the Secret Garden adequate room to do what constitutes the bulk of our business: providing flower arrangements for weddings, funerals, and other special events. We currently employ three full time and up to ten part time employees. The work of receiving and arranging flowers, which involves sometimes as many as 6 people, currently goes on in a 10 by 12 foot space at the rear of the shop. Arrangements are stored in coolers in the garage and the basement. On particularly busy days, staff also work in the basement, which is damp, low ceilinged and accessible only by a stair that does not comply with current building code requirements.

Our staff parks on adjacent streets where parking is readily available. They will continue to do so. Our two delivery trucks are usually making deliveries for most of the day. We do not envision that the increased space will prompt more daily customers than we have now. It will, however, allow us to work in more appropriate and healthy conditions.

We lack adequate space for our staff to do the work we need to do. The difficulties of working in our current space represent far more than a mere inconvenience, they are indeed a hardship. Our proposed plans will improve the traffic and pedestrian flow at our shop. Our proposed plans will make both our shop and our parking safer for everyone.

We have received the endorsement of the town's Technical Review Committee and, pending the Zoning Board's approval of this variance request, the conditional approval of the Planning Commission. Our thanks for your consideration.



Office of the Town Planner **MEMORANDUM**

Zoning Board of Review

FROM:

Lisa Bryer, AICP, Town Planner

RE:

Application of Secret Garden, 12 Southwest Avenue, Plat 9 Lot 592, Development Plan Review in the Jamestown Village Special Development District, Jamestown Zoning Ordinance Article 11, Discussion, Review and Action and Recommendation to Zoning

Board including parking variance(s)

DATE:

March 10, 2022

The application of David Urban, Secret Garden, located at 12 Southwest Avenue was reviewed by the Planning Commission on March 2, 2022 and the Planning Commission hereby grants Development Plan approval and endorses the requested parking variance(s) based on the following finding of fact and subject to the following conditions of approval as amended:

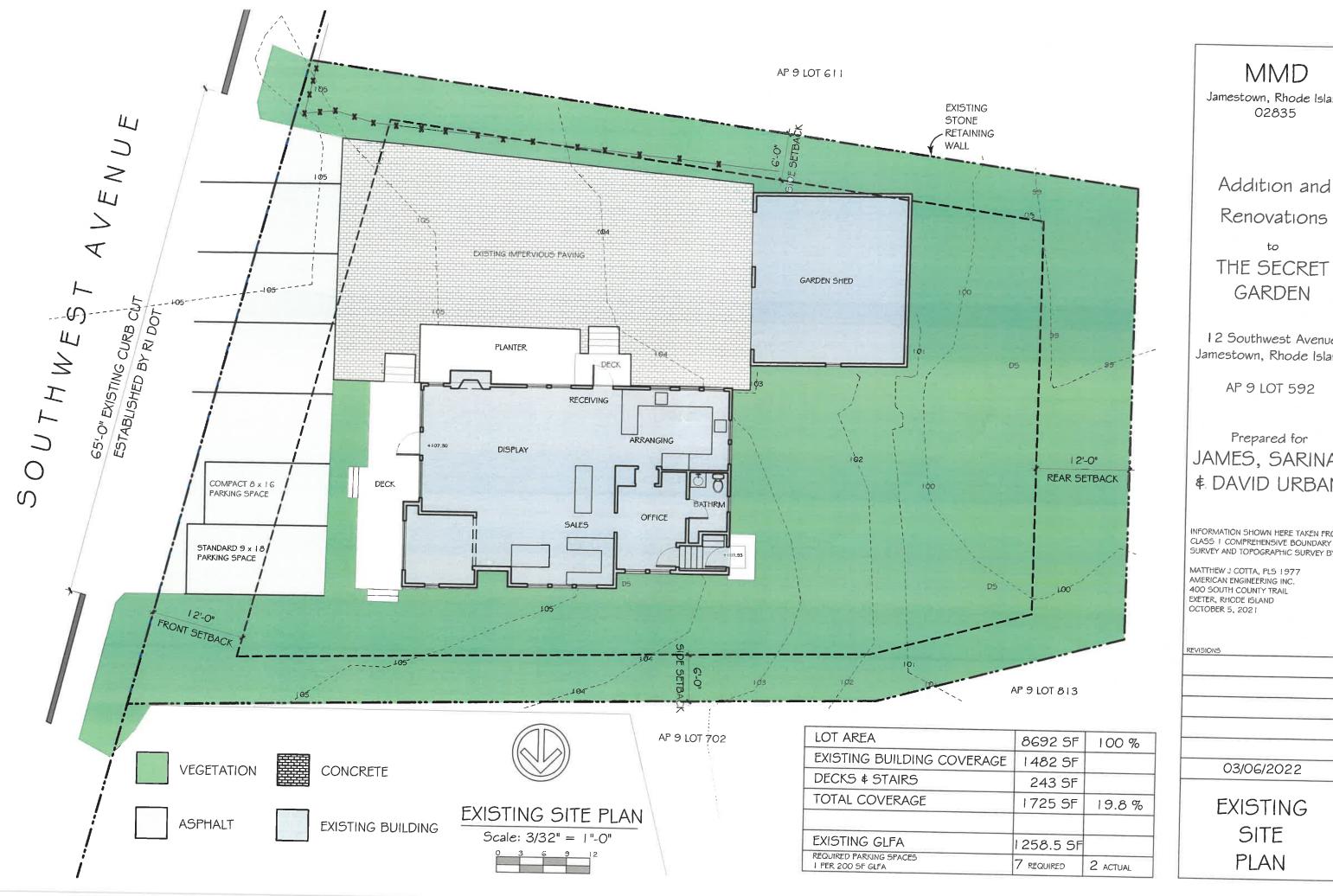
Findings of Fact:

- The application was reviewed under the standards of Zoning Article 11 as a substantial modification to an existing building;
- The applicant is seeking a change of occupancy from single use to mixed use; 2.
- Secret Garden has been operating in this location since 1981; 3.
- The applicant, and owner for 14 years of Secret Garden, David Urban, testified that the improvements to the property are to improve the function of the business and not to grow the business:
- The applicant was represented by Architect Shahin Barzin, AIA, recognized as an expert witness, at both the TRC meeting on February 22 and the Planning Commission meeting on March 2, 2022;
- The proposal is to eliminate the existing garage and build an addition to the west of the existing shop that spans the lot from north to south;
- The lot is 8,692 square feet. The square footage of the existing structures is 1482 with 243 square feet of deck and stairs. The proposed total footprint of the combined structure is 2417 square feet and 2783 total square feet. The building lot coverage is proposed to be 32% where 35% is permitted;
- The impervious surface coverage is being decreased by 100 square feet between predevelopment and post-development;
- The following information has been provided for the current application:
 - a) Signed application
 - b) Project narrative (3 pages)
 - c) Additions and Renovations to The Secret Garden dated 2-2-22 by MMD
 - 1) Site Plan
 - 2) First Floor Plan
 - 3) Second Floor Plan
 - 4) Roof Plan

- 5) South Elevation
- 6) East Elevation
- 7) North Elevation
- 8) West Elevation
- d) Drainage Plan and Calculations by Carrigan Engineering Inc. dated 1-31-22
- e) Existing Conditions survey by American Engineering;
- f) Jamestown RIGIS Map and Aerial Photograph.
- 10. This property is located in the CL Zoning District. Florist Shops, mixed use and residential use are permitted by right in this district.
- 11. There is an existing 65-foot curb cut. The applicant is seeking to utilize the curb cut to improve the existing parking situation. Parking for customers will be within the width of 65-foot curb cut;
- 12. The building, as proposed on the plans will require 12 parking spaces based on 2 for the proposed residence and 10 for the business. They are proposing a total of 8 spaces, 6 for the shop and two for the apartment. Two of the shop's parking spaces will be compact spaces and four will be full size.
- 13. A variance will be required for parking as follows: 82-1203 8 spaces proposed where 12 are required and 82-1203 25% compact spaces proposed where 20% are required;

Conditions of Approval:

- 1. The site improvements shall be built in strict accordance with the plans referenced above;
- 2. An Operations and Maintenance Plan for the rain gardens shall be provided by the applicant and reviewed by the Town Engineer;
- 3. The Drainage Plan needs to show the layout of the planting plan in detail for the rain garden vegetation;
- 4. An Overflow Plan shall be provided, reviewed and approved by the Town Engineer;
- 5. The Stormwater Management Plan shall show the connection of the downspouts to rain gardens for the new structure;
- 6. The applicant shall widen parking space number 1 or 3 and delineate as a handicap parking space;
- 7. All parking spots shall be delineated on site;
- 8. Submission of a lighting plan prior to final approval;
- 9. Any fencing to be added that is within public viewshed shall be approved prior to final approved;
- 10. Approval is required by the Zoning Board of Review for zoning ordinance variances prior to issuance of a building permit; and,
- 11. Final Development Plan Approval shall be granted administratively subsequent to Zoning Board approval of variance(s).



Jamestown, Rhode Island 02835

Renovations THE SECRET GARDEN

12 Southwest Avenue Jamestown, Rhode Island

AP 9 LOT 592

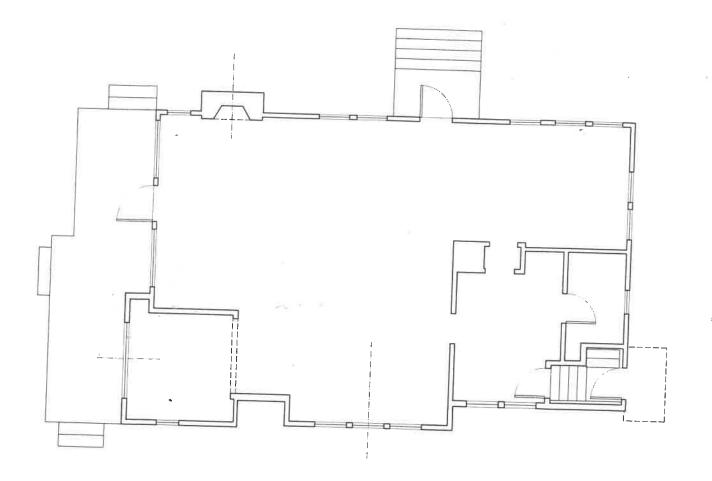
Prepared for JAMES, SARINA, # DAVID URBAN

INFORMATION SHOWN HERE TAKEN FROM CLASS I COMPREHENSIVE BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY BY

MATTHEW J COTTA, PLS 1977 AMERICAN ENGINEERING INC. 400 SOUTH COUNTY TRAIL EXETER, RHODE ISLAND

03/06/2022

EXISTING SITE PLAN



EXISTING FIRST FLOOR PLAN

Scale: 1/4° = 1'-0"

THE SECRET GARDEN

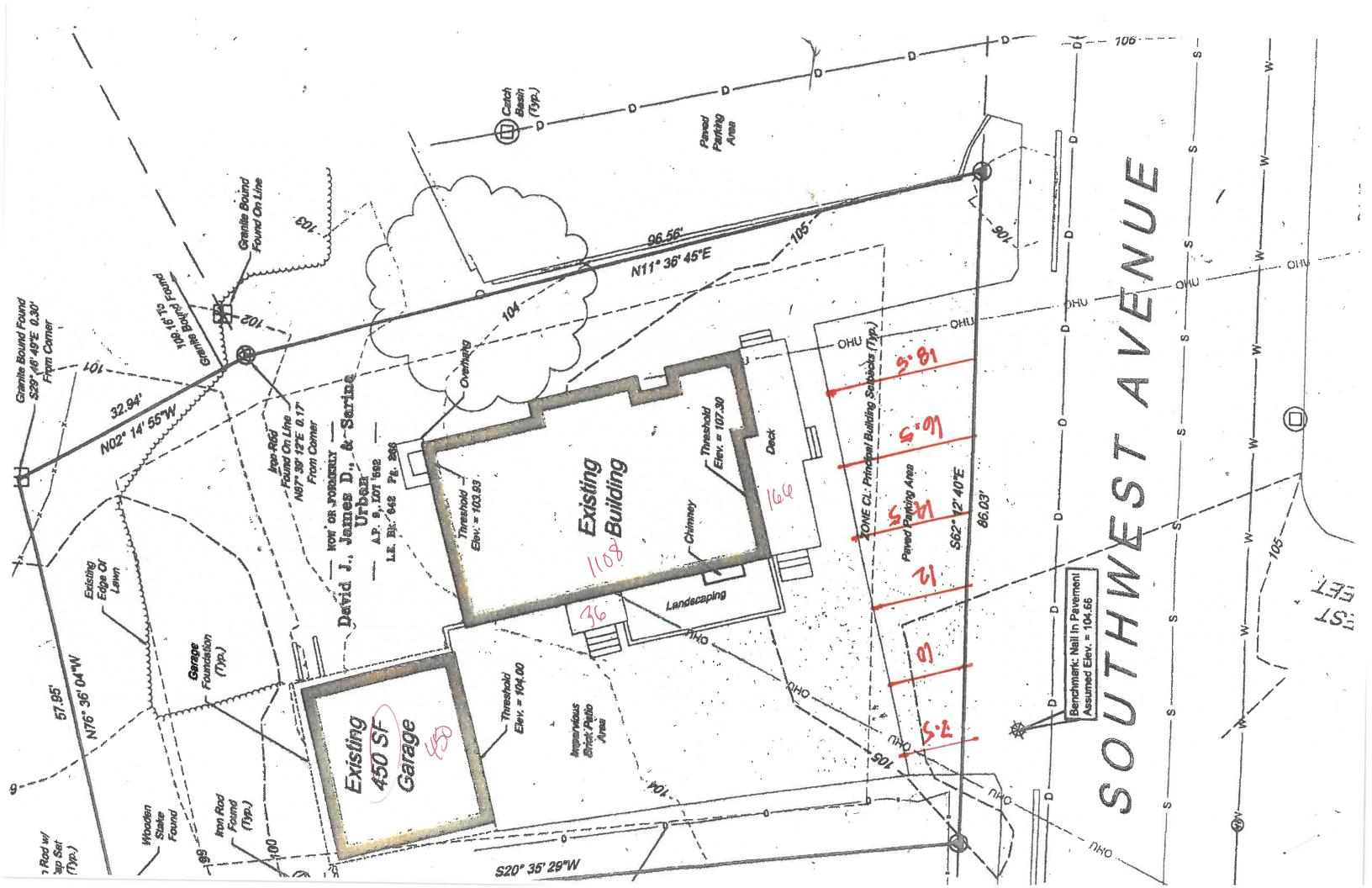
12 SOUTHWEST AVE. JAMESTOWN, RI

100520

EXISTING FIRST FLOOR PLAN

EX 2.1





3. REFERENCE IS HEREBY MADE TO THAT PLAN ENTITLED "RECORD OF SURVEY PLAT OF JAMESTOWN FOUR CORNERS CONDOMINIUM SCALE 1" = 40', DATE JAN, 84 BY ISLAND ENGINEERING". SAID PLAN BEING RECORDED IN THE TOWN OF JAMESTOWN IN HPF 52B.

4. REFERENCE IS HEREBY MADE TO THOSE DEEDS RECORDED IN THE TOWN OF JAMESTOWN IN: LE BK 31, PG. 85, LE BK 34, PG. 456, & LE BK 62, PG. 21.

5. REFERENCE IS HEREBY MADE TO THAT RHODE ISLAND HIGHWAY PLAT NO. 245.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS, AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN.

2. UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED / VERIFIED. CONTACT DIGSAFE PRIOR TO ANY EXCAVATION.

THIS SURVEY HAS BEEN CONDUCTED AND THE PLAN HAS BEEN PREPARED PURSUANT TO 435-RICR-00-00-1,9 OF THE RULES AND REGULATIONS ADOPTED BY THE RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS ON APRIL 28, 2018, AS FOLLOWS:

TYPE OF SURVEY: MEASUREMENT SPECIFICATION: PERIMETER SURVEY: COMPREHENSIVE BOUNDARY SURVEY CLASS I T-2

- THE PURPOSE FOR THE CONDUCT OF THE SURVEY AND FOR THE PREPARATION OF THE PLAN IS TO DEFINE THE BOUNDARY OF ASSESSOR'S PLAT 9, LOT 592, AND TO SHOW ALL SIGNIFICANT SITE FEATURES INCLUDING TOPOGRAPHY, STRUCTURES, AND MONUMENTS,

SOUTHWEST AVENUE

Scale 1" = 10"

THIS PLAN IS TO BE INDEXED UNDER THE FOLLOWING ROAD: 1. SOUTHWEST AVENUE

Sheet

AMERICAN ENGINEERING,

of _ 1 sheets Drawing No.

97165

L.E. Bk. 171 Pg. 105

CERTIFICATION:

NOTES:

TOPOGRAPHY: TOPOGRAPHIC SURVEY

MATTHEW J. COTTA PLS-1977 LS 0:0A4-53 COA

LOCATED AT
A.P. 9, LOT 592
2 SOUTHWEST AVENUE
EXETER, R.I.

DAVID URBAN

SURVEY PLAN

ВрС

₩ <u>+</u>

Drawn Scale: 1

Q.

IKC.

Professional Engineer/Professional Land Surveyor

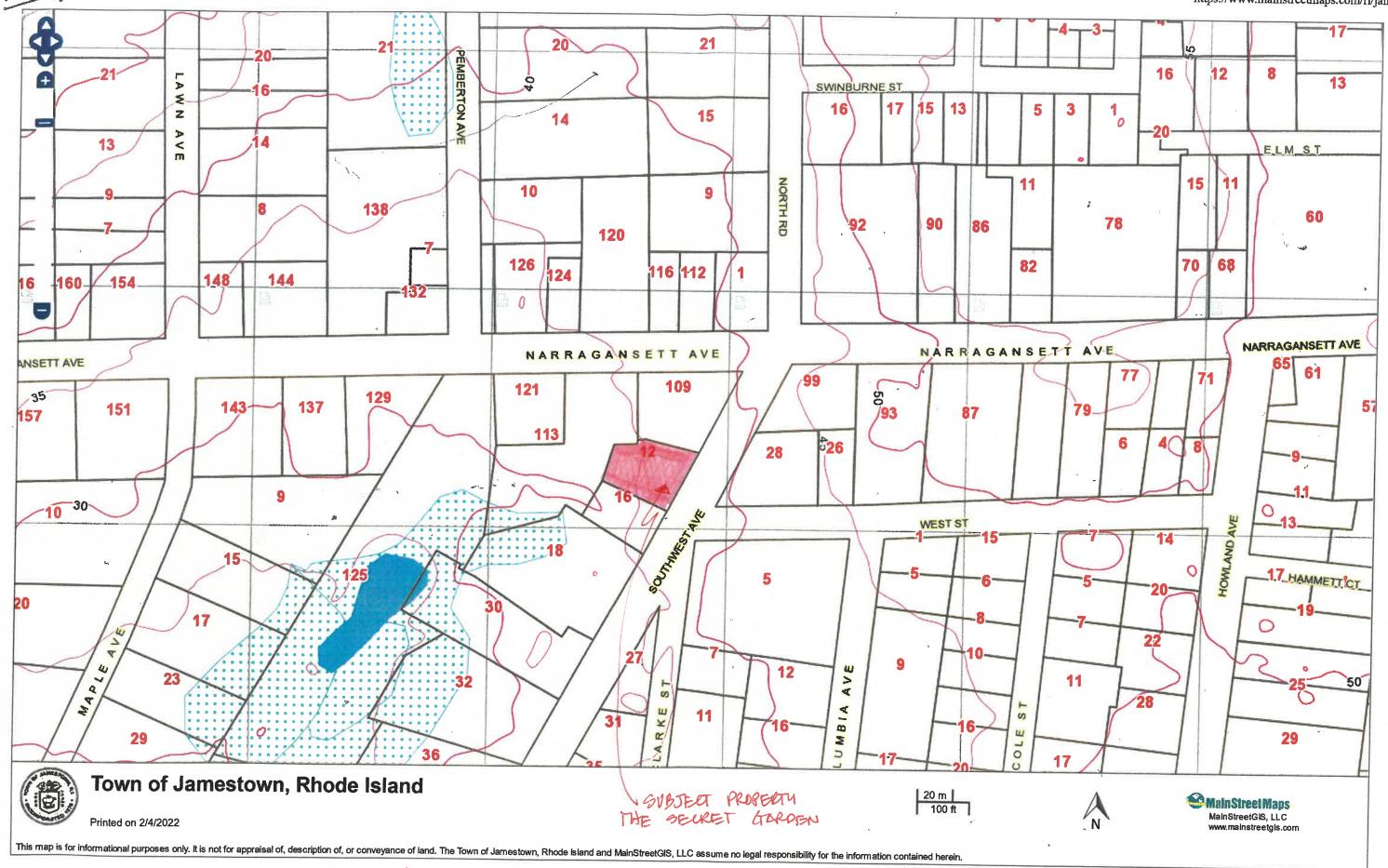
Trail - Suite A 201

le Island 02822

nEngineeringRi.com

90 / Fax (401) 294-3625

DANIEL R. COTTA PA 400 South County Ti Exefer, Rhode DCotta@AmericanEi Phone (401) 294-40901



WETLANDS, WASTER SONCLES, 10 POG CAPITY

Firefox

Town of Jamestown, Rhode Island Web GIS Maps and Online Property Information by MainStreetGIS, LLC Town Website

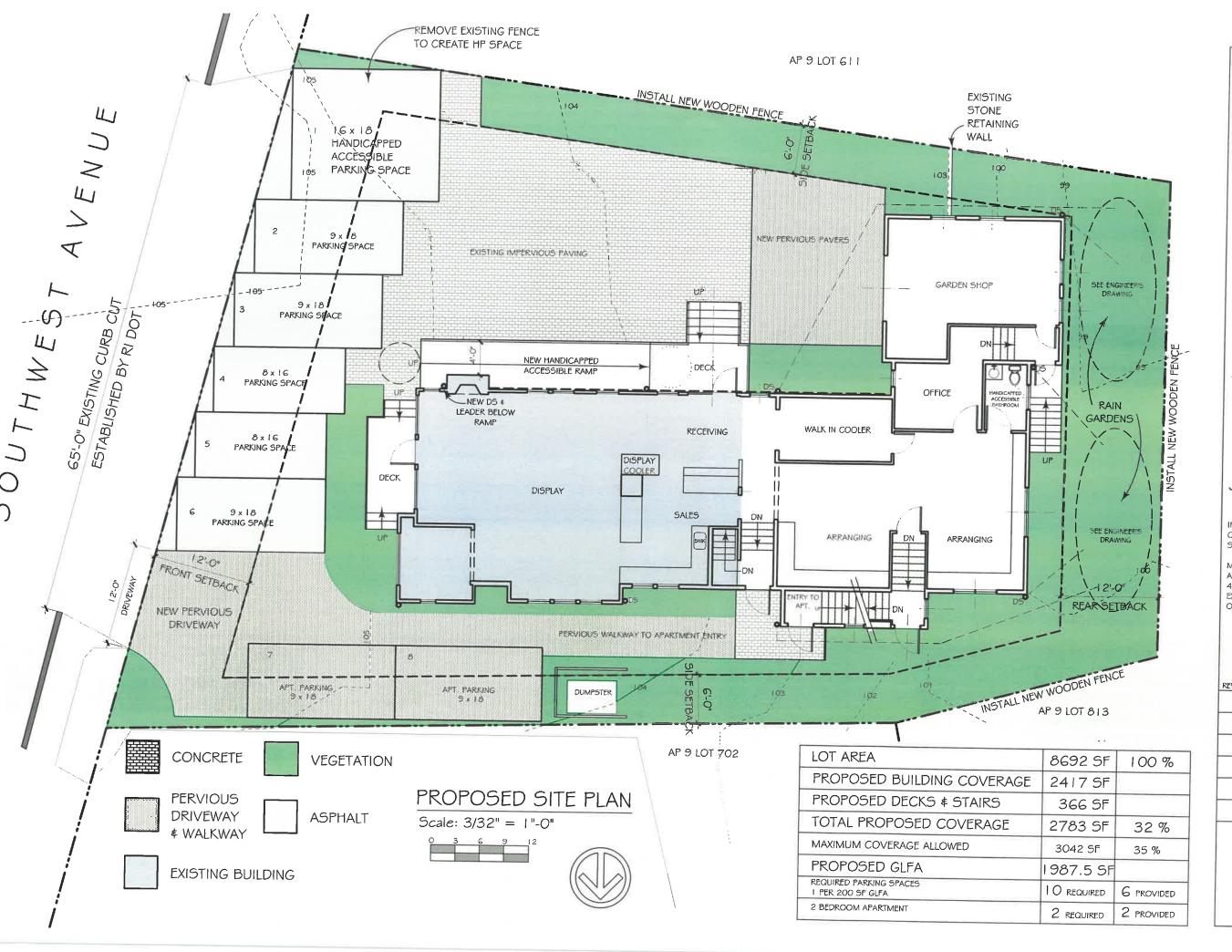
Base Map: Aerial Photo 2020/09 (RIGIS)

v1.14 - New Features

Address Parcel ID Owner Google

User Guide Feedback Disclaimer **GIS Map** Street View Tax Maps Other Maps GIS Links **MainStreet Maps** 1: 1450 Property Selection Road Name Text (E911 2018) Parcel Address Text Parcel ID Text Parcel Area Text Parcel Dimension Text Address Points (E911 2016) Roads (E911 2018) Tax Map Index Town Boundary Towns Water Supply District (RIGIS) Watershed (RIGIS) MARRAGANSETT AVE High Groundwater District NARRAGANSETT AVE NARRAGANSETT Downtown Special Development District **Urban Water and Sewer District** Zoning Flood Zones Group (2015) Hydrant (E911 2016) Hiking Trail 2015 (RIDEM) Bike Path 2015 (RIDOT) Stone Wat Parcels (Yellow). WEST ST Parcels (12/31/2020) WESTST Building (Town ~2009) Building (~2017 Microsoft) Paper Street ... Cemetery Roadway Contours 5ft (RIGIS) Bathymetry 10FT (NOAA CSC 2003) Water Body (1:5000 RIGIS) Stream 2001 (1:5000 RIGIS) Approximate Wetland (RIGIS) National Wetlands Inventory Soils 2020 (USDA / RIGIS) Land Use 2011 (RIGIS)

1 of 1



Jamestown, Rhode Island 02835

Addition and Renovations

THE SECRET
GARDEN

I 2 Southwest Avenue Jamestown, Rhode Island

AP 9 LOT 592

Prepared for JAMES, SARINA, \$ DAVID URBAN

INFORMATION SHOWN HERE TAKEN FROM CLASS I COMPREHENSIVE BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY BY

MATTHEW J COTTA, PLS 1977 AMERICAN ENGINEERING INC. 400 SOUTH COUNTY TRAIL EXETER, RHODE ISLAND OCTOBER 5, 2021

REVISIONS

03/07/2022 03/04/2022 02/02/2022

PROPOSED SITE PLAN

22'-0" 7'-2 3/8" 5'-11 1/4" 8'-10 3/8" 18-0 +105 +107.3 +105.0 1'-2' +107.3 COOLER +107.3 RECEIVING ARRANGING +107.3 13'-8 1/2" 3 1/2" 4-1 3 1/2" 11'-8 1/2" +104.75 4'-5 1/2" 6'-3 3/4" +102.5 +104.5 +101.5 18'-0" 4'-0" 3'-10" 12'-0" FIRST FLOOR PLAN Scale: 1/8" = 1'-0"

MMD

Jamestown, Rhode Island 02835

Addition and Renovations

to

THE SECRET GARDEN

I 2 Southwest Avenue Jamestown, Rhode Island

AP 9 LOT 592

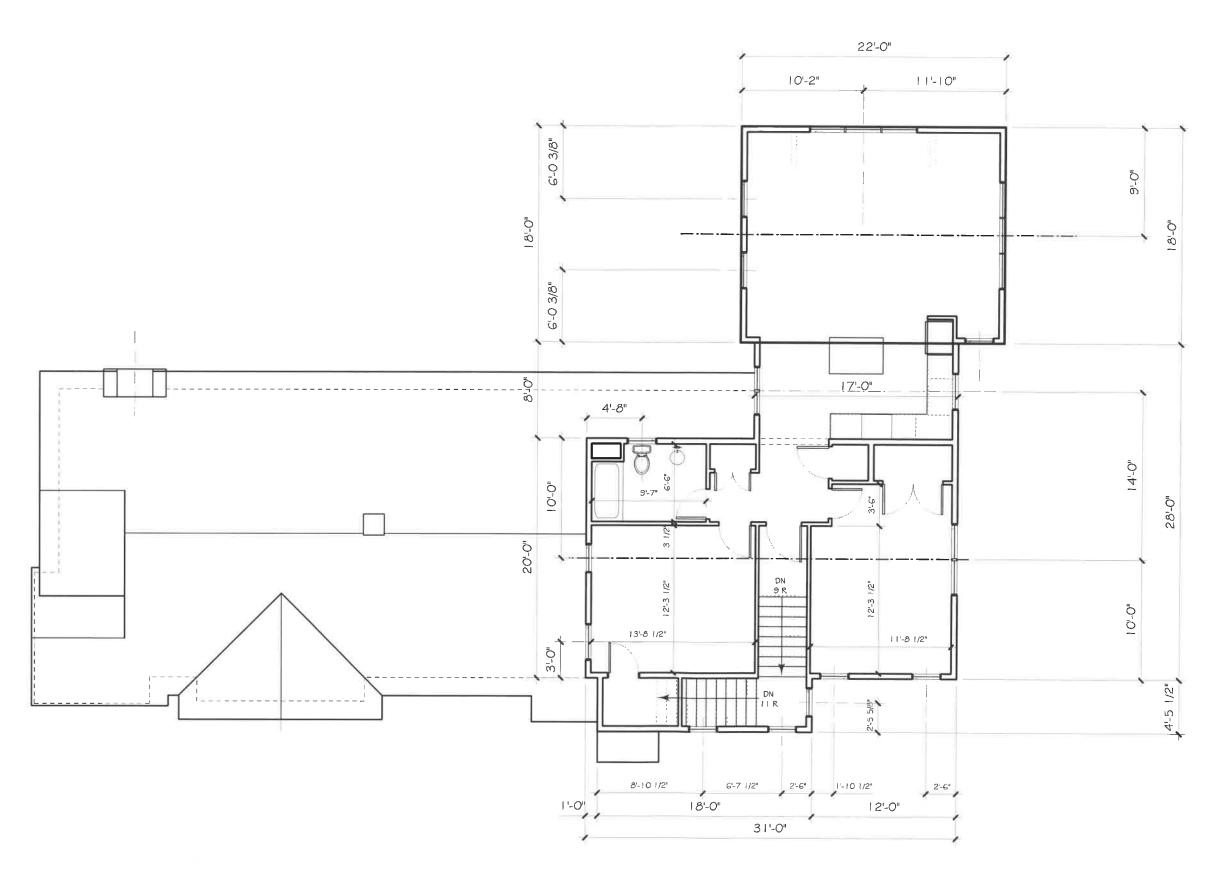
Prepared for DAVID J URBAN

REVISIONS

02/02/2022

FIRST FLOOR PLAN

A 2.1



SECOND FLOOR PLAN

Scale: 1/8" = 1'-0"

MMD

Jamestown, Rhode Island 02835

Addition and Renovations

to

THE SECRET GARDEN

l 2 Southwest Avenue Jamestown, Rhode Island

AP 9 LOT 592

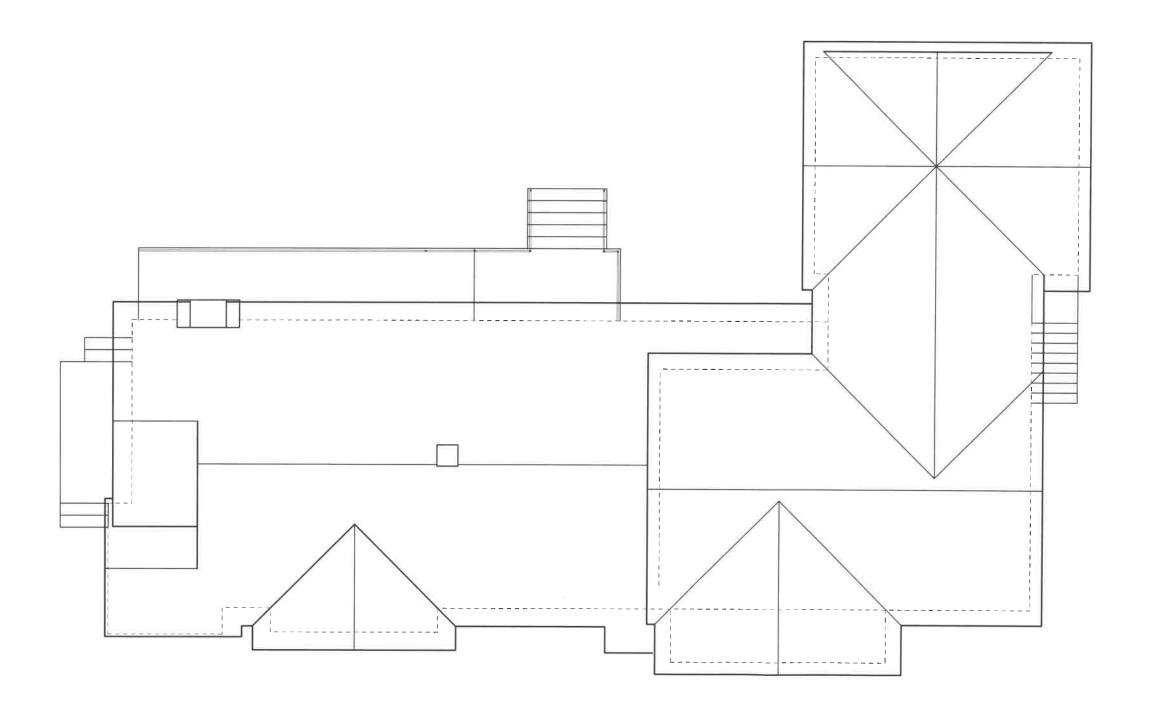
Prepared for DAVID J URBAN

REVISIONS

02/02/2022

SECOND FLOOR PLAN

A 2.2



ROOF PLAN

| Scale: | 1/8" = | 1'-0"

MMD

Jamestown, Rhode Island 02835

Addition and Renovations

THE SECRET
GARDEN

I 2 Southwest Avenue Jamestown, Rhode Island

AP 9 LOT 592

Prepared for DAVID J URBAN

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02/02/2022

ROOF PLAN

A 2.3

7'-6" R.O. HT 5'-8" R.O. HT. SF FIN ELEV B 6'-0" R.O. HT. 6-10 1/2" R.O. HT.

MMD

Jamestown, Rhode Island 02835

Addition and Renovations

to

THE SECRET GARDEN

I 2 Southwest Avenue Jamestown, Rhode Island

AP 9 LOT 592

Prepared for DAVID J URBAN

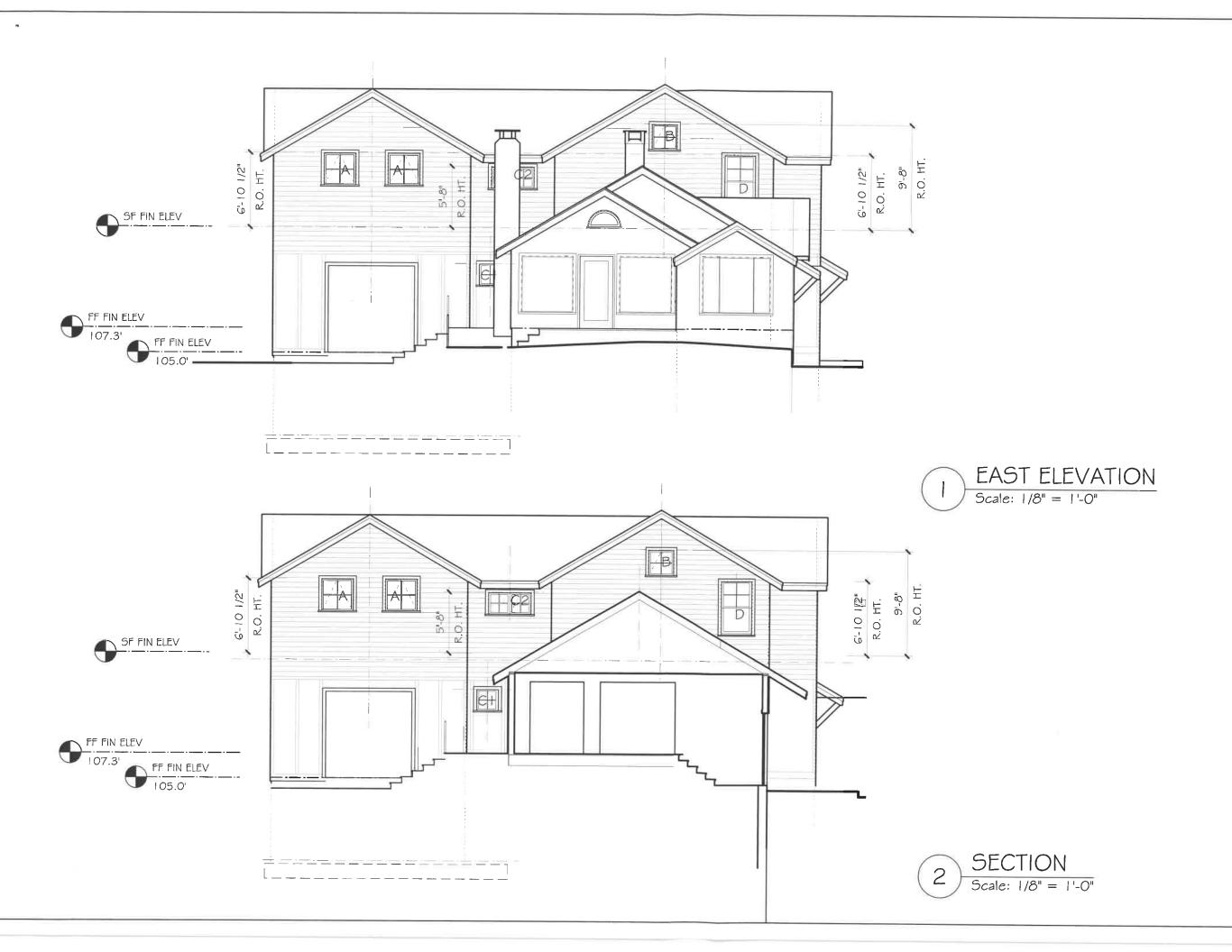
REVISIONS

SOUTH ELEVATION

Scale: 1/8" = 1'-0"

02/02/2022

SOUTH ELEVATION



Jamestown, Rhode Island 02835

Addition and Renovations

to

THE SECRET GARDEN

I 2 Southwest Avenue Jamestown, Rhode Island

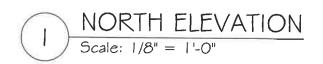
AP 9 LOT 592

Prepared for DAVID J URBAN

REVISIONS

02/02/2022

EAST ELEVATION



MMD

Jamestown, Rhode Island 02835

Addition and Renovations

to

THE SECRET GARDEN

12 Southwest Avenue Jamestown, Rhode Island

AP 9 LOT 592

Prepared for DAVID J URBAN

REVISIONS

02/02/2022

NORTH ELEVATION



Jamestown, Rhode Island 02835

Addition and Renovations

to

THE SECRET GARDEN

I 2 Southwest Avenue Jamestown, Rhode Island

AP 9 LOT 592

Prepared for DAVID J URBAN

REVISIONS

02/02/2022

WEST ELEVATION

CARRIGAN ENGINEERING, INC. 86 BROOK FARM ROAD SOUTH WAKEFIELD, RI 02879

JOB # 220114 31 JANUARY 2022

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					A/1		
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POST DEVELOPMENT						1	
RAIN FALL (25 YEAR E	EVENT)					6.1	inches
RUNOFF COEFFICIEN	Τ	A .				98%	
RUNOFF VOLUME						467.3	c.f.
NCREASE IN RUNOFF	-					205.0	c.f.
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