



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**The Residences on Holley**

**Major Land Development – Conceptual Master Plan Review**

March 23, 2021

Project Type:	<b>Major Land Development</b>		
Review Stage:	<b>Conceptual Master Plan</b>		
Address:	<b>Holley Street</b>		
Plat:	<b>57-1</b>	Lot:	<b>110</b>
Parcel Size:	<b>~1.3 acres</b>	Zoning District:	<b>CN</b>
Applicant:	Scot Hallberg 17 Arnold Street, Suite 100 Wakefield, RI 02879	Owner:	Southern Rhode Island Professional Center, LLC P.O. Box 817 Charlestown, RI 02813
Current Plan Set:	<i>Proposed Conditions Plan</i> , Master Plan Submission for “The Residences on Holley”, AP 57-1, Lot 110, Holley Street in South Kingstown, Rhode Island, Sheet 3 of 3, dated September 29, 2020 with revisions through December 22, 2020, completed by Principe Company, Inc., P.O. Box 298, Tiverton, RI 02878.		

**Property Characteristics**

The subject property is an undeveloped parcel approximately 1.3 acres in size and is located in a Commercial Neighborhood (CN) Zoning District. The parcel is located between School and Main Street and surrounding properties are primarily comprised of residential dwellings with some commercially used properties to south and the east.

**Project Description**

The applicant is proposing a major multi-household land development project to include six (6) 1,440 square foot duplex structures with a two (2) 720 square foot units each for a total of twelve (12) units. In accordance with the inclusionary zoning requirements of the zoning ordinance, two (2) of these units (20%) will be deed restricted for low to moderate income ownership or occupancy.

Access to these units is provided via several shared-access driveways on Holley Street. The applicant proposes each unit to have a garage and a single external parking space dedicated to each unit and the property is proposed to be serviced by Town water and sewer service. The applicant proposes that best management practices to mitigate stormwater runoff will be provided including roof bioretention areas and permeable/porous pavement. Landscaping will also include plantings along the frontage and a 20-foot partial landscape screen will be installed along the westerly property limits along the residentially zoned properties abutting the subject site. Open space is proposed via private yard space, a walking path, and common greenspace totaling 6,850 square feet (12.1% of the total lot).

**Decision Deadline**

This application was Certified Complete on January 11, 2020. The Planning Board has until **April 11, 2021** (90 days from date of completion) to render a decision.

## Regulatory Considerations

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### **Purpose of the Conceptual Master Plan**

Pursuant to RIGL § 45-23-32, the [Conceptual] Master Plan stage of review is an *overall plan for a proposed project site outlining general, rather than detailed, development intentions. It described the basic parameters of a major development proposal, rather than giving full engineering details.* Pursuant to RIGL § 45-23-40, *the requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing, and potential neighborhood impacts.*

### **Section 401 (Zoning – Dimensional Requirements)**

Section 401 (Schedule of dimensional regulations) provides the maximum density allowed for multi-household land development projects. The allowed density for the subject property is:

*15,000 for first two (2) dwelling units plus 5,000 square feet per each additional dwelling unit.*

At 56,527 square feet, the maximum density for the subject property is 10.31 dwelling units. The applicant is proposing a total of ten (10) units with two (2) deed-restricted affordable units (as a density bonus).

### **Inclusionary Zoning**

Section 502.6 (Inclusionary Zoning) of the Zoning Ordinance outlines the Inclusionary Zoning requirements and procedures for major subdivisions or land development projects that consist of six (6) or more parcels or units. Those requirements are listed, in part, below:

- E. *Base density calculation, inclusionary requirements and targeted populations.* ...A minimum of 20 percent of the basic maximum number of lots/units must be affordable to low and/or moderate income households as defined under G.L. 1956, §45-53, Low and Moderate Income Housing Act...To facilitate such targeting and ensure that inclusionary units are well integrated into the subdivision or land development project, the planning board shall have the authority to specify the type and location of unit(s) to be constructed, the size and scale of these units or lots in relation to the market rate units or lots in the development, establish general design parameters for the inclusionary units and determine a construction time table for construction.
- F. *Zoning Incentive.* For all subdivisions, flexible design land development projects and land development projects that are subject to the provisions of this section, a zoning incentive increasing the basic maximum number of lots or dwelling units by a factor of 1.2 shall be required. Units required under the zoning incentive provisions of this section shall count toward the maximum zoning incentive permitted under subsection 502.5.E of this ordinance. The requirement for such inclusionary units shall constitute a municipal government subsidy as defined under the RI Low and Moderate Income Housing Act and this ordinance.
- G. *Inclusionary units, deed restriction requirements.* All inclusionary units required under this section shall meet the definition of "low and moderate income housing" as defined in G.L. 1956, § 45-53-3; provided however that units and/or lots generated under these inclusionary provisions shall remain affordable for a minimum period of 99 years. Further provided that any for-sale lots or units shall be sold or conveyed to persons or households earning up to 80 percent of the area median income (AMI) for South Kingstown as defined by the U.S. Department of Housing and Urban Development.

The developer of inclusionary units must contract with a monitoring agency that will qualify home buyers and/or renters for initial occupancy, determine pricing and resale or transfer of dwelling units in accordance with RI Housing and Mortgage Finance Corporation regulations and standards. Rhode Island Housing and the Town of South Kingstown shall be a party to any such monitoring agreement. Long-term affordability shall be guaranteed through the recording of restrictions on the sale, transfer and ownership of the unit through the appropriate legal documents and monitoring agreement.

- I. *Modification of lot requirements for inclusionary units.* To encourage good design and to reduce construction, land and infrastructure costs the planning board shall have the discretion to modify (or require the modification of) minimum dimensional standards for inclusionary dwelling units/lots. Such modifications shall be in accord with the standards and requirements set forth in subsection 502.5.F of this ordinance.

The zoning incentives within the Inclusionary Zoning provisions of the Ordinance allow for a total of twelve (12) units with two (2) being deed-restricted affordable units. The applicant is proposing a total of ten (10) units with two (2) deed restricted affordable units. The applicant will need to provide a Yield Plan in accordance with Section 502.6(E) as referenced above.

#### **Article IV, Section H – Multi-Household Dwellings**

Section H(6) requires screening of the development to provide a physical barrier and visual screen from adjacent properties. This also applies to off-street parking areas, as well as refuse and recycling provisions within the development.

Section H(7) requires a minimum front yard setback of 100 feet along public streets with prohibitions on buildings, parking lots and other utility areas from being located within this setback. A 50' landscaped or natural buffer zone is also required to be maintained in this area along said public street.

Section H(9) requires the following:

*Pedestrian Walkways* - Pedestrian walkways shall be provided where necessary, to provide safe and convenient access to and from the development;

*Parking Lots* – Shall be setback from buildings, no parking area, driveway or utility area shall be located within 15' of any wall of a principal building (except garage) used for residential purposes along which is located an entrance or exit generally intended for use by residents thereof, or along which are located residential windows less than 10' above ground level.

*Distance between buildings on same lot* – The minimum distance between two (2) buildings or any two (2) rows of buildings, substantially parallel to each other shall be 50'. The minimum distance between two (2) abutting ends of buildings in the same general plane or row shall be 25' (if such walls contain no windows serving habitable rooms or shall otherwise be 50').

*Rubbish Disposal* – Each building shall be provided with an enclosed waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and all utility areas shall be properly screened and buffered from all buildings and property lines.

*Floor Area of Accessory Uses* – Permitted floor area for allowable accessory uses shall not exceed 2 ½ percent of the floor area for residential use. Accessory uses in multi-household structures shall not exceed 800 square feet in any district where permitted.

*Open Space* – Open space shall be provided for residents as appropriate to the type of occupant (i.e., elderly, adults, families with children, etc.). At least 10 percent of the developable land area shall be dedicated to open space use, devoted to either (a) private open space (such as private rear yards or semi-private front yards); (b) public open space

(such as pedestrian parks, plazas, Town green, village common, etc.); or (c) active recreation areas, such as playgrounds, play fields, tennis courts, etc.). For dwellings proposed for occupancy by elderly residents only, at least 100 square feet of outdoor area per dwelling unit shall be provided, which shall be suitably designed and landscaped to meet the specific needs of the elderly and/or handicapped residents of the development. The type, location and design of all open spaces areas shall be subject to the approval of the Planning Board.

*Exterior lighting* – All exterior lights shall be directed toward the interior of the development. Exterior lighting shall be shaded, shielded, directed or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises. No exterior lighting shall shine on or into residential structures and/or properties to an extent that would adversely affect the neighboring residents.

**Article IV, Section I – Design Standards for Inclusionary Dwelling Units in Major Subdivision or Land Development Projects**

It is the intent of this Section to establish general design and procedural standards for the siting and construction of affordable dwelling units (inclusionary units) in major land developments and major subdivisions. By the application of these standards and procedural requirements it is intended to create subdivision neighborhoods and land developments projects that have long-term desirability, provide for housing opportunities for a broad range of households with varying incomes and housing needs and are compatible with the surrounding community.

- a) Inclusionary Dwelling Unit Design Considerations - required Inclusionary dwelling units per Section 502.6 of the South Kingstown Zoning Ordinance shall be similar in exterior design and construction methodology and materials to other dwellings or units with the subdivision or land development project. The Planning Board *may* permit such units to be smaller in size (bulk or footprint) or contain fewer bedrooms and baths than market rates units within the development. The interior design of required inclusionary dwelling units as well as the materials, finishes and fixtures utilized shall not be subject to the requirements of this Section. For conventional subdivisions or Flexible Design Residential Projects (FDRP's) such units may be designed as single-household units, duplexes, triplexes or in a quadraplex configuration. The Planning Board may also permit accessory apartments per Section 503.2 to be counted as inclusionary units within a development. In addition to the General Requirements set forth in Article III of the Subdivision and Land Development Regulations, in approving the overall design of the subdivision or land development project the Planning Board shall make affirmative Findings of Fact that the design of the units is consistent with the market rate unit in the overall project and that the project design meets the intent of this Section.
- b) Lot Configuration - The Planning Board may permit inclusionary dwelling units to be sited on smaller lots (in a subdivision setting) than the base-zoning district of the development parcel or otherwise modify lot requirements for such inclusionary units/lots in accord with Article IV, A.5 of these Regulations. Such modifications shall be considered a municipal government subsidy under these regulations."

**Waivers Requested**

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The Applicant is requesting waivers from Article IV. H (7) and (9) of the South Kingstown Subdivision and Land Development Regulations. Article IV. H (7) requires a minimum 100-ft. setback along any public street. Article IV H (9) requires the minimum distance between two (2) buildings or any two (2) rows or buildings, substantially parallel to each other, shall be fifty (50) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or row, shall be twenty-five (25) feet, if such walls contain no windows serving habitable rooms or shall otherwise be fifty (50) feet.

The Applicant is proposing a 25-ft. front yard setback for the proposed residential buildings which meets the CN Zoning District requirements. The lot is long and narrow and there is no way to comply with a 100-ft. long setback. The Applicant is proposing 6, 2-family buildings. Two (2) of the buildings will be located 20 ft. apart, three (3) of the buildings will be located 34 ft. apart and two (2) of them will be located 25 ft. apart.

The Applicant believes the following:

1. The waivers are reasonable and within the general purposes and intents of the Subdivision and Land Development Regulations; and,
2. That little enforcement of the regulations is impracticable and will exact undue hardship because peculiar conditions pertain to the land in question.

## **Review to Date**

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### *Pre-Application Concept Review*

July 28, 2020 - Planning Board Review

### *Conceptual Master Plan Review*

October 14, 2020 – Technical Review Committee (TRC)

During review of this project with the TRC the following concerns associated with this project were noted:

- Suggestion that garage doors within the development not face Holley Street. Mr. Rosen stated that would require changing the building styles but would look into it with their architect;
- Questionable location for a manhole at the property line, utility cuts in the road, and a possible water main on the property;
- Questionable location of the proposed mid-block crosswalk and that the Town uses a Warrant System Evaluation and that a mid-block crossing would not meet the required warrants.
- Location of the proposed sidewalk and its transition from a public sidewalk to an internal path;
- Concern with potential adverse impacts from drainage/stormwater to Oak Street properties;
- Request for an additional fire hydrant be added within 600' of the building(s);
- Concern with turning movements within proposed parking areas including garages;
- Introduction of street trees along the frontage.

January 26, 2021 – Planning Board Review and continuance to next regularly scheduled meeting.

February 23, 2021 - Planning Board Review and continuance to next regularly scheduled meeting.

## **Revisions to Date**

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Following the January 26, 2021 meeting and discussion with the Planning Board, the applicant agreed to designate an additional affordable unit (increase total LMI units from two [2] to three [3]) and extend the proposed sidewalk the full length of the properties frontage on Holley Street. The applicant also agreed to provide architectural renderings to support their waiver request.

Following the February 23, 2021 meeting and discussion with the Planning Board, the applicant has revised the Site Plan and re-oriented several of the building footprints (and eliminated the garages on Building No. 4) to accommodate sufficient turning movements. At the February 23 meeting, the Board

also ask the applicant to provide additional architectural renderings/elevation that modify the design for the frontage buildings to have a significant street presence.

### **Required Findings**

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In approving this major land development application, the Board must make positive findings on the following standard provisions:

- (1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (4) The development, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- (5) 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.

The approving authority must also address each of the following general purposes of zoning:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

With regard to waivers, the Regulations (Article VIII.B.1) require that the Planning Board find that:

- a. The waivers or modifications are reasonable and within the general purposes and intents of the Regulations; and,
- b. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

### **Draft Motions for Consideration**

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There are a number of items that the Planning Board needs to come to positive conclusions on as detailed above as it relates to the regulatory requirements of the application before them. The applicant has requested two substantial waivers associated with their Major Land Development (multi-household dwellings) application within the Town's Commercial Neighborhood (CN) Zoning District. Based on a review of the application and the Town's Development Regulations, it should be noted that the applicant needs to provide evidence (written or verbal) to the Planning Board that the literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question. Particularly, and with regards to the applicant's request for relief from Article IV H (9) of the South Kingstown Subdivision and Land Development Regulations (minimum distance between two [2] buildings or any two [2] rows or buildings, substantially parallel to each other, shall be fifty (50) feet), the commission shall consider the information submitted by the applicant and must conclude that the nature of the configuration of the existing lot prevents the development of the lot in an otherwise conforming manner and thus creates the undue hardship. Consequently, staff has not prepared a draft motion, since it would be premature to do so at this time without direction from the Planning Board regarding the merits of the applicant's waiver requests. Where there has been potentially less consideration regarding waiver requests and how they impact the overall development and the need for such waivers in order to meet the applicable standards for approval, staff has previously provided draft motions for the Board's consideration so that, if the Board finds the application acceptable, the application can be approved with minimal delay. Based on the Board's discussion and direction, staff will be prepared to offer a draft motion, however the Planning Board will need to either (a) request the applicant for an extension of the decision timeframe (currently decision deadline of April 11, 2021) or (b) schedule a special meeting prior to the expiration of the decision timeframe.