



SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
485 High Street
Major Multi-household Land Development Project
July 25, 2023

Project Type:	Major Multi-household Land Development Project		
Review Stage:	Conceptual Pre-Application		
Address:	485 High Street		
Plat:	48-3	Lot:	147
Parcel Size:	0.39 acres	Zoning District:	CD
Applicant:	Bell Capital, LLC c/o Harrison Bell 10 High Street Wakefield, RI 02879	Owner:	Same

Property Characteristics

Existing development on this property currently consists of a single-family residential dwelling, a four (4) unit apartment building, and three (3) car garage. One of these units is rented through the South Kingstown Housing Authority.

Project Description

The applicant proposes to construct three (3) 1-bedroom apartments within the existing garage. Upon completion, the property would consist of a total of eight (8) units.

Waivers Required

None specified at this time.

Decision Deadline

There is no deadline for Planning Board decisions associated with Development Plan Review applications.

Regulatory Considerations

Purpose of the Pre-Application Review

Per the Regulations, Pre-Application meetings shall:

- Aim to encourage information sharing and discussion of project concepts among the participants;
- Include a review of the physical character of the land, any environmental or physical constraints to development; and
- Include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to

preserving the character of the land, the natural environment and the ability of the Town to provide essential services.

Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

Section 401 (Zoning – Dimensional Requirements)

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

15,000 for first two (2) dwelling units plus 1,200 square feet per each additional dwelling unit.

At 16,988.4 square feet, the maximum density for the subject property is 11.99 dwelling units. The applicant is proposing a total of eight (8) units. At this time Staff is unaware how many or which units will be deed restricted affordable units.

Article IV, Section H – Multi-Household Land Development Project

Section H(6) requires screening to provide a physical barrier and visual screen from adjacent properties. 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 required to be maintained along said public street. Section H(9) requires that pedestrian walkways be provided for the development, and that parking lots be set back from the wall of any building (except garages), that 10% of the developable area (~1,698 square feet) must be dedicated as open space, type dictated by occupants and approved by the Planning Board, and that the minimum distance between buildings shall be 50'.

A more thorough analysis of Article IV, Section H will be conducted by Staff if this project moves forward to the next stage of review.

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. Where such calculation yields a fraction of a unit and such fraction is five-tenths (.5) or above the requirement shall be rounded to the next higher, whole number. 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 fourteen (14) units with three (3) being deed restricted affordable units. The applicant is proposing a total of eight (8) units, the applicant has not indicated how many or which units will be the deed restricted affordable units. The applicant will also need to provide a Yield Plan in accordance with Section 502.6(E) as referenced above unless the applicant requests, and is granted, a waiver by the Planning Board to this requirement.

Required Findings

In approving this land development request, 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.

Draft Motions for Consideration

In conjunction with this Pre-Application Concept application, the applicant has requested to combine the later Conceptual Master Plan & Preliminary Plan Review stages of review. If deemed appropriate, the following motion could be used in support of said request:

Motion: “The South Kingstown Planning Board hereby grants the request of the applicant, Bell Capital, LLC, to combine the Conceptual Master Plan and Preliminary Plan stages of review for the proposed major multi-household land development project located at 485 High Street, Assessor’s Plat 48-3, Lot 147. The applicant shall be required to meet the application requirements for both the Conceptual Master Plan and Preliminary Plan stages of review prior to scheduling the required public hearing.”