



SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
Commodore Manor
Advisory Development Plan Review
February 27, 2024

Project Type:	Advisory Development Plan Review		
Review Stage:	Development Plan Review		
Address:	2625B Commodore Oliver Hazard Perry Highway		
Plat:	80-2	Lot:	14
Parcel Size:	~2.64 acres	Zoning District:	R80
Applicant:	Commodore Manor, LLC c/o Sean Hevenor 135 Lantern Lane North Kingstown, RI 02852	Owner:	Same

Property Characteristics

This property is a residential dwelling located in Matunuck Hills used for occupancy by more than three (3) unrelated individuals and was recently sold in October 2022. The property and associated relatively large dwelling has historically been used for residential purposes. Assessor's Tax records identify this dwelling as containing five (5) bedrooms and five and a half (5 ½) bathrooms within approximately 5,705 square feet of living area.

Project Description

The applicant is proposing to use the property for the residential occupancy of more than three (3) unrelated individuals. The applicant has proposed the occupancy to be six (6) people, however it is unclear how lease agreements are proposed. The applicant has indicated that there will be one (1) lease for all of the occupants, signed by each tenant.

Improvements that have been made since the purchase of the property include Onsite Wastewater Treatment System (OWTS) and water supply upgrades. The property is serviced by private water and OWTS utilities. The applicant proposes no exterior modification to the building and indicates that they have sufficient area to support the parking required for the intended use.

Waivers Required

None.

Decision Deadline

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

Regulatory Considerations

Zoning Ordinance – Article 5, Sec. 504.14: Household occupancy by more than three unrelated individuals.

Section 504.14 of the Zoning Ordinance requires that properties to contain household occupancy by more than three (3) unrelated individuals meet the following criteria as listed below:

- There must be a minimum of one parking space per proposed occupant;
- Parking is to be delineated on the site and cannot be on lawn areas;
- *Parking areas must comply with the landscape standards set forth in the Town Subdivision and Land Development Regulations;*
- No more than two (2) persons can occupy a bedroom;
- There must be a minimum of 330 square feet of Gross Leasable Floor Area (GFLA) per proposed occupant;
- Bedrooms containing one occupant must be a minimum of 70 sq. ft.;
- Bedrooms containing two occupants must be a minimum of 100 sq. ft.;
- For duplex or multi-family dwellings, the appearance must be residential in character.

Review to Date

This application was reviewed with the applicant at the Technical Review Committee meeting on November 8, 2023 and December 13, 2023. Upon review and discussion with the applicant's project team the TRC granted **conditional approval** of the application with the following conditions subject to confirmation by the Planning Board:

1. Locks and security of the individual rooms as well as second floor and basement.
2. Solidifying some language in the lease to answer questions that came up today i.e. guests, parking, events, parties, overnight stays, number of overnight stays etc.
3. Intention to have 5 bedrooms with 1 shared; shared bedrooms need to be identified on plans.
4. Solidifying long term guest verbiage in the lease.
5. Solidifying parking-showing usable parking spaces (not blocked ones).
6. Explore installation of lock box for Fire and EMS to access house, including the 2nd floor.

Required Findings

As a reminder, the Planning Board must make positive findings on the following standard provisions for Development Plan Review applications:

- (1) The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
- (2) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district, with the required conditions of approval.
- (3) The plans for the project comply with all the requirements of the zoning ordinance and the subdivision and land development regulations.
- (4) The plans for the project are consistent with the Comprehensive Plan.

- (5) Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this written approval.

Draft Motions for Consideration

Draft Motion #1:

“The South Kingstown Planning Board hereby grants advisory Development Plan approval to Commodore Manor, LLC to allow household occupancy by six (6) unrelated individuals within the existing single-family dwelling located on Assessor’s Plat 80-2, Lot 14, located at 2625B Commodore Oliver Hazard Perry Highway, as depicted on the plan entitled “*Site Plan for Commodore Manor, LLC, located at 2625B Comm. Oliver Hazard Perry Hwy, South Kingstown, RI*”, Sheets 1 through 2, dated November 17, 2023 prepared by American Engineering, Inc., 400 South County Trail, Suite A201, Exeter, Rhode Island. This approval is based on upon the following Findings of Fact and Conditions of Approval for the Zoning Board to consider:

Findings of Fact

- A. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
- B. With the required conditions of approval, the granting of such approval will not substantially or permanently injure the appropriate use of the property in the area or zoning district.
- C. The plans for the project comply with all requirements of the zoning ordinance and the subdivision and land development regulations.
- D. The plans for the project are consistent with the Comprehensive Plan.
- E. Any condition or restrictions that are necessary to ensure that these findings have been met have been incorporated into this approval.

Conditions of Approval

1. The development shall occur in strict conformance with the plans and specifications submitted in support of the application, and with the Conditions of Approval found herein.
2. There shall be a single lease, with a single rent, covering the entire building to be signed by all occupants. Individual leases, or rents for individual occupants, or leases for individual areas within the building are prohibited.
3. All occupants shall be jointly and severally responsible for the payment of rent, damage to the premises and compliance with all other lease terms.
4. The lease shall prohibit subletting of any kind, including but not limited to the subletting of rooms.
5. Parking areas shall be for the exclusive use of occupants and guests. No parking spaces or areas shall be rented, leased, or otherwise approved for the use of non-occupants. Parking shall be limited to no more than eight (8) cars at any one time. Parking may only occur as shown on the approved site plan.
6. As no waivers have been requested, parking areas must comply with the landscape standards set forth in the Town Subdivision and Land Development Regulations.
7. Individual keyed locks on any interior doors shall not be allowed, with the exception that the owner installed keyed locks on rooms/areas that not intended to be utilized by rental occupants (i.e., storage, furnace room etc.). Locks and security shall be installed limiting access to the second floor and basement by renters.
8. No more than 5 guests shall be permitted on the property at any one time and in addition, the total number of individuals on the property at any given time shall not exceed ten (guests, renter/lessee and/or guests).

9. No public or private events shall be held on site where the general public is either an invited guest or a general guest of the lessee.
10. Overnight accommodation/rentals shall be limited to 6 people/persons, except, that the primary lessees/renter may have guests stay inside the home for no more than two nights within a 30-day period. All rentals/occupants/guests shall be limited to the 5 bedrooms shown on the plans.
11. The property owner shall install a lock box for Fire and EMS to access the dwelling, including each separate floor.”

Draft Motion #2:

“The South Kingstown Planning Board hereby provides a favorable recommendation to the Zoning Board of Review on the Special Use Permit request for AP 80-2, Lot 14, located at 2625B Commodore Oliver Hazard Perry Highway, to allow household occupancy by more than three (3) unrelated individuals within the existing single-family dwelling unit. The Planning Board finds that the subject dwelling units comply with the site design and exterior appearance requirements for household occupancy for more than three (3) unrelated individuals, as Specified in Section 504.14 of the Zoning Ordinance.”