



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

McCrorry

Major Multi-household Land Development Project

July 23, 2024

Project Type:	Major Multi-household Land Development Project		
Review Stage:	Combined Conceptual Master & Preliminary Plan with Unified Development Review (UDR)		
Address:	507-509 High Street		
Plat:	48-3	Lot:	150
Parcel Size:	15,678 sq. ft.	Zoning District:	CD
Applicant:	Glenn & Gretel McCrorry 200 Lavan Street Warwick, RI 02888	Owner:	Same

Property Characteristics

Existing development on this property currently consists of an existing multi-household structure containing three (3) existing residential dwelling units.

Project Description

The applicant proposes to construct a new multi-household in the rear of the property that will consist of five (5) new residential units within this separate building. In total the property will support a total of eight (8) units in a multi-household land development configuration. In accordance with regulatory requirements two (2) of these residential units will be deed-restricted to qualifying affordable occupants.

Waivers & Relief Required

Within the application the applicant has outlined the need to request the following waivers from the Subdivision & Land Development Regulations:

<i>Section</i>	<i>Standard</i>
<i>Article IV, Section G(7) (Special Requirements: Landscaping – General Standards and Specifications, Transition Yard Landscaping Standards)</i>	<i>Lots in any commercial zoning district which abut any residential zoning district shall provide a side yard and a rear yard at least equal to the side or rear yard requirement of the adjoining residential district...Side and rear yards in the commercial district shall be buffered in any of the following ways:</i> <ul style="list-style-type: none"> • 50-foot wooded buffer; or, • 20-foot partial landscape screen; or, • 10-foot full landscape screen
<i>Zoning Ordinance, Section 703</i>	All parking and loading facilities required under the terms of this ordinance, together with driveways, aisles, and other circulation

	<p>areas, shall be paved with an impervious material to provide a durable and dust-free surface, to be applied over no less than twelve (12) inches of compacted gravel. Notwithstanding the foregoing, the use of porous paving material may be allowed as follows:</p> <ol style="list-style-type: none"> 1. By the planning board at the time of development plan review; or 2. Where development plan review is not required, by the zoning board of review as a special use permit under the provisions of article 9 of this ordinance.
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The applicant is also requesting the following variances from the Zoning Ordinance to be considered under Unified Development Review (UDR):

<i>Section</i>	<i>Standard</i>
<i>Section 402, Note D</i>	<i>D. No dwelling units shall be allowed on the first floor.</i>
<i>Section 402, Note I</i>	<p>Transition yard landscaping is required whenever a buffer between adjacent incompatible land uses is necessary in order to physically separate and visually screen such adjacent land uses. See the subdivision and land development regulations for details regarding such buffers. Transition yards are required in the following situations and are required to provide the following landscaping and buffering:</p> <ol style="list-style-type: none"> 2. <i>Commercial zoning districts abutting residential zoning districts.</i> Lots in any commercial zoning district which abut any residential zoning district shall provide a side yard and a rear yard at least equal to the side or rear yard requirement of the adjoining residential district; except that corner side yard requirements for such lots may be provided as required in the commercial district. Where more than one (1) residential district abuts, the district imposing the higher standard shall apply. Side and rear yards in the commercial district shall be buffered in any of the following ways: <ol style="list-style-type: none"> (a) Fifty-foot wooded buffer; or (b) Twenty-foot partial landscape screen; or (c) Ten-foot full landscape screen. <p>The applicant is proposing a 12.4' setback where 30' is required, thereby requiring a 17.6' dimensional variance.</p>

Decision Deadline

This Combined Conceptual Master & Preliminary Plan submission was certified complete on May 14, 2024. In accordance with RIGL §45-23-39(d)(6), the Planning Board has ninety (90) days to render a decision on this application, or until August 12, 2024.

Review to Date

This application was reviewed by the Conservation Commission on Tuesday, May 7, 2024. Upon review the Conservation Commission was satisfied with the project and offered no additional comments on the application.

This application was also reviewed by the Technical Review Committee (TRC) on Wednesday, May 8, 2024. In review of the application the TRC suggested that the following items need to be addressed:

Items to be resolved prior to the May 30, 2024, Planning Board Meeting:

1. The applicant shall detail how snow storage is accommodated on the site plan and how snow removal is going to be handled.
2. Stormwater calculations shall be modified to address Town Engineers concerns regarding drainage patterns, coefficient of run off and time of concentration.
3. The current drainage/grading/permitting status with the state shall be clarified and supported by documentation for DEM.
4. Any proposed exterior lighting on the buildings and/or in the parking lot shall be detailed on site.
5. The applicant shall determine final plant material, locations, quantity, and size on the final landscaping plan.
6. The amount and location of the parking shall be detailed on site. Provisions for guest parking shall be discussed.
7. The applicant shall demonstrate that turning movements can be accomplished on site utilizing an acceptable recognized standard (i.e., ITE and/or ASHTO).

Regulatory Considerations

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:

5,000 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 10.9 dwelling units. The applicant is proposing a total of eight (8) 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'.

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 (80%) 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 eleven (11) units with three (3) being required to be deed restricted affordable units. The applicant is proposing a total of eight (8) units, of which two (2) will be 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

Motion: “The South Kingstown Planning Board hereby grants combined Conceptual Master Plan and Preliminary Plan approval to McCrary Major Land Development application, for one new building containing five (5) residential units, located at 507 and 509 Hight Street, South Kingstown, RI., Plat 48-3, Lot 150 – Glenn and Gretel McCrary *owner/applicant*.”

This approval is based upon plan set entitled: *Conceptual Master/Preliminary Plan Submission, High Street Multi-Household Land Development Project*, prepared by Principe Company Inc., Sheets 1 – 7, dated 3/7/2024 with revisions through 6/6/2024 and architectural plans entitled, “McCrary Townhouses, South Kingstown, RI, April 6th, 2022,” prepared by Cordtsen Design Architecture, Sheets AO.1, AO.2, A1.0, A1.1, A2.0, A2.1, R1.0 - R1.7, received March 26, 2024. This approval is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

- A. This multi-household land development project is consistent with the requirements of the Comprehensive Plan.
- B. This multi-household land development project conforms to the standards and provisions of the South Kingstown Zoning Ordinance.
- C. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required conditions of approval.
- D. This multi-household land development project, as proposed, will not result in the creation of individual lots or units with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable.
- E. The development has adequate and permanent physical access to a public street, namely Green Street.
- F. With the required conditions of approval, this multi-household land development will provide for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
- G. The design and location of building lots, utilities, drainage improvements, and other improvements in this subdivision minimize flooding and soil erosion.

Findings of Fact, Requested Relief

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the following waiver:

Section	Standard	Waiver Requested
<i>Article IV, Section G(7) (Special Requirements: Landscaping – General Standards and Specifications, Transition Yard Landscaping Standards)</i>	<p><i>Lots in any commercial zoning district which abut any residential zoning district shall provide a side yard and a rear yard at least equal to the side or rear yard requirement of the adjoining residential district...Side and rear yards in the commercial district shall be buffered in any of the following ways:</i></p> <ul style="list-style-type: none"> • <i>50-foot wooded buffer; or,</i> • <i>20-foot partial landscape screen; or,</i> • <i>10-foot full landscape screen</i> 	<i>Reduction of required buffer to zero.</i>
<i>Zoning Ordinance, Section 703</i>	<p>All parking and loading facilities required under the terms of this ordinance, together with driveways, aisles, and other circulation areas, shall be paved with an impervious material to provide a durable and dust-free surface, to be applied over no less than twelve (12) inches of compacted gravel. Notwithstanding the foregoing, the use of porous paving material may be allowed as follows:</p> <ol style="list-style-type: none"> 1. By the planning board at the time of development plan review; or 2. Where development plan review is not required, by the zoning board of review as a special use permit under the provisions of article 9 of this ordinance. 	To be allowed to install gravel surfaced parking lot.

The applicant is also requesting the following variances from the Zoning Ordinance to be considered under Unified Development Review (UDR):

Section	Standard	Waiver Requested
<i>Section 402, Note D</i>	<i>D. No dwelling units shall be allowed on the first floor.</i>	<i>To have Dwelling Units on first floor</i>
<i>Section 402, Note I</i>	Transition yard landscaping is required whenever a buffer between adjacent incompatible land uses is necessary in order to physically separate and visually screen such adjacent land uses. See the subdivision and land development regulations for details regarding such buffers. Transition yards are required in the following situations and are required to provide the following landscaping and buffering: <p style="margin-left: 40px;"><i>G.7(b) - Commercial zoning districts abutting residential zoning districts. Lots in any commercial zoning district which abut any residential zoning district shall provide a side yard and a rear yard at least equal to the side or rear yard requirement of the adjoining residential district; except that corner side yard requirements for such lots may be provided as required in the commercial district. Where more than one (1) residential district abuts, the district imposing the higher standard shall apply. Side and rear yards in the commercial district shall be buffered in any of the following ways:</i></p> <ul style="list-style-type: none"> • Fifty-foot wooded buffer; or • Twenty-foot partial landscape screen; or • Ten-foot full landscape screen. <p>The applicant is proposing a 12.4' setback where 30' is required, thereby requiring a 17.6' dimensional variance.</p>	Utilize existing fence as screening for transitional yard.

In doing so, the Planning Board finds that:

- H. The waiver or modification is reasonable and within the general purposes and intent of these regulations; and that
- I. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design (assuming conformance with conditions of approval) as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

Conditions of Approval

1. The use of the property shall be limited to Use Code 12 (multi-household detached structure) for residential development as proposed unless further amended by the South Kingstown Planning Board during the Preliminary Plan stage of review.
2. This approval is limited to five (5) new residential dwelling units (new construction) and three (3) existing units for a total of eight (8) units.
3. Two (2) of the eight (8) Units shall be subsidized housing units available for low and moderate income (LMI) residents as required by the Town’s Inclusionary Zoning Ordinance, S.K. Town Code §502.6.D. The LMI dwelling units shall be subject to a deed restriction requiring that the units be sold or rented to persons having a gross household income at or below 80% of the Area Median Income (AMI) and that the restriction remain enforceable for a period of not less than ninety-nine (99) years.

4. The proposed LMI housing units shall be integrated throughout the development, shall be compatible in scale and architectural style to the market rate units within the project, and they shall be built and offered for occupancy simultaneously with the construction and occupancy of the market rate units.
5. As part of the Final Plan submittal, the applicant shall: (i) designate the specific units that will contain the LMI housing units; (ii) indicate which LMI units will be rental units and which will be sold as homeownership units; and shall (iii) specify the schedule by which the LMI housing units will be constructed and/or renovated and made available for occupancy and/or sale. Said schedule shall not exceed the occupation and/or sale of three (3) market-rate units for each (1) LMI housing unit.
6. As part of the Final Plan submittal, the applicant shall provide drafts of a 'Monitoring Agreement' with a monitoring agent approved in accordance with RIGL § 45-53-3.2 and a 'Deed Restriction' acceptable to the monitoring agent that will ensure that all affordability guidelines will be met. Such documents shall be subject to the review and approval of the Town's Special Legal Counsel and the Planning Board.
7. The monitoring agreement between the developer and the monitoring agent shall require notification to the Town of South Kingstown, as a party with a vested interest, of the availability of affordable housing units for purchase or lease. Any such notification shall be directed to the Director of Planning.
8. The applicant shall submit a plan for an appropriate landscape buffer/screening along the northeasterly property line with AP 48-3 Lot 144 in the vicinity of the snow storage area.
9. The applicant shall submit final architectural plans for the proposed building and how the building matches the proposed architecture submitted with the application with regards to material types, forms, fenestration, and period detail contained by buildings within the historic mill village area.
10. Fair Share Development Fees as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the proposed units prior to the issuance of a Certificate of Occupancy.
11. Electric, telephone and cable services shall be installed underground.
12. The applicant shall provide evidence that the final plan approval from RIDEM for Freshwater Wetlands Application No. 19-0346, dated July 8, 2024, correlates to the same plans reviewed and approved by the Planning Board as referenced herein.
13. The applicant acknowledges that the turning radii proposed for passenger vehicles on the site were developed by its design team based on "experience" and that said radii are dimensionally deficient when compared to the generally accepted standards of ASHTO and ITE. The applicant further acknowledges that any deficiencies associated with these turning radii will likely require additional turning maneuvers to be made within the property in order for vehicles to avoid backing out onto High Street. Signage shall be posted on the property warning vehicles not to back out onto High Street.
14. **And any other conditions deemed necessary by the Planning Board in consideration of this application..."**