



SOUTH KINGSTOWN PLANNING DEPARTMENT

PROJECT REVIEW MEMO

349 Main Street

Minor Land Development with Unified Development Review

Preliminary Plan

March 11, 2025 (revised)

Project Type:	Minor Land Development with Unified Development Review		
Review Stage:	Preliminary Plan		
Address:	349 Main Street		
Plat:	56-3	Lot:	48
Parcel Size:	5,481 square feet	Zoning District:	CD – Commercial Downtown
Applicant:	J2 Properties c/o Jeff Cammans 333 Main Street, Suite 200 East Greenwich, RI 02818	Owner:	John L. Sheldon, III 281 Winchester Drive Wakefield, RI 02879

Project Description (as outlined in the addendum narrative included in the application)

The applicant plans to renovate and convert the existing structure to a hotel with twenty hotel rooms and 660 sq. ft. dedicated to food and coffee service ancillary to the hotel. Each room shall be a minimum of 240 sq. ft. The renovation includes the demolition of an existing staircase located at the Northwest corner of the structure coupled with a plan to replace it, with the addition of a 12 ft. by 11 ft. area to include a passenger elevator, accessible entrance and exit staircase. The applicant is seeking a change of use to hotel, which makes the lot subject to the provisions of **Section 501.9 Hotel and Motel Use**.

The existing structure, located in zoning district CD, is nonconforming for building height and building coverage, but meets all other set back requirements in a CD District. The existing structure has a height of 49.5 ft. which exceeds the maximum allowance of 40 ft. The building coverage of the lot exceeds the maximum allowance of 50%. With the exception of the 12ft by 11 ft addition, the converted structure will maintain the same footprint and building height as the existing structure. The applicant's proposed change in use requires relief from the dimensional regulations in **section 501.9 Hotel and Motel Use**.

Pursuant to **section 501.9 Hotel and Motel Use**, the applicant is seeking a dimensional variance from **section 501.9 A. Minimum Lot size**, with a lot size of 5481 sq. ft. where 50,000 sq. ft. is required; **section 501.9 B. Lot coverage**, with lot coverage of greater than 50% where 25% or less is required; **section 501.9 D. Setback regulations**, with less than required front, side, and rear setbacks; **section 501.9 E.2.**

where the 49.5 ft. building height exceeds the maximum allowed of 35 ft.; and **section 501.9 E.3.** with a lot width of 55.7 ft. where 200 ft. is required. The applicant is also seeking a dimensional variance from **section 711**, as the subject property has five nonconforming parking spaces, which is less than the required 12.

The applicant's petition should be granted as the hardship from which the applicant seeks relief is due to the unique characteristics of the subject structure as it is pre-existing non-conforming and not to the general characteristics of the surrounding area; and the hardship is not due to a physical or economic disability of the applicant. The hardship is not the result of any prior action of the applicant and granting the requested variances will not alter the general characteristic of the surrounding area or impair the

intent or purpose of the zoning ordinance or the comprehensive plan of South Kingstown. The hardship suffered by the applicant shall amount to more than a mere inconvenience if the petition is not granted.

Relief Requested

The applicant is requesting the following zoning relief as part of this application:

- i. **Section 501.9.A – Minimum Lot Size.** 50,000 square feet required within the CD Zoning District for Hotel and Motel Use; 5,481 square feet existing. **Relief requested in the form of a 44,519 square foot lot size variance.**
- ii. **Section 501.9 (B) – Lot Coverage.** 25% or less required, greater than 50% proposed. **Relief requested in the form of a variance to allow greater than 50% Lot coverage.**
- iii. **Section 501.9(D) – Setback regulations.** Relief requested to allow less than required front, side, and rear setbacks. ***Exact relief requested unknown/not provided.***
- iv. **Section 501.9(E)2 – Building height.** 35' maximum height allowed, 49.5' building height existing. **Relief requested in the form of a 14.5' building height variance.**
- v. **Section 501.9(E)3 – Lot width.** 200' lot width required, 55.7' existing. **Relief requested in the form of a 144.3' lot width variance.**
- vi. **Section 711 – Off-street parking.** Twelve (12) parking spaces required, five (5) nonconforming parking spaces existing. **Relief requested in the form of a twelve (12) parking space variance.**

Regulatory Considerations

Section 301 (Schedule of Use Regulations Table) of the Zoning Ordinance allows for the proposed use (Use Code 40.1 – Hotel, up to 20 rooms) subject to Section 501.9 of the Zoning Ordinance as follows:

501.9. *Hotel and motel use.*

- A. *Minimum lot size.* The lot shall consist of not less than fifty thousand (50,000) square feet of land for the first twenty (20) rooms, and five hundred (500) square feet of land for each additional unit.
- B. *Lot coverage.* The permanent structures of motels or hotels shall not occupy more than twenty-five (25) percent of the total lot area. Additional lot coverage, not to exceed twenty-five (25) percent of the total lot area, is authorized for recreation facilities.
- C. *Unit size.* No individual motel unit or hotel room shall be erected or altered so as to have a floor area of less than two hundred forty (240) square feet, including bathroom and closet space.
- D. *Setback regulations.* No part of a motel or hotel structure, accessory structure (except a sign) parking lot or utility area shall be within fifty (50) feet of any lot line or closer than one hundred (100) feet to the right-of-way of any public street. Except in CH districts, a landscaped or natural buffer zone shall be provided within said fifty-foot setback from any lot line, and within said one hundred-foot setback from any public street.
- E. *Standards for development.* The following additional standards shall apply to all motels and hotels:
 1. *Accessory use.* Accessory uses may include necessary office, recreation, parking and maintenance areas, lunchroom, restaurant, cocktail lounge or gift shop.
 2. *Height.* No principal building shall exceed thirty-five (35) feet in height; no accessory building or other structure shall exceed twenty (20) feet in height.

3. *Minimum lot width.* Each lot shall have a minimum lot width of two hundred (200) feet.
4. *Rubbish disposal.* Each motel or hotel shall be provided with enclosed waste pens of sufficient size to accommodate all trash and waste stored on the premises. The waste pens and utility areas shall be properly screened and buffered from all buildings and lot lines.

Decision Deadline

This project has not been certified complete at this time, as such, an associated decision deadline has not been established.

Review to Date

Technical Review Committee: On January 8, 2025, the Technical Review Committee (TRC) reviewed the application. Upon review and discussion with the applicant, the TRC voted to approve moving the application forward to the Planning Board for review with the following recommendations:

1. That the applicant shall clarify how the area labeled as restaurant/coffee/ retail space will be ultimately used/permitted.
2. That the applicant shall detail the needs for on-site Parking and off-site parking and how those needs will be met.
3. The applicant shall clarify how off-site Parking will be utilized and, in the event, (i.e., storm) that the municipal lot is not available how that would be managed.

Required Findings

Waivers: No waivers are requested by the application. It should be noted that the applicant is requesting relief from the Zoning Ordinance as detailed above.

Unified Development Review: Pursuant to RIGL §45-23-50.1(b)(2) where an application submitted for Minor Land Development also requires zoning relief, said relief is reviewed and approved/denied by the Planning Board under Unified Development Review (UDR) via a public hearing held prior to consideration of the preliminary plan. The Planning Board shall conditionally approve or deny the requested relief before considering the Preliminary Plan application.

Under UDR the Planning Board reviews the request for relief by applying the same criteria that would otherwise be applied by the Zoning Board. The granting of approval of the relief is conditioned on approval of the Final Plan of the land development project.

Pursuant to [RIGL § 45-24-41 \(d\): General provisions – Variances](#), the Planning Board is charged with making the following Findings:

- (D) In granting a variance, the zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission, shall require that evidence to the satisfaction of the following standards is entered into the record of the proceedings:
 - A. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16);
 - B. That the hardship is not the result of any prior action of the applicant; and
 - C. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.

(E) The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission, shall, in addition to the above standards, require that evidence is entered into the record of the proceedings showing that:

1. In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
2. In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission has the power to grant dimensional variances where the use is permitted by special-use permit.

Minor Land Development: In accordance with [RIGL § 45-23-60. Procedure – Required Findings](#), in rendering a decision the permitting authority shall make the following findings associated with the application:

(A) All local regulations shall require that for all administrative, minor, and major development applications the approving authorities responsible for land development and subdivision review and approval shall address each of the general purposes stated in § 45-23-30 and make positive findings on the following standard provisions, as part of the proposed project's record prior to approval:

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 subdivision, 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.

(B) Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.

Draft Motions for Consideration

“The South Kingstown Planning Board hereby grants Preliminary Plan approval for the 349 Main Street Minor Land Development application with Unified Development Review to renovate the existing structure and convert to a hotel with twenty (20) guest rooms and an first floor amenity area for the property located at 349 Main Street, Assessor’s Plat 56-3, Lot 48, J2 Properties, *applicant*, John L. Sheldon, III, *owner*.

This approval is based upon the application materials of record, including but not limited to the plan titled ‘*Dimensional Conformance Survey*’, A.P. 56-3 / Lot 48, 394 Main Street, South Kingstown, R.I., Scale: 1” = 10’ Date: July 16, 2024, Revision Date: November 7, 2024, prepared for: Gaspee Companies, prepared by Gaspee Companies, 333 Main Street, Suite 200, East Greenwich, R.I. 02818.

This approval is also based on the ‘*Schematic Block Plan*’ for The Sheldon – Wakefield, 349 main Street, South Kingstown, RI, Sheet EX1.1, dated September 24, 2024, completed for Jeff Cammans, completed by McGeorge Architecture Interiors, 18 Fifth Avenue, East Greenwich, Rhode Island, 02818 along with architectural renderings submitted to the Planning Board on February 25, 2025, prepared by McGeorge.

This approval is based upon the following Findings of Fact and Conditions of Approval:

Findings of Fact – Unified Development Review associated with Zoning Relief

- A. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16);
- B. That the hardship is not the result of any prior action of the applicant; and
- C. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based; and
- D. That the hardship suffered by the owner of the subject property if the dimensional variance were not granted amounts to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief.

Findings of Fact – Land Development

- E. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- F. The proposed development is in compliance with the standards and provisions of the municipality’s zoning ordinance;
- G. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- H. 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; and
- I. The proposed land development has adequate and permanent physical access to a public street.

Conditions of Approval

- 1. Development of the site shall be in strict conformance with the approved Site Plan and in substantial conformance with the architectural plan referenced above that this approval is

based on plans submitted by Mc George Architecture Interiors and received at the Planning Board's February 25, 2025 meeting.

2. For the purposes of this permitting process the area depicted as retail which depicts a small kitchen area and seating shall be restricted to use by the guests of the hotel and shall not be open to the general public and shall function as an amenity to overnight hotel guests staying at the hotel.
 - a. The current label for this area (retail) shall be changed to hotel amenity area. A note shall be added to the plans stating that "the hotel amenity area may provide services (i.e. food, beverage, meeting space...) to hotel guests but shall not be open to non-overnight hotel guests".
3. Prior to the issuance of a building permit the applicant submit a demolition and construction sequencing plan for review and approval by the Building Department in consultation with the Administrative Officer, Director of Public Service, Chief of Police, and Representatives from the Town Manager's office.