

**Commercial 'Medicinal Marijuana Facility' Development Proposal
Development Plan Review and Special Use Permit Application**

**71 Old Tower Hill Road
Assessor's Plat 57-2; Lot 20**

Prepared For: Plant Based Compassion Care, Inc.

Prepared By: Pimentel Consulting, Inc.

8 January 2022

INTRODUCTORY STATEMENT

Plant Based Compassion Care, Inc. (“Applicant”), has retained my professional land use planning and zoning consulting services (“Consultant”), in order to render an independent opinion on the appropriateness of redeveloping a pre-existing commercial plaza located at 71 Old Tower Road (Route 1A) by converting a professional office entity into a medicinal marijuana facility, otherwise defined as a ‘Marijuana Retail Facility’ (“Marijuana Facility”) pursuant to the Zoning Ordinance - Use Schedule. The referenced land use improvement is otherwise already deemed a conditionally permitted land use, being permitted by Special Use Permit (“SUP”) pursuant to both regulation and case law. The redevelopment proposal will otherwise realize full regulatory compliance, comporting with all requisite dimensional criteria. Redevelopment appropriateness will be further evidenced by the limited appropriately zoned land resources, solely those designated Commercial Highway and West Kingston - Industrial One District. Finally, redevelopment necessitates Development Plan Review (“DPR”) approval and an advisory opinion on the requisite SUP from the Planning Board, prior to proceeding onto the Zoning Board of Review (“ZBR”). The proposed Marijuana Facility is not only an appropriate usage of the subject property, but will also greatly assist the general public by furnishing a necessary medical resource, while also generating a new tax revenue stream. The referenced redevelopment will further many respective goals and objectives of the Town’s Comprehensive Plan, as will be evidenced throughout this report.

In light of the stated proposal, this Consultant has thoroughly reviewed the submitted redevelopment proposal and associated DPR site plan package, as well as the following regulatory documents:

- o Town of South Kingstown, Comprehensive Community Plan, 2021 - Adopted, South Kingstown Town Council: 24 May 2021 (“Comprehensive Plan”);
- o Town of South Kingstown, RI, Zoning Ordinance (“Ordinance”);
- o Subdivision & Land Development Regulations (“LD Regulations”);
- o Pertinent state statutes and case law;

Finally, this Consultant investigated the character of surrounding land uses to evidence redevelopment consistency and neighborhood compatibility. The purpose for the subject analysis is two-fold; document the appropriateness of the proposed business redevelopment in light of the requisite DPR and SUP standards of approval, as well as render a professional opinion in regard to the consistency of the overall proposal with the Comprehensive Plan and related documents.

The proposed Marijuana Facility will realize reuse of an under-utilized commercial building, and in accordance with a variety of desired Comprehensive Plan objectives, revitalization of the surrounding commercial plaza. Referenced site improvements include enhanced landscaping, introduction of multi-modal features such as a bicycle rack and pedestrian crosswalks, as well as detailed village-oriented architectural alterations to the commercial facility. It is solely through such redevelopment actions that a dated commercial plaza will realize those detailed 'Village Setting' site alterations so greatly envisioned by the Comprehensive Plan.

Land Use Goal 4: "The integrity of the Town's villages will be intact, and the village-centric approach to development, which recognizes each village's unique objectives, will be strengthened." [Page 28]

Guiding Principles - "The purpose of land use planning is to balance the needs and aspirations of the community with the rights of private property owners." [Pages 28 - 29]

- o *"The existing village areas are unique, each with its own identity and sense of place. The distinct characteristics must protected and enhanced when planning for appropriate growth."*
- o *"The recommendations contained within the Wakefield-Peace Dale, West Kingston, and Matunuck Village Plans are still relevant and have been integrated, where appropriate, into this Plan."*
- o **"Appropriate development in the village areas is of a scale and mass, with architectural design and site planning, that creates visual interest, activates the streetscape, and encourages walking, biking, and transit use."**

EXISTING PROPERTY and NEIGHBORHOOD CONDITIONS

The subject property, addressed 71 Old Tower Hill Road (Route 1A), further identified as Assessor's Plat 57-2, Lot 20, and containing upwards of approximately 46,565 square feet in overall land area, has been improved with a multi-tenant commercial plaza since minimally 1984 ("Property"). The Property is uniquely situated, being located at the intersection of Old Tower Hill Road (Route 1A) and Pershing Street, thereby being defined as a corner-lot. It is literally surrounded by rather intensive highway commercial land uses, to include a restaurant, several multi-tenant commercial plazas, auto sales and gas station, as well as a bank and mini-storage facility. The sole residential land use is situated towards the South, immediately abutting the Property, otherwise the surrounding land uses are very compatible.

This Consultant was involved with the development of the banking institution directly across Old Tower Hill Road, as well as in attaining approval for several other Commercial Highway oriented land uses along Tower Hill Road, and has therefore become acutely aware of the desires and aspirations of all public bodies as it pertains to realizing requisite site amenity improvements.

This Consultant was expressly engaged to offer assistance in this regard, and has therefore proffered recommendations which will further, to the extent possible, the Village Style design envisioned by the Comprehensive Plan. The referenced improvements will be elaborated upon below.

The Property was improved approximately 40-years ago, well before any present day development regulations, and is therefore lacking from a site design perspective. These pre-existing site design inconsistencies are not unusual, and can only be mitigated during such redevelopment actions. Understandably, mandating unreasonable compliance will only serve to maintain the status quo. However, those site deficiencies that can be effectively remedied, however small, should be pursued and instituted. For example, restoring planting beds that have failed to be maintained, and therefore not serving their intended landscaping purpose. Introduction of appropriate vegetation, even if merely a few plants, contributes greatly to the overall appearance of the property, and enhances the character of the surrounding neighborhood. Quite often it also has the secondary effect of affording privacy and alleviating certain operational components, such as noise. It is for this very reason why the DPR process was adopted, even when discussing redevelopment and not new construction, in the hopes of spurring and not deterring reasonable commercial reuse / rehabilitation.

Ordinance - Section 505 Performance Standards

B. *"Uses and facilities requiring development plan review."*

2. Redevelopment of existing uses: *"Existing uses specified in subsection B.1., above, shall be subject to development plan review under the provisions of this section whenever such use is being changed, redeveloped, reconstructed, relocated, or enlarged..."*

Comprehensive Plan - Goal 2: *"A sustainable rate of development will be maintained, which is consistent with the ability of the Town to provide essential services, to achieve a stable tax rate, to protect environmental, historic, and cultural resources, and to provide a healthy environment."*
[Page 59]

Policy 2.1: ***"The development review process will consider the fiscal, as well as the environmental, social, and cultural impacts of redevelopment projects and new development on raw land."***

The Property is presently improved with two (2) physical structures. The first structure has an approximately 7,200 square foot building footprint, and is improved with several distinct commercial tenancies. The referenced structure is centrally located, and is oriented towards Old Tower Hill Road. The second facility was more recently used for professional office purposes, but has been dormant for some period of time. The referenced structure has an approximately 1,250 square foot building footprint, and is situated along the far Southeast

corner of the Property, being physically located behind and dwarfed by the larger multi-tenant commercial building. The referenced structure is almost literally hidden from direct view. Off-street parking is scattered throughout the property, with the majority fronting Old Tower Hill Road. There are also pockets of parking fronting Pershing Street and the former office facility. Referenced parking areas are presently in somewhat poor condition and designated spaces ill-stripped. Off-street loading appears to occur to the rear, sandwiched between the larger commercial and small office facilities. Trash storage (dumpster pads) are distributed across two (2) distinct locations; in between the two (2) facilities and along the far Southwest corner. Landscaping islands are scattered throughout, primarily lining the perimeter of the Property. During several recent site inspections, this Consultant clearly concluded that the smaller former office facility has very limited visibility, being appropriately screened by a combination of the larger commercial facility and vast mature vegetation. The referenced vegetation also greatly assists in buffering the facility from the sole residence situated to the immediate South. In fact, as evidenced by the referenced site inspection, the present vegetation has such height and thickness that it practically renders the facility invisible from the vantage point of the referenced residence.

Access is furnished from three (3) distinct points of ingress and egress; two (2) off of Pershing Street and one situated at the far Northeast corner along Old Tower Hill Road. As previously noted, the Property is presently already well disturbed, with the vast majority of the overall lot area dedicated to building and off-street parking purposes. Furthermore, the perimeter planting beds are in rather decent condition, but will be appropriately manicured and enhanced with additional vegetation for both aesthetic and visual screening purposes.

On-site drainage is somewhat haphazard, associated improvements having been introduced well prior to any current stormwater regulations. Once again, this will be corrected to the extent feasible by maintaining as much run-off on-site, thereby attempting to realize true low impact development drainage standards.

The Property has approximately 188 linear feet of lot frontage along Old Tower Hill Road and approximately 290 linear feet of lot frontage along Pershing Street. Furthermore, and most pertinent given the intended introduction of a Marijuana Facility, is the proximity to Tower Hill Road (Route 1), a mere 1,500 feet to the East. The vast majority of vehicular traffic accessing the marijuana operation will be via Route 1, thereby averting impacting the downtown core, or the immediate residential neighborhood to the South. Old Tower Hill Road (Route 108) is classified an 'Urban Minor Arterial' roadway, pursuant to the 'State of Rhode Island - Existing

Highway Functional Classification Map. The referenced roadway classification is defined pursuant to the Rhode Island Department of Transportation as follows:

Minor Arterials - "Minor Arterials provide service for trips of moderate length, serve geographic areas that are smaller than their higher Arterial counterparts and offer connectivity to the higher Arterial system...Additionally, Minor Arterials in rural areas are typically designed to provide relatively high overall travel speeds, with minimum interference to through movement..."

All referenced existing Property conditions are well illustrated below, as excerpted from the Town's Geographical Information Systems ("GIS").

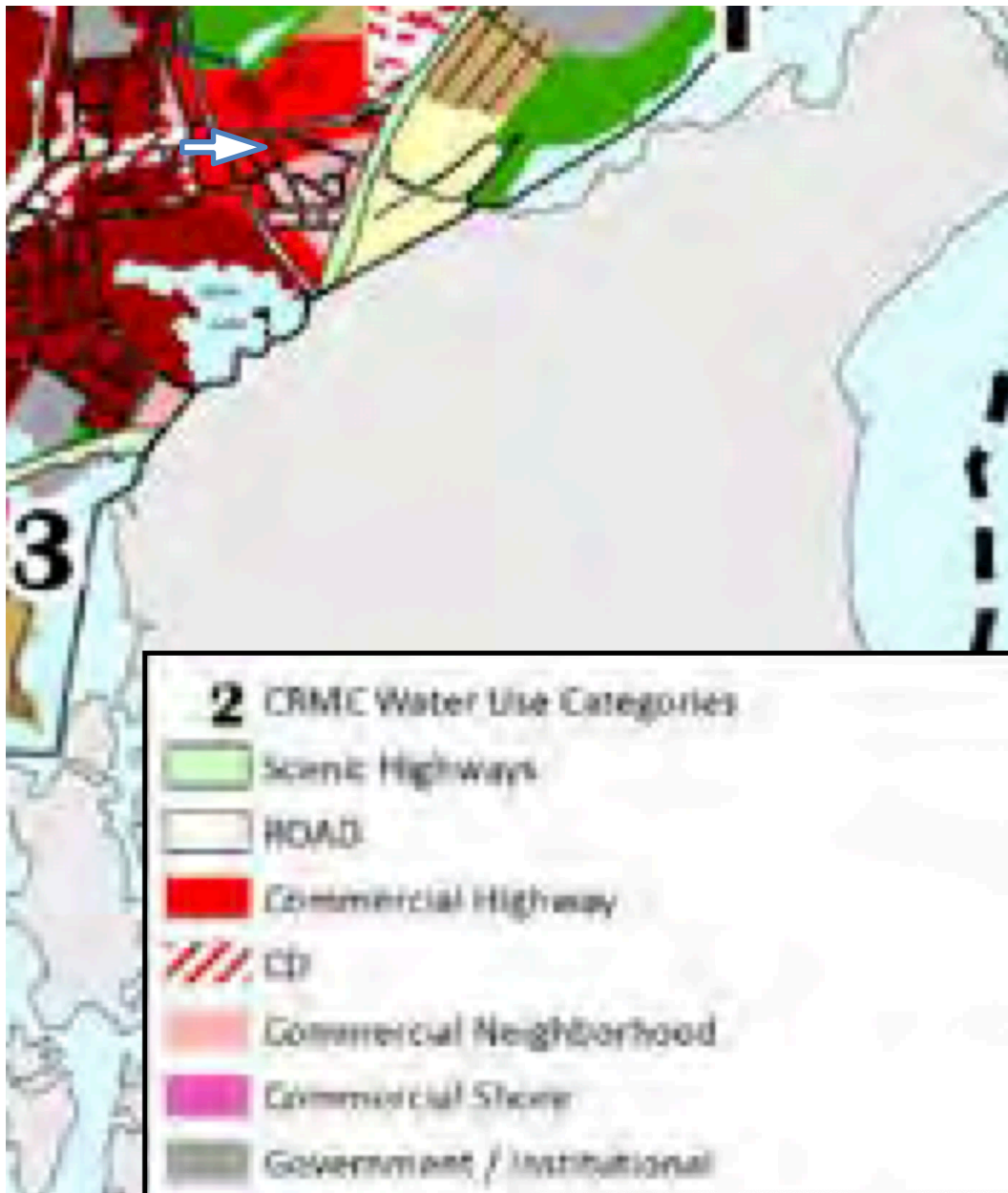


The Property is presently zoned Commercial Highway District ("CH District"), defined pursuant to Section 101.B 'Zoning Districts - Commercial,' of the Ordinance, in the following manner:

CH - Commercial Highway. "This district represents an orientation toward the automobile, with sufficient off-street parking areas and direct traffic access to major highways. The predominant pattern is the shopping center, where several individual stores are planned and owned as a unit on the same parcel of land, but also may include many individual single-unit buildings and uses as well. Such retail uses as gas stations, fast food establishments and the larger supermarkets predominate in shopping centers. Also included are such uses as repairing, open lot sales, wholesale business, storage, etc. These uses are subject to performance standards. It is intended that this zone permits and encourages revitalization and intensification so that the areas so zoned are used to their peak potential. Provision of public water in the future may be permitted, particularly if area wells become contaminated, but such water line extensions should not be used to justify commercial expansion. Residential development is excluded from these areas."

The referenced zoning designation remains consistent with the Comprehensive Plan as evidenced by Map 4 'Future Land Use Map,' [Page 37] which details that the Property and all properties situated to the immediate North, West and East, are similarly classified Commercial Highway. It also details the presence of the Property and immediate neighborhood within the Urban Services Boundary. Although this Consultant can state at the outset that all protective measures will be appropriately instituted to effectuate proper buffering and screening between land uses, the present zoning and land use classification of all properties to the South is nevertheless an important consideration in determining neighborhood compatibility and Comprehensive Plan consistency. The immediate residential neighbor to the South is presently similarly zoned CH District, and is therefore a pre-existing legal nonconforming land use. Furthermore, all of the properties comprising the immediate residential neighborhood to the South are classified Commercial Neighborhood. Therefore, there is a clear expectation that the referenced area will eventually migrate into a more business-oriented environment. Both the current neighborhood zoning and land use classifications are illustrated below and on the following page, as excerpted from the Town's GIS and Comprehensive Plan, respectively.





The Comprehensive Plan - Table 7. 'Comparison of Zoning Districts & Future Land Use Descriptions' [Page 43], details the characteristics associated with the various land use classifications. The characteristics associated with the CH District are detailed below:

Zone: CH

Future Land Use Map: Commercial Highway

Purpose: *"To permit and encourage revitalization and intensification so that the areas within the district are used to their peak potential"*.

Characteristics: *"This district located along Old Tower Hill Road and Dale Carlia corner is categorized by larger, often freestanding commercial development oriented toward the*

automobile, with extensive off-street parking and direct access to major highways. The predominant development pattern is the shopping center.

Allowed Uses: "Retail uses, such as gas stations, fast food establishments, and larger supermarkets, as well as repair businesses, open lot sales, wholesale business, and storage are allowed in this district."

To reiterate, the Property is almost entirely surrounded by commercial developments, some of which are rather intensive, such as the immediate commercial plazas and restaurants. The referenced neighborhood conditions are well detailed below, as excerpted from the Town's GIS.



The Property is situated within the 'Village of Wakefield,' pursuant to the Comprehensive Plan - Map 1 'Villages' [Page 31]. The Village of Wakefield is primed for new infill commercial development given presence of all requisite infrastructure, most notably an appropriate roadway system

VILLAGE-CENTERED PATTERN OF DEVELOPMENT

"Each of the eleven villages of South Kingstown is unique and planning efforts should seek to acknowledge and account for these unique environments. The following descriptions of villages were developed from existing Village Plans for Peace Dale, Wakefield, Kingston, West Kingston and Matunuck along with the report, "An Inventory and Analysis of the Village and Rural

Qualities of South Kingstown," developed in 1998. The village-centered pattern of development in South Kingstown, particularly in Wakefield, Peace Dale, and Kingston, has defined the historic pattern of development in the community, residential zoning and well-established conservation efforts." [Page 33]

CENTRAL VILLAGES

o **"Wakefield is a dynamic and versatile village and serves as hub for business and cultural activity. The village provides a balance of historic structures, new development, and innovative infill strategies which create a seamless village environment. The village provides a diversity of housing options, an extensive mix of local businesses, and convenient access to recreational, institutional and cultural amenities and services. The core of the village centers on Main Street, a vibrant corridor with many essential services, a pedestrian friendly environment, and an activated street front. Main Street is strengthened by the presence of the Saugatucket River and William C. O'Neill bike path. Flexibility of land use and design in the area can enrich the historic fabric which helps define this unique village. The commercial highway zoned area of Wakefield located near Old Tower Hill Road, Kingstown Road, and Dale Carla Corner is an automobile-oriented area characterized by large footprint buildings and expansive parking lots."** [Page 33]

The reason why infill projects must be carefully considered and supported when achieving the desired goals and objectives is due to the fact that there is limited commercially zoned town-wide resources, especially 'Commercial Highway'; the vast majority being situated within the Village of Wakefield. The Comprehensive Plan [Page 54] acknowledges that **"Less than 1% of land in South Kingstown is zoned for commercial activity. As such, existing opportunities for new commercial development and expansion are limited..."** Furthermore, the districts permitting the introduction of 'Marijuana Retail Facilities,' namely the CH District and West Kingston I-1 District, combine for only a fraction of overall commercial and industrial resources. It is therefore abundantly clear that there are only a smattering of sites that could potentially accommodate the referenced land use, especially in light of the fact that there are distinctive limitations, to include proximity to certain land uses (e.g., daycare operations).

It is also abundantly clear that there is a heavy reliance on residential property taxes too off-set municipal expenditures. Considering that the vast majority of land resources are either dedicated to residential land uses and/or protected by an 'Open Space' designation, and furthermore in excess of 90% are zoned residential or some non-taxing land usage, there is little land area remaining to maintain an economically balanced environment.

Land Use Goal 2: "A sustainable rate of development will be maintained, which is consistent with the ability of the Town to provide essential services, to achieve a stable tax rate, to protect environmental, historic, and cultural resources, and to provide a healthy environment." [Page 28]

PROPOSED 'MARIJUANA FACILITY' REDEVELOPMENT PROPOSAL

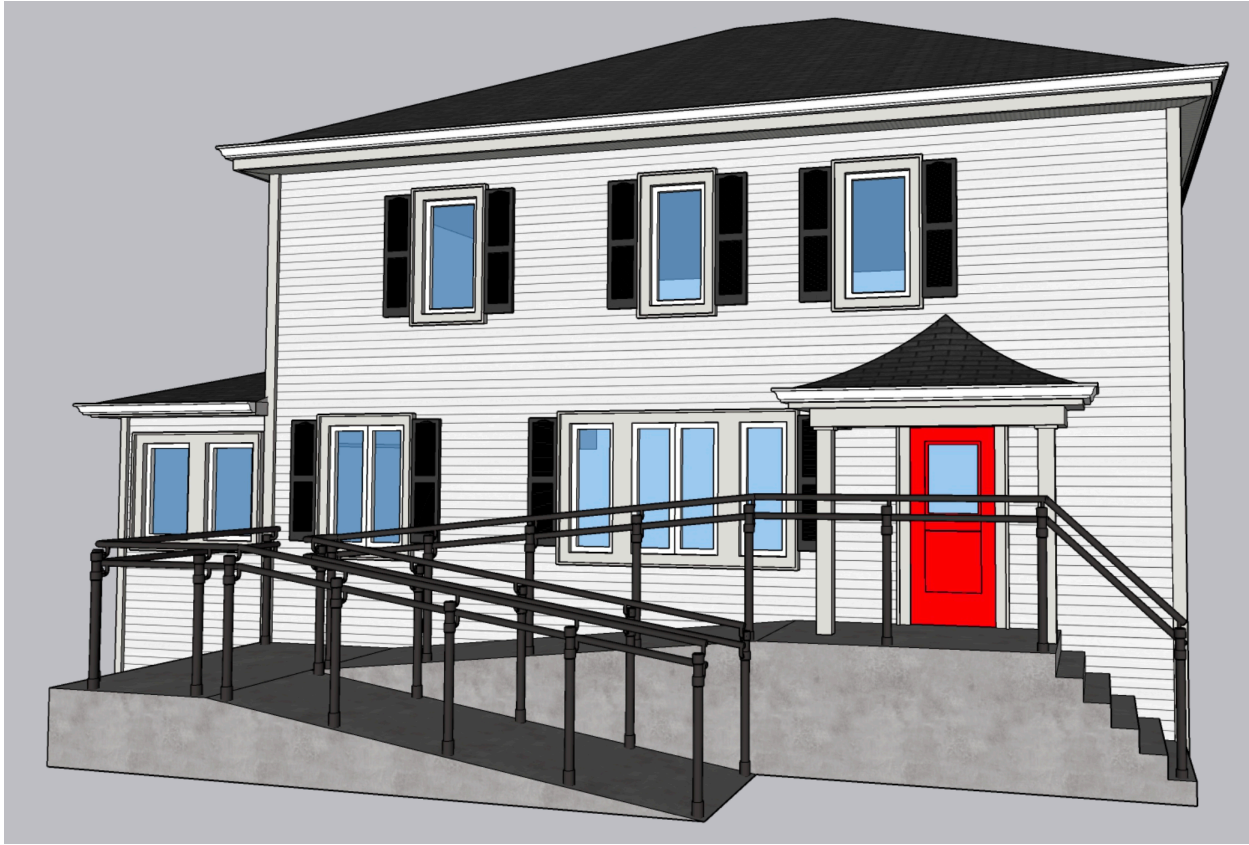
The applicant seeks to introduce a '**Conditionally Permissible**' marijuana facility by SUP, in accordance with the Ordinance's 'Schedule of Use Regulations.' This type of unique commercial entity, albeit an important and necessary public service, is nevertheless somewhat difficult to prepare for given its unique nuances. The referenced entity is much-like any ordinary pharmacy, except for the fact that it prescribes a specific type of medicine and has far less implications than many of the medicines that can be obtained from a true pharmacy. Nevertheless, there is a perceived stigma attached to such facilities. Regardless, the Town of South Kingstown has not only expressed considerable compassion and understanding of such entities as evidenced by prior approvals, but likewise generally acknowledged within the Comprehensive Plan [Pages 116-117], because the Town of South Kingstown is always looking forward.

Economic Activity in a Changing Environment

*"In an environment, nationally and regionally, where "bricks and mortar" retail is in decline, South Kingstown needs to continue to build on what makes it special, including the small-scale commercial spaces in its villages that provide opportunities for "mom and pop" businesses. And while manufacturing is on the decline in many parts of the country, the fact that it is remaining more or less stable in South Kingstown may indicate that manufacturing has a future here, and the Town should make sure that sufficient land remains available to support the expansion of manufacturing and related production industries. For example, if a local start-up brewery wanted to expand, would it have places to go? Or do such businesses eventually have to move out of town? **The Town also needs to be prepared for a future where more and more retail sales occur on line, and commercial buildings are occupied more by services, "maker spaces" and other light industrial production, recreation, unique retailers, and other uses.**"*

The present rear, smaller office facility, will be the site of the proposed marijuana facility. The majority of necessary alterations will be restricted to the interior of the facility. However, in accordance with the Village Style architectural objectives, the exterior will likewise receive some alterations for the express purposes of softening present visually harsh edges. For example, the present handicap ramp is in all truth visually displeasing. This condition will be rectified by changing out the railing system to a style that is both more residential in character and pleasing to the eye (referenced elevation on the following page, as excerpted from the Applicant's submission package). Such incremental improvements are not insignificant.

Other directly applicable operational components include: allocation of 19 parking spaces, solely for customer usage, and employees being shuttled in from an alternate location; dedicated and secured loading stall; and additional plantings, to include security fencing, to both screen and buffer the operation. Additional site considerations that have been fully vetted by the applicant's



design team, amenities that are expressly anticipated by the community through such redevelopment actions, are as follows:

- o Landscaping improvements, through enhancement of existing landscape beds / islands. Referenced enhancements will consist of both simple maintenance and incorporation of new plantings, as deemed necessary and appropriate. The applicant's objective is to enhance overall site aesthetics and assure appropriate screening and buffering.
- o Drainage improvements, to the extent reasonable and feasible. The ultimate objective is to reduce run-off through the introduction of low impact development strategies. All options are being fully explored, and the applicant is prepared to institute those that realize true drainage reductions, assist in beautifying the property, and are economically feasible.
- o Introduction of site amenities, to include decorative lighting that affords appropriate security, while realizing dark-sky compliance. Appropriate screening and placement of all trash storage areas. Introduction of multi-modal features, such as a bicycle rack, and assuring safe interaction between pedestrian and vehicular traffic. And finally, altering the curb-cut opening situated at the far Southwest corner. The referenced opening will fully permit ingress from either direction, but solely in a Northerly direction when egressing the Property. This will avert unnecessary traffic traversing through the adjacent residential neighborhood.

Other than the need for the requisite SUP, the proposed redevelopment will realize full dimensional compliance. In regard to any potential visual intrusion, there are numerous reasons why this concern has already been mostly averted, to include the present placement of

the facility in question. It is literally hidden from view through a combination of the larger commercial facility and immediate surrounding vast mature vegetation. Regardless, additional plantings will be introduced as deemed necessary to infill any exposed segments. Redevelopment furthers the 'Neighborhood Concept,' which is in direct accord with the Comprehensive Plan [Pages 61-62].

Goal 3: *"High standards of development will be required to preserve and enhance the quality of life, to encourage a sense of community, to support a healthy, walkable environment and to protect the natural resources of the Town."*

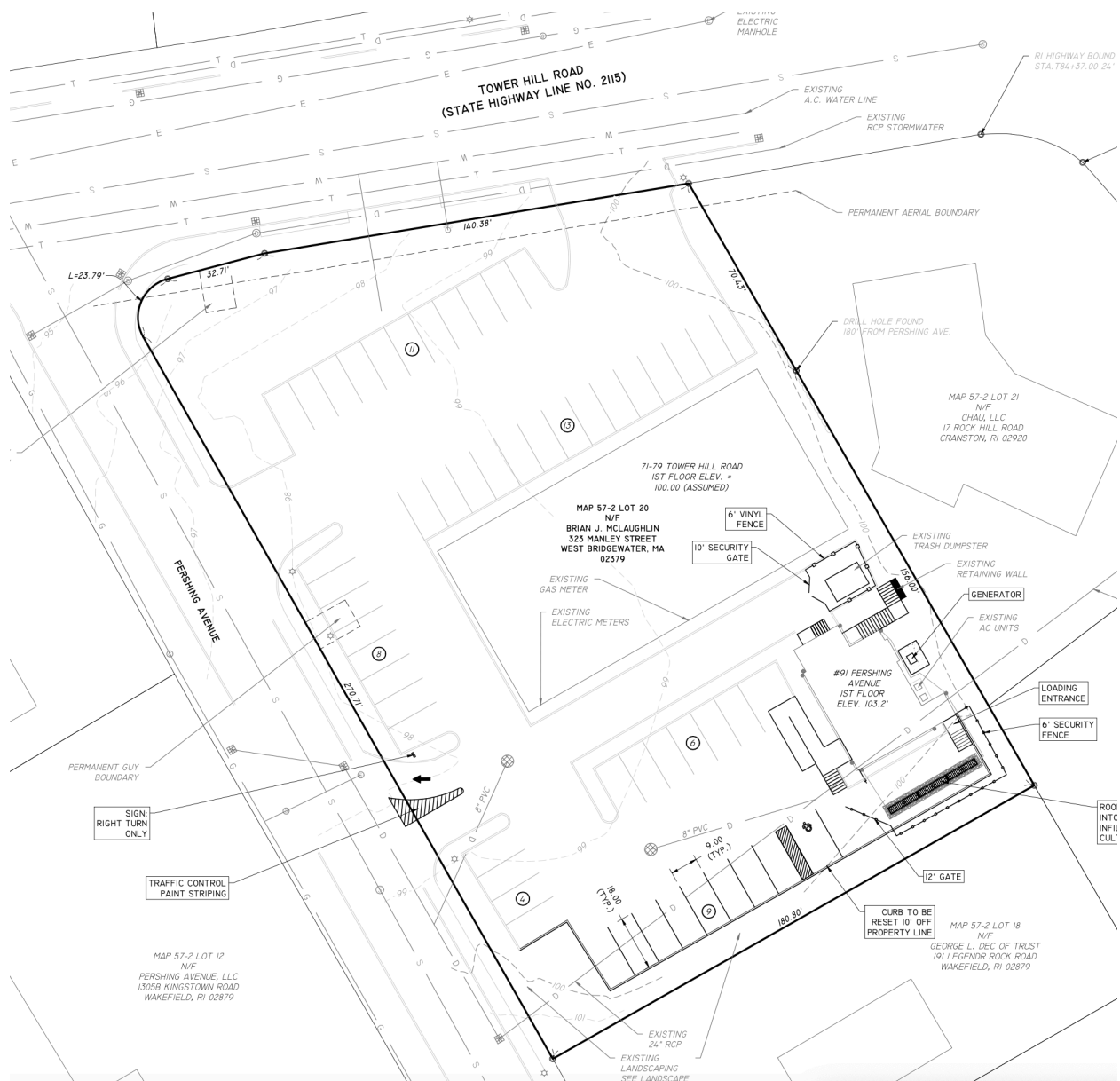
Policy 3.1: *"Encourage a diversity of landscapes that create identity and a sense of place, foster the creation of distinct neighborhoods and villages, and recognize the natural, historic and cultural features of the land and surrounding community."*

Policy 3.2: *"Require landowners, builders, and developers to address the local impacts of development or redevelopment on the community. **Such local impacts include, but are not limited to: adequacy of transportation infrastructure including multi-modal transportation opportunities; pedestrian connectivity; integration with the natural and built environment, including historic, cultural and recreational resources; and the provision of essential services to the site.**"*

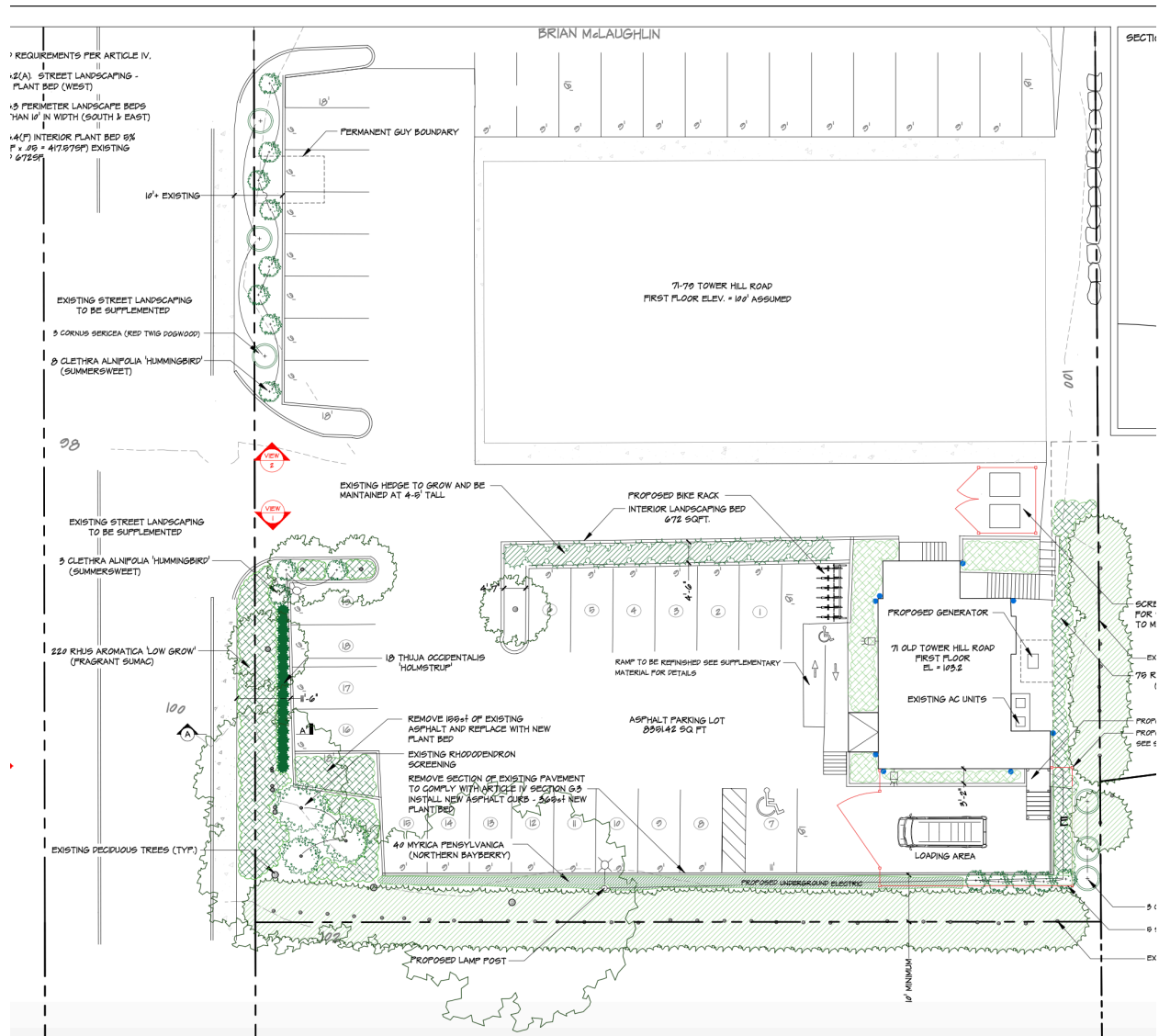
Action 3-1: ***"Support a Low Impact Development (LID) approach to development and redevelopment by revising regulations to provide innovative standards for resource protection and site design."*** [Page 61]

Policy 3.3: *"Ensure high quality design of commercial development that provides an asset to the area, supports a healthy, walkable environment, and avoids the strip highway commercial development patterns characterized by suburban-type shopping centers dominated by parking lots."*

There are several specific standards of development approval associated with introduction of a marijuana facility; most notably being proper separation from a verity of otherwise dissimilar land uses, such as a daycare operation. As has been repeatedly evidenced throughout this report, all respective standards of approval will realize full compliance, to include appropriate distancing from detailed dissimilar land uses, as well as introduction of requisite site features (e.g., landscaping and decorative security lighting that meets 'dark sky' performance standards). The proposed redevelopment is illustrated on the following page, as excerpted from the applicant's submission package [Credit: InSite Engineering].



This Consultant must reemphasize that most important design feature is ability to properly screen and buffer the facility from the directly abutting residence. Present, and proposed as needed vegetation, will thoroughly screen and buffer the operation. The landscape plan on the following page, as excerpted from the Applicant's submission package [Credit: Tupelo Design Studio, Ltd.], corroborates this point.



COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

The Comprehensive Plan not only evidences general support for the proposed redevelopment, but also the proximate location.

Needs & Opportunities - Commercial & Mixed Use in Existing Villages

Wakefield: “Wakefield contains two distinctly different areas: Main Street; and the Commercial Highway areas adjacent to Route 1, Old Tower Hill Road, and Dale Carlia Corner. Opportunities to increase density and permit a greater diversity and mix of uses exist in both areas. Along Main Street opportunities exist to promote development through evaluation and revision of parking regulations, implementation of traffic calming strategies, greening of streetscape, celebration of the Saugatucket River, and activation of commercial street fronts. Opportunities to promote mixed-use development that provides both commercial and residential uses exist along Main Street, included the eastern section of Main Street ap-

*proaching Dale Carlia Corner. **The Commercial Highway area of Wakefield is challenged by an automobile-oriented development pattern. Opportunities to increase density, allow more mixed-use development, improve traffic safety and circulation, and reduce the amount of impervious surface occupied by parking areas exist in this area.** Additionally, more area for limited commercial development may exist within an area located south of Old Tower Hill Road to the east of Route 108. A need for small scale green spaces within this developed portion of Town is noted.” [Page 54]*

Cross Cutting Themes - *“To maintain awareness of these interrelations, the Town has identified several cross-cutting themes that span and weave through several elements. There are icons for each of these cross-cutting themes, and they have been placed throughout the document as a simple visual reminder of how and where these themes impact aspects of the plan.” [Page 3]*

Village-Centered Development - *“**Land use in Town is focused on** walkable communities, protection of rural areas, **access to goods and services**, more mixed-use, better transit connections, and **infill development.**”*

*“The village-centered pattern of development in South Kingstown, particularly in Wakefield, Peace Dale, and Kingston, has defined the historic pattern of development in the community (see Map 1: Villages). The Town has committed to preserving and reinforcing this pattern of development through its future sewer service area map (see Map 2: Sewer Service Areas), through the development of village specific plans, and through the designation of special management districts. Residential development within these villages is within walking distance of a variety of shops and services and the **William C. O’Neil bike path connects to open space and community facilities.** **Commercial and residential infill within villages is encouraged to both protect outlying rural areas from development** and to provide a range of goods and services within walking or biking distance of village residents...” [Pages 30 - 32]*

Land Use Goal 1: *“Land use policies will be consistent with “Land Use 2025: Rhode Island’s Land Use Policies and Plan”, and to maintain continuity with the 1992 South Kingstown Comprehensive Plan and previous Plan updates.” [Pages 58-60]*

Action 2-3: *“**Amend regulations to incorporate design standards for infrastructure improvements containing pedestrian and bicycle circulation for on-site facilities and connection to adjoining multi-modal networks, neighborhoods and villages.**”*

Action 2-4: *“**Explore developing limits on impervious cover in areas where watershed and/or aquifer protection issues have been identified.**”*

Another equally important consideration, is evidencing the economic benefit to be garnered. It was previously evidenced, pursuant to the Comprehensive Plan, that there is quite limited commercially zoned resources, in particular CH District zoned resources. To reiterate, the vast majority of all land resources are either dedicated to residential land uses and/or protected by an ‘Open Space’ designation, and furthermore, in excess of 90% are zoned residential or some non-taxing land usage. Therefore, with such a heavy reliance on property taxes, especially residential property, the community necessitates and welcomes new commercial ‘revenue’

sources. The referenced redevelopment will provide a new revenue stream, and one which will most assuredly be neighborhood compatible.

ZONING ORDINANCE ANALYSIS

The proposed redevelopment will fully comport with all dimensional criteria. Furthermore, it is defined as a 'conditionally permissible' land use, being permitted by SUP. The proposed marijuana facility has specific 'standards of approval,' in addition to those generally required by all land uses deemed permitted by SUP. The requisite 'Standards,' both specific and general, are individually addressed below.

1. Compassion Center - SUP Specific Standards of Approval - Section 504.15

Section 504.15.B: *"The marijuana retail facility must not be located within."*

Section 504.15.C: *"The distances specified in the immediately preceding section (B) shall be measured by a straight line from the nearest property line of the premises on which the proposed marijuana retail facility or marijuana cultivation facility is to be located to the nearest property line of any of the other designated uses set forth therein."*

1. *"One thousand (1,000) feet from a pre-existing public or private school, or pre-school, or any licensed day-care center, not including higher education facilities."*

Compliant. No such facilities located within the requisite distance.

2. *"Two thousand (2,000) feet from any other marijuana retail facility or marijuana cultivation facility."*

Compliant. No such operation present.

Section 504.15.D: *"Hours of operation for a marijuana retail facility or marijuana cultivation facility shall be limited to 8:00 a.m. to 8:00 p.m."*

Compliant. The proposed marijuana facility is proposed to operate between Monday and Saturday; hours of operation to be 8:00 a.m. to 8:00 p.m on a daily basis.

Section 504.15.E: *"The proposed facilities shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall ensure that each location has an operational security/alarm system."*

Compliant. Refer to submitted written security protocols. Fencing, lighting and other security measures are proposed to be instituted.

Section 504.15.F: *"Development Plan Review and approval shall be required prior to application for the Special Use Permit, and is to be conducted by the Planning Board. In addition to the Development Plan Review standards set forth in the Subdivision and Land*

Development Regulations, the Planning Board shall ensure compliance with the following conditions."

1. *"The requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area."*
2. *"The exterior appearance of the structure is consistent with the exterior appearance of existing structures within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood."*
3. *"Lighting is provided to illuminate the marijuana retail facility or marijuana cultivation facility, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front façade, and any adjoining public sidewalk."*
4. *"Development Plan Review applications for all marijuana cultivation facilities shall include detailed plans of the facility's wastewater treatment system(s). Such plans shall be approved by the Department of Public Services prior to issuance of the Development Plan approval."*

The sole residence to the South will be afforded considerable vegetative screening and buffering. The referenced improvements will avert any light, noise, or other related operational activity from spilling onto the referenced residential property. The office facility will continue to maintain a residential appearance, as evidenced by the softening of the present handicap ramp racing system. Only that lighting which is necessary to maintain a secure and safe environment will be introduced. However, the referenced lighting will be 'dark-sky' compliant and of a decorative style. All requisite infrastructure is present and will be accordingly connected. Any site improvements that can be readily and feasibly introduced, such as rain gardens to both slow the rate and quantity of site run-off, will be properly incorporated.

Section 504.15.G: *"All marijuana retail facilities and marijuana cultivation facilities shall fully comply with all other licensing requirements of the Town and the laws of the State of Rhode Island."*

Will realize compliance, upon attaining all local and state regulatory approvals.

2. Compassion Center - SUP General Standards of Approval - Section 907.A.2

Section 907.A.2 Standards for Review - Special Use Permit: *"In granting a special use permit, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings."*

- (a) *"That the special use is specifically authorized by this Ordinance, and setting forth the exact subsection of this Ordinance containing the jurisdictional authorization."*

Section 301 - Schedule of Use Regulations Table

Subsection 100. "Marijuana Retail Facility." Permitted by Special Use Permit in the CH District.

(b) *"That the special use meets all of the criteria set forth in the subsection of this ordinance authorizing such special use."*

Compliant. Refer above, under the preceding section. Also, will realize full dimensional compliance.

(c) *"That the granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board shall consider, whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to the following matters, where applicable."*

The general 'Neighborhood' and extensive 'Ordinance' and 'Comprehensive Plan' analyses prepared by this Consultant, evidences the appropriateness of permitting a marijuana facility operation. The sole residence to the South will be afforded considerable vegetative screening and buffering. Once again, the proposed improvements will avert any light, noise, or other related operational activity from spilling onto the referenced residential property. In addition, the requisite 'matters' are individually addressed as follows:

(i) *"Ingress and egress to the lot and to existing or proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire, emergency or catastrophe."*

Permanent and safe access from both Pershing Street and Old Tower Hill Road will continue to be maintained. Dedicated ingress and egress points will be provided to maintain an orderly vehicular flow; right-out only when egressing from the Southwesterly curb opening. Furthermore, multi-modal amenities will be introduced, to include a bicycle rack and pedestrian crosswalks as needed.

(ii) *"Off-street parking and loading areas where required, with particular attention to the items in subsection A.1., above, and the noise, glare or odor effects of the special use permit on adjoining lots."*

The proposed marijuana facility operation will not generate any unusual noise or odor, or any other nuisance-like effect. Off-street loading will be appropriately introduced, and in a manner that is properly screened and buffered from the sole adjacent residence. Finally, sufficient off-street parking will be provided, and in a manner that averts unsafe interaction with pedestrians. Parking will be dedicated to customers; employees to be shuttled in from an alternate off-site location.

(iii) *"Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above."*

Once again, no unusual deliveries nor storage requirements are anticipated, and therefore storage and delivery areas have been provided that correspond to operational needs. Trash will be properly disposed of in an appropriately screened dumpster to be located towards the rear of the Property.

(iv) *"Utilities, with reference to locations, availability and compatibility."*

All utilities, to include public sewer and water, are available, and will be accordingly connected. Drainage improvements will be introduced as needed.

(v) *"Screening and buffering with reference to type, dimensions and character."*

Considerable vegetative screening already exists, and will be enhanced as needed to properly screen and buffer the operation from the sole adjacent residence. The referenced landscaping improvements will assure any operational noise, lighting and activity are properly mitigated.

(vi) *"Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district."*

The compassion center will be lighted in accordance with all respective regulatory and security standards. Nevertheless, it will comply with the respective 'Dark Sky' performance standard. Signage will also be minimized, only that necessary to advertise the proposed entity.

(vii) *"Required yards and other open space."*

Will realize full dimensional compliance.

(viii) *"General compatibility with lots in the same or abutting zoning districts."*

The personally prepared general 'Neighborhood Analysis' evidences appropriate neighborhood compatibility. Furthermore, facility positioning and proposed landscaping, will basically screen the operation from the sole immediate dissimilar land use.

CONCLUSION

It is this Consultant's professional opinion that the proposed redevelopment will be consistent with the goals and objectives of the Comprehensive Plan, specifically the Land Use and

Economic Development Elements, and can therefore be fully supported and approved by the Town of South Kingstown Planning Board and ZBR. My professional opinion is based upon the manner in which the proposed marijuana facility operation can be well incorporated into the overall fabric of the surrounding highway commercial neighborhood.