



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

1965 Kingstown Road

Advisory Development Plan Review, Advisory to Zoning

December 13, 2022

Project Type:	Development Plan Review		
Review Stage:	N/A		
Address:	1965 Kingstown Road		
Plat:	32-4	Lot:	14
Parcel Size:	~28,025 ft ²	Zoning District:	CH
Applicant:	Michael Garretson 36 Karee Court Wakefield, RI 02879	Owner:	Craig & Barbara Pierce 55 Dillon Ave. North Kingstown, RI 02852

Property Characteristics

The subject property consists of a developed commercial parcel located on Kingstown Road encompassing just over 28,000 ft² of lot area with 104.53 feet of road frontage. The parcel is almost entirely covered by building area, asphalt parking and gravel parking. Past uses at the property include automotive repair (*Pierce Imports & Service*) and autobody repair (*Chip's Autobody*). The entire parcel is abutted mainly by parking and driveway circulation for the abutting land uses.

Zoning-wise, the parcel is one of two lots on the east side of Kingstown Road in this area that are zoned Commercial Highway; the abutting parcels to the north, east and south are all zoned Mixed Use. In addition, the parcel is located in the Kingstown Road Special Management District.

Project Description

The applicant seeks to relocate his marine services business, Sea & Land Yacht Works, LLC, to the subject property. The applicant's business provides mobile and on-site repair services for the marine industry focusing on electronics; however, the applicant is also proposing off-season shrink-wrapping services (*for boats stored at off-site locations*) and repair, sales and maintenance of outboard engines.

The applicant is proposing to use the existing building for office, shop-space and parts & inventory storage. The lot will be used for employee parking and for temporary parking of trailered boats brought to the site for repairs. No long-term boat storage is proposed.

Parking, Loading & Access

Virtually the entire parcel not occupied by building footprints is covered by asphalt and gravel parking surfaces – asphalt on the front half of the lot, adjacent to Kingstown Road, and gravel on the back half. The parcel has a 38' curb-cut to Kingstown Road that narrows to 30' before crossing the western boundary of the property. There are no stripped parking spaces or painted circulation markings in the parking areas and there is essentially no existing landscaping along the property's frontage or anywhere between the building and the street right-of-way.

Drainage & Landscaping

Stormwater runoff flows largely from north to south across the lot in front of the existing building with some drainage west to the road ROW and some east towards the back of the building. Stormwater

runoff behind the front of the building is largely from west to east. There are no visible stormwater management structures on the parcel or in the road ROW in the vicinity of the parcel.

Landscaping on the north side of the building consists of some unpaved ground surface with limited vegetation and a 90' strip of stockade fence. Landscaping on the south side of the property consists of a 5' – 8' strip of grass with a number of mature trees in front of and alongside the building. A stockade fence runs along the southern boundary from the southeast corner of the lot for roughly 200' before ending at the front of the building. The eastern side of the property line is buffered from the adjacent senior/long-term care facility by dense vegetation on the abutting lot.

Waivers Requested

The applicant will need to be granted a waiver from the landscaping requirements of the Subdivision and Land Development Regulations for transitional buffer and parking lot landscaping.

Regulatory Considerations

The proposed change of use on the premises from Automotive Service Station (Use Code 45) to Retail Trade of Marine Products (Use Code 55.5) is subject to DPR in accordance with Section 505.1.B – Redevelopment of Existing Uses. Both uses are permitted in the CH zoning district.

The lot in question consists of 27,878 square feet in area, whereby Section 504.12 requires a minimum of 40,000 square feet in area for the proposed use. A dimensional variance will be required for this shortfall in lot area.

505.1 D specifies that any uses or facilities listed in subsection 505.1.B. requiring a variance shall be subject to development plan review conducted by the TRC or planning board prior to the hearing of the permitting authority, provided that such review shall be advisory to the permitting authority. This DPR will be advisory to the Zoning Board of Review.

The project is located within the Kingstown Road Special Management District, contained in Section 604 of the Zoning Ordinance, which outlines the following:

Section 604: Kingstown Road Special Management District: Construction of any new use, or significant expansion of any existing use having direct lot frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road within the Kingstown Road Special Management District shall be subject to development plan review, and shall also conform to the following standards:

- A. *Frontage lots.* Creation of new lots having frontage and vehicular access on Kingstown Road, Saugatucket Road or Curtis Corner Road shall be avoided. If possible, new lots shall front on internal streets. The use of common or shared driveways among adjacent lots or access through parcels abutting the frontage lot to the side or rear, and/or construction of private or public access roads shall be employed.
- B. *No-access easement.* Where permanent vehicular access to the lot is provided from an internal circulation road, through adjacent land, or from any point other than from the roads listed above, the lot shall be restricted by means of an easement granted to the Town of South Kingstown prohibiting any future driveway or other vehicular access from the roads listed above.
- C. *Common driveways.* Where alternative access as provided in subsection A., above, is not possible, adjacent lots of record in the same ownership shall be required to share a common driveway so as to limit the total number of driveways with direct access to the roads listed above to the smallest possible number. Standards for common driveways shall be as provided in the Subdivision and Land Development Regulations of the Town of South Kingstown.

- D. *Parking.* Parking lots shall be located to the side or rear of the building away from major streets whenever possible. The area between the building and the street shall be devoted to a landscaped street yard.
- E. *Landscaped street yards.* Within any zoning district within the Kingstown Road Special Management District any lot having direct frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road shall provide landscaping within the area between the street right-of-way line and the principal building. Landscaped street yards may contain only the following features:
1. Landscaping, as provided in the Subdivision and Land Development Regulations;
 2. Driveways, not to exceed 20 feet in width for single-household and two-household residential uses, or 35 feet in width for any other uses, with no parking permitted;
 3. Pedestrian walkways or bicycle paths;
 4. Permitted freestanding signs;
 5. Mailboxes customarily accessory to residential uses;
 6. Street signs or traffic control signs;
 7. Underground utilities.

The delineation of the landscaped street yard is illustrated by the landscape diagrams in the Subdivision and Land Development Regulations. This requirement shall not apply to Use Code 45, Automotive or Gasoline Service Stations.

- F. *Location of buildings.* In order to allow parking in the rear of the building in the Kingstown Road Special Management District, the front yard and corner side yard setbacks may be reduced to zero by the Planning Board as a condition of approval of development plan review.
- G. *Residential uses.* Single-household and two-household detached structures having direct lot frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road within the Kingstown Road Special Management District shall be subject to development plan review, and shall also conform to the following standards:
1. Common driveways shall be employed for adjacent lots wherever possible;
 2. A landscaped street yard shall be required;
 3. Any garages shall have doors facing to the side or rear of the house and away from the roads listed above;
 4. Any off-street parking facility located on the side of the house or in any side yard shall be screened from the roads listed above.
- H. *Drive-through-windows.* Notwithstanding the provisions of Section 220, no drive-through window service of any kind accessed by motor vehicles for any use shall be permitted within the Kingstown Road Special Management District.
- I. *Maximum building size.* Within the Kingstown Road Special Management District, no structure containing any use shall exceed 7,500 square feet of gross leasable floor area (GLFA). The GLFA of a shopping center shall not exceed 10,000 square feet. No single use within a shopping center, however, shall exceed 7,500 square feet GLFA.
- J. *Driveway openings.* The width of driveway openings (curb cuts) on Kingstown Road shall be no more than 24 feet for any use, other than Automotive or Gasoline Service Stations (Use Code 45) and Public Safety Facilities (Use Code 25.2).
- K. *Prohibited Uses.* Any use in Use Code Category 10 - Marijuana-Related Uses shall be prohibited within the Kingstown Road Special Management District.

Decision Deadline

Pursuant to the Zoning Ordinance and Subdivision and Land Development Regulations, there is no deadline for Planning Board decisions on Development Plan Review applications.

Review to Date

11/09/2022 TRC Review of the Development Plan

Item/Issue Discussed	Recommendation
Landscaping	A landscape plan addressing transitional landscaping to the abutting MU zoned properties, supplemental landscaping on the client pick-up side of the building perimeter landscaping, and possibly a gate or visual screen to address visual clutter. Also, a waiver should be requested if no building landscaping is proposed.
Lighting	Provide a lighting plan if any new lighting is proposed. All proposed lighting must be "dark sky" compliant.
ADA Compliance	An ADA-compliant parking space must be provided.

Required Findings

In accordance with Article IV.F(3) of the Subdivision & Land Development Regulations, prior to granting Development Plan Review approval the Planning Board shall find that:

- a) The granting of approval will not result in conditions inimical to the public health, safety, and welfare;
- b) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;
- c) The plans for such project comply with all the requirements of the Zoning Ordinance and the Subdivision & Land Development Regulations;
- d) The plans for such project are consistent with the Comprehensive Plan; and,
- e) Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.

Draft Motion

"The South Kingstown Planning Board hereby renders a favorable recommendation to the Zoning Board for the required dimensional variance associated with required lot area for the proposed use and hereby grants Development Plan approval for the 1965 Kingstown Road application, a proposed change in use from automotive repair to retail marine services and repair, with associated site improvements on Assessor's Plat 32-4, Lot 14, located at 1965 Michael Garretson, *applicant*, Craig and Barbara Pierce, *owners*. This Development Plan approval is based upon the plan set entitled "*Plan for Michael Garretson, Located at Assessor's Plat 32-4, Lot 14, 1965 Kingstown Road, South Kingstown RI,*" dated August 29, 2022, and prepared by American Engineering, Inc. 400 South County Trail, Suite A201, Exeter, RI 02822."

<u>SHEET</u>	<u>NAME</u>	<u>PREPARED BY</u>	<u>DATE</u>	<u>LAST REVISED</u>
2 of 2	Survey Plan	American Engineering, Inc.	8/29/2022	N/A
L1 (1 of 1)	Sea & Land Yacht Works Landscape Plan	Matunuck Design Group, Inc.	11/17/2022	N/A

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

Findings of Fact

- A. With regard to the waiver requested, the Planning Board finds that:
 - i. the waiver requested is reasonable and within the general purposes and intent of the Subdivision Regulations; and
 - ii. literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.
- B. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
- C. 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 surrounding area or zoning district.
- D. With the required Conditions of Approval, the plans for the project comply with all the requirements of the Zoning Ordinance and the Subdivision and Land Development Regulations.
- E. The plans for the project are consistent with the Comprehensive Community Plan.

Conditions of Approval

- 1. Development of the site shall be in strict conformance with the approved site plan, including the landscape plan, unless amended by these Conditions of Approval.
- 2. Boats and/or boat trailers shall not be parked or stored in any areas in front of the building. All boats delivered to the site, pending service, shall be stored behind the side gate in the rear of the Site.
- 3. The storage of boats and/or boat trailers on Site shall only be allowed for boats that are scheduled for service at the facility or pending pickup by the customer after services have been completed. Any seasonal or long term storage of boats and/or trailers is prohibited.
- 4. The applicant shall obtain all required local and State permits prior to commencing construction and/or installation of site improvements.
- 5. Prior to any request for a Certificate of Occupancy, a RI licensed Landscape Architect shall inspect the installation of the landscape improvements and submit certification to the Administrative Officer of the Planning Board that the installation substantially conforms to the approved plan and the planting standards of the South Kingstown Subdivision and Land Development Regulations.
- 6. The applicant shall guarantee all landscape materials depicted on the approved plan set for a period of one (1) year from the date of planting.
- 7. **And any other conditions deemed necessary by the Planning Board in consideration of this application...**