



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

TOWER HILL LANDINGS ANNEX

Major Land Development - Pre-Application Concept Review

Project Type:	Major Land Development		
Review Stage:	Pre-Application Concept Review		
Address:	2095 Kingstown Road		
Plat:	32-4	Lot:	32
Parcel Size:	~ 1.23 acres	Zoning District:	CN & R10 (split zoned)
Applicant:	Tower Hill Landings Annex, LLC	Owner:	DCH 1 Realty Holding South, LLC
Current Plan Set:	<i>PRE-APPLICATION PLANS FOR PROPOSED 11 UNITI RESIDENTIAL DEVELOPMENT, TOWER HILL LANDINGS ANNEX, LLC, Plat 32-4, Lot 32, Zoning Districts: CN and R-10, Commercial Neighborhood and Medium High Density Residential District and Kingstown Road Special Management District, 2095 Kingstown Road (Route 108), South Kingstown, R.I., Sheets C1 through C5, dated February 2020 revised through April 7, 2020, by Crossman Engineering, 151 Centerville Road, Warwick, RI 02886.</i>		

Property Characteristics

The property is approximately 1.23 acres, is currently vacant, and located on Kingstown Road within the Kingstown Road Special Management District. The parcel is adjacent to the existing Tower Hill Landings Apartment complex and the proposed development will be an extension to this multi-household residential development. The parcel does not appear to contain any suspect wetland or perimeter buffer areas, and is serviced by municipal water and sanitary sewer services.

Project Description

The applicant is proposing to construct an eleven (11) unit multi-family residential development on this property that will operate as part of the larger Tower Hill Landings complex. The unit mix is proposed to have nine (9) four-bedroom and two 2-bedroom units and two (2) two bedroom and one bath units. One four-bedroom and one two-bedroom unit will be designated affordable and rented at 80% of AMI and one of the two bedrooms will be handicap adaptable.

The proposed eleven units will be housed in 2 buildings with footprints of 5,633 and 5,023 square feet. Building 1 will contain four (4) four-bedroom and two (2) two-bedroom dwelling units. Building 2 will contain five (5) four-bedroom units. Both buildings will be set back twenty-five (25) feet from Kingstown Road (Route 108) and will be constructed within the required setbacks with a 10-foot separation between the two buildings. The building placement will allow for the installation of a sidewalk to connect the property to the bus stop located at the entrance of Tower Hill Landings. The

Lot coverage for the proposed buildings is 20.1% (30% allowed). The development will provide forty-five (45) parking spaces where twenty-two (22) are required by the Zoning Ordinance. These parking spaces are proposed to accommodate the larger 4-bedroom units and are located to the rear of the buildings. The plan also includes 5,300 square feet of open space to meet the 10% of developable land area per the Subdivision and Land Development Regulations. The access to the proposed development will be through Tower Hill Landings Apartments and no access will be permitted from Kingstown Road (Route 108). The elimination of access onto Route 108 will eliminate any potential traffic issues from another entrance in close proximity to the existing Tower Hill Landings entrance.

Landscaping buffers on the north and Route 108 street sides along with lighting improvements are proposed to enhance the overall appearance of the site while providing a safe and inviting environment for residents.

Proposed building footprint sizes and residential unit details are as follows:

	Building Footprint (square feet)	Number of Units	Number of Bedrooms	Unit Size (square feet)
Building 1	5,633	2	2	940
		4	4	1,322
Building 2	5,023	5	4	1,322

Waivers Requested

Waivers anticipated to be requested for this Major Land Development include:

Article IV – Special Requirements: (G) Landscaping	
<i>(G.3) Perimeter Landscaping – Parking Lots and Loading Facilities: No less than ten (10) feet in width where the parking area contains five (5) spaces or more or which exceeds 2500 sq. ft. of paved area.</i>	
Required:	10' (minimum)
Proposed:	Less than 10'
Article IV – Special Requirements: (H) Multi Household Dwellings	
<i>(H.7) Front Yard Setbacks for Multi-Household Land Development Projects: Multi-Household Land Development Projects (Use Code 12.1 and 12.3), when located along any public street, shall provide a minimum front yard setback of 100 feet along said public street. No building, accessory building, parking lot or utility area shall be located in any such front yard. In addition, a landscaped or natural buffer zone of 50-foot width, shall be maintained along said public street and may be used for any required yard, open space or recreation space, for access driveways (no parking allowed) or for other necessary entrance and exit facilities.</i>	
Required:	100' front yard setback 50' landscaped buffer zone
Proposed:	25' front yard setback 25' landscaped buffer zone
<i>(H.9) Distance between Buildings on Same Lot: In any Multi-Household Land Development Project, the minimum distance between two (2) buildings or any two (2) rows of buildings, substantially parallel to each other, shall be fifty (50) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or row, shall be twenty-five (25) feet, if such walls contain no windows serving habitable rooms or shall otherwise be fifty (50) feet.</i>	
Required:	50' (minimum)
Proposed:	10'

Decision Deadline

Pursuant to the Zoning Ordinance and Subdivision and Land Development Regulations, no decision is required for a Pre-Application Concept Review.

Regulatory Considerations

Purpose of the Pre-Application Review

Per the Regulations, Pre-Application meetings shall:

- Aim to encourage information sharing and discussion of project concepts among the participants;
- Include a review of the physical character of the land, any environmental or physical constraints to development; and
- Include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services.

Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

Section 401 (Zoning – Dimensional Requirements)

Section 401 (Schedule of dimensional regulations) provides the maximum density allowed for multi-household land development projects. The allowed density for the subject property is:

15,000 for first two (2) dwelling units plus 5,000 square feet per each additional dwelling unit.

At 53,579 square feet, the maximum density for the subject property is 9.72 dwelling units.

Section 401 requires a 25' front-yard setback which may be reduced to zero by the Planning Board. Section 402.9(B) also requires that transition yard landscaping be provided along the north-northwestern property boundary.

Section 604 (Zoning – Kingstown Road Special Management District)

Section 604(B) requires a no-access easement (along Kingstown Road frontage) in favor of the Town of South Kingstown. Section 604(E) also requires a landscaped street yard between the building and the street.

Article IV, Section H – Multi-Household Land Development Project

Section H(6) requires screening along the northern boundary. Section H(9) requires that the parking lot be set back from the wall of any building, that 10% of the developable area (~5,358 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...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 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 twelve (12) units with two (2) being deed restricted affordable units. The applicant is proposing a total of eleven (11) units with two (2) deed restricted affordable units.

Review to Date

Technical Review Committee – March 11, 2020

At the request of the applicant, a previous iteration of this project was presented to the Technical Review Committee (TRC) for review. Said iteration included all eleven (11) units constructed within one (1) large building. After review of this design with the TRC, the applicant chose to redesign the project into two (2) separate structures to avoid the need for considerable variances from the Zoning Ordinance and waivers from the Subdivision and Land Development Regulations. Most notably, the

proposed structure considerably exceeded the 7,500 square foot footprint limitation within the Kingstown Road Special Management District.

The following items/issues were discussed with the applicant at the TRC meeting and are still relevant based on the applicant’s redesign of the proposal:

Item/Issue Discussed	Recommendation
Front-yard Setback	Provide justification for the reduced front-yard setback for consideration by the Planning Board.
Landscaping	Transition yard landscaping will be required along the property line to the northwest in accordance with Section 402.9(B) of the Zoning Ordinance to the satisfaction of the Planning Board.
	A landscaped street-yard is required between the building and the street in accordance with Section 604(D) & 604(E) of the Zoning Ordinance.
	Landscape screening is required abutting the residential property to the northwest per Subdivision & Land Development Regulations.
Access	A Physical Alteration Permit (PAP) was requested to permanently close the existing curb cut on Kingstown Road.
	A no access easement in favor of the Town is required per Section 604(B) of the Zoning Ordinance.
	Consider installation of a sidewalk along the length of the property.
Parking	The parking lot must be setback from the wall of the building in accordance with the Subdivision and Land Development Regulations.
Open Space	At least 10% of the developable area of the parcel must be dedicated as open space in accordance with the Subdivision and Land Development Regulations.

Required Findings

In approving this subdivision 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 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.

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.

With regard to waivers, the Regulations (Article VIII.B.1) require that the Planning Board find that:

- a. The waivers or modifications are reasonable and within the general purposes and intents of the Regulations; and,
- b. 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.