

**Compassion Center - Commercial Plaza Improvement
Development Plan Review and Special Use Permit Application**

**682 Kingstown Road, Unit No. 1
Assessor's Plat 57-1; Lot 96**

Prepared for: The Winding Rhode Compassion Center

By: Pimentel Consulting, Inc.

10 December 2020

INTRODUCTORY STATEMENT

The Winding Rhode Compassion Center (“Applicant”), has retained my professional land use planning and zoning consulting services (“Consultant”), in order to evaluate the appropriateness of introducing a compassion center amidst a pre-existing multi-unit commercial plaza in a Commercial Highway zoning district (“CH District”). A compassion center is permitted by Special Use Permit (“SUP”), otherwise defined as a ‘conditionally permissible’ land use pursuant to both Rhode Island General Law (“RIGL”) and case law, in the limited CH or West Kingston Industrial One District (“WKI District”). The proposed compassion center will otherwise realize full dimensional compliance, with the exception of several pre-existing nonconformities (e.g. requisite setbacks). Finally, the proposed commercial plaza improvement is being reviewed pursuant to the Development Plan Review (“DPR”) regulatory design review standards, although not technically required.

In addition to the difficulty in locating an appropriately zoned property, is the compounded dilemma of locating one that is properly distanced from a variety of regulatory detailed land uses (e.g., daycare). The subject property fulfills both criteria, which is a success in its own right. The proposed compassion center not only is an appropriate usage of the subject property, but will also generate a much-needed, new tax generating revenue stream. The referenced commercial plaza improvement will foster economic development and further the 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 compassion center proposal and associated DPR site plan package, as well as the following regulatory documents:

- o Town of South Kingstown, RI, Comprehensive Community Plan – 2014 Update (“Comprehensive Plan”);
- o Town of South Kingstown, Comprehensive Community Plan – Draft 2019 (“Draft Comprehensive Plan”);
- o Zoning Ordinance (hereinafter “Ordinance”); and
- o Pertinent state statutes.

This Consultant also conducted several site inspections of the subject property and surrounding neighborhood, for purposes of determining neighborhood character and development consistency.

The purpose for the subject analysis is two-fold: document the appropriateness of the commercial plaza improvement, in light of the requisite SUP standards of approval; as well as

render a professional opinion on the consistency with the Comprehensive Plan and related documents.

The proposed compassion center will in-fill a well under-utilized commercial tenancy, and due to the mutual desire of Applicant and regulatory officials alike, will realize renewal of a dated and tired commercial plaza. It is solely through such actions that a commercial plaza that pre-dates current development regulations will realize much-needed site alterations, and also greatly assist in contributing to the 'Village' setting envisioned by the Comprehensive Plan, as evidenced by the following.

Land Use Achievements - *"Major land use accomplishments include the following:"*

- o *"Preparation of "South Kingstown Village Study: Villages of Wakefield and Peace Dale" and initiation of implementation of this report." [Page LU-4]*

Villages as a Model for Growth [Page LU-6]

- o *"Account for the unique identities and attributes of each village. No two villages are alike, thus each village should have different planning objectives."*
- o **"Use the focus on village viability to guide infrastructure expansions and investments."**

Building on the Village-Scale Business Model [Page ED-3]

- o **"Focus infrastructure expansions and investments within villages to maintain them as cohesive and coordinated areas for business activity."**
- o *"Provide guidance to developers by promoting good examples of new development within the village areas to build support for infill growth at appropriate scales and with quality design."*

PRESENT PROPERTY and NEIGHBORHOOD CONDITIONS

The subject property, addressed 682 Kingstown Road (Route 108), further identified as Assessor's Plat 57-1, Lot 96, and containing upwards of approximately 118,483 square feet in overall land area, has been improved with a multi-tenant commercial plaza since minimally 1985 ("Property"). The Property is both sizable and uniquely situated, being literally surrounded on three (3) sides by public rights-of-way: Kingstown Road (Route 108) along the easterly property boundary; Dale Carlia Street along the southerly property boundary; and, Holley Street along the westerly property boundary. The northerly property boundary is shared with a like commercial plaza. In fact, the Property is almost entirely surrounded by commercial plazas, with the exception of the two (2) commercial properties across Holley Street, to the west, which are improved with professional office facilities.

The Property was improved upwards of 35-years ago, well before any present day development regulations, and is therefore lacking considerably from a site design perspective. These pre-existing site design inconsistencies are neither unusual nor over-looked by the community. Regulatory officials have taken notice of such situations, addressing them in a most appropriate regulatory manner. Understandably, mandating unreasonable compliance will only serve to maintain the status quo, which is the presence of tired commercial plazas with unlimited vacancies. It is for this very reason why the following regulatory language was adopted, in the hopes of spurring and not deterring reasonable commercial reuse / redevelopment.

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 as follows:*

*c. "To change the existing use within a building or upon a lot from one Use Code Category to another Use Code Category. **This provision shall not apply to changes of Use Code Category when the change of use occurs within a shopping center.**"*

Article 12. Definitions

(110) Shopping Center - "A group of three or more stores or other commercial establishments in one or more buildings planned, developed and managed as a single facility on one lot with off-street parking provided on the lot."

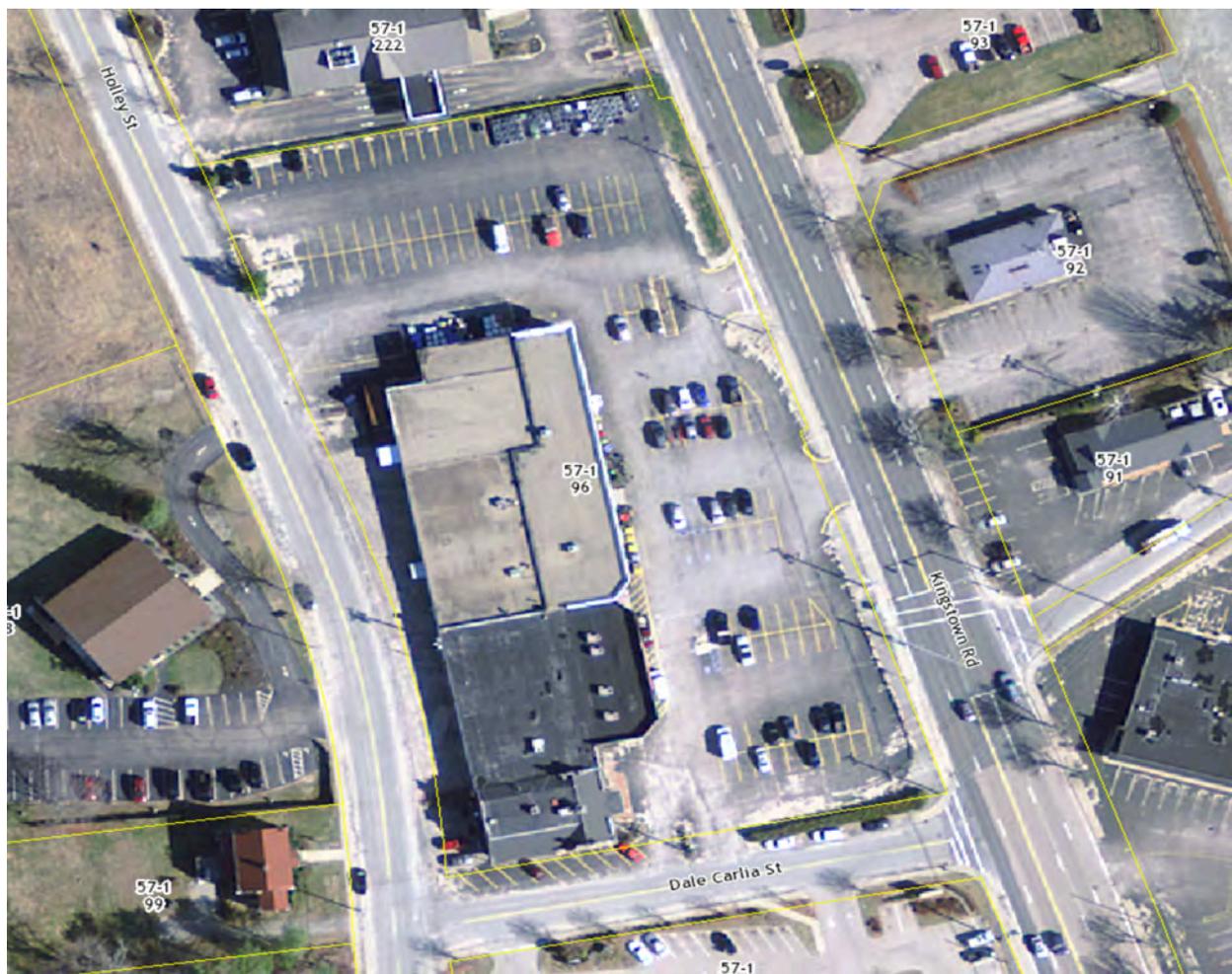
Regardless of the fact that the DPR process is not applicable in the subject circumstance, the Applicant has nevertheless reviewed the DPR design standards and to the best of its ability proposes site design improvements that assist in meeting the spirit and intent of those design standards. The Property is presently almost entirely covered with impervious surface, with little off-setting drainage improvements. Landscaping is literally unrecognizable. Site access is almost unlimited, with no defined points of ingress and egress. Off-street parking and other site circulatory features are entirely inconsistent with current regulations; these features are either haphazardly introduced or altogether missing. For example, presence of off-premises parking along Dale Carlia Street, which necessitates egressing back onto the roadway in an unsafe rear manner. Furthermore, there is no well-defined off-street loading, handicap parking, or pedestrian access-ways. These are just a sampling of the missing site design features that would otherwise be present were the Property developed in accordance with current DPR regulatory design standards. Although total compliance is an impossibility, and corrective measures are difficult (albeit not necessary), the Applicant has nevertheless engaged a professional design team to address a number of the detailed lacking design features. Most importantly, they addressed those features that cover safety and site aesthetics. Project

specifics will be detailed in the next section of this report. To reiterate, the Property is presently well disturbed, with almost imperceptible landscaping. Kingstown Road (Route 108) is classified as a 'Principal Arterial' and the proximate Tower Hill Road (US Route 1) is classified as a 'Freeway', pursuant to the 'State of Rhode Island - Existing Highway Functional Classification Map (Updated on March 11, 2019). The referenced roadway classification(s) are defined pursuant to the Rhode Island Department of Transportation as follows:

Other Freeways and Expressways - *"Roadways in this functional classification category look very similar to Interstates. While there can be regional differences in the use of the terms 'freeway' and 'expressway,' for the purpose of functional classification the roads in this classification have directional travel lanes usually separated by some type of physical barrier, and their access and egress points are limited to on- and off-ramp locations or a very limited number of at-grade intersections. Like Interstates, these roadways are designed and constructed to maximize their mobility function, and abutting land uses are not directly served by them."*

Principal Arterials - *"These roadways serve major centers of metropolitan areas, provide a high degree of mobility and can also provide mobility through rural areas. Unlike their access-controlled counterparts, abutting land uses can be served directly. Forms of access for Other Principal Arterial roadways include driveways to specific parcels and at-grade intersections with other roadways..."*

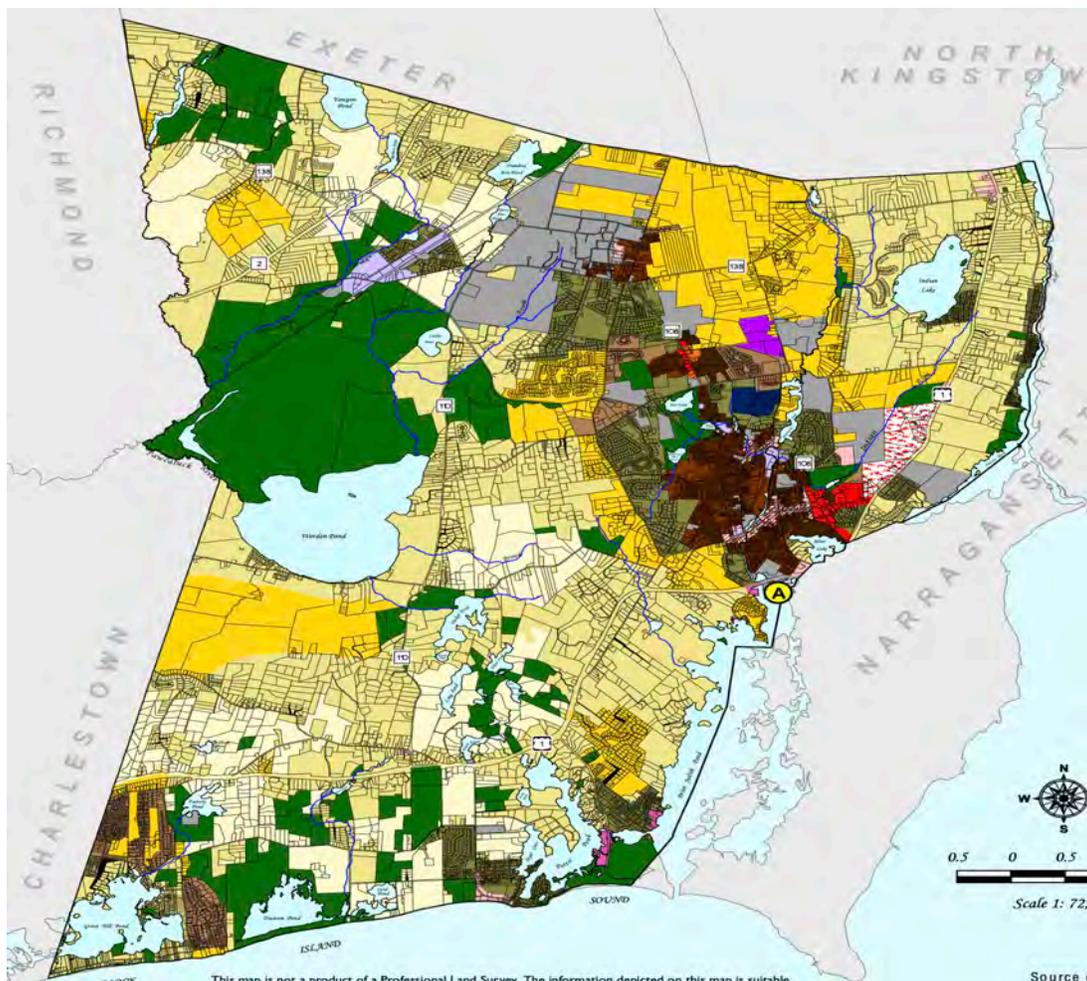
The referenced Property conditions are well reflected by the illustration on the following page, as excerpted from the Town's - Geographical Information System ("GIS").



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 2.4 'Land Use Plan Map - Wakefield Detail,' which details that the Property and all properties lining Kingstown Road and Old Tower Hill Road, are almost all classified CH District. Although a number of immediate properties are zoned in such a manner, town-wide the CH District is almost non-existent. The following zoning map corroborates this conclusion, illustrating that the CH District is solely imposed on the area in question and a few properties within the Kingstown Road Special Management District.



The Draft Comprehensive Plan - Table 7. 'Comparison of Zoning Districts & Future Land Use Descriptions' [Page 45], details the characteristics associated with the various land use classifications. The characteristics associated with the CH District are detailed below:

Zone: CH

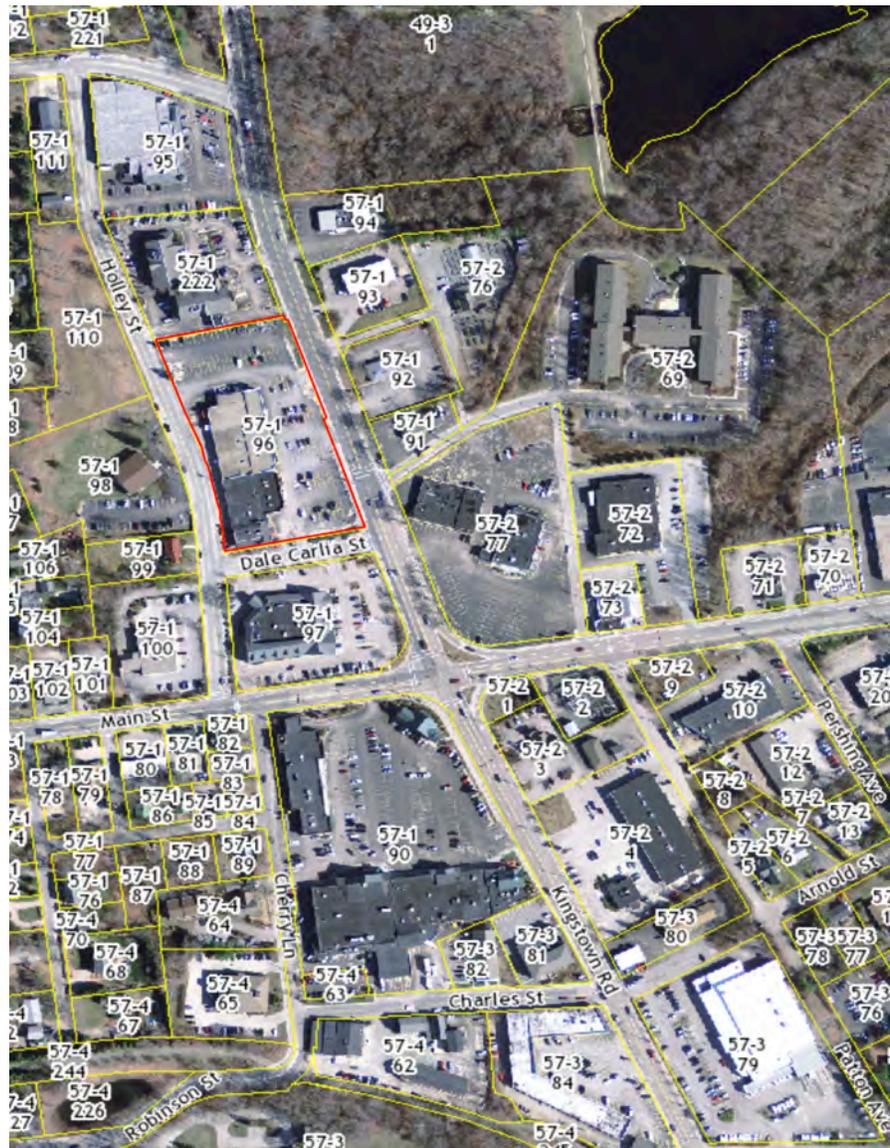
Future Land Use Map: Commercial Highway

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."*

The Property is almost entirely surrounded by commercial plaza developments, some of which are rather intensive. The referenced neighborhood conditions are well detailed to the right, as excerpted from the Town's GIS.



The Property is situated within the 'Village of Wakefield,' pursuant to the Comprehensive Plan - Map 2.1 'Villages'. The reason why this is of particular importance is due to the fact that there is limited commercially zoned town-wide resources, especially the 'CH District,' and the vast majority of said limited resources (as noted above) are situated within the Village of Wakefield. 'Table 2 - Land Use Plan Map Categories (2012),' of the Comprehensive Plan [Page - Intro-10], details the great disparity between commercial and industrial and all other land resources. The following computations have been extrapolated from the referenced land use classification data.

All Commercial = 339.40-acres. $339.40\text{-acres} / 36,346.1\text{-acres (Town wide acreage)} = 0.0093 (0.93\%).$

All Industrial = 332.28-acres. $332.28\text{-acres} / 36,346.1\text{-acres (Town wide acreage)} = 0.0091 (0.91\%).$

All Residential = 23,128.19-acres. $23,128.19\text{-acres} / 36,346.1\text{-acres (Town wide acreage)} = 0.6363 (63.63\%).$

Open Space = 8,769.84-acres $8,769.84\text{-acres} / 36,346.1\text{-acres (Town wide acreage)} = 0.2413 (24.13\%).$

Total 'Residential' and 'Open Space' Acreage = 31,898.03
 $31,898.03\text{-acres} / 36,346.1\text{-acres (Town wide acreage)} = 0.8776 (87.76\%).$

Furthermore, the districts permitting the introduction of 'Marijuana Retail Facilities,' namely the CH District and West Kingston I-1 District, combine for a fraction of overall commercial and industrial resources, approximately 0.50%. It is, therefore, abundantly clear that there is only a smattering of sites that could potentially accommodate the referenced land use, especially in light of the fact that there are distinctive limitations, including proximity to certain land uses (e.g., daycare operations).

It is also abundantly clear that there is a heavy reliance on residential property taxes to off-set municipal expenditures. Presently, almost 88% of all land resources are either dedicated to residential land uses and/or protected by an 'Open Space' designation. Furthermore, upwards of approximately 97.5% of all land resources are either zoned in some residential manner or dedicated to some non-taxing land usage (e.g. 'Government / Institutional'). Therefore, there is little land area remaining to maintain a fiscally sound environment. The 'Village of Wakefield' is defined, pursuant to the Comprehensive Plan [Page - Intro-5], in the following manner:

4. Village Summary - *"Each village in South Kingstown is unique and planning efforts should seek to acknowledge and account for these unique environments. The following summaries regarding the villages in South Kingstown have been provided through the ongoing development of Village Plans along with the report An Inventory and Analysis of the Village and Rural Qualities of South Kingstown. The identity of these areas is especially important as*

the Town is faced with increased development pressures and the associated propensity for "sprawl." (See Map 2.1 Villages)"

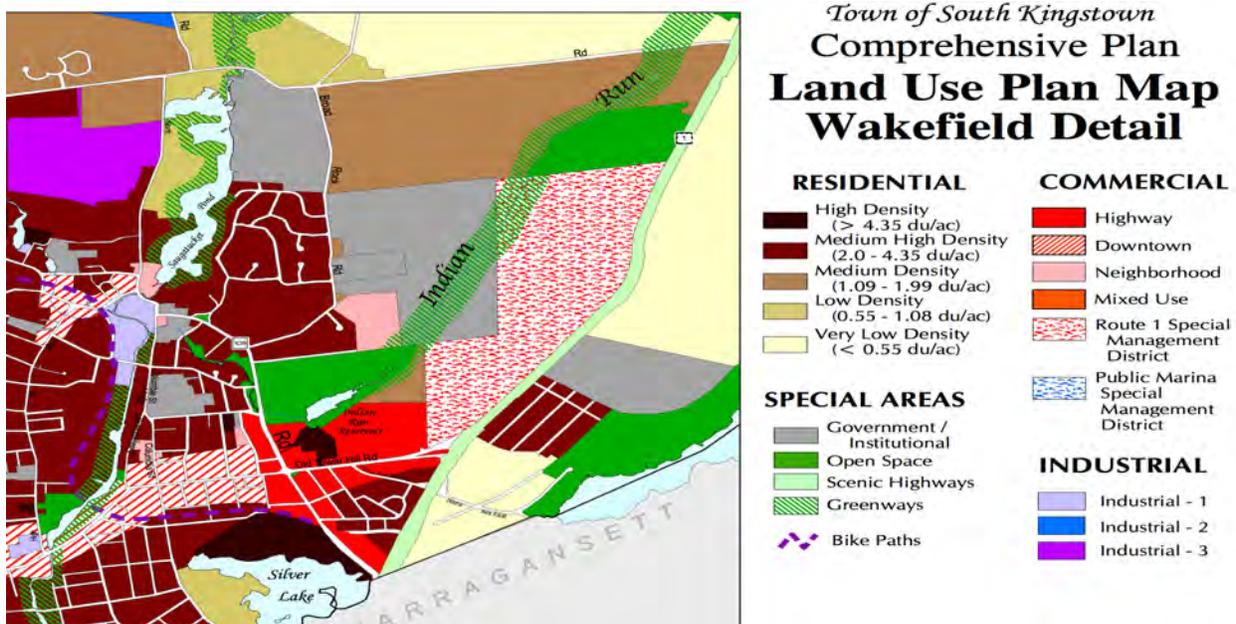
4.1 Central Core

o "The following Vision Statement has been established for Wakefield:"

"Wakefield is a dynamic, versatile village which serves as a hub for business and cultural activity serving local neighborhoods, the Town as a whole and surrounding region. With its strategic location off Routes 1 and 108, Wakefield provides a vital link to other villages, local institutions, the University of Rhode Island, coastal recreation resources, tourism centers and historic settings. The Saugatucket River provides a blueway centerpiece for the village and continued efforts to mitigate impacts to this resource have created a valuable cultural and improved ecological asset. **The village provides a balanced integration of preserving historic structures with the encouragement of new development and innovative infill strategies to create a seamless village environment.** Developed areas meet a broad range of community goals through a diversity of housing options, an extensive mix of local businesses, and convenient access to recreational, institutional and cultural amenities and services. The village core around Main Street is a vibrant corridor that provides easy access to essential services for the surrounding neighborhoods through a strong network of pedestrian and bicycle routes. **Local regulations maintain the unique village character by allowing flexibility in design without losing touch with the historic fabric that helps to define Wakefield. Residents, developers, business owners, and local and state officials continually explore opportunities to collaborate in order to maintain the unique character and ongoing prosperity of historic Wakefield.**"

Map 2.4 Land Use Plan Map Wakefield Detail

[Illustrates that the Property and all surrounding parcels are classified 'Highway Commercial,' with the exception of the apartment complex.]



PROPOSED 'COMPASSION CENTER' REDEVELOPMENT PROPOSAL

The applicant seeks to introduce a '**Conditionally Permissible**' compassion center by SUP, in accordance with the Ordinance's 'Schedule of Use Regulations.' The compassion center will occupy the southerly most end-cap of the commercial facility, situated at the intersection of Dale Carlia Street and Holley Street. Other than interior and exterior modification to the subject unit itself, no other commercial facility improvements are proposed; the Property being comprised of three land condominium units, with more than three existing uses. An analysis of both off-street parking and off-street loading requirements has been completed, affirming regulatory compliance. Although, a few spaces will be extinguished in order to realize an improved commercial plaza, more than sufficient parking will nevertheless be maintained.

It is without question that the proposed 'retail-oriented' commercial entity is a unique land use; regardless, it is the professional opinion of this Consultant that the community has nevertheless somewhat anticipated such land uses, as evidenced by the Draft Comprehensive Plan [Pages 116 - 117]. The Town of South Kingstown appeared to be looking forward, understanding that the nature of land uses is ever changing and having to make the necessary accommodations.

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.**"*

Other than the need for the requisite SUP, the proposed redevelopment will realize full dimensional compliance, with the exception of those that are pre-existing (e.g. requisite setbacks). Furthermore, unlike the presently severely lacking site design conditions, albeit pre-existing and therefore protected by Ordinance, the Applicant has nevertheless proposed pertinent site improvements. First of all, in order to address deficient safety concerns, off-street parking will be realigned and striped, reflecting requisite stall and aisle dimensions. The same is true in regard to requisite handicap parking and off-street loading. However, the most notable safety improvement pertains to the scattered, partially off-premises parking that presently exists at the subject location. The referenced parking, particularly those spaces aligned along Dale Carlia Street, is seriously deficient and dangerous; staggering the respective property boundary

and necessitating egress in a rear-fashion. The identified spaces will be realigned in a parallel orientation, extinguishing egressing in a dangerous rear manner. However, in order to accomplish this, several parking spaces will need to be eliminated. Another vehicular oriented improvement is the reconfiguration of certain points of ingress and egress along Kingstown Road and Dale Carlia Street, as well as the entire elimination of the curb-cut mid-point along Kingstown Road. Reconfiguring certain curb-cuts will realize better definition; replacing present chaotic design that lacks any vehicular control. More importantly is the elimination of a curb-cut along Kingstown Road because it averts another point of interaction with vehicles traveling along Kingstown Road. Too many curb-cuts result in excessive points of conflict; increasing waiting times to enter the flow of traffic and more disconcerting, the potential for accidents. Extinguishing the curb-cut also permits the introduction of a greater number of off-street parking spaces and a continuous, uninterrupted landscape buffer along Kingstown Road. Finally, and equally important, are certain improvements to the site's aesthetics. Other than some very limited shrubs and grass strips, the entire plaza is currently devoid of any greenery. Besides revitalizing the few token green areas, real perimeter landscaping will be introduced, inclusive of the area previously encumbered by a curb-cut. Such enhancements will not only revive the plaza but also provide some real definition; most notably along Kingstown Road and the intersection of Kingstown Road and Dale Carlia Street, which are the visual focal points of the Property.

The Applicant's willingness to assist in redesigning the Property will realize much-needed improvements; rendering corrective safety measures and introducing site amenities that may otherwise never be realized. Redevelopment furthers the 'Neighborhood Concept,' which is in direct accord with the Comprehensive Plan.

Policy 3.2 - *"The Town shall encourage landscape diversity that creates identity and a sense of place, fosters the creation of distinct neighborhoods and villages, and recognizes the natural, historic, and cultural features of the land and surrounding community."* [Page LU-11]

Implementation

- o *"The Town recognizes the historic, scenic and cultural values of the southwesterly approach (gateway) into Wakefield Village via the Post Road/Main Street corridor and will evaluate, consider and implement appropriate measures to preserve, protect and enhance the infrastructure, land uses and scenic characteristics of this corridor and vicinity."*

Goal 4: *"To support a village-centric approach to growth, to distinguish the unique objectives for each Village, and to maintain and enhance the integrity of the villages."* [Page LU-14]

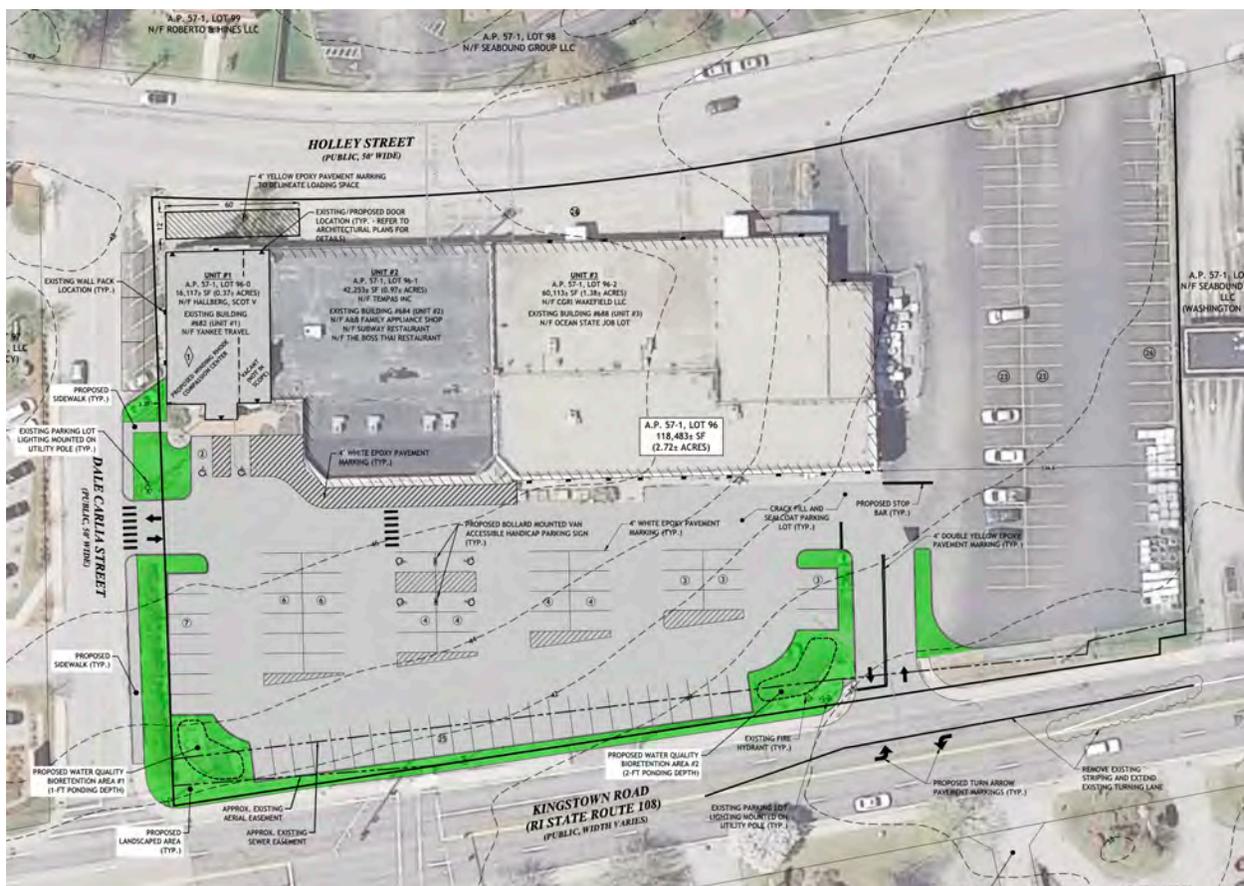
Policy 4.1 - *"The Town supports a control of urban sprawl and dispersion by concentrating population density and infill development within the villages, as appropriate, and by providing these areas with public transportation, services, facilities, pedestrian and bicycle*

amenities, civic buildings, recreational resources, infrastructure improvements, and housing opportunities.”

Implementation

- o “The Town shall review and revise its Zoning Ordinance and regulations relating to its villages to ensure that development and redevelopment will be complementary to the character of existing villages. This may include, but is not limited to, allowing for an appropriate mix of uses, revising standards controlling the size, shape, massing, scale and location of buildings and lots, and revising requirements for pedestrian access and connectivity, open space, parking signage, landscaping, and street widths.”

There are several specific standards of development approval associated with introduction of a compassion center; most notably proper separation from a variety of otherwise dissimilar land uses, such as a daycare operation. As has been repeatedly noted 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., security lighting that meets ‘dark sky’ performance standards). All detailed improvements are appropriately illustrated on the following site plan, as excerpted from the Applicant’s submission package [Credit: Casali Engineering].



COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

The Comprehensive Plan [Page ED-9] not only documents the community's support for the type of development proposed, but also the proximate location.

Goal 3: *"To actively support economic development within our existing villages that contributes to a high quality of life."*

Policy 3.1 - *"The Town recognizes the diversity of its existing villages and the need to consider unique economic development initiatives for each one."*

Implementation

o *"The Town shall continue to develop Village Plans to identify economic development opportunities that are suited to the unique context, constraints and opportunities presented in each setting."*

Policy 3.2 - ***"The Town encourages the revitalization of its Central Core Villages of Wakefield and Peace Dale, as well as adjacent commercial areas, such as the Route 108 corridor, Dale Carlia Corner, and the Old Tower Hill Road corridor."***

Land Use Element - Introduction: ***"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 2.1 Villages). The Town has committed to preserving and reinforcing this pattern of development through its future sewer service area map, (see Map 6.1 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 small shops and services and bike paths connect open space and community facilities. Commercial infill within villages is encouraged to both protect outlying rural areas from development..."*** [Page LU-1]

Another equally important consideration, is evidencing the economic benefit to be garnered from the proposed use. 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, 88% of all land resources are either dedicated to residential land uses and/or protected by an 'Open Space' designation and furthermore, upwards of approximately 97.5% are either residentially zoned or utilized in some non-taxing manner. Therefore, with such a heavy reliance on residential property taxes, the community welcomes new commercial 'revenue' sources. The referenced redevelopment will provide a new revenue stream, and one which is very neighborhood oriented.

Economic Development Element - Introduction: *"South Kingstown is recognized as a predominantly residential community with a limited commercial and industrial base..."* [Page ED-1]

5. Commercial Development - *"When informed that commercial growth may lessen the burden on residential properties to fund municipal services, 51 percent of those who responded indicated that the commercial growth rate should increase slightly (an increase*

from 45 percent in 2003 and 29 percent in 1990). Over 13 percent felt strongly that commercial development should increase (compared with 13 percent in 2003 and 6 percent in 1990). (Note: 1990 percentages totaled 108.9%. When adjusted to reflect total 100% response, previously reported percent distributions were reduced). (See Question 24) ...” [Page Intro-53]

Land Use Action Plan - “To promote orderly growth patterns based upon the natural, cultural and historic character of the Town, the land's suitability for use, and the aspirations of its citizens.” [Page LU-8]

Goal 2: “To maintain a sustainable rate of development 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 LU-9]

Economic Development Vision - “The Town of South Kingstown will continue to value and support its business community as a source of jobs and as a means to provide the goods and services required by residents and tourists alike. The Town will continue to support shops and offices located in walkable village settings. These small businesses, many of which are locally owned, help reinforce the “small town” character of South Kingstown. The charm of the seaside villages of the community will be preserved while attracting development to create appropriately scaled tourism opportunities. The Town will support current businesses and properly sized expansion of commercial and light industrial development, while protecting the quality of the Town's finite natural and cultural resources. This may relieve the current tax burden on residential land use while providing additional tax revenue for municipal services. Future commercial and industrial development must not overwhelm the unique character of the community. Future development should take advantage of multi-modal transportation opportunities at Kingston Station while providing diverse job opportunities for local residents. Opportunities for mill reuse and infill of commercial development through expansion of existing shops and stores (investment in place), construction of new, or renovation of existing out-of- date or inadequate structures, can foster sustainability of the central core while protecting outlying “greenfields” from development pressure. Economic development initiatives intended to improve the economic quality of life for town residents must also protect our natural and cultural resources.” [Page ED-6]

Goal 1: “To foster a local economy that provides opportunities for a diverse collection of business and industry.” [Page ED-6]

Implementation

- “The Town shall focus supportive efforts toward the local business community to reinforce existing investment and our traditional economy, employment opportunities and the provision of goods and services to our residents and visitors to the community.” [Page ED-7]

ZONING ORDINANCE ANALYSIS

The proposed redevelopment will be fully dimensionally compliant, with the exception of those that are pre-existing (e.g. requisite setbacks). However, the proposed compassion center,

otherwise identified as a 'Marijuana Retail Facility' pursuant to the 'Schedule of Use Regulations' is solely permitted by SUP in a rather constrained number of zoning districts. The proposed compassion center 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."*

The proposed compassion center will be compliant.

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.

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."

NOTE: The subject property is defined as a 'Shopping Center,' pursuant to Article 12 - Definitions, of the Ordinance, and therefore pursuant to Section 505.B.2.c is exempt from the DPR design regulations. Regardless, the Applicant has pursued a course of action that attempts to correct as many pre-existing development nonconformities as feasibly possible.

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, realize full dimensional compliance, with the exception of those that are pre-existing (e.g. requisite setbacks).

(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 compassion center operation. 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 Kingstown Road exists and will be maintained. Ingress and egress points will be redesigned to maintain an orderly vehicular flow. Furthermore, internal travel patterns will be redesigned to ensure sufficient off-street parking and pedestrian safety.

(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 compassion center operation will not generate any unusual noise or odor, or any other nuisance-like effect. Off-street loading has been furnished. Finally, sufficient off-street parking will be provided and in a manner that averts unsafe interaction with pedestrians.

(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. Finally, trash will be properly disposed of.

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

All utilities, including public sewer and water, are available, and will be accordingly connected.

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

Vegetative screening, that is presently in very limited quantities, will be both enhanced as well as introduced throughout the Kingstown Road and Dale Carlia Street perimeter.

(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 commercial entity.

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

Will realize full dimensional compliance, with the exception of those that are pre-existing (e.g., requisite setbacks).

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

The personally prepared general 'Neighborhood Analysis' evidences appropriate neighborhood compatibility. Furthermore, proposed landscaping will greatly improve existing, rather bleak, conditions.

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 Zoning Board of Review. My professional opinion is based upon the manner in which the proposed compassion center can be well incorporated into the overall fabric of the surrounding commercial highway neighborhood.

PIMENTEL CONSULTING, INC.
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SUMMARY of QUALIFICATIONS

Forward-thinking, pragmatic urban planning professional with twenty (20+) years of practical experience. Skilled in a variety of neighborhood and commercial planning and zoning activities, frequently in a supervisory or managerial capacity. Solid track records with proven effectiveness in, but not limited to, the following areas:

- ⇒ **Zoning Boards of Review**
- ⇒ **Community Planning and Consulting**
- ⇒ **Planning Boards / Commissions**
- ⇒ **Subdivision Review and Planning**
- ⇒ **City / Town Councils**
- ⇒ **Superior Court**
- ⇒ **Code Enforcement**
- ⇒ **Residential, Commercial and Industrial Development**

SELECTED EXAMPLES of ACCOMPLISHMENT

- Testified before numerous boards, commissions and councils on matters of residential, commercial, and industrial development, as well as changes / amendments to Zoning Ordinances and Comprehensive Plans.
- Testified before Municipal and Superior Court on matters of code enforcement and general land use planning.
- Authored various documents including Cost of Community Services Study, Revitalization Plans, Zoning Ordinances, Comprehensive Plan Amendments and the first Telecommunications Ordinance in the State of Rhode Island.
- Responsible for reviewing all development associated with the Quonset Point / Davisville Industrial Park, an approximately 3,500 acre industrial park, site of the former Sea Bee Navy Base, numerous mill rehabilitation projects, including Pocasset Mill, Johnston, RI (Comprehensive Plan Amendments).
- Responsible for reviewing numerous residential subdivisions, especially expert in the field of Comprehensive Permits (Affordable Housing). Work product cited by the Rhode Island Supreme Court.
- Represented clients before numerous Zoning Boards of Review throughout the State of Rhode Island, on a variety of variance and special use permit petitions, with a greater than 90% success rate.
- Extensive energy and renewable energy projects, including solar, wind and gas-fired eccentric generating assets.

EDUCATION

MASTERS OF COMMUNITY PLANNING AND DEVELOPMENT
University of Rhode Island - Masters Received 1994

University of Florida - Studied City Planning - 1991 / 1992

BACHELOR OF ARTS – URBAN AFFAIRS; MINORS IN MATHEMATICS AND PHILOSOPHY
University of Rhode Island - BA Received 1990

ACCREDITATION: AMERICAN INSTITUTE of CERTIFIED PLANNERS – May 1996

PROFESSIONAL EXPERIENCE

Land Use Consultant
East Providence, Rhode Island

PIMENTEL CONSULTING, INC.

Zoning Officer
East Providence, Rhode Island

CITY OF EAST PROVIDENCE

Consulting Town Planner
Barrington, Rhode Island

TOWN OF BARRINGTON

Town Planner
Wayland, Massachusetts

TOWN OF WAYLAND

Principal Planner
North Kingstown, Rhode Island

TOWN OF NORTH KINGSTOWN

Assistant Planner
East Providence, Rhode Island

CITY OF EAST PROVIDENCE

Planning Consultant
Newport, Rhode Island

NEWPORT COLLABORATIVE

Planning Intern
Orange City, Florida

CITY OF ORANGE CITY

RHODE ISLAND AIR NATIONAL GUARD

Plans and Implementation Communications Specialist
Rhode Island Air National Guard 1995 – Retired 2013

Security Police Officer
Rhode Island Air National Guard 1987 – 1990

CIVIC

WGBH – Community Advisory Board Member
Cambridge, Massachusetts 2000 - 2003

SPECIAL SKILLS AND TRAINING

- Fluent in Portuguese