



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

The Winding Rhode Compassion Center, Inc.

Advisory Development Plan Review

January 20, 2021

Project Type:	Advisory Development Plan Review		
Review Stage:	N/A		
Address:	682 Kingstown Road		
Plat:	57-1	Lot:	96 (Unit 1)
Parcel Size:	~2.72 acres	Zoning District:	CH (Commercial Highway)
Applicant:	The Winding Rhode Compassion Center, Inc. c/o Patrick J. Casey, III 72 Pine Street Providence, RI 02903	Owner:	Scot V. Hallberg 17 Arnold Street, Suite 100 Wakefield, RI 02879
Current Plan Set:	<i>The Winding Rhode Compassion Center</i> , 682 Kingstown Road, Unit #1, South Kingstown, Rhode Island, AP 57-1, Lot 96-0, Sheets C1.0, C2.0, L1.0, A1.0 & A2.0 dated November 2020 with revisions through January 8, 2021, completed by Joe Casali Engineering, Inc., 300 Post Road, Warwick, RI 02888		

Property Characteristics

The property is approximately 2.72 acres in size located within the CH (Commercial Highway) Zoning District and is developed with an existing structure containing three (3) separate commercial spaces. The remainder of the Site is improved with an asphalt parking lot with 162 parking spaces with access to the site from two curb cuts on Kingstown Road, one (1) curb cut on Dale Carlia Street, and access along Holley Street to the rear of the building. The property is served by public water and sewer, as well as electric and natural gas from National Grid. There are no wetlands, FEMA designated Flood Zones, or any other environmentally sensitive features on this nearly 100% impervious parcel.

Project Description

The applicant is proposing to retrofit Unit #1 (formerly Yankee Travel) and make other site improvements for use as a medical marijuana compassion center. The proposed facility will be utilized for the retail sale of packaged/prepared products only and will not include any cultivation or manufacturing of products.

Parking, Loading & Access

The existing parking lot is being redesigned and improved to accommodate the proposed use. The southeastern-most curb cut along Kingstown Road is proposed to be eliminated and the entrance aisle associated with the existing curb cut will be extended into the Site to better define the parking area and vehicular travel lanes. The entrance on Dale Carlia Street is being improved in a similar manner including the removal of an existing island that currently separates entering and exiting traffic. The frontage along Kingstown Road and Dale Carlia Street will be improved with additional landscaped areas. The interior portion of the parking lot will be slightly reconfigured and re-stripped for a better

defined parking configuration and pedestrian circulation. A 12' x 60' loading space is proposed to be located in the rear of Unit #1 and completely behind the existing structure.

A Traffic Assessment was completed by BETA Group, Inc. on October 6, 2020 states that the proposed site access and circulation plan has been designed to maintain a desirable level of safety and efficiency on the servicing roadway system. The report indicates that the study intersections were determined to provide sufficient sight distances in accordance with AASHTO criteria for visibility and decision making of drivers attempting to enter/exit main street traffic from a side street and/or driveway. The study maintains that the results of the operational analysis determined that the estimated minor increase in traffic during the daily peak period resulting from the proposed medical marijuana prescription business, *The Winding Rhode Compassion Center*, will have a negligible effect on overall traffic operations along the servicing roadways, particularly during the daily afternoon peak hour when the new medical marijuana facility was estimated to generate its highest daily traffic volumes. The study concludes that, based upon the data collected on the servicing roadways and the analysis completed as part of this study, the future traffic conditions resulting from the proposed medical marijuana facility will provide for adequate and safe access to a public street, and will not have a detrimental effect on public safety and welfare in the study area.

Landscaping and Drainage

Landscaping improvements include the creation of new landscaped areas along the southern and eastern perimeter of the parking lot. The applicant is proposing to install a partial landscape screen in these perimeter areas, however exact specifications of plant materials has not been provided. The applicant is also proposing two (2) bioretention areas in the corners of the parking lot along Kingstown Road, however specifications on the design of these drainage features and how they'll function were not provided.

Security & Lighting

In accordance with the *Security Protocols* write-up provided with the application, security will be checking customers in at the door and those customers will only be allowed access to the sales floor and public restrooms. The retail floor and restrooms will be separated by a security door to separate the limited access areas and 'back-room' operations. Employees and contractors will be required to wear identification badges. All cash and cannabis products during non-business hours will be stored in a highly secure vault room located in the basement with only managers having access. This vault room will remain locked at all times except when authorized managers require entry. Two full-time uniformed security personnel, with law enforcement experience and specifically trained in cannabis-centric business operations, will be on site during business hours. The premises will be outfitted with a commercial/industrial grade security system and will include digital video surveillance of the exterior points of entry and exit, including the parking lot, as well as interior areas where marijuana is stored, handled or dispensed (sales floor, vault, packaging area, and delivery area).

The exterior of the building and the parking lot will be illuminated with building and pole-mounted fixtures within the landscaped areas surrounding the parking lot as shown on the lighting plan. The lighting plan included with the application confirms that the proposed lighting is focused within the subject property and result in negligible, if any, light spillage into adjacent properties.

Waivers Requested

The applicant has requested waivers from the requirement that a Class I Survey be completed and submitted with the application, as well as a waiver from the requirement of submitting a Rhode Island Department of Transportation Physical Alteration Permit reflective of the curb-cut modifications proposed.

Regulatory Considerations

Zoning Ordinance – Article 3, Sec. 301: Schedule of Use Regulations Table

Per Section 301 of the Zoning Ordinance, this project requires a Special Use Permit for a marijuana retail facility (Use Code 100). Since the Special Use Permit is required in addition to the Development Plan Review approval, the Planning Board is required to provide the Zoning Board with an advisory opinion in regard to the issuance of the Special Use Permit as part of the review of the Development Plan application.

<i>Use Code</i>	<i>Use</i>	<i>Allowance</i>
100	Marijuana retail facility	S (Special Use Permit)

Zoning Ordinance – Article 5, Sec. 504.15: Marijuana-related uses.

Marijuana retail facilities, and/or marijuana cultivation facilities may be allowed by special use permit in those zones specified in Section 301, subject to the following conditions:

- A. The application for a special use permit shall provide the legal name and address of the retail or cultivation facility, a copy of the articles of incorporation, and the name, address, and date of birth of each principal officer and board member of the facility. The application shall include the Development Plan approved pursuant to this section, as well as a vicinity map, which shall identify the distances between the proposed facility and the nearest edge of abutting zoning districts. The application shall also include a copy of the licensing application submitted pursuant to the State of Rhode Island "Rules and Regulations Related to the Medical Marijuana Program Administered by the Department of Business Regulation," Regulation 230-RICR-800-05-1.
- B. The marijuana retail facility must not be located within:
 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; or
 2. Two thousand (2,000) feet from any other marijuana retail facility or marijuana cultivation facility.
- 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.
- 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.
- 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.
- 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.
- 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.

Zoning Ordinance – Article 7, Sec. 711: Minimum off-street parking requirements

With approximately 6,095 square feet of gross leasable floor area, the proposed use would require eighteen (18) parking spaces per the Zoning Ordinance. Along with the other commercial tenants on this property, the overall parking required by the Zoning Ordinance is 146 total parking spaces. The proposed parking configuration will provide for 153 total parking spaces in compliance with the Zoning Ordinance.

For reference, the parking requirements are presented for reference below:

<i>Use</i>	<i>Parking Standard</i>
Retail	1 parking space for each 350 square feet of gross leasable floor area (GLFA) with a minimum of 3 spaces

Zoning Ordinance – Article 9, Sec. 907: Variances and special use permits

Per Section 907.A.2 of the Zoning Ordinance, in granting a special use permit, the [Zoning] 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;
- b. That the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use; and
- 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:
 - (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;
 - (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;
 - (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above;
 - (iv) Utilities, with reference to locations, availability and compatibility;
 - (v) Screening and buffering with reference to type, dimensions and character;
 - (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district;
 - (vii) Required yards and other open space;

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

Subdivision & Land Development Regulations – Article IV, Sec. G: Landscaping – General Standards and Specifications

As further outlined in Section G: Landscaping – General Standards and Specifications within Article IV of the Subdivision and Land Development Regulations, landscaping of the parking lot perimeter (minimum 10’ vegetated strip with at least one [1] tree plus three [3] low shrubs or groundcover plants for every thirty-five [35] linear feet of perimeter), interior landscaping of parking areas (5% of the total parking lot area), and building landscaping is required. The proposed landscaping may be able to satisfy these requirements, however Staff cannot confirm without specific landscaping details and/or plant lists. There is also no interior or building landscaping proposed as part of this project.

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

Technical Review Committee – November 12, 2020

The following items and recommendations were discussed with the Technical Review Committee:

Item/Issue Discussed	Recommendation
Street Trees	<ul style="list-style-type: none"> • Select species with root systems that will not damage sidewalks. • Select species that will not conflict with overhead utilities. • Install root barriers to protect sidewalks.
Parking Lot	<ul style="list-style-type: none"> • Evaluate alternative striping layouts to improve turning movements entering and exiting the parking aisles in front of the pedestrian entrances to the buildings and between the proposed revised entrances off of Kingstown Rd and Dale Carlia Dr. • Remove parallel parking on north side of east end of Dale Carlia Dr. and replace with sidewalk from Kingstown Rd. to building (former travel agency). • Remove angled parking adjacent to building at west end of Dale Carlia Dr. and replace with parallel parking. • Add internal traffic controls at the proposed Kingstown Rd. entrance (e.g. signage, striping).
Traffic	<ul style="list-style-type: none"> • Contact RIDOT regarding proposed road striping changes in state ROW in Kingstown Rd. • Consider post-construction traffic analysis and review to determine if additional traffic safety measures are required.
Stormwater	<ul style="list-style-type: none"> • Provide stormwater calculations. • Provide additional details on stormwater controls/treatment.

Planning Board Meeting – December 22, 2020

This application was heard by the Planning Board at their December 20, 2020 regular meeting where it was continued to January 26, 2021 as the Board did not think the application was sufficiently complete. The Planning Board maintained concerns with the proposed landscaping

plan and plantings, vehicular traffic and pedestrian circulation, parking, information on police details, and trash receptacles.

Applicant's Response & Revisions

On January 8, 2021, the applicant submitted revised plans and information in response to the Planning Board's comments. These revisions are outlined within the applicant's cover letter which is summarized below:

Landscaping: A full Landscape Plan has been prepared and is enclosed for review. The Landscape Plan includes specifications on plant and tree species, heights, and root barriers along the sidewalk and curb. Tree species have been selected that have deep roots, are noninvasive to hardscapes and have narrow, columnar branching habits to avoid interference with overhead utilities.

Staffing: A detailed Staffing Plan and Mock Schedule prepared by the Applicant is enclosed for review. The Staffing Plan includes detailed descriptions of employee staffing requirements, training procedures, hiring practices including prioritizing the hiring of local employees, staffing roles and responsibilities, employee manual, code of conduct, organization chart, mock schedules, and a description of the online ordering procedures. Additional details and information will be provided by the Applicant at the January 26, 2021 Planning Board meeting.

Plan Revisions: The Site Plans have been revised to extend the proposed sidewalk along the entirety of Dale Carlia Street. A landscape buffer has been incorporated into the site layout, between the sidewalk and the Applicant's proposed unit, to provide low landscape plantings to hide the foundation reveal. The sidewalk extends to the intersection with Holley Street, terminating in a landscape island. Additional pavement marking and signage have been provided along and within Dale Carlia Street. The Site Plan has also been revised to specify additional pavement markings and traffic signage to assist in safe conveyance of pedestrians and vehicular traffic through the site. The Site Plan has been revised to specify additional pavement markings and traffic signage to assist in safe conveyance of pedestrians and vehicular traffic through the site. Centerline striping within parking aisles is not common and has not been incorporated into the revised Site Plan. Centerline striping is provided along primary access driveways, etc.

Security: The Applicant and its Security Team are committed to coordinating with the Town of South Kingstown Police Department to provide a uniformed police officer full time during the first month of operations and continuing as long as the Town deems necessary after the initial month. Additional details and information will be provided by the Applicant at the January 26, 2021 Planning Board meeting.

Parking: During the development plan review process, the Planning Department expressed its desire to locate the accessible parking spaces as close as possible to the building. The current layout has accomplished this goal and is in compliance with the Americans with Disabilities Act. Therefore, the accessible parking spaces have not been relocated at this time. Additional details and information will be provided by the JCE at the January 26, 2021 Planning Board meeting.

Rubbish/Trash Receptacles: Trash receptacle locations are shown on the revised Site Plans. Waste placed in these trash receptacles will be similar to that of a common business office or retail space. No medical marijuana product, packaging or materials will be placed in these receptacles. The trash receptacles are proposed to be screened via a 6-ft-high stockade fence with gate.

Stormwater Management: The Site Plans have been revised to incorporate landscaped areas and stormwater management areas within the area between the northern large parking field and Kingstown Road. The contributing watershed area routed to this stormwater management

area is roughly 26,353 sq. ft. Per the RI Stormwater Design and Installation Standards Manual, March 2015 (RISDISM), this project will be considered a redevelopment project and, therefore, the water quality requirement is reduced by 50%. As such, the required water quality volumes can be calculated as follows:

$$\text{WQV required} = 26,353 \text{ sq. ft.} * 1\text{-inch} * (1 \text{ in} / 12 \text{ in-ft}) * 50\% = 1,098 \text{ ft}^3$$

As currently proposed, the bioretention basin at the southeast corner of the parking lot is specified with a 1- to 2-ft deep ponding depth, which equates to roughly 1,206 ft³ of water quality volume storage, which is greater than the 1,098 ft³ required.

All bioretention basins will be designed to overflow to the State Highway (Kingstown Road, Route 108) via hard-piped connections, mimicking the currently existing condition. However, by the implementation of these bioretention areas, natural reductions in peak stormwater runoff rates and total stormwater runoff volumes to the State Highway will be realized. The design and full stormwater calculations will be reviewed by RIDOT through the Physical Alteration Permit process at the final stage of design.

Required Findings

In accordance with Article VIII.B(1) of the Subdivision and Land Development Regulations, the Planning Board shall have the authority to waive or modify one or more of the requirements contained in these regulations if the Planning Board finds that:

- a) The waivers or modifications are reasonable and within the general purposes and intents of these 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.

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.

Additional Staff Recommendation

The applicant has made modifications to their submission to address some of the concerns previously mentioned at the December 22, 2020 Planning Board meeting. Based on a review of the revised plans, there is still an opportunity to modify the proposed handicapped parking spaces in front of the proposed front door by moving them to the north/right of their proposed location. The movement of these spaces to the right will allow additional queuing space at the proposed stop bar/exist aisle without conflicting with turning movements into the spaces, so long as the relocation does not affect sight distances to the northeast around the building.

Draft Motion

The following motion with associated findings and conditions of approval is being offered for consideration by the Planning Board during and should be amended accordingly if deemed appropriate or otherwise necessary.

“The South Kingstown Planning Board hereby grants advisory Development Plan approval for The Winding Rhode Compassion Center, Inc. application, a proposed medical marijuana compassion center with associated parking and landscaping improvements on Assessor’s Plat 57-1, Lot 96, located at 682 Kingstown Road, The Winding Rhode Compassion Center, Inc., *applicant*, Scot V. Hallberg, *owner*. Development Plan approval for The Winding Rhode Compassion Center, Inc. application is based upon plans entitled *The Winding Rhode Compassion Center*, 682 Kingstown Road, Unit #1, South Kingstown, Rhode Island, AP 57-1, Lot 96-0, Sheets C1.0, C2.0, and L1.0, dated October 2020 with revisions through November 9, 2020, completed by Joe Casali Engineering, Inc., 300 Post Road, Warwick, RI 02888

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

Findings of Fact

- A. The granting of approval will not result in conditions inimical to the public health, safety, and welfare.
- B. 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.
- C. 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.
- D. The plans for the project are consistent with the Comprehensive Community Plan.
- E. Any conditions or restrictions that are necessary to ensure that these findings have been met have been incorporated into this approval.

In addition to the Development Plan Review standards listed above, the Planning Board further finds that:

- F. 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.
- G. 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.
- H. 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), and its front façade.

Findings of Fact – Waivers Requested

In accordance with Article VIII, Section B(1) of the Subdivision and Land Development Regulations with regard to waivers, the Planning Board hereby grants the following waivers:

Section	Waiver
Development Plan Review Checklist Requirements	
Item B(21)	Certification by a RI Registered Land Surveyor that a perimeter survey of the land being developed has been performed and meets a Class I

	standard for property lines and a Class III standard for topographic and existing conditions information.
Item D(6)	For developments proposing use of existing physical access to a State right-of-way, 2 copies of an amendment to the original RIDOT Physical Alteration Permit, or of a letter from RIDOT indicating that no further RIDOT approval is necessary

In doing so, the Planning Board finds that:

- I. The waiver(s) or modification(s) is/are reasonable and within the general purposes and intents of these regulations; and that
- J. Literal enforcement of the regulations is impracticable and will exact undue hardship because of the peculiar conditions pertaining to the land in question; or waiver or modification of the regulations is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

Conditions of Approval

1. Approval is conditioned upon the applicant obtaining the required Special Use Permit for the medical marijuana compassion center (Use Code 100 – Marijuana retail facility) use from the Zoning Board of Review.
2. Development of the site shall be in strict conformance with the approved site plan, unless amended by these Conditions of Approval.
3. The applicant shall obtain all required local and State permits prior to commencing any site improvements and obtaining a Certificate of Use or Occupancy.
4. Any proposed signage must comply with the requirements established by Article 8 of the Town of South Kingstown Zoning Ordinance and all proposed lighting shall be dark sky compliant.
5. Prior to any request for a Certificate of Occupancy, a Rhode Island certified Professional Engineer shall inspect all of the site improvements and submit certification to the Administrative Officer, the Department of Public Services, and the Building Official siting that construction substantially conforms to the approved plans.
6. 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.
7. 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.
8. **And any other conditions deemed necessary by the Planning Board in consideration of this application...**