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INST# 16922
TOWN OF SOUTH KINGSTOWN, RI



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1225

August 3, 2021

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Jurczak and duly seconded by Mr. Charkowick
Motion passed 4-1 in favor

(R. Jurczak-Aye, C. Charkowick-Aye, W. Rosen-Aye, T. Daniels-Nay, R. Cagnetta-Aye)

At a meeting held on July 21, 2021 regarding the Petition of Caf Bar, LLC, 396 Main Street, Wakefield, RI 02879 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking a special use permit to allow for alcohol service within the existing establishment (Caf Bar). Lot size is .16 acre. A Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907 (Standards of Relief). Owner of the property is 396 Main Street LLC, for premises located at 396 Main Street, South Kingstown, Assessor's Map 56-3, Lot 43 and is zoned CD. The Use Code is 56.1-Restaurant, with Alcohol.

The following individuals spoke as representatives of the applicant:

- Attorney James Callaghan
- Alexandra Boutros

There was no one present who spoke either in favor of or opposition to the petition.

The following materials were entered into the record:

- Application signed and dated May 18th & May 20th 2021; Owner Authorization signed and notarized April 26, 2021; Correspondence from Attorney James Callaghan (3 pages) dated May 18, 2021; Rhode Island Supreme Court Decision Lloyd v. Zoning Bd. Of Review for Newport No. 2009-303-M.P. (11 pages) dated March 29, 2013; South Kingstown Zoning Board Notice of Decision (1 page) granted May 16, 2012 and recorded June 20, 2012 Land Evidence Book L1475 & Pg. 267; Floor Plan (1 page)
- 200' Radius Map and Abutter's List; Legal Notice; Proof of Certified Mailings and Notarized Affidavit of Mailing

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is required per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907 (Standards of Relief).

2. The Board finds that the special use meets all of the criteria set forth in the subsection of this Ordinance authorizing such special use, because the applicant has proven that they meet all the criteria of the Ordinance for Use Code 56.1 to be granted a Special Use Permit allowing a restaurant with alcohol.


3. The Board finds that 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 has considered 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; the applicant explained in detail the traffic particular to this property and ingress and egress will not be obstructed.
- (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; there is ample off-street parking available.
- (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; Utilities, with reference to locations, availability and compatibility; there is on-site trash and storage and all utilities are present.
- (iv) Screening and buffering with reference to type, dimensions and character; not applicable
- (v) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; there will be no additional signs or lighting.
- (vi) Required yards and other open space; not applicable
- (vii) General compatibility with lots in the same or abutting zoning districts, because this is a commercial district that has other restaurants that have liquor service in the immediate vicinity.

Approval is subject to the following conditions:

- Granting of the liquor license will require Town Council Approval
- Liquor service and consumption will be strictly limited to the interior space, no exterior liquor service will be permitted.

Respectfully,



James Gorman,
Building Official & Zoning Clerk
Town of South Kingstown