

Town of South Kingstown, Rhode Island

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PLANNING DEPARTMENT

July 13, 2005

Daniel J. and Renee M. Driscoll
36 Brown's Farm Drive
Kingston, Rhode Island 02881

Witness: South Kingstown Town Clerk

Re: Driscoll Land Development Project, Motion of Approval and Recommendation to the Zoning Board of Review, a Proposed Eight-unit, Multi-household, Detached Structure Development (Three Existing Units) with Waivers Requested AP 48-3, Lot 150, Located at 507-509 High Street

Dear Daniel and Renee Driscoll:

At the meeting of the South Kingstown Planning Board held on Tuesday, July 12, 2005 the Board voted as follows:

Motion 1: "The South Kingstown Planning Board hereby grants conditional Preliminary Approval to the eight-unit, multi-household, detached structure development project as depicted on plans entitled: 'SITE PLAN Prepared for Dan Driscoll, for property located at 507-509 High Street in the Town of South Kingstown, Rhode Island, Map 48-3, Lot 150, CD Zoning District. Plans by Environmental Planning & Surveying, Inc., 52 Dugway Bridge Road, West Kingston, RI, dated 9/10/02 with revisions through 8/24/04; SCALE: 1" = 20"; also as depicted on the accompanying landscape plan prepared by Robert S. Stewart, Jr. and dated August 19, 2004.' This approval is based on the following Findings of Fact and Conditions of Approval:

Findings of Fact

1. The land development project is consistent with the requirements of the Comprehensive Plan;
2. The land development project design conforms to the standards and provisions of the South Kingstown Zoning Ordinance;
3. As municipal sewers will be provided the project will not require relief from Article 5, Section 504.1 of the Zoning Ordinance, as amended;
4. There will be no significant negative environmental impacts from the proposed development as shown on the plans, with the required Conditions of Approval;
5. The land development project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on these lots according to pertinent regulations and building standards would be impracticable;
6. The proposed development has adequate and permanent physical access to a public street, namely High Street;
7. With the required Conditions of Approval the land development project will provide for adequate surface water runoff, for suitable building sites and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community;

8. The design and location of building lots, utilities, drainage improvements, and other improvements in the land development project minimize flooding and soil erosion.

Findings of Fact, Requested Waiver

1. The applicant is requesting a waiver of the Subdivision and Land Development Regulations to allow for more than one principal residential structure on a lot. It is the finding of the Planning Board that the granting of this waiver meets the criteria outlined in Article VIII.D. of the Subdivision and Land Development Regulations and as such the grant of a waiver to allow this design to proceed is reasonable and within the general purposes and intent of the regulations and is in the best interests of good planning practice and design as evidenced by consistency with the Comprehensive Community Plan.
2. The applicant is also requesting a waiver of the Subdivision and Land Development Regulations to allow for less than the required rear transition yard setback. The subject property is zoned Commercial Downtown and the adjoining parcel to the rear of the subject property is zoned Residential Multi-Household. In situations where a commercial zoning district abuts a residential zoning district the commercial lot is required to provide a rear yard at least equal to the rear yard requirement in the adjoining residential zone for the purpose of providing an adequate buffer between incompatible uses. Since the subject application is proposing a use that is compatible with allowed uses in the adjoining zoning district the Planning Board finds that the granting of this waiver meets the criteria outlined in Article VIII.D. of the Subdivision and Land Development Regulations and as such the grant of a waiver to allow this design to proceed is reasonable and within the general purposes and intent of the regulations and is in the best interests of good planning practice and design as evidenced by consistency with the Comprehensive Community Plan.

Conditions of Approval

1. The use of the property shall be strictly limited to Use Code 12, Multi-Household Detached Structure, up to 12 units, Land Development Project;
2. This approval is for a total of eight units; three existing units and five new units;
3. The applicant shall secure a variance from the Zoning Board of Review to allow a second principal residential structure on the lot;
4. The applicant shall secure dimensional variances from the Zoning Board of Review to allow first floor residential garage use for the proposed new building;
5. Fair Share Development Fees for both open space and school facilities, as required in the Zoning Ordinance and as amended annually in the Capital Improvement Program shall be required for each of the five new dwelling units only;
6. Site development shall be in substantial compliance with the approved plans except as noted herein;
7. In accordance with Section 703 of the Zoning Ordinance, the Planning Board approves the use of a gravel parking lot surface;
8. The landscape buffer northeast of the proposed new structure shall be increased to twenty-feet in width;
9. Final landscape plans shall be submitted prior to the issuance of a building permit and shall be subject to the approval of the Administrative Officer;
10. The parking area shall not be illuminated. Project lighting shall be strictly limited to the use of residential wall mounted light fixtures located as shown on the approved plan. Light fixtures shall be shielded to prevent light from spreading above the horizontal plane; and
11. Electrical service for the new multi-household structure shall be installed underground."

Motion 2: "The South Kingstown Planning Board recommends Zoning Board approval of the eight-unit, multi-household, detached structure development project as depicted on plans entitled; 'SITE PLAN Prepared for Dan Driscoll, for property located at 507-509 High Street in the Town of South Kingstown, Rhode Island, Map 48-3, Lot 150, CD Zoning District. Plans by Environmental Planning & Surveying, Inc., 52 Dugway Bridge Road, West Kingston, RI, dated 9/10/02 with revisions through 8/24/04; SCALE: 1" = 20'; also as depicted on the accompanying landscape plan prepared by Robert S. Stewart, Jr. and dated August 19, 2004.'

In making this recommendation, the Planning Board endorses the granting of Zoning variances to allow: 1.) a second principal residential structure on the lot; 2.) first floor residential use in a Commercial Downtown Zoning District; and 3.) less than required rear transition yard setback to the abutting RM zoned parcel. The Planning Board notes that transitional yard setback requirements are intended to provide adequate buffers between incompatible uses and that the subject application is proposing a use compatible with the zoning of an adjoining parcel. The Planning Board therefore finds that the granting of these variances will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan of the Town of South Kingstown."

Respectfully,



Henry H. Meyer, Chair
Planning Board

HHM: mft

cc: Environmental Planning and Surveying, Inc.
John F. Kenyon, Esquire
Building Official
Director of Public Services
Director of Finance
Town Clerk