

Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT
180 High Street
Wakefield, RI 02879
Tel (401) 789-9331 x1224
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Date July 30, 2020

NOTICE OF DECISION SOUTH KINGSTOWN ZONING BOARD OF REVIEW

The following motion, made by Mr. Cagnetta and duly seconded by Mr. Rosen
Motion passed unanimously: Vote 5-0
(R. Cagnetta-Aye, W. Rosen-Aye, T. Daniels-Aye, R. Jurczak-Aye)

At a meeting held on July 15, 2020 regarding Continuation of the Petition of David Levesque, 1395 Atwood Avenue, Johnston, RI 02919 for a Special Use Permit under the Zoning Ordinance as follows: The applicant is seeking to establish a restaurant with alcohol, accessory drive-up window and accessory entertainment to a restaurant. The principal use as well as the accessory uses require a special use permit. The applicant received a favorable advisory opinion for the Development Plan from the Planning Board on January 29, 2020. Lot size is .91 acres. 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 Gerald Richmond for premises located at 151 Old Tower Hill Road, Assessor's Map 57-2, Lot 51 and zoned CH (Commercial Highway). Use Code 56.1 (Restaurant with Alcohol) Use Code 56.3 (Accessory Entertainment to Restaurant) and Use Code 58 (Drive Thru Accessory Window).

The following individuals spoke as representatives of the applicant:

- Attorney James Callaghan, Applicant David Levesque, Joshua Rosen, P.E., Robert Clinton P.E., Mark Butler, R.L.A.

The following individuals spoke at the hearing:

- Virginia Kenny

The following materials were entered into the record:

- Application signed and dated February 14, 2020; Letter from Attorney James Callaghan dated February 14, 2020; 200' Radius Map and Abutter's list; Owner authorization form from signed by Gerald Richmond and notarized January 30, 2020; Legal Notice, Affidavit of Mailing and Certified Mailing Receipts; Planning Department Development Plan Review Advisory Opinion dated January 28, 2020; VHB Memorandum regarding Traffic Assessment dated November 21, 2019; Floor plan & Exterior renderings of proposed project; Development Plan Review prepared by Principe Company and dated September 27, 2019 and revised on November 15, 2019; Boundary Survey prepared by Norbert A. Therien P.L.S. dated August 22, 2019.
- Continuation Requests from Attorney James Callaghan
 - Dated April 22, 2020
 - Dated June 8, 2020
- Objectors' Correspondence:
 - Virginia and Paul Kenny received March 11, 2020
 - Eric Palm received March 16, 2020
 - Melissa Towle received April 20, 2020 along with 2 photos of property line
 - Melissa Towle received April 20, 2020 along with signed neighborhood petition

- Robert Thompson & Veronika Kot dated April 22, 2020
- Supplemental Documentation
 - Supplemental Narrative dated July 13, 2020 from Attorney James Callaghan
 - Revised Site Plan Set, dated July 10, 2020 and stamped by Thomas J. Principe III, P.E., Principe Company Inc.

Findings of Fact:

1. The Board finds that the special use is specifically authorized by this Ordinance, because a Special Use Permit is allowed per Zoning Ordinance Section 301 (Schedule of Use Regulations Table) and Section 907 (Standards of Relief); Use Code 56.1 (Restaurant with Alcohol); Use Code 56.3 (Accessory Entertainment to Restaurant); and Use Code 58 (Drive Thru Accessory Window).

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 application does meet the criteria for the use(s) of this property and the revised plan set that was submitted is comprehensive in detail and adapted to meet the concerns of the surrounding neighborhood.

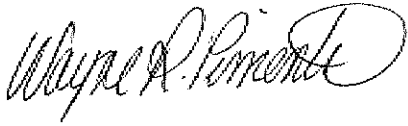
3. The Board finds that granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of the Town. In so doing, the Board has considered whether or not satisfactory provisions and arrangements 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 traffic flow and control is now accessible through Old Tower Hill Road; the parking spaces are designed larger to allow more ease of access; no emergency access will be encumbered.
- (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; off-street parking exceeds the Zoning Ordinance requirements; the loading area is sufficient and located at the rear of the property; proposed landscaping will buffer any effects of the business on adjoining lots.
- (iii) Trash, storage and delivery areas with a particular reference to the items in (i) and (ii) above; the proposed area is adequate and is located at the rear of the property.
- (iv) Utilities, with reference to locations, availability and compatibility; lighting will have no new poles and will consist of mostly wall packed units.
- (v) Screening and buffering with reference to type, dimensions and character; proposed landscaping will enhance the Old Tower Hill Road corridor as well as buffer between the neighboring properties.
- (vi) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district; there was nothing on the plans that would indicate any issue.
- (vii) Required yards and other open space; none required.
- (viii) General compatibility with lots in the same or abutting zoning districts, because the proposed development is very compatible with other businesses located in the Commercial Highway District.

Approval is subject to the following conditions:

- All conditions of the Planning Department Development Plan Review Advisory Opinion dated January 28, 2020 must be met.
- Business to close at 11:00 p.m. Sunday through Thursday and 12:00 a.m. on Friday and Saturday
- The gate at the Narragansett Avenue West exit is to be locked nightly.

Respectfully,

A handwritten signature in cursive script, appearing to read "Wayne Pimental". The signature is written in black ink and is enclosed within a large, circular flourish that loops back to the start of the name.

Wayne Pimental, Clerk
South Kingstown Zoning Board of Review