

2. PUBLIC INFORMATIONAL MEETING ON CONCEPTUAL MASTER PLAN, MAJOR LAND DEVELOPMENT PROJECT (continued) – Hillside Commons

Scot V. Hallberg, *owner/applicant*

Application Overview

Project Name:	Hillside Commons
Project Type:	Flexible Design Residential Project (FDRP), Major Multi-Household Land Development Project
Review Stage:	Conceptual Master Plan
Location:	AP 57-2, Lot 59
Address:	76 Kelley Way
Parcel Size:	2.95 acres
Zoning District(s):	Route 1 SMD
Development Proposal:	A 19 unit multi-household land development project, also designed as an FDRP where all units are free standing, situated around a “P” loop. The 100’ buffer from Kelley Way is maintained as open space, except for the single access drive.
Open Space:	.91 acres, or 30.8% of the site is currently proposed as open space, including the preserved area within the 100-foot buffer and the common area within the “P” loop. The proposed site design preserves two, existing, large Copper Beech trees, as noted. To qualify as an FDRP, .53 acres of open space is required.
Parking and Circulation:	2 spaces are required per unit. Each unit is proposed to include 1 garage space and 1 driveway space, and an additional 7 visitor spaces are proposed, parked parallel on the western side of the loop.
Utilities:	Municipal water and sewer are proposed, and the site will be served by natural gas. All utilities will be underground.
Existing Use/Conditions:	The site is currently vacant, and is primarily wooded, with an existing cleared area.
Additional Information:	The site is within FEMA Flood Zone “X,” which includes areas outside of the 0.2% annual chance of flooding. The site does not fall within the Town’s Groundwater Protection or High Flood Danger overlay zones, nor is it within an RIDEM Groundwater Protection Area or Natural Heritage Area, or the area covered by any CRMC Special Area Management Plan.

Decision Deadline

The applicant has agreed to a 30-day extension of the decision deadline. By law, a decision must be rendered within 90 days of the issuance of a Certificate of Completeness. The Certificate of Completeness was issued on December 4, 2017. Therefore:

*The Planning Board has until **April 3, 2017** to render a decision on the application.*

There is one additional regularly scheduled Planning Board meeting between now and the deadline, March 27, 2018.

Review to Date

Pre-Application Concept Review

4/26/17 TRC review of Pre-Application Concept Plan

5/9/17 Planning Board review of Pre-Application Concept Plan

Conceptual Master Plan

10/18/17 TRC review of Conceptual Master Plan

12/28/17 Planning Board review of Conceptual Master Plan

01/23/17 Planning Board review of Conceptual Master Plan, continued

Regulatory Considerations

This project is subject to several sets of Regulations, as it is a Flexible Design Residential Project (FDRP), designed as a Multi-Household Land Development Project, within the Route 1 Special Management District:

- Section 605 of the Zoning Ordinance sets forth the standards for review of projects within the Route 1 SMD;
- Multi-Household Land Development Projects (MHLDPs) are governed by standards contained within the Route 1 SMD section of the ordinance and Article IV, Section H of the Regulations; and
- Flexible Design Residential Projects (FDRPs) are governed by Section 502.5 of the Zoning Ordinance and Article IV, Section A of the Town's Subdivision and Land Development Regulations ("the Regulations").

The project is also subject to the inclusionary zoning requirements of the Zoning Ordinance, found in Section 502.6.

Additional Findings

Section 605.5 of the ZO sets forth the following standards, on which the Board must make positive findings of fact during the Conceptual Master Plan stage of review:

- “1. The proposed use will have no or very limited impact on those Town capacities that are critical in constraining the Town's current six-year capacity, as identified by the Town Council in determining that capacity as provided in Article 11, Section 1102.4.D of the Zoning Ordinance.
2. The applicant has demonstrated that the site planning methodology, standards and techniques utilized in the preparation of the site plan for the proposed land development project are consistent with the "South Kingstown Residential Design Manual", (South Kingstown Subdivision and Land Development Regulations, Article IV, A.4.a - e).
3. The design and scale of the project is found to preserve and enhance the Route 1 viewshed by providing buffers that are determined to be adequate, building yard setbacks that meet or exceed the requirements of any adjacent residentially zoned properties and open space that meets the requirements of Article 6, Section 605, without the inclusion of required highway buffer areas.
4. The density of the proposed development is found be appropriate to the southern district setting.”

Section 605.5 also states,

“Within the southern portion of the District, the Board may allow a greater percentage of buildable land (50 percent) to be devoted to low-impact residential development provided such development is found by the Board to be at a scale and density appropriate to the southern District setting, provides adequate buffers to existing land uses in the vicinity and is not visually intrusive from Route 1.”

Dimensional Standards and Open Space

Relevant dimensional standards are derived primarily from the Zoning Ordinance. This project contains a mix of multi-household structures and single-household detached structures. The presence of the multi-household structures allows the general standards for the lot to be governed by Section 605.9.D.4 of the Ordinance. However, the building-specific dimensional regulations – such as yard setbacks and building separation – are applied based on the unit type, as described in the Ordinance.

GENERAL DIMENSIONAL STANDARDS FOR THE LOT		DERIVED FROM
Max residential density	5.0 units/ developable acre	ZO, Section 605.9.D.4
Minimum lot area	20,000 sq ft	ZO, Section 605.9.D.4
Minimum pervious area	30%	ZO, Section 605.9.D.4
Max lot building coverage	60%	ZO, Section 605.9.D.4
Setback from Kelley Way	100'	ZO, Section 605.7
Minimum amount of open space required	15% of land suitable for development (.44 acres)	ZO, Section 605.15
Minimum amount of open space to receive FDRP bonus (1.1)	Additional 20% of required amount (.53 acres total)	Regulations, Article IV, Section A.7

BUILDING-SPECIFIC DIMENSIONAL STANDARDS		DERIVED FROM
Multi-Household Dwelling Structures		
Bedrooms per unit	2	ZO, Section 605.9.D.4
Front yard	Min 10'; Max 20'	ZO, Section 605.9.D.4
Rear yard	55'	ZO, Section 605.9.D.4
Side yard	10'	ZO, Section 605.9.D.4
Min separation between bldgs	30'	ZO, Section 605.9.D.4
Single-Household Detached Structures		
Bedrooms per unit	2	ZO, Section 605.9.D.1
Front yard	Min 10'; Max 25'	ZO, Section 605.9.D.1
Rear yard	25'	ZO, Section 605.9.D.1
Side yard	10'	ZO, Section 605.9.D.1
Min separation between bldgs	20' where both walls contain windows with habitable space; 15' where only one wall has a window with habitable space	ZO, Section 605.9.D.1

Design Standards

Upon review of the Zoning Ordinance and Regulations, it appears the following design standards would apply to this project.

DESIGN STANDARDS	DERIVED FROM
Rear yard parking and services lane access required for multi-household dwelling structures	ZO, Section 605.9.D.4
Vehicular access to be provided by a common internal street	ZO, Section 605.7
The Board may require additional screening landscaping, or buffering to mitigate any adverse impacts upon adjacent residential property	ZO, Section 605.8
Architectural design of buildings shall be visually compatible with the traditional historic character of the Town, including materials, massing, scale and roof line	ZO, Section 605.16
Electric and communication lines to be placed undergrounds	ZO, Section 605.18
Streets, parking areas, and pedestrian areas shall be provided with adequate lighting while minimizing adverse impacts on adjacent properties	ZO, Section 605.21
Along all sidewalks, courtyards, community greens, and interior open spaces, 12-foot high decorative lamp posts shall be provided at regular intervals	ZO, Section 605.21
Lighting on residential streets shall be confined to intersections and corners	ZO, Section 605.21
Residential areas shall require porch light and/or yard post lighting	ZO, Section 605.21
Adequate, safe, and attractive pedestrian and/or bicycle circulation shall be provided	ZO, Section 605.22
Open space to be established as a separate lot or lots from intended residential and accessory uses	Regs, Article IV, Section A.11.a (FDRP)

A permanent buffer along the perimeter of the property line of 50' is required. Can be reduced to 10' by the Planning Board. Buffer is to be a separate open space lot or a permanent easement. If an easement, such area cannot be counted toward the minimum open space area.	Regs, Article IV, Section A.13 (FDRP)
Fences, walls, earthen berms or vegetative screening shall be provided along the perimeter of a MHLDP <u>where needed</u> to provide a physical barrier and visual screen.	Regs, Article IV, Section H.6 (MHLDP)
Off-street parking, service areas for loading/unloading, utility areas, and exterior lighting structures shall be screened from adjacent single-family districts or public streets	Regs, Article IV, Section H.6 (MHLDP)

Identified and Outstanding Issues

Pre-Application Concept Review

During Pre-Application Concept Review, architectural design, sidewalks, visitor parking, traffic flow, and the 100' buffer were discussed. The Planning Board recommended the applicant review the site to determine if any significant landscape features existed. The plan now identifies two Copper Beech trees to be preserved based on site analysis. **The CMP includes a reduced number of visitor parking spaces based on Pre-Application discussions.**

TRC Review of Conceptual Master Plan

The TRC discussed the Conceptual Master Plan on October 18, 2017. For a full summary of the issues discussed, please see the Meeting Summary.

Review by the SK Conservation Commission

The South Kingstown Conservation Commission reviewed the project plans at a meeting on November 15th and provided the comments listed in the table, below.

One recommendation of the Conservation Commission was relative to protection of the two Beech trees to be preserved on site. The Conservation Commission recommended the applicant have the trees appraised, and following appraisal, the Planning Board fine the applicant if the trees die within 5 years due to construction damage. **After discussing with legal counsel, staff does not recommend that you take this recommendation.** First, it would be difficult to determine, 5 years after construction, whether a tree has died due to construction related impacts. Second, the Board cannot impose a fine unless given the authority to do so by statute.

Review by Other Agencies

During the Conceptual Master Plan stage of review, the Planning Department solicits comments from other agencies, both with SK Town government and State government. Of note, two agencies requested the sidewalk be moved to the outside of the "P" loop, adjacent to the dwelling units – the SK Police Department and RIDOT. The Police Department also requested the project include sidewalks on Kelley Way, to connect to the existing sidewalk. **The sidewalk system is depicted on the outside of the loop on the revised plan.**

Review of Revised Plan – Variances Needed

Review of the revised plan shows that there are three requirements that have not been satisfied, as explained below:

1. A rear yard setback of a minimum of 25 feet is required for the single-household detached structures. The proposed rear yard setback is only 10 feet. The Ordinance allows the Planning Board to give an incentive which can reduce the rear yard setback by up to 25%, which would allow a 18.75 foot setback.
2. A minimum building separation of 30 feet for the multi-household dwelling structures. The provided building separation is only 15 feet. The Ordinance allows the Planning Board to give an incentive which can reduce the building separation by up to 25%, which would allow a 22.5 foot building separation.
3. Rear yard parking and service lane access is required for the multi-household dwelling structures. The Planning Board cannot give an incentive relative to this requirement.

To move forward with the proposed plan, the applicant will need to obtain variances from the Zoning Board of Review relative to the three (3) items outlined above, or modify the plan to satisfy the requirements. The Planning Board can make a recommendation to the ZBR relative to the variances.

Review of Revised Plan – Waivers Needed

Review of the revised plan also shows that the applicant will need two waivers from the standards contained within the Regulations, as explained below:

1. Article IV, Section A.11.a requires the open space for an FDRP be established as a separate lot or lots from the intended residential use. The open space is currently proposed within the single lot proposed for development, which will require a waiver.
2. Article IV, Section A.13 requires a perimeter buffer of 50’, which can be reduced by the Planning Board to 10’. As depicted, the reduction to 10’ will require a waiver.

Identified Issues

Item/Issue Discussed	Recommendation	Recommending entity	Status
Plan notes	Ensure all plan notes are correct	TRC	Resolved
Accessory solar energy	Pursue the ability to provide solar energy systems as an option for the dwelling units	TRC	Applicant attests that the units will have the capability to hold solar arrays
Façade variation	Provide a varied appearance to the proposed dwelling units	TRC	Can be resolved as a condition of approval

Item/Issue Discussed	Recommendation	Recommending entity	Status
Fiscal impact statement	Provide a fiscal impact statement for the development	TRC	Resolved
Water service	Submit written confirmation that water service is available	TRC	Resolved
Outdoor refuse and recycling	Include on the plan set the proposed location of outdoor refuse storage and collection and recycling areas	TRC	Preliminary Plan item
Construction schedule and phasing	Include notation of the construction schedule and any proposed phasing	TRC	Resolved
	Consider phasing construction to limit the amount of soil disturbance at one time	Conservation Commission	To be discussed with the Board, could be resolved by a condition of approval requiring a phased Preliminary Plan submittal
View from Kelley Way	Provide a rendering of the view of the proposed development from Kelley Way	TRC	Deemed unnecessary by PB on 1/23
Soil compaction	Show, on the SERSC Plan, the areas on site that will be protected from compaction during construction, including areas designed for stormwater infiltration and areas within drip lines around existing trees	Conservation Commission	Preliminary Plan item
	Protect such areas with robust fencing, such as chain link	Conservation Commission	Preliminary Plan item
Specimen trees	Appraise the financial value of the two specimen trees to be preserved, and assess a fine equal to the value of the trees if the tree dies within 3-5 years due to construction damage	Conservation Commission	Staff and legal opinion that the Board cannot pursue this condition
	Hire a licensed arborist to determine if and where there may be tree root growth beyond the drip line to ensure that such roots are not damaged and	Conservation Commission	To be discussed with the Board, could be required as a Condition of

Item/Issue Discussed	Recommendation	Recommending entity	Status
	that the location of underground utilities be considerate of tree root locations		Approval prior to Preliminary Plan submittal
Provision of sidewalks	Consider waiving the requirement for a sidewalk for this project to reduce impervious coverage	Conservation Commission	Deemed not appropriate by PB on 1/23
	Move sidewalk to the side of the road where the dwelling units are located	SK Police Dept/ RIDOT	Resolved with revised plan
	Provide sidewalks on Kelley Way and tie into the existing sidewalk located on the western side of the entrance to Old Tower Hill Road	SK Police Dept	Deemed not appropriate by PB on 1/23
Permeable pavers	Use permeable pavers for sidewalks and driveways to reduce impervious surface coverage	Conservation Commission	To be discussed with the Board, could be included as a condition of approval
Planting Plan	Provide a planting plan as part of the Preliminary Plan submittal	Planning Board	Can be resolved as a condition of approval
Variances required	Obtain variances for three required items prior to submittal of Preliminary Plan	AO	Can be resolved as a condition of approval

DRAFT MOTION

Should the Planning Board feel approval is appropriate given the required variances and waivers, staff will prepare a draft motion for consideration at the March Planning Board meeting.