



SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO
SOUTH COUNTY COMMONS DISTRICT 5 APARTMENTS
Major Multi-Household Land Development – Comprehensive Permit
Conceptual Master Plan
 January 24, 2023

Project Type:	Major Multi-Household Land Development		
Review Stage:	Conceptual Master Plan		
Address:	2 Fairfield Way		
Plat:	50-4	Lot:	22 & 26
Parcel Size:	11.31 Acres	Zoning District:	Rt 1 SMD
Applicant:	Suffolk Realty, LLC c/o Sean Hayden 50 South County Commons Way, Suite E4-R South Kingstown, RI 02879	Owner:	<u>Suffolk Realty, LLC (Lot 26)</u> 50 South County Commons Way, Suite E4-R South Kingstown, RI 02879 <u>Southern RI Hospitality, LLC (Lot 22)</u> 3 Fairfield Way Wakefield, RI 02879

Project Summarized (as presented by the applicant)

The proposed lot for the future residential multi-family building and parking will be created through a re-subdivision of 2 existing lots. The existing Fairfield Inn will be on a lot by itself, and the future residential building will be on a lot by itself. Currently the lot lines bisect the residential building lot. Fairfield Way is a private drive that is an easement through the Fairfield Inn lot. Fairfield Way gives access to the Bradley School, the Fairfield Inn, and to the future residential multi-family building.

The property today has a 38-vehicle parking lot on it, a stormwater detention pond, and a water quality basin. The existing parking lot and stormwater mitigation measures were constructed in 2018 and 2019 in the anticipation of the future development of the subject property and as part of the Fairfield Inn construction. The subject property has received local and state regulatory approvals for the construction of a 6,500 sq. ft. restaurant with 121 parking spaces (subject to architectural approvals of the building). The proposed residential multi-family building will replace the previously proposed and approved restaurant building. The parcel also contains a proposed second restaurant pad located between the existing Fairfield Inn and Route 1.

The wetlands on the site have been delineated and there is a valid RIDEM permit to construct the proposed restaurant building and associated parking lot. There is no proposed work within the wetland areas, floodplains, nor coastal features. The topography slopes downward as moving west on the property. The high point is at Fairfield Way and the low point is at the western end of the property.

The proposed use will be entirely residential with the construction of a multi-family apartment building. The building is proposed to have central corridors serving the units, elevators, a management office, tenant storage, and a fitness area. The building will be professionally managed with a level of service appropriate to the needs of the future residents. About half of the residential units will have 1 bedroom and approximately half will have 2 bedrooms. The main entrance of the building will be on the east side

(facing the Fairfield Inn) and the building will be 4 stories on the Route 1 side. The existing and proposed grade elevations drop moving to the west and the building will have 5 stories on the west side (walk-out).

Most of the site work that was done in 2018 and 2019 will be utilized for the residential use. The existing parking lot will be extended around the building, the detention pond will be utilized with some side slope modifications. The water quality basin will be reconstructed to beneath the new parking lot. The sewer and water services have already been brought to the site and the Bradley pump station has been sized for a flow capable to accommodate this use.

In total, this project proposes seventy (70) total residential rental units as further outlined below:

- Thirty-six (36) 1-bedroom units with one (1) bathroom, of which nine (9) will be deed-restricted affordable units marketed and rented to households earning a maximum of 80% AMI.
- Thirty-four (34) 2-bedroom units with two (2) bathrooms, of which nine (9) will be deed-restricted affordable units marketed and rented to households earning a maximum of 80% AMI.

Decision Deadline

This application was Certified Complete on December 14, 2022. The Planning Board has until **Tuesday, March 14, 2023** (90 days from date this application was certified as complete) to render a decision.

Regulatory Considerations

Regulatory Process

Following the typical review schedule for Major Land Development Projects, the permitting process for an application such as this includes the following four (4) permitting stages:

1. Pre-application Concept Review (completed);
2. **Conceptual Master Plan Review (current);**
3. Preliminary Plan (to be completed following Conceptual Master Plan Review);
4. Final Plan (to be completed following Preliminary Plan Review);

This project is at the Conceptual Master Plan Review stage in the application process. Per [RIGL § 45-23-32](#), the (Conceptual) Master Plan Review stage is defined as follows:

(23) Master Plan. An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details.

This project has been submitted as a Comprehensive Permit application under [RIGL § 45-53-4](#). This application process allows an applicant who is proposing at least 25% of the housing as low- or moderate-income housing to submit a single application to the review board (for South Kingstown, this is the Planning Board), in lieu of separate applications to the applicable Boards. This process is intended to allow for a streamlined permitting process that generally allows for greater densities in exchange for the production of a percentage of long-term affordable dwelling units. The procedure for application and review, and the required findings, are outlined in [RIGL § 45-53-4](#). The Planning Board is required to hold a public hearing for Comprehensive Permit applications at the Conceptual Master Plan stage.

The Planning Board has the authority to issue permits or approvals that any local board or official who would otherwise act with respect to the application, including but not limited to, the power to attach conditions and requirements with respect to height, site plan, size or shape, or building materials.

Zoning Ordinance

This project is considered a *Multi-Household Land Development Project* as it consists of multiple dwelling units in a single building ([Zoning Ordinance, Appendix A, Use Code 12.1 – Multi-Household Land Development Project](#)). The standards for which are outlined with the Subdivision and Land Development Regulations ([Article IV – Special Requirements, Section H – Multi Household Dwellings](#)). It should be noted that *Multi-Household Land Development Projects* are limited to twelve (12) units in a single structure ([Zoning Ordinance, Article 3. – Use Regulations, Section 301 – Schedule of Use Regulations Table, Use Code 12.1 – Multi-Household Land Development Project](#)). However, as a Comprehensive Permit (and as outlined within [RIGL § 45-53-4](#)), the Planning Board has the authority to grant or deny such project based on the findings listed in Section (a)(4)(v) and Section (a)(4)(vii) of [RIGL § 45-53-4](#).

This property is located within the Route 1 Special Management District (SMD) which is defined within [Section 101](#) of the Zoning Ordinance as follows:

This area is designated for new or expanded light industrial, commercial or mixed-use zoning to include lands on the west and east side of Route 1 as described in the comprehensive community plan. The area may be serviced by public water and sewer service.

While the Zoning Ordinance allows for residential density of up to 5 dwelling units per acre, it is not currently known what density the existing parcel(s) can support when considering other existing uses or previously approved (and not constructed) uses on the Site. A yield plan outlining this information was not included in the application.

Section 605.9.D – Dimensional and density standards, Multi-household dwelling structures (two (2) bedrooms or less per unit):

Minimum lot area:	Eight thousand eight hundred (8,800) square feet.
Lot width:	Minimum of eighty (80) feet and maximum of one hundred fifteen (115) feet.
Lot depth:	Maximum of one hundred fifty (150) feet and minimum of one hundred ten (110) feet.
Maximum residential density:	Five (5) dwelling units per developable acre.
Yard dimensions:	
Build-to line:	As established by the planning board.
Front yard:	Minimum of ten (10) feet and maximum of twenty (20) feet.
Rear yard:	Minimum of fifty-five (55) feet.
Side yard:	Minimum of ten (10) feet.
Maximum lot building coverage:	Sixty (60) percent.
Minimum pervious area:	Thirty (30) percent.
Maximum building size:	Eight (8) dwelling units in a building and ninety-five (95) feet in length.
Minimum interior yards (separation between buildings on the same lot):	Twenty (20) feet.
Rear yard parking and service lane access are required.	

Affordable Housing Units

As a Comprehensive Permit, this project is required to provide 25% of the total number of proposed dwelling units (18 units) as deed restricted to qualifying individuals or households for no less than thirty [30] years from initial occupancy. A *Letter of Eligibility* for this project was issued by Rhode Island Housing on September 13, 2022. Also, in a letter dated June 30, 2022 The Community Housing

Land Trust of Rhode Island confirmed their ability to act as the Monitoring Agent for this development into the future

Waivers Requested

The applicant has requested waivers from the following requirements:

Zoning Ordinance

Section 605 - Route 1 Special Management District

605.9.D.4 - Multi-household Land Development Projects (two (2) bedrooms or less per unit):

1. Maximum Allowable residential density – Five (5) dwelling units per developable acre

Waiver requested to allow Seventeen (17) dwelling units per developable acre

2. Maximum Allowable Building Size – 30 dwelling units per building and 160 feet in length

Waiver requesting 70 dwelling units per building and 290 feet in length

3. Maximum Allowable Building Height– 40' (Buildings which at their nearest point to Route 1 are situated at a grade lower than Route 1 shall be permitted one (1) additional foot in height for each foot below Route 1, up to a maximum of forty-five (45) feet in height. No building over forty (40) feet in height can have a flat roof,

Waiver requesting 50 feet if measured from proposed grade at the front of the proposed building. 54 feet if measured from the average grade as approved by the Planning Board in the previous submission and partially constructed. 65 feet if measured from the average existing grade prior to any construction.

** Note: the first floor elevation of the proposed building at the closest point to Rte 1 in this case is approximately 8'-10' lower than Rte 1 (elev. 130 at Rte 1, elev. 120 proposed at the closest point)*

4. Various design guidance and regulations such as Build-to-Line, yard setbacks, parking location, Architectural standards (if required) and other requirements and guidance of the RTE 1 SMD, zoning, and land development regulations to permit the design as shown on the Master Plan
5. Waivers necessary to permit the construction of a 70-unit multi-family residential building on the proposed lot in District 5 of South County Commons.

Article 7 – STANDARDS FOR PARKING LOTS AND LOADING FACILITIES

Section 711 – Minimum off-street parking requirements

6. Minimum off-street parking requirements for Residential use – Apartments or multihousehold dwellings = 2 spaces for each dwelling unit

Waiver requested to allow 1.5 spaces per dwelling unit

Review to Date

Pre-Application Concept Review

August 23, 2022 - Planning Board Review of Pre-Application Concept Plan

Conceptual Master Plan Review

December 14, 2022 - TRC Review of the Conceptual Master Plan

The project was reviewed by the Technical Review Committee and determined the following items need to be addressed with the Planning Board:

1. **The request for waivers for parking and the implications for future residents and visitors to the property.**

2. **The implications on the use of shared parking with a previously approved project that utilized parking now targeted for residential/apartment use. The applicant may need to amend the previously approved development plan to modify their approved parking scenario.**
3. **Addressing adequate landscaping associated with general landscaping and screening the proposed structure from Route 1 and abutting properties.**
4. **Addressing the lack of active and/or passive recreational opportunities for residents of the facility.**
5. **Address the over reliance on the automobile and develop a traffic/transportation plan that can support alternatives to automobile. The site is located south of the Town's 2nd largest retail/commercial development and the development has planned no interconnection. The Developer should explore an interconnection between the two significant developments. Connections along the Route 1 ROW and/or within the Route 1 Right of Way (ROW) should be explored.**
6. **The developer should show all alternative plans explored as it relates to modifying the buildings size and/or building multiple smaller buildings. The applicant should explain the rational for the bulk/scale of the proposed structure verses other alternatives.**
7. **The applicant should explore all options associated with reducing impervious surfaces associated with travel ways, parking and walkways with innovative technology and design.**
8. **The applicant shall demonstrate how any proposed opens space adds value to the community verses just being land that is left over and not developable.**
9. **The applicant shall address traffic associated with the proposed development and the implications on abutting development.**
10. **The applicant shall explore additional interconnections (pedestrian/bike) with abutting properties/developments in addition to internal circulation.**
11. **All light shall be kept at a minimum and dark sky compliant.**
12. **Provisions for water and sewer shall be solidified prior to application to the Planning Board.**

Required Findings

Per [RIGL § 45-53-4](#):

In approving a Comprehensive Permit application, the Board shall make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions:

- (A) The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (B) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing;
- (C) All low and moderate income housing units proposed are integrated throughout the development, are compatible in scale and architectural style to the market rate units within

the project, and will be built and occupied prior to, or simultaneous with, the construction and occupancy of any market rate units;

- (D) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (E) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including but not limited to safe circulation or pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community;
- (F) All proposed land developments and all subdivision lots will have adequate and permanent physical access to a public street in accordance with the requirements of RIGL § 45-23-60(5); and
- (G) The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

The Planning Board may deny the request for a Comprehensive Permit for any of the following reasons:

- (A) If the city or town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan;
- (B) The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
- (C) The proposal is not in conformance with the comprehensive plan;
- (D) The community has met or has plans to meet the goal of ten percent (10%) of the year-round units or, in the case of an urban town or city, fifteen percent (15%) of the occupied rental housing units as defined in § 45-53-3(2)(i) being low and moderate income housing; or
- (E) Concerns for the environment and the health and safety of current residents have not been adequately addressed.

Draft Motion

For some conventional subdivision/land development applications, where there is potentially less room for disagreement on whether the applications meet the applicable standards for approval, staff has previously provided draft motions for the Board's consideration so that, if the Board finds the application acceptable, the application can be approved with minimal delay. However, for comprehensive permit applications, going forward, staff will not be providing draft motions for the Board's consideration until at least the second meeting at which the project is discussed. This is because proposed comprehensive permit developments often contain significant departures from what is permitted under the Zoning Ordinance/Regulations, and, therefore, it may take the Board some time to determine whether the proposed comprehensive permit development meets the special standards for approval (or, conversely, for denial) set forth above. Based on the Board's discussion and direction at this first meeting, staff will be prepared to offer a draft motion at the next meeting.