



# Town of South Kingstown, Rhode Island

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INST# 8514  
TOWN OF SOUTH KINGSTOWN, RI

September 2, 2020

Morgan Schoen Hospitality, Inc.  
c/o Ryan Schoen  
12 Grand Street  
Stonington, CT 06378

RE: Shepherd's Run – Major Land Development Project  
Advisory to the Town Council on Zoning Map & Text Amendments  
4780 Tower Hill Road  
South Kingstown Tax Assessor's Plat 50-4, Lot 12

Dear Mr. Schoen:

At the meeting of the South Kingstown Planning Board held on August 25, 2020 the Board voted as follows:

**Motion:** "The South Kingstown Planning Board hereby recommends that the Town Council approve an amendment to the Town of South Kingstown Zoning Map to change the Zoning Map designation of AP 50-4, Lot 12 from 'R80 - Rural Residential Low Density District' to 'Route 1 Special Management District (SMD)' and to change the Zoning Text amendments as proposed. These Zoning Text amendments seek to amend: Section 102.E (Overlay and special management districts: Route 1 Special Management District) to include the subject property within the Route 1 SMD zoning district; Section 605.5 (Route 1 Special Management District: Permitted Uses) to allow for the operation of a restaurant serving alcohol (Use Code 56.1) and/or accessory entertainment to restaurant or bar (Use Code 56.3) to be a 'Use by Right' and not require a Special Use Permit; Section 605.15 (Route 1 Special Management District: Open Space) to allow for 'Farm lands, gardens, and vineyards' to be allowable types of open space uses within the SMD; and Section 102.E (Overlay and special management districts: Route 1 Special Management Districts), as well as Section 605.18 (Route 1 Special Management District: Utilities) to eliminate the requirement that the lot and its building be connected to sewer, at least during the life of the current OWTS. This recommendation is based on the following Findings of Fact and Findings of Consistency with the Purposes of Zoning:

### *Findings of Fact*

- A. The subject properties occupy the land northerly of Oliver Stedman Government Center and the land easterly of The Prout School.
- B. The subject property is zoned R80, bordered to the north and east by land zoned R80, to the south by land zoned Government Institutional (GI), and to the east by land zoned Route 1 Special Management District (SMD) on the western side of US Route 1.
- C. This amendment to the Comprehensive Community Plan is consistent with the 'Overall Goal of the Land Use Element' of the Plan 'To promote orderly growth patterns based upon the natural, cultural and historic character of the Town, the lands suitability for use and the aspirations of its citizens.'
- D. The Planning Board finds that the proposed amendment to the Town's Comprehensive Community Plan is consistent with the following goals of the Rhode Island Comprehensive Planning and Land Use Act (RIGL 45-22.2-3.c):

- (1) To promote orderly growth and development that recognizes the natural characteristics of the land, its suitability for use, and the availability of existing and proposed public and/or private services and facilities.
  - (2) To promote an economic climate which increases quality job opportunities and overall economic well-being of each municipality and the state.
  - (4) To promote the protection of the natural, historic and cultural resources of each municipality and the state.
  - (6) To provide for the use of performance-based standards for development and to encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical, and recreational resources, and achieving a balanced pattern of land uses.”
- E. The Planning Board finds as a critical factor that the subject property is not undeveloped raw land, but rather is developed with a historically significant institutional building, landscaping and gardens, and that the development proposal to be supported by the proposed Comprehensive Plan amendment is based on the adaptive reuse and preservation of these important structures and features.

***Findings of Consistency with the Purposes of Zoning***

This recommendation is based upon the following Findings of Consistency with the General Purposes of Zoning Ordinances as identified in the Rhode Island Zoning Enabling Act (RIGL 45-24-30).

- A. Promoting the public health, safety and welfare.
- B. Providing for a range of uses and intensities of use appropriate to the character of the city or town and reflecting current and expected future needs.
- C. Providing for orderly growth and development which recognizes:
  - (i) The goals and patterns of land use contained in the comprehensive plan of the city or town adopted pursuant to Chapter 22.2 of this title.
  - (ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution.
- D. Providing for the protection of the natural, historic, cultural, and scenic character of the city or town or areas in the municipality.
- E. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.”

***Conditions of Approval***

1. The use of this property shall be strictly limited to only the following use codes requested by the applicant:
  - a) Use Code 01 (Crop Farm [vineyard]);
  - b) Use Code 40.1 (Motel, hotel, inn or resort or bed and breakfast with over 20 rooms);
    - Accessory Uses to Use Code 40.1 (associated with the hotel use) limited to indoor events and wedding hall, outdoor lawn events, spa and fitness center, and conference/meeting facilities.
  - c) Use Code 56.1 (Restaurant with alcohol service);
  - d) Use Code 56.3 (Accessory Entertainment to Restaurant); and

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- e) Use Code 71 (Food Products Manufacturing [winery]);
2. The proposed zoning text and map amendments shall be applicable to the adaptive reuse of the existing structures and property for the uses identified above and as depicted in the Conceptual Master Plan submitted by Morgan & Schoen Hospitality and approved by the South Kingstown Planning Board on August 25, 2020.

Said motion, made by Mr. Riendeau and duly seconded by Mr. Murphy, passed by unanimous poll vote, 6-0 (S. Axelrod; S. DiMasi; M. Mack; J. Murphy; J. Riendeau; P. Rubinoff; E. Torello).

In accordance with Section 505.1.D.3 of the Town of South Kingstown Zoning Ordinance, any party aggrieved by this decision shall have the right to appeal this decision to the Planning Board of Appeals in accordance with the procedure set forth in Article XII of the Subdivision and Land Development Regulations. The appeal must be taken within twenty (20) days of the day the decision is recorded and posted in the Town Clerk's Office.

Respectfully,



F. Steven DiMasi, Chair  
Planning Board

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