



**SOUTH KINGSTOWN PLANNING DEPARTMENT
PROJECT REVIEW MEMO**

OWL ACRE SUBDIVISION

Major Subdivision - Pre-Application Concept Review

June 22, 2021

Project Type:	Major Subdivision (Minor Subdivision with Flexible Frontage)		
Review Stage:	Pre-Application Concept Review		
Address:	1243 Saugatucket Road		
Plat:	40-2	Lot:	19
Parcel Size:	~ 1.86 acres (80,946 sf)	Zoning District:	R30
Applicant:	Bowse Builders, LLC c/o Charles Bowse 130 Kersey Road Wakefield, RI 02879	Owner:	Same
Current Plan Set:	<i>Schematic Layout Showing a Flexible Design Layout for a (2) Lot Major Subdivision, of Land Belonging to Charles Bowse, Land Known as Assessor's Plat 40-2, Lot 19, situated in the Town of South Kingstown, Rhode Island, dated May 28, 2021, prepared by Easterbrooks & Associates, LLC</i>		

Property Characteristics

The property is approximately 1.86 acres in total area and is currently vacant and wooded with an existing driveway bisecting the parcel. This property has frontage on Saugatucket Road (135') and Kingstown Road (20.05') and is located within the Kingstown Road Special Management District. This parcel was created via Minor Subdivision (*Hyland Minor Subdivision*) which received Planning Board approval in November 1993. As conditioned in said approval, a land dedication in the form of a *20' natural buffer strip* was conveyed to the Town of South Kingstown and formalized in a recorded *Open Space Covenant* when the Final Plan was recorded on November 24, 1993.

Project Description

The applicant is proposing to utilize the flexible frontage provision of the Zoning Ordinance (Sec. 502.2 - *Lot frontage and width, flexible provisions*) to create a 2-lot subdivision being named Owl Acre. The applicant has provided a conceptual *Yield Plan* depicting a 2-lot conventional subdivision with the construction of a private roadway which confirms the ability of the parcel to utilize the flexible frontage provision. As a 2-lot residential subdivision, this project would generally be considered a Minor Subdivision, however, waivers are required when proposing to utilize the flexible frontage provision of the Zoning Ordinance and is thereby considered a Major Subdivision.

The total area and frontage of the proposed lots to be created are as follows:

	Area (square feet)	Frontage (feet)
Parcel A	30,375	110.6'

Parcel B	33,750	25' (Saugatucket Road) 20.05' (Kingstown Road)
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Parcels A and B will be accessed via an existing shared common driveway from Saugatucket Road on the southern portion of the Site. The parcels are proposed to be serviced by public water and sewer.

Decision Deadline

Pursuant to the Zoning Ordinance and Subdivision and Land Development Regulations, no decision is required for a Pre-Application Concept Review.

Regulatory Considerations

Purpose of the Pre-Application Review

Per the Regulations, Pre-Application meetings shall:

- Aim to encourage information sharing and discussion of project concepts among the participants;
- Include a review of the physical character of the land, any environmental or physical constraints to development; and
- Include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services.

Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

Zoning Ordinance – Article 5, Sec. 502.2: Supplemental dimensional regulations.

Section 502.2 of the Zoning Ordinance outlines the flexible frontage provision in creating lots with less than the frontage required per the Dimensional Regulations.

502.2 Lot frontage and width, flexible provisions. Upon approval by the Planning Board, through a request for waiver pursuant to the Town's Subdivision and Land Development Regulations, the following lot frontage and lot width variations may be permitted:

- A. In residential zones R-10 to R-200, the Planning Board is authorized to reduce the lot frontage and lot width of newly created lots in a subdivision on any public or approved private street to a minimum of 20 feet.
- B. The Planning Board must, before approving such flexible lot frontage and lot width, make findings of fact that:**
 - (1) Using flexible zoning is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,**
 - (2) Would result in a better use of the land than permitted under conventional zoning.**
- C. Open space lots, within an approved cluster subdivision, may have zero frontage on a street, as long as the Planning Board approves private access to the open space by easement.
- D. As part of the application to the Planning Board for flexible lot frontage and width, a "yield plan", as defined in Article 12 shall be required. No more buildable lots shall

be allowed using flexible frontage and width provisions than are allowed by using the conventional frontage and width provisions.

Zoning Ordinance – Article 6, Sec. 604: Kingstown Road Special Management District

Section 604 of the Zoning Ordinance outlines the subdivision and development of parcels located within the Kingstown Road Special Management District.

Construction of any new use, or significant expansion of any existing use having direct lot frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road within the Kingstown Road Special Management District shall be subject to development plan review, and shall also conform to the following standards:

- A. *Frontage lots.* Creation of new lots having frontage and vehicular access on Kingstown Road, Saugatucket Road or Curtis Corner Road shall be avoided. If possible, new lots shall front on internal streets. The use of common or shared driveways among adjacent lots or access through parcels abutting the frontage lot to the side or rear, and/or construction of private or public access roads shall be employed.
- B. *No-access easement.* Where permanent vehicular access to the lot is provided from an internal circulation road, through adjacent land, or from any point other than from the roads listed above, the lot shall be restricted by means of an easement granted to the town prohibiting any future driveway or other vehicular access from the roads listed above.
- C. *Common driveways.* Where alternative access as provided in subsection A., above, is not possible, adjacent lots of record in the same ownership shall be required to share a common driveway so as to limit the total number of driveways with direct access to the roads listed above to the smallest possible number. Standards for common driveways shall be as provided in the subdivision and land development regulations of the Town of South Kingstown.
- D. *Parking.* Parking lots shall be located to the side or rear of the building away from major streets whenever possible. The area between the building and the street shall be devoted to a landscaped street yard.
- E. *Landscaped street yards.* Within any zoning district within the Kingstown Road Special Management District any lot having direct frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road shall provide landscaping within the area between the street right-of-way line and the principal building. Landscaped street yards may contain only the following features:
 - 1. Landscaping, as provided in the subdivision and land development regulations;
 - 2. Driveways, not to exceed twenty (20) feet in width for single-household and two-household residential uses, or thirty-five (35) feet in width for any other uses, with no parking permitted;
 - 3. Pedestrian walkways or bicycle paths;
 - 4. Permitted freestanding signs;
 - 5. Mailboxes customarily accessory to residential uses;
 - 6. Street signs or traffic control signs;
 - 7. Underground utilities.

The delineation of the landscaped street yard is illustrated by the landscape diagrams in the subdivision and land development regulations. This requirement shall not apply to use code 45, Automotive or Gasoline Service Stations.

- F. *Location of buildings.* In order to allow parking in the rear of the building in the Kingstown Road Special Management District, the front yard and corner side yard setbacks may be reduced to zero (0) by the planning board as a condition of approval of development plan review.

- G. *Residential uses.* Single-household and two-household detached structures having direct lot frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road within the Kingstown Road Special Management District shall be subject to development plan review, and shall also conform to the following standards:
1. Common driveways shall be employed for adjacent lots wherever possible;
 2. A landscaped street yard shall be required;
 3. Any garages shall have doors facing to the side or rear of the house and away from the roads listed above;
 4. Any off-street parking facility located on the side of the house or in any side yard shall be screened from the roads listed above.
- H. *Drive-through-windows.* Notwithstanding the provisions of section 220, no drive-through window service of any kind accessed by motor vehicles for any use shall be permitted within the Kingstown Road Special Management District.
- I. *Maximum building size.* Within the Kingstown Road Special Management District, no structure containing any use shall exceed seven thousand five hundred (7,500) square feet of gross leasable floor area (GLFA). The GLFA of a shopping center shall not exceed ten thousand (10,000) square feet. No single use within a shopping center, however, shall exceed seven thousand five hundred (7,500) square feet GLFA.
- J. *Driveway openings.* The width of driveway openings (curb cuts) on Kingstown Road shall be no more than twenty-four (24) feet for any use, other than Automotive or Gasoline Service Stations (use code 45) and Public Safety Facilities (use code 25.2).
- K. *Prohibited uses.* Any use in Use Code Category 10 - Marijuana-Related Uses shall be prohibited within the Kingstown Road Special Management District.

Review to Date

Staff Review of Pre-Application Concept Plan

Staff has reviewed the Pre-Application submittal and provides the following for consideration:

1. This subdivision appears to meet the flexible frontage provision of the Zoning Ordinance (Sec. 502.2).
2. The proposed shared common driveways for Lot A and B appear to be an appropriate alternative than individual dedicated driveways. Limiting curb cuts for this subdivision would help to preserve that character and be consistent with the provisions of the Kingstown Road Special Management District.

Required Findings

As a reminder, State law requires **for all administrative, minor, and major subdivision and land development applications**, approving authorities must make positive findings on the following standard provisions:

- (1) The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- (4) The subdivision, as proposed, 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. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and

- (5) All proposed land developments and all subdivision lots have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement.

The approving authority must also address each of the following general purposes of zoning:

- (1) Providing for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- (2) Promoting high quality and appropriate design and construction of land developments and subdivisions;
- (3) Promoting the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promoting design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
- (5) Encouraging local design and improvement standards to reflect the intent of the community comprehensive plans with regard to the physical character of the various neighborhoods and districts of the municipality;
- (6) Promoting thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- (7) Encouraging local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and
- (8) Encouraging the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

With regard to waivers, the Regulations (Article VIII.B.1) require that the Planning Board find that:

- a. The waiver or modification is reasonable and within the general purposes and intents of the Regulations; and,
- b. Literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

Additionally, with regard to the flexible frontage provision of the Zoning Ordinance (Article 5, Sec. 502.2), the Planning Board must make positive findings that:

- (1) Using *flexible* zoning is in the best interest of good planning design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance; and,
- (2) Would result in a better use of the land than permitted under conventional zoning.

Request to Combine Conceptual Master Plan & Preliminary Plan Review

In conjunction with this Pre-Application Concept application, the applicant has requested to combine the later Conceptual Master Plan & Preliminary Plan Review stages of review. If deemed appropriate, the following motion could be used in support of said request:

Motion: “The South Kingstown Planning Board hereby grants the request of the applicant, Bowse Builders, LC, to combine the Conceptual Master Plan and Preliminary Plan stages of review for the proposed Owl Acre major subdivision located at 1243 Saugatucket Road, Assessor’s Plat 40-2, Lot 19. The applicant shall be required to meet the application requirements for both the Conceptual Master Plan and Preliminary Plan stages of review prior to scheduling the required public hearing.