151 OLD TOWER HILL ROAD (Assessor’s Plat 57-2 – Lot 51)

TOWN OF SOUTH KINGSTOWN, RI

ZONING BOARD OF REVIEW

May 5, 2023

Prepared for:
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c/o Perry Raso
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INTRODUCTION:

This report addresses a review and analysis of the Town of South Kingstown’s Comprehensive Community Plan and Zoning specific to the proposed Matunuck Market and Restaurant project. The project is located at 151 Old Tower Hill Road (Assessor’s Plat 57-2 – Lot 51). A site visit and review of the plans has been conducted as a part of the analysis.

GENERAL PROJECT DESCRIPTION AND SURROUNDINGS:

This project proposes to adaptively reuse an existing and vacant 11,235 square foot single story building into a retail market and a restaurant serving alcohol. The proposed retail market would be approximately 6,000 square feet in size. The market would sell grocery goods, cheese, bread, local products, and fresh food such as local produce and seafood. A restaurant is also proposed with 147 seats including alcohol service which requires a special use permit in this Commercial Highway (CH) zoning district. There will be no expansion of the existing building size. Hours of operation are expected to be 8:30 a.m. - 7:00 p.m. for retail and 11:00 a.m. - 12:00 midnight for the restaurant including serving alcohol.

The lot size is 39,699 square feet or .91 acres. The lot is flag shaped with lot frontage of 174.24 feet at Old Tower Hill Road and 310.31 feet also at Tower Hill Road. This lot has access and curb cuts from both the front (Old Tower Hill Road) and rear (Narragansett Avenue West). Former uses at this property included retail stores such as “Feet First Quality Footwear” and “Zero Wampum.” The property and structure have existed for years and was constructed many decades ago. The property has not experienced any significant upgrades over time and appears dated with the structure being 100% vacant. The proposal will not alter the building footprint under roof and the property’s configuration will remain as is. However, there will be improvements made to the interior, exterior, roofing, landscaping, and aesthetics.

This property is located along a main commercial corridor in the village of Wakefield. It is directly across the street from the Wakefield Mall and adjacent to retail and restaurant establishments including fast-food. There are also several retail, restaurants including fast food, financial service businesses, and automobile dependent uses (gas stations and automotive repair) on the same side of Old Tower Hill Road as the subject property. Behind this property and commercial corridor is a residential neighborhood accessed by Narragansett Avenue West. The residential properties are primarily single and two-family uses. The two immediate abutting residential structures to the rear are also located in the Commercial Highway (CH) zoning district. Existing vegetative buffering exists between the existing commercial structure and the residential uses to the rear. Around 2018, the Town of South Kingstown implemented a major streetscape project along this commercial corridor helping to improve commerce, pedestrian ways (sidewalks and crossings), bicycle (in road bikeways), and stormwater management upgrades (rain gardens). The streetscape project demonstrated local support to revitalize this commercial corridor for the public. The following photographs illustrate the existing subject property and surrounding area.
Existing “L-Shaped” Building proposed to be the Matunuck Market and Restaurant bordered by Old Tower Hill Road to the north and Narragansett Avenue West to the south.
View of existing structure from Old Tower Road (above) and view of adjacent restaurant paralleling Old Tower Road (below)
View of existing property with old signage along Old Tower Hill Road (above) and view from existing property towards the Wakefield Mall (below)
View of existing structure (above) and view of structure towards the rear of the lot and Narragansett Avenue West (below).
View of the rear of the existing structure including retaining wall and landscaping buffer (above) and view of rear access towards Narragansett Avenue West (below)
COMPREHENSIVE COMMUNITY PLAN:

The South Kingstown Comprehensive Community Plan supports this adaptive reuse proposal in a commercially designated area. The Vision as well as key Elements from the Plan are listed below.

Vision:

The South Kingstown Comprehensive Community Plan details the following vision that captures a holistic and balanced approach to future growth in the community. The Vision strategically concentrates development in its identified villages. It reads as follows:

“South Kingstown will continue its legacy as a welcoming, diverse, vibrant, and sustainable community, in which the tradition of high-quality village development balances seamlessly with the enduring value of the community’s rich historic, cultural, and natural resources.

South Kingstown officials will make decisions based on the desire to maintain the Town’s social, economic, and environmental sustainability.

South Kingstown will fight sprawl, choosing to focus development in the defined village areas, where the infrastructure, transportation, and social networks are best suited to support new growth.

South Kingstown will continue to recognize the strength of its involved and proactive citizenry, the needs of its residents, businesses, students, and tourists, and the importance of the Town’s abundant natural resources in planning for the future.”

Land Use Element:

Relevant and supporting Land Use Element narrative, goals, policies, and maps are addressed below.

The Existing Land Use Map (Map 3) classifies this property as a “Commercial” land use. The Future Land Use Map (Map 4) designates that this property should be used as a “Commercial Highway” (CH) land use. The Zoning Map (Map 5) identifies this property as “Commercial Highway” as well.

Regarding the desired development pattern in South Kingstown, narrative states, “The FLUM (Future Land Use Map) illustrates the concept of a densely developed central area or “core” surrounded by a relatively sparsely developed rural periphery. The central core area consists of the areas in and immediately surrounding Wakefield, Peacedale and Kingston.” (page 39) The Plan’s intent is to emphasize a strategy of concentrating development in these core locations so to protect the lesser developed and more sensitive areas of town.

The Land Use Element further describes the CH zoning and its relationship to land use as follows (page 41). The CH Zone is categorized as “Commercial Highway” on the Future Land Use Map with a purpose to permit
and encourage revitalization and intensification so that the areas within the district are used to their peak potential. Regarding characteristics, the district is located along Old Tower Hill Road and Dale Carlia Corner and is categorized by larger, often freestanding commercial development oriented toward the automobile, with extensive off-street parking and direct access to major highways. The predominant development pattern is the shopping center. Allowable uses are retail, gas stations, fast food establishments, and larger supermarkets as well as repair businesses, open lot sales, wholesale business, and storage.

**GOAL 1:** Land use policies will be consistent with “Land Use 2025: Rhode Island’s Land Use Policies and Plan”, and to maintain continuity with the 1992 South Kingstown Comprehensive Plan and previous Plan updates.

**GOAL 2:** A sustainable rate of development will be maintained, which is consistent with the ability of the Town to provide essential services, to achieve a stable tax rate, to protect environmental, historic, and cultural resources, and to provide a healthy environment.  
Policy 2.4: Maintain a sustainable rate of development in order to preserve its small town character and provide for appropriate town services and facilities.

**GOAL 3:** High standards of development will be required to preserve and enhance the quality of life, to encourage a sense of community, to support a healthy, walkable environment and to protect the natural resources of the Town.  
Policy 3.3: Ensure high quality design of commercial development that provides an asset to the area, supports a healthy, walkable environment, and avoids the strip highway commercial development patterns characterized by suburban-type shopping centers dominated by parking lots.

**GOAL 4:** The integrity of the Town’s villages will be intact, and the village centric approach to development, which recognizes each village’s unique objectives, will be strengthened. 
Policy 4.1: Support control of urban sprawl and dispersion by concentrating population density and infill development within the villages, as appropriate, and by providing these areas with mixed-uses, services, and facilities including public transportation, pedestrian and bicycle amenities, civic buildings, recreational resources, infrastructure improvements, and housing opportunities.  
Policy 4.3: Encourage a mix of commercial activities within the Town’s Villages to support a sustainable model of economic and community development.

Comment: The Vision statement is explicit, “choosing to focus development in the defined village areas, where the infrastructure, transportation, and social networks are best suited to support new growth.” The Land Use Element reinforces this “growth in village area” vision with goals, policies and mapping. The land use mapping (existing land use, future land use and zoning maps) reinforce that this property and area is to be used for commercial purposes. The supporting narrative supports this intent as well. The goals and policies also point towards directing commercial development to the existing villages. Goal 4 especially targets this strategy.
referring to a “village centric approach to development” where there are services, facilities, transportation, infrastructure and more.

**Economic Development Element:**

A leading principle stated in the Land Use Element promotes the following, “Appropriate commercial development in the village areas is of a scale and mass, with architectural design and site planning, that creates visual interest, activates the streetscape, and encourages walking, biking, and transit use.” Like the Land Use language, the Economic Development Element reinforces the concentration of commerce in the village areas.

Relevant and supporting Economic Development Element goals and policies are addressed below.

**GOAL 1:** The local economy will provide opportunities for a diverse collection of business and industry.  
**Policy 1.1:** Focus supportive efforts toward the local business community to reinforce existing investment and our traditional economy, employment opportunities and the provision of goods and services to our residents and visitors to the community.

**GOAL 2:** Local economic development assets will be identified that the Town, local boards and commissions, the local business community, and/or future investors can build upon together.  
**Policy 2.4:** Support economic development that enhances natural, cultural, historic, and recreational resources throughout the community.

**GOAL 3:** Economic development within our existing villages that contributes to a high quality of life and a resilient future will be actively supported.

**GOAL 4:** The business community will be provided with a clear regulatory framework for maintaining, building, occupying and expanding operations in town.  
**Policy 4.1:** Pursue the Town’s economic development goals by establishing and enforcing high quality, transparent local regulations and guidelines.

**GOAL 5:** Commercial development will be held to a high standard of quality design.  
**Policy 5.1:** Ensure that future development proposals in non-residential areas is of high-quality design and in-keeping with existing community character.

**GOAL 6:** Business models that help to define South Kingstown’s unique character and history will be identified and fostered.  
**Policy 6.1:** Support the use of land for agricultural purposes including accessory uses and related operations and encourages a local healthy food system by providing opportunities for local farmers to sell their products locally.
Policy 6.3: Support the existing tourist economy both on a local and regional scale by working to preserve and enhance those features of our community that attract tourists.

Comment: The Economic Development Element vision, goals, and policies support investment and development in the village areas that are delineated for appropriately scaled businesses. There is also emphasis on supporting local business for the benefit of residents and visitors. Additionally, there is reference to providing “clear regulatory framework for maintaining, building, occupying and expanding operations in town.” This proposal meets the existing, clear regulations as delineated by the Town of South Kingstown. This project also complies with the desire to meet a high standard of quality design given the vacant site will be rehabilitated, adaptively reused, and aesthetics improved. Lastly, the project aligns with Goal 6, Policy 6.1 and 6.3 focused on supporting agricultural uses and related operations to support a local healthy food system for commerce and tourism.

Natural Hazards and Climate Change Element:

The Natural Hazards and Climate Change Element is general in scope; however, the following Goal and Policy is relevant to the subject redevelopment proposal.

GOAL 2: Carbon emissions generated within the municipality will be reduced through reduced energy consumption associated with heating, cooling and transportation.
Policy 2.2: Promote infill development within existing village areas to reduce sprawl and promote compact development accessible by alternative modes of transportation in close proximity existing to services and amenities.

Comment: Policy 2.2 is specific to infill development which is proposed by this redevelopment. The Natural Hazards and Climate Change Element supports infill development in existing village areas to reduce sprawl and to promote compact development. It does so to concentrate commercial development where there are alternative modes of transportation and within close proximity to existing services and amenities. Additionally, solar panels will be used on the rooftop. This proposal aligns with this Plan element.

ZONING:

This subject property is located with the Commercial Highway (CH) zoning district. The Zoning Ordinance defines the CH zoning district as follows:

CH - Commercial Highway. “This district represents an orientation toward the automobile, with sufficient off-street parking areas and direct traffic access to major highways. The predominant pattern is the shopping center, where several individual stores are planned and owned as a unit on the same parcel of land, but also may include many individual single-unit buildings and uses as well. Such retail uses as gas stations, fast food establishments and the larger supermarkets predominate in shopping centers. Also included are such uses as repairing, open lot
sales, wholesale business, storage, etc. These uses are subject to performance standards. It is intended that this zone permits and encourages revitalization and intensification so that the areas so zoned are used to their peak potential. Provision of public water in the future may be permitted, particularly if area wells become contaminated, but such water line extensions should not be used to justify commercial expansion. Residential development is excluded from these areas.”

There are a significant number of allowed commercial land uses within this Commercial Highway (CH) zoning district. The following lists some of those allowable uses: schools, religious services, drug/alcohol rehabilitation facility, medical offices, veterinary hospital, assisted living facility, government garage or utility, day care center, non-profit museum or library, transient amusement, indoor sports facility, hotel, office, personal and limited business, general business service, automotive or gasoline service station, artisan workshop, self-storage facility, retail trade, restaurant, restaurant with alcohol (special use permit), mobile food establishment, motor vehicle rental, parking lot, utilities infrastructure, and marijuana retail facility. Note, new residential uses are prohibited within the CH zone. Existing residential uses are allowed, but are classified as legal, non-conforming uses within this CH zoning district.

*Comment*: The CH zoning district encourages the redevelopment and concentration of activities. There are numerous allowed intensive land uses, but the conversion of a vacant shopping center into an active local market and restaurant (with alcohol) aligns better than most of the other allowable uses in this CH district.

**SPECIAL USE PERMIT:**

Section 907 of the South Kingstown Zoning Ordinance pertains to Special Use Permits. It states, “In granting a special use permit, the board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings.”

These Zoning Board of Review’s Special Use Standards are listed below (bolded and underlined). My comments are offered following each standard.

(a) **That the special use is specifically authorized by this ordinance, and setting forth the exact subsection of this ordinance containing the jurisdictional authorization:**

*Comment*: The proposed land use (restaurant with alcohol) is specifically authorized by the Town of South Kingstown’s Zoning Ordinance (Section. 301. - Schedule of Use Regulations Table) for this Commercial Highway (CH) zoning district. Restaurants (without alcohol) and retail are allowed by right. Restaurants (with alcohol) require a special use permit.

(b) **That the special use meets all of the criteria set forth in the subsection of this ordinance authorizing such special use; and**
Comment: The Zoning Ordinance does not detail specific requirements or performance standards for the “restaurant with alcohol” land use. This redevelopment proposal does not alter the property or expand upon the existing commercial building footprint. The proposed use will operate within the existing confines of the property and structure.

(c) That the 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 shall consider, whether or not satisfactory provisions and arrangements have been or will be made concerning, but not limited to, the following matters, where applicable:

(1) 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;

(2) 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;

(3) Trash, storage and delivery areas with a particular reference to the items in (1) and (2) above;

(4) Utilities, with reference to locations, availability and compatibility;

(5) Screening and buffering with reference to type, dimensions and character;

(6) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility and harmony with lots in the zoning district;

(7) Required yards and other open space;

(8) General compatibility with lots in the same or abutting zoning districts

Comment: The granting of the special use permit will not alter the general character of the surrounding area or impair the intent or purpose of the South Kingstown Zoning Ordinance or the Comprehensive Community Plan. This area, corridor, and property is within a commercially designated area that has been used by multiple commercial retail establishments for decades. Numerous commercial establishments exist in this area particularly along Tower Hill Road. The zoning for this property and property surrounding the subject land is “Commercial Highway.” The Comprehensive Community Plan
strategically prescribes the concentration of commercial activity within core village areas such as Wakefield. This location has the highest commercial intensity in Wakefield due to being located less than ¼ mile from Route 1 and being directly across the street from the Wakefield Mall. The Town of South Kingstown has made streetscape improvements to this commercial corridor to maximize the efficient use of roadway for pedestrians, bicyclists, and vehicles. The operation of this business will be professionally managed in a way to not harm the area or neighborhood and will also convert a vacant commerce center into a high quality enterprise.

Ingress and egress to the lot will remain as it exists today including direct access to both Old Tower Hill Road and Narragansett Avenue West. The existing circulation pattern and parking lot will remain as it exists. Traffic flow for patrons and emergency response is adequate especially because the lot has direct through access on two points (Old Tower Hill Road and Narragansett Avenue West). Automobile access to this commercial center has successfully operated as configured for decades. Pedestrian safety will be directly from the existing and improved sidewalks on Old Tower Hill Road. Additionally, crosswalks were installed around 2018 by South Kingstown to improve pedestrian safety in this area.

Existing off-street parking will not be changed from the previous commercial center use. There are 58 existing parking spaces. Parking is located and configured on the front, side, and rear of the lot. An existing loading area will be used which is located in an alley behind the building. There is buffering between the building and adjacent uses. There is a significant retaining wall with landscaping on top between this building and the adjacent rear property. There will be improvements made to the landscaping as well as aesthetic improvements.

Trash, storage and deliveries will be properly managed without impact to abutters or the neighborhood. There is an alley on the southern side of the building bordered by the building on one the northern side and a high retaining wall on the southern side. Trash will be serviced by this alley and will be regularly picked up to avoid any nuisances such as odor or litter. Storage will be primarily within the building except refrigeration units. Deliveries will be made and scheduled so that there is no impact on the roadways. The driveway ingress/egress from both Old Tower Hill Road and Narragansett Avenue West will allow for workable access to the property for deliveries and other services vehicles.

Utilities at this commercial property have served this area for decades. Public water and sewer exist for this commercial corridor and this property. No additional utilities are anticipated. Solar panels are envisioned to reduce the carbon footprint and to better align with South Kingstown’s energy and sustainability goals.

The existing building and property have adequate screening and buffering. The existing building is “L-shaped” and is well situated on the site with most of the parking to the front of the building. The building itself serves as a physical barrier buffer to rear abutter. Most activities and service are from
the front of the building (facing Old Tower Hill Road). There is an existing tall vertical retaining wall behind the building that serves as a physical barrier between the existing building and the rear abutting properties. On top of that wall holds significant landscaping serving as a vegetative screen. Additionally, the existing building currently has a flat roof. A more aesthetically appropriate peaked roof will be added to improve the architecture. The peaked roof will also add buffering and screening improvements. Lastly, improvements to the existing landscaping will be made on the property.

Regarding signage, future signage will be in conformance with South Kingstown’s sign requirements. Signage will not produce glare or traffic safety issues. Signage will be compatible and in harmony with the district.

Regarding “yard and other open space”, the proposal will use the existing property and structure as is. There is no requirement for adding yards or open space, however, the project will improve the existing landscaping on the property and attempt to decrease the amount of impervious surface without decreasing the number of existing parking spaces.

The project is compatible with lots in this same Commercial Highway (CH) zoning district. Adjacent lots along Tower Hill Road comprise commercial land uses like restaurants, restaurants with alcohol, retail, automotive services, and offices. Properties directly abutting this subject parcel to the rear are also zoned CH, but hold residential land use. Such residential uses are classified as legal, non-conforming land uses within the CH zoning district since new residential is prohibited in this zone.

**ANALYSIS FINDINGS:**

The following are my professional findings regarding the proposed project.

- A vacant, single-story commercial center complex exists on the property on Old Tower Hill Road that previously held several retail establishments.
- The property has direct vehicular ingress/egress on both Tower Hill Road and Narragansett Avenue West.
- The project proposal includes the adaptive reuse of the existing property and structure with existing parking.
- The property and building area will use the same building footprint for the proposed restaurant (with alcohol) use.
- The proposal is consistent with the Comprehensive Community Plan including goals, policies, maps, and narrative particularly the Land Use, Economic Development and Natural Hazards and Climate Change Element.
- The Commercial Highway (CH) zoning allows this proposed land use (restaurant with alcohol) through the granting of a special use permit.
- The proposal satisfies the special use permit standards for approval.
**RECOMMENDATION:**

The Matunuck Market and Restaurant project is located at 151 Old Tower Hill Road (Assessor’s Plat 57-2 – Lot 51) is consistent with the Town of South Kingstown’s Comprehensive Community Plan, Zoning Ordinance and the special use permit standards. The proposed redevelopment of the existing, vacant commercial center should be approval based upon improvement to the property and compliance with local requirements.

Paige R. Bronk, AICP

*Paige R. Bronk  05/05/2023*