



**SOUTH KINGSTOWN PLANNING DEPARTMENT  
PROJECT REVIEW MEMO**

**12 Green Street**

**Major Multi-Household Land Development Project – Conceptual Master Plan  
May 30, 2024**

Project Type:	<b>Major Multi-Household Land Development Project</b>		
Review Stage:	<b>Conceptual Master Plan</b>		
Address:	<b>12 Green Street</b>		
Plat:	<b>49-1</b>	Lot:	<b>148</b>
Parcel Size:	<b>0.35 acres (15,412 sq. ft.)</b>	Zoning District:	<b>CD</b>
Applicant:	Johnnycake Center for Hope c/o Kate Brewster 22 Kersey Road Wakefield, RI 02879	Owner:	Same

**Property Characteristics**

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The property is approximately 0.35 acres in total area and is developed with an existing 4-unit multi-household dwelling with a parking area. This property is located on Green Street, an improved public roadway that lies east of the Peace Dale rotary and intersects at its south end with Kingstown Road and at its north end with Kersey Road.

Green Street is located within Peace Dale Historic District, which is listed on the National and State Registers of Historic Places. The structure on the property is a historic mill-house, approximately 120 years old and is listed as a contributing structure to the surrounding Peace Dale Historic District.

**Project Description**

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The applicant is proposing to demolish the existing, historic, 1,496 square foot, 4-unit residential dwelling and construct a new 2,542 square foot 4-unit multihousehold structure with associated parking, utilities, and stormwater drainage system.

The new structure is proposed to be serviced by natural gas, public water and municipal sewer services.

**Decision Deadline**

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Certificate of Completeness: 3/20/2024

Decision Deadline: 6/18/2024 (90 Days)

## Regulatory Considerations

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### **Conceptual Master Plan Review**

Per RIGL 45-23-32(22), a master plan is an overall plan for a proposed project site outlining general, rather than detailed, development intentions that describes the basic parameters of a major development proposal, rather than giving full engineering details.

### **Major Land Development Project (SLD Regs. Art. II)**

A land development project is a project in which one or more lots, tracts, or parcels of land are developed or redeveloped as a coordinated site for a complex of uses, units, or structures.

“Major” land development projects include all non-residential land development projects, all projects proposing more than nine (9) units, and all residential projects of nine (9) units or less that require waivers. This project requests multiple waivers.

### **Multi-Household Detached Structure (SLD Regs. Art. IV.H.2.a.)**

A single structure dedicated solely to residential use and containing 3 to 12 residential units and related accessory uses.

### **Waivers & Variances**

This 4-unit residential project does not qualify as a minor land development project because it requires waivers, including:

- Art. IV.H.(6) & IV.G.7.(b) Landscape Screening Requirements – Requesting waiver of the requirement for a 10’ full landscape screen between the commercial district (CD) and the abutting residential district (R10);

**Art. IV.H.(6)** – *Fences, walls, earthen berms or vegetative screening shall be provided along the perimeter of a Multi-Household Structure and Land Development Project where needed to provide a physical barrier and visual screen between the Multi-Household Dwelling Structure or Project and adjacent properties. Parking or rubbish disposal pens shall not be permitted within the vegetative screen or earthen berm area.*

*Specific landscape and screening requirements shall be determined by the Planning Board during*

*Development Plan Review. The Planning Board shall require adequate buffering to insure sufficient screening between the Multi-Household Structure or Land Development Project and adjacent properties. Such requirements shall include compliance with those landscape design provisions set forth for Mixed Use (MU) Districts.*

*The following uses and areas within a Multi-Household Structure or Land Development Project shall be screened from adjacent single household residential districts or public streets:*

- a) Off-street parking areas.*
- b) Service areas for loading and unloading vehicles other than passenger, and for storage and collection of trash, garbage, materials intended for recycling and other refuse.*
- c) Utility areas such as pumping stations, electric utility substations, HVAC systems and the like.*
- d) Exterior lighting structures.*

**Art. IV.G.7.(b)** – *Transition yard landscaping is required whenever a buffer between adjacent incompatible land uses is necessary in order to physically separate and visually*

*screen such adjacent land uses. Transition yards are required in the following situations and are required to provide the following landscaping and buffering:*

*Commercial Zoning Districts Abutting Residential Zoning Districts - Lots in any commercial zoning district which abut any residential zoning district shall provide a side yard and a rear yard at least equal to the side or rear yard requirement of the adjoining residential district; except that corner side yard requirements for such lots may be provided as required in the commercial district. Where more than one residential district abuts, the district imposing the higher standard shall apply. Side and rear yards in the commercial district shall be buffered in any or the following ways:*

- 50-foot wooded buffer; or,*
  - 20-foot partial landscape screen; or,*
  - 10-foot full landscape screen.*
- Art. IV.H.(9) – “Parking Lots,” requesting that a parking lot be permitted 3’ from a building wall where 15’ is required.

*Parking Lots - Setback from Buildings - No parking area, driveway or utility area shall be located within fifteen (15) feet of any wall of a principal building (except a garage) used for residential purposes along which is located an entrance or exit generally intended for use by residents thereof, or along which are located residential windows less than ten (10) feet above ground level.*

- Art. IV.H.(9) – “Open Space,” requesting a waiver of the requirement for 10% open space.

*Open Space - Open space shall be provided for residents of multi-household dwellings as appropriate to the type of occupant (i.e., elderly, adults, families with children, etc.).*

*For dwellings proposed for occupancy by other than elderly residents, at least 10 percent of the developable land area of the development shall be dedicated to open space use. Such open space may be devoted to any of the following types of uses:*

- Private open space, such as private rear yards or semi-private front yards*
- Public open space, such as pedestrian parks, plazas, Town green, village commons, etc.*
- Active recreation areas, such as playgrounds, play fields, tennis courts, etc.*

*For dwellings proposed for occupancy by elderly residents only (Use Codes 12.2 & 12.3) at least 100 sq. ft. of outdoor area per dwelling unit shall be provided, which shall be suitably designed and landscaped to meet the specific needs of the elderly and/or handicapped residents of the development.*

*The type, location and design of all open space areas shall be subject to the approval of the Planning Board.*

In addition, the applicant also seeks a variance from Section 402.I(2) of the Zoning Ordinance requiring transition yard landscaping. (Effective 1/1/24, variances may be granted by the Planning Board pursuant to Unified Development Review pursuant to RIGL 45-23-50.1.)

*Commercial zoning districts abutting residential zoning districts. Lots in any commercial zoning district which abut any residential zoning district shall provide a side yard and a rear yard at least equal to the side or rear yard requirement of the adjoining residential district; except that corner side yard requirements for such lots may be provided as required in the commercial district. Where more than one (1) residential district abuts,*

*the district imposing the higher standard shall apply. Side and rear yards in the commercial district shall be buffered in any of the following ways:*

- a) Fifty-foot wooded buffer; or*
- b) Twenty-foot partial landscape screen; or*
- c) Ten-foot full landscape screen.*

## **Required Findings**

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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.