

T O W N O F P O R T S M O U T H P L A N N I N G D E P A R T M E N T

Gary R. Crosby, AICP
Town Planner
(401) 643-0332
gcrosby@portsmouthri.com



Michael A. Asciola
Assistant Town Planner
(401) 643-0333
masciola@portsmouthri.com

SUP w/ Dimensional Variances APPLICATION STAFF REPORT

| | |
|---|----------------------------------|
| APPLICANT/PROPERTY OWNER Aquidneck Country Club, Inc. | DATE February 15, 2022 |
| PROPERTY ADDRESS/LOCATION 0 Willow Lane (26-10) | EXISTING ZONING I-H |
| | SITE AREA 6.38 Acres |

| | |
|--|--|
| <p style="text-align: center;">BRIEF SUMMARY OF REQUEST</p> <p>Aquidneck Country Club, Inc. (owners of lot 26-10) seek to amend a previously approved special use permit (2009) to develop twenty-two (22) single family dwellings and six (6) duplex units where the previously approved plan consisted of three (3) twelve (12) unit multifamily buildings on 0 Willow Ln (26-10) a vacant 6.4-acre parcel that is part of the Carnegie Development that also includes parcels identified as Tax Map 26 Lots 2, 2A, 2B, 2C, 2D, 3 & 4. The proposed amendment also includes the location of a stormwater detention area on 0 Brownell Ln. (22-3). The proposal also requests dimensional variances for front yard and building stories (Art. IV Sec. B) as well as distance between building, roadway width, number of units per building and parking and travelled way setbacks (Art. VII Sec. C.10)</p> | |
|--|--|

www.mainstreetmaps.com/ri/portsmouth

| | |
|--|---|
| EXISTING LAND USE | SURROUNDING ZONING & LAND USE |
| Vacant land / Driveway / Gatehouse | North – I-H Zone – Vacant land West – R-20 – SFH & Vacant land South – I-H Multi-Family Tower & Vacant LCE SFH development East - I-H & R-20 –Railroad ROW & SFH |
| PROPOSED SITE IMPROVEMENTS | |
| 28-unit residential development 22 detached single family units 6 duplex units | |

TOWN OF PORTSMOUTH

PLANNING DEPARTMENT

PREVIOUS ZBR SUP APPROVAL BACKGROUND

An expired 2009 SUP with variances was approved by the ZBR based upon the following:

- 36-unit multifamily development comprised of multiple multifamily buildings (15, 7, 7, 5, 2) calling it a resort community
- A number of variances to Art. VII Sec. C.10 (multifamily housing) were granted:
 - 30' rear yard variance (Not requested on new application, however shown with 30' setback on 2021 plan)
 - Art. VII Sect. C.10.o) Building design and location.
 - (1) Where more than one (1) building is erected on a lot it shall be separated from any other building by a minimum of one hundred feet (100') and all buildings shall be set back a minimum of fifty-five feet (55') from the centerline of any interior way and thirty feet (30') from any parking area.
 - (2) Town House or attached dwelling: No row of attached buildings shall contain less than three (3) nor more than eight (8) units and the minimum width between party walls shall be not less than eighteen feet (18').
- Art. V paragraph 1 was used to give the ZBR the ability to grant approval to uses not listed in Art. V. This provision has been deemed illegal in Superior Court and can no longer be utilized.
- The density of the development utilizes land area on other lots connected through other similar SUPs. These predated the PUD zoning ordinance establishment.
- Site was considered a brownfield per testimony of the developer (was an environmental assessment conducted for suitability of residential use?)

CURRENT SUP BEING REQUESTED

- SUP – “Article V Paragraph 1 as grandfathered Article VII Sec. D(g)”
 - Art. V Section 1 was deemed illegal in Superior Court and can no longer be utilized.
 - Will the Board allow this provision to be utilized as it was in 2009?
 - Art. VII Sec. D(g) is not in the current Zoning Ordinance
 - Should this be Art. V Sec. A.10 Apartments, Condominiums, Cluster and Town Houses or Multi-family development (See Article [VII](#))? Would this require a use variance?

TOWN OF PORTSMOUTH

PLANNING DEPARTMENT

CURRENT DIMENSIONAL VARIANCES BEING REQUESTED

The applicant does not call out specific ordinance section numbers for variances being requested. It is confusing to understand which standards are being applied. This section will attempt to clarify.

Setbacks

- Art. IV Section B – Front Yard - 60' required, 30' provided, 30' variance requested on Willow Lane frontage.
 - Note: 20' variance for rear yard opposite Willow Lane was requested and approved in 2009 but current plans show this as a side yard and not a rear yard. The same variance should be requested on this application.

Building Height and Stories

- Art. IV Section B – Building Height/Stories – Applicant does not believe variance will be required on 2.5 story 36' duplex as bottom floor will be 50% below average natural grade. This will have to be verified by building official at time of permitting.

Density

- The Applicant uses the area of all lots in the Carnegie Development to calculate the density and cites the density of Art. VII's PUD section to justify the density.

Lot Coverage

- The Applicant states the building lot coverage is 22.46% and meets the 25% lot coverage requirement per Art. IV Sect B.
 - This does not calculate roadways, parking areas, driveways. Art. VII Sec. C.10.f) includes these features and requires it to be less than 40%. Does the board want to require this calculation be completed?
 - The Applicant cites the coverage requirements of Art. VII's PUD section to use the 70% requirement.

Density Between Buildings and Roadway Setbacks

- The Applicant states that the 2009 application required a number of variances to Art. VII Sec. C.10 (multifamily housing) to be granted:
 - Art. VII Sect. C.10.o) Building design and location.

T O W N O F P O R T S M O U T H
P L A N N I N G D E P A R T M E N T

(1) Where more than one (1) building is erected on a lot it shall be separated from any other building by a minimum of one hundred feet (100') and all buildings shall be set back a minimum of fifty-five feet (55') from the centerline of any interior way...

(2) Town House or attached dwelling: No row of attached buildings shall contain less than three (3) nor more than eight (8) units ...

- The Applicant feels the proposed development should not be held to the standards of Art. VII Sec. 10 and cites other developments requirements and the R-10 Zoning District standards.

Staff Comments: It is unclear what set of standards the proposed development should be reviewed under. Is this a multifamily development under Art. VII Sec. C, a PUD under Art. VIII Sec. B. or is this a residential subdivision?

ISSUES TO BE ADDRESSED

- What type of development is proposed?
- Can the Applicant request, and can the Board grant, a request to modify an SUP that has expired?
- Is the applicant required to apply for an SUP for a multifamily residential development under Art. V, Sec. A.10 subject to the standards specified under Art. VII, Sec. C?
- Is this proposed residential development allowed by SUP under any provisions of the Zoning Ordinance?
- Can the Applicant utilize Art. V Paragraph 1 as this was done in 2009?
- The proposed development utilizes parcel 22-3 part of Newport Beach Club PUD for stormwater retention.
 - Does applicant have permission to do so?
 - Will this require a modification to NBC PUD?
- Will ROW be built to Town Standards?
- Does the Applicant have an easement to install stormwater drainage pipes under Town and DOT ROW at West Shore Rd?