



TOWN OF COVENTRY, RI
DEPARTMENT OF PLANNING & DEVELOPMENT

STAFF REPORT

Project Name:	Coventry Crossings Mixed Use Development
Project Type:	Major Land Development/Comprehensive Permit Application
Plan Review Phase:	Master Plan Application
Owner:	John Koszela & William Eccleston Rev Trust Et Al
Applicant:	Kreg Management
Address:	Harkney Hill Road and Nooseneck Hill Road
Plat / Lot / Zone:	AP 10 Lot 29 & AP 18, Lot 86 Zone GB-1/SPD & R-20 Lot Size 30.3 acres
Existing Use:	Vacant Land
Proposed Use:	Proposed 146-Unit Residential Development with Commercial Uses
Description:	The Applicant proposes to build a mixed-use development comprised of 72 single-family units, 70 two-family units (142 units total), and one commercial pad site comprising 12,500 GSF.

THIS STAFF REPORT ADDRESSES THE PROJECT HOLISTICALLY. THE APPLICANT HAS SUBMITTED MINOR REVISIONS TO THE SITE PLAN, RECEIVED ON 10/10/23. THE MINOR REVISIONS ARE ADDRESSED HEREIN, IN ADDITION TO A PLANNING ANALYSIS AND RECOMMENDATION FOR THE OVERALL PROJECT.

What's New?

The applicant has submitted a revised site plan that has made two (2) minor changes from the previous plan as follows: 1) changed the design of the mailbox/parking area near the Harkney Hill Road ingress/egress to provide for a full vehicle pull-off area, and 2) added a new sidewalk along Harkney Hill Road located on subject property (not a public sidewalk).

ALL RELEVANT PROJECT MATERIALS, INCLUDING THE REVISED SITE PLAN AND AN UPDATED PEER REVIEW LETTER REGARDING TRAFFIC, CAN BE FOUND HERE:

<https://www.coventryri.gov/updated-documents-and-schedule-coventry-crossings-project>

Background

The applicant is proposing a Master Plan Application for a Comprehensive Permit/Major Land Development for a mixed-use development consisting of 142 residential units with 25% affordable housing, as well as 12,500 GSF of commercial uses. The applicant was last before the Planning

October 12, 2023

Commission at its September 13, 2023 meeting and the housing units count and the square footage of commercial space has not changed since that meeting.

Site and Existing Conditions

The site is comprised of two vacant parcels that have historically been used as a cornfield. The site is approximately 30.3 acres in size (AP 10, Lot 29 is comprised of 29 acres and AP 18, Lot 86 is comprised of 1.3 acres). The site has frontage on Nooseneck Hill Road, Harkney Hill Road, and Hill Farm Road. Lot 29 (which comprises the majority of the site) is zoned General Business 1 with a “Special Planning District Overlay,” and Lot 86 is zoned R20. The property is within Flood Zone “X” (minimal flooding) and is not within a historic district. Public water is available to the site. A replicated wetland area (RIDEM File No. 94-0525) is present in the northeastern portion of the property. A wetland delineation performed on June 14, 2022 classifies this replicated wetland area as a Pond < 1/4 acre. Current freshwater wetland regulations assign a 100-foot Jurisdictional Area and 25-foot buffer zone to this wetland area. The site has access to a private sewer system in Leisure Way, which discharges into the public system at the Woodland Drive Pump Station. The surrounding area is primarily comprised of commercial uses along Nooseneck Hill Road with single family homes (Wood Estates) located directly behind the proposed development.



Proposed Conditions

This matter is before the Planning Commission for a Comprehensive Permit/Major Land Development review. The proposed development has been revised since the last Planning Commission meeting on this matter on September 13, 2023, with minor changes to mailbox area and addition of a sidewalk and noted on page 1. The proposal contains a total of 142 residential units with a reduced commercial

October 12, 2023

component of one (1) pad site totaling 12,500 GSF. Of the 142 residential units, 72 units will be single-family dwellings and 70 units will be two-family dwellings. A total of 25% of the residential units will be deed restricted as affordable. The proposal is seeking to subdivide the overall property into 2 separate parcels, one of which will host the residential units (Parcel A), and another will host the commercial component and associated parking (Parcel B). This Application will be reviewed under the Comprehensive Permit Application Process.

Comprehensive Permit Process

The action is brought pursuant to the provisions of R.I.G.L. §45-53-3(2) et seq. (the so-called “Low & Moderate Income Housing Act”).

The Rhode Island Low and Moderate Income Housing Act was enacted “to provide for housing opportunities for low & moderate income individuals and families in each city and town of the state...”¹ The Act further provides that a municipality must have a minimum of ten percent (10%) of its housing stock for low & moderate income individuals and families.

In 2004, the General Assembly amended the Act so as to require cities and towns to develop an Affordable Housing Plan for their individual communities which would thereby constitute a part of the Comprehensive Plan. The amended Act further provided that a municipality may develop its own Comprehensive Permit for issuance of an Affordable Housing Permit. Failure to do so could result in the municipality being required to approve all low & moderate income housing applications without regard to the timing of submissions in order to meet the 10% threshold.

The Town of Coventry developed and adopted an Affordable Housing Plan that was approved by the State in 2005. By the terms of the Plan the Town has until 2025 to achieve the State’s mandate of ten percent (10%) low and moderate income housing stock.

At the time of its adoption, the Town had 3.76% of its housing stock identified as “Low or Moderate Income Housing.” Currently, approximately 5.32% of Coventry’s housing stock is categorized as ‘low or moderate income’ housing. To be sure, this increase in fifteen (15) years in low/mod housing is largely attributable to new development approvals.

The Comprehensive Permit Ordinance enacted pursuant to State law provides for a single forum to act on all forms of land use relief as relates to low and moderate income housing. More particularly, State law provides,

The local review board (Planning Commission) has the same power to issue permits or approvals that any local board or official who would otherwise act with respect to the application...²

¹ R.I.G.L. § 45-53-2

² R.I.G.L. § 45-53-4(G)(iv)

October 12, 2023

The Rhode Island Supreme Court has upheld said statute by ruling that the local review board in considering an application for low or moderate income housing,

...is vested with the same power and authority as the various local boards, including the city or town council. Town of Coventry v. Omni, 814 A2d 889, 897 (R.I. 2003).

For Coventry, that forum is the Planning Commission. As such, the Planning Commission in a Low and Moderate Income housing matter has the exclusive authority to grant a zone change (normally reserved to the Town Council), Variance or Special Use Permit (normally reserved to the Zoning Board of Review) as well as those matters typically reserved to the Planning Commission.

In order to be eligible for consideration for approval as a Comprehensive Permit, an applicant under the Low and Moderate Income Housing Act must propose a development that has at least 25% low or moderate income housing.

Although the procedures to be followed are similar to typical Planning Commission actions (i.e. Major Subdivision with a Master Plan approval, Preliminary Plan approval and Final Plan approval), the appellate process and the basis for approval & denial are different and distinct.

For instance, typically, an appeal from an adverse Planning Commission would be to the Zoning Board of Appeal and a subsequent appeal would be to the Superior Court and ultimately to the Rhode Island Supreme Court. In this case, however, the appeal from an adverse Planning Commission decision lies with the State Housing Appeal Board (SHAB) and ultimately the Rhode Island Supreme Court. The State Housing Appeals Board is a seven (7) member board appointed by the Governor. The membership consists of one affordable housing advocate, one affordable housing developer, one representative of the business community, one attorney who is familiar with land use law, one local zoning board member, one planning board member, and one council member.

In **approving** a Comprehensive Permit, the Planning Commission must make the following *Findings of Fact*:

1. The proposal is consistent with the needs associated in the Town's Comprehensive Community Plan **with particular emphasis on the comprehensive community plan's affordable housing plan...**
2. The proposed development is in compliance with the provisions of the Town's zoning ordinance and subdivisions regulations and/or where expressly varied or waived, local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.
3. All low & moderate income housing proposed are integrated throughout the development; are compatible in scale & architectural style to the market rate units within the development; and will be built & occupied prior to or simultaneously with the market rate units.
4. There will be no significant negative impact on the health, welfare & safety of current and future residents of the community to include safe circulation of pedestrian and vehicular

October 12, 2023

traffic; provisions are made for emergency services, sewerage disposal, potable water, adequate stormwater runoff and the preservation of natural, historical or cultural features of the community.

5. All proposed land developments projects will have adequate & permanent access to a public way.

That said, in reviewing a Comprehensive Permit, the Planning Commission may **deny** an application for a Comprehensive Permit under the Low & Moderate Income Act if:

1. The Town has an approved affordable housing plan and is meeting housing needs.
2. The proposal is not consistent with the local needs identified in the Town's Comprehensive Community Plan.
 - a. **"Consistent with local needs"** means reasonable in view of the State need for low and moderate income housing, considered with the number of low income persons in the town...and the need to protect the health and safety of the occupants of the proposed housing or of the residence (sic) of the...town, to promote better building design in relation to the surroundings, or to preserve open spaces...³
3. The proposal is not in conformance with the Comprehensive Plan.
4. The community has met or plans to meet the goal of ten percent (10%) of low & moderate income housing.
5. Concerns for the environment and the health and safety of current residents have not been adequately addressed.

Comments from Town Department Heads

The Coventry Town Engineer and Director of Public Works have reviewed the latest revised plan and did not have comments on the two (2) minor revisions as described on page 1 of this report. Their previous comments on the record still stand.

Comments from the Public

All "new" public comments received by the date of this report (10/12/23) have been submitted to the Planning Commission for their review in advance of their next meeting. All "old" public comments received prior to their last meeting on September 13, 2023 remain on the record for this application.

Planning Staff Analysis

A Comprehensive Permit application allows the applicant to seek zoning relief and waivers as part of the Planning Commission decision, and does not trigger additional reviews or approvals by other bodies such as the Zoning Board of Review and the Town Council. The applicant has itemized the relief and waivers

³ R.I.G.L. § 45-53-3(4)

October 12, 2023

they are seeking, previously provided within the initial Planning Commission packet. It should be noted that the applicant has itemized all zoning relief that is required. While the Comprehensive Permit process does allow the applicant to seek such relief, for the Planning Commission to grant such relief as part of the overall project, the commercial components do not share the same protections as the housing components if the project is appealed to the State Housing Appeals Board.

The applicant has made several changes to the plan since its initial submittal at the Master Plan stage. The applicant's previous proposal included a total of 153 residential units comprised of 69 single-family dwellings, 84 multi-family dwellings, and a proposed indoor/outdoor soccer facility totaling 67,850 GSF. The applicant's current proposal includes a total of 142 residential units (comprised of 72 single-family dwellings and 70 two-family dwellings) and one (1) commercial pad site totaling 12,500 GSF. The overall effect of the applicant's changes is a reduction in the intensity of use on the site, particularly with regard to the commercial component. There is a reduction of 11 residential units (7.2% reduction), and a reduction of 55,350 GSF of indoor commercial floor space (81.6% reduction). The applicant has also removed the multi-family dwelling component from the proposal entirely in an attempt to bring the overall scale and height of the residential buildings into greater conformance with those found in the surrounding area.

It is anticipated the project will be served by public water and Kent County Water Authority has issued a letter based on this intent. The applicant has submitted a sewer application (pending before the Town of Coventry) which will require further study to understand the existing system's capacity. This aspect of the project will become clearer prior to the Preliminary Plan stage of development.

Comprehensive Plan Analysis

Planning staff have reviewed the Town's Comprehensive Plan and the Town's Affordable Housing Plan for policy elements that are relevant to this proposal. This is one of the most critical review items for a Comprehensive Permit as it relates to the required finding under state law. The revised plan addresses the need for affordable housing in both single-family units and two-family rentals, and the plans encourage housing that would be available for families and residents of all ages, not just elderly residents. In this regard, the proposal is consistent with meeting the affordable housing needs as articulated within the Town plans.

Additionally, the Comprehensive Plan's Land Use Plan Map identifies this site as being within the Special Planning District designation. The Comprehensive Plan has specific language on its vision for this designation as well as its vision this specific property, as follows:

Page D.1-28:

The Land Use Plan recommends that the Special Planning District overlay the General Business zone on Route 3 at the juncture of Harkney Hill and Nooseneck Hill Roads. Although not inconsistent with the General Business Zone, the Special Planning District does provide for a mix of commercial and residential uses and envisions the implementation of special design standards that would recognize this area as a commercial gateway in Coventry.

Page D.1-19:

The junction of Harkney Hill and Nooseneck Hill Roads plays an important role as a landmark for persons traveling into Coventry. One of the parcels in the area is known by Coventry residents as the “cornfield.” The parcels at this intersection are currently zoned for General Business (GB). The Land Use Plan designates this area as a Special Planning District, providing a flexible land use category whose design guidelines take into consideration the special impact this area has on the community, due to its location in a visually prominent part of Town. Development in this area should be designed and sited to encourage internal pedestrian traffic, such as with a traditional village center concept. Strip development is strongly discouraged. A mix of commercial (including retail, services, cultural and educational training institutions, and office) and residential uses are contemplated. Buffering, access, landscaping, lighting and signage must be oriented to accommodate pedestrian traffic within the site and should protect surrounding residences from adverse development impacts.

Based on staff’s review of the above-cited Comprehensive Plan language, it is clear there is a focus on maintaining the visual aesthetics of the site, while providing for a mix of possible uses, including residential uses. Specific language on buffering, access, landscaping, lighting, and signage warrant careful consideration of these items as the process moves forward. It should be noted the applicant has offered details within their Master Plan submission on proposed access, buffering to abutting residential parcels, and a proposed landscaping plan. For some of the other items listed above, such as lighting and signage, additional details are anticipated at the Preliminary Plan stage of review.

Based on staff’s review of the Comprehensive Plan, with a focus on the Plan’s content regarding affordable housing and the location specific information regarding this area (page 6 of this report), staff finds that the proposed development is consistent with the Coventry Comprehensive Plan. The proposal addresses the need for affordable housing in both single-family units and two-family rentals, and encourages housing that would be available for families and residents of all ages. The proposed development addresses the Town’s affordable housing needs as articulated within the Comprehensive Plan. Further, staff finds that the proposal is consistent with the Comprehensive Plan language that is specific to this area of the Town with regard to buffering, access, landscaping, lighting, and signage. The applicant has provided a naturally wooded buffer around the perimeter of the site abutting surrounding residential properties. The applicant has provided a Landscape Plan with significant tree plantings throughout the development. This Landscape Plan is being provided at the Master Plan stage of review when is only required at the Preliminary Plan (next) stage of review. The applicant has provided a conceptual drawing for monument signage at the intersection on Nooseneck Hill Road and Harkney Hill Road with the words “Coventry Crossing – Welcome to Coventry”. The topics of lighting will be addressed at the Preliminary Plan stage of review with a lighting plan to ensure consistency with the Comprehensive Plan.

Traffic Analysis

Since the initial Master Plan submittal, the applicant has provided a Traffic Study (dated April 2023), a revised Traffic Study (last revision dated August), and a specific response letter to the peer review (dated August 10, 2023). The revised traffic study verifies there will be an overall reduction in the amount of

October 12, 2023

traffic expected from the current development proposal as compared to the initial Master Plan submittal. The commercial category used for the revised traffic study, designated in the traffic report as “Strip Retail Plaza,” allows for a generic traffic assessment of a range of potential commercial uses on this site, but does not specify any individual commercial uses that may be pursued. The applicant does not have further clarity on the specific commercial use at this time, but it is understood the commercial use would be allowed in the underlying zoning district of GB-1 (General Business).

The applicant’s revised Traffic Study and response letter have been reviewed by an independent, 3rd party peer reviewer. The peer reviewer has provided two (2) letters with their comments dated August 2, 2023 and October 3, 2023. The final conclusion of the peer reviewer is that the project will NOT have a detrimental impact on the surrounding roadways. Of note, in their last letter dated October 3, 2023, the peer review calls attention to the fact that the proposed commercial use remains undefined and offered a handful of potential commercial uses that would generate more traffic than the applicant’s current category of “Strip Retail Plaza.” As such, staff have offered a condition of approval within the recommendation below that any of the following commercial uses would require further analysis of traffic impact at the Preliminary Plan stage of review, should they be proposed:

- Restaurant or Fast Food Restaurant (as previously discussed by applicant)
- Supermarket
- Convenience Store
- Pharmacy/Drugstore
- Marijuana Dispensary
- Liquor Store
- Coffee/Donut Shop

Findings of Fact

The Commission should carefully consider the revised Master Plan application and supplemental information submitted by the applicant, as well as the additional context provided within this staff report.

Staff offer the following Findings of Fact for consideration of the Planning Commission in its consideration of a Master Plan decision. Findings of Fact must be supported with evidence based on the application materials and the record on this matter. The following staff findings are provided in direct comparison to the required Findings of Fact when approving a Comprehensive Permit.

RIGL § 45-53-4 (a)(4)(v)(A) - The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community’s affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.

1. **The proposal is consistent with the Coventry Comprehensive Plan with regard to meeting the affordable housing needs as articulated in the plan and the location-specific vision of this area of**

Town. The proposal addresses the Plan’s need for affordable housing in both single-family units and two-family rentals, and encourages housing that would be available for families and residents of all ages. The proposal addresses the Plan’s vision for this specific area of Town (Nooseneck Hill Road and Harkney Hill Road) with substantial plans and information showing improvements and mitigations relating to buffering, access, landscaping, and signage.

RIGL § 45-53-4 (a)(4)(v)(B) - The proposed development is in compliance with the provisions of the Town’s zoning ordinance and subdivisions regulations and/or where expressly varied or waived, local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.

- 2. The proposal is in compliance with the provisions of zoning, and where varied the proposal has identified the waivers/relief appropriately. The relief needed does not outweigh the state and local need for affordable housing, as articulated in state law and in the Coventry Comprehensive Plan.**

RIGL § 45-53-4 (a)(4)(v)(C) - All low & moderate income housing proposed are integrated throughout the development; are compatible in scale & architectural style to the market rate units within the development; and will be built & occupied prior to or simultaneously with the market rate units.

- 3. All low and moderate income housing for this proposal will be integrated and compatible in scale and architectural style to the market rate units.**

RIGL § 45-53-4 (a)(4)(v)(D) - 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. Based on the current Master Plan, there are no anticipated negative environmental impacts from the proposal with engineering designs, details, and mitigations to be demonstrated prior to FINAL PLAN.**

RIGL § 45-53-4 (a)(4)(v)(E) - There will be no significant negative impact on the health, welfare & safety of current and future residents of the community to include safe circulation of pedestrian and vehicular traffic; provisions are made for emergency services, sewerage disposal, potable water, adequate stormwater runoff and the preservation of natural, historical or cultural features of the community.

- 5. The proposal has addressed, or will address at the Preliminary Plan stage, all impacts relating to health, welfare, and safety of residents. The proposal will not be in conflict with provisions for traffic, emergency services, sewerage disposal, potable water, stormwater runoff, and the preservation of natural, historical or cultural features of the community, where applicable.**

RIGL § 45-53-4 (a)(4)(v)(F) - All proposed land developments and all subdivisions lots will have adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(5).

6. The proposal will have adequate and permanent physical access to a public street on both Nooseneck Hill Road and Harkney Hill Road.

RIGL § 45-53-4 (a)(4)(v)(G) - The proposed development 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, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

7. The proposal 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.

Staff Recommendation

Staff finds this proposal consistent with the standards for required findings of fact set forth in RIGL Section 45-53-4 as well as with the Town of Coventry’s Zoning Ordinance and Subdivision and Land Development Regulations. Staff therefore recommends that the Planning Commission adopt the documented findings of fact and **approve** the Coventry Crossings Master Plan application, subject to the conditions denoted below.

Conditions of approval

1. The proposed 12,500 SF Commercial Building shall not contain any of the following uses unless supported with sufficient impact analysis, including traffic analysis, at the Preliminary Plan stage:
 - Restaurant or Fast Food Restaurant
 - Supermarket
 - Convenience Store
 - Pharmacy/Drugstore
 - Marijuana Dispensary
 - Liquor Store
 - Coffee/Donut Shop

2. Detailed discussions with the Central Coventry Fire District shall be made as soon as practical with regard to fire truck access and hydrant placement. Correspondence with the fire department shall be made part of the preliminary plan submission. A final approval letter from the Coventry Fire Marshall shall be obtained as a condition of Final Plan application submittal indicating the Central Coventry Fire Department’s adequacy to provide fire services.

October 12, 2023

3. The Applicant shall achieve approval through the Town Sewer Committee for providing service through the Woodland Manor Pump Station meet the project demand.
4. Any applicable reviews or approvals from the Rhode Island Historical Preservation and Heritage Commission shall be addressed in the Preliminary Plan application.
5. A lighting plan shall be included in the Preliminary Plan application submittal and shall include consideration for such requirement including their type, wattage, installation and related specification detail.
6. In addition to the foregoing, the Planning Commission may request additional, reasonable documentation, throughout the public meeting, including but not limited to, opinions of experts, credible evidence of application for necessary federal and/or State permits and advice from other boards.
7. As a condition of the issuance of each building permit, applicable Fair Share Development Fees, shall be paid, separate and apart from any other fees required, by check made out to *"Town of Coventry."*