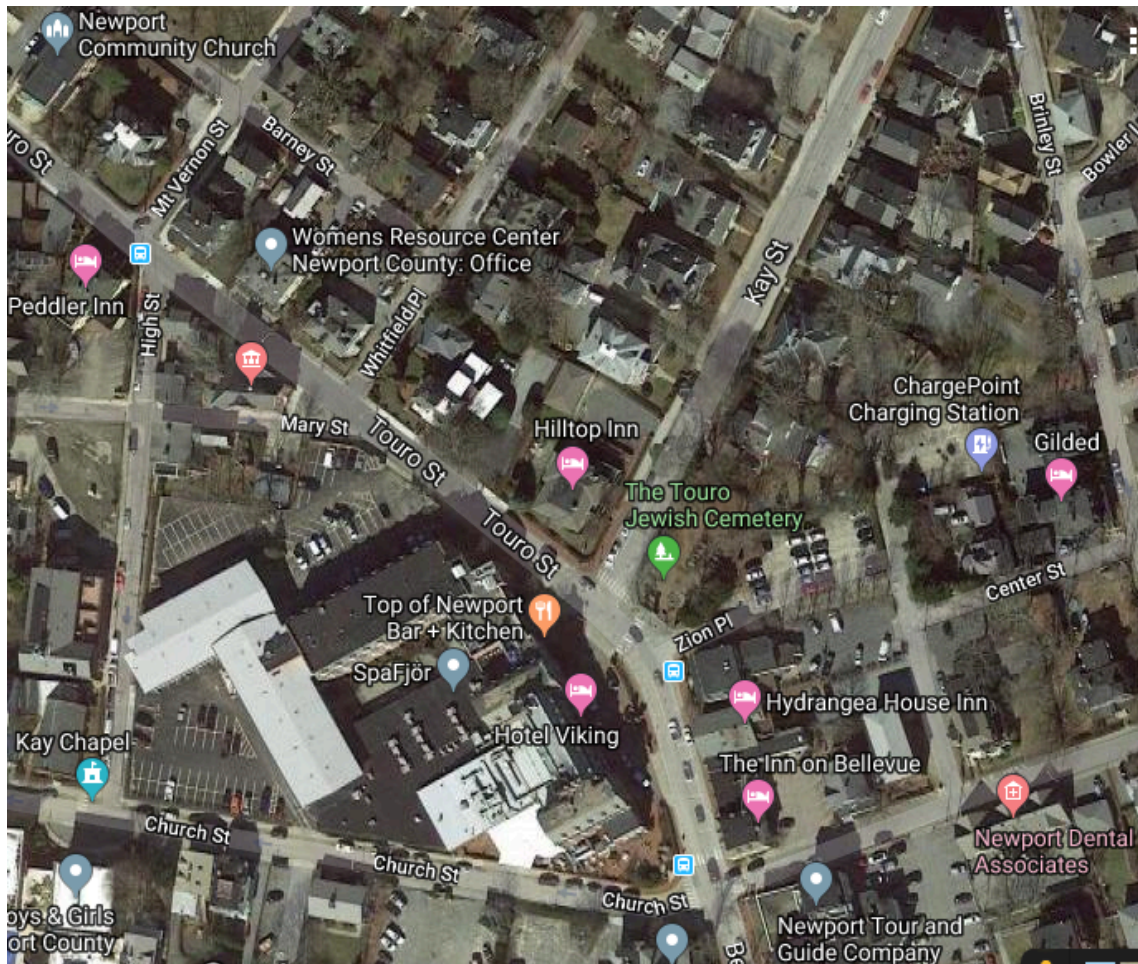


2 KAY STREET- ZONING MAP AMENDMENT ANALYSIS



2 KAY STREET - (TAP 21, Lot 123) CITY OF NEWPORT, RI AUGUST 23, 2019

Prepared for:

ARC HTNEWRI001, LLC

2 Kay Street

Newport, RI 02840

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122 Touro Street

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INTRODUCTION:

This report addresses a review and analysis of a requested Zoning Map Amendment for 2 Kay Street, Newport, RI. The subject property record shows this as Tax Assessor's Map 21, Lot 123. The report is prepared on behalf of the property owner and owner's attorney.

PROJECT SUMMARY:

The property owner operates the Hilltop Inn as a 5-bedroom guest house at this property located at the corner of Touro Street, Kay Street, and beginning of Bellevue Avenue. The existing Hilltop Inn is a five-star guest house offering full amenities to guests. The best description for Hilltop Inn can be found at the business website. <http://www.hilltopnewport.com/> The owner is interested in adding a restaurant to the existing operation as a replacement to the existing kitchen and dining area used for breakfast meals. The zoning amendment proposal includes a change from an "R-10" zoning district to General Business "GB" zoning. The existing zoning does not allow a restaurant use as proposed.

PROPERTY DESCRIPTION:

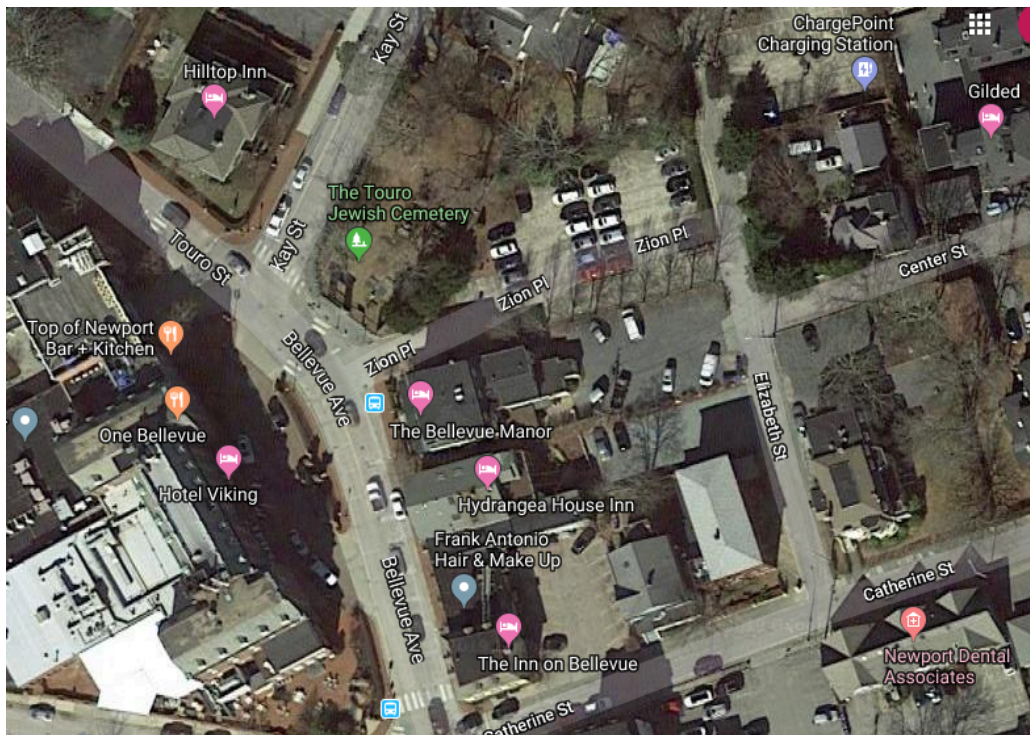
The subject property is located at 2 Kay Street at the corner of Kay Street, Touro Streets, and beginning of Bellevue Avenue. The parcel is directly across the street from the Viking Hotel, a major full-service hotel. Vehicular access to the site is from either Touro Street or Kay Street. On-site parking is accessed from Kay Street. There is a signalized intersection at Kay and Touro Streets.

The lot consists of 14,810 square feet or 0.34 acres. The relatively flat lot is rectangular shaped with 148' depth and 98' width. The property has a two-story historic structure (circa 1905, 5,300 square feet), a one-story garage (960 square feet) with parking bays, a multi-car parking lot, and landscaping. The lot maintains privacy and offers buffering through its landscaping and fencing along the perimeter.

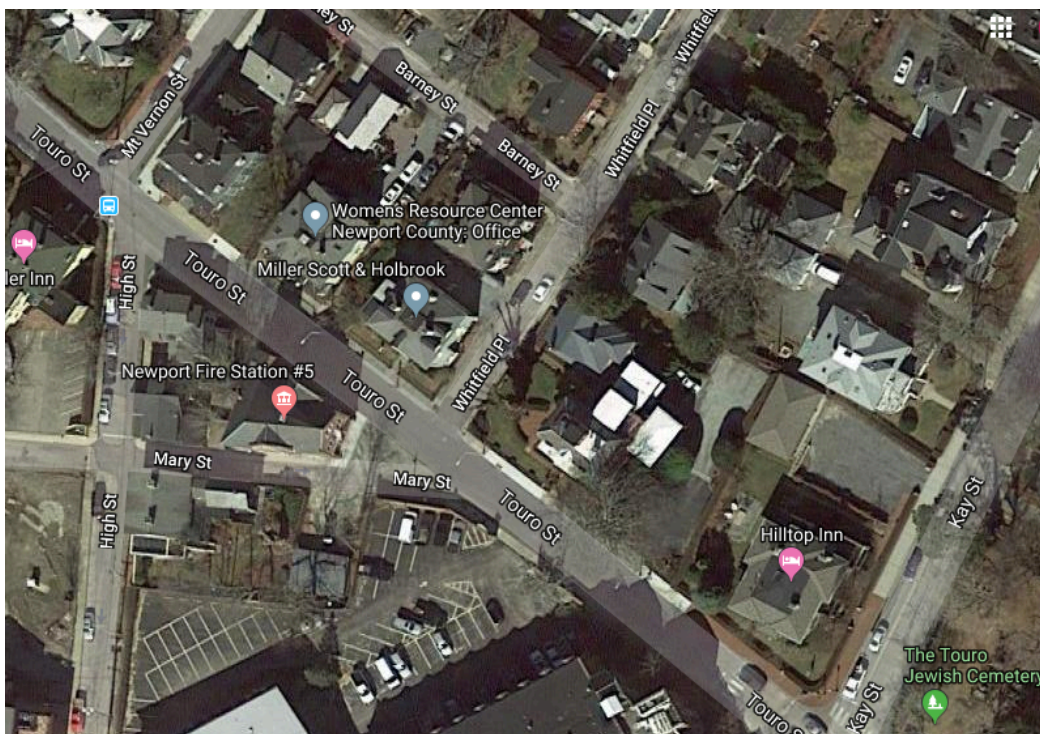
Zoning for this parcel is "R-10." "R-3" zoning is found further down Touro Street (west). "GB" zoning is located across and down Bellevue Avenue (south). "R-10" zoning is found primarily up Kay Street (north). Although 2 Kay Street is zoned for primarily single-family use, there are no single-family uses adjacent to the property and there are few in the immediate neighborhood in both the "R-3" and "R-10" zones. Commercial and mixed-land uses exist to the south, west, and east. Mixed land uses are predominantly found on Touro Street (west). These include professional offices on the lower building levels and multi-family and guest houses on other building areas. Commercial, institutional, and mixed land uses are predominantly found on Bellevue Avenue and Zion Place (south and east). These include hotels, guesthouses, retail, commercial parking, and professional offices. Multi-family residential land use is found to the north of the property on Kay Street and there are few single-family residential uses.

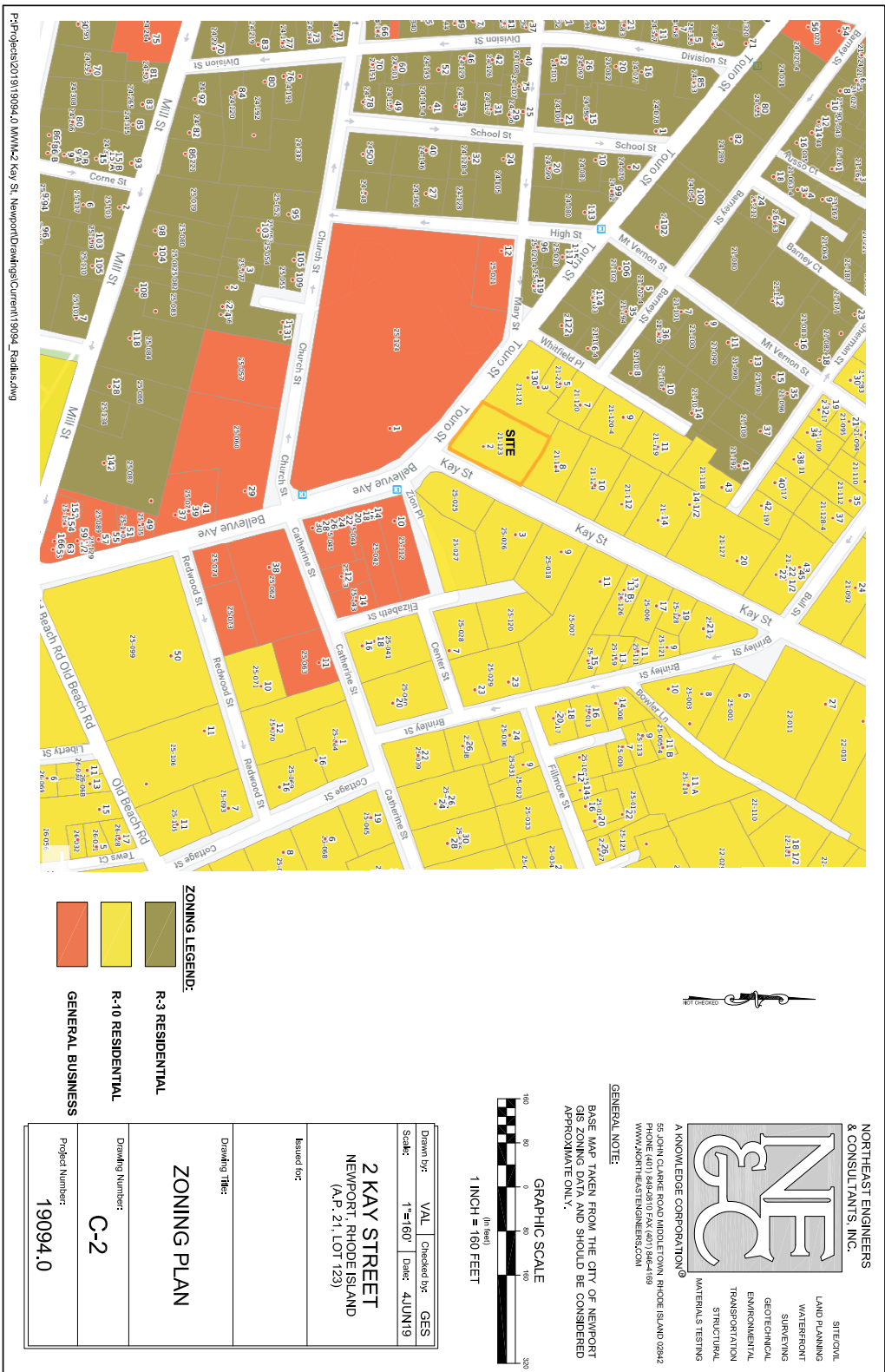
Photographs for the subject property and neighboring uses are attached to this report as **Appendix A**. Two aerial images below illustrate the general proximity of the property to the beginning of Bellevue Avenue as well as the Touro Street corridor. Following the aerial images is the zoning plan illustrating

the proximity of the “R-10”, “R-3” and “GB” zones. Following the zoning map are photo perspectives to and from 2 Kay Street with focus on the intersection of Bellevue, Touro and Kay.



Locational photos focusing on Bellevue Ave. (above) and Touro Street (below)







View of 2 Kay Street from Bellevue Avenue (above) and view towards Bellevue (below)





View down Touro St. from 2 Kay Street (above) - view from Kay St. towards Viking Hotel (below)



EXISTING LAND USE:

The intersection of Bellevue Avenue, Touro Street and Kay Street is best described as a mixed-use area. **Appendix A** illustrates photos of the area demonstrating the mixed-use characteristic of the neighborhood. This portion of Bellevue consists primarily of commercial with several businesses on each parcel consisting of hotel, retail, institutional, commercial parking, and restaurant. There are at least two commercial parking lots in the residential zone off Zion Place that serve the Viking Hotel. This portion of Touro Street consists of primarily hotel, inn, institutional, office, and multi-family residential. There are few single-family structures. This portion of Kay Street consists primarily of a combination of institutional, inn, and multi-family residential. There are few single-family uses. The following table details many of the existing properties in this neighborhood and their respective uses. The neighborhood was found to have few single-family uses and many mixed-use and non-residential properties.

Address	Plat/Map	Name	Land Use	Dwelling Units	Total Rooms
2 Kay	21-123	Hilltop Inn	B+B/Inn	6	12
8 Kay	21-164	-----	Multi-family	5	17
10 Kay	21-124	-----	Multi-family	4	15
9 Kay	25-18	-----	Single-family	1	9
3 Kay	25-26	-----	Two-family	2	16
0 Kay	25-25	Touro Jewish Cemetery	Jewish Cemetery	0	0
0 Bellevue	25-027	Hotel Viking	Commercial Parking Lot	0	0
Elizabeth Street	25-120	Hotel Viking	Commercial Parking Lot	0	0
1 Bellevue	25-124	Hotel Viking, restaurant/spa	Large business - hotel	0	-----
10 Bellevue	25-112	Bellevue Manor	B&B/Inn	12	38
14-18 Bellevue	25-42	Hydrangea House	B&B/Inn	8	10
20 Bellevue	25-44	Inn on Bellevue, Frank Antonio Hair and Makeup	B&B/Inn and retail	2	4
22-30 Bellevue	25-45	Inn on Bellevue, Bellevue Massage & Body Work, Picnic Gourmet & Cafe	B&B/Inn, Mixed-Use, Retail	10	-----
130 Touro	21-121	Machioci/Fischer, Mary Armington Guest House	Mixed-Use (Office and Guest House)	5	16
122 Touro	21-104	Miller Scott	Mixed -Use (Office and	2	13

		Holbrook & Jackson	Residential)		
114 Touro	21-103	Women's Resource Center	Mixed-Use (Office and Residential)	-----	-----
106 Touro	21-102		Multi-family	6	-----
102 Touro	24-55		Single-family	1	12
100 Touro	24-054	Newport Community Church	Church (Institutional)	-----	-----
82 Touro	24-289	Newport Historical Society	Institutional with office	-----	-----
Touro	24-025	Congregation Jeshuat Israel	Church (Institutional)	-----	-----
Touro	24-021	Congregation Jeshuat Israel	Church (Institutional)	-----	-----
60 Touro	24-020/4	Congregation Jeshuat Israel	Church (Institutional)	-----	-----
56 Touro	24/020	Congregation Jeshuat Israel	Church (Institutional)	-----	-----
60-62 Spring	24-023		Mixed-Use (Comm./Residential)		
71 Touro	24-320		Two-family		
3 Division	24-053	Congregation Jeshuat Israel	Church (Institutional)		
1 School	24-078	Congregation Jeshuat Israel	Church (Institutional)		
2 School	24-079		Multi-family	4	15
99 Touro	24-362	Jailhouse Inn	B+B/Inn	5	5
113 Touro	24-080	Yankee Peddler Inn	B+B/Inn	9	19
117 Touro	25-020		Multi-family		
Touro	25-19	City of Newport	Institutional (Fire Station)	-----	-----

ZONING AND COMPATIBILITY WITH THE COMPREHENSIVE LAND USE PLAN:

The City of Newport explicitly links the zoning regulations with the Comprehensive Land Use Plan. In essence, the zoning is an implementing tool for the general intent of the Comprehensive Land Use Plan. The Zoning Code addresses intent and purposes, which are critical to its foundation and also a legal basis for all decisions relating to zoning within the city. Chapter 17.04.020 details the intent and purposes that are a strong foundation and legal basis.

Chapter 17.04.020 – Intent and Purposes. *“It is the intent of this zoning code to aid in the implementation of the adopted comprehensive plan for the city. This zoning code and such plan are designed to further the purposes set forth in Title 45, Chapter 24, of the General Laws, and for the promotion with the greatest efficiency and economy of the coordinated development of the city and prosperity of its people, particularly in the following ways, each with equal priority and numbered for reference purposes only:”*

- A. Promoting the public health, safety, and general welfare;*
- B. Providing for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs;*
- C. Providing for orderly growth and development which recognizes;*
 - 1. The goals and patterns of land use contained in the comprehensive plan of the city adopted pursuant to Title 45, Chapter 22.2 of the General Laws.*
 - 2. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution,*
 - 3. The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands,*
 - 4. The values of unique or valuable natural resources and features,*
 - 5. The availability and capacity of existing and planned public and/or private service and facilities,*
 - 6. The need to shape and balance urban and rural development, and
The need of innovative development regulations and techniques;*
- D. Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation;*
- E. Providing for the protection for the natural, historic, cultural, and scenic character of the city or areas therein;*
- F. Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources and open space;*
- G. Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements;*
- H. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing;*
- I. Providing opportunities for the establishment of low and moderate income housing;*
- J. Promoting safety from fire, flood and other natural or man-made disasters;*
- K. Promoting a high level of quality in design in the development of private and public facilities;*
- L. Promoting implementation of the comprehensive plan of the city adopted pursuant to Title 45, Chapter 22.2 of the General Laws;*

- M. Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on the municipality;*
- N. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process;*
- O. Providing for procedures for the administration of the zoning code, including, but not limited to, variances, special use permits, and, where adopted, procedures for modifications;*
- P. Notwithstanding any provision of this zoning code, structures, buildings, and land may be erected and/or used by the City of Newport, or any agency or department thereof, for public or municipal purposes in any zoning district, and said structures, buildings, and lands so erected or used shall be exempt from the provisions of this zoning code.*

The City of Newport recognizes that the community will evolve over time and there will be needed code amendments. Chapter 17.04.030 below is an excerpt from the zoning code reiterating this point and how future amendments should adhere to the goals, policies, and applicable elements of the plan.

Chapter 17.04.030. – Consistency with the Comprehensive Plan Required. *“This zoning code is hereby adopted to further the purposes of the comprehensive plan adopted for the city. Any amendment to this zoning code shall be consistent with the policies and goals of the adopted comprehensive plan for the city. In the instance of uncertainty in the construction or application of any section of the zoning code, the zoning code shall be construed in a manner that will further the implementation of and not be contrary to, the goals and policies and applicable elements of the comprehensive plan.”*

The project is seeking a zoning map amendment to zoning district “R-10” to “GB” (General Business). The purpose for the amendment is to address a desire to offer a small, high-end exclusive restaurant to inn guests and occasional public.

Chapter 17.60.010 of the zoning code addresses the “GB” zone. The stated legislative intent is, “The general business district consists of the city’s central business and community shopping areas. The intent of this district is to allow general retail and business uses, but in a manner so as to complement the existing unique combination of residential and commercial uses found in the area.”

Chapter 17.60.020 lists the allowable uses within the “GB” zone. There are a number of uses allowed by right as well as those requiring special use permit. “Guest Houses” are allowed by right as are “Standard Restaurants.” It is the “Standard Restaurant” use that is desired for this property to serve the exclusive small restaurant for the existing inn operation.

In addition, “Development Standards” for Restaurants identified in Chapter 17.100.090 as well as plan review would need to be addressed for this proposed restaurant use.

COMPREHENSIVE LAND USE PLAN:

The State of Rhode Island requires all municipalities develop and gain local and state approval of a Comprehensive Land Use Plan (CLUP). The CLUP guides Newport's future land use decisions to promote the orderly and efficient development and use of property.

Newport's CLUP offers the following Vision Statement (p. 1-6) with emphasis valuing existing assets while promoting quality growth: *"The City of Newport is a vibrant, forward-looking and welcoming community built upon a strong sense of place and cultural heritage. Residents and visitors alike enjoy the city for its rich history, natural beauty, boating traditions, walkability, enticing downtown, community diversity, and overall quality of life. We are committed to charting a course for our future that embraces and encourages innovative growth and development, taking an active role in the stewardship of our architectural and natural resources, and an enhanced quality of life, all while we maintain our unique historic and cultural assets that are the foundation of our character."*

The CLUP must be viewed as a holistic document, but the most integral and important element is the "Land Use" element. Other elements relating to the 2 Kay Street proposal include Economic Development and Transportation/Circulation. The Housing Element references protecting existing housing resources, but this 2 Kay Street is non-residential as are many in this neighborhood. Also, the Housing Element offers significant guidance towards affordable housing and not relevant to this proposal.

Land Use Element:

The element states several overarching points specific to Newport. The "Central Corridor" encompasses the 2 Kay Street neighborhood. The CLUP states, "The land use and street patterns in this area are fairly well established and will not change in any substantive way within the plan horizon." (p. 3-2)

Newport is "predominantly characterized as residential with 54% of the total land area dedicated to Low Density residential (28%), Medium Density Residential (25%), or High Density Residential (1%). (p. 3-2). "The City of Newport is 90% built out with only a small portion of land within the community being vacant and available for development." (p. 3-4) According to Table 3-1 addressing land use distribution, only 5% of Newport's land area is classified as "Commercial" and only an additional 2% is classified as "Waterfront Business." (p. 3-4). In essence, commercial development in comprises only 7% of Newport's land area. The other 93% is composed of residential, institutional, utility, open space/recreation, public, federal and state land uses. This property is located in the Arts/Entertainment district as illustrated on Map 3-5. (p. 3-14)

Although the CLUP commonly references "Mixed Land Use" in narrative, however, the land use maps do not reflect such use. Mixed land uses are commonly found throughout Newport of Newport's

neighborhoods. The land use maps only rely on single use classifications and designations thereby inferring a broad and general approach to addressing land uses.

The following goal and policies from the Land Use Element pertain to this proposal.

Goal LU-1: To provide a balanced City consisting of residential, commercial, and employment uses consistent with the character, environmental resources and vision of the community.

Policy LU-1.6: The City shall encourage upgrading, beautification, revitalization, and environmentally appropriate reuse of existing commercial areas.

Policy LU-1.7: The City shall protect the existing character of residential neighborhoods while encouraging local neighborhood business.

The Implementation Actions specific to the goal and policies above begins with the following:

A) “Update City’s Zoning Ordinance to add Mixed Use designations compatible with the designations included in this Comprehensive Plan.” (p. 3-26). Additionally, this action is classified as a “high priority and short timeframe.”

Economic Development Element:

This element highlights employment data stating the Arts, Entertainment, Recreation and Accommodation & Food Services represents 21% of Newport’s workforce. This value is second only to Educational Services, and Health Care and Social Assistance representing 24% of the workforce. Although the plan references increasing economic diversification, “Accommodation and Food Services” are a significant economic industry sector for Newport.

Furthermore, the element states, “The strength of the tourism industry is important to Newport as it directly relates to increased revenues through sales tax from outside sources.” (p. 4-4) Additionally, the element states, “The tourism industry is vital to Newport’s economy, with the multiplier effect creating thousands of jobs and generating outside revenue for the community, but Newport’s tourism is largely seasonal, peaking in the summer. As a result, the local chamber and Newport County Convention & Visitors Bureau (NCCVB) are working on marketing efforts to increase visitor activity during the winter and “shoulder” seasons.” (p. 4-6)

The following goal and policies from the Economic Development Element pertain to this proposal.

Goal ED-1: To develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base.

Policy ED-1.5: The City shall build upon thriving sectors to develop a more substantial year-round tourism economy.

Transportation and Circulation Element:

This element highlights that Touro Street and Bellevue Avenue are classified as “Minor Arterials” on Map 7-1. This classification is defined as, “roads which hold smaller traffic volumes than the principal arterials, but still have many connections to local destinations. Minor arterial streets in Newport include Thames Street, Spring Street, Bellevue Avenue and Rhode Island Avenue.” (p. 7-3) Kay Street is classified as a “Collector Road” on Map 7-1. This classification is defined as, “primary thoroughfares that collect traffic from local residential roads and guide it to the high-capacity arterial streets. The collector roads in Newport include Warner Street, Washington Street, Van Zandt Avenue, Malbone Road, and Ocean Avenue among others.” (p. 7-3)

Map 7-3 illustrates Public Transit and shows the “Bellevue Mansions/Salve Regina” Route #67 route on Bellevue, Touro and Kay. This key intersection serves as the northern terminus and loop for this route.

The following goal and action from the Transportation and Circulation Element pertains to this proposal.

Goal T-4: To use state-of-the-art design and technology to create a safe, efficient, and environmentally sound and user-friendly transportation system.

Action D: Provide the development of strategically located mixed-use nodes (i.e. North End and the City’s historical urban core area.)

FINDINGS:

In reviewing the 2 Kay Street property and project, the Comprehensive Land Use Plan, and proposed Zoning Map Amendment request, the following are my professional findings:

- Most business growth in the Rhode Island involves small to medium sized businesses seeking to expand;
- Commercial land uses comprise only 7% of land area within Newport;
- In Newport, it is common to find several differing land uses adjacent to each another such as residential and commercial plus mixed land uses;
- The existing neighborhood has an epicenter including Bellevue Avenue, Touro Street and Kay Street and consists of a mixture of land uses with few single-family homes;
- The neighborhood is located within the Newport Arts and Entertainment District;
- A mixed land use pattern exists and is especially prevalent on the northern side of Touro Street abutting and within close proximity to 2 Kay Street despite these properties being zoned “R-3” and “R-10”;
- These mixed-uses are unlikely to convert into future residential uses given their current intensities;

- The “GB” zoning is located across the street from the subject property on both sides of Bellevue Avenue creating a mixed use node of commercial activity;
- The “GB” zoning is also located at the bottom of Touro Street as a part of the Washington Square mixed use node;
- The combination of the Bellevue, Touro and Washington Square existing mixed land uses form one contiguous and functional mixed use district;
- The proposed “GB” zoning district allows for a number of uses including a “Standard Restaurant” as desired by the property owner;
- The proposed zoning and use will not hinder the future development of the city;
- The proposed zoning is consistent with Chapter 17.04.020 - Intent and Purposes of the zoning code;
- The zoning amendment proposal is generally consistent with the Newport’s Comprehensive Land Use Plan (CLUP) including the vision statement, goals and policies, and implementation program; and
- The proposed “GB” zoning district would be well suited for the subject property and possibly other parcels on Touro Street.

RECOMMENDATION:

In conclusion, the proposed zoning amendment for 2 Kay Street (Map 307, Block 36, Parcel 16) from “R-10” to “GB” has been evaluated, and in my opinion:

- The proposal is consistent with the City of Newport’s Comprehensive Land Use Plan (CLUP) narrative including the vision statement, goals and policies, and implementation program;
- The “GB” zoning and proposed use is in keeping with the zoning code’s stated intent and purposes section including promoting public health, safety and general welfare, and
- The proposed “GB” zoning district and associated permitted uses would be well-suited for the subject property and possibly other parcels on Touro Street.

Paige R. Bronk, AICP

Paige R. Bronk

08/29/2019

Appendix A: Subject Property Photos



Bellevue Avenue commerce at Catherine Street towards 2 Kay Street property (above) – Viking Hotel
towards 2 Kay Street and Touro Jewish Cemetery (below)





Commercial parking lot at Zion Place and Bellevue (above) – 2 Kay Street, driveway access, and abutting multi-family structure (below)





Machioci & Fischer and Mary Armington Guest House abutting 2 Kay Street (above) – Miller Scott Holbrook & Jackson and apartments (below)





City of Newport Fire Station (above) – Women’s Resource Center (below)





2 Kay Street and Jewish Cemetery (above) – Cemetery and commercial parking lot (below)

