

Town of Bristol, Rhode Island

Planning Board

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DECISION OF BRISTOL PLANNING BOARD

Bristol Yarn Mill – Major Land Development

Master Plan

OWNERS: Russ-Realty Co., Russell Karian, Sentier Realty, and Karian Realty, Co.

APPLICANT: Brady Sullivan Properties, LLC

PROPERTY ADDRESS: 125 Thames Street

PLAT 10 LOTS 41, 42, 43, 44, 49, 50, 60, 61, 62, 68, 71, 73, 74, and 76

Motion:

“The Bristol Planning Board hereby acknowledges the applicant’s agreement to an extension of time frame on the action on the Master Plan for the Bristol Yarn Mill (a/k/a Robin Rug) for an additional 60 days to bring the deadline for action to June 21, 2022, and grants conditional approval to the Master Plan as revised April 13, 2022 submitted on April 14, 2022, and recommends to the Town Council that the 2008 Change of Zone conditions also be amended to allow a density of 127 residential units and 6,300 square foot of commercial space along with parking spaces being 9’ wide in lieu of the required 10’ wide and to allow single – striped parking spaces in the interior parking lot (see plan entitled “Master Plan Bristol Yarn Mill – Alternative Parking Plan”) on the east side of Thames Street on Plat 10 Lots 41, 43, 44, 49, 50, 68, 71, 73, 74, and 76.”

Approval is based upon the following findings of fact and conclusions of law.

I. Procedural History

1. In 2008, the Town Council approved a conditional Change of Zoning Map to apply the Waterfront – Urban Rehab Land Development “Urban Rehab Land Development” (a/k/a Waterfront Planned Unit Development) zone to the mill property at 125 Thames Street, Plat 10, Lots 42, 60, 61, and 62. Along with the Change of Zoning Map in 2008, the Town Council revised the Zoning Ordinance (Section 28-284 (d)(2) to provide a mix of residential and commercial uses with a residential density of 1 unit per 2,250 square feet of gross floor area. According to the Town of Bristol Tax Assessor’s records, the subject

mill building contains 296,717 square feet of gross floor area (not including the basement and the concrete building being demolished) which allows a residential density of 131 dwelling units. However, when the Town Council applied the Zone to the property, they conditioned the approval on a maximum density of 98 units, along with eight (8) other development conditions relative to public access to the waterfront, affordable housing, commercial space, water-related uses, traffic study, infrastructure mitigation, off-site parking, and existing historic buildings.

2. The 2008 Town Council adopted changes to the Zoning Ordinance Section 28-284 (d)(2) specific to this property and also granted a Change of Zoning Map with conditions. These original zone change conditions run with the land and apply to this proposal.
3. In June 2010, the Planning Board granted Master Plan approval with conditions to the original proposal; however, that approval has expired.
4. In May 2021, a concept review application was submitted by Brady Sullivan Properties, LLC as the applicant. A public Site Visit was held on June 8, 2021 and a concept review meeting with the Planning Board was held on June 10, 2021.
5. On October 15, 2021, Brady Sullivan Properties, LLC, as the applicant, submitted a Master Plan application, along with a petition to change certain conditions of the 2008 zone map change. The Master Plan application proposed a residential density of 151 units and a commercial use square footage of 6,300 in the mill. A petition to change the zone map from Waterfront and Downtown on the surface parking lot property, located opposite the mill on the east side of Thames Street, to the Waterfront Planned Unit Development was also submitted and later withdrawn.
6. The application was re-submitted on November 19, 2021 to address missing requisites and the application was certified complete on December 22, 2021. Planning Board action was needed by March 22, 2022 unless an extension was mutually agreed upon. Two extensions were mutually agreed upon bringing the deadline for Planning Board action to June 21, 2022.
7. The applicant requested a waiver of the architectural renderings which were then submitted on March 3, 2022. The applicant also requested a waiver of the draft legal documents which will be submitted at the preliminary phase; therefore, a waiver is not applicable.
8. A Technical Review Committee meeting on the Master Plan application was held on December 22, 2021.
9. A duly advertised public information meeting was held on January 13, 2022 and continued to February 10, 2022 and March 10, 2022.
10. One member of the Planning Board, Charles Millard, recused himself from consideration of the application. First Alternate Planning Board Member Brian Clark participated in lieu of Mr. Millard
11. Following the March 10, 2022 meeting, the applicant revised the plans as to the residential density from 151 to 130 units and made revisions to the surface parking plan.
12. The Planning Board held a special meeting on March 16, 2022. Following this meeting, the applicant revised the plans for a density of 127 units and made further revisions to the

surface parking lot plan to eliminate any small car parking spaces and increase the buffer to the neighboring properties.

13. The public information meeting was then re-advertised and re-opened on April 14, 2022.
14. The Director of Community Development recommended approval of the revised plans with the density of 127 units subject to several conditions, including that the applicant convey the parking lot on the northeast corner of Church and Thames Streets to the Town for public parking to satisfy the 10% requirement for land area to be allocated to public or institutional use in Section 28-284 (g).
15. Upon receipt of this recommendation, the applicant revised the surface parking plan to create additional tandem parking spaces and 9' wide small car spaces, while keeping a buffer greater than the minimum required along the abutting properties; and, agreed that the parking on the corner of Church and Thames Street (Plat 10, Lot 32) be would be deeded to the Town. The Director of Community Development recommended approval of the alternate parking plan.
16. John McCoy, Esq. and John Rego, Esq. appeared as legal counsel on behalf of the Applicant. Several witnesses were presented in support of the application.
17. Members of the public were also present at each of the public informational meetings and provided testimony in support and in opposition of the proposed development for the Board's consideration. Written comments in support and in opposition to the proposed development were also received and entered into the record.
18. At the Planning Board's April 14, 2022 meeting, a motion was passed to direct the Director of Community Development and the Town Solicitor to draft a motion for approval along with recommendations to the Town Council for changes to the conditions of the 2008 zone change.

II. Project Description

1. The proposed project is described on the plans prepared by Fuss and O'Neill entitled Bristol Yarn Mill Master Plan, Shawn Martin, P.E. Sheets G1.01- G1.02, C1.01-C1.03, revised November 19, 2021 as noted on the cover sheet G.1.01, and as further amended on a plan entitled Bristol Yarn Mill Master Plan Alternative Parking Plan, dated April 13, 2021 [*sic – the correct date is April 13, 2022*]. Said Alternative Parking Plan depicts 151 offsite parking spaces 9' wide by 18' long and a total parking count of 299 spaces for the proposed development. Included with the Master Plan are plans entitled Topographic and Boundary Survey prepared by Charles E. Lent, Registered Professional Surveyor of Control Point Associates, Sheets 1-3, dated October 1, 2021.
2. The subject Mill building property is located at 125 Thames Street and includes surface parking lot parcels which extend from Thames Street to Hope Street on : Plat 10, Lots 41, 42, 43, 44, 49, 50, 60, 61, 62, 68, 71, 73, 74, and 76.
3. The mill buildings will be renovated for the proposed 127 residential units and 6,300 square feet of commercial spaces. The rehabilitation and reuse of the buildings will be in accordance with the guidelines of the RI Historical Preservation and Heritage Commission and the Bristol Historic District Commission. None of the historic buildings are intended to be removed and no additions or significant modifications to the existing buildings are

proposed. Only the non-contributing concrete masonry block building located near the Bristol Maritime Center is planned to be razed for the project.

4. The property includes residential dwellings on Thames Street (a duplex and a single family) as well as 2 commercial buildings on Hope Street and 2 apartments over one of the commercial buildings. The uses of these buildings are proposed to remain as existing. The residential dwellings on Thames Street will be dedicated as off-site affordable housing units.
5. The project includes 11 parking spaces on the north side of the mill for the commercial uses, 137 parking spaces within the mill building and 151 parking spaces in the surface parking lot on the east side of Thames Street for the residential units. In the Waterfront Zoning District, the Zoning Ordinance allows for 50% of the required parking to be small car parking spaces. However, all of the parking spaces in the surface parking lot are proposed to be 9' wide versus the required 10' width. The interior parking spaces are varying in width due to the columns with the standard spaces 9' wide and the small car spaces 8' wide. The exterior surface parking lot will have double striped parking spaces; however, the interior parking spaces will not be double striped.
6. The subject Mill building property is located on the east side of Bristol Harbor adjacent to the Town's Maritime Center.
7. The property is also within the Downtown Historic District and subject to the jurisdiction of the Coastal Resources Management Council.
8. The project contains a segment of the Town's harbor walk that will extend from the Maritime Center on the north to the property of the Elk's Lodge on the South. The applicant has agreed to partner with the Town in the Town's negotiations to extend the walkway to Constitution Street.
9. The proposal for 127 units is consistent with the residential density of the zoning ordinance at 1 unit per 2,336 which is greater than the 2,250 square feet of gross floor area required; however, this density would still require an amendment to the original change of zone conditions by the Town Council.
10. Along with the density modification to the original change of zone from 98 units to 127 units, the applicant is requesting that the minimum commercial space be modified from the required 22,000 square feet of area to 6,300 square feet of area and that the standard parking spaces be 9' wide in lieu of the required 10' width and the interior parking lot small car spaces be 8' wide in lieu of the required 9' wide and none of the interior parking spaces to be double striped

III. Findings of Fact and Conclusions of Law

The Board approves this application for the following reasons:

1. The proposed development is consistent with the purpose and objectives of the Urban Rehab Land Development, as set forth in Section 28-284 "Land Development Projects – Urban Rehab Land Development Project" because it rehabilitates an under-utilized and inefficient historic structure and it rehabilitates the urban waterfront. It encourages a design that is

friendly to pedestrians, protects the existing built environment and character which imparts a sense of place to the community while allowing beneficial new uses and rejuvenation, safeguards the physical fabric of the community from neglect and decay and prevents incongruous re-development, provides an appropriate change of use that is compatible with the architecture of the buildings on site and the surrounding neighborhood, and it enhances public access to the waterfront.

2. The proposed development is consistent with the approved 2016 Comprehensive Plan which includes the following references:
 - a. In the Economic Development Element, Action Item #ED-C-3 states that the Town should continue to work with the owner of Robin Rug property to encourage and facilitate the completion of the development proposal for a mixed use development-residential and commercial.
 - b. Land Use Element – Section 3 references this property and the proposed conversion of the property into a mixed use development with residential uses on the upper floors with commercial and parking on the lower floors. (Page 45)
 - c. Land Use Element – Section 3 states that the Urban Rehab and Waterfront PUD which is intended to encourage the rehabilitation of and reuse of deteriorated, underutilized, and inefficient historic and/or nonconforming structures of conservation concern to the Town
 - d. Future Land Use Map designates this property as “Waterfront PUD – waterfront mixed use commercial and residential”
 - e. The Housing Element references the proposed Adaptive Re-use of the Robin Rug and the proposed affordable housing with the statement “While these units have not yet been built, they were a condition of the zone change for the re-use of the mill.”
3. The proposal complies with the density requirements in the Zoning Ordinance of Section 28-284 (d)(2)).
4. The proposal complies with the conditions of the Town Council Zone Change of 2008 other than to the density and the amount of commercial space which will need further Town Council action. The density of the proposed development is not a substantive increase in density, complies with the Zoning Ordinance, and is appropriate for the site.
5. The Town Council Zone Change of 2008 set the requirements for affordable housing to be provided with a minimum of 10% and a maximum of 20% of the units by either off-site, on-site, or fee-in-lieu. Twenty units (15% of 127 units) are to be for Low-Moderate Income Housing with three of the units to be in existing dwellings on Lot 49 (existing 2 family dwelling) and Lot 50 (existing 1 family dwelling) and the balance to be fee-in-lieu (17 x \$40,000 = \$680,000) to be paid to the Town and placed in an affordable housing trust fund.
6. The proposal provides more parking than required by the Zoning Ordinance. The required parking is 144 parking spaces and the proposal provides a total of 299 spaces.
7. The proposal provides a greater buffer between the surface parking area and the abutting residential properties than required by the Zoning Ordinance. The Zoning Ordinance requires

a minimum buffer width of 3' (Section 28-251 (10)), and the proposal provides buffers that range from 5 to 25' wide.

8. The proposal includes the dedication of the existing parking lot at the corner of Church and Thames to the Town of Bristol for public parking to partially satisfy the 10% requirement for Public/Institutional uses per Section 28-284(g). Additional public space is a public walkway from Hope Street and the public access easement along the waterfront where a walkway is proposed.
9. Off-site parking is permitted in accordance with Section 28-255 and will be deed restricted to be connected with the mill building. The off-site parking design, lighting, drainage, fencing buffering and landscaping details, will be reviewed by the Planning Board as part of the Major Land Development preliminary application. The requirement of this Section for a separate TRC review is deemed met by the Planning Board review.
10. The proposal is consistent with the provisions of the Zoning Ordinance, including Section 28-284 d (2). As stated in this section of the Zoning, the Planning Board may allow the provision of otherwise allowed nonresidential uses in alternate locations within the building in lieu of the required retail and restaurant uses on the first floor within 50' of the front lot line. The Planning Board may also reduce the gross floor area of such required nonresidential uses by 20 %. When the change of zone was granted in 2008, the Town Council required 22,000 square feet of commercial space. The current proposal is 6,300 square feet of commercial. The Planning Board may reduce the amount by 20%; however, this reduction is greater and will require an amendment to the 2008 Change of Zone conditions.
11. There will be no significant negative environmental impacts from the proposed development as shown on the plan with all required conditions for approval including requirements for permits from the Coastal Resources Management Council, FEMA compliance for flood proofing and flood mitigation, compliance with the review by the Water Pollution and Control Facility (see letter of 12/24/21), maintenance of the proposed drainage by the owner, and compliance with any requirements of the Phase 1 and Phase 2 Environmental Site Assessments.
12. Sufficient evidence was presented to satisfy the required criteria for Master Plan approval including a Phase 1 Environmental Site Assessment, agreement for compliance with the requirements of the Bristol Water Pollution Control Facility that all stormwater currently going into the Town sewer will be removed, engineered plans that provide drainage mitigation to demonstrate that there will be no significant negative impacts on the health and safety of current or future residents of the community, subject to the conditions.
13. The proposed development will not result in the creation of individual lots which such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable because no new lots are being created.

14. The proposed development will have adequate and permanent physical access to a public street (Thames Street).
15. Section 28-284 (d)(1) of the Zoning Ordinance is not applicable, since the section of the ordinance that controls this proposal is Section 28-284(d)(2).
16. The proposed development is consistent with each of the general purposes of Article 1 of the Bristol Subdivision and Development Review Regulations as follows:
 - a. It was processed in accordance with the process set forth in the Regulations which provide for the orderly, thorough, and expeditious review of land developments;
 - b. It promotes high quality and appropriate design and construction of land development projects because it is a redevelopment and rehabilitation of an existing historic waterfront mill such that the building is preserved and restored;
 - c. It promotes the protection of the existing natural and built environment and the mitigation of all significant negative impacts on the existing environment, with the conditions of approval, because it is a redevelopment of the historic waterfront mill; there will not be any new buildings; it includes water quality measures for the drainage; it eliminates existing infiltration into the sewer system; and it provides enhanced buffering and screening from the existing parking lot to the abutting properties;
 - d. It promotes a land development that is well integrated into the surrounding neighborhood with regard to natural and built features and it concentrates the development in areas which can best support intensive use because of natural characteristics and existing infrastructure because it is a re-development project in an existing mill building with improvements to an existing surface parking lot with existing utilities that have the capacity for the re-development;
 - e. It reflects the intent of the Bristol Comprehensive Plan with regard to the physical character of the various neighborhood and planning areas of the Town because it is a redevelopment of an existing mill building that actually establishes the existing character of the neighborhood area;
 - f. The proposal was reviewed by the Planning Board's Technical Review Committee and the various Town department heads and local agencies including the Bristol County Water Authority;
 - g. The proposal dedicates public land, impact mitigation, and payment in lieu thereof that is based on clear documentation of needs because it complies with the required set aside of public land area including walkways, a harbor walk, as identified in the Comprehensive Plan, and properties for public parking.
 - h. The project sites improvements to allow for maximum protection of critical landscapes and resources as they relate to Bristol's historic and cultural values because it is the re-development of an existing historic mill building in the National Register Historic District and the improvement of the existing surface parking lot rather than new "greenfield" development.
 - i. The project continues the Town's historic policy of providing public access to the water because it includes a public harbor walk along the Bristol Harbor shoreline

along the west side of the mill property from the Bristol Maritime Center to the Bristol Elks Lodge;

- j. It was processed in accordance with the regulations which set forth the procedures for review and approval;
- k. The project promotes sustainable development practices because it re-develops an existing historic mill, located in the downtown, provides pedestrian connectivity and also provides opportunities for alternative transportation use including public bus, bicycle and boat.

17. Subject to the following Conditions:

- A. Change of conditions of the 2008 Town Council zoning map approval including residential and commercial density uses as well as modification to the width of the parking spaces and the double striping on the interior parking spaces.
- B. Dedication by deed of the parking lot on the northeast corner of Church and Thames Street, Plat 10, Lot 32 to the Town of Bristol for public parking as required by the zoning that there be 10% of the land area to be set aside for public institutional uses as required by Section 28-284 (g).
- C. Connection of the public walkway to the Maritime Center.
- D. A Traffic Study to include counts to be taken in the Summer months (June, July, August, or September), and be subject to the peer review of the Planning Board's consultant engineer, with the review fee to be reimbursed by the applicant in accordance with the regulations;
- E. A revised Fiscal Impact Study subject to the peer review of a consultant selected by the Planning Board with review fee to be reimbursed by the applicant in accordance with the regulations;
- F. Deed restrictions on both the mill building property and the surface parking lot across from the mill so that the parking is connected to the mill and cannot be separately conveyed;
- G. Deed restrictions, running to the Town of Bristol, on the surface parking lot that no structures be built on this property;
- H. Parking spaces in the surface parking lot to be double striped.
- I. All services to the residential units will be private including recycling and garbage pick-up, snow plowing, driveway and drainage maintenance. This shall be a deed covenant in Land Evidence Records.