



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
(401) 849-4027 | MiddletownRI.com

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: November 29, 2023

Re: Consideration and action on a petition of Mello Realty Inc. requesting amendment to the Future Land Use Map, Map L-4 of the Middletown Comprehensive Community Plan to change the designation of property fronting on Coddington Highway, Plat 103, Lot 103 from high-density residential and limited & office business to industrial; and provide a recommendation to the Town Council on the request to change the zoning designation of the property from mobile home/transient trailer (MT) and limited business (LB) to light industry (LI)

During the November 8, 2023 Planning Board meeting this matter was continued to the December 13th meeting at the applicant's request, in order to address concerns expressed to them by an abutting property owner. As of this date no new information has been submitted by the applicant.

Consistent with state law (RIGL § 45-22.2-8) the Planning Board must hold an advertised and posted public hearing prior to acting to amend the Comprehensive Plan. A public hearing has been advertised to be held by the Planning Board regarding the above referenced matter. Please see the attached notice which appeared as a display ad in the Newport Daily News and was mailed by first class mail to all property owners within 200 feet of the subject lots referenced above. If approved by the Planning Board, the proposed Comprehensive Plan amendment would be forwarded to the Town Council, which must also hold a public hearing prior to final adoption of the amendments. If approved by both the Planning Board and the Town Council, the amendment would then be forwarded to the Statewide Planning Program for review and approval for consistency with the goals and policies of the State Guide Plan.

Attached I am providing information submitted to the Town Council regarding the above referenced matter. The proposed Comprehensive Plan amendment is requested in relation to the proposed change of zoning and use for the subject property. The property is currently zoned limited business (LB) and mobile home/transient trailer (MT). The petitioner seeks to have the property re-zoned to light industrial (LI). The rezoning request is a separate action item on the November 8th agenda, which requires a Planning Board recommendation to the Town Council.

In summary, the petitioner requests the following Comprehensive Plan and zoning amendments. The Board should first consider how it will proceed with the Comprehensive Plan amendment request before providing a recommendation to the Town Council on the proposed zoning amendment:

- Amend the future land use plan, Map L-4, of the Land Use element of the Middletown Comprehensive Community Plan to re-designate the subject property from high-density residential and limited & office business to industrial (see attached map).

- Amend the Middletown Zoning Map to change the designation for the subject property from mobile home/transient trailer (MT) and limited business (LB) to light industry (LI) (see attached map).

Please note that in making a recommendation to the Town Council on the zoning map amendment, the board must consider the following findings in accordance with the requirements of Section 45-24-52 of the Rhode Island General Laws:

(1) The proposed amendment is generally consistent with the Middletown Comprehensive Community Plan, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and

(2) This recommendation is made in recognition and consideration of each of the applicable purposes of zoning, as presented in § 45-24-30 RIGL.

Cc: Town Solicitor



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**MIDDLETOWN PLANNING BOARD
PUBLIC HEARING**
Wednesday, November 8, 2023, 6:00 P.M.
COUNCIL CHAMBERS, TOWN HALL
350 East Main Road, Middletown, RI

**PROPOSED AMENDMENT TO THE
MIDDLETOWN COMPREHENSIVE COMMUNITY PLAN**

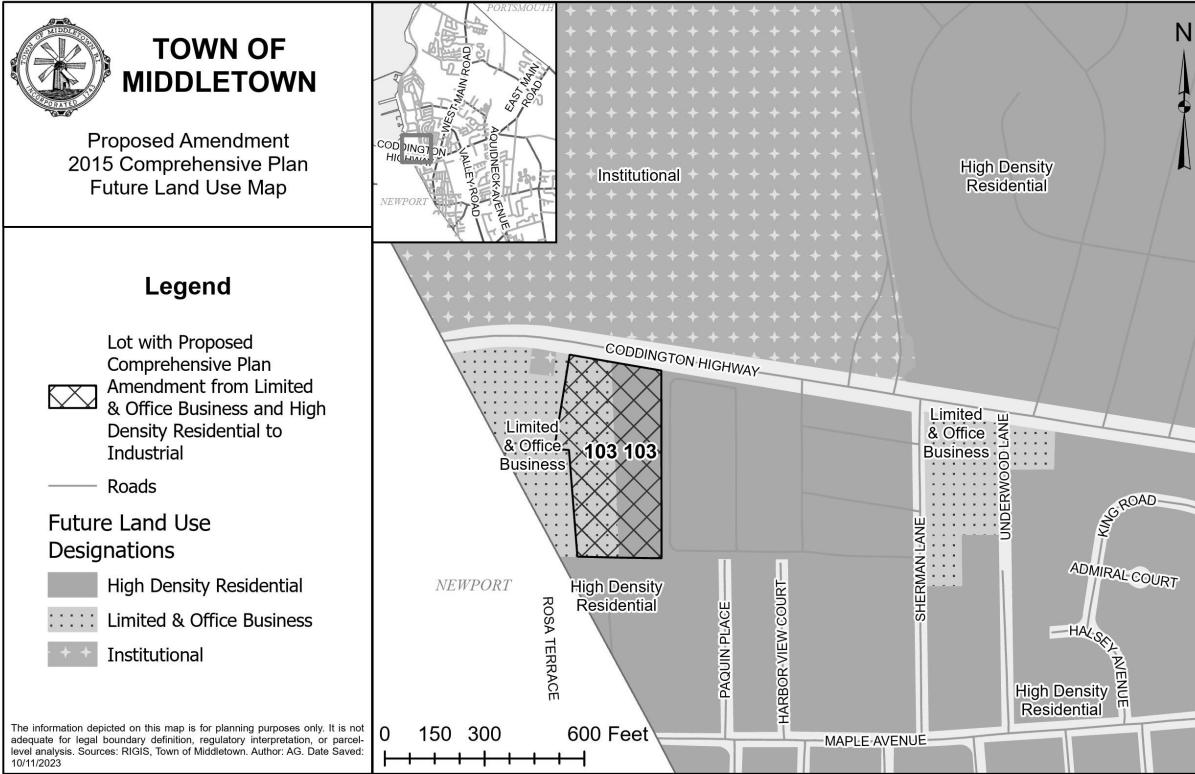
Pursuant to Rhode Island General Laws 45-22.2-8 the Middletown Planning Board will hold a public hearing at the time and location specified above in order to discuss and receive comment on a proposed amendment to the Middletown Comprehensive Community Plan. All interested parties are invited and encouraged to attend.

Petition of Mello Realty Inc. requesting amendment to the Future Land Use Map, Map L-4 of the Middletown Comprehensive Community Plan to change the land use designation of property fronting on Coddington Highway, Plat 103, Lot 103 from high-density residential and limited & office business to industrial.

The proposed amendment may be viewed in the Town Planner's office at the Middletown Town Hall, 350 East Main Road, Monday-Friday, 8am-4pm, and on the Planning Department web page: <https://middletownri.com/233/Proposed-Amendments>

The amendment may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed during the public hearing.

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.



Paul A. Croce, Chairman
 Middletown Planning Board

TO THE HONORABLE PRESIDENT AND MEMBERS
OF THE TOWN COUNCIL OF THE TOWN OF MIDDLETOWN

PETITION TO REZONE AND AMEND COMPREHENSIVE PLAN

WHEREAS, your petitioner, Mello Realty, Inc., is the owner of certain real estate identified as Lot 103 on Plate 103 of the Middletown Tax Assessor's Plates (the "Subject Premises"), as presently constituted, and

WHEREAS, the 2015 Comprehensive Plan, Map L-3 (Zoning), designates the Subject Premises as LB ("Limited Business") and MT ("Mobil Home/Transient Trailer");

WHEREAS, the 2015 Comprehensive Plan, Map L-4 (Future Land Use), designates the Subject Premises as "Limited and Office Business" and "High Density Residential";

WHEREAS, Lot 103 is immediately adjacent to real estate presently zoned as MT ("Mobil Home/Transient Trailer") and Public (Rhode Island Public Transit Authority, also considered LB "Limited Business");

WHEREAS, your petitioner requests that the Subject Premises be reclassified as LI (Light Industry), as set forth in the accompanying Ordinance to Amend the Codified Ordinance in order allow for the potential to redevelop the Subject Premises from a preexisting nonconforming gravel yard to a more conforming use;

WHEREAS, your petitioner requests that in order to keep the zoning map on the Comprehensive Community Plan consistent with adjacent properties, that the Subject Premises as shown on the attached plan, be reclassified as Light Industry, on Map L-3 and Map L-4 of the 2015 Comprehensive Plan.

WHEREAS, such reclassification will compliment the other existing land uses in the general vicinity and as herein set forth will be in keeping with the proposed amendment to the Middletown Comprehensive Community Plan; and

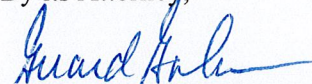
WHEREAS, for the foregoing reasons and for other good cause, petitioner respectfully requests that the Subject Premises on Middletown Tax Assessor's Plate 103, as shown on the

attached plan, be classified as provided above, as said reclassification is in the general public interest and of benefit to the residents of the town of Middletown for the foregoing reasons:

1. It is in keeping with the character of the district and will compliment other existing land uses in the general vicinity thereof;
2. It is and will be in compliance with the town of Middletown Comprehensive Community Plan and with proper planning standards;
3. It will promote the public health, safety and general welfare of the community; and
4. It will encourage the most appropriate use of said property.

NOW THEREFORE, your petitioner respectfully requests that the Honorable Town Council set a date for public hearing on the proposed amendment to the Zoning Ordinance and the Comprehensive Plan of the town of Middletown; that the same be advertised for public hearing by newspaper publication; that the prior written notice be given to all owners of property within two hundred (200') feet of the perimeter of the parcel hereinbefore described, certified mail return receipt requested; and that notice be sent to the Associate Director of the Division of Planning of Rhode Island, Department of Administration and to the Director of Utilities for the City of Newport, all in accordance with Rhode Island General Laws 1956, as amended, §45-24-53, as amended, and that at such public hearing, the proposed zoning amendments being attached hereto and made part hereof as Exhibit "A", be considered by the Honorable Town Council and adopted.

MELLO REALTY, LLC
By its Attorney,



Girard A. Galvin, Esq.
Galvin Law, Ltd.
10A Washington Square
Newport, RI 02840
(401) 239-8603
girard@galvinlawri.com

EXHIBIT "A"

PROPOSED ORDINANCE TO AMEND CODIFIED ORDINANCE

An ordinance in amendment to the Zoning Ordinance of the Town of Middletown, adopted effective October 30, 2006

Section I:

The Zoning Ordinance of the Town of Middletown, as amended, effective October 30, 2006, and as amended thereafter, is hereby further amended as follows:

The boundaries of the zoning districts as shown on the zoning map entitled "Town of Middletown, Official Zoning Map" dated October 30, 2006 and filed with the Town Clerk (hereinafter "Zoning Map") are hereby amended and modified to provide that:

The zoning designation of a portion of that certain lot or parcel of land presently identified as Lot 103 on Middletown Tax Assessor's Plate 103, which is presently designated as LB ("Limited Business") and MT ("Mobil Home/Transient Trailer") shall be changed to LI ("Light Industry"), and as shown on the attached plan.

Section II.

This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

READ AND ADOPTED IN COUNCIL

Wendy J.W. Marshall, CMC
Town Clerk

**PROPOSED ORDINANCE TO AMEND THE COMPREHENSIVE COMMUNITY PLAN
OF THE TOWN OF MIDDLETOWN**

Section 1:

The 2014 Middletown Comprehensive Community plan adopted March 2, 2015 and amended through March 2, 2020 of the Town of Middletown, and as amended thereafter, is hereby further amended as follows:

The future land use plan, map L-4, of the Land Use element of the Middletown Comprehensive Community Plan is amended to bring consistency between the Future Land Use Plan and the Town's Zoning Map for the parcel fronting on Connell Highway, identified as Lot 103 on Plate 103 of the Middletown Tax Assessor's Plates, which is currently designated as both Limited Business ("LB") and Mobile Home/Transient Trailer ("MT") and shall now be designated as Light Industrial ("LI").

Section 2:

This ordinance shall take effect upon its adoption and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

READ AND ADOPTED IN COUNCIL

Wendy J.W. Marshall, CMC
Town Clerk

**TOWN OF MIDDLETOWN
NOTICE OF PUBLIC HEARING ON PROPOSED
AMENDMENT TO ZONING ORDINANCE
AND COMPREHENSIVE COMMUNITY PLAN**

Pursuant to Title 45, Chapter 24, Section 53 of the Rhode Island General Laws, 1956, as amended, and in accordance with the Town Code of the Town of Middletown, Chapter 152, Appendix A, Article 26, Section 2600, adopted October 30, 2006, as amended, notice is hereby given that the Town Council of the Town of Middletown, Rhode Island will hold a public hearing at the Middletown Town Hall, in said town, 350 East Main Road, Middletown, on the day of _____, 2023, at 7:00 p.m., to consider the following proposed amendment to the Zoning Ordinance which is specific in scope as hereinafter set forth, to wit:

“An ordinance in amendment to the Zoning Ordinance of the Town
of Middletown, adopted effective October 30, 2006

Section I:

The Zoning Ordinance of the Town of Middletown, as amended, effective October 30, 2006, and as amended thereafter, is hereby further amended as follows:

The boundaries of the zoning districts as shown on the zoning map entitled 'Town of Middletown, Official Zoning Map' dated October 30, 2006 and filed with the Town Clerk (hereinafter “Zoning Map” are hereby amended and modified to provide that:

The zoning designation of a portion of that certain lot or parcel of land identified as Lot 103 on Middletown Tax Assessor's Plate 103, which is presently designated as LB (“Limited Business”) and MT (“Mobil Home/Transient Trailer”) shall be changed to LI, Light Industry.

Section II.

This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

The proposed ordinance is on file in the office of the Town Clerk of the Town of Middletown and may be obtained, examined or copied during business hours; namely Monday

through Friday, 8:00a.m. to 4:00 p.m..


The above described form of the proposed ordinance may be altered or amended prior to the close of public hearing without further advertising, as a result of study or because of views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

At the public hearing on the date and time set forth above, all interested parties shall be given an opportunity to be heard upon the matter.

By Order of the Town Council of the Town of Middletown.

For the Council

Marshall, CMC, Town Clerk.


Wendy J. 



TOWN OF MIDDLETOWN

Proposed Amendment
2015 Comprehensive Plan
Future Land Use Map

Legend

-  Lot with Proposed Comprehensive Plan Amendment from Limited & Office Business and High Density Residential to Industrial

 Roads

Future Land Use Designations

-  High Density Residential
-  Limited & Office Business
-  Institutional



0 150 300 600 Feet


The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis. Sources: RIGIS, Town of Middletown. Author: AG. Date Saved: 10/11/2023



TOWN OF MIDDLETOWN






Proposed Amendment
The Town Code Title XV: Land Usage
Chapter 152, Zoning Code

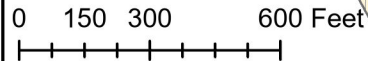
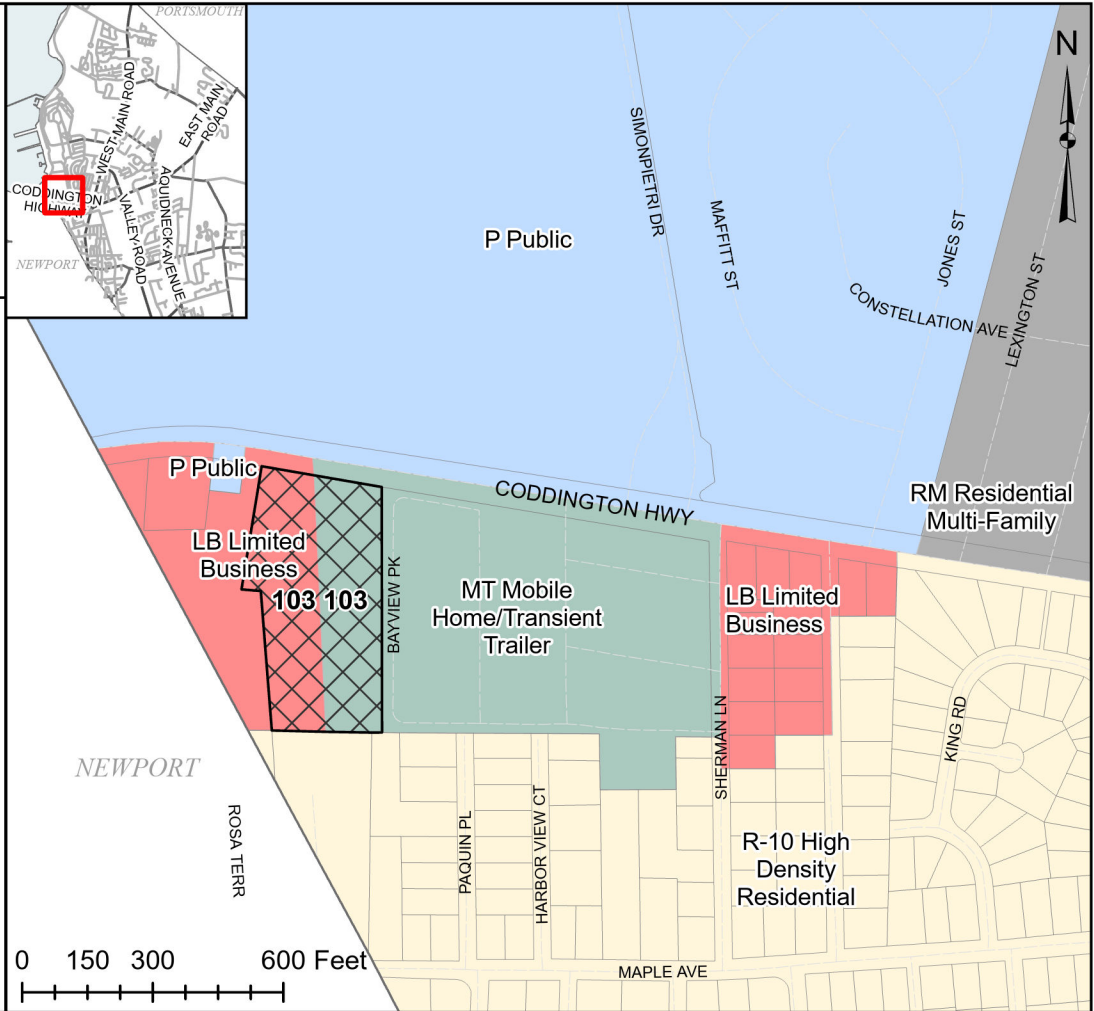
Legend

 Lot with Proposed Zoning District Change from Limited Business (LB) and Mobile Home/Transient Trailer (MT) to Light Industrial (LI)

 Roads

Zoning Name and Description

-  LB- Limited Business
-  MT - Mobile Home/Transient Trailer
-  P - Public
-  R-10 - High Density Residential
-  RM- Residential Multi-Family



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