



To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: December 1, 2023

Re: **Public Hearing** - Application of Jonesley, LLC for Development Plan Review for renovation of an existing commercial building and associated site work, and including requests for waivers from certain provisions of the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 314 Oliphant Lane, Tax Assessor's Plat 117, Lot 84C.

The applicant is proposing renovations to an existing commercial office building, including interior renovations and modifications building facades, including elimination and relocation of windows, and elimination of a gable on the roof facing Oliphant Lane. Limit site work to address ADA access requirements is also proposed. The property is located at 314 Oliphant Lane in R-30 residential zoning district. Since the building is currently used for offices, this is pre-existing nonconforming situation that does not require zoning relief. Therefore that Planning Board's review will result in a decision to approve or deny the DPR application.

A site plan and building elevations are attached for your review. These documents can also be viewed online at: <https://middletownri.com/504/Planning-Board-Meeting-Packets> Request for comments and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, and the Roads & Utilities Committee. Any comments received will be provided as they become available.

TRC Review:

The Technical Review Committee (TRC) reviewed the application during its meeting on November 22nd. Details of the proposed project were discussed. Following its review, the committee voted unanimously to forward a positive recommendation to the Planning Board subject to the following recommended conditions of approval:

Recommended conditions of approval:

1. Prior to permitting the plan shall be revised to include the location of a bike rack meeting the requirements of Section 521 of the Rules and Regulations regarding the Subdivision and Development of Land.
2. Prior to permitting the plan shall be revised to include the location of a n outdoor trash receptacle, which shall of a decorative design as required by Section 521 of the Rules and Regulations regarding the Subdivision and Development of Land.

Requested waivers:

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Based on the plan set it appears that the applicant will require the following waivers from the commercial development design standards of section 521 of the subdivision and land development regulations, or must provide confirmation that the project is in compliance. Per section 908 of the Regulations the *“Planning Board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval, as may be reasonable, and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship, because of the peculiar conditions pertaining to the land in question, or where such waiver and/or modification is in the best interest of good planning practice and/or design, as evidenced by consistency with the municipality’s comprehensive plan and Zoning Ordinance.”*

1. **Section 521.2.B.1** – Windows occupy between 20% and 60% of the façade visible from the public way. **There would be no windows on the east-facing façade and windows on the south façade would not meet the minimum 20%.**
2. **Section 521.3.D.3** – A landscaped buffer at least 10’ wide shall be provided between buildings and parking lots/driveways. The buffer shall defined by curbing, and may include sidewalks, but must include a minimum 5’ planting strip. **The submitted plan indicates a new sidewalk to be installed along the west-facing façade without the required landscaping. The proposed design does not meet this requirement.**

Required findings:

In accordance with section 309 of the Middletown Zoning Ordinance, prior to granting any development plan review approval, or issuing a recommendation in favor of approval to the Zoning Board of Review, the Planning Board shall find that:

- (1) The granting of approval will not result in conditions inimical to the public health, safety and welfare;
- (2) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;
- (3) The plans for such project comply with all the requirements of this chapter and the Regulations, or that necessary waivers from the requirements of the Regulations have been granted;
- (4) The plans for such project are consistent with the Comprehensive Plan; and
- (5) Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval or recommendation.

Cc: Applicant