



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: April 1, 2024

Re: **Public Hearing** - Application of Mello Realty, Inc. for Master Plan approval of a Major Land Development Project for the construction of four (4), 14,400 sq.ft. commercial buildings, each containing twelve (12) tradesman units, with parking, and other site improvements, 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, including sections 521.1.B.3, 521.2.C & D, 521.3.B, D.2, D.3 & F.2. The application includes requests for variance from Middletown zoning ordinance sections: 903, 724(B)(2) to allow a 0 ft. vegetated buffer along the east property line where 25 feet is required; 724(B)(4) to allow building setback of 42 feet from the east property line where 50 feet is required; 724(B)(5) to allow a dumpster setback of 5 feet from the east and south property lines where 50 feet is required, 719(A) to allow fewer than the cumulative number of required parking spaces, 1301(C) to allow a 0 ft vegetated buffer along the east property line where 20 feet is required; (D) to allow parking with a 0 ft setback from the east property line where 10 feet is required; (G) to allow noncompliance with landscaping requirements; 1304 to provide 120 parking spaces where 173 spaces are required; and 1307(B) to provide no loading zones where 4 are required. Property located on the south side of Coddington Hwy, approx. 0.2 miles to west of the intersection with Sherman Lane. Tax Assessors Plat 103, Lot 103..

The applicant is proposing to construct a tradesmen center, including 4 buildings containing up to 12 units each, parking areas, landscaping, and stormwater management system. The property is located in the Light Industry (LI) zoning district and abuts residential uses. Under the regulations passed during the 2023 RI General Assembly Session, the Planning Board must review land development project applications and the requested zoning relief under unified development review. The Planning Board's review will result in a decision to approve or deny the application, including zoning relief. Any appeal of the Planning Board's decision would be made directly to Superior Court.

Site plans, landscape plan, building design drawings and other submitted items are attached. Application materials 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, Conservation Commission, Tree Commission, and the Roads & Utilities Committee, as well as neighboring towns and RIDEM. Any comments received will be provided as they become available. Note: Since this is an application for Master Plan review, full design, including engineering, is not yet complete. Full design and engineering will be required for Preliminary Plan review.

TRC Review:

The Technical Review Committee (TRC) reviewed the application during its meeting on March 27, 2024. Following review of the plans and discussion the committee voted unanimously to forward the application to the Planning Board with a positive recommendation, subject to Planning Board consideration of zoning relief and waiver requests. Since this is Master Plan review the scope of the TRC's review was limited only to the application materials provided. Additional TRC review will be required at the Preliminary Plan stage. This TRC recommendation is subject to the following recommended conditions of approval:

1. A fire department water connection(s) and/or fire hydrant shall be provided on the property, and identified on the Preliminary Plan, subject to Fire Department approval.
2. The Preliminary Plan submission shall demonstrate adequate access and circulation within the property for emergency vehicles considering aisle width, turning radii, and building overhangs, subject to Fire Department approval.
3. The underground utilities serving the proposed buildings shall be located outside of the existing storm drain easement on the property.
4. The existing storm drain line located on the property shall be inspected, including using cameras to assess its condition prior to permitting for construction, subject to the approval of the Director of Public Works.

Requested waivers (Section 521 of the development regulations):

Based on the Master 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. Additional requests for waivers may be presented at Preliminary Plan stage.

1. **Section 521.1.B.3** – Pedestrian access into and throughout the site. **Not provided.**
2. **Section 521.2.C** – Building exteriors constructed of traditional materials such as wood, stone or brick. **The applicant proposes the use of substitute materials including metal siding.**
3. **Section 521.2.D** - Minimum roof pitch of 4:12 required. **Roof pitch of 2:12 proposed.**
4. **Section 521.3.B** – Planted landscaping occupies a minimum of 25% of the project area. **Provided landscaping does not meet this requirement.**
5. **521.3.D.2** - Minimum 20' landscaped buffer along property lines abutting residential. **Not provided.**
6. **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. **Not provided between the buildings and parking lot and driveways.**
7. **Section 521.3.F.2** – Deciduous parking lot trees required, 1 per 5 parking spaces. **15 trees provided where 26 are required.**

Requested zoning relief:

The applicant is requesting the following relief from provisions of the Middletown Zoning Ordinance:

1. Zoning Ordinance §903

2. Variance from Zoning Ordinance §724(B)(2) to allow a 0 ft. vegetated buffer along the east property line where 25 feet is required.
3. Variance from Zoning Ordinance §724(B)(4) to allow building setback of 42 feet from the east property line where 50 feet is required
4. Variance from Zoning Ordinance §724(B)(5) to allow a dumpster setback of 5 feet from the east and south property lines where 50 feet is required.
5. Variance from Zoning Ordinance §719(A) to allow fewer than the cumulative number of required parking spaces.
6. Variance from Zoning Ordinance §1301(C) to allow a 0 ft vegetated buffer along the east property line where 20 feet is required.
7. Variance from Zoning Ordinance §1301(D) to allow parking with a 0 ft setback from the east property line where 10 feet is required
8. Variance from Zoning Ordinance §1301(G) to allow noncompliance with landscaping requirements.
9. Variance from Zoning Ordinance §1304 to provide 120 parking spaces where 173 spaces are required.
10. Variance from Zoning Ordinance §1307(B) to provide no loading zones where 4 are required.

Required findings for granting a variance (Zoning Ordinance §903):

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in § 45-24-30(a)(16) RIGL;
2. That the hardship is not the result of any prior action of the applicant; and
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the Comprehensive Plan upon which this chapter is based.
4. The Zoning Board of Review shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
 - (a) In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
 - (b) In granting a dimensional variance, that the hardship which will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is fronted shall not be grounds for relief.
 - (c) Dimensional variances granted in conjunction with a special use permit shall be supported by independent evidence on the record satisfying each of the requirements for a dimensional variance, and the Board shall vote on each dimensional variance before voting on the special use permit.

Required findings for approving a land development project (Section 404 of the development regulations):

- A. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
- B. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance;
- C. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
- D. The subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- E. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

Cc: Applicant