

**REPORT RELATING TO A PETITION FOR
DIMENSIONAL VARIANCES**

**Relating to a petition for development of a tradesman complex
At
300 Coddington Highway
Middletown, RI 02842**



PREPARED FOR

**Girard Galvin, Esquire
Galvin Law
10 A Washington Square
Newport, RI 02840**

PREPARED BY

**James A. Houle
Rhode Island Certified General Appraiser
License #CGA.0A00769
198 Union Street,
Portsmouth, Rhode Island 02871
(401) 662-1543**

**Report Date
04/04/2024**

JAMES A. HOULE & ASSOCIATES
198 UNION STREET, PORTSMOUTH, RHODE ISLAND 02871 (401-662-1543)

Girard Galvin, Esquire
Galvin Law
10 A Washington Square
Newport, RI 02840

04 April 2024

Dear Mr. Galvin:

Pursuant to your request, I have reviewed the petition of Mello Realty, Inc for dimensional variances needed to construct tradesman's units at 300 Coddington Highway, Middletown, RI 02842. This property is currently unimproved, used as a gravel yard.

It is identified as tax assessor's plat 103 lot 103. It contains 3.84 acres of land, and is zoned Light Industrial.

The petitioners are seeking Master Plan Approval to change the use of the property from the gravel yard to a tradesman center. As such, they would be constructing four buildings, each containing 12 separate units. Each of the four buildings would measure 80' x 180', with a footprint of 14,400 square feet.

These are very typical 1,200 square foot units, for which there is a very strong current need and demand. The use is consistent and in conformance with the LI zone, and the complex is seen to be in harmony with the area, conforming to other uses in the immediate neighborhood, with good ingress and egress from a main traffic artery.

However, due to site restrictions, there are a number of waivers from Section 521 of the development regulations being requested, as well as relief from several sections of the Zoning Code.

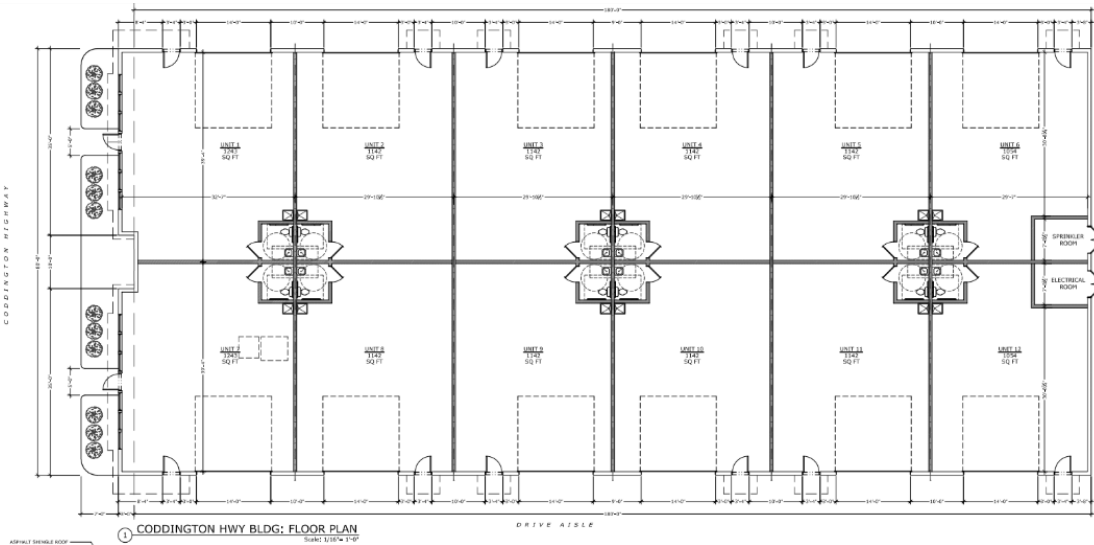
My review of the petition was to form an opinion as to the merits of the application, whether it conforms to all standards for the relief being requested. After my review of the proposal, review of the comprehensive community plan, physical inspection of the subject and the surrounding neighborhood, and research in the Town data base, I have formed the opinion that the petition meets all standards for the waivers and the dimensional variances sought. Each of these criteria will be discussed later in the report.

On the immediately following pages are several design elevations, site plans and area maps, all used in our review and analysis:

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Elevations of Proposed Units



Interior Plans for the Proposed Buildings

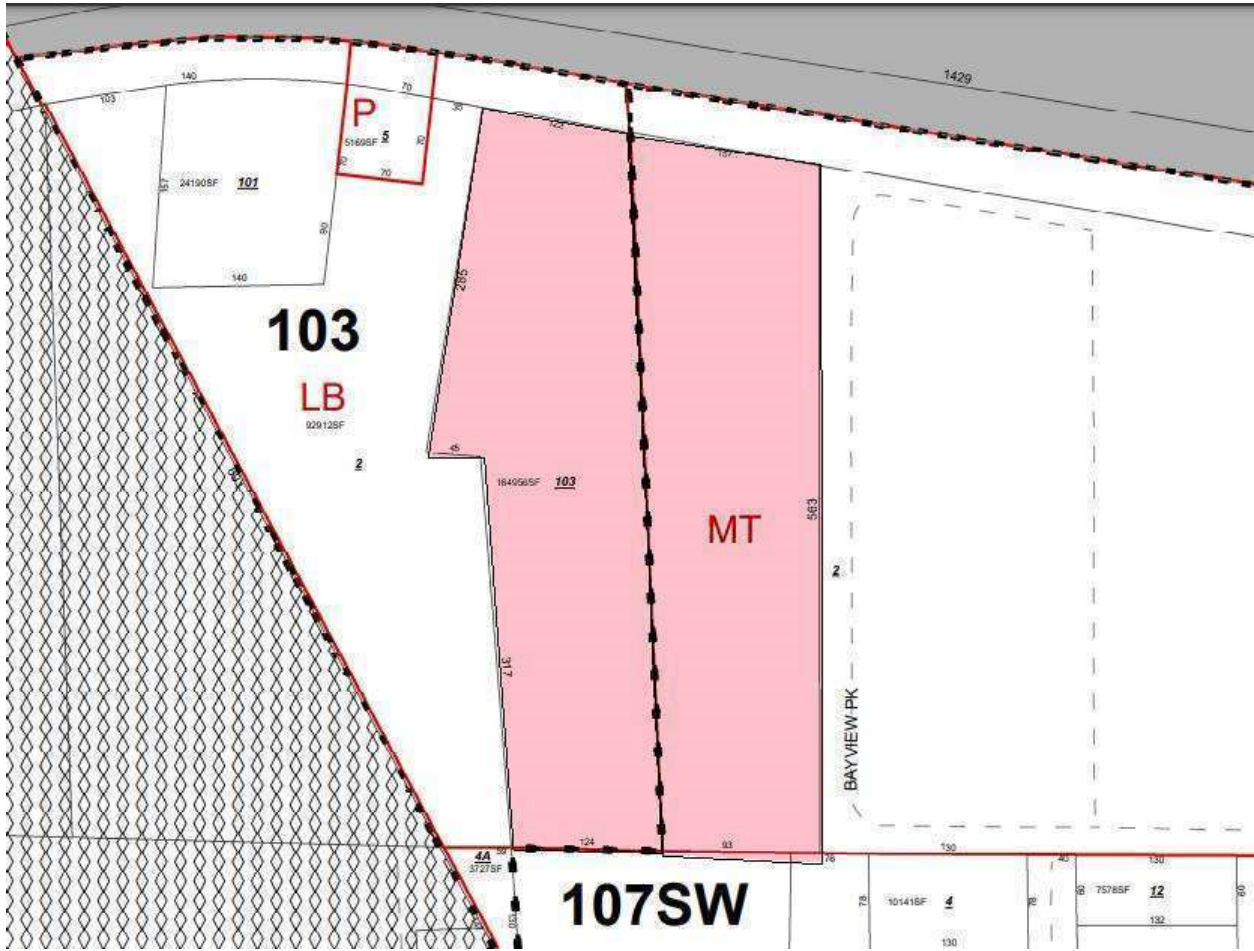
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Aerial View of Subject Neighborhood

Note large number of commercial industrial uses seen in the immediate area along Coddington Highway

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Plat Map, Subject Indicated

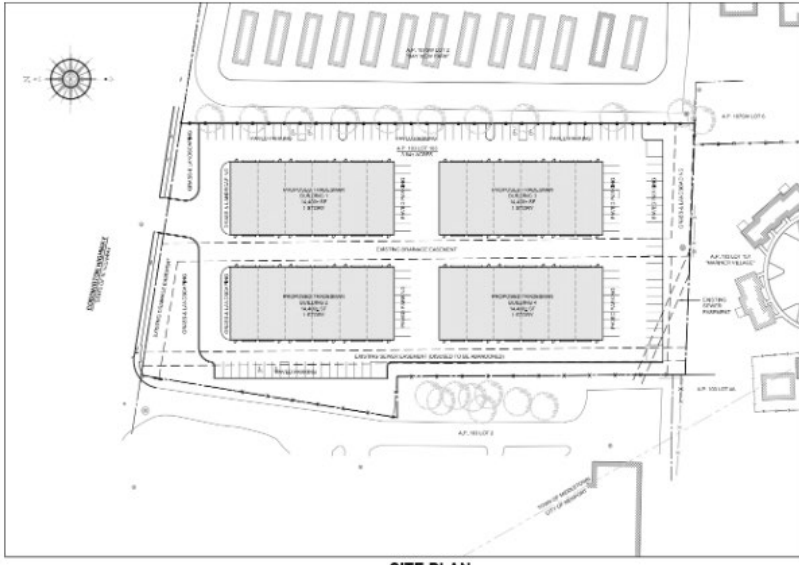
Note the long, narrow configuration of the lot, making placement of buildings with adherence to physical standards very difficult

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CODDINGTON COVE COMMONS

**FOUR BUILDING TRADESMAN CENTER
 ASSESSOR'S PLAT 103 LOT 103
 300 CODDINGTON HIGHWAY
 MIDDLETOWN, RHODE ISLAND**

CRS. ENGINEER: NORTHEAST ENGINEERS & CONSULTANTS, INC. (Logo)
APPLICANT: BELLO REALTY INC. (Logo)
OWNER: BELLO REALTY INC. (Logo)



MARCH 6, 2024 PERMIT SET

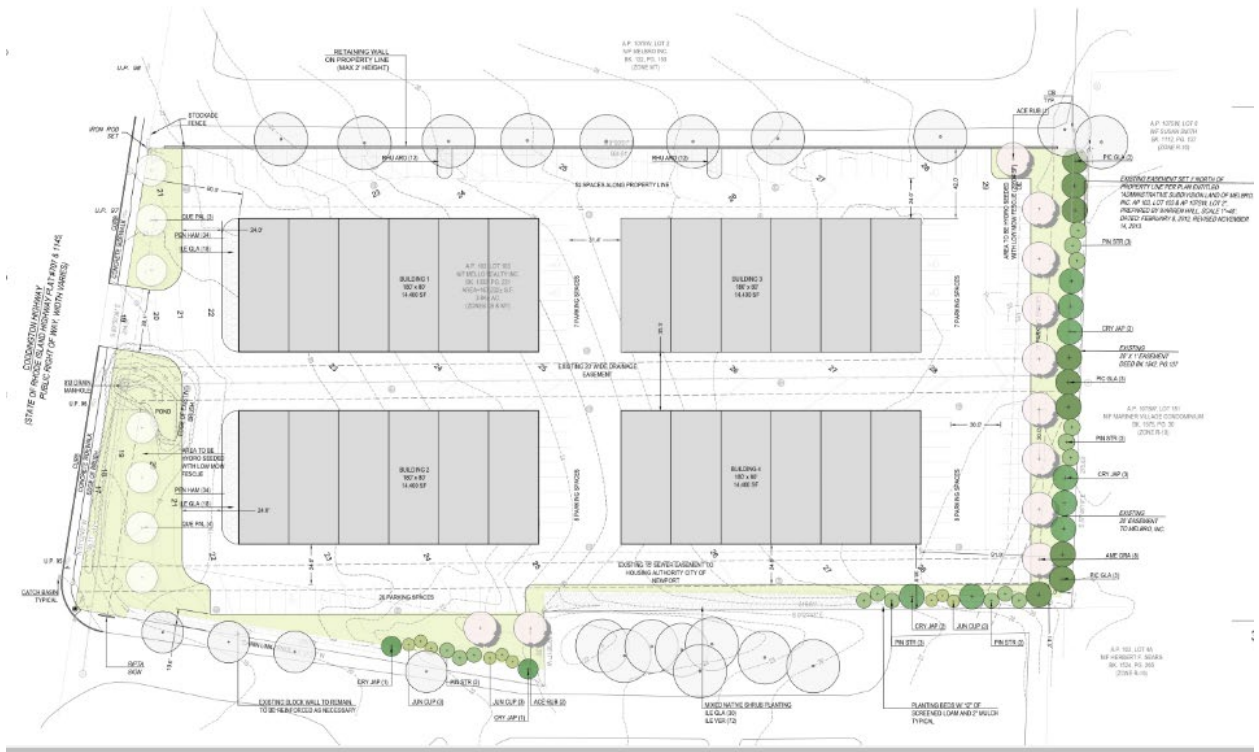
PLAN INDEX

SITE/CIVIL ENGINEERING PLANS

TITLE SHEET	SHEET 1
VICINITY MAPPING	SHEET 2
SITE CONTEXT MAPS	SHEET 3
SITE ANALYSIS AND EXISTING CONDITIONS	SHEET 4
PROPOSED CONDITIONS PLAN	SHEET 5



SUBMITTER AND REVIEW INFORMATION	DATE	COMMENTS



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To begin, we address the waivers sought:

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.**

First, relative to section 521.1.B.3., we find that there is no planned pedestrian access into and throughout the site. We see pedestrian access on the site as unnecessary, as the types of businesses which are likely to use the units will not have walk-in customers. Typically, each of the businesses usually found in craftsman units perform most of their work off site. There is little, if any, pedestrian traffic anticipated.

Next, relative to sections 521.2.c. and 521.2.d., we find two requests to alter the design/construction elements. There is a request to use metal for siding, rather than more traditional natural materials, and a request to reduce the required 4:12 roof pitch to 2:12.

We find that neither of these waivers would generate any negative impact. The design elements are well address by the architect, and these factors are incorporated into the overall designs, without diminishing the larger appearance of the complex.

Lastly, we find that several of the waivers sought from section 521 deal with buffering and planting. The petitioners are seeking relief from Sections 521.3.B., to reduce planted landscaping from the required minimum area of 25% of the site; Section 521.3.D.2., to not provide the required 20' buffer along the property lines near residential uses; Section 521.3.D.3. to eliminate the buffer required between the buildings and parking lot and driveway; Section 521.3.F.2., to reduce the number of deciduous trees from the required 26 to 15.

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We find that in each case, the reduction or elimination of the required buffering will have no negative impact to the neighbors. The engineering for this proposal supports the need to alter the requirements.

We find that there is ample buffering between the manufactured home park and the proposed tradesman complex, as there exists a wide buffer strip on the home park which serves to provide adequate buffering, when used in conjunction with the reduced buffering at the subject site.

Additionally, the uses at the subject site should not generate any significant noise, lights, odors, or excessive traffic which required buffering would serve to insulate from the residential uses.

Next, we address the variances requested:

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.

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§ 903 VARIANCES.

(A) In granting a variance, the Zoning Board of Review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

(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 primarily due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in section 45-24-30(a)(16) RIGL;

(2) That the hardship is not the result of any prior action of the applicant;

(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; and

(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) N/A

(b) *In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts 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 granted is not grounds for relief. ...*

We address each of these standards below:

(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 primarily due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in section 45-24-30(a)(16) RIGL*

We find that there are many factors relating to the site which generate the hardships. The site itself is long and narrow, which substantially limits the area which can be used for buffering, parking, etc.

However, we also find that there are two easements which run the entire depth of the lot, very significantly cutting the already limited usable width of the lot. These are seen in the site map below:

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Again, all of these are also related to the shape and developable area at the site. Certainly, the 8' variance for building setback is minimal. The lack of loading zones has no impact, as the use proposed will not have any shared or common loading needs. Finally, the placement of the dumpster is not seen to have any impact to the neighboring properties.

(2) That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;

The hardship is certainly not the result of prior actions of the petitioners. The lot has existed in this configuration, with these easements found on the property for an extended period.

(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; and

The requested variances will not alter the general character of the area or impair the zoning code or comprehensive land use plan.

We have addressed the clear conformance to the comprehensive land use plan elsewhere in this report, but certainly part of the conformance is the use and the requested relief will result in a complex which is very much in conformance to the area and the area uses.

Included earlier in the report is an aerial map which shows commercial and industrial uses all along this section of Coddington Highway, with similar uses across the street and to both the east and west along the same side of the street. The only use which is different is the manufactured home park next door. However, this project is not seen to have any potential impact to that park, as the uses likely to be found here will not generate the types of issues which could result in a diminution. Also, in spite of the reduced buffering requests, sufficient buffering will exist to prevent any impact, no matter how minimal the factor might be.

Further, the existing gravel yard which is being replaced tends to generate negative factors such as dust. The use of the site as a storage yard is seen as being less physically attractive and much less in harmony with the home park than the proposed use.

The relief sought is principally based on three items: buffering, building placement, and parking. We find that based on the engineering studies performed, that reduction of the buffering is consistent with the low impact type use planned. In fact, these same buffering and pedestrian walking issues were similar to the relief sought and approved on Valley Road for the newly proposed self- storage units, a very similar type of use.

Further, the reduction of parking to 120 from the 173 required spaces will not have any negative impact. Again, much of the work performed by the tenants of this complex is done away from this site. Also, as we stated elsewhere in this report, there is slight likelihood that any customers of the businesses here will visit these units. In short, reduction in parking should have virtually no impact at all.

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(5) 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) N/A

(b) In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts 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 granted is not grounds for relief. ...

Considering the vast improvement to the use on the site, the fact that the use is in conformance with the use in a LI zone, and the goals of the comprehensive land use plan, combined with the hardships generated by the site itself, the requested relief are all very minimal and would be more than a mere inconvenience, if relief was denied.

Next, we look to the required findings called for in Section 404 of Middletown Development Regulations:

Section 404 - Required Findings

The approving authorities responsible for land development and subdivision review and approval shall ensure that each proposal addresses the general purposes listed in Section 102 of these Rules and Regulations and shall make positive findings on the following prior to approving the proposed subdivision/development:

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. N/A

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.

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We have reviewed each of these in turn:

A. The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;

The proposal is very much in conformance with the Town's Comprehensive Land Use Plan, especially section V, Economic Development and Section IX, Land Use:

GOAL E-I: Promote a diverse and expanded local economy without compromising the characteristics and qualities which make Middletown a desirable community.

E-I.A. Create conditions that are attractive to the growth of existing business and attract new businesses to Middletown

IX. Land Use

PROTECTION OF COMMUNITY CHARACTER Controlling sprawl of commercial and retail development and preventing it from encroaching on residential land uses is an important goal to the town. Additional commercial development should be discouraged in areas outside existing established business corridors. Any new commercial growth should continue to be in-fill development. Tear down and rebuild is an acceptable alternative within these districts as this will allow economic development in town to meet current market needs as well as move the town towards achieving the goals of commercial design standards.

INDUSTRIAL LAND USES Industrial development is an important component of the town's economic development, and should be considered for sites suitable for more intensive uses.

Additionally, we feel that any inconsistencies have been adequately addressed by the petitioners and their experts.

B. The proposed development is in compliance with the standards and provisions of the Town Zoning Ordinance;

We find the proposed use is a conforming light industrial use. It is consistent with requirements of the code. Where variances are sought, the project's plans have adequately addressed any needs for the variances.

We have found that any variances sought will not negatively impact the neighboring properties, nor negatively impact the intentions of the zoning code itself.

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;

The project's engineer has adequately addressed the environmental criteria of the proposed construction and redevelopment. There should be no negative environmental impact.

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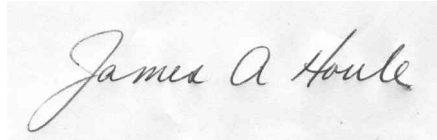
E. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

The site has permanent and adequate access to a public street. In fact, the ingress and egress from the site is seen to be very good onto Coddington Highway, a traffic artery which connects several main roads.

Therefore, this appraiser feels that the requests for the dimensional variances needed are clearly in conformance with all standards set out in the zoning code. Additionally, I feel the comprehensive land use plan properly addresses and supports the proposed use at site.

Should there be a need for additional or expanded commentary, please feel free to contact me. Thank you for allowing me to have been of service.

Respectfully submitted,



James A. Houle,
RI Certified General Appraiser #CGA.0A00769
State: RI Expires: 05/04/2024

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Portsmouth, Rhode Island 02871

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QUALIFICATIONS OF APPRAISER

JAMES A. HOULE

LICENSING:

Rhode Island Appraisal Certification: #CGA.0A00769

Rhode Island Real Estate Broker: #B09805

BUSINESS EXPERIENCE:

James Houle & Associates, Portsmouth, RI Real Estate Appraisal, Consulting & Brokerage Services	1981- Present
Deputy Tax Assessor, City of Newport, RI Appraisal and Mass Assessment Services	1990- 1998
Gold Star Group, Middletown, RI Real Estate Education and Franchise Development	1988-1989
Atlantic Properties, Middletown, RI Principal Broker	1985-1988
L.H. Houle Realty, Stafford Springs, Conn. Consulting Broker	1975-1983
Better Homes Realty, Middletown, RI Principal Broker	1978-1981
Heritage Realty, Newport, RI Associate Broker	1975-1978
Kennan Associates, Cumberland, RI Associate Broker	1973-1975

PROFESSIONAL QUALIFICATIONS AND RELATED BOARDS:

ACTIVE:

Licensed Real Estate Broker, Rhode Island

Certified Real Estate Appraiser, Rhode Island

Approved by State of Rhode Island, Office of Municipal Affairs, to perform city- wide mass appraisals and revaluations, as required by Rhode Island law

Board of Realtors, (Officer of Newport County Board, 1975)

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RELATED EDUCATION:

BA, Clark University, Worcester, Mass. 1973

Society of Real Estate Appraisers, course #101 Introduction to Appraisal
Society of Real Estate Appraisers, course #102 Small Income Property Appraisal
R.I. Tax Assessor's Administrative Course
Graduate Realtor Institute, Board of Realtors
Uniform Standards of Professional Practice, University of Rhode Island
Income Approach to Property Valuation, University of Rhode Island
Practical Application of Income Approach to Value, University of Rhode Island

Seminars:

Impact of Environmental Issues in Appraisals, RI Board of Realtors
Rhode Island Tax Law, NLI Institute
Performing an In House Revaluation, International Order of Assessing Officers
Lead Issues in Real Estate, RI Board of Realtors
Tax Issues in Real Estate, RI Board of Realtors
Appraiser as Expert Witness, RI Board of Realtors
Appraising FHA Today, McKissock
Report Writing, MBREA
Oddball Properties, McKissock
Environmental Issues for Appraisers, McKissock
The Cost Approach, McKissock
History of Zoning, Appraisal Institute

Seminars as Approved Instructor:

Real Estate Tax Assessment: How to Judge its Equity
Real Estate Financing: Conventional and Creative

APPRAISAL EXPERIENCE:

Active since 1976,
Appraisals of single and multi family housing,
All types of commercial/ industrial properties.
Experience in appraising impacted/ contaminated properties
Experience in appraising specialty/ partial interests
Experience in appraising water related utilities
Experience in appraising specialty use properties, including gaming facilities

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Experience in conservation easements and conservation land, development rights
Accepted as expert in Rhode Island Family Court
Accepted as expert in Rhode Island Superior Court
Accepted as expert in Rhode Island Bankruptcy Court
Accepted as expert before several Rhode Island community Boards of Tax Appeals
Accepted as expert before several Rhode Island Zoning Boards of Appeal

SIGNIFICANT CLIENTS

Ford Motor Company
NYNEX (Bell Atlantic)
Stone Bridge Water District, Tiverton, RI
Church Community Housing Corporation, Newport, RI
City of New Shoreham, Rhode Island, Assessor's Office
City of Swampscott, Massachusetts, Assessor's Office
City of Newport, Rhode Island, Assessor's Office
City of Newport, Rhode Island Planning Office
City of Newport, Rhode Island, Public Utilities Department
Twin River Gaming Facility, Lincoln, RI
Appraisal Resource, East Greenwich, RI