



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

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To: Hon. Paul M. Rodrigues, President
Town Council Members

From: Paul A. Croce, Chairman
Middletown Planning Board

Date: April 30, 2025

Re: Recommendation to the Town Council on a petition of Middletown Commons Town Center, LLC 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 West Main Road and Coddington Highway, Plat 102, Lots 3, 4, 5, 7 and a portion of Lot 6 from Institutional to Limited & Office Business; provide a recommendation to the Town Council on the request to change the zoning designation of the subject property from Public, traffic sensitive (PA) to Limited Business, traffic sensitive (LBA); and provide a recommendation to the Town Council on a proposal to adopt an overlay zoning district that will cover the subject property.

The Town Council requested an advisory recommendation from the Planning Board regarding the petitions referenced above. In accordance with state law (RIGL § 45-22.2-8) the Planning Board held a public hearing to consider the proposed comprehensive plan amendment, which was opened on February 5, 2025 and closed on April 3, 2025. Public testimony was received during both meetings on the comprehensive plan amendment, as well as the above reference zoning ordinance amendments. The following action was taken by the Planning Board during a special meeting held on April 24, 2025:

1. Following deliberations and considering the input received by the proponents and the public during the public hearing, the Board voted unanimously 7-0-0 to recommend that the Town Council approve an amendment to Map L-4 of the Middletown Comprehensive Community Plan to change the designation of property fronting on West Main Road and Coddington Highway, Plat 102, Lots 3, 4, 5, 7 and a portion of Lot 6 from Institutional to Limited & Office Business as depicted on a map presented by the petitioner (attached). This recommendation is subject to the proposed condition that this change in designation shall not become effective until the federal deed restriction on the recreation complex portion of the property (Assessors' Plat 103, Lot 3) is extinguished or relocated in accordance with applicable federal and/or state requirements.
2. Following deliberations the Board voted unanimously 7-0-0 to recommend that the Town Council approve an amendment to the Town's official zoning map referenced in Town Code Chapter 152 to change the zoning district designation of the subject property, Plat 102, Lots 3, 4, 5, 7 and a portion of Lot 6 from Public, traffic sensitive (PA) to Limited Business, traffic sensitive (LBA) as depicted on a map presented by the petitioner (attached). This recommendation is subject to the proposed condition that this change in designation shall not become effective until the federal deed restriction on the recreation

complex portion of the property (Assessors' Plat 103, Lot 3) is extinguished or relocated in accordance with applicable federal and/or state requirements.

3. Following deliberations the Board voted unanimously 7-0-0 to recommend that the Town Council approve an amendment to the Middletown Zoning Ordinance, Town Code Chapter 152, to create a new overlay zoning district that would apply to property identified as Assessors Plat 102, Lots 3, 4, 5, 6, 7, and described in a document entitled Middletown Center Overlay Zoning (April 17, 2025 draft attached) This recommendation is subject to the proposed condition that this amendment shall not become effective until the federal deed restriction on the recreation complex portion of the property (Assessors' Plat 103, Lot 3) is extinguished or relocated in accordance with applicable federal and/or state requirements. This recommendation is also subject to the condition that modifications to the April 17, 2025 draft of the overlay zoning district document requested by the Planning Board during the April 24, 2025 meeting and listed below, whether agreed to by the petitioner or not, must be made to the overlay district document. Otherwise, the Planning Board recommends against adoption.

- a. Requested modifications agreed to by the petitioner

- i. p. 2 item (B) under Purpose – revise to accurately reflect comprehensive plan language regarding the subject property, including elimination of the reference to “hospitality” which is not included in the comprehensive plan language.
- ii. p. 2 item (C) under Purpose – Add language to the second sentence to indicate that pedestrian-friendly spaces and community usage shall be accommodated on both the leased land and the Town open space parcel as defined below.
- iii. p. 3 item (A) under Permitted Uses – Revise the second sentence to read as follows: “Permitted uses are those listed below.”
- iv. p. 4 under Land Uses Permitted By Right or Special Use Permit – Revise the first bullet under Residential to read: “Hotel/Motel (Y); provided that only one (1) hotel or motel shall be permitted within the District.”
- v. p. 4 under Land Uses Permitted By Right or Special Use Permit – Revise the first bullet under Retail Commercial to read: “General merchandise retailing activities; provided that no shop shall have a floor area greater than 15,000 square feet (Y)”
- vi. p. 5 under Land Uses Permitted By Right or Special Use Permit – Revise the sixth bullet under Government, Educational and Institutional on Privately Owned Land to require a special use permit for a Hospital/medical center, while allowing a clinic by right.
- vii. p. 5 under Land Uses Permitted By Right or Special Use Permit – Delete the second bullet under Accessory Uses.
- viii. p. 5 under Land Uses Permitted By Right or Special Use Permit – Modify the third bullet under Accessory Uses to read as follows: “Co-locating cellular and other antenna 6’ in height or less on top of structures and shielded from view from a public right-of-way. (Y)”

- ix. p. 5 under Land Uses Permitted By Right or Special Use Permit – Revised the fourth bullet under Accessory Uses to read as follows: “Fitness center and court games, excluding Pickle Ball courts, accessory to the hotel or residential uses. (Y).”
- x. p. 6 under (B) Prohibited Uses – Add a bullet to read as follows: “Any use not listed in this section as being allowed either by-right or by special use permit is prohibited.”
- xi. p. 8 under Mix of Land Uses, item 2. Residential Use – Multifamily Dwellings – Add language to the end of the paragraph that reads: “No lease for a residential unit in the development shall have a term of less than six (6) months. Short-term rentals as defined by the Town are expressly prohibited.”
- xii. p. 10 under Design Standards item (A) Site Design – To the end of item 1, add: “. . . , including the hotel.”; Delete item 4.
- xiii. p. 15 under Design Standards item (F) Signage – Revise the second sentence of item 7 to read as follows: “Businesses are allowed a maximum of one building-mounted sign per exterior wall of the space where the business is located.”

b. Requested modifications not agreed to by the petitioner

- i. p. 4 under Land Uses Permitted By Right or Special Use Permit – Delete the second bullet under Retail Commercial: “Small-scale shopping center (Y)”
- ii. p. 4 under Land Uses Permitted By Right or Special Use Permit – Revise the fifth bullet under Retail Commercial to require a special use permit for “Lunchroom or restaurant (alcoholic beverages)
- iii. p. 6 under Land Uses Permitted By Right or Special Use Permit – Revise the fifth bullet under Accessory Uses to read as follows: “Drive through window for a bank (Y). Drive through window for other uses (S).”
- iv. p. 7 under Mix of Land Uses, item 1. Common Area (Public)/Municipal/Open Space – Delete the first section up to the sentence that starts: “There shall be one contiguous common area of 1.50 acres . . .” and insert the following: “The leased land shall contain public, community, open space and landscaping areas at a minimum of 10% of the total land area of the leased land. Such minimum 10% area shall be exclusive of the landscaped perimeter buffers and the area dedicated to landscaping at the corner of West Main Road & Coddington Highway.”
- v. p. 8 under Mix of Land Uses, item 1. Common Area (Public)/Municipal/Open Space – Delete the second to last and last sentence and insert the following language: “There shall be a landscaped park-like parcel of 3,000 to 5,000 square feet at the corner of West Main Road and Coddington Highway which shall contain a monument, sculpture or other feature that will be the most prominent

aspect of the corner and serve as the principal gateway to the development and as a gateway to Middletown.”

- vi. p. 9 under Density and Dimensional Standards, Item 3, Setbacks – Revise the fourth bullet to read as follows: “For every 10 feet in building height above 35 feet, the setback requirement shall be increased by 2.5 feet. For example, a 55 foot tall building shall have a 15 foot setback from the perimeter boundary.”
- vii. p. 10 under Design Standards item (A) Site Design – Revise item 6 to read as follows: “To the extent possible, stormwater management shall include low impact development (LID) best management practices.”
- viii. p. 12 under Design Standards item (D) Landscaping – Revise item 2 to read: “Landscaping, excluding required buffers around the perimeter of the property and the minimum 3,000 square foot area at the corner of West Main Road and Coddington Highway, shall make up at least ten percent (10%) of the entire area of the leased land.”
- ix. p. 13 under Design Standards item (E) Lighting – Delete all items in the sections and insert the following: “All exterior lighting shall comply with the requirements of the Middletown zoning ordinance, Article 27B – Outdoor Lighting.”
- x. p. 14 under Design Standards item (F) Signage – Delete item 3.
- xi. p. 15 under Design Standards item (F) Signage – Revise item 4 to require a maximum sign height of 16 feet.

In considering the requested change of zoning designation for the subject property, and the proposed overlay zoning district the Board found, as required by state law (RIGL §45-24-52), that the proposed amendments: 1) 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) is consistent with the applicable purposes of zoning, as presented in Rhode Island General Laws § 45-24-30.

Please feel free to contact me with any questions regarding these recommendation.



Paul A. Croce, Chair
Middletown Planning Board

cc. Town Solicitor
Town Clerk