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**Memorandum**

To: Paul A. Croce, Chairman  
Planning Board members

From: Ron Wolanski, Planning Director

Date: December 1, 2021

Re: **Public Hearing** – Request of The West House Corporation for Master Plan approval for a comprehensive permit application submitted pursuant to Middletown Zoning Code, Article 17 *Low and Moderate Income Housing- Comprehensive Permit*, for expansion of an existing multifamily dwelling structure located at 417 Forest Avenue, Assessor's Plat 113 Lot 6 and including request for waiver from certain design standards of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land, Section 521 and variances from the Middletown Zoning Code §602 for a multifamily dwelling project in the Office Business zoning district; §603 for a 40 foot building where 35 feet is the maximum allowable; §605 for a 42,603 square foot structure where 35,000 is the maximum allowable; §1304 for 61 parking spaces where 104 is required; §1504 for exceeding the allowable density in a multifamily dwelling project; §1505 for less than the minimum open space requirements in a multifamily dwelling project; §1507 for parking areas closer than 25 feet to the proposed structure; and §1508 for a façade greater than 80 feet without articulation in a multifamily dwelling project.

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The is item was continued to the December 8<sup>th</sup> Planning Board meeting due to the cancellation of the November meeting.

The applicant is seeking to expand an existing multifamily dwelling structure with an additional 54 units contained in 17,432 square feet. The existing building contains 51 multifamily dwelling units in approximately 24,973 square feet, located in the Office Business zoning district. All proposed units would meet the definition of Low- or Moderate-income housing under Section 45-53-3 of the RI General Laws.

The new addition would be built on what is now a parking area accessible from Enterprise Drive. The site is served by public water and public sewer lines. No alterations to the existing structure or entryway from Forest Avenue are proposed. Screening for rooftop equipment is provided. A landscaping plan and landscaping maintenance plan will be required at preliminary plan stage.

In accordance with the Middletown Zoning Ordinance, Article 17, and Section 45-53-4 of the RI General Laws, the applicant has submitted an application for an affordable housing comprehensive permit to allow the development of low/moderate income housing. The zoning ordinance identifies the Planning Board as the local review board empowered to consider such applications. The board has the authority to consider and act on all of the applicant's requests for zoning and/or regulatory relief, and has the authority to approve the project subject to making the following findings.

### **Required findings:**

1. The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.
2. The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.
3. All low and moderate income housing units proposed are integrated throughout the development; are similar in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.
4. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
5. There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.
6. All proposed land developments and all subdivision lots will have adequate and permanent physical access to a public street in accordance with the requirements of R.I. Gen. Laws § 45-23-60(5).
7. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved recorded plans.

### **TRC Review**

The Technical Review Committee completed review of the application on November 5<sup>th</sup> and voted to forward a positive recommendation to the Planning Board subject to the following recommended conditions of approval.

### **Recommended conditions of approval:**

1. The Preliminary Plan submission shall include stormwater management to ensure no increase in the rate or volume of runoff to the existing stormwater facilities located on abutting property.
2. The Preliminary Plan submission shall address concerns over steep grades proposed for new parking areas.
3. The Preliminary Plan submission shall demonstrate adequate access to the building for fire and other emergency vehicles.

### **Requested zoning relief:**

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

1. §602 Schedule of District Regulations and Uses: **Multifamily dwelling projects not permitted in the Office Business district.**

2. §603 District Dimensional Regulations: maximum Building Height for is 35 feet. **A 40-foot structure is proposed.**
3. §605 Maximum Building Footprint: 35,000 square feet. **Proposed structure is a total of 42,603 square feet.**
4. §1304 Minimum and Maximum Off-Street Parking Requirements: Elderly housing 1 space per dwelling unit. **104 spaces are required, 61 parking spaces are proposed.**
5. §1504 Maximum density in a multifamily dwelling structure: **for the proposed mix of 1- and 2-bedroom units, 654,000 square feet of lot area is required where 200,689 square feet exists.**
6. §1505 Open Space requirement in a multifamily dwelling structure: ratio of open space divided by floor area must exceed 1.5. **Proposed open space is 110,039 square feet where 186,025 square feet is required.**
7. §1507(B) No off-street parking area shall be located within 25 feet of any wall of a principal building (except a garage) used for residential purposes along which is located an entrance or exit generally intended for use by residences thereof or along which are located windows serving habitable rooms less than ten feet above the ground. **Proposed parking is approximately 19.5 feet from the building.**
8. §1508(B) No facade of any principal building in any multifamily dwelling project or structure shall exceed 80 lineal feet without a building jog of at least 45 degrees for a building having two wings, or 30 degrees for a building having three or more wings. **Facade is approximately 83 feet without jog.**

#### **Requested Waivers:**

The applicant is seeking the following waivers from requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land:

1. 521.1 E. 4 Bicycle racks shall be provided, minimum 1 bicycle space per 5 automobile parking spaces or fraction thereof. **No bicycle racks are proposed.**
2. 521.2C - Building exteriors and roofs constructed of traditional materials such as wooden clapboards, shingles, patterned shingles, brick or stone (synthetic materials require Planning Board approval). **The applicant proposed wood composite siding and rubber roof.**
3. 521.2.D 1-3 Traditional roof forms such as hip, gambrel, or gable shall be required. The gradient from level of any sloped roof shall be at least 4:12. Flat roofs may be permitted if decorative details are incorporated into the roof design and/or the roof is designed to incorporate a sloped design for the portion of the roof visible from the public way, and provided that any mechanical equipment installed on the roof is not visible from the public way and abutting properties. **Flat roof is proposed.**

**Additional waivers may be necessary after the landscaping plan and site lighting plan are submitted and reviewed in the Preliminary Plan stage.**

The board may choose to deny issuance of the comprehensive permit for any of the following reasons. A denial is appealable to the state housing appeals board, rather than the Middletown Planning Board of Appeals.

1. The town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan;

2. The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;
3. The proposal is not in conformance with the comprehensive plan;
4. The community has met or has plans to meet the goal of 10% of the year-round units as defined in R.I. Gen. Laws § 45-53-3(2)(i) being low and moderate income housing;
5. Concerns for the environment and the health and safety of current residents have not been adequately addressed.

Please contact me with any questions regarding this matter.

Cc: Applicant  
Building/Zoning Official  
Town Solicitor