



Memorandum

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: May 31, 2022

Re: **Public Hearing** - Application by Aquidneck Commerce Center, LLC for Combined Preliminary and Final Plan approval of a major land development project for a proposed mixed-use development including 12 new residential units and approximately 15,000 sq.ft. of office space contained in one new and two existing buildings pursuant to Article 27A of the Middletown Zoning Ordinance and including request for waivers from certain design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. The property is located at 809, 811, and 819 Aquidneck Ave., Assessor's Plat 114, Lots 129 and 504.

The above referenced mixed-use development project was granted Master Plan approval January 12, 2022, at which time necessary zoning relief was granted. The applicant is now requesting combined Preliminary and Final Plan approval for the project, which includes merging the subject parcels and construct a 12-unit multi-family building, resulting in a mixed-use development. The property currently contains commercial buildings housing offices, which will be retained. The applicant is requesting approval for this project under the town's mixed-use development ordinance (Article 27A, Middletown Zoning Ordinance). A mixed-use development project is a use allowed by right in the limited business (LB) zoning district. The proposal meets the residential density limitations of Section 27A05. Please see the attached plans and other documents provided by the applicant.

Per the mixed-use development regulations, this project must undergo development plan review. The Technical Review Committee reviewed the proposal during its meeting held on May 25, 2022. Following review, the TRC voted to forward a positive recommendation to the Planning Board subject to the following recommended conditions of approval:

- Prior to permitting, the applicant must provide confirmation from the Fire Department that the plan provides adequate turning radii for emergency vehicles.
- Prior to permitting, the applicant must provide to the DPW Director for his approval information requested regarding the proposed connection to the public sewer system.

Review and comment has also been sought from applicable Town committees. Comments will be provided to the Board as they become available. Letters conforming public sewer and water availability have been provided. The required physical alteration permit (PAP) has been issued by RIDOT.

Waiver Requests:

Based on my review of the plans, the applicant will need waivers from certain commercial development design standards of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land as listed below. Waivers may be considered in accordance with section 908 of the subdivision regulations where; the literal enforcement of one 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.

- 521.1.E.2 – Location and screening of HVAC equipment for the proposed new building not provided on the plans.
- 521.2.B – Windows must occupy between 20% and 60% of each façade visible from the public way. This requirement is not met.
- 521.2.C. - Use of synthetic exterior building materials is proposed.
- 521.2.D. – Flat roof proposed for new building is proposed.
- 521.3.D.2 – Required 20-foot landscaped buffer not provided along northly property line (abutting residential use)
- 521.3.F.1 & 2 – Required street and parking lot trees not provided. Street trees not provided. Parking lot trees provided do not meet the required minimum 4-inch caliper size.

Recommended Conditions of Approval:

1. Prior to permitting, the applicant must provide confirmation from the Fire Department that the plan provides adequate turning radii for emergency vehicles.
2. Prior to permitting, the applicant must provide to the DPW Director for his approval information requested regarding the proposed connection to the public sewer system.
3. Prior to permitting, the applicant must provide a revised lighting plan demonstrating compliance with Zoning Ordinance Section 27B.02.

Required findings (Subdivision rules and regulations section 403)

The following is a list of the required findings the Board must make in approving a subdivision or land development project. The Board should make its own conclusions as to the consistency of the plan with these findings.

1. The proposed development is consistent with the comprehensive community 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 Town Zoning Ordinance
3. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;

4. 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;
5. 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