



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: December 5, 2022

Re: **Public Hearing** - Application for Development Plan Review by GR Middletown Land LLC for a proposed carwash commercial development including requests for waivers from certain provisions of the commercial development design standards contained in Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located at 991 and 995 West Main Road, Assessor's Plat 106, Lots 115 and 116.

This matter was continued to the December 14th Planning Board meeting in order for the applicant to consider revisions to the site plan and building design to address Board concerns. Revised plans have been submitted and are attached for the Board's consideration. The revisions result in a reduction in the number of requested waivers from the commercial development design standards. The revised list of waiver requests is provided below. The revised landscape plan has been provided to the Tree Commission for review.

The applicant is proposing construction of a new commercial building containing a tunnel car wash on West Main Road located in the General Business zoning district. Access to the site will be gained by two revised curb cuts. The southern curb cut will be located on adjacent parcel via a pre-existing right-of-way. Applicable permits from the RIDEM and RIDOT have been filed. The applicant has previously received Zoning Board of Review approval of a Special Use Permit for a car wash use in Zone 2 of the Watershed Protection District.

Based on further review of the site plans, it appears that two accessory structures housing vacuum equipment are located on the property which would not comply with building side setback requirements along the southerly property line. Unless the plans are further revised, it appears that zoning relief would be necessary. Also, the applicant has been asked to provide elevation drawings for the accessory structures for Board review. If it is determined that zoning relief is required for the accessory structures, the Planning Board's DPR review will result in a recommendation to the Zoning Board of Review.

TRC Review:

The Technical Review Committee (TRC) reviewed the application during its meeting on October 26th and October 31st. Site design, utilities, stormwater management, and other aspects of the plan were discussed. Following its review, the TRC voted to forward a positive recommendation to the Planning Board subject to the recommended conditions of approval listed below.

Recommended conditions of approval:

1. Prior to permitting, the applicant shall merge Plat 106 Lot 115 and Lot 116 together through an administrative subdivision.
2. Prior to permitting, Crossman Engineering will conduct a peer review of the stormwater drainage calculations and the applicant shall address their comments.
3. Prior to permitting, the lighting plan shall demonstrate compliance with the requirements of Zoning Ordinance Article 27B – Outdoor Lighting.
4. Prior to permitting, the applicant shall demonstrate that the ground-mounted transformer will be screened from public view by landscaping.
5. Prior to permitting, the landscape plan shall be revised to ensure that the size of the street trees meets the requirements of Section 521 of the Subdivision and Land Development Regulations.
6. Prior to permitting, the applicant shall provide the calculation demonstrating compliance with the requirement that windows make up 20% - 60% of each façade visible from the public street.
7. Prior to permitting, the applicant shall address the comments from the Tree Commission, received on November 1, 2022 and any additional comments based on the revised landscape plan.

Requested waivers:

Based on the latest plan set it appears that the applicant will require the following waivers from the commercial development design standards of section 521 of the Regulations, or must provide confirmation that the project is in compliance. Per section 908 of the Regulations the *“Planning Board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval, as may be reasonable, and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) 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.”*

1. **Section 521.1.B.1** – Parking to be located to side or rear of buildings. **Proposed parking does not comply.**
2. **Section 521.2.A.2** – No unbroken plane of a wall exceeds forty feet without a break of at least 48” in plane. **Proposed design does not comply.**
3. **Section 521.2.C** – Building exteriors and roofs shall be constructed of, or resemble, traditional materials such as wooden clapboards, shingles, patterned shingles, brick, or stone. **Building exteriors using fiber cement siding and other synthetic materials.**
4. **Section 521.3.D.1** – A landscaped buffer at least 10’ is provide along all property lines. **Not provided for southerly property line.**
5. **Section 521.3.D.3** – A landscaped buffer of at least ten (10) feet wide shall be provided between buildings and parking lots/driveways. The buffer shall be defined by curbing, and may include sidewalks, but must include a minimum five (5) foot planting strip. **A minimum 5-foot planting strip between building and parking lot is not provided.**

6. Section 521.3.F.1 – Required deciduous street trees, minimum 4” dbh caliper. Proposed street trees do not meet the minimum caliper size.

Required findings:

In accordance with section 309 of the Middletown Zoning Ordinance, prior to granting any development plan review approval, or issuing a recommendation in favor of approval to the Zoning Board of Review, the Planning Board shall find that:

- (1) The granting of approval will not result in conditions inimical to the public health, safety and welfare;
- (2) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding area or zoning district;
- (3) The plans for such project comply with all the requirements of this chapter and the Regulations, or that necessary waivers from the requirements of the Regulations have been granted;
- (4) The plans for such project are consistent with the Comprehensive Plan; and
- (5) Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval or recommendation.