



MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT

TOWN OF MIDDLETOWN

350 East Main Road, Middletown, RI 02842
(401) 849-4027 | MiddletownRI.com

To: Paul A. Croce, Chairman
Planning Board members

From: Ron Wolanski, Town Planner

Date: September 6, 2023

Re: **Public Hearing** - Application of Newport CDJR Real Estate LLC for Development Plan Review for renovation of an existing commercial building including exterior changes and requests for waivers from certain provisions of the commercial development design requirements of Section 521 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land. Property located on 310 West Main Rd., Tax Assessors Plat 108NW, Lot 16801.

The applicant is proposing to renovate an existing car dealership building. The property is located at 310 West Main Road in the General Business, Traffic Sensitive (GBA) zoning district. The work is limited to the building with changes to the exterior façade with new windows, exterior finishes, signage, and related work. No site work is being proposed. Site plans, building elevations and other documents are attached for your review. These documents can also be viewed online at: <https://middletownri.com/504/Planning-Board-Meeting-Packets>

Request for comments and plans were provided to the DPW director, Town Engineer, Building Official, Fire Department, and Roads & Utilities Committee. The Planning Board review will result in a decision.

TRC Review:

The Technical Review Committee (TRC) reviewed the application during its meeting on August 23rd. Building design and other aspects of the plan were discussed. Following its review, the committee voted unanimously to forward a positive recommendation to the Planning Board.

Suggested condition of approval:

1. Prior to permitting, applicant shall demonstrate windows occupy between 20% and 60% of façade(s) visible from the public way.
2. Prior to permitting, the plans shall be revised to indicate that roof-mounted equipment (if any) shall be screened in accordance with Section 521.1.E.2 of the Subdivision and Land Development Regulations.

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 subdivision and land development 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 521.2.B.2** - Where consistent with overall building design, windows are of true or simulated divided-light design (double-hung windows preferred where consistent).
Proposed design does not comply.
2. **Section 521.2.C** – Building exteriors and roofs constructed of traditional materials.
Applicant is proposing the use of aluminum composite metal paneling, metal roof, and other synthetic materials.
3. **Section 521.2.D.1** - Roof is a traditional form or a flat roof with decorative details to incorporate a sloped design for the portion of the roof visible from the public way.
Proposed flat roof design does not comply. This is an existing, non-conforming condition.

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.

Cc: Applicant