

**City of Newport
Department of Planning and Economic Development
Staff Report to the Planning Board**

Statement of Consistency with the Comprehensive Plan

Meeting: June 1, 2020
Applicant: Howard Wharf, LP
Petition: Development Plan Review and Special Use Permit

The applicant has applied to construct a 21-room transient guest facility with a standard restaurant on a lot they own at 24 Lee's Wharf a/k/a 5 Howard Wharf. (AP 32, Lot 314), a WB zone.

Standards of Review

The petition is subject to Development Plan Review by the Planning Board in accordance with Chapter 17.88 of the City of Newport Code of Ordinances. This review is advisory to the Zoning Board of Review (ZBR), who will be reviewing a special use permit petition for this project. Additionally, as part of the ZBR review process, the Planning Board has been requested to provide the ZBR "an opinion as to the petition's conformance to the (Newport) comprehensive plan." (Newport Zoning Board of Review Policies & Procedures)

In accordance with Chapter 17.88, the Technical Review Committee (TRC) has reviewed this petition and provided a memo outlining its advice, comment, and recommendations.

The required findings prior to the granting of an approval are as follows:

1. The granting of the approval will not result in conditions inimical to the public health, safety or welfare;
2. The granting of the approval will not substantially or permanently injure the appropriate use of property in the surrounding area or zoning district;
3. The plans for the development comply with the requirements of the zoning ordinance and subdivision regulations, Titles 12, 13 and 15 of the Codified Ordinances of the City of Newport governing public services, streets, sidewalks and public places, parking, buildings and construction as well as laws, ordinances, rules and regulations governing stormwater management; and
4. The plans for the development are consistent with the comprehensive plan.

Staff have reviewed the following components of the Comprehensive Plan in order to determine consistency and conformity:

Goal LU-1 – To provide a balanced city consisting of residential, commercial and employment uses consistent with the character, environmental resources and vision of the community.

Policy LU-1.3 – The City shall work with state [and] regional agencies and private property owners to maintain viable maritime uses and public access within the city's harbor area, while also supporting uses necessary to accommodate tourism.

Policy LU-1.4 – The City shall maintain design standards to protect historic structures, maintain heritage of the community, and maintain views and access to the waterfront areas.

Policy LU-1.6 – The City shall encourage upgrading, beautification, revitalization and environmentally appropriate reuse of existing commercial areas.

Goal ED-1 – To develop a robust and diverse economy, providing suitable employment opportunities for residents, and a stable tax base.

Goal OSR-3 – To protect and enhance public access to the shoreline and waterfront areas.

Policy OSR-3.1 – The City shall enhance and protect public access to the shoreline and waterfront through recreational sites, public rights-of-way, and access easements.

Policy NR-2.5 – The City shall protect scenic vistas.

Policy WA-9.2 – The City shall strive to implement innovative measures, such as Green Infrastructure, to manage storm water.

Action WA-9A – Continue to find creative ways to integrate the requirements of the City’s RIPDES (MS4) permit into City operations, programs and activities leveraging storm water as a positive catalyst for both economic and ecological transformation.

Goal WA-10 – To meet all applicable Federal, State, and other laws, regulations, standards and other requirements for stormwater quality.

Policy WA-10.1 – The City shall achieve and maintain compliance with all applicable storm water standards.

Chapter 3, Land Use, Page 3-6 of the Comprehensive Plan includes the “careful reuse of the harbor front” as a fundamental component of the city’s future land use policies.

While unmitigated hotel development is not consistent with this policy, this sensitive hotel complies with this intent using thoughtful building and site design.

Chapter 4, Economic Development, Page 4-10 of the Comprehensive Plan states that “The City of Newport will continue to take appropriate measures to strike a balance between competing waterfront uses, so that Newport remains both a pre-eminent coastal resort community and a place where traditional maritime uses thrive. This includes support for the harbor’s public walkway, public boat launch area and public access to the waterfront in general.”

This small-scale hotel supports this coastal resort community without an outsize impact on traditional maritime uses. The expanded Harbor Walk is a community benefit, and this development is in conformance with the intent to provide continued public access to the waterfront

Planning Department Recommendations

Staff finds the proposed conditions in the TRC memo appropriate and seeks the requested structural detail, height comparison, and dimensioned roof plan prior to a decision by the Planning Board.

In review of the required findings, the first standard is innate to the police powers of the City of Newport. Assuming the condition of approval and the design changes made at the request of the TRC,

staff find the design consistent with this standard. Regarding the second standard, a transient guest facility is a conditionally permitted use in the WB zone, which surrounds the property up to Thames Street. The design is for a small hotel with a limited impact on surrounding permitted properties. The design is well within the permitted dimensions of the zone. Assuming the condition of approval, the third standard is met.

Regarding the fourth standard, assuming the condition of approval, staff recommends the Board find the plans for the development are consistent with the comprehensive plan, **on the condition that an easement be recorded to expand the Harbor Walk as depicted on the plans.**

Regarding the special use permit, citing the above analysis, the staff recommends the Planning Board find this petition in conformance with the Comprehensive Plan, **on the condition that an easement be recorded to expand the Harbor Walk as depicted on the plans.**