

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

**Development Plan Review and opinion of Consistency with the Comprehensive Plan**

Meeting: January 10, 2022  
Applicant: Colbea Enterprises LLC  
Location: 138 JT Connell Highway (TAP 4 Lot 13-4)  
184-186 Admiral Kalbfus Road (TAP 4 Lot 55)  
Zone: Commercial Industrial  
Petition: For a special use permit for permission to construct a new convenience store, car wash and gas pumps applying to the property located at 138 JT Connell Highway and 184-186 Admiral Kalbfus Road.

The Applicant is requesting to demolish 4 existing structures to provide for the redevelopment of the site with the construction of a new convenience store, car wash and fueling pump canopy.

Specific Relief requested by the applicant according to the project narrative include the following:

- Special Use Permit for Gasoline Filling Station: Title 17, Chapter 17.108.020 and Title 17, Chapter 17.64.020(B)(10)
- Special Use Permit for Fast-Food Restaurant: Title 17, Chapter 17.108.020 and Title 17, Chapter 17.64.020(B)(7)

Variances requested by the applicant according to the project narrative include the following:

- Variances for Signage: Title 17, Chapter 17.108.010 and Title 17, Chapter 17.76.150(a) and Chapter 17.76.150(C).

The petition was reviewed by the Technical Review Committee (TRC) on December 8, 2021 in accordance with the *Planning Board Bylaws*. The applicant consented to emptying the fuel storage tanks prior to removal and onsite demolitions. The applicant had addressed previously requested TRC items from the prior meeting in preparation for the December 8<sup>th</sup> TRC review meeting. This proposal requires authorization of the special use permit from the Zoning Board of Review.

### **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), the Board that will be reviewing the use variance 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 preliminarily reviewed the Development Plan and provided a memo outlining its advice, comments, and recommendations.

The required findings prior to the granting of an approval of the Development Plan 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-1.1 The City shall support implementation of efforts to diversify, redevelop and enhance the city’s north end in collaboration with appropriate federal, state, regional, and private stakeholders, with a focus on developing employment opportunities, especially for young adults.

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.

Policy ED-1.2 The City shall work to implement the Innovation Hub plans.

**Goal T-1** To provide a comprehensive, multimodal transportation system for all users.

Policy T-1.2 The City shall provide traffic calming measures on local / residential streets and require new developments (or projects) that share roadways with residential areas, to integrate traffic calming methods as part of site design.

**Goal T-2** To link into the overall regional multi modal transportation network on Aquidneck Island.

Policy T-2.6 The City shall support public / private planning that would improve the appearance of Newport's four primary entry ways, creating a greater sense of arrival and welcome.

**Goal T-4** To use state-of-the-art design and technology to create a safe, efficient, environmentally sound and user-friendly transportation system.

Policy T-4.3 The City shall design street and public parking area lighting that improves safety, energy efficiency, protection of the night skies (dark sky protections) and environmental soundness.

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

### **Planning Department Findings and Recommendations**

Staff finds the proposed conditions in the TRC memo appropriate and supports the approval of the Development Plan, with the TRC's recommendations. Regarding the Special Use Permits and Variances, staff recommends the Planning Board find this petition in conformance with the Development Plan Review goals and is consistent with Comprehensive Land Use Plan as amended, and thereby recommends forwarding an opinion of consistency to the Zoning Board of Review.