### City of Newport

### Department of Planning and Economic Development

### Staff Report to the Planning Board

**Demolition Approval**

Meeting: January 10, 2022

Filed: September 3, 2021

Location: 138 JT Connell Highway

184-186 Admiral Kalbfus Road

Applicant(s): Colbea Enterprises LLC

Owner(s): same

Assessor’s Plat: 4

Assessor’s Lot(s): 13-4 & 55

Zoning District: Commercial Industrial

The Applicant is requesting Demolition Approval for four structures owned by Colbea Enterprises LLC on two lots. One (1) structure will be removed from Plat 4 Lot 55, a 1-story masonry building(Grow- RI) and three (3) structures will be removed from Plat 4 Lot 13-4, two 1-story masonry buildings (convenience store and car wash) and the onsite fuel pump canopy. 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.

**Standards of Review**

The following analysis has been prepared by staff and is provided for the Board’s consideration. The Planning Board is not obligated to accept this analysis, and it may be amended, altered or rejected at the Board’s discretion.

From **17.86.020** of the *City of Newport Code of Ordinances*:

*Prior to the issuance of a demolition permit for any principal structure, the planning board must approve any demolition of a principal structure.*

Section **17.86.070** allows for the Planning Board to impose such conditions and restrictions upon the issuance of the demolition permit as may be necessary to achieve conformance to the required findings.

*The planning board … may impose such conditions and restrictions upon the issuance of the demolition permit as may be necessary to achieve conformance to the requirement findings.*

The improvements gained through imposed conditions must be roughly proportional to and associated with projected impacts.

***Comprehensive Plan***

*Demolition of Structure Ordinance*

*The Demolition of Structures Ordinance enacted in 2012 provides the City of Newport’s Planning Board with the tools necessary to preserve historically and culturally significant built environment and neighborhood architectural identities outside the local historic district. Review of demolition permits by the board ensures that proposed demolition projects shall not damage the physical fabric and architectural context of the community, without expanding the boundaries of the historic district.*

The intent of the demolition approval ordinance is outlined in Section **17.86.010** of the *City of Newport Code of Ordinances*:

*The City of Newport is committed to preserving the historically and culturally significant built environment and neighborhood architectural identities. The demolition of structures in an historic and culturally significant city may damage the physical fabric and architectural context of the community Therefore, a demolition permit is required prior to the demolition of any principal structure beyond the established border of the local historic district.*

***17.86.070 Review standards, required findings***

*The planning board will review all building demolition permit applications in accordance with this chapter and the ordinances of the city,* ***together with the following standards***

1. *The granting of a permit is not detrimental to the public health, safety, and general welfare of the community.*
2. *The proposed demolition of the structure is consistent with the goals and policies of the Comprehensive Land Use Plan.*
3. *The proposed demolition does not create land with constraints to development.*
4. *The proposed demolition does no harm to the character of the immediate neighborhood or area of the city.*
5. Not detrimental to the public health, safety, and general welfare

An assessment of any potentially hazardous materials will be performed as part of the demolition. There is sufficient space on the relatively flat site for an excavator. These buildings are not considered to be a historic resource.

1. Consistent with the goals and policies of the Comprehensive Land Use Plan

A finding of fact that the proposed demolition is “consistent with the goals and purposes of the comprehensive plan” should consider the following provisions of the Comprehensive Plan:

*Goal CFS-2 – To meet or exceed the State’s mandated solid waste recycling rate of 35%.*

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

*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.*

*Action LU-2A – Encourage the Best Management Practices identified in the 2015 Newport Resilience Assessment Tour’s Technical Report #2 by URI’s CRC and Rhode Island Sea Grant.*

1. Demolition does not create land with constraints to development

It does not appear the demolition will create land with constraints to development. The site has underground fuel storage tanks registered with the Department of Environmental Management that will be emptied prior to demolition per TRC requirements. The overall site use will continue to be that of the gas station facility and accessory uses.

1. Demolition does no harm to the character of the immediate neighborhood or area of the city

The project is within the North End Commercial area neighborhood (Comprehensive Land Use Plan, Map 5-7, Neighborhood Areas).

**Planning Department Recommendations**

In reaching a decision, the Planning Board shall consider and weigh all of the representations and presentations made at the Public Hearing. The Planning Department found that the Demolition Permit Application is in compliance with Findings of Fact – Demolition of the existing structures are:

not detrimental to the public health, safety, and general welfare of the community; consistent with goals and policies of the Comprehensive Plan; does not create land with constraints to development; and does no harm to the character of the immediate neighborhood or area of the city.

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