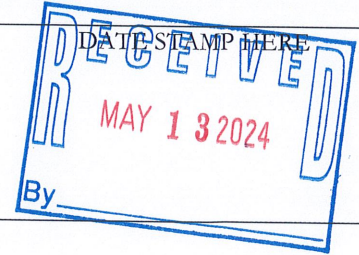




# Newport Zoning Application

ZBR 2023 - JUN - 012

*(This box for staff use only)*



Date: May 13, 2024 Amended Application

### Board members:

The undersigned hereby petitions the Zoning Board of Review for a special use permit or a variance in the application of the provisions or regulations of the Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

### Location of Premises

Street & No: 144-150 Thames Street

Tax Assessor's Plat: 24 Lot: 045 Zoning District: General Business

- Special Use Permit (Non-Conforming Alteration)       Regulatory (Dimensional) Variance
- Special Use Permit (New Use)       Use Variance       Modification

Property Owner: 144 Thames Street, LLC (Owner) C.C.B. Capital & Real Estate, Inc., (Applicant)

Mailing Address: 543 Thames Street, Newport RI 02840

Email Address: cbicho@landingsgroup.com

Phone Number: 401-225-0211

How long have you been the owner of the above premise? 2.75 Years (7/23/2021)

Legally Authorized Representative \*if applicable: J. Russell Jackson, Esq.

Mailing Address: 122 Touro Street, Newport RI 02840

Email Address: jrjackson@millerscott.com Phone Number: 401-847-7500

Lessee: N/A

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_



# Newport Zoning Application

## Property Characteristics

Dimensions of lot-frontage: 63.64 ft. Lot Area: 13,400 sq. ft.

Are there buildings on the premises at present? Yes

Total square footage of the footprint of existing buildings: 12,078 sq. ft.

Total square footage of the footprint of proposed buildings: 10,587 sq. ft.

## Zoning Characteristics Matrix

	Existing	Required/Allowed	Proposed
Lot Size (sq. ft.)	13,400	5,000	13,400
Coverage Area (sq. ft.)	12,078	10,720	10,587
Lot Coverage (%)	90.1	80	79
Dwelling Units	0	2	0
Parking (# of spaces)	0	48	17
Front Setback (ft.)	0'	0'	0'
Side Setbacks (ft.)	N=0', S=0'	0'	N=0', S=3'
Rear Setback (ft.)	5' +/-	5'	5' +/-
Height (ft.)	58'	45'	43'9"



# Newport Zoning Application

All of the following information and questions must be filled in and answered completely.

Present use of Premise: Retail

Proposed use of Premise: Mixed Use - Retail & Vacation Guest Facility

## Summary of Proposed Alterations

The Applicant seeks relief under the following provisions of the Zoning Code:

Section 17.108.010 (Variances)  
Section 17.104.020 (Parking Space Standards)  
Section 17.100.360 (Development Standards-Vacation Guest Facility-Density)

The Applicant proposes to demolish the existing building and construct a new four story building containing two (2) retail units and fourteen (14) Vacation Guest Facility Units, ("VGFU"). A seventeen (17) space parking area will also be created underneath the rear two thirds of the new building. The new structure will be smaller than the existing structure, both in terms of height and footprint. The new building will meet lot coverage and building height requirements, bringing the structure into dimensional conformance with the Zoning Code.

At ground level, the proposed building will contain two retail/commercial units facing Thames Street, with one being 1,458 sf and the other being 1,428 sf. The rear two thirds of the new structure will be elevated and at ground level there will be a 17 space parking area, accessed through the Touro/Clarke Street municipal parking lot. The second floor of the building will contain four, 3 bedroom/3 bath and two, 2 bedroom/2 bath VGFUs. The third floor will also contain four 3 bedroom/3 bath and two 2 bedroom/2 bath VGFUs. The fourth floor will contain two, 2 bedroom/2 bath VGFUs, as well as a 3,000 sf rooftop deck for guests toward the front of the building and a rooftop area for mechanicals toward the rear of the building. The building is proposed to be 43' 9" from average grade, below the maximum 48' height permitted in the General Business Zone.

Overall, site conditions will improve dramatically. The new building will be set back from the southern property boundary by 3 feet compared to the zero-lot line for the current building. Along much of the north side boundary, the new building will be set back 5 feet, and it will also meet the 5 foot rear setback. Lot coverage will be at 79%, which is a vast improvement over the existing 90% lot coverage. Lastly, the height of the new structure will be approximately 15 feet lower than the height of the current building.

The redevelopment of the site will decrease the storm water runoff, and the utility infrastructure in the Clarke Street parking lot will be upgraded in partnership with the development of the Newport Performing Arts Center and Rhode Island Energy.

The existing parcel is a conforming lot of record containing 13,400 +/- sf of land. The property, however, is an existing non-conforming development, based on the lack of parking and the rear setback encroachment. Aside from the retail space facing Thames Street, most of the existing structure has been abandoned and neglected for decades. The overall purpose of this project is to redevelop the site to productive uses which are allowed by right in the General Business Zone. The property is surrounded primarily by commercial and municipal uses. As such, the proposed project will be harmonious with the surrounding area.

The Applicant seeks Dimensional Variances for the required number of parking spaces, however, with 17 spaces being provided on site, the Applicant is much more compliant than most of the abutting business along Thames Street, which provide little to no parking. The Applicant also has access to off-site spaces to service this project. In addition to parking, the Applicant requests a Variance in relation to the VGFU density, seeking 14 units, where 11 are allowed. There is no lot coverage, building height, or setback relief needed. The property is not in the Newport Historic District. The plan proposed by the Applicant is compatible and harmonious with the surrounding neighborhood and will not create dimensional non-conformities to such a degree that it is injurious to, or inconsistent with the area or the purpose and intent of the General Business Zone.

The Planning Board has already given conditional approval for the demolition of the existing structure.



# Newport Zoning Application

## Applicant Statement

How does your application meet the required standards for variance(s) or special use permit(s)?  
(See page 6 for most common applicable standards)

The existing parcel is a conforming lot of record containing 13,400 +/- sf of land. Even at this size, it is impossible to provide sufficient area to meet the parking requirements under the code for the proposed uses. The subject property is in the heart of the downtown Thames Street commercial corridor, bounded by Thames Street to the west, abutting commercial structures to the north and south, and the Touro/Clarke Street municipal parking lot to the east. The change in grade increases significantly from west to east. The topography of the parcel, together with its location, create significant challenges for redevelopment.

The new building will meet all dimensional requirements, and the uses are allowed by right in the General Business Zone, however the site simply cannot accommodate the number of parking spaces required by the zoning code. As a result of the conditions and circumstances that are peculiar to this property, the Applicant seeks the requested relief.

The vast majority of abutting parcels in this area of the General Business Zone have little to no on-site parking and fail to meet the parking requirements under the zoning code. Like the subject parcel, they are non-conforming developments. The proposed redevelopment of this property will result in the creation of 17 parking spaces, where none currently exist. Although the proposed uses will increase the required number of parking spaces for this site, the mere fact that parking is provided at all, will make this property more conforming than most of its abutters. Although the maximum number of spaces on-site will be 17, the Applicant does own a controlling interest in 77 paid parking spaces across the street at the Swinburne Row/Brick Market parking complex. Utilization of these spaces will provide flexibility and enable the Applicant to mitigate the impacts related to parking arising from the proposed redevelopment of the property at 144-150 Thames Street. As a result, the literal interpretation of the zoning code, resulting in the denial of the relief requested, would unreasonably deny this Applicant the ability to redevelop the property with uses allowed by right. The proposed improvements will be appropriate and consistent with the surrounding neighborhood, and the rights enjoyed by other property owners in this area of the General Business Zone.

The Applicant proposes to redevelop the property with a four story commercial structure, containing two retail/commercial units, and fourteen (14) Vacation Guest Facility Units, totaling 36 bedrooms. All uses are allowed by right in the General Business Zone. Aside from the parking relief as discussed, the project requires a variance to the density requirements relative to the number of Vacation Guest Facility Units. The Applicant has a long and successful track record of operating similar Guest Houses and Vacation Guest Facility Unit developments in Newport. This proposed VGF will result in a less intense development, as opposed to having a hotel with traditional amenities. The variance for three VGFUs, is the minimum variance needed for the reasonable commercial use of the property, based on the challenges associated with the redevelopment of this site. The Applicant has taken great care to develop a revised redevelopment plan which is appropriate in scope, scale and size for this unique property. The project has been developed to seek the minimum variances to allow for the reasonable commercial use of the property. Accordingly, the proposed use of the property and the relief sought by the Applicant will not be injurious to, or create a burden for abutting property owners, will be harmonious with the neighborhood, and will be an appropriate for this area of the General Business Zone.



# Newport Zoning Application

Upon submittal of this application, please make sure you have also reviewed our Zoning Application Submittal Requirements packet, and included with your application, a copy of the Submittal Checklist which can also be found here: [Zoning Application Submittal Requirements](#). If an application is missing any submittal requirements and/or necessary application information, your application may be regarded incomplete. Incomplete applications will not be publicly advertised or appear on an agenda until the project is deemed complete.

**By signing below, I hereby attest that the information provided is accurate and truthful. I also attest that I have read through this application thoroughly and understand what is required to submit a completed application.**

  
Applicant Signature

May 13, 2024

Date

  
Owner Signature

Attorney for Applicant/Owner

Date



# Newport Zoning Application Submittal Requirements

<b>ZBR</b> _____ - _____ - _____	DATE STAMP HERE
<input type="checkbox"/> Special Use Permit (new)	<input type="checkbox"/> Variance
<input type="checkbox"/> Special Use Permit (modification)	<input type="checkbox"/> Modification
<i>(This box for staff use only)</i>	

## SUBMITTAL REQUIREMENTS CHECKLIST

Applications that are missing materials in this checklist will not be accepted for review.

**Section 1 – Application Forms – Page 3 of the Guide**  
*Required for All Projects*

- A.  Completed Zoning Project Application Packet comprised of the following individual sections:
  - 1.  Zoning Project Application Form
  - 2.  Completed copy of this Zoning Application Submittal Requirements Checklist (Page 2)
- B.  Request to Waive any Submittal Requirements (*if applicable*)
- C.  Application Fee (Please Refer to Current Fee Schedule)

**Section 2 – Plan Package – Pages 4-7 of the Guide**  
*Required for All Development Projects (Involving New Structures, Additions, Exterior Alterations, etc.)*  
*Individual requirements of the Plan Package (listed below) may differ depending on the project*

- A.  Class I Site Survey
- B.  Proposed Site Plan
- C.  Lot Coverage Diagram
- D.  Floor Plans
- E.  Stormwater Management Plan
- F.  Landscape Plan
- G.  Building Elevations
- H.  Change of Use

**Section 3 – Supporting Documents, Studies, Graphics, and Depictions – Page 8 of the Guide**  
*May be required for certain Development Projects*

- A.  Site Photographs
- B.  Photo Simulations
- C.  Structural Evaluation
- D.  Parking Survey
- E.  Traffic Impact Analysis

REVISIONS:

DESCRIPTION: FIRST FLOOR PLAN

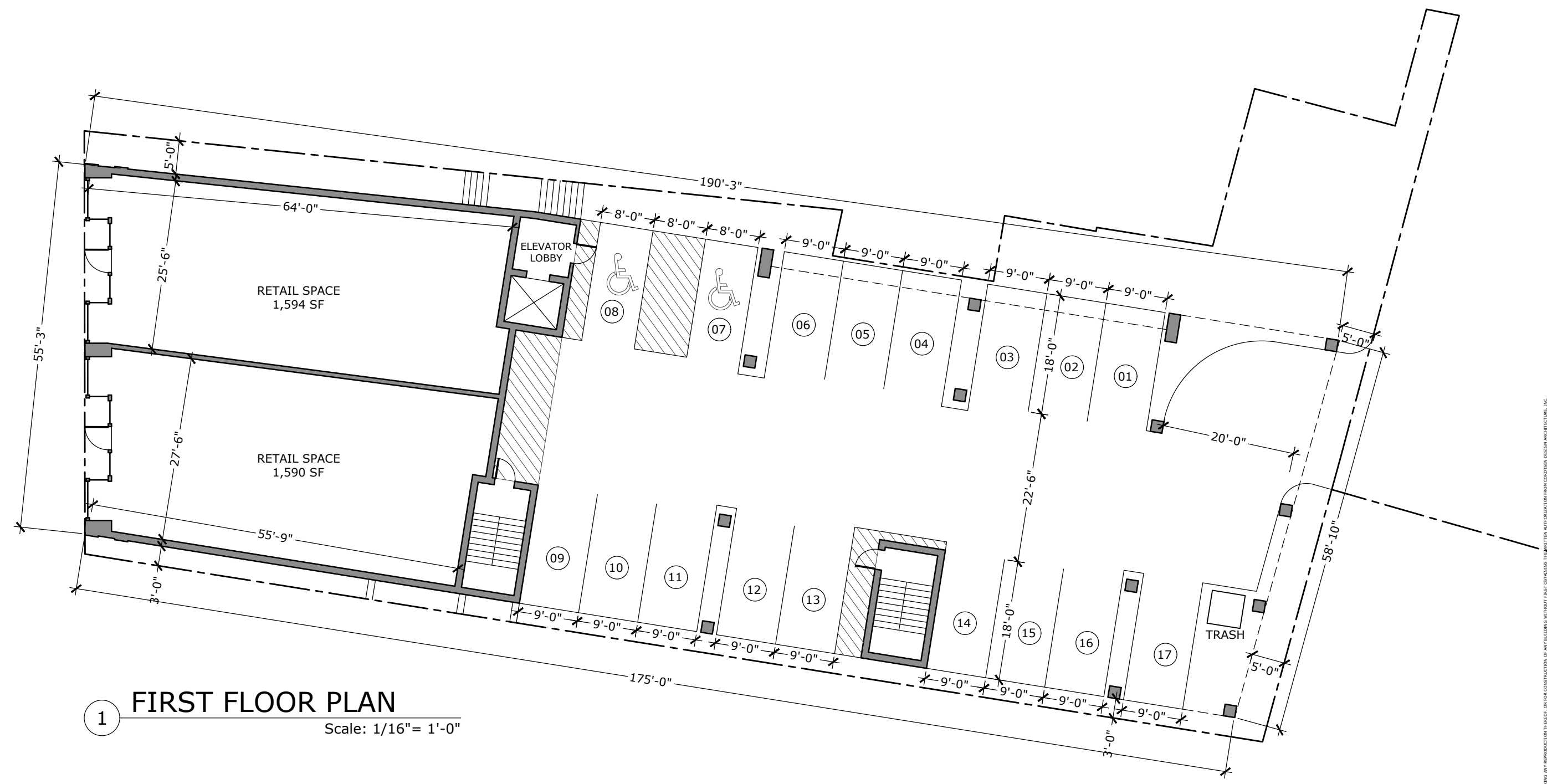
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DATE: MAY 10, 2024

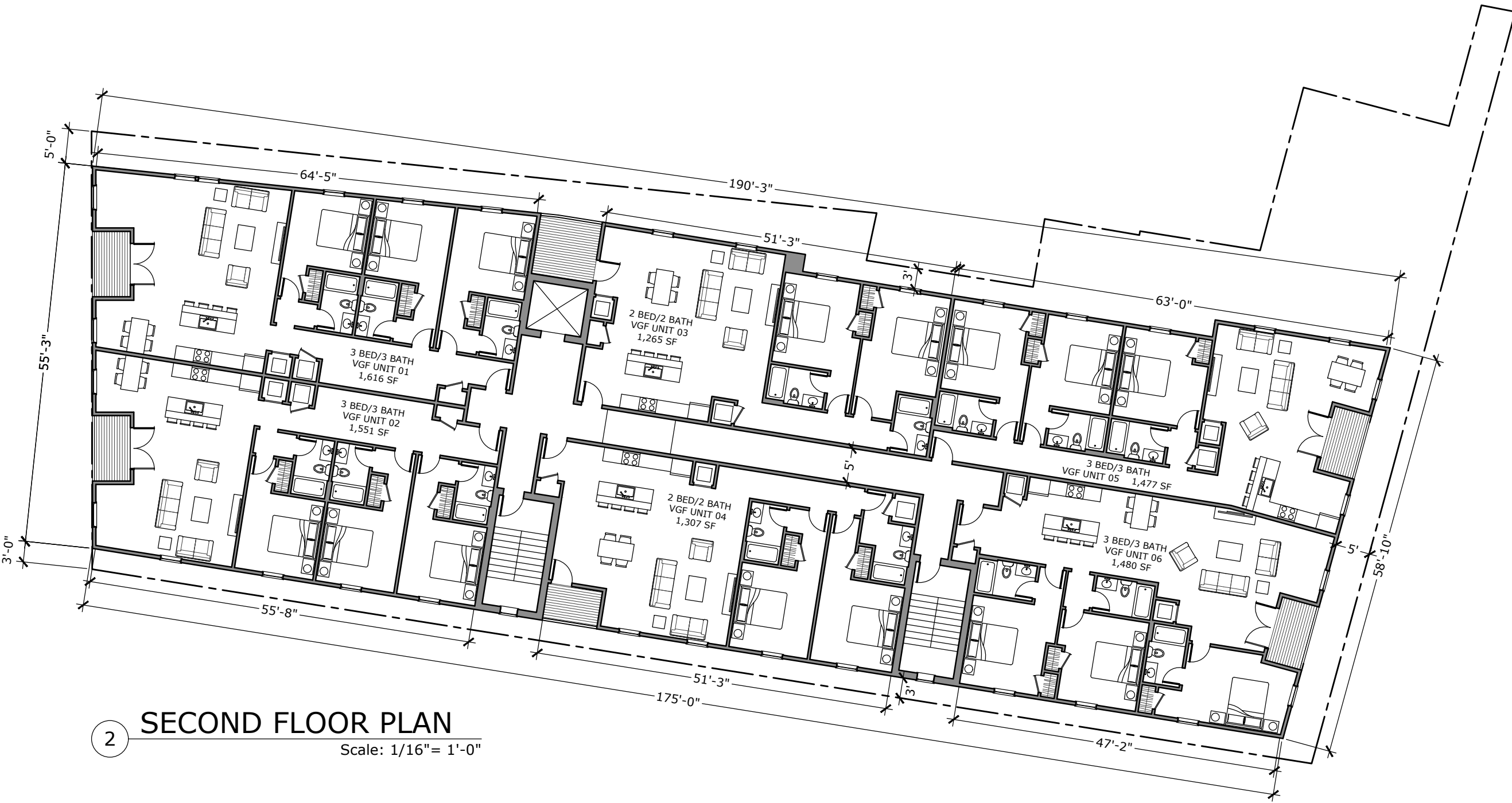
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**144 THAMES STREET**  
 Newport, Rhode Island

**A1.0**



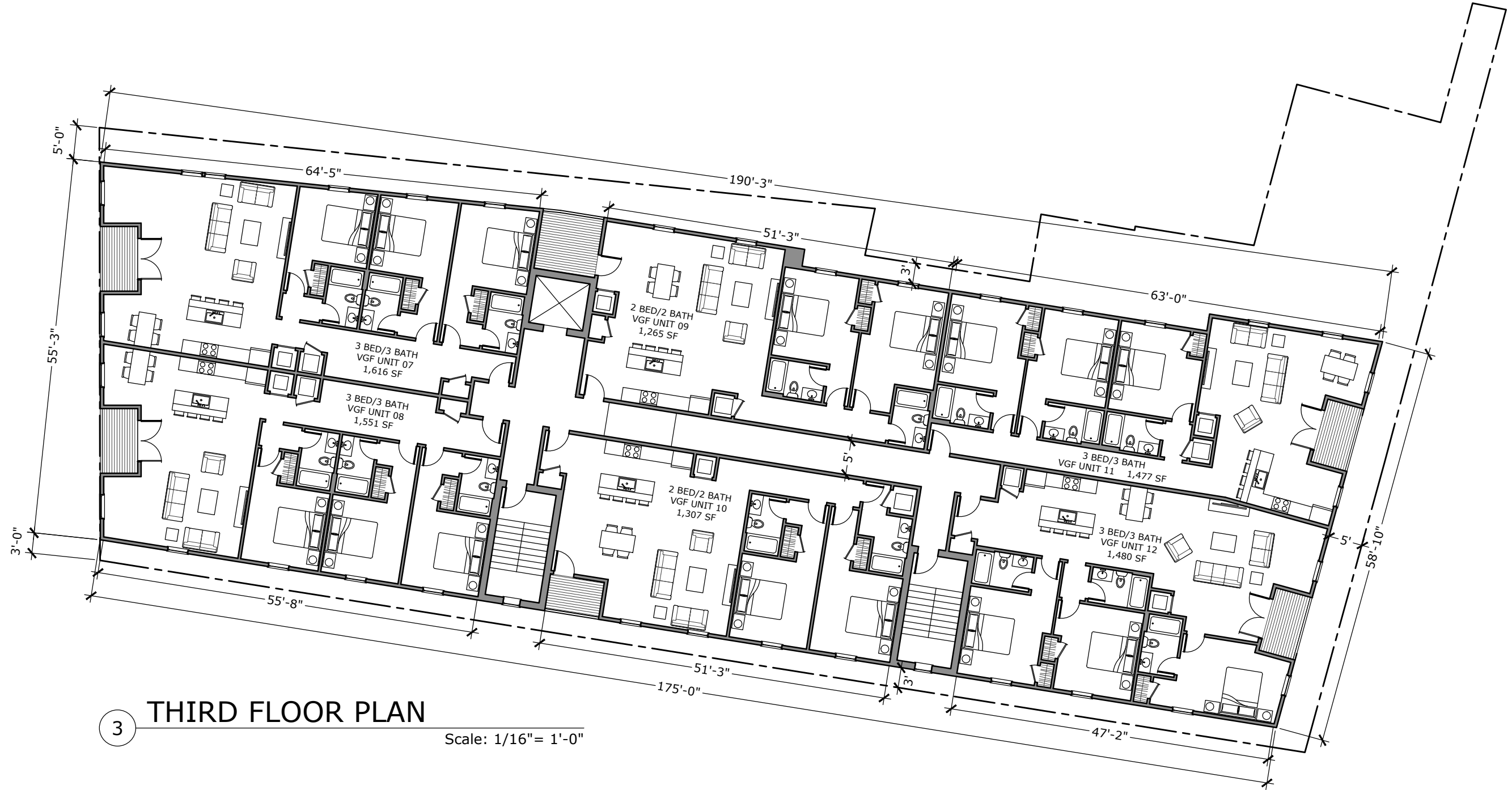
**1 FIRST FLOOR PLAN**  
 Scale: 1/16" = 1'-0"



2 SECOND FLOOR PLAN  
Scale: 1/16" = 1'-0"

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3 THIRD FLOOR PLAN

Scale: 1/16" = 1'-0"

REVISIONS:

DESCRIPTION: THIRD FLOOR PLAN

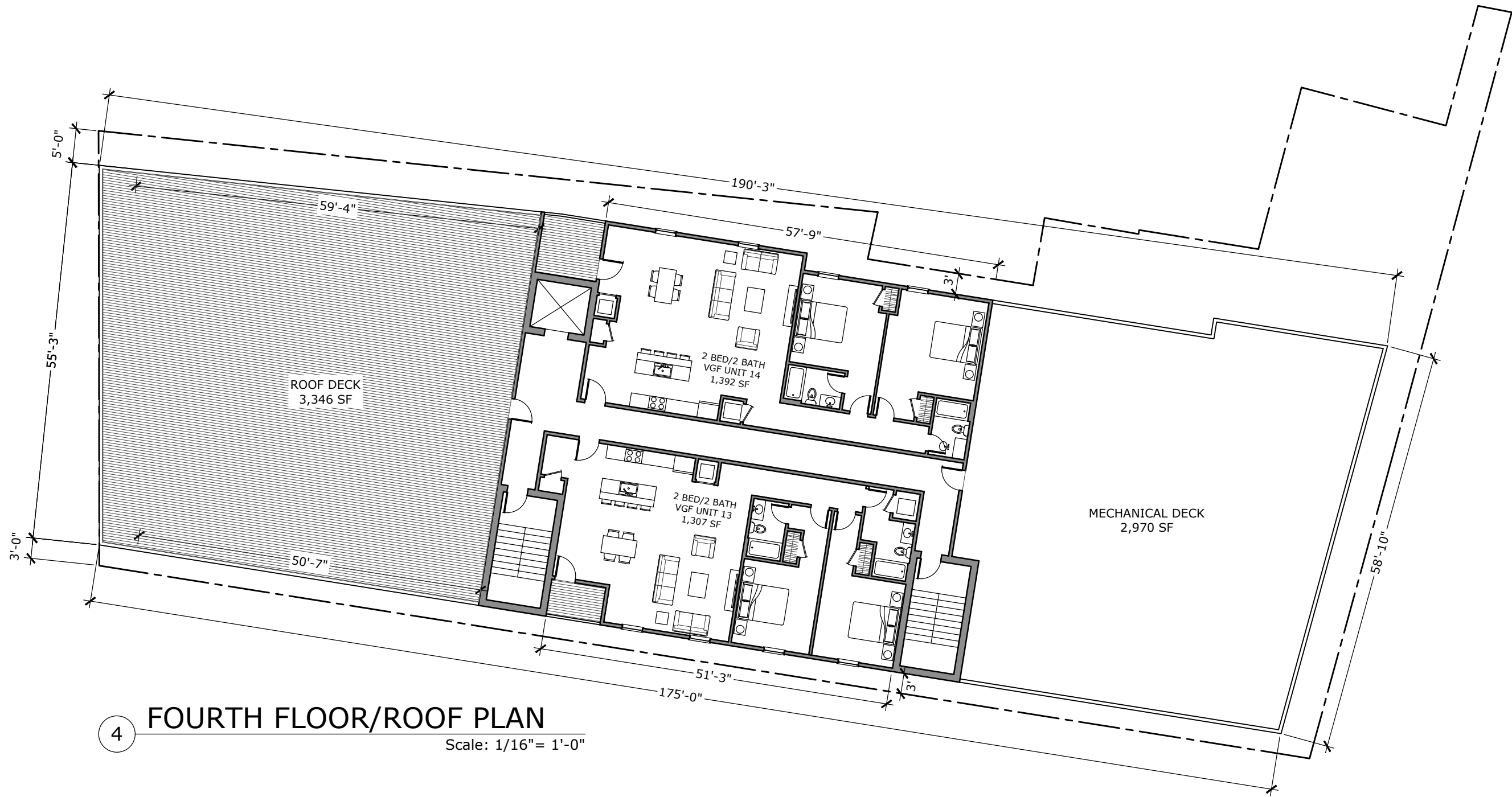
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A1.2



4 **FOURTH FLOOR/ROOF PLAN**  
Scale: 1/16" = 1'-0"

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DESCRIPTION:	FOURTH FLOOR/ROOF PLAN
SCALE:	1/16" = 1'-0"
DATE:	MAY 10, 2024

**144 THAMES STREET**  
Newport, Rhode Island

**A1.3**

- R TOP ROOF  
EL. 43'-9"
- 4 FOURTH FLOOR  
EL. 34'-0"
- 3 THIRD FLOOR  
EL. 24'-3"
- 2 SECOND FLOOR  
EL. 14'-6"
- P PARKING LEVEL  
EL. 5'-6"
- AVERAGE GRADE  
EL. 0'-0"
- 1 AVERAGE GRADE  
EL. -5'-6"



- R TOP ROOF  
EL. 43'-9"
- 4 FOURTH FLOOR  
EL. 34'-0"
- 3 THIRD FLOOR  
EL. 24'-3"
- 2 SECOND FLOOR  
EL. 14'-6"
- P PARKING LEVEL  
EL. 5'-6"
- AVERAGE GRADE  
EL. 0'-0"

**S** PROPOSED SOUTH ELEVATION  
Scale: 1/16" = 1'-0"



- R TOP ROOF  
EL. 43'-9"
- 4 FOURTH FLOOR  
EL. 34'-0"
- 3 THIRD FLOOR  
EL. 24'-3"
- 2 SECOND FLOOR  
EL. 14'-6"
- AVERAGE GRADE  
EL. 0'-0"
- 1 FIRST FLOOR  
EL. -5'-6"

**N** PROPOSED NORTH ELEVATION  
Scale: 1/16" = 1'-0"

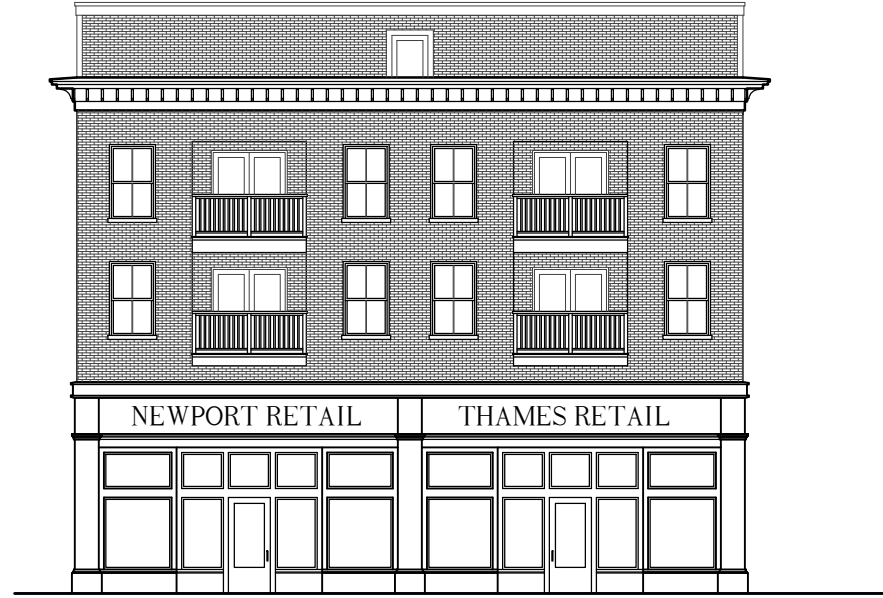
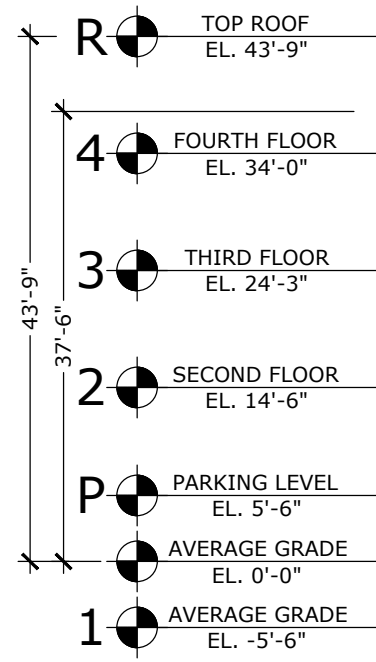
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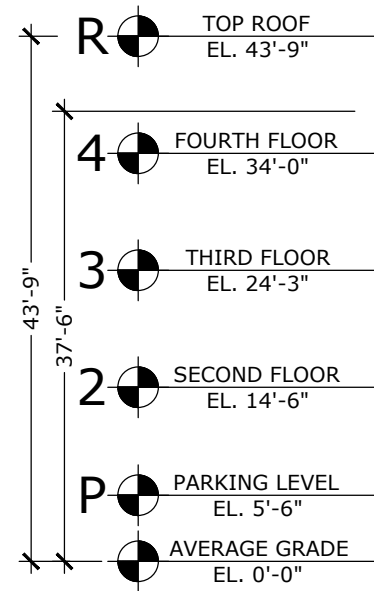
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**W** PROPOSED WEST ELEVATION  
Scale: 1/16" = 1'-0"



**E** PROPOSED EAST ELEVATION  
Scale: 1/16" = 1'-0"

REVISIONS:

DESCRIPTION:	PROPOSED ELEVATIONS
SCALE:	1/16" = 1'-0"
DATE:	MAY 10, 2024

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 DATE: MAY 10, 2024

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 Newport, Rhode Island

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