

City Planning Department



Memo

To: Cranston City Plan Commission
From: Doug McLean – Principal Planner
Date: July 28, 2022
Re: Use and Dimensional Variance at 1355 Scituate Ave.

Owner: ARMI, LLC
Applicant: The Giving Tree Academy of RI, Inc.
Location: 1355 Scituate Avenue, AP 36, Lot 34
Zone: A-80 and M-2 (split zone lot)
FLU: Single Family Residential 3.63 to 1 unit/acre

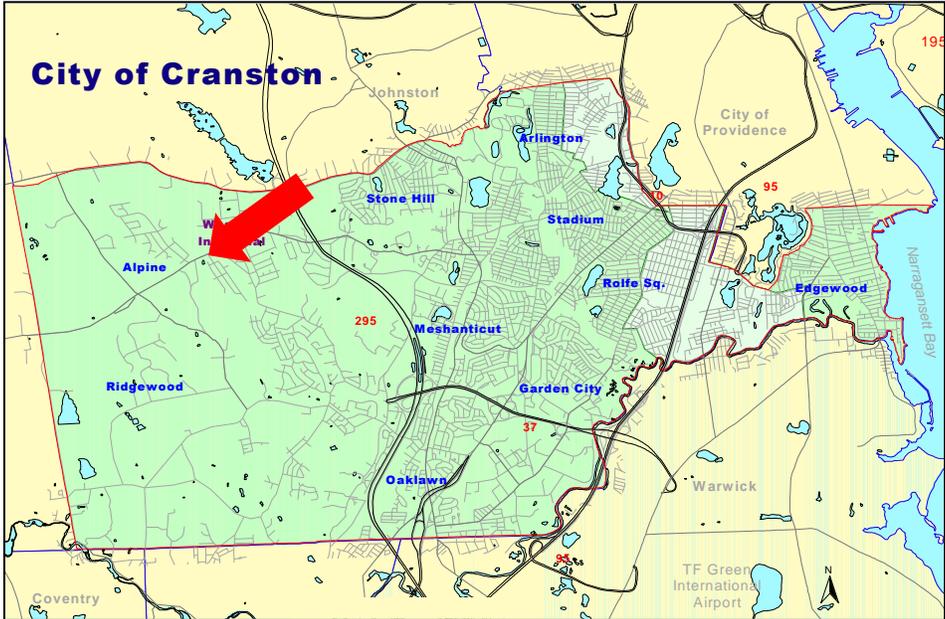
USE VARIANCE REQUEST:

To allow the expansion of an existing non-conforming use (commercial day care) within a A-80 zone. [17.20.030 – Schedule of Uses]

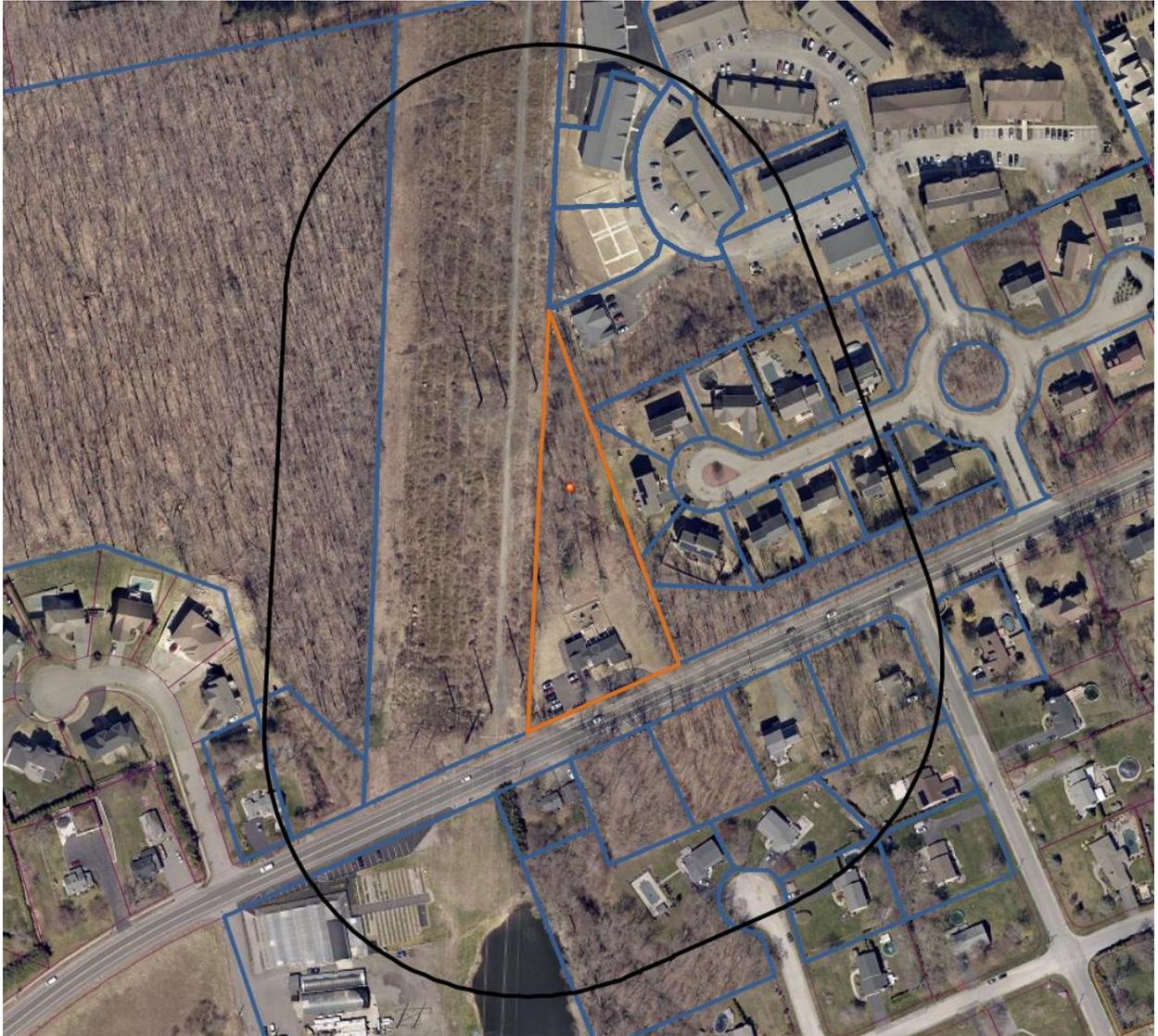
DIMENSIONAL VARIANCE REQUEST:

To allow the proposed development on a non-conforming lot which has 60,984 sqft when 80,000 sqft is required. [17.20.120 – Schedule of Intensity]

LOCATION MAP



AERIAL VIEW - NEIGHBORHOOD



AERIAL VIEW - PARCEL



3-D VIEW (SCITUATE AVENUE IN FOREGROUND)



STREET VIEW

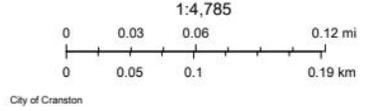


ZONING MAP



9/25/2018, 10:54:19 AM

User Selected Parcels	Parcels	A80	A8	B2	C3	M1
vParcels_Buffer	Zoning	A20	A6	C1	C4	M2
Parcels In Buffer	none	A12	B1	C2	C5	EI

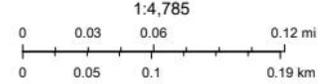


FUTURE LAND USE MAP



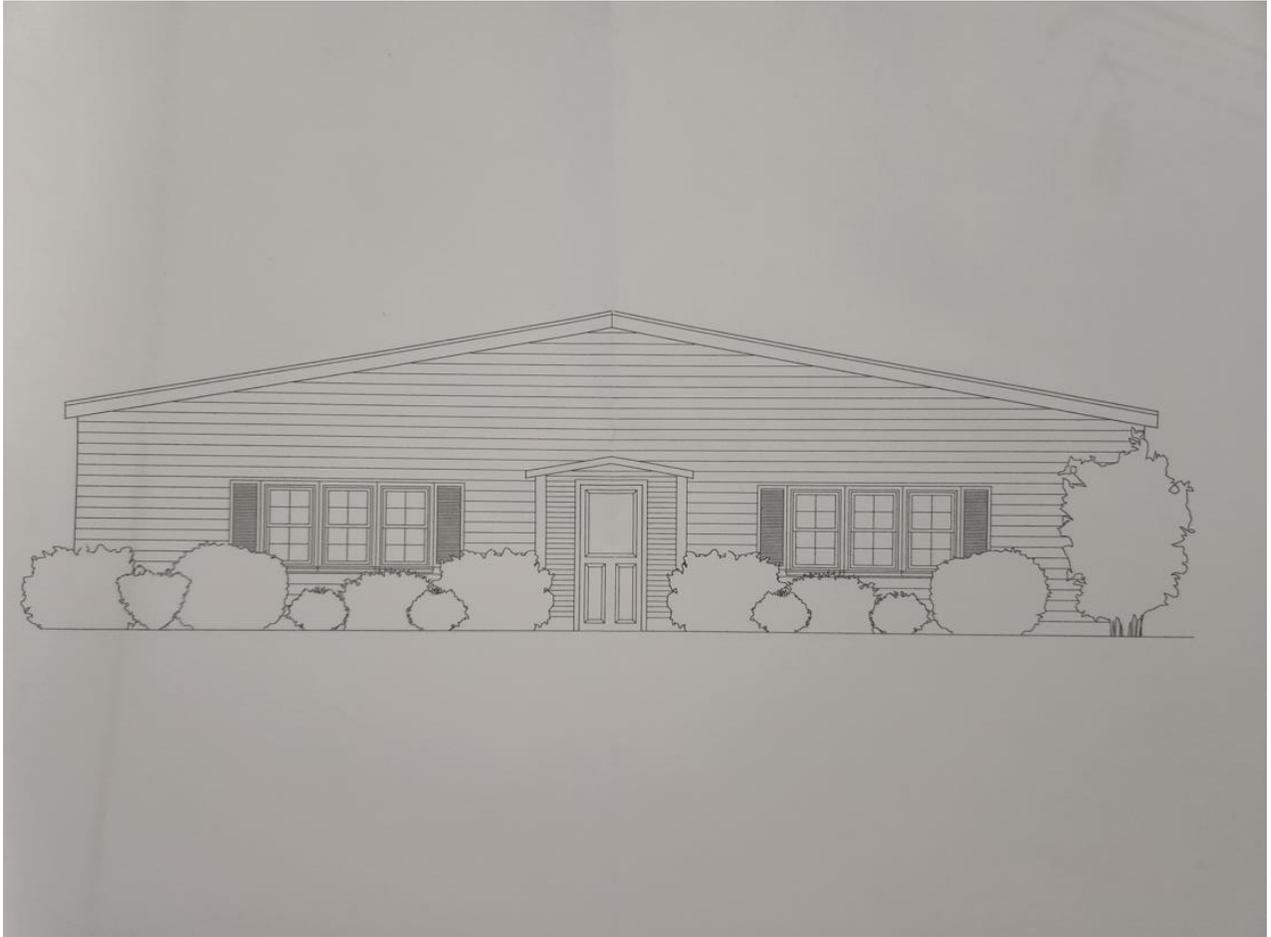
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- | | | | | |
|-----------------------|--------------------|---------------|-------------------|--------------------------------|
| User Selected Parcels | Parcels | Single Family | Four Family | Apartment 6+ |
| vParcels_Buffer | Land Use (Parcels) | Two Family | Five Family | Residential Accessory Land |
| Parcels In Buffer | <all other values> | Three Family | Residential Condo | Residential Other Improvements |

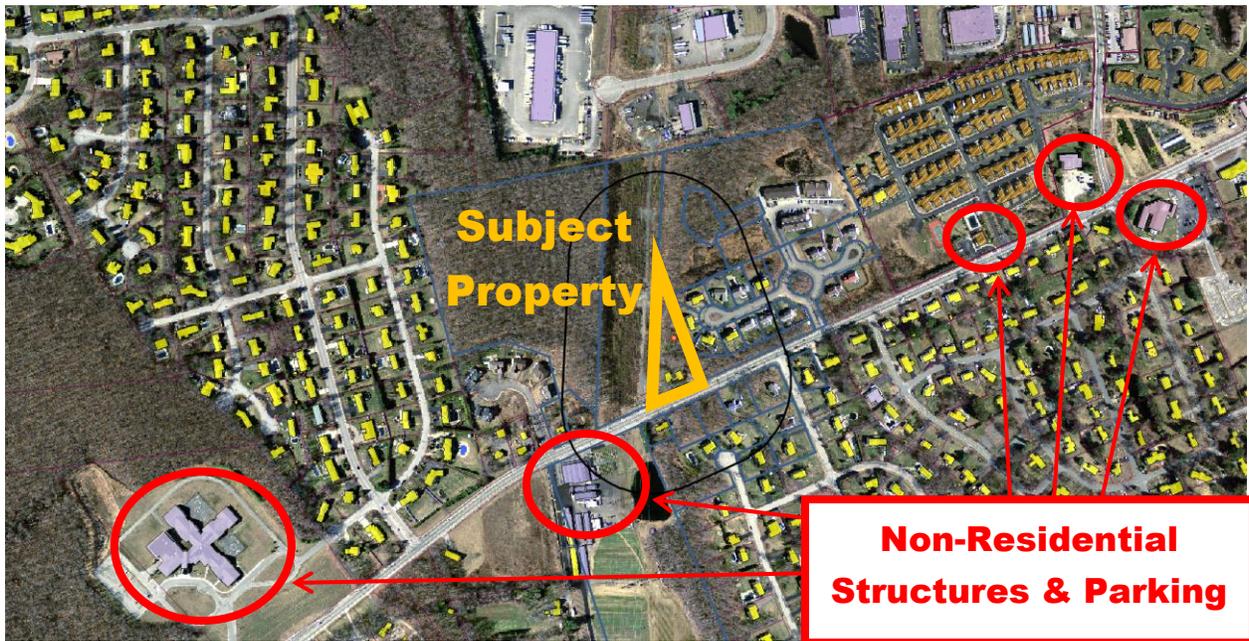


City of Cranston

PROPOSED ELEVATION



AERIAL EXHIBIT – NON-RESIDENTIAL STRUCTURES WITH PARKING LOTS ABUTTING SCITUATE AVENUE



FINDINGS OF FACT:

1. The applicant proposes to expand the existing use on the site by constructing a new day care building of approximately 3,200 sqft, including a new parking area with 13 off-street spaces.
2. The subject lot is 60,984 ft² in an A-80 and M-2 zone. The existing building, existing parking area, as well as the proposed building, and proposed parking area are located on the portion of the lot zoned A-80.
3. The proposal to expand an existing commercial daycare facility at this property triggers a use variance because such a use is not allowed in an A-80 zone.
4. The proposal triggers a dimensional variance because the project is located on a pre-existing non-conforming lot that does not meet the minimum size threshold of 80,000 sqft for an A-80 zone.
5. The existing commercial day care operation was established through a Use Variance approved in 2018.
6. Family day care is allowed by-right in a residential zone which would permit up to 6 non-related children to receive day care. The immediate application is requesting to expand a commercial day care that currently hosts approximately 52 children, and with this expansion would seek to host approximately 50 more children for a total of approximately 102 children to be served on the site.
7. A new septic system will be permitted and constructed on the property.
8. The subject lot is located on Scituate Avenue – a state-owned major arterial roadway in the City of Cranston.
9. The proposed use of a commercial day care facility is not consistent with the Comprehensive Plan - Future Land Use Map which calls for "Single Family Residential."
10. The Comprehensive Plan - Land Use Goal #3 states: "Locate new commercial development in western Cranston in highly accessible, strategic locations." The immediate application requests to expand a commercial day care facility located in western Cranston on a major arterial roadway

(Scituate Avenue) in close proximity to a major job center (western industrial complex on Comstock Parkway) and surrounding residential neighborhoods.

11. The Comprehensive Plan - Land Use Goal #11 states: *“Enhance services and facilities in western Cranston that support future growth.”* Additionally, Land Use Policy #11.1 states: *“Site a new public facilities and services center to support residents and businesses in the western portion of the City.”* Although not a “services center” the immediate application requests to expand a use that can be interpreted as a service that supports residents and business in the western portion of the City.
12. The Comprehensive Plan – Economic Development Policy #7.1 states: *“Promote the development or redevelopment of neighborhood commercial centers to service local market areas to reduce cross-town traffic. New neighborhood village center developments should be focused at Phenix Avenue and Natick Avenue, and Scituate Avenue and Pippin Orchard Road. Redevelopment of neighborhood centers should continue to occur at Pawtuxet Village, Knightsville, and Rolfe Square.”* The immediate application requests to expand a commercial use (not a commercial center) that would service local neighborhoods and job centers in western Cranston to reduce cross-town traffic.
13. The subject lot is immediately surrounded by: a utility owned lot containing overhead power lines abutting Scituate Avenue to the west, undevelopable residential open space abutting Scituate Avenue to the east, the rear property lines of a single family homes on Gray Coach West to the north, and 2 vacant residentially zoned lots across Scituate Avenue to the south.
14. As indicated in the enclosed graphic titled “AERIAL EXHIBIT – NON-RESIDENTIAL STRUCTURES ABUTTING SCITUATE AVENUE”, there are 5 existing non-residential structures with parking areas within approximately 2,000 feet of the subject property abutting Scituate Avenue, including: Al’s Greenhouse, Orchard Farms Elementary School, the Newbury Village condominium clubhouse, the Cranston Fire Department Station 6, and the Cranston Christian Fellowship. This finding is significant because the existing conditions on this section of Scituate Avenue contain a mix of residential and non-residential uses. This may serve as an indicator for the appropriateness of allowances for non-residential uses in this area.
15. This project will be required to receive approval from the Cranston Development Plan Review Committee (DPRC) prior to being heard for the Use and Dimensional Variance. The DPRC will meet to hear this application on 8/3/22.

PLANNING ANALYSIS:

Planning staff acknowledge that applications for Use Variances to expand commercial uses in residential zones requires a high level of scrutiny in their review to avoid creating nuisances to abutting residents. Staff finds that the Dimensional Variance being requested within this application is related to existing conditions, and is subordinate to the consideration of the Use Variance. As such, the primary focus of the staff analysis is on the appropriateness of the Use Variance.

Analysis of Consistency with the Comprehensive Plan

The following analysis will assess if the proposed Use Variance is consistent with the Comprehensive Plan. The Comprehensive Plan Future Land Use Map designation for the subject property is “Single Family Residential”. The proposed expansion of commercial day care is not consistent with the Future Land Use Map. It should be noted there are several goals and policies contained within the Comprehensive Plan (detailed in findings of fact) that provide for a general policy direction that could be interpreted as supportive of this type of commercial use in western Cranston. Note that none of the relevant goals or policies speaks specifically to the use of commercial day care, or siting such a use in a residential district. However, the policy framework encourages siting essential commercial services in western Cranston and specifically calls out Scituate Avenue as an ideal location. Staff is of the view that

the goals and policies listed herein do not provide conclusive evidence of consistency with the Comprehensive Plan, but they do provide positive findings for consideration of this application. Based on a review of the Comprehensive Plan Future Land Use Map and the relevant policy direction in the plan, there is evidence both for and against considering a Use Variance for a commercial day care at this location. It is staff's opinion that this evidence provides for an inconclusive finding of consistency with the Comprehensive Plan.

Analysis of Use, Property, and Surrounding Area

Beyond a review and determination of consistency with the Comprehensive Plan, the Plan Commission is within its authority to assess the overall merits of the application and make a recommendation based on relevant planning analysis and the fit with community character. The following analysis will assess if the proposed expansion of a commercial day care at this site is appropriate based on a review of the nature of the use and the existing conditions of the property and surrounding area.

Please reference the supporting evidence provided in findings herein and the enclosed graphic "AERIAL EXHIBIT – NON-RESIDENTIAL STRUCTURES ABUTTING SCITUATE AVENUE". This evidence is provided as a means to assess the surrounding area with regard to nearby residential and non-residential land uses on Scituate Avenue. There are no residential structures directly to the east or west of the subject property on Scituate Avenue, there are no residential structures to the south directly across Scituate Avenue, and the nearest residential property to the north is fronting on Gray Coach West. The nearest 3 residential structures are located 162 ft., 166 ft., and 232 ft. from the subject structure. This evidence suggests that property is not located in a dense, integrated residential neighborhood. Additionally, there are 5 non-residential structures inclusive of parking areas on residentially-zoned land within approximately 2,000 feet of the subject property abutting Scituate Avenue. This provides evidence that the existing conditions along this section of Scituate Avenue support of a mix of residential and non-residential land uses. It should also be noted that the subject property is located near a major job center in western Cranston on Comstock Parkway. This is in addition to the fact that the subject property itself host a legal non-conforming use of commercial day care. This compilation of evidence suggests that this residentially-zoned property exhibits unique conditions as it relates to the existing uses on the site and the immediate abutting properties and the mix of land uses in the surrounding area. Staff finds that the unique conditions of this property warrant consideration for a commercial day care facility at this location. This application may provide an asset to families in the community given its location on a major arterial roadway and its proximity to a major job center.

RECOMMENDATION:

Due to the finding that a Use Variance contains a high standard of review that has not been demonstrated by the applicant, and due to the finding that it is inconclusive whether this proposal is consistent with the Comprehensive Plan, staff recommends the Plan Commission provide a negative recommendation on this application to the Zoning Board of Review.

It should be noted that staff has no outstanding concerns with the proposed application and finds that expanding a commercial day care use on the subject property does not appear to have a negative impact on the neighborhood based on the unique conditions of the property and surrounding area. Additionally, staff has no outstanding concerns with the associated Dimensional Variance request as it solely relates to existing conditions.