

**Town of Smithfield
Planning Board Minutes
Thursday, August 6, 2020
Town Council Chambers
6:00 PM**

Members Present:

Chairman Stephen Upton
Michael Johnson
Debbie Howard
Ashley Spain
Alisa Bizzell

Members Absent:

Vice Chairman Mark Lane
Doris Wallace
Teresa Daughtry

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

IDENTIFY VOTING MEMBERS

APPROVAL OF AGENDA

Debbie Howard made a motion, seconded by Ashley Spain to approve the agenda. Unanimously approved

APPROVAL OF MINUTES from July 9, 2020

Debbie Howard made a motion, seconded by Michael Johnson to approve the minutes as written. Unanimously approved

NEW BUSINESS

ZA-20-02 LESLEY THOMAS The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow for child care centers as an accessory use to Churches/ Places of Worship as a special use in all zoning districts that allow for Churches/ Places of Worship.

Mr. Helmer said child care centers are regulated by the Division of Child Development and Early Education and are defined as a child care arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. This also includes a center located in a residence, where the program is in a residence and the licensed capacity is six through twelve children, or up to fifteen school-age children. Religious sponsored programs are given the option in child care law to operate under a Notice of Compliance with child care rules and laws rather than a child care license. They meet the rules for a one-star

license except that they are exempt from certain child care rules regarding certain age appropriate activities, staff qualification and training requirement. The Division of Child Development and Early Education monitors programs that operate under a "Notice of Compliance" in the same manner all other programs are monitored to ensure the facilities are healthy and safe for children. If religious sponsored programs receive child care subsidies, the exemptions apply, except they must meet the health and safety training requirements of staff.

Mr. Helmer went on to say in 1994 the Town of Smithfield adopted a zoning ordinance amendment that permitted day care establishments in all residential zoning districts with a Board of Adjustment approved conditional use permit. The subsequent Unified Development Ordinance adopted in 2008 removed day care centers from the list of permitted uses in all residential zoning districts. All day care establishments permitted before 2008 are now considered legal non-conforming and cannot be rebuilt if completely destroyed by fire or other natural disasters. In the 2016 UDO, child care centers are not allowed in residential districts as either primary or accessory uses. The draft zoning ordinance amendment will allow child care centers with a Town Council issued special use permit as an accessory use to churches and places of worship in all zoning districts that currently allow for churches and places of worship.

All child care centers accessory to churches will be required to meet the following existing supplemental regulations for child care centers and Churches/places of worship.

SECTION 7.4 CHILD CARE FACILITIES. (Supplemental Regulations)

7.4.1. Child Care Center

7.4.1.1. When a center is licensed for six to twenty-nine children, inclusive, there shall be 75 square feet per child of outdoor play area for the total number of children for which the center is licensed.

7.4.1.2. If a special use permit is required, the permit shall establish the hours of operation.

7.4.1.3. Minimum paved off-street parking spaces: Two spaces plus one for each employee.

7.4.1.4. Minimum paved off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers. The drop off area must be full drive through with no backing of vehicles required.

Childcare centers are also required to meet the supplemental regulations for Churches/ Places of Worship.

7.32.1 Churches/Places of Worship and Club or Private Lodge Meeting Halls shall have adequate parking meeting Article 10, Section 10.3.

7.32.2 The land use will not significantly increase traffic on local roadways within a residential neighborhood.

7.32.3 In B-2 and B-3 zoning districts, the land use should not substantially decrease vehicular and/or pedestrian traffic or inhibit business activity for adjacent commercial businesses particularly during normal business hours.

7.32.4 The land use will not impede the normal and orderly development of the surrounding property for uses permitted in the district. If a substantial portion of a commercial center is closed or not attracting traffic during normal business hours then that absence of activity would likely impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Mr. Helmer said Planning Staff recommends approval of the zoning text amendment ZA-20-02 with a statement declaring the request is consistent with the Town of Smithfield comprehensive Growth Management Plan and that the request is reasonable and in the public's interest.

Mr. Upton asked if the earlier statement about child care centers being regulated by the Division of Child Development and Early Education was the State. He also asked if they were supervised by the State.

Mr. Helmer said yes, the State. There is an inspection process.

Mr. Upton asked if the supplemental regulations were observed.

Mr. Helmer said the supplemental regulations are in addition to the State's requirements. They are put in place so that the Town Council and Planning Board can look at it in terms of the impact it may have at the requested locations

Debbie Howard made a motion to recommend approval of zoning text amendment ZA-20-02, adding Child Care Centers as an accessory use to Churches/Places of Worship as a special use. The Planning Board finds the amendment to Article 6, Section 6.5 Table of Uses and Activities consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest; seconded by Ashley Spain. Unanimously approved

Old Business: None

Adjournment

Being no further business, Ashley Spain made a motion seconded by Debbie Howard to adjourn the meeting. Unanimously approved

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist