STAFF REPORT
Town of Knightdale

To:	Mayor and Town Council	Budget Amendment - #BA
From:	Jeff Triezenberg, Planner II	Planning Director Signature -- MSF
Subject:	ZTA-5-08, Minimum Lot Size Requirement – Day Care Centers (ORD# 08-05-05-002)	Town Manager Signature –
Date:	May 5, 2008	

REPORT

SEE ATTACHED

REPORT RECOMMENDED ACTION

Motion to adopt statement of plan consistency and reasonableness of action, followed by motion to approve ZTA-5-08 as amended and adopt ORD# 08-05-05-002.

TOWN OF KNIGHTDALE
PLANNING DEPARTMENT
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ZONING TEXT AMENDMENT ZTA-5-08

Minimum Lot Size Requirement – Day Care Centers

REPORT TO THE TOWN COUNCIL
PUBLIC HEARING: April 7, 2008
LURB MEETING: April 14, 2008
COUNCIL MEETING: May 5, 2008

Prepared by the Knightdale Planning Department

I. REQUEST AND BACKGROUND

Application requesting a Zoning Text Amendment to amend the minimum lot size requirement for day care centers. The applicant is identified as H&S Ventures, LLC; acting as an agent for Greystone Knightdale Company, LLC. The specific text amendments as applied for are as follows:

Applicant's proposed wording:

Section 3.3(L)(2)
The minimum lot size shall be two hundred seventy-five (275) ~~requirement shall be increased by five hundred (500)~~ square feet for each child in excess of six (6) persons which is provided.

Staff would note that according to the January 2006 edition of the "Day Care Centers: Basic Information for Potential Providers" booklet, the state requires in general:

- At least 25 square feet of indoor space per child is required.
- At least *75* square feet of fenced outdoor play space per child is required.

More specifically, "there must be enough space around the building to fence a playground for children. For centers serving fewer than 30 children, there must be 75 square feet per child of outdoor play area. For facilities with 30 or more, there must be 75 square feet per child of outdoor play area for at least 1/2 of the total number for which the center is licensed. The area must accommodate at least 30 children with 75 square feet for each child."

Staff would also note the following additional recreation space/lot size requirements beyond those that the state dictates in other Wake County jurisdictions and other jurisdictions with similar codes:

Town of Apex:	No other requirements.
Town of Cary:	No other requirements.
Town of Fuquay-Varina:	No other requirements.

Town of Garner:	100 sf of outdoor fenced space per child.
Town of Holly Springs:	No other requirements.
Town of Morrisville:	75 sf fenced outdoor / 25 sf indoor play space per child. (same)
City of Raleigh:	No other requirements.
Town of Rolesville:	No other requirements.
Town of Wake Forest:	No other requirements.
Town of Wendell:	No other requirements.
Town of Zebulon:	No other requirements.
City of Belmont:	No other requirements.
Town of Cornelius:	Minimum 2,500 sf outdoor fenced area (250 sf more than the 30 child x 75 sf requirement).
Town of Davidson:	No other requirements.
Town of Huntersville:	No other requirements.

Revised proposal:

Section 3.3(L)(2)

~~The minimum lot size requirement shall be increased by five hundred (500) square feet for each child in excess of six (6) persons which is provided.~~ Day care centers shall be located on lots which provide ample outdoor play area. ~~A fenced area in the rear yard or side yard a minimum of 2,250 square feet shall be provided~~. A fenced area of a minimum of 2,250 square feet shall be provided in the rear or side yard. Required buffer yards may not be counted towards this requirement.

II. JUSTIFICATION

This revised amendment raises the threshold for outdoor play areas for those centers providing care for less than 60 people by ensuring that at a minimum, at least 2,250 square feet will be set aside for the outdoor play area. For those centers that exceed care for 60 people, the state requirements will dictate the amount of necessary space above the 2,250 square feet otherwise required. By establishing the bare minimum at 2,250 square feet, it is the Administrator's intent to prohibit centers from locating on lots that would otherwise be too small to adequately support a day care facility.

III. LURB WRITTEN STATEMENT REGARDING PLAN CONSISTENCY AND RECOMMENDATION

North Carolina General Statute 160A-383 requires the planning board to provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board.

The LURB unanimously recommended approval of ZTA-5-08 to the Town Council based on the following advisory statement:

The proposed zoning text change advances the stated objectives of ensuring that community facilities are located to best serve the community and refining requirements for service needs that are expected to be in demand. It is furthermore consistent with the Comprehensive Plan's stated goal of providing safe, dynamic and sustainable neighborhoods which offer

employment opportunities, high quality education, adequate and affordable shelter, health care and recreational amenities.

IV. CONSISTENCY WITH THE COMPREHENSIVE PLAN

North Carolina General Statute 160A-383 requires that **prior to** adoption or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action to be reasonable and in the public interest.

PROPOSED STATEMENT REGARDING PLAN CONSISTENCY AND REASONABLENESS OF ACTION:
The proposed zoning text changes are reasonable in that they advance the stated objectives of ensuring that community facilities are located to best serve the community and refining requirements for service needs that are expected to be in demand. It is furthermore consistent with the Comprehensive Plan's stated goal of providing safe, dynamic and sustainable neighborhoods which offer employment opportunities, high quality education, adequate and affordable shelter, health care and recreational amenities.

V. PLANNING DEPARTMENT RECOMMENDATION

The Planning Department recommends that the Town Council adopt the preceding statement identified in Section IV of this report, approve ZMA-5-08 as amended by the LURB, and adopt ORD# 08-05-05-002.

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ORD #08-05-05-002
AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE, REGARDING LOT SIZE AND RECREATION SPACE REQUIREMENTS FOR DAY CARE CENTERS

WHEREAS, the Town of Knightdale has received a petition to amend the Unified Development Ordinance in regard to specific regulations related to lot size and recreation space for day care centers; and

WHEREAS, the Town of Knightdale Unified Development Ordinance Section 15.15 establishes uniform procedures for amending the text of the Ordinance; and

WHEREAS, the proposed zoning text changes comply with the goals of the Town's Comprehensive Plan because they are reasonable in that they advance the stated objectives of ensuring that community facilities are located to best serve the community and refining requirements for service needs that are expected to be in demand; as well as being consistent with the stated goal of providing safe, dynamic and sustainable neighborhoods which offer employment opportunities, high quality education, adequate and affordable shelter, health care and recreational amenities;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Knightdale, North Carolina:

SECTION 1. That the Unified Development Ordinance of the Town of Knightdale Code be amended to read as follows:

Section 3.3(L)(2)
Day care centers shall be located on lots which provide ample outdoor play area. A fenced area of a minimum of 2,250 square feet shall be provided in the rear or side yard. Required buffer yards may not be counted towards this requirement.

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That this ordinance has been adopted following a duly advertised public hearing of the Town Council and following review and recommendation by the Land Use Review Board.

SECTION 5. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code.

SECTION 6. That this ordinance shall become effective upon its adoption by Town Council.

Adopted this 5th day of May, 2008.

_____
Russell B. Killen, Mayor

ATTEST:

_____
Suzanne M. Yeatts, Town Clerk

APPROVED AS TO FORM:

_____
Clyde Holt, III; Town Attorney