

**IN RE: APPEAL OF SMILEY KIDS
DAYCARE, LLC, RELATIVE TO A
PROPERTY LOCATED AT 131-145
NORTH SIXTH STREET, CITY OF
READING, BERKS COUNTY,
PENNSYLVANIA**

**: BEFORE THE ZONING HEARING
: BOARD OF THE CITY OF READING,
: PENNSYLVANIA
:
: APPEAL NO. 2408-0020
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 9th day of October, 2024, a hearing having been held on September 11, 2024, upon the application of Smiley Kids Daycare, LLC, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Smiley Kids Daycare, LLC, a Pennsylvania Limited Liability Corporation, with a principal mailing address care of Niurka Abreu, 1424 N. 14th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 131-145 N. Sixth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Reading Medical Development, LP, has granted Applicant permission to seek the requested zoning relief.

4. The Subject Property is located in the Commercial Residential (C-R) Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant was represented by Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, Pennsylvania 19610.

6. Applicant seeks a special exception to establish a day care center for up to ninety-nine (99) children in a portion of the lower level and first floor of the Subject Property. The remaining portion of the building is a medical and professional complex.

7. Applicant seeks relief from Sections 600-808.B.(4)(c), 600-1202.D(2) and 600-1603 of the Zoning Ordinance and all associated variances, special exceptions and interpretation.

8. The day care center requires special exception approval in the C-R Zoning District.

9. Applicant proposes to care for up to ninety-nine (99) children from infant to age twelve (12).

10. The day care center would operate twenty-four (24) hours a day, Monday through Saturday.

11. Applicant plans to initially have six (6) employees and understands that additional employees may be needed depending on the number of children being cared for and their ages in accordance with State regulations.

12. There will be staggered pick up and drop off times and Applicant will work with the City of Public Works Department to have a secure and safe drop off and pick up area.

13. In order to have a safe and secure day care center, there will be a reception area, alarms, security cameras and the parent/caregiver will have to sign the child in or out of day care.

14. Applicant is proposing an indoor play area since no outdoor space can be provided in accordance with Section 600-1202.D(2)(c). The indoor play area would be 48'6" by 22'8" and 973 square feet.

15. Applicant's plan indicated separate areas for the care of the infants, toddlers and older children, restrooms and office areas.

16. Applicant stated the proposed use will be beneficial to the community by providing safe, licensed childcare.

17. There were no objections to the requested relief.

18. The Board finds the Subject Property will be used in a manner which will not be detrimental to the health, safety and welfare of the neighborhood and will improve the neighborhood in general.

DISCUSSION

Applicant seeks a special exception to establish a day care center for up to ninety-nine (99) children in a portion of the lower level and first floor of the Subject Property for ages infant through age twelve (12). The remaining portion of the building is a medical and professional complex. The Subject Property is located in the C-R Zoning District. Applicant's proposed use complies with the requirements of the Zoning Ordinance and will not be a detriment to the health safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is Smiley Kids Daycare, LLC.
2. The Subject Property is located at 131 N. Sixth Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the Commercial Residential (C-R) Zoning District.

4. Applicant seeks a special exception to establish a daycare center for up to ninety-nine (99) children in a portion of the lower level and first floor of the Subject Property for ages infant through age twelve (12).

5. Applicant seeks relief from Sections 600-808.B.(4)(c), 600-1202.D(2) and 600-1603 of the Zoning Ordinance and all associated variances, special exceptions and interpretation.

6. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:

a. Applicant is hereby granted a special exception to operate a daycare center at the Subject Property for up to ninety-nine (99) children for ages infant through age twelve (12).

b. Applicant shall comply with all applicable State requirements for a licensed day care center with ninety-nine (99) children and a copy of the required PA Department of Human Services license shall be provided to the Zoning Administrator immediately upon receipt.

c. Applicant will work with the City of Reading Public Works Department to secure a safe drop off and pick up area and the parking plan shall be provided to the Zoning Administrator.

d. Applicant shall attend a One Stop meeting with the Building and Fire Inspectors to ensure compliance with all applicable Building and Fire Code requirements.

e. Applicant shall apply for all required building, trades and fire permits and submit to all required inspections deemed necessary.

f. Total occupancy shall be determined by the City of Reading Building and Trades Division, the Fire Marshall, and the Pennsylvania Department of Human Services.

g. The staff to child ratio shall comply with 55 PA Code Chapter 3270 and the Pennsylvania Department of Human Services requirements.

h. Signage at the Subject Property shall comply with Section 600-1703 of the Zoning Ordinance. If Applicant does not provide sign drawings and specifications, then a separate zoning permit shall be required prior to the installation of the signage.

i. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

j. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

k. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 3 to 0 .

**ZONING HEARING BOARD OF THE CITY
OF READING**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

Absent

WILLIAM HARST