

# STAFF EVALUATION

To: Planning Commission

Prepared By: Corey Block

727-6077

Reviewed By: Michael Hayes, AICP

728-5244

Bonnie Brown,

Sr. Assistant City Attorney

Case No.: Use Permit Application No. 18-00008

Date: 10/10/2018

## General Information

Applicant

Pastor Melvin L. Austin

Owner

New Bethel Cathedral Church of God in Christ

Location

457 Fox Hill Rd. [LRSN 11000566]



Requested Action

Use Permit to allow for a Commercial Day Care 2

Description of Proposal

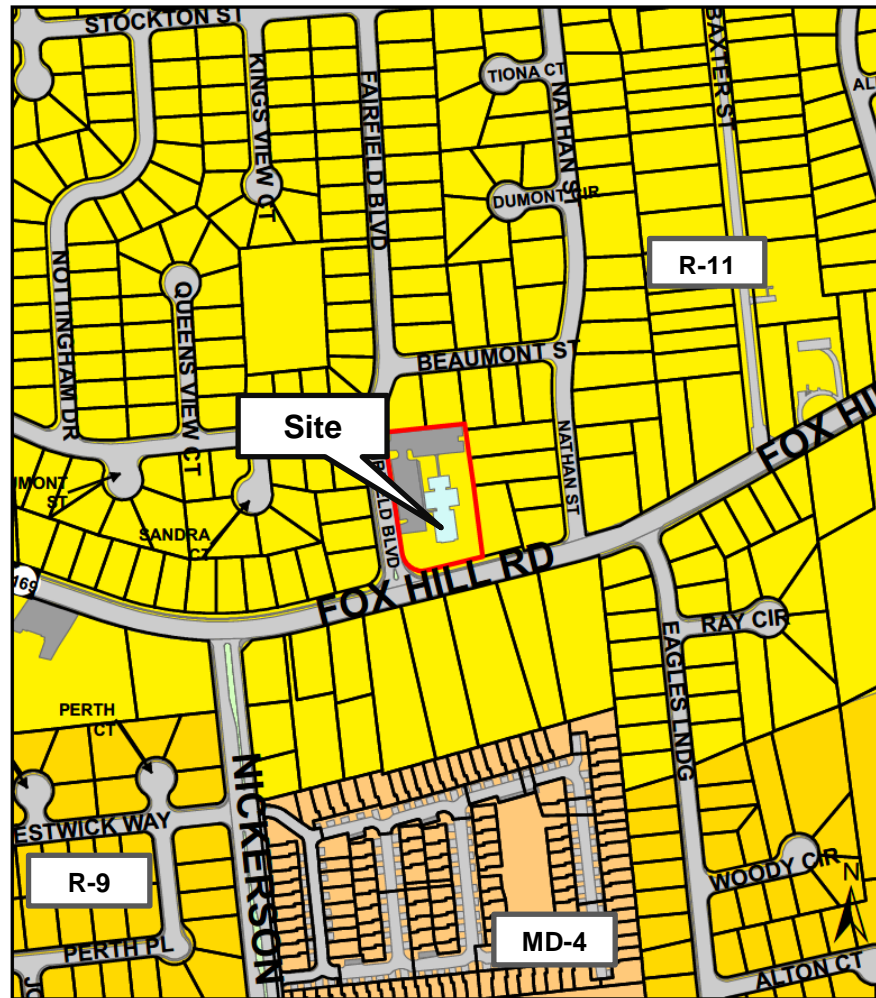
The applicant is proposing to use the existing classrooms in New Bethel Cathedral Church of God in Christ as an adult day care when church is not in session. The proposed hours of operation are Monday through Friday 7:00 AM-3:00PM. The proposed daycare facility will help adults

with disabilities and special needs by providing training and assistance with communication, shopping, personal care, and other community activities.

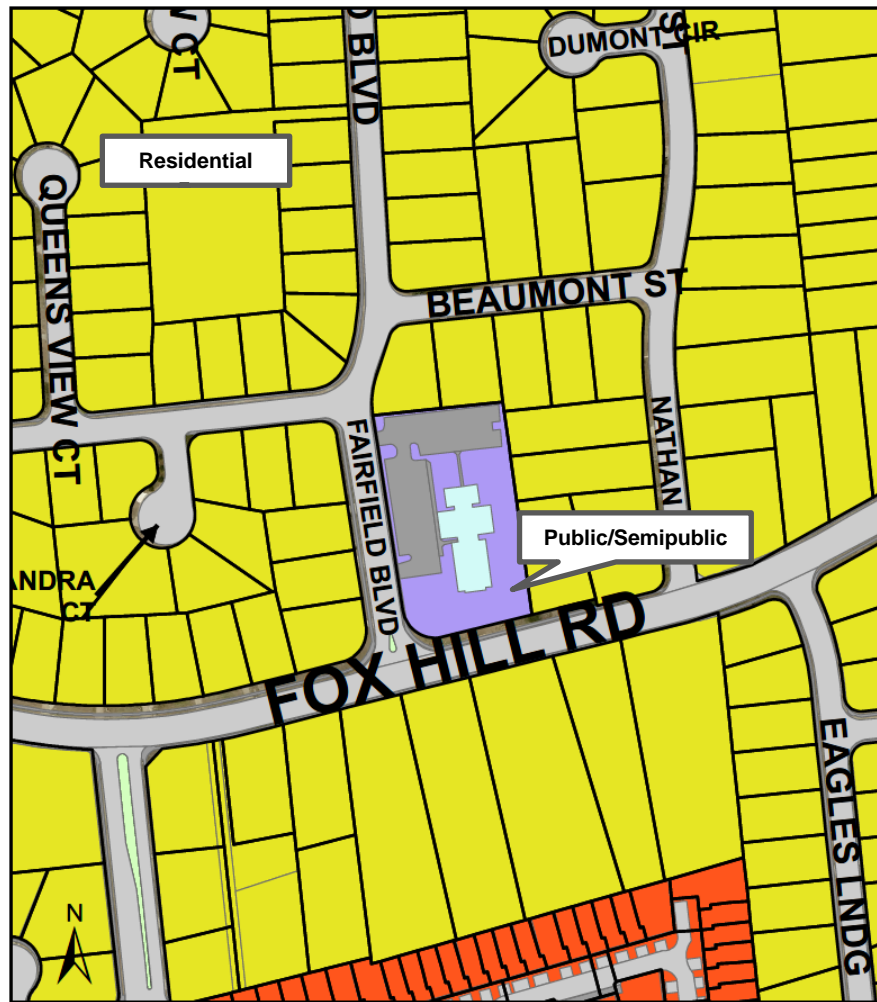
*Existing Land Use* Religious Facility, New Bethel Cathedral Church of God in Christ

*Zoning* R-11 (Residential); O-FZ (Flood Zone Overlay)

*Surrounding Land Use and Zoning*  
**North:** R-11, Single Family Residential  
**South:** R-11, Single Residential  
**East:** R-11, Single Family Residential  
**West:** R-11, Single Family Residential



*Public Policy* The Hampton Community Plan (2006, as amended) recommends public/semipublic uses for this property. The surrounding area is recommended as low density residential.



Objectives and policies supporting this vision include:

**LU-CD Policy 8:** Support opportunities for the development and expansion of educational, cultural, medical, research, and military activities that are consistent with the City's vision and goals.

**ED Policy 4:** Nurture small and start-up businesses.

**ED Policy 20:** Facilitate greater participation in the workforce by promoting quality daycare services, flexible job schedules, job sharing, home occupations, increased accessibility of jobs and other creative solutions.

**HN Policy 15:** Continue to provide high quality community services and facilities in Hampton's neighborhoods.

**HN Policy 25:** Support housing that incorporates facilities and services to meet the health care, transit, or social service needs of households with special needs, including seniors and persons with disabilities.

Zoning History	None
Applicable Regulations	The R-11 district allows for a Commercial Day Care 2, subject to securing a use permit.

<i>Traffic/Parking</i>	There are 58 parking spaces that currently exist in the church parking lot. The day care and church will operate at separate times. Most clients will be dropped off or bussed to the site, therefore, the site is more than adequately parked for the proposed use.
<i>Environmental</i>	No new construction is proposed with this application, therefore, newly created environmental impacts are not anticipated.
<i>Community Meeting</i>	There is no community meeting currently scheduled.

## Analysis

Pastor Melvin Austin is requesting a use permit for a Commercial Day Care 2 within the existing church building at 457 Fox Hill Rd. [LRSN 11000566]. The proposed commercial adult day care will reside within a 2,176 sq. ft. wing of the church that is not currently used for church operations. The facility is proposed to be open from 7:00AM-3:00PM and would assist up to 60 adults with disabilities or special needs, teaching them various life skills, such as training and assistance with communication, shopping, and personal care, and taking them on social outings. Staff is recommending extended hours of operation to Monday through Saturday 6:00AM-7:00PM. These hours are beyond those requested by the applicant at this time, but it would allow for future operational flexibility and align with other daycare establishments that have been permitted through the use permit process. The property is zoned Single-Family Residential (R-11) District, which allows for a Commercial Day Care 2 with the approval of a use permit. The site is not located within any master plan areas.

457 Fox Hill Road is located east of Phillips Elementary School and Kecoughtan High School. The subject property and surrounding Fairfield neighborhood are zoned residential. There are no additional impacts anticipated, as the day care would have less people attending than the current church use. Vehicular access would be through existing access points off of Fairfield Blvd, providing for easy access and the ability to drop clients off out of the right of way. Having the access off of the side street also helps avoid potential conflicts of entering and exiting directly onto Fox Hill Road.

The proposed adult day care within New Bethel Cathedral Church of God in Christ would be consistent with the Hampton Community Plan (2006, as amended), which calls for public/semipublic uses. The Plan also has goals to support the development and expansion of educational activities, as well as provide quality day care, community services, and facilities to meet the needs of households with special needs or persons with disabilities.

If this application is approved, staff recommends attaching conditions that will limit the impact of the use on surrounding residences. These conditions address aspects of the day care use including circulation, licensing, and capacity.

**Staff and Planning Commission recommend approval of Use Permit Application #18-00008 with ten (10) conditions.**

**Use Permit Application No. 18-00008****Extended Love, Inc.****Commercial Day Care, 2****457 Fox Hill Rd.****1. Location**

The Use Permit boundary applies only to 457 Fox Hill Rd. [LRSN 11000566] and is not transferable to another location.

**2. Hours of Operation**

Hours of operation shall be limited to 6 AM until 7 PM Monday through Saturday.

**3. Traffic**

- a. Loading and unloading of clients from vehicles shall be conducted on site and not on any public street.
- b. Vehicular ingress and egress shall not be located on Fox Hill Road.

**4. Ledger**

The applicant must maintain a daily ledger containing the names of clients cared for.

**5. Certificate of Occupancy**

The day care operator must obtain a Certificate of Occupancy prior to commencing the day care operation.

**6. Capacity**

The day care center capacity shall not exceed the number listed on the capacity certificate.

**7. Age**

The ages of clients shall range from eighteen (18) years of age and above.

**8. Licensing**

The applicant must maintain valid licenses with the Virginia Department of Behavioral Health and Developmental Services and this Use Permit may be terminated for any violation of federal, state, or local law.

**9. Nullification**

The use permit shall automatically expire and become null and void under any of the following conditions:

- (1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the city council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council; or
- (3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

**10. Revocation**

Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 14 of the zoning ordinance.