

STAFF EVALUATION

To: City Council

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Case No.: Use Permit Application No. 16-00005

Date: 9/14/2016

General Information

Applicant Bethel Child Development

Owner Assembly of God

Location 1705 Todds Lane [LRSN 4002255]



Requested Action Use Permit to allow for a Commercial Day Care 2 in a religious building

Description of Proposal

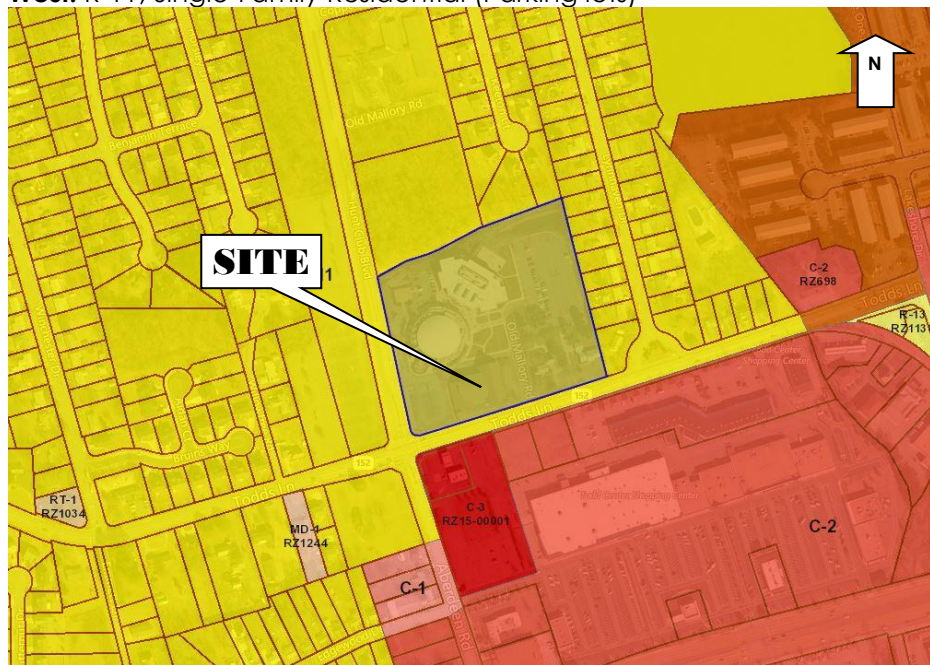
The applicant is currently operating a day care 3 with an approved Conditional Privilege, CP#119-2011, for 38 children. The applicant wished to increase her permitted capacity from 100 to 150 children. After reviewing the proposal and working with the applicant on a number of issues, staff has recommended a condition to limit the applicant to a capacity of 124 children. This limit is due to the small size of the structure that constrains the number of occupants. The day care will provide care for children between the ages of 0 and 12 years; and will operate from 6am-6pm, Monday –Friday.

Existing Land Use Commercial Day Care 2

Zoning R-11 (Single Family District); additionally the site falls within Chesapeake Bay Preservation District (RMA, IDA)

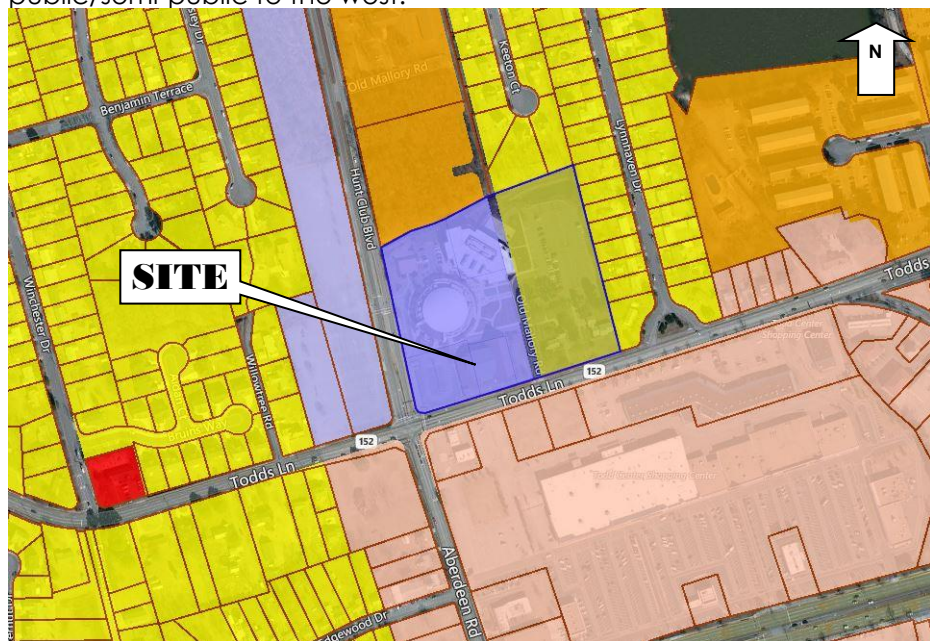
Surrounding Land Use and Zoning

North: R-11, Single-Family Residential (single family homes, vacant land)
South: C-2, Limited Commercial; C-3, General Commercial (shopping centers)
East: R-11, Single-Family Residential (Single family homes)
West: R-11, Single-Family Residential (Parking lots)



Public Policy

The Hampton Community Plan (2006, as amended) recommends public/semi-public uses for the site. High density and low density residential uses are also recommended to the north and east, respectively. Commercial uses are recommended to the south, and public/semi-public to the west.



Land use policies related to this request are listed below:

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.

LU-CD Policy 23: Promote family, school, and community interaction at the neighborhood level.

LU-CD Policy 26: Promote access to educational, social, civic, recreational, and employment opportunities particularly for youth and seniors.

<i>Zoning History</i>	CP119-2011; Conditional Privelege for Day Care 3, with conditions. VA97-75; variance for signage. VA02-33; reduce onsite parking from 162 spaces to 63. VA06-127; increase in sign area and allow freestanding sign. VA06-98; allow LED pole sign. VA3729; tabled. VA3731; tabled. VA3733; reduce rear yard from 30' to 9.5'. VA76-15; reduce front setback. VA97-75; allow internally lit sign and increase square footage of sign. CB02-10; exception to RPA buffer for sancutary addition. CB02-10; addition in RPA
<i>Applicable Regulations</i>	R-11 allows for a Commercial Day Care 2 subject to securing a Use Permit. The purpose of the Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will operate. This action is necessary to ensure the safety and welfare of the public as well as minimize project impacts on the adjoining properties.
<i>Traffic/Parking</i>	Traffic Engineering staff have reviewed the proposed circulation plan and taken the surrounding traffic patterns into consideration and deemed there to be sufficient parking and adequate circulation on site to accommodate the expanded day care use.
<i>Schools</i>	This proposal does not impact schools.
<i>Environmental</i>	The applicant will operate in an existing building and have no increased impacts on the environment.
<i>Community Meeting</i>	There is no community meeting scheduled at this time.

Analysis

Hampton's Zoning Ordinance allows day care facilities in R-11, single family zoning districts with the approval of a use permit. The applicant is currently operating an approved day care 3 for 100 children; she would like to increase the size of her day care to 124 children. The day care will serve children ranging in age between 0 and 12 years, and operate Monday through Friday 6:00AM to 6:00PM.

The traffic circulation plan has been reviewed by staff who determined that the additional clients at this location should have negligible impacts on neighborhood traffic patterns when operated under the proposed conditions. The site complies with the required parking standards for a day care, and has adequate space for pick up/drop off.

One of the visions set out in the Community Plan is: "Hampton's children and youth will thrive and succeed in a caring community." The expanded day care facility is consistent with the Hampton Community Plan (2006 as amended), which recommends facilitating a greater partnership in the workforce by promoting quality daycare services and promoting access to educational, social, civic, recreational, and employment opportunities for youth.

The proposed day care center would be an acceptable use and is compatible with surrounding land uses. The project is consistent with the land use recommendation and policies of the Community Plan.

Staff and Planning Commission recommend approval of Use Permit No. 16-00005 with ten conditions.

Use Permit 16-00005**Bethel Child Development; Commercial Day Care 2****1705 Todds Lane, Hampton, VA 23666****Conditions****1. Issuance of Permit**

The Use Permit applies only to 1705 Todds Ln, and is not transferable to another location.

2. Hours of Operation

The hours of operation shall be limited to 6:00AM until 10:00PM Monday through Friday.

3. Traffic

a. Loading and unloading of clients from vehicles shall be conducted on site and not on any public street.

b. Access to the site shall be maintained in substantial compliance with the Traffic Circulation Plan (see Exhibit A)

4. Ledger

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

5. Certificate of Occupancy

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

6. Licensing

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

7. Capacity

The day care center capacity shall not exceed 124 clients, or the number listed on the capacity certificate, whichever is fewer.

8. Age

The ages of children shall range from zero (0) years to twelve (12) years.

9. Nullification

a) The Use Permit shall become null and void if the use is not established within twelve (12) months of the date of approval by City Council.

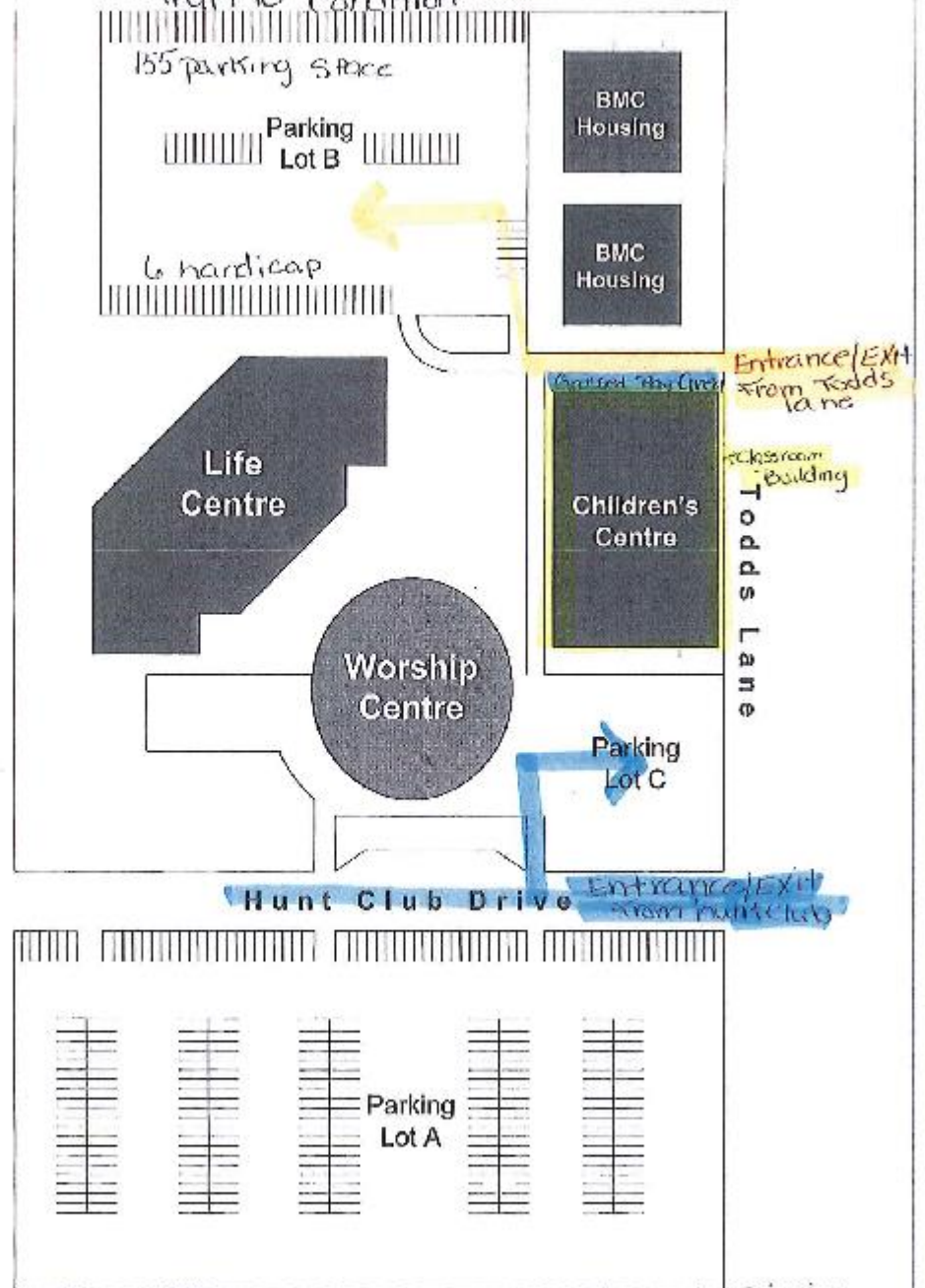
b) The Use Permit shall become null and void if the facility is not used for the permitted use for a period of twenty-four (24) consecutive months.

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.

Exhibit A

Traffic Circulation Bethel Temple Campus Map



- Parents will park in any location prior to picking up or dropping off children.
- Play area on side of children's center w/ chain linked fence.