

Conditions

Use Permit Application No. 24-0432

Nursing Home

Brooks-Joseph Memory Care I, LLC & Brooks-Joseph Memory Care II, LLC
1807 W. Queen Street (LRSN 3004763)

1. Issuance of Permit

The Use Permit is for the operation of a Nursing Home as that use is defined in the City's Zoning Ordinance, applies only to the location at 1807 W. Queen Street [LRSN: 3004763] ("Location"), is further limited and confined to the designated area as identified on Exhibit A attached hereto (the "Nursing Home Site"), and is not transferable to another location. Any expansion beyond the area designated on Exhibit A shall require an amended Use Permit.

2. Compliance with Rezoning

All the proffered conditions from Rezoning 24-0431 shall also apply to this Use Permit, and shall be incorporated as if fully set forth herein.

3. Traffic Circulation

Loading and unloading of vehicles shall be conducted on the Location and not on any public street or right-of-way.

4. Capacity

- a. The Nursing Home Site shall be developed so as to contain a maximum of 20 beds. Such number may be increased subject to review and approval by the Zoning Administrator to ensure compliance with parking requirements set forth in Chapter 11 of the Zoning Ordinance.
- b. The maximum number of staff permitted on site at any one point in time shall not exceed 15. Such number may be increased subject to review and approval by the Zoning Administrator to ensure compliance with parking requirements set forth in Chapter 11 of the Zoning Ordinance.
- c. During operation, patrons and staff shall not exceed the maximum capacity of the Nursing Home Site, as determined by the City Building Official.

5. Certificate of Occupancy

The applicant must obtain a Certificate of Occupancy prior to commencing operation.

6. Ledger

The operator shall maintain a daily ledger containing the names of clients cared for and time in/time out, which shall be made available for review by the Zoning Administrator or their designee upon request.

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7. Licensing

The operator shall obtain and maintain all applicable licenses to conduct the business authorized by this Use Permit prior to engaging in any such business, including, but not limited to, those that may be required by the Virginia Department of Health for the operation of a nursing home.

8. Compliance with Laws

If the operator is a legal entity, other than a person or persons, including, but not limited to a limited liability company or corporation, the operator shall be authorized to transact business in Virginia as a domestic or foreign business entity and shall provide proof of registration to the Zoning Administrator, upon request. The operator shall not allow its existence to lapse or its certificate of authority or registration to transact business in Virginia to be revoked or cancelled at any time while this Use Permit is in effect.

This Use Permit may be terminated for any violation of federal, state, or local law.

9. 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 Hampton Zoning Ordinance (as amended).

10. 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.

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EXHIBIT A

