

STAFF EVALUATION

To: Planning Commission

Prepared By: Porter Stevens

728-5237

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728-5244

Bonnie Brown, Sr. Asst. City Attorney

Case No.: Use Permit No. 17-00007

Date: July 20, 2017

General Information

Applicant First United Church of Christ

Property Owner First United Church of Christ

Location 1017 Todds Ln [LRSN 4000574]



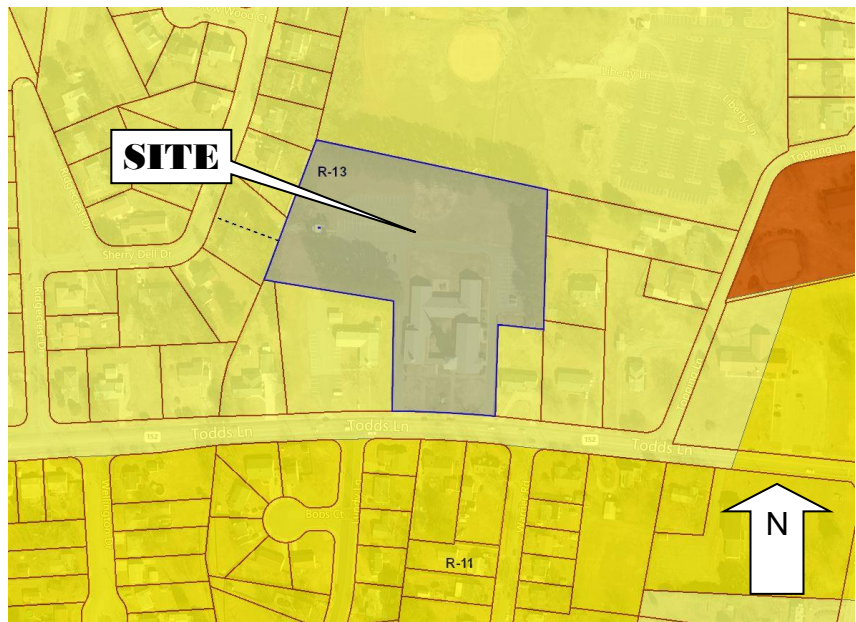
Requested Use Commercial Day Care 2

Description of Proposal The applicant is proposing to operate a commercial daycare within an existing church building located at 1017 Todds Ln. The applicant is asking for a capacity of 50 children, managed by up to 10 staff members. The facility will provide care for children between ages of 0 and 13 years; it will operate from 6:30am-6:30pm, Monday-Friday, 6:30am-2:00pm on Saturday.

Existing Land Use Church

Zoning The subject site is zoned R-13 (Single Family Residential) District, which permits a Commercial Day Care with an approved Use Permit.

Surrounding Land Use and Zoning **North:** R-13 (Single Family Residential); Liberty Baptist Church Campus
South: R-11 (Single Family Residential); Single Family Homes
East: R-13 (Single Family Residential); Single Family Homes
West: R-13 (Single Family Residential); Church, Single Family Homes



Public Policy



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

Policies relevant to this application are listed below:

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

ED Policy 5: 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.

<i>Land Use History</i>	In February of 2001, Council approved Use Permit Application No. 968, with authorized the construction and operation of 93 ft tall commercial communication tower. In August of 2010, Council approved Use Permit Application No. 1067, which authorized the operation of a school for 26 students. At this time, the school is no longer in operation. Finally, In December of 1993, the Board of Zoning Appeals granted a variance to permit the internal illumination of a detached sign.
<i>Applicable Regulations</i>	R-13 permits a Commercial Day Care 2 with the approval of a conditional use permit. The purpose of this Use Permit is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing impacts on the adjoining properties.
<i>Traffic/Parking</i>	There are no foreseen negative impacts to traffic or parking. This application was forwarded to the Public Works department for review; their analysis found no potential adverse effects on local traffic patterns.
<i>Community Meeting</i>	At this time, there is no public meeting scheduled for this application

Analysis

The Use Permit Application No. 17-0007 is a request by First United Church of Christ to permit a Commercial Day Care at 1017 Todds Ln[LRSN: 4000574]. The applicant is requesting a maximum occupancy of 50 kids, managed by 3-10 staff members; however, city staff has determined that the maximum occupancy of the space designated for this day care (see Exhibit A) is 53 individuals. The applicant is also proposing to operate this day care from 6:30 am-6:30 pm Monday-Friday, and 6:30 am-2:00pm on Saturday.

The subject property is currently zoned R-13 Single Family Residential. A Commercial Day Care 2 is permitted in this district with an approved conditional use permit.

Staff's primary concern with Commercial Day Cares is their impact on local traffic. The traffic circulation plan submitted with this application has been reviewed by Public Works staff, who have determined that this day care would have no adverse impacts on neighborhood traffic patterns when operated under the proposed conditions. The site also complies with required parking for day cares, and has adequate space for pick/drop off of clients.

Additionally, if this use permit is approved, staff has proposed additional conditions to ensure that the day care operation is conducted in a manner that is not disruptive to the surrounding neighborhood. These include conditions limiting the hours of operation to 6:00am-10:00pm Monday through Saturday, and limited the allowable occupancy of the day care space to 53 individuals. It should be noted that the hours of operation and other metrics listed in the proposed conditions do not match what the applicant has proposed their application. This is done intentionally, in order to allow the day care some measure of operational flexibility. Otherwise, they would have to apply for a new Use Permit any time they wanted to, for example, make small changes to their hours of operation.

One of the visions set out in the Hampton Community Plan (2006, as amended) is: "Hampton's children and youth will thrive and succeed in a caring community." The expanded day care

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facility is consistent with the Community Plan, which encourages us to facilitate a greater participation in the workforce by promoting quality daycare services and promote family, school, and community interaction at the neighborhood level.

The proposed use permit, with the recommended conditions attached, is consistent with the City's goals and policies, as outlined in the Hampton Community Plan (2006, as amended) and other policy documents.

Based on the analysis of this proposal, staff recommends approval of Use Permit Application No. 17-00007 with 10 conditions.

Use Permit 17-00007

First United Church of Christ; Commercial Day Care 2

1017 Todds Lane, Hampton, VA 23666

Conditions

1. Issuance of Permit

The Use Permit applies only to 1017 Todds Ln [LRSN 4000574], 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 Saturday.

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 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 53 individuals, or the number listed on the capacity certificate, whichever is fewer.

8. Age

The ages of children shall range from zero (0) years to thirteen (13) 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:

