

STAFF EVALUATION

To: City Council

Prepared By: Porter Stevens

727-6256

Reviewed By: Keith Cannady, AICP

728-5239

Sharon McSmith, CAP

728-5240

Case No.: Use Permit Application No. 16-00003

Date: 6/8/2016

General Information

Applicant Andrea Alston-Darden

Owner Andrucci Phillip

Location 923 Aberdeen Rd [LRSN 3005147]



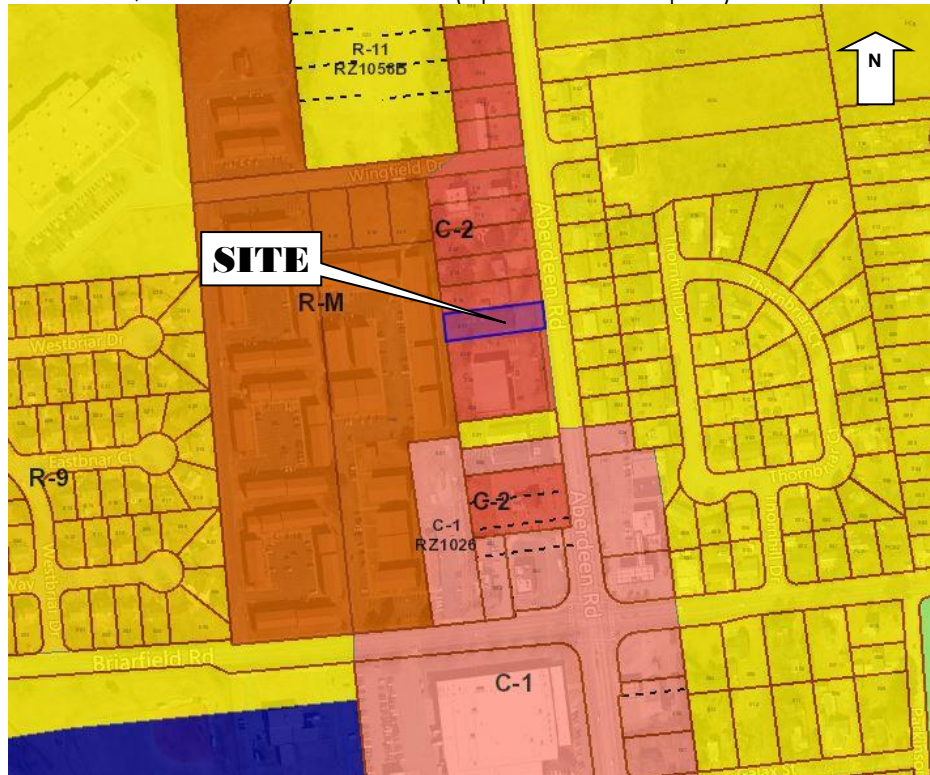
Requested Action Use Permit to allow for a Day Care 3 in a commercial building

Description of Proposal The applicant is currently operating a day care 3 with an approved Conditional Privilege, CP#122-2012, for 38 children. The applicant wished to increase her permitted capacity to 50 children and 7 employees. 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 55 occupants; 48 children, and 7 employees. 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-11pm, Monday –Friday.

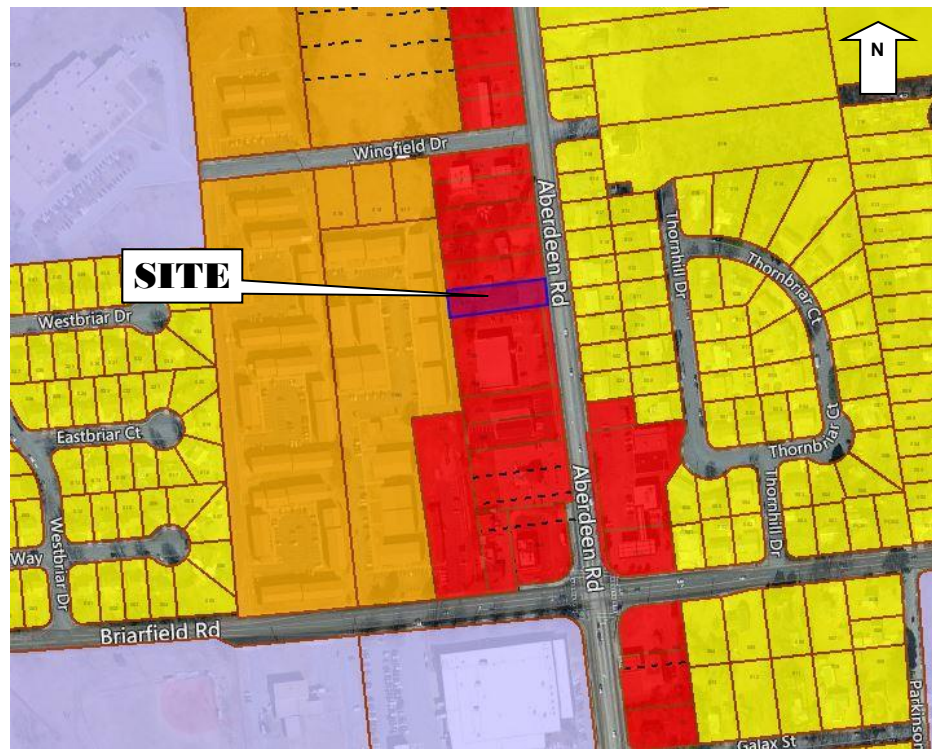
Existing Land Use Day Care 3

Zoning C-2 (Limited Commercial District); additionally the site falls within Chesapeake Bay Preservation District (RMA, IDA), and the X500 Flood Zone

Surrounding Land Use and Zoning
North: C-2 Limited Commercial (single family homes converted to small businesses)
South: C-2, Limited Commercial (New Mount Olive Baptist Church)
East: R-11, Single-Family Residential (Single family homes)
West: R-M, Multi-Family Residential (apartment complex)



Public Policy The Hampton Community Plan (2006, as amended) recommends commercial uses for the site. High density and low density residential uses are also recommended to the west and east, respectively. Commercial uses are recommended to the south and north of the property.



Land use policies related to this request are listed below:

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.

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

<i>Zoning History</i>	CP122-2012; Conditional Privelege for Day Care 3, with conditions.
<i>Applicable Regulations</i>	C-2 allows for a Day Care 3 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 proposed daycare 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 C-2, Limited Commercial zoning districts with the approval of a use permit. The applicant is currently operating an approved day care 3 for 38 children; she would like to increase the size of her day care to 48 children and 7 employees. The day care will serve children ranging in age between 0 and 12 years, and operate Monday through Friday 6:00AM to 11:00PM.

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 nurturing small and start-up businesses, as well as facilitating a greater partnership in the workforce by promoting quality daycare services. 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. 16-00003 with eleven conditions.

Use Permit No. 16-00003

Andrea Alston-Darden: Day Care 3
923 Aberdeen Rd, Hampton, VA 23666

Conditions**1. Issuance of Permit**

The Use Permit applies only to 923 Aberdeen Rd, and is not transferable to another location.

2. Hours of Operation

The hours of operation shall be limited to 6:00AM until 11:00 PM 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) Three (3) total parking spaces [two (2) standard and one (1) handicapped] shall be designated as reserved for client pick-up/drop-off only, as shown in Exhibit A.

4. Ledger

The applicant must maintain a daily ledger containing the names of clients cared for which shall be available for inspection by authorized personnel of the City of Hampton without notice.

5. Square Footage

Day care shall not exceed 2,500 square feet of the structure

6. Certificate of Occupancy

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

7. 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.

8. Capacity

The day care center capacity shall not exceed 55 occupants, or the number listed on the capacity certificate, whichever is fewer.

9. Age

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

10. 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.

11. 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

