

Conditional Privilege No. 108

Someplace Like Home, LLC: Day Care 3
1416 Todds Lane, Hampton, VA 23666

Conditions

1. Issuance of Permit

The Conditional Privilege applies only to the property of Someplace Like Home, LLC, located at 1416 Todds Lane, and is not transferable to another location.

2. Hours of Operation

The hours of operation shall be limited to 5:00 AM until 12:00 AM (midnight) Sunday through Saturday.

3. Traffic

- a. Loading and unloading of children 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 submitted with the application on April 1, 2010.

4. Play Area(s)

Outside play area(s) shall be developed, installed, and maintained in substantial compliance with the Conceptual Plan submitted with the application on April 1, 2010. Additionally, outside play areas shall be limited to the existing enclosed area located on the southern portion of the property. The area shall be enclosed by a fence with a minimum height of four feet.

5. Ledger

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

6. Certificate of Occupancy

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

7. Licensing

The applicant must obtain a new day care license or religious exemption from the Virginia Department of Social Services prior to commencing the day care operation at the increased level.

8. Enrollment

The day care center shall not exceed the enrollment of 67 clients or the number listed on the capacity certificate or the number allowed by the Virginia Department of Social Services, whichever is fewest.

9. Age

The ages of children shall be from 0 to 12 years of age.

10. Nullification

- a. The Conditional Privilege shall become null and void if the use is not established within twelve months of the date of approval by the City Council.
- b. The Conditional Privilege shall become null and void if the facility is not used for the permitted use for a period of six consecutive months.

11. Termination

Notwithstanding any condition or provision of this Conditional Privilege to the contrary, the Conditional Privilege may be terminated immediately for violation of any terms or conditions of the Conditional Privilege, a violation of federal, state, or local law pertaining to the day care licensing required by the Virginia Department of Social Services, or any criminal violations of federal, state, or local law pertaining to the care of minors.

12. Term of Permit

This Conditional Privilege shall be valid for 18 months from the date of approval by the Hampton City Council. After 12 months of operation, prior to the expiration date, the Conditional Privilege will be scheduled for review by the Planning Director to consider if the continuation of the Conditional Privilege would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district or adjacent properties. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, parking and loading and off loading of children, hour and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state, or local law. If after review, the Planning Director determines that the Conditional Privilege would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district or adjacent properties, the Planning Director may administratively extend the Conditional Privilege in five (5) year increments. Each such extension shall be subject to the same administrative review. If the Planning Director determines that the Conditional Privilege would be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege would cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district or adjacent properties, the Planning Director will notify the Permittee of a denial of the extension in writing. The denial of an extension of the Conditional Privilege will not require the removal of any structure or structures constructed or installed for the day care operation. A Permittee aggrieved by the decision of the Planning Director may, upon written request within 30 days of the decision, have the matter reviewed by the Planning Commission and the City Council. Nothing contained herein shall limit the rights of a Permittee to seek a new Conditional Privilege.