

# STAFF EVALUATION

To: City Council

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Case No.: Use Permit Application No. 16-00002

Date: 7/13/2016

## General Information

Applicant Debbie Privette  
Owner Victory Life World Outreach Center Church  
Location 1741 W. Queen Street [LRSN 3004764]



Requested Action Use Permit to allow for a Daycare 3 in an existing building.

Description of Proposal The applicant is proposing to open a daycare with a capacity of 100 children and 15 employees. The daycare will provide educational services for children between the ages of 6 weeks to 12 years of age. The proposed hours of operation are from Monday through Friday 6AM-6PM. After staff analysis, it is recommended that the age range be expanded to zero (0) to thirteen (13) years of age, with operating hours from Sunday to Saturday 5:30AM-1AM to be consistent with other approved day care 3 proposals.

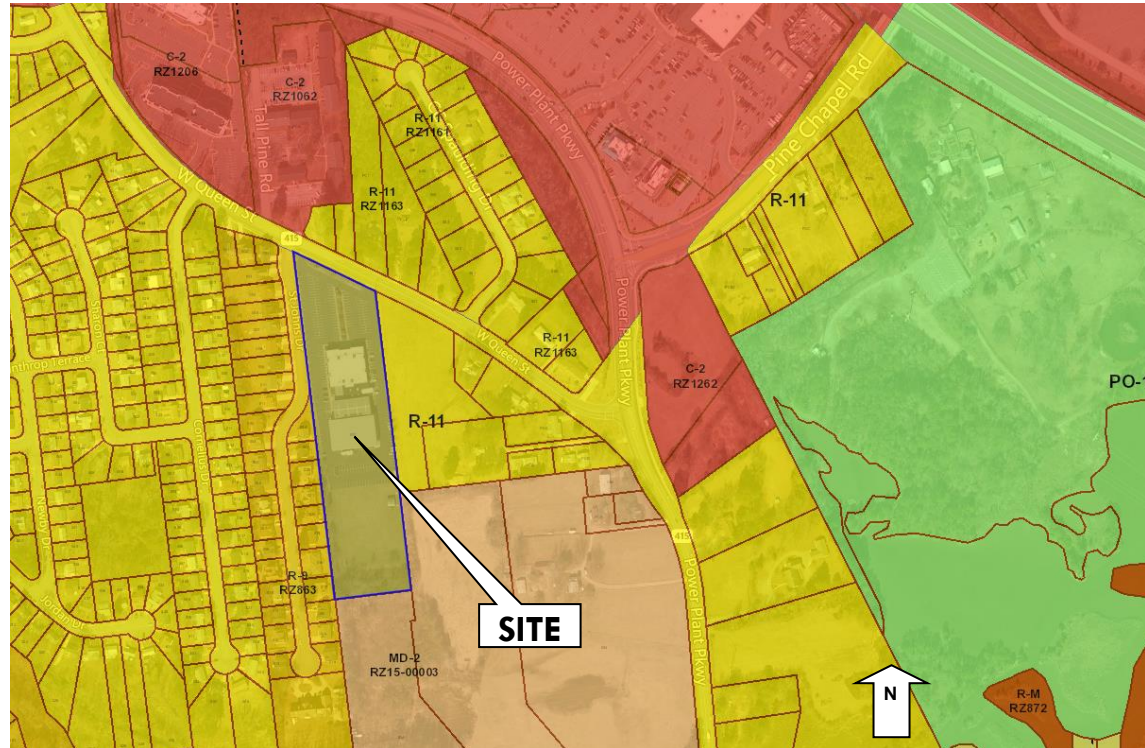
Existing Land Use Victory Life Church

Zoning

One - Family Residential (R-11) District

Surrounding Land Use and Zoning

**North:** One-Family (R-11) Residential, single family homes & Conditional C-2 (RZ1310, vacant land)  
**South:** Multi-family Residential (MD-2) District  
**East:** One Family (R-11) District (single family homes), Multi-family Residential (MD-2) District [RZ 15-00003, The Tides Multi-family Homes]  
**West:** One-Family Residential (R-9) District [RZ 863]



Public Policy

The Hampton Community Plan (2006, as amended) recommends public/semi-public land for the subject property and the proposed daycare is consistent with the Plan, which recommends the creation of an environment that will nurture children in the community. Single family residential, is recommended to the east.





**Analysis**

The City of Hampton Zoning Ordinance permits daycare facilities in the One-Family Residential (R-11) District, with the approval of a use permit. The proposed child care center will be operated inside an existing church building, containing approximately 62,610 square feet but the proposed daycare will only occupy 29,377 square feet at an existing church located at 1741 W. Queen Street. The applicant has requested 100 children for the proposed daycare. Per the Virginia Building Code, the location of the proposed daycare can accommodate the request amount of children, including daycare employees. The daycare operation will serve 100 children ranging in age between 6 weeks and 12 years of age, with fifteen employees. The applicant requested these hours of operation, Monday through Friday 6:00AM to 6:00PM; however, staff is recommending hours of operation from Sunday to Saturday 5:30AM to 1:00AM because it will allow for future operational flexibility and align with other daycare establishments, permitted through the use permit application process. Furthermore, staff recommends that the age range be expanded to zero (0) to thirteen (13) years of age for the same reasons.

The traffic circulation plan has been reviewed by traffic engineering staff who determined that the addition of a daycare to this location should have negligible impacts on neighborhood traffic patterns when operated under the proposed conditions. The site has ample drop-off/pick-up queuing space on site in addition to parking that is in excess of the daycare requirement.

The Hampton Community Plan (2006, as amended) recommends public/semi-public land for the subject property and the proposed daycare is consistent with the Plan, which recommends the creation of an environment that will nurture children in the community. The Plan also recommends providing high quality community services and facilities, as well as facilitating greater participation in the workforce by promoting quality daycare services. The proposed daycare would be an acceptable use and is compatible with surrounding land uses. The proposal is consistent with the land use recommendation and policies of the Community Plan.

**Staff and Planning Commission recommend approval of Use Permit No. 16-00002 with eleven conditions.**

**Use Permit Application No. 16-00002**

Debbie Privette: Daycare 3

1741 W. Queen Street, Hampton, VA 23666

**Conditions****1. Issuance of Permit**

The Use Permit applies only to 1741 W. Queen Street, and is not transferable to another location.

**2. Hours of Operation**

The hours of operation shall be limited to 5:30 AM until 1:00AM Sunday through Saturday.

**3. Traffic**

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

**4. Ledger**

The day care operator 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.

**5. Certificate of Occupancy**

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

**6. Licensing**

The day care operator must maintain a valid license 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 one-hundred (100) occupants, 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 of age.

**9. Fencing**

Fencing shall be required around the perimeter of the playground.

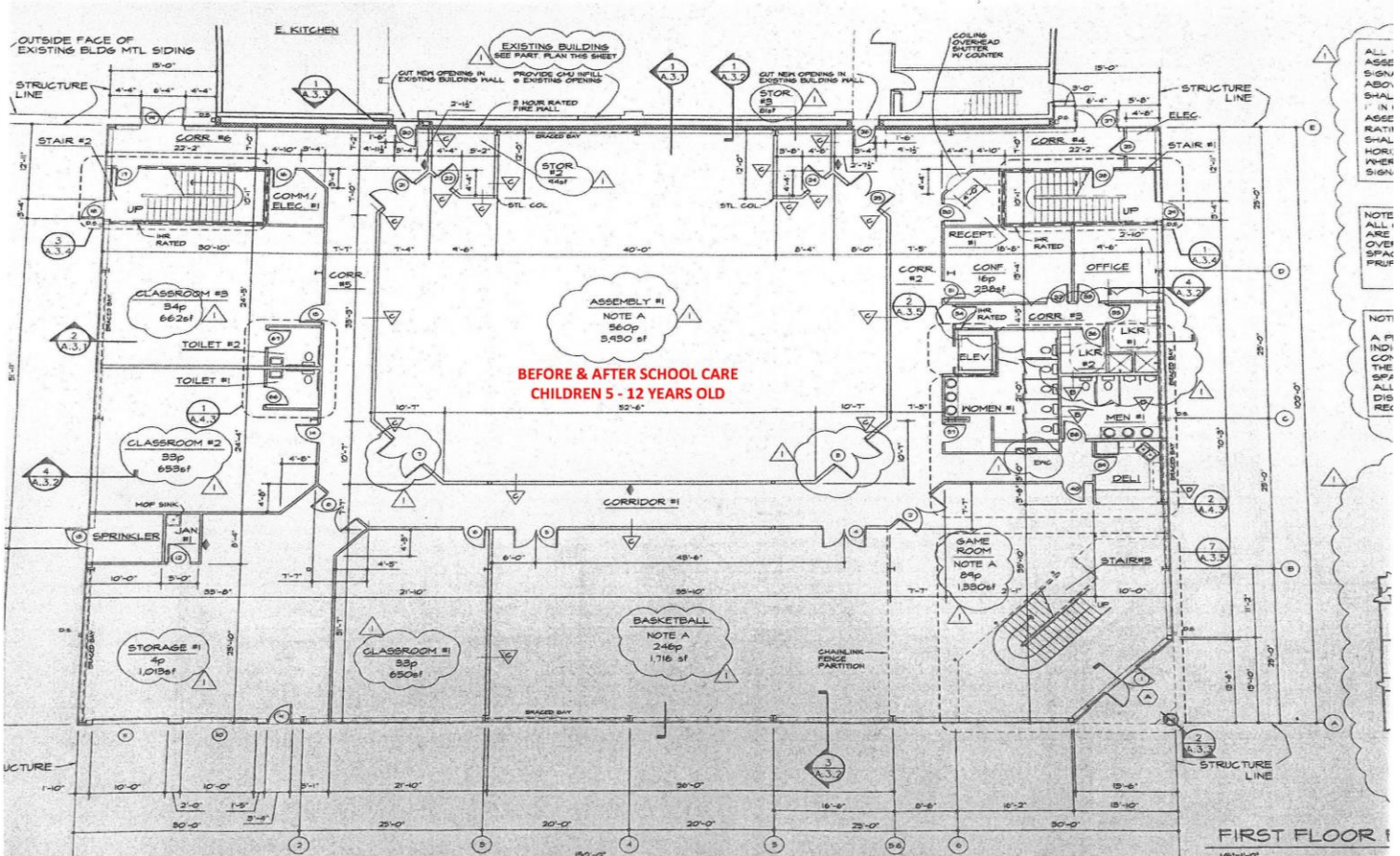
10. Nullification

The use permit shall automatically expire and become null and void under any of the following conditions:

- (a) 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;
- (b) 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
- (c) 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.

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 20 of the zoning ordinance.



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