

Use Permit17-00010  
I Can Child Care and Learning Center  
Commercial Day Care 2  
3406 Commander Shepard Boulevard, Hampton, VA 23666  
Conditions

**1. Issuance of Permit**

The Use Permit applies only to 3406 Commander Shepard Boulevard [LRSN 6001197 or "the Property"], and is not transferable to another location.

**2. Hours of Operation**

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

**3. Traffic**

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

**4. Ledger**

The applicant must maintain a daily ledger containing the names of clients cared for.

**5. Concept Plan**

The Property shall be developed in substantial conformance with the concept plan prepared by Timmons Group and entitled **I Can Child Care & Learning Center, Sheet C3.0**, dated 8/14/17, which is attached hereto and incorporated by reference (see Exhibit A). Any minor changes to the concept plan made necessary by environmental, engineering, architectural, topographic or other development conditions, or site plan and subdivision approval requirements, may be permitted subject to the approval of the Director of Community Development.

**6. Environment**

Prior to issuance of Certificate of Occupancy the property shall be verified as safe for a child care facility. Verification shall occur in one of two ways:

- (1) Through the Virginia Unified Risk Assessment Model, confirm risk levels for any contaminants are not exceeded for children and confirm no mitigation is needed; or
- (2) The Property shall be mitigated for any potential environmental hazards as further described in the document entitled **Phase II Environmental Site Assessment I Can Child Learning Center 3406 Commander Shepard Boulevard Hampton, VA 23666**. In all greenspace designated as outdoor recreation areas, the uppermost two (2) feet of soil shall be removed and replaced with imported fill that is compacted and then overlain by sod. Alternatively, if the surface grade is to be raised, the imported fill can be placed without the excavation of material, and subsequently sodded.

- i. Replacement soil as required in item (1) shall be verified to have contaminant concentrations below Maximum Contaminant Levels as defined by the Virginia Department of Environmental Quality.
  1. Using ASTM standards for soil testing, environmental report confirming soil meets requirements of condition 7 (i) shall be submitted to the city.

**7. Certificate of Occupancy**

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

**8. 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.

**9. Capacity**

The day care center capacity shall not exceed 130 clients, or the number listed on the capacity certificate, whichever is fewer.

**10. Revocation**

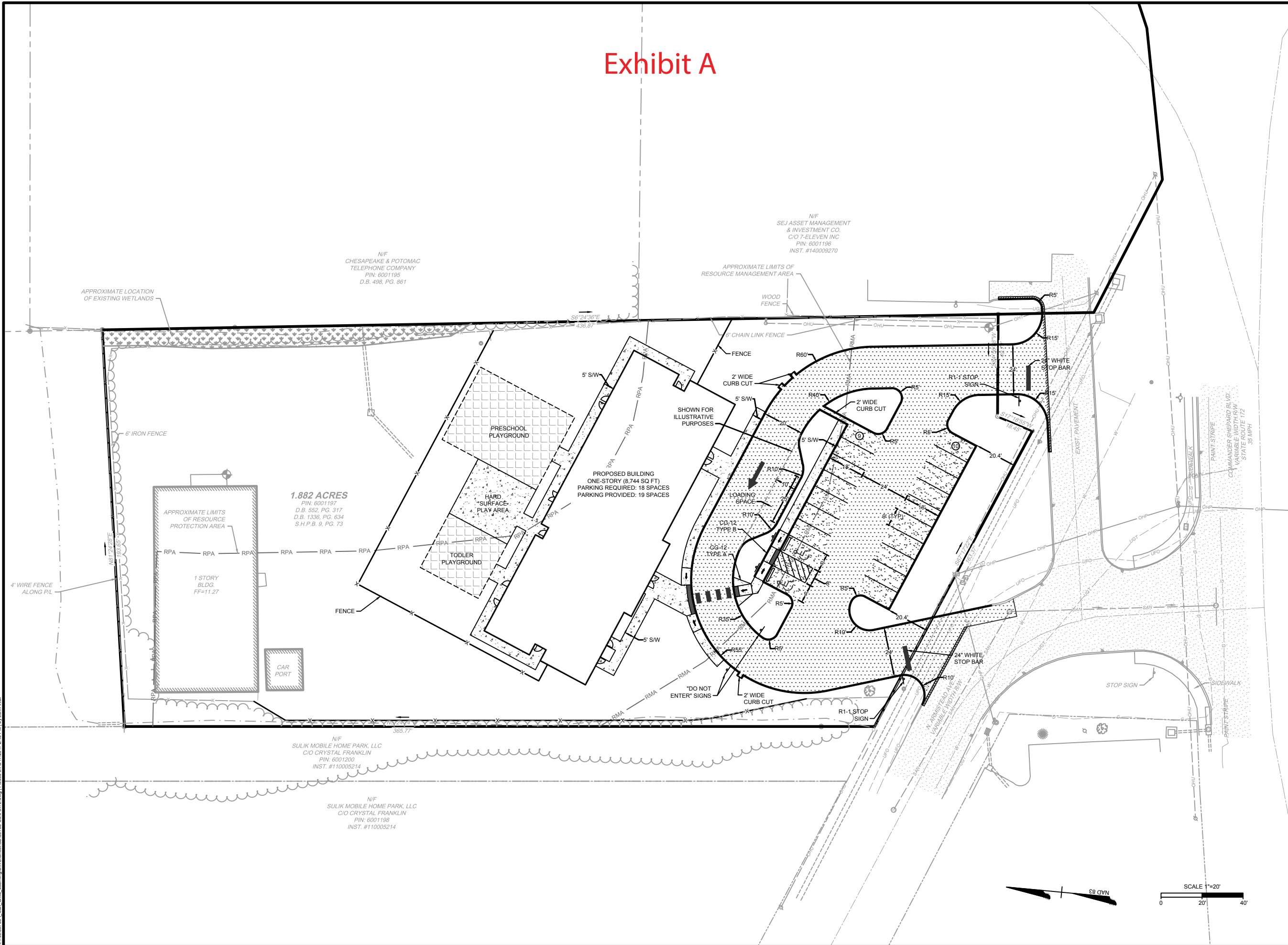
Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 14 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

**11. 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.

# Exhibit A



# TIMMONS GROUP

I CAN CHILD CARE & LEARNING CENTER  
CITY OF HAMPTON, VIRGINIA  
CONCEPTUAL SITE PLAN

THIS DRAWING PREPARED AT THE  
**TRI-CITIES OFFICE**  
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TEL: 804-541-6600 FAX: 804-458-1511 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
8/14/2017	

DATE: 8/14/2017  
DRAWN BY: J. WALL  
DESIGNED BY: J. WALL  
CHECKED BY: R. MCKINNEY  
SCALE: 1"=20'

JOB NO. <b>39768</b>
SHEET NO. <b>C3.0</b>

CITY OF HAMPTON SITE PLAN #:

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