

**AT A PUBLIC HEARING IN A REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE AUDITORIUM AT KECOUGHTAN HIGH SCHOOL, 522 WOODLAND ROAD, HAMPTON, VIRGINIA, ON THURSDAY, SEPTEMBER 21, 2017 AT 5:00 P.M.**

**WHEREAS:** the Hampton Planning Commission has before it this day a proposal by Debora Tanner for a Commercial Day Care 2 at 3406 Commander Shepard Boulevard [LRSN 6001197];

**WHEREAS:** the proposed Commercial Day Care 2 use permit would allow up to 130 clients in a newly constructed day care facility;

**WHEREAS:** the property is zoned General Commercial (C-3) with proffers, which allows for a Commercial Day Care 2 with an approved use permit;

**WHEREAS:** the Hampton Community Plan (2006, as amended) recommends commercial use for this property and sets forth policies of nurturing small and start-up businesses and promoting workforce participation by providing quality daycare services;

**WHEREAS:** the applicant submitted traffic information to confirm that there will be no changes to the level of service in the surrounding street network;

**WHEREAS:** as part of the due diligence process, the applicant completed a Phase I and Phase II environmental site assessment, which found levels of arsenic above Maximum Contaminant Levels, and provided a remediation plan to clean up the site;

**WHEREAS:** staff confirmed with the Virginia Department of Environmental Quality that the submitted remediation plan was a reasonable strategy for mitigating the risks of the contaminant;

**WHEREAS:** staff recommends eleven (11) conditions be attached to the use permit addressing, among other things, hours of operation, adherence to the submitted concept plan, requirement to follow a remediation plan for any contaminants on the site, licensing, and capacity;

**WHEREAS:** Commissioner Tommy Southall stated he is unable to support an application that does not guarantee the total removal of contaminants on the site; and

**WHEREAS:** no one from the public spoke for or against this proposal.

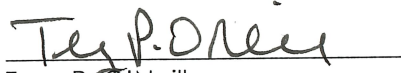
**NOW, THEREFORE,** on a motion by Commissioner Jimmy Gray and seconded by Commissioner Trina Coleman,

**BE IT RESOLVED** that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 17-00010.

A roll call vote on the motion resulted as follows:

<b>AYES:</b>	Coleman, Garrison, Kellum, Gray, Peterson, Carter
<b>NAYS:</b>	Southall
<b>ABST:</b>	None
<b>ABSENT:</b>	None

**A COPY; TESTE:**



Terry P. O'Neill  
Secretary to the Commission