

STAFF EVALUATION

To: City Council

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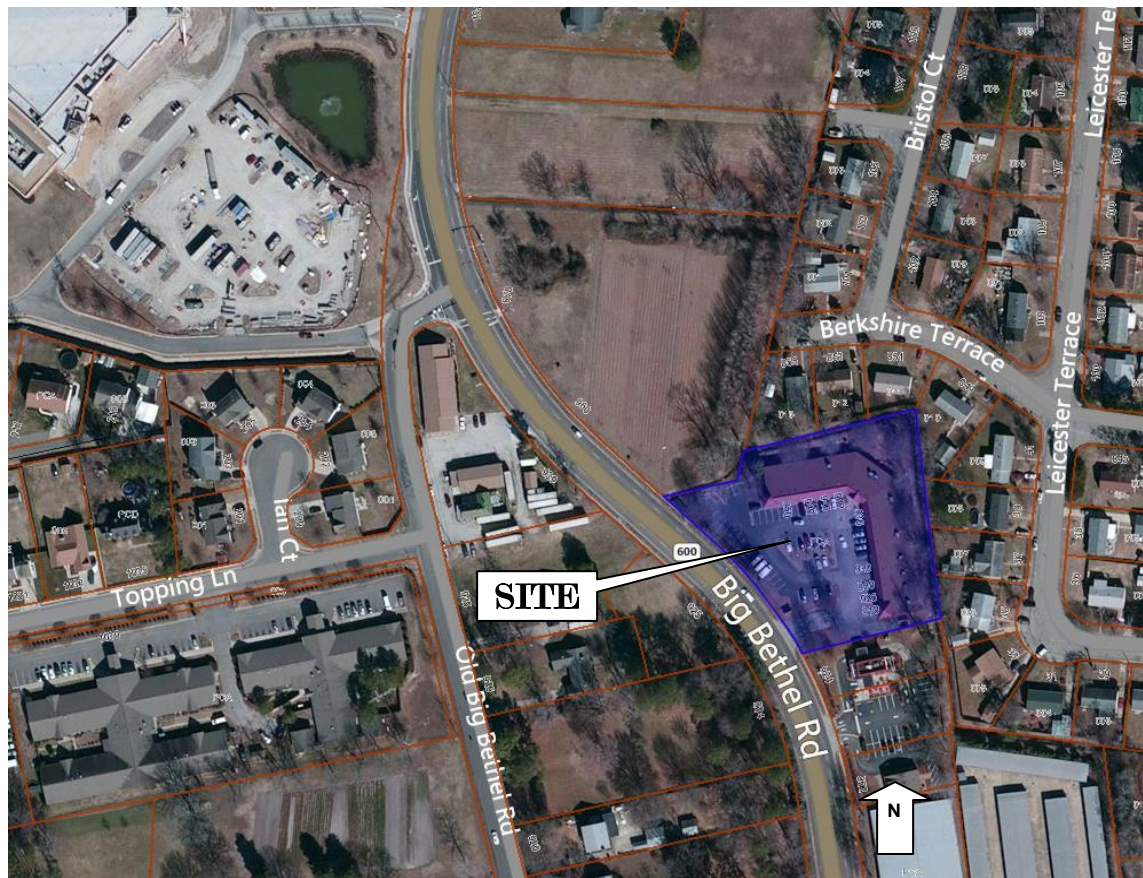
728-5237
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Case No.: Use Permit Application No. 15-00013

Date: 1/13/2016

General Information

<i>Applicant</i>	Benita Taylor
<i>Owner</i>	Pavilion Square II, LLC
<i>Location</i>	950 Big Bethel Road [LRSN 4001444]



<i>Requested Action</i>	Use Permit to allow for a Daycare 3 in an existing building.
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<i>Description of Proposal</i>	The applicant proposed opening a daycare with a capacity of 30 clients and 5 employees. After reviewing the proposal and working with the applicant, staff has limited the applicant to a capacity of 20 clients and 5 employees. This limit is due to square footage of the building. The daycare will provide educational services for children between the ages of 0 and 13 years.
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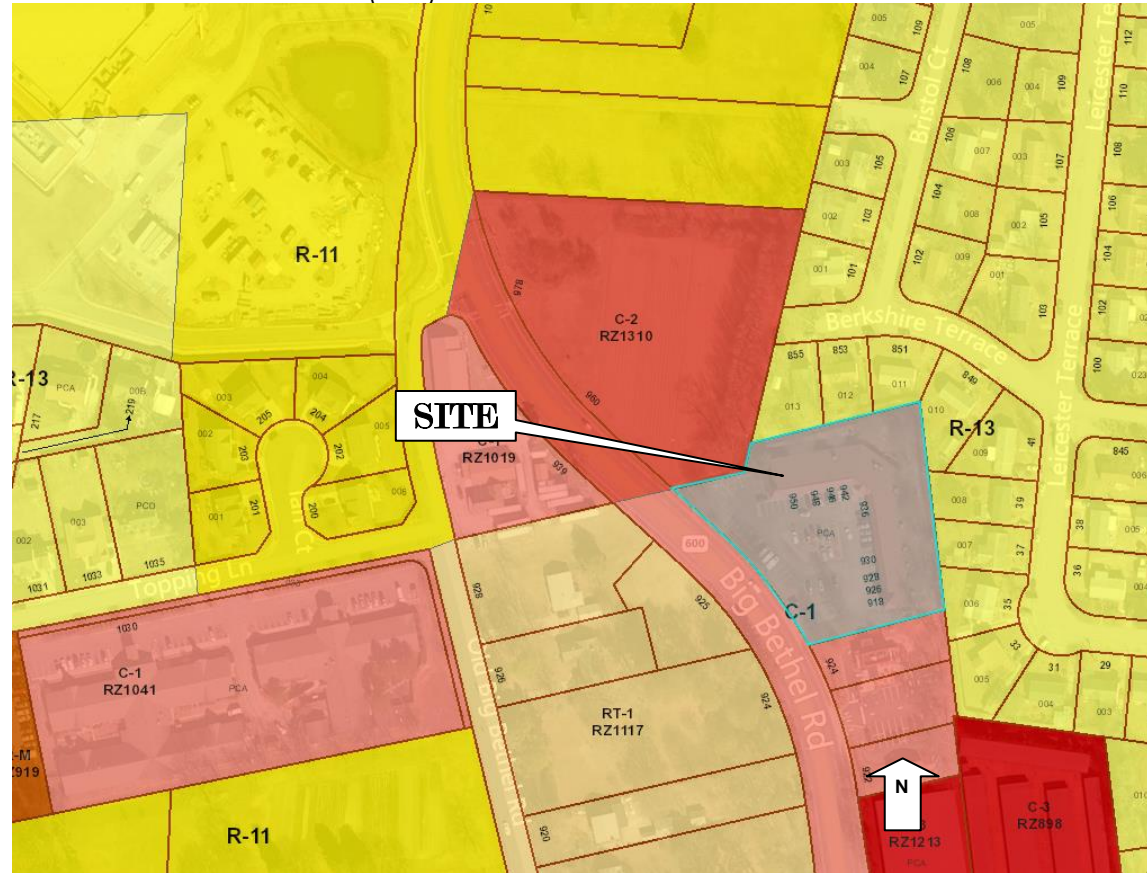
<i>Existing Land Use</i>	Shopping center/retail
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Zoning

Neighborhood Commercial (C-1) District

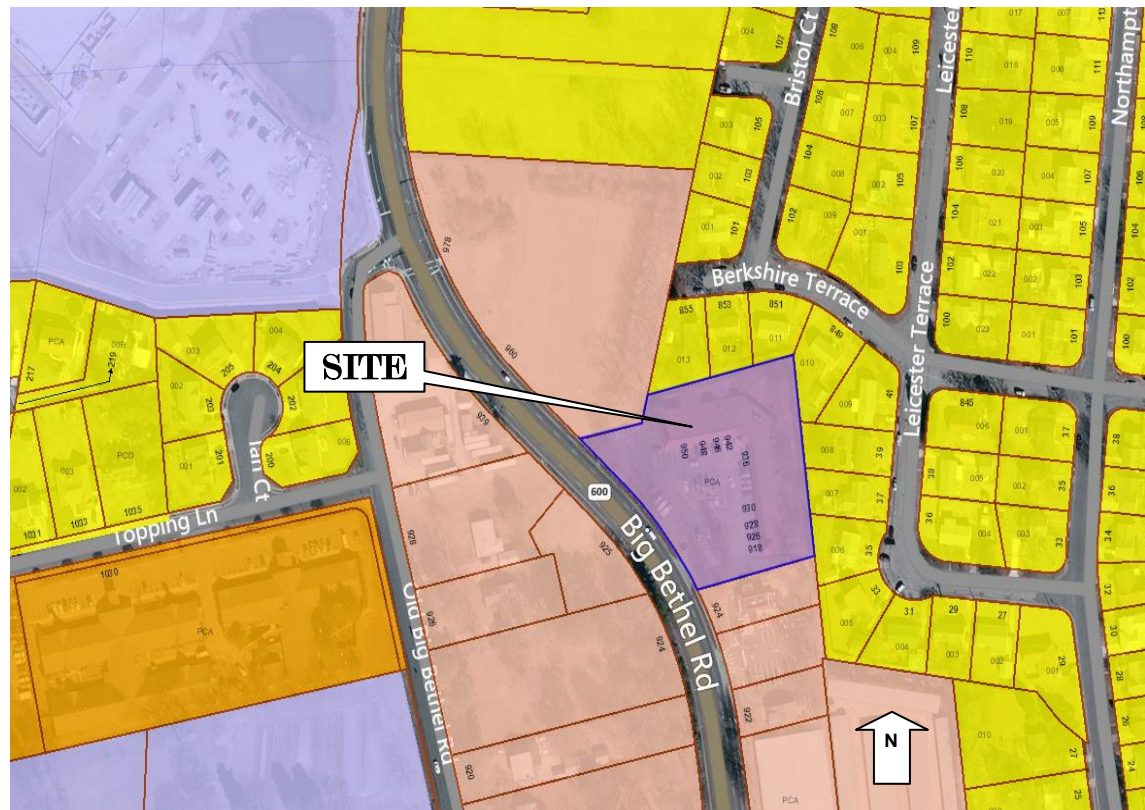
Surrounding Land Use and Zoning

North: One-Family (R-13) Residential, single family homes & Conditional C-2 (RZ1310, vacant land)
South: General Commercial (C-3) District
East: One Family (R-13) District, single family homes
West: Residential Transition (RT-1) District



Public Policy

The Hampton Community Plan (2006, as amended) recommends mixed use for the site and the northern parcel adjacent to the subject property. Mixed use is also recommended to the south and the property immediately west of the site. Single family residential, is recommended to the east.



Land use policies related to this request are listed below:

HN Policy 15: Continue to provide high quality community services and facilities in Hampton's neighborhoods.

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.

Zoning History

There are three previous use permits associated with the same shopping center but a different tenant and address. Use Permit No. 764, Use Permit No. 861, and Use Permit Application No. 14-00011. Use Permit No. 764 is a request from 1991 to operate a childcare facility and Use Permit No. 861 is a request from 1994 to enlarge the original facility. Use Permit No. 861 while still in effect, it did not provide the operating hours desired by the applicant. The applicant operated under Use Permit No. 861, while seeking a new permit, Use Permit Application No. 14-00011 (approved in August 2014).

Applicable Regulations

C-1 allows for a Daycare 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 nearby properties.

<i>Traffic/Parking</i>	There is sufficient parking and adequate circulation on site to accommodate the daycare use.
<i>Schools</i>	This proposal does not impact schools.
<i>Environmental</i>	The applicant will operate in an existing building and will have no increased impacts on the environment.
<i>Community Meeting</i>	A community meeting was held the evening of November 30, 2015. There was no one from the public that attended the meeting.

Analysis

The City of Hampton Zoning Ordinance permits daycare facilities in the Neighborhood Commercial (C-1) District, with the approval of a use permit. The proposed child care center will be operated inside an existing building, containing approximately 1,100 square feet at a shopping center located at 950 Big Bethel Road. The applicant has requested 30 children for the proposed daycare; however, per the Virginia Building Code, the location of the proposed daycare can accommodate roughly 25 occupants. The applicant will serve roughly 20 children ranging in age between zero and 13 years, with five employees. The hours of operation will be Monday through Saturday 6:00AM to 6:00PM, with staff providing the option to expand hours of service from 5:30AM to 1:00AM. These hours allow future operational flexibility and align with another nearby daycare establishment's hours, permitted through the use permit process.

The traffic circulation plan has been reviewed by staff who determined that the addition of another 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 mixed use development 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 a greater partnership in the workforce by promoting quality daycare services. The proposed daycare 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. 15-00013 with ten conditions.

Use Permit Application No. 15-00013

Benita Taylor: Daycare 3

950 Big Bethel Road, Hampton, VA 23666

Conditions**1. Issuance of Permit**

The Use Permit applies only to 950 Big Bethel Road, 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 twenty five (25) 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. 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.

10. 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.