

STAFF EVALUATION

To: Planning Commission

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728-5229

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728-5239

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728-5240

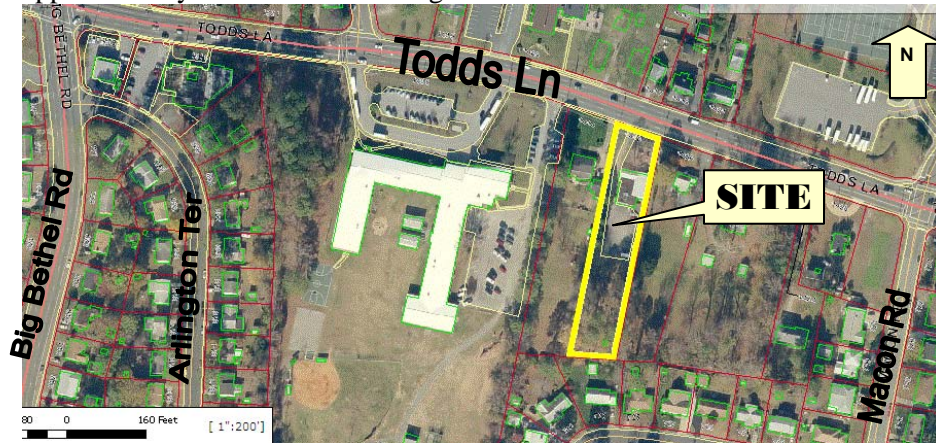
Case No.: Conditional Privilege Application No. 108 **Date:** 6/3/2010

General Information

Applicant Agent Jasmine Carpenter

Owner Someplace Like Home, LLC

Location 1416 Todds Lane (LRSN 3001227), located on the south side of Todds Lane approximately 1200 feet east of Big Bethel Road.



Requested Action Conditional Privilege to allow for day care services for a maximum of 67 children ranging from 0 to 12 years of age from 5:00 AM until 12:00 midnight Sunday through Saturday.

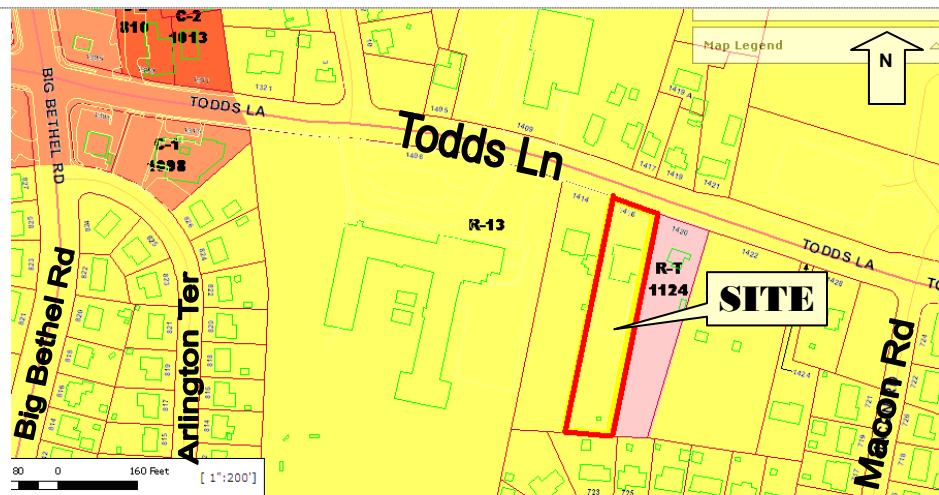
Description of Proposal The applicant currently operates a day care at this site with a use permit from 1981 which allows for a maximum of 49 children operating from 6:30AM until 5:00 PM Monday through Friday. This proposal seeks to increase the intensity of this use.

The facility is a 3,200± S.F. one-story building consisting of up to five classrooms, one office, one kitchen, and two restrooms. There is a 1,900± S.F. play area in the rear enclosed by a four-foot-tall chain link fence.

Existing Land Use Day care facility

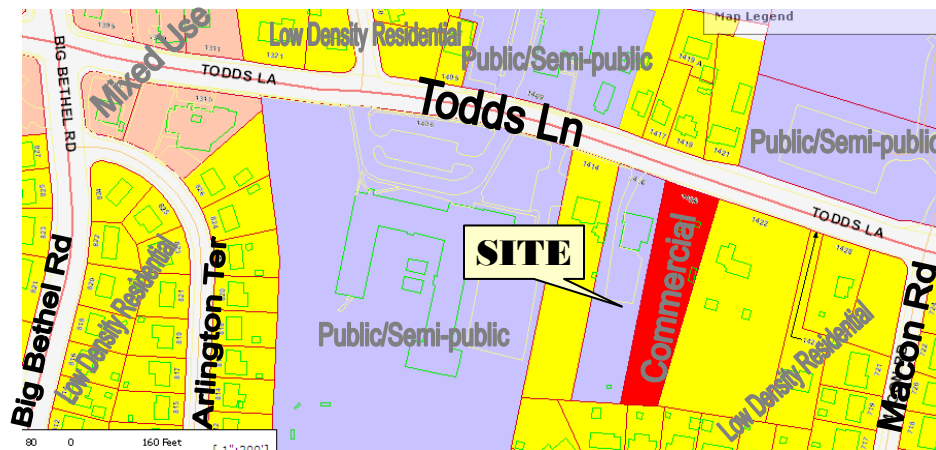
Zoning R-13 (One-Family Residence District)

Surrounding Land Use and Zoning **North:** One-Family Residence District (R-13), single-family homes, church
South : One-Family Residence District (R-13), single-family homes
East: Residential Transition District (RT-1), office
West: One-Family Residence District (R-13), single-family home, school



Public Policy

The Hampton Community Plan (2006, as amended) recommends Public/Semi-public for the subject property and a significant portion of the surrounding area.



Land use policies related to this request are listed below:

LU-CD 14: Promote the use of community centers, libraries, city schools, parks, and other community facilities as gathering places. Ensure that they are inviting and safe places that can provide a variety of services during daytime and evening hours. (Pg. LU-17)

HN 15: Continue to provide high quality community services and facilities in Hampton’s neighborhoods. (Pg. HN-20)

ED 4: Nurture small and start-up businesses (pg. ED-23)

The proposal also supports the policy document “Foundation for the Future,” which is adopted by reference within the Community Plan. This policy document acknowledges the importance of early childhood education. The following goals support this policy document:

CY2: Healthy Infants (Birth to Age 2) (Pg. VG-3)

CY 3: Healthy Young Children (Ages 2-8). (Pg.VG-3)

CY 4: Healthy Children (Ages 8-14). (Pg. VG-3)

<i>Zoning History</i>	A use permit for a day care with up to 49 children was granted in 1981.
<i>Applicable Regulations</i>	R-13 allows Day Care 3 subject to securing a Conditional Privilege. The purpose of this Conditional Privilege is to identify the operational characteristics of the proposal and establish the conditions under which the facility will be operated. This action is necessary to ensure the safety and welfare of the public as well as minimizing project impacts on the adjoining neighborhood.
<i>Traffic/Parking</i>	An increase to 67 children from the current maximum of 49 will not significantly increase traffic on Todds Lane. The day care will be operated in an existing structure with existing parking and loading areas that are more than sufficient for the increased number of children being requested. The day care requires a minimum of 7 parking spaces; 25 spaces currently exist, thus exceeding the requirement.
<i>Schools</i>	This proposal does not impact schools.
<i>Environmental</i>	There are no known environmental concerns at this site.
<i>Community Meeting</i>	A community meeting was held on April 22, 2010 at the Someplace Like Home day care center at 1416 Todds Lane. Three people attended the meeting. There was no opposition to the proposal.

Analysis

Hampton's Zoning Ordinance allows day care facilities in a One-Family Residence District (R-13). The proposed facility will be operated from an existing building at 1416 Todds Lane. The day care center will service maximum of 67 children. The day care center will operate Sunday through Saturday from 5:00 AM to midnight.

The proposed day care facility is consistent with the Hampton Community Plan, (2006 as amended), which recommends the creation of an enabling and sustaining environment that will nurture children in the community.

The proposal also underscores policy prescriptions as stated in the "Foundations for the Future," a policy document adopted by reference to the Community Plan. This document focuses on the potential benefits of early childhood education and the need to identify specific actions that will promote early childhood literacy rates within the city. Higher literacy rates among residents have the potential to improve a person's quality of life as well as the economic prosperity of the city, and ultimately increase labor productivity.

After a careful review of the proposal, staff has determined that the proposal will not generate any significant negative impacts on neighboring residential homeowners or on traffic circulation. The proposal will help nurture children in the neighborhood and will also create employment opportunities for city residents.

The proposed day care center would be an acceptable use and is consistent with other City approved day care centers. The proposal would meet all zoning requirements for permitting day care centers. The project is also consistent with the land use recommendation and policies of the Community Plan for this area.

Staff recommends approval of Conditional Privilege Application #108 with twelve conditions.

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.