

STAFF EVALUATION

Case No.: Use Permit No. 24-0325

Planning Commission Date: July 18, 2024

City Council Date: August 14, 2024

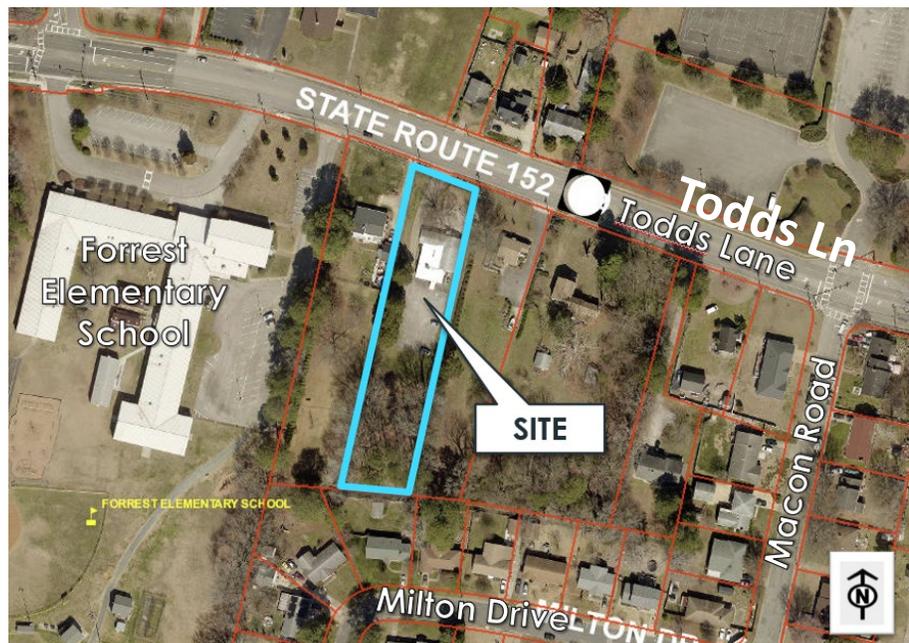
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Reviewed By: Mike Hayes, Planning and Zoning Division Manager 728-5244
Jessica Kraus, Assistant City Attorney

General Information

Applicant(s) Amazing Childcare and Learning Academy, LLC

Property Owner(s) Amazing Childcare and Learning Academy, LLC

Site Location 1416 Todds Ln [LRSN: 3001227]



Requested Action Use permit to allow a *Day Care 2 Commercial (DC2)* operation at the subject location which was previously used as a DC2.

Description of Proposal The applicant is requesting to operate a commercial day care, *Amazing Childcare and Learning Academy*, for ages 16 months and 1 day to 12 years old. The operation would make use of the existing building, which previously operated as a day care. The applicant proposes a maximum of 51 children to be cared for and up to 10 employees, based on enrollment. The requested hours of operation are from 6:00AM until 6:00PM.

Existing Land Use Vacant

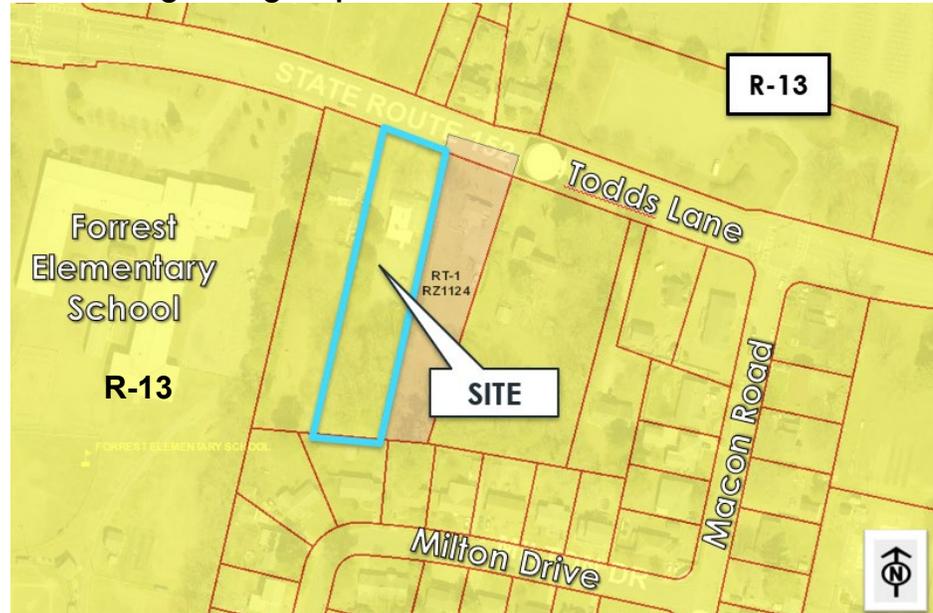
Surrounding Land Use and Zoning

North: One Family Residential (R-13), single family residential, church, and middle school

South: One Family Residential (R-13), single family residential

East: Residential Transition (RT-1), office

West: One Family Residential (R-13), single family residential

Surrounding Zoning Map:

The subject property is zoned One Family Residential (R-13) District.

*Public Policy***Hampton Community Plan**

The Hampton Community Plan (2006, as amended) recommends public/semi-public use for the subject property. Applicable policies related to this request involve providing access to educational opportunities to underserved groups and promoting compatible land uses.

Listed below are policies related to this request:

LU-CD Objective 3: Promote compatibility and synergy among different land uses.

LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide, and neighborhood perspective.

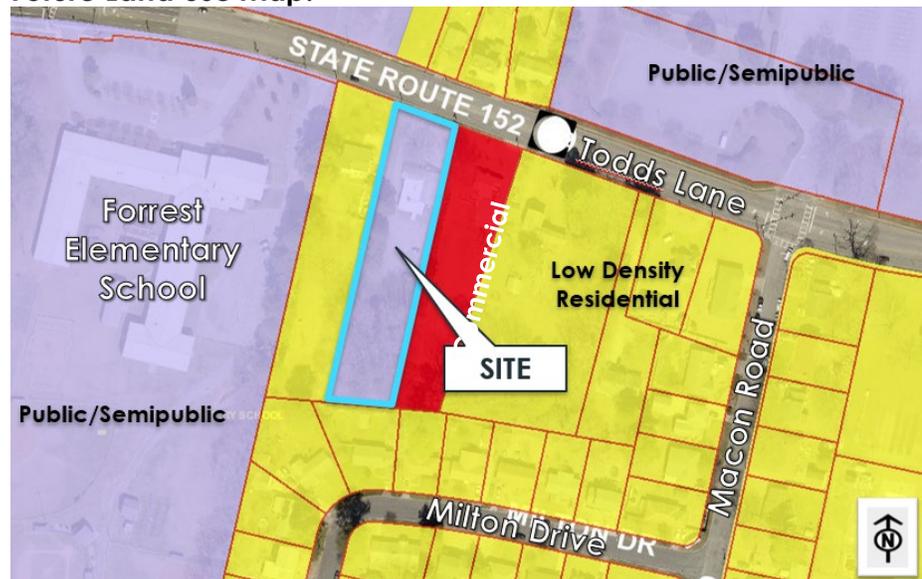
LU-CD Policy 26: Promote access to educational, social, civic, recreational, and employment opportunities particularly for youth and seniors.

LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

CF Policy 18: Promote educational facilities that have a high degree of flexibility for broad based community use. Recognize that the world and community values and practices are in rapid change.

ED Policy 4: Nurture small and start-up businesses.

Future Land Use Map:



Youth Component of the Community Plan

The Youth Component of the Community Plan (2006, as amended) recommends the following policy that is relevant to this request:

Objective Y3.1: Youth Have Access to Educational, Social, Civic, and Recreational Opportunities That Provide Opportunities for the Development of Strong Life Skills.

Goal Y-04: Every Young Person is Prepared for a Career.

Parking/ Traffic

There is a single access point to the site off of Todd's Lane that leads to a parking area in the rear of the building and away from oncoming traffic. Using this ingress and egress point, all children will be dropped off and picked up on the site (south building entrance) and away from the right of way. Transportation to and from the site will be provided by the parent or guardian of the students. There are up to 20 parking spaces within the existing parking lot, which meets the minimum required parking for the proposed day care. Staff has consulted with Public Works Traffic Engineers who have no concerns with the proposed traffic pattern associated with a day care at this address. As such, staff does not anticipate that the operation of a day care would cause a significant change in the parking or traffic on site over current existing conditions.

Community Meeting A community meeting was held July 10, 2024.

Analysis

Use Permit Application No. 24-0325 is a request for a Use Permit for day care 2, commercial (DC2) to allow the operation of a childcare facility at 1416 Todds Ln [LRSN: 3001227]. The site is zoned One-Family Residential (R-13) District. The proposed day care 2, commercial, to be operated by Amazing Learning and Childcare Academy, LLC proposes a maximum of 51 children and up to ten (10) adult employees based on enrollment and the required teacher/student ratio.

This facility would cater to preschool age children as young as 16 months to 4 years old and school age children between 5 and 12 years old. The applicant currently operates the day care for children ages 16 months to 5 years old at a location in the City of Newport News. At the proposed Hampton location, the applicant plans to expand the operation to include after school care for school age children 5-12 years old. Requested hours of operation are 6:00AM to 6:00PM, Monday through Friday. The indoor portion of the proposed childcare facility comprises of approximately 3,200 square feet and includes four (4) classrooms, two (2) bathrooms, a kitchen/breakroom, a supply room, a technology room, and a main office. The proposal also includes a fenced outdoor play area located in the front yard of the property along Todds Lane. There is a single vehicular access point on Todds Lane that accesses the proposed drop off/pick up area and parking area located behind the building (southern entrance). Unloading and loading of vehicles will occur solely on the property. Located in the rear of the site, the unloading/loading area and parking area are considerably distant from the vehicular entrance on Todds Lane, thereby limiting impacts to oncoming traffic. There is ample parking available for both clients and employees of the childcare facility. A childcare license is required to operate a childcare facility in Virginia as administered by the Virginia Department of Social Services. An approved Use Permit from the city is needed in order for the applicant to finalize state licensing.

A previous DC2 was granted at this location in 2010 and ceased operation in August 2022. A specific condition of approval was that the day care approval would become null and void if the facility is not used for the permitted use for a period of six consecutive months. In that the day care ceased operation for more than six (6) months, an approved Use Permit is now required for the proposed day care facility. There are no known issues or negative impacts to surrounding properties associated with the previous day care operation.

The Hampton Community Plan (2006, as amended) recommends public/semipublic for the subject site. Other applicable policies related to this request involve providing access to educational opportunities to underserved groups and promoting compatible land uses [LU-CD Obj. 3; LU-CD 26]. Furthermore, the Youth Component of the Community Plan (2006, as amended) also highlights the importance of providing wide access to educational opportunities to young people in the community.

The proposed day care location would be compatible with surrounding land uses. It is in close proximity to an elementary school, middle school with community center, and a religious facility with a day care. Day care facilities support adjacent residential neighborhoods by providing needed childcare services. Due to the relatively confined nature of this request as well as the fact that a day care was being operated at this location until fairly recently, staff does not anticipate any negative impacts to surrounding properties related to this use. Therefore, staff believes the proposed day care supports the policies identified above.

Should the Use Permit be granted, staff has identified eleven (11) recommended conditions based upon the proposed use's operational and land use characteristics. The full set of conditions is included within the package. A few key conditions are highlighted below:

- Issuance of permit for the subject property only
- General hours of operation limited to 6:00 AM to 10:00 PM Monday through Sunday; hours of operation for the outdoor play activities associated with the Day Care limited to 8:00 AM to 6:00 PM Monday – Sunday
- All unloading and loading of vehicles shall occur on site and out of the right-of-way
- Maximum capacity
- Certificate of occupancy
- Landscape screening of the outdoor play area
- Floor plan inspection
- Ledger
- State licensing and compliance with all relevant laws

Staff recommends **APPROVAL** of Use Permit Application No. 24-0325 with eleven (11) conditions.