

STAFF EVALUATION

To: City Council

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Case No.: Use Permit Application No. 15-00007

Date: 10/14/2015

General Information

Applicant Hannah Carruthers

Owner Trustees of Sharon Baptist Church

Location 2625 N Armistead Avenue [LRSN 7001710]



Requested Action Use Permit to allow for a Day Care 3 in a religious facility

Description of Proposal The applicant proposed opening a day care with a capacity of 196 clients and 30 employees. After reviewing the proposal and working

with the applicant on a number of issues, staff has recommended a condition to limit the applicant to a capacity of 100 occupants. This limit is due to current fire suppression and emergency exit conditions that constrain the number of occupants. Additionally, staff recommended expanding the proposed hours of operation in order to allow future operational flexibility.

The day care will provide care for children between the ages of 0 and 12 years. The intention of the day care is to provide early childhood educational experiences including teaching good citizenship and religious content based on the beliefs of the church.

Existing Land Use

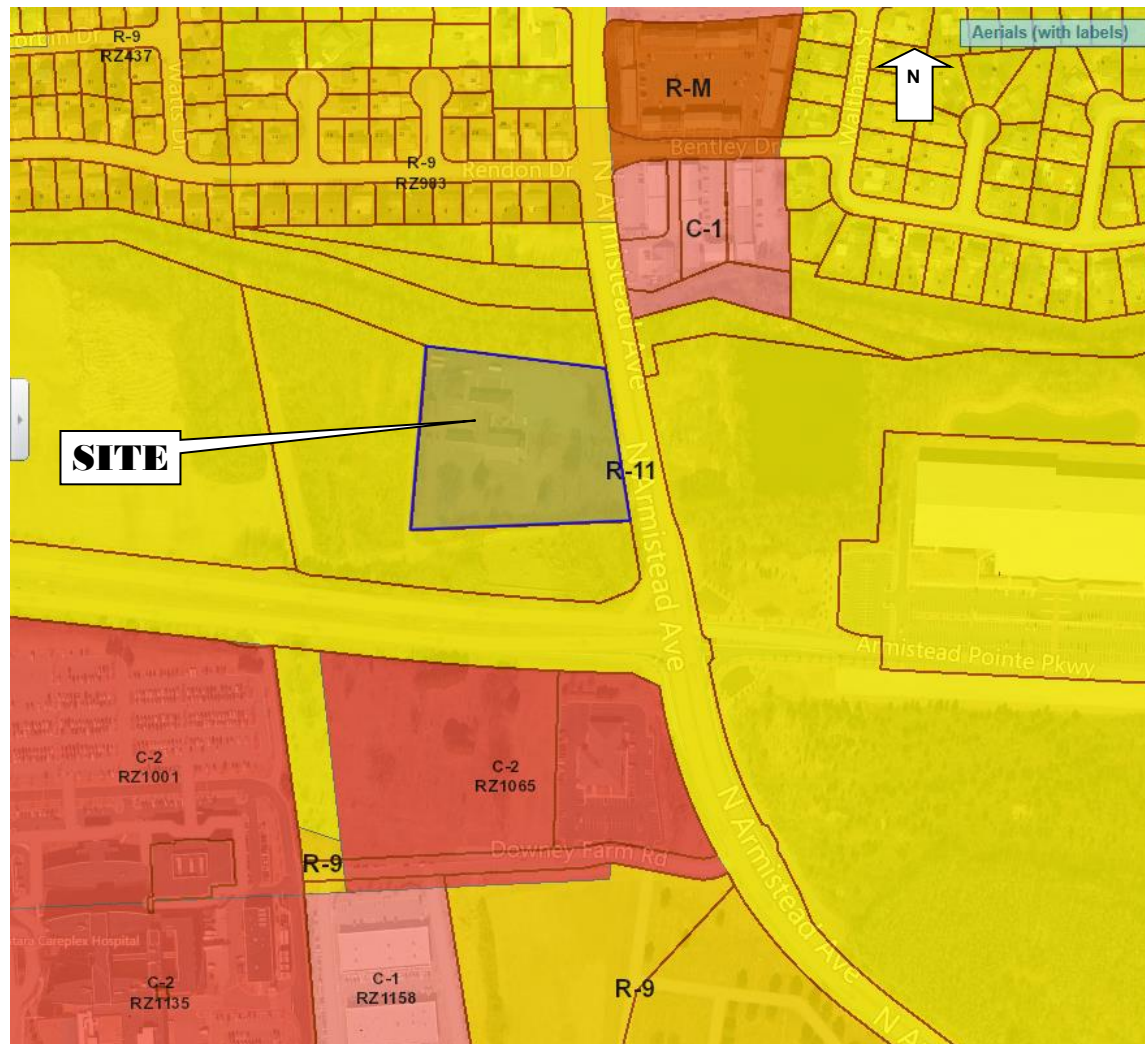
Religious Facility

Zoning

R-11 (One-Family Residential District); additionally the site falls within the 70db DNL contour of the Noise Contour District.

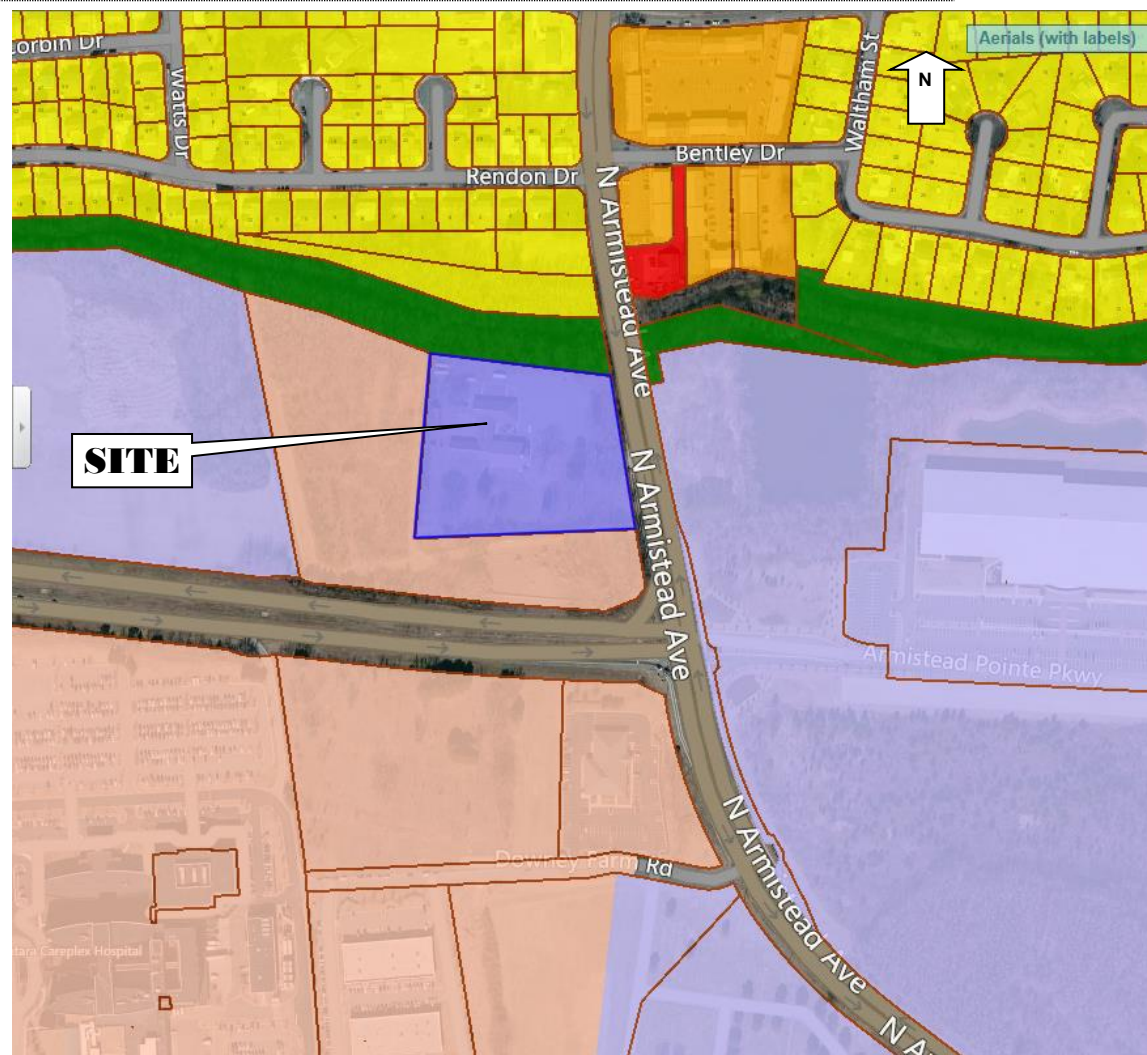
Surrounding Land Use and Zoning

North: R-9 & R-11, One-Family Residential (single family homes; R-M, Multi-family Residential (apartments); & C-1, Neighborhood Commercial (apartments)
South: C-2, Limited Commercial (funeral home, Sentara CarePlex); R-9, Single-Family Residential (cemetery)
East: R-11, Single-Family Residential (Boo Williams Sportsplex)
West: R-11, Single-Family Residential (vacant)



Public Policy

The Hampton Community Plan (2006, as amended) recommends public/semipublic uses for the site. Public/semipublic uses are also recommended to the east and west. Mixed use is recommended to the south and the property immediately west of the site. Low and high density residential, as well as some commercial and open space, are recommended to the north. The site is also located on the periphery of the Coliseum Central master plan area.



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.

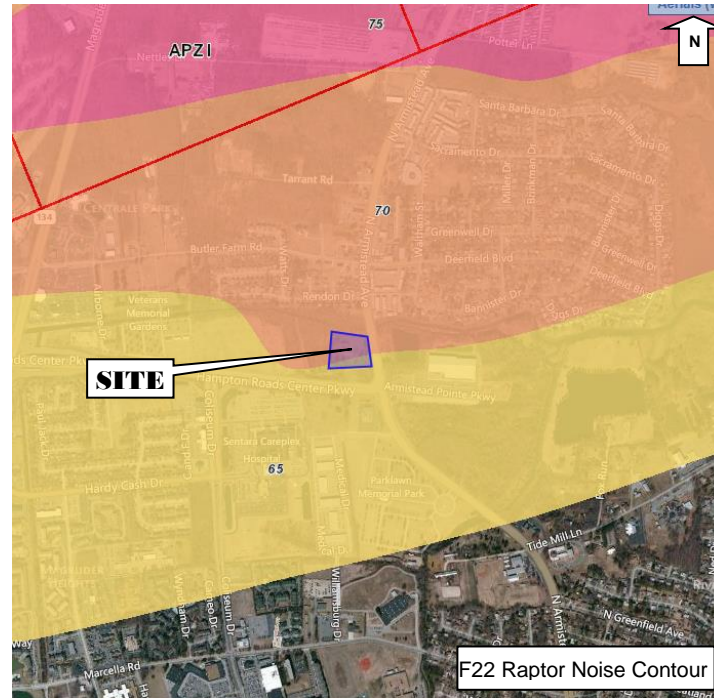
Zoning History

No previous legislative actions are associated with this address.

Applicable Regulations

R-11 allows for a Day Care 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 adjoining properties. In addition, Hampton classifies a day care as an educational service under the Hampton-Langley Joint Land Use Study, which is allowed in

the 70dB DNL contour.



Traffic/Parking

Traffic Engineering staff have reviewed the proposed circulation plan and taken the surrounding traffic patterns into consideration and deemed there to be sufficient parking and adequate circulation on site to accommodate the day care use. When the church is in use as a day care the operator would be capping the number of occupants in the building due to current building constraints. However, should the daycare operator make building alterations to allow for additional clients, traffic impacts will need to be reconsidered.

Schools

This proposal does not impact schools.

Environmental

The applicant will operate in an existing building and have no increased impacts on the environment.

Community Meeting

There is no community meeting scheduled at this time.

Analysis

Hampton's Zoning Ordinance allows day care facilities in R-11, One-Family Residential zoning districts with the approval of a use permit. The proposed day care will be operated inside the existing religious facility at 2625 North Armistead Avenue. The day care will serve children ranging in age between 0 and 12 years, and operate Monday through Saturday 5:30AM to 7:00PM, with staff providing the option to expand hours of service to 5:00AM to 9:00PM. The day care will be closed on Sunday so as not to conflict with the church use. The applicant is requesting to serve roughly 90 clients and 10 employees.

The traffic circulation plan has been reviewed by staff who determined that the addition of a day care 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 day care requirement.

The site is located in the 70db DNL portion of the Noise Contour District. Per the memorandum of understanding with Langley Air Force Base regarding discretionary development, the City received feedback on the proposed day care use permit application. Langley recommends that where practicable, the applicant should be encouraged to incorporate noise level reductions (e.g. insulated walls) into the project to achieve a noise level reduction of 25 db, particularly in areas used for infant care. Noise attenuation for the day care is not required by the City Ordinance, as it applies only to residential use groups.

One of the visions set out in the Community Plan is: "Hampton's children and youth will thrive and succeed in a caring community." The proposed day care facility is consistent with the Hampton Community Plan (2006 as amended), which 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 day care center 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. 15-00007 with ten conditions.

Use Permit No. 15-00007

Hannah Carruthers: Day Care 3
2625 N Armistead Avenue, Hampton, VA 23666

Conditions**1. Issuance of Permit**

The Use Permit applies only to 2625 N Armistead Avenue, and is not transferable to another location.

2. Hours of Operation

The hours of operation shall be limited to 5:00AM until 9:00PM Monday through Saturday.

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 which shall be available for inspection by authorized personnel of the City of Hampton without notice.

5. Certificate of Occupancy

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

6. Licensing

The applicant must maintain valid licenses or religious exemption 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 100 occupants or the number listed on the capacity certificate, whichever is fewer.

8. Age

The ages of children shall range from zero (0) to twelve (12) years.

9. Nullification

A 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.

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 14 of the zoning ordinance.