

# STAFF EVALUATION

To: City Council

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Case No.: Use Permit Application No. 18-00004

Date: 05/09/2018

## General Information

Applicant Sandra Mitcham

Owner Hampton Woods Associates, Inc

Location 1184 and 1186 Big Bethel Road [LRSN 4002763]



Requested Action Use Permit to allow for a Commercial Day Care 2

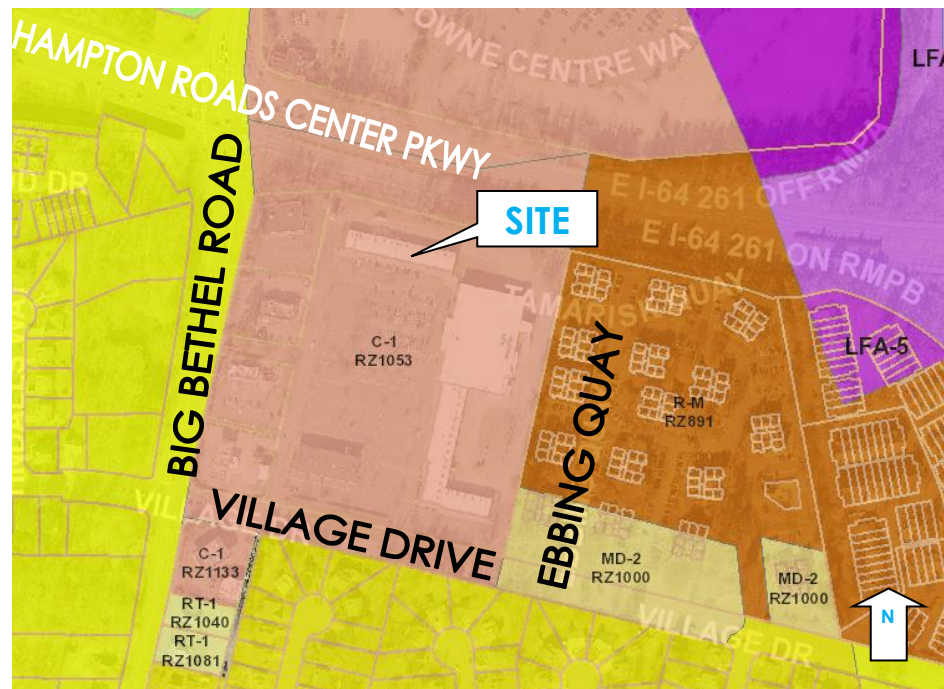
Description of Proposal

The applicant proposed opening a day care with a capacity of 48 clients with 8 employees with the hours of operation from 6 AM to 12 AM Monday through Saturday. The applicant's intent is to provide care for children between the ages of 0 and 5 years. The intention of the day care is to provide educational experiences.

After reviewing the proposal and working with the applicant, staff proposes limiting the occupancy to 37 occupants and permitting hours of operation from 5 AM to 1 AM Monday through Sunday. The 37 person occupancy limit is based upon the requirements of the International Building Code. The recommended expanded hours of operation would

permit future operational flexibility and align with the hours permitted at a neighboring daycare. Staff did not limit ages of clients with a condition to allow for greater flexibility should the applicant choose to expand their business in the future.

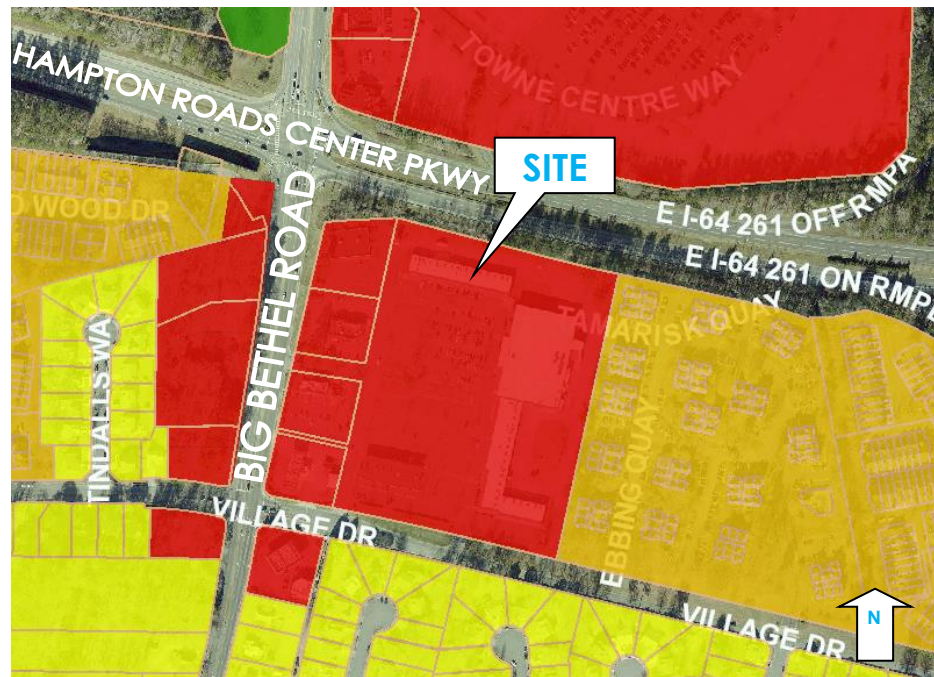
Existing Land Use	Shopping center/retail
Zoning	Neighborhood Commercial (C-1) District; O-AICUZ (Air Installation Compatible Use Zone)
Surrounding Land Use and Zoning	<p><b>North:</b> Limited commercial (C-1) (conditional, RZ970); Langley Flight Approach Limited Business (LFA-6)</p> <p><b>South:</b> One Family (R-9) District, single family homes; Limited commercial (C-1) (conditional, RZ1133) ; Residential Transition (RT-1), single family home (conditional, RZ1040); Residential Transition (RT-1), single family home (conditional, RZ1081)</p> <p><b>East:</b> Multi-family (R-M) District (conditional, RZ891), condominiums; Multifamily (MD-2) District (conditional, RZ1000)</p> <p><b>West:</b> Conditional One Family (R-11) District, single family homes</p>



#### Public Policy

The Hampton Community Plan (2006, as amended) recommends commercial uses for the site and the northern parcel adjacent to the subject property. Commercial uses are also recommended for the properties immediately west of the site. Single family residential is recommended to the south and multi-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

**RZ-1053:** property was rezoned from R-11 and R-8 to C-2

#### Applicable Regulations

C-1 allows for a Commercial Day Care 2 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 impacts on the nearby properties.

#### Traffic/Parking

There is sufficient parking and adequate circulation on site to accommodate the day care use.

#### Community Meeting

There is no community meeting scheduled at this time.

**Analysis**

Use Permit Application No. 18-00004 is a request to permit the operation of a commercial day care 2 for 37 occupants at 1184 and 1186 Big Bethel Road [LRSN 4002763]. Hampton's Zoning Ordinance allows day care 2 facilities in C-1, Neighborhood Commercial zoning district, with the approval of a use permit. The proposed day care will be operated inside the existing Hampton Woods Plaza shopping center. The day care will operate Monday through Saturday 6:00 AM to 12:00 PM, with staff providing the option to expand hours of service to 5:00AM to 1:00AM.

The site is also located in the 65db Noise Contour of the O-AICUZ. Under the AICUZ district, created as an outgrowth of the 2010 Hampton-Langley Joint Land Use Study, agreed upon restrictions of land use with respect to discretionary applications, such as use permits, apply property within the 70db or greater noise contour or the aircraft accident potential zones. This property is in a lower noise contour and outside of the aircraft accident potential zone, and therefore, has not such inherent restriction on approving a use permit. However, the City has agreed to notify Langley Air Force Base of discretionary applications within all noise contours and staff has done so for this application.

A traffic circulation plan was submitted and reviewed by City 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.

Beyond the technical requirements considered above, the City looks at how a proposal in a land use application meets or furthers the policies and goals of the Hampton Community Plan. 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 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 day care center is consistent with these policies and is compatible with surrounding land uses.

**Staff and Planning Commission recommends approval of Use Permit No. 18-00002 with ten conditions.**

**Use Permit Application 18-00004**

Sandra Mitcham: Commercial Day Care 2

1184/1186 Big Bethel Road, Hampton, VA 23666 | LRSN: 4002763

**Conditions****1. Issuance of Permit**

The Use Permit applies only to 1184 and 1186 Big Bethel Road [LRSN: 4002763] and is not transferable to another location.

**2. Hours of Operation**

The hours of operation shall be limited to 5:00AM until 1:00AM Monday through Sunday.

**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.

**5. Outdoor Play Area**

The outdoor play area, including a minimum 6' fence, shall be located and developed in substantial conformance with the submitted floor plan, which is attached hereto and incorporated by reference (see Exhibit A: Floor Plan). Any minor changes to the floor plan made necessary by environmental, engineering, or other development regulatory requirements, may be permitted subject to the approval by the Director of Community Development or his designee.

**6. Certificate of Occupancy**

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

**7. Capacity**

The day care center capacity shall not exceed 37 occupants, or the number listed on the capacity certificate, whichever is fewer.

**8. Licensing**

The applicant must maintain all applicable licenses with the Virginia Department of Social Services and this Use Permit may be terminated for any violation of federal, state, or local law.

**9. Revocation**

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 14 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

#### **10. Nullification**

The 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.

**EXHIBIT A: Floor Plan**

