

INTRODUCED: September 17, 2015

AN ORDINANCE No. 2015-201-206

To authorize the special use of the property known as 2519 Mandy Lane for the purpose of a family day home for up to 12 children located within an existing single-family dwelling, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 12 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 2519 Mandy Lane, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of a family day home, which use, among other things, is not currently allowed by section 114-408.1 of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 9 2015 REJECTED: _____ STRICKEN: _____

involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 114-1050.1 of the Code of the City of Richmond (2004), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 2519 Mandy Lane and identified as Tax Parcel No. C008-0424/150 in the 2015 records of the City Assessor, being more completely shown on a survey entitled, “Survey & Map of Lot 34, Block ‘A’, Section ‘C’, Endicott in the City of Richmond, Virginia,” prepared by Robert K. Thomas and Associates, and dated June 23, 1998, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a family day home, hereinafter referred to as “the Special Use.”

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) A minimum outdoor play area of 100 square feet for each child enrolled shall be furnished on the Property, but not within a required front yard;

(b) The operator of the family day home shall reside on the Property;

(c) The play area shall be enclosed with a continuous opaque structural fence or wall not less than four feet in height, and such fence or wall shall not be located within a front yard or a required side yard.

(d) The hours of operation during which the family day home is open to the public shall be limited to 7:00 a.m. to 6:00 p.m. daily.

(e) No off-street parking spaces shall be required for the family day home; however, parking for the single-family dwelling use shall be provided in accordance with the parking requirements for that dwelling use in Chapter 114 of the Code of the City of Richmond (2004), as amended, in effect at the time that this ordinance is adopted.

(f) One sign attached flat against the main building and not exceeding one square foot shall be permitted.

(g) The operation of the family day home shall be licensed by the Virginia Department of Social Services, or its successor agency, as a family day home. Application for the license shall be made within 180 calendar days after the effective date of this ordinance. If such license is not granted within 180 calendar days after the effective date of this ordinance or if the license expires, the privileges granted by this ordinance shall terminate and this special use permit shall become null and void.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(b) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(c) Any encroachments existing or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws.

(d) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 114-1220 of the Code of the City of Richmond (2004), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 365 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.



City of Richmond

Intracity Correspondence

Ordinance: a2015 - 642

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.Richmondgov.com

O & R REQUEST

File Number: a2015 - 642

To authorize the special use of the property known as 2519 Mandy Lane for the purpose of permitting a family day home for up to twelve (12) children located within an existing single-family dwelling, upon certain terms and conditions.

AUG 17 2015
4-3478
Chief Administration Office
City of Richmond

RECEIVED

O & R Request

DATE: August 14, 2015

EDITION: 1

AUG 20 2015

TO: The Honorable Members of City Council

OFFICE OF CITY ATTORNEY

THROUGH: Dwight C. Jones, Mayor *Def*
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: *Dev* Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning *PLD*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *MAO*

RE: To authorize the special use of the property known as 2519 Mandy Lane for the purpose of permitting a family day home for up to twelve (12) children located within an existing single-family dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2519 Mandy Lane for the purpose of permitting a family day home for up to twelve (12) children located within an existing single-family dwelling, upon certain terms and conditions.

REASON: In 2001, City Council approved Ord. No. 2001-307-282, which authorized the property to be used for a family day home for up to 12 children. However, the ordinance included a condition, which stipulated that the rights to the special use permit would expire 5 years after the adoption. The five-year mark has since expired and a special use permit is required to allow the family day home to continue operating.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its October 5, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on a 9,000 square foot site on the northeast corner of Mandy Lane and Orcutt Lane. The property contains a single-family dwelling having a

floor area of 1,544 square feet, constructed in 1984.

The Virginia Department of Social Services (VDSS) regulates childcare facilities, as does the City Code (Zoning). The state regulations allow a provider to care for up to twelve (12) children in the residence of the provider exclusive of children residing on the premises. The City's Zoning Ordinance allows a provider to care for up to five (5) children, exclusive of children residing on the premises.

In 2001, the Planning Commission was concerned with potential changes in the operation of the Family Day Home over time, and thus included the condition containing an expiration date of five years from the date of adoption. That date subsequently arrived and no action was taken by the applicant to submit a new special use permit. Under a new state law, day care providers are now required to ascertain zoning approval as part of their annual licensing renewals with VDSS. When the applicant requested zoning approval from the City, it was determined that the special use permit approved in 2001 had expired.

The proposed special use ordinance requires the operator to reside on the premises and would also limit the hours of operation to 7:00 a.m. to 6:00 p.m., Monday through Friday, with a maximum enrollment of 12 children and 4 staff, including the owner. Under normal zoning, 1,200 square feet of outdoor play area is required and approximately 1,607 square feet of outdoor play area is available. The play area is enclosed with an existing chain link fence. Under normal zoning, two parking spaces would be required for four staff. The petitioner is not proposing to add additional parking. The applicant accommodates two vehicles in an existing gravel driveway and has stated that staff assistants do not drive, therefore, no additional traffic will be created by their employment. All proposed conditions, excluding an expiration date, are as they were in the 2001 ordinance.

The surrounding properties are also zoned R-4 Single-Family Residential and are occupied by single-family dwellings. The Master Plan recommends "Single-Family" for the block.

FISCAL IMPACT: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: September 15, 2015

CITY COUNCIL PUBLIC HEARING DATE: October 26, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, October 5, 2015

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft

ordinance); and City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey

STAFF: Willy Thompson, Senior Planner
Land Use Administration (Room 511)
646-5734

DCD O&R No.15-21



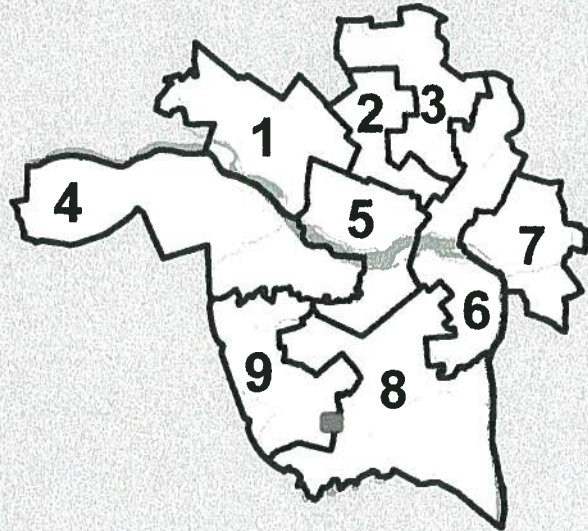
**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

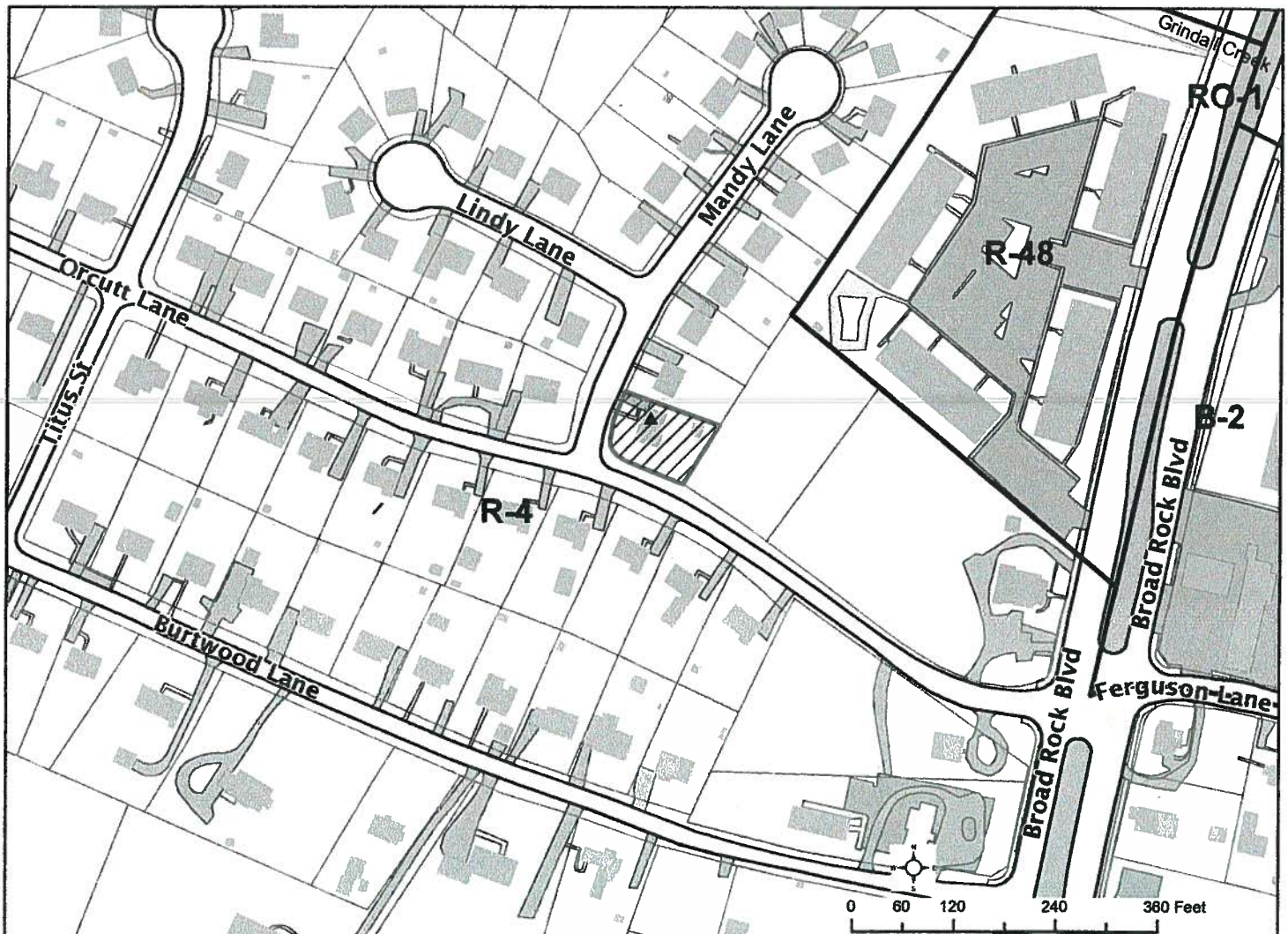
LOCATION: 2519 Mandy Lane

COUNCIL DISTRICT: 9

PROPOSAL: To authorize the special use of the property known as 2519 Mandy Lane for the purpose of permitting a family day home for up to twelve (12) children located within an existing single-family dwelling, upon certain terms and conditions.



*For questions, please contact Lory Markham
at 646-6309 or Lory.Markham@richmondgov.com*





RECEIVED

JUN 3 2015

LAND USE ADMINISTRATION

Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- ☐ special use permit, new
☐ special use permit, plan amendment
☐ special use permit, text only amendment

Project Name/Location

Project Name: Soyful Soyful Child care Date: 6-3-15

Property Address: 2519 Mandy Lane Tax Map #: _____

Fee: 300.00 Total area of affected site in acres: _____
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: _____

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: State License Home Daycare

Is this property subject to any previous land use cases?

Yes No

☐ If Yes, ☐ please list the Ordinance Number.

Applicant/Contact Person: Josephine Campbell

Company: Soyful Soyful Child care

Mailing Address: 2519 Mandy Lane

City: Richmond

Telephone: (804) 230-7877

State: VA Zip Code: 23224

Fax: (804) 230-7877

Email: CMPBK231A@AOL.COM

Property Owner: Josephine Campbell

If Business Entity, name and title of authorized signee: _____

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 2519 Mandy Lane

City: Richmond

Telephone: (804) 230-7877

State: VA Zip Code: 23224

Fax: (804) 230-7877

Email: Campbell231A@AOL.COM

Property Owner Signature: Josephine Campbell

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

June 4, 2015

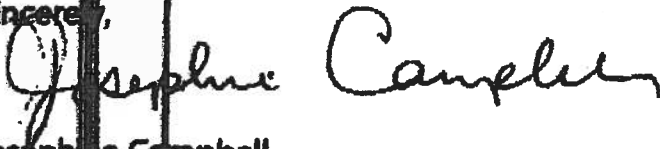
To: City Planning Commission and
City Council

From: Josephine Campbell
519 Mandy Lane
Richmond VA 23224

Re: Application for zone permit (revised)

The purpose of my home childcare service is to provide a safe and dependable home environment for children in my home. I will be the operator of the childcare and will reside on the premises (my home). The hours of operation will be Monday-Friday, 6 a.m. – 6 p.m. I am state licensed and will be keeping up to 12 children during this time. During other hours I will keep no more than five (5) children not including household residents in my home. I estimate 5-6 cars dropping off children in the morning hours, with each vehicle spending no more than five (5) minutes parked. In the afternoon, I estimate approximately five to ten vehicles parked at 3-5 minute intervals for picking up children. There should not be any traffic congestion because all the residents on my street have private driveways that they usually park in. Parking is also available on both sides of my street. My private driveway can accommodate 2 vehicles. No additions to my house will be necessary to operate the childcare from my home. Children will have outdoor recreation in my already fenced in backyard. The operation of the childcare will not cause any detriment to the neighborhood. My childcare is existing (see enclosed copy of license).

Sincerely,



Josephine Campbell
(804) 230-7877

