

INTRODUCED: May 13, 2019

AN ORDINANCE No. 2019-135

To authorize the special use of the properties known as 2417 Royall Avenue, 2420 Webber Avenue, and 2408 Webber Avenue for the purpose of a day nursery for up to 130 children, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 10 2019 AT 6 P.M.

WHEREAS, the owners of the properties known as 2417 Royall Avenue, 2420 Webber Avenue, and 2408 Webber Avenue, which are situated in a R-5 Single-Family Residential District, desires to use such properties for the purpose of a day nursery for up to 130 children, which use, among other things, is not currently allowed by sections 30-410.1 and 30-410.2(3), concerning day nurseries, of the Code of the City of Richmond (2015), 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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 10 2019 REJECTED: _____ STRICKEN: _____

congestion in streets, roads, alleys and other public ways and places in the area 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 30-1050.1 of the Code of the City of Richmond (2015), 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 properties known as 2417 Royall Avenue, 2420 Webber Avenue, and 2408 Webber Avenue and identified as Tax Parcel Nos. S007-1528/001, S007-1528/011, and S007-1528/012, respectively, in the 2019 records of the City Assessor, being more particularly shown on a site plan entitled “Summerhill Daycare Center, City of Richmond, Virginia,” prepared by Kimley-Horn and Associates, Inc., and dated May 1, 2019, 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 day nursery for up to 130 children, hereinafter referred to as “the Special Use,” substantially as shown on the site plan entitled “Summerhill Daycare Center, City of Richmond, Virginia,” prepared by Kimley-Horn and Associates, Inc., and dated May 1, 2019, and the three pages entitled “1st Floor – 2419 Royall Avenue,” “2nd Floor – 2419 Royall Ave,” and “3rd Floor – 2419 Royall Avenue,” prepared by an unknown preparer, and undated, hereinafter collectively referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(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) The Special Use of the Property shall be as a day nursery for up to 130 children, aged 12 years or less, located at 2417 Royall Avenue, and an accessory play area located at 2408

Webber Avenue, substantially as shown on the Plans and substantially as described in the document entitled “Faith Gospel Family Worship Center,” and dated January 2019, a copy of which is attached to and made a part of this ordinance. The church building located at 2420 Webber Avenue may be used as part of the operations of the day nursery. The Property may also be used for other principal or accessory uses permitted in the underlying zoning district.

(b) Up to 11 off-street parking spaces shall be provided for the Special Use at the portion of the Property known as 2417 Royall Avenue, and up to 26 off-street parking spaces shall be provided for the Special Use at the portion of the Property known as 2420 Webber Ave.

(c) The hours of operation for the day nursery shall be limited to the hours between 6:00 a.m. and 7:00 p.m., Monday through Friday.

(d) All mechanical equipment serving the portion of the Property known as 2417 Royall Avenue shall be located or screened so as not to be visible from any public right-of-way.

(e) The day nursery shall be licensed by and operated under the requirements of the Virginia Department of Social Services or its successor agency.

(f) Signs shall be permitted on the portion of the Property known as 2417 Royall Avenue and shall be limited to (i) signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2015), as amended, and (ii) one wall sign, awning sign, or canopy sign no greater than 32 square feet in area.

(g) Fencing on the Property shall be substantially as shown on the Plans. At the Owner’s request, the Director of Planning and Development Review may approve fencing that is not shown on the Plans and that may exceed the height restrictions imposed by section 30-630.9(b) of the Code of the City of Richmond (2015), as amended, but that is otherwise consistent with this

ordinance and the Code of the City of Richmond (2015), as amended. The fence surrounding the play area may be opaque or non-opaque.

(h) The accessory buildings shown on the Plans adjacent to the play area and within the chain link fence may be situated partially within the portion of the Property known as 2420 Webber Avenue and 2408 Webber Avenue, substantially as shown on the Plans.

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

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) 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.

(c) 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.

(d) Any encroachments existing, proposed on the Plans 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 (2015), as amended, and all future amendments to such laws.

(e) 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 30-1220 of the Code of the City of Richmond (2015), 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 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), 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 30-1080 of the Code of the City of Richmond (2015), 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 calendar days, 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 Commissioner of Buildings is authorized to issue a certificate of occupancy for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of occupancy shall be made within 365 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of occupancy is not made with 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

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

Item Request
File Number: PRE.2019.080

O & R REQUEST

4-8674
MAR 13 2019

Office of the
Chief Administrative Officer
RECEIVED

O & R Request

MAR 29 2019

DATE: March 12, 2019

EDITION: 1
OFFICE OF CITY ATTORNEY

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

JS 3/28/19

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

[Signature]

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

[Signature]

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

RE: To authorize the special use of the property known as 2417 Royall Avenue, 2420 Webber Avenue and 2408 Webber Avenue, for the purpose of a childcare facility, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2417 Royall Avenue, 2420 Webber Avenue and 2408 Webber Avenue, for the purpose of a childcare facility, upon certain terms and conditions.

REASON: The applicant has proposed to operate a childcare facility, which is not permitted by the underlying zoning of the property. A special use permit is therefore required.

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 May 6, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The properties known as 2417 Royall Avenue, 2420 Royall Avenue and 2408 Webber Avenue consist of a 20,286 sq. ft. (.47 acre), 25,496 sq. ft. (.585 acre), and a 26,351 sq. ft., (.60 acre) parcels of land, respectively. 2417 Royall Avenue is currently improved with a 3-story brick building with

parking and has been used in the past for educational purposes and as an emergency youth shelter. The Faith Gospel Family Worship Center currently operates a childcare facility in the church building located at 2420 Webber Avenue and utilizes the playground located at 2408 Webber Avenue. The applicant wishes to move the daycare operations from the Webber Avenue location to the 2417 Royall Avenue building location and continue utilizing the playground.

The City of Richmond's current Master Plan designates a future land use category for the subject properties as Single-Family Low Density. Primary uses for this category include "...single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5." (City of Richmond Master Plan)

The subject property and adjacent properties to the north, south, east and west are located in the R-5 Single-Family Residential Zoning District.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 8, 2019

CITY COUNCIL PUBLIC HEARING DATE: May 13, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 6, 2019

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Plans, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

Faith Gospel Family Worship Center

January 24, 2019

City of Richmond
Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219

RE: Special Use Permit - Faith Gospel Family Worship Center

Dear Sir/Madam:

Enclosed please find a Special Use Permit Application and supporting materials for the properties located at 2417 / 2419 Royall Avenue and 2408 / 2410 and 2420 Webber Avenue.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Kimara Parker
Administrator

Enclosures



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

Property Address: 2417 / 2419 Royall Ave; 2408 / 2410 and 2420 Webber Ave Date: _____
 Tax Map #: _____ Fee: _____
 Total area of affected site in acres: _____

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-5

Existing Use: Youth Shelter

Proposed Use

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

Educational Building / Day Nursery

Existing Use: N/A

Is this property subject to any previous land use cases?

- Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Kimara Parker

Company: Faith Gospel Family Worship Center

Mailing Address: P.O. Box 34423

City: Richmond State: VA Zip Code: 23234

Telephone: (804) 232-4783 Fax: (804) 232-4833

Email: faithgospelworshipcenter@verizon.net

Property Owner: Faith Gospel Temple Church; Viola S. Taylor Revocable Trust

If Business Entity, name and title of authorized signer: Kimara Parker, Trustee (Administrator)

(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: P.O. Box 34423

City: Richmond State: VA Zip Code: 23234

Telephone: (804) 232-4783 Fax: (804) 232-4833

Email: faithgospelworshipcenter@verizon.net

Property Owner Signature: 

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)

Faith Gospel Family Worship Center

January 2019

Proposed Usage for 2417 / 2419 Royall Avenue and 2408 / 2410 and 2420 Webber Avenue

The proposed usage for the building located at 2417 / 2419 Royall Avenue includes an educational building to include a licensed childcare facility for children 0-12. The three story building will hold classrooms/play areas for infants/toddlers on the first floor, classrooms/play areas for preschool and school age children on the second floor, and a storage area only for the third floor. Floor plans of the building are enclosed herein.

The current childcare facility and all educational classes are held in the church building located directly behind 2417 / 2419 Royall Avenue, at 2420 Webber Avenue. Some food preparation will continue to occur in the church building and the childcare facility will continue to utilize the playground area immediately adjacent to the church. A site plan showing the existing landscaping and outlining the properties to be utilized in the overall operation of the childcare facility is enclosed herein.

The proposed usage for the Royall Avenue location will not be detrimental to the safety, health, and moral and general welfare of the community involved. Moving the childcare and educational classes into the Royall Avenue building will actually improve the current services received by the community. The community has for the last forty years benefitted from having the childcare facility inside the church. However, the Royall Avenue building will provide more space to engage in age-appropriate, innovative activities. The surrounding neighborhood would not be exposed to anything different than what currently occurs at the center. The children would benefit from more space, program expansion, and more services geared to support working parents in the area.

Congestion in the streets, roads, alleys, and other public ways and places would not occur. Currently, we have access to two parking areas off the street. The church parking lot located in the rear of the building offers 25 parking spaces and the parking area directly in front of the building offers 10-13 spaces. All parking can take place on our property. Drop-off times for parents range from 6:00-10:00 a.m., with the majority of drop-offs before 8:00 a.m. to ensure children receive breakfast. Evening pick-up for the children who do not receive transportation home may begin as early as 2:30-5:30 p.m.

The building already exists and no new construction is planned. There would be no hazards from fire, panic or other dangers. The building is continually inspected by the Fire Marshall and monitored by a fire protection company. Since the building is already on site, there is no interference with adequate light and air.

The building was used in the past as an emergency youth shelter with residents residing overnight. There will be no more residential services provided with only care during our business hours of Monday-Friday, 6:00 a.m.-5:30 p.m.

Faith Gospel Family Worship Center

1/17/2019

City of Richmond
Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, VA 23219

Re: Proposed Use of 2419-2417 Royall Avenue, Richmond, VA 23224

Faith Gospel Family Worship Center currently owns the property at 2419-2417 Royall Avenue, which sits directly behind the church at 2420 Webber Avenue, Richmond, VA 23224. The church had previously occupied the building with a childcare center and later usage included a youth emergency shelter. Faith Gospel Family Worship Center currently runs a childcare center inside of the church at 2420 Webber Avenue. However, we are relocating the current childcare center back into 2419-2417 Royall Avenue.

The already established childcare center has been serving the neighborhood for the last 40 years. We are a licensed facility which provides services for children ages 0-12. We are open all year long, providing infant care, preschool care, before, and after school care. We have provided invaluable care to our clients throughout Southside Richmond. With continued growth, it is imperative that we move the childcare operations into 2419-2417 Royall Avenue.

The 2419-2417 Royall Avenue location will serve infants (ages 0-24 months), preschoolers (ages 2-5 years old), and school age children (ages 5-12). We will open Monday through Friday from 6:00 a.m. to 5:30 p.m. Our enrollment capacity will be 130 children. We will have a total of approximately 20 employees. The infants and preschoolers will occupy the building 8-10 hours each operating day. The school age children would occupy the building before school and after school 2-4 hours each operating day. Holiday and summer operations would include 8-10 hours of attendance each operating day for school age children enrolled in the child care facility along with enrolled infants and preschoolers. Each age group will be grouped together in their respective classrooms with teacher-student ratios in accordance with Licensing Standards for the State of Virginia.

The parking and vehicular traffic will remain the same as now. Parents will drop off and pick up children in the parking lot directly in front of the building, which has ample parking. There is also additional parking in the rear and sides of the building due to the building located behind the church and the adjacent parking lot. Parents and guests would have access to the church parking

lot if needed. Street parking would not be necessary and would not cause congestion for the surrounding streets.

The 2419-2417 Royall Avenue location is a three-story masonry building with ample space for the multiple classrooms for children. The building has been a part of the community for over 50 years and served the community in educational capacities previously. This location is not detrimental to the safety, health, morals, and general welfare of the community. Our relocation will enhance the community and provide a valuable resource to the clients we already serve.

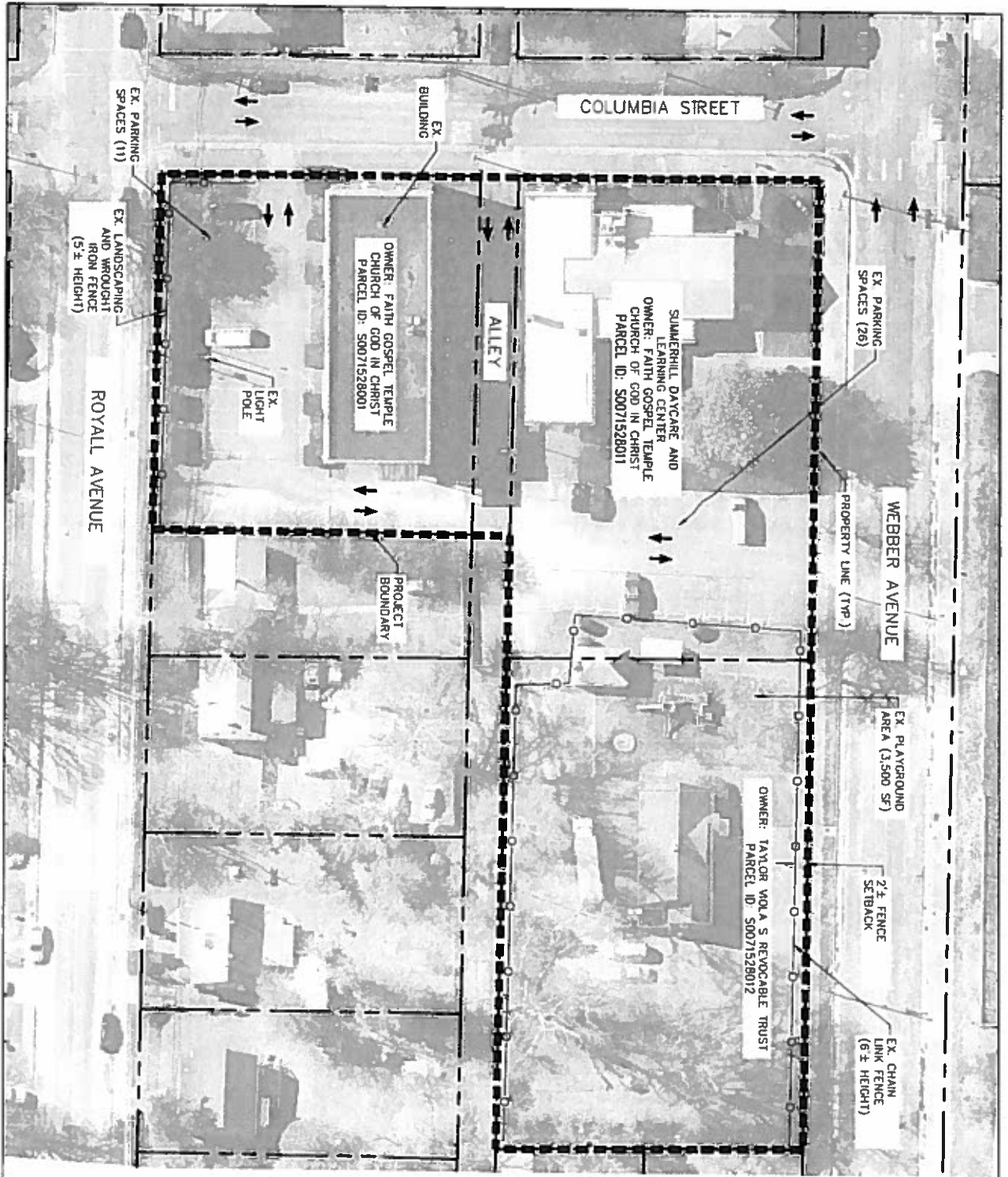
The 2419-2417 Royall Avenue location also will be an asset to the current school in the area, Oak Grove Bellemeade Elementary School. Our before and after school program currently serves children who attend this school and moving into this location will give us increased space to serve more children. This benefits those working parents by providing a safe place where their children can receive care near their current school and neighborhood.

We believe that relocating the childcare facility from 2420 Webber Avenue to 2419 Royall Avenue provides increased space for the childcare center which currently serves the community. The new facility will also provide needed infant childcare in a secure setting for those parents in the community returning to the workforce. We have been using the church for over forty years to provide these needs to the community, but with access to increased space and security, we can continue in the neighborhood servicing our clientele.

Sincerely,

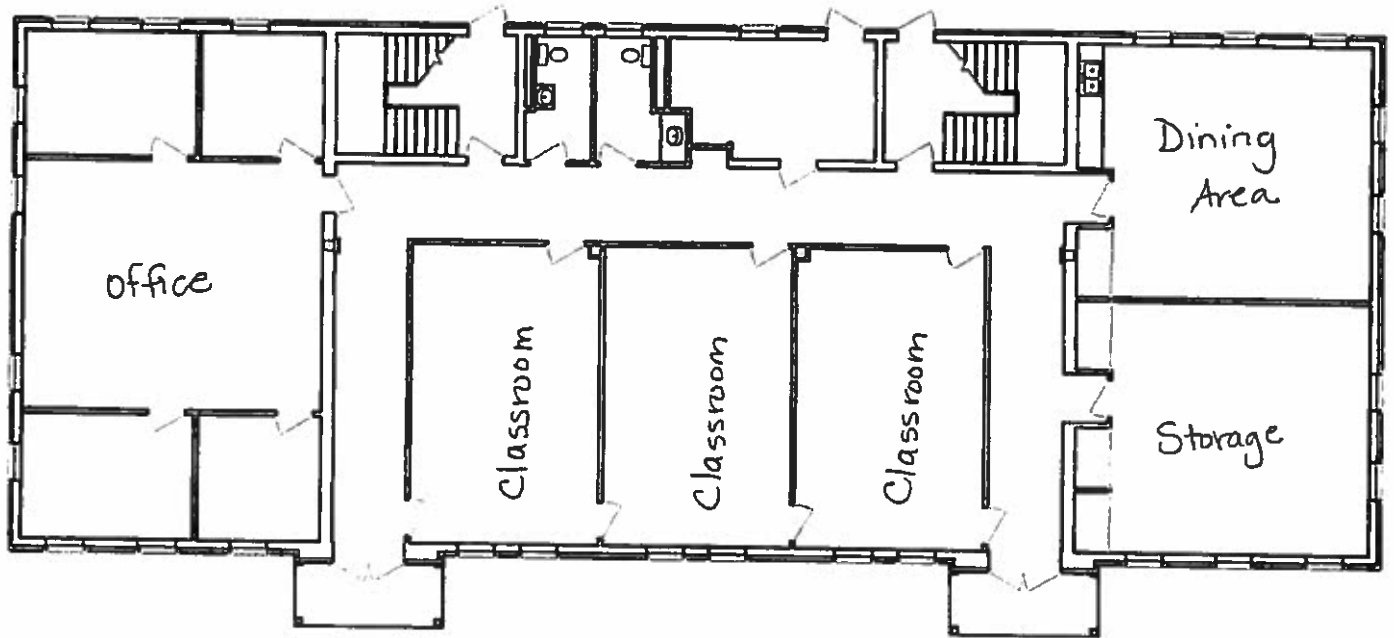


Kimara Parker
Administrator

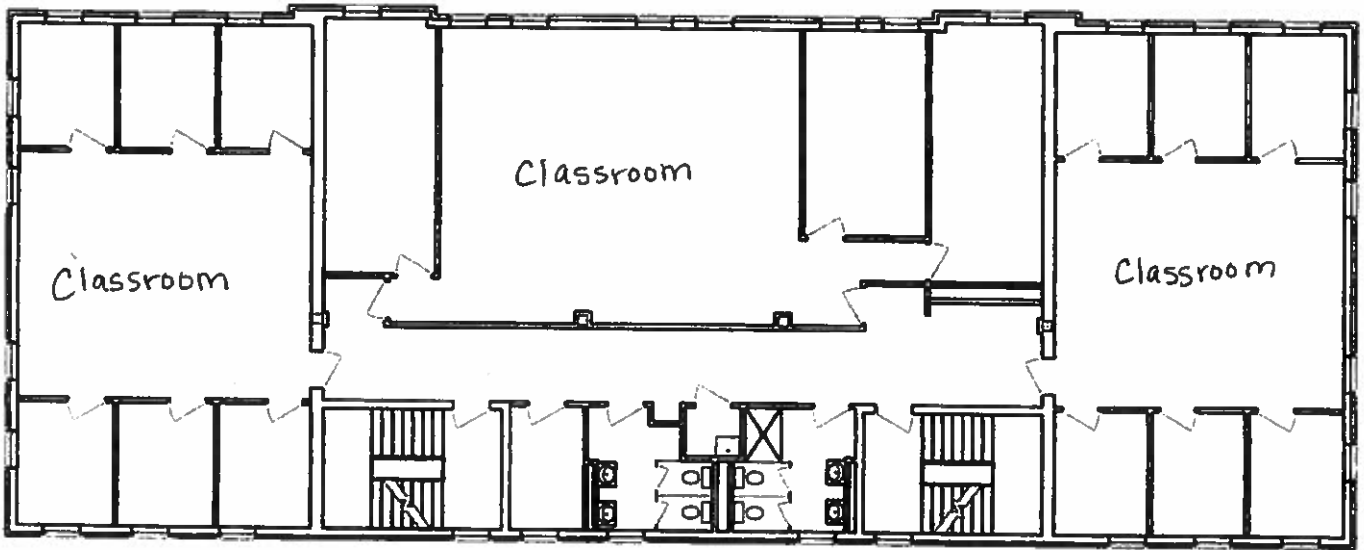


<p style="text-align: center;">NORTH</p> <p>GRAPHIC SCALE IN FEET</p> <p>0 20 40 80</p>	<p style="text-align: center;">SUMMERHILL DAYCARE CENTER</p> <p style="text-align: center;">EXISTING SITE PLAN</p>	<p>KHA PROJECT</p> <p>DATE: 05/01/2019</p> <p>SCALE: AS SHOWN</p> <p>DESIGNED BY: [blank]</p> <p>DRAWN BY: [blank]</p> <p>CHECKED BY: [blank]</p>	<p style="text-align: center;">Kimley»Horn</p> <p style="font-size: small;">© 2019 KIMLEY-HORN AND ASSOCIATES, P.C. 1700 MILLON LANE, SUITE 200 RICHMOND, VA 23220 PHONE: 804-770-2862 WWW.KIMLEY-HORN.COM</p>
SHEET NUMBER X1	CITY OF RICHMOND VIRGINIA		
		No. _____	REVISIONS _____ DATE _____ BY _____

1st floor - 2419 Koyall Avenue



2nd Floor - 2419 Royal Ave



3rd floor - 2419 Koyall Avenue

