



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2021-114: To authorize the special use of the property known as 3017 Forest Hill Avenue for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: May 17, 2021

PETITIONER

Cherrelle Hurt

LOCATION

3017 Forest Hill Avenue

PURPOSE

To authorize the special use of the property known as 3017 Forest Hill Avenue for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The applicant is requesting a special use permit to allow for the use of the single-family dwelling for a day nursery with up to twelve children. Babysitting is permitted with up to five children in the R-5 Single-Family Residential District, however day nurseries are not permitted in the R-5 Single-Family Residential District. Day nurseries are defined as the care of more than five children while separated from their parents for a portion of the day, not including children of a family residing on the premises. A special use permit is therefore required.

Staff finds that the proposed day nursery is similar in nature to a babysitting use that is permitted by-right. The ordinance requires the applicant to obtain a license from the Virginia Department of Social Services, which has licensing standards that ensure that the activities, services and facilities of the day nursery are conducive to the welfare of the children in care. Hours of operation are limited to 6 A.M. to 6 P.M., and the outside play area requirements of the zoning ordinance are proposed to be met.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the special use permit request.

FINDINGS OF FACT

Site Description

The subject property contains a lot area of 7,500 square feet (0.172 acres) and is improved with a single family detached dwelling. The property is located in the Woodland Heights neighborhood on Forest Hill Avenue, between W. 30th Street and W. 31st Street.

Proposed Use of the Property

The proposed Special Use is for a day nursery with up to twelve children.

Master Plan

The Richmond 300 Master Plan recommends a future land use of “Residential” for the property. The primary uses envisioned for Residential are single family houses, accessory dwelling units, and open space. Secondary uses are duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. The development style is medium sized and large sized lots in a largely auto dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single family housing, accessory dwelling units, duplexes and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings. Buildings are generally one to three stories, with lot sizes ranging up to 5,000 square feet to 20,000 square feet. Residential density is typically two to ten housing units per acre.

The portion of Forest Hill Avenue that abuts the property is designated as a “Major Residential Street” on the “Great Streets and Street Typologies” map.

Zoning and Ordinance Conditions

The property is currently located within the R-5 Single-Family Residential Zoning District. Babysitting is permitted with up to five children in the R-5 Single-Family Residential District, however day nurseries are not permitted in the R-5 Single-Family Residential District. Day nurseries are defined as the care of more than five children while separated from their parents for a portion of the day, not including children of a family residing on the premises.

The ordinance for the Special Use would impose conditions on the Property, including:

- (a) The use of the Property shall be as a day nursery for up to 12 children, not including children residing on the Property, substantially as shown on the Plans.
- (b) No parking shall be required for the Special Use.
- (c) The hours of operation for the day nursery shall be limited to the hours between 6:00 a.m. and 6:00 p.m., daily.
- (d) A minimum of 100 square feet of outdoor play space shall be provided for each child under care. The entire outdoor play area on the Property shall be no fewer than 1,200 square feet and must be enclosed with a continuous opaque structural fence or wall not less than four feet in height.

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

Surrounding Area

Properties to the east, west, north and south are all also located in the R-5 Single Family Residential District. The property is located within a residential neighborhood and is surrounded by other single family dwellings.

Neighborhood Participation

Staff notified area residents, property owners, and the Woodland Heights Civic Association of the application. No letters of support or opposition were received.

Staff Contact: Richard Saunders Senior Planner, PDR, Land Use Administration
804-646-5648