

INTRODUCED: July 25, 2022

AN ORDINANCE No. 2022-226

To authorize the special use of the property known as 617 North 1<sup>st</sup> Street for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: SEP 12 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 617 North 1<sup>st</sup> Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a day nursery for up to 12 children, which use, among other things, is not currently allowed by section 30-419.2(7)(a) of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES: 9 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: SEP 12 2022 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

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 (2020), 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 617 North 1<sup>st</sup> Street and identified as Tax Parcel No. N000-0064/036 in the 2022 records of the City Assessor, being more particularly described in Schedule A of a document recorded in the land records of the Clerk of the Circuit Court of the City of Richmond on April 2, 2003, as Instrument No. 030011545, 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 12 children, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “617 N. 1<sup>st</sup> Street, Richmond VA 23219, Plat Plan,” prepared by Studio Z Architecture, and dated January 19, 2021, and hereinafter 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 12 children, not including children living on the Property, substantially as shown on the Plans.

(b) Two off-street parking spaces shall be provided to the rear of the Property.

(c) The hours of operation for the day nursery shall be from 6:30 a.m. to 6:30 p.m., Monday through Friday.

(d) All mechanical equipment serving the Property 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 Education or its successor agency.

§ 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 (2020), 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 (2020), 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 (2020), 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 (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

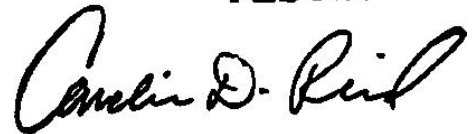
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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 730 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.

**A TRUE COPY:  
TESTE:**

A handwritten signature in black ink, appearing to read "Camille D. Reil". The signature is written in a cursive, flowing style.

**City Clerk**



# City of Richmond

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

## Item Request File Number: PRE.2022.0205

### O & R Request

**DATE:** May 31, 2022

**EDITION:** 1

**TO:** The Honorable Members of City Council

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

**THROUGH:** J.E. Lincoln Saunders, Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Kevin J. Vonck, Director, Department of Planning and Development Review

**RE:** To authorize the special use of the property known as 617 North 1st Street for the purpose of a day nursery, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 617 North 1st Street for the purpose of a day nursery, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit which would allow a day nursery for up to 12 children within an R-63 Multifamily Urban Residential District.

**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 July 18, 2022, meeting.

**BACKGROUND:** The 2,165 square foot property is located in the Jackson Ward at 617 North 1st Street, near the corner of North 1st Street and East Jackson Street. The property served by an alley running along the rear property line. A day nursery is a permitted use in the R-63 Multifamily Urban Residential District provided certain conditions are met. The ordinance requires a minimum outdoor play area of 100 square feet for each enrolled child for which this proposal would equal 1,200 square feet. The site plan shows 580 square feet.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use. This designation is defined as a "Existing or new highly walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

The adjacent properties are in the same R-63 Multifamily Urban Residential District Zone and generally contain single-family attached and detached residential uses.

**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:** June 27, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** July 25, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
July 18, 2022

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application and Narrative, Plans, Map

**STAFF:** David Watson, Senior Planner, Land Use Administration (Room 511) 804-646-1036





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**

Property Address: 617 N 1st Street Date: 01-17-2022  
 Tax Map #: N0000064036 Fee: 300.00  
 Total area of affected site in acres: 0.05

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

**Zoning**

Current Zoning: R-63

Existing Use: Family Day Home ( Occupancy of 5)

**Proposed Use**

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

**We propose to increase our current capacity of 5 to a minimum of 6 or a maximum of 12.**

Existing Use: Family Day Home

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Mashaunda Collins

Company: Kid Spirit, LLC  
 Mailing Address: 617 N 1st street  
 City: Richmond State: Virginia Zip Code: 23219  
 Telephone: (804) 475-3551 Fax: (n/a)  
 Email: mashaundac@gmail.com

**Property Owner:** Michael Lemon *Michael Lemon*

If Business Entity, name and title of authorized signee: N/A

(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: 3602 Florida Ave  
 City: Richmond State: VA Zip Code: 23222  
 Telephone: (804) 914-2587 Fax: ( )  
 Email: lemondrop161@gmail.com

**Property Owner Signature:** *Michael Lemon*

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)

**Applicant's report:**

This Application is hereby made for a proposed Special Use Permit, for Kid Spirit, LLC. This organization operates in accordance to all the County and State laws, ordinances, rules and regulations.

- Kid Spirit, LLC will not: be detrimental to the safety, health, morals and general welfare of the community involved;
- Kid Spirit, LLC will not create congestion in streets, roads, alleys and other public ways and places in the area involved;
- Kid Spirit, LLC will not create hazards from fire, panic or other dangers; tend to cause overcrowding of land and an undue concentration of population;
- Kid Spirit, LLC 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; or interfere with adequate light and air.

**Features of the plan, characteristics of the proposed use or surrounding area:**

Kid Spirit, LLC is behind the Maggie L Walker House in Historic Jackson Ward.

We are located at 617 N 1st street in a 1620 sqft. Property and operate as a Licensed Family Day Home with a capacity of 5. We propose to increase that occupancy to a minimum of 6 and a maximum of 12 to better support the need of the community we service. We currently operate from 6:30 am-6:30pm in accordance with state laws, ordinances, regulations and standards governing the childcare sector of the Virginia Department of Education.

Based on the minimum/maximum proposed capacity of 6-12 we will require 1-2 additional employees in order to meet the state licensing child to teacher ratio standards.

Our goal is to reverse the detrimental state of the safety, health, morals and the general welfare of the community by providing children and families that we service, access to quality childcare environment in a safe small intimate setting.

Families that are serviced by Kid Spirit, LLC sign a written agreement to uphold moral standards outlined in our Parent handbook as well as an agreement to not create congestion in streets, roads, alleys and other public ways and places in the area involved. We have an organized drop off and pick up routine where parents are scheduled to pick up and drop off at staggered times in which they can utilize the parking spaces located in the back of the property.

We promote school readiness and partner with many organizations to provide children and families with the resources and support they need in an effort to reduce exposure to trauma in early childhood (which is the root cause to underperformance in the school system, which leads to early drop out and increased crime rate.)

SCHEDULE "A"

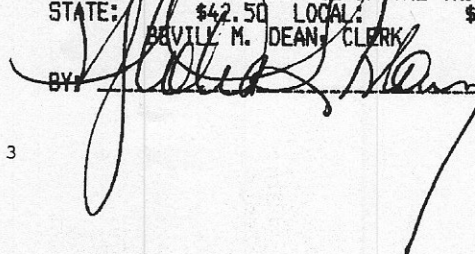
ALL that certain lot, piece or parcel of land, together with all the improvements thereon and appurtenances thereunto belonging, lying and being in the City of Richmond, Virginia and designated as No. 617 North First Street, and bounded and described as follows:

**BEGINNING** at a point on the east line of First Street 18.43 feet south of the southern line of Jackson Street thence running southwardly along and fronting on the said east line of First Street 17.75 feet; thence extending back in a easterly direction in part through the center of party walls 132 feet, more or less, to an alley in the rear; thence extending northwardly along the west line of said alley 16.2 feet; thence extending westwardly in part through the center of a party wall 100 feet to the point of beginning.

**BEING** the same real estate conveyed to Ray Moon, by deed from Eileen M. Chapman, Daniel A. Smith, and Dorothea Jennings, Heirs at Law of Colonel Elmore Smith, deceased, dated April 5, 2000, recorded June 6, 2000, in the Clerk's Office, Circuit Court, City of Richmond, Virginia in Instrument No. 00-13479.

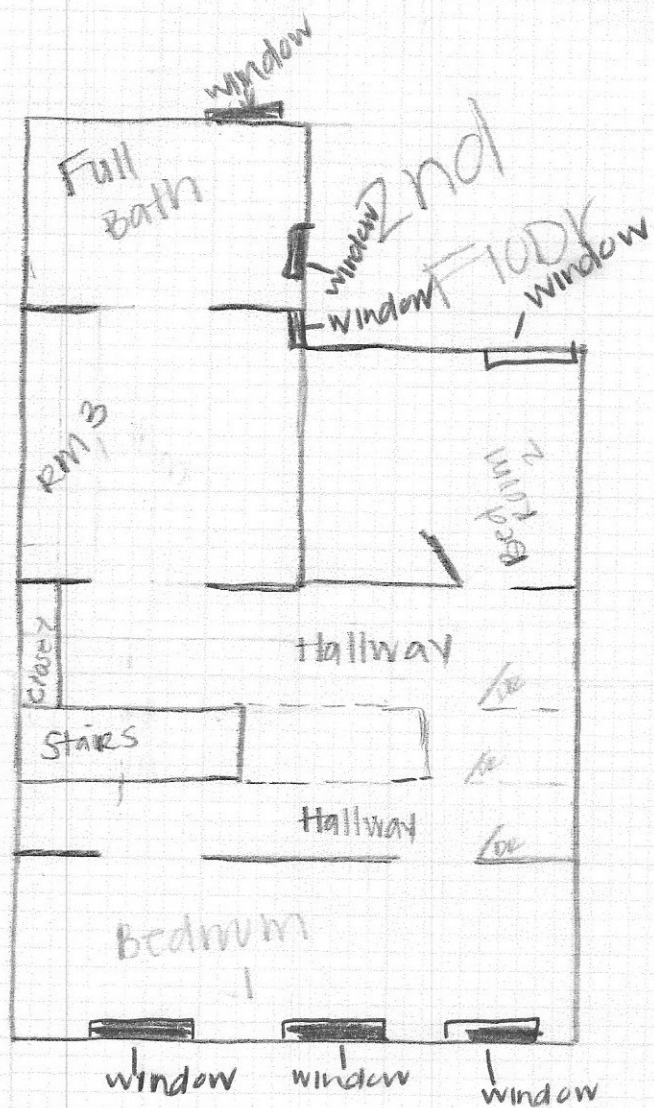
Grantee's Address:  
3602 Florida Ave.  
Richmond, VA 23222

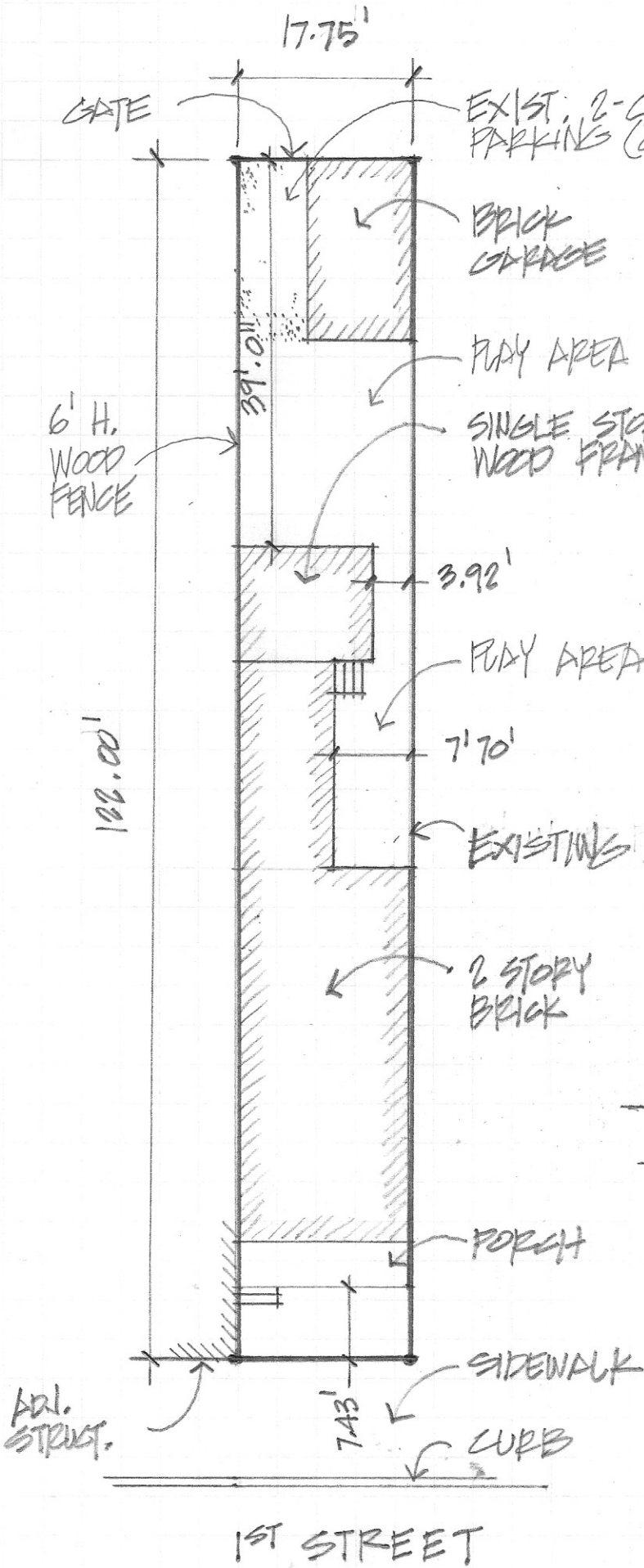
INSTRUMENT #030011545  
RECORDED IN THE CLERK'S OFFICE OF  
CITY OF RICHMOND ON  
APRIL 2, 2003 AT 01:50PM  
\$85.00 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$42.50 LOCAL: \$42.50  
BEVILL M. DEAN, CLERK

BY:  (DC)



17  
First Floor





617 N. 1ST STREET  
 RICHMOND, VA 23219

PLAT PLAN 19 JAN '21  
 SCALE 1" = 16'  
 NOTE: TOTAL PLAY AREA  
 580.36 S.F.