



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2014-224:** To authorize the special use of the property known as 3200 Utah Place for use as a day nursery for up to 12 children, upon certain terms and conditions.

---

**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** December 1, 2014

---

#### **PETITIONER**

Evelyn Plummer, Kid-R-U's, 3200 Utah Place, Richmond, VA 23222

#### **LOCATION**

3200 Utah Place, Richmond, VA 23222

#### **PURPOSE**

To legitimize the use of the property as a day nursery for up to 12 children, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The subject property is located in the City's North Planning District at the intersection of Burns Street and Utah Place. The property consists of one parcel with a land area of 7,700 square feet. The property is currently improved with a two-story, single-family detached dwelling constructed in 1983.

On June 26, 2000, the applicant was granted a Special Use Permit for a day nursery at 3200 Utah Place. However, the approval was set to expire in June of 2005. The applicant has stated that she was unaware of the expiration and did not learn of it until the Commonwealth of Virginia's Department of Social Services advised her to contact the City of Richmond to obtain a special use permit. Please note that commercial day nurseries are defined in the Zoning Ordinance as a facility caring for more than five children. The subject property is located in the R-6 Single-Family Residential district, which permits in-residence daycare only for a maximum of five children. As a result, the applicant is requesting a special use permit to authorize the use of the property as a day nursery for up to 12 children. The applicant uses approximately 600 square feet of the existing dwelling as a day nursery for up to 12 children and provides 1200 square feet of outdoor space for use by the children. The remaining portion of the dwelling is used as the applicant's residence.

The Zoning Ordinance was amended in 1995 to specifically remove day nurseries caring for more than five children as a permitted use in single-family districts. Staff finds that the amendment to the Zoning Ordinance was approved by Council after a determination that the impacts associated with commercial day nurseries, especially in terms of increased noise and traffic, are detrimental to adjacent properties within single-family zoning districts.

The proposed ordinance would limit the hours of operations for the day nursery from 6:00 a.m. to 7:00 p.m. daily. The total number of day nursery employees present at the daycare at any one time would be limited to three. No off-street parking spaces will be provided for the use of the employees.

The City of Richmond's Master Plan recommends Single-Family Medium Density land use for the subject property. This category includes single-family detached and attached dwellings at densities up to twenty units per acre and residential support uses such as churches, parks, and recreational facilities (p. 133).

Staff finds that the unique attributes of the property warrant authorization of a day nursery because of its location on the corner at the intersection of Burns Street and Utah Place and its proximity to the New Kingdom Christian Ministries, a large institutional use, directly across the street. Staff further finds that with the proposed use of the property, the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Therefore, staff recommends approval of the special use permit request.

---

## **FINDINGS OF FACT**

### **Site Description**

The subject property is located in the City's North Planning District at the intersection of Burns Street and Utah Place. The property consists of one parcel with a land area of 7,700 square feet. The property is currently improved with a two-story, single-family detached dwelling constructed in 1983.

### **Proposed Use of the Property**

The applicant is requesting the legitimization of a day nursery use of the property for the care of up to 12 children within a single-family dwelling. A portion of the residence would be devoted to the day nursery use and the applicant would reside in the remaining portion of the house. The large existing backyard would be used as an outdoor play area.

### **Master Plan**

The City of Richmond's Master Plan recommends Single-Family Low Density land use for the subject property. This category includes single-family detached and attached dwellings at densities up to twenty units per acre and residential support uses such as churches, parks, and recreational facilities (p. 133). Commercial uses such as day nurseries are not recommended as a land use of the property.

### **Zoning & Ordinance Conditions**

If approved, the ordinance would authorize the day nursery use for the care of up to 12 children and require that the day nursery is licensed by the Virginia Department of Social Services. The ordinance also limits the hours of operation for the day nursery from 6:00 a.m. to 7:00 p.m. In addition, the ordinance requires that a minimum of 50 square feet of

indoor space and 100 square feet of outdoor play space be provided for each child under care.

Furthermore, the ordinance limits the number of employees that can be present on the property at one time to three. No off street parking spaces will be provided due to the number of available on street parking spaces available.

**Surrounding Area**

All properties surrounding the subject property are located in the R-6 Single Family Residential district. The property directly across the street is occupied by a church, while the adjacent properties to the north and west are occupied by single-family detached dwellings.

**Neighborhood Participation**

Staff notified the Highland Park Plaza Civic Association, Green Park Civic Association and Councilwoman Ellen F. Roberson regarding the request. Staff has received letters support and no letters of opposition for the proposal.

**Staff Contact:** Leigh V. Kelley, Planner I, 804-646-6384