



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2014-225: To authorize the special use of the property known as 5204 Clarence 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: November 3, 2014

PETITIONER

Kathleen Creasey, Raggedy Ann's Childcare LLC, 5204 Clarence Street, Richmond, VA 23225

LOCATION

5204 Clarence Street, Richmond, VA 23225

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 Midlothian Planning District mid-block between Jahnke Road and High Top Drive along Clarence Street and consists of a parcel with approximately 7,420 square feet of land area. The property is currently improved with a one-story, single-family detached dwelling constructed in 1950.

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-5 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 7:00 a.m. to 6:00 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 Low Density land use for the subject property. This category includes single-family detached dwellings at densities up to seven units per acre and residential support uses such as churches, parks, and recreational facilities (p. 133).

Staff finds the subject property to be suitable to serve a day nursery use due to its proximity to Westover Hills Elementary School and the orientation of the properties across the street. Moreover, Staff further finds that with the proposed conditions, 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 Midlothian Planning District mid-block between Jahnke Road and High Top Drive along Clarence Street and consists of a parcel with approximately 7,420 square feet of land area. The property is currently improved with a one-story, single-family detached dwelling constructed in 1950.

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. The applicant is requested a special use permit as per the requirement by the Commonwealth of Virginia's Department of Social Services.

If approved, the ordinance would authorize the commercial day nursery use of the property for the care of up to 12 children. 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 dwellings at densities up to seven 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 7:00 a.m. to 6:00 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 five. 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-5 Single Family Residential district and occupied by single-family dwellings. Westover Hills Elementary School is located in the adjacent block and the property directly across the street is an oversized lot oriented toward Jahnke Road, away from the subject property.

Neighborhood Participation

Staff notified the Westover South and Woods Civic Association and Councilwoman Kathy C. Graziano regarding the request. Staff has received thirteen letters of support, a signed petition with 38 signatures, and no letters of opposition at this time.

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