



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2021-298: To authorize the special use of the property known as 513 North 28th Street for the purpose of a day nursery use in an existing single-family detached dwelling, upon certain terms and conditions.

To: City Planning Commission
From: Land Use Administration
Date: November 1, 2021

PETITIONER

Edith McCray

LOCATION

513 North 28th Street

PURPOSE

To authorize the special use of the property known as 513 North 28th Street for the purpose of a day nursery use in an existing single-family detached dwelling, upon certain terms and conditions.

SUMMARY & RECOMMENDATION

The proposal is to authorize a day nursery use within an R-8 Urban Residential District. The proposed use is not a permitted use within the R-8 district. A Special Use Permit is therefore required.

Staff finds that the proposal would be consistent with the recommendations of the City's Richmond 300 Master Plan pertaining to the Neighborhood Mixed-Use Category. The proposed day nursery aligns with the recommended secondary uses within the Plan.

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 property is located in the Church Hill neighborhood on North 28th Street between East Leigh and East Clay Streets. The property is currently a 3,443 sq. ft. (.08 acre) parcel of land.

Proposed Use of the Property

The applicant is proposing a Special Use Permit which would authorize to authorize day nursery use within an existing dwelling.

Master Plan

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use which is defined as "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." These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced. Regardless of use, buildings should engage the street with features such as street-oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible. Parking areas should be located to the rear of street-facing buildings. Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multi-family buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

Zoning and Ordinance Conditions

The current zoning for this property is R-8 Urban Residential District. The City's Zoning Administration has reviewed the application and has provided the following comments:

The proposal is establish a day care (day nursery) use in an existing single-family detached dwelling. The property is located in the R-8 (Urban Residential District) and has a rectangular shape with an area of 3,443.58 square feet (27.33' x 126'). The proposed day nursery will not exceed two employees and 10 children. Two off-street parking spaces are provided in the rear off the alley.

Please be advised that the following condition of the proposed day nursery do not comply with the current zoning regulations:

Permitted Principal Use: Day nursery, a facility for the care of more than five children while separated from their parents for a portion of the day, is not a permitted principal use in the R-8 zoning district. The proposed principal use is not permitted.

The submitted SUP plans do not indicate any signage for the proposed day nursery. No signage is permitted for the proposed use in the underlying zoning district (R-8). Any proposed signage must be included in the SUP.

The special use permit would impose conditions on the property, including:

- (a) The Special Use of the Property shall be as a day nursery in a single-family detached dwelling, substantially as shown on the Plans.
- (b) The Special Use may accommodate up to ten children, not including children residing on the Property.
- (c) No less than two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.
- (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 hours of operation for the day nursery shall be limited to the hours between 6:00 a.m. and 6:00 p.m., Monday through Friday.
- (f) The day nursery shall be licensed by and operated under the applicable requirements of the Virginia Department of Education or its successor agency.
- (g) 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.

Surrounding Area

All adjacent properties are located within the same R-8 Urban Residential District. The area is primarily single family residential, with some two-family residential, multi-family residential, institutional and small, neighborhood commercial uses present in the vicinity.

Neighborhood Participation

Staff notified area residents, property owners, the Church Hill Association of RVA of the proposed Special Use Permit. Staff has received three letters of support. The Church Hill Association has not commented on this application.

Staff Contact: Jonathan Brown, Senior Planner, Land Use Administration, 804-646-5734