



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ord. No. 2016-240: To authorize the special use of the property known as 3325 Florida Avenue 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: October 3, 2016

PETITIONER

Ms. LaTisha Jones, Kids Care Playhouse Childcare,
3325 Florida Avenue, Richmond, VA 23222

LOCATION

3325 Florida Avenue

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 at the corner of Florida Avenue and Milton Street and consists of a parcel with approximately 9,800 square feet of land area. The property is currently improved with a two and a half-story, single-family detached dwelling constructed in 1924.

Under normal zoning requirements, property owners in the R-6 Single-Family Residential district may provide day care for up to five children without special authorization. The applicant uses approximately 600 plus 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. In addition, a six foot tall opaque privacy fence will be provide in the backyards.

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 require the day nursery to be licensed. The proposed ordinance would require the day nursery to be licensed. The ordinance would also limit the hours of operations for the day nursery from 7:00 a.m. to 5:30 p.m. daily. The total number of day nursery employees present at the daycare at any one time would be limited to two. No off street parking will be provided for the use.

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).

Properties to the north and east are located in R-5 Single Family Residential district. Properties to the south and west R-6 Single Family Residential district. All surrounding adjacent properties to the subject property are all single family detached dwellings located in the R-5 and R-6 Single-Family Residential district.

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. 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 is located at the corner of Florida Avenue and Milton Street and consists of a parcel with approximately 9,800 square feet of land area. The property is currently improved with a two and a half-story, single-family detached dwelling constructed in 1924.

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 property was being used as an unauthorized commercial day nursery.

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 with approximately 600 square feet of floor area 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).

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 be licensed by the Virginia Department of Social Services. The ordinance would also limit the hours of operations for the day nursery from 7:00 a.m. to 5:30 p.m. daily. The total number of day nursery employees present at the daycare at any one time would be limited to two. No off street parking will be provided for the use.

Surrounding Area

Properties to the north and east are located in R-5 Single Family Residential district. Properties to the south and west R-6 Single Family Residential district. All surrounding adjacent properties to the subject property are all single family detached dwellings located in the R-5 and R-6 Single-Family Residential district.

Neighborhood Participation

Staff notified Councilwoman Ellen F. Robertson and the Highland Park Plaza Civic Association regarding the request. Staff has received five letters of support and no letters of opposition at this time for the proposal.

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