



## CITY OF RICHMOND

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

**Ord. No. 2014-265:** To authorize the special use of the property known as 3410 Cliff Avenue for use as a day nursery for up to 12 children, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** February 2, 2015

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#### **PETITIONER**

Dorothy H. Bruce, Divinity Day Care, 3410 Cliff Avenue, Richmond, VA 23222

#### **LOCATION**

3410 Cliff 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 in the City's North Planning District located near mid-block on Cliff Avenue between East Ladies Mile Road Hazelhurst Avenue and consists of a parcel with approximately 6,930 square feet of land area. The property is currently improved with a one and a half-story, single-family detached dwelling constructed in 1941.

Under normal zoning requirements, property owners in the R-5 Single-Family Residential district may provide day care for up to five children without special authorization. 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 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 6:00 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, south, east and west are located in R-5 Single Family Residential district. Surrounding adjacent properties to the subject property are all single family detached dwellings located in the R-5 Single-Family Residential district.

While the Master Plan does not support this use, it also does not explicitly speak against it. The property is located on a block that is anchored by the First United Presbyterian Church which does permit daycare in conjunction with the church use.

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.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property is located near mid-block on Cliff Avenue between East Ladies Mile Road Hazelhurst Avenue and consists of a parcel with approximately 6,930 square feet of land area. The property is currently improved with a one and a half-story, single-family detached dwelling constructed in 1941.

### **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). 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 be 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 two. 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. In addition, all the surrounding adjacent properties to the subject property are all single family detached dwellings located in the R-5 Single-Family Residential district.

### **Neighborhood Participation**

Staff notified Councilman Chris Hilbert regarding the request. Staff has received no letters of support or opposition at this time for the proposal.

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