

INTRODUCED: October 10, 2022

AN ORDINANCE No. 2022-298

To authorize the special use of the property known as 1701 Stockton Street for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: NOV 14 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 1701 Stockton Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of a day nursery for up to 12 children, which use, among other things, is not currently allowed by section 30-413.3, concerning permitted accessory uses and structures, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: NOV 14 2022 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 1701 Stockton Street and identified as Tax Parcel No. S000-0236/014 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Improvements on N. 1701 Stockton Street in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated May 27, 2022, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a day nursery for up to 12 children, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Map Showing the Improvements on N. 1701 Stockton Street in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated May 27, 2022, and hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a day nursery for up to 12 children, not including children living on the Property, substantially as shown on the Plans.

(b) Two off-street parking spaces shall be provided for the Special Use.

(c) The hours of operation for the day nursery shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday.

(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 day nursery shall be licensed by and operated under the requirements of the Virginia Department of Education or its successor agency.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) 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.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

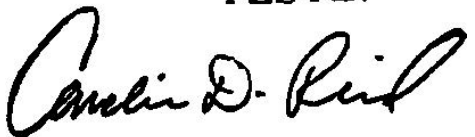
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:  
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reil". The signature is written in a cursive, flowing style.

**City Clerk**

# City of Richmond

900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA 23219  
www.rva.gov

## Item Request File Number: PRE.2022.0327

### O & R Request

**DATE:** September 12, 2022

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)



**THROUGH:** J.E. Lincoln Saunders, Chief Administrative Officer

J.E. Lincoln Saunders / RCS

Digitally signed by J.E. Lincoln  
Saunders / RCS  
Date: 2022.09.22 13:24:51 -04'00'

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning



**FROM:** Kevin J. Vonck, Director, Dept. of Planning and Development Review



**RE:** To authorize the special use of the property known as 1701 Stockton Street for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 1701 Stockton Street for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

**REASON:** The applicant is requesting a special use permit to authorize a day nursery for up to 12 children in the R-7 Single & Two Family Urban Residential District. Day nurseries are not allowed in the R-7 District, per Section 30-413.3 of the City's Zoning Ordinance.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its November 7, 2022, meeting.

**BACKGROUND:** The subject property contains a lot area of approximately 4,500 square feet and is currently occupied by a single-family dwelling. The applicant is requesting a Special Use Permit to allow for the operation of a day nursery within the existing dwelling. The property is located within the Blackwell neighborhood.

The Richmond 300 Master Plan recommends a future land use of “Community Mixed-Use” for the property. The primary uses recommended for Community Mixed-Use are retail, office, and personal service uses, multi-family residential, cultural uses, and open space. Secondary uses single-family dwellings, institutional, cultural and government. The intensity recommended for Community Mixed-Use is typically two to six stories, based on street width and historical context. The development style should be compatible with the existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. New developments on larger parcels should continue or introduce a gridded street pattern. Ground floors should engage the street with features such as street-oriented facades.

The property is located within the R-7 Single & Two Family Urban Residential District. Properties surrounding the subject property are also located within the R-7 District and primarily contain single-family dwellings.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review does not anticipate any impact to the City’s budget for this or future fiscal years.

**FISCAL IMPLICATIONS:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** \$300 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** October 10, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** November 14, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
November 7, 2022

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant’s Report, Plans, Survey, Map

**STAFF:** Alyson Oliver, Planner, Land Use Administration (Room 511) 646-3709





- Application is hereby submitted for: (check one)
- special use permit, new
  - special use permit, plan amendment
  - special use permit, text only amendment

**Project Name/Location**

Property Address: 1701 Stockton Street Richmond VA 23224 Date: 6-2-22  
 Tax Map #: S0000236704 Fee: \_\_\_\_\_  
 Total area of affected site in acres: 1.03

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

**Zoning**

Current Zoning: R7  
 Existing Use: Residential Dwelling

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)

Family Day Home  
 Existing Use: Residential Dwelling

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Shanika Christmas

Company: Footprints Childcare LLC  
 Mailing Address: 1701 Stockton Street  
 City: Richmond VA State: VA Zip Code: 23224  
 Telephone: (804) 295-8081 Fax: ( )  
 Email: cgshanika@gmail.com

**Property Owner:** MACHEL ROBERTS

If Business Entity, name and title of authorized signee: \_\_\_\_\_

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 11237 Thorncroft Drive  
 City: Glen Allen State: VA Zip Code: 23060  
 Telephone: (804) 274 9273 Fax: ( )  
 Email: MACHEL.ROBERTS@GMAIL.COM

**Property Owner Signature:** Machel Roberts

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

**NOTE:** Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



## **Executive Summary:**

Footprints Childcare is a full-service childcare/development facility that cares for children ages 1-12. We focus on providing high quality services to parents from a variety of financial backgrounds, specifically those in need of quality childcare as they seek out and engage in employment opportunities. Footprints aims to give a secure, loving environment where children of diverse upbringings can come together and learn key skills that will prepare them to excel as young leaders of tomorrow. We currently provide care to five children and are consistently seeking opportunities for expansion.

## **Company Description:**

Footprints Childcare is a limited liability company based in Richmond Virginia. We were founded in 2020 by a loving mother who wanted to produce an ideal childcare facility for members of the community. Footprints aims to provide a structured, loving environment while teaching children basic foundational skills that will help enable them for a successful life. The environments a child is exposed to early on in life deeply affects his or her cognitive, physical, emotional, and social development. Footprints offers a wide range of curriculum that are tailored to the age of the child. Our environment is intimate and all children receiving care at our facility receive unmatched attention and instruction.

## **Services Offered:**

Footprints Childcare offers upscale daycare services for children ages 1 years to 12 years. Normal operating hours are from 7 a.m. to 6 p.m., Monday through Friday – with observance of all major legal holidays. Early drop-off services are offered as needed.

We offer fulltime daycare services that include but are not limited to:

- Extracurricular Activities
- Field Trips
- Arts and Crafts

- Physical Activities
- Before and After School Care
- Summer Childcare

### **Management Team:**

Shanika Christmas will be the Owner and Director of Footprints Childcare. She looks to hire one full time employee to help with everyday operations upon approval of the Special Use Permit application.

### **Financial Plan**

The revenue drivers for Footprints Childcare will be the daycare services offered. The revenue will come from the weekly tuition rates for the children currently receiving services.

- Initial Number of Children enrolled Per Month: 12 (pending approval of SUP app)
- Average Tuition: \$200/week

The cost drivers will be the overhead costs of maintaining an adequate and safe facility. The main expenses will be the rent/mortgage, utilities, and food for the children. Other costs will be the maintenance for auto, fuel for auto, home maintenance, daycare equipment/supplies, laundry, cleaning supplies, office equipment, and insurances.

FootPrints Childcare Monthly Expense Lists	
Expenses	Amount
Food for Children	\$300
Rent/Mortgage	\$1,300
Utilities (Electricity, Phone, Internet)	\$330
Fuel for Auto	\$155
Maintenance for Auto	\$60
Home Maintenance	\$50
Equipment/Supplies	\$50
Laundry/Linens	\$50
Cleaning Supplies	\$30
Office Equipment/Supplies	\$25
Insurance	\$9
<b>Total</b>	<b>\$2,359</b>

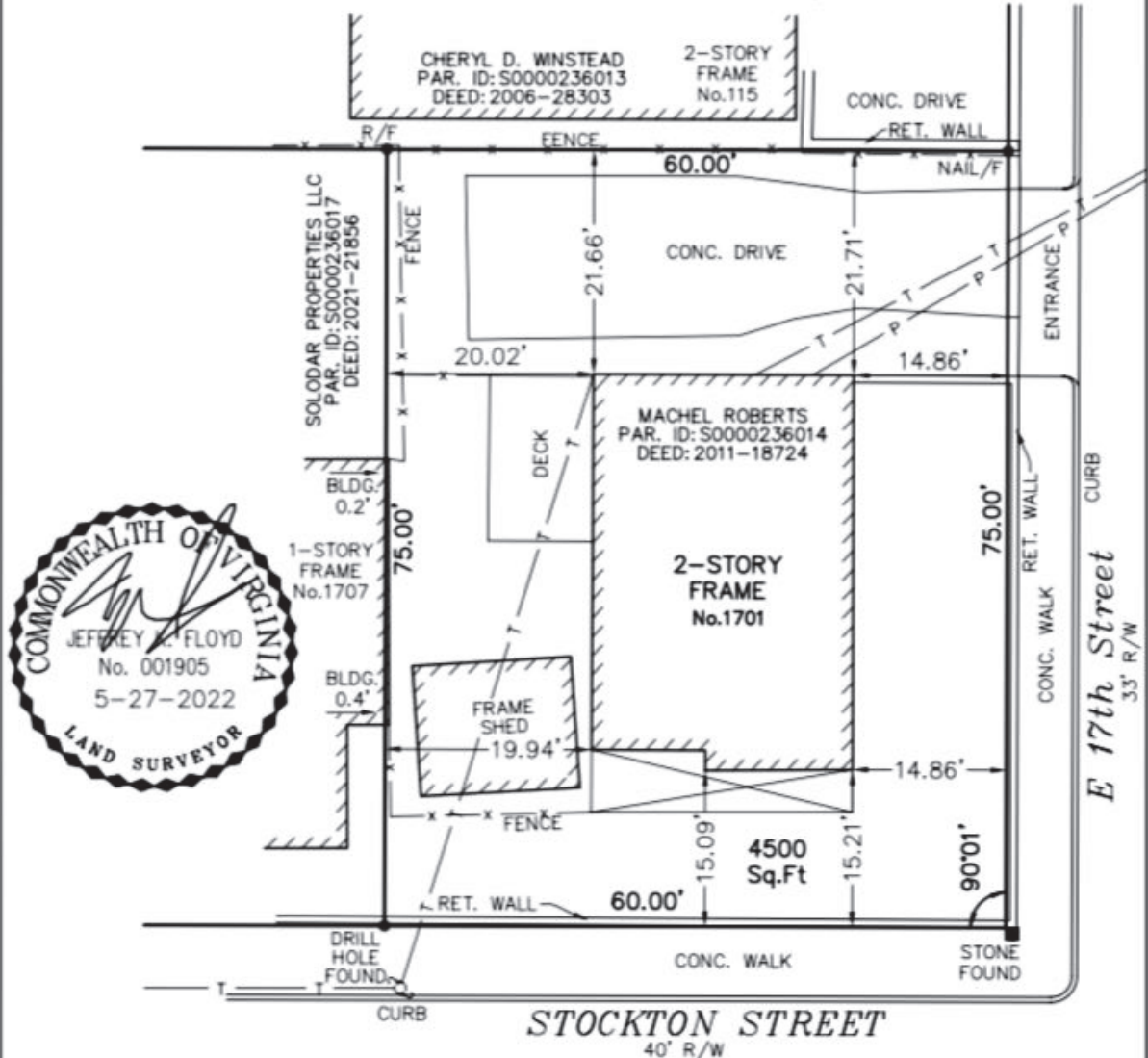
## Operational Plan

Shanika Christmas will be the Owner and Director of the facility. She will develop all curriculums, maintain all necessary schedules, and be the person communicating with families. She looks to hire one full-time employee upon approval of the SUP application. Ms. Christmas will handle all payroll, bookkeeping, tax payments, and permitting on behalf of the business. She will ensure all video monitoring and secure access to the facility. She will also lead all marketing and engagement efforts throughout the community.

Parents receiving services have designated drop off and pick up times where they are only allowed to utilize the facility's driveway and potentially open street parking located directly in front of the home. This ensures there is no congestion on any of the streets, roads, or alley ways surrounding or near the facility. Footprints Childcare will continue to only maintain a compacity that allows for optimal intimacy in the learning and care process and discourages overcrowding. Hazardous nor potentially hazardous materials will never be present or used at this facility under any circumstances.

Footprints Childcare looks to serve as a prime model for how a daycare should operate in the Richmond community and beyond. We look to ensure that our operation adheres to the safety, health, morals, and general welfare of the community. In doing this, consistent communication will be maintained with parents and opportunities for public feedback will be sought out. This is the way we look to ensure our methods of service delivery are up to date and meeting desired standards.

This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 5-27-2022 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.



**Virginia Surveys**  
 P.O. BOX 118  
 CHESTERFIELD, VA 23832  
 (804) 748-9481  
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**MAP SHOWING THE IMPROVEMENTS  
 ON No. 1701 STOCKTON STREET  
 IN THE CITY OF RICHMOND, VA.**

DATE: 5-27-2022  
 CERTIFIED BY JEFFREY K. FLOYD  
 SCALE: 1"=15'