

INTRODUCED: May 23, 2022

AN ORDINANCE No. 2022-165

To authorize the special use of the property known as 2312 Summer Hill Avenue 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: JUN 27 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 2312 Summer Hill Avenue, which is situated in a R-5 Single-Family 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 30-410.1 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 create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 27 2022 REJECTED: _____ STRICKEN: _____

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 2312 Summer Hill Avenue and identified as Tax Parcel No. S008-0632/010 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on a Portion of Lot 8 and a Portion of Lot 9, Block ‘D’, Plan of ‘Summer Hill Plaza’, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated March 10, 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 for up to 12 children, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “2312 Summer Hill Ave, Richmond, VA 23234, Site Plan,” prepared by Tony D, and dated January 31, 2022, 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 on the Property.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) The hours of operation for the day nursery shall be from 6:30 a.m. to 5:00 p.m., Monday through Friday.

(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.

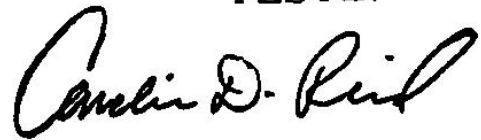
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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.2022.0113

O & R Request

DATE: April 11, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the property known as 2312 Summer Hill Avenue for the purpose of a day nursery within an existing single-family dwelling, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 2312 Summer Hill Avenue for the purpose of a day nursery within an existing single-family dwelling, upon certain terms and conditions.

REASON: The applicant is seeking a permit to operate a day nursery within an existing single-family dwelling. Such use is not currently allowed by section 30-410.1, concerning permitted principal uses, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

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 June 6, 2022 meeting.

BACKGROUND: The property in question is approximately 6,250 SF, or .14 acres, improved with a 1,114 sq. ft. building constructed, per tax assessment records, in 1947. The property is located in the Jefferson Davis Neighborhood between Columbia Street and Lynhaven Avenue.

The City's Richmond 300 Master Plan designates these parcels as Residential. Such areas are defined as neighborhoods "...consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature."

Primary Uses: Single-family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets.

Currently, adjacent and nearby properties are also zoned R-5 Single-Family Residential.

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: May 9, 2022

CITY COUNCIL PUBLIC HEARING DATE: June 13, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 6, 2022

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

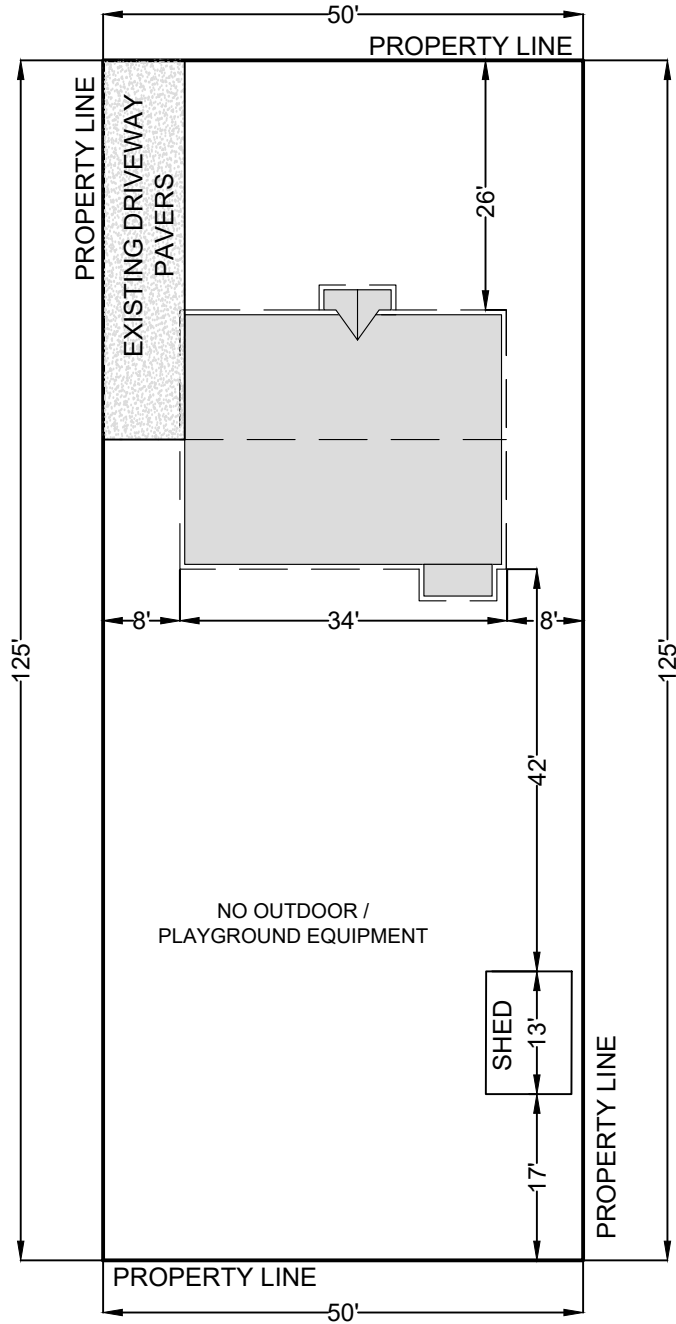
RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734

SUMMER HILL AVE



NOTE:
NO FENCE ON THE LOT

NOTE: FOR THE SCALE TO BE CORRECT SHEET MUST BE PRINTED ON 8.5"x11"

DRAWN BY :- TONY D

SHEET - 2

NOTES:

ADDRESS:

2312 SUMMER HILL AVE
RICHMOND, VA 23234

SITE PLAN

PARCEL ID: S0080632010

LOT AREA: 0.143 ACRES

PLOT SIZE: 8.5" X 11"

DRAWING DATE: 01/31/2022

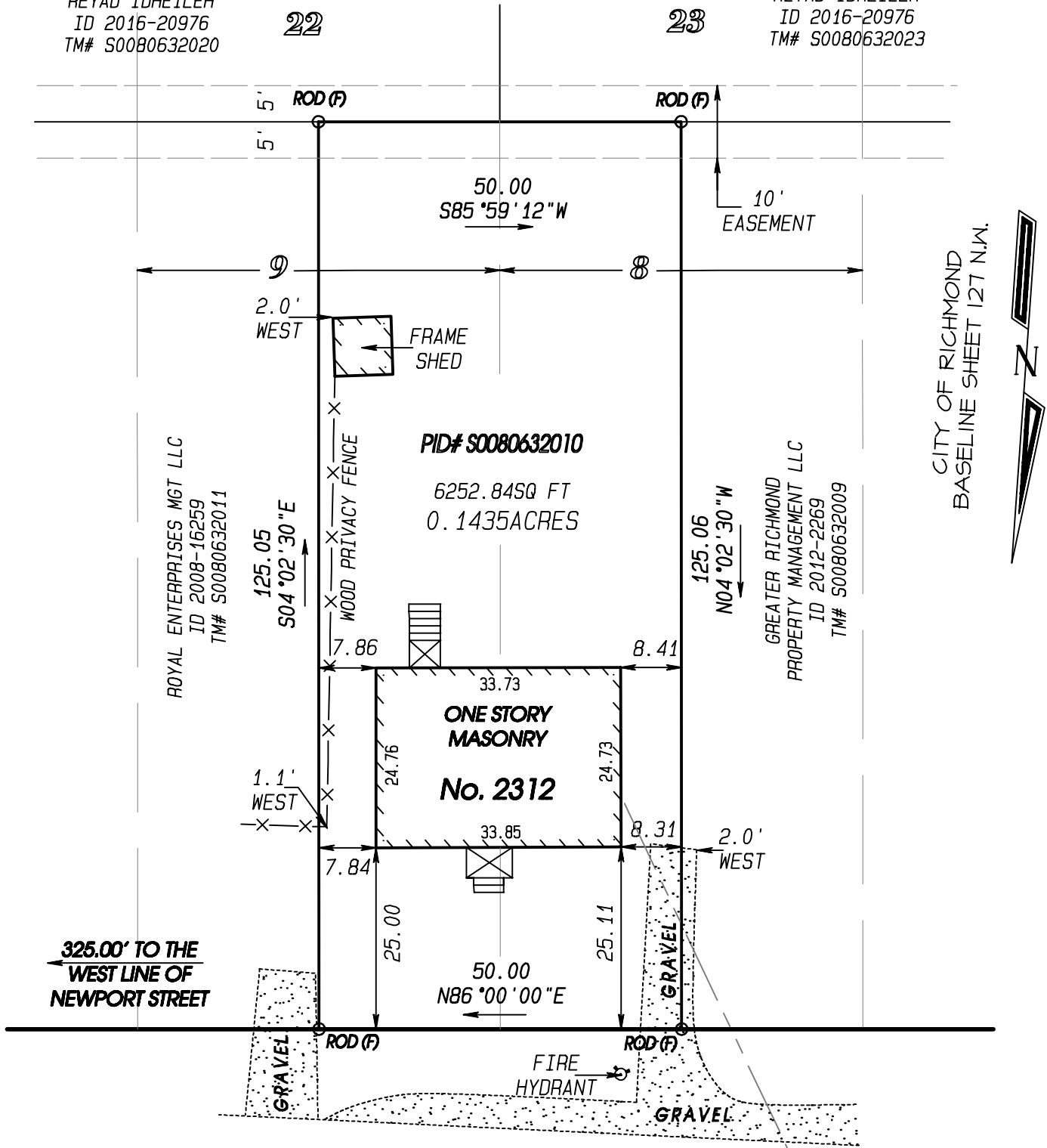
DRAWING SCALE: 1"=20'



NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: REVISIT PROPERTIES LLC ID 2016-11657

REYAD IDHEILEH
 ID 2016-20976
 TM# S0080632020

REYAD IDHEILEH
 ID 2016-20976
 TM# S0080632023



CITY OF RICHMOND
 BASELINE SHEET 127 N.W.

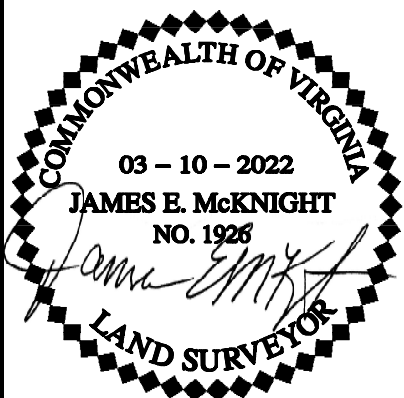


SUMMER HILL AVENUE

ROD (F)

PLAT SHOWING IMPROVEMENTS ON A PORTION OF LOT 8
 AND A PORTION OF LOT 9, BLOCK "D", PLAN OF
 "SUMMER HILL PLAZA", IN THE
 CITY OF RICHMOND, VIRGINIA.

THIS IS TO CERTIFY THAT ON MARCH 10, 2022, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS. SCALE: 1" = 20'



McKNIGHT & ASSOCIATES, P.C.

LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2646

JOB NUMBER: 87102012



Application for **SPECIAL USE PERMIT**

Department of Planning and Development
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6300

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 DDNK Care N Learning 12312 Summer Hill Ave Date 8-9-21
 Tax Map # 50 08063 2010 Fee \$300.00
 Total area of affected site in acres 0.143

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

Zoning

Current Zoning R-5 Residential (Single Family)

Existing Use Single Family

Proposed Use

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

Family Day Home / Day Nursery

Existing Use Single Family

Is this property subject to any previous land use cases?

Yes No Yes, please list the Ordinance Number _____

Applicant/Contact Person: Shawnta L Young

Company DDNK Care N Learning

Mailing Address 2312 Summer Hill Ave

City Richmond

State VA Zip Code 23230

Telephone (804) 661-9346

Fax (804) 300-6947

Email DDandKCareandLearning@gmail.com

Property Owner: Revisit Properties

AFFRA Scaffa

(If Business Entity, name and title of authorized signer Jac Trgc age JJ)

(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 do so (execute or attest).)

Mailing Address 9137 Chandler - #100

City Mechanicsville

State: _____ Zip Code 23116

Telephone: () 389 6655

Fax: () _____

Email rentals@era100071099.ca

Property Owner Signature:

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).



8/23/21
Application Report

DDNKCareNLearningCenter

I Shawnta Young would like to obtain a Special Use Permit for 2312 Summer Hill Ave Richmond, Virginia 23234. So that the location can operate a small childcare center. The center will operate Monday through Friday from 6:30am through 4:30pm. This will be a full-day childcare center. These are the hours that the center will operate and it's sufficient for the families who enroll their children. The center will serve a maximum of 12 children and 1 employee. Children served will be age 2 through 8 years old. The center will serve meals. Clients will access the property from Jefferson Davis Street and Lynnhaven Street. Clients will park on the street or in the driveway for drop-off. There will be no off-site activities except an occasional walk to the local park, weather permitting the location will be used as a childcare facility. Snow will be removed by the owner with shovels and/or a snowblower. The owner will move snow weekly to make sure safe locations are available for the staff to push the snow during the week.