

**City Of Richmond, Virginia
Office of the City Clerk**

Request to Withdraw Legislation

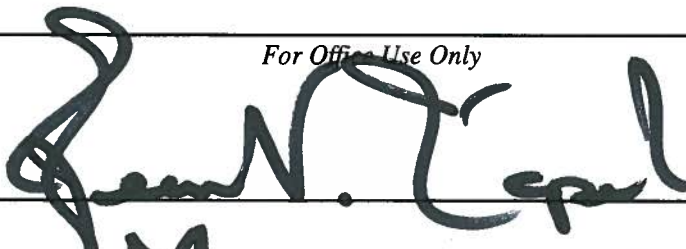
Paper Number: Ord. 2016-314

Chief Patron: Mayor Dwight Jones (By Request)

Introduction Date: December 12, 2016

Chief Patron Signature: 

For Office Use Only

Attestation: 

Effective Date: March 10, 2017

INTRODUCED: December 12, 2016

AN ORDINANCE No. 2016-314

To authorize the special use of the property known as 2704 Woodrow Avenue for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 9 2017 AT 6 P.M

WHEREAS, the owner of the property known as 2704 Woodrow 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 (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED _____ STRICKEN: _____
: _____

involved, will not 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 (2015), 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 2704 Woodrow Avenue and identified as Tax Parcel No. N000-0706/013 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 2704 Woodrow Avenue - Parcel I.D.: N0000706013, Being Lots 2 and 3, Block ‘A’, ‘Woodrow Park’, in the City of Richmond, Virginia.,” prepared by Harvey L. Parks, Inc., and dated November 4, 2015, 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 drawing entitled “1st Floor,” prepared by an unidentified preparer, and undated, a copy of which is 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) In addition to the uses permitted in the underlying zoning district, the Property may be used as a day nursery for up to 12 children, not including children residing on the Property.

(b) The hours of operation for the day nursery shall be limited to the hours between 6:30 a.m. and 6:00 p.m., Monday through Friday.

(c) A minimum of 50 square feet of indoor space shall be provided for each child under care within the area of the building devoted to the day nursery use.

(e) A minimum of 100 square feet of outdoor play space shall be provided for each child under care.

(e) No more than two persons employed by the day nursery shall be present on the Property at any one time.

(f) Two off-street parking spaces shall be provided within the driveway for employees.

(g) A six-foot tall opaque privacy fence shall be constructed and maintained on the Property.

(h) The day nursery shall be licensed by the Virginia Department of Social Services.

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

(a) 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 adjacent property or public streets and the use thereof.

(b) 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.

(c) Any encroachments existing, proposed on any 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 (2015), as amended, and all future amendments to such laws.

(d) 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 (2015), 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 (2015), 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 (2015), 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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 180 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made with 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.



City of Richmond

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-334

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

4-5936

O & R REQUEST

File Number: PRE. 2016-334

NOV 18 2016

To authorize the special use of the property known as 2704 Woodrow Avenue for use as a day nursery for up to 12 children, upon certain terms and conditions. Chief Administration Office
City of Richmond

O & R Request

EDITION: 1

RECEIVED

TO: The Honorable Members of City Council

NOV 30 2016

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

OFFICE OF CITY ATTORNEY

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

SUBJECT: To authorize the special use of the property known as 2704 Woodrow Avenue for use as a day nursery for up to 12 children, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the use of the property known as 2704 Woodrow Avenue as a day nursery for up to 12 children, upon certain terms and conditions.

REASON: The subject property is located in an R-5 Single-Family Residential district which does not permit the proposed day nursery use. The applicant is using the property as a day nursery for up to 12 children and is requesting a special use permit to legitimize the existing use of the property.

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 Planning Commission at its January 2, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located in the City's North Planning District located near on Woodrow Avenue near the intersection of Woodrow and East Norwood Avenues and consists of a parcel with approximately 8,304 square feet of land area. The property is currently improved with a two-story, single-family detached dwelling constructed in 1920.

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 proposed ordinance would require the day nursery to be licensed. The ordinance would also limit the hours of operations for the day nursery from 6:30 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. Two off street parking spaces will be provided within the driveway.

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.

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

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: November 14, 2016.

CITY COUNCIL PUBLIC HEARING DATE: January 9, 2016.

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, January 2, 2016.

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey

STAFF: Leigh V. Kelley, Planner II
Land Use Administration (Room 511)
646-6384

DPDR O&R No. 16-32



Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

9851

- 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

Project Name: License Family Daycare Date: 6/16/16

Property Address: 2704 Woodrow Ave Tax Map #: N000/0700-013

Fee: \$300 Total area of affected site in acres: _____
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-5

Proposed Use

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

Existing Use: _____
Is this property subject to any previous land use cases? _____

Yes No
 If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Sharita Walker

Company: Let's Be a Kid Family Daycare LLC

Mailing Address: 2704 Woodrow Ave.

City: Richmond State: VA Zip Code: 23222

Telephone: (804) 329-1470 Fax: (804) 329-1470

Email: letsbeakid@gmail.com

Property Owner: Sharita Walker

If Business Entity, name and title of authorized signee: Sharita Walker / owner

(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: 2704 Woodrow Ave

City: Richmond State: VA Zip Code: 23222

Telephone: (804) 329-1470 Fax: (804) 329-1470

Email: letsbeakid@gmail.com

Property Owner Signature: [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.**

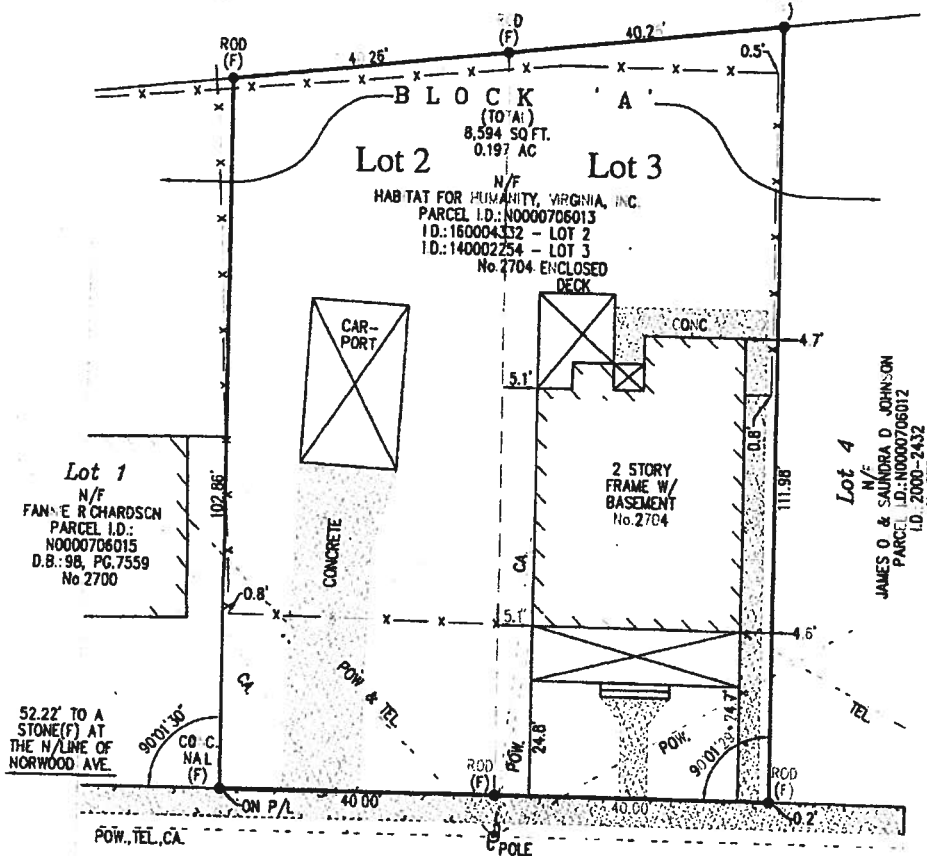
NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

THIS IS TO CERTIFY THAT ON NOVEMBER 4, 2015,
I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES
SHOWN HEREON AND THAT THERE ARE NO EASEMENTS
OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER
THAN THOSE SHOWN HEREON.

THIS PROPERTY IS IN FEMA DEFINED FLOOD
HAZARD AREA. ZONE: "X".



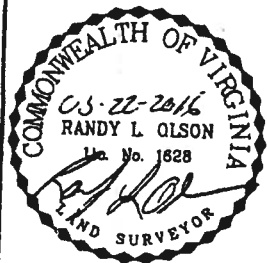
HARVEY STREET
(UNIMPROVED)



WOODROW AVENUE

PLAT SHOWING IMPROVEMENTS ON
No. 2704 WOODROW AVENUE - PARCEL I.D.: N0000706013
BEING LOTS 2 and 3, BLOCK 'A', 'WOODROW PARK',
IN THE CITY OF RICHMOND, VIRGINIA.

THIS SURVEY IS SUBJECT TO ANY EASEMENTS
OF RECORD AND OTHER PERTINENT FACTS
WHICH A TITLE SEARCH MIGHT DISCLOSE.

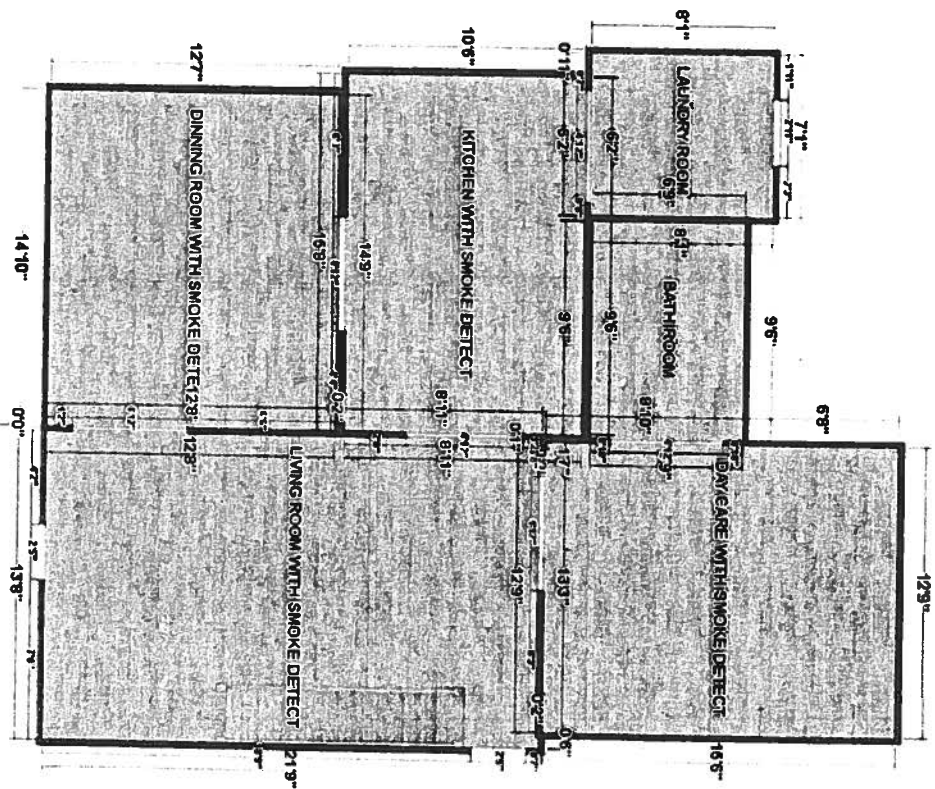


REVISED:
MARCH 22, 2016

PUR.: SHARITA WALKER

HARVEY L. PARKS, INC.
4508 W. HUNDRED ROAD
CHESTER, VA.
748-8641 748-0515
EMAIL: SURVEYS@HARVEYLPARKS.COM FAX: 796-5742
DATE: NOVEMBER 4, 2015 SCALE: 1"=20'
DRAWN BY: N.S.M.
CHECKED BY: R.L.O.
F.BK.: 599, PG. 26 59926.dwg

101 FLOOR



Sharita Walker

Let's Be a Kid Family Daycare LLC

2704 Woodrow Ave.

Richmond VA, 23222

RE: Applicant's Report

Attention: Richmond City Council,

Hello and good day my name is Sharita Walker and I am a proud childcare provider. I have been licensed by the State of Virginia to provide childcare service to no more than twelve children. My application is before you in hopes of us fulfilling our wish to relocate our program to the City of Richmond, further enhancing the stabilization of the community.

We have been providing quality childcare services for over 9 years to many families in and around the community in which I am requesting this special use permit. Our operational hours are from 6:30am till 6pm Monday thru Friday. We typically have one or two assistants/volunteers, and we pride ourselves on the ability to provide enrichment to young children with a healthy safe nurturing environment throughout the day. We have close partnerships with local state, government and not-profit organizations such as VDSS, Child savers, Child Care Aware Virginia, Virginia Infants and Toddler Special Network, and Virginia Star Quality programs with aims to achieve excellences.

My home is equipped with a driveway and large carport and well as a large fenced in backyard. We do not have any playground equipment. However we have lots of free space to safely run jump play and explore our minds imagination. Our program meets or exceeds the VA standards

for licensed family childcare programs and we see no reason why our program would cause any harm, hazard, or danger to the community. We see our services as a valuable asset to the people and the community. Furthermore we envision our program to be a rest heaven for the children with service to develop and growth in a nurturing environment. Therefore I ask you to please consider my application for approval, and I thank you for your time and attention.

Sincerely,

Sharita Walker Owner/Director

Let's Be a Kid Family Daycare LLC