



## CITY OF RICHMOND

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

**Ord. No. 2023-174:** To authorize the special use of the property known as 3601 Seminary Avenue for the purpose of a day nursery, for up to 64 children, within a church, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** June 20, 2023

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#### **PETITIONER**

Patricia Moon, The Cottage School

#### **LOCATION**

3601 Seminary Avenue

#### **PURPOSE**

To authorize the special use of the property known as 3601 Seminary Avenue for the purpose of a day nursery, for up to 64 children, within a church, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant is requesting a special use permit to authorize a day nursery for up to 64 children in an R-1 Single-Family Residential zoning district and an R-48 Multi-family Residential District. Day nurseries are not allowed as a principal use in the R-1 District, per Section 30-402.1 of the City's Zoning Ordinance. Day nurseries are permitted as a principal use in the R-48 zoning district, however, the special terms and conditions listed in Section 30-416.1(5) cannot be met.

Staff finds the proposed special use permit would be consistent with the Richmond 300 Master Plan which recommends Community Mixed Use for the property. This designation encourages personal service and institutional uses.

Staff finds that the proposed use should not pose an undue burden on the availability of on-street parking, due to the provision of on-site parking, availability of public transit in the area, and the staggered, temporary nature of the parking demanded by this use.

Staff finds that with the ordinance conditions, 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 has a lot area of approximately 2.35 acres and is currently occupied by a church. The property is located within the Ginter Park neighborhood.

### **Proposed Use of the Property**

The applicant is requesting a Special Use Permit to allow for the operation of a day nursery within the existing church. The day nursery will be operated independently of the church, and therefore must be considered an independent principal use.

### **Master Plan**

The City's Richmond 300 Master Plan designates the property as Community Mixed Use, which is described as a Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions.

**Development Style:** The building size, density, and zoning districts for these areas may vary significantly depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Uses may be mixed horizontally in several buildings on a block or vertically within the same building. Developments continue or introduce a gridded street pattern to increase connectivity.

**Ground Floor:** Ground floor uses engage with, and enliven, the street. Monolithic walls are discouraged, while windows, doors, storefronts, and other features that allow transparency and interaction between building and street are encouraged.

**Mobility:** Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be off alleys whenever possible; new driveways are prohibited on priority and principal streets. Parking areas are located within the structure and to the rear of buildings and require screening; shared parking requirements are encouraged.

**Intensity:** Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block.

**Primary Uses:** Retail/office/ personal service, multi-family residential, cultural, and open space.

**Secondary Uses:** Single-family houses, institutional, and government.

### **Zoning and Ordinance Conditions**

If adopted, the Special Use Permit would impose conditions on the property, including:

- The Special Use of the Property shall be as a day nursery, for up to 64 children, within a church, which may include a preschool program.
- The outdoor play area, substantially as shown on the Plans in the area labeled "Playground," shall be enclosed within a continuous fence or wall not less than four feet in height, which may be (i) located within a required front yard or a required side yard; (ii) opaque or nonopaque, or (iii) a chain-link fence.
- The hours of operation of the Special Use shall be limited to the hours between 6:30 a.m. and 6:30 p.m., Monday through Friday.
- The day nursery shall be licensed by and operated under the requirements of the Virginia Department of Education or its successor agency.
- In addition to signs permitted in all districts, pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended, one sign not exceeding eight square feet in area

shall be permitted on the Property for the Special Use. The sign shall not be internally illuminated.

**Surrounding Area**

The property is located within an R-1 Single-Family Residential District and an R-48 Multi-family Residential District. Properties surrounding the subject property are also located within the R-1 district to the west and the R-48 district to the east. The surrounding properties primarily contain single family and multi-family residential uses.

**Neighborhood Participation**

Staff notified area residents and property owners, as well as the Ginter Park Neighborhood Association. Staff has received several letters of support for this request.

**Staff Contact:** Alyson Oliver, Planner, Land Use Administration, 804-646-3709