

City Of Richmond, Virginia Office of the City Clerk

Request to Withdraw Legislation

Paper Number:	Ord. No. 2014-224			
Chief Patron:	Mayor Dwight Jones – By Request			
Introduction Date:	October 13, 2014			
Chief Patron Signature:	Angula			
Attestation:	For Office Use Only			
Effective Date:	e comber 5, 2014			

INTRODUCED: October 13, 2014

AN ORDINANCE No. 2014-224

To authorize the special use of the property known as 3200 Utah Place for the purpose of authorizing 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: NOV 10 2014 AT 6 P.M.

WHEREAS, the owner of the property known as 3200 Utah Place, which is situated in a R-6 Single-Family Attached 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 114.412.1 of the Code of the City of Richmond (2004), 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:	. 13
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 114-1050.1 of the Code of the City of Richmond (2004), 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.

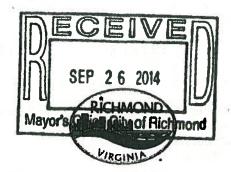
- (a) Subject to the terms and conditions set forth in this ordinance, the property known as 3200 Utah Place and identified as Tax Parcel No. N000-1074/030 in the 2014 records of the City Assessor, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a day nursery for up to 12 children, hereinafter referred to as "the Special Use."
- (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 shall be permitted for use as a day nursery for up to 12 children, not including children residing on the Property.
- (b) The hours of operations for the day nursery shall be limited to 6:00 a.m. to 7:00 p.m. daily.
- (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.
- (d) A minimum of 100 square feet of outdoor play space shall be provided for each child under care.
- (e) No more than three persons employed by the day nursery shall be present on the Property at any one time.
 - (f) Off-street parking shall not be required.

- (g) 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 any other 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 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 (2004), 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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 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

O & R REQUEST

SEP 1 7 2014

Chief Administration Office City of Richmond

O&R REQUEST OCT 0 8 2004

Officer for

DATE:

September 12, 2014

OFFICE OF CITY ATTORNEY EDITION: 1

TO:

The Honorable Members of City Council

THROUGH:

Dwight C. Jones, Mayor (Patron: Mayor, by Request

(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH:

Christopher L. Beschler, Interim Chief Administrative Off

THROUGH:

Peter H. Chapman, Deputy Chief Administra

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 3200 Utah Place 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 as a day nursery for up to 12 children, upon certain terms and conditions.

REASON: The subject property is located in an R-6 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 November 3, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located near the intersection of Utah Place and Burns Street and consists of a parcel with approximately 7,700 square feet of land area. The property is currently improved with a two-story, single-family detached dwelling constructed in 1983.

O&R Request August 19, 2014 Page 2 of 3

Under normal zoning requirements, property owners in the R-6 Single-Family Residential district may provide daycare 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 proposed ordinance would limit the hours of operations for the day nursery from 6:00 a.m. to 7:00 p.m. daily. The total number of day nursery employees present at the daycare at any one time would be limited to three. No off-street parking spaces will be provided for the use of the employees.

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).

All properties surrounding the subject property are located in the R-6 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-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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: October 13, 2014

CITY COUNCIL PUBLIC HEARING DATE: November 10, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, November 3, 2014

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

O&R Request August 19, 2014 Page 3 of 3

STAFF:

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

DPDR O&R No.14-38

POST-IN PUBLIC VIEW Expires: +2/3-172014.

20-14 BUSINESS LIGENSE

CITY OF RICHMOND, ROOM 103, CITY HALL RICHMOND VA 23219 (804) 646-7000

ACCOUNT NO. 1024121

PLUMBER SVELYN M. 3200 UTKIR PLACE RICHMOND VA 21222

BUSINESS LOCAL ADDRESS: 3200 UTHA PLÁCE RICHMOND: VA:23222

VALID BUSINESŠ LICENSE(S)

BUSINESS TYPE DESCRIPTION

DAY CARE GENTER

LICENSE(S) MUST BE RENEWED BY MARCH 1, 2015

TYPE LICENSE#

SAT

1335 | 33192

THIS LICENSE CERTIFICATE MUST BE SURRENDERED UPON DEMAND

Commonwealth of Virginia





FAMILY DAY HOME LICENSE

Issued to: Ms. Evelyn Plummer

Address: 3200 Utah Place RICHMOND VA 23222

This license is issued in accordance with provisions of Chapters 1, 17, and 18, Title 63.2, Code of Virginia and other relevant laws, the regulations of the State Board of Social Services, and the specific limitations prescribed by the Commissioner of Social Services, as follows:

J)	ENDER	Both		
APACITY 12	AGE	0 years I months	through	12 years 11 months
s/i				
V Vij				

This license is not transferable and will be in effect July 29, 2012 through July 28, 2014 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

ISSUING OFFICE:

Virginia Department of Social Services Central Lécensing Office 1604 Santa Rosa Rosed, Suite 130

Richmond VA 23229-5008 Telephone: (804) 662-7014

EDH 745524 LICENSE NUMBER

R. Brent Kennedy
Licensing Administrator

MARTIN D. BROWN

July 20, 2012

Date

Title

À





tures will not be accepted.)

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/ Application is hereby submitted for: (check one) special use permit, plan amendment ☐ special use permit, text only amendment **Project Name/Location** 23212 Tax Map # Property Address: Total area of affected site in acres: (See page 3 for fee schedule, please make check payable to the "City of Richmond") Zoning **Proposed Use Current Zoning:** (Please include a detailed description of the proposed use in the required applicant's report) 2000-211-200 Existing Use:____ is this property subject to any previous land use cases? □ No 2 Yes If Yes, please list the Ordinance Number: UMMER Applicant/Contact Person: Mailing Address: Zip Code: Telephone: Email: **Property Owner:** If Business Entity, name and title of authorized signee: Mailing Address State: Zip Code: Telephone: Fax: Email: **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 signa-

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

Bobby's World of Fun & Adventure Learning Center 3603 Vawter Ave. Richmond VA, 23222 804-239-2687

To Whom It May Concern,

My name is Sharon Oliver and I am the owner of Bobby's World of Fun & Adventure Learning Center. I operate a 24 hour family home daycare, which is located at 3603 Vawter Ave. Richmond VA 23222. We work in partnership with Mrs. Evelyn Plummer the owner of Kid-R-US. Located at 3200 Utah Place. Richmond VA. Mrs. Plummer has been an excellent resource to many of the parents that we have referred to her in the last 6 months. Her ability to provide excellent customer service and a developmentally sound program is a true asset to the community. I have visited her lovely day home on many occasions and have observed her and the children's interactions. If I can be of further assistance to you, please contact me via email @ Sharon.oliver2020@gmail.com.

Thanks for your consideration

Sharon Oliver

Recommendation to Ms. Evelyn Plummer Childcare

This letter enthusiastically recommends Ms. Plummer Childcare, Ms. Plummer provided childcare for my daughter when she was 6 months until the age of 4 years (1999 – 2004)

Ms. Plummer provides daycare in a warm, home environment. She excels at meeting infant and toddler developmental needs. Due to the attention Ms. Plummer devoted to my daughter she developed an increased vocabulary and a specific love of learning to identify objects by color and for books. In addition her social skills, relative to her respective age, were increasingly positive. Her daycare is full of music, dancing, warmth, joy delicious healthy food, and happy children. Also, her daycare reinforced respect and care for others. This is evident in the caring; respectful way my daughter treats other children. In fact she still keeps in contact with Ms. Plummer.

Ms. Plummer's childcare provided my daughter with the life, learning and discipline skills necessary to thrive in a pre-school. I highly recommend Ms. Plummer's daycare. If you would like to speak with me in person please contact me at (804) 971-0359

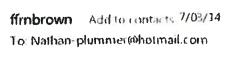
Sincerely,

Pamela Moses

7/-7/14

Letter of Recommendation%E2%80%8F





To whom this may concern:

My child attended the early education program with Mrs. Plummer and staff. The Learning Center was very functional, and most importantly, it was very clean. The staff were always efficient and effective with their teaching tactics. I was given a verbal time line for my child's projected learning achievements and every goal was met. My child happily learned and was excited to show me what he acquired on a daily basis. Even though children may pose as a challenge, the staff never relinquished professionalism or patience. I would highly recommend this setting for anyone's child.

Thank You.

Latesha Capers

Hello. My name is Evelyn Plummer. I own my home at 3200 Utah Place Richmond Virginia located in the Highland Park district and I am also a child care provider. My operation hours are Mon-Fri from 6am to 7pm. I care for 5 children in my home while their parents are at work. My business has been established since 1992 at that time I did received a special use permit. I was under the assumption that the special use permit would not expire as long as my business continued to operate. We are in the process of applying for another permit which will allow me to keep up to twelve kids at one time.

I am registered by the state of Virginia and have to comply with a number of regulations. Local and state offices will check to see that I give children the proper supervision. They also make sure I do not have more children than I can handle, treat the children properly and that my home is safe for young children.

I perform an important service for our neighborhood's working parents and their children. I am proud of what I do and take my responsibility very seriously. I closely supervise the children and plan many enjoyable and educational activities for them throughout the day. According to the regulations, they must be within sight and hearing at all times. They are never allowed to run around on the streets. My children play in my house or yard. My immediate neighbors have never complained about the children I watch. And, if any problems arose, my neighbors could complain to the Child Care Administration, who would investigate.

I believe that, as a child care provider, I make our community a better place to live. Very often, I am the only person home in my neighbor and I keep an eye on the other homes. If my neighbor's children are locked out, they know they can count on me.

Please let me continue to service the community and educate these bright young kids for the future.

Thank you for your attention. Please call me if you have any questions. My Phone number is 804-329-1969.

Sincerely,

Every Plumeres

Address: 3208 3d AvE. RicotmonD, VA. 23222

Hello. My name is Evelyn Plummer, I own my home at 3200 Utah Place Richmond Virginia located in the Highland Park district and I am also a child care provider. My operation hours are Mon-Fri from 6am to 7pm, I care for 5 children in my home while their parents are at work. My business has been established since 1992 at that time I did received a special use permit. I was under the assumption that the special use permit would not expire as long as my business continued to operate. We are in the process of applying for another permit which will allow me to keep up to twelve kids at one time.

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Sincerely.

Resident Sign: Markhas Alaman Alace Date: 6/30/14 Address: 3/22 Utah Place

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Sincerely,

Resident Sign:

- Date: 14

Address:

403 Krimar Drive

Highland Springs, VA 23075

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Sincerely,

Resident Sign: 1/4 M (Chemical

Every Phines

Date: 4 - 1-14

Address: 3202 wtach PL

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Resident Sign:

Date: 7-2-14

Address: 3019 Dill Are Richmond, VA 23222

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Sincerely,

Resident Sign: Willing L. N worre In

Date: June 30, 2614
Address: 3116 20th PL.

Junea Plumany

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Sincerely,

Resident Sign: John R. Suars Jr.

Date: 7-4-14

Address: 3115 Wtal Place

Richmond, VA.

is when to tay Concern

Aly name is ulpich Edwards and denviercital to provide this latter of reconstructation for As. Evelyn Hammen and Kidis & its In 2019 at longer sucking child core for my three year old denation. Characteristics which is the isotory and unteriousness, it anicolled Character. Immediately, the was accepted and comfortable. One of the themself the lake best about Kido & its is the strong amphasis on prepared and confortable as the strong amphasis on prepared and comfortable as the strong amphasis on the prepared and comfortable as for school his Plummus provided as appropriate material and come such same assignments for Innumeral. Independent with Ciarac and myself for elementary school

pay the time Ciana Started Kindergarten in 2011, She was well advanced for example, who other read and write senkinces she could even whate her whole name. Ciana excelled in retember tany ochost by the und of then first year, her teacher had recommended her for the talented and gifted program (aithough the ecould not be uligible until the 2nd grade). She maintained straight A's old through 1st grade placing her on the Scholar Roll. In addition, her books.

Ciarra just completed the 2nd grade. She begame religible, was nominated and accepted into the Jalented and Gifted program known as SPACE (Special Program for Academic and Creature Excellence). Again, she revelled in the 2nd grade. She made Scholar Pell for the year, who whole a chory that was jord on display at hacille Brown Middle Sorol and ohe had an art project displayed

at the North Amenue hebrury it addition to the academic excellence, Cranalinasi had me disciplinary tooner.

to the structure and prepareciness the juckined at kies l'its and to its Plummer. Its de Plummer privides uncellant lare and quidance to her children the three years that Care and quidance to her children that they are and attention the received to this day, chara obtained to are and attention the received to this day, chara obtained to are and attention to report cond to their and araciously pays "Thank you" whenever anyone wientows to me they are obtained think child care, invended by I refer them to kto. Philmmer. Should use have any arestown please feel free to contact me @ 804 - 23:1-2899's a acceptant of 3231020 yelloo. com

Sonarely Yours, Opt Habbers April D Edwards