



## CITY OF RICHMOND

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

**Ord. No. 2017-186:** To authorize the special use of the property known as 3200 Utah Place for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** October 2, 2017

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#### **PETITIONER**

Evelyn Plummer, Kids-R-U's, 3200 Utah Place

#### **LOCATION**

3200 Utah Place

#### **PURPOSE**

To authorize the special use of the property known as 3200 Utah Place for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

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. 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.

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 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 Zoning Ordinance was amended in 1995 to specifically remove day nurseries caring for more than five children as a permitted use in single-family districts.

Staff finds that the amendment to the Zoning Ordinance was approved by Council after a determination that the impacts associated with commercial day nurseries, especially in terms of increased noise and traffic, are detrimental to adjacent properties within single-family zoning districts. 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 6:00 a.m. to 7:00 p.m. Monday through Friday and require the operator of the day nursery to reside on the Property.

Staff further finds that with the proposed use of the property, 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.

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## **FINDINGS OF FACT**

### **Site Description**

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

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

The applicant is requesting the legitimization of a day nursery use of the property for the care of up to 12 children.

If approved, the ordinance would authorize the commercial day nursery use of the property for the care of up to 12 children. A portion of the residence with approximately 600 square feet of floor area would be devoted to the day nursery use and the applicant would reside in the remaining portion of the house. The large existing backyard would be used as an outdoor play area.

### **Master Plan**

The City of Richmond's Master Plan recommends Single-Family Low Density land use for the subject property. This category includes single-family detached and attached dwellings at densities up to twenty units per acre and residential support uses such as churches, parks, and recreational facilities (p. 133).

### **Zoning & Ordinance Conditions**

If approved, the ordinance would authorize the day nursery use for the care of up to 12 children and require that the day nursery is licensed by the Virginia Department of Social Services. The ordinance also limits the hours of operation for the day nursery from 6:00 a.m. to 7:00 p.m, Monday through Friday. In addition, the ordinance requires that a minimum of 50 square feet of indoor space and 100 square feet of outdoor play space be provided for each child under care.

Furthermore, the ordinance limits the number of employees that can be present on the property at one time to three. No off street parking spaces will be provided due to the number of available on street parking spaces available.

**Surrounding Area**

All surrounding adjacent properties are single-family detached dwellings located in the R-6 Single-Family Residential district.

**Neighborhood Participation**

Staff has received six letters of support and no letters of opposition at this time for the proposal.

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