

INTRODUCED: September 10, 2018

AN ORDINANCE No. 2018-248

To authorize the special use of the property known as 1731 Leicester Road for the purpose of a day nursery for up to four children, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 8 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 1731 Leicester Road, which is situated in a R-3 Single-Family Residential District, desires to use such property for the purpose of a day nursery for up to four children, which use, among other things, does not meet the requirements concerning day nurseries of section 30-406.2 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 (2018), 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 8 2018 REJECTED: _____ STRICKEN: _____

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 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 1731 Leicester Road and identified as Tax Parcel No. C005-0308/022 in the 2018 records of the City Assessor, being more particularly shown on a survey entitled “Survey & Map of Lot 22 Block A, Section 1, Plan of Westover Hills Annex in Richmond, VA.,” prepared by Robert K. Thomas & Assoc., and dated September 23, 1994, a copy of which is provided as an inset on the plans entitled “Home Addition for Pauline Hillsman, 1731 Leicester Rd., Richmond, VA. 23225,” prepared by Hooker Research Center, and dated June 28, 2016, 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 four children, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Home Addition for Pauline Hillsman, 1731 Leicester Rd., Richmond, VA. 23225,” prepared by Hooker Research Center, and dated June 28, 2016, 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 four children, not including children residing on the Property. The Property may also be used for other principal or accessory uses permitted in the underlying zoning district.

(b) The operator of the day nursery shall reside on the Property.

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

(d) The hours of operation for the day nursery shall be limited to the hours between 6:00 a.m. and 7:00 p.m., Monday through Friday.

(e) No off-street parking shall be required for the Special Use.

(f) The day nursery shall be licensed by and operated under the requirements of the Virginia Department of Social Services or successor agency. Interior space dedicated to the day nursery use and any outdoor play space dedicated to the day nursery use shall meet the requirements of the Virginia Department of Social Services or successor agency.

(g) Signage on the Property shall meet the requirements of the underlying zoning district.

§ 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 (2015), 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 (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, 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.

City of Richmond

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

Item Request
File Number: PRE.2018.295

O & R REQUEST

4-8077

~~AUG 15 2018~~

Office of the
Chief Administrative Officer

O & R Request

DATE: August 10, 2018

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: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic
Development and Planning

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

RE: To authorize the special use of the property known as 1731 Leicester Road for the purpose of
a day nursery for up to 4 children, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1731 Leicester Road for the purpose of
a day nursery for up to 4 children, upon certain terms and conditions.

REASON: The applicant has requested a special use permit to legitimize an existing home day care
nursery operation currently not permitted within the R-3 zoning district. 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 October 1, 2018, meeting. A
letter outlining the Commission's recommendation will be forwarded to City Council following that
meeting.

BACKGROUND: The subject property consists of a 14,175 SF, .35 acre parcel of land currently improved
with a single-family detached dwelling and located in the Westover Hills neighborhood of the Midlothian
planning district.

EDITION:1

AUG 29 2018

RECEIVED

OFFICE OF CITY ATTORNEY

IS 8/28/18

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single Family Low Density, (SF-LD). Primary uses for this category include "...schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5."(City of Richmond Master Plan, p. 133)

The property is currently zoned R-3 Residential Single Family as is much of the neighboring and nearby community. Single-family land use predominates the area.

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

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: September 10, 2018

CITY COUNCIL PUBLIC HEARING DATE: October 8, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 1, 2018.

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 ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

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

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

PDR O&R 18-49



SUP-034507-2018

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)

- [X] special use permit, new
[] special use permit, plan amendment
[] special use permit, text only amendment

Project Name/Location

Property Address: 1731 Leicester Rd. Richmond, VA. 23225 Date: 4/27/18
Tax Map #: C0050308023 Fee: 300.00
Total area of affected site in acres: 0.325

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

Zoning

Current Zoning: R-3

Existing Use: Residential - Single Family

Proposed Use

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

A LICENSED FAMILY DAY HOME TO CARE FOR 4 INFANTS THROUGH AGE 24 MONTHS
Existing Use: Single Family Residence

Is this property subject to any previous land use cases?

Yes [] No [X] If Yes, please list the Ordinance Number:

Applicant/Contact Person: PAULINE E. HILLSMAN

Company:
Mailing Address: 1731 LEICESTER RD.
City: Richmond State: VA Zip Code: 23225
Telephone: (804) 231-4147 Fax: ()
Email: PAULINESCHILD CARE@VERIZON.NET

Property Owner: Pauline E. Hillsman

If Business Entity, name and title of authorized signer:

(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:
City: State: Zip Code:
Telephone: () Fax: ()
Email:

Property Owner Signature: Pauline E. Hillsman

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)

Report for Proposed use of 1731 Leicester Road, Richmond, Va. 23225
Residence of Pauline Hillsman

April 27, 2018

This report concerns the Special Use Permit to operate a Licensed Family Day Home at 1731 Leicester Rd. Richmond, Va. 23225, which will operate in accordance with the requirements of the Department of Social Services.

Number of children: The Family Day Home will provide care for a maximum of four children; their ages being 0 - 24 months. Pauline Hillsman will be the sole care provider with no additional staff.

Hours of operation: The Licensed Family Day Home will operate between 7.00am and 7.00pm, Monday through Friday. There will be no weekend or evening child care offered.

Parking and Pickup: My driveway accommodates three car spaces. There are three additional parking spaces on the street in front of my property. Parents can drop off or pick up their children without effecting any neighboring property.

Appearance: The exterior of my home will not display any signage or lights for advertising purposes of the Family Day Home.

In addition the following will also be adhered to;

- a. My Family Day Home will not be detrimental to the safety, health, morals and general welfare of the community involved.
- b. My Family Day Home will not tend to create congestion in the streets, roads, alley and other public ways and places in the area involved.
- c. My Family Day Home will not create hazards from fire, panic or other dangers.
- d. My Family Day Home will not tend to cause overcrowding of land and an undue concentration of population.
- e. My Family Day Home 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.
- f. My Family Day Home will not interfere with adequate light and air.

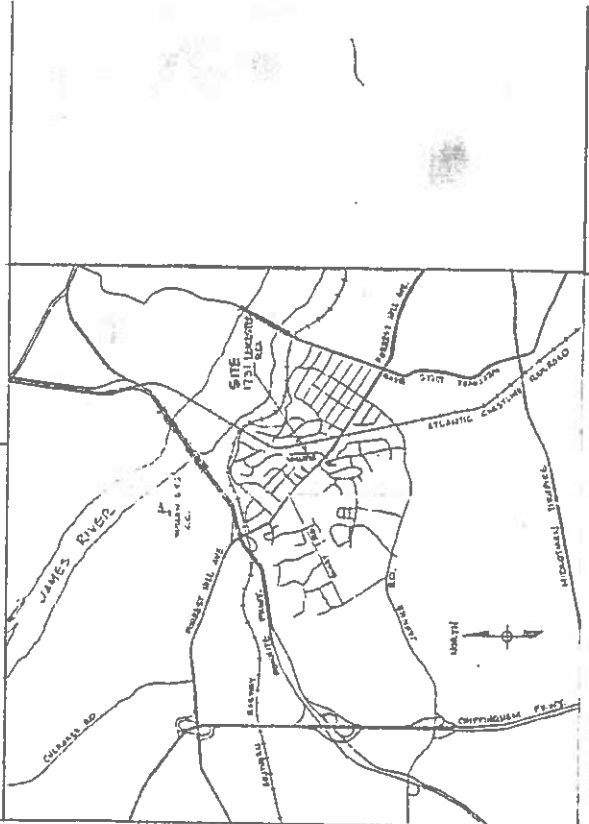
Pauline Hillsman

ARCHITECTURAL MATERIAL LEGEND

	CONCRETE BLOCK OR CONCRETE MASONRY
	BRICK (IN SECTION)
	CONCRETE
	CAESTH
	BATT INSULATION
	RIGID BOARD INSULATION
	ASPHALT SHINGLES

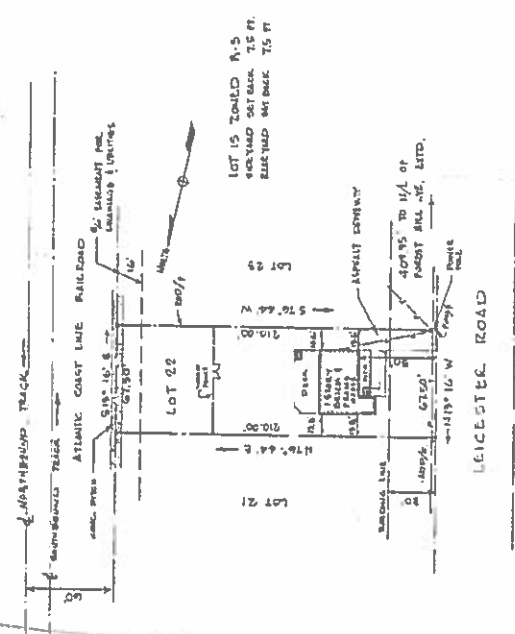
ABBREVIATIONS LEGEND

FL.	FLOOR
FIN. FL.	FINISH FLOOR
FIN. CEILING	FINISH CEILING
CONC.	CONCRETE
CONT.	CONTINUOUS
INSUL.	INSULATION
TR. NO.	TRENCH TREATED WOOD
HGT.	HEIGHT
SQ. FT.	SQUARE FEET
MIN.	MINIMUM
DIAM.	DIAMETER
MAX.	MAXIMUM
O.C.	ON CENTER
LB.	POUND OR POUNDS
T&G	TONGUE AND GROOVE
TR.	TREAT
GALV.	GALVANIZED
TYP.	TYPICAL
S/S	SHELF AND SOO
LXL	LIMITED VARIABLE LENGTH
M.P.	METREY OPENING
DR.	DOUBLE DRUG

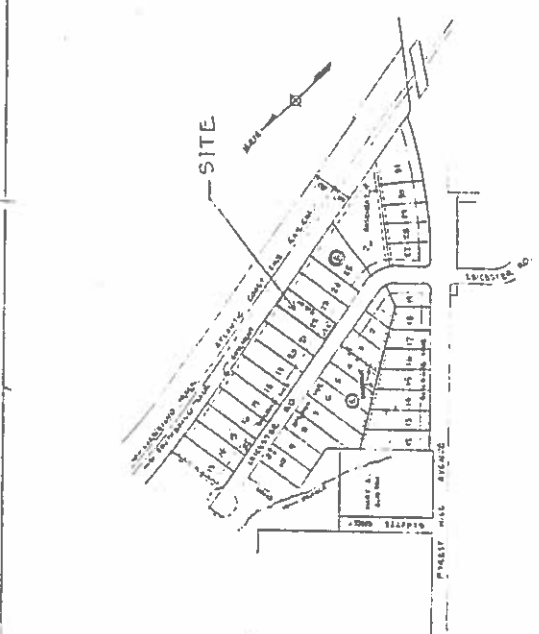


HOME ACQUISITION
 FAYHUE HILLSHAW
 1751 LEICESTER RD.
 RICHMOND, VA. 23225
 PH. 804-291-4147

VACINITY MAP
 SCALE IN MILES
 0 1 2 3 4 5



LOT SURVEY MAP
 SCALE 1" = 100 FT.



SUBDIVISION MAP
 SCALE 1" = 100 FT.

VISIONE HILLS SUBDIVISION
 SECTION 1
 RICHMOND, VA.