

INTRODUCED: October 11, 2021

AN ORDINANCE No. 2021-296

To authorize the special use of the property known as 4120 Dorset Road for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: NOV 8 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 4120 Dorset 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 12 children, which use, among other things, is not currently allowed by section 30-406.1 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:      NOV 8 2021      REJECTED: \_\_\_\_\_      STRICKEN: \_\_\_\_\_

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 (2020), 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 4120 Dorset Road and identified as Tax Parcel No. C008-0995/046 in the 2021 records of the City Assessor, being more particularly shown on the survey entitled “4120 Dorset Road, Richmond, VA,” prepared by William J. Schmidt & Assoc., and dated July 16, 2005, 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 plans entitled “Your Supreme Daycare and Preschool, 4120 Dorset Road, Richmond, Va [sic] 23234,” prepared by an unknown preparer, and undated, 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 12 children, not including children residing on the Property, substantially as shown on the Plans.

(b) Parking for no fewer than four vehicles shall be provided on the Property for the Special Use.

(c) The hours of operation for the day nursery shall be limited to the hours between 6:00 a.m. and 6:00 p.m., daily.

(d) The day nursery shall be licensed by and operated under the requirements of the Virginia Department of Education or its successor agency.

§ 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 (2020), 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 (2020), 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 (2020), 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 (2020), 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

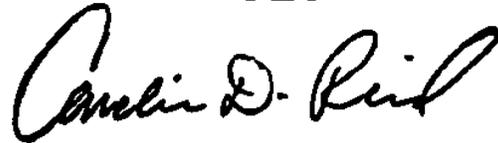
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, 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.

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink, appearing to read "Camelia D. Reil". The signature is written in a cursive style with a large initial 'C'.

**City Clerk**



# City of Richmond

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

## Item Request File Number: PRE.2021.798

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### O & R Request

**DATE:** September 10, 2021

**EDITION:** 1

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review

**RE:** To authorize the special use of the property known as 4120 Dorset Road for the purpose of a day nursery with up to twelve children not residing in the household between the ages of six weeks and twelve years old.

**ORD. OR RES. No.** \_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 4120 Dorset Road for the purpose of a day nursery with up to twelve children not residing in the household between the ages of six weeks and twelve years old.

**REASON:** The applicant is requesting a special use permit to allow for the use of the dwelling for the purpose of a day nursery with up to twelve children not residing in the household. Day nurseries are not permitted in the R-3 Single Family Residential District. Day nurseries are defined in the zoning ordinance as a “facility for the care of more than five children while separated from their parents for a portion of the day, not including children of a family residing on the premises.” 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 November 1, 2021, meeting.

**BACKGROUND:** The subject property contains a lot area of 4.54 acres and is improved with a single family detached dwelling. The property is located in the Cottrell Farms neighborhood on Dorset Road, near the Chesterfield County municipal boundary.

The Richmond 300 Master Plan recommends a future land use of “Residential” for the property. The primary uses envisioned for Residential are single family houses, accessory dwelling units, and open space. Secondary uses are duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. The development style is medium sized and large sized lots in a largely auto dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single family housing, accessory dwelling units, duplexes and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings. Buildings are generally one to three stories, with lot sizes ranging up to 5,000 square feet to 20,000 square feet. Residential density is typically two to ten housing units per acre.

All surrounding properties are all also located in the R-3 Single Family Residential District. The property is located within a residential neighborhood and is surrounded by other single family dwellings.

**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 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** October 11, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** November 8, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
November 1, 2021

**AFFECTED AGENCIES:** Office of Chief Administrative Office  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant’s Report, Plans, Map

**STAFF:** Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-4856



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, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

**Project Name/Location**

Property Address: 4120 Dorset Road Richmond, Va 23234 Date: 1/14/2021  
 Tax Map #: C008-0995/046 Fee: \$300.00  
 Total area of affected site in acres: 4.534 acres

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

**Zoning**

Current Zoning: C

Existing Use: Single Family Home

**Proposed Use**

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

Family Day Home

Existing Use: Single Family Home

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Keisha Jones

Company: Your Supreme Daycare and Preschool LLC

Mailing Address: 4120 Dorset Road

City: Richmond State: Va Zip Code: 23234

Telephone: (804) 298-0298 Fax: ( )

Email: joneskeisha6348@gmail.com

**Property Owner:** Harry and Keisha Jones

If Business Entity, name and title of authorized signer: N/A

(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: 4120 Dorset Road

City: Richmond State: Va Zip Code: 23234

Telephone: (804) 298-0298 Fax: ( )

Email: joneskeisha6348@gmail.com

**Property Owner Signature:** *Keisha Jones*

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)

To whom it may concern.

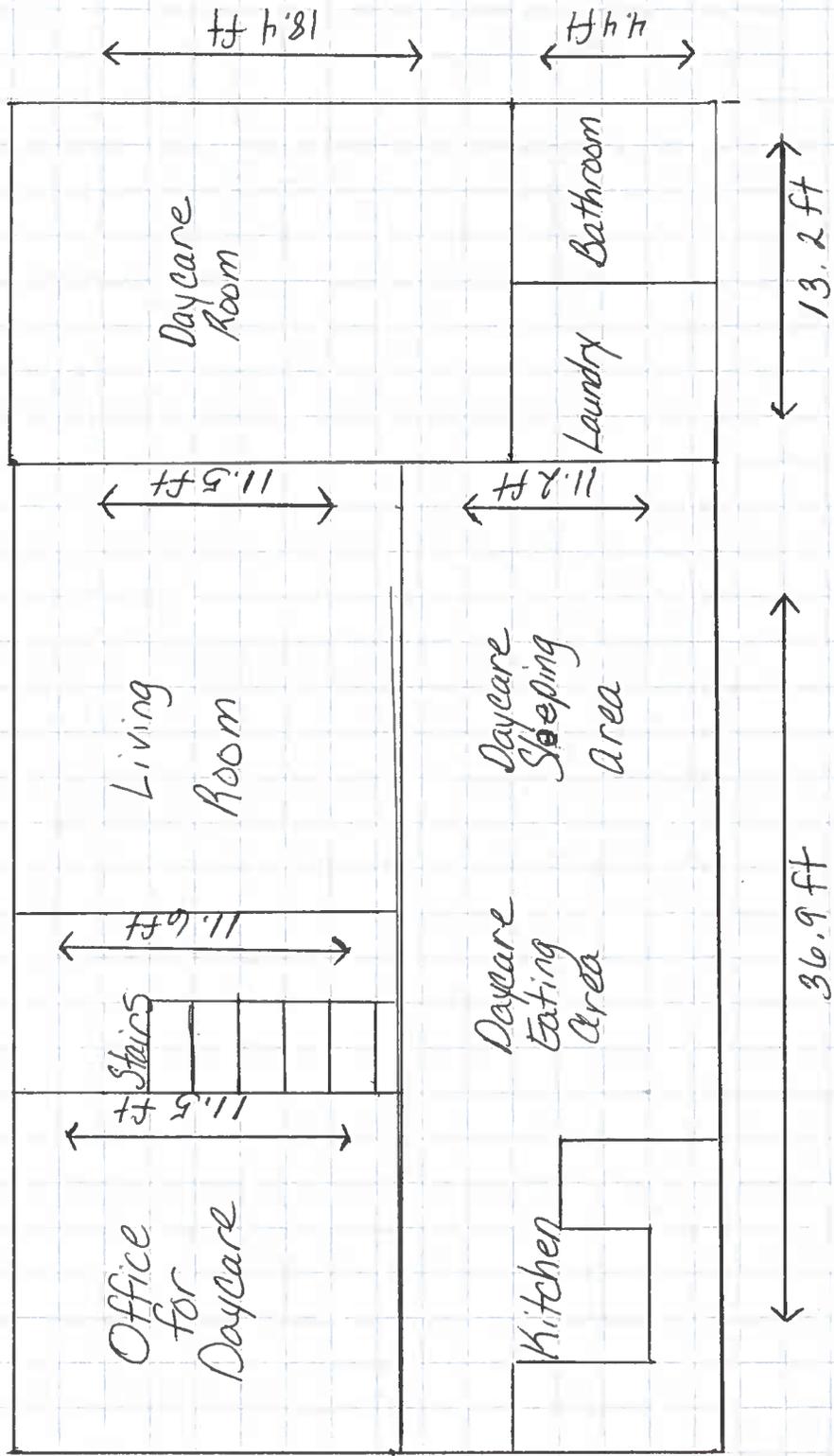
The proposed use of the property at 4120 Dorset Road is for a Daycare and Preschool. I am asking to enroll up to 12 children from the ages of 0-12 years. We live in an area that is spacious and in need of childcare centers and Family Day homes. I intend to hire up to three employees where there will be a 1/3 ratio of providers to children. The operating hours will be from 6:30am-6:00pm. There may be up to 12 vehicles coming to the daycare in the morning and 12 vehicles in the pm for pickup of children. I have a parking area on our property that will accommodate 12 at the same and many more without parking on the street. We have other children in our neighborhood that play outside throughout the day. The daycare children will have scheduled outdoor play and will not be constantly outside. The way my house is positioned along with the amount of land that we have, our neighborhood should not be affected in anyway.

I will not be detrimental to the safety, health, morals and general welfare of the community involved; I will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; I will not create hazards from fire, panic or other dangers; I will not tend to cause overcrowding of land and an undue concentration of population; I will not adversely act or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; I will not interfere with adequate light and air.

Thank You,

Keisha Jones

Your Supreme Daycare and Preschool  
4120 Dorset Road, Richmond, Va 23234



1 Square = 20"