



## Legislation Details (With Text)

**File #:** ORD. 2016-240    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Adopted  
**File created:** 7/6/2016    **In control:** City Council  
**On agenda:** 10/10/2016    **Final action:** 10/10/2016  
**Title:** To authorize the special use of the property known as 3325 Florida Avenue for use as a day nursery for up to 12 children, upon certain terms and conditions.  
**Sponsors:** Mayor Jones (By Request)  
**Indexes:** Special Use Permit  
**Code sections:**  
**Attachments:** 1. Ord. No. 2016-240, 2. Staff Report, 3. Location Map, 4. Applicant's Report, 5. Deed, 6. Floor Plan, 7. Letters of Support

Date	Ver.	Action By	Action	Result
10/10/2016	1	City Council	adopted	
10/3/2016	1	Planning Commission	recommended for approval	Pass
9/12/2016	1	City Council	introduced and referred	

To authorize the special use of the property known as 3325 Florida Avenue for use as a day nursery for up to 12 children, upon certain terms and conditions.

### O & R Request

**TO:** The Honorable Members of City Council  
**THROUGH:** Dwight C. Jones, Mayor  
**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer  
**THROUGH:** Lee Downey, Deputy Chief Administrative Officer for Economic 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 3325 Florida Avenue 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 known as 3325 Florida Avenue 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 September 5, 2016 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is located at the corner of Florida Avenue and Milton Street and consists of a parcel with approximately 9,800 square feet of land area. The property is currently improved with a two and a half-story, single-family detached dwelling constructed in 1924.

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 plus 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. In addition, a six foot tall opaque privacy fence will be provide in the backyards.

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 7:00 a.m. to 5:30 p.m. daily. The total number of day nursery employees present at the daycare at any one time would be limited to two. No off street parking will be provided for the use.

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).

Properties to the north and east are located in R-5 Single Family Residential district. Properties to the south and west R-6 Single Family Residential district. All surrounding adjacent properties to the subject property are all single family detached dwellings located in the R-5 and 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:** \$300 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** July 25, 2016.

**CITY COUNCIL PUBLIC HEARING DATE:** September 12, 2016.

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, September 5, 2016.

**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, Deed

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