



Text Amendment #2018-0001
Additional Uses in the NR/Neighborhood Retail Zone
(Arlandria)

Issue: (A) Initiation of a Text Amendment; and (B) Public hearing and consideration of a Text Amendment to sections 4-1403, 4-1403.1, and 4-1404 of the Zoning Ordinance to add permitted uses, administrative uses, and special uses to the NR/Neighborhood Retail zone.	Planning Commission Hearing:	February 6, 2018
	City Council Hearing:	February 24, 2018
Staff: Ann Horowitz, Urban Planner ann.horowitz@alexandriava.gov		

Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendments.

PLANNING COMMISSION ACTION, FEBRUARY 6, 2018: On a motion made by Vice Chairman Macek and seconded by Commissioner Wasowski, the Planning Commission voted to initiate Text Amendment #2018-0001. The motion carried on a vote of 7-0. On a motion made by Vice Chairman Macek and seconded by Commissioner Lyman, the Planning Commission voted to recommend approval of Text Amendment #2018-0001 with a revision to the permitted use section for a health and athletic club use from “health and athletic clubs if located in a shopping center and operating hours are limited from 5 a.m. to 11 p.m.” to “health and athletic clubs if located within a shopping center, hotel or office complex.” The motion carried on a vote of 7-0.

Reason: The Planning Commission generally agreed with the staff recommendation.

Vice Chairman Macek stated that he supported the removal of the hours limitation for permitted health and athletic clubs in a shopping center as he believed that neighborhood impacts would not result from a 24-hour operation and the location of a health and athletic club in a long-vacant tenant space at the Mount Vernon Village Center would benefit the community. He and Commissioner Lyle concurred that health and athletic club impacts should not be any greater than a retail operation, which is commonly a permitted use. Commissioner McMahon supported the Vice Chairman’s position, including the proposal to add hotels and office complexes as locations for permitted health and athletic clubs. Commissioner Wasowski agreed with her colleagues’ rationales, however, she expressed concern that the community would not receive enough notice prior to the City Council hearing regarding the Planning Commission recommendation to permit a 24-hour health and athletic club in the Mount Vernon Village Center as a by-right use. Planning Director Karl Moritz stated that staff would notify the Arlandria Implementation Advisory Group of the Planning Commission’s recommendation prior to the City Council meeting.

Commissioner Brown asked the Planning Director to comment on the departmental approach to text amendment proposals. Karl Moritz replied that the department has responded to evolving business and community needs through individual amendments on specific issues, rather than

waiting until resources are available to make comprehensive changes to the Zoning Ordinance. Vice Chairman Macek suggested that staff consider revisiting the Special Use Permit requirement for “bus shelters on private property,” which appears in several zones. Commissioner Wasowski added that the SUP hours limitations for health and athletic clubs should be reviewed as these facilities often operate on a 24-hour schedule.

Speakers:

Duncan Blair, attorney for the Arlandria Center property owner, requested that the Planning Commission consider permitting health and athletic clubs located in a shopping center, hotel, or office complex and without an hours limitation as a by-right use.

Kevin Beekman, 3905 Elbert Avenue, supported the proposed amendments to the NR zone and stated that the proposed new uses would be compatible with the neighborhood plan.

I. Issue

Recent small business trends in the City reflect an increase in the number of health and athletic clubs as well as private commercial schools that specialize in athletic and exercise classes. The Zoning Ordinance recognizes these uses in several commercial zones as permitted, administrative Special Use Permit, or Special Use Permit uses. Staff proposes to add these uses, in addition to other uses from the Mount Vernon Overlay area (the Del Ray commercial area along Mount Vernon Avenue), to the NR/Neighborhood Retail zone (Arlandria) to provide consistency among the two adjacent neighborhood-serving business districts. The business districts of Arlandria and Del Ray are similar in character as both generally feature a mix of small independent businesses that are located in traditional “Main Street” storefront tenant spaces and are proximate to residential areas.

The proposal also coordinates with the goals of the Arlandria Neighborhood Area Plan of the West Small Area Plan to support a viable and active commercial center composed of a mix of diverse uses. Addition of these uses would expand business opportunities in Arlandria.

II. Background

The NR zone governs two sections of the Arlandria commercial area between the Arlington border to the north and the Glebe Road and Mount Vernon Avenue intersection to the south. The NR zone use regulations also apply as the underlying zoning for the CDD #6 and CDD #12 zones, which connect the two portions of the NR zone along Mount Vernon Avenue (Figure 1).

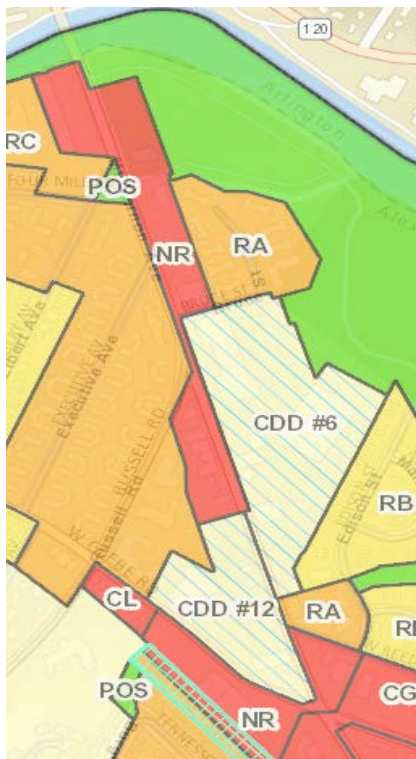


Fig. 1: The NR, CDD #6, and CDD #12 zones

III. Proposed Text Changes

Staff proposes to amend Sections 4-1403, 4-1403.1, and 4-1404 of the Zoning Ordinance with additional by-right, administrative SUP, and SUP uses in the NR zone. These proposed uses reflect similar commercial uses and approval categories of the Mount Vernon Overlay. Uses requiring administrative SUP or full-hearing SUP approvals would be subject to an analysis of neighborhood impacts which would result in conditions to minimize potential effects on adjacent uses.

Attachment 1 provides the text amendment language. A summary of the proposed amendments follows:

A. Addition of permitted uses

- Health and athletic club if located within a shopping center, hotel or office complex ~~and operating hours are limited from 5 a.m. to 11 p.m.~~ *(Planning Commission revision)*
- Animal care facility with no overnight accommodation
- Utilities, as permitted by section 7-1200

Health and athletic clubs would be permitted as a by-right use in a shopping center with limited hours. Staff believes that this use in the only Arlandria shopping center as defined in the Zoning Ordinance -- Mount Vernon Village Center -- could accommodate a health and athletic club. ~~with restricted hours as a permitted use given that potential neighborhood impacts would be minimized due to its setback from Mount Vernon Avenue and its distance from residences.~~ *(Planning Commission revision)*

In addition to health and wellness businesses, City staff has recognized an increase in inquiries for animal care facilities with no overnight accommodations. With this amendment, the NR zone could accommodate this trending business. Utility uses have been added to make the NR zone consistent with section 7-1200 of the Zoning Ordinance, which permits specified utilities in all zones of the City.

Private commercial schools with a maximum of 20 students on the premises at any one time are currently permitted in the NR zone as by-right uses. Staff recommends that these uses remain as permitted uses and add the requirement for a limit of 30 feet of frontage on the ground floor. This stipulation ensures a mix of uses at the street level and contributes to an active streetscape. The KR/King Street Retail and Mount Vernon Overlay zones also contain the 30-foot frontage limit for private commercial schools on the ground level.

Staff deleted two use categories from the permitted use section. Medical laboratories have been removed as this use only appears in higher impact commercial zones and not in similar neighborhood-serving commercial zones such as KR/King Street and the Mount Vernon Overlay. Additionally, staff deleted the office use listed in section 4-1403(B)(3) as this is a

redundant reference. Office uses would continue to be permitted on upper floors as Section 1403(B)(1) permits business and professional office uses, as listed under Section 4-1403(A)(3).

B. Addition of Administrative Special Uses

- Health and athletic club not located within a shopping center, hotel or office complex (*Planning Commission revision*)
- Outdoor display of retail goods

The health and athletic club and outdoor display of retail goods uses would be regulated by the administrative SUP standards of section 11-513. Health and athletic clubs would be eligible to receive administrative SUP approval with hours of operation that would not exceed 6 a.m. to 11 p.m., Sunday through Thursday, and 6 a.m. to 12 midnight, Friday and Saturday. The outdoor display of retail goods would permit business owners to market products immediately in front of their businesses on private property.

C. Addition of Special Uses

- Health and athletic club
(~~exceeding the hours of 5 a.m. to 11 p.m. or the~~ administrative SUP standards of section 11-513(Q)) (*Planning Commission revision*)
- Outdoor garden center
(~~exceeding the~~ administrative SUP standards of section 11-513(G))
- Private school, commercial, with more than 20 students on the premises at any one time or with a frontage of more than 30 feet along Mount Vernon Avenue
- Social service use
- Bus shelter on private property
- Public parking lot
- Congregate housing facility
- Home for the elderly
- Public building

The additional uses recommended as Special Uses in the NR Zone appear as Special Uses in the Mount Vernon Overlay, including non-commercial uses such as social service uses, and public buildings. Health and athletic clubs that exceed ~~the hours permitted in a shopping center (5 a.m. to 11 p.m.) or~~ the hours permitted through administrative SUP approval for health clubs not located in a shopping center (6 a.m. to 11 p.m., Sunday through Thursday, and 6 to 12

midnight, Friday and Saturday) would require Special Use Permit approval to operate.
(*Planning Commission revision*)

Although outdoor garden centers that adhere to the standards of Section 11-513 may currently operate with administrative SUP approval, those that are larger than 10,000 square feet and exceed operating hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, and 8:00 a.m. to 8:00 p.m. on Sunday would require Special Use Permit approval through this text amendment. Private commercial schools proposed for building frontages that exceed 30 feet or with more than 20 students at any one time could be reviewed under the Special Use Permit process.

IV. Recommendation

Staff recommends that the Planning Commission initiate text amendments and recommends approval of the text amendments stated in this report. The proposal to amend the NR zone would allow a diversification of commercial businesses and neighborhood-serving uses in the Arlandria business district and provide small business owners with additional options for locating in the City.

Staff: Ann Horowitz, Urban Planner.

Attachments: Proposed Zoning Text Changes

Attachment 1

Proposed Zoning Text Changes

TA2018-0001

Sec. 4-1400 - NR/Neighborhood retail zone (Arlandria).

4-1403 - Permitted uses.

In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

(A) Permitted ground floor uses. The following uses are permitted on the ground floor of buildings facing the sidewalk:

- (1) Retail establishment;
- (2) Personal service establishment, except ~~banks~~, pawnshops, check cashing, payday loan and title loan businesses;
- (3) Banks, business and professional offices, medical ~~laboratory~~ or offices and laundromats, provided:
 - (a) The business facade shall be no wider than 30 feet along the street;
 - (b) No more than two such uses or entrances shall adjoin each other;
- (4) Restaurants, when located within a shopping center or hotel;
- (5) Day care center;
- (6) Private school, commercial, with a maximum of 20 students on the premises at any one time and with a frontage of less than 30 feet along Mount Vernon Avenue;
- (7) Animal care facility with no overnight accommodation;
- (8) Health and athletic club if located within a shopping center, hotel or office complex;
- (9) Utilities, as permitted by section 7-1200;

(B) Permitted uses above the ground floor:

- (1) Uses listed under section 4-1403;
- (2) Dwelling unit;
- (3) ~~Office;~~
- (4) Church;
- (5) Private school, commercial with more than 20 students on the premises at any one time

4-1403.1 - Administrative special uses.

The following uses may be allowed in the NR zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation located in a shopping center;
- (A.1) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Reserved;
- (E) Massage establishment;
- (F) Valet parking;
- (G) Outdoor dining;
- (H) Live theater;
- (I) Health and athletic club, other than pursuant to section 4-1403(A)(8);
- (J) Outdoor display of retail goods

4-1404 - Special uses.

The following uses may be allowed with a special use permit:

- (A) Amusement enterprise
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-1403.1(A);
- (B) Banks, business and professional offices, medical laboratories/offices and laundromats, other than pursuant section 4-1403(A)(3);
- (C) Convenience store;
- (D) ~~Reserved;~~ Public parking lot;
- (E) ~~Reserved;~~ Private school, commercial, with more than 20 students on the premises at any one time or with a frontage of more than 30 feet along Mount Vernon Avenue;
- (F) Fraternal or private club;
- (G) Live theater, other than pursuant to section 4-1403.1(H);
- (H) ~~Reserved;~~ Bus shelter on private property;
- (I) Nursing or convalescent home or hospice;
- (J) Outdoor food and crafts market, other than pursuant to section 4-1403.1(C);

- (K) Private school, academic, with more than 20 students on the premises at one time;
- (L) Public building;
- (M) Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1(A.1);
- (N) Townhouse dwellings, subject to the RB regulations for density, lot requirements, bulk and open space, and height and; allowed only in locations where the development of residential units will not interfere with the existing or the creation of the desired streetscape pattern of contiguous and active retail uses.
- (O) Congregate housing facility;
- (P) Health and athletic club, other than pursuant to sections 4-1403(A)(8) or 4-1403.1(I)
- (Q) Home for the elderly;
- (R) Outdoor garden center, other than pursuant to section 4-1403.1(B);
- (S) Public building;
- (U) Social service use

From: Duncan Blair <dblair@landcarroll.com>
Sent: Tuesday, February 06, 2018 4:40 PM
To: mindyllyle@comcast.net; Nathan Macek; Stephen Koenig (swk@lkarchitects.com); Maria Wasowski; Mary Lyman; dwbapc@gmail.com; Melissa McMahon (m.e.b.mcmahon@gmail.com)
Cc: Duncan Blair; Steve Weinstock; Kristen Walentisch; Ann Horowitz
Subject: Text Amendment #2018-001

Good afternoon. I am writing on behalf of my client Arlandria Center, LLC, the owner of the shopping center at 3809A, 3811, 3811A Mount Vernon Avenue and 3907 Bruce Street to request that the Planning Commission amend the staff proposed text of Section 4-1403 (A)(8) from: **“Health and Athletic club if located in a shopping center and operating hours are limited from 5 a.m. to 11 p.m.”** as a permitted use to **“Health and athletic club located within a shopping center, hotel or office complex.”** The requested amendment is identical with the permitted use provisions contained in all of the designated commercial zones with the exception of the CL, CC and CSL commercial zones which do not permit health and athletic clubs as a permitted use. The amended language will treat all shopping centers (as defined in the Zoning Ordinance) in a consistent and uniform manner.

As background, Arlandria Center, LLC approached the City in December, 2017, and requested that the City initiate a text amendment to the NR Zone regulations to include as a permitted use health and athletic clubs in shopping centers, hotels or office complexes. Arlandria Center is in the process of re-tenanting the center and has been approached by a health and athletic club to lease the space that CVS vacated several years ago. Arlandria Center LLC was surprised that the regulations precluded health and athletic clubs which are frequently mini-anchor tenants in shopping centers. Additionally the use is consistent with the intent of section 14-1401 of the NR zone regulations to “enhance the pedestrian oriented commerce with greater opportunities for shopping , **recreation**, cultural activities , with a variety of uses”. Prior to the rezoning of the center to NR, the center was zoned CG. The CG zone permits is one of the commercial zones that allows health and athletic clubs as a permitted use.

I submit that the suggested amendment to the Staff’s proposal is consistent with City policies on governing shopping center and will not be detrimental to the Arlandria Community.

I look forward to you questions, thoughts or comments this evening.

Duncan W. Blair

