



***DOCKET ITEM #5***  
***Zoning Text Amendment #2020-00002***  
***Day Care Center Uses in the Mount Vernon Avenue***  
***Urban Overlay Zone***

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**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

<b>Issue:</b> Zoning Text Amendment #2020-00002  Day Care Center Uses in the Mount Vernon Overlay Zone  (A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to allow day care centers as a permitted use on the ground floor of properties located within the Mount Vernon Overlay provided that the use shall occupy no more than 30 feet frontage, and provided further that additional frontage space may be permitted with a special use permit.  Staff: City of Alexandria, Department of Planning & Zoning	Planning Commission Hearing:	March 3, 2020
	City Council Hearing:	March 14, 2020
<b>Staff:</b> Marlo J.W. Ford, AICP, Urban Planner, <a href="mailto:marlo.ford@alexandriava.gov">marlo.ford@alexandriava.gov</a> Tony LaColla, AICP, Land Use Services, Division Chief, <a href="mailto:tony.lacolla@alexandriava.gov">tony.lacolla@alexandriava.gov</a>		

**Staff recommendation:** Staff recommends that the Planning Commission recommends APPROVAL of the Text Amendment.

## I. Issue

The purpose of this proposed Text Amendment is to add day care centers as a permitted first-floor use within the Mount Vernon Avenue Urban Overlay Zone to Section 6-600 of the Zoning Ordinance. Currently, day care centers are not a permitted first-floor use in the zone but are permitted on upper floors.

## II. Background

The Mount Vernon Avenue Urban Overlay Zone was incorporated into the Zoning Ordinance in 2005 under Section 6-600. The underlying zone is CL, commercial low, which does permit day care centers on the first floor.

The purpose of the Overlay Zone was outlined in Section 6-601 as stated in the following:

*The Mount Vernon Avenue Urban Overlay Zone is intended to supplement traditional zoning for certain properties on Mount Vernon Avenue in order to achieve a mixed use, pedestrian oriented community that both supports economic activity and protects existing residential neighborhoods, and to provide for appropriately scaled infill development that is compatible with the character of Mount Vernon Avenue, the existing community and the Town of Potomac historic district.*

The overlay zone is that portion of Mount Vernon bordered by East Nelson and Hume Avenue and portions of the blocks to the east and west of Mount Vernon Avenue.

The current regulations limit what uses are permitted on the first-floor level of establishments located in this overlay. When the ordinance was written, the Mount Vernon Avenue Urban Overlay Zone had a retail focus to encourage vibrant and active uses. At that time, day care centers were not considered to be an active use.

The “vibrant and active uses” were indicated in Section 6-603 (C) as follow:

- C) Retail focus uses. Within the retail focus area, uses occupying first floor space of a building shall be limited to the following:

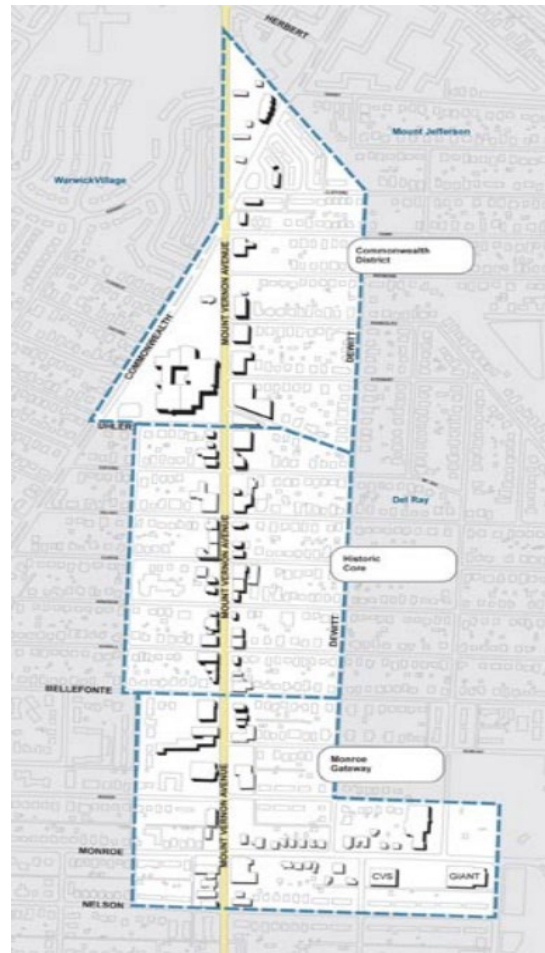


Figure 1: Overlay Outline

Day Care Center Uses in the  
Mount Vernon Urban Overlay Zone

- (1) Retail shopping establishment.
- (2) Restaurant.
- (3) Amusement enterprise, as limited in section (B)(1) above.
- (4) Personal service establishment, provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that additional frontage space may be permitted with a special use permit.
- (5) Arts and crafts studios, which are facilities where arts and crafts products are created on site. If at least 50 percent of the frontage of the space on Mount Vernon Avenue is devoted to retail display and sales, then the use is not considered a personal service establishment.
- (6) Office or residential uses, in an existing building with a first floor located at least 40 inches above the grade of the sidewalk.
- (7) Private school, commercial, with a maximum of 20 students on the premises at one time and provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that more than 20 students on the premises at one time and additional frontage space may be permitted with a special use permit.

While the current regulations allowed retail and personal services, it did not permit day care centers on the first floor by right, under an administrative special use permit, or a full hearing special use permit. Staff has received several inquiries about operating child day care centers within the Mount Vernon Avenue Urban Overlay Zone and was requested to consider day care centers as a ground floor use due to community need.

In looking at the City's commercial zones, with the exception of the I (Industrial) zone and the UT (Utility) zone, a day care center is a permitted use by right and can be located on the first floor. In fact, day care centers are even a permitted first floor use in the NR (Neighborhood Retail) Arlandria zone which is located not much further north along Mount Vernon Avenue.

In all zones where the Zoning Ordinance allows day care centers, there are additional requirements to operate a facility including the submission of a drop-off and pick up plan. The plan ensures that the day care center operators have the appropriate pick-up and drop-off location for the safety of the children. The plan also ensures that traffic congestion is mitigated as most facilities experience heightened activity during the morning and evening rush hours.

A goal of having retail and other active ground floor uses along retail streets like Mount Vernon Avenue and King Street is that the ground floor uses will interact with pedestrians. Window transparency is a key element, engaging pedestrians and inviting them into the shop or restaurant and providing "eyes on the street" from the business, which provides increased safety. In recent years, the City has included a requirement in special use permits that businesses maintain some window transparency and not fully block their windows. A

consequence of making day care centers permitted uses is that this requirement is no longer made. Some day care centers and yoga/exercise studios have entirely blocked their windows on retail-oriented streets. Staff will be scheduling a review of this issue in the future, work with the appropriate businesses, and develop an approach that balances the desire for privacy for some uses with the goal of supporting a lively and interesting pedestrian environment on our retail streets.

### **Day Care in the City of Alexandria**

According to the United States Census Bureau data, the populations of the City and the Del Ray neighborhood are both increasing. Within that total overall increase in the number of residents comes an increase in the percentage of children under age five from 6.8% of the Del Ray population in 2010 to 7.80% of the population in 2016. In 2010, residents both under age 5 and over age 65 made up 16.5% of the city. By 2016, that percentage grew to 18.1%. With a growth in the city's population and an increase in the percentage of younger and older residents, the need for day care centers continues to grow. (See Table 1 for Census data). The market demand is strong and is projected to increase, especially as those citizens over age 65 make up a larger percentage of the community in the years to come.

**Table 1: Change in Population for City and Del Ray**

Estimated Population			
	Citywide	Del Ray	% of Del Ray Population
2010*	140,300	7,600	5.40%
2016*	156,500	8,700	5.60%
Share of residents under the age 5			# of Del Ray Residents
2010*	7.20%	6.80%	517
2016*	7.30%	7.80%	679
Change	+0.10%	+1.00%	+162
Share of residents age 65 & older			# of Del Ray Residents
2010*	9.30%	7.50%	570
2016*	10.80%	7.50%	653
Change	+1.50%	No Change	+83

Sources: 2008 - 2012 and 2014-2018 ACS 5-year estimates.

Note: 2010\* refers to 2008 - 2012 ACS Estimates, and 2016\* refers to 2014-2018 ACS estimates.

### **III. Proposed Text Changes**

The proposed Text Amendment to Section 6-603 (C) of the Zoning Ordinance, presented in Attachment #1, herein, adds day care centers to the “permitted uses” occupying first floor space of a building provided that the use shall occupy no more than 30 feet frontage, and provided further that additional frontage space may be permitted with a special use permit. The 30 feet frontage limit, unless granted a special use permit, mirrors the same

requirement for personal services establishments and private commercial schools. The Text Amendment also re-labels the section to “retail and neighborhood focus uses.”

#### **IV. Recommendation**

The proposed Text Amendment would allow day care centers as a permitted use by right on the first floor within the Mount Vernon Avenue Urban Overlay Zone provided, they do not occupy no more than 30 feet frontage, further additional frontage may be permitted with a special use permit.

Staff **recommends approval** of the change to the Zoning Ordinance as proposed in Attachment #1.

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Marlo J.W. Ford, AICP, Urban Planner [marlo.ford@alexandriava.gov](mailto:marlo.ford@alexandriava.gov)

**Attachments:** 1. Proposed Zoning Text Changes

**Attachment #1**

**PROPOSED ZONING TEXT CHANGES**

*Note:* New text is underlined

**Section 6-603**

C) *Retail and neighborhood focus uses.* Within the retail focus area, uses occupying first floor space of a building shall be limited to the following:

- (1) Retail shopping establishment.
- (2) Restaurant.
- (3) Amusement enterprise, as limited in section (B)(1) above.
- (4) Personal service establishment, provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that additional frontage space may be permitted with a special use permit.
- (5) Arts and crafts studios, which are facilities where arts and crafts products are created on site. If at least 50 percent of the frontage of the space on Mount Vernon Avenue is devoted to retail display and sales, then the use is not considered a personal service establishment.
- (6) Office or residential uses, in an existing building with a first floor located at least 40 inches above the grade of the sidewalk.
- (7) Private school, commercial, with a maximum of 20 students on the premises at one time and provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that more than 20 students on the premises at one time and additional frontage space may be permitted with a special use permit.
- (8) Day care center, provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that additional frontage space may be permitted with a special use permit.