

EXHIBIT NO. 1

5
12-14-02

Docket Item # 4
SPECIAL USE PERMIT #2002-0102

Planning Commission Meeting
December 3, 2002

ISSUE: Consideration of a request for a special use permit to operate a commercial school (yoga studio).

APPLICANT: Keith Moore

LOCATION: 100 South Patrick Street

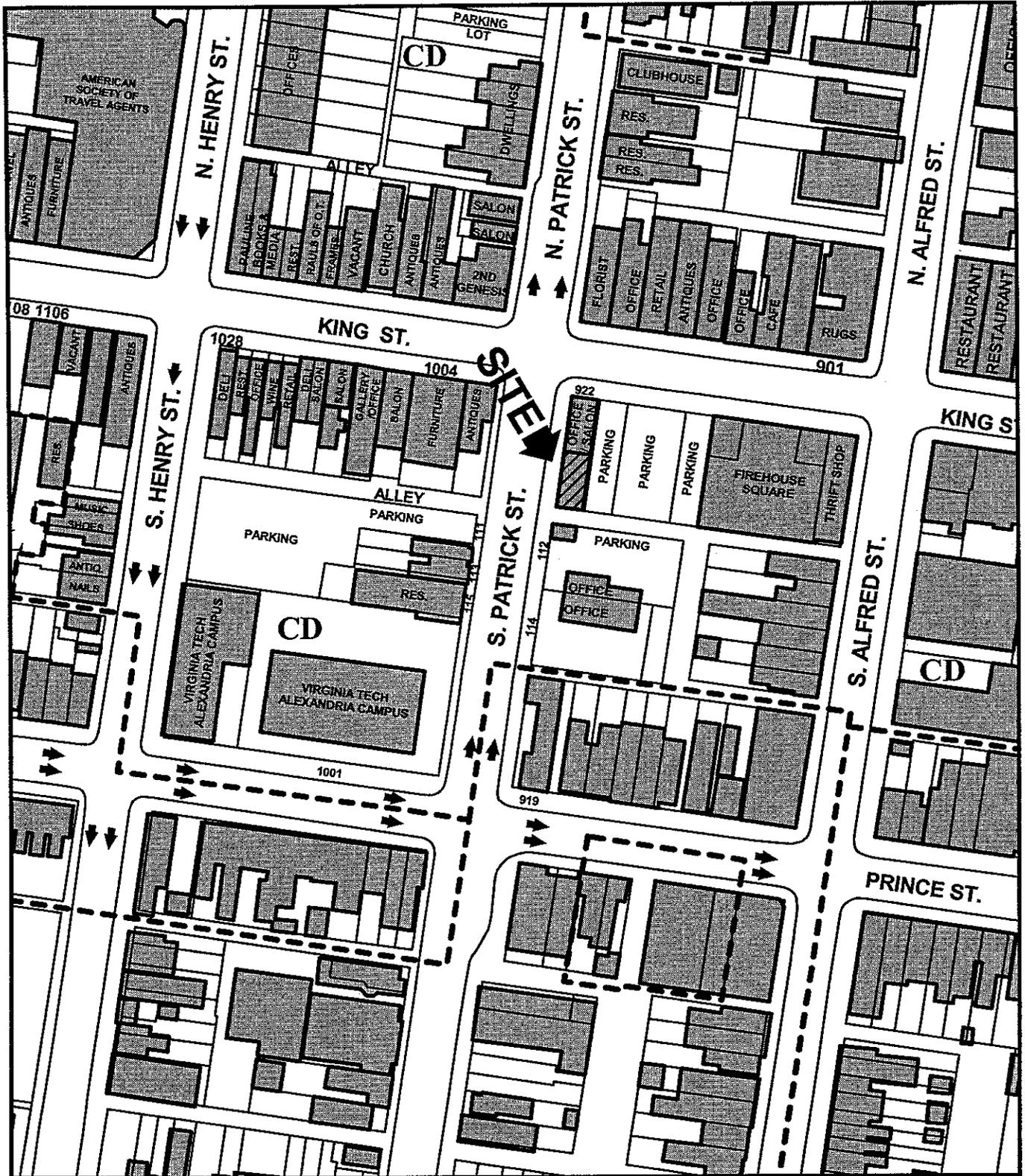
ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, DECEMBER 3, 2002: On a motion by Mr. Komoroske, seconded by Mr. Gaines, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Condition #2. The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Keith Moore, applicant, asked that Condition #2 be amended to allow more students per class.



SUP #2002-0102

12/03/02



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. **CONDITION AMENDED BY PLANNING COMMISSION:** A maximum of ~~15~~ 23 students shall be permitted for each class. (P&Z) (PC)
3. The hours of operation shall be limited to 6:30 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m Saturday and Sunday. (P&Z)
4. The applicant shall encourage its students and staff to use mass transit or to car pool when traveling to and from the school, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of car pooling opportunities. (P&Z)
5. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey for the business and robbery awareness program for the employees. (Police)
6. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
7. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
8. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
9. The applicant shall post signs directing patrons to the availability of commercial parking facilities in the immediate area. (T&ES)

10. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
11. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Keith Moore, requests special use permit approval for the operation of a commercial yoga school located at 100 South Patrick Street.
2. The subject property is one lot of record located on the southeast corner of the intersection of King Street and South Patrick Street. It has 86 feet of frontage on South Patrick Street, 33.5 feet of frontage on King Street and 33.5 feet of frontage on Cherry Alley, with a total lot area of 2,881 square feet. The site is developed with a two-story masonry building. Law offices and the Bellacara shop are located at 922 and 924 King Street respectively, and Misha's Coffeehouse is located on the first floor of the building facing South Patrick Street. The yoga school proposes to occupy the second floor space above Misha's. The entrance to the proposed school is from South Patrick Street. The school will occupy approximately 1,239 square feet of the 4,770 square foot building.

Commercial or office uses surround the subject use. Other than Second Genesis on the northwest corner of King and Patrick Streets, the closest residential buildings are located either to the south at 115 South Patrick Street or on Patrick Street north of King Street.

3. The applicant requests special use permit approval to operate a commercial yoga school. It will have ten to 15 students per class, three to four classes a day, and will operate seven days a week. There will be one full-time employee and two to three part-time employees, with one teacher for each class.
4. The school will operate during the following times:

Monday through Friday	6:30 a.m. to 9:00 p.m.
Saturday and Sunday	10:00 a.m. to 1:30 p.m.

The class schedule will vary over time, however, the applicant proposes the following preliminary class schedule:

Monday through Friday	6:30 a.m. to 8:00 a.m.
	12:00 p.m. to 1:00 p.m.
	6:00 p.m. to 7:30 p.m.
	7:30 p.m. to 9:00 p.m.
Saturday and Sunday	10:00 a.m. to 11:30 a.m.
	12:00 p.m. to 1:30 p.m.

5. The subject property is located within the Central Business District, as described in Section 8-300 of the zoning ordinance, and parking and loading areas are not required for schools.
6. Zoning: The subject property is located in the CD (Commercial Downtown) zoning district. Section 4-500 of the zoning ordinance allows a private commercial or academic school in the CD zone only with a special use permit.
7. Master Plan: The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff has no objection to the proposed commercial yoga school located at 100 South Patrick Street. The proposed use is compatible with the adjacent commercial corridor on King Street. The weekday and weekend hours are generally compatible with those of nearby retail and restaurant businesses, and the early morning hours are similar to Misha's coffee shop located downstairs. Staff recommends that longer hours be permitted for the weekend, specifically 9:00 a.m. to 6:00 p.m., to allow the applicant greater flexibility to change the class schedule in the future. Staff believes these weekend hours are also compatible with those of nearby businesses. Additionally, the operation is not likely to create noise problems for adjacent properties. The school does not currently plan to use a stereo or microphone for its classes. If such equipment ever was employed, there is a buffer of an alley, streets and other commercial buildings between the school and residential buildings.

The school is also not likely to have a significant parking demand. The applicant states that most of its patrons are likely to walk from the surrounding residential neighborhoods and the King Street corridor, or use nearby bus or metro service. If people do drive there are public parking lots immediately adjacent to and east of the proposed school.

Staff supports the proposed use subject to recommended conditions.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Mary Hashemi, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-2 The applicant shall require that its employees who drive to work use off-street parking.
- R-3 The applicant shall post signs directing patrons to the availability of commercial parking facilities in the immediate area.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, electrical, plumbing, and mechanical layouts and schematics.
- C-4 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.

Health Department:

F-1 No comments.

Police Department:

R-1 Security survey of the business.

R-2 Robbery awareness program for employees.

MH

APPLICATION for SPECIAL USE PERMIT # 2002-0102

[must use black ink or type]

PROPERTY LOCATION: 100 S. Patrick St., Alexandria VA 22314

TAX MAP REFERENCE: 74.01-06-01 ZONE: C.D

APPLICANT Name: Keith Moore

Address: 2032 Belmont Rd., NW #430, Wash. DC 20009

PROPERTY OWNER Name: Art Knalls

Address: 722 11th St., SE Washington DC 20003

PROPOSED USE: Yoga Studio (a commercial school)

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Keith Moore
Print Name of Applicant or Agent

Keith Moore
Signature

2032 Belmont Rd NW #430
Mailing/Street Address

202-437-2507
Telephone # Fax #

Washington DC 20009
City and State Zip Code

9/18/2002
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: 9-20-02 \$500!

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser

Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Keith Moore - 50%

David Ingalls - 6204 Madawaska Rd. - 50%
Bethesda, MD 20816

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

Attached

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

10-15 students per class; 3-4 classes per day; 60-90 min per class; 7 days a week

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

1 full-time, 2-3 part-time, 1 teacher per class

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Mon - Fri

schedule will vary not all classes daily

morning 6:30 - 8:00; 12 - 1

evening 6 - 7:30; 7:30 - 9

Sat - Sun

reduced schedule

morning 10 - 11:30

12 - 1:30

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Minimal noise. No stereo - no microphone.

B. How will the noise from patrons be controlled?

Yoga emphasizes breathing. Given setting
virtually all speaking done by teacher.

8. Describe any potential odors emanating from the proposed use and plans to control them:

No odors

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Small amounts of miscellaneous paperwork.

No food in the studio

B. How much trash and garbage will be generated by the use?

very little

C. How often will trash be collected?

daily - by owner

D. How will you prevent littering on the property, streets and nearby properties?

trash can in changing rooms, bathrooms,
and at entrance

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

Well lit entrances; classes beginning and ending at
reasonable times; personal effects kept in sight; work
with nearby businesses and local police

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

1 per 2 students 5-7

B. How many parking spaces of each type are provided for the proposed use:

8 Standard spaces (unlimited)

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:
parking lots located directly behind (city meters) and directly in front of (private) the building; unzoned & metered parking available on Patrick, King, and Prince St.

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION. Attached

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? None

B. How many loading spaces are available for the use? N/A

C. Where are off-street loading facilities located? N/A

D. During what hours of the day do you expect loading/unloading operations to occur?

N/A

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

N/A - Minimal additional traffic

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

1,239 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1,239 sq. ft. (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: _____

Narrative Description

David Ingalls and I would like to open a yoga studio in Old Town following the success of the Ashtanga Yoga Center in Washington DC. The space would be intended to attract area residents and those working nearby. Classes will accommodate all levels of students- and in many styles. The teachers (1 full-time and 2-3 part-time) are all certified and among the most experienced in the area. Three or four classes (each between 60-90 minutes long) would be held daily; weekday classes typically in the early morning, mid-day, or early evening; and weekend classes mid-morning only.

Each class would have 10-15 students. While the client age range is wide, the large majority fall between late-20s and early-40s. Because of the mature age, and the type of activity, there is little concern about noise, trash, or loitering that would be disruptive to the community.

David and I have been authorized to teach a style of yoga known for its system of flowing postures, Ashtanga Yoga. This certification was given by the founder of the system Sri. K. Pattabhi Jois in Mysore, India after months of intensive training. The studio would pass on these teachings in forms suitable for all levels of students

Though as a commercial school in the CBD the studio is exempt from parking restrictions, there is no expectation that the small classes will add to congestion on the roads. The local target-audience will likely be in walking distance of studio already. The site's Metro accessibility is also a plus (a 10-minute walk or short ride on a DASH bus). To ease parking concerns, there are two lots (one public and one private) adjacent to the property. And there is unzoned and metered parking on the surrounding streets (King/Prince/Patrick). Further, most class times will be scheduled to coincide with off-peak parking times (before/after normal business hours). The lunch classes expect to draw heavily on workers in the vicinity.

Parking Supplemental

Though commercial schools in the central business district are exempt from the parking restrictions placed on other applicants, the important issue of parking has been carefully considered. The proposed studio should not have a noticeable impact on road congestion, parking, or residents in the area.

First, it's anticipated that our local target audience—already area residents and workers—should be able to walk to the studio from their offices or homes.

Second, most class times are scheduled during off-peak times, minimizing conflicts with normal business hours. It also gives those driving easy access to the area.

Third, ample parking is available. Two parking lots are adjacent to the property (a city metered lot behind the building and a private lot across Patrick Street). Metered and unzoned 2-hour parking is available on the street. Spot surveys conducted between September 2 and September 18 during proposed class times showed that students would easily find morning and mid-day parking (more than 10 spots available in both lots). There were empty spaces in the early evening as well (between 5-10 in the city lot and more than 10 at the private lot). In all instances, parking could be found at on-street meters. Brief interviews with two parking enforcement officers and Andrea Seward, manager of Misha's Coffee House (102 S. Patrick Street) confirmed this assessment.

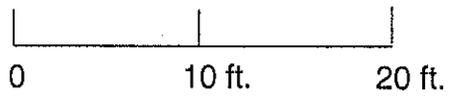
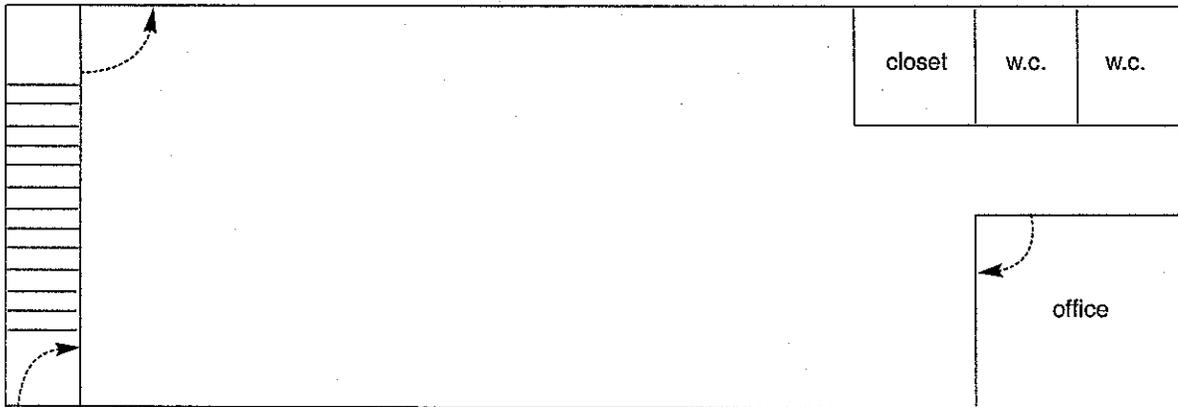
Fourth, alternative transportation options are possible. The King Street Metro station is a short 10-minute walk away. The #2 and #5 DASH buses stop on the corner of King and Patrick Streets steps from the proposed studio. Weekend service is supplemented with the new DASHabout.

The studio will continually encourage students to use alternative transportation (Metro, bus, bike, foot). Postings will be made to show options and other nearby parking facilities.

Considering these stated factors, it's expected that small numbers of students should have a negligible impact on the surrounding neighborhood.

Proposed yoga studio

Floor plan for 100 S. Patrick Street, Alexandria



Studio space: 1,239 sq. ft.

19

SUP 2002-0102

To Whom it may concern:

We here at Misha's strongly support the proposed yoga studio at 100 S. Patrick St. It will be an excellent addition to the neighborhood.

Sincerely,

Misha Anthon


Andrew Seward


MH

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Print Name of Applicant or Agent

Keith Moore
Signature

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Mailing/Street Address

202-437-2507 _____
Telephone # Fax #

Washington DC 20009
City and State Zip Code

9/18/2002
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: 9-20-02 \$ 500!

ACTION - PLANNING COMMISSION: 12/3/2002 RECOMMEND APPROVAL 6-0

ACTION - CITY COUNCIL: 12/14/02PH--CC approved the Planning Commission recommendation.