

EXHIBIT NO. 1

3
9-13-03

Docket Item #3
SPECIAL USE PERMIT #2003-0064

Planning Commission Meeting
September 4, 2003

ISSUE: Consideration of a request for a special use permit to operate a fitness studio and for a parking reduction.

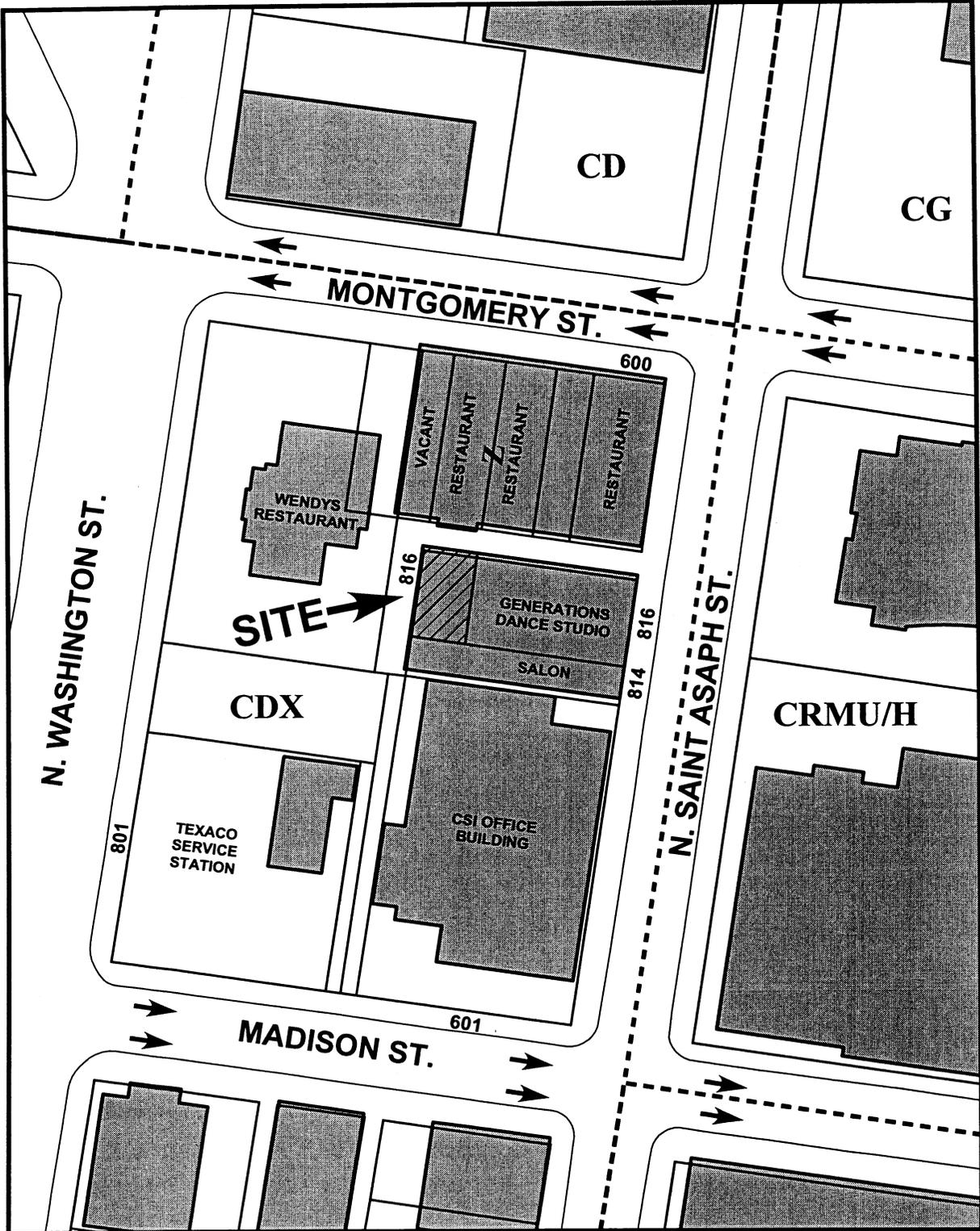
APPLICANT: Andre Prue

LOCATION: 816 North Saint Asaph Street

ZONE: CDX/Commercial Downtown

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2003: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2003-0064

09/04/03



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 corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the studio shall be limited to 6:00 a.m. to 6:00 p.m. daily.
3. The applicant shall provide fully subsidized off-street parking for all clients and employees who drive to the studio. (P&Z)
4. The applicant shall provide information to its clients regarding its subsidy of off-street parking and shall post signs in the studio directing its clients to park at the Sheraton Suites Hotel garage. (P&Z) (T&ES)
5. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
6. The applicant shall provide a copy of the parking agreement with the Sheraton Suites Hotel for employees to the Department of Planning and Zoning prior to occupancy. The agreement must indicate the number of spaces provided and access hours. (T&ES) (P&Z)
7. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
8. Prior to opening for business, the applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
9. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)

10. 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, André Prue, requests special use permit approval for the operation of a fitness studio located at 816 North Saint Asaph Street.
2. The subject property is one lot of record with 47 feet of frontage on North St. Asaph, 115 feet of depth and a total lot area of 5405 square feet. The site is developed with a single story brick commercial building. The property is also occupied by Generations Dance Studio (SUP #2000-0132). The fitness studio proposes to occupy the rear portion of the building, and to use the same entrance as the dance studio.

To the north of the property is a 16 foot wide alley and the Ristorante Villa d' Este restaurant. To the east of the site is the Madison Place development which consists of an office building with ground floor personal service and retail uses, the Sheraton Suites Hotel, and underground parking. To the west of the site is the rear yard of the Wendy's restaurant which faces Washington Street. To the south is a beauty salon and orthodontist office.
3. The applicant expects to operate a personal and small group training studio for up to six clients and three trainers at one time. The trainers will use weight machines, free weights, exercise balls, mats, and cardiovascular equipment. Training may also include running, bicycling and stretch classes. A radio will be played at a low level.
4. The applicant proposes to be open Monday through Friday from 6:00 a.m. to 6:00 p.m., Saturday from 8:00 a.m. to 1:00 p.m., and to be closed on Sunday.
5. Trash is expected to be light and include water bottles, food bar wrappers, and general paper products. The dumpster is located in the adjacent alley, and is picked up once a week.
6. Pursuant to Section 8-200 (A)(17) of the zoning ordinance, a minimum of one parking space for every 400 square feet of floor area is required for a fitness studio. In this case, the floor area totals 1,182 square feet, for a parking requirement of three spaces.

No off-street parking is provided on-site. The applicant has filed a parking reduction application to allow it to provide no off-street parking and indicates that it will provide monthly parking for employees who drive to work and will fully subsidize the cost of off-street parking for clients at the Sheraton Suites parking garage located directly across North Saint Asaph Street. The dance studio has the same arrangement, and staff is not aware of any complaints regarding this arrangement.

7. Zoning: The subject property is located in the CD-X/Commercial downtown zone. Section 4-603(S) of the zoning ordinance allows a health and athletic studio in the CD-X zone only with a special use permit.
8. Master Plan: The proposed use is consistent with the Old Town North small area plan chapter of the Master Plan which designates the property commercial downtown use.

STAFF ANALYSIS:

Staff supports the proposed personal training studio located at 816 North St. Asaph Street. The proposed use is small with only up to six clients and three employees at any one time. Staff does not anticipate that this use will have a significant impact on the already active area, which includes the dance studio, restaurants, a hotel, salon, and offices.

Staff was concerned about potential parking impacts in the area because there is no on-site parking. However, the applicant proposes to subsidize parking for employees and clients at the garage at the Sheraton Suites Hotel, and staff has included this arrangement as a condition. To ensure that clients and employees utilize this parking, staff has also included a condition that this arrangement be posted in the studio for clients to see, and that the applicant provide to planning staff the agreement with the Sheraton for off-street parking prior to occupancy. Staff recommends a one year review to ensure that this arrangement and all other conditions are complied with.

With these conditions, staff recommends approval of the special use permit.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, 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.
- F-1 Although available on-street parking in the immediate area is limited the applicant is providing off-street parking, and T&ES believes the proposed use will primarily draw clients from neighboring residents and adjacent offices and will have a negligible impact. T&ES has no objections to the request for parking reduction.
- R-1 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- R-2 Applicant shall inform customers of the provided off-street parking arrangement, and encourage use by its clients.
- R-3 Provide copy of the parking agreement to the Department of Planning and Zoning prior to occupancy. Agreement must indicate the number of spaces provided and access hours.

Code Enforcement:

- F-1 An inspection conducted on 6/19/03 revealed the following:
- A motorcycle was stored, fueled, inside the structure and obstructing the alley emergency exit.
 - A sleeping area was found in the rear partitioned area. The area included a bed, closet, radio, toiletries, personal clothing. The owner, Ms. Maria Pradilla stated that the items belonged to her ex-husband.
- A notice of violation was issued. A reinspection is scheduled for 6/23/03.
- F-2 Application states the premises has four exits. An inspection on 6/19/03 determined there are only 3 approved exits.

- F-3 In compliance as of 7/9/03.
- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-4 A fire prevention code permit is required for the proposed operation. An revised egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities (This includes health clubs).
- C-2 Permits are non-transferable.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 11, Swimming Pools, Administrative Regulation 20-6, Swimming Pools.
- C-4 Permits must be obtained prior to operation.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to opening for business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

\$500

APPLICATION for SPECIAL USE PERMIT # 2003-0064

[must use black ink or type]

PROPERTY LOCATION: 816 N Saint Asaph St.

TAX MAP REFERENCE: 54.04 03 08 ZONE: CDX

APPLICANT Name: André Prue

Address: 8502 Bella Vista Terr.

PROPERTY OWNER Name: PMA Properties

Address: 100 N. Columbus Alexandria VA 22314

PROPOSED USE: Fitness studio

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.

André Prue
Print Name of Applicant or Agent

[Signature]
Signature

8502 Bella Vista Terr
Mailing/Street Address

(301)567-9052 (301)567-9052
Telephone # Fax #

Ft. Washington MD 20744
City and State Zip Code

Date

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

Application Received: _____ Date & Fee Paid: _____ \$ _____

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.

Ft. Washington Athletic Club h.L.C.
owner André Prue, 8502 Bella Vista Terr.
Ft. Wash MD 20744, 100% owner

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.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

Mr. André Prue, president and 100% owner will oversee daily operations of the business. Premier Persona Training (3PT) will help clients realize their fitness goals. The program consists of: - Personal & small group training (1-9 total people) - Web site accessibility for information and Ft. Washington Athletic Club offerings (www.PrueCrew.com)

Personal trainees will use weight machines, free weights, exercise balls, mats, and cardiovascular equipment such as stationary bikes, treadmills, and elliptical machines. Training may also include running, bicycling, and stretch classes.

Parking spaces are available at the Sheraton hotel.

There are no spaces at the site. The front of the space is known as Generations Dance Studio.

Traffic & noise will be minimal.

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).

_____ 6 clients per hour, 5-12 hours a day _____

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

_____ 3 Trainers only, 5-12 hours a day _____

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

Day:

Hours:

_____ M - F _____
_____ Sat _____
_____ Sun _____

_____ 6am - 6pm _____
_____ 8am - 1pm _____
_____ Closed (if bills are paid) _____

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

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

_____ Clients will be moving metal plates, jumping rope and other _____
_____ such athletic movement. We plan radio playing at low _____
_____ levels while clients are working out. _____

B. How will the noise from patrons be controlled?

Trainers will be less than five feet away from clients, noise will be low.

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

none

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?

light trash such as water bottles, energy bar wrappers, general paper product.

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

5-10 gallons a day

C. How often will trash be collected?

Trash is removed from dumpster once a week.

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

There is no reason for trash not being placed in one of our studio trash cans.

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?

Site has 4 exits and a sprinkler system. PMA
properties agrees to remove all snow and salt ice during
winter months. All instructors are certified. All work will be
done to code.

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 space per 400 ft. (3 spaces total)

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

3 Standard spaces

_____ 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:

801 N. St. Asaph 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.

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? _____

B. How many loading spaces are available for the use? _____

C. Where are off-street loading facilities located? _____

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

9:00am - 3:00pm by UPS

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

1 unloading operation per week, 2 at most.

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?

Yes, access is fine.

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?

1182 sq. ft. (existing) + _____ sq. ft. (addition if any) = 1182 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: _____

PARKING REDUCTION SUPPLEMENTAL APPLICATION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)
There is no parking at 816 N. Saint Asaph St. we will park across the street at the Sheraton Hotel. Generations the current tenant has an agreement with the hotel to validate parking. * OFF-site Parking Requested

2. Provide a statement of justification for the proposed parking reduction. Requesting off site parking.

3. Why is it not feasible to provide the required parking? There is only street parking at the studio location.

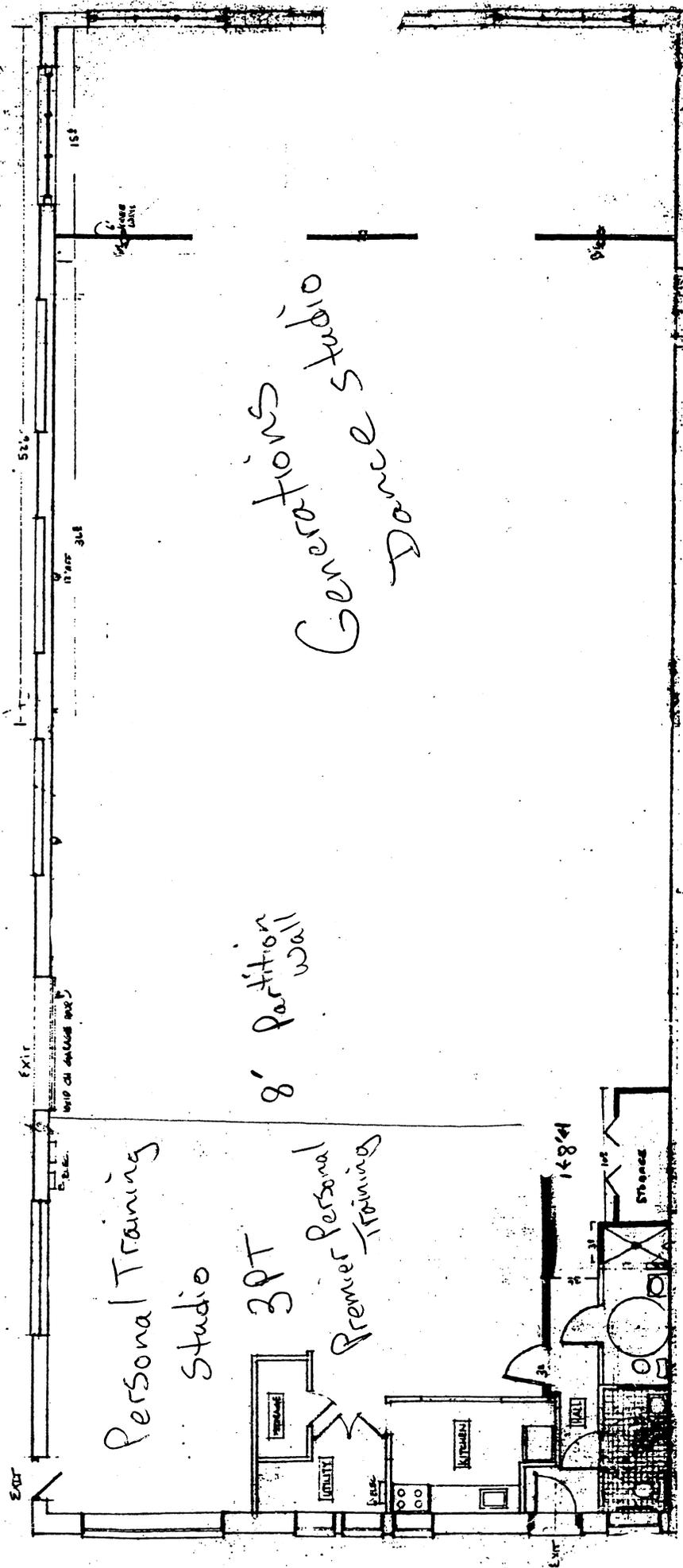
4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces? Yes. No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a Parking Management Plan which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

SUP 2003-0064

18

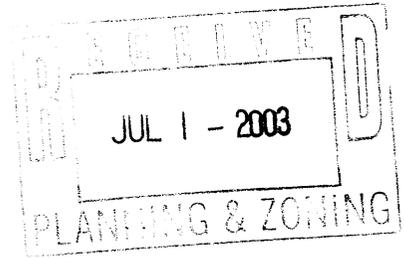


Generations
Dance Studio

- NOTE:
- 1) ALL WALLS 3/4" METAL STUD WITH 1/2" DRYWALL BOTH SIDES
 - 2) EXTEND EXISTING FLOORING
 - 3) ALL HVAC EXISTING



Sheraton Suites
ALEXANDRIA
VIRGINIA



June 20, 2003

Premier Personal Training
816 North Saint Asaph Street
Alexandria Va. 22314

This document serves as an agreement between Sheraton Suites Alexandria and Andre Prue. It is understood that Sheraton Suites Alexandria will provide three underground parking passes at a monthly charge of One Hundred Dollars per space.

We will guarantee this price for one year.

Either party may terminate this agreement for any or all services with a thirty (30) day written notice.

This pass key is for personal use only.

In the event that a pass card key is lost, the access code will be terminated and a ten (\$10.00) dollar replacement fee will be incurred.

It should be made clear that all persons using the garage are parking and leaving their vehicles at their own risk. Please lock all doors and close all windows after removing all property from the vehicle.

The hotel shall not in any event be responsible for loss or damage to your vehicle or property left therein.

Andre Prue

John Varghese GM Sheraton Suites

19