

EXHIBIT NO. 1

14
10-18-03

Docket Item #11
SPECIAL USE PERMIT #2003-0071

Planning Commission Meeting
October 7, 2003

ISSUE: Consideration of a request for a special use permit to operate a massage therapy establishment and for a parking reduction.

APPLICANT: Calvin Boothe

LOCATION: 818 Franklin Street

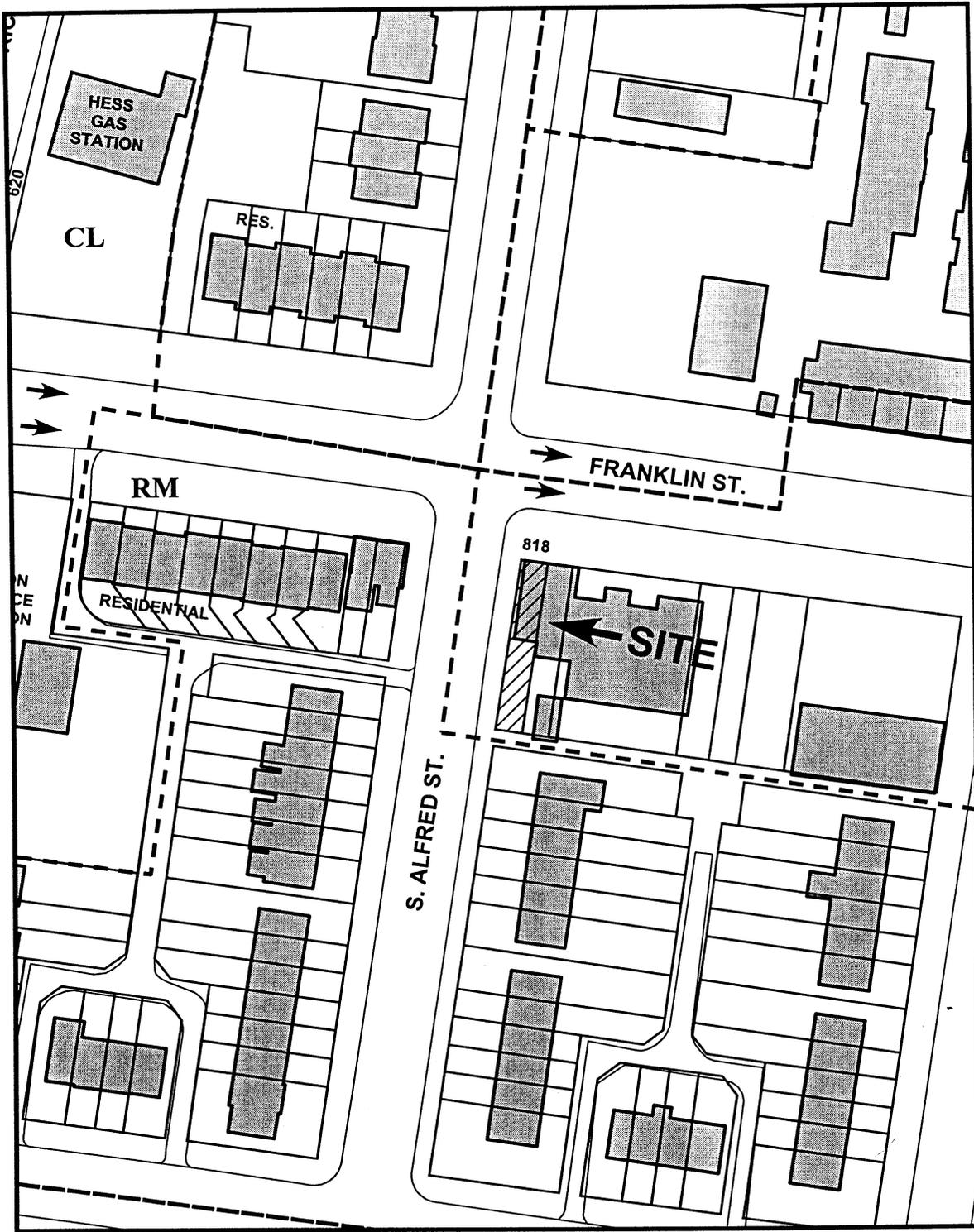
ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, OCTOBER 7, 2003: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendation. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Mr. Conlan William, resident at 909 Jefferson Street, expressed concern about the possibility of the establishment becoming an undesirable adult use, and noted some of the problems that have occurred in Maryland. Ms. Barbara Ross explained that the City conducts an exhaustive review of the applications with extensive regulation from both the Police and Health Departments. Mr. Komoroske added that Condition #2 of the SUP states that only licensed therapists may operate from the facility.



SUP #2003-0071

10/07/03



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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Only City licensed therapists may provide massage services at the facility. (P&Z)
3. The applicant shall require that all employees who drive to work use off-street parking. (P&Z)
4. The hours of the operation of the facility shall be Monday through Saturday from 9:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 2:00 p.m.
5. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
6. This special use permit allows a reduction in the parking requirement from four spaces to two spaces. (P&Z)
7. 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)
8. The special use permit is subject to compliance with Code Enforcement and Board of Architectural Review requirements. (P&Z)
9. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
10. 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)

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, Calvin Boothe, requests special use permit approval for the operation of a massage establishment located at 818 Franklin Street.
2. The subject property is one lot of record with 15 feet of frontage on Franklin Street, 100 feet of depth and a total lot area of 1500 square feet. The property is located on the southeast corner of Franklin and South Alfred Streets. The site is developed with a 1,370 square foot, two story semi-detached structure that has most recently been a residential use. Residential townhouse and condominium units occupy most of the surrounding area. Also located in the immediate vicinity is the Greene Funeral Home and the 7-11, both located on the same block of Franklin to the east of the subject property.
3. The applicant requests special use permit approval to operate a massage therapy facility. As depicted on the interior layout plans, a total of three massage rooms, one of which will be used by an acupuncturist, are proposed. There will be five therapists working at different shifts and about 40 to 50 patrons each week.
4. The hours of operation are proposed to be Monday through Friday from 9:00 a.m. to 7:00 p.m., and Saturday from 9:00 a.m. to 6:00 p.m.
5. According to section 8-200(A)(17) of the zoning ordinance, a massage establishment requires one parking space for every 400 square feet. In this case, there is 1,370 square feet, which requires four parking spaces. The applicant originally proposed parking four vehicles at the back of the property. However, upon staff's inspection of the site, only two spaces are feasible on site. Therefore, the applicant requests a reduction of two spaces.

Two hour street parking is available adjacent to the property on South Alfred, and one hour street parking is available along Franklin Street. The applicant anticipates that most of his clients will be from Old Town.
6. The applicant is a new owner of the building. He purchased the building, which includes an addition on at the back that was built without building permits and without approval from the Board of Architectural Review. The applicant has been working with staff on alternatives to bring the addition into compliance. The applicant has submitted plans to staff and is scheduled to appear at the Board of Architectural Review on October 1. As of this writing, the applicant has not yet submitted plans to the building department for permits.
7. The applicant anticipates one to two medium bags of trash each week. Trash will be collected once a week. Trash will be stored indoors until trash pick up day. The applicant does not anticipate any littering by his employees or patrons.

8. The applicant most recently operated his business called “Alexandria Bodyworks” at 728 Jefferson Street (SUP #98-0124), but that site is part of the proposed residential development at 800 South Washington Street. Staff is not aware of any violations at this business.
9. Zoning: The subject property is located in the CL/Commercial low zone. Section 4-102 of the zoning ordinance allows a massage establishment in the CL zone only with a special use permit.
10. Master Plan: The proposed use is consistent with the Southwest Quadrant chapter of the Master Plan which designates the property for CL uses. The south side of the block is designated for CL uses in order to maintain the present scale of development and provide transition between the residential areas at the south and the commercial areas on the west and east.

STAFF ANALYSIS:

Staff does not object to the proposed massage establishment located at 818 Franklin Street. The site was intended to be used as a small scale commercial use, which this is. Although customers will likely have to park on the street because the site includes only two parking spaces, there are only three massage rooms which limits the number of clients and employees on the premises at any one time. When visiting the site, staff observed a number of available on street spaces along Franklin Street that could accommodate the few clients that will be on the premises. In addition, the other commercial uses on the block have off street parking, therefore, there will not be significant competition for on-street spaces along Franklin Street. Finally, the business operates during daytime hours when residents are most likely not home, minimizing the potential for conflicts between the uses.

Staff is concerned about the Code and BAR violations associated with the rear addition. Therefore, staff has included a condition that the SUP approval is contingent upon compliance with Code Enforcement and BAR requirements. The applicant continues to work with staff on complying with the requirements. Staff recommends a one year review to ensure the applicant is in compliance.

With these condition, 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:

- R-1 All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line.
- 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.

Code Enforcement:

- C-1 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC 115.4).
- C-2 The current use is classified as R-3; the proposed use is B. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 115.4) and compliance with USBC 118.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are not transferable.
- C-3 Permits must be obtained prior to operation.
- C-4 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 4.2, Massage Regulations.
- C-5 All massage therapists must possess a current massage therapist certification issued by the Commonwealth of Virginia in accordance with the Code of Virginia Chapter 599, § 54.1-3029 and must possess a current massage therapist permit issued in accordance with Alexandria City Code Title 11, Chapter 4.2 prior to engaging in any massage activity.

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.
- 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.

APPLICATION for SPECIAL USE PERMIT # 2003-0071

[must use black ink or type]

PROPERTY LOCATION: 818 FRANKLIN ST.

TAX MAP REFERENCE: 80-01, 08, 07 ZONE: CL

APPLICANT Name: CALVIN E. BOOTHE

Address: 9011 MCNAIR DR, ALEX, VA 22309

PROPERTY OWNER Name: CALVIN E. BOOTHE

Address: 9011 MCNAIR DR, ALEX, VA 22309

PROPOSED USE: MASSAGE ESTABLISHMENT

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.

CALVIN E. BOOTHE
Print Name of Applicant or Agent

Calvin E. Boothe
Signature

9011 MCNAIR DR
Mailing/Street Address

703 780 6986 N/A
Telephone # Fax #

Alex VA 22309
City and State Zip Code

6-16-03
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.

CALVIN E BOOTHE 100%
9011 McHAIR DR.
Alex, VA 22309

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)

Downstairs Space will be used for Massage Therapy.
~~They~~ We see about 40-50 patrons per week and they are for the most part professional types ie: Lawyers, Doctors, Teachers, etc.

My four massage therapist will relocate to this space with our business. All therapist (including me) work in shifts or part time from either 9am to 3pm or 3pm to 7pm shift. Hours of operation will be 9am-7pm Mon-FRI AND 9-6 SAT.

The location has ~~ample~~ four parking spaces on premises behind building. There ~~are~~ lots of two hour parking on Alfred St, from 9-5pm and all day parking on both sides of Franklin St. Most of our patrons visit for about one hour or less. I like this location because of the parking availability for us and our patrons.

Our activity will NOT generate any noise.

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).

We see approx 2 to 3 clients from 9am-3pm AND ABOUT 4 to 6 clients from 3pm-7pm. Of course this may vary a little up or down.

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

Two Therapist per shift for a TOTAL of Four Therapist.

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

Day:

Hours:

MON - FRI

9AM - 7pm

SAT

9AM - 6pm

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

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

None

B. How will the noise from patrons be controlled?

With Massage, Seriously, No Noise expected.

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

N/A

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?

Normal office trash, papers, paper towels, tissue,
Very little trash.

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

1-2 MED bag per week.
* TRASH STORED INSIDE TIL PICK UP.

C. How often will trash be collected?

ONCE per week.

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

No form of littering should take place by us or our
patrons.

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?

lighting on wheel deck. Yard and sidewalk free of debris.

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 for every 400

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

4 Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

* See attached parking reduction application.

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:

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? None

B. How many loading spaces are available for the use? 4

C. Where are off-street loading facilities located? on site, behind building

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?

Supplies come a month.

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

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?

800 sq. ft. (existing) + _____ sq. ft. (addition if any) = 800 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: TWO STORY TOWNHOUSE zoned Commercial. Using 1st floor only for now.

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)

I have enough parking for 2 vehicles
and have been told I need parking for at least 3. (4)

2. Provide a statement of justification for the proposed parking reduction. So I can

continue serving the citizens of Old Town, as
I have in Old Town for 17 years. Its a very
old building with no room for additional parking.

3. Why is it not feasible to provide the required parking? NOT AVAILABLE ON

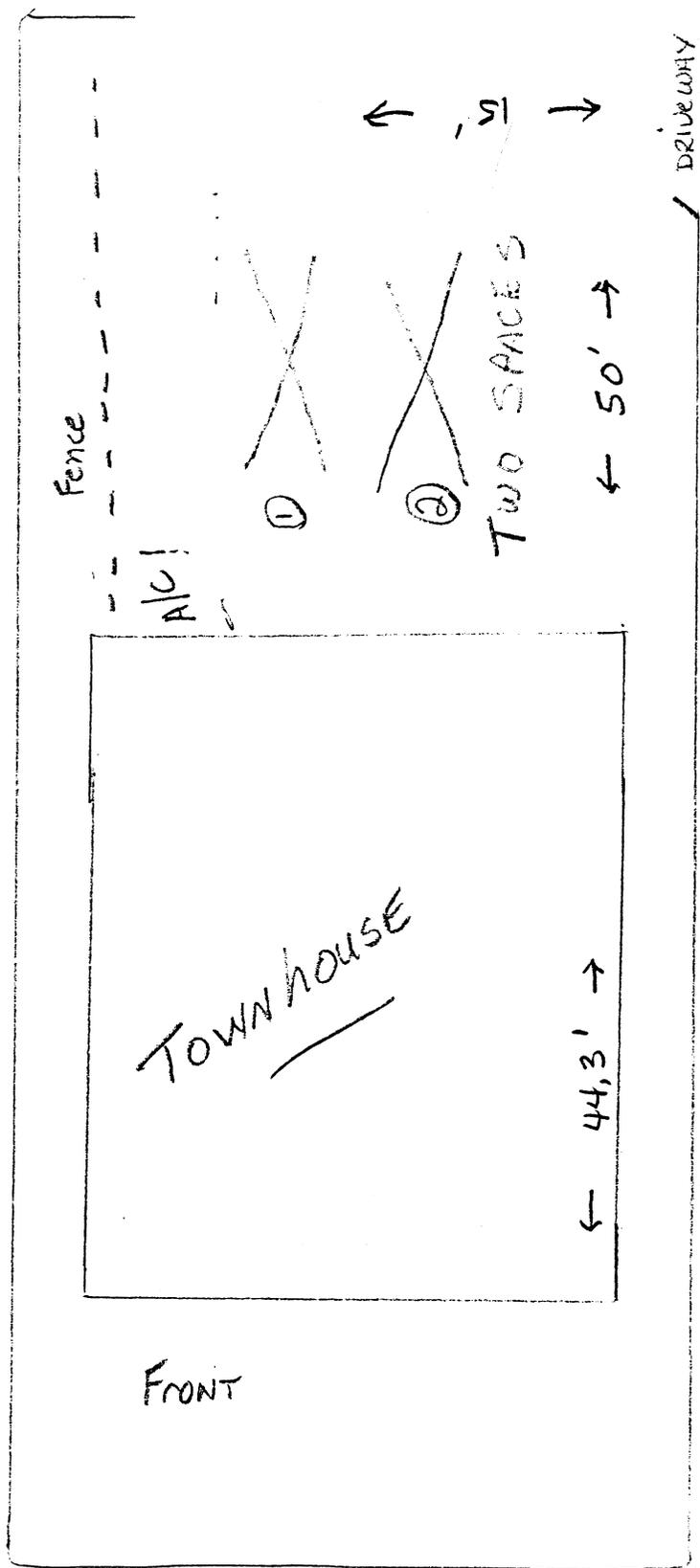
SITE.

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.

ALLEY ACCESS



S. ALFRED ST.

BOTH SIDES OF STREET
2 HR PARKING 9-5pm
MON-SAT

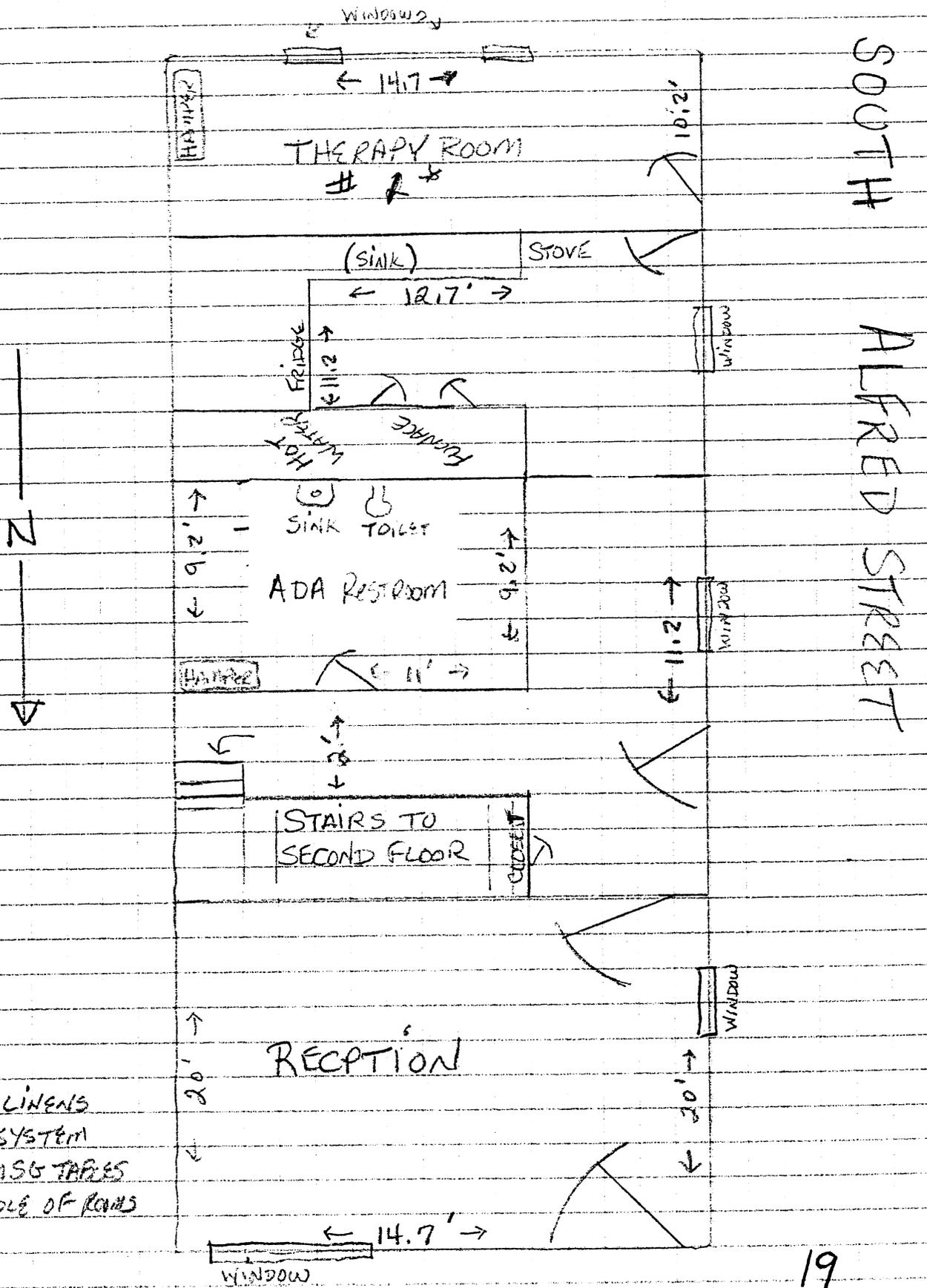
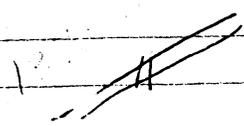
← ALL DAY PARKING →
BOTH SIDES

1 HR PKG
9-4

818 FRANKLIN STREET

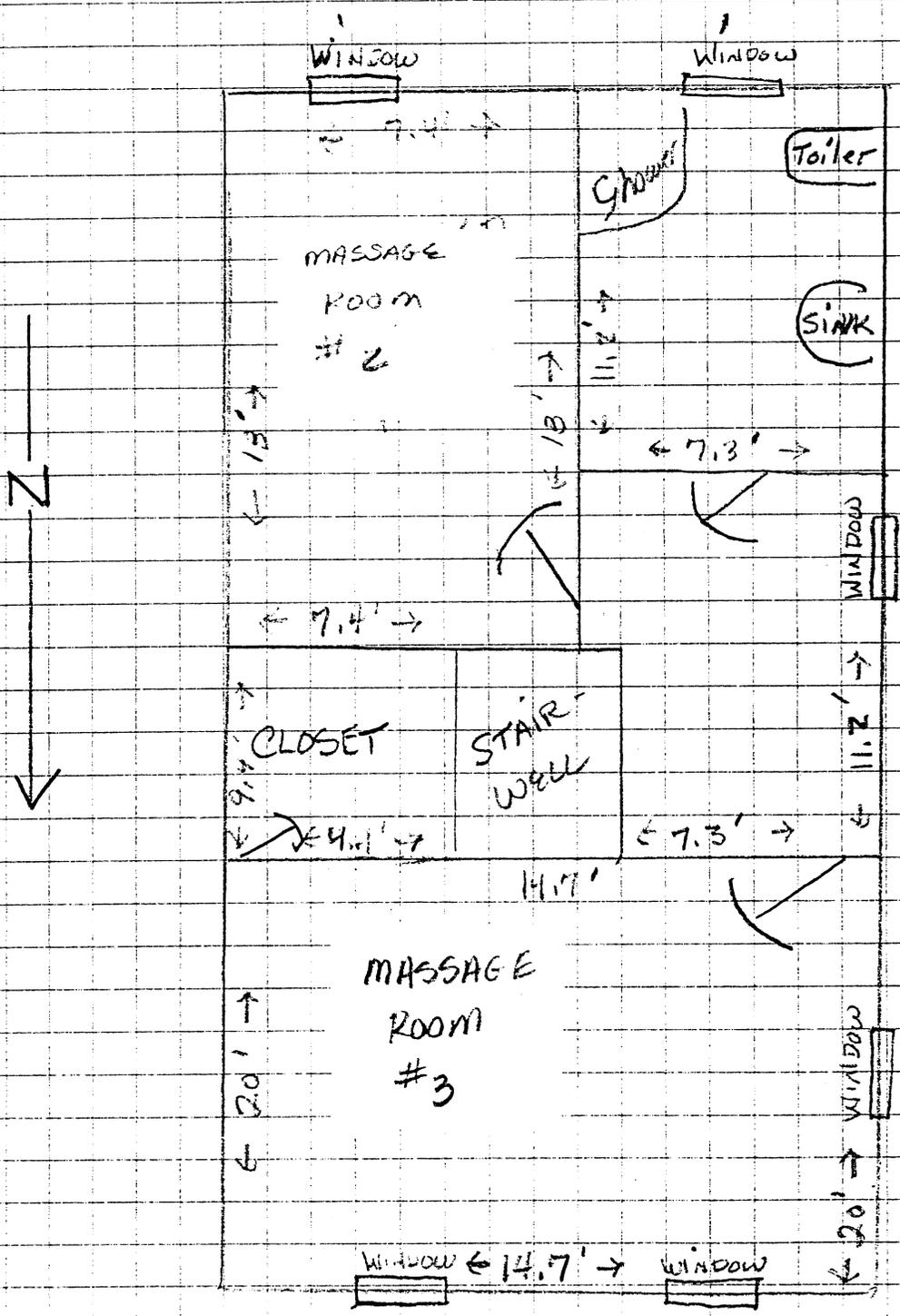
Re: Alexandria
Bodyworks

Re Alexandria Bodyworks

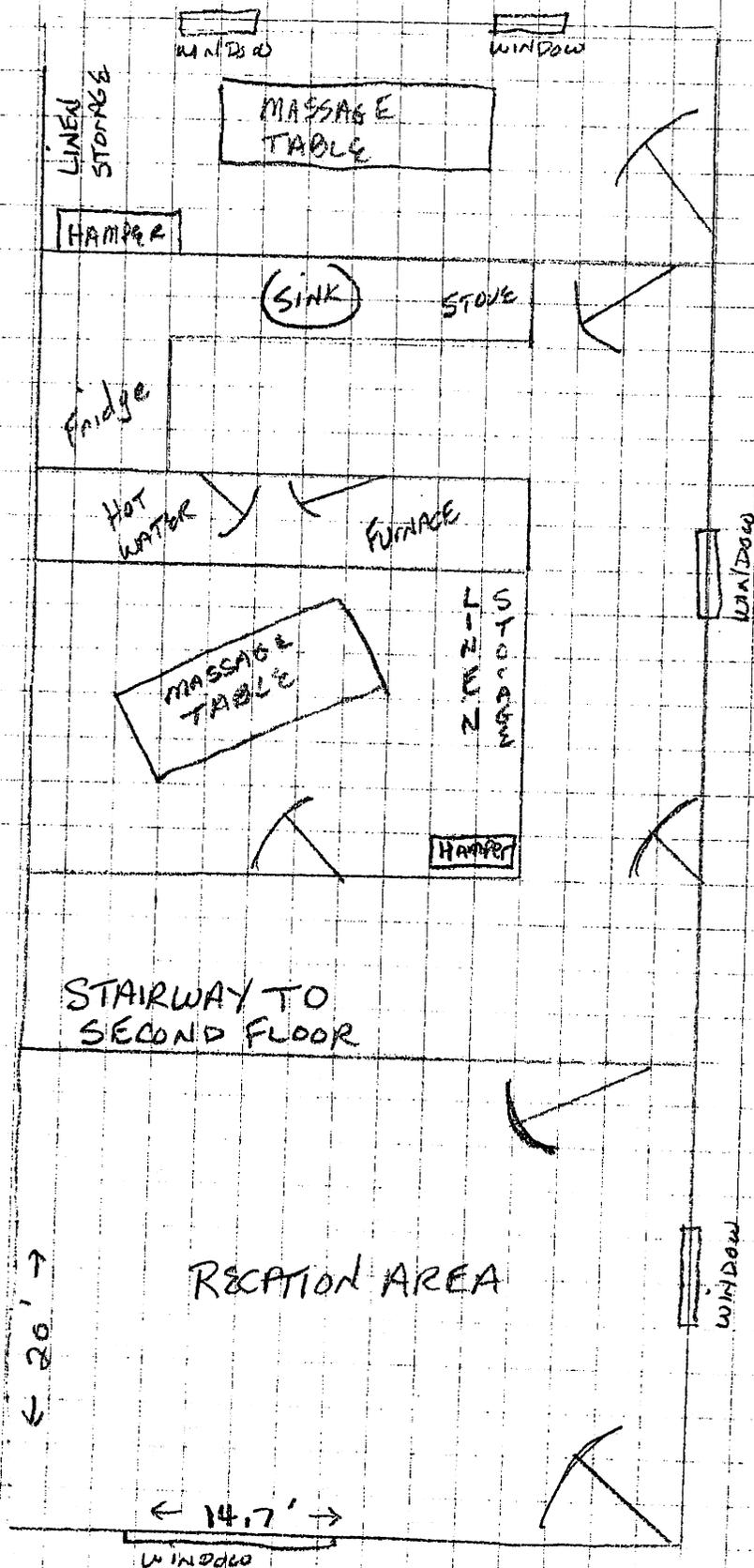


* SECOND FLOOR

36



Re: Alexandria Bodyworks
 818 FRANKLIN STREET
 - SECOND FLOOR -



HEALTH
DEPT
PLAN

1ST FLOOR.
818 FRANKLIN STREET
Re: Alexandria Bodyworks