

EXHIBIT NO. 1

5
5-20-06

Docket Item #4
SPECIAL USE PERMIT #2006-0007

Planning Commission Meeting
May 4, 2006

ISSUE: Consideration of a request for a special use permit to operate a massage establishment within a salon and spa.

APPLICANT: JW Salons and Day Spas, LLC
by John Hall

LOCATION: 1561 Potomac Greens Drive

ZONE: CDD-10/Coordinated Development District

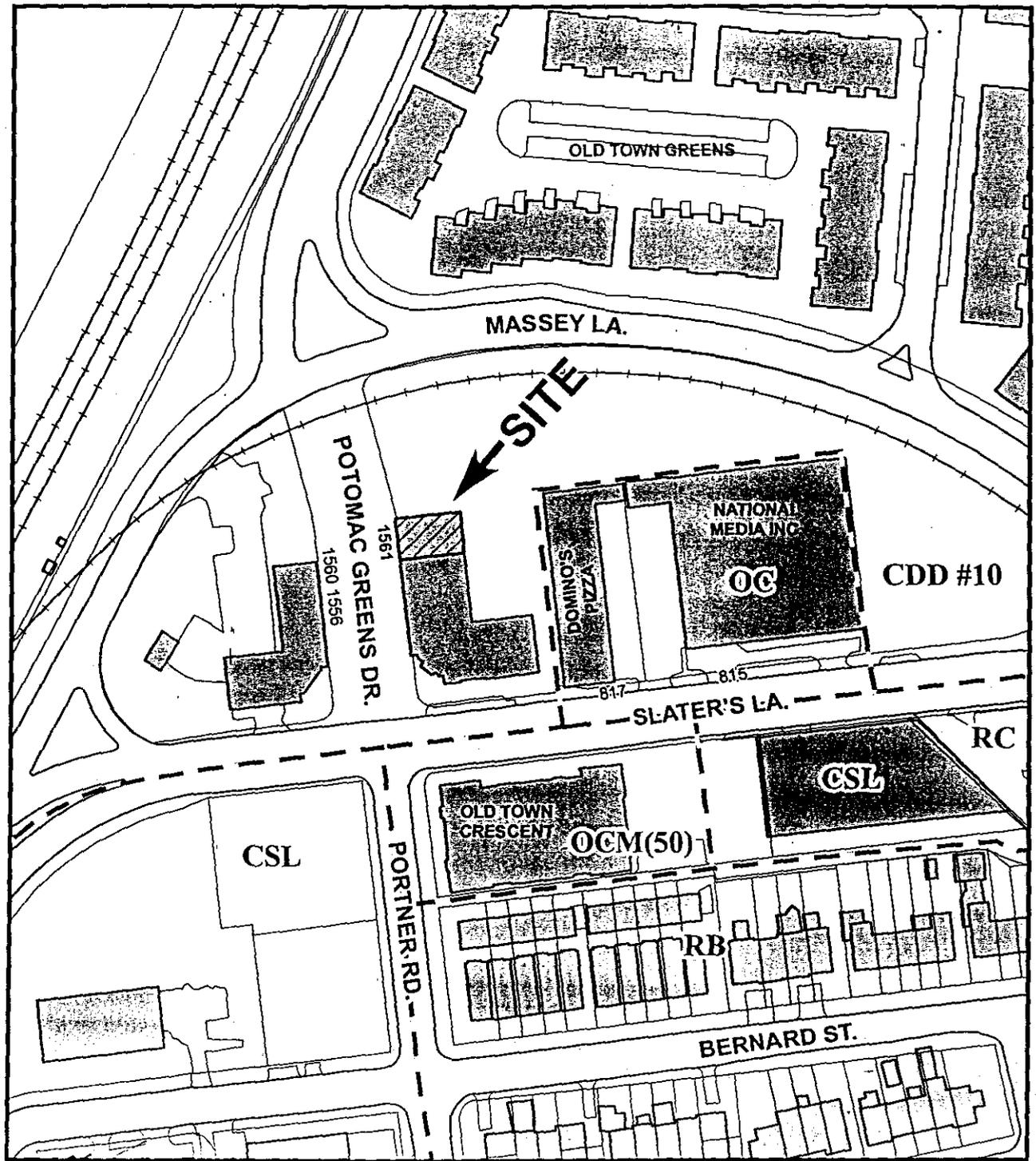
PLANNING COMMISSION ACTION, MAY 4, 2006: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances, and staff recommendations.

Reason: The Planning Commission agreed with staff's analysis.

PLANNING COMMISSION ACTION, APRIL 4, 2006: The Planning Commission noted the deferral of the request.

Reason: The applicant failed to send proper legal notice.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2006-0007

05/04/06



I. DISCUSSION

REQUEST

The applicant, JW Salons and Day Spas LLC, requests special use permit approval for the operation of a massage establishment in a salon and spa located at 1561 Potomac Greens Drive.

SITE DESCRIPTION

The subject property is a commercial development on Slater's Lane, known as Potomac Plaza, and approved as part of the Potomac Greens residential portion of the Potomac Yard development scheme. (DSUP #2002-0028). The subject tenant space is at the northernmost end of the eastern building. The massage rooms will occupy 200 square feet of a 1,928 square foot salon.



The surrounding area is occupied by a mix of residential and commercial uses. Immediately to the north is Old Town Greens townhouse development. To the south is Old Town Crescent Condominiums. To the east is an office/commercial building and to the west is the remainder of the Potomac Plaza development.

PROPOSAL

The applicant proposes to offer two massage rooms in its salon and spa. The salon is a permitted personal service use, and only the massage portion requires the special use permit. Each massage room will be occupied by one client and one technician at a time. Specific aspects of the massage component are as follows:

- Hours: 10:00 a.m. to 8:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 12:00 noon to 5:00 p.m. Sunday.
- Clients: The applicant anticipates serving up to eight clients daily.
- Trash/Litter: Trash will be limited and includes paper products. A garbage dumpster is shared among all the tenants in the building, and is managed by the property management. Items sold from the premises do not pose a litter problem.

PARKING

As Potomac Plaza was designed to provide neighborhood-serving retail, restaurants, and personal service uses within walking distance of the adjacent residential neighborhood, the parking lot was designed to provide no more than the minimum number of spaces required by the Zoning Ordinance. This minimum/maximum number of spaces (68) was determined using a retail ratio based on the entire 15,000 square feet of potential development. An additional seven parking spaces are available on Potomac Greens Drive in front of the retail center. Below is a table showing the expected tenant mix, parking requirements, and peak time usage for the entire Potomac Plaza.

Business	Use	Size	# of Required Spaces	Estimated Hours	Peak Time
Rustico	Restaurant	4,894 SF (150 seats)	38	8:30 a.m. - 12 a.m. Sunday - Thursday, 8:30 a.m. - 1 a.m. Friday/Saturday	Evening
Spa/Salon & Massage	Personal Service	1,928 SF	5	10 a.m. - 8 p.m.	Day
Periwinkle Clothing	Retail	1,502 SF	7	10 a.m. - 6 p.m.	Day
Dry Cleaners	Personal Service	986 SF	3	7 a.m. - 7 p.m.	Morning, early evening
Dentist Office *	Office	819 SF	2	8 a.m. - 5 p.m.	Day
Specialty Grocery*	Retail	985 SF	5	10 a.m. - 6 p.m.	Day
Tropical Smoothie Café*	Restaurant	1,637 SF (36 seats)	9	8:30 a.m. - 12 a.m. weekdays 8:30 a.m. - 1 p.m. Friday/Saturday	Lunch
Coffeeshop*	Restaurant	2,079 SF (35 seats)	9		Morning, Evening

Total Required			78		
Total provided			75 (68 off-street, 7 on-street)		

Note: Parking reduction of 3 spaces approved for Tropical Smoothie, SUP#2005-0065.

The proposed massage establishment complies with the required parking.

ZONING/MASTER PLAN DESIGNATION

The proposed use is consistent with the Potomac Yard/Greens CDD and Small Area Plan chapter of the Master Plan which proposes that the general land uses for this land parcel be commercial and open space use.

II. STAFF ANALYSIS

Staff does not object to a massage establishment within the salon. The massage use is only a small portion of the full-service salon, which is a permitted use. Staff does not anticipate any additional impacts from the massage services beyond those associated with the salon use. Parking is adequate for the proposed use, with the required parking already assumed under a previously approved parking reduction. Staff has included a number of standard conditions, including a one year review.

With these conditions, staff recommends approval.

III. RECOMMENDED CONDITIONS

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 operation of the massage establishment shall be limited to 7:00 a.m. to 9:00 p.m., daily. (P&Z)
5. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
6. 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)
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. 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)
9. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
10. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall remain open as much as possible and some interior accent lighting shall be provided when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. Signage shall comply with the conditions and intent of DSUP#2002-0028. (P&Z)

11. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, 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 which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (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: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Valerie Peterson, Urban Planner.

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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 No objections to request to include message treatment at salon and spa.

Code Enforcement:

F-1 No comment.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operations.
- C-3 The massage and personal grooming sections of the business must be permitted separately.
- C-4 Five sets of plans of each facility must be submitted to and approved by the department prior to construction. Plans for the massage facility must comply with Alexandria City Code, Title 11, Chapter 4.2, "Massage Regulations" and the personal grooming facility must comply with Alexandria City Code, Title 11, Chapter 7 "Personal Grooming Establishment."
- 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 Section 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 Community Relations 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 Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a robbery awareness program for all employees.

APPLICATION for SPECIAL USE PERMIT # 2006-0007

[must use black ink or type]

(Parade Act 1991 Repealed (since 2001)) APR

PROPERTY LOCATION: 1561 Potomac Greens Drive

TAX MAP REFERENCE: 044.02-01-68 ZONE: CDD-10

APPLICANT Name: JW Salons and Day Spas LLC

Address: 1561 Potomac Greens Drive

PROPERTY OWNER Name: Potomac Greens Retail, LLC

Address: 8230 Leesburg Pike, Suite 510, Vienna, VA

PROPOSED USE: Salon and Spa (Massage) 221

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.

John W. Hall
Print Name of Applicant or Agent

John W. Hall
Signature

8316 Schultz Rd
Mailing/Street Address

703-627-5519 301-868-0312
Telephone # Fax #

VA 22072
City and State Zip Code

January 20, 2006
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

4-4-06 - Deferred

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.

JW Salons and Day Spas LLC
1561 Potomac Greens Drive
Alexandria, VA 22314
100%

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 8 1/2" 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.

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)

This request for a special use permit is to allow Jon' Ric International Salon and Spa the ability to have two or more licensed massage therapists on the premise at the same time. Our facility has two multi-purpose rooms, which each has the capability and equipment to perform massage therapy. Each room will be occupied by one client and one technician at a time unless a service being administered requires a physician ~~to~~ present and/or on staff. Our normal business hours will be that of the landlord's requirements. Parking has been provided by the landlord and has been deemed adequate for the Center's use. Our rooms are soundproof, however our treatment room procedures shouldn't generate any unusual noises.

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).

~~← massage therapists →
No more than 2 patrons/pupils or staff at a time.~~
We hope to service roughly 8 clients/day.

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

Were the salon to be fully staffed,
we can expect 15-20 employees.

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

Day:	Hours:
<u>Monday - Friday</u>	<u>10 am - 8 pm</u>
<u>Saturday</u>	<u>8 am - 6 pm</u>
<u>Sunday</u>	<u>12 pm - 5 pm</u>
_____	_____
_____	_____

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

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

Very minimal.

B. How will the noise from patrons be controlled?

N/A

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?

Paper wrappings and small containers,
Some boxes.

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

The average amount. Nothing excessive
compared to a salon or spa.

C. How often will trash be collected?

Trash removal has been determined
by the landlord.

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

We don't sell items that can immediately
~~be used~~ pose as a litter threat.

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:

Commercial cleaning and disinfectant agents
will be disposed of ~~to~~ as recommended by
manufacturer.

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

The same methods required by the Health
Department for the City of Alexandria and
the State of Virginia

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?

$(1898 \text{ sq. ft} \div 400 = 5)$

1 space for every 400 square feet = 5

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

5 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:

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? 2

B. How many loading spaces are available for the use? 2

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

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

Before 11 am, but not earlier than
7 AM

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

As requested by the business.

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?

200 sq. ft. (existing) + 0 sq. ft. (addition if any) = 200 sq. ft. (total)

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

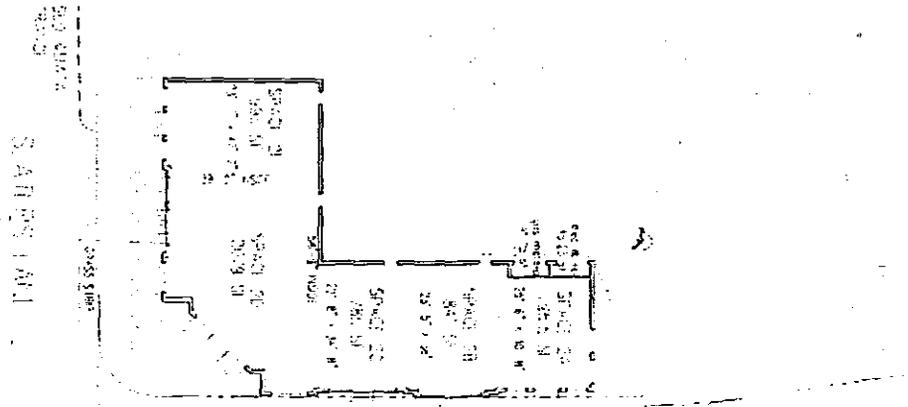
a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: Potomac Plaza

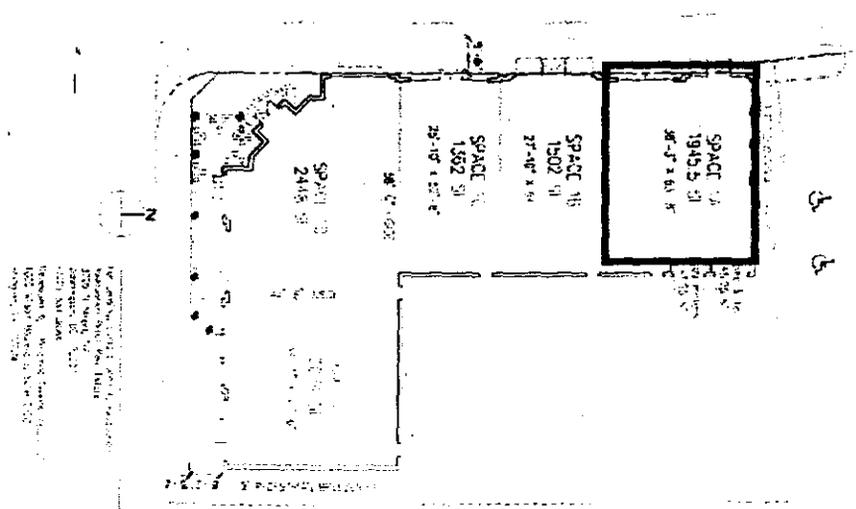
an office building. Please provide name of the building: _____

other, please describe: _____

Exhibit "A"



RELIGIOUS CENTER PLAN



Scale: 1/4" = 1'-0"

North Arrow

Notes:

- 1. All dimensions are approximate.
- 2. All rooms are to be finished.
- 3. All rooms are to be carpeted.
- 4. All rooms are to be painted.
- 5. All rooms are to be furnished.
- 6. All rooms are to be equipped with lighting.
- 7. All rooms are to be equipped with heating.
- 8. All rooms are to be equipped with cooling.
- 9. All rooms are to be equipped with ventilation.
- 10. All rooms are to be equipped with fire protection.
- 11. All rooms are to be equipped with security.
- 12. All rooms are to be equipped with accessibility.
- 13. All rooms are to be equipped with safety.
- 14. All rooms are to be equipped with health.
- 15. All rooms are to be equipped with environment.
- 16. All rooms are to be equipped with quality.
- 17. All rooms are to be equipped with service.
- 18. All rooms are to be equipped with satisfaction.

APPLICATION for SPECIAL USE PERMIT # 2006-0007

[must use black ink or type]

(Parcel Addr: 1561 Potomac Greens Dr.) APRC

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John W. Hall
Print Name of Applicant or Agent

John W. Hall
Signature

8316 Schultz Rd
Mailing/Street Address

703-627-5519 301-868-0312
Telephone # Fax #

Clinton, MD 20735
City and State Zip Code

JANUARY 20, 2006
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

4-4-06 - Deferred

ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 6-0 5/4/06

ACTION - CITY COUNCIL: 5/29/06 - CC approved the PC recommendation 7-0