EXHIBIT NO. 1

4
3-18-06

Docket Item #5
SPECIAL USE PERMIT # 2005-0135

Planning Commission Meeting
March 9, 2006

ISSUE: Consideration of a request for a special use permit to operate a health and athletic club as well as a massage establishment.

APPLICANT: Ultimate Results
by Anthony Malave and Mustafa Nazary

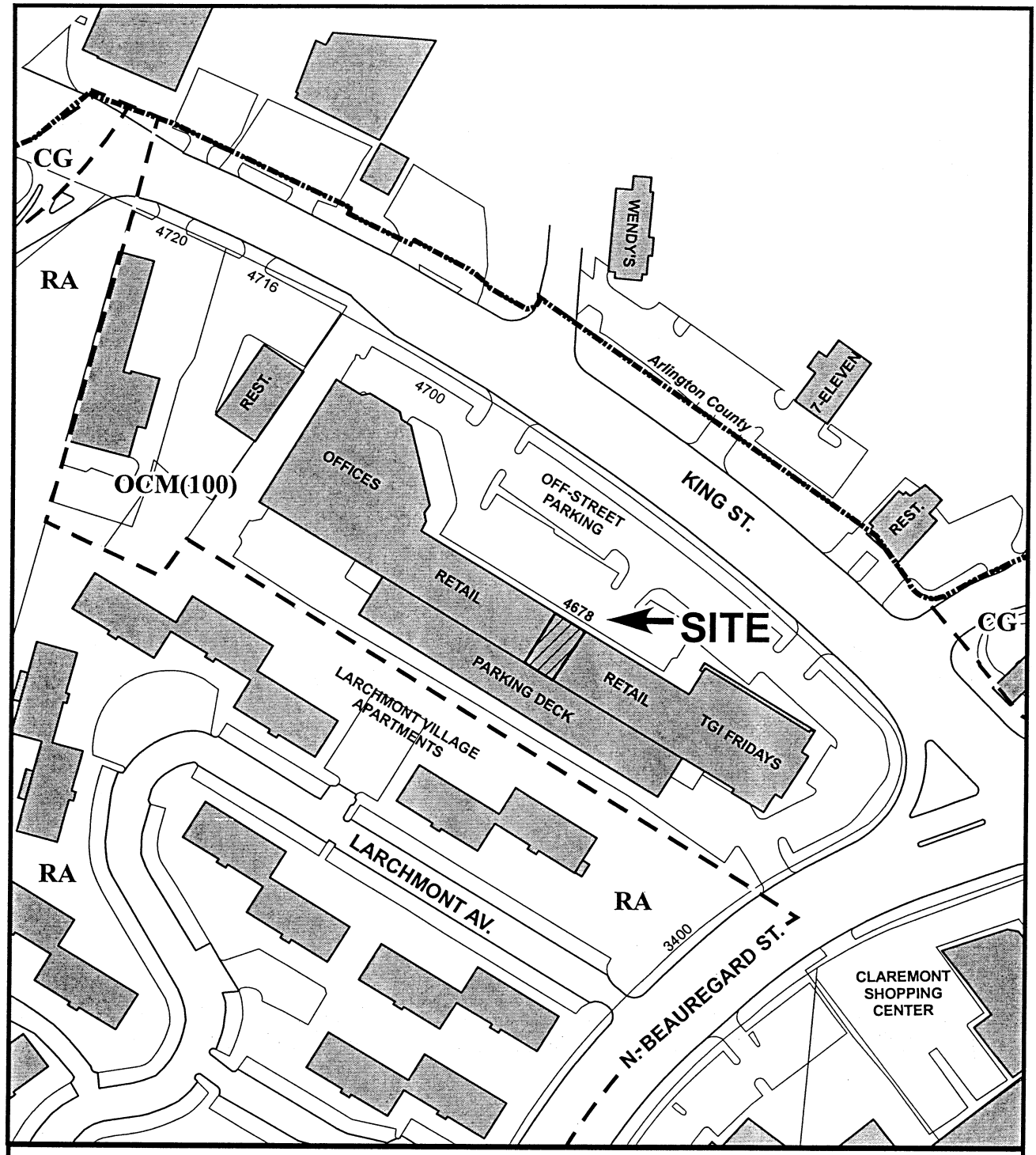
LOCATION: 4678 King Street (Parcel Address: 4700 King Street)

ZONE: OCM-100/Office Commercial Medium

PLANNING COMMISSION ACTION, MARCH 9, 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 the staff analysis.

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 #2005-0135 **03/09/06**

I. DISCUSSION

REQUEST

The applicant, Anthony Malave and Mustafa Nazary, requests special use permit approval for the operation of a personal training facility that includes two massage rooms located at 4678 King Street.

SITE DESCRIPTION

The subject property is one lot of record with 524.5 feet of frontage on King Street, 253.1 feet of depth and a total lot area of 132,750.95 square feet. The site is developed with a shopping center. Access to the property is from King Street.

The surrounding area is occupied by a mix of restaurants, personal service, and retail. Immediately to the north is a Wendy's Restaurant. To the south is a residential property. To the east and west are a Popeye's Restaurant and a McDonald's Restaurant, respectively.

PROPOSAL

The applicant proposes to operate a personal and small group training studio with two massage rooms for up to 25 clients at one time. Clients are scheduled by appointment only. The clients will use cardiovascular equipment under the supervision of a trainer. No free weights will be used within the facility. The training may also include running, bicycling, and stretching classes. Two massage rooms are also being proposed. Background music will be played in the training rooms, but the music will be kept at a low level.

Hours:	Monday- Friday:	5am - 9pm
	Saturday:	7am - 1pm
	Sunday:	Closed
Number of clients:	The applicant anticipates up to 25 clients on the premises at any one time.	
Noise:	The equipment to be used will not generate any significant amount of noise. Background music will be played in the training rooms at a low level.	

Trash/Litter: Water bottles, cups, and wrappers are expected, generating one garbage bag per day. Trash will be collected two-three times per week. There are garbage cans inside and in front of the facility.

PARKING AND TRAFFIC

According to Section 8-200(A)(17) of the Zoning Ordinance, a 6,542 square foot personal service establishment is required to have 17 off-street parking spaces. The proposed use has a lesser parking requirement than the previous retail use. Required parking for the proposed health and athletic club and massage establishment has been provided as part of site plan #82-051. There are 351 parking spaces existing on the site, and the required parking spaces for the proposed use have been provided as part of the retail development. Also as a part of site plan#82-051, the Alexandria Board of Zoning Appeals (BZA) granted a parking variance of 38 parking spaces for the development on June 9, 1983.

In regards to traffic impacts from the proposed use, the Institute for Transportation Engineer's Transportation Impact Analysis for Site Development, indicates that the personal training facility will create six to seven times less traffic impacts to the Summit Centre as opposed to the video store that previously occupied the location.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM/100 zone. Section 4-1000 of the Zoning Ordinance allows a Health and Athletic Club in the OCM/100 zone only with a special use permit.

The proposed use is consistent with the Alexandria West Small Area Plan chapter of the Master Plan which designates the property for Office Commercial Medium use.

II. STAFF ANALYSIS

Staff supports the proposed personal training studio at 4678 King Street. Staff does not anticipate that this use will have a significant impact on the already active area, which includes restaurants, personal service facilities, offices, and retail shopping.

Staff was concerned about potential parking impacts in the area because there is limited on-site parking. However, the applicant has stated that most of their clients will be scheduled during the non-peak hour times Monday-Friday 5:00am-9:00am and 6:00pm- 9:00pm which should provide adequate parking for all clients as well as additional parking within the parking deck, which is at the rear of the shopping center. Staff has included a condition requiring a review of the facility after the personal training facility has been operational for a year so that if there are problems with its operation, including parking and traffic problems, additional conditions may be imposed.

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

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 corporation in which the applicant has a controlling interest. (P&Z)

2. The hours of operation of the health and fitness studio shall be limited to between Monday-Friday 5am-9pm and Saturday-Sunday 7am-7pm. (P&Z)

3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

4. 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)

5. 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, and on how to prevent underage sales of alcohol. (P&Z)

6. The applicant shall require that its employees who drive to work use the parking facilities located at the rear of the site. (T&ES)

7. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey and robbery awareness program for the business. (Police)

8. It is recommended that the rear parking lot lighting be a minimum of 2.0 foot candle power minimum maintained for the safety of the customers using the parking lot after the hours of darkness. (Police)

9. 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 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 of the permit conditions, 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: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
James Hunt, 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:

R-1 The applicant shall require that its employees who drive to work use the parking facilities located at the rear of the site.

Code Enforcement:

F-1 The space is currently vacant.

C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-2 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3

C-3 Required exits, parking, and facilities shall be accessible for persons with disabilities.

C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-5 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.

Health Department:

C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.

C-2 This facility must meet current Alexandria City Code requirements for massage establishments.

C-3 Permits are non-transferable.

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 and Chapter 11, Swimming Pools Administrative Regulation 20-6, Swimming Pools.

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.

Human Services:

F-1 No Comment

Police Department:

F-1 The Police Department has no objections to the revised floor plan.

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 CommunityRelations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

R-3 It is recommended that the rear parking lot lighting be a minimum of 2.0 foot candle power minimum maintained for the safety of the customers using the parking lot after the hours of darkness.

APPLICATION for SPECIAL USE PERMIT #2005-0135

[must use black ink or type]

PROPERTY LOCATION: 4678 King Street

TAX MAP REFERENCE: 03.03-01-19 ZONE: OCM - 100

APPLICANT Name: Ultimate Results

Address: 5647 Tower Hill Circle, Alexandria, Virginia 22315

PROPERTY OWNER Name: MGP Summit Center, Operating LLC

Address: 6901 Rockledge Drive, Suite 230, Bethesda, Maryland 20817

PROPOSED USE: Personal Physical Training Facility

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.

Interplan Incorporated as agent for

Ultimate Results
Print Name of Applicant or Agent

Signature

5185 MacArthur Boulevard, N.W., # 200
Mailing/Street Address

202.362.5300
Telephone #

202.686.9273
Fax #

Washington, D. C. 20016
City and State *Zip Code*

12/28/05
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Special Use Permit # 2005-0135

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

   X[X] 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.

   Ultimate Results Personal Training and Wellness Center, LLC

   4676 King Street

   Alexandria, Virginia 22302

   Co-Owner: Anthony Malave; Co-Owner: Mustafa Nazary

   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

   X[X] 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.

   See attached site plans

Special Use Permit #2005-0135

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)

Ultimate Results Personal Training and Wellness Center will be a private, appointment-only personal training facility. Most of our clients will train one-on-one with a certified personal trainer or in a small group (maximum 4 people), at a pre-set or scheduled time, in one of our training suites. Clients will also be using the cardio equipment under the supervision of a trainer. In addition to private training, massage therapy services will be available to our clients on an appointment basis. Ultimate Results will be selling drinks (water, Gatorade, etc.) and energy bars.

At our busiest times, before and after work, we expect to have a maximum of 5 employees and 10 clients at one time. The majority of times we will be below those numbers. Our clients are both male and female, with the majority between the ages of 30 - 70 years old. Most are middle to upper income professionals looking for personalized services.

Parking for clients will be in the lot directly in front of and in the rear of the building. We will ask our employees to park in the off-site lot on Beauregard Street.

Our hours of operaton will be Monday through Friday 5 am to 9 pm and Saturday 7 am to 1 pm. We may open for business n Sunday, if ther is a demand for services on that day.

Special Use Permit #2005-0135

USE CHARACTERISTICS

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

   [X] 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). Monday-Friday from 5 am to 8 am -- 16 clients
   Monday-Friday from 9 am to 2 pm -- 18 clients
   Monday-Friday from 3 pm to 9 pm -- 24 clients
   Saturday from 7 am to 1 pm -- 18 clients

   B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
   Monday-Friday from 5 am to 9 am -- 5 employees
   Monday-Friday from 9 am to 3 pm -- 4 employees
   Monday-Friday from 3 pm to 9 pm -- 5 employees
   Saturdays from 7 am to 1 pm -- 5 employees

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

Day:	Hours:
Monday - Friday	5 am to 9 pm
Saturday	7 am to 1 pm

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

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

   Our strength training equipment is state of the art and does not generate any significant amount of noise. We will not be using free weights in our facility. We will be playing background music in our training rooms, but the music will be kept at a low level.

B. How will the noise from patrons be controlled?

All walls have acoustical insulation.

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?

Water bottles, cups and wrappers

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

1 garbage bag per day

C. How often will trash be collected?

2 - 3 times per week

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

We will provide garbage cans inside our space and the building has garbage cans on the outside in front of each store front.

Special Use Permit #2005-0135

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

[ ] Yes. [X] 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. [X] 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?

All of our trainers will have a certification through a reputable organization and will have current CPR training. When we first meet with a client, they go through a comprehensive screening to identify and address andy health issues. If there is any question, then we require a doctor's consent form to be completed. Additionally, all client's exercise routines are under the guidance and supervision of a certified trainer.

ALCOHOL SALES

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

[ ] Yes. [X] 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.

Special Use Permit # 2005-0135

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?

6542 SF ÷ 220 = 29.73 X 1.20 = 35.68 ≈ 36 Spaces

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

327 Standard spaces

0 Compact spaces

10 Handicapped accessible spaces.

0 Other.

C. Where is required parking located? [X] 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? 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?

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

SITE CHARACTERISTICS

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

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

How large will the addition be? _____ square feet.

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

6542 sq. ft. (existing) + 0 sq. ft. (addition if any) = 6542 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

[X] a shopping center. Please provide name of the center: Summit Centre

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

[ ] other, please describe: _____

INTERPLAN
Incorporated

30 January 2006

Mr. James Hunt
Urban Planner
Department of Planning and Zoning
City of Alexandria
301 King Street
Room 2100
Alexandria, VA 22313

RE: Ultimate Results – Special Use Permit Application
4678 King Street
SUP #2005-00135

Interplan Project No. 2570

Amendment to Special Use Permit Application

Dear James:

As we discussed at our last meeting, our client, Ultimate Results, wishes to amend our Special Use Permit Application to include the following:

1. A clarification that the maximum occupancy will be 30 persons. Please note that this is a substantial reduction from the allowable occupancy of 218 persons based on 30 SF/pp for 6,542 SF for a first floor mercantile use under the IBC.
2. Permission for Ultimate Results to operate two massage rooms as a part of their business.

We have included a copy of the plan of the space noting both items above.

Sincerely,

Interplan Inc.

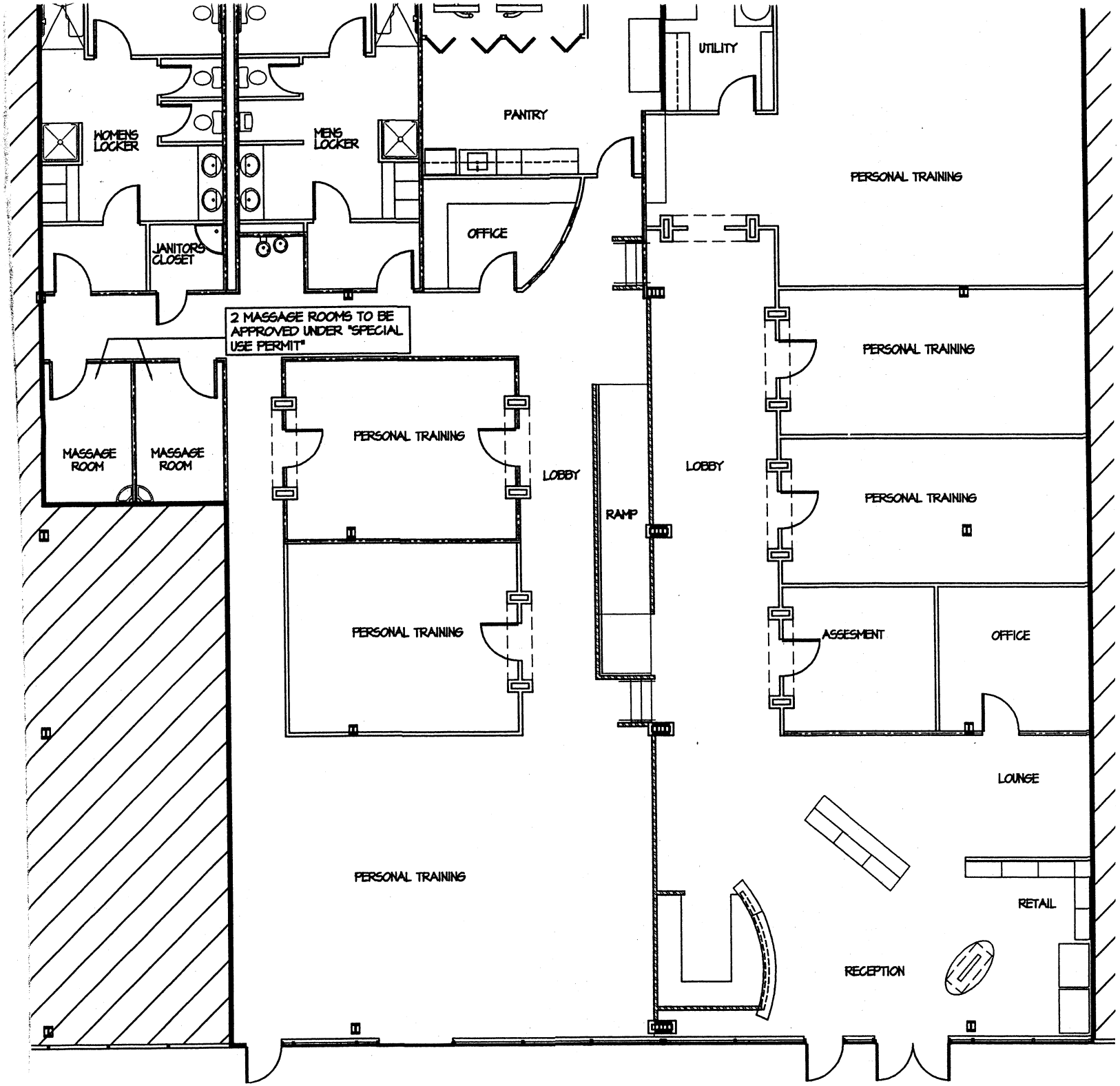
Robert J. Klancher, AIA
Principal

RECEIVED
JAN 31 2006
PLANNING & ZONING

Cc: Ultimate Results

5185 MacArthur Boulevard, NW ▪ Suite 200 ▪ Washington, DC 20016-3341 ▪ t. 202.362.5300 ▪ f. 202.686.9273 ▪ www.interplaninc.com

SUP2005-0135


WOMENS LOCKER
MENS LOCKER
JANITORS CLOSET
PANTRY
OFFICE
UTILITY
PERSONAL TRAINING
2 MASSAGE ROOMS TO BE APPROVED UNDER "SPECIAL USE PERMIT"
MASSAGE ROOM
MASSAGE ROOM
PERSONAL TRAINING
LOBBY
RAMP
LOBBY
PERSONAL TRAINING
PERSONAL TRAINING
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ASSESMENT
OFFICE
LOUNGE
PERSONAL TRAINING
RETAIL
RECEPTION

APPLICATION for SPECIAL USE PERMIT #2005-0135

[*must use black ink or type*]

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TAX MAP REFERENCE: 03.03-01-19 ZONE: OCM - 100

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Interplan Incorporated as agent for

Ultimate Results
Print Name of Applicant or Agent

Signature

5185 MacArthur Boulevard, N.W., # 200
Mailing/Street Address

202.362.5300
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202.686.9273
Fax #

Washington, D. C. 20016
City and State *Zip Code*

12/28/05
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: By unanimous consent recommended approval 6-0 3/9/06

ACTION - CITY COUNCIL: 3/18/06- CC approved the PC recommendation 7-0