

EXHIBIT NO. 1

5
6-17-06

Docket Item #4
SPECIAL USE PERMIT #2006-0025

Planning Commission Meeting
June 6, 2006

ISSUE: Consideration of a request for a special use permit to operate a wellness and massage facility.

APPLICANT: Maryellen Thorp

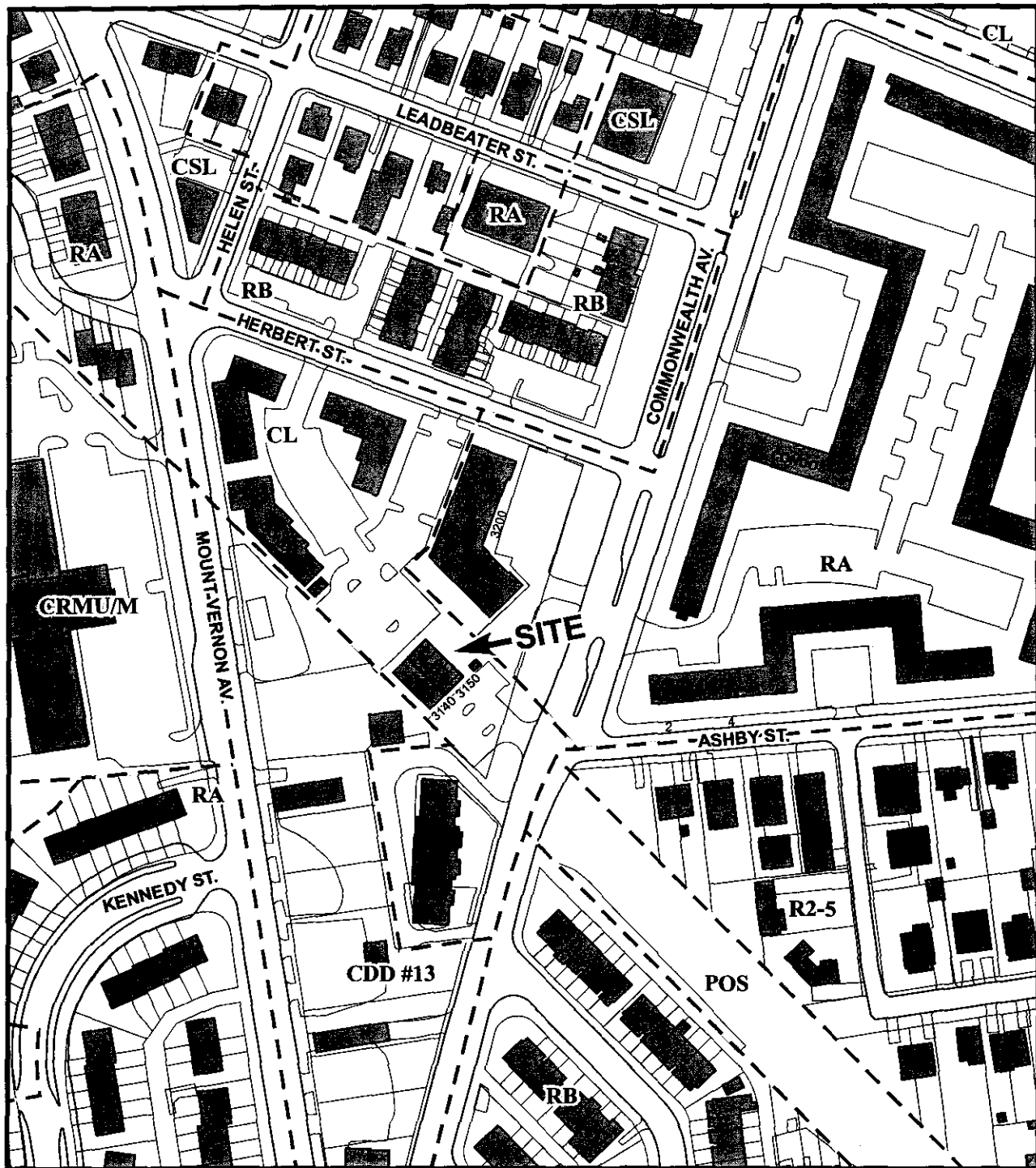
LOCATION: 3160 Commonwealth Avenue (20A)

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, JUNE 6, 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 #2006-0025

06/06/06



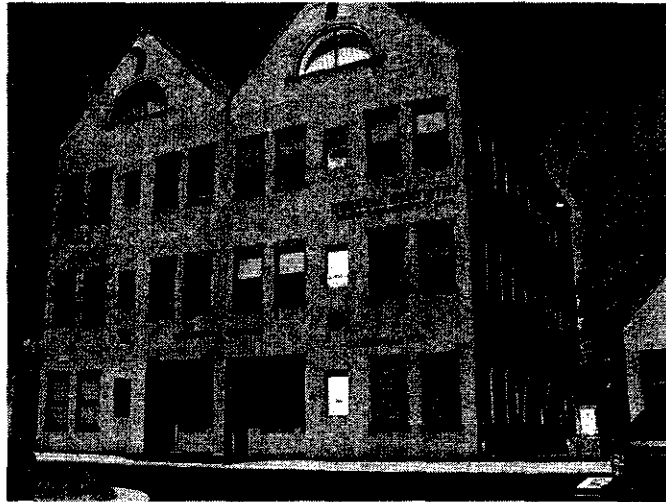
I. DISCUSSION

REQUEST

The applicant, Maryellen Thorp, requests special use permit approval for the operation of a massage establishment located at 3160 Commonwealth Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 175 feet of frontage on Mt. Vernon Avenue, 275 feet of frontage on Herbert Street, 114 feet of frontage on Commonwealth Avenue, and a total lot area of 1.7 acres. The site is developed with four office condominium buildings. The subject tenant space is located in the southern-most building that fronts on Commonwealth Avenue. The applicant proposes to occupy 1,900 square feet of space on the north side of the first floor of the building.



The surrounding area is occupied by a mix of residential and commercial uses. To the east is Auburn Village residential community. To the west across Mt. Vernon Avenue are the Calvert apartments and associated commercial uses. To the north are residential townhomes. To the south is a vacant building on a property that, consolidated with others to the south, is the subject of a development special use permit application for a medium density mixed residential and commercial development (DSUP#2005-0041).

PROPOSAL

The applicant proposes to operate a wellness center. The center will provide two massage rooms, one acupuncture room, and one psychotherapy room. The proposed operation is an extension of the applicant's existing massage operation "The Healing Tree," located at 2101 Mt. Vernon Avenue (SUP#2002-0055). Specific aspects of the operation as described by the applicant are as follows:

- Hours: 9:00 a.m. to 8:00 p.m. Monday through Friday; 9:00 a.m. to 5:00 p.m. Saturday; closed on Sunday.
- Noise: The applicant does not anticipate any noise impacts from the business.
- Trash/Litter: Trash is expected to be minimal, with one small bag each day. The condominium association manages property maintenance issues.

PARKING

According to Section 8-200 (A)(17) of the Zoning Ordinance, a personal service use requires one parking space for every 400 square feet. A massage establishment with 1,900 square feet will be required to provide five off-street parking spaces.

Parking for these office condominiums was approved in Site Plan #85-036. The requirement for the offices was 1.1 spaces for every 400 net square feet of floor area. A total of 37,454 net square feet was approved. The subject tenant space has 1,900 square feet, which would have required five spaces. Therefore, the applicant complies with the parking requirement. As a practical matter, there are 15 parking spaces that staff observed to be unoccupied at various times throughout the day, located immediately in front of the subject building.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL zone. Section 4-103 (G.1) of the Zoning Ordinance allows a massage establishment in the CL zone only with a special use permit.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for uses consistent with the CL zone.

II. STAFF ANALYSIS

Staff does not object to the proposed health and wellness center located at 3160 Commonwealth Avenue. The proposed use is compatible with existing businesses in the area. It is a small business, and staff anticipates it will have little if any adverse impact on the area. While parking demand at the building was raised as a concern in a recent case for a commercial school, the parking demand for the proposed use is small, and the subject space fronts on to a parking lot that is currently underutilized. Staff recommends a condition requiring employees, and encouraging customers to park in this parking lot that faces Commonwealth Avenue. Staff also recommends the standard condition that the applicant encourage its employees and customers to use public transit.

Staff recommends approval of the request for special use permit subject to recommended conditions.

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 massage establishment shall be limited to 8:00 a.m. to 8:00 p.m. daily. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. Only City licensed therapists may provide massage services at the facility. (P&Z)
4. 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 and a robbery readiness program for all employees. (Police)
5. The applicant shall encourage its employees and clients to use mass transit or to carpool when traveling to and from the business, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
6. The applicant shall require employees who drive to work to park in the on-site parking lot facing Commonwealth Avenue. The applicant shall encourage customers who drive to also park in this lot by posting at the business the location of the lot. (P&Z)
7. 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)
8. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
9. The applicant is advised to obtain all required permits to operate this type of facility in conformance with the City of Alexandria's requirements. (T&ES)

10. 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 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:

- 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 The applicant is advised to obtain all required permits to operate this type of facility in conformance with the City of Alexandria's requirements.
- 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 T&ES has no objection to the proposed use.

Code Enforcement:

- 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 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five 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 require for all regulated facilities. Permits are non-transferable

- C-2 This facility must meet current Alexandria City Code requirements for massage establishments.
- 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. Plan must comply with the Alexandria City Code, Tittle 11, Chapter 4.2 Massage Regulations.
- C-5 All massage therapist 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 Tittle 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 readiness program for all employees.

APPLICATION for SPECIAL USE PERMIT # 2006-0025

[must use black ink or type]

PROPERTY LOCATION: 3160 Commonwealth Ave 22305

(Office/condo)
TAX MAP REFERENCE: 015.04-OB-20A ZONE: CL

APPLICANT Name: Maryellen Thorp

Address: 311 Hume Ave, Alexandria VA 22301

PROPERTY OWNER Name: Jaanastri Properties Contact William Brennan

Address: 3150 Commonwealth Ave Alex VA 22305

PROPOSED USE: Wellness Center, Massage, Acupuncture,
Psychotherapy

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.

Maryellen M Thorp
Print Name of Applicant or Agent

Maryellen
Signature

311 Hume Ave
Mailing/Street Address

703 919-4450 703 535-7882
Telephone # Fax #

Alexandria VA 22301
City and State Zip Code

703 3/23/06
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: Sublessor 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.

Dr. Iola Capps of Chrysalis Chiropractic located
at 3140 Commonwealth Ave, Alexandria VA 22305 is
the main Lessee of 3160 Commonwealth Ave. I would
be subleasing the space from Her. ~~Her~~

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.

See Attached

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)

Requesting SUP for the use of a ^{Wellness Center} Massage Establishment. Space would include four treatment rooms, one room would be used for Acupuncture, one room for psychotherapy and two rooms for massage. The space also includes a room ~~to~~ to be used as a waiting room, a bathroom + small kitchen area. This business would operate as The Healing Tree, an ~~an~~ ~~extension~~ extension of the current business, The Healing Tree, located at 2101 MT VERNON AVE, Alexandria VA 22301.

All practitioners practicing at The Healing Tree will hold current licensing and certifications as deemed needed by Alexandria City guidelines as well as any National Guidelines mandated by that particular practice.

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).

40 employees / Independent Practitioners 4 clients
at any given time throughout the day - hours 9-8

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

4 employees / Independent practitioners at any
given time throughout the day - hours 9-8

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

Day:	Hours:
<u>M-F</u>	<u>9-8</u>
<u>SAT</u>	<u>9-5</u>
<u>SUN</u>	<u>Closed</u>
_____	_____
_____	_____

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?

No Noise

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?

Trash provided

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

Minimal - 1 small bag a day

C. How often will trash be collected?

2 x week

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

N/A - Condo Ass. takes care of

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?

follow Code Enforcement regulations - (D)

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?

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

14 Standard spaces

— Compact spaces

1 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? N/A

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

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

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

N/A

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

N/A

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

N/A

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?

1900 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1900 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: _____

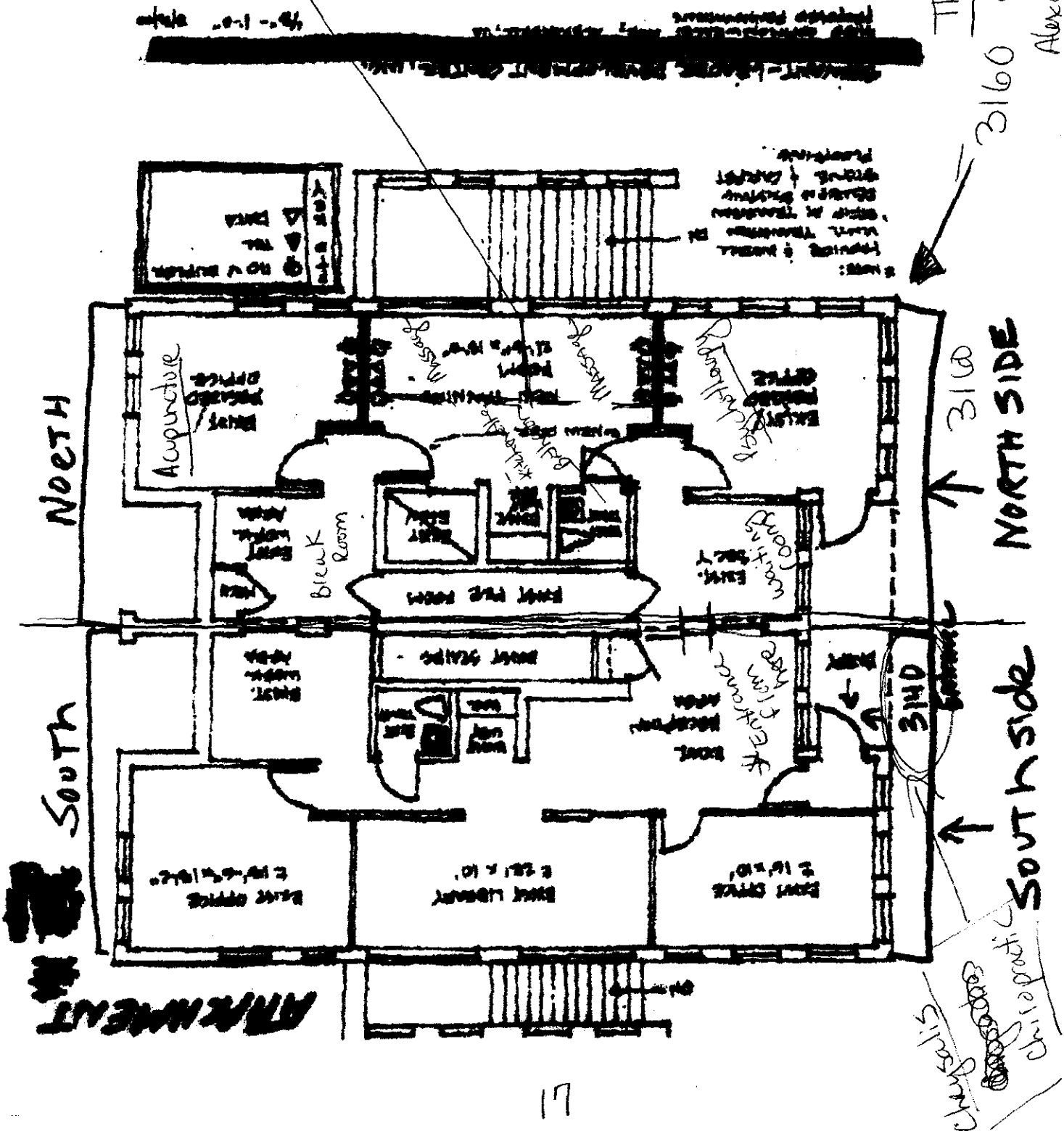
an office building. Please provide name of the building: VERNON Square

other, please describe: _____

SUP 2006-0025

Please note that wall will be erected between these rooms following all permits / Laws etc...
* please note that we will be using the entrance from Cheryl's Chiropractic

Proposed The Healing Tree
3160 Commonwealth Ave
Alexandria VA 22305



MARKMENT

MOUNT VERRON AVENUE

LIBER QUARTZ DETAIL

BOWLOCK BRICK EDGE DETAIL

These new stairs leading up to upper bt RECEPTION

1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND DRAWINGS FOR THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND TO THE SATISFACTION OF THE ARCHITECT AND CLIENT. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES. THE WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME AND TO THE SATISFACTION OF THE ARCHITECT AND CLIENT. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

- PROPOSED PARTY
- UPPER TRAIL GRATE
- LOWER GRATE
- ELECTRICAL, TELEPHONE
- STAIRS, STAIR WALK
- NEW CONCRETE SLAB
- WATER MAINS
- LANDSCAPE LIGHTING
- REVISIONS

CROWN COVERAGE

PLANT #	PLANT NAME	SIZE	REMARKS
1	MAHOGANY	12" x 12"	
2	SPRING BURNING	12" x 12"	
3	SPRING BURNING	12" x 12"	
4	SPRING BURNING	12" x 12"	
5	SPRING BURNING	12" x 12"	
6	SPRING BURNING	12" x 12"	
7	SPRING BURNING	12" x 12"	
8	SPRING BURNING	12" x 12"	
9	SPRING BURNING	12" x 12"	
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12	SPRING BURNING	12" x 12"	
13	SPRING BURNING	12" x 12"	
14	SPRING BURNING	12" x 12"	
15	SPRING BURNING	12" x 12"	
16	SPRING BURNING	12" x 12"	
17	SPRING BURNING	12" x 12"	
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31	SPRING BURNING	12" x 12"	
32	SPRING BURNING	12" x 12"	
33	SPRING BURNING	12" x 12"	
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43	SPRING BURNING	12" x 12"	
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47	SPRING BURNING	12" x 12"	
48	SPRING BURNING	12" x 12"	
49	SPRING BURNING	12" x 12"	
50	SPRING BURNING	12" x 12"	

COVERAGE TO BE MAINTAINED THROUGHOUT THE PROJECT

Typical Detail of Stone Step on Slope

Parking

COMMONWEALTH AVENUE



Del Ray Citizens Association

5
6-17-06

PO Box 2233

Alexandria VA 22301

Established 1954

To: Honorable Members of City Council
Eileen Fogarty, Director, Office of Planning and Zoning

From: Larry Altenburg, President
Amy Slack, Land Use committee Co-chair
Sarah Haut, Land Use committee Co-chair

Date: June 16, 2006

Subject: SUP#2006-0025, docket item #5
Consideration of a request to operate a wellness and massage facility at 3160 Commonwealth Avenue.
Zoned: CL/Commercial Low Applicant: Maryellen Thorp

At our regular meeting of June 12, 2006, the membership voted in confidence of the recommendation by the Land Use committee and Executive Board to support the application.

We request your support for this position and welcome your questions and comments. Please feel free to contact President Larry Altenburg at 703-548-3534 and Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060.

APPLICATION for SPECIAL USE PERMIT # 2006-0025

[must use black ink or type]

PROPERTY LOCATION: 3160 Commonwealth Ave 22305

(Office/condo)
TAX MAP REFERENCE: 015.04-OB-20A ZONE: CL

APPLICANT Name: Maryellen Thorp

Address: 311 Hume Ave Alexandria VA 22301

PROPERTY OWNER Name: Joanastri Properties Contact William Brennan

Address: 3150 ~~30150~~ Commonwealth Ave Alex VA 22305

PROPOSED USE: Wellness Center, Massage, Acupuncture,
Psychotherapy

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Maryellen M Thorp
Print Name of Applicant or Agent

Maryellen
Signature

311 Hume Ave
Mailing/Street Address

703 919-4450 703 535-7882
Telephone # Fax #

Alexandria VA 22301
City and State Zip Code

703 3/23/06
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

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

ACTION - CITY COUNCIL: 6/17/06-CC approved the PC recommendation 6-0