

EXHIBIT NO. 1

3  
5-12-07

Docket Item #2  
SPECIAL USE PERMIT #2007-0009

Planning Commission Meeting  
May 1, 2007

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

**APPLICANT:** Sara VanderGoot

**STAFF:** Richard Bray  
richard.bray@alexandriava.gov

**LOCATION:** 2214 Mt. Vernon Avenue

**ZONE:** CL/Commercial Low

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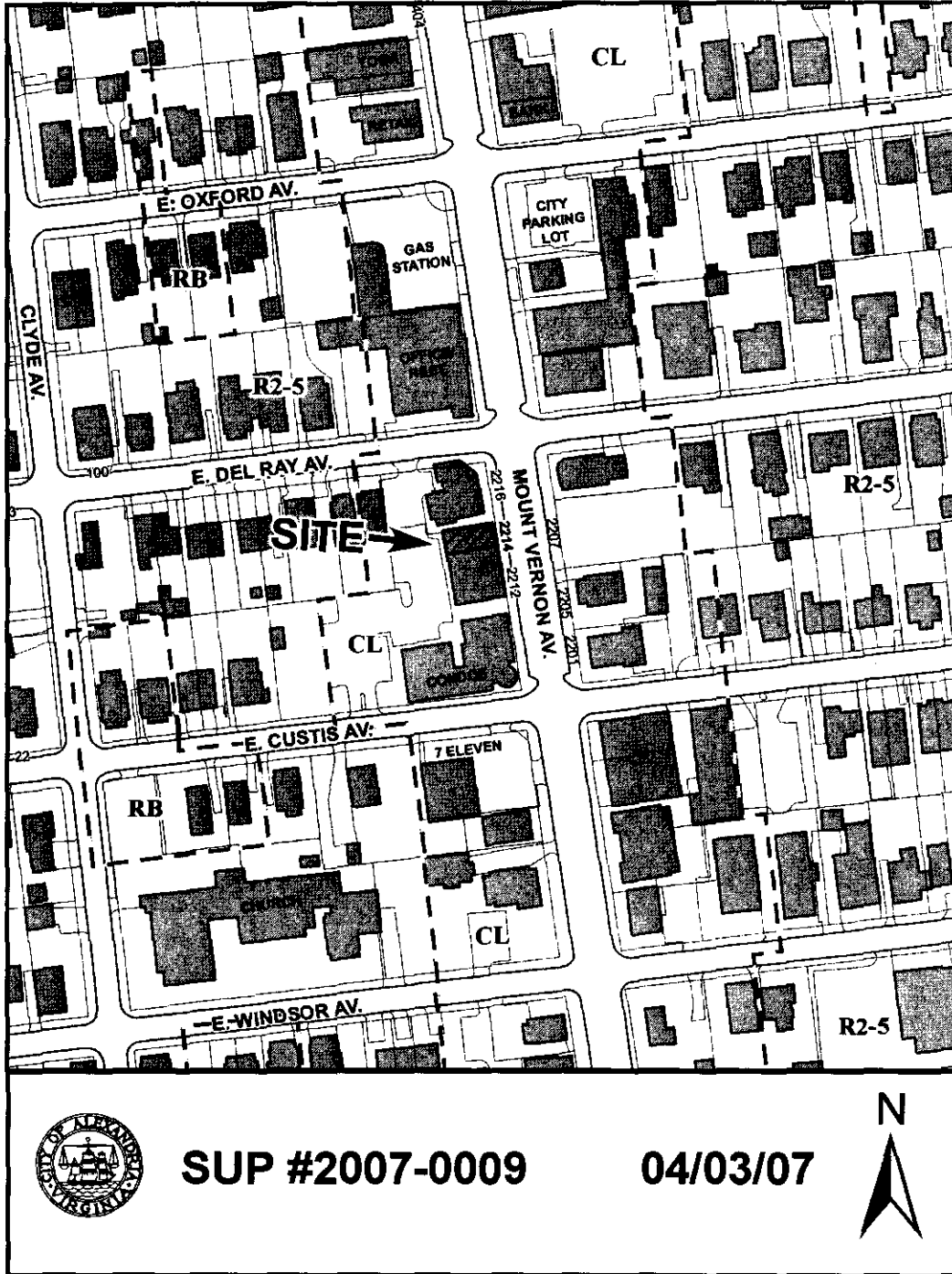
**PLANNING COMMISSION ACTION, MAY 1, 2007:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

**PLANNING COMMISSION ACTION, APRIL 3, 2007:** Without objection, the Planning Commission noted the deferral of the item.

Reason: The applicant did not send proper 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.



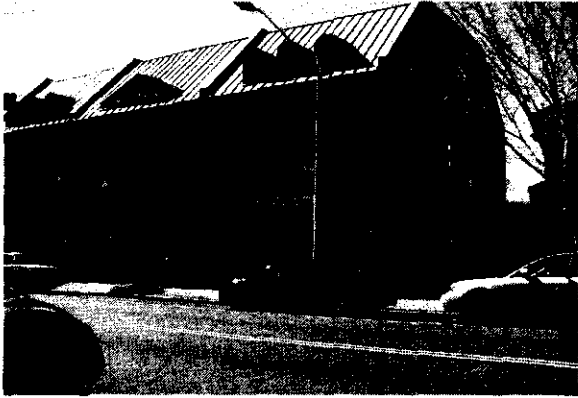
**I. DISCUSSION**

REQUEST

The applicant, Sarah VanderGoot, requests special use permit approval for the operation of a massage therapy establishment located at 2214 Mount Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 24.5 feet of frontage on Mount Vernon Avenue, 50.1 feet of depth and a total lot area of 1,227 square feet. The site is developed with an 800 square foot office space currently occupied by the applicant operating as a single massage therapist, accessory to an acupuncture therapist. The applicant has a small retail section at the front of the tenant space selling books. Access to the property is from Mount Vernon Avenue.



The surrounding area is occupied by a mix of residential and commercial uses. Immediately to the north is Jag Title Inc. and Color Book Gallery (retail shopping). To the south is a 7-Eleven convenience store. To the east is a mix of retail and personal service uses. To the west is a single family residential community.

PROPOSAL

The applicant proposes to operate a massage therapy business. The massage therapy will have three therapists with one client per therapist per hour. An acupuncture therapist will share time with one of the massage therapists and see two clients per hour. The maximum number of clients at one time will be 4.

- Hours: Daily 10am – 8pm
- Number of patrons: Maximum of 40 clients per day
- Noise: No anticipated noise impacts
- Trash/Litter: No anticipated littering impacts

PARKING

According to Section 8-200(A)(17) of the Zoning Ordinance, a personal service establishment requires one parking space for every 400 square feet. A personal service establishment with 800 square feet will be required to provide two off-street parking spaces. Two exclusive parking spaces are provided in the lot behind the business. In addition there is a public parking lot at 2311 Mount Vernon Avenue.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL, commercial low zone. Section 4-103 (G.1) of the Zoning Ordinance allows massage therapy 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 neighborhood retail and personal service use.

**II. STAFF ANALYSIS**

Staff supports the proposed massage therapy facility at 2214 Mount Vernon Avenue. The applicant currently operates a successful massage therapy office at this location as accessory to an acupuncture therapist. Staff conducted a parking survey and found that there was sufficient parking for this use in the immediate neighborhood. Staff believes that the low volume nature of this business will not negatively impact the parking situation on Mount Vernon Avenue. The small scale bookstore located on site helps to promote the retail presence desired on Mt. Vernon Avenue. Staff believes that the 8:00 pm closing time will benefit the existing retail and restaurant establishments by helping to ensure a mid to late evening presence on Mount Vernon Avenue.

With the following 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 massage establishment shall be limited to between 10:00 am and 8:00 pm, seven days a week. (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 require its employees who drive to work to use off-street parking. (P&Z)
6. 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)

7. 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 robbery readiness training for all employees. (Police)
8. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
9. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
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 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: Richard Josephson, Acting Director, Department of Planning and Zoning;  
Richard Bray, Urban Planner.

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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 provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-2 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- R-3 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public.
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

##### Code Enforcement:

- C-1 Any proposed 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.
- C-2 Any proposed alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

Health Department:

- C-1 An Alexandria Health Department Permit is required 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. Plans must comply with the Alexandria City Code, Title 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, § 54.0-3029 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 robbery readiness training for all employees.

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APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 28-2007-0009

PROPERTY LOCATION: 2214 Mt. Vernon Ave. Ground Floor

TAX MAP REFERENCE: 034.02-0A-01 ZONE: CH/MVUL

APPLICANT

Name: Sara Vander Goot
Address: 2214 Mt. Vernon Ave., Alexandria, VA 22301

PROPERTY OWNER

Name: Boland Properties LLC (KMB)
Address: 2214 Mt. Vernon Ave. Alexandria, VA 22301

PROPOSED USE:

Massage therapy (Max. 3 massage therapists)
and yoga classes (Max. 8 students, 1 instructor)

[M] THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[M] 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 IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[V] 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 Director of Planning and Zoning 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.

Sara Vander Goot
Print Name of Applicant or Agent
304 N. NESMOND DR.
Mailing/Street Address
Alexandria, VA 22305
City and State Zip Code

Sara Vander Goot
Signature
202-415-7582 N/A
Telephone # Fax #
smvand@yahoo.com
Email address
4/12/07 (original) amended 2/7/07
Date

Application Received:

Date & Fee Paid: \$

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

ACTION - PLANNING COMMISSION:

ACTION - CITY COUNCIL:



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**All applicants must complete this form. Supplemental signs are required for child care facilities, restaurants, automobile-oriented uses and freestanding signs requiring special use permit approval.**

1. The applicant is the (check one):
- 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.

Sara Vander Groot, 304 wesmond Dr.

Alexandria, VA 22305 100% ownership

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 11" x 17" or smaller. Twenty-four copies are required for plans larger than 11" x 17" 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.

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**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. The description should include 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.)

I would like to practice massage therapy myself & hire 2 additional massage therapists. In addition, I would like to give yoga classes (max. 8 students/class, 1 instructor, max. 3x/day<sup>→ 5 days/week</sup>). Number of massage clients is 1 per therapist per hour - 1-5 hrs/day. Number of employees = 3 massage therapists / 1 yoga instructor. Employees will park behind building in specified spots or on street. Patrons will park on street. Uses will not generate noise. We appreciate quiet environments!

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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: \_\_\_\_\_

no building changes, only adding employees/patrons/activities

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).

Yoga: max. 8/class, 3 classes/day, 5 days/week

Massage: max 3 clients/hour, 1-5 hrs/day, 6 days/week

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

3 massage therapists, 1 yoga instructor (see hours above)

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

Day: Mon-Sun

Hours: 10am - 8pm

massage therapy

yoga

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

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

No noise. We appreciate quiet environments!

B. How will the noise from patrons be controlled?

N/A

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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?

None

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

None

C. How often will trash be collected?

N/A

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

Our clients don't tend to litter, but we keep premises clean at all times anyway

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:

N/A

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**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:

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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?

2  
\_\_\_\_\_

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

- 3 Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- \_\_\_\_\_ Other.

C. Where is required parking located? (check one)

on-site

off-site

If the required parking will be located off-site, where will it be located?

street

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?

N/A

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

N/A

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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?

Street access is adequate

**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? N/A square feet.

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

800 sq. ft. (existing) + N/A 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

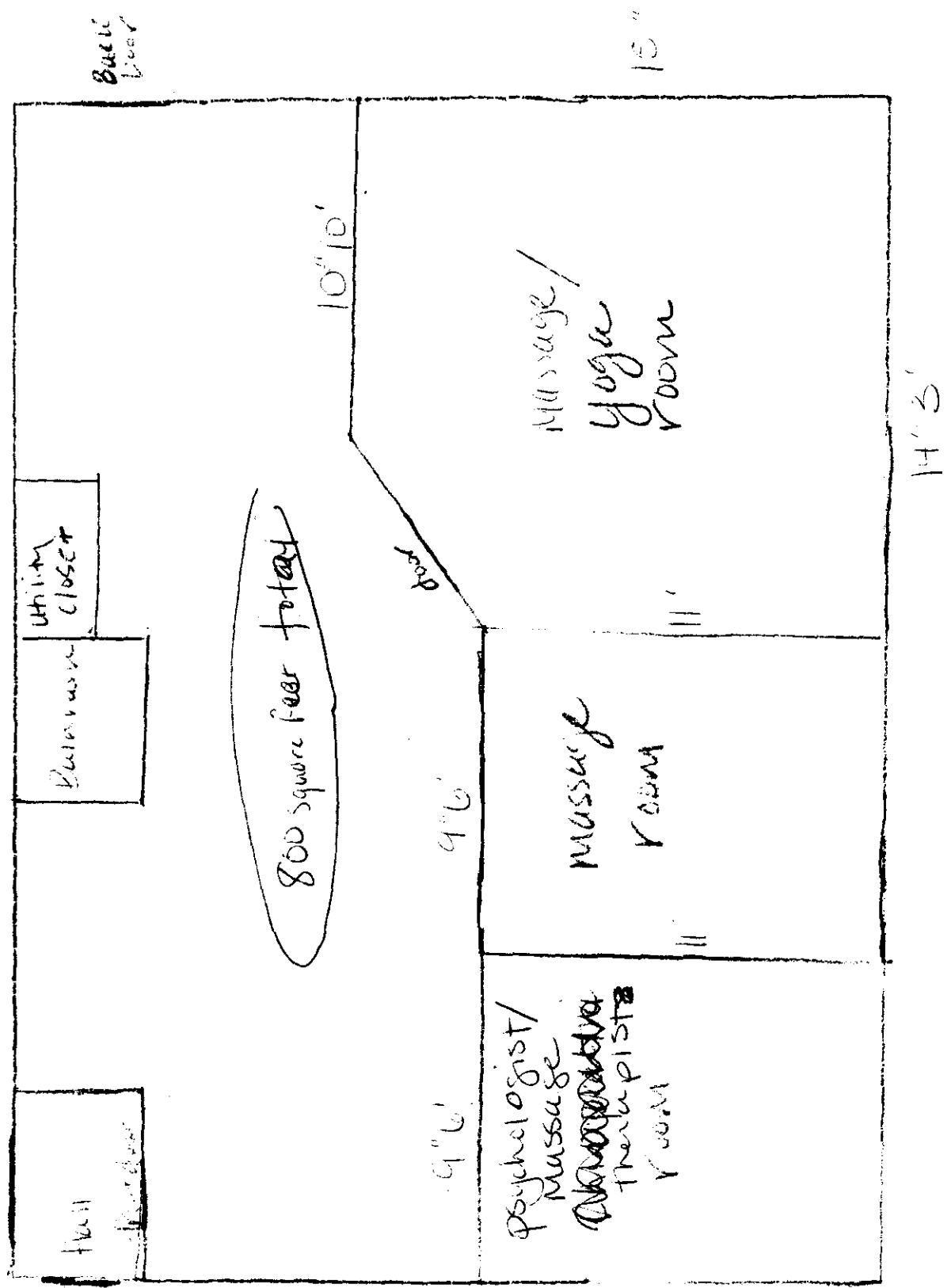
a shopping center. Please provide name of the center: \_\_\_\_\_

an office building. Please provide name of the building: Potomac Town Square

other. Please describe: \_\_\_\_\_

2214 Mt. Vernon Ave First FL  
 Floor Plan for Special Use Permit

SUP 2007-0004



cut side door

THRESH



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**BOLAND PROPERTIES, L.L.C.**  
2214 MOUNT VERNON AVENUE, SUITE 101  
ALEXANDRIA, VA 22301  
703-836-4199

Sara Vander Goot  
Paul Caffrey  
2214 Mount Vernon Avenue  
Suite 100  
Alexandria, VA 22301

February 6, 2007

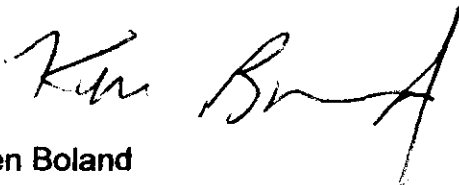
Dear Sara and Paul,

This letter is sent to clarify the lease arrangement for the leased premises, 2214 Mount Vernon Avenue, Suite 100, Alexandria, VA 22301.

The lease agreement made effective on December 6, 2005 is between Boland Properties, LLC and Sara Vander Goot. The "dba" suffix reference is irrelevant and should not be considered an entity for the purpose of determining a responsible party for upholding the covenants, conditions and payments set forth in the terms of the lease.

Sara Vander Goot, as the tenant signatory, would be responsible for the consequences in the event any default is made in any of the covenants or conditions of the lease.

Regards,



Ken Boland

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