

Docket Item #5
SPECIAL USE PERMIT # 2007-0117

Planning Commission Meeting
January 3, 2008

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

APPLICANT: Ann Bartlett
The Body in Balance Center

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 1423 Powhatan Street Unit 7

ZONE: CSL/Commercial Service Low

PLANNING COMMISSION ACTION, JANUARY 3, 2008: On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances, staff recommendations and amended condition #6. The motion carried on a vote of 6 to 0. Mr. Wagner was absent.

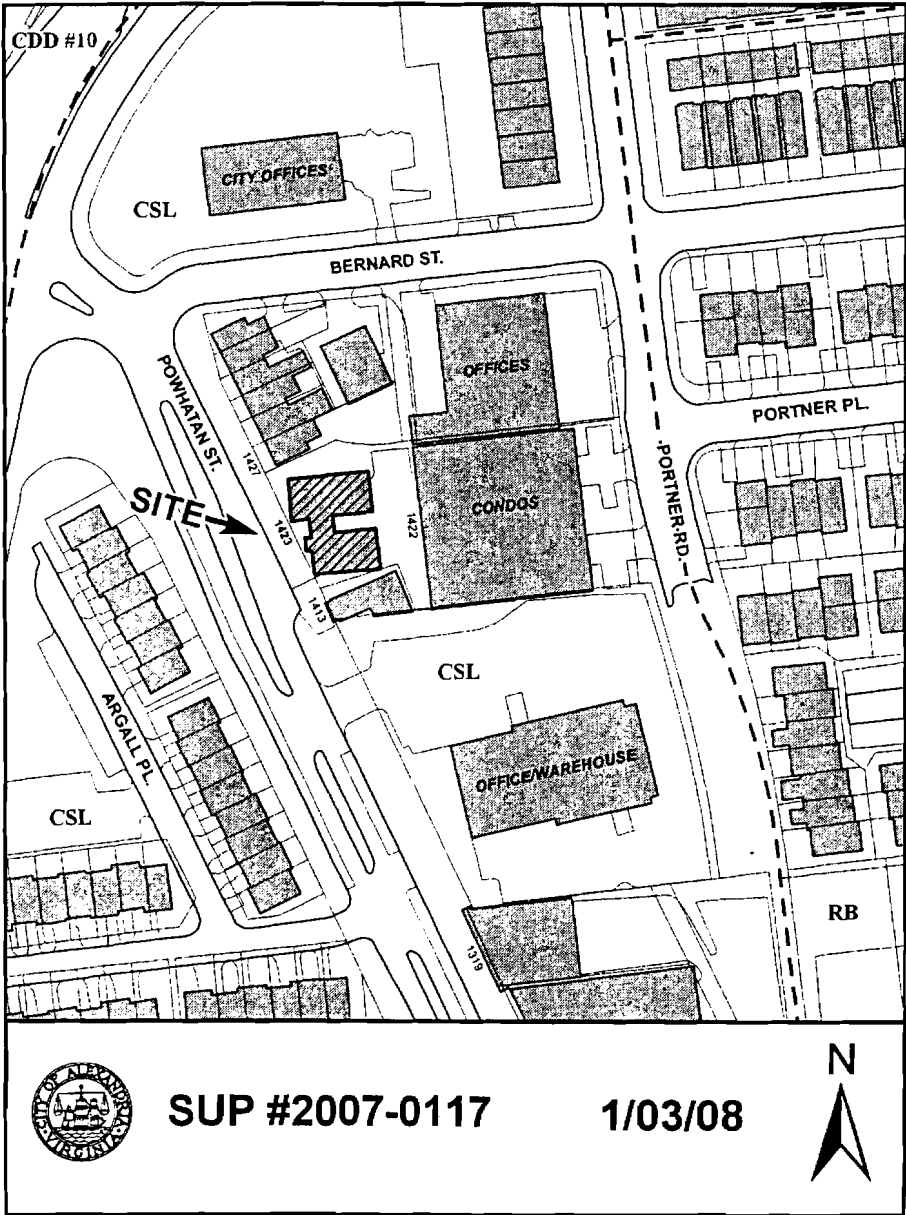
Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Poul Hertel, 1217 Michigan Ct., requested that condition #6 be amended to require licenses to be displayed along with photos of the licensee, and with questions regarding the location of off-street parking.

Ann Bartlett, of The Body in Balance Center, represented the application.

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, Ann Bartlett, requests special use permit approval for the operation of a wellness center with massage and classes located at 1423 Powhatan Street.

SITE DESCRIPTION

The subject property is one lot of record with 95 feet of frontage on Powhatan Street, 123 feet of frontage on Portner Road and 250 feet of depth. The site is developed with an office condo building. The applicant occupies a 2,329 square foot suite within the building. Access to the property is from Portner Road.



The surrounding area is occupied by a mix of residential, commercial and office uses. Immediately to the north is a commercial warehouse. To the south is a commercial warehouse housing Page One Science. To the east and west are residential townhouses.

BACKGROUND

The applicant currently operates a wellness center at this location. The wellness center currently offers chiropractic, psychotherapy, acupuncture and massage therapy. The proposed classes and addition of another massage therapist requires a Special Use Permit.

PROPOSAL

The applicant proposes to expand the wellness center currently operating at 1423 Powhatan Street. The expansion will include a second massage therapist and wellness classes, including yoga, pilates and other forms of movement therapy. The hours of operation are not changing.

Hours: Monday – Thursday, 8:00 am – 8:00 pm
Friday, 8:00 am – 6:00 pm
Saturday, 9:00 am – 4:00 pm
Sunday, 1:00 pm – 6:00 pm

Number of students: Current: Personal service instruction, no classes
Proposed: 12

Noise: No noise impacts anticipated

Trash/Litter: Commercial trash is picked up once a week, there is no litter anticipated

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 personal service use with 2,329 square feet will be required to provide six off-street parking spaces. According to Section 8-200(A)(11) of the Zoning Ordinance, a commercial school with 12 students will be required to provide six off-street spaces. The applicant exceeds the required parking with the exclusive use of seven on-site parking spaces.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CSL/Commercial Service Low zone. Section 4-303(V) of the Zoning Ordinance allows a commercial school in the CSL zone only with a special use permit.

The proposed use is consistent with the Northeast Small Area Plan chapter of the Master Plan which designates the property for light service use.

II. STAFF ANALYSIS

Staff supports the expansion of this business. The current operation has had no complaints at this location or at their previous location at 300 South Washington Street. The proposed increase in the wellness center will not have negative impacts on the neighborhood. The center provides sufficient parking for the use. Staff has included a condition requiring all massage therapists to be state licensed. This is an active use that provides a valuable service to the Northeast neighborhood.

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 commercial school shall be limited to Monday through Saturday, 8:00 am to 8:00 pm and Sunday, 12:00 pm to 6:00 pm. (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. (P&Z)
6. **CONDITION AMENDED BY PLANNING COMMISSION:** All massage therapists must be licensed by the Commonwealth of Virginia. Licenses and photos of licensees must be on display in the establishment. (P&Z)
7. 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
8. 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)
9. Applicant shall contribute \$500.00 to the Litter Control 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. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
11. 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. (Police)
12. 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: Faroll Hamer, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, 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 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-2 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)
- R-3 Applicant shall contribute \$500.00 to the Litter Control 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)
- R-4 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 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 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-2 Any proposed alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

- C-3 Any proposed additions and alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit (USBC 108.1). Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application (USBC 109.1).

Health Department:

- F-1 No Comment

Parks & Recreation:

- F-1 No Comment

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.
- F-1 The applicant has indicated that the proposed use will not include the sale of beer, wine, or mixed drinks. The Police Department concurs.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0117

PROPERTY LOCATION: 1423 Powhatan St. Unit 7

TAX MAP REFERENCE: 044.02-08-07 **ZONE:** CSL

APPLICANT:

Name: THE BODY IN BALANCE CENTER

Address: 1423 Powhatan St.

PROPOSED USE: MASSAGE THERAPY TEACHING SPACE, MOVEMENT + LECTURES.

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.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

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.

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.

Ann BARTLET
Print Name of Applicant or Agent

Ann Bartlett
Signature

10/15/07
Date

1423 Powhatan St. Unit 7
Mailing/Street Address

703.472.2734
Telephone #

703-836-2067
Fax #

Alexandria Va. 22314
City and State Zip Code

abartlett@PoBox.com
Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

SUP # 2007-0117

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1423 Powhatan Street #7 & 8B Alex, VA 22314 I hereby
 (Property Address)
 grant the applicant authorization to apply for the SUP use as
 (use)
 described in this application.

Name: JUSTY GULLESOU Phone 703 626 5960
 Please Print
 Address: 1423 Powhatan St #10 Email: dgullesou@eresources.com
Alexandria, VA 22314
 Signature: [Signature] Date: 10/29/07

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. 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 or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

SUP # 2007-0117

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 LICENSE, PROPERTY OWNER ONLY.*

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

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 fully discuss the nature of the activity. (Attach additional sheets if necessary.)

Handwritten text: NEXT PAGE

Narrative Description

We are an integrated wellness clinic; current services include chiropractic, psychotherapy, acupuncture and massage therapy licensed individually by the city of Alexandria. Formerly we were located at 300 S. Washington St. under the name Alexandria Whole Health and had a special use permit for that location. We have changed some of our partners, changed the name to The Body in Balance Center and moved the location to 1423 Powhatan St. We are currently licensed for one massage therapy room and we would like to change a room currently used for consulting, to a room used for massage therapy or other forms of bodywork, and also to add teaching space for workshops and small, personalized classes for yoga, pilates and other forms of movement such as tai chi and chi gong.

Our clients are of varying age. Most are coming to see us for either ongoing physical fatigue or chronic muscle tension that inhibits desired lifestyle. Our clients have been using us as individual practitioners for years to help with stress management, recovery and overall wellness. We have been referring for yoga and bodywork to facilities outside our office, and felt that we should bring it in house as part of our ongoing effort to build very reliable services for our clients in one location.

Our facility has a large open room ready for classes in movement therapy and workshops from partner practitioners. The room is 668 sq ft. Most of our services are for semi private, which means four people per class. We will have supplies needed for these classes consisting of mats, straps, blankets and styrofoam blocks and also cleaning supplies for mats and the room. We would like to have a max number of 12 for workshops and during the week 6-8 students per class.

We have 6 individual offices and would like to turn one of those offices into a massage treatment room. This requires a special use permit to do so. Each massage treatment room will have a massage table and appropriate storage for sheets, blankets and bolsters.

Both in massage and yoga, music is used on a low volume to calm and quiet the mind. We hear more noise from our neighbors as massage is focused on relaxation and no volume is needed! Our rooms and the teaching space are sound proof, mostly for volume outside our rooms. We would like to make this an expansion of services to our existing clients.

We have ample street parking on Powhatan St., Bernard St., Portner St. and a parking garage with 7 dedicated spaces for our clients. For Sunday workshops, our landlord has granted us use of his portion of the parking garage which would give us 20 spaces.. more than what we would need for 12 participants and an instructor.

Our hours of operation now are 8AM-7PM, Monday through Thursday and Friday 8AM-5PM and Saturday 9AM- 4PM. Sundays are used for workshops.

USE CHARACTERISTICS

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

- a new use requiring a special use permit,
- an expansion or change to an existing use without a special use permit,
- an 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).

A max of 8 students or clients / hour, but not continuous thru the day. Classes would be 3/day.

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

MAX of 4 at any given time.

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

Day: M-THURS

Hours: 8AM - 8pm

FRIDAY

8AM - 6pm

SAT.

9 - 4pm

SUNDAY

1-2 month workshop 1-3 to 3 6pr

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

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

Some foot sound (second floor room), low volume music.

B. How will the noise be controlled?

FOR THE WALLS ARE SOUNDPROOFED.

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

Potential Body odor, but we have plenty of ventilatio.
And the teaching space has 12 windows, if we
need to air it out.

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? (i.e. office paper, food wrappers)

very little. Some water bottles that students
bring in, but most will not generate trash.

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

N/A

C. How often will trash be collected?

We have a dumpster which is emptied Once/wk.
We empty trash receptacles daily.

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

N/A

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. 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 nearby residents, employees and patrons?

We have fire exit plan in place and all requirements met for the fire marshalls. Our building has a security system in place to allow our clients access w/ a security code.

ALCOHOL SALES

13.

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

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Post-It® Fax Note	7571	Date	11/5/07	# of pages	2
To	Ann	From	Mendra		
Co./Dept.		Co.			
Phone # 1		Phone #			
Fax #	703-838-2667	Fax #	703-838-6343		

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200

Does the application meet the requirement? Yes No

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

Please provide information regarding loading and unloading facilities for the use:

Parking reduction requested; see attached supplemental form

15.

C. 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.

PLEASE NOTE: 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.

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

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

on-site

off-site

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200

Does the application meet the requirement? Yes No

Standard spaces 3

Compact spaces 2

Handicapped accessible spaces 0

Other _____

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

PARKING AND ACCESS REQUIREMENTS

SUP 2007-0117

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

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

N/A

D. 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?

668 sq. ft. (existing) + 1661 sq. ft. (addition if any) = 2329 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

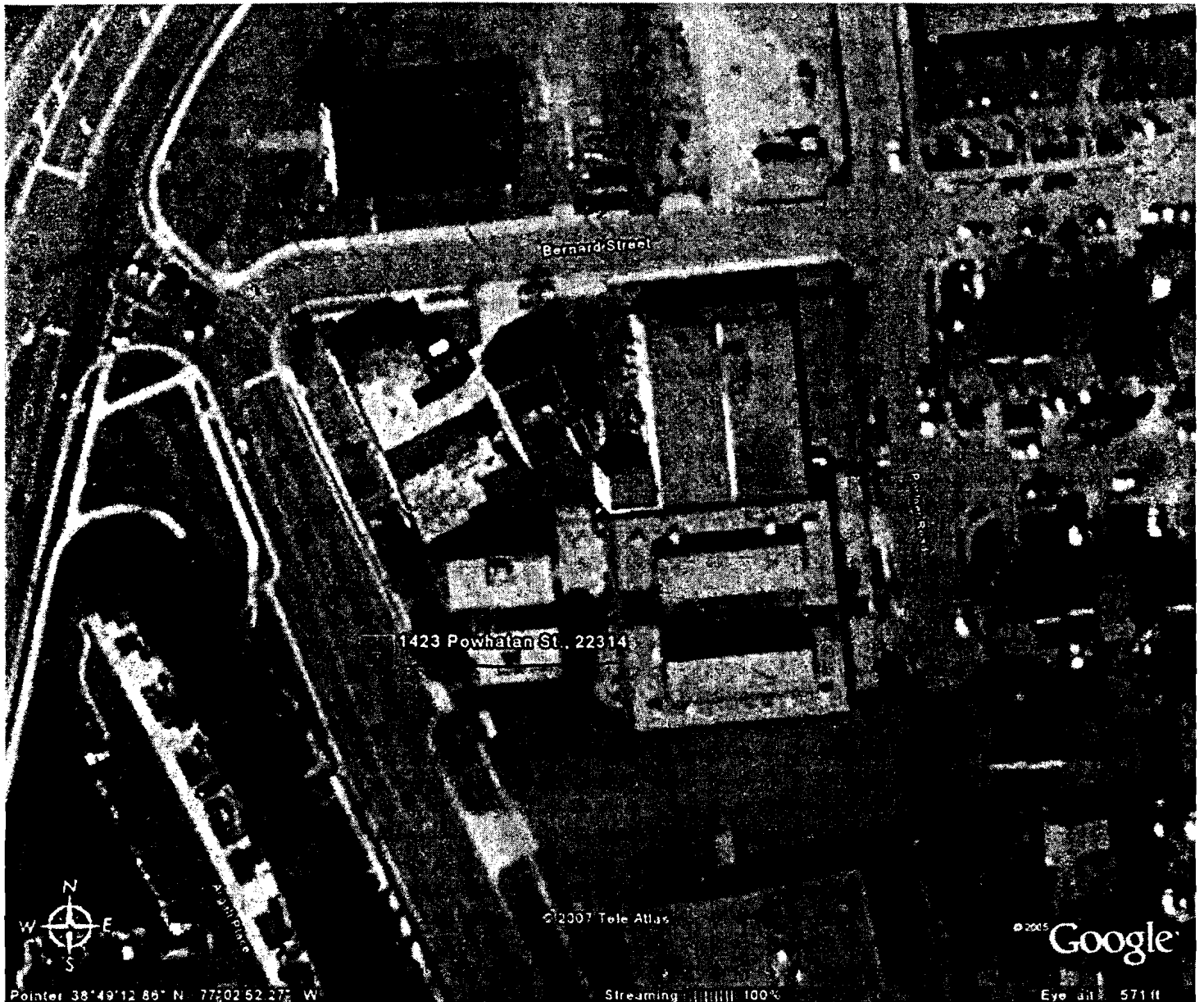
a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: STATION SQUARE OFFICE CONVI

other. Please describe: _____

SUP2007-0117

1423 POWHATAN ST
ALEXANDRIA, VA 22314



SUP 2007-0117

Portner Place

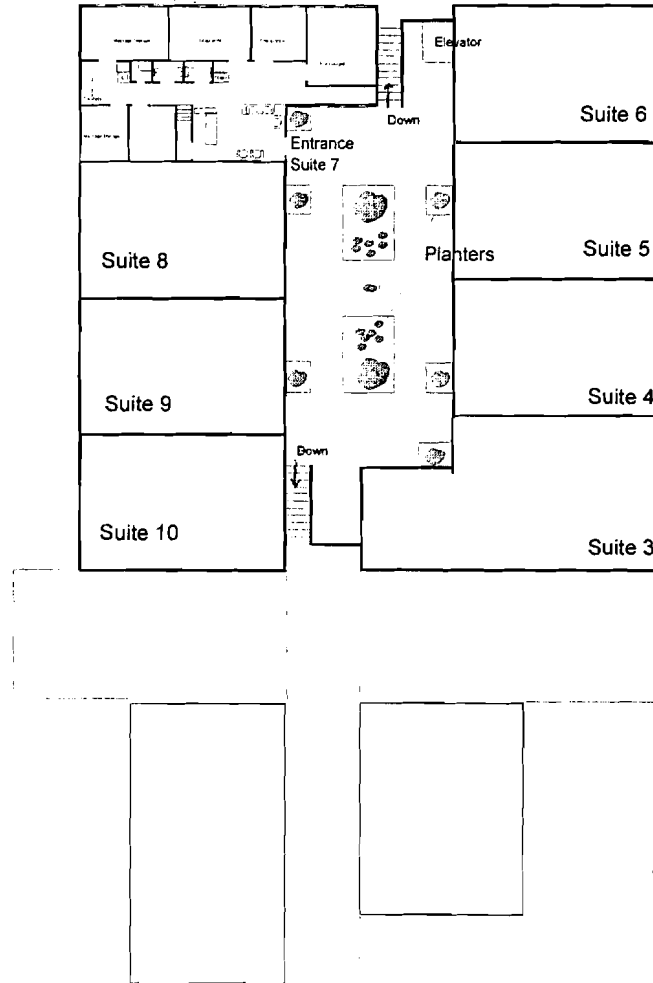
Portner Road

To Parking
(underneath)

To Parking
(underneath)

Second Floor Plan

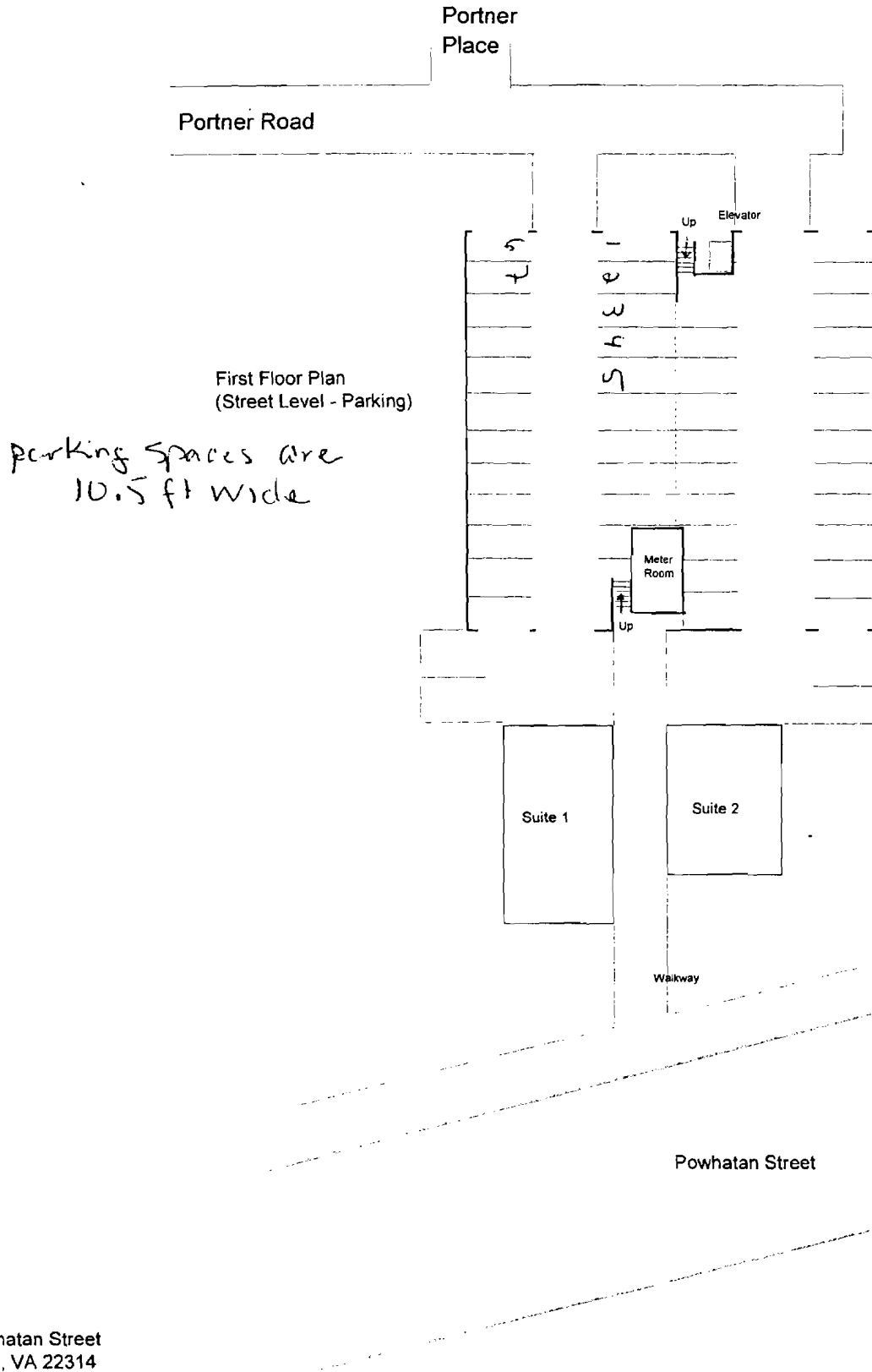
1423 Powhatan Street
Alexandria, VA 22314
Site Plan

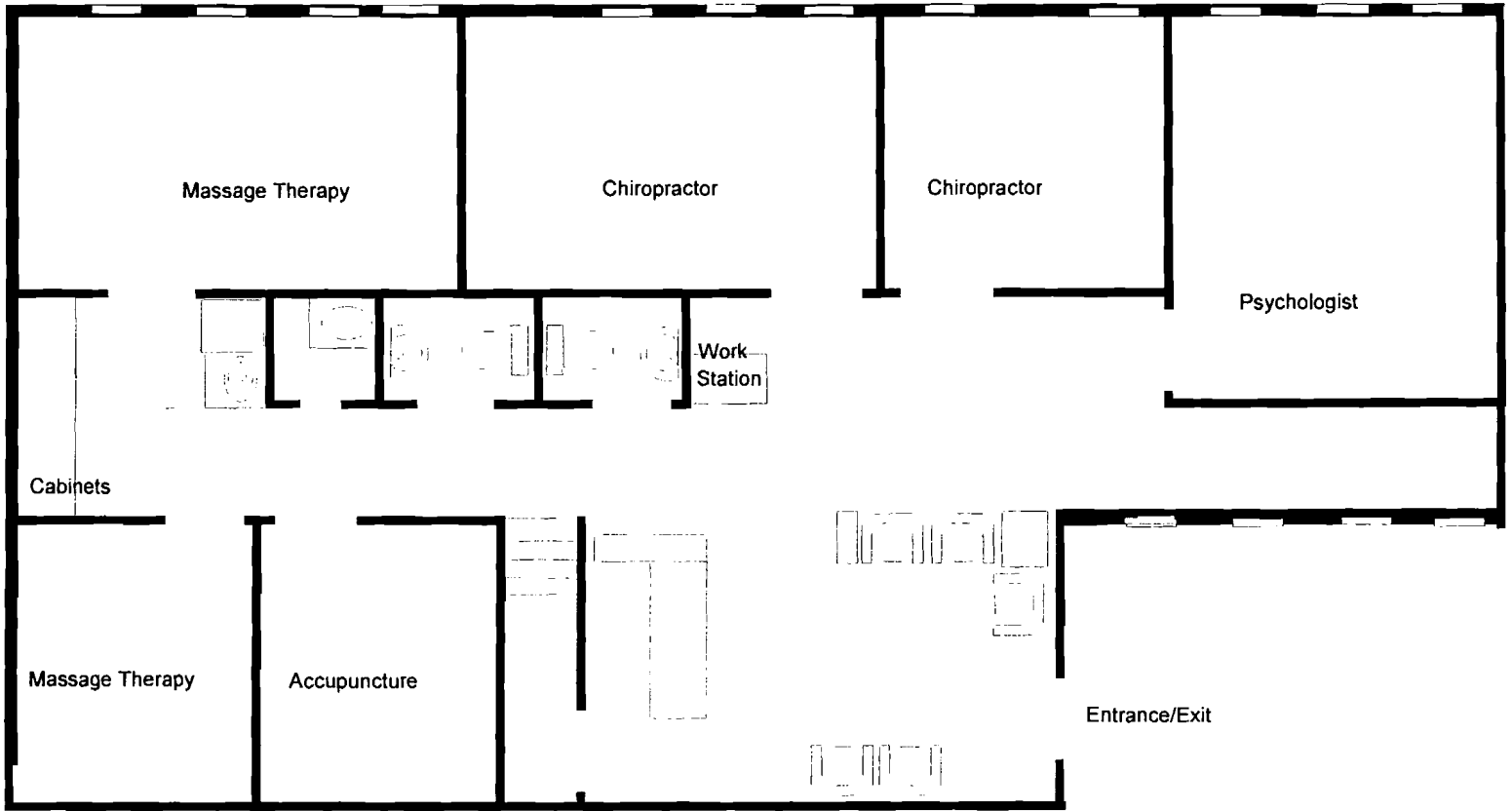


← North

Walkway

Powhatan Street





21

1423 Powhatan Street, Suite 7
 Alexandria, VA 22314

1661 Square Feet Total Interior Space

Applicant: Ann Bartlett

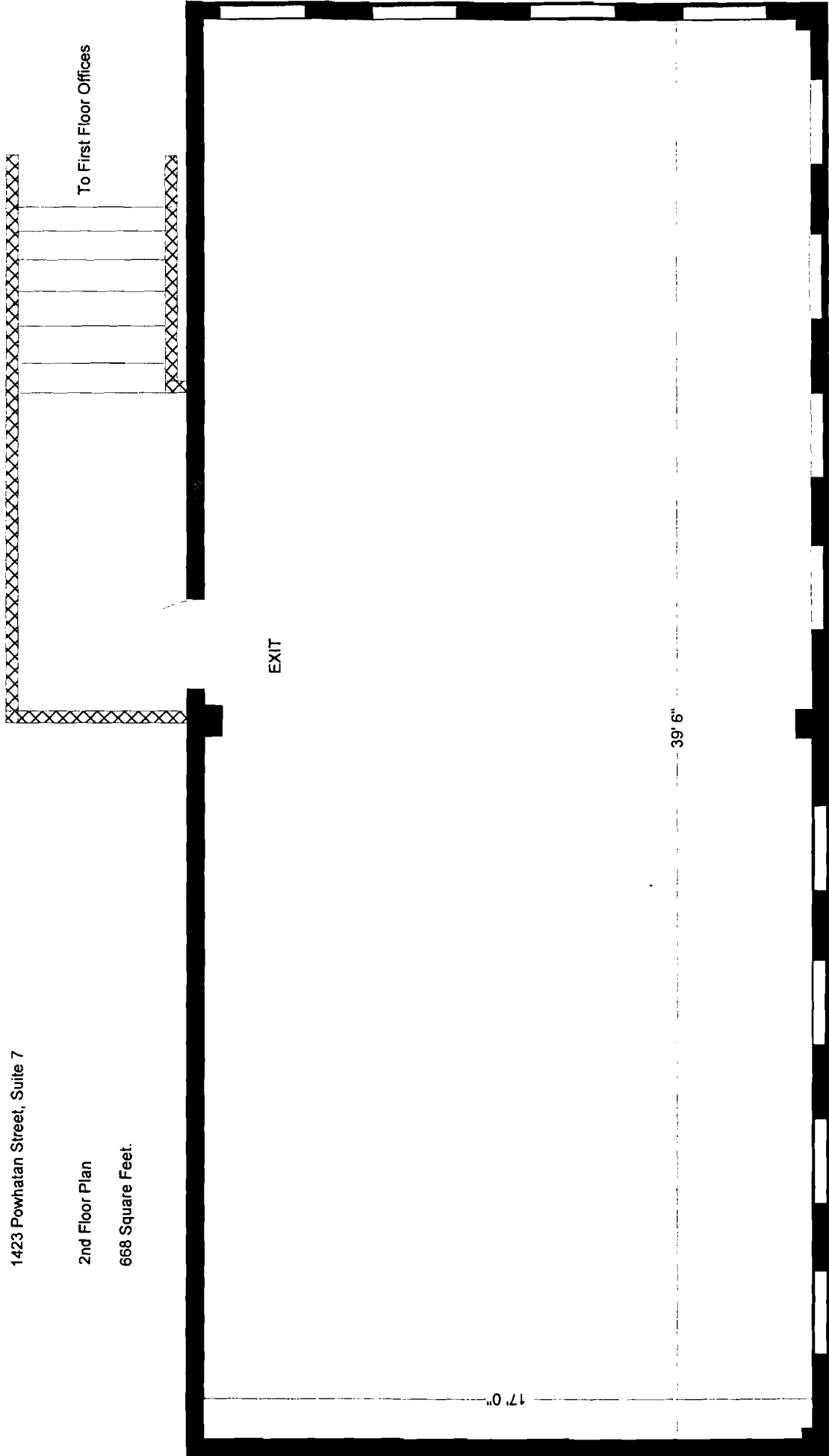
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5/18/07-D111

1423 Powhatan Street, Suite 7

2nd Floor Plan

668 Square Feet.



22

Lynn M. Falanga
905 Portner Place
Alexandria, VA 22314
(571) 345-2255 Office
(703) 837-9103 Home

November 1, 2007

To whom it may concern,

In recent years, our neighborhood has seen a progression of steady growth and expansion of new homes and businesses. It has been wonderful and positive for our local community.

What we have lacked are wellness-affiliated businesses, such as a gym or a wellness center. I would encourage and embrace a local wellness center such as The Body in Balance Center and its partner Mind Body Matters in being our local outlet for massage, yoga, chiropractic and all that it can bring to our community.

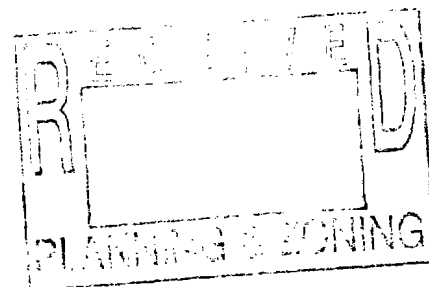
I have known Ann Bartlett, owner of the Body in Balance Center, for over five years. I have known her both professionally as a fantastic massage therapist, and personally as a friend. Ann is a consummate professional in what she does. Her business is about quality, not quantity and her expectation is the same for those who would expand her services in the center. The Body in Balance Center and the Mind Body Matters Center would not only be an asset to our community, but it would also bring a dynamic charge to the area.

As a federal law enforcement officer I am not only cognizant of the businesses that wish to come to my neighborhood, but also have a need for a place I can go to decompress and one at the end of my street would be a dream come true.

I am in full support of this request for a special use permit. Should more information of my position be required, please contact me at the above number(s).

Sincerely,


Lynn M. Falanga



To: City of Alexandria
Department of Planning and Zoning Suite 2100
301 King St.
Alexandria, Va. 22314

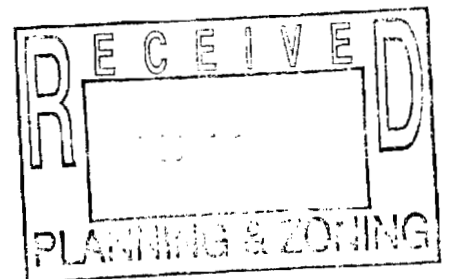
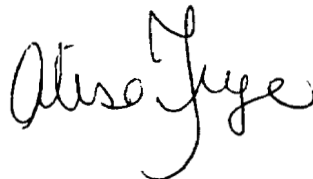
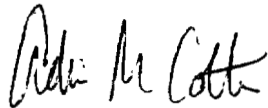
To whom it may concern,

Old Town has been seeing much growth and positive change. I own a business called Fitness on the Run. We are a small boutique business that offers clients fitness strategies for real health solutions. Having a center like Body in Balance Center is an asset to us for being able to refer our clients to care that equals our commitment to the best.

Expanding their center helps us to accommodate our clients needs and is closer to home for many of them. Having a wellness center, like Body in Balance Center, that prides itself on quality and not quantity is what Old Town residents want. We know because we hear it and need it too!

Please support their request for a special use permit for the services we need in Old Town Alexandria.

Sincerely,



PC Docket Item # 5
Case # SUP3007-0117

To: City of Alexandria
Department of Planning and Zoning Suite 2100
301 King St
Alexandria, Va. 22314

To Whom it may concern,

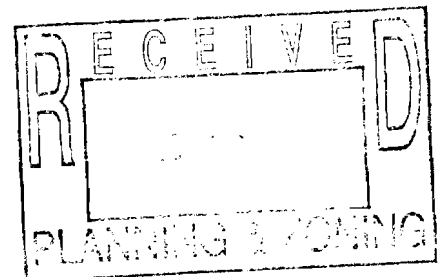
It is with great enthusiasm that I give my support to the expanded services of my massage therapist and health keeper! We live in Potomac Green and have loved the services provided by the Body in Balance Center and look forward to expanding services so close to home!

We have felt the lack of a gym or wellness center for sometime. With new businesses being developed in our area, the only thing we felt lacking has been wellness! Please approve their request for s special use permit.

Sincerely,



Bobbie Rideout
710 Fitzhugh Way
Alexandria, Va. 22314





APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2007-0117

PROPERTY LOCATION: 1423 Powhatan St. Unit 7

TAX MAP REFERENCE: 044.02-08-07 ZONE: C.S.L.

APPLICANT:
Name: THE BODY IN BALANCE CENTER

Address: 1423 Powhatan St.

PROPOSED USE: MASSAGE THERAPY TEACHING SPACE, MOVEMENT + LECTURES.

[] **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.

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[] **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.

Ann BARTLETT
Print Name of Applicant or Agent

Ann Bartlett 01/15/07
Signature Date

1423 Powhatan St. Unit 7
Mailing/Street Address

703.472.2734 703-836-2667
Telephone # Fax #

Alexandria Va. 22314
City and State Zip Code

abartlett@PoBox.com
Email address

Recommended approval/amendments 6-0 1-3-08	
ACTION-PLANNING COMMISSION:	DATE: _____
ACTION-CITY COUNCIL: <u>CC approved the PC recommendation</u>	DATE: <u>1/12/08</u> (see <u>attachme</u>)

the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 01/12/08, and is incorporated as part of this record by reference .)

Councilman Wilson inquired what the current massage ordinance required licensees to have on display in an establishment. In response to Councilman Wilson, City Attorney Pessoa stated that the ordinance required the license to be on the premise.

The following person participated in the public hearing :

(a) Ann Bartlett, 1423 Powhatan Street, Unit, applicant, spoke in support of the application and responded to questions from Councilman Wilson about license requirements.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, deleting the sentence in condition #6 stating, "Licenses and photos of licensees must be on display in the establishment." The voting was as follows :

Wilson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Lovain	"aye"	

7. SPECIAL USE PERMIT #2007-0124
506 NORTH HENRY STREET (Parcel Address : 525 North Fayette Street)
RESTAURANT
Public Hearing and Consideration of a request to operate a restaurant; zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: Diamond Commercial, LLC by David Chamowitz , attorney

PLANNING COMMISSION ACTION : Recommend Approval w/amendments
6-0

(A copy of the Planning Commission report dated January 3, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 01/12/08, and is incorporated as part of this record by reference .)

Councilman Krupicka noted that the community raised concerns about loitering that could come from the business. Councilman Krupicka expressed concern that amendments the Planning Commission made may have created arbitrary differences between the businesses in the same block. Councilman Krupicka requested that Council review the language and craft language that gave the power to regulate hours to the Planning Director with a specific request or consultation from the Police Chief .