

EXHIBIT NO. 1

6
5-20-08

Docket Item #5
SPECIAL USE PERMIT #2008-0023

Planning Commission Meeting
May 6, 2008

ISSUE: Consideration of a request for a special use permit for continuation of a non-conforming office use with surface parking and open space.

APPLICANT: Dr. Barry Carpenter

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

LOCATION: 211, 215, 217 & 217 1/2 North Patrick Street

ZONE: RB/Townhouse Residential

PLANNING COMMISSION ACTION, MAY 6, 2008: 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.



I. DISCUSSION

REQUEST

The applicant, Dr. Barry Carpenter, requests special use permit approval for the continuation of a non conforming office use located at 211 North Patrick Street.

SITE DESCRIPTION

The subject property is five lots of record with 125 feet of frontage on North Patrick Street, 100 feet of depth and a total lot area of 11,620 square feet. The site is developed with a single family home of 2,383 square feet, used as a doctor's office. Access to the property is from North Patrick Street.

The surrounding area is occupied by a mix of residential and office uses. Immediately to the north is a detached house. To the south is an office building. To the east and west are a detached house and an apartment building.



BACKGROUND

Dr James Carpenter, the applicant's father began practicing medicine at this location in 1945 and it has been used as a doctor's office since. The subject property is currently for sale.

PROPOSAL

The applicant proposes the continuation of the non conforming office use at the subject property. The main lot at 211 North Patrick Street contains the detached house containing the doctor's offices. The remaining parcels consist of open space and parking.

The house can accommodate 2 - 5 doctors depending on office configuration. There are no proposed hours or patient visits as the property is for sale and the applicant would like to offer the new owners flexibility in their operations. As a medical or professional office the noise levels would not impose an adverse impact on the community.

PARKING

According to Section 8-200(A)(18)(a) of the Zoning Ordinance, an office requires one parking space for every 500 square feet. An office with 2,383 square feet will be required to provide five off-street parking spaces. The applicant provides parking on the north side of the house, accessed from North Patrick Street and at the north-west corner of the site, accessed from an alley off of North Patrick Street.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the RB/Townhouse zone. A medical or professional office use is not allowed in the RB zone under the Zoning Ordinance. However, section 12-210(B) of the Zoning Ordinance allows the continuation of a non conforming use with a special use permit.

The proposed use is inconsistent with the Braddock Road Metro Small Area Plan chapter of the Master Plan which designates the property for residential use.

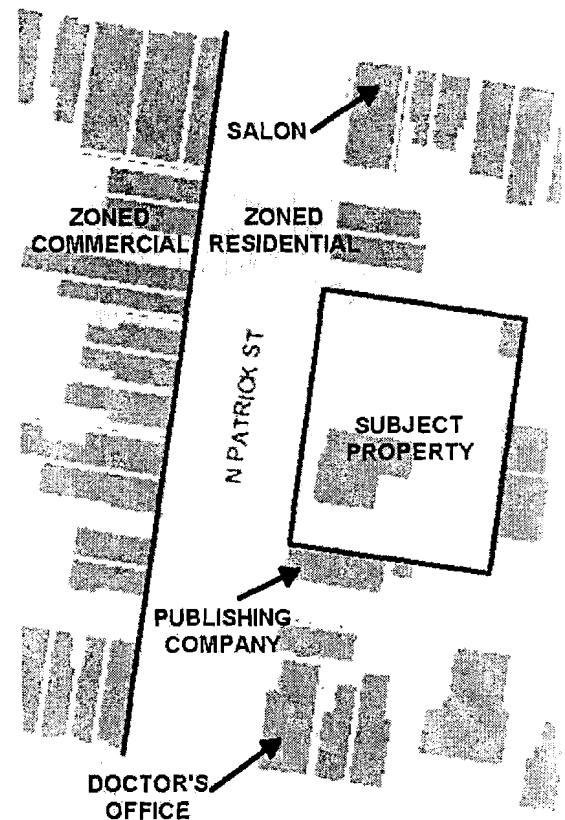
II. STAFF ANALYSIS

Although the existing medical office use is inconsistent with the City's master plan, staff supports this proposal. The historic use of the site as a doctor's office is well documented. The late Dr. James Carpenter was a pioneer of affordable health care for the residents of Alexandria, providing low cost medical care and prescription drugs for over 40 years.

Staff feels that the prominent location on North Patrick Street is well suited to office uses. Other examples of non conforming uses in the vicinity of the subject property include; a publishing company at 207 and 209 North Patrick Street, a doctor's office at 921 Cameron Street and a salon at 924 Queen Street. Additionally the properties on the west side of North Patrick Street are all zoned CL/Commercial Low, which allows medical and professional offices by right.

Staff has included conditions to ensure that the non conforming use has minimal impact on the neighborhood, including that all required parking be provided off-street and regulating hours of operation to prevent the operation of the office from being a nuisance to the residential neighbors. Staff has also conditioned the non conforming use to be either medical or professional office to prevent large scale business offices that would have the potential for creating traffic and parking impacts.

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 office shall be limited to Monday to Saturday, 8:00 am 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 office shall provide off street parking as required by Section 8-200(A)(18)(a) of the Alexandria Zoning Ordinance. (P&Z)
5. The non conforming use shall be limited to medical and professional offices. (P&Z)
6. 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)
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. 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)
9. 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)
10. 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)
11. 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)

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: 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:

F-1 No Comment

Health Department:

F-1 No Comment

Archaeology:

F-1 No Comment

Parks & Recreation:

F-1 No Comment

Police Department:

F-1 The Police Department has no objections to the doctor's office continuing in a non-conforming use operating in a residential zone.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0023

PROPERTY LOCATION: 211, 215, 217, 217A North Patrick Street

TAX MAP REFERENCE: 6403-06-05 Building ZONE: RB

APPLICANT: 6403-06-04, 6403-06-01, 6403-06-03 (Open Space and Parking)
Name: Dr. Barry Carpenter

Address: 211 North Patrick Street, Alexandria, VA 22314

PROPOSED USE: Non-Conforming Office (Doctors)
and adjoining surface parking & lawn

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.

Dr. Barry Carpenter
Print Name of Applicant or Agent

[Signature] 03/05/2008
Signature Date

211 North Patrick Street
Mailing/Street Address

703-739-9590
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

lee.brayn2@aol.com
Email address

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

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 211, 215, 217, 217A North Patrick Street, I hereby
(Property Address)
grant the applicant authorization to apply for the Non-conforming use as
(use)
described in this application.

Name: Dr. Barry Carpenter

Phone: 703-739-9590

Please Print

Address: 211 North Patrick Street

Email: lea.branda@aol.com

Signature: [Handwritten Signature]

Date: 5 MAR 08

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.

Dr. Barry Carpenter 50% ownership

Estate of James H Carpenter, Jr. 50% 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 *Lee A. Braun, Realtor*

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.)

Dr. Barry Carpenter requests a special use permit to continue (non-conforming) doctors office at present location since 1945.

See attached city letter dated February 26, 2008.

The property includes 4 lots to includes office building, surface parking and open space.

Dr. Barry Carpenter and his father, Dr. James H. Carpenter have been citizens of the City of Alexandria since 1945 when Dr. James H. Carpenter opened his doctors office. When he realized that his patients could not afford the medicine he prescribed, he opened an affordable pharmacy, Regal Pharmacy, at 427 N. Alfred Street, for 36 years.

Dr. James H. Carpenter was the first African American Doctor given hospital privileges at Alexandria hospital in 1954, before desegregation. He is honored on the Alexandria African American Heritage Plaque.

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: Non-conforming office, open space parking

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).

Approximately 25-30 Patients per day

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

1 nurse

1 lab worker

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

Day: Monday - Saturday

Hours: _____

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

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

N/A

B. How will the noise be controlled?

N/A

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

Standard pick-up

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?

N/A

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. [] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

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?

N/A

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.

N/A

PARKING AND ACCESS REQUIREMENTS

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

6-8 Standard spaces adjoining surface lot
_____ Compact spaces
_____ Handicapped accessible spaces.
4 Other. Driveway on North side of building

Planning and Zoning Staff Only
Required number of spaces for use per Zoning Ordinance Section 8-200A _____
Does the application meet the requirement?
 Yes No

B. 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?

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.

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.

N/A

Parking reduction requested; see attached supplemental form

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

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

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

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?
During normal office hours

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
once or twice a week

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?
No

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.
possible in future
unsure at this point

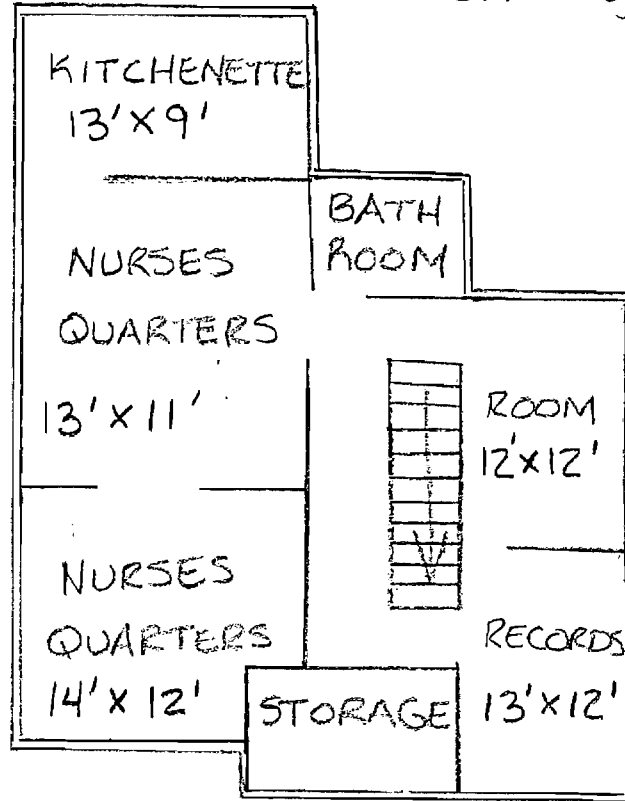
18. What will the total area occupied by the proposed use be?
2383 sq. ft. (existing) + N/A sq. ft. (addition if any) = 2383 sq. ft. (total)

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: _____
 other. Please describe: _____

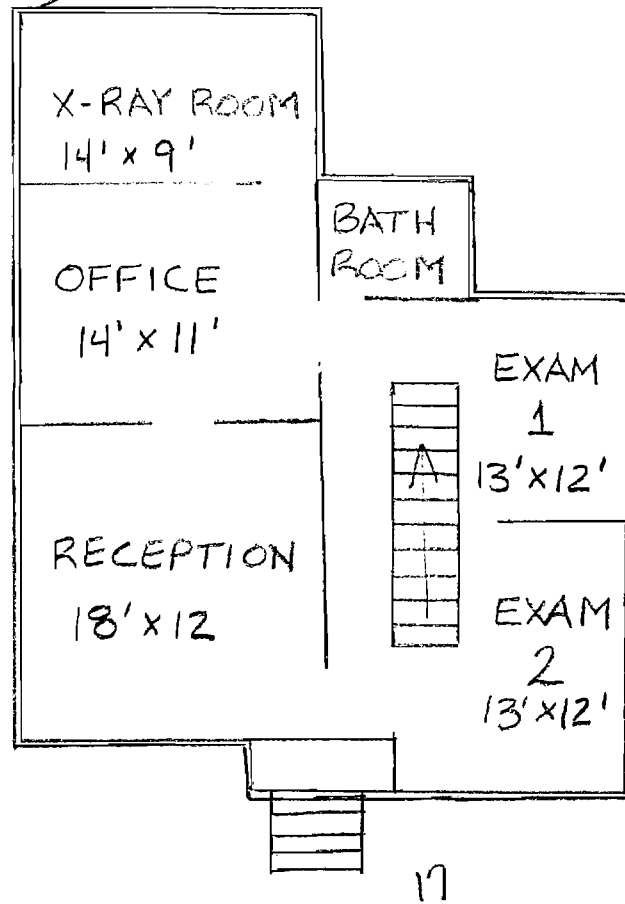
End of Application

SECOND FLOOR

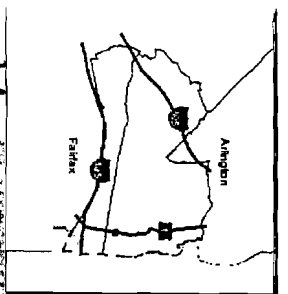
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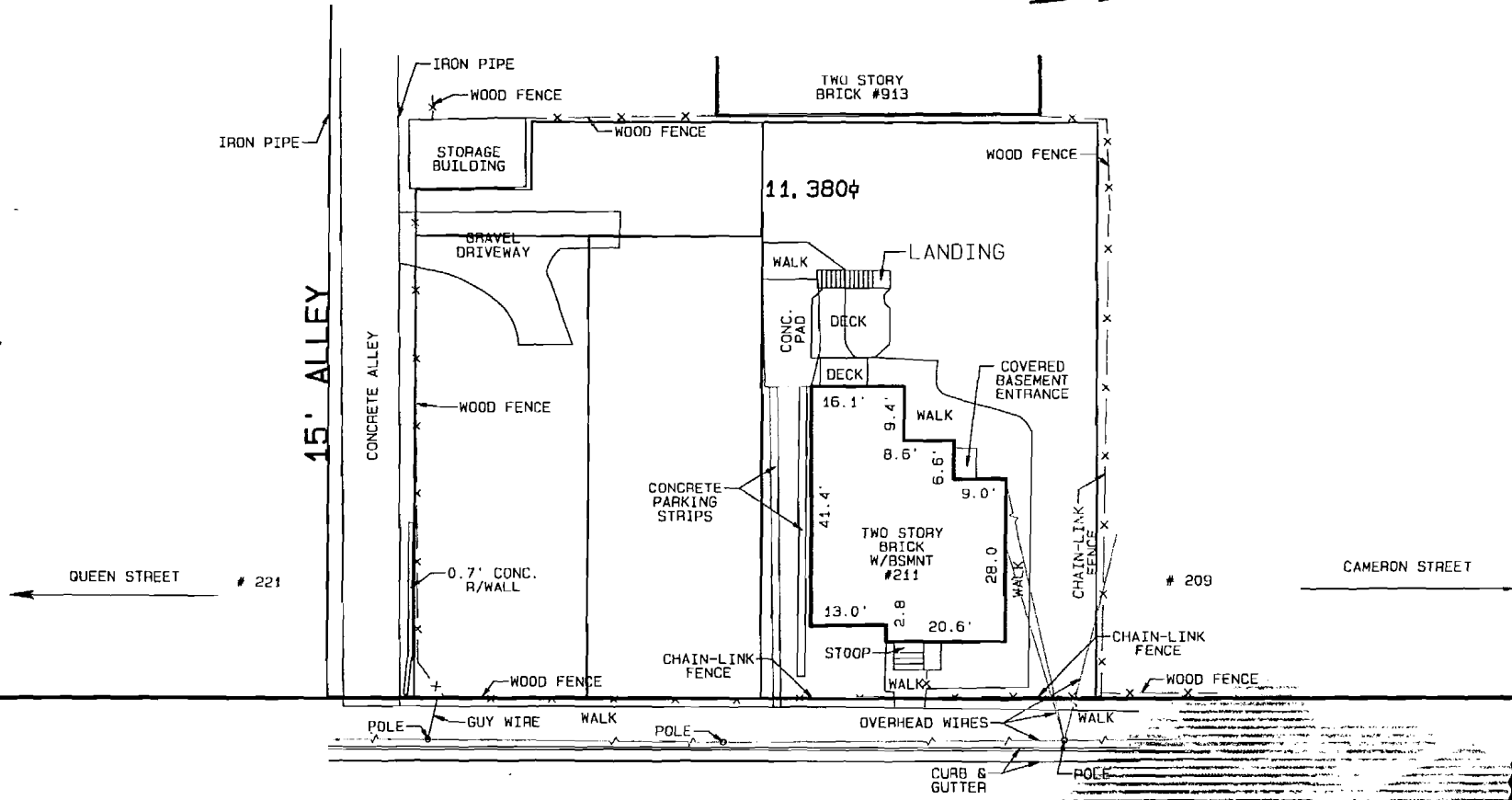
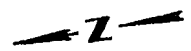


FIRST FLOOR



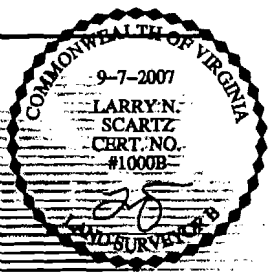
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19

NORTH PATRICK STREET
VARIABLE WIDTH



HOUSE LOCATION SURVEY
ON THE PROPERTY LOCATED AT
#211 NORTH PATRICK STREET
CITY OF ALEXANDRIA, VIRGINIA

NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS OF RECORD
OR OTHERWISE.
FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE ONLY AND
DO NOT CERTIFY AS TO OWNERSHIP.

I HEREBY CERTIFY THAT THE POSITION OF ALL EXISTING
IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY
A TRANSIT TAPE SURVEY AND UNLESS OTHERWISE SHOWN,
THERE ARE NO ENCRUMBMENTS EITHER WAY ACROSS
THE PROPERTY LINE.

[Signature]
CERTIFIED LAND SURVEYOR

CASE NAME: CARPENTAR, JR TO CARPENTAR (DTA07080)
MBH SETTLEMENT GROUP, L.C.

LARRY N. SCARTZ
CERTIFIED LAND SURVEYOR
WOODBRIDGE, VIRGINIA
TELEPHONE: WOODBRIDGE (703) 494-4181
METRO (703) 690-4955
FAX (703) 690-3999

20072304

JRF

SCALE: 1"=20' DATE: SEPTEMBER 7, 2007



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2008-0023

PROPERTY LOCATION: 211, 215, 217, 217A North Patrick Street

TAX MAP REFERENCE: 6403-06-05 Building **ZONE:** RB

APPLICANT: 6403-06-04, 6403-06-01, 6403-06-03 (Open Space and Parking)
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Dr. Barry Carpenter
 Print Name of Applicant or Agent

[Signature] 03/05/2008
 Signature Date

211 North Patrick Street
 Mailing/Street Address

703-739-9590
 Telephone # Fax #

Alexandria, VA 22314
 City and State Zip Code

lee.bravn2@aol.com
 Email address

| | |
|--|-------------|
| By unanimous consent, recommended approval 7-0 <u>5-6-08</u> | |
| ACTION-PLANNING COMMISSION: _____ | DATE: _____ |
| ACTION-CITY COUNCIL: <u>CC approved the PC recommendation</u> DATE: <u>5/20/08</u> | |
| 7-0 | |