

Docket Item #11
SPECIAL USE PERMIT #2003-0071

Planning Commission Meeting
October 7, 2003

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

APPLICANT: Calvin Boothe

LOCATION: 818 Franklin Street

ZONE: CL/Commercial Low

STAFF RECOMMENDATION:

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 business or entity in which the applicant has a controlling interest. (P&Z)
2. Only City licensed therapists may provide massage services at the facility. (P&Z)
3. The applicant shall require that all employees who drive to work use off-street parking. (P&Z)
4. The hours of the operation of the facility shall be Monday through Saturday from 9:00 a.m. to 8:00 p.m., and Sunday from 10:00 a.m. to 2:00 p.m.
5. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
6. This special use permit allows a reduction in the parking requirement from four spaces to two spaces. (P&Z)
7. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
8. The special use permit is subject to compliance with Code Enforcement and Board of Architectural Review requirements. (P&Z)
9. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)
10. 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)

11. The Director of Planning and Zoning shall review the special use permit one year after approval 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, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff 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.

DISCUSSION:

1. The applicant, Calvin Boothe, requests special use permit approval for the operation of a massage establishment located at 818 Franklin Street.
2. The subject property is one lot of record with 15 feet of frontage on Franklin Street, 100 feet of depth and a total lot area of 1500 square feet. The property is located on the southeast corner of Franklin and South Alfred Streets. The site is developed with a 1,370 square foot, two story semi-detached structure that has most recently been a residential use. Residential townhouse and condominium units occupy most of the surrounding area. Also located in the immediate vicinity is the Greene Funeral Home and the 7-11, both located on the same block of Franklin to the east of the subject property.
3. The applicant requests special use permit approval to operate a massage therapy facility. As depicted on the interior layout plans, a total of three massage rooms, one of which will be used by an acupuncturist, are proposed. There will be five therapists working at different shifts and about 40 to 50 patrons each week.
4. The hours of operation are proposed to be Monday through Friday from 9:00 a.m. to 7:00 p.m., and Saturday from 9:00 a.m. to 6:00 p.m.
5. According to section 8-200(A)(17) of the zoning ordinance, a massage establishment requires one parking space for every 400 square feet. In this case, there is 1,370 square feet, which requires four parking spaces. The applicant originally proposed parking four vehicles at the back of the property. However, upon staff's inspection of the site, only two spaces are feasible on site. Therefore, the applicant requests a reduction of two spaces.

Two hour street parking is available adjacent to the property on South Alfred, and one hour street parking is available along Franklin Street. The applicant anticipates that most of his clients will be from Old Town.

6. The applicant is a new owner of the building. He purchased the building, which includes an addition on at the back that was built without building permits and without approval from the Board of Architectural Review. The applicant has been working with staff on alternatives to bring the addition into compliance. The applicant has submitted plans to staff and is scheduled to appear at the Board of Architectural Review on October 1. As of this writing, the applicant has not yet submitted plans to the building department for permits.
7. The applicant anticipates one to two medium bags of trash each week. Trash will be collected once a week. Trash will be stored indoors until trash pick up day. The applicant does not anticipate any littering by his employees or patrons.

8. The applicant most recently operated his business called “Alexandria Bodyworks” at 728 Jefferson Street (SUP #98-0124), but that site is part of the proposed residential development at 800 South Washington Street. Staff is not aware of any violations at this business.
9. Zoning: The subject property is located in the CL/Commercial low zone. Section 4-102 of the zoning ordinance allows a massage establishment in the CL zone only with a special use permit.
10. Master Plan: The proposed use is consistent with the Southwest Quadrant chapter of the Master Plan which designates the property for CL uses. The south side of the block is designated for CL uses in order to maintain the present scale of development and provide transition between the residential areas at the south and the commercial areas on the west and east.

STAFF ANALYSIS:

Staff does not object to the proposed massage establishment located at 818 Franklin Street. The site was intended to be used as a small scale commercial use, which this is. Although customers will likely have to park on the street because the site includes only two parking spaces, there are only three massage rooms which limits the number of clients and employees on the premises at any one time. When visiting the site, staff observed a number of available on street spaces along Franklin Street that could accommodate the few clients that will be on the premises. In addition, the other commercial uses on the block have off street parking, therefore, there will not be significant competition for on-street spaces along Franklin Street. Finally, the business operates during daytime hours when residents are most likely not home, minimizing the potential for conflicts between the uses.

Staff is concerned about the Code and BAR violations associated with the rear addition. Therefore, staff has included a condition that the SUP approval is contingent upon compliance with Code Enforcement and BAR requirements. The applicant continues to work with staff on complying with the requirements. Staff recommends a one year review to ensure the applicant is in compliance.

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

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

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.
- 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.

Code Enforcement:

- C-1 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC 115.4).
- C-2 The current use is classified as R-3; the proposed use is B. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 115.4) and compliance with USBC 118.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four 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 required for all regulated facilities.
- C-2 Permits are not transferable.
- 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 therapists must possess a current massage therapist certification issued by the Commonwealth of Virginia in accordance with the Code of Virginia Chapter 599, § 54.1-3029 and must possess a current massage therapist permit issued in accordance with Alexandria City Code Title 11, Chapter 4.2 prior to engaging in any massage activity.

Police Department:

- R-1 The applicant is to contact the Crime Prevention 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 Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.