

Docket Item #2
SPECIAL USE PERMIT #2003-0082

Planning Commission Meeting
November 6, 2003

ISSUE: Consideration of a request for a special use permit to operate a massage establishment in a salon and day spa.

APPLICANT: Temperature Day Spa and Salon, Inc.
by Nadine Moore

LOCATION: 330 John Carlyle Street

ZONE: CDD-1/Coordinated Development District

PLANNING COMMISSION ACTION, OCTOBER 7, 2003: The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.

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 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)
4. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall be open as much as possible and provide some interior accent lighting when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. (P&Z)
5. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
6. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES)

7. 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.

Prior to the commencement of operation the applicant must obtain a business license from the Business Tax Branch.

Signs must conform to Chapter 9 of zoning ordinance and the coordinated sign program in Carlyle (SUP#98-0023).

DISCUSSION:

1. The applicant, Nadine Moore, requests special use permit approval for the operation of a massage establishment located at 330 John Carlyle Street.
2. The subject property is one lot of record with 233 feet of frontage on John Carlyle Street, 95 feet of depth and a total lot area of 21,639 square feet. The site is developed with the Society for Human Resource Management (SHRM) building, a multi-story office building that faces John Carlyle Square. The proposed massage establishment is proposed to be located in a salon, day spa, and boutique that will occupy a 2,675 square feet space on the ground floor, on the northeast corner of Jamieson Avenue and John Carlyle Street.

The subject building is part of the 70-plus acre Carlyle development planned for a mix of office, residential and retail uses. The Burke and Herbert Bank is located immediately to the east, and Charles Schwab is located in the adjacent tenant space to the north. The Patent and Trademark Office is in the near vicinity and currently under construction. Additional office buildings with ground floor retail space are also located in the immediate vicinity. The Carlyle development was originally approved in Special Use Permit #2253 in 1990, and the approval has been amended several times since.

3. The applicant proposes to conduct massage therapy in a salon and day spa. The massage will be conducted in three spa treatment rooms where foot reflexology, skin care treatments including facials and waxing, and body herbal treatments will also be offered. There will be six massage therapists employed at the facility that will operate on alternating schedules. The facility will also offer two sauna treatment rooms with Swiss showers and customer locker rooms, a full service beauty salon, nail studio, beauty retail products, and a ladies and gentlemen fashion boutique.
4. The hours of operation of the spa are proposed to be 8:00 a.m. to 8:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday, and 12:00 p.m. to 5:00 p.m. on Sunday. The applicant expects approximately 90 patrons each day during the week, and approximately 65 patrons a day on the weekend. There will be forty total employees working in two daily shifts.
5. The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit #2254), and these parking requirements were met for the subject site in the development of the on-site parking garage. The parking garage provides parking for the building's retail and office uses. The applicant is thus not required to provide parking beyond that already provided at the subject site. The final site plan for the subject building shows that there are 17 retail parking spaces and 155 office parking spaces within the on-site parking garage. The applicant proposes to lease 10 off street spaces for employee use.

6. Trash is collected daily by the landlord. The proposed restaurant's trash will be stored in a dumpster managed by the building owner. A porter service monitors litter in the area.
7. Loading will occur twice a week between 8:00 a.m. and 4:00 p.m. Monday through Friday from the designated loading area at the back of the building.
8. Zoning: The subject property is located in the CDD-1, Coordinated Development District zone. According to Section 5-602 of the zoning ordinance, the underlying zoning is OC/Office Commercial. According to Section 4-807 (E), a health and athletic facility, which according to 4-803 (M) of the zoning ordinance includes massage establishments, is allowed in the OC zone only with a special use permit.

According to section 4-802 (H) of the zoning ordinance, personal service uses, which includes beauty salons, are permitted in the OC zone without a special use permit.
9. Master Plan: The proposed use is consistent with the Eisenhower East small area plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff supports the proposed massage establishment at the salon and day spa located at 330 John Carlyle Street. Massage is only one of many services offered at the salon and spa, which is otherwise a permitted use. This type of use has been envisioned among the mix of retail uses around John Carlyle Square. The applicant will have 10 reserved parking spaces for employees, which will leave the public spaces in the garage available for customers, should they choose to park there. Staff finds that any negative impacts associated with the use will be minimal.

Staff recommends condition #4 which relates to the storefront appearance. The condition imposes a few minor aesthetic restrictions for the store facade that will make a great impact on the street by ensuring that the windows and storefront remain uncluttered. Staff imposed similar conditions at the restaurant recently approved at 333 John Carlyle Street, and at the restaurant proposed at 1940 Duke Street. Staff also recommends a one year review to ensure the applicant complies with the conditions of the special use permit.

With these conditions, 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 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-2 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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 This structure contains mixed use groups [M, Mercantile; B, Business; S-2, Low-Hazard Storage (public garage, group 2) and is subject to the mixed use and occupancy requirements of USBC 313.0.
- C-4 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-5 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0.
- C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 Five sets of plans are to be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 7, Personal Grooming Establishments.
- C-4 Permits must be obtained prior to operation.

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.