

Docket Item #9
SPECIAL USE PERMIT #2004-0004

Planning Commission Meeting
April 6, 2004

ISSUE: Consideration of a request for a special use permit to change a nonconforming office to a nonconforming personal service use (hair salon).

APPLICANT: Dang Van Dong

LOCATION: 924 Queen Street

ZONE: RB/Townhouse

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, Dang Van Dong, requests special use permit approval to change a nonconforming office use to a nonconforming personal service use (hair salon).

SITE DESCRIPTION

The subject property is one lot of record located on the southeast corner of Queen and North Patrick Street with approximately 27 feet of frontage on North Patrick Street, approximately 68 feet of frontage on Queen Street, and with a total lot area of 1,835 square feet. The proposed salon space is 1,420 square feet. The site was most recently occupied by Allstate Insurance and was previously occupied by Ronson Management, a consulting firm that prepared engineering studies, data entry programs and other studies for the federal government. The building has in the past also been used for various commercial uses including a drug store, grocery store, laundromat, and rooming house. The most previous use of the building was as a nonconforming laundromat and a nonconforming rooming house.

SURROUNDING USES

The surrounding area is developed mostly with residential uses, but has commercial and office uses in the near proximity. Located on the southwest corner of the same intersection is the Queen Street Clinic. Located on the northwest corner of the intersection is the retail store "Upscale Gift Baskets". At the northeast corner of the intersection is the Hargrave Collins Educational Building, associated with the adjacent Ebenezer Baptist Church.

PROJECT DESCRIPTION

The applicant proposes to operate a hair salon in a space currently occupied by an office. Patrons of the salon will be primarily female. The applicant provided the following information on the specific aspects of the operation:

- Employees: The applicant anticipates about three to four employees on the premises at any one time.
- Hours: The salon is proposed to operate from 10:30 a.m. to 8:00 p.m. daily.
- Patrons: The applicant anticipates about 10 patrons each day.
- Trash: One bag of trash consisting of hair and paper products will be generated each day. Trash will be collected two times each week.
- Litter: The applicant will monitor the area for litter daily.

The property is located in the Parker Gray Historic District, and any signs or exterior alterations must be approved by the Board of Architectural Review.

PARKING

The subject property is located in the Central Business District. Therefore, there is no technical parking requirement. The applicant states that any employees and customers who drive will park on the street.

ZONING AND SUP HISTORY

The City's 1951 Zoning Ordinance included comprehensive city wide changes, and required that any nonconforming commercial uses in residential zones be terminated after 40 years, giving owners until 1991 to amortize their investment. In 1989, City Council amended the Zoning Ordinance to allow those commercial uses made nonconforming by the 1951 law to continue beyond 1991, with approval of a special use permit. Under Section 12-210 (B)(3) of the Zoning Ordinance, a case by case determination was permitted, and the SUP review is to determine whether the commercial use meets the following criteria:

- 1) The degree to which the commercial use serves the nearby neighborhood;
- 2) The degree to which the commercial use is compatible with existing uses in the nearby neighborhood; and
- 3) The degree to which the commercial use enhances the nearby neighborhood.

In addition, under Section 12-210 (B)(4), the commercial use must serve and enhance the nearby neighborhood and meet the overarching standards for all special use permits in Section 11-504.

The subject location is one that fell within the 1951 group of nonconforming commercial sites in residential zones. It is located in the RB/Townhouse zone and has been operating as a nonconforming office use since October 19, 1985, when City Council granted Special Use Permit #1842 to change the use of the then existing nonconforming laundromat and rooming house at 922-924 Queen Street to a nonconforming office use. Other nonconforming uses occupied the property prior to the laundromat and rooming house. On January 3, 1991 City Council approved SUP #2458, under the criteria described above, to allow the continuation of the nonconforming office use at 924 Queen Street.

Other examples of nonconforming commercial uses in residential zones include the Dixie Pig at 1225 Powhatan Street (SUP#2003-0052) and Lee's Market at 801 Bashford Lane (SUP#2002-0080).

PROPOSED CHANGE OF NONCONFORMING USE

The nonconforming use changed from a laundromat to an office in 1985 (SUP#1842), and the applicant now requests to change from the office use to a hair salon.

According to Section 12-206 of the Zoning Ordinance, a nonconforming use may be changed with a special use permit to another nonconforming use in the same zone classification that applied to the nonconforming use immediately prior to the time such use first became a nonconforming use. Prior to 1951, when the use first became nonconforming, there were only two commercial zones in the city. The historical uses of the site had been a pharmacy, retail stores and a laundromat. All of those uses were permitted by the pre-1951 D2 zone, which also permitted office uses, and would have permitted a beauty salon.

MASTER PLAN

The subject property is located in the adopted Braddock Road Metro small area plan as described by the Master Plan and is designated for residential land use. The Master Plan does support a few scattered neighborhood oriented commercial uses within the area, recognizing that a delicate balance between commercial and residential development exists and should be maintained.

II. STAFF ANALYSIS:

Staff has no objection to the proposed nonconforming hair salon located at 924 Queen Street. Although the salon is proposed to be open on Sundays and in the early evening when the previous office was not, the small salon is proposed to have less than half the number of employees on site, reducing the potential for parking conflicts or other impacts on area residents. In addition, staff is not aware of complaints regarding parking or other problems with the previous office use. Staff's analysis regarding the proposal's compliance with the criteria for a nonconforming use in a residential zone is as follows:

A. The degree to which the commercial use serves the nearby neighborhood:

The proposed hair salon, a personal service use, provides a convenient service to area neighbors. Given its small size, it will most likely attract customers in the neighborhood rather than from the regional area. A hair salon is a type of use often seen in mixed use communities because it provides a convenience to immediate neighbors, without creating significant impacts on residential uses. The proposed hair salon is more neighborhood serving than the engineering consultant office that was approved by City Council in 1985.

B. The degree to which the commercial use is compatible with existing uses in the nearby neighborhood:

The immediate area has a mix of uses, including a doctor's office, a retail gift shop, a church building, and residential uses. Staff finds that the addition of the hair salon adds to the variety of neighborhood-serving commercial uses in the immediate area, and is more compatible with the area than the previous office uses at this location.

C. The degree to which the commercial use enhances the nearby neighborhood:

The prior office uses did little to enhance the neighborhood in that they did not necessarily interact with the community. The proposed hair salon will create a destination that neighbors can patron and walk to, increasing pedestrian activity and adding to the vitality of the neighborhood. By creating this opportunity, the proposed use would enhance the neighborhood.

Staff finds that the proposed hair salon will serve the nearby neighborhood, is compatible with existing uses in the nearby neighborhood, will generally enhance the nearby neighborhood, and is a more neighborhood serving use than the previous office uses. Therefore, staff supports the change of the nonconforming office to the nonconforming hair salon at this location.

Staff has included standard conditions regarding noise and hours of operation, and that employees must park off of the street to ensure that street parking is available to patrons and area residents. Staff has also recommended a one year review condition to ensure that the use continues to be compatible with the neighborhood.

With these 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 business or entity in which the applicant has a controlling interest. (P&Z)
2. That the hours of operation of the business shall be limited to 10:30 a.m. to 8:00 p.m. daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance to the salon. (P&Z)

4. The applicant shall require that its employees who drive to work use off-street parking. (P&Z)
5. The applicant shall control odors 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. No amplified sound shall be audible at the property line. (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 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)
9. 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 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: Eileen Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, 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 control odors 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.
- 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 current use is classified as R-2; the proposed use is B. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. 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-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 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 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. This is to be completed prior to opening for 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.