

**CONSENT AGENDA ITEM**

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

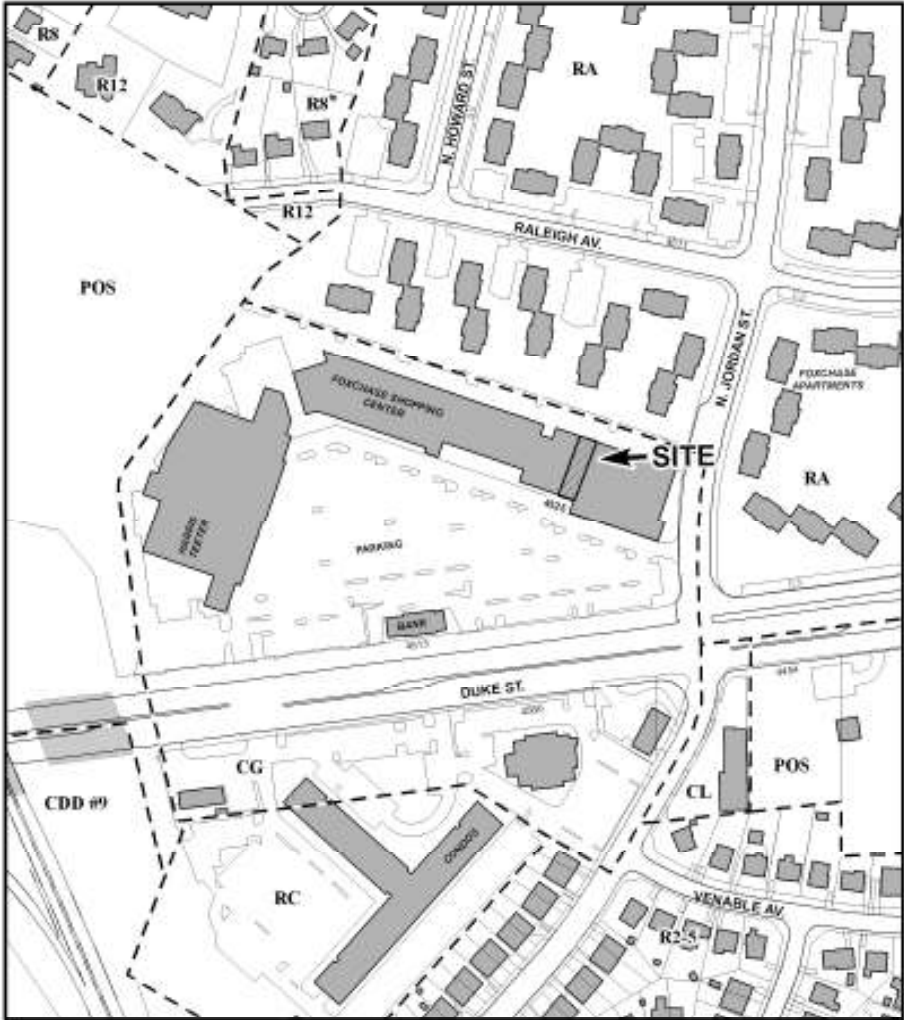
Docket Item #3  
SPECIAL USE PERMIT #2007-0052

Planning Commission Meeting  
September 6, 2007

- ISSUE:** Consideration of a request for a special use permit to operate a massage therapy establishment.
- APPLICANT:** Danette Mertz, Nicola Brintzenhofe,  
Cynthia Sullivan and Shannon Mahar  
Massage Envy
- STAFF:** Richard Bray  
Richard.Bray@alexandriava.gov
- LOCATION:** 4525 Duke Street  
(Parcel Address: 4513 Duke Street)
- ZONE:** CG/Commercial General

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**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.



**SUP #2007-0052**

**09/06/07**



**I. DISCUSSION**

REQUEST

The applicant, Danette Mertz, requests special use permit approval for the operation of a massage therapy establishment (Massage Envy) located at 4525 Duke Street.

SITE DESCRIPTION

Foxchase Shopping Center, located on the north side of Duke Street just west of the intersection of Duke Street and North Jordan Street is a shopping center comprised of approximately 61,366 square feet developed by a grocery store, retail, personal service and office uses and 583 parking spaces. Massage Envy would be located in a tenant space of 2,755 square feet in the eastern portion of the shopping center.



The uses directly surrounding the Massage Envy include a Rite Aid and a dentist office. Immediately to the north is a residential apartment complex. To the south is a residential high rise apartment building and a Mango Mike restaurant.

BACKGROUND

On February 12, 2005, City Council granted Development Special Use Permit #2004-0025 for reconstruction of the Foxchase Shopping Center with a grocery store and a mix of retail and other commercial uses. The subject tenant space in the Foxchase Shopping Center was previously occupied by a retail establishment but is currently vacant.

PROPOSAL

The applicant proposes to offer 12 massage rooms in its massage therapy establishment. Specific aspects of the massage therapy establishment are as follows:

Hours:	Mon- Fri	8am- 10pm
	Sat & Sun	8am- 6pm
	Sun	10am- 6pm
Number of patrons:	14 clients per hour	

Noise: No disruptive noise impacts are anticipated  
Trash/Litter: No anticipated littering impacts

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 establishment with 2,755 square feet will be required to provide 7 off-street parking spaces. Prior to this use, the space was occupied by a retail store which required 1.2 parking spaces for every 210 square feet of floor area. The proposed personal service use requires fewer parking spaces than the prior use and therefore staff believes there will be sufficient off-street parking provided in the Foxchase shopping center parking lot to accommodate the traffic generated by the proposed use.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG, commercial general zone. Section 4-400 of the Zoning Ordinance allows a massage establishment in the CG zone only with a special use permit.

The proposed use is consistent with the Seminary Hill Small Area Plan chapter of the Master Plan which designates the property for commercial use.

**II. STAFF ANALYSIS**

Staff does not object to the proposed massage therapy establishment. The site is suited for larger scale commercial uses such as the proposed facility. The proposed use is compatible with the other commercial uses in the Foxchase Shopping Center, which include a nail salon, a jewelry store, a weight loss facility and a bridal shop.

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 massage therapy establishment shall be limited to 8am- 10pm, Monday through Friday, 8am- 6pm Saturday and 10am- 6pm Sunday. (P&Z)

3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. 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)
5. 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)
6. 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
7. Loudspeakers shall be prohibited from the exterior of the building. (T&ES)
8. 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)
9. 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)
10. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees. (Police)

11. 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.

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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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-2 Loudspeakers shall be prohibited from the exterior of the building.
- R-3 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.
- 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.
- 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 Any proposed alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Any proposed additions or 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:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 This facility must meet current Alexandria City Code requirements for massage establishments.
- 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 therapist 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.

Parks and 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.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.
- F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.



**REPORT ATTACHMENTS  
AVAILABLE IN THE PLANNING AND ZONING OFFICE**