

**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 #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

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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 #2008-0023

05/06/08



## 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](http://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.

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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. (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.



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