



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2013-0030
Approved by Planning and Zoning: June 27, 2013
Permission is hereby granted to: Foxchase Envy LLC
to use the premises located at: 4537 and 4539 Duke Street
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

6/27/2013

Date

Farroll Hamer

Farroll Hamer, Director
Department of Planning and Zoning

DATE: June 27, 2013

TO: Faroll Hamer, Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2013-0030
Administrative Special Use Permit for New Use
Site Use: Massage Establishment
Applicant: Foxchase Envy LLC
Location: 4537 and 4539 Duke Street
Zone: CG / Commercial General

Request

Special Use Permit #2013-0030 is a request to operate a new massage establishment in approximately 3,100 square feet of space at Foxchase Shopping Center. The applicant plans to offer massage and facial services, along with some retail products, in 14 treatment rooms. Up to 16 massage therapists will be on premises at any one time. Including estheticians and support staff, as many as 25 employees are expected on-site at any one time. The hours of operation are proposed to be between 8 a.m. and 10 p.m. Monday – Friday, 8 a.m. and 8 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday. The business is expected to be a part of the “Massage Envy” franchise.

Background

The two tenant spaces at Foxchase Shopping Center in which the business will locate were most recently occupied by an H&R Block office and a photography shop.

Community Outreach

Public notice was provided through eNews, via the City’s website, and by posting a placard on the site. In addition, the First Owners Association and the Wakefield-Tarleton Civic and Cameron Station Civic Associations were sent written notification of the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff does not object to the applicant’s request. Although the massage establishment proposed here will be somewhat larger than those staff has approved by SUP recently, the business is appropriate for the Foxchase Shopping Center. Although impacts on adjacent businesses and residences are not expected, staff has nonetheless included standard conditions of approval regarding matters such as hours of operation, litter, and trash containers. It has also limited the number of massage therapists and estheticians that may operate at the business at any one time to 20, the maximum number the applicant expects at the present time. Finally, the applicant is also required to obtain all necessary permits

through the Health Department as noted in the comments section of this report.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 6/27/2013

Action: Approved



Faroll Hamer, Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2013-0030

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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. No more than 20 massage therapists and estheticians in total shall operate at this establishment at any one time. (P&Z)
3. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
4. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)
5. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z)
6. The applicant shall encourage its employees and customers 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. (T&ES)
7. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
8. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
9. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES)

10. The applicant shall contact the Community Relations Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (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, 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)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services

R-1 Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES)

R-2 **From Zoning Ordinance; 11-513 (C)**
(C)General standards for all administrative uses:

(3) The applicant shall encourage its employees and customers 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. (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 monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)

(10) The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)

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. (T&ES)

C-2 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). (TES) (SUP2010-0031)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form.

Code Administration

F-1 No comments received

Health Department

Massage Therapist Establishment

1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. .
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 4.2, Massage Regulations. Plans shall include a menu of services to be offered at the facility and specification sheets for all equipment used in the facility.
4. 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.

Personal Grooming

1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction.
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 7, Personal Grooming Establishments. Plans shall include a menu of services to be offered at the facility and specification sheets for all equipment used in the facility.
4. All individuals working at a personal grooming facility must possess licenses through the Department of Professional and Occupational Regulation for the work they perform.
5. If offering massage services, applicant must submit plans to the Health Department that comply with Alexandria City Code, Title 11, Chapter 4.2, Massage Regulations. 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.

Parks & Recreation

F-1 No comments received

Police

R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business.

R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2013-0030. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the massage establishment at 4537 and 4539 Duke Street.



Applicant Signature

6/27/13
Date

Henry Kim

Applicant - Printed

6/27/13
Date