

DATE: February 9, 2015

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0071
Administrative Review for Change of Ownership
Site Use: Massage Establishment
Applicant: Daniel Bender
Location: 2201 Mount Vernon Avenue
Zone: CL/Commercial Low

Request

Special Use Permit #2014-0071 is a request to change ownership of an existing massage establishment at 2201 Mt. Vernon Avenue from Michael Nicotra to Daniel Bender. The applicant proposes to continue operating the business as a cooperative massage practice with a total of seven individuals offering massage therapy in the building, all of whom are included under this Special Use Permit approval. Despite operating as independent businesses, the seven practitioners share the same trade name for marketing purposes (Vital Body & Mind) and some also share treatment rooms in the building. Only four rooms within the building will be used for massage therapy treatments and, consequently, only a maximum of four massage therapists will be operating at any one time. The hours of operation are between 9 a.m. and 9 p.m. daily, by appointment.

Background

The site has operated for many years as one “wellness center” business offering a variety of personal health services, including massage as an accessory use. Staff learned in approximately early 2012 that the wellness center was no longer centrally organized as one business and that the number of massage practitioners surpassed the threshold for an accessory use. It therefore required the applicant to obtain Special Use Permit approval allow all massage practitioners in the building to continue operation. Staff administratively approved SUP#2012-0005 in February 2012 to allow the business to operate as a cooperative (“co-op”) massage practice with seven individual therapists in total but not more than four practicing at any one time. Other non-massage businesses not needing Special Use Permit approval will continue to operate in this building as well.

The current applicant submitted an incomplete application many months ago, but only submitted all additional required information and forms by mid-January 2015.

The previous owner of the cooperative massage practice, Michael Nicotra, recently obtained SUP approval for a new massage therapy business approximately two blocks away.

Parking

According to Section 8-200(A)(17) of the Zoning Ordinance, a personal service use (including a massage establishment) requires one off-street parking space for each 400 square feet of floor area. The entire 2,000 square-foot building, which includes only personal services uses, therefore requires a total of five parking spaces. The applicant will continue to have eight shared parking spaces behind the building for the use of tenants and employees.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens' and Del Ray Business Associations were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the Special Use Permit for public hearing.

Staff Action

Staff does not object to the applicant's change of ownership request. The business will continue to operate as approved in 2012 as a cooperative massage establishment under one Special Use Permit approval coordinated by the applicant. Staff has amended existing Condition #9 regarding parking for employees who drive and added new Conditions #14 and #15 regarding the disposal of hazardous wastes and to require once-daily litter pick-up. All three changes are consistent with today's standard language for massage establishments.

Condition #13 has also been added to formalize a practice requested of the prior business owner in which he informed Planning & Zoning staff on a regular basis regarding the names of the individuals practicing massage therapy under this Special Use Permit approval. The practice is intended to assist staff regarding future permits or complaints that might arise for individual practitioners whose names are not otherwise memorialized under this relatively uncommon cooperative business arrangement.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: February 9, 2015
Action: Approved

Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2014-0071

The applicant 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) (SUP#2012-0005)
2. The hours of operation shall be limited to between 9:00am and 9:00pm daily. (P&Z) (SUP#2012-0005)
3. No more than four massage therapists shall operate on premises at any one time. (P&Z) (SUP#2012-0005)
4. 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) (SUP#2012-0005)
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. (P&Z) (SUP#2012-0005)
6. 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. (P&Z) (T&ES) (SUP#2012-0005)
7. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00 pm and 7:00 am. (T&ES) (SUP#2012-0005)
8. 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. (T&ES) (SUP#2012-0005)
9. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. 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) (P&Z) ~~(SUP#2012-0005)~~
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) (SUP#2012-0005)

11. The applicant shall conduct training sessions with all massage therapists practicing on premises on an ongoing basis, including as part of any employee orientation process, to discuss all Special Use Permit provisions and requirements. (P&Z) (SUP#2012-0005)
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, 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) (SUP#2012-0005)
13. **CONDITION ADDED BY STAFF:** The applicant shall provide an up-to-date list of the names and contact information for all individuals practicing massage therapy at the site to the Director of Planning & Zoning each time a new individual commences massage therapy operations at the site. (P&Z)
14. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (P&Z)
15. **CONDITION ADDED BY STAFF:** 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 once during the day, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (P&Z)
16. **CONDITION ADDED BY STAFF:** The applicant and all massage providing staff shall obtain all required state, federal and local licenses and certificates prior to expanding its place of business. (P&Z)

Staff Note: In accordance with Section 11-506(C) of the Zoning Ordinance, operation shall be commenced within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0071. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the massage establishment at 2201 Mount Vernon Avenue.

Applicant - Signature

Date

Applicant – Printed

Date