APPLICATION
SPECIAL USE PERMIT

REVISED

ADMINISTRATIVE CHANGE OF OWNERSHIP OR MINOR AMENDMENT

[X] **Change of Ownership** [ ] **Minor Amendment**

[*must use black ink or type*]

PROPERTY LOCATION: 1617 King Street Alexandria VA 22314

TAX MAP REFERENCE: 063-04-06-15 **ZONE:** KR

APPLICANT

Name: Massage Relax Ceneer LLC.

Address: 1617 King street Alexandria VA 22314

PROPERTY OWNER

Name: Naud Resone Assadation INC

Address: 1619 King street Alexandria VA 22314

SITE USE: Massage Establishment

[X] **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

[X] **THE UNDERSIGNED**, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

[ ] **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

[X] **THE UNDERSIGNED,** having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Huishan Li
Print Name of Applicant or Agent

Huishan Li
Signature

1617 King street
Mailing/Street Address

571-312-7792
Telephone # Fax #

Alexandria VA 22314.
City and State Zip Code

571-Sandylin001038@yahoo.com
Email address

12/11/15
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Fee Paid: $_____

Legal advertisement: _____

ACTION - PLANNING COMMISSION _____ ACTION - CITY COUNCIL: _____

Special Use Permit # 2010 - 6036

The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.
Most recent Special Use Permit # 2010 - 6036

Date approved: June / 03 / 2011
month day year

Name of applicant on most recent special use permit Minggang Shen

Use Massage and spa

2. Describe below the nature of the *existing* operation *in detail* so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary.)

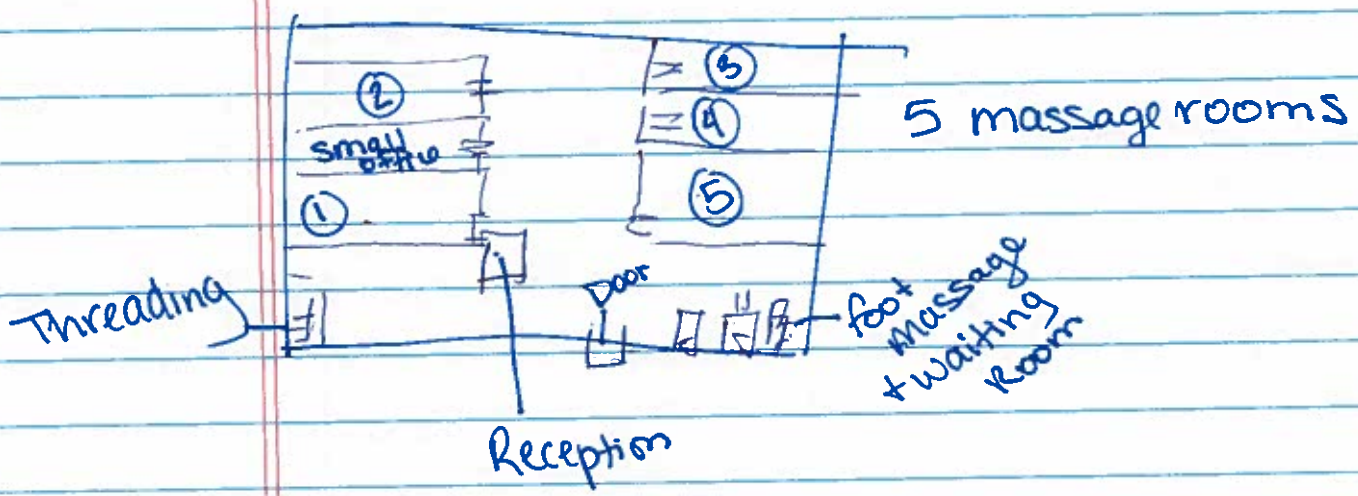
Massage Establishment including Shiatsu, Deep Tissue Massge, Ashiatsu, Foot Massge.
10 - 15 customers at day
2 employees at day
We have 4 parking availability next ~~behind~~ the building in the parking lot for customers staff.

SF = 1730.

Special Use Permit # 2011-0036

3. Describe any proposed *changes* to the business from what was represented to the Planning Commission and City Council during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted by the use, etc. (Attach additional sheets if necessary)

No change.


2
small office
1
3
4
5
5 massage rooms
Threading
Door
foot massage + waiting room
Reception

Special Use Permit # 2011 - 0036

4. **Is the use currently open for business?** [X] Yes [ ] No

If the use is closed, provide the date closed. _____ / _____ / _____
month day year

5. **Describe any proposed changes to the conditions of the special use permit:**

No change

6. **Are the hours of operation proposed to change?** [ ] Yes [X] No
If yes, list the current hours and proposed hours:

Current Hours:	Proposed Hours:
Monday - Sat: 10:00am - 9:00pm	
Sunday = 10:00am - 8:00pm	

7. **Will the number of employees remain the same?** [X] Yes [ ] No
If no, list the current number of employees and the proposed number.

Current Number of Employees:	Proposed Number of Employees:
2 ~~P~~ Employees.	

8. **Will there be any renovations or new equipment for the business?** ____ Yes [X] No
If yes, describe the type of renovations and/or list any new equipment proposed.

9. **Are you proposing changes in the sales or service of alcoholic beverages?** ____ Yes [X] No
If yes, describe proposed changes:

Special Use Permit # 2011-0036

10. **Is off-street parking provided for your employees?** [X] Yes [X] No
If yes, how many spaces, and where are they located?
one employees. Stace in parking lot next to the ~~buttind~~ building.

11. **Is off-street parking provided for your customers?** X Yes [X] No
If yes, how many spaces, and where are they located?
3 ~~ct~~ customers stace in parking lot next to the building.

12. **Is there a proposed increase in the number of seats or patrons served?** [ ] Yes [X] No
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:
10 - 15 customers at day

Proposed:

13. **Are physical changes to the structure or interior space requested?** [ ] Yes [X] No
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. **Is there a proposed increase in the building area devoted to the business?** [ ] Yes [X] No
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:

Proposed:

15. **The applicant is the** (check one) [ ] Property owner [X] Lessee
[ ] other, please describe:

16. **The applicant is the** (check one) [X] Current business owner ____ Prospective business owner
[ ] other, please describe:

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address.

For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

① see Bill of sale.

② see Lease

100% owner's ship.: Huizhen Lin

Special Use Permits Eligible for Administrative Approval

Certain uses of land that have potentially negative impacts on surrounding properties require special use permit approval from City Council. The City Council may impose conditions on the operation of the special use in order to protect the health, safety and welfare of the surrounding area. For new uses and for intensifications or amendments of existing uses, the Planning Commission and City Council conduct public hearings and decide whether to approve the request. The Director of Planning and Zoning, however, may approve a special use permit administratively if it is only a change in ownership or a minor amendment of a previously approved special use permit.

Special Use Permit for Change of Ownership

If the existing special use permit for an operation restricts the ownership of the use, a prospective owner may not take ownership of the operation until he receives special use permit approval for the change of ownership. Pursuant to Section 11-503, the director may approve the change and transfer the special use permit to a new owner, if the following conditions apply:

1) The applicant is not requesting a change in the conditions of the special use permit;
2) there have been no substantiated violations of the special use permit conditions;
3) there are no changes proposed or anticipated in the operation of the use involved;
4) the director has concluded that no new conditions or no amendments to existing conditions are necessary; and
5) following notice of the application in a newspaper of general circulation in the City, no person has requested that the director forward the application to the Planning Commission or City Council.

If the application does not meet any one of the above conditions, it must be docketed for the next available Planning Commission and City Council public hearings. If the Director approves a special use permit for change in ownership, the new owner must sign an agreement stating that he/she will to continue to comply with the special use permit conditions.

Special Use Permit for Minor Amendment

Pursuant to Sections 11-509 and 11-511 of the zoning ordinance, the director may approve minor amendments to approved special use permits. Only changes that constitute no more than a minimal enlargement or extension of the special use permit or that are so insignificant they will have little or no zoning impact on the surrounding neighborhood are eligible for administrative approval. If a change will intensify the use, it requires Planning Commission and City Council approval. Changes that intensify a use include any increase in the following:

1) Hours of operation;
2) number of seats;
3) number of employees; visitors of customers; or
4) number of vehicle trips generated.

The Director may not administratively approve minor amendments if any of the following apply:

1) He/She has received written or oral complaints that the use is in violation of the zoning ordinance;
2) at the time the special use permit was approved, opposition was presented to the Planning Commission or City Council; or
3) new conditions or amendments to existing conditions are necessary.

Notice of the application is published in a newspaper of general circulation in the City and is sent to docket subscribers.

Approval Process

For both change in ownership and minor amendment special use permits, the approval process generally takes between four and six weeks from the time an application is submitted. During that time, staff will review the application, inspect the subject property for compliance with special use permit conditions and advertise the proposed change in the newspaper to provide an opportunity for citizens to comment on the change and, in the case of minor amendments, send notice to the Planning Commission and City Council members. If the Director determines that the Planning Commission and City Council must consider the application, he/she will docket the application for the next available Planning Commission and City Council hearings. At that time, the Director may require additional information regarding the application.

AGREEMENT FOR SALE OF BUSINESS

THIS AGREEMENT MADE 6/5/2015, between OPT Massage & Spa, hereinafter "Seller", and Huizhen Lin, hereinafter, "Buyer".

The parties recite and declare:

1. Seller now owns and conducts a business known as OPT Massage & Spa located at 1617 King Street, City of Alexandria, County of Fairfax, State of Virginia.

2. Seller desires to sell and Buyer desires to buy such business for the price and on the terms and conditions hereinafter set forth.

FOR THE REASONS set forth above, and in consideration of the mutual covenants and promises of the parties hereto, Seller and Buyer covenant and agree:

1. Sale of Business. Seller agrees to sell and Buyer agrees to purchase, free from all liabilities and encumbrances, the above-described business, including the lease to such premises, the goodwill of the business as a going concern, all of Seller's rights under its contracts, licenses, and agreements, and all assets and property owned and used by Seller in such business, other than property specifically excluded. This sale does not include the cash on hand or in banks at the date of closing.

2. Consideration. In consideration for the transfer of the above described business from Seller to Buyer, Buyer shall pay to Seller the sum of twenty eight thousand ($28,000) dollars, which Seller shall accept from Buyer in full payment therefore, subject to the terms and conditions herein contained.

3. Allocation of Purchase Price. The purchase price shall be allocated to the various assets of the business as follows:

(a) All existing Equipment, furniture, and fixtures .

(b) Goodwill

(c) Outstanding contracts

(d) Lease

4. Terms of payment. The purchase price shall be paid by Buyer to Seller as follows:

(a) Thirteen Thousand Dollars ($13,000) as EMD when this Agreement is executed;

(b) The balance of Fifteen Thousand Dollars ($15,000) will be due at the Lease execution between the Buyer and the Landlord (the current OPT Massage Landlord).

Buyer will execute a Bill of Sale at closing with Seller.

5. Security Deposit. The security deposit in the amount of thirteen thousand Dollars ($13,000) held by Seller shall be returned immediately if in any case the Landlord denies to sign a lease with the buyer.

6. Adjustments at Closing. Adjustments shall be made at the time of closing for all operating expenses including, but not limited to, rent, insurance premiums, utility charges, payroll, and payroll taxes.

7. Time of Closing: the same date when Landlord executed a Lease with Buyer.

8. Covenant Not to Compete. Seller shall not engage in a business similar to that involved in this transaction in any capacity, directly or indirectly, within ___3 mile ratio___ for a period of ___3___ years from the date of closing or so long as Buyer or his successors carry on a like business, whichever first occurs. For purposes of this Agreement, "business similar to that involved in this transaction" includes within its scope of Massage and Spa.

9. Representations of Seller. Seller represents and warrants that:

(a) He is duly qualified under the laws of the State of ___Virginia___ to carry on the business as now owned and operated.

(b) He is the owner of and has good and marketable title to the property involved in this sale, free of all restrictions on transfer or assignment and all encumbrances.

(c) No proceedings, judgments, or liens are now pending or threatened against him or against the business.

(d) Seller has complied with, and is not in violation of, all applicable federal, state, and local statutes, laws, and regulations affecting Seller's properties or the operation of Seller's business.

(e) He will, up to the date of closing, operate his business in the usual and ordinary manner and will not enter into any contract except as may be required in the regular course of business.

10. Risk of Loss by Fire. Seller assumes all risk of destruction, loss, or damage by fire prior to the closing of this transaction. If any such destruction, loss, or damage amounts to more than $ ___1000___, Buyer may at his option terminate this Agreement.

11. Assumption of Liabilities. Buyer will not Assume any of seller's liabilities

12. Modification. No alteration or other modification of this Agreement shall be effective unless such modification shall be in writing and signed by the parties.

Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties and their successors and assigns.

13. Governing Law and Fees: This agreement shall be governed by the laws of the State of ___Virginia___. In the event there is an action to enforce the terms of this agreement, the prevailing party shall be entitled to recover from the other party attorney fees and costs.

IN WITNESS WHEREOF, the parties have executed this Agreement by their signatures below:

09/25/2015

Seller Date ~~28000 - 13,000~~

Huizhuchi 09/25/15 现金已付请.

Buyer Date