

DATE: January 11, 2016

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

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0129
Administrative Review for Change of Ownership
Site Use: Massage Establishment
Applicant: Kristin Boyle
Location: 2201 Mount Vernon Avenue
Zone: CL/Commercial Low

Request

Special Use Permit #2015-0129 is a request to change ownership of an existing massage establishment at 2201 Mt. Vernon Avenue from Daniel Bender to Kristin Boyle under the name of Vital Body and Mind. The applicant proposes to continue operating a cooperative massage practice at the site, using one business name to promote the operations of seven independent massage therapists who share the site. The Special Use Permit would cover each of the individual massage therapists operating as a member of the Vital Body and Mind cooperative. The applicant proposes to continue using four rooms to offer massage therapy, consequently, only a maximum of four massage therapists would 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 operated for many years as one "wellness center" business offering a variety of personal health services, including massage as an accessory use. In early 2012, staff learned that the number of massage practitioners exceeded the allotment for an accessory use and required the applicant to submit a Special Use Permit. In February 2012, staff administratively approved SUP#2012-0005 to allow the business to operate as a cooperative massage practice with seven individual therapists in total but not more than four practicing at any one time. In February 2015, staff administratively approved a change of ownership for the business through SUP #2014-0071 and maintained all conditions of the prior SUP. A recent SUP inspection revealed compliance with all SUP conditions.

Parking

The applicant has maintained eight shared parking spaces behind the building which exceeds the approximately 2,000 square foot building's parking requirement of five parking spaces. According to Section 8-200(A)(17), a personal service establishment requires one off-street parking space for each 400 square feet of floor area.

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 a cooperative massage establishment under one Special Use Permit approval coordinated by the applicant. Staff has carried forward all prior SUP conditions.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 11, 2016
Action: Approved



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2015-0129

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. 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#2014-0071)
10. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department ~~703-838-4520~~ 703-746-6838 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. **CONDITION AMENDED BY STAFF:** 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. 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) (SUP#2014-0071)
14. 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) (SUP#2014-0071)
15. 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) (SUP#2014-0071)
16. 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) (SUP#2014-0071)

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

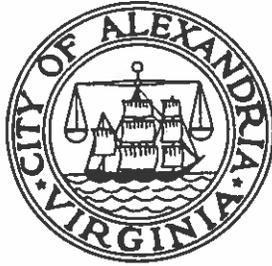
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0129. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the massage establishment at 2201 Mount Vernon Avenue.

Kristin M Boyle
Applicant - Signature

1/14/2016
Date

Kristin M. Boyle
Applicant - Printed

1/14/2016
Date



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 #2015-0129
Approved by Planning and Zoning: January 11, 2016
Permission is hereby granted to: Kristin Boyle
to use the premises located at: 2201 Mount Vernon Avenue
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.

1/11/16

Date

Karl Moritz

Karl Moritz, Director
Department of Planning and Zoning