

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 #2
SPECIAL USE PERMIT #2008-0031

Planning Commission Meeting
September 4, 2008

ISSUE: Consideration of a request to amend a special use permit to increase hours of operation, increase the number of students, and change ownership, with a reduction in off-street parking, for a yoga/pilates/dance studio with classes.

APPLICANT: All is Well, LLC
by Heidi Thompson

STAFF: Nathan Randall
nathan.randall@alexandriava.gov

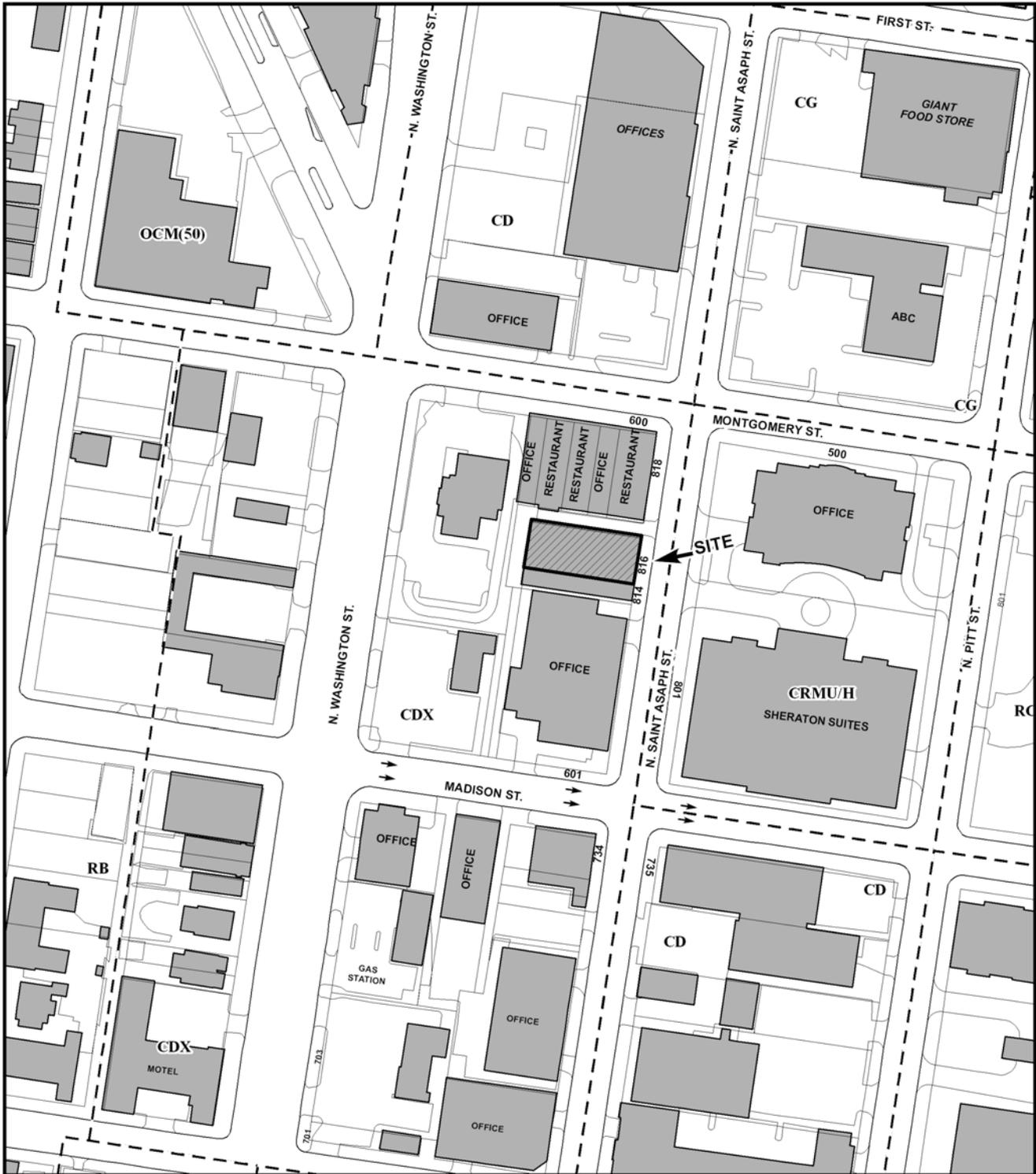
LOCATION: 816 N. Saint Asaph Street

ZONE: CDX / Commercial Downtown (Old Town North)

PLANNING COMMISSION ACTION, JUNE 3, 2008: The Planning Commission noted the deferral of the request.

Reason: The applicant requested additional time to amend the original proposal.

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 #2008-0031

09/04/08



I. DISCUSSION

REQUEST

The applicant, All is Well LLC, requests a special use permit amendment to increase hours of operation, increase the number of students, and change ownership, with an off-street parking reduction, for a yoga/pilates/dance studio with classes located at 816 N. Saint Asaph St.

SITE DESCRIPTION

The subject property is one lot of record with 47 feet of frontage on N. Saint Asaph Street, 115 feet of depth and a total lot area of 5,405 square feet. The site is developed with a one-story commercial building containing 5,359 square feet of space. There is no parking on-site. Access to the property is from N. Saint Asaph Street.



The surrounding area is occupied by a mix of commercial and office uses. Immediately to the north is an Italian restaurant. To the south a personal training business is located on the first floor and an orthodontist's office on the second floor. To the east are the Sheraton Suites hotel and The Madison office building. To the west, facing N. Washington Street, is a Wendy's restaurant.

BACKGROUND

On December 16, 2000, City Council granted Special Use Permit #2000-0132 for the operation of a dance studio with classes and a parking reduction to allow off-site parking across the street at the Sheraton Suites hotel. The dance studio was approved for up to 25 students at one time on weekdays, with only private lessons allowed on weekends. The approved hours of operation were Monday-Friday, 1:00 p.m. to 9:30 p.m., Saturday 10:00 am to 9:30 p.m., and Sunday 10:00 a.m. to 3:00 p.m. The parking reduction was required per Section 8-200(C)(4) of the Zoning Ordinance, which allows the off-street parking requirement for private schools to be met off-site only when the parking is located within 300 feet of the school and only by special use permit.

Special Use Permit #2005-0126 was approved administratively on January 19, 2006 to change the ownership of the dance studio. No changes were approved at that time regarding the hours of operation, the number of students, or the parking reduction.

PROPOSAL

The applicant proposes to operate a yoga/pilates/dance studio with regular classes of up to 50 students at one time with increased hours beyond those approved previously. The applicant proposes to include accessory retail and accessory holistic wellness programs at the facility, with the latter including acupuncture, therapeutic massage, and nutritional counseling. The applicant also seeks a greater parking reduction than was approved previously.

Previous Hours: Monday-Friday, 1:00 p.m. – 9:30 p.m.
Saturday, 10:00 a.m. – 9:30 p.m.
Sunday, 10:00 a.m. – 3:00 p.m.

Proposed Hours: 6:00am – 10:00pm, 7 days/week

Number of students: Up to 50 students

Noise: Minimal noise. Only dance classes use music, which will be kept low.

Trash/Litter: Staff will remove trash daily and store properly in dumpster.

PARKING

According to Section 8-200(A)(11.1) of the Zoning Ordinance, a private commercial school requires one parking space for every two seats (or students). A yoga/pilates/dance studio with classes of up to 50 students will be required to provide 25 off-street parking spaces.

Section 8-200(C)(4) of the Zoning Ordinance allows the off-street parking requirement for private schools to be met off-site only when the parking is located within 300 feet of the school and only by special use permit.

A parking reduction is required for the proposed use in order to satisfy both portions of the Zoning Ordinance referenced above. The applicant has provided staff with a contract she has signed with the Sheraton Suites to use its parking garage, which is located across the street and within 300 feet of 816 N. Saint Asaph Street. According to the contract, an unlimited number of yoga/pilates/dance studio customers will be allowed to park in the Sheraton garage while visiting the proposed studio. Studio staff will validate each customer's parking ticket. The Sheraton garage will be open to all yoga studio customers during all yoga studio hours of operation. The contract also states that the applicant has leased up to five spaces for employees.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDX zone. Section 4-603 of the Zoning Ordinance allows a private commercial school in the CDX zone only with a special use permit.

The proposed use is consistent with the Old Town North Small Area Plan chapter of the Master Plan which designates the property as part of a "retail focus area" suited for retail uses such as retail shopping establishments, personal service establishments, and health/athletic clubs.

II. STAFF ANALYSIS

Staff supports the applicant's request for a special use permit amendment to increase the number of students, increase operating hours, reduce parking, and change the ownership of the existing business. Although the increase in students is significant compared to the previous maximum

approved by special use permit, yoga/pilates/dance classes with up to 50 students should not create significant additional trash, noise, or other nuisance impacts due to the nature of the proposed business. It should be noted that the proposed location of this yoga/pilates/dance studio in a commercial area further supports this conclusion. Nonetheless, staff has recommended a number of conditions intended to prevent the potential for any future negative impacts.

The proposed extension of morning hours, Sunday hours, and the additional half-hour of evening operations will provide patrons more flexible hours and allow them to take advantage of yoga & pilates classes at more times during a given day. The additional hours should not pose a significant impact on the neighborhood based on the type of business proposed.

Staff also supports the parking reduction request. The applicant has leased five (5) parking spaces at the Sheraton Suites garage. While this leaves a deficit of 20 parking spaces at maximum capacity according to the Zoning Ordinance, the parking arrangement between the proposed yoga/dance/pilates studio and the Sheraton Suites will meet parking needs. The parking contract submitted by the applicant will allow an unlimited number of customers to park in the hotel garage. To ensure that no future problems arise from any changes in the capacity of the Sheraton garage, staff has conditioned that the applicant shall provide to the City an up-to-date parking contract with the Sheraton on an annual basis. Staff believes that the applicant should continue to encourage public transportation options as required by previous special use permit approval at this location.

Subject to the conditions listed in Section III, staff recommends approval of the special use permit amendment request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** of the special use permit amendment request to change ownership, increase operating hours, increase the number of students, and receive a parking reduction, 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) (SUP#2000-0132)
2. **CONDITION AMENDED BY STAFF:** The maximum number of students on-site shall not exceed 50. ~~Weekday classes shall end by 9:30 p.m. and only private lessons may be offered on the weekends.~~ (P&Z) (SUP#2000-0132)
3. **CONDITION AMENDED BY STAFF:** The applicant shall provide validated ~~fully subsidized~~ off-street parking for all students and employees who drive to the yoga/pilates/dance studio (school) and shall provide annually, to the satisfaction of the Director of Planning & Zoning, an up-to-date copy of the agreement by which is makes this parking available. ~~to the satisfaction of the Director of Planning and Zoning.~~ (P&Z)

4. **CONDITION AMENDED BY STAFF:** The applicant shall provide information to its students regarding its subsidy validation of off-street parking and shall post signs in the yoga/pilates/dance studio (school) directing its students to park at the garage. (P&Z) (SUP#2000-0132)
5. The applicant shall encourage its staff and students to use mass transit or to car pool when traveling to and from the school, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of car pooling opportunities. (P&Z) (SUP#2000-0132)
6. The applicant shall require that its employees who drive to work use off-street parking. (P&Z) (SUP#2000-0132)
7. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)(SUP#2005-0126)
8. **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, (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) ~~The Director of Planning and Zoning shall review the special use permit one year after approval 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, (b) the director has received a request from any person to docket the permit for review, 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#2000-0132)
9. **CONDITION ADDED BY STAFF:** The hours of operation of the yoga/pilates/dance studio shall be limited to between 6:00am and 10:00pm, seven days/week. (P&Z)
10. **CONDITION ADDED BY STAFF:** 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)
11. **CONDITION ADDED BY STAFF:** Retail operations and holistic wellness operations, including therapeutic message, occurring on-site shall be uses that are clearly accessory to the yoga/pilates/dance studio as determined by the Director of Planning & Zoning. (P&Z)

12. **CONDITION ADDED BY STAFF:** All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
13. **CONDITION ADDED BY STAFF:** 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
14. **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 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)
15. **CONDITION ADDED BY STAFF:** Applicant shall contribute \$250.00 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)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

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 All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
- R-2 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 or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-3 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-4 Applicant shall contribute \$250.00 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-5 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 Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- 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).

Code Enforcement:

- C-1 A new Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 116.1.

- C-2 A new fire prevention code permit is required for change of ownership. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 The massage and other sections of the business must be permitted separately.
- C-4 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-5 All massage therapist 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 a massage activity.

Parks & Recreation:

- F-1 No Comments

Police Department:

- F-1 The Police Department has no objections to the increase in the number of hours and students & parking reduction.

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