

Docket Item #2
Special Use Permit #2014-0066
5402 Eisenhower Avenue – Fitness Studio

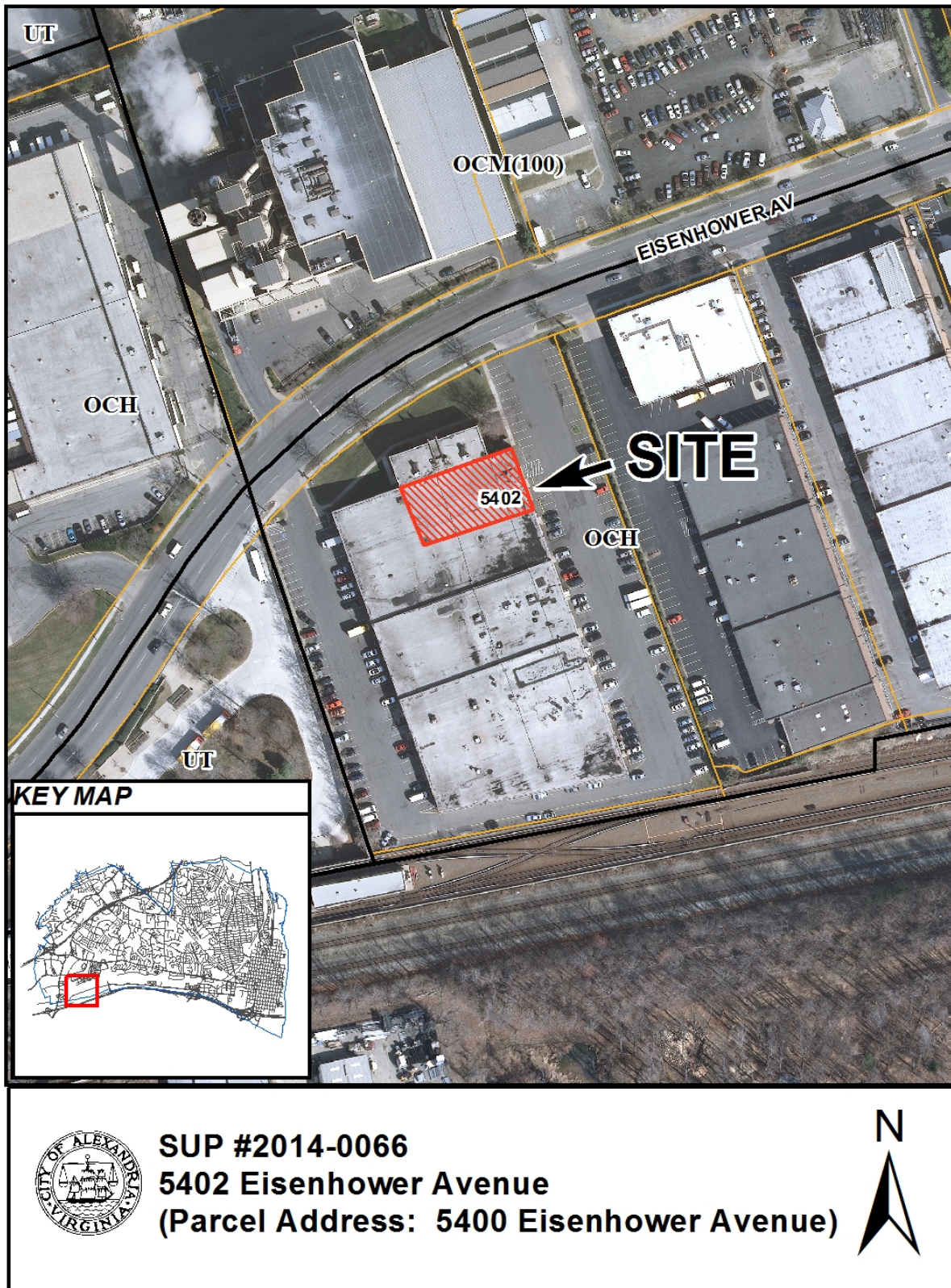
CONSENT AGENDA ITEM

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.

Application	General Data	
Consideration of a request to operate a private commercial school (fitness studio) with more than 20 students and with a parking reduction.	Planning Commission Hearing:	September 4, 2014
	City Council Hearing:	September 13, 2014
Address: 5402 Eisenhower Avenue (Parcel Address: 5400 Eisenhower Avenue)	Zone:	OCH / Office Commercial High
Applicant: The Worx by Maia, LLC	Small Area Plan:	Landmark/Van Dorn

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Ann Horowitz, ann.horowitz@alexandriava.gov



I. DISCUSSION

The applicant, The Worx by Maia LLC, requests Special Use Permit approval to operate a private commercial school (fitness studio) with a parking reduction at 5402 Eisenhower Avenue.

SITE DESCRIPTION

The subject property is one lot with approximately 375 feet of frontage on Eisenhower Avenue approximately 475 feet of lot depth, and a total lot area of 164,000 square feet (3.8 acres). A one-story industrial/flex-space building, the Van Dorn Metro Business Center, and a shared parking lot exist on the site. Commercial and industrial tenants include automobile repair businesses and private commercial schools.



The property is surrounded by a mix of commercial, industrial and transportation-related uses. The Covanta waste-to-energy plant and a UPS warehouse facility are located to the north across Eisenhower Avenue. Another industrial/flex-space center, containing several commercial and industrial uses, is located to the east. Railroad tracks and the Capital Beltway are located to the south. The Van Dorn Metrorail Station is located immediately to the west.

BACKGROUND

The site was rezoned from I-2 / Industrial to OCH as part of the 1992 City-wide rezoning. Some existing uses became noncomplying as a result of this change and continue to operate on the site today. City Council approved an umbrella SUP and parking reduction in October 1997 (SUP#97-0107). In addition to reducing the parking requirement by 50 spaces, the umbrella SUP also allowed certain noncomplying and special uses to operate at the site without the need of individual Special Use Permit approvals. The umbrella SUP was subject to a five year review in 2002. The City Council approved SUP#2002-0098 which extended the SUP conditions and permitted a change of ownership for the umbrella SUP.

Private commercial schools were not included in the list of uses in the umbrella SUP that are exempted from the need for individual Special Use Permit approval. Since 2002, City Council has separately approved four other private commercial schools at the site, including the martial arts studio at 5428 Eisenhower Avenue which is scheduled for consideration of an SUP amendment on the September 2014 docket.

PROPOSAL

The applicant proposes to relocate its business from Landmark Mall to approximately 4,165 square feet of tenant space at the subject site. The applicant would offer fitness instruction and schedule special charity events for to up to 40 adults at any one time. Group classes would be held primarily during weekday evenings and weekends. One-on-one training would be booked at times to suit customers' individual schedules. The applicant is also seeking a two-space parking reduction in connection with the SUP request. Additional elements of the applicant's proposal are as follows:

<u>Hours of Operation:</u>	5:30 a.m. – 10 p.m. Monday – Friday 10 a.m. – 6 p.m. Saturday and Sunday
<u>Number of Students:</u>	Up to 40 at any one time
<u>Noise:</u>	Typical noise associated with exercise classes
<u>Odors:</u>	No odors are expected from the use
<u>Trash/Litter:</u>	Minimal trash generated by the use will be collected from the site once each week.

ZONING/MASTER PLAN DESIGNATION

The property is located in the OCH / Office Commercial High zone. Section 4-1103(U) of the Zoning Ordinance allows a private commercial school exceeding 20 students in the OCH zone only with Special Use Permit approval.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial uses. The property is on the border of, but not located within, Landmark/Van Dorn Corridor Plan approved in 2009.

PARKING

Pursuant to Section 8-200(A)(11) of the Zoning Ordinance, one off-street parking space is required for every two private commercial school students. A school with up to 40 students at any one time is therefore required to provide twenty off-street parking spaces.

Staff has analyzed the parking requirements for all the existing uses at the site and included the 50-space reduction approved as part of SUP2002-0098 and the 25-space reduction approved as part of SUP2014-0004 for the fitness studio at 5424 Eisenhower Avenue. Ultimately, eighteen parking spaces are available at the site for the proposed fitness studio, resulting in the applicant's two-space parking reduction request to meet the balance of its 20-space requirement.

II. STAFF ANALYSIS

Staff supports the applicant's request for the private commercial school and the parking reduction. The proposed fitness studio is a suitable use at the industrial/flex-space center location. Impacts from noise, odors, or trash, are not expected since the subject site is located amidst commercial and non-residential uses.

The parking reduction request for two spaces is minimal. In practical terms, parking is expected to be available during the fitness studio's peak business hours when some businesses, including two automobile repair businesses, with weekday hours are closed. Additionally, the applicant anticipates that some of its customers will not drive to the fitness studio and instead will travel by public transportation using the adjacent Van Dorn Metro or will run or bicycle to the site. Further, during recent visits staff has observed that parking spaces are typically available at the site.

Several standard conditions related to employee training SUP provisions, on-site litter removal, employee parking, and delivery schedules have been included in this report.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** 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)
2. The maximum number of students attending the private commercial school at any one time shall be 40. (P&Z)
3. The hours of operation of the business shall be limited to between 5:30 a.m. and 10 p.m., Monday-Friday and between 10 a.m. and 6 p.m. Saturdays and Sundays. (P&Z)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. 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)
6. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (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 picked up to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public. (T&ES)

8. 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 and students. (T&ES)
9. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery readiness program for all employees. (P&Z)
10. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
11. The Director of Planning and Zoning shall review the Special Use Permit one year after the business is operational, 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)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Ann Horowitz, 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.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- R-1 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 to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public.
- R-2 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-3 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
- R-4 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.
- 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). 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.
- F-1 Transportation supports the proposed parking reduction.

Code Enforcement

No comments received.

Health

No comments received.

Parks and Recreation

No comments received.

Police Department

No comments received



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2014-0066

PROPERTY LOCATION: 5402 Eisenhower Avenue

TAX MAP REFERENCE: 077.01-01-03

ZONE: OCH

APPLICANT:

Name: The Worx By Maia, LLC

Address: 6532 Bowie Drive Springfield Virginia 22150

PROPOSED USE: Fitness studio

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Sean Carney

Print Name of Applicant or Agent

6532 Bowie Drive

Mailing/Street Address

Springfield Va

City and State

22150

Zip Code

[Signature]

Signature

6/11/2014

Date

703-232-3635

Telephone #

Fax #

seanm.carney@yahoo.com

Email address

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 5402 EISENHOWER AVENUE, I hereby
 (Property Address)

grant the applicant authorization to apply for the Private Commercial School use as
 (use)

described in this application.

Name: KIANOSH SADEGHIAN

Phone: 703-881-2200

Please Print

Address: 6620 MADISON MC LEANDR
MC LEAN VA 22101

Email: UNITYLLP@AOL.COM

Signature: K. Sadeghian

Date: 6/12/2014

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

☒ Lessee or

☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Maia Paglinawan Carney (100%)

6532 Bowie Dr Springfield Va 22150

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Maia Carney	6532 Bowie Drive Springfield VA 22150	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 5402 Eisenhower Avenue (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Kianosh Sadeghian/Unity L	6620 Madison Drive Mclean Virginia	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are require to disclose **any** business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity below and "None" in the corresponding fields)**

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Maia Carney	None	
2. Kianosh Sadeghian	None	
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

6-11-14
Date

Printed Name

Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☐ **Yes.** Provide proof of current City business license

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

Our fitness studio is relocating from Landmark Mall due to redevelopment. We are requesting a special use permit and parking reduction to allow us to have classes for up to 40 people at one time. We offer both one-on-one and group fitness instruction, with an average class size of 25. Yet, our charity events and special programs can draw more. Our classes are generally in the afternoon and on weekends, outside of normal business hours. Likewise, our gym fosters a community atmosphere and many of our customers currently carpool. In addition, many have expressed prior concerns about our location not being metro-accessible; we anticipate many of our current and new students to ride metro to our classes.

We are also requesting a parking reduction of 4 spaces

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):

- ☐ a new use requiring a special use permit,
☒ an expansion or change to an existing use without a special use permit,
☐ an expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

Mon-Fri classes at approx 530am, 10am, and/or noon with 10-15 people. Mon-Fri 5-10pm classes and individual training 20-40 people. Sat-Sun 10am-6pm 1-3 classes each day with 20-40 people.

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

2 max

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Mon-Fri

Hours:

530AM-10pm

Sat-Sun

10-6

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Music and noise from exercise should be contained within the space.

B. How will the noise be controlled?

With soundproofing if necessary.

- 8.** Describe any potential odors emanating from the proposed use and plans to control them:

No odors

- 9.** Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
Plastic bottles and general office waste

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

1 gallon trashbag/day

- C. How often will trash be collected?

daily to the onsite dumpster

- D. How will you prevent littering on the property, streets and nearby properties?

Prominently display trash and recycling at our front entrance.

- 10.** Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes.

[✓] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

- 11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons? CPR and first aid certified instructors.

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes ☒ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
 _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

B. Where is required parking located? (*check one*)

☒ on-site

☐ off-site

If the required parking will be located off-site, where will it be located?

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☒ **Parking reduction requested; see attached supplemental form**

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? 1

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? N/A
- C. During what hours of the day do you expect loading/unloading operations to occur?
No unloading expected.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Current state is adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

4165
4200 sq. ft. (existing) + _____ sq. ft. (addition if any) = 4165 sq. ft. (total)

19. The proposed use is located in: (check one)

- ☐ a stand alone building
- ☐ a house located in a residential zone
- ☐ a warehouse
- ☐ a shopping center. Please provide name of the center: _____
- ☐ an office building. Please provide name of the building: _____
- ☒ other. Please describe: Industrial Flex space

End of Application



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

~~21 regular parking spaces~~

1 space parking reduction
2

REVISED

2. Provide a statement of justification for the proposed parking reduction.
see attached

3. Why is it not feasible to provide the required parking?

Per code, all parking spots available in this shared lo have been allocated to other businesses

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

☐ Yes. ☒ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.

+ Parking Management Plan

Worx by Maia's statement of justification for parking reduction:

The parking lot for 5402 Eisenhower Avenue is located on the northern portion of the property close to a point of egress. The lot is shared between the tenants on the property. The current tenant has occupied the space for multiple years and indicated there is not a problem with the capacity of parking. Likewise, the autobody shop next door to us operates on a normal business schedule and our uses would seldom overlap.

On June 11, 2014, we photographed the actual state of the parking lot during our potential peak hours of 630 and 745pm. The photographs attached show significant available parking in the immediate area of our potential studio. It will also be noted, that although classes were also taught at the Bikram and dance studios at that time, a number of spots were still available in the southern portion of the lot.

Furthermore, metro is within walking distance and our customers have repeatedly asked for a metro-accessible location. We anticipate a number of our current and future clients will utilize metro. Likewise, our customer base includes runners and bikers who will utilize nonmechanized travel. Furthermore, we foster a community environment where our customers form friendships with each other; this has yielded a number of carpools which travel to the gym.

We do not anticipate this reduction will have a negative impact on the surrounding community. There is ample space on our lot and our use will not infringe on the lots of our neighbors. Likewise, our landlord does not anticipate a problem, a letter of support is also forthcoming.

June 11, 2014; 630pm.



June 11, 2014; 745pm



City of Alexandria

Date Created: 6/11/2014



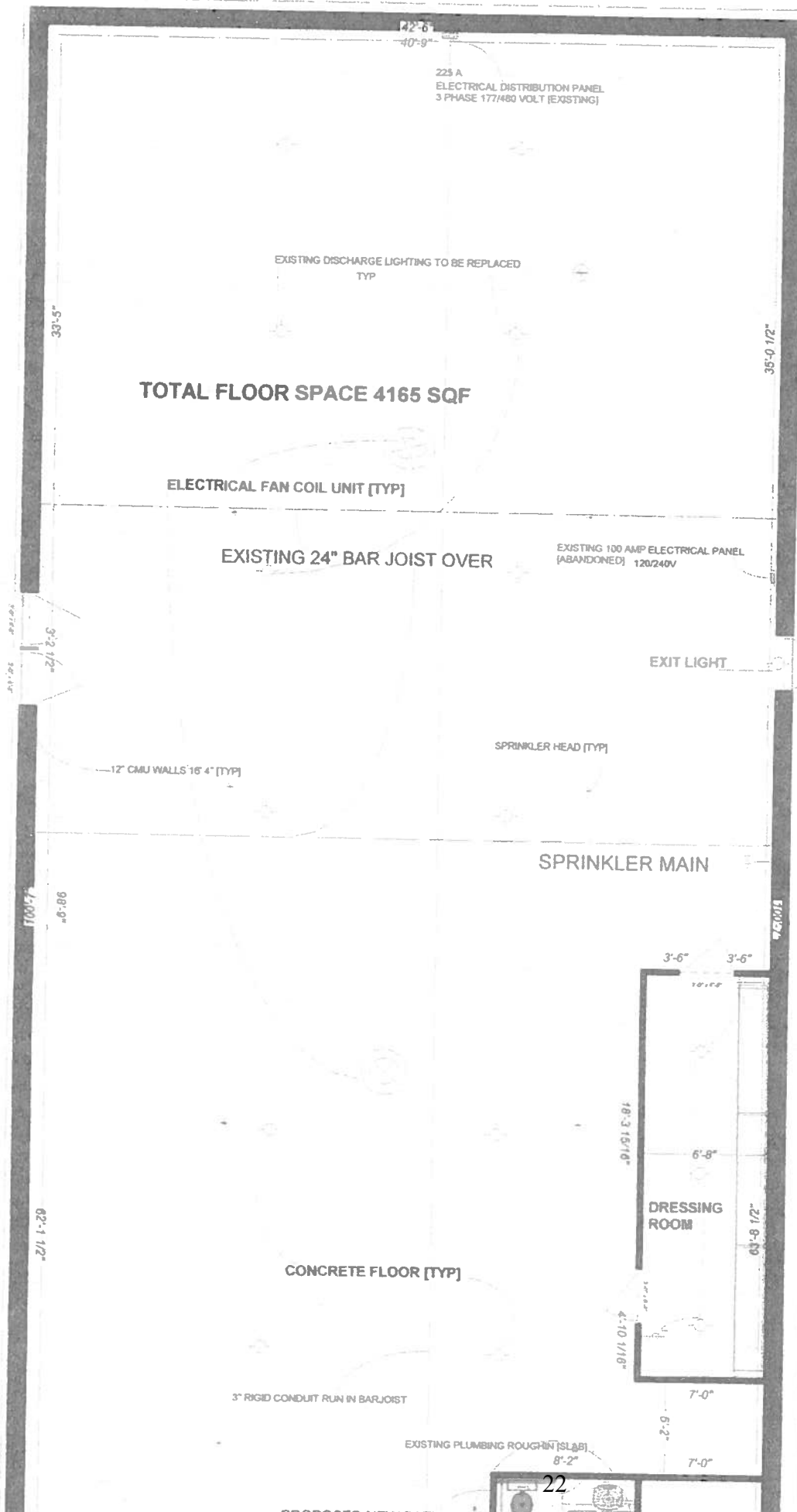
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Highlighted Feature
Metro Station
City Boundary
Address Points
Metro Tracks
Street
Water
Other
Parcels
Road Labels
2007 Aerial
Road Centerlines
Assessed Primary Collection Residential Collector
Capitol
Other Roads
Roads
Railroads
Buildings
Parks
Water
Potomac River
Other
City of Alexandria

DISCLAIMER: The map/data presented hereunder are provided "as is" and the City expressly disclaims all warranties, UCC and otherwise, express or implied, including warranties as to accuracy of the map/data and merchantability and fitness for a particular purpose, and further expressly disclaims responsibility for all incidental, consequential or special damages arising out of or in connection with the use of the application. This information is not survey quality and should not be used to establish property lines or legal descriptions for plats or construction. All boundary information provided on this site is for informational purposes only and not considered official. Official documentation on the information presented are available through various departments within the City of Alexandria.

* Subject Property 5402 Eisenhower
P Parking
M Metro

PRIMAL
5402 EISENHOWER AVE.
ALEXANDRIA, VA
BUSH HILL INDUSTRIAL PARK
OWNER: MR. SALIL MANIKTAHLA

2-24-2010



Unity, LLP

6620 Madison Mclean Dr.

McLean, Virginia 22101

June 11, 2014

I, Kianosh Sadeghain the owner of 5402 Eisenhower Avenue, agree with the proposed use of the space and feel that parking is not an issue. It is a shared parking lot and there are a lot of spots available during the day, evenings and also on weekends.

Sincerely,

A handwritten signature in cursive script, appearing to read 'K. Sadeghian', written in dark ink.

Kianosh Sadeghian

Unity, LLP