



***DOCKET ITEM #2***  
***Special Use Permit #2015-0112***  
***4141 Duke Street***  
***Fresenius Medical Care***

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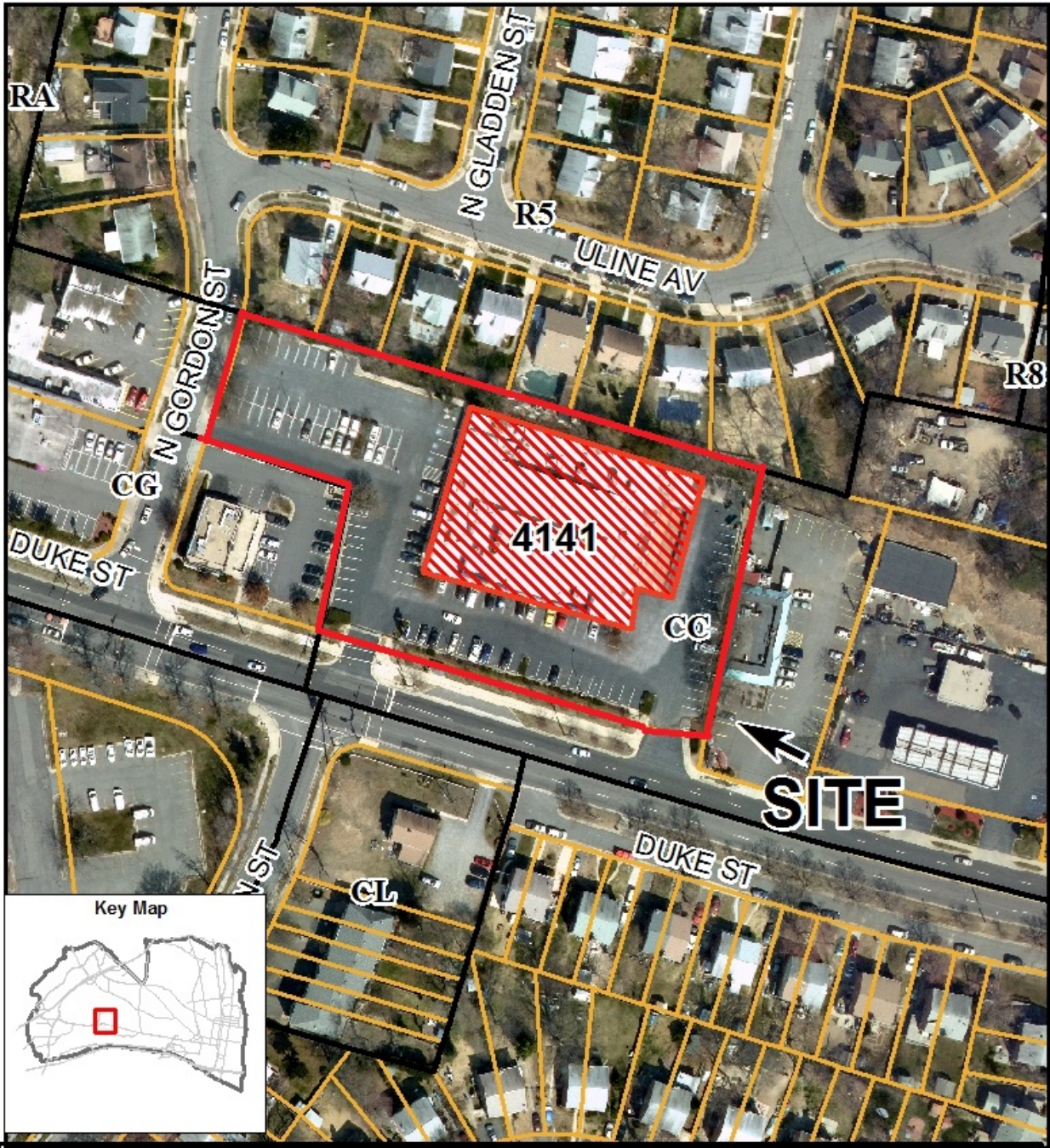
**CONSENT AGENDA ITEM**

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.

<b>Application</b>	<b>General Data</b>	
Consideration of a request to expand a non-complying dialysis clinic that requires a special use permit approval for expansion	<b>Planning Commission Hearing:</b>	January 5, 2016
	<b>City Council Hearing:</b>	January 23, 2016
<b>Address:</b> 4141 Duke Street	<b>Zone:</b>	CC/Commercial Community
<b>Applicant:</b> Fresenius Medical Care	<b>Small Area Plan:</b>	Seminary Hill/Strawberry Hill

**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](mailto:ann.horowitz@alexandriava.gov)



**Special Use Permit #2015-0112**  
**4141 Duke Street**





## I. DISCUSSION

The applicant, Fresenius Medical Care, proposes to expand a non-complying medical care facility, an existing dialysis clinic, within a commercial building at 4141 Duke Street.

### SITE DESCRIPTION

The subject site is located on one irregularly-shaped lot of record at 4141 Duke Street. The lot frontages measure approximately 337 feet on Duke Street and 122 feet on North Gordon Street. The subject parcel has 91,867 square feet (2.1 acres) and is developed with a 22,000 square foot commercial building with a loading dock and a 114-space surface parking lot.



The subject building is divided into three tenant spaces that contain Fresenius Medical Care, physicians' offices, and a vacancy. Commercial operations and residential properties border the subject site. Enterprise Rent-A-Car is located to the west. A dry cleaner and laundromat are also sited to the west across North Gordon Street. Los Toltecos Restaurant is sited to the east. A retail scuba shop and Verizon offices, as well as semi-detached residences, are located to the south across Duke Street. Single family homes border the lot to the north. A retaining wall and a tree buffer separate the homes from the subject site.

### BACKGROUND

The subject building and parking lot were constructed in 1967. Several restaurants had operated at the site, most recently Fuddruckers, with frontage on Duke Street. This restaurant closed in 2012, and the tenant space has remained vacant. In addition, a dialysis clinic has continually leased space at the subject building since before 1992, at a time when it was a permitted use in the C-2 (Commercial 2) zone. As part of the 1992 Zoning Ordinance revisions, the subject site was rezoned from C-2 (Commercial 2) to CC (Commercial Community). Although medical care facilities are not permitted in the CC zone, the dialysis clinic was allowed to continue operations as a non-complying use.

Fresenius Medical Care has operated in the City since June 1, 1973 and relocated to 4141 Duke Street in 1991. As an outpatient dialysis clinic, it operates in a 12,292 square foot tenant space at the rear of the building and can accommodate up to 27 patients at one time and 140 patients each week. Patients travel to the facility by personal vehicles or private medical van service and access the facility on the west side of the building, facing North Gordon Street. The hours of operation are: 6:00 a.m. to 10:00 p.m. Monday, Wednesday, and Friday; and 6:00 a.m. to 5:00 p.m., Tuesday, Thursday, and Saturday. Medical waste is stored inside the facility, and a

contracted disposal service, Stericycle, removes the waste from the property on a regular basis. Standard office refuse is stored in dumpsters and removed from the property two times a week.

### PROPOSAL

Fresenius Medical Care requests approval to expand a non-complying medical care facility within an existing commercial building at 4141 Duke Street. It proposes to add 7,338 square feet, the tenant space previously occupied by Fuddrucker's Restaurant, to the existing dialysis clinic for a total tenant space of 19,630 square feet. The business entrance would be relocated closer to Duke Street on the west side of the building. Thirty-six individuals would be treated at any one time and 200 patients would receive treatment each week. A maximum of 20 staff members would be on-site during each of the three daily shifts. The hours of operation would remain the same, as well as the arrangements for medical waste and garbage disposal.

### PARKING

Pursuant to Section 8-200(A)(9) of the Zoning Ordinance, a medical clinic is required to provide one space for every 200 square feet of floor area. Using 19,630 square feet of tenant space, the applicant is required to provide 99 parking spaces. The 1,805 square foot physicians' offices are required to provide 9 parking spaces. The 114-space shared parking lot exceeds the 108 space parking requirement for the applicant and the physicians' offices.

### ZONING/MASTER PLAN DESIGNATION

Given the limitations of Section 4-204 of the Zoning Ordinance, which does not permit medical care facilities in the CC zone, the existing medical care facility use operates as a non-complying use. Section 12-302 permits non-complying uses to operate indefinitely as by-right uses subject to restrictions, such as Section 12-302(A) requiring special use permit approval for the physical expansion of a non-complying use.

The proposal is consistent with the Seminary Hill/Strawberry Hill Small Area Plan that designates the property for commercial use.

## **II. STAFF ANALYSIS**

Staff supports the applicant's request to expand its dialysis clinic operation within an existing commercial building at 4141 Duke Street. The proposal would allow the established medical care facility to expand its business and increase the opportunities for dialysis treatment in the City. Additionally, the facility expansion would fill a long-term vacancy in a prominent building along Duke Street.

Given the relatively small increase of patients receiving treatment each day, staff does not anticipate impacts on traffic, noise, and odors. The existing medical care facility has operated at the site and in the City for several years without resident complaint, therefore, a maximum of ten additional patients a day is not expected to result in noticeable neighborhood impacts. Further, the residential properties to the north are located at a higher elevation than the subject property

and are buffered from the dialysis clinic and the commercial properties below by an established stand of trees.

Staff has included standard SUP conditions such as the training of staff on SUP conditions, encouraging employees to use public transportation, and removing litter, as stated in Conditions, 3, 8, and 9, respectively. The proper disposal of medical waste is required in Condition 4 and the maintenance of the parking lot is mandated in Condition 10.

Subject to the conditions stated 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 hours of operation shall be 6:00 a.m. to 10:00 p.m. Monday, Wednesday, Friday, and 6:00 a.m. to 5:00 p.m., Tuesday, Thursday, Saturday. (P&Z)
3. 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)
4. All medical 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. (T&ES)
5. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
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. The applicant shall require its employees who drive to use off-street parking. (T&ES)
8. The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
9. 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 once 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)
10. The parking lot shall be maintained in good condition with legible parking space striping and kept free of elements such as potholes, cracks, and puddles. (P&Z)
11. 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 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 a 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, Land Use Regulatory Services,  
Department of Planning and Zoning;  
Ann Horowitz, Urban Planner.

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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 medical 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. (T&ES)
- R-2 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-5 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
- R-6 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 once 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)
- C-1 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](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
- C-2 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. (T&ES)

##### Code Enforcement:

No comments received

##### Fire

No comments or concerns



Health:

No comments

Parks and Recreation:

No comments received

Police Department:

No comments received



# APPLICATION

## SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2015-0112

**PROPERTY LOCATION:** 4141 Duke Street, Alexandria, Virginia 22304

**TAX MAP REFERENCE:** 050.03-09-15

**ZONE:** CC

**APPLICANT:**

Name: Christopher D. Kidd (Agent)

Address: 4141 Duke Street, Alexandria, Virginia 22304

**PROPOSED USE:** Expansion of an existing dialysis clinic.

☒ **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.

Christopher D. Kidd (Agent)

Print Name of Applicant or Agent

N48W16550 Lisbon Road

Mailing/Street Address

Menomonee Falls, WI 53051

City and State

Zip Code

Signature

10/15/15

Date

(262) 901-0505

Telephone #

(262) 901-0510

Fax #

b.rozga@cka-ae.com

Email address

**ACTION-PLANNING COMMISSION:**

**DATE:**

**ACTION-CITY COUNCIL:**

**DATE:**

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 4141 Duke St Alexandria, VA, I hereby  
 (Property Address)  
 grant the applicant authorization to apply for the expansion of existing dialysis center use as  
 (use)  
 described in this application.

Name: Scott A. Wilson - managerPhone: 301.854.0722Address: P.O. Box 501 Fort Aven, MD 20759Email: Scott.Wilson@GreentreePartnersLLC.comSignature:  - managerDate: 10/15/2015

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.

Bio-Medical Applications of Virginia, Inc. (dba/ BMA Alexandria), Fresenius Medical Care Alexandria

Address: 4141 Duke Street, Alexandria, VA 22304

Ownership: Tenant only (0% ownership)

## 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. Christopher D. Kidd	N48W16550 Lisbon Road Menomonee Falls, WI 53051	0% (Application Agent)
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 4141 Duke Street Alexandria, VA 22304 (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. Scott A. Wilson	Po Box 501 Fulton, MD 20759	50%
2. Carlyn Properties, LLC	Po Box 501 Fulton, MD 20759	45%
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 required 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 indicate each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

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. Scott A. Wilson	None	
2. Carlyn Properties, LLC	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.

10/15/2015  
Date

Christopher D. Kidd  
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.)

Requesting a Special Use Permit be issued to the existing Fresenius Medical Care (Dialysis) facility located at 4141 Duke Street, allowing them to expand within the existing building. Expansion will allow the facility to handle more capacity and will ensure additional care is provided to the community.

Currently this facility has a capacity for (27) patients, but with the increase in overall space, the total number of patients accommodated at any one time will be (36).

Patients are typically dropped off either by a medical service or family members (although some patients do transport themselves) to the Patient Entrance of the facility (currently located on the West side of the building). With the new expansion, a new patient entrance will be moved closer to Duke Street (but will still face to the West).

This facility runs shifts of patients to accommodate as much of the community as possible - currently (3) shifts run with a total of (140) patients served per week. Upon completion of the renovation, the total patient population served will increase to approximately (200) patients.



## 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).

A maximum of 36 patients are expected at any given time, peak hours 7am - 4pm.

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

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

A maximum of 20 staff members are expected at any given time, peak hours 7am - 4pm.

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

Day:

Monday / Wednesday / Friday

Hours:

6am - 10pm

Tuesday / Thursday / Saturday

6am - 5pm

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

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

Low noise levels are expected. People arrive or are dropped off and remain within the facility until they leave.

B. How will the noise be controlled?

N/A

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

No potential odors are expected.

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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)

Typical medical office amounts of material.

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- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
- Trash consists of standard office refuse, materials related to the dialysis
- Estimated 8 bags per day, process (boxes, wrappers for medical equipment, other containers, etc.),
- paper, etc. All medical waste generated by the facility will be stored inside (in
- a dedicated room) and picked up by a contracted service.

- C. How often will trash be collected?

Dumpsters are emptied (2) times a week.

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

Everything that is produced is disposed of in proper areas.

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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:

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- 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:

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- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons? Standard care shall be taken of the property to ensure general welfare of the public.

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## 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.

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**PARKING AND ACCESS REQUIREMENTS**

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

105 Standard spaces  
-- Compact spaces  
9 Handicapped accessible spaces.  
-- Other.

\*Note: Other building tenant (consisting of an approximately 1,800 SF space) is slated to be a Doctor's Office which will correspond with the dialysis function of the building.

<p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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- 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 Truck Dock

<p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement?  <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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- B. Where are off-street loading facilities located? Existing truck dock on East side of building.
- C. During what hours of the day do you expect loading/unloading operations to occur?  
Expected deliveries will arrive between 8am and 12pm.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
Once a week (Friday).
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?  
No impact to traffic flow is associated with this application.

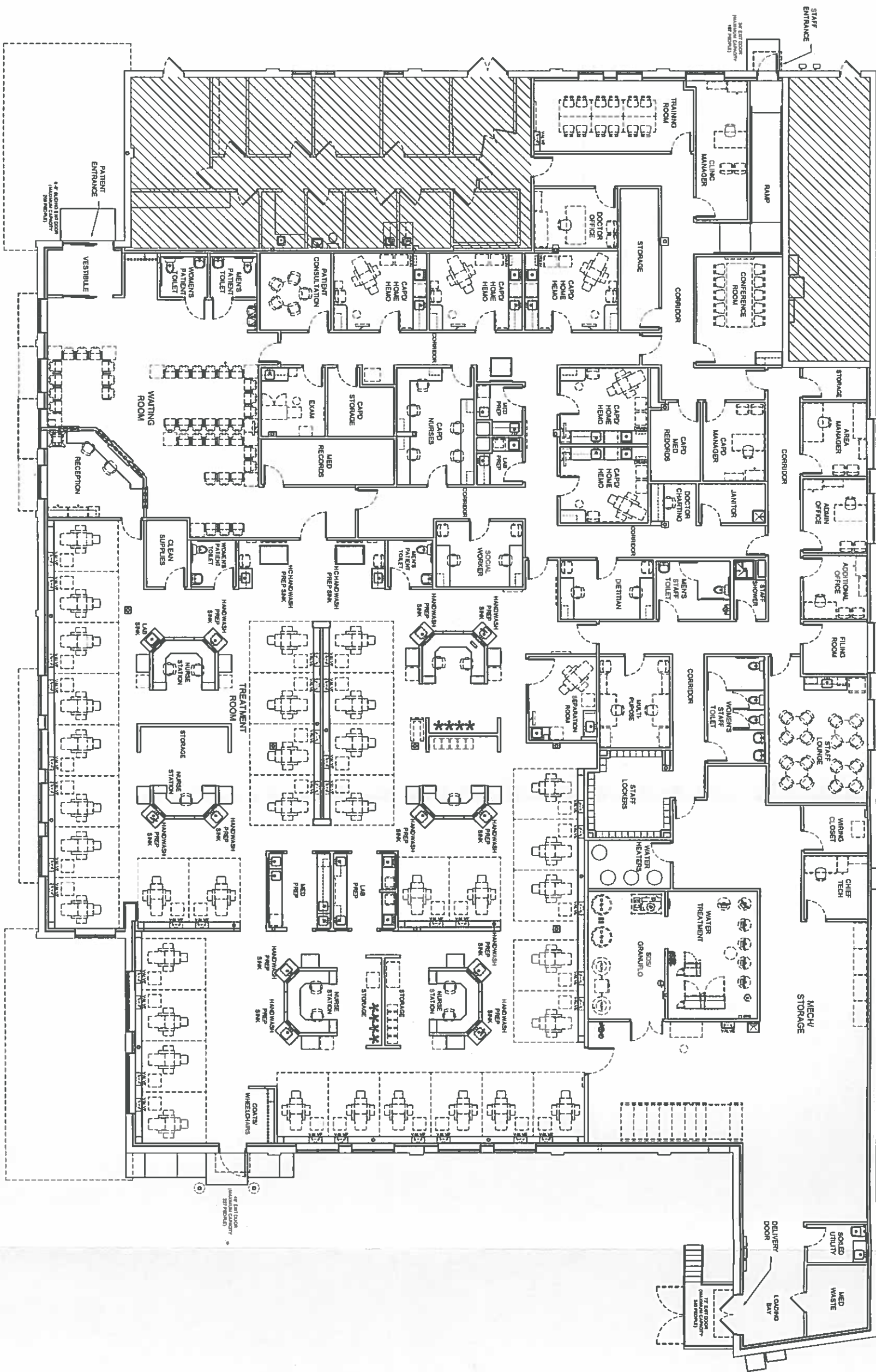
## SITE CHARACTERISTICS

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?  
 \*Existing clinic SF: 12,292 SF  
 \*Proposed tenant expansion: 7,338 SF  
 \*Total project SF:  
19,630 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = 19,630 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: \_\_\_\_\_

End of Application







NOT FOR CONSTRUCTION



## FMC - Alexandria

FMC Location #1132-2

4141 Duke Street

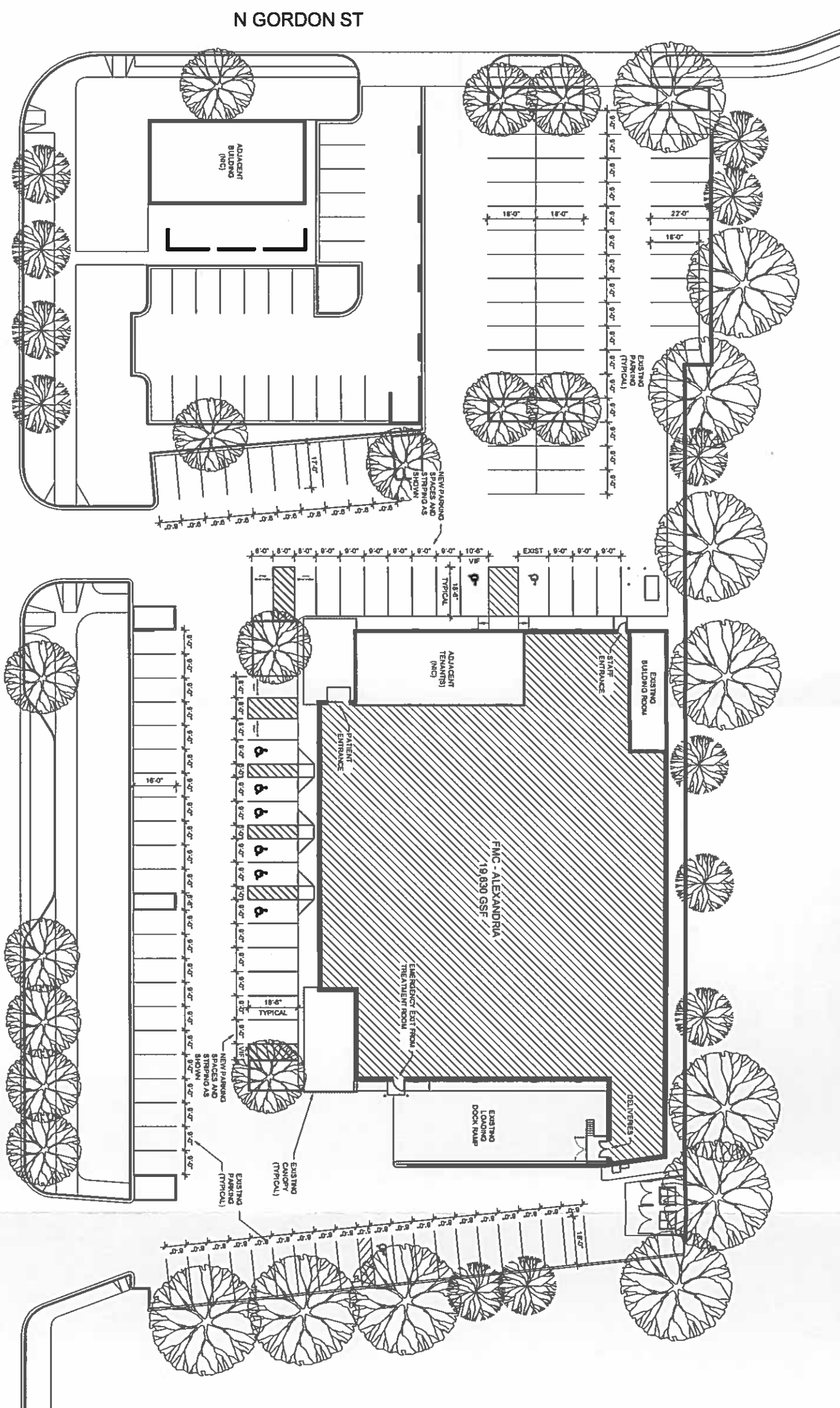
Alexandria, Virginia 22304

GROSS SQUARE FOOTAGE = 19,630 SF

**CKA**  
Christopher Kidd and Associates, LLC  
ARCHITECTS ENGINEERS PLANNERS  
14000 Lee Road, Suite 200, Alexandria, VA 22304  
P 703 267 1000 F 703 267 0810 [info@ckad.com](mailto:info@ckad.com) [www.ckad.com](http://www.ckad.com)







NOT FOR CONSTRUCTION



**FMC - Alexandria**  
 FMC Location #1132-7  
 4141 Duke Street  
 Alexandria, Virginia 22304  
 GROSS SQUARE FOOTAGE = 19,630 SF

**Christopher Kidd and Associates, LLC**  
 ARCHITECTS ENGINEERS PLANNERS  
 14000 Lee Road, Suite 1000, Alexandria, VA 22304  
 P: 703.201.1200 F: 703.201.1201 AKC@ckidand.com