

EXHIBIT NO. 1

3
12-18-04

Docket Item #3
SPECIAL USE PERMIT #2004-0098

Planning Commission Meeting
December 7, 2004

ISSUE: Consideration of a request for a special use permit to operate a martial arts studio.

APPLICANT: Myung H. Kang

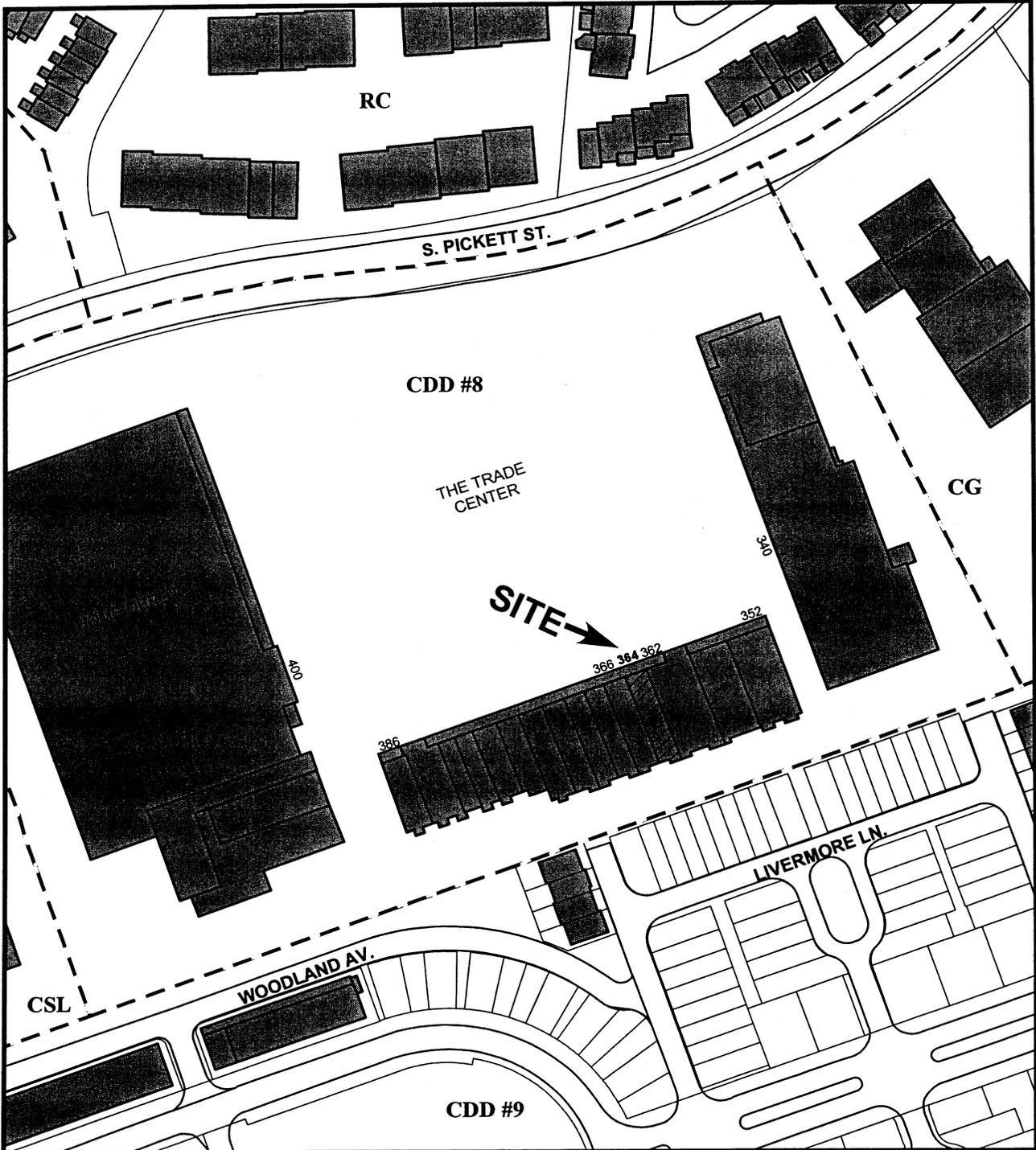
LOCATION: 300 South Pickett Street (Unit Address: 364 South Pickett Street)

ZONE: CDD-8/Coordinated Development District

PLANNING COMMISSION ACTION, DECEMBER 7, 2004: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



SUP #2004-0098

12/07/04



I. DISCUSSION

REQUEST

The applicant, Myung H. Kang, requests special use permit approval for the operation of a martial arts school located at 300 South Pickett Street, unit 364, within the Trade Center Shopping Center.

SITE DESCRIPTION

The subject property is one lot of record with approximately 1,000 feet of frontage on South Pickett Street, and a total lot area of 15 acres. The site is developed with the Trade Center Shopping Center. Access to the property is from South Pickett Street.

The proposed martial arts studio will occupy a unit of approximately 2,238 square feet, in the center of the Trade Center shopping center. Other tenants in the shopping center include Home Depot, the Mediterranean Bakery, the U.S. Post Office, the Pizza Box, Gymboree and Wiygul Automotive.

PROJECT DESCRIPTION

This application is a request to operate a martial arts studio offering classes to both children and adults in Tae Kwon Do. The applicant states that between five and ten students will attend each class. Only one class will be conducted at any one time.

Hours of Operation: The school will be open between 10:00A.M. and 9:00 P.M., Monday through Friday, with classes held between 4:30 P.M. and 9:00P.M. Between 10:00 A.M. and 4:00 P.M. Monday through Friday the studio will be open for phone calls and visitors, but no classes will be offered. On Saturdays, the school will be open between 10:00 A.M. and 4:00 P.M., with classes held between 10:00 A.M. and 3:00 P.M. The school will be closed on Sundays.

Employees: The school will be operated by one full-time employee.

Trash: The applicant expects to generate one small bag of trash daily, which will be collected once or twice weekly.

PARKING

Section 8-200(A)(11) of the zoning ordinance requires a school which holds classes for a maximum of thirty-six students at any one time to provide eighteen parking spaces.

Off-street parking provided and required by use in the Trade Center/ Home Depot shopping center is as follows:

<u>Use</u>	<u>Required Parking</u>
Restaurants(SUP#2713-A, #2328, #1430-A and #94-0328)	68 spaces
Proposed Commercial School	18 spaces
Existing Commercial School (SUP#99-0084)	16 spaces
Retail	657 spaces
Personal Service	15 spaces
Post Office	57 spaces
Auto Repair (SUP#2627)	<u>24 spaces</u>
Off-Street Parking <u>Required</u> :	855 spaces
Off-Street Parking <u>Provided</u> :	855 spaces

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD-8/ Coordinated Development District, Trade Center. The underlying zoning is CG, Commercial General. Section 4-403(W) of the zoning ordinance allows a commercial school in the CG zone only with a special use permit.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial general uses.

II. STAFF ANALYSIS

Staff recommends approval of the operation of a martial arts school located at 300 South Pickett Street, unit 364, within the Trade Center shopping center. Staff believes that the proposed martial arts school is compatible with the existing retail and service oriented uses in the shopping center. Staff notes that the hours of operation and enrollment are less than the existing commercial school, (Gymboree) and are similar to a previously existing commercial school (karate), and neither have created problems for the surrounding uses.

The applicant's proposed hours of operation are between 10:00 A.M. and 9:00 P.M. Monday through Friday and between 10:00 A.M and 4:00 P.M. on Saturdays. A previously existing karate studio located within the Trade Center Shopping Center operated between 6:30A.M. and 9:00 P.M. Monday through Saturday. The Gymboree operates from 9:00 A.M. to 9:00 P.M. daily and the Home Depot operates between 6:00 A.M. and 11:00 P.M. Monday through Thursday and between 8:00 A.M. and 8:00 P.M. on Sundays. Restaurants in the Trade Center have opening hours ranging from

7:00 A.M. to 10:00 A.M. and closing hours ranging from 6:00 P.M. to 10:00 P.M. Wiygul Automotive operates from between 7:00 A.M. and 8:00 P.M. It is unlikely that the martial arts studio will negatively impact the Trade Center Shopping Center, therefore the staff recommends extending the hours of operation from the applicant's request to between 6:30 A.M. and 10:00 P.M. daily, to allow the applicant more flexibility scheduling classes.

Staff has included conditions restricting the maximum number of students on-site to 36 at any one time and requiring a security survey for the school, a personal safety program, and a consultation with the Police regarding security hardware for the building as recommended by the Police. Finally, staff has included a condition requiring a review of the school after it has been operational for one year so that if there are problems with its operation, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit.

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 of the school shall be limited to between 6:30 A.M. and 10:00 P.M., daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The number of students receiving instruction at any one time shall not exceed 36. (P&Z)
5. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery awareness program for all employees. (Police)
6. 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, 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: Eileen Fogarty, Director, Department of Planning and Zoning;
Mary Christesen, Planning Technician

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:

- 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.

Code Enforcement:

- C-1 The current use is classified as M, Merchantile; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1). Since this space will contain mixed uses, the certificate must state the purpose for which each space is to be used in its several parts (USBC 119.4).
- C-4 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-5 Certification is required from the owners or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos (USBC 112.1.4).

- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-9 A fire prevention code permit is required for the proposed operation. 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. This facility may be required to have a permit, depending on the equipment and facilities layout. If a permit is found to be required:
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 11, Swimming Pools, Administrative Regulation 20-6, Swimming Pools.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

APPLICATION for SPECIAL USE PERMIT # 2004-0098

[must use black ink or type]

PROPERTY LOCATION: 300 PICKETT ST., S. ALEXANDRIA, VA 22304-4709

TAX MAP REFERENCE: 058 03 03 03 ZONE: CDD-8

APPLICANT Name: MYUNG H. KANG

Address: 3815 DANIELS RUN CT. FAIRFAX, VA 22030

PROPERTY OWNER Name: (THE TRADE CENTER) BELAY, JOSEPH M.

Address: 830 HERBERT SPRINGS RD. ALEXANDRIA, VA 22308

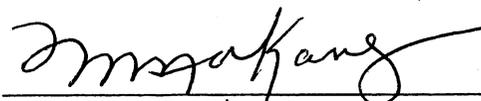
PROPOSED USE: MARTIAL ART STUDIO

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

MYUNG H. KANG
Print Name of Applicant or Agent


Signature 703-521-6440

3815 DANIELS RUN CT.
Mailing/Street Address

703)521-8100 703)813-8910
Telephone # Fax #

FAIRFAX VA 22030
City and State Zip Code

SEP. 21 2004
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: 9

REVISED

Special Use Permit # 2004-0098

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

*

Joseph Guiffre 703) 660 - 9700
830 Herbert Springs Rd.
Alexandria, VA 22308

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.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8 1/2" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

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, including such items as 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, and whether the use will generate any noise. (Attach additional sheets if necessary)

NUMBER OF EMPLOYEE : 1
CLASS STARTS AT 4:30 PM
ENDS AT 9:00 PM.
BUSINESS HOURS ARE 10:00 AM - 9:00 AM
EACH CLASS WILL HAVE 5-10 STUDENTS
EACH CLASS IS FOR 45 MINUTES
PARKING SPACES ARE UNATTENDED, THERE
ARE PLENTY OF PARKING SPACES FOR THE
SHOPPING CENTER.
THE USE WILL NOT GENERATE ANY NOISE

REVISED

Special Use Permit # 2004-0098

USE CHARACTERISTICS

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

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- 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).

INSTRUCTOR : 1 , CLIENTS : 5 - 10

* B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

CLASS HOURS : 4:30 - 9:00 M-F
10:00 - 3:00 Saturday 10:00-3:00

1 EMPLOYEE : M-F (10:00AM - 9:00PM)
SAT (10:00AM - 4:00PM)

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

Day:

Hours:

M-F
SAT

10:00 AM - 9:00 PM
10:00 AM - 4:00 PM

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

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

NONE 12

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B. How will the noise from patrons be controlled?

*

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

No odors are expected as a result
of this martial arts studio.

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?

PAPERS & SNACKS

B. How much trash and garbage will be generated by the use?

1 SM TRASH BAG EACH DAY

C. How often will trash be collected?

EVERY DAY

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

TRASH CANS PLACED IN THE
SHOPPING CENTER

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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:

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.~~ 12. What methods are proposed to ensure the safety of residents, employees and patrons?
No unusual hazards result from use of space as a martial arts studio. We have procedures in place to call emergency services in case of an accident.

ALCOHOL SALES

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

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

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PARKING AND ACCESS REQUIREMENTS

* 14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

Sufficient parking spaces are available in shopping center. Approximately 8 parking spaces are needed per class.

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

- 7 Standard spaces
- _____ Compact spaces
- 1 Handicapped accessible spaces.
- _____ Other.

C. Where is required parking located? on-site off-site (check one)

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

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.

D. 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.

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?

None needed - this is not a

B. How many loading spaces are available for the use?

retail (goods & operation)

C. Where are off-street loading facilities located?

15

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PLANNING

FORM 09/05

Special Use Permit # 2004-0098

D. During what hours of the day do you expect loading/unloading operations to occur?

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

~~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?

Street access is adequate - property is in a shopping center.

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?

2238 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2238 sq. ft. (total)

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MYUNG H. KANG
Print Name of Applicant or Agent


Signature
703-521-6440

3815 DANIELS RUN CT.
Mailing/Street Address

703)521-8100 703)813-8950
Telephone # Fax #

FAIRFAX VA 22030
City and State Zip Code

SEP. 21 2004
Date

=====**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 12/7/04 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 12/18/2004 City Council 9 approved 7-0