

EXHIBIT NO. 1

4
10-15-05

Docket Item #4
SPECIAL USE PERMIT #2005-0086

Planning Commission Meeting
October 4, 2005

ISSUE: Consideration of a request for a special use permit to operate a commercial school.

APPLICANT: Teresa P. Dos

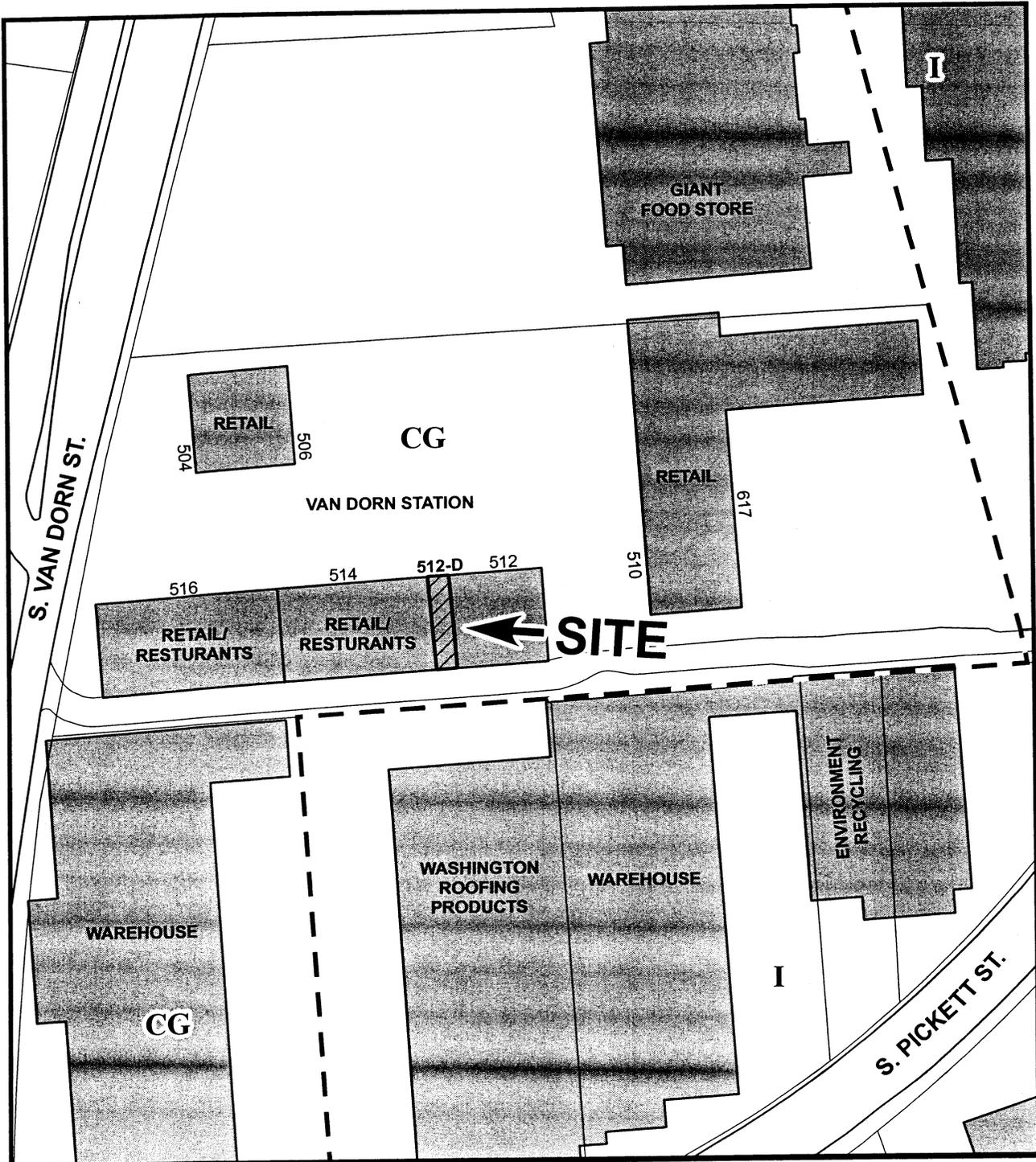
LOCATION: 512-D South Van Dorn Street

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, OCTOBER 4, 2005: 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 recommended permit conditions found in Section III of this report.



SUP #2005-0086

10/04/05



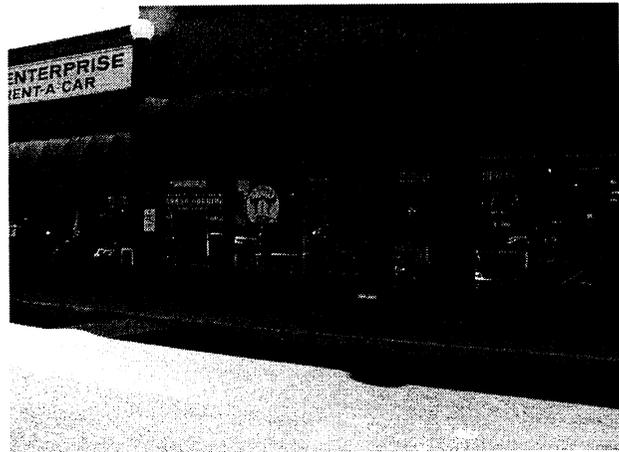
I. DISCUSSION

REQUEST

The applicant, Teresa P. Dos, requests special use permit approval for the operation of a martial arts studio (commercial school) located at 512-D S. Van Dorn Street.

SITE DESCRIPTION

The subject property is part of one lot of record with 313 feet of frontage on South Van Dorn Street, 911 feet of depth and a total lot area of five acres. The site is developed with a shopping center consisting of four buildings with 75,000 square feet of retail and warehouse space. Unit 512-D is located in the southernmost building. The space totals 1,450 square feet. The tenant space was most recently occupied by half of the Chris Collins Dance Studio (SUP#2632).



PROPOSAL

The applicant proposes to operate a martial arts studio providing classes to students. The specific aspects of the operation as proposed by the applicant are as follows:

Hours: 12:00 p.m. to 9:00 p.m. Monday through Friday, 10:00 a.m. to 5:00 p.m. Saturday, and closed on Sunday.

of Students: 10-14 students for each class

Noise: Noise levels will be kept at a minimum.

Trash/Litter: Very little trash will be generated by the use. Trash will consist of office paper. A dumpster and recycle bin are located behind the building for refuse.

PARKING

According to Section 8-200(A)(11) of the Zoning Ordinance, a commercial school requires one parking space for every two students. In this case, the applicant proposes up to 14 students, therefore, the parking requirement would be seven spaces. Parking for retail uses in the subject building at Van Dorn Station were approved in Site Plan (#88-036). A retail business at this location would require nine spaces. The applicant complies with the parking requirement. The center was approved for a total of 287 parking spaces for retail and warehouse uses.

ZONING

The subject property is located in the CG/Commercial General zone. Section 4-403 (W) of the Zoning Ordinance allows a commercial school in the CG zone only with a special use permit.

MASTER PLAN

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

BACKGROUND

A building permit was issued for the tenant space for the proposed commercial school in August 2005. After the building permit was approved, the applicant proceeded to implement the improvements to the space and get ready to open. According to the applicant, information regarding the special use permit requirement was not provided during the building permit process. The applicant occupied the space and began operating the school in September 2005. The space was most recently occupied by a commercial school, and staff is not aware of any issues with this type of business at this location. Therefore, in fairness to the applicant who acted in good faith, staff permitted the business to open in this circumstance, but explained to the applicant that the a Special Use Permit would have to be approved for the use to remain.

II. STAFF ANALYSIS

Staff does not object to the proposed martial arts school located at 512-D S. Van Dorn. Staff finds that the proposed martial arts school is compatible with the existing retail and service oriented uses in the shopping center. The proposed operation is similar to the dance school that previously operated from the space, and staff is not aware of issues from that business. The use started without the required SUP and, while staff cannot condone operation of a use without SUP approval, based on the previous use of the space, staff finds the use appropriate at this location.

Staff has included conditions restricting the maximum number of students on-site to 14 at any one time and requiring a security survey for the school. Staff recommends permitting more flexible hours to be consistent with the hours of operation approved at other locations in the shopping center, and to provide some flexibility to the applicant for future. Staff has also 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 7:00 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 14. (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;
Richard Josephson, Deputy Director;
Valerie Peterson, 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:

F-1 No comments

Code Enforcement:

- C-1 The current use is classified as M, Mercantile; the proposed use is B, Business. 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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3
- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 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:

F-1 No comments

Police Department:

R-1 The applicant is to contact the Community Relations 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 Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

APPLICATION for SPECIAL USE PERMIT # 2005-0086

LP

[must use black ink or type]

PROPERTY LOCATION: 512 D S. VAN DORN ST. ALEXANDRIA 22304

TAX MAP REFERENCE: 067.02 02 01 ZONE: CG

APPLICANT Name: TERESA P. DOS

Address: 8011 MACE CIRCLE, MANASSAS, VA 20111

PROPERTY OWNER Name: TERESA P. DOS

Address: 8011 MACE CIRCLE, MANASSAS, VA 20111

PROPOSED USE: MARTIAL ARTS INSTITUTION

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.

TERESA P. DOS
Print Name of Applicant or Agent

[Signature]
Signature

8011 MACE CIRCLE
Mailing/Street Address

703-969-2626 703-494-1979
Telephone # Fax #

MANASSAS VA 20111
City and State Zip Code

07-27-05
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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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.

TERESA P. DOS
8011 MACE CIRCLE
MANASSAS, VA 20111
100% OWNERSHIP

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 8½" 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)

REQUEST TO OPERATE A MARTIAL ARTS STUDIO - COMMERCIAL
SCHOOL WITH MARTIAL ARTS INSTRUCTIONAL SERVICE. THE
BUSINESS HOURS OF OPERATION PROPOSED ARE 12PM - 9PM
MON - FRI, 10AM - 5PM SAT. INSTRUCTIONAL CLASSES WILL
BEGIN AT 4PM WEEKDAYS WITH CLASSES ENDING EVERY
45 MINS. EACH CLASS WILL CONSIST OF 10-14
STUDENTS AND EACH CLASS IS SPECIFIED BY EITHER
RANK, AGE, OR MARTIAL ART STYLE. FOR SAFETY,
THERE WILL ALWAYS BE AT LEAST TWO STAFF MEMBERS
PRESENT DURING TIMES OF INSTRUCTIONAL SERVICE.
THERE WILL NOT BE COMPETITION EVENTS ON THIS
PREMISES INVOLVING CONTACT SPARRING. THERE IS
PLENTY OF PARKING SINCE THIS IS LOCATED IN
A SHOPPING CENTER AND SINCE CLASSES END EVERY
45 MINS. OR SO PEOPLE ARE LEAVING TO
GIVE PARKING SPACES FOR THE NEXT SESSION
OF CLASSES. NOISE WILL BE KEPT AT THE VERY
MINIMAL BECAUSE DISCIPLINE WILL BE TAUGHT IN PLACE.

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).

VERY MINIMAL AMOUNT OF OF PATRON BETWEEN THE HOURS OF
12PM - 4PM. FROM 4PM - 9PM ESTIMATING 50 PATRONS/STUDENTS.

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

2 EMPLOYEES WILL BE ON STAFF DURING BUSINESS
HOURS.

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

Day:

MONDAY, TUESDAY, WEDNESDAY
THURSDAY, FRIDAY
SATURDAY
SUNDAY

Hours:

12PM - 9PM 4PM - 8:30PM (INSTRUCTIONAL)
12PM - 9PM 4PM - 8:30PM (INSTRUCTIONAL)
10AM - 5PM 10AM - 2PM (INSTRUCTIONAL)
CLOSED

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

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

NOISE LEVELS WILL BE KEPT AT THE VERY MINIMAL STATE
SINCE THIS IS A MARTIAL ARTS INSTITUTION - ADULTS + CHILDREN
WILL BE TRAINED TO HAVE DISCIPLINE + RESPECT.

B. How will the noise from patrons be controlled?

IF NOISE FROM ADULTS + CHILDREN SHALL EVER ARISE -
THE WILL ALWAYS BE A STAFF MEMBER TO SUPERVISE
AND CONTROL THE ATMOSPHERE OF THE PREMISES.

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

THERE SHOULD NOT BE ANY POTENTIAL ODORS EMANATING
FROM PROPOSED USE. AT THE VERY MINIMAL THE ODOR
OF HUMID + SWEAT BUT IT WILL BE PREVENTED BY HAVING

9. Please provide information regarding trash and litter generated by the use: ^{THE PREMISES VENTILATED! CLEAN.}

A. What type of trash and garbage will be generated by the use?

VERY MINIMAL TRASH WILL BE GENERATED BY OUR PROPOSED USE.
TRASH WILL MAINLY BE OFFICE PAPERS AND RESTROOM TRASH.

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

VERY MINIMAL TRASH WILL BE GENERATED BY OUR PROPOSED USE.
NO MORE THAN 5 LBS OF PAPER USE DAILY.

C. How often will trash be collected?

THE IS A RECYCLE / DISPOSAL IN THE BACK OF THE
BUILDING. MOST LIKELY TWICE PER WEEK.

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

WE WILL BE TRAINING STUDENTS ON BEING GOOD CITIZENS
BY BEING THE OURSELVES AND CORRECTING THEM WHEN
IT COMES TO HAVING A CLEAN ENVIRONMENT.

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 residents, employees and patrons?

MOST IMPORTANTLY WE BELIEVE OUR PROPOSE USE WILL BE A KEY METHOD
OF SAFETY TOWARD OUR RESIDENCES, EMPLOYEES, AND PATRONS. WE WILL ALWAYS
FOLLOW CODE, RULES, + REGS TO ENSURE SAFETY FIRST.

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.

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?

1 parking space for every 2 students

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

APPR. 90 Standard spaces

APPR. 40 Compact spaces

APPR. 20 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? N/A

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

C. Where are off-street loading facilities located? _____

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?

YES, STREET ACCESS TO OUR SUBJECT PROPERTY IS VERY 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?

1,450 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1,450 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: VAN DORN STATION

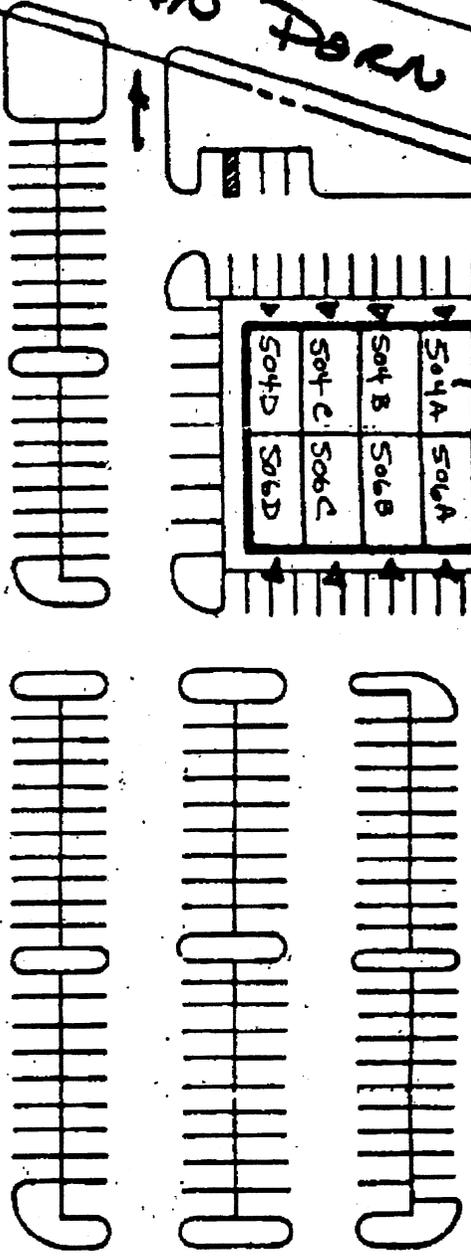
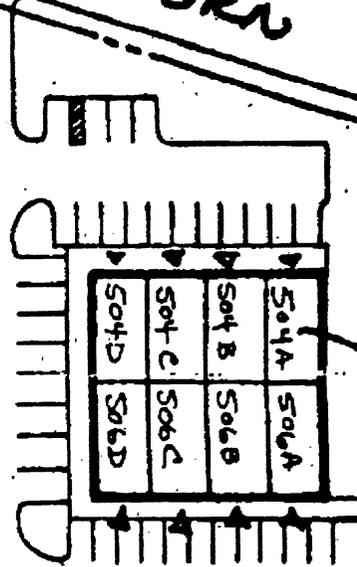
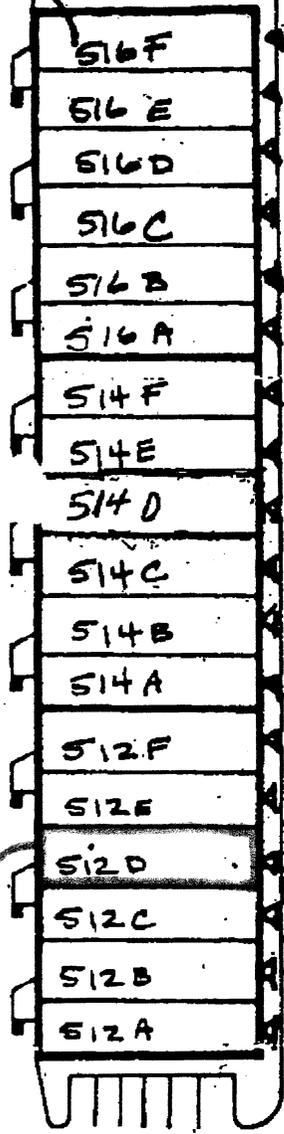
an office building. Please provide name of the building: _____

other, please describe: _____

SOUTH VAN DORN

18 STORES

8 STORES



025

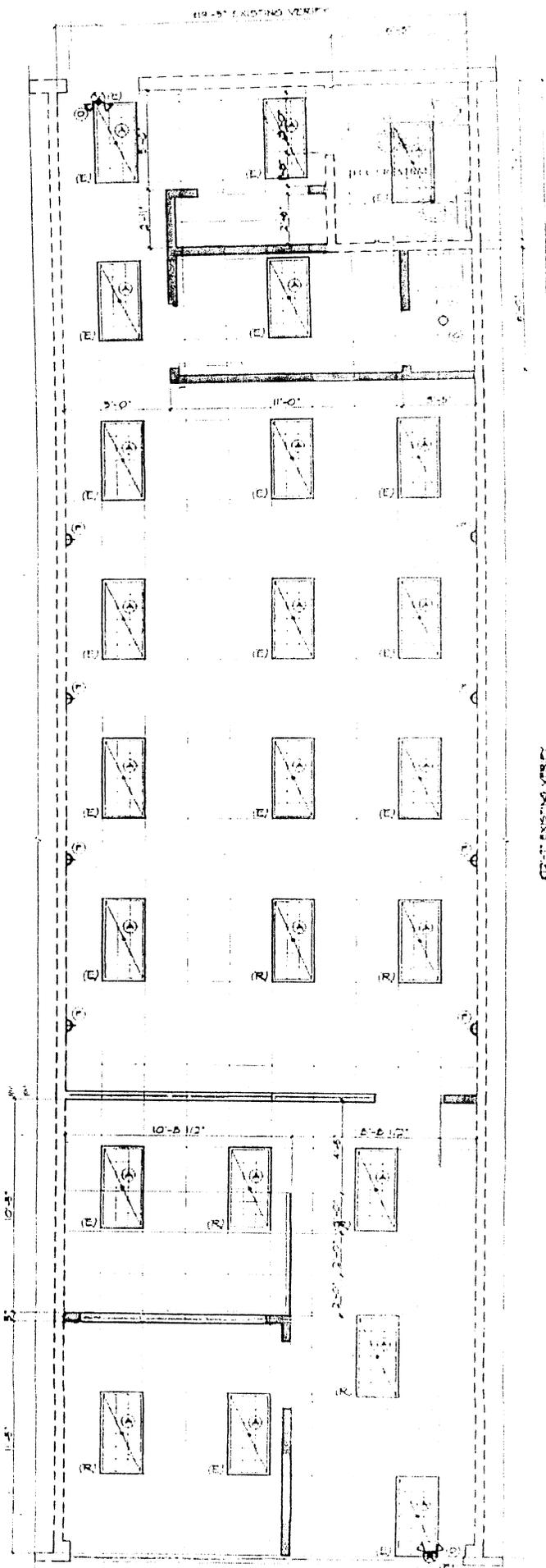
VAN DORN STATION: UPPER LEVEL RETAIL STORES

KEY: ▲ - STORE ENTRANCE (38 UNITS TOTAL)

APRIL 18, 1989

S12 D
S. VAN DORN ST.

VIRGINIA
THEATRICAL ARTS
INSTITUTE, INC.



512D. SOUTH VAN POEN
ALEXANDRIA, VA 22304

VIRGINIA MARTIAL ARTS
INSTITUTE, INC.

RENOVATION FLOOR PLAN

APPLICATION for SPECIAL USE PERMIT # 2005-0086

[must use black ink or type]

LP

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TAX MAP REFERENCE: 067.02 02 01 ZONE: CG

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Telephone # Fax #

MANASSAS VA 20111
City and State Zip Code

07-27-05
Date

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

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

ACTION - PLANNING COMMISSION: unanimous consent recommended approval 10/4/05

ACTION - CITY COUNCIL: 10/15/05- CC approved the PC recommendation 7-0

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