

EXHIBIT NO. 1

3
9-20-05

Docket Item #3
SPECIAL USE PERMIT #2005-0067

Planning Commission Meeting
September 8, 2005

ISSUE: Consideration of a request for a special use permit to operate an amusement enterprise and for a parking reduction.

APPLICANT: The StrikeZone Baseball and Softball Academy, LLC
by Donald Conley and Karen Ford

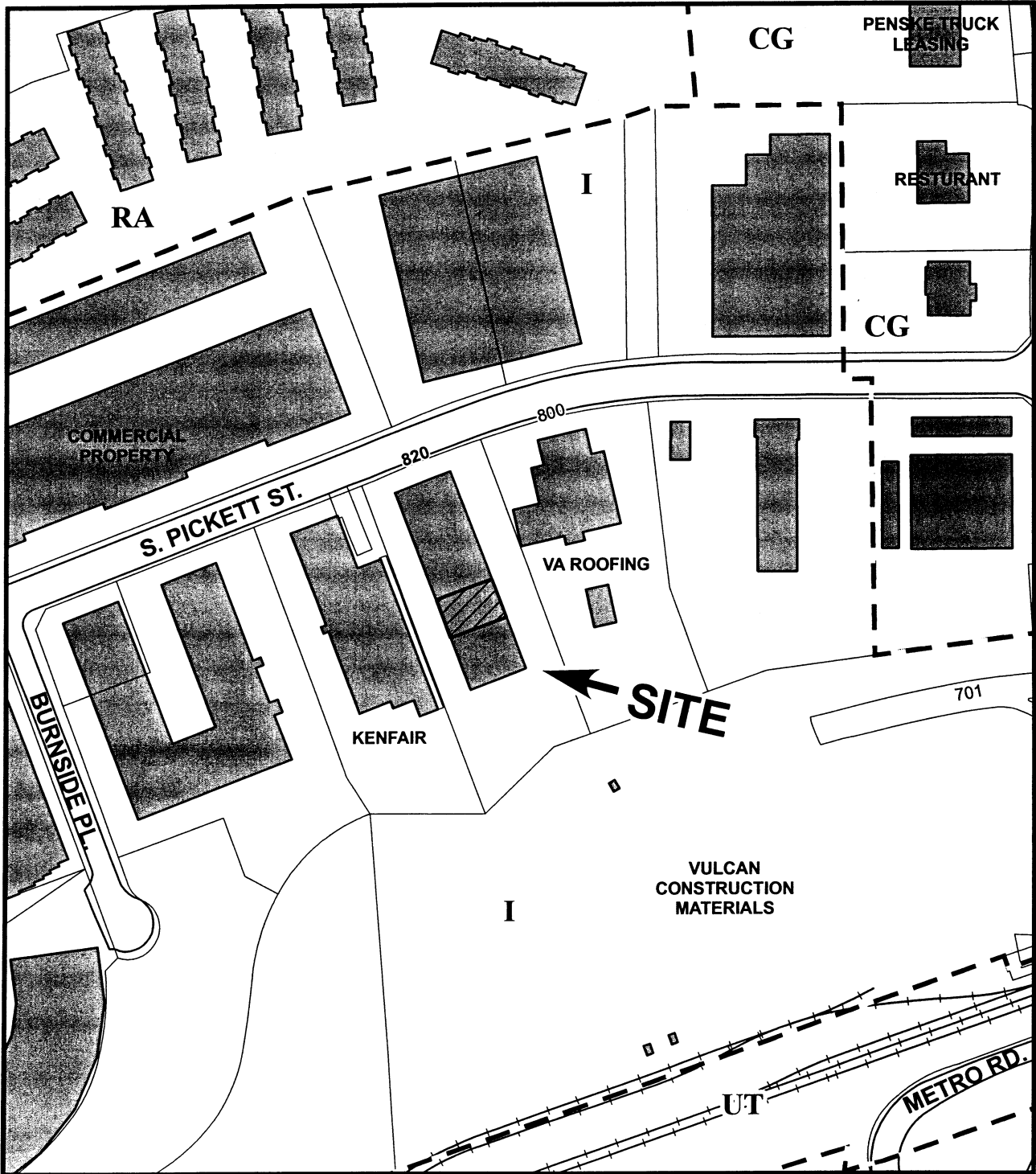
LOCATION: 820 South Pickett Street

ZONE: I/Industrial

PLANNING COMMISSION ACTION, SEPTEMBER 8, 2005: By unanimous consent, the Planning Commission voted to recommend 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 #2005-0067

09/08/05



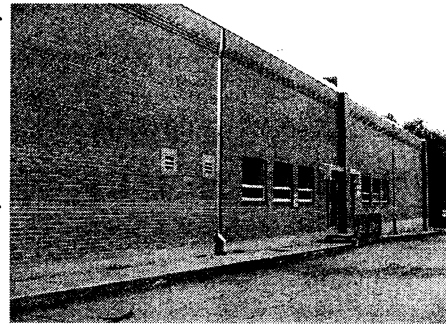
I. DISCUSSION

REQUEST

The applicants, The StrikeZone Baseball and Softball Academy, LLC, by Donald Conley and Karen Ford, request special use permit approval for the operation of an amusement enterprise located at 820 South Pickett Street, as well as a parking reduction.

SITE DESCRIPTION

The subject property is one lot of record with 210 feet of frontage on S. Pickett Street, 507 feet of depth and a total lot area of approximately .75 acre. The site is developed with a warehouse building and is occupied by warehouse, office, and an Asian food operation. Access to the property is from South Pickett Street. The surrounding area is occupied by a mix of industrial warehouse and office uses.



PROJECT DESCRIPTION

The applicant proposes to operate a facility for indoor baseball and softball, providing instruction and a place to practice hitting and pitching year-round. Clinics will be offered to youth ages eight to 15 on evenings and weekends. Memberships will be offered to those who wish to practice batting year-round in an indoor facility. Patrons are anticipated to be mainly youth accompanied by their parent(s). The facility will not be open to the public at large and will be on a membership and appointment only basis. The facility will be an open warehouse divided by nets into instruction areas. There will be three pitching machines that will be stationary and one portable machine. Specific aspects of the operation are described by the applicant as follows:

Hours:	Monday through Friday (September -June)	4:00pm-9:00pm
	Saturday (November-June)	8:00am-8:00pm
	Sunday (year-round)	12 noon-6:00pm
	Monday through Saturday (June-September)	9:00am-9:00pm

Number of patrons: The applicant anticipates no more than 20 patrons at any one time, and no more than 35 people total in the facility at any one time, including any parents of students, students and employees. There will be four batting cages and they cannot be used during clinics. Members will only be allowed in by appointment, therefore, no more than four members will be using the facility at any one time.

Noise: According to the applicant, noise levels will be minimal and will not be heard outside the facility. Nets will be used to eliminate any noise of balls hitting walls or ceilings.

Employees: From November through March, there will be approximately five employees (four coaches and one administrative staff) on Saturday from 8:00 am to 3:00 pm and on Sunday from 12:00 noon to 5:00 pm. At all other times during the hours of operation there will be two administrative employees on the premises, except during spring break when there will be five employees.

Trash/Litter: The applicant anticipates minimal trash, no more than one bag each week. Trash receptacles are available inside for patrons.

PARKING

According to Section 8-200 (A)(13) of the Zoning Ordinance, an amusement enterprise requires one parking space for every 200 square feet of floor area. A baseball/softball training facility with 5,900 square feet will be required to provide 30 off-street parking spaces. In this case, the applicant is only able to provide 15. Therefore, the applicant requests a parking reduction.

In support of the parking reduction, the applicant states that although the facility is large, it can only accommodate 20 patrons at any one time. Most of the patrons will be carpooling for clinics or will be dropped off and picked up. In addition, the hours of operation are after business hours, 4:00 pm to 9:00 pm Monday through Friday and 8:00 am to 8:00 pm on weekends, when other building tenants would not be present. When clinics are not in session, members may use the facility by appointment only, and there will only be the capacity for four members at any one time to use the four cages. There is street parking available on South Pickett Street from 7:00 am to 12:00 midnight. Regarding potential impacts on the surrounding neighborhood, the applicant states that the surrounding area is zoned industrial and used for industrial, business and some retail space, therefore, there will be no impact on residential neighbors. Street parking is used by other surrounding businesses during normal business hours, however, the proposed hours of the operation are evenings and weekends when these spaces would be available.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the I/Industrial zone. Section 4-1203 (A.1) of the Zoning Ordinance allows an amusement enterprise in the I 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 uses consistent with the I zone.

II. STAFF ANALYSIS

Staff does not object to the proposed baseball/softball instruction and practice facility. The use is located in a warehouse building in an industrial area where it will not have impacts on residential neighbors. It is not a use with late hours, and its activities provide a service to area baseball/softball players.

Regarding the parking reduction, staff finds that the proposed use will not generate a very high parking demand. The requirement for amusement enterprises includes uses such as skating rinks, dance halls, bingo halls, and other uses where there are a high number of individuals gathering in a space. In this case, the facility is a large space, but with a low number of users proposed in the space. A large area is needed for pitching machines and batting practice. Also, the clinics will be for children who will often carpool and/or be dropped off, reducing the demand for parking. In addition, the proposed facility's peak hours are generally evenings and weekends, outside of business hours, when there will also be street parking available if needed. Finally, the Department of Transportation and Environmental Services did not object to the proposed reduction.

Staff recommends a one year review to ensure compliance with the special use permit.

With this condition, 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 baseball/softball facility shall be limited to 8:00 am to 10:00 pm daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. 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 and a robbery awareness program for all employees. (Police)
5. The applicant shall maintain lighting to the satisfaction of the Director of T&ES in consultation with the Chief of Police. (P&Z)

6. 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, and on how to prevent underage sales of alcohol. (P&Z)
7. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, 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 T&ES finds that the proposed facility will have a negligible impact on available on-street parking, and supports the applicant's request for a parking reduction.

Code Enforcement:

- C-1 The current use is classified as F-Factory, S-Storage; 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 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 facilities shall be accessible for persons with disabilities. An accessible entrance is required.

- 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.

The following recommendation related to site lighting has not been included as a condition; rather, staff has recommended that the applicant maintain lighting to the satisfaction of the Director of T&ES in consultation with the Chief of Police, which will likely result in lower lighting levels than recommended by the Police.

- R-3 Due to the noted hours of operation, it is recommended that the lighting level for the parking lot be a minimum of 2.0 foot candles minimum maintained.
- F-1 The applicant is not seeking and "ABC" permit. The Police Department concurs.

APPLICATION for SPECIAL USE PERMIT # 2005-0069

[must use black ink or type]

PROPERTY LOCATION: 820 South Pickett Street /parcel 826

TAX MAP REFERENCE: 067.03-01-12 ZONE: I

APPLICANT Name: Donald Conley & Karen Ford (The StrikeZone Baseball & Softball Academy)

Address: 301 West Glendale Avenue Alexandria, VA 22301

PROPERTY OWNER Name: Virginia Roofing Company, LLC

Address: 800 South Pickett Street, Alexandria VA 22304

PROPOSED USE: Amusement Enterprise

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.

Donald C. Conley Jr.

Print Name of Applicant or Agent


Signature

301 West Glendale Avenue

Mailing/Street Address

703-548-6444 703-838-5958
Telephone # *Fax #*

Alexandria, VA 22301

City and State *Zip Code*

6/23/05
Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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.

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.

ATTACHED

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)

Nature of Activity

The cornerstone of The StrikeZone Baseball & Softball Academy, LLC, is to offer a high level of baseball and softball instruction to youth, and provide a state-of-the-art facility for those wishing to practice hitting and pitching year-round. Our goal is to develop and strengthen each player's skills and abilities by offering clinics to youth ages eight to fifteen on the evening and weekends. We will offer memberships to those who wish to practice batting year-round in an indoor facility. The patrons will be mainly youth accompanied by their parent(s). The facility can be classified as an Amusement Enterprise. The facility will not be open to the public at large and will be on a membership basis and appointment basis.

The facility will be an open warehouse divided by nets into instruction areas. There will be three pitching machines that will be stationary and one portable machine.

Number of patrons & employees and type of patrons

We anticipate no more than 35 people in the facility at one time. (This will include the parents of students, students and employees). Since there are only four batting cages and they cannot be used during clinics, members will only be allowed in by appointment, therefore, no more than four members will be using the facility at one time. There will be a total of six part time employees and at the most five employees will be at the facility at one time.

Hours of Operation

- | | |
|--------------------------------------|------------------|
| • Monday - Friday (September - June) | 4:00pm - 9:00pm |
| • Saturday (November - June) | 8:00am - 8:00pm |
| • Sunday (year-round) | 12 noon - 6:00pm |
| • Monday - Saturday (June-September) | 9:00am - 9:00pm |

Parking

Parking is on site with 15 spaces provided for the facility. Since the hours of operation are in the evenings and weekends, parking will not conflict with "normal (9-5) business hours". In addition, street parking is available on South Pickett Street from 7am - 12 midnight.

Noise Level

The noise level is minimal will not be heard outside the facility. Nets will be used to eliminate any noise of balls hitting walls or ceilings.

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).

November - March — 20 kids per hour on Saturday from 8am until 3pm; 15 to 20 kids on Sunday from 11:00 until 3:00. Weeknights during the winter will have 4 kids per hour for 2 hours a night (5pm - 7pm).

Members will be no more than 4 per hour per appointment. _____

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

November - March — 5 employees on Saturday from 8am until 3pm; 5 employees on Sunday from 11:00 until 3:00. Weeknights during the winter we will have 2 employees from 4pm - 7pm. _____

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

Day:	Hours:
<u>Monday - Friday (September - June)</u>	<u>4:00pm - 9:00pm</u>
<u>Saturday (November - June)</u>	<u>8:00am - 8:00pm</u>
<u>Sunday (year-round)</u>	<u>12noon - 6:00pm</u>
<u>Monday - Saturday (June-September)</u>	<u>9:00am - 9:00pm</u>
_____	_____

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

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

There will be a minimal amount of noise from balls hitting the bats, however, this should not be heard outside of the facility. Patrons are in instructional clinics, therefore, the patron noise will not be noticeable outside the facility. _____

B. How will the noise from patrons be controlled?

N/A

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

N/A

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?

Paper towels from the lavatories, candy wrappers, soda cans.

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

Trash will be minimal. Less than one bag per week.

C. How often will trash be collected?

We anticipate cleaning every night, and trash will be collected daily.

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

Since the patronage is in a clinic for an hour, we do not anticipate loitering outside by the patronage, there will be an indoor waiting area for parents with a trash receptical.

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?

The space will be Egrass compliant.

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?

There is total of 15 spaces provided - this should be more than sufficient - for the actual occupancy. Also, since this is an evening and weekend endeavor, adjacent spaces not being used by businesses may be utilized.

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

15 Standard spaces

_____ Compact spaces

_____ 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. **Provided**

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? N/A

C. Where are off-street loading facilities located? N/A

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

N/A

E. 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?
Street access is more than adequate for the proposed use.

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?

5,900 sq. ft. (existing) + 0 sq. ft. (addition if any) = 5,900 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: _____

PARKING REDUCTION SUPPLEMENTAL APPLICATION

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)

The parking requirement for our use (Amusement Enterprise) is 30 spaces. We are only able to provide 15 standard spaces per our lease, therefore, we are requesting a parking reduction of 15 spaces.

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

ATTACHED

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

The building is a multi tenant building.

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. ATTACHED

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

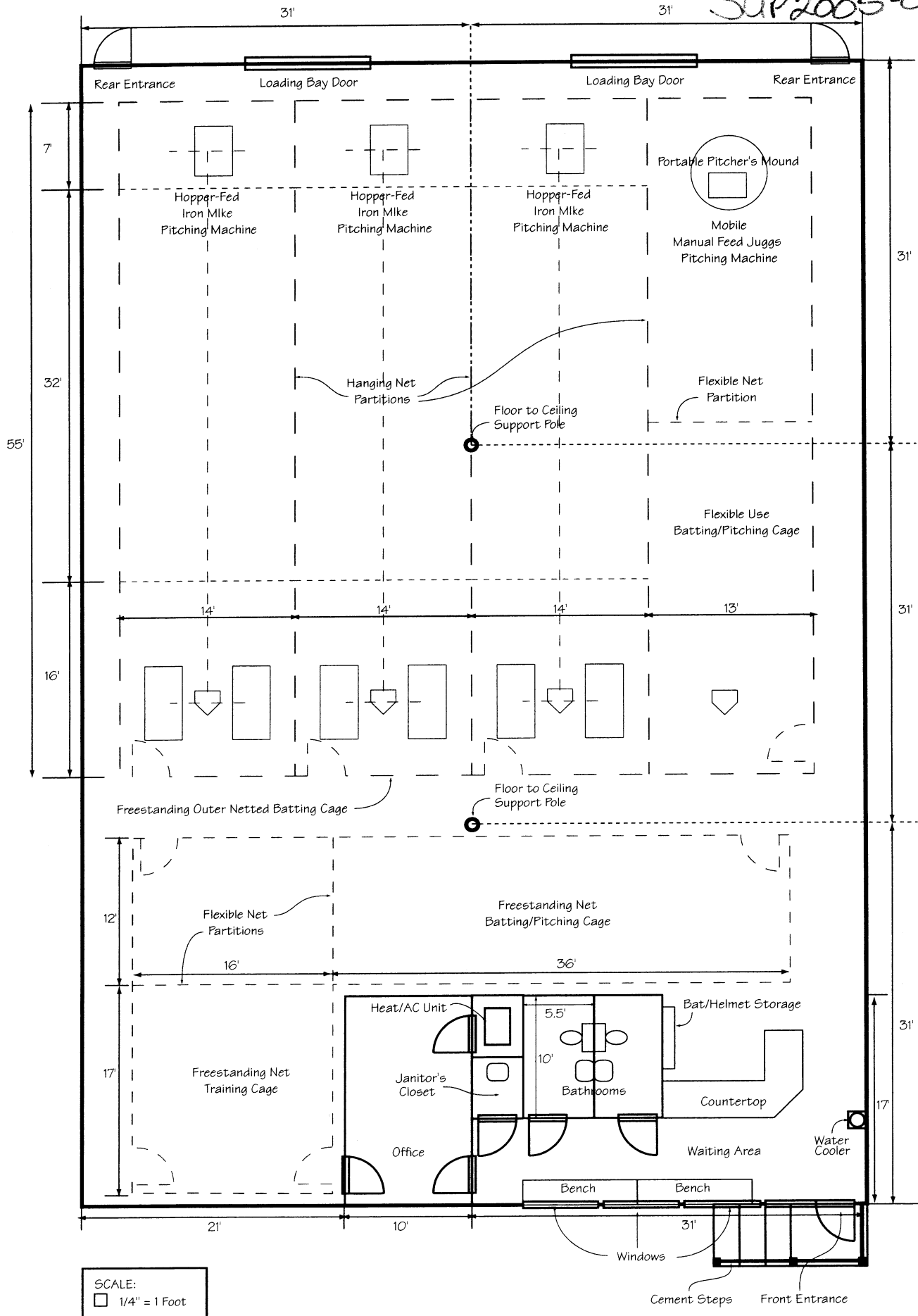
2. Provide a statement of justification for the proposed parking reduction.

Since the use is indoor baseball batting cages and instruction, the space is very large, but only 20 patrons will be able to use the facility at one time. Most of our patrons will be carpooling for clinics or will be dropped off and picked-up. In addition, our hours of operation are after business hours 4-9pm M-F and 8am - 8pm on the weekends. When clinics are not in session, members may use the facility by appointment only — there will only be the capacity for 4 members at one time to use the 4 cages. There is street parking available on South Pickett Street from 7am -12 midnight. Employees will be provided 2 spaces.

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

The surrounding area is zoned industrial and used for industrial, business and some retail space, therefore, the effect on residential neighbors is not an issue. Street parking is currently being used by other surrounding businesses during normal business hours, however, our hours of operation are in the evening and weekends. Therefore, the impact on the surrounding area will be negligible.

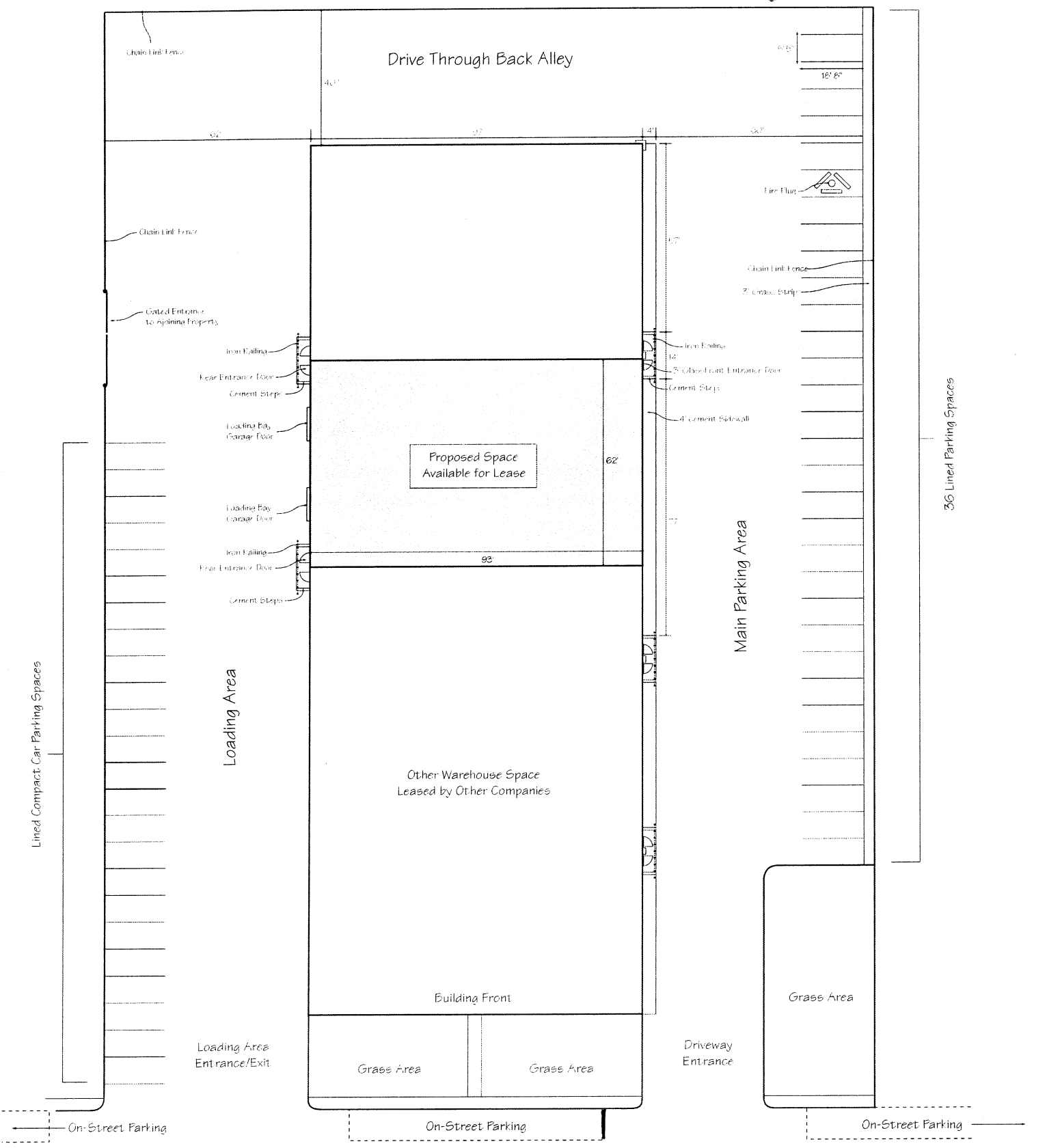
SUP 2005-0001



SCALE:
 □ 1/4" = 1 Foot

19

PROPOSED SPACE PLAN FOR 820 S. PICKETT ST. RECONFIGURED FOR BASEBALL TRAINING FACILITY	DATE: 04/05	CLIENT: THE STATE OF MISSISSIPPI
	SCALE: 1/4" = 1'-0"	DRAWN BY: J. D. LINDSEY



South Pickett Street

EXISTING LOT PLAN FOR 820 S. PICKETT ST.	
DATE: 1/1/05	DATE: 1/1/05
BY: [Signature]	BY: [Signature]

