

EXHIBIT NO. 1

3
517-03

Docket Item #4
SPECIAL USE PERMIT #2003-0019

Planning Commission Meeting
May 8, 2003

ISSUE: Consideration of a request for a special use permit to operate a commercial school. (Chris Collins Dance Studio)

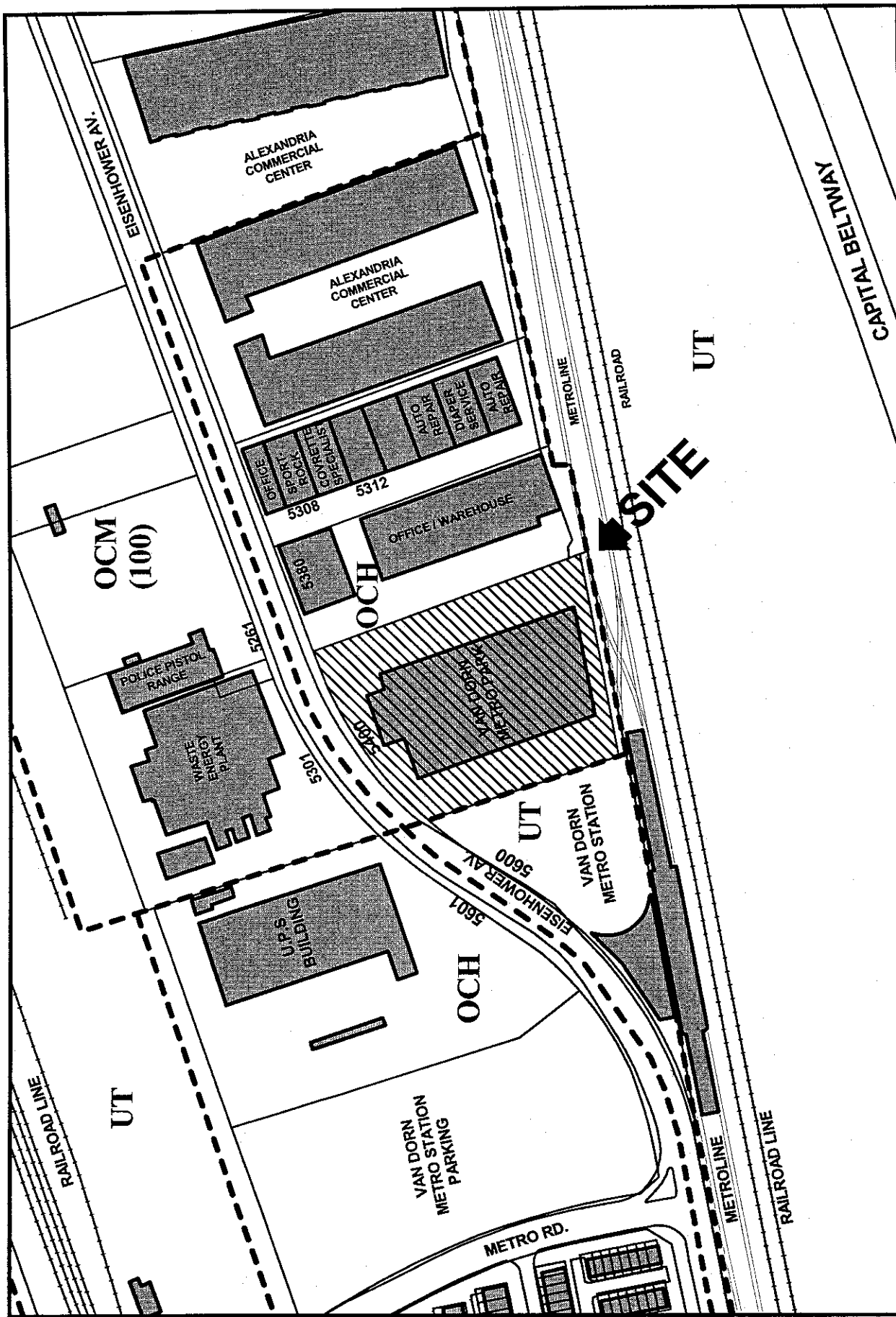
APPLICANT: Chris Collins Dance Studio, Inc.

LOCATION: 5408 Eisenhower Avenue

ZONE: OCH/Office Commercial High

PLANNING COMMISSION ACTION, MAY 8, 2003: 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.



05/08/03

SUP #2003-0019



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The maximum number of students on the site at any one time shall be limited to 40.
3. The hours of operation of the facility shall be Monday through Friday, 3:30 p.m. to 9:30 p.m., Saturday from 9:00 a.m. to 5:00 p.m., and Sunday from 1:00 p.m. to 4:00 p.m. (P&Z)
4. 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)
5. No amplified sounds shall be audible at the property line. (T&ES)
6. 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. The survey is to be completed prior to opening for business. (Police)
7. 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. (Police)
8. The Director of Planning and Zoning shall review the special use permit one year after operational and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (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 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.

DISCUSSION:

1. The applicant, Chris Collins Dance Studio, Inc, requests special use permit approval for the operation of a dance studio (commercial school) located at 5408 Eisenhower Avenue.
2. The subject property is one lot of record with approximately 375 feet of frontage on Eisenhower Avenue, and a total lot area of 3.8 acres. The site is developed with a two-story industrial building and a parking lot with 159 parking spaces. The building has a total of 76,200 square feet subdivided into warehouse units and office space. It is occupied by a variety of light industrial and automobile repair uses. The property abuts the Metro line and RF&P Railroad line directly to the south. Ingress and egress is available only from Eisenhower Avenue. The subject tenant space is on the east side of the building between a window repair facility and an auto service center.
3. On October 25, 1997, City Council granted Special Use Permit #97-0107 for an umbrella special use permit to allow a variety of uses, including warehouse and storage, laundry/cleaning operation, printing and publishing facilities, research and testing and for a reduction of off-street parking. On December 14, 2002, City Council granted Special Use Permit #2002-00098, a review of the permit as required in the previous SUP. A commercial school use was not included in the approved uses anticipated within the umbrella by Council.
4. The applicant has filed this request seeking permission to operate a commercial school for dance. A variety of classes will be offered including tap, ballet, and jazz for both children and adults. Classes will be held Monday through Friday, 3:30 p.m. to 9:30 p.m., Saturday from 9:00 a.m. to 5:00 p.m., and Sunday from 1:00 p.m. to 4:00 p.m., with a maximum of 40 students and four employees at any given time.
5. Since 1993, Chris Collins Dance Studio has occupied 3,000 square feet in the Van Dorn Station Shopping Center. The applicant now hopes to relocate to a larger space containing approximately 5,200 square feet at the subject property, which will enable it to provide three teaching rooms instead of two rooms available at the current location. Staff is not aware of any complaints at the previous location.
6. Pursuant to Section 8-200(A)(11), the zoning ordinance requires a minimum of one parking space for each two students for a commercial school. As the applicant proposes to have a maximum of 40 students, 20 parking spaces are required.

The property contains 159 parking spaces. The total parking requirement on the property with the proposed dance facility is 200 spaces. A parking reduction of 50 spaces was approved under the umbrella special use permit in December 2002. Therefore, as long as the total aggregate parking requirement for the whole building does not exceed 209 spaces, no

additional parking approval is required. Although the approved reduction exceeds the difference between the current requirement and what is actually available, additional spaces were included in the reduction to allow some flexibility as uses change in the building. Therefore, an additional parking reduction is not necessary for the proposed dance studio as there are a sufficient number of spaces already included in the umbrella parking reduction.

The applicant states that there is little demand for parking for the dance studio as most parents drop off their children, leave and then return to pick them up at the end of class. In addition, classes are offered on weekends and in the afternoon/evening on weekdays. Therefore, according to the applicant, there is ample parking available to meet the requirement as most uses in the building operate Monday through Friday during normal business hours.

7. Zoning: The subject property is located in the OCH/Office Commercial High zone. Section 4-1103(U) of the zoning ordinance allows a commercial school in the OCH zone only with a special use permit.
8. 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 office and commercial uses.

STAFF ANALYSIS:

Staff supports the proposed dance studio located at 5408 Eisenhower Avenue. The school is less industrial and more consistent with the OCH zone, which staff encourages for the site. The site is occupied by many light industrial and warehouse uses that are not likely to be impacted by the proposed dance studio. Although parking would be a concern during afternoon class times when many of the other tenants in the building are still open, the applicant believes that many parents drop their children off and will not be parking at the facility. Additionally, many of the classes are offered during evening and weekend hours when most of the other businesses in the building are closed.

Staff has included a condition requiring a review of the school after approval so that if there are problems with its operation, additional conditions may be imposed.

With this condition, staff recommends approval of the special use permit for the proposed commercial school.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

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.
- R-1 No amplified sounds shall be audible at the property line.

Code Enforcement:

- C- 1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C- 2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C- 3 A fire prevention code permit and fire evacuation plan are required for the proposed operation at the new location..
- C-4 The current use is classified as B; the proposed use is A3. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 115.4) and compliance with USBC 118.2. 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- 5 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required (USBC ^[105.1).
- C- 6 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 ^105.10).
- C- 7 The proposed use is a change in use group classification; a new Certificate of Occupancy is required (USBC ^[115.4).

- C- 8 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.

Health Department:

- F-1 No comments.

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. The survey is to be completed prior to opening for 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 # 2003-0019

[must use black ink or type]

PROPERTY LOCATION: 5400-5432 Eisenhower Avenue

TAX MAP REFERENCE: 77.00-01-03

ZONE: OCH

APPLICANT Name: Chris Collins Dance Studio, Inc.

Address: 512-D S. Van Dorn Street, Alexandria, VA 22304

PROPERTY OWNER Name: Unity, LLP

Address: c/o Sherman Vining 17495 Jefferson Davis Hwy., Dumfries, VA 22026

PROPOSED USE: Commercial School (Chris Collins Dance 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.

Chris Collins Dance Studio

By: M. Catharine Puskar, Agent/Attorney

M. Catharine Puskar
Signature

Print Name of Applicant or Agent

Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Blvd., 13th Floor

703/528-4700

703/525-3197

Mailing/Street Address

Telephone #

Fax #

Arlington, VA 22201

February 25, 2003

City and State

Zip Code

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.

Chris Collins

512-D S. Van Dorn Street

Alexandria, VA 22304

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.

N/A

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)

The Applicant is requesting approval of a special use permit to operate a commercial school (Chris Collins Dance Studio) at 5400-5432 Eisenhower Avenue. Chris Collins Dance Studio has served Northern Virginia since opening its first studio in Alexandria in 1975 and has produced many talented, award winning dancers and teachers. Chris Collins is a member of Dance Educators of America. He and his dedicated staff of certified instructors work to provide a quality dance education for all ages. A variety of classes, including tap, ballet, and jazz are offered for both children and adults.

Since January 1993, Chris Collins Dance Studio has occupied 3,000 square feet in the Van Dorn Station Shopping Center. Due to its ever increasing popularity and success, the Applicant now hopes to relocate to a larger space containing approximately 5,200 square feet, which will enable it to provide three teaching rooms instead of the two rooms available at the current location. Classes will be held Monday through Friday, 3:30 p.m. to 9:30 p.m., Saturday from 9:00 a.m. to 5:00 p.m., and Sunday from 1:00 p.m. to 4:00 p.m., with a maximum of 40 students and 4 employees at any given time.

The proposed use will occupy vacant space in an existing office/warehouse complex. The property contains 159 parking spaces and has a current parking reduction per SUP 2002-0098 of 50 spaces. Although there is no official requirement set forth in the Zoning Ordinance for a commercial school without seats, past staff reports indicate a determination that one space per two pupils is applicable. Therefore, on that basis, 20 parking spaces would be required for the proposed use. Despite the technical requirement, practically, there is little demand for parking as most parents drop off their children, leave and then return to pick them up at the end of class. In addition, given that classes are offered on weekends and in the afternoon/evening on weekdays, there is ample parking to meet the requirement as most uses in the building operate Monday through Friday during normal business hours.

Chris Collins Dance Studio looks forward to continuing to serve its Alexandria students in its new, improved studio at the proposed location. As such, the Applicant respectfully requests approval of its application.

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).

A maximum of 40 students at any given time

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

A maximum of 4 employees at any given time

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

Day:

Hours:

Monday through Friday

3:30 p.m. - 9:30 p.m.

Saturday

9:00 a.m. - 5:00 p.m.

Sunday

1:00 p.m. - 4:00 p.m.

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

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

Normal for proposed use

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

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

Minimal

C. How often will trash be collected?

According to pick-up schedule for the building

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

N/A

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?

N/A

ALCOHOL SALES

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

☐ Yes. ☐ No. N/A

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?

Although there is no official requirement set forth in the Zoning Ordinance for a school without seats, past Staff reports indicate a determination that 1 space per 2 pupils is applicable. Therefore, on that basis, 20 spaces would be required.

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

159 Standard spaces
 Compact spaces
 Handicapped accessible spaces.
16 Other. Loading

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:

N/A

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? 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 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?

5,200 sq. ft. (existing) + _____ sq. ft. (addition if any) = 5,200 sq. ft. (total)

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

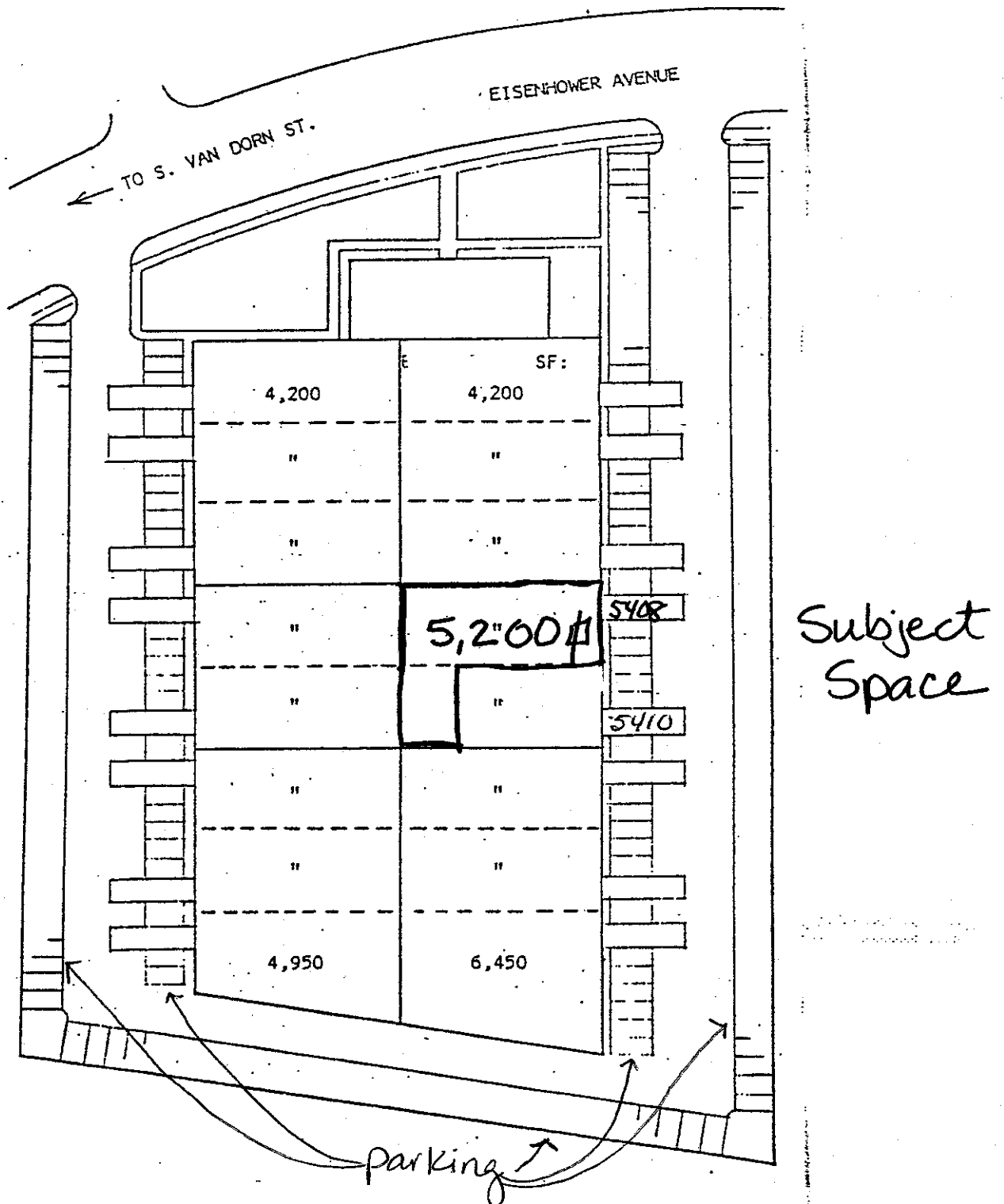
☐ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

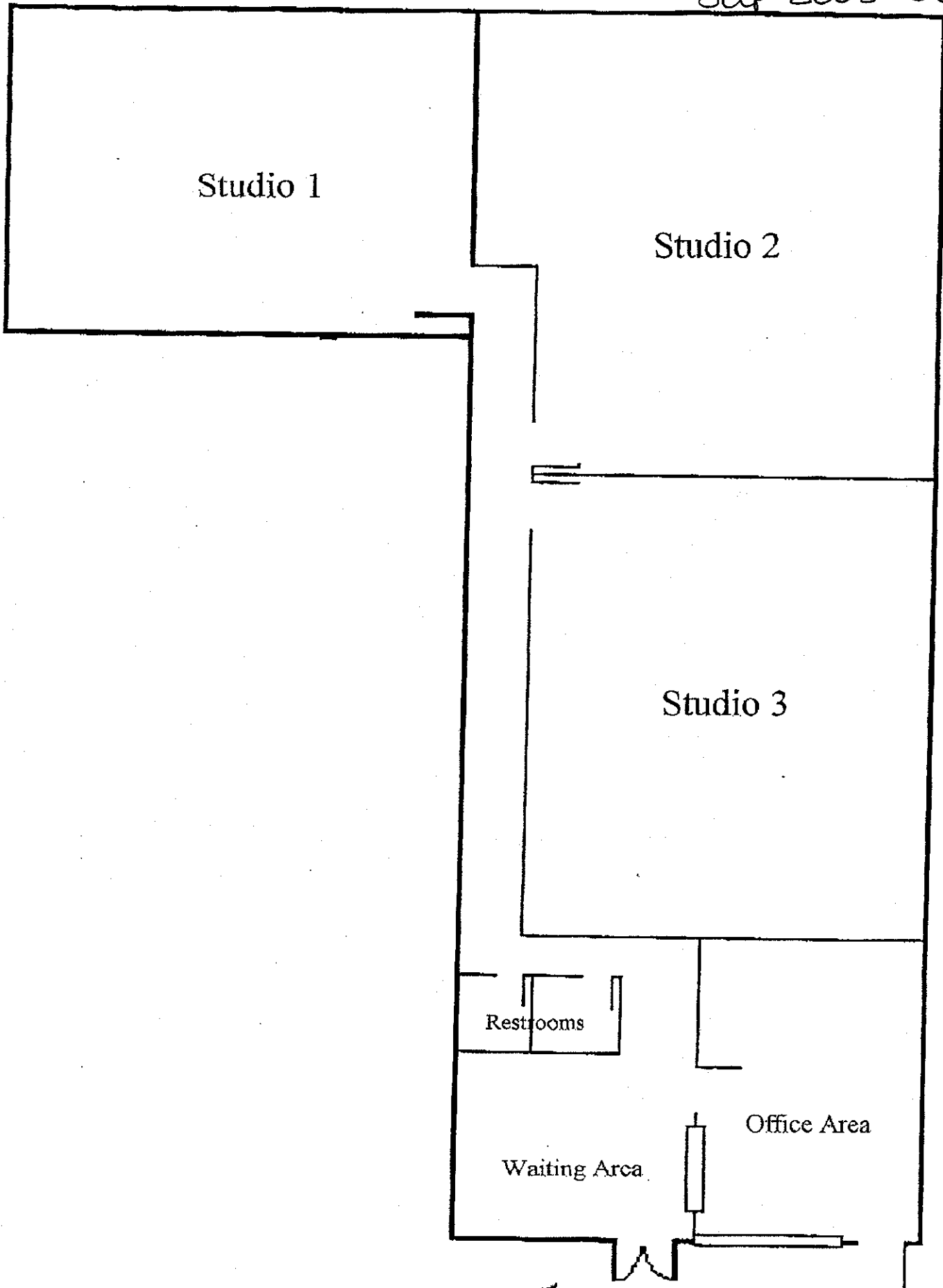
☐ an office building. Please provide name of the building: _____

☒ other, please describe: Existing warehouse/office building

Sup 2003-0019



3up 2003-0019



APPLICATION for SPECIAL USE PERMIT # 2003-0019

(must use black ink or type)

PROPERTY LOCATION: 5400-5432 Eisenhower Avenue (5400)

TAX MAP REFERENCE: 77.00-01-03 ZONE: OCH

APPLICANT Name: Chris Collins Dance Studio, Inc.

Address: 512-D S. Van Dorn Street, Alexandria, VA 22304

PROPERTY OWNER Name: Unity, LLP

Address: c/o Sherman Vining 17495 Jefferson Davis Hwy., Dumfries, VA 22026

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Chris Collins Dance Studio
By: M. Catharine Puskar, Agent/Attorney

M. Catharine Puskar
Signature

Print Name of Applicant or Agent

Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Blvd., 13th Floor

703/528-4700

703/525-3197

Mailing/Street Address

Telephone #

Fax #

Arlington, VA 22201

February 25, 2003

City and State

zip Code

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 5/8/03 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 05/17/03PH--CC approved the Planning Commission recommendation