

EXHIBIT NO. 1

4
5-15-04

Docket Item #3
SPECIAL USE PERMIT #2004-0024

Planning Commission Meeting
May 4, 2004

ISSUE: Consideration of a request for a special use permit to operate a private college preparatory school.

APPLICANT: The Transitional School
by Katherine Keith

LOCATION: 25 South Quaker Lane

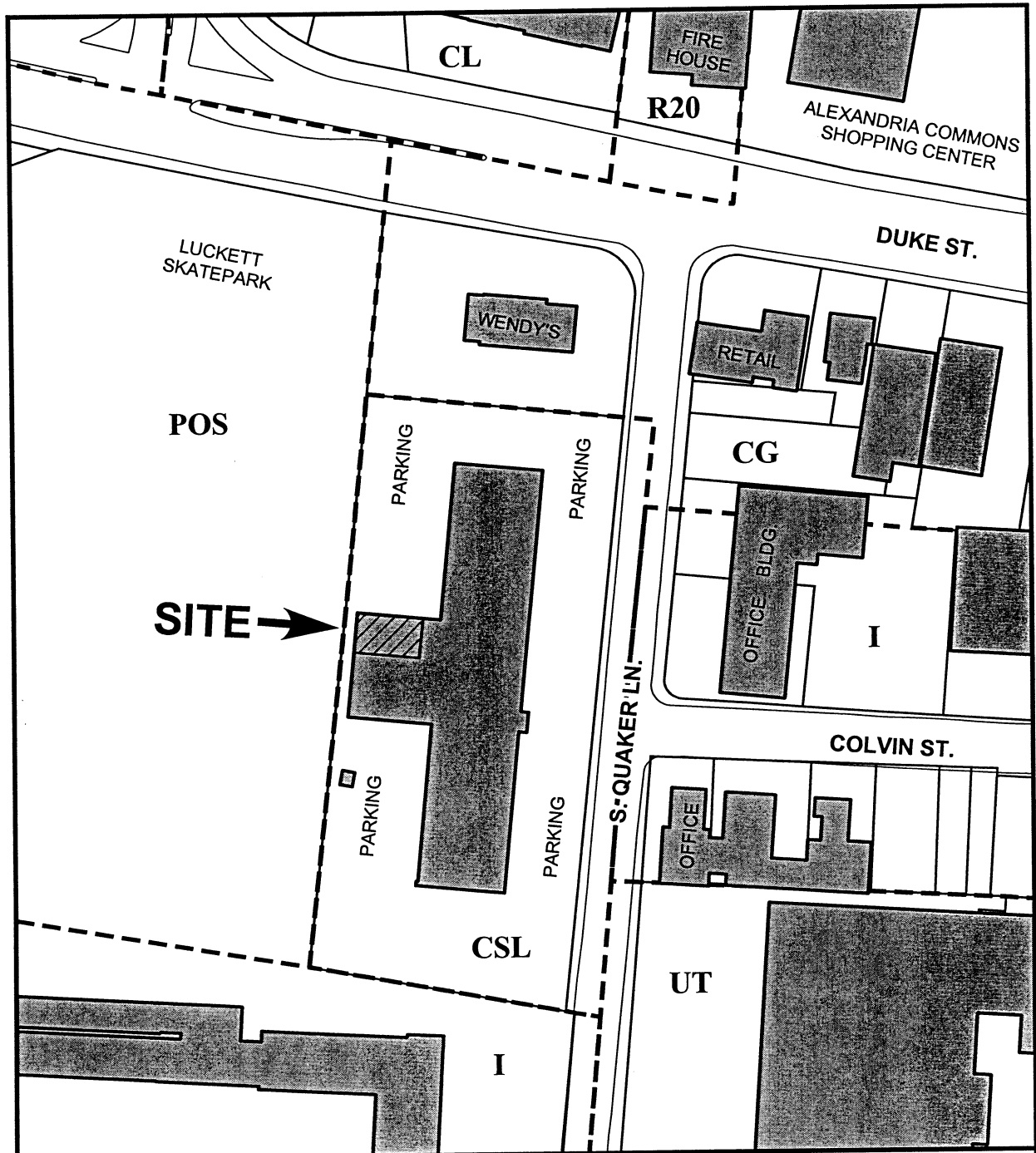
ZONE: CSL/Commercial Service Low

PLANNING COMMISSION ACTION, MAY 4, 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 staff's analysis.

Speakers: None

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 #2004-0024

05/04/04



I. DISCUSSION

REQUEST

The applicant, The Transitional School, represented by Katherine Keith, requests special use permit approval for the operation of a private school located at 24 South Quaker Lane.

SITE DESCRIPTION

The subject property is one lot of record having 467 feet of frontage on South Quaker Lane and a total lot area of 2.1 acres. The property contains the old Stonewall Jackson School, which has been converted into an office building predominantly occupied by a variety of private schools, a child care center and the Rocklands restaurant. The applicant will occupy 1,675 square feet on the first floor in the building's west wing, which is also accessible through a rear entrance.

To the north of the site is a Wendy's restaurant and office buildings are located to the east. To the south and west of the property is the City of Alexandria Maintenance Facility. East of that facility, across South Quaker Lane, is the City's DASH bus storage and maintenance yard.

PROJECT DESCRIPTION

The applicant proposes to operate a small non-profit high school, grades 9 to 12, with a college preparatory curriculum. The school is funded through tuition and some fund-raising, and is geared towards bright students who have not thrived in a traditional educational environment. The applicant's educational philosophy is based on Howard Gardener's Theory of Multiple Intelligences, which includes hands-on and multi-sensory learning, weekly field trips and internships. Students may leave their public/private school to enroll for up to two years in the Transitional School, and have the option to earn their high school diploma in the Transitional School or to transfer back to the public/private school system. In order to facilitate the transition back to the area's public and private schools or onto college, credit is earned through Brigham Young University online courses, which are accepted by schools throughout the area and recognized by colleges.

Hours of operation: The proposed school will be in session during the normal school calendar year with operating hours of between 9:00 A.M. and 4:00 P.M., Monday through Friday.

Students/Employees: The applicant anticipates between 16 and 24 students, ages 14 to 18, to attend classes at any one time, however, the applicant proposes a maximum of 32 students to allow for a potential expansion in the future. At no time will there be no more than eight students in one of the four classrooms. The school will start operating with two full-time and two part-time teachers.

Trash/Noise: Trash will primarily consist of office papers and will be collected weekly. The applicant indicated that students will have open lunch three days per week, with permission based on their school performance. In order to prevent littering and nuisance to adjacent users, the applicant established a program that includes a student manual detailing expected behavior within the building and community, suspension of open lunch privileges for students who create nuisances, installment of trash receptacle at the rear entrance, and monitoring of the premises for litter by the school's management.

PARKING

According to Section 8-200 (A) (11) of the Zoning Ordinance, a high school is required to provide one parking space for each ten classroom seats. The applicant proposes a maximum of 32 students present at any one time, resulting in a total of four required parking spaces. The applicant will have eight spaces designated for the business by sign or paint. The applicant indicates that students enrolled in grades 9 through 11 will not be allowed to drive to school. Seniors who achieve a certain grade point average will be allowed to drive but the applicant does not anticipate many seniors.

Pick-up and drop-off will take place on the back parking lot, along a 50-foot grassy area. Up to four cars can service this drop-off strip without blocking any parking spaces. Beyond that, the parking spaces that would be temporarily blocked are the ones that are designated to the applicant's school. With this parking and drop-off/pick-up plan students may enter through the rear entrance and therefore eliminate any congestion at the building's main entrance and parking lot.

ZONING / MASTER PLAN

The subject property is located in the CSL/Commercial Service Low zone. Section 4-303 (V) of the Zoning Ordinance allows a private school in the CSL zone only with a special use permit. The proposed use is consistent with the Seminary Hill/Strawberry Hill small area plan chapter of the Master Plan, which designates the property for uses consistent with the CSL zone.

II. STAFF ANALYSIS

Staff supports the proposed private school located at 25 South Quaker Lane and finds that the easy access due to the site's close proximity to Duke Street, the building's initial purpose as a school and the surrounding non-residential uses make this small non-profit school an appropriate and much needed use for this area.

Staff has included various standard conditions and recommends a review of the school after it has been operational for one year so if there are any problems with the 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 number of students attending classes at any one time shall not exceed 32. (P&Z)
3. The hours of operation shall be limited to between 9:00 A.M. and 4:00 P.M., Monday through Friday, as requested by the applicant. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
5. A minimum of four parking spaces shall be designated for the school's use by signs or paint. (P&Z)
6. Trash and garbage shall be stored inside or in a dumpster. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up as often as necessary, to prevent an unsightly and unsanitary accumulation. (P&Z)
7. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
8. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
9. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business prior to the school opening. (Police)
10. 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)

11. The Director of Planning and Zoning shall review the special use permit after the school 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 received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (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;
Barbara Ross, Deputy Director;
Bettina Irps, 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:

- 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:

- F-1 The proposed use is consistent with the proposed use. No change of use is required.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 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.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, electrical, plumbing, and mechanical layouts and schematics.
- C-4 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-5 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

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 prior to the school opening.

APPLICATION for SPECIAL USE PERMIT # 2004-0024

[must use black ink or type]

PROPERTY LOCATION: 25 S. Quaker Lane

TAX MAP REFERENCE: 61.03-01-04 ZONE: CSL

APPLICANT Name: Katherine Keith, M.Ed., LLC

Address: 508 Virginia Ave, Alexandria VA 22302

PROPERTY OWNER Name: Christopher Collier, Koller Co., LLC

Address: 11405 Spur Wheel Lane, Potomac MD 20854

PROPOSED USE: A small, college-preparatory high school program for 16-24 students, grades 9-12. (private Academic school)

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.

Katherine Keith for The Transitional School Katherine Keith
Print Name of Applicant or Agent Signature

919 Duke St.
Mailing/Street Address

703 836-8400 703 836-8491
Telephone # Fax #

Alexandria VA 22314
City and State Zip Code

2/23/04
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.

The Traditional School is a
non-stock Virginia corporation.

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.

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)

Please see attached.

General Information.

The Transitional School is a "Private Academic School." It is a small, non-profit high school (grades 9-12) with a college preparatory curriculum. Accommodations will be made for any student who needs them according to the Americans with Disabilities Act, however, The Transitional School is not a special education high school.

The Board of Directors consists of seven members, of whom four are citizens and residents of the City of Alexandria. A list of Board members is attached.

Size and Hours.

The school will have a total of 16 to 24 students, ages 14-18. The majority of these students will be residents of Alexandria. There will be two full-time teachers and two part-time teachers. A minimum of three adults will be with the students at any one time. School will be in session during the normal school calendar year. School hours are from 10:00-4:00. Classes will not be held at night.

Littering Prevention.

Students will have open lunch three days per week, with permission based on their school performance. Several steps will be taken in order to prevent littering. 1) A student manual will detail expected behavior, which includes being respectful of each other, others in the building, and the community—which includes no littering. 2) We will maintain a trash receptacle next to the back entrance which students will use during lunch. 3) We will monitor the area to prevent littering. 4) Open lunch privileges will be suspended for any student who litters or in any other way acts as a poor citizen of the community.

Parking

The building owner will provide six designated parking spots. Students in grades 9 through 11 will not be allowed to drive to school. Seniors who achieve a certain grade point average will be allowed to drive, however, we do not anticipate having many seniors. There are many open parking spaces in the parking lot in addition to our designated spaces.

Pickup and Drop-off.

Pickup and dropoff will take place in the back parking lot so that students may enter through the rear entrance and eliminate any congestion at the entrance to the parking lot. Drivers will enter from the street, drive through the parking lot to the back and proceed along the back row of parking spots. Drop off will take place alongside the wing of the building along a 50' grassy area where there are no parking spots. Up to four cars can be "stacked" without blocking any parking spots. Beyond that, any parking spots which were briefly blocked would be designated for The Transitional School. Parents will then proceed back through the parking lot along the right.

Noise or Other Nuisances.

There will be no noise generated beyond the normal noise also produced by the other educational programs currently in the building.

Safety.

The space that The Transitional School has leased is on the first floor of the building at the end of a hall through a set of glass doors. An exit to the outdoors is adjacent to the classrooms, and windows also offer a means of egress in the case of an emergency. Fire extinguishers and smoke alarms will be installed, and teachers will have Red Cross training.

Board of Directors:

Katherine Keith, NCC, M. Ed.

Emily Pavot, M. Ed.

Elaine Rhymers, LPC, Ed.S.

Patricia Bowman, JD

Denise Freeland, M.A.

Cynthia Spotswood, BA

Karen Bennett

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).

12-24 students 10:00-4:00 during
The normal school year

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

3 Teachers
administrative staff is at a different location.

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

Day:	Hours:
<u>Monday</u>	<u>10:00 - 4:00</u>
<u>Tuesday</u>	<u>10:00 - 4:00</u>
<u>Wednesday</u>	<u>10:00 - 4:00</u>
<u>Thursday</u>	<u>10:00 - 4:00</u>
<u>Friday</u>	<u>10:00 - 4:00</u>

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

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

N/A see #3

B. How will the noise from patrons be controlled?

The student handbook will
specify appropriate student
behavior.

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?

normal office trash

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

1 bag per day

C. How often will trash be collected?

Daily To building receptacle

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

We will install an outdoor trash
receptacle. In addition,
The student handbook will
state that there is to be no
littering.

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?

Regular fire drills, fire extinguishers,
Teachers have Red Cross Training

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?

One space for each ten classroom seats.

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

6 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.

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?

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? N/A square feet.

18. What will the total area occupied by the proposed use be?

1675 sq. ft. (existing) + — sq. ft. (addition if any) = 1675 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: Stonewall Jackson*

other, please describe: _____

* This building was originally a school.

Commonwealth of Virginia



STATE CORPORATION COMMISSION

Richmond, January 22, 2004

This is to certify that the certificate of incorporation of

The Transitional School

was this day issued and admitted to record in this office and that the said corporation is authorized to transact its business subject to all Virginia laws applicable to the corporation and its business. Effective date: January 22, 2004

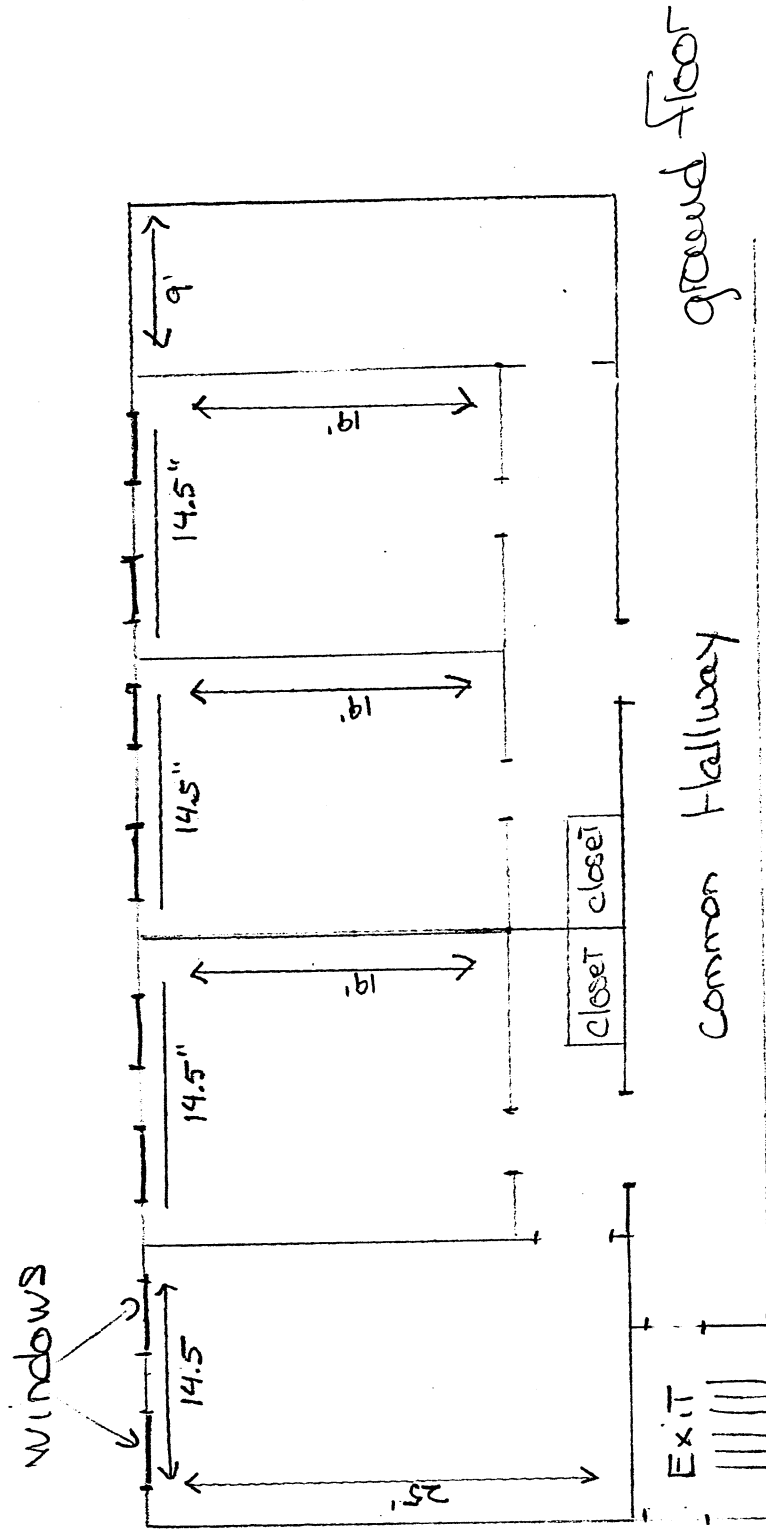


State Corporation Commission

Attest:

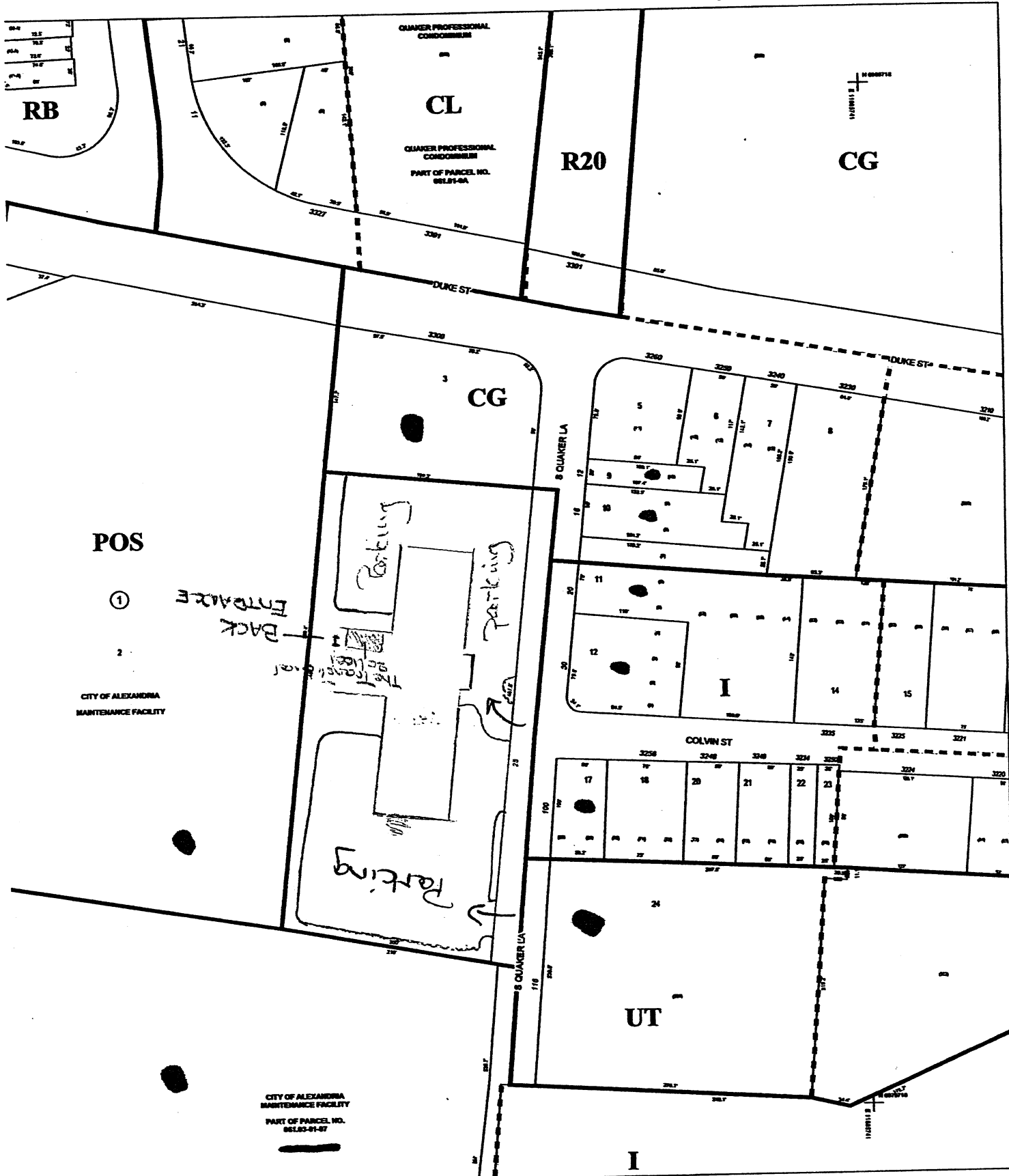
Joel H. Beck
Clerk of the Commission

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gymnasium

SUP2004-0024



POS

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CITY OF ALEXANDRIA
MAINTENANCE FACILITY

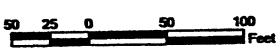
ENTRANCE
BACK

Parking

Parking

Parking

CITY OF ALEXANDRIA
MAINTENANCE FACILITY
PART OF PARCEL NO.
86185-01-97



ALEXANDRIA, VIRGINIA
ASSESSMENT MAP

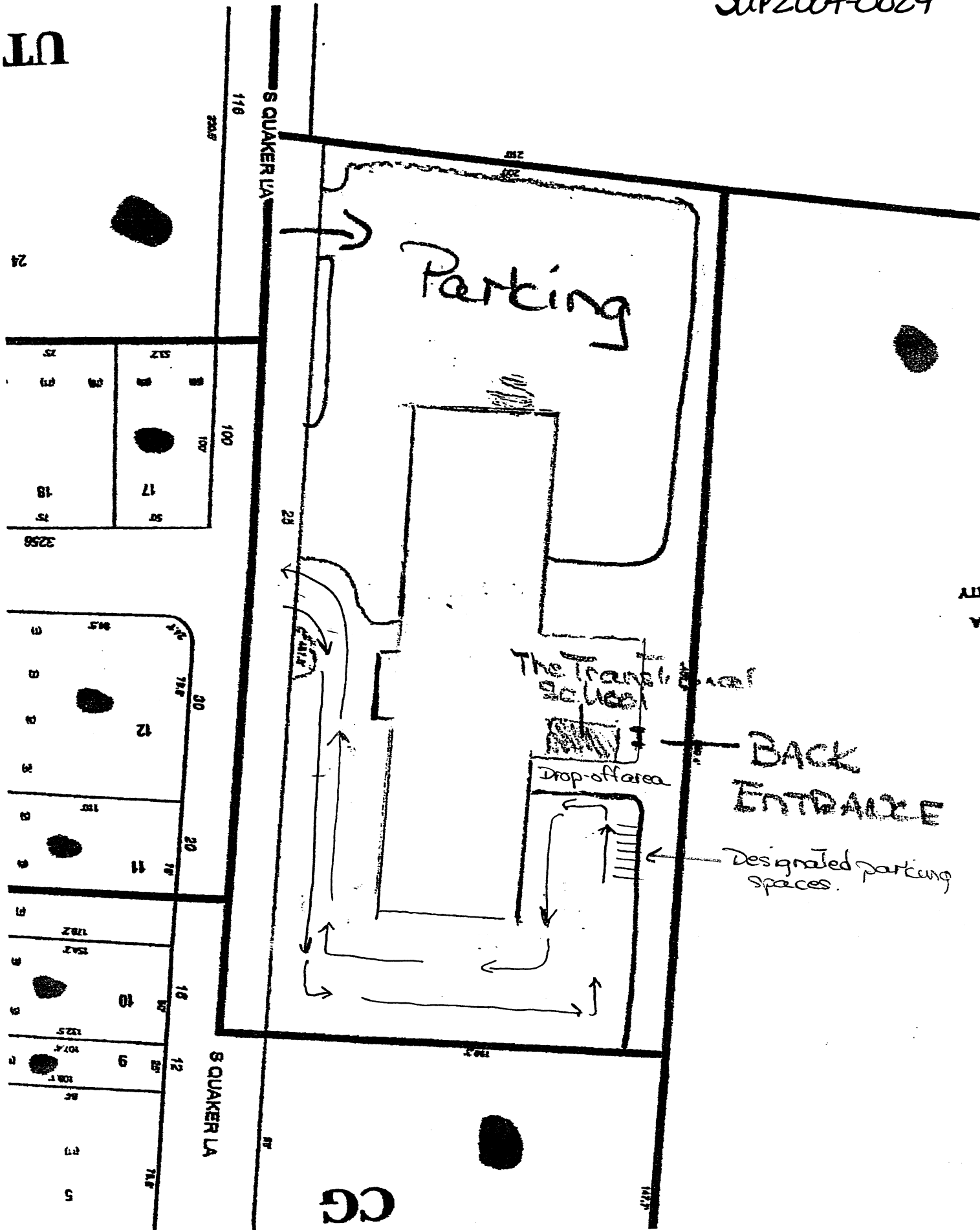
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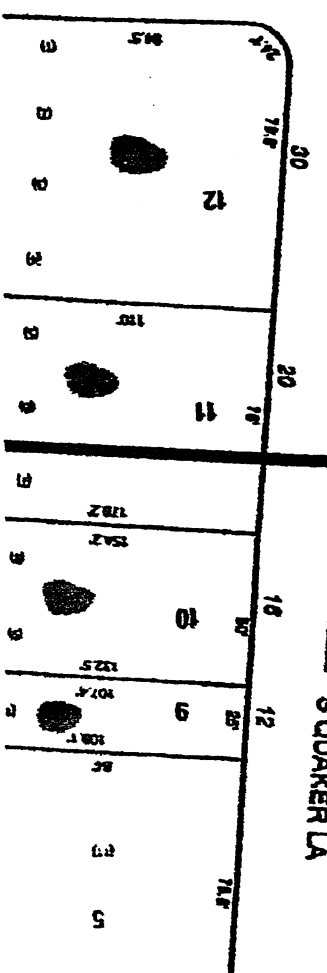
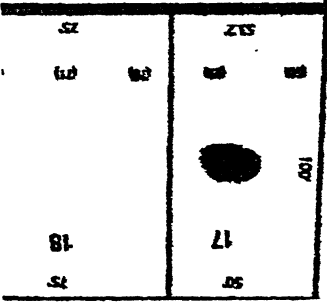
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ALEXANDRIA GRADUATE EDUCATION CENTER

Department of Planning and Zoning
301 King Street, Room 2100
Alexandria, VA 22314

Attention: Bettina Irps and Valerie Peterson

April 14, 2004

Dear Alexandria Planning and Zoning Commission:

I am writing regarding The Transitional School's application for a Special Use Permit.

I strongly believe, as the Clinical Supervisor for The George Washington University's Alexandria School Counseling Program, that Alexandria will benefit from the addition of The Transitional School to our community. The program will offer another positive choice for families of capable students who need a smaller environment in order to be successful.

I have agreed to serve on the Board of Directors for The Transitional School both because I believe in the educational values of the school, and because I am confident that Katherine Keith will do an excellent job as Director.

Katherine is a graduate of The George Washington University Masters in School Counseling program here at our Alexandria Campus. She was a very successful student, and has done excellent work with adolescents since she has graduated. She also has a successful record of working with the City of Alexandria for the benefit of youth; she founded the Alexandria Lacrosse Club in 1998, which has since grown into the T.C. Williams Varsity Lacrosse program.

I have known Katherine professionally and personally for years, and know that The Traditional School, under her leadership, will be an asset for the City of Alexandria for years to come.

Please call if I can answer any additional questions.

Sincerely,

Lois Elaine Rhymers, Ed.S., LPC

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KOLLECAS COMPANY LLC

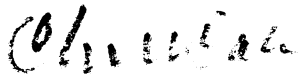
11405 SPUR WHEEL LANE
POTOMAC, MD 20854
(301)983-0682
KOLLECASCOMPANY@AOL.COM

April 14, 2004

To Whom It May Concern:

We have leased units 16,16A and 17 to the The Transitional School, a learning center for mid-grade students. We did our normal inquiries for prospective tenants and found this center and its principal, Katherine Keith, credit worthy and the center compatible with other schools in our building, to wit, Alexandria City Public Schools.

Kollecas Company LLC, Landlord



Chris T. Collier, President

NEWS

New School Set to Open Here

BY CARLA BRANCH
GAZETTE

When the 2004-05 school year begins in September, Alexandria will have a new high school — the Howard Gardner Transitional School.

The school will be located at 25 South Quaker Lane and will have an initial enrollment of between 16 and 24 students in grades 9—12. The director is Katherine Keith.

"We decided to open the school because we saw so many teenagers who were not succeeding in traditional high school environments," Keith said. "These are bright, talented young people who need a nurturing environment in order to succeed."

The school is named for Howard Gardner, who created the theory of multiple intelligences. "Intelligence is not just limited to math, science and English," said Emily Pavor, who will be a mentor teacher and who will work with students who have learning disabilities. "Some students who might not do well on standardized tests might be able to look around a room and understand the people in the room or they might have very good self awareness. We have one student, for example, who is terrific with plants."

The curriculum will feature active, hands-on learning with a focus on environmental science and the arts. "Everything is connected," Keith said. "We will use art and environmental science throughout our entire curriculum."



PHOTOS BY LOUISE KRAFT/GAZETTE

Katherine Keith scrubs windows in preparation of opening classrooms.

Olivia, a potential student, cuts fabric.

THE SCHOOL WILL be housed in space that was previously occupied by the Foundation School. "We will begin with three fulltime teachers and will use guest teachers to instruct students in a variety of subjects," Keith said. "The students will help design their own individualized curriculum."

Classes will begin at 10 a.m. and will run until 3 p.m. Electives will be offered one hour prior to school and one hour after school. One day a week will be designated for internships and one day will be used for field trips, leaving students in the classroom for the remaining three days.

Valerie Wexler, a sophomore, is thinking about enrolling in the Transitional School next year. "It seems like students will get a lot of individual attention," Valerie

said. "I am thinking about coming."

The tuition will be \$13,500 a year. "Scholarships are available," Keith said. "Also, we only take kids who want to be here. We don't want parents to force them to come."

WHILE THE curriculum is individualized to an extent, it prepares students for college and is geared to college admission requirements. "We will work with the students on writing essays and the other things that are required for succeeding in college," Keith said.

There will be an open house at the school on April 28.

For more information, call 703-836-8400 or visit the web site at www.thetransitionalschool.org.