

Docket Item #4
SPECIAL USE PERMIT #2004-0015

Planning Commission Meeting
May 4, 2004

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

APPLICANT: Kwang Weon Woo
by James C. Pan, agent

LOCATION: 3400 & 3402 Commonwealth Avenue

ZONE: CSL/Commercial Service Low

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.

I. DISCUSSION

REQUEST

The applicant, Kwang Weon Woo, represented by James C. Pan, requests special use permit approval for the operation of a martial arts school located at 3400 Commonwealth Avenue.

SITE DESCRIPTION

The subject property is one lot of record with approximately 113 feet of frontage on Commonwealth Avenue, 101 feet of depth and a total lot area of 12,396 square feet. The site is located on the corner of Leadbeater Street and Commonwealth Avenue, and is developed with a one story, masonry, 4,640 square foot commercial/industrial building and a parking lot. The subject building is divided into four tenant spaces, one of which is currently occupied by a dry cleaner. The applicant will occupy the two most northern tenant spaces and convert them into one space as shown on the attached plan. The remaining space is vacant.

In November 2002, City Council approved a special use permit to operate Stepping Stones, a private club, at this subject site but that SUP is no longer active.

SURROUNDING USES

Residential properties surround the use on four sides. Institutional and commercial buildings are located about 150 to 200 feet away at the corner of Commonwealth Avenue and Glebe Road.

PROJECT DESCRIPTION

This application is a request to operate a martial arts school offering instruction to both children and adults in Tae Kwon Do and Hap Ki Do. According to the applicant, the minimum age of children attending the school will be four years. The applicant states that between ten and 12 students will attend each class, with a maximum of 20 students present at any one time. Only one class will be conducted at any one time.

Hours of Operation: Classes will be held between 9:00 A.M. and 10:00 P.M., Monday through Friday, and between 9:00 A.M. and 3:00 P.M. on Saturday. The school will be closed on Sunday.

Employees: The business will be operated by one full-time and one part-time employee, for a total of two employees.

Trash: Garbage will be minimal and collected twice a week by a private contractor. Litter will be monitored by the business management. There will be no regular unloading of goods for the business.

PARKING

Section 8-200(A)(11) of the zoning ordinance requires a school which holds class for a maximum of 20 students at one time to provide ten parking spaces. Twenty-three parking spaces are provided on-site, 19 of which are independently accessible. The remaining four spaces are enclosed by a fence. Three spaces are required for the dry-cleaning business. If the vacant tenant space were occupied by either an office use, which is a permitted use, or a storage use, a use permitted with a special use permit, those uses would each require three independently accessible standard size parking spaces, thus leaving 13 spaces for the proposed martial arts school, more than is required.

ZONING / MASTER PLAN

The subject property is located in the CSL/Commercial Low Zone. Section 4-303(V) of the zoning ordinance allows a commercial school in the CSL zone only with a special use permit. The subject property is governed by the Potomac West Small Area Plan chapter of the Master Plan, which designates the property for low scale commercial uses.

II. STAFF ANALYSIS

Staff recommends approval of the operation of a martial arts school located at 3400 Commonwealth Avenue. The proposed site is part of what historically was a nonresidential corner, and the 1992 CSL zoning reflects the then existing uses, including a church, prior gas station, and the retail/office and restaurant uses on the northeast corner of the intersection of Commonwealth Avenue and East Glebe Road. The Small Area Plan envisioned this corner becoming a neighborhood serving cluster of businesses. However, with the development of the Commonwealth Crossing development on Glebe Road, the subject property became disconnected from its prior nonresidential neighbors and now stands alone among several residential developments. As a consequence, the best non-residential land use of the site is for a low intensity use. The proposed business reflects this vision and although the use is not entirely neighborhood serving, it is not one which is likely to have a negative impact on surrounding residential uses.

The applicant has agreed to site improvements, including removing chain link fencing that encloses four parking spaces on both sides of the building, replacing it with something more attractive, and installing a sidewalk south of the property on a small section of the public right-of-way that is overgrown with weeds and not usable for pedestrians. Staff has included a condition to that effect.

Staff has also included a condition requiring a review of the business after it has been operational for one year. 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 9:00 A.M. and 10:00 P.M., Monday through Friday, and 9:00 A.M. and 3:00 P.M. on Saturday. (P&Z)
3. The applicant shall post the hours of operation at the entrance to the business. (P&Z)
4. The number of students receiving instruction at any one time shall not exceed 20. (P&Z)
5. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash or debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
6. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z)
7. The applicant shall replace the chain link fence on the north and south side of the building, and install a sidewalk on the public-right of way located south of the property to the satisfaction of the Director of Planning and Zoning and the Director of Transportation & Environmental Services within six months from approval of the special use permit. (P&Z)
8. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
9. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)

10. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees and a security survey for the business, which is to be completed prior to the business opening. (Police)
11. 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)
12. 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 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.
- R-1 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

- 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, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 The current use is classified as M - Mercantile; the proposed use is A - Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy and compliance with USBC including but not limited to: limitations of exit travel distance, emergency and exit lighting, a 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.
- C-6 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-7 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 shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. This is to be completed prior to the business opening.
- 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.