

Docket Item #3
SPECIAL USE PERMIT #2004-0098

Planning Commission Meeting
December 7, 2004

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

APPLICANT: Myung H. Kang

LOCATION: 300 South Pickett Street (Unit Address: 364 South Pickett Street)

ZONE: CDD-8/Coordinated Development District

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.

SITE GRAPHIC
AVAILABLE IN THE PLANNING AND ZONING OFFICE

I. DISCUSSION

REQUEST

The applicant, Myung H. Kang, requests special use permit approval for the operation of a martial arts school located at 300 South Pickett Street, unit 364, within the Trade Center Shopping Center.

SITE DESCRIPTION

The subject property is one lot of record with approximately 1,000 feet of frontage on South Pickett Street, and a total lot area of 15 acres. The site is developed with the Trade Center Shopping Center. Access to the property is from South Pickett Street.

The proposed martial arts studio will occupy a unit of approximately 2,238 square feet, in the center of the Trade Center shopping center. Other tenants in the shopping center include Home Depot, the Mediterranean Bakery, the U.S. Post Office, the Pizza Box, Gymboree and Wiygul Automotive.

PROJECT DESCRIPTION

This application is a request to operate a martial arts studio offering classes to both children and adults in Tae Kwon Do. The applicant states that between five and ten students will attend each class. Only one class will be conducted at any one time.

Hours of Operation: The school will be open between 10:00A.M. and 9:00 P.M., Monday through Friday, with classes held between 4:30 P.M. and 9:00P.M. Between 10:00 A.M. and 4:00 P.M. Monday through Friday the studio will be open for phone calls and visitors, but no classes will be offered. On Saturdays, the school will be open between 10:00 A.M. and 4:00 P.M., with classes held between 10:00 A.M. and 3:00 P.M. The school will be closed on Sundays.

Employees: The school will be operated by one full-time employee.

Trash: The applicant expects to generate one small bag of trash daily, which will be collected once or twice weekly.

PARKING

Section 8-200(A)(11) of the zoning ordinance requires a school which holds classes for a maximum of thirty-six students at any one time to provide eighteen parking spaces.

Off-street parking provided and required by use in the Trade Center/ Home Depot shopping center is as follows:

<u>Use</u>	<u>Required Parking</u>
Restaurants(SUP#2713-A, #2328, #1430-A and #94-0328)	68 spaces
Proposed Commercial School	18 spaces
Existing Commercial School (SUP#99-0084)	16 spaces
Retail	657 spaces
Personal Service	15 spaces
Post Office	57 spaces
Auto Repair (SUP#2627)	<u>24 spaces</u>
Off-Street Parking <u>Required</u> :	855 spaces
Off-Street Parking <u>Provided</u> :	855 spaces

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD-8/ Coordinated Development District, Trade Center. The underlying zoning is CG, Commercial General. Section 4-403(W) of the zoning ordinance allows a commercial school in the CG 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 commercial general uses.

II. STAFF ANALYSIS

Staff recommends approval of the operation of a martial arts school located at 300 South Pickett Street, unit 364, within the Trade Center shopping center. Staff believes that the proposed martial arts school is compatible with the existing retail and service oriented uses in the shopping center. Staff notes that the hours of operation and enrollment are less than the existing commercial school, (Gymboree) and are similar to a previously existing commercial school (karate), and neither have created problems for the surrounding uses.

The applicant's proposed hours of operation are between 10:00 A.M. and 9:00 P.M. Monday through Friday and between 10:00 A.M and 4:00 P.M. on Saturdays. A previously existing karate studio located within the Trade Center Shopping Center operated between 6:30A.M. and 9:00 P.M. Monday through Saturday. The Gymboree operates from 9:00 A.M. to 9:00 P.M. daily and the Home Depot operates between 6:00 A.M. and 11:00 P.M. Monday through Thursday and between 8:00 A.M. and 8:00 P.M. on Sundays. Restaurants in the Trade Center have opening hours ranging from

7:00 A.M. to 10:00 A.M. and closing hours ranging from 6:00 P.M. to 10:00 P.M. Wiygul Automotive operates from between 7:00 A.M. and 8:00 P.M. It is unlikely that the martial arts studio will negatively impact the Trade Center Shopping Center, therefore the staff recommends extending the hours of operation from the applicant's request to between 6:30 A.M. and 10:00 P.M. daily, to allow the applicant more flexibility scheduling classes.

Staff has included conditions restricting the maximum number of students on-site to 36 at any one time and requiring a security survey for the school, a personal safety program, and a consultation with the Police regarding security hardware for the building as recommended by the Police. Finally, staff has included a condition requiring a review of the school after it has been operational for one year so that if there are problems with its operation, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

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

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the school shall be limited to between 6:30 A.M. and 10:00 P.M., daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The number of students receiving instruction at any one time shall not exceed 36. (P&Z)
5. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and robbery awareness program for all employees. (Police)
6. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Mary Christesen, Planning Technician

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:

- C-1 The current use is classified as M, Merchantile; 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 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1). Since this space will contain mixed uses, the certificate must state the purpose for which each space is to be used in its several parts (USBC 119.4).
- C-4 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.
- C-5 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 112.1.4).

- C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-7 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-8 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-9 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:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. This facility may be required to have a permit, depending on the equipment and facilities layout. If a permit is found to be required:
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 11, Swimming Pools, Administrative Regulation 20-6, Swimming Pools.

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.
- 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.

SUP#2004-0098
300 South Pickett Street

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**