

Docket Item #13  
SPECIAL USE PERMIT #2005-0039

Planning Commission Meeting  
June 7, 2005

**ISSUE:** Consideration of a request for a special use permit to operate a commercial school.

**APPLICANT:** SuccessLab Learning Center  
by JBG Rosenfeld Retail and Jonathan Rak, attorney

**LOCATION:** 3209 Duke Street (Parcel Address: 3125 Duke Street)

**ZONE:** CG/Commercial General

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**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.

**SITE GRAPHIC**  
**AVAILABLE IN THE PLANNING AND ZONING OFFICE**

**I. DISCUSSION**

REQUEST

The applicant, SuccessLab Learning Center by JBG Rosenfeld Retail by Jonathan Rak, attorney, requests special use permit approval for the operation of a commercial school located at 3209 Duke Street.

SITE DESCRIPTION

The subject property is two lots of record with a combined frontage of approximately 1,138 feet on Duke Street and a total lot area of 12.6 acres. The site is developed with the Alexandria Commons Shopping Center. Access to the property is from Duke Street, with Yale Drive providing access to the rear of the shopping center.



CURRENT CHARACTERISTICS

Alexandria Commons, located on the north side of Duke Street just east of the intersection of Duke Street and Quaker Lane is a shopping center comprised of approximately 145,600 square feet of retail, office, and personal service space, and 634 parking spaces. SuccessLab Learning Center would be located in a tenant space in the western portion of the shopping center. The uses directly surrounding are a hair salon, a restaurant, and office uses.



PROJECT DESCRIPTION

Hours: The school offers instruction between 8:00 a.m. and 9:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday. The school is closed on Sundays.

Students/Employees: Approximately 45 students with a three to one pupil to teacher ratio. The school is operated by 5-15 employees with varying schedules.

Noise: Noise levels will be minor and consistent with a commercial school use.

Trash/litter: Trash will be collected in a trash compactor located on the western side of the Giant grocery store and collected on a daily basis. Litter will be controlled by the management company.

PARKING

SuccessLab Learning Center, with a maximum of 45 students, has a parking requirement of 23 spaces, which the applicant has provided. The shopping center has a total of 634 parking spaces. See attached chart for parking allocation for the shopping center.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG/Commercial General zone. Section 4-403 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 Taylor Run Small Area Plan chapter of the Master Plan, which designates the property for commercial use.

**II. STAFF ANALYSIS**

Staff supports this new commercial school at 3209 Duke Street. Initially, staff had concerns with parking in the western parking lot directly in front of the proposed use; however, the use is consistent with other uses in the shopping center and adequate parking is provided by the shopping center overall.

Due to the design of the center, the western parking lot is smaller than the other lots at the center, resulting in the lot often being full during peak hours. With the heavy concentration of restaurant uses in this area, this is likely to remain the case. Staff anticipates that most of the students will be dropped off by their parents. For those driving, staff anticipates that they will park in the less crowded adjacent parking area during peak hours and walk to their destination. The peak hours for this use are from 3:00 p.m. to 7:00 p.m., which will help alleviate traffic flow during peak lunch hours for the adjacent restaurants. Additionally, the crowded parking situation can be lessened by requiring employees to park in designated areas in the central parking lot. The shopping center management includes a clause in its leases that requires the lessee to direct employees to park in designated areas. Additionally, staff has made it a condition of the SUP that employees park in the designated parking areas. On May 17, 2005, staff attended a meeting of the Seminary Hill Association to discuss the project and there were some concerns expressed regarding parking, but the members generally supported the proposal.

Although staff had concerns regarding parking, staff believes that the shopping center has adequate parking overall and parking within the center is self-contained, resulting in no spill over into adjacent residential neighborhoods. A condition has also been added to prevent employees from parking in the crowded parking areas. The restaurant use is consistent with other uses in the center and will help contribute to the vitality of the Duke Street corridor.

Staff recommends approval of this 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 SuccessLab Learning Center shall be limited to between 8:00 a.m. and 9:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. on Saturday. Closed on Sundays. (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 Crime Prevention 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. This is to be completed prior to opening for business. (Police)
5. 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)
6. 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)
7. Employees shall park in areas designated by the shopping center as employee parking to reduce congestion in crowded parking areas and this shall be included in employee training on SUP provisions and requirements. (P&Z)

8. 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;  
Richard Josephson, Deputy Director;  
Katrina Newtonson, Urban Planner.

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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 The location of the proposed school is in a highly congested and active section of the shopping center occupied by a number of popular food chains and businesses. Parking spaces in this area are at a high premium and should not be utilized by long term uses such as a school without parking management controls. However, this proposed school is intended for young children who will be dropped off and picked-up which should not impact the current parking situation in this section of the shopping center.

##### Code Enforcement:

- C-1 The current use is classified as B, Business; the proposed use is E, Educational. 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 This structure contains mixed use groups [A, Assembly, B, Business, M, Mercantile; S-1, Moderate-Hazard Storage] and is subject to the mixed use and occupancy requirements of USBC 302.3
- 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 A Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- 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.
- C-2 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 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

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.



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3209 Duke Street

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.

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