

Docket Item #2
SPECIAL USE PERMIT #2005-0063

Planning Commission Meeting
September 8, 2005

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

APPLICANT: Capital Bartending School, LLC

LOCATION: 716 Church Street (Parcel Address: 714 Church Street)

ZONE: CL/Commercial Low

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, Capital Bartending School, LLC, requests special use permit approval for the operation of a commercial school located at 716 Church Street (parcel address: 714 Church Street).

SITE DESCRIPTION

The subject property is one lot of record with approximately 159 feet of frontage on Church Street, 140 feet of depth and a total lot area of 25,421 square feet. The site is developed with a two-story brick building. Access to the property is from Church Street.



The surrounding area is occupied by a mix of commercial and residential uses. Immediately to the north is a garden apartment complex. To the south and west are ramps for I-495. To the east is a Mobil service station.

CURRENT CHARACTERISTICS

The 9,900 square foot building is currently occupied by office uses, except the rear portion of the second floor, which is vacant and the proposed location for the commercial school. A 25-space parking lot is adjacent to the building.

Along with the adjacent Mobil service station, this site is part of the future site of Freedmen's Cemetery. The applicant is aware that the building will be demolished as the park is developed, but wishes to proceed with the application.

CODE ISSUES

During the site inspection by Code Enforcement, it was determined that interior renovations to the space proposed to be occupied by the school had been made without the appropriate permits. Additionally, the rear exit was locked in violation of fire code. Upon notification, the applicant unlocked the door and committed to obtaining the proper permits for the renovations. The space will not be permitted to be occupied until all code requirements are met.

PROPOSAL

The applicant proposes instruction and training for bartenders and restaurant employees. Instruction will include how to tend bar, customer service, and serving alcohol responsibly. No alcohol will be used or served at the school.

Hours: 8:30 a.m. to 10:00 p.m. weekdays, 8:30 a.m. to 6:00 p.m. Saturdays

- Number students: 16 students per class, 3 classes per day weekdays and 2 classes on Saturdays. Only 1 classroom is provided.
- Noise: Typical classroom noise is expected.
- Trash/Litter: Trash will be collected once per week. A groundskeeper will pick up any litter generated by the use.

PARKING

According to Section 8-200 (A)(11) of the Zoning Ordinance, a commercial school requires one parking space for every two seats. A commercial school with 16 seats is required to provide 8 off-street parking spaces. The proposed school would occupy approximately 1,440 square feet of the 9,900 square foot building. The remaining space is occupied by office uses, which according to Section 8-200 (A)(18)(a), requires one space for every 500 square feet. The remaining office uses require 17 parking spaces. The total parking requirement for this building is 25 spaces. The parking lot contains 25 spaces. The applicant has also received permission from the adjacent Mobil service station to secure additional parking at the service station if necessary.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL/Commercial Low zone. Section 4-100 of the Zoning Ordinance allows a commercial school in the CL zone only with a special use permit.

The proposed use is consistent with the Southwest Quadrant Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff supports this new commercial school as a temporary use until the site is cleared for Freedmen's Cemetery. Although the use may be only temporary, minor improvements to the parking lot will be necessary to ensure the minimum number of parking spaces required are provided. Staff has added a condition requiring the lot be patched and restriped, as the lot currently contains numerous potholes and the lines between spaces have faded.

The community has expressed concern about parking at this location. The number of spaces provided for the building meets the minimum parking requirement. During daytime site visits by staff, the parking lot was over half empty, even though the office uses were open. The applicant expects the more heavily-attended class to be the evening class, which will be held after the office uses in the building close, freeing up additional parking spaces. The applicant has also been granted permission to use available parking at the adjacent Mobil service station when necessary. Due to the staggered peak usage times and the agreement with Mobil, staff feels that parking will not be an issue at this location.

With the following 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 commercial school shall be limited to 8:30 a.m. to 10:00 p.m. on weekdays and 8:30 a.m. to 6:00 p.m. on Saturdays . (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. 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)
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, and on how to prevent underage sales of alcohol. (P&Z)
6. The applicant shall patch and restripe the parking lot within 90 days of City Council approval. A minimum of 25 parking spaces meeting the requirements of the Zoning Ordinance shall be provided. (P&Z)
7. Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show 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. (Code Enforcement)

8. 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 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: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Lorrie Pearson, 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:

F-1 No comments

Code Enforcement:

- F-1 On July 15, 2005, staff visited the site and discovered the bartending school had been constructed without obtaining required permits, approvals and inspections. The layout of the bartending school obstructs the second rear exit from the second floor of the structure. The applicant had installed a padlock on the rear exterior exit door in violation of the fire code. The applicant removed the lock and hasp from the door on 7/15/05 upon receipt of an order from the fire marshal. The change of configuration of the proposed space, and / or use of other areas of the building by other tenants shall be reviewed and approved by Code Enforcement prior to occupancy or continued use.
- C-1 Subdivision of the existing office space requires a Certificate of occupancy which shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit. 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 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

- C-5 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-6 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-7 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:

- F-1 No comments

Police Department:

- F-1 The Police Department has no objections to the school opening.

SUP#2005-0063
716 Church Street

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