

Docket Item #4
SPECIAL USE PERMIT #2005-0086

Planning Commission Meeting
October 4, 2005

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

APPLICANT: Teresa P. Dos

LOCATION: 512-D South Van Dorn Street

ZONE: CG/Commercial General

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, Teresa P. Dos, requests special use permit approval for the operation of a martial arts studio (commercial school) located at 512-D S. Van Dorn Street.

SITE DESCRIPTION

The subject property is part of one lot of record with 313 feet of frontage on South Van Dorn Street, 911 feet of depth and a total lot area of five acres. The site is developed with a shopping center consisting of four buildings with 75,000 square feet of retail and warehouse space. Unit 512-D is located in the southernmost building. The space totals 1,450 square feet. The tenant space was most recently occupied by half of the Chris Collins Dance Studio (SUP#2632).



PROPOSAL

The applicant proposes to operate a martial arts studio providing classes to students. The specific aspects of the operation as proposed by the applicant are as follows:

Hours: 12:00 p.m. to 9:00 p.m. Monday through Friday, 10:00 a.m. to 5:00 p.m. Saturday, and closed on Sunday.

of Students: 10-14 students for each class

Noise: Noise levels will be kept at a minimum.

Trash/Litter: Very little trash will be generated by the use. Trash will consist of office paper. A dumpster and recycle bin are located behind the building for refuse.

PARKING

According to Section 8-200(A)(11) of the Zoning Ordinance, a commercial school requires one parking space for every two students. In this case, the applicant proposes up to 14 students, therefore, the parking requirement would be seven spaces. Parking for retail uses in the subject building at Van Dorn Station were approved in Site Plan (#88-036). A retail business at this location would require nine spaces. The applicant complies with the parking requirement. The center was approved for a total of 287 parking spaces for retail and warehouse uses.

ZONING

The subject property is located in the CG/Commercial General zone. Section 4-403 (W) of the Zoning Ordinance allows a commercial school in the CG zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for general commercial use.

BACKGROUND

A building permit was issued for the tenant space for the proposed commercial school in August 2005. After the building permit was approved, the applicant proceeded to implement the improvements to the space and get ready to open. According to the applicant, information regarding the special use permit requirement was not provided during the building permit process. The applicant occupied the space and began operating the school in September 2005. The space was most recently occupied by a commercial school, and staff is not aware of any issues with this type of business at this location. Therefore, in fairness to the applicant who acted in good faith, staff permitted the business to open in this circumstance, but explained to the applicant that the a Special Use Permit would have to be approved for the use to remain.

II. STAFF ANALYSIS

Staff does not object to the proposed martial arts school located at 512-D S. Van Dorn. Staff finds that the proposed martial arts school is compatible with the existing retail and service oriented uses in the shopping center. The proposed operation is similar to the dance school that previously operated from the space, and staff is not aware of issues from that business. The use started without the required SUP and, while staff cannot condone operation of a use without SUP approval, based on the previous use of the space, staff finds the use appropriate at this location.

Staff has included conditions restricting the maximum number of students on-site to 14 at any one time and requiring a security survey for the school. Staff recommends permitting more flexible hours to be consistent with the hours of operation approved at other locations in the shopping center, and to provide some flexibility to the applicant for future. Staff has also 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 7:00 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 14. (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;
Richard Josephson, Deputy Director;
Valerie Peterson, 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:

- C-1 The current use is classified as M, Mercantile; the proposed use is B, Business. 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 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3
- 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 for persons with disabilities must be provided to the building.
- 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:

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.

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.

SUP#2005-0086
512-D S. Van Dorn Street

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