

Docket Item #8
SPECIAL USE PERMIT #2006-0031

Planning Commission Meeting
June 6, 2006

ISSUE: Consideration of a request for a special use permit to operate a Tae Kwon Do studio (commercial school).

APPLICANT: JBG Rosenfeld Retail c/o Jhoon Rhee Tae Kwon Do
By Jonathan P. Rak/David R. Gill, attorneys

LOCATION: 3223 Duke Street (Parcel Address: 3125 Duke Street)
Alexandria Commons Shopping Center

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, JBG Rosenfeld Retail, c/o Jhoon Rhee Tae Kwon Do, requests special use permit approval for the operation of a Tae Kwon Do Studio (commercial school) located at 3223 Duke St.

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. JW Tumbles would be located in a tenant space in the western portion of the shopping center. The uses directly surrounding the subject property are a hair salon, a restaurant, office uses, as well as another commercial school.

PROPOSAL

The applicant proposes a Tae Kwon Do Studio to be located on the second floor of the Alexandria Commons Shopping Center. Jhoon Rhee Tae Kwon Do has multiple locations throughout the region and the country for more than 40 years. Jhoon Rhee Tae Kwon Do has instruction for all age levels, especially for children. Jhoon Rhee Tae Kwon Do emphasizes the disciplines of attention and respect; concentration and timing; strength and flexibility; goal setting, achievement and accomplishment, sportsmanship, confidence, character, and fun. The applicant proposes Kneehigh Ninja classes for children ages 4 to 6, family classes for kids and adults ages 6 and up, separate teen and adult classes, and birthday parties (ages 6 to 11).

The aspects of the business as proposed by the applicant are as follows:

Hours: 1pm-7pm Daily

Number pupils: No more than 20 at any time

Noise:	Minor and consistent with a commercial school use.
Trash/Litter:	Building maintenance will manage on-site trash and litter.

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 20 seats will be required to provide ten off-street parking 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 3223 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, the parking demand is highest during the lunch and dinner hours. The proposed Jhoon Rhee Tae Kwon Do anticipates most activity after lunch hours, reducing the potential for parking congestion. 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 3:00p.m. to 7:00p.m. daily, which will help alleviate traffic flow during peak lunch hours for the adjacent restaurants. Also, parking demand for the use 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.

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 commercial school 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 commercial school shall be limited to 8am- 10pm daily. (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. (P&Z)
6. 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. (Police)
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 maximum number of students on site at any time may not exceed 20. (P&Z)

9. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
10. 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 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;
Richard Josephson, Deputy Director;
James Hunt, 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:

- R-1 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- 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.
- F-1 T&ES has no objection to the proposed "Tae Kwon Do" commercial school.

Code Enforcement:

- F-1 The applicant shall identify the number of students by age group. The age and number of students will determine whether the proposed use is classified as B, Business or E, Educational. Should the type of use be determined to be E, Educational, a change of use is required.
- C-1 The current use is classified as B, Business; the proposed use may be E, Educational (See F-1 above). 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 new Certificate of Use of Occupancy is required prior to opening (USBC 119.1).
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-6 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-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.
- C-8 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-9 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

- F-1 No Comment

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 readiness program for all employees.

SUP#2006-0031
3223 Duke Street

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