

***Docket Item #3***  
***Special Use Permit #2014-0067***  
***5428 Eisenhower Avenue – Martial Arts Studio***

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**CONSENT AGENDA ITEM**

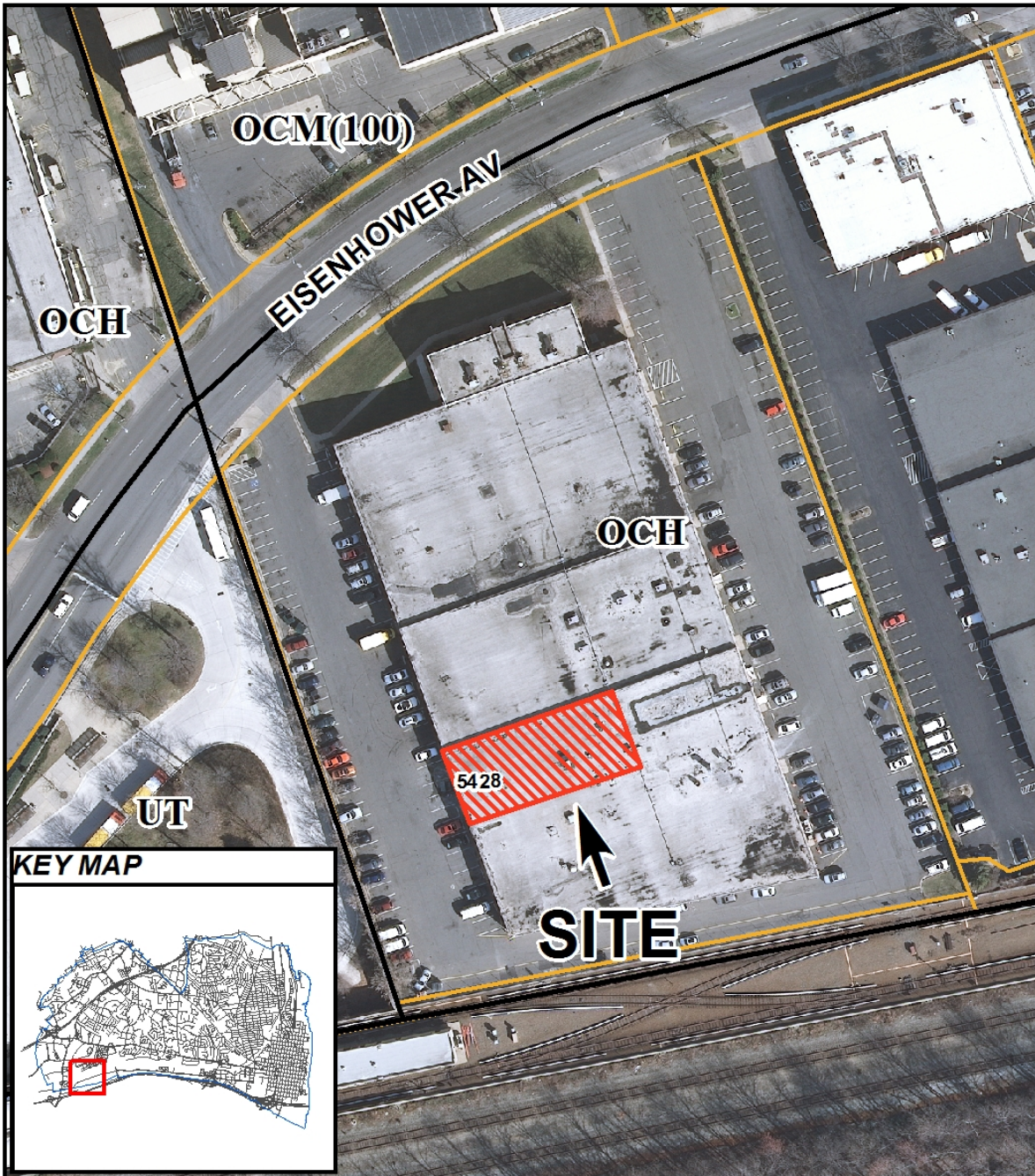
If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

<b>Application</b>	<b>General Data</b>	
Public hearing and consideration of a request to increase hours of operation for a private commercial school (martial arts academy).	<b>Planning Commission Hearing:</b>	September 4, 2014
	<b>City Council Hearing:</b>	September 13, 2014
<b>Address:</b> 5428 Eisenhower Avenue (Parcel Address: 5400 Eisenhower Avenue)	<b>Zone:</b>	OCH / Office Commercial High
<b>Applicant:</b> European Martial Arts, LLC	<b>Small Area Plan:</b>	Landmark/Van Dorn

**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**Staff Reviewers:** Ann Horowitz, ann.horowitz@alexandriava.gov





SUP #2014-0067  
5428 Eisenhower Avenue  
(Parcel Address: 5400 Eisenhower Avenue)





## I. DISCUSSION

The applicant, European Martial Arts, LLC, requests Special Use Permit approval to amend its existing SUP by increasing the operational hours of a private commercial school (martial arts studio) at 5428 Eisenhower Avenue.

### SITE DESCRIPTION

The subject property is one lot with approximately 375 feet of frontage on Eisenhower Avenue approximately 475 feet of lot depth, and a total lot area of 164,000 square feet (3.8 acres). A one-story industrial/flex-space building and a shared parking lot exist on the site. Commercial and industrial tenants in the building include automobile repair businesses and private commercial schools.



The property is surrounded by a mix of commercial, industrial and transportation-related uses. The Covanta waste-to-energy plant and a UPS warehouse facility are located to the north across Eisenhower Avenue. Another industrial/flex-space center, containing several commercial and industrial uses, is located to the east. Railroad tracks and the Capital Beltway are located to the south. The Van Dorn Metrorail Station is located immediately to the west.

### BACKGROUND

During the City-wide rezoning in 1992, the subject property was rezoned from I-2 / Industrial to OCH resulting in a noncompliant status for some existing uses. City Council approved SUP#97-0107 in October 1997 for an umbrella SUP permitting noncomplying and specified uses and for a 50-space parking reduction in October 1997. The umbrella SUP was subject to a five year review in 2002. The City Council approved SUP#2002-0098 which extended the SUP conditions and permitted a change of ownership.

Private commercial schools were not included in the list of uses in the umbrella SUP that are exempted from the need for individual Special Use Permit approval. In September 2013, the City Council separately approved SUP#2013-0050 for the operation of the applicant's martial arts studio. An SUP proposal for a fitness studio in this building at 5402 Eisenhower Avenue (SUP#2014-0066) is also on the September 2014 docket.

### PROPOSAL

The applicant proposes to extend the hours of operation for its existing martial arts studio located at this site. The applicant requests to offer more flexible hours in order to schedule personal training sessions, children's summer camps, and after-school classes.



At this time, the commercial school provides martial arts-related classes and physical training options. The proposed hours represent ten additional hours each morning/afternoon and one hour in the evening, Monday through Thursday. On Friday, the operation would be open ten more hours during the morning/afternoon and three additional hours in the evening. Twelve hours of operation would be added on Saturday and sixteen hours on Sunday. No other changes to the current operation are requested.

Existing hours of operation:

<u>Existing Hours of Operation</u>	4 p.m. to 9 p.m., Monday through Thursday
	4 p.m. to 7 p.m., Friday
	1 p.m. to 5 p.m., Saturday

Proposed hours and additional characteristics of the existing commercial school are:

<u>Proposed Hours of Operation:</u>	6 a.m. – 10 p.m. daily
<u>Number of Students:</u>	Up to 78 at any one time
<u>Noise:</u>	Typical noise associated with exercise classes
<u>Odors:</u>	No odors are expected from the use
<u>Trash/Litter:</u>	Minimal trash generated by the use will be collected from the site weekly.

#### ZONING/MASTER PLAN DESIGNATION

The property is located in the OCH / Office Commercial High zone. Section 4-1103(U) of the Zoning Ordinance allows a private commercial school exceeding 20 students in the OCH zone only with Special Use Permit approval.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial uses. The property is on the border of, but not located within, Landmark/Van Dorn Corridor Plan approved in 2009.

#### PARKING

Pursuant to Section 8-200(A)(11) of the Zoning Ordinance, one off-street parking space is required for every two private commercial school students. With 78 students on site at any one time, the applicant is required to provide 39 off-street parking spaces.

Staff reviewed the parking requirements for all the existing uses and determined that the 171 available parking spaces are sufficient for the current tenants. Likewise, staff finds that the 39 available parking spaces, approved for the use in SUP#2013-0050, satisfy the parking requirement.



## II. STAFF ANALYSIS

Staff supports the expansion of operational hours at the martial arts studio. Additional hours would allow the applicant to widen its customer base with more fitness and training opportunities. The industrial/commercial flex space is suitable for a martial arts studio with an extended daily schedule. Residential areas are not located nearby. Further, the increase in hours is unlikely to impact adjacent businesses in terms of excessive noise, odors, or trash.

Several conditions from SUP#2013-0050 have been carried forward and include an amendment to Condition 3 reflecting the proposed additional hours of operation. The applicant has fulfilled Condition 9, which has been deleted. Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

## 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) (SUP#2013-0050)
2. The maximum number of students attending the private commercial school at any one time shall be 78. (P&Z) (SUP#2013-0050)
3. **CONDITION AMENDED BY STAFF:** The hours of operation of the business shall be limited to between ~~4 p.m. and 9 p.m., Monday Friday and between 1 p.m. and 5 p.m. Saturdays~~ 6 a.m. to 10 p.m., daily. (P&Z) (SUP#2013-0050)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2013-0050)
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) (SUP#2013-0050)
6. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2013-0050)
7. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public. (T&ES) (SUP#2013-0050)
8. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees and students. (T&ES) (SUP#2013-0050)



9. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery readiness program for all employees. (Police) (SUP#2013-0050)~~
10. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2013-0050)
11. **CONDITION AMENDED BY STAFF:** 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 the result of a complaint that rises to the level of a violation of the permit conditions, 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) ~~(SUP#2013-0050)~~

**STAFF:** Alex Dambach, Division Chief, Department of Planning and Zoning;  
Ann Horowitz, 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.



### **CITY DEPARTMENT COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

#### Transportation & Environmental Services

- R-1 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up to prevent an unsightly or unsanitary accumulation once each day that the business is open to the public.
- R-2 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-3 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
- R-4 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees.
- 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.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.

#### Code Enforcement

No comments received.

#### Health

No comments received.

#### Parks and Recreation

No comments received.

#### Police Department

No comments received.





## APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2014-0067

**PROPERTY LOCATION:** 5428 Eisenhower Ave, Alexandria VA 22304

**TAX MAP REFERENCE:** 077.01-01-03

**ZONE:** OCH

**APPLICANT:**

Name: European Martial Arts LLC

Address: 5428 Eisenhower Ave, Alexandria VA 22304

**PROPOSED USE:** Martial arts school

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Jenny Lankford

Print Name of Applicant or Agent

5428 Eisenhower Ave

Mailing/Street Address

Alexandria VA

City and State

22304

Zip Code

Signature

06/10/14

Date

757-651-8542

Telephone #

Fax #

grandknight@europeanmartialart.com

Email address



SUP # 2014-0067

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 5428 Eisenhower Ave, Alexandria VA 22304, I hereby  
(Property Address)  
grant the applicant authorization to apply for the martial arts school use as  
(use)  
described in this application.

Name: Kinosh Sadeghian

Phone: 703-881-2200

Please Print  
Address: 6620 Madison McLean Dr, McLean VA 22101

Email: unityllp@aol.com

Signature: K. Sadeghian

Date: 6/14/14

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

☒ Lessee or

☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

Jenny Lankford - 4905 29th Rd S Apt B1 - 100%

Arlington VA 22206



# OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. <u>Jenny Lankford</u>	4905 29th Rd S Apt B1 Arlington VA 22206	%100
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 5428 Eisenhower Ave, Alexandria VA 22304 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. <u>Kianosh Sadeghian</u>	6620 Madison McLean Dr, McLean VA 22101	%100
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. <u>Jenny Lankford</u>	none	city council/planning commission
2. <u>Kianosh Sadeghian</u>	none	city council/planning commission
3.		

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

06/10/14

Date

Jenny Lankford

Printed Name

  
Signature



If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☐ **Yes.** Provide proof of current City business license
- ☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

### NARRATIVE DESCRIPTION

**3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)**

The European Martial Arts Academy currently operates a martial arts school at the location listed in this application (5428 Eisenhower Ave.) with a maximum of 78 students within the school during the hours of 4p-9p on Mondays-Thursday, 4p-7p on Fridays, and 1p-5p on Saturdays. We are requesting to expand the hours of operation to 6a-10p Monday-Sunday. We are requesting this to allow us to provide personal training sessions to our clients at more flexible and convenient hours, childrens' summer camps and after-school classes in the afternoons, and early morning/afternoon physical training classes. While we do not expect to be open during the full hours requested everyday, we are requesting to have the option to schedule classes, summer camps, and personal training sessions during those hours which are more convenient and appropriate for our customers.



**USE CHARACTERISTICS**

4. The proposed special use permit request is for (check one):

☐ a new use requiring a special use permit,  
☐ an expansion or change to an existing use without a special use permit,  
☒ an expansion or change to an existing use with a special use permit,  
☐ other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

Maximum of 78 students at one time during operating hours according to our existing SUP. Based on the number of students who currently attend classes, we expect the following during our requested hours of operation: 8a-4p Monday-Friday we expect no more than 20 students at any one time. 4p-10p we expect no more than 40 students at any one time. 6a-10p Saturday and Sunday we expect no more than 20 students at one time.

- B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

No more than 3 staff expected on-site at any one time.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Monday-Sunday

Hours:

6a-10p

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. Please describe any potential noise emanating from the proposed use.

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No mechanical noise is expected. Typical noises from people performing physical activity will be contained within the building.

- B. How will the noise be controlled?

The space is fully enclosed so any noise will be contained within the building.



8. Describe any potential odors emanating from the proposed use and plans to control them:

No odors are expected.

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9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)  
Our trash is minimal and mostly contains paper towels, office paper, and sports drink bottles which is contributed to the normal trash pick-up within the business center.
- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)  
Approximately one 13 gal bag per week.
- C. How often will trash be collected?  
Weekly
- D. How will you prevent littering on the property, streets and nearby properties?  
We do not currently have or expect any issues with littering on the property as all our trash is collected within the building and we do not have any outdoor areas where activities take place. If any litter is noticed in the surrounding area or parking lot our staff will dispose of it.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

We have already completed a robbery readiness and  
security assessment w/ the police department and  
have implemented and trained the staff on the suggestions  
made from that assessment.

### ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes ☒ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

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## PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

37 Standard spaces  
           Compact spaces  
2 Handicapped accessible spaces.  
           Other.

<p align="center">Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A <u>          </u></p> <p>Does the application meet the requirement?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>
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B. Where is required parking located? (check one)  
☒ on-site  
☐ off-site

If the required parking will be located off-site, where will it be located?

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are available for the use? 2

<p align="center">Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 <u>          </u></p> <p>Does the application meet the requirement?  <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>
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B. Where are off-street loading facilities located? loading facilities are located on-site in the front and sides of the building

C. During what hours of the day do you expect loading/unloading operations to occur?

We do not expect any loading/unloading operations to occur on a regular basis.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Possibly twice a year if we acquire new equipment for the facility.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

The current street access is adequate.

## SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? \_\_\_\_\_ square feet.

18. What will the total area occupied by the proposed use be?

4059 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ sq. ft. (total)

19. The proposed use is located in: (check one)

☐ a stand alone building

☐ a house located in a residential zone

☐ a warehouse

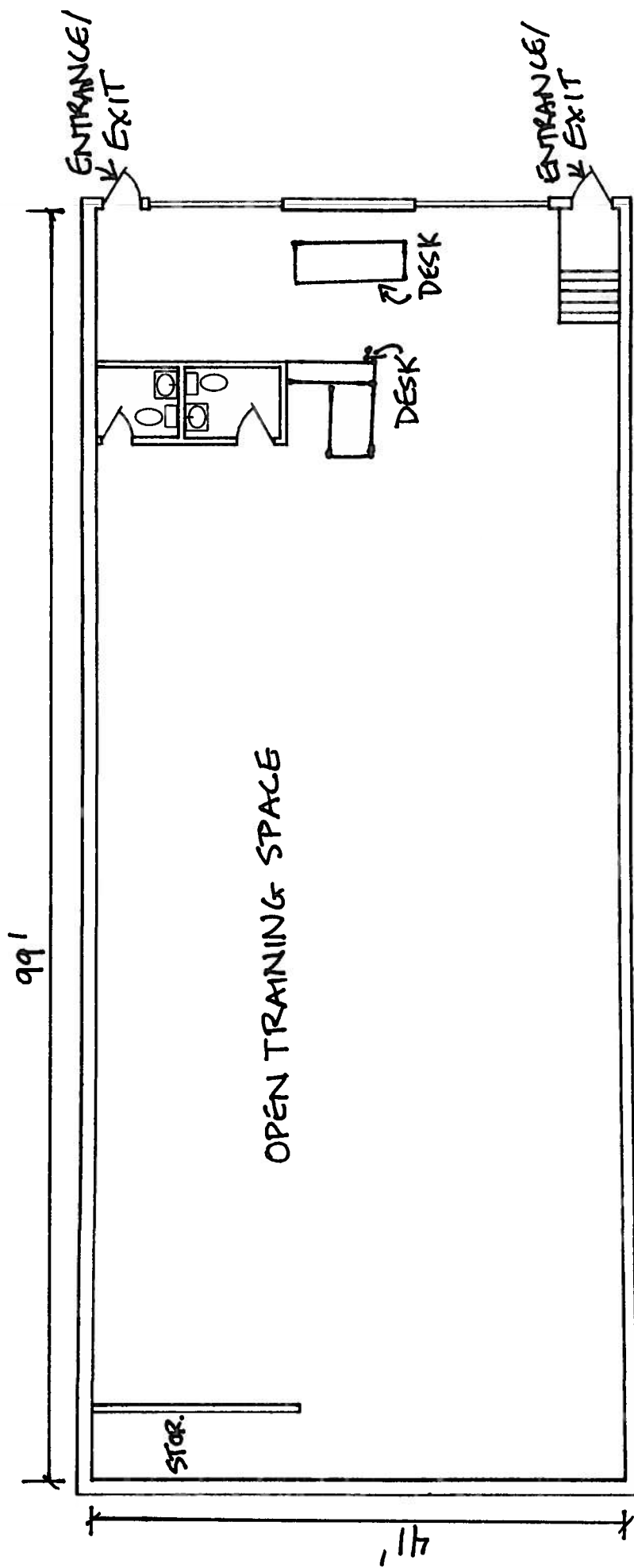
☒ a shopping center. Please provide name of the center: Van Dorn Metro Business Center

☐ an office building. Please provide name of the building: \_\_\_\_\_

☐ other. Please describe: \_\_\_\_\_

**End of Application**





Address: 5428 Eisenhower Ave, Alexandria VA 22304	Applicant: European Martial Arts LLC
Square Footage: 4,059	Business Name: European Martial Arts Academy



**Date Created: 6/11/2014**



**Legend for Parcel Map**

**Map Symbols and Features:**

- Municipal Boundary
- City Boundary
- Address Points
- Metrolink Tracts
- Pavement
- Grass
- Waterways
- Parcels
- Road Labels
- 2087 Aerial
- Road Centerlines
- Sprinklers
- Street Signs
- Roads
- Railroads
- Buildings
- Parks
- Water
- Permitted Areas
- Cities
- City of Alexandria

**DISCLAIMER:** The information presented herein is not intended to be an offer of any investment, nor does it constitute an offer of any insurance, annuity, or other financial product. The information is not intended to be used to establish property lines or boundaries, nor is it intended to be used to determine the value of property or to determine the amount of any award. The information is not intended to be used for any other purpose, and the user assumes all responsibility for any use of the information. The information is not intended to be used for any other purpose, and the user assumes all responsibility for any use of the information. The information is not intended to be used for any other purpose, and the user assumes all responsibility for any use of the information.

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