



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of January 24, 2009

DATE: January 6, 2009

SUBJECT: U-3171-07-4 USE PERMIT AMENDMENT for an expansion of capacity and enrollment for an existing dance studio, located in the Lee Harrison Shopping Center 2425, 2433, 2435, 2499, 2503, and 2509 N. Harrison Street (RPC# 02-073-084).

Applicant:

Kendra M. Slatt and Christopher G. Slatt
t/a Perfect Pointe Dance Studio
4650 Washington Blvd., #728
Arlington, Virginia 22201

By:

Kara Whisler, AICP
Walsh, Colucci, Lubeley, Emrich & Walsh P.C.
2200 Clarendon Blvd., 13th Floor
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the use permit application, subject to one (1) new condition, four (4) amended conditions and all previously approved conditions and with an administrative review in four (4) months (May 2009) and a County Board review in one (1) year (January 2010).

ISSUES: This is a request for an amendment to a use permit for an expansion of an existing dance studio located on the lower level of the Lee Harrison shopping center, and no issues have been found.

SUMMARY: The applicant currently operates a dance studio with a variety of class offerings for a combination of age groups and skill levels, with a maximum enrollment of 350 students. The request is to occupy an additional 904 square foot space on the lower level of the Lee Harrison shopping center, near the existing space, and increase the enrollment to a maximum of 600 students. The proposed space would adequately support the proposed number of students/patrons. There are a number of uses currently operating at the shopping center and the applicant would be expected to work closely with the landlord in order to avoid conflicts related to parking. The Yorktown Civic Association is in support of this proposal. Therefore, it is recommended that the use permit amendment be approved subject to one (1) new condition, four (4) amended conditions to all previously approved conditions and with an administrative review

County Manager: _____

Staff: Matthew Pfeiffer, DCPHD, Planning Division

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in four (4) months (May 2009) and a County Board review in one (1) year (January 2010).

BACKGROUND: In May 2007 the County Board approved a use permit for the Perfect Pointe dance studio to operate out of Suite 1LL at the Lee Harrison shopping center. Suite 1LL contains approximately 1600 square feet of gross floor area (GFA). The studio was approved for a maximum 350 student enrollment, with class sizes set at sixteen students. The studio was only permitted to operate one class at a time. In April of 2008 a one-year County Board review found that the dance studio was in compliance with all of its conditions and there were no issues at the site, although the Yorktown Civic Association did express concern about the overall parking situation at the Lee Harrison shopping center. Due to their concern, the applicant agreed to a condition whereby they would encourage patrons to utilize the structured parking on site.

The applicant is proposing to expand the existing dance studio by occupying an additional space, Suite 5LL, located down the hall from 1LL in the lower level at Lee Harrison. This expansion would allow the studio to expand capacity to a maximum of 600 students. The following provides additional information about the site and location:

Site: The Dance Studio would be located on the ground floor, Suite 1LL, of the Lee Harrison Shopping Center, located at 2425, 2433, 2435, 2499, 2503, and 2509 N. Harrison Street (RPC# 02-073-084). The site is part of the Lee-Harrison Shopping Center located at the intersection of Lee Highway and North Harrison Street. The location of the studio is on the lower level/basement of the building. The use would occupy an additional 904 square feet of space. Single-family residences (“R-6” One-Family Dwelling Districts) and multi-family residential properties surround the shopping center to the north and east. Across Lee Highway to the south are commercial uses.

Zoning: “C-1” Local Commercial Districts

Land Use: “Service Commercial” (Personal and business services. Generally one to four stories. Maximum 1.5 F.A.R.) on the General Land Use Plan.

Neighborhood: The site is within the Yorktown Civic Association, and adjacent to the Leeway-Overlee Civic Association.

DISCUSSION: The applicant proposes to expand the operations of an existing dance studio. The class offerings currently include a combination of age groups and skill levels, including young children (children from ages 2 to 10 years old), serious dance students (students ranging in age from 8 or 10 years old into their 20s), older beginners/non-serious dance students (students age 10 and older), and adult students (students over the age of 18 or 20).

The proposal is to expand enrollment from 350 students to 600 students and to occupy an additional approximately 900 square feet of additional space in the basement of the Lee Harrison shopping center. The typical class size would remain approximately 16 students and two (2) classes would be allowed to be in session at a time instead of one (1). As a result, the maximum number of students allowed on-site at any one time (accounting for any overlap between classes) would increase from 40 to 70. The proposed new hours of operation would be:

- Monday through Thursday 9 a.m. to 10:00 p.m.
- Friday and Saturday 9 a.m. to 7:30 p.m
- Sunday 10:00 a.m. to 7:30 p.m.

These proposed hours contain only a small departure from the original approval. They would extend hours by ½ hour Monday through Thursday, but would close two hours earlier on Fridays. On Sundays, the studio proposes to open 1.5 hours earlier. In all, these changes to the approved hours of operation would not create any impact.

Staff is in support of the applicant’s proposal because it is consistent with other uses in the lower level of the shopping center. There are a number of uses currently operating at the shopping center, including a use permit for J.W. Tumbles, a children’s tumbling, fitness and activity center that includes aerobic activities, birthday parties and other special events for children. Also on the lower level is the Kumon Learning Center, an after-school standardized testing/tutoring center for younger children, and the Jhoon Rhee taekwon do studio. Jhoon Rhee occupies two of the suites on the lower level. The Perfect Pointe dance studio is consistent with these uses, and its expansion will not impact any of the businesses in the lower level of the shopping center.

There is a sufficient amount of parking available in the parking garage at the Lee Harrison shopping center to accommodate the expansion of the Perfect Pointe studio. The shopping center contains a total of 427 spaces, including 103 spaces in the structured parking garage under the Harris Teeter grocery store that is free and open to the public. The chart below summarizes the history of parking for the Lee Harrison shopping center, based on a series of administrative determinations by the Zoning Administrator:

Date	Action taken	Net parking after action	Excess parking spaces
April 2002	Renovation of Harris Teeter Grocery store including construction of structured parking garage	+98	62
July 2002	Conversion of basement spaces to retail/office	-34	28
July 2002	Conversion of 2,590 sq ft retail tenant space to 102-seat restaurant tenant space	-6	22
March 2005	Conversion of 3,000 sq ft retail tenant space to 60-seat restaurant tenant space	+2	24

Based on requirements of Section 33 of Zoning Ordinance.

Due to crowded conditions at the surface lot (reported by the Yorktown Civic Association and observed by staff), staff has proposed, and the applicant has agreed to, a condition whereby the applicant would encourage patrons to use the parking garage for all pick-ups and drop-offs. Furthermore, condition #7, which was added during the one (1) year County Board review in

May 2008, will continue to encourage patrons to utilize the structured parking instead of the surface lot. There is a paved path behind the shopping center that connects the parking garage to outdoor entrances leading to the lower level. Patrons of Perfect Pointe would be encouraged to use this path when coming to and from the studio. On a visit to the site, staff observed ample parking spaces and a minimum of traffic inside the garage, as well as patrons of the lower level studios utilizing the path connecting the garage to the studios. Due to the increase in the volume of students coming and going between classes, however, staff is recommending an administrative review in four (4) months (May 2009) in order to assess the parking situation at the site.

There have been no issues found by County Zoning Inspection staff. The applicant has committed to continue working with the Child Care Office of the Department of Human Services (DHS) to meet the requirements regarding the use of the space and the ratio of instructors to students. Child Care has indicated to staff that there are not issues with Perfect Pointe's current operations, and they have no concerns regarding the use permit amendment. Finally, the president of the Yorktown Civic Association has indicated that he is in support of the conditions of this staff report.

CONCLUSION: The applicant's proposal to expand their dance studio would continue to provide a healthy environment for students to learn to dance and to expand their skills. The Child Care Office and the Yorktown Civic Association have not responded with any objections to the proposal. Staff supports the proposed use permit request. The Lee Harrison Shopping Center provides ample interior space and sufficient parking. Therefore, it is recommended that the use permit be approved subject to one (1) new condition, four (4) amended conditions and all previously approved conditions and with an administrative review in four (4) months (May 2009) and a County Board review in one (1) year (January 2010).

Amended Conditions:

1. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a certificate of occupancy.
2. The applicant agrees that parents of students attending the program shall escort their students who are ten (10) years old and younger to and from the center at all times.
3. The applicant agrees that the hours of operation of the program would be Sunday through Saturday between the hours of Monday through ~~Friday-Thursday~~ 9 a.m. to ~~9:30 p.m.~~ 10 p.m.; ~~Friday and Saturday~~ 9 a.m. to 7:30 p.m.; and Sunday ~~11:30 a.m.~~ 10 a.m. to 7:30 p.m.
5. The applicant agrees that the total number of students enrolled in the Perfect Pointe Dance Studio shall not exceed ~~350~~600 students or a limit as otherwise set

by the Child Care Office of the Department of Human Services.

6. The applicant agrees that the total number of students at the Perfect Pointe Dance Studio shall not exceed ~~40~~70 students at any one time or a limit as otherwise set by the Child Care Office of the Department of Human Services.
7. The applicant agrees to provide information to patrons ~~that~~, parents, and/or students on the first day of classes that:
 - Encourages parking in the underground parking garage and describes the location of the garage entrance and hours of operation
 - Encourages all pick-up and drop-off activity to occur in the underground parking garage
 - Encourages patrons/students, and parents escorting students, to utilize the path that connects the parking garage to the outdoor entrances to the lower level studios when entering and exiting the site.

New Condition:

8. The applicant agrees that all instructors and/or staff will park in the underground parking garage.

PREVIOUS COUNTY BOARD ACTIONS:

May, 2007

Approved use permit (U-3171-07-4) for a dance studio, subject to conditions, and with a County Board review in one (1) year (May 2008).

May, 2008

Renewed use permit (U-3171-07-4) for a dance studio, subject to one (1) new condition, and with a County Board review in one (1) year (May 2009).

Approved Conditions:

3. The applicant agrees to meet the requirements of the Child Care Ordinance, Community Code Enforcement Office, Environmental Health Bureau and the Fire Marshal's Office, including securing the appropriate assembly permit prior to the issuance of a certificate of occupancy.
4. The applicant agrees that parents of students attending the program shall escort their students who are ten (10) years old and younger to and from the center at all times.
5. The applicant agrees that the hours of operation of the program would be Sunday through Saturday between the hours of Monday through Friday 9 a.m. to 9:30 p.m.; Saturday 9 a.m. to 7:30 p.m.; and Sunday 11:30 a.m. to 7:30 p.m.
6. The applicant agrees that individual class size shall not exceed 20 students, or a limit as otherwise set by the Child Care Office of the Department of Human Services.
7. The applicant agrees that the total number of students enrolled in the Perfect Pointe Dance Studio shall not exceed 350 students or a limit as otherwise set by the Child Care Office of the Department of Human Services.
8. The applicant agrees that the total number of students at the Perfect Pointe Dance Studio shall not exceed 40 students at any one time or a limit as otherwise set by the Child Care Office of the Department of Human Services.
9. The applicant agrees to provide information to patrons that encourages parking in the underground parking garage and describes the location of the garage entrance and hours of operation.