



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 25, 2009

DATE: April 10, 2009

SUBJECT: U-3113-04-3 USE PERMIT RENEWAL to renew an existing use permit for a martial arts studio; located in the Lee-Harrison Shopping Center, 2425, 2499, 2503, 2509 North Harrison Street. (RPC #02-073-084)

Applicant:
TKD Life Skills, Inc.

C.M. RECOMMENDATION:

Renew the use permit, subject to all previous conditions, with an administrative review in six (6) months (October 2009) and with a County Board review in one (1) year (April 2010).

ISSUES: This is a renewal of an existing use permit for a Tae Kwon Do studio located in the basement of the Lee Harrison Shopping Center. During the review, the Zoning Inspector found that the applicant has not been in compliance with two conditions dealing with the pick-up and drop-off of children, and parking. The applicant has agreed to take corrective action to come into compliance with those conditions.

SUMMARY: This is a review of a use permit for a Tae Kwon Do studio located in basement of the Lee Harrison Shopping Center and approved by the County Board in February 2005. The Zoning Inspector found that the applicant has not been in compliance with two conditions; the first (condition #2) relating to the escorting of children to and from the center, and the second (condition #6) relating to the dissemination of information to patrons regarding the availability of parking in the garage at the shopping center. The applicant has agreed to take action to come into compliance with these conditions. Therefore, it is recommended that the use permit be renewed subject to all previous conditions, with an administrative review in six (6) months (October 2009) and with a County Board review in one (1) year (April 2010).

BACKGROUND: The Jhoon Rhee Institute of Tae Kwon Do is a martial arts studio. In addition to regularly scheduled classes, the studio is available for birthday parties and other special events. The Tae Kwon Do studio received a use permit approval on February 12, 2005. During an administrative review in February 2006, the use was found to be operating one (1) hour earlier on Saturdays than approved, and the applicant filed for a use permit amendment for

County Manager: _____

Staff: Matthew Pfeiffer, DCPHD, Planning Division

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one (1) hour earlier on Saturdays and to allow classes on Saturday and Sunday afternoons, which was approved on July 8, 2006. As part of the amendment process, the Yorktown Civic Association recommended adding a condition to encourage use of the underground parking garage. Condition #6 was added to require the applicant 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.

In April 2008, the applicant was approved for an amendment to the use permit to expand the Tae Kwon Do studio for additional hours, to allow children aged 2 years, to add more flexibility for holding classes weekend afternoons, and to occupy approximately 1,900 sq ft of additional space on the lower level of the Lee Harrison Shopping Center for supplemental class space. Class size in the new space was approved for twenty (20) students and one (1) to three (3) additional instructors. The applicant was also approved for additional hours of operation for both the existing and new spaces. The current hours of operation are Monday through Friday 6 a.m. to 9 p.m., Saturday 8 a.m. to 9 p.m., and Sunday 9 a.m. to 9 p.m.

DISCUSSION:

Since the Use Permit Amendment approval (April 2008):

Use Permit Conditions: The Zoning Inspector found that the applicant has not been in compliance with Conditions #2 and #6 of approval. Condition #2 pertains to the requirement that parents escort their children to and from the site, and that the parents of children under the age of four (4) remain on site while their children are in classes. While the applicant asserts that this is indeed being done, they have no documentation that parents are actually doing this. The applicant has agreed to require parents to sign a form committing them to escort their children to and from the site, and for parents of children under four (4) to remain on site with their children.

Condition #6 pertains to the requirement that the applicant provide information to patrons (location of entrance, hours of operation) about the free structured parking garage located on site. Again, the applicant has no documentation to prove that they have been in compliance with this condition. However, they have agreed to provide this information in their new student handbooks, and put it on their website.

Community Code Enforcement: The Code Enforcement staff has not reported any complaints or concerns on the subject use.

Fire Marshal's Office: The Fire Marshal's Office reports no issues regarding the subject use.

Police Department: The Police Department has not reported any complaints or concerns on the subject use.

Child Care Office: The Child Care Office continues to work with TKD Life Skills and reports no problems or concerns regarding the subject use.

Civic Association: The Yorktown Civic Association's representatives have been notified of the use permit review, but staff has not received a response.

CONCLUSION: The center has been found to be in violation of two of its use permit conditions. The applicant has responded to staff with concrete measures that would put them in compliance with the subject conditions. Staff recommends a six (6)-month administrative review to ensure that the applicant is following through on its measures to become compliant with all of the conditions of approval. Therefore, it is recommended that the use permit be renewed subject to all previous conditions, with an administrative review in six (6) months (October 2009) and with a County Board review in one (1) year (April 2010).

Approved 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 aged eight (8) and under to and from the facility at all times. Additionally, the applicant agrees that parents of students under the age of four (4) attending the program shall remain on site during class.
3. The applicant agrees that the hours of operation of the program for classes and/or special events shall be limited to Monday through Friday from 6 a.m. to 9 p.m. and Saturday from 8 a.m. to 9 p.m., and Sunday from 9 a.m. to 9 p.m.
4. The applicant agrees that separate bathroom and dressing facilities for males and females shall be operational prior to the time the Tae Kwon-Do school receives a Certificate of Occupancy. Separate public bathrooms are located adjacent to the Tae Kwon Do facility.
5. The applicant agrees to obtain a sign permit prior to the installation of any signage for the proposed use.
6. 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.

