



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of July 7, 2007**

**DATE:** June 28, 2007

**SUBJECT:** U-3088-04-1 USE PERMIT REVIEW for a yoga school and retail sales on premises known as 3811 Lee Highway (RPC #05-051-001).

**Applicant:**

Janet Gormley, Owner  
Sun and Moon Yoga Studio  
5619 2<sup>nd</sup> Street South  
Arlington, Virginia 22204

**C. M. RECOMMENDATION:**

Renew, subject to the conditions of the staff report with a County Board review in five (5) years (July 2012).

**SUMMARY:** This use permit for a yoga studio that provides instruction seven days a week 6:30 a.m. to 10 p.m. to adults, teenagers and children, has operated in accordance with the conditions of approval, and has not had an adverse impact on the neighborhood in the three (3) years since the original approval. Therefore, it is recommended that this use permit be renewed subject to the conditions of the staff report with a County Board review in five (5) years (July 2012).

**BACKGROUND:** The Sun and Moon Studio, a yoga studio, offers yoga instruction to adults, teens and children. In 2004, they moved within the same shopping center to this larger space, which has two studios with a maximum capacity of 25 students in one room and 28 students in the other. In addition to the students, there are two teachers (one for each room) and two office staff. Currently, the applicant offers several classes including yoga for adults, post-natal yoga, teen yoga (between the ages of 12 to 16) and yoga for kids (for ages 5 to 9). The applicant is requesting renewal of the use permit to provide classes for children from three to 18 years of age.

Site: The site is located at the northeast corner of Lee Highway and North Pollard Street in Cherrydale Station shopping center.

Zoning: The site is zoned "C-2," Service Commercial – Community Business Districts.

County Manager: \_\_\_\_\_

Staff: Peter Schulz, DCPHD, Zoning  
PLA-4725

Land Use: The site is designated on the General Land Use Plan as “Service Commercial”. It is also located within the “Lee Highway/Cherrydale Special Revitalization District”.

Neighborhood: The site is located in Cherrydale and in close proximity to Maywood.

**DISCUSSION:** The applicant previously had a use permit for a yoga studio in the same shopping center at a different location, which was approved in 1995. The applicant remained in compliance with the conditions throughout the life of that use permit. This use permit for a yoga studio was discontinued in May 2004, because the applicant moved to a new location, which required the approval of this use permit for the new location.

The applicant has adhered to the use permit conditions, and is in good standing with the Child Care Office. The only area of concern is a persistent roof leak problem in the shopping center in which the studio is located. Code Enforcement is monitoring the situation and has been working with the landlord to resolve the issue. Code Enforcement has determined that the issue is not an immediate hazard to the life, health, and safety of tenants and customers, and all businesses in the center have been able to operate as normal.

Since the Last Administrative Review (July 2005):

Use Permit Conditions: The applicant is compliant with the use permit conditions.

Code Enforcement: Code Enforcement is aware of and trying to resolve the situation about the roof leaks with landlord.

Fire Marshal’s Office: No concerns reported on this site.

Child Care Office: The applicant is in good standing with the Child Care Office.

Civic Associations: At the writing of this report, staff has not received comments from the Cherrydale Citizens Association or the Maywood Community Association.

**CONCLUSION:** The applicant has been in compliance with the conditions of the use permit and has been a good community business. The use permit conditions help to ensure the health and safety of the patrons in the applicant’s care. Therefore, it is recommended that the use permit be renewed, subject to the conditions of the staff report and with a five (5) review by the County Board (July 2012).

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 the installation of smoke detectors. The applicant agrees to obtain a certificate of occupancy on or before August 9, 2004.
2. The applicant shall require that all parents escort their children into and out of the studio at all times.
3. The applicant agrees that the hours of operation of the studios shall be 6:30 a.m. to 10 p.m., Sunday through Saturday, seven days a week.

PREVIOUS COUNTY BOARD ACTIONS:

July 10, 2004

Approved use permit for yoga school and retail sales with a one (1) year administrative review and a three (3) year review by the County Board (July 2007).