



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 24, 2010**

DATE: April 8, 2010

SUBJECT: U-3092-04-2 USE PERMIT RENEWAL to renew an existing use permit for children's tumbling, fitness, and activity center; located in the Lee-Harrison Shopping Center, 2425, 2499, 2503, 2509 North Harrison Street. (RPC #02-073-084)

Applicant:
Fit Kids, Inc.

C.M. RECOMMENDATION:

Renew the use permit, subject to all previous conditions, with a County Board review in three and one-half (3 1/2) years (October 2013).

ISSUES: This is a renewal of an existing use permit for a children's tumbling center located in the basement of the Lee Harrison Shopping Center, and no issues have been identified.

SUMMARY: This is a review of a use permit for a children's tumbling center located in the basement of the Lee Harrison Shopping Center and approved by the County Board in February 2004. There have been no issues reported with regards to this use, and the applicant is compliant with all use permit conditions. The president of the Yorktown Civic Association has commented to staff that there are no issues with regards to this use. There are four (4) total child care uses operating through use permits in the basement of the Lee Harrison shopping center. Staff recommends that this use permit be reviewed concurrently with those uses, and is therefore recommending that the use permit be reviewed in October 2013, when Kumon Learning Center (U-3067-03-1) is up for renewal. The use permit for TKD Life Skills (U-3113-04-3) is being reviewed by the County Board this month, and staff is also recommending that the use permit be reviewed concurrently with Fit Kids and Kumon. The use permit for the Perfect Pointe Dance Studio (U-3171-07-4) will next be reviewed in January 2013 and will be placed on the same review cycle as the other use permits at that time. Therefore, staff recommends renewal of the use permit subject to all previously approved conditions and a County Board review in three and one-half (3 1/2) years (October 2013).

BACKGROUND: The use permit was originally approved in 2004 for a children's tumbling and activity program operated under the name J.W. Tumbles, which runs similar facilities in

County Manager: BMD/GA

Staff: Matthew Pfeiffer, DCPHD, Planning Division

PLA-5544

other states. The program offers aerobic activities, birthday parties, and events for children ages six (6) months to eight (8) years. The hours of operation are Sunday through Saturday from 8 a.m. to 8 p.m. Parents are required to escort their children to and from the center. The original operation included 15 to 20 children at the center at any one time, monitored by two (2) to four (4) staff members.

In April 2008, the County Board approved an amendment to expand the use to an additional 1,100 square foot space also located in the lower level of the Lee Harrison shopping center. The amendment added fifteen children and an additional two (2) staff members, raising the totals to approximately 30 children and six (6) staff members on site at one time. During the review of the amendment request, the Yorktown Civic Association commented on the crowded conditions at the surface parking lot at the Lee Harrison Shopping Center. Due to these concerns, staff proposed an additional condition that would mandate Fit Kids to encourage their patrons to park in the free structured parking garage that is on site, rather than using the surface lot.

When the use permit amendment was reviewed in April 2009, the Zoning Inspector noted that the applicant was not in compliance with Conditions #2 and 5. After speaking with the applicant, they agreed to come into compliance with the subject conditions by providing documentation to staff that they were in compliance. The use permit was renewed by the County Board subject to a County Board review in one (1) year.

DISCUSSION: Since the Use Permit Amendment approval (April 2008):

Use Permit Conditions: The Zoning Inspector found that the applicant is in compliance with all use permit conditions.

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

Civic Association: The Yorktown Civic Association has reported no issues with renewal of the subject use.

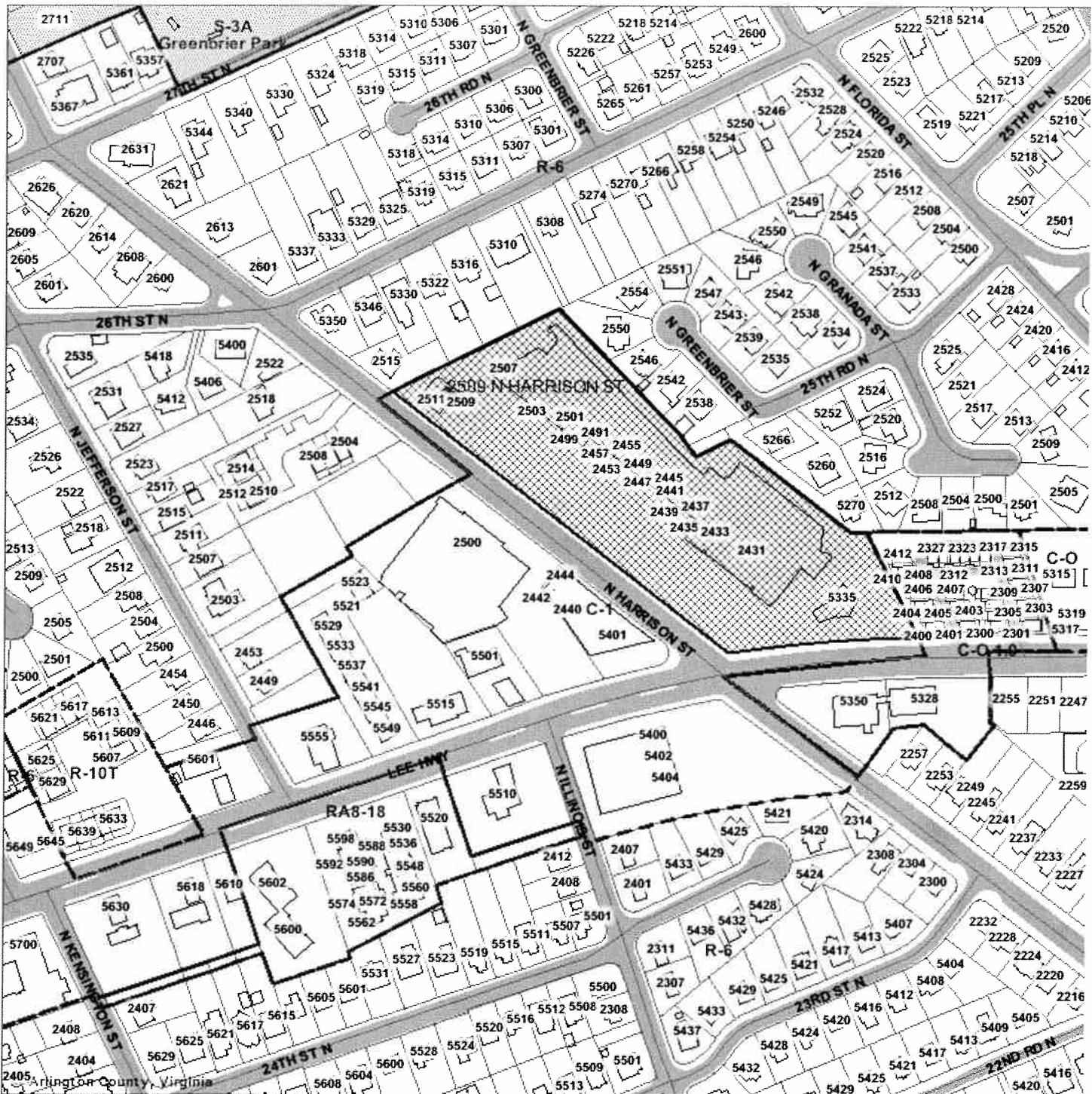
CONCLUSION: The Fit Kids children's tumbling and fitness center has been found to be in compliance with all of its use permit conditions, and no issues have been reported with regards to its operation. The Yorktown Civic Association has no objections to the renewal of the use permit. Staff is recommending that the use permit be reviewed concurrently with other child care uses located at the Lee Harrison shopping center. Therefore, staff recommends renewal of the use permit subject to all previously approved conditions and a County Board review in three (3) and one-half (3 1/2) years (October 2013).

PREVIOUS COUNTY BOARD ACTIONS:

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| July 2004 | Approved the use permit for children's tumbling, fitness, and activity center, subject to conditions in the staff report, with a review in three (3) years (July 2007). |
| July 2007 | Renewed use permit (U-3092-04-2) for a children's tumbling, fitness, and activity center; located in the Lee-Harrison Shopping Center subject to all previous conditions, with a review by the County Board in five (5) years (July 2012). |
| April 2008 | Approved use permit amendment to U-3092-04-2 to occupy approximately 1,100 square feet of additional space in the basement of the Lee Harrison Shopping Center. |
| April 2009 | Renewed use permit U-3092-04-2 subject to all previously approved conditions and 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 children attending the program shall escort their children 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 8 a.m. and 8 p.m.
4. The applicant agrees that the total number of children enrolled in the studio classes shall not exceed 400 children and that the maximum number of children on site at one time is 40 in classes and 45 for birthday parties.
5. 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.



**U-3092-04-2 USE PERMIT AMENDMENT
 2425, 2499, 2503, 2509 N. Harrison St.
 (RPC #02-073-084)**

Note: These maps are for property location assistance only.
 They may not represent the latest survey and other information.



Not To Scale

