



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 24, 2010

DATE: April 7, 2010

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 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 Tae Kwon Do studio 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 Tae Kwon Do studio located in basement of the Lee Harrison Shopping Center and approved by the County Board in February 2005. 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) will be reviewed. The use permit for Fit Kids (U-3092-04-2) is being reviewed by the County Board this month, and staff is also recommending that the use permit be reviewed concurrently with TKD 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 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.

County Manager: BMD/GA

Staff: Matthew Pfeiffer, DCPHD, Planning Division

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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 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.

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 6. 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.

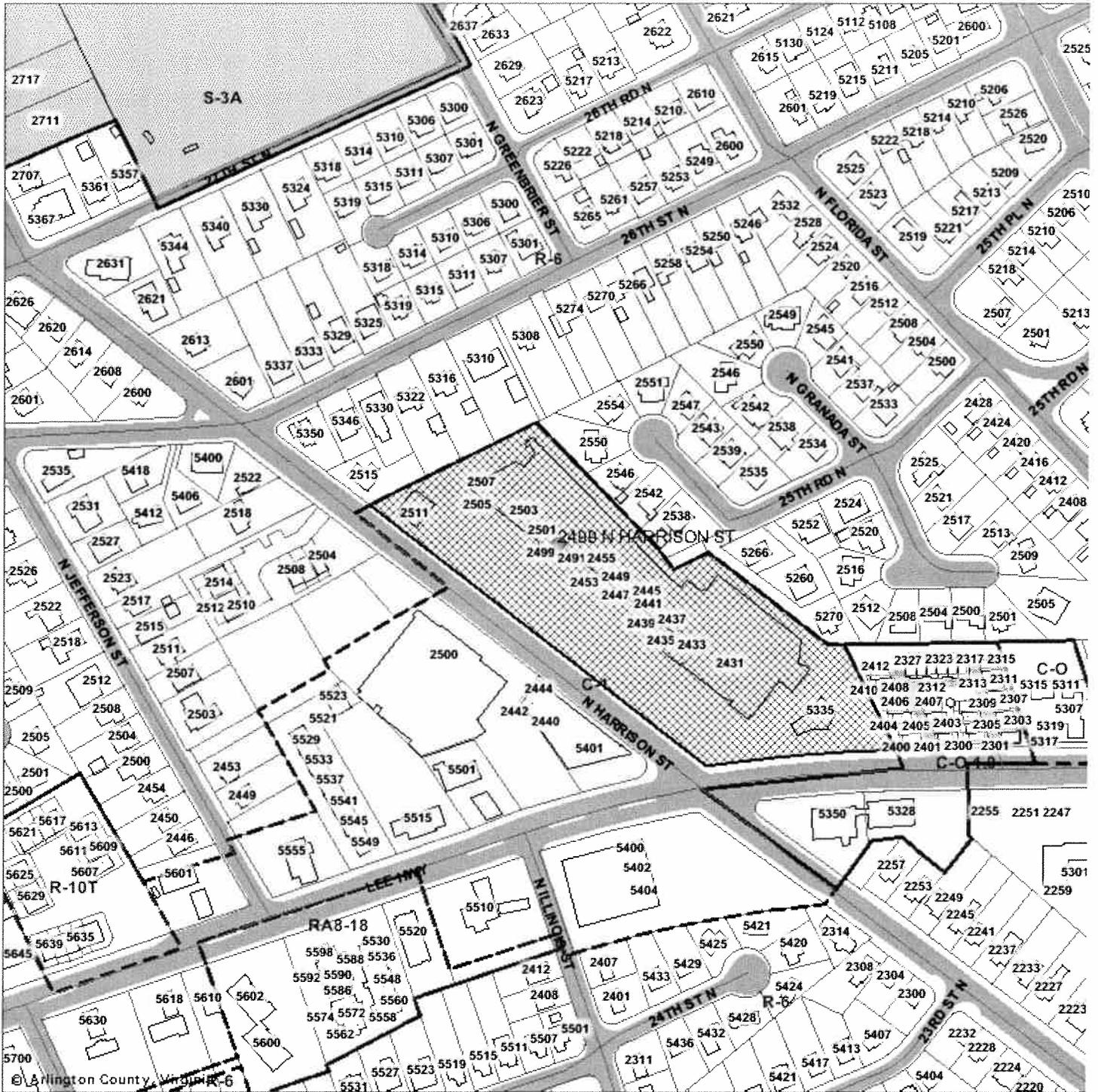
CONCLUSION: The TKD Life Skills martial arts studio has been found to be in compliance with all of its use permit conditions, and no issues have been reported with regards to its operation. The Yorktown Civic Association has no objections to the renewal of the use permit. Staff is recommending that the 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 and one-half (3 1/2) years (October 2013).

PREVIOUS COUNTY BOARD ACTIONS:

- October 2003 Approved use permit (U-3067-03-1) for an after school supplemental program subject to conditions and administrative review in one year (October 2004) and County Board review in two years (October 2005).
- July 2004 Approved use permit (U-3092-04-2) for a children's tumbling, fitness, and activity center subject to conditions and with an administrative review in one (1) year (July 2005) and County Board review in three (3) years (July 2007).
- February 2005 Approved use permit (U-3092-04-3) for a tae kwon do studio subject to conditions and with an administrative review in one (1) year (February 2006) and County Board review in three (3) years (February 2008).
- July 2006 Approved use permit amendment (U- 3092-04-3) to expand the operating hours to one hour earlier on Saturdays and to allow classes on Saturday and Sunday afternoons, subject to all previous conditions, with revised Condition #3, new Condition #6, and a review by the County Board in one (1) year (July 2007).
- July 2007 Renewed use permit amendment (U- 3092-04-3) for a tae kwon do studio subject to conditions and with a County Board review in three (3) years (July 2010).
- April 2008 Approved use permit amendment to U-3113-04-3 to occupy additional space, allow children ages two (2) and older, and provide more flexibility in hours of operation.
- April 2009 Renewed use permit U-3113-04-3 subject to 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.



U-3113-04-3 USE PERMIT
2425, 2499, 2503, 2509 N. Harrison St. (TKD Life Skills)
(RPC #02-075-084)



Not To Scale

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

