



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 10, 2011

DATE: December 1, 2011

SUBJECT: U-3186-07-1 USE PERMIT REVIEW for martial arts classes for children at the Shaolin-Do Kung Fu and Tai Chi studio located at 4142 S. Four Mile Run Drive (RPC# 28-001-006).

APPLICANT:
Maiky Tran, President

BY:
Shaolin-Do Kung Fu & Tai Chi
4142 South Four Mile Run Drive
Arlington, Virginia 22206

C. M. RECOMMENDATION:

Renew the use permit for martial arts classes for children, subject to all previously approved conditions, with a County Board review in five (5) years (December 2016).

ISSUES: This is a review of a use permit for martial arts classes for children at an existing martial arts studio and no issues have been identified.

SUMMARY: The County Board approved a use permit for martial arts classes for children in December 2007, at a martial arts studio that had been offering classes to adults by-right. The applicant is in compliance with the use permit conditions, and there are no concerns about the use. The subject use permit was reviewed in December 2008 and renewed for three (3) years with no issues identified. Therefore, staff recommends renewal of the use permit for martial arts classes for children, subject to all previously approved conditions, with a County Board review in five (5) years (December 2016).

BACKGROUND: Shaolin-Do Kung Fu and Tai Chi has been operating by-right since 2005 at the present location. Because they wished to offer martial arts classes to children, they obtained

County Manager: *BMD/GA*

County Attorney: *MNC* *[Signature]*

Staff: Sophia S. Fisher, CPHD, Planning Division

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a use permit in December 2007. The use permit was reviewed and renewed in December 2008 with a three (3) year review scheduled for December 2011. There has been no history of concerns raised about this use since approval or the 2008 renewal.

DISCUSSION: The applicant offers martial arts lessons to instruction to children separated into three age groups (4-6), (7-12), and 13-17), on the first floor of a commercial building located in an “M-1” (Light Industrial) zoning district. Martial arts studios are a by-right use in “M-1” (although there is no reference in the Zoning Ordinance to martial arts studios, the Zoning Administrator considers them akin to “dance studios” which are permitted by-right in “C-2” (Service Commercial—Community Business Districts) and zoning districts like “M-1” that refer back to “C-2”). According to Section 26 of the Zoning Ordinance, businesses in “C-2” districts that offer classes to children under eighteen (18) years of age are required to obtain a use permit. The applicant was granted a use permit in December 2007 to offer classes to children, and the use was reviewed and renewed by the County Board in 2008. There have been no complaints and the applicant is compliant with use permit conditions. Therefore, staff recommends renewal of the use permit for martial arts classes for children, subject to all previously approved conditions, with a County Board review in five (5) years (December 2016).

Since the renewal (December 2008):

Use Permit Conditions: The classes for children are in compliance with the approved use permit conditions.

Community Code Enforcement: The Community Code Enforcement office has not reported any concerns regarding the renewal of this use.

Fire Marshal’s Office: The Fire Marshal’s Office has not reported any concerns regarding the renewal of this use.

Police Department: The Police Department has not reported any concerns regarding the renewal of this use.

Child Care Office: The Child Care office has not reported any concerns.

Neighborhood: The site is not located within the boundaries of a civic association, but Douglas Park, located across Four Mile Run Drive to the north, was notified and no comments have been received.

CONCLUSION: The applicant has been compliant with all conditions of approval since the use was renewed three (3) years ago. Therefore, staff recommends renewal of the use permit for martial arts classes for children, subject to all previously approved conditions, with a County Board review in five (5) years (December 2016).

PREVIOUS COUNTY BOARD ACTIONS:

December 15, 2007

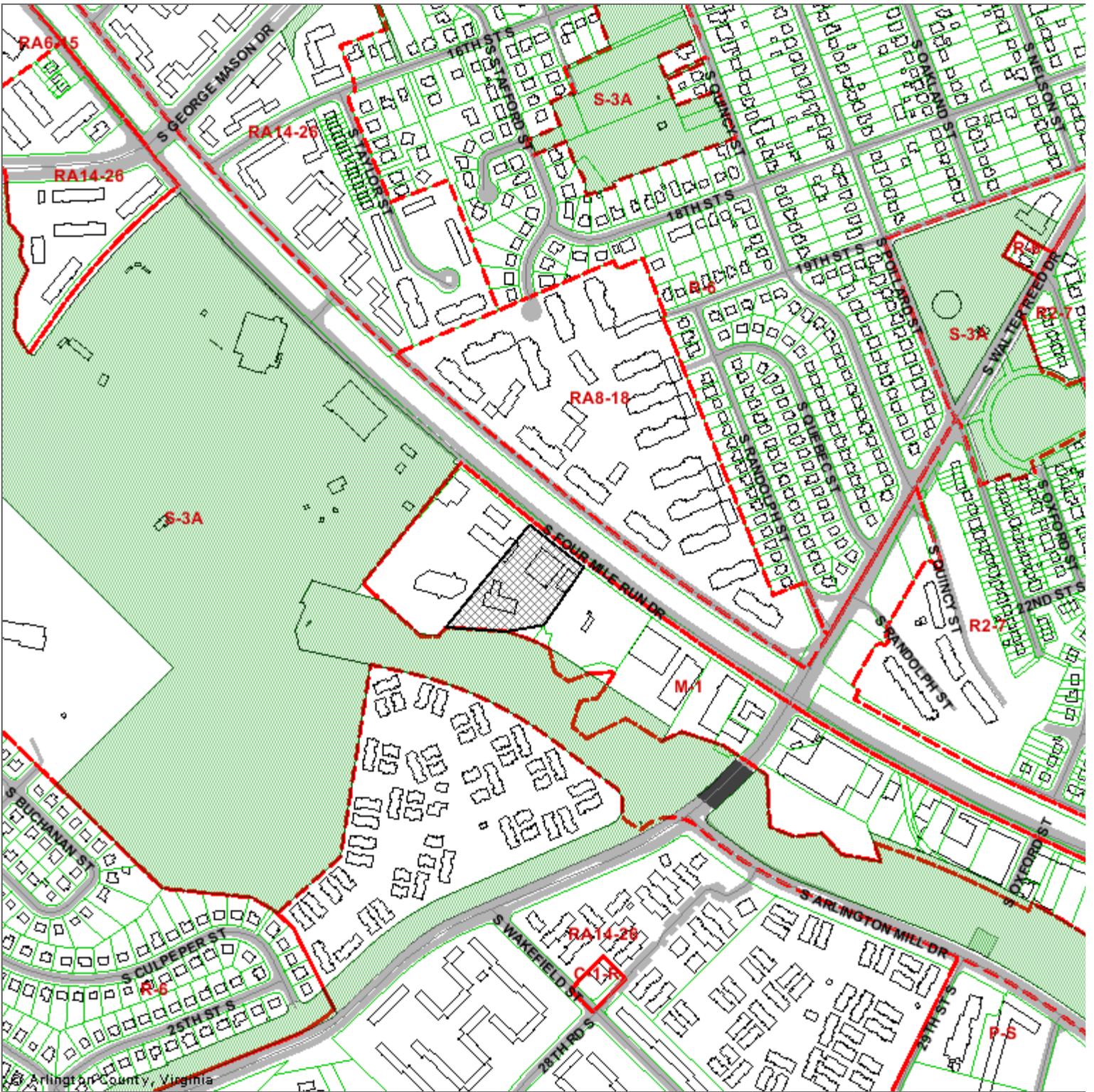
Approved a use permit for martial arts classes for children with an administrative review in six (6) months (June 2008), and a County Board review in one (1) year (December 2008).

December 13, 2008

Approved a one (1) year renewal for the use permit for martial arts classes for children with a County Board review in three (3) years (December 2011).

Approved Conditions:

1. The applicant shall meet the requirements of the Child Care Ordinance, the Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office, including securing the required fire inspection assembly permit.
2. The applicant agrees that parents of children up to age twelve (12) receiving instruction shall escort their children both to and from the facility at all times.
3. The applicant agrees that the hours of operation are from 4 p.m. to 10 p.m., Monday through Thursday, 6:30 p.m. through 8:30 p.m. on Friday, 9 a.m. to 3:30 p.m. on Saturday, and from 9 a.m. to 12:30 p.m. on Sunday.



U-3186-07-1 USE PERMIT REVIEW
4142 S. Four Mile Run Dr.
(RPC #28-001-006)

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



Not To Scale

