



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of September 15, 2012

**DATE:** August 30, 2012

**SUBJECT:** U-3347-12-1 USE PERMIT to allow instruction to up to 50 children at Pentagon Mixed Martial Arts, located at 1041 S. Edgewood St. (RPC# 32-003-002).

**Applicant:**

Vivek Nakarmi  
Pentagon Mixed Martial Arts  
1041 S. Edgewood Street  
Arlington, Virginia 22204

**C.M. RECOMMENDATION:**

Approve the subject use permit for the operation of a private martial arts studio for children ages 4-17, subject to the condition of the staff report and with a County Board review in one (1) year (September 2013).

**ISSUES:** This is a request to provide martial arts instruction to children under the age of 18, and no issues have been identified.

**SUMMARY:** Pentagon Mixed Martial Arts, LLC, is requesting a use permit to offer martial arts instruction to children under the age of 18. A use permit is needed for the proposed use based on the age, student ratio and capacity requirements specified within the [Arlington County Zoning Ordinance \(ACZO\) Section 26.A.](#) for properties zoned "C-2" Service Commercial Community Service Districts. Children aged 15-17 are allowed to participate in classes without use permit approval, as long as they do not comprise more than 20 percent of the class enrollment. Pentagon Mixed Martial Arts has been in operation since June 2012, and currently offers a variety of classes to adults. The amount of parking proposed for this use is adequate for the site and will not have an undue, adverse impact to the surrounding businesses and community. The applicant has demonstrated to the satisfaction of the Child Care office that they meet the requirements of [Chapter 16](#) of the Arlington County Code, which governs private instruction to children and requires that private clubs providing instruction to children be

County Manager:

*BMD/GA*

County Attorney:

*[Handwritten signatures]*

Staff: Sophia S. Fisher, DCPHD, Planning Division

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licensed. Therefore, staff recommends that the County Board approve the subject use permit, subject to the condition of the staff report and with a County Board review in one (1) year.

**BACKGROUND:** Pentagon Mixed Martial Arts occupies approximately 4,200 square feet of space in a retail strip center located just south of Columbia Pike at 1041 S. Edgewood Street. Other adjacent uses include a specialty grocery store and a pizza store.

**The following provides additional information about the site and location:**

Site: The site is approximately 4,975 square feet and is developed with a single story building. Adjacent to the property is a parking lot with approximately 70 spaces.

To the North: Columbia Pike, retail uses; zoned “C-2,” Service Commercial.

To the East: S. Cleveland Street, single family detached residential; zoned “R-5.”

To the South: 11<sup>th</sup> Street South, single family detached residential; zoned “R-5.”

To the West: S. Edgewood Street, retail uses; zoned “C-2,” Service Commercial.

Zoning: The site is zoned [“C-2,” Service Commercial—Community Business Districts](#).

Land Use: Identified on the [General Land Use Plan](#) as “Service Commercial” (Personal and business services. Generally one to four stories, with special provisions within the Columbia Pike Special Revitalization District.)

Neighborhood: The site is located in the Columbia Heights Civic Association. The Civic Association requested confirmation that staff interacting with children would be subject to background checks (which is required by the Child Care Office), and has expressed no concerns regarding this use.



**DISCUSSION:** Pentagon Mixed Martial Arts opened in June 2012. They currently offer a variety of classes to adults on weekdays in the early morning and in the evening, and on Saturdays in the morning and early afternoon. The applicant is proposing to add instruction to children primarily weekdays after school, as well as on Saturdays. The applicant is also planning to offer day camps for children during the spring and summer. In [ACZO Section 26.A](#), for properties located in the “C-2” zoning district, martial arts studios have been consistently treated as dance studios (which are a listed use in “C-2”) based on the similarity in function and the operation of these facilities. Furthermore, the ACZO states that a use permit is needed for such a use “if a use provides classes or instruction to children and, either twenty (20) percent or more of the total number of students enrolled in classes and/or instruction are children under eighteen (18) years of age or the total number of children under eighteen (18) years of age enrolled in classes scheduled to be held at any one time is ten (10) or more”. The proposed use is consistent with the aforementioned description and thus, would need a use permit.

It has been consistent administrative practice to allow a martial arts studio to park at a ratio of 1 space per 250 square feet. This parking requirement would amount to a total of 17 spaces for the use. The martial arts studio shares a 70-space parking lot with neighboring businesses. Because the amount of parking is tied to the size of the use, and the square footage of the use is not expanding, there is adequate parking for the proposed use. The current permitted occupancy of the martial arts studio is 85, which will not be changed with this application. Granting the martial arts studio permission to offer instruction to children under the age of 18 will allow the studio to expand the program of classes offered, but will not increase the maximum number of people able to attend classes at a time.

The applicant is also aware that they will have to comply with Chapter 16 (“Nursing Home and Child Care Agencies”) of the Arlington County Code, which governs private instruction to children and sets standards that the studio must meet in order to be granted a license. Chapter 16 requires that anyone providing instruction to children must pass a background check; that the facility meets applicable health/safety standards; and that no alcohol shall be present when children are on the premises.

**CONCLUSION:** The applicant is proposing to offer martial arts instruction to children under the age of 18, and has demonstrated to the Child Care office that they understand the requirements of Chapter 16 of the Arlington County Code, which governs private instruction to children. No adverse impacts have been identified from the proposal. Therefore, staff recommends that the County Board approve the subject use permit, subject to the condition of the staff report and with a County Board review in one (1) year.

Condition:

1. The applicant agrees to meet the requirements of the Child Care Ordinance, the Code Enforcement Office, the Environmental Health Bureau, and the Fire Marshal's Office, in opening and operating its business, including securing the required fire inspection assembly permit.

2. The applicant agrees that parents and/or caregivers of students attending the classes shall escort their students who are ten (10) years old and younger to and from the studio at all times.
3. The applicant agrees to comply with Chapter 16 (“Nursing Home and Child Care Agencies”) of the Arlington County Code which governs private instruction to children and sets standards that the studio must meet in order to be granted a license (which includes but is not limited to the studio meeting all applicable health/safety standards and that no alcohol shall be present when children are on the premises).
4. The applicant agrees to require that anyone providing instruction to children must pass a background check. These background checks will be obtained before hiring any instructor or other staff member. Background checks shall be administered and recorded as required under Chapter 52 of the Arlington County Code. All documentation of these background checks shall be included as public record to the Zoning Administrator before issuance of a certificate of occupancy.

**PREVIOUS COUNTY BOARD ACTIONS:** There have been no previous County Board actions.

