



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 19, 2008**

DATE: April 10, 2008

SUBJECT: U-3092-04-2 USE PERMIT AMENDMENT to expand the 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.

By:

Nan E. Walsh, Attorney/Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the use permit amendment, subject to all previous conditions and two (2) new conditions, with a review by the County Board in one (1) year (April 2009)

ISSUES: This is an amendment to add studio space to the existing children's health club use. The Yorktown Civic Association has expressed no concerns with the amendment but raised concerns regarding parking in the Lee Harrison Shopping Center. A new condition has been added to help address this issue.

SUMMARY: The subject use permit amendment is to expand the existing Fit Kids tumbling, fitness, and activity center located at the Lee-Harrison shopping center. The applicant requests to occupy approximately 1,100 square feet of additional space on the lower level of the shopping center. The applicant anticipates that the new space would accommodate a maximum of 15 children and one (1) to two (2) additional staff members. The hours of operation would remain the same, from 8 a.m. to 8 p.m., Sunday through Saturday. The use is classified as a health club use which exclusively serves children, and has operated in compliance with the use permit conditions. The applicant has worked closely with Child Care staff in the Department of Human Services (DHS) as the program has developed. Therefore, staff recommends that the use permit amendment be approved, subject to all previous conditions, and two (2) new conditions, with a review by the County Board in one (1) year (April 2009).

County Manager: _____

Staff: Rasheda DuPree McKinney, DCPHD, Planning Division

PLA-4932

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 other states. The program offers aerobic activities, birthday parties, and events for children ages six (6) months to eight (8) years. For the existing space, the operation has included 15 to 20 children at the center at any one time, monitored by two (2) to four (4) staff members. The hours of operation are Sunday through Saturday from 8 a.m. to 8 p.m. Birthday parties and other events take place within the hours of operation. Parents are required to escort their children to and from the center. The use permit was reviewed and renewed on July 7, 2007, subject to all previous conditions, with a review by the County Board in five (5) years (July 2012).

Staff recommends that the County Board approve the use permit amendment, subject to all previous conditions, and two (2) new conditions to address total enrollment and class size, with a review by the County Board in one (1) year (April 2009).

Site: The site is the part of the Lee-Harrison shopping center located at the intersection of Lee Highway and North Harrison Street. The center is located on the lower level/basement of the building. The use currently occupies 904 square feet of space. The applicant proposes to expand the space to a total of 2,004 square feet.

Zoning: The site is zoned "C-1" Local Commercial Districts. The children's fitness and physical activity center is classified under the Zoning Ordinance as a health club use which is permitted pursuant to use permit approval.

Land Use: Designated "Service Commercial" (Personal and business services. Generally one to four stories. Maximum 1.5 F.A.R. on the General Land Use Plan.

Neighborhood: This use is located in the Yorktown Civic Association area. The association president contacted staff to state that they had not heard any complaints about the use and that the association does not object to the continuation of this use. The president did raise some concern about parking overall in the Lee Harrison Shopping Center. Staff proposes new condition #5 which requires that the applicant provide information to parents and students regarding the location of underground parking. Staff will work with the Parking Enforcement section of the Arlington Police Department to ensure that parking in the vicinity of the shopping center parking is in compliance with County parking regulations.

DISCUSSION: Staff supports the subject proposal. The use complies with the provisions for use permits in the County's Zoning Ordinance. The program provides an option for parents to supplement their children's physical and mental activities with child-oriented healthy and fun activities. The center has operated in compliance with the use permit conditions and all County regulations. No complaints have been received.

The applicant has agreed to the one (1) new condition aimed at mitigating impacts and providing for the health and safety of the children in its care. The operation has included 15 to 20 children

at the center at any one time, monitored by two (2) to four (4) staff members. The new condition addresses the two spaces, and working with the Child Care Office, limits the total number of students on site at any given time to 40 for classes and 45 for birthday parties. The total number of students is limited to 400. In practice, there are active and inactive students; not every child attends classes every week. Therefore, the enrollment cap does not indicate the total number of children that go to class on any given day, week, or month. The types of classes also change, based on demand.

The proposed expansion space is not adjacent to the existing space, but is located within 75 feet of the space. The hours of operation will remain the same for the expansion space, and are not expected to conflict with other uses in the shopping center. Because the applicant proposes to use space currently occupied by another tenant, the parking should be adequate for the expansion. There is adequate parking in the shopping center to meet the expanded needs of the program without impacting the patrons of the shopping center.

The Leeway Overlee and Yorktown Civic Associations were notified of the upcoming use permit amendment. To date, staff has received comments from only the Yorktown Civic Association. The Yorktown Civic Association reports that it has no concerns regarding the amendment, but raises concerns regarding the overall parking capacity at the Lee-Harrison shopping center. In an effort to relieve surface parking shortages, Condition #5 has been 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.

The applicant has worked with the Child Care Office in DHS. The Child Care Office reports that the operation meets the requirements of the Child Care Ordinance, and no complaints have been received regarding the existing operation of Fit Kids.

CONCLUSION: The center has operated in compliance with all use permit conditions and County regulations. The new space provides additional play and activity area for Arlington children. Therefore, staff recommends that the use permit amendment for additional space for a children's tumbling, fitness, and activity center be approved, subject to all previous conditions, with two (2) new conditions, with a review by the County Board in one (1) year (April 2009)

New Conditions #4 and #5:

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.

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.

PREVIOUS COUNTY BOARD ACTIONS:

July 10, 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 7, 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).