



## ARLINGTON COUNTY, VIRGINIA

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

**DATE:** April 11, 2008

**SUBJECT:** U-3113-04-3 USE PERMIT AMENDMENT for a Tae Kwon Do Studio; premises known as 2425, 2499, 2503, 2509 North Harrison Street. (RPC #02-073-084)

**Applicant:**

TKD Life Skills, Inc.

**By:**

Kara M. Whisler, Agent  
Walsh, Colucci, Lubeley, Emrich & Walsh  
2200 Clarendon Boulevard, Suite 1300  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

Approve, subject to all previous conditions, with revised Condition #3, and a review by the County Board in one (1) year (April 2009).

**ISSUES:** This is an amendment to the existing Tae Kwon Do Studio use permit to add space, hours of operation, and children two (2) years old and up. The Yorktown Civic Association has expressed concerns regarding parking in the Lee Harrison Shopping Center. The applicant is in compliance with condition #6 intended to mitigate the parking issue.

**SUMMARY:** The use has received no complaints, and the Child Care office of the Department of Human Services has no issues with this use or the proposed amendment. Therefore, staff recommends approval of the use permit amendment, subject to all previous conditions, with revised Conditions #2 and #3, and a review by the County Board in one (1) year (April 2009).

**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. 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

County Manager: \_\_\_\_\_

Staff: Rasheda DuPree McKinney, DCPHD, Planning Division

PLA-4930

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. The use permit was reviewed and renewed at the July 7, 2007 County Board meeting, with a review in three (3) years (July 2010).

Enrollment for each class averages 10 to 12 students, but does not exceed 25 students in any one class and only one class is offered at a time. Classes vary in length of time depending on the skill levels of the students. The total number of students is 530. 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 students that go to class on any given day, week, or month. The types of classes also change, based on demand.

The current hours of operation are Sunday through Friday from 9 a.m. to 9 p.m. and Saturday from 8 a.m. to 9 p.m. for classes and/or special events. There are two (2) to four (4) on-site staff members/instructors present at any given time. Parents are required to escort their children to and from the program. Parents of children between the ages of eight (8) and twelve (12) will be encouraged to remain and observe the class and will be required to remain in the vicinity of the school during the child's class.

Site: The site is the part of the Lee-Harrison shopping center located at the intersection of Lee Highway and North Harrison Street. The location of the use is on the lower level/basement of the building. The use occupies approximately 3,200 square feet of space.

Zoning: "C-1" Local Commercial Districts. This use 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: The martial arts studio is located in the Yorktown Civic Association area. The association president contacted staff to state that they had not heard any complaints about the studio 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 notes that the applicant does provide information to students regarding the location of underground parking as required by condition #6. 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:** The applicant has requested an amendment to the use permit to expand the Tae Kwon Do Studio for additional hours, to allow children aged 2 years, and to add more flexibility for holding classes weekend afternoons. The applicant is requesting to occupy approximately 1,900 sq ft of additional space on the lower level of the Lee Harrison Shopping Center. The additional space will be used for supplemental class space. Class size in the new space would not exceed twenty (20) students and one (1) to three (3) additional instructors.

U-3113-04-3 Use Permit Amendment  
TKD Life Skills  
PLA-4930

The applicant has also requested additional hours of operation for both the existing and new spaces. The current hours of operation are Sunday through Friday from 9 a.m. to 9 p.m. and Saturday from 8 a.m. to 9 p.m. The new hours are proposed to allow classes for adult students to begin at 6 a.m. on Monday through Friday. Other hours of operation would remain unchanged.

As part of the use permit amendment application, the applicant has requested to modify the age of students within the school to include students two (2) years of age through adult. Although there is no existing condition regarding age of students, the 2005 County Board report for the original use permit approval indicated that the school would offer classes for students from four (4) years of age to adult. The revised Condition #2 requires parents of children under the age of four (4) remain on site during the classes.

**CONCLUSION:** Since the use permit approval in 2005, the owners have generally complied with the use permit conditions and County regulations. The use has received no complaints during its operation. The new space provides additional play and activity area. Therefore, staff recommends approval of the use permit amendment, subject to all previous conditions, with revised Conditions #2 and #3, and a review by the County Board in one (1) year (April 2009).

Revised Condition #2

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.

Revised Condition #3

3. The applicant agrees that the hours of operation of the program for classes and/or special events shall be limited to ~~Sunday-Monday~~ through Friday from ~~9~~ 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.

PREVIOUS COUNTY BOARD ACTIONS:

- October 18, 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 10, 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 12, 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 8, 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 7, 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).

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.
3. The applicant agrees that the hours of operation of the program for classes and/or special events shall be limited to Sunday through Friday from 9 a.m. to 9 p.m. and Saturday from 8 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.