



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of May 17, 2008

**DATE:** May 6, 2008

**SUBJECT:** U-3171-07-4 USE PERMIT REVIEW for a dance school located at Perfect Pointe Dance Studio, located at 2499 N. Harrison Street, Suite 1LL in the Lee Harrison Shopping Center 2425, 2433, 2435, 2499, 2503, and 2509 N. Harrison Street (RPC# 02-073-084).

**Applicant:**

Kendra M. Slatt and Christopher G. Slatt  
t/a Perfect Pointe Dance Studio  
4650 Washington Blvd., #728  
Arlington, Virginia 22201

**By:**

Kara Whisler  
Walsh, Colucci, Lubeley, Emrich & Walsh P.C.  
2200 Clarendon Blvd., 13th Floor  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

Renew the use permit, subject to the conditions of the staff report, and with County Board review in three (3) years (May 2011).

**ISSUES:** This is a review of an existing dance studio. The Yorktown Civic Association states that it does not object to the renewal of the use permit, but has expressed general concerns regarding parking in the Lee Harrison Shopping Center. Staff proposes new condition #7 to alleviate surface parking demand.

**SUMMARY:** The applicant seeks renewal of a use permit to a dance studio in the ground floor space of the Lee Harrison Shopping Center. The studio is in compliance with use permit conditions, and there have been no complaints from the community regarding the continuation of this use. Therefore, staff recommends renewal of the use permit, subject to all previous conditions, and new condition #7, with a County Board review in three (3) years (May 2011).

**BACKGROUND:** On May 5, 2007, the County Board approved the subject use permit for a dance studio in a 904-square foot space in the lower level of the shopping center, with a County Board review in one (1) year. There are a number of uses, approved by use permit, which are

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

Staff: Rasheda DuPree McKinney, DCPHD, Planning

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currently operating at the shopping center, including J.W. Tumbles, a children's tumbling, fitness and activity center approved on July 10, 2004 (U-3092-04-2), and Jhoon Rhee Tae Kwon Do, a martial arts studio approved on February 12, 2005 (U-3113-04-3).

**DISCUSSION:** The dance studio program provides a variety of classes, including ballet, pointe, tap, jazz, modern, Mommy-and-Me, Pre-School, and Kinderdance. The class offerings include a combination of age groups and skill levels, including students from ages two (2) to adult. The approved dance studio is limited to a maximum enrollment of 350 students and a maximum of 40 students at any one time. The average class size is approximately 16 students and typically only one (1) class is in session at a time. The studio hours of operation will continue to be Monday through Friday from 9 a.m. to 9:30 p.m., Saturday from 9 a.m. to 7:30 p.m., and for special events on Sunday from 11:30 a.m. to 7:30 p.m.

The applicant continues to work with the Child Care Office of the Department of Human Services (DHS) to meet requirements regarding the use of the space and compliance with child care regulations. Child Care staff has inspected the site and has stated that there is ample space and they have no concerns regarding this use.

Since the County Board approval (May 5, 2007):

Use Permit Conditions: The use is in compliance with the approved use permit conditions.

Child Care Office: The Child Care office states that the use is in compliance with child care regulations.

Community Code Enforcement: Community Code Enforcement has not reported any concerns regarding the continuation of this use.

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

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

Neighborhood: The martial arts studio is located within the Yorktown Civic Association. 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 civic association president did raise some concern about parking overall in the Lee Harrison Shopping Center. Staff finds that there is sufficient surface parking available at the shopping center, including 102 underground parking spaces which would be adequate to accommodate the number of vehicles generated by the studio use. Condition #6 which limits maximum class capacity should also mitigate the impact on parking inventory. Additionally, staff proposes condition #7 to inform students that parking is available in the center's underground garage to reduce demand for surface parking.

**CONCLUSION:** The dance studio use operates in compliance with the approved use permit conditions. Child Care staff has inspected the site and reports that they have no concerns regarding the continuation of this use. Therefore, it is recommended that the use permit be approved subject to all previously approved conditions, and new condition #7 to mitigate demand for surface parking, and with a County Board review in three (3) years (May 2011).

New Condition:

7. 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.

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).
- May 5, 2007 Approved use permit (U-3171-07-4) for a dance studio, subject to conditions, and with a County Board review in one (1) year (May 2008).
- 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).

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 who are ten (10) years old and younger 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 Monday through Friday 9 a.m. to 9:30 p.m; Saturday 9 a.m. to 7:30 p.m; and Sunday 11:30 a.m. to 7:30 p.m.
4. The applicant agrees that individual class size shall not exceed 20 students, or a limit as otherwise set by the Child Care Office of the Department of Human Services.
5. The applicant agrees that the total number of students enrolled in the Perfect Pointe Dance Studio shall not exceed 350 students or a limit as otherwise set by the Child Care Office of the Department of Human Services.
6. The applicant agrees that the total number of students at the Perfect Pointe Dance Studio shall not exceed 40 students at any one time or a limit as otherwise set by the Child Care Office of the Department of Human Services.