



# CITY OF FAIRFAX

## Department of Community Development & Planning

### Special Use Permit SU-15030001

#### PUBLIC HEARING DATE

May 5, 2015

#### APPLICANT

Fairfax Golf, Inc.

#### AGENT

Sarah E. Hall, attorney/agent

#### PARCEL DATA

*Tax Map ID*  
58-3-(2)-036

*Street Addresses*  
3887 Pickett Road  
(subject property's address ranges from  
3875-3895 Pickett Road and 9440 Mathy  
Drive)

*Zoning District*  
I-2 Industrial District



#### APPLICATION SUMMARY

Request by Fairfax Golf, Inc., by Sarah E. Hall, attorney/agent, pursuant to City Code Sections 110-843(4), and 110-366, for a special use permit renewal to allow a commercial recreational use (golf practice facility) in the I-2 Industrial District on the property located at 3887 Pickett Road and more particularly described as Tax Map Parcel 58-3-((02))-036.

#### STAFF RECOMMENDATION:

Based on the analysis of the criteria outlined in City Code section 110-366, staff recommends approval of the applicant's special use permit request, subject to the following conditions:

1. The applicant shall ensure that interior improvements are in conformance with the plans prepared by the applicant, dated October, 2013 and submitted with this application.
2. The applicant shall ensure no more than eight clients and two instructors are on-site at any given time.
3. The applicant shall ensure that practice times and private instruction are scheduled by appointment only, and include intervals of not less than 15 minutes between appointments in order to control parking demand.

**PROPERTY DESCRIPTION**

The subject property consists of one 2,600 square feet warehouse space at the property of 3887 Pickett Road in the I-2 Industrial Zoning District. The one warehouse bay is located within a building constructed in 1979 and consists of 22,015 square feet – 14,705 square feet used as warehouse, 6,310 square feet used as office space and 1,000 square feet used as retail floor area. In the one-story and partially two story structure there are six tenant spaces including the subject space. The tenant addresses range from 3875-3895 Pickett Road and 9440 Mathy Drive.

Parking, in front of the building, consists of 39 parking spaces that were built to the City’s parking standards in 1979, and are nonconforming to the current Zoning Ordinance requirements. Access to the building and parking is only available from Mathy Drive via one curb cut.

The existing five other tenants are a veterinarian facility, kennel with grooming facility, drycleaners, carpet and flooring retail space and ball room dance studio. These five tenants have been using the property for the last several years and each tenant’s current business operation follows:

**Tenants of Building**

Address	Existing Tenant	Business Hours	Maximum # of employees on site
3879 Pickett Road	Best Friends Pet Care (formerly Montrose Pet Hotel)	M – F, 7 am – 7 pm Sat., 8 am – 4 pm Sun., 11 am – 5 pm	10 – increase of 6 employees
3883 Pickett Road	Montrose Animal Health Center	M-F, 8 am – 6 pm Sat., 8 am – 1 pm Sun., Closed	8
3885 Pickett Road	Pickett Road Valet (drycleaners)	M-F 7am – 7pm Sat. 8 am – 6 pm Sun. Closed	4 – decrease of 2 employees
<b>3887 Pickett Road</b>	<b>Occupied by Fairfax Golf, Inc.</b>	<b>7 days per week, 9 am – 9:30 pm</b>	<b>2</b>
3891 – 3895 and 1 <sup>st</sup> floor of 9440 Mathy Drive building	Kemper Carpet & Flooring	M – F, 10 am – 6 pm Sat., 10 am – 5 pm Sun., 11 am – 4 pm	2
2 <sup>nd</sup> floor of 9440 Mathy Drive	In Step School of Dance	Mon., 10:30 – 12 pm & 7 pm – 8 pm Tue., 7 pm – 10 pm Wed., 7 pm – 9 pm Thur., 12 pm – 2:30 pm & 7pm – 8 pm Fri., 10 am – 12 pm & 7:30 pm – 11:15 pm Sat., 10:30 am – 12 pm Sun., Closed	3 (daytime); 6 (evening)

**PRIOR APPROVAL**

On December 3, 2013, the Board of Zoning Appeals approved SU 13090134 to allow the commercial recreational use (golf practice facility and instruction) at this location subject to four development conditions. The Non-RUP was issued on December 4, 2013, with development conditions. Development condition four requires that after 18 months of issuance of the Non-RUP that the applicant submit for a renewal 90 days prior to the expiration date. There is no requirement in the development conditions that a traffic or parking study accompany that renewal and therefore staff has not required nor received such a request. The applicant submitted for this special permit renewal on February 25, 2015, and therefore met the fourth development condition.

**BUSINESS DESCRIPTION**

The applicant is intending to use the property as the private golf practice area is currently operating with a maximum of 8 tee boxes and a maximum of two instructors at any given time. The facility is proposed to continue to operate from 10:00 am to 9:30 pm seven days a week. Memberships are proposed to continue to be sold to members on a monthly basis. It is understood that with prior appointments the public may also use the facility.

**SITE VISIT**

City of Fairfax staff have visited the site four times prior to this staff report being written and found on each occasion that there were no more than one person practicing on site. Staff asked both neighboring businesses, the drycleaners and carpet/flooring, if there were any parking issues and both confirmed that there were none. There were two designated parking spaces, marked with a sign for Fairfax Golf customers, directly in front of the tenant space. Across the travel aisle from the Fairfax Golf entrance was one additionally designated parking space.

The schedule, found on the refrigerator in the front lobby area, confirmed that appointments are made on an hourly basis and that not every day has a member using the facility on an hourly basis. The schedule of hours posted on the front door stated that the facility was open at 9:00 am to 7:00 pm Monday thru Friday and 9:00 am to 6:00 pm on Saturday and closed on Sunday. The statement of support, contained in Attachment 3, states that the hours of operation are proposed from 10:00 am to 9:00 pm. Staff is in support of the hours as posted on the door opening at 9:00 am.

**ANALYSIS**

Staff's recommendation is to allow the commercial recreational use, requiring a Special Use Permit, to continue since the applicable standards provided in City Code Section 110-366, and analyzed in the prior staff report contained in Attachment 6 remain the same.

**FINDINGS**

The request to renew a Special Use Permit approval without expiration for a commercial recreational use (private golf practice facility and instruction), as conditioned, meets the standards of City Code Section 110-366 because:

- 1) The use is consistent with the Comprehensive Plan objectives to allow a mixture of non-residential uses transitioning the industrial uses with the commercial character in that area;
- 2) The existing size, shape and site design of the site are adequate to accommodate the proposed use;
- 3) The proposed use, subject to the recommended conditions, can be accommodated by the existing parking at the subject property and will not affect the safety and movement of vehicular traffic on adjacent streets; and
- 4) The use will not have any adverse impact on the safety and welfare of surrounding residents and business.

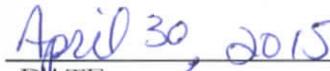
**RECOMMENDATION**

Staff recommends the Board of Zoning Appeals approve the request for renewal of the Special Use Permit to allow a commercial recreational use (golf practice facility) in the I-2 Industrial District on the property located at 3887 Pickett Road, subject to the following conditions:

1. The applicant shall ensure that interior improvements are in conformance with the plans prepared by the applicant, dated October, 2013 and submitted with this application.
2. The applicant shall ensure no more than eight clients and two instructors are on-site at any given time.
3. The applicant shall ensure that practice times and private instruction are scheduled by appointment only, and include intervals of not less than 15 minutes between appointments in order to control parking demand.

**PREPARED BY:**

  
 \_\_\_\_\_  
 Lisa Feibelman, AICP, LEED Green Associate  
 Deputy Zoning Administrator

  
 \_\_\_\_\_  
 DATE

**REVIEWED AND APPROVED:**

  
 \_\_\_\_\_  
 Michelle D. Coleman  
 Zoning Administrator

  
 \_\_\_\_\_  
 DATE

**REVIEWED AND APPROVED:**

\_\_\_\_\_  
 Brooke Hardin, AICP  
 Director, Community Development & Planning

\_\_\_\_\_  
 DATE

**ATTACHMENTS**

1. Vicinity Map
2. Application

3. Applicant's Statement of Support
4. Clerk's letter dated December 4, 2013
5. Approved Non-RUP dated December 4, 2013
6. Staff report from SU-13090134
7. Sample Motions

**APPROVAL WITH CONDITIONS**

**(Recommended by Staff)**

I MOVE THAT THE BOARD OF ZONING APPEALS APPROVE THE REQUEST OF FAIRFAX GOLF, INC. BY SARAH E. HALL, ATTORNEY/AGENT, PURSUANT TO CITY CODE SECTIONS 110-843(4) AND 110-366, FOR A SPECIAL USE PERMIT TO ALLOW A COMMERCIAL RECREATIONAL USE (GOLF PRACTICE FACILITY) IN THE I-2 INDUSTRIAL DISTRICT ON THE PROPERTY LOCATED AT 3887 PICKETT ROAD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 58-1-((02))-036, SUBJECT TO THE FOLLOWING CONDITIONS:

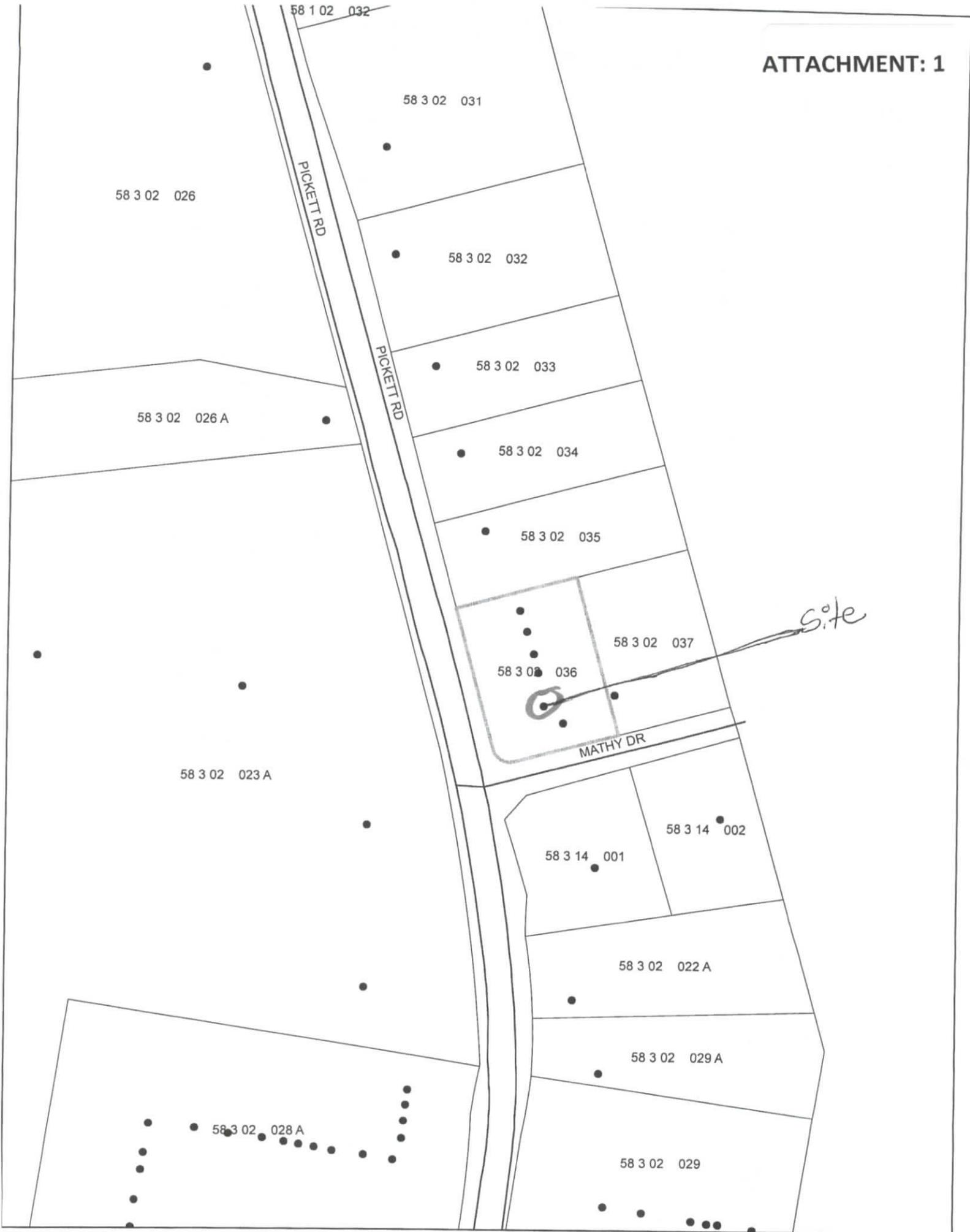
1. The applicant shall ensure that interior improvements are in conformance with the plans prepared by the applicant, dated October, 2013 and submitted with this application.
2. The applicant shall ensure no more than eight clients and two instructors are on-site at any given time.
3. The applicant shall ensure that practice times and private instruction are scheduled by appointment only, and include intervals of not less than 15 minutes between appointments in order to control parking demand.

**DENY**

I MOVE THAT THE BOARD OF ZONING APPEALS DENY THE REQUEST OF FAIRFAX GOLF, INC. BY SARAH E. HALL, ATTORNEY/AGENT, PURSUANT TO CITY CODE SECTIONS 110-843(4) AND 110-366, FOR A SPECIAL USE PERMIT TO ALLOW A COMMERCIAL RECREATIONAL USE (GOLF PRACTICE FACILITY) IN THE I-2 INDUSTRIAL DISTRICT ON THE PROPERTY LOCATED AT 3887 PICKETT ROAD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCELS 58-1-((02))-036, SUBJECT TO THE FOLLOWING CONDITIONS:

*(Reasons to be provided by the Board of Zoning Appeals)*

ATTACHMENT: 1



Application No. 15030001

LAND USE APPLICATION  
CITY OF FAIRFAX

I/We Fairfax Golf, Inc. by Sarah E. Hall, Attorney/Agent  
(name of applicant) (authorized agent's name and relationship to applicant)  
a corporation / general partnership / limited partnership / sole proprietorship / individual (circle one)  
which is the property owner / contract purchaser / lessee (circle one)  
of 3887 Pickett Road / Tax Map# 58-3((2))36  
(address and tax map # of subject property)

renewal

hereby apply for a/ Special Use Permit / Special Exception / Variance (circle one) pursuant to  
Section 110-843(4) of the City Code to allow (describe request) commercial recreational and  
related ancillary uses in the I-2 district

City Code References: 110-366

Sarah E Hall Attorney/Agent of Fairfax Golf, Inc.  
(signature of applicant or authorized agent) Sarah E. Hall, Attorney/Agent for Fairfax Golf, Inc. (title or relationship)

Address Blankingship & Keith, P.C., 4020 University Drive, Suite 300, Fairfax, VA 22030 Phone: 703/293-7231

**THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER**

I/We M & M Holdings, LLC by Donald H. Mensh hereby certify that the applicant  
named above has the authority vested by me to make this application.

M + M Holdings, LLC  
by: Donald H. Mensh Manager  
(signature of owner or authorized agent) (title or relationship)

Address 5809 Nicholson Lane, Suite 512, Rockville, MD 20852 Phone: 301/881-8666

**FOR OFFICE USE ONLY**

Proposal filed: Su-Renewal

Received by: C.G

Fee Paid: 1,000.

Receipt No. 36957

Previous Cases: 13090134

Current status of business license and fees:

Treasurer: All payments for RE+PP have been made by M+M Holdings + Fairfax Golf  
Commissioner of Revenue: Fairfax Golf Inc has met the filing requirements  
M + M Holdings has met the filing requirements 3-26-15 8-13-15

STATEMENT OF SUPPORT

By this application Fairfax Golf, Inc. seeks a Special Use Permit for the establishment of a commercial recreation use in space at 3887 Pickett Road (TM 58-3((2)) 36). The space, which is located in a commercial building, was previously used as a karate studio and, before that, by Pro-Edge/MVP Baseball for batting cages.

The proposed use will provide private golf instruction and a relaxing practice environment. There will be 8 tee boxes and a maximum of two (2) teaching pros at any one time. The facility will operate from 10:00 a.m. to 9:30 p.m. seven days a week. Fairfax Golf will sell memberships on a monthly basis, and members will have access to the facility to practice with prior appointment. Golf lessons will also be available to the public as well as members by prior appointment. With so many golf courses in the area, and the Army Navy Country Club within a mile, Fairfax Golf will meet a real need for a golf practice facility and private lessons.

The owner of the commercial building constructed it in the 1970's. Its tenants—carpet store, ballroom dance studio, dry cleaner, and animal hospital and kennel—have been there for many years, some from the time the building was constructed. With the property's I-2 zoning, the owner has had a difficult time finding a tenant suitable for the space vacated by the karate studio last year. It is delighted to have found Fairfax Golf.

The proposed small commercial recreation use is ideal for the vacant space. Because it will operate through appointments and have only eight tees and a maximum of two (2) professionals at any one time, its impact on vehicular and pedestrian traffic will be minimal. Certainly it will not create an unsafe situation. The commercial building has 39 parking spaces, which will be able to accommodate the proposed and existing uses. The owner reports that when Pro-Edge/MVP Baseball, the use most similar to that proposed, was in the space there were no parking problems. Fairfax Golf will be an asset to the City of Fairfax and the greater community.

Fairfax Golf urges approval of this application and approval without term. It cannot make the necessary investment in the space unless it is assured of the continued right to operate, in conformance with the conditions imposed with the Special Use Permit.



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## City of Fairfax

10455 Armstrong Street  
Fairfax, Virginia 22030-3630



December 4, 2013

Sarah E. Hall  
Blankingship & Keith, P.C.  
4020 University Drive Suite 300  
Fairfax VA 22030

RE: 3887 Pickett Rd

Dear Ms. Hall:

This letter is to confirm that the Board of Zoning Appeals, at its December 3, 2013 meeting, approved the request of Fairfax Golf, Inc., by Sarah E. Hall, attorney/agent, pursuant to City Code Sections 110-843(4) and 110-366, for a special use permit to allow a commercial recreational use (private golf practice facility and instruction) in the I-2 Industrial District on the property located at 3887 Pickett Road and more particularly described as Tax Map Parcel 58-3-((02))-036 with the following conditions:

1. The applicant shall ensure that interior improvements are in conformance with the plans prepared by the applicant, dated October, 2013 and submitted with this application.
2. The applicant shall ensure no more than eight clients and two instructors are on-site at any given time.
3. The applicant shall ensure that practice times and private instruction are scheduled by appointment only, and include intervals of not less than 15 minutes between appointments for different individuals in order to control parking demand.
4. The Special Use Permit shall be valid for a period of 18 months after issuance of the Non-Residential use Permit and may be subject to renewal provided the renewal application is submitted 90 days prior to the expiration date.

Should you have any questions pertaining to this matter, you can contact me at 703-385-7820.

Sincerely,

Alexis El-Hage  
BZA Secretary

Printed on recycled paper





CITY OF FAIRFAX  
 DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING  
 ZONING DIVISION  
 10455 ARMSTRONG STREET, ROOM 207A  
 FAIRFAX, VA  
 PHONE: 703-385-7820 / FAX: 703-385-7824

**NON RESIDENTIAL USE PERMIT  
 APPROVED**

PENTAMATION CASE #	13110088
BUSINESS NAME	FAIRFAX GOLF INC
ADDRESS	3887 PICKETT RD
SUITE	
BUSINESS OWNER NAME	KYUNG PIL CHANG
PROPOSED USE/SQUARE FEET/COMMENTS	COMMERCIAL RECREATIONAL/INDOOR GOLF PRACTICE/2,600SSF NO FP/NO RPA
TAX MAP	58 3 02 036
DATE ISSUED	Dec 04, 2013
ZONE	I-2 INDUSTRIAL

The land, structure and location of this use are in conformity with the provisions of Chapter 110-34(b) of the Code of the City of Fairfax and all other ordinances.

Per the provisions of City Code Section 110-2 and 110-9, FAILURE TO COMPLY with any restrictions or conditions imposed upon issuance of this permit may result in revocation by the Zoning Administrator.

This certificate of use does not take the place of any other license or permit required by law, nor does it authorize any building construction or use of mechanical, electrical or plumbing systems or any signs. Any change in the use or occupancy of the building or land and any name change for business or owner shall require a new certificate of use.

Zoning Administrator

*Michelle Adams* 2013 Date 12-3-13

\*\*\*APPROVED, as submitted and subject to the development conditions as follows:

1. The applicant shall ensure that interior improvements are in conformance with the plans prepared by the applicant, dated October, 2013 and submitted with this application.
2. The applicant shall ensure no more than eight clients and two instructors are on-site at any given time.
3. The applicant shall ensure that practice times and private instruction are scheduled by appointment only, and include intervals of not less than 15 minutes between appointments for different individuals in order to control parking demand.
4. The Special Use Permit shall be valid for a period of 18 months after issuance of the Non-Residential use Permit and may be subject to renewal provided the renewal application is submitted 90 days prior to the expiration date.



# CITY OF FAIRFAX

## Department of Community Development & Planning

### Special Use Permit SU-13090134

#### PUBLIC HEARING DATE

December 3, 2013

#### APPLICANT

Fairfax Golf, Inc.

#### AGENT

Sarah E. Hall, attorney/agent

#### PARCEL DATA

*Tax Map ID*  
58-3-((02))-036

*Street Addresses*  
3887 Pickett Road  
(subject property's address ranges from  
3875-3895 Pickett Road and 9440 Mathy  
Drive)

*Zoning District*  
I-2 Industrial District

#### APPLICATION SUMMARY:

Request of Fairfax Golf, Inc., by Sarah E. Hall, attorney/agent, pursuant to City Code Sections 110-843(4) and 110-366, for a special use permit to allow a commercial recreational use (golf practice facility) in the I-2 Industrial District on the property located at 3887 Pickett Road and more particularly described as Tax Map Parcel 58-3-((02))-036.

#### STAFF RECOMMENDATION:

Based on the analysis of the criteria outlined in City Code Section 110-366, staff recommends approval of the applicant's special use permit request, subject to the following conditions:

1. The applicant shall ensure that interior improvements are in conformance with the plans prepared by the applicant, dated October, 2013 and submitted with this application.
2. The applicant shall ensure no more than eight clients and two instructors are on-site at any given time.
3. The applicant shall ensure that practice times and private instruction are scheduled by appointment only, and include intervals of not less than 15 minutes between appointments in order to control parking demand.
4. The Special Use Permit shall be valid for a period of 18 months after issuance of the NonResidential Use Permit and may be subject to renewal provided the renewal application is submitted 90 days prior to the expiration date and accompanied by traffic and parking study subject to review and approval by the Zoning Administrator.

**PROPERTY DESCRIPTION**

The subject property is located at 3887 Pickett Road in the I-2 Industrial Districts on a 1.0-acre site on the eastern side of Pickett Road located across the street from Fair City Mall. The site is developed with a 22,015 square-foot building that was constructed in 1979 and was site planned for 14,705 square feet of warehouse space, 6,310 square feet of office space, and 1,000 square feet of retail floor area. The address range for the lot is 3875-3895 Pickett Road and 9440 Mathy Drive and the building is partially one-story and partially two stories. Located in front of the building is a parking lot containing 39 parking spaces that was built to the City's parking standards in 1979, and is nonconforming to current Code. Access to this building and parking lot is only available from Mathy Drive via one curb cut.

Currently, there are five tenants occupying the building and one tenant space remains vacant, which is the subject of this land use request. The spaces are occupied as follows:

Address	Tenant	Business Hours	Maximum # of employees on site
3879 Pickett Road	Best Friends Pet Care (formerly Montrose Pet Hotel)	M-F, 7 am-7 pm; Sat, 8 am- 4 pm; Sun, 11 am-5 pm	4
3883 Pickett Road	Montrose Animal Health Center	M-F, 8 am-6 pm; Sat, 8 am-1 pm; Sun, closed	8
3885 Pickett Road	Pickett Road Valet (drycleaners)	M-F, 7 am-7 pm; Sat, 8 am-6 pm; Sun, closed	6
<i>3887 Pickett Road</i>	<i>Currently vacant, but proposed as Fairfax Golf, Inc.</i>	<i>7 days per week, 10 am-9:30 pm</i>	<i>2</i>
3891-3895 and 1 <sup>st</sup> floor of 9440 Mathy Drive building	Kemper Carpet & Flooring	M-F, 10 am-6 pm; Sat, 10 am-5 pm; Sun, 11 am-4 pm	2
2 <sup>nd</sup> floor of 9440 Mathy Drive	In Step School of Dance	Mon, 10:30 am-12 pm & 7 pm-8 pm	3 (daytime); 6 (evening)
		Tue, 7 pm-10 pm	
		Wed, 7 pm-9 pm	
		Thur, 12 pm-2:30 pm & 7 pm-8 pm	
		Fri, 10 am-12 pm & 7:30 pm-11:15 pm;	
		Sat, 10:30 am-12 pm	
		Sun, closed	

**PROPERTY HISTORY**

Of the five tenants currently occupying the subject property, the Kemper Carpet & Flooring business is the only business that is allowed by-right in the I-2 District. All other tenants have received Special Use Permit approvals beginning in 1979 with a Special Use Permit (SUP) by the Board of Zoning Appeals (BZA) issued to Dr. Nolan Rubin to allow a veterinarian hospital at 3875-3883 Pickett Road for one year, subject to conditions that prohibited kennel services (ie breeding and/or boarding) at the subject property. According to City records, this SUP expired in 1980 in the absence of any application to the BZA for renewal. The veterinarian hospital has continued to operate at the subject property since 1979 and is currently known as the Montrose Animal Health Center (MAHC) and addressed only at 3883 Pickett Road. The website for this business indicates that limited boarding services are available to "special needs" clients. In addition, the website states that MAHC is not affiliated with the Montrose Pet Hotel. The City Code continues to require SUP approval for veterinarian hospitals in the I-2 District and staff notes that zoning enforcement may be initiated to have the current veterinarian hospital operator apply for a SUP approval.

With respect to animal boarding at the Montrose Pet Hotel/Best Friends Pet Care, on August 29, 1997 a Certificate of Occupancy was issued to this business located at 3879 Pickett Road for a "kennel and grooming" use. Staff believes that the City Code was amended to allow animal grooming as a by-right use in the I-2 District in 1997 and that at the same time the SUP requirement for animal boarding was adopted. At this time, staff believes that the Certificate of Occupancy was inadvertently mislabeled and issued to the pet hotel for the "kennel" use/boarding without the requisite SUP approval and zoning enforcement may be initiated to have the pet hotel apply for the necessary SUP approval.

[The Zoning Ordinance, as adopted from 1978 to 1985, only allowed veterinarian hospitals in the I-2 District with Special Use Permit approval; however, the ordinance did not specify whether or not animal grooming and boarding were included in the operation of veterinarian hospitals, were permitted as a separate by-right use, or were not allowed.]

With respect to the dry-cleaner use on the site, a SUP was approved in 1995 without a specified duration to allow a dry cleaning and laundry plant with six employees on-site during business hours, subject to conditions including the restriction that no more than one commercial vehicle would be stored on-site during business hours and no storage of the vehicle on site overnight.

The dance school received SUP approval in 1980, subject to conditions, and was renewed several times until its indefinite approval in 1988 without conditions.

Finally, the tenant space that is the subject of this land use request has received SUP approvals for uses since 1997. The first SUP was approved by the BZA on March 4, 1997 to allow Pro-Edge/MVP to operate a commercial recreational facility (baseball batting cages) Monday through Friday (4 pm to 9 pm) and Saturdays and Sundays (9 am to 6 pm) by appointment only at 3887 and 3891 Pickett Road, subject to conditions that included renewal after one year.

On November 3, 1998, the BZA approved the request for SUP renewal for a commercial recreational facility (baseball batting cages) with the same five conditions from 1997 including the one year renewal condition. The applicant applied again for renewal of the SUP except the size of the recreational facility was reduced to only one tenant space located at 3887 Pickett Road. The BZA approved the SUP renewal on January 2, 2001 with the following conditions:

1. Business shall be conducted by appointment only.
2. Pro-Edge, Inc. shall limit occupancy to not more than 10 persons;
3. Pro-Edge, Inc. shall remain predominantly recreational rather than educational;
4. The facility shall not be used for any league tryouts; and
5. The Special Use Permit approval is conditional for a period of two years.

Following the occupancy of the subject property by Pro-Edge, another SUP was approved in 2009 for Enshin Karate to operate a school of special instruction at 3887 Pickett Road, subject to a number of conditions, including the limitation of no more than two instructors and ten students on-site at any given time with business hours from 4 pm to 10 pm, Monday-Friday, and from 10 am to 11 am on Saturdays. Enshin Karate has since relocated their business to another part of the City.

### **BUSINESS DESCRIPTION**

The applicant is requesting approval of a Special Use Permit to operate a commercial recreational facility for golf practice. The facility would be available to registered members and the general public; however, only members would be able to use the facility for practice. Both members and the public would be able to utilize the facility for golf lessons. All practice times and golf lessons would require appointments. Up to two instructors will be on-site at any given time. Memberships will be sold on a monthly basis, practice times will be limited to sixty minutes and private instruction will be offered for 30 minute sessions. The proposed hours of operation are seven days a week from 10 am to 9:30 pm. The applicant anticipates that the majority of members would be adults. The interior layout of the proposed facility would consist of eight 'tee' boxes, a customer service counter, restrooms, and a few vending machines.

The applicant has indicated that similar golf practice/instruction facilities are located in the Chantilly and Annandale areas of Northern Virginia. However, the proposed business is the applicant's first venture into establishing a commercial recreational use and there are no other known businesses in the City of Fairfax that provide a similar use. Consequently, the client-base for this location has not been fully established.

### **ANALYSIS OF CRITERIA**

The staff recommendation for the proposed commercial recreational facility (private golf practice facility and instruction) requiring a Special Use Permit is based on analysis of the applicable standards provided in City Code Section 110-366:

#### Section 110-366 Zoning map amendments and special use permits

##### (3) Special Use Permit.

The Board of Zoning Appeals may grant special use permits only after considering:

- a. Consistency with the comprehensive plan and other adopted city goals and policies;
- b. The size and shape of the lot on which the use is proposed;
- c. Vehicular and pedestrian traffic;
- d. Trip generation characteristics of the proposed use;
- e. Site design;
- f. Lighting, noise, traffic, sight, smoke, dust, odor, vibration and other factors that may affect the serenity of the neighborhood;
- g. The safety and movement of vehicular traffic upon adjacent streets;
- h. The safety and welfare of residents living in the area;
- i. The location, height and design of buildings, walls, fences and landscaping proposed;

- j. Overall impact of the proposed use upon the development and use of adjacent land;
- k. Safety and welfare of persons working in the neighborhood;
- l. Harmony of the proposal with the general purpose and intent of the applicable article of this chapter; and
- m. The purpose of the zoning ordinance set forth in the Code of Virginia §15.2-2283

#### Comprehensive Plan

The Comprehensive Plan's Future Land Use map, as amended in 2012, indicates the subject site is planned for "Business-Commercial" development. The text of the amended Comprehensive Plan states,

#### *Business Uses- Commercial*

"Retail, office and hotel uses are appropriate in this category. The broad nature of this category allows for a mixture of non-residential uses in addition to the typical single-use shopping center or office park developments commonly found along a commercial strip."

#### *East Side of Pickett Road:*

"Commercial land use designation should be extended northward along the east side of Pickett Road to the point opposite the north corner of the Fair City Mall property to encourage the transition of the industrial uses in that area to commercial. In addition, commercial uses are appropriate for most of the lands further north to the Post Office, provided that adequate parking is provided. The City should pursue amendments to the zoning text to permit limited retail uses in industrially zoned areas of the City, and vice versa, with criteria to ensure adequate parking and pedestrian and vehicular circulation."

The business-commercial land use designation provides for a large spectrum of uses, including business, retail, office, and service uses. Uses permitted by special use permit allow for the opportunity to expand the mix of uses beyond these in a manner that can minimize a negative impact on adjacent offices, businesses, and residential properties. Given the small scale of the proposed commercial recreational facility, the proposed use would enhance the variety of nonresidential uses that are consistent with the commercial character recommended for this area.

*Staff believes the proposed commercial recreational use is generally consistent with the recommendations and objectives found in the Comprehensive Plan.*

#### Site Design and Circulation

The subject property is comprised of one lot with a building that is partially one-story and partially two stories. The site is nonconforming with respect to the required number of parking spaces, loading spaces, parking lot layout and landscaping requirements, signage, tree canopy coverage, refuse siting and enclosure, and required *transitional* screening. Consequently the existing conditions are not optimal for vehicle circulation on the subject site. There is one point of ingress/egress onto Mathy Drive, without alternative access to Pickett Road. The substandard distance between this single access point and the Mathy Drive/Pickett Road intersection (in conjunction with the intersection's signal timing) can cause 'bottleneck' congestion on-site that delays vehicle movements to and from the subject site and interferes with vehicles maneuvering for on-site parking spaces. However, there are few if any alternatives to the nonconforming site design. Neither the property owner nor the applicant is proposing any site changes or changes to the building exterior.

*Staff recognizes that the site is nonconforming with respect to a number of City's current design standards that cannot be improved substantially; however, staff recommends approval of the applicant's proposal subject to the recommended development conditions that are intended to maintain the small-scale operation of the proposed commercial recreation activity and address issues with vehicle circulation.*

### **Parking and Trip Generation**

#### ***Parking***

In 1979, the site was developed with 39 parking spaces and two parking islands in accordance with the City's parking regulations at the time that required warehouse parking based on employee count. The 14,705 square-foot warehouse portion of the building required 18 parking spaces. The parking calculations for the office and retail uses were based on net floor area, not gross floor area per current standards, and required 23 parking spaces for the 7,310 square-foot office and retail portion of the building bringing the total required parking to 41 spaces. Two parking spaces were converted to landscape islands, as allowed by the 1979 Code, leaving 39 parking spaces available.

According to staff's survey of the current tenants for an employee count, up to 25 employees (including those associated with the proposed use) could be on-site at any given time occupying the available parking, and leaving approximately 13 parking spaces for patrons on weekdays between the hours of 10 am and 6 pm and on Saturdays during the hours of 10 am to 1 pm. On Sundays, only three of the six tenants would be open for business and it is estimated that up to eight employees would be on-site during this time. In addition, the dry-cleaning establishment has one commercial vehicle parked on site during business hours.

The dance school's operator has reported that on Thursday afternoons and on Friday evenings, the parking availability on-site is routinely inadequate to support the students attending the dance classes and, as a result, some of the dance patrons park across the street at Fair City Mall and walk across Pickett Road to attend class. Staff notes, however, the dance school is believed to operate within the parameters of its SUP conditions restricting occupancy of the dance studio to a maximum of 50 students at any given time.

In the absence of a specific parking requirement for the proposed commercial recreation use the Zoning Administrator has determined that one parking space would be required per 'tee' plus one space per employee. Therefore, a total of ten parking spaces would be required to accommodate the proposed commercial recreational use (consistent with previous SUP approvals for this tenant space). However, the previous use (baseball batting cages for Pro-Edge/MVP) operated predominantly from 4 pm to 9 pm, Monday through Fridays and from 9 am to 12 pm on weekends. The proposed commercial recreational facility would be open from 10 am to 9:30 pm, seven days per week and is expected to contribute to the excess parking demand on Thursday afternoon and Friday evenings as did the Pro-Edge/MVP operation. It is also noteworthy that the most recent occupant of the proposed tenant's space was a school of special instruction that exceeded the occupancy limits of its SUP approval.

Pursuant to current Code requirements for the existing tenants, 17 parking spaces would be required for the animal kennel, six spaces for the veterinarian hospital, 13 spaces for the dry-cleaning establishment, 17 spaces for the carpet and flooring business, seven daytime spaces and 20 evening spaces for the dance school. This brings the required minimum parking to 70 spaces during daytime business hours for the existing and proposed tenants and 30 spaces during evenings for the two tenants with evening hours of operation (dance school and proposed golf facility).

Staff notes that valid Special Use Permits have not been found for the animal kennel use or the veterinarian hospital. As noted above, the existing kennel use requires 17 parking spaces due to the large number of animals that may be kept for boarding (up to sixty dogs and six cats). Upon application for special use permits the business operator would need to explain the current business conditions (which may necessitate a professionally prepared traffic study of all tenant uses) to determine how this business' operation may contribute to excess parking demand, and if operations need to be modified.

*Staff believes that a parking study (including a parking demand analysis) may be warranted prior to renewal of the proposed Special Use Permit, and recommends approval subject to the proposed development condition requiring submission of a parking study to accompany the renewal application.*

### ***Trip Generation***

According to the applicant's Statement of Support, eight tee boxes would be available for practice and private instruction for time periods ranging from 30-minute private instruction lessons to 60-minute practice times between the hours of 10 am and 9:30 pm, seven days per week. The applicant has not provided an estimate on the number of clients anticipated, but staff estimates that in a worst case scenario, up to 115 clients could utilize the site in a given day (assuming six members practicing for one hour and each of the two instructors providing two half-hour private instruction lessons in a given hour). Consequently, staff estimates that total weekday vehicle trips could be as high as 238 vehicle trip ends. This number could represent a highly successful business scenario that staff believes is unlikely to occur in the first year of operation without an established client-base, and does not take into account any ridesharing that might occur.

Based on the information provided by the Institute of Transportation Engineers (ITE) *Trip Generation Report* (8<sup>th</sup> Edition), the current tenants could be expected to generate the following trip generation characteristics:

- Kennel and vet: 27 trips in AM peak hour of adjacent street traffic and 32 trips in PM peak hour
- Dry-cleaners: 32 trips in PM peak hour
- Flooring: two trips in AM peak hour and three trips in PM peak hour
- Golf practice (proposed): 18 trips in PM peak hour
- Dance school: 20 trip ends in AM and PM peak (ten students in largest dance class)

This means up to 39 vehicle trips in the AM and 95 in the PM peak hours of the adjacent street which tends to coincide with the peak hour of each use. Despite these trip generation estimates, City transportation staff has not found that the site contributes significantly to any congestion on City streets or to an unacceptable level of service at the intersection of Pickett Road/Mathy Drive. Additionally, it is expected that the existing and proposed tenants generate minimal commercial deliveries, the majority of which would be serviced by the standard vehicles associated with the U.S. Postal Service, United Parcel Service, or Federal Express.

*Based on the staff's analysis of the site circulation and projected trip generations, it appears that the proposed use is not expected to contribute to any congestion on City streets adjacent to the subject site.*

### **Serenity of Neighborhood & Safety and Welfare**

Due to the fact that persons utilizing the proposed commercial recreational facility would be required to be members, that appointments must be scheduled prior to using the facility, and that all activities relating to

the recreational use of the site would be limited to the building's interior, it is not anticipated that the proposed use would impact the serenity of the neighborhood or the safety and welfare of persons living and/or working in the area.

*Staff believes that the serenity of the neighborhood and the safety and welfare of persons living and/or working in the area would not be significantly impacted by the proposed commercial recreational use of the subject property.*

Harmony with Applicable Articles

Section 15.2-2283 of the Code of Virginia states that "zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public..." The Code of Virginia allows the City to establish zoning regulations to protect the health, safety, and welfare of the public. In turn, the City's zoning regulations include criteria established for the review of the proposed development that serves to promote the public welfare. As recommended by staff, the applicant's proposed uses are harmonious with the general purpose and intent of the applicable article of the code.

*Staff believes that pursuant to the purpose of the zoning ordinance, and with the recommended conditions, the applicant's request for a special use permit meets the criteria for approval as established in City Code Section 110-366, as recommended for approval with the proposed development conditions.*

**RECOMMENDATION**

Staff recommends the Board of Zoning Appeals approve the requested Special Use Permit to allow a commercial recreational use at 3887 Pickett Road, subject to the following development conditions:

1. The applicant shall ensure that interior improvements are in conformance with the plans prepared by the applicant, dated October, 2013 and submitted with this application.
2. The applicant shall ensure no more than eight clients and two instructors are on-site at any given time.
3. The applicant shall ensure that practice times and private instruction are scheduled by appointment only, and include intervals of not less than 15 minutes between appointments in order to control parking demand.
4. The Special Use Permit shall be valid for a period of 18 months after issuance of the NonResidential Use Permit and may be subject to renewal provided the renewal application is submitted 90 days prior to the expiration date and accompanied by traffic and parking study subject to review and approval by the Zoning Administrator.

**PREPARED BY:**

Heidi M. Waugh  
Planner II

*HMW/by Michelle Coleman*

DATE

*11-27-13*

**REVIEWED AND APPROVED:**

Michelle D. Coleman  
Zoning Administrator

*Michelle Coleman*

DATE

*11-27-13*

REVIEWED AND APPROVED:

---

David B. Hudson, AICP  
Director, Community Development & Planning

---

DATE

ATTACHMENTS

1. Vicinity Map
2. Application
3. Statement of Support
4. Plat
5. Plans
6. Sample Motions

**APPROVAL WITH CONDITIONS**

**(Recommended by Staff)**

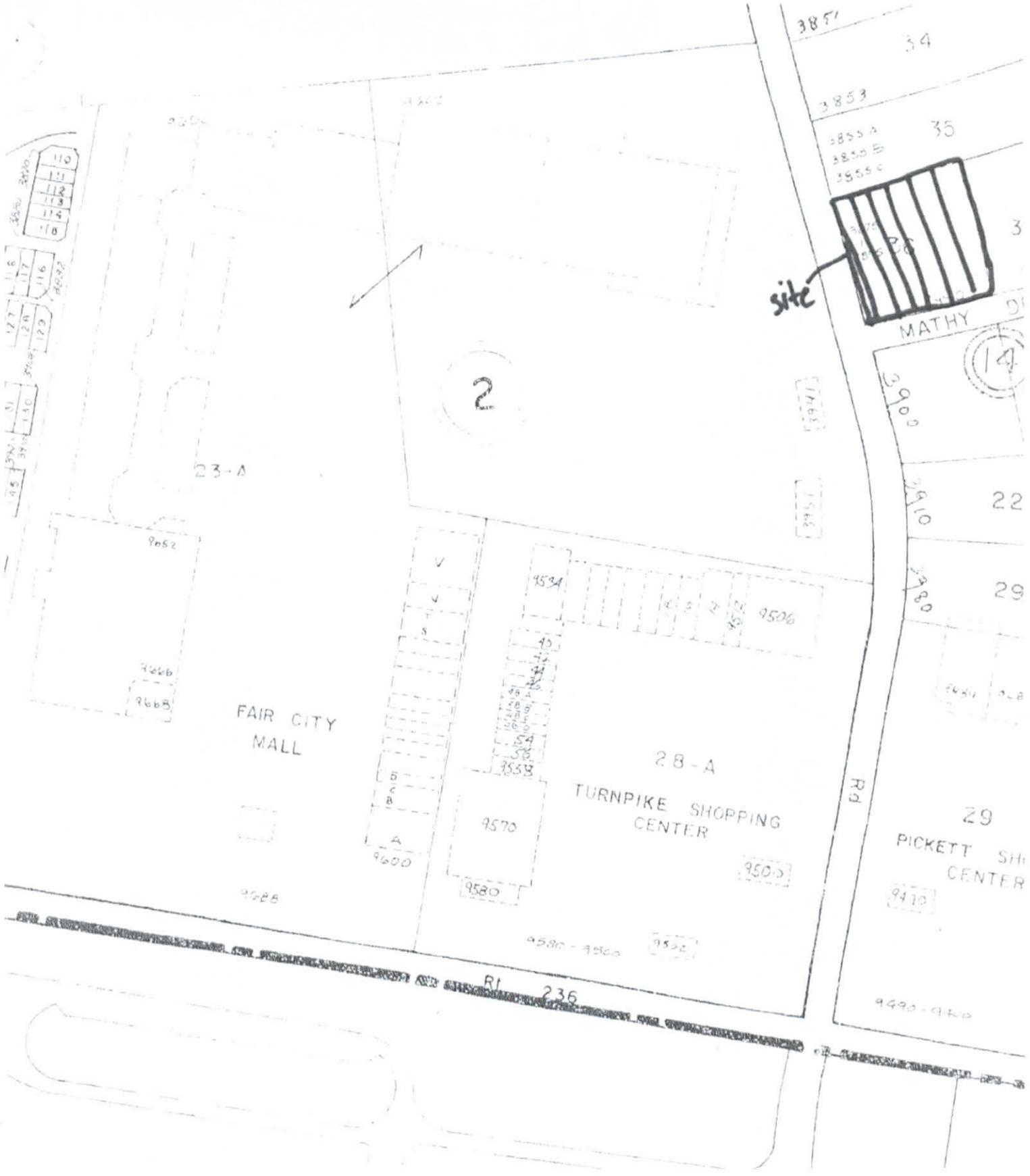
I MOVE THAT THE BOARD OF ZONING APPEALS APPROVE THE REQUEST OF FAIRFAX GOLF, INC. BY SARAH E. HALL, ATTORNEY/AGENT, PURSUANT TO CITY CODE SECTIONS 110-843(4) AND 110-366, FOR A SPECIAL USE PERMIT TO ALLOW A COMMERCIAL RECREATIONAL USE (GOLF PRACTICE FACILITY) IN THE I-2 INDUSTRIAL DISTRICT ON THE PROPERTY LOCATED AT 3887 PICKETT ROAD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-3-((02))-036, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall ensure that interior improvements are in conformance with the plans prepared by the applicant, dated October, 2013 and submitted with this application.
2. The applicant shall ensure no more than eight clients and two instructors are on-site at any given time.
3. The applicant shall ensure that practice times and private instruction are scheduled by appointment only, and include intervals of not less than 15 minutes between appointments in order to control parking demand.
4. The Special Use Permit shall be valid for a period of 18 months after issuance of the NonResidential Use Permit and may be subject to renewal provided the renewal application is submitted 90 days prior to the expiration date and accompanied by traffic and parking study subject to review and approval by the Zoning Administrator.

**DENY**

I MOVE THAT THE BOARD OF ZONING APPEALS APPROVE THE REQUEST OF FAIRFAX GOLF, INC. BY SARAH E. HALL, ATTORNEY/AGENT, PURSUANT TO CITY CODE SECTIONS 110-843(4) AND 110-366, FOR A SPECIAL USE PERMIT TO ALLOW A COMMERCIAL RECREATIONAL USE (GOLF PRACTICE FACILITY) IN THE I-2 INDUSTRIAL DISTRICT ON THE PROPERTY LOCATED AT 3887 PICKETT ROAD AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 58-3-((02))-036, FOR THE FOLLOWING REASONS:

*(Reasons to be provided by the Board of Zoning Appeals)*



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SEP 23 2013

LAND USE APPLICATION  
CITY OF FAIRFAX

Application No.

SU-13096134

Community Dev & Planning

I/We Fairfax Golf, Inc. by Sarah E. Hall, Attorney/Agent  
(name of applicant) (authorized agent's name and relationship to applicant)  
a corporation / general partnership / limited partnership / sole proprietorship / individual (circle one)  
which is the property owner / contract purchaser / lessee (circle one)  
of 3887 Pickett Road / Tax Map# 58-3((2))36  
(address and tax map # of subject property)

hereby apply for a Special Use Permit / Special Exception / Variance (circle one) pursuant to  
Section 110-843(4) of the City Code to allow (describe request) commercial recreational and  
related ancillary uses in the I-2 district  
City Code References: 110-366

Sarah E Hall Attorney/Agent for Fairfax Golf, Inc.  
(signature of applicant or authorized agent) Sarah E. Hall, Attorney/Agent for Fairfax Golf, Inc. (title or relationship)

Address Blankingship & Keith, P.C., 4020 University Drive, Suite 300, Fairfax, VA 22030 Phone: 703/293-7231

**THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER**

I/We M & M Holdings, LLC by Donald Mensh hereby certify that the applicant  
named above has the authority vested by me to make this application.

✓ Donald H. Mensh Manager  
(signature of owner or authorized agent) (title or relationship)  
Address 5809 Nicholson Lane, Suite 512, Rockville, MD 20852 Phone: 301/881-8666

**FOR OFFICE USE ONLY**

Proposal filed: September 23, 2013  
Fee Paid: \$4,800.00  
Previous Cases: \_\_\_\_\_

Received by: [Signature]  
Receipt No. 35856

Current status of business license and fees:  
Treasurer: M&M Associates are paid in full. Nothing found for FX Golf. Jal 9/30/13  
Commissioner of Revenue: M&M Associates - Property Owner - has met the  
filing requirements. Fairfax Golf, Inc must meet the filing requirements  
of this office prior to beginning business. checked digitally 9-30-13  
Department of Community Development and Planning

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Community Dev & Planning

**AFFIDAVIT  
CITY OF FAIRFAX**

Fairfax Golf, Inc., by Sarah E. Hall does hereby make oath or affirmation that it is an applicant in Application Number \_\_\_\_\_ and that to the best of its knowledge and belief, the following information is true:

1.(a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
------	---------	--------------

See Attachment. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: \_\_\_\_\_

Name	Address	Relationship
------	---------	--------------

See Attachment. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

Name	Address	Relationship
------	---------	--------------

See Attachment. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None.  
\_\_\_\_\_  
\_\_\_\_\_

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (f none, so state.)

None.  
\_\_\_\_\_  
\_\_\_\_\_

WITNESS the following signature: Sarah E. Hall, Attorney/Agent  
Sarah E. Hall, Attorney/Agent for Fairfax Golf, Inc.

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me this 23rd day of September, 2013, in the State of Virginia.

My commission expires: 6-30-17

Notary Public/Registration #: 312056

*Michele Denise McGuin*

MICHELE DENISE MCGUIN  
NOTARY PUBLIC  
REG. #312056  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JUNE 30, 2017

ATTACHMENT

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Applicant/Lessee:

Fairfax Golf, Inc.  
43552 White Cap Terrace  
Chantilly, Virginia 20152

Sole owner: Kyung Pil Chang

Property Owner/Lessor:

M&M Holdings, LLC  
5809 Nicholson Lane  
Suite 512  
Rockville, Maryland 20852

Sole Owners: Donald Mensh  
Iris Mensh

Attorneys:

Blankingship & Keith, P.C.  
4020 University Drive, Suite 300  
Fairfax, Virginia 22030

Shareholders:

John A. C. Keith  
William H. Casterline, Jr.  
Sarah Elizabeth Hall  
Paul B. Terpak  
David Rust Clarke  
Peter S. Everett  
David J. Gogal  
Elizabeth Chichester Morrogh  
Robert J. Stoney  
Wm. Quinton Robinson  
John F. Cafferky  
William B. Porter  
Gifford R. Hampshire  
William L. Carey  
Mary E. McGowan  
Mark A. Towery  
Jeremy B. Root  
Daniel E. Ortiz

## STATEMENT OF SUPPORT

By this application Fairfax Golf, Inc. seeks a Special Use Permit for the establishment of a commercial recreation use in space at 3887 Pickett Road (TM 58-3((2)) 36). The space, which is located in a commercial building, was previously used as a karate studio and, before that, by Pro-Edge/MVP Baseball for batting cages.

The proposed use will provide private golf instruction and a relaxing environment in which to practice golf. The facility will have no retail component other than possibly vending machines. There will be 8 tee boxes and a maximum of two (2) teaching pros at any one time. The facility will operate from 10:00 a.m. to 9:30 p.m. seven days a week. Fairfax Golf will sell memberships on a monthly basis. Members will have access to the facility to practice for one hour with prior appointment. Golf lessons of 30 minute duration will be available to the public as well as members by prior appointment. With so many golf courses in the area, and the Army Navy Country Club within a mile, Fairfax Golf will meet a real need for a golf practice facility and private lessons.

The owner of the commercial building constructed it in the 1970's. Its tenants—carpet store, ballroom dance studio, dry cleaner, and animal hospital and kennel—have been there for many years, some from the time the building was constructed. With the property's I-2 zoning, the owner has had a difficult time finding a tenant suitable for the space vacated by the karate studio last year. It is delighted to have found Fairfax Golf. The proposed small commercial recreation use is ideal for the vacant space.

The proposed use meets all of the relevant Special Use Permit criteria set in Section 110-366(3) of the City of Fairfax Zoning Ordinance, addressed separately below:

(a) The use is consistent with the City's Comprehensive Plan. The Future Land Use Map shows the property as being recommended for Business Commercial use.

(b) The size and shape of the lot are adequate for the proposed use.

(c) Vehicular and pedestrian traffic generated by the proposed use will not be problematic. As noted above, no one, whether a Fairfax Golf member or a member of the public, will be able to take a lesson at the facility without an appointment, and members of Fairfax Golf, who are the only people who can practice there, will be able to practice only by appointment. Consequently, Fairfax Golf will be in a position to control the number of people who use its facility at any one time and to limit it to eight (8)—the number of tee boxes.

(d) The Applicant anticipates that in the morning and early afternoons women and retired people will be primarily those using the facility. School children will predominate in the afternoon and men at night. Fairfax Golf expects that many member who take lessons will follow these up immediately with a practice session and that many of these using the facility, particularly children, will share rides. The result will be a fairly consistent and low level of trips during the hours the facility is open. The 39 parking spaces at the building will be adequate for

STATEMENT OF SUPPORT

Page 2

the proposed and the existing uses. The property owner reports that when Pro-Edge/MVP Baseball, the use most similar to that proposed was in the space, there were no parking problems.

(e) No changes in site design will be made, the building and parking lot being suitable for the proposed use.

(f) The facility will have no characteristics which will affect the serenity of the neighborhood.

(g) As noted in (c) and (d) above, the traffic generated by the facility will be minimal. The traffic signal at the corner of Pickett Road and Mathy Drive will help to ensure that vehicular traffic in the area can operate safely on adjacent streets.

(h) and (k) The facility will have no characteristics which will affect the safety and welfare of those living and working in the area.

(i) No changes are proposed to the building or landscaping or any walls or fences.

(j) There will be no negative impact on the use of adjacent land, all of which has been developed. Any impact will be positive in that the facility will fill a space that has been vacant for about a year and will contribute to the vibrancy of the area.

(l) The proposed use will be in harmony with the general purpose and intent of the Zoning Ordinance in that it will contribute to the orderly use of property in the City.

(m) The proposed use will be in harmony with Section 15.2-2283 of the Code of Virginia in that it will, as noted above, promote the health, safety and general welfare of the public.

Fairfax Golf urges approval of this application without term. It cannot make the necessary investment in the space unless it is assured of the continued right to operate in conformance with the conditions imposed with the Special Use Permit.

Fairfax Golf will be an asset to the City of Fairfax and the greater community.

To: Heidi Waugh

From: Don Mensh

This is a reply to your email of November 12.

M & M Holdings, LLC, a company I own with my wife, built the project at Mathy Drive and Pickett Road in 1978. Our company continues to own and manage the project.

There are six tenants in the building – four of whom are original tenants since the building was completed. Another tenant – Pickett Road Cleaners – has been there for over 18 years, since 1995.

The vacant space located at 3887 Pickett Road is currently under lease subject to Special Use Permit approval. The prospective Tenant is Fairfax Golf, Inc., which is a golf instructional school which will have only eight tee boxes and 2 instructors. The parking requirement for this tenant is minimal at best, and other tenants agree that the use is compatible with their own uses.

In your email dated November 12, 2013, it was noted that in a 1988 SUP renewal/expansion case for In-Step School of Dance it was alleged that there was an assignment of parking spaces to In-Step School during certain daytime hours and, further, that the tenants had agreed to give permission to In-Step School to have exclusive use of the parking lot after 5:30 PM. There never was any agreement (either oral or written) to that effect between In-Step School and M & M Associates. We have never assigned parking spaces to any of the tenants in the building at any time, and this arrangement between the tenants has worked quite satisfactorily for over 35 years. Unfortunately, Mr. Fred Shay, who owned and operated In-Step School of Dance with his wife, Susin, passed away several years ago. Neither Susin or myself recall any such agreement.

As the landlord to this remarkably cohesive group of tenants that have shared the parking lot since 1978 and worked in cooperation to ensure no parking conflicts, I routinely communicate with them (and they with each other) to ensure that this practice will continue. I hope this fully addresses the issue raised about In-Step's supposed 1988 Special Use Permit renewal.

Donald H. Mensh

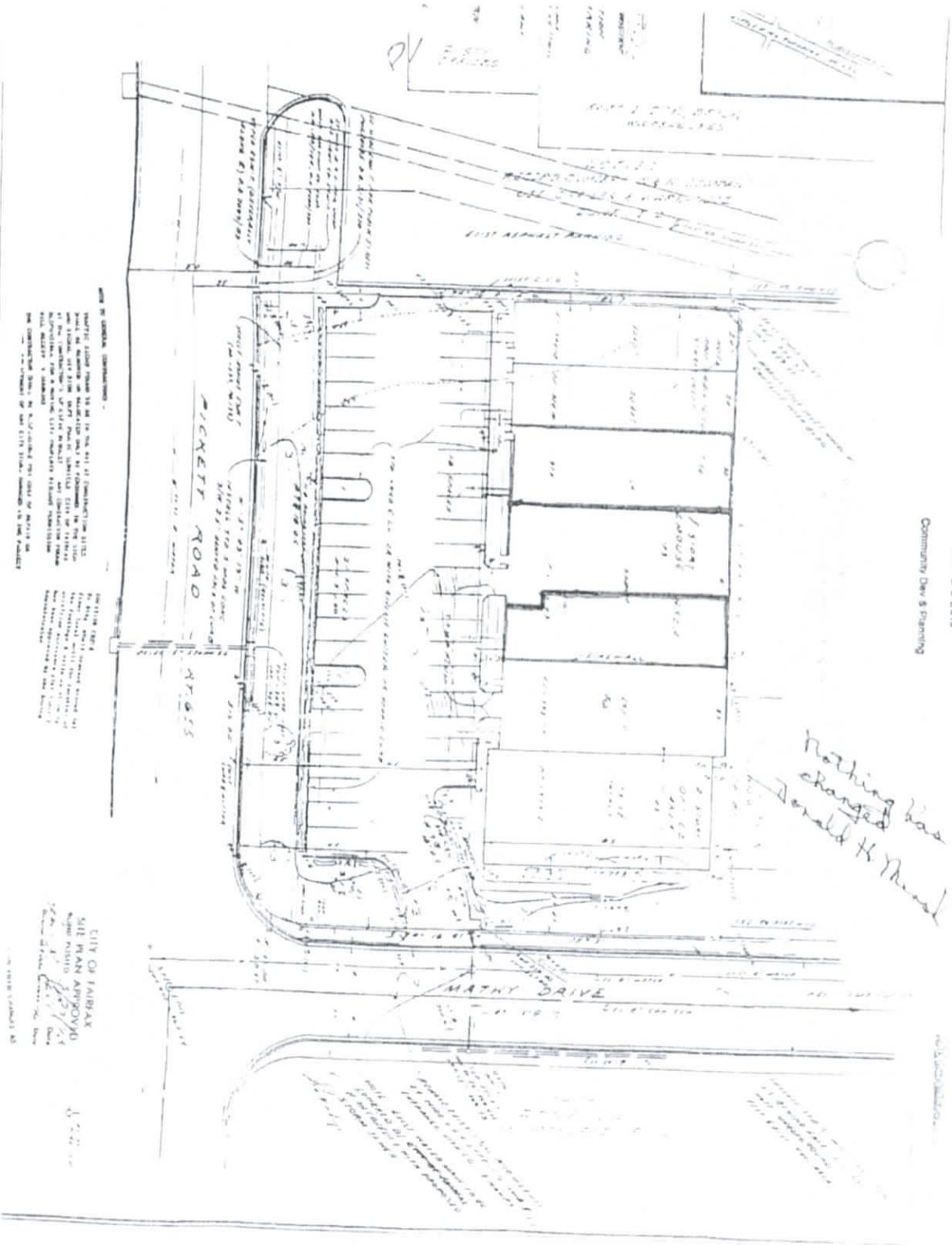
M & M Associates

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Nothing has  
changed  
Donald H. Neal

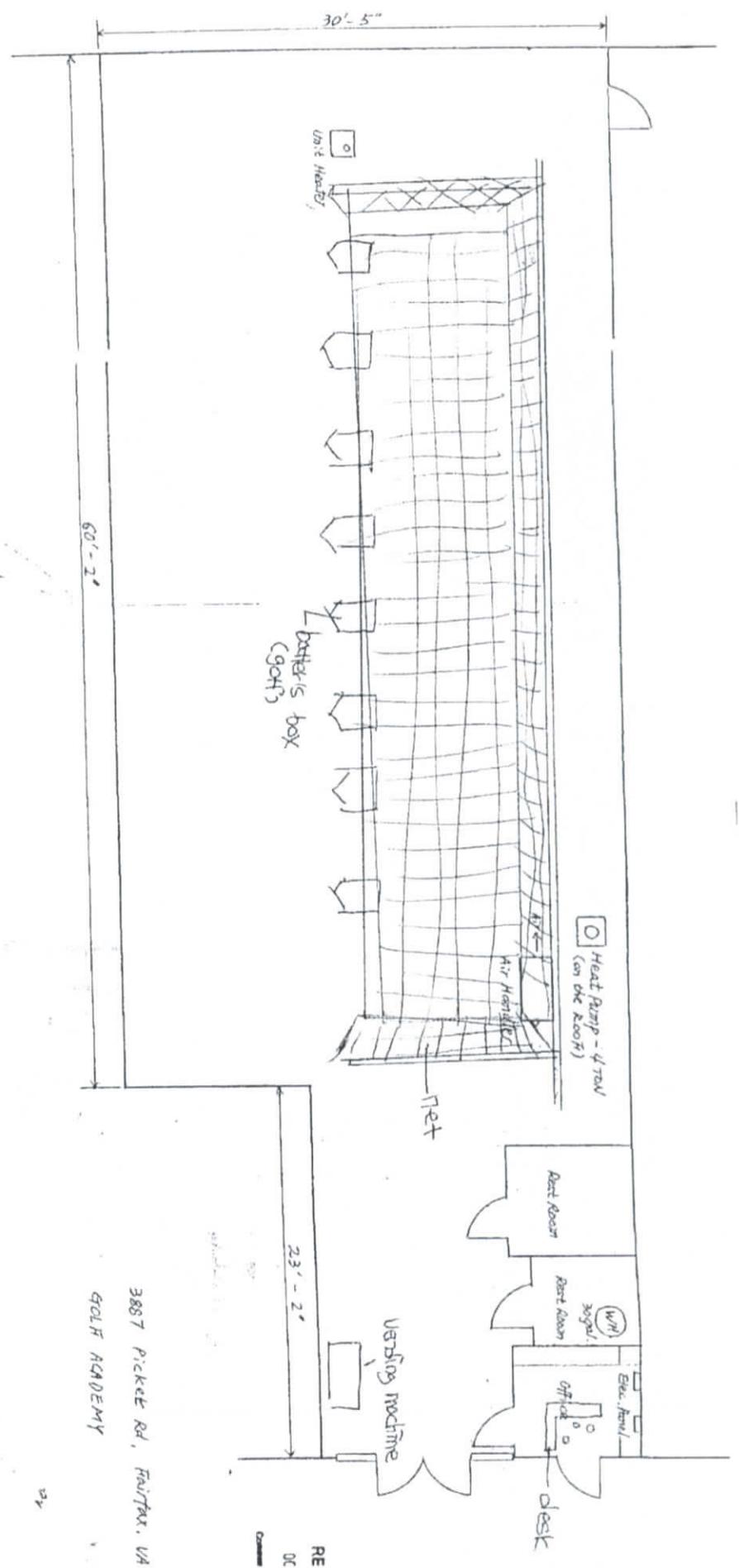


**NOTES:**

- 1. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF FAIRFAX ZONING ORDINANCES AND THE SUBDIVISION ACT.
- 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF FAIRFAX.
- 3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
- 5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS UNLESS OTHERWISE NOTED.
- 6. THE DEVELOPER SHALL MAINTAIN ALL EXISTING LANDSCAPING UNLESS OTHERWISE NOTED.
- 7. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITY LINES UNLESS OTHERWISE NOTED.

**CITY OF FAIRFAX**  
**SITE PLAN APPROVED**  
 Mayor [Signature]  
 City Manager [Signature]

All Existing Construction



3887 Pickett Rd, Fairfax, VA  
GOLF ACADEMY

RE  
DC  
C