

MINUTES OF REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
CITY OF FAIRFAX
CITY HALL, FAIRFAX, VIRGINIA
September 6, 2016

Members Present: John O'Brien Clarke Jr., Chairman
Ed Calabria, Vice-Chairman
Robert Matthews
Gary Perryman

Staff Present: Michelle Coleman, Zoning Administrator
Lisa Feibelman, Deputy Zoning Administrator
Ann Feeherry, Secretary

1. **Call to Order:** Chairman Clarke called the meeting to order.
2. **Opening of the Public Hearing:** Chairman Clarke opened the public hearing at 7:00 p.m. and explained the procedure for the meeting.
3. **Adoption of Agenda:** Approved 4:0
4. **SU-16070090**

Request of Ryan P. Buchanan, Agent, for Pure Performance, Inc., pursuant to City Code Section 110-366, for a Special Use Permit to City Code Sections 110-843(1) and (4) to allow a school of special instruction/commercial recreational facility for indoor recreation and training for diamond sports in the I-2 Industrial District on the premises known as 3805, 3807, 3829 and 3831 Pickett Road, and more particularly described as Tax Map Parcels 58-1 ((02)) 32 and 33.

Lisa Feibelman, Deputy Zoning Administrator, presented the staff report which is incorporated into the record by reference. She stated the applicant is requesting a special use permit to operate a commercial recreational facility for baseball and softball skills training.

Staff recommended that the Board of Zoning Appeals approves the applicant's special use permit request. Staff also provided the Board Members with six development conditions if the Board of Zoning Appeals choose to approve the applicant's request.

Mr. Perryman asked if the athletic training participants would be adults or children and then conveyed that if the participants themselves are old enough to drive, then they will be parking their cars in rather than dropping children off which could negatively impact the parking lot.

Lisa Feibelman explained that according to the business schedule, adult classes will be held at night when other businesses are closed which will provide more available parking.

Michelle Coleman included that the parking ratio being used is the requirement for assembly or instructional sessions which factors in variations. She expressed that the 69 parking spaces which were approved by City Council in 1997 is still adequate.

Mr. Matthews followed by mentioning that typically this particular parking lot is more crowded on the North side than it is on the West or South side. Mr. Matthews asked if the property owner would be held responsible for re-striping the parking spaces at the location.

Mr. Clarke answered Mr. Matthews question by reminding the Board Members that the special use is for the property location itself not the tenant and that the property owner would be obligated to comply with any approved development condition.

Ryan Buchanan conveyed that the majority of the cliental would be between ages 8 through 18, and that the business is currently operating in Vienna, Virginia in 3,200 square feet with only four parking spaces. The proposed floor plan only includes 4 waiting room seats to encourage a drop off and pick up business model.

Ryan Buchanan requested that the Board of Zoning Appeals remove development condition number 4 which indicates that the training groups will be scheduled one at a time with a 30 minute separation between groups to allow the turnover for parking, drop off and pick up.

Ryan Buchanan requested that the Board of Zoning Appeals modify development condition number 3 which indicated that the maximum number of occupants, including employees and training participants, on-site at any one time does not exceed 39 be increased to 50 per the Fire Marshall requirements.

Mr. Calabria asked the applicant where the business intends to locate its entrance and exit in the four combined suites.

Ryan Buchanan expressed that the back door would have limited access with a lock or buzzer and that the entrance would be through unit number 3829 and an exit would be on the other side to allow for a smoother traffic pattern.

Mr. Perryman expressed his concern that the proposed drop off and pick up location interferes with a fire lane which could potentially create a safety hazard.

Michelle Coleman shared that fire lanes requirements are determined by the Office of Code Administration and are marked and clearly designated. Any potential interferences with the fire lanes would be addressed by the Fire Marshal.

Mr. Calabria asked how quickly it could potentially take to egress the least amount or most amount of training participants and employees.

Ryan Buchanan explained that he anticipates that participants and parents will be in and out of the location within five minutes and that loitering is unlikely.

Mr. Clarke asked the applicant if any of the 28 parking spaces at the location will be reserved for this particular use and if a lease has been signed.

Maury DeFreitas with Rosenthal Properties said that the lease is contingent on the Special Use Permit being approved. He provided the Board Members with the names of the other tenants at the property and expressed that the peak hours for the Commercial Recreational Facility would not coincide with the hours of the existing tenants.

Jim Tutora shared that his thirteen year old has been playing at the Vienna Pure Performance location and that he does not think a thirty minute window is necessary in between the classes. He expressed that the City of Fairfax currently does not have anything similar to this use and that many parents would be grateful for a practice space nearby.

Mr. Clarke asked Jim Tutora if he has ever personally picked up his child from the Vienna location and to describe the experience he has had.

Jim Tutora shared that in his experience he has always been able to get a parking space and that most kids now have cell phones so usually parents don't even need to leave their vehicles. Mr. Tutora explained that he only waits in the parking space for his kids for a couple of minutes and has never experienced any confrontation with other parents or drivers.

Discussion

Mr. Calabria expressed that he wanted to maintain development conditions 1, 2, 5, and 6 as they were written in the staff report. He also conveyed that he agreed that development condition number four should be removed. Mr. Calabria was uncomfortable with increasing the maximum number of occupants from 39 to 50 in development condition number 3 for safety reasons.

Mr. Perryman shared his experience of working little league for thirty years and was concerned that parents can arrive be late for picking their children up from practice which could influence traffic patterns. Mr. Perryman shared that there needed to be a fire lane located at the property and would prefer there be a two year condition on this special use to reevaluate the use and conditions after it has been operational.

Mr. Matthews stated that he had visited the proposed location a few times since the application was submitted. He shared that he was not concerned about parking after visiting the property and believed there were an adequate number of spaces. Mr. Matthews conveyed that he was comfortable moving the number of occupants in condition number 3 from 39 to 50.

Mr. Clarke suggested that development condition number four which suggested group classes should be scheduled one at a time with a 30 minute separation between them should be removed completely. He also conveyed that he was comfortable increasing the occupancy limit to 50 rather than 39 in development condition number 3.

Motion Approved 3:1

5. Consideration of July 5, 2016 Meeting Minutes

Mr. Calabria made the motion to approve the July 5, 2016 meeting minutes. Motion was seconded by Mr. Matthews. Motion was approved 4:0

6. Staff Comments - General Discussion

7. Board Comments - General Discussion

8. Adjournment – 8:53pm

ATTEST:



Ann Feeherry, Secretary