



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

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| <b>Project Name:</b> SP201700019 Charlottesville Music Institute   | <b>Staff:</b> Rachel Falkenstein, Senior Planner   |
| <b>Planning Commission Public Hearing:</b><br>October 10, 2017   | <b>Board of Supervisors Hearing:</b><br>To be determined   |
| <b>Owner(s):</b> VAS of Virginia Inc   | <b>Applicant(s):</b> Charlottesville Music Institute   |
| <b>Acreage:</b> 4.2 ac   | <b>Special Use Permit for:</b> Private schools under section 27.2 of the Zoning Ordinance  |
| <b>TMP:</b> 077000000040K0, 077000000040L0, 077000000040J0<br><b>Location:</b> 1740 Broadway Street  | <b>Zoning/by-right use:</b> LI Light Industrial  |
| <b>Magisterial District:</b> Scottsville   | <b>Conditions:</b> Yes   |
| <b>DA (Development Area):</b> Neighborhood 4 of the Southern and Western Urban Neighborhoods   | <b>Requested # of Dwelling Units/Lots:</b> N/A   |
| <b>Proposal:</b> Use of the existing building for a private music school   | <b>Comp. Plan Designation:</b> Office/R&D/Flex/Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use<br>Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams. |
| <b>Character of Property:</b> Existing 54,000 square foot warehouse with associated parking, loading areas and office space.   | <b>Use of Surrounding Properties:</b> Various light industrial use and Buckingham Branch Railroad and Woolen Mills neighborhood in the City of Charlottesville to the north.   |
| <b><u>Factors Favorable:</u></b><br>1. The school is proposed as a temporary use (5 years with the possibility of an 18-month extension) and will locate within an existing building.<br>2. There are no anticipated detrimental impacts to neighboring property owners.<br>3. The proposal will bring a new non-profit organization to the County and provide an additional opportunity for music lessons for County residents. | <b><u>Factors Unfavorable:</u></b><br>1. The proposed use will result in the temporary loss of industrial inventory; though the proposal would only occupy 16% of the existing warehouse facility.   |

**Recommendation:** Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of this special use permit with conditions.

1. The use shall be limited to no more than twenty percent (20%) of the production area as shown on the Charlottesville Music Institute Concept Plan, dated 7/17/2017 (Attachment A). All parking for the facility shall be located in areas designated on the plan, referenced above.
2. The use shall commence on or before [date two years from Board approval] or the permit shall expire and be of no effect.
3. The Special Use Permit shall expire 5 years from the date that the zoning clearance for the use is approved. Upon written request received by the Director of Planning before the 5 year period expires, the director may grant one extension of the permit for a period of up to 18 months to account for delays with siting or construction of the applicant's new facility.

**STAFF CONTACT:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Rachel Falkenstein, Senior Planner  
October 10, 2017  
TBD

**PETITION:**

PROJECT: SP201700014 Charlottesville Music Institute LLC

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 07700-00-00-040K0, 07700-00-00-040L0, 07700-00-00-040J0

LOCATION: 1740 Broadway Street

PROPOSAL: Use of approximately 8,000 square feet of the existing building for a music school to serve up to 500 students per year for a period of up to 5 years.

PETITION: Private schools under section 27.2 of the Zoning Ordinance.

ZONING: LI Light Industrial – industrial, office, and limited commercial uses (no residential use)

OVERLAYS: Managed Steep Slopes

COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use; Parks and Green Systems – parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams.

**CHARACTER OF THE AREA:**

This already developed 4.2 acre property contains a 51,000 square foot warehouse building, parking and loading areas, and a small office space, which is currently being renovated. The building and parking are located on three separate parcels under the same ownership (Attachment B).

The existing warehouse was built in 1989 for Data Visible Corporation, which closed in 2013. Currently the warehouse is leased to several small businesses, many of which are start-up and artisanal operations. Current tenants include a small-scale research and development enterprise, storage and moving services and glass fabrication companies (Attachment C).

The site is zoned LI, Light Industrial, as are all the surrounding parcels along Broadway Street. Adjacent uses include Clear Communications, Wimberly, Inc., Yves Delorme corporate office and warehouse, and Festive Fare Rentals. The Buckingham Branch Railroad is to the north and across the railroad tracks is the Woolen Mills neighborhood in the City of Charlottesville, which is mostly single-family homes.

**PLANNING AND ZONING HISTORY:**

- SDP1987-18: site plan for the Data Visible warehouse.
- SDP 1990-98: site plan amendment for the addition of gas tanks on the site.
- SP201400013 Broadway Street Indoor Soccer: Request to establish a 25,000 sq. ft. indoor soccer facility within the existing building. Approved in 2014, the use was never established.

**DETAILS OF THE PROPOSAL:**

The applicant, Charlottesville Music Institute (CMI), is a 501(c)(3) business whose primary purpose is to serve as a music school for the community. Their proposal is to lease space within the existing warehouse for an 8,000 square foot classroom space (comprising approximately 16 percent of the total warehouse space) to include 16 private rooms for individual instruction, a dedicated music library, space for ensembles/rehearsals/auditions, and offices and common areas. The space will include sound insulation throughout.

CMI proposes to lease the space within the warehouse for a period of 5 years while they secure and build a permanent location for the school. The hours of operation will be from 10am-9pm on weekdays,

with the majority of lessons occurring from 10am-1pm and 4pm-8pm. Saturday hours will be from 10am-7pm and 12pm-5pm on Sunday. The proposed space will accommodate up to 16 students and 5 instructors at a time. They will also offer music theory classes on weekdays and ensembles on the weekend that can accommodate up to 40 students. CMI anticipates serving up to 500 students of all ages per year (Attachment D).

The school will have 49 dedicated parking spaces within the current parking area, as shown on the attached concept plan (Attachment A).

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

#### **No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.**

The site is currently developed as a warehouse, containing several existing light industrial uses. The proposed music school will be constructed within the existing warehouse and no exterior additions or renovations are being proposed.

The applicant held their community meeting on September 21 at the 5<sup>th</sup> and Avon Community Advisory Committee's monthly meeting. Approximately 30 members of the public including the CAC were present, though it was unclear if the community members attended for the CMI project or for the other items on the agenda that night.

At the CAC meeting, questions were raised about the length of time the use will be in place and whether or not the SP will have a time limitation. The applicant said that they intend to use the space for a period of 5 years, but had requested the ability to extend the 5-year limitation up to 18-months to allow for possible delays with the construction of their new space.

Persons present asked about summer operations and summer camps. The applicant said that summer camps will primarily be located off site, likely at UVA to make use of their dorms and performance spaces.

Lastly, there was a discussion of the traffic impacts. The applicant explained that their lessons will start every half hour and will be of differing lengths, which will have the effect of staggering drop-off and pick-ups. There will be no regular deliveries or truck traffic associated with use. The property owner added that the by right use of the building could have larger traffic impacts and noted that the previous tenant had 70 employees (see Attachment E for trip generation information).

#### **Character of district unchanged. The character of the district will not be changed by the proposed special use.**

The adjacent parcels (within Albemarle County) are all zoned LI Light Industrial and contain various LI uses. Since the proposed school will be wholly located within the warehouse building and will be a temporary use on the site, it is not expected to change the character of the district.

#### **Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.**

The intent of the Light Industry (LI) district is to permit industrial and supporting uses that are compatible with, and do not detract from, surrounding districts. Structures within the Light Industry (LI)

district are encouraged to be constructed to the standards required for industrial structures, regardless of their intended use.

The proposed school use is within an existing warehouse building that was constructed for a previous industrial use. While a school is not a common use in industrial areas, this is intended to be a temporary use that will not preclude concurrent industrial uses in other portions of the building, nor the conversion back to an industrial use and therefore, is in harmony with the purpose and intent of the LI zoning district.

**...with the uses permitted by right in the district**

By-right uses within the district include manufacturing, laboratory, warehousing and office uses. The school use is not anticipated to have negative impacts on these by-right uses. The applicant proposes to provide sound insulation within the school to ensure there will be no acoustical impact on other users within the building.

The property owner has agreed to reserve 49 parking spaces within the existing parking area for the music school. According the property owner, this is less than half of the available parking on the site. There are also areas of the site that could be paved and used for parking, should a future user need additional parking.

Economic Development staff does not anticipate that the music school will interfere with other business enterprises within the building or along the corridor. The use will occupy only 16% of the available leasable area, which is much smaller than the previously approved SP for the indoor soccer facility (the soccer facility was approved for 25,000 square feet, or about 50% of the production area). Furthermore, the stated hours of operation will be off-schedule from many of the corridor enterprises and the sound will be attenuated. It will need to comply with the Certified Engineers report clearance (required for any LI zoned business application zoning clearance). Staff anticipates that the building will continue to attract local, start-up-business/incubator activity, and serve as a gap between home-occupations and larger industrial facilities.

**...with the regulations provided in section 5 as applicable,**

There are no supplemental regulations in section 5 applicable to the private school use.

**...and with the public health, safety and general welfare.**

Reviewers from Zoning, Engineering, Fire-Rescue and VDOT have all reviewed the request and have no objections to the proposed use. This use is not expected to cause harm to the public health, safety and general welfare.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

In the Southern and Western Urban Neighborhoods Master Plan, this site is designated as Office/R&D/Flex/Light Industrial, which represents a category of employment generating uses that have the lightest impacts of the industrial uses. Common uses include professional office, commercial, research and development, design, development of prototypes, engineering, light manufacturing, fabrication, and distribution. Schools is not a listed use for Office/R&D/Flex/LI, but institutional uses are a secondary use within this category.

Staff is of the opinion that this use is compatible with the Office/R&D/Flex/LI land use designation as a secondary use. The use will take up less than 1/5 of the existing warehouse space and will not detract from the other LI uses in the area. The Master Plan identifies this area as an important industrial area and an existing center. The school use will contribute to the mix of employment generating uses within

the Broadway Street corridor.

Since the proposed use is locating wholly within an existing building, staff has not conducted a Neighborhood Model analysis for this proposal.

### **SUMMARY:**

Staff has identified factors, which are favorable and unfavorable to this proposal:

#### **Factors favorable to this request include:**

1. The proposed school is a temporary use (5 years with the possibility of an 18-month extension) and will locate within an existing building.
2. There are no anticipated detrimental impacts to neighboring property owners.
3. The proposal will bring a new non-profit organization to the County and provide an additional opportunity for music lessons for County residents.

#### **Factors unfavorable to this request include:**

1. The proposed use will result in the temporary loss of industrial inventory; though the proposal would only occupy 16% of the existing warehouse facility.

### **RECOMMENDED ACTION:**

**Recommendation:** Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of this special use permit with conditions.

1. The use shall be limited to no more than twenty percent (20%) of the production area as shown on the Charlottesville Music Institute Concept Plan, dated 7/17/2017 (Attachment A). All parking for the facility shall be located in areas designated on the plan, referenced above.
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### **MOTIONS:**

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:  
I move to recommend approval of SP 201700014 Charlottesville Music Institute with the conditions outlined in the staff report.
- B. Should the Planning Commission **choose to recommend denial** of this special use permit:  
I move to recommend denial of SP 201700014 Charlottesville Music Institute (state reasons for denial).

### **ATTACHMENTS:**

- A – [Concept Plan](#)
- B – [Location map](#)
- C – [Economic Development staff comments](#)
- D – [Narrative](#)
- E – [Trip generation information](#)