



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of November 19, 2011

DATE: October 26, 2011

SUBJECT: U-3270-10-1 USE PERMIT REVIEW for a studio for private music lessons and ancillary retail sales, located at 2499 N. Harrison St., Suite 11LL in the Lee Harrison Shopping Center 2425, 2433, 2435, 2447, 2491, 2499, 2503, and 2509 N. Harrison St. (RPC# 02-073-084)

Applicant:

Maley's Music, LLC
2499 N. Harrison St., Suite 11LL
Arlington, Virginia 22207

C. M. RECOMMENDATION:

Renew, subject to all previously approved conditions, and with a County Board review in October 2013.

ISSUES: This is a use permit review for a studio for private music lessons and ancillary retail sales, and no issues have been identified.

SUMMARY: The applicant operates a studio for private music lessons and ancillary retail sales in the lower level of the Lee Harrison Shopping Center. The space adequately supports the number of students/patrons visiting the site. The applicant is compliant with all use permit conditions including those addressing parking for the site. The Leeway-Overlee Civic Association expressed no issues with the establishment, and the Yorktown Civic Association has no comments regarding this use. Furthermore, several active use permits are located on this site and are up for review by the County Board in October 2013. Staff recommends that this use permit run concurrently with the reviews for these other active use permits on the site. Typically, staff would recommend renewal with a three (3) year County Board review in November 2014, but for coordination with other use permits in the shopping center, the review will be shorter. Therefore, staff recommends that the use permit be renewed, subject to all previously approved conditions, and with a County Board review in October 2013.

County Manager:

BMD/GA

County Attorney:

MNC

Staff: Marco Antonio Rivero, DPCHD, Planning Division

PLA-6038

13.

BACKGROUND: The applicant operates a studio for private music lessons and ancillary retail sales within a lower level space of the Lee Harrison Shopping Center. The hours of operation for the studio are Monday through Thursday between the hours of 12 p.m. to 9 p.m.; Friday 12 p.m. to 6 p.m.; and Saturday 9 a.m. to 6 p.m. The use permit was originally approved by the County Board in November 2010.

DISCUSSION: The applicant has operated in compliance with the conditions of the use permit. All relevant County agencies report no outstanding issues or concerns with this use.

There are other active use permits at the Lee Harrison Shopping Center that are pending future County Board reviews:

Use Permit #	Approved Use	Date Originally Approved	Date to be Reviewed by County Board
U-3067-03-1	After school supplemental program for up to fifteen (15) students.	October 2003	October 2013
U-3092-04-2	Children's tumbling, fitness, and activity center.	July 2004	October 2013
U-3113-04-3	Tae Kwon Do studio.	February 2005	October 2013
U-3171-07-4	Dance studio.	May 2007	January 2013

Three (3) of these use permits are up for review by the County Board in October 2013. Staff recommends that this use permit run concurrently with the reviews for these use permits. Typically, staff would recommend renewal with a three (3) year County Board review in November 2014, but for coordination with other use permits in the shopping center, the review will be shorter.

Since the Last Review (November 13, 2010)

Use Permit Conditions: The use operates in compliance with all use permit conditions.

Child Care Office: The Child Care Office reported no issues with this use permit.

Community Code Enforcement: The Code Enforcement Office reports that there are no issues regarding the continuation of this use.

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

Police Department: The Police Department reported no issues with this use permit.

Civic Associations: Staff contacted the Yorktown and Leeway-Overlee Civic Associations regarding this use permit review. As of the date of this report, the Leeway-Overlee Civic Association expressed no issues with the establishment, and the Yorktown Civic Association has no comments regarding this use.

CONCLUSION: The applicant is compliant with all use permit conditions, and all relevant County agencies report no outstanding issues or concerns with this use. In order to simplify the County Board review process for other active use permits on this site, staff recommends that this use permit run concurrently with the three (3) use permits scheduled for review in October 2013. Therefore, staff recommends that the use permit be renewed, subject to all previously approved conditions, and with a County Board review in October 2013.

PREVIOUS COUNTY BOARD ACTIONS:

- October 18, 2003 Approved a use permit (U-3067-03-1) for an after school supplemental program for up to fifteen (15) students with an administrative review in one (1) year (October 2004) and a County Board review in two (2) years (October 2005).
- July 10, 2004 Approved a use permit (U-3092-04-2) for a children's tumbling, fitness, and activity center, subject to conditions in the staff report, with a review by the County Board in three (3) years (July 2007).
- February 12, 2005 Approved a use permit (U-3113-04-3) 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).
- October 15, 2005 Renewed a use permit (U-3067-03-1) subject to all previous conditions, with County Board review in three (3) years (October 2008).
- July 8, 2006 Approved a use permit amendment request (U-3113-04-3) 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 a 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 a 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).

	Renewed a use permit (U-3113-04-3) for a martial arts studio, subject to all previous conditions, with a review by the County Board in three (3) years (July 2010).
April 19, 2008	Approved a use permit amendment request (U-3092-04-2) to occupy approximately 1,100 square feet of additional space in the basement of the Lee Harrison Shopping Center.
	Approved a use permit amendment request (U-3113-04-3) to occupy additional space, allow children ages two (2) and older, and provide more flexibility in hours of operation.
May 17, 2008	Renewed a use permit (U-3171-07-4) for a dance studio, subject to one (1) new condition, and with a County Board review in one (1) year (May 2009).
October 18, 2008	Renewed a use permit (U-3067-03-1) subject to one (1) new condition and all previously approved conditions, with a County Board review in five (5) years (October 2013).
January 24, 2009	Approved a use permit amendment request (U-3171-07-4) for an expansion of an existing dance studio subject to four (4) amended conditions, one (1) new condition, with an administrative review in four months (June 2009).
April 25, 2009	Renewed a use permit (U-3092-04-2) subject to all previously approved conditions and a County Board review in one (1) year (April 2010).
	Renewed a use permit (U-3113-04-3) subject to the conditions of the staff report and with a County Board review in one (1) year (April 2010).
January 23, 2010	Renewed a use permit (U-3171-07-4) subject to the conditions of the staff report and with a County Board review in three (3) years (January 2013).
April 24, 2010	Renewed a use permit (U-3092-04-2) subject to the conditions of the staff report and with a County Board review in three and one half (3 ½) years (October 2013).

Renewed a use permit (U-3113-04-3) subject to the conditions of the staff report and with a County Board review in three and one half (3 ½) years (October 2013).

July 10, 2010

Approved a use permit amendment request (U-3113-04-3) subject to all previously approved conditions, one (1) modified condition, one (1) new condition, and with a County Board review in three (3) years and three (3) months (October 2013).

November 13, 2010

Approved a use permit (U-3270-10-1) for a studio for private music lessons and ancillary retail sales subject to the conditions of the staff report, and with a County Board review in one (1) year (November 2011).

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 sessions shall escort their students who are ten (10) years old and younger to and from the studio at all times.
3. The applicant agrees that the hours of operation for the studio would be Monday through Thursday between the hours of 12 p.m. to 9 p.m.; Friday 12 p.m. to 6 p.m.; and Saturday 9 a.m. to 6 p.m.
4. The applicant agrees that the total number of students at Maley's Music Studio shall not exceed 25 students at any one time. Monthly enrollment may increase to but will not exceed 99 students during any one (1) month period. Any changes to the monthly enrollment limit may be administratively reviewed and approved by the Zoning Administrator.
5. The applicant agrees to provide information to patrons, parents, and/or students on the first day of classes that:
 - Encourages parking in the underground parking garage and describes the location of the garage entrance and hours of operation;
 - Encourages all pick-up and drop-off activity to occur in the underground parking garage;
 - Encourages patrons/students, and parents escorting students, to utilize the path that connects the parking garage to the outdoor entrances to the lower level studios when entering and exiting the site.
6. The applicant agrees that all instructors and/or staff will park in the underground parking garage.
7. The applicant agrees that windows will be installed on all studio instruction rooms providing visibility into the spaces.

*Leeway CA: No Issues
(Maley's Music)*

Marco Rivero

From: Karla Brown <kapbrown@verizon.net>
Sent: Sunday, October 16, 2011 11:34 PM
To: Marco Rivero
Subject: Re: U-3270-10-1: Maley's Music Use Permit Review

Dear Marco,

The Leeway Overlee Civic Association does not have any issue with the use permit. Thank you for keeping us informed.

Sincerely,

Karla Brown
President, Leeway Overlee Civic Association
(703) 731-3913

On Oct 13, 2011, at 12:34 PM, Marco Rivero wrote:

Hello Karla,

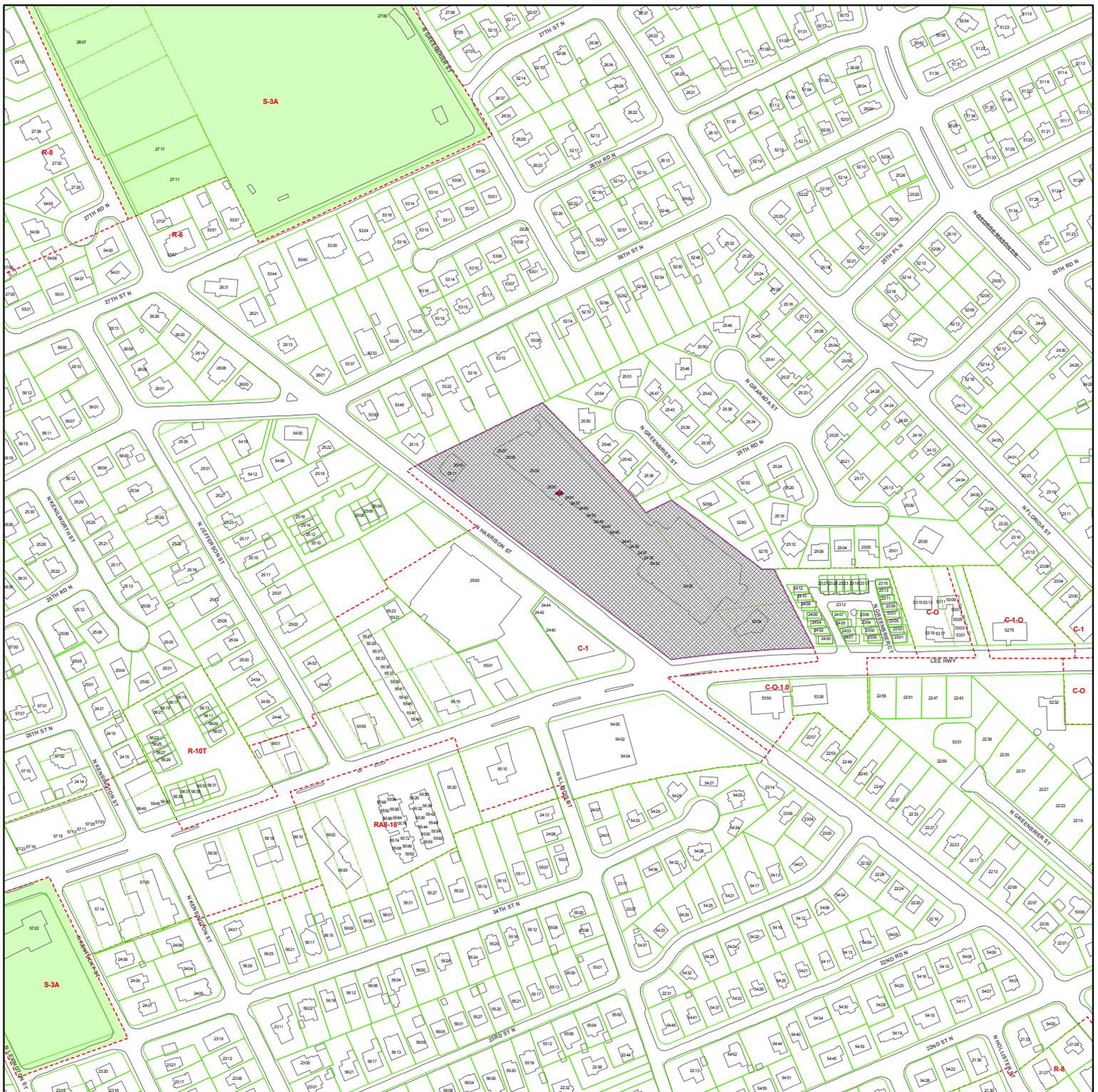
I wanted to inform you about the one (1) year review for the use permit approval for Maley's Music (U-3270-10-1), at the Lee-Harrison Shopping Center. I will be reviewing the case for the November 19, 2011 County Board meeting. I wanted to ask if you know of any issues or other concerns regarding this use permit. Attached are the approved staff reports from November 2010 for your reference.

I would greatly appreciate your assistance. Thanks!

Best,
Marco

Marco Antonio Rivero | Associate Planner - DCPHD, Arlington County Government
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<PLA-5721 (Maley's Music LLC) Supplemental.pdf><PLA-5721 (Maley's Music LLC).pdf>



U-3270-10-1

2499 N Harrison St, Suite 11LL in the Lee Harrison Shopping Center 2425, 2433, 2435, 2447, 2491, 2499, 2503, and 2509 N Harrison St

RPC: 02-073-084



 Case Location(s)
Scale: 1:4,000

Note: These maps are for property location assistance only. They may not represent the latest survey and other information.