



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of January 24, 2009**

**DATE:** January 6, 2009

**SUBJECT:** SP #263 SITE PLAN AMENDMENT: restaurant live entertainment on premises known as 2317 Wilson Boulevard (Listrani's of Arlington) (RPC #15-059-003).

**Applicant:**

Michael Copty  
Listrani's of Arlington  
2317 Wilson Boulevard  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

Approve the site plan amendment for restaurant live entertainment, subject to seven (7) new conditions specific to the restaurant live entertainment use, with a County Board review in one (1) year (January 2010).

**ISSUES:** The applicant requests a site plan amendment for restaurant live entertainment at 2317 Wilson Boulevard, and there have been no issues identified.

**SUMMARY:** The owners of Listrani's of Arlington at 2317 Wilson Blvd. request a site plan amendment for a live entertainment use at their restaurant. The application proposes stand-up comedy Tuesday through Sunday 8:30 p.m. to midnight. A site plan amendment was approved in 1996 that made the building an interim use and subject to the "C-1" and "C-2" Districts. Restaurant live entertainment is permitted in both districts subject to a special exception use permit. The applicant has agreed to conditions to help mitigate any potential impacts on the surrounding community such as noise, patron conduct, and health and safety of the general public. Therefore, staff recommends that the site plan amendment for restaurant live entertainment be approved as proposed, subject to seven (7) conditions pertaining specifically to the restaurant live entertainment use, with a County Board review in one (1) year (January 2010).

**BACKGROUND:** Site Plan (SP) #263 was approved in 1989 concurrently with an application to rezone the site to the "R-C" district and a GLUP amendment to designate the site "High-Medium Residential Mixed-Use." The plan called originally for one multi-family residential building at the corners of Wilson Boulevard and North Veitch Street, and an office building at the corner of Wilson Blvd. and N. Adams St. In 1996, before any construction had started, the

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

Staff: Matthew Pfeiffer, DCPHD, Planning Division

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developer of the project submitted a major site plan amendment to amend the design of the residential building and to allow the existing uses at the site of the proposed office building to continue their use as an interim use for eight (8) years (in 2004, this amendment was extended for another 12 years, until 2016). This approval effectively split the site into two areas; an “upper triangle” which was developed with a residential multi-family building with ground-floor retail, and a “lower triangle” in which no development has thus far occurred and in which the three (3) existing two-story office/retail buildings currently operate under the interim use approval (where they are governed by the terms of the “C-1” and “C-2” districts). (See attached map for descriptions of the “upper” and “lower” triangles).

Listrani’s of Arlington is located at 2317 Wilson Blvd. in the lower triangle. It is bounded on the west by N. Adams St. and is the westernmost of the three buildings that make up the Lower Triangle. A Certificate of Occupancy for 10 indoor seats for the restaurant was issued in April 2003, and in April 2004 a Certificate of Occupancy was issued for another 68 indoor seats. The site is described as follows:

Site: Located at 2317 Wilson Blvd., the site is bound as follows:

- |               |   |
|---------------|---|
| To the north: | Surface parking lot, Key Elementary School, single-family detached dwellings                                      |
| To the west:  | Retail and office uses along Wilson Blvd. and single-family detached dwellings                                    |
| To the east:  | A multifamily residential building (SP #263), retail and office uses along Wilson Blvd., Courthouse metro station |
| To the south: | Wilson Blvd; office and retail buildings; Clarendon Blvd.; Courthouse Plaza.                                      |

Zoning: The site is zoned “R-C” Apartment Dwelling and Commercial Districts (In 1996, the County Board approved a site plan amendment to allow interim uses on the site, which established the site as being governed by the “C-1” Local Commercial Districts, and the “C-2” Service Commercial –Community Business Districts).

Land Use: The site is designated on the General Land Use Plan (GLUP) as mixed “High-Medium Residential Mixed-Use.”

Neighborhood: The site is located within the Lyon Village Civic Association, and is proximate to the Colonial Village and Clarendon-Courthouse Civic Associations.

**Approved Plans and Policies:** Zoning Ordinance Sections 19, 26, and 33; the Courthouse Sector Plan

**Existing Development:** The upper triangle of the site contains a multi-family residential building with ground-floor retail constructed as part of SP #263. The Lower Triangle contains

three (3) two-story office/retail buildings that existed prior to the approval of that site plan.

**DISCUSSION:** Listrani's proposes to provide live entertainment for restaurant patrons for up to six (6) days per week. The hours proposed for operation of live entertainment are Tuesday through Sunday, 8:30 p.m. to midnight. Staff is in support of a use permit for restaurant live entertainment at Listrani's, due to the restaurant's location within the Courthouse Metro Station Area, and that it is a permitted use in the "C-1" district by special exception.

The restaurant's location on a commercial street within the Rosslyn-Ballston (R-B) Corridor helps to mitigate some of the issues, such as noise, patron conduct, and parking that a live entertainment use would have if it were located in closer proximity to an established residential neighborhood. While there are predominantly residential areas to the north of the site, Wilson Boulevard is one of the main commercial streets within the R-B corridor, and live entertainment is an appropriate use due to the fact that there are many existing restaurants in this corridor that have operated live entertainment successfully.

The location of Listrani's in the R-B Corridor also makes it successful from a transportation standpoint. In particular, parking is not an issue due to the restaurant's close proximity to metro. According to Section 33 of the Zoning Ordinance, restaurants that are located within 1,000 feet of a Metro Station entrance and that have fewer than 200 seats are exempt from off-street parking requirements as a way to encourage and promote pedestrian-related commercial activities in Metro Station Areas. Listrani's of Arlington is approximately 600-feet from the Courthouse Metro Station entrance, and contains 74 indoor seats. Moreover, there is a surface parking lot containing 39 spaces that can be used by patrons located directly behind the building.

The applicant has agreed to conditions to help prevent any issues resulting from live entertainment. All windows and doors will be shut during the hours of live entertainment so that compliance with the County's Noise Ordinance will be assured. Also, the applicant proposes that live entertainment should end at midnight on the days proposed. Finally, the applicant agrees to a condition whereby a community liaison would be on-site during the hours of live entertainment to respond to any concerns from the surrounding community or the County.

The Lyon Village Citizens Association has not responded to staff regarding the subject application.

**CONCLUSION:** The proposed live entertainment use at Listrani's of Arlington is consistent with the interim use approved for the site. It is also located within a major commercial corridor and close to a metro station. The proprietors of Listrani's of Arlington have been operating a successful business at the site since 2003. The Police Department, the Fire Marshall, and the Virginia Department of Alcoholic Beverage Control have all reported that there have been no complaints or issues resulting from the current use of this site. Staff recommends that the site plan amendment for restaurant live entertainment at Listrani's of Arlington, located at 2317 Wilson Boulevard, be approved subject to seven (7) new conditions that pertain to the restaurant live entertainment use only, with a County Board review in one (1) year (January 2010).

**The following conditions apply to live entertainment use at 2317 Wilson Boulevard only:**

1. The applicant agrees that restaurant live entertainment shall be permitted only between the hours of 8:30 p.m. to 12:00 a.m. Tuesday through Sunday.
2. The applicant agrees that no dancing shall occur on the premises without a dance permit being first obtained from the Zoning Office.
3. The applicant shall ensure that all windows and doors to the subject site are kept closed at all times, with the exception of patrons and/or staff entering and exiting the premises.
4. The applicant agrees that there shall be no entry into or exit from the establishment permitted from the rear doorway by patrons.
5. The applicant agrees to identify an on-site liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the restaurant live entertainment. The name and telephone number of the liaison shall be shared with the nearest neighbors, the Lyon Village Civic Association, and the County's Zoning Office immediately upon approval of the use permit.
6. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board and the Code Enforcement Office shall be met including, but not limited to:
  - a. All provisions of the Noise Control Ordinance (Chapter 15 of the County Code)
  - b. Building capacity, as defined by the Fire Marshal
7. The restaurant live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request.

PREVIOUS COUNTY BOARD ACTIONS:

- January 7, 1989                      Deferred a site plan, rezoning (Z-2356-88-2), GLUP amendment, and associated vacation to the February 11, 1989 County Board meeting.
- February 11, 1989                      Deferred a site plan, rezoning (Z-2356-88-2), GLUP amendment, and associated vacation to the May 13, 1989 County Board meeting.
- May 13, 1989                              Deferred a site plan, rezoning (Z-2356-88-2), GLUP amendment, and associated vacation to the July 8, 1989 County Board meeting.
- July 8, 1989                              Approved a site plan, rezoning (Z-2356-88-2), GLUP amendment, and associated vacation for the “R-C” mixed use residential and office development.
- January 5, 1991                            Approved a major site plan amendment to modify the approved residential and office building footprint and location.
- May 11, 1991                              Approved a site plan amendment to amend condition #64 to extend the site plan from July 8, 1992 to January 5, 1994.
- May 20, 1992                              Approved a site plan amendment to amend condition #68 of the approved site plan pursuant to conveyance of a portion of 16<sup>th</sup> Street North to the Arlington School Board and establish the conveyance as vesting the site plan subject to all previous conditions and adding new conditions #69 and #70.
- April 3, 1993                              Deferred a site plan amendment to the May 15, 1993 County Board meeting, to obtain comments from Lyon Village Civic Association and from Key Elementary School personnel (PTA).
- May 18, 1993                              Approved a site plan amendment for operation of a public parking lot with approximately 159, revised to 153, subject to conditions and a review in six months from issuance of a certificate of occupancy.

April 13, 1996	Deferred a site plan amendment request to permit construction of an amended residential building to the May 11, 1996 County Board meeting.
May 13, 1996	Deferred a site plan amendment request to permit construction of an amended residential building to the July 20, 1996 County Board meeting.
July 20, 1996	Approved a portion of the site plan amendment to allow the two commercial structures to be occupied by office and/or retail uses subject to conditions and modifications
September 21, 1996	Deferred a site plan amendment request to permit construction of an amended residential building with ground floor retail to the September 21, 1996 County Board meeting.
September 21, 1996	Continued public hearing until October 1, 1996 on a site plan amendment request to permit construction of an amended residential building with ground floor retail.
October 1, 1996	Approved a site plan amendment request to permit construction of an amended residential building with ground floor retail subject to conditions.
May 17, 1997	Approved a site plan amendment to modify design features including relocating the pool; enclosing balconies, bays and first floor patios; modifying the elevation at the building entrance; and altering retail space subject to all previous conditions and amended conditions.
June 30, 2004	Approved a site plan amendment to extend the interim office and retail uses on the office building site for a period not to extend 12 years (June 2016) and subject to all previous conditions.