



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of February 21, 2009**

DATE: February 12, 2009

SUBJECT: U-2732-92-3 USE PERMIT REVIEW: live entertainment; 1836 Wilson Boulevard (Rhodeside Grill, RPC # 17-011-023).

Applicant:
Rhodeside Grill

By:
Mr. Wilson Whitney, Occupant
1836 Wilson Boulevard
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Renew, subject to all previous conditions and with a County Board review in three (3) years (February 2012).

ISSUES: This is a review of live entertainment at Rhodeside Grill and no issues have been identified.

SUMMARY: This is a renewal of a live entertainment use permit that was originally approved by the County Board in March 1992 and reviewed several times. The use has continued to operate in compliance with the use permit conditions. The site of the restaurant is slated for redevelopment to make way for the National Science Teachers Association (NSTA) headquarters, SP #382. A three (3) year review should allow enough time for redevelopment to begin, at which time staff will recommend discontinuing the subject use permit if the live entertainment use is no longer operating at the site. Therefore, staff recommends that the use permit be renewed, subject to all previous conditions and with a County Board review in three (3) years (February 2012).

BACKGROUND: The last review was in February 2008. A one (1) year review was recommended at that time, as the site was slated for demolition within the year. Demolition of the site has not yet occurred, and the Rhodeside Grill continues to operate with live entertainment at the site with no issues.

County Manager: _____

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5189

DISCUSSION: The use permit allows the restaurant to provide live entertainment from 5 p.m. to 2 a.m., seven (7) days a week. In practice, the applicant restricts live entertainment to live acoustic sessions in the ground level portion of the restaurant on Tuesday and Thursday. On occasion, larger musical engagements are hosted and these are confined to the basement level.

The parcel of land on which the restaurant sits is slated for demolition for the NSTA headquarters, SP #382. After demolition occurs and the Rhodeside Grill is no longer at the site, the use permit for live entertainment will no longer be valid. A three (3) year review should allow enough time for this to happen. If in three years the site has been redeveloped and live entertainment is no longer operating at the site, staff will recommend discontinuing the subject use permit.

Since the last review (February 23, 2008):

Community Code Enforcement: The applicant has been in compliance with all use permit conditions.

Police Department: The Police Department has not reported any issues with this site.

Fire Marshal's Office: The Fire Marshall's office has not reported any issues with this site.

State ABC Board: The State ABC Board has not reported any issues regarding the use.

Civic Association: The subject site is located within the Colonial Villages Civic Association. The Colonial Village II Condominium Association, across the street from the Rhodeside Grill, has been contacted and to date has not provided comments on the renewal of the use permit.

CONCLUSION: The subject use permit has operated without issue and without complaints for the past several years. A three (3) year review should allow enough time for redevelopment to begin on site. Therefore, staff recommends that the use permit be renewed, subject to all previous conditions and with a County Board review in three (3) years (February 2012).

PREVIOUS COUNTY BOARD ACTIONS:

June 3, 1978	Approved a Use Permit (U-2162-78-1) to permit live entertainment, including dancing, in an existing restaurant.
June 9, 1979	Continued Use Permit (U-2162-78-1), subject to all previous conditions, and with a review in one (1) year.
June 10, 1980	Continued Use Permit (U-2162-78-1), subject to all previous conditions, and with a review in one (1) year.
June 1, 1982	Discontinued Use Permit (U-2162-78-1).
December 7, 1991	Took No Action on Use Permit (U-2724-91-2) to permit live entertainment, including dancing, in an existing restaurant.
March 7, 1992	Approved a Use Permit (U-2732-92-3) to permit live entertainment, including dancing, in an existing restaurant subject to conditions and with a review in six (6) months.
September 26, 1992	Continued Use Permit (U-2732-92-3) to permit live entertainment, including dancing in an existing restaurant, subject to all previous conditions and with a review in six (6) months.
April 7, 1993	Continued Use Permit (U-2732-92-3) to permit live entertainment, including dancing in an existing restaurant, subject to previous conditions and with a review in one (1) year.
April 13, 1994	Continued Use Permit (U-2732-92-3) to permit live entertainment, including dancing in an existing restaurant, subject to previous conditions and with a review in two (2) months.
June 4, 1994	Continued Use Permit (U-2732-92-3) to permit live entertainment and approved an amendment to extend the hours to between 5:00 p.m. and 2:00 a.m. seven days per week, subject to the original conditions, amended conditions and with a review in two (2) years.

June 4, 1996	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in one (1) year (June 1997).
June 7, 1997	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in four (4) months (October 1997).
October 4, 1997	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in four (4) months (February 1998).
February 1998	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in one (1) year (February 1999).
February 6, 1999	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in one (1) year (February 2000).
February 12, 2000	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions, new Condition #3, and with a review in three (3) years (February 2003).
February 8, 2003	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in five (5) years (February 2008).
November 16, 2005	Approved Site Plan (SP #382) to retain an approximately 46,080 square foot office structure and construct an approximately 71,840 square foot office structure on the parcels of real property known as 1801 and 1805 Clarendon Boulevard and 1836 and 1840 Wilson Boulevard (RPC# 17-011-019, -021, -023).

February 23, 2008

Renewed the use permit (U-2732-92-3), with a County Board review in one (1) year (February 2009).

Approved Conditions:

1. Live entertainment and dancing shall be permitted only between the hours of 5:00 p.m. and 2:00 a.m., seven (7) days a week.
2. The applicant shall have the trash dumpster placed behind the wall of the building at all times.
3. No customer dancing shall be permitted unless the applicant first obtains a valid dance hall permit.