



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 25, 2009**

DATE: April 15, 2009

SUBJECT: SP #346 SITE PLAN AMENDMENT: live entertainment and dancing for McGinty's Public House located at 3650 S. Glebe Rd. (The Eclipse at Potomac Yard) (RPC: 34-027-322)

Applicant:

McGinty's Public House
Greg Whelan, Co-Owner/Manager
3650 Glebe Rd.
Suite 170
Arlington, Virginia 22202

C. M. RECOMMENDATION:

Approve, subject to the proposed conditions, and with a County Board review in one (1) year (April 2010).

ISSUES: This is a site plan amendment request for live entertainment and dancing at McGinty's Public House in Potomac Yard, and no issues have been identified.

SUMMARY: McGinty's Public House, located on the ground floor of the Eclipse at Center Park (the "Eclipse") Condominium Building in Potomac Yard, is requesting a special exception for live entertainment and dancing. The applicant tested the music level to ensure it would not impact adjacent locations and the Eclipse Condominium Building states they have received no negative feedback regarding the proposed live entertainment. Therefore, staff recommends approval of the site plan amendment request for live entertainment and dancing, subject to the proposed conditions, and with a County Board review in one (1) year (April 2010).

BACKGROUND: McGinty's Public House is located on the ground floor of the Eclipse Condominium Building, among the other commercial and retail uses in the central courtyard area. The establishment is not yet open, but expects to open within the next couple of months.

County Manager: _____

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5226

The following provides information about the site:

Site: The subject parcel is known as Land Bay F, the southernmost parcel of the Potomac Yard Phased Development Site Plan (PDSP). Land Bay F is bounded by Route 1 to the west, South Glebe Road to the north, Potomac Avenue to the east, and Four Mile Run and the City of Alexandria to the south. South Park is contiguous to the south of the Land Bay. The parcel is comprised of two (2) 11-story residential buildings containing a total of 479 units and ground floor retail.

Zoning: The site is zoned "C-O-1.5", Commercial Office Building, Hotel and Apartment Districts.

Land Use: The South Tract has a striped pattern of 1/3 "Medium" Residential (37-72 units/acre) and 2/3 "Low" Office-Apartment-Hotel, with Note 18, on the General Land Use Plan.

Neighborhood: The site is not within a civic association, but is adjacent to the Aurora Highlands Civic Association. The Aurora Highlands Civic Association has been contacted, and has responded they will take no position on the proposed site plan amendment. The Eclipse Condominium Building has been contacted and has responded that, since they are under declarant control at this time, they are unable to take a position on the proposed site plan amendment. However, the President of the future Eclipse Condominium Association states many residents have been notified, are aware of the opening of the restaurant, and that no negative responses have been received regarding the proposed use (letter attached).

DISCUSSION: The applicant is proposing live entertainment from 5 p.m. to 1:30 a.m., seven (7) days a week, with additional hours on Sunday from 11 a.m. to 3 p.m. for brunch. The live entertainment will primarily consist of traditional Irish music, acoustic ballads, and folk songs during the weekdays, and three or four piece bands on Fridays and Saturdays. An acoustical test was performed, for which two (2) members of the declarant condominium association were present. Members of McGinty's Public House staff replicated the type and volume of music, and then everyone present ensured the level was acceptable from various locations outside in the courtyard, in the residential stairwell adjacent to the restaurant, and in the residential units above the restaurant.

CONCLUSION: The Eclipse Condominium Building states they have received no negative feedback regarding the proposed live entertainment, and the applicant tested the music level to ensure it would not impact adjacent locations. Therefore, staff recommends approval of the site plan amendment request for live entertainment and dancing, subject to the proposed conditions, and with a County Board review in one (1) year (April 2010).

Proposed Conditions:

1. The applicant agrees that live entertainment will be limited to seven (7) days a week, from 5 p.m. to 1:30 a.m., with additional hours on Sunday from 11 a.m. to 3 p.m.

2. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
3. The applicant agrees that live entertainment shall meet the noise limits established in the County Noise Ordinance.
4. The applicant agrees to ensure that all windows and doors shall remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to ensure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.
5. No customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
6. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Eclipse Condominium Building.
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 site plan amendment request.

PREVIOUS COUNTY BOARD ACTIONS:

October 21, 2000

South Tract: Approved a General Land Use Plan (GLUP) Amendment to a striped pattern of 1/3 "Medium" Residential (37-72 units/acre) and 2/3 "Low" Office-Apartment-Hotel, with Note 18.

Approved Amendments to the Master Transportation Plan, including Part I to add public streets and designate several streets as private; Arlington Bicycle Plan to add on-street bike lanes; Arlington County Pedestrian Transportation Plan to add a pedestrian corridor; and establishment of a transitway.

Approved a rezoning from "M-1" to "C-O-1.5".

Approved a Phased Development Site Plan for a mixed use office, retail, hotel and residential development.

Adopted a resolution affirming Arlington County's commitments to developing transit facilities to provide high quality local transit service in the Jefferson Davis Corridor and facilitating traffic movements between U.S. 1 in Arlington and Potomac Avenue.

North Tract: Approved a General Land Use Plan (GLUP) Amendment for the area north of 6th Street South, from "Service Industry" to "Public".

Approved a General Land Use Plan (GLUP) Amendment for the area south of 6th Street from "Service Industry" to "Low" Office-Apartment-Hotel.

February 9, 2002

Deferred a site plan for a Land Bay A, for office and retail development totaling 654,000 square feet, including 6,000 square feet of initial retail, 11,784 square feet of potential retail, and 4,000 square feet of fitness center, to February 25, 2002 Planning Commission and March 23, 2002, County Board meeting.

March 23, 2002	Approved a final site plan for Land Bay A, for office and retail development totaling 654,000 square feet, including 6,000 square feet of initial retail, 11,784 square feet of potential retail, and 4,000 square feet of fitness center.
April 20, 2002	Approved a Preliminary Infrastructure Plan (PIP) for the Potomac Yard PDSP.
December 9, 2003	Approved a final site plan for Land Bay E, for a residential rental building containing 391,714 square feet of residential GFA, 386 units and 4,120 square feet of ground floor retail.
December 9, 2003	Approved a final site plan for Land Bay F, for two residential condominium buildings containing 482,000 square feet of residential GFA, 479 units and 80,000 square feet of ground floor retail, including 50,000 square feet of grocery store use.
July 10, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to September 18, 2004.
September 18, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to November 16, 2004.
November 16, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to January 2005.
February 1, 2005	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to May 7, 2005.
May 17, 2005	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to a County Board meeting of a later date to be determined by staff and the applicant.

July 9, 2005	Approved a minor site plan amendment for Land Bay A, to modify the first floor configuration and uses for the north and south office buildings, subject to amended Condition #57.
April 22, 2006	Approved a site plan amendment request to amend Condition #57(b) regarding a reduction in the size of the three (3) flat screen televisions (Land Bay A).
September 16, 2006	Approved site plan amendment request for a comprehensive sign plan (Land Bay F), subject to the proposed conditions.
December 9, 2006	Approved the site plan amendment request for a comprehensive sign plan for four (4) projecting retail tenant signs for Land Bay F, per the revised <i>Potomac Yard Sign Guidelines</i> to allow signs for retail tenants located on the interior courtyard of Land Bay F to have tenant signs along Route 1, for a period of ten (10) years.
January 27, 2007	Deferred a PDSP Amendment and final site plans for Land Bays D-East, D-West and E-West to the County Board meeting of March 17, 2007.
March 17, 2007	Approved a site plan amendment request for a comprehensive sign plan (Land Bay E-East).
March 20, 2007	Deferred a PDSP Amendment and final site plans for Land Bays D-East, D-West and E-West to the County Board meeting of April 21, 2007.
April 21, 2007	Approved a PDSP Amendment to convert office to residential in Land Bay D-West, to increase the maximum permitted residential units to 1,548 units, and to reallocate and convert densities within and between Land Bays B, C, D-East, D-West and E-West, subject to amended PDSP Condition #4.
	Approved a final site plan for Land Bay D-East, for a residential building containing 425,752 square feet of residential GFA, 360 units and 16,503 square feet of ground floor retail.
	Approved a final site plan for Land Bay D-West, for a residential building containing 398,435 square

feet of residential GFA, 331 units and 15,868 square feet of ground floor retail.

Approved a final site plan for Land Bay E-West, for an office development containing 374,379 square feet of office GFA and 71,418 square feet of ground floor retail.

Approved Conceptual Design Plan for Center Park.

November 13, 2007

Deferred PDSP Amendment to convert 22,313 square feet of office use in Land Bay C to ground floor initial and potential retail use in Land Bay C to December 15, 2007. (RPC #34-027-071, -072)

Deferred final site plan for Land Bay C for approximately 1,064,673 square feet office, approximately 23,675 square feet initial retail, 17,275 square feet potential retail, modification of use regulations for fewer loading bays than required, and to exclude approximately 5,598 square feet garage entry from GFA to December 15, 2007. (RPC #34-027-071, -072) (Potomac Yard Land Bay C)

December 18, 2007

Approved PDSP Amendment to convert 22,313 square feet of office use in Land Bay C to ground floor initial and potential retail use in Land Bay C. (RPC #34-027-071, -072)

Approved final site plan for Land Bay C for approximately 1,064,673 square feet office, approximately 23,675 square feet initial retail, 17,275 square feet potential retail, modification of use regulations for fewer loading bays than required, and to exclude approximately 5,598 square feet garage entry from GFA. (RPC #34-027-071, -072) (Potomac Yard Land Bay C)

Approved final site plan to construct approx. 625 hotel rooms, approx. 10,000 sq. ft. retail with modification of use regulations for exclusion of storage area from gross floor area, parking patio; (Land Bay B, RPC #34-027-066).

June 17, 2008	Deferred site plan amendment for an amendment to the comprehensive sign plan for Land Bay F to July 17, 2008.
July 19, 2008	Deferred site plan amendment for an amendment to the comprehensive sign plan for Land Bay F to September 13, 2008.
September 13, 2008	Approved a comprehensive sign plan amendment to add six (6) window signs for the Bank of America, increasing the existing site sign area by a total of 135.2 square feet.
October 18, 2008	Approved proposed amendment to the comprehensive sign plan for two (2) freestanding signs, pursuant to the conditions of the staff report, and with a County Board Review in ten (10) years (October 2018).
November 15, 2008	Approved a site plan amendment for a comprehensive sign plan (Land Bay E-West).