



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 11, 2009**

DATE: June 30, 2009

SUBJECT: SP# 193 SITE PLAN AMENDMENT for outdoor café seating in public right-of-way at the Ballston Common, located at 671 North Glebe Road (RPC# 14-059-036, -037).

Applicant:

Gary Ouelette
Union Jack's
4238 Wilson Blvd
Arlington, Virginia 22203

C. M. RECOMMENDATION:

Approve the subject site plan amendment, subject to the conditions of the staff report with a County Board review in one (1) year (July 2010).

ISSUES: This is a site plan amendment request for outdoor café seating in the public right-of-way and no issues have been identified.

SUMMARY: The applicant is requesting a site plan amendment for outdoor café seating in the public right-of-way at the Union Jack's Pub. Union Jack's currently has an outdoor café of 20 seats that was approved administratively last year. A site plan amendment is required because the placement of the tables, chairs, and stanchions will be just at the right-of-way line, with the potential for encroachment over the line due to chairs and tables being moved slightly during the course of normal business. The applicant agrees to maintain the required six-foot barrier-free pedestrian travelway. Therefore, staff recommends the site plan amendment be approved subject to the conditions of this staff report with a County Board review in one (1) year (July 2010).

BACKGROUND: The applicant, Union Jack's Pub, also has live entertainment and dancing that was approved by the County Board in September 2008, and has an outdoor seating area for 20 seats that was approved administratively last summer.

Site: The subject property is the Union Jack's Pub on the ground floor along the Glebe Road frontage of the Ballston Commons Mall. Immediately next door is the outdoor café for the Rock Bottom Brewery.

County Manager: _____

Staff: Peter Schulz, DCPHD, Planning Division

PLA-5308

To the north: The Ballston Common Mall, zoned "C-O-2.5"

To the southwest: Across North Glebe Road is an automobile service station zoned "C-2".

To the east: More of the Ballston Commons complex zoned "C-O-2.5".

Zoning: The property is zoned "C-O-2.5" Commercial Office Building, Hotel, and Apartment Districts. Outdoor cafés in the public right-of-way are a permitted use by site plan amendment under Section 24.A.2.b and 31.A.11.

General Land Use Plan Designation: "Medium" Office-Apartment-Hotel.

Neighborhood: The site is located in the Ashton Heights Civic Association. The Civic Association has been notified and staff has not received any comments.

DISCUSSION: The applicant proposes to expand the outdoor café associated with Union Jack's from 20 seats to 54. The applicant's plat demonstrates that the expanded café area will be located just within the county right-of-way line. However, because some seats are so close and there is the potential for encroachment from the required barrier, or if the seating area is not carefully laid out, or from patrons moving tables and chairs, staff concluded that a site plan amendment to permit the additional café area would be required. The applicant agrees to maintain a minimum six (6) foot-wide path clear of obstruction for pedestrians along Glebe Road, between the fencing enclosing the outdoor café and the edge of the tree pits, as shown on the attached diagram (the dimension from the fencing to the curb will be 10.9 feet at its closest point).

CONCLUSION: The proposed site plan amendment to permit the outdoor café in the public right-of-way would still permit unobstructed pedestrian travel and bring more liveliness to an otherwise barren stretch of Glebe Road. Therefore, staff recommends that the site plan amendment be approved, subject to the conditions of this staff report with a County Board review in one (1) year (July 2010).

Conditions:

1. The applicant agrees to have no more than 54 seats in the outdoor café area, and must be arranged as shown on the diagram dated February 2009, and presented to the County Board at the July 11, 2009 meeting.
2. The applicant agrees to maintain at all times a minimum of six (6) feet of clearance width along all sidewalks for pedestrians.

PREVIOUS COUNTY BOARD ACTIONS:

- February 14, 1950 Rezoned 627 N. Glebe Rd. from “C-1” to “C-2” (Z-690-50-1).
- April 11, 1950 Rezoned the Hecht Company site from “C-1” to “C-2” (Z-700-50-1).
- February 27, 1982 Authorized advertising for the May 18, 1982 County Board hearing 1) a General Land Use Plan Amendment from "General Commercial" to "Medium" Office-Apartment-Hotel; 2) Rezoning from “C-3” to “C-O-2.5”; 3) and a site plan for the area bounded by Glebe Road, Wilson Boulevard and North Randolph Street.
- May 18, 1982 Approved a General Land Use Plan amendment from "General Commercial" to "Medium" Office-Apartment-Hotel, a rezoning from “C-3” to “C-O-2.5”, and a site plan (Z-2224-82-2) for the redevelopment of Parkington Shopping Center, for three office buildings, for the remodeling of an existing department store and shops and an addition to the existing parking garage plus a new parking structure for the area bounded by Glebe Road, Wilson Boulevard and North Randolph Street.
- July 9, 1983 Approved a rezoning of 504 through 520 North Randolph St. from “C-2” to “C-O-2.5” (Z-2238-83-2). Approved a site plan amendment (new site plan) (Z-2224-82-2) to modify the approved site plan to incorporate new site area into the redevelopment and to revise the approved site plan. Total density approved 1,450,285 s.f. [(850,000 s.f. of office g.f.a. in 3 bldgs., 25,000 s.f. of retail/office g.f.a. and 662,660 s.f. of commercial g.f.a. excluding mall area (76,475 s.f. and cinema 10,900 s.f.)]
- August 18, 1984 Took no action on a site plan amendment (Z-2224-82-2) for a subdivision of land.
- April 4, 1987 Approved a site plan amendment to permit an outdoor cafe (Ecco Cafe) with a review in one (1) year.

July 11, 1987	Approved a site plan amendment to modify condition #2 to allow the word "Ecco" to be used in conjunction with the logo on the panel demarcating the outdoor cafe area.
April 16, 1988	Continued a site plan amendment to the operation of an outdoor cafe (Ecco Cafe) with a review in two (2) years.
August 12, 1989	Deferred site plan amendment request for a comprehensive sign and lighting plan to the October 7, 1989 County Board meeting.
September 12, 1989	Approved site plan amendment request to permit conversion of 408 s.f. of retail space to office use for five years subject to one (1) condition.
October 7, 1989	Deferred site plan amendment request for a comprehensive sign and lighting plan to the January 6, 1990 County Board meeting.
January 9, 1990	Deferred site plan amendment request for a comprehensive sign and lighting plan to the April 7, 1990 County Board meeting.
April 7, 1990	Continued site plan amendments for the operation of an outdoor cafe (American Cafe) with a review in two (2) years. Deferred site plan amendment request for a comprehensive sign and lighting plan to the July 7, 1990 County Board meeting.
April 3, 1993	Continued a site plan amendment (SP #193) for operation of an outdoor café in conjunction with an existing restaurant.
July 13, 1993	Approved a site plan amendment for operation of a summer day camp for up to 40 children, ages 5 to 12 years, weekdays, from 7:00 a.m. to 6:30 p.m. from June through September on the 3rd level of the Mall.

September 11, 1993	Took no action on site plan amendment (SP #193) to permit six tables of an outdoor café in the public right-of-way.
March 9, 1996	Approved a comprehensive sign plan, and deferred consideration of a pylon sign to the March 23, 1996 County Board Hearing.
March 23, 1996	Approved a site plan amendment (SP #193) for a pylon sign.
January 11, 1997	Approved a site plan amendment (SP #193) for construction of a partial sixth floor with approximately 40,000 square feet of gross floor area on the existing building for administrative offices and a corresponding reduction of approximately 40,000 square feet from the approved but unbuilt "Point Office Building" for the parcel of real property known as 685 North Glebe Road
August 2, 1997	Approved a site plan amendment (SP #193) for a new office building including 230,361 square feet of office gross floor area, 29,334 square feet of restaurant/retail gross floor area including 7,005 square feet of mall area and 80,014 square feet of theater space, including a comprehensive sign plan subject to conditions.
December 16, 1997	Ratified and approved the lease agreement between the Arlington County Board and Ballston Common Associates, L.P. for the subject County-owned property at a rent of \$350 per month and adopted an ordinance to permit temporary a temporary construction staging area, partially on-site and partially off-site.
July 11, 1998	Approved a site plan amendment for relocation of an existing office use from level three to level two at 4238 Wilson Boulevard.
March 13, 1999	Approved a site plan amendment (SP #193) to permit an outdoor café with a maximum seating area of 60 and live entertainment between the hours of 11:00 a.m. and 1:30 a.m., Mondays through Sundays, for Rock Bottom Brewery.

- July 10, 1999
- Approved a site plan amendment (SP #193) and amended conditions of the approved site plan continue to permit a temporary construction staging area, partially on-site and partially off-site for a period of two (2) years from June 13, 1999 to June 13, 2001).
- Ratified and approved the lease agreement attached to the County Manager's June 23, 1999 report between the Arlington County Board and Ballston Common Associates, L.P. for the subject County-owned property at a rent of \$350 per month.
- November 13, 1999
- Approved a site plan amendment (SP #193) to permit an outdoor café within the public right-of-way and to permit a comprehensive sign plan (Chevy's Fresh Mex).
- January 29, 2000
- Approved site plan amendment (SP #193) for two rooftop signs (one on an alternative location) at the Ballston Tower building for parcels of real property located at 627 - 701 North Glebe Road (east side) and 4100 through 4128 Wilson Boulevard and 504 through 708 North Randolph Street subject to three new conditions.
- June 24, 2000
- Approved an agreement with May Department Store Company and amendments to Ballston Public Parking Garage Bond documents.
- Approved a site plan amendment (SP #193) for Parcel D-1, Ballston Common Point site and modification of use regulations for tandem parking and a comprehensive sign plan subject to conditions.
- August 5, 2000
- Approved site plan amendment (SP #193) to enclose the exterior arcade to accommodate year round restaurant seating, additional outdoor seating and modifications to exterior facade for Chicken Out Rotisserie.
- October 13, 2001
- Approved site plan amendment (SP #193) to replace the previously approved 8-inch caliper trees with 6.5-inch caliper trees.

	Approved site plan amendment (SP #193) to convert interior retail space to office space, and amend the comprehensive sign plan subject to all previous conditions and new conditions.
February 9, 2002	Approved major site plan amendment (SP #193) for the development of the 8th level of the Ballston Common parking garage including parking, a two-story ice skating facility with ancillary uses and a training facility, with a second story including office use and a mezzanine to the ice rinks subject to conditions.
October 19, 2002	Deferred site plan amendment (SP #193) to amend comprehensive sign plan for the Ballston Common Mall to the November 16, 2002 meeting.
November 16, 2002	Approved a site plan amendment for a comprehensive sign plan for the Ballston Point building, subject to all previous conditions and new conditions.
	Approved a site plan amendment for a comprehensive sign plan for the Ballston Common Mall, subject to all previous conditions and new conditions.
December 7, 2002	Approved a site plan amendment for a weekly live comedy show within the Ballston Common Mall, subject to the following condition and review in one (1) year (December 2003).
June 14, 2003	Approved a site plan amendment for the ice skating facility to amend condition #60 and permit minor building modifications, subject to all previous conditions and three revised conditions.
July 19, 2003	Discontinued a site plan amendment for relocation of office use at 4238 Wilson Boulevard.
October 18, 2003	Approved a site plan amendment for conversion of retail use to office (within the Ballston Common Mall) until January 2006.

December 6, 2003	Continued a site plan amendment for a weekly live comedy show within the Ballston Common Mall, subject to all previous conditions and review by the County Board in three (3) years (December 2006).
July 10, 2004	Approved a site plan amendment to expand the theater for a weekly live comedy show within the Ballston Mall, subject to the previous condition #1 of this site plan amendment and condition #2 below, with a County Board review in two (2) years and six months (December 2006) along with the original site plan amendment.
December 14, 2004	Approved a site plan amendment for the ice skating facility to remove the mesh from the façade of the parking garage structure, subject to all previous conditions and two revised conditions (#1 and #30).
October 18, 2006	Approved a site plan amendment for the ice skating facility for a comprehensive sign plan, including rooftop signs, subject to all previous conditions with two amended conditions (Condition #30 and #44) and one deleted condition (Condition #62). Carried over discussion pertaining to the illumination of the rooftop signs to the November 14, 2006 meeting.
November 14, 2006	Deferred a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility to the December 9, 2006 meeting.
December 9, 2006	Renewed the site plan amendment for an expanded theater, subject to all previous conditions, and with a County Board review in three (3) years (December 2009).
	Deferred a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility to the January 27, 2007 meeting.
January 27, 2007	Approved a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility.
September 13, 2008	Approved a site plan amendment for live entertainment and dancing (Union Jack's), with a review in one (1) year (September 2009).