



## ARLINGTON COUNTY, VIRGINIA

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

### REVISED REPORT

**DATE:** ~~July 2, 2009~~ July 13, 2009

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

**REVISION EXPLANATION:** Applicant has withdrawn the application for an outdoor café in the public right-of-way.

**C. M. RECOMMENDATION:**

Accept withdrawal of the subject site plan amendment request for outdoor café seating in the public right-of-way.

**DISCUSSION:** In March of 2009, the applicant submitted a request for an administrative change to the Zoning Office to expand the permitted outdoor seating area. There is no site plan condition with the Ballston Common Mall that requires outdoor cafes to be approved by the County Board. A site plan amendment, however, is required for any outdoor café that is in the right-of-way, and the Zoning Office determined that a portion of the outdoor seating area would be located in the public right-of-way. The applicant revised their request in April but the Zoning Office determined again that a portion of the proposed outdoor seating area was still in the right-of-way. The applicant was advised by the Zoning Office that moving few chairs and rearranging the layout would result in a successful administrative approval. However, the applicant decided to pursue a site plan amendment instead, using the plat that was submitted to the Zoning Office in April, in order to allow some of the seats in the right-of-way.

During the site plan amendment review process, the applicant was reluctant to accept additional conditions of approval suggested by staff and opposed a deferral of this site plan amendment to September. The applicant has now withdrawn the site plan amendment request and has chosen to rearrange his proposed seating plan so that there would be no question that the tables, chairs, and stanchions are anywhere near the public right-of-way, and it could be approved administratively.

Therefore it is recommended that the County Board accept withdrawal of the proposed site plan amendment.

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

Staff: Peter Schulz, CPHD, Planning Division

PLA-5308-REVISED