



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 26, 2009**

DATE: September 17, 2009

SUBJECT: SP #333 SITE PLAN AMENDMENT for live entertainment at the future Lyon Hall Restaurant located at 3100 Washington Blvd (RPC #19-006-196).

Applicant:

Trophy Property Ventures, LLC
Unit 100 N.
The Phoenix Condominium
3100 Washington Blvd.
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Approve the request for live entertainment, subject to the proposed conditions, with an administrative review in six (6) months (March 2010) and a County Board review in fourteen (14) months (November 2010), consistent with the County Board review schedule for other Clarendon live entertainment uses.

ISSUES: This is a new site plan amendment request for live entertainment and no issues have been identified.

SUMMARY: This is a new request for live entertainment at a restaurant in Clarendon called Lyon Hall, which is slated to open in December 2009. The restaurant will be located in the space of the former Dan Kain trophy store on the corner of Washington Boulevard and Highland Street. The applicant is requesting approval for live entertainment seven (7) days a week from 4 p.m. to 1 a.m. The owners of the future restaurant attended the Clarendon live entertainment neighborhood advisory group meeting in January 2009 in anticipation of having live entertainment, in order to understand the community concerns with live entertainment uses. The applicant will continue to attend the Clarendon live entertainment group meetings, held quarterly, and the subject live entertainment use will be scheduled for reviews with other Clarendon live entertainment use permits. The next administrative review for Clarendon live entertainment uses is scheduled for November 2009, with the next County Board review scheduled in November 2010. However, given that the restaurant will not open until after the scheduled November 2009 administrative review, staff is recommending that it be reviewed administratively in six (6) months (March 2010) to evaluate impacts of the use and address any

County Manager: _____

Staff: Melanie Jesick, DCPHD, Planning Division

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community concerns once the use has commenced. The proposed subject use will then be placed on the review schedule with the other Clarendon live entertainment uses in November 2010, when they are scheduled for a County Board review. Therefore, staff recommends approval of the request for live entertainment, subject to the proposed conditions, with an administrative review in six (6) months (March 2010) and a County Board review in fourteen (14) months (November 2010), consistent with the County Board review schedule for other Clarendon live entertainment uses.

BACKGROUND: The subject space is located in the former Dan Kain trophy store space at 3100 Washington Blvd. in the Phoenix Condominium Building. The following provides more information about the site:

Site: The site is comprised of a four (4) story historic brick building that contains ground floor retail (a drycleaners and the future subject restaurant), office uses, and a post office. The future restaurant is located on a portion of the building that is only one (1) story, and thus, there is nothing located directly above the restaurant.

To the north:	The Olmstead office building and ground floor retail, including the Mister Days and Sobe restaurants.
To the south	The residential portion of the Phoenix Condominium building, with office and some ground floor retail.
To the east:	A 9-story apartment building (the Reserve at Clarendon Centre), with ground-floor retail.
To the west:	A drycleaners (Clarendon Valet) and the historic Arlington Main Post Office is located to the west in the same building. To the west of the subject building is Wachovia bank.

Zoning: The site is zoned “C-R” Commercial Redevelopment Districts.

Land Use: The subject site is designated “Medium Density Mixed-Use” (3.0 F.A.R (Floor Area Ratio) with special provisions for up to an additional 1.0 F.A.R. for residential.

Neighborhood: The Clarendon-Courthouse Civic Association, The Lyon Village Citizens Association, the Lyon Park Citizens Association, and the Clarendon Alliance were notified of the proposed live entertainment. The civic associations and the Alliance have participated in the Clarendon live entertainment group meetings to address concerns with other approved live entertainment in Clarendon, such as parking and patrons walking through neighborhoods late at night. The Clarendon-Courthouse Civic Association nor the Lyon Village Civic Association have provided comments on the proposed live entertainment. However, Clarendon-Courthouse has stated that they will speak with the applicant about the proposal. Lyon Park Civic Association has provided an email response, stating that the Lyon Park Civic Association does not have any comments or position on the proposed use (see attached).

DISCUSSION: This is a new request for live entertainment, primarily in the form of a DJ, at the future Lyon Hall restaurant in Clarendon, slated to open in December 2009. The restaurant,

which will be owned by the same owners of the existing Liberty Tavern restaurant in Clarendon, will be located on a one (1) story portion of the building on the southwest corner of Washington Boulevard and Highland Street. There is nothing located directly above the building, and office and retail uses comprise the remainder of the building where the restaurant will be located. The DJ booth is proposed to be located near the northwest corner of the restaurant, which is the furthest point away from the apartment building to the east and the condominium building to the south.

One (1) of the owners of the future restaurant attended a meeting of the Clarendon live entertainment neighborhood advisory group in January 2009, and is aware of existing community concerns related to parking and restaurant patrons creating noise at night. The applicant has agreed to the standard conditions applied to other Clarendon live entertainment use permits, and is also aware, and has agreed to, the annual reviews and attendance at the quarterly group meetings.

CONCLUSION: The proposed live entertainment use is appropriate for this building comprised of office and retail uses, and for the Clarendon area, which has similar uses and a community group to address live entertainment concerns. The applicant has agreed to the proposed conditions to mitigate any adverse impacts. Staff is recommending an administrative review in six (6) months (March 2010) to evaluate the use once the restaurant opens, and address any concerns or questions the community has. In addition, two (2) neighborhood advisory group meetings will have been held by March 2010. The proposed subject use will then be placed on the schedule with the other Clarendon live entertainment uses in fourteen months (November 2010). Therefore, staff recommends approval of the request for live entertainment, subject to the proposed conditions, with an administrative review in six (6) months (March 2010) and a County Board review in fourteen (14) months (November 2010), consistent with the County Board review schedule for other Clarendon live entertainment uses.

Proposed conditions to be applied to the live entertainment use only:

1. Live entertainment shall be permitted only between the hours of 4:00 p.m. to 1:00 a.m., seven (7) days a week.
2. Live entertainment will only take place after the restaurant has obtained a Certificate of Occupancy and is open to the public for business.
3. Live entertainment must take place only within the building. The windows and doors to the outside shall remain closed during the times of live entertainment, and the applicant shall comply with the Arlington County noise ordinance. No live entertainment shall be broadcast over loudspeakers outside of the building, and under no circumstances shall live entertainment be permitted outside of the building.
4. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.

5. The applicant agrees to participate in the established Neighborhood Advisory Group consisting of representatives of the Clarendon live entertainment establishments, the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and representatives of various County staff including Police, Code Enforcement, and Planning. The advisory group meets quarterly as required to work through issues associated with the live entertainment uses.
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 Clarendon-Courthouse Civic Association, the Lyon Village Civic Association, the Lyon Park Civic Association, and the Clarendon Alliance.
7. The applicant shall make customers aware of proximity to Metro, available parking and any special parking arrangements through postings in the restaurant and on their website.
8. The approval for live entertainment at 3100 Washington Blvd, Unit 100 N is only valid for the Lyon Hall Restaurant. Any other tenant/owner occupying the premises shall not be permitted to have live entertainment without prior approval of the County Board.

PREVIOUS COUNTY BOARD ACTIONS:

January 23, 1999

Deferred to the February 6, 1999 County Board meeting, consideration of an amendment to the Arlington County Transportation Plan – Master Transportation Plan – Part 1, to delete 10th Road North as a through public street connection between North Highland Street and North Hudson Street.

Deferred to the February 6, 1999 County Board meeting, consideration of General Land Use Plan amendment GP-261-98-1 from “Government and Community Facilities” (County state and federal administration and service facilities police, fire, property yard, etc. Hospitals, nursing homes, and institutional housing. Utilities, military reservations, airports, etc.) to “Medium Density Mixed Use” (3.0 floor area ratio with special provision for up to an additional 1.0 floor area ratio for residential) for the block bounded by North Washington Boulevard, North Highland Street, North 10th Road, and North Hudson Street.

Deferred to the February 6, 1999 County Board meeting, consideration of Rezoning Z-2454-98-1 from “C-3,” General Commercial District, to “C-R,” Commercial redevelopment District, at 3118 North Washington Boulevard.

Deferred to the February 6, 1999 County Board meeting, consideration of SP #333 for renovation/addition to existing post office structure and to incorporate structure into mixed-use office and retail development, with associated parking and modification of use regulations for density, coverage, and setbacks at 3118 North Washington Boulevard; 3102, 3108, and 3112 North 10th Road; 3101, 3109, and 3115 North 10th Street; 1008 North Highland Street; and 1009 North Hudson Street.

February 6, 1999

Deferred to the April 10, 1999 County Board meeting, consideration of an amendment to the Arlington County Transportation Plan, consideration of General Land Use Plan amendment GP-261-98-1, consideration of Rezoning Z-2454-98-1, and consideration of SP #333.

April 10, 1999

Deferred to the July 10, 1999 County Board meeting, consideration of an amendment to the Arlington County

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Transportation Plan, consideration of General Land Use Plan amendment GP-261-98-1, consideration of Rezoning Z-2454-98-1 and consideration of SP #333.

July 10, 1999

Deferred to the January 29, 2000 County Board meeting, consideration of an amendment to the Arlington County Transportation Plan, consideration of General Land Use Plan amendment GP-261-98-1, consideration of Rezoning Z-2454-98-1, and consideration of SP #333.

January 29, 2000

Deferred to the July 22, 2000 County Board meeting, consideration of an amendment to the Arlington County Transportation Plan, consideration of General Land Use Plan amendment GP-261-98-1, consideration of Rezoning Z-2454-98-1 and consideration of SP #333.

July 22, 2000

Took No Action on an amendment to the Arlington County Transportation Plan – Master Transportation Plan – Part 1, to delete 10th Road North as a through public street connection between North Highland Street and North Hudson Street.

Took No Action on General Land Use Plan amendment GP-261-98-1 from “Government and Community Facilities” (County state and federal administration and service facilities police, fire, property yard, etc. Hospitals, nursing homes, and institutional housing. Utilities, military reservations, airports, etc.) to “Medium Density Mixed Use” (3.0 floor area ratio with special provision for up to an additional 1.0 floor area ratio for residential) for the block bounded by North Washington Boulevard, North Highland Street, North 10th Road, and North Hudson Street.

Took No Action on Rezoning Z-2454-98-1 from “C-3,” General Commercial District, to “C-R,” Commercial redevelopment District, at 3118 North Washington Boulevard.

Deferred to the October 7, 2000 County Board meeting consideration of SP #333.

October 10, 2000

Approved SP #333, at the Recessed Meeting of the County Board, for a special exception for a site plan for a post office, associated parking and modification of use regulations for coverage, landscaping, setbacks, and a comprehensive sign plan for the parcels of real property

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known as 3102, 3108, 3112 10th Road North; 3101, 3109, 3115 10th Street North; 1008 North Highland Street; and 1009 North Hudson Street, approval is granted and the parcel so described shall be used according to the approval requested by the application, subject to conditions and modifications.

March 17, 2001

Approved minor site plan amendment to allow for temporary parking, which amendment shall expire on December 31, 2001, subject to the previously approved conditions and the revised and new conditions.

April 20, 2002

Approved minor site plan amendment to allow for temporary parking, subject to the previously approved conditions and the revised and new conditions with review at the September 14, 2002 meeting and consideration of the extension of the site plan in September 2003.

September 14, 2002

Approved the minor site plan amendment for the continuation of a temporary parking facility, subject to the previously approved conditions which include maintenance of the property, pavement of the parking area, and interim landscaping, with a review in April 2003 and consideration of the extension of the site plan in September 2003.

April 26, 2003

Deferred the minor site plan amendment for the continuation of a temporary parking facility to the June 14, 2003 County Board meeting.

June 14, 2003

Approved the minor site plan amendment for the continuation of a temporary parking facility until the earlier of either December 31, 2003 with no further extensions, OR such time as the County Board approves the major site plan amendment, which amendment may extend the right to continue the temporary parking facilities under such conditions as the County Board may determine.

Deferred the General Land Use Plan amendment, the rezoning request, the major site plan amendment for a mixed-use development including the postal facility and the vacation of a portion of 10th Road North to the July 19, 2003 County Board meeting.

July 19, 2003

Approved proposed amendments of the General Land Use Plan ("GLUP"), a part of the County's Comprehensive Plan, to designate as "Medium Density Mixed-Use" (3.0

Floor Area Ratio (FAR) with special provision for up to an additional 1.0 FAR for residential) the property bordered by Washington Boulevard to the north, N. Hudson Street to the west, N. 10th Road to the south, and N. Highland Street to the east as shown on the attached map entitled GP-286-03-1; and maintain the existing stipple pattern over the current Federally-owned property to indicate public ownership;

Accepted withdrawal of Rezoning Z-2497-03-1 from "C-3" General Commercial Districts to "C-R" Commercial Redevelopment Districts; premises known as 3118 N. Washington Boulevard.

Approved an amendment to a special exception to incorporate additional land, renovation/addition to existing post office, construct new residential/retail/postal facility, modifications of use regulations to exclude mechanical, HVAC, and storage from GFA, for the parcels of real property known as 3100 and 3118 North Washington Boulevard; 3102, 3108, and 3112 North 10th.