



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of November 14, 2009**

DATE: October 27, 2009

SUBJECT: SP #269 SITE PLAN AMENDMENT RENEWAL, restaurant with live entertainment and dancing for Caribbean Breeze, located at 4100 N. Fairfax Dr. (RPC #14-046-025)

Applicant:

Mike Cordero
4103 Winter Harbor Ct
Chantilly, Virginia 20151

C. M. RECOMMENDATION:

Renew the site plan amendment for a restaurant with live entertainment and dancing, subject to all existing conditions, with an amended Condition #6 and with a County Board review in one (1) year (November 2010).

ISSUE: This is a site plan amendment renewal for live entertainment and no issues have been identified.

SUMMARY: The applicant, Caribbean Breeze, requests renewal of a site plan amendment for live entertainment. The applicant is compliant with all conditions of approval, and no issues have been raised. Therefore, staff recommends renewal of the site plan amendment for a restaurant with live entertainment and dancing, subject to all existing conditions, with an amended Condition #6 and with a County Board review in one (1) year (November 2010).

BACKGROUND: Caribbean Breeze offers live entertainment and dancing seven days a week from 5 p.m. to 1:30 a.m. and 10 a.m. to 3 p.m. Sundays. The use was approved by the County Board at the May 2009 meeting with a six (6) month review due to some issues with noise from games in the outdoor patio disturbing nearby residents of the Berkeley Condominium. At that time, the applicant agreed to curtail outdoor activities after 10:30 p.m. weekdays and 11 p.m. weekends.

DISCUSSION: During the past six months, the applicant has been compliant with the conditions of approval. However, staff is aware of two noise calls to the police apparently originating from the Alta Vista Condominiums, located one block to the West across the

County Manager: BMD/GA

Staff: Peter Schulz, CPHD, Planning Division

PLA-5398

4.

International House of Pancakes property and North Stafford Street. The calls had named Caribbean Breeze as the source of the noise. Staff has encouraged the applicant to establish relations with the Alta Vista Condominiums and share the designated liaison information with their association. Condition #6 has been amended to that effect. Community Code Enforcement staff has made at least two unannounced weekend noise sweeps of Ballston in the last six months, including Caribbean Breeze, and found Caribbean Breeze in compliance with the Noise Ordinance and conditions of site plan amendment approval.

Since the Original Approval (May 16, 2009):

Site Plan Amendment Conditions: The subject use is currently in compliance with the approved conditions of the site plan amendment.

Community Code Enforcement: Community Code Enforcement has not expressed any concerns regarding the subject site plan amendment.

Fire Marshal's Office: The Fire Marshal's office has not expressed concerns regarding the subject site plan amendment.

Police Department: The Police Department has no concerns regarding the subject site plan amendment.

State ABC Board: The State ABC board has not expressed any concerns regarding the subject site plan amendment.

Civic Associations: The Ballston-Virginia Square Civic Association had not expressed any concerns in a conversation with staff.

CONCLUSION: Staff recommends renewal of the site plan amendment for a restaurant with live entertainment and dancing, subject to all previous conditions, with an amended Condition #6 and with a County Board review in one (1) year (November 2010).

Amended Condition

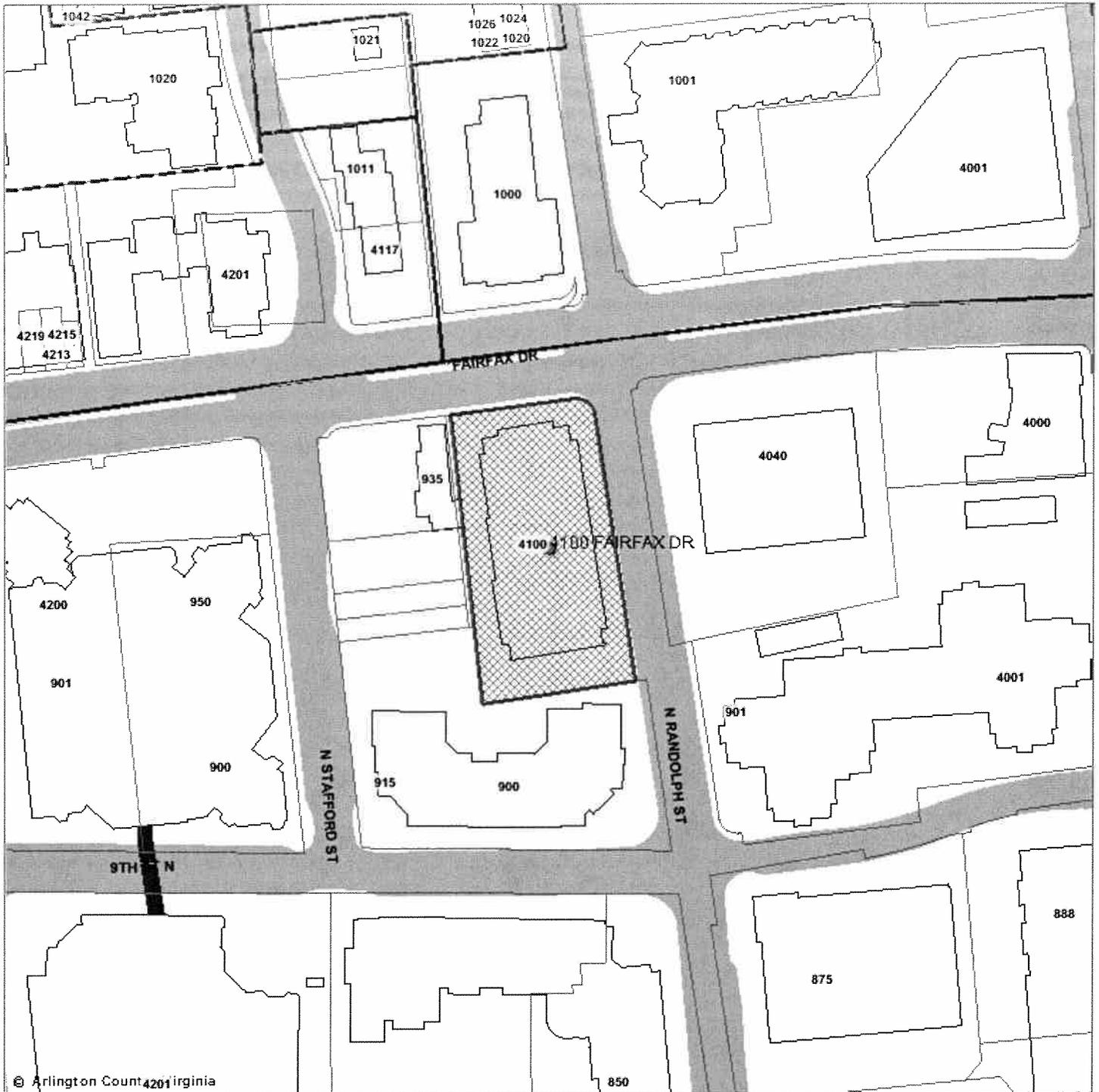
6. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the live entertainment and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the live entertainment. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the President of the Ballston-Virginia Square Civic Association and the Presidents of the Berkeley Condominium Association and the Alta Vista Condominium.

PREVIOUS COUNTY BOARD ACTIONS:

- December 2, 1978 Amended the General Land Use Plan for the Ballston Metro Station Area 2 (GP-110-78-1) to a “Coordinated Mixed Use Development District”.
- May 31, 1980 Amended the zoning (Z-2181-80-6) from “C-2” to “C-O-A”.
- November 19, 1988 Approved a site plan [Z-2181-80-6 (SP-7)], now known as SP #269, for a mixed use project, subject to conditions.
- October 12, 1991 Amended Site Plan #269 to extend the term to November 19, 1994, subject to all previous conditions and amended condition #56 and new condition #57.
- October 9, 1993 Denied a site plan amendment to transfer office density from SP #269 to SP #256, and residential density from SP#256 to SP #269.
- July 9, 1994 Approved a site plan amendment (SP #269) to incorporate additional site area, and a totally revised residential building, with new conditions for the residential building superseding all previous conditions, and the office building conditions remaining as approved November 19, 1988.
- April 25, 2009 Deferred a site plan amendment (SP #269) for a restaurant with live entertainment and dancing to May 16, 2009.
- May 16, 2009 Approved a site plan amendment (SP #269) for a restaurant with live entertainment and dancing subject to conditions and with a County Board review in six (6) months (November 2009).

Approved Conditions:

1. The applicant agrees that live entertainment and dancing will be limited to Thursday, Friday, Saturday, from 5 p.m. to 1:30 a.m., and Sunday 10 a.m. to 3 p.m. and 5 p.m. to 1:30 a.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. The applicant agrees no customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
6. The applicant agrees to 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 President of the Ballston-Virginia Square Civic Association and the President of the Berkeley Condominium Association.
7. The applicant agrees 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.
8. The applicant agrees to curtail outdoor recreational activities in the front of the patio and any other potential outdoor noise generators including but not limited to radios, at 10:30 p.m. Sundays through Thursdays, and 11 p.m. Fridays and Saturdays. Any exterior speakers shall be aimed at the patio and away from the street. The applicant shall keep the mini-basketball set-up in the rear of the patio.



SP #269
4100 N. Fairfax Dr
RPC# 14-046-025

Note: These maps are for property location assistance only.
 They may not represent the latest survey and other information.



Not To Scale

