



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 23, 2010**

DATE: January 15, 2010

SUBJECT: U-3233-09-1 USE PERMIT for live entertainment and dancing at Spider Kelly's located at 3181 Wilson Blvd (RPC #15-075-002).

Applicant:

Spider Kelly's
Nick Freshman
3181 Wilson Blvd.
Arlington, VA 22201

C. M. RECOMMENDATION:

Approve the use permit request for live entertainment and dancing at Spider Kelly's, subject to the proposed conditions, and with a County Board review in ten (10) months (November 2010), consistent with the County Board review schedule of other Clarendon live entertainment uses.

ISSUES: This is a request for live entertainment and dancing at Spider Kelly's in Clarendon. Although the applicant does not agree to the days and times of live entertainment recommended, these conditions are appropriate for this application, as they allow staff to evaluate the new use on a reduced schedule prior to expansion to seven (7) days a week.

SUMMARY: This is a new request for live entertainment and dancing at Spider Kelly's restaurant in Clarendon. The applicant is requesting live entertainment and dancing seven (7) days a week. The application was deferred for one (1) month to continue discussions on the proposed conditions. The Lyon Village Citizens Association requests that conditions applied to live entertainment and dancing at Hard Times Café, approved by the County Board in November 2009, be applied to this request. These conditions allow live entertainment and dancing seven (7) days a week, with the restriction that bands and deejays be limited to "6:00 pm to 1:30 am on Thursday, Friday, and Saturday evenings, and on the eve of all Federal Holidays," and require on-site security and TIPs (Training for Intervention Procedures) certification, among other things. Spider Kelly's will not agree to reduce the days and times of live entertainment, but will agree to the other proposed conditions. Condition #1, the same condition applied to Hard Times Café live entertainment, is appropriate, as it allows evaluation of the operation of the new use on a reduced schedule, prior to expanding the use to seven (7) days a week. Spider Kelly's will also

County Manager: BMD/GA

Staff: Melanie Jesick, DCPHD, Planning Division

PLA-5441

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be required to participate in the Clarendon live entertainment neighborhood advisory group meetings and the use permit will be reviewed in conjunction with the other live entertainment uses for Clarendon. Therefore, staff recommends approval of the use permit request, subject to the proposed conditions and with a County Board review in ten (10) months (November 2010), consistent with the County Board review schedule of other Clarendon live entertainment uses.

BACKGROUND: The subject space is located in Clarendon, along Wilson Boulevard between Clarendon Ballroom and a vacant retail space (formerly Orpheus Records).

The following provides more information about the site:

Site: The site is comprised of a two (2) story commercial building.

To the north:	Red Top Cab company.
To the south:	Clarendon Central Park.
To the east:	The former Orpheus Records store and Eventide restaurant.
To the west:	The Clarendon Ballroom and Liberty Tavern restaurant.

Zoning: The site is zoned “C-3” General Commercial.

Land Use: The subject site is designated “Medium Density Mixed Use” 3.0 F.A.R. with special provisions for up to 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. Lyon Village Civic Association and the applicant have discussed the proposal and the civic association requests the approved live entertainment and dancing conditions for Hard Times Café be applied to this request.

DISCUSSION: This is a new request for live entertainment and dancing at Spider Kelly’s restaurant in Clarendon. The Lyon Village Civic Association requests that the use permit limit live entertainment and dancing to seven (7) days a week, with the restriction that bands and deejays be limited to “6:00 pm to 1:30 am on Thursday, Friday, and Saturday evenings, and on the eve of all Federal Holidays.” This is consistent with the November 2009 approved conditions for live entertainment and dancing at Hard Times Café in Clarendon. The Lyon Village Civic Association has also requested conditions for on-site security and TIPs (Training for Intervention Procedures) certification for all employees who serve alcohol. At this time, the applicant agrees to all of the proposed conditions, but is hesitant to reduce the number of days and hours of live entertainment requested. The proposed days and times of live entertainment are consistent with the most recently approved conditions for other live entertainment uses in Clarendon, they address concerns of the civic association, and, furthermore, they allow staff to evaluate the new use’s operation on a reduced schedule, before possibly expanding the nights bands and deejays are permitted. The applicant will also be required to attend the quarterly meetings of the Clarendon live entertainment neighborhood advisory group, and the use permit will be reviewed on the same schedule as the other Clarendon live entertainment uses.

CONCLUSION: Staff supports the application with the days of and times of live entertainment as recommended by the Lyon Village Citizens Association and consistent with the most recently approved live entertainment use permit in Clarendon. A ten (10) month County Board review is recommended to track the proposed use permit with the other Clarendon live entertainment uses. Therefore, staff recommends approval of the use permit request, subject to the proposed conditions and with a County Board review in ten (10) months (November 2010), consistent with the County Board review schedule of other Clarendon live entertainment uses.

Proposed conditions:

1. Live entertainment is permitted from 11:00 am to 1:30 am seven (7) days week, with the restriction that bands and deejays are permitted only from 6:00 pm to 1:30 am on Thursday, Friday, and Saturday evenings, and on the eve of all Federal Holidays.
2. The applicant agrees that on-site, dedicated security shall be provided from 9:00 pm until closing on nights that have bands or deejays. The on-site security may consist of “in house” staff, so long as that staff is dedicated to security only.
3. The applicant shall comply with the Arlington County noise ordinance and the windows and doors shall remain closed during the times of live entertainment. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building.
4. All staff serving alcohol to customers shall have TIPS (Training for Intervention Procedures) certification.
5. 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.
6. The applicant agrees that dancing is not permitted until the applicant obtains a Dance Hall Permit from the Zoning Office.
7. 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 Citizens 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.
8. 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.

9. 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.
10. The approval for live entertainment at 3181 Wilson Blvd. is only valid for Spider Kelly's. 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:

- October 16, 1982 Approved use permit (U-2346-82-1) for live entertainment in dancing at El Rancho Grande at 3181 Wilson Blvd., subject to proposed conditions, with a County Board review in one (1) year (October 1983).
- October 5, 1985 Renewed use permit (U-2346-82-1) for live entertainment and dancing at El Rancho Grande at 3181 Wilson Blvd., subject to all previous conditions, and with a County Board review in two (2) years (October 1987).
- October 17, 1987 Discontinued use permit (U-2346-82-1) for live entertainment and dancing at El Rancho Grande at 3181 Wilson Blvd.
- December 12, 2009 Deferred the use permit request (U-3233-09-1) for live entertainment and dancing at Spider Kelly's to the January 23, 2010 County Board meeting.



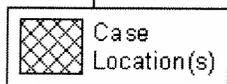
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U-3233-09-1
3181 Wilson Blvd.
RPC # 15-075-002

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



Not To Scale



Department of Community Planning, Housing and Development

Planning Division