



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of March 13, 2010**

DATE: March 3, 2010

SUBJECT: U-3246-10-2 USE PERMIT for an outdoor café in the public right-of-way and a comprehensive sign plan at Spider Kelly's located at 3181 Wilson Blvd. (RPC #15-075-002).

Applicant:
Spider Kelly's
Peter Pflug
3181 Wilson Blvd.
Arlington, VA 22201

C. M. RECOMMENDATION:

Approve the use permit request for an outdoor café in the public right-of-way and a comprehensive sign plan at Spider Kelly's, subject to the proposed conditions in the staff report.

ISSUES: This is a request for an outdoor café in the public right-of-way and a comprehensive sign plan at Spider Kelly's in Clarendon. No issues have been identified with the outdoor café or comprehensive sign plan.

SUMMARY: This is a use permit request for an outdoor café in the public right-of-way and a comprehensive sign plan for Spider Kelly's restaurant on Wilson Boulevard in Clarendon. The applicant is requesting outdoor seating in the public right-of-way and agrees to a minimum six (6) foot clear pathway in the sidewalk. Staff recommends approval of the location of the proposed outdoor café and staff recommends the total number of tables and chairs allowed in the outdoor café area be determined at the time of the Certificate of Occupancy for the outdoor seating, subject to proposed condition #1 in which the applicant agrees to maintain a required minimum clear sidewalk path of six feet. The proposed outdoor café meets the goals of the Clarendon Sector Plan. The application also includes a request for a comprehensive sign plan. Included in the sign plan is a request for a 64 square-foot lettered sign made up of 12 boxes that spell out individually the letters of the restaurant's name ("Spider Kelly's") and project 13 inches from the building façade. While the proposed sign does not comply with the Zoning Ordinance, which requires wall signs in "C" districts to be parallel to face of the wall, the proposed

County Manager: BMD/GA

County Attorney: CUM/GAM

Staff: Peter Schulz, DCPHD, Planning Division

PLA-5525

10.

comprehensive sign plan otherwise meets the requirements of the Zoning Ordinance for size, placement and lighting. The proposed comprehensive sign plan also complies with the *Sign Guidelines for Site Plan Buildings*, will not constitute a nuisance to pedestrians or a hazard to motorists and conforms to the goal of the Clarendon Sector Plan for creative signs that add to the unique character of the area. As part of the comprehensive sign plan, the applicant agrees to remove the existing sign on the property. Therefore, staff recommends approval of the use permit request for an outdoor café in the public right of way and a comprehensive sign plan, subject to the conditions of the staff report.

BACKGROUND: The subject space is located in Clarendon, along Wilson Boulevard between Clarendon Ballroom and Eventide Restaurant. The applicant currently has a projecting sign structure that dates at least to the 1970s and will be removed, if the comprehensive sign plan is approved, before any new sign is erected.

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, zoned “C-3”.
To the south:	Clarendon Central Park, zoned “C-3”.
To the east:	Eventide restaurant, zoned “C-3”.
To the west:	The Clarendon Ballroom and Liberty Tavern restaurant, zoned “C-3”.

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

Land Use: The subject site is designated on the General Land Use Plan (GLUP) as “Medium Density Mixed Use” (3.0 F.A.R. with special provisions for up to additional 1.0 F.A.R. for residential), and is located in the “Clarendon Revitalization District” (GLUP Note 12).

Neighborhood: The Lyon Village Citizens Association and the Clarendon Alliance were notified of the proposed live entertainment. There have been no comments at the time of this writing.

DISCUSSION: This is a use permit request for an outdoor café in the public right-of-way and a comprehensive sign plan for Spider Kelly’s Restaurant.

Staff supports the request for an outdoor café in the public right of way. The applicant agrees to preserve the six (6) foot-clear sidewalk path as envisioned in the *Clarendon Sector Plan 2006*. The Sector Plan also envisions sidewalk cafés along this particular block of Wilson Boulevard, facing the Central Park. The proposed sidewalk café will not face any residential areas or uses. The applicant’s proposed outdoor cafe fulfils the vision of the Sector Plan. Staff recommends that the County Board approve the outdoor café subject to three (3) proposed conditions, including condition #1 which requires a minimum six (6) foot clear sidewalk path with the final number and arrangement of tables and chairs in the outdoor café determined at the time of the issuance of the Certificate of Occupancy for the outdoor seating.

The applicant is also proposing a comprehensive sign plan. The sign plan would permit a 64 square foot tenant name sign, with internally lit white lettering, located in the sign fascia area between the first and second floors. It would be visible from both directions along Wilson Boulevard. The sign would consist of 12 letter boxes projecting 12 inches from the façade, all connected by a metal runner. The applicant is also proposing two (2) 1.5 square foot neon “Open” signs to be placed in two (2) of the restaurant windows. The applicant will remove the existing projecting sign on the façade (see applicant’s exhibit) if the comprehensive sign plan is approved.

The proposed “Spider Kelly’s” sign does not conform to the Zoning Ordinance with regards that the required tenant sign must be a “wall sign”, and a “wall sign” is defined as having an “exposed face...in a plane approximately parallel to the face of the wall and extending from it no less than twelve (12) inches.” Because the applicant’s proposed sign will project 13 inches (11 inches for the sign and two inches for the runner that will connect the individual letter boxes), and the letters are not parallel to the face of the wall the proposed sign does not meet the definition of a “wall sign”.

However, while the proposed sign is made of individual letter boxes, the “message” that is being conveyed by the sign is a single one, the name of the business. The boxes are both physically connected and connected by a single unifying message. It is therefore appropriate to consider the proposed sign as one (1) sign, and not 12. The size of the proposed sign, 64 square feet, is less than would be permitted by right for a wall sign flat against the building (the applicant is permitted by the Zoning Ordinance to have 76.75 square feet of sign area based on the building’s linear frontage).

Staff believes flexibility is appropriate in a neighborhood such as Clarendon, where the *Clarendon Sector Plan 2006* states that “creative, innovative designs...are encouraged to highlight Clarendon’s diverse and eclectic character (p.131)”, and “tenants should exercise their creativity when creating signs to add to the unique character of the station area. This is particularly important on preserved buildings and/or facades of historic buildings incorporated into new structures (p.131).” The proposed sign design will be unique and add to the character of Clarendon. The proposed comprehensive sign plan would give the applicant flexibility to express Clarendon’s unique characteristics, while maintaining the County’s control through the use permit over the types of signs that would be placed at this location. The proposed signs would meet the goals of the Sector Plan with regard to type, color and placement, and will reduce the possibility of visual clutter and distractions to traffic. Furthermore, pedestrians and vehicles along Wilson Boulevard will be better able to identify the premises from a distance, thus improving wayfinding.

The proposed signs are detailed below:

Sign Type (Quantity)	Dimensions	Sign Area (s.f.)	Text	Location	Materials	Lit Y/N
Tenant identification sign (1)	48' x 1'4"	64	Spider Kelly's	Mounted on runner between first and second stories	Metal, plastic	Y, internally lit white letters
"Open" (2)	1' x 1.5	3 (total)	"Open"	Mounted in two (2) of six (6) possible windows	Plastic, neon	Y, neon
Total sign area proposed		67 s.f.				
Total permissible sign area		76.75 s.f.				

CONCLUSION: The applicant's proposed outdoor café meets the Clarendon Sector Plan's goals for clear sidewalk width and for outdoor cafes along Wilson Boulevard. Furthermore, the applicant's comprehensive sign plan also meets the goals of the Sector Plan for creativity and enhancing Clarendon's unique character, and conforms to the *Sign Guidelines for Site Plan Buildings*. Therefore, staff recommends approval of the use permit request for an outdoor café in the public right-of-way and a comprehensive sign plan for Spider Kelly's, subject to the following conditions.

1. The applicant (as used in these conditions, the term "applicant" shall mean the owner, the tenant "Spider Kelly's" and all successors and assigns) agrees that, in building or using any outdoor café or sign on the property at 3171-3181 Wilson Boulevard, it will comply with the conditions set forth below and the drawings referenced below.
2. The applicant agrees that the outdoor café shall be in the same general location as shown on the attached drawing dated February 22, 2010, and as approved by the County Board on March 13, 2010. The total number of tables and chairs and their configuration shall be as established by the Certificate of Occupancy. The applicant further agrees to maintain a minimum of six (6) feet of clear unobstructed sidewalk width at all times.
3. The applicant agrees that the hours of the outdoor café shall be limited to 10 a.m. to 1 a.m. seven (7) days a week.
4. The applicant agrees to submit to the Zoning Administrator a current survey plat of the property showing the county right-of way with the application for the Certificate of Occupancy for the outdoor café. The applicant further agrees that the outdoor café may not be used until a Certificate of Occupancy has been issued therefore, and that the café will be used in a manner consistent with the Certificate of Occupancy and these conditions.

5. The applicant agrees that all tenant signs shall be of the size, color, location, and materials as shown in the exhibit dated February 17, 2010 and entitled "Spider Kelly's" and the table in the staff report, and as approved by the County Board on March 13, 2010. The applicant further agrees that the total sign area shall be no more than 67 square feet and the tenant identification sign shall not protrude more than 13 inches from the building façade.
6. The applicant agrees that minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of a sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%).
7. The applicant agrees to remove the existing Spider Kelly's sign and structure before installation of the signs permitted in this comprehensive sign plan.

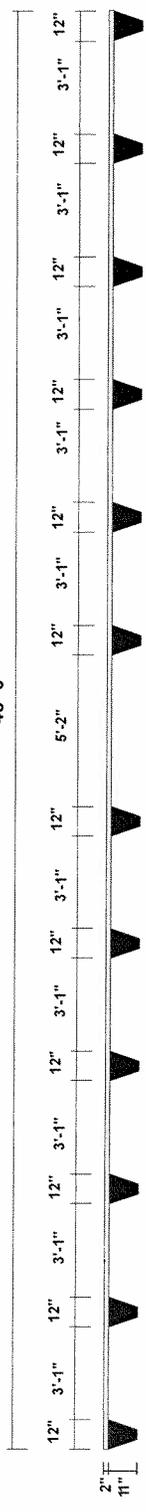
PREVIOUS COUNTY BOARD ACTIONS:

- February 5, 1955 The Board granted request for withdrawal of application for Use Permit U-1160-55-1, applicant, Elizabeth Eade Toulmin, to permit the operation of a ballet dance studio at 3179 Wilson Boulevard
- 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.
- January 23, 2010 Approved a use permit request (U-3233-09-1) for live entertainment and dancing at Spider Kelly's to the January 23, 2010 County Board meeting with conditions and review in ten (10) months (November 2010).

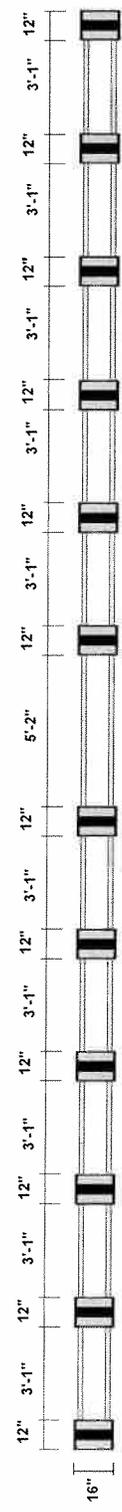


SIGN LAYOUT
SCALE 1" = 1'-0"

48'-0"



DOWN VIEW LAYOUT
SCALE 1/4" = 1'-0"



ELEVATION VIEW
SCALE 1/4" = 1'-0"

DESCRIPTION OF WORK.
REMOVE AND DISPOSE OF ONE (1) DOUBLE FACED INTERNALLY LIGHTED PROJECTING BUILDING MOUNTED SIGN READING "SPIDER KELLY'S" AS SHOWN IN PHOTOGRAPH.

MANUFACTURE AND INSTALL ONE (1) BUILDING MOUNTED SIGN CONSISTING OF (12) INDIVIDUAL INTERNALLY LIGHTED BOXES ATTACHED TO RUNNERS AS SHOWN ON OUR DRAWING # 1-10-107.

MESSAGE: SPIDER KELLY'S

MATERIALS:
LIGHT BOXES: TO BE CONSTRUCTED .063 ALUMINUM SPRAYED MATTHEW'S BLACK ANODIC #41-335 ON ALL EXTERIOR SURFACES AND WHITE ENAMEL ON ALL INTERIOR SURFACES FOR MAXIMUM LIGHTING
LIGHTING: FROM AN INTERNAL SOURCE OF (12) 1 x 6 x G LIGHT ENGINES POWER BY (2) PSA-24VOLT 25 WATT POWER SUPPLIES HOUSED IN EACH LIGHT BOX. NOTE:- ALL WIRING AND MATERIALS USED WILL BE U.L. APPROVED.

FACES: TO BE CONSTRUCTED OF 3/16" #2447 WHITE PLEXIGLAS OVERLAID WITH 3M #180C-41 DARK GREY OPAQUE VINYL AND ALL COPY WILL BE WHITE FRISKUT. **NOTE: FACES TO BE HELD IN PLACE WITH A 1/2" X 1/4" X .063 ALUMINUM RETAINER SPRAYED MATTHEW'S BLACK ANODIC.**
RUNNERS: TO BE CONSTRUCTED OF 2" SQUARE ALUMINUM TUBING SPRAYED MATTHEW'S BRUSH ALUMINUM #41-342 ON ALL SURFACES.
MOUNTING: SIGN TO BE ATTACHED TO WALL WITH EXPOSED 3/8" LAGS AND SHIELDS THROUGH FACE OF RUNNERS. **NOTE: ALL PENETRATIONS INTO WALL TO BE SEALED WITH SILICONE ADHESIVE.**
ELECTRICAL: RUN TO SIGN LOCATION BY OTHERS. ONE (1) 20AMP 120VOLT CIRCUIT REQUIRED. **NOTE: SELLER TO MAKE FINAL HOOK-UP, IF ADEQUATE ELECTRICAL SERVICE IS PROVIDED AT TIME OF INSTALLATION.**
PERMITS: CLIENT TO OBTAIN ALL REQUIRED PERMITS FROM ARLINGTON COUNTY, VA.

REMOVE & DISPOSE OF D/F INTERNALLY LIGHTED PROJECTING SIGN READING "SPIDER KELLY'S"

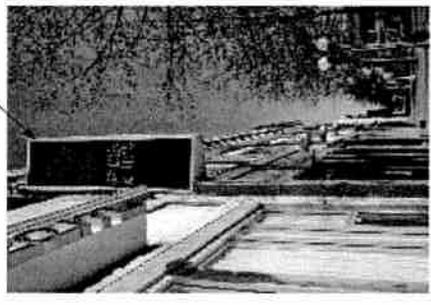


PHOTO VIEW OF SIGN TO BE REMOVED

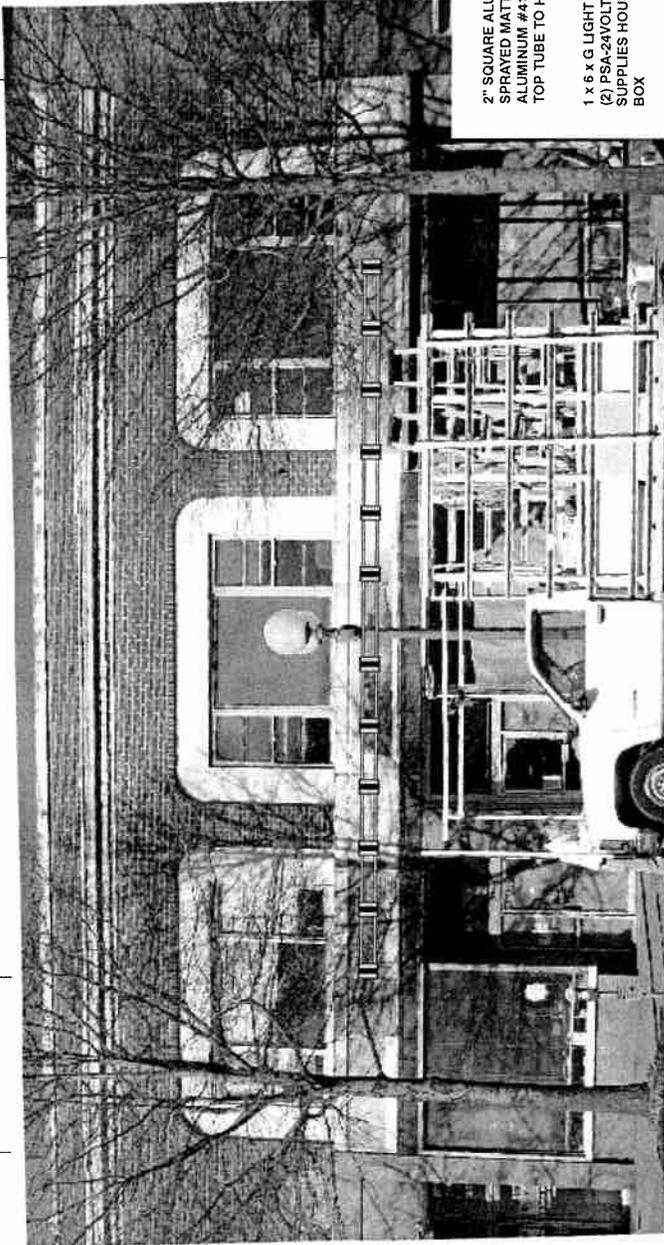
REVISED 2-17-10: CHANGED DIMENSIONS OF CABINETS

SERVICE NEON SIGNS INC 6611 IRON PLACE SPRINGFIELD, VA. 22151 (703) 354-3000 TELEPHONE (703) 354-5810 FAX	SPIDER KELLY'S CUSTOMER'S NAME	3171-3181 WILSON BLVD ARLINGTON, VA 22201-4420 LOCATION	DRAWING # 1-10-107 SALESPERSON RANDY RYE / RUTH VAN	DATE 2-3-10	APPROVALS CUSTOMER _____ SALES _____ PRODUCTION _____ INSTALLATION _____
	<p><small>This design is the property of Service Neon Signs. Unauthorized use in whole or in part is prohibited. Service Neon Signs reserves the right to modify this design without notice. Service Neon Signs does not warrant the accuracy of the information provided. Service Neon Signs and its affiliates shall not be held liable for any damages, including consequential damages, arising from the use of this design. This includes proper grounding and bonding of the sign.</small></p>				

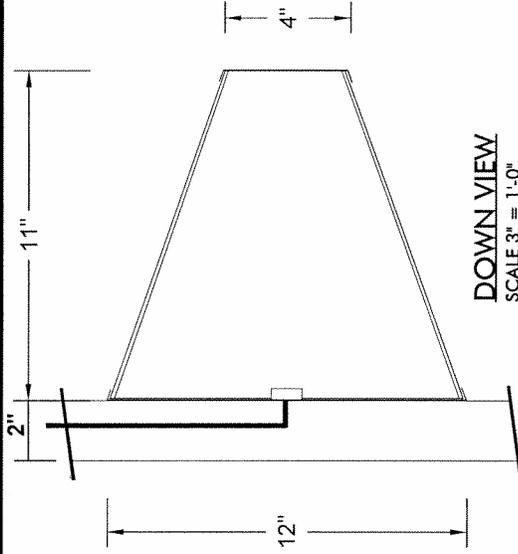
EQ.

48'-0"

EQ.

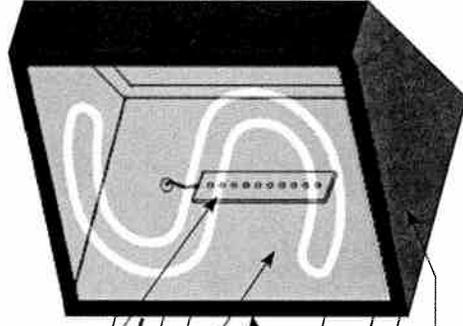


FRONT ELEVATION SCALE 1/8" = 1'-0"



DOWN VIEW
SCALE 3" = 1'-0"

- 2" SQUARE ALUMINUM TUBING
SPRAYED MATTHEWS BRUSH
ALUMINUM #41-342
TOP TUBE TO HAVE ELEC. RAN INSIDE
- 1 X 6 X 6 LIGHT ENGINES POWER BY
(2) PSA-24VOLT 25 WATT POWER
SUPPLIES HOUSED IN EACH LIGHT
BOX
- 3/16" #2447 WHITE PLEX OVERLAD
W/ 3M #180C-41 DARK GREY OPAQUE
VINYL & COPY FRISKUT WHITE
- 3/4" X 3/4" X .063 ALUMINUM RETAINER
SPRAYED MATTHEWS BLACK ANODIC.
- 2" SQUARE ALUMINUM TUBING
SPRAYED MATTHEWS BRUSH
ALUMINUM #41-342
- .063 ALUMINUM SPRAYED MATTHEWS
BLACK ANODIC #41-335 ON ALL
EXTERIOR SURFACES



SECTION VIEW

REVISED 2-17-10: CHANGED DIMENSIONS OF CABINETS

PAGE 2 OF 2

**SERVICE
NEON
SIGNS
INC**

6611 IRON PLACE
SPRINGFIELD, VA
22151
(703) 354-3000 TELEPHONE
(703) 354-5810 FAX

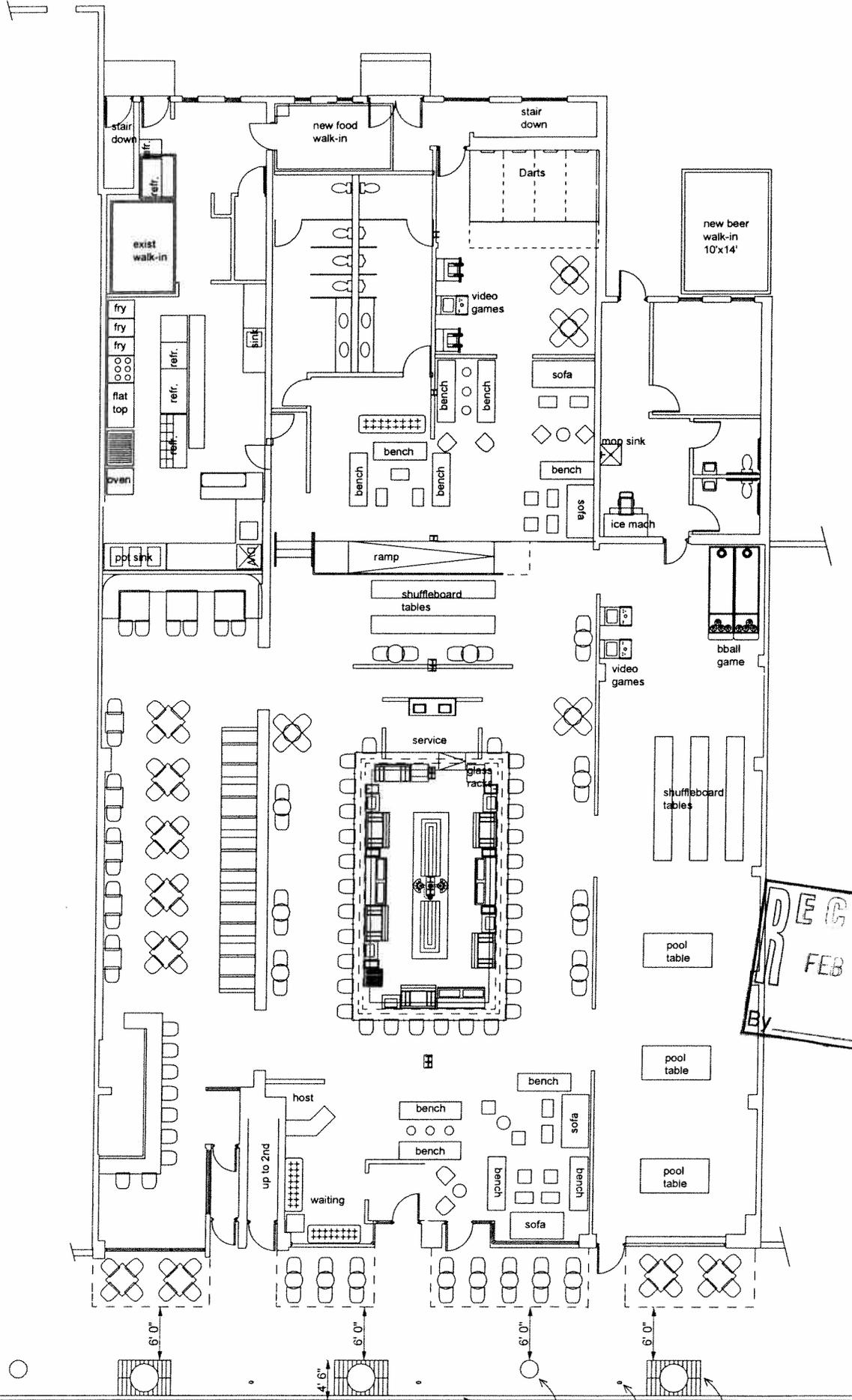
CUSTOMER'S NAME
SPIDER KELLY'S

LOCATION
3171-3181 WILSON BLVD
ARLINGTON, VA 22201-4420

DRAWING # 1-10-107 DATE 2-3-10
SALESPERSON RANDY RYE / RUTH VAN

THIS SIGN IS THE PROPERTY OF SPIDER KELLY'S SIGNS. UNAUTHORIZED USE IN WHOLE OR IN PART IS PROHIBITED. THIS SIGN IS TO BE INSTALLED IN ACCORDANCE WITH THE CURRENT EDITION OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 704. THIS INCLUDES PROPER BRANDING AND HANDING OF THE SIGN.

APPROVALS
CUSTOMER _____
SALES _____
PRODUCTION _____
INSTALLATION _____



RECEIVED
 FEB 22 2010
 BY

1/16" = 1'

curb street light parking meter tree grate

