



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 10, 2010**

DATE: July 2, 2010

SUBJECT: U-3265-10-1 USE PERMIT for an outdoor cafe in the public right-of-way; located at 1025 N. Fillmore Street (RPC #18-024-020).

Applicant:

Wendy Buckley
Screwtop Wine Bar
1025 N. Fillmore Street
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the use permit for outdoor seating subject to the conditions of the staff report and a County Board review in one (1) year (July 2011).

ISSUES: The applicant is proposing a use permit for outdoor café seating in the public right-of-way at the ZOSO building located at 1025 N. Fillmore Street. There are no known issues at the time of this writing.

SUMMARY: The owner of Screwtop Wine Bar is proposing a use permit for outdoor café seating in the public right-of-way, consistent with the proposed proffer amendment Z-2508-03-1. The applicant proposes four (4) tables of two (2) seats each in the North Fillmore Street right-of-way. The seats will accommodate a minimum six (6) foot straight, clear sidewalk path. Parking is not permitted on this side of North Fillmore Street.

The applicant agrees to 1) close the outdoor seating at 9 p.m. on weeknights and 10 p.m. on Fridays and Saturdays, 2) to never have live entertainment, radios, or speakers in the outdoor seating area. Staff believes these conditions will mitigate the potential negative impact that outdoor cafes may generate in close proximity to residential uses. In addition, the *Clarendon Sector Plan 2006* supports as appropriate outdoor cafes along commercial frontages. Therefore, staff recommends approval of the subject use permit request, subject to the proposed conditions of approval, with a review in one (1) year (July 2011).

County Manager: MB/GA

Staff: Peter Schulz, DCPHD, Planning Division

PLA-5658

50. B.

BACKGROUND: The use permit request is associated with Proffer Amendment Z-2508-03-1. The Zoso mixed-use residential/retail development at 1021 N. Fillmore Street contains 114 residential units and 23,419 s.f. of retail. The proffered rezoning of the site to “C-TH” was approved in 2004. The project was completed in 2009-2010.

The following provides additional information about the site and location:

Site: The site is approximately 50,000 square feet, bounded by 11th Street North, North Fillmore Street, the Storage USA building, and single family homes.

- To the north: Across 11th Street North, the Clarendon Park townhouses (SP #339), zoned “R15-30T”, and designated on the GLUP “Low” Residential (11-15 units/acre).
- To the east: Single-family detached homes zoned “R-5”, and designated “Low” Residential (1-10 units/acre).
- To the south: Storage USA self-storage facility with ground floor retail (U-2969-99-1), zoned “C-TH” and designated “Service Commercial”.
- To the west: Across North Fillmore Street, the Clarendon 1021 mid-rise Condominium, zoned “C-R” and designated “Medium Density Mixed Use”.

Zoning: “C-TH” Commercial Townhouse District. Restaurants, including associated outdoor cafes, are a permitted use per ACZO Section 26A.A.37. Outdoor cafes, and outdoor cafes in the public right-of-way, are further regulated by Section 31.A.11.

General Land Use Plan: “Service Commercial” (Personal and business services. Generally one to four stories. (A maximum 1.5 F.A.R.).

Neighborhood: The site is located within the boundaries the Clarendon-Courthouse Civic Association area. The Civic Association discussed the issue at their May 24, 2010 meeting, and voted to support outdoor seating along North Fillmore Street.

Public-Private Partnership: The Clarendon Alliance has been contacted for their comment, which has not been received as of the date of this report.

DISCUSSION: The applicant, Screwtop Wine Bar, proposes outdoor seating in the public right-of-way on North Fillmore Street. The applicant proposes four (4) tables of two (2) seats each between two (2) tree pits. This request is associated with a proffer amendment in which the building’s owner proffers that outdoor cafes may be permitted at this site, subject to the restrictions that outdoor cafes must close at 9 p.m. on weeknights and 10 p.m. on Fridays and Saturdays, and that there be no outdoor music, live entertainment, or speakers in any of the outdoor café areas, whether on or off private property. These same limitations will also be made a part of the conditions of this use permit.

The Clarendon-Courthouse Civic Association supports café seating along North Fillmore Street.

CONCLUSION: The applicant has a proposal that is consistent with the *Clarendon Sector Plan* and past practice. The proposed conditions will mitigate the operations of the outdoor café.

Therefore, staff recommends approval of the use permit subject to the following conditions, with a County Board review in one (1) year (July 2011).

Conditions:

1. The applicant (as used in these conditions, the term “applicant” shall mean the owner, the tenant “Screwtop” and all successors and assigns) agrees that, in building or using any outdoor café on the property at 1025 N. Fillmore Street, 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 June 8, 2010, and as approved by the County Board on July 10, 2010. 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 outdoor café shall close at 9 p.m. Sunday through Thursday, and 10 p.m. on Friday and Saturday.
4. The applicant agrees that there shall be no speakers, radio, or live entertainment in any outdoor seating area.
5. The applicant shall designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be related to the outdoor seating and an onsite liaison that shall be available during the hours of the business operation to receive and respond to community concerns regarding the outdoor cafe. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Clarendon-Courthouse Civic Association.

PREVIOUS COUNTY BOARD ACTIONS:

July 13, 2004

Approved a rezoning (Z-2508-03-1) of the subject property from "C-3" to "C-TH" subject to certain proffers as set forth in a document entitled "The Fillmore Proffers revised July 6, 2004" ("Proffers").

Screwtop Wine Bar Option 2

Zoso
Apartment
Lobby

COMMERCIAL TENANT
SUITE 1
(1,663 ± USF)

Screwtop

Screwtop
Wine & Cheese Shop
Front Door

8'6"

Seating

Barrier

13'8"

Traffic path

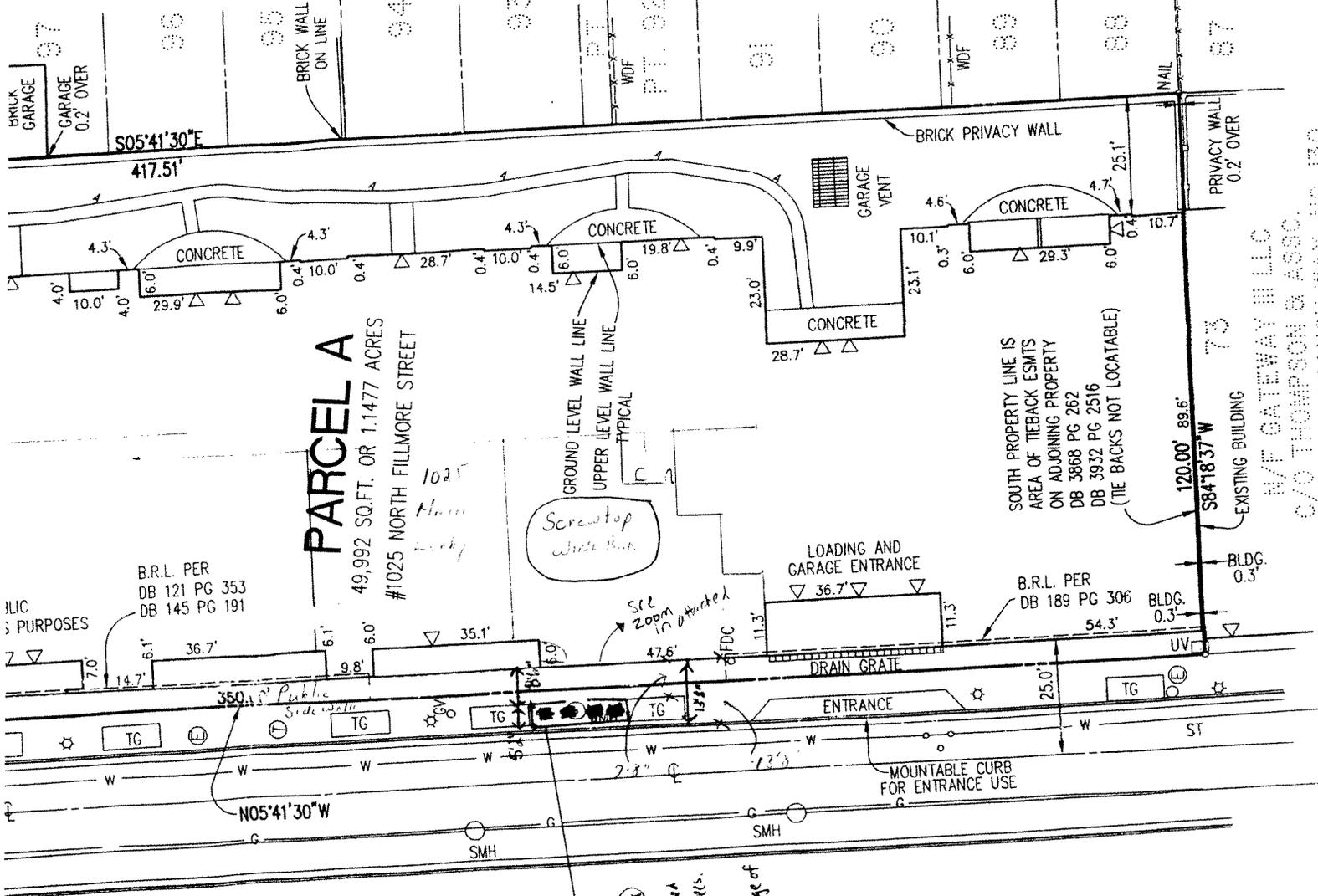
Traffic path

N. Fillmore St.

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JUN 08 2010

Loading
Dock

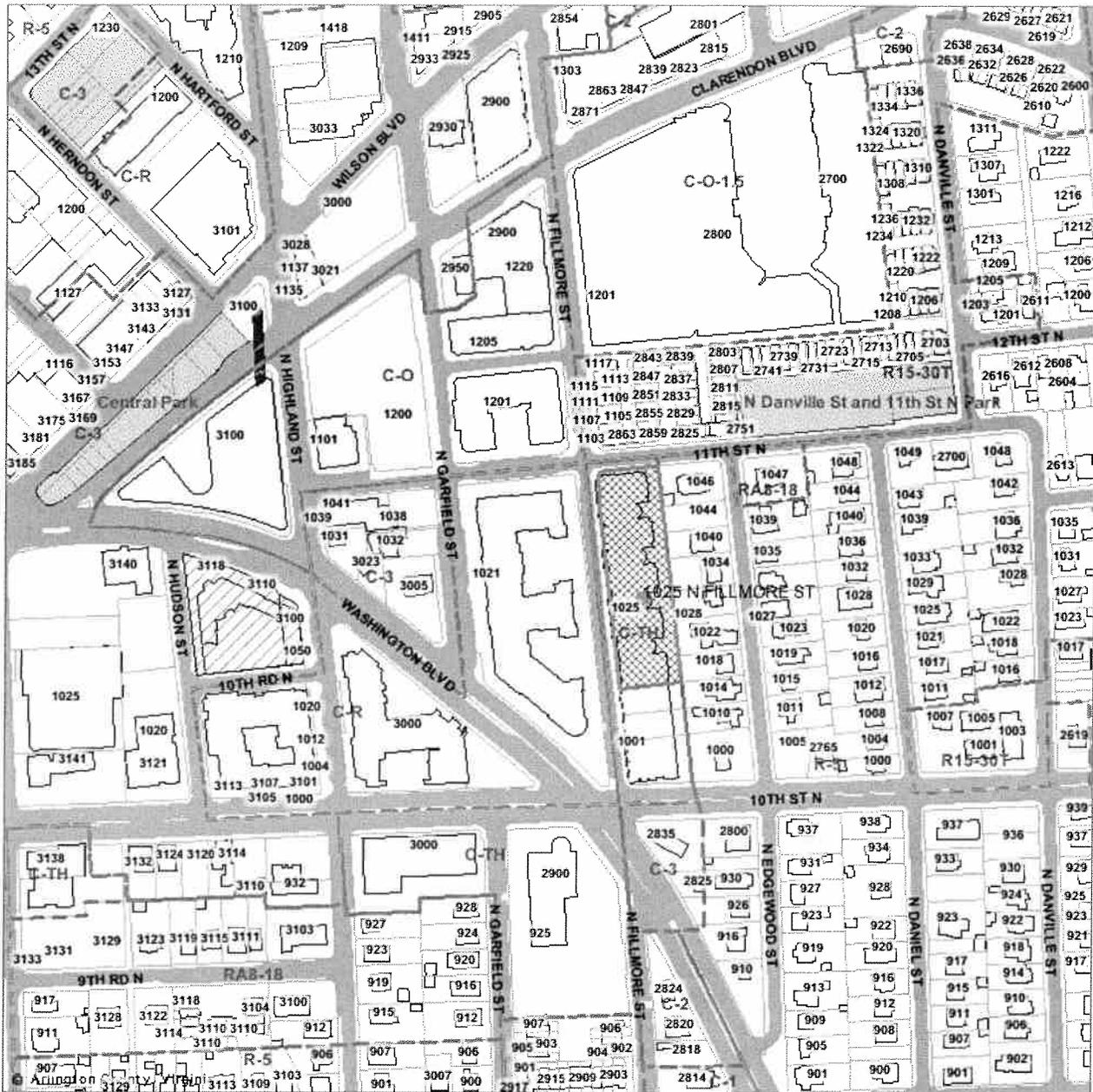
NO. 7
 ARLINGTON, VA 22205
 DB 4104 PG 1829



FILLMORE STREET
 IT-OF-WAY VARIES

UTILITY SEWER LATERAL
 GROUND GAS LINE
 GROUND UTILITY LINE
 ER LINE
 3 AND GUTTER

W/F GATEWAY III LLC
 C/O THOMPSON & ASSO.
 1014 N
 ARLIN



u3265
1025 N. Fillmore Street (ZOSO Screwtop)
RPC: 18-024-020



Not To Scale

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