



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 25, 2010**

DATE: September 13, 2010

SUBJECT: SP #193 SITE PLAN AMENDMENT to renew live entertainment and dancing for Union Jack's located at 671 North Glebe Road (RPC # 14-059-035, -036).

Applicant:

Gary Ouelette
Union Jack's
4238 Wilson Blvd
Arlington, Virginia 22203

C.M. RECOMMENDATION:

Renew the subject site plan amendment subject to all previously approved conditions with a County Board review in one (1) year (September 2011).

ISSUES: This is a one (1) year review of an existing site plan amendment for live entertainment and dancing. There have been issues raised by citizens in the past regarding noise from the outdoor seating at the premises disturbing the townhouse residents living on the west side of Glebe Road.

SUMMARY: This is a review of an existing site plan amendment for live entertainment and dancing, at Union Jack's located in the ground floor of Ballston Common Mall on Glebe Road. There have been complaints in the past from the townhouses residents located across Glebe Road about noise from the by-right outdoor seating at the premises. New conditions were added in September 2009 to mitigate the effects from the outdoor seating, and staff is not aware of noise complaints either to the police or Code Enforcement since the last review. Furthermore, the subject use is in compliance with the approved conditions of the site plan amendment. Therefore, staff recommends the site plan amendment be renewed subject to all previously approved conditions and with a County Board review in one (1) year (September 2011).

County Manager:

MB GA

Staff: Peter Schulz, DCPHD, Planning Division

PLA-5684

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BACKGROUND: This is a site plan amendment renewal for live entertainment and dancing in an existing restaurant, Union Jacks, located in the Ballston Common Mall. The original application was approved by the County Board in September 2008, and in September 2009 the Board amended the site plan amendment with new and revised conditions and with a review in September 2010.

DISCUSSION: Since opening two (2) years ago the Union Jack's restaurant has become a popular nightspot, and that popularity had led to issues of noise from the by-right outdoor seating area disturbing residents of the townhouse communities located to the west across Glebe Road in the Bluemont Civic Association area. The noise complaints were not generally related to the live entertainment and dancing, and focused more on the outdoor café area. As of the date of this report, neither the Arlington Police nor Code Enforcement has received citizen complaints about noise. Staff has solicited but has not received comments from the community regarding the site plan renewal. A shorter one (1) year review is recommended in order to continue to monitor the situation.

Since the Last Review (September 26, 2009):

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

Zoning Division Site Plan Inspections: A site plan inspector visited the site and found no violations of the site plan amendment.

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

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

Virginia ABC: ABC board not expressed any concerns regarding the subject site plan amendment renewal.

Civic Associations: The property is located within the boundaries of the Ashton Heights Civic Association, who has been notified of the site plan amendment renewal, but has not submitted comments to staff at this time. In addition, the Bluemont Civic Association and the homeowners' associations of the townhouse communities across Glebe Road have also been notified of the site plan amendment review, and have not provided comments to staff at this time.

CONCLUSION: The applicant is compliant with the conditions of the site plan amendment and no issues have been identified. Therefore, staff recommends the site plan amendment be renewed subject to all previous conditions and County Board review in one (1) year (September 2011).

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| | comprehensive sign and lighting plan to the January 6, 1990 County Board meeting. |
| January 9, 1990 | Deferred site plan amendment request for a comprehensive sign and lighting plan to the April 7, 1990 County Board meeting. |
| April 7, 1990 | Continued site plan amendments for the operation of an outdoor cafe (American Cafe) with a review in two (2) years. |
| April 7, 1990 | Deferred site plan amendment request for a comprehensive sign and lighting plan to the July 7, 1990 County Board meeting. |
| April 3, 1993 | Continued a site plan amendment (SP #193) for operation of an outdoor café in conjunction with an existing restaurant. |
| July 13, 1993 | Approved a site plan amendment for operation of a summer day camp for up to 40 children, ages 5 to 12 years, weekdays, from 7:00 a.m. to 6:30 p.m. from June through September on the 3rd level of the Mall. |
| September 11, 1993 | Took no action on site plan amendment (SP #193) to permit six tables of an outdoor café in the public right-of-way. |
| March 9, 1996 | Adopted an ordinance stating that the amount and type of signage proposed for the Ballston Common Mall is consistent with the County Board's adopted policy establishing this site area as a major focal point for the Ballston area, and that the approved sign plan will reinforce the retail component and unity of this focal point project consistent with the "Sign Guidelines for Site Plan Buildings" |
| | Deferred a site plan amendment (SP #193) for a comprehensive sign plan to the March 23, 1996 County Board meeting. |
| March 23, 1996 | Approved a site plan amendment (SP #193) for a |

- comprehensive sign plan (banners, retail tenant signs, mall identification signs, directional signs, and pylon and free-standing signs) including three Ballston Common Mall identification signs.
- July 3, 1996
Deferred a site plan amendment (SP #193) for a comprehensive sign plan including retail tenant, mall identification, directional pylon, and freestanding signs.
- July 19, 1997
Deferred a site plan amendment request (SP #193) to August 2, 1997, for construction of a new office building including 230,361 square feet of office gross floor area, 29,334 square feet of restaurant/retail (which includes 7,005 square feet of pedestrian mall area), and 80,014 square feet of theater space; a comprehensive sign plan; modification of use regulations to exclude pedestrian mall and theater space from floor area ratio; and modification for additional office building height.
- August 2, 1997
Approved a site plan amendment (SP #193) for a new office building including 230,361 square feet of office gross floor area, 29,334 square feet of restaurant/retail gross floor area including 7,005 square feet of mall area and 80,014 square feet of theater space, including a comprehensive sign plan subject to conditions.
- November 1, 1997
Approved a site plan amendment (SP #193) for construction of a partial sixth floor with approximately 40,000 square feet of gross floor area on the existing building for administrative offices and a corresponding reduction of approximately 40,000 square feet from the approved but unbuilt "Point Office Building".
- December 16, 1997
Ratified and approved the lease agreement between the Arlington County Board and Ballston Common Associates, L.P. for the subject County-owned property at a rent of \$350 per month and adopted an ordinance to permit temporary a temporary construction staging area, partially on-site and

partially off-site.

March 13, 1999

Approved a site plan amendment (SP #193) to permit an outdoor café with a maximum seating area of 60 and live entertainment between the hours of 11:00 a.m. and 1:30 a.m., Mondays through Sundays, for Rock Bottom Brewery Restaurants.

July 10, 1999

Approved a site plan amendment (SP #193) and amended conditions of the approved site plan continue to permit a temporary construction staging area, partially on-site and partially off-site for a period of two (2) years from June 13, 1999 to June 13, 2001).

Ratified and approved the lease agreement attached to the County Manager's June 23, 1999 report between the Arlington County Board and Ballston Common Associates, L.P. for the subject County-owned property at a rent of \$350 per month.

November 13, 1999

Approved a site plan amendment (SP #193) to permit an outdoor café within the public right-of-way and to permit a comprehensive sign plan.

January 29, 2000

Approved site plan amendment (SP #193) for two rooftop signs (one on an alternative location) at the Ballston Tower building for parcels of real property located at 627 - 701 North Glebe Road (east side) and 4100 through 4128 Wilson Boulevard and 504 through 708 North Randolph Street subject to three new conditions.

April 8, 2000

Deferred site plan amendment (SP #193) to permit a 13-story office building with ground floor commercial retail space, consisting of a total of approximately 262,000 gross square feet and a modification of use regulation for building height on premises known as Parcel D-1, Ballston Common.

May 23, 2000

Deferred site plan amendment (SP #193) to permit a 13-story office building with ground floor

commercial retail space, consisting of a total of approximately 262,000 gross square feet with a modification of use regulations for building height, tandem parking and to permit a comprehensive sign plan on premises known as Parcel D-1, Ballston Common.

June 24, 2000

Approved an agreement with May Department Store Company and amendments to Ballston Public Parking Garage Bond documents.

Approved a site plan amendment (SP #193) for Parcel D-1, Ballston Common Point site and modification of use regulations for tandem parking and a comprehensive sign plan subject to conditions.

August 5, 2000

Approved site plan amendment (SP #193) to enclose the exterior arcade to accommodate year round restaurant seating, additional outdoor seating and modifications to exterior facade for Chicken Out Rotisserie.

October 13, 2001

Approved site plan amendment (SP #193) to replace the previously approved 8-inch caliper trees with 6.5-inch caliper trees.

Approved site plan amendment (SP #193) to convert interior retail space to office space, and amend the comprehensive sign plan subject to all previous conditions and new conditions.

February 9, 2002

Approved major site plan amendment (SP #193) for the development of the 8th level of the Ballston Common parking garage including parking, a two-story ice skating facility with ancillary uses and a training facility, with a second story including office use and a mezzanine to the ice rinks subject to conditions.

October 19, 2002

Deferred site plan amendment (SP #193) to amend comprehensive sign plan for the Ballston Common Mall to the November 16, 2002 meeting.

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| November 16, 2002 | Approved a site plan amendment for a comprehensive sign plan for the Ballston Point building, subject to all previous conditions and new conditions. |
| | Approved a site plan amendment for a comprehensive sign plan for the Ballston Common Mall, subject to all previous conditions and new conditions. |
| December 7, 2002 | Approved a site plan amendment for a weekly live comedy show within the Ballston Common Mall, subject to the following condition and review in one (1) year (December 2003). |
| December 6, 2003 | Continued a site plan amendment for a weekly live comedy show within the Ballston Common Mall, subject to all previous conditions and review by the County Board in three (3) years (December 2006). |
| June 14, 2003 | Approved a site plan amendment for the ice skating facility to amend condition #60 and permit minor building modifications, subject to all previous conditions and three revised conditions. |
| July 19, 2003 | Discontinued a site plan amendment for relocation of office use at 4238 Wilson Boulevard. |
| October 18, 2003 | Approved a site plan amendment for conversion of retail use to office (within the Ballston Common Mall) until January 2006. |
| July 10, 2004 | Approved a site plan amendment to expand the theater for a weekly live comedy show within the Ballston Mall, subject to the previous condition #1 of this site plan amendment and condition #2 below, with a County Board review in two (2) years and six months (December 2006) along with the original site plan amendment. |

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| December 14, 2004 | Approved a site plan amendment for the ice skating facility to remove the mesh from the façade of the parking garage structure, subject to all previous conditions and two revised conditions (#1 and #30). |
| October 14, 2006 | Approved a site plan amendment for the ice skating facility for a comprehensive sign plan, including rooftop signs, subject to all previous conditions with two amended conditions (Condition #30 and #44) and one deleted condition (Condition #62). Carried over discussion pertaining to the illumination of the rooftop signs to the November 14, 2006 meeting. |
| November 14, 2006 | Deferred a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility to the December 9, 2006 meeting. |
| December 9, 2006 | Renewed the site plan amendment for an expanded theater, subject to all previous conditions, and with a County Board review in three (3) years (December 2009). |
| | Deferred a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility to the January 27, 2007 meeting. |
| January 27, 2007 | Approved a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility. |
| September 13, 2008 | Approved a site plan amendment to permit live entertainment and dancing at Union Jack's (671 N. Glebe Rd.), subject to conditions and renewal in one (1) year (September 2009). |
| July 14, 2009 | Accepted withdrawal of a site plan amendment for outdoor seating in the public right-of-way at Union Jack's (671 N. Glebe Rd.). |
| September 26, 2009 | Renewed a site plan amendment for live entertainment and dancing at Union Jack's with new |

and revised conditions and a review in one (1) year (September 2010).

December 12, 2009

Renewed a site plan amendment for an expanded theater (ComedySportz) subject to one new condition and review in five (5) years (December 2014).

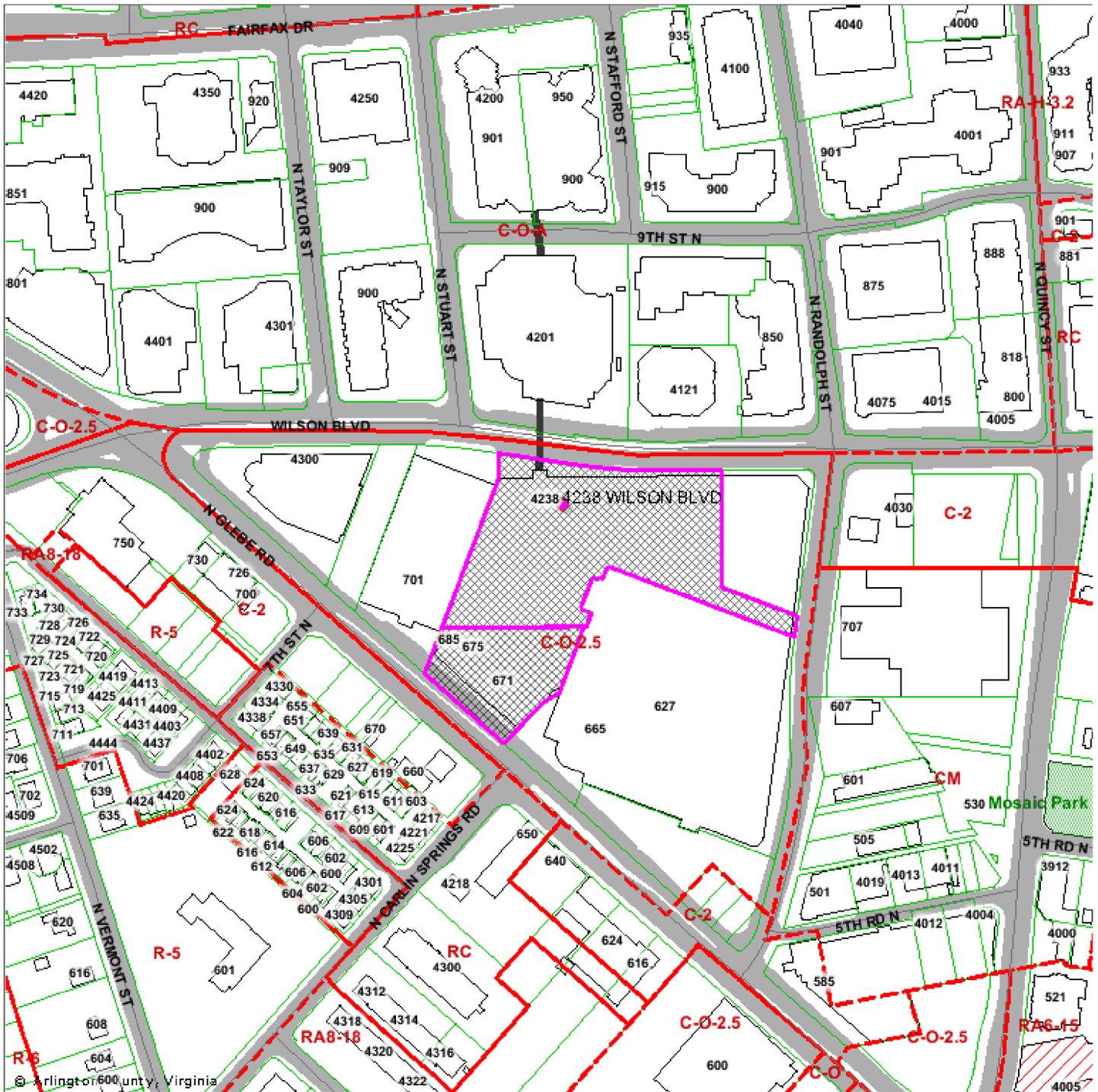
March 13, 2010

Approved a site plan amendment for a rooftop sign at 671 N. Glebe Rd.

Conditions:

1. The applicant agrees live entertainment shall be permitted only between the hours of 11 a.m. to 1:30 a.m., Monday through Sunday. The customer dancing shall be permitted only between the hours of 5 p.m. to 1:30 a.m., seven days a week.
2. The applicant agrees windows and interior and exterior doors to the outside of the restaurant on North Glebe Road shall be closed during hours of live entertainment (live musical performances, including disc-jockeys, karaoke, and stand-up comedy) and any other amplified and emceed events (trivia contests, card games, mechanical bull riding, and the like). No live entertainment and dancing is permitted in the outdoor seating area and the applicant shall comply with the Arlington County Noise Ordinance. Games and activities for patrons not involving electronic amplification such as “cornhole” and the like may occur outdoors, but such activity shall cease by 10 p.m. nightly. No generators or compressors are permitted outside the building.
3. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
4. The applicant agrees to obtain a Dance Hall Permit from the Zoning Office before dancing can be allowed.
5. The applicant agrees to identify an on-site community liaison that shall be available during the hours of the business operation. The liaison shall be empowered to receive and immediately address site plan conditions and community concerns, and to receive and respond to community communications regarding the live entertainment, the outdoor seating area, and noise from games, emceed events, electronic devices, or customers. The name and telephone number of the liaison shall be provided to the Ashton Heights Civic Association, the Ballston-Virginia Square Civic Association, the Bluemont Civic Association, the Buckingham Community Civic Association; and the Townes of Ballston, Courts of Ballston, and Ballston Place Homeowners Associations, and the Zoning Administrator before issuance of the Certificate of Occupancy and when the designated liaison changes.
6. The applicant agrees the outdoor speakers shall be used solely for background music and shall be turned off at 10 p.m. nightly. The volume shall be kept at a background level. The live entertainment, games, or other emceed events shall not be broadcast on the outdoor speakers.

7. The applicant agrees that the community liaison, or other responsible person, shall periodically check the sound level from the restaurant from the middle of the Macy's employee parking lot across North Glebe Road. Sounds from the live entertainment, events with emcees, or electronic broadcasts shall not be audible from that point.
8. The applicant agrees to place cards on the outdoor tables and in other places as necessary, to remind patrons in the outdoor café to be mindful of the nearby residential townhouses after 10 p.m. The applicant's staff shall take reasonable measures to discourage loud noise such as singing or shouting by patrons in and adjacent to the outdoor seating area after 10 p.m. From 10 p.m. to closing time, the applicant shall discourage patrons from loitering outside the restaurant, and encourage patrons who have parked in the parking garage to exit through the Union Jack's Mall door and use the indoor access to the garage.
9. The applicant agrees to sweep the restaurant's sidewalk frontage daily.



SP #193 SITE PLAN AMENDMENT
4238 Wilson Blvd.
(RPC #14-059-035 and 14-059-036)

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

Not To Scale

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| | Case Location(s) |
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