



ARLINGTON COUNTY, VIRGINIA

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

DATE: October 28, 2010

SUBJECT: SP #269 SITE PLAN AMENDMENT RENEWAL, restaurant with live entertainment and dancing for Caribbean Breeze, located at 4100 N. Fairfax Drive (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 and with an administrative review in one (1) year and a County Board review in three (3) years (November 2013).

ISSUE: This is a site plan amendment renewal for live entertainment and dancing and no issues have been identified as of the date of this report.

SUMMARY: The applicant, Caribbean Breeze, requests renewal of a site plan amendment for live entertainment and dancing. 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 and with an administrative review in one (1) year and a County Board review in three (3) years (November 2013).

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. In November 2009, the site plan amendment was renewed on the consent agenda for one (1) year with one (1) new condition.

County Manager:

BMD/GA

Staff: Peter Schulz, CPHD, Planning Division

PLA-5727

8.

DISCUSSION: During the past year, the applicant has been compliant with the conditions of approval. However, staff is aware of a noise complaint in the Spring of 2010 to the police from the Alta Vista Condominiums, located one block to the West across the International House of Pancakes property and North Stafford Street. The applicant is working to establish relations with the Alta Vista Condominiums and has shared the designated liaison information with their association. Staff is unaware of any noise complaints or calls to the police since this one (1) incident.

Since the Last Review (November 2009):

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

Zoning Administration Enforcement: Zoning Enforcement has not expressed any concerns regarding the renewal of the subject site plan amendment.

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

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

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

Civic Associations: The Ballston-Virginia Square Civic Association has been contacted but has not responded to a request for comments as of the date of this report.

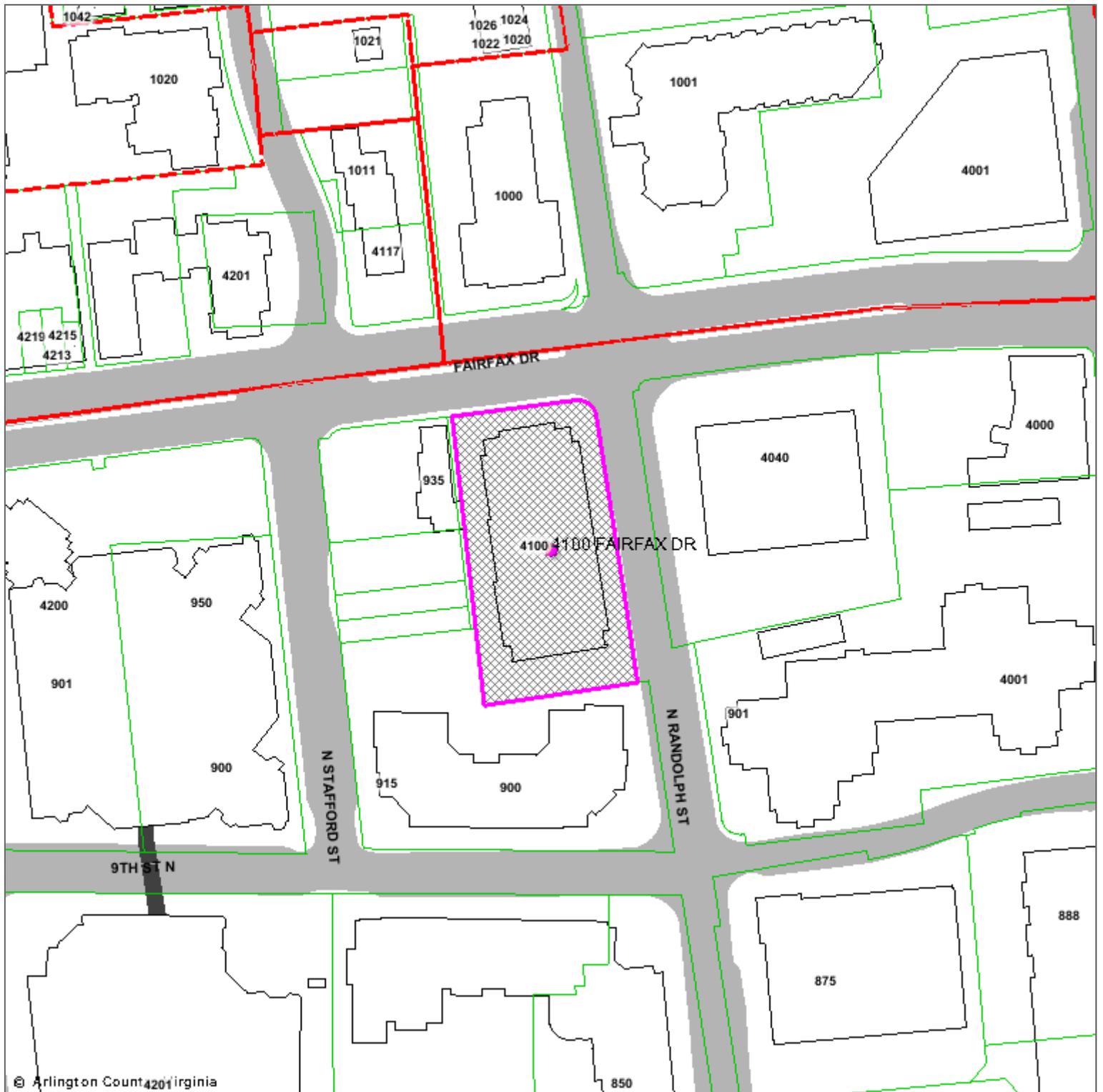
CONCLUSION: Staff recommends renewal of the site plan amendment for a restaurant with live entertainment and dancing, subject to all previous conditions and with a County Board review in three (3) years (November 2013).

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).
November 17, 2009	Renewed a site plan amendment (SP #269) for a restaurant with live entertainment and dancing subject to conditions and with a County Board review in one (1) year (November 2010).

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 Presidents of the Berkeley Condominium Association and the Alta Vista Condominium.
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

Case Location(s)