



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of January 22, 2011

DATE: January 12, 2011

SUBJECT: SP #105 SITE PLAN AMENDMENT REVIEW for live entertainment and dancing at Champps Americana, located at 1201 S. Joyce St. (RPC#: 35-005-031).

Applicant:

Champps Americana
c/o Kevin Songster, General Manager
1201 South Joyce Street, #C-10
Arlington, Virginia 22202

C.M. RECOMMENDATION:

Renew, subject to all previous conditions and to revised Condition #1, new Condition #7, with an administrative review in one (1) year (January 2012), and with no further scheduled County Board review.

ISSUES: This is a request for a renewal of an existing site plan amendment for live entertainment and dancing. There are no known issues as of the date of this report.

SUMMARY: This is a (5) five-year review of an existing site plan amendment for live entertainment and dancing at Champps Americana restaurant located at the Shops at Pentagon Row, at 1201 S. Joyce Street. The live entertainment use operates in compliance with the approved site plan amendment conditions; however, the applicant had been having karaoke on a day not previously permitted per Condition #1. The applicant has not had any issues with the County or surrounding properties and neighbors since the original approval of the site plan amendment in 2002. Furthermore, since each review of the site plan amendment has been for successively longer periods of time, it would be appropriate to allow the applicant to have the ability to have live entertainment and dancing seven (7) days a week subject to all existing conditions. Therefore, it is recommended that the site plan amendment be renewed, subject to all previous conditions and a revised Condition #1, new Condition #7, with an administrative review in one (1) year (January 2012), and with no further scheduled County Board review.

BACKGROUND: In January 2002, the County Board approved a site plan amendment for live entertainment and dancing at Champps Americana restaurant. The site plan amendment permits live entertainment "bands and dancing" between the hours of 9 p.m. and 1 a.m., on New Year's Eve, St. Patrick's Day, Memorial Day, Independence Day, Labor Day, October 1, Halloween,

County Manager: *BMD/GA*
Staff: Peter Schulz, DCPHD, Planning Division

PLA-5813

5.

and Thanksgiving day. Karaoke and dancing is permitted every Wednesday, Thursday, and Saturday from 9 p.m. to 1 a.m.

Reviews of the site plan amendment took place in January 2003 and January 2006. Neither review discovered concerns about the live entertainment use. In 2004, one resident of the Pentagon Row apartments made a complaint about noise, but the apartment management moved the offended party to another apartment within the complex. Since 2004, no complaints have been received by the Police or Code Enforcement about noise.

DISCUSSION: With live entertainment uses, it is generally not the practice to specify what type of live entertainment is permitted, instead rather only designating the days and times permitted for live entertainment, unless there is an overriding concern such as noise, relations with the neighbors, and Police or VABC issues, when more specific restrictions may be warranted. With the current site plan amendment, live bands are only permitted on certain federal holidays and karaoke is only permitted on three (3) days of the week. However, the applicant had been holding karaoke on Fridays, which is not one of the permitted days.

Considering the applicant's history reveals only one (1) noise complaint in nine (9) years of operation (and was settled to the complainant's satisfaction), and that there has been no history of concerns from County or state agencies, staff believes it reasonable to permit the applicant to have live entertainment and dancing seven (7) days a week. The main purpose would be to allow the applicant flexibility in designing a live entertainment schedule that serves their needs as the market dictates. The restaurant's current general manager has stated that the only entertainment they would continue with for the time being will be karaoke, but would appreciate having flexibility in the future.

Since the prior County Board review (January 2006):

Site Plan Amendment Conditions: The use is in compliance with the approved conditions. In December 2010, the applicant submitted to staff the name of the new required liaison for community complaints or concerns about the live entertainment and dancing.

Community Code Enforcement, Police Department, and Fire Marshal's Office: Community Code Enforcement, the Police Department, and the Fire Marshal's Office have not reported any issues regarding the live entertainment use.

Virginia ABC: The Virginia ABC states that they have no concerns regarding the continuation of the live entertainment use.

Civic Associations: The site is not located in a civic association area, but the Aurora Highlands and Arlington Ridge Civic Associations have been notified of the site plan amendment review, and to date no comments have been received at this time.

CONCLUSION: The live entertainment use has operated in compliance with the approved site plan amendment conditions, and staff has not received any complaints regarding this use. Because of the applicant's good track record, as well as to be consistent with current staff

practice, staff recommends permitting the applicant to have the ability to have live entertainment and dancing seven days a week, within the currently permitted hours of 9 p.m. to 1 a.m. Therefore, staff recommends that the site plan amendment be renewed, subject to all previous conditions and a revised Condition #1, new Condition #7, with an administrative review in one (1) year (January 2012), and with no further scheduled County Board review.

Revised Condition:

1. Live entertainment of bands and dancing, shall be permitted only between the hours of 9:00 p.m. and 1:00 a.m., ~~on the following holidays: New Year's Eve, St. Patrick's Day, Memorial Day, Independence Day, Labor Day, October 1 (Champps anniversary date), Halloween, and Thanksgiving day. Karaoke and dancing will be permitted every Wednesday, Thursday, and Saturday from 9:00 p.m. to 1:00 a.m. seven (7) days a week.~~

New Condition:

7. The applicant agrees that if the business changes ownership, a County Board review of this live entertainment approval will be scheduled.

PREVIOUS COUNTY BOARD ACTIONS:

- February 25, 1976 Rezoned Pentagon City Tract - properties bounded on north by Army-Navy Drive; on west by South Joyce Street; on south by Arlington County property and 15th Street South; and on east by South Eads Street; excluding the Western Electric property - from "RA7-16," "RA6-15," "C-O," and "M-1" to "C-O-2.5."
- Rezoned 1601 South Hayes Street (future fire station) from "RA7-16" to "S-3A." Rezoned 1500 block of South Hayes Street through to South Joyce Street including adjoining County owned property on South Joyce Street from "R2-7" to "S-3A." Rezoned 1500 and 1600 blocks to South Hayes through to South Fern Street from "RA7-16" to "RA4.8."
- Rezoned 621 - 18th Street South from: S-3A" to "C-O-2.5."
- Approved Pentagon City Phased Development Site Plan (PDSP).
- January 8, 1977 Approved PDSP Amendment to: 1) permit 20 additional low-rise family housing units in Parcel 5; 2) permit removal of 300 non-subsidized dwelling units for the elderly from Parcel 5 and relocate 280 such unit in Parcel 3; 3) permit submittal of landscape maintenance agreement prior to issuance of building permit instead of with final site plan submission; and 4) provide that park dedication be held in escrow until rezoning and site plan approval held valid by final court decision.
- January 8, 1977 Approved Final Site Plan (SP-1) for Parcel 5 to include 300 subsidized housing units for the elderly, a 300-bed nursing home, and 200 low-rise family units.
- October 15, 1977 Approved PDSP Amendment to permit a temporary Metro-related parking lot until December 30, 1980 in area bounded by Army-Navy Drive, 15th Street South, South Joyce Street and South Hayes Street.

	Approved Final Site Plan for a temporary Metro-related parking lot along the west side of South Hayes Street (between Army-Navy Drive and 15 th Street South) and along north side of 15 th Street South (between South Hayes and South Joyce Streets) until December 30, 1980.
June 3, 1978	Approved Final Site Plan Amendment for temporary Metro-related parking lot to eliminate the requirement for railroad ties or utility poles to separate parking aisles.
January 6, 1979	Approved Final Site Plan (SP-2) for a 12-story office building with approximately 253, 534 square feet of gross floor area located at 701 12 th Street South (northeast corner of 12 th Street South and South Hayes Street).
January 5, 1980	Approved Final Site Plan Amendment (SP-2) to extend approved plan for one year to January 6, 1981.
January 3, 1981	Approved PDSP Amendment and the Final Site Plan for temporary Metro-related parking lot to extend for one year to December 31, 1981.
April 1, 1981	Approved Final Site Plan (SP-3) for 12-story office building with approximately 309,574 square feet of gross floor area located at 601 12 th Street South.
November 14, 1981	Approved Amendment to the PDSP and the Final Site Plan for temporary Metro-related parking lot to extend for two years to December 31, 1983. Approved Final Site Plan to enlarge temporary Metro-related parking lot in the 1000-1300 block of South Hayes Street.
May 20, 1982	Approved PDSP Amendment to transfer 200,000 and 290,000 square feet of gross office floor area from Parcels 2 and 3, respectively, to Parcel 1, and the transfer of 670 dwelling units from Parcel 1 to Parcel 3. (Conditioned on agreement being reached with MCI for use of the transferred space.) Reduced office and commercial parking requirement unless otherwise approved in final site plans.
September 11, 1982	Approved PDSP Amendment to permit temporary uses accessory to construction (eating facilities) on Pentagon City Tract.

January 8, 1983	Accepted withdrawal of Amendment to PDSP and Final Site Plan to enlarge temporary Metro-related parking lot.
April 9, 1983	Approved Amendment to Final Site Plan (SP-4) to extend the approval for two years to April 1, 1985 for residential condominium at 801 15 th Street South.
June 4, 1983	Deferred Amendment to Final Site Plans (SP-2 and SP-3) for signs at MCI office buildings.
June 18, 1983	Approved Amendment to Final Site Plans (SP-2 and SP-3) for signs at MCI office buildings.
August 13, 1983	Accepted withdrawal of Amendment to Final Site Plans (SP-2 and SP-3) for a freestanding sign/sculpture at MCI office buildings.
December 10, 1983	Approved Amendment to PDSP and Final Site Plan for a temporary Metro-related parking lot located in the 1000-1400 block of South Hayes Street to July 30, 1984.
July 11, 1984	Approved a Phased Development Site Plan Amendment to redefine parcel boundaries, increase retail density, transfer 47,500 square feet of retail density from Parcel 3 to Parcel 1 and 2 and modify several conditions. Approved a Final Site Plan for a shopping mall (1,019,300 square feet), a hotel (450 units), an office building (172,000 square feet) and 4,173 parking spaces. Approved a Final Site Plan amendment to amend the boundaries of Parcel 2C.
August 18, 1984	Approved a Phased Development Site Plan amendment to reduce the number of hotel units on Parcels 1B and 2B from 600 to 450 and on Parcel 1D from 1,100 units to 882 units.
September 8, 1984	Approved a PDSP Amendment to extend the approval of a temporary eating facility.

July 13, 1985	Approved Final Site Plan (SP-6) for two 12-story office buildings containing 514,892 square feet of gross floor area on Parcel 1C.
September 7, 1985	Approved Amendment to Final Site Plan to increase the site area of the shopping center by 18,853 square feet, to relocate and/or reconfigure the hotel, office tower, department stores, mall and parking structures with no change in gross floor area or height and to relocate the pedestrian access to Metro through the parking garage.
December 7, 1985	Approved Amendment to Final Site Plan to delete Condition #49, referring to the County Board's approval of a 25, 000 square foot performing arts center.
October 1, 1988	Deferred Site Plan Amendment request for a comprehensive sign plan to December 3, 1988 County Board meeting.
December 3, 1988	Deferred Site Plan Amendment request for a comprehensive sign plan to January 7, 1989 County Board meeting.
February 11, 1989	Approved Site Plan Amendment request for a comprehensive sign plan.
March 4, 1989	Approved Site Plan Amendment request for a daycare center at 600 Army-Navy Drive.
May 13, 1989	Approved Final Site Plan (SP-7) for a 300-unit, 16-story hotel with two levels of underground parking in Parcel 1D at 1001 South Fern Street (northwest corner of South Fern Street and Army Navy Drive).
October 7, 1989	Approved Site Plan Amendment (SP-5) to substitute planters and landscaping for louvers on parking garage at Pentagon City Mall.
September 8, 1990	Approved Site Plan Amendment (SP-4) to allow 320 square feet of temporary leasing banners at the Parc Vista apartments.
October 6, 1990	Approved Site Plan Amendment (SP-4) to convert 550 square feet of storage space in the Parc Vista apartments to medical office use.

August 10, 1991	Approved Site Plan Amendment to permit the operation of a convenience store on the first floor.
November 16, 1991	Approved Site Plan Amendment for a special exception permitting off-site stockpiling of material excavated from 4201 North Wilson Boulevard on premises known as 1001 South Fern Street.
May 16, 1992	Approved PDSP Amendment to permit the uses allowed on M-1 to continue until redevelopment occurs, for 10 years.
September 12, 1992	Approved PDSP Amendment to permit operation of temporary uses accessory to construction (i.e., eating facilities for construction workers, subject to original conditions and a review in three (3) years.
December 15, 1992	Approved abandonment, conveyance, and relocation of South Joyce Street at 15 th Street South subject to conditions and authorize the Chairman to execute the deed conveying the abandoned right of way.
March 10, 1993	Approved Use Permit (U-2764-93-1) for a comprehensive sign plan for 17 signs at River House I, II, and III.
June 5, 1993	Approved PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and a one (1) year review.
January 8, 1994	Approved Site Plan Amendment (SP-7) to amend Condition #43 to allow a brick and EIFS treatment to hotel façade in Parcel 1D.
April 9, 1994	Approved PDSP Amendment to permit the uses allowed on M-1 to continue until redevelopment occurs, subject to no new floor space being created outside the existing building envelop for a period ending on July 31, 2004.
June 10, 1995	Continued PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and a one (1) year review.

September 9, 1995	Approved PDSP Amendment to permit operation of temporary uses accessory to construction (i.e., eating facilities for construction workers, subject to original conditions and administrative review in five years (September 2000).
June 4, 1996	Continued PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and no further review.
February 8, 1997	Approved Site Plan Amendment (SP-2 and SP-3) to permit extension of the building entrance lobbies by 900 square feet each.
September 6, 1997	Took no action on General Land Use Plan Amendment to change the striping pattern in the Pentagon City PDSP.
October 4, 1997	Deferred a PDSP Amendment (SP #105) to amend Condition #2 of the PDSP and Final Site Plan (SP-8) for mixed use residential and retail development and associated parking to recessed meeting of December 18, 1977.
December 18, 1997	Approved PDSP Amendment (SP #105) to amend Condition #2 thereby adding 300,000 square feet of retail gross floor area to Parcel 1A/2A, reducing the number of residential units in Parcel 1A/2A from 2, 176 to 830 units, and reallocating 249 residential units from Parcel 1A/2A to Parcel 3. Deferred Final Site Plan (SP-8).
February 7, 1998	Approved Final Site Plan (SP-8) for a mixed use development that includes up to 300,000 square feet of retail, 830 residential units, and associated parking.
May 20, 2000	Accepted withdrawal of Site Plan Amendment (SP #105) to permit an urgent care center, hospital storage facility and print shop, including signage, at 1311 South Fern Street.

October 19, 2002	Deferred PDSP Amendment to permit the continuation of “M-1” uses to November 16, 2002.
November 16, 2002	Deferred PDSP Amendment to permit the continuation of “M-1” uses to December 7, 2002.
December 7, 2002	Approved PDSP Amendment to permit the continuation of “M-1” uses to expiration dates from December 31, 2005 through December 31, 2015.
February 10, 2004	Approved Final Site Plan (SP-9) for 399 dwelling units and 11,300 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 1).
March 14, 2006	Approved Final Site Plan (SP-9) for 300 dwelling units and 8,119 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 2).
February 21, 2009	Approved Final Site Plan (SP-9) for 411 dwelling units and 16,350 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 3). Approved PDSP Amendment (SP #105) to permit up to 100,000 square feet of ground floor retail density on Parcel 3, known as Metropolitan Park residential development.
July 14, 2009	Approved PDSP Amendment to change Condition #2 to permit the reallocation of density between Parcel 1D and Parcel 3 (to permit 930 residential units allocated for Parcel 1D to be used either on that parcel or on Parcel 3, and to permit 300 hotel units now allocated for Parcel 3 to be used either on that parcel or on Parcel 1D).
September 26, 2009	Approved site plan amendment for a comprehensive sign plan for Metropolitan Park Phase 2 and modified Condition #47. Approved site plan amendment to Metropolitan Park Three to modify Condition #79 and defer consideration of the site plan amendment request to modify Condition #50 to the October 24, 2009 County Board meeting. Approved site plan amendment to the PDSP for a temporary special event circus and horse show expiring on November 15, 2009, including modification of zoning

ordinance requirements, and subject to the conditions of the staff report, applicable to the special events use only.

October 24, 2009

Approved site plan amendment to Metropolitan Park One to amend Condition #59 and approve a temporary leasing office, subject to all previous conditions and amended Condition #59, and one new condition, #73. Site Plan Amendment for Comprehensive Sign Plan for Metropolitan Park Phase 3 was withdrawn.

December 12, 2009

Approved site plan amendment to Metropolitan Park Two to revise Conditions #17 and #18 regarding crosswalk materials and a temporary sidewalk,

March 13, 2010

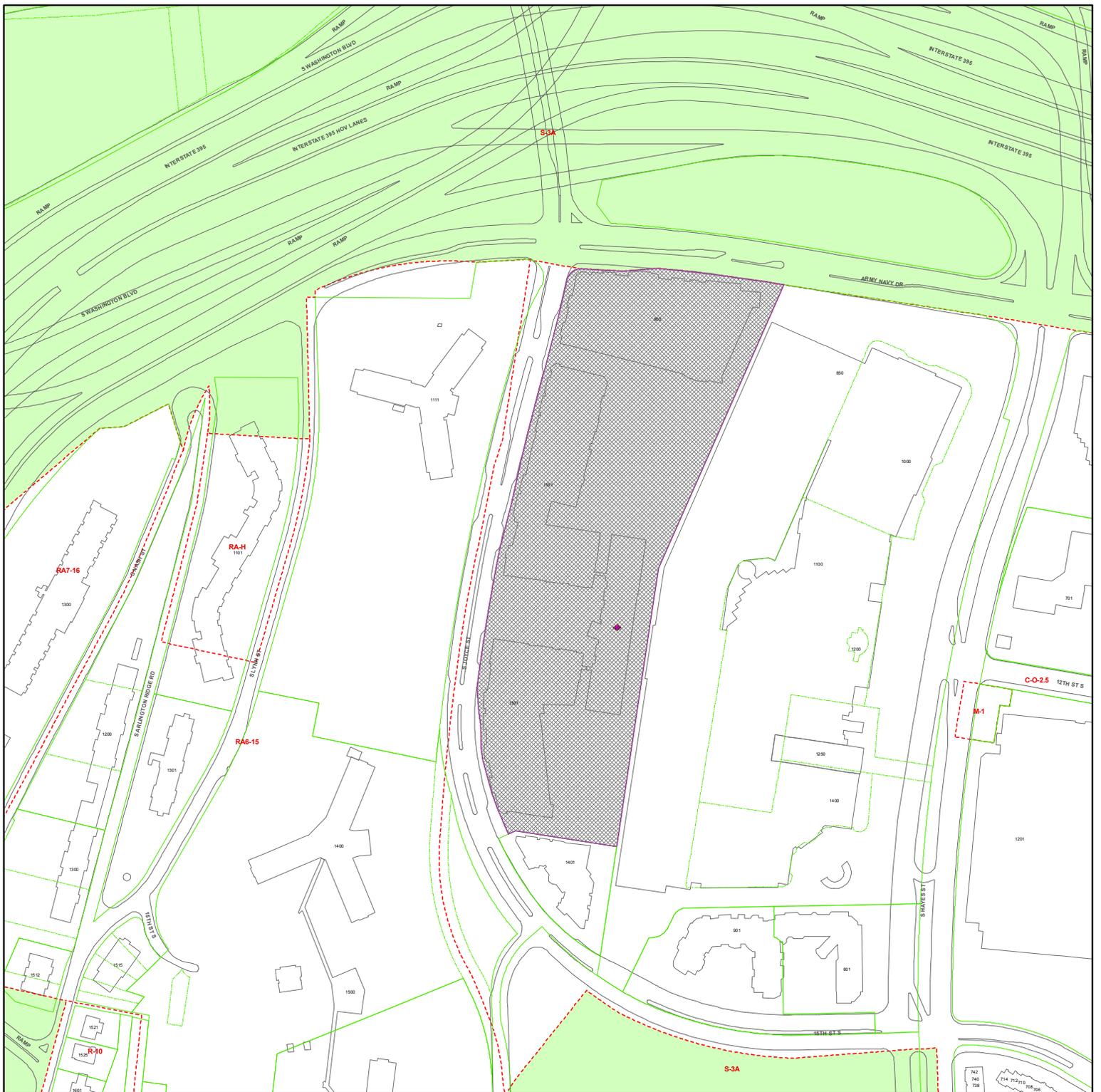
Approved a site plan amendment for a comprehensive sign plan for Met Park 2.

October 23, 2010

Approved a site plan amendment to amend conditions #6, 15, 16, 19, 25, 65 and 70 for Met Park 3.

Approved Conditions

1. Live entertainment of bands and dancing, shall be permitted only between the hours of 9:00 p.m. and 1:00 a.m., on the following holidays: New Year's Eve, St. Patrick's Day, Memorial Day, Independence Day, Labor Day, October 1 (Champps anniversary date), Halloween, and Thanksgiving day. Karaoke and dancing will be permitted every Wednesday, Thursday, and Saturday from 9:00 p.m. to 1:00 a.m.
2. No dancing shall be permitted until a valid dance hall permit has been issued.
3. The applicant agrees to keep the front door closed after 9:00 p.m. with the exception of entry, egress, and other intermittent uses.
4. The applicant agrees that live performances shall meet the limits established in the County Noise Ordinances.
5. The applicant agrees not to pipe music to the outside, including the outdoor seating area, during the hours of live entertainment.
6. The applicant shall designate a community liaison to coordinate with nearby residents and neighbors to address concerns that may be related to the live entertainment. The name and telephone number of the liaison shall be submitted by the applicant to the Zoning Administrator, the Aurora Highlands Civic Association and the Arlington Ridge Civic Association.



SP #105

S. Joyce St.,

RPC #35-005-031



 Case Location(s)

Scale: 1:4,000

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