



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of February 12, 2011

SUPPLEMENTAL REPORT #2– REVISED CONDITION AND REVISED RECOMMENDATION

DATE: February 15, 2011

SUBJECT: SP #298 SITE PLAN AMENDMENT to approve an outdoor café in the public right of way, modify the facade and modify comprehensive sign plan for American Tap Room, located at 3101 Wilson Blvd., (RPC# 15-071-031).

C. M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment for an outdoor café in the public right-of-way, to modify the facade and to modify the comprehensive sign plan for American Tap Room, subject to all previously approved conditions, modified Condition #41 and new Conditions #62, #63 and, #64 and #65.

DISCUSSION: This report revises proposed Condition #62, relating to the outdoor café, submitted in the report dated January 25, 2011, and as revised in the supplemental report dated February 9, 2011. New Condition #65 will require the applicant to inform customers and employees of American Tap Room of available parking and transit options in the Clarendon area, similar to requirements for other Clarendon restaurants. The proposed conditions are the result of the applicant's discussion with the Lyon Village community.

The revised Site Plan Amendment Ordinance, with the revised conditions, follows:

County Manager:	<i>BMD/GA</i>	
County Attorney:		
Staff: Peter Schulz, DCPHD, Planning Division		6.
PLA-5825		

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated November 5, 2010 for Site Plan #298 was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated January 25, 2011 and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous conditions and new conditions #62 ~~and~~, #63 ~~and~~, #64 and #65 and revised condition #41 (as follow below); and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on February 12, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
 - Section 34.H of the Zoning Ordinance (Modifications of zoning ordinance sign regulations for number of signs, limits on sign projection, size of proposed blade sign, and moving signs), Section 31.A.11 (regulations for outdoor cafes), “C-R” Commercial Redevelopment Districts.
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated November 5, 2010 for Site Plan #298, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements attached to the staff report, the special exception approval that was last approved on September 16, 2006 and on file in the office of Zoning Administration (which drawings, etc... are hereafter collectively referred to as “Revised Site Plan Application”), is amended to permit an outdoor café in the public right of way, to modify the facade and to modify the comprehensive sign plan, Therefore, for the parcel of real property known as RPC: 15-071-031 at 3101 Wilson Blvd. approval for the Site Plan Amendment is granted and the parcel so described shall be used according to the Revised Site Plan Application as so amended, subject to all existing conditions (Conditions #1 – 61) with Condition #41 modified as follows, and new conditions #62 ~~and~~, #63 ~~and~~, #64 and #65:

Proposed amended condition #41:

41. The developer agrees to develop a comprehensive sign plan and all exterior signs shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the Guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The comprehensive sign plan shall be approved before issuance of the final building permit. All proposed rooftop signs shall require a site plan approval or amendment.

Furthermore, the developer agrees that the signs for "American Tap Room" shall be consistent with the location, design and lighting as shown on the drawings prepared by Chatelain Architects, titled "American Tap Room Project Number 2010.351", dated January 25, 2011 as attached to the staff report and approved by the County Board on February 12, 2011. The developer agrees that the total sign area allowed for the tenant "American Tap Room" and all successors and assigns shall be no more than 274.5 square feet.

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 the sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of the sign (less than 5%). All other changes to the comprehensive sign plan will require site plan approval or amendment.

Proposed new conditions:

62. The developer agrees that the proposed North Highland Street outdoor café in the public right-of-way for "American Tap Room" shall be as shown on the drawings prepared by Chatelain Architects, titled titled "American Tap Room Project Number 2010.351", dated January 25, 2011 as attached to the staff report and approved by the County Board on February 12, 2011. The final number and arrangement of tables and chairs shall be determined by the Certificate of Occupancy. There must be a minimum of 8.5 feet of clear sidewalk width. The developer also agrees that the required barriers or fencing around the outdoor café must be installed in such a way that café patrons will not be able to move the barriers, but that they can be removed at the end of the outdoor seating season. The developer also agrees that there shall be a review by the County Board of this site plan amendment upon a change of ownership of the restaurant tenant. The developer also agrees that to the extent that the restaurant has outdoor speakers for music, the music from the

speakers shall not be audible from inside the condominium units and not be louder than ambient noise at the condominium units' balconies located across 12th Street North/Festival Street. The developer also agrees that if a determination is made by County officials that noise from the outdoor café does not comply with applicable ordinances, the outdoor café shall be scheduled for review by the County Board. The developer also agrees that the outdoor fire pits located within the outdoor seating area along 12th Street North/Festival Street are for decorative purposes only.

63. The developer agrees that the proposed façade changes shall be as shown on the drawings prepared by Chatelain Architects, titled “American Tap Room Project Number 2010.351”, dated January 25, 2011 as attached to the staff report and approved by the County Board on February 12, 2011. The developer agrees that the non-permanent façade overlay shall be removed within 30 days of “American Tap Room” vacating the premises.
64. The developer further agrees that a building permit for the proposed revolving door and canopy must be issued before issuance of a certificate of occupancy for the restaurant space. Prior to the issuance of said building permit for the proposed revolving door and canopy, the developer agrees to provide the Zoning Office with a letter from the County Manager or designee, stating either that the proposed revolving door and entrance canopy will not encroach into the County’s 5-foot sidewalk easement, or that the developer has obtained all approvals necessary to permit such encroachment. The developer agrees that it will have all responsibility to obtain any necessary approvals for such encroachment.
65. The developer agrees that American Tap Room and all successor restaurant tenants shall make all reasonable efforts to educate customers (including by providing information on the restaurant’s website) and employees as to available commercial parking and transit options in the immediate area and as to the restrictions on the use of on-street parking in the adjacent residential neighborhood.