



## ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item  
Meeting of July 9, 2011

### REVISED REPORT - REVISED RECOMMENDATION

**DATE:** July 7, 2011

**SUBJECT:** U-3258-10-1 USE PERMIT to renew an outdoor cafe in the public right-of-way; located at 1025 N. Fillmore Street (American Flatbread) (RPC# 18-024-020).

**REVISION EXPLANATION:** The report has been revised to recommend a short renewal of the subject use permit for an outdoor café in the public right-of-way, as the landlord has obtained a new restaurant tenant in the subject space.

**C.M. RECOMMENDATION:**

Discontinue the use permit for an outdoor café in the public right-of-way due to lapse of use.

Renew the use permit for an outdoor café in the public right-of-way, subject to all previous conditions of approval, with a County Board review in two (2) months (September 2011).

**ISSUE:** This is a request for a renewal for a use permit for an outdoor café in the public right of way. Although the restaurant for which the use permit was originally approved has been out of business since December 2010, a short renewal period is appropriate to keep the use permit alive for a potential new tenant.

**DISCUSSION:** This report has been revised to change the recommendation for the use permit for an outdoor café in the public right-of-way, for the space at 1025 N. Fillmore Street (The ZOSO building) formerly occupied by American Flatbread from discontinue to a two (2) month renewal to September 2011. The change in the recommendation is due to the property owner reporting to have obtained a new tenant for the space. Renewing the use permit will allow the new tenant to open an outdoor café during the outdoor café season. Once the new tenant applies for a certificate of occupancy, Condition #6 of the use permit would require a County Board review of the use permit due to the change in tenancy. This will allow the County Board to review the operation of the outdoor café under the new owner. Therefore, staff recommends that the County Board renew the use permit for an outdoor café in the public right-of-way, subject to all previous conditions of approval, with a County Board review in two (2) months (September 2011).

County Manager:

*BMD/GA*

Staff: Peter Schulz, DCPHD, Planning Division

21. A.

Approved Conditions:

1. The applicant (as used in these conditions, the term “applicant” shall mean the owner, the tenant “American Flatbread” 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 outlined in the heavy black line as shown on the attached drawing dated July 6, 2010, and as approved by the County Board on July 10, 2010, but in no case shall be more than 25 feet from the front face of the building on North Fillmore Street. 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. Exterior doors shall never be propped open.
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, the Clarendon Alliance, and the residential townhouse neighbors across 11th Street North, and the single-family neighbors on North Edgewood Street.
6. The applicant agrees that the use permit shall be subject to review the County Board upon a change in the tenancy of subject property.

PREVIOUS COUNTY BOARD ACTIONS:

July 13, 2004

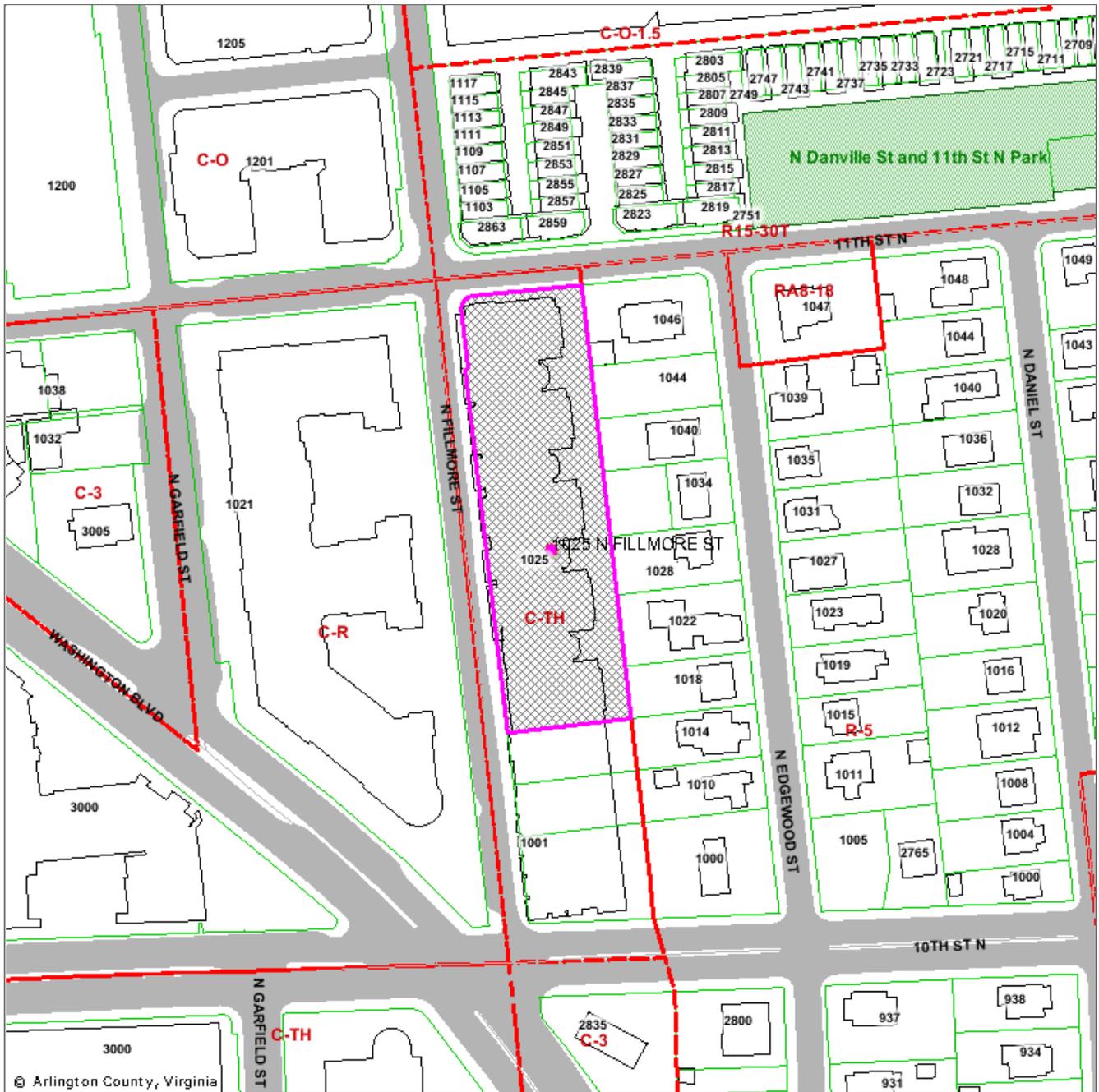
Approved a rezoning (Z-2508-03-1) of the subject property from “C-3” to “C-TH” subject to certain proffers as set forth in a document entitled “The Fillmore Proffers revised July 6, 2004” (“Proffers”).

July 10, 2010

Approved an amendment to the proffers (Z-2508-03-1) to permit outdoor cafes in the public right-of-way in two (2) locations.

Approved use permit (U-3265-10-1) for an outdoor café in the public right-of-way (Screwtop), subject to conditions, with a County Board review in one (1) year (July 2011).

Approved use permit (U-3258-10-1) for an outdoor café in the public right-of-way (American Flatbread), subject to conditions, with a County Board review in one (1) year (July 2011).



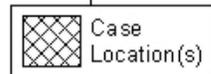
**U-3258-10-1**  
**1025 N Fillmore S**  
**RPC: 18-024-020**

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

Department of Community Planning, Housing and Development



Not To Scale



Planning Division