



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 9, 2011**

DATE: June 23, 2011

SUBJECT: U-3300-11-4 USE PERMIT for a restaurant operating live entertainment; located at 3111 Columbia Pike (RPC# 25-012-044).

Applicant:

Sami U. Khan
3900 Ivydale Drive
Falls Church, Virginia 22203

C.M. RECOMMENDATION:

Approve the use permit for live entertainment at Padrino's, subject to the conditions of the staff report, with a County Board review in one (1) year (July 2012).

ISSUES: The applicant is requesting a use permit for live entertainment, and no issues have been identified.

SUMMARY: This is a request for a use permit at a new restaurant, Padrino's, located at 3111 Columbia Pike. The restaurant was formerly the location of the Lalibella Restaurant, and the Cottage Ethiopian Restaurant, both of which provided live entertainment under separate use permits. The applicant is proposing live entertainment in the form of a DJ and live bands, and plans to provide dancing. Proposed hours of operation for live entertainment are 9 p.m. to 1:30 a.m. The restaurant is located on a commercial area along Columbia Pike, and live entertainment has been provided at this location successfully in the past. It is anticipated that there will be no impacts to surrounding uses. Therefore, staff recommends approval of the use permit subject to the conditions of the staff report, with a County Board review in one (1) year (July 2012).

BACKGROUND: The subject site consists of a two (2) story restaurant. Lalibella Restaurant previously provided live entertainment through a use permit approved in July 20, 2002, and the Cottage Ethiopian Restaurant provided live entertainment through a use permit approved in May 22, 2010. A new use permit for Padrino's is proposed since the former restaurant went out of business and is under new ownership (Condition #5 of the previous use permit for Cottage Ethiopian established the use permit as valid only for that restaurant). The following provides additional information about the site:

County Manager:

BMD/GA

Staff: Matthew Pfeiffer, DCPHD, Planning Division

PLA-5921

24.

Site: The site consists of an existing 2-story building, bounded on the north by single-family homes, on the south by commercial uses and Columbia Pike, on the east by commercial uses, and on the west by commercial uses.

Zoning: The site is zoned “C-2” Service Commercial – Community Business District.

Land Use: The subject site is designated “Service Commercial” with special provisions within the Columbia Pike Special Revitalization District.

Neighborhood: The site is located within the Arlington Heights Civic Association. Staff has contacted the president of the civic association, but has not received comments as of the date of this report.

DISCUSSION: The applicant is proposing live entertainment at Padrino’s, located at 3111 Columbia Pike. Live entertainment would be provided in the form of live bands and a DJ, and the applicant is planning on pursuing a dance hall permit to allow dancing. The applicant proposes to provide live entertainment from 9 p.m. to 1:30 a.m. This building was the location of two (2) recent use permits for live entertainment, at Lalibella and Cottage Ethiopian. Both of these uses operated without issue; however, a new use permit is required for Padrino’s due to a condition (Condition #5 of U-3251-10-2, Cottage Ethiopian) that restricted the use permit to that specific owner. Staff supports live entertainment in this location because it is situated in a predominately commercial area on Columbia Pike, and has supported live entertainment successfully in the past. While there are single-family homes to the north of the site, customers would be entering and exiting from Columbia Pike. There is sufficient parking in the existing parking lot to accommodate the proposed use.

CONCLUSION: Staff supports the request for live entertainment at Padrino’s because live entertainment was operated at this location successfully in the past, and will not adversely impact the surrounding uses. Therefore, staff recommends approval of the use permit for live entertainment at Padrino’s, subject to the following conditions, with a County Board review in one (1) year (July 2012).

Conditions:

1. The applicant agrees that live entertainment shall be permitted between the hours of 9:00 p.m. to 1:30 a.m. seven days a week.
2. Live entertainment must take place only within the building. The windows and doors to the outside shall remain closed during the times of live entertainment, and the applicant shall comply with the Arlington County noise ordinance. No live entertainment shall be broadcast over loudspeakers outside of the building, and under no circumstances shall live entertainment be permitted outside of the building.

3. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board.
4. The applicant shall 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 Arlington Heights Civic Association.
5. The applicant agrees that the use permit for live entertainment shall be reviewed by the County Board upon any change of tenancy of the subject space currently occupied by Padrino's (3111 Columbia Pike).

PREVIOUS COUNTY BOARD ACTIONS:

April 6, 1974	Approved (U-1963-74-1) operation of a dance hall and live entertainment in connection with a restaurant.
July 7, 1990	Authorized on the "County Board's Own Motion" to advertise the review of use permit (U-1963-74-1).
August 11, 1990	Deferred to the September 8, 1990 County Board hearing of use permit (U-1963-74-1) regarding the operation of a dance hall in connection with a restaurant.
September 8, 1990	Continued use permit (U-1963-74-1) subject to conditions with a review in three (3) months.
December 8, 1990	Continued use permit (U-1963-74-1) for live entertainment and dancing with a review in one (1) year.
March 2, 1991	Approved use permit amendment (U-1963-74-1) to permit live entertainment and dancing until 2:00 a.m., seven days a week with a review in one (1) year.
March 7, 1992	Continued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m., seven days a week with a review in three (3) years.
March 4, 1995	Continued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m., seven days a week with a review in five (5) years.
April 21, 2001	Discontinued use permit (U-1963-74-1) for live entertainment and customer dancing from 9:00 a.m. - 2:00 a.m. in an existing restaurant.
July 20, 2002	Approved a use permit (U-3032-02-1) for live entertainment and dancing from 10:00 a.m. – 1:00 a.m. in an existing restaurant with a review in six months (January 2003).
January 11, 2003	Continued use permit (U-3032-02-1) for live entertainment and customer dancing from 10:00 a.m. - 1:00 a.m. in an existing restaurant with a review in three years (January 2006).
January 21, 2006	Continued use permit (U-3032-02-1) for live entertainment and customer dancing from 10:00 a.m. - 1:00 a.m. in an

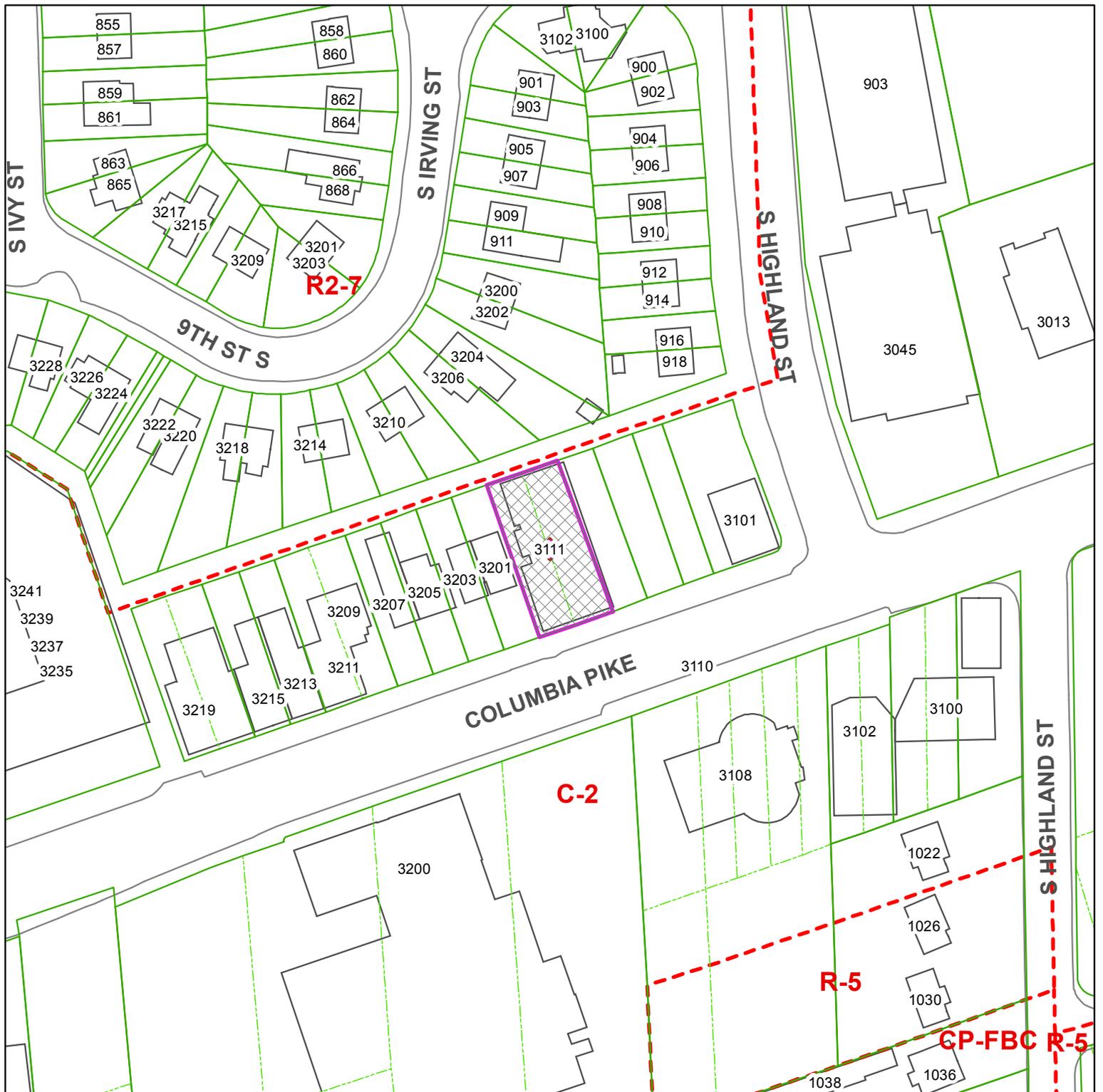
existing restaurant with a County Board review in three years (January 2009).

January 24, 2009

Renewed use permit (U-3032-02-1) for live entertainment and customer dancing from 10:00 – 1:00 in an existing restaurant with one (1) revised condition and a review in five (5) years (January 2014).

May 22, 2010

Approved use permit (U-3251-10-2) for live entertainment at the Cottage Ethiopian restaurant.



U-3300-11-4

3111 Columbia Pike

RPC# 25-012-044



 Case
 Location(s)
 Scale: 1:1,200

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