



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 17, 2011**

DATE: August 23, 2011

SUBJECT: SP #193 SITE PLAN AMENDMENT REVIEW for live entertainment and dancing at Union Jack's; located at 671 North Glebe Road (RPC# 14-059-035, -036).

Applicant:

Gary Ouelette
Union Jack's
4238 Wilson Blvd.
Arlington, Virginia 22203

C.M. RECOMMENDATION:

Renew the subject site plan amendment subject to all previously approved conditions with a County Board review in three (3) years (September 2014).

ISSUES: This is a one (1) year review of an existing site plan amendment for live entertainment and dancing, originally approved in 2008, and no issues have been raised.

SUMMARY: This is a review of an existing site plan amendment for live entertainment and dancing at Union Jack's located in the ground floor of Ballston Common Mall on Glebe Road. There had been complaints in the past from the townhouse residents located across Glebe Road about noise from the by-right outdoor seating at the premises. The special exception has been renewed on a yearly basis since the original approval in 2008. Since 2009, staff has not been made aware of any issues arising from the live entertainment and dancing. Therefore, staff recommends the site plan amendment be renewed subject to all previously approved conditions and with a County Board review in three (3) years (September 2014).

BACKGROUND: This is a site plan amendment renewal for live entertainment and dancing in an existing restaurant, Union Jacks, located in the Ballston Common Mall. The original application was approved by the County Board in September 2008, and in September 2009 the Board amended the site plan amendment with new and revised conditions and with a review in

County Manager:

BMD/GA

County Attorney:

[Signature]

Staff: Peter Schulz, DCPHD, Planning

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September 2010. The September 2010 review found no issues, and the County Board renewed the use permit for live entertainment and dancing through September 2011.

DISCUSSION: In 2009 there were neighborhood noise complaints regarding Union Jack's. The noise complaints were not generally related to the live entertainment and dancing, and focused more on the outdoor seating area. As of the date of this report, neither the Arlington Police nor Code Enforcement has received citizen complaints about noise since the last renewal in September 2010. Staff has solicited but has not received comments from the community regarding the site plan renewal.

Since the Last Review (September 25, 2010):

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

Zoning Division Site Plan Inspections: A site plan inspector visited the site and found no violations of the site plan amendment.

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

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

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

Civic Associations: The property is located within the boundaries of the Ashton Heights Civic Association, who has been notified of the site plan amendment renewal but has not submitted comments to staff at this time. In addition, the Bluemont Civic Association and the homeowners' associations of the townhouse communities across Glebe Road have also been notified of the site plan amendment review, and have not provided comments to staff at this time.

CONCLUSION: The applicant is compliant with the conditions of the site plan amendment and no issues have been identified. Therefore, staff recommends the site plan amendment be renewed subject to all previous conditions and County Board review in three (3) years (September 2014).

January 9, 1990	Deferred site plan amendment request for a comprehensive sign and lighting plan to the April 7, 1990 County Board meeting.
April 7, 1990	Continued site plan amendments for the operation of an outdoor cafe (American Cafe) with a review in two (2) years.
April 7, 1990	Deferred site plan amendment request for a comprehensive sign and lighting plan to the July 7, 1990 County Board meeting.
April 3, 1993	Continued a site plan amendment (SP #193) for operation of an outdoor café in conjunction with an existing restaurant.
July 13, 1993	Approved a site plan amendment for operation of a summer day camp for up to 40 children, ages 5 to 12 years, weekdays, from 7:00 a.m. to 6:30 p.m. from June through September on the 3rd level of the Mall.
September 11, 1993	Took no action on site plan amendment (SP #193) to permit six tables of an outdoor café in the public right-of-way.
March 9, 1996	Adopted an ordinance stating that the amount and type of signage proposed for the Ballston Common Mall is consistent with the County Board's adopted policy establishing this site area as a major focal point for the Ballston area, and that the approved sign plan will reinforce the retail component and unity of this focal point project consistent with the "Sign Guidelines for Site Plan Buildings"
	Deferred a site plan amendment (SP #193) for a comprehensive sign plan to the March 23, 1996 County Board meeting.
March 23, 1996	Approved a site plan amendment (SP #193) for a comprehensive sign plan (banners, retail tenant signs, mall identification signs, directional signs, and pylon and free-standing signs) including three Ballston Common Mall identification signs.

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of 11:00 a.m. and 1:30 a.m., Mondays through Sundays, for Rock Bottom Brewery Restaurants.

July 10, 1999

Approved a site plan amendment (SP #193) and amended conditions of the approved site plan continue to permit a temporary construction staging area, partially on-site and partially off-site for a period of two (2) years from June 13, 1999 to June 13, 2001).

Ratified and approved the lease agreement attached to the County Manager's June 23, 1999 report between the Arlington County Board and Ballston Common Associates, L.P. for the subject County-owned property at a rent of \$350 per month.

November 13, 1999

Approved a site plan amendment (SP #193) to permit an outdoor café within the public right-of-way and to permit a comprehensive sign plan.

January 29, 2000

Approved site plan amendment (SP #193) for two rooftop signs (one on an alternative location) at the Ballston Tower building for parcels of real property located at 627 - 701 North Glebe Road (east side) and 4100 through 4128 Wilson Boulevard and 504 through 708 North Randolph Street subject to three new conditions.

April 8, 2000

Deferred site plan amendment (SP #193) to permit a 13-story office building with ground floor commercial retail space, consisting of a total of approximately 262,000 gross square feet and a modification of use regulation for building height on premises known as Parcel D-1, Ballston Common.

May 23, 2000

Deferred site plan amendment (SP #193) to permit a 13-story office building with ground floor commercial retail space, consisting of a total of approximately 262,000 gross square feet with a modification of use regulations for building height, tandem parking and to permit a comprehensive sign plan on premises known as Parcel D-1, Ballston Common.

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June 24, 2000	<p>Approved an agreement with May Department Store Company and amendments to Ballston Public Parking Garage Bond documents.</p> <p>Approved a site plan amendment (SP #193) for Parcel D-1, Ballston Common Point site and modification of use regulations for tandem parking and a comprehensive sign plan subject to conditions.</p>
August 5, 2000	<p>Approved site plan amendment (SP #193) to enclose the exterior arcade to accommodate year round restaurant seating, additional outdoor seating and modifications to exterior facade for Chicken Out Rotisserie.</p>
October 13, 2001	<p>Approved site plan amendment (SP #193) to replace the previously approved 8-inch caliper trees with 6.5-inch caliper trees.</p> <p>Approved site plan amendment (SP #193) to convert interior retail space to office space, and amend the comprehensive sign plan subject to all previous conditions and new conditions.</p>
February 9, 2002	<p>Approved major site plan amendment (SP #193) for the development of the 8th level of the Ballston Common parking garage including parking, a two-story ice skating facility with ancillary uses and a training facility, with a second story including office use and a mezzanine to the ice rinks subject to conditions.</p>
October 19, 2002	<p>Deferred site plan amendment (SP #193) to amend comprehensive sign plan for the Ballston Common Mall to the November 16, 2002 meeting.</p>
November 16, 2002	<p>Approved a site plan amendment for a comprehensive sign plan for the Ballston Point building, subject to all previous conditions and new conditions.</p> <p>Approved a site plan amendment for a comprehensive sign plan for the Ballston Common</p>

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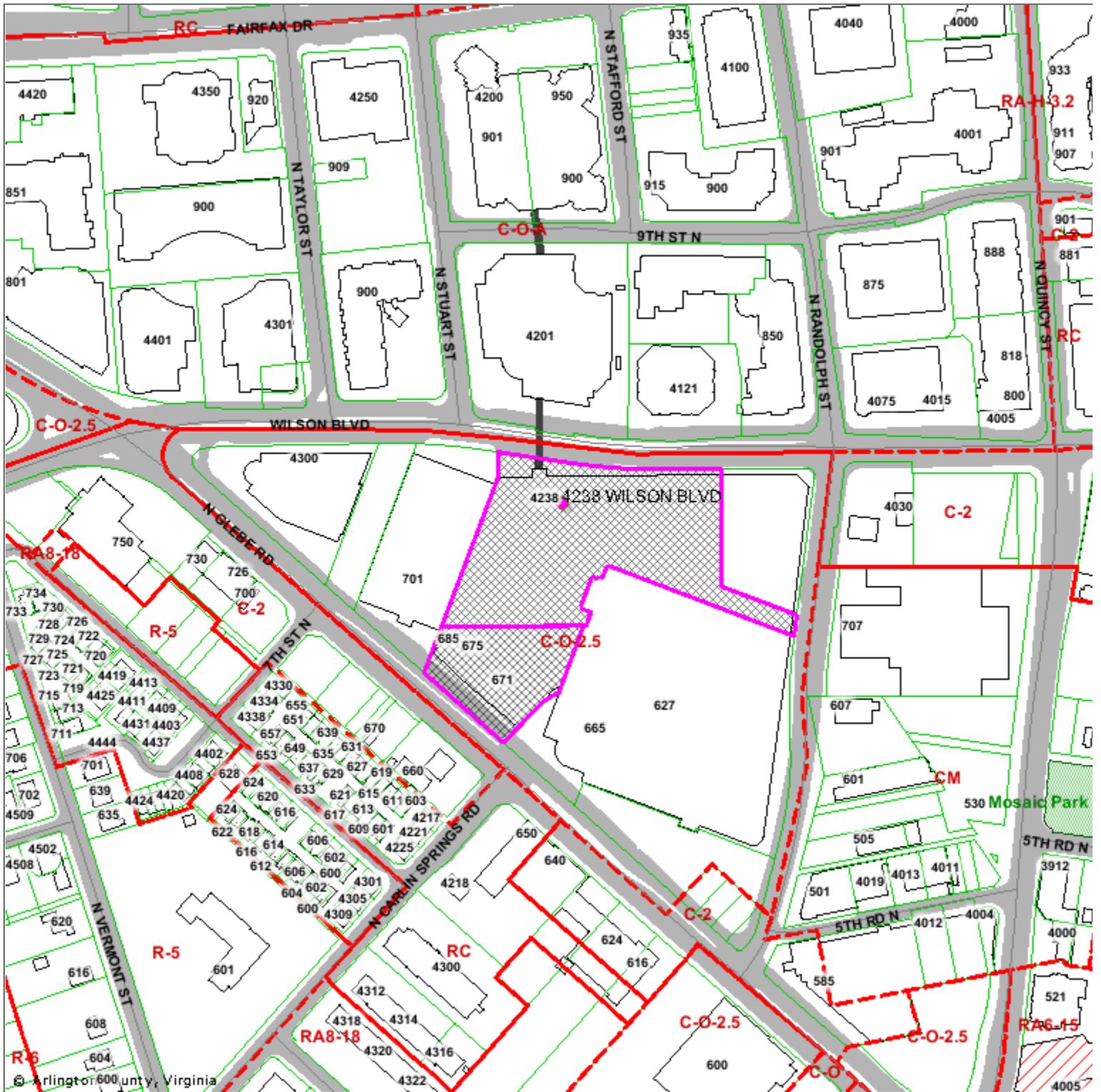
	Mall, subject to all previous conditions and new conditions.
December 7, 2002	Approved a site plan amendment for a weekly live comedy show within the Ballston Common Mall, subject to the following condition and review in one (1) year (December 2003).
December 6, 2003	Continued a site plan amendment for a weekly live comedy show within the Ballston Common Mall, subject to all previous conditions and review by the County Board in three (3) years (December 2006).
June 14, 2003	Approved a site plan amendment for the ice skating facility to amend condition #60 and permit minor building modifications, subject to all previous conditions and three revised conditions.
July 19, 2003	Discontinued a site plan amendment for relocation of office use at 4238 Wilson Boulevard.
October 18, 2003	Approved a site plan amendment for conversion of retail use to office (within the Ballston Common Mall) until January 2006.
July 10, 2004	Approved a site plan amendment to expand the theater for a weekly live comedy show within the Ballston Mall, subject to the previous condition #1 of this site plan amendment and condition #2 below, with a County Board review in two (2) years and six months (December 2006) along with the original site plan amendment.
December 14, 2004	Approved a site plan amendment for the ice skating facility to remove the mesh from the façade of the parking garage structure, subject to all previous conditions and two revised conditions (#1 and #30).
October 14, 2006	Approved a site plan amendment for the ice skating facility for a comprehensive sign plan, including rooftop signs, subject to all previous conditions with two amended conditions (Condition #30 and #44) and one deleted condition (Condition #62). Carried over discussion pertaining to the illumination of the rooftop signs to the November 14, 2006 meeting.

November 14, 2006	Deferred a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility to the December 9, 2006 meeting.
December 9, 2006	Renewed the site plan amendment for an expanded theater, subject to all previous conditions, and with a County Board review in three (3) years (December 2009).
January 27, 2007	Deferred a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility to the January 27, 2007 meeting.
January 27, 2007	Approved a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility.
September 13, 2008	Approved a site plan amendment to permit live entertainment and dancing at Union Jack's (671 N. Glebe Rd.), subject to conditions and renewal in one (1) year (September 2009).
July 14, 2009	Accepted withdrawal of a site plan amendment for outdoor seating in the public right-of-way at Union Jack's (671 N. Glebe Rd.).
September 26, 2009	Renewed a site plan amendment for live entertainment and dancing at Union Jack's with new and revised conditions and a review in one (1) year (September 2010).
December 12, 2009	Renewed a site plan amendment for an expanded theater (ComedySportz) subject to one new condition and review in five (5) years (December 2014).
March 13, 2010	Approved a site plan amendment for a rooftop sign at 671 N. Glebe Rd.
September 25, 2010	Renewed a site plan amendment for live entertainment and dancing at Union Jack's with new and revised conditions and a review in one (1) year (September 2011).

Conditions:

1. The applicant agrees live entertainment shall be permitted only between the hours of 11 a.m. to 1:30 a.m., Monday through Sunday. The customer dancing shall be permitted only between the hours of 5 p.m. to 1:30 a.m., seven days a week.
2. The applicant agrees windows and interior and exterior doors to the outside of the restaurant on North Glebe Road shall be closed during hours of live entertainment (live musical performances, including disc-jockeys, karaoke, and stand-up comedy) and any other amplified and emceed events (trivia contests, card games, mechanical bull riding, and the like). No live entertainment and dancing is permitted in the outdoor seating area and the applicant shall comply with the Arlington County Noise Ordinance. Games and activities for patrons not involving electronic amplification such as “cornhole” and the like may occur outdoors, but such activity shall cease by 10 p.m. nightly. No generators or compressors are permitted outside the building.
3. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
4. The applicant agrees to obtain a Dance Hall Permit from the Zoning Office before dancing can be allowed.
5. The applicant agrees to identify an on-site community liaison that shall be available during the hours of the business operation. The liaison shall be empowered to receive and immediately address site plan conditions and community concerns, and to receive and respond to community communications regarding the live entertainment, the outdoor seating area, and noise from games, emceed events, electronic devices, or customers. The name and telephone number of the liaison shall be provided to the Ashton Heights Civic Association, the Ballston-Virginia Square Civic Association, the Bluemont Civic Association, the Buckingham Community Civic Association; and the Townes of Ballston, Courts of Ballston, and Ballston Place Homeowners Associations, and the Zoning Administrator before issuance of the Certificate of Occupancy and when the designated liaison changes.
6. The applicant agrees the outdoor speakers shall be used solely for background music and shall be turned off at 10 p.m. nightly. The volume shall be kept at a background level. The live entertainment, games, or other emceed events shall not be broadcast on the outdoor speakers.
7. The applicant agrees that the community liaison, or other responsible person, shall periodically check the sound level from the restaurant from the middle of the Macy’s employee parking lot across North Glebe Road. Sounds from the live entertainment, events with emcees, or electronic broadcasts shall not be audible from that point.

8. The applicant agrees to place cards on the outdoor tables and in other places as necessary, to remind patrons in the outdoor café to be mindful of the nearby residential townhouses after 10 p.m. The applicant's staff shall take reasonable measures to discourage loud noise such as singing or shouting by patrons in and adjacent to the outdoor seating area after 10 p.m. From 10 p.m. to closing time, the applicant shall discourage patrons from loitering outside the restaurant, and encourage patrons who have parked in the parking garage to exit through the Union Jack's Mall door and use the indoor access to the garage.
9. The applicant agrees to sweep the restaurant's sidewalk frontage daily.



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4238 Wilson Blvd.
(RPC #14-059-035 and 14-059-036)

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)