



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of October 15, 2011

**DATE:** September 27, 2011

**SUBJECT:** U-3258-10-1 USE PERMIT for an outdoor cafe in the public right-of-way at the Green Pig Bistro; located at 1025 N. Fillmore St., (RPC# 18-024-020).

**Applicant:**

Scott Harlan  
Green Pig Bistro LLC  
3629 N. Vermont St  
Arlington, Virginia 22207

**C. M. RECOMMENDATION:**

Re-approve the use permit for an outdoor café in the public right-of-way, subject to the conditions of the staff report, with a County Board review in one (1) year (October 2012).

**ISSUES:** This is a request for re-approval of a use permit for an outdoor café in the Zoso building for the former American Flatbread (now Green Pig Bistro) and no issues have been identified.

**SUMMARY:** The applicant, the Green Pig Bistro, is requesting a use permit for an outdoor café in the public right-of-way. The applicant will be taking over the space from the former American Flatbread restaurant. The applicant agrees to locate the outdoor café in the same location and abide by the same conditions of approval as American Flatbread. Therefore, staff recommends re-approval of the use permit for an outdoor café in the public right-of-way, subject to the conditions of the staff report, with a County Board review in one (1) year (October 2012).

**BACKGROUND:** The subject space was the outdoor café for American Flatbread, located at the corner of North Fillmore Street and 11<sup>th</sup> Street North. The outdoor café was approved in July 2010, with a one-year renewal. American Flatbread had since gone out of business when the use permit came up for renewal in July 2011. The use permit was renewed to September 2011 to allow the landlord to sign a lease with a new tenant with an outdoor café. The landlord has since signed a lease for a new restaurant tenant, the Green Pig Bistro.

County Manager: *BMD/GA*

County Attorney: *[Signature]* *[Signature]*

Staff: Peter Schulz, DCPHD, Planning Division

PLA-6009

11.

**DISCUSSION:** This is a reapproval of an existing use permit for outdoor seating in the former American Flatbread location. The applicant will provide outdoor seating in the same location, and under the same conditions as required by the previous use permit.

**The following provides additional information about the site and location:**

Site: The site is approximately 50,000 square feet, bounded by 11<sup>th</sup> Street North, North Fillmore Street, the Storage USA building, and single family homes.

- To the north: Across 11<sup>th</sup> Street North, the Clarendon Park townhouses (SP #339), zoned “R15-30T”, and designated on the GLUP “Low” Residential (11-15 units/acre).
- To the east: Single-family detached homes zoned “R-5”, and designated “Low” Residential (1-10 units/acre).
- To the south: Storage USA self-storage facility with ground floor retail (U-2969-99-1), zoned “C-TH” and designated “Service Commercial”.
- To the west: Across North Fillmore Street, the Clarendon 1021 mid-rise Condominium, zoned “C-R” and designated “Medium Density Mixed Use”.

Zoning: “C-TH” Commercial Townhouse District. Restaurants, including associated outdoor cafes, are a permitted use per ACZO Section 26A.A.37. Outdoor cafes, and outdoor cafes in the public right-of-way, are further regulated by Section 31.A.11.

General Land Use Plan: “Service Commercial” (Personal and business services. Generally one to four stories. [A maximum 1.5 F.A.R.]).

Civic Associations: The site is located within the Clarendon-Courthouse Civic Association, and adjacent to the Lyon Park Civic Association. Both Civic Associations have been notified and to date have not submitted any comments.

**CONCLUSION:** The new restaurant has not yet begun operations, but the applicant agrees to abide by the same conditions of approval as the previous tenant. Although the applicant will follow the same limitations and conditions as American Flatbread, given the new tenancy, it is recommended that it be reviewed by the County Board after one (1) year of operation to assess compliance with the conditions of approval. Therefore, staff recommends the use permit be renewed, subject to the following conditions, with a review by the County Board in October 2012.

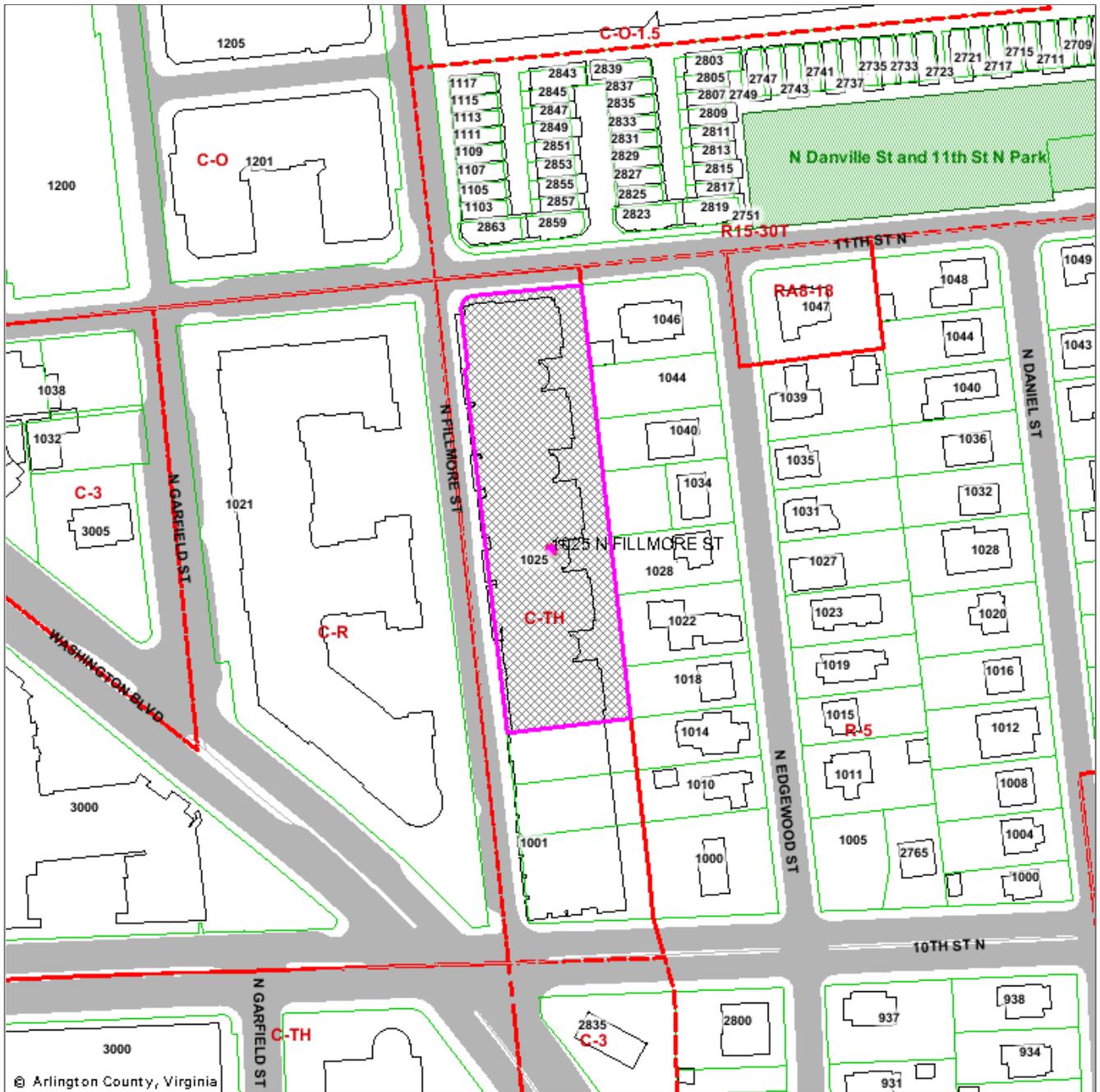
**Proposed Conditions:**

1. The applicant (as used in these conditions, the term “applicant” shall mean the owner, the tenant “Green Pig Bistro” 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 extend 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 for the sidewalk along North Fillmore Street. Furthermore, the applicant agrees that any fencing or enclosure of the café be easily removable, and shall not be affixed to the ground.
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, and that exterior doors shall never be propped open.
5. The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns 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 applicant agrees that the name and telephone number(s) for the neighborhood and onsite liaisons 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 by the County Board upon a change in the tenancy of subject property.



U-3258-10-1 Green Pig Outdoor café (formerly American Flatbread)  
PLA-6009



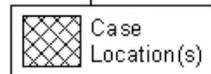
**U-3258-10-1**  
**1025 N Fillmore S**  
**RPC: 18-024-020**

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