



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of January 21, 2012**

**DATE:** January 3, 2012

**SUBJECT:** SP #346: UP-11-1: USE PERMIT ASSOCIATED WITH A SITE PLAN for live entertainment and/or dancing at Melody Tavern, located at 3650 S. Glebe Road (the Eclipse at Potomac Yards) (RPC# 34-027-322).

**Applicant:**

Melody Tavern, LLC  
Michel Daley, Owner  
3650 Glebe Road, Suite 170  
Arlington, Virginia 22202

**C. M. RECOMMENDATION:**

Approve the subject use permit application subject to the proposed conditions, and with a County Board review in one (1) year (January 2013).

**ISSUES:** This is a use permit request for live entertainment at the Melody Tavern in Potomac Yard, and no issues have been identified.

**SUMMARY:** Melody Tavern, located on the ground floor of the Eclipse at Center Park (the "Eclipse") Condominium Building in Potomac Yard, is requesting a special exception use permit for live entertainment and dancing. The Eclipse Condominium Association has submitted a letter of support for the live entertainment use permit request, and the applicant has tested the music level to ensure that it would not impact adjacent locations. Therefore, staff recommends approval of the use permit request for live entertainment and/or dancing, subject to the proposed conditions, and with a County Board review in one (1) year (January 2013). Staff notes that a separate dance hall permit is required, which is an administrative approval, in order for dancing to be permitted at this location.

**BACKGROUND:** Melody Tavern is located on the ground floor of the Eclipse Condominium Building, among the other commercial and retail uses in the central courtyard area.

County Manager: *BMD/GA*

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

Staff: Sophia S. Fisher, CPHD, Planning Division

PLA-6093

9.

The following provides information about the site:

Site: The subject parcel is known as Land Bay F, the southernmost parcel of the Potomac Yard Phased Development Site Plan (PDSP). Land Bay F is bounded by Route 1 to the west, South Glebe Road to the north, Potomac Avenue to the east, and Four Mile Run and the City of Alexandria to the south. South Park is contiguous to the south of the Land Bay. The parcel is comprised of two (2) 11-story residential buildings containing a total of 479 units and ground floor retail.

Zoning: The site is zoned "C-O-1.5", Commercial Office Building, Hotel and Apartment Districts.

Land Use: The South Tract has a striped pattern of 1/3 "Medium" Residential (37-72 units/acre) and 2/3 "Low" Office-Apartment-Hotel, with Note 18, on the General Land Use Plan.

Neighborhood: The site is not within a civic association, but is adjacent to the Aurora Highlands Civic Association. The Aurora Highlands Civic Association has been contacted, and no comments have been received to date. The Eclipse Condominium Association has submitted a letter of support.

**DISCUSSION:** The applicant is proposing live entertainment from 5 p.m. to 12 a.m., Monday through Saturday, with additional hours on Sunday from 11 a.m. to 5 p.m. for brunch. The applicant has stated that the live entertainment will primarily consist of traditional pop, jazz, and blues, with solo artists performing earlier in the week and jazz trios or quartets performing on Fridays, Saturdays, and Sundays, but the type of music is not subject to a condition. The former restaurant tenant, McGinty's Pub, installed acoustical material to ensure its live music would not disturb condo residents living above the restaurant space. Melody Tavern maintained all the acoustical material previously installed, and performed a test to replicate the music's volume to ensure it would not disturb the residents. This test was attended by several residents of the Eclipse Condominium, including members of their board, who found the music levels to be acceptable. Staff also notes that the hours of operation requested by Melody Tavern are shorter than those approved for McGinty's Pub, ending at 12 a.m. rather than 1:30 a.m. The applicant has also stated that they will apply for a dance hall permit after the requested live entertainment has been approved.

**CONCLUSION:** The Eclipse Condominium Association submitted a letter of support regarding the proposed live entertainment. In addition, a previous establishment operated with a live entertainment approval in the same space with no identified issues. Therefore, staff recommends approval of the use permit request for live entertainment and/or dancing, subject to the proposed conditions, and with a County Board review in one (1) year (January 2013). This approval does not permit dancing until the applicant secures a separate dance hall permit through Zoning as mentioned in Condition 5.

Conditions:

1. The applicant agrees that live entertainment will be limited to Monday through Saturday, from 5 p.m. to 12:00 a.m., with additional hours on Sunday from 11 a.m. to 5 p.m.
2. The applicant agrees to comply with all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal's Office, the Police Department, Community Code Enforcement Office and the Alcohol Beverage Control Board.
3. The applicant agrees that live entertainment shall comply at all times with the Arlington County Noise Ordinance.
4. The applicant agrees to ensure that all windows and doors remain closed when live entertainment is being offered. The applicant agrees that no live entertainment shall be permitted outdoors, and further agrees to ensure that live entertainment performances inside the restaurant will not be broadcast to the exterior of the restaurant over the restaurant's audio system.
5. The applicant agrees that no customer dancing shall occur without the applicant first obtaining approval of a dance hall permit.
6. The applicant agrees to 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 Eclipse Condominium Building prior to any presentation of live entertainment. The applicant agrees to update such designation by notifying the same parties, and to have a designation for an active neighborhood liaison in place at all times.
7. 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 Melody Tavern.

PREVIOUS COUNTY BOARD ACTIONS:

October 21, 2000

**South Tract:** Approved a General Land Use Plan (GLUP) Amendment to a striped pattern of 1/3 "Medium" Residential (37-72 units/acre) and 2/3 "Low" Office-Apartment-Hotel, with Note 18.

Approved Amendments to the Master Transportation Plan, including Part I to add public streets and designate several streets as private; Arlington Bicycle Plan to add on-street bike lanes; Arlington County Pedestrian Transportation Plan to add a pedestrian corridor; and establishment of a transitway.

Approved a rezoning from "M-1" to "C-O-1.5".

Approved a Phased Development Site Plan for a mixed use office, retail, hotel and residential development.

Adopted a resolution affirming Arlington County's commitments to developing transit facilities to provide high quality local transit service in the Jefferson Davis Corridor and facilitating traffic movements between U.S. 1 in Arlington and Potomac Avenue.

**North Tract:** Approved a General Land Use Plan (GLUP) Amendment for the area north of 6<sup>th</sup> Street South, from "Service Industry" to "Public".

Approved a General Land Use Plan (GLUP) Amendment for the area south of 6<sup>th</sup> Street from "Service Industry" to "Low" Office-Apartment-Hotel.

February 9, 2002

Deferred a site plan for a Land Bay A, for office and retail development totaling 654,000 square feet, including 6,000 square feet of initial retail, 11,784 square feet of potential retail, and 4,000 square feet of fitness center, to February 25, 2002 Planning Commission and March 23, 2002, County Board meeting.

March 23, 2002	Approved a final site plan for Land Bay A, for office and retail development totaling 654,000 square feet, including 6,000 square feet of initial retail, 11,784 square feet of potential retail, and 4,000 square feet of fitness center.
April 20, 2002	Approved a Preliminary Infrastructure Plan (PIP) for the Potomac Yard PDSP.
December 9, 2003	Approved a final site plan for Land Bay E, for a residential rental building containing 391,714 square feet of residential GFA, 386 units and 4,120 square feet of ground floor retail.
December 9, 2003	Approved a final site plan for Land Bay F, for two residential condominium buildings containing 482,000 square feet of residential GFA, 479 units and 80,000 square feet of ground floor retail, including 50,000 square feet of grocery store use.
July 10, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to September 18, 2004.
September 18, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to November 16, 2004.
November 16, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to January 2005.
February 1, 2005	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to May 7, 2005.
May 17, 2005	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to a County Board meeting of a later date to be determined by staff and the applicant.

July 9, 2005	Approved a minor site plan amendment for Land Bay A, to modify the first floor configuration and uses for the north and south office buildings, subject to amended Condition #57.
April 22, 2006	Approved a site plan amendment request to amend Condition #57(b) regarding a reduction in the size of the three (3) flat screen televisions (Land Bay A).
September 16, 2006	Approved site plan amendment request for a comprehensive sign plan (Land Bay F) conditional upon amendments staff was directed by the County Board to make to the <i>Potomac Yard Sign Guidelines</i> to allow signs for retail tenants located on the interior courtyard.
December 9, 2006	Approved the site plan amendment request for a comprehensive sign plan (Land Bay F) for a period of ten (10) years.
January 27, 2007	Deferred a PDSP Amendment and final site plans for Land Bays D-East, D-West and E-West to the County Board meeting of March 17, 2007.
March 17, 2007	Approved a site plan amendment request for a comprehensive sign plan (Land Bay E-East).
March 20, 2007	Deferred a PDSP Amendment and final site plans for Land Bays D-East, D-West and E-West to the County Board meeting of April 21, 2007.
April 21, 2007	Approved a PDSP Amendment to convert office to residential in Land Bay D-West, to increase the maximum permitted residential units to 1,548 units, and to reallocate and convert densities within and between Land Bays B, C, D-East, D-West and E-West, subject to amended PDSP Condition #4.  Approved a final site plan for Land Bay D-East, for a residential building containing 425,752 square feet of residential GFA, 360 units and 16,503 square feet of ground floor retail.  Approved a final site plan for Land Bay D-West, for a residential building containing 398,435 square

feet of residential GFA, 331 units and 15,868 square feet of ground floor retail.

Approved a final site plan for Land Bay E-West, for an office development containing 374,379 square feet of office GFA and 71,418 square feet of ground floor retail.

Approved Conceptual Design Plan for Center Park.

November 13, 2007

Deferred PDSP Amendment to convert 22,313 square feet of office use in Land Bay C to ground floor initial and potential retail use in Land Bay C to December 15, 2007. (RPC #34-027-071, -072)

Deferred final site plan for Land Bay C for approximately 1,064,673 square feet office, approximately 23,675 square feet initial retail, 17,275 square feet potential retail, modification of use regulations for fewer loading bays than required, and to exclude approximately 5,598 square feet garage entry from GFA to December 15, 2007. (RPC #34-027-071, -072) (Potomac Yard Land Bay C)

December 18, 2007

Approved PDSP Amendment to convert 22,313 square feet of office use in Land Bay C to ground floor initial and potential retail use in Land Bay C. (RPC #34-027-071, -072)

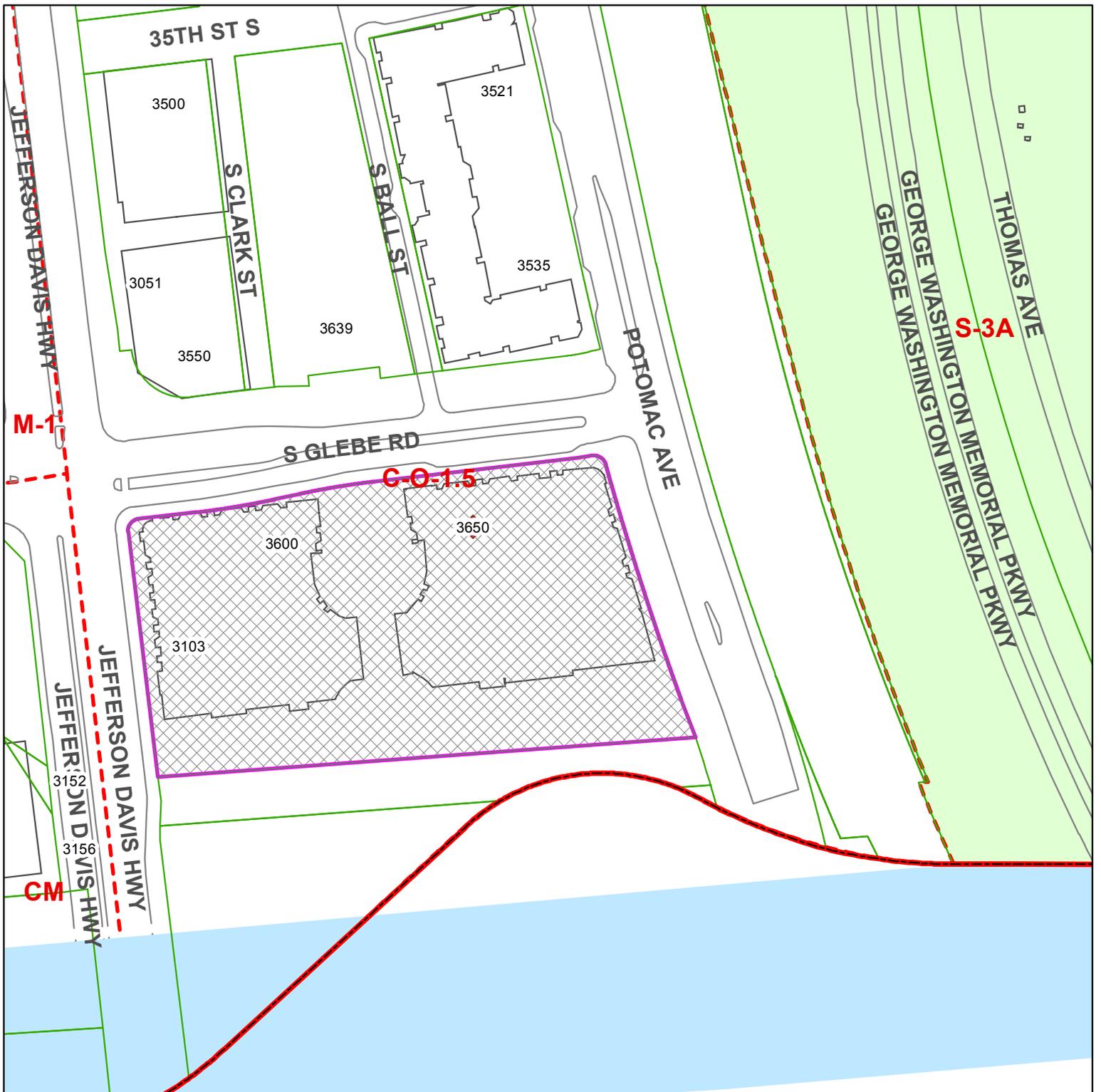
Approved final site plan for Land Bay C for approximately 1,064,673 square feet office, approximately 23,675 square feet initial retail, 17,275 square feet potential retail, modification of use regulations for fewer loading bays than required, and to exclude approximately 5,598 square feet garage entry from GFA. (RPC #34-027-071, -072) (Potomac Yard Land Bay C)

Approved final site plan to construct approx. 625 hotel rooms, approx. 10,000 sq ft retail with modification of use regulations for exclusion of storage area from gross floor area, parking ratio (Land Bay B, RPC #34-027-066).

June 17, 2008

Deferred site plan amendment for an amendment to

	the comprehensive sign plan for Land Bay F to July 17, 2008.
July 19, 2008	Deferred site plan amendment for an amendment to the comprehensive sign plan for Land Bay F to September 13, 2008.
September 13, 2008	Approved a comprehensive sign plan amendment to add six (6) window signs for the Bank of America, increasing the existing site sign area by a total of 135.2 square feet.
October 18, 2008	Approved proposed amendment to the comprehensive sign plan for two (2) freestanding signs, pursuant to the conditions of the staff report, and with a County Board Review in ten (10) years (October 2018).
November 15, 2008	Approved a site plan amendment for a comprehensive sign plan (Land Bay E-West).
April 6, 2009	Approved a site plan amendment for live entertainment request at McGinty's Pub with a County Board Review in one (1) year (April 2010).
April 14, 2010	Renewed the site plan amendment for live entertainment at McGinty's Pub with a County Board review in three (3) years (April 2013).



SP# 346

3650 S. Glebe Road

RPC# 34-027-322



 Case  
 Location(s)  
 Scale: 1:2,000

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