



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of February 11, 2012**

DATE: January 25, 2012

SUBJECT: U-2732-92-3 USE PERMIT REVIEW for live entertainment located at 1836 Wilson Blvd. (Rhodeside Grill) (RPC# 17-011-023)

Applicant:
Rhodeside Grill

By:
Mr. Wilson Whitney, Occupant
1836 Wilson Boulevard
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Renew the subject use permit, subject to all previously approved conditions and with a County Board review in five (5) years (February 2017).

ISSUES: This is a use permit review for live entertainment at Rhodeside Grill. No issues have been identified.

SUMMARY: This is a three (3) year review for live entertainment that was originally approved by the County Board in March 1992 and has been reviewed several times. The use has continued to operate in compliance with the use permit conditions. The Arlington County Police Department, Fire Marshal's Office, and Virginia ABC Board have not identified any issues with this use. As of the date of this report, the Radnor/Ft. Myer Heights Civic Association responded with no issues regarding this use permit review. Therefore, staff recommends that the use permit be renewed, subject to all previous conditions and with a County Board review in five (5) years (February 2017).

BACKGROUND: This use permit was last reviewed in February 2009. The site of Rhodeside Grill and the building adjacent to this site are part of the approved site plan, SP #382, the National Science Teachers Association (NSTA) headquarters. The County Board approved SP

County Manager: *BMD/GA*

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

Staff: Marco Antonio Rivero, DCPHD, Planning Division

PLA-6120

9.

#382 to retain an approximately 46,080 square foot office structure and construct an approximately 71,840 square foot office structure in November 2005. The site plan has been amended subsequently with the most recent amendment approved in May 2009. SP #382 is subject to Virginia State Code §15.2-2209.1 which allows for a site plan expiration date of July 1, 2014. Redevelopment has not occurred, and the Rhodeside Grill continues to operate with live entertainment at the site with no known issues.

DISCUSSION: The use permit allows the restaurant to provide live entertainment from 5 p.m. to 2 a.m., seven (7) days a week. In practice, the applicant restricts live entertainment to live acoustic sessions in the ground level portion of the restaurant on Tuesdays and Thursdays. On occasion, larger musical engagements are hosted and these are confined to the basement level.

Since the last review (February 21, 2009):

Use Permit Conditions: The use has continued to operate in compliance with the use permit conditions.

Community Code Enforcement, Fire Marshal's Office, and Police Department: Community Code Enforcement, the Fire Marshal, and the Police Department have not reported any complaints or concerns on the subject site.

State ABC Board: The State ABC Board reports no concerns about this use.

Civic Associations: Staff contacted the Clarendon-Courthouse and Radnor/Ft. Myer Heights civic/citizens' associations, as well as Colonial Village Commons Inc. and representatives of Colonial Village I, II, and III (residential buildings). As of the date of this report, the Radnor/Ft. Myer Heights Civic Association report no issues. The remaining organizations have not commented.

CONCLUSION: The subject use permit has operated without any concerns and complaints for the past several years. The site has not been demolished or altered since the most recent site plan amendment approval for SP #382 in May 2009. If redevelopment does occur during the review period, the live entertainment approved by the use permit would cease operation and staff can formally acknowledge this at the next scheduled review. Therefore, staff recommends that the use permit be renewed, subject to all previous conditions and with a County Board review in five (5) years (February 2017).

PREVIOUS COUNTY BOARD ACTIONS:

June 3, 1978	Approved a Use Permit (U-2162-78-1) to permit live entertainment, including dancing, in an existing restaurant.
June 9, 1979	Continued Use Permit (U-2162-78-1), subject to all previous conditions, and with a review in one (1) year.
June 10, 1980	Continued Use Permit (U-2162-78-1), subject to all previous conditions, and with a review in one (1) year.
June 1, 1982	Discontinued Use Permit (U-2162-78-1).
December 7, 1991	Took No Action on Use Permit (U-2724-91-2) to permit live entertainment, including dancing, in an existing restaurant.
March 7, 1992	Approved a Use Permit (U-2732-92-3) to permit live entertainment, including dancing, in an existing restaurant subject to conditions and with a review in six (6) months.
September 26, 1992	Continued Use Permit (U-2732-92-3) to permit live entertainment, including dancing in an existing restaurant, subject to all previous conditions and with a review in six (6) months.
April 7, 1993	Continued Use Permit (U-2732-92-3) to permit live entertainment, including dancing in an existing restaurant, subject to previous conditions and with a review in one (1) year.
April 13, 1994	Continued Use Permit (U-2732-92-3) to permit live entertainment, including dancing in an existing restaurant, subject to previous conditions and with a review in two (2) months.
June 4, 1994	Continued Use Permit (U-2732-92-3) to permit live entertainment and approved an amendment to extend the hours to between 5:00 p.m. and 2:00 a.m. seven days per week, subject to the original conditions, amended conditions and with a review in two (2) years.

June 4, 1996	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in one (1) year (June 1997).
June 7, 1997	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in four (4) months (October 1997).
October 4, 1997	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in four (4) months (February 1998).
February 1998	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in one (1) year (February 1999).
February 6, 1999	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in one (1) year (February 2000).
February 12, 2000	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions, new Condition #3, and with a review in three (3) years (February 2003).
February 8, 2003	Continued Use Permit (U-2732-92-3) to permit live entertainment in an existing restaurant, subject to all previous conditions and with a review in five (5) years (February 2008).
November 16, 2005	Approved Site Plan (SP #382) to retain an approximately 46,080 square foot office structure and construct an approximately 71,840 square foot office structure on the parcels of real property known as 1801 and 1805 Clarendon Boulevard and 1836 and 1840 Wilson Boulevard (RPC# 17-011-019, -021, -023).

February 23, 2008	Renewed the use permit (U-2732-92-3), with a County Board review in one (1) year (February 2009).
July 18, 2008	Approved a site plan amendment request (SP #382) to modify the height of the parking structure and the façade, and to extend the term of the site plan.
	Deferred consideration of the site plan amendment request to modify the project's parking to the October 18, 2008 County Board meeting.
October 18, 2008	Deferred consideration of the site plan amendment request to modify the project's parking to the November 15, 2008 County Board meeting.
November 15, 2008	Approved a site plan amendment request (SP #382) to amend conditions #38, 40, 49, 63, 74 regarding timing of garage clearance modification, size of exercise facility and exclusion of fitness center from density calculations, modification of approved parking, removal of surface parking lot, reduction in site area and associated modification for an increase in density (FAR) and related conditions.
February 21, 2009	Renewed the use permit (U-2732-92-3), with a County Board review in three (3) years (February 2012).
May 19, 2009	Approved a site plan amendment request (SP #382) ("On the County Board's Own Motion"), subject to all previously-approved conditions, and deletion of conditions #53 and #68.

Approved Conditions:

1. Live entertainment and dancing shall be permitted only between the hours of 5:00 p.m. and 2:00 a.m., seven (7) days a week.
2. The applicant shall have the trash dumpster placed behind the wall of the building at all times.
3. No customer dancing shall be permitted unless the applicant first obtains a valid dance hall permit.

*Radnor/Ft. Myer Heights
CA: NO ISSUES*

Marco Rivero

From: Dcstan@aol.com
Sent: Monday, January 09, 2012 5:22 PM
To: Marco Rivero
Subject: Re: U-2732-92-3: Use Permit Renewal for Rhodeside Grill

Categories: Important, Blue Category

Marco,

I have canvassed the RAFOM Board, and no one has any problems with the use permit renewal for Rhodeside Grill.

Stan Karson

President

Radnor/Ft. Myer Heights Civic Assn.(RAFOM)

In a message dated 1/6/2012 9:19:49 A.M. Eastern Standard Time, Mrivero@arlingtonva.us writes:

Hello,

I am writing in regards to the use permit renewal for Rhodeside Grill (live entertainment), which was renewed by the County Board on February 21, 2009 (U-2732-92-3: 1836 Wilson Blvd). Please let me know if you need more information regarding this use permit renewal or if you have any other questions. Attached is a copy of the most recent staff report. The item will be advertised for the February 11, 2012 County Board meeting.

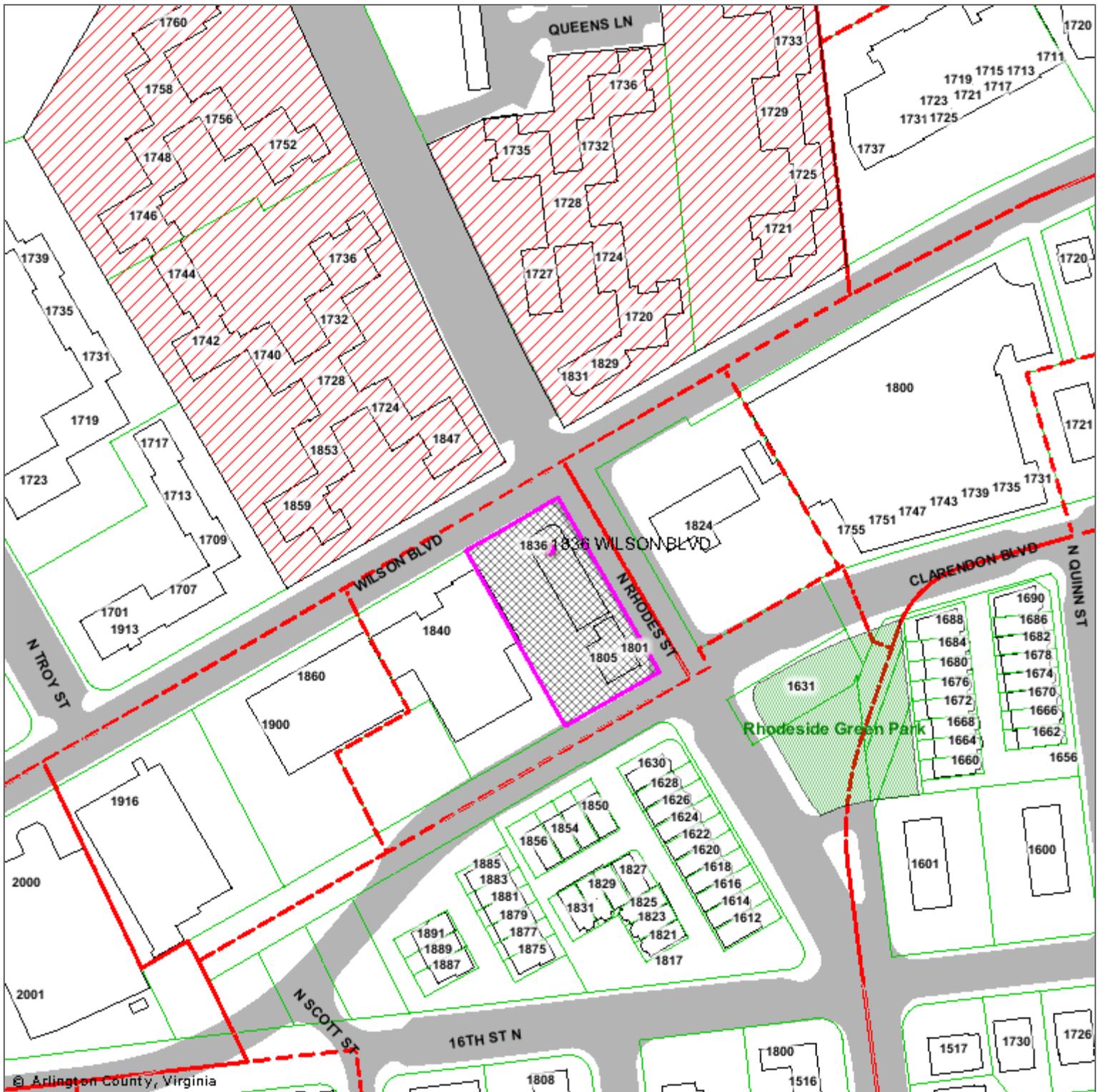
Thank you,

Marco

Marco Antonio Rivero | Associate Planner - DCPHD, Arlington County Government

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U-2732-92-3 USE PERMIT REVIEW
1836 Wilson Blvd., (Rhodeside Grille)
(RPC #17-011-023)

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)
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