



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of March 10, 2012

DATE: March 1, 2012

SUBJECT: SP #90 SITE PLAN AMENDMENT REVIEW for Live Entertainment at Potbelly Sandwich Works; located at 1615 Crystal Square Arcade (RPC# 34-020-248).

Applicant:

Potbelly Sandwich Works
1615 Crystal Square Arcade
Arlington, Virginia 22202

By:

Mike Walters, Chief Financial Officer
900 North Michigan Avenue, Suite 1800
Chicago, Illinois 60611

C.M. RECOMMENDATION:

Adopt the attached ordinance to renew the site plan amendment for live entertainment, subject to all previously approved conditions and to the proposed conditions in this report applicable only to the live entertainment use, and with a County Board review in five (5) years (March 2017).

ISSUES: This is a five year review of an existing live entertainment site plan amendment, and no issues have been identified.

SUMMARY: The site plan amendment for live entertainment at Potbelly Sandwich Works restaurant at the Crystal City Underground shops was approved by the County Board in March 2003. The live entertainment consists of one musician with an acoustic guitar. The hours of live music are from 11 a.m. to 3 p.m., Monday through Friday. The live entertainment continues to operate in compliance with the approved site plan amendment conditions. Therefore, staff recommends the site plan amendment be renewed for five years, subject to all previously approved conditions, and with one (1) additional condition specifying that the use is temporary and will expire in March 31, 2017, unless renewed by the County Board.

County Manager:

BMD/GA

County Attorney:

CEW *GA*

Staff: Sophia S. Fisher, DCPHD, Planning Division

PLA-6142

3.

BACKGROUND: The Potbelly Sandwich Works restaurant has operated at this location in the Crystal City Shops since January 2003. In March 2003, the County Board approved a site plan amendment for live entertainment as background music in the restaurant during peak lunch hours.

DISCUSSION: The live entertainment use has been in compliance with the approved site plan amendment conditions since the last review in March, 2007. The live entertainment use operates during limited daytime hours and is surrounded by commercial uses. Therefore, it does not impact any residential uses, and given the live entertainment use is limited to one performer, this use does not pose an adverse impact on adjacent commercial uses.

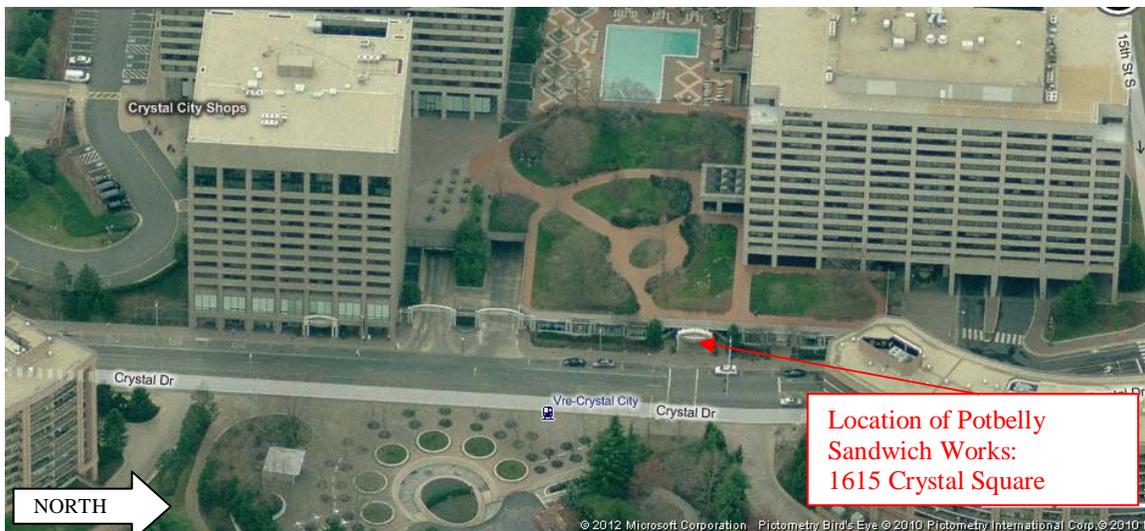
Since the Last Review (March 17, 2007):

Site Plan Inspection: The live entertainment use continues to remain in compliance with approved site plan amendment conditions. Staff reports that they have not received any complaints regarding this use.

Police Department: The Police Department has not reported any complaints or violations regarding the use.

Fire Marshal's Office: The Fire Marshal's Office has not reported any complaints or violations regarding the use.

Civic Associations: The subject site is not located within a civic association. The closest civic association, Aurora Highlands, was notified of the site plan amendment review, and has not submitted any comments as of the writing of this report.



Source: Bing Maps

CONCLUSION: The live entertainment use at Potbelly Sandwich Works continues to comply with site plan amendment conditions. The live entertainment use operates during limited daytime hours and is surrounded by commercial uses. Therefore, it does not impact any residential uses, and given the live entertainment use is limited to one performer, this use does not pose an adverse impact on adjacent commercial uses. Therefore, staff recommends that the County Board adopt the attached ordinance to renew the use for five years subject to all previously approved conditions, and with one (1) additional condition specifying that the use is temporary and will expire in March 31, 2017, unless renewed by the County Board.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated March 15, 2003 for Site Plan # 90, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in the Staff Report provided to the County Board for its March 10, 2012 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on March 10, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated March 15, 2003 for Site Plan # 90 and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Conditions #30-32 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to modify the comprehensive sign plan, for the parcel of real property known as 1615 Crystal Square Arcade (RPC# 34-020-248) approval is granted and the parcel so described shall be used according to the approval dated September 27, 1972 as amended from time to time as shown in the Zoning records, and as shown in by the Revised Site Plan Application, subject to all previously approved conditions (numbers 1 through 29) and new Conditions #30-33:

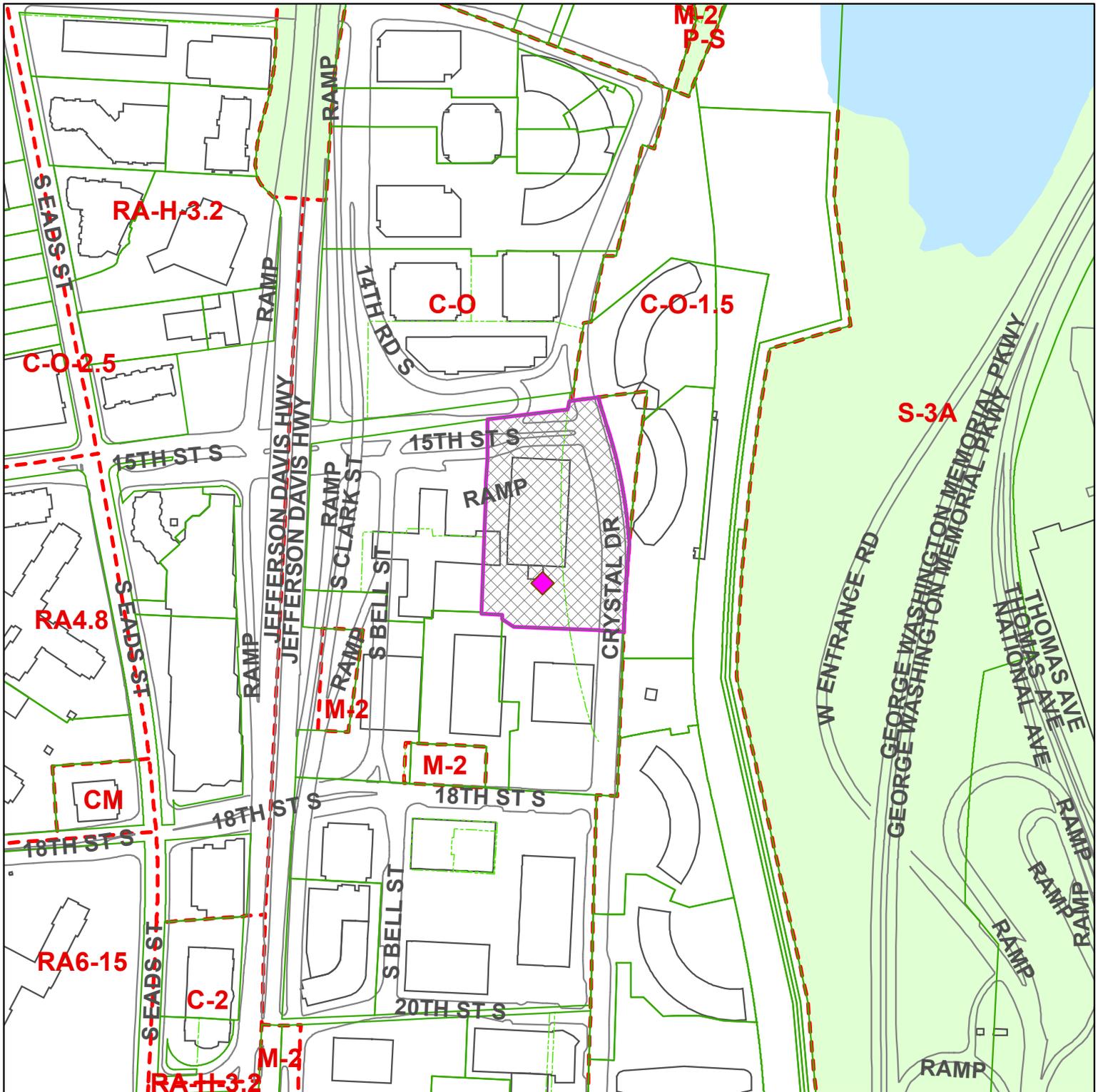
30. The applicant agrees that the Live Entertainment use permitted at 1615 Crystal Square Arcade is a temporary use that has been approved for a limited five (5) year period, and not longer. During the five year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of five (5) years, on March 31, 2017, without further action by the County Board. The applicant agrees that it will cease the live entertainment use on or before March 31, 2017. The applicant acknowledges and agrees that after March 31, 2017, it shall have no right to have live entertainment at Potbelly Sandwich Works unless approval for that use is obtained from the County Board.

31. The applicant agrees that live entertainment shall be permitted only between the hours of 11:00 a.m. to 3:00 p.m., Monday through Friday, and shall be limited to one performer.
32. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
33. The applicant agrees that all requirements of County and State Ordinances, including the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC) shall be met.

PREVIOUS COUNTY BOARD ACTIONS:

- September 27, 1972 Approved a site plan for an office and apartment building complex subject to conditions (Z-2003-72-1).
- September 15, 1981 Approved site plan amendment to permit live entertainment and public dancing in conjunction with an existing restaurant (Amelia's) with conditions.
- February 5, 1983 Approved site plan amendment request (Z-1694-63-1, Z-1865-66-1, Z-1882-67-1, Z-2003, 72-1 and Z-2180-80-1) to permit 4 "Crystal City" pylon signs, 1 "The Underground" identifier pylon sign, 23 pylon directional signs, 4 entrance canopies with signs, and 1 "Crystal Plaza Shopping Arcade" wall-mounted sign.
- July 8, 1989 Deferred site plan amendment request (Z-1694-63-1, Z-1865-66-1, Z-1882-67-1, Z-2003-72-1 and Z-2180-80-1) for a coordinated sign plan consisting of 60 new signs and retention of 13 existing signs to the August 12, 1989 County Board meeting.
- August 12, 1989 Approved a site plan amendment request (Z-1694-63-1, Z-1865-66-1, Z-1882-67-1, Z-2003-72-1, and Z-2180-80-1) for a coordinated sign plan consisting of 60 new signs and retention of 13 existing signs, subject to conditions.
- November 17, 1990 Approved a site plan amendment request for food delivery service (Z-2003-72-1), subject to conditions and with a review in three (3) months after the issuance of a certificate of occupancy.
- May 11, 1991 Continued the site plan amendment for food delivery service (#90), subject to all previous condition and with a review in one (1) year.
- May 16, 1992 Continued the site plan amendment for food delivery service (#90), subject to all previous condition and with a review in three (3) years.

May 20, 1995	Continued the site plan amendment for food delivery service (#90), subject to all previous condition and with a review in five (5) years.
May 17, 1997	Approved a site plan amendment to convert 5,000 square feet of penthouse tenant storage space to office use (an ancillary computer room and command center) for a term consistent with the U.S. Marshals Service lease or November 30, 2001, subject to new conditions.
April 20, 2000	Approved site plan amendment to convert 4,655 square feet of retail to a health club.
March 15, 2003	Approved site plan amendment for live entertainment, subject to all previous conditions, with a review in one (1) year.
March 13, 2004	Renewed site plan amendment for live entertainment, subject to all previous conditions, with a review in three (3) years (March 2007).
March 17, 2007	Renewed site plan amendment for live entertainment, subject to all previous conditions, with a review in five (5) years (March 2012).



SP# 90

1615 Crystal Square Arcade

RPC# 34-020-248



 Case
 Location(s)
 Scale: 1:4,000

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