



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of April 21, 2012

**DATE:** March 29, 2012

**SUBJECT:** U-3330-12-1 USE PERMIT for Live Entertainment at Lucy's ARL; located at 2620 Shirlington Road (RPC# 31-033-001).

**Applicant:**

Amy Borek  
2620 Shirlington Road  
Arlington, VA 22204

**C.M. RECOMMENDATION:**

Approve the subject use permit for live entertainment subject to the conditions of the staff report with an administrative review in six (6) months (October 2012) and a County Board review in one (1) year (April 2013).

**ISSUES:** This is a use permit application for live entertainment at Lucy's ARL. Nearby residents have raised concerns regarding noise, parking, and security.

**SUMMARY:** Lucy's ARL, located at 2620 Shirlington Road, is requesting a special exception use permit for live entertainment in the "C-2" zoning district. The applicant has received a letter of support from the Nauck Civic Association. However, some residents of the adjacent Shirlington Crest townhome community have raised concerns regarding parking, noise, and security. To address these concerns, the applicant has conducted two sound tests, and is exploring shared parking with nearby commercial uses. The Lucy's ARL has 42 parking spaces, which exceeds the minimum Ordinance requirement of 25 parking spaces for this restaurant. Staff recommends approval of the live entertainment request, subject to the conditions in the staff report, with an administrative review in six (6) months (October 2012) and a County Board review in one (1) year (April 2013).

**BACKGROUND:** Lucy's ARL is located on Shirlington Road, across from the Virginia Concrete Company plant to the south and with the townhouse residences to the west and the north. The building was formerly home to Champions Billiards.

County Manager:

*BMD/GA*

County Attorney:

*[Handwritten signatures]*

Staff: Sophia S. Fisher, DCPHD, Planning Division

PLA-6152

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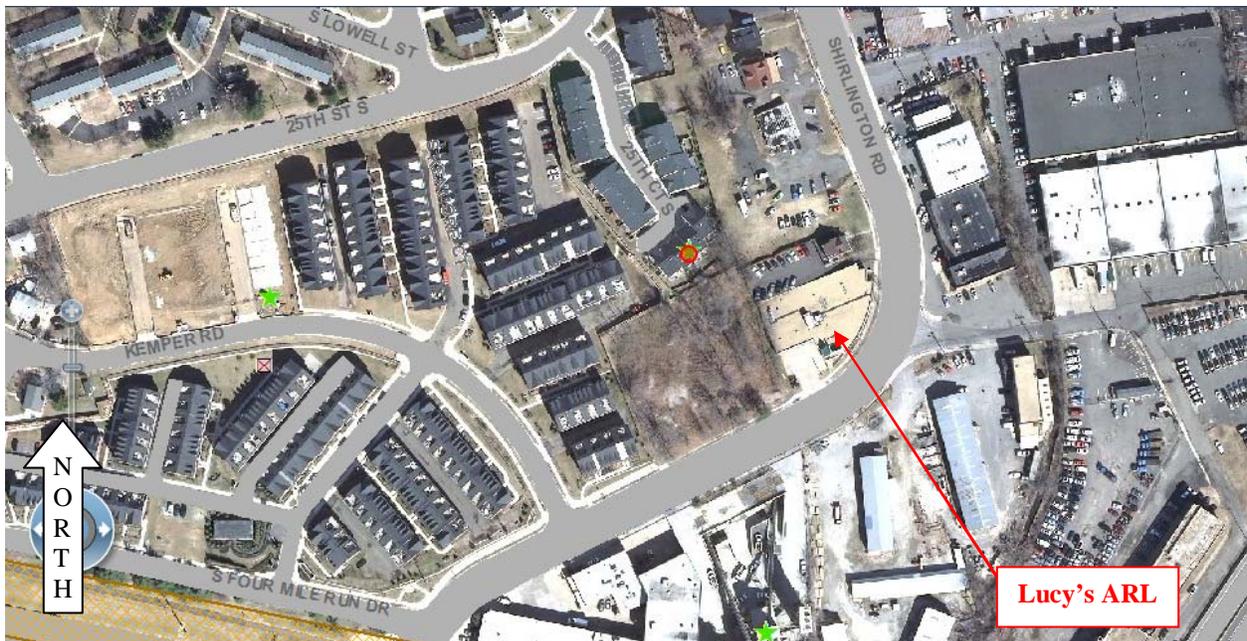
**The following provides additional information about the site and location:**

Site: The site is 18,245 square feet and is located on Shirlington Road, which bounds the site on both the south and the east sides. The improvements on the site consist of a one story structure constructed over one level of parking. To the south of the site is the Virginia Concrete Company. To the east are various commercial and industrial uses, and to the west and the north are townhouse residences.

Zoning: The site is zoned “[C-2](#)”, Service Commercial.

Land Use: The site is categorized as Service Commercial on the [General Land Use Plan](#), which calls for personal and business services, generally in one to four story buildings.

Neighborhood: The site is located in the Nauck Civic Association, and is adjacent to the Nauck Village Center Special Revitalization District. The site is also adjacent to two townhouse communities, Shirlington Crest and Bowman’s Hill. The application has the support of the Nauck Civic Association; however, residents of Shirlington Crest have raised concerns regarding noise, parking, and security. Several residents of Shirlington Crest spoke at the February County Board meeting on this application, and many of their concerns have been addressed through reduced hours of operation and condition language addressing noise and security.



Source: AC Maps

**DISCUSSION:** The applicant is proposing the following days/times for live entertainment:

- Monday: from 10:00 a.m. until 12:00 p.m. and from 7:00 p.m. until 10:00 p.m.
- Tuesday: from 10:00 a.m. until 12:00 p.m.
- Wednesday: from 10:00 a.m. until 12:00 p.m.
- Thursday: from 10:00 a.m. until 12:00 p.m.
- Friday: from 10:00 a.m. until 12:00 p.m. and from 7:00 p.m. until 1:00 a.m.
- Saturday: from 10:00 a.m. until 12:00 p.m. and from 7:00 p.m. until 1:00 a.m.
- Sunday: from 11:00 a.m. until 2:00 p.m. and from 7:00 until 10:00 p.m.

The applicant is planning to provide a variety of entertainment including bands, jazz and acoustic music, and morning children's shows such as puppet shows, musicians, and magicians. In response to community concerns about the hours of operation, the applicant has agreed to end live entertainment at 10:00 p.m. on weeknights. The applicant had originally proposed to end live entertainment at 12:00 a.m. on weeknights, which is consistent with approvals elsewhere in Arlington County.

Noise: Residents of the nearby Shirlington Crest community have expressed concerns that they will experience an adverse impact from noise. The applicant has conducted two sound tests; the second of which was also attended by Arlington County staff. At the second sound test, it was found that the noise impacts are likely to be minimal and within the guidelines of [Chapter 15](#) of the Arlington County Code (Noise Control). In order to further minimize the potential noise impacts, the applicant has agreed to a condition that requires that doors and windows be kept closed during the hours of live entertainment operation. The applicant has also agreed that the live entertainment shall be confined to the interior of the building and not be broadcast through any external speakers. Staff finds that the noise levels will conform to Code requirements.

Parking: Residents of Shirlington Crest have also expressed concerns about patrons of Lucy's ARL using public on-street parking in their neighborhood as overflow parking. Lucy's currently has 42 spaces, which exceeds the 25 spaces required by the Zoning Ordinance for a restaurant of this size. Staff finds that there is adequate parking for the use, both existing and proposed. In order to address the community's concerns, the applicant has agreed to pursue a voluntary shared parking agreement with nearby commercial uses.

Security: In order to address security concerns, the applicant has agreed to have one security person per 50 patrons during the hours of live entertainment after 7:00 p.m. The applicant is in good standing with the Arlington County Police Department and the Virginia Department of Alcoholic Beverage Control, and is committed to maintaining a good working relationship with both agencies.

**CONCLUSION:** Staff supports the request for live entertainment at Lucy's ARL. Staff finds that there will be minimal impacts from the proposed use, and has drafted conditions of approval to address hours of operation, security, and noise in response to concerns raised by residents. Staff is recommending an administrative review in six (6) months to monitor the use permit prior to the County Board review. Therefore, staff recommends approval of the use permit for live entertainment at Lucy's ARL subject to the conditions set forth below, and with an

administrative review in six (6) months (October 2012) and a County Board in one (1) year (April 2013).

Proposed Conditions:

1. The applicant agrees that live entertainment is permitted during the following times:
  - Monday: from 10:00 a.m. until 12:00 p.m. and from 7:00 p.m. until 10:00 p.m.
  - Tuesday: from 10:00 a.m. until 12:00 p.m.
  - Wednesday: from 10:00 a.m. until 12:00 p.m.
  - Thursday: from 10:00 a.m. until 12:00 p.m.
  - Friday: from 10:00 a.m. until 12:00 p.m. and from 7:00 p.m. until 1:00 a.m.
  - Saturday: from 10:00 a.m. until 12:00 p.m. and from 7:00 p.m. until 1:00 a.m.
  - Sunday: from 11:00 a.m. until 2:00 p.m. and from 7:00 until 10:00 p.m.

The applicant further agrees that the live entertainment from 10:00 a.m. until 12:00 p.m. Monday through Saturday shall be limited to entertainment for children, including but not limited to, puppet shows, musicians, and magicians.

2. The applicant agrees to comply, by way of illustration and not limitation, with all applicable requirements of County and State Ordinances and regulations, including by way of illustration and not limitation those of the Environmental Health Bureau, and the Fire Marshal, the Police Department and the Alcohol Beverage Control Board (ABC).
3. The applicant agrees that on-site dedicated security shall be provided from 8:00 p.m. until closing on days with live entertainment. The on-site security may consist of “in house” staff, so long as that staff is dedicated to security only.
4. The applicant agrees to comply with the Arlington County noise ordinance and further agrees that the restaurant’s windows and doors shall remain closed during the times of live entertainment except for the purposes of entry, egress, and other intermittent uses, such as serving an outdoor seating area. Under no circumstances shall live entertainment be permitted outside of the building or broadcast over loudspeakers outside of the building. The applicant agrees that doors shall not be propped open during live entertainment.
5. The applicant agrees that dancing is not permitted. The applicant acknowledges that dancing would require further use permit approval as well as a Dance Hall Permit.
6. The applicant agrees to post sign signs in windows telling patrons to respect the peace of residential neighborhoods and to please avoid parking in the residential neighborhood where possible.
7. The applicant agrees to ensure that any patrons queuing outside keep noise to a minimum.

8. The applicant agrees to designate and make available 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 Nauck Civic Association and the Shirlington Crest Homeowners Association.

**PREVIOUS COUNTY BOARD ACTIONS:**

None.

**NAUCK CIVIC ASSOCIATION**  
Post Office Box 4037  
Arlington, Virginia 22204

April 3, 2012

Department of Community Planning,  
Housing and Development  
2100 Clarendon Boulevard – Suite 700  
Arlington, Virginia 22201

Dear Ms. Fisher:

The Nauck Civic Association reaffirmed unanimously at its general meeting, held on Monday, April 2, 2012 to approve the use permit application (U3330-12-1) for Lucy's ARL in their quest for a permit to host live entertainment. The Association previously submitted a letter of recommendation, dated January 16, 2012, but had to address some concerns raised by some neighbors living in close proximity to the venue. These concerns have been addressed and an amicable solution has been reached.

The Association still holds to the following: It is agreed to include in the agreement that should Lucy's ARL plan to make substantive changes to the type of live entertainment offered and agreed to, the NCA will be notified with ample time to dispute the changes in venue. Should such a change be requested, the request will be presented to the Association three months prior to change. This will allow ample time for the management of Lucy's ARL and the Nauck Civic Association to come to agreement on the proposed change(s).

The Association further recommends that the permit be granted for one year with a six month administrative review.

If further information or clarification is needed, please contact:

Dr. Alfred O. Taylor, Jr., President  
1924 South Lowell Street  
Arlington, Virginia 22204  
(703) 271-6317  
[aotjr@aol.com](mailto:aotjr@aol.com)

Sincerely,

/s/ Alfred O. Taylor, Jr.

Dr. Alfred O. Taylor, Jr., President

