



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of June 16, 2012

DATE: June 7, 2012

SUBJECT: SP #375 SITE PLAN AMENDMENT to permit outdoor café seating at Chasin' Tails restaurant; located at 2200 N. Westmoreland St. (RPC# 11-011-163).

Applicant: Chasin' Tails Restaurant

By:

Jonathan Puvak
Walsh Colucci Lubeley Emrich & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment to SP #375 for approval for one (1) year (June 30, 2013) of outdoor café seating at Chasin' Tails restaurant, located at 2200 N. Westmoreland St., subject to all previously approved conditions, and with one (1) proposed new Condition #70 applicable only to 2200 N. Westmoreland Street, and

Direct staff to advertise the site plan amendment in one (1) year for review (May 2013, for the June 2013 County Board meeting).

ISSUES: This is a request for outdoor café seating at Chasin' Tails restaurant located at 2200 N. Westmoreland St. in East Falls Church. No issues have been identified.

SUMMARY: Chasin' Tails restaurant is located in East Falls Church on North Westmoreland Street at the intersection with Lee Highway. The restaurant is a portion of the 8,248 square feet of ground floor retail approved for SP #375, the Westlee, which also included approval of 128 residential units in a mid-rise building and 18 townhouses. The applicant requests outdoor café

County Manager:

BMD/GA

County Attorney:

[Handwritten signatures]

Staff: Sophia S. Fisher, DCPHD, Planning Division
Robert Gibson, DES, Transportation Division

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PLA-6219

seating in two locations: 1) at the restaurant entrance located at the corner of North Westmoreland Street and Lee Highway, and 2) adjacent to the restaurant's frontage on Lee Highway. The applicant is proposing a total of approximately 72 seats in the two locations and will maintain a minimum of 6' clear sidewalk in order to facilitate pedestrian movement. The proposal is consistent with recent approvals by the County Board for outdoor cafes, which have included conditions specifying that the use is seasonal in nature and that no permanent fixtures will be installed. The proposal also meets the goals of the [East Falls Church Area Plan](#), which calls for outdoor dining areas where possible. Therefore, staff recommends that the County Board approve the attached ordinance for a site plan amendment to allow outdoor seating associated with Chasin' Tails restaurant, direct staff to advertise the site plan amendment in one year (May 2013, for the June 2013 County Board meeting) for consideration to be continued, and that the use expires in one year (June 2013) or at such time as the site plan amendment is heard by the County Board.

BACKGROUND: Chasin' Tails restaurant occupies retail space on the first floor of the Westlee Condo building located at 2200 N. Westmoreland St., which was approved as part of Site Plan #375 in 2004.

The following provides additional information about the site and location:

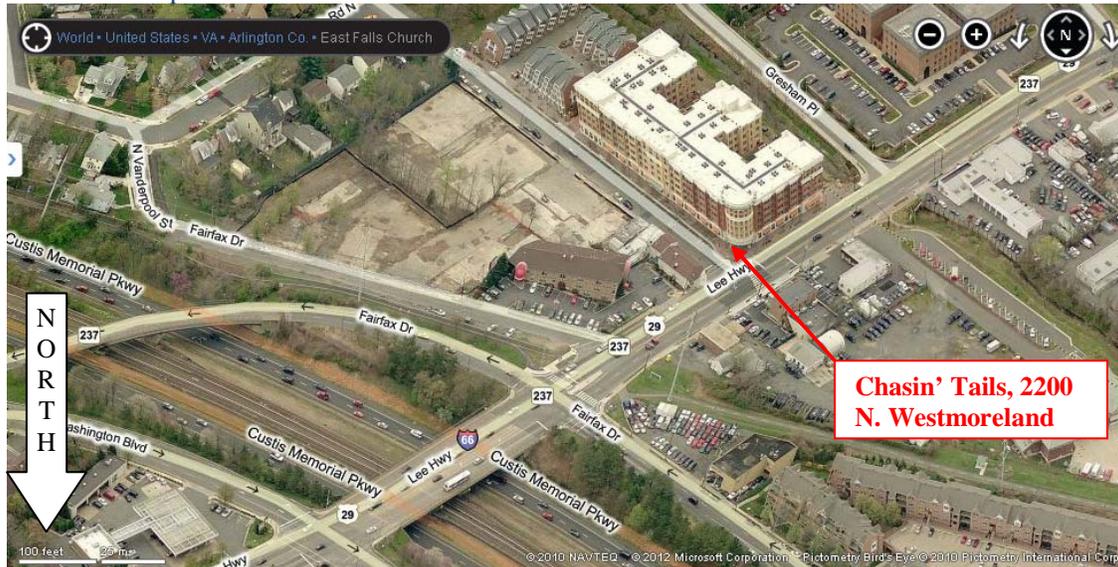
Site: The site is approximately 118,602 sq. ft, and is developed with a multi-story mixed-use residential building that has 128 residential units and 8,248 sq. ft. of ground floor retail, and 18 townhouses

- To the northeast: A hotel and an apartment building are located across North Westmoreland Street from the site. These properties are zoned a combination of "C-M" and "C-O-1.5". The block is designated "Low" Office-Apartment-Hotel on the General Land Use Plan, with a note restricting building height.
- To the east: Single family houses are located diagonally across North Westmoreland St. along 19th Road North. These properties are zoned "R-6" for single family dwellings and designated "Low" Residential on the General Land Use Plan.
- To the southwest: City of Falls Church and Four Mile Run are located contiguous to the site in this area. The land within the City of Falls Church is designated as open space on the City's Future Land Use Plan.
- To the southeast: Contiguous to the site is the Isaac Crossman Park at Four Mile Run zoned "S-3A" for public use. This land is designated "Public" on the General Land Use Plan.

Zoning: The site is zoned "[C-O-1.5](#)," Commercial Office Building, Hotel, and Apartment district.

Land Use: The site is designated as “Low Office-Apartment-Hotel” (up to 72 units per acre) on the General Land Use Plan ([GLUP](#)).

Neighborhood: The site is located in the Arlington-East Falls Church Civic Association (AEFCCA). Although the AEFCCA has not met to discuss this application as of the writing of this staff report, outdoor seating is generally consistent with the AEFCCA's continuing vision for an active streetscape.



Source: Bing Maps

DISCUSSION: The applicant, Chasin’ Tails, has occupied the retail space in the Westlee Condo building previously occupied by the Bear Rock Café, located at 2200 N. Westmoreland St., at the intersection with Lee Highway. A site plan amendment for outdoor café seating is required when the proposed seating is to be located in a public sidewalk easement. Outdoor café seating on private property can be approved administratively. The condo building has a rounded corner where the front entrance to the restaurant is located. Because of this, there is a small area of sidewalk in front of the entrance that is private property and not subject to the public sidewalk easement. The previous tenant was able to secure administrative approval for 12 seats in the area not subject to the public easement. The current tenant is requesting to increase the seating area into the public sidewalk easement, and this request includes seating both in the public sidewalk easement and in the area adjacent to the restaurant entrance that is not subject to the public easement.

The applicant is proposing two areas of outdoor seating: one at the restaurant entrance at the corner of Lee Highway and North Westmoreland Street, and another, smaller area along Lee Highway for a total of approximately 72 seats. The applicant will be able to maintain a 6’ clear sidewalk around the outdoor seating area. The materials used to fence off the outdoor café area and the furniture used for the outdoor café seating will all be removable. The applicant has also agreed to a condition requiring that the use be seasonal, and everything associated with the outdoor café seating will be removed during the months of December, January, and February. The proposed use complies with the vision of the East Falls Church Area Plan, which calls for ground floor retail fronting major streets and outdoor dining where possible.

The County Board has directed staff to no longer approve outdoor cafés located within the public right-of-way with the original Site Plan approval. This was because the community was interested in reviewing the details of each outdoor café approval, which they were afraid would get lost within the larger site plan issues being discussed at the time of the Site Plan approval. The general direction provided by the County Board was outdoor cafes in the public right-of-way should be treated as every other outdoor café and be reviewed and approved by Use Permit. As staff has explored this, it was determined that in districts where the zoning does not refer back to “C-2” and which therefore don’t allow outdoor cafes by Use Permit, a different approach was needed. As a result, it was determined that the use must be approved by Site Plan Amendment, which is the only way the use is allowed by zoning. However, since Site Plans do not expire once they are vested, staff needed to develop a different approach to the review and extension of uses approved by Site Plan Amendment. Therefore, staff is recommending that these uses be approved by Site Plan Amendment and that the use be approved as a temporary use until such time as the County Board considers reapproval. This ensures that the applicant does not have to reapply each time but is clear that the use expires unless reapproved by the County Board. This approach can be modified later with the rewrite of the Zoning Ordinance.

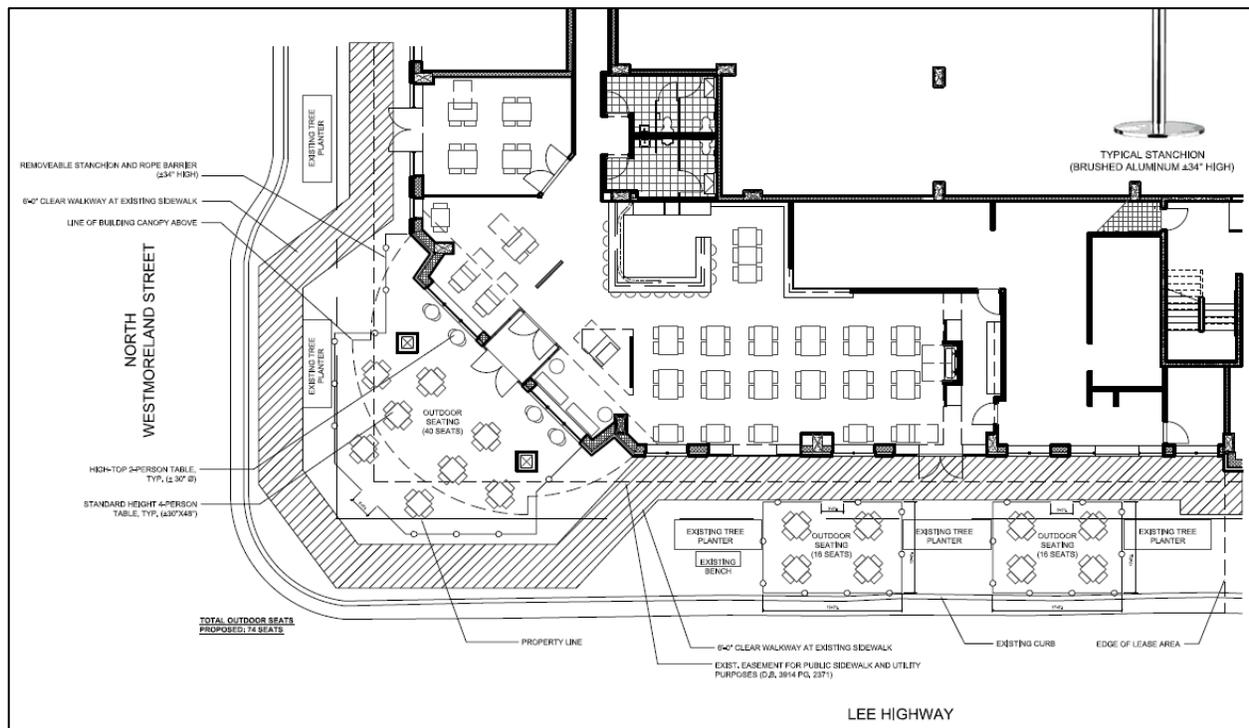


Image showing proposed layout of the outdoor seating area

CONCLUSION: The proposal is consistent with recent approvals for outdoor cafes, which have been approved by the County Board with conditions that specify that the use is seasonal in nature and that no permanent fixtures will be installed. The proposal also meets the goals of the East Falls Church Area Plan, which encourages establishment of outdoor dining areas where possible. Therefore, staff recommends that the County Board approve the attached ordinance for a site plan amendment to allow outdoor seating associated with Chasin’ Tails restaurant, direct staff to advertise the site plan amendment in one year (May 2013, for the June 2013 County

Board meeting) for consideration to be reapproved and that the use expires in one year (June 2013) or at such time as the site plan amendment is heard by the County Board.

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated March 14, 2012 for Site Plan #375, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report prepared for the June 16, 2012 County Board 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 all previous conditions and new condition #70 as set forth below; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 16, 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 for a Site Plan Amendment for outdoor seating dated March 14, 2012 for an amendment to Site Plan # 375, and as such application has been modified, revised, or amended (Revised Site Plan Amendment), for the parcel of real property known as RPC #11-011-163, 2200 N. Westmoreland Street, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on February 10, 2004 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to the previously approved conditions #1-69 and the following new condition #70,:

Outdoor Café Seating

70. The applicant agrees that the outdoor café seating use permitted at 2200 N. Westmoreland Street is a temporary use that has been approved for a limited one (1) year period, and not longer. During the one 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 one (1) year, on June 30, 2013, unless the County Board approves continuation of the outdoor seating before June 30, 2013, or retroactively after that date. The applicant agrees that it will cease use of the area shown on the “Outdoor Seating Plan” dated May 22, 2012, and shall convert the space to another approved use, or fully vacate the space, on or before June 30, 2013, and shall have no right to use the area shown on the “Outdoor Seating Plan” unless specific approval for that use is obtained from the County Board or the County Manager is in the process of scheduling a review by the County Board. In addition to all other conditions of this site plan, the applicant specifically agrees that the outdoor seating use shall be subject to the following additional conditions:

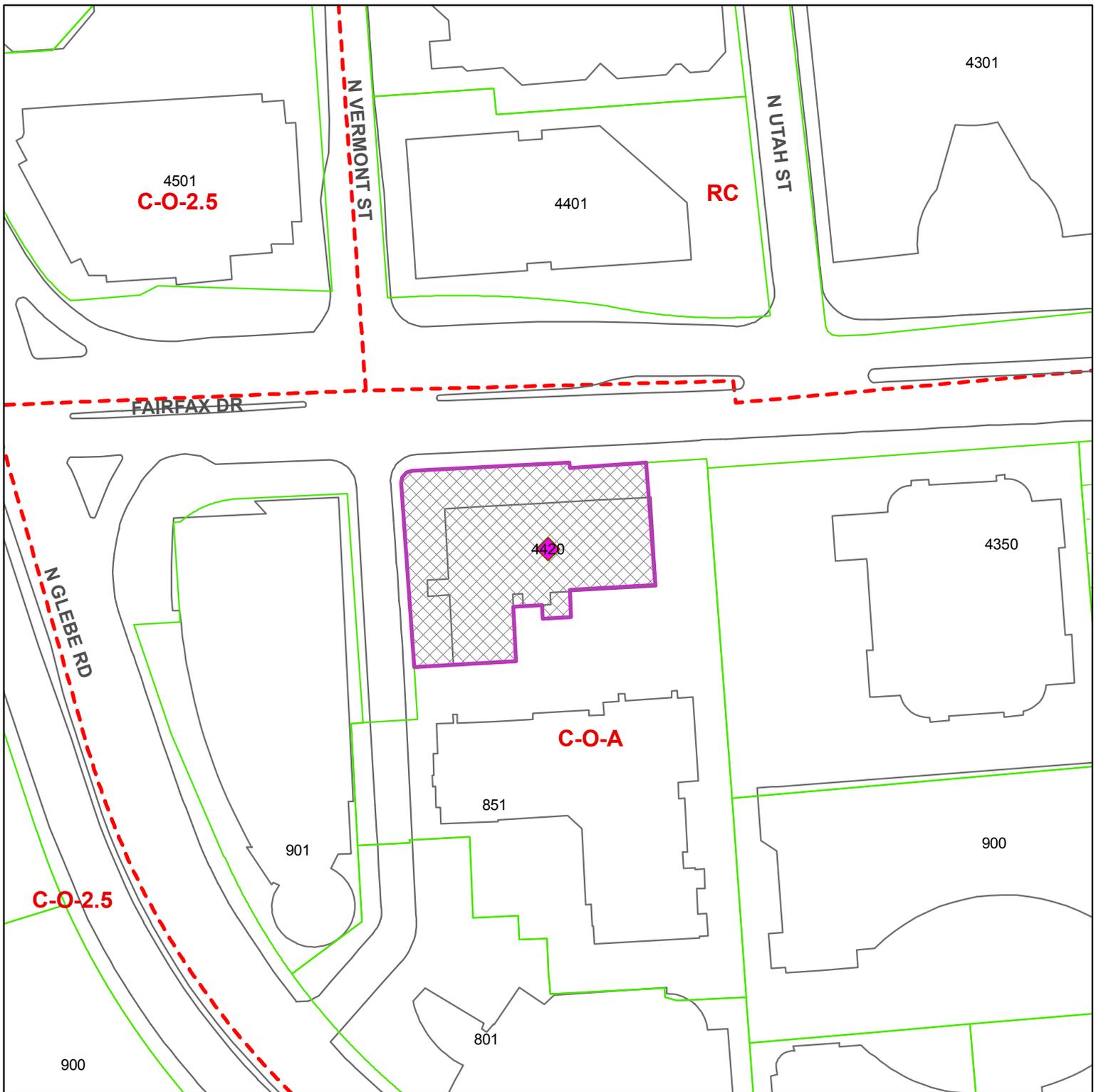
- a) The applicant agrees that outdoor seating area is permitted on North Westmoreland Street and Lee Highway as shown on the “Outdoor Seating Plan” dated May 22, 2012, and that the applicant shall not use the outdoor seating area until a certificate of occupancy has been obtained for that use. The applicant agrees to maintain a minimum of six (6) feet of clearance width along all sidewalks for pedestrians.
- b) The applicant agrees that any use of umbrellas in the outdoor seating area shall not interfere with pedestrian movement along the sidewalk.
- c) The applicant agrees that there shall be no music or audio system piped outside to the outdoor seating area at any time.

- d) The applicant agrees that all outdoor seating including tables, chairs, and removable barriers, shall be removed from the sidewalk annually during the winter months (December, January and February). No outdoor seating equipment shall be stored on the sidewalk. The applicant further agrees that no permanent furniture, including tables, chairs, railings or umbrellas, shall be installed as part of the outdoor seating.

- e) The applicant agrees to designate a neighborhood liaison to communicate with nearby residents and neighbors to address concerns which may be 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 seating. The name and telephone number shall be submitted to the Zoning Administrator and a copy sent to the Arlington-East Falls Church Civic Association.

PREVIOUS COUNTY BOARD ACTIONS:

- May 17, 1986 Approved GLUP amendment from a striped pattern of “General Commercial” and “Service Industry” to “Low” Office-Apartment-Hotel, and approved the addition of Note 7 on the GLUP.
- June 14, 2003 Approved SP #375 to rezone the site to “C-O-1.5” and approve 19 townhomes.
- February 10, 2004 Approved SP #375 (major amendment) to rezone the balance of the site to “C-O-1.5” and 128 residential units with 8,248 SF of ground floor retail and eighteen (18) townhomes; premises known as 2008 and 2200 N. Westmoreland Street, 6900 and 6910 Lee Highway (RPC #11-011-001, -002, -003, -004).



SP# 331

4420 N. Fairfax Drive

RPC #14-051-019



 Case Location(s)

Scale: 1:1,200

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