



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of June 16, 2012

DATE: May 22, 2012

SUBJECT: U-3197-08-4 USE PERMIT REVIEW for live entertainment and dancing for Yorktown Bistro; located at 5169, 5171, 5173 Lee Highway (RPC# 02-082-026).

Applicant:

FGW, Inc.
Yorktown Bistro
5171 Lee Highway
Arlington, Virginia 22207

C.M. RECOMMENDATION:

Discontinue the subject use permit for live entertainment and dancing.

ISSUES: This is a three (3) year review of a use permit for live entertainment and dancing for Yorktown Bistro. The Yorktown Bistro has closed and the ownership has changed since the last review.

DISCUSSION: The subject use permit for live entertainment and dancing for Yorktown Bistro was originally approved in June 2008. The use permit was reviewed in June 2009 and renewed for three (3) years (June 2012). Since the last review, the Yorktown Bistro has closed and new ownership has taken over the space with a new restaurant running as Deshi Spice. Condition #8 of the use permit states that, "*the live entertainment use shall terminate upon the termination of the current tenant lease or upon vacation of the current tenant from the subject site and shall not transfer to any other tenant without subsequent approval by the County Board of a new use permit request*". The new restaurant tenant is aware of this condition and is not providing live entertainment or dancing at the new restaurant. Therefore, it is recommended, and the current tenant agrees, that the use permit be discontinued.

County Manager:

BMD/GA

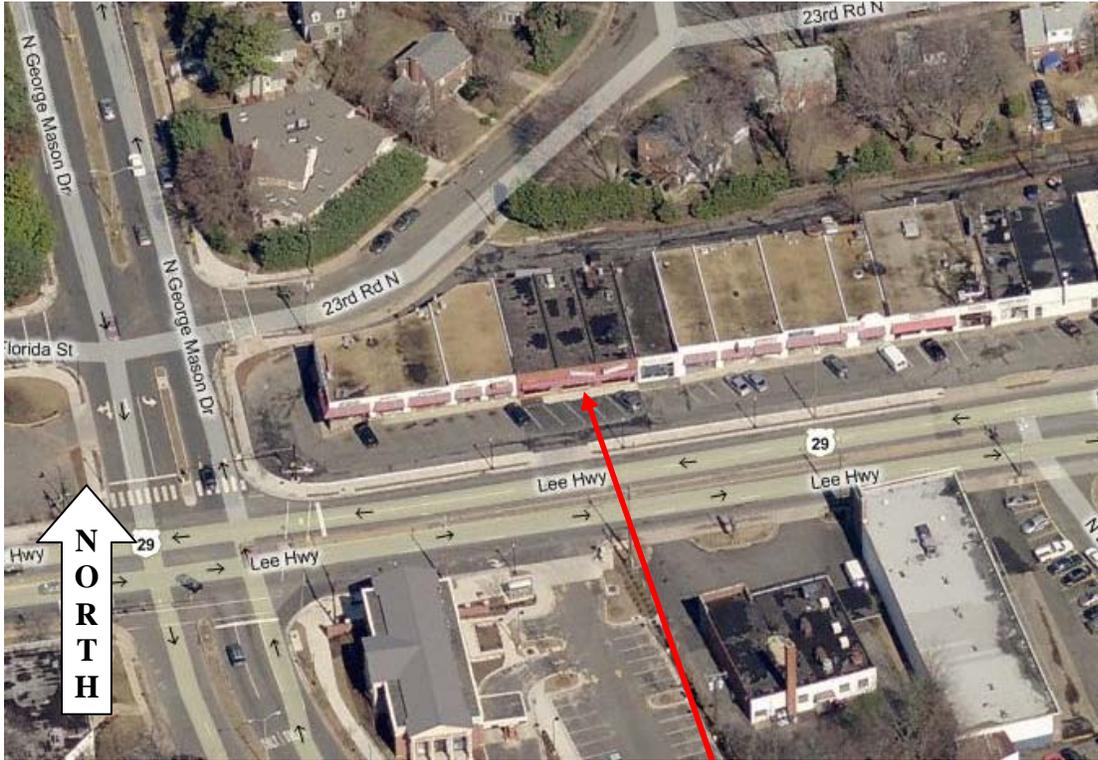
County Attorney:

[Signature] *[Signature]*

Staff: Marco Antonio Rivero, DCPHD, Planning Division

PLA-6224

The following graphic provides additional contextual information about the site:



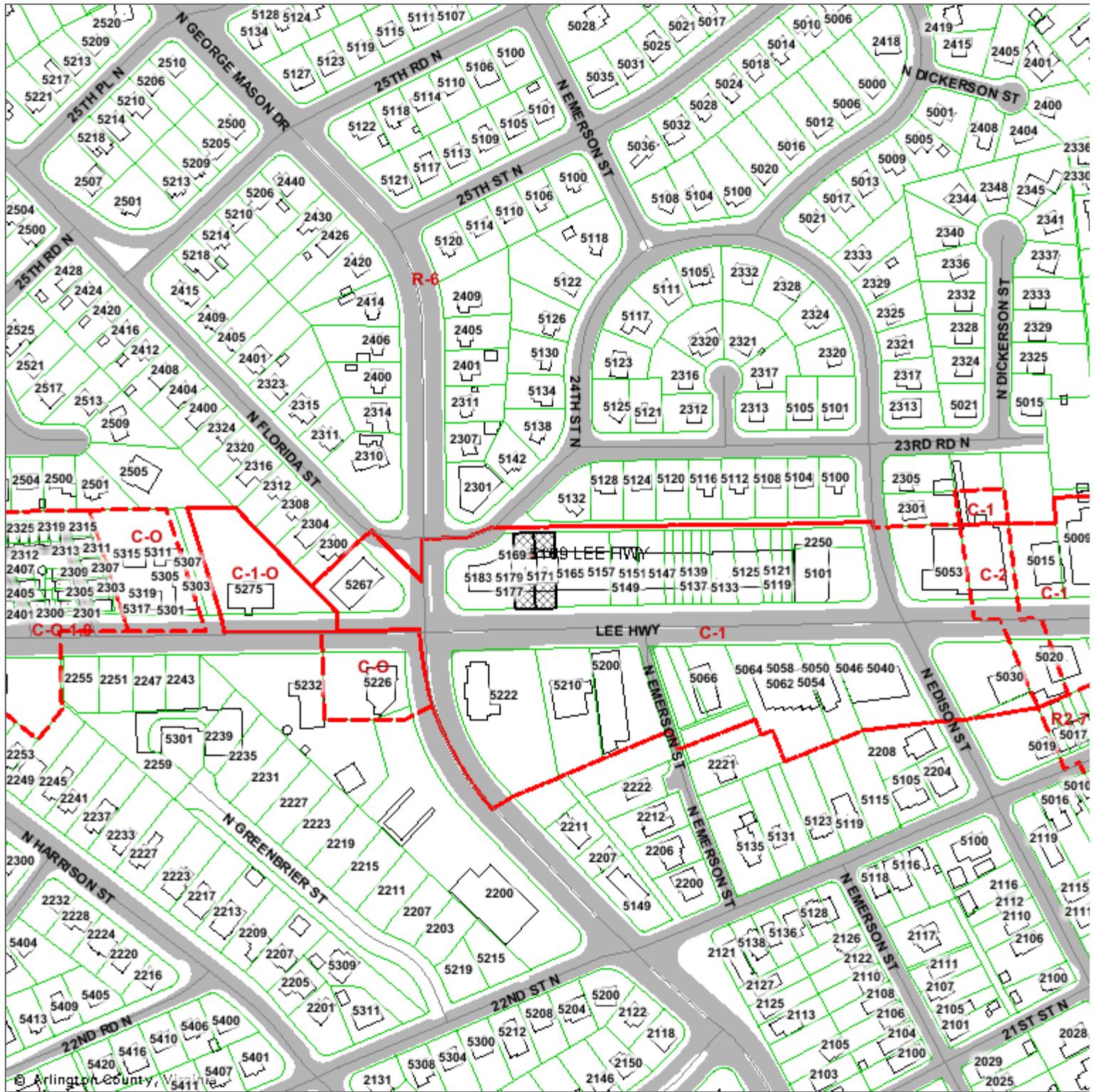
Source: Bing™ Maps

**Location of the former Yorktown Bistro:
5169, 5171, 5173 Lee Hwy**

PREVIOUS COUNTY BOARD ACTIONS:

| | |
|-------------------|--|
| November 22, 1988 | Deferred use permit (U-2604-88-1) for live entertainment, including dancing in an existing restaurant. |
| January 7, 1989 | Accepted withdrawal of use permit (U-2604-88-1) for live entertainment, including dancing in an existing restaurant. |
| January 6, 1990 | Deferred use permit (U-2657-89-2) for live entertainment, including dancing in an existing restaurant to February 10, 1990. |
| February 10, 1990 | Deferred use permit (U-2657-89-2) for live entertainment including dancing in an existing restaurant to March 10, 1990. |
| March 10, 1990 | Approved use permit (U-2657-89-2) for live entertainment, including dancing in an existing restaurant. |
| March 11, 1991 | Approved use permit (U-2694-91-3) for live entertainment, including dancing with a six (6) month review. |
| November 16, 1991 | Continued use permit (U-2694-91-3) for live entertainment, including dancing with a review in one (1) year (November 1992). |
| November 14, 1992 | Continued use permit (U-2694-91-3) for live entertainment, including dancing with a review in three (3) years (November 1995). |
| November 21, 1995 | Continued use permit (U-2694-91-3) for live entertainment, including dancing with a review in five (5) years (November 2000). |
| November 18, 2000 | Continued use permit (U-2694-91-3) for live entertainment with a review in six (6) months (May 2001). |
| May 19, 2001 | Continued use permit (U-2694-91-3) for live entertainment with a review in one (1) year. (May 2002) May 18, 2002 Continued use permit (U-2694- |

| | |
|-------------------|---|
| | 91-3) for live entertainment with a review in three (3) years (May 2005). |
| May 7, 2005 | Continued use permit (U-2694-91-3) for live entertainment with an administrative review in three months (August 2005) and a review in six (6) months (November 2005). |
| November 15, 2005 | Continued use permit (U-2694-91-3) for live entertainment with a review in two (2) months (January 2006). |
| January 21, 2006 | Continued use permit (U-2694-91-3) for live entertainment with an administrative review in three (3) month (April 2006) and a review in six months (July 8, 2006). |
| July 8, 2006 | Did Not Renew use permit (U-2694-91-3) for live entertainment. |
| June 17, 2008 | Approved use permit (U-3197-08-4) for live entertainment (Yorktown Bistro) subject to the conditions of the staff report, and with a County Board review in one (1) year (June 2009). |
| June 13, 2009 | Renewed use permit (U-3197-08-4) for live entertainment (Yorktown Bistro) subject to all previous conditions, and with a County Board review in three (3) years (June 2012). |



U-3197-08-4 USE PERMIT
5169, 5171, 5173 Lee Hwy (Yorktown Bistro)
RPC #02-082-026



Not To Scale



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