



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of September 13, 2008**

**DATE:** September 3, 2008

**SUBJECT:** SP # 65 SITE PLAN AMENDMENT REVIEW for a free-standing sign; 320 S. 23<sup>rd</sup> St. (Chili's) (RPC #34-020-030)

**Applicant:**

Smith Property Holdings Buchanan House, LLC

**By:**

Nan Walsh, Agent/Attorney  
Walsh, Colucci, Lubeley, Emrich & Walsh  
2200 Clarendon Boulevard, Suite 1300  
Arlington, Virginia 22201

**C. M. RECOMMENDATION:**

Renew, subject to all previous conditions, with a County Board review in five (5) years (September 2013).

**ISSUES:** This is a review of a site plan amendment for a freestanding sign, and no issues have been identified.

**SUMMARY:** This is a scheduled site plan amendment review for a free-standing sign associated with the Chili's restaurant. The sign is maintained in compliance with approved conditions since County Board approval in September 2003. In addition, its presence adds color and visual vibrancy to a pedestrian-oriented streetscape. Therefore, staff recommends renewal of the site plan amendment, subject to all previous conditions, with a County Board review in five (5) years.

**BACKGROUND:** In 1999, the County approved the conversion of retail space located in the interior of Buchanan Mall in Crystal City to office use. The remaining retail space along the exterior of the mall was upgraded and attracted a number of national restaurants, including Chili's. In January 2000, the County Board approved a comprehensive sign plan for the street level retail frontages at the subject site. Chili's incorporated retail identification signs and its

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Melanie Wellman, DCPHD, Planning Division

PLA-5072

corporate green and white colored canopies along the storefront in accordance with that approval. Subsequently, Chili's restaurant installed a three-dimensional chili pepper (Attachment 1) in the plaza in front of its storefront along South Clark Street without appropriate approvals from the County. The chili pepper did not meet the criteria for a traditional freestanding sign under the *Sign Guidelines for Site Plan Buildings* at that time, as the guidelines limited projects to one (1) identification sign, and the chili pepper was considered a second sign. Because there was an interest in creative signage and pedestrian elements in unified retail areas, staff re-evaluated and amended the policy in 2003. The freestanding chili pepper sign fell within the boundaries of these guidelines, and was found to create a livelier street frontage in an area re-establishing itself as a destination retail location. The freestanding sign was approved by the County Board on September 13, 2003.

**DISCUSSION:** The Zoning Ordinance defines a freestanding sign as, "a nonmoveable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building." Structures like the chili pepper are considered freestanding signs and, as such, are supported on a limited basis. The intent of limiting the number of such signs is to avoid proliferation throughout the County.

The *Sign Guidelines for Site Plan Buildings* was amended in 2003 to include guidelines for freestanding signs. The amended guidelines allow the County Board to approve non-traditional freestanding sign area, in addition to the retail sign area, subject to a special exception use permit or site plan amendment. The chili pepper freestanding sign meets the following approved criteria for freestanding signs:

- Located within a unified shopping center retail development under single ownership or control, and where substantial pedestrian activity exists.
- One (1) such non-traditional freestanding sign would be allowed per unified shopping center and no more than one sign would be permitted, either on any street block frontage or on any 500-foot length of frontage which ever is less.
- Placed in a location in which the sign contributes to the identity of the place.
- In lieu of a traditional freestanding project identification sign.
- Incorporated into the comprehensive sign plan with a sign maintenance plan.
- Not within the public right-of-way or a public sidewalk easement.
- Pedestrian oriented size (not more than 6 feet in any dimension).
- No higher than six (6) feet measured from the ground.
- Non-illuminated, however backlighting, reflected or spot lighting of the sign may be considered.
- No flashing lights or movement of the sign.
- Permanently installed, opaque, non-inflatable structure. No temporary signs permitted.
- Shall not impair the visibility of nor constitute an undue hazard to motorists and pedestrians.

A sign maintenance plan, as required by Condition #1 of the subject use permit, was submitted and approved by the Zoning Administrator on October 2, 2003 (Attachment 2). The sign maintenance plan covers daily cleaning of the sign, as well as repairs and replacement of the sign

should damage occur. The chili pepper is maintained in conformance with this plan.

**Since Site Plan Amendment Approval (September 13, 2003):**

Site Plan Amendment Conditions: The freestanding chili pepper sign is in compliance with all site plan amendment conditions.

Site Plan Inspector: The Site Plan Inspector reports no issues with the continuation of the site plan amendment.

Police Department: The Police Department reported no issues with the site plan amendment.

Fire Marshal's Office: The Fire Marshal's Office has not expressed any issues or concerns with the continuation of this site plan amendment.

Civic Association: The site is not within a civic association, but is in proximity to the Aurora Highlands Civic Association. The Aurora Highlands Civic Association was notified, and to this date has not provided any comments on the continuation of this site plan amendment.

**CONCLUSION:** The freestanding pepper sign has operated in compliance with the approved site plan amendment conditions since approval in September 2003. In addition, it has added color and visual vibrancy to the streetscape. Staff supports the continuation of the site plan amendment for the chili pepper sign. Given it's location within Crystal City, staff recommends the freestanding sign be reviewed again after adoption and implementation of the Crystal City Plan. Therefore, staff recommends renewal of the site plan amendment, subject to all previous conditions, with a County Board review in five (5) years.

PREVIOUS COUNTY BOARD ACTIONS:

February 17, 1968	Approved a site plan for the National Center, Jefferson Davis Highway. This site plan was approved with a gross floor area not to exceed 2.0 F.A.R. and 603 apartment units.
October 26, 1968	Approved a site plan amendment for National Center permitting subdivision of the property.
April 12, 1969	Approved a site plan amendment for the National Center reconfiguring the approved plan and increasing densities.
June 4, 1969	Approved the addition of 559 motel units to the National Center.
February 7, 1970	Approved a site plan amendment to permit 1) approval for the revised configuration of the James Buchanan House, which contains 433 dwelling units, and 2) approval of the revised configuration of the Zachary Taylor office building.
September 12, 1970	Approved a site plan amendment to permit the reconfiguration of the Pierce office building into two separate towers with no increase in approved office gross floor area.
February 24, 1971	Approved a site plan amendment to permit 263,000 square feet of commercial floor area in the National Center complex.
August 7, 1971	Approved a site plan amendment permitting the redesign in the approved motel and an increase in the number of units from 350 to 400 units.
November 6, 1971	Approved a site plan amendment permitting the relocation of the approved Pierce office building tower.
June 8, 1972	Approved a site plan amendment permitting signs.
December 1, 1973	Approved a site plan amendment for the Buchanan House-National Center to permit a canopy over the front entrance.

April 6, 1974	Approved a site plan amendment permitting a public dance hall and live entertainment in the second floor lounge of the Stouffer's Inn (2399 Jefferson Davis Highway).
September 7, 1974	Approved a site plan amendment permitting a health and social club to occupy 5,800 square feet on the lower commercial level of the Zachary Taylor building.
November 9, 1974	Approved a site plan amendment to permit 1) conversion of 51,308 square feet of commercial space to office space on the upper commercial level of the Century building and 2) conversion of 27,500 square feet of commercial space to office space on the upper commercial level of the Zachary Taylor building.
April 15, 1975	Approved a site plan amendment for the Hayes building to 1) convert approximately 35,033 square feet from commercial to office space, and 2) enclose approximately 12,750 square feet under the building for office space and restaurant.
May 10, 1975	Approved a site plan amendment for the Fillmore-Pierce building and Buchanan House to remove the requirement of a temporary or permanent wall between the two buildings.
June 17, 1975	Approved a site plan amendment to close the South entrance to the truck drive and convert to commercial space, reduce truck unloading area and relocate pedestrian corridor on the lower commercial level.
September 20, 1975	Approved a site plan amendment to permit one "box" sign; illuminated, visible in both directions.
October 4, 1975	Approved a site plan amendment for signs.
February 7, 1976	Approved a site plan amendment to permit computer facilities on the penthouse floor level of the Zachary Taylor building.
August 7, 1976	Approved a site plan amendment to convert 26,484 square feet of first floor commercial space and 3,696 square feet of cafeteria to office in the Zachary Taylor building.

September 11, 1976	Approved a site plan amendment to 1) use 19,872 square feet of the penthouse or executive offices, subject to an occupancy not to exceed one employee per 400 square feet in the Fillmore building and 2) use 2,300 square feet of commercial space at the ground floor level for a cinematography studio in the Hayes building.
March 22, 1977	Approved a site plan amendment to convert 1,000 square feet of commercial space (snack bar and vending area) on the plaza level to office space in the Polk building.
March 22, 1977	Approved a site plan amendment to install a connecting hallway at the third floor level between the Polk and Taylor buildings.
June 4, 1977	Approved a site plan amendment to permit two signs 2.5" X 15.5" each, one on Ball Street and one on 23rd Street South (Sharp Electronics) and to place the signs under the soffit.
July 30, 1977	Approved a site plan amendment to convert 8,000 square feet of commercial space to office space on the ground floor of the Century Building.
November 22, 1977	Administrative approval granted for the conversion of approximately 2,300 square feet from commercial to office space in the Century Building.
December 10, 1977	Approved a site plan amendment to convert 34,074 square feet on the penthouse level to executive offices, subject to an occupancy not to exceed one employee per 400 square feet in the Zachary Taylor building.
March 4, 1978	Denied a site plan amendment to eliminate the condition concerning the penthouse level located at in the Zachary building.
	Approved a site plan amendment to install a seven (7) foot high chain link fence along the internal perimeter of garage levels B1, B2, and B3.

June 3, 1978	Approved a site plan amendment permitting an outdoor dining facility in conjunction with an existing restaurant.
July 10, 1982	Approved a site plan amendment to modify the main entrance to the Buchanan House lobby by enclosing the vestibule.
July 7, 1984	Approved a site plan amendment for a freestanding pylon identification sign reading "Century Building" plus logo.
November 16, 1985	Approved a site plan amendment to increase office gross floor area by extending the 3rd floor over the mall; add 2 terraces on the 4th floor roof level; on premises known as 2341 Jefferson Davis Highway, Century Building.
September 20, 1986	Approved a site plan amendment to convert 13,500 square feet of cafeteria space on the first floor to office gross floor area.
July 11, 1987	Accepted withdrawal of a site plan amendment to permit a temporary banner, 3 feet by 15 feet, on the west elevation at the 12th floor level.
July 8, 1988	Approved a site plan amendment to add 3,560 square feet of gross floor area to the upper mall level for the office uses.
July 13, 1991	Approved a site plan amendment to permit dancing at Ondine's Lounge, 2399 Jefferson Davis Highway (Stouffer's).
August 10, 1991	Approved a site plan amendment to delete the restriction on occupancy of the penthouse to no more than one employee per 400 square feet of space (Century Building).
October 10, 1992	Approved site plan amendment (#65) to permit the existing building facade to be replaced with a flush curtain wall which will increase the gross floor area by 11,500 square feet.

November 14, 1992	Approved a site plan amendment to add 11,190 square feet of density to the Van Buren Building as part of a major renovation subject to two (2) conditions.
March 10, 1993	Approved site plan amendment (#65) to delete Condition #3 of a February 24, 1971 site plan amendment, amended condition #2 of the October 10, 1992 site plan amendment to add density to the Van Buren building.
March 4, 1995	Approved a site plan amendment request to permit conversion of approximately 3,774 square feet of retail gross floor area to office use for a period not to exceed seven (7) years.
December 7, 1996	Approved site plan amendment (SP #65) to permit conversion of 2,856 square feet of retail space to be used for a martial arts school for period not to exceed five (5) years.
August 8, 1998	Approved site plan amendment (SP #65) to permit conversion of approximately 1,210 square feet of retail space for use by the University of Oklahoma for higher education classes for a period not to exceed five (5) years.
April 10, 1999	Deferred site plan amendment request (SP #65) conversion of 41,544 square feet of retail space to office space and renovation and upgrade of approximately 30,710 square feet of retail along the street, the street, including modifications to the streetscape, exterior façade, and signage to the May 22, 1999 County Board meeting.
May 22, 1999	Deferred site plan amendment request (SP #65) conversion of 41,544 square feet of retail space to office space and renovation and upgrade of approximately 30,710 square feet of retail along the street, the street, including modifications to the streetscape, exterior façade, and signage to the July 10 1999 County Board meeting.
July 10, 1999	Deferred site plan amendment request (SP #65) conversion of 41,544 square feet of retail space to office space and renovation and upgrade of approximately 30,710 square feet of retail along the

	street, including modifications to the streetscape, exterior façade, and to permit a comprehensive sign plan to the August 14, 1999 County Board meeting.
August 17, 1999	Approved site plan amendment request (SP #65) for the conversion of 41,544 square feet of retail space to office space and renovation and upgrade of approximately 30,710 square feet of retail along the street including modifications to the streetscape and exterior façade and to permit a comprehensive sign plan for 2301 Jefferson Davis Highway.
January 29, 2000	Approved site plan amendment request (SP #65) for a comprehensive sign plan to permit building and tenant identification signs.
November 17, 2001	Deferred site plan amendment request (SP #65) for a freestanding sign (Chili's Restaurant) to the first scheduled meeting in April 2002.
April 20, 2002	Deferred site plan amendment request (SP #65) for a freestanding sign (Chili's Restaurant) to the June 8, 2002 County Board meeting
June 8, 2002	Deferred site plan amendment request (SP #65) for a freestanding sign (Chili's Restaurant) to the October 19, 2002 meeting.
October 19, 2002	Deferred site plan amendment requests (SP #65) for (Chili's Restaurant and Consolidated Engineering Services) to the first scheduled County Board meeting in February 2003.
February 8, 2003	Deferred #65 Site Plan Amendment to amend comprehensive sign plan for Chili's Restaurant to the September 13, 2003 County Board meeting.  Accepted withdrawal of #65 Site Plan Amendment to amend comprehensive sign plan by Consolidated Engineering Services.
September 13, 2003	Approve SP # 65 Site Plan Amendment for a non-traditional freestanding sign for Chili's Restaurant (a chili pepper) subject to all previous conditions and three (3) new conditions that apply solely to the

subject freestanding sign, and with a review by the County Board in five (5) years (September 2008).

Approved Conditions:

1. The applicant agrees to submit to, and obtain the Zoning Administrator's approval of, a sign maintenance plan for the chili pepper within 60 days of County Board approval. If such plan is not approved, the applicant agrees to remove the chili pepper. The maintenance plan shall include periodic cleaning of the pepper, and immediate (within fifteen (15) calendar days) repainting and/or replacement of the pepper if discoloration and/or damage shall occur.
2. The applicant agrees that the sign shall remain unlit and that there shall be no written message included on the sign at any time.
3. The applicant agrees that in the event that the Chili's restaurant moves from its location, the freestanding chili pepper sign shall be removed from the site.