



## ARLINGTON COUNTY, VIRGINIA

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

**DATE:** August 26, 2008

**SUBJECT:** SP #193 SITE PLAN AMENDMENT: Gary Ouellette, live entertainment and dancing; 4238 Wilson Blvd. (RPC #14-059-035 and 14-059-036)

**Applicant:**

Gary Ouelette  
Union Jack's  
4238 Wilson Blvd  
Arlington, Virginia 22203

**C. M. RECOMMENDATION:**

Approve the use permit request for live entertainment, subject to the conditions of the staff report, and with a County Board review in one (1) year (September 2009).

**ISSUE:** This is a site plan amendment for live entertainment and dancing and no issues have been identified.

**SUMMARY:** The applicant requests a site plan amendment for live entertainment and dancing at the Ballston Common Mall. The subject restaurant, Union Jack's, would provide deejays and live bands for restaurant patrons and private parties throughout the week from 11 a.m. to 1:30 a.m. Dancing would be allowed from 5 p.m. to 1:30 a.m. The location in the ground floor of the Mall along Glebe Road, adjacent to the Rock Bottom Brewery (which also has live entertainment), is not adjacent to any residential uses, and there is sufficient parking available at the attached Ballston Common garage. Therefore, staff recommends approval of the site plan amendment for live entertainment and dancing, with a County Board review in one (1) year (September 2009).

**BACKGROUND:** The restaurant is currently under construction. Certificates of Occupancy have not yet been granted, but the restaurant will have approximately 228 indoor seats. There is also a proposed 20-seat outdoor café, and a 10 seat area outside of the restaurant inside the mall.

Site: The subject property is located in the Ballston Common Mall with street frontage on North Glebe Road, next to the Rock Bottom Brewery.

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

Staff: Peter Schulz, CPHD, Planning Division

PLA-5043

Zoning: The site is zoned “C-O-2.5” Commercial Office Building, Hotel and Apartment Districts. Section 24.A.2.a.of the Zoning Ordinance permits retail and service commercial uses with site plan approval.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Medium Office-Apartment-Hotel” (2.5 F.A.R. office density, apartment density up to 115 units/acre, hotel density up to 110 units/acre).

Neighborhood: The site is located within the Ashton Heights Civic Association, and borders Ballston-Virginia Square Civic Association and Bluemont Civic Association. There have been no comments at the time of this writing.

**DISCUSSION:** Union Jack’s, a British themed pub, proposes to offer live entertainment seven days a week from 11 a.m. to 1:30.a.m, and dancing from 5 p.m. to 1:30 a.m. The live entertainment will be deejays and bands as well as live entertainment for private parties.

Staff supports this application for live entertainment and dancing. Live entertainment use is consistent with the zoning for this site, is adjacent to other successful uses with live entertainment such as Rock Bottom Brewery and Comedy Sportz, is not adjacent to residential areas, and parking is easily available.

**CONCLUSION:** Staff recommends approval of the site plan amendment for live entertainment and dancing, subject to the following conditions, and with a County Board review in one (1) year (September 2009):

New Conditions:

1. The applicant agrees live entertainment shall be permitted only between the hours of 11 a.m. to 1:30 a.m., Monday through Sunday. The customer dancing shall be permitted only between the hours of 5 p.m. to 1:30 a.m., seven days a week.
2. The applicant agrees windows and doors to outside of the restaurant shall be closed during hours of live entertainment and the applicant shall comply with the Arlington County Noise Ordinance. No music shall be piped outside of the restaurant in the public right of way.
3. The applicant agrees that all requirements of County and State Ordinances, the Environmental Health Bureau, the Fire Marshal, the Police Department and the Alcohol Beverage Control Board shall be met.
4. The applicant agrees to obtain a Dance Hall Permit from the Zoning Office before dancing can be allowed.
5. The applicant agrees to identify an on-site 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 of the liaison shall be provided to the Ashton Heights Civic Association, the Ballston-Virginia Square Civic Association, the Bluemont Civic Association, and the Zoning Administrator before issuance of the Certificate of Occupancy.

PREVIOUS COUNTY BOARD ACTIONS:

- May 18, 1982 Approved a site plan amendment (Z-2224-82-2) for the redevelopment of Parkington Shopping Center, for three office buildings, for the remodeling of an existing department store and shops and an addition to the existing parking garage plus a new parking structure.
- July 9, 1983 Approved a site plan amendment (new site plan) (Z-2224-82-2 and Z-2238-83-2) SP#193 to modify the approved site plan to incorporate new site area into the redevelopment and to revise the approved site plan. Total density approved 1,450,285 s.f. [(850,000 s.f. of office g.f.a. in 3 bldgs., 25,000 s.f. of retail/office g.f.a. and 662,660 s.f. of commercial g.f.a. excluding mall area (76,475 s.f. and cinema 10,900 s.f.)]
- April 4, 1987 Approved a site plan amendment to permit an outdoor cafe (Ecco Cafe) with a review in one (1) year.
- July 11, 1987 Approved a site plan amendment to modify condition #2 to allow the word "Ecco" to be used in conjunction with the logo on the panel demarcating the outdoor cafe area.
- April 16, 1988 Continued a site plan amendment to the operation of an outdoor cafe (Ecco Cafe) with a review in two (2) years.
- August 12, 1989 Deferred site plan amendment request for a comprehensive sign and lighting plan to the October 7, 1989 County Board meeting.
- September 12, 1989 Approved site plan amendment request to permit conversion of 408 s.f. of retail space to office use for five years subject to one (1) condition.
- October 7, 1989 Deferred site plan amendment request for a comprehensive sign and lighting plan to the January 6, 1990 County Board meeting.

January 9, 1990	Deferred site plan amendment request for a comprehensive sign and lighting plan to the April 7, 1990 County Board meeting.
April 7, 1990	Continued site plan amendments for the operation of an outdoor cafe (American Cafe) with a review in two (2) years.
April 7, 1990	Deferred site plan amendment request for a comprehensive sign and lighting plan to the July 7, 1990 County Board meeting.
April 3, 1993	Continued a site plan amendment (SP #193) for operation of an outdoor café in conjunction with an existing restaurant.
July 13, 1993	Approved a site plan amendment for operation of a summer day camp for up to 40 children, ages 5 to 12 years, weekdays, from 7:00 a.m. to 6:30 p.m. from June through September on the 3rd level of the Mall.
September 11, 1993	Took no action on site plan amendment (SP #193) to permit six tables of an outdoor café in the public right-of-way.
March 9, 1996	Adopted an ordinance stating that the amount and type of signage proposed for the Ballston Common Mall is consistent with the County Board's adopted policy establishing this site area as a major focal point for the Ballston area, and that the approved sign plan will reinforce the retail component and unity of this focal point project consistent with the "Sign Guidelines for Site Plan Buildings"
	Deferred a site plan amendment (SP #193) for a comprehensive sign plan to the March 23, 1996 County Board meeting.
March 23, 1996	Approved a site plan amendment (SP #193) for a comprehensive sign plan (banners, retail tenant signs, mall identification signs, directional signs, and pylon and free-standing signs) including three Ballston Common Mall identification signs.



of 11:00 a.m. and 1:30 a.m., Mondays through Sundays, for Rock Bottom Brewery Restaurants.

July 10, 1999

Approved a site plan amendment (SP #193) and amended conditions of the approved site plan continue to permit a temporary construction staging area, partially on-site and partially off-site for a period of two (2) years from June 13, 1999 to June 13, 2001).

Ratified and approved the lease agreement attached to the County Manager's June 23, 1999 report between the Arlington County Board and Ballston Common Associates, L.P. for the subject County-owned property at a rent of \$350 per month.

November 13, 1999

Approved a site plan amendment (SP #193) to permit an outdoor café within the public right-of-way and to permit a comprehensive sign plan.

January 29, 2000

Approved site plan amendment (SP #193) for two rooftop signs (one on an alternative location) at the Ballston Tower building for parcels of real property located at 627 - 701 North Glebe Road (east side) and 4100 through 4128 Wilson Boulevard and 504 through 708 North Randolph Street subject to three new conditions.

April 8, 2000

Deferred site plan amendment (SP #193) to permit a 13-story office building with ground floor commercial retail space, consisting of a total of approximately 262,000 gross square feet and a modification of use regulation for building height on premises known as Parcel D-1, Ballston Common.

May 23, 2000

Deferred site plan amendment (SP #193) to permit a 13-story office building with ground floor commercial retail space, consisting of a total of approximately 262,000 gross square feet with a modification of use regulations for building height, tandem parking and to permit a comprehensive sign plan on premises known as Parcel D-1, Ballston Common.

June 24, 2000	<p>Approved an agreement with May Department Store Company and amendments to Ballston Public Parking Garage Bond documents.</p> <p>Approved a site plan amendment (SP #193) for Parcel D-1, Ballston Common Point site and modification of use regulations for tandem parking and a comprehensive sign plan subject to conditions.</p>
August 5, 2000	<p>Approved site plan amendment (SP #193) to enclose the exterior arcade to accommodate year round restaurant seating, additional outdoor seating and modifications to exterior facade for Chicken Out Rotisserie.</p>
October 13, 2001	<p>Approved site plan amendment (SP #193) to replace the previously approved 8-inch caliper trees with 6.5-inch caliper trees.</p> <p>Approved site plan amendment (SP #193) to convert interior retail space to office space, and amend the comprehensive sign plan subject to all previous conditions and new conditions.</p>
February 9, 2002	<p>Approved major site plan amendment (SP #193) for the development of the 8th level of the Ballston Common parking garage including parking, a two-story ice skating facility with ancillary uses and a training facility, with a second story including office use and a mezzanine to the ice rinks subject to conditions.</p>
October 19, 2002	<p>Deferred site plan amendment (SP #193) to amend comprehensive sign plan for the Ballston Common Mall to the November 16, 2002 meeting.</p>
November 16, 2002	<p>Approved a site plan amendment for a comprehensive sign plan for the Ballston Point building, subject to all previous conditions and new conditions.</p> <p>Approved a site plan amendment for a comprehensive sign plan for the Ballston Common</p>

	Mall, subject to all previous conditions and new conditions.
December 7, 2002	Approved a site plan amendment for a weekly live comedy show within the Ballston Common Mall, subject to the following condition and review in one (1) year (December 2003).
December 6, 2003	Continued a site plan amendment for a weekly live comedy show within the Ballston Common Mall, subject to all previous conditions and review by the County Board in three (3) years (December 2006).
June 14, 2003	Approved a site plan amendment for the ice skating facility to amend condition #60 and permit minor building modifications, subject to all previous conditions and three revised conditions.
July 19, 2003	Discontinued a site plan amendment for relocation of office use at 4238 Wilson Boulevard.
October 18, 2003	Approved a site plan amendment for conversion of retail use to office (within the Ballston Common Mall) until January 2006.
July 10, 2004	Approved a site plan amendment to expand the theater for a weekly live comedy show within the Ballston Mall, subject to the previous condition #1 of this site plan amendment and condition #2 below, with a County Board review in two (2) years and six months (December 2006) along with the original site plan amendment.
December 14, 2004	Approved a site plan amendment for the ice skating facility to remove the mesh from the façade of the parking garage structure, subject to all previous conditions and two revised conditions (#1 and #30).
October 14, 2006	Approved a site plan amendment for the ice skating facility for a comprehensive sign plan, including rooftop signs, subject to all previous conditions with two amended conditions (Condition #30 and #44) and one deleted condition (Condition #62). Carried over discussion pertaining to the illumination of the rooftop signs to the November 14, 2006 meeting.

November 14, 2006

Deferred a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility to the December 9, 2006 meeting.

December 9, 2006

Renewed the site plan amendment for an expanded theater, subject to all previous conditions, and with a County Board review in three (3) years (December 2009).

Deferred a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility to the January 27, 2007 meeting.

January 27, 2007

Approved a site plan amendment to illuminate the two approved rooftop signs for the ice skating facility.