



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of May 7, 2005

**DATE:** April 16, 2005

**SUBJECT:** U-3005-01-1 USE PERMIT REVIEW of live entertainment and dancing; premises known as 555 23<sup>rd</sup> Street South (Freddie's) (RPC #36-018-011)

**Applicant:**

Freddie's

**By:**

Frederick Lutz, President  
555 23rd Street South  
Arlington, Virginia 22202

**C.M. RECOMMENDATION:**

Renew, subject to all previous conditions with a County Board review in five (5) years (May 2010).

**ISSUES:** None.

**SUMMARY:** This is a use permit for a live entertainment use. The use permit was last reviewed in 2002 when it was found to be operating in compliance with the conditions of use permit approval and without complaints to County agencies. During the review period the use has continued to operate in compliance with conditions of use permit approval. Therefore, it is recommended that the use permit for live entertainment be renewed subject to all previous conditions with a review by the County Board in five years.

**BACKGROUND:** The County Board approved the subject live entertainment use permit at its May 2001 County Board meeting. The applicant offers a range of entertainment, including piano music, karaoke and comedy. The hours of live entertainment are from 11 a.m. to 2 a.m., Monday through Sunday. The restaurant has a maximum seating capacity of 98 seats (32 outdoor seats and 66 indoor seats). A small dance floor accommodates dancing.

**DISCUSSION:** Since the last review in May 2002, the use has operated in compliance with the County Board's approval. There have been no complaints to County's agencies. None of the enforcement agencies, Police, Fire, ABC or Code Enforcement have expressed objections to renewal of this use permit. Therefore, it is recommended that the use permit be continued, subject to all previously approved conditions with a County Board review in five (5) years (May 2010).

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

Staff: Marcia A. Smith, DCPHD, Planning Division

PLA-4002

**Since the Last Review (May 18, 2002):**

Use Permit Conditions: The use has operated in compliance with the conditions of use permit approval during the review period.

Community Code Enforcement: Staff report that the use is in compliance with County codes and there have been no complaints to County agencies.

Fire Marshal's Office: Staff report that the use complies with County's fire codes.

Police Department: Staff is awaiting a response from the Police Department.

ABC: Staff report that they have no objections to renewal of this use permit.

Civic Associations: Arlington Ridge Civic Association and Aurora Highlands Civic Associations were notified of the subject review of this live entertainment use permit. To date there has been no response from the associations. Staff is continuing to seek input from the Associations.

PREVIOUS COUNTY BOARD ACTIONS:

- April 4, 1992                      Approved use permit (U-2733-92-1) for live entertainment in an existing restaurant, subject to conditions and with a review in six (6) months.
- October 10, 1992                      Continued use permit (U-2733-92-1) for live entertainment in an existing restaurant, subject to conditions and with a review in six (6) months.
- May 15, 1993                      Discontinued use permit (U-2733-92-1) for live entertainment in an existing restaurant.
- May 19, 2001                      Approved use permit (U-3005-01-1) for live entertainment and dancing in an existing restaurant with a review in one (1) year. (May 2002)
- May 18, 2002                      Renewed use permit (U-3005-01-1) for live entertainment and dancing in an existing restaurant with a review in three (3) years. (May 2005)

Approved Use Permit (U 3005-01-1) Conditions:

1. The applicant agrees to limit the hours of live entertainment to Monday through Sunday between the hours of 11:00 a.m. and 2:00 a.m.
2. 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.
3. The applicant agrees that music resulting from live entertainment shall comply with the limits established in the County Noise Ordinance.
4. The applicant agrees to develop and implement a parking plan, which shall be reviewed and approved by the County Manager or his designee prior to the issuance of any certificate of occupancy. The applicant agrees that the parking plan shall include: the total number of parking spaces, the location and address of the parking spaces and the days and hours of the day that the parking spaces are available for patrons of the approved use, and at a minimum consistent with the approved days and hours of live entertainment.
5. The applicant agrees to identify a liaison between the subject use and the neighborhoods. The liaison shall be empowered to address any concerns identified as emanating from the live entertainment. The name and telephone number of the liaison shall be shared with Zoning Administrator and the nearby civic associations of Aurora Highlands and Arlington Ridge prior to the issuance of a certificate of occupancy.
6. The applicant agrees to secure the required dance hall permit prior to offering dancing activities on the site.