



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of December 9, 2006

DATE: November 21, 2006

SUBJECT: SP #193 SITE PLAN AMENDMENT REVIEW for expanded theater; located at 4238 Wilson Boulevard. (ComedySportz) (RPC #14-059-035)

Applicant:

Elisabeth Demery, Owner
631 South Adams Street
Arlington, Virginia 22204

C.M. RECOMMENDATION:

Renew 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).

ISSUES: None.

SUMMARY: The County Board approved a site plan amendment on July 10, 2004, to increase the hours of operation and expand the store space of ComedySportz, a family-friendly comedy club in the Ballston Common Mall, to seat more people and to house another theatre where they could produce theatrical events. The expanded space is called *The Comedy Spot*. It has been a good addition to the mall's merchant mix and has successfully generated traffic on the third level of the mall. Therefore, it is recommended that the renewal of the site plan amendments be approved.

BACKGROUND: The subject comedy club is located in space adjacent to the Regal Cinemas on the third floor of the Ballston Common Mall. The site is zoned "C-O-2.5" Commercial Office Building, Hotel, and Apartment District and is designated on the General Land Use Plan as "Medium" Office-Apartment-Hotel.

The applicant has been operating weekly live comedy shows since October 2001 and after being informed of the requirement of a site plan amendment, applied for and received County Board approval in December 2002. A site plan amendment to expand the hours of the weekly live comedy shows in the comedy club's existing space and to expand into adjacent store space to add another theater was granted in 2004.

The comedy club operates in two separate spaces: a 200-seat theatre and a 75-seat theatre.

County Manager: _____

Staff: Colleen J. Connor, DCPHD, Planning Division

PLA-4576

DISCUSSION: The use provides a unique venue in which families can go out and enjoy a live comedy show together. It has been a good addition to the Ballston Common Mall's merchant mix and has successfully generated traffic on the third level of the mall. The comedy club has operated in compliance with the site plan amendment conditions and all State and County codes without incident.

Since the last review and site plan amendment (December 6, 2003 and July 10, 2004, respectively):

Site Plan Amendment Conditions: The applicant is in compliance with all site plan amendment conditions.

Community Code Enforcement: There have been no complaints or concerns reported and Code Enforcement has no objection to the continuance of this site plan amendment.

Police Department: There are no issues or concerns. The Police Department has no objection to the continuance of this site plan amendment.

Fire Marshal's Office: There are no issues or concerns. The Fire Marshal's Office has no objection to the continuance of this site plan amendment.

Civic Associations: The Ballston-Virginia Square and Ashton Heights Civic Associations and the Ballston-Virginia Square Partnership were notified of this site plan amendment review. The Partnership responded with no issues or concerns of this site plan amendment. The civic associations have not responded at the time of this report.

CONCLUSION: The subject use produces a live comedy show on a regularly scheduled basis. It has been a positive addition to the mall's merchant mix and has successfully generated foot traffic in the mall. Therefore, it is recommended that the renewal of the site plan amendment be approved, subject to all previous conditions, with a County Board review in three (3) years (December 2009).

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.

- 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 Approved an agreement with May Department Store Company and amendments to Ballston Public Parking Garage Bond documents.
- 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.
- August 5, 2000 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.
- October 13, 2001 Approved site plan amendment (SP #193) to replace the previously approved 8-inch caliper trees with 6.5-inch caliper trees.
- 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.

- February 9, 2002 Approved major site plan amendment (SP #193) to permit construction of an ice skating facility with ancillary uses and office and training facilities with modifications of use regulations for density, parking, and a comprehensive sign plan, subject to conditions.
- November 16, 2002 Approved site plan amendment (SP #193) to amend the comprehensive sign plan for Ballston Common Mall, subject to conditions.
- December 7, 2002 Approved the site plan amendment for weekly live comedy show, Thursdays from 8:00 p.m. to 10:00 p.m., Fridays from 9:00 p.m. to 11: 00 p.m., and Saturdays from 7:30 p.m. to 12 midnight, subject to all previous conditions and a new condition, with a review by the County Board in one (1) year (December 2003).
- December 6, 2003 Renewed the site plan amendment for weekly live comedy show, Thursdays from 8:00 p.m. to 10:00 p.m., Fridays from 9:00 p.m. to 11: 00 p.m., and Saturdays from 7:30 p.m. to 12 midnight, subject to all previous conditions with a review by the County Board in three (3) years (December 2006).
- July 10, 2004 Approved the site plan amendment to expand theater; located at 4238 Wilson Boulevard, subject to the previous conditions #1 and new condition #2 of the staff report, with a County Board review in two (2) years and six months (December 2006) along with the original site plan amendment.

Approved Site Plan Conditions:

1. The applicant shall meet the requirements of the Community Code Enforcement Office and the Fire Marshall's Office, including securing an assembly permit and complying with noise ordinances.
2. The applicant agrees to limit the public live performance hours to 7:00 p.m. to 12 a.m., Monday through Friday, and 12 p.m. to 12 a.m. on Saturdays and Sundays.