



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 8, 2006

DATE: June 26, 2006

SUBJECT: U-2640-89-3 USE PERMIT REVIEW for live entertainment and dancing; 501 N. Randolph Street (Tutto Bene) (RPC #14-060-001).

Applicant:

Saltpot Incorporated, t/a Tutto Bene Restaurant
501 North Randolph Street
Arlington, Virginia 22203

By:

Orlando Murillo, Restaurant President

C.M. RECOMMENDATION:

Renew, subject to all previous conditions, with a County Board review in five (5) years (July 2011).

ISSUES: None.

SUMMARY: This is a review of a use permit which allows live entertainment and dancing at the Tutto Bene restaurant. The applicant was originally granted a use permit in 1989 and an amendment to expand the hours and to include dancing in 2001. The use has continued to operate in compliance with the conditions of the use permit, and there have been no complaints to County agencies. Therefore, it is recommended that the use permit for live entertainment be renewed, subject to all previous conditions, with a review in five (5) years. (July 2011)

BACKGROUND: The applicant ("Tutto Bene") began operating live entertainment at this location in 1989 with 66 seats under use permit approval. The use permit was continued in 1990 with a three (3) year review and in 1993 it was continued with no further review. The applicant purchased the adjoining commercial space in September 2000 and expanded the existing restaurant to 143 seats. In 2001, a use permit amendment was approved by the County Board that incorporated this new space, increased the hours of the live entertainment and permitted dancing in conjunction with the live entertainment. There was a successful review in 2003 and the use permit was renewed, subject to all of the conditions, and with a review in three (3) years (July 2006).

DISCUSSION: The use has continued to operate in a manner that has not adversely impacted the area or the neighborhood. The live entertainment operation continues to operate in

County Manager: _____

Staff: Jill Griffin, DCPHD, Planning Division

PLA-4407

compliance with conditions of use permit approvals and consistently with other pertinent regulations and codes and without complaints regarding the live entertainment during the review period.

Since the Last Review (July 19, 2003):

Use Permit Conditions: The applicant has complied with the conditions of the use permit.

Community Code Enforcement: Community Code Enforcement has received no complaints for this use.

Fire Marshal's Office: The Fire Marshal's Office has not raised any concerns with the renewal of this use permit for live entertainment and dancing.

Police Department: The Police Department has not stated they have any concerns with the renewal of this use permit for live entertainment and dancing.

State ABC Board: ABC staff report no issues with the use during the review period.

Civic Associations: The use is located within the Ashton Heights Civic Association. Staff has contacted the president of the association but, to date, the association has not responded with any concerns.

CONCLUSION: The applicant has accommodated the expanded live entertainment without adverse impacts to nearby residential neighborhoods since July 2001. The restaurant is surrounded by commercial uses, which provide an effective buffer absorbing any potential adverse impacts on the Ashton Heights neighborhood. Therefore, it is recommended that the use permit for live entertainment and dancing, subject to all previous conditions, be renewed with a review in five (5) years. (July 2011)

PREVIOUS COUNTY BOARD ACTIONS:

July 7, 1973	Deferred a request (U-1933-73-1) to provide live entertainment in conjunction with a restaurant.
July 9, 1973	Approved a request (U-1933-73-1) to provide live entertainment with conditions.
July 13, 1974	Continued a request (U-1933-73-1) to provide live entertainment with a review in one (1) year.
July 12, 1975	Discontinued a request (U-1933-73-1) to provide live entertainment.
December 10, 1977	Deferred use permit request (U-2141-77-2) to provide live entertainment to January 7, 1978.
July 29, 1978	Continued use permit request (U-2141-77-2) to provide live entertainment in conjunction with restaurant.
July 10, 1979	Continued use permit request (U-2141-77-2) to provide live entertainment in conjunction with a restaurant with a review in two (2) years.
June 2, 1989	Deferred a use permit request (U-2640-89-3) to provide live entertainment to July 8, 1989.
July 11, 1989	Approved a use permit request (U-2640-89-3) to provide live entertainment, subject to two conditions of the staff report and with a review in one (1) year.
July 24, 1990	Continued use permit request (U-2640-89-3) for live entertainment in an existing restaurant with a review in three (3) years.
July 27, 1993	Continued a use permit request (U-2640-89-3) for live entertainment, subject to all previous conditions, and with no further review.
July 28, 2001	Approved use permit amendment (U-2640-89-3) permitting expansion of the location and hours of operation of the live entertainment and permitting dancing as part of the approved live entertainment

use permit with a review in six (6) months.
(January 2002)

July 19, 2003

Renewed a use permit (U-2640-89-3) permitting live entertainment and dancing as part of the approved live entertainment use permit with a review in three (3) years. (July 2006)

Approved Conditions (U-2640-89-3):

1. Live entertainment in the form of a musician and a musical instrument and dancing shall be permitted only between the hours of 7:00 p.m. and 10:00 p.m. on Wednesday and Thursday nights, and 9:00 p.m. and 1:30 a.m. on Friday and Saturday nights.
2. There shall be no dancing by musicians or customers in conjunction with the live entertainment. No dancing shall take place without the applicant first obtaining a valid dance hall permit which would be renewed on an annual basis.
3. The applicant agrees to identify an on-site liaison that would be available during the hours of live entertainment, to receive and respond to community concerns. The name and telephone number of the liaison shall be clearly posted on site for the benefit of community residents. This information shall also be sent to the president of the Ashton Heights Civic Association, and the County Zoning Administrator immediately upon approval of the use permit amendment request.