County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

June 8, 2007

Kurt Hamilton, Manager
Ruth's Chris Steakhouse
4100 Monument Corner
Fairfax, VA 22030

Re: Interpretation for PCA 87-S-039-5, FDPA 87-S-039-9, Fairfax Corner, Building D: Live Music

Dear Mr. Hamilton:

This is in response to your letter of May 4, 2007, requesting an interpretation of the Conceptual Development Plan Amendment (CDPA) and proffers accepted by the Board of Supervisors in conjunction with the approval of PCA 87-S-039-5 and the Final Development Plan Amendment (FDPA) and development conditions approved by the Planning Commission with FDPA 87-S-039-9. As I understand it, the question is whether live music on the restaurant patio on weekends during the summer would be in substantial conformance with the CDPA, proffers, FDPA, and development conditions. A copy of your letter is attached.

You propose to allow the performance of live music on the patio of the existing Ruth's Chris restaurant in Fairfax Corner on Thursday, Friday, and occasionally, on Saturday evenings between 6 and 9 PM during the summer months of June, July, and August. You have stated that there would be no speakers or amplification. The patio is approximately 15' x 60' and the musicians would utilize approximately 50 square feet in one of the corners. Beverage and meal service would continue to be provided on the patio during performances.

The proffers, development conditions, and development plans are silent on live entertainment. Given the limited nature of the performance area, it would be considered accessory to the eating establishment use.

Therefore, it is my determination that the proposed performance of live music on Thursday, Friday, and Saturday evenings during the months of June, July, and August, as described above, is in substantial conformance with the proffers, the CDPA, the development conditions, and the FDPA provided that no speakers or amplification are utilized. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please contact Mary Ann Godfrey at (703) 324-1290).

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

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Attachments:
cc: Elaine McConnell, Supervisor, Springfield District
Peter Murphy, Planning Commissioner, Springfield District
Diane Johnson-Quinn, Deputy Zoning Administrator, DPZ
Kenneth Williams, Plan Control, Office of Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: PCA 87-S-039-5, FDPA 87-S-039-9, PI 0705 038, Imaging, Reading File

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Tel. (703) 324-1290, TTY 711 (Virginia Relay Center), FAX (703) 324-3924
www.fairfaxcounty.gov/dpz

Date: May 4, 2007

To: Barbara Byron

From: Kurt Hamilton

Re: Zoning for Fairfax Corner

Dear Ms. Byron:
I am a Food & Beverage manager at Ruth's Chris Steakhouse in Fairfax Corner. The address of the restaurant is 4100 Monument Corner Dr. (Suite 101), Fairfax, VA. 22030. I am writing to request any information you can afford me regarding the need for a permit to implement live music 2 nights a week for the summer months on our patio.

I suppose the first question would be -- Is this in compliance with the development conditions for Fairfax Corner? And secondly, if it is, will I need a permit of some sort to move forward with our plans? Lastly, if a permit were required, how long would it take to obtain one?

Should you have any questions or concerns, please contact me at your earliest convenience at (703) 266 – 1004 or via email at fairfax@ruthschris.com . Thank you, in advance for your assistance and cooperation in helping me to expedite the added amenity of live music for our guests.

Best regards,

Kurt Hamilton
Manager, Ruth's Chris Steakhouse

RECEIVED
Department of Planning & Zoning

MAY 07 2007

Zoning Evaluation Division

RUTH'S U.S. PRIME STEAK HOUSE