



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of April 16, 2011

**DATE:** April 7, 2011

**SUBJECT:** U-3243-10-1 USE PERMIT REVIEW of Homemade Pizza Co. for food delivery service for a carry-out operation located at 4514 Lee Highway (RPC# 07-003-008).

**Applicant:**

Robert Surman, VP of Architecture and Development  
HomeMade Pizza Company  
1046 West Kinzie, Suite 300  
Chicago, Illinois 60642

**C.M. RECOMMENDATION:**

Renew the use permit for a food delivery service subject to the conditions of the staff report with a County Board review in one (1) year (April 2012).

**ISSUES:** This is a one (1)-year review of a use permit for a food delivery service at a carry-out pizza operation. The applicant has not yet commenced the use.

**SUMMARY:** This is a one (1)-year review of a use permit for a delivery service for a carry-out establishment. The applicant, Homemade Pizza, has informed staff that since approval, they have not commenced the delivery service for their business. The Zoning Ordinance, Section 36, establishes that use permits expire after one (1) year if the use has not commenced; however, the County Board can renew the use permit for up to three (3) years. The applicant has expressed a desire to begin the delivery service within the next year, and staff supports allowing the applicant an additional year to commence the use. Therefore, staff recommends renewal of the use permit for a delivery service for a carry-out business at 4514 Lee Highway, subject to all previously approved conditions, and with a County Board review in one (1) year (April 2012).

**BACKGROUND:** The applicant, Homemade Pizza Co., was approved for a use permit for a food delivery service in April 2010. Homemade Pizza specializes in preparing unbaked pizza, salads, and sweets for customers to cook in their own homes. As no food is consumed on the premises, Homemade Pizza functions as a carry-out establishment and contains no seats for customers. The use permit allowed delivery service between 11 a.m. and 10 p.m. Monday through Thursday, and 11 a.m. and Midnight Friday, Saturday, and nights before Federal Holidays. The conditions of the use permit required the applicant to submit to the Zoning Office

County Manager:

*BMD/GA*

Staff: Matthew Pfeiffer, DCPHD, Planning Division

PLA-5868

11.

a driver safety plan and an operations plan, and to obtain approval of the plans by the County Manager prior to the commencement of use.

**DISCUSSION:** Since County Board Approval (April 2010):

Use Permit Conditions: The applicant has not commenced the use, so the use permit conditions are not applicable at this time. The applicant would need to obtain approval from the Zoning Office as required in Conditions #2, 3, and 7 prior to commencing the use.

Community Code Enforcement: There are no active complaints or violations at the site.

Civic Association: The site is located in the Waverly Hills Civic Association, which was notified of the renewal request. Staff has not received comments from the civic association as of the time of this writing.

**CONCLUSION:** Homemade Pizza is a nationwide chain based in Chicago, Illinois. The company does not franchise, and owns all of its stores. Due to the opening of a number of new stores in the Washington D.C. area in 2010, the company was unable to devote resources towards preparing the plans required for compliance with Conditions #2, 3, and 7 (which must be complied with prior to the commencement of use). The applicant has indicated to staff that they plan to begin delivery operations at their Lee Highway location in 2011. Staff supports allowing the applicant an additional year to begin the delivery service. Therefore, staff recommends renewal of the use permit subject to all previously approved conditions, with a County Board review in one (1) year (April 2012).

PREVIOUS COUNTY BOARD ACTIONS:

March 13, 2010

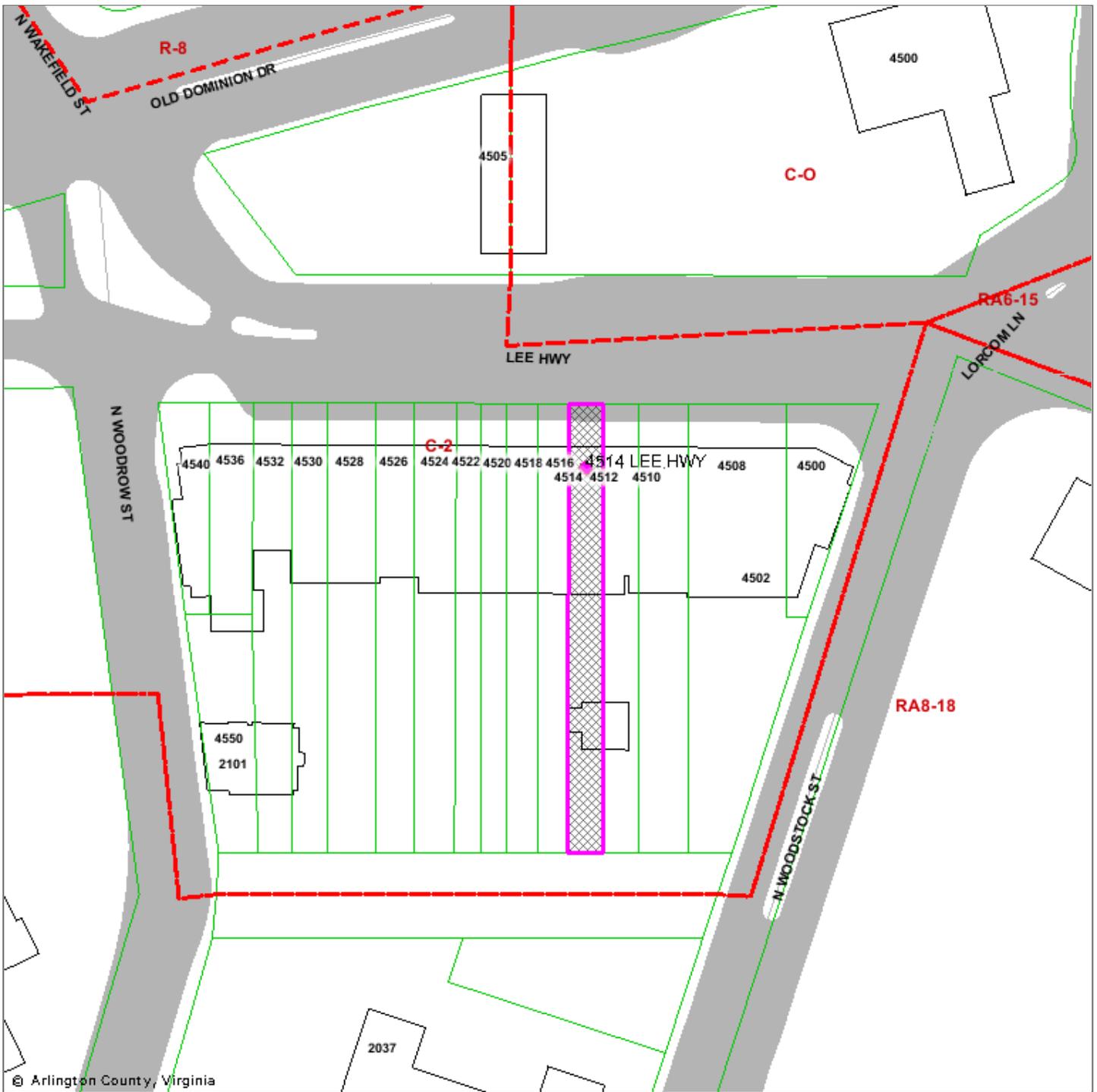
Deferred U-3243-10-1 for a food delivery service for one (1) month to the April 2010 County Board meeting.

April 24, 2010

Approved U-3243-10-1 for a food delivery service for one (1) year, subject to the conditions of the staff report.

Approved Conditions:

1. The applicant (applicant shall mean the applicant, owner and all successors and assigns) agrees that the hours of operation of the food delivery service (using an automobile) shall be limited to 11:00 a.m. to 10:00 p.m. Monday through Thursday, and 11:00 a.m. to Midnight Friday, Saturday, Sunday, and the following federal holidays: Memorial Day, Independence Day, Labor Day, and News Years Day.
2. The applicant agrees to develop and implement a delivery and driver safety plan and to obtain the County Manager's approval of such a plan before any food delivery service can begin. The plan shall include at a minimum: identification of a driver safety course, completion of which will be required of all drivers employed by the applicant before they begin delivery service; a routing plan including maps for delivery vehicles, which will show entry and exit routes from the site; and an outline of the contents of the course. The applicant understands and acknowledges that the County Board has found the exception for this use to be justified only because the applicant has represented that the use will make deliveries by vehicles using only the commercial frontages and streets to the maximum extent possible.
3. The applicant must conduct in-store and on-site business operations so as not to adversely impact adjacent properties through excessive noise, improper trash bin usage, objectionable odors, and inappropriate delivery vehicle and supply truck driver activities. The applicant shall develop, implement and file with the Zoning Administrator a plan to ensure that operational problems are resolved immediately. This plan shall include, but is not limited to problems related to excessive noise, inappropriate driving behavior and late night/early morning supply deliveries. The effectiveness of this plan in eliminating operational problems shall determine whether the use permit is continued at the one (1) year review.
4. The applicant agrees that the maximum number of delivery automobiles that may be used in the business at any one time is two (2) vehicles.
5. The applicant agrees that the delivery vehicles will not be parked on the streets surrounding the Lee Heights shopping center and will use the designated employee parking lot located in the rear of the shopping center for parking between deliveries.
6. The applicant agrees not to distribute flyers in quantity to any apartment buildings.
7. The applicant agrees to identify an on-site liaison who shall be available during all hours of operation to receive and respond to community concerns. The name and telephone number of the liaison shall be sent to the President of the Waverly Hills Civic Association and the Zoning Administrator.



**U-3243-10-1**  
**4514 Lee Highway**  
**RPC #07-003-008**

Note: These maps are for property location assistance only.  
 They may not represent the latest survey and other information.



Not To Scale

