



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 21, 2012

DATE: April 3, 2012

SUBJECT: U-2924-97-2 USE PERMIT REVIEW for food delivery service at Papa John's Pizza; located at 2440 Wilson Boulevard (RPC# 18-006-009).

Applicant:
Papa John's Pizza

By:
Jon Amsden, Vice President of Operations
8520A Tyco Road
Vienna, Virginia 22182

C.M. RECOMMENDATION:

Renew the subject use permit, subject to all previous conditions, with an addition to Condition #1 and with a correction to Condition #6, and with a County Board review in three (3) years (April 2015).

ISSUES: This is a five year review of a food delivery use permit. Members of the Lyon Village Civic Association have raised a concern regarding delivery drivers cutting through their neighborhood. In addition, staff found that Condition #6 contained outdated references to civic associations.

SUMMARY: The applicant has remained in compliance with the conditions of use permit approval for a food delivery service, and there have been no complaints to County agencies during the review period. However, there have been concerns raised by the community regarding delivery drivers cutting through the Lyon Village neighborhood in order to access Lee Highway. In response, Papa John's has updated their driver instruction manual with a map showing the civic association boundaries so that the drivers are better educated on suggested routes. According to the manual, drivers are supposed to avoid Lyon Village unless they have a delivery within the boundaries. Because of the concern raised regarding delivery driver routing, and based on a request from the Civic Association, staff recommends the renewal of the use

County Manager:

BMD/GA

County Attorney:

[Signature] *[Signature]*

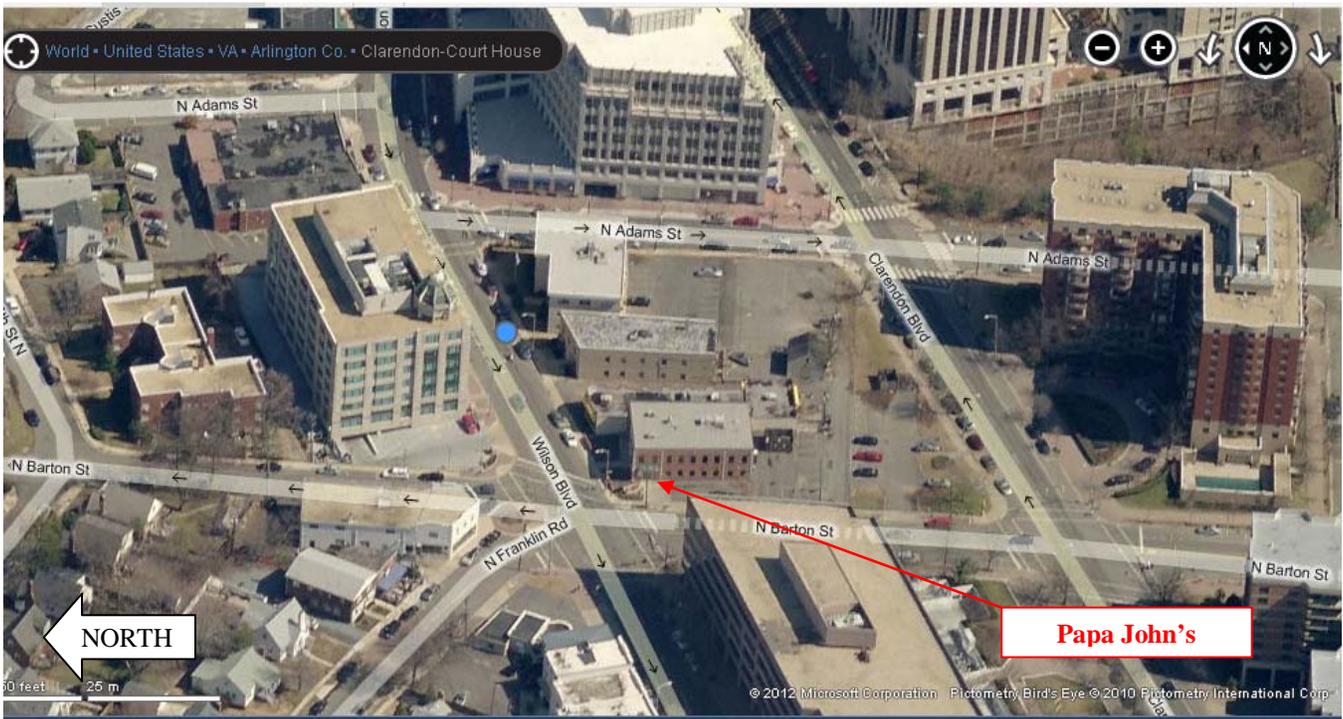
Staff: Sophia S. Fisher, DCPHD, Planning Division

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permit for food delivery subject to all previous conditions, with a change to Condition #1 requiring that a map of Lyon Village be added to the driver training manual and with a correction to Condition #6, and with a County Board review in three (3) years (April 2015).

BACKGROUND: The County Board approved the Papa John’s restaurant food delivery use in November 1997. Since that time the use has been renewed with only minor issues raised by Lyon Village, the adjacent civic association. Issues regarding driver delivery routes were addressed through driver training manuals and written commitments by employees to abide by established delivery routes to eliminate cut-through traffic through neighborhoods, and with adding a map to the driver training manual showing Lyon Village. In addition, increased landscaping was installed in response to neighborhood concerns.



Source: Bing Maps

DISCUSSION: The Papa John’s restaurant has operated successfully at this location without issues during the current review period. The restaurant has an average of 20 employees on staff with up to 14 employees, including 7-9 delivery drivers, on site at anytime during operating hours. The delivery drivers use their personal vehicles, affixed with Papa John’s delivery signs, to deliver food for the restaurant. The restaurant’s delivery hours are from 10 a.m. to 11 p.m. on weekdays and 10 a.m. to midnight on weekends, which are consistent with the restaurant’s hours of operation. Although the restaurant’s primary business is food delivery, the restaurant continues to maintain an eight-seat customer dining area on site and offers personal-sized pizzas as part of a lunch special. The customer dining area is available until 10 p.m., after which time the restaurant’s front door is locked and the restaurant offers only food delivery options to customers.

Since the Last Review (April 24, 2007):

Use Permit Conditions: The applicant is in compliance with the conditions of the use permit.

Community Code Enforcement: Community Code Enforcement has not reported any violations or issues with this business.

Fire Marshal's Office: The Fire Marshal's Office has not reported any issues or violations with this business.

Civic Associations: The site is located within the Clarendon-Courthouse Civic Association. Staff notified both the Clarendon-Courthouse and the adjacent Lyon Village Civic Associations. Lyon Village has raised a concern that delivery drivers are cutting through the neighborhood to access Lee Highway. To address this concern, Papa John's has agreed to update the driver manual with a map of the Civic Association boundaries and reinforce with their drivers that Lyon Village is to be avoided unless a delivery is being made to that neighborhood. Condition #1 has been updated with the requirement for a map in the driver manual. In addition, the Civic Association has requested that the application be reviewed in three (3) years in order to make sure that the use operates in conformance with the conditions of approval.

CONCLUSION: The applicant continues to work with staff to ensure continued compliance with all use permit conditions. The site is well maintained and landscaping is in good condition. Because the Lyon Village Civic Association raised a concern that delivery drivers are cutting through the neighborhood in order to access Lee Highway, the applicant has updated the driver instruction manual with a map of the civic association boundaries. This report updates Condition #6, which uses outdated names for the Civic Associations. The Courtlands Civic Association became part of the Clarendon-Courthouse Civic Association and the Lyon Village Citizens Association is now known as the Lyon Village Civic Association. Therefore, staff recommends renewal of the food delivery use, subject to all previous conditions, with a change to condition #1 and with a correction to Condition #6, and with a County Board review in three (3) years (April 2015).

Revised Conditions:

1. The applicant agrees to develop and maintain a delivery and driver safety training plan which sets forth the content of the course, identifies standards for compliance and identifies other elements of the plan. The driver training manual shall include a map of the Lyon Village Civic Association. The County Board has found that the exception for this use is justified only because the applicant has represented that the use will make deliveries only by vehicles using the commercial frontages and streets to the maximum extent possible.
6. The restaurant manager will establish and continuously maintain ongoing liaison communications with the ~~Courtlands~~ Clarendon Courthouse Civic Association and

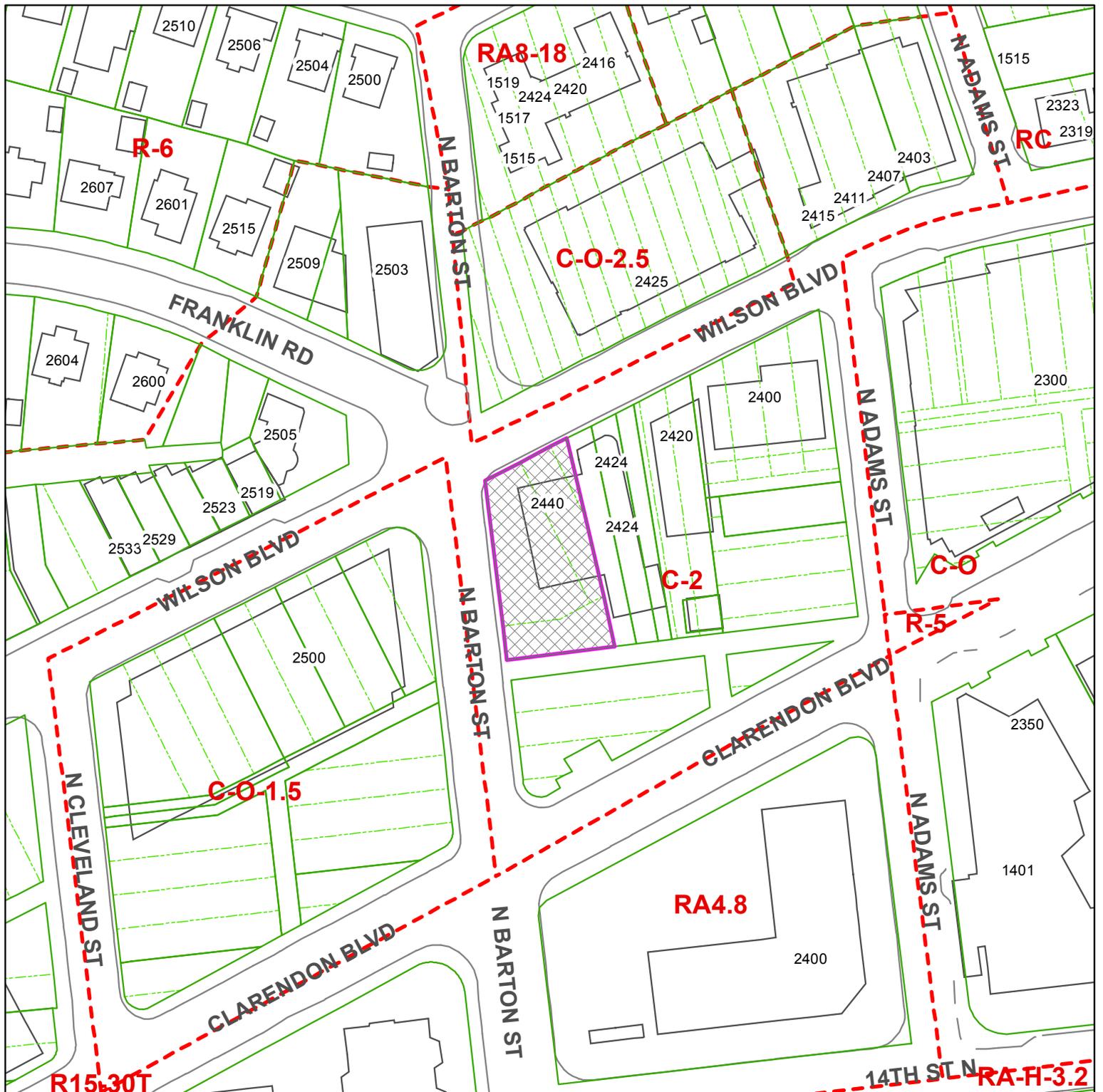
Lyon Village ~~Citizens~~ Civic Association, and the Charleston Condominium Association in order to effectively address any neighborhood concerns.

PREVIOUS COUNTY BOARD ACTIONS:

November 8, 1997	Approved a use permit for a food delivery service, subject to conditions and with a review in one year.
November 14, 1998	Continued a use permit for a food delivery service, subject to conditions and with a review in three months.
February 6, 1999	Continued a use permit for a food delivery service, subject to conditions and with a review in three months.
May 22, 1999	Continued a use permit for a food delivery service, subject to conditions and with a review in four months.
September 18, 1999	Continued a use permit for a food delivery service, subject to conditions and with a review in six months.
March 11, 2000	Continued a use permit for a food delivery service, subject to conditions and with a review in one year.
March 17, 2001	Continued a use permit for a food delivery service, subject to conditions and with a review in three years.
March 13, 2004	Deferred a use permit for a food delivery service to the April 24, 2004 County Board hearing.
April 24, 2004	<u>Renew</u> the use permit for food delivery (U-2949-97-2) subject to all previous conditions, and a County Board review in three (3) years (April 2007).
April 21, 2007	<u>Renew</u> the use permit for food delivery (U-2949-97-2) subject to all previous conditions, and a County Board review in five (5) years (April 2012).

Approved Conditions:

1. The applicant agrees to develop and maintain a delivery and driver safety training plan which sets forth the content of the course, identifies standards for compliance and identifies other elements of the plan. The County Board has found that the exception for this use is justified only because the applicant has represented that the use will make deliveries only by vehicles using the commercial frontages and streets to the maximum extent possible.
2. Delivery vehicles must carry a clearly visible identification as delivery vehicles when making deliveries.
3. The applicant agrees that the hours of operation of the food delivery service shall be limited to between the hours of 10:30 a.m. to 12 a.m., Mondays through Thursdays, and 10:30 a.m. to 1:30 a. m., Fridays through Sundays.
4. The applicant agrees to repave and restripe the parking spaces on the premises, and to install screening on the Wilson Boulevard and North Barton Street sides, with a combination of four (4) foot high brick walls and shrubbery as shown on the site drawing attached to the County Manager s October 23, 1997 report. The final landscape plan, outdoor seating plan, and enclosure for the dumpster shall be submitted for approval by the County Manager or his designee before issuance of a building permit.
5. Restaurant seating for eight (8) patrons will be provided.
6. The restaurant manager will establish and continuously maintain ongoing liaison communications with the Courtlands Civic Association and Lyon Village Citizens Association, and the Charleston Condominium Association in order to effectively address any neighborhood concerns.
7. The Wilson Boulevard entrance shall be maintained.



U-2924-97-2

2440 Wilson Blvd

RPC# 18-006-009



 Case Location(s)
 Scale: 1:1,200

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