



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 21, 2012

DATE: April 3, 2012

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

Applicant:

Joanna Kolakowski
HomeMade Pizza Company
1046 West Kinzie, Suite 300
Chicago, Illinois 60642

C.M. RECOMMENDATION:

Renew the subject use permit for a food delivery service subject to all previously approved conditions and one (1) new condition as set forth in this report that requires the delivery service to begin on or before July 21, 2012, with an administrative review in three (3) months (July 2012) and a County Board review in one (1) year (April 2013) if delivery service has begun.

ISSUES: This is a one (1)-year review of a use permit for a food delivery service at a carry-out pizza operation. Two (2) years subsequent to approval the applicant has not commenced the food delivery use.

SUMMARY: This is a one (1)-year review of a use permit for a delivery service for a carry-out establishment. The use permit was approved in April 2010. Since approval, the applicant has not commenced delivery service despite having the use permit renewed in April 2011. 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. During the current review, the applicant indicated that the person in charge of delivery service has since left the company, but that they are interested in pursuing service at this location. Staff believes that the conditions approved in 2010 remain appropriate for delivery service for

County Manager:

BMD/GA

County Attorney:

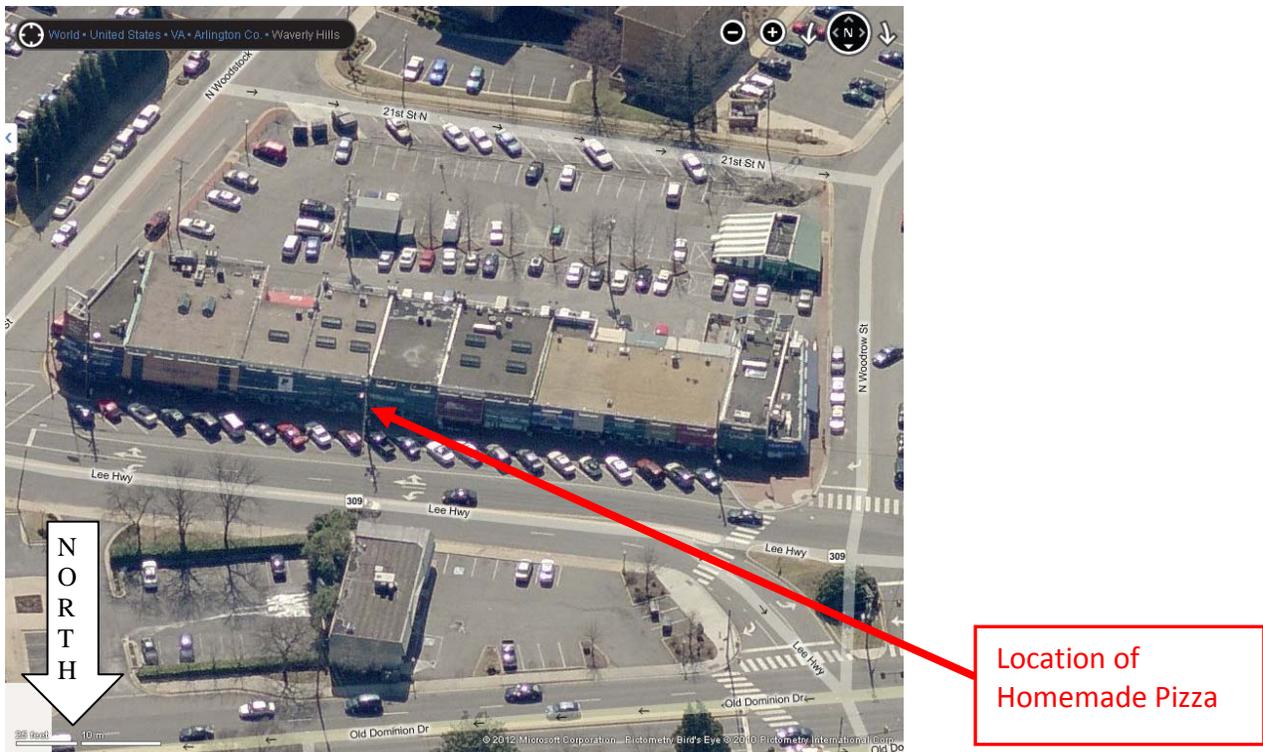
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Staff: Matthew W. Pfeiffer, DCPHD, Planning

PLA-6165

Homemade Pizza; therefore staff supports allowing the applicant three (3) months to commence the use subject to the approved conditions. The applicant has agreed to a new condition requiring that delivery service be commenced prior to July 21, 2012. 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 one (1) new condition, with an administrative review in three (3) months (July 2012) and a County Board review in one (1) year (April 2013).

BACKGROUND: The applicant, Homemade Pizza Co., was approved for a use permit for a food delivery service in April 2010, and renewed for one (1) year in April 2011. The applicant did not commence the use during the first two (2) years in which it was approved. 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 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.



Source: Bing Maps

DISCUSSION: Since the last review (April 2011):

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.

Fire Marshal's Office: The Fire Marshal's Office has commented that there are no issues with this use permit.

Police Department: The Police Department has commented that there are no issues with this use permit.

Civic Association: The site is located in the Waverly Hills Civic Association. Staff has not received comments from the civic association as of the date of this report.

CONCLUSION: The applicant has indicated to staff that they would like to begin delivery operations at their Lee Highway location in 2012. The applicant has agreed to a new condition whereby the use permit would expire unless delivery service is commenced within three (3) months of renewal. This condition would allow the use permit to expire without action by the County Board should the applicant decide not to pursue delivery service within three (3) months. After that time period, if the applicant wished to provide delivery service at this location they would need to reapply for a use permit. Should the applicant decide to pursue delivery service within the specified three (3) months, the use permit would be reviewed by the County Board subject to a regular review schedule (a review in one (1) year). Therefore, staff recommends renewal of the use permit subject to all previously approved conditions and one (1) new condition set forth below, with an administrative review in three (3) months (July 2012) and a County Board review in one (1) year (April 2013), if delivery service is commenced on or before July 12, 2012..

New Condition:

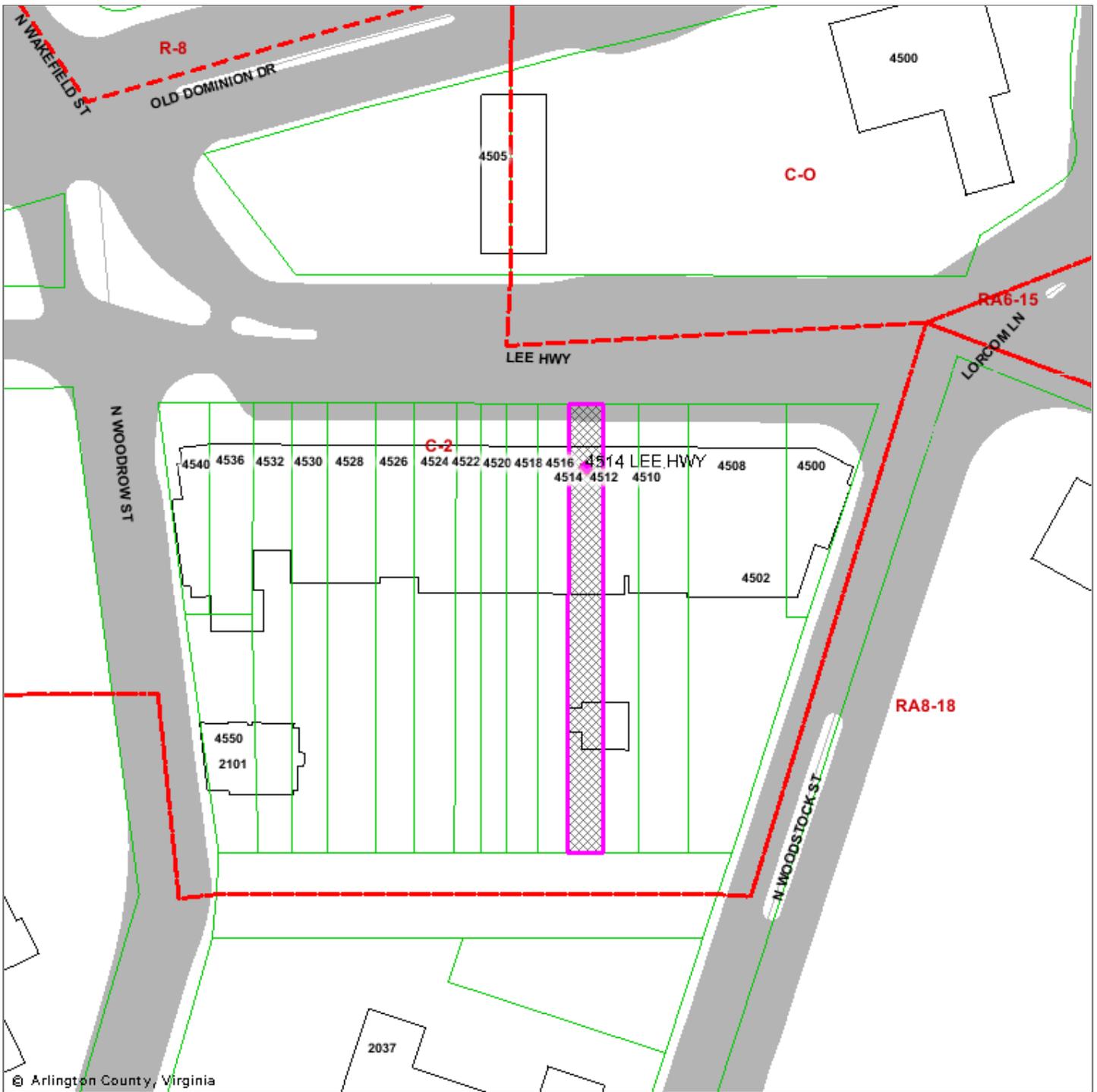
8. The applicant agrees that the delivery service use for Homemade Pizza permitted at 5414 Lee Highway shall be commenced prior to July 21, 2012. The applicant further agrees that approval for the use will terminate after a period of three (3) months, on July 21, 2012, without further action by the County Board should the delivery service use not be commenced. For purposes of this use permit, "commence" shall mean that the applicant has fulfilled all conditions required to be met before the use begins, and that the applicant has actually begun delivering pizzas from this location. The applicant agrees that it will cease use of the approximately 900 square foot space for the purposes of delivery service, and shall convert the space to another approved use, or fully vacate the space, on or before July 21, 2012 should delivery service not be commenced. The applicant acknowledges and agrees that after July 21, 2012, if delivery service has not commenced, it shall have no right to use the 900 square foot space for delivery service purposes unless specific approval for that use is obtained from the County Board.

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.
April 16, 2011	Renewed use permit 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

