



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 21, 2012**

DATE: July 12, 2012

SUBJECT: SP #358 SITE PLAN AMENDMENT to re-approve food delivery service for Naked Pizza; located at 3900 Fairfax Drive (RPC# 14-043-031).

Applicant:

Quincy Plaza, L.C.

By:

Robert M. Bushkoff
Dittmar Company
8321 Old Courthouse Road, Suite 300
Vienna, Virginia 22182

C.M. RECOMMENDATION:

Adopt the attached ordinance to re-approve a site plan amendment for SP #358 for food delivery service for Naked Pizza at 3900 Fairfax Drive, subject to all previously approved conditions, one (1) amended condition, and one (1) new condition; with a County Board review in one (1) year (July 2013).

ISSUES: This is a re-approval of a site plan amendment for a food delivery service at 3900 Fairfax Drive and no issues have been identified.

SUMMARY: This is a re-approval of a site plan amendment for a food delivery service on the ground-floor of the Quincy Plaza apartment building in Virginia Square. The food delivery service for Naked Pizza was originally approved on July 9, 2011 but the establishment has not yet opened. Since the establishment has not yet opened, the scheduled one-year review in July 2012 cannot be conducted. Staff therefore is proposing a "re-approval" of the site plan amendment originally approved in July 2011. No issues have been identified for this proposal. Therefore, staff recommends that the County Board adopt the attached ordinance to amend SP

County Manager:

BMD/GA

County Attorney:

[Signature] *[Signature]*

Staff: Natalie Sun, DCPHD, Planning Division

PLA-6249

3.

#358 to re-approve the Naked Pizza delivery service, subject to all previously approved conditions, one (1) amended condition, and one (1) new condition specifying that the use is temporary and will expire in 2013 unless renewed by the County Board, as set forth in the attached ordinance; with a County Board review in one (1) year (July 2013).

BACKGROUND: The County Board approved a site plan amendment in July 2011 to allow food delivery for Naked Pizza at 3900 North Fairfax Drive (Quincy Plaza), a multi-story apartment building with ground-floor retail. Since the establishment has not yet opened, the scheduled one-year review in July 2012 cannot be performed. However, Naked Pizza anticipates being operational in this location later this year. Staff therefore recommends “re-approving” the site plan amendment for food delivery that was approved in July 2011, with typical scheduled County Board reviews starting in July 2013.

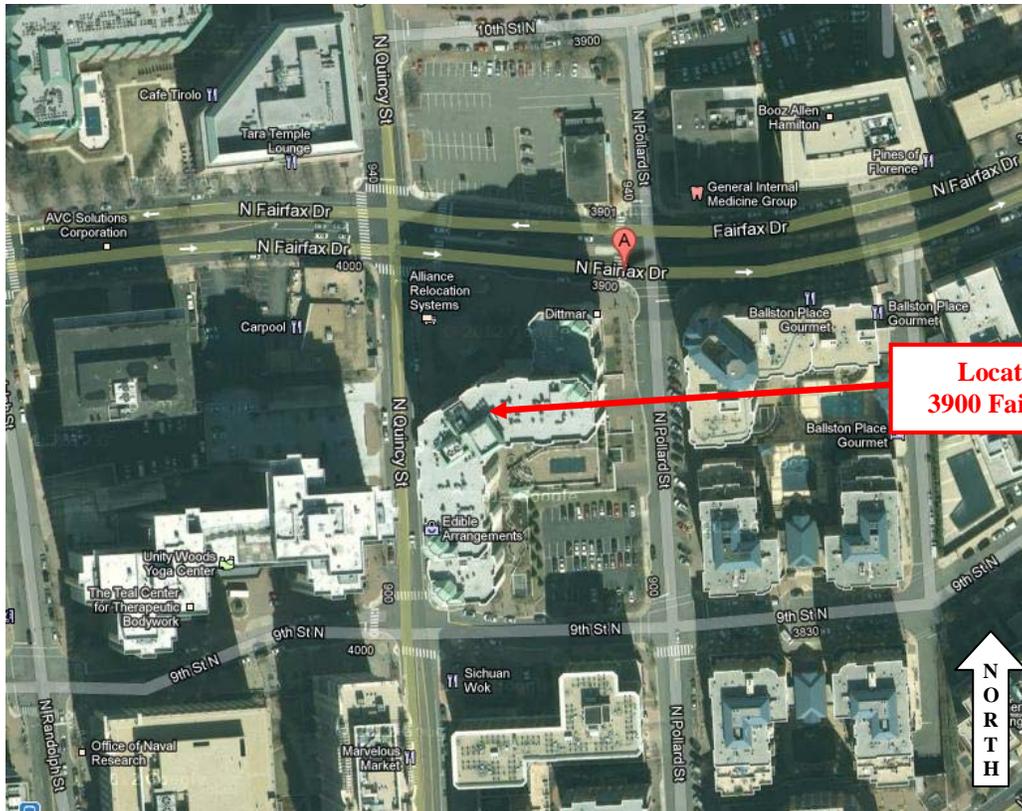
Naked Pizza, a New Orleans-based chain focusing on natural ingredients and social media marketing, is expanding into the D.C. metropolitan area, and is proposing a delivery service in conjunction with a new store in Arlington. The establishment will include food delivery during business hours in addition to the take-out service.

Site: The property is located within Quincy Plaza, a multi-story apartment building with ground-floor retail. Quincy Plaza is bounded by Fairfax Drive to the north, North Quincy Street to the west, North Pollard Street to the east, and 9th Street North to the south. The specific address for the proposed pizza establishment is 933 North Quincy Street, a ground-floor retail space located near the corner of North Quincy Street and Fairfax Drive that has been vacant for over three (3) years.

Zoning: “RA-H-3.2” Multiple-Family Dwelling and Hotel Districts.

General Land Use Plan Designation: “High” Residential (Up to 4.8 F.A.R. Residential and up to 3.8 F.A.R. Hotel)

Neighborhood: The property is located within the Ballston-Virginia Square Civic Association area. The civic association has been contacted and has not provided comments to date.



Source: Google Maps

DISCUSSION: Naked Pizza is not yet operational at Quincy Plaza, due to scheduling delays resulting from efforts to open several Naked Pizza locations throughout the region. A general contractor is currently being identified to outfit the tenant space for Naked Pizza, and a September opening is anticipated. No issues are outstanding.

CONCLUSION: The subject site plan amendment will re-approve the food delivery service for Naked Pizza. Naked Pizza with the associated food delivery use meets the intent of both the Retail Attraction Marketing Plan for Site Plan #358 and the [Rosslyn-Ballston Corridor Retail Action Plan](#). Therefore, staff recommends that the County Board adopt the attached ordinance to amend SP #358 to re-approve the Naked Pizza delivery service, subject to all previously approved conditions, one (1) amended condition, and one (1) new condition specifying that the use is temporary and will expire in July 2013 unless renewed by the County Board, as set forth in the attached ordinance; with a County Board review in one (1) year (July 2013).

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated April 28, 2011 for Site Plan #358, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] prepared for the July 21, 2012 County Board meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on July 21, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated April 28, 2011 for Site Plan #358, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in the conditions below (which drawings, etc... are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan Amendment for food delivery service, for the parcel of real

property known as RPC# 14-043-031 and 3900 Fairfax Drive, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on April 30, 2002 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions and the following new and amended conditions:

New and Amended Conditions (applicable to the food delivery service use only):

~~68.~~ The applicant agrees that the food delivery use permitted for Naked Pizza at 3900 North Fairfax Drive is a temporary use only that has been approved for a limited one (1) year period, and not longer. During the one year period, the use is permitted subject to all site plan conditions, and subject to the same reviews that could otherwise be made of any site plan use. The applicant further agrees that approval for the use will terminate after a period of one (1) year, on July 31, 2013, without further action by the County Board, unless otherwise approved prior to that date. The applicant agrees that it will cease use of the space for the purposes of food delivery on or before July 31, 2013. The applicant acknowledges and agrees that after July 31, 2013, it shall have no right to use the space for food delivery purposes unless specific approval for that use is obtained from the County Board. In addition to all other conditions of this site plan, the applicant specifically agrees that the food delivery use shall be subject to the following additional conditions:

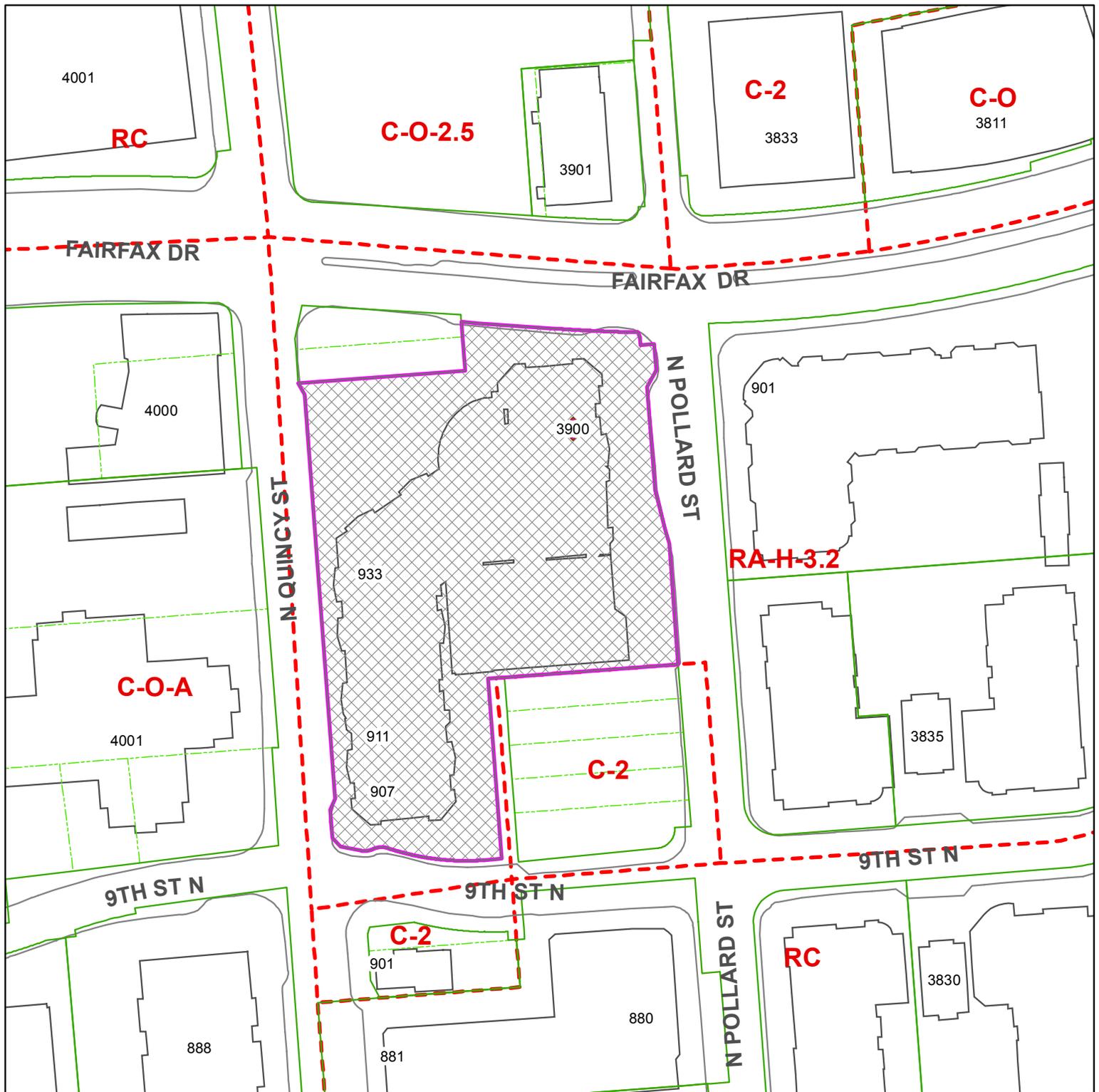
- ~~68.~~ A. The applicant (applicant shall mean the applicant, owner and all successors and assigns) agrees that the hours of operation of the food delivery service (using ~~an~~ automobiles) shall be limited to 10:00 a.m. to 1:30 a.m. Monday through Sunday.
- ~~69.~~ B. The applicant agrees to develop 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.
- ~~70.~~ C. The applicant agrees that the maximum number of delivery automobiles that may be used in the business at any one time is eight (8) vehicles.

71. D. The applicant agrees that pizza delivery vehicles may use a maximum of three (3) parking spaces within the covered (garage) surface spaces located on the first floor level of the building. These spaces shall be signed for use by pizza delivery vehicles only during the pizza establishment's hours of operation. The remaining seventeen (17) surface parking spaces shall be reserved for retail/commercial visitors and patrons only and shall be signed accordingly. The applicant agrees to submit an annual report to the County Manager beginning one year from the approval date of the site plan amendment (~~July-9, 2011~~ 21, 2012), and occurring each year thereafter as long as the subject delivery use occupies the space, to monitor the parking usage/demand of the covered (garage) surface spaces located on the first floor level of the building. The annual report may be performed by the Applicant and will include an occupancy count of the covered surface parking area only, with counts taken at 12:00 p.m. and 8:00 p.m., for 7 consecutive days. The County Manager has the discretion, based on findings of the annual reports, showing at least 85% average occupancy of the 17 parking spaces for retail/commercial visitors and patrons, to reduce or eliminate the amount of parking spaces available for the delivery vehicles in the covered (garage) surface spaces located on the first level of the building. If it is determined by the County Manager that these three parking spaces in the covered (garage) surface spaces located on the first floor level of the building need to, in whole or part, be reallocated for use by retail/commercial visitors, the delivery vehicles would be permitted to park in the retail employee parking area within the underground portion of the garage.
72. E. The applicant agrees that the delivery vehicles will not be parked on the street.
73. F. The applicant agrees not to distribute flyers in quantity to any apartment buildings.
74. G. 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 Ballston-Virginia Square Civic Association and the Zoning Administrator.

PREVIOUS COUNTY BOARD ACTIONS:

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| July 9, 2011 | Adopted a site plan amendment ordinance to allow a food delivery service. |
| April 30, 2002 | Approved a rezoning from “C-2” to “RA-H-3.2.”

Approved a site plan for a multi-story apartment building with ground-floor retail. |
| July 9, 2011 | Approved a site plan amendment to allow food delivery service. |



SP#358

3900 Fairfax Drive

RPC: 14-043-031



 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.