



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of December 15, 2007**

**DATE:** December 5, 2007

**SUBJECT:** U-2905-96-1 USE PERMIT REVIEW permitting a restaurant with a drive-through window; on premises known as 4154 South Four Mile Run Drive (Chicken & Seafood Basket revised to Chicken and Steak Las Brasas).

**Applicant:** South Four Mile Run Center, Inc.

**BY:**

Virginia Rojas  
South Four Mile Run Center, Inc.  
4160 South Four Mile Run Drive  
Arlington, Virginia 22206

**C.M. RECOMMENDATION:**

Renew, subject to all previous conditions, with no further scheduled County Board review.

**ISSUES:** None.

**SUMMARY:** This is a five (5) year review of a use permit for a restaurant with a drive-through window. There have been no issues or concerns with this use in the past five (5) years. The applicant operates in compliance with all conditions. Therefore, staff recommends the use permit be renewed, subject to all previously approved conditions, and with no further scheduled review by the County Board.

**BACKGROUND:** This use permit for a restaurant with a drive-through window was originally approved in December 1996 subject to conditions and a review in one (1) year. The County Board has since continued the use permit in 1997, 1998, 1999, and 2002. Since 1996, the restaurant tenant has changed three (3) times. Chicken and Steak Las Brasas has leased the

County Manager: \_\_\_\_\_

Staff: Colleen J. Connor

PLA-4849

restaurant space since 2002.

**DISCUSSION:** Staff inspected the site and found that the applicant is in compliance with all use permit conditions including landscaping, maintenance, and cleanup. The use permit was reviewed and renewed in December, 1996, 1997, 1998 1999, and 2002 with no problems reported. The site is not immediately adjacent to residential uses. The site is adjacent to a number of other retailers and the Department of Motor Vehicles branch office.

**Since the last review (November 26, 2002):**

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

Community Code Enforcement: Code Enforcement has not received any complaints and reports no violations of the conditions of the use permit.

Fire Marshal's Office: The Fire Marshal's Office did not report any concerns.

Police Department: The Police Department reported that there are no concerns with this use permit.

Civic Association: The Douglas Park Civic Association responded that there are no comments on this review.

**CONCLUSION:** The drive-through portion of the restaurant is in compliance with the conditions of the use permit and presents no problems for the surrounding community. There have been no issues or complaints with this use since the last review in 2002. Therefore, staff recommends the use permit be renewed, subject to all previously approved conditions, and with no further scheduled review by the County Board.

PREVIOUS COUNTY BOARD ACTIONS:

- |                   |  |
|-------------------|--|
| December 7, 1996  | Approved a use permit (U-2905-96-1) for a restaurant with drive through window, subject to all previous conditions, and with a review in one (1) year (December 1997).     |
| December 16, 1997 | Continued a use permit (U-2905-96-1) for a restaurant with a drive through window, subject to all previous conditions and with a review in one (1) year (December 1998).   |
| December 12, 1998 | Continued a use permit (U-2905-96-1) for a restaurant with a drive through window, subject to all previous conditions and with a review in one (1) year (December 1999).   |
| December 11, 1999 | Continued a use permit (U-2905-96-1) for a restaurant with a drive through window, subject to all previous conditions and with a review in three (3) years (December 2002) |
| November 26, 2002 | Continued a use permit (U-2905-96-1) for a restaurant with a drive through window, subject to all previous conditions and with a review in five (5) year (December 2007)   |

Approved Conditions:

1. A final site development and landscape plan shall be submitted to the County Manager or his designee for his review and approval prior to issuance of the Certificate of Occupancy for the drive-through restaurant. The landscape plan shall be consistent with the proposed landscape plan prepared by Wiles Mensch Corporation, entitled Landscape Plan and dated November 20, 1996, and reviewed and approved by the County Board and made part of the public record on December 7, 1996, together with any modification proposed by the applicant and accepted by the County Board or vice versa.
2. The applicant agrees to conduct in-store and on-site business operations so as not to negatively impact adjacent properties through a violation of the Noise Ordinance. The decibel level of the outdoor speak shall not exceed 45 decibels.
3. The developer agrees to maintain the site in a clean and well-maintained condition at all times. The developer agrees to submit a maintenance agreement which shall ensure that all areas within the site, including landscaped areas, are kept in a clean and well-maintained condition.
4. Any trash storage facilities shall be enclosed so as to be screened from public view. The enclosure shall be of durable materials as specified on the final site development and landscaping plan.
5. The hours of operation of the restaurant and drive-through window will be from 9:00 a.m. to midnight, seven days per week.