



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 13, 2008**

DATE: August 26, 2008

SUBJECT: U-3073-04-1 USE PERMIT REVIEW for food delivery service at 2041 N. 15th St. (Jerry's Subs & Pizza) (RPC #18-001-001)

Applicant:

Courthouse Jerry's LLC
2041 15th Street North
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Renew the food delivery service use, subject to all previously approved conditions, and with a County Board review in five (5) years (September 2013).

ISSUES: This is a review of a food delivery service, and no issues have been identified.

SUMMARY: On March 13, 2004, the County Board approved a use permit for a food delivery service at the Courthouse location of Jerry's Subs & Pizza. The use is in compliance with the approved use permit conditions, and staff has not received any complaints or concerns about this use. Therefore, staff recommends renewal of the use permit for a food delivery use, subject to all previously approved conditions, and with a County Board review in five (5) years (September 2013).

BACKGROUND: The food delivery use permit was approved in March 2004, and was last reviewed in September 2005. There has been no history of concerns raised about this use since the original approval.

DISCUSSION: The applicant is approved for food delivery only in the evenings from 5 p.m. to 11 p.m., and all day weekends and certain federal holidays. When not in use for delivery, delivery cars must be parked in the 1515 North Courthouse Road parking garage. The applicant has been found to be in compliance with the conditions of approval.

County Manager: _____

Staff: Peter Schulz, DCPHD, Planning

PLA-5070

Since the last review (September 2005):

Use Permit Conditions: The food delivery service is in compliance with the approved use permit conditions.

Community Code Enforcement: The Community Code Enforcement office has not reported any concerns regarding the renewal of this use.

Fire Marshal's Office: The Fire Marshal's Office has not reported any concerns regarding the renewal of this use.

Police Department: The Police Department has not reported any concerns regarding the renewal of this use.

Neighborhood: The site is located in the Clarendon-Courthouse neighborhood. As of the date of this report, the civic association has not responded to staff's request for comments on this renewal.

CONCLUSION: The applicant has been compliant with all conditions of approval since the original application in 2004. Therefore, staff recommends renewal of the use permit for a food delivery service, subject to all previously approved conditions, and with a County Board review in five (5) years (September 2013).

PREVIOUS COUNTY BOARD ACTIONS:

March 13, 2004	Approved a use permit for a food delivery service with a County Board review in six months (September 2004)
September 18, 2004	Renewed a use permit for a food delivery service with a County Board review in one year (September 2005)
September 17, 2005	Renewed a use permit for a food delivery service with a County Board review in three years (September 2008)

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 Monday through Friday 5:00 p.m. to 11:00 p.m., and all day Saturday, Sunday. In addition, the applicant may deliver food during normal business hours for the following federal holidays: Memorial Day, Independence Day, Labor Day, and New Years Day. The applicant agrees that at all other times, food can be delivered only by foot or by bicycle.
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 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. In addition, the applicant agrees that the service area will be bounded by North Rhodes Street, Lee Highway, North Highland Street, Washington Boulevard and 10th Street North.
3. The applicant agrees that the delivery vehicles will not be parked on the street or in the surface parking lots surrounding the site when not in use for delivery and must be parked in the garage located at 1515 North Courthouse Road. The maximum number of delivery automobiles that may be used in the business at any one time is two (2).
4. The applicant agrees not to distribute flyers in quantity to any apartment buildings.
5. 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 Clarendon-Courthouse and Radnor/Ft. Myer Heights Civic Associations, the Zoning Administrator, and the Executive Director of the Clarendon Alliance.