



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of October 18, 2008**

**DATE:** September 30, 2008

**SUBJECT:** U-3204-08-1 USE PERMIT for carryout and food delivery at 768 S. 23<sup>rd</sup> St. (RPC #36-039-003)

**Applicant:**  
Kiani Brother IV, Inc.

**By:**  
Shahzad N. Kiani  
15483 Leeds Hill Way  
Woodbridge, Virginia 22191

**C.M. RECOMMENDATION:**

Deny the use permit request for a food delivery use.

**ISSUES:** This is a use permit for a food delivery business in a small commercial strip center at the intersection of 23<sup>rd</sup> Street South and South Hayes Street. The Aurora Highlands Civic Association at their September meeting voted to oppose the use permit request, and access to the site presents conflicts with single-family zoned residences.

**SUMMARY:** The subject use permit request is for a food delivery use for a franchise of the Vocelli Pizza chain. The business will provide delivery and carryout services and limited customer seating from 10:30 a.m. to 11 p.m. Monday through Thursday, and 10:30 a.m. to 1 a.m. Friday through Sunday. There would be no more than four (4) drivers operating at peak times, and at other times as few as one. However, the location is an isolated commercial area that consists mostly of daytime uses, and is bounded by a single-family residentially-zoned neighborhood which will likely lead to conflicts between this use and residents.

**BACKGROUND:**

Site: The site is located on the southeast corner of the intersection of 23<sup>rd</sup> Street South and South Hayes Street. The site area totals 7,500 square feet with primary frontage on 23<sup>rd</sup> Street South. The site is adjacent to the Sheltered Occupational Center (SOC) property to the east, a small office building to the north, and Our Lady of Lourdes Church to the west, and

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

County Attorney: \_\_\_\_\_

Staff: Peter Schulz, Planning Division, DCPHD

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single-family residences and Nelly Custis Park to the south. The proposed use would occupy one of the Arlington Realty office space suites located in a one-story strip commercial building comprised of a total of four other suites including Keshet Childcare Center, Arlington Realty, Aurora Cleaners and California Nails and a beauty shop. The site is served by surface parking to the rear of the existing building which is shared among the four other businesses in this strip development.

Zoning: The site is zoned “C-1” Local Commercial Districts. Section 19.B.9 permits food delivery businesses by special exception use permit approval.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Low” Residential (1-10 units per acre).

Neighborhood: The site is located in the Aurora Highlands Civic Association. This case was deferred from last month in order for the applicant to make a presentation to the civic association, after which the Association voted 14-1 to oppose the request for a special exception use permit.

**DISCUSSION:** The proposed food delivery business and carry-out would occupy retail space which has approximately 936 square feet of floor area and primary frontage on 23<sup>rd</sup> Street South. Access to the rear parking area is from a one-way entrance off of South Hayes Street and a one-way exit onto 23<sup>rd</sup> Street South.

The applicant currently owns other Vocelli franchises in the area, including one located at 2626 North Pershing Drive, approved by Use Permit U-3137-05-1.

The delivery area is fixed by Vocelli corporate headquarters, but would cover Pentagon City, Crystal City, the Arlington portion of Potomac Yards, Aurora Highlands, and Arlington Ridge. While the applicant’s proposed location is almost in the exact center of the potential delivery area, they estimate most daytime deliveries would be oriented to employment centers of Crystal City and Pentagon City, and night deliveries more evenly spread through the whole neighborhood. However, any deliveries to Crystal City, Pentagon City, and Potomac Yards would still have to pass through one entire block of “R-5” zoned single-family and duplex residences, which the community finds unacceptable.

Staff is concerned that the nature of the site, an isolated area of rather quiet “9 to 5” commercial uses that is surrounded by residential property, will present unavoidable conflicts if a food delivery business is introduced. Very late opening hours will clash with the character of this strip, which as noted above consists of small offices, a nail salon, beauty shop, and a child care center, and the adjacent semi-public uses such as a church and the sheltered workshop. To the immediate rear of the parking area are single family dwellings. There are no other food related businesses or late night uses on the block. Additionally, while 23<sup>rd</sup> Street South is classified on the Master Transportation Plan as an arterial street, it is only two lanes, serves a largely residential neighborhood, and the speed limit is a more residential 25 m.p.h. While the County’s policy is to require food delivery drivers to use commercial frontages, delivery from this site in any direction would mean driving through residentially zoned areas.

There are only three other food delivery services in Arlington that are located in C-1 zoning districts: Two are located in the Dominion Hills Shopping Center with direct access to the multi-lane Wilson Boulevard and parking is located in the front of the building, and the third is located at the intersection of Pershing Drive with Washington Boulevard, a multi-lane state highway, and the parking is not adjacent to residential uses. All are located in close proximity to other food delivery uses, restaurants, and convenience stores, unlike this location. All are located in areas designated on the General Land Use Plan as commercial, whereas the GLUP designated this site Residential, and the remainder of the commercial block as Public.

For the above reasons, staff recommends denial of this special exception use permit for food delivery, and that the applicant work with the Civic Association to find a site where a food delivery service would have less of an adverse effect on the neighborhood, and will be less injurious to property and improvements in the neighborhood.

While the applicant has been very willing to work with staff and agree with any conditions staff has suggested, and has been willing to meet with the Civic Association, the Civic Association is firmly against granting the use permit for food delivery at this location. Neighborhood residents do not believe that any conditions on the operation of this use would resolve the inherent conflict with the nature of a food delivery use, and would be difficult to consistently enforce.

**CONCLUSION:** The proposed food delivery business is not compatible with the commercial and residential uses located within this neighborhood, is inconsistent with the GLUP designation, and staff believes it cannot meet the standard of Section 36.G.1 of the Zoning Ordinance. Therefore, staff recommends denial of the use permit request for a food delivery service.

**PREVIOUS COUNTY BOARD ACTIONS:** There have been no previous County Board actions on this site.