

January 28, 1999

TO: The County Board of Arlington, Virginia
FROM: William T. Donahue, County Manager

APPLICANT: Domino's Pizza (Team Washington)

BY: William Barnes Lawson, Jr., Attorney
6045 Wilson Boulevard, Suite 100
Arlington, Virginia 22205

SUBJECT: U-2951-98-1 Use Permit Request as required by Section 26.B.7 for operation of a food delivery service; on premises known as 2602 Columbia Pike.

SITE: The site is an existing free-standing "C-2" zoned building located in the Columbia Pike Special Revitalization District. The building is currently vacant. Previous occupants of the building included the Atlacatl II Restaurant and prior to that the Bojangles Restaurant. Domino's Pizza Delivery service is proposing to operate in 1,470 square feet of the subject building. A future business tenant would be sought for the remaining 1,529 square foot portion of the building. The building backs up to an alley, which separates it from a two-story, brick building. Located on the southwest corner of South Barton Street and Columbia Pike, the site is generally surrounded by other "C-2" zoned uses.

ZONING: "C-2" Service Commercial-Community Business District

LAND USE: "Service" Commercial (Personal and business services. Generally one to four stories. Maximum 1.5 F.A.R). Located in the Columbia Pike Special Revitalization District.

NEIGHBORHOOD: Columbia Heights Civic Association, Central Arlington Civic Association, Douglas Park Citizens Association, Arlington Village A Townhouse - Condominium Association, Arlington Condominium Unit Owners Association and the Columbia Pike Revitalization Organization.

RECOMMENDATION Approve, subject to the conditions of the staff report and with a review in one (1) year. (February 2000)

DISCUSSION: The applicant proposes to relocate an existing Dominos Pizza delivery service from 2500 Columbia Pike to 2602 Columbia Pike. Located in close proximity to the proposed site, Domino's current location is on the lower level of the Arlington Village Shopping Center facing a rear parking area and residential properties. The area is accessible from both South Barton Street and South Cleveland Streets. While the existing location has operated successfully, without adverse impacts in the area, the proposed relocation space would be more appropriate for delivery service-type uses, given its direct access to Columbia Pike. Domino's current lease at 2500 Columbia Pike is expiring, and the applicant is seeking a more prominent location for the food delivery service

Food delivery services are permitted in the "C-2" zoning district by special exception use permit. Staff evaluated the proposed use in terms of criteria which were developed in 1989 when the Zoning Ordinance was amended to require a special exception use permit for all existing and future food delivery services in the "C-1" and "C-2" zoning districts. The site provides direct access to east-bound Columbia Pike and has access to west-bound Columbia Pike from South Cleveland Street. The applicant would

have eight (8) parking spaces assigned for its use. It is anticipated that the use would have minimal impact on neighborhood streets in terms of ingress and egress associated with the site. The applicant states that the use of streets in the nearby Arlington Village neighborhood would be avoided except when deliveries are made to these streets. Located in a commercially zoned area, the applicant is not proposing to provide seating for the general public. The public would be served on a walk-in basis.

The applicant would employ approximately five (5) persons at the facility at the busiest time. There would be two (2) employees on site at all times. It is anticipated that a total of three (3) additional employees would deliver the food at peak times. The proposed eight (8) parking spaces would adequately support the proposed five (5) employees and patrons during peak times. The proposed hours of operation would be 11:00 a.m. to 1:00 a.m. Sundays through Thursdays and 11:00 a.m. to 2:00 a.m. on Fridays and Saturdays. The proposed hours are reflective of the hours of operation on the existing use permit.

PLANNING COMMISSION RECOMMENDATIONS:

The Planning Commission heard the subject use permit request at its January 25, 1999 meeting. The Commission approved the staff report with three suggested additions:

1. The applicant was requested to add an outside trash receptacle along at its entrance on Columbia Pike. The applicant agreed to add the receptacle. Staff concurs and has included the trash receptacle to Condition #3, which deals with landscaping and includes location and screening of trash dumpsters.
2. The Commission further recommended that all relevant previous conditions be included in the subject use permit. Staff concurs and has included the previous condition as Condition #6 in this staff report. Staff has also included a condition #7 requiring the applicant to identify a liaison that would be able to respond to citizen concerns.
3. The Commission recommended that the final report to the County Board discuss traffic impacts and solutions. Staff has taken this recommendation under advisement and is in the process of working with the applicant to further evaluate potential traffic impacts which would be associated with this use. A final report would be included in the supplemental distribution to the County Board to include discussions and remedies to potential traffic impacts.

CONCLUSION: Staff considered the impact of the proposed use on the community. A check with the Community Code Enforcement staff revealed that, at its current location, the use is operating in compliance with the conditions of the approved use permit and that there have been no complaints to other County agencies. The use would be located in a commercially-zoned and operated area away from residential properties. Access would occur predominantly to and from Columbia Pike. Conditions have been included to further minimize potential impacts in the area. The applicant has submitted its in-depth "New Team Member Orientation Trainer's Guide" and the "Safe Delivery Program Trainer's Guide" which must be mastered by all drivers associated with the company's food delivery service. The guides have been submitted to satisfy Condition #1 of the staff report, which requires that the "applicant develop a delivery and driver safety training plan which sets forth the contents of the course, identifies standards for compliance and identifies other elements of the plan. The plan shall be approved by the Zoning Administrator." A Condition #4 has been included which requires that the "trash dumpster shall be screened from public view by a solid wood screening fence and requires the applicant to perform daily trash pickup of the site except for major holidays." The applicant has successfully operated a food delivery service in the area under use permit approval for the past nine (9) years. Nearby civic associations including Columbia Heights, Central Arlington, Douglas Park, Arlington Village - A Townhouse Condominium, Arlington Condominium Unit Owners Association and the Columbia Pike Revitalization Organization (CPRO) were notified of the proposed use by staff. In addition, the applicant states that they met directly with representatives of the Arlington Village – A Townhouse Condominium and agreed on conditions that have been incorporated in the staff report. The use has been operating in its present location without complaints and in compliance with the conditions of the use permit approval. Therefore, it is recommended that the use permit be approved subject to the conditions of the staff report

and with a review in one (1) year. **(February 2000)**

1. The applicant shall develop a delivery and driver safety training plan, which sets forth the contents of the course, identifies standards for compliance and identifies other elements of the plan. The exception for this use is justified in part, because the applicant has represented that the use will make deliveries only by vehicles using the commercial frontages and streets to the maximum extent possible.
2. The applicant agrees that the hours of operation of the food delivery service shall be limited to between the hours of 11:00 a.m. to 1:00 a.m. Sunday through Thursday and 11:00 a.m. to 2:00 a.m. Friday through Saturday.
3. The applicant shall prepare a landscape plan, which shall include additional planting in the landscape islands including hedges. The landscape plan shall be submitted to the Board of Directors of the Arlington Village - A Townhouse Condominium for their review. The location and the screening of the trash dumpster shall be an element of the landscape plan. The plan shall include the location of an outside trash receptacle near entrance on Columbia Pike. The plan shall show the removal of an existing deck and shall include a maintenance plan for the on-site landscaping. The landscaping plan shall be approved by the County Manager or his designee prior to the issuance of a building permit.
4. The trash dumpster shall be screened from public view by a solid wood screening fence. The applicant shall perform daily trash pick up of the site except on major holidays.
5. If the applicant plans to use the existing free-standing pylon sign on the site, the pylon sign shall be replaced with a monument style sign.
6. 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.
7. The applicant shall identify a liaison that shall be available to respond to and/or direct citizen concerns. The name and telephone number of the liaison shall be submitted to the Committee, the Arlington Village - A Townhouse Condominium and the County's Zoning Office prior to issuance of a Certificate of Occupancy.

PREVIOUS COUNTY BOARD ACTIONS:

August 13, 1983	Denied a use permit
request (U-2388-83-1) for the purpose of operating a public garage	

October 1, 1988	Deferred use permit
request (U-2595-88-2) for a restaurant with a drive-through window.	

November 19, 1988	Denied use permit (U-2595-88-2).
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October 12, 1991	Approved use permit
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(U-2715-91-3) for live entertainment in an existing restaurant from 7:00 p.m. to 11:00 p.m., Mondays through Saturdays, subject to conditions with a review in three (3) months.

January 18, 1992 Renewed use permit
(U-2715-91-3) for live entertainment in an existing restaurant with a review in two (2) months.

March 7, 1992 Discontinued use permit
(U-2715-91-3) for live entertainment.

December 12, 1992 Deferred to January 16,
1993 use permit (U-2756-92-4) for live entertainment (comedian) in an existing restaurant from 8:00 p.m. to 10:00 p.m. one night per month.

January 16, 1993 Approved use permit
(U-2756-92-4) for live entertainment , including a comedian and piano player, in an existing restaurant, Mondays through Sundays, one week per month, from 7:00 p.m. to 10:00 p.m., with conditions and a review in six (6) months.

July 27, 1993 Renewed use permit
(U-2756-92-4) for live entertainment with a review on one (1) year.

July 9, 1994 Renewed use permit
(U-2756-92-4) for live entertainment with a review in three (3) years.