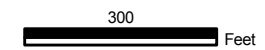


P-17-08

Zoning

Outdoor Dining

Brookland District



PS August 2008

Ref: 773-736-2198



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

November 18, 2008

Noodles & Company
Attn: V. Gardner
520 Zang Street
Broomfield, CO 80021

Re: Provisional Use Permit P-17-08

Dear Ms. Gardner:

The Board of Supervisors at its meeting on November 12, 2008, granted your request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outside dining for the proposed Noodles & Company restaurant, on part of Parcel 773-736-2198, subject to the following conditions:

1. No outside live music shall be permitted on site.
2. The operator shall not permit food preparation outside the enclosed building.
3. The outdoor dining area shall be limited to no more than 314 square feet.
4. The outdoor patio enclosure shall be constructed substantially in conformance with the floor plan and elevation attached as Exhibit A and B (see case file), respectively.
5. The fence surrounding the patio enclosure shall be limited to 36" in height and shall consist of commercial grade material for durability. The outdoor railing enclosure shall conform to the specifications and photos attached as Exhibit C and Exhibit D (see case file).
6. Access to the outside dining area shall be available only through the restaurant except during an emergency when the patio fence gate may be utilized.
7. Outdoor lighting fixtures shall complement the style of building. Lighting fixtures shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas and shall illuminate only the outdoor dining area.

8. The applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations.
9. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
10. A clear, continuous, and unobstructed pedestrian path not less than 5' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
11. The applicant shall obtain Administrative Approval from the Planning Department for the design and layout of the outdoor dining area.
12. This permit shall apply only to the tenant space to be occupied by Noodles & Company and shall not apply to any other business.
13. No alcoholic beverages shall be served or consumed within the outdoor dining area.

The Planning Department has been advised of the action of the Board of Supervisors and requested to revise its records and to place a copy of this notification in the Provisional Use Permit Index.

Sincerely,



Virgil R. Hazelett, P.E.
County Manager

pc: Federal Realty Investment Trust
Wendy Hunter
Director, Real Estate Assessment
Provisional Use Permit Index