

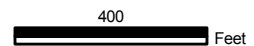
Zoning Districts identified on this sheet with an Asterisk (*) are within the West Broad Street Overlay District and are subject to Special Regulation

P-19-08

Zoning

Outdoor Dining

Three Chopt District



PS October 2008

Ref: 735-764-7344



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

April 21, 2009

Virgil R. Hazelett, P.E.
County Manager

Towne Center West, LLC
Attn: Terry M. Marshall, V.P.
560 Lynnhaven Parkway
VA Beach, VA 23452

Re: Provisional Use Permit P-19-08

Dear Mr. Marshall:

The Board of Supervisors at its meeting on April 14, 2009, granted your request for a Provisional Use Permit under Sections 24-58.2(d), 24-58.2(a), 24-120 and 24-122.1 of the County Code in order to allow outside dining and extended hours of operation for a proposed restaurant in the Towne Center West Shoppes, on part of Parcel 735-764-7344, subject to the following conditions:

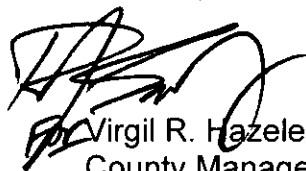
1. No outdoor live music performances shall be permitted.
2. The operator shall not permit food preparation outside the enclosed building.
3. The outside dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
4. Prior to operation of the outdoor dining area, the applicant shall submit a site plan of the restaurant and outdoor dining area and obtain Administrative Approval from the Planning Department. The site plan shall show the location of any relocated street furniture, trees/landscaping, and utility lines. Such site plan shall also show landscaping within or along the perimeter of the outdoor dining area to address the reduction and relocation of landscaping, including trees.
5. A clear, continuous, and unobstructed pedestrian path not less than 4' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
6. Barriers to the sidewalk and parking area shall be installed and shall complement the building façade as well as any street furniture. The railings shall not exceed 36" in height and shall consist of commercial grade material for durability. Unless otherwise approved by the Planning Commission, the outdoor railing enclosure shall conform to "Exhibit C" (see case file).

7. Outdoor lighting fixtures shall complement the style of building. Lighting fixtures shall be from a concealed source and 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. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
9. This permit shall apply only to the tenant space to be occupied by Emilio's restaurant and shall not apply to any other business in the overall shopping center.
10. Access to the outdoor dining area shall be available only through the interior of the restaurant, except during an emergency when a patio fence exit gate may be utilized.
11. Prior to operation, the applicant shall consult with the Special Services Unit within the Division of Police to discuss crime prevention recommendations and conduct a security survey of the property and restaurant operations. The applicant shall implement mutually agreed upon security recommendations.
12. Due to the location of existing water and sewer easements, the applicant and/or owner acknowledges their responsibility for any and all damages resulting from the County's need to access and repair the lines.
13. The applicant/owner shall be responsible for relocating any street trees or furniture that is displaced by the outdoor dining area.
14. Hours of operation shall be extended until 2 a.m. for the interior use of the restaurant only.
15. The facility's windows shall not be tinted or obscured by posters, advertisements, or similar materials in order to permit surveillance opportunities both from within and from the outside of the building. This shall not prevent blinds from being used during daylight hours.
16. If calls for police service or other activities on the site dictate the need for security cameras (as determined by the Division of Police), the applicant shall install such cameras. The security cameras and video system shall be designed by a security specialist and shall meet the requirements of the Crime Prevention Unit of the Division of Police.

17. The owner or operator shall provide adequate lighting for the entrances, exits, and parking areas serving the use or location. "Adequate lighting" means lighting sufficient for clear visual and security camera surveillance.
18. In the event that evidence (i.e. police calls to the premises or complaints from other businesses) indicate that extended hours of operation is having an adverse effect (i.e. increased public nuisance, loitering, excessive noise outside the building, criminal assault, etc.) on the surrounding area, the Board of Supervisors may hold a public hearing to consider revoking the provisional use permit.

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,

A handwritten signature in black ink, appearing to read 'V. Hazelett', is written over the printed name and title.

Virgil R. Hazelett, P.E.
County Manager

pc: Brian Revere
Director, Real Estate Assessment
Provisional Use Permit Index



Existing Railing Installed at
The Towne Center West Development

EXHIBIT C

P-19-08