

Parcels or Portions thereof identified on this sheet are within the West Broad Street Overlay District and are subject to Special Regulation

SUBJECT PROPERTY C*

P-11-09

Zoning

Outdoor Dining

Three Chopt District

400



PS June 2009

Ref. 737-761-2086



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

October 20, 2009

Bruce D. Perretz, AIA
10962 Richardson Road, Suite 10
Ashland, VA 23005

Re: Provisional Use Permit P-11-09

Dear Mr. Perretz:

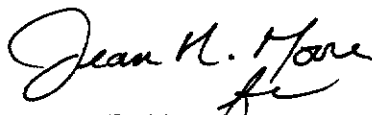
The Board of Supervisors at its meeting on October 13, 2009, granted your request for a Provisional Use Permit to permit outside dining for a restaurant on part of Parcel 737-761-2086, located on the east line of Lauderdale Drive approximately 480 feet north of Three Chopt Road (Shoppes at Westgate), subject to the following conditions:

1. No outdoor live music performances shall be permitted.
2. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems shall be equipped with controls permitting full volume adjustment.
 - b. Sound from the system shall not be audible beyond 100 feet from the source.
 - c. Sound systems may be used only when outside dining is permitted.
3. The operator shall not permit food preparation outside the enclosed building.
4. The outdoor dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
5. The outdoor dining area shall be constructed in general conformance with the floor plan attached as "Exhibit A" (see case file).
6. Unless otherwise approved by the Director of Planning, the outdoor tables, chairs, and umbrellas shall be substantially similar to those submitted with this request (Exhibit B) (see case file).
7. The applicant shall obtain administrative approval from the Planning Department for the design and layout of the outdoor dining area.

8. The railing surrounding the outdoor dining area shall be limited to 42" in height and shall consist of commercial grade material for durability as shown in "Exhibit A" (see case file).
9. 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.
10. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
11. This permit shall apply only to the tenant space to be occupied by Anokha and shall not apply to any other business in the overall shopping center.
12. 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.
13. 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.
14. Prior to the construction of the outdoor dining area, the stairs and the adjacent crosswalk north of the outdoor dining area shall be removed. Plantings consistent with the existing landscaping on either side of the stairs shall be planted in place of the stairway.

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: Wellesley Centre II, LC
Director, Real Estate Assessment
Provisional Use Permit Index