



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

Virgil R. Hazelett, P.E.  
County Manager

August 18, 2009

Steaks of Virginia, LLC  
Attn: Lee Garvin  
121 Eagle Rock Train  
Hendersonville, NC 28739

Re: Provisional Use Permit P-9-09

Dear Mr. Garvin:

The Board of Supervisors at its meeting on August 11, 2009, granted your request for a Provisional Use Permit required under proffered condition #28 accepted with C-29C-06 to allow extended hours of operation of a restaurant (Steak 'n Shake) on part of Parcel 815-718-5710, an out parcel within the Shops at White Oak Village, located approximately 400 feet east of S. Laburnum Avenue at its intersection with Gay Avenue, subject to the following conditions:

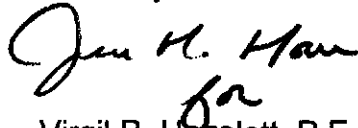
1. All proffered conditions accepted with case C-29C-06 shall be made a part of this provisional use permit.
2. Hours of operation shall be between the hours of 5:00 a.m. and 2:00 a.m.
3. This provisional use permit shall be applicable only to the Steak 'n Shake/Steaks of Virginia, LLC restaurant on outparcel #12 and shall not apply to any other business. This provisional use permit is non-transferable to subsequent owners or users of outparcel #12.
4. The sale or consumption of alcohol shall be prohibited.
5. The installation of pay phones on site shall be prohibited.
6. Any outside speakers and/or sound system shall comply with the following standards:
  - a. Sound systems shall be equipped with controls that permit full and complete volume control;

- b. Sound(s) emitted from the system shall not be audible beyond a distance of one hundred (100) feet measured from the source.
- 7. 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. Any outstanding issues shall be addressed by the applicant prior to a certificate of occupancy being issued.
- 8. The owner or operator shall install a security camera and video system designed by a security specialist. This security system shall include the following items:
  - a. Exterior surveillance cameras monitoring the entrance(s), parking area(s), drive through window and any other areas deemed necessary by the Division of Police. Such security cameras shall provide clear imagery of the establishment's patrons and their vehicles.
  - b. Recordings of all activities under surveillance shall be preserved for a period of (4) months by the applicant. Authorized representatives of the Henrico County Division of Police shall have full and complete access to all recordings upon request.
- 9. 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.
- 10. 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.
- 11. The owner or operator shall require customers to leave the premises and parking areas immediately after the close of business and shall not permit loitering, criminal assaults or public nuisances on the premises during hours of operation.
- 12. Should evidence (i.e. police calls to the premises or complaints from other businesses) indicate that the hours of operation are 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.

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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 "Virgil R. Hazelett", with a stylized flourish underneath.

Virgil R. Hazelett, P.E.  
County Manager

pc: Laburnum Investments, LLC  
Mitch Mitchell  
Director, Real Estate Assessment  
Provisional Use Permit Index