



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

John A. Vithoulkas
County Manager

February 19, 2013

BurgerBusters IV, LLC
C/O Mr. Thomas A. Cook
2242 West Great Road
Virginia Beach, VA 23451

Re: Provisional Use Permit PUP2013-00001

Dear Mr. Cook:

The Board of Supervisors at its meeting on February 12, 2013, granted your request for a Provisional Use Permit under Sections 24-58.2(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow extended hours of operation for an existing restaurant (Taco Bell) on Parcel 813-718-7327, subject to the following conditions:

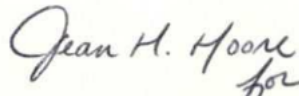
1. All proffered conditions accepted with case C-32C-86 and C-24C-00 shall be made a part of this Provisional Use Permit.
2. Hours of operation for the restaurant including any drive-thru operation, shall be between the hours of 6:00 a.m. and 2:00 a.m.
3. This Provisional Use Permit shall be applicable only to the Taco Bell restaurant and is non-transferable to subsequent owners or users.
4. The restaurant shall not serve alcohol.
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 windows, 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 operator shall require customers to leave the premises and parking areas immediately after the close of business.
12. The owner or operator shall not permit loitering or public nuisances on the premises during hours of operation.
13. 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.

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 cursive script, appearing to read "Jean H. Moore".

John A. Vithoulkas
County Manager

pc: Jennifer D. Mullen, Esquire
Director, Real Estate Assessment
Provisional Use Permit Index
Police, Special Services