

**PUP2014-00003**

**Zoning**

Outdoor Dining & Hours of Operation

Brookland District

400 Feet

PS December 2013

Ref: 757-757-0843



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

John A. Vithoukas  
County Manager

March 18, 2014

Tripps Properties II, LP  
P.O. Box 10398  
Greensboro, NC 27404

Re: Provisional Use Permit PUP2014-00003

Dear Sirs:

The Board of Supervisors at its meeting on March 11, 2014, granted your request for a Provisional Use Permit under Sections 24-58.2(a), 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow extended hours of operation until 2 a.m. and outdoor dining for a proposed restaurant on part of Parcel 757-757-0843, subject to the following conditions:

**General Conditions:**

1. This permit is limited to the current applicant/owner, is non-transferrable, and shall apply only to the building shown on the attached exhibit and shall not apply to any other business in the overall parcel. In the event that evidence (i.e. police calls to the premises or complaints from other businesses) indicate that extended hours of operation or outdoor dining 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.

**Outdoor Dining:**

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 systems may be used only when outside dining is permitted.
  - b. Any outside speakers shall be directed in a manner to mitigate noise impacts.
3. The operator shall not permit food preparation outside the enclosed building.
4. The outside dining area shall not be in operation between 12:00 a.m. (midnight) and 9:00 a.m.



5. Prior to operation of the outdoor dining area, the applicant shall submit an administrative site plan to the Planning Department for the review and approval of the proposed alterations and outdoor dining area.
6. The wall/fence enclosing the outdoor dining areas shall be limited in height to 48 inches.
7. Outdoor dining furniture, fencing, and canopies shall be of durable material and complementary to exterior features of the building.
8. Televisions and other video display devices shall not be allowed in the outdoor dining areas.
9. The outdoor dining areas shall be constructed in general conformance with the layouts and images depicted in the case file. In no case shall the outside dining area be located on the eastern side of the building.
10. Outdoor lighting fixtures shall complement the style of building. Exterior lighting shall not exceed an intensity of one-half ( $\frac{1}{2}$ ) foot candle at the property line and shall not produce glare for motorists or pedestrians on the adjacent rights-of-way and parking areas.
11. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
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. If a fire pit or other outdoor heating element is installed at a future time, details of its design and use shall be submitted to the Director of Planning and approved by the Fire Marshal to ensure safety features are in place.
14. Any gas heaters or other outdoor heating devices shall be affixed to the ground or other surface on which they are based.

**Extended Hours of Operation:**

1. Hours of operation shall be extended until 2 a.m. for the interior use of the restaurant only.
2. The facility's windows shall not be obscured by posters, advertisements, or similar materials or tinted in such a manner that prevents surveillance opportunities both from within and from the outside of the building. This shall not prevent blinds from being used during daylight hours.

3. 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. Exterior lighting shall be reduced to a minimum level necessary for security purposes following the close of business.
4. 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.
5. The applicant shall install security cameras (as determined by the Division of Police), with adequate lighting to provide exterior and interior surveillance of the restaurant and parking area. 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. The surveillance system shall be designed and set to maintain the video file storage of a period of at least one (1) month.
6. Any operable windows and doors exposing the restaurant to the outside will remain closed between the hours of 12:00 a.m. and 9 a.m.
7. At least one (1) uniformed security officer shall be on duty during the extended hours of operation. Security officers shall either be off duty police officers or licensed security guards employed by a licensed security service company.

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,

  
John A. Vithoukas  
County Manager

pc: Thomas D. Mincher, Jr.  
Director, Real Estate Assessment  
Police, Special Services

TRIPPS PROPERTIES II, LP – PUP2014-00003  
SITE PLAN EXHIBIT

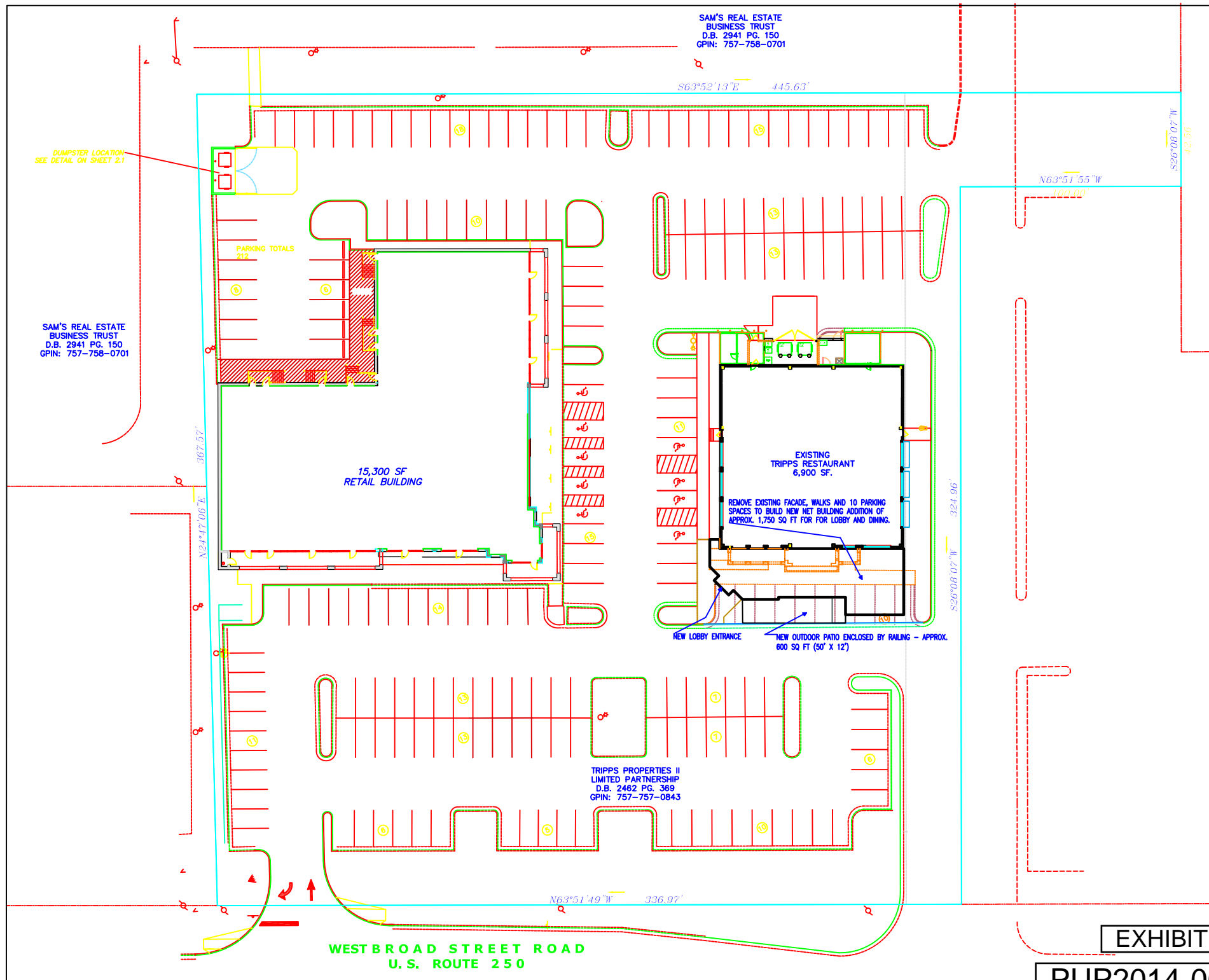


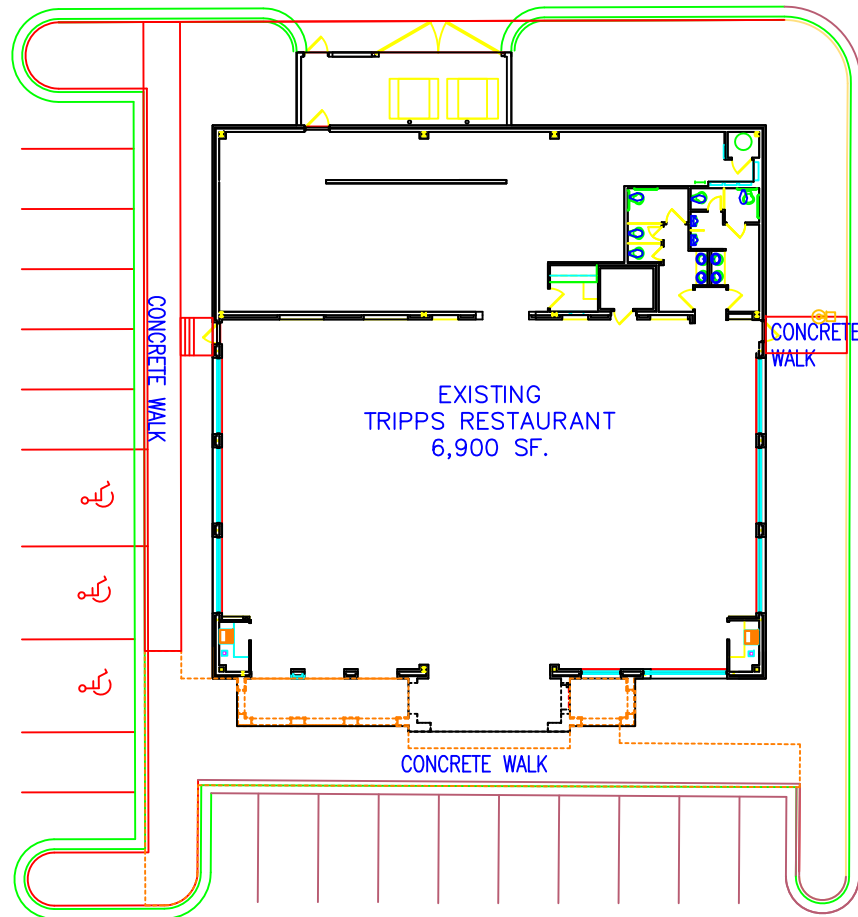
EXHIBIT A

PUP2014-00003

# TRIPPS PROPERTIES II, LP – PUP2014-00003

## BUILDING PAD EXHIBIT

### EXISTING



### PROPOSED

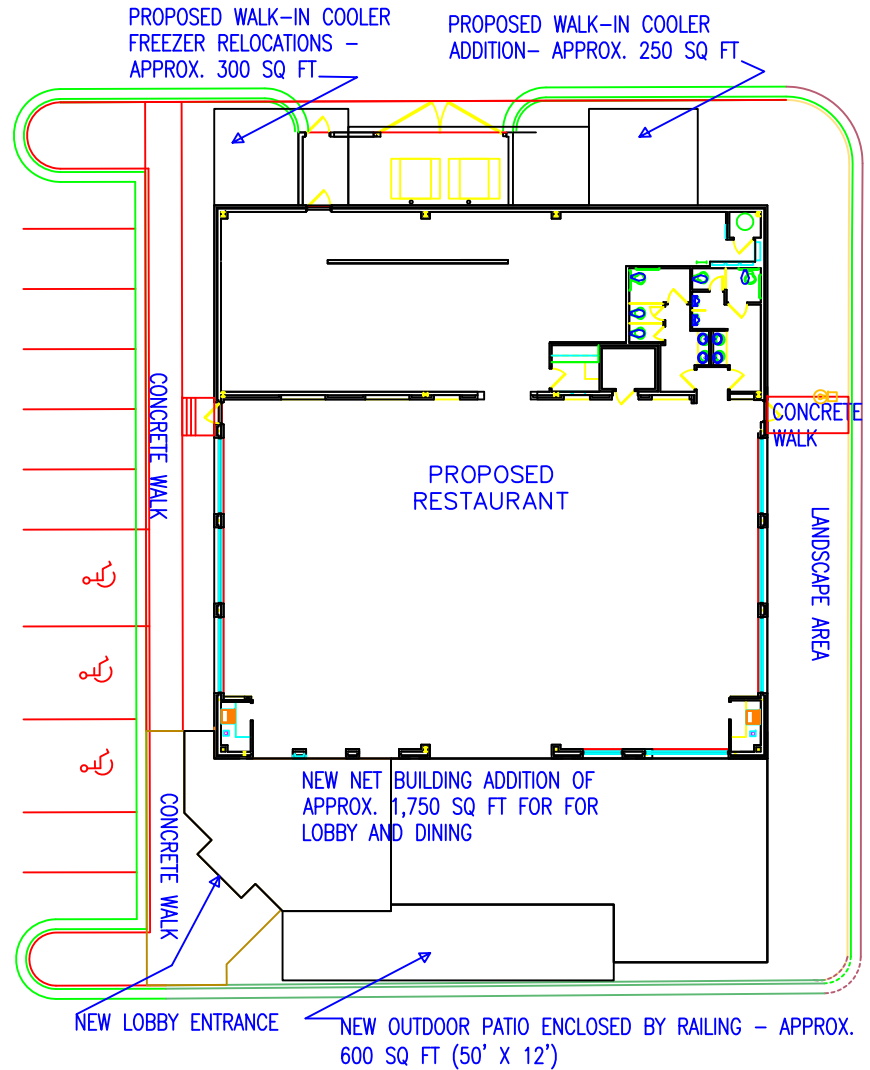






EXHIBIT B

PUP2014-00003

031114



EXHIBIT C

PUP2014-00003