

**PUP2014-00011**

**Zoning**  
 Outdoor Dining  
 Three Chopt District

400 Feet

PS January 2014 Ref: 750-760-8220



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

John A. Vithoulkas  
County Manager

April 15, 2014

Lexington Commons Richmond, Va L.P.  
Attn: Mr. Alan Ripley, Agent  
270 Commerce Drive  
Rochester, NY 14623

Re: Provisional Use Permit PUP2014-00011

Dear Mr. Ripley:

The Board of Supervisors at its meeting on April 8, 2014, granted your request for a Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to allow outdoor dining for an existing restaurant on part of Parcel 750-760-8220, subject to the following conditions:

1. The outdoor dining area shall not be in operation between the hours of 10:00 p.m. and 7:00 a.m.
2. No outside live music performances shall be permitted on site.
3. 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 the property lines of the development.
  - c. Sound systems may be used only when outside dining is permitted.
4. The operator shall not permit food preparation in the outdoor dining area.
5. The outdoor dining enclosure shall be limited in height to 48".
6. Outdoor lighting fixtures shall complement the style of the building. Lighting fixtures 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.
7. 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.
8. This permit shall apply only to Pho Saigon Restaurant and shall not apply to any other business in Lexington Commons.



Lexington Commons Richmond, VA. L.P.

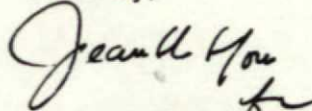
April 15, 2014

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9. The outdoor dining area shall comply with proffered conditions of rezoning REZ2014-00013.
10. Outdoor dining furniture, fencing, and/or canopies shall be of durable material and complementary to exterior features of the building.
11. The outdoor dining area shall be constructed in general conformance with the layout depicted in "Exhibit A" (see case file).
12. Televisions and other video display devices shall not be allowed in the outdoor dining area.
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.

The Planning Department has been advised of the action of the Board of Supervisors and requested to revise its records.

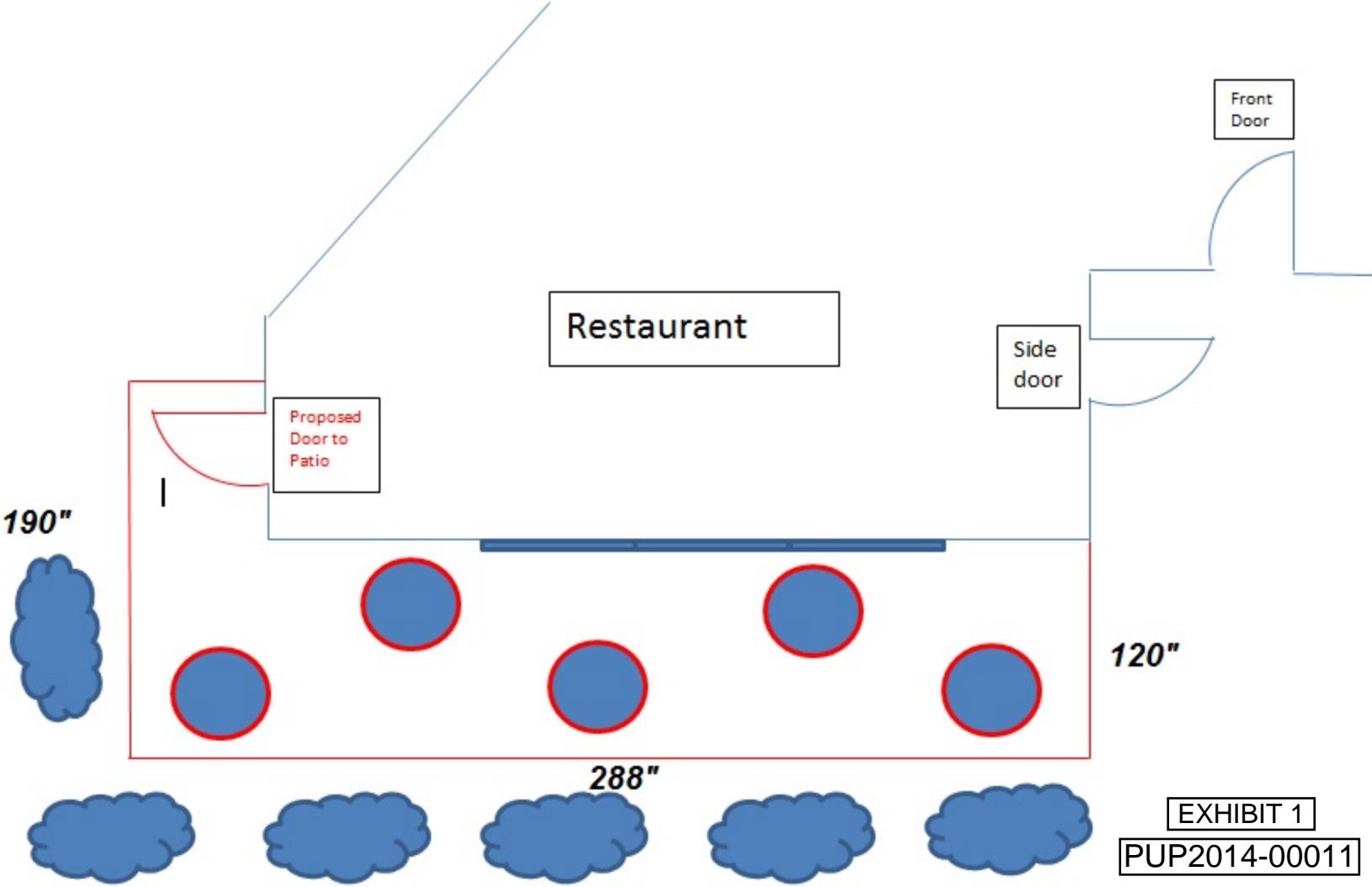
Sincerely,



John A. Vithoulkas  
County Manager

pc: Director, Real Estate Assessment  
Police, Special Services





Restaurant

Proposed  
Door to  
Patio

Side  
door

Front  
Door

190"

120"

288"

EXHIBIT 1

PUP2014-00011