

ZONING
OUTDOOR

P-5-04



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

July 20, 2004

Mr. Leopoldo Lugo
725 Sturck Drive
Richmond, VA 23236

Re: Provisional Use Permit P-5-04

Dear Mr. Lugo:

The Board of Supervisors at its meeting on July 13, 2004, granted your request for a Provisional Use Permit in order to provide 561 square feet of outside dining, on part of Parcel 783-756-9858, subject to the following conditions:

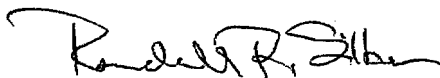
1. The outdoor dining area shall not be operation between 10:00 p.m. and 7:00 a.m.
2. Live performances shall consist of no more than one (1) instrument. Amplified music is not permitted.
3. Any outside speakers or sound system shall comply with the following standards:
 - a. Sound systems must be equipped 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.
4. The operator shall not permit food preparation outside the enclosed building.
5. The outdoor area shall be limited to no more than 561 square feet. Unless otherwise approved by the Planning Commission, the arrangement of the outdoor dining area shall be constructed in conformance to the site plan (Exhibit B) (see case file). Minor revisions to the plan may be approved by the Director of Planning.

6. Access to the outdoor dining area shall be available only through the restaurant. Patrons may not gain access directly from the adjacent parking area except that an emergency exit may be provided.
7. The operator shall provide visibility to the outdoor dining area from inside the restaurant building. Visibility may be accomplished by removing any visual obstruction on the south door accessing the outdoor dining area.
8. The vacated drive-thru aisle shall be blocked from vehicle use by the installation of bollards or curbs. Other barriers that are compatible with the building design may be used provided they are approved with the Plan of Development.
9. Administrative approval of a Plan of Development (POD) for this site shall be obtained to reflect the proposed outdoor dining area and related ordinance requirements. This POD shall include a landscape plan. The landscape plan shall incorporate visual screening elements designed to screen the outdoor dining area from E. Parham Road and adjacent properties. The Landscape Plan shall be substantially in accord with Exhibit B (see case file). These elements may include, but are not limited to, walls, fences, trellises, or landscaping. These elements may be installed immediately around the outdoor dining area.
10. The applicant shall remove all areas of unused asphalt paving adjacent to E. Parham Road and the proposed outdoor dining area. These areas shall be incorporated into the landscape plan. The Landscape Plan shall be substantially in accord with Exhibit B (see case file).
11. Any outdoor lighting fixtures shall compliment the style of the building. Lighting fixtures shall not be glaring to motorists or pedestrians on the adjacent right-of-way and parking area and shall illuminate only the outdoor dining area.
12. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
13. Customers shall be required by the management to leave the premises, including parking areas, immediately after the close of business.
14. The addition of the outdoor dining area shall not result in loitering, criminal assaults, or public nuisances in the areas surrounding the business.

Mr. Leopoldo Lugo
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The Planning Office 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,



for Virgil R. Hazelett, P.E.
County Manager

pc: Director, Real Estate Assessment
Provisional Use Permit Index