

Parcels or Portions thereof identified on this sheet are within the West Broad Street Overlay District and are subject to Special Regulation

P-8-10
Zoning
 Outdoor Dining
 Three Chopt District
 400 Feet

PS June 2010 Ref: 735-764-7376



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

September 21, 2010

Towne Center West, LLC
560 Lynnhaven Parkway
Virginia Beach, VA 23452

Re: Provisional Use Permit P-8-10

Dear Sir:

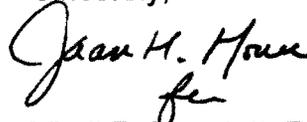
The Board of Supervisors at its meeting on September 14, 2010, granted your request for a Provisional Use Permit to allow outside dining for a proposed restaurant in the Towne Center West Shoppes, on part of Parcel 735-764-7376, subject to the following conditions:

1. No outside live music performances shall be permitted on site.
2. 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 shall be used only when outside dining is permitted.
3. The operator shall not permit food preparation outside the enclosed building.
4. The outdoor dining area shall not be in operation between 10:00 p.m. and 7:00 a.m.
5. Unless otherwise approved by the Planning Commission, the outdoor dining area shall be constructed in general conformance to the "Furniture, Fixture and Equipment Plan" attached as Exhibit B (see case file).
6. A method of enclosure to provide separation of the dining area from the parking area shall be installed and shall complement the building façade as well as any street furniture. The railings shall not exceed 36" in height and shall consist of commercial grade material for durability. Unless otherwise approved by the Director of Planning, the outdoor railing enclosure shall conform to Exhibit C (see case file).

7. 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.
8. Trash receptacles shall be provided and properly serviced to control litter generated by this use.
9. A clear, continuous, and unobstructed pedestrian path not less than 5' in width shall be required for pedestrian circulation between the outdoor dining area and the sidewalk curb.
10. The applicant shall obtain Administrative Approval from the Planning Department for the design and layout of the outdoor dining area. Any exterior alterations shall meet the proffered conditions of rezoning case C-49C-04.
11. This permit shall apply only to the tenant space to be occupied by Osteria La Giara and shall not apply to any other business in the overall shopping center.
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. 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.
14. Televisions and other video display devices shall not be allowed in the outdoor dining area.

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,



Virgil R. Hazelett, P.E.
County Manager

pc: Brian Revere
Director, Real Estate Assessment
Provisional Use Permit Index

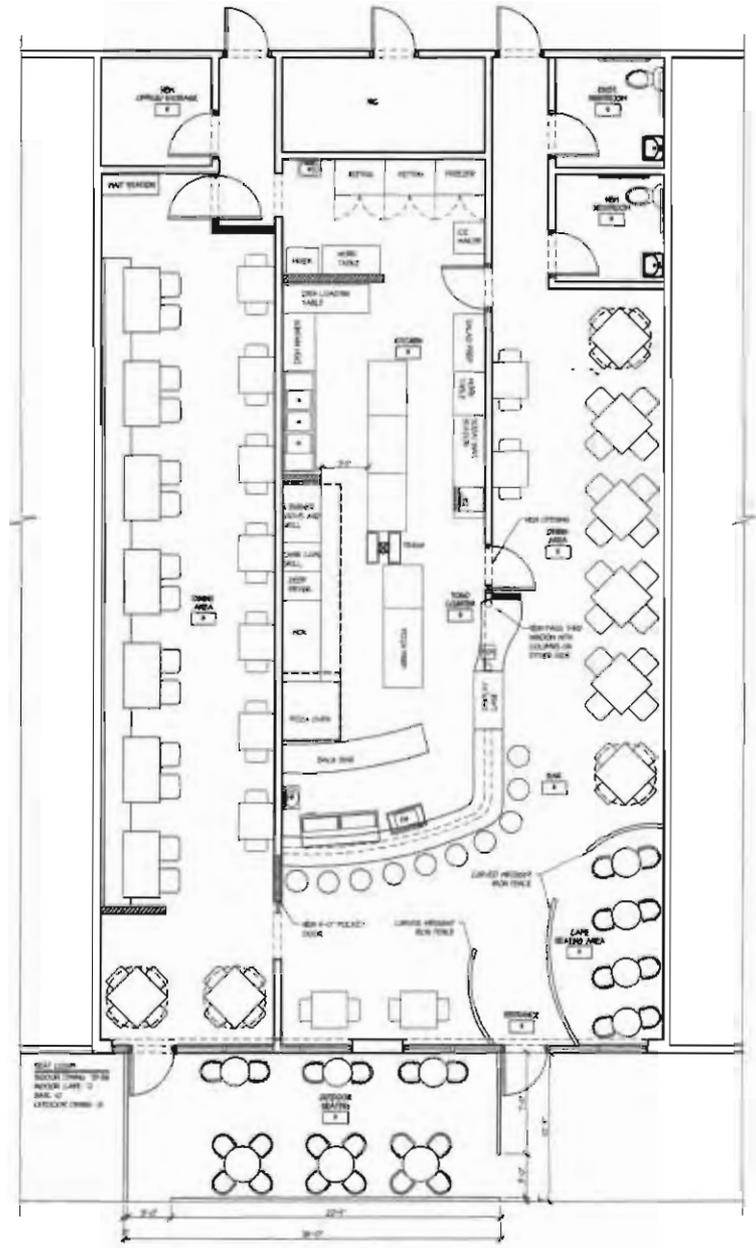


EXHIBIT B
P-8-10

PRELIMINARY NOT FOR CONSTRUCTION - / - / 10

FURNITURE, FIXTURE & EQUIPMENT PLAN

NUCCIOS
RICHMOND, VA

SCALE: AS NOTED
DATE:
BY:

HL REED DESIGN, INC.
2006 EAST FRANKLIN STREET
SUITE 103
RICHMOND, VIRGINIA 23223
Tel.: 804.644.5177 Fax: 804.648.9211



EXHIBIT C

P-8-10