

1 MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING
2 APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION
3 BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY
4 SPRING ROADS, ON THURSDAY JANUARY 22, 2015 AT 9:00 A.M., NOTICE
5 HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH JANUARY
6 5, 2015, AND JANUARY 12, 2015.

7
Members Present: Gentry Bell, Chairman
Greg Baka, Vice Chairman
Helen E. Harris

Members Absent: James W. Nunnally
R. A. Wright

Also Present: Jean M. Moore, Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul M. Gidley, County Planner
R. Miguel Madrigal, County Planner
Sally L. Ferrell, Account Clerk

8
9 Mr. Bell - Good morning. Welcome to the January meeting of the
10 Henrico County Board of Zoning Appeals. I ask you all to please stand and join
11 with me in pledging allegiance to the flag of our country.

12
13 Mr. Blankinship, please read our rules.

14
15 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
16 gentlemen and ladies, the rules for this meeting are as follows: Acting as secretary,
17 I'll announce the two cases and as I'm speaking, the applicant should come on to
18 the podium. We will then ask everyone who intends to speak to that case to be
19 sworn in. Then the applicant will present their testimony. The Board will ask any
20 questions. And then after the first case, the Board will proceed to the hearing on
21 the second case and then render both of their decisions at the end of the meeting.

22
23 This meeting is being recorded, so we'll ask you to speak directly into the
24 microphone on the podium and state your name, please, so that we get it correctly
25 in the record.

26
27 You should have received in the mail a copy of the staff report which includes the
28 conditions that have been recommended by the staff for your case. It's important
29 that you be familiar with those conditions.

30
31 Finally, as you can see, there are two members of the Board not present this
32 morning. There is a quirk in the state code that requires for any conditional use
33 permit to be approved you must have an affirmative vote of the majority of the
34 members of the Board, even if they're not in attendance. So this morning 66that

35 means a two-to-one vote amounts to a denial. Because of that, of course you have
36 the opportunity to request a deferral so that you could be heard by the full Board
37 next month or in the future. Or you're certainly welcome to proceed this morning
38 and see how the vote turns out. But we did want you to be aware of that before the
39 hearings take place.

40
41 With that, I suppose I can call the deferred case.

42
43 **CUP2014-00034** **A&F I, LLC** requests a conditional use permit pursuant
44 to Sections 24-52(d) and 24-103 of the County Code to extract materials from the
45 earth at 3740 Charles City Rd (Parcel 827-702-8810) zoned Agricultural District
46 (A-1) (Varina).

47
48 Mr. Williams - Thank you. Good morning, Mr. Chairman, members of
49 the Board, Mr. Blankinship.

50
51 Mr. Blankinship - Would you raise your right hand, please?

52
53 Mr. Williams - Yes.

54
55 Mr. Blankinship - Do you swear the testimony you're about to give is the
56 truth and nothing but the truth so help you God?

57
58 Mr. Williams - I do.

59
60 Mr. Blankinship - State your name, please.

61
62 Mr. Williams - Marty Williams. Mr. Chairman.

63
64 Mr. Bell - Thank you. Is there anybody else here that will be
65 speaking to this case? Seeing none, go ahead and proceed.

66
67 Mr. Williams - Mr. Chairman, I'm sure you're familiar with the case
68 because I think this is the third or fourth renewal that we've requested of the
69 County. The stars didn't quite align in the past because the projects at the airport
70 that we were counting on to get the permits to proceed with didn't happen. There's
71 a current project that is actually happening—they're already out there working—
72 with American Infrastructure. They sought us out and want to place the overburden
73 material that they have to remove from the airport. They come right out of the back
74 gate. The property's right there. The benefits are they're able to, I think, perform
75 the work for the airport at a better price because of the logistics of the haul. But
76 primarily it's a safety issue in terms of the trucks being on the road for long
77 distances, perhaps taking the material somewhere else.

78

79 The work is in hand. They want to start hauling in March. I have letters here, if the
80 Board would want to review them, from them expressing their interest in placing
81 material there. So I would urge the Board to give it favorable consideration.
82

83 Other than that, I'm here for any questions you might have.
84

85 Mr. Bell - Are you familiar and do you agree with the suggested
86 conditions, especially #25?
87

88 Mr. Williams - Yes sir.
89

90 Mr. Bell - The reason I'm concerned about that is if you look at
91 the history, we go back to 2008 the land was purchased, and the first conditional
92 use permit was approved and issued. And it was to be completed by 2011, as
93 stated in the permit. The conditional use permit was renewed two more times.
94 Terms were not complied with again, and the berm was not constructed, and no
95 sand and gravel had been removed as approved in 2008. It appears, you know,
96 that the trees were cut and you were dumping materials there. So I guess my
97 concern is do you feel that this time those dates will be complied with?
98

99 Mr. Williams - Yes sir, Mr. Chairman, that's exactly why we're willing
100 to certainly accept that condition without any argument. I would say that it is a tight
101 time frame to do these things in two years, but I know it's your standard practice
102 because you don't want that ongoing activity. And I completely understand it. When
103 I saw this the other day when I received the staff recommendation, I'm fine with it.
104

105 Mr. Bell - Thank you. Any questions?
106

107 Ms. Harris - Yes. On the site map, if we can pull that up, this little
108 triangular piece of property, that's the subject property. But what's adjacent?
109 What's around it?
110

111 Mr. Williams - Ma'am, actually very little. There's a house on the
112 property that's actually on the historic registry that the owner of the property has a
113 great deal of interest in preserving. And there are a few homes near it that, quite
114 frankly, appear to be abandoned. There's one across the street a little bit down the
115 road that is occupied. The property is very well screened from any visual activity.
116 The Board has seen favorably in the past to award the conditional use permit, and
117 has had many opportunities for adjacent property owners to perhaps complain or
118 state their preferences.
119

120 Ms. Harris - Is it fenced in? Is that area fenced in?
121

122 Mr. Williams - The area of the excavation? Yes ma'am.
123

124 Ms. Harris - Okay.

125
126 Mr. Baka - Just a couple of questions. You spoke about the letter
127 from the contractor. Is that something you said we could take a look at?
128
129 Mr. Williams - I have copies of it here if you'd like. It's actually an e-
130 mail.
131
132 Mr. Baka - That's fine. Thank you. If you excavate from the
133 property, how do you fill it back up at grade when you're done to do the reclamation
134 plan?
135
136 Mr. Williams - That's the reason the project is phased out the way it
137 is. You have to build the berms before you can excavate. So the material to build
138 the berms is the exact amount of material you need to fill the hole, and that's how
139 the whole project was designed. In fact, we cannot extract any material until the
140 berms are completed.
141
142 Mr. Baka - Okay. That makes sense.
143
144 Mr. Williams - So now the contractor—this contractor, American
145 Infrastructure, has more than enough material to complete the construction of the
146 berms. The fill material is extraordinarily marketable. We've never been able to
147 extract any of it because we couldn't get the material in there to get the berms
148 completed. This contractor, it's not a project where he's going to put three trucks
149 on it. He can't do much until he gets all the material extracted. So starting in March,
150 he'll be placing material as fast as he can until the site's filled up. We'll shape the
151 berms, seed them like the project calls for. Then and only after the County inspects
152 what we've done can we begin extraction. So the material is on site to fill the hole.
153 I think that's a good process also.
154
155 Mr. Baka - Good. And then the e-mail you provided referenced
156 between 100,000 and 200,000 cubic yards of material. Ideally, about how many
157 dump trucks is that a day if I'm a neighbor on the road?
158
159 Mr. Williams - It's sixteen yards per dump truck.
160
161 Mr. Baka - So every day the trucks run—any idea how many
162 trucks per day?
163
164 Mr. Williams - They'll probably run like ten to make a decent loop and
165 not have the excavator sitting still. Again, they come out of the back gate of the
166 airport. I don't know that they even pass a residence between where they come
167 out of the airport and this. They don't go through any residential areas.
168

169 Mr. Baka - Okay. And then the other question I have is on
170 condition #2. There was a bond. This question may be possibly for the staff. About
171 \$3,000 per acre.

172
173 Mr. Williams - It's still in effect.

174
175 Mr. Baka - Yes, it's still in effect and that amount is sufficient to
176 cover any costs if there were a need to finish out the project?

177
178 Mr. Blankinship - We never really know that until we get into it. But we
179 did some research just a few years ago on broadly categorizing costs of reclaiming
180 sites. Every site is unique, but we wanted to have a standard amount of \$3,000
181 per acre.

182
183 Mr. Baka - Okay. And one last question then. Under the new DEQ
184 regs on July 1, I saw a lot on erosion and sediment control. But do you have to do
185 a SWPPP, a stormwater pollution prevention plan for this?

186
187 Mr. Williams - No sir. There is an erosion control plan. It's already
188 been in place, and all the retention basins and all that are already in place and
189 have been in place and been functioning since the first permit.

190
191 Mr. Baka - Okay. So it was grandfathered prior to changing the
192 regs, I believe.

193
194 Mr. Williams - Yes sir. And we're inspected monthly by the County
195 staff for compliance.

196
197 Mr. Baka - Thank you.

198
199 Ms. Harris - One more question. Do you feel that two years is
200 realistically enough for the completion of this project?

201
202 Mr. Williams - Two years is tight, but yes ma'am. I think it's a standard
203 County procedure for two years because they don't want heavy activity going on
204 longer than that. I think it's a tight time frame, but yes ma'am, I do think we could
205 do it.

206
207 Ms. Harris - That would include reclamation?

208
209 Mr. Blankinship - That would normally go into the third year.

210
211 Mr. Williams - That is the third year. Two years to get the extraction,
212 fill the hole. We start grading the site in the third year and restore it to a natural
213 condition. But given that we have this material coming from American
214 Infrastructure right now, I don't think it'll be a problem with the time frame.

215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260

I would add that there is some comment in there about debris being placed on the site. I've been speaking to Mr. Blankinship for a few months. We just went in to clean the site up, just to get it to where the trucks could start running, assuming that the Board was to award a renewal. We took one load of metal out of there, a small 10-cubic-yard container of metal, which is rebar from some of the concrete. We took probably three pallets and a few pieces of sheet rock that someone had dumped on the site and one of our people had pushed it back behind the fence so it wouldn't be exposed from the roadway. And that was it. All the rest of the material that had ever been placed on the site could go in the berms based on the permit that you all issued.

I wanted to say that perhaps they did place material there when they shouldn't have. But it was never material that couldn't go in the berms and wasn't suitable based on the County's recommendation.

Mr. Blankinship - I think they were authorized to put the material there, but the expectation was it was going to be put there and then used to construct the berm. It was put there and, kind of, left.

Mr. Williams - Exactly. It looked more like a construction demolition debris pit versus a berm.

Mr. Blankinship - Yes. I'm glad that that has moved forward.

Mr. Williams - I apologize for that. I wasn't involved with it then; I am now.

Ms. Harris - Mr. Williams, what is your title in regard to this project?

Mr. Williams - I'm a consultant. I represent the owner. I do government relations for a handful of clients, this particular person being one of them.

Ms. Harris - Okay. Thank you.

Mr. Bell - Any more questions? Thank you, Mr. Williams.

Mr. Williams - Thank you.

[After the conclusion of the public hearings, the Board discussed the case and made its decision. This portion of the transcript is included here for convenience of reference.]

Mr. Bell - Do I hear a motion?

261 Ms. Harris - I move that the conditional use permit 2014-00034 be
262 approved. I don't see that it will adversely affect the health, safety, or welfare of
263 the community. In fact, it will be great to get this project completed.

264
265 Mr. Bell - Do I hear a second?

266
267 Mr. Baka - Second. And that's approved with the conditions as
268 outlined in the staff report?

269
270 Ms. Harris - Yes.

271
272 Mr. Baka - Yes, second.

273
274 Mr. Bell - Do I hear any more discussion? Hearing none, all in
275 favor say aye. All opposed say no. The ayes have it; the motion passes.

276
277 After an advertised public hearing and on a motion by Ms. Harris, seconded by Mr.
278 Baka, the Board **approved** application **CUP2014-00034, A&F I, LLC's** request for
279 a conditional use permit pursuant to Sections 24-52(d) and 24-103 of the County
280 Code to extract materials from the earth at 3740 Charles City Rd (Parcel 827-702-
281 8810) zoned Agricultural District (A-1). The Board approved the conditional use
282 permit subject to the following conditions:

283
284 1. This use permit is subject to all requirements of Section 24-103 of Chapter 24
285 of the County Code. The operation shall be conducted in accordance with the plans
286 submitted with this application.

287
288 2. The applicant shall maintain the existing financial guaranty in the amount of
289 \$3,000 per acre for each acre of land to be disturbed, for a total of \$49,500,
290 guaranteeing that the land will be restored to a reasonably level and drainable
291 condition, consistent with the elevation before the beginning of excavation.
292 Termination of such financial guaranty shall not relieve the applicant from its
293 obligation to indemnify the County of Henrico for any breach of the conditions of
294 this use permit.

295
296 3. The applicant shall comply with all erosion and sedimentation control
297 requirements from the Department of Public Works (DPW). The erosion control
298 bond necessary for approval of the plan shall remain active throughout the life of
299 the project until release by DPW. Throughout the life of the operation, the applicant
300 shall continuously satisfy DPW that erosion and sedimentation control is performed
301 and maintained in accordance with the approved plan. The applicant shall provide
302 certification from a licensed professional engineer that dams, embankments and
303 sediment control structures meet the approved design criteria as set forth by the
304 State.

305

- 306 4. The areas approved for mining under this permit shall be delineated on the
307 ground by five-foot-high metal posts at least five inches in diameter and painted in
308 alternate one foot stripes of red and white.
309
- 310 5. The applicant shall comply with the Chesapeake Bay Preservation Act and all
311 state and local regulations administered under such act applicable to the property,
312 and shall furnish to the Planning Department copies of all reports required by such
313 act or regulations.
314
- 315 6. Hours of operation shall be limited to Monday through Friday, 6:00 a.m. to 6:00
316 p.m. when Daylight Savings Time is in effect, and from 7:00 a.m. to 5:00 p.m. when
317 Standard Time is in effect, and Saturday, 10:00 a.m. to 4:00 p.m.
318
- 319 7. No operations of any kind are to be conducted at the site on Sundays or national
320 holidays.
321
- 322 8. All means of access to the property shall be from the entrance onto Beulah
323 Road as shown on the plans submitted with this application.
324
- 325 9. The applicant shall maintain the gate at the entrance to the property. This gate
326 shall be locked at all times, except when authorized representatives of the
327 applicant are on the property.
328
- 329 10. The applicant shall maintain a sign at the entrance to the mining site stating
330 the name of the operator, the use permit number, and the telephone number of the
331 operator. The sign shall be 12 square feet in area and the letters shall be three
332 inches high.
333
- 334 11. The applicant shall maintain "No Trespassing" signs every 250 feet along the
335 perimeter of the property. The letters shall be three inches high. The applicant shall
336 furnish the Chief of Police a letter authorizing the Division of Police to enforce the
337 "No Trespassing" regulations, and agreeing to send a representative to testify in
338 court as required or requested by the Division of Police.
339
- 340 12. Standard "Truck Entering Highway" signs shall be maintained on Beulah Road
341 on each side of the entrance to the property. These signs will be placed by the
342 County, at the applicant's expense.
343
- 344 13. The applicant shall maintain a standard stop sign at the entrance to Beulah
345 Road.
346
- 347 14. The applicant shall provide a flagman to control traffic from the site onto the
348 public road, with the flagman yielding the right of way to the public road traffic at
349 all times. This flagman will be required whenever the Division of Police deems
350 necessary.
351

- 352 15. The entrance road shall be paved from its intersection with Beulah Road for
353 its entire length at a width of 24 feet. All roads used in connection with this use
354 permit shall be effectively treated with calcium chloride or other wetting agents to
355 eliminate any dust nuisance.
356
- 357 16. The operation shall be so scheduled that trucks will travel at regular intervals
358 and not in groups of three or more.
359
- 360 17. Trucks shall be loaded in a way to prevent overloading or spilling of materials
361 of any kind on any public road.
362
- 363 18. The applicant shall maintain the property, fences, and roads in a safe and
364 secure condition until the site has been reclaimed.
365
- 366 19. If, in the course of its preliminary investigation or operations, the applicant
367 discovers evidence of cultural or historical resources, or an endangered species,
368 or a significant habitat, it shall notify appropriate authorities and provide them with
369 an opportunity to investigate the site. The applicant shall report the results of any
370 such investigation to the Planning Department.
371
- 372 20. If water wells located on surrounding properties are adversely affected, and
373 the extraction operations on this site are suspected as the cause, the affected
374 property owners may present to the Board evidence that the extraction operation
375 is a contributing factor. After a hearing by the Board, this use permit may be
376 revoked, and the operator may be required to correct the problem.
377
- 378 21. Open and vertical excavations having a depth of 10 feet or more for a period
379 of more than 30 days shall be effectively sloped to a 2:1 slope or flatter to protect
380 the public safety.
381
- 382 22. Topsoil shall not be removed from any part of the property outside of the area
383 in which mining is authorized. Sufficient topsoil shall be stockpiled on the property
384 for respreading in a layer with five inches of minimum depth. All topsoil shall be
385 stockpiled within the authorized mining area and provided with adequate erosion
386 control protection.
387
- 388 23. No offsite-generated materials shall be deposited on the mining site without
389 prior written approval of the Director of Planning. To obtain such approval, the
390 operator shall submit a request stating the origin, nature, and quantity of material
391 to be deposited, and certifying that no hazardous material will be included. The
392 material to be deposited on the site shall be limited to imperishable materials such
393 as stone, bricks, tile, sand, gravel, soil, asphalt, and concrete, and shall not include
394 any hazardous materials as defined by the Virginia Hazardous Waste
395 Management Regulations.
396

397 24. A superintendent who shall be personally familiar with all the terms and
398 conditions of Section 24-103 of Chapter 24 of the County Code as well as the terms
399 and conditions of this use permit shall be present at the beginning and conclusion
400 of operations each work day to see that all the requirements of the Code and
401 conditions of this use permit are observed.

402

403 25. No later than April 1, 2015 the applicant shall provide the Planning Department
404 with a timeline for the extraction of materials and the reclamation of the site.
405 Excavation shall begin by June 30, 2015 and shall be diligently pursued until
406 completion.

407

408 26. A progress report shall be submitted to the Board on or about January 22,
409 2016. This progress report must contain information concerning how much
410 property has been mined to date of the report, the amount of land left to be mined,
411 how much reclamation has been performed, when and how the remaining amount
412 of land will be reclaimed, and any other pertinent information about the operation
413 that would be helpful to the Board. Excavation shall be discontinued no later than
414 January 22, 2017, and restoration completed no later than January 22, 2018.

415

416 27. The property shall be reclaimed in accordance with "East End Site – E & S
417 Control Plan Conceptual Layout – Final Grading Plan" prepared by TIMMONS
418 Group, dated February 4, 2010, and filed with cases UP-021-10 and CUP2012-
419 00009. The label "Realigned Beulah Road" shall be amended to read "Future
420 Alignment of Beulah Road". All disturbed areas of the site shall be covered with
421 five inches of topsoil treated with a mixture of seed, fertilizer, and lime as
422 recommended by the County after soil tests have been provided to the County. If
423 the site does not yield sufficient topsoil for reclamation, additional topsoil shall be
424 brought to the site to provide the required five-inch layer of cover. Reclamation
425 shall not be considered completed until the disturbed area is covered completely
426 with permanent vegetation.

427

428 28. In the area of the future alignment of Beulah Road, backfill shall be compacted
429 to 95% density in lifts of 6 inches with material suitable for road construction. The
430 compaction of the backfill shall be verified through a geotechnical service and
431 copies of their report shall be provided to the Planning Department and the
432 Department of Public Works.

433

434 29. Adequate sight distance and 50-foot turning radius shall be maintained for the
435 entrance onto Beulah Road as required by Department of Public Works standards.

436

437 30. The applicant shall preserve the existing dwelling on the property as shown
438 on the plans approved in February, 2010. The applicant shall allow the Department
439 of Recreation and Parks to erect and maintain a standard historical marker on the
440 property.

441

442 31. The unapproved entrance at the southeastern corner of the site shall remain
443 closed and the applicant shall maintain the vegetation in that area.

444
445 32. Failure to comply with any of the foregoing conditions shall automatically void
446 this permit.

447
448
449 Affirmative: Bell, Baka, Harris 3
450 Negative: 0
451 Absent: Nunnally, Wright 2

452
453 **[At this point, the transcript continues with the public hearing on the next**
454 **case.]**

455
456 **CUP2015-00001 SHORT PUMP TOWN CENTER** requests a conditional
457 use permit pursuant to Section 24-116(c)(1) of the County Code to hold fundraising
458 events at 11700 W Broad St (Parcel 738-764-0203) zoned Business District (B-
459 3C) and West Broad Street Overlay (WBSO) (Three Chopt).

460
461 Mr. Blankinship - Would you raise your right hand, please. Do you swear
462 the testimony you're about to give is the truth and nothing but the truth so help you
463 God?

464
465 Mr. Mattox - I do.

466
467 Mr. Blankinship - State your name, please.

468
469 Mr. Mattox - Bill Mattox. I'm with the Rotary Club of Innsbrook.

470
471 Mr. Blankinship - Thank you.

472
473 Mr. Bell - Mr. Mattox, have you read the conditions attached to
474 this?

475
476 Mr. Mattox - Yes sir.

477
478 Mr. Bell - Do you agree with them?

479
480 Mr. Mattox - Yes sir.

481
482 Mr. Bell - Then go ahead and tell us what it's all about.

483
484 Mr. Mattox - Okay. Well thank you.

485
486 This started out as a fundraiser two years ago that our rotary club conceived really
487 to honor and highlight the first responders, mainly the firefighters. Our first year,

488 we had about 4,000 people attend. Last year we had roughly 7,500 people attend,
489 which is great. Our participation from our firefighters as far as teams, the first year
490 we had roughly 25 to 30; last year we had 40 to 45. And we're expecting maybe
491 50 teams this year.

492
493 What has happened, and it just kind of morphed this way over these couple years,
494 it's gone from a fundraiser really more to an awareness of fire prevention and so
495 forth and a family event. I would say we probably had three to four thousand of the
496 attendees were children under the age of ten. And that was great. And so we're
497 teaching them all about fire prevention and safety and so forth.

498
499 Our two partners from the first year and second year will be our partners again this
500 year, that's Short Pump Town Center and the County of Henrico.

501
502 Mr. Bell - Last year were there any problems, complaints from
503 anyone?

504
505 Mr. Mattox - No sir.

506
507 Mr. Bell - Any questions?

508
509 Ms. Harris - Yes. With the loss of those parking spaces, have you
510 had any concern from shoppers or merchants about the loss of those parking
511 spaces?

512
513 Mr. Mattox - Great question. It was a little crowded during the peak
514 hours, which is really like 10 to 11, 10 to 12 in the morning. But there was ample
515 parking provided by the Town Center on the Town Center property and then on
516 American Family Fitness, for example, First Citizens Bank, and there was another
517 group that owns land in the Town Center West that let us use their parking as well.
518 But there was no real problem; people just had to walk a little bit further to enjoy
519 the mall or enjoy the event.

520
521 Ms. Harris - What if your traffic exceeds last year? Last year you
522 had 7,500?

523
524 Mr. Mattox - Yes ma'am.

525
526 Ms. Harris - Suppose participation increases? How do you plan to
527 handle the increased traffic?

528
529 Mr. Mattox - Great question. Besides the security folks from the
530 Town Center that also help us out, we have Rotarians that are stationed along the
531 ring road. So in the event that it gets backed up—which didn't happen last year or
532 certainly the first year—then we have Rotarians as well as the mall security people
533 that will be directing folks to the overflow lots. They were not even used last year.

534

535 Ms. Harris - Where are the overflow lots located?

536

537 Mr. Mattox - Again, we will use First Citizens Bank, which is on the
538 front of the mall; American Family Fitness, which faces the event and will be a
539 sponsor, by the way, participating with us this year; and then the mall has an
540 overflow lot—it's hard to point out but it's near Dick's.

541

542 Ms. Harris - Can you show us on this map where the 500 spaces
543 are that you'll be using?

544

545 Mr. Mattox - That's pretty much where they are. We have perimeter
546 fencing around the event. So it's essentially right to the left of the highlighted area
547 where the event is held.

548

549 Mr. Bell - Any other questions?

550

551 Mr. Baka - I was going to ask about the ring road, but he already
552 covered that. The only other question I had was about the anchoring of tents. Do
553 you put spikes in the asphalt there or are the tents anchored to the ground?

554

555 Mr. Mattox - Yes. Great question. We use water barrels. Short
556 Pump Town Center makes sure we're not putting holes in their property. So we
557 use these 55-gallon plastic drums full of water. So they're the anchors for all the
558 tents and so forth.

559

560 Mr. Baka - Thanks.

561

562 Mr. Mattox - Sure.

563

564 Mr. Bell - Any more questions? Thank you, Mr. Mattox.

565

566 Mr. Mattox - Yes sir. Thank you.

567

568 **[After the conclusion of the public hearings, the Board discussed the case**
569 **and made its decision. This portion of the transcript is included here for**
570 **convenience of reference.]**

571

572 Mr. Bell - Do I hear a motion?

573

574 Mr. Baka - Yes, Mr. Chairman. I'll make a motion that we approve
575 CUP2015-00001. It's a great community use, one-day temporary event, which
576 brings a lot of people out and promotes both education and good work for the
577 charitable organization. I make a motion we approve it with the fourteen conditions
578 as cited in the staff report. And that this use will not adversely impact the
579 surrounding properties as a one-day temporary use.

580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625

Ms. Harris - I second the motion.

Mr. Bell - Is there any more discussion? Hearing none, all in favor say aye. All opposed say no. The ayes have it; the motion passes.

After an advertised public hearing and on a motion by Mr. Baka, seconded by Ms. Harris, the Board **approved** application **CUP2015-00001, SHORT PUMP TOWN CENTER's** request for a conditional use permit pursuant to Section 24-116(c)(1) of the County Code to hold fundraising events at 11700 W Broad St (Parcel 738-764-0203) zoned Business District (B-3C) and West Broad Street Overlay (WBSO). The Board approved the conditional use permit subject to the following conditions:

1. This conditional use permit is for the approval of a one-day temporary outdoor event to be held at Short Pump Town Center on April 18, 2015. Set-up for the event will occur on Friday, April 17, 2015 and breakdown will commence at the conclusion of the public event and extend to no later than Sunday, April 19, 2015.
2. The outdoor event shall be limited to the following times: Set-up shall occur between 7:00 a.m. to midnight, the public event shall occur between 9:00 a.m. and 4:00 p.m., and breakdown shall commence at the conclusion of the public event and shall end no later than 8:00 p.m. the following day. All set-up and breakdown activity related to the event shall cease between the hours of 12:00 a.m. and 7:00 a.m.
3. Only the temporary improvements shown on the layout plan filed with the application may be erected pursuant to this approval. Any additional improvements shall comply with the applicable regulations of the County Code or as specified in the conditions of approval.
4. The applicant shall clearly delineate the perimeter (footprint) of the event area with temporary fencing and shall install traffic barriers at affected parking drive aisle entrances to block vehicular traffic from entering the event area. Internal shopping center circulatory roadways (providing general internal traffic circulation) leading in or out of the shopping center shall be kept free and clear of equipment, vehicles, and obstacles associated with the event. Fire lanes shall be maintained in accordance with the Fire Prevention Code. Access to on-site fire hydrants and fire department connections shall not be impaired.
5. On-site landscaping planters shall be kept free and clear of equipment and displays. All approved landscaping shall be maintained in a healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.

626 6. The applicant shall obtain all necessary building permits for items including but
627 not limited to tents (in excess of 900 square feet), elevated stages, spectator
628 bleachers, climbing towers, mechanical amusement devices, electrical generators
629 and electrical connections to be used during the event. Building permits shall be
630 requested no later than four weeks prior to the event and required inspections shall
631 occur no later than noon on Friday, April 17, 2015.

632
633 7. The applicant shall provide adequate restroom facilities and hand wash stations
634 as required by the Building Inspections Department.

635
636 8. All temporary tents and amusement devices employed during the event shall
637 be properly anchored as required by the Division of Fire.

638
639 9. The applicant shall obtain necessary Health Department permits for the sale of
640 food during the event, if necessary.

641
642 10. The applicant shall maintain the property so that debris is controlled during the
643 event. Adequate trash receptacles shall be provided throughout the site.

644
645 11. Speakers for amplified sound and music shall be directed toward the main
646 event in order to limit its impact on adjoining businesses and/or residential
647 neighborhoods and shall not exceed 65 dB at the property line.

648
649 12. On-site security and safety measures shall satisfy the Police Division's written
650 requirements (see attached).

651
652 13. Emergency preparedness and safety requirements shall be developed in
653 accordance with the written requirements of the Division of Fire (see attached).

654
655 14. The sale of alcoholic beverages shall be prohibited at the event.

656
657 Affirmative: Bell, Baka, Harris 3
658 Negative: 0
659 Absent: Nunnally, Wright 2

660
661 Mr. Bell - Let's go on and vote on the minutes. Do I hear a motion
662 on the minutes?

663
664 Ms. Harris - I do have one correction. Line 1666. It should be the
665 word "create" instead of "created." That's line 1666.

666
667 Mr. Baka - Mr. Chairman, I also have a couple minor changes. On
668 line 1311—again these are minor items. Line 1311, the last word in the sentence I
669 think should be "their"—t-h-e-i-r. And on 1470, the question there where I was
670 quoted in the second line, it says "Yes, side rear side." I was wondering if you just
671 maybe check the tape. I thought I meant to say "Side and rear." So I guess maybe

672 just a tape-check to see if the word "and" is really in there. The last change really
673 quick is 1560. I thought I may have said the condition—this is actually the
674 combined condition on the second line where it says "the rear and north side."
675 Typically, I would think I was referring to that as a yard, the rear yard. I'm not sure
676 if that makes as much of a difference in Henrico County's ordinance but. So maybe
677 just have a tape-check on that. That's it. If it was sent out that way, that's fine.
678 From my notes, I probably just wrote down the word "yard." So if it was sent out as
679 "side," I'd leave it as "side." Thanks for giving me an opportunity just to check and
680 read through that closely.

681
682 Mr. Bell - So then do I hear a motion that we approve the minutes
683 with all the corrections that have been made?

684
685 Mr. Baka - Yes. So moved.

686
687 Ms. Harris - Second.

688
689 Mr. Bell - All in favor say aye. All opposed say no. The ayes have
690 it; the motion passes.

691
692 On a motion by Mr. Baka, seconded by Ms. Harris, the Board **approved as**
693 **corrected the Minutes of the December 18, 2014**, Henrico County Board of
694 Zoning Appeals meeting.

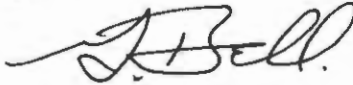
695
696 Affirmative: Bell, Baka, Harris 3
697 Negative: 0
698 Absent: Nunnally, Wright 2

699
700 Mr. Bell - Do I hear a motion that we adjourn?

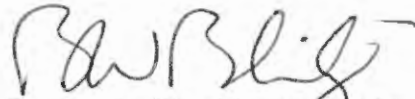
701
702 Ms. Harris - I so move.

703
704 Mr. Baka - Second.

705
706 Mr. Bell - All in favor say aye. All opposed say no. The ayes have
707 it; the motion passes. We are adjourned.

708
709 

710
711 Gentry Bell
712 Chairman

713
714 
715 Benjamin Blankinship, AICP
716 Secretary
717