

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 24, 2013 AT 9:00 A.M., NOTICE**
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**
6 **JANUARY 7, 2013, AND JANUARY 14, 2013.**

7
Members Present: R. A. Wright, Chairman
Greg Baka
Gentry Bell
Helen E. Harris

Member Absent: James W. Nunnally, Vice Chairman

Also Present: David D. O'Kelly, Jr., Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul Gidley, County Planner
R. Miguel Madrigal, County Planner

8
9 Mr. Wright - Please stand and join me in pledging allegiance to the
10 flag of our country.

11
12 Mr. Blankinship, would you please read the rules for the Board.

13
14 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
15 ladies and gentlemen. The rules for this meeting are as follows. I will announce
16 the case, and then the applicant can come on up to the podium. We will ask
17 everyone who intends to speak to stand and be sworn in. Then the applicant will
18 present their case. Then anyone else who intends to speak will be welcome to
19 do so. And then the applicant will have a short time for rebuttal, if they wish.

20
21 The meeting is being recorded, so we will ask everyone who speaks to speak
22 directly into the microphone on the podium there, state your name, and please
23 spell your last name so we get it correctly in the record.

24
25 I'm assuming that you are familiar with the conditions that have been
26 recommended by staff. It's very important that you be familiar with those.

27
28 With that I think we're ready to begin.

29
30 Mr. Wright - All right. Please call the first case.

31
32 **CUP2013-00001 SHORT PUMP TOWN CENTER, LLC** requests a
33 temporary conditional use permit pursuant to Section 24-116(c)(1) of the County

34 Code to allow a temporary event at 11700 W Broad Street (Parcel 738-764-
35 0203) zoned B-3C, Business District (Conditional) (Three Chopt).

36
37 Mr. Wright - All those who would speak on this case, please stand
38 and be sworn. Everyone who desires to speak for or against.

39
40 Mr. Blankinship - Raise your right hands, please. Do you swear the
41 testimony you're about to give is the truth and nothing but the truth so help you
42 God?

43
44 Mr. Mattox - I do.

45
46 Mr. Wright - All right, sir, please state your name for the record
47 and spell it, and then present your case.

48
49 Mr. Mattox - Thank you, sir. Bill Mattox. It's M-a-t-t-o-x. I'm here on
50 behalf of the Rotary Club of Innsbrook and Short Pump Town Center.

51
52 Mr. Grymes - I'm Stokes Grymes—S-t-o-k-e-s, G-r-y-m-e-s. Also
53 with Innsbrook Rotary.

54
55 Mr. Munsey - And I'm James Munsey. And that's M-u-n-s-e-y. Also
56 with Innsbrook Rotary and Short Pump Town Center.

57
58 Mr. Wright - All right, sir. Whoever is going to present the case,
59 please do so.

60
61 Mr. Munsey - I'll be happy to. About eighteen months ago our rotary
62 club—which consists of approximately 105 members, mostly professionals and
63 business owners throughout the West Richmond area—wanted to create a new
64 event for the community. And the event that we are proposing is a festival and
65 competition amongst first responders. And when we began to develop the event,
66 we approached Virgil Hazelett, who is a fellow Rotarian, about this to see what
67 his thoughts were. And Mr. Hazelett thought it was a fantastic idea. And we
68 spent much time with Chief Edwin Smith, who at the time was the Chief of Fire,
69 and he's since transitioned this to Tony McDowell. And Henrico Fire has been
70 instrumental in helping us put this event together.

71
72 On April 20, 2013, which is a Saturday, we intend to hold a festival in the parking
73 lot at Short Pump Town Center, the parking lot between Macy's and the food
74 court, which will have an obstacle course competition amongst firefighters
75 coming from across the Commonwealth. There is a national competition known
76 as the Scott Firefighter Challenge, which does this on a for-profit basis all over
77 the country, but has never held an event in Central Virginia before. And, in fact,
78 Central Virginia has never had an event like this before.

79

80 We wanted to expand on the competition, though, and create a true family
81 festival that would include everything from a children's game area, to fire
82 apparatus displays, demonstrations on everything from the jaws of life, to how to
83 use an auto defibrillator, to how firefighters repel from their aerial unit, to a large-
84 scale blood drive with Virginia Blood Services. And we wanted to create this
85 event where families could see first responders, how they do their job, how their
86 equipment is used. And we've been very successful, with Short Pump Town
87 Center being gracious enough to close down their parking lot for two days for this
88 event, and with Henrico County and its Division of Fire supporting this event for
89 us. And we are backed also by NBC12 and Cox Media as our media sponsors
90 who will help us promote the event. And we're looking forward to having a great
91 community day in the West End of Richmond on April 20th.

92
93 Mr. Wright - I'm thoroughly familiar with that area since I live
94 nearby. How many parking spaces do you intend to take up with what you intend
95 to do?

96
97 Mr. Munsey - The best estimates that we have gotten are
98 approximately 500 parking spaces to be used. The interesting thing about this
99 event, though, that needs to be considered is that this is not an event where
100 people will arrive at nine in the morning and leave at five in the afternoon. This is
101 an event that will have a constant flow of people throughout the day. And we
102 anticipate over the course of the day 500 spaces being used. That's not to say
103 that all 500 will be used at the same time, though.

104
105 Mr. Wright - How many are left for parking in that area?

106
107 Mr. Munsey - Do you have a total count, Bill?

108
109 Mr. Mattox - I'm sorry?

110
111 Mr. Munsey - How many parking spaces will be remaining?

112
113 Mr. Wright - For the people who attend the event to park in the
114 other part of the parking lot that's not used.

115
116 Mr. Mattox - Yes sir. We have two overflow facilities, or areas, I
117 should say. First Citizen's Bank, which is on the corner, and then the Short Pump
118 Town Center is letting us use their overflow, which is in the back, if you will, the
119 back of the ring road that goes around. And it's going to provide—I think we
120 counted 105 parking places. So we're not going to be able to replace the entire
121 500, but we certainly have around a hundred or so as overflow.

122
123 Mr. Munsey - The event is taking place in the northwest quadrant of
124 the Town Center, and the Town Center has emergency overflow parking in the
125 northeast quadrant of the Town Center. Plus, as Bill said, First Citizen's Bank

126 has given us permission to use their parking lot for overflow as well, if it's
127 needed.

128
129 Mr. Wright - Evidently we have some concern with the traffic here
130 in our report. Would you address how you think the traffic will be handled and
131 funneled through there? We know that Short Pump Town Center has a
132 circumference road upon which there is no parking. I mean you go one way and
133 come back the other, and then you turn off. Do you anticipate any real problems
134 with the traffic there?

135
136 Mr. Munsey - We do not. We held a meeting with Short Pump Town
137 Center to this effect just earlier this week where this was a topic of conversation,
138 because they've been there through the opening of the Town Center, through
139 various events that they've held there. What they pointed out is that there are
140 three major entrances from West Broad Street into the Town Center, and that
141 helps to disperse things. Also, the parking for this event, people are frankly going
142 to park all over the Town Center. It's not going to be focused on just one area.
143 People are going to park—the whole idea, from the Town Center's standpoint, is
144 to try to draw as many people through the Town Center as possible, not just in
145 this back parking lot. They want to get a lot of foot traffic out of this, and we feel
146 that they will.

147
148 So combined with the three entrances, the fact that people will be parking
149 throughout the Town Center facility, and also the fact that, again, they're going to
150 be coming throughout the day. This is not an event like a concert or a NASCAR
151 race, say, where there's a focused period of time where everybody's coming in.
152 It's going to be scattered throughout an entire day. The comparison they were
153 making is to holiday shopping toward the end of December with the normal
154 shopping they would have say in mid April. They don't foresee any traffic issues
155 there, and we don't either.

156
157 Mr. Wright - Have you read the conditions that the staff has
158 proposed?

159
160 Mr. Munsey - Yes sir.

161
162 Mr. Wright - Are you in accord with those?

163
164 Mr. Munsey - Absolutely, yes sir.

165
166 Mr. Wright - Also, with the traffic engineer there are some very
167 interesting conditions there. But you understand all of those?

168
169 Mr. Munsey - Yes sir.

170
171 Mr. Wright - And the Fire Department's, which are attached?

172

173 Mr. Munsey - Yes sir. Also the Director of Security for Short Pump
174 Town Center will be getting in touch with Henrico Police beforehand.

175

176 Mr. Wright - Do you intend for this to become an annual event?

177

178 Mr. Munsey - That is our hope, yes sir. I'll be able to answer that
179 better on April 21st. But that is our intention, yes sir.

180

181 Mr. Wright - Would you expect to outgrow this location?

182

183 Mr. Munsey - It is very difficult to say. I don't know. It is too soon to
184 tell. I owned a company for many years called Austin's Special Events, and
185 including with the County of Henrico, I have produced thousands of events. And
186 it's very interesting, because you have events like the duck race on Brown's
187 Island the Big Sisters do. It's a phenomenal event. Every year that event draws
188 5,000 people. It has not outgrown Brown's Island where many people thought
189 that they would. Other events that have been held have outgrown the venues in
190 just a couple of—you know, after the second or third year. It's very difficult for us
191 to say at this point what will happen in future years.

192

193 Mr. Wright - If we approve this, it will have to be monitored, and that's
194 the way you look at it.

195

196 Mr. Munsey - That is absolutely the way that we would approach it,
197 yes sir.

198

199 Mr. Grymes - I just had a thought. If we outgrow the event, Short
200 Pump Town Center will tell us.

201

202 Mr. Wright - I don't know. I don't think they would worry about too
203 much traffic; they want more traffic. All right. Anything further you wish to state in
204 support of this? Any questions?

205

206 Ms. Harris - Are you familiar with any other events held in that
207 area of the mall?

208

209 Mr. Munsey - No ma'am. Actually, the mall in the past has held
210 many events in the center courtyard of the Town Center, inside. They have never
211 closed down a—dedicated an exterior parking area for an event before.

212

213 Ms. Harris - I was out there this summer and there was some type
214 of marathon going on. I got caught in the traffic. And there were cones out there,
215 and you kind of had to feel your way, and be sure you weren't driving in the lane
216 that people were running. But I was wondering if you were going to have any
217 type of personnel to handle the traffic should that happen.

218

219 Mr. Munsey - Yes ma'am. That's an excellent concern. First of all,
220 on some of the marathons, I know they've had to actually close lanes of the ring
221 road going around the Town Center. In no way, shape, or form will we be
222 impeding traffic on the main ring road at the Town Center at any time. We will be
223 blocking the entrance to approximately four to five rows of parking off of that ring
224 road. Those areas will be blocked off by metal gates—metal fencing that will be
225 put in on the nineteenth, on the setup day that is here in the paperwork. In
226 addition, we will have our people, Short Pump Town Center security, and
227 Henrico Police all there that day to manage any traffic concerns that come up.
228 But from a major traffic standpoint, again, the important thing is we will not be
229 blocking any lanes of the ring road. Only the parking lot?

230

231 Ms. Harris - How many firefighters do you foresee participating in
232 this event?

233

234 Mr. Munsey - We foresee approximately 100 firefighters and teams.
235 You can enter the event as an individual or as a relay team of five people. And
236 we anticipate approximately a hundred teams over the course—a hundred
237 individuals and teams combined, a hundred events, if you will, throughout the
238 day. The course takes about four to five minutes to completely go through, and
239 reset, and start the next group.

240

241 Ms. Harris - Are the firefighters local?

242

243 Mr. Munsey - The majority will be coming from Central Virginia. We
244 will be drawing from throughout the entire Commonwealth of Virginia. And there
245 are some teams that participate in these events nationally, and we expect to
246 draw a few of them. We're hoping it's just going to be three or four of them from
247 outside of the area, which is kind of the center point of the event late in the day,
248 the climax of the event, because this is to the level that you'd see on ESPN
249 where these people can run this course in two minutes. But the majority of the
250 teams will be from Central Virginia, but we foresee about 90 percent coming from
251 within a 100-mile radius.

252

253 Ms. Harris - And the first responders that you're using are only
254 firefighters. You're not going to use—

255

256 Mr. Munsey - Yes ma'am. The first responders, it's primarily for
257 firefighters. However, other first responders are welcome to enter, including
258 EMS. But most firefighters are EMS-certified. But if a team wanted to enter from,
259 say, Tuckahoe Rescue Squad or West End Rescue Squad, we would welcome
260 that. There will be additional teams early in the day. There will be some
261 corporate teams. Some of our corporate sponsors are allowed to enter teams.
262 They will not be held to the same standards as the first responders, and they'll
263 be assisted by first responders. And then there are also the Explorers, which is a

264 Boy Scout program for young men and women interested in entering the fire
265 service. The Explorers will also be participating in the course earlier in the day
266 and will also be helping volunteer, to assist at the event.

267

268 Mr. Wright - Any further questions?

269

270 Mr. Bell - What kind of attendance are you expecting?

271

272 Mr. Munsey - We are anticipating and hoping for attendance of
273 approximately 5,000 spectators.

274

275 Mr. Bell - Throughout the course of the day?

276

277 Mr. Munsey - Yes sir, throughout the course of the day. We don't
278 anticipate that at any one time, the average spectator I would imagine will spend
279 one to two hours at the event. The only ones that will be spending longer than
280 that typically will be those who have family entering into the event.

281

282 Mr. Baka - Just one question. First of all, I commend and thank
283 the applicants for putting together such an event; this is great for the community
284 and great to see. As drivers come in off of one of three entrances off of Broad
285 Street will there be—I guess I'm trying to understand how they'll know that it's not
286 just at Short Pump Town Center, but it's in the rear of the building between
287 Macy's and American Family Fitness. Is there a way that temporary signs would
288 be out front on the ring road?

289

290 Mr. Munsey - We're not planning at this point any of the
291 construction-style signs. What we're planning on doing is strategically placing—I
292 mean we know we want by First Citizen's Bank—some fire apparatus, so some
293 big ladder trucks. Not just from Henrico. Obviously, Henrico can only dedicate so
294 much off-duty equipment. We're asking different departments to bring different
295 apparatus. And they will place those at certain entrances to the event, and there
296 will be signage on those vehicles telling people where to go.

297

298 Mr. Baka - Okay.

299

300 Mr. Munsey - That's our intention. I think that the Town Center's
301 preference would be for everybody just to come inside and ask so everybody
302 goes into the mall. But our intention is to put signage at any of the entrances
303 where we're able to station equipment.

304

305 Mr. Wright - Any further questions? Mr. Munsey, I failed to
306 mention to you, we have one member of our Board who couldn't make it today. It
307 requires a three-member affirmative vote to approve this. It's been our policy to
308 permit the applicant to defer it if you have any concerns about the fact that we

309 have one member missing. So that would be your decision. I should have told
310 you at the outset, and I overlooked that.

311
312 Mr. Munsey - I appreciate that, sir. I think we're comfortable to
313 move forward. Thank you.

314
315 Mr. Wright - Okay. All right. Anything further? Hearing nothing
316 further, I move that we approve this application.

317
318 Ms. Harris - Is there anyone else here who wants to speak?

319
320 Mr. Wright - I didn't think so. Anyone else to speak? No, okay.

321
322 **DECISION**

323
324 Mr. Wright - I move that we approve this application. I think we
325 may have some little traffic tie-ups, but it appears to me it's a one-day event, a
326 short time, and it is certainly something that merits everybody's approval and
327 attention. So I move that we approve it. I don't think it will adversely affect the
328 health, safety, and welfare of the persons and premises in the neighborhood, or
329 unreasonably impair light or air to the property. It won't increase public danger.
330 And I think it would be in accordance with the character of the district and in
331 accordance with our code. Do I hear a second to this motion?

332
333 Ms. Harris - I second the motion. I certainly agree that it should
334 not impair the health, safety, or welfare of any of the persons who will be
335 affected. And it's the type of wholesome entertainment that we need, as well as I
336 think it has educational value.

337
338 Mr. Wright - All right. It's been seconded. Is there any further
339 discussion by members of the Board? Hearing none, then all in favor say aye.
340 Opposed? The ayes have it, and it's approved.

341
342 After an advertised public hearing and on a motion by Mr. Wright, seconded by
343 Ms. Harris, the Board **approved** application **CUP2013-00001, SHORT PUMP**
344 **TOWN CENTER, LLC's** request for a temporary conditional use permit pursuant
345 to Section 24-116(c)(1) of the County Code to allow a temporary event a 11700
346 W Broad Street (Parcel 738-764-0203) zoned B-3C, Business District
347 (Conditional) (Three Chopt). The Board approved the temporary conditional use
348 permit subject to the following conditions:

349
350 1. This conditional use permit is for the approval of a one day temporary outdoor
351 event to be held at Short Pump Town Center on April 20, 2013. Set-up for the
352 event will occur on Friday, April 19, 2013 and breakdown will commence at the
353 conclusion of the public event and extend to no later than Sunday, April 21,
354 2013.

355

356 2. The outdoor event shall be limited to the following times: Set-up shall occur
357 between 8:00 am to midnight, the public event shall occur between 9:00 am and
358 4:00 pm, and breakdown shall commence at the conclusion of the public event
359 and shall end no later than 8:00 pm the following day. All set-up and breakdown
360 activity related to the event shall cease between the hours of 12:00 am and 8:00
361 am.

362

363 3. Only the temporary improvements shown on the plot plan filed with the
364 application may be erected pursuant to this approval. Any additional
365 improvements shall comply with the applicable regulations of the County Code or
366 as specified in the conditions of approval.

367

368 4. The applicant shall clearly delineate the perimeter (footprint) of the event area
369 with traffic cones and shall install traffic barriers at affected parking drive aisle
370 entrances to block vehicular traffic from entering the event area. Main traffic drive
371 aisles (providing general internal traffic circulation) leading in or out of the
372 shopping center shall be kept free and clear of equipment, vehicles, and
373 obstacles associated with the event. Fire lanes shall be maintained in
374 accordance with the Fire Prevention Code. Access to on-site fire hydrants and
375 fire department connections shall not be impaired.

376

377 5. On-site landscaping planters shall be kept free and clear of equipment and
378 displays. All approved landscaping shall be maintained in a healthy condition at
379 all times. Dead plant materials shall be removed within a reasonable time and
380 replaced during the normal planting season.

381

382 6. The applicant shall obtain all necessary building permits for items including
383 but not limited to tents (in excess of 900 square feet), elevated stages, spectator
384 bleachers, climbing towers, mechanical amusement devices, electrical
385 generators and electrical connections to be used during the event.

386

387 7. The applicant shall request building permits not later than two weeks prior to
388 the event and shall schedule required inspections no later than noon on Friday,
389 April 19, 2013.

390

391 8. All temporary tents employed during the event shall be properly anchored as
392 required by the Division of Fire.

393

394 9. As required by the Division of Fire Safety, temporary tents shall not be
395 enclosed (with tarps or fabric) and generators shall not be placed underneath
396 tents.

397

398 10. The applicant shall obtain necessary Health Department permits for the sale
399 of food items during the event.

400

401 11. The applicant shall provide adequate restroom facilities and hand wash
402 stations as required by the Building Inspections Department or Department of
403 Health.

404
405 12. The applicant shall maintain the property so that debris is controlled during
406 the event. Adequate trash receptacles shall be provided throughout the site.

407
408 13. Speakers for amplified sound and music shall be directed toward the main
409 event in order to limit its impact on adjoining businesses and/or residential
410 neighborhoods and shall not exceed 65 db at the property line.

411
412 14. On-site security measures shall satisfy the Police Department's written
413 requirements (see attached).

414
415 15. Emergency preparedness procedures shall be developed in accordance with
416 the written requirements of the Division of Fire (see attached).

417
418 16. The sale of alcoholic beverages shall be prohibited at the event.

419
420

421 Affirmative:	Baka, Bell, Harris, Wright	4
422 Negative:		0
423 Absent:	Nunnally	1

424
425

426 Mr. Wright - Thank you very much for coming down and making
427 the presentation. Okay, call the next case, Mr. Blankinship.

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429

429 Mr. Blankinship - We are done for the day. We have the approval of the
430 minutes.

431
432

432 Mr. Wright - All right. We have the minutes. These were fairly
433 short.

434
435

435 Mr. Blankinship - Yes they were. Next month's will be as well.

436
437

437 Mr. Wright - Do I hear a motion on the minutes?

438
439

439 Mr. Baka - Motion that we approve these minutes.

440
441

441 Mr. Wright - Okay, the motion is made by Mr. Baka. Second?

442
443

443 Mr. Bell - I'll second the motion.

444
445

445 Mr. Wright - Any discussion? Hearing none, all in favor say aye.
446 Opposed, no. The minutes are approved.

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On a motion by Mr. Baka, seconded by Mr. Bell, the Board **approved as submitted the Minutes of the December 20, 2012**, Henrico County Board of Zoning Appeals meeting.

Affirmative:	Baka, Bell, Harris, Wright	4
Negative:		0
Absent:	Nunnally	1

Mr. Wright - Anything else that needs to come before us, Mr. Blankinship?

Mr. Blankinship - No sir.

Mr. Wright - This may be the shortest one on record. Do I hear a motion that we adjourn?

Ms. Harris - I move that we adjourn.

Mr. Baka - Second.

Mr. Wright - Any discussion? All in favor say aye. All opposed say no. The ayes have it; the motion passes.

Affirmative:	Baka, Bell, Harris, Wright	4
Negative:		0
Absent:	Nunnally	1

Mr. Wright - We are adjourned. Thank you.


R. A. Wright
Chairman


Benjamin Blankinship, AICP
Secretary