



Nelson County Planning Commission
Meeting Minutes
July 26th, 2023

Present: Chair Mary Kathryn Allen and Commissioners Mike Harman, Phil Proulx, Chuck Amante, Robin Hauschner

Staff Present: Dylan Bishop, Director and Emily Hjulstrom, Planner/Secretary

Call to Order: Chair Allen called the meeting to order at 7:00 PM in the General District Courtroom, County Courthouse, Lovington.

Review of Meeting Minutes - May 16th, 2023

Ms. Proulx made a motion to approve the minutes from the May 16, 2023 Planning Commission Cluster Housing Meeting. Mr. Amante seconded the motion.

Yes:

Mike Harman

Phil Proulx

Robin Hauschner

Mary Kathryn Allen

Chuck Amante

Review of Meeting Minutes - May 17th, 2023

Mr. Amante made a motion to approve the minutes from the May 17, 2023 Joint Work Session. Mr. Harman seconded the motion.

Yes:

Mike Harman

Phil Proulx

Robin Hauschner

Chuck Amante

Abstain:

Mary Kathryn Allen

Review of Meeting Minutes - May 24th, 2023

Mr. Hauschner made a motion to approve the minutes from the May 24, 2023 Planning Commission Meeting. Ms. Proulx seconded the motion.

Yes:

Mike Harman

Phil Proulx

Robin Hauschner

Mary Kathryn Allen

Chuck Amante

Public Hearings

SUP 986 – Outdoor Entertainment Venue

Ms. Bishop presented the following information:

Nelson County Planning Commission

To: Planning Commission

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: July 26, 2023

Re: SUP #986 – Outdoor Entertainment Venue in A-1 – Silver Fox Lavender Farm (877 Glenthorne Loop)

BACKGROUND: This is a request for a Special Use Permit to allow an outdoor entertainment venue for weddings on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – July 26; Board – August 8 (tentative)

Location / Election District: 877 Glenthorne Loop / Central District

Tax Map Number(s) / Total acreage: 21-A-115 / 12.83 acres +/- total

Owner/Applicant Contact Information: Stephen & Suzanne Groves, 877 Glenthorne Loop, Nellysford, VA 22958, 540-903-2750, suzigroves@yahoo.com

Comments: This property currently contains an existing barn and infrastructure that is utilized for lavender farm activities, as well as up to (twelve) 12 Social Temporary Events per year, which are both by-right uses in the A-1 Agriculture District. At the time the structure was approved as farm-exempt, however was constructed by a company using an engineered building package to satisfy building codes. There are no physical expansions proposed with this application.

The narrative provided by the applicant details event operations on the property. As interest in their wedding venue business has grown, the applicants are requesting the SUP to expand operations and increase the potential for additional events.

An outdoor entertainment venue is defined as “the non-temporary use of any land, including the erection or use of non-temporary structure(s) or the installation of non-temporary infrastructure, for the hosting and operation of Category 1 and Category 2 Events, Exempt Events, or other entertainment activities for cultural, artistic, social or recreational purposes.”

Category 1 and Category 2 Events, Exempt Events such as Social Temporary are all permitted by-right in the A-1 Agriculture district without permanent facilities or infrastructure. The utilization of the existing barn and infrastructure to host such events, as well as the increased number of events, is what constitutes the Special Use Permit. “Exempt Events” are exempt from permitting requirements in *Article 24 – Temporary Events...*

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. A portion of the property is located within a flood zone (Zone A), however only parking areas are located within this area.

Access / Traffic / Parking: This property is accessed by existing entrances Glenthorne Loop. Comments from VDOT indicate that the entrance used for public access will need to satisfy the requirements for a moderate volume commercial entrance, and recommended reducing the number of entrances. Parking requirements in the Zoning Ordinance indicate 1 space for each 100 square feet of area used for assembly is required for clubs, lodges, assembly halls and similar uses without fixed seats. With parking available for up to 196 vehicles, this is sufficient.

Utilities: There is existing septic and well on the property that serves the existing barn. Comments from the Health Department indicate that an engineer will be required to assess the capacity of the existing septic system to determine its adequacy for the proposed use.

Comprehensive Plan: This property is located in an area designated Rural and Farming on the Future Land Use Map, which "would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses."

Conditions: Should the Planning Commission recommend approval of SUP #986 for outdoor entertainment venue at Silver Fox Lavender Farm, staff would recommend considering conditions such as:

1. The maximum number of attendees at any event shall not exceed 150.
2. Amplified music and sound shall end at 10:30 p.m.

RECOMMENDATION: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

Attachments:

Application

Narrative

Site Plan

Zoning / Floodplain

Mr. Harman asked if they should have a maximum number of events per year specified by the applicants. Ms. Bishop noted that the Planning Commission could add a condition to limit the number of events. She added that the applicants initially requested 75 events per year. Mr. Hauschner questioned why two of the submitted public comments were very similar. Ms. Hjulstrom explained they were submitted by separate individuals via email.

Mr. Harman asked if they could still operate with the 12 social temporary events per year without the Special Use Permit and without utilizing the structure. Ms. Bishop added they are also able to do Category 1 and 2 Temporary Events outside of the structure by getting them approved individually. Mr. Harman asked if they were able to utilize the existing structure without the SUP. Ms. Bishop explained that if a structure was built before 2016 it is exempt from needing a Special Use Permit for an Outdoor Entertainment Venue. Mr. Harman asked if the building was already built. Ms. Bishop confirmed that it was as well as the infrastructure.

Suzanne and Stephen Groves are the owners of the property and reside at 877 Glenthorne Loop. Robert Johnson is their Marketing Manager. Ms. Groves explained that there was a need for them to have more than 12 events. She added that they did not want to be like Devil's Backbone with events that are open to the public. She noted that she wanted to be able to have 75-100 attendee events such as weddings with indoor music in the Spring and Fall. She explained that they are open seasonally. She added that their focus was to grow lavender and have seasonal retail of the lavender when it blooms in June. She explained that having weddings is secondary to the lavender farm.

Mr. Harman asked if they were prepared to comply with VDOT and VDH requirements. Ms. Groves explained that they were and that they would bring in extra porta potties if they had more than 75 attendees. She added that they were respectful to neighbors and haven't had any complaints. Mr. Groves explained that they had other events such as small birthdays, meetings, and club groups.

Mr. Amante asked how many events that they would be comfortable being approved for. Mr. Johnson noted that his goal was to allow the owners to have as many as possible to make use of their investment. Mr. Groves noted that he wouldn't want to have to come back to request more. Mr. Groves explained that events are seasonal and that they are including much smaller events in the total number of events.

Mr. Harman asked if the SUP expires if the property changes ownership. Ms. Bishop explained that it would not. Ms. Allen noted that they needed to be mindful that this property could be sold to another owner that could have different plans. Mr. Hauschner asked if they held any events during week days. Ms. Groves noted that the only events they've had during the weeks are small garden club meetings of about 20 people. Mr. Hauschner noted that limiting the bigger events to the weekends could help lessen the impact to the community.

Mr. Amante asked if they would consider restricting larger events to being only on the weekends. Ms. Groves noted that they wouldn't have larger events during the week and that their larger events were 75-100 attendees. Mr. Harman asked if the Planning Commission could recommend limiting the number of large events of up to 150 attendees. Mr. Amante asked if they would get their byright 12 social temporary events in addition to the amount specified in the condition. Ms. Bishop explained that by right they could do as many Category 1 and 2 Temporary Events that they could get individual approval for as well as exempt events and the 12 Social Temporary Events. She added that they would not be able

to utilize the barn for any of these events without the SUP. Ms. Groves explained that the ceremonies are typically outside while the receptions are inside.

Mr. Amante asked if the SUP would expire if they didn't utilize it for two years. Ms. Bishop noted that it would expire if not utilized for more than two years. Ms. Proulx added that they would only need to have one event every two years to keep the SUP valid. Mr. Amante noted that their concern was that the SUP stayed with the property. Ms. Proulx added that new buyers could have rock concerts every weekend. Ms. Bishop added that they could do that by right as long as they were not utilizing the building.

Chair Allen opened the public hearing at 7:22

Joe Baldwin lives at 279 Dogwood Ln. He noted that his concern is the number of attendees leaving the event at the same time. He explained that Glenthorne Loop is a narrow road with many blind curves. He questioned how traffic would be controlled. He noted that the volume has been addressed by the applicants. He explained that he and others in his community are concerned. He added that they are about ¼ mile up from the farm and that the sound will carry. He explained that he would be ok with the music as long as it is quiet and mellow. He questioned if alcohol would be served at the events.

Chair Allen closed the public hearing at 7:24

Ms. Groves explained that they had not had any complaints so far and were very cognizant of the noise ordinance. She added that they are on the premises for every event and would be able to address things if they got out of hand. She explained that the music was generally from 7-10PM. Ms. Allen asked if they were on the property for smaller events. Ms. Groves noted that they were on the property for every event. Ms. Allen noted that they could not address the alcohol. Ms. Groves explained that the clients were required to get an ABC permit. Ms. Bishop noted that most wedding venues require the client to secure the ABC permit.

Mr. Harman noted that the biggest concern seems to be the unlimited number of events. He noted that he would like to add a condition with a maximum amount of events permitted. Ms. Proulx explained that she was concerned with the possibility of the property being sold in the future to owners with other plans. She added that she wished that they could make a distinction between the smaller and larger events. Ms. Proulx added that something like a garden club meeting should not count as an event. Ms. Bishop noted that she had trouble with limiting the number of events if it did not directly mitigate an impact. Ms. Hjulstrom noted that a garden event would be an 'event' but would be an exempt event as an agritourism activity. Ms. Bishop noted that it was up to the Planning Commission whether or not they wanted to include agritourism events in the total number of events permitted. Chair Allen questioned how they would be able to regulate restrictions on the number of events. Mr. Harman recommended allowing an unlimited number of smaller events while restricting the number of larger events. Ms. Bishop noted that they could add a condition to limit the number of attendees for events and the number of events.

Mr. Amante asked if they could limit the weekday vs weekend events separately. Mr. Hauschner asked if they could add a condition that limits the amount of events per week. Chair Allen noted that they need to consider the smaller events as well. Ms. Proulx noted that she would rather limit the amount of events over the year than by the week. Mr. Hauschner explained that limiting the number of events that they have in a week would prevent them from having many events in the more popular weeks of the year.

Ms. Groves added that she has had interest for weddings in December and wants that to be a possibility. Mr. Hauschner noted that his intention is not to take away from being able to have events during the winter season but to prevent many events happening during a single week. Ms. Groves noted that they only had one event per week at that point. She added that they had interest for every weekend in spring and fall. Mr. Amante asked if there was heat in the barn. Ms. Groves noted that it has heat and air conditioning and is up to code. Mr. Amante asked when the barn was built. Ms. Bishop noted that it was built in 2019. Ms. Groves noted that most of their weddings were under 100 attendees.

Ms. Proulx noted that one wedding per weekend would be 52 per year. Ms. Allen noted that she had a cousin recently have a wedding on a Sunday and her brother had a wedding on a Friday. She added that she doesn't want to limit the weddings to the weekends. Mr. Hauschner noted that most weddings would take place in the spring. He explained that another owner could take over the venue and want to have weddings back to back during the busy season. He explained that capping the amount of events per year to 100-150 and limiting them to 2-3 per week could prevent this. Ms. Allen noted that allowing them 3 per week would be a maximum of 156 events per year. Ms. Bishop explained that social temporary events were limited to 300 attendees by right and 10,000 for category 2 temporary events. She explained that her recommendation of 150 people per event was due to what the applicant indicated on the application. She noted that in her opinion it was easier to regulate the amount of attendees than it was to limit the number of events. She explained that staff would be able to regulate this if someone made a complaint and staff were to investigate.

Ms. Proulx noted that she liked the idea of limiting the SUP to 3 events per week with a max of 150-200 people per event. Mr. Hauschner agreed with Ms. Proulx's suggestion. Ms. Bishop noted that limiting it to 3 a week could limit the amount of smaller events that they could have during the week. Chair Allen noted that capping it at 150 years would allow the applicants to be flexible. Mr. Hauschner noted that events happening 4-5 times a week could be detrimental to the community. Ms. Proulx added that she would like to limit the number of people per event. Mr. Hauschner noted that he was less concerned about the size and more concerned about the amount of events.

Mr. Amante made a motion to recommend approval of SUP 986 with the following conditions:

- 1. The maximum number of attendees at any event shall not exceed 150.**
- 2. Amplified music and sound shall end at 10:30 p.m.**
- 3. There shall be no more than 150 events per year.**

Ms. Proulx seconded the motion.

Yes:

Mike Harman

Phil Proulx

Mary Kathryn Allen

Chuck Amante

No:

Robin Hauschner

Other Business

Ms. Bishop noted that the Comprehensive Plan Open House would be August 29th at 6:30 in the Nelson Center. She added that the next joint work session for the Comprehensive Plan would be September 28th.

Ms. Proulx made a motion at 7:49 PM to adjourn the meeting. Mr. Amante seconded the motion.

Yes:

Mike Harman

Phil Proulx

Mary Kathryn Allen

Chuck Amante

Robin Hauschner

Respectfully submitted,



Emily Hjulstrom

Planner/Secretary, Planning & Zoning