

**NELSON COUNTY PLANNING COMMISSION**  
**MEETING MINUTES**  
**January 25, 2017**

**Present: Chair Philippa Proulx, Commissioners Mike Harman, Mary Kathryn Allen, Robert Goad and Tommy Bruguere (Board of Supervisors Liaison)**

**Absent: Commissioner Linda Russell**

**Staff Present: Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary**

**Call to Order:** Chair Proulx called the meeting to order at 7:00 P. M. in the General District Courtroom, County Courthouse, Lovingson.

**Election of Officers:** Chair Proulx asked for nominations of Chair. Commissioner Harman nominated Philippa Proulx to continue her role; there being no further nominations, the vote 5-0. Chair Proulx asked for nominations for Vice Chair. Commission Allen nominated Mike Harman for the role; there being no further nominations, the vote 5-0. Chair Proulx nominated Stormy Hopkins as the Secretary for the Planning Commission.

**2017 Calendar Schedule:** The Commission reviewed the calendar and found it to be acceptable.

**Approval of Minutes – December 28, 2016:**

**Commissioner Harman made a motion that the meeting minutes of December 28, 2016 be approved; the vote 4-0 with Commissioner Allen abstaining.**

**1. Special Use Permits #2016-06; -07; -08; and -09 – “Devils Backbone Basecamp” / Mr. Russ Orrison, LS and Mr. Steve Crandall**

Chair Proulx provided an overview of the Special Use Permit (SUP) public hearing process for those in attendance.

Mr. Padalino noted that on November 18, 2016 the Planning & Zoning Department received four (4) Special Use Permit (SUP) applications from Anheuser-Busch, LLC, courtesy of Mr. Steve Crandall (Owner) and Mr. Russ Orrison, PE, LS (Agent). He provided details for each of the SUP applications (described in the Staff Report dated January 17, 2017 – see attached).

Mr. Padalino provided details and showed slides that contained information regarding the subject property's location, characteristics, and other information. He explained that the property is located on Beech Grove Road (West District), containing 91-acres and is comprised of seventeen (17) parcels (described in the Staff Report dated January 17, 2017 – see attached).

Mr. Padalino noted that with regards to the “Future Land Use Plan” in the Nelson County Comprehensive Plan there is very little information about the Beech Grove area contained in the plan. He believes this is a notable omission due to the fact that this area functions as the gateway to Wintergreen Resort, which is accessed further up Beech Grove Road. He provided details about the “Future Land Use Plan” with regards to Beech Grove (described in the Staff Report dated January 17, 2017 – see attached). He asked that the Planning Commission take into account the existing conditions and current trends in trying to evaluate the appropriateness of the request. Additionally, the surrounding/nearby land uses include: cidery (farm winery); retail store; greenhouse

Draft: 2/13/2017

Updated: 2/16/2017 & 2/21/2017

Final: 2/22/2017

(associated with the Wintergreen Nature Foundation); animal clinic; and multiple residential residences (along Rhue Hollow, Schoolhouse Lane, Patrick Henry Hwy, and Beech Grove Road).

Mr. Padalino showed slides of the current uses of the property that contained: the entrance to the former “Glen Mary” subdivision; the existing dwellings; an area that is intermittently used for a campground (only when there is an approved Special Event Permit); brewery and restaurant; performance stage; outdoor bar in the new beer garden; Depot building; Oak Grill (walk-up kitchen); washhouse; a new pavilion; and a new distillery (under construction). All of the beer garden and accessory structures were approved in connection with an amended Major Site Plan that was submitted in 2014 and approved in 2015. He also noted that the existing commercial entrances were recently reconstructed and surface treated.

Mr. Padalino showed slides of the proposed uses of the property that contained: the dry RV camping area (without hookups); and the wet RV camping area (hookups). He noted that the applicants have been doing some preliminary soils work and believes there will be a place to put in the necessary on-site infrastructure that will handle that use. He also showed slides of the location for the proposed event hall and proposed lodge. He provided a slide of Sheet-2 from the Minor Site Plan that showed details of the property layout (existing and proposed uses). He noted that the applicants are proposing approximately seven (7) cabins. He further noted that Mr. Crandall has submitted a separate application (Site Plan Amendment) for a proposed 50-employee office building, which is a permissible by-right use; the site plan is currently under review by the County and partner agencies.

Mr. Padalino noted that as with all SUP applications, a Minor Site Plan is required. However, if the SUP applications are approved, a Major Site Plan would have to be submitted for review and approval. He further noted that the Minor Site Plan has been reviewed by the Site Plan Review Committee (December 14<sup>th</sup>) and provided a detailed summary of the review comments from that meeting as follows:

- Virginia Department of Transportation (VDOT): a traffic analysis is required, address the trip generation/distribution levels, conduct turn land analysis for the entrances, and evaluation of existing entrances’ adequacy (geometric and pavement structure); and address the neighboring co-owned development and the ongoing site plan amendment for the office building; identify all interconnecting roadways that might serve both properties; and strongly encourage the preparation of a single traffic analysis for all currently proposed projects.
- Virginia Department of Health (VDH): An engineer will need to be involved in the planning, design and inspection of all sewage facilities for the banquet hall, lodge, sewer RV sites, dump station and campground bathhouses; the Office of Drinking Water (ODW) will need to be the permitting agency for what they call a “public drinking well or public water supply.”
- Erosion & Sediment (E&S) Control and Stormwater Management Plan (SWM) will be required based on the area of disturbance (reviewed/approved by Department of Environmental Quality).

Mr. Padalino further noted that this is a two-step process and the applicants understand the process, and are prepared to address the required items (signage, lighting, landscaping, and other specifications/materials). The applicants (in their project narrative) have proposed certain details intended to accommodate certain concerns of neighbors such as: *time limits on amplified music* (there will be no amplified music at “The Barn” event hall between 12:00 midnight and 9:00am (live or recorded); and *preservation of border vegetation* – the Minor Site Plan states that “no clearing of vegetation within the 50’ rear setback to the A-1 District will occur, unless it is immediately replaced by a vegetative buffer of greater density.”

Draft: 2/13/2017

Updated: 2/16/2017 & 2/21/2017

Final: 2/22/2017

Mr. Padalino concluded by providing his evaluation and recommendation(s). He noted that the Zoning Ordinance requires an evaluation of all SUP applications according to the four (4) criteria described in Article 12, Section 3-2 (A-D criteria). He then stated that the opinion of Staff is that the proposed use is appropriate and acceptable (details described in the Staff Report dated January 17, 2017 – see attached) and recommends approval of Special Use Permits #2016-06, #2016-07, #2016-08, and #2016-09. However, Mr. Padalino recommends that the PC consider the efficacy of the following conditions of approval: modify the applicant's self-imposed time limit (12:00 midnight) to establish an 11:00pm sound limit for the proposed event hall; establish a campground "quiet time" beginning at 11:00pm; and modify the self-imposed commitment to replace any plants that are disturbed within the setback are to include the installation of additional evergreen screening at strategic property boundary locations.

The Commissioners' had the following questions/comments/concerns:

1. *What happens to the residential lots that were platted (Glen Mary subdivision)?* Mr. Padalino noted that there had been discussion about doing a reconfiguration plat to eliminate interior boundary lines but no such plat has been approved and/or recorded. He stated that he would defer to the applicants.
2. *How long does the agreement with the vegetative buffer last?* Mr. Padalino indicated that comment was a note on the Site Plan but doesn't believe it specifies a time.
3. *What is the current noise ordinance and how does it affect the stage (at its current location)?* Mr. Padalino noted that Noise Control Ordinance is in the Nelson County Code. There are three (3) ways in which it can be violated, which has to do with reading a sound meter three (3) different ways: a given noise if it exceeds a certain decibel level at any point; or a certain average over 15-minutes; or what is called a "repetitive sound". The Noise Control Ordinance is administered and controlled by the Sheriff's Office. He also added that the recently adopted "Temporary Events, Festival Grounds, and Out-of-Door Accessory Uses" Ordinance sets time limits for Out-of-Door accessory uses.
4. *Chair Proulx noted that in reference to the time limit on the hours for amplified music (in the project narrative) was referred to amplified outdoor music and does not include interior, such as the event center.* Mr. Padalino indicated that was correct. He further noted that Noise Ordinance is enforced at property boundary of a neighboring property.
5. *Chair Proulx noted that in reference to the Comprehensive Plan, that Beech Grove area is perhaps the only area of the County that contains the Service Enterprise (SE-1) zone has been used and the intent for that particular zoning was to minimize the impact on residential areas.* Mr. Padalino noted the SE-1 zoning is in that particular Beech Grove area and in Nellysford.

Steve Crandall: Mr. Crandall stated that he and his wife, Heidi are co-founders and partial owners of Devils Backbone facility in the Beech Grove area. This was a plan that was "dreamed up" and developed many years ago (around 2010). He indicated that he knew some of the neighbors had concerns with the deal that was made with Anheuser-Busch. He stated that they call them [Anheuser-Busch] the "bank of Bud" because they allowed them to do things that they had only been able to envision (paving the parking lot). This is a \$10.5 million project which includes the distillery (currently being built) and an office space (being developed). He estimates about forty (40) new jobs for the distillery and an additional thirty (30) people working from their homes.

Mr. Crandall stated that he has tried to be good neighbors to the adjoining property owners in the area. He noted that one of the neighbors, Mr. Ron Bush came to him early on when the festivals began and indicated that there were people fishing in a pond on his property. Mr. Crandall helped install a fence around his property where the property was being entered. He also noted that he had received permits to place a trash compaction pile to help some bio-degradable materials stay on site and turn to soil, which was put down near the creek area. However, he received a call from the Huggard's indicating they were able to see the trash from their back window of their home. That was not his intent so he hired a contractor to come and remove all the materials off-site. He feels that he's always tried to be a good neighbor and has been a significant employer in the area as well as supporting the community in many ways.

Draft: 2/13/2017

Updated: 2/16/2017 & 2/21/2017

Final: 2/22/2017

He noted that he sees this property (Devil's Backbone Brewing Company) as "a place that we want people to come and enjoy nature" and noted that "it is not our intent to destroy it." For instance, it is their intent to place the cottages in such a way that they are un-obstructive.

Regarding some of the issues that Mr. Padalino mentioned, Mr. Crandall noted that he would accept moving the time for the events space to 11:00pm instead of 12:00 midnight (as proposed). He suggested that the "quiet time" at the campground be 10:00pm instead of 11:00pm. It is not their intent to be a late-night party place. There is no intention to do any additional development on the property, other than what is suggested on the proposed plan. It is their intent to intent to go in and vacate all the property lines.

Mr. Crandall concluded by requesting that the PC (if possible) make a decision at tonight's meeting. They are very interested in being able to move forward with the project and to be able to open part of the facility this year.

The Commissioners asked the following questions/comments/concerns:

1. *Some of the events have been moved to different parts of the County (The Festy).* Mr. Crandall indicated that The Festy started about seven (7) years ago and it was very successful. However, the event owner wanted to increase the event and it was not within the keeping of their vision with what they had for the property. The event was replaced with "The Hoopla", which is held the last weekend in September. It is a family oriented event and they want to continue with that style of event. They have three (3) events on the schedule to include a beer event (summer) and the Oyster Festival (early spring).
2. *Will there be any permanent RV camping?* Mr. Crandall indicated that it is not their intention to have anyone there permanently. It is in their interest to preserve the boundaries of their property. The proposed development has a 50' buffer and they have no intention of going beyond what is shown on the site plan. The primitive campground is in a wooded site where they are not visible. The RV space may have some visibility from Route 664 (Beech Grove Road) but they intend to plant trees in that area to create a buffer.
3. *Will there be an entrance off of Rhue Hollow Road?* Mr. Crandall stated that they do not own property on Rhue Hollow Road and they have no intention of going into Rhue Hollow.
4. *Virginia Department of Transportation (VDOT) has plans to put in a turning lane at the intersection of Route 151 and Route 664, which would help with traffic, is that correct?* Mr. Padalino and Mr. Crandall noted that was correct.

Mr. Russ Orrison: Mr. Orrison noted that he was the Civil Engineer for the project and would be happy to answer any questions that the Commissioners have. The Commissioners did not have any questions.

Chair Proulx opened the public hearing at 7:49 p.m.

Bruce Tyler: Mr. Tyler stated that he is representing Ron and Tasha Bush, and Jeff and Juliette Mitchiner. He said, "Anheuser-Busch is doing this and they want to make this into a destination site, no doubt about it, and if it's (the special use permits) granted, if we can add a ferris wheel or roller coaster somewhere between the RV campgrounds, we can just call it Busch Mountain Gardens." He noted that, "they are proposing something that is contrary to every good zoning practice." He stated that it is "our position that the applications should be denied and that you suggest to the BOS that they begin having public hearings on revising our Comprehensive Plan." He made references to items in Mr. Padalino's staff report and noted that it is "very disingenuous". He concluded by saying, "Before Anheuser-Busch bought this property from Steve and Heidi, they should have been here and they should have gotten pre-approval. Now that it's done (\$5.8 million) and what they are trying to do is to create a 24/7/365 destination spot to market their beer, and that's why we are against it."

Draft: 2/13/2017

Updated: 2/16/2017 & 2/21/2017

Final: 2/22/2017

John Huggard: Mr. Huggard noted he is an attorney from Raleigh, NC and has a vacation home that borders on the subject property. He stated that, "on September 13, 2016, most everybody in this room appeared before the BOS to complain about some of the things that were going on in the brewery area (traffic, noise, security problems)." He noted that from that meeting the point was made that, "no one enforces any of the ordinances or the uses that are currently approved." He also noted that during that meeting, several homeowners made several points and "the BOS said we are going to take all of this under advisement and maybe go back to the committee and have some of the homeowners show up and give some input." He indicated that it did not happen, it was simply a "rubber stamp." He also noted that for over two (2) years, he and his wife, along with neighbors have complained (over and over again) and nothing has been done. He feels that if the BOS or the PC is going to "act as a rubber stamp" then the "only alternative we have is to get this whole mess before a judge." He has done some research and "the brewery, as it stands right now, clearly constitutes as a private nuisance."

Commissioner Allen asked Mr. Huggard, *how often he comes up to his vacation home and if he has talked with the Crandall-s about people being on his property (back deck)?* Mr. Huggard indicated he comes up an average of two (2) times a month and stated that, "in fairness, I don't know if Steve can do anything about it." He did reach out and express concerns to the BOS.

Allen Adell, 6 Old Orchard Lane, Roseland: Mr. Adell noted that the noise ordinances are not enforced and the Sheriff's department does not know they exist and should not be relied upon. He has the option to leave his home during events but if a campground is put in place with amplified music, he feels as though he will "hear it all the time." He noted that he thought the setbacks on the development of agricultural lands were 200'-250' and if the offset is 50', there is an "avoidance of the rules."

He indicated that when he purchased his home in the Fall of 2006, Devils Backbone did not exist but learned that Mr. Crandall had requested a zoning permit and assured residents on Rhue Hollow that it was for a "small, locally run, low impact brewery." Mr. Adell said, "In hindsight, it has, by far, become the biggest mistake of my life." He noted that Devils Backbone is a perfect example of "get an inch and take a mile." After two (2) years, the sound stage appeared and the concerts began. He and several neighbors met with Mr. Crandall to express their concerns with the concerts and the noise. He stated that Mr. Crandall was "very concerned" and agreed to call neighboring property owners and work on building a fence. "We still have noisy concerts and the phone call was never made, Steve Crandall never built the fence. The neighbor had to build it himself to protect his property and quality of life – again, promises made and then broken. Do you see the trend?"

He noted that, "If the county approves this, you will unleash a genie that will never go back." He is "very nervous about the high water table on this tract of land and how septic and sanitation will be managed. What will be the impact on water run off to wells, creeks and rivers?"

Mr. Adell concluded by saying he "took an oath to protect the Constitution and protect the rights of the citizen of this country, including every one of you on the planning commission. With regard to this application, neither I nor my neighbors hold the power to protect our rights. But you do. Please, please, protect my rights and my neighbor's rights as property owners to live peacefully on our properties. Yes, it will take courage to do the right thing, I am asking you to have the courage to do so!" He recommends and urges the PC to deny the applications.

John Lloyd, Horseshoe Mountain Subdivision, Roseland: Mr. Lloyd stated that he is speaking on behalf of twelve (12) of property owners that are in the homeowners association. He indicated that he has concerns with the traffic situation (intersection of Route 151 and Route 664); noise from the events; and more lights will "mess up" the night sky.

Draft: 2/13/2017

Updated: 2/16/2017 & 2/21/2017

Final: 2/22/2017

Ron Bush: Mr. Bush noted that Mr. Crandall provided some labor when building the fence on this property. He noted that when the outdoor stage and The Festy came about, he had intoxicated trespassers on his property, loud music from the outdoor stage was in his house. But the after event camp parties were the worst, large groups would gather and “would carry on through the night.” He indicated that transient campers will be attracted to a distillery and a brewery and that “it’s scary” to him. His biggest problem is security. He stated that he “doesn’t feel secure, it’s unacceptable, and in fact, it’s insane.” He asked who would be responsible (“shoulder the liability”) if anything were to happen. He concluded by noting that Wintergreen retirees give a lot back to the community (volunteer and donate time) and does not believe the campers will give back to the community.

Elise Lauterbach, School House Lane: Ms. Lauterbach stated that she was there on behalf of her family as well as Dave and Martha Makel and Charles Goodwin. She is concerned with the development and the noise, noting that “the development permitted along Highway 151 has, so far, been permitted by the county without a clear master plan for the area. As a county, we need to pause and strategize. The growth of Nelson’s tourist economy is a success – we’ve done a great job – but to continue to permit, unchecked, projects without planning for the increase in traffic, water run-off, and noise, is hasty.” She indicated that she and her neighbors would feel more confident if the county had a clear plan for development in that area of the county. Feels the county does not have a clean plan.

Ms. Lauterbach feels that her property and her family will be compromised by the proposed project. She is concerned with traffic, and water usage and its impacts. She noted that the Makel’s wanted her to note that, “The Ski Barn was not permitted to add extra bathrooms because of the county’s concerns about drainage in this very area. What has changed?”

She concluded by stating the live music from Devils Backbone overwhelms her family’s peace and quiet. She knew music would be an issue at permitted festivals but and it’s an annoyance that happens often and goes late into the night. She believes the noise “is a strain on the rural character of our neighborhood.” Her main concern is “that the county shouldn’t just grant special use permits helter-skelter. We need to consider how and where we want the county to develop. If we don’t do that we’re going to face expensive problems in the future, and we will lose much of the character that tourists seek.”

Sue Waterman: Ms. Waterman noted that she is “speaking in opposition to the plans to expand what is an already a sprawling, crowded conglomeration of architecturally incoherent buildings. In a word, it’s a mess. But it’s more than just a mess, more than just a mini version of unplanned suburban sprawl that we moved here to escape from.” She asked “Where’s this going to end? When are the owners going to stop cramming more and more buildings onto a small piece of land? My other question is, and this is the most important one as far as I’m concerned and my neighbors are concerned: Why is the dream of one man and a foreign corporation whose backing him more important than my dream, than our dreams? Why should greed ruin our quality of life?” She said that “Mr. Crandall started by requesting, a small, local, low-impact microbrewery and restaurant, but there is nothing small, local, and there is nothing low-impact about what is already there.” She concluded by saying, “I realize the county views alcohol-based tourism as a golden goose, but you are in danger of allowing this goose to soil its own nest and ruin the unique character of Nelson County. Our dreams count, too. Enough is enough.”

Dr. Jeff Mitchiner: Dr. Mitchiner said, “I am appealing to you for our protection.” He noted that it’s not only the music that he would hear all day, it is the bad language too. Some of the neighbors are calling Route 151, “Brew Ridge Road.” He is concerned with the amount of traffic. He noted that he has personally avoided four (4) serious head-on collisions since he’s been living in the county. He has never seen a local policeman or a trooper stop anyone on Route 151. He concluded by saying, “take our dreams seriously, protect us from this kind of thing.”

Draft: 2/13/2017

Updated: 2/16/2017 & 2/21/2017

Final: 2/22/2017

Jessie Carter: Ms. Carter stated that she is a Nelson County native, a homeowner, and the Agritourism Manager at Devils Backbone. She is tasked with preserving and enhancing all of Devils Backbone properties. Has a degree in ecology and wildland management and for years has been studying and practicing sustainable agriculture. It is their approach to develop the land to feature two (2) of Nelson County's greatest attributes: farms and natural spaces. They will plant an edible garden, which will act as a source of produce for the pub and as an educational experience for guests. Edible native plantings will be scattered throughout the property. The remaining plantings will be managed ecologically. She also noted that the property has been previously developed through logging, farming and a nursery. Ms. Carter said, "I believe this property can and will be managed in such a way as to preserve the rural nature of the county. I also believe that it will be an asset both to guests of the property and to the county as a whole." She noted that growing up, Nelson was very rural and without the growth of businesses, she "probably couldn't live here, because there weren't any jobs." She concluded by saying that, "this property can be managed in such a way to not have an ecological or visual impact on the neighbors, and I think the benefit is just massive. I hope that you recommend approval for this project."

Dr. James Lewis: Dr. Lewis stated that he and his wife are retired physicians living in the area. He talked about the "three step activity of alcohol in the human person." He said that, "the first thing they do is lose inhibition; second thing they lose is judgement; and the third thing they lose is their sphincter control." In large groups, this behavior is "amplified expansibility." He said, "We feel cheated and we feel lied to. And we feel this is not the purpose of government. Your purpose is to care for the citizens, not for the businesses. We are people, we are not corporations. And it is your job to do what we cannot do for ourselves and what we cannot do for ourselves, it to write zoning laws and enforce them."

He concluded by saying, "What I'm suggesting to you ladies and gentlemen is it's important for you not to be intoxicated by the lure of a corporate structure. We don't want you to lose your inhibitions because you see the prospect of a destination in our area. We don't want you to lose your judgment and make really bad decisions, and we really don't want you to lose your sphincters on anybody's property. So let me suggest then please take a different perspective on this. Your job, as government, is to look out for the individual, and that means us."

Shelby Bruguiera, Stoney Creek: Mrs. Bruguiera said, "I'm a dying breed it seems in Nelson County; I'm a native Nelsonian." She said, "I have listened to some things I never thought I would hear in this county." She supports the growth and what the Crandall's have done and what they are doing. She said the county needs development, businesses, and jobs to keep students in the county after they graduate. She also said, "I just think that success should not be condemned. It should be rewarded."

She concluded by saying, "It seems that the native Nelsonian's are more supportive of development than the folks who moved here to retire." She hopes that the PC goes to the BOS with support for the project because the county needs it.

Cathy Adell, Old Orchard Lane: Mrs. Adell said that she has heard several people talk about their dreams. However, her dream does not affect those around her and Mr. Crandall's does. She said his dreams destroy other people's dreams and does not feel that is fair. Those who are supportive of the project do not live near the area. And despite communication with Mr. Crandall, things have not gotten better.

Matthew Turner, Route 664: Mr. Turner said that he and his family have been here their whole lives. He does not want to see his life change. He does not want to see this happen and asked the PC to "please don't do this."

Draft: 2/13/2017

Updated: 2/16/2017 & 2/21/2017

Final: 2/22/2017

Joyce Ray Turner, Beech Grove Road: Mrs. Turner said she has been a life-long resident of Beech Grove Road. She is concerned with the traffic on Route 151 and Route 664. She said that she counted thirty-seven (37) cars coming off of Route 250 on to Route 151. She said the traffic that is on Route 151 is “just awful.”

Andy Hickman: Mr. Hickman stated that he owned and operated Hickman’s Exxon for 35 years. He said that the Ski Barn’s lighting is not directed downward, it is directed toward Route 151, it is blinding and stays on all night. Devils Backbone lighting is directed down and it goes off when the building is closed. He noted that another business in the area, Hoot & Annie’s is a “hot mess” and has not seen any permits there (building or erosion and sediment). Devils Backbone has complied with all soil erosion and sediment permit. He had a problem with the parking lot but that has been addressed and taken care of.

He noted that Devils Backbone is adding one (1) employee every eight (8) days. He said we need business like these to keep kids in the county. It is the livelihood for a lot of families. He also noted that the Atlantic Coast Pipeline (ACP) is coming and it will adversely affect the county’s tourism. However, the proposed project will keep tourism going. The buildings will add to the real estate tax base (add money to schools) as well as lodging and food/beverage taxes.

Mr. Hickman concluded by providing a quote (Nelson County Times, June 13, 1198) that Mr. Walter Hoffman (former BOS member) had in response to residents who were opposing development on Route 664, then called the Gateway to Wintergreen, concerning land use. He said, “*Nelson County will not stagnate. It will not stand still. It is going to progress.*” Mr. Hickman said it was the object of this board is to make sure this is an orderly transition.

Adam O’Quinn: Mr. O’Quinn stated that he has an agricultural business in the county. He said he “is 31 years old and came from a dying parish in Louisiana, where what I am doing now would not work.” He is able to live his dream and it is places like Devils Backbone that he’s able to do that.

Peter Farley: Mr. Farley noted that he is a 46 year resident of the county and is an adjoining property owner of Devils Backbone. There was tremendous opposition to Wintergreen in the early years. Now, people love the physical nature of the area; it’s a special place. The Wintergreen project has produced a lot of the traffic (good or bad) but everyone needs to understand that it “has built a lot of really nice schools” from the taxes. Everyone has a difference in opinion. The noise that everyone is speaking of is a by-product of progress. With good planning, good architecture and site specific planning, he believes it is compatible with many of the county’s interests. He said that the project should be approved.

Keith Kenny: Mr. Kenny said that he believes there is some confusion about some of the issues. “Who doesn’t like growth, of course, it creates job. I don’t understand how people in drunken RVs, partying all night and living in camps and wandering around in different neighborhoods, without anybody providing any oversight is going to give us a lot of growth.” If some of the transient movement was eliminated and a conference center (for example) was put in place, he believes it would be an “easier sell.”

Allen Adell: Mr. Adell noted that there is no objection to growth and solid business in the Beech Grove/Rockfish Valley area. The initial restaurant added value to the neighborhood. However, everything added after that, has impacted the neighbors of the property. He asked the PC to take the property owners position into consideration. No further comments were given. Chair Proulx closed the public hearing at 9:07 p.m.

Chair Proulx asked what the setback regulations are in the Agricultural (A-1) zoning. Mr. Padalino noted that it was either 25' (less than 5-acres) or 50' (5 acres or more) depending on the acreage of the property. She also noted that there is a Route 151 Corridor Study in progress that looks at development in the area, with a goal of developing a comprehensive overview on how to handle these types of issues.

Mr. Crandall said that he takes the impassioned concerns "to heart." However, he has not had a single neighbor come to him within the past two or three years. Most of the complaints that were expressed tonight were regarding the existing facility. Other than special events, there were two (2) major events and two (2) fundraiser events with outdoor music. He is happy to talk to neighbors about the events that are to be held at Devils Backbone. He said they are not about partying every weekend and having drunken patrons all around. That is not what they are about and do not want to be perceived that way. The vast majority of people that come are families with children. He said, "We take a lot of pride in what we do. We take a lot of pride in abiding by the laws of the State of Virginia, in terms of alcohol consumption."

He noted that the flooding issues that **we** were raised during the meeting have been addressed in the site plans. Low-level lighting is used. He understands people's concerns with the festivals and music but he doesn't see how the proposed project changes or increases that. He also said he is willing to talk to the neighbors and commit to a certain number of outdoor events that would use the existing stage. He wants the neighbors to come and enjoy the facility and not be angry it. He said he would appreciate if the PC would make a decision tonight.

The Commissioners had the following questions/comments/concerns:

1. *Albemarle County is addressing issues around weddings at vineyards and the disturbances associated with those. Would you would accept weddings every week?* Mr. Crandall said that he would and is a reason they want to build an indoor facility. Where the facility is being proposed (near center of property) he doesn't understand how this will affect the neighbors negatively. He said that he committed to lowering the time from midnight to 11pm and he will lower it to 10pm. It is not their intent to party all night long. It is to do something reasonable and be "the good guys" to the degree that they are able.
2. *How many music events are planned for the upcoming year?* Mr. Crandall noted that there two (2) major events that planned. The "Hoopla" is a two day event (Friday and Saturday), and "Ales and Embers" is a one day event. They have the Oyster festival, which is held during the day. He also noted that the proposed project has nothing to do with events. This is for what they want to do with the rest of the property. In his opinion, the rest of the property is not something that effects the community in a negative way from a noise perspective.

Chair Proulx stated that she would personally like to have more time to review the proposed project in a more analytic form. She would like more time to "digest" the comments that were given. She would like to hold off on making a recommendation to the BOS until next month's meeting. Commissioner Harman agreed. Commissioner Allen stated that she differs. She is very passionate about what the citizen<sup>s</sup> had to say. She doesn't feel<sup>s</sup> that the PC should hold up the process<sup>-In</sup> in making a recommendation to the BOS, it gives citizens more time to gather before the BOS meeting. The BOS has the final decision.

Mr. Padalino pointed out that after the PC makes a recommendation, the BOS has to conduct a public hearing. Whether or not a recommendation is made at tonight's meeting or not, the timing is such that the proposed will not go before the BOS on February 14<sup>th</sup>. The advertisement for the hearing would have needed to be processed before this meeting and County Administration decided not to move forward with advertising prior to tonight's meeting. In accordance with State law, March would be the earliest that the proposed would go before the BOS. Mr. Bruguere asked if a recommendation was made at the February meeting, could it be advertised to go before the BOS March hearing. Mr. Padalino said it could be done.

Draft: 2/13/2017

Updated: 2/16/2017 & 2/21/2017

Final: 2/22/2017

Commissioner Goad asked if the hotel/motel are by-right uses in the Business (B-1) zoning and if so, could they be built in that area without a SUP? Mr. Padalino noted that was correct. Commissioner Goad also pointed out that the PC had approved some cabins a few months back.

Mr. Bruguere said, "You can't expect to come to Nelson County and not change. Nelson County has to change." The only significant tax revenue that the county receives is from the food and lodging taxes from businesses. Without those businesses, the revenue would have to come from the real estate taxes. He said, "The only way to alleviate some of that is for businesses to come here to provide jobs and to get the real estate taxes from them." He also noted that Rockfish Elementary School was paid for by tourism dollars. With that, he said "We're educating our children with tourism dollars." He believes everything that the Crandall's and Anheuser-Busch have done has been exemplary.

**Commissioner Allen made a motion that the PC make a recommendation to continue at next month's meeting. Commissioner Harman provided a second; the vote 5-0.**

**Other Agenda Items:**

**Board of Supervisors Report:** Mr. Bruguere noted that the Board of Supervisors passed the Temporary Events amendments.

Mr. Padalino noted that he is continuing to work on the Rockfish Valley Area Plan. He should have a draft for next month's meeting.

**Adjournment:**

Commissioner Allen made a motion to adjourn at 9:38pm. Commissioner Harman provided a second; the vote 5-0.

Respectfully submitted,



Stormy V. Hopkins  
Secretary, Planning & Zoning