

**NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
March 22, 2017**

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

Staff Present: Tim Padalino, Director of Planning & Zoning and Emily Hjulstrom, Secretary

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

Approval of Minutes – February 22, 2017:

Chair Proulx made two small clarifications to the February 22 minutes.

Commissioner Harman made a motion that the meeting minutes of February 22, 2017 be approved; the vote 5-0 with Commissioner Russell abstaining.

1. Special Use Permit #2017-01 – “Festival Grounds” / Mr. Dave Frey, Lockn LLC; and Mrs. Rhonda M. Holland, Oak Ridge Farm; and Mr. James W. Goodwin III

Mr. Padalino began by addressing that this will be his last meeting with the Planning Commission.

Mr. Padalino noted that the application for Special Use Permit #2017-01 has multiple co-applicants, Lockn’ LLC, Oak Ridge Farm and James Goodwin. He also noted that all of these properties are zoned agriculturally. Mr. Padalino also distinguished between the Festival Grounds Land Use Special Use Permit and the Event Permit for the Lockn’ festival. He noted that this permit was to permit the specified properties to host a category 3 event. He noted that Lockn’ LLC would still need to apply for and receive a Temporary Event Permit for the festival.

Mr. Padalino then presented several slides that showed the location of the properties involved in the application, including the Lockn’, Oak Ridge, and Goodwin properties. He showed that there are a total of 7 properties involved. He also noted that the specific acreage is not known for all of the properties combined. This is due to ProVal (the program used by the county to track property information) not specifying the acreage of the Oak Ridge Farm (67-4-18, 67-4-18a, 67-4-20, 77-5-15). The Lockn’ properties (TM# 77-A-1) are 390 acres and the Goodwin properties (67-A-74B, 67-A-74A) are 70.8 acres.

Mr. Padalino then showed the Goodwin properties and noted that they would be used for functions like ticketing. He also noted that there is another Goodwin property to be used as an access easement from U.S. 29 to the rest of the Goodwin property that is not required to be a part of the permit.

Mr. Padalino then showed slides containing photos of the sites. He also noted that Lockn’ is trying to obtain a conventional drain field to handle waste. The property currently has potable water storage tanks with underground water lines that also cross into Oak Ridge Farm.

Mr. Padalino noted that the Planning and Zoning department has received an application and a major site plan that has not yet been reviewed by the Site Plan Committee. He also noted that the Planning

Commission could not vote on the major site plan until it is reviewed by the Site Plan Committee or until SUP #2017-01 is approved by the Board of Supervisors.

Mr. Padalino recommends approval of SUP #2017-01 and notes that it is an existing use asking for approval subject to the new requirements adopted over the past year.

Commissioner Russell explained that she is uncomfortable not knowing the total size of the land. She also asked if all events are happening on only Lockn' property. She also asked for clarification that only category 3 require a festival ground permit and that only category 3 events could use the festival ground.

Mr. Padalino noted that all other events listed are Category 1 or 2 and do not require the same approval process. He also noted that most would take place in the Blue Ridge Bowl that is located on Lockn' property. He then noted that there is no language that restricts the property owners from holding smaller events on the property. He explained that one temporary event permit can cover several events as long as they are category 1 & 2.

Clinton Bibb, Operations Director for Lockn', and **Mary Beth Aungier** approached to speak more about the project.

Mr. Bibb began by asking if the commission had any questions.

Commissioner Russell received clarification that the permit was for an indefinite time with review by the Board of Supervisors every 5 years.

Mr. Bibb then want to speak about the Lockn' Festival and the Infinity downs property. He stated that Lockn' is the largest tent camp ground in the tri-state area.

Mr. Bibb requested that the Planning Commission recommend a 2 am curfew on music. He noted that this is an industry standard. He also noted that there are festivals with even later curfews. He explained that Lockn' had once had a midnight curfew but that it led to campers going back to their camp sites and playing amplified music on their personal devices and car stereos there. To deal with this problem they opened up a second stage to contain this noise to a specific area.

Discussion between the Planning Commission and the Lockn' staff then addressed that the current curfew is 11:59 pm for Thursday night and 1 am for Friday and Saturday nights (Saturday and Sunday mornings). Lockn' staff asked for curfew to be extended to 2am for their secondary stages on Friday and Saturday (Saturday and Sunday morning).

Chair Proulx asked if this is an issue that should be settled in the Special Use Permit for the festival grounds or in the Temporary Event Permit for the Lockn' festival itself.

Mr. Padalino noted that this is in relation to the venue and the Special Use Permit and not related to the Lockn' festival / Temporary Event permit.

Discussion then addressed the decibel levels of the music.

Mr. Bibb noted that they had an audio company test their amplification and work with them to angle speakers towards the grounds.

Mr. Padalino noted that the Noise Ordinance is separate from the Zoning Ordinance. He also noted that permitted Special Events are not subject to the Noise Ordinance.

Mary Beth Anger Aungier noted that as a company they have specific decibel level requirements that she considers low.

The hearing was then opened to public comments.

Joanie Saunders is from 732 Freshwater Cove Lane, about ½ a mile from the festival. She went on to say that her experience with Lockn' has been very negative for the last 3 years. She notes that ~~she her~~ and her family wanted to live in a quiet rural neighborhood and that Lockn' is not what they wanted. ~~She Her~~ and her husband both work and have a young son that goes to the nearby school. She noted that traffic is heavily disrupted during the festival. She also noted that she does not send her son to school on the Friday of the festival. She noted that the noise gets louder as the day gets later and that Sunday night last year her family was awake at 1:30 am and still disturbed by the music. Mrs. Saunders has called the Sheriff's department and **and tried to speak to Mr. Frey about her problems.** She went on to question the location of the festival on the property and the festivals contributions to the community.

Bruce Marhof resides on 283 Fresh Water Cove Lane. He is concerned with the traffic and parking issues caused by the event. He also noted that the noise exceeded curfew, going past 4am. He went on to say that the event is disruptive and that residents need to be able to sleep at night. He suggest a music curfew of midnight.

Gary Helpere Helbert resides at 425 Freshwater Cove Lane. He says he enjoys the music but not when it becomes disruptive to him and his family's sleep. He also stated that the music in 2016 went on until 4 am. He went on to mention that there was a fireworks show Sunday morning that woke him up. He also noted that the traffic plan for the festival does not take residents into account. He has tried to meet several times with Mr. Frey but that he will not meet with them. He also noted that his wife is a teacher at the school and they can see festival activity from school windows. He noted he is not against Lockn' but is against it going past midnight and being so close to residents and the school.

Chair Proulx closed the public hearing at 7:46 pm.

Discussion between the Commission and Mr. Padalino then addressed that the noise ordinance would not be applicable to Lockn' because it is a permitted event. Mr. Padalino noted that the BOS can impose additional conditions or modify the permit so that a curfew is imposed.

Discussion then went on to compare earlier curfews with the issue of campers then going to their cars to play personal music loudly. ~~They~~ **The applicants** noted that the later curfew on secondary stages has made an impact towards controlling this.

Mr. Bibb then noted that he feels Lockn' is very neighbor oriented. His children attend the local school and go to Lockn' with him during appropriate times. He also noted that he pays his employees **15-20 dollars** —per hour for basic manual labor.

He then went on to note the earlier curfews of the other events planned on the grounds that year, the latest ending at 11pm. He also noted that Festy is much smaller than Lockn' and that many locals attend.

Mr. Bruguire noted that the move of Festy from Devil's Back Bone to Lockn' last year was a good move due to Lockn's larger size.

Commissioner Goad asked if Lockn' has had any violations in the past and **Mr. Padalino** noted that they have not.

Discussion then turned to recommending 1 am instead of midnight cut off for the secondary stages. **Mary Beth Aungier** noted that walking from the Main Stage to the Blue Ridge Bowl generally takes 30 minutes and that music is not played continuously during this time. She also noted that they want to avoid campers going back to their sites before 2 AM to wind down there. She also noted that Lockn' was working on an ~~recommended~~ economic impact study through American's Through For the Arts (A non-profit run through the NEH and the NEA). She noted that for every patron attending they spend \$24.97 and that this money is spent off Lockn' land in Nelson county. She noted that this brings in \$624,000.

Chair Proulx then asked if Lockn' pays lodging tax. **Mary Beth Aungier** noted that they pay tax on every camp site.

Commissioner Goad moved that the PC recommend approval on SUP 2017-01 for festival grounds on conditions that the main stage as depicted on the Major Site Plan, dated March 7, 2017 stop all amplified music at midnight every day of the week. And, that the secondary stages as shown on the Major Site Plan dated March 7, 2017 cease at 11:59 PM Thursday night, 1 am Saturday and Sunday morning, and 11:59 PM Sunday night. **Commissioner Harman provided the second; the vote 4-1 with Commissioner Allen voting against the motion.**

2. Special Use Permit #2017-02 – “Restaurant” / Mr. Barry Wood, Wood Ridge Farm Brewery

Mr. Padalino noted that this property is a portion of Tax Map 96A and has not yet been assigned its own tax map number. He also noted that Barry Wood owns the property as well as many of the surrounding other properties. He went on to show slides of the properties location and pictures of the food truck and area in question. Mr. Padalino also noted that Mr. Wood has been operating the food truck four days a week and that SUP #2017-02 would allow him to operate it 7 days a week. He noted that it is a low impact request with approval from the health department and from VDOT on the condition that the brewery foot print and seating are not increased.

Discussion then led to the waste water management of the food truck. It was noted by Mr. Wood that the food truck has its own septic with a grease trap and a 30 gallon holding tank. It was also noted that there are no picnic tables outside and no increase to the seating. It was also settled that Mr. Barry Wood only wants to operate the food truck during hours that the brewery is open.

Commissioner Allen motioned that the Planning Commission recommend unlimited hours with farm to table products for the hours that the Brewery is opened. **Commissioner Goad** provided the second; the vote 5-0.

Other Business:

Mr. Padalino noted that the rezoning application from the Smalls in Nellysford had been formally withdrawn. He also noted that the Rockfish Valley Area Plan will be sent to the Planning Commission later in the week.

Chair Proulx acknowledged that this is Mr. Padalino's last Planning Commission meeting and Mrs. Hjulstrom's first.

Board of Supervisors Report:

Mr. Bruguere noted that there was no vote on the Devil's Back Bone permits due to controversy among neighbors. He explained that the type of fence to be used had not been agreed upon and that a Mr. Ron Bush had had issues with Devil's Back Bone customers trespassing on his property.

Adjournment:

Commissioner Harman made a motion to adjourn at 8:46pm; the vote 5-0.

Respectfully submitted,



Emily Hjulstrom
Secretary, Planning & Zoning