



Conditions of a Special Use Permit (SUP) 07-20-14 for Crystallis, LLC to Operate an Event/Venue and Associated Agriculturally Exempt Activities on A1 (agricultural) Zoned Parcels Located in Madison County, Virginia.

Date: July 23, 2020

Revised: July 31, 2020

Prepared by: Ligon Webb, County Planner & Sean Gregg, County Attorney

A) Controlling Documents: The special use permit's (aka, "the SUP" or "the project") controlling document shall be the conditions as set forth herein and the materials submitted to the grantor, Madison County (VA), by the grantee, Crystallis LLC as part of this special use permit.

B) Parcels Identified/Covered by Special Use Permit: Madison County Tax Maps: 64-71, 64-73, 64-73A, 68-1, 68-2A, 68-2 & 69-1; with a total acreage of roughly 749.3 acres. These parcels may be referred to herein as "the site" or "the project". The identified parcels are owned by Crystallis, LLC.

C) Compliance: The use and development of the subject property shall conform to the stated conditions listed herein and conform to all requirements of Madison County's zoning, subdivision and site plan ordinances; and all associated state and federal requirements shall be complied with. Failure to conform to, or comply, with stated

conditions herein could result in revocation of the SUP and therefore the ability to legally operate said activities from the subject site. Any failure on the part of the County in compliance with the development process shall not constitute a violation of the SUP or result in a revocation of the SUP.

D) Uses and Activities Covered by SUP: The “event venue” use is codified in Article 4 (agricultural, A-1), section 4-2 (special permit uses), section 4-2-24 (event venue) of Madison County’s Zoning Ordinance; further, event venue uses are subject to additional zoning ordinance provisions articulated in Article 14 (general provisions), section 14-18 (event venue), sections 14-8.1 through 14-18.4.

Per section 15.2-2288.6 (agricultural operations; local regulation of certain activities) of the Code of Virginia, the subject site enjoys local regulation exemptions for certain agritourism activities; section 3.2-6400 (definitions) of the Code of Virginia defines these activities as follows: *any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.*

The subject site shall be an event venue use for weddings, reunions, conferences, corporate retreats, trade/hobby groups, seasonal festivals and gatherings, concerts, “pick your own” fruits and vegetables activities, farm tours, spa treatments, team building activities and specialty entertainment events (i.e., karaoke, open mic nights, wine tasting, star gazing hikes, etc.) The site will offer dining and picnicking facilities, a bar, overnight lodging and camping/glamping facilities, hiking, cycling, fishing, canoeing, rafting, tubing, camping, wildlife observation shelters and boat landings/docks facilities. Other “by-right” agricultural uses as enumerated in Madison County’s zoning ordinance shall be deemed allowable site uses and activities.

E) Development Process: The project will be developed in multiple phases. Each phase shall require a formal Site Plan application demonstrating compliance to sections A1 – A10 of the Madison County Site Plan Ordinance. The Site Plan application will be submitted to County staff for review, presented to the Planning Commission for a

recommendation and forwarded to the Board of Supervisors for approval, denial or recommended modifications. County staff shall notify adjoining property owners via writing when a Site Plan submittal has been received; this notice shall be received by adjoining property owners a minimum of five (5) days before the scheduled hearing for the Site Plan. A public notice will also be placed in the local paper of record advertising the plans and providing notice of the Planning Commission and Board of Supervisors' review. This notice shall be placed in the local paper a minimum of two (2) consecutive weeks prior to the scheduled hearing. Public notice and advertising of plans shall adhere to sections 15.2-2204 and 15.2-2206 of the Code of Virginia. If the Site Plan is approved, subsequently the applicant will be required to submit erosions/sediment (E & S) and storm water management plans for land area(s) proposed to be disturbed which meets minimum permitting requirements; additionally building plans shall be submitted for all non-agriculturally exempt buildings/structures to be reviewed by the County Building Official. Other regulatory processes and review(s) may also be required. Any failure on the part of the County in compliance with the development process shall not constitute a violation of the SUP or result in a revocation of the SUP.

F) Site Layout, Orientation & Buildings: The project's overall layout and site orientation shall substantially conform to the Master Plan submitted as part of the special use permit application. This Master Plan is identified as page six (6) of nine (9) of the submitted Crescere Special Use Permit Concept Plan received by County staff on May 15, 2020, and revised on July 24, 2020. Minor deviations from the submitted Crescere Master Plan are acceptable, provided deviations are necessary in order to address unforeseen topographical anomalies (e.g. presence of underlying rock formations, to improve site drainage, achieve enhanced gravity flow for effluent, etc.); deviations from the submitted Master Plan (page 6 of 9) shall be noted on formal Site Plan submittals to the County (see the above item "E"). As deemed by the Board of Supervisors any significant changes and/or alterations between the Crescere Master Plan and a subsequent Site Plan submittal shall require a public hearing in accordance with section 15.2-2204 of the Code of Virginia.

As represented in a narrative and visually on the submitted Crescere Master Plan, the site's buildings shall be as follows:

A welcome center and restaurant (not to exceed 7,000 sq. ft. in area)

Event Center (not to exceed 12,000 sq. ft. in area)

Eight (8) Four Season Cottages (not to exceed 2,000 sq. ft. in area per unit) or eight (8) glamping Sites (but not both)

Spa Building (not to exceed 3,000 sq. ft. in area)

Open Air Pavilion (size to be proposed at Site Plan submittal)

Upgraded Existing Pavilions (existing structures)

Dam Bar (not to exceed 2,000 sq. ft. in area)

Farm Center (Agriculturally exempt building)

Lodge Building (not to exceed 3,000 sq. ft. in area)

Fourteen (14) Hilltop Glamping Sites (occupancy between 2- 6 guests per unit)

Twelve (12) Riverview Glamping Sites (occupancy between 2-6 guests per unit)

Eight (8) Family Campsites (occupancy between 2 – 6 guests per unit)

The total number of employee lodging units shall not exceed five (5) units. The size and total occupancy of employee lodging units will be proposed in future Site Plan submittals, and shall be constructed in accordance with Article four (4) of the Madison County Zoning Ordinance.

As shown on the Crescere Master Plan, the total number of permanent overnight lodging units (including camping/glamping units) shall not exceed forty-two (42) total units.

G) Total Area of Site to be Developed: A total of seventy (70) percent of the site shall be undeveloped and therefore remain in open space; in accordance with section A.3.1 of Madison County's Site Plan Ordinance "developed areas" shall mean, but are not limited to, areas located within the envelope/footprint of a structure and/or building, patios, decks, parking areas and roadways. Areas such as trails and agriculturally exempt buildings will not be considered developed areas.

H) Development in Identified Floodplain Areas: Unless a dock or pier, there shall be no development (or land disturbance) in areas identified in the 100 year floodplain. The development of a dock or pier will be required to conform to all building codes, and the total number of docks and/or piers shall not exceed two (2).

I) Adherence to Virginia Department of Transportation (VDOT) Recommendations: County staff shall forward Site Plan submittals to VDOT's Charlottesville Residency for review and a recommendation by the Resident Engineer, or by his/her designee. VDOT recommendations for improvements to the site's existing entrance on South Blue Ridge Turnpike (Rt. 231) shall be adhered to by the applicant; it is anticipated a left and right turning lane will be recommended at the site's entrance. The construction of turn lanes will be required once traffic volumes are determined to warrant such improvements. Other improvements, or studies, may also be required as recommended by VDOT. The cost for all VDOT recommended improvements shall be the sole responsibility of Crystallis, LLC, or its assignee.

J) All Septic/Sewer and Potable Water (Wells) Systems Require Virginia Department of Health (VDH) Approval

K) Outdoor Lighting: All site lighting of over 3,000 lumens shall be full cutoff fixtures and the maximum height of any light pole shall be 30 feet. Full cutoff lighting, as defined by the Engineering Society of North America (IESNA), is a lighting fixture that projects all of its light in a downward direction, emitting no upward component of light while providing precise, controlled illumination to the area. A lighting plan, in photometric format, will be provided with each site plan submittal to be reviewed by Madison County's Planning Commission and Board of Supervisors.

L) Fireworks: Fireworks displays will be limited to July 4th and New Year's Eve and will require the Madison County Fireworks Authorization Form be submitted and approved; any additional firework display shall require approval by the Madison County Board of Supervisors. The handling, storage and use of fireworks shall conform to all state code requirements.

M) Total site overnight occupancy: The total number of overnight occupancy shall not exceed two hundred thirty (230) total guests, or the number of cumulative guests allowable per the established occupancy of each lodging unit. Each lodging unit (including “glamping” sites) will be assigned a maximum occupancy by the Building Official.

N) Type and Frequency of Events: Events will be categorized by three (3) distinct types.

These events are as follows:

- 1) Private Events** - private events shall mean there is no outside or public promotion/advertising of the event. As the name suggests, attendees shall be on-site for a common purpose and/or celebration. Examples of private events are weddings, reunions, corporate retreats, trade group meetings, common interest hobby groups and other similar groups. There will be no restrictions on the size and number of attendees to such events, but it is understood building occupancy will be a limiting factor, and the total occupancy of structures (i.e. event center) will be limited per the Virginia Uniform Building Code.

- 2) Minor Public Events** – a minor public event shall mean an event in which outside promotion/advertising is minimal. Attendees are expected to be on-site (overnight) guests and off-site (non-overnight) guests. These events will be expected to have a minimum of 25 guests, but not exceed a total of 1,000 on-site and off-site guests in aggregate. These events shall be small scale music events, group hikes (e.g., hiking under the star), “pick your own” harvest, corn mazes, and other similar events and exempt agritourism activities. There will be no limit on the number of such events; however, the majority of such events will take place from April to November.

- 3) Major Public Events** – a major public event shall mean an event in which outside promotion/advertising is significant. Such events will be promoted regionally, and attendance is expected to exceed a total of 1,000 on-site and off-site guests in aggregate. Major public events shall be conducted in accordance with Madison County’s Ordinance to Provide for the Control and Regulation of Musical and Entertainment Festivals of 1978 and 1982. Such events shall be limited to six (6) in any given calendar year, and any additional events over six (6) shall require approval by the Madison County Board of Supervisors.

A multiple day event, not to exceed three (3) consecutive days, shall be considered a single event and shall be required to adhere to all provisions/requirements of Madison County's Ordinance to Provide for the Control and Regulation of Musical and Entertainment Festivals of 1978 and 1982.

O) Noise: All outdoor electronic amplification of sound shall cease at 11:00 p.m. from Thursday through Saturday. From Sunday through Wednesday outdoor electronic amplification of sound shall cease at 10:00 p.m.; an exception shall be made for state or national holidays falling on a Sunday through Wednesday, in this case electronic amplification of sound may cease at 11:00 p.m. Annually three (3) major public events may electronically amplify sound until 12 a.m. (midnight) and these events shall adhere to all provisions/requirements of Madison County's Ordinance to Provide for the Control and Regulation of Musical and Entertainment Festivals of 1978 and 1982

P) Transferability of the Special Use Permit: In accordance with section 14-3 of the Madison County's Zoning Ordinance this special use permit is indefinite and shall be fully transferable and assignable. *The transferee or assignee shall be required to follow all conditions and requirements listed and articulated in this document.* A transferee or assignee desiring changes/alterations deemed significant to the conditions stated in this document, or to the submitted Crescere Concept Plan or subsequently approved site plan(s), shall require a formal public hearing as articulated in section 15.2-2204 of the Code of Virginia.

Q) Recording: This document shall be recorded by Crystallis, LLC in the land records of the Clerk's Office of the Madison County Circuit Court.

Signatures:

_____ Date: _____ Date _____

Crystallis, LLC By: Barbara Miller, Sole Member

Clay Jackson, Chairman Madison County Board of Supervisors

SUBSCRIBED AND SWORN TO, OR AFFIRMED, before on this _____ day of _____, 2020

Notary Public Signature: _____

Registration Number: _____

Commission Expires: _____

SUBSCRIBED AND SWORN TO, OR AFFIRMED, before on this _____ day of _____, 2020

Notary Public Signature: _____

Registration Number: _____

Commission Expires: _____

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