

MEETING #26 – July 3

At a Joint Meeting of the Madison County Board of Supervisor and the Madison County Planning Commission held on Wednesday, July 3, 2013 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: J. Dave Allen, Chairman
Doris G. Lackey, Vice-Chair
Jerry J. Butler, Member
Pete J. Elliott, Member
Jonathon Weakley, Member
V. R. Shackelford, III, County Attorney
Phillip Targatlia, Finance Director
Brian Daniel, Erosion & Sedimentation Technician
Carol A. Davis, Assistant Zoning Administrator

ABSENT: Betty Grayson, Zoning Administrator
Jacqueline S. Frye, Clerk of the Board

1. Call to Order/Determine the Presence of a Quorum:

Chairman Allen called the meeting to order and advised that all members are present and a quorum was established.

2. Pledge of Allegiance & Moment of Silence

The Board of Supervisors and the Madison County Planning Commission commenced their meeting with the Pledge of Allegiance and a moment of silence.

3. Adoption of Agenda:

Chairman Allen called any deletions, additions or corrections to tonight's agenda.

On motion of Supervisor Lackey, seconded by Supervisor Weakley, the Board adopted the Agenda as presented, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

4. Joint Meeting Agenda:

Mr. Brockman explained the process for tonight's meeting forum.



After discussion, the Commission approved the Minutes of the June 5, 2013 Joint Meeting as presented.

Cases:

- a) Case No. SP-06-13-08: Request by Autumn Corporation for a site plan for a twelve (12) bed expansion addition for Autumn Care Nursing Home. This property is located off Route 1001 near the Town of Madison and contains 9.751 acres of land (four tracts of land), zoned Conditional Business, B-1 and Residential, R-1.

Mr. Brockman read a letter written by Mr. & Mrs. Johnston to express their concerns regarding tonight's request. Mr. Matt Towbridge did provide a written response to address Mr. & Mrs. Johnson's concerns.

Concerns verbalized by the Board pertained to:

- a) Whether storm water management issues will be in place once the paving has been completed, and whether a waiver will be needed;
- b) Any reasons why the proposed parking spaces cannot meet established requirements;
- c) Turnaround space for delivery trucks.

The County Attorney advised if a waiver is sought by the applicant, it must be granted by the Commission and the County; the letter presented questioned whether a waiver will be needed based upon the calculations provided.

The County Administrator advised if all applicable requirements are met (excluding a variance), no further requests will need to be addressed for tonight's request; however, if a variance is needed, the applicant will have to return for approval.

The Board discussed whether Case No. SP-06-13 (39-99F, 39-99G, 39A-30A and 39A-30C) should be tabled until a later date.

The County Attorney advised in his opinion, the public needs to hear the applicant's responses to tonight's concerns.

Supervisor Lackey moved the Board table Case No. SP-06-13-08 be tabled until the next Joint meeting with the Madison County Planning Commission, seconded by Supervisor Elliott, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye



Carol Davis, Assistant Zoning Administrator, was instructed to contact Mr. Towbridge and advise of tonight’s request, and when answers to tonight’s questions will be provided.

- b. Case No. SU-07-13-09: Request by Clifford S., Jr., or Jane L. Gibson for an indefinite special use permit to allow CWS VII, LLC to erect a 195 foot monopole tower plus 4 foot lightning rod and associated 50’ x 100’ fenced-compound area. This property is located on Route 29 Northbound Lane near the Town of Madison and contains 36.409 acres of land (two tracts), zoned A-1.

Phillip Brockman, Commission member, stepped down

Mr. Davies was present on behalf of the applicant; he advised that studies are underway to receive data management information.

Concerns verbalized by the Board pertained to whether tonight’s packet refers to a special use permit for both cases being presented and there was also reference pertaining to the County’s requirement of a three (3) acre minimum on special use permit requests.

Ms. Davis advised the first application was a draft that denoted what portions of land would be disturbed; the County completed the information pertaining to the total amount of acreage of the two (2) tracts of land involved.

Concerns were also verbalized as to whether CWS and/or Verizon have a model/master plan to provide projections.

Mr. Davies advised that although growth in the market decreased during the economic recession, but interest in service has increased, as well as the activity level; he feels there will be three (3) to four (4) more towers erected in the County in the future.

It was also advised the County currently has a tower at the Brockman property (radio frequency only); the tower situated on the Weaver property isn’t currently in use.

Ms. Davis advised the Building Official has issued a seal for the tower on the Weaver Property on May 22, 2012, and on the Brockman property on February 19, 2009.

Supervisor Elliott motioned the Board approve Case No. SU-07-13-09 be approved as recommended by the Madison County Planning Commission, to include conditions (attached), seconded by Supervisor Weakley, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

- b) Case No. ~~SU-07-13-09~~ SP-07-13-10: Request by Clifford S., Jr. or Jane L. Gibson for a site



40-59 and 59A plan to allow CWS VII, LLC to construct a 195 foot Monopole tower plus 4 foot lightning rod. This property is located on Route 29 Northbound Lane near the Town of Madison and contains 36.409 acres of land, (two tracts), zoned A-1. (Pending the above request for an indefinite special use permit).

Mr. Davies was present to answer any questions pertaining to tonight's request.

Supervisor Elliott motioned that the Board approve Case No. Case No. SP-07-13-10, as recommended by the Madison County Planning Commission, seconded by Supervisor Butler, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

Supervisor Lackey moved that the County establish a performance bond for Case No. SP-07-13-10 at \$35,580.00 as recommended by the Culpeper Soil & Water Conservation District, Brian Daniel, Erosion & Sedimentation Technician, and the Madison County Planning Commission, seconded by Supervisor Elliott, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

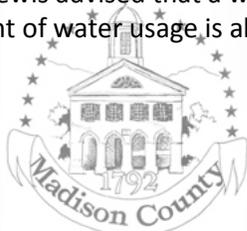
- c) Case No. SU-07-13-11: Request by Frank D., Jr. or Mariel B. Lewis for an indefinite special use permit to operate a day care center in their home for twelve (12) children. This property is located at 2716 S. Blue Ridge Turnpike (off Route 231) near Uno and contains 5.916 acres of land, zoned A-1. (Pending a variance request for two uses on less than six acres of land).

Mariel Lewis was present to answer any questions pertaining to tonight's request.

Concerns from the Board pertained to:

- A letter received from the Madison Health Department that stated the daily flow of water must fall under 450 gallons per day;
- The sewage disposal system;
- Whether VDOT checked the proposed traffic count;

Mrs. Lewis advised that a water meter has recently been installed which indicates the amount of water usage is about 195 gallons - [the letter also indicates there have been no](#)



problems with the existing sewage disposal system that is already in place; Anthony Hurlock, VDOT representative, has assessed the entrance and verbally advised all was acceptable – VDOT also sent a letter (*attached to the minutes*) requiring a commercial entrance if there were more than fifty (50) trips per day; the total number of trips per day will be forty-two (42) [which includes residents who share the entrance, her staff and clients].

Concerns verbalized by the Board pertained to:

- Whether the church entrance could be used as a ‘drop off/pick up point in the event the level of daily trips exceeded the recommendation of **fifty (50)** trips per day;
- Whether a memorandum of understanding could be implemented with the Church and passed along to VDOT for the record;

Concerns were also raised regarding:

What efforts the County is doing to help promote small business;

- The applicant should be allowed to continue operating her small business (which will bring in revenue); and
- Tonight’s issues is being brought forth due to a recommendation by the State;
- The applicant should be able to conduct business without interruptions being imposed by the County;

The County Administrator advised that based on VDOT calculations, the maximum trips on a commercial entrance is fifty (50) vehicles; an overflow of traffic can be redirected to the church lot as an alternative drop off/pick up point.

Members of the Commission brought forth concerns that the actual traffic pattern might be less, as there are some children receiving services who are all transported in the same vehicle.

It was also suggested the issue may possibly be remedied if representation could be made to VDOT to reflect there will be less trips than originally anticipated and any overflow of trips could be offset by using the Church parking lot instead, as there are extensive costs associated with building a commercial entrance; in closing, the County Administrator clarified the Board should do everything possible to help the applicant; however, today’s concerns are about the safety and welfare of the client and clientele involved.

The Board questioned whether the applicant would consider start using the Church lot in the event the number of daily trips exceeded the recommended amount, and also implement an agreement with the Church to accommodate this action.

Mrs. Lewis was in full agreement with the aforementioned suggestion; she also advised there will never be services provided for more than twelve (12) children receiving services, as the State will not allow licensure to facilitate more than the aforementioned amount. In closing, she advised if tonight’s endeavor doesn’t work out, she will return for licensure to care for five (5) children, which isn’t a viable option at this time.

Chairman Allen opened the floor for public comment.

The following citizens providing comment were as follows:



- William (Bill) Campbell
- Frank Lewis, Sr.

Supervisor Lackey moved that the Board approve Case No. SU-07-13-11 with the condition (to be established between the applicant and the Church) that the applicant will use the Church driveway should there be an excess of the recommended number of trips (i.e. fifty-four [54]), seconded by Supervisor Butler, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

5. Board Discussion/Action Items (if any)

None.

6. Information & Correspondence (if any)

None.

7. Adjournment

With no further action being required by the Board, on motion of Supervisor Weakley, seconded by Supervisor Lackey, Chairman Allen adjourned the meeting, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye
Pete J. Elliott	Aye
Jonathon Weakley	Aye

J. Dave Allen, Chairman
Madison County Board of Supervisors

Jacqueline S. Frye, Clerk of the Board

Adopted on: August 13, 2013

Copies: J. Dave Allen, Doris G. Lackey, Jerry J. Butler, Pete J. Elliott, Jonathon Weakley, V. R. Shackelford, III & Constitutional Officers



Madison County Board of Supervisors & Planning Commission
Joint Meeting Agenda (Amended)
Wednesday, July 3, 2013 at 7:00 p.m.
Madison Administration Center Auditorium
414 N. Main Street

Agenda:

1. Call to Order/Determine Presence of a Quorum
2. *Pledge of Allegiance & Moment of Silence*
3. Adoption of Agenda
4. Action Items:
 - a. Case No. SP-06-13-08: Request by Autumn Corporation for a site plan for a **twelve (12)** bed expansion addition for Autumn Care Nursing Home. This property is located off Route 1001 Near the Town of Madison and contains 9.751 acres of land (four tracts of land), zoned Conditional Business, B-1 and Residential, R-1.
39-99Fm 39-99G, 39A-30A and 39A-30C
 - b. Case No. SU-07-13-09: Request by Clifford S., Jr., or Jane L. Gibson for an **indefinite special use permit to allow CWS VII, LLC to erect a 195 foot monopole tower plus 4 foot lightning rod and associated 50' x 100' fences-compound area. This property is located on Route 29 Northbound Lane Near the Town of Madison and contains 36.409 acres of land (two tracts), zoned A-1.**
 - c. Case No. SP-07-13-10: Request by Clifford S., Jr. or Jane L. Gibson for a site plan to allow CWS VII, LLC to construct a 195 foot monopole tower plus 4 foot lightning rod. This property is located on Route 29 Northbound Lane near the Town of Madison and contains 36.409 acres of land, (two tracts), zoned A-1. (Pending the above request for an indefinite special use permit).
 - d. Case No. SU-07-13-11: Request by Frank D., Jr. or Mariel B. Lewis for an indefinite special use permit to operate a day care center in their home for twelve (12) children. This property is located at 2716 S. Blue Ridge Turnpike (off Route 231) near Uno and contains 5.916 acres of land, Zoned A-1. (Pending a variance request for two uses on less than six acres of land).
5. Board Discussion/Action Items (if any)
6. Information & Correspondence (if any)

Closed Session (if necessary)

 - i. *Motion to Convene in Closed Meeting, pursuant to Virginia Code 2.2-3711 (the specific section will be read as part of the motion to convene in a closed meeting)*
 - ii. *Return to Open Session*
 - iii. *Certification of Closed Meeting*
 - iv. *Action (if any)*
8. Adjournment

****Amendments are denoted in blue****

