

MEETING #14 March 5

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on March 5, 2014 at 7:00 p.m. in the Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: Doris G. Lackey, Chair
R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
Robert W. Campbell, Member
V. R. Shackelford, III, County Attorney
Ernest C. Hoch, County Administrator
Betty Grayson, Zoning Administrator

ABSENT: Jacqueline S. Frye, Deputy Clerk

Planning Commission:

1. Call to Order/Determine Presence of a Quorum

2. Pledge of Allegiance & Moment of Silence

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

Carlton Yowell, Commission Chair, called for an extended moment of silence in light of the recent passing of Mrs. Mary L. Breeden, and to recognize her many years of dedicated service to the citizens of Madison County.

Supervisor Campbell and Chairman Lackey also commemorated on Mrs. Breeden's wisdom, knowledge, and her love of family, friends and the County overall.

3. Approval of Minutes

The minutes of the February 4, 2014 Joint Meeting were approved as presented.

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and acted upon by the Madison County Board of Supervisors (i.e. recommended for approval or tabling).

4. Cases:

Case No. S-01-14-02: Request by Katherine L. Estes, et. als. for a plat of a Subdivision of land to create one (1) lot with residue off Route 29 Northbound Lane near Oak Hill, zoned B-1 and A-1. Parcel E and the residue will be served by a 50 foot right-of-way. (Pending a request for an indefinite special use permit). The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department; approval has also been provided by Dudley Pattie of the Rapidan Service Authority.

Michael Yoder (Aroda) was represent the applicant in tonight's case; he advised this case was requested for tabling during the last month; at this time, a right-of-way agreement has since been attained with all signatures, excluding one (1) property owner and the plat has been signed by all owners.

Betty Grayson, Zoning Administrator, advised that a new plat has been provided for the review which denotes a right-of-way of "fifty feet [50'] and greater" – all owners have agreed to the inclusion; the right-of-way doesn't move to the back of the ten (10) acre lot, but into the lot by 180' and is totally on Mr. Yoder's property at this point; they have also added the twenty foot [20'] utility easement along the front of the property.

Dave Lewis, Surveyor, was also present and pointed out the aforementioned changes as noted on the updated plat; the center line of the roadway will now line up with the crossover of the right-of-way on both sides.

It was denoted the missing signature is that of a family member who has been recently hospitalized; a signature will be attained as soon as it can be physically accomplished; the agreement includes a paragraph pertaining to the right-of-way and will be preserved in the deed from the Estes Family.

After discussion, the Madison County Planning commission recommended that Case No. S-01-14-02 be referred onto the Madison County Board of Supervisors for approval, subject to approval of the special use permit and the receipt of pending signatures on the right-of-way agreement.

b. Case No. SU-01-14-03: Request by Katherine L. Estes, et. als. for an indefinite Special use permit to allow an entrance to be less than 900 feet from an adjacent entrance. This property is Located off Route 29 Northbound Lane near Oak Hill, zoned B-1 and A-1. (Pending the above 10.000 acre lot subdivision plat dated October 20, 2013.) An email was received on February 19, 2014 from Anthony Hurlock of VDOT stating he had no objections or comments.

Mrs. Grayson advised there were no concerns (from VDOT) about the revisions being requested).

After discussion, the Madison County Planning commission recommended that Case No. SU-01-14-03 be referred onto the Madison County Board of Supervisors for approval.

- c. Case No. SP-03-14-06: Request by Autumn Corporation for a revised site plan for changes to the driveway/entrance and truck delivery configuration for Autumn Care Nursing Home (on August 7, 2013, the Madison County Board of Supervisors approved a site plan for the construction of a 5,650 square foot addition). 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. The request has been approved by the Virginia Highway Department; a letter was received from the Rapidan Service Authority (RSA) dated June 19, 2013; a letter was received from Mat Towbridge (written to Brian Daniel, Erosion & Sedimentation Technician) dated January 27, 2014 to confirm that the revised plans do not require any changes.

****Danny Crigler, Commission Member, stepped down****

Matt Williams, Project Superintendent, was present to represent the applicant and to answer any concerns pertaining to tonight's request.

After discussion, the Madison County Planning commission recommended that Case No. SP-03-14-06 be referred onto the Madison County Board of Supervisors for approval.

- d. Case No. SU-03-14-07: Request by James K. Durham, contract buyer of property owned by the Estate of Thomas A. Pastore, for an indefinite special use permit to operate a cabinet, woodworking or wood assembly shop under cover. This property is located on Route 231 (5184 N. Blue Ridge Turnpike) at Banco and contains 5.168 acres of land, zoned A-1 with floodplain. A letter of approval, with conditions, was read from the Virginia Department of Health (Madison Health Department dated February 4, 2014).

After discussion, the Madison County Planning commission recommended that Case No. SU-03-14-07 be referred onto the Madison County Board of Supervisors for

approval, subject to approval of the special use permit and the receipt of pending signatures on the right-of-way agreement.

Mr. Durham was present to answer any questions pertaining to tonight's request; the request has been approved by VDOT.

A letter was received from the Virginia Commonwealth Department of Health advised that although there are no plans for employees at this time, the existing sewage disposal system should be faithful in handling up to five (5) additional workers; the property is currently served by a sewage disposal system which was designed with the capacity of 300 gallons per day.

Tom Purcell (Orange) was present on behalf of Mr. Patrick Byers, owner of fifteen (15) acres located behind the site being discussed and has a fifty foot right-of-way in place; he provided some highlights of the property (i.e. floodplain, drain field, safety concerns, apartment being used on a portion of the property. Additionally, he advised that Mr. Byers is opposed to issues involved with the special use permit and also verbalized concerns that he will be unable to access the right-of-way if delivery trucks are present and block the area. In closing, he advised there is an existing apartment that has been used in the past.

Mr. Yowell, Commission Chair, advised that in Mr. Durham's request for the special use, it's specifically stated he will deliver items to his shop; therefore, it doesn't appear there will be any trucks coming in/out of the site. In closing, he advised there is a small fence at the right-of-way to the Byer's property and is on the "Madison" side of the small fence. He also advised there isn't a 'hill' in place at the site.

Randy Dodson was present and advised he worked in the existing building for many years; there was never any problem with flooding or trucks entering the location; however, if trucks do visit the location, this may impose a problem for the current neighbor; he also advised the elevator was operational during the fifteen (15) years he worked at the location. In closing he does feel the existing shrubbery at the site may impose a problem.

Grace Pastore was present and advised that her father (Mr. Tom Pastore) owned and operated the business in its existing location for twenty (20) years; the business was very lucrative and an asset to Madison County. Also, she advised that OSHA has visited the site and the existing elevator wasn't in use (non-operational).

It was noted the right-of-way does 'flare' just about once you reach Route 231; it was also questioned whether emergency vehicles would have sufficient room to go around any vehicles parked at the site in the event the neighbor needed emergency assistance (i.e. public safety).

The County Attorney advised there will be no way to determine the location of the right-of-way by reviewing the pictures provided; he feels the legal point concerns the fact that whatever parking and/or deliveries made to the property must be made in a manner so as not to block the existing right-of-way. Additionally, if the area in question is a valid right-of-way, it cannot be blocked by the subservient landowner(s). Additionally, he feels the issue being debated is governed by the principles of law concerning a right-of-way, and cautioned the Commission about placing a condition, only to have someone come forth with concerns about a violation (i.e. blocking of the right-of-way) that may place the County in an improper position. In closing, he advised that any obligation of enforcement pertaining to a right-of-way should be between adjoining landowners without the County being placed in the middle.

Mr. Durham advised it appears the parking lot (of the property) is the right-of-way, which will create a dilemma with regard to enforcement of the right-of-way of the Byer's family.

The County Attorney advised it was indicated that in the past, a portion of the property was used as an apartment; he suggested it might be best to impose a recommended condition that no apartment would be located on the property.

After discussion a motion was made to recommend that Case No. SP-03-14-07 be approved by the Madison County Board of Supervisors, with the condition that no apartment be located in the building.

****Motion died for the lack of a second****

After discussion, the Madison County Planning Commission recommended that Case No. SP-03-14-07 be tabled until the next joint meeting scheduled for April, 2, 2014.

Mr. Yowell advised the Commission's workshop will be held on Wednesday, March 19, 2014 at 7:00 p.m. to tonight's case that was tabled, the flood plain Ordinance and the Route 29 Corridor Study.

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's meeting.

Board of Supervisors

8. Call to Order

Chairman Lackey called the Madison County Board of Supervisor's portion of tonight's meeting to order.

9. Determine Presence of a Quorum

Chairman Lackey advised a quorum was present.

10. Adoption of Agenda

Supervisor Jackson moved tonight's agenda be approved, seconded by Supervisor Weakley, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

Chairman Lackey advised of the arrangements for Mrs. Mary L. Breeden (i.e. family visitation and funeral service).

11. Action Items:

a. Case No. S-01-14-02: Request by Katherine L. Estes, et. als.....

Betty Grayson, Zoning Administrator advised the plat has been signed by all existing owners and is pending a request for a special use permit.

Supervisor Jackson moved that Case No. S-01-14-02 (subdivision plat) be approved with the condition of the special use permit as recommended by the Madison County Planning Commission, subject to approval of the special use permit and the receipt of pending signatures on the right-of-way, seconded by Supervisor Weakley.

Supervisor McGhee questioned whether the future plans were in conjunction with the outline contained in the County's Comprehensive Plan.

The County Administrator advised the existing 180' right-of-way is private; if VDOT should ever receive funding in the future to enhance economic development; options would be possible for the property (if approved by the Yoder and Estes families), depending on residual options presented by any future buyers.

It was advised that based on the aforementioned information, it is presumed there would be parallel roads (i.e. service roads) in place for any future property owners.

With the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

b. Case No. SU-01-14-03: Request by Katherine L. Estes, et. als.....

Supervisor Weakley questioned remarks regarding the other landowners and a particular owner is entitled to an entrance.

Betty Grayson, Zoning Administrator, advised that a letter has been forwarded to the individual with no response being received to date.

Supervisor Campbell moved that Case No. SU-01-14-13 (indefinite special use permit) be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Jackson, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

Chairman Lackey asked the applicant the total number of feet the entrance will be located from the existing entrance, to which it was advised would be 784.7

Betty Grayson, Zoning Administrator, advised there was a question about adding a clause regarding fifty feet (50') or greater; the additional twenty foot(20') easement was added on March 2, 2014 and denoted in the latest plat.

After discussion, Supervisor Campbell amended his prior motion to add the information denoted in the latest subdivision plat for Case No. SU-01-14-13 as described, seconded by Supervisor Jackson, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

c. Case No. SP-03-14-06: Request by Autumn Corporation....

Supervisor Weakley questioned concerns presented by a neighbor regarding a turnaround lane and if these issues have been resolved (i.e.; he questioned if the entrance will accommodate this action without any problem.

Mat Williams, representative for Autumn Corporation, advised the addition of the turnaround will allow delivery trucks to drive straight behind the existing building and turnaround away from the main public entrance.

Supervisor Jackson moved that Case No. SP-03-14-06 (revised site plan) be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Campbell, with the following vote recorded:

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

d. Case No. SP-03-14-07: Request by James K. Durham....

Chairman Lackey advised that although Case No. SP-03-14-07 has been requested to be tabled, Supervisor Campbell questioned if the right-of-way was an 'easement' right-of-way.

Dave Lewis, Surveyor, advised that he felt the easement was surveyed since it was done in a modern division.

The County Attorney also advised the area was surveyed since the subdivision request was brought before the County and was approved with a copy of the survey.

The County Attorney also advised that a change can only be implemented by agreement of both parties and in conformity with the Madison County Subdivision Ordinance.

5. Information/Correspondence (if any)

The County Administrator reminded the Board of the need to conduct interviews for the vacancy on the Social Services Board, which can be conducted just prior to the March Regular Meeting, if desired. To date, two (2) applications have been received, with the anticipation of an additional application to be forthcoming

Chairman Lackey questioned if the Board members were in agreement with extending the deadline for applications until Friday, with interviews being conducted next Tuesday, to which all members agreed.

After discussion, it was decided to hold the interviews at 3:00 p.m. on Tuesday, March 11th prior to the March Regular Meeting.

Chairman Lackey advised there will also be an advertisement for the Madison County Planning Commission.

The County Administrator advised that due to the recent snow storm, the advertisement deadline was missed and will be published the following week; the number of vacancies can also be modified (from three [3]) to four (4).

6. Adjournment

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

Doris G. Lackey	Aye
R. Clay Jackson	Aye
Jonathon Weakley	Aye
Robert Campbell	Aye
Kevin McGhee	Aye

Doris G. Lackey, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: April 8, 2014

Copies to: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell;
Kevin McGhee, V. R. Shackelford, Constitutional Officers



Agenda
"Joint Meeting
Madison County Board of Supervisors
Wednesday, February 5, 2014 at 7:00 p.m.
County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727



1. Call to Order
2. *Pledge of Allegiance & Moment of Silence*
3. Determine Presence of a Quorum
4. Approval of Minutes
5. Action Items:
 - a. *Case No. S-01-14-02: Request by Katherine L. Estes, et. als. for a plat of a subdivision of land to create one (1) lot*

with residue off Route 29 Northbound Lane near Oak Hill, zoned B-1 and A-1. Parcel E and the residue will be served by a new 50 foot right-of-way. (Pending a request for an indefinite special use permit.)

- b. *Case No. SU-01-14-03: Request by Katherine L. Estes, et. als. for an indefinite special use permit to allow an entrance to be less than 900 feet from an adjacent entrance. This property is located off Route 29 Northbound Lane near Oak Hill, zoned B-1 and A-1. (Pending the above 10.000 acre lot subdivision plat dated October 20, 2013.)*
- c. *Case No. SP-03-14-06: Request by Autumn Corporation for a revised site plan for changes to the driveway/entrance and truck delivery configuration for Autumn Care Nursing Home (on August 7, 2013, the Madison County Board of Supervisors approved a site plan for the construction of a 5,650 square foot addition). 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.*
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6. Adjournment

Board of Supervisors

- 7. Call to Order
- 8. Determine Presence of a Quorum
- 9. Adoption of Agenda
- 10. Action Items:
 - a. *Case No. S-01-14-02: Request by Katherine L. Estes, et. als....*
 - b. *Case No. SU-01-14-03: Request by Katherine L. Estes, et als....*
 - c. *Case No. SP-03-14-06: Request by Autumn Corporation...*
 - d. *Case No. SP-03-14-06: Request by James K. Durham...*
- 11. Information/Correspondence
- 12. Adjournment