MEETING #32 – October 4

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on October 4, 2016 2016 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
[redacted]
Kevin McGhee, Member
Charlotte Hoffman, Member
V. R. Shackelford, III, County Attorney
Daniel J. Campbell, County Administrator
Betty Grayson, Zoning Administrator

ABSENT: Robert Campbell, Member

Planning Commission:
Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

2. Approval of Minutes
The minutes of the September 7, 2016 meeting session were approved as presented.

3. Action Items:
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 then the case well be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisor's portion of tonight's meeting.

25-6G ***a. Case No. S-10-16-17:*** Request by Roger A. Weakley for a plat of a subdivision of land to create four (4) lots, no residue. Lots 1 and 2 will have entrances on Route 607 (Ridgeview Road) and Lots 3 and 4 will have entrances on Route 640 (Tryme Road). This property is located on Routes 607 (Ridgeview Road) and 640 (Tryme Road), zoned A-1. (Tax Map #25-6G). The final plat has been approved by the Madison Health Department and VDOT.

Roger Weakley, applicant, was present to answer any questions pertaining to tonight's request.

After discussion, the Madison County Planning Commission recommended that Case No. S-10-16-17 be presented to the Madison County Board of Supervisors for approval as presented.

25-6H ***b. Case No. S-10-16-18:*** Request by Roger A. Weakley for a plat of a subdivision of land to create four (4) lots, no residue. Lot 1 will have an entrance on Route 607 (Ridgeview Road). Lots 2 and 3 will be served by a new 50 foot shared access easement off of Route 607 (Ridgeview Road). Lot 4 will have an entrance on Route 640 (Tryme Road). This property is located on Routes 607 (Ridgeview Road) and Route 640 (Tryme Road) near Tryme, zoned A-1. (Tax Map #25-6H). The final plat has been approved by the Madison Health Department and VDOT.

Roger Weakley, applicant, was present to answer any questions pertaining to tonight's request.

After discussion, the Madison County Planning Commission recommended that Case No. S-10-16-18 be presented to the Madison County Board of Supervisors for approval as presented.

48-30 ***c. Case No. SP-10-16-19:*** Request by Madison Wood Preservers, Inc., for a site plan to construct an addition (50 x 95) onto an existing metal building for a workshop. This property is located on Route 634 (Oak Park Road) near Madison and contains 6.628 acres of land, zoned Conditional Industrial, M-2. A letter has been received dated October 3, 2016 from Anthony Hurlock, VDOT, that contains some conditions.

Mr. Hurlock was contacted for further clarification which involved his interpretation that a chain will need to be put into place prior to the issuance of permits from building and zoning before construction could be initiated on the property.

The content of the letter address to Mrs. Grayson was read as follows:

"The department has completed its review of the site plan dated 9/19/16 for the above mentioned project and recommends approval with the following conditions:

1. The existing entrance located on tax map 48-30 adjacent to Route 634 used to access the site does not conform to VDOT's current access management regulations (i.e. commercial entrance). The current minimal space requirement is 335 feet, center to center; the current site also has internal connections to allow perpendicular crossings at the additional existing entrances on Route 634. Therefore, it is anticipated that any additional use and/or function exceeding or changing the current us of this entrance shall require it to conform to current standards and regulations in the future. Please submit an access/entrance plan detailing the specific nature and use of the existing entrances serving as ingress/egress to Madison Wood Preservers from Route 634 along with a plan of implementation to resolve the noncompliant status of the existing entrances.

2. The entrances will be reviewed upon future application(s) for a VDOT permit and evaluated to verify the function and use complies with the provisions specified in the VDOT Road Design Manual (Appendix "F") "Access Management Design Standards". Improvements and/or upgrades may be required to ensure a safe form of ingress/egress is maintained and in compliance with current VDOT regulations as conditions change (ex: increase in Vehicles Per Day "VPD", accidents, etc.).

John Gohn from Madison Wood Preservers, Inc. was present to answer questions pertaining to tonight's request, and reported that the existing location housed a prior lumber company prior to being acquired by Madison Wood Preservers, Inc. It's the intent of the company to assess VDOT's recommendations and attain satisfaction of the matter. He further advised that the current use does not increase traffic in the area, and that Madison Wood Preservers, Inc. only uses a fraction of the roadway requirement (imposed by VDOT). Although it's understandable that roadway standards may have changed, it was deemed that the entrance at the location meets state requirements. Information was also provided on the entrance (in use since 2005) and that a culvert has been installed and maintained.

Mr. Yowell, Chair, questioned comments in the letter concerning future use and the fact that VDOT is asking for a plan of implementation to resolve non-compliance for existing entrances.

The County Administrator advised that several years ago, commercial access requirements imposed by VDOT changed significantly; he feels that VDOT is trying to impose the higher regulations on this type of project.

Comments from the Commission focused on the fact that:

- ✓ During the recent workshop session, it was advised that the requested addition would not significantly increase traffic at the facility.
- ✓ Whether vehicles from the yard will be traveling across Oak Park Road (i.e. turning right and/or left)
- ✓ Whether the applicant would be willing to defer the application until all concerns presented by VDOT are addressed

Mr. Gohn noted that the area in question is a separate use and will be used by the same type of vehicles that currently access the property, and that vehicles would be transporting items between both lumber yards; and also advised that when the initial shop was built in 2011, all plans were approved by VDOT at that time. I

In closing, it was reiterated that the applicant is willing to work out all concerns presented by VDOT.

Mr. Yowell, Chair, explained that the Commission can elect to recommend approval of tonight's case to the Madison County Board of Supervisors with the condition that the applicant address all concerns presented by VDOT.

Mr. Yowell, Chair, also noted that an email from the Virginia Health Department from Medge Carter read as follows:

"This email is written in response to a request for comment on a proposed addition to an existing building on TM 48/30, a property formerly belonging to Mountain Lumber Company, and now owned by Madison Wood Preservers. We have been contacted by Doug Grover of ATCS regarding the connection of the new portion of the structure to the existing septic system. It is our understanding that t the expanded building is to be used as a garage/mechanics shop, with 4 full-time employees (one 8-hour shift), no customers, and no additional wastewater generated by commercial activity.

The septic system is an alternative system approved in 2011 and designed to handle considerably larger flows. Prior to resuming occupancy of the structure, the owners will need to contact a licensed onsite septic system operator to evaluate the system and advise them on how best to put the system back into service, as well as establish a routine maintenance and monitoring schedule. If the new connection to the system is to take place internally to the structure, a construction permit from the health department may not be necessary. If the connection is to be made externally, however, a "minor modification construction permit' will likely be necessary.

With the above stipulations in mind, and assuming that the existing septic system has not been damaged in any way and can be restored to full working order, this office has no objection to the proposal."

Bill Price from Madison Wood Preservers, Inc. was present and advised that after purchase of the existing property, a discussion was held with Dwayne Dixon, Sanitarian, about the description of an alternative septic system in great detail; the system was designed to serve up to thirty-five (35) employees. At that time, Mr. Dixon noted that the system was larger than what would be necessary for the site, and that in order to make the system work properly, more people would need to be in place to utilize the system (i.e. restrooms), and that the system would require annual inspection.

After discussion, the Madison County Planning Commission recommended that Case No. SP-10-16-19 be presented to the Madison County Board of Supervisors for approval as presented with conditions as requested by VDOT.

Mr. Yowell, Chair, advised that the next workshop session will be held on October 19, 2016 at 7:00 p.m.

4. Adjournment

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

Board of Supervisors

Call to Order

Chairman Jackson called the Board's portion of tonight's meeting to order; a quorum was established.

1. Determine Presence of a Quorum

2. Adoption of Agenda

Chairman Jackson called for any additions to tonight's agenda.

Additions:

- ✓ *Broadband Committee meeting (to be added to Information/Correspondence)*

Supervisor Weakley moved to adopt the Agenda as presented, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, McGhee,* [redacted] *Hoffman. Nays: (0).* ***Absent: Campbell.***

3. Action Items:

a. *Case No. S-10-16-17: Request by Roger A. Weakley ……..*

Supervisor McGhee moved the Board approve Case No. S-10-16-17 as recommended by the Madison County Planning Commission, seconded by Supervisor Weakley. *Ayes: Jackson, Weakley,* [redacted] *McGhee, Hoffman. Nays: (0).* ***Absent: Campbell.***

b. *Case No. S-10-16-18: Request by Roger A. Weakley……..*

Supervisor Weakley moved the Board approve Case No. S-10-16-18 as recommended by the Madison County Planning Commission, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley,* [redacted] *McGhee, Hoffman. Nays: (0).* ***Absent: Campbell.***

c. *Case No. SP-10-16-19: Request by Madison Wood Preservers, Inc. ……..*

The County Attorney noted that the motion made by the Madison County Health Department didn't mention recommendations noted by the Virginia Health Department, which he suggested should be included.

Comments from the Board:

- *Chairman Jackson: Referred to requirements suggested by VDOT concerning additional use and more function to exceed the current use; he noted that it doesn't appear that the applicant has complied with any of the proposed requirements.*
- *Supervisor McGhee: Feels that the applicant isn't doing anything that will greatly impact movement in the location; noted that by accepting the recommendations noted by the Commission, it's not the intent to overly burden applicant, although the applicant should be encouraged to meet with VDOT to attain a full understanding of the use requirements and access management plan*

The County Attorney advised that if an agreement isn't met (between the applicant and VDOT), the applicant can always return before the County.

- *Supervisor Weakley: Referred to a plan that was approved in 2011; questioned the conditions being required for the entrance and whether VDOT's requirements are in conflict to what the applicant is actually doing; questioned if the Board has to approve the case with VDOT's conditions since there is already a plan (from 2011 by a previous owner) that has been approved, or could different verbiage be incorporated instead*

Betty Grayson, Zoning Administrator, advised that the addition wasn't shown on the original plan, and that the conditions are recommended by VDOT; it's the County's choice whether to approve with or without VDOT's recommendations.

Mr. Gohn noted that the plan from 2011 included larger buildings.

The County Administrator advised concerns regarding VDOT's statement of "improvements and/or upgrades may be required to ensure a safe form of ingress/egress is maintained…." And "in compliance with current VDOT regulations as conditions change (ex: number of vehicles per day." However, in reviewing current regulations that were in place several years ago, post 2011, there are a lot of changes that have been initiated to address this type of project. He feels that the thought of the County being held to all of today's current VDOT regulations could be a real challenge, which he would hate to see the County placed in this type of conditions. In closing, he feels the applicant's vehicle traffic will probably decrease, but feels that language noted by VDOT refers to current regulations which includes more than 'vehicles per day.'

Bill Price of Madison Wood Preservers, Inc. was present and referred to a comment from VDOT's correspondence that stated, "therefore, it is anticipated that any additional use and/or function exceeding or changing the current use of this entrance shall require it to conform"; however, it was noted that there will be no change. It was also noted that MWP has a building on site and the contractor is ready to begin construction. In closing, he noted that MWP is willing to work with VDOT and also feels they will be willing to work with MWP.

Chairman Jackson questioned if Madison Wood Preservers, Inc. would be comfortable with tonight's case being approved to include VDOT's recommendations; however, not stressed the fact that if the aforementioned action is undertaken, the applicant will have to work out all issues as discussed.

Mr. Price noted that if the issue can't be resolved, he will return to the County for further discussion and/or action.

Mrs. Grayson questioned the interpretation noted in Mr. Hurlock's letter, and that the letter actually came from Mr. Moore located at the Charlottesville Residency. In closing, she advised that Mr. Hurlock advised (as per interpretation) that Mr. Moore wants the condition included to denote that the site plan be approved prior to any issuance of any zoning or building permits.

The County Attorney noted that the aforementioned requirement appears to be what VDOT wants, but that the County isn't required to follow the recommendation. In closing, he clarified that the Zoning Administrator needs clarification as to whether or not any County permits could be issued as required for the applicant.

In closing, Chairman Jackson clarified that County permits will be issued to the applicant (i.e. zoning and building), and the applicant will have to work with VDOT in order to attain occupancy; however, construction will have to be on hold until VDOT concerns are resolved.

After discussion, Supervisor McGhee moved that the Board approve Case No. SP-10-16-19 be approved as recommended by the Madison County Planning Commission, to include conditions required by VDOT and the Virginia Health Department, and to move forward with approval (and issuance) of County zoning permits, and with the condition that the applicant will comply with VDOT before the issuance of an occupancy permit, seconded by Supervisor Hoffman.

It was further clarified that tonight's action will call for the applicant to attain a zoning permit; the applicant will have to go to Wes Smith, Building Official, to attain a building permit.

Ayes: Jackson, Weakley, [redacted] McGhee, Hoffman. Nays: (0). ***Absent: Campbell.***

4. Information/Correspondence
Broadband Committee
Supervisor Weakley provided an overview of the kick-off meeting of the Broadband Committee held on Friday, September 30th; officers were elected; a spreadsheet of information and goals was developed for further discussion on October 28th at 1:30 p.m. at the School Board Office. An update can be provided to the Board after each meeting, if deemed appropriate. He noted that Sam Utz will be the School Board's liaison.

Nan Coppedge questioned if the committee will review ways to improve cell phone coverage, to which Supervisor Weakley advised the current concept will focus on broadband issues at this time. In his opinion, he feels that some of the committee members may feel that cell phone [redacted] **towers** may be obsolete in the future **according to the committee**. [redacted]. He also noted that Robert Finks, Director of Emergency Communications, has indicated there is a push for 911 infrastructure changes; feels there can be discussions about cooperatives, and feels that future discussions will be multi-faceted. Anyone desiring to attend is more than welcome to attend to provide input and/or comments.

Betty Grayson noted that in discussion MWP's application with Mr. Hurlock, he did advise that a different process will be utilized (by VDOT) when applications are received; once the application arrives to the Culpeper VDOT Office, Mr. Hurlock will review the case, prepare correspondence, and forward the application to the attention of Mr. Moore, who will also review the application, provide comments and resent the document to the Culpeper Office. In closing, she advised that state code allows forty-five (45) days as a review process.

The County Attorney verbalized concerns regarding VDOT submitting correspondence on the day of the meeting on a case. In closing, he noted that the County's site plan ordinance requires approval by VDOT and the Madison Health Department, but also advised that the letter from VDOT appeared to be premise on assumptions and not facts, and feels if there had been more communication (between the applicant and VDOT), the letter may have not been issued.

After discussion, the Board members questioned if there was something the County could do to assist in these types of cases, to which the County Attorney noted that it appeared there was simply a lack of communication of some form. In closing, he also suggested that VDOT and the Madison Health Department be encouraged to respond to County cases in a timely manner.

Chairman Jackson also suggested that these concerns be brought forth during workshop sessions as well so the applicants will be fully informed.

5. Adjournment
With no further action being required, on motion of Supervisor McGhee, seconded by Supervisor Weakley, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, McGhee, Hoffman. Nays: (0).* ***Absent: Campbell***

_____
R. Clay Jackson, Chairman
Madison County Board of Supervisors

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Clerk of the Board of the Madison County Board of Supervisors
Adopted on: October 11, 2016
Copies: Board of Supervisors, County Attorney & Constitutional Officers

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Agenda
Joint Meeting and Public Hearing
Madison County Board of Supervisors
Tuesday, October 4, 2016 at 7:00 p.m.
Madison County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727

Planning Commission

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items:

25-6G *a.* *Case No. S-10-16-17:* Request by Roger A. Weakley for a plat of a subdivision of land to create four (4) lots, no residue. Lots 1 and 2 will have entrances on Route 607 (Ridgeview Road) and Lots 3 and 4 will have entrances on Route 640 (Tryme Road). This property is located on Routes 607 (Ridgeview Road) and 640 (Tryme Road) near Tryme, zoned A-1. (Tax Map #25-6G)

25-6H *b.* *Case No. S-10-16-18:* Request by Roger A. Weakley for a plat of a subdivision of land to create four (4) lots, no residue. Lot 1 will have an entrance on Route 607 (Ridgeview Road). Lots 2 and 3 will be served by a new 50 foot shared access easement off of Route 607 (Ridgeview Road). Lot 4 will have an entrance on Route 640 (Tryme Road). This property is located on Routes 607 (Ridgeview Road) and 640 (Tryme Road) near Tryme, zoned A-1. (Tax Map #25-6H)

48-30 *c.* *Case No. SP-10-16-19:* Request by Madison Wood Preservers, Inc. for a site plan to construct an addition (50 x 95) onto an existing metal building for a workshop. This property is located on Route 634 (Oak Park Road) near Madison and contains 6.628 acres of land, zoned Conditional Industrial, M-2.

4. Adjournment

Board of Supervisors

Call to Order

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3. Action Items:

25–6G *a.* *Case No. S-10-16-17:* Request by Roger A. Weakley .....
25–6H *b.* *Case No. S-10-16-18:* Request by Roger A. Weakley .....
48–30 *c.* *Case No. SP-10-16-19:* Request by Madison Wood Preservers, Inc. .....

4. Information/Correspondence (if any)
5. Closed Session (if necessary)
6. Adjournment