

**MINUTES OF THE MEETING OF THE MADISON COUNTY
PLANNING AND ZONING COMMISSION HELD AND CONDUCTED ON
THURSDAY, THE 6TH DAY OF OCTOBER, 2011 AT 9:00 A.M. AT THE
MADISON COUNTY COMPLEX BUILDING**

BE IT REMEMBERED that a meeting of the Madison County Planning and Zoning Commission was duly called, held and conducted on Thursday, the 6th day of October, 2011 at 9:00 a.m. in the Madison County Complex Building.

Present: William Amadio
Ken Amadio
Reverend Henry Brown
Reverend Bennie Luckett, Chairman
Will Sligh
Scott Weeks, Office of the Madison County Zoning Administrator
Brad Sellers, Zoning Administrator

Absent: None

There first came on for consideration the minutes of the September 8, 2011 meeting. Upon motion by Commissioner Sligh, seconded by Commissioner Amadio, with all voting "aye", motion to approve the minutes of the September 8, 2011 meeting passed.

There next came on for consideration the petition of Shannon Wells for a variance to a side setback. The petition was introduced by Scott Weeks. Mark Evans appeared on behalf of the petitioner. He advised that the Homeowner's Association had no objection to the variance and that he, as the adjoining property owner, did not oppose the variance either. He pointed the Commission's attention to the letter attached with the petition for further documentation of such. Upon motion by Commissioner Amadio, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval to the Board of Supervisor's passed.

There next came on for consideration the petition of Love Trucking Company for a conditional use for an Open Pit Mining Operation. The petition was introduced to the Commission by Scott Weeks. Ken McCarley, the engineer for the project, appeared on behalf of the petitioner. He informed the Commission that the subject property consisted of 4 acres west of Catlett Road and approximately one quarter mile north of Stribling Road and that DEQ approval has been obtained. He described the property as an open field, but some small trees will need to be cut. There is a large strip of trees west of the site that will be left undisturbed and will constitute a buffer, according to the petitioner. Commissioner Steere inquired as to the procedure should the operation take in more acreage, to which the petitioner acknowledged that a full permit would need to be submitted to DEQ, a bond posted, a schedule for reclamation and mining would need to be prepared and that another public hearing conducted. Commissioner Steere next asked

about the expected time limit for the mining operation, to which the petitioner advised that it would depend on demand. Next, Commissioner Steere inquired as to the depth of the mine. The petitioner stated that it would probably not exceed 20 feet due to increased difficulty in maintaining the mine but that there is no problem in a 20 to 30 foot deep mine. The petitioner advised the Commission that the slope would be maintained at a 3:1 ratio and that with a 20 foot depth, there would be a 60 foot buffer. In discussing the haul route, the Petitioner mentioned using Catlett Road but stated that the landowner owns the property south of the proposed mine and that a haul route could be cut through his property in that direction. Commissioner Sligh discussed the hours of operation, which was represented to be from 7 a.m. to 5 p.m but that these hours could be altered. Commissioner Sligh commented on the potential of danger to children with these hours due to the high density of homes in the area. In response to Commissioner Steere's inquiry as to use, the Petitioner represented that there are no current contracts in place for the sale of dirt from the mine. Commissioner Sligh asked the County Engineer, Rudy Warnock, who was in attendance, as to whether a heavy hauling permit was in effect, to which he advised that it was not but if adopted, it could be in effect in November.

Michael Spooner of Hampton Bay, appeared in opposition. He stated that the operation does not serve the interests of the local residents; there is no need for the mining operation; it is one mile south of a fully operation mining operation and in close proximity to another operation at Highway 22 and 463; it will create increase dust, noise and damage to the roads; and it is a detriment to all considerations under the ordinance. Greg Regan appeared in opposition. He lives in Lake Caroline. He was concerned that it will create a lot of disruption to a rapidly growing area; that new businesses will be deterred from locating in this area due to the mine; it will increase haul traffic in the area and create safety concerns; and that it will cause damage to the roads. Paula Ohlmeyer of Lake Caroline also appeared in opposition. Attached hereto as Exhibit "A", are written concerns made a part of the minutes by Ohlmeyer. Of the most significant concerns are heavy truck traffic resulting in damage to the roads and safety concerns that will be created by introducing more dump trucks to the roads, which are used daily by the families living in the area and the school bus traffic. She communicated that this will suggest a negative effect on the Lake Caroline and surrounding communities, it will effect the bald eagle nesting area that is adjacent to the proposed location, and that there is simply no need for another pit in this area. Virginia Ingram of Ashbrooke also appeared in opposition. She expressed concerns in that the owner could possibly apply for an increase in the acreage of the mine operation due to the fact the landowner owns a total of 37 acres where the mine is proposed. She also voiced similar concerns as the others, in addition to concerns of an increase in mosquitos from standing water that could result in an increase in the West Nile disease. She also expressed concerns with the reclamation plan.

Zoning Administrator Sellers published to the Commission the National Bald Eagle Management Guidelines, which include a required 660 foot setback for developments such as this. They are attached as Exhibit "B" hereto and incorporated herein by reference. Also in opposition was Judy Thompson, who voiced concerns over the increased dust potential and the possibility for disturbance to the eagle nesting

location. Alice Apostle, owner of the Mermaid Café, expressed concerns with the probability that this operation will effect her business, which is directing in front of the proposed site. They are trying to bring in customers from other parts of the County, and she is concerned that the increased damage to the roads, dust from the operation, and truck traffic on the roads will undermine this and effect the business. Pete Wilkinson appeared and voiced concerns with the close proximity of the site to the high density residential communities. Michael Gray voiced concerns in that it is not logical for a 4 acre mining operation to need 42 months for completion; increased dump truck traffic on the roads; the potential for the owner to petition in the future to use other areas of his property; and the discrepancy in the depth of the proposed pit. The Petitioner, in response, asked for a 90 day continuance to review the bald eagle issues raised with a biologist. Doug Jones appeared in opposition and stated that he has personal knowledge of the location of the nesting area. Robert Love, Jr. of Love Trucking advised the Commission that he is a firm believer of driver safety and that he has continuous close contact with all his drivers. He stated that the plans are only for the subject 4 acres. He is bonded/insured and has been in business since 1985. Upon motion by Commissioner Sligh, seconded by Commissioner Brown, with all voting "aye", motion to recommend denial to the Board of Supervisors passed.

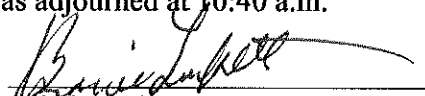
There next came on for consideration the site plan of The Esplanade (St. Dominic Hospital). Due to the fact Commissioner Amadio works for St. Dominic, he advised the Commission of his relationship and conflict, and he abstained from participation and vote on the subject petition. Scott Weeks then introduced the site plan. Tad Schultz appeared on behalf of St. Dominic. He informed the Commission that the site plan was a training and sports facility that will be constructed along Parkway East and will be the first of any such facility in the United States. It will service traveling teams and will also be available for community recreation. The City of Madison has approved the development, which will be developed on 13.253 acres of property zoned C-2. It will contain 7 full size international soccer fields, full size baseball fields, and will service baseball, soccer and softball. The fields will contain artificial turf for the most part. Phase 1 was presented to the Commission. The fields located in Phase 1 will consist of natural ground cover and will be accessed by a single entry drive off Parkway East to a 62 spot parking lot. It will be comprised of three community fields for community use initially, but will be converted to soccer fields once future development gets under way. Upon motion by Commissioner Steere, seconded by Commissioner Brown, with all participating voting "aye", motion to approve the site plan passed.

There next came on for consideration the issue of attorney fees. Upon motion by Commissioner Sligh, seconded by Commissioner Brown, with all voting "aye", motion to approve attorney fees passed.

There next came on for consideration the issue of setting the November meeting of the Madison County Planning and Zoning Commission. November 10, 2011 was recommended. Upon motion by Commissioner Steere, seconded by Commissioner Amadio, with all voting "aye", the November meeting was set for November 10, 2011.

With there being no further business, the meeting was adjourned at 10:40 a.m.

12-8-2011
Date


(Chairman)

