

State of North Carolina

Minutes

County of Madison

The Madison County Board of Commissioners met in special session on Friday, December 11, 2020 at 4:00 p.m. at the Madison County Administration Building in Room 26 located at 5707 Hwy 25-70, Marshall, North Carolina.

In attendance were Vice-Chairman Craig Goforth, Commissioner and Interim County Manager Norris Gentry, Commissioners Matt Wechtel and Michael Garrison, County Attorney Donny Laws, Clerk Mandy Bradley.

The meeting was called to order at 4:00 p.m. by Vice-Chairman Goforth.

Item 1: Public Hearing-Madison County Land Use Ordinance Amendment

Vice-Chairman Goforth turned the floor to Terrey Dolan, Planning and Zoning Director. Mr. Dolan presented the request for rezone, file number 2020-01. Mr. Dolan noted that the request included that property be rezoned from Residential Agriculture to Commercial as pertaining to the parcel which sits at the Northeast corner of NC Highway 213 and Medical Park Drive and includes 2.97 acres more or less (2.83 calculated), PIN Number 9716-58-9098.

Mr. Dolan discussed with the Board that the Planning Board had already completed the request for the rezoning and presented as well as discussed their recommendation for the rezoning of the property which included a Zoning Map amendment.

Mr. Dolan presented a map of the property as well as discussed the property with the Board. In addition, he also presented the Resolution Adopting a Consistency Statement for the Approval of a Rezoning Request Application and the Resolution Amending the Land Use Ordinance of Madison County.

Council was provided by County Attorney Donny Laws who discussed why the rezoning request be considered as appropriate including that the property meets all health, safety, and welfare standards as well as follows the transportation standards for vehicle access. Mr. Laws also noted that there is a mixed use space in the Medical Park Drive complex which is adjacent to the property and provides flexibility and that the property has been in a Residential Agriculture holding category, but now another use has been determined which is consistent with the plan as such. He also discussed the Planning Board recommendation with the Board.

Vice-Chairman Goforth opened the public hearing and called for public comment with no public comment being received as noted by Clerk Mandy Bradley or from the request of those in attendance at the hearing.

Upon motion by Commissioner Wechtel and second by Commissioner Gentry, the Board voted unanimously to close the public hearing.

Upon motion by Commissioner Gentry and second by Commissioner Wechtel with council being provided by County Attorney Donny Laws, the Board voted unanimously to approve the Resolution Adopting a Consistency Statement for the Approval of a Rezoning Request Application.

Upon motion by Commissioner Gentry and second by Commissioner Garrison, the Board voted unanimously to approve the Resolution Amending the Land Use Ordinance of Madison County for 2.83 acres PIN # 971-58-9098 near Medical Park Drive and 213 to C4 Commercial from Residential Agriculture with Commissioner Wechtel clarifying that for consistency, the property area should be noted as 2.97 acres.

Discussion was had by the Board including Commissioner Garrison who noted that there was no opposition to the request, all processes have been completed, the location of the corridor along with consistency of the Comprehensive Plan, and that it is in the public's best interest. Council was provided by County Attorney Donny Laws who noted that all notices, mailings, and posting of the property were met and would be entered into record. (Attachment 1.1)

Item 2: Health Department Fee Proposal

Tammy Cody, Health Director presented and discussed information as well as took questions from Board members regarding the Health Department fee proposal for the structure of the Environmental Health Division for commercial and industrial septic permits which serve multiple homes and facilities and includes septic systems in excess of a 500 gallon capacity. Ms. Cody noted that the new fee would cover the work done by the County for these services which is more extensive than standard systems. Ms. Cody also discussed that the current fee for septic permits is a standard rate of \$280.00 and that the proposal includes that the standard rate of \$280.00 remain in effect with the addition an additional fee of half of the \$280.00 for permits that require the approval of systems in excess of a 500 gallon capacity.

Discussion was had by the Board and Ms. Cody regarding the amount of these permits that the County issues in a year, the effects on the soil, the staff required to perform inspections for these systems as well as travel time and wear and tear on County owned vehicles doing the inspections. Also discussed with the Board by Ms. Cody was information regarding the standard for permits of this nature in other counties.

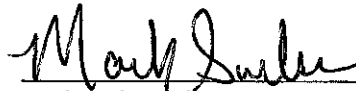
Upon motion by Vice-Chairman Goforth and second by Commissioner Garrison, the Board voted unanimously to approve the fee structure.

Item 3: Adjournment

Upon motion by Commissioner Wechtel and second by Commissioner Gentry, the Board voted unanimously to adjourn.

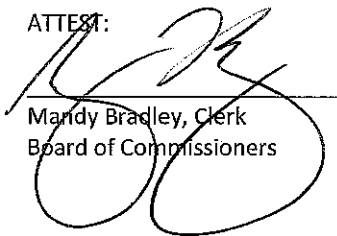
This the 11th day of December, 2020.

MADISON COUNTY



Mark Snelson, Chairman
Board of Commissioners


ATTEST:



Mandy Bradley, Clerk
Board of Commissioners

Date: December 11, 2020

To: Madison County Board of Commissioners

From: Terrence Dolan (Director of Planning & Zoning), Danny Allen (Director of Inspections Department) 

(REZ 2020-01)

Subject: Consideration of Medical Park Drive Parcel Re-Zoning Request (REZ 2020-01)

A. Project Background:

For the Board of Commissioners' consideration, the Applicant-Owner for this +/-2.83-acre project parcel, located in proximity to the northeasterly corner of County Route 213 and Medical Park Drive, has applied to the County, (**Zoning Application REZ 2020-01**) seeking a General Rezoning that shall amend the Madison County's Zoning Map (and Ordinance) for the referenced parcel site; as well as correspondingly seeking a Comprehensive Land Use Map Amendment, converting the existing Site Zoning from *Residential/Agricultural (R/A) Zoning* to Commercial District (CD).

By virtue of this Approval Request, if granted by the Board of Commissioners, both the Zoning Category and the Comprehensive Land Use Map for the parcel shall be amended.

It should be noted (for the Board's consideration) that there is a *minor* acreage discrepancy for the parcel, as described. The Applicant's Zoning Application materials shows a listed acreage total of 2.97 acres for the Parcel; whereas, in the Planning Board's Site Analysis, it was noted that the parcel site's acreage to be only 2.83 acres. (This .14 acre discrepancy needs confirmation!)

B. Madison County Planning Board Action

The Planning Board met to consider and evaluate the project's requested rezoning request on November 9, 2020.

Both *Motions* made by the Planning Board are summarized below:

Motion 1 Consistency

Recommendation on a Consistency Statement

The Madison County Planning Board recommends this Consistency Statement ***For Approval*** related to the General Rezoning Request REZ 2020-01 for consideration by the Madison County Board of Commissioners.

For Approval

Madison County Planning Board voted for Approval 6-0

The Rezoning Request is:

- A) Reasonable and in the public interest.
- B) Consistent with the Madison County Comprehensive Plan.
- C) Similar to existing Zoning Districts of properties in close proximity off of Medical Park Drive.
- D) Supports 6.3.2 of the Madison County Comprehensive Plan, which states in part, "Modify zoning regulations and map to allow for a variety of businesses along the main transportation corridors in appropriate places".
- E) The request is consistent with the recommendations of the Madison County Comprehensive Plan as listed above.

Motion 2

Recommend Approval of the Zoning Map Amendment

The Madison County Planning Board recommends ***APPROVAL*** of the General Rezoning Request to rezone 2.83 acres located near the intersection of Medical Park Drive and Highway 213 (PIN # 9716-58-9098) from Residential/Agricultural (R/A) to Commercial District (CD), for consideration by the Madison County Board of Commissioners.

The Planning Board, pursuant to Section 153A-341 of the North Carolina General Statutes, hereby forwards this Written Recommendation to the Board of Commissioners.

For Approval

Madison County Planning Board voted for Approval 6-0

Summary Recommendation:

The Madison County Planning Board and the Planning & Zoning Department both **recommend APPROVAL** of the General Rezoning Request (**REZ 2020-01**) to rezone the above referenced 2.83 acres, located near the northeasterly intersection of Medical Park Drive and Highway 213 (PIN # 9716-58-9098), from Residential/Agricultural (R/A) to Commercial District (Commercial District) for consideration by the Madison County Board of Commissioners.



**Madison County
Inspections & Zoning**

Planning Board Meeting

Please take notice that the Madison County Planning Board will meet to consider a rezoning request and offer a recommendation pursuant to Chapter 13.3 and 13.4 of the Madison County Land Use Ordinance at the following designated time and place.

Date of Meeting: November 9, 2020

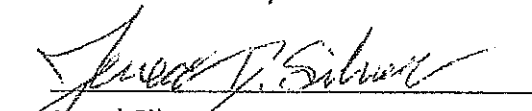
Time of Meeting: 6:30 PM

Place of Meeting: Madison County Administration Building in Room 26
5707 US 25-70 HWY
Marshall, NC 28753

Purpose:

1. To consider the General Rezoning Request (Case #REZ 2020-01) for the purpose of potentially rezoning PIN # 9716-58-9098 consisting of 2.83 acres located off of Medical Park Drive from R-A (Residential Agricultural) to CD(Commercial District), and provide a recommendation to the Madison County Board of Commissioners.

This is the 6th day of November 2020.


Jared Silver

Chairman of the Madison County Planning Board

Motion 1 - Consistency

1. Recommendation on a Consistency Statement

I move that the Madison County Planning Board recommends this Consistency Statement *For Approval* related to the General Rezoning Request REZ 2020-01 for consideration by the Madison County Board of Commissioners.

For Approval

The Rezoning Request is;

- A) Reasonable and in the public interest.
 - B) Consistent with the Madison County Comprehensive Plan.
 - C) Similar to existing Zoning Districts of properties in close proximity off of Medical Park Drive.
 - D) Supports 6.3.2 of the Madison County Comprehensive Plan, which states in part, "Modify zoning regulations and map to allow for a variety of businesses along the main transportation corridors in appropriate places".
 - E) The request is consistent with the recommendations of the Madison County Comprehensive Plan as listed above.
-

Motion 2

2. Recommend Approval of the Zoning Map Amendment

I move that the Madison County Planning Board recommends *APPROVAL* of the General Rezoning Request to rezone 2.83 acres located near the intersection of Medical Park Drive and Highway 213 (PIN # 9716-58-9098) from RA Rural Agricultural to C (Commercial) for consideration by the Madison County Board of Commissioners.

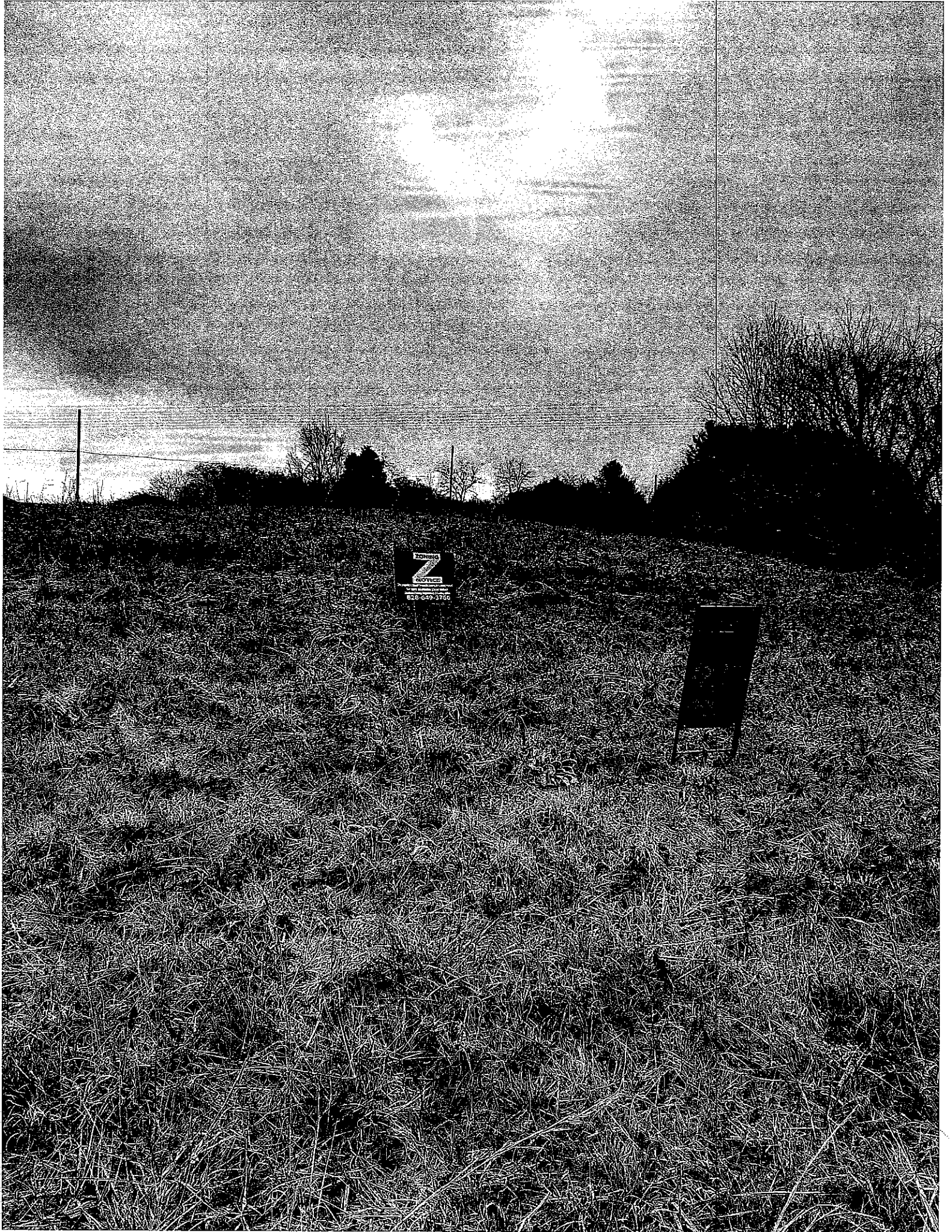
The Planning Board, pursuant to Section 160A-605 of the North Carolina General Statutes, hereby forwards this Written Recommendation to the Board of Commissioners.

Madison County Planning Board

Date: November 9, 2020

By: _____

Jared Silver, Chairman



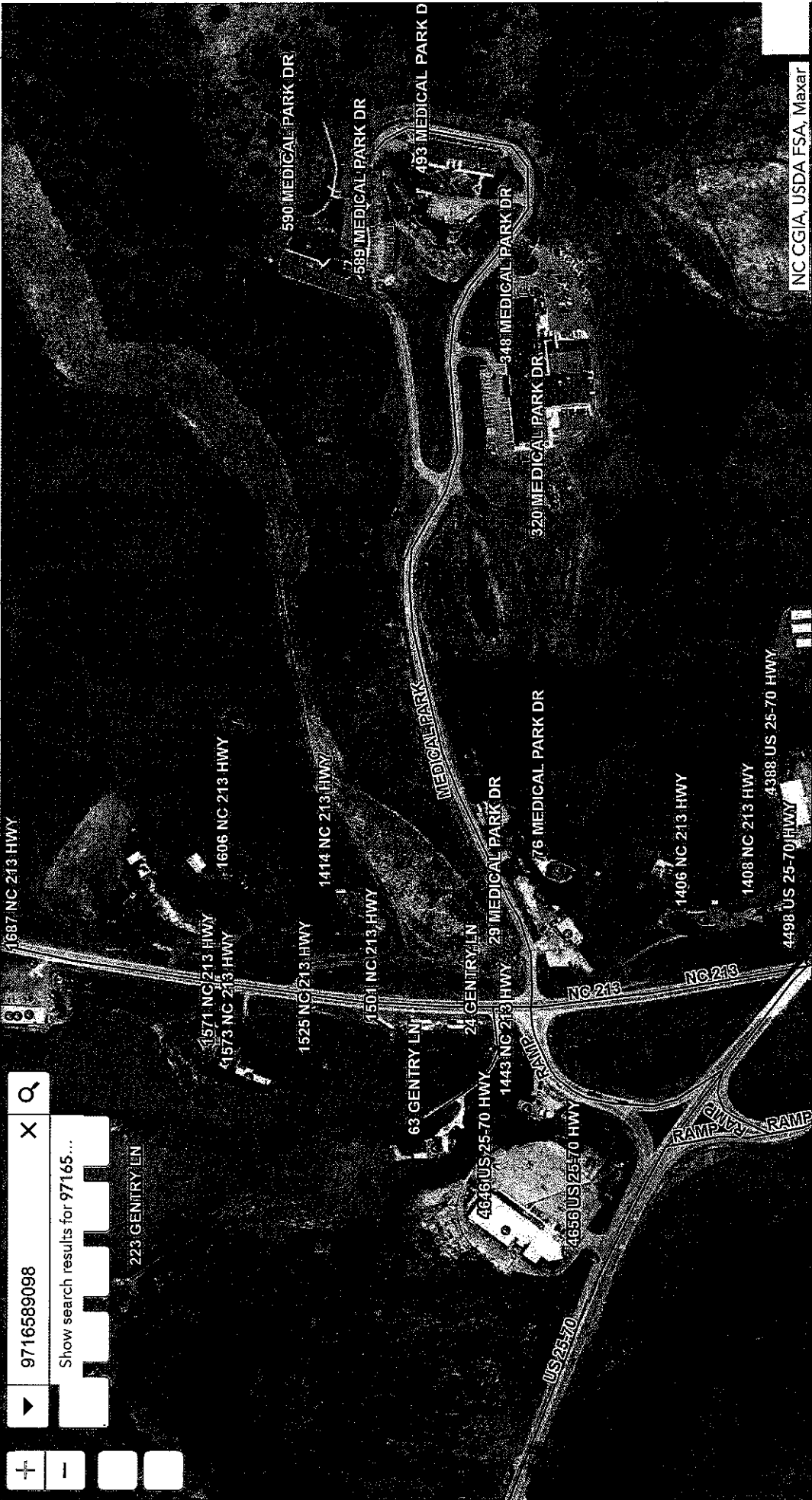
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**RESOLUTION OF MADISON COUNTY BOARD
OF COMMISSIONERS
ADOPTING A CONSISTENCY STATEMENT
FOR THE APPROVAL OF A REZONING
REQUEST/APPLICATION**

WHEREAS, the Madison County Board of Commissioners (hereinafter "Board") has considered an Application/Request to rezone a parcel of property so as to constitute a change in the Land Use Ordinance of Madison County (hereinafter "MCLUD"), said request being more particularly set forth on Exhibit "A" attached herein (hereinafter "map amendment"); and the Board finds that the map amendment is consistent with the comprehensive plan of Madison County; and further finds that the same is reasonable and the public interests are furthered; and

WHEREAS, the Board finds that the map amendment is consistent with the comprehensive plan by supporting Section 6.3.2 of the comprehensive plan which states "to modify zoning regulations and map to allow for a variety of businesses along the main transportation corridors in appropriate places"; and the site subject to this request is located in the Highway 213 corridor.

NOW, THEREFORE, BE IT RESOLVED by the Board, for the reasons set forth above, the map amendment is found to be consistent with the comprehensive plan of Madison County, and determined to be reasonable and in the public interest.

Adopted 11 December, 2020.



Chairman (Vice)
Madison County Board of Commissioners

EXHIBIT "A"

Request/Application to rezone ⁹⁷2.83 acres, more or less, parcel of property having Parcel Identification Number 9716-58-9098 and located near the intersection of Medical Park Drive and NC Highway 213 from RA (Residential Agricultural) to C (Commercial).

**ORDINANCE OF THE MADISON COUNTY BOARD
OF COMMISSIONERS AMENDING THE LAND
USE ORDINANCE OF MADISON COUNTY
(REZONING)**

WHEREAS, the Madison County Board of Commissioners has considered a request/application to rezone property as more particularly set forth in Exhibit "A" attached hereto, (hereinafter "map amendment"), and finds that the map amendment is consistent with the comprehensive plan of Madison County as described in the Consistency Statement Resolution; and

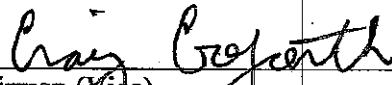
WHEREAS, the Board finds the map amendment is pursuant to the Land Use Ordinance of Madison County, (hereinafter "MCLUO") and would be suitable for the furtherance of the administration of the MCLUO; and

WHEREAS, the Board has considered the map amendment to the MCLUO and finds it reasonable, and that the public interest is furthered.

BE IT ORDAINED, by the Board as follows:

- 1) The map amendment to the MCLUO is approved. Except as amended herein, the terms and provisions of the MCLUO remain in full force and effect.
- 2) The amended MCLUO shall become effective upon its adoption and the zoning map shall be amended forthwith.

ADOPTED 11 December, 2020.



Chairman (Vice)
Madison County Board of Commissioners

EXHIBIT "A"

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Request/Application to rezone 2.83 acres, more or less, parcel of property having Parcel Identification Number 9716-58-9098 and located near the intersection of Medical Park Drive and NC Highway 213 from RA (Residential Agricultural) to C (Commercial).