

**11B. PUBLIC HEARING
REZONING REQUEST
JONATHAN AND TERESA GIBBS**

This public hearing is held pursuant to Section(s) 15.2-1427 and 15.2-2204 of the Code of Virginia, 1950, as amended to consider a request by Timothy W. Drewry, applicant, on behalf of Jonathan and Teresa Gibbs, owners, for a zoning map amendment from B-1, Local Business District, to CM-1, Conditional Limited Industrial District. The property is 1.39 +/- acres in size. It is located at 23555 Jerusalem Road (Rt. 58), Courtland, and is known as Tax Parcel 75-15G.

The notice of public hearing was published in the Tidewater News on August 10 and August 17, 2014 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny or defer action on the request.

MOTION REQUIRED:

If the Board is so inclined, a motion is required to approve the requested zoning change.

RZA 2014:03

Timothy W. Drewry, applicant
Jonathan and Teresa Gibbs, owners

Application Request: Zoning map amendment (Rezoning)

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation: Commercial

Current Zoning: B-1, Local Business district

Requested Zoning: CM-1, Conditional Limited Industrial District

Acreage: 1.39 acres +/-

Proposed Use: Continuation of commercial uses that include Southampton Towing & Recovery, as well the addition of various industrial uses, including vehicle storage, major vehicle and body repair

Tax Map No.: 75-15G

Location: 23555 Jerusalem Road (Rt. 58), outside of Courtland

Magisterial District: Jerusalem

Voting District: Jerusalem

Adjacent Zoning: North: B-1 and B-2, Commercial, along Jerusalem Road
South: B-1
East: A-2, Agricultural
West: Residences are R-1, Residential; manufactured home park is B-1

Adjacent Land Use North: Mix of office, commercial and light industrial uses including mini-warehousing and contractor's storage yards
South: Motel
East: Vacant
West: Residences, manufactured home park, across Jerusalem Road

LAND USE ANALYSIS

Overview

The property in question is located on Jerusalem Road and is the southern half of what was a larger tract that housed Belcher Industries until recently. Southampton Towing and Recovery moved from Southampton Parkway to this property in 2013, using the portion of the parcel that includes the building. The vacant part of the property, to the

north of the building, is part of a different tract after a subdivision of the property was approved in October 2013.

The building is now used for retail sales and the office for Southampton Towing and Recovery, as well as minor vehicle repairs. The property owners seek a Comprehensive Plan amendment and zoning map amendment to permit them to store inoperable vehicles on the site under the requirements outlined in the Zoning Ordinance, as well as to perform major vehicle repairs and body work.

The application provides the following description of the request:

“The Owner’s property is currently zoned B-1. The Owners currently operate Southampton Towing and Recovery as a retail business on the premises but would like to expand services on the premises to include major repairs, tire repair/installation, body/fender repair to vehicles and for the storage of vehicle parts and inoperable vehicles as would be allowed on property zoned M-1. The Owner’s company has been serving the Southampton community since 2005 and have been providing towing services to the County, Sheriff’s Department, Va State police, etc. Rezoning the subject property to M-1 would allow them to fully and better serve the community and the County and afford them full use of their property.”

The current B-1 zoning permits minor vehicle repairs and maintenance activities, but does not permit the storage of inoperable vehicles, body repair, and major vehicle repairs.

The application also deletes from the list of permitted uses in the M-1 district the following uses:

- Aircraft and aircraft parts
- Airports and landing fields, heliports, and accessory uses
- Building materials storage and sales
- Carpet, rugs, mats, bedding, mattresses, pillows, etc.
- Circus or carnival grounds
- Cleaning and dyeing of garments
- Coal and wood yards, coke storage and sales
- Cosmetics and toiletries, perfumes, soaps, drugs and pharmaceutical products
- Dog kennels
- Exposition center or fairgrounds
- Facilities for rendering public utility service
- Firewood operation
- Food products
- Insecticides, fungicides, related industrial chemical elements
- Lumber yard, planing, millwork
- Motion picture studio
- Race track or course
- Radio or television tower
- Railroad switching yard
- Rifle or pistol range

- Rubber and synthetic treating of fabrics
- Sand and gravel processing
- Sawmill
- Spacecraft or spacecraft parts
- Sports arena or stadium
- Truck stop or truck terminal, freight **(added by applicant at Planning Commission meeting, May 8, 2014)**

The following proffers are also offered by the applicant:

1. The Owners will comply with all federal, state and local laws, ordinances and regulations concerning the operation of their company, Southampton Towing and Recovery, on the subject property as an automotive service center with services to include light and heavy duty towing services; light and heavy accident recovery service; and vehicle repair services.
2. The Owners will install an opaque fence or barrier to shield from public view the storage of inoperable vehicles and vehicle parts on the property. Installation of the fence/barrier on the westerly side of the retail building running parallel to Jerusalem Road will be completed within 90 days of the date of the approval by the County of the Owner's rezoning application. Installation of the fence/barrier running perpendicular to Jerusalem Road on the west-northwest side of the property will be completed within 180 days of the date of the approval by the County of the owner's rezoning application.

Following are the development standards for industrial uses in the requested M-1 zoning district:

"Sec. 18-289. Development standards for M-1 industrial districts.

(a) Compatibility with nearby properties. Any development within the district shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, and to this end may employ such design techniques as may be appropriate to a particular case, including location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and servicing.

(1) All uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at residential district boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire or explosion.

(2) Where the side lot line of a business, commercial or industrial use abuts a residential district, a continuous opaque fence, wall, hedge or planting screen of approved design not less than six (6) feet in height shall be provided and maintained along such lot line, but not within fifteen (15) feet of any street line.

(b) Paved area. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck

will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard all-weather surface material meeting applicable county specifications. Pavement is not required in storage areas for equipment, machinery, or products. This provision shall not apply to race tracks with a design capacity of less than ten thousand (10,000) seats.

(c) Landscaping. Any part of the front yard not used for parking or accessways, shall be landscaped with appropriate planting or, with pedestrian walks, in accord with an approved landscaping plan. In addition the landscape plan shall indicate particular emphasis on maintaining natural vegetation or designed landscaping along surface streams which are to remain and along any lot line which abuts a residential district.

(d) Fencing. All fencing and screening shall have a uniform and durable character and shall be properly maintained.

(e) Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls or landscaping planting.

(f) Drainage. Provision shall be made for proper storm water drainage. Water from parking and loading sheds shall not be permitted to drain onto or across public sidewalks, or onto adjacent property except into a natural watercourse or a drainage easement.

(Ord. of 6-18-90, § 19-10.9; Ord. of 5-28-91, § 19-10.9(b))”

Site Topography and Characteristics

The property is cleared and much of it is paved as it was used by Belcher Industries in the recent past. The property is relatively flat. There is a ditch in VDOT's right-of-way along Jerusalem Road, and a ditch on the abutting property to the south.

Transportation

The property is accessed from Jerusalem Road, a four lane median divided roadway. There is a median break that permits access to this property, at the intersection of Jerusalem Road and Old Bridge Road.

As was outlined in the Comprehensive Plan amendment staff report, there will be no traffic study required by VDOT, but driveway improvements will be required at the site plan stage. No traffic study is required because the requested change will not increase the vehicle trips per day to the site by 5,000, the threshold at which a traffic study is required.

Environmental

Since the site has been cleared and developed in the past, no soils report is appropriate. Any additional land disturbing that would be required should the request be approved would be bound by the county's erosion and sediment control and stormwater ordinances. Any additional pollution control measures required by the

Commonwealth of Virginia regarding vehicle repair and storage will be undertaken at the site plan stage as well.

Utilities

The property is served by existing overhead power lines and existing private water and wastewater facilities. The planned use of the property will not likely require changes to any of these existing utilities.

Community Comments

None received.

CONCLUSION

Strengths of application:

- If the requested Comprehensive Plan amendment is approved, the zoning map amendment would be in compliance with the Industrial Plan designation.
- The proposed use is little different from the previous use of the property, nor little different from other uses along Jerusalem Road today.
- The existing business includes a number of towing vehicles and other large vehicles, but no screening is required under the current B-1 designation. The proposed change to CM-1 would require screening. The screening as proposed by the applicant will improve the appearance of the property.
- The growth of a local business is positive for the local economy, and Southampton Towing and Recovery works closely and well with local law enforcement.

Weaknesses of application:

- There are some existing single family residences across Jerusalem Road from this property, but the proposed screening will reduce the visual impacts of this business on those residences.

PLANNING COMMISSION ACTION

At their May 8, 2014 meeting, the Planning Commission held a public hearing. The Planning Commission unanimously recommended approval of the request as amended by the applicant at the meeting deleting truck stop or truck terminal as a permitted use:

Chairman Drake states now we will precede to the rezoning request, RZA 2014:03. It is requested by Timothy Drewry, applicant, on behalf of Jonathan and Teresa Gibbs, owners for a zoning map amendment from B-1, Local business District, to CM-1, Conditional Limited Industrial District. The property is 1.39 +/- acres in size. It is located at 23555 Jerusalem Road (Route 58), Courtland, and is known as Tax Parcel 75-15G.

Mrs. Beth Lewis states I will try to remember, I gave Mr. Cross my cheat sheet. This is a request to change the zoning to Conditional M-1. The conditions are they would follow all of the federal, state, and local laws that apply to their business and regarding fencing, the development standards in that M-1 zoning district require fencing. So their proffers offer they would install the fence that would run parallel to Jerusalem Road within 90 days of an approval and put up the opaque fence that is required perpendicular to Jerusalem Road, the one that goes from the front to the back in the next 90 days after the approval. Within six months of the approval all of the opaque fencing that is required would be up. They offer a list of things they do not plan to do on this property. With 1.39 acres, building space crafts and airplanes probably not to likely. They also took out some things that are kind of hazardous towards the neighborhoods, coal yards, dog kennels, insecticides, and related industrial chemical elements. Motion picture studio, rifle or pistol range, sand and gravel processing, saw mills, those types of things that are kind of noisy and may have dust. The development standards require that all uses shall be conducted so that it is not to produce hazardous or objectionable or offensive conditions at residential district boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, waste, fire or explosions. Service drives or other areas shall be provided for off-street parking and loading that are paved so there is not a lot of dust kicked up by the vehicles that are going in and out of there. The fencing and screening shall have a uniform and durable character and shall be properly maintained. All refuse containers and refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls or landscaping. They have to make provisions for proper storm water drainage but since most of the property is graded now unless they do more land disturbing the storm water regulations don't really kick in. The property's access is from Jerusalem Road, there is a break in the access there where Jerusalem Road intersects with Old Bridge Road so people can get in and out from both directions.

Chairman Drake states I will open the floor for the public hearing. If there is any other questions on the rezoning request. I don't know if we covered everything in the early information or not.

Mr. Timothy Drewry states I just want to reiterate and again the things that she had in here, aircraft, aircraft parts, and things such as facilities for rendering public utilities services we are not going to do and so that is why we wanted to make sure we marked those things off the list.

Commissioner Edwards states can I ask you about one more at the bottom a little bit, number 61, truck stop or truck terminal; that certainly wouldn't be hidden by a six foot fence. Is there any reason you couldn't mark that out? Mr. Timothy Drewry asked Mr. Jonathan Gibbs would he be using it for a truck stop. Mr. Jonathan Gibbs replied no. Commissioner Edwards states can you write something in there to mark that one too. Mr. Timothy Drewry states I would agree to amend that.

Chairman Drake states any other questions for Mr. Drewry. Commissioner Edwards states when you rezone something you rezone it for the worst thing on there and that was the worst thing I saw. If he is going to mark that off I really don't have any problem with it.

Chairman Drake states thank you Mr. Drewry. Would anyone else like to come forward? If not, I will close the hearing. The Board has held a discussion. Do you see anything else?

Commissioner Chesson states this is just clarification for me and Beth this may be a question for you, in your communication with VDOT and to restate what VDOT said, no traffic study required, but they were doing something, what were they planning to do? Mrs. Beth Lewis states I believe that they asked them to make some amendments to the driveway where there driveway intercepts with Jerusalem Road to make it more commercial standards. Commissioner Chesson states okay and is that something that the applicant would have to pay for and you used the terminology that VDOT would ask the applicant. There is a difference between asking and requiring I guess is what I am getting at. Mrs. Beth Lewis states yes and from what I understand from VDOT they can't require anyone to do anything, but what they do is ask the locality to require it of the property owner. So that is what the locality does. Commissioner Chesson states and the locality has that power? Mrs. Beth Lewis states yes. Now if you recall Mr. Kemp's restaurant between Capron and Drewryville, Mr. Kemp went around and around with VDOT and us in the middle of discussions for about 5 months about his driveway. But in the end, he put in a commercial driveway. Chairman Drake states now a commercial driveway that is just making the driveway wider more or less. Mrs. Beth Lewis states sometimes it is making it wider sometimes it is making it, lack of a better word, thicker to handle more and heavier vehicles. Commissioner Chesson states so there is nothing that we need to do as a Commission to help facilitate that requirement. Mrs. Beth Lewis states each time there is nonresidential development, VDOT has input into what sort of driveway access there needs to be and the locality works as the intermediary between VDOT and the property owner to get that done. Commissioner Chesson states okay.

Chairman Drake states does that answer your question. Any other discussion? Okay, are you ready to act?

Commissioner Edwards states I would like to make a motion that we advise the Board of Supervisors to act favorably to a zoning map amendment from B-1, Local Business District, to CM-1, Conditional Limited Industrial District with the conditions we have outlined tonight. Commissioner Parker seconded which carried unanimously.

Chairman Drake states Mr. Drewry and Mr. Gibbs thank you all for being here tonight and we wish you well and this motion will be forwarded to the Board of Supervisors being favorable from this Commission and I encourage you to attend that meeting as well. Again, thank you for coming tonight. Mr. Timothy Drewry states thank you for your consideration. Mrs. Beth Lewis states that will be heard at the June Board of Supervisors meeting; the fourth Monday in June. Commissioner Edwards verified fourth Monday in June. Mr. Timothy Drewry states thank you, was that map given to you? Chairman Drake states I am sorry... Mrs. Beth Lewis states that was in their packets. Chairman Drake states yes the map. We have the map, thank you. Mr. Timothy Drewry states okay good.

SUPPORT INFORMATION AND ATTACHMENTS

- 1) Staff report
- 2) Application
- 3) Notification of adjacent landowners
- 4) Site map
- 5) M-1 zoning requirements

The Law Office of Timothy W. Drewry, PLC

22239 Main Street
PO Box 247
Courtland, VA 23837
drewrylaw@verizon.net

Office: 757-653-9999
Toll Free: 888-99LAW4U
888-995-2948
Fax: 757-653-9993

April 3, 2014

Ms. Beth Lewis, AICP
Dept. of Community Development
Southampton County
207 West Second Ave.
Franklin, VA 23851

Re: Application for Rezoning for Jonathan & Teresa Gibbs
Portion of Tax Map #75-15D
23555 Jerusalem Rd.
Courtland, VA 23837

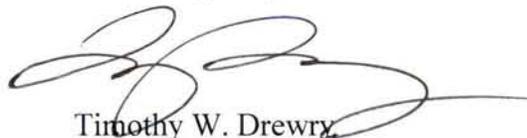
Dear Beth:

Please find enclosed herewith the completed application for rezoning for my clients, Jonathan and Teresa Gibbs. Please also find enclosed herewith check #5197 from the Gibbs in the amount of \$1,000.00 for the rezoning application fee. They respectfully request that the County consider rezoning their property located at 23555 Jerusalem Rd., Courtland, Virginia 23837 from B-1 to M-1.

Please feel free to contact me if my clients or I can be of further assistance to you in considering the said application.

Thank you for your assistance in this matter.

Yours very truly,



Timothy W. Drewry

TWD/cfb
Enclosures



Southampton County
Post Office Box 400
Courtland, Virginia 23837
757-653-3015

APPLICATION FOR:

REZONING COMPREHENSIVE PLAN AMENDMENT CONDITIONAL USE PERMIT

CONTACT INFORMATION

Applicant or Representative Name: Jonathan & Teresa Gibbs by Timothy W. Drewry, Esq.

Address: PO Box 247, 22239 Main St., Courtland

City, State, Zip: Courtland VA 23837

Phone: Day 757-653-9999 Evening _____ Mobile _____

Owner Name: Jonathan D. Gibbs and Teresa A. Gibbs

Address: 23555 Jerusalem Rd.

City, State, Zip: Courtland VA 23837

Phone: Day 757-653-2729 Evening 757-653-2729 Mobile 757-650-8119

PROPERTY INFORMATION

Address or Location: 23555 Jerusalem Rd., Courtland VA 23837

Tax Parcel Number: 75-15D

Total Acreage of Parcel: 1.39 ac. +/-

Amount of above acreage to be considered: 1.39 ac. +/-

Current Use of property: Retail Business

Rezoning request from B-1 to M-1

Comprehensive Plan request from _____ to _____

Conditional Use request: Section _____ of the Southampton County Code

Give a brief description of the application request (attach additional sheets if necessary):

The Owner's property is currently zoned B-1. The Owners currently operate Southampton Towing and Recovery as a retail business on the premises but would like to expand services on the premises to include major repairs, tire repair/installation, body/fender repair to vehicles and for the storage of vehicle parts and inoperable vehicles as would be allowed on property zoned M-1. The Owner's company has been serving the Southampton community since 2005 and have been providing towing services to the County, Sheriff's Dept., Va State Police, etc. Rezoning the subject property to M-1 would allow them to fully and better serve the community and the County and afford them full use of their property.

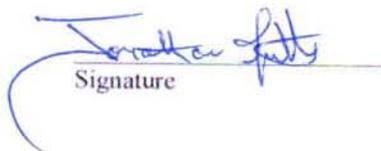
Required Items to be submitted with application:

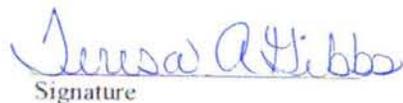
- _____ Application Form
- _____ Application Fee of \$1,000
- _____ Cover Letter
- _____ Site Plan / Exhibit
- _____ Proffer Statement (if applicable)
- _____ Other (To be determined by agent)

Note: If applicant is anyone other than the fee simple owner, written authorization of the fee simple owner designating the applicant as the authorized agent for all matters concerning this application shall be filed with the agent. A Special Limited Power of Attorney form is available upon request.

The undersigned Owner Applicant authorizes the entry of Southampton County personnel onto the property in order to perform their duties with regard to this request.

April 2, 2014
Date


Signature


Signature

OFFICE USE ONLY

Received By: _____

Date: _____

Post Sign By: _____

PC Agenda Date: _____

BOS Agenda Date: _____

PROFFERS FOR CONDITIONAL REZONING

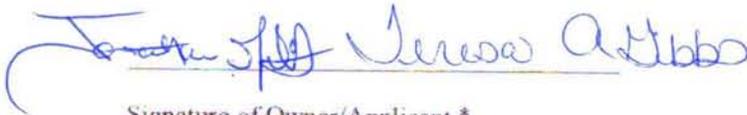
 X Original

 Amended

Pursuant to Section 18-546 (b) of the Southampton County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.

1. The Owners will comply with all federal, state and local laws, ordinances and regulations concerning the operation of their company, Southampton Towing and Recovery, on the subject property as an automotive service center with services to include light and heavy duty towing service; light and heavy duty accident recovery service; and vehicle repair services.
2. The Owners will install an opaque fence or barrier to shield from public view the storage of inoperable vehicles and vehicle parts on the property. Installation of the fence/ barrier on the westerly side of the retail building running parallel to Jerusalem Rd. will be completed within 90 days of the date of approval by the County of the Owners' rezoning application. Installation of the fence/barrier running perpendicular to Jerusalem Rd. on the west-north west side of the property will be completed within 180 days of the date of approval by the County of the Owners' rezoning application.


Signature of Owner/Applicant *

April 2, 2014

Date

* If applicant is someone other than the owner, a Special Limited Power of Attorney Form must be submitted with this application.

The Owners/Applicants do not intend to use the subject property for M-1 uses with an "X" on it below.

Jonathan Gibbs (Owner) Jessica A Gibbs (Owner)

Sec. 18-282. Permitted uses.

(a)

In industrial district M-1, any structure to be erected or land to be used shall be for one (1) or more of the following uses:

(1)

Retail and service establishments as follows in an M-1 district of thirty (30) acres or more, primarily for the use and convenience of employees in the district:

a.

Automobile service station.

b.

Banks and savings and loan offices.

c.

Business and office supply establishments.

d.

Central mail facility or branch post office.

e.

Clinics, medical or dental.

f.

Data processing center.

g.

Employment service or agency.

h.

Offices and office buildings, studios and the like, business, professional or administrative.

i.

Restaurant or cafeteria, drive-in or otherwise.

j.

Retail store for food, drugs, hardware, tools, wearing apparel and convenience goods with floor area limited to not more than five thousand (5,000) square feet.

k.

Security service office or station.

l.

Trade or business school.

(2)

Agriculture, general, and forestry as permitted in the A-2 agricultural district.

(3)

Agricultural or farm implements, manufacture, sale, storage or repair.

(4)



Aircraft and aircraft parts.

(5)



Airports and landing fields, heliports, and accessory uses, provided they shall comply with the requirements of the Federal Aviation Agency, with a conditional use permit.

(6)

Automobiles, tractors, trucks, buses, truck trailers, motorcycles and bicycles, repair and assembly, upholstering, rebuilding, body and fender work; transmission repair service, radiator repair and cleaning, tire retreading, recapping, rebuilding and vulcanizing. Damaged or inoperative vehicles may be stored outside for a maximum of thirty (30) days.

(7)

Blacksmith shop.

(8)

Boats, boating equipment and boat trailers.

(9)

Bolts, buttons, nuts, screws and rivets, ornamental iron products, firearms, tools, dies, machinery and hardware products, sheetmetal products and vitreous enameled metal products.

(10)

Boxes, barrels, containers, furniture, cabinets, baskets and wood, metal, fiber or plastic products of similar nature.

(11)



Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacturing or steel fabricating or junk storage.

(12)



Carpets, rugs, mats, bedding, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.

- (13) ~~X~~ Circus or carnival grounds, temporary for a specified time period, with a conditional use permit.
- (14) ~~X~~ Cleaning and dyeing of garments, hats, carpets and rugs.
- (15) ~~X~~ Coal and wood yards, coke storage and sales.
- (16) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- (17) ~~X~~ Cosmetics and toiletries, perfumes, soaps, drugs and pharmaceutical products (compounding only).
- (18) ~~X~~ Dog kennels, commercial or noncommercial.
- (19) Electrical appliances or electronic instruments and devices, medical and dental equipment, optical or drafting equipment, toys, novelties, games, stamps, musical instruments, watches and clocks manufacture or assembly.
- (20) Engine testing (internal combustion engines) but not jet engines or rockets.
- (21) ~~X~~ Exposition center or fairgrounds, with a conditional use permit.
- (22) Exterminating establishment.
- (23) ~~X~~ Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution and communication service, and underground pipelines or conduits for electrical, gas, sewer or water service, but not including buildings, treatment plants, water storage tanks, pumping or regulator stations, major transmission lines, storage yards and substations which are permitted with a conditional use permit.
- (24) ~~X~~ Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.
- (25) ~~X~~ Firewood operation, as defined.
- (26)

- ~~X~~ Food products, candy, chewing gum, cocoa, coffee, tea and spices, beverage blending or bottling, bakery products, dairy products, cheese and ice cream, oleomargarine, fruit and vegetable processing and canning, but not distilling of beverages or slaughtering of animals.
- (26.1) General advertising sign, limited in area to two hundred (200) square feet and to a height of twenty-five (25) feet, with a special exception.
- (27) Grain storage, blending and packaging, but not milling except custom milling of small orders.
- (28) Greenhouses, commercial, wholesale or retail.
- (29) Heating, cooling, ventilating, cooking and refrigeration supplies, equipment and appliances.
- (30) Ice manufacture, including dry ice.
- (31) Industrial vocational training school, including internal combustion engines and including heavy construction equipment, materials handling equipment or similar equipment.
- (32) Ink manufacturing (mixing only).
- (33) ~~X~~ Insecticides, fungicides, disinfectants, and related industrial and household chemical elements (blending only).
- (34) Janitorial service establishment.
- (35) Laboratories, research, experimental or testing, including combustion engine testing.
- (36) Leather goods manufacture, but not including tanning operations.
- (37) ~~X~~ Lumber yard, planing and millwork.
- (38) Machine shop.
- (39) Monumental stone works.

- (40) ~~X~~ Motion picture studio.
- (41) Nursery for growing plants, trees and shrubs.
- (42) Paper and paperboard (from paper machine only), but not pulpmills.
- (43) Plating, electrolytic process, in a completely enclosed building.
- (44) Plumbing supplies, manufacture, sale or storage.
- (45) Pottery and figurines or similar ceramic products and kilns (fired by electricity or gas only).
- (46) Printing, publishing and engraving establishment, photographic processing, blueprinting, photocopying and similar uses.
- (47) Public or governmental buildings and uses, including schools, fire and rescue stations (volunteer or otherwise), parks, parkways, playgrounds and public boat landings, with a conditional use permit.
- (48) Pulp goods, pressed or molded (including paper mache products), paper products, but not manufacture of paper.
- (49) ~~X~~ Race track or course, any type, including horses, stock cars or drag strip, with a conditional use permit.
- (50) ~~X~~ Radio or television tower more than one hundred fifty (150) feet in height, with a conditional use permit.
- (51) ~~X~~ Railroad switching yard, primarily for railroad service in district, team tracks and spur tracks.
- (52) ~~X~~ Rifle or pistol range, with a conditional use permit.
- (53) ~~X~~ Rubber and synthetic treating of fabrics (excluding all rubber and synthetic processing).
- (54) ~~X~~ Sand and gravel processing but not extraction.

- (55) ~~X~~ Sawmill (including cooperage stock mill) stationery and planing mill.
- (56) Sign painting and fabricating.
- (57) ~~X~~ Spacecraft or spacecraft parts.
- (58) ~~X~~ Sports arena or stadium, commercial athletic field or baseball park, with a conditional use permit.
- (59) Structural iron and steel fabrication.
- (60) Tobacco products.
- (61) Truck stop or truck terminal, freight.
- (62) Warehouses, wholesale houses and distributors, wholesale market.
- (63) Water well drilling establishment.
- (64) Welding, bracing, or soldering shops.
- (65) Wireless communication facilities per section 18-427 of this chapter.

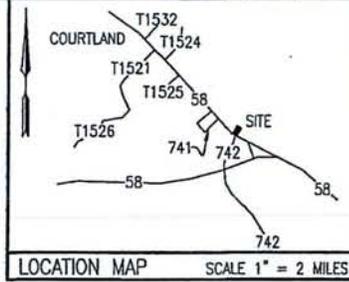


THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE "X" ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 510315 0285 C, DATED SEPTEMBER 4, 2002.

THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT, AND AS SUCH, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

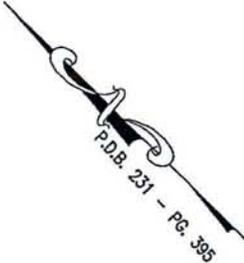
AREA TABLE

ORIGINAL AREA T.P. 75-15D = 2.79 ACRES
LESS PARCEL A = 1.39 ACRES
RESIDUAL AREA T.P. 75-15D = 1.40 ACRES

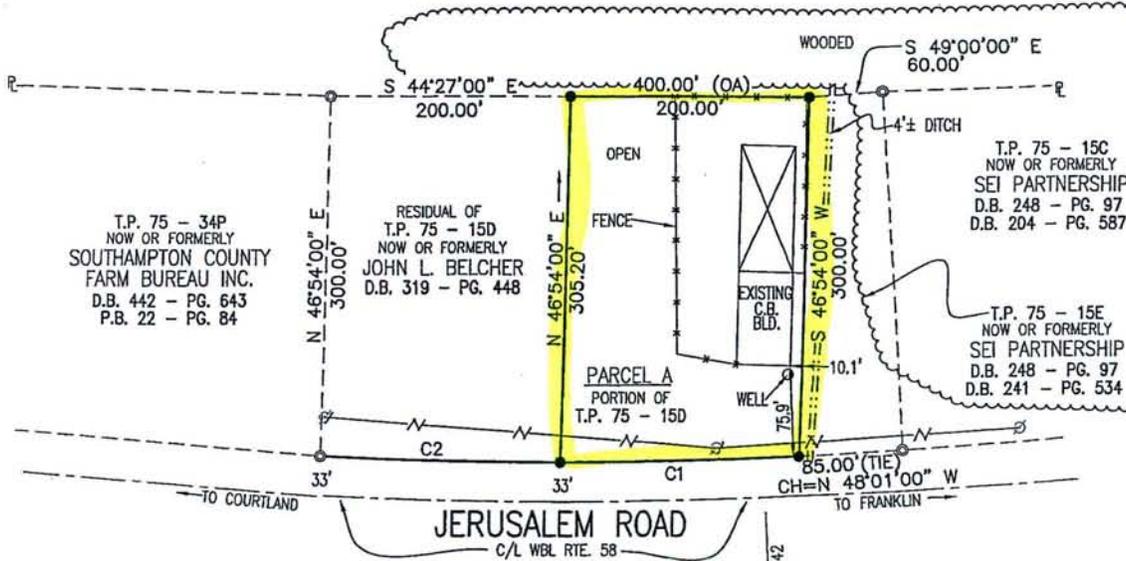


LEGEND:

- COMPUTED POINT
- IRON ROD SET
- ⊙ IRON PIPE FOUND
- ℙ PROPERTY LINE
- ⊕ POWER POLE
- C.B. CINDER BLOCK



T.P. 76 - 15C
NOW OR FORMERLY
DONALD L. SIMMONS &
DAVID C. SIMMONS
D.B. 424 - PG. 304

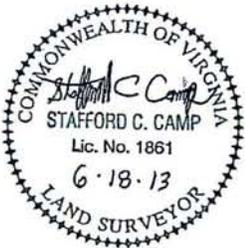


T.P. 75 - 34P
NOW OR FORMERLY
SOUTHAMPTON COUNTY
FARM BUREAU INC.
D.B. 442 - PG. 643
P.B. 22 - PG. 84

RESIDUAL OF
T.P. 75 - 15D
NOW OR FORMERLY
JOHN L. BELCHER
D.B. 319 - PG. 448

T.P. 75 - 15C
NOW OR FORMERLY
SEI PARTNERSHIP
D.B. 248 - PG. 97
D.B. 204 - PG. 587

T.P. 75 - 15E
NOW OR FORMERLY
SEI PARTNERSHIP
D.B. 248 - PG. 97
D.B. 241 - PG. 534

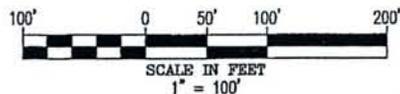


13-65
Instrument #
Recorded in the Clerk's Office of
Southampton County on
11-25-13 at
Richard L. Francis, Clerk
By: *[Signature]* DC

[Signature]
DATE
10/31/2013
SOUTHAMPTON COUNTY BOARD OF SUPERVISORS

C1
Δ=02°58'44"
R=3851.04'
L=200.21'
C LEN=200.19'
BRG=N 45°56'15" W

C2
Δ=02°58'30"
R=3851.04'
L=199.97'
C LEN=199.95'
BRG=N 42°57'38" W



PLAT SHOWING SUBDIVISION OF
TAX PARCEL 75 - 15D
SHOWN HEREON AS PARCEL A
FOR

JOHN L. BELCHER
LOCATED AT 23555 JERUSALEM ROAD
JERUSALEM MAGISTERIAL DISTRICT
SOUTHAMPTON COUNTY, VIRGINIA
SCALE : 1" = 100' JUNE 18, 2013

PORTION OF
T.P. 75 - 15D
REFERENCE
FOR SURVEY
D.B. 319 - PG. 448
P.D.B. 231 - PG. 395

S.V. CAMP, III & ASSOCIATES, INC.
22730 MAIN ST. COURTLAND, VIRGINIA
PHONE: (757)653-9278
FAX: (757)653-9600
SINCE 1958 CASCAMP@SVCAMPINC.COM

ACC. #	OWN BY:	FIELD BOOK NO.:	SHEET:
		351-30	1 OF 1
RT4 SUB BELCHER-ENTERPRISES-SOCO			

Jonathan and Teresa Gibbs
23555 Jerusalem Road
Courtland, VA 23837

Timothy Drewry
P.O. Box 247
Courtland, VA 23837

SEI Partnership
Rawling & Co.
P.O. Box 37
Courtland, VA 23737

John Belcher
23196 Homestead Lane
Franklin, VA 23851

Donald and David Simmons
c/o Simmons Brothers
20489 River Road
Courtland, VA 23837

Bobby and Ilona Burris
6345 Godwin Boulevard
Suffolk, VA 23432

Chris and Beverly Wallace
23444 Old Bridge Road
Courtland, VA 23837

Heather Harmon
23542 Jerusalem Road
Courtland, VA 23837

Carl and Brenda Harrell
23530 Jerusalem Road
Courtland, VA 23837

Southampton County, Virginia, Code of Ordinances >> - CODE >> Chapter 18 - ZONING >> ARTICLE XI.
INDUSTRIAL DISTRICT, LIMITED, M-1 >>

ARTICLE XI. INDUSTRIAL DISTRICT, LIMITED, M-1 ^[6]

Sec. 18-281. Purpose of the district.

Sec. 18-282. Permitted uses.

Sec. 18-283. Permitted accessory uses.

Sec. 18-284. Permitted signs.

Sec. 18-285. Area regulations.

Sec. 18-286. Yard and setback regulations.

Sec. 18-287. Height restrictions.

Sec. 18-288. Lot coverage regulations.

Sec. 18-289. Development standards for M-1 industrial districts.

Sec. 18-290. Off-street parking and loading standards.

Secs. 18-291—18-310. Reserved.

Sec. 18-281. Purpose of the district.

The purpose of the limited industrial district, M-1, is to provide for a wide variety of manufacturing, fabricating, processing, wholesale and freight distributing and warehousing and farm service uses appropriately located for access by transportation facilities and utilities as necessary. Certain service uses and open storage of materials are also permitted, but in general retail sales and commercial uses are not permitted.

(Ord. of 6-18-90, § 19-10.1)

Sec. 18-282. Permitted uses.

- (a) In industrial district M-1, any structure to be erected or land to be used shall be for one (1) or more of the following uses:
- (1) Retail and service establishments as follows in an M-1 district of thirty (30) acres or more, primarily for the use and convenience of employees in the district:
 - a. Automobile service station.
 - b. Banks and savings and loan offices.
 - c. Business and office supply establishments.
 - d. Central mail facility or branch post office.
 - e. Clinics, medical or dental.
 - f. Data processing center.
 - g. Employment service or agency.
 - h. Offices and office buildings, studios and the like, business, professional or administrative.
 - i. Restaurant or cafeteria, drive-in or otherwise.
 - j. Retail store for food, drugs, hardware, tools, wearing apparel and convenience goods with floor area limited to not more than five thousand (5,000) square feet.
 - k.

- Security service office or station.
- I. Trade or business school.
- (2) Agriculture, general, and forestry as permitted in the A-2 agricultural district.
 - (3) Agricultural or farm implements, manufacture, sale, storage or repair.
 - (4) Aircraft and aircraft parts.
 - (5) Airports and landing fields, heliports, and accessory uses, provided they shall comply with the requirements of the Federal Aviation Agency, with a conditional use permit.
 - (6) Automobiles, tractors, trucks, buses, truck trailers, motorcycles and bicycles, repair and assembly, upholstery, rebuilding, body and fender work; transmission repair service, radiator repair and cleaning, tire retreading, recapping, rebuilding and vulcanizing. Damaged or inoperative vehicles may be stored outside for a maximum of thirty (30) days.
 - (7) Blacksmith shop.
 - (8) Boats, boating equipment and boat trailers.
 - (9) Bolts, buttons, nuts, screws and rivets, ornamental iron products, firearms, tools, dies, machinery and hardware products, sheetmetal products and vitreous enameled metal products.
 - (10) Boxes, barrels, containers, furniture, cabinets, baskets and wood, metal, fiber or plastic products of similar nature.
 - (11) Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacturing or steel fabricating or junk storage.
 - (12) Carpets, rugs, mats, bedding, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.
 - (13) Circus or carnival grounds, temporary for a specified time period, with a conditional use permit.
 - (14) Cleaning and dyeing of garments, hats, carpets and rugs.
 - (15) Coal and wood yards, coke storage and sales.
 - (16) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
 - (17) Cosmetics and toiletries, perfumes, soaps, drugs and pharmaceutical products (compounding only).
 - (18) Dog kennels, commercial or noncommercial.
 - (19) Electrical appliances or electronic instruments and devices, medical and dental equipment, optical or drafting equipment, toys, novelties, games, stamps, musical instruments, watches and clocks manufacture or assembly.
 - (20) Engine testing (internal combustion engines) but not jet engines or rockets.
 - (21) Exposition center or fairgrounds, with a conditional use permit.
 - (22) Exterminating establishment.
 - (23) Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution and communication service, and underground pipelines or conduits for electrical, gas, sewer or water service, but not including buildings, treatment plants, water storage tanks, pumping or regulator stations, major transmission lines, storage yards and substations which are permitted with a conditional use permit.
 - (24)

- Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.
- (25) Firewood operation, as defined.
 - (26) Food products, candy, chewing gum, cocoa, coffee, tea and spices, beverage blending or bottling, bakery products, dairy products, cheese and ice cream, oleomargarine, fruit and vegetable processing and canning, but not distilling of beverages or slaughtering of animals.
 - (26.1) General advertising sign, limited in area to two hundred (200) square feet and to a height of twenty-five (25) feet, with a special exception.
 - (27) Grain storage, blending and packaging, but not milling except custom milling of small orders.
 - (28) Greenhouses, commercial, wholesale or retail.
 - (29) Heating, cooling, ventilating, cooking and refrigeration supplies, equipment and appliances.
 - (30) Ice manufacture, including dry ice.
 - (31) Industrial vocational training school, including internal combustion engines and including heavy construction equipment, materials handling equipment or similar equipment.
 - (32) Ink manufacturing (mixing only).
 - (33) Insecticides, fungicides, disinfectants, and related industrial and household chemical elements (blending only).
 - (34) Janitorial service establishment.
 - (35) Laboratories, research, experimental or testing, including combustion engine testing.
 - (36) Leather goods manufacture, but not including tanning operations.
 - (37) Lumber yard, planing and millwork.
 - (38) Machine shop.
 - (39) Monumental stone works.
 - (40) Motion picture studio.
 - (41) Nursery for growing plants, trees and shrubs.
 - (42) Paper and paperboard (from paper machine only), but not pulpmills.
 - (43) Plating, electrolytic process, in a completely enclosed building.
 - (44) Plumbing supplies, manufacture, sale or storage.
 - (45) Pottery and figurines or similar ceramic products and kilns (fired by electricity or gas only).
 - (46) Printing, publishing and engraving establishment, photographic processing, blueprinting, photocopying and similar uses.
 - (47) Public or governmental buildings and uses, including schools, fire and rescue stations (volunteer or otherwise), parks, parkways, playgrounds and public boat landings, with a conditional use permit.
 - (48) Pulp goods, pressed or molded (including paper mache products), paper products, but not manufacture of paper.
 - (49) Race track or course, any type, including horses, stock cars or drag strip, with a conditional use permit.
 - (50) Radio or television tower more than one hundred fifty (150) feet in height, with a conditional use permit.

- (51) Railroad switching yard, primarily for railroad service in district, team tracks and spur tracks.
 - (52) Rifle or pistol range, with a conditional use permit.
 - (53) Rubber and synthetic treating of fabrics (excluding all rubber and synthetic processing).
 - (54) Sand and gravel processing but not extraction.
 - (55) Sawmill (including cooperage stock mill) stationery and planing mill.
 - (56) Sign painting and fabricating.
 - (57) Spacecraft or spacecraft parts.
 - (58) Sports arena or stadium, commercial athletic field or baseball park, with a conditional use permit.
 - (59) Structural iron and steel fabrication.
 - (60) Tobacco products.
 - (61) Truck stop or truck terminal, freight.
 - (62) Warehouses, wholesale houses and distributors, wholesale market.
 - (63) Water well drilling establishment.
 - (64) Welding, bracing, or soldering shops.
 - (65) Wireless communication facilities per section 18-427 of this chapter.
- (b) The administrator may permit other manufacturing uses similar to those listed above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat, glare or electrical impulse than that which is generally associated with light industries of the types specifically permitted.
- (c) In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use.

(Ord. of 6-18-90, § 19-10.2; Ord. of 9-23-02(2); Ord. of 11-24-03(2))

Sec. 18-283. Permitted accessory uses.

Accessory uses permitted in the M-1 district include, but are not limited to the following:

- (1) Dwellings for resident watchmen and caretakers employed on the premises.
- (2) Security service office or station.
- (3) Signs as regulated in section 18-284 hereunder.
- (4) Storage of supplies, merchandise, equipment or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.

(Ord. of 6-18-90, § 19-10.3)

Sec. 18-284. Permitted signs.

Signs permitted in this district are subject to the general sign regulations of article XV, consisting of accessory illuminated or nonilluminated signs as follows:

- (1) Flat signs, no limit on number or area.

- (2) Projecting signs, if there are no marquee or detached signs, one (1) for each business on the premises, with sign area limited to sixty (60) square feet.
- (3) Detached signs, if there are no projecting signs, limited in area to one hundred fifty (150) square feet and limited in height to thirty-five (35) feet, one (1) for each business or industry on the premises. A group of three (3) or more contiguous business or industrial uses may combine permitted detached sign area to provide a single detached sign advertising the group if there are no other detached signs and if the combined sign area does not exceed two hundred fifty (250) square feet. Detached signs greater in area or height require a conditional use permit.
- (4) Marquee signs, if there are no projecting signs, two (2) for each business on the premises, with sign area for each sign limited to ten (10) square feet.
- (5) Directional signs limited in area to eight (8) square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.
- (6) Signs at appropriate locations, on or off the premises, for direction of the traveling public, truck deliveries and employees to an activity or event, a church, school, historic place, subdivision or community, a construction site or excavation, airport or other center of employment or visitor center or recreation facility in an isolated area of the county, limited in area to fifty (50) square feet and subject to approval of location, design and wording by the administrator.

(Ord. of 6-18-90, § 19-10.4; Ord. of 6-22-98(2); Ord. of 12-19-05(2))

Sec. 18-285. Area regulations. 

There are no minimum lot size standards for other uses in the M-1 limited industrial district.

(Ord. of 6-18-90, § 19-10.5)

Sec. 18-286. Yard and setback regulations. 

All structures:

		<i>Minimum in Feet</i>		
		Front Yard	Side Yard	Rear Yard
(1)	On a U.S. or state primary highway	75	50	35
(2)	On a secondary highway or other street or road	50	50	35
		Side yards are required only if adjacent to a residential district		

(Ord. of 6-18-90, § 19-10.6)

Sec. 18-287. Height restrictions. 

Buildings in an M-1 district may be erected up to fifty (50) feet in height from grade; except that:

- (1) Belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials less than one hundred fifty (150) feet in height are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- (2) Landscaping of corner lots shall be limited to plantings, fences or other landscaping features of no more than three (3) feet in height within the space between the setback line and the property line on the street side of the lot.
- (3) The board of zoning appeals may grant a special exception to height restrictions under article XVII.

(Ord. of 6-18-90, § 19-10.7; Ord. of 12-19-05(2))

Sec. 18-288. Lot coverage regulations.

Buildings or groups of buildings and their accessory buildings in an M-1 district may cover not more than seventy-five (75) percent of the area of the lot.

(Ord. of 6-18-90, § 19-10.8)

Sec. 18-289. Development standards for M-1 industrial districts.

- (a) *Compatibility with nearby properties.* Any development within the district shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, and to this end may employ such design techniques as may be appropriate to a particular case, including location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and servicing.
 - (1) All uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at residential district boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire or explosion.
 - (2) Where the side lot line of a business, commercial or industrial use abuts a residential district, a continuous opaque fence, wall, hedge or planting screen of approved design not less than six (6) feet in height shall be provided and maintained along such lot line, but not within fifteen (15) feet of any street line.
- (b) *Paved area.* Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard all-weather surface material meeting applicable county specifications. Pavement is not required in storage areas for equipment, machinery, or products. This provision shall not apply to race tracks with a design capacity of less than ten thousand (10,000) seats.
- (c) *Landscaping.* Any part of the front yard not used for parking or accessways, shall be landscaped with appropriate planting or, with pedestrian walks, in accord with an approved landscaping plan. In addition the landscape plan shall indicate particular emphasis on maintaining natural vegetation or designed landscaping along surface streams which are to remain and along any lot line which abuts a residential district.
- (d) *Fencing.* All fencing and screening shall have a uniform and durable character and shall be properly maintained.
- (e)

Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls or landscaping planting.

- (f) *Drainage.* Provision shall be made for proper storm water drainage. Water from parking and loading sheds shall not be permitted to drain onto or across public sidewalks, or onto adjacent property except into a natural watercourse or a drainage easement.

(Ord. of 6-18-90, § 19-10.9; Ord. of 5-28-91, § 19-10.9(b))

Sec. 18-290. Off-street parking and loading standards.

Off-street parking and loading design standards and space requirements for particular uses are contained in article XV.

(Ord. of 6-18-90, § 19-10.10; Ord. of 12-19-05(2))

Secs. 18-291—18-310. Reserved.

FOOTNOTE(S):

-- (6) --

Editor's note— An ordinance adopted Dec. 19, 2005, effective March 1, 2006, renumbered ch. 18, art. X as ch. 18, art. XI. ([Back](#))