

7. PUBLIC HEARINGS

Attached for your reference please find information related to three (3) scheduled public hearings.

**B. REZONING REQUEST
DAMIAN P. DWYER**

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by Damian P. Dwyer, applicant, for Ronald L. Parsons, owner, for a Zoning Map Amendment from A-1, Agricultural to CM-2, Conditional General Industrial district. The parcel is approximately 20.86 acre in size and is known as Tax Parcel 6-20C. The parcel is located on the south side of General Mahone Boulevard (US 460) approximately 1,400 feet northwest of its intersection with Drews Avenue (Rt. 751).

The notice of this public hearing was published in the Tidewater News on October 7 and October 14, 2012 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on October 11, 2012, the Southampton County Planning Commission voted unanimously to recommend approval of the request, subject to the proffered conditions.

After conclusion of tonight's public hearing, the Board of Supervisors will consider the comments offered and may act upon the matter or defer action until such time as it deems appropriate.

Mrs. Beth Lewis, our Director of Community Development and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views.

MOTION REQUIRED:

If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and approve the conditional rezoning.

RZA 2012:06

Damian Dwyer, applicant, for Ronald L. Parsons, owner

Application Request: Zoning Map Amendment (rezoning)

IDENTIFICATION AND LOCATION INFORMATION

Comprehensive
Plan designation: Industrial in the Ivor Planning Area

Zoning designation: A-1, Agricultural

Acreage: Approximately 20.86 acres

Current Use: Agriculture

Tax Map No.: TP 6-20C

Location: South side of General Mahone Boulevard (US 460) approximately 1,400' northwest of its intersection with Drews Road (Rt. 751)

Magisterial District: Berlin-Ivor

Voting District: Berlin-Ivor

Adjacent Zoning: North: A-1, Agricultural
South: A-1
East: A-1
West: A-1

Adjacent Land Use: North: Agriculture, single family residences
South: Railroad, agriculture
East: Agriculture
West: Agriculture

PROJECT ANALYSIS

Overview

This is part one of a two part submittal. The applicant seeks a Zoning Map Amendment and a subsequent Conditional Use Permit to operate an asphalt plant as described in Municipal Code Sec. 18-313(3), "asphalt or asphalt products, or central mixing or batching". This is the Zoning Map Amendment portion of the request.

The application provides as a description "To develop and maintain the property as an industrial facility capable of manufacturing materials that support infrastructure developments (i.e. roads, bridges, buildings) and maintenance of same. Accordingly, we intend to receive and distribute commercial aggregates, manufacture asphalt paving materials, and manufacture concrete ready mix for commercial sale". Such a use is permitted through a Conditional Use Permit in the M-2 General Industrial District.

Therefore, the first step in the process is this Zoning Map Amendment request to amend the zoning designation of the property from A-1, Agricultural to CM-2, Conditional General Industrial.

The property is bordered on the north by US 460, General Mahone Boulevard. In this section of US 460, agricultural uses are the norm, although this parcel and all of the surrounding property has a Land Use designation of Industrial except a small area that has a Commercial designation just to the southeast of the property. None of the surrounding area has a Land Use Plan designation that includes agriculture, forestry, or any type of residential use as the predominant component. This tract is part of the 1,547 acres in the Ivor Planning Area noted for industrial use in the Land Use Plan, so industrial uses are encouraged here. In fact, the Ivor Planning Area is second only to the Courtland Planning Area in acreage devoted to the Industrial designation, with the Courtland Planning Area containing 2,415 acres designated for industrial use.

Conditions offered by the applicant include:

Only the following uses in the M-2, General Industrial District will be permitted:

1. Any manufacturing, processing, storing or distributing use permitted in the M-1 Limited Industrial district.
2. Agriculture and forestry as permitted in the A-2 Agricultural district, including a single family dwelling accessory to a farm of ten (10) acres or more.
3. Dwellings for resident watchmen and caretakers employed on the premises.
4. Retail and service establishments as follows:
 - a. Offices and office buildings, studios and the like, business, professional or administrative.
 - b. Trade or business school, including heavy construction or materials handling equipment or similar vehicles and equipment.
5. 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.
6. Coal, flour or grain elevator.
7. Concrete products or central mixing and proportioning plant.
8. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
9. Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacturing or processing.
10. Firewood operation as defined.
11. Flour, storage, blending, packaging and milling.
12. Grain and peanut drying and storage and feed milling.
13. Lumber yard.
14. Monuments and architectural stone.
15. Oils, shortenings, and fats (edible) and storage.
16. Peanuts, buying, storage and processing.
17. Petroleum and other flammable liquids, aboveground bulk storage up to eighty thousand (80,000) gallons.
18. Sawmill (including cooperage stock mill), stationery and planing mill.
19. Sand and gravel processing but not extraction or stone crushing or grinding.

20. Structural iron and steel fabrication.
21. Truck stop.
22. Truck terminal freight.
23. Welding and soldering shops.
24. Wireless communication facilities per the regulations set forth in section 18-427.
25. Wood bark mulch.
26. Wood chipping operation.
27. Wood chip and fiberboard.

With a Conditional Use Permit:

1. Acetylene storage.
2. Asphalt or asphalt products, or central asphalt mixing or batching.
3. Cotton ginning.
4. Cotton wading and linter.
5. Fertilizer manufacture from natural products.
6. Heliport or helistop.
7. Sand and gravel extraction, subject to applicable state regulations.
8. Sandblasting or cutting.
9. Stone crushing operation.
10. Wireless communication facilities per sec. 18-427.

This list eliminates 32 uses permitted by right and 43 uses permitted with a Conditional Use Permit.

A conceptual site plan has been submitted. It is important to note, however, that should the requested Zoning Map Amendment be approved, any of the above-listed uses could be installed on the property, the first 27 such uses by right. Any use planned that requires a Conditional Use Permit, the proposed asphalt plant for example, requires review of a preliminary site plan by the Planning Commission and approval by the Board of Supervisors.

The requirements of a preliminary site plan are provided in the Municipal Code, but for this review and the subsequent Conditional Use Permit review, a conceptual site plan has been provided, which provides information but not to the level of detail that will be provided should the requests be approved. The conceptual site plan provided shows areas for stormwater management, the office building and parking, and the industrial functions of the site. There is noted an area for a radial stacker and aggregate storage yard, the concrete/ready mix batch plant area, and the cement treated aggregate pugmill area. The cover sheet provides sample photographs of comparable equipment to that which would be used on the site. Should the zoning amendment and the Conditional Use Permit be approved, a preliminary site plan will be returned to the Planning Commission for recommendation and the Board of Supervisors for approval.

Site Topography and Characteristics

Per the topographical information provided on the conceptual site plan, the western boundary of the site includes a USGS stream and wetlands. The plan indicates the stormwater management area will be located in this vicinity. The remainder of the site is

fairly flat. The property includes approximately 2,400 linear feet of road frontage along US 460 and approximately 2,800 linear feet along the railroad track. The conceptual plan provides a 20' buffer along US 460 to screen the site, provided by either landscaping and a fence, a landscaped berm, or some other means of screening. The rear of the property, along the track, will include a rail spur yard to provide material transportation to/from the site.

Transportation

The site is accessed from US 460, a US highway. It also abuts the Norfolk Southern Railway, an integral component of the operation of the site. Since the planned operation is foreseen by comparing it to other similar sites to create fewer than 250 peak hour vehicle trips, no traffic impact analysis is required at the zoning map amendment stage, and a turn lane warrant study is underway. The Virginia Department of Transportation will determine what if any roadway improvements would be required at the site plan stage.

Environmental

The property is used for agricultural purposes now. The western portion of the property includes a USGS designated stream and wetland, which is planned to abut the stormwater management area. The soils map provides that the property is comprised in large part by Emporia fine sandy loam, 0-2% slopes and Rumford, Kenansville, and Uchee soils, 0-6% slopes.

Utilities

The property is served by existing overhead power lines and would be served by a private well and septic system.

Issues to be considered

This is the first step of a two-step process. The first step is the Zoning Map Amendment; the second is the Conditional Use Permit. This zoning step considers whether the proposed request to amend the zoning designation of the property from A-1, Agricultural, to CM-2, Conditional General Industrial, is appropriate. This request includes conditions that delete many of the permitted uses in M-2 from consideration, while the rest of the uses permitted in the M-2 district would remain. It's important to note that the Comprehensive Plan designation of the property is Industrial, so the request complies with the Comprehensive Plan. It's also important to note that the 1988 Comprehensive Plan also designated this area as a "future commercial-industrial area", so this type of development has been planned for over twenty years.

Community Comments

None received prior to Planning Commission public hearing. Public comments at the meeting are summarized below.

CONCLUSION

Strengths of application:

- The request to amend the Zoning Map to an industrial designation is in compliance with the Comprehensive Plan, and has been since at least 1988.
- Many of the M-2 uses have been deleted from consideration through conditions offered by the applicant, including those which may have a greater impact on the area. Restaurants, drive-in or otherwise, have been deleted from potential uses, as have automobile wrecking yards, incinerators, sanitary landfills, poultry packing and slaughterhouses.
- The proposed amendment of the zoning map to the General Industrial district will permit further economic development of Southampton County.
- Industrial development is an appropriate use in an area accessed by both a US highway and the railroad, rather than on rural roads that mainly serve agricultural and residential uses.

Weaknesses of application:

- None noted.

SUPPORT INFORMATION AND ATTACHMENTS

- 1) Staff Analysis
- 2) Application
- 3) Conceptual site plan/soils map
- 4) Ivor Planning Area map
- 5) Adjacent property owner notification

Sign posted Sept. 28, 2012
Letters mailed Sept. 28, 2012
Ad in Tidewater News Oct. 7 and 14, 2012

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing at their regular meeting on October 11, 2012. All members were present except Keith Tennessee.

Staff provided an overview of the project. The applicant's representative Damian Dwyer provided a summary, including:

- The property is under contract to AMEC Leasing LLC, and Andy Curtis of AMEC was available to answer questions, as well as the project engineer.
- The property and the surrounding property were all designated as Industrial on the County's Land Use Plan map for the Ivor area.

- There are minimal residential uses in the area; most of the area is in agricultural use.
- Many of the uses permitted in the General Industrial district are conditioned away in this application.
- This use does not require municipal water or sewer.
- This project has the full support of Franklin Southampton Economic Development Inc. (FSEDI)
- The project will include a \$4-6M capital investment and provide 25-50 jobs and will be a boon for the County as a whole.

A Commissioner asked what the income projections for the County would be. Amanda Jarratt of FSEDI provided the following approximations:

- Land costs of \$500,000-\$1M
- Machinery costs of \$3-4M
- Rolling stock costs of \$1M
- \$86,000 in tax revenue to the County in year one
- \$500,000 in tax revenue to the County in ten years
- Jobs ranging in salary from \$10/hour for laborers to \$75,000/year for managers
- The project would include a 1,700' rail spur into the site to provide access

A citizen from Ivor spoke. He said the citizens in Ivor are not in opposition to the request, but the concern in Ivor was the amount of water that the proposed plant would use, and the effect of that on the wells in the area. Andy Curtis of AMEC said their water use is planned at approximately 750 gallons per day. Mr. Curtis provided that the site would have a 5,000 gallon on-site water storage tank that will be used for the water used in the processes that would take place on the site, use in dust abatement, and use in case of the need for fire suppression. Mr. Curtis said he would like to get a natural gas line extended to the site should it be available in the future.

Mr. Curtis then provided a history of Curtis Contracting, explaining it was a family-owned company he began in 1985 with his parents and his wife. The company now has approximately 180 staff members and the main office is located in New Kent County near West Point. He explained that the company sees a need for their material in this area, both for the US 460 expressway and other projects, and they do not plan to leave after US 460 is completed. The railroad is an important part of the project, as materials can be brought in by rail rather than by truck. When asked what the property value would be once the project is constructed, Mr. Curtis provided he expected the property value would be \$80-100,000 per acre. He foresees this plant providing material to Sussex, Southampton, Surry, Prince George and Isle of Wight County areas, as well as the center third of the US 460 project.

Warren Beale of FSEDI spoke and said FSEDI supports the project as it will bring economic development and jobs to the area. He noted this is a project that does not need municipal water and sewer which is not typical. The project was located so as to cause minimal impact on neighboring properties. Mr. Beale noted that the

Comprehensive Plan indicates an Industrial use for the area, and he feels the County is fortunate that AMEC is seeking a site here and that the project is a good fit.

Randolph Cook spoke and noted that this is a perfect site for this project. He knows the business and has worked with them in the past and they are a quality business.

Michael Clark of the Franklin Southampton Chamber of Commerce spoke in favor of the request. He said the community needs this project and that there is no good reason to turn down job creation.

Chairman Drake closed the public hearing. He opened the discussion to the Planning Commission members. Commissioner Chesson welcomed the project for its job creation and its help to the County. Commissioner Mann offered a favorable comment, as did Commissioners Harrell, Randall, and Edwards. Commissioner Parker said he feels this request is excellent for the County and he looked favorably on the jobs and revenue that will be created, and Commissioner Pope said she was very much in favor of the request and she wants the County to have the reputation that we are open for business.

Commissioner Randal made a motion to recommend approval of the Zoning Map Amendment request from A-1, Agricultural to CM-2, Conditional General Industrial. Commissioner Chesson seconded the motion and it was passed unanimously.



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: Damian P. Dwyer - Attorney

Address: 18176 S. Railroad Ave

City, State, Zip: Boykins, VA 23827

Phone: Day (757) 654-6112 Evening _____ Mobile _____

Owner Name: Ronald L. Parsons

Address: 1403 Waters Edge Lane

City, State, Zip: Suffolk, VA 23435

Phone: Day 757-477-3998 Evening _____ Mobile _____

PROPERTY INFORMATION

Address or Location: Near 33083 General Mahone Blvd., Ivor, VA 23866

Tax Parcel Number: 6-20C

Total Acreage of Parcel: 20.86

Amount of above acreage to be considered: 20.86

Current Use of property: Crop Farming

Rezoning request from: Agricultural (A-1) to Industrial (CM-2)

Comprehensive Plan request from NA (Industrial) to NA (Industrial)

Conditional Use request: Section 18-313(3) of the Southampton County Code

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

To develop and maintain the property as an industrial facility capable of manufacturing materials that support infrastructure developments (i.e. road, bridges, buildings) and maintenance of same. Accordingly, we intend to receive and distribute commercial aggregates, manufacture asphalt paving materials, and manufacture concrete ready mix for commercial sale.

Required Items to be submitted with application:

- Application Form
- Application Fee of \$1,000.00
- 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.

09/07/12
Date

[Signature]
Signature

[Signature]
Signature

OFFICE USE ONLY

Received By: _____

Date: _____

Post Sign By: _____

PC Agenda Date: _____

BOS Agenda Date: _____

PROFFERS FOR CONDITIONAL REZONING

_____ Original

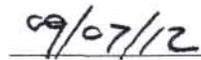
_____ Amended

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:



Signature of Owner/Applicant *



Date

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

September 7, 2012

Southampton County
Attention: Michael Johnson
County Administrator
P.O. Box 26022
Courtland, Virginia 23837

RE: Parcel 6-20C – Rezoning/CUP Application

Dear Mr. Johnson:

Please find the attached application for rezoning the subject parcel from agricultural to industrial use. The request is consistent with the County's comprehensive plan for this property. Also, we are requesting a conditional use permit for this property as necessary to develop and maintain the property as an industrial facility capable of manufacturing materials that support infrastructure developments (roads, bridges, buildings) and maintenance of same. Accordingly, we intend to receive and distribute commercial aggregates, manufacture asphalt paving materials, and manufacture concrete ready mix for our own installation or commercial sale.

We appreciate your cooperation in this matter. If you have any questions concerning this application, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Damian P. Dwyer". The signature is fluid and cursive, with a large initial "D" and a distinct "P." before the last name.

Damian P. Dwyer – Attorney
18176 S Railroad Avenue
Boykins, VA 23827
Phone: (757) 654-6112

Cc: Mr. Ronald Parsons



Special Limited Power of Attorney
County of Southampton, VA
 Planning Office

Planning Office, County of Southampton, Virginia, P.O. Box 400 Phone: (757) 653-3015 Facsimile: (757) 653-0227
 Use Post Office Box for all mail. Street Address is 26022 Administration Center Drive, Courtland, VA 23837

Know All Men By These Presents: That I (We)

(Name) RONALD L. PARSONS (Phone) 757-477-3898

(Address) 1403 WATERS EDGE LANE, SUFFOLK, VIRGINIA 23435

the owner(s) of all those tracts or parcels of land ("Property") conveyed to me (us), by deed recorded in the Clerk's Office of the Circuit Court of the County of Southampton, Virginia, by

Instrument No: 070004009, on Page _____, and is described as

Parcel: 6-20-C Lot: _____ Block: Section: _____ Subdivision: _____

do hereby make, constitute and appoint:

(Name) DAMIAN P. DWYER (Phone) 757-654-6112

(Address) P.O. Box 189, BOYKINS, VIRGINIA 23827

To act as my true and lawful attorney-in-fact for and in my (our) name, place and stead with full power and authority I (we) would have if acting personally to file planning applications for my (our) above described Property, including:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Rezoning (including proffers) | <input checked="" type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Special Use Exception | <input type="checkbox"/> Administrative Site Plan |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Building Permit(s) |

My attorney-in-fact shall have the authority to offer proffered conditions and to make amendments to previously approved proffered conditions except as follows:

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 7TH day of SEPTEMBER 20012,

Signature(s) [Signature]

State of Virginia, City/County of Southampton, To-wit:

I, Edith B. Rose, a Notary Public in and for the jurisdiction aforesaid, certify that the person(s) who signed to the foregoing instrument and who is (are) know to me, personally appeared before me and has acknowledged the same before me in the jurisdiction aforesaid this day of September 6 of 200 2012

Edith B. Rose My commission expires: 4-30-14
 Notary Public

CARTER & DWYER, P.C.

ATTORNEYS AT LAW
18176 RAILROAD AVENUE
P. O. Box 189
BOYKINS, VIRGINIA 23827

E. BEALE CARTER, JR.

DAMIAN P. DWYER

TELEPHONE 757-654-6112

FACSIMILE 757-654-6068

September 25, 2012

Southampton County Planning Commission
Beth Lewis, Clerk
26022 Administration Center Drive
Courtland, Virginia 23837

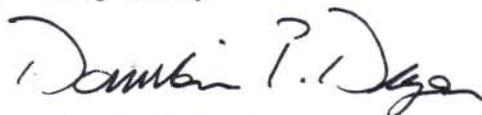
Re: Rezoning and Conditional Use Permit Application – Ronald L. Parsons

Dear Ms. Lewis:

This letter is offered as a supplement to Mr. Parson's original application submitted to you on September 7, 2012. "Exhibit A" attached hereto sets forth a number of additional conditions offered by the applicant.

Please do not hesitate to contact me should you have any questions or concerns regarding this application. As always, your assistance is greatly appreciated.

Respectfully,



Damian P. Dwyer

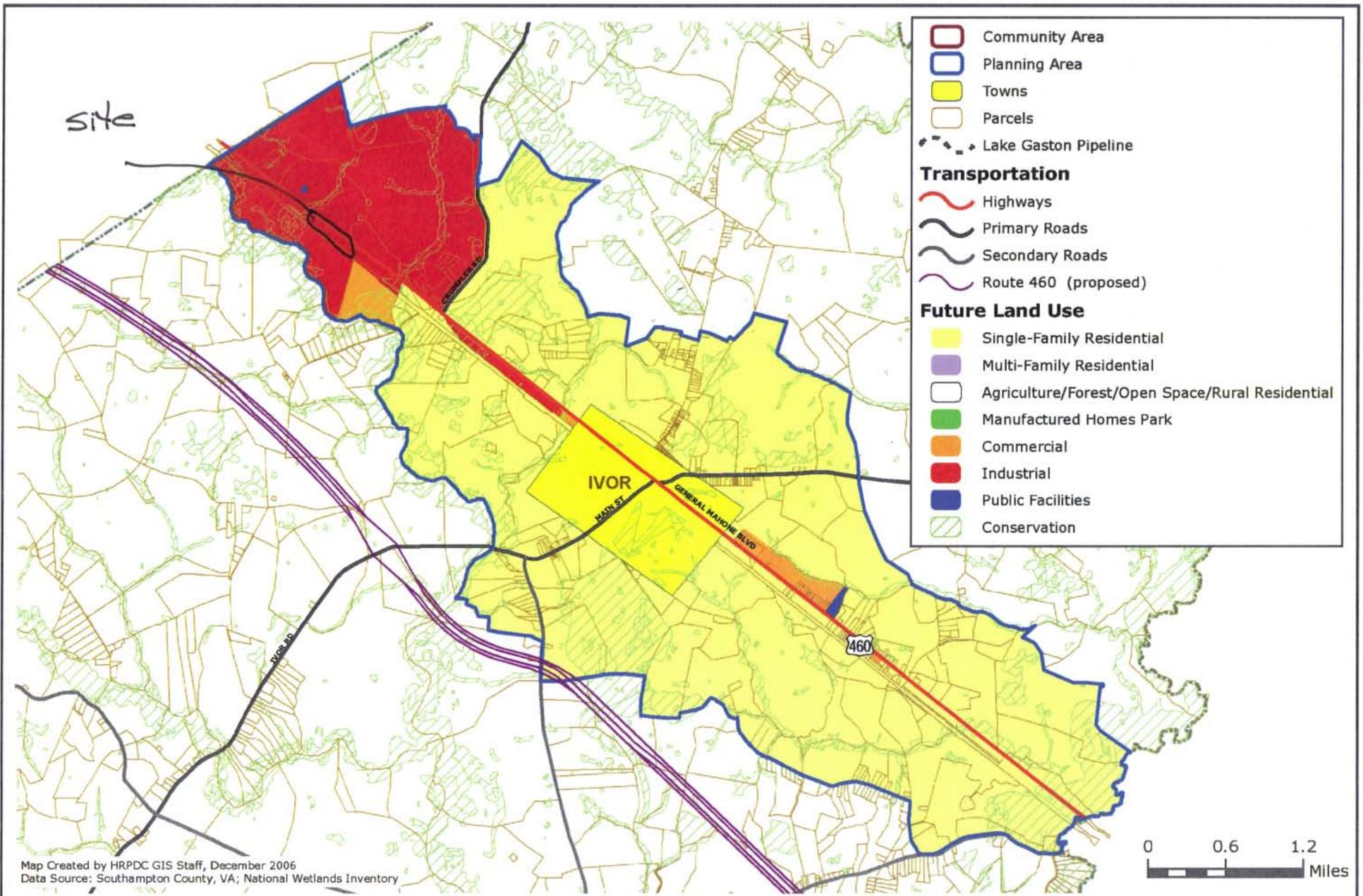
DPD/mos
enclosure

Exhibit A

Conditions Offered for Rezoning/Conditional Use Permit – Parsons

1. The following uses otherwise permitted in Industrial District M-2 under Sec. 18-312 shall be excluded: (4) a., b., c. d. f. and g.; (5) a., b., c., d., e., f., g., h., i., j., l., p., q., r., v., w., y., cc., ff., gg., ii., kk., oo., pp., rr., and ww.
2. The following potentially hazardous uses otherwise permitted with a conditional use permit in Industrial District M-2 under Sec. 18-313 shall be excluded: (2), (4), (5), (6), (7), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (45), (46), (47), (49), (50), and (51).
3. All operations at the site will be carried out in conformity with any applicable local, state, and federal laws and regulations.
4. Hours of operation at the site will be limited to 6:00 a.m. to 7:00 p.m., with the possible exception of infrequent nighttime operation necessitated by VDOT projects involving lane closures. There will be no operations on Sundays.
5. The site will be posted to deter trespassing and twenty-four hour security monitoring of the facility will be conducted through the use of on-site personnel during operating hours and security cameras during non-operating hours.
6. Local law enforcement, fire, and rescue authorities will be contacted to ensure coordinated safety efforts.
7. Vehicular access to the site from Route 460 will be limited to gated entrances. Any other vehicular access will be prevented by earthen berms and/or fencing.

8. Dust allayment will be conducted at the site to minimize airborne particulates.
9. Within the 20 foot facility screening zone paralleling Route 460, a combination of landscaped earthen berm, fencing, and vegetation will be used to minimize any adverse aesthetic impact of the facility.
10. Such other conditions as are reasonably deemed necessary by the Planning Commission or Board of Supervisors.



Map Created by HRPDC GIS Staff, December 2006
 Data Source: Southampton County, VA; National Wetlands Inventory

0 0.6 1.2
 Miles



Map 8-2a
Future Land Use
Ivor Planning Area



AMAC Leasing LLC
P.O. Box 769
West Point, VA 23181

Curtis and Mary Ann Newsome
33083 General Mahone Blvd.
Wakefield, VA 23888
TP 6-20B

Damian Dwyer
18176 S. Railroad Avenue
Boykins, VA 23827

Ronald L. Parsons
1403 Waters Edge Lane
Suffolk, VA 23435
TP 6-20C

Stephen Ordnung
Curtis Contracting Inc.
P.O. Box 769
West Point, VA 23181

Stephen Quina
Timmons Group
1001 Boulders Parkway, Suite 300
Richmond, VA 23225

Robert Pulley etals
9450 Doles Road
Ivor, VA 23866
TP 6-20, 6-25

Grayland Co.
P.O. Box 85
Waverly, VA 23890
TP 6-19

Booker Patterson etals
34070 General Mahone Blvd.
Ivor, VA 23866
TP 6-26

Shirley Martin
32551 General Mahone Blvd.
Wakefield, VA 23888
TP 6-21

Charles and Sarah Ingram
33073 General Mahone Blvd.
Wakefield, VA 23888
TP 6-20A