

**B. REZONING REQUEST  
JAMES AND VALERIE PROSISE**OPENING STATEMENT

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by R. Edward Railey, III, applicant, for James R. and Valerie M. Prosize, owners, requesting a zoning map amendment from A-1, Agricultural to CM-1, Conditional Limited Industrial District for a tract of approximately 2.0 acres. The tract is located on Meherrin Road (US 35) approximately 1,800 feet northeast of its intersection with Southampton Parkway (US 58). The property address is 23245 Meherrin Road, Courtland, VA 23837. The applicant seeks to establish a trucking terminal and office using the existing building. The property is known as Tax Parcel 74-17B and is located in the Capron Voting District and the Capron Magisterial District.

The notice of this public hearing was published in the Tidewater News on May 8 and May 15, 2011 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on April 14, 2011, the Southampton County Planning Commission voted unanimously to recommend approval of the request subject to the voluntary proffer, as amended.

After conclusion of this public hearing, the Board of Supervisors will consider the comments offered this evening 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:** A motion is required to accept the Planning Commission recommendation and approve the conditional rezoning.

**CPA 2011:01**

R. Edward Railey, III, applicant for James and Valerie Prorise, owners

Application Request: Zoning map amendment (Rezoning)

**IDENTIFICATION AND LOCATION INFORMATION**

Current Comprehensive Plan designation: Single Family Residential, Courtland Planning Area

Current Zoning: A-1, Agricultural

Requested Zoning: CM-1, Conditional Limited Industrial District

Acreage: 2.0 acres

Proposed Use: Truck terminal and office

Tax Map No.: 74-17B

Location: 23245 Meherrin Road, Courtland. The tract is on the south side of Meherrin Road (US 35) approximately 1,800 feet northeast of its intersection with Southampton Parkway (US 58).

Magisterial District: Capron

Voting District: Capron

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

Adjacent Land Use: North: Forestry  
South: Forestry  
East: Forestry  
West: Forestry

## **LAND USE ANALYSIS**

### Overview

The property is in the western end of the Courtland Planning Area. The applicant seeks to amend the zoning designation of approximately two (2) acres of property from A-1, Agricultural to CM-1, Conditional Limited Industrial District. The applicant would like to operate a trucking terminal and office from the site. The conditions offered include:

- The use of the property will be limited to “Truck stop or truck terminal, freight”, per Sec. 18.2-282(61) of the zoning ordinance and all other uses under Sec. 18-282 shall be excluded, and
- No more than ten (10) trucks will be stored on the property at any one time.

As the zoning map amendment is for a commercial designation rather than a residential designation, no proffer is appropriate or provided.

### Site Topography and Characteristics

The property was the former site of the Chemical Leaman company. That business has closed, the site is not in use, and the building is deteriorating. The building is surrounded by gravel that was used by the former business. The plan is to renovate the existing building for use for the proposed trucking office. The property is fairly flat, and surrounded by forestry uses.

### Transportation

The property is accessed by Meherrin Road, a two-lane roadway designated as a rural major collector by the Virginia Department of Transportation (VDOT). There are two entrances to the site off Meherrin Road. At the site plan review process, it is recommended that the entrances be combined and the new entrance built in accordance with the commercial entrance standards set by VDOT.

### Environmental

Southampton County GIS does not indicate the property is in a flood zone.

### Utilities

The property is served by existing overhead lines for electricity, and private water and sewer systems.

### Community Comments

None received.

## **CONCLUSION**

### Strengths of application:

- If the Comprehensive Plan amendment request is approved, the proposed zoning classification complies with the Comprehensive Plan.

- The conditions the applicant offers limits the use of the property quite specifically, permitting the Planning Commission and Board of Supervisors to have a very clear picture of the development that is planned.
- The property is in a state of deterioration. Permitting a new business to reuse the property and return it to a going concern contributing to the tax base is a positive change.
- The property is well-buffered presently, and the proposed business would have little impact on abutting properties.
- The location of the property, close to the Southampton Parkway interchange, may be appropriate for a trucking terminal.
- The previous business that was located on this property was industrial in nature although the zoning classification remained agricultural. The proposed use is similar in scope and impact.
- The VDOT office and the peanut plant are nonresidential in nature, and this use may not be inconsistent with those businesses.

Weaknesses of application:

- As the surrounding property has agricultural zoning, this may be seen as inconsistent.
- The heavy forested buffer surrounding this property is on the abutting property, not the subject property. The abutting property owner may decide to remove that buffer at any time, leaving this property with no shield between it and the neighboring uses.

**SUPPORT INFORMATION AND ATTACHMENTS**

- 1) Staff Analysis
- 2) Application and proffer statement
- 3) Notification of adjacent landowners
- 4) Site map

Sign posted 4/1/2011  
 Letters mailed 5/16/2011  
 Legal ad Tidewater News 5/8, 5/16/2011

**PLANNING COMMISSION ACTION**

Chairman Edwards announced that the third public hearing was to consider the following:

Request by R. Edward Railey, III, applicant, for James R. and Valerie M. Prorise, owners, requesting a zoning map amendment from A-1, Agricultural to CM-1, Conditional Limited Industrial District for a tract of approximately 2.0 acres. The tract is

located on Meherrin Road (Route 35) approximately 1,800 feet northeast of its intersection with Southampton Parkway (Route 58). The property address is 23245 Meherrin Road, Courtland, VA 23837. The applicant seeks to establish a trucking terminal and office using the existing building. The property is known as Tax Parcel 74-17B and is located in the Capron Voting District and Capron Magisterial District.

Secretary Lewis advised that this zoning map amendment request was the second step of the two-step process.

Secretary Lewis informed that the following conditions had been offered:

- The use of the property will be limited to “Truck stop or truck terminal, freight”, per Sec. 18.2-282(61) of the zoning ordinance and all other uses under Sec. 18-282 shall be excluded, and
- No more than ten (10) trucks will be stored on the property at any one time.

Secretary Lewis noted that because this rezoning request was for a commercial designation (rather than a residential designation) proffers were not applicable.

Mr. R. Edward Railey, III, applicant/attorney, offered the following additional condition:

- Entrances of the property would be brought into VDOT compliance

Commissioner Mann indicated that he was a little concerned about the condition of no more than 10 trucks on the property, as often times the number of trailers could exceed the number of trucks.

Attorney Edward Railey stated that they would be glad to amend the condition to include “No more than (10) trailers will be stored on the property at any one time.”

Commissioner Chesson moved, seconded by Commissioner Tennessee, to recommend approval of the zoning map amendment. All were in favor.



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: R. EDWARD RAILLEY, III

Address: POST OFFICE BOX 40

City, State, Zip: COURTLAND, VA 23837

Phone: Day 757-653-2351 Evening \_\_\_\_\_ Mobile \_\_\_\_\_

Owner Name: JAMES R. AND VALERIE M. PROSISE

Address: 4253 SCHOONER DRIVE

City, State, Zip: CHESAPEAKE, VA 23321

Phone: Day \_\_\_\_\_ Evening \_\_\_\_\_ Mobile 757-752-3887

**PROPERTY INFORMATION**

Address or Location: 23245 MEHERRIN ROAD, COURTLAND, VA 23837

Tax Parcel Number: 74-17B

Total Acreage of Parcel: 2.00

Amount of above acreage to be considered: 2.00

Current Use of property: VACANT

Rezoning request from A1 to M1 - CONDITIONAL

Comprehensive Plan request from SFR REPER to IND REPER

Conditional Use request: Section \_\_\_\_\_ of the Southampton County Code

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

SEE ATTACHED

Required Items to be submitted with application:

- \_\_\_\_\_ Application Form
- \_\_\_\_\_ Application Fee of \$ \_\_\_\_\_
- \_\_\_\_\_ 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.

3-7-2011  
Date

[Signature]  
Signature

attorney-in-fact for  
Signature

James H. & Valerie M. Prosser

**OFFICE USE ONLY**

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

Post Sign By: \_\_\_\_\_

PC Agenda Date: \_\_\_\_\_

BOS Agenda Date: \_\_\_\_\_

## PROFFERS FOR CONDITIONAL REZONING

X Original  
SEE ATTACHED

\_\_\_\_\_ 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 \*

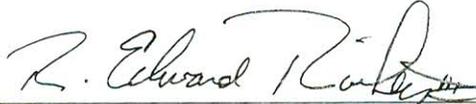
\_\_\_\_\_  
Date

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

Pursuant to Section 18-546 (b) of the Southampton County Code, R. Edward Railey, III, as duly authorized agent of the current owners of the subject property, hereby voluntarily proffers the following conditions which shall be applicable to the property, if re-zoned:

The subject parcel will be used only in accordance with Section 18.2-282 (61) of the Southampton County Code and all other uses under Section 18-282 shall be excluded.

Additionally, the applicant proffers that no more than ten (10) trucks will be stored on the subject parcel at any one (1) time.

A handwritten signature in black ink, appearing to read "R. Edward Railey, III". The signature is written in a cursive style with a horizontal line underneath it.

R. Edward Railey, III, Attorney-in-fact for  
property owners

**RAILEY AND RAILEY, P.C.**  
ATTORNEYS AND COUNSELLORS AT LAW

RICHARD E. RAILEY, JR.  
R. EDWARD RAILEY, III  
RICHARD E. RAILEY 1922-2004

Reply to: 22237 Main Street  
P.O. Box 40  
Courtland, VA 23837  
(757) 653-2351  
Fax: (757) 653-0930

March 8, 2011

10451 General Mahone Highway  
P.O. Box 98  
Wakefield, VA 23888  
(757) 899-2145  
Fax: (757) 899-2146  
E-mail: [edward@raileyandrailey.com](mailto:edward@raileyandrailey.com)

Ms. Beth Lewis  
Community Development Director  
Southampton County  
Post Office Box 400  
Courtland, VA 23837

Re: Proposed re-zoning, Prosise to Brown

Dear Ms. Lewis:

Please find enclosed herewith the following:

- A. Completed executed Application;
- B. Railey and Railey, P.C.'s Check No. 18738 in the amount of \$500.00, representing the application fee;
- C. Deed, with description of the subject parcel; and
- D. Completed Proffer statement.

Also, please be advised that I intend to supplement the enclosed application with photographs showing the property in its current abandoned and declining state and additionally with a special limited power of attorney executed by James R. Prosise and Valerie M. Prosise, the current fee simple owners naming me as their attorney-in-fact and agent for all matters concerning this application.

Additionally, as a matter of information, the subject parcel is the former Chemical Leaman Trucking terminal, located at 23245 Meherrin Road, Courtland, Virginia, and is Tax Parcel Number 74-17 B. The current condition of the property is that it has an abandoned brick building situate on it with boarded-up windows and vegetation growing in the yard, which, in my opinion, constitutes an eyesore. The property is currently zoned A-1 and Mr. Michael Brown, as the contract owner of the property, wishes to have the property conditionally re-zoned to M-1 so that he may operate a trucking terminal and office there for same out of the building. Mr. Brown currently owns two (2) trucks and five (5) trailers and has proffered that he will never have more than ten (10) trucks using the property. Mr. Brown also intends on re-modeling the property to make it more cosmetically appealing and functional.

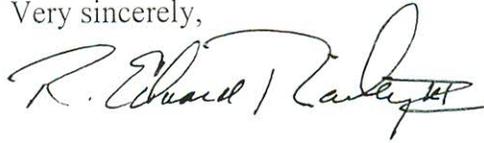
Ms. Beth Lewis  
March 7, 2011

Page 2

Should you have further questions concerning the subject property, please feel free to contact me.

With kind personal regards, I am

Very sincerely,

A handwritten signature in black ink, appearing to read "R. Edward Railey, III". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

R. Edward Railey, III

abr

Enclosures



# 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) James & Valeria Prorise (Phone) 757 753-3887

(Address) 1532 White Marsh Road Suffolk, Virginia 23434

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: \_\_\_\_\_, on Page \_\_\_\_\_, and is described as

Parcel: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_ Subdivision: \_\_\_\_\_

do hereby make, constitute and appoint:

(Name) EDWARD RAILEY (Phone) 757 647-9625

(Address) \_\_\_\_\_

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 type="checkbox"/> Rezoning (including proffers) | <input 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.

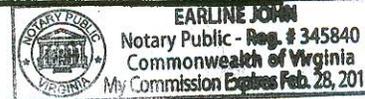
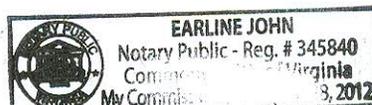
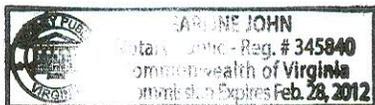
In witness thereof, I (we) have hereto set my (our) hand and seal this 8th day of MARCH 20011,

Signature(s) James R. Prorise Valeria M. Prorise

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

I, Earline John, 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 10 of 2011.

Earline John My commission expires: 2/28/2012  
Notary Public





COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

1700 North Main Street  
SUFFOLK, VIRGINIA 23434  
VirginiaDOT.org

GREG WHIRLEY  
COMMISSIONER

March 28, 2011

Ms. Beth Lewis  
Community Development Director  
Southampton County  
P.O. Box 400  
Courtland, VA 23837

Re: Proposed Rezoning, Prosise to Brown  
Trucking Terminal  
Southampton County

Dear Ms. Lewis:

A review has been made on the referenced rezoning application. This office offers the following comments.

The property is currently served by two entrances off of route 35. The existing entrances do not comply with the Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC30-73) and the standards contained in Appendix F of the VDOT *Road Design Manual*.

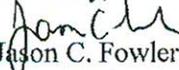
The functional classification of the subject segment of Route 35 is designated as a rural major collector for the purposes of Access Management with a 55 MPH posted speed limit. The minimum spacing for unsignalized intersections/crossovers and full access intersections of this type of classification is 570'.

It is recommended that the entrances be combined and the new entrance be built in accordance with the commercial entrance standards found in Appendix F. The radii of the entrance shall accommodate the proposed design vehicle.

Please have the developer provide construction site plans for review which include but not be limited to; intersection geometrics, entrance radii, intersection sight distances, right of way etc.

If I can be of further assistance, please advise.

Sincerely,

  
Jason C. Fowler, P.E.  
Area Land Use Engineer  
(757)925-2628

Mailing List  
CPA 2011:02  
RZA 2011:02

Owner  
James and Valerie Prorise  
4253 Schooner Drive  
Chesapeake, VA 23321  
TP 74-17B

Applicant  
R. Edward Railey, III  
P.O. Box 40  
Courtland, VA 23837

Abutting property owners  
Natalie Coggsdale and LW Crowder  
23376 Meherrin Road  
Courtland, VA 23837  
TP 17-17

# CPA 2011:02, RZA 2011:02

