

# SOUTHAMPTON COUNTY



26022 Administration Ctr. Dr.  
Box 400  
Courtland, Virginia 23837

757-653-3015  
Fax: 757-653-0227

January 13, 2009

Lynne H. Rabil, President  
Hubbard Peanut Company, Inc.  
Post Office Box 94  
Sedley, VA 23878

**RE: REZ 2008:06**  
**Request for change in zoning classification**  
**Tax Parcel 47A2-6-1**

Dear Ms. Rabil:

The Planning Commission held a public hearing and reviewed your application at their meeting on January 8, 2009. After receiving public comments and discussing the matter, a motion was unanimously adopted to recommend approval of your application, as conditioned, to the Board of Supervisors.

A public hearing will now be scheduled for the Board of Supervisors meeting on **Monday, January 26, 2009. The meeting begins at 6:00 p.m. with public hearings scheduled for 7:00 p.m.** Either yourself or a representative should attend and participate in this public hearing. The public hearing will be held in the Board Room located at 26022 Administration Center Drive, Courtland, Virginia. The Board of Supervisors will consider the recommendation of the Planning Commission as well as any comments offered during the hearing prior to making a decision on the application.

We look forward to seeing you at the Board of Supervisors public hearing. Should you have any questions, please feel free to contact me at 757-653-3015.

Sincerely,

James A. Randolph  
Assistant County Administrator



30275 Sycamore Avenue  
P.O. Box 94  
Sedley, Virginia 23878

800 889.7688 *toll-free*  
757 562.4081 *phone*  
757 562.2741 *fax*

Hubs@Hubspeanuts.com

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October 30, 2008

Southampton County  
Attn: Robert Barnett  
PO Box 400  
Courtland, VA 23837

Dear Mr. Barnett:

Hubbard Peanut Co., Inc. is in the process of acquiring property adjacent to our current food processing facility. The purpose of this acquisition is to allow for future expansion. Our immediate plans are to use this property for employee parking; however, our long term plans include possible light food processing, warehousing, and/ or commercial retail space such as that that already exists.

We do not wish to purchase this property without knowing that we have the proper zoning for any of the aforementioned operations. We recognize that our facility is in the midst of a residentially zoned area; however, we have made every attempt to be a good neighbor and maintain our property in a manner suitable for the neighborhood. It is our hope to build any future structures in an aesthetically pleasing architecture compatible with the original house. We also plan to maintain green space and consider environmentally proactive processes with any new construction.

We hope our application will be viewed favorably and can be processed as expeditiously as possible. Thank you for you time and consideration.

Sincerely,

Lynne H Rabil, President  
Hubbard Peanut Company, Inc.

**REZ 2008:06**

Carolyn H. Ellis-Tart (owner)  
Hubbard Peanut Co., Inc. (applicant)

Application Request: Change in zoning classification

**IDENTIFICATION AND LOCATION INFORMATION**

Current Zoning: R-1, Residential  
Requested Zoning: C-M1, Conditional Limited Industrial District  
Acreage: 1 acre +/-  
Proposed Use: Industrial uses as proffered  
Tax Map No.: 47A2-6-1  
Location of Property: 30323 Sycamore Avenue, Sedley.  
Magisterial District: Jerusalem  
Voting District: Jerusalem  
Comprehensive Plan: Residential  
Adjacent Zoning: North: R1  
South: R1  
East: R1  
West: M1

**LAND USE ANALYSIS**

Overview

This property is currently zoned R-1, Residential and consists of several small lots totaling approximately one (1) acre and is located on the north side of Sycamore Avenue in the Village of Sedley, adjacent to the Hubbard Peanut Company. The applicant is seeking a change in zoning classification to Conditional Limited Industrial (C-M1) in order to provide an opportunity for the future expansion of the business.

The applicant (with permission from the owner) has offered proffers associated with the permitted uses in the M1 zoning district. The permitted uses in the M1 district have been limited to only items 16,26, 26.1, 28, 38, 41, 45, and 62 as stated in the proffer letter.

#### Topography

The site is generally open and level with a few trees along the roadside.

#### Transportation:

This site is located on Sycamore Avenue, one of the primary streets in Sedley. Based in part on the limited number of vehicles that may use the site and the existing entrances, minimal transportation improvements may be needed, primarily if any new entrances to the property are planned. The Virginia Department of Transportation will review any proposed construction plans and make the final determination on any improvements needed. The short term plan for the property is to utilize this parcel for employee parking purposes.

#### Environmental

This site is not located in a flood hazard zone and there are no known wetlands affecting the application.

#### Utilities

This site may be served by public water and private sewer. There does not appear to be any negative impacts to the utility systems.

### **CONCLUSION**

#### Strengths of application:

- Specific industrial uses have been proffered
- Industrial development may enhance tax base
- Parcels are adjacent to an existing industrial use

#### Weaknesses' of application:

- Parcels are in close proximity to several residential properties across the street

## **SUPPORT INFORMATION AND ATTACHMENTS**

- 1) Staff Analysis
- 2) Application and proffered conditions statement
- 3) Notification of adjacent landowners
- 4) Site map
- 5) Plat exhibit

## Planning Commission Recommendation

January 8, 2009

The Planning Commission held a public hearing and reviewed the revised application (with the corrected acreage listed) at their meeting on January 8, 2009. After discussing the application, a motion was made by Commissioner Harrell and seconded by Commissioner Parker to **recommend approval of the application, as conditioned, to the Board of Supervisors. The motion was approved 8-0.**

December 11, 2008

The Planning Commission held a public hearing and reviewed the original application at their meeting on December 11, 2008. After discussing the matter a motion was adopted to re-advertise the application for public hearing at their meeting in January 2009. A portion of the approved minutes from this meeting follows.

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

REZ 2008:06 Application filed by Hubbard Peanut Company, Inc. on behalf of Carolyn Ellis Tart, owner, requesting a change in zoning classification from R-1, Residential to C-M1, Conditional Limited Industrial approximately .30 acres for the purpose of industrial uses, as conditioned. The property is located on the north side of Sycamore Avenue (Rt. 641) approximately ¼ mile east of the intersection with Sedley Road (Rt. 641) and is further identified as Tax Parcel Number 47a2-6-1. The property is located in the Jerusalem Magisterial District and Jerusalem Voting District.

Chairman Edwards opened the public hearing.

Ms. Lynne Rabil of Hubbard Peanut Company, applicant, addressed the Commission. She advised that they wished to purchase the subject property, which was adjacent to their business, pending approval of the rezoning request. They intended to utilize the property long-term for expansion purposes, but due to the economic conditions, intended to utilize it in the short-term for a parking lot. She noted that Hubbard Peanut Company had been a good neighbor over the years.

Commissioner Chesson asked if there was a survey available? Ms. Rabil replied no, other than what was on the County map. She clarified that the pipeline was located at the back of the property.

Ms. Rabil advised that she questioned the acreage that was advertised. The advertisement in the *Tidewater News* stated .30 acres, but it was actually almost 1 acre. As soon as she saw the ad in the paper, she contacted Mr. Robert Barnett, Director of Community Development, and questioned it. He told her that they could take care of it at the meeting. She noted that she thought Mr. Barnett would be here tonight but he was not.

Ms. Rabil clarified for Commissioner Chesson that although the application indicated that only Sections B and C of the lot were being applied for, she actually was applying for Section A also. There was a house on the property and they were interested in the entire property including the house.

Ms. Rabil advised that she and Carolyn Ellis Tart, owner, submitted this application in good faith. They had known each other for a number of years. Again, she had raised the issue with Mr. Barnett.

Mr. Jay Randolph, Secretary, stated that unfortunately, Mr. Barnett was not here this evening, nor was our legal counsel, Mr. Richard E. Railey, Jr.

Ms. Rabil clarified for Commissioner Drake that the street at the end of their property was never developed, and it was being utilized as a driveway for both properties.

Secretary Randolph advised that a proffer letter was submitted with the application in which Hubbard Peanut Company had proffered to only utilize the following eight (8) permitted uses in the M-1:

Contractor's equipment storage yard or plant or rental of equipment commonly used by contactors

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.

Greenhouses, commercial, wholesale or retail

Machine shop

Nursery for growing plants, trees and shrubs

Pottery and figurines or similar ceramic products and kilns (fired by electricity or gas only)

Warehouses, wholesale houses and distributors, wholesale market

Commissioner Chesson advised that he was somewhat uncomfortable with use #38-Machine shop, as he did not think it would be a good fit for the neighborhood. Ms. Rabil explained that she did not exclude the use because sometime down the road, they may need to maintain their own equipment.

Commissioner Mann stated that he would like for use #38-Machine shop to be applicable only to Hubbard Peanut Company in order to eliminate the chance of someone else operating an outright machine shop on that property down the road.

Secretary Randolph advised that the Commission could not place conditions on the application. However, the applicant could amend the proffer letter between now and the Board of Supervisor's public hearing if so desired.

Chairman Edwards closed the public hearing.

Commissioner Drake stated that Hubbard Peanut Company had been a mainstay in the community for a number of years and he was in favor of the application.

Commissioner Drake moved, seconded by Commissioner Harrell, to recommend approval of the rezoning.

Commissioner Mann advised that he too was in favor of the application. However, he did not want someone to be able to come back and say that it was not properly advertised.

Secretary Randolph clarified that what they were voting on tonight was the .30 acres, which was the acreage advertised. Ms. Rabil had indicated that the acreage was incorrect, as it was actually closer to 1 acre. He noted that while you could decrease the acreage from what was advertised, you could not legally increase the acreage from what was advertised.

Ms. Rabil advised that she did not want the application to be delayed, but the .30 acres was unsatisfactory.

Secretary Randolph explained that if the Commission was confident that it would make a recommendation at its next meeting in January, they could table the application tonight, hold another public hearing in January with the correct acreage advertised, and "fast track" the application, meaning that the Planning Commission and Board of Supervisors would both hear the application in January, so essentially, no time would be lost. He noted that this was not a typical practice, as staff would have to advertise for the Board of Supervisors public hearing prior to the Planning Commission making a recommendation in order to meet advertising deadlines. However, under the circumstances, it was appropriate in this situation. He noted that no members of the public were here tonight to speak in opposition to the application, and while you could not be certain as to whether or not there would be public opposition at the next meeting, it was not likely, which made him more comfortable with "fast tracking" the application.

The Commission was confident that it would make a recommendation in January and highly agreed with the suggestions of Secretary Randolph.

Commissioner Drake rescinded his motion and Commissioner Harrell rescinded his second.

**Commissioner Drake made a subsequent motion to table the application until the January 2009 meeting. Commissioner Tennessee seconded the motion. All were in favor.**



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

APPLICATION FOR:

REZONING      COMPREHENSIVE PLAN AMENDMENT      CONDITIONAL USE PERMIT

**CONTACT INFORMATION**

Applicant or Representative Name: Hubbard Peanut Company  
Address: PO Box 94, 30275 Sycamore Avenue  
City, State, Zip: Sedley, VA 23878  
Phone: Day 562-4081 Evening \_\_\_\_\_ Mobile \_\_\_\_\_

Owner Name: Carolyn Tart  
Address: 30323 Sycamore Avenue  
City, State, Zip: Sedley, VA 23878  
Phone: Day 562-7585 Evening \_\_\_\_\_ Mobile \_\_\_\_\_

**PROPERTY INFORMATION**

Address or Location: 30323 Sycamore Ave  
Tax Parcel Number: 47A261  
Total Acreage of Parcel: .996  
Amount of above acreage to be considered: .996  
Current Use of property: R-1  
Rezoning request from R-1 to M-1  
Comprehensive Plan request from \_\_\_\_\_ to \_\_\_\_\_  
Conditional Use request: Section N/A of the Southampton County Code

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

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Required Items to be submitted with application:

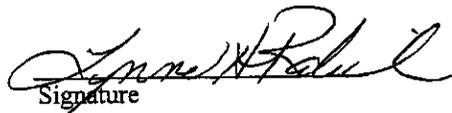
- Application Form
- Application Fee of \$ \_\_\_\_\_
- Cover Letter
- Site Plan / Exhibit
- Proffer Statement (if applicable)
- Other (To be determined by agent)

**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.

Date 12/17/08

Signature \_\_\_\_\_

Signature 

**OFFICE USE ONLY**

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

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

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

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

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



**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) Carolynn H. Ellis-Tart (Phone) 757-562-7585

(Address) P.O. Box 76 Sedley, VA 23878

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: 47A2(6) 1 Lot: 1 Block: Section A & C Subdivision: Block 15

do hereby make, constitute and appoint: A & D ZNR

\* (Name) [Signature] (Phone) 562-4081

(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 checked="" 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:

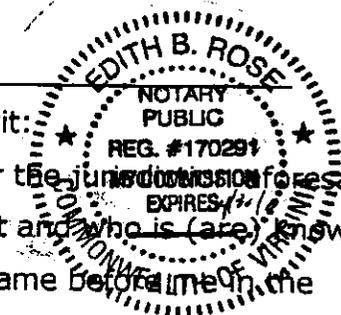
This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

In witness thereof, I (we) have hereto set my (our) hand and seal this 2<sup>nd</sup> day of December 2008,

\* Signature(s) Carolynn H. Ellis-Tart

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 2<sup>nd</sup> day of December of 2008.



Edith B. Rose My commission expires: 4/30/10  
 Notary Public

Proffer Sheet for the rezoning request of property owned by Ms. Carolyn Tart, Tax Map, 47A2(6)1 on Sycamore Ave, Sedley, Va.

If I am successful in rezoning the above referenced property to Industrial M-1, I will only be interested in the following uses and eliminate all other uses that are listed in the M-1 District.

16, 26, 26.1, 28, 38, 41, 45 and 62.

Owner: Carolyn H. Ellis - Tart

Applicant: James H. Peltz

Date: 12/2/08

# SOUTHAMPTON COUNTY

26022 Administration Ctr. Dr.  
P.O. Box 400  
Courtland, Virginia 23837



757-653-3015  
Fax: 757-653-0227

December 19, 2008

Lynne H. Rabil, President  
Hubbard Peanut Company, Inc.  
Post Office Box 94  
Sedley, VA 23878

**RE: REZ 2008:06**  
**Request for change in zoning classification**  
**Tax Parcel 47A2-6-1**

Dear Ms. Rabil:

The purpose of this letter is to inform you that the above referenced application will be the subject of a public hearing by the Planning Commission on **Thursday, January 8, 2009 at 7:30 p.m.** in the Board Room located at 26022 Administration Center Drive, Courtland, Virginia. Either yourself or a representative should be present at this meeting to participate in the public hearing and address any questions related to the application.

After a recommendation has been made by the Planning Commission, a final public hearing will be advertised and held by the Board of Supervisors who will have the authority to either grant or deny the zoning request. It is anticipated that the Board of Supervisors will hold their public hearing on January 26, 2009.

We look forward to seeing you at the Planning Commission public hearing. Should you have any questions, please feel free to contact me at 757-653-3015.

Sincerely,

James A. Randolph  
Assistant County Administrator

**ROBERT L. BARNETT CPCA,CBO**  
**DIRECTOR OF COMMUNITY DEVELOPMENT**  
BUILDING DEPARTMENT, ZONING DEPARTMENT  
SUBDIVISION AGENT, GIS 911 ADDRESSING  
EROSION AND SEDIMENT CONTROL  
CONSERVATOR OF THE PEACE

**ZONING INFORMATION:**

Project Owner(s): Carolyn Ellis Tart

Application Completed Date: \_\_\_\_\_

Requested Action: Rezoning

Current Zoning: R-1

Total Acreage: .996 ac

Acreage to be rezoned: .996 ac

Proposed Zoning: M-1

Proposed Use: Parking and future extension of existing business

Tax Map Identification: Tax Map, 47A2 (6) Parcel, 1

Location of Property: 30323 Sycamore Ave.

Adjacent Zoning: North, R-1 South, R-1 East, R-1 West, M-1

Conditional Use Required: No

Proffers: Yes, see proffer sheet

EXHIBIT "A"

All that certain lot or parcel of land lying, situate and being in or near the Village of Sedley, Jerusalem Magisterial District, Southampton County, Virginia, designated as Section B, Lot No. 7, Block 15 (containing 11,245.00 square feet) and Section C, Lot No. 7, Block 15 (containing 1,503.00 square feet), to wit:

On that certain map or plat entitled "PLAT SHOWING PROPERTY FOR JAMES LEON ELLIS AND CAROLYN H. ELLIS", made August 16, 1975, and revised September 6, 1976, February 22, 1986, and June 24, 1986, by S. V. Camp, III and Associates, C.L.S., a copy of which is recorded herewith, the land hereby conveyed being described in accordance with said plat as follows:

BEGINNING at an iron pin found (located North 5° 30' East 120.50 feet from the iron pin on the northerly edge of Sycamore Avenue marking the corner on said Sycamore Avenue for land of Harvey J. Hubbard, Jr. and Dorothy O. Hubbard and James Ellis), a corner for the property described herein, said Hubbard land, said Ellis land, and other land of the Grantor (being simultaneously conveyed by Grantor to Harvey J. Hubbard, Jr. and Dorothy O. Hubbard); thence North 5° 30' East 50.10 feet to an iron pin; thence South 84° 30' East 254.45 feet along a line lying 50.00 feet south of and parallel to the centerline of the Old Virginian Railroad right-of-way to an iron pin; thence South 5° 30' West 50.10 feet to an iron pin; thence North 84° 30' West 254.45 feet, more or less, to the iron pin found at the point of beginning."

**AFFIDAVIT**

I, Susan H. Wright, hereby certify that I have sent by first class mail one copy each of the attached notices of public hearings to all adjacent property owners listed hereinbelow pursuant to Section 15.2-2204, Code of Virginia, 1950 as amended.

**STATE OF VIRGINIA**

**COUNTY OF SOUTHAMPTON, to-wit:**

This day, Susan H. Wright appeared before me, Julia G. Williams, a Notary Public for the County of Southampton and being duly sworn, deposed and said that the above certification is true and correct.

Taken, subscribed and sworn to me this 5th day of JANUARY 2009.

My Commission Expires: November 30 2010.  
Julia G. Williams  
Notary Public



<u>Tax Map/Parcel #</u>	<u>Name/Address of Adjacent Property Owner</u>
<u>See attached</u>	

**SOUTHAMPTON COUNTY**  
**Board of Supervisors**  
**Notice of Public Hearing**

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended that the Southampton County Board of Supervisors will hold a public hearing on Monday, January 26, 2009 at 7:00 PM in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following:

- 1) REZ 2008:06 Application filed by Hubbard Peanut Company, Incorporated on behalf of Carolyn Ellis Tart, owner, requesting a change in zoning classification from R-1, Residential to C-M1, Conditional Limited Industrial approximately one (1) acre for the purpose of industrial uses, as conditioned. The property is located on the north side of Sycamore Avenue (Rt. 641) approximately ¼ mile east of the intersection with Sedley Road (Rt. 641) and is further identified as Tax Parcel Number 47A2-6-1. The property is located in the Jerusalem Magisterial District and Jerusalem Voting District.

Any persons desiring to speak in favor of or opposition to the above referenced application(s) are encouraged to appear and be heard at the aforementioned time and place. Any persons wishing to attend this hearing who may require auxiliary aids should contact Michael W. Johnson, County Administrator at (757) 653-3015 (voice) or (757) 653-3013 (TDD), preferably seven days prior to the hearing.

Southampton County Board of Supervisors  
Michael W. Johnson, Clerk

Planning Commission Public Hearing: December 11, 2008  
Adjoining Property Owners Notification

**1) REZ 2008:06**

Applicant:

Lynne Rabil  
Hubbard Peanut Company, Inc.  
P.O. Box 94  
Sedley, VA 23878

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Owner:

Carolyn Ellis Tart  
30323 Sycamore Ave.  
Sedley, VA 23878

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TP 47A2-6-1

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Allison E. Darden  
30335 Sycamore Ave.  
Sedley, VA 23878

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TP 47A2-1-128

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Sedley Volunteer Fire Dept.  
180810 Johnsons Mill Rd.  
Sedley, VA 23878

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TP 47A2-1-84B

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Franklin W. & Judy B. Drake  
95 N. Roys Ave.  
Columbus, OH 43204

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TP 47A2-1-131C

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Carol B. Ellis  
30284 Sycamore Ave.  
Sedley, VA 23878

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TP 47A2-1-131A,B+

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Tilden L. & Beth R. Pulley  
30298 Sycamore Ave.  
Sedley, VA 23878

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TP 47A2-1-131

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Michael J. & Stephanie J. Nash  
30330 Sycamore Ave.  
Sedley, VA 23878

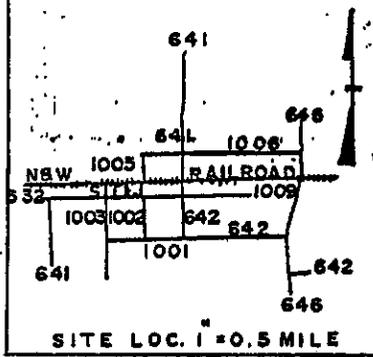
TP 47A2-1-123A

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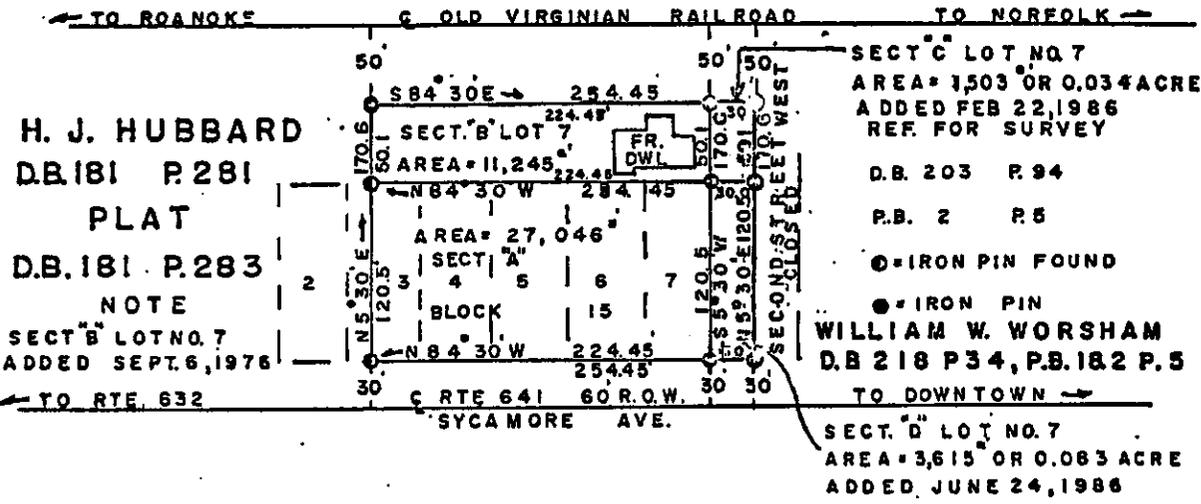
Lloyd D. & Deborah A. Hagen  
30316 Sycamore Ave.  
Sedley, VA 23878

TP 47A2-1-124

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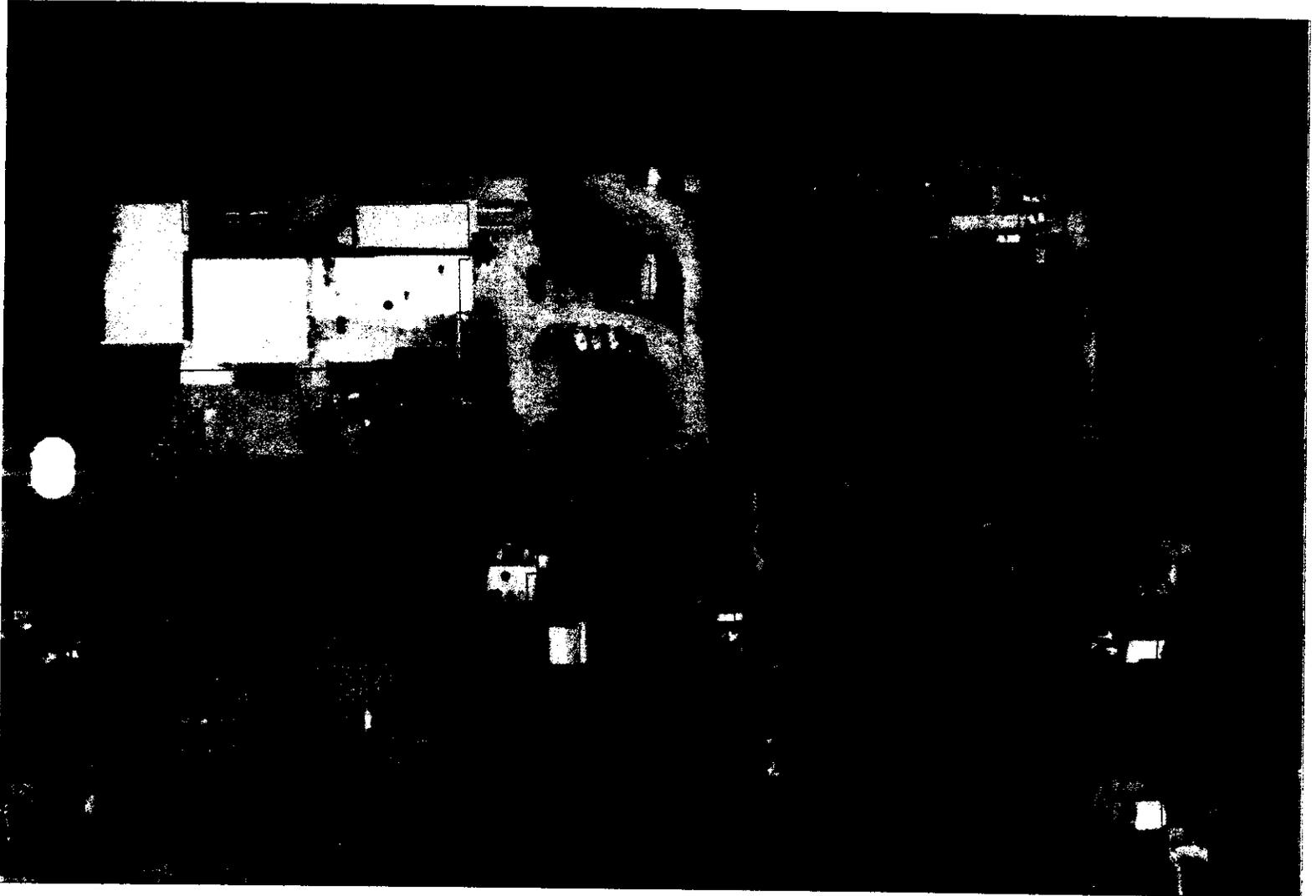
APPROVED  
 SOUTHAMPTON COUNTY BOARD OF SUPERVISORS  
 MICHAEL W. JOHNSON  
 BY *[Signature]* 7-10-87



PLAT SHOWING PROPERTY FOR  
 JAMES LEON ELLIS AND  
 CAROLYN H. ELLIS  
 TOWN OF SEDLEY  
 SOUTHAMPTON CO., VIRGINIA  
 SCALE 1"=100' AUG. 16, 1975  
 SURVEY BY S. V. CAMP, III AND  
 ASSOCIATES C.L.S. COURTLAND, VA.  
 TOTAL AREA = 0.996 ACRE



# Parcel 47A2-6-1



SCALE 1 : 1,358

