

SOUTHAMPTON COUNTY



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

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

February 17, 2009

Ronald L. Parsons
1403 Waters Edge Lane
Suffolk, VA 23435

RE: REZ 2009:02
Application for change in zoning classification, B1 to C-B2
28028 Southampton Parkway
Tax Parcels 76-17B

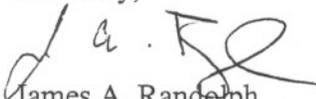
Dear Mr. Parsons:

The Planning Commission held a public hearing and reviewed your application at their meeting on February 12, 2008. After receiving public comments and discussing the matter, a motion was 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, March 23, 2009. The meeting will begin at 6:00 p.m. with public hearings scheduled to start at 7:00 p.m.** The meeting will be held in the Board Room located at 26022 Administration Center Drive, Courtland, Virginia. Either yourself or a representative should attend and participate in this public hearing. The Board of Supervisors will consider the recommendation of the Planning Commission as well as any comments offered during the public hearing prior to making a decision on the application. An additional notice for this meeting will be forwarded to you prior to the meeting date.

Should you have any questions or need additional information, please feel free to contact me at 757-653-3015.

Sincerely,


James A. Randolph
Assistant County Administrator

1403 Waters Edge Lane
Suffolk, VA 23435
Ph. 757-477-3898
Fax 757-484-6381

January 14,2009

Mr. James A. Randolph
Office of Administration
Southampton County
P.O. Box 400
Courtland, VA 23837

RE: Request for Change of Zoning
28028 Southampton Parkway, Courtland, VA 23837
Tax Parcel #76-17B

Dear Sir:

Please accept this as my formal request for Change of Zoning of the above referenced property, from the present "Business District" : B- 1, to "Article 1X General" B- 2, with proffers. Additionally, the owner/applicant is currently in negotiation with Virginia Department of Transportation, to install a turn lane on the south side of Southampton Parkway, beginning at the corner of 27490 Southampton Parkway, Courtland, VA (Dairy Queen) to the entrance of this property.

I look forward to working with you and stand ready to answer questions you might have.

Sincerely,

Ronald L. Parsons
Owner/Applicant

Encl: Proffers for Rezoning

REZ 2009:02

Ronald L. Parsons (owner)

Application Request: Change in zoning classification

IDENTIFICATION AND LOCATION INFORMATION

Current Zoning: B-1, Local Business

Requested Zoning: C-B2, Conditional General Business District

Acreage: 6 acres +/-

Proposed Use: Commercial uses as proffered

Tax Map No.: 76-17B

Location of Property: 28028 Southampton Parkway, U.S. Route 58

Magisterial District: Franklin

Voting District: Franklin

Comprehensive Plan: Commercial

Adjacent Zoning: North: A1 (north side of Rt. 58)
South: B1
East: B1
West: B1

LAND USE ANALYSIS

Overview

This property is currently zoned B1, Local Business, consists of 6 acres and is the former site of the John Deere tractor dealership. The owner/applicant is seeking a change in zoning classification to Conditional General Business (C-B2) in order to re-develop the site for commercial uses. The B2 zoning district allows for additional uses along with all the permitted uses of the B1 district.

The owner/applicant has offered proffers associated with application. Specifically, use # (.1) and use # (6) in the B1 district have been eliminated along with use #(16) in the B2 district.

Site Topography and Characteristics

The majority of the site is open. There are two buildings on the property. One is the former dealership showroom space with attached service area. The other is a separate butler building located towards the back of the property.

Transportation:

Due to the location on Route 58, this site has excellent access to a major highway, thus increasing its potential for commercial success. The applicant is offering to develop a turn lane that will help provide safer access to the property. The Virginia Department of Transportation will review any proposed site plans and make the final determination on any improvements needed. Conceptually, they support the installation of a turn lane.

Environmental

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

Utilities

This site is served by public water and sewer. While no improvements are warranted at this time, specific commercial tenants may require upgrades based upon the expected water usage associated with their project.

CONCLUSION

Strengths of application:

- Consistent with the Comprehensive Plan
- Proffers have been offered eliminating specific uses and the development of a turn lane
- Commercial development may enhance tax base

Weaknesses' of application:

- None noted at this time

SUPPORT INFORMATION AND ATTACHMENTS

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing and reviewed this application at their meeting on February 12, 2009. Attached are the draft minutes from the meeting and the corresponding recommendation for approval.

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

REZ 2009:02 Application filed by Ronald L. Parsons, owner, requesting a change in zoning classification from B1, Local Business, to C-B2, Conditional General Business approximately 6 acres for the purpose of business uses, as conditioned. The property is located on the south side of Southampton Parkway (Rt. 58) approximately one half (1/2) mile east of the intersection of Jerusalem Road (Rt. 58 Business). The address of the property is 28028 Southampton Parkway. The property is further identified as Tax Parcel 76-17B and is located in the Franklin Magisterial District and Franklin Voting District.

Chairman Edwards opened the public hearing.

Mr. Ronald Parsons, owner, addressed the Commission. He advised that rezoning the property to C-B2 would provide him with a little more flexibility than B-1.

Commissioner Drake stated that he admired Mr. Parsons for constructing a turn lane onto the property off of Route 58. He asked what was the status of the turn lane? Mr. Parsons replied that the Virginia Department of Transportation (VDOT) had approved it.

Mr. Parsons clarified for Commissioner Drake that the property line started right at the edge of Dairy Queen's property.

Commissioner Drake asked if plans for the property included multiple businesses/lots? Mr. Parsons replied that it was unknown at this time. However, there was interest right now in the entire parcel.

Mr. Parsons clarified for the Commission that there would only be one entrance onto the property regardless of whether there was one or multiple businesses there.

Mr. Parsons proffered to exclude two uses in the B-1 District and one use in the B-2 District. *(Note: Although the request is to rezone from B-1 to C-B2, all uses permitted in B-1 are also permitted in B-2, thus the need to address both Districts.)*

The excluded uses are as follows:

B-1 District

- (1) Adult establishments, individual or collectively, including adult arcades, adult bookstores,
adult cabarets, adult motion picture theaters, adult theaters and massage parlors.
- (6) Billiards parlor or pool hall, card room, electronic game center or similar recreational
establishment.

B-2 District

- (16) Fortune teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or any similar activity.

Mr. Parsons advised that the turn lane/entrance had also been proffered.

Mr. Jay Randolph, Secretary, clarified for Commissioner Chesson that the official proffer sheet did not mention the turn lane/entrance, but the applicant's cover letter submitted with the application did. Nevertheless, they could amend the official proffer sheet to include the turn lane/entrance.

Secretary Randolph advised that the turn lane/entrance was a very important proffer and would set a good precedent for future development along Route 58.

Chairman Edwards closed the public hearing.

Chairman Edwards stated that he did not see any need to hold this up, as we certainly needed the businesses and tax base in the County.

Secretary Randolph clarified for Commissioner Mann that VDOT had to approve the turn lane, as they had certain requirements.

Commissioner Harrell moved, seconded by Commissioner Parker, to recommend approval of the rezoning, subject to all voluntary proffers. 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: Ronald L. Parsons

Address: 1403 Waters Edge Lane

City, State, Zip: Suffolk, Va. 23435

Phone: Day 477-3898 Evening _____ Mobile same

Owner Name: Same

Address: _____

City, State, Zip: _____

Phone: Day _____ Evening _____ Mobile _____

PROPERTY INFORMATION

Address or Location: 28028 Southampton Parkway Courtland

Tax Parcel Number: 76-17 B

Total Acreage of Parcel: 6+ Ac.

Amount of above acreage to be considered: All

Current Use of property: Former John Deere Dealer Ship

Rezoning request from B 1 to B2

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):

Required Items to be submitted with application:

- Application Form
- Application Fee of \$ 500.00
- 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.

1/12/09 [Signature] _____
Date Signature Signature

OFFICE USE ONLY

Received By: _____

Date: _____

Post Sign By: 2-9-09

PC Agenda Date: 2-12-09

BOS Agenda Date: _____

PROFFERS FOR CONDITIONAL REZONING

 ✓ Original Amended

Pursuant to Section 1-546 (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:

Under Classification B- 1 :

The exclusion of any and all of the following :

- (1) Adult establishments, individual or collectively, including adult arcades, adult bookstores, adult cabarets, adult motion picture theaters, adult theaters and massage parlors.
- (6) Billiards parlor or pool hall, card room, electronic game center or similar recreational establishment.

Under Classification B- 2 :

The exclusion of any and all of the following :

- (16) Fortune teller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader or any similar activity.



Signature of Owner/Applicant *

 1/14/09

Date

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

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 10th day of March 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>
<p>See attached</p>	



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, March 23, 2009 at 7:00 p.m. in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following:

- 1) REZ 2009:01 Application filed by Larry Whitley, applicant, on behalf of W. Group LLC, owner, requesting a change in zoning classification from R-1, Residential to A-2, Agricultural approximately 54.69 acres for the purpose of agricultural uses. The properties consist of two separate tax parcels, 47A1-1-60 and 47A1-1-66A. The first parcel (TP 47A1-1-60) is located on the east side of the intersection of Peachtree Road (Rt. 1006) and Rosemont Road (Rt. 646). The second parcel (TP 47A1-1-66A) is located south of the intersection of Maple Ave. (Rt. 642) and Rosemont Road (Rt. 646). The properties are located in the Jerusalem Magisterial District and Jerusalem Voting District.
- 2) REZ 2009:02 Application filed by Ronald L. Parsons, owner, requesting a change in zoning classification from B1, Local Business, to C-B2, Conditional General Business approximately 6 acres for the purpose of business uses, as conditioned. The property is located on the south side of Southampton Parkway (Rt. 58) approximately one half (1/2) mile east of the intersection of Jerusalem Road (Rt. 58 Business). The address of the property is 28028 Southampton Parkway. The property is further identified as Tax Parcel 76-17B and is located in the Franklin Magisterial District and Franklin Voting District.
- 3) SAB 2009:01 Application filed by Bruce Phillips, applicant, requesting abandonment of certain right-of-way of streets in the Sebrell area of Southampton County. The streets are identified as First Street, Second Street, Third Street, an alleyway, and a portion of Church Street. The right-of-way for these streets was reserved via recordation of a plat prepared by H.B. Watts dated December 1907 and later revised by James Clark via a plat dated February 12, 1913. The right-of-ways for the described segments have not been developed or improved since their recordation. The right-of ways are generally located between Plank Road (Rt. 35) and Farmers Grove Road (Rt. 713). The right-of-ways are located in the Capron Magisterial District and Capron Voting District.
- 4) Advance citizen comment regarding the Fiscal Year 2009-10 annual budget. This hearing is intended to provide interested citizens an opportunity to make their views known prior to preparation of the county administrator's draft budget. Interested citizens are invited to offer their comments and recommendations on any and all fiscal matters. A second public hearing will be scheduled for Monday, May 18, 2009 to provide all citizens an opportunity to comment on the final draft of the proposed budget.
- 5) An ordinance amending Article V, Chapter 7 of the Southampton County Code increasing service fees for emergency ambulance transport, beginning April 1, 2009. The fees for Basic Life Support (BLS) services are proposed to increase from \$300 to \$350, the fees for

Advanced Life Support (ALS-2) services are proposed to increase from \$500 to \$575, and the ground transport mileage (GTM) rate is proposed to increase from \$8.00 to \$10.50 per mile. All proposed increases are consistent with recent revisions to Medicare payment policies for emergency ambulance transportation services and are intended to assure the provision of adequate and continuing emergency services and to protect and promote the public health, safety, and general welfare.

- 6) A resolution authorizing the acquisition of certain specified rights-of-way or easements for water and sewer line construction, including authority for the institution of condemnation proceedings, if necessary, pursuant to § 15.2-1903 of the 1950 Code of Virginia, as amended, and a declaration regarding the necessity of entering upon and taking such property prior to the conclusion of condemnation proceedings as provided in §§ 15.2-1905, 25.1-200, *et. seq.*, and 25.1-300 *et. seq.* of said Code. Southampton County seeks to acquire all such easements voluntarily, and will initiate condemnation proceedings only after a bona-fide but ineffectual offer to purchase the right-of-way or easement has been rejected or ignored.

Copies of all documents referenced herein above are on file and available for public inspection in the County Administrator's office, 26022 Administration Center Drive, Courtland, Virginia during normal office hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

Any person desiring to be heard in favor of or in opposition to any of these matters may appear at the time and place referenced herein above and make his or her comments to the Board of Supervisors.

The hearing is held at a public facility designed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facility or need for reasonable accommodations should contact Michael W. Johnson, Clerk, at (757) 653-3015. Persons needing interpreter services for the deaf must notify Mr. Johnson at least seven (7) days in advance of the hearing.

Southampton County Board of Supervisors
Michael W. Johnson, Clerk

2) REZ 2009:02

Owner/Applicant:

Ronald L. Parsons
1403 Waters Edge Lane
Suffolk, VA 23435

TP 76-17B

Fifty Eight Associates
504 E. Glen Haven Dr.
Suffolk, VA 23437

TP 76-17

Courtland Real Estate Holding Co. LLC
P.O. Box 513
Franklin, VA 23851

TP 76-17H

Marvin Dean Griffin
P.O. Box 37
Courtland, VA 23837

TP 76-18

King Holding Corporation
3703 Cook Blvd.
Chesapeake, VA 23323

TP 76-18H

James K. Simmons Jr.
209 Aspen Ave.
Elon, NC 27244

TP 76-14A

F.A. Simmons
28005 Southampton Pkwy.
Courtland, VA 23837

TP 76-14, 76-14B

Warren A. & Linda D. Simmons
27511 Southampton Pkwy.
Courtland, VA 23837

TP 76-14C

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): Ronald L. Parsons

Application Completed Date: _____

Requested Action: Rezoning

Current Zoning: B-1

Total Acreage: 6+ ac

Acreage to be rezoned: 6+ ac

Proposed Zoning: B-2

Proposed Use: Business

Tax Map Identification: Tax Map, 76 Parcel, 17-B

Location of Property: 28028 Southampton Parkway

Adjacent Zoning: North, A-1, across route 58 South, B-1 East, B-1 West, B-1

Conditional Use Required: No

Proffers: Yes, see proffer statement

SOUTHAMPTON COUNTY

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



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

January 30, 2009

Ronald L. Parsons
1403 Waters Edge Lane
Suffolk, VA 23435

RE: REZ 2009:02
Request for change in zoning classification, B1 to C-B2
Tax Parcel 76-17B

Dear Mr. Parsons:

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, February 12, 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 to answer any questions the Planning Commission may have. Once a recommendation has been made by the Planning Commission, the Board of Supervisors will hold a public hearing and make a decision on the application.

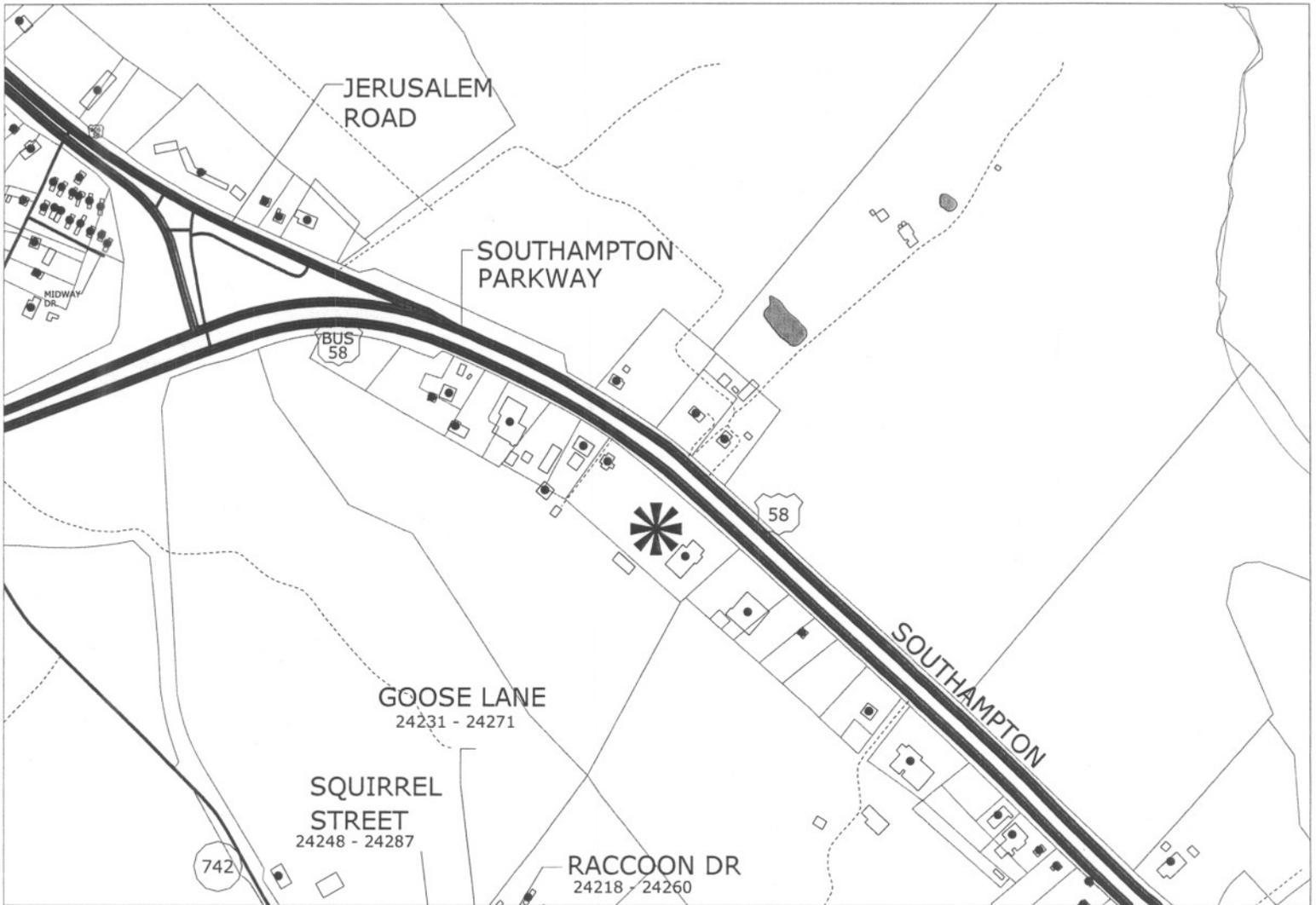
We look forward to seeing you there and should you have any questions, please feel free to contact me at 757-653-3015.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. A. Randolph', is written over a faint, larger version of the same signature.

James A. Randolph
Assistant County Administrator

28028 Southampton Parkway



SCALE 1 : 8,314

