

**A. REZONING APPLICATION  
W GROUP, LLC**

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on the application of Larry Whitley, applicant, on behalf of W. Group LLC, owner, requesting a change in zoning classification from R-1, Residential to A-2, Agricultural of 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). Both properties are located in the Jerusalem Magisterial District and Jerusalem Voting District.

The notice of this public hearing was published in the Tidewater News on March 8 and March 15, 2009 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on February 12, 2009, the Southampton County Planning Commission voted 7-1 to recommend approval.

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

Mr. Jay Randolph, Assistant County Administrator 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 rezoning.

# SOUTHAMPTON COUNTY



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

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

February 17, 2009

Larry Whitley  
18508 Rosemont Rd.  
Franklin, VA 23851

**RE: REZ 2009:01**  
**Application for change in zoning classification, R1 to A2**  
**Two Parcels, Rosemont Road,**  
**Tax Parcels 47A1-1-60, 47A1-1-66A**

Dear Mr. Whitley:

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 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

**REZ 2009:01**

Larry Whitley (applicant)

W. Group LLC (owner)

Application Request: Change in zoning classification

**IDENTIFICATION AND LOCATION INFORMATION**

Current Zoning: R-1, Residential

Requested Zoning: A-2, Agricultural District

Acreeage: Parcel 60: 25.19  
Parcel 66A: 29.50

Proposed Uses: Farming/Agriculture

Tax Map No.: 47A1-1-60, 47A1-1-66

Location of Property: Rosemont Road, Sedley

Magisterial District: Jerusalem

Voting District: Jerusalem

Comprehensive Plan: Residential

Adjacent Zoning: North: A2  
South: A2  
East: A2  
West: R1

**LAND USE ANALYSIS**

Overview

This application requests a change in zoning classification “downward” from R-1, Residential to A-2, Agricultural. Both parcels are located in the Sedley Community Area as identified by the comprehensive plan and are listed on the future land use

map for residential use (due to the current residential zoning). A change of zoning classification to A-2 would allow farming and other agricultural uses to continue to be performed on the properties. Generally, the A-2 zoning district is designed to provide for the gradual extension and filling in of single family residential and other appropriate development in areas where urban services are planned for in the future while allowing agricultural activities to continue until such time development may be planned.

### Topography

Both parcels are generally open with a small amount of wooded buffers along the edge of the property lines.

### Transportation:

Both parcels are accessible from Rosemont Road, a paved secondary road. There are no anticipated transportation impacts with the application.

### Environmental

These properties are not located in a flood hazard zone and there are no known wetlands impacting the application.

### Utilities

The properties are not currently served by public water or sewer.

### Historic

There is no known historical relevance affecting the application.

## **CONCLUSION**

### Strengths of application:

- Future rezoning applications may allow for proffers
- Property is currently being used for agricultural purposes

### Weaknesses' of application:

- None noted at this time

## **SUPPORT INFORMATION AND ATTACHMENTS**

- 1) Staff Analysis
- 2) Application and letter
- 3) Notification of adjacent landowners
- 4) Zoning exhibits
- 4) Site map

## **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 first public hearing was to consider the following:

REZ 2009:01 Application filed by Larry Whitely, 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.

Chairman Edwards opened the public hearing.

Mr. Larry Whitley, applicant, addressed the Commission. He advised that he had always farmed these parcels and would continue to do so. The parcels adjoined other parcels in which he farmed, and also adjoined farmland owned by other farmers. There must have been big ideas for Sedley when it was laid out in 1907 (hence the reason the subject parcels were zoned R-1, Residential). He had intended to downzone the property, but kept forgetting to do so until he was reminded of it by

receiving his tax bill (which was higher zoned as R-1 than it would be zoned A-2 with land use).

Mr. Glenn Updike spoke. He stated that he supported Mr. Whitley 100 percent. But the Board needed to give all the citizens a one-time opportunity to downzone their property at no charge. This would be beneficial to the County because if the property were ever rezoned back to R-1, the County could demand proffers.

Commissioner Chesson asked Mr. Whitley what impact downzoning his property would have on his taxes? Mr. Whitley replied that his taxes would be less, but he did not know how much less.

Chairman Edwards closed the public hearing.

Commissioner Harrell advised that he did not see anything wrong with downzoning the property. Mr. Whitley should not be paying taxes on R-1 property when it was actually farmland.

Commissioner Chesson stated that they were encouraging development around the towns, and if they downzoned this property, they would be going backwards from a land use standpoint. If the only purpose of downzoning this property was to reduce the taxes, he did not know if that was a good idea. He recognized that his opinion may not be the most popular opinion.

Commissioner Harrell advised that the property had been zoned R-1 for all this time and it had not been used for anything but agricultural purposes. If in the future the property was ever rezoned to R-1, proffers could be collected.

**Commissioner Harrell moved, seconded by Vice-Chairman Barham, to recommend approval of the rezoning. Chairman Edwards, Vice-Chairman Barham, and Commissioners Drake, Harrell, Mann, Parker, and Tennessee voted in favor of the motion. Commissioner Chesson voted in opposition to the motion. The vote was 7-1 in favor of the motion, thus the motion passed.**

18509 Rosemont Rd.  
Franklin, Va. 23851  
December 20, 2008

Dear Sirs,

This letter and rezoning request is in reference to farmland identified by Southampton County as tap parcels 47A1-60 and 47A1-66A. I own and farm this land and it adjoins other land that I own and farm. My intentions are to continue farming this land and not develop it. Would you please rezone this land to A2.

Sincerely,  
Larry Whittle



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: LARRY WHITLEY

Address: 18508 ROSEMONT RD.

City, State, Zip: FRANKLIN, VA. 23851

Phone: Day 562-4066 Evening \_\_\_\_\_ Mobile 635-9122

Owner Name: W. GROUP L.C.C.

Address: 18508 ROSEMONT RD.

City, State, Zip: FRANKLIN, VA. 23851

Phone: Day 562-4066 Evening \_\_\_\_\_ Mobile 635-9122

**PROPERTY INFORMATION**

Address or Location: ROSEMONT ROAD S.E. CORNER OF SEOLEY

Tax Parcel Number: 47A1-60 & 47A1-66A

Total Acreage of Parcel: 54.69

Amount of above acreage to be considered: ALL

Current Use of property: FARMING & GROWING TIMBER

Rezoning request from R1 to A2

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):

THIS LAND HAS ALWAYS BEEN FARMED  
AND ADJOINS OTHER LAND THAT I  
OWN AND FARM.

Required Items to be submitted with application:

- Application Form
- Application Fee of \$ 500<sup>00</sup>
- 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.

1/6/09  
Date

Nancy White  
Signature

\_\_\_\_\_  
Signature

**OFFICE USE ONLY**

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

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

Post Sign By: 2-9-09

PC Agenda Date: 2-12-09

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

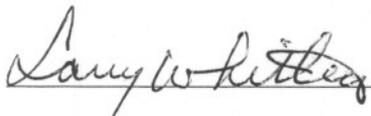
**PROFFERS FOR CONDITIONAL REZONING**

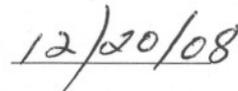
\_\_\_\_\_ Original

\_\_\_\_\_ Amended

Pursuant to Section 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.

**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

Board of Supervisors Public Hearing – March 23, 2009  
Adjoining Property Owners Notification

**1) REZ 2009:01**

Applicant:

Larry Whitley  
18508 Rosemont Road  
Franklin, VA 23851

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Owner:  
W. Group LLC  
18508 Rosemont Road  
Franklin, VA 23851

TP 47A1-1-60  
TP 47A1-1-66

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**Adjoining Tax Parcel 47A1-1-60**

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Robert F. & Courtney D. Johnson  
2904 S. Fairway Dr.  
Burlington, NC 27215

TP 47-9

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Sybil & Willard L. Johnson Jr.  
P.O. Box 9  
Sedley, VA 23878

TP 47-9A

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Christine W. Whitley LE  
31247 Vicksville Rd.  
Sedley, VA 23878

TP 47-53

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Rosemont Cemetery Association  
32306 Vicksville Rd.  
Franklin, VA 23851

TP 47A1-1-59

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Lance D. Nyman  
18019 Rosemont Rd.  
Sedley, VA 23878

TP 47A1-1-60A

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Mark A. Lewis  
17499 Rosemont Rd.  
Sedley, VA 23878

TP 47A1-1-60B

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Larry O. Lewis & Brenda J. Blythe  
31093 Peachtree Ave.  
Sedley, VA 23878

TP 47A1-5-15

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W. Group LLC  
18508 Rosemont Rd.  
Franklin, VA 23851

TP 47-61

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**Adjoining Tax Parcel 47A1-1-66A**

W. Group LLC  
18508 Rosemont Rd.  
Franklin, VA 23851

TP 47-47

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Laurie W. Brittle  
18368 Rosemont Rd.  
Franklin, VA 23851

TP 47-47C

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John N. & Robin K. Johnson  
23117 Main St.  
Courtland, VA 23837

TP 47-2-1, 47-2-2

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James A. Creasy & Ann W. Frances  
31017 Maple Ave.  
Sedley, VA 23878

TP 47A1-1-65

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Mack G. & Brenda B. Davis  
31057 Maple Ave.  
Sedley, VA 23878

TP 47A1-1-65A, 47A1-1-66, 47A1-1-66C

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Mary F. Newsome  
31016 Maple Ave.  
Sedley, VA 23878

TP 47A1-1-66B

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Dannie G. & Margaret C. Cheek  
31004 Maple Ave.  
Sedley, VA 23878

TP 47A1-1-66E

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John R. & Edna B. Wade  
30404 Unity Rd.  
Sedley, VA 23878

TP 47A1-1-67

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The Dorothy M. Harris Rev Living Tr  
P.O. Box 68  
Sedley, VA 23878

TP 47A1-1-67A

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Johnnie B. & Lennie E. Scott  
P.O. Box 11  
Sedley, VA 23878

TP 47-59

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Phillip G. Darden  
19082 Sedley Rd.  
Sedley, VA 23878

TP 47-2-3

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Patrick & Beverly Branche  
18217 Rosemont Rd.  
Franklin, VA 23851

TP 47A1-2-4, 47A1-11-1, 47A1-11-2

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Kay & JB Johnson Jr.  
18173 Rosemont Rd.  
Sedley, VA 23878

TP 47A1-2-5

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Michael Ballard  
18165 Rosemont Rd.  
Sedley, VA 23878

TP 47-2-6

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**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): Larry Whitley

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

Requested Action: Rezoning

Current Zoning: R-1

Total Acreage: 54.69

Acreage to be rezoned: 54.69 ac

Proposed Zoning: A-2

Proposed Use: Farming

Tax Map Identification: Tax Map, 47A1 Parcel, 60 and Tax Map, 47A1 Parcel, 66A

Location of Property: Rosemont Road

Adjacent Zoning: North, A-2 South, A-2 East, A-2 West, R-1

Conditional Use Required: No

Proffers: No

# SOUTHAMPTON COUNTY

26022 Administration Ctr. Dr.  
P.O. Box 400  
Courtland, Virginia 23857



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

January 30, 2009

Larry Whitley  
18508 Rosemont Rd.  
Franklin, VA 23851

**RE: REZ 2009:01**  
**Request for change in zoning classification, R1 to A2**  
**Tax Parcels 47A1-1-60, 47A1-1-66A**

Dear Mr. Whitley:

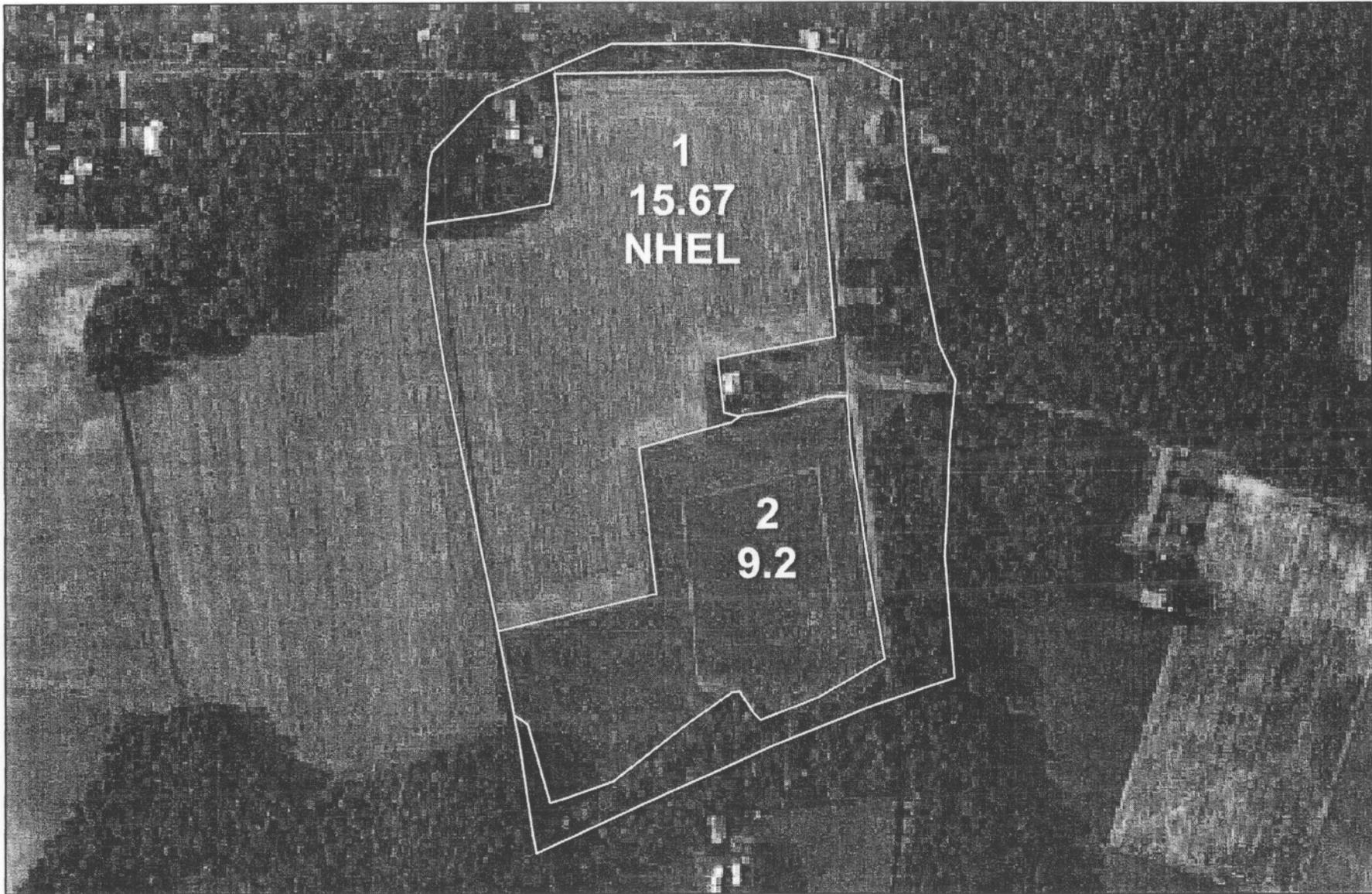
The purpose of this letter is to inform you that the above referenced application will be the subject of a public hearing by the Planning Commission on **Thursday, February 12, 2009 at 7:30 p.m.** in the Board Room located at 26022 Administration Center Drive, Courtland, Virginia. Either yourself or 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 'James A. Randolph', is written over a faint, larger version of the same signature.

James A. Randolph  
Assistant County Administrator



Farm Number: 3604

Tract Number: 1053

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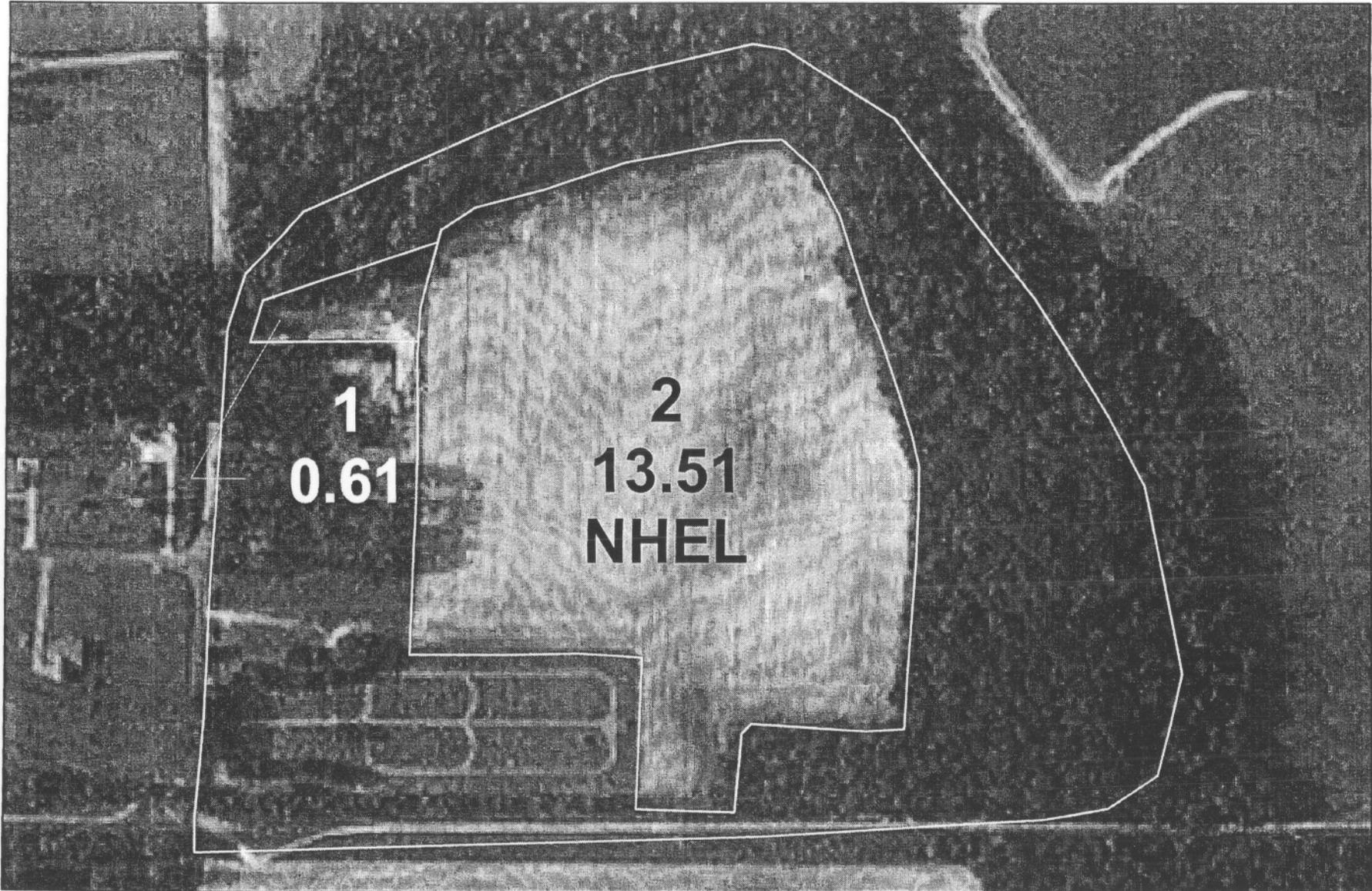


United States Department of Agriculture  
Farm Service Agency  
Southampton, VA

1 inch equals 298.410754 feet

TAX PARCEL 47A1-66A

May 02, 2006



Farm Number: 3604

Tract Number: 1107



United States Department of Agriculture  
Farm Service Agency  
Southampton, VA

1 inch equals 208.848568 feet

TAX PARCEL 47A1-60

May 02, 2006

# Tax Parcels 47A1-1-60, 66A



SCALE 1 : 9,769

