

1 Minutes of the regular monthly meeting of the Planning Commission of the  
2 County of Henrico held in the County Administration Building in the Government  
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. May 11,  
4 2017. Display Notice having been published in the *Richmond Times-Dispatch* on  
5 April 24, 2017 and May 1, 2017.  
6

Members Present: Mr. Eric S. Leabough, C.P.C. Chair (Varina)  
Mr. Robert H. Witte, Jr., Vice Chair (Brookland)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Gregory R. Baka (Tuckahoe)  
Mrs. Sandra M. Marshall (Three Chopt)  
Mr. R. Joseph Emerson, Jr., AICP, Director of Planning,  
Secretary  
Mr. Tyrone E. Nelson (Varina)  
Board of Supervisors' Representative

Also Present: Ms. Jean M. Moore, Assistant Director of Planning  
Mr. James P. Strauss, PLA, Senior Principal Planner  
Ms. Rosemary D. Deemer, AICP, County Planner  
Mr. Benjamin Sehl, County Planner  
Ms. Erin Puckett, County Planner  
Ms. Sylvia Ray, Recording Secretary

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8 **Mr. Tyrone E. Nelson, the Board of Supervisors' representative, abstains on**  
9 **all cases unless otherwise noted.**

10  
11 Mr. Leabough - I'd like to call this meeting of the Henrico County  
12 Planning Commission to order. This is our rezoning meeting for May 11, 2017. If  
13 everyone in the audience could mute or silence your cell phones, please do so.  
14 As you do that, please rise with the Commission for the Pledge of Allegiance.  
15

16 I would like to take this time to apologize to the folks in the audience. We had a  
17 kickoff meeting for our Route 5 Corridor Study at 6:00, so we're running slightly  
18 behind. Please accept our apology for that.  
19

20 Do we have anyone in the audience that is a member of the news media? I don't  
21 believe we have anyone, but if so, please identify yourself. There is no news  
22 media present.  
23

24 We have a quorum. All members of the Commission are present, in addition to  
25 our Board member representative who's sitting with us this year, Rev. Nelson.  
26 Rev. Nelson, thank you for being here, sir.  
27

28 With that I'd like to turn the agenda over to our secretary, Mr. Joe Emerson.

29 Mr. Emerson - Thank you, Mr. Chairman. As you noted, we did hold  
30 the kickoff meeting that began at six to discuss the Route 5 Corridor Study. Now  
31 we're ready to enter into your regular agenda. First on that agenda are the  
32 requests for withdrawals and deferrals. Staff does not have any withdrawals or  
33 deferrals to present to you this evening unless the Commission has any deferrals  
34 they wish to enter.

35  
36 Mr. Baka - Mr. Chairman, I do have a request for a deferral that  
37 I'd like to make at this time.

38  
39 Mr. Leabough - Sure.

40  
41 **PUP2017-00012 George W. Gray, III for Mika and Henna Elovaara:**  
42 Request for a Provisional Use Permit under Section 24-12.1(e), 24-120, and 24-  
43 122.1 of Chapter 24 of the County Code to allow a front porch to extend no more  
44 than 8' into the front yard setback on Parcel 761-746-9054 located on the west  
45 line of Rockwood Road approximately 160' north of its intersection with Tallwood  
46 Road. The existing zoning is R-3 One-Family Residence District. The 2026  
47 Comprehensive Plan recommends Suburban Residential 2, density should not  
48 exceed 3.4 units per acre.

49  
50 Mr. Baka - Mr. Chairman, in order to address a procedural item, I  
51 would move that PUP2017-00012, George W. Gray, III for Mika and Henna  
52 Elovaara, be deferred to the June 15th meeting at the request of the Planning  
53 Commission.

54  
55 Mr. Witte - Second.

56  
57 Mr. Leabough - Is there anyone in the audience in opposition to the  
58 deferral of PUP2017-00012, George W. Gray, III for Mika and Henna Elovaara?  
59 All right, there is no one in opposition to that deferral request, so we'll entertain a  
60 motion now, Mr. Baka.

61  
62 Mr. Baka - Okay.

63  
64 Mr. Leabough - We like to request opposition before we move on a  
65 motion.

66  
67 Mr. Emerson - Yes.

68  
69 Mr. Leabough - So now I'll entertain a motion and we'll go from there.

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71 Mr. Baka - Okay. If I may, then, to restate, Mr. Chairman, to  
72 address a procedural item I would move that PUP2017-00012, George W. Gray,  
73 III for Mika and Henna Elovaara, be deferred to the June 15th meeting at the  
74 request of the Planning Commission.

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Mr. Witte - I'll second that again.

Mr. Leabough - Thank you, sir, and thank you Mr. Baka. We have a motion by Mr. Baka, a second by Mr. Witte. All in favor say aye. Those opposed? There is no opposition; that motion passes.

At the request of the Planning Commission, the Planning Commission deferred PUP2017-00012, George W. Gray, III for Mika and Henna Elovaara, to its meeting on June 15, 2017.

Mr. Emerson - Mr. Chairman, if there are no further deferrals, next on your agenda are the requests for expedited items. And we have none of those this evening, so we now move into your regular agenda with REZ2017-00013, Parker Consulting, LLC for Henrico County Vocational/Technical Education Foundation, Inc. The staff report will be presented by Mr. Ben Sehl.

**REZ2017-00013 Parker Consulting, LLC for Henrico County Vocational/Technical Education Foundation, Inc.:** Request to conditionally rezone from R-5C General Residence District (Conditional) to R-3C One-Family Residence District (Conditional) Parcel 813-732-0538 containing 4.422 acres located on the east line of Cedar Fork Road at its intersection with Creighton Road. The applicant proposes single family dwellings. The R-3 District allows a maximum density of 3.96 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The 2026 Comprehensive Plan recommends Office and Suburban Residential 1, density should not exceed 2.4 units per acre. The site is in the Airport Safety Overlay District.

Mr. Leabough - Is there anyone present who is opposed to REZ2017-00013, Parker Consulting, LLC for Henrico County Vocational/Technical Education Foundation, Inc.? Are you in opposition, sir?

Male - [Off microphone] I just have a question so I can better understand [inaudible].

Mr. Leabough - Sure. Sir, we'll get to your question. We just wanted to know if there's anyone in opposition. It sounds like you're not necessarily in opposition, but you have a question. Okay. So there will be an opportunity for you to share your question and to have the applicant address that question that you shared. Mr. Sehl, would you please start your presentation?

Mr. Sehl - Yes sir. Thank you, Mr. Chairman.

This is a request to rezone 4.42 acres from R-5C to R-3C for a single family subdivision of up to two units per acre, or eight lots as shown on the un-proffered conceptual plan.

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The site was rezoned to R-5C via C-61C-96 to allow for a childcare center, which was never constructed. Prior to that rezoning, the site was zoned R-3C and was intended to be part of the Clarendon Farms subdivision, which is located just to the north. The proffers submitted by the applicant are similar to those accepted as part of the original Clarendon Farms subdivision.

The applicant has submitted an un-proffered conceptual master plan, which shows how the site would likely be developed. There would be three lots facing Cedar Fork Road, four lots facing Bogart Road, and one lot south of Brooking Meadow in this location here. The lot sizes shown would generally be larger than those in the adjacent subdivisions, averaging over a half acre in size. The minimum size for the lots would be slightly larger than normally required for R-3, as they would be served by public water and private septic systems.

While not fully consistent with the portion of the site designated Office on the 2026 Comprehensive Plan, this request would be consistent with the pattern of development in the area and would restore the zoning of the site to what it was prior to the childcare proposal. For this reason, staff believes this request could be appropriate and recommends it be approved.

This concludes my presentation. I will be happy to answer any questions.

Mr. Leabough - Are there any questions from the Commission for Mr. Sehl? There are no questions.

Mr. Archer - I have none, Mr. Sehl, but I guess we need to hear from the gentleman who does have a question. So just stay handy until we can hear from him.

Mr. Sehl - Yes sir.

Mr. Leabough - Sir, if you have questions, could you please come to the podium and state your name for the record as these are recorded proceedings. As you approach the podium, Mr. Emerson, would you mind sharing with the audience our guidelines for speaking at our hearings?

Mr. Emerson - Yes sir, Mr. Chairman. As noted, the Commission does have guidelines that they follow in regard to their public hearings and they are as follows: The applicant is allowed ten minutes to present the request, and time may be reserved for responses to testimony. Opposition is allowed ten minutes to present its concerns. Commission questions do not count into the time limits. The Commission may waive the time limits for either party at its discretion. Comments must be directly related to the subject at hand. And the time limits are also cumulative in terms of the time for the public to speak. So that's a cumulative ten minutes for everyone who desires to speak.

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168 Mr. Leabough - Thank you, sir. Could you please state your name for  
169 the record?

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171 Mr. Larry Parker - Yes. My name is Larry Parker, and I'm a resident of  
172 Clarendon Farms. The question I have tonight is on this property that they want  
173 to rezone from commercial to residential. Based on some of the information I  
174 have heard previously on this particular project where once it's rezoned to  
175 residential then that property would be basically turned over for building of  
176 houses. And my understanding is there's some type of program where Henrico  
177 County would be involved with the building of these houses.

178

179 My understanding is they are building seven houses and having students to build  
180 these houses. Based on the time space of each house to be built, on the average  
181 of two years per house—I foresee a problem with that. You have seven houses  
182 on that property. It's a good thing to have the students build these houses. But  
183 seven years? Two years per house? That's fifteen years to actually come in and  
184 build that property out. I don't quite understand that unless I can get some  
185 answers to this to see whether this is what they're actually going to do, have the  
186 students build the houses. The students have to come in, I guess class by class.  
187 They're not going to work on it, each class all day long. Building a house for two  
188 years? Having material just set out there?

189

190 I just need answers on that. I'm not speaking for the residents. To have my way,  
191 it would stay commercial. Everything else around there is residential, and we  
192 have one piece right beside the property that they want that is commercial. And  
193 they're going to build a church there. The rest of the piece that's still outstanding  
194 is commercial. I would like to see it remain.

195

196 That was my question that I would like to have answered if I can. Or correct me  
197 based on what I said. I might be absolutely wrong, but this is what I understand  
198 about this project. I just need a little bit more clarification on it. That's all.

199

200 Mr. Archer - Mr. Parker, I'm going to have another Mr. Parker  
201 come up and see if he can explain that to you.

202

203 Mr. Larry Parker - Thank you, sir.

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205 Mr. Archer - We'll try to answer your question.

206

207 Mr. Larry Parker - Okay. That's fine.

208

209 Mr. Philip Parker - My name is Philip Parker, Parker Consulting. I'm also  
210 the vice president of the Henrico County Vocational/Technical Education  
211 Foundation, Inc., who is the contract purchaser of this property from St. Joseph's  
212 Villa.

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Mr. Parker was a member of another meeting that the president of the Clarendon Farms HOA and another resident of Clarendon Farms attended that I held to try to answer a lot of these questions up front so they'd understand what was going on before everything came out in the paper and via mail, etc.

He is correct. Our students are the predominant builders of these homes. They're overseen by a builder who worked for Henrico County Schools. The intent behind this project and behind our program is to provide students in the career and technical education market who aren't intending to go to college or may intend to go to college with a hands-on, real-world lab. They're not going to build walls in a warehouse and tear them down the next day, and then do masonry the next day, and then do something else the next day. They're going to be overseen by professionals, and they're going to build a house.

We have just recently closed on the seventeenth house that the foundation has built. The foundation began in 1986. That house sold for almost \$300,000 over in the West End. These houses sell at market value. That house was on the market for 12 hours. We are closing tomorrow on our eighteenth house. That was on the market for a matter of two hours in the East End off of Third Street. We keep a very clean site. Our properties are well maintained.

We represent Henrico County. We represent what the future of Henrico County is with the students that come through our programs. As to the duration it takes to build a house, these students have to stay in school. They have to keep their grades up in order to be able to come to work on this house. And then they're transported via our representatives to and from the project site to work on the house not quite daily. They have to keep their grades up. However, it does take us a year and a half to two years to build a house because this is a learning opportunity. This isn't a production effort; this is a learning opportunity. That's the whole bottom line to this whole project.

This is 20 years of opportunity for Highland Springs Technical Center, the ACE of Highland Springs. We're working on other projects. We've got a house starting on Neale Street right now, and we're working on some other properties to try to set this program up for potentially a hundred years. It is a tremendous opportunity.

I don't know if that answered all of Mr. Parker's concerns. I'm happy to let him rebut and try to fulfill any questions he has. But this is nothing more than a back-zoning of the property to what it was before it was zoned to a childcare facility and deeded as a gift to St. Joseph's Villa as a childcare facility only. It was originally part of the County's master plan to be part of Clarendon Farms, and it was taken out of that. And when the master plan was updated, the master plan was updated to reflect the current zoning, which is for a childcare facility.

259 I'll be happy to answer any other questions.  
260  
261 Mr. Archer - Mr. Parker, do you know what year it was when that  
262 classification was changed out of Clarendon Farms?  
263  
264 Mr. Philip Parker - Ninety-seven, I believe. I'm guessing.  
265  
266 Mr. Archer - I was some time ago. I just don't remember exactly  
267 the year.  
268  
269 Mr. Philip Parker - I think it was 1997. I have it with me, if you want to—  
270  
271 Mr. Archer - No, that's okay. I was just curious because I've been  
272 around here a while, and I remember when that happened.  
273  
274 Mr. Philip Parker - The intent was the deed of a gift from Attack  
275 Properties to St. Joseph's Villa. He was a board member at that time.  
276  
277 Mr. Archer - I remember that, yes. Mr. Attack built Clarendon  
278 Farms. Mr. Parker in the back, did that answer your question or do you have  
279 something else you'd like to—  
280  
281 Mr. Larry Parker - [Off microphone] That pretty much cleared it up.  
282  
283 Mr. Archer - Sir, I'm sorry. I shouldn't have told you to go back.  
284 You'll have to come up because we're on the record. State your name again if  
285 you would, please.  
286  
287 Mr. Larry Parker - My name's Larry Parker. I appreciate the response.  
288 This meeting tonight, the Board will be voting on whether to actually have that  
289 property rezoned?  
290  
291 Mr. Archer - The way it works, sir, is we will make a  
292 recommendation to the Board. The Board has the final say as to whether or not  
293 they approve or disapprove of the recommendation we make tonight.  
294  
295 Mr. Larry Parker - Okay. All right. That's all I needed to know.  
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297 Mr. Leabough - I'm not sure I understand your concerns regarding the  
298 use. It's already zoned residential. And it's still a residential zoning that's being  
299 asked for, correct? It's not zoned commercial, is it?  
300  
301 Mr. Archer - It is right now.  
302  
303 Mr. Larry Parker - Yes, it's commercial.  
304

305 Mr. Leabough - Okay. So it's R-5C. Okay. I guess what is the concern  
306 with the construction? It's just it being under construction for two years?

307

308 Mr. Larry Parker - I'm just speaking for myself. That piece of property  
309 right beside it is commercial. And I think a church has just purchased that  
310 property right beside where they are proposing the houses to be. I'm just saying  
311 that if that's commercial, and that whole four acres up in that area, if we can keep  
312 that commercial and have a daycare center to come in there or have that church  
313 have an addition to add on that property. I wouldn't [?] like to see that rezoned as  
314 commercial then go through the program where it's good to have students to do  
315 that and to learn.

316

317 But I think that a program with seven houses and you're speaking a year to two  
318 years to build a house and you're going to work on one house at one time?  
319 You're talking about almost a 20-year project. That is my concern.

320

321 Mr. Archer - Okay. Well we'll try to have Mr. Parker speak to that  
322 again. But as far as the timing is concerned, I just don't know of any way that you  
323 can alleviate that concern. I'll have Mr. Parker explain what hours they work and  
324 how the whole thing works. But I don't think they plan—and I don't, I have to ask  
325 him. I don't think they plan to start on all seven of them at once.

326

327 Mr. Larry Parker - I understand that. I'm just saying that's going to be a  
328 15-to-20-year project. And they're going to be building one house at a time.  
329 That's my issue.

330

331 Mr. Leabough - It's been since 1997 that's nothing has happened  
332 there, right?

333

334 Mr. Emerson - Correct.

335

336 Mr. Archer - That is correct, yes. In fact, if I may state this, I can  
337 remember when this was rezoned to uphold the condition that the daycare could  
338 be built there. At that time, it was the same zoning as is being requested now.  
339 There were people who came out that didn't want that to happen. So now it  
340 seems like we're being asked to go back to what it would have been had the  
341 daycare not been approved. I don't know how much of a contentious issue it was,  
342 but I do seem to think it lasted more than one meeting before we could get that  
343 resolved. Don't quote me on that because I may be wrong. But I seem to  
344 remember that. It was like 20 years ago. All right.

345

346 Mr. Larry Parker - That's fair enough. Either way, you'll have a good tax  
347 base. That's the bottom line.

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349 Mr. Archer - It'll be a help to you, too, sir.

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351 Mr. Leabough - Thank you, sir.

352

353 Mr. Archer - Mr. Parker, can you extrapolate some of that, un-  
354 package it a little bit for us as to how this is actually done? And I'm just assuming  
355 that you don't start on seven houses. You do one at a time or maybe two at a  
356 time?

357

358 Mr. Philip Parker - We try to have two houses under construction at the  
359 same time. The intent is we have masonry students, framing students, HVAC  
360 students, electrical students. What did I miss?

361

362 Mr. Witte - Plumbing.

363

364 Mr. Philip Parker - Plumbing. Thank you. I knew missed one thing. We  
365 try to have an opportunity for every one of those faculties at the same time. So as  
366 we open up the first house and the masonry students come out and do all the  
367 masonry work, foundation work, etcetera, we get into framing. And then the  
368 following, typically, we would begin the house adjacent so that we're transporting  
369 a group of students that are serving different needs at one time. We have one  
370 person that runs back and forth and keeps the students—picks them up, gets  
371 them there, oversees them. Doesn't stay on them. Oversees them. And then gets  
372 them back to class in a timely fashion.

373

374 Our work hours vary. But the students have to go to school first. They have to  
375 check in. They have to be in attendance in order to be on the house. So then  
376 they're picked up from school, they're brought out. They work usually—I'll call it a  
377 half day, but the half day involves travel time. The fact that Highland Springs is a  
378 5-to-10-minute ride around the corner is tremendous. That's part of the appeal to  
379 this property.

380

381 It does take us a year and a half, plus or minus, depending on the house, to  
382 begin it and finish it and have it ready for market. We are not a builder. We are a  
383 501(c)(3) volunteer foundation vetted by the school board. We cannot put a  
384 house on the market until we have a Certificate of Occupancy for that house.  
385 Therefore, we're the property owner. It's ours. It's insured, etc. It's ours. We keep  
386 it clean. We know what we represent. We cut grass. You all are welcome to look  
387 at our history. We're never had a complaint. We've had people come to us,  
388 "When are you going to finish? I want to buy this."

389

390 That's the program in a nutshell. It does take us a bit of time. We're not out there  
391 from 7 a.m. to 7 p.m. with compressors and nail guns and setting trusses with  
392 cranes, etc. This is not production; this is learning. And I can promise you, if a  
393 jack stud is a quarter inch short, it gets pulled out, and re-cut, and carried to the  
394 full height. This is what we teach. I'd love to have a couple building inspectors in  
395 here right now that could tell you what they see when they come behind us.

396

397 I'm getting a little goosebumpy; I apologize. I get a lot of value out of this. And  
398 that's a selfish statement, I recognize that. But there are a lot of students in our  
399 system that learn with their hands and produce with their hands. And this is an  
400 opportunity that just isn't available many places. We've had a number of other  
401 school systems come to us and try to model after this.

402

403 I appreciate Mr. Parker's concerns of this being a 15-, 20-year process, I truly do.  
404 But were it zoned residential today—it is zoned residential today. And the  
405 adjoining properties are zoned agricultural and residential. Their uses are limited.  
406 This use was limited to a sole purpose of a daycare facility. But were this not  
407 limited, it might have taken 20 years to build this out anyway with the economy  
408 we went through.

409

410 We start a house and we finish it. It doesn't get started and get left at foundation  
411 or framing and go bankrupt, etc. We start a house; we finish it. We're proud of  
412 what we do.

413

414 Mr. Archer - Anybody have any questions for Mr. Parker?

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416 Mr. Witte - I do. Approximately how many students actually work  
417 on a project?

418

419 Mr. Philip Parker - On a single house? Between 300 and 500.

420

421 Mr. Witte - Wow.

422

423 Mr. Philip Parker - I'm very serious.

424

425 Mr. Witte - That's impressive.

426

427 Mr. Philip Parker - Based on all the trades. This program is not just  
428 house-building. It's the design. We've got CAD students involved with designs.  
429 We have competitions on what the house plan should be. We have horticulture  
430 students involved with it. We have computer and IT students involved with the  
431 programming of managing the process of building this house. This is a far-  
432 reaching—Mac Beaton is here. He's the director of CTE. He can probably  
433 expound upon this a little better than I. But this is a far-reaching program. Far-  
434 reaching program.

435

436 Mr. Witte - And it's a nonprofit.

437

438 Mr. Philip Parker - Yes sir.

439

440 Mr. Witte - That's wonderful.

441

442 Mr. Leabough - That's pretty impressive.

443

444 Mr. Philip Parker - Nineteen eighty-six the school board started it with  
445 one of the gentleman—it was my high school principal that started it.

446

447 Mr. Witte - That's wonderful. Thank you.

448

449 Mr. Archer - Anyone else have a question, because I'm going to  
450 make a comment.

451

452 Mr. Baka - I have one question. First before I ask my question.  
453 This is an excellent opportunity, Mr. Parker, I believe, to provide hands-on  
454 vocational skills to our high school students that I've seen in the County. It's  
455 fantastic.

456

457 I will point out this property was originally zoned residential prior to going to  
458 commercial. I think that's the key item we have discussed that's worth  
459 emphasizing. The southernmost lot, Mr. Parker, that thin, triangular piece, it  
460 actually has frontage on two different public roads. I just wanted to ask would the  
461 frontage for that not be on Cedar Fork Road, the busier of the two roads?

462

463 Mr. Philip Parker - The literal frontage for that is Creighton Road, believe  
464 it or not, because of the very miniscule frontage on Creighton Road. However,  
465 the access would be off of Brooking Meadow Drive, which is the cross road.

466

467 Mr. Baka - I appreciate that. That would be safer to put it on  
468 Brooking Meadow, so thank you.

469

470 Mr. Philip Parker - Oh absolutely.

471

472 Mr. Baka - So thank you.

473

474 Mr. Leabough - I don't believe there are any other questions,  
475 Mr. Archer.

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477 Mr. Archer - All right. Thank you, Mr. Parker.

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479 Mr. Philip Parker - Thank you all.

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481 Mr. Archer - To Mr. Larry Parker, as I said to you, we will be  
482 making a recommendation here tonight to the Board. The Board will have final  
483 say as to whether or not what we recommend will be upheld. And they also have  
484 the authority to deny if, if they choose to. I regret to some degree the fact that  
485 you have a discomfort with this.

486

487 But overall, I think this program is one that I wish could be duplicated in a lot of  
488 places. The house that's being built on Neale Street has to be near my house

489 because Neale Street is on—I'm sure I pass it almost every day. And I have seen  
490 other things that this initiative has been a part of.

491

492 I don't know any way at all to alleviate the amount of time it takes to build out this  
493 project. I don't see that as being much different to houses just being built one at a  
494 time in a subdivision or maybe not in a subdivision. In making an effort to try to  
495 assess to what you say and try to make everybody happy, I don't know that it'll  
496 make anybody unhappy. But I think this is a very worthwhile and feasible  
497 program. And obviously the product that they build is a quality product, as  
498 attested to by Mr. Parker's assertion that they're for sale before they can finish  
499 them. I think it's a great thing.

500

501 Maybe the Board will see this differently. But as far as we're concerned here  
502 tonight, my motion would be that we send this to Board with a recommendation  
503 of approval.

504

505 Mr. Baka - Second.

506

507 Mr. Leabough - We have a motion by Mr. Archer, a second by Mr.  
508 Baka. All in favor say aye. Those opposed? There is no opposition; that motion  
509 passes.

510

511 **REASON -** Acting on a motion by Mr. Archer, seconded by Mr.  
512 Baka, the Planning Commission voted 5-0 (one abstention) to recommend the  
513 Board of Supervisors **grant** the request because it would permit development of  
514 the land for residential use in an appropriate manner as proposed and is not be  
515 expected to adversely affect the pattern of zoning and land use in the area.

516

517 Mr. Emerson - And that will be heard on the Board's agenda on the  
518 13th of June, Mr. Chairman.

519

520 Mr. Leabough - Thank you, sir.

521

522 Mr. Emerson - The next item on the agenda appears on page 2. It's  
523 REZ2017-00014, Larry Philips for Gateway Partners. The staff report will be  
524 presented by Ms. Erin Puckett.

525

526 **REZ2017-00014 Larry Philips for Gateway Partners:** Request to  
527 amend proffered conditions accepted with C-57C-90 on Parcel 757-752-7456  
528 located on the south line of N. Parham Road approximately 200' southwest of its  
529 intersection with Mayland Drive. The applicant proposes to amend proffers  
530 related to prohibited uses to allow medical offices, including massage therapy.  
531 The existing zoning is O-2C Office District (Conditional). The 2026  
532 Comprehensive Plan recommends Office.

533

534 Mr. Leabough - Is there anyone present who is opposed to REZ2017-  
535 00014, Larry Philips for Gateway Partners? I see no opposition. Good evening,  
536 Ms. Puckett.

537

538 Ms. Puckett - Good evening. Thank you Mr. Chairman and  
539 members of the Commission.

540

541 The applicant is requesting to amend proffers accepted with rezoning case C-  
542 57C-90. The request would amend proffer #12, which addresses excluded uses,  
543 to allow a massage therapy establishment. The proposed amendment would also  
544 add a proffer to limit hours of such a massage therapy use.

545

546 The subject property is located on the south line of North Parham Road, just  
547 southwest of its intersection with Mayland Drive, and consists of one parcel of  
548 just under one acre. There is an existing office on the property.

549

550 In 1990, the Board of Supervisors approved rezoning request C-57C-90 to  
551 rezone the subject property from R-3 to O-2C in order to convert the existing  
552 residence on the site to an office. A proffer accepted with that case excluded  
553 certain uses otherwise allowed in the O-2 district, one of these being medical  
554 offices, which would also preclude the massage therapy use.

555

556 Properties to the north and east are zoned O-2 and include office and medical  
557 office uses. Properties to the south and west are zoned R-3 and include single-  
558 family homes.

559

560 The 2026 Comprehensive Plan's recommended future land use for the subject  
561 property is Office. The request is consistent with this designation, as well as with  
562 zoning and development of other properties in the immediate area along North  
563 Parham Road.

564

565 The applicant has submitted proffers dated April 25, 2017. Those proffers retain  
566 all original proffers from the 1990 rezoning case, except for proffer #12, which is  
567 modified to allow medical office uses. The applicant has further provided  
568 assurances that any massage therapy use will only employ certified  
569 professionals by excluding any businesses employing massage therapists not  
570 certified by the state Board of Nursing. Furthermore, the applicant has added a  
571 proffer to restrict the hours of any such massage therapy business to between  
572 6:00 a.m. and 9:00 p.m.

573

574 The proposed use is consistent with the recommendation of the Comprehensive  
575 Plan, and with development along North Parham Road. Furthermore, as an office  
576 does currently exist on the site, additional impacts on nearby residential  
577 properties are expected to be minimal. For these reasons, staff supports the  
578 request.

579

580 This concludes my presentation and I would be happy to answer any questions.  
581  
582 Mr. Leabough - Are there any questions from the Commission? There  
583 are no questions. Mrs. Marshall?  
584  
585 Mrs. Marshall - I'd like to hear from the applicant.  
586  
587 Mr. Leabough - Sure. Would the applicant please come forward?  
588  
589 Mr. Philips - Good evening. I'm Larry Philips, and I represent  
590 Gateway Partners.  
591  
592 Mr. Leabough - Good evening.  
593  
594 Mrs. Marshall - Mr. Philips, my question for you is, the hours of  
595 operation for the establishment, is that seven days a week? Is that correct?  
596  
597 Mr. Philips - Yes ma'am.  
598  
599 Mrs. Marshall - It is. Has your client given any consideration to not  
600 being open on Sunday or maybe having hours that are not as late on a Sunday  
601 evening?  
602  
603 Mr. Philips - I would certainly ask him concerning that. He has  
604 other facilities, and they are operating from 6:30 or 7 to 9. I think one of them is  
605 operating until 11 p.m.  
606  
607 Mrs. Marshall - Where does he have other facilities?  
608  
609 Mr. Philips - Springfield Road right down from Costco. I can find  
610 that address if you want the address.  
611  
612 Mrs. Marshall - That's okay. I know where that is. I think that's the  
613 biggest question for me. I understand that people like to get a massage after  
614 work, especially Monday through Friday. I really don't necessarily see the need  
615 to be open until 9 p.m. on a Sunday. With that said, looking at the surrounding  
616 area, kind of the way that it sits, I'm likely to let him be open until 9 just because  
617 of the way that it sits. It's really not much that's really that close to it. I just would  
618 ask that he make sure that all of the people that do work for him make sure that  
619 their license is through the nursing and the medical association.  
620  
621 Mr. Philips - They have to be.  
622  
623 Mrs. Marshall - They have to be.  
624  
625 Mr. Philips - To be employed.

626  
627 Mrs. Marshall - To be employed, correct. Okay, thank you.  
628  
629 Mr. Leabough - Are there any other questions from the Commission?  
630 There are no other questions, Mrs. Marshall.  
631  
632 Mrs. Marshall - Mr. Chairman, I move that REZ2017-00014, Larry  
633 Philips for Gateway Partners, be forwarded to the Board of Supervisors with a  
634 recommendation of approval.  
635  
636 Mr. Witte - Second.  
637  
638 Mr. Leabough - We have a motion by Mrs. Marshall, a second by  
639 Mr. Witte. All in favor say aye. Those opposed? There is no opposition; that  
640 motion passes.  
641  
642 **REASON -** Acting on a motion by Mrs. Marshall, seconded by Mr.  
643 Witte, the Planning Commission voted 5-0 (one abstention) to recommend the  
644 Board of Supervisors grant the request because the changes do not greatly  
645 reduce the original intended purpose of the proffers and the change in use is  
646 compatible with surrounding development.  
647  
648 Mr. Philips - Thank you.  
649  
650 Mr. Emerson - Mr. Chairman, next on your agenda is the  
651 consideration of the approval of your minutes from the April 11th, 2017 meeting.  
652 We have no errata sheet this evening. So, if you have any corrections and/or  
653 changes, we certainly will entertain those.  
654  
655 Mr. Leabough - Are there any corrections to the minutes? If not, I'll  
656 entertain a motion for approval.  
657  
658 Mr. Witte - So moved.  
659  
660 Mrs. Marshall - Second.  
661  
662 Mr. Leabough - We have a motion by Mr. Witte, a second by  
663 Mrs. Marshall. All in favor say aye. Those opposed? There is no opposition; that  
664 motion passes.  
665  
666 Is there any other business, Mr. Emerson, to come before the Commission?  
667  
668 Mr. Emerson - No sir, Mr. Chairman, I have nothing further for the  
669 Commission this evening.  
670

671 Mr. Leabough - All right. Anything else from the Commission? All  
672 right, with that I'll entertain a motion for adjournment.

673  
674 Mr. Archer - Hearing none, Mr. Chairman, I move that we adjourn.

675  
676 Mrs. Marshall - Second.

677  
678 Mr. Leabough - We have a motion by Mr. Archer, a second by  
679 Mrs. Marshall. All in favor say aye. Those opposed? There is no opposition; that  
680 motion passes.

681  
682 Thank you all.

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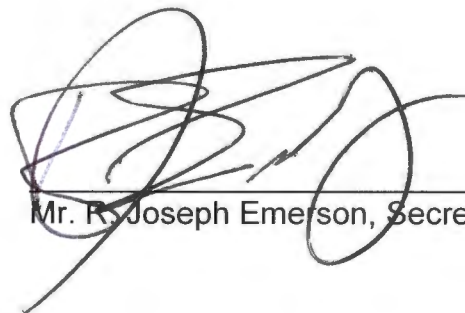
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Mr. Eric S. Leabough, C.P.C., Chairman



Mr. R. Joseph Emerson, Secretary