Issue Analysis Form

Date: November 23, 2021

Item: Special Exception SE-21-06 Applicant – Jamie Pennington

Lead Department: Community Development
Contact Person: Andre Greene, Planner II

O VIRGINIA

Description and Current Status

The applicant would like to operate a therapeutic massage business in an existing accessory building. In order for this to be permitted, the applicant is requesting a special exception for a home occupation in an existing accessory building.

Staff and the Planning Commission recommended <u>Approval</u> of this request, subject to recommended conditions contained in the draft ordinance.

Staff has attached a draft ordinance for consideration and is requesting a motion to **Approve** the ordinance.

Sample Motion:

"I move that the Board approve Special Exception request (SE-21-06) of Jamie Pennington to permit a therapeutic massage business on property located at 7106 Courthouse Road and known as Tax Map 240(05)00-00B and subject to the specified conditions."

Government Path		
Does this require IDA action?	☐ Yes	⊠ No
Does this require BZA action?	□Yes	⊠No October 28,2021 Recommended for
Does this require Planning Commission action?	⊠ Yes	Approval by 6-0 vote Public Hearing on
Does this require Board of Supervisors action?		November 23,2021
Does this require a Public Hearing?	⊠ Yes	□ No
If so, before what date?	N/A	

Fiscal Impact Statement

If approved, the proposed use would generate additional tax revenue from a business.

County Impact

The special exception would allow a business to open in the County and would provide residents and individual from surrounding communities to receive the healing benefits from the home-based therapeutic massage business.

Notes

Attached: Draft Ordinance; Staff report; Application and attachments; APO letter, map, list, newspaper ad; Powerpoint Presentation

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Board of Supervisors County of Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 23rd day of November, 2021:

Present:
Floyd M. Brown, Jr, Chairman
Marlene J. Waymack, Vice-Chair
Alan R. Carmichael
Donald R. Hunter
T. J. Webb

SPECIAL EXCEPTION SE-21-06: Request of Jaime Pennington pursuant to Prince George County Zoning Ordinance Section 90-243 (6) to permit a home occupation in an accessory building in a R-2, Limited Residential District, for the purpose of conducting a therapeutic massage business in an existing accessory building. The subject property is approximately 4.13 acres in size, located at 7106 Courthouse Road, and is identified as Tax Map 240(05)00-00B-0. The Comprehensive Plan indicates the property is suitable for Village Center uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-21-06 is granted as an amendment to the official zoning map with the following conditions:

- 1. This Special Exception request is granted to Jaime Pennington for a Home Occupation within an Accessory Building on Tax Map 240(05)00-00B-0, for the purpose of operating therapeutic massage business within an existing accessory building on the property.
- 2. Customer visits shall be limited to the hours of 9:30a.m. to 8:00p.m. Monday through Friday, with a maximum of 4 clients per day.
- 3. Off-street parking with an on-site turnaround area shall be provided for clients.
- 4. There shall be no employees on the property other than those who permanently live in the house on the property.
- 5. There shall be no permanent signage on the property for the use.
- 6. The applicant shall obtain and hold a building permit and all applicable local and state permits before zoning approval is granted for a business license.
- 7. If the requested use of the premises is abandoned for a period of twenty-four (24) consecutive months, then the Special Exception shall become null and void.
- 8. This permit may be revoked by the County of Prince George or its designated agent for failure by the applicants to comply with any of the listed conditions or any provision of Federal, State or County regulations.

Adopted on	, 2021 and becoming effective immediately.



BOARD OF SUPERVISORS STAFF REPORT

Public Hearing November 23, 2021

SE-21-06 – Special Exception for Home occupation in an accessory building (for a professional therapeutic massage business)

Applicant: Jaime Pennington

Case Manager: Andre Greene - (804)722-8676

I. Request

The applicants would like to conduct a therapeutic massage business in an existing accessory building.

In order for this to be permitted, they are requesting a special exception for a home occupation in an accessory building.

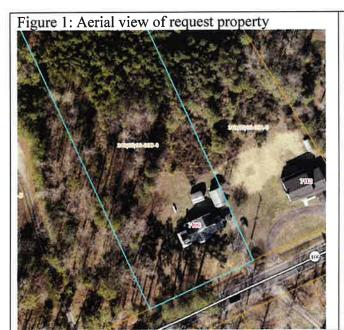
II. Property

Address: 7106 Courthouse Road Zoning District: R-2 and R-A Tax Map: 240(05)00-00B-0 Current Use: Residential

Site Size: 4.12 Comp Plan Land Use: Village Center

Legal Owner: Jaime Pennington Planning Area: Prince George Planning Area

RE Taxes Paid?: Yes for 2021 Previous Zoning Cases: N/A





III. Meeting Information

Planning Commission Public Hearing: October 28, 2021 (Recommended Approval 6 to 0)

Board of Supervisors Public Hearing: November 23, 2021

IV. Background

According to the statement submitted by the Applicant, she is a Prince George County native, has been licensed and certified in several capacities related to personal training and therapeutic massage, and previously operated a therapeutic massage practice in Chesterfield since 2007.

The applicant previously completed a preliminary application for a special exception and received comments from the County on June 29, 2021.

There are no zoning cases that apply to this property.

V. Applicant Proposal

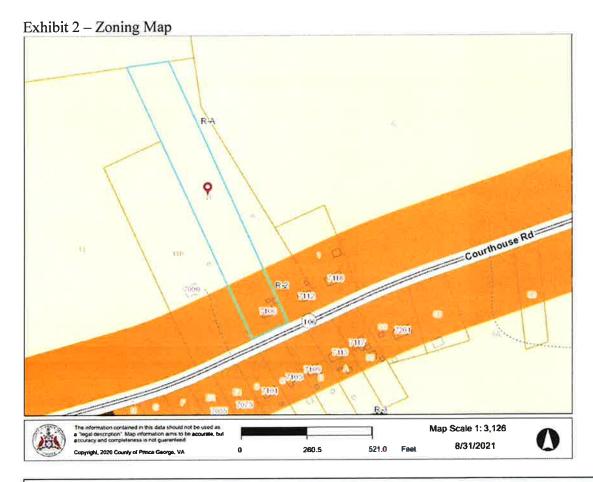
Summary:

- Use an existing accessory building with electricity to receive clients. The current size of the accessory structure is 12' X 15' but the size will be expanded to allow for the addition of a bathroom (as required by the building code).
- Clients by appointment only, with appointment times from 10am to 6pm
- 3-4 clients per day
- No employees
- Off-street parking available with turnaround
- No signage
- Applicant is born and raised in Prince George County and is licensed as a massage therapist by the Virginia Board of Nursing since 2007, and previously operated a reputable therapeutic massage practice in Chesterfield since 2007.
- The massages are intended to assist pain management for medical conditions, improve recovery post-surgery, speed up muscle recover for athletes, etc.
- See applicant statement attached to the application for additional details.

VI. Exhibits

Exhibit 1 – photo of exterior of the accessory building that is proposed to be used for the business





VII. Planning and Zoning Review Comments

- 1. Expected impacts of the proposed use on adjacent properties and roadways include: Minimal traffic from clients during the business hours. Equivalent to a residential use.
- 2. Adjacent land uses: Residential, Agricultural, Public Park (Scott Park)
- 3. Other approvals that will be required:
 - a. A Home Occupation Zoning Approval with a business license for the business
 - b. A Change of Use and Building Permit Application for the building
- 4. The request appears to be compatible with the Comprehensive Plan because:
 - a. The predominant use and outward appearance of the property will remain residential.
 - b. The future land use category of the property supports Village Center uses, which would include a mix of commercial and residential uses.

VIII. Supplemental Staff Review Comments

Building Inspections Division - Charles Harrison, Interim Building Official

The Application and Plan has been evaluated under the provisions of the 2015 Virginia Uniform Statewide Building Code, the 2015 Virginia Plumbing Code, the 2015 Virginia Existing Building Code, and the 2015 Virginia Statewide Fire Prevention Code. We have the following comments:

- 1. Per the provisions of the VAEBC, a Change of Use permit is required to meet the minimum safety, accessibility, and usage standards described in the proposed occupancy description.
- 2. An alarm notification appliance is required per VAEBC (section 704.3).

- 3. The minimum egress system components include the following:
 - a. Ceiling height is a minimum of 7'6"
 - b. Minimum egress path and exit width of 32"
 - c. Exit/Egress door minimum width of 32"
 - d. Minimum of one exit is allowed per the VCC (table 1006.3.2(2)
- 4. Per VCC/USBC (sec 1106.4), a minimum of one accessible parking space is required.
- 5. Per the VPC (sec 403.3) a public toilet facility is required.

Virginia Department of Health - Alice Weathers, Environmental Health Specialist

1. Sewer disposal and well requirements will need to be evaluated by an AOSE/OSE or PE for this commercial use. The evaluation information, including a Waste Water Characterization Letter, will need to be submitted for review by the Health Department.

STAFF NOTE: The required letter was submitted for review. The letter indicates the existing system is adequate.

Virginia Department of Transportation (VDOT) - Paul Hinson, Area Land Use Engineer

1. The proposed use will require a low volume commercial entrance to provide access. The existing entrance from SR 106 appears to meet VDOT's requirements for a low volume commercial entrance. VDOT has no objection to the submitted special exception application.

The departments below reviewed this request and had no comments.

Economic Development – Stacey English, Economic Development Specialist
Utilities Department - Frank Haltom, Director of Engineering and Utilities
Real Estate Assessor - Carol Crawford, Real Estate Operations Coordinator
Fire & EMS Department – Shawn Jones
Environmental Division - Angela Blount, Environmental Program Coordinator
Police Department / Sheriff's Department - Chris Douglas

IX. Public Notice and Community Feedback

- Staff notified adjacent property owners by mailing prior to the public hearing.
- Staff ran the required legal ads for this request in the *Progress-Index* prior to the public hearing.
- The applicant reviewed a copy of this report prior to the Board of Supervisors hearing date.
- No comments from the community were received prior to finalizing this report.

X. Planning Commission's Recommendation

The Planning Commission held a public hearing on October 28th, 2021 to consider this request and voted (6-0) to approve SE-21-06 subject to several conditions as stated below.

The Planning Commission's recommendation is based on the following considerations:-

- 1. The applicant's request appears to be compatible with current and future surrounding land uses.
- 2. No negative feedback was received from adjacent property owners and community prior to publishing this staff report.
- 3. The Planning recommended the below conditions to accompany this Special Exception which are intended to ensure applicable code requirements are met and limit any expected impacts on adjacent property owners and the surrounding community. The Applicant has reviewed and supports these conditions.

XI. The Planning Commission's recommended conditions

- 1. This Special Exception request is granted to Jaime Pennington for a Home Occupation within an existing Accessory Building on Tax Map 240(05)00-00B-0, for the purpose of operating therapeutic massage business.
- 2. Customer visits shall be limited to the hours of 9:30a.m. to 8:00p.m. Monday through Friday, with a maximum of 4 clients per day.
- 3. Off-street parking with an on-site turnaround area shall be provided for clients.
- 4. There shall be no employees on the property other than those who permanently live in the house on the property.
- 5. There shall be no permanent signage on the property for the use.
- 6. The applicant shall obtain and hold a building permit and all applicable local and state permits before zoning approval is granted for a business license.
- 7. If the requested use of the premises is abandoned for a period of twenty-four (24) consecutive months, then the Special Exception shall become null and void.
- 8. This permit may be revoked by the County of Prince George or its designated agent for failure by the applicants to comply with any of the listed conditions or any provision of Federal, State or County regulations.



SPECIAL EXCEPTION APPLICATION

Department of Community Development and Code Compliance Planning & Zoning Division

6602 Courts Drive, Prince George, VA 23875 (804) 722-8678 |

APPLICANT FILL-IN ALL BLANKS

L	41-0009	
	OFFICE USE ONLY	
Ī	APPLICATION #:	
	SE-21-06	
1	DATE SUBMITTED:	
	ECEIVE	
	AUG 0 9 2021	

		PPLICANT FILL-IN AL		i i	3Y:	
	REQUEST: CONDUCT THERAPE	one Massag	E Bu	SINESS IN		
	REQUEST PROPERTY ADDRESS / LOCATION:					
REQUEST	TIDE COURTHOUSE RD PRINCE REQUEST TAX MAP PIN(S): (List all)	NCE GEORGE,	VA 23	875 AFFECTED ACREAGE (Each parcel):	ENTIRE PARCEL (Y / N — Each parcel):	
	240(05)00-00B-0			4.12 ACRES	YES	
	ATTACHMENTS (Check if Attached; * = Required):					
	APPLICANT STATEMENT* (Specify goals,	details, etc.)	□ сом	MUNITY MEETING SU	MMARY	
	☐ PROPOSED CONDITIONS ☐ SITE LAYOUT SKETCH OR CONCEPTUAL SITE PLAN*		MADDI	ADDITIONAL ATTACHMENTS:		
	(Show proposed improvements; Use GIS or I	Engineer Drawing)	VD	OT LETTER		
œ	NAME(S):					
LEGAL OWNER	MAILING ADDRESS: (Incl. City, State, Zip):					
100		COURTHOUSE RD PRINCE GEORGE NA 23875				
EGA	E-MAIL:		FRONE	PHONE:		
_	LVaTRNa@ AOL. COM		(81	(804) 720-6144		
ե	NAME(S): If different than owner):					
APPLICANT CONTACT	RELATION TO OWNER:					
NTO	MAILING ADDRESS: (Incl. City, State, Zip):					
ICA						
APPI	E-MAIL:		PHONE:	PHONE:		
-	OFFICE USE C	NLY (Completed at t	he time of a	application)		
ZON	ING DISTRICT(S):			EFERENCE(S):		
Ŀ	FEE DUE: For Special Exception: \$700			PAYMENT TYPE:		
PAYMENT	Special Exception Home Occ: \$350	2200		CHECK / CASH / CREDIT / DEBIT		
AYF	CHECK # / TRANSACTION #: DATE RECEIVED:		D:	RECEIVED BY:		
-			819111			

	APPLICANT AFFIDAVIT
	undersigned Property Owner(s) or duly authorized Agent or Representative certifies that this petition and the foregoing wers, statement, and other information herewith submitted are in all respect true and correct to the best of their wiledge and belief.
	ME: NAME:
	SIGNED:
VIT	E: 8 9 2001 DATE:
AFFIDAVIT	TARIZATION:
AF	UNTY OF: Trince Greange
	bscribed and sworn before me this day of
	POBLIC POBLIC REG. #7739196 NY COMMISSION S PEPIRES
9	PUBLIC REG. #7739196 MY COMMISSION EXPIRES

COUNTY OF PRINCE GEORGE
COMM DEV & CODE COMPLIANCE
PO BOX 156
GEORGE, VA 23875-0156
(804) 722-8750
Welcome

19995722-0005 Missy G.08/09/2021 02:00PM

EG INVOICE

Pennington, Jaime
2021 Item: INV-00000282
Special Exception
Home Occupation on

five (5) acre

350.00

350.00

Subtotal

350.00

Total

350.00

CHECK

350.00

Check Number 01051

15

Change due

0.00

Paid by: Pennington, Jaime

Thank you for your payment

CUSTOMER COPY

Page 10

Applicant Statement

Business type: Therapeutic Massage Business

Property use for business: Existing 12ft x 15ft accessory building with established electricity.

Business hours: Monday through Friday. I schedule clients "by appointment only" and will continue to do so. The earliest I schedule a client iis 10AM and the latest is 6PM. I schedule at least an hour in between clients, so only one client would be at my residence at a time. I see a maximum of 4 clients per day, but usually keep that to 3 clients per day.

Employees: I will remain the sole employee in my business and will **not** be adding employees in the future.

Parking: There is ample parking in my driveway for an additional vehicle (see attached GIS map). There is also a turn around area (highlighted in GIS map) that a client can utilize instead of backing out onto the roadway.

Signage:My business will no longer be open to the general public, so I do not wish to put any signage in regards to my business on my property. I will only be working with the clientele base I have built for the past 14 years, so clients will be given my address(which is visible on the mailbox) and detailed directions to my residence.

Background of Applicant:

- Born and raised in Prince George County; graduated from PGHS in 1998.
- Graduated from Longwood College in 2002 with a Bachelor of Science Degree in Exercise Science.
- Previously certified as a personal trainer by the American College of Sports Medicine.
- Graduated from American Institute of Massage in Richmond, VA in 2007.
- Sat for and passed the National Certification Board for Therapeutic Massage and Bodywork Exam in 2007.
- Have been licensed by the Virginia Board of Nursing to practice as a massage therapist since 2007.
- Have been a professional member of the American Massage Therapy Association since 2007.
- Have operated a reputable therapeutic massage practice in Chesterfield since 2007.
- I specialize in Deep Tissue Massage, Trigger Point Therapy, and Neuromuscular Therapy. These are specific massage modalities that have been shown to assist with pain management for various medical conditions, improve recovery post surgery, speed up muscle recovery in athletes, just to name a few. Many doctors (general practitioners.

osteopaths, orthopedists, chiropractors, and physical therapists) have referred their patients to me throughout the past 14 years.

Reason for request: I am making this request so that I can continue doing what I love by helping others, but also have more time with my family.



Department of Community Development & Code Compliance



Julie C. Walton, Director Interim Planning Manager Charles Harrison III, Interim Building Official

County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

November 10, 2021

BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel that is abutting, immediately across the street or road, or within close proximity of the property affected:

This is notification that the Prince George County Board of Supervisors will hold a public hearing on **Thursday, November 23, 2021 beginning at 7:30 pm** in the Board Room, located on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, Virginia, to consider the following request that involves the Prince George County Zoning Ordinance:

SPECIAL EXCEPTION SE-21-06: Request of Jaime Pennington pursuant to Prince George County Zoning Ordinance Section 90-243 (6) to permit a home occupation in an accessory building in a R-2, Limited Residential District, for the purpose of conducting a therapeutic massage business in an existing accessory building. The subject property is approximately 4.13 acres in size, located at 7106 Courthouse Road, and is identified as Tax Map 240(05)00-00B-0. The Comprehensive Plan indicates the property is suitable for Village Center uses.

The public hearing will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Monday–Friday. All interested persons are invited to participate in the public hearings in person or electronically by Zoom. A live video stream will be available via Swagit at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on November 23, 2021. Public Comment submittal forms and information on accessing this meeting electronically are available at https://www.princegeorgecountyva.gov.

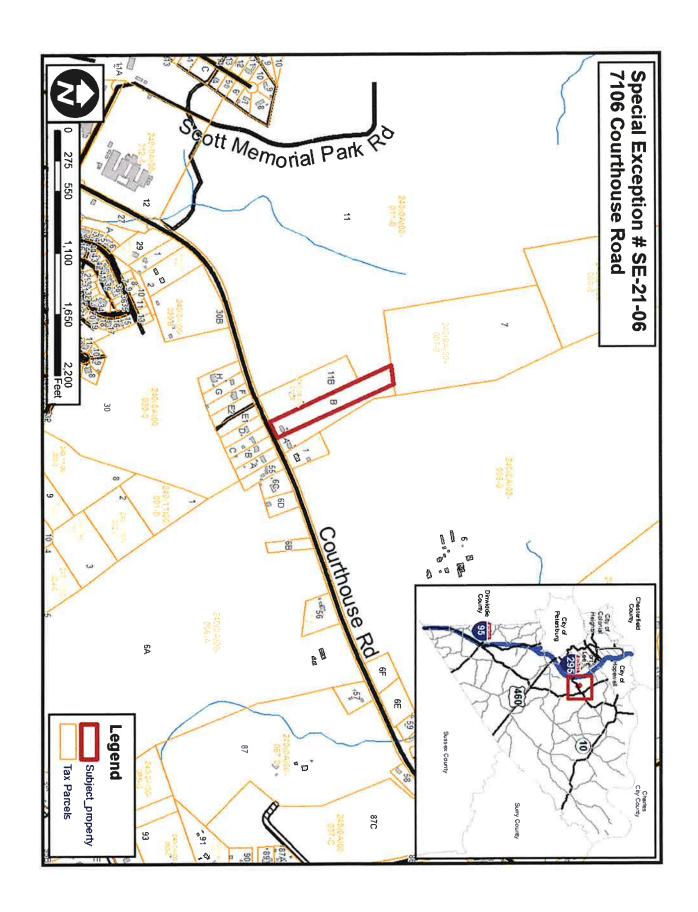
You may also contact Planning and Zoning Division at (804)722-8678 or by e-mail at planning@princegeorgecountyva.gov with any questions prior to the scheduled meeting. We have included a GIS Map showing the general location of the request.

Sincerely,

Tim Graves

Im/ Graves

Planner



MARTIN JEAN 7112 COURTHOUSE RD PRINCE GEORGE, VA 23875 PENNINGTON JAIME L 7106 COURTHOUSE RD PRINCE GEORGE, VA 23875 CIBULA EMMETT W 7400 COURTHOUSE RD PRINCE GEORGE, VA 23875

CIBULA EMMETT W 7400 COURTHOUSE RD PRINCE GEORGE, VA 23875 HUFF GEORGE M 7117 COURTHOUSE RD PRINCE GEORGE, VA 23875

HALL LASSIE C III 7118 COURTHOUSE RD PRINCE GEORGE, VA 23875 DODSON JERRY H 7113 COURTHOUSE RD PRINCE GEORGE, VA 23875 SCOTT WINSTON C III 7109 COURTHOUSE RD PRINCE GEORGE, VA 23875

BARNES EDWIN G JR 7105 COURTHOUSE RD PRINCE GEORGE, VA 23875 COX CHRISTOPHER 7101 COURTHOUSE RD PRINCE GEORGE, VA 23875 STOTESBERRY CRYSTAL 7075 COURTHOUSE RD PRINCE GEORGE, VA 23875

COOPER LESLIE B 7090 COURTHOUSE RD PRINCE GEORGE, VA 23875

Progress-Index, The

Publication Name: **Progress-Index, The**

Publication URL: www.progress-index.com

Publication City and State: **Petersburg, VA**

Publication County: **Dinwiddie**

Notice Popular Keyword Category:

Notice Keywords: public hearing

Notice Authentication Number: 202111121047102722568 852121910

Notice URL:

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Notice Publish Date: Thursday, November 11, 2021

Notice Content

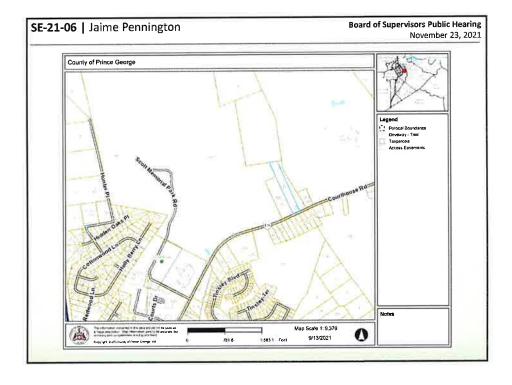
PUBLIC NOTICE COUNTY OF PRINCE GEORGE Public Notice is hereby given to all interested persons regarding the following public meeting: The Prince George County Board of Supervisors will hold public hearings on Tuesday, November 23, 2021 beginning at 7:30 p.m. concerning the following requests: SPECIAL EXCEPTION SE-21-06: Request of Jaime Pennington pursuant to Prince George County Zoning Ordinance Section 90-243(6) to permit a home occupation in an accessory building in a R-2, Limited Residential District, for the purpose of conducting a therapeutic massage business in an existing accessory building. The subject property is approximately 4.13 acres in size, located at 7106 Courthouse Road, and is identified as Tax Map 240(05)00-00B-0. The Comprehensive Plan indicates the property is suitable for Village Center uses. REZONING RZ-21-04: Request of Dwight Nelson Cunningham to rezone 6.8 acres from M-1, Limited Industrial to M-2, General Industrial. The subject parcel is located on the west side of Chudoba Parkway where it begins to parallel Interstate 295 and is identified as Tax Map 340(19)00-001-0. The Comprehensive Plan indicates the property is suitable for industrial uses. The public hearings will be held in the Board Room, third floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia 23875, pursuant to §15.2-2204, §15.2-2225, §15.2-2232, and §15.2-2285 of The Code of Virginia (1950, as amended). A copy of the related material may be reviewed or obtained at the Community Development and Code Compliance Department in the County Administration Building between 8:30 a.m.-5:00 p.m., Mondayâ 🗆 Friday. All interested persons are invited to participate in the public hearings in person or electronically by Zoom. A live video stream will be available via Swagit at https://www.princegeorgecountyva.gov/live_stream/. Public comments can be submitted prior to 5:00 p.m. on November 23, 2021. Public Comment submittal forms and information on accessing this meeting electronically are available at https://www.princegeorgecountyva.gov. Percy C. Ashcraft County Administrator

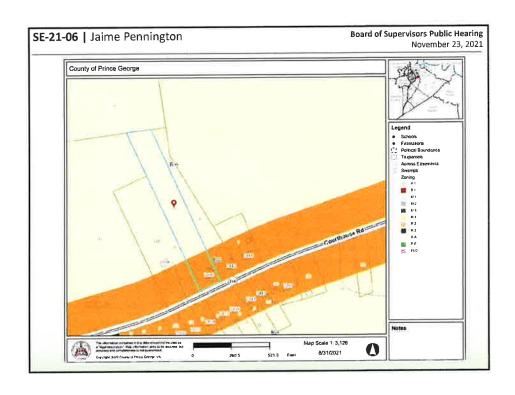
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Board of Supervisors Public Hearing November 23, 2021

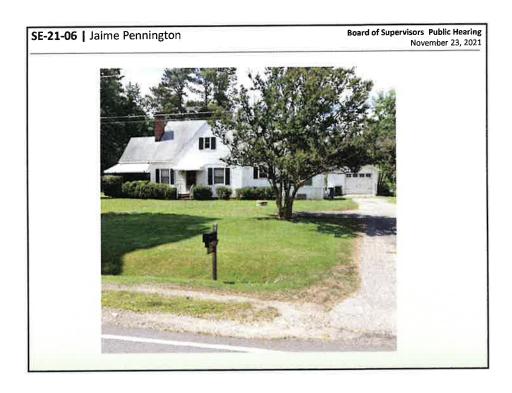
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SE-21-06 | Jaime Pennington

Board of Supervisors Public Hearing November 23, 2021

Background

The Applicant: Jaime Pennington

- Prince George County native
- Educated, licensed and certified as a massage therapist
- Massages intended to assist pain management for medical conditions, improve recovery post surgery, speed up muscle recover for athletes, etc.
- Operated a therapeutic massage practice in Chesterfield since 2007

Board of Supervisors Public Hearing November 23, 2021

Request Summary

Applicant's Goals:

- · Use an existing accessory building with electricity to receive clients
- Clients by appointment only, with appointment times from 10am to 6pm
- · 3-4 clients per day
- · No employees
- · Off-street parking available with turnaround
- No signage

Official Request:

 Special Exception for Home Occupation within an accessory building, pursuant to Section 90-243 (6)

SE-21-06 | Jaime Pennington

Board of Supervisors Public Hearing November 23, 2021

Staff Review Comments

Planning & Zoning

- Expected impacts to be limited to minimal increase in traffic, still equivalent to a residential use
- · Outward appearance of property will still be residential
- · Conditions have been recommended to match applicant's stated goals

Building Inspections

- Building permit required, Change of Use permit required
- Certain egress, parking and bathroom requirements apply (provided in Staff Report)

Virginia Department of Health

 Sewage disposal and well requirements to be evaluated by an AOSE/PE and provided to VDH for review. (Completed)

Virginia Department of Transportation

· Existing entrance appears to meet requirements, no objections

Board of Supervisors Public Hearing November 23, 2021

Recommended Conditions

Highlights:

- Special Exception is for the applicant. Business will be conducted within the existing accessory building which will modified to accommodate a bathroom as required per building code.
- Customer visits limited to the hours of 9:30a.m. to 8:00p.m. M-F
- Maximum of 4 clients per day
- Off-street parking and turnaround provided
- No signage, no employees
- All applicable permits including building permit to be provided

(Full list of recommended conditions in the Staff Report / Draft Ordinance)

SE-21-06 | Jaime Pennington

Board of Supervisors Public Hearing November 23, 2021

Planning Commission Recommendation on October 28, 2021

<u>Voted (6-0) for Approval</u>, subject to the recommended conditions as outlined in the draft ordinance.

Basis for recommendation:

- Request appears compatible with current and future surrounding uses
- No negative feedback from the community
- The recommended conditions negate the use becoming a nuisance

PUBLIC NOTICE COUNTY OF PRINCE GEORGE

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REZONING RZ-21-04: Request of Dwight Nelson Cunningham to rezone 6.8 acres from M-1, Limited Industrial to M-2, General Industrial. The subject parcel is located on the west side of Chudoba Parkway where it begins to parallel Interstate 295 and is identified as Tax Map 340(19)00-001-0. The Comprehensive Plan indicates the property is suitable for industrial uses.

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