

MONTGOMERY COUNTY PLANNING COMMISSION
March 10, 2010 @ 7:00 P.M.
Board Room, Government Center

AGENDA

CALL TO ORDER:

DETERMINATION OF A QUORUM:

PUBLIC ADDRESS:

APPROVAL OF AGENDA:

PUBLIC HEARING:

1. A request by **WTB Partnership (Sarah Finkner)** for a special use permit to allow a commercial kennel. The property is located at 3740 and 3750 South Main Street, and is identified as Tax Parcel Nos. 67A-A-4,5,6 (Acct # 015065, 015066, 009666) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

2. An Ordinance amending Chapter 10, entitled Zoning, Sections 10-21, 10-28, 10-29 and 10-61 of the Code of the County of Montgomery, Virginia by allowing a school of special instruction by right in the General Business (GB) and Community Business (CB) zoning districts and by special use permit in the Agriculture (A-1) zoning district and by clarifying that the list of skills and activities provided in the definition of school of special instruction is not all inclusive.

OLD BUSINESS:

NEW BUSINESS:

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | |
|----------------|---|
| March 17, 2010 | Planning Commission Site Visit (4:00 pm)
Planning Regular Meeting (7:00 pm) |
| April 14, 2010 | Planning Regular Meeting (7:00 pm) |
| April 21, 2010 | Planning Commission Site Visit (to be determined)
Planning Regular Meeting (7:00 pm) |
| April 28, 2010 | Regional Planning Commission Training Event, NRV PDC (6:00-9:00 pm) |



MONTGOMERY COUNTY PLANNING & GIS SERVICES

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff *JRM*
DATE: March 2, 2010
RE: **Staff Analysis (SU-2010-07568)**

A request by **WTB Partnership (Sarah Finkner, Agent)** for a special use permit to allow a commercial kennel. The property is located at 3740 and 3750 South Main Street, and is identified as Tax Parcel Nos. 67A-A-4, 5, 6 (Acct # 015065, 015066, 009666) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

I. Nature of Request

WTB Partnership (Sarah Finkner, Agent) is requesting a special use permit to allow a commercial kennel in a General Business (GB) zoning district. In total, the three parcels encompass approximately 1.694 acres. The proposed business will be located on one parcel, identified as Account# 009666 (which is approximately 0.725 acres in size).

II. Location

The property is located at 3740 and 3750 South Main Street, and is identified as Tax Parcel Nos. 67A-A-4, 5, 6 (Acct # 015065, 015066, 009666) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The three parcels are bordered on the northwest by an Agricultural zoning district, to the northeast and southwest by General Business and to the southeast by South Main St. across which is also zoned General Business (see attached zoning map). All adjoining property owners were notified in compliance with section 10-52(3) of the Montgomery County Code.

III. Impacts

The applicant is requesting a special use permit in the General Business (GB) zoning district for the purpose of obtaining approval to allow a pet sitting and dog daycare service. The applicant's business, New River Valley Varmints, was operated solely as a pet sitting agency until 2007, where their duties included taking care of clients' pets and home while the client was out of town, traveling, working, etc.

Section 10-61 of the Montgomery County Code defines commercial kennel as: "An establishment for keeping, training, breeding, handling, selling, treating, or boarding dogs, cats, or other household pets as a business. Does not include establishments in which the sole function is grooming." Per section 10-28(4) (j) a commercial kennel is a use permitted by special use permit in the General Business zoning district.

There is not currently a definition for Dog Daycare or Pet Sitting Agency in the zoning ordinance. Therefore, according to Chapter 10 of the Montgomery County Code, the usage of the property is defined as a commercial kennel.

Since 2007, the business has expanded to include commercial Dog Daycare, which consisted of clients dropping off their dog(s) for daily supervision and supervised socialization. Overnight pet sitting services are not provided by NRV Varmints. The applicant has further stated that no more than twenty (20) dogs attend daycare on any given day.

The business is currently operating in a commercial area within the Town of Blacksburg. The building in which the applicant is proposing to relocate her business is a one story, brick, ranch-style house with a full unfinished basement, located at 3740 S. Main Street. This structure has been used for business use in the past. The applicant has spoken with the building official about applying for a change of use permit for the structure, if the special use permit is approved, as it is a residential structure that will be used for commercial business. The building official has counseled the applicant to have a professional engineer or architect evaluate the structure and make sure the load capacities are sufficient to support the proposed change in use.

The proposed business will be located on one parcel, identified as Account# 009666 (which is approximately 0.725 acres in size). The additional parcels, identified as Account# 015065 and 015066, were added to the application in case additional buffer area was needed or expansion of the business occurs in the future. In total, the three parcels encompass approximately 1.694 acres.

The current hours of operation are Monday through Friday, 7:30 AM to 6:30 PM, and Saturdays by reservation only. The applicant is not proposing any changes to the hours of operation. Traffic volumes would be highest during drop off hours in the morning from 7:30 until 10:30 AM, and pick up hours in the evening between 4:30 and 6:30 PM. No more than two (2) employees staff the office/day care at a time, and no more than twenty (20) dogs per day utilize the day care facility. Additional Pet sitting employees utilize the site on a short term basis for a checkpoint to drop off client's paperwork, invoices, work orders, and meet with other sitters prior to visiting clients' homes.

According to the 2008 VDOT daily traffic volume estimates for 460-Business, there is an Annual Average Daily Traffic (AADT) of approximately 18,000. Based on information provided, the business is expected to generate less than twenty-five (25) trips to and from the facility per day.

The property will be accessed off of Davis Street, through an existing shared access area and driveway for both The Tobacco Outlet and the proposed dog day care. There is no direct access from South Main Street/460 business. The applicant has been working with John Jones with VDOT, who has stated that the applicant's proposed access plan for the business is acceptable.

The applicant has indicated that the environmental impacts to the site will be mitigated through standard waste disposal and cleaning practices adopted by the business. The daily cleaning and waste disposal routine in the current facility consists of spot cleaning, sweeping, pick-up, and disposal of dog waste. Currently the facility is run entirely inside and the dogs cannot be taken outside to use the restroom. Therefore "potty pools" (plastic containers filled with mulch) are placed in the facility and the dogs are encouraged to utilize these "pools". At the end of each week the contents of these "potty pools" are emptied, double bagged in trash bags, and placed in the dumpster outside of the facility. The applicant has stated that animal waste has never been emptied into public or private human sewer facilities.

When accidents occur and the pools are not used during the day, the waste is picked up, double-bagged, and placed into a trash bag in a waste receptacle. According to the applicant, over the past two years they have experienced a consistent level of waste disposal needs. According to the applicant, during a typical day the entire business creates less than one 13 gallon trash bag of garbage and waste combined. Additionally, at the end of each day the entire facility is cleaned with a bleach solution to prepare for the following day's business.

Photographs of the current facility are available with the application information. New River Valley Varmints also has a website which may provide more detail about the particular business model being utilized. The URL to access the website is: <http://www.nrvvarmints.com>. There is also live streaming video of the animals at the day care facility during hours of operation which can be accessed at: <http://www.nrvvarmints.com/id65.html>.

There are security lights on the two front corners of the current structure, and no additional lighting of the site has been proposed. Possible light pollution will also be mitigated by the enforcement of section 10-46(9), Light and Glare, of the Montgomery County Code.

IV. Comprehensive Plan

The parcel is located within an area designated as Urban Expansion in the Montgomery County Comprehensive Plan. Urban Expansion areas are characterized as natural expansion areas for Blacksburg, Christiansburg and Radford, characterized by high density development and a mixture of uses. According to PLU 1.8, new development and community design should be compatible with existing communities. Urban Expansion areas are the preferred locations for a mixture of residential, commercial, and industrial development. Therefore, the proposed project appears to be consistent with the policy guidance provided in the comprehensive plan.

Additionally, the Zoning Administrator for the Town of Blacksburg issued a letter supporting the application on February 12, 2010, on behalf of the Blacksburg Planning Commission. The area in which this use is proposed is part of the extraterritorial area as defined by the Government Chapter of the Comprehensive Plan for the Town of Blacksburg. This area is recognized as the mid-county commercial corridor providing medical and commercial services, the intent of this section of the Blacksburg Comprehensive Plan is to ensure development immediately adjacent to Town boundaries are similar in use, street standards, and other amenities to the area of Town which is adjacent to ensure compatibility of uses across the corporate boundaries. According to the Town of Blacksburg, this request is consistent with the Town of Blacksburg's Comprehensive Plan for the extraterritorial area of the county (see attached letters from Town of Blacksburg).

V. Analysis

Based on the guidance in Chapter 10-44(3)(b) of the Zoning Ordinance it is the opinion of staff that seven (7) parking spaces are needed to service this business use. This calculation was determined based on the fact that two (2) employees staff the office at a time, and no more than twenty (20) dogs are permitted to utilize the daycare service per day. Also factored into the calculation was the fact that pet sitting employees will utilize the site on a short term basis for a checkpoint to drop off client's paperwork, invoices, work orders, and meet with other sitters prior to visiting clients' homes.

Currently, 3740 S. Main St. is served by Town of Blacksburg public water, and private on-site sewage disposal. The applicant has been in contact with the Public Service Authority and has received an availability letter for public sewer. It has been determined that the site can be served by PSA sewer; however the PSA is not requiring the applicant utilize public sewer. Staff has also been in contact with the Virginia Department of Health (VDH) regarding the possibility of utilizing the current septic system. The applicant has been advised based on staff's discussion with VDH that further research will need to be done by the applicant and VDH to assess suitability of the existing septic system for the proposed use if on-site sewage disposal system is the preferred method of providing sewer service to the business. VDH approval will be necessary before the business use can begin.

The applicant also has stated plans to fence one half to three fourths of the back yard area, as well as a small section in front of the building. The fencing for the back yard is proposed to be a six (6) ft. wooden privacy fence, with no space between the panels. The front yard is proposed to have a five (5) ft. wire and wooden fence. Photos have been provided of the proposed fencing. While a portion of the lot will be fenced, the applicant has stated that dogs will not be left unsupervised or tied up in the fenced area. This area will be used for giving the animals a chance to use the restroom and to allow outdoor play time for higher energy dogs.

A small amount of landscaping has also been proposed in the application materials; however specific plantings have not been further discussed. The required site plan submittal will include a landscaping plan.

No phasing of the project has been proposed by the applicant. According to the application materials provided, the applicant intends to renovate the inside and outside of the building before taking over residency of the building in the spring of 2010.

Staff Recommendations

Staff preliminarily recommends approval of this request as submitted by the WTB Partnership for a special use permit to allow a commercial kennel in a General Business zoning district with the following conditions:

1. In accordance with section 10-52(9)(c) of the Montgomery County Code a site plan prepared by a licensed engineer, architect, or land surveyor shall be submitted to the Zoning Administrator for approval. Site plan approval shall be required prior to the issuance of a certificate of occupancy.
2. No more than twenty (20) dogs per day shall be permitted on site.
3. No overnight boarding of dogs shall be permitted.
4. Animals shall not be permitted outside of the building for restroom or outdoor play time until the proposed fencing has been installed. The type of fencing used on the site shall be consistent with the photographs provided.
5. No caging or chaining of animals in the outdoor area shall be permitted. Any animals utilizing the proposed outdoor facilities shall be accompanied by a NRV Varmints staff member.
6. The hours of operation shall be 7:30 AM to 6:30 PM, Monday through Saturday.

At the time this report was issued, the Planning and GIS Services office had not been contacted regarding this request by any adjoining property owners. However, consideration should be given to adjacent property owners or other interested citizens attending the public hearing to express their views regarding this request.

Enclosures: Aerial Map
 Tax and Zoning Map
 Application Materials
 Letter from Town of Blacksburg, dated February 12, 2010
 Letter from Town of Blacksburg, dated March 2, 2010
 PSA Availability letter, dated February 26, 2010



**W T B Partnership
Agent NRV Varminits
Request For
Special Use Permit**

- Legend**
- Corporate Line
 - State Road
 - Interstate Highway
 - Private Road (Named)
 - Planned Highway
 - Railroad
 - Hydrology
 - Tax Parcel
 - Subject Property (WTP / Varminits)

Parcel ID(s): 009666
015065
015066

Currently Zoned GB



Montgomery County, Virginia
PLANNING & GIS SERVICES

ALL INFORMATION SHOWN HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT A GUARANTEE OF ACCURACY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION SHOWN HEREIN. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



Prepared by Montgomery County, Va
Planning & GIS Services, 3/15/2010



New River Valley Varmints Pet Sitting Agency

Application for Special Use Permit



1531B North Main Street
Blacksburg, Virginia 24060
540-961-1710
petsitting@nrvarmints.com
nrvarmints.com

Concept Development Plan:

Existing Site Features:

The intention of NRV Varmints pursuing a special use permit is to allow for a Pet Sitting and Dog Daycare business to operate out of 3740 South Main Street, Blacksburg, Virginia 24060. As set forth by the zoning codes of Montgomery County, the usage of the property will be considered a commercial kennel.

It is important to note, however, it is not the intention of the applicant to operate a true kennel on this site. When and if the term "commercial kennel" is used in the Concept or Comprehensive plan, it is solely the description set forth by the county codes, and not an adequate description or designation of the current business.

The current lot with parcel number 009666 includes a one story, brick ranch house with a full, unfinished basement. The adjacent lots being included in the request for a special use permit (015066 and 015065) are owned by the same partnership as lot with parcel number 009666. The other adjacent piece of property has the same owner and is currently operating as the Tobacco Outlet. Parcel numbers 0015066 and 015065 houses a small one story home with an unfinished basement.

Parcel number 009666 is approximately three fourths of an acre. The total estimated lot size for all three parcels is one and three fourths acres. The Current zoning for all three parcels is General Business. The adjacent properties are also zoned as GB.

Parcel number 009666 is a mainly cleared area with small undergrowth and brush growing around the corners of the lot. There is a large hardwood tree to the back right of the home/structure. The majority of the property is covered with medium grade gravel. Small portions of the lot are covered with grass. The adjacent properties in this request share a small one-sided fence with the left side of parcel number 009666. There are various trees in the lot to the left and the area is covered in grass. There is some minimal landscaping around the home/structure including some shrubs and plants.

The parking lot for parcel 009666 can be accessed off of Davis Street, through the parking lot for The Tobacco Outlet. This is a shared access area and driveway which has been shared by previous occupants of both business locations. There is no direct access from South Main Street/460 business. There will be minimal traffic, as the only significant traffic is created by clients picking up and dropping off. Only two employees will be on site at a time in regards to traffic and road and parking facilities.

Proposed Site Features:

The proposed location for the Dog Daycare and Pet Sitting office is on parcel number 009666. Clients and employees will be able to access the building on the site through the shared parking lot off of Davis Street. Davis Street has direct access to South Main Street in this location.

The structure on parcel 009666 will stay in its current form. There may be a need to add an additional door on the back of the structure/house. There is also the possibility that we will need to finish or refurbish the add-on garage as it was not finished when it was originally built. No other structural changes will be made to the home or the surrounding area.

There are security lights on the two front corners of the current structure that will be utilized for safety and security issues. No outdoor lamp posts or lights will be added to the lot.

We do intend to do some moderate landscaping to parcel number 009666. In an effort to improve the face of the building and the surrounding yard, we plan to plant small bushes, shrubs, and grasses to create a more welcoming appearance for the property. In addition to planting and landscaping the front area, we plan to

install a fence that would cross over the left, front side of the building and into the back yard. We plan to fence in one half to three fourths of the back yard area. The fencing in the front of the building would be a 5 to 6 foot hurricane fence without the exposed prongs at the top. The back fence would ideally be 6 foot privacy fencing, which would serve well for keeping dogs contained and also shielding the surrounding businesses from our daily activities. We would also like to have a third party waste management company provide us with a small, outdoor waste bin that would be serviced weekly.

There are many improvements that need to be made to the facility; however, none of these renovations are structural. The building needs to be thoroughly cleaned and painted. The outside trim needs to be sanded and painted as well.

There will be no phasing of this project. We intend to do all inside and outside renovations within the next few months, and would like to take over residency of the building in April, 2010.

Comprehensive Plan Justification:

The long-term, comprehensive plan for the area is Urban Expansion. Mixes of residential, commercial, and industrial uses are all part of the comprehensive plan for this area. The business carried out by NRV Varmints would fit well in this area with the surrounding businesses and location. Our business is a new, exciting, and consistently growing one. Our staff is innovative, energetic, and eager to be part of their community.

The current location has several surrounding businesses and leads into the more highly developed portion of Christiansburg. Although it is a major access point and an outlet to the bypass, there is some physical and noticeable attributes of the area that are less than desirable. Parcel number 009666 has been greatly depreciated by the age and current state of the building and the lot. Our agency would use this stepping stone to create a fresh, new, and aesthetically pleasing site. This would add value and business interest to the surrounding areas.

NRV Varmints also offers a service that is not yet available in Montgomery County or the town of Christiansburg. Our business is new, creative, and atypical from many other businesses. Our services are widely used and vastly appreciated by our many and loyal customers. We have clients from Claytor Lake to Pembroke to Shawsville. A centralized location will be a key ingredient to our long-term success.

In addition to serving local residents, we also try and cater to those who are traveling or visiting and may be staying in local hotels. There are very few animal-friendly hotels in the area, and visitors often need help when traveling with their pets. The proposed location is close to several hotels in the Blacksburg and Christiansburg area. Having our business at the proposed location could be a large benefit for the County, as it continues to grow bringing visitors and new residents. People are very loyal to their animals and look for amenities that make traveling with pets affordable and safe.

As a relatively new business, the proposed location can help our agency grow as well. As Blacksburg and Christiansburg continue to expand and reach toward each other, our business could benefit greatly from the desired location, as it gives us direct access to the highway. Since our sitters are residents of Montgomery County, Christiansburg, and Blacksburg and beyond, the new location would create a more centralized and accessible site for many of our staff members. This would be a huge benefit, as our sitters are already required to do a large amount of driving on the job.

NRV Varmints Pet Sitting Agency is a prime example of an expanding business which provides very worthwhile services. We definitively fit the description of commercial development in an area that is designed for such usage.

About the Business:

The New River Valley Varmints Pet Sitting Agency was established under its current structure in the fall of 2005. The business is licensed as a sole-proprietorship, as I, the owner, am the sole owner with investment in the business. We are a professional, licensed, bonded in-home pet care company. Our relationship with our clients begins when we perform an initial consultation in client's residence. During this meeting, our sitters are trained on the particular pets' needs and routines. We also initiate a key exchange and we complete paperwork (including a company liability waiver) with the new client.

Until 2007, NRV Varmints operated solely as a pet-sitting company wherein our professional duties included taking care of client's pets and home while the client is out of town, traveling, attending classes, or working. In April of 2007, because of customer demand, NRV Varmints expanded its services to include a commercial Dog Daycare, which consisted of clients dropping their dog(s) off for daily supervised socialization, healthy playtime, and energy release.

The activities that take place during the operating hours of Dog Daycare are as follows. Dogs are dropped off by their owners between 7:30 am and 10:30 am. Dogs are encouraged to play and socialize until 11 am, when a two hour naptime is observed, so that the dogs may be allowed to calm down and rest. During the two hour nap period, the agency's clerical staff is still available to the public, but the Dog Daycare is shut down to clients who may need to drop off or pick up an animal. The dogs are then encouraged once again to play and exercise. The pick-up period is typically between 4:30 and 6:30 pm. No dogs are allowed to stay overnight and dogs are not allowed to be boarded or kept on the premises without staff supervision.

Our business location also acts as a hub for our pet-sitting needs. NRV Varmint pet sitters use the business site to pick up and drop off client keys, paperwork such as invoices and work orders, and to meet with clients or other sitters before heading to a client's home, etc. The traffic caused by the pet sitters is minimal and short-term. Our pet sitting and daycare clients also use the business location to drop off payments, keys, and to report special care instructions or changes in their animal's routine. All traffic produced by clients is short-term and minimal.

The Dog Daycare has been operating in a commercial area of Blacksburg, Virginia since April 2007. The location, 1531B North Main Street, is between a warehouse (Aztec Rentals) and a dog grooming facility (The Village Groomer). We have operated in this location without any complaints regarding noise or animal waste. There have also been no general complaints made against our business. Our current hours of operation are Monday through Friday, 7:30 am to 6 pm, and Saturdays by reservation.

Our daily routine includes consistent "spot cleaning", sweeping, and pick-up/disposal of dog waste. At the end of each day our entire facility is cleaned with a bleach solution and the entire enterprise is kept in pristine condition, better than that of a typical kennel. During the past two years we have experienced a consistent level of waste and disposal needs. During a typical day, our entire business creates less than one 13 gallon trash bag of garbage and waste. We currently dispose of this daily by placing the garbage in a public dumpster on site. The dumpster contents are then emptied by a third party weekly and the garbage is completely removed from the premises.

Because of zoning restraints in the Town of Blacksburg, our daycare is a completely indoor run facility. We do not take the dogs outside to exercise or to use the ground. Our current daycare model has "potty pools" (plastic containers filled with mulch) which the dogs are encouraged to use. Even with no outdoor amenities, there is still a minimal amount of waste and no damage to the property.

In our current location we have two neighboring businesses with which we share internal walls. There are two residential areas that are adjacent to the business lot where our business is housed. Directly across the street there is an abandoned restaurant and to the left of the building, across the street, there is the edge of a multi-use residential area with townhomes. We have never had a noise complaint from any of our neighbors including those that share an internal wall with. Typically, any noise made by the dogs cannot be heard from outside of the building.

Our current business model is a relatively small one (most kennels and daycares accept 50 to 100 dogs per day). We do not allow more than 20 dogs to attend daycare in any given day. If the business does continue to grow, then we would expand by creating new locations for other "small" daycare facilities. For safety and customer satisfaction, we intend to continue promoting the small business model, no matter the growth that we experience.

A Brief Note about the Owner:

I am originally from Chatham, Virginia, a small southern town that sits about 20 miles away from Danville. Both the Town of Chatham and the City of Danville are small areas with progressing problems regarding luring and keeping businesses in the area. Danville's economic downfall happened primarily after the tobacco fields and the textile mill closed down. Just recently, a diner that operated next to the old mill closed after 95 years of business. Both Chatham and Danville suffer greatly from an inability to promote business from within.

I came to live in Blacksburg in 1999 when I began school. I graduated from Virginia Tech University, and received my degree in English after switching from my original major, Wildlife Science. I had several jobs while I was enrolled as I put myself through college. After forming a pet-sitting service with a friend in 2000, I continued providing pet sitting services when she moved out of the area. My clientele grew and by the time I was ready to graduate, I saw the area as a perfect place for a full-service pet-sitting company.

Within the last three years we have grown from having three staff members including myself, to having a staff of 15, which includes full-time and part-time employees. We have more than doubled our sales in each year and have grown from 150 clients to over 500. The agency has been hugely beneficial to the area, and our clients are eager to refer us to others and help our business grow.

As my business continues to grow, I never lose sight of the small business mentality that has been instilled in me from my upbringing. I am eager to be a part of small business and community fabric. I believe that promoting healthy businesses from within the area, promotes jobs, salaries, wages, and energy from potential employees. I believe that new and exciting small businesses can be a wonderful addition to any area, especially those that lack the diversity and depth that is possible in retail and service based business.

A Brief Note about Getting Zoned in Blacksburg:

When I originally approached the Town of Blacksburg with my business model and idea, it was clear that there would be a problem getting zoned as a commercial kennel. Therefore, I presented my information to the zoning administrator and made a case for what our business offers to be considered personal services. We were zoned and licensed to operate under personal services, administrative tasks, and retail (as we sold a bit of animal related retail as well).

After a complaint from a competing business, the zoning administrator filed a violation against our business that we were running the Dog Daycare without being allowed to do so. I appealed the violation and the case went to the appeals board.

The appeals board was split on whether the business services (Dog Daycare only) should be considered personal services or those of a commercial kennel. They approved the violation but they asked for 6 months to be allotted, so that we may pursue another method of getting “properly” zoned.

At the advice of the zoning administration, I pursued an Exemption to Use and Design Standards. We went in front of the Planning Commission and the exemption was granted. Therefore, we were allowed to use the 1400 (indoor) square feet of our current location to run the dog daycare. Acreage, buffer, and set-back requirements were conceded in order to allow the exemption to pass.

Blacksburg also discussed the need to create a new code for Dog Daycare facilities, but has not yet made those changes in the town code. It is important to note that the original complaint came from a competing business owner who had been turned down to operate a Dog Daycare and training facility in Blacksburg. The Town of Blacksburg was helpful in trying to promote our small, locally run business.

Pictures of Current Daycare Operation



View from back of playroom



View from front of playroom (2 areas separated by barrier wall)



"small side" of playroom



"large side" of playroom



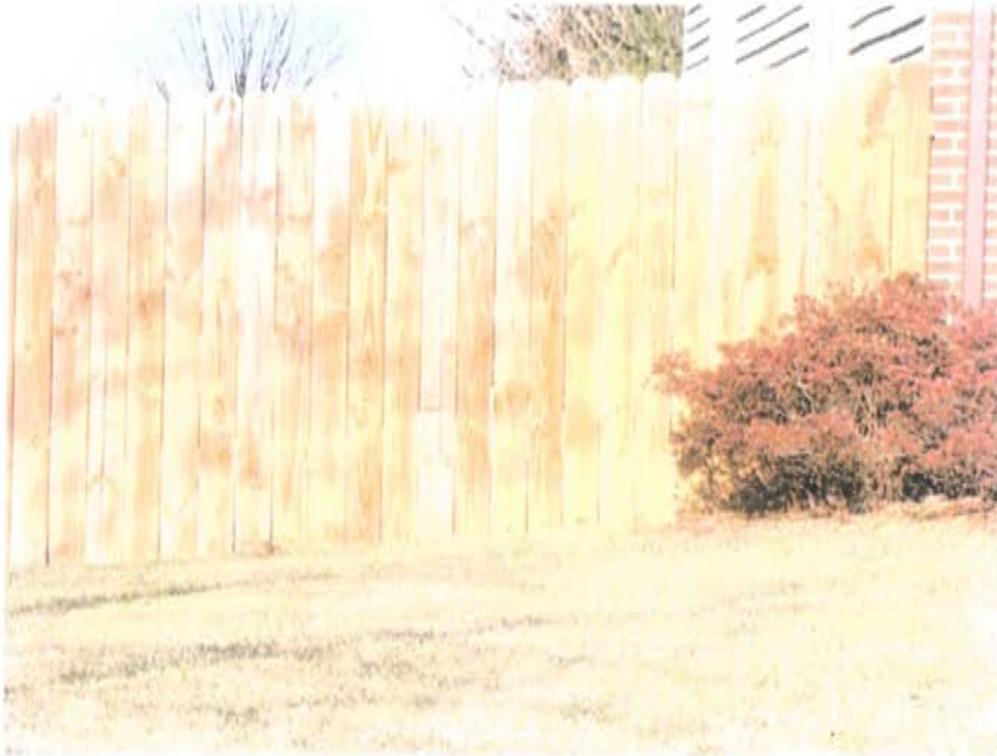
Staff break room and time out/eating area for dogs. These are the only two crates we have in our facility. Dogs are not crated unless they need some quiet time or a private venue to eat.



Administrative area



fencing for front of building: wire and wood, 5 foot fencing



fencing for back of building: 6 foot privacy fencing, wood, no space in between panels

MEMORANDUM

To: Planning Commission

From: Andrew Warren,  Zoning Administrator

Date: February 12, 2010

Subject: **MCR #10-0001 Montgomery County Referral: Special Use Permit for a Commercial Kennel located 3740 and 3750 South Main Street in the General Business District.**

Background

Sarah Finkner, as agent for The WTB Partnership, proposes a special use permit to allow a Commercial Kennel on two parcels totaling 1.75 acres in Montgomery County close to the municipal boundary. The parcels are located near the southwest corner of U.S. Business Route 460 and Davis Street (between the Tobacco Alley and the Dairy Queen). The properties are located approximately 250 feet from the Town's corporate limit which runs along the east side of US 460 Business. The Special Use Permit application is attached. The applicant currently operates a Commercial Kennel facility (NRV Varmints) within the Town of Blacksburg at 1531 North Main Street.

The proposal is for NRV Varmints to operate a Commercial Kennel and provide doggie daycare and pet sitting agency services on South Main Street in the County. The applicant plans to use the existing structure at 3740 South Main Street for its operation, which is on a .75 acre lot. The applicant proposes using the existing building without any structural changes or additions to the building. There would be some interior modifications to the building and the addition of landscaping. While the adjoining 3750 South Main Street parcel is also included in the conditional use permit application for possible future expansion, there are no immediate plans to use this area. Currently, 3750 South Main Street contains a single-family dwelling and the parcel is approximately 1 acre in size.

Comprehensive Plan

The Extraterritorial section of the Government chapter of the Comprehensive Plan provides general guidance for this area of the County. This area is recognized as the mid-county commercial corridor providing a medical office center and a range of retail commercial offerings. Two relevant Identifying Characteristics to the application are:

- Development immediately adjacent to Town boundaries should be similar in use, street standards, and other amenities to the area of Town to which it is adjacent in order to assure compatibility and a seamless transition across the corporate limits. This consideration is valid for residential, industrial, and all other major use types

The South Main commercial corridor within the Town of Blacksburg is zoned General Commercial. The facility will provide a commercial service to citizens in Montgomery County and both adjacent Towns. The Town of Blacksburg allows a Commercial Kennel by-right in the General Commercial zone district subject to applicable Use and Design Standards. Given that the existing structure is to be used there are no changes in the transition from County to Town in this corridor.

- Traffic congestion will continue to worsen and must be addressed regionally by the University, County, and both Towns. Future land use patterns will be a key traffic generator to be monitored. The Town should work with the County and Christiansburg to establish, maintain, and preserve gateway entrances to Blacksburg along major roads. The County's Future Land Use designation for the subject parcels is Urban Expansion. These areas are designed to accommodate a mix of uses at higher intensities adjacent to the local urban areas. The proposed use will likely generate a consistent or lower level of traffic anticipated in this area by both the County and the Town.

Conclusion

The special use permit application is consistent with the Comprehensive Plan's Extraterritorial section. Based on input from the Planning Commission, Staff will prepare a letter of recommendation to be sent to the Montgomery County Planning Commission.

March 2, 2010

Mr. Brian Rice, Chairman
Montgomery County Planning Commission
Montgomery County Government Center
755 Roanoke St. Ste. 2A
Christiansburg, VA 24073

Subject: Montgomery County Referral: Special Use Permit for a Commercial Kennel at 3740 and 3750 South Main Street in the General Business (GB) zoning district

Dear Mr. Rice:

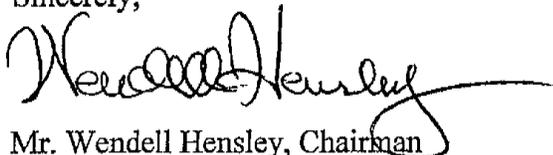
The Blacksburg Planning Commission has reviewed the special use permit application for a Commercial Kennel at 3740 and 3750 South Main Street in County's General Business (GB) zoning district. As this proposed special use permit is located in the Town's Extraterritorial Area, we appreciate the opportunity to review the application for compliance with the Town's Comprehensive Plan.

The Town of Blacksburg's Comprehensive Plan addresses areas immediately outside of the Town limits and also reflects general planning and development policies for these areas. The South Main commercial corridor within the Town of Blacksburg is zoned General Commercial. The facility will provide a commercial service to citizens in Montgomery County and both adjacent Towns. The Town of Blacksburg allows a Commercial Kennel by-right in the General Commercial zone district subject to applicable Use and Design Standards.

With the consideration that the County's Future Land Use designation for the subject parcels is Urban Expansion and the adjacent lands' Future Land Use designation is High Impact Commercial within the Town, the proposed use will likely generate a consistent or lower level of traffic anticipated in this area by both the County and the Town.

The Town of Blacksburg's Planning Commission has concluded that the proposed special use permit application is consistent with the Extraterritorial section of the Comprehensive Plan. Therefore, the Planning Commission supports an approval recommendation by the Montgomery County Planning Commission. Again, thank you for your Commission's time and consideration of this letter.

Sincerely,



Mr. Wendell Hensley, Chairman
Town of Blacksburg Planning Commission



MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY

Government Center
Suite 21
755 Roanoke Street
Christiansburg, VA 24073-3185

Gary D. Creed, Chair
James D. Politis, Vice-Chair
Mary W. Biggs, Secretary-Treasurer
Annette S. Perkins, Member
William H. Brown, Member
John A. Muffo, Member
Douglas W. Marrs, Member

Robert C. Fronk, PE
PSA Director

February 26, 2010

Ms. Sarah Finkner
1531 B. North Main Street
Blacksburg, VA 24060

RE: Availability No. 10-12
NRV Varmints Pet Sitting Agency
3740 South Main Street
Tax Map No. 067A-A 6
Sewer Availability

Dear Ms. Finkner:

Public sewer is available to this property at 3740 South Main Street, Tax Map No. 067A-A 6. Be advised that water service in this area is provided by the Town of Blacksburg and you will need to coordinate with the Town for water service for this property.

Public sewer service can be provided by a service connection to the eight-inch sewer main installed in a public easement along the western half of the northern property line or along the western property line within the subject property. You must verify that there is a minimum of two feet of fall from the building service elevation to the top of the sewer main. If adequate vertical separation does not exist, you will be required to install an individual sewer pump and force main with a connection to the existing sewer cleanout per PSA construction standards. The fees include the connection to the sewer main and sewer cleanout at the public easement line. The owner would be responsible for the complete installation of the sewer lateral from the building to the sewer cleanout at the easement line. The PSA must inspect the sewer lateral between the sewer main and building before issuance of an occupancy permit. You should coordinate the inspection of the sewer lateral with the PSA prior to installation. **Since this is a commercial facility, you will be required to complete and submit a non-residential sanitary sewer checklist prior to occupying the building and to install a sampling manhole on the sewer lateral.**

A selection of sewer fees based upon water meter size is provided for your information:

Water Meter Size*	Sewer Facility Fee	Sewer Connection Fee	Total Fees
5/8"	\$ 3,000.00	\$ 750.00	\$ 3,750.00
1"	\$ 7,500.00	\$ 900.00	\$ 8,400.00

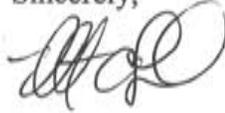
* Water meter size would need to be calculated using PSA "Sizing Water Services and Meters" worksheet if water supply is not metered.

Page Two
Ms. Sarah Finkner
February 26, 2010

If the owner wants to proceed with this service, please make application and pay the appropriate fee at the Finance Office in the Montgomery County Government Center at 755 Roanoke Street. ***This letter and stated fees are only valid to March 1, 2011.***

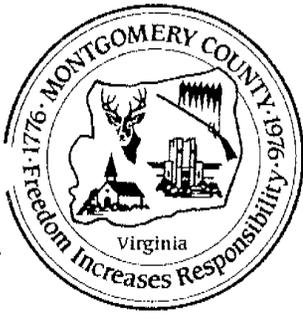
If you should have questions or need additional clarification of the above information, please call me at 381-1997.

Sincerely,



Robert C. Fronk, PE
PSA Director

cc: Utility Billings
Montgomery County Planning & Zoning ✓



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Montgomery Co. Planning Commission Members

FROM: Dari Jenkins, Planning & Zoning Administrator 

DATE: March 3, 2010

SUBJ: Zoning Ordinance Amendment regarding School of Special Instruction

Upon the recommendation of the Planning Commission, the Board of Supervisors has approved the advertisement of amendments of the Montgomery County Zoning Ordinance as follows; 1) to allow a school of special instruction as a use permitted by right in the General Business (GB) and Community Business (CB) zoning districts, 2) to allow a school of special instruction as a use permitted by special use permit in the Agriculture (A-1) zoning district, and 3) amend the definition of school of special instruction. See the **enclosed** proposed amendments in ordinance form.

What these amendments will do:

- Allow school of special instruction as a use permitted by-right in GB and CB
- Allow school of special instruction as a use permitted by SUP in A-1
- Amend current definition of school of special instruction to include "similar uses"
- Responds to a request made by a citizen

What these amendments will not do:

- Will not allow transition home or boarding house by right in any zoning district
- Will not create additional regulations or design standards for this school of special instruction

DJ

Enclosure: Proposed School of Special Instruction Amendments

AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING, SECTIONS 10-21, 10-28, 10-29 AND 10-61 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA BY ALLOWING A SCHOOL OF SPECIAL INSTRUCTION BY RIGHT IN THE GENERAL BUSINESS (GB) AND COMMUNITY BUSINESS (CB) ZONING DISTRICTS AND BY SPECIAL USE PERMIT IN THE AGRICULTURE (A-1) ZONING DISTRICT AND BY CLARIFYING THAT THE LIST OF SKILLS AND ACTIVITIES PROVIDED IN THE DEFINITION OF SCHOOL OF SPECIAL INSTRUCTION IS NOT ALL INCLUSIVE

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that Chapter 10, entitled Zoning, Sections 10-21, 10-28, 10-29 and 10-61 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 10-21. A-1 Agricultural District.

(4)(i) *Uses permissible by special use permit.* The following uses may be permitted by the board of supervisors as special uses, subject to the requirements of this chapter and all other applicable regulations:

- (a) Accessory structures greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use permitted by a special use permit from the board of supervisors.
- (b) Bed and breakfast inn.
- (c) Boarding house.
- (d) Campground.
- (e) Camp, boarding.
- (f) Civic club.
- (g) Contractor's storage yard.
- (h) Country club.
- (i) Country inn.
- (j) Custom meat cutting, processing and packaging.
- (k) Day care center.
- (l) Disposal facility, landfill.
- (m) Exploratory activities associated with extractive industries.
- (n) Extractive industries and accessory uses including, but not limited to, the mining of minerals and the operation of oil and gas wells.
- (o) Game preserve.
- (p) Garden center.
- (q) General store or specialty shop, provided gross floor area is two thousand (2,000) square feet or less.
- (r) Golf course.
- (s) Golf driving range.
- (t) Grain mill, feed mill.
- (u) Home business.
- (v) Junkyard, automobile graveyard.
- (w) Kennel, commercial (refer to use limitations in subsection 7).

- (x) Landfill (see Disposal facility).
- (y) Livestock market.
- (z) Park, lighted.
- (aa) Playground, lighted.
- (bb) Public utility plant, other.
- (cc) Public utility substations.
- (dd) Public utility plant water or sewer (not including distribution or collection lines).
- (ee) Recreational vehicle park.
- (ff) Recycling collection points.
- (gg) Repair shop, automotive (refer to use limitations in subsection 7).
- (hh) Restaurant, provided gross floor area is two thousand (2,000) square feet or less.
- (ii) Rural resort.
- (jj) Sawmill.
- (kk) Shooting range (as principal use or accessory to a gun shop). (Refer to use limitations in subsection 7).
- (ll) Slaughterhouse.
- (mm) Solid waste collection point.
- (nn) Stable, commercial.
- (oo) Structures, nonresidential, totaling in excess of twenty thousand (20,000) gross square feet.
- (pp) Structures over forty (40) feet in height.
- (qq) Telecommunications tower, freestanding.
- (rr) Transition house.
- (ss) Flea market (also subject to requirements of article VI of the County Code).
- (tt) Stone engraving and sales.
- (uu) School of Special Instruction.

Sec. 10-28. GB General Business.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Apartment as accessory use, maximum of two (2) per business structure.
- (b) Assembly of electrical, electronic devices, less than three thousand (3,000) square feet floor area.
- (c) Automotive, light truck, sales, service, rental and repair, excluding motor fuel sales.
- (d) Building material sales.
- (e) Business or trade school.
- (f) Cabinet shop, furniture, upholstery, craft industry of less than three thousand (3,000) square feet.
- (g) Cemetery.
- (h) Church.
- (i) Civic club.
- (j) Community center.
- (k) Conference or training center.

- (l) Crematorium.
- (m) Custom meat cutting, processing and sales (excluding slaughtering).
- (n) Day care center.
- (o) Equipment sales and service.
- (p) Financial services.
- (q) Fire, police, rescue facility.
- (r) Funeral home.
- (s) General store, convenience store without motor fuel sales.
- (t) Homeless shelter.
- (u) Hotel, motel.
- (v) Laundromat.
- (w) Library.
- (x) Medical care facility.
- (y) Motor vehicle rentals.
- (z) Office, administrative, business or professional.
- (aa) Park.
- (bb) Park and ride lot.
- (cc) Pet, household.
- (dd) Post office.
- (ee) Printing service.
- (ff) Public utility lines, other distribution or collection facility.
- (gg) Public utility lines, water or sewer.
- (hh) Radio station; excluding tower.
- (ii) Restaurant.
- (jj) Retail sales and services.
- (kk) School.
- (ll) Shopping center.
- (mm) Telecommunication tower, attached.
- (nn) Veterinary practice, animal hospital.
- (oo) Garden center.
- (pp) School of Special Instruction.

Sec. 10-29. CB Community Business.

(3) *Uses permitted by right.* The following uses are permitted by right, subject to compliance with all approved plans and permits, development standards and performance standards contained in this chapter and with all other applicable regulations:

- (a) Apartment as accessory use, maximum of two (2) per business structure.
- (b) Assembly of electrical, electronic devices, less than one thousand two hundred (1,200) square feet floor area.
- (c) Automotive, light truck, sales, service, rental and repair, without motor fuel sales, less than two thousand (2,000) square feet.
- (d) Business or trade school.
- (e) Cabinet shop, furniture, upholstery, craft industry of less than one thousand two hundred (1,200) square feet.

- (f) Cemetery.
- (g) Church.
- (h) Civic club.
- (i) Community center.
- (j) Conference or training center.
- (k) Crematorium.
- (l) Custom meat cutting, processing and sales (excluding slaughtering).
- (m) Day care facility.
- (n) Financial services.
- (o) Fire, police, rescue facility.
- (p) Funeral home.
- (q) General, convenience store less than three thousand (3,000) square feet, without motor fuel sales.
- (r) Homeless shelter.
- (s) Library.
- (t) Medical care facility.
- (u) Garden center.
- (v) Office, administrative, business or professional less than three thousand (3,000) square feet.
- (w) Park, unlighted.
- (x) Park and ride lot, unlighted.
- (y) Pet, household.
- (z) Post office.
- (aa) Printing service.
- (bb) Public utility lines, other.
- (cc) Public utility lines, water or sewer.
- (dd) Restaurant.
- (ee) Retail sales and services less than three thousand (3,000) square feet.
- (ff) Roadside stand.
- (gg) School.
- (hh) Telecommunication tower, attached.
- (ii) School of Special Instruction.

Section 10-61 Definitions.

School of Special Instruction: A facility for the private instruction of skills or activities not directly related to academic pursuits or employment, which may include, but not be limited to, dance studio, music studio, gymnastics, craft and/or art studios, exercise studio (not having locker or shower facilities and not required to comply with the Virginia Health Spa Act).