



Preliminary Review Meeting Request Special Use Permit Montgomery County, Virginia

755 Roanoke St. Suite 2A, Christiansburg, VA 24073
540-394-2148 | mcplan@montgomerycountyva.gov

Contact Information: Owner Contract Purchaser Other _____

Name: Anilkumar P. Patel and Saurabh M. Shah	Address: 14009 Stroubles Creek Road, Blacksburg, VA 24060
Telephone: 540-353-8292, 270-507-7141	Email: mccoymart5728@gmail.com, prince.saurabh007@gmail.com

Subject Property Description:

Location: (Describe in relation to nearest intersection) At the corner of the intersection of McCoy Road and Big Vein Road in Montgomery County.		
Address: (if applicable) 5728 McCoy Road	Existing Zoning: Agricultural A-1	Acreage: .746 acres
Parcel ID Number(s): 003149		Property Owner(s): Anilkumar P. Patel and Saurabh M. Shah
Existing Use: Vacant. Previously used as a general store from 1969 until 2002.		

Description of Proposed Development and Uses:

*The requested information below **MUST** be submitted*

A. Proposed Use(s): General Store
B. Proposed Use Details (check all that applies): <input type="checkbox"/> Residential Total Single Family # of Units: _____ Total Multi-Family # of Units: _____ <input checked="" type="checkbox"/> Commercial Use <u>General Store</u> S.F. <u>2,800</u> Use _____ S.F. _____ Use _____ S.F. _____

Applicant Signature: _____ **Date:** 05/02/2022

FOR INTERNAL STAFF USE ONLY

VDOT Requirements


In accordance with the Code of Virginia §15.2-2222.2 and 24 VAC 30-155, the project:

- Will require a Traffic Impact Analysis (TIA) submission and review by VDOT. TIA must be submitted with rezoning application.
- Applicant will be required to coordinate a Scope of Work Meeting with VDOT (Project will generate 1,000 or more vehicle trips per peak hour.)

This determination is based upon the information provided by the applicant on the submitted Preliminary Review Request Form. Determination is subject to change based upon changes to the request.

Information and VDOT forms regarding the VDOT's Traffic Impact Analysis Regulations Administrative Guidelines can be obtained online at www.virginiadot.org/projects/chapter527.

- Documentation of Community Meeting.** Community meetings can be held after submitting application. County staff should be notified a least a week in advance of meeting date.
- Survey Plat.** Copies no larger than 11"x17"
- Traffic Impact Analysis (TIA) - County:** Based upon the proposed use and location, the project may substantially affect roadways and the County may require a traffic impact analysis.
- Elevations:** Copies reduced to 8 1/2" x 11" of proposed buildings must be submitted in addition to an electronic copy in ".pdf" format.
- Other:**

	saurabh shah	05/02/2022
Applicant's Signature	Printed Name	Date

Staff Signature (Planning)	Date
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This form is to verify completion of the required Preliminary Review Meeting and must be submitted at the time of filing of applications. Based upon the proposed development, County staff has determined the information checked on this form **must** be submitted in addition to regular submission requirements for Rezoning, Provisional Use Permit, or Amendment to Proffer Application



Special Use Permit Application Form

Montgomery County, Virginia
755 Roanoke St. Suite 2A, Christiansburg, VA 24073
540-394-2148 | mcplan@montgomerycountyva.gov

Applicant Information: (PLEASE PRINT – if additional owners, please attach additional sheets)

Owner of Record (attach separate page for add'l owners): Anilkumar P. Patel and Saurabh M. Shah	Address: 14009 Stroubles Creek Road, Blacksburg, VA 24060
Telephone: 270-507-7141; 540-353-8292	Email: mccoymart5728@gmail.com, prince.saurabh007@gmail.com

Applicant Name: Owner Contract Purchaser/Lessee Owner: Anilkumar P. Patel and Saurabh M. Shah	Address: 14009 Stroubles Creek Road, Blacksburg, VA 24060
Telephone: 270-507-7141; 540-353-8292	Email: mccoymart5728@gmail.com, prince.saurabh007@gmail.com

Representative Name and Company: Spicer, Olin & Associates	Address: 504 S Main St, Blacksburg, VA 24060
Telephone: (540) 552-0007	Email: bsnodgrass@spicerlawfirm.com

Property Description:

Location or Address: <i>(Describe in relation to nearest intersection)</i> At the corner of the intersection of McCoy Road and Big Vein Road in Montgomery County.		
Parcel ID Number(s): 003149	Acreage: .746 acres	Existing Zoning: Agricultural (A-1)
Comprehensive Plan Designation: Rural	Existing Use: General Store. Previously used as a general store from 1969 - 2002.	

Description of Request: (Please provide additional information on attached sheet if necessary)

Proposed Use(s) including acreage: General Store, 2,800 square feet with less than 2,000 square feet of gross floor area. Total acreage of property: 0.746 acres.
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I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

If signing on behalf of a Corporation, Partnership, or LLC, please specify your title with the entity and provide documentation clarifying your authority to sign on behalf of the entity.

saurabh shah	05/02/2022 Date
Anilkumar Patel	05/02/2022 Date
Owner 2 Signature <i>(for add'l owners please attach separate sheet)</i>	05/02/2022 Date
Applicant Signature	Date
Representative/Agent Signature	5/2/2022 Date

Additional Special Use Permit Requirements

The applicant for special use permit shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's comprehensive plan.

Section 10-54(3)(g), Montgomery County Zoning Ordinance

(g) Issues for Consideration. In considering a Special Use Permit application, the following factors shall be given reasonable consideration. The application shall address all the following in its statement of justification or Special Use Permit plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan (Addressed under "3. Comprehensive Plan Justification"). *The proposed SUP is consistent with the Comprehensive Plan and located with the Rural Area Land Use. In accordance with PLU 1.3.1(e), the use is compatible in scale and intensity with agricultural and rural residential uses and does not pose any threat to public health, safety, and welfare.*
2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control. *The building is already constructed and operated in the same capacity from 1969 until 2002.*
3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area. *No significant noise would be generated from the use of the building. Any minor increases in noise would originate from vehicular traffic and an air conditioning unit to service the building.*
4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area. *The parking lot uses LED lights that are downcast to light the parking lot but as to not to shine into the adjacent road.*
5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance. *Estimated signage will be approximately 6x6 and will be placed in the southeastern corner of the Lot facing McCoy Road.*
6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels. *This Special Use Permit Application is consistent with uses permissible by special use permit. A fire department is also located a few lots down on McCoy Road.*
7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood. *Please see the attached site plan.*
8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood. *No additional landscaping is proposed.*
9. The timing and phasing of the proposed development and the duration of the proposed use. *N/A as the building is already constructed and no new development is being proposed.*
10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance. *N/A as the building is already constructed and no new development is being proposed.*
11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public. *The proposed use would significantly promote community access to convenience items provided by the general store.*
12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement. *The expected traffic is approximately 50-70 vehicles per day which access the site.*
13. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of Montgomery County. *We have spoken with Ms. Brea regarding the building. We will limit the gross floor area of the building from 2,800 square feet to 2,000 square feet and*

are currently scheduling a development review meeting to discuss the site entrance requirements with the Virginia Department of Transportation.

14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services. [The site has water well usage and a septic system.](#)
15. The effect of the proposed Special Use Permit on groundwater supply. [The proposed estimated water use is approximately 10 to 20 gallons through making ice, employee hand washing, and daily cleaning purposes.](#)
16. The effect of the proposed Special Use Permit on the structural capacity of the soils. [The building is already constructed, and no new development is being proposed.](#)
17. Whether the proposed use will facilitate orderly and safe road development and transportation. [The proposed uses the existing building and parking lot which were previously used when the general store operated from 1969 to 2002.](#)
18. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality. [Not applicable as there are no environmentally sensitive lands or natural features affected by the use of the building.](#)
19. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan. [The SUP would provide desirable employment and enlarge the tax base. It is anticipated that the project would create additional tax revenue through general store sales and through anticipated wine and beer sales.](#)
20. Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth. [SUP would allow the store to serve the needs of the community enabling access to basic services and items provided by the general store.](#)
21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County. [Not applicable.](#)
22. The location, character, and size of any outdoor storage. [N/A.](#)
23. The proposed use of open space. [No changes proposed.](#)
24. The location of any major floodplain and steep slopes. [N/A.](#)
25. The location and use of any existing non-conforming uses and structures. [The commercial building located on the property currently is 2,800 square feet. While it was used as a general store from 1969 to 2002, the Property was not used from 2002 until it reopened in February 2022. We will limit the gross floor area of the building from 2,800 square feet to 2,000 square feet to comply with Section 10-21, Agricultural A-1 Zoning requirements.](#)
26. The location and type of any fuel and fuel storage. [Proposed sale of propane tanks, of the type customarily sold at general and convenience stores, to be stored in the building and sold to customers.](#)
27. The location and use of any anticipated accessory uses and structures. [None requested or needed.](#)
28. The area of each use; if appropriate. [N/A.](#)
29. The proposed days/hours of operation. [Monday to Saturday: 6:30 am to 8:30 pm. Sunday: 7 am to 8 pm.](#)
30. The location and screening of parking and loading spaces and/or areas. [Existing parking with no changes as shown in Exhibits.](#)
31. The location and nature of any proposed security features and provisions. [Security cameras are located on site.](#)
32. The number of employees. [Approximately three employees.](#)
33. The location of any existing and/or proposed adequate on and off-site infrastructure. [A septic system and water well are provided on site.](#)
34. Any anticipated odors, which may be generated by the uses on site. [No odors will be generated.](#)
35. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas. [Not applicable. Existing building with no construction or changes.](#)

Concept Plan & Comprehensive Plan Justification

Dear Montgomery County Board Members,

Anilkumar P. Patel and Saurabh M. Shah (the "Owners"), purchased 5728 McCoy Road (the "Property"), Parcel ID 003149, in 2021 with the intent of using a commercial building located on the property as a general store. The commercial building was originally built on the Property in 1969 and had operated as a general store in that capacity for thirty-three years. The general store then remained unused until our clients purchased the Property in 2021 and intend to make use of the store as a general store.

The lot is 0.746 acres and measures six hundred and twenty feet (620') in length and seventy feet (70') in width. The general store itself occupies 2,800 square feet, though the Owners will reduce the limit the gross floor area to 2,000 square feet. The property is currently zoned Agricultural A-1. The property also has 5700 square feet of asphalt pavement for parking and a small shed behind the general store which occupies 432 square feet. The Property is located at the corner of the intersection of McCoy Road and Big Vein Road in Montgomery County.

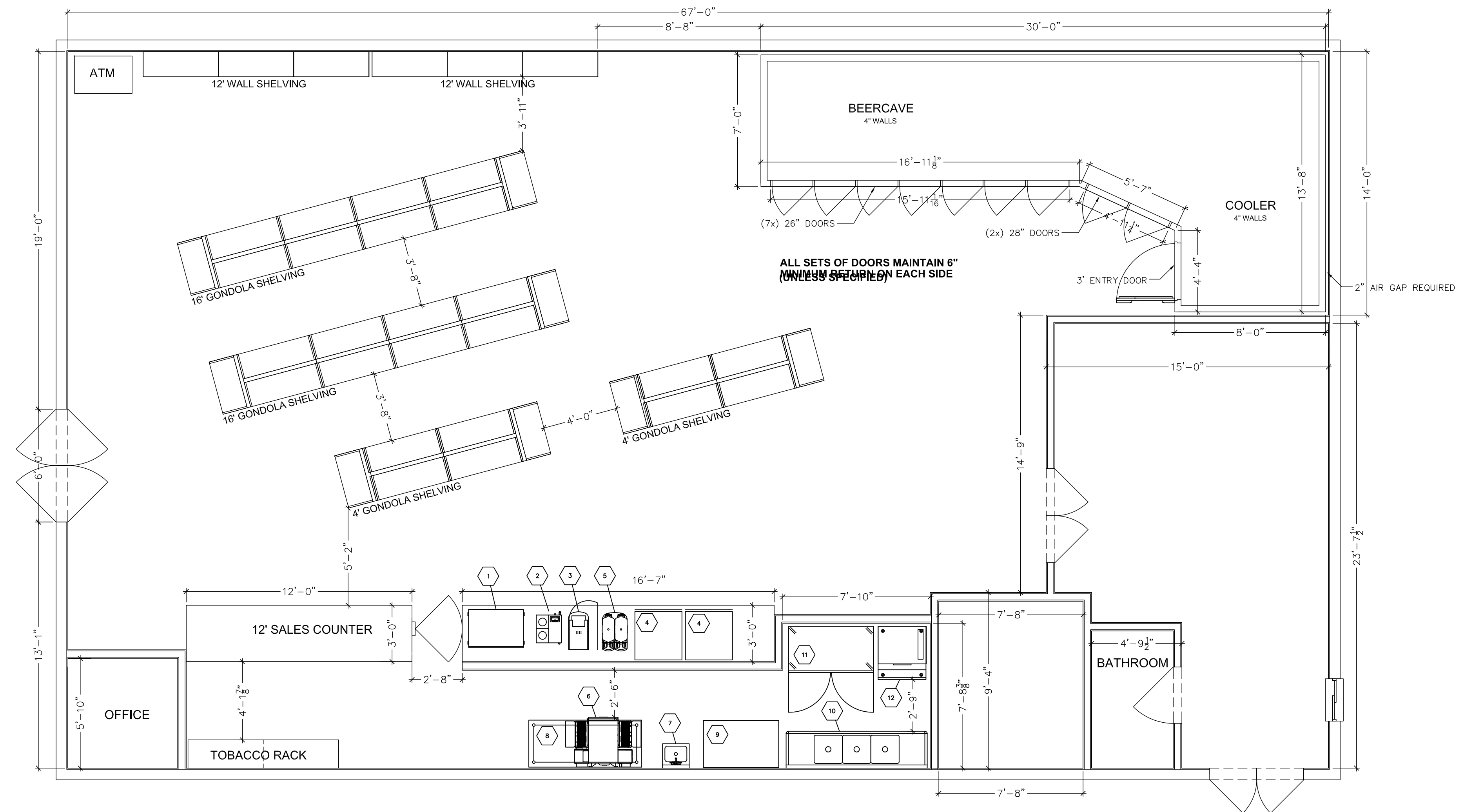
The Owners propose to make use of the current building as a General Store and do not intend to build any additional facilities. The Owners reopened the building in early February, 2022, and were shortly thereafter informed of the zoning violation. The Owners have invested into making the property usable and a benefit to the community. The parking, lighting, and existing physical features of the site would remain unchanged. However, our client proposes to add a sign approximately six feet by six feet advertising the location.

The proposed SUP is consistent with the Comprehensive Plan and located with the Rural Area Land Use and the Proposed Special Use site is located in Agricultural A-1 zoning. The proposed use complies with lot minimums. The building makes use of well water and a septic system located on site. In accordance with PLU 1.3.1(e), the use is compatible in scale and intensity with agricultural and rural residential uses and does not pose any threat to public health, safety, and welfare. While the area is designated a Rural Area by the Comprehensive Plan, as the site was previously used as a general store for thirty-three years, we merely propose to return the site to the use it has occupied since it was constructed in 1969.

REVISIONS:

**MCCOY MART
BLACKSBURG, VIRGINIA
PROPOSED EQUIPMENT PLAN**

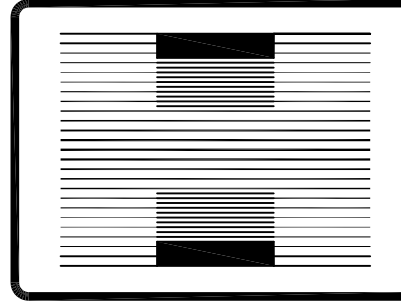
HOOTEN EQUIPMENT COMPANY
961 VIRGINIA STREET WEST, CHARLESTON, WV 25302
PHONE: (304) 346-0521
WWW.HOOTENEQUIPMENTCOMPANY.COM



EQUIPMENT SCHEDULE					
ItemNo	Quantity	Category	Mfr	Model	Equipment Remarks
1	1	Display Merchandiser, Heated, For Multi-Product	Hatco	GRSDS-36T	
2	1	Coffee Brewer	BUNN	12950.0212	
3	1	Beverage Dispenser, Electric (Hot)	BUNN	36900.0000	
4	2	Soda Ice & Beverage Dispenser	Lancer	85-21808-0-0-31E	
5	1	Frozen Drink Machine, Non-Carbonated, Bowl Type	BUNN	34000.0013	
6	1	Conveyor Oven, Electric	TurboChef	HHC1618-STD-36	
7	1	Hand Sink	John Boos	PBHS-W-1410-P-SSLR	
8	1	Work Table, 72", Stainless Steel Top	John Boos	ST6-3072SSK-X	
9	1	Work Table, 48", Stainless Steel Top	John Boos	FBL54830-X	
10	1	Three (3) Compartment Sink	John Boos	E3S8-18-14T18-X	
11	1	Reach-In Freezer	True Mfg. - General Foodservice	T-49F-HC	
12	1	Ice Maker, Cube-Style	Scotsman	C0330SA-1	
	1	Ice Bin	Scotsman	B330P	

A PROPOSED EQUIPMENT PLAN
Scale: 1/4"=1'-0"

NOT FOR CONSTRUCTION



JOB NO.	
DATE:	10-29-2021
DRAWN BY:	LMB
SCALE:	AS NOTED
SHEET NO.	

Prepared By: John N. Spicer, VSB No. 68845
Title Insurance: Fidelity National Title Insurance Company
Consideration: \$ 105,000.00
Tax Assessed Value: \$ 91,400.00
Tax Map Number: 049- 4 1A
Parcel ID: 003149
Grantees Address: 14009 Stroubles Creek, Blacksburg, VA 24060

GENERAL WARRANTY DEED

This Deed is made and entered into on this the 14th day of September, 2021, by and between, **CHARLES ROBERT CARNER, JR. and ROBIN B. CARNER**, husband and wife, Grantors, and **ANILKUMAR P. PATEL and SAURABH M. SHAH**, as Tenants in Common, Grantees.

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of Ten and 00/100 Dollars (\$10.00) cash in hand paid by the Grantees unto the Grantors, and other good and valuable consideration, the receipt and sufficiency all of which is hereby expressly acknowledged, the Grantors do hereby BARGAIN, SELL, GRANT AND CONVEY, with **GENERAL WARRANTY AND MODERN ENGLISH COVENANTS OF TITLE**, in fee simple unto the said Grantees, **ANILKUMAR P. PATEL and SAURABH M. SHAH**, as Tenants in Common, All that certain lot, tract or parcel of land with all improvements thereon and appurtenances thereunto belonging, situate, lying and being in the Price's Fork Magisterial District, Montgomery County, Virginia, and described as:

Lot Number One (1) as shown on a map entitled, "W.R. SCOTT LOTS NEAR MCCOY MONTGOMERY COUNTY, VA.", prepared by Childress Hall, Surveyor dated Oct. 25, 1941, which map is of record in the Clerk's Office of the Circuit Court of Montgomery County, Virginia in Deed Book 123, Page 65;

LESS AND EXCEPT that 0.11 acre conveyed to the Commonwealth of Virginia as shown in a Certificate of record in the aforesaid Clerk's Office in Deed Book 316, Page 133, and an Order of record in Deed Book 517, Page 837.

LESS AND EXCEPT all mineral rights underlying the said real estate hereby conveyed, as said rights were reserved in a deed dated the 8th day of January, 1948, which deed is of record in the aforesaid Clerk's Office in Deed Book 153, Page 245.



TAX MAP #049 4 1A; PARCEL ID #003149;

Commonly known as: 5728 McCoy Road,
Blacksburg, VA 24060

BEING part of the same property conveyed unto the Grantors herein by deed dated the 28th day of November, 2017, from Charles Robert Carner, Jr., Trustee of the Charles R. Carner Revocable Trust Agreement dated July 29, 1997, which deed is of record in the Office of the Circuit Court Clerk of Montgomery County, Virginia, as Instrument #2017009375.

This conveyance is made subject to all easements, restrictions and conditions of record affecting the hereinabove described property.

WITNESS the following signatures and seals:

Charles Robert Carner, Jr. (SEAL)
Charles Robert Carner, Jr.

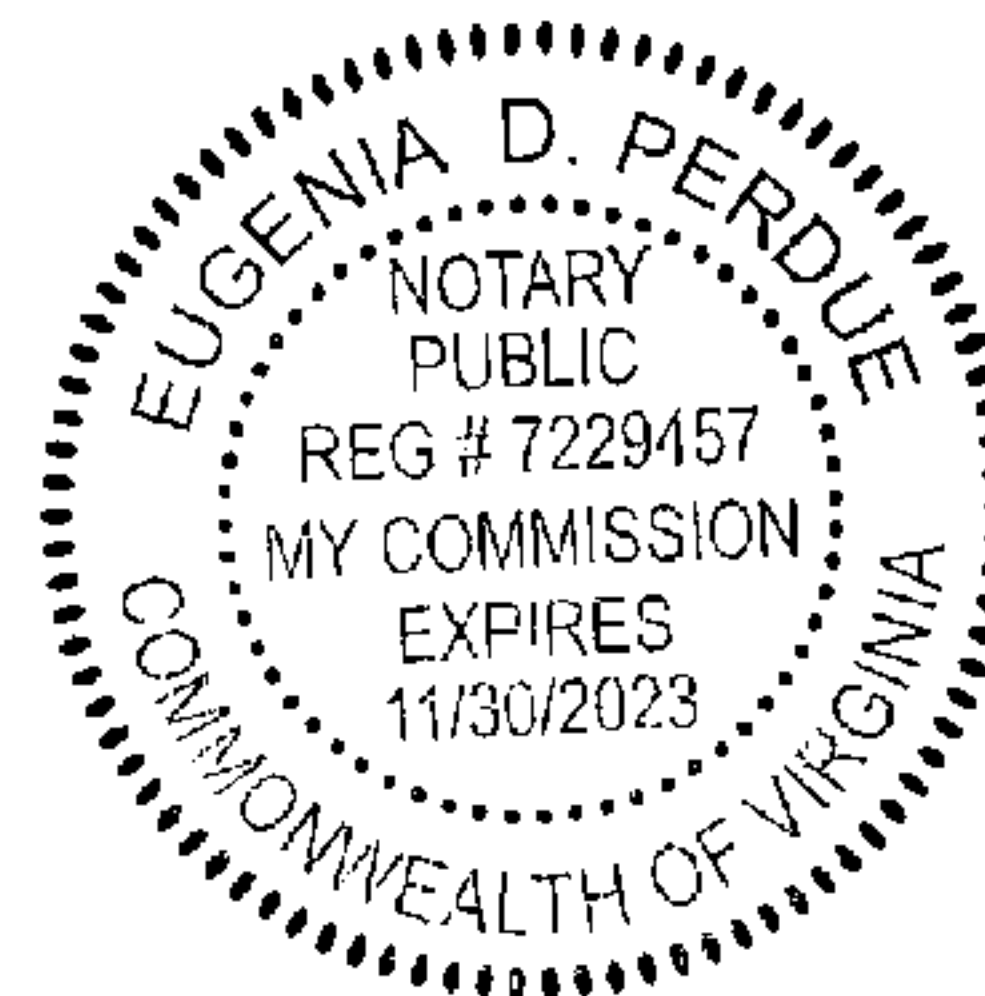
Robin B. Carner (SEAL)
Robin B. Carner

COMMONWEALTH OF VIRGINIA,
COUNTY OF MONTGOMERY, to-wit:

The foregoing instrument was acknowledged before me this 10th day of September, 2021, by Charles Robert Carner, Jr. and Robin B. Carner.

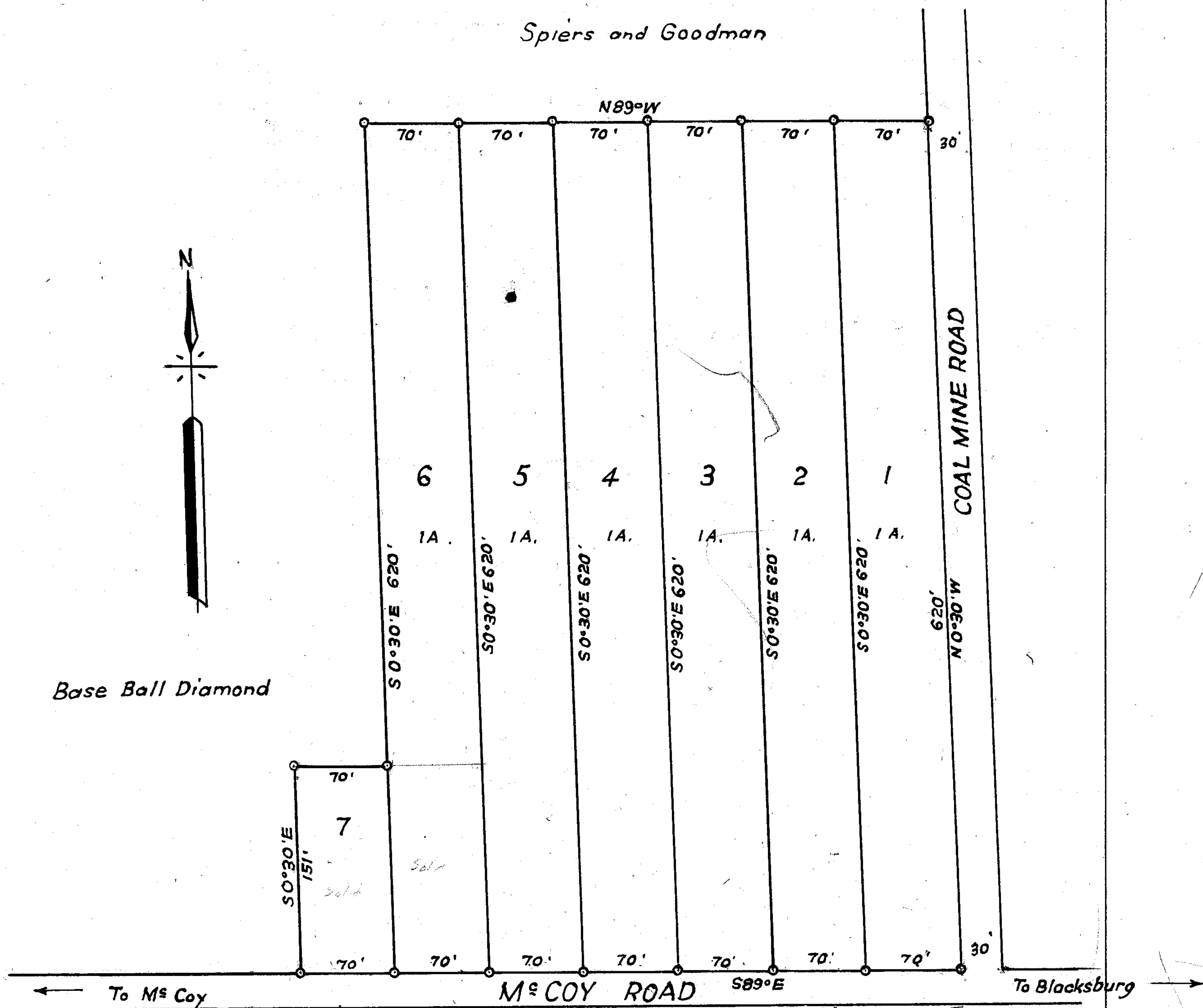
Eugenia D. Perdue
Notary Public

My commission expires: 11/30/2023
My registration number: 7229457



INSTRUMENT # 2021010014
E-RECORDED IN THE CLERK'S OFFICE OF
MONTGOMERY ON
SEPTEMBER 20, 2021 AT 10:27AM
\$105.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$52.50 LOCAL: \$52.50
ERICA W. CONNER, CLERK
RECORDED BY: JLB

Spiers and Goodman



Base Ball Diamond

W. R. Scott Lots
 near M^{rs} Coy
 Montgomery County, Va.
 Scale 1" = 60' Oct. 25, 1941

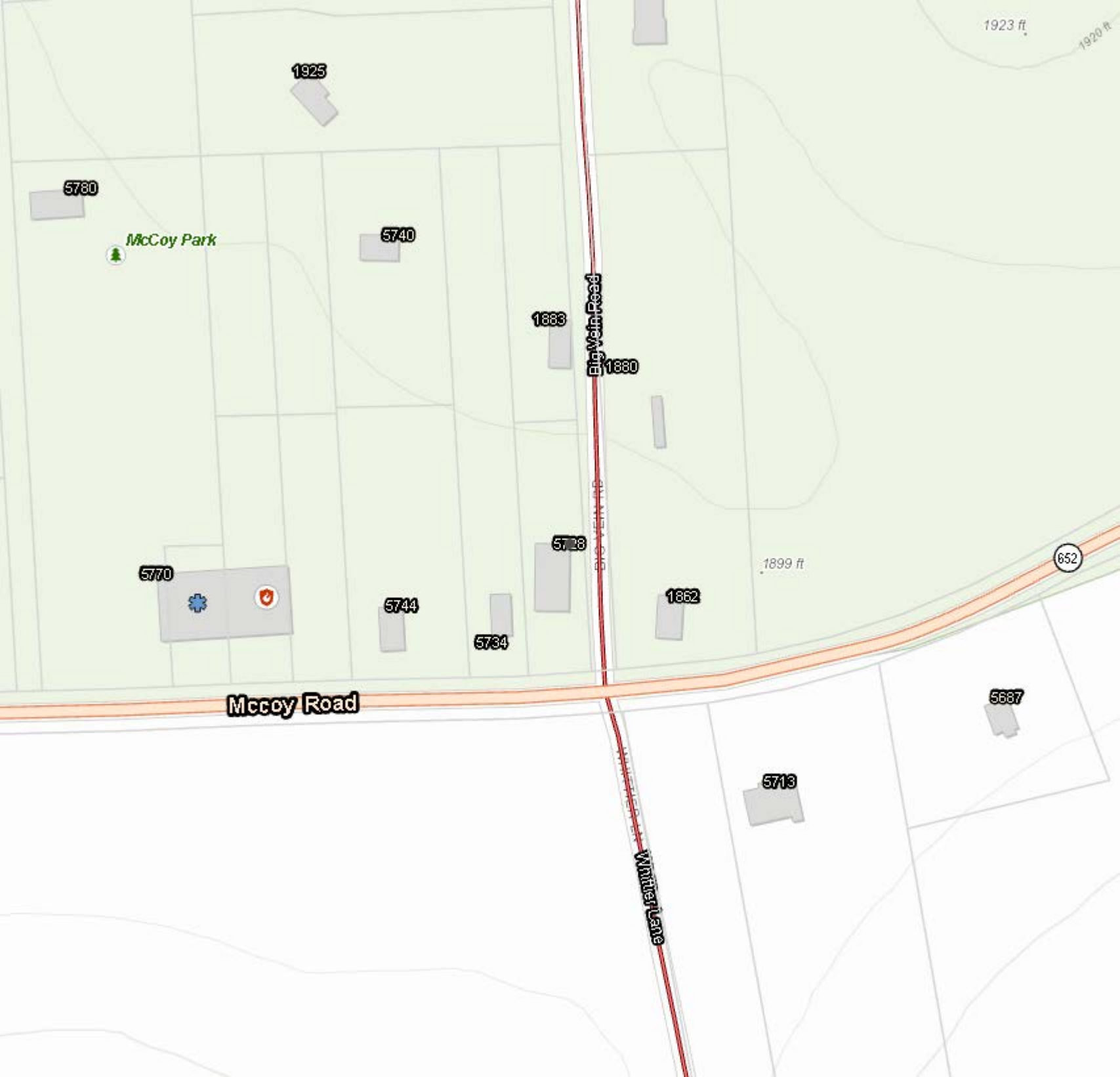
Childress Hall,
 State Cert. Sur.

VIRGINIA: In the Clerk's Office of the Circuit Court of Montgomery County
 3rd day of November, 1941.

The foregoing deed was this day presented in said Office and with certifi-
 cate annexed admitted to record at 1:55 o'clock P. M.

Teste:

A. B. CORRELL, Clerk.
 By *W. H. Hillard*, D. C.



1923 ft

1920 ft

1925

5780

McCoy Park

5740

1883

Big Vein Road

1880

5728

1899 ft

5770

5744

5764

1862

652

McCoy Road

5687

5719

Winter Lane



5780

McCoy Park

5740

1883

1880

Big Vein Road

5770

5744

5734

5728

1862

652

McCoy Road

652