



Town of Christiansburg
Planning Commission
Monday, March 29, 2021
Agenda

Planning Commission

Chairperson
Hil Johnson

Vice-Chairperson
Jeananne Knies

Other Members
Thomas Bernard
Ashley Briggs
Felix Clarke
Mark Curtis
Jessica Davis
Jennifer Sowers

Town Manager
Randy Wingfield

Town Attorney
Sands Anderson P.C.

***Planning
Commission's
Next Meeting:***

*Monday, April 19,
2021 at 7:00 p.m.*

REGULAR MEETING

Planning Commission will meet in the Christiansburg Town Hall located at 100 E. Main Street on **Monday, March 29, 2021 at 7:00 p.m.** for the purpose of allowing the full Commission to review the following:

- 1) Pledge of Allegiance.
- 2) Public comments – 5 minute limit per citizen.
- 3) Approval of Planning Commission Minutes for February 1, 2021.
- 4) Public Hearing for a request by Gay and Neel on behalf of the Montgomery County School Board to rezone approximately 25.6 acres of property located at 100 Independence Boulevard, N.W. (tax map no. 466-2-11, 11A) from I-2, General Industrial to B-3, General Business with proffers; and, to rezone approximately 17.8 acres of property located at 100 Independence Boulevard, N.W. (tax map no. 466-2-11, 11A) and 1180 North Franklin Street (tax map no. 466-A-14) from B-3, General Business to B-3, General Business with proffers. (Case #RZN-2021-02)
- 5) Public Hearing for a request by Trinity Community Church Trustees to rezone approximately 5.44 acre property located at 1505 North Franklin Street (tax map no. 466-((A))-20A) from the A, Agriculture zoning district to the B-3, General Business zoning district. (Case #RZN-2021-03)
- 6) Public Hearing for a Conditional Use Permit request by Sareh Ostadhosseinkhayyat for a family day home serving up to 12 children. The property is located at 1265 Flint Drive S.E., (Tax Parcel 529 - ((21)) - 9) and is zoned R-1, Single Family Residential. (Case #CUP-2021-02)
- 7) Introduction of New Staff
- 8) Other Business

Town Hall will be open and available to receive public comment in-person at the time of this meeting. Additionally, the Public shall have access to the meeting through live streaming as set forth below, and may submit comments by any of the following additional means:

- Online at www.christiansburg.org/publichearings.
- By e-mail to info@christiansburg.org.
- By voicemail at (540) 382-6128 ext. 1109.
- By mail to Town Hall, 100 E. Main Street, Christiansburg, VA 24073 ATTN: Planning Commission (please allow adequate mailing time).
- By using the Town Hall drop box and labeling your comments for ATTN: Planning Commission.

The meeting will be streamed live on the Town of Christiansburg's YouTube channel at www.christiansburg.org/youtube and will remain on the Town's YouTube page once the meeting concludes.

A copy of the applications are available for review at the following link: www.christiansburg.org/publichearings. A copy of the applications, the Town's Zoning Map, Zoning Ordinance, and Future Land Use Map may be viewed in the Planning Department Office, 100 E. Main Street, Christiansburg, VA 24073 during normal office hours of 8:00 a.m. – 5:00 p.m. Monday through Friday. Contact Andrew Warren, Assistant Town Manager, by phone at (540) 382-6120 ext. 1130 or by email at awarren@christiansburg.org with any questions or if you require reasonable accommodations

**Christiansburg Planning Commission
Minutes of February 1, 2021**

Present: Thomas Bernard
Ashley Briggs
Felix Clarke Jr.
Hil Johnson, Chairperson
Jeananne Knies, Vice – Chairperson
Jennifer D. Sowers
Andrew Warren, Secretary ^{Non-Voting}

Absent: Mark Curtis
Jessica Davis

Staff/Visitors: Jude Cochran, staff
Kevin Conner, SHAH Development LLC
Jared Crews, staff
John Neel, Gay and Neel, Inc.
Steve Semones, Balzer and Associates, Inc.

Chairperson Johnson called the meeting to order at 7:00 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia.

Public Comment

Chairperson Johnson opened the floor for public comment.

With no comments, Chairperson Johnson closed the floor for public comment.

Approval of Planning Commission Minutes for the November 30, 2020 Meeting

Commissioner Briggs made a motion to approve the November 30, 2020 Planning Commission meeting minutes. Commissioner Clarke seconded the motion, which passed 6-0.

Public Hearing for A Rezoning request by Gay and Neel, Inc. (applicant), for an approximately 1.38 acre property owned by Depot Street Development LLC, located at the intersection of Depot Street, N.E. and Harless Street, N.E. (tax map nos. 497-A-288, 497-A-288A, 497-A-288C, 497-A-285, 497-A-286, 497-13-3, 497-13-1E). The request is to rezone the property from B-3, General Business to R-3, Multi-Family Residential with proffers. The property is designated as residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Chairperson Johnson opened the public hearing.

Mr. Warren introduced the proposed rezoning request, addressing the subject property's location, the current zoning of the subject property and adjacent properties, and the Comprehensive Plan Future Land Use Designation of the subject property.

John Neel, of Gay and Neel, gave an overview of the proposed rezoning. Mr. Neel noted the applicant's desire to develop the properties with residential uses and noted that the applicant had proffered that uses such as boardinghouses, public facilities, schools, and clubs and lodges would not be permitted. Mr. Neel presented the Commission with an exhibit showing the zoning of the surrounding areas as well as the current amount of residential use surrounding the property.

With no further comments, Chairperson Johnson closed the public hearing

Public Hearing for two Conditional Use Permit requests by Balzer & Associates, Inc., on behalf of SHAH Development, LLC (applicant/owner), for an approximately 3.2 acre property located at 1145 West Main Street (tax map no. 556-A-39) in the B-3, General Business District:

1. A conditional use permit request for residential uses as permitted in the R-3, Multi-Family Residential District. Residential uses as permitted in the R-3, Multi-Family Residential District include single-family dwellings, two-family dwellings, townhouses, and multiple-family dwellings at a density of development of up to 20 units per acre.

2. A conditional use permit request for a proposed planned housing development to consist of single-family, two-family, and multiple-family dwellings at a density of development not to exceed 7.8 units per acre.

The property is partially designated as Business/Commercial and partially designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Chairperson Johnson opened the public hearing.

Mr. Warren introduced the proposed conditional use permit requests, addressing the subject property's location, the current zoning of the subject property and adjacent properties, and the Comprehensive Plan Future Land Use Designation of subject property.

Steve Semones, of Balzer and Associates, stated the applicant was requesting two separate conditional use permits for the subject property. Mr. Semones stated the

best use of the property appears to be residential, but noted there was potential for commercial development.

Mr. Semones explained the first request would allow for residential uses as permitted in the R-3, Multi-Family Residential District which would include single-family dwellings, two-family dwellings, townhouses, and multiple-family dwellings. Mr. Semones noted any of the aforementioned uses would be developed in conformance with zoning regulations of the R-3 District. Mr. Semones stated the applicant had suggested a condition be placed on the permit which would limit the density of multi-family development to no more than 10 units per acre.

Mr. Semones stated the applicant was seeking a conditional use permit instead of a rezoning so that the option would still be in place for by-right development as permitted in the B-3 District if the applicant should choose not to pursue residential development or to place commercial uses on the portion of the property closer to West Main Street.

Mr. Semones stated the second conditional use permit request would be for a proposed Planned Housing Development consisting of single-family, two-family, and multiple-family dwellings. Mr. Semones presented a concept plan for the proposed Planned Housing Development. Mr. Semones stated that if they were to pursue the Planned Housing Development option, the development would generally adhere to the concept plan presented. Mr. Semones noted the development would be accessed from College Street to avoid any traffic issues at the intersection of West Main Street and Moose Drive.

Mr. Semones pointed out that the concept plan showed a density of development of up to 8 units per acre within the development but noted the applicant had requested an allowance of up to 10 units per acre to maintain consistency with the other permit request.

Mr. Semones stated the applicant had suggested two conditions be placed on the permit; one requiring general conformance with the concept plan and proposed Planned Housing Development regulations and one limiting the density of development to no more than 10 units per acre.

Mr. Semones stated he was aware of the current stormwater drainage issues in the College Street area and noted the developers are prepared to work with Town Engineers to meet stormwater requirements during the development process.

With no further comments, Chairperson Johnson closed public hearing.

Discussion/Action on A Rezoning request by Gay and Neel, Inc. (applicant), for an approximately 1.38 acre property owned by Depot Street Development LLC, located at the intersection of Depot Street, N.E. and Harless Street, N.E. (tax map nos. 497-A-288, 497-A-288A, 497-A-288C, 497-A-285, 497-A-286, 497-13-3, 497-13-1E). The request is to rezone the property from B-3, General Business to R-3, Multi-Family Residential with proffers. The property is designated as residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Chairperson Johnson opened the discussion.

Commissioner Briggs expressed her approval of the proposed rezoning and noted residential use of the properties would be appropriate considering surrounding residential uses and amenities.

The following proffer was reviewed:

1. The proposed R-3 zoning shall be modified and by right uses eliminated as struck on the attached exhibit.

Chairperson Johnson asked if the Planning Commission approved of the provided proffers. The Commission had no objections.

Commissioner Bernard requested clarification regarding the maximum density of the R-3 District.

Mr. Crews explained maximum density for multi-family development in the R-3 District is 10 units per acre.

Commissioner Bernard asked if there would be on-street parking in the area. Mr. Warren stated minimum off-street parking would be required for any residential uses of the property but noted on-street parking in conjunction with Town Code would not be prohibited unless otherwise marked.

Commissioner Sowers motioned to recommend approval of the rezoning request with the proffer as presented, Commissioner Clarke seconded the motion, which passed 6-0.

With no further comments, Chairperson Johnson closed the discussion.

Discussion/Action on two Conditional Use Permit requests by Balzer & Associates, Inc., on behalf of SHAH Development, LLC (applicant/owner), for an approximately 3.2 acre property located at 1145 West Main Street (tax map no. 556-A-39) in the B-3, General Business District:

1. A conditional use permit request for residential uses as permitted in the R-3, Multi-Family Residential District. Residential uses as permitted in the R-3, Multi-Family Residential District include single-family dwellings, two-family dwellings, townhouses, and multiple-family dwellings at a density of development of up to 20 units per acre.

2. A conditional use permit request for a proposed planned housing development to consist of single-family, two-family, and multiple-family dwellings at a density of development not to exceed 7.8 units per acre.

The property is partially designated as Business/Commercial and partially designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Chairperson Johnson opened discussion.

The Commission discussed the first request for residential uses as permitted in the R-3 District and agreed residential use was an appropriate use for the property.

The following condition was drafted:

1. Density of development for any residential use of the property shall not exceed 10 units per acre.

Commissioner Sowers made a motion to approve the conditional use permit request with the condition as drafted. Commissioner Clarke seconded the motion, which passed 6-0.

The Commission discussed the request for a Planned Housing Development. Commissioner Bernard requested a clarification on the density allowances of the B-3 and R-3 Districts. Mr. Crews stated that multi-family development in the R-3 District is permitted at a density of up to 10 units per acre, while multi-family development in the B-3 District is permitted at a density of up to 20 units per acre.

Commissioner Bernard asked if the developers had considered the development's impact on the adjacent residential areas and businesses and if any barriers would be placed between the subject property and the adjacent properties. Mr. Semones stated the developers had considered the development's potential impact and explained access to any residential development would be from College Street.

Commissioner Bernard requested information regarding on-street parking in the proposed residential development. Mr. Semones stated off-street spaces would be

provided for each unit within the development and noted there was room to designate on-street spaces along the private access drive interior to the development if the developer desired.

Commissioner Sowers stated she was impressed with the unique design of the proposed Planned Housing Development. Chairperson Johnson agreed that the development was impressive.

The Commission discussed the applicant's request to increase the maximum density allowance of the Planned Housing Development to 10 units per acre. The Commission agreed that this was a reasonable request. Mr. Semones noted he would update the concept plan and Planned Housing Development narrative to reflect the change prior to Town Council's public hearing on the request.

The following condition was drafted:

1. The Planned Housing Development shall be developed in general conformance with the submitted exhibit CUP2 entitled "Shah-West Main Street PHD Concept Plan Option" dated 1/05/2021 and the Conditional Use Permit narrative dated 1/05/2021, except that density of development shall be permitted at a rate of up to 10 units per acre.

Commissioner Briggs made a motion to recommend approval of the conditional use permit with the condition as drafted. Commissioner Sowers seconded the motion, which passed 6-0.

Commissioner Sowers made a motion to approve the conditional use permit recommendation. Commissioner Clarke seconded the motion, which passed 6-0.

With no further comments, Chairperson Johnson closed the discussion.

Election of Officers – Chairperson, Vice-Chairperson, and Secretary.

Chairperson Johnson opened the discussion.

Commissioner Briggs nominated Jared Crews to serve as interim non-voting Secretary for the Planning Commission until a new Planning Director is named. Commissioner Bernard motioned to approve the nomination. Commissioner Clarke seconded the motion, which passed 6-0.

Commissioner Bernard nominated Commissioner Knies to serve as Vice-Chairperson of the Planning Commission for 2021. Commissioner Bernard made a

motion to approve the nomination. Commissioner Sowers seconded the motion, which passed 6-0.

Vice-Chairperson Knies nominated Commissioner Johnson to serve as Chairperson of the Planning Commission for 2021. Vice-Chairperson Knies motioned to approve the nomination. Commissioner Sowers seconded the motion, which passed 6-0.

With no further comments, Chairperson Johnson closed the discussion.

Discussion of Planning Commission Subcommittees and assignment of membership.

Chairperson Johnson opened the discussion.

Mr. Warren noted both subcommittees will potentially be meeting frequently in the coming year with the Comprehensive Plan update and some potential code changes.

The Commission agreed to table the assignment of subcommittee members until all commissioners are in attendance.

Chairperson Johnson closed the discussion.

Other Business

Chairperson Johnson opened the discussion.

Mr. Warren stated Town Council approved the rezoning at Weddle Way and noted the applicant had added an additional proffer limiting all structures to a single story.

Mr. Warren stated the Town Attorney would be presenting information on rezonings and conditional use permits to Town Council at their February 9, 2021 meeting. Mr. Warren stated he would provide a copy of the presentation to the Commission as well as video of the meeting. The Commission discussed possibly having the Town Attorney present at a Planning Commission meeting.

Vice-Chairperson Knies stated Dialogue on Race would be holding its annual winter summit on February 13, 2021.

With no further business, Chairperson Johnson adjourned the meeting 7:44 p.m.

Hil Johnson, Chairperson

Andrew Warren, Secretary Non-Voting

*Written comments received on public hearing items are included in the staff report to Planning Commission in the Planning Commission agenda packet.



Planning Department Staff Report

TO: Planning Commission

DATE: March 24, 2021

APPLICATION: Rezoning Permit [RZN-2021-02]

LOCATION: 100 Independence Blvd (tax map no. 466-2-11, 11A) & 1180 North Franklin St. (tax map no. 466-A-14)

PROPERTY OWNER: Montgomery County School Board

PROPOSAL: Rezone subject parcels from I-2 and B-3 to B-3 with proffers.

Request

The Town of Christiansburg has received a rezoning request from Gay and Neel, Inc. (applicant) on behalf of the Montgomery County School Board for property located at 100 Independence Boulevard, N.W. and 1180 North Franklin Street, described as follows:

1. Rezone approximately 25.6 acres of property located at 100 Independence Boulevard, N.W. from I-2, General Industrial, to B-3, General Business with proffers.
2. Rezone approximately 17.8 acres of property located at 100 Independence Boulevard, N.W. and 1180 North Franklin Street from B-3, General Business, to B-3 General Business with proffers.

Background

The rezoning as presented would accomplish the following:

- Eliminate the existing split-zoned Industrial and General Business zoning designations of the subject properties;
- Align the zoning of the property consistent with the Town's Future Land Use designation for this area of Town; and,
- Limit the use of the property consistent with the applicant's proposed proffers.

The property is not located within the 100- or 500-Year Flood Hazard Area or a Historic District. The property is located within the Town's "Institute" Urban Development Area (UDA), and aligns with the proposed future use of this property identified in the Town's UDA plan. The property is also designated as Business/Commercial on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

The adjoining properties are zoned B-3, General Business, I-1, Limited Industrial, R-3, Multi-Family Residential, and R-1, Single-Family Residential. The adjoining properties contain both commercial and residential uses, including single-family dwellings and townhomes.

Public Comment

The Town has received one online public comment regarding this request. (Comment attached)

Public Hearing Dates

The Planning Commission Public Hearing is scheduled for Monday, March 29, 2021 and the Town Council Public Hearing is scheduled for Tuesday, April 27, 2021.

List of attachments included with staff report:

1. Rezoning application and proposed proffers
2. Aerial map
3. Zoning map
4. Future Land Use Map
5. Adjoining properties table
6. Public Comments
7. I-2 and B-3 Zoning District Ordinance Provisions



TOWN OF CHRISTIANSBURG
100 East Main Street
Christiansburg, VA 24073
Phone (540) 382-6120 Fax (540) 381-7238

Rezoning Application

Landowner: Montgomery County School Board Applicant: Gay and Neel, Inc.
 Address: 750 Imperial Street Address: 1260 Radford Street
Christiansburg, VA 24073 Christiansburg, VA 24073
 Phone: (540) 382-5100 Phone: (540) 381-6011

I am requesting a rezoning of my property from zoning classification I-2 to zoning classification B-3 under Chapter 42: Zoning of the Christiansburg Town Code.

My property is located at 1200 North Franklin Street, Independence Blvd.

Tax Parcel(s): 466-2-11, 466-2-11A (Listed on GIS as owned by Town of Christiansburg), 466-A-14 (Zoned B3, adding proffers)

I understand that proffers may be made in conjunction with the request. Proffers are voluntary offers by the property owner(s) regarding the request which must be made in writing prior to the Public Hearing. Proffers are legally binding. Any proffer(s) should be attached on a separate sheet of paper and signed and dated by the property owner(s) with the statement: "I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission."

Fee: \$1,250

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge.

Signature of Landowner(s): Thomas Neel Date: 12/30/2020
 _____ Date: _____
 _____ Date: _____

This request was approved/disapproved by a vote of the Christiansburg Town Council on _____.

 Town Manager

 Date

*Please complete attached sheet

Please complete the following section:

Per Section 42-11(A) of the Christiansburg Town Code:

Rezoning application submissions shall include a traffic impact statement whenever a proposed zoning map amendment substantially affects transportation on town streets through traffic generation of either:

- (1) 100 vehicles trips per peak hour by residential development;*
- (2) 250 vehicles trips per peak hour by non-residential development; or*
- (3) 2,500 vehicle trips per day by non-residential development.*

The data and analysis contained in the traffic impact statement shall comply with Virginia Department of Transportation Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable town ordinances.

A traffic impact analysis ☐ is ☒ is not required for the proposed project:

- 1. ☐ Yes or ☐ No, the proposed residential development generates _____ vph which is greater than the requirement of 100 vehicles per hour, or
- 2. ☐ Yes or ☐ No, the proposed non-residential project generates _____ vph which is greater than the requirement of 250 vehicles per hour
- 3. ☐ Yes or ☐ No, the proposed non-residential project generates or _____ vpd which is greater than the requirement of 2,500 vehicles per day.
- 4. ☐ Yes or ☐ No, a new TIS study is not required because a previously submitted TIS is still applicable for the project site. (Note: the appropriate documentation must be attached)

***Trip generation shall be measured based on the current edition of the Institute for Transportation Engineers (ITE) Trip Generation Manual**

*Please complete attached sheet

Christiansburg High School Rezoning
Proffer Statement

December 29, 2020

Proffer Statement for a requested rezoning application for approximately 44 acres consisting of Tax Parcels 466-2-11, 466-2-11A, & 466-A-14 located on North Franklin Street and Independence Blvd.

Pursuant to Town of Christiansburg Code Section 42-12(b), the owner hereby voluntarily proffers that this property will be developed in accordance with the following conditions if and only if, approval of the proposed rezoning is granted. These proffers will be included in all future transactions of the property to all owners, their successors and assigns.

We hereby proffer the development of the subject property of this application in strict accordance with the conditions set forth in this submission.

1. The proposed B-3 zoning shall be modified and by right uses eliminated as struck on the attached exhibit.

Owner

Thomas Heany
as Assistant Superintendent of Operations
Montgomery County Public Schools

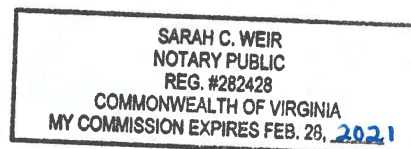
State of Virginia

County of Montgomery

The foregoing instrument was acknowledged before me this 30 day of December, 2020

Sarah C. Weir
Notary Public (Seal)

My commission expires 2/28/21



Sec. 42-336. - Permitted uses.

In the B-3 General Business District, structures to be erected, or land to be used, may be for one or more of the following uses (Note: Activities or uses which instruct the reader to see a permitted use serve only as a cross reference to the list of permitted uses and associated conditions, if any. The listing of a cross reference in no way implies that the cross reference is a permitted use or activity. Listed permitted uses which instruct the reader to see also another permitted use or section of the zoning ordinance or town code are intended to refer the reader to additional information that is relevant to that permitted use.)

- ~~(1) Any principal use permitted in the R-3 Multiple Family Residential District, with a conditional use permit, except that uses permitted as conditional uses in the R-3 District, but permitted as of right in the B-3 District, shall not require a conditional use permit. Dwellings are subject to the same requirements as in the R-3 District, except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted, but not subject to said requirements, including a family and one unrelated individual per unit; and for multifamily dwellings, the density of development shall not exceed the ratio of 20 dwelling units per gross acre. Residential development as part of a planned commercial development shall be subject to the requirements of section 42-341.~~
- ~~(2) Animal hospital, pet shop or pet grooming establishment.~~
- ~~(3) Retail stores, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, jewelry, gifts, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.~~
- ~~(4) Bakeries.~~
- ~~(5) Banks and other financial institutions.~~
- ~~(6) Dry cleaners, laundries and laundromats.~~
- ~~(7) Barber and beauty shops.~~
- ~~(8) Fitness center or health club.~~
- ~~(9) Home appliance services.~~
- ~~(10) Theaters and assembly halls.~~
- ~~(11) Hotels and motels, and bed and breakfast inns.~~
- ~~(12) Offices, business, professional or administrative.~~
- ~~(13) Churches and other places of worship.~~
- (14) Public buildings to consist of fire, police and rescue squad stations, schools, recreational facilities, and libraries. Private buildings to consist of schools, recreational facilities, and libraries with a conditional use permit.
- ~~(15) Hospitals, general.~~

- ~~(16) Funeral homes and crematories.~~
- ~~(17) Automobile service stations.~~
- ~~(18) Clubs and lodges, with a conditional use permit.~~
- ~~(19) Auto and truck rental, sales and service. Also see *Automobile service stations* and *Commercial garages*.~~
- ~~(20) Restaurants, food handlers and caterers.~~
- ~~(21) Shoe repair or tailor shop.~~
- ~~(22) Plumbing and electrical supply with storage under cover.~~
- ~~(23) Printing and duplicating services.~~
- ~~(24) Rental of household items, tools and appliances.~~
- ~~(25) Lumber and building materials store, wholesale or retail, but not a lumberyard or manufacturer of brick or concrete blocks.~~
- ~~(26) Self-service storage compartments commonly known as miniwarehouses.~~
- (27) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; amateur radio towers; meters and pipelines or conduits for electrical, gas, sewer or water service; pumping and regulatory stations; substations. Communications monopoles and major transmission lines are permitted with a conditional use permit.
- (28) Off-street parking and loading; parking garages, with a conditional use permit.
- (29) Signs in accordance with the sign ordinance in article XXIV, signs.
- ~~(30) Dancehalls, with a conditional use permit.~~
- ~~(31) Mobile home parks, with a conditional use permit. Also see article XVIII, mobile home parks.~~
- ~~(32) Mobile home sales, single or double wide, with a conditional use permit.~~
- ~~(33) Machinery and equipment sales, service and storage (but not junk), with a conditional use permit.~~
- ~~(34) Commercial garage and/or towing service, with a conditional use permit. Also see *Auto and truck rental, sales and service* and *Automobile service stations*.~~
- ~~(35) Contractors equipment storage yard or plant or rental of equipment commonly used by contractors (but not material storage), with a conditional use permit.~~
- ~~(36) Radio and television stations and studios or recording studios.~~
- ~~(37) Industrialized building units for business, institutional, security or construction purposes, with a conditional use permit. Conditional use permits shall not be required for construction trailers on active construction sites.~~
- ~~(38) The following listed uses, provided not more than 50 persons are engaged in actual~~

production work, with a conditional use permit:

- a. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs and the manufacture of small parts, such as coils, condensers, transformers and crystal holders.
- b. Commercial cabinet or woodworking shops; blacksmith shops and welding or machine shops.
- c. Pharmaceutical, medical or dental laboratories.

~~(39) Carnival or fairgrounds, with a conditional use permit.~~

~~(40) Public billiard parlors and poolrooms, game rooms, bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement, with a conditional use permit.~~

~~(41) Greenhouse or nursery, commercial, wholesale or retail.~~

~~(42) Convalescent homes, rest homes, nursing homes and housing for the elderly and handicapped.~~

~~(43) Boardinghouses, with a conditional use permit.~~

~~(44) Child day care center.~~

~~(45) Campground, overnight, with a conditional use permit. Other permitted B-3 uses located upon the same property as the campground are permitted, provided that non-campground users do not traverse the campground areas to have access to these non-campground uses. Provided further that a fence or other suitable barricade and screening separates the campground from adjacent properties or uses.~~

~~(46) Recycling collection center with a zoning permit application and plan of operation approved by the administrator. The administrator may refer any proposed collection center application to the town planning commission or health official, or both, for their advice as to the desirability, practicability or health effects of any such center before issuing a zoning permit to any collection center applicant. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare.~~

~~(47) Recycling, post collection separation facilities, with a conditional use permit and a plan of operation approved by the administrator. In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impacts of the facility.~~

~~(48) Auction house, business, with a conditional use permit.~~

~~(49) Family day homes, with a conditional use permit.~~

~~(50) Kennels with a conditional use permit.~~

~~(51) Automobile upholstery shops, with a conditional use permit.~~

- ~~(52) Railroad yards and terminals, with a conditional use permit.~~
- ~~(53) Farmers' markets or flea markets, with a conditional use permit.~~
- ~~(54) Automobile auctions, with a conditional use permit.~~
- ~~(55) Tattoo parlors and body piercing establishments with approval of the county health department.~~
- (56) Portable storage containers, in accordance with section 42-662.
- ~~(57) Janitorial services.~~
- ~~(58) Exterminating services with a conditional use permit.~~
- ~~(59) Personal service establishments.~~
- (60) Loudspeaker/sound amplification/outdoor sound system to be used in excess of the town's noise ordinance, with a conditional use permit.
- ~~(61) Leisure and enrichment service.~~
- ~~(62) Microbrewery with capacity not to exceed 10,000 barrels per year.~~
- ~~(63) Microbrewery with capacity between 10,001 and 15,000 barrels per year, with a conditional use permit.~~
- ~~(64) Museums, art galleries and art studios.~~
- ~~(65) Planned commercial developments, subject to the requirements of section 42-341, with a conditional use permit.~~

Note: The following activities or uses serve only as a cross reference to permitted uses listed above which may or may not have conditions attached to the use. The listing of the following cross reference in no way implies that they are a permitted use or activity unless permitted elsewhere within this section.

Appliance service, see *Home appliance services*.

Bed and breakfast inns, see *Hotels, motels*.

Building material sales, see *Lumber and building materials sales*.

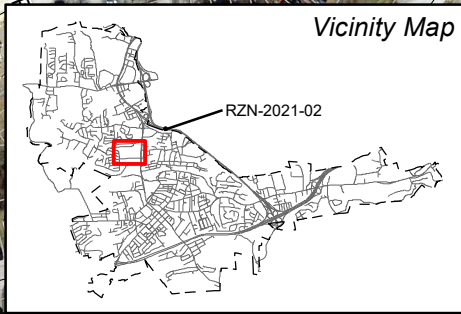
Equipment sales, service, etc., see *Machinery and equipment sales and services*.

Pet shops, see *Animal*.

Tourist homes, see *Hotels, motels*.

(Code 1972, § 30-78; Code 1992, § 30-100; Ord. of 9-6-1988; Ord. of 10-24-1989; Ord. of 7-2-1991; Ord. of 12-3-1991; Ord. of 12-17-1991(1); Ord. of 6-15-1993; Ord. of 6-2-1998; Ord. of 12-7-1999; Ord. No. 2000-2, 4-18-2000; Ord. No. 2001-1, 4-17-2001; Ord. No. 2001-4, 8-7-2001; Ord. No. 2004-4, § 30-78, 9-7-2004; Ord. No. 2005-1, 1-18-2005; Ord. No. 2006-1, 1-17-2006; Ord. No. 2006-6, 12-19-2006; Ord. No. 2007-1, 4-3-2007; Ord.

No. 2008-4, 11-18-2008; Ord. No. 2008-6, 12-2-2008; Ord. No. 2012-3, § 30-100, 2-12-2012; Ord. No. 2012-6, § 30-100, 6-19-2012; Ord. No. 2012-10, § 30-100, 11-20-2012; Ord. No. 2017-7, 9-12-2017; Ord. No. 2018-4, 4-24-2018; Ord. No. 2018-5, 9-11-2018; Ord. No. 2019-4, 3-12-2019; Ord. No. 2019-6, 6-25-2019)



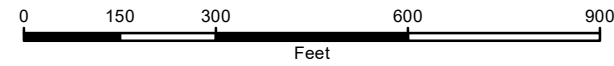
Vicinity Map

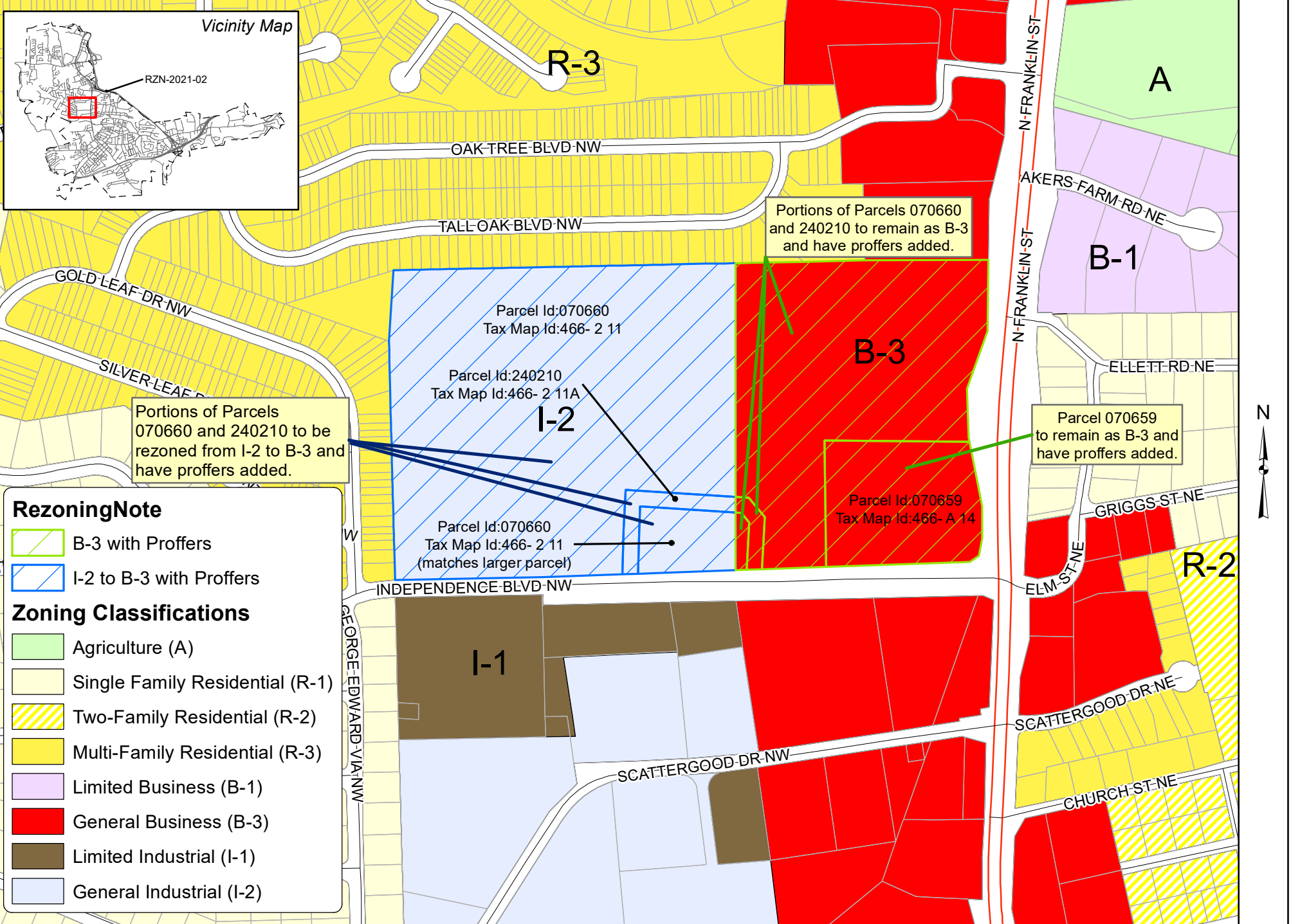
RZN-2021-02

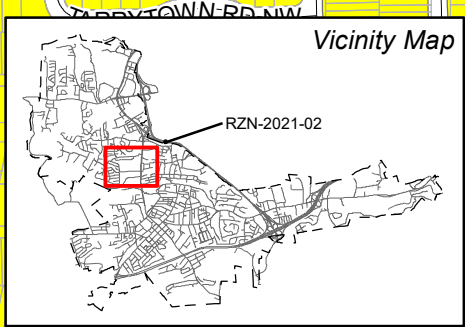


RZN-2021-02 Tax Parcels

Rezoning Request: RZN-2021-02
100 Independence Blvd NW and 1180 N Franklin St

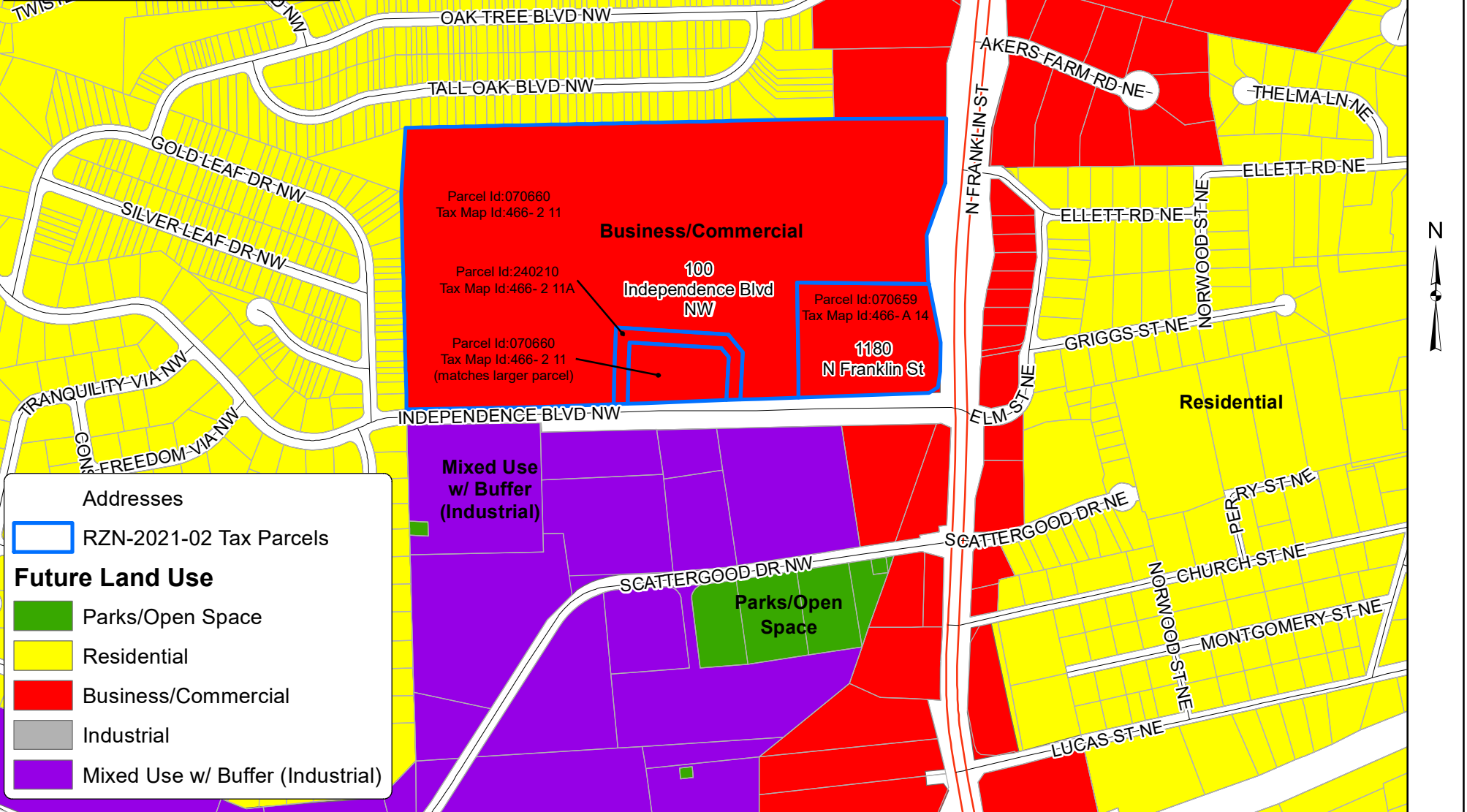




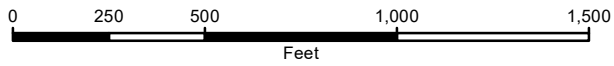


Vicinity Map

RZN-2021-02



Rezoning Request: RZN-2021-02 100 Independence Blvd NW and 1180 N Franklin St



PUBLIC COMMENTS
CASE RZN-02-2021

First Name: PATRICK

Last Name: JENSEN

Street Address: 45 GOLD LEAF DR

Unit/Apt. #:

City: CHRISTIANSBURG

State: VA

Zip Code: 24073

Phone: 5405219776

Email: JENSENPR@YAHOO.COM

Meeting Type:: Planning Commission Meeting

Comment Topic:: 100 Independence Blvd. Rezoning Request

Public Comment: As as adjacent property owner I have no object to rezoning, assuming the property will only be used for the Christiansburg High School. It is my hope that all of the trees will be replanted on the property line that separated the high school from the residences on Gold Leaf Drive. Those were removed in order to construct the new field house.

| TAX_MAP_ID | OWNER1 | OWNER2 |
|------------|------------------------------|---------------------------------|
| 466- 24 57 | 2 LABS 2 LLC | C/O NANCY ADEN |
| 466- 13 87 | AHMED GASSER M | |
| 466- 3 4 | BAILEY DIANE C | CALDWELL DAVID W |
| 466- 26 27 | BLEVINS JACQUELINE LEE | |
| 466- 13 79 | BOYLAN JOHN F | BOYLAN WENDE R |
| 466- 13 74 | BRATTON ROBERT C | BRATTON COETTA C |
| 466- 25 47 | CBURG 1 INVESTMENT GROUP LLC | C/O NEAL KEESEE |
| 466- 3 3 | CHANDLER ANN RENEE | RUTLEDGE WILLIAM ANDERSON ETAL |
| 466- 24 64 | CHONG JUSTIN BRANDON | |
| 466- 24 60 | CORLOWE LLC | |
| 466- 3 7 | CREASY DAVID E | |
| 466- 24 61 | CROCKETT BRIAN | |
| 466- 24 58 | CUPP DAVID C | CUPP GWENDOLYN R |
| 466- 13 86 | D & E CROWDER RENTALS LLC | |
| 466- 25 57 | EDMONDS ROSS | |
| 466- 24 54 | ELSAIED SAYED M | ALY MERVAT F |
| 496- 20 4 | ETR INVESTMENTS LLC | C/O EDDIE T ROBERTS MANAGER |
| 466- 24 65 | FILIP ETHAN L | FILIP JESSICA L |
| 466- 24 59 | FITCHETT PAMELA H | |
| 466- 26 25 | FULLER BOBBY EDWIN | FULLER JUDY LAPRADE |
| 466- 26 31 | GLADYS HOLT SOKOLOW TRUST | C/O GLADYS HOLT SOKOLOW TRUSTEE |
| 496- 34 93 | GLASSBRENNER DAVID W | STCLAIR ERIN M |
| 466- 13 81 | GOAD LINFORD R | |
| 496- 34 92 | GONG ZU LING | ZHANG WEI PING |
| 496- 20 2A | GRACEWAY MINISTRIES | GRACEACHILDUSA INC |
| 466- 13 83 | GRANT TIMOTHY S | |
| 466- 13 88 | GRAVES KAYLEE N | |
| 466- 25 55 | GUTHRIE TIMOTHY D | |
| 496- A 4 | HAGA DONALD S JR | HAGA KAREN F |
| 466- 26 28 | HILL LORENZO JR | HILL HELEN P ETAL |
| 466- 25 60 | HOESCHELE INA | |
| 466- 2 11B | HORNE FUNERAL SERVICE INC | |
| 466- 3 2 | HUFFMAN BRYAN T | HUFFMAN NICOLE CAMPBELL |
| 466- 13 90 | JENSEN PATRICK R | |
| 466- 13 80 | JOYCE DANIEL G JR | JOYCE FERN E |
| 466- 26 26 | JOYNER SANDRA W | |
| 466- 26 32 | KAISER PAUL FRANCIS | KAISER SUSAN HICKMAN |
| 466- 13 76 | KANODE VIRGINIA F | KANODE GARY LYNN |
| 466- 3 9A | LOVERN KENNETH W | LOVERN JAMI T |
| 466- 24 62 | LU YING YA | LIN ZE |
| 466- 25 54 | MCCANN ROSAL A | C/O ROSAL MCCANN DAVIS |
| 466- 2 11 | MONTGOMERY COUNTY | SCHOOL BOARD |
| 466- 13 89 | MOORE LARRY D | PHILLIPS REGINA |
| 466- 25 59 | MUNGO STEVEN K | |
| 466- 24 55 | NAIAA LLC | |
| 496- 20 1 | NEW RIVER VALLEY VASAP | |

| | | |
|------------|-------------------------------|------------------------------|
| 496- 28 4A | NEW RIVER VALLEY VASAP | |
| 496- 34 A | OAK TREE HOMEOWNERS | ASSOCIATION INC |
| 466- 23 A | OAK TREE TOWNHOMES HOMEOWNERS | ASSOC PH VII VIII IX & X INC |
| 466- 3 5 | PATRICK MARK S | PATRICK TERESA H |
| 466- 25 53 | POWELL RACHAEL A | |
| 466- 13 78 | PRICE CRYSTAL MCCOY | |
| 466- 25 49 | PRIOR REBECCA A | NOSS MATTHEW R |
| 496- A 8B | REA RENTALS LLC | ATTN: RICH ALVIS |
| 466- 13 75 | RUDACILLE W EMERSON | RUDACILLE JANICE J |
| 466- 26 29 | SEMONES ANGELA D | |
| 466- 3 6 | SIGMON SETH | SIGMON LYNSI |
| 466- 24 66 | SINGH RAYMAN | DAHIYA SINGH ANGELA VERMA |
| 466- 13 84 | SUDDARTH JASON ROBERT | |
| 496- 1 15J | SULLIVAN WALTER F | BISHOP OF CATHOLIC DIOCESE |
| 466- 22 1 | SUMMIT COMMUNITY BANK INC | |
| 466- 13 85 | TAYLOR DANIEL ALEXANDER | TAYLOR ELIZABETH LYNDE |
| 466- 25 56 | THAKKAR MANEESH | GADHIA RAKSHABAHEN |
| 466- 3 24 | TICKER LLC | C/O DEBBIE RIVERO |
| 466- 24 63 | TOB RENTALS 8 LLC | |
| 466- 23 58 | TOB7 RENTALS LLC | |
| 466- 25 52 | TOB9 RENTALS LLC | |
| 496- 29 1 | TRINGALI SCOTT J | DALTON SAVANNAH C |
| 466- 3 8 | WEST CHARLES M | WEST JOSEPHINE A |
| 496- 34 91 | WILKINS EMILY N | WILKINS PAUL M |
| 466- 25 58 | WILLIAMS LITA K | |
| 466- 13 77 | WIRT DELORES B | |
| 466- 24 56 | WUBAH ARABA A | WUBAH DANIEL A |
| 466- 26 30 | YANG NANYING | WU NAN |
| 466- 13 82 | YOUSSEF GERGIS | YASSA MAGDA |

MAIL_ADD1

550 WOOD HAVEN CT
75 GOLD LEAF DR NW
893 YOUNG WAY
170 TALL OAK BLVD
155 GOLD LEAF DR
205 GOLD LEAF DR
P O BOX 14125
1295 ELM ST
490 TALL OAK BLVD NW
4885 CARPER BRANCH RD
1245 ELM ST
460 TALL OAK BLVD
410 TALL OAK BLVD
322 CIRCLE DR SE
330 TALL OAK BLVD
370 TALL OAK BLVD
26 PATRIOT WAY
1023 BREAKMAKER LN
420 TALL OAK BLVD
150 TALL OAK BLVD
210 TALL OAK BLVD
15 GOLD LEAF DR
135 GOLD LEAF DR
25 GOLD LEAF DR
P O BOX 6068
115 GOLD LEAF DR
65 GOLD LEAF DR
310 TALL OAK BLVD
2059 MUD PIKE
4 YORK CT
360 TALL OAK BLVD
P O BOX 825
15 ELLETT RD
45 GOLD LEAF DR
1100 QUAIL DR
160 TALL OAK BLVD
1904 NORTHSIDE DR
185 GOLD LEAF DR
1205 ELM ST
470 TALL OAK BLVD
1358 BUTLER BRANCH RD
750 IMPERIAL ST
55 GOLD LEAF DR
350 TALL OAK BLVD
518 MEADOW RDG
100 ARBOR DR STE 106

MAIL_ADD2

BLACKSBURG VA 24060
CHRISTIANSBURG VA 24073
RICHMOND HILL GA 31324
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
ROANOKE VA 24038
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
DUBLIN VA 24084
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
INDIAN TRAIL NC 28079
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24068
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
STAFFORD VA 22554
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24068
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
BLACKSBURG VA 24060
CHRISTIANSBURG VA 24073
BLACKSBURG VA 24060
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
PETERSBURG VA 23805
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
CHRISTIANSBURG VA 24073
RADFORD VA 24141
CHRISTIANSBURG VA 24073

| | |
|------------------------|-------------------------|
| 175 INDEPENDENCE BLVD | CHRISTIANSBURG VA 24073 |
| 250 SILVER LEAF DR | CHRISTIANSBURG VA 24073 |
| 1504 NORTH MAIN ST | BLACKSBURG VA 24060 |
| 1275 ELM ST | CHRISTIANSBURG VA 24073 |
| 290 TALL OAK BLVD | CHRISTIANSBURG VA 24073 |
| 1630 TURNBERRY LN | RINER VA 24149-2571 |
| 5210 ELKHEART CT | CENTREVILLE VA 20120 |
| 2720 MADISON AVE | CHRISTIANSBURG VA 24073 |
| 1024 ROCKLAND RD | FRONT ROYAL VA 22630 |
| 190 TALL OAK BLVD | CHRISTIANSBURG VA 24073 |
| 1255 ELM ST | CHRISTIANSBURG VA 24073 |
| 510 TALL OAK BLVD | CHRISTIANSBURG VA 24073 |
| 105 GOLD LEAF DR | CHRISTIANSBURG VA 24073 |
| P O BOX 98 | CHRISTIANSBURG VA 24068 |
| 300 N MAIN ST | MOOREFIELD WV 26836 |
| 95 GOLD LEAF DR | CHRISTIANSBURG VA 24073 |
| 1305 VILLAGE WAY SOUTH | BLACKSBURG VA 24060 |
| 571 SOUTHWEST 28TH AVE | DELRAY BEACH FL 33445 |
| P O BOX 1469 | CHRISTIANSBURG VA 24068 |
| P O BOX 1469 | CHRISTIANSBURG VA 24068 |
| P O BOX 1469 | CHRISTIANSBURG VA 24068 |
| 1170 GEORGE EDWARD VIA | CHRISTIANSBURG VA 24073 |
| 935 DOUBLETREE LN | CHRISTIANSBURG VA 24073 |
| 35 GOLD LEAF DR | CHRISTIANSBURG VA 24073 |
| 340 TALL OAK BLVD | CHRISTIANSBURG VA 24073 |
| 175 GOLD LEAF DR | CHRISTIANSBURG VA 24073 |
| 390 TALL OAK BLVD | CHRISTIANSBURG VA 24073 |
| 10244 GLASTONBURY RD | ELLCOTT CITY MD 21042 |
| 125 GOLD LEAF DR | CHRISTIANSBURG VA 24073 |

ARTICLE XIV. - GENERAL INDUSTRIAL DISTRICT I-2

Sec. 42-396. - Statement of intent.

The purpose of this district is to provide for a wide variety of industrial operations, including open storage of products, supplies and equipment, but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to ensure protection of the public interest and surrounding property and persons. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

(Code 1972, § 30-91; Code 1992, § 30-113; Ord. No. 2004-4, § 30-91, 9-7-2004)

Sec. 42-397. - Permitted uses.

(a) The following uses are permitted by right, unless noted otherwise:

- (1) Any manufacturing, processing, storing or distributing use permitted in the I-1 Limited Industrial District.
- (2) Dwellings for resident watchmen and caretakers employed on the premises, including a family and one unrelated individual per unit.
- (3) Agriculture and forestry uses as permitted in the A Agricultural District.
- (4) Agricultural or farm implements, manufacture, sale, storage or repair.
- (5) Animal hospital.
- (6) Auction house, business.
- (7) Auction house, industrial.
- (8) Automobile service station.
- (9) Banks and savings and loan offices.
- (10) Brewery.
- (11) Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.
- (12) Business and office supply establishments.
- (13) Clinics, medical or dental.
- (14) Construction trailers on active construction sites.
- (15) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- (16) Data center.
- (17) Employment service or agency.
- (18) Equipment sales, rental, service and storage, but not junk.
- (19) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; amateur radio towers; meters and pipelines or conduits for electrical, gas, sewer or water service; treatment facilities; pumping and regulatory stations; substations.

- (20) Janitorial or exterminating service.
- (21) Laboratories, research, experimental or testing, excluding explosives.
- (22) Mobile food vendor.
- (23) Mobile food vendor commissary.
- (24) Off-street parking and loading and parking garages.
- (25) Offices and office buildings, studios and the like, business, professional or administrative.
- (26) Plumbing and electrical supplies, manufacture, sale or storage.
- (27) Portable storage containers, in accordance with section 42-662.
- (28) Public buildings to consist of fire, police and rescue squad stations and recreational facilities.
- (29) Recycling collection center with a zoning permit application and plan of operation approved by the administrator. The administrator may refer any proposed collection center application to the town planning commission or health official, or both, for their advice as to the desirability, practicability or health effects of any such center before issuing a zoning permit to any collection center applicant. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare.
- (30) Research and development facility.
- (31) Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use.
- (32) Security service office or station.
- (33) Signs in accordance with the sign ordinance in article XXIV, signs.
- (34) Temporary stands, or outdoor areas or temporary vehicle parking, for retail or wholesale trade.
- (35) Trade or business school, including instruction in heavy construction or materials handling equipment or similar vehicles and equipment.
- (36) Welding and soldering shops; machine shop.
- (37) Well drilling establishment, water, gas or oil; offices, storage or service of supplies and equipment.
- (38) Accessory buildings and uses, including, but not limited to, the following:
 - a. Dwellings accessory to a farm of ten acres or more, including a family and up to two unrelated individuals per unit.
 - b. Retail and service facilities inside a principal building for the use of occupants thereof and occupants of other buildings in the industrial development. Retail and service facilities may include barbershops, beauty parlors, dining rooms, newsstands, restaurants, tobacco, drugs and sundries.
 - c. Storage of supplies, merchandise, equipment or goods normally carried in stock, used or produced in connection with a permitted office, business, commercial or industrial use subject to applicable district regulations.
- (39) The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibrations, dust, heat, smoke, odor, glare or other objectionable influences than the minimum amount normally resulting from other uses permitted, and the manufacture, compounding, processing, packaging or treatment of the following uses or similar uses. In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impact

thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. Where doubt remains following such engineering report, the proposal shall be considered as a potentially hazardous use and shall require conditional use permit approval.

- a. Industry and manufacturing, Type 1.
 - b. Automobile, motorcycle, bus, tractor truck, pickup or panel truck manufacture, assembly, rental or repair, including a commercial garage or automobile body shop, but not a salvage, junk, or wrecking yard.
 - c. Blacksmith shop.
 - d. Coal, flour or grain elevator; coal or wood yard.
 - e. Concrete products or central mixing and proportioning plant.
 - f. Engine testing (internal combustion engines), but not jet engines or rockets.
 - g. Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.
 - h. Flour, storage, blending and packaging, but not milling.
 - i. Galvanizing or plating (hot dip).
 - j. Lumberyard.
 - k. Petroleum and other inflammable liquids, aboveground bulk storage up to 80,000 gallons, but not refining.
 - l. Railroad switching and classification yards, repairs and cleaning shops, roundhouses, powerhouses, interlocking towers and fueling, sanding and watering stations.
 - m. Recycling, post-collection separation facilities with a zoning permit application and plan of operation approved by the administrator and subject to the foregoing conditions. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare. In addition, any landscaping or screening provisions of this article shall be mandatory.
 - n. Sand and gravel processing, but not extraction or stone crushing or grinding.
 - o. Sawmill (including cooperage stock mill), stationary and planing mill.
 - p. Structural iron and steel fabrication.
 - q. Terminal, truck, with any petroleum storage to not exceed 80,000 gallons.
 - r. Terminal, truck freight, with any petroleum storage to not exceed 80,000 gallons.
- (b) The following uses require a conditional use permit:
- (1) Single-family or two-family dwellings, including a family and up to two unrelated individuals per unit.
 - (2) Adult businesses as regulated in section 42-398(f).
 - (3) Fitness center or health club.
 - (4) Industrialized building units for business, agricultural, industrial, institutional, security or construction purposes.
 - (5) Kennels.
 - (6) Loudspeaker/sound amplification/outdoor sound system to be used in excess of the town's noise ordinance.
 - (7) Private buildings to consist of recreational facilities.
 - (8) Public billiard parlors and poolrooms, game rooms, bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement.

- (9) Public utility generating, booster or relay stations; major transmission lines and towers; communications monorail towers.
- (10) Railroad yards and terminals.
- (11) Restaurant or cafeteria, drive-in or otherwise.
- (12) Towing service.
- (13) Potentially hazardous uses. The following uses or the manufacture, compounding, processing, packaging or treatment of products not specifically listed above or below, but which may have accompanying hazards, such as fire, explosion, noise, vibration, dust or the emission of smoke, odor, toxic gases or other pollutants, may, if not in conflict with any state or town law or ordinance, be located in the I-2 General Industrial District, only after the location and nature of such use shall have been approved by the town council as a conditional use permit, as provided in this chapter. In cases of doubt regarding the nature of a process or use, the town council may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. The town council shall review the plans and statements and shall not permit such buildings, structures or uses until there has been shown that the public health, safety and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of streams or other water areas and surrounding property and persons. The town council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety, and shall pay particular attention to protection of the town, the county and its neighbors from the harmful effects of air or water pollution of any type.
 - a. Industry and manufacturing, Type 2.
 - b. Airport or heliport.
 - c. Flour, feed and grain milling or grain drying.
 - d. Foundries or forge plant, pneumatic drop and forging hammering.
 - e. Incinerator, industrial or public.
 - f. Livestock market.
 - g. Petroleum and other inflammable liquids, aboveground bulk storage over 80,000 gallons, but not refining.
 - h. Portable toilet service and storage.
 - i. Sand and gravel extraction, or similar major excavations.
 - j. Sandblasting or cutting.
 - k. Septic storage tanks, aboveground; in conjunction with a commercial septic service for the temporary storage and collection of septic effluent prior to transfer of such effluent to a sanitary disposal facility.
 - l. Terminal, truck with any petroleum storage exceeding 80,000 gallons.
 - m. Terminal, truck freight with any petroleum storage exceeding 80,000 gallons.

(Code 1972, § 30-92; Code 1992, § 30-114; Ord. of 4-3-1990; Ord. of 7-2-1991; Ord. of 7-16-1991; Ord. of 12-17-1991(1); Ord. of 6-15-1993; Ord. of 6-2-1998; Ord. No. 2000-2, 4-18-2000; Ord. No. 2001-1, 4-17-2001; Ord. No. 2004-2, 5-18-2004; Ord. No. 2004-4, § 30-92, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2008-6, 12-2-2008; Ord. No. 2012-6, § 30-114, 6-19-2012; Ord. No. 2012-10, § 30-114, 11-20-2012; Ord. No. 2014-7, 12-9-2014; Ord. No. 2017-7, 9-12-2017; Ord. No. 2018-4, 4-24-2018; Ord. No. 2019-4, 3-12-2019; Ord. No. 2019-5, 3-12-2019)

Sec. 42-398. - Limitations.

- (a) *Plans; site plan.* Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, together with a site plan as required herein, shall be submitted to the administrator for review.
- (b) *Landscaping; traffic hazards.* The front yard shall contain a minimum of 20 percent greenspace or landscaped area. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet and to within 50 feet of the corner of any intersecting streets.
- (c) *Site plan.* The plan for the site shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and, to this end, may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- (d) *Drainage.* Provisions shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provisions shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.
- (e) *Fencing.* All fencing shall have a uniform and durable character and shall be properly maintained.
- (f) *Adult businesses.* In addition to all other requirements, any adult business shall conform to the following requirements:
 - (1) The business shall be located at least 500 feet away from any residential or agricultural zoning district, and at least 500 feet from the property line of any land used for any of the following:
 - a. A residence;
 - b. A nursing home, assisted living facility or similar institution;
 - c. An adult day care center;
 - d. A child day care center;
 - e. A public or private school, college or university;
 - f. A public park;
 - g. A public library, museum or cultural center;
 - h. A church or other place of worship;
 - i. A hotel, motel or boarding house;
 - j. Any other adult business.
 - (2) Adult merchandise shall not be visible from any point outside the establishment.
 - (3) Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 42-1.
 - (4) The business shall not begin service to the public or any outside activity before 6:00 a.m. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 2:00 a.m. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business, except an adult motel, shall not extend after 12:00 midnight.

- (5) In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, disks, CD-ROMs, DVD-ROMs, virtual reality devices, internet sites or files transmitted over the internet, or similar characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specific anatomical areas, as defined in section 42-1, while on the premises.
- (6) Adult merchandise shall be located in a separate room or other area inaccessible to persons under 18 years of age.
- (7) All owners, managers, employees and entertainers shall be at least 18 years of age.
- (8) The owner or operator shall install, operate and maintain a security camera and video tape system designed by a security specialist. Surveillance cameras shall continuously monitor all entrances, parking areas and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear imagery of the establishment's patrons and their vehicles. Tapes recording activities in the areas under surveillance shall be preserved for a period of four months. Authorized representatives of the town police department or the town planning office shall have access to such tapes, upon request.
- (9) The owner or operator shall provide adequate lighting for all entrances, exits and parking areas serving the adult business, and all areas of the establishment where the adult business is conducted, except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater. The term "adequate lighting" means sufficient lighting for clear visual and security camera surveillance.

(Code 1972, § 30-93; Code 1992, § 30-115; Ord. No. 2004-4, § 30-93, 9-7-2004)

Sec. 42-399. - Area.

- (a) For permitted uses utilizing individual sewage disposal systems, the required area shall be determined and approved by the health official.
- (b) Required lot area for dwellings shall adhere to the requirements of the R-3 Multiple-Family Residential District, unless such dwelling is part of the industrial building or structure.

(Code 1972, § 30-94; Code 1992, § 30-116; Ord. of 6-20-1989; Ord. No. 2004-4, § 30-94, 9-7-2004)

Sec. 42-400. - Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width or 55 feet or more from the centerline of any street right-of-way less than 50 feet in width. See article XVII for special setback regulations pertaining to the widening of highways and streets. The minimum building setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-95; Code 1992, § 30-117; Ord. of 4-3-1990; Ord. No. 2001-5, 11-6-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-95, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

Sec. 42-401. - Frontage and yards.

- (a) For permitted uses, the minimum side or rear yard adjoining or adjacent to a residential district shall be 40 feet. The side yard of corner lots shall be 30 feet or more.
- (b) Residential development shall comply with all frontage, lot, yard and development standards for similar development in the R-3 Multiple-Family Residential District, unless such dwelling is part of the industrial building

or structure.

- (c) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- (d) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.
- (e) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.
- (f) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.

(Code 1972, § 30-96; Code 1992, § 30-118; Ord. of 6-20-1989; Ord. No. 2001-5, 11-6-2001; Ord. No. 2004-4, § 30-96, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

Sec. 42-402. - Coverage.

Impervious surfaces may cover up to 80 percent of the area of the lot. The front yard shall contain a minimum of 20 percent greenspace or landscaped area.

(Code 1972, § 30-97; Code 1992, § 30-119; Ord. No. 2004-4, § 30-97, 9-7-2004)

Sec. 42-403. - Height.

There shall be no height restrictions in the I-2 General Industrial District with the exception that structures greater than 70 feet shall require conditional use permit approval. Town water tanks shall be exempt from the conditional use permit requirement.

(Code 1972, § 30-98; Code 1992, § 30-120; Ord. No. 2004-4, § 30-98, 9-7-2004; Ord. No. 2012-6, § 30-120, 6-19-2012)

Secs. 42-404—42-434. - Reserved.

ARTICLE XII. - GENERAL BUSINESS DISTRICT B-3

Sec. 42-335. - Statement of intent.

This district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This district shall include such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns and garages and service stations. In view of the extensive application of the district and the variety of conditions which may be anticipated, residential uses are permitted with a conditional use permit.

(Code 1972, § 30-77; Code 1992, § 30-99; Ord. No. 2004-4, § 30-77, 9-7-2004)

Sec. 42-336. - Permitted uses.

In the B-3 General Business District, structures to be erected, or land to be used, may be for one or more of the following uses (Note: Activities or uses which instruct the reader to see a permitted use serve only as a cross reference to the list of permitted uses and associated conditions, if any. The listing of a cross reference in no way implies that the cross reference is a permitted use or activity. Listed permitted uses which instruct the reader to see also another permitted use or section of the zoning ordinance or town code are intended to refer the reader to additional information that is relevant to that permitted use.)

- (1) Any principal use permitted in the R-3 Multiple-Family Residential District, with a conditional use permit, except that uses permitted as conditional uses in the R-3 District, but permitted as of right in the B-3 District, shall not require a conditional use permit. Dwellings are subject to the same requirements as in the R-3 District, except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted, but not subject to said requirements, including a family and one unrelated individual per unit; and for multifamily dwellings, the density of development shall not exceed the ratio of 20 dwelling units per gross acre. Residential development as part of a planned commercial development shall be subject to the requirements of section 42-341.
- (2) Animal hospital, pet shop or pet grooming establishment.
- (3) Retail stores, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, jewelry, gifts, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.
- (4) Bakeries.
- (5) Banks and other financial institutions.
- (6) Dry cleaners, laundries and laundromats.
- (7) Barber and beauty shops.
- (8) Fitness center or health club.

- (9) Home appliance services.
- (10) Theaters and assembly halls.
- (11) Hotels and motels, and bed and breakfast inns.
- (12) Offices, business, professional or administrative.
- (13) Churches and other places of worship.
- (14) Public buildings to consist of fire, police and rescue squad stations, schools, recreational facilities, and libraries. Private buildings to consist of schools, recreational facilities, and libraries with a conditional use permit.
- (15) Hospitals, general.
- (16) Funeral homes and crematories.
- (17) Automobile service stations.
- (18) Clubs and lodges, with a conditional use permit.
- (19) Auto and truck rental, sales and service. Also see *Automobile service stations* and *Commercial garages*.
- (20) Restaurants, food handlers and caterers.
- (21) Shoe repair or tailor shop.
- (22) Plumbing and electrical supply with storage under cover.
- (23) Printing and duplicating services.
- (24) Rental of household items, tools and appliances.
- (25) Lumber and building materials store, wholesale or retail, but not a lumberyard or manufacturer of brick or concrete blocks.
- (26) Self-service storage compartments commonly known as miniwarehouses.
- (27) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; amateur radio towers; meters and pipelines or conduits for electrical, gas, sewer or water service; pumping and regulatory stations; substations. Communications monopoles and major transmission lines are permitted with a conditional use permit.
- (28) Off-street parking and loading; parking garages, with a conditional use permit.
- (29) Signs in accordance with the sign ordinance in article XXIV, signs.
- (30) Dancehalls, with a conditional use permit.
- (31) Mobile home parks, with a conditional use permit. Also see article XVIII, mobile home parks.
- (32) Mobile home sales, single- or double-wide, with a conditional use permit.
- (33) Machinery and equipment sales, service and storage (but not junk), with a conditional use permit.
- (34) Commercial garage and/or towing service, with a conditional use permit. Also see *Auto and truck rental, sales and service* and *Automobile service stations*.
- (35) Contractors equipment storage yard or plant or rental of equipment commonly used by contractors

(but not material storage), with a conditional use permit.

- (36) Radio and television stations and studios or recording studios.
- (37) Industrialized building units for business, institutional, security or construction purposes, with a conditional use permit. Conditional use permits shall not be required for construction trailers on active construction sites.
- (38) The following listed uses, provided not more than 50 persons are engaged in actual production work, with a conditional use permit:
 - a. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs and the manufacture of small parts, such as coils, condensers, transformers and crystal holders.
 - b. Commercial cabinet or woodworking shops; blacksmith shops and welding or machine shops.
 - c. Pharmaceutical, medical or dental laboratories.
- (39) Carnival or fairgrounds, with a conditional use permit.
- (40) Public billiard parlors and poolrooms, game rooms, bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement, with a conditional use permit.
- (41) Greenhouse or nursery, commercial, wholesale or retail.
- (42) Convalescent homes, rest homes, nursing homes and housing for the elderly and handicapped.
- (43) Boardinghouses, with a conditional use permit.
- (44) Child day care center.
- (45) Campground, overnight, with a conditional use permit. Other permitted B-3 uses located upon the same property as the campground are permitted, provided that non-campground users do not traverse the campground areas to have access to these non-campground uses. Provided further that a fence or other suitable barricade and screening separates the campground from adjacent properties or uses.
- (46) Recycling collection center with a zoning permit application and plan of operation approved by the administrator. The administrator may refer any proposed collection center application to the town planning commission or health official, or both, for their advice as to the desirability, practicability or health effects of any such center before issuing a zoning permit to any collection center applicant. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare.
- (47) Recycling, post-collection separation facilities, with a conditional use permit and a plan of operation approved by the administrator. In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impacts of the facility.
- (48) Auction house, business, with a conditional use permit.
- (49) Family day homes, with a conditional use permit.
- (50) Kennels with a conditional use permit.
- (51) Automobile upholstery shops, with a conditional use permit.

- (52) Railroad yards and terminals, with a conditional use permit.
- (53) Farmers' markets or flea markets, with a conditional use permit.
- (54) Automobile auctions, with a conditional use permit.
- (55) Tattoo parlors and body piercing establishments with approval of the county health department.
- (56) Portable storage containers, in accordance with section 42-662.
- (57) Janitorial services.
- (58) Exterminating services with a conditional use permit.
- (59) Personal service establishments.
- (60) Loudspeaker/sound amplification/outdoor sound system to be used in excess of the town's noise ordinance, with a conditional use permit.
- (61) Leisure and enrichment service.
- (62) Microbrewery with capacity not to exceed 10,000 barrels per year.
- (63) Microbrewery with capacity between 10,001 and 15,000 barrels per year, with a conditional use permit.
- (64) Museums, art galleries and art studios.
- (65) Planned commercial developments, subject to the requirements of section 42-341, with a conditional use permit.

Note: The following activities or uses serve only as a cross reference to permitted uses listed above which may or may not have conditions attached to the use. The listing of the following cross reference in no way implies that they are a permitted use or activity unless permitted elsewhere within this section.

Appliance service, see *Home appliance services*.

Bed and breakfast inns, see *Hotels, motels*.

Building material sales, see *Lumber and building materials sales*.

Equipment sales, service, etc., see *Machinery and equipment sales and services*.

Pet shops, see *Animal*.

Tourist homes, see *Hotels, motels*.

(Code 1972, § 30-78; Code 1992, § 30-100; Ord. of 9-6-1988; Ord. of 10-24-1989; Ord. of 7-2-1991; Ord. of 12-3-1991; Ord. of 12-17-1991(1); Ord. of 6-15-1993; Ord. of 6-2-1998; Ord. of 12-7-1999; Ord. No. 2000-2, 4-18-2000; Ord. No. 2001-1, 4-17-2001; Ord. No. 2001-4, 8-7-2001; Ord. No. 2004-4, § 30-78, 9-7-2004; Ord. No. 2005-1, 1-18-2005; Ord. No. 2006-1, 1-17-2006; Ord. No. 2006-6, 12-19-2006; Ord. No. 2007-1, 4-3-2007; Ord. No. 2008-4, 11-18-2008; Ord. No. 2008-6, 12-2-2008; Ord. No. 2012-3, § 30-100, 2-12-2012; Ord. No. 2012-6, § 30-100, 6-19-2012; Ord. No. 2012-10, § 30-100, 11-20-2012; Ord. No. 2017-7, 9-12-2017; Ord. No. 2018-4, 4-24-2018; Ord. No. 2018-5, 9-11-2018; Ord. No. 2019-4, 3-12-2019; Ord. No. 2019-6, 6-25-2019)

There shall be no minimum area required; except that the required area for permitted uses utilizing individual sewage disposal systems shall be approved by the health official and except that residential uses shall comply with the lot area and width requirements of the R-3 District. The administrator may require a greater area, if considered necessary by the health official.

(Code 1972, § 30-79; Code 1992, § 30-101; Ord. No. 2004-4, § 30-79, 9-7-2004)

Sec. 42-338. - Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. The minimum building setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-80; Code 1992, § 30-102; Ord. of 4-3-1990; Ord. No. 2001-5, 11-6-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-80, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

Sec. 42-339. - Frontage and yards.

- (a) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, site plan review.
- (b) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.
- (c) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than one inch equals 50 feet. No lots shall be sold until a final plat for the

development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.

- (d) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- (e) No business or commercial building or structure, temporary or permanent, shall be located closer than 20 feet to the boundary of a residential district or located within any easement or right-of-way. Residential development shall comply with all frontage, lot, yards and development standards for similar development in the R-3 Multiple-Family Residential District, unless such residence is part of the business building or structure.
- (f) A minimum of 20 percent of the site shall be reserved for greenspace landscaping with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height, at time of planting, of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas.
- (g) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- (h) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- (i) Sidewalks shall be required for all new development. In lieu of sidewalks, an owner or developer may provide a paved multi-use trail if approved by the town manager. The trail must be a minimum of ten feet in width and adjoin the street right-of-way. A trail must run the entire road frontage of the parcel. In the absence of unreasonable hardship, the town manager will not approve a trail for parcels whose adjoining parcels have sidewalks such that a trail connects to a sidewalk. The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations, provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.

Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by 25 percent before a certificate of occupancy may be issued.

(Code 1972, § 30-81; Code 1992, § 30-103; Ord. of 5-2-1989; Ord. of 6-20-1989; Ord. of 7-2-1991; Ord. of 6-2-1998; Ord. No. 2001-5, 11-6-2001; Ord. No. 2004-4, § 30-81, 9-7-2004; Ord. No. 2013-6, § 30-103, 5-7-2013; Ord. No. 2015-1, 4-28-2015)

Sec. 42-340. - Height.

Buildings may be erected up to 35 feet in height from street grade or lot grade at setback line, whichever is greater; except, that:

- (1) The height limit may be increased up to 70 feet, provided the building is set back from all lot lines at least for each one foot of height over 35 feet.
- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues and flagpoles shall be exempt from this section.
- (3) Parapet walls may be up to four feet above the height of the building on which the walls rest.

(Code 1972, § 30-82; Code 1992, § 30-105; Ord. No. 2004-4, § 30-82, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

Sec. 42-341. - Planned commercial developments.

- (a) Purpose. Planned Commercial Developments (PCDs) are intended to provide for flexibility in the planning of certain tracts of land through the modification of certain development standards. PCDs are generally characterized by a unified or planned clustering of commercial or mixed use development served by common parking areas with shared means of ingress and egress. PCDs allow for a mixing of commercial and residential uses but are not intended to be a tool to enable primarily residential development. PCDs are not intended to be a means to lessen development standards as would otherwise be required without providing for increased amenities, safety, and other public and private benefits. These developments should be designed to mitigate potential increases in traffic congestion through enhanced pedestrian access between uses within the PCD and to encourage best management practices for site development regarding but not limited to stormwater management and other impacts to adjacent property, including light and noise nuisances.
- (b) In order to encourage improved design, variety in uses and site layout, a master plan and proposed development standards shall be submitted for consideration of a planned commercial development, together with a subdivision plan, if required by this chapter or chapter 40, and such other descriptive material or conditions of development as may be necessary to fully determine the development, even though such development does not comply in all respects to the development standards of the B-3 General Business District, provided:
 - (1) No development shall be commenced until a master plan and conditional use permit have been approved by the town council.
 - (2) Before any permit shall be issued for the erection of a permanent building in a proposed planned commercial development, final site plan approval shall be required in accordance with article XXI.
 - (3) The maximum ratio of residential development square footage to the square footage of the overall development shall be provided as a condition of development. The applicant shall demonstrate on the master plan that an adequate balance between residential and non-residential uses shall be maintained during the period of construction/development.
 - (4) For residential uses within a planned commercial development, the dwelling unit density shall not exceed 30 dwelling units per gross acre.
 - (5) Required off-street parking may be decreased by no more than 20 percent. Any credit towards reduction of off-street parking requirements allowed elsewhere within this chapter shall be counted towards any reduction allowance set forth herein.
 - (6) One or more major features of the development, such as unusual natural features, yard spaces, open

spaces and building types and arrangements, are such as to justify application of this section rather than a conventional application of the other regulations of the B-3 General Business District.

- (7) The total development area, whether existing as a single parcel or multiple adjacent parcels is at least ten acres and is of sufficient size in the location proposed as to permit development of an internal environment, which, if different from designs otherwise permitted in the B-3 General Business District, will not adversely affect existing and future development in the surrounding area.
 - (8) Materials submitted, drawings, descriptions, development standards, and the like are sufficiently detailed to ensure compliance with the purpose of this section.
 - (9) The development is designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, and, to this end, may employ such design techniques as may be appropriate to a particular case, including use of building types, heights, orientation and spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of recreation areas, open spaces and parking areas, grading, landscaping and screening.
 - (10) Provisions shall be made to ensure that private common areas of the development shall be maintained in a satisfactory manner without incurring public expense.
- (c) Procedures and general standards for approval of an application under this section shall be the same as those for a conditional use permit as provided for in article I of this chapter.

(Ord. No. 2019-6, 6-25-2019)

Secs. 42-342—42-368. - Reserved.



Planning Department Staff Report

TO: Planning Commission

DATE: March 26, 2021

APPLICATION: Rezoning [RZN-2021-03]

LOCATION: 1505 North Franklin Street (tax map no. 466-A-20A)

PROPERTY OWNER: Trinity Community Church TRS, C/O Monroe Hedrick

PROPOSAL: Rezone from A to B-3

Request

The Town of Christiansburg has received a rezoning request by Trustees of the Trinity Community Church (applicant) on behalf of Trinity Community Church TRS, C/O Monroe Hedrick (owner), for approximately 5.44 acres of property located at 1505 North Franklin Street. The request is to rezone the property from A, Agricultural zoning to B-3, General Business. The property is currently operating as a church.

Please see the attached application for the full list of permitted uses in the B-3 District.

Background

The impetus for this request originated with the church's signage being temporarily removed in connection with recent corridor improvements completed on N. Franklin Street. The church decided to replace a regular freestanding sign with an electronic changeable copy sign when it came time to reinstall a sign. The new sign dimensions were not permitted under the provisions of the Town's A, Agricultural Zoning District. The A, Agricultural Zoning District maximum sign area for a regular freestanding sign is 32 square feet, however the maximum sign area for a changeable copy sign area is 18 square feet. The sign the church proposed to build exceeded the square footage allowed in the Agricultural Zoning District. The maximum changeable copy sign area in the B-3, General Business zoning district is 32 square feet. The church would like to install a sign of a size and scale permitted by the B-3 zoning district and therefore seeks to align the zoning of its property consistent with its desired signage. Furthermore, as noted below, the B-3 is a consistent zoning district with other properties that have frontage in this area of North Franklin Street.

The subject property is located within the “Institute” Urban Development Area (UDA) and aligns with the future land uses planned for this area. The property is also designated as Business/Commercial on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan. The property is not located within the 100- or 500-Year Flood Hazard Area or a Historic District.

The adjoining properties are zoned primarily B-3, General Business to the north, east, and west as well as A, Agricultural to the south and east. The adjoining properties contain single-family residences, office space, commercial space, as well as undeveloped land.

Public Comment

The Planning Department has received no public comments to date regarding this land use application.

Public Hearing Dates

The Planning Commission Public Hearing is scheduled for Monday, March 29, 2021 and the Town Council Public Hearing is scheduled for Tuesday, April 27, 2021.

List of attachments included with staff report:

Rezoning application

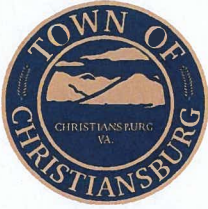
List of permitted use in B-3 District

Aerial map

Zoning map

Future Land Use map

Adjoining properties table



THE PLACE TO BE.
CHRISTIANSBURG VA
 DEPARTMENT OF PLANNING

100 East Main Street
 Christiansburg, VA 24073
 p: (540) 382-6120
 f: (540) 381-7238

Rezoning Application

Landowner: Trinity Community Church Applicant: Trustees

Address: 1505 North Franklin ST. Address: _____
Christiansburg, VA 24073

Phone: 540 - 382 - 8121 Phone: _____

I am requesting a rezoning of my property from zoning classification A to zoning classification B3 under Chapter 42: Zoning of the Christiansburg Town Code.

My property is located at 1505 North Franklin ST. Christiansburg, VA
24073

Tax Parcel(s): 070436 Map # 466-A 20A

I understand that proffers may be made in conjunction with the request. Proffers are voluntary offers by the property owner(s) regarding the request which must be made in writing prior to the Public Hearing. Proffers are legally binding. Any proffer(s) should be attached on a separate sheet of paper and signed and dated by the property owner(s) with the statement: "I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission."

Fee: _____

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge.

Signature of Landowner(s): Ralph E. Martin Date: 3-3-21
Gary L. Brubaker Date: 3/3/21

Edward R. Vinson Date: 3/3/21

Steve Date: 3/3/21

George H. Mann Date: 3/3/21

This request was approved/disapproved by a vote of the Christiansburg Town Council on _____.

Town Manager _____

Date _____

*Please complete attached sheet



THE PLACE TO BE.
CHRISTIANSBURG VA
 DEPARTMENT OF PLANNING

100 East Main Street
 Christiansburg, VA 24073
 p: (540) 382-6120
 f: (540) 381-7238

Please complete the following section:

Per Section 42-11(A) of the Christiansburg Town Code:

Rezoning application submissions shall include a traffic impact statement whenever a proposed zoning map amendment substantially affects transportation on town streets through traffic generation of either:

- (1) 100 vehicles trips per peak hour by residential development;*
- (2) 250 vehicles trips per peak hour by non-residential development; or*
- (3) 2,500 vehicle trips per day by non-residential development.*

The data and analysis contained in the traffic impact statement shall comply with Virginia Department of Transportation Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable town ordinances.

A traffic impact analysis ☐ is ☒ is not required for the proposed project:

1. ☐ Yes or ☒ No, the proposed residential development generates _____ vph which is greater than the requirement of 100 vehicles per hour, or
2. ☐ Yes or ☐ No, the proposed non-residential project generates _____ vph which is greater than the requirement of 250 vehicles per hour
3. ☐ Yes or ☐ No, the proposed non-residential project generates _____ vpd which is greater than the requirement of 2,500 vehicles per day.
4. ☐ Yes or ☐ No, a new TIS study is not required because a previously submitted TIS is still applicable for the project site. (Note: the appropriate documentation must be attached)

***Trip generation shall be measured based on the current edition of the Institute for Transportation Engineers (ITE) Trip Generation Manual**

*Please complete attached sheet

Sec. 42-336. - Permitted uses.

In the B-3 General Business District, structures to be erected, or land to be used, may be for one or more of the following uses (Note: Activities or uses which instruct the reader to see a permitted use serve only as a cross reference to the list of permitted uses and associated conditions, if any. The listing of a cross reference in no way implies that the cross reference is a permitted use or activity. Listed permitted uses which instruct the reader to see also another permitted use or section of the zoning ordinance or town code are intended to refer the reader to additional information that is relevant to that permitted use.)

- (1) Any principal use permitted in the R-3 Multiple-Family Residential District, with a conditional use permit, except that uses permitted as conditional uses in the R-3 District, but permitted as of right in the B-3 District, shall not require a conditional use permit. Dwellings are subject to the same requirements as in the R-3 District, except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted, but not subject to said requirements, including a family and one unrelated individual per unit; and for multifamily dwellings, the density of development shall not exceed the ratio of 20 dwelling units per gross acre. Residential development as part of a planned commercial development shall be subject to the requirements of section 42-341.
- (2) Animal hospital, pet shop or pet grooming establishment.
- (3) Retail stores, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, jewelry, gifts, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.
- (4) Bakeries.
- (5) Banks and other financial institutions.
- (6) Dry cleaners, laundries and laundromats.
- (7) Barber and beauty shops.
- (8) Fitness center or health club.
- (9) Home appliance services.
- (10) Theaters and assembly halls.
- (11) Hotels and motels, and bed and breakfast inns.
- (12) Offices, business, professional or administrative.
- (13) Churches and other places of worship.
- (14) Public buildings to consist of fire, police and rescue squad stations, schools, recreational facilities, and libraries. Private buildings to consist of schools, recreational facilities, and libraries with a conditional use permit.
- (15) Hospitals, general.

- (16) Funeral homes and crematories.
- (17) Automobile service stations.
- (18) Clubs and lodges, with a conditional use permit.
- (19) Auto and truck rental, sales and service. Also see *Automobile service stations* and *Commercial garages*.
- (20) Restaurants, food handlers and caterers.
- (21) Shoe repair or tailor shop.
- (22) Plumbing and electrical supply with storage under cover.
- (23) Printing and duplicating services.
- (24) Rental of household items, tools and appliances.
- (25) Lumber and building materials store, wholesale or retail, but not a lumberyard or manufacturer of brick or concrete blocks.
- (26) Self-service storage compartments commonly known as miniwarehouses.
- (27) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; amateur radio towers; meters and pipelines or conduits for electrical, gas, sewer or water service; pumping and regulatory stations; substations. Communications monopoles and major transmission lines are permitted with a conditional use permit.
- (28) Off-street parking and loading; parking garages, with a conditional use permit.
- (29) Signs in accordance with the sign ordinance in article XXIV, signs.
- (30) Dancehalls, with a conditional use permit.
- (31) Mobile home parks, with a conditional use permit. Also see article XVIII, mobile home parks.
- (32) Mobile home sales, single- or double-wide, with a conditional use permit.
- (33) Machinery and equipment sales, service and storage (but not junk), with a conditional use permit.
- (34) Commercial garage and/or towing service, with a conditional use permit. Also see *Auto and truck rental, sales and service* and *Automobile service stations*.
- (35) Contractors equipment storage yard or plant or rental of equipment commonly used by contractors (but not material storage), with a conditional use permit.
- (36) Radio and television stations and studios or recording studios.
- (37) Industrialized building units for business, institutional, security or construction purposes, with a conditional use permit. Conditional use permits shall not be required for construction trailers on active construction sites.
- (38) The following listed uses, provided not more than 50 persons are engaged in actual

production work, with a conditional use permit:

- a. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs and the manufacture of small parts, such as coils, condensers, transformers and crystal holders.
- b. Commercial cabinet or woodworking shops; blacksmith shops and welding or machine shops.
- c. Pharmaceutical, medical or dental laboratories.

(39) Carnival or fairgrounds, with a conditional use permit.

(40) Public billiard parlors and poolrooms, game rooms, bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement, with a conditional use permit.

(41) Greenhouse or nursery, commercial, wholesale or retail.

(42) Convalescent homes, rest homes, nursing homes and housing for the elderly and handicapped.

(43) Boardinghouses, with a conditional use permit.

(44) Child day care center.

(45) Campground, overnight, with a conditional use permit. Other permitted B-3 uses located upon the same property as the campground are permitted, provided that non-campground users do not traverse the campground areas to have access to these non-campground uses. Provided further that a fence or other suitable barricade and screening separates the campground from adjacent properties or uses.

(46) Recycling collection center with a zoning permit application and plan of operation approved by the administrator. The administrator may refer any proposed collection center application to the town planning commission or health official, or both, for their advice as to the desirability, practicability or health effects of any such center before issuing a zoning permit to any collection center applicant. Collection center zoning permits may be revoked at any time by the administrator or health official when such recycling center poses a threat to public safety, health or general welfare.

(47) Recycling, post-collection separation facilities, with a conditional use permit and a plan of operation approved by the administrator. In cases of doubt regarding the nature of a process or use, the administrator may require an engineering report describing the process or use and the probable impacts of the facility.

(48) Auction house, business, with a conditional use permit.

(49) Family day homes, with a conditional use permit.

(50) Kennels with a conditional use permit.

(51) Automobile upholstery shops, with a conditional use permit.

- (52) Railroad yards and terminals, with a conditional use permit.
- (53) Farmers' markets or flea markets, with a conditional use permit.
- (54) Automobile auctions, with a conditional use permit.
- (55) Tattoo parlors and body piercing establishments with approval of the county health department.
- (56) Portable storage containers, in accordance with section 42-662.
- (57) Janitorial services.
- (58) Exterminating services with a conditional use permit.
- (59) Personal service establishments.
- (60) Loudspeaker/sound amplification/outdoor sound system to be used in excess of the town's noise ordinance, with a conditional use permit.
- (61) Leisure and enrichment service.
- (62) Microbrewery with capacity not to exceed 10,000 barrels per year.
- (63) Microbrewery with capacity between 10,001 and 15,000 barrels per year, with a conditional use permit.
- (64) Museums, art galleries and art studios.
- (65) Planned commercial developments, subject to the requirements of section 42-341, with a conditional use permit.

Note: The following activities or uses serve only as a cross reference to permitted uses listed above which may or may not have conditions attached to the use. The listing of the following cross reference in no way implies that they are a permitted use or activity unless permitted elsewhere within this section.

Appliance service, see *Home appliance services*.

Bed and breakfast inns, see *Hotels, motels*.

Building material sales, see *Lumber and building materials sales*.

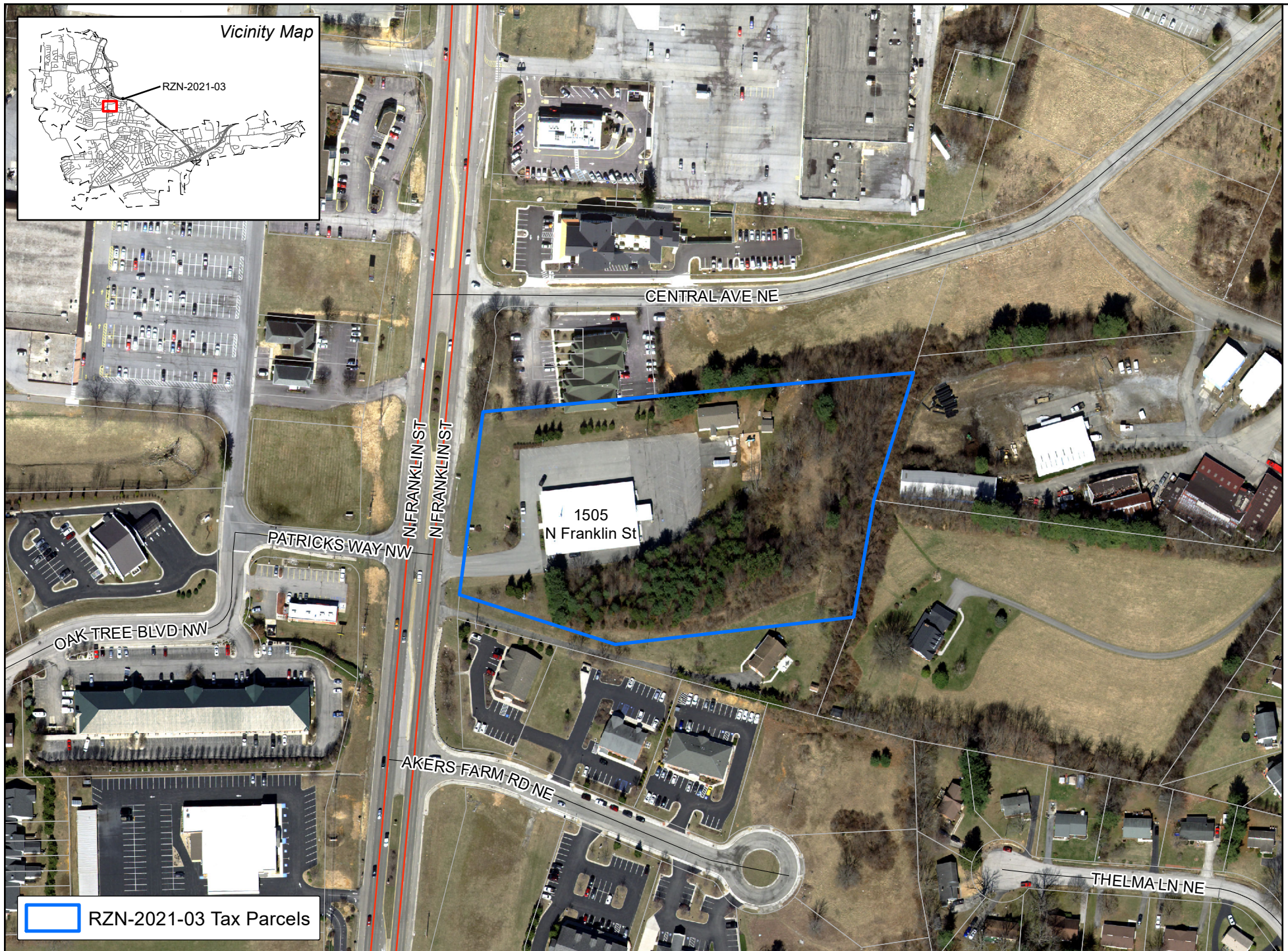
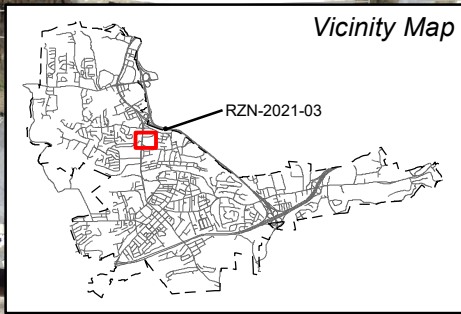
Equipment sales, service, etc., see *Machinery and equipment sales and services*.

Pet shops, see *Animal*.

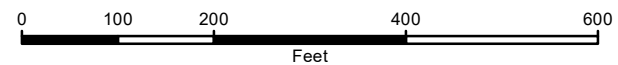
Tourist homes, see *Hotels, motels*.

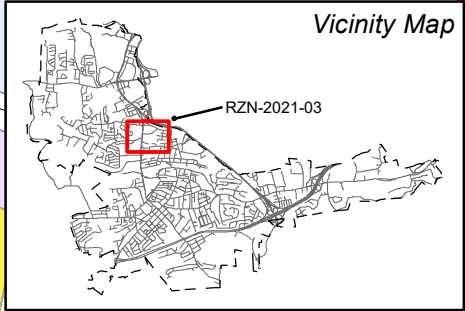
(Code 1972, § 30-78; Code 1992, § 30-100; Ord. of 9-6-1988; Ord. of 10-24-1989; Ord. of 7-2-1991; Ord. of 12-3-1991; Ord. of 12-17-1991(1); Ord. of 6-15-1993; Ord. of 6-2-1998; Ord. of 12-7-1999; Ord. No. 2000-2, 4-18-2000; Ord. No. 2001-1, 4-17-2001; Ord. No. 2001-4, 8-7-2001; Ord. No. 2004-4, § 30-78, 9-7-2004; Ord. No. 2005-1, 1-18-2005; Ord. No. 2006-1, 1-17-2006; Ord. No. 2006-6, 12-19-2006; Ord. No. 2007-1, 4-3-2007; Ord.

No. 2008-4, 11-18-2008; Ord. No. 2008-6, 12-2-2008; Ord. No. 2012-3, § 30-100, 2-12-2012; Ord. No. 2012-6, § 30-100, 6-19-2012; Ord. No. 2012-10, § 30-100, 11-20-2012; Ord. No. 2017-7, 9-12-2017; Ord. No. 2018-4, 4-24-2018; Ord. No. 2018-5, 9-11-2018; Ord. No. 2019-4, 3-12-2019; Ord. No. 2019-6, 6-25-2019)



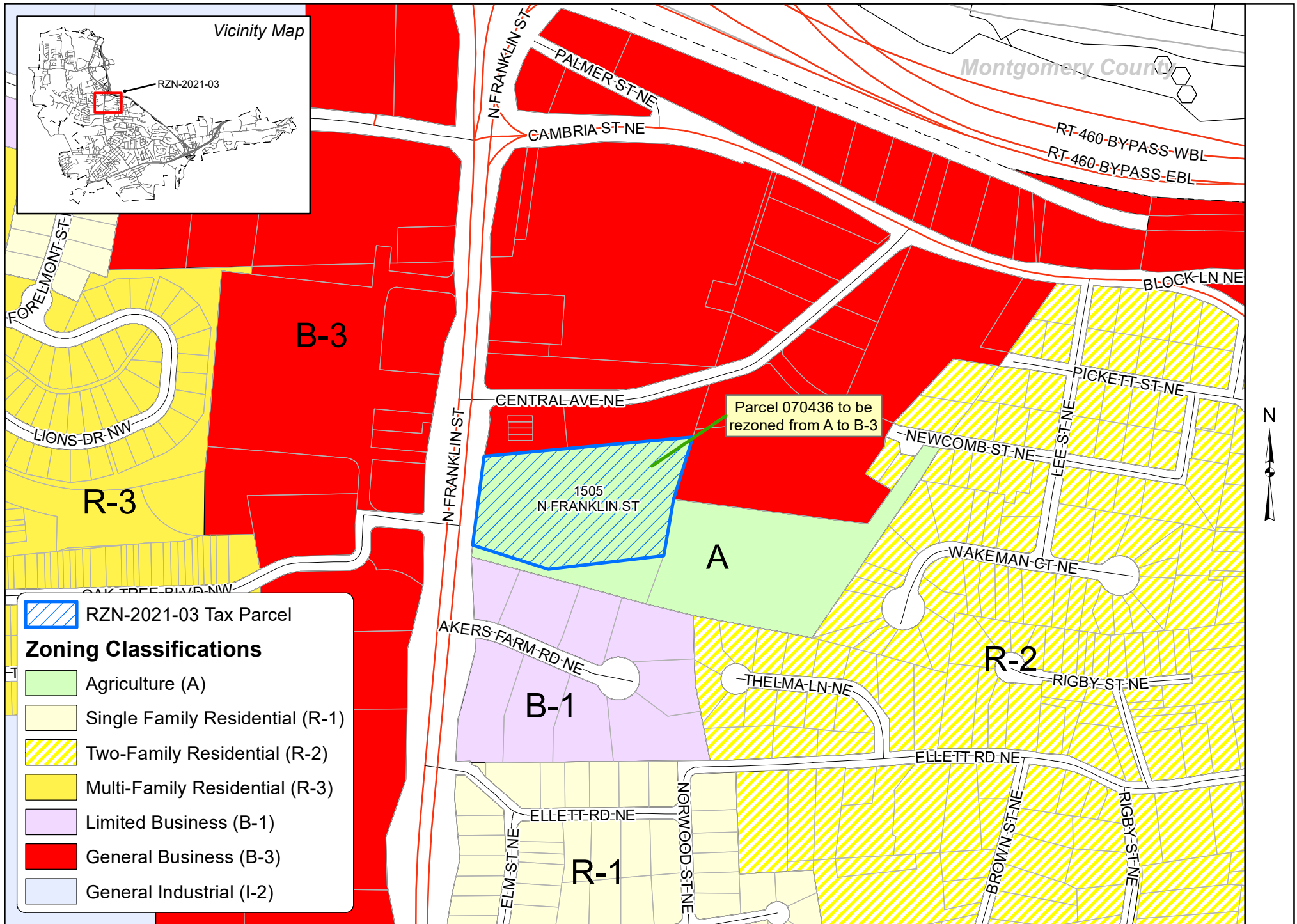
Rezoning Request: RZN-2021-03
1505 N Franklin St












Vicinity Map

RZN-2021-03

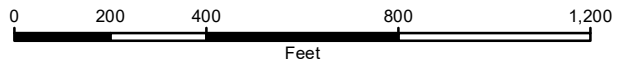


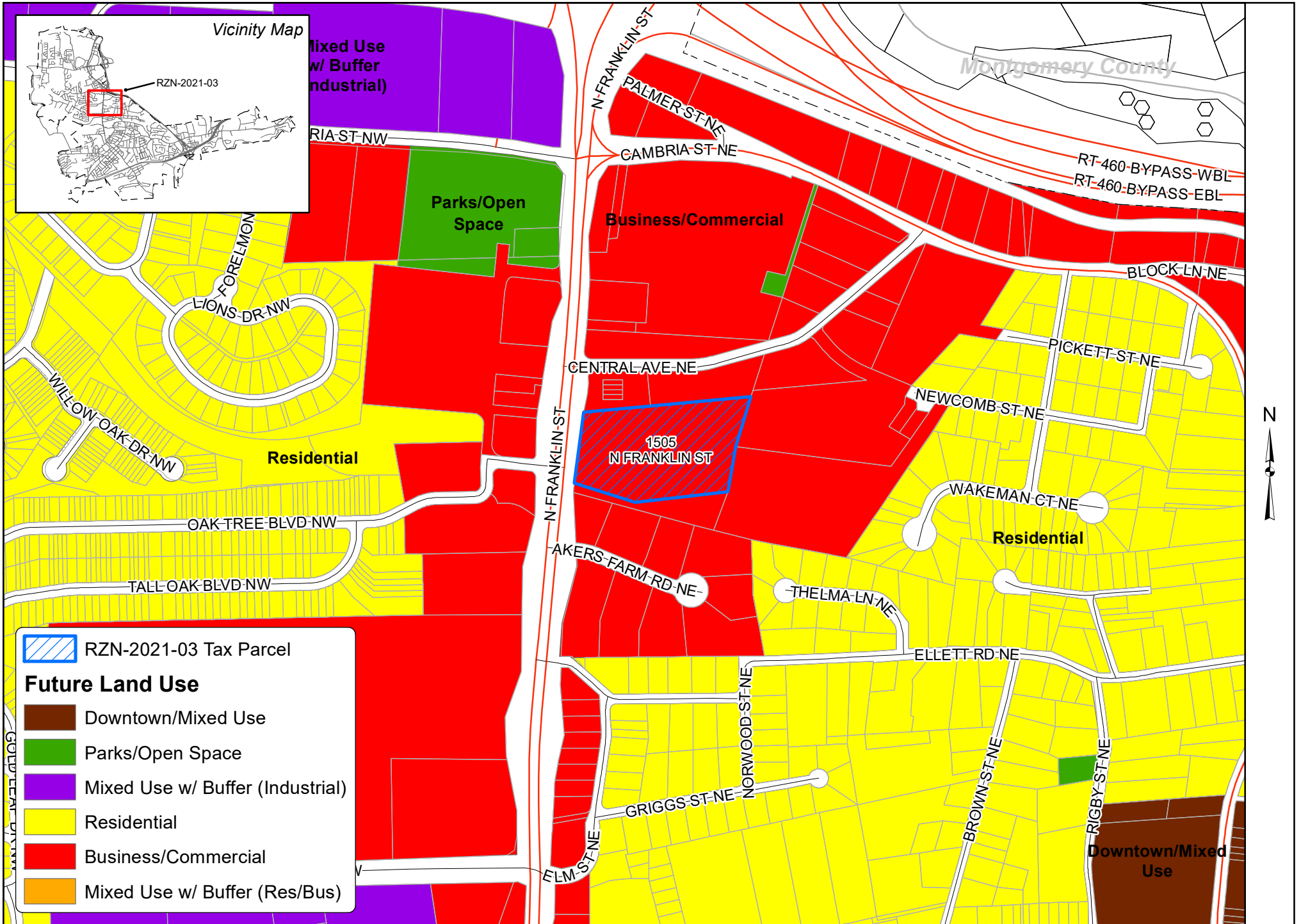
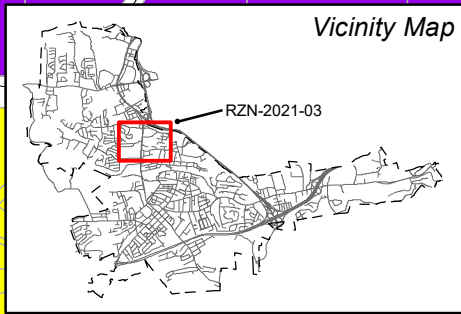
RZN-2021-03 Tax Parcel


Zoning Classifications

-  Agriculture (A)
-  Single Family Residential (R-1)
-  Two-Family Residential (R-2)
-  Multi-Family Residential (R-3)
-  Limited Business (B-1)
-  General Business (B-3)
-  General Industrial (I-2)







Rezoning Request: RZN-2021-03
1505 N Franklin St



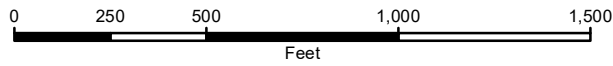


 RZN-2021-03 Tax Parcel

Future Land Use

-  Downtown/Mixed Use
-  Parks/Open Space
-  Mixed Use w/ Buffer (Industrial)
-  Residential
-  Business/Commercial
-  Mixed Use w/ Buffer (Res/Bus)

Rezoning Request: RZN-2021-03
1505 N Franklin St



| TAX_MAP_ID | OWNER1 | OWNER2 | MAIL_ADD1 | MAIL_ADD2 |
|------------|------------------------------|--------------------------|---------------------------|-------------------------|
| 466- 5 4 | BROOKHOLLOW ASSOCIATES LLC | C/O PROTECTIVE LIFE INS | 3717 WEST MARKET ST STE B | GREENSBORO NC 27403 |
| 466- 8 2B | BURDETTE KELLY L | | 605 CRAIG CREEK RD | BLACKSBURG VA 24060 |
| 466- 8 2A | CENTRAL PARK LOT 2A CONDO | UNIT OWNERS ASSOC INC | 225 Central Ave | CHRISTIANSBURG VA 24073 |
| 466- 5 2A | DAVIDSON DAVID A | DAVIDSON ROBIN E | 15 SAPPHIRE AVE | CHRISTIANSBURG VA 24073 |
| 466- A 20B | HEDRICK MONROE A | | P O BOX 911 | CHRISTIANSBURG VA 24068 |
| 467- A 14 | KINZIE ELBERT W TRUSTEE | LILLIAN P KINZIE TRUSTEE | 345 NEWCOMB ST | CHRISTIANSBURG VA 24073 |
| 466- 8 A | MFF HOLDINGS LLC | | 418 FIRST ST SW | ROANOKE VA 24011 |
| 466- 8 C | RADFORD & RADFORD | PROPERTIES LLC | P O BOX 2427 | CHRISTIANSBURG VA 24068 |
| 466- 8 B | RDR REALTY LLC | | 125 WENN DR | CHRISTIANSBURG VA 24073 |
| 466- 5 2 | REA RENTALS LLC | ATTN: RICH ALVIS | 2720 MADISON AVE | CHRISTIANSBURG VA 24073 |
| 467- 18 11 | RWW47 LLC | | 144 OAK TREE BLVD | CHRISTIANSBURG VA 24073 |
| 466- 8 D | SHELTON KELLY C | | P O BOX 6065 | CHRISTIANSBURG VA 24068 |
| 466- A 20A | TRINITY COMMUNITY CHURCH TRS | C/O MONROE HEDRICK | P O BOX 787 | CHRISTIANSBURG VA 24068 |
| 466- 16 2A | WH CAPITAL LLC | ATTN TAX DEPT | P O BOX 6450 | NORCROSS GA 30091 |



Planning Department Staff Report

TO: Planning Commission

DATE: March 24, 2021

APPLICATION: Conditional Use Permit [CUP-2021-02]

LOCATION: 1265 Flint Drive

PROPERTY OWNER: Mohammadreza Ostadhosseinkhayyat and Helen Sedigh

PROPOSAL: Allow for a Family Day Home serving up to 12 in the R-1 District.

Request

The Town of Christiansburg has received a conditional use permit request by Sareh Ostadhosseinkhayyat for a Family Day Home serving up to 12 children in the R-1, Single Family Residential District located at 1265 Flint Drive SE. A conditional use permit is required for a family day home serving 6-12 children in the R-1 zoning district per Section 42-93 (11) of the *Christiansburg Town Code*. Family day homes serving one through five children are permitted by right in the R-1 zoning district.

Background

The property is currently being used as a single-family residence. The applicant intends to use the Family Day Home as an accessory use to the primary use of the single-family dwelling. The applicant furthermore proposes to remodel the property's existing unfinished basement to accommodate the proposed use.

The subject property is not located within a 100- or 500-Year Flood Hazard Area, Historic District, or Urban Development Area. The adjoining properties are zoned R-1, Single-Family Residential and contain residential uses. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Per Section 42-1. of the Christiansburg Town Code:

Family day home means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per

week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

Draft Conditions

The following conditions relevant to this request have been placed on approved Conditional Use Permits for past family day homes:

1. The facility shall be brought into compliance with all applicable Building Codes to the satisfaction of the Town Building Official and Fire Marshall.
2. The family day home serving six through twelve children shall provide the Town of Christiansburg with a copy of an approved License from the Department of Social Services.
3. The family day home serving six through twelve children shall obtain a Town Business License.
4. A minimum four-foot chain link or board fence shall be constructed and maintained to enclose the yard/play area.
5. All children are to be contained within the fenced area or inside.
6. Permit shall be subject to background checks on residents and employees annually.
7. This permit becomes effective after Town inspectors confirm that these conditions are met.

In addition to considering the above conditions, the Planning Commission may also want to consider whether stipulating the completion of the basement remodel as a condition of approval would be appropriate.

Public Comment

The Planning Department has received no public comment to date regarding the proposed request.

Public Hearing Dates

The Planning Commission Public Hearing is scheduled for Monday, March 29, 2021. The Town Council Public Hearing is scheduled for Tuesday, April 27, 2021.

List of attachments included with staff report:

1. Conditional use permit application
2. Aerial map
3. Zoning map
4. Future Land Use map
5. Adjoining properties table



THE PLACE TO BE.
CHRISTIANSBURG VA
DEPARTMENT OF PLANNING

CUP Form 7/30/2019

100 East Main Street
Christiansburg, VA 24073
p: (540) 382 6120
f: (540) 381 7238

Conditional Use Permit Application

Landowner: Helen Sedigh/Mohammad Reza ^{Ostadhossein Khayyat} Applicant: Sareh Ostadhossein Khayyat

Address: 1265 Flint Drive, Address: 1265 Flint Drive,
Christiansburg, VA, 24073 Christiansburg, VA, 24073

Phone: 540-818-2305 Phone: 540-739-0218

I am requesting a Conditional Use Permit to allow in home day care from
one to twelve children.

on my property that is zoning classification R-1 under Chapter 42: Zoning of the
Christiansburg Town Code.

My property is located at 1265 Flint Dr.

Tax Parcel(s): 024951 529-21-9

Fee: \$750

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge. I understand that Conditions may be placed on my property in regards to the above mentioned use/activity. I also understand that the Conditional Use Permit may be revoked and/or additional Conditional Use Permits required should questions regarding conformity arise.

Signature of Landowner(s): [Signature] Date: 2/1/2021

[Signature] Date: 3/1/2021

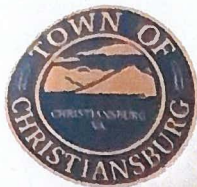
Date: _____

This request was approved / disapproved by a vote of the Christiansburg Town Council on
_____. Any Conditions attached shall be considered requirements of the above request.

Town Manager

Date

*Please complete attached sheet



THE PLACE TO BE
CHRISTIANSBURG VA
DEPARTMENT OF PLANNING

CUP Form 07/30/2019

100 East Main Street
Christiansburg, VA 24073
p: (540) 382-6120
f: (540) 381-7238

Please complete the following section:

Per Section 42-8(e) and 42-8(f) of the Christiansburg Town Code:

Conditional use permit application submissions shall include a traffic impact statement whenever a proposed conditional use permit substantially affects transportation on town streets through traffic generation of either:

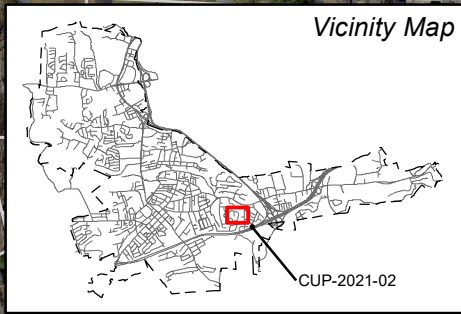
- (1) 100 vehicles trips per peak hour by residential development;*
- (2) 250 vehicles trips per peak hour by non-residential development; or*
- (3) 2,500 vehicle trips per day by non-residential development.*

The data and analysis contained in the traffic impact statement shall comply with Virginia Department of Transportation Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable town ordinances.

A traffic impact analysis ☐ is ☒ is not required for the proposed project:

1. ☐ Yes or ☐ No, the proposed residential development generates _____ vph which is greater than the requirement of 100 vehicles per hour, or
2. ☐ Yes or ☐ No, the proposed non-residential project generates _____ vph which is greater than the requirement of 250 vehicles per hour
3. ☐ Yes or ☐ No, the proposed non-residential project generates _____ vpd which is greater than the requirement of 2,500 vehicles per day.
4. ☐ Yes or ☐ No, a new TIS study is not required because a previously submitted TIS is still applicable for the project site. (Note: the appropriate documentation must be attached)

***Trip generation shall be measured based on the current edition of the Institute for Transportation Engineers (ITE) Trip Generation Manual**



Vicinity Map

CUP-2021-02

CUP Request for a
Family Day Home.

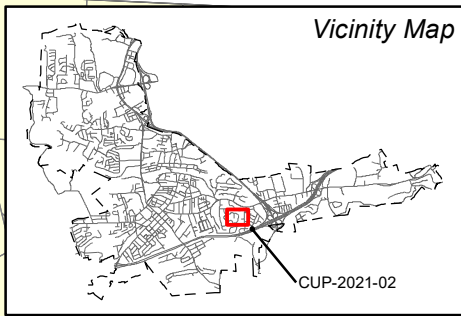
1265

CUP Request - 1265 Flint Dr SE

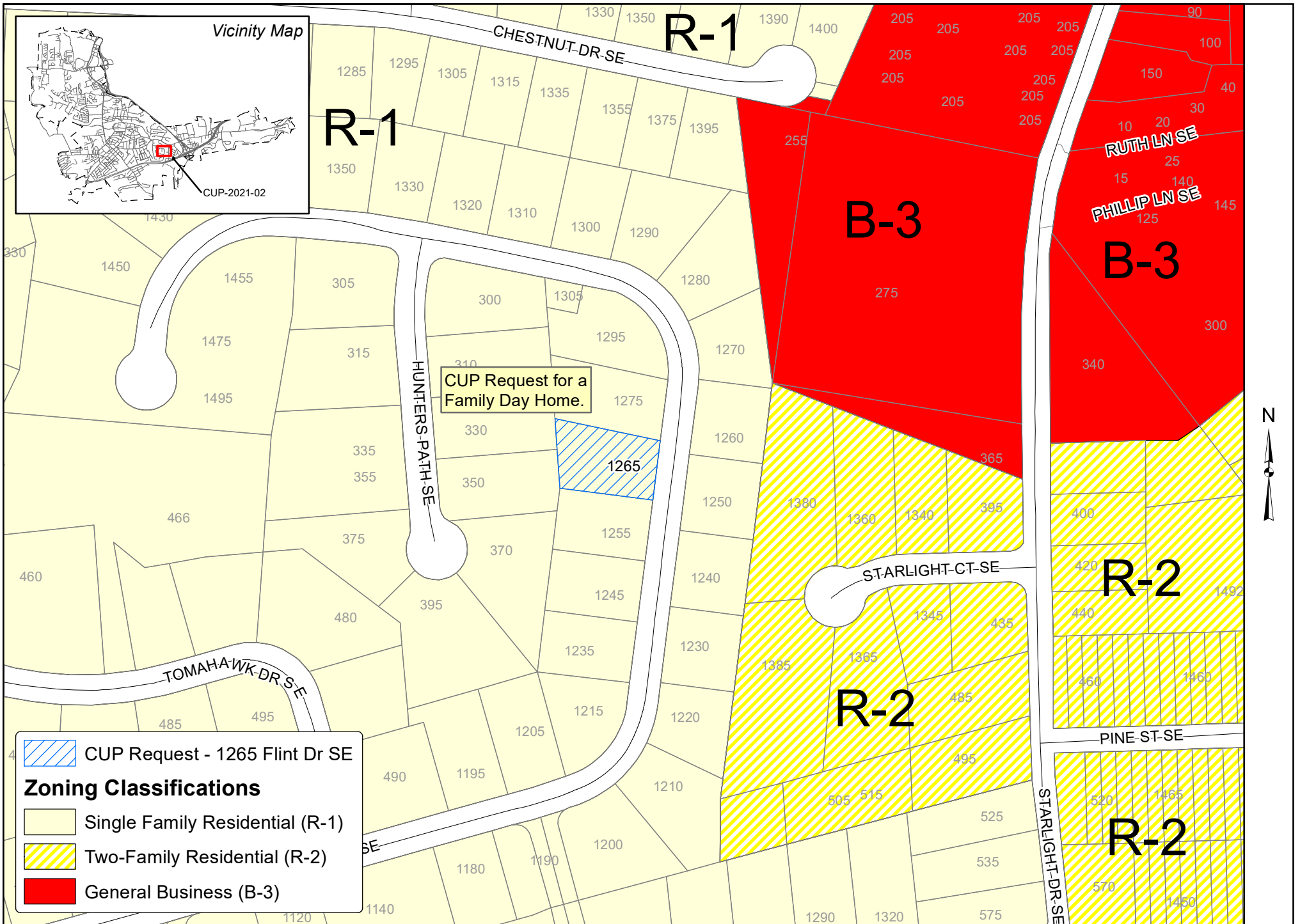
**CUP REQUEST: CUP-2021-02 - 1265 FLINT DR SE
ZONING**

0 100 200 400 600
Feet







Vicinity Map





CUP Request for a
Family Day Home.

 CUP Request - 1265 Flint Dr SE

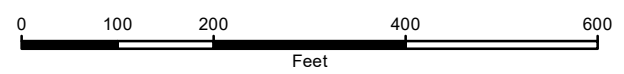
Zoning Classifications

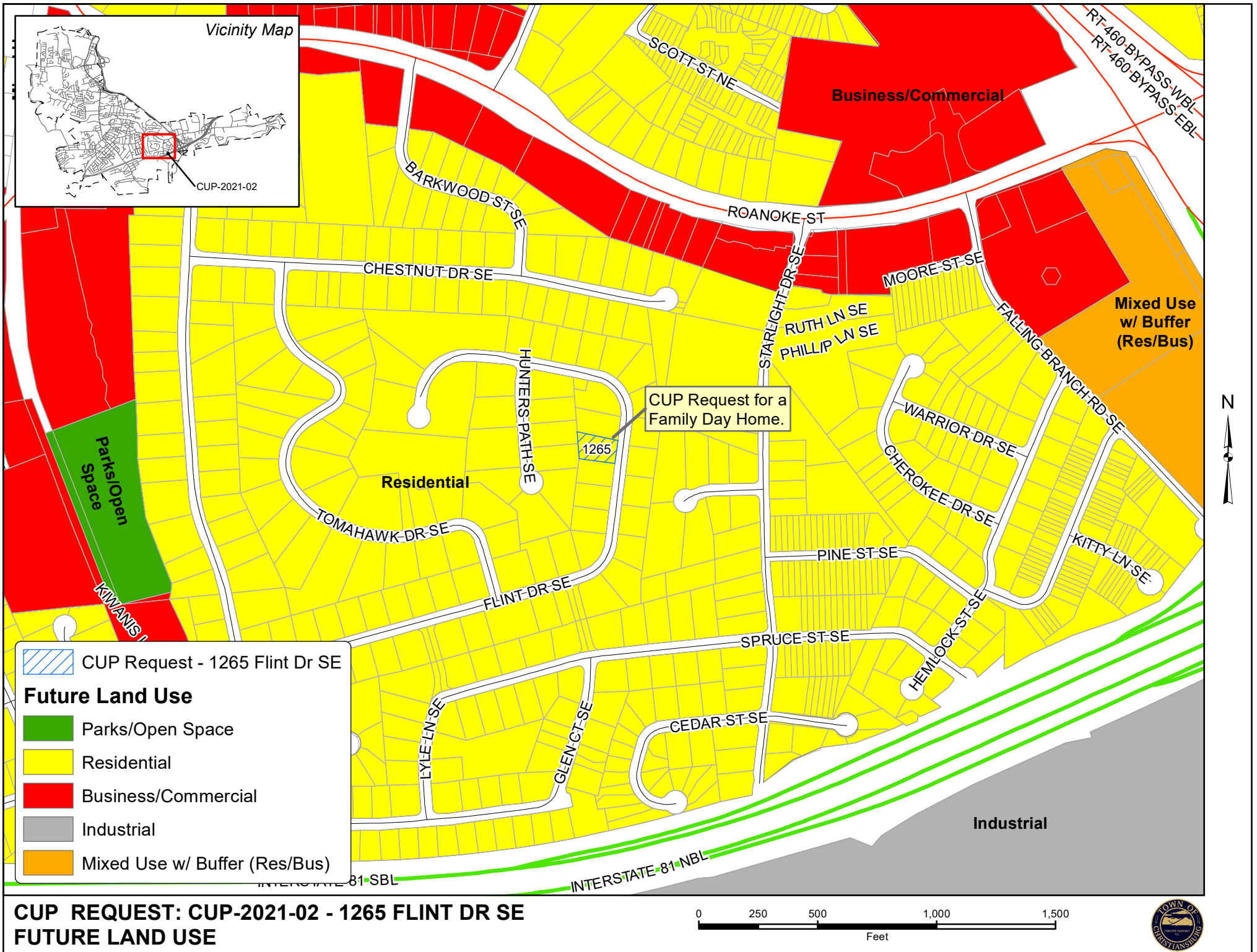
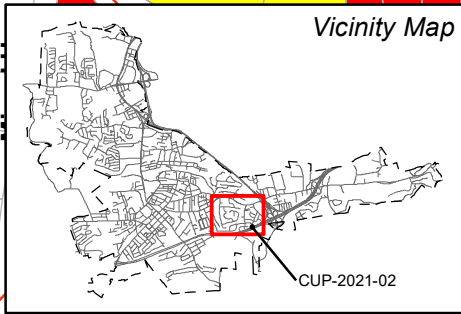
 Single Family Residential (R-1)

 Two-Family Residential (R-2)

 General Business (B-3)

CUP REQUEST: CUP-2021-02 - 1265 FLINT DR SE
ZONING





CUP REQUEST: CUP-2021-02 - 1265 FLINT DR SE
FUTURE LAND USE

| TAX_MAP_ID | OWNER1 | OWNER2 | MAIL_ADD1 | MAIL_ADD2 |
|------------|----------------------------------|---------------------|------------------|-------------------------|
| 529- 21 6 | HELMS CHARLES A | HELMS HEATHER N | 1250 FLINT DR | CHRISTIANSBURG VA 24073 |
| 528- 42 16 | JESSEE LOWELL L JR | JESSEE VALERIE A | 330 HUNTERS PATH | CHRISTIANSBURG VA 24073 |
| 529- 21 7 | MULLER WENDY B | | 1260 FLINT DR | CHRISTIANSBURG VA 24073 |
| 529- 21 9 | OSTADHOSSEINKHAYYAT MOHAMMADREZA | SEDIGH HELEN | 1265 FLINT DR | CHRISTIANSBURG VA 24073 |
| 529- 21 10 | RASH FRANCES I | | 1255 FLINT DR | CHRISTIANSBURG VA 24073 |
| 528- 42 15 | SEXTON ZACHARY MICHAEL | SEXTON MARIA VARNEY | 350 HUNTERS PATH | CHRISTIANSBURG VA 24073 |
| 529- 21 8 | STILWELL FRANCES JANE | | 1275 FLINT DR | CHRISTIANSBURG VA 24073 |