

# FORMER M&M TIRE PROPERTY

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## PROFFER AMENDMENT

Located in:

**Montgomery County, Virginia**

Project Number: 2196.2

Date: November 1, 2023



1260 Radford Street · Christiansburg, Virginia 24073  
540.381.6011 office · 540.381.2773 fax  
[www.foresightdesignservices.com](http://www.foresightdesignservices.com)

# Former M&M Tire Property

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# Former M&M Tire Property

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## PROFFER AMENDMENT APPLICATION



# Rezoning Application Form

## Rezoning, Conditional Zoning, Proffer Amendment Montgomery County, Virginia

755 Roanoke St. Suite 2A, Christiansburg, VA 24073  
540-394-2148 | [mcplan@montgomerycountyva.gov](mailto:mcplan@montgomerycountyva.gov)

**Application Request:** *(Please check one)*    Conditional Rezoning    Rezoning    Amend Proffers

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

Owner of Record (attach separate page for add'l owners): SHAH Development, LLC	Address: P.O. Box 1499, Christiansburg, VA 24068
Telephone: (540) 381-8429	Email: kconner@shahllc.com

Applicant Name:   Owner   Contract Purchaser/Lessee SHAH Development, LLC	Address: P.O. Box 1499, Christiansburg, VA 24068
Telephone: (540) 381-8429	Email: kconner@shahllc.com

Representative Name and Company: Foresight Design Services	Address: 1260 Radford Street, Christiansburg, VA 24073
Telephone: (540) 381-6011	Email: info@foresightdesignservices.com

**Property Description:**

Location or Address: <i>(Describe in relation to nearest intersection)</i> 3940 Prices Fork Road		
Parcel ID Number(s): 52-(A)-32A	Acreage: 1.500	Existing Zoning: CB
Comprehensive Plan Designation: Village Expansion	Existing Use: Auto Repair Shop	

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

Proposed Zoning (Include Acreage ): CB
Proposed Use: Limited uses within the CB District

*I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.*

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

\_\_\_\_\_  
Owner 1 Signature 11-1-23  
Date

\_\_\_\_\_  
Owner 2 Signature (for add'l owners please attach separate sheet) Date

\_\_\_\_\_  
Applicant Signature 11-1-23  
Date

\_\_\_\_\_  
Representative/Agent Signature Date

## Former M&M Tire Property

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### JUSTIFICATION

The M&M Tire property sits at the entrance to the Preserve at Walnut Springs Planned Housing Development on 1.50 acres and is an existing auto-repair business that has closed within the last year. The property was rezoned from A-1, Agricultural, to CB, Community Business with proffers in November 2019 (ORD-FY-19). It was the understanding of Shah Development that the owners of the property at that time would work with the owners of the M&M Tire business to sell the property to the business and the business would continue on site for the future. Due to unforeseen circumstances, the business has closed and Shah Development has acquired the parcel. While understanding that Community Business is the right zoning designation for this parcel, the proffer that the existing auto-repair business will be the only allowed use on the parcel is infeasible. Particularly with the location of the existing building, VDOT Access Management Guidelines, the Prices Fork Village Plan, and the Community Business zoning regulations.

Shah Development is proposing to maintain the Community Business designation but modify the proffer statement as illustrated further in this narrative.

The proposed change is simply to allow some additional flexibility for redevelopment of the parcel while still adhering to the regulations of the Community Business zoning district and the goals and objectives in the Prices Fork Village Plan.

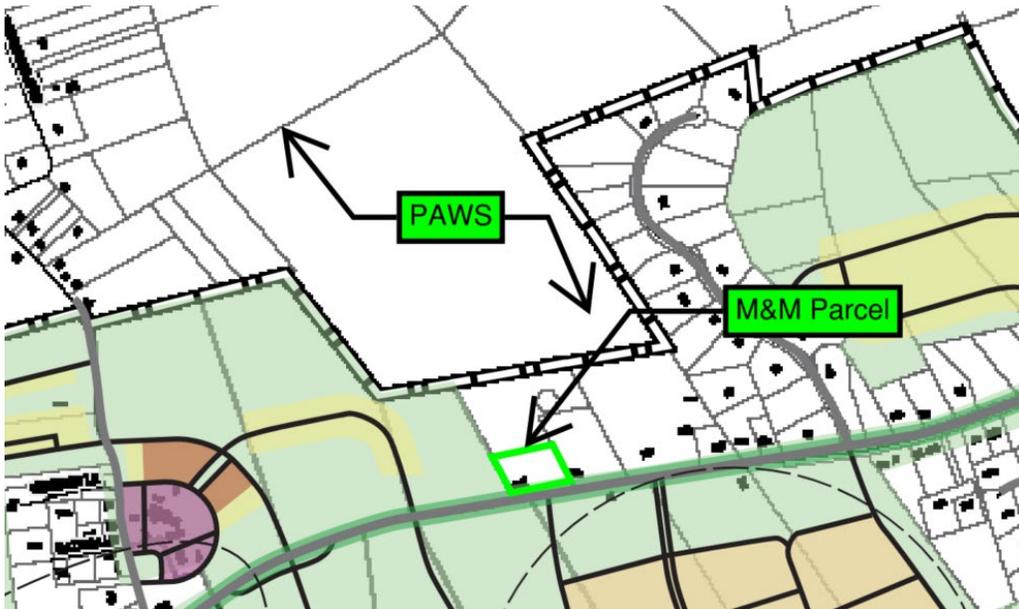
A revised proffer statement has been included in this application package.

## COMPREHENSIVE PLAN JUSTIFICATION

The Prices Fork Village Plan ([https://montva.com/docs/default-source/default-document-library/pricesforkvillageplan\\_pdf.pdf?sfvrsn=cf46cac1\\_0](https://montva.com/docs/default-source/default-document-library/pricesforkvillageplan_pdf.pdf?sfvrsn=cf46cac1_0)) was developed and officially adopted on November 16, 2005. The following document provides excerpts from the existing Prices Fork Village Plan and discussion of how the proposed proffer amendment is supported by the Village Plan.

- Introduction – Page 292 - ...the County’s focused growth approach, which will focus 80% of the County’s growth between now and 2025 into the villages,...
  - The expansion of the permitted uses for this parcel directly allows for the focus of growth into the villages.
- Village Survey and Visual Assessment – Page 292 - ...Other residents expressed the need for more businesses,....
  - The desire of residents for more businesses to serve the community would be served by expansion of the permitted uses on a small Community Business zoned parcel.
- Public Facilities – Page 295 - ...The areas of Prices Fork to the west of Prices Fork Elementary have public water, but do not have sewer. Because of this, additional development north of Prices Fork Road and the area adjacent to McCoy Road will be limited to a much lower density than in those areas served or potentially served by both...
  - The Preserve at Walnut Springs project designed and constructed a new public sanitary sewer system including a pump station. Gravity sewer was extended to the M&M Tire parcel. The above statement from the Village Plan did not anticipate the Preserve at Walnut Springs or the availability of Public Sewer to the parcel. This availability of public utilities should be considered when evaluating the development opportunities of the parcel.
- Planning Assumptions and Land Use Summary – Page 295 - ...Residential development will be concentrated mainly in the County’s designated growth areas, including the Urban Expansion Areas, the Residential Transition Areas, and the seven Villages and six Village Expansion Areas. Prices fork is one such Village;...
  - The focus of residential growth in the growth areas leads to the conclusion of the need for services in areas zoned Community Business. Limiting a parcel zoned Community Business to a single use is not conducive to serving the needs of a growing residential community.

- Prices Fork Village Plan Illustrative Plan Affirmed At Community Meetings – May 23, 2005 -



- The M&M Parcel is not considered in the Prices Fork Village Plan even though it is within the Village. The parcel is zoned Community Business.
- The Plan for the Village proposes Commercial Development in only the “New East Neighborhood” and all of what is shown is along Merrimac Road or to be constructed side streets off Merrimac.
- The construction of the Preserve at Walnut Springs just outside the Village but directly accessing Prices Fork Road as well the construction of Westhills being developed in the “New Central Neighborhood” is providing a substantial portion of the growth, and more, envisioned by the Prices Fork Village Plan. This residential growth should be accompanied by local Community Services.
- PFV 1.1.6 Proffers Are Expected to Mitigate Impacts. –
  - The proposed modification to the existing proffer statement contains proffers that will mitigate potential impacts.
- PFV 1.2.2 Streetscape Features. Streetscape improvements should include all-weather walking paths, street trees and parking behind buildings. The proposed modifications to the existing proffer statement contains a proffer addressing the addition/requirement for street trees along Prices Fork Road.
- PFV 1.3.3 Streetscape Features on Major Streets. Streetscape improvements in these areas should include curb and gutter, sidewalks, on-street parking with curb bump-outs, pedestrian crosswalks at intersections, parking behind buildings and in alleys, building heights of two stories above the front street level, small front building setbacks, traditional street lights and street furniture, pocket parks and public greens or squares defined by adjacent building facades.
  - The proposed modifications to the existing proffer statement contains a proffer limiting the height of structures to no more than 2 stories.

- PFV 1.3.6 New Local Commercial Uses. New commercial uses in the Prices Fork area should be aimed primarily at providing goods and services to local residents.
  - Every effort will be made to market the parcel to local businesses and uses that serve the Prices Fork Community. The expansion of allowable uses will make this substantially more feasible which is directly related to the Purpose listed in the Montgomery County Zoning Ordinance for the Community Business Use (Sec 10-29.1).
- PFV 1.5.1 Preserve Views. Except in the Historic Core, as development occurs along the corridor, site new buildings away from the existing roadway so that they are at a low enough elevation to preserve the views of the surrounding farms, forests and mountains.
  - This goal within the Prices Fork Village Plan is slightly at odds with other areas that call for structures to have minimum setbacks. Below are several street views along the M&M Tire property frontage.
  - M&M Tire Building on the left, Preserve at Walnut Springs Model Home on the right. Mountain view could be created/expanded by removing trees on site within the 40' side setback between the Preserve at Walnut Springs Model Home and the setback line; however, a Type 3 buffer will be required between the M&M Tire parcel and the Preserve at Walnut Springs model homes lots.



- Mountain views to the left will be preserved via the Community Business 40' building side setback. Views of the mountains are already blocked via the existing M&M Tire Building and existing trees on site.



- PFV 1.5.2 Avoid Reverse-Frontage Development. New development adjacent to Prices Fork Road should front a new parallel street so that the fronts of new buildings (rather than the rear) face toward Prices Fork Road.
  - The proposed modifications to the existing proffer statement contains a proffer requiring the proposed front of the main structure on the M&M Tire parcel to face Prices Fork Road.

- PFV 1.5.3 Manage Access. Develop and implement an access management plan along Prices Fork Road to limit the number of access points on the road, consistent with the land use and design policies for this corridor.
  - The proposed development will either utilize the existing entrance (approved by VDOT with the development of the Preserve at Walnut Springs subdivision) or shift the entrance to the east to the greatest extent possible. VDOT approval shall be required for any development on the site.
  - Existing Entrance



- PFV 4.1.6 Signage. Signage should be small scale, traditional and in keeping with the rural nature of the village.
  - The proposed development of the M&M Tire parcel will be accompanied by a monument sign.
- PFV 10.6 Manage Access. Limit new access points on the major through-roads designated in this Plan.
  - The proposed development will either utilize the existing entrance (approved by VDOT with the development of the Preserve at Walnut Springs subdivision) or shift the entrance to the east to the greatest extent possible. VDOT approval shall be required for any development on the site.

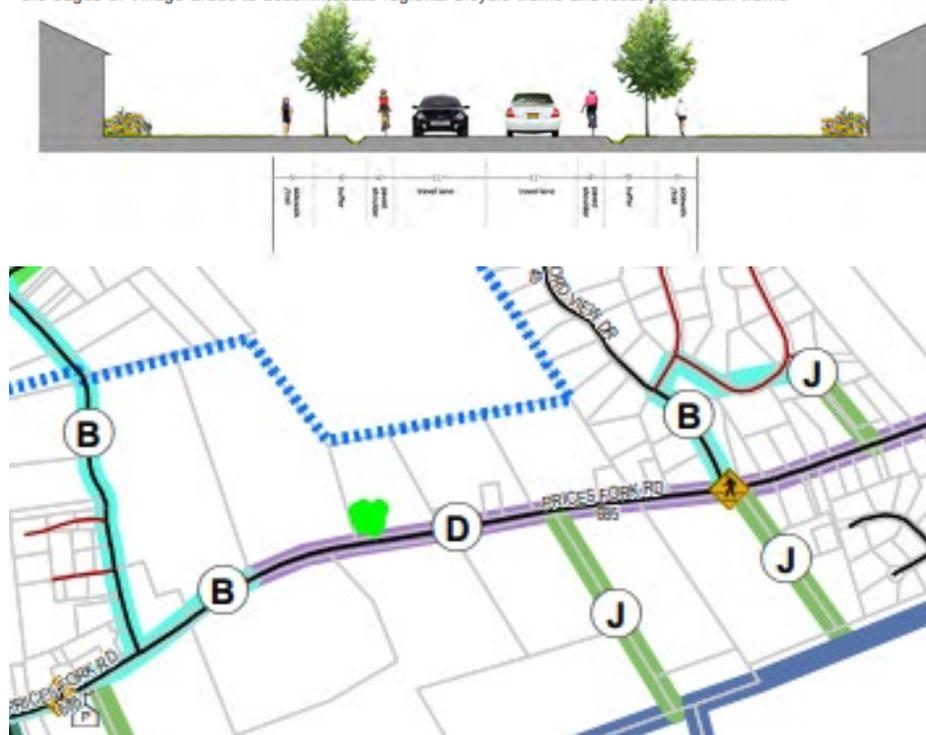
Additional Points:

- The Prices Fork Village Plan's description of the development patterns, topography, historical road development, and other factors encourages development close to the 'ridge'. Business development is efficient when it is close to transportation, utilities, and customers.
- The Prices Fork Village Plan's Future Land Use Map contemplates Low Density Residential Use for the M&M Tire Parcel. The M&M Tire Auto Repair business was a community staple for many years. The continuation of business use for this parcel should have been contemplated at the time of the development of the Prices Fork Village Plan.
- The Proposed development will incorporate a buffered sidewalk at the time of development of the site as described in the Village Transportation Links (VITL) Plan.

## D. Wide Village Right of Way w/ Paved Shoulder + Buffered Sidewalk

**INTENT:** Intended for existing rural section highways in Village areas and between Villages to add a paved shoulder for bikes and a buffered sidewalk for pedestrians (in the event that they are to be rebuilt or widened)

**TYPICAL APPLICATION:** Typically used on major highways such as Rts 460, and 11, within and at the edges of Village areas to accommodate regional bicycle traffic and local pedestrian traffic



# Former M&M Tire Property

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## AMENDED VOLUNTARY PROFFERS

# Epperly/Simpson Property PROFFER STATEMENT

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December 14, 2018

Revised: November 30, 2023

Proffer Statement for the *Rezoning Application for Tax Parcel 052-A 32A* (the "Property") from A-1 to CB in the Montgomery County Zoning Ordinance.

Pursuant to Section 10-54(i) of the Montgomery County Zoning Ordinance, the Owner hereby voluntarily proffers that the property which is the subject of this Rezoning Application will be developed in accordance with the following conditions, if and only if, approval is granted, and the property is rezoned as requested. The Applicant, the Owners, their Successors and Assigns, voluntarily proffer the following conditions for the property as follows:

1. Restricted Uses:

The aforementioned property shall be zoned for Community Business (CB) and shall be limited to the following by right uses:

- Automotive, light truck, sales, service, rental, and repair, without motor fuel sales, ~~less than two thousand (2,000) square feet.~~
- Bed and Breakfast Inn
- Cabinet shop, furniture, upholstery, craft industry of less than one thousand two hundred (1,200) square feet
- Church
- Civic Club
- Community Center
- Conference or training center
- Day care facility
- Farm machinery sales and service
- Financial Services
- Fire, police, rescue facility
- Garden Center
- General, convenience store less than three thousand (3,000) square feet, without motor fuel sales
- Library
- Medical care facility
- Office, administrative, business or professional less than three thousand (3,000) square feet
- Park, unlighted
- Pet, household
- Post office
- Printing service
- Public use, public facility
- Public utility lines, other
- Public utility lines, water and/or sewer

- Restaurant
- Retail sales and services less than three thousand (3,000) square feet
- Roadside stand
- School
- School of special instruction
- Telecommunication tower, attached.

Additional uses may be permitted by Special Use permit in accordance with the Montgomery County Zoning Ordinance in effect at the time of development.

2. Any proposed development of the M&M Tire parcel shall provide street trees along Prices Fork Road at a rate of 1 tree per 50' of road frontage.
3. Any structure constructed on the M&M Tire parcel shall be a maximum of 2 stories high.
4. The main structure constructed on the M&M Tire parcel shall front on Prices Fork Road and the main entrance shall face Prices Fork Road.
5. Proposed lighting on the M&M Tire parcel shall have full-cut off downcast luminaires and the overall lighting design shall be 'dark-sky' friendly.
6. Any freestanding sign on the M&M Tire parcel shall be a monument style sign.

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.

SHAH Development, LLC

By: \_\_\_\_\_

Name: David Hagan

its: \_\_\_\_\_

**Commonwealth of Virginia**

**County of Montgomery**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ of Montgomery County, Virginia.

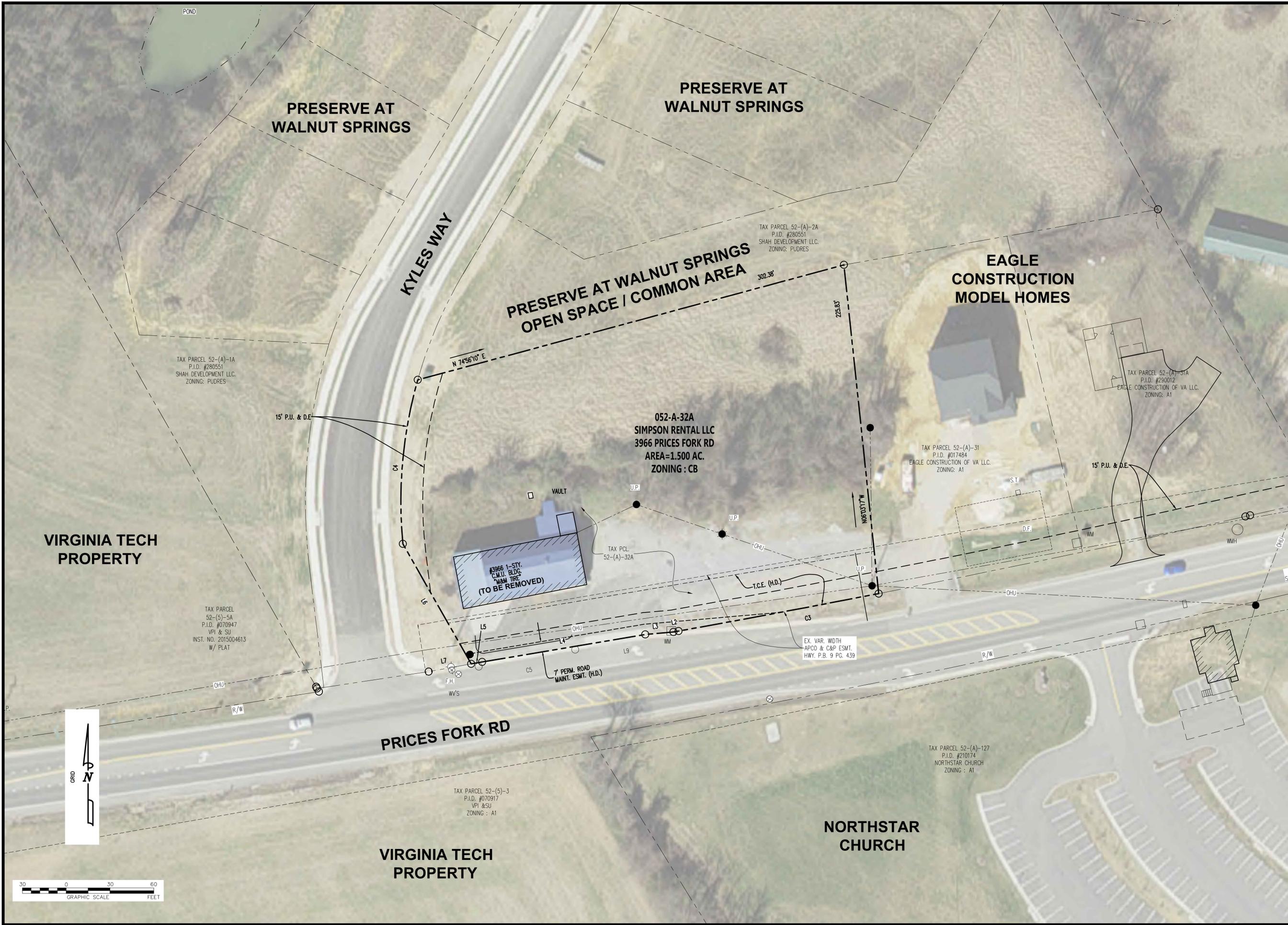
\_\_\_\_\_  
 NOTARY PUBLIC  
 My Commission Expires: \_\_\_\_\_.

# Former M&M Tire Property

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## CONCEPT PLANS

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**FORESIGHT DESIGN SERVICES**  
 ENGINEERING • LAND PLANNING • SURVEYING  
 1260 Radford Street  
 Christiansburg, Virginia 24073  
 Phone: (540) 381-6011  
 Fax: (540) 381-2773  
 Email: info@foresightdesignservices.com  
 Web: www.foresightdesignservices.com

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**FORMER M&M TIRE PROPERTY**  
 MONTGOMERY COUNTY, VIRGINIA

REVISIONS

NO.	COMMENTS	DATE

PROJECT TEAM

ROLE	NAME
PIC	JOHN T. NEEL, PE
PM	JOHN T. NEEL, PE
DESIGN	JOHN T. NEEL, PE

ISSUE DATE

11/30/2023

FDS JOB NO.

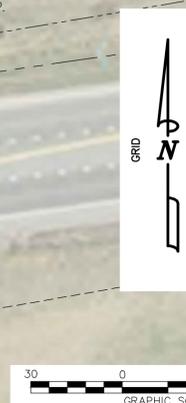
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SHEET TITLE

EXISTING PARCEL EXHIBIT

SHEET NUMBER

1 OF 1



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**FORMER M&M TIRE PROPERTY**

MONTGOMERY COUNTY, VIRGINIA



REVISIONS		
NO.	COMMENTS	DATE

PROJECT TEAM	
PIC	JOHN T. NEEL, PE
PM	JOHN T. NEEL, PE
DESIGN	JOHN T. NEEL, PE

ISSUE DATE	11/30/2023
FDS JOB NO.	2196.2
SHEET TITLE	DEVELOPMENT CONCEPT
SHEET NUMBER	1 OF 1

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**FORMER M&M TIRE PROPERTY**  
 MONTGOMERY COUNTY, VIRGINIA

REVISIONS		
NO.	COMMENTS	DATE

PROJECT TEAM	
PIC	JOHN T. NEEL, PE
PM	JOHN T. NEEL, PE
DESIGN	JOHN T. NEEL, PE

ISSUE DATE	11/30/2023
FDS JOB NO.	2196.2
SHEET TITLE	ZONING MAP
SHEET NUMBER	1 OF 1