



**AGENDA**  
**Wytheville Planning Commission**  
**Thursday, January 12, 2017**  
**6:00 p.m.**  
**Council Chambers**  
**150 East Monroe Street**  
**Wytheville, Virginia 24382**

- A. CALL TO ORDER — Chairman Charles E. Shockley**
- B. ESTABLISHMENT OF QUORUM — Chairman Charles E. Shockley**
- C. CONSENT AGENDA**
  - 1. Minutes of the regular meeting of November 10, 2016
- D. ELECTION OF OFFICERS**
  - 1. Chairperson
  - 2. Vice-Chairperson
- E. CITIZENS' PERIOD**
- F. OTHER BUSINESS**
  - 1. Continued review of the Entrance Corridor Overlay District regulations
  - 2. Review of draft amendments to the Zoning Ordinance regarding the definitions of Medical Offices, Clinics and Outpatient Substance Abuse Treatment Centers and where these facilities should be allowed as permitted uses
  - 3. Review of the Economic Goal and Objectives of the Comprehensive Plan
- G. ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE WYTHEVILLE PLANNING COMMISSION  
HELD IN THE COUNCIL CHAMBERS ON THURSDAY, NOVEMBER 10, 2016, AT 6:00 P.M.**

Members present: Charles E. Shockley, Kevin L. Varney, John W. Jones, Jr., Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate

Members absent: Joseph E. Hand, Jr.

Others present: Assistant Town Manager Stephen A. Moore, Town Clerk Sharon G. Corvin

**RE: CALL TO ORDER, QUORUM**

Chairman Shockley called the meeting to order and established that a quorum was present.

**RE: CONSENT AGENDA**

Chairman Shockley presented the consent agenda consisting of the minutes of the regular meeting of October 13, 2016. He inquired of the Commission if there were any additions or corrections to the minutes or if there was a motion to approve the minutes, as presented. A motion was made by Dr. Suarez and seconded by Mr. Jones to approve the consent agenda consisting of the minutes of the regular meeting of October 13, 2016, as presented. Chairman Shockley inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: For: Charles E. Shockley, Kevin L. Varney, John W. Jones, Jr., Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate. Against: None.

Chairman Shockley stated that he assumed everybody noticed that there were 13 pages of minutes. He commented that he wanted to remind everyone that if the Commission members do not have something to state that is really worthwhile, please be careful what they are stating because Town staff has to type the minutes once they are recorded.

**RE: CITIZENS' PERIOD**

Chairman Shockley advised the next agenda item is Citizens' Period. He stated there are no citizens present to address the Planning Commission, therefore, he would proceed with the agenda.

**RE: ENTRANCE CORRIDOR REGULATIONS**

Chairman Shockley advised the next agenda item is the further review of the Entrance Corridor Overlay District regulations. He stated that Assistant Town Manager Moore will continue to briefly review the regulations and possible revisions with the Commission. Assistant Town Manager Moore expressed that in honor of Chairman Shockley's request, he will make his comments as brief as possible. He stated that the last time staff introduced the entrance corridor regulations, the Planning Commission did not review the PowerPoint presentation that Town staff had created a number of years ago. Assistant Town Manager Moore explained that the Commission had a fairly large agenda at the last meeting. He noted that the agenda is still large, but he thinks it is worthwhile to review the PowerPoint presentation because there are some pictures that were shown to a number of members of the Commission, but he thinks the majority of the Commission members have not seen the pictures. He commented that Town

staff wanted those members to see the presentation. Assistant Town Manager Moore explained that this presentation encapsulates what the present ordinance describes. He noted that, basically, it encapsulates a 200 foot viewshed along the corridor. Assistant Town Manager Moore remarked that in other words, 200 feet on either side of that corridor is what a person might be able to see. He stated that it requires a 20 foot buffer from the back of the curb to the edge of the pavement, which has been discussed in previous meetings. Assistant Town Manager Moore explained that the regulations require screens in utilitarian areas, such as dumpster pads, HVAC equipment, transformers, etc. He noted that at the time, signs were limited to 25 feet long and six feet high. Assistant Town Manager Moore commented that the Commission has had numerous discussions about the sign height since then. He expressed that the regulations require that new developments have underground utilities. Assistant Town Manager Moore remarked that when a person is constructing a building, the Town wants underground power to the building. He explained if a building has sign posts, the Town wants underground utilities to those and to the site lighting. Assistant Town Manager Moore commented that the site lighting must be decorative, and no wooden poles with cobra heads would be allowed. He noted that, in other words, the regulations require the standard electric street pole with a metal cobra head on it. Assistant Town Manager Moore commented that the one thing that staff tried to be very clear about when the ordinance was discussed was that it is not retroactive. He noted that these regulations are only applicable if a person is going to build new development along this corridor, and then they will be subject to these new regulations. Assistant Town Manager Moore stated that if a person has an existing sign, building, parking lot, site lighting, etc., it remains just as it is until the person decides to change it. He noted that the Commission went through the purpose, which is to enhance the Town's entrance, sustain some of the benefits accruing from tourism and downtown development, and, hopefully, it will help increase property values and stimulate development in the future. Assistant Town Manager Moore depicted on the PowerPoint presentation, one of the communities that has done this, and he noted that staff got the pictures from the Department of Housing and Community Development. He explained to the Commission that they can see on the PowerPoint that this is at the Route 60 entrance into Lexington, Virginia, with which everyone should be familiar. Assistant Town Manager Moore continued to review the PowerPoint presentation with the Commission members. He noted that there were a lot of high pole signs with a number of businesses that were competing for the business at that entrance, which looked a lot like the Town of Wytheville's East Main Street corridor. Assistant Town Manager Moore expressed that through some means, Lexington was able to consolidate those signs and provide that greenspace. He noted that the Commission members can see on the PowerPoint what a difference that makes in an entrance to a community. Assistant Town Manager Moore commented that this is, basically, what the Town was trying to do in this ordinance. He remarked that he is not sure that it was achieved, but this is what the Town was striving for. Assistant Town Manager Moore stated this is one of the reasons he wanted to show the Planning Commission members this PowerPoint presentation. Dr. Suarez inquired of Assistant Town Manager Moore if the signs in the presentation are six feet tall. Assistant Town Manager Moore advised that the signs in the presentation are well over six feet tall. He remarked that this is a point well taken. He noted that he has stated all along that he thinks the sign height needs some revision. Assistant Town Manager Moore commented that the signs in the presentation are probably 15 to 20 feet tall, but they are all very similar and, obviously, regulated by some provision that requires a monument type base and a sign above. He explained that if the Commission members will note, and he will discuss this in a minute, but, Charlottesville does have a similar provision. Assistant Town Manager Moore stated that he discussed this with the Planning Director who has been there seven months, but the Planning Director stated that he did not know how this provision was done. He explained that the Lexington Planning Director could not transfer him to anyone who was at the organization when these regulations were

enacted. Assistant Town Manager Moore remarked that he is guessing that this was probably a transportation enhancement project where they spent several million dollars going through and meeting with the people, consolidating and building their signs and landscaping their greenspace in front of that. He explained that he is still working on trying to get information on this because he thinks this provision is exemplary of what the Planning Commission would like to do. Assistant Town Manager Moore commented that this is really all he wanted to talk about at this meeting relative to the regulations. He noted that if the Commission members had any questions, he would certainly be glad to answer them. Assistant Town Manager Moore remarked that he would also like to note that Town staff has not had a lot of time to do research on this, but staff did research Charlottesville. He explained that there is a pack of literature he handed out regarding Charlottesville, and before the next Commission meeting, he would like for the Commission members to consider what kind of regulations other communities provide. Assistant Town Manager Moore commented that Charlottesville has an ordinance, a very distinct set of guidelines and a pamphlet on just about every aspect of their corridor guidelines. He stated that they try to educate the board who reviews these guidelines with these pamphlets. He explained that in the first pamphlet, it is composed of two things. Assistant Town Manager Moore remarked that it is composed of the introduction to their guidelines, and attached to it are also their requirements. He noted that their requirements are more ordinance related, and they go through a number of things that they require along the corridor. Assistant Town Manager Moore explained that on page seven, in the first set of guidelines with the blue headings, it states the enabling legislation. He commented that he thinks that is rather critical because communities are permitted to use this regulation as long as they have a historic district in the center of their community that these lead to, and it promotes tourism and development in that district. Assistant Town Manager Moore remarked that this is one of the key things that the Planning Commission needs to keep in mind, which is that the Town can do anything other communities are doing or have the ability to do, if the Council would like to do that. He explained that, secondly, on page 14 of the regulations, the Commission will see information about their regulations about signs. Assistant Town Manager Moore stated that Charlottesville has a fairly significant set of rules for signs. He noted that those rules are governed by these guidelines and their Board of Architectural Review, therefore, it is several layers of bureaucracy. Assistant Town Manager Moore continued to explain what Charlottesville generally requires. He noted that in the regulations, they talk about monument signs, such as those seen in the photograph he handed out to the Commission members, which is what the Commission prefers. Assistant Town Manager Moore commented that he is not sure how Charlottesville enforces this through their review, but they recommend this. He stated, also, Charlottesville tends to limit the number of colors in a sign, however, they do not state how many, but the regulations state a minimum number of colors. Assistant Town Manager Moore remarked that he thinks the Planning Commission has established that this is probably secondary to their goal, and it is probably not that critical to this Commission, but he did want to point this out. He explained that the second set of guidelines are streetscape guidelines. Assistant Town Manager Moore noted that those guidelines addressed signs in the streetscape on page 11. He commented that the guidelines address signs and streetscapes. Assistant Town Manager Moore stated that an example of some of the type of signs is directional and wayfinding. He noted that as the Commission is aware, the Town is in the process of undertaking wayfinding, and this process is about to start next week, therefore, the Town is ultimately going to begin to have signs like this guiding people at the interstates and getting them into the town and around town. Assistant Town Manager Moore explained that in the fourth pamphlet, what the Planning Commission has before them is in regard to buildings. He noted that he included this as an example because the Commission has held a number of discussions about building materials. Assistant Town Manager Moore commented that on page 11 of the pamphlet, the Commission will see that Charlottesville goes through a general description of the types of materials that they would like to see on their

buildings. He expressed that, again, he thinks this is for the consumption of the Board of Architectural Review or the Entrance Corridor Review Board, but he thinks that it shows the Commission that when they really get as serious about this as Charlottesville has, there is a lot of work to do to begin to educate and direct people how the Commission wants to develop the entrance corridors. Assistant Town Manager Moore remarked that he is not going to state anything else about this, unless the Commission has any questions. He inquired if the Commission members would look at the guidelines from Charlottesville, and if they have a computer available to them, to please go online and download these types of things from Charlottesville's website. Assistant Town Manager Moore explained that he did not do them all because these are multiple pages long and are all in color, which are very expensive to reproduce. Chairman Shockley inquired of the Commission members if anyone had any questions for Assistant Town Manager Moore. There being none, he proceeded with the agenda.

### **RE: SUBOXONE TREATMENT CLINICS**

Chairman Shockley advised that the next agenda item is the further discussion of where suboxone treatment clinics could be allowed as a permitted use. He noted that since that time, one of the clinics has closed. Chairman Shockley inquired of Town staff if that is correct. Assistant Town Manager Moore stated that it is his understanding that the "pain clinic," which was located on Peppers Ferry Road in the old State Farm Insurance building, has been closed down by the FDA or the Federal Drug Enforcement Agency. He explained that, apparently, the clinic had a number of patients who died from overdoses, and there was some irregularity in the way they were prescribing the medicines. Assistant Town Manager Moore commented that, for now, the clinic is closed. He stated there is a suboxone clinic operating in the old Scrooge's building, but they are more regulated in terms of the way they operate. Assistant Town Manager Moore commented that this clinic not only has the suboxone treatment, but, also, counseling and other services available to the people who go there. He remarked that with this being said, Town staff tried to condense what they thought might be a good way to approach this, and that is to have three definitions added to the definitions section of the Zoning Ordinance, which will include Medical Offices, Clinics and Outpatient Substance Abuse Treatment Centers. Assistant Town Manager Moore stated this would segregate these uses so that the Commission could place them in particular zones and not have the provision where anybody who states they are an office of any type can go in a business zone. He noted that the existing "pain clinic" was in a B-1 Business Zone, and it was really not a well suited match where it existed on Peppers Ferry Road. Assistant Town Manager Moore explained that Town staff has suggested that the Planning Commission put the Medical Office definition in there as "offices operated by doctors, dentists, psychologists and other similar practices licensed by the Commonwealth of Virginia, and not dominant emergency care." He noted that this keeps the ambulances, high traffic, noisy entrances and exits out of the business zones. Assistant Town Manager Moore remarked that Town staff would suggest that this be permitted only in B-1 Business and B-2 Business Zoning Districts, and that clinics which include emergency treatment where there are ambulances and a lot of unscheduled appointments be limited to B-2 Business and Medical Arts Zoning Districts. He expressed that, also, Outpatient Substance Abuse Treatment Centers, which would include the suboxone clinics, methadone clinics and/or "pain clinics," should be limited to B-2 Business and Medical Arts Zoning Districts. Assistant Town Manager Moore remarked that he thinks that segregates them enough that the Town will be able to control them better and make a better situation for everyone. He expressed that this was his summary, but if the Commission members had any comments, he would certainly be happy to discuss those with them. Dr. Suarez inquired of Assistant Town Manager Moore as to what would be required of the Planning Commission to get this into place. Assistant Town Manager Moore explained that it would need

to be inserted into the Zoning Ordinance, provided to the Commission for their review and then a public hearing held. Chairman Shockley inquired of Assistant Town Manager Moore what zone the old Scrooge's building is located in. Assistant Town Manager Moore advised that the building is located in a B-2 Business Zoning District. Mr. Tate inquired of Assistant Town Manager Moore what zoning districts are currently listed for dentists or eye doctors. Assistant Town Manager Moore explained that these offices can go in any B-1 Business or B-2 Business Zoning District. He noted that these types of offices are scattered throughout town. Assistant Town Manager Moore commented that it is convenient for people, and it is usually not a problem because people have scheduled appointments and are only there from 8:00 a.m. to 5:30 p.m. or 6:00 p.m. He noted that those offices are kept neat and clean. Assistant Town Manager Moore expressed that the one exception the Town has is Forest Family Care, which is operating under a special exception permit in an R-1 Residential Zoning District. He inquired of the Planning Commission if they would like to have Town staff present the suboxone treatment clinics in ordinance form at the next Planning Commission meeting. Dr. Suarez and Mr. Jones advised that they would like for Town staff to present this in ordinance form at the next meeting. Chairman Shockley inquired if everyone was in agreement for Town staff to present the suboxone treatment clinics in ordinance form at the next Planning Commission meeting. It was the consensus of the Planning Commission for Town staff to present the suboxone treatment clinics in ordinance form at the next Planning Commission meeting. Chairman Shockley inquired if there was any further discussion in regard to the suboxone clinics. There being none, he proceeded with the agenda.

#### **RE: MOBILE VETERINARY CLINICS**

Chairman Shockley advised the next agenda item is the discussion regarding if the use of "mobile veterinary clinics" should be a permitted use in the B-1 Business, B-2 Business and B-2 DT General Business District – Downtown Zoning Districts. He noted that Assistant Town Manager Moore has presented each of the Commission members with a copy of a letter, which is part of the ongoing discussion. Assistant Town Manager Moore explained that he did this for a reason. He explained that this was one of the first times any decision of the Planning Commission or the Council has been challenged. Assistant Town Manager Moore noted that it looks like the Town may be challenged legally, at some point. He stated that he wanted to remind everyone, including the Council, that when the Town has people requesting either a special exception permit or a rezoning that there are a number of things that the Planning Commission probably needs to keep in mind. He expressed that one is that people are requesting something that the Town has not permitted before, therefore, they are merely making a request. Assistant Town Manager Moore noted that the Planning Commission should respond to a person's request cordially and be receptive to the request but have good questions about what they propose to do and whether or not what they are proposing to do is a good planning practice. He remarked that the questions could be if the request is going to be based on good zoning practices, if the request is going to be creating a lot of noise, odor, fumes or traffic that could be detrimental to the area in which they are making the request to locate something, is it appropriate and compatible, will it be screened, is it going to be in compliance with what is presently required, etc. Assistant Town Manager Moore explained that those are the kinds of questions that the Planning Commission should be sure to ask and not be worried about if the request is competitive with the present businesses in town, which was one of the things that the letter tends to address. He noted that it was not necessarily what was intended, but it is what was taken from the printed minutes from the meeting. Assistant Town Manager Moore commented that he is only stating to remember those things and to remember that good planning is what the Commission is after. He remarked that if the Planning Commission makes a decision and then makes a recommendation to the Council based on good planning practices,

the Commission might want to state in their recommendation the reasons why they feel it is a good or bad decision based on good planning or zoning. Assistant Town Manager Moore expressed that he thinks it will help in the future and reduce any potential for legal problems in the future. He explained that the Commission can see his response to Mr. Kerr and what he basically stated to him, which he thinks was everybody's intent, was that the Town does not want to create an unfair competitive advantage to someone for one single business. Assistant Town Manager Moore noted that everybody else is restricted to M-1 and M-2 Industrial Zoning Districts, but if someone else can go over to a B-2 Business Zoning District and provide the same services, it is an unfair advantage. He commented that, apparently, this adequately responded to Mr. Kerr's concern, and, also, hopefully, eliminated any legal challenge in the future. He advised that the Council stated, and Town staff thought, that maybe the Planning Commission needs to review to allow veterinary services in any other zoning districts other than in M-1 and M-2 Industrial Zoning Districts, where they are presently provided, and especially review "mobile veterinary practices." Assistant Town Manager Moore expressed that he is not sure if this is a good thing or not because they seem to be acceptable, and Wytheville seems to have most of the veterinary clinics presently in the M-1 and M-2 Industrial Zoning Districts. He commented that everybody seems to be getting adequate veterinary care. Assistant Town Manager Moore noted that he does not know if opening the mobile units to business zoning districts will improve the accessibility of veterinary care, but it is possible. He commented that his question would be does the Commission want to have full veterinary services, which include kennels and kenneling. Assistant Town Manager Moore expressed that his suggestion would be that if a veterinary mobile clinic wants to locate in a B-1 Business or B-2 Business Zoning District, then it should not be permitted, and be strictly a veterinary office where the normal veterinary services are performed, but not kenneling or similar services where animals are housed overnight. He noted that those are only his thoughts. Assistant Town Manager Moore expressed that those are only his suggestions, and the Planning Commission members may have some suggestions. Chairman Shockley noted that Wytheville already has one mobile veterinary clinic. Assistant Town Manager Moore stated that is correct. He remarked that the Town has written Dr. Leedy a letter because she was operating in some B-2 Business Zoning Districts, and the Town allows her to operate in the M-1 and M-2 Industrial Zoning Districts. Assistant Town Manager Moore noted, therefore, Dr. Leedy is permitted to park on private property and provide services in those permitted zoning districts. He expressed that the Town has requested that Dr. Leedy not perform services in the other zoning districts because veterinary services are not a permitted use in those zoning districts. Assistant Town Manager Moore explained that, for instance, if a citizen who lives on Century Court has a sick dog, Dr. Leedy is permitted to drive to the Century Court residence and provide services just like a plumber would at a citizen's residence. He noted that staff feels like that is appropriate. Assistant Town Manager Moore commented that Dr. Leedy is not going to be permitted to stop in a citizen's yard and tell everybody in the neighborhood to come over so that she can provide everyone in the neighborhood with veterinary services. Mr. Varney inquired of Assistant Town Manager Moore as to what the name of Dr. Leedy's mobile unit is. Assistant Town Manager Moore noted that all he knows is that the owner is Dr. Trina Leedy, but he is unsure of the name of the mobile clinic. Assistant Town Manager Moore inquired of the Planning Commission members if they thought this use is worth researching or do they feel like it is appropriate the way it is. Mr. Jones stated that he thought what Assistant Town Manager Moore had written was acceptable. Assistant Town Manager Moore noted that all he had written was that the Commission members may want to research the "mobile veterinary clinics" as a permitted use in the B-1 Business, B-2 Business and B-2 DT General Business District – Downtown Zoning Districts. Assistant Town Manager Moore inquired, again, as to what the Commission members would like to do in regard to the mobile clinics. Chairman Shockley stated there is one mobile clinic operating at this time and there could be two or three operating, if the Commission



approved this and he understood correctly. Assistant Town Manager Moore explained that, for instance, there could be a veterinary clinic open in the Walmart Shopping Center, if what he has written is accepted. He noted that he is not so sure that this would be a good idea, but he does think that without kennels, it would be just like a doctor's office. He explained that the only difference is that there would be dogs going to and from the clinic with people trying to control those animals as they enter and exit. Mr. Varney remarked that as far as somebody coming to his house if he has a house pet, for instance like a plumber does, then he understands how that works. He noted that he understands where Assistant Town Manager Moore is stating in regard to how it is worded and the questions are asked, but, if there is a veterinarian in a mobile unit that can go to Walmart parking lot and people are bringing their pets to them, then what the Commission is doing is opening the door up to other mobile businesses. Mr. Varney remarked that he may be wrong, but he does not think he is because to him this would open the door to people stating that the Town has mobile units for veterinarians. He commented what if there is somebody conducting business in town and they have property, and then there could be somebody who is mobile who becomes competition to the business owner who owns property. Mr. Varney noted that the mobile unit will be competition and not have nearly the overhead of the business who owns property. He expressed that it is not so much competition but what it could open the Town up to. Mr. Varney remarked that maybe he is reading this wrong and maybe he is seeing this wrong, but every time he has looked at this and walked away and thought about it, he keeps coming back and in his mind thinking that he does not know how the Planning Commission can do it because of what this will open the Town up to potentially in the future. Assistant Town Manager Moore expressed that he can see Mr. Varney's point, but all he is inquiring about is does the Planning Commission want to expand the permission for veterinarian services that might be permanent locations versus mobile locations, for instance in the Walmart Shopping Center. He noted that he thinks if the Planning Commission allows that, they can exclude mobile services from locating there, and, probably it is going to be restricted more by the person who owns the property on which they are sitting. Assistant Town Manager Moore stated if a mobile veterinary clinic wants to locate in front of Walmart, and Walmart states that it is acceptable for them to be there and it is a permitted use in a B-1 Business and B-2 Business Zoning District, then the mobile veterinary clinic could go sit in that parking lot and provide services in that parking lot. He noted that it ultimately becomes a matter of competition and whether or not that is a good or bad thing. Mr. Varney remarked that the mobile clinic was inquiring if they could go to the Tractor Supply store. Assistant Town Manager Moore stated that they were asking for that one location. Mr. Jones commented that part of the problem was that what the representative from VIP Petcare was stating was not what was in the request, which was the Commission's basic reason for denying the request. He noted that the request and the representative's comments did not match. Assistant Town Manager Moore noted that he was not at that meeting, however, he did read the minutes. He expressed that he does think that was a good reason to deny the request, and the Commission could have allowed VIP Petcare to come back with another request that is more clear. Assistant Town Manager Moore inquired of the Commission if, relatively speaking, is it acceptable to have veterinary practices in B-1 Business Zoning Districts. Chairman Shockley remarked that he is comfortable with what the town has in place, and he does not think it should be expanded any further. He noted that if the Planning Commission gets a flood of activity, then they may need to revisit it, but, at this point, he does not think the zone needs to be expanded. Assistant Town Manager Moore expressed that he understands what Chairman Shockley is stating. Mr. Jones stated that what the Planning Commission is stating is that a mobile veterinary clinic is only allowed in M-1 Industrial and M-2 Industrial Zoning Districts or if they go to private properties to serve people. Assistant Town Manager Moore stated that is correct. He commented that what he was stating in the report was that, presently, any type of veterinary clinics are limited to an M-1 Industrial or M-2 Industrial Zoning District. Assistant Town Manager Moore explained that if, for instance, a person who



operates a similar facility to Dr. Beamer's or the Taylors who has a permanent facility, that facility must be in an M-1 Industrial or M-2 Industrial Zoning District. Assistant Town Manager Moore stated, for instance, if a clinic stated that they would be set up on the east side of the railroad tracks in an M-1 Industrial Zone on some property that a friend owns on a Saturday, and advertised that in the newspaper, then the clinic is perfectly legitimate. He explained that a person cannot go to the Walmart Shopping Center in their truck and provide services because that is a B-1 Business Zone. Mr. Jones remarked that he understands that, but he inquired if a mobile clinic could come to his house and perform services. Dr. Suarez commented that it is allowed at private residences. Assistant Town Manager Moore noted that services can be provided to Mr. Jones at his house, but the clinic is not allowed to sit there all day and provide services to Mr. Jones' neighbors. Mr. Varney expressed that he felt that is how it should be. Assistant Town Manager Moore explained that this is Town staff's interpretation of the way it is managed. He remarked that all he is asking of the Commission members is should it be expanded into other zoning districts. Assistant Town Manager Moore stated that what he is hearing Mr. Jones state is that he thinks there are adequate services where they are presently being limited and there is no need to expand the services. Mr. Jones stated that is correct. Assistant Town Manager Moore noted that he would pass this along to the Council members that it was the consensus of the Planning Commission to recommend to the Council not to expand the use of "mobile veterinary clinics" as a permitted use in the B-1 Business, B-2 Business and B-2 DT General Business District – Downtown Zoning Districts. Chairman Shockley excused Ms. Pattison from the meeting due to another meeting she needed to attend. Mr. Tate inquired if Assistant Town Manager Moore could explain the difference between B-1 Business and B-2 Business Zones. Assistant Town Manager Moore stated that B-2 Business is just a little heavier use, which might allow a business that might be considered almost a light industrial use, if the two uses are compared. Mr. Tate commented that, currently, "clinics" are allowed to go to B-2 Business Zoning Districts, which is somewhat similar. He remarked that this is the only loophole he sees. He noted that he was just bringing up the B-2 Business option. Assistant Town Manager Moore commented that he thinks that is legitimate. Chairman Shockley inquired if there is any further discussion in regard to the use of "mobile veterinary clinics." There being none, he proceeded with the agenda.

#### **RE: COMPREHENSIVE PLAN REVIEW**

Chairman Shockley advised the next agenda item is the review of the Public Services Goal and Objectives of the Comprehensive Plan. He explained that Assistant Town Manager Moore will review the objectives at this meeting. Assistant Town Manager Moore stated that the Commission members have an update in front of them. He commented that Town staff modified the old Public Services Goal and Objectives list and added to the list. Assistant Town Manager Moore expressed that those additions are in bold. He remarked that staff eliminated the items that are complete. Assistant Town Manager Moore noted that unless the Planning Commission had any particular additions or deletions from this list, these Goals and Objectives will be included as the update to the Public Services. Chairman Shockley inquired of the Commission members if there were any revisions in regard to the objectives. He inquired of Assistant Town Manager Moore if this required a vote. Assistant Town Manager Moore stated that it does not. He noted that, ultimately, the Planning Commission will be adopting this into the Comprehensive Plan. Chairman Shockley noted that this is for the Commission's information only. Assistant Town Manager Moore stated that is correct. Chairman Shockley inquired of the Commission if there were any further comments or questions in regard to the objectives. There being none, he proceeded with the agenda.

**RE: DISPENSING WITH DECEMBER MEETING**

Chairman Shockley advised the next agenda item is to consider dispensing with the December 2016 meeting due to the Christmas holidays. He inquired if there is anything going on to require the Planning Commission to meet in December. Town Clerk Corvin advised that there are not any pending requests. Chairman Shockley inquired if the Commission agreed to dispense with the December meeting. It was the consensus of the Planning Commission to dispense with the December Wytheville Planning Commission meeting due to the Christmas holidays. Chairman Shockley inquired if there is any further discussion in regard to dispensing with the December meeting. There being none, he proceeded with the agenda.

**RE: STATEMENTS OF ECONOMIC INTEREST**

Chairman Shockley advised the next agenda item is a discussion regarding the submission of the Statement of Economic Interest. He noted that Town Clerk Corvin will explain the Statement of Economic Interest. Town Clerk Corvin stated that there are a couple of items that have changed. She noted that last year, the Town was advised that this year, individuals would be required to submit two Statements of Economic Interest. Town Clerk Corvin commented that one was submitted in May, and there should have been one due December 15, however, they changed the rules again. She explained that they have returned to requiring that the statements will only be due one time annually. Town Clerk Corvin advised that they will be due on January 15, 2017. She explained that she will not receive the forms in the office until almost the end of December. She stated that she will send them out as soon as she receives them. Town Clerk Corvin stressed that the forms cannot be dated until after January 1, 2017, and they are due by January 15, 2017. She expressed that there is no time for procrastination in that timeframe. Town Clerk Corvin reiterated that the Commission members will have approximately two weeks to complete their forms. Dr. Suarez inquired of Town Clerk Corvin if she knew for a fact that the forms have changed. Town Clerk Corvin advised that the forms have changed. She noted that the forms are similar, but different. She explained that even though the Commission members have reported from January 2016 through April 2016, they will be required to report from January 1, 2016 through December 31, 2016. Town Clerk Corvin stated that there may be duplicate information that the Commissioners have already sent in, however, they are required to report the information on this form again. She reiterated that they have to use the new forms that she will be sending each of them. Town Clerk Corvin expressed that if there are any questions when the Commission members receive them, she will be happy to help them. She reiterated that the timeframe is very short to return the forms. Town Clerk Corvin stated that if the Commission members receive the forms at the end of December, to please not put a date prior to January 1, 2017, on the forms. Assistant Town Manager Moore remarked that this is the State Government at work, and Town Clerk Corvin has to deal with all of these changing dates that they have decided to change once again. Chairman Shockley remarked that the bottom line is that the forms will be delivered prior to January 1, 2017. Town Clerk Corvin commented that the forms will be received before the end of December, however, they will be due by January 15, 2017. She stressed that they cannot be dated before January 1, 2017. Town Clerk Corvin stated that the Commission members will receive a letter, but since the Planning Commission will not meet next month, she wanted to tell the Commissioners about the new process.

**RE: ADJOURNMENT**

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (6:37 p.m.).

Charles E. Shockley, Chairman

Sharon G. Corvin, Town Clerk

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**JANUARY 12, 2017**

**AGENDA INFORMATION**

**ELECTION OF OFFICERS**

**Item No. 1. Chairperson**

It will be necessary for the Planning Commission to elect a Chairperson for the year 2017. Nominations will be taken at this time. Customarily, the Vice-Chairperson is elected as the Chairperson. If this practice continues, it will be Mr. Kevin Varney's turn to serve as the Chairperson.

**(During the meeting, please request that all persons addressing the Planning Commission approach the podium so everyone can hear and the minutes can be properly recorded. Anyone addressing the Commission will not be recorded properly if they do not approach the microphone at the podium.)**

**AGENDA INFORMATION**

**ELECTION OF OFFICERS**

**Item No. 2. Vice-Chairperson**

It will now be necessary for the Planning Commission to elect a Vice-Chairperson for 2017. Nominations could be taken, or, by custom, it will be Mr. Bradley Tate's turn to serve as Vice-Chairperson.

Upon election of the new Vice-Chairperson, it has been customary for the Chairperson to pass the gavel to the newly elected Chairperson who will preside over the remainder of the meeting.

## **AGENDA INFORMATION**

### **OTHER BUSINESS**

#### **Item No. 1. Entrance Corridor Overlay District Regulations**

Assistant Town Manager Moore will continue to review the Entrance Corridor Overlay District Regulations with the Commission.



## **Entrance Corridor Overlay Regulations**

### **Brief History and Overview**

Over the past several meetings, the Planning Commission has discussed the Entrance Corridor Overlay Regulations. Most of the focus of this discussion has been East Main Street. During the November meeting, the Planning Commission looked at before and after pictures of an entrance corridor enhancement that the City of Lexington, Virginia, had completed some time ago. Staff contacted Lexington only to find that the City Manager and the Planning Director who had been directly involved had retired and the present staff had no information about this improvement.

Town staff found that Kathy Frazier with Frazier & Associates, who is working on the Town's Façade Program and Wayfinding, had been somewhat involved in this process.

She was contacted, and she offered to gather more information and contact the former Lexington Town Manager and Planning Director to provide more information about the mechanics of how this entrance corridor enhancement was accomplished.

The information she imparted from memory was that the City of Lexington had implemented this program and provided funding for the landscaping and street improvements, and the City had participated in the consolidation and rebuilding of the business signs. She was very sure that without the funding and design assistance provided by the City, this would likely not have happened.

### **Summary**

Town staff looks forward to discussing this process with Kathy Frazier and the former Town Manager and Planning Director to see if a similar process could be followed in Wytheville. With the present interest in the East Main Street Improvements and the Downtown Improvements, this section of entrance corridor could be, or is, of vital importance, and any methods that could expedite this and gain public and business "buy in" are important. The East Main Street corridor between Cassell Road and 11<sup>th</sup> Street may be ideally suited for a test program of this type and funding assistance rather than a "town regulation," and it may be the quickest and most popular way to accomplish this. As soon as staff has more information from Frazier and Associates, it will be brought to the Planning Commission.



Some discussions might be to start with a joint agreement to lower the signs for Hardee's and Wendy's. Due to the topography of the layout and landscaping of the properties, these signs could be more visible and more attractive at a lower height and possibly a smaller scale without detracting at all from these businesses. Staff will briefly present some of these ideas to the Planning Commission.

G:\PLANCOMM\Staff Reports\2017\Entrance Corridor Regulation New Summary January 2017 .docx

height, location, and material of retaining walls along all arterial streets in the town.

**16-17.2 DEFINITION**

**Retaining Wall:** A wall or similar structure built or designed to retain or restrain forces of soil or other materials at a grade change to hold the soil or other materials on the up-hillside from slumping, sliding or falling; a wall or terraced combination of walls used to retain more than 18 inches of materials and not used to support, provide a foundation for, or provide a wall for a building or structure.

**16-17.3 No retaining wall in excess of 4'-0" in height may be constructed unless it conforms to the following:**

1. The retaining wall shall be designed by a professional engineer who is licensed to practice in Virginia.
2. The plans for such retaining walls shall be submitted to the Town of Wytheville Building Official for review and approval and issuance of a building permit.
3. The retaining wall must be set back at least four (4) feet from the property line, right of way, or easement line. For a retaining wall over four (4) feet in height, the retaining wall shall be set back at least four (4) feet from the property line, public street, rights of way, utility easements, etc. and an additional two (2) feet for each one (1) foot of height of the retaining wall. In cases where the retaining walls have footings, buttresses, or other supports, the setback shall be from the nearest component of the retaining wall. [For example, an 8 foot retaining wall must be set back four (4) feet + (2 X 8) = 20 feet from the property line.]
4. No fences, rails, or other extensions of the retaining wall shall extend from the top of the retaining wall more than 4'-0". All fences, retaining walls, or barriers shall be designed to meet applicable building codes and shall be decorative in nature. No chain link fences, woven wire fences, barbed wire fences shall be permitted.

**SECTION 16-18 ENTRANCE CORRIDOR OVERLAY DISTRICT<sup>79</sup>**

**16-18.1 PURPOSE**

The entrance corridor overlay district is intended to implement the Comprehensive Plan goal of protecting the town's historic, architectural, and cultural resources by ensuring a quality of development compatible with those resources through these regulatory measures. The purpose of this

article is to protect and enhance the town's entrance corridors' attractiveness; to sustain and enhance the economic benefits accruing to the town from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

## 16-18.2 APPLICABILITY

- (a) Subject to subsection (b) below, an entrance corridor overlay district is hereby established upon and along the following streets or highways, which are deemed by the Town Council to be significant routes of tourist access or to designated historic districts, buildings, or structures within the town ("Entrance Corridor Streets"):
- (1) Peppers Ferry Road from Interstate 77 to 11<sup>th</sup> Street
  - (2) From the B-2 DT General Business District Downtown line approximately midblock between Monroe and North Streets to the corporate limit line on West Lee Highway (Route 11 West)<sup>76</sup>
  - (3) Route 21 South from 14<sup>th</sup> Street to the corporate limit line<sup>81</sup>
- (b) Entrance corridor overlay districts are hereby established upon the lots and parcels of land contiguous to the streets enumerated above, from the edge of the pavement or back of curb to the depth of 200 feet **or to a depth deemed appropriate by the Planning Commission or the Town Council**. The portion of the development that falls within any portion of the 200 foot mark shall comply with these requirements.
- (c) The entrance corridor overlay districts are hereby established over the existing zoning district classifications of the land contiguous to the street enumerated above. The regulations set forth within this article shall apply to all such land in addition to the regulations of the underlying zoning district and in addition to other generally applicable Zoning Ordinance provisions (e.g., generally applicable standards governing parking, landscaping, signs, etc.). In the event of a conflict between the regulations set forth within this article and those set forth within the regulations of the underlying zoning district classification, or elsewhere within this Zoning Ordinance, the more restrictive regulation shall govern.

## 16-18.3 SPECIFIC REQUIREMENTS FOR CORRIDOR OVERLAY DEVELOPMENT

### 1. Landscaping Buffer

Landscaping buffer areas shall be provided on all properties along the route. The buffer shall be twenty (20) feet in width measured from, and parallel to, the curb line or if there is no curb, the edge of permanent pavement. There shall be no development in the buffer yard area, except for signs and entrances as permitted in the Buffer Yard Regulations and permitted herein.

### 2. Screening of Utilitarian Areas

Utilitarian areas, such as dumpster pads, transformers, storage areas, etc., exposed to view from the Corridor shall be screened with a fence or vegetation (according to the standards for Buffer Yard Regulations, Section 16-16 of the Zoning Ordinance).

### 3. Sign Requirements

Signs shall have an effective height of no more than six (6) feet with a length limit of twenty-five (25) feet with a limit of four (4) different colors. Signs shall be of stone masonry, brick, wood, or other traditional materials. A single business sign per property is permitted along the corridor in the landscaping buffer area. In the event of conflict of this provision with the Sign Ordinance, the most restrictive provision shall apply. These sign regulations shall not supersede the high pole sign provisions for those properties located within 660 feet from the interstate limited access way.

### 4. Underground Utilities

Underground utilities shall be required for all new development.

### 5. Lighting

Lighting shall consist of decorative lights and poles (no wood poles and "cobra-heads") with "cut-off" heads that direct the light toward the ground to avoid light pollution.

### 6. Building Materials

***In the following entrance corridors, (1) Main Street, from its intersection at Eleventh Street westward to the Limited Access at Interstates 81/77; and, (2) North Fourth Street, from its intersection with Main Street to Fairview Road, all new building construction materials for siding shall consist of low***

***maintenance, traditional materials, such as: brick; stone; stucco; and, wood siding or simulated wood siding such as Hardie Board. New building construction materials that would not ordinarily be considered as permissible for siding are: vinyl siding; aluminum siding; cinderblock or concrete masonry units; vinyl brick or vinyl stone; and, corrugated metal and similar utilitarian metal sidings. New roofing materials shall consist of slate shingles; wood shingles or shakes; asphalt or fiberglass shingles; finished standing seam metal; and, batten seam metal roofing with concealed fasteners. New roofing materials that would not ordinarily be considered are: exposed fastener metal roofs and corrugated metal roofs.***

***Approval of all new building construction materials and new roofing materials shall be by the Planning Director and aggrieved parties shall appeal to the Zoning Administrator.***

**16-18.4 REVIEW FOR CONFORMANCE WITH THE SPECIFIC REQUIREMENTS**

1. Review of development for conformance with the requirements herein shall be administrative by the Director of Planning or his designee. Upon approval of a development plan or sign, a Certificate of Appropriateness (CoA) shall be issued.
2. Certificates of Appropriateness:
  - (a) The following shall require a Certificate of Appropriateness that confirms the compliance with the requirements of this section:
    - (1) All development requiring a site plan.
    - (2) All new signs.
    - (3) Installation or construction of fences, walls, retaining walls, landscaping, and lighting.
    - (4) R-1 Residential, R-2 Residential, and R-3 Residential districts shall be excluded from the requirements established herein.
  - (b) All applications for the certificates required by the subparagraphs above shall be reviewed and approved administratively by the Director of Planning within thirty (30) days. If the application is not approved, the Director of Planning shall mail or hand-deliver notice of his decision to the applicant. In either case, the applicant shall have ten (10) working days from the date of the Director's decision to appeal

the decision to the ~~Board of Architectural Review~~ **Zoning Administrator**. The ~~Board of Architectural Review~~ **Zoning Administrator** shall review the application at the next regularly scheduled meeting and have thirty (30) days from that meeting to render a decision. Review of development for conformance with the requirements herein shall be administrative by the Director of Planning or his designee. Upon approval of a site plan or sign, a Certificate of Appropriateness (CoA) shall be issued. If the development fails to meet the requirements or is disapproved and a CoA is not issued by the Director of Planning, the applicant may appeal to the ~~Board of Architectural Review (BAR)~~ **Zoning Administrator**, and the **BAR Zoning Administrator** shall undertake a review of the proposed project, and may issue a Certificate of Appropriateness if the **BAR Zoning Administrator** finds that the development is in keeping with the intent of the requirements of this section or that proposed alternatives meet the intent of the requirements. The **BAR Zoning Administrator** may suggest changes or alternatives to the development that would bring the project into conformance so that, if changed, a CoA can be issued, or the **BAR Zoning Administrator** may reject the development and not issue a CoA. If the **BAR Zoning Administrator** fails to issue a Certificate of Appropriateness, the applicant may appeal the decision to the Board of Zoning Appeals (BZA). An Applicant aggrieved by the decision of the ~~Board of Architectural Review~~ **Zoning Administrator** may appeal the decision to the Board of Zoning Appeals (BZA) within ten (10) days, and the matter shall be heard at the next regularly scheduled meeting. The BZA shall have thirty (30) days from the date of the meeting to render a decision.

- (c) Notwithstanding the foregoing provisions of this section, no Certificate of Appropriateness shall be required for alterations to a building or structure.
- (d) Once issued, a Certificate of Appropriateness shall be binding upon the proposed development, and to any conditions of issuance specified therein.
- (e) Once issued, a Certificate of Appropriateness shall expire and become void one (1) year after issuance, unless within that time period one (1) of the following has occurred:
  - (1) A building permit for construction of the improvements or activities has been issued.

(2) The Director of Planning extends the validity of any such certificate for a period not to exceed one (1) year.

(f) Standards for considering Certificates of Appropriateness:

The Director of Planning, in conducting an administrative review, and the ~~Board of Architectural Review~~ **Zoning Administrator** and the BZA on review of an appeal, shall consider the entrance corridor requirements enumerated herein.



## **AGENDA INFORMATION**

### **OTHER BUSINESS**

#### **Item No. 2. Medical Offices, Clinics and Outpatient Substance Abuse Treatment Centers**

At the last meeting, the Commission discussed Medical Offices, Clinics and Outpatient Substance Abuse Treatment Centers and where these uses should be permitted in the various zoning districts. Please find enclosed the draft amendments to the Zoning Ordinance that include the definitions of these facilities and the zones in which these facilities could operate. If the Planning Commission desires to make these amendments to the Zoning Ordinance, a public hearing would need to be scheduled, which could be held at the February 9, 2017, Planning Commission meeting.

# Staff Report

## Medical Offices, Clinics and Treatment Centers

### Background

At the November, 2016 meeting, the Planning Commission discussed a proposed change to the Zoning Ordinance that would create three new definitions: Medical Office, Clinic, and Outpatient Substance Abuse Treatment Center. These definitions help define the level and type of care to be rendered at each facility, making it easier to classify them. These definitions and the placement of each in specific zones is intended to give the Town more control over the type of facility and where it is allowed.

The proposed changes would place the defined facilities as follows

- Medical Offices in all Business Zones (B-1 and B-2, B-2 DT) and the Medical Arts Zones (MA-1).
- Clinics in B-2 Zones and MA-1 Medical Arts Zones.
- Outpatient Substance Abuse Treatment Centers be permitted only in B-2 Business and MA-1 Medical Arts Zones.

Each has been added to the Definitions section of the zoning ordinance as follows.

**CLINIC - MEDICAL, PSYCHIATRIC OR SURGICAL** - A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, and administration services to outpatients, employees or visitors. Includes immediate care facilities where emergency treatment is the dominant form of care provided at the facility, pain clinics, emergency care clinics or urgent care clinics and there may not be a scheduled appointment.

**MEDICAL OFFICE** - Facilities that provide diagnoses, minor surgical care and outpatient care on a scheduled and routine basis but that do not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, psychologists or similar practitioners licensed by the Commonwealth of Virginia. Emergency treatment and/or unscheduled appointments are not the dominant type of care provided at this facility.

**OUTPATIENT SUBSTANCE ABUSE TREATMENT CENTER** - An establishment providing patient services primarily related to the treatment of alcohol or other drug or substance abuse disorders, which services include providing services for dispensing and administering controlled substances and pharmaceutical products by professional medical practitioners as licensed by the Commonwealth of Virginia; centers providing ancillary mental health treatments; methadone clinics; and, suboxone clinics.

### Summary

If the Planning Commission would like to proceed to set a public hearing to advertise these changes to the zoning ordinance, a public hearing could be held at the February 9, 2017, meeting.

mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

- 3-20 BUILDING, MAIN: The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use of the lot.
- 3-21 CARPORT: An open sided shelter for an automobile. The roof may be separate, or formed by the extension of a roof from the side of a building.
- 3-22 CELLAR: A story having more than one-half (2) of its height below grade.
- 3-22A CERTIFIED HISTORIC STRUCTURE OR BUILDING: A building or structure whose age, architecture, or history has caused it to be individually listed on the National Register of Historic Places, or whose age, architecture, or history has caused it to be considered as contributing to the historic district in the nomination to the National Register of Historic Places. Such buildings or structures are indicated in the nomination document with a "c."<sup>54</sup>
- 3-22B CLINIC – MEDICAL, PSYCHIATRIC OR SURGICAL - A facility providing medical, psychiatric or surgical services for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, and administration services to outpatients, employees or visitors. Includes immediate care facilities where emergency treatment is the dominant form of care provided at**

***the facility, pain clinics, emergency care clinics or urgent care clinics and there may not be a scheduled appointment.***

- 3-23 COMMISSION, THE: The Planning Commission of the Town of Wytheville, Virginia.
- 3-24 DAIRY: A commercial establishment for the manufacture of retail sale of dairy products.
- 3-24A DISTILLERY; DISTILLERY, ALCOHOLIC BEVERAGE: A facility that produces distilled alcoholic beverages or spirits and that may include the intake and processing of grains, fruits, sugars or other products, their fermentation, distillation, aging, and bottling. Products may include liquors, liqueurs, brandies, etc.<sup>79</sup>
- 3-25 DISTRICTS: Districts as referred to in the State Code, Section 15-968, as amended.
- 3-26 DWELLING: Delete.<sup>21</sup>
- 3-27 DWELLING, MULTIPLE-UNIT: A residential building containing three (3) or more dwelling units.<sup>21</sup>
- 3-28 DWELLING, TWO UNIT OR DUPLEX: A residential building containing two (2) dwelling units.<sup>21</sup>
- 3-29 DWELLING, SINGLE-UNIT: A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.<sup>21</sup>
- 3-30 DWELLING UNIT: A room or rooms connected together containing independent cooking and sleeping facilities constituting a separate,

- 3-56 LOT OF RECORD: A lot as shown on a plat which has been recorded in the Clerk's office of the Circuit Court of Wythe County, Virginia.
- 3-57 MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.
- 3-57A MANUFACTURED HOME: A structure subject to federal regulation, which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.<sup>41</sup>
- 3-57B *MEDICAL OFFICE - Facilities that provide diagnoses, minor surgical care and outpatient care on a scheduled and routine basis but that do not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, psychologists or similar practitioners licensed by the Commonwealth of Virginia. Emergency treatment and/or unscheduled appointments are not the dominant type of care provided at this facility.***

- 3-64 **NONCONFORMING STRUCTURE:** An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.
- 3-65 **OFF-STREET PARKING AREA:** Space provided for vehicular parking outside the dedicated street right of way. Each off-street parking space shall be not less than nine (9) feet in width or one hundred eighty (180) square feet in area, exclusive of access drives and aisles.<sup>38</sup>
- 3-65A **ON-FRAME MODULAR:** Modular structure or industrialized building designed and built with its steel frame to remain under the building to become part of the supporting structure or foundation for the building when placed on site.<sup>70</sup>
- 3-65B *OUTPATIENT SUBSTANCE ABUSE TREATMENT CENTER - An establishment providing patient services primarily related to the treatment of alcohol or other drug or substance abuse disorders, which services include providing services for dispensing and administering controlled substances and pharmaceutical products by professional medical practitioners as licensed by the Commonwealth of Virginia; centers providing ancillary mental health treatments; methadone clinics; and, suboxone clinics.***

## ARTICLE IX - MEDICAL ARTS DISTRICT MA-17

### 9-1 USE REGULATIONS

In the Medical Arts District, structures to be erected or land to be used for one or more of the following uses:

9-1.1 Hospital, general.

9-1.2 Medical, dental and paramedical offices and laboratories.

9-1.3 Medical and dental supplies and appliances.

9-1.4 Apothecaries, limited to prescription and patented medicines and/or medical devices.

9-1.5 Buildings used for training and housing paramedical and medical personnel and housing located in a medical complex wherein resident patients have available, appropriate and continuous medical supervision.<sup>19</sup>

9-1.5A Signs permitted under Chapter 21 of this Ordinance regulating outdoor advertising.<sup>24</sup>

9-1.6 Off-street parking as required by this ordinance.

**9-1.7 *Clinic – Medical, Psychiatric or Surgical***

**9-1.8 *Medical Office***

**9-1.9 *Outpatient Substance Abuse Treatment Center***

### 9-2 SETBACK REGULATIONS

Structures shall be located thirty (30) feet or more from any street right-of-way, except that signs advertising sale or rent of premises may be erected



- 10-1.30 Accessory buildings, structures, and/or apparatus permitted as defined; however, garages, carports or other accessory structures attached to the main building shall be considered part of the main building. No accessory building may be closer to any property line as provided hereinafter, with exception that this shall not apply to an alley line. Accessory buildings are permitted in rear yards only. The total ground area occupied by accessory buildings may not exceed twenty-five percent (25%) of the rear yard area. Accessory buildings on corner lots may not be closer to the street line than the minimum side yard for a dwelling on such lots.<sup>40</sup> Satellite dish antennas larger than three (3) feet in diameter shall be considered accessory structures and shall be setback at least five (5) feet from the property line.<sup>49</sup>
- 10-1.30A Semi-trailers which are licensed shall be permitted as defined in the Definitions section of this ordinance.<sup>57</sup>
- 10-1.30B Shipping containers shall be permitted as defined in the Definitions section of this ordinance.<sup>57</sup>
- 10-1.31 Signs permitted under Chapter 21 of this Ordinance regulating outdoor advertising.<sup>24</sup>
- 10-1.32 Deleted 4-27-87.<sup>24</sup>
- 10-1.33 Off-street parking as required by this Ordinance.
- 10-1.34 Automobile display and sales (with no repair or maintenance service).<sup>34</sup>
- 10-1.35 *Medical Office***

point of the boundary line of another adult use, residentially zoned use, or agriculturally zoned use.<sup>9</sup>

11-2.34A Brewery, Craft or Pub; Brewery, Micro<sup>87</sup>

11-2.35A Farmers' Markets<sup>87</sup>

**11-2.36A Medical Office**

11-3A AREA REGULATIONS

None, except for off-street parking as required by this Ordinance.

11-4A SETBACK AND FRONTAGE AND YARD REGULATIONS

None, unless such are considered as necessary by the Design Committee of Downtown Wytheville, Incorporated. <sup>84</sup>

11-5A HEIGHT REGULATIONS

Buildings may be erected up to seventy five (75) feet in height from grade.<sup>67</sup>

11-6A CERTIFICATE OF APPROPRIATENESS REQUIRED TO CONSTRUCT, RECONSTRUCT, ALTER, RESTORE OR RAZE A BUILDING OR SIGN<sup>84</sup>

In order to promote the general welfare through the preservation and protection of buildings of historic and architectural interest and to promote the improvement and the general appearance of all buildings within the Downtown Wytheville District, the Town hereby establishes an incentive program that will waive building permit fees and sign permit fees for all work that conforms to the recommendations of the Design Committee of Downtown Wytheville, Incorporated (DWI) and receives a Certificate of

Measurement of Distance: All distances specified herein shall be measured from the property line of one use to another. The distance between an adult use and another adult use or a residentially zoned or agriculturally zoned district shall be measured from the property line of the use to the nearest point of the boundary line of another adult use, residentially zoned use, or agriculturally zoned use.<sup>64</sup>

11-1.46 Wholesale and retail grain and feed sales.<sup>77</sup>

11-1.47 Indoor archery range<sup>78</sup>

11-1.48 Indoor shooting range<sup>78</sup>

**11-1.49 Clinic - Medical, Psychiatric or Surgical**

**11-1.50 Medical Office**

**11-1.51 Outpatient Substance Abuse Treatment Center**

11-2 AREA REGULATIONS

None, except for off-street parking required by this Ordinance and for permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official. For dwellings, the minimum lot area shall be the same as in Residential District R-3.<sup>7</sup>

11-3 SETBACK REGULATIONS

## **AGENDA INFORMATION**

### **OTHER BUSINESS**

#### **Item No. 3. Comprehensive Plan Review**

Please find enclosed the Economic Goal and Objectives from the Comprehensive Plan. Assistant Town Manager Moore will review the objectives for this portion of the Comprehensive Plan.

## **Economic Goal and Objectives**

**Goal:** Collaborate to create a diversified economy that encourages entrepreneurship, lifelong learning, support of existing businesses and industry, and a vital downtown.

### **Objectives:**

1. Place an emphasis on the development and expansion of existing businesses and entrepreneurial enterprises in the town and county through the Joint Industrial Development Authority, the Virginia Department of Economic Development, and the Crossroads Regional Industrial Facility Authority.
2. Promote incubators for small business startup through assistance available from Wytheville Community College, the Joint Industrial Development Authority, the Virginia Department of Economic Development, etc.
3. Place an emphasis on quality education by working cooperatively with the efforts of the Wythe County School Board, Wytheville Community College, literacy programs, distance learning programs, etc. to enhance all levels of education.
4. Work to provide a focus on technology and encouragements for critical community assets that support technology, including affordable, reliable training programs, incubators, start-up funds and other programs to assist and promote tech-based businesses, distance learning programs, etc.
5. Work toward an “e-village” environment especially for industries and businesses of Wytheville.
6. Encourage downtown development and the preservation of the Wytheville downtown through tax relief for improved properties, encourage State and Federal tax incentives, enhance the information infrastructure and develop technology and tourism zones, enterprise zones, etc.
7. Support transportation including the continued enhanced access to the interstate corridors of I-77 and I-81 and enhanced access to rail freight transportation. This includes:
  - Upgraded interchanges on Interstate 77 at Exit 41 in Wytheville and at Exits 73 and 77 on Interstate 81 to serve the Industrial Park, downtown, the Expo Center, etc.
  - The initiative to establish the future routes of the interstate corridors around and through Wytheville.
  - Promote Wytheville as a hub for shipping for businesses—UPS, FedEx, Camrett Logistics, etc.
  - Rail passenger service to and from Wytheville.
8. Market Wytheville as a great quality-of-life community with low crime and cultural and recreational opportunities in a beautiful natural setting that is central to many major metropolitan areas such as: Charlotte, Atlanta and Washington, D.C., for example.
9. Promote affordable housing.
10. Utilize the access to, and promotion of, the Town's Crystal Springs Watershed property as a recreational and quality-of-life enhancement.

11. Provide broad-band accessibility to key areas throughout town to provide the raw infrastructure for economic development.
12. Encourage the activities of the Wytheville Hotel/Motel/Restaurant Association, Chamber of Commerce, Blue Ridge Highlands Association, etc. and the promotion of tourism. Through economic incentives to develop hotel restaurant properties, meeting space, etc.
13. Work to keep Wytheville's web site upgraded to search engine keywords so that search engines select the site and provide additional electronic marketing.
14. Work with the County to improve interstate interchange access at Exits 41, 67 and 73 to improve the interstate corridor appearance.

**COUNCIL ACTION LETTER**  
**Staff Assignments and Information**

December 12, 2016

Number 424

**ACTIONS TAKEN OR DISCUSSED**

**STAFF ASSIGNMENTS**

1. Approved the consent agenda consisting of the minutes of the regular meeting of November 28, 2016.
  2. Conducted a public hearing to consider various appropriations to the budget for Fiscal Year 2016-17.
  3. Conducted a public hearing to consider renewing the Certificates of Public Convenience and Necessity during 2017 for Guardian Emergency Medical Services, Incorporated; 276 Express, LLC; Trinity Ambulance Service, LLC; and, Richardson Ambulance Service, LLC for the operation of taxicabs.
  4. Adopted a resolution recognizing Mr. Danny Gordon for his contributions to the community and presented it to him.
  5. Upon recommendation of the Budget and Finance Committee, approved requesting the Wythe County Board of Supervisors to consider providing to property owners in downtown Wytheville and the entire Enterprise Zone, who renovate a deteriorated building, a tax credit equal to the assessed value resulting from the rehabilitation.
  6. Suspended the rules, and adopted on first and final reading, Ordinance No. 1312, an ordinance amending and reenacting Chapter 11, Police, Article III. Alarm Systems, by deleting Sections 11-41. Regulations – Alarm Company Operators, 11-42. Same – Other Alarm Systems, 11-43. Responsibility to Respond, 11-45. Practices, Procedures and Definitions, 11-46. Policy for Console Connected Alarm Systems, 11-47. Policy for Automatic-Dial Telephone Alarm Systems and 11-48. Records, and amending and reenacting Section 11-44. Penalties for False Alarms of the Code of the Town of Wytheville, Virginia.
5. **Town Manager** – send request to Wythe County Board of Supervisors
  6. **Town Clerk** – amend Town Code



7. Adopted a resolution for the Virginia Department of Transportation regarding the Connector Road Project (Community Boulevard), and authorized the Town Manager to execute the agreements and all necessary documents for the project.
8. Approved appropriations to the budget for Fiscal Year 2016-17 in the amount of \$520,000 to the Water/Sewer budget, and \$510,000 to the General Fund.
9. Renewed the Certificates of Public Convenience and Necessity during 2017 for Guardian Emergency Medical Services, Incorporated; 276 Express, LLC; Trinity Ambulance Service, LLC; and, Richardson Ambulance Service, LLC for the operation of taxicabs.

7. **Town Clerk** – forward resolution to VDOT
8. **Town Treasurer** – make budget amendments
9. **Town Clerk** – forward certificates to applicants