AGENDA
Wytheville Planning Commission
Thursday, October 13, 2016
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 September 8, 2016

D. CITIZENS’ PERIOD

E. OTHER BUSINESS
   1. Continued review of the Entrance Corridor Overlay District regulations
   2. Discussion where suboxone treatment clinics could be allowed as a permitted use
   3. Review of a conceptual plan for the Exit 73 area
   4. Additional review of the Community Facilities Goal and Objectives of the Comprehensive Plan
   5. Downtown Improvements Project update

F. ADJOURNMENT
Minutes of the regular meeting of the Wytheville Planning Commission
Held in the Council Chambers on Thursday, September 8, 2016, at 6:00 p.m.

Members present: John W. Jones, Jr., Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, Joseph E. Hand, Jr.

Members absent: Charles E. Shockley, Kevin L. Varney

Others present: Town Manager C. Wayne Sutherland, Jr., Town Clerk Sharon G. Corvin, Rebecca Beamer, Terry Beamer, Empress Bellamy, Trina Leedy

Re: Call to Order, Quorum

In the absence of Councilman Shockley, Mr. Jones called the meeting to order and established that a quorum was present.

Re: Consent Agenda

Mr. Jones presented the consent agenda consisting of the minutes of the regular meeting of August 11, 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 Ms. Pattison to approve the consent agenda consisting of the minutes of the regular meeting of August 11, 2016, as presented. Mr. Jones 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: John W. Jones, Jr., Terrance E. Suarez, Cathy D. Pattison, M. Bradley Tate, Joseph E. Hand. Against: None.

Re: Public Hearing – Special Exception Permit – VIP Petcare

Mr. Jones advised the meeting constituted a public hearing (due notice having been given) to consider the request of VIP Petcare to provide veterinary services at Tractor Supply at 1380 East Main Street, which is located in the Lee-Hy Shopping Center (former Big Lots Shopping Center) located on the north side of East Main Street between Cassell Road and the Mountain View Square Shopping Center, in a B-2 Business District. He inquired if Town Manager Sutherland had any comments in regard to the request. Town Manager Sutherland stated that he did not. He noted that he thinks the request is clear as to what VIP Petcare is asking for. Town Manager Sutherland stated that VIP Petcare is requesting to provide certain limited veterinary services in the Tractor Supply facility. He commented that as Mr. Jones noted, the facility is located in a B-2 Business District, and, as such, veterinary activities are not a permitted use, therefore, that is the reason for the request of the special exception permit. Mr. Jones advised that Ms. Rebecca Beamer had stated on the sign in sheet that she wished to address the Planning Commission in regard to this public hearing.

Dr. Rebecca Beamer was recognized and stated that she lives at 290 Fairview Road in Wytheville. She inquired of the Planning Commission if there is a representative from VIP Petcare who is attending the meeting to answer questions. Mr. Jones stated that is correct. Dr. Beamer explained that she is the owner of Community Animal Clinic located here in the town. She commented that she does have a few questions and/or concerns. Dr. Beamer stated that from what she is reading in the request from VIP Petcare, she is under the impression that VIP Petcare wants to help Tractor Supply with augmenting retail sales and keeping it affordable and accessible with basic veterinary care. She expressed that her confusion with this is that she
does not know if she sees with three other veterinary clinics located relatively close to Wytheville, and in and around Wytheville, that the community is not being given accessible veterinary care to begin with. Dr. Beamer inquired as to why the community needs that additional preventative care. She stated that is one of the questions she had for the VIP Petcare representative. Dr. Beamer expressed that an additional service is not going to be offered that is not already being offered in Wytheville. She noted that she is a little confused by some of the restrictions. Dr. Beamer stated that the VIP Petcare representative could probably answer her question as to what is actually planned to be done as far as the times, frequencies, etc. because those things are kind of vague. She noted that if the representative would offer more answers to that, it would be helpful. Dr. Beamer commented that she guesses she is a little confused, too, because Tractor Supply already utilizes one of the local veterinarians to issue some vaccines and preventative care at their facility already. She inquired if this excludes this person from doing this, and would Tractor Supply have an exclusive agreement with VIP Petcare. Dr. Beamer remarked that those are some of the concerns that she has. She noted that she is also interested in how popular this service is in the other areas where the service is offered. Dr. Beamer expressed that the last comment she has is that veterinary clinics are regulated by the Board of Veterinary Medicine, which is a health profession type of thing. She remarked that she is a little concerned of how this falls into the realm of Tractor Supply’s jurisdiction. Dr. Beamer inquired as to what licensing is required for this particular type of facility to be approved. She remarked that she knows the staff would have to be a licensed veterinarian by the State, but where would the veterinarians be chosen from and how. Dr. Beamer expressed that she has more questions than actual comments. She inquired of the Commission if she would be allowed to come back to the podium and ask more questions later. Mr. Jones stated that it would be acceptable for Dr. Beamer to do so. Mr. Jones stated that Petco already has a special exception permit to operate a similar type business. Town Manager Sutherland explained that Petco has never utilized their permit. Mr. Jones stated that Dr. Beamer had commented that there is a veterinarian who is operating at Tractor Supply now. Dr. Beamer remarked that Wythe Care Veterinary Services goes to Tractor Supply at this time, but she is not aware of the frequency, etc. She commented that she had hoped the veterinarian from that service was going to be attending this meeting. Mr. Jones stated that maybe Ms. Empress Bellamy can answer some of those questions.

Ms. Empress Bellamy was recognized and stated that she is the representative for VIP Petcare. She noted that VIP Petcare is a wellness clinic based in California. Ms. Bellamy commented that the company actually goes all around the country. She noted that she has been with the company for about two years. Ms. Bellamy remarked that she began in Florida and transferred to Raleigh, North Carolina. She explained that in Virginia, there are some stores that they go to, however, in this State, the vaccines are only allowed to be administered inside a mobile clinic. Ms. Bellamy stated, therefore, the clinic has to be inside a van located outside. She remarked that it is up to the location’s store manager and owner of the property if they want VIP Petcare to do the vaccines or anything else inside of the facility. She reiterated that it is up to the store manager and owner of the property. Ms. Bellamy explained that VIP Petcare does not do surgeries, therefore, if pet owners need heart prevention, flea and tick prevention, microchipping, etc., they take care of that. She commented that Dr. Beamer had stated that there were other clinics that come to Tractor Supply, and she noted that this is understandable. Ms. Bellamy explained that it is up to the store manager as to when they want VIP Petcare to come to the store and it may be on days that the other service provider is not available. She expressed that whatever is convenient for the store in the community then that is what they do. Ms. Bellamy reiterated that sometimes in different communities, they will have an animal hospital right next door. She stated, therefore, she can understand Dr. Beamer’s concerns. Ms. Bellamy noted that it is whatever is convenient for the community as to when VIP Petcare goes
to the store. She remarked that if it works out for them to come once a month, that is when they will come or whatever is good for Tractor Supply and their customers. Ms. Bellamy inquired of Dr. Beamer or the Planning Commission if they had any further questions. Mr. Jones inquired of Ms. Bellamy as to where the veterinarians who will be working will come from. Ms. Bellamy stated that the veterinarians who work for VIP Petcare are licensed in Virginia and North Carolina. She noted that she is not sure exactly where they will be coming from because they have different veterinarians coming from both states. Ms. Bellamy reiterated that she is not exactly sure who would be the veterinarian because that is more of a corporate level question. She noted that she is unsure of who corporate actually picks, but she is sure that a lot of them have really good credentials, etc. Ms. Bellamy explained that it normally is a different veterinarian each time they visit the store, however, if the community needs to have the same veterinarian each time to establish a relationship with the owners of the pets, which is a good idea, VIP Petcare can also do that, as well. Mr. Jones inquired of the Planning Commission if there were any further questions.

Mr. Bradly Tate inquired of Ms. Bellamy if VIP Petcare ever subcontracts with a local veterinarian to work under them or is the job always outsourced. Ms. Bellamy advised that it could be a local veterinarian, and she noted that a local veterinarian actually works really well so they do not have to drive too far. Mr. Tate inquired of Ms. Bellamy if that is VIP Petcare's preference and if they try to contact a local veterinarian to work under VIP Petcare's realm. Ms. Bellamy stated that is correct. She noted that it can be a local veterinarian, and there are also veterinarians who drive because VIP Petcare goes to all three stores during the day. Ms. Bellamy explained that sometimes the veterinarians can make it to two, but sometimes the veterinarians come from other cities who drive for about an hour to get to the location. She commented that if the veterinarian is local, then it works out just fine, too. Mr. Tate inquired of Ms. Bellamy if she stated the clinic would be mobile or located inside of the store. Ms. Bellamy advised that the clinic is mobile. She noted that most of the company's clinics are located inside of the store, but in Virginia, the clinics are located outside and would not be located inside of the Tractor Supply store. Ms. Bellamy stated that, actually, her first time attending one of the clinics was last week in Rich City, Virginia, and VIP Petcare did a mobile clinic, which was located outside. She remarked that it worked really well. Mr. Tate inquired of Ms. Bellamy what the clinic, in terms of mobile, would include. Ms. Bellamy explained that, basically, the mobile clinic has everything inside the unit including the vaccines, etc. She noted that the cashier might be located outside of the van checking the customers in and getting their information. Ms. Bellamy explained that the mobile clinic will also have a generator with the van so they can do all of the vaccines in the van. She commented that there is a licensed veterinarian and technician in the clinic. Ms. Bellamy expressed that the clinic will only take one customer at a time with their pet. Mr. Jones remarked that he understands that VIP Petcare has a mobile van, but the actual vaccinations and microchipping will take place inside of Tractor Supply. Ms. Bellamy stated that is incorrect. She explained that vaccinations and microchipping are both performed inside of the van. Ms. Bellamy commented that at Tractor Supply, the van would be located right in front of their store or wherever the manager prefers. Ms. Tate stated that to him it sounds like nothing will take place inside of Tractor Supply, and VIP Petcare is leasing part of the parking lot. Ms. Bellamy advised that is correct because the parking lot is part of Tractor Supply's property.

Ms. Cathy Pattison inquired of Ms. Bellamy as to what kind of small animals VIP Petcare performs services on. Ms. Bellamy explained that they work on dogs and cats, and she noted that they also do microchipping on horses, but not often. She noted that microchipping on horses, rabbits, ferrets, etc. does not take place very often, but if a customer wants to do so, they will perform the service. Ms. Bellamy reiterated that the service is mostly performed on dogs and cats.
Mr. Joseph Hand, Jr. inquired of Ms. Bellamy as far as expense wise, how does it compare to a local veterinarian if a person takes their animal to have vaccines. He inquired of VIP Petcare’s prices are the same or competitive. Ms. Bellamy explained that, usually, it will be a lot cheaper. She noted that is what they hear from customers. Ms. Bellamy remarked that customers will come in and state that the clinic is a lot cheaper because a lot of times when a person goes to an animal hospital, they are paying for that service fee. She noted that it does save a lot, especially if a person is just coming in to get rabies vaccines. Ms. Bellamy stated that a lot of customers only need a rabies vaccine for their pet, and VIP Petcare provides the rabies tag, as well. She noted that the service with tag would total approximately $18. Ms. Bellamy commented that if a person were to go to an animal hospital, it might cost more for the customer to walk in because they have to pay an extra fee just to walk in. She remarked that the mobile clinic does not have that extra fee, and she noted that there is a free exam fee, as well. Mr. Hand stated that VIP Petcare is not going to become a part of the town with an actual storefront, but, rather, the mobile clinic is going to be coming and going as often as needed. Ms. Bellamy stated that is correct. Mr. Hand remarked that the mobile clinic will not be a permanent fixture. Ms. Bellamy stated that is correct. She commented that the mobile clinic will only come whenever it is convenient for the store, and noted that the mobile clinic is only there for about an hour and a half. Ms. Bellamy remarked that they are not at one location for very long periods of time.

Ms. Pattison inquired of Ms. Bellamy if she were to bring her dog to the mobile clinic with a problem if the veterinarians in the mobile clinic have access to that dog’s prior records of its veterinarian visits. Ms. Bellamy stated that if Ms. Pattison has been a client before, the animal’s records will be in the system once the client checks in the first time. Ms. Pattison inquired if it was her first visit with the mobile clinic, if the clinic would have any access to her dog’s records over the years. Ms. Bellamy stated that is not correct. Ms. Pattison remarked that if she stated all her dog needed was a rabies shot, then the veterinarians will express that they can perform the service. Ms. Bellamy explained that VIP Petcare would check to see if they have any information, for instance, a microchip so that if it is registered to another owner they may have the records, but if it is, for instance, a stray animal, they would not be able to locate the animal’s past history, the same as an animal hospital because they just would not know the history. She stated that they would talk to the veterinarian to see what would be the best scenario before administering anything. Ms. Pattison remarked that there is a Tractor Supply in Marion, Virginia. She inquired of Ms. Bellamy if she is aware of how close that is to Wytheville. Ms. Bellamy stated that she is not. Ms. Pattison commented that Marion is approximately 30 minutes south on Interstate 81. She noted that she just worries about the cleanliness of the mobile clinic. Ms. Pattison stated that in the worst case scenario, if they were to give her dog a shot and it reacts, if she still would have to go to her regular veterinarian and pay for a visit to fix the problem. She noted that she is worried about those type of issues.

Mr. Hand inquired of Ms. Bellamy as to the qualifications of the people who are actually administering the vaccinations and procedures. Ms. Bellamy advised that the people who are actually administering the vaccinations have to be licensed veterinarians. She commented that the veterinarian technicians who are with the mobile clinic have experience and some are in veterinarian school. Ms. Bellamy explained that in the State of North Carolina and Virginia, the veterinarian technicians do not need to have experience to be a veterinarian technician. She commented that only the people administering the vaccines have to be licensed veterinarians. Mr. Hand inquired of Town Manager Sutherland that as far as a business is concerned, to have a business with a truck, does the business get a license just like they would with any other business or how would the Town handle the business license in that case. Town Manager Sutherland advised that he would not see any way to avoid not having a business license. He
remarked that the question would be if it is a business service or a professional service. Town Manager Sutherland stated that VIP Petcare is actually a retailer who moves from place to place. Mr. Jones remarked that they would still need to get a business license, therefore, to him, it is the same. Town Manager Sutherland stated that is correct. Mr. Hand expressed that the only other question he has for Ms. Bellamy would be if VIP Petcare and Tractor Supply are in any kind of natural partnership, or is Tractor Supply involved in this in any way or are they just allowing VIP Petcare to use their site. Ms. Bellamy explained that it is a partnership. She noted that most of the stores that VIP Petcare visits are Tractor Supply stores, therefore, they will give the mobile clinic their coupons which might have a free bag of dog food, etc. Ms. Bellamy commented that Tractor Supply keeps flyers inside of their store notifying their customers of the dates that the mobile clinic will be at the store. She reiterated that the store and the mobile clinic have a partnership. Mr. Hand inquired of Town Manager Sutherland if Petco required a special exception permit because of its zone. Town Manager Sutherland stated that is correct. Mr. Jones inquired of the Commission if there were any further questions for Ms. Bellamy.

Ms. Pattison inquired of Ms. Bellamy as to what the frequency would be of VIP Petcare being located at Tractor Supply. She asked that Ms. Bellamy please review that schedule one more time. Ms. Bellamy reiterated that it is, basically, up to the individual store. She noted that it is up to the store and whatever works best in the community. Ms. Bellamy explained that in every store, it could be once a month, every other month or whatever works out for that individual store. Ms. Pattison inquired of Ms. Bellamy as to how many people will be on staff in the mobile clinic. Ms. Bellamy reiterated that there would be a veterinarian, a veterinarian technician and a veterinarian assistant, therefore, it is usually approximately three staff members in the mobile clinic. She commented that if it turns out to be really busy, obviously, they will add a fourth person. Ms. Bellamy remarked that, usually, it starts out with three staff members. Ms. Pattison inquired of Ms. Bellamy if VIP Petcare would advertise through Tractor Supply or how they would advertise to be in Wytheville on certain dates. She remarked as to how the public would know the mobile clinic would be in the Tractor Supply parking lot. Ms. Bellamy advised that VIP Petcare advertises with flyers and a board outside of the store with the date and time of the event, and the store has a big sign that they place wherever they choose either in the front or in the middle of the store. She commented, therefore, VIP Petcare has a lot of different advertising going on. Ms. Bellamy explained that, sometimes, they might have something out in the street. She noted that before they hold their first clinic at a store, normally, they have someone visit the store and set up to talk to people. Ms. Pattison inquired of Ms. Bellamy as to how new the service is through Tractor Supply and how long VIP Petcare has been in operation. Ms. Bellamy explained that she has been doing this for almost three years in March. She commented that VIP Petcare has been around for a while. Ms. Bellamy noted that it merged two years ago with Vet Wellcare and it was Paws Plus, as well. She reiterated that the operation has been around for a while. Ms. Bellamy explained that Paws Plus was around for approximately 15 years. Ms. Pattison inquired if the operation has been profitable. Ms. Bellamy advised that it has been very profitable, especially in certain cities like the military cities. Ms. Bellamy remarked that it still growing across the country, too. She noted that VIP Petcare recently opened a district in Colorado. Ms. Bellamy expressed that it is a good company to work for, and she has enjoyed working for them. Ms. Pattison stated that there is a mobile veterinarian service who operates in the Town of Wytheville. She remarked that she knows the young lady who operates the business and that she stays busy.

Mr. Tate inquired of Ms. Bellamy where the nearest Tractor Supply store is located that VIP Petcare operates a mobile clinic. Ms. Pattison commented that it is in Marion. Mr. Tate remarked that he did not hear Ms. Bellamy state that the Tractor Supply store in Marion has the mobile clinic visit its location. Ms. Pattison noted that Ms. Bellamy did not state this.
remarked that Tractor Supply in Marion does not have this service. Ms. Pattison reiterated that
the Marion Tractor Supply does not have the service, however, they were discussing offering
the service. Ms. Bellamy explained that her VIP Petcare district is based out of Raleigh, North
Carolina, and they recently started taking over some of the Virginia stores. She noted that she
thinks the Richmond, Virginia, office was taking over most of the Virginia stores. Ms. Bellamy
commented that it was Rich City, Virginia, that she visited, and there were approximately 20
people who visited the clinic for the first time. She noted this was good for a first time event. Ms.
Pattison stated to Dr. Suarez that she talked to the manager at the Marion Tractor Supply, and
they are considering it. She reiterated that it is being discussed. Dr. Suarez noted that he did not
think it was in operation at this time. It was noted that the Galax location is also proposing to
hold the clinics. Ms. Pattison commented that this was interesting. Ms. Bellamy explained that in
some parts of Virginia, the District of Columbia Office takes part of, as well. She stated that
Raleigh only recently took on Virginia, so she is not sure exactly which stores VIP Petcare will
be visiting. Ms. Pattison commented that she noticed in the background that it states “does not
include large animals such as horses, ponies and cattle,” but Ms. Bellamy did mention that it
could. Ms. Bellamy remarked that she was told that VIP Petcare is capable of microchipping a
rabbit, horse, etc., however, she has never seen a horse or rabbit come in to the clinic. She
noted that she has always seen dogs and cats, but she knows with microchipping that they are
allowed to perform this on the horses, rabbits, etc., which is what she was told recently. Ms.
Pattison inquired of Dr. Beamer if she could explain to her the process of microchipping in a
small animal. Dr. Beamer stated that microchipping is performed by injection, therefore, the
syringe is slightly bigger than a regular vaccine needle. She noted that the microchip is located
in the very tip of the syringe. Dr. Beamer explained that the procedure is done in the area of the
round shoulder, and it is done subcutaneously so the chip will be pushed in and then the syringe
is pulled out. She noted that the veterinarian will scan to make sure that the chip stayed in
place. Ms. Pattison inquired of Dr. Beamer as to how long the procedure takes. Dr. Beamer
stated that it is a very short procedure, and it is just long enough to get the injection. She
remarked that it is done, basically, almost like other vaccines. Ms. Pattison inquired of Dr.
Beamer if she normally has problems with the microchipping. Dr. Beamer expressed that she
generally does not have any problems with the microchipping. Mr. Jones inquired if Dr. Beamer
got all of her questions answered by Ms. Bellamy. Dr. Beamer stated that, for the most part, she
did. She remarked that she is not sure how much homework they did on the area of
veterinarians as far as price checking. Dr. Beamer commented that maybe Ms. Bellamy can tell
her if the prices on the VIP Petcare website are what is actually charged. Ms. Bellamy stated
that is correct. Dr. Beamer explained that VIP Petcare charges individually where their clients
can get several services at a reduced price. She noted that a person can get a heartworm test
and get heartworm preventative treatment at a reduced price. Dr. Beamer remarked that some
of her concern is that the community is not located in a huge metropolitan area and prices are
not really high at veterinarian offices in Wytheville to begin with so she does not know if a
person is going to save a ton of money by using their service. She explained that her clinic
charges $16.50 for a rabies shot, and, technically, if a person wants to come in to get a rabies
shot for their pet, that is all she is going to charge them. Dr. Beamer commented that sometimes
if a client comes in and inquires about ears, etc., then they might be charged an exam charge
with it. She noted that if a person goes to the mobile clinic and their dog needs its ears
examined, they are going to have to seek other help for that problem. Dr. Beamer remarked that
her other questions have been answered.

Ms. Pattison inquired of Ms. Bellamy what if there is a busy day and 10 cats, 10 dogs and a
horse show up. She inquired if there is a waiting area. Ms. Pattison remarked that sometimes
animals are not patient and neither are their caretakers. She inquired if she ever thought there
might be a problem in that area. Ms. Bellamy explained that they have a big tent. She noted that
this is the first time doing the outside clinics, as well, but she knows that when they got busy in Rich City, and there was about 20 people, they made sure the line was organized. Ms. Bellamy remarked that she understands that dogs will be barking, etc. She reiterated that they do have a tent, and before they even park the van, they try to talk to the store manager to determine the best location to set up for the event just in case it gets busy and there is a long line. Ms. Bellamy noted, for instance, they may park to the side of the building. She remarked that it is whatever is convenient for the store manager. Ms. Pattison inquired if, for instance, VIP Petcare is coming to Wytheville on October 4, if she has to call Tractor Supply to make an appointment or is it a first come, first served basis. Ms. Bellamy explained that there are no appointments, and it is first come, first served. She commented that if someone decides as they pass by and see the advertisement, then they can come by at that time and receive services. Ms. Pattison inquired of Dr. Beamer if she has to make an appointment to bring her animal to her clinic. Dr. Beamer stated that is correct. She noted that her clinic does prefer appointments to manage the time. Dr. Beamer commented that they do have walk ins, and, if this happens, they will see them as a work-in patient just because it is easier for them to schedule appointments. She noted that her clinic is open on Saturdays, also. Ms. Pattison thanked Dr. Beamer. Mr. Jones inquired if there was anyone else who wished to speak in regard to the public hearing.

Dr. Trina Leedy was recognized and stated that she came in late. She apologized for being late, and noted that she had been at work. Dr. Leedy inquired of the Commission if they could summarize what had been asked and answered. She noted that she understood that VIP Petcare is going to bring in a trailer. Dr. Leedy inquired if that is correct. Mr. Jones stated that is correct. Dr. Leedy expressed that she has a mobile clinic so she can relate to some of the questions that are being asked. She commented that as far as the walk in clients, there are no appointments scheduled. Dr. Leedy remarked that there are people lined up waiting. She stated that her inquiry is how long the clinic will be at the store in one day. Ms. Bellamy stated that it could be one hour to one and half hours. Dr. Leedy inquired of Ms. Bellamy as to how detailed the exams are going to be. She inquired if, for instance, when the pets come, if the veterinarians administer vaccines and then send them home or will they go through routine exams. Ms. Bellamy explained that the VIP Petcare mobile clinic is not as sterile as an animal hospital and they do not have all of the equipment, but the veterinarians have the capability to check the animals' ears, skin, body for lumps, etc. She noted that it is a quick procedure that they do, but the veterinarians can only vaccinate healthy pets. Dr. Leedy inquired of Ms. Bellamy if the veterinarians find problems, what are their recommendations. Ms. Bellamy stated that most doctors would recommend a local veterinarian to go to if the dog looks like it may have Parvo or something like that. Dr. Leedy inquired of Ms. Bellamy as to what the veterinarians do if the animals have reactions. Ms. Bellamy stated that the same recommendation would be given, and they would need to go to a local animal hospital. She noted that VIP Petcare also researches to see where the nearby animal hospitals are, and they post that information on their receipt, as well, so that the client will know where the nearby animal hospital is located. Dr. Leedy inquired of Ms. Bellamy as to how often the clinics will be at Tractor Supply. Ms. Bellamy explained that at this time, she is not sure. She noted that Dr. Leedy could check with the store manager for that information. Dr. Leedy commented that when she sees patients in her mobile clinic that in an hour and a half, a lot of people show up. She noted that it is hard to do a thorough exam because she gets rushed. Dr. Leedy remarked that trying to make the time to do a thorough job is quite the issue, and given the town's people, the quality of care that is needed is her objective. She noted that her concern is if VIP Petcare is administering vaccines to the animals and they have trouble, but then they come to her or any other veterinarian in Wytheville afterwards for assistance, then what information will the local veterinarians have to follow up. She noted her questions would be what did they find, what was the animal given, etc. Ms.
Bellamy explained that, for example, if the animal was given a heartworm test or a fecal test, the client would actually get their results in a couple of days to a week, which will go to their email. She stated if a test is positive, the client will actually get a telephone call from the VIP Petcare help desk. Ms. Bellamy commented that she knows, to most people, an hour and a half sounds like everything is going to be rushed, but after awhile and their staff doing it so often, they know how to handle it now. She remarked that when they went to Jackson, North Carolina, they saw approximately 70 pets. Ms. Bellamy explained that if they know ahead of time that it is going to be busy, they prepare ahead of time and get enough staff on site to cover the event. Dr. Leedy inquired of Ms. Bellamy as to how many veterinarians VIP Petcare brings with them to each event. Ms. Bellamy stated there is one veterinarian on site at each event. She advised that if it is busy, they can add on four people to the site, but if not, there will be three. Ms. Bellamy commented that, usually the first time, VIP Petcare might not put four people at one site but will bring three people so they can see how it works out first.

Dr. Beamer explained that some of her questions pertained to VIP Petcare's services because she did not realize they were not onsite doing their stool specimens and heartworm tests. She inquired of Ms. Bellamy if one of their bundles is to actually do the heartworm check and get the preventative treatment, then how are they doing that if VIP Petcare is gone when clients are getting the results of tests. Ms. Bellamy explained that the results will come to the clients' emails. Dr. Beamer inquired if they will receive a coupon to get the preventative treatment or how that works. Ms. Bellamy stated that VIP Petcare actually has preventative treatment on site. Dr. Beamer remarked if her dog tests positive, she is not going to get that preventative. Ms. Bellamy stated that is correct, and if it is positive, VIP Petcare will email the client and inform them to visit their local animal hospital since they cannot do medical treatments on site.

Mr. Jones inquired of the Planning Commission if there were any further questions or comments before he closes the public hearing.

Mr. Hand stated that he has one more comment. He noted that he would like to talk about special exception permits and why that once the Town Council approved the special exception permit at Petco, the Town set a precedent and would have to tell somebody else that they can have the same permit. Mr. Hand explained that this is the reason why he is never a fan of special exception permits. He commented that the property is not zoned properly, however, the Town has made that exception in the past. Mr. Hand expressed that he thinks the Planning Commission needs to be very careful from this point on about special exception permits because, it is really difficult not to approve another request once someone else has been approved for the same permit. He advised that he just wanted to state how he felt. Mr. Jones inquired if there were any further comments or questions. There being none, Mr. Jones declared the public hearing closed and proceeded with the agenda.

**RE: RECOMMENDATION TO TOWN COUNCIL – SPECIAL EXCEPTION PERMIT – VIP PETCARE**

Mr. Jones advised the next agenda item is for the Planning Commission to make a recommendation to the Town Council to consider the request of VIP Petcare to provide veterinary services at Tractor Supply at 1380 East Main Street, which is located in the Lee-Hy Shopping Center (former Big Lots Shopping Center) located on the north side of East Main Street between Cassell Road and the Mountain View Square Shopping Center, in a B-2 Business District. He noted that listed in the staff report are some suggested restrictions that the Commission may want to place on this special exception permit. Mr. Jones inquired if the Commission had any questions or comments. Dr. Suarez stated that he had one comment. He
expressed that it seems to him that this issue has left some matter of providing a needed community service that he thinks is already here. Dr. Suarez explained that he thinks it would be providing another opportunity for some veterinary service to be provided by an outside group. He noted that for the Commission to not misunderstand him, and that is acceptable with him because there is nothing stating that the Commission would prevent another veterinarian from coming in and setting up an office for this type of thing. Dr. Suarez explained that it appears to him that it is not an issue of services, but it is an issue that they can certainly come in to provide services. He remarked that what VIP Petcare would charge whether it be more or less, and they might be successful or not at what they do. Dr. Suarez expressed that this is not for the Commission to determine all of those things. He stated that there is a little question in his mind about the quality of services and how they perform them, but he thinks if the Commission limits what VIP Petcare can do according to the staff recommendations, it would limit certain issues. Dr. Suarez remarked that he sees no reason why the Planning Commission should not provide VIP Petcare with a special exception permit. Mr. Jones inquired if there were any other comments. He inquired if there is a motion for the recommendation. A motion was made by Dr. Suarez and seconded by Mr. Hand to recommend to the Town Council to approve the request of VIP Petcare to provide veterinary services at Tractor Supply at 1380 East Main Street, which is located in the Lee-Hy Shopping Center (former Big Lots Shopping Center) located on the north side of East Main Street between Cassell Road and the Mountain View Square Shopping Center, in a B-2 Business District, with the following stipulations: 1.) The special exception permit be issued for this location jointly to VIP Petcare and Tractor Supply; 2.) The hours of operation be established (Monday through Saturday; 10:00 a.m. to 5:00 p.m.); 3.) Only the small animal services requested in the application be permitted; 4.) Pet stations be provided in the parking lot, should the need make it necessary; 5.) The special exception permit be reviewed annually; 6.) Failure to maintain any of these requirements is grounds for revocation of the special exception permit; 7.) The appropriate business license and other required permits and licenses be obtained. Mr. Jones inquired if there is any discussion on the motion. Town Manager Sutherland inquired about some of the wording on the application. Town Manager Sutherland remarked that he does not even know what some of these things mean. He commented that the application states “vaccination and microchipping, no surgical procedures, kenneling, or injury illness diagnostics.” Town Manager Sutherland inquired if tubes and blood are considered as diagnostics. Ms. Bellamy stated that the heartworm tests are actually taking blood from the animals. Town Manager Sutherland commented that the application is the description of what they are doing. Ms. Bellamy explained that the diagnostic is stating that the doctors who are working on site are stating that the client’s dog has Parvo so it will need to be taken to a nearby animal hospital. Mr. Tate stated that there is also some verbiage in the application about the clinics being held inside of Tractor Supply. He noted that the Planning Commission would like to acknowledge that to add an exception to this being that it be outside in a mobile unit. Ms. Bellamy stated that she looked at the paperwork before she left, and she spoke to her manager and that it was an error because all of their clinics across the country are inside. She noted that it was actually an error on VIP Petcare’s part. Ms. Bellamy explained that only in Virginia is this done outside. Mr. Tate inquired of Ms. Bellamy if this would be done in a mobile van and would not include tents set up. Ms. Bellamy explained that it is a mobile van, but it is up to the store manager as to whether or not they want VIP Petcare to set up a tent right in front of the van. She noted that they do have a tent, as well. Mr. Jones inquired of Dr. Suarez if he would like to amend his motion to state that services will be provided outside. Dr. Suarez stated that is correct. The motion made by Dr. Suarez and seconded by Mr. Hand was amended to include the following stipulations: 1.) The special exception permit shall be issued for this location jointly to VIP Petcare and Tractor Supply; 2.) The hours of operation shall be established as Monday through Saturday, 10:00 a.m. to 5:00 p.m.; 3.) Only the small animal services requested in the application shall be permitted; 4.) Pet stations shall be provided in the
parking lot, should the need make it necessary; 5.) The special exception permit shall be
reviewed annually; 6.) The appropriate business license and other required permits and licenses
shall be obtained; 7.) Veterinary services shall be outdoors and shall be limited to the mobile
veterinary vehicle; and, 8.) Failure to comply with these conditions shall be grounds for
rescinding this special exception permit. Mr. Jones inquired if there were any further comments.
Ms. Bellamy stated that she also brought some paperwork, if anybody wants to look over it to
see where they are located across the country. Mr. Jones stated that there is a motion and
second to approve the recommendation to the Town Council. He inquired if there is any further
discussion before proceeding with the vote. There being none, the motion was approved with
the following voting results: For: Terrance E. Suarez, Joseph E. Hand, Jr. Against: M. Bradley
Tate, Cathy D. Pattison, John W. Jones, Jr.

Mr. Jones advised that it is a three to two decision not to recommend that the special exception
permit be approved. He noted that this will be forwarded to the Town Council, and the Council
will consider the recommendation. Mr. Jones explained that the Council will hold a public
hearing and go through what the Planning Commission just did. He commented that the Town
Council can change the decision or keep it as it is. Mr. Jones inquired of Town Clerk Corvin as
to when the public hearing will be held for the Town Council. Town Clerk Corvin advised that the
Town Council public hearing will be held on Monday, October 24, 2016, at 7:00 p.m., in the
Council Chambers. Mr. Jones reiterated that the public hearing would be held on October 24,
2016, at 7:00 p.m., in the Council Chambers. Mr. Jones thanked everyone for attending, and he
proceeded with the agenda.

**RE: CITIZEN'S PERIOD**

Mr. Jones advised the next agenda item is Citizens' Period. He inquired if anyone wished to
address the Planning Commission in regard to any other subject during Citizens' Period. Town
Manager Sutherland stated there was a previous request from Mr. Jen Wu for a special
exception permit to construct a 24-unit apartment or condominium complex. He advised that the
request has been withdrawn. Mr. Jones thanked Town Manager Sutherland for this information,
and he proceeded with the agenda.

**RE: ENTRANCE CORRIDOR OVERLAY DISTRICT REGULATIONS**

Mr. Jones advised the next agenda item is the review of the Entrance Corridor Overlay District
regulations. He stated that at this time, Town Manager Sutherland will discuss this issue. Town
Manager Sutherland advised that this topic has been on the Planning Commission's agenda for
some period of time. He noted that this will look at two different corridors and there is some
language in the staff report stating what the Planning Commission is actually looking to do in
terms of these areas. He explained that there are some maps enclosed in the packages. Town
Manager Sutherland remarked that the maps indicated, as the Planning Commission knows,
that they have exempted certain residential areas from these zoning requirements. He
expressed that if they look at the literature that has already been sent out, it discusses the green
space areas and the viewshed requirements. Town Manager Sutherland stated that he thinks
probably something that is new, in their current discussions, is the type of building materials that
might be allowed. He commented that this is noted as best quality. Dr. Suarez remarked that is
called "first class." Town Manager Sutherland expressed that the regulations would eliminate
certain things such as block buildings, metal siding, vinyl siding, etc., which is not appropriate in
that viewshed area. He remarked that there is not a Board of Architectural Review anymore,
therefore, somehow the Planning Commission is going to have to determine what kind of appeal
would be available. Town Manager Sutherland commented that it could be as simple as making
an appeal to the Zoning Administrator. He noted that the report goes on to discuss signs and the viewshed width. Town Manager Sutherland stated that the one the Planning Commission is aware of when this was presented for East Main Street, it did not go so well. He commented that he is not sure if the Commission would like to consider both entrance corridors, but it is the same topic for the Commission to discuss. Mr. Jones inquired of Town Manager Sutherland if the Commission needs to hold a public hearing before starting to add the two definitions to the entrance corridor for North Fourth Street. Town Manager Sutherland stated that is correct. Town Clerk Corvin advised that she thinks Assistant Town Manager Moore’s idea was to review the regulations at this meeting, and set the public hearing at the October meeting, which would make the public hearing in November. She noted that she thinks that was Assistant Town Manager Moore’s idea. Mr. Jones stated that the Planning Commission will discuss the regulations further at the October meeting. Dr. Suarez remarked that he has a couple of comments. He noted that he does not like the wording of “first class materials.” Dr. Suarez expressed that his house has vinyl siding, and it makes him feel like this is stating he has a second class house. He explained that he does not mind it being limited to certain items, but he does not think it should be listed as “first class materials.” Dr. Suarez advised that he thinks that is inappropriate. He remarked that with the signage, when there is six foot high sign, he keeps thinking about being in Hilton Head, South Carolina, and not being able to find anything because the signs are all five foot high. Dr. Suarez noted that if he wants to go to a Burger King, he has to stumble across it because you cannot see a Burger King sign anywhere. He noted that if he were a business he would think that six foot would not be the appropriate size. Dr. Suarez explained that he does not want an 18 foot sign, but he thinks a 10 foot sign might be a better size to him. He noted that those are the two things he thought about.

Mr. Hand stated that he feels the same as Dr. Suarez. He noted that he thinks the Commission has to be really careful because when a location gets a store that comes in and it is built with block, which most stores are block, a location has to make sure the cost to build a store does not explode to where they cannot come to a town or where they cannot build because of the large amount of restrictions. Mr. Hand explained that he has lots of issues with stating that only four colors can be on a sign. He noted that he will never support that. Mr. Hand stated that he thinks the Commission has to give people some space on this issue, therefore, he is not supporting that at all. He commented that he has a lot of things to say about this subject, and he apologized for missing the Planning Commission meeting. Mr. Hand explained that he actually did come, but he came late. He remarked that he thought the meeting was at a different time. Mr. Hand stated that he has a lot of questions and concerns, but that mostly this is going back to the Board of Architectural Review (BAR), which he is a part of why that Board no longer exists. He explained that he wants to make sure that the Planning Commission does not fall back into those same patterns because it was not good for the town. He noted that some of these regulations look like it is going down the same path as the BAR, therefore, he thinks the Planning Commission should be careful. Mr. Jones stated that is why he got off of the BAR because he got tired of listening to all of the talk about the paints and signs. He noted that it would go on and on. Mr. Hand expressed that the other interesting thing about signs is that if the Commission members look at all of the town, there are no sign restrictions at all except for downtown. He noted, however, there are no signs in the town that look terrible. Mr. Hand commented that Walmart has no regulation nor do any of the signs on East Main Street or West Main Street, but, yet, there are really bad signs. He expressed that he thinks there is too much emphasis put on being afraid of what someone’s sign might look like. Mr. Hand remarked that he thinks the Commission has to not forget that the Town is are trying to move in toward a town that will embrace color and art. He noted that he thinks regarding color, the Committee has to be very careful because a Committee may not like purple, but if a person opening a business wants their sign to be purple, there could be an issue. Mr. Hand explained that this was the
problem with the BAR. He noted that he just wanted to make sure that the Planning Commission is not going down that path, and, to him, this plan looks a little too much like that. Mr. Hand expressed that he would like to have some more conversation at the next meeting in regard to these regulations. He commented that he would be more specific at that time. Mr. Jones inquired if there is any further discussion in regard to the regulations. There being none, he proceeded with the agenda.

**RE: ENTRANCE CORRIDOR OVERLAY DISTRICT REGULATION – PROPOSED FOR NORTH FOURTH STREET ENTRANCE CORRIDOR**

Mr. Jones advised that the next agenda item is a discussion regarding the possibility of placing the Entrance Corridor Overlay District regulations over the North Fourth Street entrance corridor. He stated that Town Manager Sutherland had already discussed the Entrance Corridor Overlay Districts. Mr. Jones noted that the subject will be discussed further at the October meeting, and he proceeded with the agenda.

**RE: COMPREHENSIVE PLAN REVIEW**

Mr. Jones advised the next agenda item is the review of the Community Facilities Goal and Objectives of the Comprehensive Plan. He explained that he did notice one thing, and that was on number seven. Mr. Jones commented that number seven states "Investigate the potential use of the Old Jail and the Fulton House..." He remarked that the Old Jail is not in existence anymore, therefore, number seven needs to be updated. Town Manager Sutherland advised that the Fulton House is no longer in existence either. Mr. Jones inquired of the Commission if anyone had any comments concerning the review. Town Manager Sutherland explained that this is only one chapter of the Community Facilities Goal and Objectives. Mr. Hand stated that he is really excited that there are so many projects taking place right now. He noted that he thinks everything is on the right path in that way. Mr. Jones remarked that for Mr. Hand's information, the Town has entrance corridor regulations for US 21 South. He noted that the regulations begin where West Lee Highway begins, and he noted that West Lee Highway is also regulated. Mr. Jones stated that Peppers Ferry Road also has entrance corridor regulations. He noted that as far as he knows, the regulations have worked fine because he is not aware of anyone trying to make any changes. Mr. Jones remarked that is where the difference comes in. Mr. Hand expressed that he knows when the Planning Commission proposed the regulations for the east side of Main Street with the 200 foot setback, there was quite a bit of backlash from that. He commented that he thinks that it being approved on West Main Street was a mistake, but it cannot be changed. Mr. Hand stated that the Commission needs to look at some of those structures in that corridor and noted that there is just not room for a 200 foot setback. He expressed that if the Town is not careful, there is going to be properties where things cannot be built. Mr. Hand noted that this would be his only comments, even though he knows it is going to be discussed in October.

**RE: ADJOURNMENT**

There being no further business, a motion was duly made, seconded and carried to adjourn the meeting (6:50 p.m.).
Item No. 1. Entrance Corridor Regulations

As the Planning Commission will recall, at the last meeting, they reviewed some proposed changes to the Entrance Corridor Regulations. Town staff advised the Commission at that time to please continue to review the regulations, and they would be discussed further at this meeting. Assistant Town Manager Moore will review the regulations with the Commission and discuss these changes, as well as any changes the Commission members propose to make.

(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.)
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

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 11th 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)\(^76\)

(3) Route 21 South from 14th Street to the corporate limit line\(^81\)

(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.
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. Suboxone Treatment Clinics

As the Commission members may or may not be aware, there is a suboxone clinic operating on Holston Road in the former Scrooge’s Restaurant building. As has been explained to Town staff by the operator of this clinic, their mission is to provide the prescription for the suboxone drug to help individuals with addictions to drugs. This clinic does not dispense any of the suboxone, but they do write prescriptions for the drug and provide counseling to their patients. Apparently, these types of clinics are gaining in popularity, and, therefore, the Council thought it may be good for the Planning Commission to review where these types of clinics should be allowed to operate. The current clinic is operating in a B-2 Business District, and there are several medical/dental facilities that operate in the business zones.
Discussion of Medical Offices, Clinics and Treatment Centers

Background

The Pain Clinic relocation, from Ridge Road in an MA-1 Medical Arts Zoning District to Peppers Ferry Road in a B-1 Business Zoning District, prompted Town Staff to examine permitted uses in these zones and to look at other localities to see if Wytheville’s Zoning Ordinance is significantly different. Subsequently, Council asked the Planning Commission to review this matter.

The Pain Clinic was permitted as a medical facility at the location on Ridge Road under the use of “medical, dental and paramedical offices and laboratories.” The Pain Clinic was permitted as an “Office Building” in the B-1 Business Zoning District, as doctors’ and dentists’ offices have always been permitted in this zone. They would, also, be permitted in M-1 Industrial and M-1M Industrial Zoning Districts under the “Office Building” use.

In mid-March, the Knoxville station, WVL T, reported that a pain clinic in that city, similar to the one operating on Peppers Ferry Road, had been raided by FBI agents. The owners, some of the owner’s operators and some patients were charged with distribution of oxycodone. They had apparently been abusing prescription services. According to the report, many local pharmacies had adopted policies that precluded the prescriptions from being filled. Concerns were expressed in the report by pharmacists that most pain clinics do not take insurance payments or Medicare, and the clinic visits are often $300 to $400. The article quoted pharmacists asking where the money came from and how the patients were going to pay for their prescription after paying such large cash fee for the visit. An oncologist was quoted: “It's gotten to a point where it's hard for primary care physicians to be able to manage chronic pain for patients who truly do need chronic pain management. That's led to the evolution of pain clinics.”

It appears that “Pain Clinics” are basically prescription centers, and the answer for those patients with chronic pain who may have not been able to get help from their primary physician, and/or those who may have become addicted to pain medications and are unable to break the habit. Ultimately, these clinics appear to border on being illegal in that they operate to provide prescriptions to patients. One thing that seems to differentiate the “Pain Clinic” (in Wytheville) is that there are no scheduled appointments. It is first come, first served, and on a cash basis. If you can register and pay $300, you can see a doctor about a prescription and allegedly walk out with a prescription. It should be noted that local pharmacies have refused to fill these prescriptions.

Discussion

This is, certainly, a universal medical/social problem that has become a local zoning problem. The migration of large numbers of desperate people on a daily basis to these “pain centers” or “pain clinics” have become a problem, however, if they are operated within the law, differentiating them from a doctor’s office or medical facility may be difficult. Other than the complaints of adjacent neighbors about the number of people from out of state waiting in parking lots and visiting the clinic, it would be difficult to differentiate the true function from a doctor’s office. At the Town’s request, Ted Povar, of the UVA Weldon Cooper Center, polled other localities about their Zoning Ordinance and how they interpreted pain clinics, and the results are attached to this report.

Our ordinance does little to differentiate between doctors’ offices and other offices, and subsequent interpretations have included them with other types of business offices. It
appears that other localities also have done little to differentiate pain clinics from other types of medical offices or doctor's offices.

Some ordinances have made attempts to regulate methadone clinics or addiction treatment facilities. An Outpatient Substance Abuse Treatment Center may be the one type or use that has been restricted through local zoning in a few responding communities (see attached report and regarding Powhatan County and Blacksburg).

Recently, an "Addiction Clinic" has located in Wytheville, and this has, again, renewed the concern originally by generated the "Pain Clinic". The Addiction Clinic treats patients through a number of methods including support, counseling, faith and through a prescription of medication (suboxone). It may be similar to the methadone clinic, except for the emphasis on faith, counseling support and group support.

The Planning Staff would suggest that the Planning Commission study and consider revisions to the Zoning Ordinance that would help to clarify the different types of medical facilities and where they should be placed. It appears that there may be several differentiating qualities that can be considered. The size of the facility, the urgency of the visits or their emergency nature, whether or not visits are scheduled or on a first come, first served basis, the length of stay, whether they receive treatment at the facility and the nature of the treatment.

Staff would suggest that several definitions similar to Blacksburg be established for Clinic, Medical Office, and Outpatient Substance Abuse Treatment Center.

- Medical Offices be permitted in all Business Zones and the Medical Arts Zone.
- Clinics be permitted only in B-2 Zones and MA-1 Medical Arts Zones.
- Outpatient Substance Abuse Treatment Center be permitted only in B-2 Business Medical Arts and MA-1 Zones

MEDICAL OFFICE - Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a scheduled and routine basis, but which does 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 is not the dominant type of care provided at this facility.

CLINIC - A facility providing medical, psychiatric or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees or visitors. The term, "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

OUTPATIENT SUBSTANCE ABUSE TREATMENT CENTER - An establishment which provides patient services primarily related to the treatment of alcohol or other drug or substance abuse disorders, which services include the dispensing and administering of controlled substances and pharmaceutical products by professional medical practitioners as licensed by the Commonwealth of Virginia. Such an establishment may also provide ancillary mental health treatments.

For information, attached is the Summary of the Poll of Communities taken by the Weldon Cooper Center:
City of Chesapeake: Chesapeake does not have a specific regulation for "pain clinics" and if presented a proposal for one to operate, they would regulate it as a doctor's office and it would be permitted in their various business zoning districts.

Henrico County: Henrico County considers a pain clinic a "medical office" allowed in any business or industrial district. There are stated criteria, such as a distance from a school, but these are only "indirectly" enforced. (We assume this to infer that it is enforced by complaint.) They have several methadone clinics in the county and they have never had any major problems with them.

Town of Blacksburg: Blacksburg would consider pain clinics as a "clinic" instead of a "medical office." It would be allowed in the Office, General Commercial and Downtown Zoning Districts. The Zoning staff would evaluate it to ensure that it did not meet the definition of an "Outpatient Substance Abuse Treatment Center," which is allowed in the same districts, but with a Conditional Use Permit. Blacksburg offered these definitions which they use. It appears that the pain clinic would comply with both a "clinic" and "medical office" definition. I am not sure that it would fall under the definition of "Outpatient Substance Abuse Treatment Center" since they would not be dispensing controlled substances, however, they may be considered as "administering" pharmaceutical products.

CLINIC - A facility providing medical, psychiatric or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees or visitors. The term, "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

MEDICAL OFFICE - Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists or similar practitioners licensed by the Commonwealth of Virginia. Emergency treatment is not the dominant type of care provided at this facility.

OUTPATIENT SUBSTANCE ABUSE TREATMENT CENTER - An establishment which provides patient services primarily related to the treatment of alcohol or other drug or substance abuse disorders, which services include the dispensing and administering of controlled substances and pharmaceutical products by professional medical practitioners as licensed by the Commonwealth of Virginia. Such an establishment may also provide ancillary mental health treatments.

Gloucester County: Gloucester County does not have a specific definition for a "pain clinic" or "pain center" and would likely permit it under the definition of "hospital."

"Hospital, general:" An institution rendering medical, surgical, obstetrical or convalescent care including guidance services and treatment for alcoholism, drug addiction or mental illness.

Powhatan County: Powhatan County does not provide for prescription centers or pain clinics, but they would classify the facility as either a "medical or dental clinic" or "medical treatment facility" dependent upon the level of treatment and duration of treatment (inpatient/overnight). A pain clinic would probably be permitted in their Village Center, Commerce Center, Light Industrial, Residential-Commercial, Office, General Commercial and Courthouse Square Zoning Districts as a "by-right" use. In the Residential Utility District, a conditional use permit would be required. Here are Powhatan's definitions:
MEDICAL OR DENTAL CLINIC -- A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists or other health practitioners on a short-term basis. The use includes the offices of physicians, dentists, chiropractors, optometrists, podiatrists, audiologists, speech pathologists, physical therapists, acupuncturists, psychologists and other health practitioners. It also includes facilities providing short-term outpatient care and treatment (which may or may not be overnight), such as urgent care centers, kidney dialysis centers, ambulatory surgical clinics, outpatient pain therapy clinics, biofeedback centers, sleep disorder clinics, family planning clinics, community health clinics and health maintenance organization (HMO) medical clinics. Such facilities that provide overnight care and treatment may include sleeping rooms for care workers and members of patients’ families. This use does not include hospitals (which are much larger in scale), blood/tissue collection centers, drug or alcohol treatment facilities or massage clinics (which provide specialized medical services).

MEDICAL TREATMENT FACILITY -- Facilities and offices for providing inpatient and overnight treatment, care and support targeted to chronically ill patients or involving minor surgical procedures. This use involves more intensive and longer duration treatment and care than medical clinics and less intensive treatment and care than hospitals. Examples include urgent care centers and outpatient surgery centers.
AGENDA INFORMATION

OTHER BUSINESS

Item No. 3. Exit 73 Conceptual Plan

The Virginia Department of Transportation is studying the Exit 73 area, and Wythe County is discussing providing for a better entrance into Progress Park. Therefore, it is the ideal time for the Planning Commission to begin considering what they vision for the future development of the area around Exit 73. Assistant Town Manager Moore will review this topic with the Planning Commission.
Staff Report

The Planning Commission has been working on a review of the Comprehensive Plan, and one of the most important aspects of planning is transportation. This is especially true of Wytheville because of its location along the I-77/I-81 Corridor. General Assembly legislation (HB2) has provided State funding mechanisms for transportation improvements, and, in the past two years, there has been an ongoing discussion at the County level about the importance of better access to Progress Park. Local VDOT staff suggested that an Exit 73 upgrade, already identified in the Town's Comprehensive Plan, may be a better solution than the upgrade of I-77, Exit 41 suggested and already under study by the County.

Town staff agrees with VDOT on this issue and has been working to submit this project for funding, while the County continues to pursue the funding source for Exit 41. Assistant Town Manager Moore will discuss the very preliminary "master planning" of this exit, as well as the zoning and infrastructure in this area. He will also show the preliminary routes proposed by the County.

While the realization of development in this area is probably 10 to 15 years away, this is probably some of the most important planning for the Town's future and, if, done correctly, will serve the Town for the next century.
AGENDA INFORMATION

OTHER BUSINESS

Item No. 4. Comprehensive Plan Review

Please find enclosed the Community Facilities Goal and Objectives from the Comprehensive Plan. As the Commission will recall, these objectives were reviewed at the last meeting, and Assistant Town Manager Moore will continue to review the objectives at this meeting.
Community Facilities Goal and Objectives

Goal: Provide community facilities for the governmental, cultural, and recreational needs of the present and future population.

1. Investigate the feasibility of a new Police and Fire Station to house all the Town’s emergency operations—Police, Fire and Rescue, and E-911 Call Center. This is being pursued jointly by Wythe County and Wytheville.

2. Encourage the continued improvement and enhancement of the existing parks.

3. Consider developing a walking/bike trail along the Town branch from the Jackson Property to the old landfill site connecting the Town parks.

4. Promote and preserve the Town’s historic resources by recognizing new areas and sites to be added to the National Register of Historic Places.

5. Develop and identify potential park areas and a master plan for the development of neighborhood parks throughout town, including the water tower and tank sites, and acquisition of ideal park areas to provide a network of readily accessible parks in all neighborhoods. Please see Exhibit for Parks and Future Parks.

6. Coordinate the use of other public facilities owned by the Town—Crystal Springs Watershed Property, Regional Visitor’s Center, Heritage Preservation Center, Town Museums, Police and Fire Station, new Community Center, old Community Center and those facilities not owned by the Town – Wythe Arts Council’s Haller House, Wytheville Community College, Scott, Spiller and George Wythe Schools and facilities, County Court House, Public Library, and Wythe County Community Hospital to maximize their service potential and to reduce costs.

7. Make improvements to the stadium at Withers Park, and complete an enclosed shelter.

8. Study and make design improvements to East Main Street from Eleventh Street to Cassell Road similar to the Downtown Streetscape Improvements.

9. Study and make improvements to Main Street from Fifth Street to Eleventh Street, and Sixth Street to Fourteenth Street to match the Main Street Improvements.

10. Study and make improvements to Tazewell Street to include curb and gutter, walkways and landscaping with emphasis on Commonwealth Drive to Valley Street.
AGENDA INFORMATION

OTHER BUSINESS

Item No. 5. Downtown Improvements Project Update

Assistant Town Manager Moore will review the progress of the Downtown Improvements Project with the Commission.
COUNCIL ACTION LETTER
Staff Assignments and Information

September 12, 2016

ACTIONS TAKEN OR DISCUSSED

1. Made the following appointments in accordance with the Council's reorganization due to the special election:

   a. Appointed Councilwoman Beth A. Taylor to the Budget and Finance Committee.
   
   b. Appointed Mayor Crewe to the Homestead Museum Advisory Board.
   
   c. Appointed Councilwoman Beth A. Taylor to the District III Governmental Cooperative.
   

2. Approved the consent agenda consisting of the minutes of the regular meeting of August 22, 2016; the request of Downtown Wytheville, Incorporated to conduct the Annual Christmas Parade on Saturday, December 3, 2016, at 6:00 p.m.; and, the request of the March of Dimes to conduct the March for Babies Parade on Saturday, October 8, 2016, at 10:00 a.m.

3. Conducted a public hearing to consider the request of Garnett and Polly Miller for a special exception permit to operate a carwash at 425 East Main Street, which is located on the south side of Main Street between Fifth and Seventh Streets, in a B-2 DT- General Business District – Downtown Zoning District.

4. Consensus to dispense with the October 10, 2016, Town Council meeting due to the Virginia Municipal League Conference being held on the same date.

5. Upon recommendation of the Budget and Finance Committee, approved an appropriation of $10,000 to the Department of Museums for the final payment for a feasibility study for a kitchen and a gunsmith shop, and approved an

STAFF ASSIGNMENTS

2. Town Clerk – advise by letter

5. Town Treasurer – issue funds at appropriate time
appropriation of $10,000 to the Department of Public Information and Tourism for the Tourism DRIVE Program. Authorized both departments to disperse the funds when needed.

6. Upon recommendation of the Budget and Finance Committee, approved the request of the Wytheville Redevelopment and Housing Authority for an appropriation of $100,000 for the Freedom Lane Project.

7. Upon recommendation of the Public Works Committee, authorized the Town Manager to execute the contract documents with VDOT for the betterment costs of $753,580 for the Community Boulevard Road Project.

8. Issued a special exception permit to Garnett and Polly Miller for a special exception permit to operate a carwash at 425 East Main Street, which is located on the south side of Main Street between Fifth and Seventh Streets, in a B-2 DT- General Business District – Downtown Zoning District, with several stipulations.

9. Consensus to set a public hearing for the October 24, 2016, Town Council meeting to consider the request of VIP Petcare for a special exception permit to provide veterinary services at Tractor Supply at 1380 East Main Street, which is located in the Lee-Hy Shopping Center (former Big Lots Shopping Center), located on the north side of East Main Street between Cassell Road and the Mountain View Square Shopping Center, in a B-2 Business District.

6. Town Treasurer – issue appropriated funds

7. Town Manager – execute contract documents

8. Town Clerk – forward permit to applicant

9. Town Clerk – place on meeting agenda Deputy Clerk – forward legal notice to news media
COUNCIL ACTION LETTER
Staff Assignments and Information

September 26, 2016

ACTIONS TAKEN OR DISCUSSED

1. Approved the consent agenda consisting of the minutes of the regular meeting of September 12, 2016; the request of George Wythe High School to conduct their homecoming parade on Thursday, September 29, 2016, at 6:15 p.m.; and, the request of the American Association of University Women for issuance of a raffle permit for calendar year 2017.

2. Upon recommendation of the Budget and Finance Committee, established the Personal Property Tax Relief Act percentage at 55.51 percent.

3. Upon recommendation of the Budget and Finance Committee, authorized the Treasurer to make a debt payment in the amount of $700,000 from the Water and Sewer Fund to the General Fund.

4. Adopted a resolution commending the efforts of former Councilman William B. Weisiger to the Town of Wytheville.


6. Appointed Mr. Michael Mitchell to the Recreation Commission to fill the unexpired term of Mr. Dan Delp (term expires December 31, 2017).

STAFF ASSIGNMENTS

1. Town Clerk – advise by letter

2. Town Treasurer – amend budget

3. Town Treasurer – make debt payment

4. Town Clerk – advise by letter

5. Town Clerk – advise by letter

6. Town Clerk – advise by letter