

Planning Commission Meeting Minutes

April 7, 2025

The Tazewell Planning Commission met at 6:19 p.m. in the Town Hall Council Chambers.

Present:

Planning Commission Chair Larry Lutz
Planning Commission Member Pete Davis
Planning Commission Member Jerry Cromer
Planning Commission Member Emily Davis
Planning Commission Member Richard Taylor
Planning Commission Member Benny Moore

Absent:

Planning Commission Member Gabrielle de Courcy

Staff present were Town Attorney, Brad Pyott; Town Building Official Chris Hurley; Clerk, Jessica Hayes.

Call to Order

Planning Commission Chair Lutz called the meeting to order and lead the pledge of allegiance. Planning Commission Member Cromer gave the invocation.

Approval of Minutes

Motion to approve minutes was made by Planning Commission Member Cromer, seconded by Planning Commission Member E. Davis to approve the March 3, 2025 meeting minutes. On vote: Planning Commission Member P. Davis, aye. Planning Commission Member Cromer, aye; Planning Commission Member Richard Taylor, aye; Planning Commission Chair Lutz, aye; Planning Commission Member E. Davis, aye.

Rezoning of Harris Lane Application

Chris Hurley provided an update regarding Trinity Church's application to rezone the parcel they own located beside the High School. As part of this process, both the parcel in question and the one behind it will be designated as R-1 zoning.

The church intends to sell the property; however, the pending sale is currently on hold due to its current conservation zoning status. Additionally, there is an option to establish a driveway access from Thorn Street, though this will require council approval.

Planning Commission Chair Lutz inquired about potential disadvantages of converting the zoning designation to R-1. Attorney Pyott noted that he does not foresee any negative implications associated with this change.

Planning Commission Member P. Davis made a motion to send the request to council to set a public hearing for changing the parcel from a C-1 to an R-1 zone. Planning Commission Member Cromer seconded the motion. On vote: Planning Commission Member P. Davis, aye. Planning Commission Member Cromer, aye; Planning Commission Member Richard Taylor, aye; Planning Commission Chair Lutz, aye; Planning Commission Member E. Davis, aye.

Planning Commission Member Cromer made a motion to request the council to set a public hearing to rezone the tax map parcel located directly above the parcel owned by Trinity Church from C-1 to R-1. Planning Commission Member P. Davis seconded the motion. On vote: Planning Commission Member P. Davis, aye. Planning Commission Member Cromer, aye; Planning Commission Member Richard Taylor, aye; Planning Commission Chair Lutz, aye; Planning Commission Member E. Davis, aye.

Riverside Zoning Update

Chris Hurley stated that Chan Smith has purchased a property located across the street from Jess Peery's property on Riverside Drive with the intention of establishing a small business.

Currently, zoning maps classify this property under R-2 zoning, though historical records indicate that it was previously designated as B-1. Upon reviewing a 1989 minutes book, Chris discovered that a motion was carried to rezone the property from R-2 to B-1 at that time.

Given that the property is bordered by residential zoning on three sides, Mr. Smith will need to present his request for business use before the Planning Commission. He intends to attend the next commission meeting with his application for approval. In the meantime, Chris will ensure that the current zoning map is updated to accurately reflect the property's correct designation

Platting Amendments

Attorney Pyott has identified that the Chapter 24 R-3 Platting Ordinances have not been updated since 1985 and are currently misaligned with the State Code. As a result, individuals requiring plat documentation or modifications are experiencing unnecessary difficulties.

Rather than appealing the ordinance, Attorney Pyott proposes amending the language to ensure compliance with current state regulations and procedures. Given the outdated nature of the existing code, an update is necessary to reflect present-day legal standards.

Planning Commission Member Cromer made a motion for Attorney Pyott to redraft Chapter 24 R-3 in accordance with state code requirements.

Planning Commission Member P. Davis seconded. On vote: Planning Commission Member P. Davis, aye. Planning Commission Member Cromer, aye; Planning Commission Member Richard Taylor, aye; Planning Commission Chair Lutz, aye; Planning Commission Member E. Davis, aye.

Miscellaneous

Chris Wearmouth has provided a timeline for the completion of the medical facility, which has been shared with Planning Commission members. Based on the current schedule, the facility is expected to be completed by November 28, 2025.

Chris Hurley gave a brief update regarding the property that was using a shipping container on Tazewell Avenue. The shipping container has been removed.

Chris Hurley informed the Planning Commission members that the house on Carline Ave, located across from Head Start, has been successfully demolished.

Additionally, Attorney Pyott provided an update regarding an upcoming property exchange that will be utilized for the development of Warhawk Park on Carline Ave. Further details on this project will be shared as plans progress.

Adjournment

Motion to adjourn was made by Planning Commission Member Cromer. Motion was seconded by Planning Commission Member P. Davis. On vote: Planning Commission Member P. Davis, aye. Planning Commission Member Cromer, aye; Planning Commission Member Richard Taylor, aye; Planning Commission Chair Lutz, aye; Planning Commission Member E. Davis, aye.

Adjourned at 6:45pm.

Ch. 24 Subdivisions

Article I. Definitions

Plat. Includes the terms: map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be or which has been *identified by a metes and bounds description as one individual tract or subdivided into multiple tracts.* When used as a verb, plat is synonymous with subdivide.

Subdivide. To divide any tract, parcel or lot of land into ~~two (2)~~ three (3) or more parts with the following exceptions:

- (1) The term "to subdivide" shall not include a bona fide division or partition of agricultural land for agricultural purposes or for the building site for members of the family owning any such agricultural lands.
- (2) The town manager, or *his/her designee*, may, however, permit the separation of ~~one (1)~~ a parcel from a tract and/or the platting of such a tract, *either as an individual parcel or as a division of one parcel into many parcels* of land, without complying with all requirements of this chapter if: *it is:* (1) *the separation or platting is not in conflict with the general meaning and purpose of the chapter,* (2) *no new streets are required to serve the parcel,* *and* (3) *at least one (1) acre in area,* *and* (4) *not less than one hundred fifty foot frontage.* *the separation or platting involves a boundary adjustment between two adjacent parcels or involves a boundary location for one or more parcels.*
- (3) The word "subdivide", and any derivative thereof shall have reference to the term "subdivider" as defined herein.
- (4) *"Simple subdivision" shall be in reference to the division of land into two (2) parts only.*
- (5) *"Boundary adjustment" plat shall be in reference to any plat that involves an agreed upon adjustment of the boundary between two or more adjacent and contiguous parcels.*
- (6) *"Boundary location" plat shall be in reference to any plat prepared for identification and location of the boundary lines of a particular property and the improvements thereon.*

Subdivision Development. A comprehensive division of one or more contiguous tract(s) of land into multiple smaller designated lots for the purpose of residential or commercial growth or expansion; when platted, such a division should depict relevant engineering course, bearing and distance data which includes, among other things, the location of and names for proposed streets, existing utilities or other easements, watercourses, culverts and drainage, public areas, parking spaces, permanent monuments, and other pertinent information for the identification and location of the land proposed for development.

Consider amending **Sec. 24-9 Penalties** (to be more current in amount of fine) in 1965 the amount was \$10.00 with a maximum of \$250.00, daily – Probably more like \$100.00 and \$2,500 max now

Article III. Platting

Sec. 24-56. - Generally.

Any owner or developer of any tract of land situated within the town, who subdivides the same, shall cause a plat of such subdivision, with references to known or permanent monuments, to be made and recorded in the office of the clerk of the circuit court of the county. No such plat of subdivision shall be recorded unless and until it shall have been submitted to and approved and certified by the manager, *or his/her designee* in accordance with the regulations set forth in this chapter. No lot shall be sold in any such subdivision before the plat shall have been recorded.

Sec. 24-57. - Platting required; approval by manager before recording and sale.

Whenever any subdivision of land *for residential or commercial development* is proposed, and before any permit for the erection of a structure *within the development* shall be granted, the subdivider or his agent shall ~~apply in writing~~ *submit* to the manager *or his/her designee* for the approval of the subdivision plat ~~and submit three (3) copies of the a~~ preliminary plat *of the proposed development* including the lot, street and utilities layout. No lot *within the proposed development* shall be sold until a final plat for the subdivision shall have been approved and recorded.

Sec. 24-58. - Preliminary sketch.

The subdivider ~~of a proposed development may, if he so chooses,~~ submit to the manager a preliminary sketch of the proposed subdivision *development* prior to his preparing engineered preliminary and final plats. The purpose of the preliminary sketch is to permit the manager, *or his/her designee*, to advise the subdivider whether his *development* plans in general are in accordance with the requirements of this chapter. The manager, *or his/her designee*, upon submission of any preliminary sketch shall study it and advise the subdivider wherein it appears that changes would be necessary. The manager, *or his/her designee*, may mark the preliminary sketch indicating necessary changes, and any such marked sketch shall be returned to the subdivider.

The preliminary sketch ~~of the proposed development shall be drawn on white paper or on a print of a topographic map of the property. It~~ shall be drawn to a scale of *at least* one hundred (100) feet to the inch. It shall show the name, location and dimensions of all streets entering the property, adjacent to the property, or terminating at the boundary of the property to be subdivided. It shall show the location of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

Sec. 24-59. - Preliminary plat—Required information.

The subdivider *of a proposed development, or the owner of property seeking a simple subdivision, a boundary adjustment or boundary location*, shall present to the manager *or his/her designee at least* two (2) prints of a preliminary layout at a scale of *at least* one hundred (100) feet to the inch as a preliminary plat. The preliminary plat shall include the following information, *unless waived by the manager due to applicable exceptions as defined and set forth in Article I of this Chapter*:

- (1) Name of subdivision *development*, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, the method of determination shall be shown.
- (2) ~~The boundary surveyor existing survey of record, provided such survey shows a closure with an accuracy of not less than one (1) in twenty five hundred (2,500);~~ total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites; existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries.

(3) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements, public areas and parking spaces; culverts, drains and watercourses, their names and other pertinent data.

(4) The complete drainage layout, including all pipe sizes, types, drainage easement and means of transporting the drainage to a well-defined open stream, which is considered natural drainage.

(5) A location map tying the subdivision into the present road system, ~~by topographic maps of the U.S. Department of Interior.~~

(6) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.

(7) All parcels of land to be dedicated for public use and the conditions of such dedication.

Sec. 24-60. - Same—Procedure for approval.

The manager, *or his/her designee*, shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of the subdivision ordinance and of the zoning ordinance. The subdivider ~~shall then may~~ be advised ~~in writing within thirty (30) days, which may be by formal letter or~~ by legible markings on his copy of the preliminary plat, concerning any additional data that may be required, the character and extent of public improvements that shall have to be made. *The manager, or his/her designee, may provide and* an estimate of the cost ~~of construction or improvements and the amount of~~ the performance bond which ~~shall~~ may be required as a prerequisite to approval of the final subdivision plat. In determining the cost of required improvements and the amount of the performance bond, the manager, *or his/her designee*, may consult with a duly licensed engineer who, *at the expense of the subdivider*, shall prepare this data for the manager or, preferably, may require a bona fide estimate of the cost of improvements to be furnished by the subdivider.

Sec. 24-61. - Same—Time limitation on approval.

The subdivider shall have not more than six (6) months after receiving official notification concerning the preliminary plat to file with the *agent manager* a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The manager may, on written request by the subdivider, grant an extension of this time limit.

Sec. 24-62. - Same—Approval no guarantee.

Approval by the manager of the preliminary plat does not constitute a guarantee of approval of the final plat.

Sec. 24-63. - Final plat—Required information.

All plats submitted for final approval by the manager and subsequent recording, shall be clearly and legibly drawn in ink ~~upon tracing cloth~~ at a scale of *at least* one hundred (100) feet to the inch. In addition to the requirements of the preliminary plat, the final plat shall include the following, *unless waived by the manager due to applicable exceptions as set forth and defined in Article I of this Chapter*:

(1) A blank ~~oblong~~ space ~~three (3) inches by five (5) inches~~ shall *be clearly designated and* reserved for the use of the *manager to indicate approval of the plat* ~~approving authority~~.

(2) A Certificate signed by an attorney setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

(3) A statement to the effect *as follows: that* "The subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any." *This statement*

which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

(4) When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dash lines and identification of the respective tracts shall be placed on the plat.

(5) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements; parks, school sites or other public areas; the number and area of all building sites; all existing public and private streets, their names, numbers and widths; existing utilities and those to be provided, such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type; watercourses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining the boundaries.

(6) Distances and bearings must balance and close with an accuracy of not less than one (1) in ten thousand (10,000).

(7) The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord and chord bearings.

Sec. 24-64. - Same—Prepared by surveyor.

Every such plat shall be prepared by a surveyor or engineer duly licensed by the state or by the county surveyor.

Sec. 24-65. - Same—Owner's statement.

With the final plat *in the case of a subdivision development*, the owner shall file a certificate which shall contain the following:

(1) A statement of the source of the title of the owner of the tract.

(2) A metes and bounds description of the land subdivided.

(3) A statement to the effect that "The above and foregoing subdivision as appears in this plat is with the free consent and in accordance with the desire" of the undersigned owners, proprietors, and trustees, if any, and which statement shall be duly filed by the owners, acknowledged, and placed of record.

Sec. 24-66. - Same—Conditions of approval; limitation on recording.

In the case of a subdivision development, the plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter, and has made satisfactory arrangements for performance bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the manager. Approval of final plat shall be written on the face of the plat by the manager. The subdivider shall record the plat within sixty (60) days after final approval; otherwise, the plat shall become null and void unless the time is extended by the manager.

Sec. 24-67. - Changes on plats or data sheets.

No change, erasure or revision shall be made on any preliminary or final plat or on accompanying data sheets after approval of the manager has been endorsed in writing on the plat or sheets; unless authorization for such changes has been granted in writing by the manager.

Sec. 24-68. - Fees.

There shall be a charge for examination and approval of every plat reviewed by the manager. A fee payable to the town treasurer in the amount as designated in ~~§23-116~~ **§23-120** shall be required for each plat requested for review by the applicant.

State Law reference— Authorizing town to impose a fee for reviewing plats, Code of Virginia, ~~§ 15.1-466(i).~~ **§15.2-2241 (9), as amended**

Sec. 24-69. - Procedure for appeal if disapproved.

If a plat is submitted to the manager for ~~his/her~~ approval and the manager disapproves the plat for subdivision after the plat is submitted to ~~him/her~~, the subdivider may file a written notice with the mayor of his desire to appeal the decision of the manager to the town council, which notice must be filed within thirty (30) days of an adverse decision by the manager. Upon receipt of such notice, the council shall set a date for a hearing with the subdivider. After such hearing, the council may override the recommendation of the manager and approve the plat. If the council, after a proper hearing, disapproves the plat of the subdivider, the subdivider may then appeal the decision of the council to the circuit court of the county.