

## **Planning Commission Meeting Minutes June 2, 2025**

The Tazewell Planning Commission met at 6:18 p.m. in the Town Hall Council Chambers.

### **Present:**

Planning Commission Chair Larry Lutz  
Planning Commission Member Richard Taylor  
Planning Commission Member Pete Davis  
Planning Commission Member Gabrielle de Courcy  
Planning Commission Member Emily Davis

### **Absent:**

Planning Commission Member Jerry Cromer  
Planning Commission Member Benny Moore

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 de Courcy gave the invocation.

### **Approval of Minutes**

Motion to approve minutes was made by Planning Commission Member P. Davis. The motion was seconded by Planning Commission Member de Courcy to approve the May 5, 2025 meeting minutes. On vote: Planning Commission Member Taylor, aye; Planning Commission Member P. Davis, aye; Planning Commission Chair Lutz, aye; Planning Commission Member de Courcy, aye; Planning Commission Member E. Davis, aye.

### **Riverside Propane**

Building Official Hurley provided an update on the proposed Riverside Propane plan development at the corner of Riverside Drive and Mitchell Street. Chan Smith returned with updated drawings and site plans, including landscaping elements and architectural renderings. The design features aesthetic enhancements such as shutters and flower boxes on the windows. A retaining wall is planned at the rear of the property, along with a black chain-link fence outfitted with privacy slats.

Planning Commission Member de Courcy moved to forward the proposal to Town Council for consideration. The motion was seconded by Planning Commission member P. Davis.

## **Platting Amendments**

Attorney Pyott reported that the Chapter 24 R-3 Platting Ordinances, unchanged since 1965, are currently inconsistent with State Code and create difficulties for individuals seeking plat documentation or modifications. Rather than pursue an appeal, he recommends amending the ordinance to reflect current state regulations and streamline procedures for simple subdivisions and boundary adjustments.

He has consulted with the Town of Bluefield regarding similar code revisions and plans to meet with Mr. Cecil and Mr. Ribble prior to scheduling a Council discussion. Planning Commission Member E. Davis noted that the Library of Virginia outlines specifications for plat recording, which Attorney Pyott confirmed would be upheld through the proposed amendments. He clarified that the referenced code section pertains primarily to comprehensive land subdivisions, not minor adjustments such as extensions to adjoining parcels.

In response to Planning Commission Member de Courcy's question regarding the removal of the requirement to include the existing record in preliminary plats, Attorney Pyott explained that the section was not useful for preliminary purposes and added unnecessary burden.

The committee was asked to review the draft proposal. If deemed satisfactory, it will be presented to the Town Council during the July meeting. The amendment does not alter any provisions related to flood plains. Attorney Pyott emphasized that improvements in technology have significantly increased the accuracy of mapping and documentation.

Planning Commission Member P. Davis moved to approve forwarding the proposal to Council, seconded by Planning Commission Member Taylor. On vote: Planning Commission Member Taylor, aye; Planning Commission Member P. Davis, aye; Planning Commission Chair Lutz, aye; Planning Commission Member de Courcy, aye; Planning Commission Member E. Davis, aye.

## **Miscellaneous**

### **Demolition and Property Maintenance Update**

The house on *Fincastle* has been demolished. Another property on *Riverside Drive*, three houses down from the school, is scheduled for demolition. P. Davis noted that the *Carline* residence shows significant improvement. He has issued approximately ten letters addressing property maintenance concerns and is working to ensure that these lots are properly mowed.

### **Public Health Concern**

Attorney Pyott noted a high incidence of Lyme disease in the area, emphasizing that overgrown grass can contribute to an increase in tick populations.

### **Comprehensive Plan**

Building Official Hurley reported that the Council will meet tomorrow evening to discuss the Comprehensive Plan and finalize proposals to submit for consideration in the updated version.

### **Adjournment**

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

Meeting 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.*

*Subdivide.* To divide any tract, parcel or lot of land into two (2) 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 approve a plat which reflects the separation or division of 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 multiple parcels* of land, even though the proposed plat does not comply with all requirements of this chapter if *the separation or platting is not in conflict with the general meaning and purpose of the chapter, no new streets are required to serve the parcel, and 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 or separation of a tract of land into two (2) parts only.*
- (5) *"Boundary adjustment" plat shall be in reference to any plat that involves an agreed upon relocation of the common property line(s) between two or more adjacent or contiguous parcels.*
- (6) *"Boundary location" plat shall be in reference to any plat prepared for the identification and placement of the property lines of a particular tract or parcel 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 ("development"); 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.

## 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 *submit* to the manager or *his/her designee* for approval *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 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 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 a 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 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.
- (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 *may* be advised 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* an estimate of the cost of a performance bond which 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.**

A. Subdivision development plats.

Plats submitted for final approval by the manager and subsequent recording, shall be clearly and legibly drawn in ink 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:

- (1) A blank space shall be *clearly designated and* reserved for the use of the *manager to indicate approval of the plat*.
- (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*: "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* 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.

**B. Simple subdivision; Boundary adjustment; Boundary location plats.**

Plats submitted for final approval by the manager and subsequent recording, shall be clearly and legibly drawn in ink at a scale of *at least* one hundred (100) feet to the inch. *The minimal criteria necessary for approval of such plats shall include the following:*

- (1) *Appropriate titling including the name of the property owner, the source deed for the owner's title, and the acreage of the parcel surveyed.*
- (2) *the date of the plat, the scale, and the certification and signature of the professional engineer or land surveyor who prepared the plat.*
- (3) *complete bearing and distance data.*
- (4) *existing improvements.*
- (5) *existing utilities and corresponding easements.*
- (6) *existing streets and/or rights-of-way with widths of same.*
- (7) *adjoining property owners.*
- (8) *if the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be so indicated.*
- (9) *a legend.*
- (10) *true north.*
- (11) *town manager's approval block, with date of approval.*

**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 §23-120 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, §15.2-2241(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.