

Scottsville Planning Commission

Regular Meeting
Monday, March 1, 2004, 7:00 p.m.
Victory Hall
401 Valley Street
Scottsville, Virginia

Members:
Richard Hansen
Robert C. Mellow
Steven G. Meeks, *Chair*
Michael Phelan

Minutes

Call to Order: Establish a quorum.

The meeting was called to order at 7:05 p.m. All members were present. Also in attendance were Town Administrator Barry Clark, Town Attorney Lindsay Dorrier, Town Clerk Amy Moyer, Mayor Stephen Phipps, Councilmember James Hogan, Jewel King, Angela Kreider, Kevin White, Mary Alexander, Susan Browning, Tim Small, Kathy Cooper, and Charles Hall.

Consent Calendar: Approve agenda.
Adopt minutes of February 2, 2004 regular meeting.

Upon a motion by Mr. Mellow, seconded by Mr. Phelan, the consent calendar was approved by voice vote.

Petitions and Public Comment:

Ms. Angela Kreider rose to speak regarding the concerns she and Ms. Jewel King have with the development of Holman Street as the entrance to River View Bluff Town Homes. She stated that the ownership of Holman Street is still in dispute, as the revised survey specifies an unnamed 40-foot connecting street, part of which is included in her and Ms. King's deed, rather than Holman Street. Ms. Kreider questioned whether the revised survey, upon which the Planning Commission approval was contingent, was recorded without the Planning Commission chair's signature. Ms. Kreider also remarked that the survey does not reflect their quit claim deed to parcel 31A. She asked whether the Town would give her and Ms. King ownership of the gravel road if the River View Bluff site entrance is moved. Ms. Kreider concluded that the access to her home should remain as-is, and that access is threatened by the HYMK deed showing Moon Street as part of the HYMK property. She requested that Moon Street be closed and the land given to adjacent property owners, and that an agreement be made that is acceptable to all parties. Mr. Meeks proposed a meeting with Mayor Phipps, Mr. Clark, and Mr. Dorrier to address Ms. King and Ms. Kreider's concerns.

Mr. Tim Small rose to express concerns with the makeup of the committee reviewing the Zoning Ordinance. He noted that the committee was advertised and members solicited, but for

the first time volunteers are being excluded from membership. Mr. Small encouraged that the committee be more inclusive and accept all volunteers. Mr. Phelan replied that this issue had been addressed at the last meeting.

Old Business:

- 1) Discuss Town rights-of-way and request for abandonment of Moon Street and easement for Main Street.

Mr. Meeks explained that, in their letter of February 5, HYMK requested that the portion of Moon Street through the middle of their property be closed. After consultation with Clyde Gouldman, Mr. Meeks recommended that Moon Street be closed to the corner of the Bryant property, between lots 6A and 6, to allow Ms. Bryant full frontage to a public right-of-way. Mr. Meeks suggested that formal dissolution occur after a subdivision plat showing the new lot locations is approved. He commented that adjusting the closure point would keep the turnaround area within the public right-of-way. Mr. Meeks also recommended abandonment of the unnamed 30-foot right-of-way shown on the survey as parallel to Main Street.

Mr. White stated that the 30-foot parcel was incorrectly labeled on the survey and actually deeded with the HYMK property. He commented that additional research had shown several inconsistencies and falsehoods in the Hosaflook survey, the Hosaflook survey was certified only as the boundary of the Rittenhouse property, and a comprehensive survey to be done with the final site plan to rectify these errors. Mr. Meeks responded that this parallel right-of-way was shown in the original plat and should be closed so that HYMK has clear title to it. Mr. Meeks reiterated his recommendation that Moon Street in the Moon Addition be closed from Main Street in a northerly direction to the corner of the Jakie Bryant property, with such abandonment to be formally recorded upon approval of a subdivision plat.

Mr. Mellow motioned that Moon Street be closed from Main Street to the beginning of the Bryant property, subject to confirmation of an approved preliminary subdivision plat. Mr. Phelan seconded the motion. Mr. White commented that, because the ownership of Holman Street is unclear, his intent is to donate right-of-way for a new Holman Street meeting VDOT specifications; then the existing 40-foot right-of-way could be abandoned and split between the three adjoining property owners. Mr. Meeks noted that Holman Street is a separate issue. Consideration of Mr. Mellow's motion resumed, and a poll vote was conducted. With Mr. Hansen, Mr. Mellow, and Mr. Phelan voting in favor, and none opposed, the motion passed 3-0.

Mr. Mellow questioned the ownership of other rights-of-way within the HYMK property. Mr. Meeks responded that the initial survey shows them as not belonging to HYMK, but they would revert to HYMK if abandoned. Mr. Mellow noted that these rights-of-way have cash value according to the Code of Virginia and asked whether they would be sold or simply given to adjoining property owners. Mr. Meeks replied that the Town's previous abandonments have not been cash transfers. Discussion returned to the right-of-way parallel to Main Street. Ms. Kreider related that the L.S. and E.E. Moore deed intended this right-of-way to preserve passage in the event that Main Street was not developed. Mr. Clark noted that HYMK is not requesting closure of this right-of-way. Mr. White indicated

that three deeds show this parcel belonging to the HYMK property. Mr. Meeks stated that the Planning Commission would review these deeds before proceeding. Mr. Clark informed the Commission that a public hearing on the Moon Street closure would be held at the March 15 Town Council meeting.

Mr. Meek noted that consideration of the Moon Street easement request would resume upon submission of drawings of the proposed walking trail. Mr. Mellow requested that input be sought from neighbors before approval. Mr. Meeks pointed out that the Planning Commission and the Architectural Review Board would review the lighting and landscape plans. Ms. Kathy Cooper spoke from the audience to ask whether easements require public hearings. Mr. Meeks responded that the Virginia Code requires consent of the local governing body but not a public hearing.

Discussion later returned to right-of-way issues. Ms. Cooper proposed that the Town request the deed of record for the HYMK property be changed if it incorrectly asserts ownership of the 30-foot right-of-way parallel to Main Street. Mr. Meeks responded that it is a civil issue and outside the Town's purview to oversee the recording of deeds. Ms. Cooper replied that, if it is public land, then the Town is involved. Mr. White remarked that, even though there are rights-of-way on the Moon Addition plat, they are not shown on any deeds. He contended that Town cannot claim Taylor, Moon, and the alleyway as public without a deed. Mr. Meeks reiterated that this is a legal issue which cannot be resolved by the Planning Commission. Ms. King requested assurance that she would still have access through Town property. Mr. Dorrier responded that the Commission already voted to recommend closure of Moon Street, and that the exact metes and bounds would be defined.

2) Discuss Planning Commission budget for FY 2004-2005.

Mr. Meeks related that the Planning Commission had requested \$7,000 for professional consultation, but the draft budget contains only \$3,250. Professional consultation may be needed for legal and zoning issues with the Paulett tract development, as well as for completion of the Town boundary survey. The Commission agreed to resubmit the request for \$7,000 for professional consultation.

New Business:

1) Discuss date for Planning Commission work session.

Mr. Meeks recommended an orientation session for new members. Mr. Mellow reported that Town Council has interviewed two candidates, with Susan Browning to be appointed immediately and Harold Pillar to replace Mr. Mellow as of July 1. Council is also considering revising membership to a flexible number of five to seven appointees. The work session was scheduled for March 23 at 7:00 p.m.

Reports:

1) Report from subcommittee on revising the Zoning Ordinance.

Mr. Phelan reported that several applications for membership had been received. Tim Small set up the subcommittee to include Mr. Phelan, Mr. Hansen, and Mr. Meeks. Mr.

Phelan submitted Nancy Gill, Dales Stallings, and Ron Lauziere as additional members. He questioned whether three Planning Commission members should be on the subcommittee long-term. Kathy Cooper and Kevin White had also volunteered to serve. Ms. Cooper asked to withdraw her name from consideration. There was discussion of whether this would be a standing committee to investigate issues as they arise, or if the committee would initiate a systematic review of the entire Zoning Ordinance, as was originally intended. Upon a motion by Mr. Mellow, seconded by Mr. Hansen, Dales Stallings, Nancy Gill, and Ron Lauziere were appointed to the subcommittee.

Tim Small will continue to update the demographics section of the Comprehensive Plan, as he had previously agreed.

Adjourn – The meeting was adjourned at 8:30 p.m.