

Regular Minutes of the
Ashland City Planning Commission
June 1, 2009

The Ashland City Planning Commission met in regular session on June 1, 2009
At 5:30 p.m. in the Municipal Building.

Vice Chairman Chris LaCrosse called the meeting to order at 5:30p.m.

Commissioners present: Chris LaCrosse, Hadley Williams, Ed Nichols, Jim Yates,
Yvonne Stinnett, Gary Norwood

Commissioners Absent: Joe Macha

Others Present: Michael W. Armstrong, Franklin Wilkinson, A. M. Armstrong, Sharon
Caton, Dan Reigle, Steve Reigle, John Garvey, Brent Freeman, Ron Wilkinson, Jennifer
Noe

Approval of Minutes

A motion was made by Stinnett and 2nd by Williams to approve the minutes as written. A
motion to approve the minutes passed by unanimous voice vote.

Public Forum: None

Old Business:

A. Set next Land Use meeting date.

The Commission decided that the next Land Use Committee meeting will be held on
Wednesday, June 24, 2009 at 5:30 PM at City Hall.

New Business:

A. Minor Subdivision – Highway 49 – Map 49, Parcel 10 – Scott & Kathryn Brown

The Commission decided to move this item to the end of the New Business agenda since
the applicants were not present.

**B. Zoning Amendment - I-2 Light Industrial – Uses Permitted – Propane Storage
Refueling Station with Customer Tanks**

C. Site Plan Approval – Map 65, Parcel 30.01 – Blue Grass Dr. – Dan Reigle

Caton stated that an applicant completed the review process and requested the use of
propane storage refueling station with customer tank storage in an I-2 Zoning located in
the Industrial Park on Bluegrass drive. That use is not currently listed as a permitted use
or a use as a special exception in any zoning district for the Town of Ashland City. The
zoning book is written as a negative frame. If a use is not listed in a particular zoning as a
permitted use or as a special exception, it is prohibited. The applicant was advised that
the use requested is not permitted. To move forward with this use the applicant would

have to request an amendment to the zoning book to allow it. Caton presented a power point presentation that showed aerial views of the lot, including flood zones, zoning, existing landscaping, layout, and topography. The applicant was also advised when seeking an amendment to zoning a site plan would have to be provided showing the intent for the property. The applicant has furnished a site plan. All the comments for the site plan have been addressed with the exception of screening of the propane tanks with opaque materials. The applicant is willing to screen as the Commission sees fit, either with fencing or live materials such as cedar trees. The proposed drive will be a dust free, engineered gravel base, permeable surface, designed for that type of traffic and will allow drainage with minimal runoff. Since the drive will cross a section of floodplain, a Flood Hazard Application will have to be applied for. The lot does exceed the four to one rule (the length of the lot can not exceed the width of the lot by four times) of the Subdivision Regulations. The width of the lot is calculated at its connection to the road. As a lot of record, the applicant will have to seek a variance from the Board of Zoning Appeals to be able to use the lot. Garvey stated that this would be an unmanned reloading facility and not used by the general public. The offices would be in Boudreaux. Mayor Norwood asked what safety features would be in place for the site. Freeman addressed the Commission and stated they plan to get with the Ashland City Fire department to familiarize them with what is on the site including emergency shut offs that are remotely actuated. The site will meet and in some cases exceed the requirements of the NFPA 54 and 58. Nichols asked were and how many customer tanks would be stored on the property. Garvey stated that it would be anywhere from 100 to 150 tanks stored at any given time. They would be located along the side of the driveway entrance to the large storage tanks. Caton stated the city can request the State Fire Marshall's office and the Emergency Management office to review the site for Emergency Plans. After further discussion a motion was made by Mayor Norwood and 2nd by Williams to forward to the City Council the recommendation to add the use of a **PROPANE STORAGE, REFUELING, AND CUSTOMER TANK STORAGE CENTER** as a use permitted as a Special Exception in the I-2 zoning for the Town of Ashland City.

Motion passed by roll call vote. Chris LaCrosse-yes, Hadley Williams-yes, Ed Nichols-yes, Jim Yates-yes, Yvonne Stinnett-yes, Gary Norwood-yes

D. PUD Amendment – AshlandPlace LLC – Highway 12 South – Ron Wilkinson
E. Subdivision Plat Approval - AshlandPlace LLC – Highway 12 South – Ron Wilkinson

Caton addressed the Commission and gave a brief history of the PUD as it had been discussed and approved through the Planning Commission and City Council. The question that surfaced last month was weather a certain portion of the road would be dedicated to the City. Noe addressed the Commission and stated that one of the questions that came up was the wording of the restriction for Lot #2 where the roadway is. There was some question as to weather or not that would limit any public access to the commercial lots. I worked with the attorney for Mr. Wilkinson and we changed the wording to allow public access of the road for the commercial lots. Basically the changes on the plat will allow public access to the commercial lots once they are built out. The other issue was the requirement from the City for a bond. Lot #2 would be a private road

for the development and the owner, and its successors in title, reserve the right to dedicate Lot #2 as a public roadway, subject to its acceptance by public authorities. Nothing in this wording obligates the town of Ashland City to accept any roadway. The original PUD agreement required the developer to put up a bond. This is a private road and does not obligate the City to take it over after a period of time. Section 3-106 of our Subdivision Regulations could also be applied restricting issuance of building permits and COs to the final 10% of lots until all public improvements have been fully completed. Mr. Wilkinson is requesting to amend the PUD by not requiring a bond and in lieu of that insert the wording on the plat as discussed regarding roadway improvements and completion. Also, Mr. Wilkinson would like to reserve the right to change the name as appropriate for the final development for the project. After further discussion a motion was made by Yates and 2nd by Mayor Norwood to: 1. amend the PUD agreement to remove the requirement for bonding, 2. to amend the PUD agreement that if there is a subsequent name change the PUD will remain in force, 3. add to the final plat the following:

Lot 2 is restricted to use as a private roadway for use by owners of Lots 1, 3, 4, and 5, their tenants and invitees, and public authorities, and not for use by the general public unless a tenant, invitee, or a commercial customer of a commercial owner or tenant, pursuant to the restrictive covenants that the Owner and its successors in titles to the affected Lots may establish for the Subdivision. In addition, Lot 2 is dedicated as a public easement for the use and maintenance of all public utilities serving the other Lots in the Subdivision. Owner, and its successors in title, reserve the right to dedicate Lot 2 as a public roadway, subject to its acceptance by public authorities. Nothing in this wording obligates the town of Ashland City to accept any roadway.

Lots 1, 2, 3, 4, and 5 shall not be conveyed to any person or entity other than AshlandPlace, LP, an Alabama limited partnership, or another entity affiliated with the Owner, until the roadway improvements on Lot 2 have been completed.

Motion passed by roll call vote. Chris LaCrosse-yes, Hadley Williams-yes, Ed Nichols-yes, Jim Yates-yes, Yvonne Stinnett-yes, Gary Norwood-yes

A. Minor Subdivision – Highway 49 – Map 49, Parcel 10 – Scott & Kathryn Brown
Caton addressed the Commission and stated that this application for subdivision first came to her office over a year ago. The registered surveyor is Winston B. Gaffron and Doug Boyd is the acting agent for the Browns and the surveyor. The requirements for the subdivision plat, from the Planning Office have been presented and discussed with Mr. Boyd on nine separate occasions. The requirements of the subdivision have never been met and each re-submittal of the plat includes the same errors. One issue is that the proposed access to the back 52 acre lot, due to topography, does not allow access to the back lot. The property also contains three different zonings and a portion of the lot is in the County. After further discussion the Commission decided that the Codes Department should meet with the Browns and Mr. Boyd to resolve the issues with the plat and then re-present the subdivision request to the Planning Commission.

Other: None

A motion to adjourn was made by Stinnett and 2nd by Williams. Adjournment passed by unanimous voice vote.

Meeting was adjourned at 7:08 P.M.

Vice Chairman Chris LaCrosse