

Regular Minutes of the
Ashland City Planning Commission
July 6, 2015

DRAFT

The Ashland City Planning Commission met in regular session on July 6, 2015 at 5:30 p.m. in the Municipal Building.

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

Commissioners present: Yvonne Stinnett, Hadley Williams, Gary Norwood, Melody Sleeper, Mayor Johnson, Chris LaCrosse

Commissioners Absent: None

Others Present: Michael W. Armstrong, Pete Greco, Tim Roach, Jim Mackdanz

Approval of Minutes

A motion was made by Gary Norwood and 2nd by Hadley Williams to approve the minutes from June 1, 2015. The motion passed by unanimous voice vote.

Public Forum: None

New Business:

A. Rezoning portions of Vine Street, From C-2 to R-3.

Chairman LaCrosse addressed the commission concerning the rezoning of 17 parcels on Vine Street that were currently zoned C-2 (Highway Service) and were requesting to be rezoned to a R-3 zoning (medium density residential). These properties all had existing residential homes that were in a nonconforming status based on the current zoning ordinance. Single family residential is an unprotected nonconforming use in the C-2 zone. Mike Armstrong addressed the commission and informed them that he had signed letters from the property owners. The property owners were all in favor of the rezoning.

Tim Roach of GNRC addressed the commission and advised that the properties and infrastructure were not prepped for C-2 zoning, and no apparent trend was visible for the current zoning of C-2. In the future if someone wanted to rezone back to a C-2(Highway Service) they could and would just have to go about it like a regular rezoning. A motion was made by Gary Norwood and was 2nd by Mayor Johnson to rezone 17 parcels on Vine Street from C-2 to R-3. The motion passed by roll call vote. Gary Norwood-yes, Mayor Johnson-yes, Yvonne Stinnett-yes, Hadley Williams-yes, Melody Sleeper-yes, Chris LaCrosse-yes.

B. Adding specifications for private easements into subdivision regulations.

A motion was made for the discussion of private easements by Mayor Johnson, and was 2nd by Gary Norwood. Tim Roach of GNRC addressed the planning commission and informed the committee that a new State law was passed for private easements. Private easements are to be bonded or a letter of credit is to be provided to the city to protect the interest of the home owners. Cities are not required to allow private easements. If private easements are allowed, cities are required to have regulations for private easements. Mr. Roach stated private easements have a tendency to become public streets over time. Mr. Roach addressed the proposed requirements for permanent easements for a lot or tract of land being separated by plat from other property.

Provided, however that when a permanent easement to a public street is used as access to a lot or tract of land being separated by plat from other property, such easement shall be at least 50 feet in width and must meet the following minimum requirements, depending on the usage of the proposed easement:

- (1) The following standards shall apply to all permanent easements being used to provide access to one lot or tract of land:
 - (a) The easement shall not be legally used by more than two property owners.
 - (b) The easement shall exceed 700 feet in length.
 - (c) Any driveway on an easement shall be constructed to minimize erosion or rapid deterioration.
 - (d) The topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
 - (e) Maintenance of the easement shall be the responsibility of the property owners. The legal documents establishing the easement and ensuring maintenance of the easement shall be submitted with the final plat for review and approval, and shall be recorded with the final plat.
 - (f) All required utility easements shall be located outside the 50 foot roadway easement.
 - (g) Any further subdividing on the easement shall require the development of a public road and meet all road standards and other requirements as stated in these regulations.

Mr. Roach advised that section (2) is for more than one property that is using the private easement. Basically he stated that it should be constructed to meet city street standards.

- (2) The following standards shall apply to all permanent easements being used to provide access to more than one lot or tract of land:
 - (a) The easement shall be at least 50 feet in width and the Planning Commission may require greater widths if necessary to meet special conditions on plat

- (b) The easement shall be improved to meet the road construction standards established in the general requirements and minimum standards and development prerequisites to final approval sections of these regulations
- (c) The Planning Commission can approve a permanent easement with a grade more than what is allowed for the public way grade requirements.
- (d) Permanent easement improvements shall be maintained by the developer/owner(s) through a legally established home owners association or other similar group approved by the Planning Commission. The legal documents establishing the easement and ensuring maintenance of the easement shall be submitted with the final plat for review and approval and shall be recorded with the final plat;
- (e) If, at any future date, a permanent easement is submitted for acceptance as a public street or road, it shall be submitted to the Planning Commission for approval. In considering the easement for approval as a public street or road, the Planning Commission shall require the improvements to the easement to meet the minimum street construction standards in effect at the time the request for public acceptance is made.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private easements when such development is in the form of condominium ownership of such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

This basically spells out who is the party responsible for the private easement before it is recorded at the county register's office.

Mr. Roach advised if private easements are gated, there should be a way for emergency services to gain access to the property.

Mr. Williams expressed concern about driveways of a certain grade that connect to private easements. They should be paved or concreted to prevent any washing out of gravel onto the private easements.

Mr. Roach advised there will have to be an open public hearing before the planning commission can adopt this local regulation.

Mike Armstrong stated the private easement regulation is needed so that Hidden Lakes Subdivision can move forward.

Chairman LaCrosse asked what would be a reasonable grade for private easements. Mr. Roach recommended the grade of the private easements to follow the current subdivision regulations. If

a developer chooses to go with a steeper grade they can present their case to the planning commission.

Gary Norwood asked who was responsible for determining the amount of the bond. Mr. Roach advised that would typically be your public works director or city engineer. Gary Norwood then asked "Could the cost to figure the price of the construction be passed onto the developer". Mr. Roach advised that is not typical.

Mayor Johnson asked could we just have the developer obtain and provide three bids to the city, and the city will use the bids to determine the bond amount. Mr. Roach didn't have any objection to this idea and stated that could be a possibility.

Gary Norwood had found several typo errors and had concerns with the proposed private easement regulation. Mr. Norwood asked who will be inspecting the private easements.

Mr. Roach advised he would make revisions to the proposed regulation and meet with the department heads if needed.

Chairman LaCrosse voiced a concern of the time line for the completion of private easements. Mr. Roach suggested a cost plus, or create an inflation factor for the bond or line of credit.

Mayor Johnson recalled his motion of discussion on private easements. There was language that needed to be changed and added. Gary Norwood withdrew his second on the motion.

Old Business: None

Other:

Hadley Williams had concerns and asked to have a TDOT traffic study where the fairgrounds road intersects with highway 12. Mr. Roach offered to call TDOT and request a safety study to be done.

Mr. Roach asked to place vesting on next month's agenda.

Adjournment:

A motion was made to adjourn by Williams and 2nd by Mayor Johnson. The meeting adjourned at 6:35 PM.

Chairman Chris LaCrosse