

Regular Minutes of the
Ashland City Planning Commission
August 3, 2015

The Ashland City Planning Commission met in regular session on August 3, 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, Tim Roach, Jim Mackdanz, Cludy Harding, Allen Holloway, Chelsea Steele, Rick Gregory, Michael Jackson, Claude Jackson, Linda Jackson, Jennifer Noe

Approval of Minutes

A motion was made by Gary Norwood and 2nd by Mayor Johnson to approve the minutes from July 6, 2015. The motion passed by unanimous voice vote.

Public Forum: None

New Business:

A. Rezoning Map 55F, Parcel 12, 111 Elizabeth Street, from R-3 to C-2

Tim Roach addressed the commission and advised that Judy Harding of 111 Elizabeth Street has requested to rezone from a R-3 to C-2 zoning. Existing land use is zoned residential, and is adjacent to a residential use immediately to the North. Other properties fronting on Elizabeth Street are also zoned C-2, with R-3 zoning on near-by Lowe Street. The property is adjacent to a driveway owned and used by Hardee's, which fronts on Main Street to the North and Northeast. The Ashland City Elementary School is directly across the street. Further commercial zoning should be carefully evaluated for its effect on traffic at the school. The character of this property and the surrounding area developed into a mix of residential and commercial. Residential properties, a school, a funeral home, and various commercial enterprises are grouped within a block or so of each other. Whether this lot were to be used for an additional residence or for a business, it would appear that all lots bounded by Main, Elizabeth and Lowe Streets have commercial potential. If the Planning Commission wishes to see this property developed commercially, then they should discuss whether the C-2 zoning might eventually cross those streets deeper into residential territory, or whether there should be a definitive boundary line between residential and commercial zoning. Staff can recommend for the rezoning provided the Planning Commission determines a move to commercial is keeping with planned future

development of this area. A motion was made by Gary Norwood and was 2nd by Hadley Williams to rezone 111 Elizabeth Street from R-3 to C-2. 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. Site plan- 1317 Highway 12 South Owner: Claude T and Linda D Jackson

Tim Roach addressed the planning commission and stated the reason this site is coming before the Commission is because of a request to build a new Jackson liquors next to the existing Jackson liquors on highway 12. The property is long and narrow with a large highway right-of-way encroachment. The Ashland City Board of Zoning Appeals granted a variance on July 27, 2015 to allow a reduction in the front building setback due to encroachment of Highway 12 Right-of-Way and severe slope at the rear of the property. This lot configuration will require careful parking and ingress/egress. Eleven spaces are required based on square footage of the proposed building. All spaces should be arranged to safely navigate the reduced frontage. The Surveyor has made all corrections that staff requested and there are no bond requirements on this piece of property. This property meets the site plan check list and has a duly granted variance, and staff recommends approval.

Gary Norwood asked about the size of the existing culvert on highway 12. Tim Roach advised that TDOT has the proper sized culvert in place. Mike Armstrong advised he spoke with the public works director, who didn't have any problems with water run off on this site. Tim Roach advised the lot is flat and there will be very minimal grading, and water run off shouldn't be a problem. Mayor Johnson advised that the impervious surfaces added to the site were very minimal. A motion was made by Mayor Johnson and was 2nd by Gary Norwood to approve the proposed site plan. 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.

C. Adding specifications for private ways into subdivision regulations

Tim Roach informed the committee that after discussion with the department heads, they didn't want to allow private easements for one and two lots. After meeting with the department heads, he drafted a new document that addressed private roads. The document requires that all public roads or private roads to be constructed to the cities approved standards. The permanent easements that already exist prior to the adoption of these regulations will be allowed. These regulations only apply to anything after the date of adoption, but prior to the date of adoption the existing easements will be honored.

1-112.107 Access to Lots by Public Way or Private Roads -- Pursuant to Section 13-4-308 and 13-3-411, Tennessee Code Annotated, no building permit shall be issued and no building, or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way as provided by law, or unless

such lot fronts upon a private road which conforms to the provisions set forth by these regulations, or unless such lot fronts upon a permanent easement which was established prior to _____, 2015.

- (1) The following standards shall apply to all private roads being used to provide access to one or more developable lots:
 - (a) The private road 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.
 - (b) The Planning Commission can approve a private road with a grade more than what is allowed for the public way grade requirements, with concurrence of the Fire Chief and Ashland City Public Works.
 - (c) Private road 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.
 - (d) Any security gate or barrier proposed for use on the private road shall be designed, approved, and constructed in accordance with TCA Sections 13-8-101 – 13-8-107, as amended.
 - (e) To ensure construction of the private road, the developer will submit a bond or other guaranteeing instrument, as provided in TCA 13-4-310, to be held by the Planning Commission or other entity at the Commission's discretion.
 - (e) If, at any future date, a private road is submitted for acceptance as a public street or road, it shall be submitted to the Planning Commission for approval. In considering the private road for approval as a public street or road, the Planning Commission shall require the improvements to the private road 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 roads or permanent 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.

DEFINITIONS:

Private Road: a privately owned way, developed under the requirements of these regulations, and used for vehicular travel only by the owner and persons who have the owner's express or implied permission.

CERTIFICATION OF THE APPROVAL OF PRIVATE STREETS

I hereby certify that all documents describing the manner and responsibilities for maintenance of the private streets by the adjoining property owners have been submitted and approved, and (choose one): (1) that all private streets designated on this final subdivision plat have been installed in an acceptable manner and according to the Ashland City Subdivision Regulations, or (2) that a surety bond, letter of credit, or other instrument allowed by statute has been posted in the amount of \$_____ with the Planning Commission to assure completion of all required improvements in case of default.

_____, 20_____

Date

Ashland City Public Works

PRIVATE ROAD NOTATION

This road is to be built and maintained jointly by all owners taking access from this private road, and is not intended to become a public street. The Town of Ashland City may, at its discretion, agree to accept this road into the Town street system if all property owners agree to (a) petition the Highway Commission for a public road and (b) build or pay for upgrading to Town specifications in effect at the time of the request.

_____, 20_____

Date

Ashland City Public Works

Yvonne Stinnett asked about future road names. Tim Roach advised that road names are all to be submitted to the 911 board for approval, to prevent duplication.

Tim Roach advised the committee that maintenance bonds for private roads need a time limit established for no more than 1 year.

Chris LaCrosse asked about allowing easements for hardship cases. Tim Roach advised they would have to be built as a road to the current accepted standards. The property would have to meet the 4 to 1 depth to length ratio of the current regulations. Tim Roach advised that any existing land locked properties may go to chancery court and a judge will grant them easement of the shortest possible route.

Tim Roach advised that a public hearing has been set for August 24, 2015 for the public to weigh in on this regulation. The regulation may be acted on that same night if you wish.

Hadley Williams asked if someone were to buy land that was land locked, would they have to abide by these regulations. Chris LaCrosse advised yes, they would have to abide by these regulations. Tim Roach advised that he didn't think that many land locked parcel existed in The Town of Ashland City.

Chris LaCrosse asked how we should address setting the amount of the bond for private roads. Tim Roach advised that usually a public works director will figure the cost of construction, and then double that amount. Tim Roach advised to at least increase the amount by half of the cost of construction. Establishing the bond amount will be an in house policy created by public works director. Mayor Johnson advised that if the developer fails to complete the road, it will still be a private road. The city does not have to take ownership of the road; it will be the HOA responsibility to maintain the private roads. Tim Roach advised that he could create a check list of requirements for private roads, and requirements of the HOA. Mayor Johnson stated that he wants the city to hold the bonds; this would allow the city to ask for the bond to be renewed after a year if needed.

Melody Sleeper asked when the bond is pulled then what happens. Tim Roach advised that the city would use the money to have the roads completed. The roads would remain private and the HOA would be required to maintain the roads from that point on. A motion was made by Mayor Johnson and was 2nd by Gary Norwood to approve the private road regulations. 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.

D. Discussion of the final plat Hidden Lakes section 5-B.

Tim Roach advised that he spoke with the city attorney about this item, and requested to table this item.

Old Business: None

Other:

Tim Roach introduced Rick Gregory to the planning commission. Mr. Gregory will be the new city planner. Mr. Gregory has recently retired from the city of Goodlettsville, where he served as the city planner. Mr. Gregory has previous experience working at Lebanon and Watertown as the city planner. The Planning commission welcomed Mr. Gregory to the Town of Ashland City and advised him that they looked forward to working with him.

Adjournment:

A motion was made to adjourn by Williams and 2nd by Mayor Johnson. The meeting adjourned at 6:30 PM.

Chairman Chris LaCrosse