

Regular Minutes of the
Ashland City Planning Commission
August 24, 2015

The Ashland City Planning Commission met in regular session on August 24, 2015 at 5:30 p.m. in the Municipal Building.

Chairman Chris LaCrosse called the meeting to order at 5:35 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, Rick Gregory, Jennifer Noe

Chairman LaCrosse began the meeting with public hearing on Resolution 2015-1. Chairman LaCrosse asked if there were any comments. There were no comments. A motion was made to adjourn by Gary Norwood and 2nd by Melody Sleeper. The motion passed by unanimous voice vote. Chairman LaCrosse closed the public hearing and commenced with the regular meeting.

Approval of Minutes

A motion was made by Gary Norwood and 2nd by Hadley Williams to approve the minutes from August 3, 2015. The motion passed by unanimous voice vote.

Public Forum: None

New Business:

A. Adding specifications for private roads into subdivision regulations.

Tim Roach informed the committee of resolution 2015-1.

RESOLUTION 2015-1

A RESOLUTION TO AMEND THE ASHLAND CITY SUBDIVISION REGULATIONS TO INCLUDE STANDARDS AND DEFINITIONS FOR PRIVATE ROADS

WHEREAS, the Town of Ashland City Municipal Planning Commission has adopted the Ashland City Subdivision Regulations in accordance with Tennessee Code Annotated 13-4-303; and

WHEREAS, the Town of Ashland City Municipal Planning Commission has deemed it necessary for the public interest to promulgate regulations regarding the development and use of private roads within the corporate limits of Ashland City; and

WHEREAS, the Town of Ashland City Municipal Planning Commission has held a public hearing on the proposed regulations for private roads, in accordance with Tennessee Code Annotated 13-4-303(c);

NOW, THEREFORE, BE IT RESOLVED BY THE ASHLAND CITY MUNICIPAL PLANNING COMMISSION:

Section 1. That Article 1 General Provisions of the Ashland City Subdivision Regulations be amended by the deletion of the existing Section 1-112.107 in its entirety and replacement with the following language:

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 August 24, 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.

Section 2. That Article 6 Definitions of the Ashland City Subdivision Regulations be amended by the addition of the following definition in its appropriate location:

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.

Section 3. That Article 5 Specifications For Documents To Be Submitted of the Ashland City Subdivision Regulations be amended by the addition of the following to Section 5-104.3 Plat Certificates as new subsection (e) and the subsequent renumbering of existing sections:

(e) Certification for any final plat containing private streets:

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 City Council for a public road and (b) build or pay for upgrading to Town specifications in effect at the time or the request.

_____, 20_____

Date

Ashland City Public Works

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption by the Ashland City Municipal Planning Commission THE PUBLIC WELFARE REQUIRING IT.

Date of Public Hearing

Secretary, Ashland City Municipal Planning Commission

Date of Adoption

There was discussion about who sets the bond amount. Tim Roach recommended the establishment of the bond amount is at the discretion of the planning commission and may be changed or adjusted in the future as needed. After a long discussion Tim Roach recommended amending CERTIFICATION OF THE APPROVAL OF PRIVATE STREETS by adding after the \$_____ “in a manner prescribed by the planning commission”. Tim Roach advised the committee they could impose a plat filing fee. The city could use the fees to hire an engineer to set the bond amounts.

Rick Gregory informed the committee that the statute states, the bond is to be set in an amount satisfactory to the planning commission. Regardless of what you state in your resolution the statute is in your favor. If the amount to be set is by policy, the policy can be changed without a public hearing.

Tim Roach stated the staff recommends passage of resolution 2015-1, with the amendment of “in a manner prescribed by the planning commission” to be added in the certificate of the approval of private streets. A motion was made to approve resolution 2015-1 as amended at this meeting by Gary Norwood and 2nd by Melody Sleeper. The motion passed by roll call vote. Norwood-yes, Sleeper-yes, Stinnett-yes, Williams-yes, Mayor-yes, LaCrosse-yes

Old Business: None

Other:

Adjournment:

A motion was made to adjourn by Gary Norwood and 2nd by Hadley Williams. The meeting adjourned at 6:00 PM.

Chairman Chris LaCrosse