

**MINUTES OF A REGULAR MEETING OF
THE PLANNING COMMISSION
CITY OF OAK HILL, TENNESSEE**

January 26, 2010

The Planning Commission of the City of Oak Hill, Tennessee met in the City Office. Planning Commission members in attendance were Austin McMullen, Mike Allison, Mac Rucker, Joe Hodgson, and Patricia Carlson. Staff present were City Manager Kevin Helms, City Engineer Zach Dufour, City Attorney Bob Notestine, Assistant City Manager M. C. Sparks, Chief Building Official Bill Burdette and Administrative Assistant Patrick Steiner. Mr. Allison acted as chair, and Ms. Sparks served as secretary.

The meeting was called to order at 6:03 pm., the following matters came before the Commission and was acted upon as indicated:

1.) Approve the Minutes of the Meetings – On a Motion duly made by Ms. Rucker, and Seconded by Mr. McMullen, the November 2009 Minutes of the Meeting were approved as amended; Mr. Joe Hodgson abstained, as he was not on the Commission at the time of the November meeting.

On a Motion duly made by Ms. Carlson, and Seconded by Mr. McMullen, the December 2009 Minutes of the Meeting were approved as corrected.

2.) PC-10-1: Bruce Beck (5531 Hillview Drive) – A request was made to build an addition to the residence, expanding the main and second floor; this lot is in a steep slope area and must get Planning Commission approval. Mr. Dufour indicated the plat was well done; Kimley-Horn reviewed the plat, and corrections were made. He discussed the review and corrections requested by Kimley-Horn. Mr. Dufour recommended passage of the request based on the corrections made and condition of final site plan.

Questions were answered regarding the drainage and water control issues, and soil control. Discussion was held regarding the lot, which is not 2 acres; this might prevent the project, or require a variance. Ms. Carlson also questioned that the surrounding lots are not shown, so they cannot tell what impact this would have on those lots. Mr. Beck's engineer said they are not changing the drainage patterns on this lot at all, and the wall, which is to be constructed, would help lock down the soil to keep it from moving. The swale will be pushed back but will still function in the same way. Mr. Dufour pointed out the good quality of the erosion control notes included on the site plan. Mr. Hodgson said the contours will ensure any drainage will go down the drive.

Mr. Hodgson discussed the intent of the ordinance discussed, which is to protect the slopes. He said they should ask the owner to make sure they take care of any drainage and run-off. Mr. Hodgson feels they have met the intent of the ordinance.

There was discussion regarding the possible need for a variance. By interpretation, the ordinance was designed for creation of lots, not to be applied to lots after created. Mr. Notestine indicated that the lot density did not require a variance, but "No construction that shall cut the toe of the slope" may set up the need for a variance. Mr. Notestine advised passage with stipulation on cutting the toe of the slope.

After discussion, on Motion duly Made by Mr. Hodgson, and Seconded by Ms. Rucker, the following was Passed, four "yes" votes, and one nay vote by Ms. Carlson:

"Moved that the request to build an addition at 5531 Hillview Drive be approved with no variance required, conditional upon no drainage issues shall be created; structural and geotech engineers must verify there is proper backfill behind the wall, along with the conditions included in the review by Kimley-Horn must be followed."

3. Review of Private Street and Gated Communities Ordinances – Mr. Helms presented two proposed ordinances, which were discussed at the November Planning Commission meeting prior to drafting. The Board of Commissioners approved on first reading both ordinances, and a public hearing is set for February 2010. The Planning Commission is asked to review the ordinances and to give any suggestions. The first Ordinance sets forth guidelines for inspections of gates and gated communities. It was drafted by Mr. Notestine, with input from similar ordinances from other cities and state laws. The Board of Commissioners made changes, to include that any lot on a public or private street must have 150 feet of road frontage, and any private street must be constructed to current guidelines for public streets. Adopting this ordinance would also allow the City to come into compliance with state law.

After discussion, on Motion duly Made by Ms. Carlson, and Seconded by Mr. Hodgson, the following was Passed, four “yes”, and one abstention by Mr. McMullen:

“Moved that the Planning Commission recommend to the Board of Commissioners passage on Second Reading of the ordinance regarding gates and gated communities as amended. Recommended amendments include:

- 1 – deleting all references to parking lots and facilities;
- 2 – changing definition 6 to read 'security gate or barrier' means a gate or barrier, electrically operated that controls passage of authorized vehicles and persons from a public street to a private street of the gated community;
- 3 – changing definition 3 to indicate that a driveway serves no more than one single family dwelling;
- 4 - changes all references to a Homeowner’s Association to any duly incorporated and active association having jurisdiction.”

While private streets are not encouraged in Oak Hill, having this second ordinance would define and clear up any issues regarding such streets. It also returns control of private streets to the Planning Commission on a case by case basis. A recommendation from the Planning Commission to the Board of Commissioners is required for this ordinance because it is a change to the zoning ordinance.

After discussion, on Motion duly Made by Ms. Carlson, and Seconded by Ms. Rucker, the following was Passed, four “yes”, and one abstention by Mr. McMullen:

“Moved that the Planning Commission recommend to the Board of Commissioners passage on Second Reading of the ordinance regarding private streets as amended. Recommended amendments include:

- 1 – rearranging the sentence order to clarify that all sections apply to a cul-de-sac except for the 150 feet road frontage requirement;
- 2 – add the statement that flag lots shall be prohibited in the City of Oak Hill;
- 3 – add that in addition to private streets being built to public standards that they must also be maintained to those standards.”

4.) Adjournment – After discussion of several general topics, there being no further business, the meeting was adjourned on a motion duly made and seconded at 7:17 pm.

City Recorder

Chair