

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

February 19, 2009

The Planning Commission of the City of Oak Hill, Tennessee met in the City Office. Planning Commission members in attendance were Mac Rucker, Art McWilliams, Patricia Carlson, Vice-Mayor Austin McMullen, Art McWilliams, Julia Wesley, Judy Hoover, and Mike Allison. Staff present were City Attorney Bob Notestine, Chief Building Official Bill Burdette, City Manager Kevin Helms, Assistant City Manager M. C. Sparks, and Administrative Assistant Patrick Steiner. Mr. McMullen acted as chair, and Ms. Sparks served as secretary.

The meeting was called to order at 5:06 pm. The following matters came before the Commission and were acted upon as indicated:

- 1.) Election of Chairperson of the Planning Commission – On a Motion properly made by Ms. Hoover, and Seconded by Ms. Carlson, the following Motion was Passed Unanimously:
“Moved to elect Mr. Art McWilliams as Chairperson of the Planning Commission.”

Following the election of Mr. McWilliams, he chaired the rest of the meeting

- 2.) Approve the Minutes of the Meetings for January 15, 2009 –

A motion was made and passed unanimously to defer the approval of minutes until the March meeting by Mr. McMullen and seconded by Mr. Howell.

- 3.) P-09-01: Mr. Victor Johnson (970 Overton Lea Road) – A request was made for approval of a final plat to subdivide an 8.29 acre lot into two lots, of 4.19 and 4.10 acres. Ms. Carlson recused herself as she lives across the street from the property in question. Mr. Johnson appeared, and Mr. Tom King, of Clifton and King Civil Engineers, presented the information on the plat.

Mr. Collier had questions, answered by Mr. Johnson and Mr. King:

1 – Can the 20 foot buffer extension on the Kelvin Pennington plat from 2005 be called an easement? Answer: Yes, that would be correct.

2 – Will the light post be on lot 1? Answer: The property line should be right behind light pole.

This is a simple lot split, for which the check list has been followed. The property is steep slope, which will be addressed when any lots request a permit, at which time they will have to come back to Planning Commission before the permit is issued. At that time further geotech work can be required. In answer to a question from Mr. McWilliams, there needs to be a pipe under the drive at this location.

Mr. Allison asked about the pipe onto the Carlson property; Mr. Collier said a 15” pipe should be replaced when the lot is developed.

Ms. Wesley asked if Lot 1 is going to be developed; the response was that the current house will stay.

Other questions: What is the status of the tennis court on Lot 2; the court was given an easement some years ago.

Is the plat not certified? The original has been reviewed and has been sent in.

Resident comments:

Mr. Jerry Shelton – things need to be done before this is granted: 1) he feels the tennis court issue needs to be addressed, 2) he feels this split will create tackiness and property values will be affected, 2) drainage, at drive and in the area needs to be addressed, as the infrastructure is old, and won't handle more development. He feels the drive can't be maintained without getting on another's property. He asked that his notes be part of the record.

Mr. Johnson – The property was purchased before Oak Hill incorporated, and the house was built by 1952. They have put in the covenants of the sale that only two houses may be on these lots. The tennis court was repaired; the drive is original, and does not have a culvert.

Mr. Collier indicated that there is reference in the minutes of the October and November 2005 Planning Commission that the tennis court has an easement.

At this time there is no contract on Lot 2; there is a pending contract on Lot 1 dependant on obtaining a subdivision of the property.

Mr. Mike Carlson requested his letter be a part of the record. He echoed much of what Mr. Shelton said and indicated he is not opposed to subdivisions if done by the subdivision regulations – but he doesn't feel like it is being done so.

Mr. Collier indicated that the owner(s) would have no vested rights when they come in for steep slope review on Lot 2 if a Building Permit is applied for.

Ms. Wesley has concerns because of drainage. Mr. Notestine has concerns over the tennis court – it has an easement, and therefore the Planning Commission doesn't have right to deal with that issue; doing so would set a bad precedent. The process involving subdivisions has worked well, and that more review is done when a critical lot analysis is submitted at the time a Building Permit is requested. Mr. Collier commented, agreeing with Mr. Burdette's decision, that this is small subdivision, not a major one – it is served by a private sewer.

Mr. Shelton feels like this submission opens up for examination all issues, and reiterates that he feels that the tennis court is in violation of ordinances. He disagrees with Mr. Notestine.

Mr. Carlson – if the property is for sale as a whole, there is no problem. The subdivision is what brings this up for examination. Sub Reg 3.401 pg 843 says lots shall meet minimum requirements by ordinance. Mr. Carlson feels that the Commission is not bound by the advice of Mr. Notestine and Mr. Collier, but should vote their consciences. Ms. Carlson indicated that the Wheelers, not present, are concerned since they have not granted an easement to the sewer on their private property.

No colluvial soil was found in the first testings, but may be found on further testing for critical lot analysis – Mr. Shelton said there is colluvial soil.

Mr. Helms asked about the availability of sewer on private property; Mr. King said all the lines have easements, and they have the right to attach to a public line.

Mr. Collier puts on record that this would be a buildable lot – there will be drainage issues to work with, and the Commission will have to deal with it at critical lot analysis – what is before the Commission at this time is in proper form.

Mr. Notestine responded to Mr. McWilliams' inquiry, saying the steep slope requirements make this a two meeting process – a building permit requires that they do work on drainage issues at that time. The Planning Commission may move for approval with conditions, or to disapprove, or the applicant can request a continuance.

Dr. Bill Canak asked if both properties need to be opened up for examination? Is it be held to same standards as a "new" lot? Mr. Notestine said that the City is aware of potential issues, which would be critical only to Lot 2; Mr. Collier said there is no construction on lot 1 proposed, but if that came up it would trigger critical lot analysis on Lot 1. Both Mr. Notestine and Mr. Collier agree this is not to be held as a new lot.

Mr. Shelton insisted that the zoning ordinances indicate there are side yard requirements which will be violated, and he wants a denial and study done of the issue.

Mr. Johnson said that the Commission cannot apply zoning to what was there in 1950, 1960 and 1970 – that would be arbitrary and capricious. If the house on Lot 1 is torn down, yes it would have to comply with existing ordinances to rebuild. There will be notice on the plat such that there must be compliance with steep slope ordinances.

Mr. McMullen quoted Sub Reg 4.209 that no lot shall be reduced in size, and that Sub Reg 3.401(d) similar; he does not see how it violates these regulations, as it is a preexisting violation.

After discussion, on a Motion properly made by Ms. Rucker, and Seconded by Ms. Wesley, the following Motion was Passed, including an Amendment made by Mr. McMullen:

“Moved that the subdivision of property at 970 Overton Lea Road be granted as submitted, provided a ‘buffer’ reference for the tennis court be changed into ‘easement’ on plat.”

The vote was four approving, with two opposing (Mr. Allison had left the meeting before the vote was taken).

Sign Ordinances – Mr. Notestine drafted an updated sign ordinance incorporating the sign ordinance from Nolensville which he also drafted. Mr. Notestine proposed a workshop to discuss and review this ordinance; a date was set for Tuesday, March 3, 5:00 pm.

4.) Adjournment - There being no further business, the meeting was adjourned on a motion duly made and seconded at 6:29 pm.

City Recorder

Chair