

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

November 24, 2009

The Planning Commission of the City of Oak Hill, Tennessee met in the City Office. Planning Commission members in attendance were Art McWilliams, Austin McMullen, Julia Wesley, Mike Allison, and Patricia Carlson. Staff present were City Manager Kevin Helms, Assistant City Manager M. C. Sparks, and Administrative Assistant Patrick Steiner. Mr. McWilliams acted as chair, and Ms. Sparks served as secretary.

The meeting was called to order at 6:04 pm. The following matters came before the Commission and were acted upon as indicated:

1.) Approve the Minutes of the Meetings for October 15, 2009 – On a Motion duly made by Mr. Allison, and Seconded by Ms. Carlson the October 2009 Minutes of the Meeting were approved as corrected.

2.) Discussion of Private Street Ordinance – Mr. Helms presented the information regarding this issue, saying that private streets are allowed at the sole discretion of the Planning Commission according to the subdivision regulations for the City. There is also a stipulation in the subdivision regulations saying the policy is to discourage private streets. The State of Tennessee also discourages private streets. This issue has been raised as the developers of Loring Court are requesting that this street be made private, upon the request of the residents. In 2006 an ordinance was written designed to prohibit flag lots; this included a change made requiring 150 feet on a public street. This seems to prohibit private streets. The issue at hand is how to move forward in the area of private streets. Mr. Helms' opinion is as long as a private street is required to be built to public street standards, they should be acceptable. This was brought up at a previous Board of Commissioners meeting, and was referred to the Planning Commission for review and advice to the Commissioners.

Ms. Carlson said the part of Ordinance 06-1 dealing with road frontage was included specifically to prevent private drives which would prevent construction in certain areas, and was therefore done intentionally.

Mr. Blair Myers, developer at the Loring Court subdivision, answered questions saying they are interested in having a private street and a gated community. There are no flag lots in this subdivision, and three of the five lots have homes. The residents feel this is a safety issue, and there have been

several break-ins in the area. Ms. Carlson asked if the public utilities had been dedicated to Metro Nashville, and Mr. Myers said not yet, but they will be turned over.

Ms. Wesley asked about emergency vehicles having access, and Mr. Helms said part of the regulations controlling private streets is that emergency vehicles must have access.

Ms. Carlson asked if there will be a homeowners' association; Mr. Myers said that yes there will be, and they maintain everything now except the road, which the developer is maintaining. Also the City contractor would collect the garbage in a gated community. If private streets are allowed, the City will request a letter from the residents in Loring Court before the gated community is approved, showing they are in support of a gated community and understand the financial responsibilities (including upkeep of the road) they would be assuming.

Ms. Carlson said studies show no decrease in crime in gated community areas. She felt there are issues including emergency access, and safety (like children waiting for school buses on the street) that should be considered. Will future owners understand what is involved in living in a gated community and who will be responsible financially for upkeep?

Mr. Allison said that the City has discouraged private roads for long time. Then the Inns of Granny White was built, and there were quite a few trees take out, and there was a feeling there would be less environmental damage if the street was not as wide a street as required by public road standards. One of the reasons that the Treemont subdivision has a private section of street at the top is to do "less damage".

Currently there are two gated communities in the City: Peach Orchard and Woodward Hills.

Mr. Helms said the change would not outright allow private streets, but put the decision back at the discretion of the Planning Commission on a case by case basis. He also said that the ordinance could be crafted so it says private streets are only allowable if they are to service gated communities. There could still be the requirement that there be 150 feet of frontage per lot at the street.

The State has guidelines for gated communities which can be examined, and the City could include a blanket liability clause: if emergency vehicles have to take drastic steps to enter, they are under no liability for possible damages.

The Planning Commission would recommend on general principals to the Board of Commissioners what their thoughts are on private street. The ordinance can be brought back between the first and second readings by the Commissioners for the Planning Commission to recheck.

After discussion, on a Motion duly made by Mr. Allison, and Seconded by Ms. Wesley. the following was Passed, three for, one against and Mr. McMullen abstained:

“Resolved, that the Planning Commission recommend to the Board of Commissioners that a private street ordinance be enacted, and as part of the ordinance it be required that any private street must be created and maintained to public street standards.”

3.) Adjournment - There being no further business, the meeting was adjourned on a motion duly made and seconded at 6:55 pm.

City Recorder

Chair