

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

January 23, 2012

5:30 p.m.

Members Present

Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Glen Glasner
Dr. Richard Bagby
Donnie Worley

Others

Daniel Galindo
Pat Sanders
Diana Cox
Kurt Johnson
Beth Rhoton
C. Bruce Spencer
C. Wayne Hart
Bob Malone
Jean Malone
Jack Hardy
Jan Tavalin

The meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairperson Lee Brannon.

The minutes of the Winchester Municipal-Regional Planning Commission for the December 19, 2011 meeting were presented for approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Glen Glasner seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Request for Approval of Rezoning – C-2 to C-4 – 410 Dinah Shore Blvd. – Jack Hardy – Franklin County Property Map 65K, Group D, Parcel 1.00 – Jack Hardy submitted a written request to rezone his property at 410 Dinah Shore Boulevard from C-2, Highway Service District to C-4, Multi-Residential-Commercial District. Mr. Hardy expressed that there appears to be a lack of commercial tenants for the building in the current economy, and he would like to explore the option of converting some of his existing office space to a residential use. Staff met with Mr. Hardy at the site on January 5th to discuss his proposal and examine the building. Currently, the approximately 10,000 square foot building is served by connections for water, sewer, plus connections for natural gas. Electric service has been divided with separate connections to each of the nine (9) current units. A single furnace presently serves the entire building, but Mr. Hardy has stated that individual HVAC systems would be installed for each unit. The site contains 28 regular parking spaces, two (2) handicapped parking spaces, and room for at least two (2) additional parking spaces. During the site visit, Staff noted the need for full baths in each individual unit, fire separation between units, and the placement of smoke detectors among other building code issues.

From a strictly land use perspective, Staff felt this site is an appropriate location for the mix of land uses permitted in the C-4 district. The building currently contains the following land uses: a real estate appraisal office, a dog grooming business, a dance studio, and the office of a private investigator. Of these existing uses, dog grooming and the dance studio would remain uses permitted within C-4. The offices of the real estate appraiser and private investigator would become non-conforming uses as no provision of C-4 permits professional services, business services, real estate services or any other type of similar office space.

In the week before the meeting, a retail firearms business began operation in one of the units on this site. Mr. Buzz Costa, owner of the business, has a lease for his office space until June 1, 2012. Mr. Costa has stated that there will not be any storing of firearms or ammunition at this location. He is only a broker and does his business over the internet. At the meeting, Mr. Hardy also mentioned that he had listed this property for sale over a six month contract period and stated that he would not be doing any changes until after the six month contract has expired. Due to reservations over these recent changes on the property, Glen Glasner made the motion to table this item until the February 27, 2012 meeting. Donnie Worley seconded the motion. All members voted in favor of said motion.

Final Plat Approval – The Mill at Rivers End – 6 lots – Hawkersmith Lane – John R. Malone – Franklin County Map 54K, Group B, Parcels 13.00/15.00 – Surveyor Kurt

Johnson, representing property owner John Malone, resubmitted a Final Plat of *The Mill at Rivers End* subdivision for Planning Commission review and approval. This plat was originally brought before the Planning Commission and received conditional approval at the July 18, 2011 regular meeting. The Commission previously established a 90-day deadline for any conditionally approved items to be resubmitted with all conditions addressed at the August 17, 2009 regular meeting. Based on the adopted deadline, the conditional approval of this plat expired on October 16, 2011; thus, Staff required the plat to be resubmitted for approval.

The proposed 6-lot subdivision includes 5 residential lots and a common area. The subdivision development is located in Winchester's planning region and is zoned R-2 by Franklin County. It is located on Hawkersmith Lane on the embankment of Tims Ford Lake near Lees Ford Bridge. An existing residence is located on one of the proposed lots (Lot 5). Two of the lots (Lots 2 and 5) are accessible solely via ingress/egress easements. The proposed ingress/egress easement for Lot 2 is off Hawkersmith Lane while Lot 5 has a proposed ingress/egress easement off Hawkersmith Lane and a second existing easement that crosses Lot 4 and Tims Ford shoreline property to State Highway 130 (Old Tullahoma Highway). The resubmitted plat addressed all of the previous conditions of approval. Dr. Richard Bagby made the motion to approve *The Mill at Rivers End* plat as resubmitted. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Note: Owner, John R. Malone was given the opportunity to request annexation of this development into the city limits of Winchester, but he refused.

Request to Extend the Time Limit on Conditionally Approved Items – Upon Staff requiring the final plat of *The Mill at Rivers End* subdivision to be resubmitted based upon the

aforementioned policy, surveyor Kurt Johnson requested to speak before the Planning Commission and asked that the 90-day deadline for conditionally approved items be extended to at least six months. After some discussion, Glen Glasner made the motion to extend the deadline for conditionally approved items to nine (9) months for all submissions before the Planning Commission and Board of Zoning Appeals except zoning amendments and recommended a zoning amendment adopting this deadline to City Council. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

Letter of Credit Renewal – Citizens Bank – Walking Trail at Fox Run – Staff informed the Commission that Citizens Community Bank renewed its \$3,000.00 irrevocable letter of credit for the walking trail at Fox Run Estates. The letter will remain in effect for one (1) year from January 20, 2012.

Discussion of Altering Winchester's Planning Region to Coincide with the Urban Growth Boundary – Staff has been researching the procedure to request the altering of a City's planning region. After some discussion regarding the benefits and consequences of altering the current planning region (set in 2001) to match the current urban growth boundary (set in 2009), Warren Christiansen made the motion to seek the alteration of the planning region to match the current urban growth boundary. Having these boundaries match would make the planning and development process easier to understand for citizens and would best allow the City to influence development in the area within which it can annex. Donnie Worley seconded the motion. All members voted in favor of said motion.

OLD BUSINESS

Status Report – Previous Conditionally Approved Agenda Items

Year 2011:

- A. Preliminary Subdivision Plat Review and Approval – Carroll Ray Smith – Smith Court – Off Ruby Street – Franklin County Property Map 65-L, Group D, Parcel 10.01 – *Incomplete: Corrected plat never submitted; Conditional approval has expired*
- B. Site Plan Review and Approval – O'Reilly's Auto Parts Store – 1300 Dinah Shore Blvd. – Franklin County Property Map 65E, Group H, Parcel 2.00 – *Complete*
- C. Planning Region – Minor Division of Property Approval – Arnold Farm Road – John Curtis – Franklin County Property Map 76, Part of Parcel 11.00 – *Complete*
- D. Minor Division of Property Approval – Dinah Shore Blvd. – Marie T. Armstrong – Franklin County Property Map 65-K, Group C, Parcel 14.00 – *Complete*

- E. Minor Division of Property Approval and Request for Rezoning from R-1 to C-2 – Old Winchester Road – Wiley W. Baxter, Jr. and Barbara Baxter – Franklin County Property Map 66-A, Ctrl. Map 66-H, Group B, Parcel 1.00 – *Rezoning – Complete; Minor Division – Incomplete: Corrected plat never submitted; Conditional approval has expired*
- F. Planning Region – Preliminary/Final Plat – John R. Malone – The Mill at Rivers End – Hawkersmith Lane – Franklin County Property Map 54-K, Group B, Parcels 13.00 and 15.00 – *Incomplete: Corrected plat submitted December 2011; Conditional approval has expired*
- G. Minor Division of Property Plat – Jeff Grider – Strawberry Drive – Land Added to Lot 53 – Franklin County Property Map 75-G, Group A, Parcels 2.00 and 56.00 – *Complete*
- H. Preliminary S/D Plat – Billy J. Rigsby, Sr. – Halfmoon Road – Cottages on Halfmoon – Franklin County Property Map 66, Parcel 32.00 – *Incomplete: Corrected plat never submitted; Conditional approval has expired*
- I. Minor Division of Property Plat – Thomas Simmons Jr. Family Trust/City of Winchester – South College Street (Us Highway 41A) – Franklin County Property Map 75-D, Group A, Parcel 3.00 – *Complete*

Warren Christiansen made the motion to adjourn the Winchester Municipal-Regional Planning Commission meeting at 6:45 p.m. Donnie Worley seconded the motion. All members voted in favor of said adjournment.

Warren R. Christiansen

SIGNATURE

18 June 2012

DATE

WINCHSTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

Special Called Meeting

**February 9, 2012
12:00 p.m.**

Members Present

**Lee Brannon, Chairperson
Mayor Terry Harrell
Glen Glasner
Donnie Worley**

Members Absent

**Warren Christiansen
Dr. Richard Bagby**

Others

**Daniel Galindo
Pat Sanders
Diana Cox
Beth Rhoton
Gary D. Greeson
Chris Sfirakis**

The special called February 9, 2012 meeting of the Winchester Municipal-Regional Planning Commission was called to order at 12:00 p.m. by Chairperson Lee Brannon.

No minutes were presented for approval.

NEW BUSINESS

Site Plan Approval – Chris Sfirakis – 204 East Petty Lane – S & S Greek American Concessions – Franklin County Property Map 65E, Group G, Parcel 8.00 – Chris Sfirakis requested approval to locate a concessions trailer for his business, S & S Greek American Concessions, at 204 East Petty Lane (the southeast corner of East Petty Lane and Bypass Road). Mr. Sfirakis's application was brought before the Planning Commission in lieu of administrative approval by Staff due to previously expressed community concerns. Mr. Sfirakis's concessions trailer will be located on part of a parcel which is zoned C-2; the remainder is currently in use as a used automobile dealership. The dealership will remain in operation on the property. Mr. Sfirakis's business will typically operate Monday through Friday from 6:00 a.m. to 4:00 or 5:00 p.m., and the concessions trailer will not be moved from the property at night. The waste from the concessions trailer will be disposed of by W. B. Briggs out of Alabama which takes care of the waste from Mr. Sfirakis's Gondola restaurant in Tullahoma. Donnie Worley made the motion to approve the site plan as presented. Glen Glasner seconded the motion. All members present voted in favor of said motion.

OLD BUSINESS

No old business.

Mayor Terry Harrell made the motion to adjourn the special called meeting of the Winchester Municipal-Regional Planning Commission at 12:07 p.m. Donnie Worley seconded the motion. All members present voted in favor of adjournment.

Warren R. Christensen

SIGNATURE

18 June 2012

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

February 27, 2012

5:30 p.m.

Members Present

Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Glen Glasner
Dr. Richard Bagby
Donnie Worley

Others

Daniel Galindo
Pat Sanders
Diana Cox
Kurt Johnson
C. Bruce Spencer
George Fraley
Betty Fraley
Bill Cowan
Roger Caldwell
Chris Zimmerman
Chief Gary Greeson
Jan Tavalin

The meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairperson Lee Brannon.

The minutes of the Winchester Municipal-Regional Planning Commission for the January 23, 2012 regular meeting and February 9, 2012 special called meeting were presented for approval. Glen Glasner made the motion to approve both sets of minutes as presented. Mayor Terry Harrell seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Preliminary S/D Plat – Billy J. Rigsby, Sr. – Halfmoon Road – Cottages on Halfmoon (14 lots) – Franklin County Property Map 66, Parcel 32.00 – Surveyor Kurt Johnson, representing property owner Billy Rigsby, resubmitted a preliminary plat of the Cottages on Halfmoon Subdivision for Planning Commission review and approval. A preliminary plat of this subdivision was conditionally approved at the September 19, 2011 meeting, but that approval expired in December after 90 days when no corrected plat was submitted. The proposed subdivision would create fourteen (14) residential lots of .21-.22 acres on property zoned R-2 which allows both single detached dwellings and duplex dwellings by right; however, Mr. Rigsby stated there would not be any duplexes built in this development at the September 2011 meeting. The proposed lots along Halfmoon Road directly face the Airport Acres subdivision, and a five (5) foot strip of land abutting the existing Halfmoon Road and Georgia Crossing Road rights-of-way would be dedicated to the City. Potable water is available along both Georgia Crossing and Halfmoon Roads, and fire hydrants are in place along Halfmoon Road. Sanitary sewer service is available across Halfmoon Road, and a Winchester Utilities overhead electric

line is also located across Halfmoon Road. Staff also noted that Mr. Rigsby had previously agreed to a road right-of-way of at least sixty (60) feet for a secondary connector road during future development of the remaining acreage at the September 2011 meeting, and at the same meeting, Staff had remarked that a comprehensive drainage plan would be required at some point during the development of the overall 111 acre property.

Staff informed the Commission that Mr. Rigsby and Mr. Johnson were supplied via email, a letter, and a detailed checklist on November 11, 2011, noting the required changes for the previous preliminary plat and the necessary steps before a final plat could be considered. Bill Cowan addressed the Board with a request to rezone this piece of property from R-2 to R-2S to ensure that only single family dwellings could be built on this property. Mr. Rigsby's property was zoned R-2 in 2007 when the property was annexed because he initially proposed a planned development and desired smaller lots. Note: The R-2S (Medium Density Single Family Residential District) was added to the Zoning Ordinance #912 on December 8, 2009. Mr. Cowan felt that since Mr. Rigsby was no longer developing this as a planned development and because of the concerns of neighboring property owners that this rezoning request should be considered. Glen Glasner made the motion to approve the preliminary plat subject to the following items being satisfactorily addressed:

1. Add the size and location of the new gravity sewer trunk line and its connection to the existing manhole at Cessna Circle.
2. Add the location of the new sewer manholes.
3. Add the location of the new underground electric primary line and its connection to the existing Winchester Utilities line.
4. Display and label the existing Winchester Utilities electric line.
5. Label the existing overhead electric line (OE) as a Duck River Electric Membership Corporation (DREMC) line.
6. Add a 20' utility easement to the front of all 14 lots and the driveway/roadway right-of-way reservation.
7. Include a portion of the unlabeled driveway/roadway right-of-way reservation between Lot 7 and Lot 8 in the survey and plat because the new infrastructure and utility easements will have to cross it.
8. Remove the "Not a part of this survey" label and replace it with "Reserved for future development."
9. Change the notation of the size of the water line from 6" to the correct 10".
10. Indicate the existing fire hydrant across from Cessna Circle.
11. Remove the current "W" mislabeling of the front setback line.
12. Show the existing Halfmoon Road right-of-way as 45' and change both right-of-way dedication notes to "5' right-of-way dedication to the City of Winchester".

13. The City's consulting engineer, Dempsey, Dilling & Associates, has also requested a five (5) feet wide drainage easement along all side lot lines (for a total of 10' surrounding each boundary).

Donnie Worley seconded the motion. The motion passed with Mayor Terry Harrell, Glen Glasner and Donnie Worley voting in favor of said motion with Warren Christiansen and Dr. Richard Bagby voting against. Staff stated that a corrected plat satisfactorily addressing all conditions of approval must be submitted by December 27, 2012 due to the nine (9) month deadline adopted at the last meeting for the resubmission of completely corrected documents for conditionally approved items.

Request for Rezoning – R-1 to C-3 – George and Betty Fraley – 1089 Old Estill Springs Rd. – Franklin County Tax Map 55, Parcel 44.00 – Property owners George and Betty Fraley requested rezoning of a portion of the 1.71 acres of the property located to the northwest of the intersection of Old Estill Springs Road and Bible Crossing Road from R-1, Low-Density Residential to C-3, Neighborhood Service Business. A residence is currently located on the north end of the 1.71 acre tract and a minor division of property will be done to remove the house and sufficient acreage. Mr. and Mrs. Fraley previously discussed rezoning this property with the Planning Commission at the November 21, 2011 meeting. At that time they were attempting to determine whether the Planning Commission might support a rezoning prior to paying for a survey and submitting a minor subdivision plat for eventual sale to a party interested in the site for a commercial business. It was noted that this site is generally appropriate for the small-scale neighborhood service uses permitted within the C-3 district. After some discussion, Glen Glasner made the motion to approve the request for rezoning from R-1 to C-3 subject to the approval of the minor division of property. Dr. Richard Bagby seconded the motion. Mayor Terry Harrell, Glen Glasner, Donnie Worley and Dr. Richard Bagby voted in favor of said motion. Warren Christiansen voted against said motion. The motion carried.

Resolution – Requesting the Alteration of the Commission's Planning Region to Be One and the Same as the City's Urban Growth Boundary Area – At the January 23, 2012 meeting of the Planning Commission, there was discussion concerning the benefits and consequences of altering the current planning region (set in 2001) to match the current urban growth boundary (set in 2009), and the Commission approved a motion to seek this alteration. The presented resolution would formally request the State's Local Government Planning Advisory Committee (LGPAC) to alter the planning region. Warren Christiansen made the motion to adopt the resolution and submit the required resolution to the Winchester City Council for approval. Donnie Worley seconded motion. All members present voted in favor of said motion.

OLD BUSINESS

Request for Rezoning – C-2 to C-4 – 410 Dinah Shore Blvd. – Jack Hardy – Franklin County Property Map 65K, Group D, Parcel 1.00 – Staff noted that Mr. Buzz Costa, owner of the retail firearms business which recently began renting one of Mr. Hardy's units, submitted an application to rezone his property on Sharp Springs Road to C-2 for this meeting. However, when Staff discussed this application with Mr. Costa by phone and noted that he would not be

able to maintain his permanent residence on the Sharp Springs Road property upon rezoning to C-2, he rescinded his rezoning application. He stated that he would rather live on the property than use it solely as his office. Because of this, the status of Mr. Hardy's property has not changed since the Commission's discussion last month. No action was required at this time.

Warren Christiansen made the motion to adjourn the Winchester Municipal-Regional Planning Commission regular meeting at 6:53. Glen Glasner seconded the motion. All members voted in favor of adjournment.

Warren R. Christiansen

SIGNATURE

18 June 2012

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

March 19, 2012

5:30 p.m.

Members Present

**Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Glen Glasner
Dr. Richard Bagby
Donnie Worley**

Others

**Daniel Galindo
Pat Sanders
Diana Cox
Beth Rhoton
C. Bruce Spencer
Roger Caldwell
Marlin Steele
Deidre Ortiz
Ricky Wiseman
Chief Gary Greeson
Don Harrell/Sain Const.
James Armstrong/Architect
Wade Anderton
Dr. Traci Helton
Retha McCleskey
Dr. Jolanta Szczarkowska**

The meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairperson Lee Brannon who welcomed Councilman Wayne Hart as a new member of the Commission.

The minutes of the Winchester Municipal-Regional Planning Commission for the February 27, 2012 regular meeting were presented for approval. Mayor Terry Harrell made the motion to approve the minutes with the following additions on page two:

Eleventh line – Add “in 2007” after the word “R-2”

Fourteenth line – Add “Note: The R-2S (Medium Density Single Family Residential District) was added to the Zoning Ordinance by Ordinance 912 on December 8, 2009.”

Glen Glasner seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Site Plan – Phoenix Boats – 730 Industrial Rd. – Franklin County Property Map 66, Parcels 4.06 and 4.07

- Armstrong Associates Architects, on behalf of Phoenix Boats, submitted a site plan for Planning Commission review and approval. The site plan displayed the proposed locations of a new office building, stone parking area, covered patio addition to the existing building, and storage room addition to the existing building to be constructed at 730 Industrial Road (the northeast corner of the Industrial Drive and Baxter Lane intersection). This 10 acre property is zoned I-2, General Industrial, and the existing building will be utilized to manufacture bass fishing boats. Glen Glasner made the motion to approve the site plan contingent upon satisfactorily addressing the following except for #10 (see note):

1. Provide the activity proposed on the site.
2. Provide the number of employees.
3. Provide the total area of the site.
4. Provide the square footage and height of the existing building and proposed buildings.
5. Label the patio and storage room additions detailed on pages 1.2 & 1.3 of the submitted plans on the site plan.
6. Display the location of the electric line serving the property.
7. Display the location of the 2" Elk River Public Utility District gas line along Industrial Drive and the 4" gas line along Baxter Lane.
8. Display the area to be utilized for refuse collection.
9. Provide the zoning classification of the property.
10. Provide contours and a drainage plan for the property including calculations for a 25-year storm event in its current state and as proposed on the site plan. Storm water detention may be necessary.
Note: At some time in the near future Phoenix Boats plans to build another building and this item is to be deferred until the submittal of the new site plan. At that time a drainage plan for the entire property will be submitted for review and approval.
11. Are any freestanding signs proposed for the site? If so, the location of these signs should be shown.
12. The Franklin County Tax Assessor currently shows two (2) parcels which comprise the site with a property line through the existing building. This may be an appropriate time to combine those parcels if that was not done during the recent sale of the properties.

Dr. Richard Bagby seconded the motion. All members present voted in favor of said motion.

Preliminary Subdivision Plat – Shirley Heirs – Hospital Road – Franklin County Property Map 76H, Group C, Parcel 1.00

- Surveyor Bryan Shirley submitted a preliminary plat for property that his family owns located on Hospital Road. This plat would create a one (1) acre lot that would require the installation of a new water line, new sewage force main, and new overhead electric line to serve the property. The potential purchaser of the new lot hopes to build a medical clinic on the site subject to the property being rezoned to M-1, Medical-Professional

Office. Dr. Richard Bagby made the motion to approve the preliminary plat contingent upon satisfactorily addressing the following:

1. Remove the Certificate of Approval and Certificate of Ownership and Dedication from the plat. These will be necessary on the final plat.
2. Provide the name and address of the owner of record.
3. Provide the map and parcel number of the property as recorded on the property maps of Franklin County.
4. Note the size of the proposed water line.
5. A fire hydrant may be necessary if the property is located further than 500 feet from the nearest existing hydrant.
6. Note the size of the proposed sewer line and label it as a force main.
7. Provide a utility access easement where the overhead electric line crosses the properties.
8. Sign and stamp the plat.

Glen Glasner seconded the motion. All members present voted in favor of said motion.

Request for Rezoning – R-1 to M-1 – Shirley Heirs – Hospital Road – Franklin County Property Map 76H, Group C, Parcel 1.00 - Bryan Shirley submitted a request to have the one (1) acre property shown on the previously discussed preliminary plat rezoned from R-1, Low Density Residential to M-1, Medical-Professional Office. A medical clinic would be built on the site, and the potential purchaser has chosen this site specifically because of its proximity to the hospital which would allow pedestrians to walk between the two. The proposed lot would meet all M-1 dimension regulations. Glen Glasner made the motion to give a favorable recommendation for the rezoning to the Winchester City Council. Donnie Worley seconded the motion. All members present voted in favor of said motion.

Request for Rezoning – R-2 to C-2 - Traci S. Helton – 505 S. Jefferson St. – Franklin County Property Map 75C, Group E, Parcel 18.00 - Property owner Dr. Traci Helton submitted a request to have the property at 505 South Jefferson Street rezoned from R-2, Medium Density Residential to C-2, Highway Service. Dr. Helton is a veterinarian and plans to open an animal clinic in the existing vacant residential structure currently on the site which would be improved and expanded. All of the animal clinic activities would be located within the structure; there would be no outdoor activities such as kenneling animals. The property is currently surrounded on three sides by properties zoned C-2 though the front door of the existing structure faces a residence zoned R-2S across South Jefferson. The Winchester Zoning Ordinance only explicitly includes a land use dealing with animals in I-1 which permits “animal health facilities including veterinary clinics.” Professional services are permitted within C-2, and the zoning ordinance defines professional offices to include the offices of physicians. The office of a veterinarian fits within this land use; however, this land use would not include related outdoor uses such as the kenneling of animals which would have the potential to create noise and smell-related nuisances for neighboring property owners. Glen Glasner made the motion to give a favorable recommendation for the rezoning to the Winchester City Council. Donnie Worley seconded the motion. All members present voted in favor of said motion.

OLD BUSINESS

Status Report:

1. Request for Rezoning – C-2 to C-4 – 410 Dinah Shore Blvd. – Jack Hardy – Franklin County Property Map 65K, Group D, Parcel 1.00 - On March 19, 2012, Mr. Jack Hardy called the Codes Office and stated that he has rented Suite F to another gun business which only does business by the internet. The business owner is Joe Lundberg (dba "Battle Gear").
2. Preliminary S/D Plat – Billy J. Rigsby Jr. – Halfmoon Road – Cottages on Halfmoon (14 lots) – Franklin County Property Map 66, Parcel 32.00 - As of March 19, 2012, no corrected plat has been submitted to the Codes Office.

Glen Glasner made the motion to adjourn the meeting of the Winchester Municipal-Regional Planning Commission at 6:28 p.m. Mayor Terry Harrell seconded the motion. All members present voted in favor of adjournment.

Warren R. Christensen

SIGNATURE

18 June 2012

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

April 16, 2012

5:30 p.m.

Members Present

Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Glen Glasner
Donnie Worley

Others

Daniel Galindo
Diana Cox
Pat Sanders
Beth J. Rhoton
C. Bruce Spencer
Michael T. Rudder
Jan Tavalin

Member Absent

Dr. Richard Bagby

The Winchester Municipal-Regional Planning Commission was called to order by Chairperson Lee Brannon at 5:30 p.m.

The minutes of the Winchester Municipal-Regional Planning Commission meeting for March 19, 2012 were presented for review and approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Donnie Worley seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Request for Rezoning – C-2/R-2 to C2A – Michael and Iris Rudder – 1009 S. College St. – Franklin County Property Map 75D, Group F, Parcel 31.00 – Property owners Michael and Iris Rudder submitted a request to have their property located at 1009 South College Street rezoned from a split designation of C-2, Highway Service and R-2, Medium Density Residential to C-2A, Highway Service Alternative. This rezoning would bring the property into compliance with the zoning ordinance by permitting the indoor mini-warehousing business that the Rudders have already created on the property. The other existing commercial business would operate as a grandfathered non-conforming land use. The Rudders have stated that they plan to convert the entire structure to mini-warehousing if the newly created business does well. Two other properties are zoned C-2A within 300 feet of the Rudders' property and the C-2A district has the same dimension regulations as C-2 with only a change in the permitted uses. Mayor Terry Harrell made the motion to give a favorable recommendation for the request of rezoning from C-2/R-2 to C-2A to the Winchester City Council. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Request for Rezoning – C-2/R-2 to C-2A – Michael and Iris Rudder – 1009 S. College St. – Franklin County Property Map 75D, Group F, Parcel 31.00 - Withdrawn due to no one being present to represent this item and no agenda fee being submitted.

Request for Rezoning – R-1 to I-1 – Charles Wiseman – Lot next to 1205 David Crockett Highway – Franklin County Property Map 75, Parcel 33.09 - Property owner Charles Wiseman submitted a request to have his property rezoned from R-1, Low Density Residential to I-1, Restrictive Industrial in order to locate a machine shop on the property. The approximately 1.44 acre site is currently a vacant lot neighboring two residences (one of which is owned by Mr. Wiseman) and the offices of the Winchester Public Works Department are across Pittenger Circle. I-1 zoning is present across David Crockett Highway. Winchester Utilities noted that the sewage service line from the residence owned by Mr. Wiseman cuts across the middle of this property to Pittenger Circle. This greatly limits the potential design and layout of development on the site which would likely be more problematic for an industrial use. Furthermore, David Crockett Highway currently serves as a logical physical boundary for the I-1 district, and the existing tree line to the north of the road (approximately following the old railroad bed) also serves as a natural vegetative buffer between the existing industrial uses in this location and all other land uses. Warren Christiansen made the motion to deny the request for rezoning. The motion died for lack of a second. It was the consensus of the Board to not act upon this request.

Request for Rezoning – R-2 to I-1 – Marlin Steele – 513 4th Ave. S. W. – Franklin County Property Map 75C, Group K, Parcel 1.01 - Marlin Steele submitted a request to have the property located at 513 4th Avenue Southwest rezoned from R-2, Medium Density Residential to I-1, Restrictive Industrial. Mr. Steele stated that he had purchased this property in December of 2011. This property is bordered by Gin Street directly opposite the front doors of eight (8) residences. The site used to be the location of a tank and vault business operating in the R-2 district as a grandfathered non-conforming land use pursuant to Section 13-7-208 of the Tennessee Code Annotated which permits the continued operation of such a use as long as there is no change in the use of the land by the business. That business is no longer operating on the site, and Mr. Steele has recently started storing various types of inoperable machinery (primarily automobiles) on the site as an expansion of his operation across 4th Avenue. As this is a separate land use and not a continuation of the tank and vault business, Mr. Steele's use of the site is not grandfathered and is currently in violation of the zoning ordinance. Mayor Terry Harrell asked Mr. Steele if the expansion of his operation on to this property would ensure that he would remove all associated debris from the roadways surrounding his current property. Mr. Steele said that he would keep these roadways clean. Mr. Steele also stated that an opaque fence would be constructed around the property under consideration for rezoning by the end of 2012. Donnie Worley made the motion to give a favorable recommendation for the rezoning to the Winchester City Council contingent upon Mr. Steele putting a solid fence around the property. Glen Glasner seconded the motion. All members present voted in favor of said motion.

Zoning Text Amendment – Moving Automobile Wrecking, Salvage, and Junk Yards to Uses Permitted as Special Exceptions in the I-1 District – In response to citizens' questions regarding Marlin Steele's rezoning request discussed at the previous meeting of the Planning Commission, it was discovered that though "Automobile wrecking, salvage, and junk yards, subject to provisions of ARTICLE IV, Section 4.100" is listed as a permitted use in the I-1, Restrictive Industrial District, the provisions of Section 4.100 require such a use to be permitted by the Board of Zoning Appeals. In essence, this use is not permitted in the traditional sense but is a use permitted as a special exception. Staff recommended that the zoning ordinance be amended to transfer this use from the listing of "uses permitted" to the "uses permitted as special exceptions" to clarify the expected procedure for such a land use. Warren Christiansen made the motion to approve the recommendation for the amendment to the zoning ordinance. Mayor Terry Harrell seconded the motion. Four members voted in favor of said motion. Glen Glasner voted "nay".

Review of Policy Decision – Subdivision Regulations Amendment – Requiring Owner and Dedication Certificates on Minor Plats – At the March 21, 2005 meeting of the Planning Commission, the Commission approved the addition of an owner's certificate and, when necessary, a certificate of dedication as requirements on final minor subdivision plats, but a public hearing and formal adoption never took place. Staff recommended that these two certificates be required and a public hearing be held to allow formal adoption of this requirement. Warren Christiansen made the motion to approve the recommendation to follow through with the public hearing and adoption of the amendment to the subdivision regulations. Mayor Terry Harrell seconded the motion. All members present voted in favor of said motion.

Review of Policy Decision – Subdivision Regulations Amendment – Adopting a New Street Name Certificate on Final Major Subdivision Plats – At the April 21, 2008 meeting of the Planning Commission, Franklin County's E-911 program proposed a certificate to be required on final major subdivision plats attesting that new road names are in compliance with the Franklin County Street/Road Naming Program. The Commission approved the addition of this certificate, but a public hearing and formal adoption never occurred. Staff recommended that this certificate be required and a public hearing be held to allow formal adoption of this requirement. Warren Christians made the motion to approve the recommendation to follow through with the public hearing and adoption of the amendment to the subdivision regulations. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Review of Policy Decision – Zoning Text Amendment – Removing Upper Story Residential Dwelling for Limited Use as a Use Permitted as Special Exception in the C-2 District – At the February 25, 2008 meeting of the Planning Commission, the Commission recommended that the zoning ordinance be amended to remove "Upper story residential dwelling for limited use. Limited use is defined as temporary occupancy by a household not to exceed a continuous period of twenty-four (24) months" and the associated minimum floor area for upper story residential dwelling from the C-2 district. This recommendation became Ordinance No. 892 which passed its first reading at the March 11, 2008 City Council meeting; however, the ordinance is never mentioned again in the Council's minutes. No records have been discovered providing information about why the ordinance was never read again. Staff recommended that the Commission re-recommend this zoning amendment to the City Council. Glen Glasner made the

motion to give a favorable recommendation for the amendment. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Policy Discussion – Requirements for Rezoning Applications – Numerous recent rezoning requests have been submitted without any written documentation other than the application form. Cases such as this require Staff to depend on information provided verbally which can lead to confusion or misunderstanding on the part of the applicant, Staff, or both. In many cases, written comments are provided to Commission members based on Staff's best understanding of the request only to have "new" information presented at the meeting. When this occurs, Staff is unable to prepare for subsequent questions which may arise, and Commission members will be unable to consider the request based upon the best available information. For these reasons, Staff recommended that the Commission adopt specific requirements for rezoning applications and presented a preliminary list of requirements for discussion. Based on the Commission's comments, Staff will revise the requirements and present them at a future meeting for further discussion and potential adoption.

OLD BUSINESS

Status Report:

- A. **Request for Rezoning – C-2 to C-4 – 410 Dinah Shore Blvd. – Jack Hardy Franklin County Property Map 65K, Group D, Parcel 1.00** – No updates at this time.
- B. **Preliminary S/D Plat – Billy J. Rigsby Jr. – Halfmoon Road – Cottages on Halfmoon (14 lots) – Franklin County Property Map 66, Parcel 32.00** – As of April 12, 2012, no corrected plat had been submitted to the Codes Department.
- B. **Site Plan – Phoenix Boats – 730 Industrial Rd. – Franklin County Property Map 66, Parcels 4.06 and 4.07** – A corrected site plan was submitted to the Codes Department on March 20, 2012.
- C. **Preliminary Subdivision Plat – Shirley Heirs – Hospital Road – Franklin County Property Map 76H, Group C, Parcel 1.00** – A corrected preliminary plat was submitted to the Codes Department on April 3, 2012.

Warren Christiansen made the motion to adjourn the meeting of the Winchester Municipal-Regional Planning Commission at 6:05 p.m. Mayor Terry Harrell seconded the motion. All members present voted in favor of adjournment.

Warren R. Christiansen
SIGNATURE

18 June 2012
DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

Special Called Meeting

May 14, 2012

12:00 p.m.

Members Present

Lee Brannon, Chairperson
Mayor Terry Harrell
Councilman Wayne Hart
Glen Glasner
Donnie Worley

Members Absent

Warren Christiansen, Secretary
Dr. Richard Bagby

Others

Daniel Galindo
Diana Cox
Pat Sanders
Beth J. Rhoton
C. Bruce Spencer
Larry Phillips
Jack Bell

The Winchester Municipal-Regional Planning Commission was called to order by Chairperson Lee Brannon at 12:00 p.m.

No minutes were presented for approval.

NEW BUSINESS

Release of Letter of Credit #1050 – Twin Creeks Village – Larry Phillips - Mr. Larry Phillips, owner of Twin Creeks Village LLC, requested, in a letter written on May 10, 2012, that he be released from having to renew his Letter of Credit #1050 in the amount of \$80,000.00. At the meeting, Mr. Phillips expressed numerous arguments including, in no particular order:

- the roads were never to be covered by a Letter of Credit;
- the roads already surpassed the City's minimum standards in their current state and no Letter of Credit could be required;
- the City had no say in the construction of the roads as they are to be private roads maintained by a homeowners association; and
- regardless of a Letter of Credit, anyone developing the property would be required to complete construction of the road surface, curbs and gutters, and sidewalks.

Staff presented an email from the City's consulting engineer, Jerome Dempsey, dated March 18, 2008 which stated that a \$200,000 irrevocable letter of credit was to be put into place which

included a breakdown of \$170,000 for roadwork, \$20,000 for stormwater drainage, and \$10,000 for water and sewer utilities. Staff agreed with Mr. Phillips that the current state of the roads in Twin Creeks surpassed the City's minimum standards; however, the roads did not meet the standards approved in the final development plan for the planned development. Staff stated that although the roads are to be private and maintained by a homeowners association as stated on the final development plan, the City maintained the authority to regulate the roads until they are constructed to the standards approved in the final development plan. Staff then stated that in its professional opinion the City would be liable for the cost of completing the construction of the road to the approved standards without a Letter of Credit, and if the Letter of Credit were allowed to expire, the City would be unable to require any developer of the property to submit a new letter of credit unless the developer requested an amendment to the final development plan.

The following timeline of significant dates for Twin Creeks Village is provided for future reference:

August 21, 2006	Planning Commission (PC) – Rezoning requested for approximately 40 acres from R-1 to R-3A and favorably recommended.
November 20, 2006	Board of Zoning Appeals (BZA) – Requested approval of “Use Permitted as a Special Exception” for Planned Development (The Village at Twin Creeks) granted.
December 18, 2006	BZA – Preliminary Development Plan for Phase I conditionally approved.
January 28, 2008	BZA – Request to start construction despite not yet satisfactorily addressing all previous conditions of approval. Request approved contingent upon addressing seven comments.
March 18, 2008	Email from Jerome Dempsey (City's Consulting Engineer) stating that a \$200,000.00 Irrevocable Letter of Credit was to be put into place: \$170,000.00 for roadwork \$20,000.00 for the stormwater drainage \$10,000.00 for water and sewer utilities
April 1, 2008	BZA (Special Called Meeting) - Final Development Plan for Phase I approved.
April 4, 2008	First Letter of Credit (#1031) in the amount of \$200,000.00 put in place by Franklin County United Bank.
October 29, 2009	Letter from Franklin County United Bank notifying the City that Letter of Credit #1031 had expired on April 4,

2009 and any obligation from the bank pertaining to the Letter of Credit had been terminated.

February 18, 2010	Letter from Greg O'Neal (City Attorney) to Twin Creeks about the necessity of maintaining an Irrevocable Letter of Credit.
May 11, 2010	Letter to Twin Creeks from Codes Enforcement Officer, Pat Sanders, stating that the roads, curbing, storm drains and sidewalks have not been fully completed and that the City would require a Irrevocable Letter of Credit to be put back in place in the amount of \$80,000.00.
May 17, 2010	New Letter of Credit (#133165/1050) put in place by Franklin County United Bank.
January 24, 2011	BZA – Amendment to Final Development Plan to allow single family dwellings approved.
April 18, 2011	BZA – Request to be released from renewal of Letter of Credit denied due to incomplete roadwork, curbing, storm drains, and sidewalks.
April 27, 2011	Renewed Letter of Credit (#133165/1050) in the amount of \$80,000.00, expiring on May 17, 2012, received from Franklin County United Bank.

After some discussion from Mr. Phillips and the Commission, Mayor Terry Harrell made the motion that the request to be released from renewal of the \$80,000.00 letter of credit be denied. Councilman Wayne Hart seconded the motion. Three of the members voted in favor of said motion. Donnie Worley voted "nay". Motion carried three to one.

Lee Brannon made the motion to adjourn the special called meeting of the Winchester Municipal-Regional Planning Commission at 12:50 p.m. Mayor Terry Harrell seconded the motion. All members present voted in favor of adjournment.

Warren R. Christensen

SIGNATURE

18 June 2012

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

May 21, 2012

5:30 p.m.

Members Present

Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Glen Glasner
Dr. Richard Bagby

Member Absent

Donnie Worley

Others

Daniel Galindo
Diana Cox
Pat Sanders
Beth J. Rhoton
Betty Fraley
George Fraley
Kurt Johnson
Wade Anderton
Dr. Traci Helton
Jan Tavalin

The Winchester Municipal-Regional Planning Commission was called to order by Chairperson Lee Brannon at 5:30 p.m.

The minutes of the Winchester Municipal-Regional Planning Commission April 16, 2012 regular meeting and the May 14, 2012 special called meeting were presented for review and approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Minor Subdivision Plat – George and Betty Fraley – 1089 Old Estill Springs Rd. – Franklin County Tax Map 55, Parcel 44.00 – Mr. and Mrs. Fraley submitted a minor division of property plat for review and approval. This submission satisfies the condition of establishing the exact boundaries of the area to be rezoned set by the Planning Commission's favorable recommendation to rezone part of their property from R-1 to C-3 at the February 27, 2012 regular meeting. This minor plat creates two (2) lots from the larger parcel across Old Estill Springs Road. Tract 1 (1.24 acres) would be the area considered for rezoning to C-3. Tract 2 (.34 acres) contains an existing residence and would remain R-1. A corrected plat was submitted at the meeting addressing the following comments:

1. Show the approximate size and location of the water and sewer lines in this area. Winchester Utilities has stated that lines and/or valves cross the property underneath the gravel area on the southeast corner of Tract 1.
2. Provide a utility access easement for the area mentioned in Comment #1.
3. Sign and stamp the plat.

Glen Glasner made the motion to approve the submitted plat as presented. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

Site Plan – Traci S. Helton (Veterinary Clinic) – 505 S. Jefferson St. – Franklin County Property Map 75C, Group E, Parcel 18.00

– Dr. Traci S. Helton submitted a site plan for review and approval. The Planning Commission favorably recommended Dr. Helton's request to rezone this property from R-2 to C-2 at the March 19, 2012 regular meeting. This site plan outlines Dr. Helton's plans to convert and expand the existing residence and garage into a veterinary clinic if the property is rezoned. The resulting structure would be three (3) times larger than the existing residence, and 17 new parking spaces are being proposed in two separate areas along with the utilization of the existing garage and driveway. The property would drain to two (2) existing catch basins on the nearest edge of the Fifth Avenue SE and S Jefferson St. right-of-ways. A corrected site plan was resubmitted at the meeting addressing the following comments:

1. Note which survey from which the distances and bearings displayed on the site plan are taken.
2. Display or note all setback lines for the C-2 district.
3. Is any landscaping proposed?
4. Show the size and location of the water and sewer trunk lines.
5. The applicant has discovered that the existing sewer service line for his property is shared by four (4) customers including properties on S College St. This existing line should be shown in as much detail as possible. If the applicant and the neighboring property owners come to an agreement on any easement(s) regarding this, the easement(s) should be shown.
6. Differentiate which water and sewer service lines are existing and which are proposed.
7. In lieu of a fully engineered drainage plan, more information regarding elevations and grading need to be shown to ensure the site will drain to the two catch basins as proposed.

Mayor Terry Harrell made the motion to approve the submitted site plan subject to the property being rezoned and the Public Works Director's approval of a redesign of the small employee parking area off of S Jefferson St. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Policy Proposal – Specific Requirements for Rezoning Applications – As discussed at the last meeting of the Planning Commission, Staff recommended that the Commission adopt specific requirements for rezoning applications and presented a preliminary list of requirements for discussion. Based on the Commission's comments and further research, Staff proposed specific requirements for adoption. Of the requirements recommended, Mayor Terry Harrell made the motion to adopt the following for rezoning applications:

All information to be considered as part of the application must be submitted in writing (printed or digital) prior to the application deadlines established by the

Planning Commission. Any information not submitted prior to the appropriate application deadline will not be considered by the Planning Commission.

If any of the following requirements are not met, the application is incomplete and shall not be placed on the agenda. An incomplete application and its applicable fee may be carried over to successive deadlines for up to three (3) months until all requirements are met. After three (3) months, the submitted materials of an incomplete application will be discarded and the fee forfeited.

Requirements

1. A completed agenda application.
2. Payment of the applicable fee as established by City Council.
3. A copy of the recorded deed of the property.
4. A map, diagram, and/or physical description of the boundaries of the area proposed for rezoning including notation of the number of acres.
5. A statement attesting to the accuracy of the submitted information including the signature of the property owner and applicant, when different than the owner. If the owner or applicant is a corporation, or similar entity then a letter on company letterhead or other documentation must be submitted authorizing the individual to act on behalf of the entity for this particular application.

Glen Glasner seconded the motion. All members present voted in favor of said motion except for Warren Christiansen and his vote was "nay".

Zoning Amendment – Restricting the Location of Accessory Structures and/or Portable Storage Units in Residential and Commercial Districts – Recent events have led Staff to research whether the location of all accessory structures or accessory structures used for storage should be further restricted in residential or commercial zoning districts. Staff presented a number of issues and proposals in an attempt to determine whether the Commission felt this issue is significant enough to pursue a broad regulation for all types of accessory structures or if regulations targeted specifically at accessory structures used for storage would be sufficient. After some discussion, it was the consensus of the Commission to table this item until the next meeting to provide time for the members to review the presented information.

OLD BUSINESS

Status Report

A. Request for Rezoning – C-2 to C-4 – 410 Dinah Shore Blvd. – Jack Hardy Franklin County Property Map 65K, Group D, Parcel 1.00

Mr. Hardy verbally stated that he no longer wished to have his property rezoned as most of his building is now rented. Staff has asked for a written statement for our records.

B. Preliminary S/D Plat – Billy J. Rigsby Jr. – Halfmoon Road – Cottages on Halfmoon (14 lots) – Franklin County Property Map 66, Parcel 32.00

As of May 17, 2012, no corrected plat had been submitted.

Glen Glasner made the motion to adjourn the meeting of the Winchester Municipal-Regional Planning Commission at 7:24 p.m. Councilman Wayne Hart seconded the motion. All members present voted in favor of adjournment.

Wayne R. Christensen

SIGNATURE

18 June 2012

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

June 18, 2012

5:30 p.m.

Members Present

Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Dr. Richard Bagby
Donnie Worley
Glen Glasner

Others

Daniel Galindo
Pat Sanders
Diana Cox
Beth Rhoton
C. Bruce Spencer
Kurt Johnson
Kendra Sebastian
Steve Smith

The regular June meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairperson Lee Brannon.

PUBLIC HEARINGS

Resolution 2012-1 – Subdivision Regulations Amendment to Add a Certificate of Approval for Street Names to Final Major Subdivision Plats – No comments were given by the public.

Resolution 2012-2 – Reconfirming the Subdivision Regulations' Requirement for an Owner's Certificate and Certificate of Dedication on Final Minor Subdivision Plats – Surveyor Kurt Johnson addressed the Board and wanted some clarity on the Certificate of Dedication on Final Minor Subdivision Plats.

The minutes for the May 21, 2012, regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review and approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Resolution 2012-1 – Subdivision Regulations Amendment to Add a Certificate of Approval for Street Names to Final Major Subdivision Plats – This amendment was approved for a public hearing on March 21, 2005 and subsequently at the April 16, 2012 regular meeting of the Planning Commission. Mayor Terry Harrell made the motion to approve Resolution 2012-1 as an amendment to the Winchester Subdivision Regulations. Donnie Worley seconded the motion. All members present voted in favor of said motion.

Resolution 2012-2 – Reconfirming the Subdivision Regulations’ Requirement for an Owner’s Certificate and Certificate of Dedication on Final Minor Subdivision Plats – As approved for a public hearing on April 21, 2008 and subsequently at the April 16, 2012 regular meeting of the Planning Commission, approval of this resolution was recommended to reconfirm that these certificates will be required as already stated in the Subdivision Regulations. Warren Christiansen made the motion to approve Resolution 2012-2. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Minor Division of Property Plat – 905 Lynnwood Street – Kendra Powers Sebastian – Franklin County Property Map 65G, Group G, Parcel 8.00 – Johnson and Associates Land Surveying, on behalf of property owner Amanda Powers, submitted a minor subdivision plat for Planning Commission review and approval. A .03 acre portion of the original lot at 905 Lynnwood Street is to be separated and added to the adjoining Kendra Powers Sebastian property to the north located at 127 10th Ave. N. W. This allows the combined property to exceed the 4,000 square foot minimum area required by Section 6.060 of the Winchester Zoning Ordinance in order to acquire a building permit in a residential district. Kurt Johnson submitted a corrected plat addressing the following comments:

1. Display the approximate area of the Kendra Powers Sebastian property on 10th Avenue NW and Tract in square feet to demonstrate that the resulting property will surpass the minimum required area of 4,000 square feet.
2. Sign and stamp the plat.

Mayor Terry Harrell made the motion to approve the resubmitted plat as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Site Plan Approval and Review – 3830 Cowan Highway – Cowan Road Partners, LLC – Franklin County Property Map 76, Parcel 19.01 – Thomas Ore Land Surveying submitted a site plan for the Diversatech Plastics property for Planning Commission review and approval. A 7,200 square foot storage building is proposed which would be located behind the main building. A drainage plan was not included with the site plan, and staff recommended that this requirement be waived due to the small footprint of the proposed building, the large area of the property and the significant distance between the proposed location of the building and the nearest drainage way. Warren Christiansen made the motion to approve the site plan as presented without the requirement of a drainage plan. Dr. Richard Bagby seconded the motion. All members present voted in favor of said motion.

OLD BUSINESS

ZONING AMENDMENT – Restricting the Location of Accessory Structures and/or Portable Storage Units in Residential and Commercial Districts – This item concerning accessory structures and/or portable storage units in residential and commercial zoning districts was tabled at the May 21, 2012 meeting to provide time for the Commission to review the provided information in their May packets. After some discussion, Mayor Terry Harrell made the motion to table this item until the July meeting to allow time for further study of this issue.

Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Status Report

- A. **Preliminary S/D Plat – Billy J. Rigsby Jr. – Halfmoon Road – Cottages on Halfmoon (14 lots) – Franklin County Property Map 66, Parcel 32.00** – No revised preliminary plat has not been submitted as of June 14, 2012.

Mayor Terry Harrell made the motion to adjourn the Winchester Municipal-Regional Planning Commission meeting at 6:15 p.m. Councilman Wayne Hart seconded the motion. All members present voted in favor of adjournment.

Warren R. Christensen
SIGNATURE

16 July 2012
DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

**July 16, 2012
5:30 p.m.**

Members Present

**Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Dr. Richard Bagby
Donnie Worley
Glen Glasner**

Other

**Daniel Galindo
Pat Sanders
Diana Cox
C. Bruce Spencer
Tim Little
Tony Swann
Jan Tavlin**

The regular July meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairperson Lee Brannon.

The minutes for the June 18, 2012, regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review and approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Site Plan Review – C-4 Zoning District – Agricultural Learning Center – Franklin County High School – 833 By Pass Road – Franklin County Board of Education – Property Map 66, Parcel 034.00 – Oliver-Rhoads & Associates submitted a site plan for the construction of a covered, open-air pavilion as part of an agricultural learning center at Franklin County High School. Located next to the track, the proposed pavilion would be 84' x 54' (4,536 sq. ft.) and would be attached to an existing brick building by a covered breezeway. Mr. Tim Little of Oliver-Rhoads had worked with Staff prior to the meeting to address all comments on a revised site plan. Warren Christiansen made the motion to approve the revised site plan as presented. Dr. Richard Bagby seconded the motion. All members present voted in favor of said motion.

Staff Report – Land Development in Winchester: Documenting the Unwritten Policies and Procedures – A brief report, developed by City Staff and the City's regulatory partners, was distributed to members of the Planning Commission which documented the land development policies and procedures that have been adopted through the years without being formally incorporated into the Zoning Ordinance or Subdivision Regulations. All of the City's regulatory partners were offered the opportunity to review the report for accuracy, and no negative comments were received. The contents of the report were briefly discussed, and Staff indicated that related reports were being prepared for submission to the Commission at future meetings.

OLD BUSINESS

Zoning Amendment – Restricting the Location of Accessory Structures and/or Portable Storage Units in Residential and Commercial Districts – Discussion of a zoning amendment restricting the location of accessory structures and/or portable storage units in residential and commercial districts had been discussed and tabled at the two previous Planning Commission meetings to provide time for further review and study of the issue. At the previous meeting, Staff recommended specific regulations for portable storage units, and the Commission requested that the City Attorney review this recommendation. Staff stated that the City Attorney had reviewed the proposal and had no concerns with its content. The Commission had also requested to view example language from other cities, and this was presented. At the previous meeting, the Commission expressed specific concern that this proposal would overly limit a resident's ability to utilize a wooden storage shed. Staff stated that the proposed location regulation within residential zoning districts would actually be more flexible than the established standard for general accessory structures. Currently, accessory structures must be located within the back yard but not within 5 feet of the side or rear property lines; however, the proposed regulations would allow portable storage units to be placed anywhere on the property except the required front setback or within 5 feet of the side or rear property lines. This extra flexibility is explicitly to allow the use of portable storage units during relocation or construction on a house. Warren Christiansen made the motion to forward the proposed zoning amendment on to the City Council for approval with the exception of deleting the limitation on the number of portable storage units allowed in commercial districts and adding a requirement that the use of portable storage units during construction be disclosed on building permit applications. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Status Report – Previous Conditionally Approved Agenda Items

A. Preliminary S/D Plat – Billy J. Rigsby Jr. – Halfmoon Road – Cottages on Halfmoon (14 lots) – Franklin County Property Map 66, Parcel 32.00

A revised preliminary plat had not been submitted as of July 12, 2012.

Warren Christiansen made the motion to adjourn the Winchester Municipal-Regional Planning Commission meeting at 6:23 p.m. Donnie Worley seconded the motion. All members present voted in favor of adjournment.

Warren R. Christiansen

SIGNATURE

28 January 2013

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

August 20, 2012

5:30 p.m.

Members Present

Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Dr. Richard Bagby
Donnie Worley
Glen Glasner

Other

Daniel Galindo
Pat Sanders
Diana Cox
Dean Oliver
Tim Little

The regular August meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairperson Lee Brannon.

The minutes for the July 16, 2012, regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review and approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Site Plan Review – M-1 Zoning District – Expansion of Winchester Christian Academy – Winchester Church of Christ – 1230 S. College Street – Property Map 76A, Group F, Parcel 2.00 - Oliver-Rhoads & Associates submitted a site plan for the construction of an expansion to the Winchester Christian Academy at the Winchester Church of Christ. The proposed expansion of 55.5' x 100' (5,550 sq. ft.) would extend from the southern wall of the Academy across an existing driveway and storm drain into the existing parking lot. Before the actual meeting a revised site plan was submitted addressing the following:

1. The existing storm drain underneath the proposed expansion must be relocated to a position outside of the building envelope.
2. The erosion control plan must be revised to address the following issues:
 - a. Provide an erosion control detail for the grate inlets. Additional protection is likely needed at the dual grate inlet on the east side of the existing WCA building.
 - b. Provide an erosion control detail for the inlet headwall.
 - c. Hay bales are proposed on top of asphalt which would not allow for them to be properly embedded and staked.

- d. TDEC does not allow the use of hay bales as a standalone BMP as it is not an effective practice for removing fine sediment particles.
3. The hashed building east of the proposed addition should be labeled as "existing classrooms building". This building was formerly a pavilion which was enclosed in 2011 for the purpose of creating two individual classrooms which are now being utilized.
4. Display the location of the gas service line that connects to the gas meter on the east wall.
5. It appears that the expansion will be connected to all utilities through the existing WCA building. Is this accurate? If not, any new utility connections to the expansion should be shown to ensure there are no conflicts with the storm sewer system.
6. Display property boundaries including the internal boundary which bisects the structure.
7. Display information identifying the property such as the tax map and parcel reference as well as the site's address.
8. Provide the current zoning of the property and the associated setbacks.
9. Display the name of the abutting street.
10. Note the total area of the site.
11. Display the square footage and height of all existing and proposed structures.
12. Note the approximate square footage of the various interior uses of the proposed expansion (ex. office space, meeting area, classrooms, etc.).

Mayor Terry Harrell made the motion to approve the revised site plan as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

OLD BUSINESS

Status Report – Previous Conditionally Approved Agenda Items

- A. **Preliminary S/D Plat – Billy J. Rigsby Jr. – Halfmoon Road – Cottages on Halfmoon (14 lots) – Franklin County Property Map 66, Parcel 32.00**

A revised preliminary plat has not been submitted as of August 16, 2012.

Lee Brannon made the motion to adjourn the Winchester Municipal-Regional Planning Commission meeting at 5:40 p.m. Glen Glasner seconded the motion. All members present voted in favor of adjournment.

Warren R. Christensen
SIGNATURE

28 January 2013
DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

September 17, 2012

5:30 p.m.

Members Present

Lee Brannon, Chairperson
Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Donnie Worley

Members Absent

Dr. Richard Bagby
Glen Glasner

Other

Daniel Galindo
Pat Sanders
Diana Cox
Beth Rhoton
Brant McGill
David Foster
George Fraley
Betty Fraley
Retha McCleskey
Chief Gary Greeson
Jan Tavalin
Deanna Sidley
Dan Sidley
Mike Rowland

The regular September meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairperson Lee Brannon.

The minutes for the August 20, 2012, regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review and approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Final Subdivision Plat – Shirley Heirs – Hospital Road – Franklin County Property Map 76H, Group C, Parcel 1.00 - Surveyor Bryan Shirley submitted a final plat of the Hospital Road/Shirley Heirs major subdivision for Planning Commission approval. The Commission approved the preliminary plat for this subdivision on March 19, 2012. A 1 acre lot is being divided from the parent property of 26.146 acres to be sold and used as the site of a new pediatric clinic (see Item 2). The subdivision required the installation of new utilities including: an overhead electric line, a 6" water line, and a 2" force main sewer line. At this time, only the water line has been installed, so a letter of credit or other form of surety will be required in order for the plat to be approved. Mayor Terry Harrell made the motion to approve the final subdivision plat contingent upon addressing the following comments and with requiring a letter of credit up to the amount of \$45,006.00 to cover the electric and sewer lines that are remaining to be installed:

1. A 2" Elk River Public Utility District gas line is located in the Hospital Road right-of-way on the subdivision's side of the street and should be shown. It is present on the site plan in Item 2.
2. The site plan of the clinic proposes grading onto the remaining 25.146 acre property along the southern boundary of the 1 acre parcel in lieu of a concrete retaining wall. The plat should include a construction easement for the corresponding area.
3. A letter of credit or other surety must be put in place to cover the electric and sewer lines remaining to be installed prior to the plat certificates being signed. The following estimates have been provided:
 - a. Electric: \$1,000 (Winchester Utilities) plus 20% = \$1,200.
 - b. Sewer: \$36,505 (Dempsey, Dilling & Associates) plus 20% = 43,806The current total for the necessary surety is \$45,006; however, Winchester Utilities is also developing an estimate for the sewer line which was not ready for the meeting.
4. The surveyor should stamp and seal the plat
5. All certificates must be signed.

Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

Site Plan Review and Approval – Dr. Jolanta Szczarkowska/Brant McMill – Hospital Road – Part of Franklin County Property Map 76H, Group C, Parcel 1.00 - Brant McGill of Blue Oak Projects submitted a site plan and corresponding documents (developed by St. John Engineering) on behalf of Dr. Jolanta Szczarkowska for a pediatric clinic to be constructed across the southern section of Hospital Road from the Southern Tennessee Medical Center. The proposed clinic building would be 5,340 square feet and located on the 1 acre parcel created by the Hospital Road/Shirley Heirs plat in Item 1. The parking lot would consist of 27 parking spaces including 2 handicapped spaces with two driveways accessing Hospital Road. The natural topography of the site slopes away from Hospital Road toward the rear property line with a maximum change in elevation of 19 feet. Due to this, significant grading is proposed to prepare the site for construction and operation, and a small detention pond is proposed at the rear of the site. (Note: It is the sole responsibility of the owner of the property to maintain this detention pond.) A new water line has been installed to serve the site, but an electric line and a sewer line must still be constructed. Mayor Terry Harrell made the motion to approve the site plan contingent upon the following being satisfactorily addressed:

Parking:

1. The site plan states 27 parking spaces are provided but only 26 are shown.
2. State the expected number of clinic employees at maximum staffing. This information is necessary to calculate the required number of parking spaces.

3. The site plan states that 27 parking spaces are required; however, Section 4.010 of the Winchester Zoning Ordinance requires "not less than 4 spaces per doctor, plus 1 additional space for each 2 employees" for medical clinics. Less than 27 spaces may ultimately be required but this cannot be determined currently.
4. 2 handicapped spaces are proposed, but the handicap parking detail on Sheet 4 does not meet Winchester's requirement that the spaces be 12 ½ feet in width. The detail also displays the length of the space at 18 feet when 20 feet is shown on the site plan (Sheet 2). Overall, the spaces displayed on the site plan appear closer to compliance.

Existing Conditions (Sheet 1):

1. Remove the "proposed" labeling from the 6" water line.

Site Plan (Sheet 2):

1. Provide details or a separate plan for the landscaping displayed on the site plan.
2. Does the first floor have an elevated deck and retaining wall at the back of the building? Label accordingly.
3. Remove the existing contours from the site plan so that the utilities can be easily identified.
4. Clearly show and label both existing and proposed utilities.
5. Address conflicting proposed electrical information. An underground electric service line is shown connecting from the north side while the overhead electric line proposed for construction to serve the site is located on the south.
6. Address conflicting water information.
 - a. Remove the "proposed" labeling of the 6" water line and show water mains, valves, and hydrant/blow offs as existing.
 - b. The water service line is shown extending toward the hospital side of Hospital Road, but the 6" water line installed to serve the site is located at the southwest corner of the property.
 - i. However, if Hospital Road is being cut for water service, the road will have to be repaired in accordance with the public works department minimum requirements for a road patch.
7. Address conflicting information for the service sewer force main. It is labeled as both a 4" and a 1.5" force main.
8. Provide detail of the sewer cleanout, utility trench, and extruded curb somewhere on Sheets 4-6.

Grading, Drainage, and Erosion Control Plan (Sheet 3):

1. Remove existing and proposed utility information from the grading plan so that the contours can be identified.
2. Correct any missing contours or contours which are not shown connecting back into the existing contour. (i.e. the proposed 982

contour in the southern entrance does not tie back into the existing 982 contour on Hospital Road.)

3. Contours near Hospital Road are not clear. Label all contour lines.
4. Verify that the site is not shedding water onto Hospital Road. Drainage culverts might be needed under the driveways. If necessary, a minimum 18" RCP is preferred with headwalls.
5. Show the curb cut in the northern entrance and add rip rap protection.
6. Clarify the grading at the rear of the building. Will one side of the staircase be a full depth retaining wall from the main floor to the basement?
7. Is a concrete flume being proposed from the curb cut into the detention pond? If so, provide a detail and extend the rip rap across the pond to protect the opposite embankment of the pond.
8. Provide a full drainage report from Hydraflow for the pond and outlet design.
9. Show limits of disturbance around all proposed ground disturbance. It is currently shown cutting through the middle of proposed contours.
10. Ensure slopes do not exceed 3:1 as stated.
11. The area of disturbance appears to exceed TDEC's 1 acre requirement for submittal of a Stormwater Pollution Prevention Plan (SWPPP). If so, provide a copy of both the approved SWPPP and Notice of Coverage before beginning construction.
12. Provide design information for the downspout drain lines (i.e. size, material, slopes, inverts, cfs)
13. Add protection to the downspout outlets.
14. Provide storm sewer cleanout and trenching detail somewhere on Sheets 4-6.
15. Show construction easements for off-site work.
16. Show the location of the construction exit, if applicable.

Details (Sheets 4-6):

1. The "Pavement Section" detail should be labeled with "6 inches compacted stone base." The stone should not be "light duty."
2. Bituminous Prime Coat is to be applied to the top of the base stone and not to the top of the asphalt surface course.
3. Bituminous Tack Coat is to be applied between asphalt layers and not over the base stone.
4. General Note #6 should indicate that any borrow site must have a state approved stormwater permit for borrow activities.

Donnie Worley seconded the motion. All members present voted in favor of said motion.

Rezoning Request – From C-3 to C-2 – George and Betty Fraley – Old Estill Springs Rd. – Franklin County Property Map 55. Parcel 44.00 - Property owners George and Betty Fraley requested that their property located to the northwest of the intersection of Old Estill Springs Road and Bible Crossing Road be rezoned from C-3, Neighborhood Service Business to

C-2, Highway Service. The 1.22 acre property at the request of Mr. and Mrs. Fraley was originally rezoned from R-1, Low Density Residential to C-3 by Ordinance 951 which passed third reading on August 14, 2012 after a favorable recommendation from the Planning Commission at its February 27, 2012 meeting. Mr. and Mrs. Fraley requested rezoning to C-2 in order to ensure that what the Winchester Zoning Ordinance defines as a "Gasoline Service Station" will be permitted on the property; this is not a listed permitted use in the C-3 district. There were 3 options which would allow this to occur which are:

1. Rezone the property to C-2.
2. Amend C-3 to allow gasoline service station as a permitted use.
3. Amend C-3 to allow gasoline service station as a special exception.

During the discussion, Councilman Wayne Hart asked Mrs. Fraley if they had a buyer for this property. Mrs. Fraley informed him that they did not have a buyer at this time. Warren Christiansen made the motion to deny the request for rezoning to C-2 because it would be spot zoning, this property is not along a highway, and C-2 is the most general commercial district in the city which would allow the greatest range of commercial uses including many inappropriate for the location, and to not recommend an amendment that would allow gasoline service stations in a C-3 zoning district as either a permitted or special exception use due to the past practices of this Board. Mayor Terry Harrell seconded the motion. All members present were in favor of said motion.

Note: History

The Fraleys first discussed rezoning this property with the Planning Commission at the November 21, 2011 meeting. At that time, the Fraleys requested to discuss the potential for this property to be rezoned commercial with the Planning Commission without proposing a specific land use. Staff presented an analysis that this property was "generally appropriate" for the "small-scale neighborhood service uses permitted in the C-3 district." Though no land use had been specifically proposed, the Commission held a lengthy discussion regarding the sale of alcohol within the C-3 district due to specific language restricting restaurants from selling alcohol to be consumed on-site. In the meeting's recorded audio, reference was made to "convenience store" and an "establishment like Creekside Market" while discussing the sale of alcohol, but gasoline and similar products were not directly mentioned. Note: Creekside Market was built in 1949 before our zoning.

The Fraleys returned to the February 2012 meeting with a formal request to rezone this property to C-3. At that time, Staff recommended denial of the request due to the speculative nature of the request without any firm plans. In the meeting's recorded audio, Mrs. Fraley stated that she did not currently have a buyer, but the proposal for the site would only be "either a convenience market or a family style restaurant." During the discussion she stated that she wanted to sell the property as commercial property, but she couldn't advertise the property as

commercial without a rezoning. She also stated that the property wouldn't sell as residential and it wouldn't sell unless it was rezoned. At this meeting, gasoline and similar products were still not directly mentioned.

Further Analysis

Though the term "convenience store" was used during verbal discussion at these two meetings, the Zoning Ordinance does not contain such a use. The 3 following definitions are the most similar land uses currently defined within the ordinance (including 2 which specifically mention petroleum/gasoline):

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel cleaning and repair services.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

The *convenience sales* use is a special exception within the I-1 district and is permitted as part of a planned development in the R-1, R-2 and R-3 districts. The *convenience services* use is permitted as part of a planned development in the R-1, R-2, R-3, M-1, I-1, and I-2 districts. The *gasoline service station* use is permitted in the C-2 district subject to the provisions of Section 4.060. None of these are allowed in the C-3 district.

The only use within which a gas station could conceivably fit in the C-3 district would be "generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas," but the examples specified are the types of items that would be found in a small, general market: "groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware." Of particular importance to this case, the C-3 district's "bulk regulations are established to provide for maximum compatibility between the commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area." This language does not support a typical gas station fitting within C-3.

In summary, the original writers of the zoning ordinance specifically allowed the sale of gasoline within defined land uses that were not included within the C-3 district; Staff assumes this was a conscious choice. Although gasoline may be considered a commodity, it is not otherwise similar to the examples given within the C-3 use; again, this appears to have been by choice. Finally, C-3 uses should have "maximum compatibility" with adjacent residential areas and less concentrated traffic than districts such as C-2 which would not fit a typical gas station.

OLD BUSINESS

Status Report – Previous Conditionally Approved Agenda Items

A. Preliminary S/D Plat – Billy J. Rigsby, Sr. – Halfmoon Road – Cottages on Halfmoon – Franklin County Property Map 66, Parcel 32.00

A revised plat has not been submitted as of September 13, 2012

B. Site Plan Review – M-1 Zoning District – Expansion of Winchester Christian Academy – Winchester Church of Christ – 1230 S. College Street – Property Map 76A, Group F, Parcel 2.00

Dempsey, Dilling & Associates reviewed the site plan and found it to be satisfactory.

Warren Christiansen made the motion to adjourn the meeting of the Winchester Municipal-Regional Planning Commission at 6:01 p.m. Donnie Worley seconded the motion. All members present voted in favor of adjournment.

Warren R. Christiansen

SIGNATURE

28 January 2013

DATE

**No agenda items
submitted for the
month of October,
2012, so there was no
meeting held.**

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

November 19, 2012

5:30 p.m.

Members Present

Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Dr. Richard Bagby
Donnie Worley
Glen Glasner

Other

Daniel Galindo
Pat Sanders
Diana Cox
Sheila Dupree
Chris Vaughn
C. Bruce Spencer
Jan Tavalin

Members Absent

Lee Brannon, Chairperson

The regular November meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by acting Chairperson Warren Christiansen.

The minutes for the September 17, 2012, regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review and approval. After some discussion concerning #12 under **"Site Plan Review and Approval – Dr. Jolanta Szczarkowska/Brant McGill – Hospital Road – Part of Franklin County Property Map 76H, Group C, Parcel 1.00"(Grading, Drainage, and Erosion Control Plan (Sheet 3))"** and whose responsibility it is to do the erosion control inspections, Warren Christiansen made the motion to table the minutes until clarification could be made as to whom is responsible for the inspections. Mayor Terry Harrell seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Site Plan Review – CST Industries – 491 Baxter Lane – Franklin County Property Map 66, Parcel 35.09 - St. John Engineering submitted a site plan on behalf of CST Industries for the construction of a new manufacturing building. The CST property is zoned I-2, and the proposed building would measure 4,800 square feet. Four concrete pads of 800 square feet each will be poured near the building. All utilities are available at the site; only service lines to the building will be necessary. Dempsey, Dilling and Associates noted no concerns regarding stormwater runoff as the current site is covered by compacted gravel. The Building Official wished to note up front that any floor drains connected to the sewer will require check valves. Otherwise, the drains must drain to an independent place on the property. Mayor Terry Harrell made the motion to approve the site plan as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

2013 Winchester Municipal-Regional Planning Commission/BOZA Calendar - The proposed calendar for 2013 was submitted for the Commission's review and approval. Warren Christiansen made the motion to approve the calendar as presented. Donnie Worley seconded the motion. All members present voted in favor of said motion.

OLD BUSINESS

Status Report – Previous Conditionally Approved Agenda Items

A. Preliminary S/D Plat – Billy J. Rigsby, Sr. – Halfmoon Road – Cottages on Halfmoon – Franklin County Property Map 66, Parcel 32.00

A revised plat has not been submitted as of November 15, 2012.

B. Final Subdivision Plat – Shirley Heirs – Hospital Road – Franklin County Property Map 76H, Group C, Parcel 1.00

A revised plat has not been submitted as of November 15, 2012.

C. Site Plan Review and Approval – Dr. Jolanta Szczarkowska/Brant McGill – Hospital Road – Part of Franklin County Property Map 76H, Group C, Parcel 1.00

Revised plans were received October 25th which addressed most concerns. St. John Engineering has requested the landscaping plan, stormwater pollution prevention plan, notice of coverage, and easements from the property owner.

Training – November 29, 2012 - A short announcement was given concerning the annual Planning Commission training session which will be held Thursday November 29, 2012 starting at 5:30pm at Citizens Pavilion in the City Park. This year a steak dinner will be provided. Training will cover the costs and benefits of planning and land use regulation including discussion of: urban design, signage, natural disasters, and the recent anti-planning movement. A general review of Tennessee's laws governing planning and the roles of the Planning Commission and Board of Zoning Appeals will also be provided for the benefit of attendees appointed within the past year.

Tennessee Ethics Commission – Statement of Disclosure of Interests - The requirements of the Planning Commission members to disclose a number of interests to the Tennessee Ethics Commission after the first of the year was discussed. Warren Christiansen submitted to the Board a letter he had written to Governor Haslam and his response. Mayor Terry Harrell stated that he would follow up with Representative David Alexander and with Senator Janice Bowling.

Warren Christiansen made the motion to adjourn the meeting of the Winchester Municipal-Regional Planning Commission at 6:02 p.m. Mayor Terry Harrell seconded the motion. All members present voted in favor of adjournment.

Warren R. Christiansen

SIGNATURE

28 January 2013

DATE



BILL HASLAM
GOVERNOR
STATE OF TENNESSEE

November 6, 2012

Warren Christiansen
130 Spring Hill Drive
Winchester, Tennessee 37398-1464

Dear Warren:

Thank you for writing to me and sharing your thoughts and concerns. I appreciate hearing from you. As you know, I cannot remove or waive this law that was duly enacted by the legislature. However, I have forwarded it to my legislative staff for consideration. Your suggestions will be helpful as we develop our legislative and policy agenda.

Again, thank you for taking the time to write. I look forward to working with you and all Tennesseans to make our great state an even better place to live, work, and raise a family.

Warmest regards,

Bill Haslam

BH:dj

cc: Leslie Hafner, Senior Advisor for Legislation

October 25, 2012

Warren R. Christiansen
130 Spring Hill Drive
Winchester, Tennessee 37398-1464

The Honorable Bill Haslam
Governor of Tennessee
State Capitol, First Floor
Nashville, Tennessee 37243-0219

Subject: Tennessee Code Annotated, Title 8, Chapter 50, Part 5

Dear Sir:

Please exercise the executive power entrusted in the Office of the Governor to delete the amended Tennessee Code Annotated, Title 8, Chapter 50, Part 5 requirement pertaining to members of planning commissions. This imposition to disclose the most personal financial information of planning commission members and families is an egregious invasion of privacy as this information is posted online on the Tennessee Ethics Commission website and is freely available to anyone.

The members of the Planning Commission and the Board of Zoning Appeals in our small town of Winchester are *appointed* by Mayor Terry Harrell, indeed "VOLUNTEERS" in the true sense of the meaning. If this ominous legislation is a response to conflicts of interest in a particular community, the logical, corrective response is to treat the cause and not to create an effect that is a detriment to the entire State. Without an action to eliminate this requirement imposed upon us planning commission volunteers, the outcome will be fewer volunteers willing to serve to better the quality of living framework of communities.

If this invasive legislation is allowed, you are assured that two members, and possibly a third, are left with no choice but to resign from the respective Winchester Boards. Your favorable response to eliminate this onerous disclosure amendment is very much appreciated. Thank you for your attention to this issue.

Sincerely,



Warren R. Christiansen

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

December 13, 2012

12:00 p.m.

Members Present

Warren Christiansen, Secretary
Mayor Terry Harrell
Councilman Wayne Hart
Lee Brannon, Chairperson
Donnie Worley
Glen Glasner

Other

Daniel Galindo
Pat Sanders
Diana Cox
Tim Solomon

Members Absent

Dr. Richard Bagby

The regular December meeting of the Winchester Municipal-Regional Planning Commission was called to order at 12:00 p.m. by Chairperson Lee Brannon.

The minutes for the September 17, 2012, were tabled at the November 19, 2012 meeting until it was determined who is responsible to conduct the inspections for the erosion control. Public Works Director, Steve Goodwin and Cory Hall of Dempsey, Dilling and Associates were asked concerning this, and they both agreed that inspections must be conducted by someone certified as Level 1 for Tennessee Erosion Prevention and Sediment Control. Terry Harrell made the motion the motion to approve the September minutes with the removal of #12 under "*Site Plan Review and Approval – Dr. Jolanta Szczarkowska/Brant McGill – Hospital Road – Part of Franklin County Property Map 76H, Group C, Parcel 1.00 – Grading, Drainage, and Erosion Control Plan (Sheet 3)*" and a correction under "*Rezoning Request – From C-3 to C-2 – George and Betty Fraley – Old Estill Springs Rd. – Franklin County Property Map 55, Parcel 44.00*" as follows:

Fifth page - First line – addition of "*at the request of Mr. and Mrs. Fraley*" after the word "*property*".

Donnie Worley seconded the motion. All members present voted in favor of said motion.

The minutes for the November 19, 2012, regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review and approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

NEW BUSINESS

Certification of Training Hours: Included in the agenda packets for each Planning Commission members and staff was a certification statement. Each member and staff that has completed their training submitted to the Board certification statements and signed certificates for certification of training hours.

Glen Glasner made the motion to approve each member and staff's training hours as presented. Donnie Worley seconded the motion. All members present voted in favor of said motion.

OLD BUSINESS

Tennessee Ethics Commission – Statement of Disclosure of Interests - The requirements of the Planning Commission members to disclose a number of interests to the Tennessee Ethics Commission was discussed at the November meeting. Mayor Terry Harrell informed the Board that he had talked to Representative David Alexander and to Senator Janice Bowling and they both did not see any way to get this changed quickly.

Mayor Terry Harrell made the motion to adjourn the meeting of the Winchester Municipal-Regional Planning Commission at 12:20 p.m. Warren Christiansen seconded the motion. All members present voted in favor of adjournment.

Warren R. Christiansen

SIGNATURE

28 January 2013

DATE

**Certification of Training and Continuing Education
2012**

I, _____, a member of the Winchester Municipal-Regional Planning Commission and Winchester Board of Zoning Appeals, hereby certify that I attended four (4) hours of training and continuing education during the 2012 calendar year. These hours fulfill the requirements of *Tennessee Code Annotated* 13-3-101, 13-4-101, and 13-7-205.

Training Attended: "Considering the Costs and Benefits of Planning and Land Use Regulation"

Sponsor: City of Winchester

Location: Winchester, Tennessee

Date: November 29, 2012

Length of Training: Four (4) hours

Subject Matter: Tennessee's Planning and Zoning Enabling Legislation, The Roles of the Planning Commission and Board of Zoning Appeals, Urban Design, Signage, Natural Disasters, and Responding to Critics
