

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**February 24, 2014**

**5:30 p.m.**

### **Members Present**

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

### **Others**

**Tom Ore**  
**Pat Sanders**  
**AL Shasteen**  
**Beth Rhoton**  
**Kurt Johnson**  
**C. Bruce Spencer**  
**Lisa Clark**  
**Jan Tavelin**

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

The minutes for the December 16, 2013, regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review and approval. Tom Ore noted that a clarification to the minutes had been made to address the discussion concerning assisted living. 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 Division – Old Estill Springs Rd– Johnson & Associates – Property Map 45, Parcel 33** – Kurt Johnson, the surveyor for the applicant, Stan Birdwell, presented a minor division plat for Planning Commission review. The property being divided off was a portion of Map 45, Parcel 33. The property is outside the city limits, but it is inside the Winchester Planning Region. The county zoned this property "A", Agriculture. Mr. Johnson explained that 0.81 acres is divided off the southern portion of the property of Layne Grimes, and is to be combined with the adjoining Birdwell property. Since the property was to be combined with other lands of Mr. Birdwell, the parcel being divided was considered to be "Not a Separate Buildable Lot". This submittal is generally in compliance with the subdivision regulations for the City of Winchester. The Franklin County Planning and Zoning Office reviewed and approved the plot as meeting the county zoning requirements for newly created non-buildable lots. Mayor Terry Harrell made a motion for minor division approval. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

**Proposed Changes to Franklin County Zoning Ordinance**

Tom Ore addressed the Planning Commission regarding two letters received from the Franklin County Planning and Zoning Office. The letters describe changes being made to the Franklin County Zoning Resolution. Mr. Ore explained that by law the Winchester Planning Commission must be notified of such changes. Mr. Ore described the changes and recommended that the Winchester Planning Commission respond with a letter from the Chairman of the Winchester Planning Commission to the Franklin County Planning Commission stating that the Winchester Planning Commission did not have any issues with the proposed changes.

Warren Christiansen made a motion to positively respond to both letters. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

**OLD BUSINESS**

**Advanced Financial**

Mr. Ore reported that all outstanding issues had been satisfactorily addressed. The building permit had been issued and construction was underway.

Warren Christiansen made a motion to adjourn the meeting at 5:59p.m. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

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SIGNATURE

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DATE

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**March 17, 2014  
5:30 p.m.**

### **Members Present**

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

### **Others**

**Tom Ore  
Pat Sanders  
Gary Greeson  
Raymond Mitchell  
Lisa Clark  
Bruce Spencer**

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

The minutes for the February 24, 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review and approval. Councilman Wayne Hart made the motion to approve the minutes as presented. Mayor Terry Harrell seconded the motion. All members present voted in favor of said motion.

## **NEW BUSINESS**

### **Rezoning – 410 Dinah Shore Blvd from C2 to C4 - Franklin County property Map 65K, Group D, Parcel 1.00**

Raymond Mitchell, Jr, the applicant owns the building at 410 Dinah Shore Boulevard. The property is currently zoned C2, with seven tenant spaces and five commercial renters occupying the building on long-term lease. Mr. Mitchell, Jr. wishes to utilize the unoccupied portion of the building and asks for permission to place apartments for transition use (short term corporate apartments as he has contacts at Nissan) in this space. Staff met with Mr. Mitchell, and after being informed that his proposed use does not comply with land use requirements for a C2 zone, he asked for consideration of a rezoning to C4 that allows the intended use. During the general discussion of this subject, Mr. Mitchell revealed that unit "H" on this property is his place of residence for the past year or so. Pat Sanders researched the minutes of the Planning Commission and found that several years ago this same request was made by the building's previous owner to the Planning Commission. At that time staff recommended for the rezoning, but the owner decided at the meeting to withdraw his request.

Mayor Terry Harrell motioned to recommend to the City Council the request of the applicant to rezone this property from C-2 to C-4 be granted along with necessary building code requirement

upgrades specified for each apartment unit. Councilman Wayne Hart seconded the motion on the stipulation that all necessary improvements be made to the structure. All members voted in favor of said motion except Warren Christiansen.

### **OLD BUSINESS**

Secretary Warren Christiansen mentioned some concerns in regards to 408 S. Jefferson St specifically was the building moved from 408 S. Jefferson St to 105 5<sup>th</sup> Avenue. Staff will investigate and confirm building was moved.

Councilman Hart made a motion to adjourn the meeting at 6:22p.m. Mayor Harrell seconded the motion. All members voted in favor of said motion.

Warren R. Christiansen

SIGNATURE

9 March 2015

DATE



# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**April 21, 2014**

**5:30 p.m.**

### **Members Present**

**Donnie Worley, Chairperson  
Mayor Terry Harrell  
Councilman Wayne Hart**

### **Others**

**Tom Ore  
Pat Sanders  
Beth Rhoton  
Thomas M Ore  
Jan Tavelin  
Councilman Bruce Spencer**

The regular meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:38 p.m. by Chairperson, Donnie Worley.

The minutes for the March 17, 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review.

## **NEW BUSINESS**

### **Minor Division – Hill/South College Street– Thomas Ore Land Surveying & Engineering Services – Property Map 75D, Group H, Parcel 1.00**

Jan Hill, the applicant owns a 5.93 acre tract fronting South College Street for approximately 100 feet. The parcel is zoned C-2A, Highway Service Alternative District. Ms. Hill is also the owner of the parcel immediately to the east along South College Street. Ms. Hill wishes to divide a small (0.16 acre) irregularly shaped 30 feet wide strip off the 5.93 acre tract which will be combined with her parcel to the east. The remaining 5.77 acre tract is to be placed on the market for sale. The plat declares that the small parcel being divided off does not constitute a separate buildable lot. Mayor Terry Harrell motioned to recommend the minor division as presented. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

## **OLD BUSINESS**

1. **Carl & Leatha Syler-minor division-** comments were read by Tom Ore. Tom gave an update on the property. It was suggested that he (Carl Syler) contact the Mennonites to

get them to move the building. Mayor Harrell suggested that Pat make a note to follow-up on this in June.

2. **Assisted Living update** – City does not have explicit definition of Assisted Living facilities. The ordinance update has been written and submitted to Ms. Baker to put on the May agenda.
3. **Mitchell property (former Landing)** – It was recommended to rezone from C2 to C4. Ordinance has been written by Mr. Sanders and submitted to Ms. Baker. Ms. Baker will place on the May agenda.

Chairman Donnie Worley recommends postponing the March minutes approval until Warren Christiansen is present. Councilman Hart made a motion to adjourn the meeting at 5:50p.m. Mayor Harrell seconded the motion. All members voted in favor of said motion.

*Warren R. Christiansen*

SIGNATURE

*9 March 2015*

DATE

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**May 19, 2014**

**5:30 p.m.**

### **Members Present**

**Warren Christiansen  
Mayor Terry Harrell  
Councilman Wayne Hart  
Dr. Richard Bagby**

### **Others**

**David Ferlisi  
Pat Sanders  
Jarrod Sides  
Beth Rhoton  
Kurt Johnson  
Jan Tavelin  
Councilman Bruce Spencer  
Dick Fewell  
Lisa Clark**

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

The minutes for the March 17, 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Mayor Terry Harrell made the motion to approve the minutes. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

The minutes for April 21, 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Mayor Terry Harrell made the motion to approve the minutes. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

## **NEW BUSINESS**

### **Minor Division – Smith & Fewell Partnership Applicant: Johnson and Associates Property Map 076, Parcel 044.01**

Surveyor Kurt Johnson presented a minor division for Planning Commission review. Johnson is representing co-property owners J. Randall Smith and Richard D. Fewell (aka Smith & Fewell Partnership) in this proposal. Smith and Fewell presently own a parcel consisting of approximately 2.41 acres located on the west side of Bypass Road. The parcel is zoned M-1 (Medical-Professional Office District). There is currently one single story building on the parcel, that being an Orthodontist Clinic. The address of the Clinic is 1464 Bypass Road, Winchester, TN. The proposed

division is to separate the parcel into two tracts. Tract 1 would consist of one half acre and would include the current clinic and parking lot. The proposed Tract 2 is to consist of the remaining 1.91 acres.

1. Provide stamped seal and sign the plat.
2. No sanitary sewage main is reflected on the plat. A sanitary sewage line is located on the east right-of-way of Bypass Road. Note/indicate line location.
3. The Clinic located on Tract 1 is not currently connected to the sanitary sewage system. Sewage was not available at the time of construction, so the building has, and continues to operate with a septic system. Indicate approximate location of sewage septic tank and associated field lines.

Dr. Richard Bagby motioned to recommend the minor division for a conditional approval. Mayor Terry Harrell seconded the motion subject to completion of comment items noted as 1, 2, & 3. All members voted in favor of said motion.

#### **Minor Division – Thomas Cowan Simmons, Jr. – Family Trust Property**

##### **Applicant: David Ferlisi (Ferlisi Civil Design) Property Map 075D A 003.01**

Applicant David Ferlisi, acting as agent for Blue Ridge Surveying, Inc. presented a minor division of property for the purpose of creating a separate buildable lot along the 500 block of South College Street. Parcel 075D A 003.01 is a large tract consisting of approximately 3.7 acres. The parcel currently is home to a large multi-tenant concrete block retail building, the primary occupant being a gun and ammunition shop. Also located on the parcel is a pole barn structure as well as a small used auto sales business. It was most recently divided in December of 2009 when the Winchester Municipal-Regional Planning Commission approved the creation of a 0.22-acre inlet parcel as an approved area for locating a communication tower. That tower has since been built and in operation for approximately four years. A thirty (30) feet wide ingress/egress and utility easement was created in association with that approval. The proposed minor division would see that easement stay with the major portion of the parcel. The proposed new division would consist of what is now the used auto sales lot (eastern side) and additional land to the rear, creating a 1.56-acre parcel. This leaves approximately 2.15 acres to remain with the original lot & buildings.

Mayor Terry Harrell motioned to recommend the minor division as presented. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

#### **Site Plan Review – Dollar General Store – South College Street**

##### **Applicant: David Ferlisi (Ferlisi Civil Design) - Turner & Associates Realty, Inc.**

##### **Property Map: New Parcel created from division of Parcel 076D A 003.01**

Applicant David Ferlisi, presented a site plan for review and approval. The site location is the new parcel created by the minor division action of item 2. The plan calls for the construction of a new Dollar General Store retail establishment. The proposed development will encompass approximately 1.56 acres, including approximately 10,640 square feet of building under roof and 22,372 square feet of pavement. Note that the current site contains approximately 16,332 square feet of asphalt, thus a net increase of only 6,040 square feet of impervious pavement. This existing asphalt will be removed and transported from the site. The building will contain just over 8,500 square feet of retail sales area. Drainage will be to the rear (N/NE) of the property. A designated detention area will be placed at the extreme north corner of the parcel. Note the

maximum number of employees anticipated per shift. Also note that there will be no designated employee parking area. There are three items that need further review,

1. On sheet C1.1, Note 20 references a sanitary septic system to be designed by others, and the drawing shows connection to the sewer main along South College. Conflicting information should be removed.
2. The developer notes on sheet C2.1 that a TDEC Construction Storm water permit is required due to disturbance over an acre. A copy of the Notice of Coverage (NOC) should be supplied to the City for their records.
3. Likewise on sheet C2.1, the inlet and outlet invert for the parking lot drain pipe is shown as 973.27. The inlet and outlet invert for the detention pond drain pipe is shown as 969.00. The inverts should be adjusted to reflect the slopes shown on the plans.

Mayor Terry Harrell motioned to recommend the final site plan subject to comments 1, 2 & 3 being completed. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

#### **Abandonment of Alley behind Way of Cross Baptist Church – Dinah Shore Blvd.**

The City of Winchester was contacted previously this year about the possible expansion of "The Way of the Cross" Baptist Church located at 1340 Dinah Shore Boulevard. The inquiry at that point was mainly for information purposes only. The church representative did mention that they were pressed for land and inquired about an old vacated city alley located directly behind (southeast) the church. Specifically, the church wanted to know if they could use the property if need be such. Abandonment was briefly discussed as a remote possibility, should the expansion plan become feasible. Recently, the church again contacted the City of Winchester. Now the church has decided to build a completely new and larger building. In order to do so, they have purchased two parcels (075E D 016.00 & 075E D 017.00), located behind the church, as well as the city alley. The previous owner of these parcels as is indicated on the aerial view in your package was Vernon Miller. The plan is now to build the new building on those parcels abutting East Petty Lane. Upon completion of the new building, the old structure would be torn down, becoming a parking lot for the new structure. The church is now seeking to acquire the portions of the alley to which they would be entitled, should the City of Winchester decide to vacate the alley. In accordance with established procedure, prior to consideration of any formal abandonment, the proposal is being brought before the Winchester Municipal-Regional Planning Commission for discussion. As a reminder of procedure, the City has previously afforded each property owner the opportunity to claim one half of the width of the proposed abandoned alley as it abuts their property line.

Warren Christiansen makes a motion that the correspondence between Levoid Baltimore and Lisa Clark be included in minutes from May 15. Mayor Terry Harrell seconds motion.

Lisa,

On the alley abandonment behind Way of the Cross Baptist Church.

ERPUD is willing to abandon the line if necessary in the alley that runs SW – NE. ERPUD requests a utility easement on the SW part that intersects E Petty Ln for approximately 200'.

ERPUD requests access to the paved drive on the NE section of the alley that intersects E Petty Ln.

Please contact me if you have any questions.

Thank you,

## **Levoid Baltimore**

### **Marketing Representative**

Elk River Public Utility District

217 South Jackson St.

Tullahoma, TN 37388

931-455-9311

Warren Christiansen makes a motion to table discussion until further review. Councilman Wayne Hart seconds the motion. All members vote in favor of the motion.

## **OLD BUSINESS**

### **1. Carl and Leatha Syler Minor Division – Status:**

Mr. Williford has indicated the structure will be moved by the end of May.

### **2. Assisted Living Facilities in the C-2 Zoned Districts—Status:**

The ordinance was presented to the City Council for first reading on May 13, 2014. Upon first reading, the ordinance was approved. Upon third & final



approval, the ordinance will add Assisted Living Facilities to the definitions list, and will allow Assisted Living Facilities as Special Exceptions in the C-2 zoned districts.

**3. Rezoning – 410 Dinah Shore Blvd from C2 to C4 - Franklin County property**  
**Map 65K, Group D, Parcel 1.00 -- Status:**

The ordinance was presented to the City Council for first reading on May 13, 2014. Upon first reading, the ordinance was approved. Upon third & final approval, the ordinance will change the zoning, as was recommended by the Planning Commission.

Mayor Terry Harrell made a motion to adjourn the meeting at 6:26p.m. Councilman Hart seconded the motion. All members voted in favor of said motion.

Warren R. Christensen

SIGNATURE

9 March 2015

DATE

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**June 16, 2014**

**5:30 p.m.**

### **Members Present**

**Warren Christiansen  
Mayor Terry Harrell  
Councilman Wayne Hart  
Dr. Richard Bagby  
Donnie Worley**

### **Others**

|                                 |                         |
|---------------------------------|-------------------------|
| <b>Roger Bailey</b>             | <b>Bill Cowan</b>       |
| <b>Pat Sanders</b>              | <b>Michele Emerson</b>  |
| <b>Billy Rigsby</b>             | <b>Edith Martin</b>     |
| <b>David Lynch</b>              | <b>Mary Rich</b>        |
| <b>Kurt Johnson</b>             | <b>Geraldine Syler</b>  |
| <b>Jan Tavelin</b>              | <b>Winda Moore</b>      |
| <b>Councilman Bruce Spencer</b> |                         |
| <b>Benny Day</b>                | <b>Rudy Wilkinson</b>   |
| <b>Lisa Clark</b>               | <b>Levoid Baltimore</b> |
| <b>Joe Henon</b>                | <b>Don Keele</b>        |
| <b>Thomas M. Ore</b>            | <b>Gary Greeson</b>     |

The regular meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairman, Donnie Worley.

The minutes for the May 19, 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Councilman Wayne Hart made the motion to approve the minutes. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

## **NEW BUSINESS**

### **1) Site Plan - Dinah Shore Blvd – Scot St. John –Elk River Public Utility District – Property Map 65K, Parcel 4.00**

Michele Emerson, Professional Engineer of St. John Engineering, LLC presented a site plan for Elk River Public Utility District for review. ERPUD currently operates and maintains a branch office and field staff building at 1416 Dinah Shore Boulevard, Winchester, Tennessee. They are proposing to relocate further westward along Dinah Shore Boulevard, to an unoccupied corner lot that intersects with Chamber Way. ERPUD is proposing to construct a new branch office and field staff building. The new site will include a fenced storage area of just under 2,000 square feet, a drive-thru service window and an on-site underground storm-water detention area. The current office location will remain in operation until the new facility is complete. At that time, the current location will be closed. ERPUD will make a decision on what to do with their existing property



once the new location becomes operational. City Planning Staff met with ERPUD General Manager Mike Gunderson, St. John Engineering's Scot St. John and Michele Emerson in May and reviewed the initial proposal. Most of the City Planning Staff concerns were noted during that meeting, with revisions being reflected in this proposal presented to the Winchester Planning Commission. Of particular significance was a discussion focusing on parking spaces. The city planning staff recognizes that approximately seventy-five to eighty percent of the business traffic upon the site will involve routine bill payment with payment submittal being via the drive-thru service window. Staff even suggested removal of two spaces located near the ingress/egress point onto Dinah Shore Boulevard due to what was perceived as a high potential traffic mishap area. The identified slots were removed accordingly and are not reflected on the current plat. A subsequent meeting with Winchester Utility Staff and the City Consultant Engineering firm (Dempsey, Dilling and Associates) was conducted on June 5, 2014. The remaining comments felt worthy of acknowledgement or explanation are listed as follows.

- 1) Note the anticipated number of employees during a typical work shift.
- 2) It appears that the forty-five degree angled parking places to the rear (west/northwest) of the building limit access to the building to a rear entrance. This would be consistent with a designated employee parking area. If this is ERPUD's intention, indicate so on the plat.
- 3) The side setback for this C-2 zoning classification is noted as being ten (10) feet. The C-2 standard actually allows for a zero lot line regarding side setbacks. The standard does state that if space is available, it should be a minimum of ten feet. Change label to state "Side – 0' or 10' if available.
- 4) The existing ingress/egress point onto Dinah Shore Boulevard has been the subject of varying opinions. Those opinions have included allowing no ingress/egress at all, allowing egress but no ingress by installation of a solid curb that would allow a right turn egress only diversion, allowing ingress from either direction but limiting egress to a right turn by installing a raised island, to allowing full ingress and egress in either direction. Ultimately, this is a state highway and final approval resides with the Tennessee Department of Transportation (TDOT). TDOT has approved the last alternative, suggesting that proper signage be installed instructing those exiting the drive-thru who plan to turn right to utilize Chamber Way and the traffic light associated with that intersection. The City Planning Staff would like to see a sign indicating such added to the "Details" section of the package submittal. The proposed sign location along the drive-thru route should be indicated and noted on the site plan.

- 5) Change the current label stating “fenced storage area” to read “solid panel fenced storage area”. The requirement for a solid panel fence stems from the existing residential development and significant traffic flow in the area. Staff feels that this type of business activity allows for the rapid accumulation of construction material and debris. The solid panel fence will limit the exposure of such materials.
- 6) Article 3.110 of the Zoning Ordinance states that a developer shall provide a buffer strip when a commercial development abuts a residentially zoned area. The area to the immediate rear (northwest) of the parcel is zoned residential (R-1). Indicate an appropriate buffer mechanism. The buffer may be either solid panel fencing or manageable vegetative greenery.
- 7) Indicate the distance between the underground detention basin and the 24” waterline. This distance shall be a minimum of ten (10) feet in accordance with Winchester Utility System policy.

Mayor Terry Harrell made a motion to approve site plan subject to completion of comments 1,2,3,4,5,6,& 7. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

**2) Site Plan – S. College St – Mini Storage Buildings – Scot St. John – Property Map 75, Parcel 1.00**

Michele Emerson, , Professional Engineer of St. John Engineering, LLC presented a site plan for Mr. Benny Day for a phased development of the remaining lands of a 5.77 acre tract located on the south side of South College Street. The site is bordered to the north and northeast by commercial development, to the east by a long established residential neighborhood, to the south by agricultural land that is part of a nursery, and to the west by the commercial portion of that nursery. At this time, Mr. Day is seeking approval to add one 6,000 square feet mini-storage warehouse building. He also wishes to convert an existing 7,300 square feet under roof open shed to an upgraded Boat/RV Storage Building. The plan also seeks the addition a 600 square feet office building near College Street entrance to the front side (west) of the parcel. Finally, surface upgrades include installation of a section of bituminous driveway near the proposed office building as well as installation of a section of gravel driveway leading to and around the proposed mini-warehouse addition.

**Background:**

The tract is commonly referred to as the “old drive-in movie site”, due to a drive-in movie theater being in operation at this location until sometime in the 1980’s. The Winchester Planning Commission recently approved a minor division that allocated the transfer of 0.16 acres of this parcel to an adjacent parcel along South College Street. The owner at that time was Jan Hill. Recently, Mr. Day purchased the parcel with the intention of further development of the tract as a mini-warehouse storage area. The tract is zoned C-2A, the only zoning classification within the city limits of Winchester that

allows for mini-warehouse development. There are currently two 2,500 square foot multi-compartment storage unit buildings as well as one 7,300 square foot under roof, metal frame, and open side, shed on the site. No approved site plan authorizing the placement of these buildings upon the tract was found in the files of the Planning & Zoning Office. If such a document exists, it appears it was lost or misplaced. It is also worth noting that all of these buildings were in place prior to Mr. Day's purchase of the parcel. The apparent lack of site plan approval was revealed when Day approached the building inspector indicating that he was interested in purchasing the tract and quickly adding a new unit to the development. During that conversation, Day asked if there was a definitive number of buildings that could eventually be placed on the parcel. When the building inspector researched the files for an approved site plan, none was found. At that point the inspector instructed Day that in order to proceed with further development, an approved site plan would be needed.

Finally, it is recognized that two significant sinkholes are present on the site. Their origin is unclear at this time. However, it appears that they have served as drainage outlets for this particular area for quite some time. Also relevant is the fact that the sinkholes are filled with debris. One is filled with rock and masonry materials in an apparent attempt to prevent further erosion. The other is filled with construction debris and discarded junk. It appears that the hole was a convenient dumping site for someone in the area. This material appears to have been present for some time.

#### **Current Status:**

Day purchased the property and is pondering gradual development of the site. At this time he is proposing to only add the items previous noted in the introduction of this agenda item. He was advised and is aware that if he intends to proceed with development beyond what is being sought at this time, another site plan will be required. He pondered the submittal of a "master plan" to seek approval of a predefined number of units and development aspects, eliminating the need for repeated trips before the Planning Commission each time he seeks to add something of consequence to the development. He decided against pursuing that course of action at this point, as he is uncertain of how extensively and rapidly he wishes to develop the site.

- 1) Verify the direction of the North indicator as shown on the Site Plan. According to other maps possessed by the Planning and Codes Department, the arrow is actually pointing eastward.
- 2) Verify the acreage of Tract 1 as indicated on the Site Plan. The acreage listed on the site plan (5.77 acres) is inconsistent with what is reported in the submitted Stormwater Calculation Summary (5.93 acres) as well as the State of Tennessee real estate database (4.9 acres).

- 3) The proposed office building will require electric, water and sewage connections to be considered as compliant for occupancy. Water and electric lines are available along the east side of South College Street. The sewage main is located on the north side of South College Street. Because South College Street is a state highway and is considered a main thoroughfare, the breaking of pavement to accommodate a service connection cannot be allowed. Therefore, it will be necessary to bore under the road in order to make a sewage tap. This will also likely necessitate a pressurized line and grinder pump be installed. Winchester Utility System has also stated that the installation of a septic system is not an option. Add notation to the site plan stating that sewage connection will necessitate a road bore. Also, this building will only store security cameras without human occupancy according to Mr. Day.
- 4) Article 3.110 of the Zoning Ordinance states that a developer shall provide a buffer strip when a commercial development abuts a residentially zoned area. The area along the eastern boundary of the parcel is zoned residential (R-1). Indicate an appropriate buffer mechanism. The buffer may be either solid panel fencing or manageable vegetative greenery.
- 5) Dempsey Dilling and Associates also provided the following comment. *"The two sinkholes have had large amounts of construction debris dumped into them. The southern sinkhole has been filled with large concrete slabs, riprap, and bricks. The northern sinkhole has construction debris which includes paint cans, vinyl siding, deteriorated pressure treated wood, gravel, bricks, and tree debris. The material needs to be cleaned out to ensure the sinkholes remain operational. If the sinkholes are not cleaned, the debris could potentially work its way into the sinkholes and potentially reduce their capacity or even completely clog them. The property owner should obtain a Class V Injection Well Permit from TDEC for the cleaning of the two sinkholes. It is our recommendation that this work be completed prior to starting the proposed site improvements."*

Mayor Terry Harrell makes a motion to approve site plan as presented subject to completion of items 1, 2, 3, & 4 and clarification of item 5. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

**3) Minor Division – Myers Rd- Johnson & Associates – Property Map 55I, Group "A", Parcel 8.01**

Surveyor Kurt Johnson, representing Winda Moore, presented a minor property division for review. The proposal would divide the current 1.49-acre parcel located along Myers

Road into two tracts, creating a separate buildable parcel on the north side of the property. The proposed Tract 1 will consist of 0.78 acres and will maintain the current single story brick dwelling as well as the detached garage. The majority of the proposed Tract 2 lies directly to the rear (north) of Tract 1. In order that Tract 2 acquire the road frontage necessary to create a lot conforming to the minimum twenty-five feet standard set forth by the Winchester Zoning Ordinance, a strip thirty-five feet wide by approximately two hundred forty three feet long extends along the eastern boundary of Tract 1 to a point where it abuts with Myers Road. This strip contains what is the current paved driveway leading to a detached garage for Tract 1. In order to keep the current configuration, a thirty (30) feet wide ingress/egress easement will need to be put in place. Utilities are available. Any future residential development upon Tract 2 will require new water and sewage taps and service lines. Due to the required separation distance between the service lines, it appears likely that each tap will need to be made on opposite sides of the current driveway. This will necessitate that at least one of the lines be located so that it passes under the current driveway.

Warren Christiansen made a motion to approve minor division as presented. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

**4) Site Plan – Cottages on Halfmoon - Johnson & Associates – Property Map 66, Parcel 32.00**

Owner/Developer Billy J. Rigsby, along with Kurt Johnson surveyor with Johnson & Associates presented a "Preliminary Subdivision Plat" for review. The plat layout is for the development of ten (10) residential lots near the intersection of Georgia Crossing Road and Industrial Drive. All of the proposed ten lots are on the south side of Georgia Crossing. The lots are to be developed for single-family dwellings. The proposed lots range in size from 0.37 to 0.49 acre. The total acreage of the proposed development is 4.03 acres. The proposed subdivision is currently part of an approximate 106.1 acre parcel owned by Billy J. Rigsby. This entire parcel is zoned R-2, Medium Density Residential. The City of Winchester Zoning Regulation requires that new lots within a R-2 zoned district be a minimum of 7,500 square feet when a single-family dwelling development is proposed. All of the proposed lots meet the minimum lot size. Access to the lots would be from Georgia Crossing Road. This particular section of Georgia Crossing Road was not annexed into the City of Winchester when this acreage was annexed. Thus, the road belongs to the county (Franklin County). Neither water, sewage, nor electricity are readily available at the site. Therefore, this development will require the extension of existing utility lines to the site. This submittal is a "preliminary subdivision plat".

There were concerned citizens who reside in the area where this development is proposed. Concerns were mentioned as to duplexes being allowed, increased traffic, lower property values, and it was asked if the board would consider changing the zoning



status to R-2S to guarantee that only single family dwellings would be permissible. Mr. Rigsby stated he would not consider changing zoning from R-2 to R-2S. If the zoning was changed he would change the type of house built and build on 7500 square foot lots. Mr. Rigsby stated he will only build single family dwellings and guaranteed to all in attendance that his word is his bond and nothing else but single family dwellings will be built in the development.

- 1) Prior to application for a Final Plat approval, the developer or his designated agent must produce documented evidence that application for state review of all new utility lines associated with this development has been submitted.
- 2) Because this is a county road, all curb cuts associated with this particular phase of development must be obtained from the "Franklin County Highway Department". It is required that these approvals be obtained and verification of approval be presented to the Winchester Community Development & Codes Office upon application for Final Plat Review.
- 3) Winchester Subdivision Regulations require that preliminary plats indicate contour lines in minimum increments of five feet. Please indicate these on the plat and provide elevation labels accordingly.
- 4) Stamp with surveyor seal and sign the plat.

Dr. Richard Bagby made a motion to approve preliminary site plan conditional on the completion of items 1, 2, 3 & 4. Warren Christiansen seconded the motion. All members voted in favor of said motion.

**5) Review of revised Ordinance #964 regarding sign regulation in the Downtown Overlay District for recommendation to the Winchester City Council.**

The Design Review Commission has requested the Planning Commission review & provide a positive recommendation of the proposed revision to the sign ordinance directly affecting the Downtown Overlay District. Each business will be limited to 2 signs unless using a rear or side entrance for public use upon which the business will be granted a third sign. No business in the downtown overlay district will be allowed to have more than 3 signs.

Warren Christiansen made a motion to recommend ordinance #964 to the city council. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

**OLD BUSINESS**

- 1) **Item for Recommendation to City Council – Abandonment of City Alley between Dinah Shore Boulevard and East Petty Lane.**

A decision on this item was tabled at the last meet due to the need to obtain more information from Elk River Public Utility District regarding a gas line running down the alleyway. The city has since received relevant input from ERPUD that includes a rendering showing the location of the gas lines and how they serve the buildings in the immediate area. The rendering and comments from Levoid Baltimore, ERPUD Marketing Representative, will be included in the minutes. ERPUD will concur with the city abandonment of the alley upon the following conditions.

- 1) A utility easement needs to be put in place that will allow the line servicing 1318 Dinah Shore Boulevard (C&D Appliance) to remain in place.
- 2) The section of the gas line that runs behind 1330 and 1340 Dinah Shore Boulevard can be abandoned. The only building currently being served by this section of line is "The Way of the Cross" Baptist Church. Since that building is to eventually be torn down, there is no immediate need to keep the line in place. Likewise a utility easement between the affected parties could be drafted. In either case, this would not prevent the City of Winchester from alley abandonment.
- 3) Baltimore's comment number three, a desire to keep the line running from Dinah Shore Boulevard southeasterly along the property line of 1416 Dinah Shore Boulevard (Existing ERPUD Office) before taking a ninety degree turn and heading east/northeast toward By-Pass Road, is not relevant to the proposal.
- 4) The fourth comment is to keep the driveway extending from the current ERPUD drive-thru window to East Petty Lane open to customer traffic. This driveway is owned by Citizens Community Bank.

Councilman Wayne Hart makes a motion to approve abandoning the remaining section of the alley. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

#### **IV Status Updates:**

##### **1. Carl and Leatha Syler Minor Division – Status:**

The structure has not been moved. Conditions of the minor division have not been met. The movement of the building is going to be more difficult than originally anticipated.

##### **2. Assisted Living Facilities in the C-2 Zoned Districts—Status:**

The ordinance was presented in a preliminary hearing to no objection on June 10, 2013. It was subsequently approved on third and final reading. It shall be incorporated into the zoning text.

**3. Rezoning – 410 Dinah Shore Blvd from C2 to C4 - Franklin County property Map 65K, Group D, Parcel 1.00 – Status**

The ordinance was presented in a preliminary hearing to no objection on June 10, 2013. It was subsequently approved on third and final reading. It shall be incorporated into the zoning text.

**4. Minor Division – Smith & Fewell Partnership, Property Map 076, Parcel 044.01**

Revisions have been made. Plat has been signed.

**5. Minor Division – Thomas Cowan Simmons, Jr. – Family Trust Property Property Map 075D A 003.01**

Awaiting arrival of plat for proper signatures

Warren Christiansen made a motion to adjourn the meeting at 7:44 p.m. Councilman Hart seconded the motion. All members voted in favor of said motion.

Warren R. Christiansen

SIGNATURE

9 March 2015

DATE



# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**July 21, 2014**

**5:30 p.m.**

### **Members Present**

**Warren Christiansen  
Mayor Terry Harrell  
Councilman Wayne Hart  
Donnie Worley**

### **Others**

**Kurt Johnson  
Pat Sanders  
Charles Cotham  
Lisa Clark  
Beth Rhoton  
Bruce Spencer**

The regular meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairman, Donnie Worley.

The minutes for the June 16, 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Mayor Terry Harrell made the motion to approve the minutes. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

## **NEW BUSINESS**

### **1. Minor Division (Planning Region) – 3323 Old Tullahoma Rd – Johnson & Associates - Property Map 54K, Group B, Parcel 10.00 – Charles Cotham:**

Surveyor Kurt Johnson represented Mr. Charles Cotham, who is seeking a minor division of his property located just off State Route 130 (Old Tullahoma Road). This proposed minor division is not within the city limits of Winchester, but is within the city's planning region. The county zoning for the parcel is R-2. In addition to the parcel adjacent the Old Tullahoma Road (054K B 010.00), Cotham owns an adjoining parcel (054K B 009.00) that fronts Lees Ford Lane, a county road. The proposed division would divide the 2.53-acre parcel adjacent the Old Tullahoma Road into two tracts. The larger of the tracts as depicted on the proposed Minor Division Survey would be what is labeled as Tract 2. It would consist of 1.75 acres, contain the principal residential structure currently located on the parcel and have street frontage along Old Tullahoma Road. The smaller Tract 1 would consist of 0.78 acres. If left on its own, the creation of such a parcel would constitute several zoning violations, one of which would be a lack of road frontage. The driveway leading south from Tract 1 to Lee Ford Lane does not qualify as necessary road frontage because it is too narrow. Additionally, this proposal would be non-conforming due to it containing a building that qualifies only as an accessory structure with no

principal dwelling, creating a non-conforming setback. Note five (5) on the survey addresses this by stating Tract 1 is not a separate buildable lot and is to be conveyed to the other Cotham owned parcel along Lee Ford Lane. By doing so, the combined lot would have proper road frontage, the setback issue could be clarified because what was the front of the accessory structure could now be conceived as the side in relation to the layout of the parcel. However, there remains the issue of what is an accessory structure without a principal dwelling upon the parcel. Mr. Cotham has indicated it is his intention to sell his current dwelling (Tract 2) and build a new dwelling on the parcel fronting Lee Ford Lane. The reason for wanting to combine the proposed Tract 1 with that parcel is so he can keep his accessory building.

1. Surveyor needs to stamp the survey with his seal.
2. Surveyor needs to sign the minor division.
3. Surveyor needs to include a vicinity reference map.
4. The creation of a parcel configured as such is not consistent with the zoning guidelines of an R-2 (General Residential) zoning district as specified in the Zoning Resolution of Franklin County, Tennessee. The reason for the conflict is the situation reflected above regarding the placement of an accessory building upon a parcel with no primary dwelling unit. However, given Mr. Cotham's intention to build a principal dwelling unit upon that land, staff is willing to conditionally forgo the guideline, provided a notation is placed on the survey labeling the Cotham parcel along Lee Ford Lane as "site of future Cotham dwelling".

Mayor Terry Harrell made a motion to approve as long as items listed above are satisfactorily met. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

**2. Minor Division (Planning Region) – 2924 Old Tullahoma Rd – Johnson & Associates - Property Map 54E, Group C, Parcel 30.00 – Huber Heirs:**

Surveyor Kurt Johnson acted as an agent for heirs of the Huber family in this proposed minor division of property. This area is currently located outside Winchester city limits, but within its planning region. The current parcel consists of approximately 17.48 acres according to the Franklin County tax record. State Route 130 (Old Tullahoma Road) fronts the current parcel along its south boundary. The minor division would divide an approximate 2.3 acre tract located along the Old Tullahoma Road from the larger remaining parcel. The division would assume all of the Old Tullahoma Road frontage to the newly created 2.3 acre tract. The newly created tract would meet the subdivision regulations of the City of Winchester as well as being in compliance with the Zoning Resolution of Franklin County. Because the "other lands of Huber" as labeled on the survey will lose the road frontage associated with the Old Tullahoma Road upon acceptance of the proposed minor division, alternative road access capability must be identifiable in order to be in compliance. There is what appears to be an abandoned driveway that intersects with Wilkerson Lane along the eastern boundary of the Huber land. Note number five of the survey refers to the driveway being known as "Fred Huber

Lane”, a documented road as identified by the Franklin County Highway Department road list. A field visit to the site verifies that there is a gate placed completely across the drive. The area does not appear to have been maintained for an extended period, as it is completely obstructed by trees, brush, and vines. Essentially, even if the Franklin County Highway Department once recognized the driveway as an official county road, the allowance of the placement of a gate across the width of the drive as well as having done no maintenance to the area for what appears what could presumably be decades, is consistent with abandonment. The fact that the name remains on a list does not make Fred Huber Lane navigable to the general public. Thus, to consider it a public road is questionable at least. Further to the rear (north) end of the remaining lands of Huber, a narrow section of the parcel makes contact with Meredith Lane, an official county road. This section appears to be about thirty (30) feet in width, the required minimum road frontage by Franklin County zoning regulations.

Secretary Warren Christiansen made a motion for approval. Councilman Wayne Hart seconded approval. All members voted in favor of said motion.

**3. Final Subdivision Review – Cottage Crossings -Johnson & Associates - Property Map 66, Parcel 32.00 – Billy J. Rigsby Sr.**

Surveyor Kurt Johnson represented Billy J Rigsby Sr. and presented a final plat for Phase I of the Cottage Crossings Subdivision development. The ten (10) lot, 4.03 acre proposal received conditional preliminary approval at the June 16, 2014 meeting of the Winchester Planning Commission. The approval was contingent upon the following conditions.

- 1) The Tennessee Department of Environmental Conservation (TDEC) considers the entire development in determining if a Storm Water Prevention Permit (SWPP) is required. It is the opinion of the City’s consultant engineering representative that a storm water prevention permit is in order. A permit must be obtained prior to the beginning of any construction activity.
- 2) Stamp, seal & sign the plat
- 3) A performance bond or irrevocable letter of credit in the amount of \$176, 765 for the installation of infrastructure to include overhead electrical capability, potable water supply, sanitary sewage line and manholes and drainage improvements must be in place as a condition of plat approval. An itemized estimate of those costs are listed as follows.

|  |                     |
|--|---------------------|
| i. Electrical Improvements                   | \$5,000.00          |
| ii. Sanitary Sewage Improvements             | \$132,760.00        |
| iii. Potable Water Supply Improvements       | \$21,955.00         |
| iv. <u>Storm Water Drainage Improvements</u> | <u>\$17,050.00</u>  |
| <b>TOTAL SURETY REQUIREMENT</b>              | <b>\$176,765.00</b> |

In the event the improvements are not made prior to the expiration date of that duration of survey, the developer must notify the City Codes Department of intent to extend the guarantee and provide proof prior to expiration. If such arrangement is not made, the city will be prepared to call for liquidation prior to the surety expiration.

Secretary Warren Christiansen made a motion for approval. Councilman Wayne Hart seconded approval. All members voted in favor of said motion.

## **OLD BUSINESS**

### **IV. Status Updates:**

**1. Carl and Leatha Syler Minor Division – Status:**

The Building Inspector has gone to the home of Mr. Williford on multiple occasions. The building has yet to be moved. Knocks on the door have gone unanswered. Will send a registered letter.

**2. Minor Division – Thomas Cowan Simmons, Jr. – Family Trust Property Map 075D A 003.01 – Status:**

The revised survey plat arrived for signatures on July 16, 2014. The Planning Staff representative has signed the drawing and is awaiting the approval of the Planning Commission Secretary. The surveyor left a check in the amount of \$17.00 to have the plat recorded once all signatures are secured.

**3. Site Plan Review – Dollar General Store – Ferlisi Civil Design – Status:**

Revised plans received and approved.

**4. Site Plan Review – Dinah Shore Blvd – Elk River Public Utility District Office & Field Staff Building – St. John Engineering- Status:**

Revisions made and Site Plan Officially Approved

**5. Site Plan Review – S. College Street – Day Mini Storage – St. John Engineering – Status:**

Revisions made to site plan. The sink hole has been cleared of all debris. A building permit has been issued and construction has begun.

**6. Preliminary Subdivision Review – Cottage Crossings – Billy J. Rigsby Sr. – Johnson & Associates Surveying- Status:**

Requested revisions were made to the preliminary plat. The appropriate signatures required for recording were acquired. Construction plans have been received and reviewed by planning and field staff. A final plat was to be presented to the Planning Commission on July 21, 2014.

Warren Christiansen made a motion to adjourn the meeting at 6:24 p.m. Councilman Hart seconded the motion. All members voted in favor of said motion.

Warren R. Christiansen

SIGNATURE

21 January 2016

DATE

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**August 18, 2014**

**5:30 p.m.**

### **Members Present**

**Mayor Terry Harrell  
Councilman Wayne Hart  
Donnie Worley  
Dr. Richard Bagby**

### **Others**

**Pat Sanders  
Dr. Richard Fewell  
Lisa Clark  
Beth Rhoton  
Barbara Teasley**

The regular meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairman, Donnie Worley.

The minutes for the July 21, 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Mayor Terry Harrell made the motion to approve the minutes. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

### **NEW BUSINESS**

#### **1) Rezoning Request: From M-1 to C-2 - 1464 Bypass Rd (41-A Bypass)**

##### **Smith and Fewell Partnership Property Map 076 Parcel 044.01**

Land owners Richard D. Fewell and J. Randall Smith requested that their property located along the west side of Bypass Road be rezoned from its current classification of M-1 (Medical Professional Office District) to C-2 (Highway Service District). On May 19, 2014, the Winchester Municipal-Regional Planning Commission authorized a minor division for this 2.41 acre parcel, dividing it into two tracts, one being approximately 0.50 acres while the remaining 1.91 acres was included in the second tract. The information available to the planning staff indicates that this division has not been officially recorded with the register of deeds office at the time of this review. Therefore, in consideration of the circumstance, the zoning review shall be for the entire 2.41 acres, as this is the legal parcel as of this date.

The property is home to a single story building that served as an orthodontist or some form of medical office building since it was built in 1980. The property is abutted on the north/northwest side by the Golden Living Centers (Mountain View) Nursing Home. The nursing home property is currently zoned M-1 as well. To the immediate east and south, the Fewell/Smith property is adjacent residential development, all of which is zoned R-1 (Low Density Residential District). Included in these areas are the Wood Bluff and Wood Crest Subdivisions. Both developments are nearly "built out", with Wood



Bluff having twenty-five (25) single family residences built upon twenty-seven (27) lots. Wood Crest has thirty-nine (39) single family dwellings built upon forty-two (42) lots. Further to the south of these residential developments, near the intersection between Bypass Road and the Cowan Highway (41-A) is a C-2 zoning district. This area begins approximately one thousand linear feet from the M-1 district and extends across the Cowan Highway to Old Mill Drive. Staff does acknowledge that there are a number of medically oriented establishments within the C-2 area along the Cowan Highway.

Dr. Richard Bagby made motion to deny rezoning. Mayor Terry Harrell seconded motion. All members voted in favor of denying rezoning the parcel.

2) **Relocation of Residential Dwelling into a Platted Subdivision – Building Permit Request to Move Former Dwelling from 508 S. College St. to Vacant Lot on Clark Street SE Barbara Teasley Property Maps: Property Map 075C Group E Parcel 020.00 (from) - Map 075D Group F Parcel 021.01**

Tennessee State Law now requires that when moving an existing dwelling from its current location into an officially platted subdivision, that a compatibility review and approval be obtained before that dwelling can officially be moved. The purpose of this legislation is to protect residents of a subdivision from having a dwelling that may not be characteristic of surrounding properties be relocated into their neighborhood. This review process is to look at things like architectural compatibility, age, appearance, size, and monetary value in making a determination if the dwelling being relocated is a good fit for the neighborhood. TCA 13-3-501 established a chain of command of what committees should make the determination. The chain establishes that if there is an active homeowners association, it should be the body to conduct the review. In the event that there is not an active homeowners association, the next established review committee would be an established neighborhood association. In the event that there is not such an entity, the review process falls to the local planning commission.

These properties in the area of the proposed dwelling location are known as Sipes Subdivision. The subdivision includes properties along Sipes Street, Clark Street and Old Cowan Road. The typical dwelling in the neighborhood is of wood frame construction, around one thousand square feet in livable space, likely constructed in the 1950's and having a tax appraisal value in the \$30K - \$40K range. The dwelling to be relocated is of wood frame construction. Although currently larger than most of the units in the neighborhood of the proposed location, it will be of similar size once it is finally ready for relocation. In its current state, it is assessed at slightly over \$40K. Of the criteria listed for comparison, the only area where the building to be relocated is not within or beyond the characteristics of the dwellings in the Sipes Subdivision is age. The College Street dwelling is thought to have been built in 1939, thus it is slightly older than those Sipes Subdivision dwellings.

Councilman Wayne Hart made a motion to approve moving the dwelling. Dr. Richard Bagby seconded the motion. All members presented voted in favor of said motion.

## STATUS UPDATE

### **1) Minor Division - Carl and Letha Syler**

Mr. Howard Wiliford was notified by certified mail of the lingering situation regarding the moving of his outbuilding to conform to setback standards as was a conditional requirement of the minor division the Planning Commission granted him last autumn. Mr. Wiliford visited the Codes Office shortly after the PC/BOZA agenda cutoff date and spoke with Codes Official Sanders about his dilemma. He stated that several contractors in the mini-barn/outbuilding business have looked at the building and all have declined the task of relocating the building due to the liability issue should the building fall apart during relocation. The Codes Official gave Wiliford the option of thinking about applying for a variance at the next BOZA meeting. Shortly thereafter, the purchaser (Morris) of the triplex adjacent the Wiliford property contacted the Codes Department about any progress in the situation. Morris was advised of the situation and it was suggested that in the time between then and the next PC/BOZA cutoff date to see if the two parties could work out a private land exchange deal. Morris said he would contact Wiliford to see if such an arrangement could be made.

### **2) Minor Division - T.C. Simmons, Jr. - Family Trust: Property Map 075D A 003.01**

The minor division was signed and recorded. The city retained one copy for its records.

### **3) Minor Division – Charles Cotham – 3323 Old Tullahoma Road: Map 054K B 010.00**

All corrections were made and the plat was signed and returned to the applicant, with the exception of the copy the city retains.

### **4) Minor Division - Huber Heirs – 2924 Old Tullahoma Road: Map 054E C 030.00**

All corrections were made and the plat was signed and returned to the applicant, with the exception of the copy the city retains.

Mayor Terry Harrell made a motion to adjourn the meeting at 6:16 p.m. Councilman Hart seconded the motion. All members voted in favor of said motion.

Warren R. Christensen  
SIGNATURE

21 January 2016  
DATE

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**September 15, 2014  
5:30 p.m.**

### **Members Present**

**Mayor Terry Harrell  
Councilman Wayne Hart  
Donnie Worley  
Dr. Richard Bagby  
Warren Christiansen**

### **Others**

**Pat Sanders  
Bruce Spencer  
Lisa Clark  
Thomas M. Ore  
Marilyn Marlowe  
Bill Anderton  
Michele Emerson  
Davis Sons**

The regular meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairman, Donnie Worley.

The minutes for the 18 August 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Councilman Wayne Hart made the motion to approve the minutes. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

### **NEW BUSINESS**

#### **1) Site Plan Review – Convert Vacant Corner Lot At Intersection By-Pass Road and East Petty Lane to Paved Parking Area – Marilyn Marlowe – Parcel 065E D 010.00**

Property owner Marilyn Marlowe sought approval to locate an asphalt pavement parking lot on what is now a vacant lot located at the intersection of By-Pass Road and East Petty Lane. Mrs. Marlowe also owns the parcel adjacent on the north/northwest side. That parcel contains a commercial building, most of which is utilized as a laundromat. If approved, this parking lot is to provide additional parking space for that commercial building. The now vacant lot until earlier this year contained an existing residential single-family dwelling, despite it being zoned C-2. The residence was in place long before the area was zoned C-2 and was thus continuing the use allowed under grandfather law provisions. This dwelling was damaged extensively when a large tree fell directly onto the roof during a severe storm earlier this year. Having decided the cost of repairing the unit would likely be more than the unit would be worth, Mrs. Marlowe found a buyer willing to pay for the cost of relocating the dwelling to an area outside the city of Winchester in exchange for the unit. The site was cleared of all remains and all trenches and gullies left from the dwelling remain. The area of the parcel is approximately 4,775 square feet. Of that amount, the former irregularly shaped



dwelling and accessory buildings covered an estimated forty percent (40%) of the lot. With this in mind, it is staff's opinion that any additional storm water runoff created by this pavement will be minimal. It has also been determined the surface runoff will not have a negative impact on the existing drainage pattern along city right-of-ways. The following comments and/or concerns arose upon review of this proposal.

- 1) In the interest of public safety and in accordance with section 3.090 (Access Control) of the Zoning Ordinance, no new vehicular access point is allowed onto By-Pass Road. Any ingress or egress from By-Pass road is limited to that currently available on the other parcel owned by Mrs. Marlowe. Some type of barrier to prevent access onto By-Pass Road from any point other than what currently exists is put into place.
- 2) Vehicular access onto East Petty Lane is restricted to the western side of the parcel, that being the side furthest from By-Pass Road. Any access point onto East Petty Lane must be approved by the City of Winchester prior to any actual paving of the proposed lot.
- 3) All parking spaces must meet the design standard of the City of Winchester, Tennessee. All parking spaces must be striped. Those parking spaces at angle of 90 degrees must be a minimum size of 10' x 20'. Any parking spaces with angles other than 90 degrees must be minimum size of 8' x 19'.

Mayor Terry Harrell motioned to approve the site plan review coordinated through Steve Goodwin and begin to use overflow and eventually block off bypass side. Also Mrs. Marlowe will have 9 months from this date (June 15, 2015) to complete project due to compaction of the ground. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

**2) Site Plan Review – Phoenix Boats, Addition of Two Detached Accessory Buildings to Plant Site – Intersection of Baxter Lane and Industrial Drive – 730 Baxter Lane, Parcel 066 004.06**

St. John Engineering representative, Michele Emerson presented a site plan on behalf of local boat manufacturer, Phoenix Boats. The plan calls for the addition of two buildings in the area to the rear (north) side of the production facility at 730 Baxter Lane. The larger of the two buildings will be approximately 6,250 square feet in area. Its use will primarily be dedicated to product improvement and warranty maintenance. The smaller of the buildings will be approximately 2,500 square feet and will be located just East of the larger building. This building is to be used for rack storage of boats and boat hulls. There will be some paving associated with this project but the majority will be upgrading areas that have previously been paved to a more durable asphalt. A review of the project proposal resulted in the following comments.

- 1) The force main sewage line indicated on the south side of Baxter Lane is incorrectly located according to Winchester Utility System maps. The WUS maps show the line crossing from the south side of Baxter Lane to the north side at a location just east of the intersection with Industrial Drive.

- 2) Indicate location of fire hydrant on water line on the south side of Baxter Lane, just east of the intersection with Industrial Drive. Also indicate the hydrant on the Franklin County Industrial Board parcel (Zanini), just east of the sanitary sewage manhole indicated on that parcel.

Mayor Terry Harrell motioned to approve site plan subject to comments 1 & 2 being completed. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

**3) Subdividing Properties off Dinah Shore Boulevard for the Purpose of Rezoning to a C-2A Zoning Classification – Franklin County Publishing - Parcels 065L D 011.01 & 065L D 011.04**

Bill Anderton and Thomas M. Ore of Winton Auction and Realty represented property owner Franklin County Publishing and Mr. Davis Sons regarding the developmental potential of parcel 065L D 011.04. This parcel is currently configured as a landlocked unbuildable lot; it does not have the necessary twenty-five feet of street access in order to be considered a conforming lot. The parcel consists of approximately 3.7 acres, the majority of which is heavily wooded. This parcel is presently dual zoned between R-2(Medium Density Residential) and C-2(Commercial Highway District), borders three parcels along Dinah shore Boulevard, six parcels along Swann Avenue and one parcel that is technically located on Mountain View Drive. The C-2 zoned area comes not from Dinah Shore Boulevard, but instead, from the rear along the area where a spur railway line once ran. That railway was abandoned and removed over thirty years ago. Franklin County Publishing also owns one of the parcels along Dinah Shore Boulevard, that being the building from which the local newspaper, The Herald Chronicle is published. In order for the rear parcel to become a buildable lot, the necessary twenty-five feet of street frontage must be acquired. TO get the necessary frontage, it is necessary to reconfigure the front lot owned by Franklin County Publishing so that twenty-five feet of that parcel be deeded to and combined with the rear lot. This may be done by a minor division of property. Mr. Sons, owner of Franklin County Publishing indicates a desire to rezone the property so a mini-warehouse development may be pursued. The only zoning classification that permits that type of development is C-2A. Noteworthy is that a portion of the front parcel owned by Sons is zoned commercial. The depth of that C-2 zoning appears to be about 160 feet or so with the remainder being zoned R-2. This is typical of the properties located along that side of Dinah Shore Boulevard.

Warren Christiansen motioned to recommend to the Winchester City Council rezoning the 3.78 acre parcel from R2 to C2A with a 25 foot access strip to Dinah shore Boulevard and to rezone the R2 portion of the Franklin County Publishing Company building lot to C-2 from R-2. Mayor Terry Harrell seconded the motion. All members voted in favor of the motion.

### Status Updates

- 1) **Minor Division - Carl and Letha Syler:** No update to be reported
- 2) **Compatibility review- Moving Dwelling Unit from 508 S. College Street, Property Map 075C Group E Parcel 020.00 to vacant Lot on Clark Street SE, Property Map 075D Group F Parcel 021.01:** Building (relocation) permit has been issued.

Mayor Terry Harrell made a motion to adjourn the meeting at 6:40 p.m. Councilman Hart seconded the motion. All members voted in favor of said motion.

*Warren R. Christensen*

SIGNATURE

*21 January 2016*

DATE

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**October 20, 2014**

**5:30 p.m.**

### **Members Present**

**Mayor Terry Harrell  
Councilman Wayne Hart  
Donnie Worley  
Dr. Richard Bagby  
Warren Christiansen**

### **Others**

**Pat Sanders  
Bruce Spencer  
Lisa Clark  
Thomas M. Ore  
Gary Greeson  
Thomas Simmons  
Michele Emerson  
Jan Tavelin  
Beth J. Rhoton**

The regular meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairman, Donnie Worley.

The minutes for the September regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Warren Christiansen amended minutes and made a motion to approve the new minutes. Donnie Worley seconded the minutes. All members voted in favor of said motion.

## **NEW BUSINESS**

### **1. Minor Division – Dinah Shore Blvd – Thomas Ore Land Surveying - Property Map 65L, Group D, Parcel 11.01**

Surveyor Thomas M. Ore represented Davis Sons in seeking a minor division of property that will change the property boundaries of two parcels owned by the Sons family. The properties that will be altered are Franklin County tax parcels 065L D 011.01 and 065L D 011.04. For simplification, parcel 065L D 011.01 will henceforth be called 906 Dinah Shore Boulevard or the Herald Chronicle property, while parcel 065L D 011.04 will be called the vacant lot. The reason for seeking the boundary realignment is the vacant lot is currently land locked; meaning there is no access to the property from a public road. The proposed realignment will take a twenty-five (25) feet width strip from the acreage associated with 906 Dinah Shore Boulevard and be deeded to, and combined with the vacant lot. This will make the vacant lot buildable by city standards. This was discussed at the September 15, 2014 Winchester Municipal-Regional Planning Commission meeting as a conditional requirement for a positive recommendation of rezoning the vacant lot to C-2A, from R-2 and C-2. A review of the minor division yielded the comments listed below.

- 1) Note the acreage that will be retained as a part of the Herald Chronicle property.

Mayor Terry Harrell made a motion to approve the minor division. Councilman Wayne Hart seconded the motion. All members presented voted in favor of said motion.

**2. Minor Division – T.C. Simmons III – S College St – Thomas Ore Land Surveying - Property Map 75D, Group A, Parcel 3.01**

Surveyor Thomas M. Ore represented a minor division on behalf of multiple parties that constitute the Successor Trustees of the T. C. Simmons Jr. Trust and the Trustees of the Nancy S. Merritt Trust. The common member between those groups is Thomas Cowan Simmons III. The land proposed for division is located along U.S. Highway 41-A (South College Street), that property being recorded as parcel 003.01 of Franklin County tax map 075D. The Planning Commission may recall that there was a previous minor division of this property earlier in this calendar year. The area created by the previous action is reflected on this plat as being the property of Montgomery G. Turner, Sr. The Turner property was granted site approval for the construction of a Dollar General Store. The plan presented this evening is seeking permission to further divide the remaining acreage of Simmons into two tracts. The larger of those tracts would consist of 1.21 acres. This is reflected as Tract 1 on the plat. In addition to the acreage, this tract contains a significantly large (approximately 12,210 square feet) commercial building. If approved, this division will bring the parcel into compliance with Article 3.020 of the Zoning Ordinance of Winchester, Tennessee. This provision states that there should be only one principal building on a lot unless the Board of Zoning Appeals authorizes special approval in the form of a planned development. This parcel was out of compliance upon the City of Winchester adoption of zoning regulations and has continued to be as such under the “grandfather” provisions extended to such non-conforming properties. The proposed Tract 2 is to consist of 0.90 acres. Street frontage, utilities, and fire protection are available. The purpose for the creation of this lot is to provide a suitable site to relocate the used car lot that currently sits on the neighboring land upon which the Dollar General Store is to be built.

Mayor Terry Harrell made a motion to approve the minor division. Councilman Wayne Hart seconded the motion. All members presented voted in favor of said motion.

**3. Site Plan Review – Thomas Simmons –St. John Engineering – South College Street - Property Map 75C, Group A, Parcel (to be created from Parcel 003.01)**

Michele Emerson P.E. of St. John Engineering, on behalf of Mr. Thomas C. Simmons III, presented a site plan seeking planning commission approval to develop the tract of land referred to as Tract 2 under the previously discussed Agenda Item 2. The purpose of the development is to relocate an existing used automobile sales center from the property that is slated to be the site of a new Dollar General Store. The Winchester Municipal Planning Commission granted the Dollar General Store site approval on May 19, 2014. This plan calls for the relocation of an existing 350 square feet office building, new light-duty asphalt paving capable of supporting nineteen (19) vehicle parking spots as well as associated drives for customer and service traffic. There is an existing covered shed



located on the site. The front portion of that shed is being demolished to make space for the office location. However, the majority of the open wall, pole barn type structure will remain upon the site. There is approximately 3,300 square feet of roofline associated with that structure. Drainage calculations have been provided and approved by the city's consultant engineering representative, Dempsey, Dilling and Associates. The following comments remain after discussion.

- 1) Winchester Utilities states that there is a two-inch water line running on the property. Please verify with WUS and indicate accordingly.

Mayor Terry Harrell made a motion to approve the minor division subject to satisfactorily addressing comment #1. Councilman Wayne Hart seconded the motion. All members presented voted in favor of said motion.

**I. Old Business:**

At the September 15, 2014 meeting of the Winchester Municipal-Regional Planning Commission conditional approval to locate a small commercial parking lot was granted to Mrs. Marilyn Marlowe. That conditional approval was contingent upon Public Works Director Steve Goodwin's approval of the ingress and egress points to be associated with that lot. Goodwin made a recommendation that the ingress to the lot be allowed only from East Petty Lane and that the egress be via By-Pass Road. The ingress point will be along the southwestern border of the Marlowe parcel (065E D 010.00) while the egress point should be at the extreme northeastern boundary point. Neither drive shall exceed ten (10) feet in width. A sign stating either "Traffic In Only" or "Traffic Out Only" shall be placed at each appropriate point.

**II. Status Updates:**

**Rezoning Request – Rezoning of Parcel 065L D 011.04 (property behind Herald Chronicle Building) to C-2A from R-2 & C-2.**

On September 15, 2014, the Winchester Municipal-Regional Planning Commission voted to provide a positive recommendation for rezoning Franklin County tax parcel 065L D 011.04 to the Winchester City Council. For a general location reference, this is the area directly behind what is known as the Herald Chronicle Building and also the area to be combined with New Business Agenda Item #1 tonight. Ordinance Number 972 needed to formalize that zoning change was prepared and presented to the council for a first reading on Tuesday, September 14, 2014. The ordinance passed unanimously on first reading.

Councilman Hart made a motion to adjourn the meeting at 6:30 p.m. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

*Warren R. Christensen*

SIGNATURE

*9 March 2015*

DATE

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

## **Minutes**

**November 16, 2014**

**5:30 p.m.**

### **Members Present**

**Mayor Terry Harrell  
Councilman Wayne Hart  
Donnie Worley  
Dr. Richard Bagby  
Warren Christiansen**

### **Others**

**Pat Sanders  
Bruce Spencer  
Lisa Clark  
George Bryant  
Beth Rhoton  
Kurt Johnson  
Rusty Evans**

The regular meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairman, Donnie Worley.

The minutes for the 19 October 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were tabled for further review. Warren Christiansen made the motion to table. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

## **NEW BUSINESS**

### **I. New Business:**

#### **1. Minor Division – Howard Evans - Creasman Drive – Johnson & Associates - Property Map 075 Parcels 008.05, 008.06 & 008.10**

Surveyor Kurt Johnson presented a minor division plat on behalf of prospective property buyer and business owner Howard Evans. The property being considered for purchase is located at the far (north/northeast) end of the Crownover Industrial Park, just prior to entering the Cypress Estates residential subdivision. The prospective seller is Hun Choe of Tacoma, Washington. Evans is interested in purchasing Tract 2 of the proposed minor division, while Hun Choe would retain Tract 1.

The majority of the property being considered in this proposal is the site of a former manufacturing business known as Metal Fab Inc. As the result of an intense fire in 2010, the business operations of Metal Fab were shut down when a significant portion of the building and its contents were damaged beyond repair. The building was

condemned and sat vacant until early 2014. In January, those parts of the building deemed structurally and functionally inept were demolished. About forty percent of the structure was removed during that demolition. The remaining portion was determined to be structurally sound and with minor improvement is capable of once again being utilized. Pending approval of this reorganization of real estate, Evans is proposing the relocation of a sawmill facility into this industrial building.

A similar minor division was presented before the Winchester Municipal/Regional Planning Commission on September 20, 2010. That minor division was approved, but apparently may not have been recorded. As a result, the Franklin County Property Assessment map does not reflect those approved changes. The proposal being presented this evening differs slightly from the 2010 plan in that the Tract 2 acreage is being reduced by approximately 3.65 acres, from 21.41 acres to 17.76 acres. The difference is attributable to a slight boundary change along the southern border of Tract 2 as well as the omission of just over 3.5 acres of what would have constituted the extreme southeastern portion of that tract. That land will revert to Tract 1 and Hun Choe.

Mayor Terry Harrell motioned to approve the minor division as presented. Councilman Wayne Hart seconded the motion. All members voted in favor of the motion.

**2) Rezoning Request – Franklin County Government – Franklin County Annex Property, 817 – 855 Dinah Shore Blvd. – Parcel 065L A 001.00**

A proposal was presented on behalf of the government of Franklin County, Tennessee that if approved, will change the zoning of the lands owned along Dinah Shore Boulevard to C-2 (Commercial, Highway Service District) from R-1 (Residential, Low Density District). This includes slightly below 7.2 acres, including the Franklin County Annex Building. This land represents a portion of what was formerly the site of Franklin County High School from 1950 until 2004, when FCHS was relocated to its current location along By-Pass Road. Since abandonment, the 29.1 acre, former FCHS site has been divided into three parcels. Of those parcels, the Franklin County Board of Education owns two, those being parcels 065L A 001.02 (13.43 acres) and 065L A 001.01 (8.5 acres). The 13.4 acre parcel is located to the extreme west side of the former FCHS complex and includes James Douglas Memorial Stadium, the football field house and the Franklin County BOE Maintenance Building. The 8.5 acre parcel is located to the extreme east and is currently vacant. The 7.2 acre parcel in the center is owned by the Franklin County Government. The rezoning is necessitated by the desire of the Franklin County Government to provide a permanent structure which will serve as the home of the Franklin County Farmer's Market. Because such a retail market is not permitted in a R-1 zoning district, the county elected to petition the Winchester Planning Commission to change the zoning to C-2.



Mayor Terry Harrell made a motion to recommend to the city council to rezone the 7.2 acres from R1 to C2 classification as discussed. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

**3) 2015 Calendar**

The Winchester Municipal Regional Planning Commission Calendar for 2015 was presented for approval.

Warren Christiansen motioned to approve calendar. Dr. Richard Bagby seconded motion. All members voted in favor of said motion.

**IV. Old Business:**

**V. Status Update:**

1. Rezoning Request – Rezoning of Parcel 065L D 011.04 (property behind Herald Chronicle Building) to C-2A from R-2 & C-2.  
Ordinance Number 972 was presented to the Winchester City Council for a second reading on November 11, 2014. The ordinance was moved to vote and passed without opposition. A public hearing and final reading is set for December 9, 2014.
2. Rezoning – Rezoning of Parcel 065L D 011.01, 904 Dinah Shore Boulevard to Rezone Portion of Parcel Currently Zoned R-2 to C-2.  
An ordinance is being prepared and is to be presented to the Winchester City Council for first reading on December 9, 2014.

Chairman Donnie Worley made a motion to adjourn the meeting at 6:15 p.m. Secretary Warren Christiansen seconded the motion. All members voted in favor of said motion.

*Warren R. Christiansen*

SIGNATURE

*21 January 2016*

DATE

# **WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION**

**123 First Avenue N. W.  
Winchester, TN 37398**

## **Minutes**

**December 15, 2014**

**5:30 p.m.**

### **Members Present**

**Warren Christiansen  
Councilman Wayne Hart  
Donnie Worley**

### **Members Absent**

**Mayor Terry Harrell**

### **Others**

**Pat Sanders  
Lisa Clark  
Mark Dudley  
John Ferrell  
Beth Rhoton  
Mark Boesch**

The regular meeting of the Winchester Municipal-Regional Planning Commission was called to order at 5:30 p.m. by Chairman, Donnie Worley.

The minutes for the 19 October 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were discussed. Councilman Wayne Hart made the motion to approve. Warren Christiansen seconded the motion. All members voted in favor of said motion.

The minutes for the 17 November 2014 regular meeting of the Winchester Municipal-Regional Planning Commission were discussed. Warren Christiansen made the motion to approve. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

## **OLD BUSINESS**

### **Old Business: Request of Franklin County Government to Rezone the Franklin County Annex Property, 817 – 855 Dinah Shore Boulevard – Parcel 065L A 001.00**

On November 17, 2014, the Winchester Municipal-Regional Planning Commission heard a request on behalf of Franklin County General Government to rezone their property along Dinah Shore Boulevard to C-2 from R-1. The Planning Commission approved a positive recommendation to the Winchester City Council. After receipt of additional input from Dr. Sharber deferring the decision to the school board, it was confirmed that the school board would go forward and rezone all 29.1 acres collectively.

## **NEW BUSINESS**

### **1. Rezoning Request – Franklin County Government in Conjunction with Franklin Board of Education:**

#### **a) Franklin County Board of Education - Vacant Parcel aka “Former Franklin County High School Site from 1949 – 2004 – Parcel 065L A 001.01**

This parcel is currently vacant of any permanent structures. Access is available from Dinah Shore Boulevard to the south and West Petty Lane to the north. This parcel has been identified as a potential site for a Tennessee College of Applied Technology educational campus, pending available funding at the state level. The current zoning of R-1 stipulates that educational facilities are not considered an accepted use and can only be allowed under a use permitted as a special exception.

#### **Franklin County Board of Education - Land containing James Douglas Memorial Stadium, Old FCHS Field House Building, BOE Maintenance Department Shop Building & Former FCHS Baseball & Soccer Field.**

This parcel is still utilized by the Board of Education. It contains the BOE Maintenance Shop, which serves as the central location from which maintenance personnel and equipment are dispatched to the various elementary, middle and high schools of Franklin County that are in need of maintenance or repair. The parcel is home to the former Franklin County High School football field, stadium and field house. These facilities are still utilized by two middle schools and a recreational football league within the county. There is also a parcel that is currently configured as a soccer field. On December 8, 2014, the Franklin County Board of Education approved a recommendation by Dr. Sharber that the parcels be rezoned to C-2. Based on this information, both parcels should be rezoned to C-2 from R-1, along with the Franklin County Annex Building & property.

Warren Christiansen made a motion to recommend to the city council to rezone from R-1 to C-2 the 21.9 acres combined with the Franklin County Annex property to bring the total acreage to 29.1 acres. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

### **2. Minor Division – Reconfiguration of Parcels Along Dinah Shore Boulevard Involving Lands of Franklin County Board of Education (Parcel 065L A 001.02) and Franklin County Government (Parcel 065L A 001 .01)**

Mark Dudley presented a minor division of property proposal in which the Franklin County Board of Education is trimming off approximately 0.87 acres of the 13.4 acre parcel 065L A 001.02. The intent behind this action is to transfer ownership to the Franklin County General Government in order to provide a suitable location for a proposed permanent structure to be utilized primarily by the Franklin County Farmers Market. The area is located on the north side of Dinah Shore Boulevard and is directly in front of the James Douglas Memorial Stadium and football field. The Franklin

County Board of Education approved the transfer to the Franklin County Government at that same December 8, 2014 meeting. Because of this transfer, the remaining 12.56-acre BOE property will lose street access along Dinah Shore Boulevard, but will still have adequate road frontage along Sharp Springs Road and West Petty Lane. The transferred acreage is to be combined with the Franklin County Annex property under the existing parcel id 065L A 001.00

Warren Christiansen made a motion to approve the minor division as discussed. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

**3. Site Plan Review – Franklin County Farmers Market Structure – Dinah Shore Boulevard – Parcel Reflected in Item #2 Minor Division:**

Grant funds have become available to Franklin County to build a structure capable as serving as a centralized permanent facility for a Franklin County Farmers Market. To this point, the Franklin County Farmers Market has consisted of an impromptu gathering spot along Dinah Shore Boulevard and the east side of the property upon which the old Franklin County High School was located. The merchants typically sold their produce from their vehicles. Because this location is designated as the prospective campus of a Tennessee College of Applied Technology Center, it is necessary to locate the permanent structure elsewhere. Franklin County General Government and the Franklin County School System assisted in trying to obtain a suitable site for the market. The prior items on this evening's agenda reflect the collective efforts between the agencies. The site chosen is the 0.87 acre portion of the BOE property along Dinah Shore Boulevard that is being deeded over to the Franklin County General Government. The initial indication is the prospective structure will be approximately 7,500 square feet under roof. It will be open sided to promote a significant range of visual observation and easy access. The only portion of the structure to be enclosed is two bathrooms that will likely be located in the center of the structure. The structure is also to be available to host multiple other functions and events, when not being utilized as the Farmers Market. It is necessary to elevate the area of and immediately around the proposed structure due to the pooling of water at the southwest end of the parcel during times of heavy rain. There is to be no new parking lot. Adequate parking space is available from the Annex Building. A review of the site proposal yielded the following comments.

- 1) Change Name to Franklin County Farmers Market
- 2) Zoning Classification: C-2
- 3) Setback lines for C-2:
  1. Front = 35'
  2. Side 0' or 10' if open space proposed
  3. Rear = 15'
- 4) Proposed Utility Layout (see attached jpg)
- 5) Refuse or Garbage Collection Area (if any)

- 6) Sign Type, Location, & Size (if any)
- 7) Indicate there is a fire hydrant directly across Dinah Shore Boulevard.
- 8) Note that no new drives, parking areas, or significant surfaces are to be added
- 9) Note existing parking space associated with FC Annex & James Douglas Stadium will be utilized.
- 10) Note structure will be single story and approximately 7,500 sf under roof.
- 11) Note structure will primarily be of pavilion type construction except for enclosed restrooms.
- 12) Note Proposed Activity = Farmers Market Sales & Special Event Center
- 13) Add Vicinity Map
- 14) You can eliminate the Surveyors Statement as that was covered on the minor division.
- 15) Take off the reference to the Billboard encroachment as noted on the minor division.
- 16) You can also modify the FEMA Statement on the Site Plan down to a note. Something like Note: Property is not in a Special Flood Hazard Area as reflected by FEMA Community Panel 47051C0153E (dated August 4, 2008)

Councilman Wayne Hart made a motion to approve site plan as discussed pending completion of comments. Warren Christiansen seconded the motion. All members voted in favor of said motion.

4. **Revision of Zoning Ordinance No. 506 – Definition Change to the word “Structure”:**  
There appears to be a conflict in the Zoning Ordinance of Winchester Tennessee when one compares the definition of the words “BUILDING SETBACK LINE” and “STRUCTURE”. The zoning ordinance defines the words as follows.

**BUILDING SETBACK LINE:** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

**STRUCTURE:** Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

From the definition of “Building Setback Line”, it is apparent that structures are subject to building setbacks. However, when one looks at the definition of “Structure” it states “including among other things, signs, billboards and fences”. Few if any fences, signs, or billboards within the City of Winchester fall within the allowable setback guides. Most fences are erected for one of three reasons. Those reasons are to keep something or someone out; to keep something or someone in; or for privacy. In each case, typically the property owner desires to utilize as much of his or her property as possible. Therefore, he or she is going to place it very close to the known property line, often allowing a foot or so



in case of a boundary dispute or to keep the adjacent property from claiming encroachment or mutual ownership rights if the fence is directly on the boundary. The same is true when it comes to commercial signs and billboards. Signs are intended to be seen, meaning placement in an area where it will be noticed is paramount. The most effective methods of doing such is to place the sign either as high as possible or as near the property line as possible, as long as it is done in a manner that does not create a traffic hazard.

**STRUCTURE:** Any combination of materials including buildings, constructed or erected for either permanent or temporary placement, the use of which requires location on the ground or attachment to anything having location on the ground, excluding fences, approved signs and billboards for which a permit is issued.

Warren Christiansen made a motion to table the revision of Ordinance No. 506 until January. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

#### **Status Update**

1. Rezoning Request – Rezoning of Parcel 065L D 011.04 (property behind Herald Chronicle Building) to C-2A from R-2 & C-2.

A public hearing pertaining to Ordinance 972 was conducted on December 9, 2014. No one present at the meeting spoke for or against the rezoning proposal. Ordinance Number 972 was presented to the Winchester City Council for a second reading on November 11, 2014. The ordinance was moved to vote and passed without opposition. A public hearing and final reading is set for December 9, 2014.

2. Rezoning – Rezoning of Parcel 065L D 011.01, 904 Dinah Shore Boulevard to Rezone Portion of Parcel Currently Zoned R-2 to C-2.

Ordinance number 973 was prepared and presented to the Winchester City Council for first reading on December 9, 2014. The first reading passed unanimously. The second reading will be January 13, 2015.

Warren Christiansen made a motion to adjourn the meeting at 6:34 p.m. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

Warren R. Christiansen  
SIGNATURE

21 January 2016  
DATE