

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

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

Minutes

**January 26, 2015
12:00 p.m.**

Members Present

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

Others

**Pat Sanders
Brant McGill
Lisa Clark
Gary Greeson
Bruce Spencer**

The regular January meeting was called to order at 12:00p.m. by Donnie Worley.

The minutes for the Winchester Municipal-Regional Planning Commission meeting of December 15, 2014 were presented for approval. Mayor Terry Harrell made the motion to approve the minutes. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

New Business

Application for Rezoning: Request to Rezone Property at 101 South Shepard Street from C-2 to C-2A – Bell Hill Properties. Representative Brant McGill - Property Map Parcel 075C B 012.01

Brant McGill, co-owner and acting agent for Bell Hill Properties submitted an application to have the corner lot and building located at the intersection of 1ST Avenue Southwest and South Shepard Street rezoned from C-2 to C-2A. The building was formerly utilized for a feed mill operation. The building is currently being renovated to be the headquarters and office building of Blue Oak Projects LLC, a local general contracting firm, owned by McGill and business partner Greg Plattenburg. McGill approached the city regarding the possibility of locating portable storage containers on the property. These units are rentable storage space, similar to a mini-warehouse. The primary difference is the buildings are permanent whereas the cargo containers are re-locatable. Because the use is so similar, the initial thinking was that a zoning change was in order to group the similar use, despite the difference between re-locatable and permanent.

Upon a favorable recommendation of the Winchester Municipal Regional Planning Commission, the Winchester City Council passed Ordinance 952 on October 8, 2012. The regulations specific to commercial zoned property are

incorporated into the zoning text under Article 4, Section 4.110, Subsection C. The regulations are stated as follows:

1. No portable storage unit shall be placed within the front yard nor within any required side or rear setback.
2. A portable storage unit shall be an accessory use and used *only for the storage of material commonly incidental to the commercial use.*

Of particular significance within the second standard is the reference to storage of material incidental to the commercial use. The planning staff interprets this to mean that the unit may only be used to store materials being used by the primary business on the site. This would appear to eliminate the ability of any business to rent storage space to another agency, business, person, etc. Also, the reference is to *commercial districts*. This applies whether the property is zoned C-2, C-2A, or any other commercial classification. Further analysis of the zoning text reveals that under the current C-2 zoning, warehousing (including mini-warehousing and storage) and storage uses, except those, which are located within, and incidental to the permitted primary use are strictly prohibited. Staff interprets this to mean that any storage other than that specifically related to the business use, in this case the Blue Oak Projects construction company shall not be allowed. Thus, under no circumstance is the proposal allowed in a C-2 zoning district. This is consistent with staff's initial thinking regarding the necessity of a zoning change to C-2A to consider the proposal. Zoning Classification C-2A does allow for "mini-warehousing and storage". Due to the restrictions of zoning text Article 4, Section 4.110, Subsection C (Ordinance 952), the placement of portable storage units for commercial rental cannot be permitted, even in a C-2A zoning district. Thus, within the current guidelines, the proposal is at a dead end.

Mayor Terry Harrell withdraws motion for Mr. McGill to discuss with partners to ascertain if the corporation wishes to make the units permanent and to explore the options and alternatives available.

Approval of Topics of Discussion As Fulfillment of Mandatory Continuing Education Requirements for 2014.

Tennessee Code Annotated (TCA) § 13-4-101 (c) 1 stipulates that "each planning commissioner shall, within one (1) year of initial appointment and each calendar year thereafter, attend a minimum of four (4) hours of training and continuing education in one (1) or more of the subjects listed in subdivision (c)(5)". The subjects listed in subdivision (c) (5) include but are not limited to, the following: land use planning; zoning; flood plain management; transportation; community facilities; ethics; public utilities; wireless telecommunications facilities; parliamentary procedure; public hearing procedure; land use law; natural resources and agricultural land conservation; economic development; housing; public buildings; land subdivision; and powers and duties of the planning commission. Other topics reasonably related to the duties of planning commission

members or professional planners or other administrative officials whose duties include advising the planning commission may be approved by majority vote of the planning commission prior to December 31 of the year for which credit is sought.

Previous Community Development Coordinator and planning staff advisor, Tom Ore suggested that discussions of topics regarding any of the above issues be considered as a sort of refreshment in planning education. When accumulated the sum be considered as meeting the minimum required four hours of training for commission members. The commission was receptive to Ore's idea. If the planning commission is satisfied that the requirements were met, a motion and approval of such is warranted and is to be reflected by an official vote and recorded in the minutes. Staff advisor Sanders is required to have a minimum of eight (8) hours training. Likewise, these hours are to be motioned for approval, voted upon, and reflected in the minutes of this meeting.

Mayor Terry Harrell made a motion to certify that the planning commission completed their four (4) hours of training calendar year 2014. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

Mayor Terry Harrell made a motion to approve Building & Codes Enforcement Officer Pat Sanders training requirements for 2014. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

Old Business

- 1. Tabled Item: Alteration of the definition of the term "Structure" as identified by Zoning Ordinance 506.**

This item was tabled at the December meeting. Staff is revisiting the proposed change and will present at a future date

Status Update

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

Ordinance Number 972 went before Winchester City Council for a public hearing and third and final on December 9, 2014. The public hearing was conducted without any citizen support for or opposition against the rezoning proposal. Ordinance 972 was later unanimously passed by the Council. The rezoning became effective on December 10, 2014. The digital copy of the Winchester Zoning Map is being updated.

- 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.**

This rezoning request was officially given the title of Ordinance 973 and was presented to the Winchester City Council.

3. Rezoning – Rezoning of Franklin County Annex Property and Franklin County Board of Education Properties along Dinah Shore Boulevard, Sharp Springs Road and West Petty Lane from R-2 to C-2.

Ordinance 974 was presented to the Winchester City Council for first reading on January 13, 2015. The first reading passed without opposition. The second reading is scheduled for February 10, 2015.

Adjourn

Warren Christiansen made a motion to adjourn the meeting at 1:11 p.m. Mayor Terry Harrell 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

**February 23, 2015
5:30 p.m.**

Members Present

**Mayor Terry Harrell
Councilman Wayne Hart
Kay Caldwell
Warren Christiansen**

Others

**Pat Sanders
Lauren Brock
Mercedes Ingles
Lisa Clark
Bruce Spencer
Roger Caldwell
Beth Rhoton**

The regular February meeting was called to order at 5:30 p.m. by Mayor Terry Harrell.

Mayor Terry Harrell introduced Kay Caldwell the newest member to the board.

The minutes from the January 26, 2015 were read. Mayor Terry Harrell made a motion to accept the minutes as presented. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

NEW BUSINESS

Preliminary Subdivision Plat Review: Lakeshore Subdivision – Property Owner Rebecca J. Smith – Applicant & Agent Johnson & Associates – Property Map Parcel 065K F 003.00

Withdrawn

Application to Locate and Operate a Mobile Food Business within the City Limits of Winchester: - Shenanigans (Sewanee) – Bill Elder (Owner) & Lauren Brock (Manager)

Lauren Brock, manager of Shenanigans a well-known restaurant and deli within the Sewanee community, presented information seeking permission to operate a “food truck”, that being a mobile prepared food business for retail distribution. The policy of the City of Winchester is to require such vending establishments to acquire location permission through the Winchester Planning Commission. This policy came to be due to a backlash of complaints from the traditional food service sector, such as restaurants, bars and grills, fast food establishments and

convenience store delis when this type of vendor first surfaced in Winchester several years ago. They city has acted from the standpoint of interpreting the zoning ordinance to identify areas in which this type of activity should not be allowed. Implying a board definition of each of the zoning classifications, it is staff's opinion that such activity should not be allowed within the following zoning classifications.

- a) R-1 Low Density Residential Zoning District
- b) R-2 – Medium Density Residential Zoning District
- c) R-2S – Medium Density Single Family Residential District (duplex prohibited)
- d) R-3 – High Density Residential District (apartments & mobile homes permitted)
- e) R-3A – High Density Residential Alternative District (apartments permitted, mobile homes prohibited)
- f) DO – Downtown Overlay District
- g) C-3 – Neighborhood Service Business District*
- h) C-4 – Multi-Residential-Commercial District*
- i) M-1 – Medical-Professional Office District**
- j) I-1 – Restrictive Industrial District**
- k) I-2 – General Industrial District**

The zoning classifications marked by a single asterisk (*) allow for restaurants, grills and similar eating establishments, provided those establishments are not of a drive-in or drive-thru nature. Those marked by a double asterisk (**) indicate that restaurants, cafeterias and food consummation establishments are allowed a special exception. However, the zoning text is specific that the food must be consumed on the premises and within the principle structure upon the parcel. Excluding the listed zoning classifications leaves only the following areas for consideration.

- a) C-1 Central Business District (Note: This is applicable only to areas outside the Downtown Overlay [DO] District)
- b) C-2 Highway Service Commercial District

This interpretation is consistent with approvals granted previous mobile or semi-mobile vendors. All such approvals within either a C-1 (outside the DO) or C-2 zoning district. Note all such approvals were under the condition that no setup shall be upon any public right-of-way, be that state, county or city. The vendor is limited to private property upon which he/she has the permission of the property owner, and within one of the two classifications listed as permissible.

Councilman Wayne Hart made a motion to table this discussion until Pat Sanders can meet with Mr. Elder and discuss further. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

OLD BUSINESS

Proposed Change to Zoning Ordinance Definition of the word "Structure"

This item was tabled at the December 2014 meeting and was not represented at the January 2015 meeting. Below is a representation of the material.

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.

Pat Sanders recommended the following change to the definition alterations and the addition of Text to a new section to be located in the Article III, General Provisions, section of the Zoning Ordinance.

STRUCTURE: Any combination of materials that are assembled and held together in a particular way considered consistent with construction principles. Structures may be principal buildings, accessory buildings, sheds, carports, or other similarly assembled components. It may be either enclosed or open frame. It may be 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. It may be constructed on site or preassembled, having been delivered to a particular location.

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

Staff recommends the addition of the following text addition under a new Section 3.120.

3.120. STRUCTURES EXEMPTED FROM BUILDING SETBACK REQUIREMENTS

The following structures shall be considered exempt from building setback lines unless extenuating circumstances jeopardizing public interest safety prevail.

- A. Fences or privacy fences located within residential districts which are not greater than the height for which no building permit is required as specified by the adopted building code and that do not present a public safety hazard as determined by the Codes Department.
- B. Signs, Billboards, or other advertising devices, provided the instrument has received site approval via an approved sign permit issued by the Building Codes Department.

Warren Christiansen makes a motion to recommend changes to 3.120 as discussed. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Status Update

Rezoning – Rezoning of the rear portion of Parcel 065L D 011.01, 904 Dinah Shore Boulevard (Herald Chronicle Building & Remaining Land) to Rezone Portion of Parcel Currently Zoned R-2 to C-2.

A public hearing regarding Ordinance 973 was conducted before Winchester City Council on February 10, 2015. There was no opposition to the proposed rezoning. The ordinance passed a third reading without opposition. The rezoning became effective February 11, 2015.

Rezoning – Rezoning of Franklin County General Government and Board of Education properties along Dinah Shore Boulevard, Sharp Springs Road and West Petty Lane to zoning classification C-2 from R-2.

Ordinance 974 was presented to the Winchester City Council for second reading on February 10, 2015. The second reading passed without opposition. A public hearing is scheduled for March 10, 2015. Upon conclusion of the hearing, the ordinance is to be presented for a third and final reading.

Training Session:

1. Sign Regulation – Reed v. Gilbert, AZ goes before U.S. Supreme Court.

For a brief explanation of the case, see enclosed printed attachment

“Must all signs be treated the same?”

Video Links:

Meet The Case (Reed v. Town of Gilbert):

<https://www.youtube.com/watch?v=snCSw7h5UWw>

Alliance Defending Freedom – The Importance of Reed v. Town of Gilbert:

<https://www.youtube.com/watch?v=qkxKRalZj5k>

Adjourn

Mayor Terry Harrell made a motion to adjourn the meeting at 6:42 p.m. Warren Christiansen seconded the motion. All members voted in favor of said motion.

Warren R. Christiansen

SIGNATURE

21 January 2016

DATE

MARCH 2015

There was no meeting of the Winchester
Municipal-Regional Planning Commission

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION
123 First Avenue N. W.
Winchester, TN 37398

Minutes

April 20, 2015
5:30 p.m.

Members Present

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

Others

Pat Sanders
Kurt Johnson
Lisa Clark
Bruce Spencer
Beth Rhoton

The regular April meeting was called to order at 5:30 p.m. by Donnie Worley.

The minutes from the February 23, 2015 were read. Mayor Terry Harrell made a motion to accept the minutes with the deletions and additions noted. Kay Caldwell seconded the motion. All members voted in favor of said motion.

** Addition – “discussion was offered with no satisfactory decision on waste water or taxes”

New Business

Minor Division of Property: Vacant Lots, South Shepard Street - Thomas R. Farris - Property Map 075C Group J, Parcel(s) 005.00 and 006.00

Surveyor Kurt Johnson presented a minor division survey proposal upon behalf of property owner Tom Farris. As reflected on the plat, Farris is an owner of several parcels in the immediate area, including his residence at 419 Gem Street. The land reflected on this survey details only the acreage he owns along South Shepard Street; being 0.91 acres total. It is bordered to the north by property of Steele; to the south by property of Mason; to the east by South Shepard Street, and to the west by other properties of Farris. In this proposed minor division, Farris seeks to divide a small, non-buildable area indicated by Tract 2, for the purpose of conveying to adjoining property owner, Mason. The area to be conveyed is approximately thirteen (13) feet wide by one hundred fifty (150) feet deep; an area of approximately 1,950 square feet, or 0.04 acres. It contains a portion of a concrete surface that the adjoining property owner (Mason) has apparently utilized for vehicle parking. The Mason property at 510 South Shepherd Street includes a one story single-family dwelling. The dwelling does not meet either the front or side (north) setback requirements for R-2 zoning district. Because the dwelling was

in place prior to the implementation of zoning restrictions, it is exempt from any existing setback violations.

Warren Christiansen made a motion to approve as discussed. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Minor Division of Property: 201 South Porter Street - Richard Bagby – Property Map 065N Group F, Parcel 016.00 (Owned by John Ingle)

Surveyor Kurt Johnson presented prospective property buyer, Richard Bagby in the minor division proposal. Bagby owns the property at 308 2ND Avenue Southeast. The property is further identified as being Franklin County tax parcel 065N F 017.00. Bagby is seeking to purchase a 0.03-acre piece of property from adjoining property owner John Ingle. The area considered for purchase is indicated as Tract 2 on the minor division plat. The area is approximately seventy-four (74) feet deep and varies slightly in width, ranging from 15.5 to just under 17.25 feet. The division will provide a buffer space between the properties and create a definitive area. The shed does not currently meet the side setback requirement (8 feet) for the R-3A zoning district. The shed was in place prior to Winchester's adoption of the zoning ordinance and therefore is considered a grandfathered non-compliance. Upon approval, this minor division will bring the shed into compliance with the R-3A setback standard.

Dr. Richard Bagby requested to be excused from this proceeding. Chairperson Worley granted the request. Warren Christiansen made a motion to approve as discussed. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Status Update

1. Rezoning – Rezoning of Franklin County Annex Property and Franklin County Board of Education Properties along Dinah Shore Boulevard, Sharp Springs Road and West Petty Lane from R-2 to C-2.

A public hearing concerning the rezoning proposal was conducted shortly after 6:00 on the evening of March 10, 2015. There were no proponents or opponents of the rezoning ordinance (974) to come forward. Shortly thereafter, Ordinance 974 was presented for a third and final reading before the Winchester City Council. The ordinance passed without opposition and became effective immediately. The zoning map has been updated to reflect the zoning change.

2. Change to Zoning Ordinance, Definitions of the word “Structure” and “Building Setback Line” as well as a revision to text of Article 3.120. An ordinance is being prepared and will be presented for first reading at the May 12, 2015 City Council meeting.

Shenanigans Food Truck Status

On March 6, 2015, the Community Development Coordinator went to Sewanee and formally met with Shenanigans business owner Bill Elder and manager Lauren Brock for about an hour. They were presented with both an electronic and print copy of the zoning map of Winchester. They were shown the specific districts in which they received permission to locate. Additionally, the

details of business sales reporting and licensing were discussed as well as the "greywater" issue. It was agreed the truck would retain that greywater until it arrived back at the Shenanigans location in Sewanee. It would then be dumped in an appropriate manner there. Ms. Brock has obtained a Winchester business license for the operation. However, there has been no further contact since obtaining the license. Beth Rhoton presented new information in regards to tax collections and not being able to obtain revenue from items sold by a mobile business unless Winchester is listed as the business home base.

There was a training session including a training session film presentation about a broad view of zoning and the need to update zoning regulations as society evolves; produced by Montgomery County, Maryland.

Warren Christiansen 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.

SIGNATURE

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION
123 First Avenue N. W.
Winchester, TN 37398

Minutes

May 18, 2015
5:30 p.m.

Members Present

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

Others

Melissa R. Doan
Kurt Johnson
Lisa Clark
Bruce Spencer
Beth Rhoton
Rick Hudgens
Tom Ore
Brant McGill
Zach Colescott
Pat Sanders
Benjamin Smith

The regular May meeting was called to order at 5:30 p.m. by Donnie Worley.

The minutes from the April 20, 2015 were read. Mayor Terry Harrell made a motion to accept the minutes with the additions noted. Kay Caldwell seconded the motion. All members voted in favor of said motion.

** Addition – Item #2 on page 2 “Dr. Bagby requested to be excused from this proceeding. Chairperson Worley granted this request.”

New Business

Minor Division of Property: Doan/Richardson Vacant Parcels Tullahoma Highway (US 41-A) – Lynn Richardson -Property Map 045 Parcel(s) 037.03 and 037.04

A minor division of property was presented upon behalf of owner Lynn Richardson and Surveyor Chris Bateman. Richardson owns two vacant parcels along the west side of the Tullahoma Highway and within the city limits of Winchester. The larger of the Richardson parcels is approximately 24.43 acres, while this parcel, the smaller of the two is approximately 2.71 acres. This minor division would convey a strip of land, approximately 50 wide across the entire depth of the parcel to the adjacent parcel to the north. That parcel is the property of Edward Brooks Doan. The fifty feet wide strip is irregular in shape with the longest side along the southern border being 877.3 feet in length. The shorter north side is 853.7 feet in length.

The approximate area of the land to be exchanged is approximately 0.994 acres. This acreage is to be combined with the 2.72-acre Doan parcel to the north, bringing that parcel to 3.72 acres while the remaining portion of the Richardson parcel would equal 1.71 acres.

- 1) A formal title should be applied to the minor division plat. The title typically includes the name of the street of development, the name of the property owner or both.
- 2) The zoning on the plat indicates the properties are zoned R2. Please correct to state the proper zoning designation of C2.
- 3) The setbacks listed are incorrect for the C2 zoning designation. The property setbacks should read as follows
Front = 35 feet
Side = 0 feet
Rear = 15 feet
- 4) Utilities are available to the tracts. This includes electricity, water, sewage, and natural gas. Please indicate these lines and label sizes and types accordingly.
- 5) FEMA Flood statement needs to be revised to include the appropriate flood map number (47051C0151E) and date (August 4, 2008).
- 6) The certificate for recording should be amended to state the minor division complies with the "Subdivision Regulations for the City of Winchester" as opposed to the "Subdivision Regulations of Franklin County Tennessee".
- 7) Add to the label of U.S. Highway 41-A to reflect the local designation of "Tullahoma Hwy." This designation may be placed in parenthesis beside are below the Highway 41-A label.

Mayor Terry Harrell made a motion to approve subject to the comments being addressed. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

**Minor Division of Property: Vacant Lots at ends of North Porter Street & Agate Street
Thomas Ore Land Surveying & Engineering Services – Parcels 065K A 011.00 (Cheshire) &
065K A 012.00 (Ewell & Prince)**

Surveyor Thomas Ore presented a minor division of property for planning commission review. An existing parcel owned by Roy and Rubert Cheshire is to be subdivided in an attempt create a new buildable lot. The Cheshire property currently configured includes a residence and accessory structure and has street access at the conclusion of North Porter Street. On the plat,

this is shown as "Cheshire Remaining". The proposed new lot is shown as Tract 1. Most of the area associated with this proposed 0.803 acre tract is undeveloped and densely populated with trees and similar vegetation. In accordance with Winchester Subdivision Regulations, to be a buildable lot, the Tract 1 proposal must have twenty-five (25) lineal feet of street frontage. Presently, neighboring Agate Street extends to a boundary point abutting the western border of the proposed tract. However, without a further configuration change, adequate frontage is not available. This 0.034 acre area is shown as Tract 2 on the plat.

- 1) As is indicated on the plat, sanitary sewage is available by way of the 16-inch gravity sewage line running near the northern border of the proposed Tract 1. What is not shown is the availability of other utilities including potable water, electricity, and natural gas. These utilities are available further westward along Agate Street where current development ends. Add a note to the plat to reflect that electricity, water and natural gas are available, but will require line extensions from termination points further west along Agate Street.
- 2) As suggested by the Public Works Director, perhaps a better way of dealing with the issue is for the Prince/Ewell partnership to deed the proposed Tract 2 over to the City of Winchester to ensure there is adequate right-of-way for a street extension in the event that property in the area is developed. This scenario was discussed with Mr. Prince who was receptive to the idea.
- 3) GIS mapping information indicates that there is another sewage line running from west to east along Agate street. The line appears to run through much of the area proposed indicated as Tract 2. This is shown on the aerial photograph labeled Item 2, Exhibit 3. This could make the solution proposed in Item 3 more difficult to implement due to the potential of one day having to pave over a sewage line.
- 4) There is also a Winchester Utility System water tank overflow discharge line on the property. It extends underground to a point upon Track 1, then discharges onto the ground. There is no easement associated with this discharge path.
- 5) Need location of Agate Street manhole and sewer line. prepared by the property owner.

During discussion it was concluded that an easement prepared by the property owner for the water tank drainage, be ~~rendered~~ pending location of the sewer line and two deeds for the city for tracts 2 & 3.

recorded we

X

Mayor Terry Harrell made a motion to grant provisional approval of the request subject to an easement granting tracts two (2) and three (3) to the City of Winchester and the positive location of the manhole and sewer line on AGATE STREET. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

Site Plan Review: A & E Emergency Services Office & Ambulance Service Center, Cowan Highway & Old Mill Road – Johnson & Associates – Parcel 076 003.04

Surveyor Kurt Johnson acted as the agent for property owner Marilyn Smith and business owner Ben Smith. A&E Emergency Services is a privately owned and operated ambulance service. The plan presented is for the creation of an ambulance service center on Old Mill Road. The back or north side of the property is abutted by the Cowan Highway (U.S. 41A). At this time there is no plan for an ingress/egress point onto that road. The zoning is C-2, Commercial Highway Service District. The site will include a 5,040 square feet building that will contain an ambulance garage, offices, food prep and dining area, bath and sleeping rooms. Initially there will be ten employees to man the operation around the clock. The plan calls for eighteen (18) parking spaces with two of those designated as handicap spaces. No formal landscaping is proposed other than the grading necessary to build the building and parking area. Utilities are available to the site.

- 1) Provide an erosion control plan. Show a disturbance line and label the total acreage disturbed. If the amount of disturbance is more than one acre, a storm water pollution prevention plan (SWPPP) will need to be in place prior to start of grading.
- 2) Proposed contours, spot elevations, and the finished floor elevation need to be shown with existing features/contours shaded.
- 3) Any proposed on-site detention needs to be shown to balance pre & post runoff for up to the 25-year event. Provide calculations to substantiate the plan.

During the discussion session, Mayor Harrell emphasized the need for the operators of the ambulances to not activate a siren while travelling on Old Mill Road due to the family residences along that travel way. Mr. Ben Smith concurred stating that sirens would not be used until the ambulances reached U.S. 41A highway.

Dr. Richard Bagby made a motion to grant conditional approval subject to the completion of the comments listed. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Site Plan Review: New 6,400 Square Feet Hangar Facility – Winchester Municipal Airport Authority - 420 Aviation Drive – Parcel 066 031.01

Zach Colescott, manager with the Winchester Municipal Airport Authority is seeking approval to locate a new 6,400 square foot hangar at the Winchester Municipal Airport. The hangar will primarily be utilized to house the corporate aircraft of local industries Hi-Tech Mold & Engineering Inc. and Baxter Enterprises. The aircraft is not permanently stationed in Winchester, thus the hangar will be vacant at times. Under an agreement reached between the local manufacturers and the airport, the space will be available for rent to other transient aircraft during time when the factory plane is not scheduled for a stay at the Winchester Airport. The hangar is to be located between an existing corporate hangar and the new T-hangars that are currently under construction. The only utilities the hangar requires is electricity, which is readily available. This site plan is restricted to well within the airport boundary and will have no effect on any surrounding properties. It has been determined that current storm water infrastructure is capable of handling any additional runoff that may result with the placement of this building. No formal drainage study is required at this time, other things like refuse disposal, outside storage areas are already in place. This site plan is part of a larger set of drawings, some of which address things we normally include on a site plan. A review of the drawings resulted in the following comments.

- 1) Note the zoning classification on the site plan. The correct zoning for the Winchester Municipal Airport lands is I-2, General Industrial District.
- 2) Add a notation indicating the dimensional regulations for I-2 Zoning. This should include the following information.
 - a. Minimum Lot Size: None Established
 - b. Minimum Yard Requirements:
 - i. Front Setback = 45 feet
 - ii. Side Setback = 20 feet
 - iii. Rear Setback = 20 feet

Mayor Terry Harrell made a motion to approve the site plan review subject to the notations that were made. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

Recommendation to the Franklin County Regional Planning Commission Regarding Proposed Change to the Zoning Resolution of Franklin County, Tennessee.

Franklin County Planning Director & Building Commissioner Mark Dudley has presented a proposed change to the Zoning Resolution of Franklin County, Tennessee seeking a recommendation for or against the proposal. The proposed changes are listed in red. The reason for seeking the recommendation is because Winchester's urban growth boundary rests within the County jurisdiction. Therefore, it is possible that a decision made by the county now will affect the city in the future, should the city annex a portion or all of the urban growth area. The section of the Franklin County Zoning Resolution that will be affected by this change is regarding plot

plan requirements. This alteration is to clarify and streamline the process for plot plan submittals as well as specify situations for which additional administrative fees may be in order.

Warren Christiansen made a motion to approve the recommendation to the proposed resolution to Franklin County, Tennessee as presented. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Franklin County Planning and Zoning Department

January 5, 2016

Winchester Municipal/Regional Planning Commission
113 1st Ave. N.W
Winchester TN, 37398

RE: Amendment to the Franklin County Zoning Resolution

Pursuant to TCA 13-7-102 and 13-7-105, the Franklin County Planning and Zoning Department is submitting the attached amendment for review and approval by the Municipal/Regional Planning Commission at the next meeting. The Franklin County Regional Planning Commission has reviewed the amendment and is recommending approval.

Please forward a letter documenting the action of the Municipal/Regional Planning Commission

to:

Mark H. Dudley
Planning Director/Building Commissioner
No. 1 South Jefferson St. Bsmt. Rm. 5
Winchester, TN 37398

Thank you for your cooperative efforts. If further is required, please contact me at the address and phone number below.

Sincerely,

Mark H. Dudley
Planning Director/Building Commissioner



Winchester Municipal-Regional Planning Commission
123 First Avenue N. W.
Winchester, TN 37398
Office (931) 962-8973
Fax (931) 968-6156

May 27, 2015

Mark H. Dudley
Planning Director/Building Commissioner
1 South Jefferson Street, Basement Room 5
Winchester, TN 37398

Dear Mr. Dudley,

Please consider this correspondence in reply your May 6, 2015 letter directed to the attention of the Winchester Municipal/Regional Planning Commission regarding amendment to the Franklin County Zoning Resolution. The proposed amendment was presented to the Winchester Municipal/Regional Planning Commission at its regularly scheduled meeting conducted on May 11, 2015. The commission voted to provide a recommendation of approval regarding the proposed change to the resolution.

Sincerely,

Patrick L. Sanders
Community Development & Codes Director
City of Winchester, Tennessee

Application for Rezoning: Request to Rezone Property at 101 South Shepard Street from C-2 to C-2A – Bell Hill Properties, Representative Brant McGill - Property Map Parcel 075C B 012.01

Brant McGill, resubmitted an application for Bell Hill Properties to have the corner lot and building located at the intersection of 1ST Avenue Southwest and South Shepard Street rezoned from C-2 to C-2A. McGill previously approached the planning commission about this issue in January 2015. The reason for seeking the rezoning is to find a zoning classification that is compatible with allowing the location of cargo type storage canisters to be utilized for commercial rental storage units.

During the January session, a point was made about the use being similar to mini-warehousing units and thus the need for rezoning from C-2 to C-2A, to even be considered feasible. Further discussion ensued regarding the classification of the proposed cargo storage units as temporary, while traditional mini-warehouses qualify as permanent structure. This resulted in a provision of Ordinance 952 being brought to light. That particular section states “a portable storage unit shall

be an accessory use and used *only for the storage of material commonly incidental to the commercial use*".

There was also some discussion regarding the possibility of making the cargo canisters a rental commodity itself. Under that proposal, the unit could not be used for commercial storage at the South Shepard Street site. Instead, it would become a unit that could be rented or purchased to be moved to a location other than the 101 South Shepard Street address. No formal action was taken at the January meeting.

McGill is once again approaching with a slightly different scenario. He proposes to attach the cargo units to the ground by anchoring to pier pads. His reasoning is that this affixture to the ground makes the structure non-portable, thus making them subject to the same regulations as a traditional mini-warehouse.

Dr. Richard Bagby made a motion to recommend rezoning both parcels from C2 to C2A. Philosophically he agrees with the recommendation of Mr. Sanders. Kay Caldwell seconded the motion. Mayor Terry Harrell, Councilman Wayne Hart and Chairman Donnie Worley opposed the motion. Warren Christiansen also voted in favor of the said motion. Split recommendation from the planning commission. The motion will be sent before the Winchester Council for a final decision.

Status Update

1. Change to Zoning Ordinance, Definitions of the word "Structure" and "Building Setback Line" as well as a revision to text of Article 3.101.

Ordinance 979 was presented for first reading at the May 12, 2015 City Council meeting. It passed by a margin of four for, zero against, with one absent.

Warren Christiansen made a motion to adjourn the meeting at 7:01 p.m. Kay Caldwell seconded the motion. All members voted in favor of said motion.

SIGNATURE

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION
123 First Avenue N. W.
Winchester, TN 37398

Minutes

June 15, 2015
5:30 p.m.

Members Present

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

Others

Tom Steele
Carlos Erazo
Lisa Clark
Bruce Spencer
Pat Sanders
Fidel Jacobo Ramirez
Tom Ore
Anibal Majua
Joel Mejra

The regular June meeting was called to order at 5:35 p.m. by Warren Christiansen.

The minutes from the May 18, 2015 were read. Dr. Richard Bagby made a motion to accept the minutes with the additions noted. Kay Caldwell seconded the motion. All members voted in favor of said motion.

**** Addition – Comments listed for Item #1 should read**

Pending the following corrections made to the plat, approval was given by the planning commission.

- 1) A formal title should be applied to the minor division plat. The title typically includes the name of the street of development, the name of the property owner or both.
- 2) The zoning on the plat indicates the properties are zoned R2. Please correct to state the proper zoning designation of C2.
- 3) The setbacks listed are incorrect for the C2 zoning designation. The property setbacks should read as follows
Front = 35 feet
Side = 0 feet
Rear = 15 feet

- 4) Utilities are available to the tracts. This includes electricity, water, sewage, and natural gas. Please indicate these lines and label sizes and types accordingly.
- 5) FEMA Flood statement needs to be revised to include the appropriate flood map number (47051C0151E) and date (August 4, 2008).
- 6) The certificate for recording should be amended to state the minor division complies with the "Subdivision Regulations for the City of Winchester" as opposed to the "Subdivision Regulations of Franklin County Tennessee".
- 7) Add to the label of U.S. Highway 41-A to reflect the local designation of "Tullahoma Hwy." This designation may be placed in parenthesis beside are below the Highway 41-A label.

Item #2 Mayor Harrell made motion to grant provisional approval of the request subject to an easement granting tracts 2 & 3 to the city of Winchester and the positive location of the manhole and sewer line on Agate Street.

Page 4 A&E emergency services approval of any roadway cut needs approval from Johnny Woodall Franklin County road superintendent.

Item 5 Letter sent by Franklin County Mark Dudley to be included in the minutes.

Page 6 Dr. Richard Bagby being a motion to recommend rezoning both parcels from C2 to C2A. Philosophically, he agrees with the recommendation of Mr. Sanders. Kay Caldwell seconded the motion.

Also list Dr. Bagby present at the meeting.

NEW BUSINESS

Minor Division of Property: The Steele Property – Tims Ford Shoreline Near Overlook Court – Thomas Ore Land Surveying & Engineering Services - Property Map 065G B 002.00

Tom Ore of Thomas Ore Land Surveying & Engineering Services presented a minor division plat on behalf of property owner Thomas Steele. A portion (3.04 acres) of this property was granted conditional minor division approval by the Winchester Municipal-Regional Planning Commission on October 21, 2013. All conditions of that approval were fulfilled and the division was finalized. Mr. Steele purchased the property from the State of Tennessee in March 2015. Upon doing so, he combined that deed along with adjacent property he owns, into a single parcel. The parcel as it is now configured has street access from North Jefferson Street, 13TH Avenue NW, and 14TH Avenue NW. Steele is now seeking approval to subdivide a reported 1.056 acre portion from that parcel. The area of division is at the extreme northwestern most portion of the parcel and is bordered to the north by Tims Ford Lake and to the south/southwest by five (5) parcels, all belonging to members of the Davis family. Note five (5) on the plat indicates the ownership of the five parcels. Off those parcels, four of the five are residentially developed. The following comments remain outstanding,

1) Indicate the right-of-way width for Overlook Court and the cul-de-sac.
Those widths are fifty (50) and one hundred (100) feet respectively.

2) Include a vicinity map for the plat.

During the discussion session Mr. Sanders pointed out that the zoning ordinance of the City of Winchester prohibits the creation of non-conforming non-buildable lots.

Councilman Wayne Hart made a motion to approve the minor division of property subject to completion of comments 1 & 2 and an option to combine by revision of subdivision the minor division property to one or more existing parcels of property owned by the Davis family to be resolved by Mr. Ore, Mr. Sanders and Mr. Davis or a representative. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Status Update

1. **Change to Zoning Ordinance, Definitions of the word “Structure” and “Building Setback Line” as well as a revision to text of Article 3.101.**

Ordinance 979 was accidentally omitted from the June 2015 Winchester City Council agenda. It has been placed on the July agenda for second reading.

2. **Conditional Approval - Minor Division of Property: Doan/Richardson Vacant Parcels Tullahoma Highway (US 41-A) – Lynn Richardson -Property Map 045 Parcel(s) 037.03 and 037.04**

The plat was returned to surveyor Chris Bateman for revision. Bateman has submitted a revised copy for appropriate signatures.

3. **Pending Appeal - Application for Rezoning: Request to Rezone Property at 101 South Shepard Street from C-2 to C-2A – Bell Hill Properties, Representative Brant McGill - Property Map Parcel 075C B 012.01**

Applicant McGill has decided not to proceed further with the rezoning request.

4. **Conditional Approval - Site Plan Review: New 6,400 Square Feet Hangar Facility – Winchester Municipal Airport Authority - 420 Aviation Drive – Parcel 066 031.01**

An amended site plan stating the proper zoning classification and setback requirements was submitted three days after the May meeting. Robertson-Vaughn of Winchester, TN is the contractor on the project. They applied for and have been granted a building permit to proceed with the construction.

5. Conditional Approval - Site Plan Review: A & E Emergency Services Office & Ambulance Service Center, Cowan Highway & Old Mill Road – Johnson & Associates – Parcel 076 003.04

Mayor Terry Harrell made a motion to adjourn the meeting at 6:36p.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

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

Minutes Special Called

**June 22, 2015
5:30 p.m.**

Members Present

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

Others

**Chris Zimmerman
Pat Sanders
Lisa Clark
Bruce Spencer
Beth Rhoton
Tim Solomon
Tom Ore
Scott Carroll
Steve Lindley
Carey Wofford
Gary Greeson
Tim Summers**

The special called June meeting was called to order at 5:30 p.m. by Donnie Worley.

Old Business

Minor Division of Property: The Steele Property – Tims Ford Shoreline Near Overlook Court – Thomas Ore Land Surveying & Engineering Services - Property Map 065G B 002.00

Thomas Ore stated that he presented the options to the client with no action taken at this time. Tabled item until July 20, 2015 meeting.

Warren Christiansen made a motion to table until the next meeting. Kay Caldwell seconded the motion. All members voted in favor of said motion.

New Business

Minor Division of Property: North Alabama Bank/Dinah Shore Boulevard – Dinah Shore Boulevard & Ross Lane - Thomas Ore Land Surveying & Engineering Services – Property Map 065K D 006.00

Tom Ore represented applicant Tim Summers in seeking this minor division proposal. Summers requested to have the building and land addressed as 638 Dinah Shore Boulevard separated from the building and land addressed as 102 Ross Lane. The following is an attempt to rehash the circumstances leading to this minor division request.

August 2003 – A minor division plat seeking to separate the two buildings was prepared by Tom Ore on behalf of Bill Anderton. The plat was presented to, and received approval from the Winchester Planning Commission on August 18, 2003.

September 2003 – According to the tax assessment record, the land was sold as one parcel. Apparently, the minor division was not officially recorded.

September 2006 – The land was sold again as one parcel at a higher value.

May 2009 – Ownership again changes hands and the property appears to have gone into foreclosure. The building and lot along Dinah Shore Boulevard was rented to a local builder and seller of mini-barn type storage buildings. The business stayed at the location for several years but eventually vacated the premises.

June 2015 - The financial institution holding the lien elects to sell the property at public auction. The property is auctioned and sold as one parcel. The buyer only has plans to utilize the Dinah Shore Boulevard parcel, and subsequently finds a party interested in utilizing the other portion of the parcel. Rather than 102 Ross Lane lease the building and grounds, a decision is made to sell that portion to the other party.

This circumstance necessitates another minor division proposal. The minor division is similar to the one presented in 2003. It varies slightly in the acreage allocated to each tract. This difference is attributable to an iron pipe fence type barrier that was put into place sometime after the original survey. The new survey reflects the barrier placement upon the property and lets the barrier serve as the official dividing line. The result is the property along Dinah Shore Boulevard gains 0.03 acre, while the Ross Lane property loses the same amount.

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

Site Plan Review: Med-Trans Erlanger Lifeforce – Winchester Municipal Airport - Med-Trans Air Medical Transport – Property Map 066 031.01

Applicant Med-Trans Air Medical Transport representative Scott Carroll requested approval to locate an Air Ambulance and Medical Emergency Center upon the Winchester Municipal Airport grounds. Med-Trans is an emergency air transportation provider based in Dallas, Texas. Nationwide, the company has more than sixty bases scattered across twenty-one states. They often partner with hospital systems and medical centers to provide efficient means of emergency transportation. Med-Trans has collaborated with Erlanger Health System of Chattanooga to broaden the scope and provide quicker response time to the western area serviced by Erlanger. Although affiliated with Erlanger, Med-Trans will not be limited to serving only that provider system. They will be able to provide service to other medical markets, including Nashville, TN and Huntsville, AL.

Med-Trans requested leased space on the northwestern side of the Winchester Municipal Airport to locate their operation. The proposal will require the construction of a helipad pad, and a support building capable of providing hanger and maintenance space as well as an office support building. The proposed location will require the extension of key infrastructure to this section of the airport. This includes a service road, potable water, sanitary sewage, electricity, natural gas, and communication lines capable of providing high-speed internet capability. In recent days representatives of the Winchester Municipal Airport Authority, Winchester Utilities, the City of Winchester, and the Winchester City Council have met with support staff of both the Erlanger Health System and Med-Trans in an effort to make this plan feasible.

- 1) Indicate and label a proposed water supply line. Staff feels the best alternative to reaching the site is to tap an existing 16" water main running parallel to Veterans Memorial Drive (Hwy 64) along the western right-of-way and extending a new eight-inch line to site. This will require boring under the four-lane highway to get the utilities to the site.
- 2) Indicate & label a proposed natural gas supply line. Staff feels the best alternative to reaching the site is to tap an existing gas main running parallel to Veterans Memorial Drive (Hwy 64) along the western right-of-way and extending a new two-inch line to site. This will also require boring under the four-lane highway to get the utilities to the site.
- 3) Indicate & label a proposed sanitary sewage line. This line will need to be a pressurized force service line extending from the current termination point near the Airport Terminal Building, an extension of almost three-thousand (3,000) lineal feet. This will likely require the installation of two booster (grinder) pumps.
- 4) Indicate & label a proposed overhead electrical supply line. The line will need to be extended from the current termination point near the weather indication station. The line extension will cover approximately 1,600 feet & will likely need four new poles.

- 5) Contours need to be reflected upon the finalized plan prior to unconditional approval. This information will be provided to the city's consultant engineering representative to determine if a formal drainage plan is in order.
- 6) Include the stamp & seal of surveyor, engineer, or design professional responsible for the plan.
- 7) Include the signature of the surveyor, engineer, or design professional responsible for the plan.

Mayor Terry Harrell made a motion for conditional approval to the site plan with items being addressed satisfactory. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

Kay Caldwell made a motion to adjourn the meeting at 6:06 p.m. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Wayne R. Christensen

SIGNATURE

21 January 2016

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

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

Minutes

**July 20, 2015
5:30 p.m.**

Members Present

**Mayor Terry Harrell
Councilman Wayne Hart
Kay Caldwell
Warren Christiansen
Donnie Worley
Richard Bagby**

Others

**Jarrold Sides
Pat Sanders
Lisa Clark
Bruce Spencer
Beth Rhoton**

The regular July meeting was called to order at 5:30 p.m. by Donnie Worley.

The minutes from the June 15, 2015 were discussed. Secretary Warren Christiansen asked that the City's response letter to Mark Dudley be included in the minutes. ** Addition to Steele property – Note 4 of the plat has not been fulfilled. "During the discussion Mr. Sanders pointed out that the zoning ordinance of the city of Winchester prohibits the creation of non-buildable, non-conforming lots." Mayor Terry Harrell made a motion to accept the minutes with the additions noted. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

The minutes from the June 22, 2015 special called meeting were discussed. Secretary Warren Christiansen asked that comment items 1, 2, 3, 4, 16, 18 & 19 from the Med-Trans be added to the minutes. Councilman Wayne Hart makes a motion to approve additional comments. Kay Caldwell seconded motion. All members voted in favor of said motion.

New Business

Minor Division of Property: Smith/Old Mill Road – Cowan Highway & Old Mill Road – Johnson and Associates, Registered Land Surveyors - Property Map 076 003.04

Jarrold Sides of Johnson and Associates Registered Land Surveyors represented landowner Marilyn Smith in a presentation of a proposed minor division of a 2.13 acre tract. The property is bordered to the north by the Cowan Highway (US 41A/64) and to the south by Old Mill Road. On May 18, 2015, the Winchester Planning Commission conditionally approved a site plan to locate A & E Emergency Services Office & Ambulance Service Center upon this parcel. That area is depicted upon Tract 1 of the plat. All pending items of that conditional site approval, including a drainage study, have been received and approved. The ingress and egress traffic

associated with the Ambulance Service Center is limited to Old Mill Road. This minor division seeks to create a separate buildable lot that will exclusively utilize the Cowan Highway as an access point. An analysis of the submittal resulted in the following comments.

- 1) The surveyor's signature is required.

Mayor Terry Harrell made a motion to approve based on the surveyor's signature being added to the minor division. Councilman Wayne Hart seconded the motion. All members voted in favor.

Status Update

1. **Change to Zoning Ordinance, Definitions of the word "Structure" and "Building Setback Line" as well as a revision to text of Article 3.101.**

Ordinance 979 was presented before the Winchester City Council for second reading on July 14, 2015. All voting members supported the proposal.

2. **Conditional Approval - Minor Division of Property: Vacant Lots at ends of North Porter Street & Agate Street Thomas Ore Land Surveying & Engineering Services – Parcels 065K A 011.00 (Cheshire) & 065K A 012.00 (Ewell & Prince)**

No update to report.

3. **Minor Division of Property: The Steele Property – Tims Ford Shoreline Abutting Davis Overlook Court Property – Thomas Ore Land Surveying & Engineering Services - Property Map 065G B 002.00**

The prospective buyer was to be granted the opportunity to decide which plan of subdivision revision he preferred. The item was placed on the June 22, 2015 Special Called Meeting agenda as an old business item. This meeting was to occur two days prior to the reported transaction closing date. Neither of the parties attended that meeting. To date, no amended plat has been presented to the Codes and Community Development Department.

Mayor Terry Harrell made a motion to adjourn the meeting at 6:03 p.m. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

Walter R. Christensen
SIGNATURE

21 January 2016
DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

123 First Avenue N. W.

Winchester, TN 37398

Minutes

August 17, 2015

5:30 p.m.

Members Present

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

Others

**Joey Hargis
Pat Sanders
Lisa Clark
Bruce Spencer**

Members Absent

Kay Caldwell

The regular August meeting was called to order at 5:30 p.m. by Donnie Worley.

The minutes for the Winchester Municipal-Regional Planning Commission meeting of July 20, 2015 were presented for approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Councilman Wayne Hart seconded the motion. All members present voted in favor of said motion.

New Business

Minor Division of Property (Planning Region): Myers Tower Subdivision, Potential Cell Tower Site – Riva Lake Road – SMW Engineering Group, Inc. - Property Map 055 060.23

SMV Engineering Group, on behalf of Tower Engineering Professionals, submitted a minor division plat for approval which will establish a new buildable 2.67 acre tract along Riva Lake Road. The layout has adequate street frontage along Riva Lake Road, with a narrow strip projecting easterly before eventually projecting wider into a circular pattern. The acreage is to be obtained from a 10.43 tract owned by Jeffery D. Goodwin. Goodwin resides on the remaining acreage at 400 Riva Lake Rd. The Goodwin property is partially located within the city limits of Winchester with the remainder being in the county, but within the established Winchester Planning Region. The Winchester city boundary runs parallel to the right of way associated with Riva Lake Road and projects inward (easterly) for approximately three hundred (300) linear feet. This means that about one third of the Goodwin parcel is within the city limits, while the remainder is considered in the county. The portion that is within the city limits is zoned R1. Upon completion of the minor division, the parcel will not qualify as a buildable lot. However,

with the eventual widening that occurs within the county area, it does qualify as a buildable county lot. Because the buildable area is in the county and within the Winchester urban growth boundary, the plat is to be scrutinized as having to meet the subdivision regulations of the City of Winchester and the zoning requirements of Franklin County. Joey Hargis with Baker & Donelson, representing Verizon Wireless, discussed the need for the addition of the tower. The planned tower is to be 150 feet high, with a twenty-five year lease, and a removal clause if abandoned. Upon completion it would help offload the current overload of the three existing towers and allows for two additional co-locators on property with a self-supporting mono pole system. The following comments remain outstanding;

- 1) The Winchester city limit boundary extends in a north to south direction across the width of the property. This line is approximately 325 feet east of the centerline of Riva Lake Road. This line must be indicated on the plat.
- 2) The plat is to reflect the Franklin County Tennessee zoning classification and setback standards for the buildable area of this tract. The zoning classification is Agricultural (A). The minimum setback requirements are:
 - i. Front = 40 feet
 - ii. Side = 25 feet
 - iii. Rear = 40 feet
- 3) Indicate approximate location and size for all utilities in the immediate area. Water, sewage, electricity and natural gas are all available along Riva Lake Road.
- 4) The parent lot (Lot 1) has an existing single family dwelling located upon it. Indicate location of dwelling and any associated accessory structures.
- 5) Add notation stating that no new roadways are required as a result of this minor division and that any streets, drive or lanes are not to be dedicated to either the City of Winchester or Franklin County, Tennessee.
- 6) Modify signature block for recording to include a signature block for the planning staff advisor and modify text to conform to standardized certification block as follows.
- 7) **CERTIFICATE OF APPROVAL FOR RECORDING**
I hereby certify that the "Minor Division of Property" shown hereon has been found to comply with the subdivision regulations for the City of Winchester, Tennessee, as noted in the minutes of the Winchester Municipal/Regional Planning Commission and that it has been approved for recording as a deed attachment in the office of the Franklin County, Tennessee Register.

Authorized Planning Staff Member

Date

Planning Commission Secretary

Date

8) Surveyor needs to stamp and seal the plat.

9) Surveyor needs to sign the plat.

Mayor Terry Harrell made a motion to approve based on the items noted and being addressed. Warren Christiansen seconded the motion. All members voted in favor.

Status Update

1. **Change to Zoning Ordinance, Definitions of the word "Structure" and "Building Setback Line" as well as a revision to text of Article 3.101.**

Passed on third and final reading on August 12, 2015. Change will be incorporated into the Zoning Ordinance Text.

2. **Conditional Approval - Minor Division of Property: Vacant Lots at ends of North Porter Street & Agate Street Thomas Ore Land Surveying & Engineering Services – Parcels 065K A 011.00 (Cheshire) & 065K A 012.00 (Ewell & Prince)**

No new developments to report.

3. **Minor Division of Property: The Steele Property – Tims Ford Shoreline Abutting Davis Overlook Court Property – Thomas Ore Land Surveying & Engineering Services - Property Map 065G B 002.00**

No new developments to report.

Note: Outgoing Councilman Wayne Hart was recognized for his dedication and service to our community through his work with the planning commission. Thank you.

Adjourn

Mayor Terry Harrell made a motion to adjourn the meeting at 6:29 p.m. Councilman Wayne Hart seconded the motion. All members voted in favor of said motion.

Warren R. Christiansen

SIGNATURE

21 January 2016

DATE

September 2015

Winchester Municipal Planning Commission did not convene during this month

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION
123 First Avenue N. W.
Winchester, TN 37398

Minutes

October 19, 2015
5:30 p.m.

Members Present

Mayor Terry Harrell
Councilman Bruce Spencer
Richard Bagby
Warren Christiansen
Kay Caldwell
Donnie Worley

Others

Chuck Marsh
Pat Sanders
Lisa Clark
Beth Rhoton
Kurt Johnson
Eric Trussell

The regular October meeting was called to order at 5:30 p.m. by Donnie Worley.

The minutes for the Winchester Municipal-Regional Planning Commission meeting of August 17, 2015 were presented for approval. The following changes

****Members Absent Kay Caldwell**

****Corrections to the Cell Tower Site – “The planned tower is to be 150 feet high, with a twenty-five year lease, and a removal clause if abandoned. Upon completion it would help offload the current overload of the three existing towers and allows for two additional co-locators on property with a self-supporting mono pole system.”**

**** Note:** Outgoing Councilman Wayne Hart was recognized for his dedication and service to our community through his work with the planning commission. Thank you.

Mayor Terry Harrell made the motion to approve the minutes with changes noted. Warren Christiansen seconded the motion. All members present voted in favor of said motion.

Mayor Terry Harrell introduced Councilman Bruce Spencer as a new member to the Winchester Municipal-Regional Planning Commission. Welcome.

New Business

Minor Division of Property: Eric Trussell (S&T Parts Inc.) – Minor Division of Property
820 Dinah Shore Boulevard – Johnson and Associates - Property Map 026 065L D 008.00

Kurt Johnson with Johnson & Associates, Registered Land Surveyors presented a minor division for the property located at 820 Dinah Shore Boulevard current owner is S&T Parts Inc. This

division would create a new irregularly shaped 0.21-acre buildable tract, identified as Tract 1 on the plat, to the west/southwest of the building bearing the address stated above. This leaves the parent tract (Tract 2, on the plat) with 0.30 acres. Ingress/Egress for the tract will be from Dinah Shore Boulevard. Access would be available from the rear as there is a recorded thirty feet wide ingress/egress easement associated with the property to the west. The neighboring property borders Ruby Street and is owned by S&T Parts Inc., as well. Utilities are available and all properties reflected on this plat are zoned C2, Commercial Highway Service District.

Mayor Terry Harrell made a motion to approve minor division. Kay Caldwell seconded the motion. All members voted in favor.

Preliminary/Final Subdivision Plat: Charles Marsh – Re-subdivision of Lots 17, 20, 21 & 22 Farm View Estates (Phase II) – Johnson and Associates – Property Map, Parcels 026 054L B 011.00, 026 054L B 010.00 & 026 054L B 009.00.

Kurt Johnson with Johnson & Associates, Registered Land Surveyors, represented property owner Charles Marsh with this preliminary/final minor subdivision presentation. Mr. Marsh is the owner of three parcels of undeveloped property adjacent to the cul-de-sac on the south end of Farm View Circle. Farm View Circle is located off Utility Road on the northwest side of Winchester and zoned R-2. In March 2007, Marsh approached the Winchester Municipal Planning Commission and received minor division approval to subdivide two lots on the south and southeast end of the cul-de-sac into three lots. At that time, Marsh owned only two of the three lots. That approval was not recorded and therefore never became official. Marsh has purchased the remaining lot making him the owner of all the vacant property located at the end of the cul-de-sac. The minor subdivision proposal presented would amend the original subdivision layout by re-subdividing the three official parcels into five buildable tracts. Each of the lots meet the minimum R-2 standard for street frontage (25') and lot area required for duplex development (8,000 sf). Because the frontage is so narrow and irregularly shaped, the typical R2 front setback of thirty (30) feet has been pushed back to one hundred (100) feet to assure that the minimum width at building setback requirement of seventy-five (75) is adhered. Water, sewage, and electricity are the available utilities. Elk River Public Utility District has said it does not have gas lines in the area. No new roads or infrastructure is needed for the proposed development. Upon staff review of the plat, the following comments were formulated. The minor subdivision will change the easement areas so lots will be buildable lots and that the building official will need to ensure that drainage is channeled to not impede upon the adjacent properties once all lots are developed.

Warren Christiansen moves that approval be granted for the preliminary/final subdivision plat as presented. Mayor Terry Harrell seconded the motion. All members voted in favor.

Mayor Terry Harrell made a motion to adjourn the meeting at 6:15 p.m. Councilman Bruce Spencer 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

November 16, 2015
5:30 p.m.

Members Present

Mayor Terry Harrell
Councilman Bruce Spencer
Richard Bagby
Warren Christiansen
Donnie Worley

Others

Beth Rhoton
Pat Sanders
Lisa Clark
John Ingle

Members Absent

Kay Caldwell

The regular November meeting was called to order at 5:30 p.m. by Donnie Worley.

The minutes for the Winchester Municipal-Regional Planning Commission meeting of October 19, 2015 were presented for approval. Mayor Terry Harrell made the motion to approve the minutes with corrections noted as presented. Councilman Bruce Spencer seconded the motion. All members present voted in favor of said motion.

Corrections: Bottom of Item 2 add **public after Elk River**

Correct **members present to include Donnie Worley**

New Business

Calendar Review: Proposed Winchester Municipal/Regional Planning Commission
Calendar for 2016:

The calendar for 2016 was presented.

Warren Christiansen made a motion to approve the calendar as presented. Councilman Bruce Spencer seconded the motion. All members present voted in favor of said motion.

Planning Commission Package Delivery Preference – Electronic or Paper Format

Pat Sanders asked the commission based on cost savings to consider the electronic format for future correspondence. Mayor Terry Harrell, Councilman Bruce Spencer, Warren Christiansen, and Donnie Worley prefer paper. Dr. Richard Bagby prefers electronic and Kay Caldwell was

unavailable for comment. Councilman Bruce Spencer suggested the staff might want to consider a cost analysis study for paper v. electronic format for future use. A vote was not taken as each member decided individual preference.

Rezoning Request: Rezone Property of 1000 Old Cowan Road from R-2 to C-2 per Request of Property Owner – John Ingle – Parcel 026 065M J 013.00

Property owner John Ingle requested a favorable rezoning recommendation from the Winchester Planning Commission to the Winchester City Council. Ingle sought to have the parcel located at 1000 Old Cowan Road rezoned from its current R-2 classification to a commercial designation. The parcel located at the intersection of Wilson Street and Old Cowan Road, is bordered to the south and east by an R-3A zoning district and to the north and west by more R-2 zoned properties. This rezoning request comes after the field discovery of a full-blown commercial business operating as USA Marine; a boat sales and repair shop. Mr. Ingle has contested that his property is zoned commercial because he pays commercial rates on land tax and utilities. Property tax classification, utility use categorization, and zoning are independent of each other. Zoning refers to a planned acceptable use upon a section of land while property taxation and utility categorization are typically based on the current or last known use of the property on that land. Since zoning is a newer concept, there have been exception for non-conforming uses that were in existence at the time of the adoption of a zoning ordinance and plan. Those non-conforming uses are generally considered “grandfathered” exceptions that are allowed to continue until that use is abandoned. If that use is not resumed within a specified period, the “grandfather” exclusion is lifted and any reoccupation of that property must conform to the provisions of the zoning designation. That is the situation at 1000 Old Cowan Road as it was occupied by South Central Bell in 1980 while the surrounding parcels were zoned R-2, “medium-density residential”. Sometime in the mid-to-late 1990’s South Central Bell abandoned the building and the grandfathered entitlement should have dissolved. However, another commercial building occupied the space by a commercial plumbing business; again a non-conforming use, that apparently operated without further inquiry from the City of Winchester. Mr. Ingle then purchased the building after the plumbing business left and continued the non-conforming use by utilizing a portion of the property for storage of equipment and materials associated with his construction company. It is also reported that the building and another portion of the property was leased to a HVAC company. This is documented in the October 20, 2008 minutes of the Winchester Planning Commission. At that particular meeting, Ingle was seeking rezoning from R-2 to C-3 so he could rent the building to a barbershop that had already assumed occupancy. The commission decided not to recommend rezoning of the property, but opted instead to defer the matter to the Winchester Board of Zoning Appeals by allowing Ingle to request a non-conforming use continuation under the provisions of Article VI, Section 6.020 of the City of Winchester Zoning Ordinance. The Board of Zoning Appeals did allow the barbershop to occupy the building as a non-conforming use. For the record, that business (Pastime Barber Shop) left this building and relocated to its current location at 301 South College Street as far back as 2012.

Warren Christiansen made a motion to deny request of rezoning from R-2 to C-2. There was no second motion. Motion does not carry.

Mayor Terry Harrell made a motion to deny the request to rezone but forward the item to the Board of Zoning Appeals at the December 2015 meeting and to give the public an opportunity to comment. Councilman Bruce Spencer seconded the motion. Dr. Richard Bagby recused himself from the vote. All members present voted in favor of said motion.

Mayor Terry Harrell made a motion to adjourn the meeting at 6:29 p.m. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Warren R. Christensen

SIGNATURE

21 January 2016

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION
123 First Avenue N. W.
Winchester, TN 37398

Minutes

December 21, 2015
5:30 p.m.

Members Present

Mayor Terry Harrell
Councilman Bruce Spencer
Kay Caldwell
Warren Christiansen
Donnie Worley

Members Absent

Dr. Richard Bagby

Others

Beth Rhoton
Pat Sanders
Lisa Clark
John Ingle
Cody Bishop
Jim Curty
Michele Emerson
Andy Patel
Kenny Run
Deep Patel
Roger Caldwell
Cole Flores
Sarah Blackburn
Tracy Lunsford

The regular December meeting was called to order at 5:30 p.m. by Donnie Worley.

The minutes for the Winchester Municipal-Regional Planning Commission meeting of November 16, 2015 were presented for approval. Mayor Terry Harrell made the motion to approve the minutes as presented. Councilman Bruce Spencer seconded the motion. All members present voted in favor of said motion.

New Business

Site & Drainage Plan Review: Patel Convenience Store – Vacant Property on 1st AVE NW/David Crockett Highway - St. John Engineering, LLC – Parcel 026 075B B 019.00

Michele Emerson with St. John Engineering and prospective business owner Alkesh (Andy) Patel requested approval to construct a new convenience store, including petroleum-based fuel sales upon a 2.02 acre vacant lot located between what is currently The Idle Hour Tavern and the entrance to the IMI Cement Company. The plan calls for a 3,150 square feet single story building accompanied by a four-station, multi pump gas fueling center. The gasoline storage vessel is to be an above ground dual storage wall tank. The gasoline storage tank is to be enclosed within an eight hundred square feet open top enclosure located to the rear (northwest) corner of the developed area. There is a 1,500 gallon grease trap included on the plan since food

is to be prepared on site. All anticipated utilities are to be located underground. The proposed development is in the immediate vicinity of an area that previously was a point of heavy storm water accumulation during periods of extended rain. Just over a decade ago, the City of Winchester initiated and implemented an extensive project that corrected the drainage problem. For that reason, special attention is being directed at the storm water drainage plan and calculations. The plan calls for two drainage accumulation basins located on opposite sides of the property, each being just off the prospective paved area.

SHEET C1.1:

- 1) The site plan does not include perimeter distance and bearing reference data.
- 2) Note the total area that is to be covered by buildings, pavement, concrete or any other impervious surface. Ms. Emerson stated 0.78 acres.
- 3) Will an elevated canopy cover the fuel dispensing area? If so, please include the dimensions and height to the canopy.
- 4) Adjacent property owner data is barely legible. Please darken text to make this information readable. Indicate the zoning of the adjacent properties. The zoning of the properties to the east and west is C-2. The property to the north is C-2A.
- 5) The inclusion of the contour and erosion control lines make it more difficult to read the site plan. Please remove this layer from sheet C1.1, limiting it to sheet C2.1.
- 6) The site plan states that thirteen (13) parking spaces are required and that fifteen (15) parking spaces are being provided. The requirement of 13 spaces is in accordance with the Winchester Zoning Ordinance. However, rather than the stated 15 spaces, the plan indicates twenty-six (26) spaces. The stated and the indicated spaces should equal. Per Ms. Emerson 19 or 20 parking spaces with one (1) handicap one are planned. Parking spaces are to be ten (10) feet by twenty (20) feet.
- 7) If the twenty-six parking space alternative is selected, another handicap-parking space will be required to conform to the 2010 ADA handicap-parking standard.
- 8) Staff has concerns about the parking spaces shown directly in front of the above ground fuel tank enclosure location. It would appear that any vehicles parked in this area will impede a tanker truck from being able to dispense fuel into the tank. Unless there is another refueling process that will not require the tanker to locate in front of the tank enclosure, staff would prefer the parking spaces be eliminated and the area reserved for refueling only.
- 9) Will this store have a drive-thru service window? If so, the approximate location of the proposed drive-thru should be indicated. Additionally, the path off vehicular traffic should be labeled on the indicated paved area. Finally, if this is a drive around area, Comment 6 becomes even more relevant.
- 10) No signage is indicated on the site plan. Will there be an elevated or freestanding sign? If so, the proposed location and height needs to be reflected on the plan.
- 11) Proof of Tennessee Department of Transportation (TDOT) driveway access (curb cut) permits shall be a requirement prior to issuance of a building permit.
- 12) The southwestern most traffic ingress/egress point appears to be at odds with a utility pole. Please verify the pole location and modify the ingress/egress ramp or propose to relocate the pole. Per Ms. Emerson, the utility pole is to be relocated.

- 13) The sanitary sewage service line is indicated in a position that passes very near to a fuel dispensing station. This is not a good idea due to the potentially negative effect a break of either line would have upon the other. Additionally, repair of the broken line would be significantly complicated, especially from an environmental standpoint. Per Ms. Emerson sewer line to be relocated.
- 14) An easement is not shown for the sewer line running parallel to 1ST Avenue NW. If such an easement exists, it should be shown and labeled. If there is not an existing easement, pending the potential development of this site, Winchester Utilities will require a twenty foot utility easement be dedicated for this line.
- 15) The site plan does not reflect all the existing public infrastructure components including striping, curbing, and sidewalk. These items should be indicated on the plan.

SHEET C2.1

- 16) The area of disturbance is noted as being 1.55 acres. Therefore, a state issued NPDES construction permit is required. Provide the City of Winchester with a copy of the Notice of Coverage prior to starting any excavation work. The city may also require a grading permit.
- 17) Staff feels the existing storm drainage infrastructure implemented by the project noted in the narrative is not significantly reflected on this plan. The number, sizes, and location of those pipes should clearly be indicated on this plan. Most of the pipe along 1ST Avenue Northwest is dual 48" reinforced concrete piping (RCP).
- 18) The staff engineer advised there is a storm drain box where the existing dual 48" pipes make a ninety (90) degree northwestward turn, running parallel to the IMI driveway, which is not reflected on the plan. The storm box needs to be indicated on the plan as well.
- 19) The staff engineer questions what is to be done with the storm water accumulation within the fuel storage tank containment wall. Because of contamination potential, this water should not be allowed to drain outward, discharging across the ground. Prior to issuance of a building permit, it is recommended that a plan dealing with this issue be presented for review. Mr. Patel indicated he will comply with EPA needs.
- 20) The staff engineer states that the ground at the curb cuts should be contoured to ensure that runoff flows adequately into the pond areas. Ms. Emerson agreed to show.
- 21) The staff engineer requests that proposed ground elevations be shown to ensure compliance with ADA's slope requirements. Agreed to by Ms. Emerson.
- 22) The staff engineer requests that riprap or equivalent protection be reflected to minimize the effects of scour around the curb cuts. The area of most concern is the cut that is within a few feet of the outlet headwall on the eastern pond outlet.
- 23) The staff engineer questions the pond outlets labeling of the pond outlets. The outlets are listed as being 6" RCP piping. The engineer is not aware of a manufacturer that produces such a product. Could be 4 inch or 8 inch depending upon calculations per Ms. Emerson.

DRAINAGE CALCULATIONS:

- 24) The staff engineer requests that St. John Engineering provide a drainage delineation map showing the drainage areas going to the ponds and offsite. This should include the time of concentration flow paths.
- 25) The staff engineer requires verification of the time of concentration for the pre-existing conditions. A 5-minute time of concentration appears to be low for the site. Adjust the rainfall intensity accordingly. Ms. Emerson will review.
- 26) The staff engineer requests that the Manning's n-value for the pond outlet pipes be revised. The 0.013 value indicated is for RCP, and again 6" RCP is probably not available. (Same as number 23)

Mayor Terry Harrell motioned to conditionally approve the final site plan subject to the satisfactory resolution of all exceptions or comments. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Approval of Training Videos & Discussion As 4 Hour Continuing Education Credit.

Mayor Terry Harrell makes a motion to approve the training provided for 2015. Kay Caldwell seconded the motion. Certificates will be issued at the January meeting. All members voted in favor of said motion.

Status Update

Winchester Planning Commission & Board of Zoning Appeals Calendar 2016 will be published in the Herald Chronicle during the first full week of January.

Councilman Bruce Spencer made a motion to adjourn the meeting at 6:10 p.m. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Warren R. Christiansen

SIGNATURE

5 May 2017

DATE