

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

123 First Avenue N. W.

Winchester, TN 37398

Minutes

January 25, 2016

5:30 p.m.

Members Present

**Dr. Richard Bagby
Councilman Bruce Spencer
Kay Caldwell
Warren Christiansen
Donnie Worley**

Others

**Tina Sanders
Pat Sanders
Lisa Clark
Michael Rudder**

Members Absent

Mayor Terry Harrell

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

The minutes for the Winchester Municipal-Regional Planning Commission meeting of December 21, 2015 were presented for approval. Councilman Bruce Spencer made the motion to approve the minutes as presented. Kay Caldwell seconded the motion. All members present voted in favor of said motion.

New Business

Rezoning Request: Rezone Rear Portion of Parcel to C-2 From R-2 - Vacant 1.7-Acre Tract in 900 Block of South College Street - Michael T. Rudder – Parcel 026 075D D 001.12.

Property owner Michael Rudder requested a favorable rezoning recommendation for the rear portion of the undeveloped parcel he owns along South College Street. He asked to have the entire parcel consolidated into a single zoning category as opposed to the current dual classification (C-2/R-2). The southern or frontage portion of the parcel is zoned C-2, while the northern or rear is zoned R-2. The area of the C-2 classification is approximately one half acre, while the R-2 acreage totals about 1.2 acres. Rudder also owns the adjacent developed property to the east. The address of that property is 1009 South College Street. For many years, R&W Apparel operated out of the building on the parcel to the east. In 2012, Mr. Rudder converted the western portion of the building to a climate controlled "Inside Storage" business. To comply

with zoning regulations, the property needed to be rezoned to C-2A to accommodate the commercial warehouse storage use. Rudder appeared before the Planning Commission and received a positive recommendation to rezone the entire parcel (026 075D F 031.00) to the single zoning classification of C-2A from the split zoning of C-2/R-2. The rezoning was accomplished under Winchester City Ordinance 948. Rudder is now in a similar scenario with the undeveloped parcel. It appears that both instances of the split zoning can likely be attributed to the method by which zoning was originally adopted. From all indications, portions of the area adopted as C-2 Commercial Highway Service District were done by establishing a line at specified distance off the centerline of the major arterial highways serving the city. The result is that the zoning classification does not always adhere to the defined property boundaries. Other factors such as subsequent subdivisions, either minor or major, may also have contributed to the divided zoning among parcels throughout the city.

Kay Caldwell made a motion to recommend as justification to the Winchester City Council that this parcel be rezoned from R-2 to C-2. Richard Bagby seconded the motion. All members voted in favor of said motion.

Site Review For Mobile Food Vendor: 1615 Dinah Shore Boulevard – Jim Sanders BBQ – Parcel 026 065D C 002.05

Applicant Tina Sanders approached the City of Winchester in order to locate and operate a mobile food vending business specializing in prepared barbeque cuisine upon the property of 1615 Dinah Shore Boulevard. One permanent commercial building and several semi-permanent or relocatable structures including a small metal building and a couple of aluminum carports characterize this site. The permanent building is home to the Donut Palace. During discussion it was mentioned that much of this parcel lies within a Federal Emergency Management Agency (FEMA) AE designated flood zone.

It is the policy of the City of Winchester 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 stores with delis, shortly after this type of vendor first appeared in Winchester several years prior. The city has not adopted a formal zoning standard restricting the mobile vendor to any specific district. Instead, the 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 broad definition of each of the zoning classifications, it is staff's opinion that the Zoning Ordinance dictates that such business should not be allowed in the following:

- 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 as a special exception. However, the zoning text is specific that the food must be consumed on the premises and within the principal 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 have been within either a C-1 (outside the DO) or C-2 zoning district. It should also be noted that all such approvals have been under the condition that no setup shall be upon any public right-of-way, be that state, county or city. In essence, 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. The following comments need to be addressed in regards to locating the mobile BBQ business at the requested location.

- 1) Written approval of property owner and if different, primary business operator.
- 2) In that approval, business/property owner should acknowledge permission for mobile vendor patrons to use the sanitary facilities (restrooms) within the primary building on the property. Otherwise, mobile vendor must provide a “porta-john” for its patrons.
- 3) Waste containers shall be placed within twenty-five (25) feet of the mobile vending station during hours of operation. These containers should be cleared or removed at the conclusion of each business shift.
- 4) Any permanent signs shall be limited to placement upon the mobile food vehicle only. A small temporary sign not exceeding five (5) square feet may be placed on the parcel provided it is within private property boundary. No signage shall be placed in city or state right-of-way. Sign shall be removed upon conclusion of daily business activity.
- 5) Potable water supply shall be the responsibility of the vendor. No water tap to Winchester Utility System line shall be allowed without the inclusion of an

approved water backflow preventer. Mrs. Sanders stated this mobile food unit was equipped with a 32 gallon potable water supply system.

- 6) Dirty water shall not be deposited into the Winchester Utility System sewage system. Dirty water shall not be dumped on the grounds of the parcel or into adjacent water stream (Wagner Creek). Mrs. Sanders stated this mobile food unit was equipped with a 50 gallon gray water tank.
- 7) Patrons must utilize existing parking spaces upon the parcel. All parking must be done in an orderly manner to minimize potential for vehicular accidents.
- 8) Business license must bear the address of the parcel upon which the business is conducted. Mrs. Sanders stated their business license address is 1615 Dinah Shore Boulevard, Winchester with sales taxes assigned to Winchester.
- 9) Due to the flood zone designation, staffs recommends the proprietor cease operation and remove the vending station from the premises during periods in which the National Weather Service has issued a flood warning for Franklin County Tennessee.

Mr. Sanders recommends that attention be given to the itemized comments 1-7, and recommends approval of allowing the requesting party to operate at the requested location. Note that any subsequent change of location will require a separate planning commission approval. It is staff's understanding that item 8 has already been accomplished. Item 9 is to make the applicant aware of the flooding potential and should be considered a recommendation rather than a mandate.

Councilman Bruce Spencer made a motion to approve the mobile food vendor subject to satisfying all comments listed, permitting vendor set-up in a C-2 zoning and the primary location to be at 1615 Decherd Blvd and a possible secondary location at the Franklin County Farmers Market. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Discussion Topic

Guidelines for Regulation of Mobile Food Vendors

Discussion of Mobile Food Vendors is to be continued.

Old Business

Distribution of Certificates of Training Certification for 2015

Status Update

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.

All revisions have been made to the Site Plan. The engineers have been engaged in deliberations pertaining to the drainage plan and calculations. Final revisions to those plans have been agreed upon and are being made.

Winchester Municipal/Regional Planning Region & Board of Zoning Appeals 2016 Calendar was published in the January 8, 2016 edition of the Herald Chronicle.

Ingle Property – 1000 Old Cowan Road- in the process of being vacated with 19 February 2016 the deadline for completion.

Adjourn

Kay Caldwell made a motion to adjourn the meeting at 6:31 p.m. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

W. R. Christensen

SIGNATURE

5 May 2017

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

123 First Avenue N. W.

Winchester, TN 37398

Minutes

February 22, 2016

5:30 p.m.

Members Present

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

Others

**Ken Howell
Pat Sanders
Lisa Clark
Jeff Kinney
Kurt Johnson
Michele Emerson
Beth Rhoton
Roger Caldwell
Dr. Bryan Myers**

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

The minutes for the Winchester Municipal-Regional Planning Commission meeting of January 25, 2016 were presented for approval. Mayor Terry Harrell made the motion to approve the minutes with noted corrections. * Insert recommendation of Mr. Pat Sanders.

Kay Caldwell seconded the motion. All members present voted in favor of said motion.

New Business

Site Plan Review: Construct Parking Lot Accessed Via Memorial Drive; in Support of Medical Office Building Located At 161 Shirley Drive - Dr. Bryan Myers – Parcel 026 076H A 001.07

Kurt Johnson with Johnson & Associates presented a site plan review for Dr. Bryan Myers who owns two medically zoned parcels with each of the parcels having street frontage along Shirley and Memorial Drives. One of the parcels (026 076H A 001.06) is developed, while the other (026 076H A 001.07) is not. The developed parcel is home to Premier Women's Health Center, an OBGYN facility located at the intersection of Shirley and Memorial Drives. This developed parcel is bordered on the north and east sides by the undeveloped L-shaped parcel. Dr. Myers requested permission to proceed with the construction of a twenty-one (21) space bituminous parking lot that would be approximately 110 feet long by 64 feet wide on the Memorial Drive side of the L-shaped lot. This portion of the parcel is elevated above and separated from the clinic by a small berm. This elevation difference will require a stepped walkway be put into

place to navigate between the two. Immediate vehicular ingress/egress will be onto Memorial Drive, while an additional point will be constructed at the opposite end of the lot.

Mayor Terry Harrell made a motion to recommend to approve the site plan subject to the following comments being addressed.

- 1) The plat shows ingress/egress being from Shirley Drive. This should be Memorial Drive.
- 2) A vicinity map is needed on the site plan.
- 3) The surveyor should stamp and seal the plan.
- 4) Surveyor should sign the plan.

Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Mayor Terry Harrell makes a motion to adjourn the meeting at 5:41 p.m. Kay Caldwell seconded the motion. Winchester Board of Zoning Appeals meeting was called to order at 5:42 p.m. Donnie Worley reconvened the Winchester Municipal-Regional Planning Commission meeting at 6:39 p.m.

Rezoning Request: Rezone Property 1.62 Acres Identified As 1260 Lynchburg Road From R-1 to R-3A Pending Approval of BOZA Amendment of Twin Creeks Planned Development Phase I Boundary – Twin Creeks Properties, LLC - Parcel 026 065 007.01

Mr. Pat Sanders discussed that since this is a Planned Unit Development, and that Phase Amendment 2 was heard by the Board of Zoning Appeals, there needs to be a formal declaration of zoning. With the inclusion of this territory purchased by Twin Creeks Properties, LLC and the plans to utilize it as a development amenity, it is necessary that that zoning be consistent with the broader development. This requires changing the zoning from R-1 to R-3A.

Kay Caldwell made a motion to recommend to the City Council of the City of Winchester that this parcel be rezoned from R-1 to R-3A as discussed. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Rezoning Request: Rezone Property Immediately Adjacent North Side of Lynchburg Road And Near Twin Creeks Planned Unit Development Entrance, From R3-A to C-2, - Twins Creeks Properties, LLC – Portion of Parcels 026 065I C 030.00 and 026 065I 009.06

Twin Creeks Properties, LLC requested a second favorable rezoning recommendation regarding the portion of the land removed under Amendment 2 of the Twin Creeks Phase I Planned Unit Development as well as another portion of undeveloped land owned by the LLC. The desired rezoning is to move the areas from R-3A to C-2. This request is in anticipation that additional commercial activity will evolve as the Twin Creeks Marina becomes a reality and the Twin Creeks Planned Unit Development begins to grow. The desire is to keep the PUD as residential as possible, thus the anticipated commercial development will be separate from the PUD. There are existing C-2 zones in the area. One of those is the marina property. Additionally, a

significant portion of the Hawkersmith parcel (026 065 008.00) located directly across Lynchburg Road is zoned C-2. Thus, this proposal has merit in that it is not spot zoning.

Mayor Terry Harrell made a motion to recommend rezoning from R-3A to C-2 to the Winchester City Council as requested and discussed. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Status Update

Ordinance 980 – Rezone Vacant Rudder Property Along South College Street, Parcel 026 075D D 001.12, From Multi-zoned C-2/R-2 To C-2 Entirely

Ordinance 980 was prepared and has been presented to the City Council twice. It has passed unanimously on each reading. A public hearing and third reading is scheduled for March 8, 2016.

Adjourn

Mayor Terry Harrell made a motion to adjourn the meeting at 6:53 p.m. Councilman Bruce Spencer 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

March 21, 2016
5:30 p.m.

Members Present

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

Others

Pat Sanders
Suzette Hunt
Mike Hunt
Lisa Clark
Ken Howell
James Milles
Kurt Johnson
Michele Emerson
Roger Caldwell
Davis Schultz
Beth Rhoton

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

The minutes from the February 22, 2016 were read.

****Statement that Dr. Myers parking lot would be paved.**

Mayor Terry Harrell made a motion to accept the minutes as presented with the addition noted. Kay Caldwell seconded the motion. All members voted in favor of said motion.

NEW BUSINESS

Minor Division of Property – Subdivide Section of Property at 721 Country Estates Drive into Two Tracts - Mark Shasteen – Johnson and Associates – Parent Parcel 026 055A C 070.00

Kurt Johnson with Johnson and Associates, Registered Land Surveyors presented a minor division plat on behalf of Mr. Mark Shasteen. Mr. Shasteen owns a parcel on Country Estates Drive that has a single-family dwelling and a detached garage built upon it. The total area of the parcel is approximately 1.54 acres. This parcel consists of what were originally lots 70 and 71 of the Murray Lake Subdivision they have been combined into a single tax parcel. The house and garage will stay with the proposed larger parcel, that being .92 acres. The remaining .62 acres is vacant and can be considered a buildable lot. The proposed smaller parcel is abutted to the north by what is on paper, a fifty (50) feet right-of-way reserved to connect Country Estates Drive to Royal Oak Drive. Royal Oak Drive is a county road serving the Forest Lake Subdivision, which is not in the Winchester corporate limits. Country Estates Drive is a city street serving Murray Estates, which is within the Winchester corporate limits. Limited research could find no

indication of where this portion of Royal Oak Drive has been abandoned or deeded to another and there are no known plans to connect the roads. This section of Royal Oak Drive is considered a road right-of-way and the side corner setback of thirty-five (35) feet is required.

- 1) Indicate the name of the property owners and proper deed reference for properties to the south and west of the Shasteen property.
- 2) Add to Setback Requirements Note 3, "Corner Side = 35 Feet".

Dr. Richard Bagby made a motion to approve the minor division based on the comments being completed. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Minor Division of Property - Subdivide 3.25 Acres From Approximate 13.0 Acre Tract – The Argie Allen Vanzant Revocable Living Trust – Johnson & Associates - Parent Parcel 026 075F G 001.00

Kurt Johnson with Johnson and Associates, Registered Land Surveyors presented a minor division plat on behalf of "The Argie Allen Vanzant Revocable Living Trust." The parent tract is approximately thirteen (13) acres in area and was used only for agricultural purposes in recent years. The division will section off approximately 3.25 acres. It has appropriate street frontage to the east along South Jefferson Street. The remaining acreage to the west is accessible via South Shepherd Street.

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

Site Review For Mobile Food Vendor – 590 Baxter Lane (TEPRO Property) - Mike and Suzette Hunt – Parcel 066 035.11

Mike and Suzette Hunt requested permission to locate a mobile food business upon the grounds of the TEPRO property located at 590 Baxter Lane. The TEPRO property is zoned I-2, General Industrial District. Within the I-2 zoned districts, restaurants, cafeterias, and food consummation establishments are allowed as a special exception. The zoning text is specific that the food must be consumed on the premises and within the principle structure upon the parcel. The planning commission used the same criteria when reviewing these types of vendor application. Mr. Sanders recommends that we maintain a consistent criteria when reviewing the applicants. Using this procedure, the planning commission is unable to make a decision on this matter and it needs to be presented to the Winchester Board of Zoning and Appeals. Only the Board of Zoning Appeals has that authority.

Warren Christiansen made a motion to defer to the Winchester Board of Zoning Appeals as this is outside the scope of the planning commission's authority to grant approval. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Status Update

1. **Rezoning Request** - Vacant Rudder Property along South College Street, Parcel 026 075D D 001.12, From Multi-zoned C-2/R-2 to C-2 Entirely.
A public hearing regarding **Ordinance 980** was conducted on March 8, 2016. No public opinion was expressed in favor of, or against the ordinance. Ordinance 980 later passed without opposition on third and final reading.
2. **Site Plan Review** - Construct Parking Lot Accessed Via Memorial Drive; in Support of Medical Office Building Located At 161 Shirley Drive - Dr. Bryan Myers – Parcel 026 076H A 001.07
A revised site plan with all the requested amendments was presented to the Community Development and Codes Department. Site plan should be considered approved and the matter closed.
3. **Rezoning Request:** Rezone Property 1.62 Acres Identified As 1260 Lynchburg Road From R-1 to R-3A Pending Approval of BOZA Amendment of Twin Creeks Planned Development Phase I Boundary – Twin Creeks Properties, LLC - Parcel 026 065 007.01
Ordinance 983 passed on first reading at the regular Winchester City Council meeting on March 8, 2016. It passed second reading at a special called meeting on March 15, 2016. It will be ready for public hearing and third reading on April 12, 2016.
4. **Rezoning Request:** Rezone Property Immediately Adjacent North Side of Lynchburg Road And Near Twin Creeks Planned Unit Development Entrance, From R3-A to C-2, - Twins Creeks Properties, LLC – Portion of Parcels 026 065I C 030.00 and 026 065I 009.06
Ordinance 984 passed on first reading at the regular Winchester City Council meeting on March 8, 2016. It passed second reading at a special called meeting on March 15, 2016. It will be ready for public hearing and third reading on April 12, 2016.
5. **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
After having appeared to have been finalized upon TDEC recommendation of western most drive cut called for the relocation of an existing power pole, it was discovered that the pole relocation was not practically possible due to implications caused to other sections of the grid. The plan was adjusted again, moving the drive eastward. This resulted in concerns regarding site navigability for multi-axle vehicles, the proximity of the new curb to WUS manhole access, and crossing of water and sewage lines. It appears that all matters have been addressed with the latest submittal of March 17, 2016.

Adjourn

Councilman Bruce Spencer made a motion to adjourn the meeting at 5:54p.m. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Warren Christensen

SIGNATURE

5 May 2017

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

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

Minutes

**April 18, 2016
5:30 p.m.**

Members Present

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

Others

**Pat Sanders
Lisa Clark
Kurt Johnson
Mike Brown
Roger Caldwell
Beth Rhoton**

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

The minutes from the March 21, 2016 were read.

Page 2 add** Within the I-2 zoned districts, restaurants, cafeterias, and food consummation establishments are allowed as a special exception. The zoning text is specific that the food must be consumed on the premises and within the principle structure upon the parcel.

Mayor Terry Harrell made a motion to accept the minutes as presented with the addition noted by Warren Christiansen. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

New Business

Minor Division of Property – Planning Region/Urban Growth Boundary – Transfer 0.01 Acre of Private Property to Franklin County Highway Department – Heirs of James E. Robertson – Johnson and Associates - Parcel 026 055P E 004.02

Johnson and Associates, Registered Land Surveyors presented a minor division plat on behalf of the heirs of James (Bloooper) Robertson. The property located outside the Winchester corporate limit boundary, but is within the established planning region and urban growth boundary. Therefore, the Winchester Municipal Regional Planning Commission is reviewing the plat to assure compliance with the subdivision regulation of the city of Winchester. The Robertson property is located at the end of Silver Fox Road. Silver Fox Road is property of the Franklin County Highway Department. It can best be described as being a narrow gravel base lane that begins at the end of Van Haas Lane. Van Haas Lane is a paved city street intersecting Highway 130 (Old Tullahoma Road) to the opposite side of Riva Lake Road. Van Haas extends southward for approximately nine hundred (900) feet before the pavement ends. At that point, it becomes Silver Fox Road, extending southward for another 600+ feet before vegetation is encountered and the road ends. The road appears to actually bend leftward and extend to the

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

Minutes
Special Called

May 4, 2016
4:00 p.m.

Members Present

Mayor Terry Harrell
Bruce Spencer
Kay Caldwell
Warren Christiansen

Others

Pat Sanders
Lisa Clark
Vernon Miller
Gary Greeson

Members Absent

Donnie Worley
Dr. Richard Bagby

The special called May meeting was called to order at 4:04 p.m. by Warren Christiansen.

NEW BUSINESS

Rezoning Request - Rezone Cherokee Estates Subdivision from R-1 to R-2S – Vernon Miller – Parcels 026 055G E 001.00 through 026 055G E 075.00

Cherokee Estates is a seventy-five (75) lot subdivision consisting of 31.98 acres, located along Cherokee Lane. The Cherokee Estates Subdivision received annexation authorization and preliminary approval on October 16, 2006. The property was officially annexed by Winchester City Ordinance 867 on December 12, 2006 and was subsequently zoned R-1 by Winchester City Ordinance 873 on April 10, 2007. A conditional final plat approval was granted on June 18, 2007. The conditions of approval were made to the plat with it being made official on August 14, 2007. In 2012, Vernon Miller purchased several lots with the option to buy additional lots at the end of a twelve-month period. Mr. Miller exercised that option and became the primary landholder in the development currently owning 41.3% of the lots, and the Prince family retaining 37.7% of the lots. The remaining ownership remains scattered among fifteen (15) owners, with none of those owning more than two (2) lots, or 2.67%. In the meeting discussion, Mr. Miller stated he owns 28 lots in total; six (6) of the existing homes are his rental properties; he is responsible for the hay production and understands this is not possible under the R-2S zoning classification.

Mr. Miller approached the Winchester Codes Department to ask for some relief on the setbacks specified within the R-1 classification. Due to the small lot size and the fact that certain lots

have retained moisture it is difficult to meet the current setbacks and be able to build a residence of substantial size upon desirable ground. For the record, those setbacks are:

Front = 35 feet
Sides = 10 feet
Corner/Side = 35 feet
Rear = 25 feet

Mr. Miller was informed that setback relief can only be granted by variance. In considering a variance request, it would need to be on a case-by-case basis, with each case having a viable reason why setbacks cannot be met. Further discussion ensued about zoning classifications, setbacks, permitted uses, etc. Mr. Miller expressed interest in the R-2S classification due to it restricting use type to single family dwelling, while at the same time granting setback relief. The setbacks associated with the R-2S classification are:

Front = 30 feet
Sides = 10 feet
Corner/Side = 30 feet
Rear = 15 feet

Mayor Terry Harrell made a motion to recommend approval of the requested zoning change from R-1 to R-2s as discussed subject to submitting the approval document from the majority of the current resident homeowners approving the change. The document needs to be provided to either Pat Sanders or Lisa Clark. Councilman Bruce Spencer seconded the motion. Kay Caldwell voted in favor of said motion. Warren Christiansen opposed the motion. Voting results 3-1 in favor of said motion.

Old Business

Site & Drainage Plan Review: Patel Convenience Store – Vacant Property on 1st AVE NW/David Crockett Highway - St. John Engineering, LLC – Parcel 026 075B B019.00

St. John Engineering has produced a deed that allows for an easement across the property and the use of the private drive leading from the IMI concrete plant to David Crockett Highway (HWY 64). To accomplish this, the curb along the rear western side of the proposed paved area needs to be cut. This would affect the drainage as was originally designed and approved. Staff wants to know if the Planning Commission prefers this be brought back at the regularly scheduled meeting of May 16 or whether this is an issue that is to be handled by staff without further approval. It was concluded that this issue be handled by staff.

Adjourn

Kay Caldwell made a motion to adjourn the meeting at 5:10p.m. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Warren Christiansen

SIGNATURE

5 May 2017

DATE

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

Minutes

May 16, 2016
5:30 p.m.

Members Present

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

Members Absent

Dr. Richard Bagby

Others

Pat Sanders
Kurt Johnson
Lisa Clark
Roger Caldwell
Marilou Hogan
Jerry Conroy
Beth Rhoton
Faye Ralston

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 April 18, 2016 regular meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Warren Christiansen made the motion to approve the minutes. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

The minutes for the May 4, 2016 special called meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Warren Christiansen asked that the following changes be added to the minutes

An additional paragraph stating ** In the meeting discussion, Mr. Miller stated that he owns twenty-eight lots in total; six (6) of the existing homes are his rental properties; he is responsible for the hay production and understands this is not permissible under the R-2S zoning classification.

Under old business **It was concluded that this issue be handled by staff.

Kay Caldwell made the motion to approve the minutes. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

NEW BUSINESS

Preliminary Final Subdivision Plat Review – Lakeshore Subdivision – Property Owner
Rebecca J. Smith – Applicant - Presenting Agent Johnson & Associates – Property Map
Parcel 026 065K F 003.00

Kurt Johnson with Johnson & Associates presented a preliminary/final subdivision plat on behalf of property owner Rebecca J. Smith. The Lakeshore Subdivision plat initially came before the Winchester Municipal-Regional Planning Commission as a preliminary/final plat on February 23, 2015. The Lakeshore plat called for the creation of seven buildable lots near an undeveloped area along the Boiling Fork Creek inlet of Tim's Ford Lake. Six of those seven lots would have lake access. The plat could not be approved as presented, primarily because three of the lots did not have immediate access to sanitary sewage services. There were eleven other comments or areas of concern also identified at that time. The consensus of that meeting was a recommendation that the plan be reworked and resubmitted once those areas of concern were addressed.

Since that time, a two-inch (2") force-flow sewage line has been installed along the southern right-of-way of Brandi Way. That line will provide lots 5, 6, and 7 sewage capability by utilizing grinder pumps to pump the waste north/northwestward to a gravity flow sewage line within Winchester Village. A significant portion of the wooded area along Brandi Way has been cleared and the century old dwelling at 107 Sharp Springs Road has been demolished and hauled away. Winchester Village residents Marilou Hogan, Jerry Conroy and Faye Ralston voiced concerns over the new development and discussion ensued. Clarification was needed in regards to the current homeowner's covenants and sewage line. While this committee does not have authorization to enforce covenants established as a homeowners association, it was recommended they work with the new group of owners to establish similar guidelines to maintain the integrity of the current subdivision.

Mayor Terry Harrell made a motion to approve the preliminary/final plat as presented and discussed. Councilman Bruce Spencer seconded the motion. Kay Caldwell abstained from the vote. All members voted in favor of the motion.

STATUS UPDATE

Patel Convenience Store - David Crockett Highway

St. John Engineering has produced new drainage criteria to account for the added heavy vehicle driveway extension from the approved site to the private drive leading from Highway 64 to the IMI concrete plant. The west side detention pond has been redesigned to compensate for the driveway extension. Updated drainage calculations were submitted as well.

Minor Division of Property – Subdivide Section of Property at 721 Country Estates Drive into Two Tracts - Mark Shasteen – Johnson and Associates – Parent Parcel 026 055A C 070.00

Community Development records indicate the minor division has not been sign off on by the Community Development Coordinator or the Planning Commission Secretary. At the last meeting Kurt Johnson indicated that Mark Shasteen has all the copies of the plat. He has yet to bring them forward for proper signatures.

Rezoning Request - Rezone Cherokee Estates Subdivision From R-1 to R-2S – Vernon Miller – Parcels 026 055G E 001.00 through 026 055G E 075.00

Rezoning Ordinance 988 was prepared immediately after the special called planning commission meeting of May 4, 2016. One of the conditions of that rezoning recommendation was that the primary landowner Vernon Miller provides affidavits reflecting that the majority of existing homeowners within the subdivision have no objection to the rezoning of the subdivision. On May 10, 2016, Mr. Miller produced affidavits confirming rezoning approval from seventy-five percent (75%) of the homeowners. Ordinance 988 was presented for first reading at the City Council meeting of May 10, 2016. Upon a roll call vote, it passed unanimously.

TRAINING

Video: Land Use Planning - Tall Timbers Research Station, Tallahassee Florida:

<https://www.youtube.com/watch?v=9ciWVNLyYoI>

Video: Comprehensive Land Use Plan, Buncombe County, North Carolina:

<https://www.youtube.com/watch?v=dHvFp0mH9es>

Mayor Terry Harrell made a motion to adjourn the meeting at 6:17 p.m. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Warren Christensen

SIGNATURE

5 May 2017

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

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

Minutes Special Called

**May 31, 2016
4:00 p.m.**

Members Present

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

Others

**Pat Sanders
Lisa Clark
Mike Stubblefield**

Members Absent

Dr. Richard Bagby

The special called May meeting was called to order at 4:00 p.m. by Donnie Worley.

Minutes were postponed until next regular meeting.

New Business

Minor Division of Property Request (Planning Region) – Subdivide 2.11 Acre Tract Off Highway 130 (Old Tullahoma Highway) Into Two Tracts – Morris & Estes - Parcels 026 054 117.00 and 026 054 117.01

Real Estate Agent Michael Stubblefield acted on behalf of Jerry W. Morris and William E. Estes to correctly settle a real estate transaction concerning the two. In May 2007, surveyor Thomas M. Ore prepared a prospective minor division for then property owners William F. Morris and wife Joyce A. Morris. According to Ore, the owner chose not to have the surveyor represent him in presenting this minor division to the Winchester Municipal/Regional Planning Commission. Morris failed to present the matter himself, resulting in the minor division having never been presented to, or approved by the planning commission. The minor division plat would divide a 2.11 acre parcel into two tracts. Since these lots are less than five (5) acres, no legal division of property can occur without the approval of the planning commission. The larger tract that extends westward and abuts State Highway 130 consists of 1.39 acres, while the rear (east) tract consists of 0.72 acres. The smaller tract would not have road frontage, but instead would be allowed road access via a thirty (30) ingress/egress easement extending across the larger tract. The back parcel is accessible by utilizing Estes Lane which is a private road. On February 19, 2015 William Morris sold the 1.39 acre tract to his brother Jerry Morris; then sold the remaining 0.72 acre portion to William Estes. Estes owns adjoining acreage to the south and west of the acreage purchased from Morris. It has now come to light that the transactions cannot be considered valid until the Winchester Municipal Regional Planning Commission has approved the minor division. It

is worth mentioning that much of the rear (0.72) acre tract is not suitable for building purposes due to a combination of setback requirements coupled with a forty (40) feet wide utility easement for overhead electric lines that extends across the tract. Mr. Estes has drawn up an affidavit stating that he does not have intentions of building upon the 0.72 acre parcel. In that affidavit, he states that he intends to combine the acreage with his adjoining property.

Councilman Bruce Spencer made a motion to approve the minor division as presented and discussed. Kay Caldwell seconded the motion. All members voted in favor of the motion

Mayor Terry Harrell made a motion to adjourn the meeting at 4:20p.m. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Warren Christensen

SIGNATURE

5 May 2017

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

123 First Avenue N. W.

Winchester, TN 37398

Minutes

June 20, 2016

5:30 p.m.

Members Present

**Mayor Terry Harrell
Bruce Spencer
Kay Caldwell
Warren Christiansen
Donnie Worley
Dr. Richard Bagby**

Others

**Pat Sanders
Lisa Clark
Mike Roggli
T. Simmons
Philip Lorenz III
Roger Caldwell
Dean Oliver**

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

The minutes from the May 16, 2016 regular meeting were read. Warren Christiansen made a motion to approve the minutes. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

The minutes from the May 31, 2016 special called meeting were read. Councilman Bruce Spencer made a motion to approve the minutes. Katy Caldwell seconded the motion. All members voted in favor of said motion.

New Business

Site Plan Review – Winchester Christian Academy Expansion – Addition of Modular Classroom Building(s) – Winchester Church of Christ – Oliver Little & Gibson Engineering, Inc. – Property Map Parcel 026 076A F 003.00

The Winchester Christian Academy requested planning commission approval to proceed with expansion of the academy to offer educational levels up through the eighth grade. The expansion is to occur in three phases, with a new grade being offered with each phase. The plan is to add one new modular classroom assembly with each phase until the objective is achieved. The modular units are to be permanent facilities that will be approximately 1,820 square feet. The first unit to be located is to be a slightly larger 2,730 square feet unit. This unit includes the 1,820 square feet of classroom as well as a common facility area (restrooms, etc.) that will eventually be utilized by each of the three grades. This three-phase plan is to also include the extension of an existing drive along the east side of the academy further eastward to a circular turnaround area and a proposed twenty-one space parking lot.

- 1) The title of the plan states this is an expansion of the fifth (5th) through eighth (8th) grades. The expansion is actually equivalent to a "middle school" addition, which is sixth (6th) through eighth (8th) grades. Please revise the title accordingly.
- 2) The eastern boundary of the Winchester Church of Christ property line should be properly identified and labeled. If available, bearing & distance labels should be included as well.
- 3) Indicate upon the plan the ownership and deed reference of bordering property to the east.
- 4) The parking spaces indicated on the plan are 9 feet wide by 18 feet deep. The Winchester zoning ordinance (Section 4.015) directs that parking spaces designed at a ninety (90) degree pattern shall be a minimum 10 feet wide by 20 feet deep.
- 5) Staff considers the proposed parking lot to be separate from the church and the main building of the academy. The handicap parking dimensions displayed do not meet City of Winchester accessibility criteria. Van accessible parking spaces shall be a minimum 132 inches (11 feet) in width to be in accordance with the adopted by reference standard, ANSI A117-2009. The access isle is indicated as being eight feet wide. That isle is permitted to be as narrow as 60 inches. It is also worth noting that the plan indicates two handicap spaces, one being van accessible with the other being a standard handicap slot. Minimum standard only requires one handicap space; it being van accessible. While the two space proposal is preferred, the single space alternative may grant some flexibility in meeting the 10' x 20' requirement.
- 6) Indicate the radius of the curvature turnaround area (cul-de-sac) area at the end of the service drive along the eastern boundary of the property.
- 7) The underground electric line leading from WUS pole (3992) to the existing small, detached classroom building will need to be relocated prior to the second phase of the planned expansion. The reason for the relocation is to prevent the lines from being covered by modular units 2 and 3. The project plan should be revised to reflect the section that will be removed as well as the future location of rerouted line(s), including meter banks, if applicable.
- 8) The utility poles indicated on the plat as well as the electric lines belong to different utility service providers, those being Winchester Utilities and Duck River Electric Membership Corporation. Please provide additional labeling to indicate which provider each line is associated with.
- 9) The plan indicates a ¾-inch water supply line that currently provides water to the existing detached classrooms (pre-K?) is to remain in place. A separate line is to be installed to the proposed modular unit(s). This is indicated on the plan as being a 1½-inch line. Typically, WUS meters are either one (1) inch or two (inch). Staff's understanding is this is two be a 2-inch instead of a 1½-inch connection. Please indicate the appropriate size on the site plan.
- 10) Label the fenced area to the west of the proposed expansion site, and north of the existing classrooms building, as "existing playground." What, if any, effect will the expansion have upon the future of the playground area? If there are anticipated changes, please indicate those on the plan.
- 11) Include in the "Site Summary" a notation indicating the maximum additional number of students anticipated by this expansion proposal. This should be reflective of the maximum number of students allowed per classroom as dictated by the plans review

conducted by the State Fire Marshal office. Mr. Mike Roggli stated up to 90 students for all three (3) phases.

- 12) The city's consulting engineer (Dempsey Dilling & Associates) has recommended that a drainage study designed to a twenty-five (25) year flood event standard be a condition of approval. This includes supporting calculations. The study should encompass the collective three-year plan, including the three modular units as well as the additional drive, parking lot and circular turnaround.

Discussion included there may arise a time where the State of Tennessee will need to be approached about a turning lane. The school year 2015-2016 finished with 178 student's transportation all provided by private transportation. This has been presented as a three- phased plan to be completed over the course of three (3) years. The Winchester Christian Academy will not need to go before the Planning Commission for each phase only to obtain a building permit for each new modular classroom.

Comments one through eleven are directed at the immediate aspects of the plan while comment 12 is taking into consideration the collective phases. Phase I includes the addition of the 65' x 42' modular unit and only the surface work needed to accommodate the unit. The goal of the academy is to have this unit in place and ready for use by the onset of the 2016-2017 school year. Staff recommends immediate approval of phase I upon satisfactory attention to items 1 through 11. Staff is advising that comment 12 must be addressed before proceeding with the subsequent phases to include the second and third units and the vehicular surface improvements including the parking lot and cul-de-sac turnaround area.

Warren Christiansen made a motion for conditional approval pending attention to comments 1-11 to proceed with phase I and conditional approval upon satisfaction of comment 12 to proceed with phases II & III. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Status Update

Patel Convenience Store - David Crockett Highway

Final approval has been authorized.

Minor Division of Property – Subdivide Section of Property at 721 Country Estates Drive into Two Tracts - Mark Shasteen – Johnson and Associates – Parent Parcel 026 055A C 070.00

Plat has been submitted for signatures.

Rezoning Request - Rezone Cherokee Estates Subdivision from R-1 to R-2S – Vernon Miller – Parcels 026 055G E 001.00 through 026 055G E 075.00

Rezoning Ordinance 988 was presented for second reading at the City Council meeting of June 14, 2016. It passed without opposition. Public hearing and third reading is scheduled for the regular session of the Winchester City Council on July 12 at 5:00 pm.

Training

Discussion: Previously Grandfathered Non-conforming Use Properties Having Lost Grandfather Status & the Current Zoning Map.

Discussion about non-conforming use properties that have lost their grandfather status. Mr. Sanders estimates that there are currently between 10-12 properties that have this current situation.

Adjourn

Mayor Terry Harrell made a motion to adjourn the meeting at 6:31 p.m. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Warren Christensen

SIGNATURE

5 May 2017

DATE

July 2016

**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

August 15, 2016
5:30 p.m.

Members Present

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

Others

Pat Sanders
Lisa Clark
Tom Ore
Kurt Johnson
Ken Howell
Roger Caldwell

The August meeting of the Winchester Municipal- Regional Planning Commission was called to order at 5:31 p.m. by Chairman Donnie Worley.

The minutes from the June 20, 2016 regular meeting were read. Warren Christiansen stated that the maximum number of students in the classroom needed to be added to the minutes as follows, "that Mr. Mike Roggli stated there would be up to 90 students for all three (3) phases." Kay Caldwell made a motion to approve. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

New Business

Minor Division of Property (Planning Region) - Subdivision of Ten Acre Tract, Corner of Georgia Crossing and Arnold Farm Roads – Roddy McCallie Heirs – Thomas Ore Land Surveying and Engineering Services – Property Map Parcel 026 066 023.00

Tom Ore represented the Roddy McCallie Heirs with this minor division. The heirs asked to divide an approximate ten acre parcel into two tracts. The acreage of the tracts according to the proposed subdivision will be 6.0 and 4.05 acres. The smaller of the proposed tracts is less than five (5) acres, the subdivision requires the approval of the regional planning commission. The proposed division boundary is largely reflective of the makeup of the land. The six (6) acre tract is clear and is used for agricultural purposes. The four (4) acre section is heavily vegetative. This acreage is within the Winchester Urban Growth Boundary (UGB), electricity is provided by Duck River Electric Membership Corp. (DREMC) and water is supplied by Decherd Water Works. After review and discussion, the DREMC electric line shown extending across the proposed 4.05 acre tract appears to be a service line that provides current service to the two residences to the south along Arnold Farm Road. The service line was installed as a method of convenience since the ownership of the land was within the same family. Thus, there is no utility easement authorizing the extension of the electric line across the land to the dwellings to the south. Mr. Sanders understanding is the county does not typically require the declaration of such a

formal easement. This is inconsistent with the policies of the city of Winchester, which does require such a formal declaration.

Councilman Bruce Spencer made a motion to approve as presented. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Approve Name of Private Drive at Winchester Christian Academy - Winchester Christian Academy/City of Winchester - Property Map Parcel 026 076A F 003.00

Tabled until next month

Status Update

Site Plan Review – Winchester Christian Academy Expansion – Addition of Modular Classroom Building(s) – Winchester Church of Christ – Oliver Little & Gibson Engineering, Inc. – Property Map Parcel 026 076A F 003.00

Modular classroom has been placed and all utilities connected. The unit passed local and state final inspections on August 8, 2016 and occupancy permission was granted.

Adjourn

Mayor Terry Harrell made a motion to adjourn the meeting at 5:54 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

**September 19, 2016
5:58 p.m.**

Members Present

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

Members Absent

Dr. Richard Bagby

Others

**Pat Sanders
Lisa Clark
Tom Ore
Kurt Johnson
Beth Rhoton
Roger Caldwell
Wayne Morris
Bret Green
Annette Martinez
Larry Grider
Bill Gallagher
Harlow Martinez
Al Tipps
Robert Green
William Anderson**

The September meeting of the Winchester Municipal- Regional Planning Commission was called to order at 5:58 p.m. by Chairman Donnie Worley.

The minutes from the August regular meeting were read. Mayor Terry Harrell made a motion to approve. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Old Business

Name of Private Drive Associated with Winchester Christian Academy Expansion.

Tabled

New Business

Review Proposed Change to the Language of the Franklin County Tennessee Zoning Resolution as Proposed by the Franklin County Planning and Zoning Department.

The Franklin County Planning and Zoning Office has submitted a letter that requested a positive recommendation of the Winchester Municipal/Regional Planning Commission in regard to a proposed amendment to the Franklin County Zoning Resolution. This recommendation is needed because a portion of the territory affected may lie within the City of Winchester Planning Region. This particular

amendment to the Franklin County Zoning Resolution is pertaining to a change of language reflecting the identified floodplain areas in the county and the data or study supporting that assessment.

Mayor Terry Harrell made a motion to recommend. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Minor Division of Property - 514 & 516 North Vine Street – Estate of Robert Louis and A. Dee Green – Thomas Ore Land Surveying and Engineering – Parcel 026 065J F 007.01

Tom Ore presented a plat seeking a minor division of property for two houses located upon the same tax parcel. The residence numbers are 514 and 516 North Vine Street. Each of the homes were reportedly built in the mid 1940's. The residences even share a common driveway. The property was under the common ownership of the Green family for quite some time and because the homes were in place prior to the initiation of land zoning regulations, there was no reason to separate the properties. Upon the passing of the Mr. and Mrs. Green, each of their sons was willed one of the homes. Staff's understanding is the estate is required to be subdivided to ensure each son rightful ownership. Such a minor division will also rectify a zoning nonconformity of having two principle dwellings upon the same parcel. The plat being presented by Mr. Ore sets a pin in the middle of the driveway at the front property line and extends slightly northeastward for approximately 140 feet to the back property line, basically cutting the property into halves. Under the proposed plat, Tract 1 (516 N. Vine) has 0.15 acres while Tract 2 (514 N. Vine) has 0.159 acres. Noteworthy is the 514 residence has a carport which will have an overhang that encroaches two (2) feet into the 516 airspace.

The property is located in a R2 zoning district. The minimum yard area requirement for R-2 zoning in the case of a single-family dwelling is 7,500 square feet. Thus, the creation of two conforming lots will require a minimum of 15,000 square feet. The total acreage of the parcel as it is now is approximately 0.309 acres, or approximately 13,460 square feet. The minor division will create a setback violation in regard to the carport associated with the 514 property. Robert Green will occupy 516 North Vine St. and Brett Green will occupy 514 North Vine St.

Mayor Terry Harrell made a motion to approve the minor division of property as submitted by Thomas Ore, Land Surveying & Engineering Services dated 29 August 2016 subject to the understanding that the carport overhang from the 514 address onto the 516 address parcel. Non-conformity shall exist only as long as Bret Green (514) and Robert Green (516) maintain ownership and occupancy of these properties. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Minor Division of Property (Planning Region) – Old Mill Road – Bill Gallagher – Johnson & Associates – Parcel 026 076 031.00

Johnson and Associates presented a minor division survey on behalf of client Bill Gallagher. The minor division is along the eastern end of Old Mill Road and lies just outside the Winchester corporate limits, but within the city's planning region. The proposal calls for an area of approximately 2.80 acres to be subdivided from a parcel consisting of approximately 87.5 acres. The 2.80-acre tract is of irregular shape, has no available road frontage, and is partially within a type A one hundred year flood hazard, as it is abutted to the south by Boiling Fork Creek. The tract as presented is land locked and is reflected by Note 5 should not be considered a buildable lot. The note also states that the tract is to be combined with the property identified as being that of Maze.

Councilman Bruce Spencer made a motion to approve. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Site Plan Review – Joyce Lane - Franklin County Solid Waste Service Building – Oliver Little and Gipson Engineering – Parcel 026 075 019.02

Oliver Little and Gipson Engineering (OLG) in conjunction with Sadler Consulting Engineers Inc. prepared a site development plan for the addition of a Service Building at the Franklin County Solid Waste Management Department headquarters located off Joyce Lane. The property is zoned C2. The addition is to be considered an auxiliary structure in support of the primary building upon the parcel; therefore, it is permitted to be built on the same parcel as the primary use building. The plan calls for the construction of an 880 square feet (44' x 20') building and the addition of a eighteen feet wide gravel drive leading from Joyce Lane to the building and a rear drive bearing westward to an existing gravel lot behind the Franklin County Solid Waste Management Building. That lot is located on a different tax parcel (026 075 019.03), but is also owned by the government of Franklin County. The area is completely enclosed by a chain link fence with a double gate access point already in place. The site is located next to a family cemetery (Duncan Cemetery), which should remain undisturbed by the proposed project. A review of the plans including site, grading and erosion control plans yielded the following staff comments.

- 1) The parcel to the extreme southeast marked as ownership unknown belongs to Terry Trent and Lisa Annette Smith, Deed Book 355, Page 287. Please adjust site plan C-1 accordingly.
- 2) Add the Deed Book and Page reference to the Duncan Cemetery property. The correct reference is Deed Book 22, Page 519. Please adjust site plan C-1 accordingly.
- 3) Add a vicinity map to the site plan, sheet C-1.

Mayor Terry Harrell made a motion to approve subject to completion of comments 1, 2, and 3. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Rezoning Request – Rezone from C2 to R1 - 1033 South College Street – Randy Crownover – Parcel 026 075D F 018.00

Wayne Morris presented for property owner Randall Crownover who requested the property located at 1033 South College Street be rezoned from its current designation of C2, Commercial Highway Service District to R1, Residential Low Density District. According to his agenda application, Mr. Crownover's request is based on his opinion that he cannot rent the building for to a commercial tenant. He feels that the building stands a better chance of being rented for residential occupancy. Currently the property has been on the market for three months and people are contacting him for a place to live.

Mayor Terry Harrell made a motion to deny the requested as presented on the basis that the parcel in question is part of what is considered a major street according to the city subdivision regulation. The long-range plan for this segment of highway is a commercial corridor leading from one community to another. Warren Christiansen seconded the motion. All members voted in favor of said motion.

Preliminary Plat Review – Magnolia Estates Subdivision, Phase III – Grider Family Partnership – Johnson and Associates – Primary Parcel 026 075G A 002.00

The Grider Family Partnership presented a preliminary plat of Magnolia Estates, Phase III. This preliminary plat was originally presented to the Winchester Planning Commission on February 27, 2006.

It received conditional approval pending the surveyor signing the plat. The minutes from that meeting also detail conditions having to be met prior to the start of any construction activity.

*** Preliminary Subdivision Plat – Magnolia Estates, Phase III – Larry Grider –**

Franklin County Property Tax Map 75-G, Group A, Parcel 2.00 - Larry Grider, representing the Grider Family Partnership (owner/developer) submitted a preliminary plat of Magnolia Estates Subdivision, Phase III for Planning Commission review and approval. Phases I and II have previously received final approval from the Planning Commission and have been recorded in the Franklin County Registrar of Deeds Office. Magnolia Estates, Phase III is located off the Davy Crockett Highway in a R-2 zoning district. The 21.62-acre development has 55-lots and approximately 3,750 linear feet of new streets. Councilman Terry Harrell made the motion to approve the preliminary subdivision plat subject to the following being addressed:

- (1) Have surveyor sign the plat.

Bill Cowan seconded the motion. All members present voted in favor of said motion.

NOTE: PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY ON THE SITE, THE FOLLOWING MUST BE COMPLETED:

- (1) Submittal of a street construction plan that includes cross-section and centerline street profile to the Public Works Director for review and approval. Approval of the plan may be subject to a review by the City's consulting engineer.
- (2) Submittal of a drainage plan to the Public Works Director for review and approval. Approval of the plan may be subject to a review by the City's consulting engineer.
- (3) Submittal of water and sewer construction plans to the Winchester Utility System and the Tennessee Department of Environment and Conservation for review and approval.
- (4) Submit an approved Tennessee Department of Environment and Conservation (TDEC) Notice of Intent coverage permit including the Storm Water Pollution Prevention Plan. This is required by TDEC when a lot is to be developed and sold, when the developed lot is part of a larger development, or the development is larger than one-acre in size.

The water, sewage, electric, and storm piping were installed but the plat was never brought back for final approval. Because the permitted time interval between preliminary approval and final approval expired, the process must begin again. Grider Family Partnership went ahead with the installation of infrastructure after receiving the initial preliminary approval. Water lines, fire hydrants, sewage lines including a pumping station, overhead electric lines, and storm water measures were installed. The roads were not completed. A gravel base was laid, but no binder or asphalt was put down. A preliminary plat approval is valid for 9 months and a final plat must be submitted for review by June 2017. Approval was received from TDOT on January 3, 2007 for an entrance onto US 64.

Mayor Terry Harrell made a motion to approve the preliminary plat as presented and discussed. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Status Update

Property Behind Herald Chronicle Building (Parcel 026 065L D 011.04) [Discussion]

R-2 to C-2A for mini warehouse development. Owner is Johnny Molander from Hixson, TN. Clearing the land and movement of topsoil combined with the recent rains, caused flooding in the adjoining lot. While there is a 4" tile, it is not able to handle the overflow. Residents of Ruby Street are experiencing rising water levels. Mayor Terry Harrell asked Mr. Pat Sanders to research excavation including what other municipalities are requiring.

Adjourn

Mayor Terry Harrell made a motion to adjourn the meeting at 7:13 p.m. Bruce Spencer seconded the motion. All members voted in favor of said motion.

SIGNATURE

DATE

WINCHESTER MUNICIPAL-REGIONAL PLANNING COMMISSION

Minutes

**October 17, 2016
5:30 p.m.**

Members Present

**Dr. Richard Bagby
Bruce Spencer
Kay Caldwell
Warren Christiansen
Donnie Worley**

Others

**Pat Sanders
Lisa Clark
Michele Emerson
Kurt Johnson
Ken Howell
Roger Caldwell**

Members Absent

Mayor Terry Harrell

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 meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Kay Caldwell made the motion to approve the minutes. Bruce Spencer seconded the motion. All members voted in favor of said motion.

Old Business

Name of Private Drive Associated with Winchester Christian Academy Expansion.

Mr. Pat Sanders spoke with Winchester Church of Christ Elder and Winchester Christian Academy liaison Mike Roggli on Tuesday (10/11/2016) regarding the WCA recommendation for the naming of the drive. Mr. Roggli stated that the naming contest was to be concluded on Friday (10/14/2016) morning. The planning staff coordinator asked to be notified of the name selected. As of this meeting time, no name had been submitted.

New Business

Review Proposed Change to the Language of the Franklin County Tennessee Zoning Resolution as Proposed by the Franklin County Planning and Zoning Department.

The Franklin County Planning and Zoning Office has submitted a letter seeking a positive recommendation of the Winchester Municipal/Regional Planning Commission in regard to a proposed amendment to the Franklin County Zoning Resolution. The recommendation is needed

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

Minutes

November 21, 2016
5:30 p.m.

Members Present

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

Others

Pat Sanders
Lisa Clark
Michele Emerson
Kurt Johnson
Ken Howell
Roger Caldwell
Gene Seaton
Beth Rhoton
Curtis Jackson

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 October meeting of the Winchester Municipal-Regional Planning Commission were presented for review. Councilman Bruce Spencer made the motion to approve the minutes. Kay Caldwell seconded the motion. All members voted in favor of said motion.

Old Business

Naming of Private Street Associated with Winchester Christian Academy

Mr. Pat Sanders spoke with Winchester Church of Christ Elder and Winchester Christian Academy liaison Mike Roggli on Tuesday (10/11/2016) regarding the WCA recommendation for the naming of the drive. There has not been any updates at this time. Mayor Terry Harrell asked that Mr. Pat Sanders call T.C. Simmons to get the name submittal.

New Business

Annexation Request – Franklin County Industrial Park & Across Veterans Memorial Highway – Franklin County Industrial Development Board – Parcels 026 066 009.01, 026 066 009.00, 026 066 016.00, and 026 066 014.07

The Franklin County Industrial Development Board approached the City of Winchester to request annexation of four parcels. One of those parcels (066 009.01) is a 27.8 acre tract located

off Baxter Lane that lies within what is considered the Franklin County Industrial Park. The remaining three parcels are located on the eastern side of David Crockett Parkway East (Veterans Memorial Drive). The largest of the parcels (066 016.00) consists of approximately 120.5 acres. Parcel 066 009.01 consists of approximately 13.9 acres. In the event that a highway entrance permit cannot be obtained along Veterans Memorial Drive, access to the parcel is also available via city street "Fly Away Drive". The smallest parcel abuts the railway to the north and consists of approximately 3.97 acres. The reason for the annexation request is an attempt to make the sites a more attractive commodity to prospective industrial tenants. Annexation makes more services and utilities available, with sewage capability probably being at the top of that list.

Gene Seaton spoke on behalf of the Franklin County Industrial Board and stated that he has applied for funds through the state with a 70/ 30 match that would pay for the road built by the county with no financial responsibility left on the city. To be eligible for this grant a geo technical survey will need to be done on the property. Another obstacle is the sewer and power for phase 3 power that is a requirement for any industry. To start the process, the first step is to annex the property into the city. This is one of the few sites in Southern Middle Tennessee that offers railroad access and a spur that runs parallel to the site. If the geo technical survey is a positive result, then putting in the roads and the infrastructure is to be pursued.

Warren Christiansen made a motion to present to the city council a recommendation that the parcels presented and discussed be annexed into the city of Winchester and the zone be I-2. During the discussion session, it was revealed that water is readily available. Sewer is available for the 17.87 acres but not the 12.05 acre property located to the east of highway 64. Another treatment station would be needed on the east side of the highway to accommodate the sewer tunneling the connector road and the expense would fall to the developer. The sewer system must be underground due to the airport. This extra expense would fall to the developer. Another option is that Duck River could elect to provide electric service. Also, this parcel could become a direct serve customer to TVA. The developer would need to build their own substation. It is understood that Franklin County will request de-annexation of the 120.5 acre parcel of land if the geophysical properties fail the testing process. Mayor Terry Harrell seconded the motion. All members voted in favor of said motion.

Site Review - Street Cut onto Sharp Springs Road from City of Decherd Property – Curtis Jackson (CJ's Automotive) - 055M A 003.18 (out parcel)

This item was brought to the Winchester Municipal Regional Planning Commission based upon a concern regarding the safety of vehicular traffic flow along Sharp Springs Road. The scenario was first brought to the attention of the Community Development Coordinator by Public Works Director Steve Goodwin. The following is an attempt to present a brief scenario of what has transpired to this point.

Jackson purchased a 150' x 200' (0.69 acre) tract of real estate for the purpose of constructing and operating an automotive repair business. The acreage is located in the Chattin Square Subdivision within the corporate limits of the City of Decherd. Jackson went before the Decherd Planning Commission receiving approval of a minor division of property authorizing the creation of the lot as well as site plan approval. He requested

and received a building permit from the City of Decherd and started development of the property. The site plan approved by the Decherd Planning Commission authorized the creation of two curb cuts onto Sharp Springs Road. Sharp Springs Road is entirely within the city limits of Winchester. No representative of the City of Winchester was contacted about utilizing Sharp Springs Road as the sole means of ingress and egress until preparation for the actual cut began. At that point Public Works Director Goodwin was made aware of the scenario. Mr. Goodwin expressed his concern about the safety aspect associated with the proposal. Reasons for the safety concern include having three cuts within less than three hundred fifty (350) feet onto a street that has high traffic volume and limited visibility. Of the two onsite cut proposals the one further to the north allows for both ingress and egress in either direction. This location is near the crest of the hill. The second of the proposed onsite cuts is approximately one hundred feet southward. The site plan proposes this to be an entrance only cut. The most desirable curb cut is to Chattin Boulevard, located approximately two hundred (200) feet northward of Jackson's property.

Mayor Terry Harrell made a motion for approval for the cuts subject to a sight distance analysis study with a favorable report from St. John Engineering with one or two cuts. The report conclusion is to be decided upon by staff. Kay Caldwell seconded the motion. All members voted in favor of said motion.

The Community Development Department recommends that a letter be drafted and directed to the attention of the Decherd Planning Commission and copied to the property owner. The letter should request that when a Winchester city street is to be used as an ingress &/or egress point, with permission to be obtained from the City of Winchester as a conditional requirement of approval. The letter should also emphasize that the City of Winchester has serious concerns regarding the safety of utilizing this portion of Sharp Springs Road for street access.

Minor Division – 49 Old Estill Springs Road – Elise B. Prince Living Trust – Johnson & Associates – Parcel 026 0550 B 001.01

Johnson and Associates presented a minor division survey on behalf of the members of the Elise B. Prince Living Trust. The Prince property consists of a two story single-family dwelling sitting on a tract of approximately 21.25 acres according to tax data. The proposed minor division seeks to divide the property so that the residence along with 2.73 acres, are a separate parcel. The new parcel will no longer have the minimum twenty-five (25) feet of street frontage along Old Estill Springs Road, but instead will meet the frontage requirement along Weber Street. Weber Street is a narrow lane providing access to only two properties, but is an official city street. Sewage is not available in this portion of the city, thus the residence utilizes a septic tank for sanitary waste disposal.

Warren Christiansen made a motion to approve the minor division. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Status Update

Review Proposed Change to the Language of the Franklin County Tennessee Zoning Resolution as Proposed by the Franklin County Planning and Zoning Department.

The Community Development Coordinator sent a letter stating the Winchester Municipal/Regional Planning Commission's negative reaction to the proposed change.

Kay Caldwell made a motion to adjourn the meeting at 6:52 p.m. Mayor Terry Harrell 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

December 19, 2016
5:30 p.m.

Members Present

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

Others

Pat Sanders
Eddie Fowler
Kelly Master
Beth Rhoton
Troy Fowler
Roger Caldwell
John Ballard

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 November meeting of the Winchester Municipal-Regional Planning Commission were tabled for further review. Mayor Terry Harrell made a motion to table the minutes based on page 2 paragraph 3 not being clear. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

Old Business

Naming of Private Street Associated with Winchester Christian Academy

Winchester Christian Academy submitted a name recommendation of Lion Way for the drive located between the Winchester Church of Christ and the Academy.

Warren Christiansen made a motion to approve the street name. Kay Caldwell seconded the motion. All members voted in favor of said motion.

New Business

Request for Rezoning – Rezone Property From R-2 to C-2 – Property at 401 South Jefferson (075c d 006.00) and Portion of Multiple Zoned Property Officially Recognized As 100 3rd Avenue SE (065N K 004.00) – Kelly Long Master

Kelly Master owns and operates the Hair Candy Beauty Salon at 403 South Jefferson Street. Her beauty salon is zoned C-2. She recently purchased the neighboring property at 401 South Jefferson with the intent of opening a spa and boutique business in this building. The building is

consistent with a dated type of residential structure that was typical in this area years ago. It was occupied as a residential rental property for many years. Mrs. Master approached the City of Winchester to obtain a building permit to convert the building to the desired commercial occupancy. Upon review of that building permit application, it was discovered the property is zoned R-2 residential. Mrs. Master was informed that the property would need to be rezoned in order for the building permit to be authorized.

The property, in conjunction with portion of the adjoining parcel to the north, is bordered by commercial zoning on three sides. There is C-1 zoning to the north, with C-2 zoning to the east and south. The western boundary is abutted by R-2S zoning. Thus, this parcel and a portion of the adjoining parcel to the north (065N K 004.00) represent the only R-2 zoning in the immediate area. The parcel to the north is actually encompasses three zoning classifications. That property is owned by John and Brandy Ballard. The Ballard's recently converted a portion of their building into a medical clinic. The building itself is located in the C-1 district, while much of the remainder of the property is split between R-2 and C-2 zoning. Mr. John Ballard was approached about this matter and asked if the Ballard's were receptive to including the portion of their property that is zoned R-2 in this rezoning request. He indicated that he has no opposition to being included in the request.

Mayor Terry Harrell recommended to forward to the City Council to rezone Mrs. Master's property from R-2 to C-2; to rezone Mr. Ballard's property to C-2 and to rezone ½ of South Jefferson St down the 500 block to address number 511 as C-2. Dr. Richard Bagby seconded the motion. All members voted in favor of said motion.

Request for Rezoning – Rezone Property From R-2 to C-2A – Property at 513 4TH Avenue SW – Eddie Fowler – Parcel 026 075C K 001.01

Eddie Fowler requested a rezoning of the corner property at the intersection of 4TH Avenue SW and Gin Street. Mr. Fowler has indicated that he would like to have the property zoned so he could erect metal mini-warehouses upon the rear (south) side of the property as well as utilize the existing building and immediate area as a warehouse for storage of materials and equipment associated with his primary business. Fowler's primary business is the installation of swimming pools. The only zoning classification that allows mini-warehouse storage is C-2A. However, C-2A classification does not allow for any other form of warehousing unless it is supplemental to a retail sales type facility. This is evidenced by the text of Sections 5.052.2 – 5.052.3 of the Winchester Zoning Ordinance. This means a facility where the primary occupancy of the building is retail sales and any storage or warehousing within the same facility is strictly for replenishment of retail stock. Examples include a super center retail establishment, a furniture and appliance store, or a food sales store.

This property is zoned R-2, Medium Density Residential since zoning was implemented by the City of Winchester. When the city adopted the zoning regulations, this property was granted a nonconforming continued use provision. This provision, commonly known as being "grandfathered" allows for the nonconforming use to continue in perpetuity provided the use does not cease for a specified period of time. The use at that time was the operation of a vault

and septic tank fabrication and storage building. Such a use is more consistent with an I-1, Light Industrial, zoning classification. At some point that use ceased and the grandfather provision expired. Since that time, the land mostly vacant and unused except for a period in 2012.

The minutes of the April 16, 2012 Winchester Municipal-Regional Planning Commission meeting reflect that this property was considered for and granted a favorable recommendation for rezoning from R-2 to I-1, conditional upon a requirement that an opaque fence be put in place around the property by the end of 2012. The conditions were not fulfilled within the specified time period and the property was not officially rezoned.

In consideration of Mr. Fowler's request, in addition to the apparent discrepancy of uses between what he has proposed, a review of the zoning pattern indicates there is no adjacent C-2 or C-2A zoned property adjacent to the property. Thus, any action toward granting such a classification would in essence be a "spot-zone". The policy of the Winchester Planning Commission continues to be that spot zoning is not an excepted practice. Only in an extenuating circumstance should a spot-zone be considered. There is I-1 property to the north and the property was granted a conditional rezoning recommendation on a previous occasion, so there is precedence to consider the I-1 classification.

Mr. Sanders feels that in formulating a formal recommendation the commission should be aware that this parcel is totally encompassed within a "Zone A" Flood Area as identified by the official FEMA Flood Insurance Rate Map (FIRM). A Zone A classification means that there is a historical reference to support this area having been overcome by the flood waters of a one hundred year flood event. However, A Zone categories are not supported by scientific engineering data such as is the case with an AE Zone. Any building constructed on the property must be able to obtain flood insurance. To be eligible for such consideration, such building to be elevated at least three feet above the highest adjacent grade on or around the parcel. The three feet requirement is due to there being no scientific data that can provide a definitive base flood elevation (BFE) benchmark.

Mayor Terry Harrell recommended to forward to the City Council to rezone Mr. Fowler's property to I-1 with the requirement that the fence become opaque along Gem St. Dr. Richard Bagby seconded the motion. Members voted in a split vote three (3) – No, two (2) – Yes. Vote Roll Call: Warren Christiansen – No; Kay Caldwell – No, Dr. Richard Bagby – Yes, Councilman Bruce Spencer – No, Mayor Terry Harrell - Yes.

This property was presented in June as one of the non-conforming holdovers from the pre-zoning era. The staff and commission are presented with a scenario in which a particular area became stagnant and regressive. Considering the depressed conditions of the general neighborhood, any residential revitalization seems unlikely. Rezoning to I-1 might seem to further assure that scenario. Also, one must consider that conditions are not any better with the current R-2 zoning.

Review of Planning Commission Calendar for 2017

The 2017 Planning Commission Calendar was presented for review and approval. Councilman Bruce Spencer made a motion to change the meeting time to 5:00 p.m. from the current time of 5:30 p.m. and to approve the 2017 calendar for the Winchester Municipal –Regional Planning

Commission and the Board of Zoning Appeals. Kay Caldwell seconded the motion. All members voted in favor of the motion.

Discussion Topic – Consider Rezoning of Classic Neighborhoods On North Side From R-2 to R-2S – Staff Initiated Topic

Mr. Sanders received input about the possibility of rezoning much of the north side R-2 district from R-2 to R-2S, as was done with a portion of the south side R-2 district several years ago. The primary focus for the inquiry is to preserve as many single family dwellings as possible. It is believed the application of the R-2S classification would prevent the conversion of existing former single family dwellings into duplexes, as well as, prevent the construction of duplexes on vacant lots surrounded by single family dwellings.

Discussion & Reminder Topic – Requirement For Planning Commission Members to Submit Statement of Interests – Tennessee Ethics Commission

It is the responsibility of the Planning Commissioners to submit a Statement of Interest Disclosure form (SS-8005) by January 31, 2017. The form may be filled out manually and mailed in or it may be done online.

Status Update

Sight Distance Survey Requirement As Condition of Approval for Driveway Access Cuts Onto Sharp Springs Road, CJ's Automotive (Decherd City Limits)

On December 8, 2016, in accordance with the conditions of approval for driveway cuts onto Sharp Springs Road, Mr. Curtis Jackson produced a sight distance survey conducted by St. John Engineering of Manchester, Tennessee. The conclusion of the study is that based upon the posted speed limit of 30 MPH, there is sufficient line of sight to justify both of the requested driveway cuts. Mr. Jackson was notified that he is authorized to install the driveways in accordance with the standards specified in regard to drainage tile size and composition.

Adjourn

Kay Caldwell made a motion to adjourn the meeting at 7:07 p.m. Councilman Bruce Spencer seconded the motion. All members voted in favor of said motion.

SIGNATURE

DATE
