

Bedford County Board of Commissioners Commissioner Board Meeting

Date: **Tuesday, December 13, 2022**

Time: **7:00 PM**

Location: **Bedford County Historic Courthouse, 2nd Floor,
Community Room**

Minutes

PUBLIC NOTICE

The Bedford County Board of Commissioners

- On October 25, 2022, the Bedford County Regional Planning Commission voted unanimously to give an unfavorable recommendation for the rezoning from A1 to C1 for 3034 Highway 41A North., Tax Map 042, Parcel 037.03; Owner Joseph Fulton – citing spot-zoning as the rationale for its unfavorable recommendation. This parcel was historically used as a convenience market prior to the passing of the Zoning Resolution of Bedford County and thus enjoyed a non-conforming Grandfathered status for many years. The building and property, however, ceased to remain in business and closed for a number of years, losing its grandfather¹.
On December 20, 2012, the same owner of the property (Joseph Fulton) applied to the Bedford County Board of Zoning Appeals for a *special exception* to have a restaurant at that location (**Article IV, Section 4.041 (C) Uses permitted as special exceptions (16) Restaurants (Now (24))**) which was approved. This restaurant subsequently applied for a beer permit with the Bedford County Beer Board and became a restaurant/bar business (MT Bottle II) and operated for a number of years and also eventually closed. After closing, the owner decided to use the building for personal storage.
The property owner is therefore allowed to use the building for a Restaurant just as it is – without a zoning classification change. While grandfathered non-conforming commercial uses may continue operation in perpetuity unless ceased for a period of thirty (30) months, then losing the grandfather, special exceptions and zoning classification modifications do not expire. The special exception would not authorize it to be used as a convenience market which is why the owner wishes to pursue a zoning classification change.
¹*Article VI, Section 6.020 (C): Pursuant to 13-7-208 of the Tennessee Code, when a non-conforming commercial, industrial, or other business-use of any structure or land, excepting non-conforming mobile homes or mobile home parks, has been discontinued for a period of thirty (30) months, it shall not be re-established or changed to any use not in conformity with the provisions of this resolution.*
- On October 25, 2022, the Bedford County Regional Planning Commission voted unanimously to favorably recommend the rezoning of 1170 Bell Buckle – Wartrace Road (corner of Fairfield Pike and Bell Buckle Wartrace Road) from A1 to C1 for use as a convenience market. Near vicinity commercial and institutional uses and its location as a corner lot on a state highway and crossroad with collector street were cited as rationale to favorably recommend the application.

A public hearing will occur immediately before the Bedford County Commission meeting which will begin at 7:00 p.m. on December 13, 2022. The public hearings and commission meeting will be held at the historic Bedford County Courthouse on the Shelbyville Public Square in the old 2nd floor courtroom, now Commission Chamber.

Accommodations

Persons with a disability who wish to request accommodation to participate in the Public Meeting should notify Suzanne Alexander at least one (1) business day prior to the Meeting at (931) 684-7944 or email your request to suzanne.alexander@bedfordcountyttn.gov to discuss accommodations. Every reasonable effort will be made to meet your need.

Graham invited anyone to come forward to speak in favor of or in opposition to the rezoning request for 3034 Highway 41A North.

Dr. Howard Rupard said that when the previous business, MT Bottle 2, was in operation there was a lot of drunken behavior, sometimes spilling over into his yard. He can see no benefit from having a restaurant there that serves alcohol.

Ron Adcock owns property across the road from the site. He has no objection to a convenience store, but once zoned commercial the property can be used for other purposes. He asked the commission to support the Planning Commission's recommendation to deny rezoning.

Larry Hasty, who is a member of the Planning Commission, as well as a neighbor to this property for 42 years, said that rezoning as commercial would be spot zoning. He asked commissioners to support the zoning board and deny the request.

Graham invited anyone to come forward to speak in favor of or in opposition to the rezoning request for the Bell Buckle-Wartrace Rd property. No one spoke either for or against the rezoning on this property.

The public hearing was closed.

Call to Order: Chairman, Mayor Chad D. Graham

Prayer and Pledge of Allegiance

Open Meeting: Sheriff Austin Swing

Roll Call: County Clerk Donna Thomas

PRESENT
Bill Anderson
John Boutwell
Jason Boyette
Janice Brothers
Anita Epperson
Biff Farrar
Drew Hooker
Scott Johnson
Eric Maddox
Diane Neeley
Sylvia Pinson
Julie Sanders
Tony Smith
Mark Thomas
Troy Thompson
Greg Vick
Linda Yockey

ABSENT
Adam Thomas

Minutes Approval:

1. Approval of Commission Meeting Minutes from November 8, 2022 - *Placed on the agenda without a recommendation by the Rules & Legislative Committee.*

Boutwell noted that at the top of page 181 of the minutes it should read 305 people instead of students. The change was noted. Motion to approve with change by Vick. Seconded by Mark Thomas. Passed by voice vote.

Elections & Confirmations:

2. Elect Notaries for January 2023 - *Placed on the agenda by the Rules & Legislative Committee.*

Motion to approve by Mark Thomas. Seconded by Epperson. Approved by voice vote.

BEDFORD COUNTY CLERK
DONNA THOMAS COUNTY CLERK
100 PUBLIC SQ STE 104
SHELBYVILLE TN 37160
Telephone 931-684-1921
Fax 931-685-9590

Notaries to be elected December 13, 2022

STEVEN R FLIPPO	KATELYNN MASSEY
JOANNA E GOMEZ MATA	EDWINA LIEGH REYNOLDS
YESSICA HERNANDEZ	

3. Appointment to Shelbyville-Bedford County Library Board

Graham put forth John Boutwell to fill the seat vacated by Don Gallagher. Motion to approve by Vick. Seconded by Anderson. Passed by voice vote.

4. Appointment to Shelbyville-Bedford Partnership Board

Graham put forth Scott Johnson for the seat vacated by Jeff Sweeney. Motion to approve by Yockey. Seconded by Mark Thomas. Passed by voice vote.

Presentations:

5. Presentation of Ralph Puckett Award for former Commissioner John Brown - Charles Curtiss, TCCA Executive Director

Mr. Curtiss presented the Ralph Puckett Award posthumously to Commissioner John Brown. The award is given to commissioners for extraordinary service during a long tenure. Commissioner Brown's family accepted the award on his behalf.

Resolutions:

Additional Items by Standing Committees:

Rules and Legislative Committee:

6. Rezoning Request- *Placed on the agenda by the Rules & Legislative Committee without a recommendation.*

Dwayne Sullivan (Chief Manager of JDSP, LLC) is seeking to have Map 52; Parcel 022.02 which is approximately 1.08 acres (1170 Bell Buckle Wartrace Road @ corner of Fairfield Pike) rezoned from A1 to C1. The proposed use will be for a convenience store. Nearby uses include: Cascade School across the street, Bedford County EMS has a building less than 300 feet away on Fairfield Pike and a pre-school, formally a convenience market, is located two (2) parcels south on Bell Buckle Wartrace Road.

Favorable (Unanimous) recommendation from Planning Commission. Staff has no objection as this is a corner parcel at a major crossroad on a state highway surrounded by educational/institutional and local government uses and has access to public sewer.

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Motion to approve made by Mark Thomas, Seconded by Anderson.

Hooker said of the constituents he has talked with 50% have been for it and those opposed are concerned about traffic congestion. He asked if Highway Superintendent Mark Clanton and School Superintendent Tammy Garrett could speak about traffic solutions. Garrett and Clanton said they are making plans for traffic improvement for next year.

Mark Thomas said the traffic pattern was studied years ago. He said he has spoken with property owner Dwayne Sullivan who said he would be willing to work with the county on an easement in order to widen the road. Clanton said he and Zoning Director Chris White have also talked with Sullivan about a possible 50-foot easement.

Hooker asked Dr. Garrett to be more specific about plans for next year. Garrett said that one issue is that a very low percentage of those students ride a school bus. Another issue, especially for the older schools, is that there is not enough room to get the cars off the road and on to the school campus. That is something that is being address when designing the new schools.

County attorney John T. Bobo said one possibility is to make an approval contingent upon getting the easement in advance. Clanton said the easement would not come into play until the construction phase.

Maddox asked when the plan for a solution to the congestion would be in place. Dr. Garrett said the goal is to have something in place at the beginning of the next school year, which is the best time to implement a change. The hope is to have additional gravel/asphalt space to get the cars off of the road.

Epperson asked to amend the motion to say "contingent upon getting road frontage needed." Mark Thomas asked if that could be done, because this is a zoning issue. Bobo said you could if Sullivan agrees to that. Thomas said he would agree to the amendment. Anderson also agreed but stated that Sullivan's word is good. Several other commissioners agreed that Sullivan's word is good. Mark Thomas said he did not want to slow Sullivan down while they decide how much land is needed. Clanton said it would take a while to determine the amount. Graham clarified that what was being said was that if the agreement for easement failed the zoning would not go through. Bobo said that was correct, although you could designate a maximum footage. Vick said it sounds like conditional rezoning and he didn't think we could add additional conditions. Mark Thomas and Anderson withdrew their approval for the amendment. Epperson withdrew her amendment.

Thompson asked if Sullivan is aware he cannot get a beer license. Mark Thomas said that is correct. Johnson asked if the site plan has to be approved by zoning when complete? Yockey said that is correct. Vick called the question.

Motion passed by roll call vote. 17 Ayes 0 Noes

Voting Yea: Anderson, Boutwell, Boyette, Brothers, Epperson, Farrar, Hooker, Johnson, Maddox, Neeley, Pinson, Sanders, Smith, Mark Thomas, Thompson, Vick, Yockey

7. *Rezoning - Placed on the agenda by the Rules & Legislative Committee without a recommendation.*

Joseph Fulton is seeking to have Map 42; Parcel 037.03 which is approximately 1.01 acres (3034 Hwy 41-A N) rezoned from A1 to C1. The proposed use will be for a convenience store that also plans to serve hot food. The property has been a farmers' market, a grandfathered convenience market with fuel, and a bar at one point, but its lack of having any "like" commercial uses for more than thirty-six (36) months has resulted in it losing its grandfather. There is also a grandfathered mini-storage facility neighboring the property to the west. Nearby uses are predominantly agricultural and light residential.

Unfavorable (unanimous) recommendation from Planning Commission. Staff has no articulable objections due to its historical commercial uses, however, from a zoning perspective, rezoning the parcel today could be considered spot-zoning as there are no like uses or zoned parcels nearby.

Yockey made a motion to follow the wishes of the Planning Commission and deny the request to rezone. Seconded by Brothers.

Motion passed by roll call vote. 17 Ayes 0 Noes

Voting Yea: Anderson, Boutwell, Boyette, Brothers, Epperson, Farrar, Hooker, Johnson, Maddox, Neeley, Pinson, Sanders, Smith, Mark Thomas, Thompson, Vick, Yockey

Law Enforcement Committee: None.

Courthouse and Property Committee: None.

Financial Management Committee:

8. BCEMS Uncollectables

Motion made by Hooker, Seconded by Pinson. Passed by voice vote.

A copy of the list is on file in the Clerk's office.

Other Business:

Announcements

- Graham thanked Shelbyville Public Works for lighting the outdoor tree and wreaths.
- County offices will be closed December 22, 23, 26 and 30.
- The County Power Act Workshop will be held December 21 from 6-8 p.m. at 200 Dover Street.
- The Financial Management Committee will meet at 4:15 p.m. on Tuesday, December 20 at the Courthouse.
- Yockey thanked Suzanne and April for decorating the Courthouse.
- Yockey and Dr. Garrett thanked everyone for their generosity toward the juvenile detention students.

Adjourn

Meeting adjourned at 7:40 p.m.

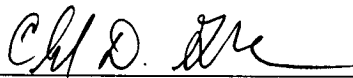
Attestation

I certify that the minutes were completed on the 16th day of December, 2022 and delivered to the Bedford County Mayor's office.



Donna Thomas
Bedford County Clerk

I certify that I received these minutes on the 16 day of December, 2022.



Chad Graham
Bedford County Mayor