

**CITY OF MURFREESBORO
PLANNING COMMISSION
AGENDA**

City Hall, 111 W. Vine Street, Council Chambers

**January 6, 2016
7:00 PM**

**Bob Lamb
Chairman**

- 1. Call to order**
- 2. Determination of a quorum.**
- 3. Approve minutes of the October 7, 2015 Planning Commission meeting.**
- 4. Public Hearings:**
 - a. Rezoning application [2015-432] for approximately 1.68 acres located along Dill Lane to be rezoned from RS-15 to RM-12, Randy Friedsam applicant.
 - b. Rezoning application [2015-433] for approximately 8.56 acres located along Franklin Road to be rezoned from RS-15 to CF, Anthony Togrye applicant.
 - c. Mandatory Referral/Right-of-Way Abandonment [2015-723] for the abandonment of an existing alley south of West Burton Street, Matt Taylor applicant.
 - d. Mandatory Referral/Right-of-Way Abandonment [2015-725] for the abandonment of a portion of Williams Drive, Matt Taylor applicant.
- 5. Staff Reports and Other Business:**
- 6. Adjourn.**

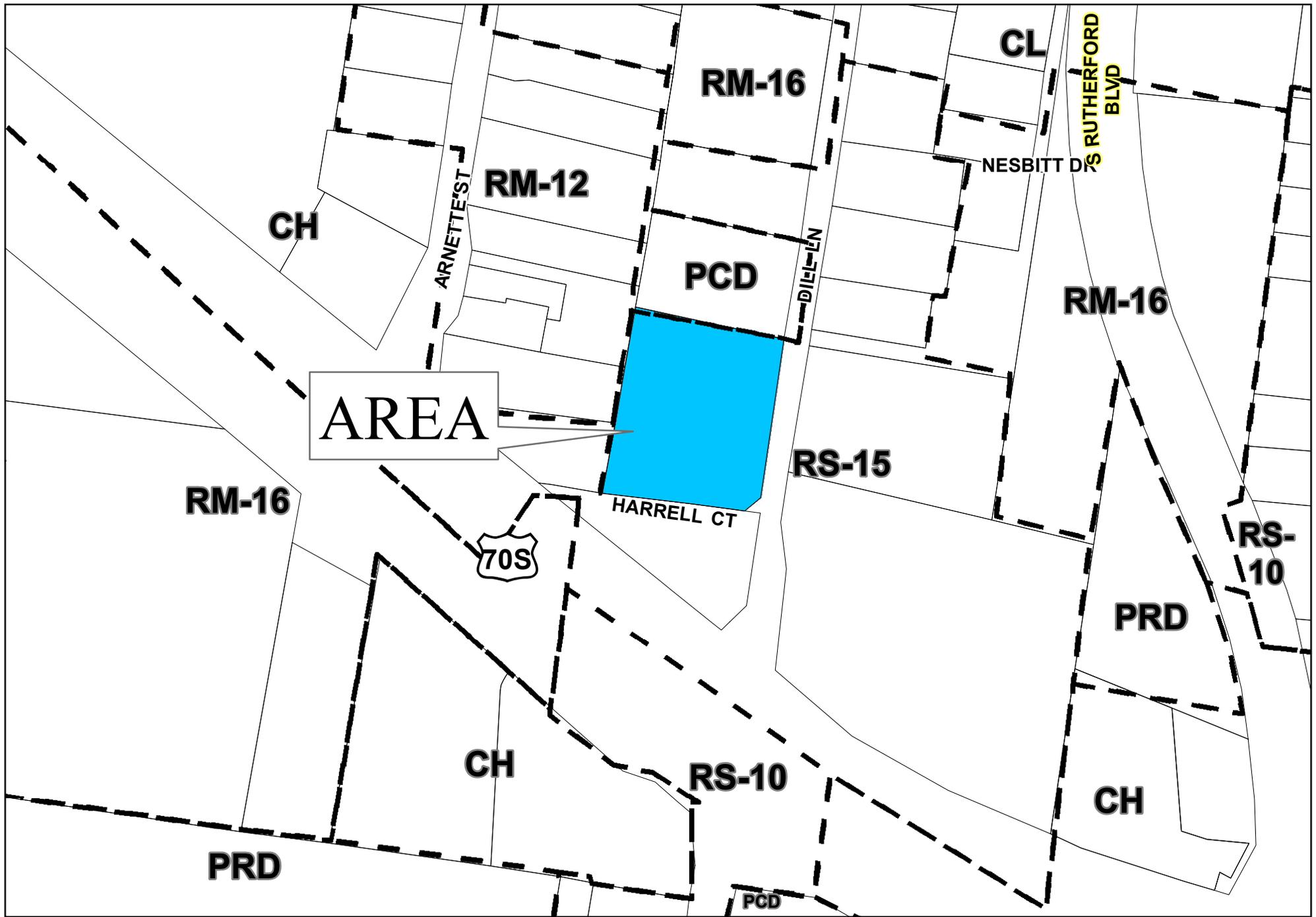
**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JANUARY 6, 2015**

4.a. Rezoning application [2015-432] for approximately 1.68 acres located along Dill Lane to be rezoned from RS-15 to RM-12, Randy Friedsam applicant.

The subject property is located at the northwest corner of Dill Lane and Harrell Court. It is located to the south of East Main Street and to the north of Mercury Boulevard. Harrell Court is a private street that currently provides access to three properties, including the subject property. The subject property is currently zoned RS-15 (Single-Family Residential District) and is undeveloped with the exception of a mobile home. The applicant has a contract on the property and has requested a rezoning to RM-12 (Residential Multi-Family District). He is contemplating the construction of a multi-family development on the subject property. The RM-12 zone permits a maximum density of twelve (12) dwelling units per acre. Depending on the exact acreage of the property, the RM-12 zoning would allow approximately twenty (20) dwelling units on the subject property. However, additional units may be allowed as a density bonus, if certain amenities are provided within the development.

The segment of Dill Lane from East Main Street south to Mercury Boulevard contains a mix of zoning districts and uses. Closer to East Main Street, there is land zoned CL (Commercial Local). A site plan has been approved by the Planning Commission for a new Ascend Federal Credit Union on the southeast corner of Dill Lane and East Main Street. There is a small apartment complex zoned RM-16 (Residential Multi-Family District) on the west side of Dill Lane. There are also several single-family homes zoned RS-15 on this segment of the street. The subject property itself is bordered on its west side by multi-family and single-family residential uses zoned RM-12, which is the same zoning classification being requested by the applicant. It is also bordered on its west side by an automotive repair business zoned CH (Commercial Highway) and on its north side by an automotive restoration business zoned PCD (Planned Commercial District). Directly across Dill Lane to the east is a single-family residence and a Murfreesboro Electric Department substation. To the south across Harrell Court is a vacant parcel zoned RS-15 that contains a TVA tower.

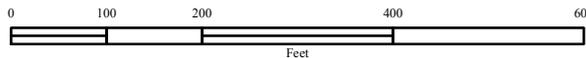
The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.



**Rezoning Request for Area Along Dill Ln and Harrell Ct. from
RS-15 to RM-12**



Path: G:\planning\rezon\2125harrellct.mxd



GIS Department
City Of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov



City of Murfreesboro
Planning and Engineering Department
 111 W. Vine Street, P.O. Box 1139
 Murfreesboro, TN 37133-1139
 (615) 893-6441 Fax (615) 849-2606
 www.murfreesborotn.gov

Creating a better quality of life

REZONING APPLICATION FORM
\$600.00 per application

Procedure for applicant:

The applicant must submit the following information to initiate a rezoning:

1. A completed rezoning application (below).
2. A plot plan, property tax map, survey, and/or a legal description of the property proposed for rezoning. (Please attach to application.)
3. A \$600.00 non-refundable application fee.

For assistance or questions, please contact a planner at 615-893-6441.

To be completed by applicant:

APPLICANT: RANDY FRIEDSAM

Address: P.O. BOX 103 **City/State/Zip:** SHELBYVILLE, TN 37160

Phone: ~~615-893-6441~~ 615-893-2702 **E-mail address:** randy.jandc@gmail.com

PROPERTY OWNER: ALAN CRAIG JONES

Street Address or property description: 4108 PORTERFIELD RD

and/or Tax map #: 103B **Group:** _____ **Parcel (s):** 00700

Existing zoning classification: R5-15

Proposed zoning classification: RM-12 **Acreage:** 1.68

Contact name & phone number for publication and notifications to the public (if different from the applicant): Clyde Rountree **Phone** 615-509-5930

E-mail: rountree.associates@yahoo.com

APPLICANT'S SIGNATURE (required): 

DATE: 12-1-15

*******For Office Use Only*******

Date received: _____ **MPC YR.:** _____ **MPC #:** 2015-432

Amount paid: \$ 600.00 **Receipt #:** 922563

December 10, 2015

Mr. Gary Whitaker
Interim Planning Director
City of Murfreesboro
111 W. Vine Street
Murfreesboro, TN 37130

Re: Rezoning Request

Described as Tax Map #103B B 00700 located at 2125 Harrell Circle in the City of Murfreesboro, Tennessee.

Dear Mr. Whitaker:

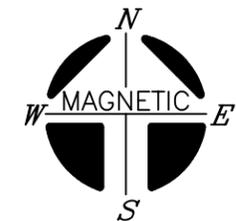
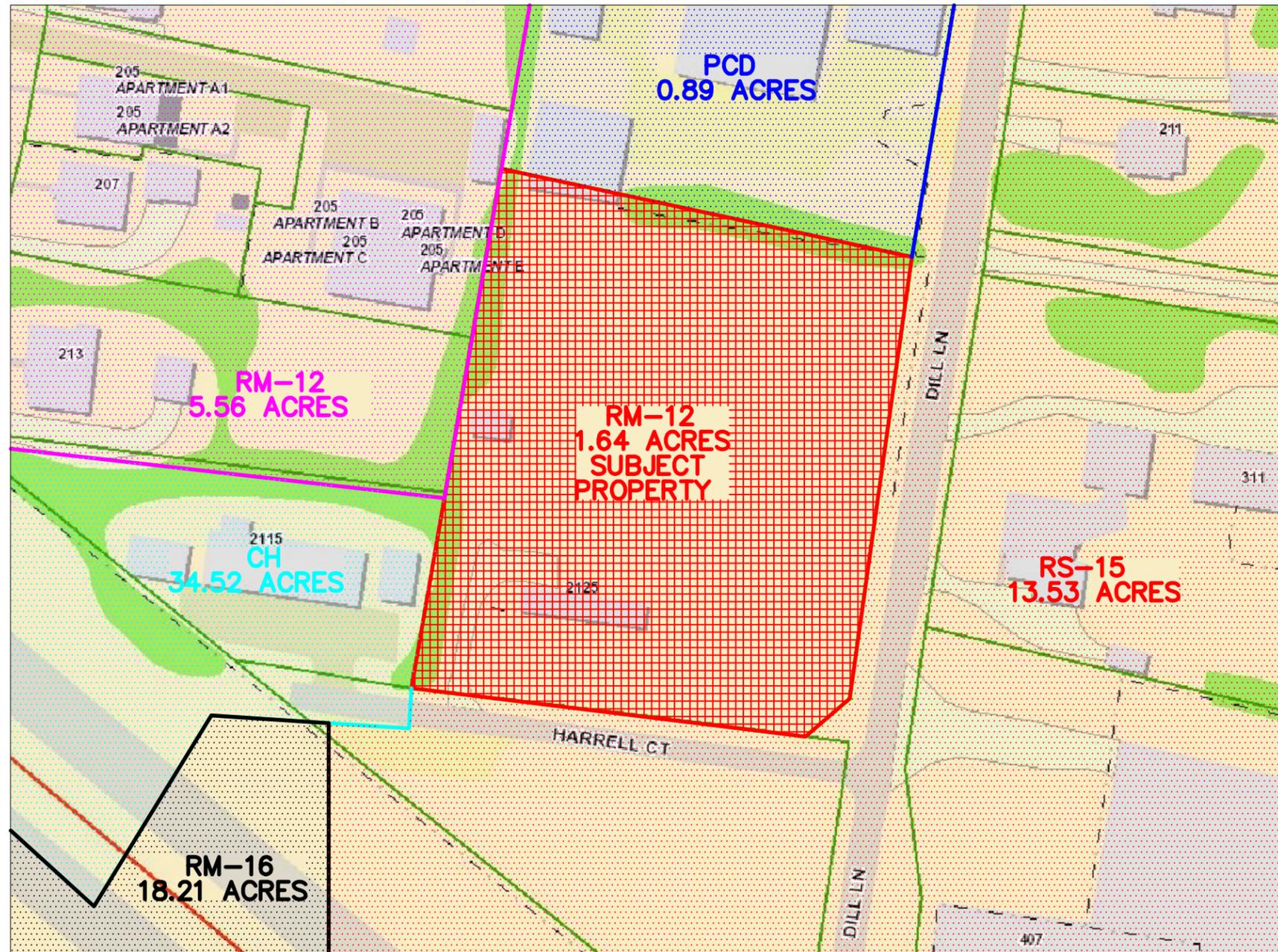
On behalf of our client, Randy Friedsam, we hereby request the rezoning of the property located at Tax Map #103B, Parcels #00700, consisting of 1.64 acres, currently zoned RS-15, to the new zoning of RM-12. Thank you for considering our request.

Sincerely,

Clyde Rountree, RLA

HUDDLESTON-STEELE ENGINEERING, INC.

Rezoning Exhibit



**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JANUARY 6, 2015**

4.b. Rezoning application [2015-433] for approximately 8.56 acres located along Franklin Road to be rezoned from RS-15 to CF, Anthony Togrye applicant.

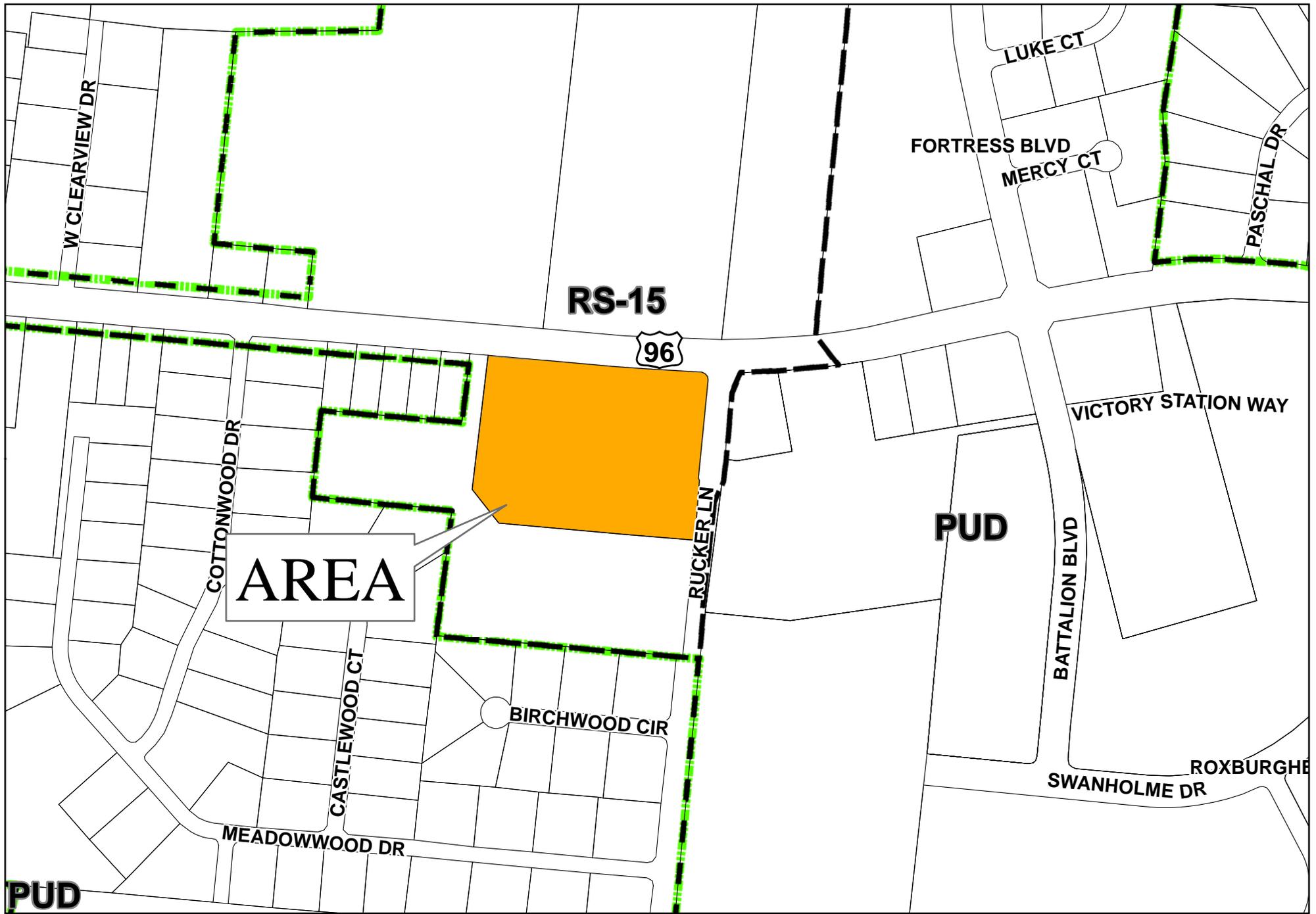
The subject property consists of the remainder of the Hutson property located at the southwest corner of Franklin Road and Rucker Lane. The subject property is developed with one single-family residence and has historically been used for agricultural purposes. It was annexed in 2003 and given an interim zoning classification of RS-15 (Single-Family Residential District) at that time. Within the last several years, approximately half of the original Hutson tract was subdivided for the development of River Oaks Community Church. A special use permit for the development of this church on the adjacent lot was approved by the Board of Zoning Appeals in 2013. Since that time, a site plan for the church has been approved by the Planning Commission and the church is moving forward with construction. The 8.56 acres that remains is the subject of this rezoning request.

The applicant, who has a contract on the property, has requested a rezoning from the current interim RS-15 zoning classification to CF (Commercial Fringe). He is an orthodontist by trade and has indicated that he would like to construct a dentist's office on a portion of the property. The CF zone would allow this use by right. He does not know at this time how the balance of the 8.56 acres would be developed. Directly to the south and to the west of the subject property is the River Oaks Community Church property, which is zoned RS-15. Further to the west along Franklin Road are several duplexes which are located in the unincorporated County. Also to the west and south are several single-family residential subdivisions located in the unincorporated County, including Green Meadows and Brownview Acres. If the rezoning request is approved, a Type D buffer would be required to be installed along the south and west property lines adjacent to the single-family zoned property. To the north across Franklin Road are several undeveloped tracts zoned RS-15. To the east across Rucker Lane is the Market at Victory Village shopping center, which is anchored by Publix and is zoned PUD (Planned Unit District).

The future land use map contained in the *General Development Plan for the Blackman Community* recommends that this property develop as "low-density residential," which is intended to permit single-family residential neighborhoods with a density range of 1-4 dwelling units per acre with appropriate zoning districts of RS-10, RS-12, and RS-15. Therefore, the request is not consistent with the future land use map. However, the *Blackman Plan* also recommends "nodal" commercial development patterns centered on major street intersections. With respect to the intersection of Franklin Road and Rucker Lane, the future land use map recommends "commercial" uses at the northeast and southeast corners of this intersection but not at the northwest and southwest corners. (The plan describes the "commercial" designation as "general retail, restaurants, and personal services for local residents" with appropriate zoning districts of CL, CH, and

CF.) It is the applicant's contention that low-density residential uses are no longer appropriate for this property. With the property being at the intersection of Franklin Road and Rucker Lane and with it being cut off from adjacent single-family uses by the church property, he feels that it has very little utility for single-family residential development and is more appropriate for commercial development.

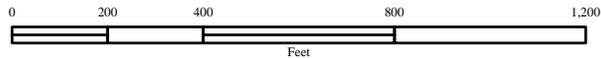
The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.



**Rezoning Request for Area Along Franklin Rd and Rucker Ln
from RS-15 to CF**



Path: G:\planning\rezon\hwy96_rucker.mxd



GIS Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov



City of Murfreesboro
Planning and Engineering Department
 111 W. Vine Street, P.O. Box 1139
 Murfreesboro, TN 37133-1139
 (615) 893-6441 Fax (615) 849-2606
 www.murfreesborotn.gov

Creating a better quality of life

REZONING APPLICATION FORM
\$600.00 per application

Procedure for applicant:

The applicant must submit the following information to initiate a rezoning:

1. A completed rezoning application (below).
2. A plot plan, property tax map, survey, and/or a legal description of the property proposed for rezoning. (Please attach to application.)
3. A \$600.00 non-refundable application fee.

For assistance or questions, please contact a planner at 615-893-6441.

To be completed by applicant:

APPLICANT: ANTHONY TOGRYE
Address: 152 HERITAGE PARK DR City/State/Zip: MURFREESBORO, TN
Phone: 615/403-8066 **E-mail address:** ATOGRYE@AOL.COM

PROPERTY OWNER: BARBARA HUTSON
Street Address or property description: 151 RUCKER LN. MURFREESBORO, TN 37129
and/or Tax map #: 93 **Group:** _____ **Parcel (s):** 68.01
Existing zoning classification: RS-15
Proposed zoning classification: CF **Acreage:** 8.56 AC

Contact name & phone number for publication and notifications to the public (if different from the applicant): Matt Taylor Phone (615) 890-7901
E-mail: mtaylor@sec-civil.com

APPLICANT'S SIGNATURE (required): _____
DATE: _____

*******For Office Use Only*******

Date received: _____ **MPC YR.:** _____ **MPC #:** 2015-433
Amount paid: \$ 600.00 **Receipt #:** 922564

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE ALL STREETS, ALLEYS, WALKS, UTILITIES THEREIN, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 11-29-13 Barbara Hutson
 DEED BOOK 563, PAGE 768 BARBARA HUTSON
 OWNER

CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER AS SHOWN HEREON. I ALSO CERTIFY THAT THE MONUMENTS HAVE BEEN, OR WILL BE, PLACED AS SHOWN TO THE SPECIFICATIONS OF THE CITY ENGINEER.

SEC. INC. 11-22-13 David A. Parker
 DATE REGISTERED SURVEYOR
 TENN. R.L.S. No. 2381

CERTIFICATE OF THE APPROVAL OF STREETS AND DRAINAGE

I HEREBY CERTIFY: (1) THAT STREETS, DRAINAGE STRUCTURES, DRAINAGE IMPROVEMENTS, AND STORMWATER QUALITY CONTROLS FOR THE SUBDIVISION SHOWN HEREON HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY SPECIFICATIONS, OR (2) THAT A SURETY FOR THESE IMPROVEMENTS HAS BEEN POSTED WITH THE CITY OF MURFREESBORO TO ASSURE COMPLETION OF SAME.

DATE 12/4/13 Sam O. Huddleston
 CITY ENGINEER

CERTIFICATE FOR APPROVAL OF WATER SYSTEMS

I HEREBY CERTIFY THAT: (1) THE WATER LINES AND APPURTENANCES FOR THE WATER SYSTEM OF THE SUBDIVISION SHOWN HEREON HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY CODES AND SPECIFICATIONS, OR THE SPECIFICATIONS OF THE CONSOLIDATED UTILITY DISTRICT OF RUTHERFORD COUNTY IF THEY ARE MORE STRINGENT, AND THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION COMMUNITY PUBLIC WATER SYSTEMS DESIGN CRITERIA, OR (2) THAT A SURETY FOR THESE IMPROVEMENTS HAS BEEN POSTED WITH THE CONSOLIDATED UTILITY DISTRICT OF RUTHERFORD COUNTY TO ASSURE COMPLETION OF SAME.

DATE 11-21-13 B. B. Bly
 CONSOLIDATED UTILITY DISTRICT
 OF RUTHERFORD COUNTY OFFICIAL

CERTIFICATE OF APPROVAL OF SEWER SYSTEMS

I HEREBY CERTIFY THAT: (1) THE SEWER LINES AND APPURTENANCES FOR THE SEWER SYSTEM OF THE SUBDIVISION SHOWN HEREON HAVE BEEN INSTALLED IN ACCORDANCE WITH CITY CODES AND SPECIFICATIONS AND REQUIREMENTS OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION DESIGN CRITERIA FOR SEWAGE WORKS; (2) THAT A SURETY FOR THESE IMPROVEMENTS HAS BEEN POSTED WITH THE CITY OF MURFREESBORO TO ASSURE COMPLETION OF SAME; OR (3) THAT A SUBSURFACE SEWAGE SYSTEM WILL BE PERMITTED SUBJECT TO THE APPROVAL OF THE RUTHERFORD COUNTY HEALTH DEPARTMENT.

DATE 12/3/13 Valerie H. Smith
 MURFREESBORO WATER AND SEWER OFFICIAL

CERTIFICATE OF APPROVAL FOR ELECTRIC POWER

I HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON HAS BEEN APPROVED BY THE MURFREESBORO ELECTRIC DEPARTMENT (MED) FOR ELECTRIC POWER SERVICE, THAT THE SUBDIVISION IS WITHIN THE SERVICE AREA OF MED, AND THAT MED IS ABLE TO PROVIDE ELECTRIC POWER SERVICE TO THE SUBDIVISION SUBJECT TO THE OWNER COMPLYING WITH THE APPLICABLE RULES AND REGULATIONS OF MED. NO ELECTRIC POWER SERVICE WILL BE PROVIDED UNTIL MED'S REQUIREMENTS FOR ELECTRIC POWER SERVICE HAVE BEEN MET.

DATE Nov 22, 2013 Will Wald
 MURFREESBORO ELECTRIC DEPARTMENT OFFICIAL

CERTIFICATE OF APPROVAL FOR RECORDING

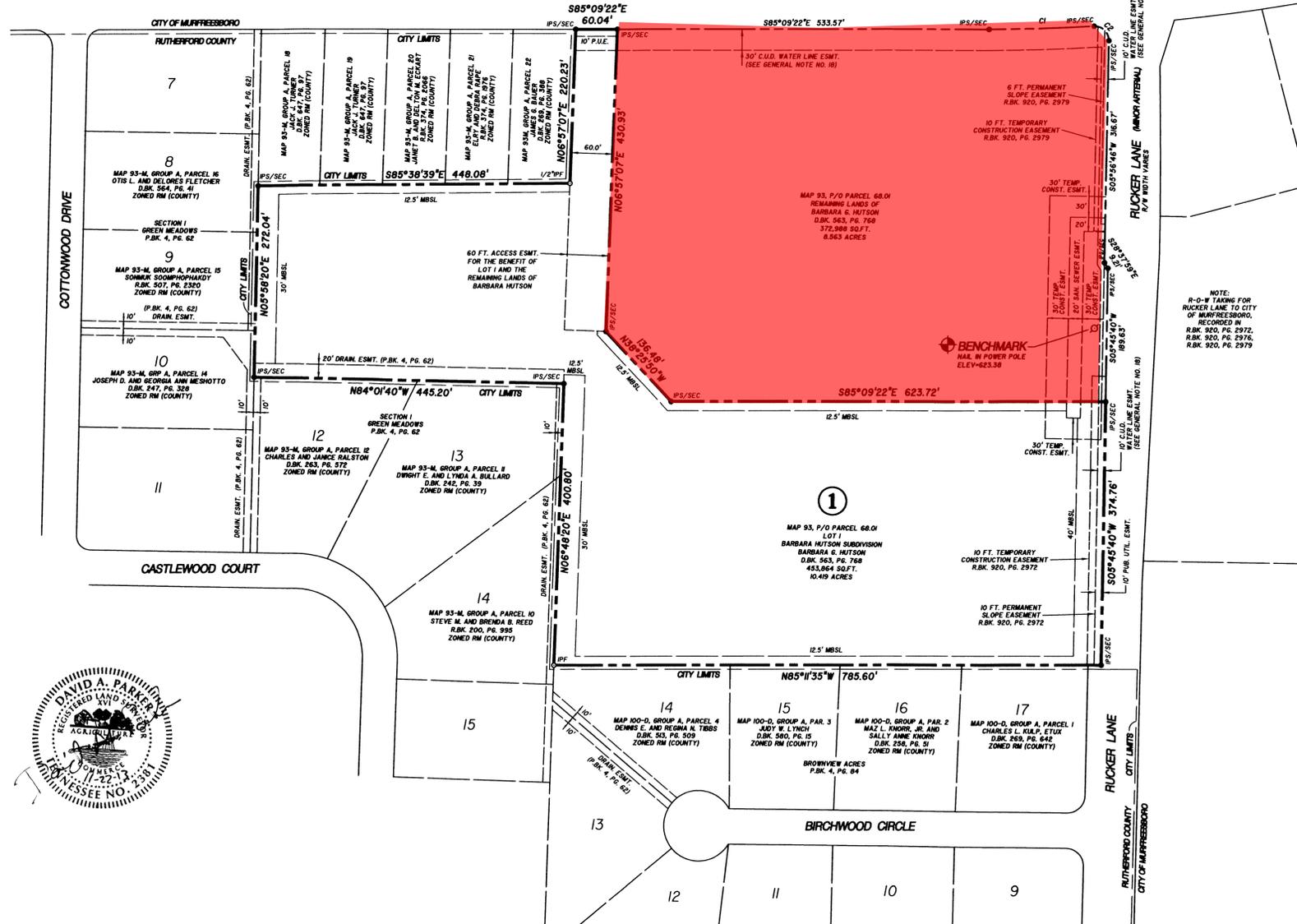
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR THE CITY OF MURFREESBORO, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS NOTED IN THE MINUTES OF THE PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RUTHERFORD COUNTY REGISTER OF DEEDS PROVIDED THAT IT IS SO RECORDED WITHIN ONE YEAR OF THIS DATE.

DATE 12-4-13 Joseph D. Aydelott
 PLANNING COMMISSION SECRETARY

**AREA PROPOSED TO BE
 REZONED TO
 COMMERCIAL FRINGE
 8.56 ACRES**

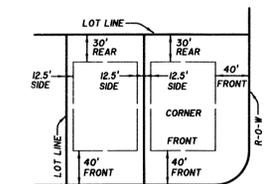
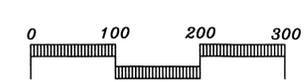
CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	03°13'07"	2685.57'	150.86'	75.45'	150.84'	S86°46'13"E
C2	94°19'15"	20.00'	32.92'	21.57'	29.33'	S41°12'51"E



GENERAL NOTES

- THE PURPOSE OF THIS FINAL PLAT IS TO CREATE A BUILDABLE LOT FOR RIVER OAKS COMMUNITY CHURCH.
- BEARING SYSTEM IS BASED ON TENNESSEE STATE PLANE COORDINATES TIED TO CITY OF MURFREESBORO URBAN GROWTH BOUNDARY MONUMENTS UG02-258 (MAD 83-96).
- THIS PROPERTY LIES WITHIN ZONE X, NOT IN A SPECIAL FLOOD HAZARD AREA, AS DETERMINED FROM ELEVATIONS SHOWN ON FEMA FIRM MAPS FOR RUTHERFORD COUNTY, MAP NO. 4749C0255, EFFECTIVE DATE JANUARY 5, 2007.
- ANY MINIMUM FINISHED FLOOR ELEVATION (MIN. FFE) SHOWN INCLUDES THE MAIN BUILDING, GARAGES AND ACCESSORY STRUCTURES.
- THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ALL OF THE UNDERGROUND UTILITIES ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA OR THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. AVAILABILITY AND LOCATION OF UTILITIES SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY.
- NO TITLE REPORT WAS FURNISHED TO THIS SURVEYOR, THEREFORE, THIS PROPERTY IS SUBJECT TO THE FINDINGS OF A CURRENT AND ACCURATE TITLE SEARCH.
- SUBJECT PROPERTY IS ZONED RS-15. MINIMUM BUILDING SETBACKS FOR THIS PROPERTY ARE: FRONT = 40 FT. / SIDE = 12.5 FT. / REAR = 30 FT. CORNER LOTS HAVE 2 FRONTS AND 2 SIDES.
- THE SOILS MATERIALS ON LOTS SHOWN HEREON MAY BE DISTURBED BY CUTTING OR FILLING OPERATIONS PERFORMED DURING OR BEFORE DEVELOPMENT; THEREFORE, THE BUILDER OF ANY PROPOSED STRUCTURE SHALL INVESTIGATE THE LOCAL CONDITIONS AND CONSULT WITH A GEOTECHNICAL EXPERT OR OTHER QUALIFIED PERSON AS HE DEEMS APPROPRIATE TO ASSURE HIMSELF THAT THE DESIGN OF THE PROPOSED FOUNDATION IS ADEQUATE.
- IT IS THE RESPONSIBILITY OF EACH LOT BUYER OR BUILDER TO DESIGN AND CONSTRUCT IN ACCORDANCE WITH A SUITABLE GRADING AND DRAINAGE PLAN WHICH WILL CONVEY SURFACE WATER, WITHOUT PONDING IN THE LOT OR UNDER THE BUILDING, FROM THE BUILDING SITE TO THE DRAINAGE SYSTEM CONSTRUCTED BY THE SUBDIVISION DEVELOPER.
- PUBLIC UTILITY EASEMENTS AS SHOWN ARE INTENDED FOR NON-EXCLUSIVE USE BY UTILITIES SUCH AS MURFREESBORO ELECTRIC DEPARTMENT, NATURAL GAS COMPANIES, AT&T, CONSOLIDATED UTILITY DISTRICT, CABLE TELEVISION SERVICES AND OTHERS.
- ANY HOUSE OR STRUCTURE WITH A BUILDING DRAIN CONNECTING TO THE PUBLIC SANITARY SEWER WITHIN A FLOOD ELEVATION AT ANY POINT BELONG TO THE CENTER OF THE STREET MAY BE SUBJECT TO MURFREESBORO CITY CODE SECTION 33-35 (III) WHICH REQUIRES THE OWNERS TO EXECUTE A RELEASE AND INDEMNIFICATION AGREEMENT IN FAVOR OF THE CITY AS A PREREQUISITE TO CONNECTING TO WATER AND/OR SEWER SERVICES.
- EASEMENTS IN THE SUBDIVISION MAY NOT HAVE INFRASTRUCTURE CONSTRUCTED WITHIN THEM UNTIL SOME FUTURE TIME AND THERE MAY BE NO NOTICE OR CONSULTATION WITH THE INDIVIDUAL LOT OWNERS OF THIS CONSTRUCTION.
- PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY LOT IN THIS SUBDIVISION, THE OWNER SHALL POST A BUILDING PERMIT SURETY IN AN AMOUNT TO BE DETERMINED BY THE CITY ENGINEER TO ASSURE CONSTRUCTION OF LOT INFRASTRUCTURE, INCLUDING BUT NOT LIMITED TO SIDEWALKS, DRAINAGE IMPROVEMENTS, OR CONSTRUCTION OF WATER QUALITY ELEMENTS; SUCH CONSTRUCTION SHALL BE COMPLETED WITHIN NINE (9) MONTHS OF ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
- THE ADJACENT STREETS IDENTIFIED ON THIS PLAT MAY BE CONSTRUCTED OR RECONSTRUCTED IN THE FUTURE WITHOUT CONSULTATION OR NOTICE TO THE OWNERS OF THIS SUBDIVISION LOT.
- THIS SITE CONTAINS POST-CONSTRUCTION BEST MANAGEMENT PRACTICES UTILIZED IN TREATING STORMWATER RUNOFF IN ORDER TO COMPLY WITH MURFREESBORO CITY CODE. A STORMWATER MAINTENANCE AGREEMENT IS RECORDED WITH THIS PROPERTY AND OBLIGATES ALL SUBSEQUENT OWNERS TO ADHERE TO THE STORMWATER MAINTENANCE PLAN ON FILE WITH THE CITY OF MURFREESBORO.
- THIS PROPERTY IS WITHIN THE OVERALL CREEK SANITARY SEWER ASSESSMENT DISTRICT OF THE RUCKER LANE IMPROVEMENTS.
- TEMPORARY CONSTRUCTION EASEMENTS SHALL CEASE TO EXIST UPON COMPLETION OF THE RUCKER LANE IMPROVEMENTS.
- THIS PROPERTY WAS ORIGINALLY CONFIGURED DIFFERENTLY AND WAS PURCHASED IN SEVERAL DEFERRED TRACTS. C.U.D.'S WATER LINE EASEMENTS SHOWN HEREON ARE A RESULT OF COMBINING ALL OF THOSE EASEMENTS. THEY ARE RECORDED IN THE FOLLOWING DEEDS: DEED BK. 668, PG. 587; DEED BK. 668, PG. 593; DEED BK. 671, PG. 815. ANY C.U.D. WATER LINE EASEMENT SHOWN ON THIS PLAT WHICH IS NOT DESCRIBED IN THESE DEEDS, IS HEREBY GRANTED TO C.U.D. AS A PART OF THE RECORDING OF THIS PLAT. A 10 FT. WATER LINE EASEMENT IS RECORDED IN DEED BOOK 222, PAGE 467, FOR A 6" WATER LINE ON THE WEST SIDE OF RUCKER LANE. THE LOCATION OF THIS EASEMENT (6 FT. ON BOTH SIDES) IS DETERMINED BY THE ACTUAL LOCATION OF THE WATER LINE IN THE FIELD.



- LEGEND**
- IRON PIN (FOUND)
 - IRON PIN SET (NEW)
 - CONC. MONUMENT (FOUND)

Heather Damborn, Register
 Rutherford County Tennessee
 Rec #: 766423
 Rec'd: 12.00 Instrument #: 1877989
 State: 0.00
 Clerk: 0.00 Recorded
 Other: 2.00 12/4/2013 at 2:30 PM
 Total: 17.00
 Plat Cabinet 37 Pgs 173-175

DEVELOPER:
 RIVER OAKS COMMUNITY CHURCH
 CONTACT: DAVID COUNTY
 1308 CHERRY LANE
 MURFREESBORO, TN 37130

OWNER:
 BARBARA HUTSON
 151 RUCKER LANE
 MURFREESBORO, TN 37128
 DEED REFERENCE:
 DEED BOOK 563, PG. 768, R.O.R.C.
 MAP 93, P/O PARCEL 68.01

SITE DATA:
 TOTAL AREA = 10.419 ACRES
 NO. OF LOTS = 1
 AREA IN RIGHT-OF-WAY = 0.0 ACRES
 ZONING = RS-15

I hereby certify that this plat has been reviewed for the Rutherford County Development Tax. No Development Tax Required. YADA/C 11/13/2013 RUTHERFORD COUNTY REGIONAL PLANNING COMMISSION

DATE OF RECORDING: December 4th, 2013
 TIME OF RECORDING: 2:30 PM
 PLAT BOOK 31, PAGE 173

FINAL PLAT

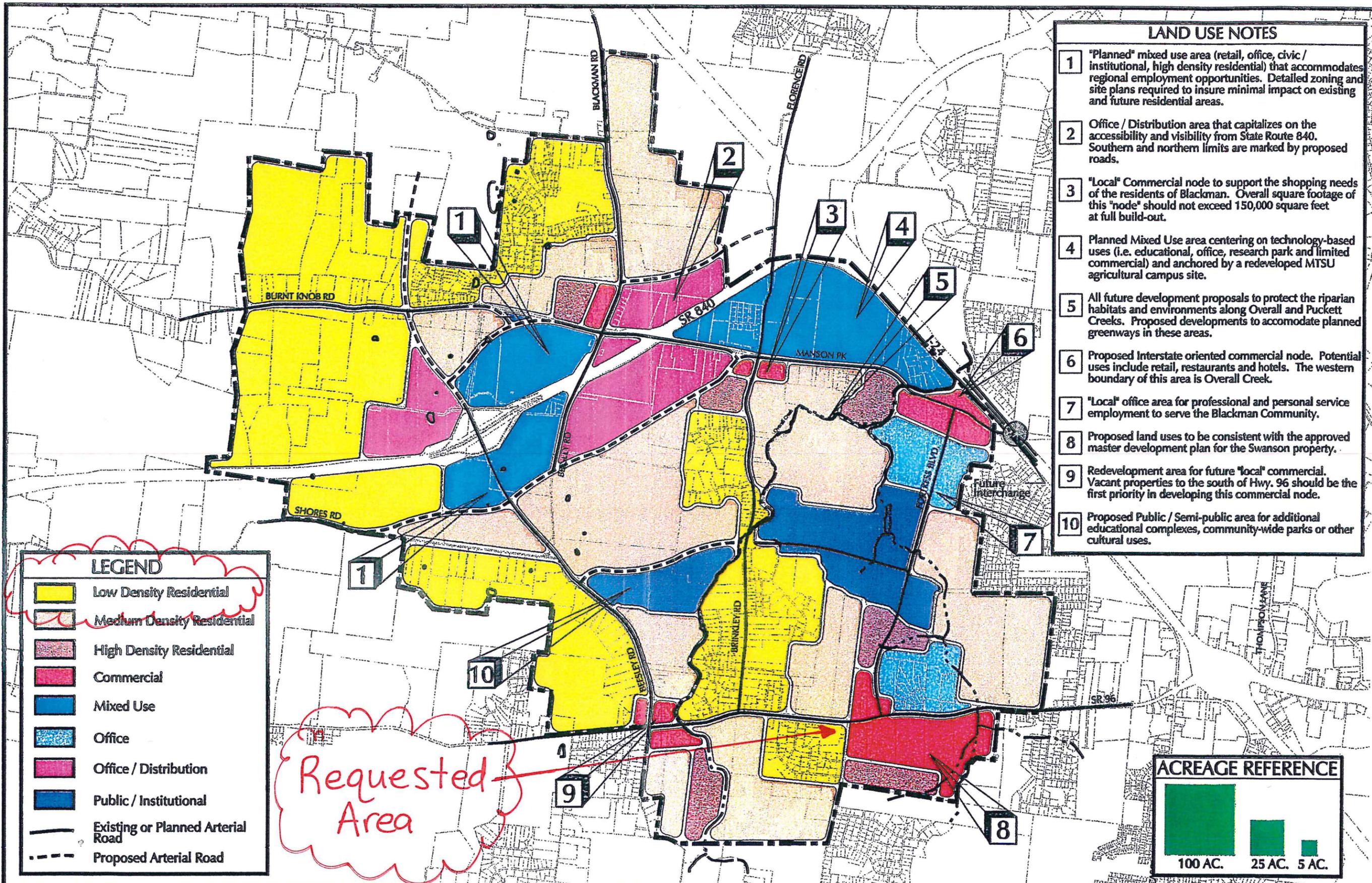
**Lot 1
 Barbara Hutson
 SUBDIVISION**

CITY OF MURFREESBORO, TENNESSEE
 13th CIVIL DISTRICT OF RUTHERFORD COUNTY

SEC, Inc. SITE ENGINEERING CONSULTANTS
 ENGINEERING • SURVEYING • LAND PLANNING
 850 MIDDLE TENNESSEE BLVD • MURFREESBORO, TENNESSEE 37129
 PHONE (615) 890-7900 • FAX (615) 895-2567

PROJ. # 13304	DATE: 11-04-13	FILE: HUTSONPLAT	DRAWN BY: ACAD/JWG	SCALE: 1" = 100'	SHEET I OF 1
------------------	-------------------	---------------------	-----------------------	---------------------	-----------------

2013-1080



Requested Area

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JANUARY 6, 2015**

4.c. Mandatory Referral/Right-of-Way Abandonment [2015-723] for the abandonment of an existing alley south of West Burton Street, Matt Taylor applicant.

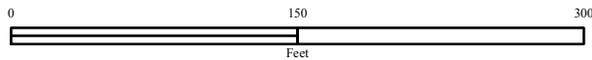
The subject property is located along the south side of West Burton Street in between North Church Street and North Maple Street. It is on land that is proposed to be developed with the Rutherford County Judicial Center. The Judicial Center property, including the subject right-of-way, is currently in the process of being rezoned to PND (Planned Institutional District). The City Council voted to approve this rezoning request on third and final reading on December 10th. If approved, the PND zoning will go into effect on December 25th.

The subject right-of-way is an alley, and Staff is unsure of when this alley was originally dedicated. For many years, it essentially served to provide access to the back of the recently demolished commercial buildings that fronted North Maple Street. To a casual observer unaware that this was public right-of-way, it would have appeared that this alley was actually just a portion of the commercial lots along North Maple Street. At the time these buildings were demolished several months ago, the pavement in this alley was removed as well. The Judicial Center building is proposed to be located directly over where the alley right-of-way is presently located. The Planning Commission approved the site plan for the Judicial Center at its December 16th meeting. Approval was made subject to the abandonment of the alley and the subsequent transferal of the abandoned alley right-of-way to the applicant.

Staff has studied the proposed right-of-way abandonment and has included a memo with its findings. It appears that the abandonment of the alley right-of-way will not pose any problems for any of the utilities or service providers that were contacted, and no additional easements will be needed. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.



**Proposed Right-of-Way Abandonment
South of West Burton Street**



GIS Department
City Of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov



November 25, 2015

Mrs. Margaret Ann Green
City of Murfreesboro Planning Dept.
111 West Vine Street
Murfreesboro, TN 37133-1139

RE: Rutherford County Judicial Center
Mandatory Referral
SEC Project No. 14052

Dear Margaret Ann,

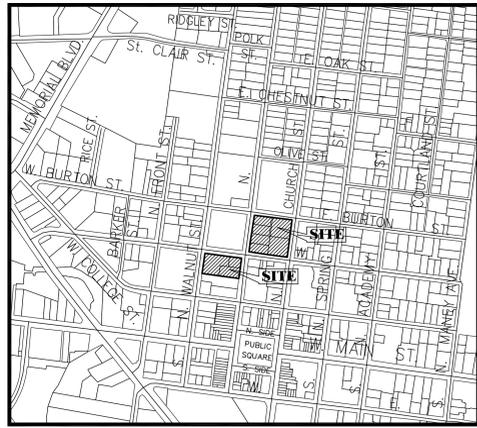
Please find the attached documents to support the mandatory referral request for abandonment of an existing alley.

Should you need any clarification concerning the request, please feel free to contact me at 615-890-7901 or mtaylor@sec-civil.com.

Sincerely,



Matt Taylor, P.E.
SEC, Inc.



LOCATION MAP
N.T.S.

ZONING: CH (COMMERCIAL HIGHWAY)
FRONT SETBACK: 42'
SIDE SETBACK: 10'
REAR SETBACK: 20'

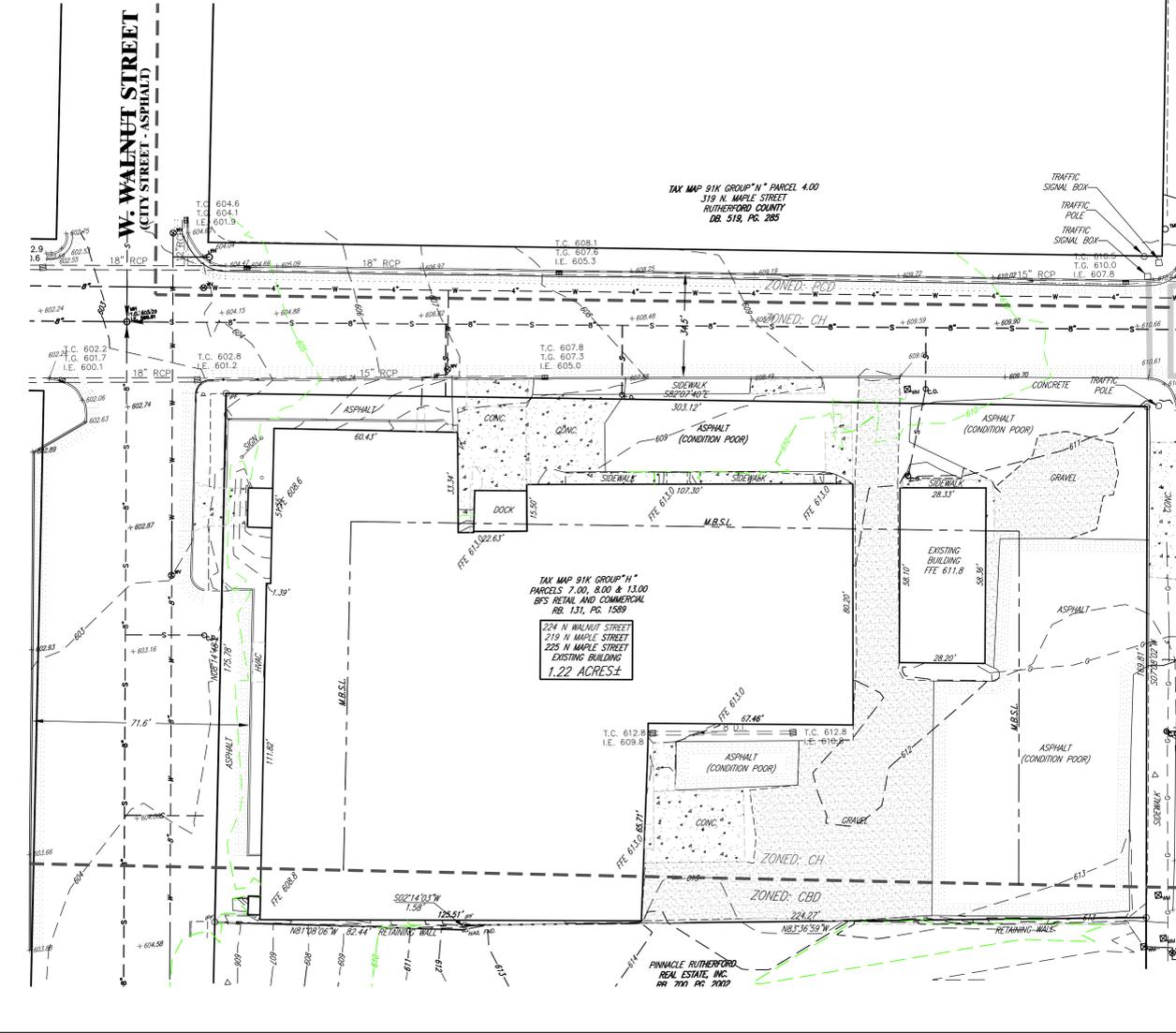
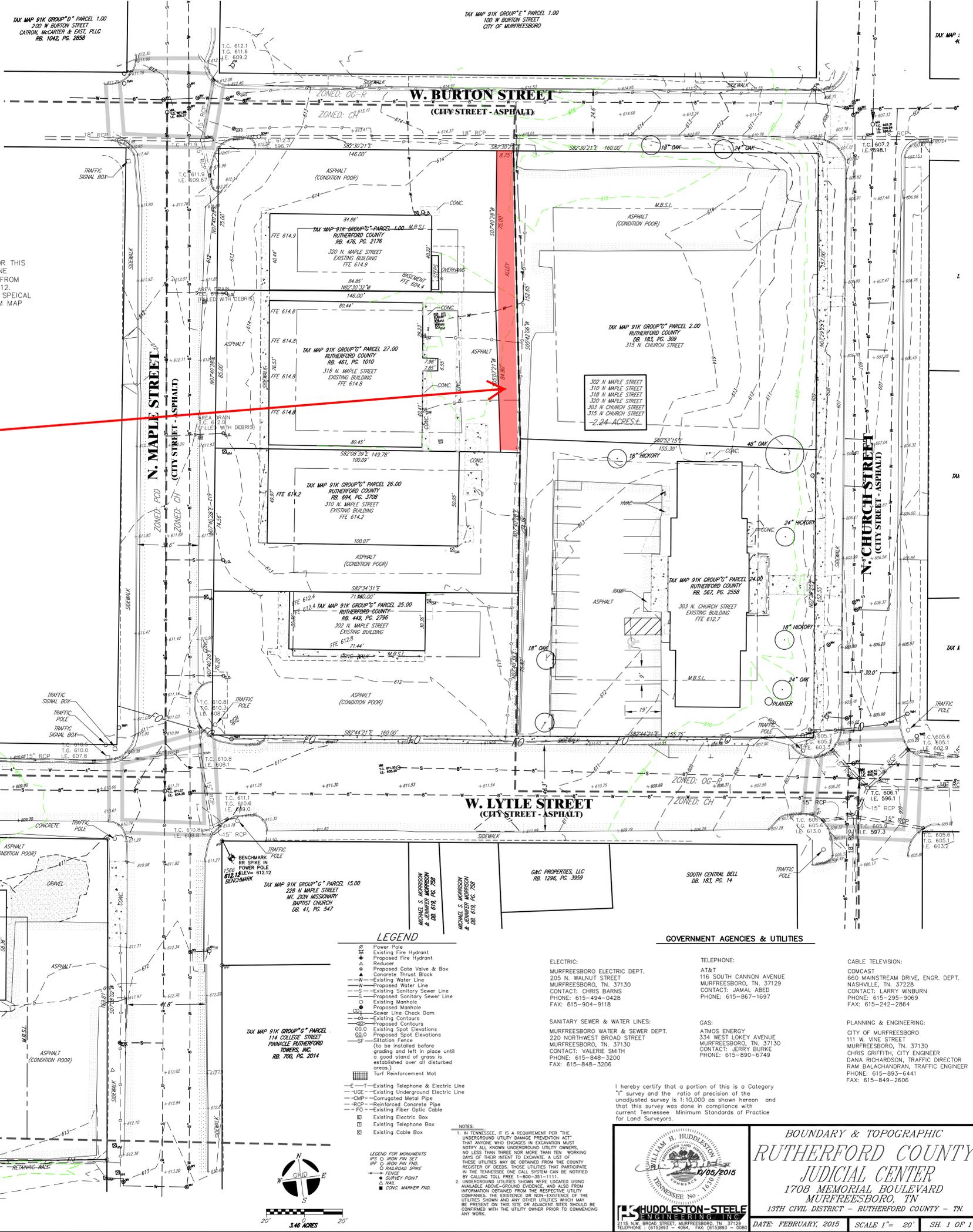
ZONING: PCD (PLANNED COMMERCIAL DEVELOPMENT)
FRONT SETBACK: VARIES
SIDE SETBACK: VARIES
REAR SETBACK: VARIES

ZONING: OG-R (GENERAL OFFICE DISTRICT - RESIDENTIAL)
FRONT SETBACK: 30'
SIDE SETBACK: 10'
REAR SETBACK: 20'

ZONING: CBD (CENTRAL BUSINESS DISTRICT)
FRONT SETBACK: NONE
SIDE SETBACK: NONE
REAR SETBACK: NONE

1. BASIS OF BEARINGS AND VERTICAL CONTROL FOR THIS SURVEY IS TIED TO THE TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83-96) REFERENCED FROM CITY OF MURFREESBORO UGB MONUMENT #02-212.
2. THIS PROPERTY LIES WITHIN ZONE X, NOT IN A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON FEMA FIRM MAP #47149C0260H, EFFECTIVE DATE 01/05/2007.

EXISTING ALLEY TO BE ABANDONED AND QUITCLAIMED BACK TO RUTHERFORD COUNTY GOVERNMENT



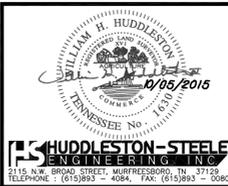
LEGEND

- Power Pole
- Existing Fire Hydrant
- Proposed Fire Hydrant
- Reducer
- Proposed Gate Valve & Box
- Concrete Thrust Block
- Existing Water Line
- Proposed Water Line
- Existing Sanitary Sewer Line
- Proposed Sanitary Sewer Line
- Existing Manhole
- Proposed Manhole
- Sewer Line Check Dam
- Existing Contours
- Proposed Contours
- Existing Spot Elevations
- Proposed Spot Elevations
- Siltation Fence
- (to be installed before grading and left in place until a good stand of grass is established over all disturbed areas.)
- Turf Reinforcement Mat
- Existing Telephone & Electric Line
- Existing Underground Electric Line
- Corroded Metal Pipe
- Reinforced Concrete Pipe
- Existing Fiber Optic Cable
- Existing Electric Box
- Existing Telephone Box
- Existing Cable Box

GOVERNMENT AGENCIES & UTILITIES

- ELECTRIC:**
MURFREESBORO ELECTRIC DEPT.
205 N. WALNUT STREET
MURFREESBORO, TN, 37130
CONTACT: CHRIS BARNES
PHONE: 615-494-0428
FAX: 615-304-9118
- TELEPHONE:**
AT&T
118 SOUTH CANNON AVENUE
MURFREESBORO, TN, 37228
CONTACT: JAMAL ABED
PHONE: 615-867-1697
- CABLE TELEVISION:**
COMCAST
605 MAINSTREAM DRIVE, ENGR. DEPT.
NASHVILLE, TN, 37228
CONTACT: LARRY WINBURN
PHONE: 615-295-9069
FAX: 615-242-2864
- SANITARY SEWER & WATER LINES:**
MURFREESBORO WATER & SEWER DEPT.
220 NORTHWEST BROAD STREET
MURFREESBORO, TN, 37130
CONTACT: VALERIE SMITH
PHONE: 615-848-3200
FAX: 615-848-3206
- GAS:**
ATMOS ENERGY
334 WEST LOKEY AVENUE
MURFREESBORO, TN, 37130
CONTACT: JERRY BURKE
PHONE: 615-890-6749
- PLANNING & ENGINEERING:**
CITY OF MURFREESBORO, TN, 37130
CHRIS GRIFFITH, CITY ENGINEER
DANA RICHARDSON, TRAFFIC DIRECTOR
RAM BALACHANDRAN, TRAFFIC ENGINEER
PHONE: 615-893-6441
FAX: 615-849-2606

I hereby certify that a portion of this is a Category "T" survey and the ratio of precision of the unadjusted survey is 1:10,000 as shown hereon and that this survey was done in compliance with current Tennessee Minimum Standards of Practice for Land Surveyors.



BOUNDARY & TOPOGRAPHIC
RUTHERFORD COUNTY
JUDICIAL CENTER
1708 MEMORIAL BOULEVARD
MURFREESBORO, TN
13TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN
DATE: FEBRUARY, 2015 SCALE 1" = 20' SH. 1 OF 1



... creating a better quality of life.

Memorandum

To: Gary Whitaker, Interim Planning Director
From: Joe Ornelas
Date: December 21, 2015
Re: Right of way abandonment- Alley south of West Burton Street

Please find below a summary of the responses received regarding the captioned right of way abandonment. In summary:

AT&T

Officials from AT&T indicated that they are in the process of removing their cables within this ROW. The cable located along West Burton Street going east and west will remain.

Murfreesboro Electric Department (MED)

MED does not have any issues with closing this right of way.

Murfreesboro Water and Sewer Department

MWSD has abandoned all existing water and sewer lines within the existing alley and will not need an easement.

Consolidated Utility District

This ROW abandonment is not located within the CUD service boundary.

Engineering Department

The Engineering Department does not have any concerns with closing this portion right of way. No drainage easements will be needed.

Transportation Department

The Transportation Department does not have any concerns with closing this portion right of way

Police Department

The right of way abandonment will not affect the Murfreesboro Police Department.

Solid Waste Department

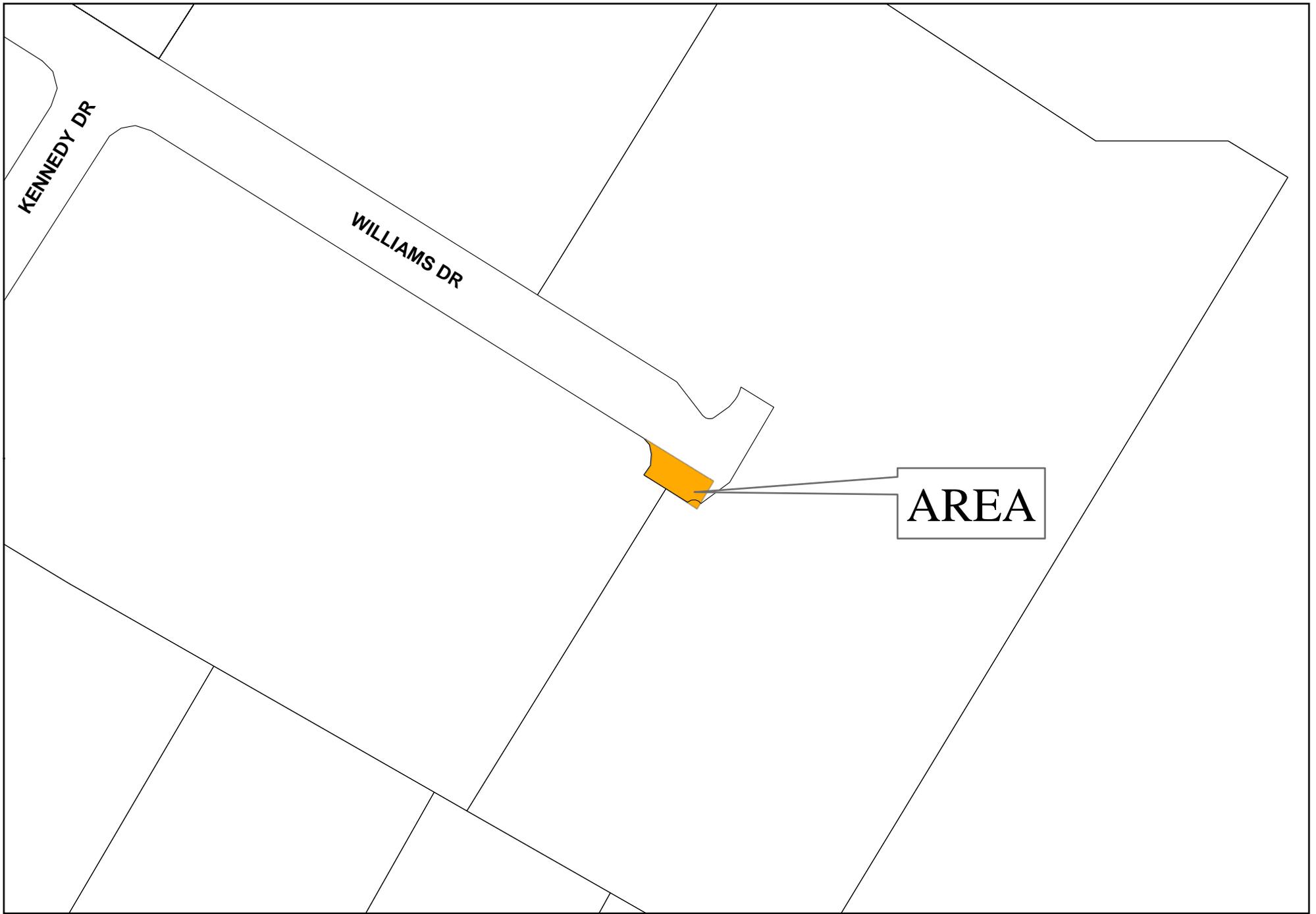
The Solid Waste Department will not be affected by the abandonment of this right of way.

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JANUARY 6, 2015**

4.d. Mandatory Referral/Right-of-Way Abandonment [2015-725] for the abandonment of a portion of Williams Drive, Matt Taylor applicant.

The request is to abandon an existing portion of Williams Drive right of way. Williams Drive can be accessed from Kennedy Drive, just off Gateway Boulevard. It is adjacent to land proposed to be developed with a commercial/medical office. The Planning Commission has approved plans for the site to develop with a commercial/medical office identified as Waterstone Office Park Lot 5A. Williams Drive has a 52' wide right of way with two hammerheads at each end. The total study area is approximately 0.03 acres. The right of way was dedicated to the City with the Parkway Office Park commercial subdivision. The subject right-of-way is a turnout for a future southbound road which is no longer planned to be constructed and is approximately 0.03 acres. At the request of the City's Transportation director, the applicant has initiated the right of way abandonment. Staff recommended including the entire turnout in the study.

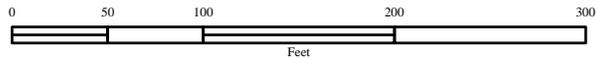
Attached is a report prepared by planning staff from the correspondence with various departments. Staff recommends maintaining an easement for the existing utilities which are currently located within the right of way. If the Planning Commission decided to approve this request, staff will recommend as a condition of approval that the applicant provides a legal description for the area, a re-subdivision plat, and field locate the utilities to properly locate the easement. The Planning Commission will need to conduct a public hearing to consider abandoning this portion of Williams Drive right of way.



**Proposed Right-of-Way Abandonment and Mandatory Referral
for a Portion of Williams Drive**



Path: G:\planning\ROW Abandonment\WilliamsDr.mxd



GIS Department
City Of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov



... creating a better quality of life.

Memorandum

To: Gary Whitaker, Interim Planning Director
From: Joe Ornelas
Date: December 21, 2015
Re: Right of way abandonment - Williams Drive

Please find below a summary of the responses received regarding the captioned right of way abandonment. In summary:

AT&T

AT&T has stated they will not need an easement within the proposed ROW to be abandoned.

Murfreesboro Electric Department (MED)

MED has an existing facility on the west side of the proposed abandonment. If the electric facilities are within the area to be abandoned, MED will require an easement for those facilities.

Murfreesboro Water and Sewer Department

MWSD has an existing 8” water main, 8” sewer main, and 8” repurified water main within Williams Drive. MWSD requests that a 10’ft water line easement be retained parallel to the water line on the south side in the area to be abandoned.

Consolidated Utility District

This ROW abandonment along Williams Drive is not located within CUD's service boundary.

Engineering Department

The Engineering Department does not have any concerns with closing this portion right of way.

Transportation Department

The Transportation Department does not have any concerns with closing this portion right of way

Police Department

The right of way abandonment will not affect the Murfreesboro Police Department.

Solid Waste Department

The Solid Waste Department will not be affected by the closure of this right of way.

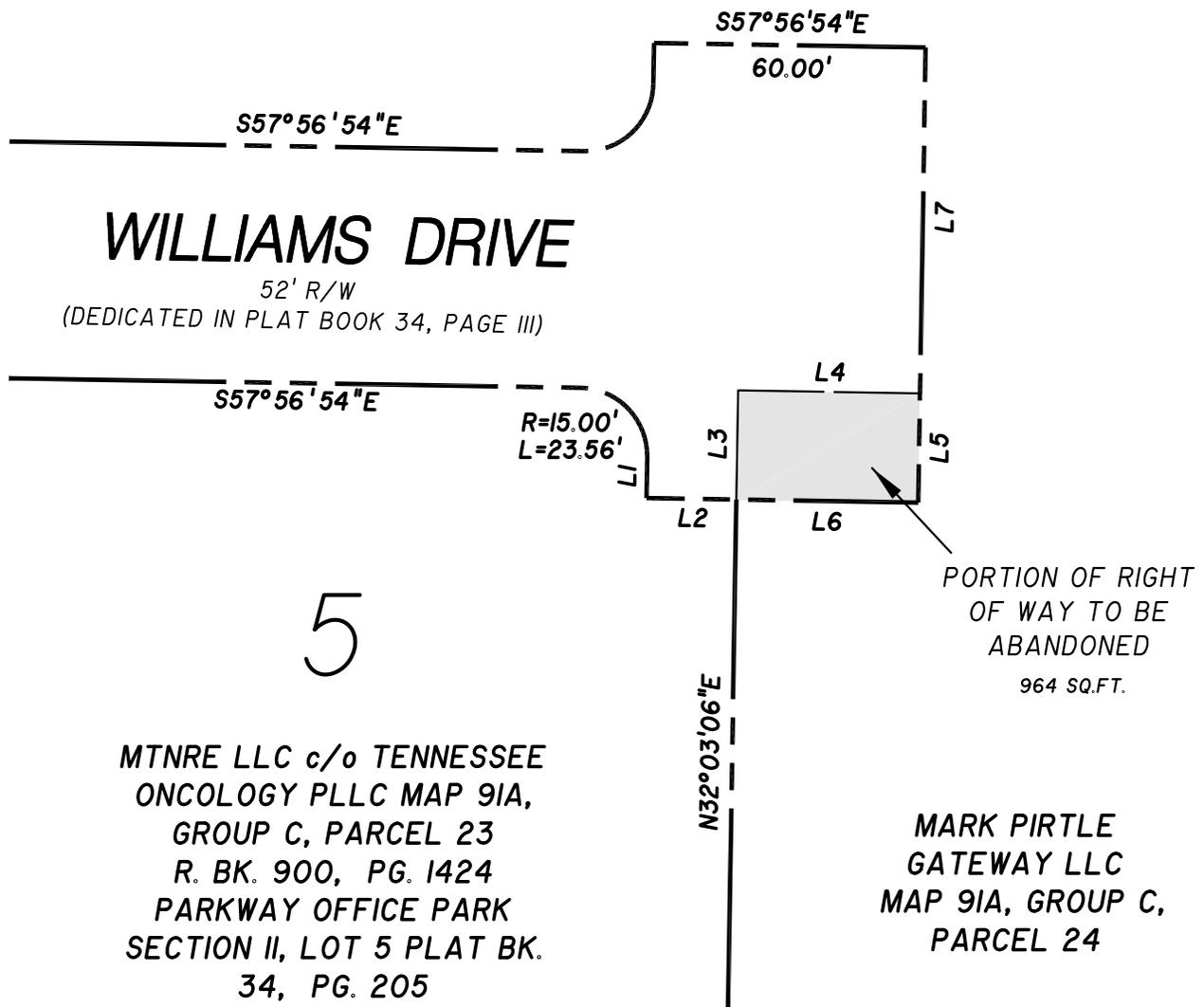
EXHIBIT

ABANDONMENT OF A PORTION OF THE RIGHT OF WAY
OF WILLIAMS DRIVE.
PARKWAY OFFICE PARK
CITY OF MURFREESBORO - RUTHERFORD COUNTY,
TENNESSEE



SCALE: 1"=40'

MARK PIRTLE
GATEWAY LLC
MAP 91A, GROUP C,
PARCEL 24



LINE	BEARING	DISTANCE
L1	S32°03'06"W	9.00'
L2	S57°56'54"E	19.84'
L3	N32°03'06"E	24.00'
L4	S57°56'54"E	40.16'
L5	S32°03'06"W	24.00'
L6	N57°56'54"W	40.16'
L7	S32°03'06"W	76.00'

SEC, INC. SITE ENGINEERING CONSULTANTS
850 MIDDLE TENNESSEE BOULEVARD, MURFREESBORO, TENNESSEE 37129

PROPERTY DESCRIPTION
PORTION OF THE RIGHT OF WAY
FOR WILLIAMS DRIVE

A TRACT OF LAND IN THE CITY OF MURFREESBORO, 13TH CIVIL DISTRICT OF RUTHERFORD COUNTY, TENNESSEE, BOUNDED ON THE NORTH AND WEST BY THE REMAINING RIGHT OF WAY FOR WILLIAMS DRIVE, AND ON THE EAST AND SOUTH BY THE REMAINING LANDS OF MARK PIRTLE GATEWAY LLC (R.B. 973, PG. 3914). PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN WITH CAP (SEC) AT THE NORTHEAST CORNER OF LOT 5, PARKWAY OFFICE PARK SECTION II (PLAT BK. 34, PG. 205);
THENCE WITH A NEW LINE SEVERING THE RIGHT OF WAY FOR WILLIAMS DRIVE THE FOLLOWING CALLS:

N32°03'06"E, A DISTANCE OF 24.00 FEET;

THENCE, S57°56'54"E, A DISTANCE OF 40.16 FEET TO A POINT IN THE WESTERLY LINE OF MARK PIRTLE GATEWAY LLC;

THENCE WITH THE LINE OF MARK PIRTLE GATEWAY LLC, S32°03'06"W, A DISTANCE OF 24.00 FEET;

THENCE CONTINUING WITH SAID LINE, N57°56'54"W, A DISTANCE OF 40.16 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 964 SQUARE FEET.

BEING A PORTION OF THE RIGHT OF WAY FOR WILLIAMS DRIVE, A 52 FOOT WIDE RIGHT OF WAY DEDICATED TO THE CITY OF MURFREESBORO, TENNESSEE.

Prepared by: SEC, Inc.
850 Middle Tennessee Blvd.
Murfreesboro, TN 37129

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

MEMBERS PRESENT

Bob Lamb, Chairman
Kathy Jones
Tom Clark
Kirt Wade
Eddie Smotherman
Ken Halliburton

STAFF PRESENT

Gary Whitaker, Planning Director
Matthew Blomeley, Principal Planner
Margaret Ann Green, Principal Planner
Robert Lewis, Planner
Joe Ornelas, Planner
Carolyn Jaco, Recording Assistant
David Ives, Assistant City Attorney
Ram Balachandran, Traffic Engineer

Chairman Lamb called the meeting to order after determining there was a quorum. The minutes of the August 5, 2015 and August 19, 2015 Planning Commission meetings were approved as submitted.

Public Hearings

Rezoning application [2015-424] for approximately 3.4 acres located along Lytle Street to be zoned from CH (approx. 2.3 acres) & OG-R (approx. 1.2 acres) to PND, Rutherford County Government applicant. Mr. Matthew Blomeley began by describing the rezoning request Planned Institutional District to allow for the development of the Rutherford County Judicial Center and the associated parking garage in downtown Murfreesboro. The proposed Judicial Center location consists of the entire block located at the northeast corner of West Lytle Street and North Maple Street. This block is also bordered on its north side by West Burton Street and on its east side by North Church Street. There are several existing commercial buildings on the side of this block adjacent to North Maple Street. These buildings will be demolished in the coming months. The existing drug court building along the North Church Street side of the property, which

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

housed the Health Department years ago, is proposed to remain. The parking garage is proposed to be constructed on the northern half of the block at the southwest corner of West Lytle Street and North Maple Street. The building that previously housed the Daily News Journal offices will be demolished in order to make way for the parking garage.

The proposed Judicial Center property is currently zoned CH (Commercial Highway) and OG-R (General Office District - Residential), while the proposed parking garage property is zoned CH. Rutherford County Government owns all of the subject parcels and has requested a rezoning to PND (Planned Institutional District), specifically for the development of the properties for the uses noted above. The bulk limitations, such as the maximum building height and the minimum building setback requirements, of the CH and OG-R zones will not facilitate the type of urban redevelopment proposed by the applicant. In evaluating different options for rezoning, Staff looked at the CBD (Central Business District) zone, but the proposed Judicial Center Building would still require a variance to the maximum building height. In addition, Staff felt that the lack of landscaping requirements in the CBD zone was not appropriate for this development. Staff recommended that the applicant pursue a PND zoning designation, which would simultaneously provide assurances to the City regarding the quality of the development as well as allow for the zoning to be tailored to the specific proposed uses and site design.

The property directly across North Maple Street from the proposed Judicial Center site and across West Lytle Street from the proposed parking garage site is zoned PCD (Planned Commercial District) and is developed with an office building owned and operated by Rutherford County government. The property to the north of the Judicial Center site across West Burton Street is zoned OG-R and is developed with the

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

Rutherford County Health Department. Across North Church Street from the proposed Judicial Center site are several multi-family residential structures and a County parking lot zoned OG-R. Several commercial buildings and a church zoned CH are located across West Lytle Street from the proposed Judicial Center site and across North Maple Street from the parking garage site. Across North Walnut Street from the proposed Judicial Center site is the Murfreesboro Electric Department, also zoned CH.

The proposed Judicial Center building will be predominantly situated at the north end of the block adjacent to West Burton Street. However, the front of the building will be oriented southward toward West Lytle Street. Surrounding the main entrance to the building will be a landscaped plaza area with benches. The building itself will total 225,000 square-feet and will consist of six floors and a subsurface garage. Architectural renderings of the proposed Judicial Center building have been included in the program book. Exterior materials are proposed to include brick, white precast concrete, glass, and copper. The building height will be 155' measured from the lowest adjacent grade. The applicant has received correspondence from the City's Airport Manager indicating that while the proposed Judicial Center building is located within the City's Airport Overlay District, the height of the building will not penetrate the Airport's Horizontal Surface. However, the applicant will have to comply with FAA requirements if a crane is utilized during construction.

The subsurface garage of the proposed Judicial Center building will not be open to the public. It will be used as a parking area for judges and for prisoner transport. Access to the subsurface garage will be from North Church Street. On-street Sheriff's Department parking will be provided along West Burton Street. Public parking will be located in the

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

proposed parking garage across the street. The proposed garage will initially consist of a total of four levels, three covered levels of parking and one level on the roof. The program book includes the possibility of the addition of two more levels of covered parking in the future. It is uncertain at this time, however, whether or not those additional levels will ever be constructed, but the program book makes provisions for those additional levels if needed in the future so that no amendment to the PND zoning would be required to facilitate such construction. An architectural rendering of the garage has been included in the program book. Its exterior materials include brick, white precast concrete, and glass. Public on-street parking is proposed to be added in front of the parking garage along West Lytle Street. In addition, the plan makes provisions for a potential pedestrian bridge over the intersection of West Lytle Street and North Maple Street. It has not yet been determined whether or not this pedestrian bridge will ever be constructed, but the zoning plan makes provisions for its future construction without having to amend the PND.

The subject development will be impacted by the City's reconstruction of West Lytle Street. Phase 1 of this project, which is currently under construction, includes the intersection of Northwest Broad Street and West Lytle Street as well as the proposed roundabout at the intersection of West Lytle Street and West College Street. Phase 2 will include the reconstruction of West Lytle Street all the way east to its intersection with North Church Street. Phase 2 is currently under design. Phase 2 of the West Lytle Street project will include the reconstruction of the two blocks of West Lytle adjacent to the subject property, as well as the reconstruction of the adjacent sections of North Maple Street and West Burton Street. The timing of the road construction project is intended to generally coincide with the timing of the construction of the Judicial Center. Any

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

proposed improvements in the public right-of-way to be constructed as a part of the Judicial Center development are being coordinated with the City Transportation and Engineering Departments so that they are consistent with the proposed road improvement plans.

Mr. Bricke Murfree, Mr. Matt Taylor, Mr. Jerry Preston, Mr. Adam Nicholson and Mr. Steve Johnson were all present to represent the applicant. Mr. Murfree came forward making known this project has been on the radar for over a decade. For the past two years Mayor Ernest Burgess has provided assistance by gaining input from stakeholders, and the design review committee. The design review committee was composed of Rutherford County Judges, members from the Rutherford County Clerk's office, Rutherford County Commissioners, members from the Rutherford County Sherriff's Department and the Main Street Board. Mr. Murfree, commented how pleased and honored he was to be involved with this project knowing that it would become a strong statement to our community.

Mr. Matt Taylor came forward to begin a power point presentation making known the applicant's program book having the following:

- Details for the proposed building and materials to be used for the six story public building and the four story parking garage.
- Future allotments have been planned for two additional parking levels and a pedestrian bridge if ever needed.
- This entire site would have a formal feel within the downtown area
- Demolition would occur to the existing structures later this month

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

- Formal site work should start as early as 2016 once the rezoning request and site plan is approved
- Completion date would be 2018 with the judicial center, the parking garage and road improvements all during the same time.

Ms. Kathy Jones asked, if the pedestrian bridge had been included in the program book, in which Mr. Taylor answered no. Mr. Taylor explained, at this time they want approval for the use so if it is ever required or proposed it would come back to the Planning Commission for site plan approval.

Mr. Matthew Blomeley handed out copies of an email from Ms. Andrea Loughry stating that she supports this rezoning request.

Chairman Bob Lamb opened the public hearing.

Ms. Kathleen Herzog, Executive Director, Main Street Downtown – stated that Main Street Downtown for years has been supporting the new judicial building. This building will be an anchor for the historic downtown.

Mr. Bill Jakes with the Design Committee of Main Street Downtown – he has been involved with the design committee and they have listened and have created a monument to the downtown area.

Dr. Gloria Bonner Chair 2015 Main Street Downtown – for the past 30 years Main Street has been actively engaged and maintaining the cultural integrity of historic downtown. They are very pleased with the design of the judicial building.

Chairman Lamb closed the public hearing.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

Ms. Kathy Jones wanted to know about the landscape plantings not being required in certain locations around the new building and parking garage. Mr. Matt Taylor explained the parking garage would be constructed along property line to property line; therefore, the landscaping would be placed in public right of way. The City Engineer would have to review and approve the landscaping plans within the public right of way. Last, there would be two feet of landscaping plantings around the judicial centers.

Mr. Eddie Smotherman asked what would be placed in the current judicial building, in which Mayor Burgess came forward stating it would continue being used as a Rutherford County office building.

Mr. Ken Halliburton made a motion to approve the rezoning request subject to all staff comments, seconded by Mr. Eddie Smotherman. The motion carried by unanimous vote in favor.

Rezoning application [2015-425] for approximately 3.4 acres located along Summit Court be rezoned from RS-15 to RD, John Jones applicant. Ms. Margaret Ann Green began by describing the subject properties are located along Summit Court, a cul-de-sac street. The requested area is owned by Dorothy Norris and is developed with a two-family dwelling on 0.98 acres. Ms. Norris requested for her property to be rezoned from RS-15 (Single-Family Residential District) to RD (Duplex Residential District). Planning Commission has included 4 additional parcels on the map to also study for rezoning. In total, 5 parcels are shown on the map. Four of the five parcels are developed with two-family dwellings and one of the parcels is developed with a single-family dwelling. The properties to the east, north and west are zoned RS-15. Oakland Drive and Oakland High school are located to the east and John Pittard Elementary is to the north, just across

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

DeJarnette Lane. The properties to the south are zoned RS-12 (Single-Family Residential District).

The two-family dwelling was constructed in 1980. The subject property was annexed in 1986 and came into the City with an interim RS-15 zoning classification as there was no companion zoning change request. Single-family and two family dwellings are permitted by right within the R-D district.

The applicant, Ms. Norris, desires to rezone her property to R-D to allow the existing use by right with intentions of subdividing the parcel. The existing use is considered a lawfully established, non-conforming use and does not have the right to be reconstructed as a two family dwelling if it were completely damaged or destroyed.

Mr. John Jones was present to represent the applicant. Mr. Jones explained the property owner was considering selling her property. With this rezoning request it would allow the duplexes to be reconstructed if ever needed, due to a fire, tornado etc. Last, this property does have city sewer.

Mr. Tom Clark made a motion to approve the rezoning request subject to all staff comments, seconded by Mr. Eddie Smotherman. The motion carried by unanimous vote in favor.

Rezoning application [2015-421] for approximately 6.6 acres located along New Salem Highway to be rezoned from CH to RM-16, Cornerstone Development applicant. Ms. Margaret Ann Green began by describing the subject property located north of New Salem Highway (Highway 99) and north of Salem Creek Drive. The properties to the south are zoned RS-15 (Methodist United Fellowship Church and Boxwood Plantation

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

House). The property to the west is zoned RM-16 (Westbury Farms apartment community) and further to the west is the Publix at Salem shopping center. The property to the east is zoned CF and is the future location of a Wal-Mart Neighborhood Market. Saint Andrews Place PRD is located to the north. This portion of New Salem Highway is on the Major Thoroughfare Plan and proposed to be widened by Tennessee Department of Transportation; however, no timeframe has been identified for those future improvements.

The subject property is zoned both Commercial Highway district (59.9 acres zoned CH) and Multi-family Residential District (35.5 acres zoned RM-16). The applicants desire to rezone a 6.6 acre portion of their property from CH to RM-16 to coincide with an overall development plan. A zoning exhibit and a proposed Master Plan which propose a total of 66.5 acres to be zoned RM-16 and 29 acres to be zoned CH are available with this request. If the 6.6 acres is rezoned to RM-16, then the number of permitted dwelling units would be increased by 106 units not including any possible density bonuses. Additional units may be gained if the site plan includes amenities that meet the requirements of the Zoning Ordinance provided that the total of all such density bonuses may not exceed 30% of the maximum density permitted in the district (32 units).

Mr. Matt Taylor was present to represent the applicant. Mr. Taylor explained how this portion of the property would be the front door onto a main arterial.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

Chairman Lamb opened the public hearing.

Mr. Ed Davis 3336 Berryside Drive - requested not to allow any street connection between this property and Mershon Drive. He has concerns with a new road connection would create a racetrack through his subdivision.

Ms. Chrysay Davis 3336 Berryside Drive - has concerns with the increase of density and how it would increase the traffic flow along Mershon Drive. She requested not to allow a street connection from this property onto Mershon Drive.

Mr. E. C. Coe 3366 Berryside Drive - requested not to allow any street connection between this property and Mershon Drive.

Chairman Lamb closed the public hearing.

Ms. Margaret Ann Green made known that Mr. Dana Richardson, City Transportation Director, had reviewed the master plan for this rezoning request. Mr. Richardson has made known that Mershon Drive was developed with expectations that the roadway would be extended with future development. Staff has reviewed the connection and agree it is beneficial for the public traffic flow and for city services. Also, additional street connections would occur during development along the north and east side of this property. Any modifications regarding the design of the street connection would occur during the master plan review.

Mr. Matt Taylor made known the road network would become available if this rezoning request is approved. During this rezoning request the road connection is not part of this plan.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

Ms. Kathy Jones made a motion to approve the rezoning request subject to all staff comments, seconded by Mr. Kirt Wade. The motion carried by unanimous vote in favor.

PUD amendment [2015-420] for Parcel E of the Victory Station PUD on approximately 9.7 acres located along Fortress Boulevard, Murfreesboro IL-Al Investors, LLC. Mr. Matthew Blomeley began by describing the subject property located along the west side of Fortress Boulevard. It is a part of the Victory Station PUD (Planned Unit District). The Victory Station PUD was originally approved in 2000. It has been amended several times in the last 15 years. It is a mixed use PUD consisting of a variety of residential, institutional, and commercial uses, some of which have already developed. The subject property, which is 9.7 acres in size, is identified in the PUD zoning plan as "Parcel E." Parcel E is approved for commercial retail development with a maximum square-footage of 133,500 and 445 parking spaces.

The applicant seeks to amend the PUD to allow for the development of a home for the aged/assisted care living facility. Earlier this year, the same applicant received approval from the City Council for an amendment to the PUD to allow the same development on "Parcel F" of Victory Station directly to the north. After the PUD amendment became effective, however, the applicant and the land owner discovered the existence of wetlands. Instead of pursuing Parcel F, the applicant has decided to pursue a PUD amendment to Parcel E in order to develop the proposed facility. It should be noted that at some point in the future the land owner will likely submit a request to amend Parcel F now that the assisted living facility is no longer moving forward at that location.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

The proposed development is to be called The Crossings at Victory Station. It will contain a total of 176 dwelling units. In comparison to the current PUD plan approved for retail commercial uses, the number of parking spaces would be reduced from 445 to 165. The proposed building is three stories and its exterior materials are primarily brick and fiber cement siding. According to the applicant, the site will consist of 55-60% open space. The development will also be required to comply with the standard site development requirements of the Victory Station PUD.

On its south side, the subject property borders land that is also a part of the Victory Station PUD. This area is denoted as "Parcel D" and is zoned for the development of Highway Commercial uses. A portion of Parcel D is developed with an Exxon on the Run convenience market. "Parcel B" of the Victory Station PUD is located to the east directly across Fortress Boulevard. Parcel B is approved for light commercial and office uses, such as medical offices, pharmacies, and daycares. To the north of the subject property is the aforementioned Parcel F, which was originally zoned for 176 multi-family apartment units. It is now zoned for a home for the aged/assisted care living facility. As mentioned earlier, Staff expects the land owner to file a request to amend Parcel F in the future, possibly back to its original multi-family use designation. To the west is a large single-family residential estate lot, which is currently zoned RS-15 (Residential Single-Family). The applicant proposes a 10'-wide Type A landscape buffer along the north, south, and west lot lines to help mitigate any potential negative impacts on adjacent land uses.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

Continuing, Mr. Blomeley stated this rezoning request would be considered as a down zoning from commercial use to a residential use. Also, revisions have been submitted for the applicant's pattern book detailing the number of mix units being the following:

- Instead of 102 independent living units being changed to 93 independent living units
- Instead of 48 assisted living units being changed to 54 assisted living units
- Instead of 26 memory care units being changed to 29 memory care units

Overall, the total number of units would remain the same of 176 units.

Mr. Randy Caldwell was present to represent the applicant. Mr. Caldwell explained the changes being made were due to the discovery of wetlands that was in the middle of the original property. Fortunately, the Swanson's had another piece of property available to the applicant. This development has been slightly changed for the mix uses but the architecture will remain the same being three stories, all masonry product that will fit on the linear property site.

Chairman Lamb opened the public hearing. No one came forward to speak for or against the rezoning request; therefore, Chairman Lamb closed the public hearing.

Mr. Ken Halliburton made a motion to approve the rezoning request subject to all staff comments, seconded by Mr. Tom Clark. The motion carried by unanimous vote in favor.

Annexation petition [2015-506] for approximately 12.6 acres located along Osborne Lane, Stuart Conway applicant. Mr. Matthew Blomeley began by describing the subject property located along the north side of Osborne Lane just east of Frank Robinson Drive.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

The Ridgeport single-family residential subdivision is located directly to the west of the site and The Reserve single-family residential subdivision is located directly to the northwest. The Hamptons single-family residential subdivision is located to the south directly across Osborne Lane. All three of the aforementioned subdivisions are already located within the City limits. The property directly to the east of the site, which is developed with one single-family residence located in the unincorporated Rutherford County. The property directly to the north is currently in the unincorporated County also but has been requested for annexation and zoning for a residential development called Valleybrook.

The applicant, who recently purchased the property, is not a residential developer. However, he intends to market the property for residential development. He is requesting annexation so that future development on the property will have access to City services, including sanitary sewer. The subject property is contiguous with the existing City Limits to the south and to the west. It is within the City's urban growth boundary. In addition, the property owner has petitioned the City for the annexation.

Staff has prepared a feasibility study and plan of services for this request. The annexation feasibility study and plan of serves indicates that the City will be able to provide services to the subject property upon annexation. No right-of-way is included in the annexation study, as the Osborne Lane right-of-way in front of the subject parcel is already inside the City limits. The property owner has also filed a request to have the property zoned RS-12 (Single- Family Residential District) simultaneous with annexation.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

Chairman Lamb opened the public hearing.

Ms. Lauren Johnson (no address given) – requested that more information and clarity be provided regarding preserving the trees and protecting the natural wildlife on this property.

Chairman Lamb closed the public hearing.

Mr. Clyde Rountree was present to represent the applicant. Mr. Rountree came forward stating the proposed homes for this property would be consistent with the homes that are adjacent to this property along Frank Robinson Drive.

Mr. Blomeley made known how the Engineer Department analysis regarding site drainage for this property did not identify any potential challenges with development. This property drains northeast to Bear Branch Creek.

Mr. Ken Halliburton made a motion to approve the annexation request subject to all staff comments, seconded by Ms. Kathy Jones. The motion carried by unanimous vote in favor.

Rezoning application [2015-423] for approximately 12.6 acres located along Osborne Lane to be zoned RS-12 simultaneous with annexation, Stuart Conway applicant. Mr. Matthew Blomeley began by describing the subject property located along the north side of Osborne Lane just east of Frank Robinson Drive. The Ridgeport single-family residential subdivision is located directly to the west of the site and The Reserve single-family residential subdivision is located directly to the northwest. The Hamptons single-family residential subdivision is located to the south directly across Osborne Lane. All

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

three of the aforementioned subdivisions are already located within the City limits and are zoned RS-12 (Single-Family Residential_District). The property directly to the east of the site is developed with one single-family residence and is zoned RM (Medium Density Residential) in unincorporated Rutherford County. The property directly to the north is currently in the unincorporated County also but has been requested for annexation and zoning as a PRD (Planned Residential District) for a residential development called Valleybrook, which, if approved, will consist of a condominium product and single-family detached homes on lots of 6,000 square feet to 12,000 square-feet.

The applicant, who recently purchased this property, is not a residential developer. However, he intends to market the property for RS-12 residential development simultaneous with annexation. The RS-12 zoning will permit single-family residential lots with a minimum lot size of 12,000 square-feet. This will yield approximately 34 single family residential lots. If there was no companion zoning request for the property simultaneous with annexation, it would automatically receive a zoning designation of RS- 15, which requires a minimum lot size of 15,000 square-feet. By way of comparison, the RS-15 zoning would yield approximately 27 single-family lots.

Mr. Clyde Rountree was present to represent the applicant.

Chairman Lamb opened the public hearing.

Ms. Lauren Johnson (no address given) - requested for the trees on this property be maintained to preserve the wildlife.

Chairman Lamb closed the public hearing.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

Ms. Kathy Jones made a motion to approve the rezoning request subject to all staff comments, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Staff Reports and Other Business

Annexation petition [2014-508] for approximately 60.62 acres along Compton Road, Ms. Virginia Cabellero applicant. Mr. Matthew Blomeley made known he was presenting a slight modification from the January 7, 2015, public hearing annexation request. Staff had discovered that a correction has to be made to the annexation map exhibit. The 10' strip along the southern property line (referenced from the January 7th staff comments) was depicted only adjacent to 745 Osborne Lane to the south. However, in order for the City limits to not completely surround 705/725 Osborne Lane, as well as the property directly to the west, the 10' strip should have been extended slightly west of the property at 745 Osborne Lane. A revised map exhibit showing the 10' strip extending approximately 10' west of the property at 745 Osborne Lane has been provided with this request.

The modification to the map exhibit does not require another public hearing before the Planning Commission. A separate public hearing on the annexation petition will be held before the City Council. However, as a matter of "Other Business," Staff would ask the Planning Commission approve the revised annexation study area depicted on the map exhibit. If the Planning Commission approves this revision, then the map exhibit will be forwarded on to the City Council as revised. In addition, the map exhibit will also be updated in the plan of services. Also a revised map exhibit of the PRD zoning request

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 7, 2015

consistent with the modified annexation map exhibit. Staff would ask that the Planning Commission's motion include the revision to the zoning map exhibit as well.

Mr. Tom Clark made a motion to approve subject to all staff comments, seconded by Ms. Kathy Jones.

Mr. David Ives requested for the Planning Commission to adopt a second Resolution specifically approving the plan of services that had been presented and approved for the annexation request for item e. Annexation petition [2015-506] for approximately 12.6 acres along Osborne Lane, Stuart Conway applicant.

Due to a new state law, the Planning Commission will present future Resolutions as separate items. First, there will be a public hearing to consider annexations. Second, if there is a companion for zoning with the annexation request the Planning Commission will conduct a public hearing to consider zoning. Last, Mr. Ives stated the Planning Commission should make a motion to approve adopting the Resolution for the plan of services and recommend to City Council, for the 12.6 acres that is located along Osborne Lane, Stuart Conway applicant.

Mr. Ken Halliburton made a motion to approve the plan of services for the annexation petition 2015-506 for approximately 12.6 acres located along Osborne Lane, Stuart Conway applicant, seconded by Ms. Kathy Jones. The motion carried by unanimous vote in favor.

**MINUTES OF THE
MURFREESBORO PLANNING
COMMISSION
OCTOBER 7, 2015**

There being no further business the meeting adjourned at 8:25 p.m.

Chairman

Secretary

GW:cj