

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, March 23, 2016, at 1:00 p.m.  
City Hall, 111 West Vine Street, Council Chambers, 1<sup>st</sup> Floor

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**A G E N D A**

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1. Call to order
2. Consideration of minutes for the regular meeting on February 24, 2016
3. New Business

*Variance Requests*

**a. Application Z-16-015 by Kirk Mason representing Stones River Manor Inc.,** making the following requests for property in the Highway Commercial (CH), Single-Family Residential (RS-15), and Medical – Residential (CM-R) districts located at 205 Haynes Drive:

- i. A Variance from Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance, which requires a Type D buffer between adjacent properties zoned Highway Commercial (CH) and Single-Family Residential (RS-15); and
- ii. A Variance from Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance, which requires a Type A buffer between adjacent properties zoned Highway Commercial (CH) and Medical District – Residential (CM-R).

**b. Application Z-16-018 by Tim Dietz representing Sonic Restaurants,** making the following requests for property in the Highway Commercial (CH) district located at 215 Cason Lane:

- i. A Variance from Section 26(D)(1) of the Murfreesboro Zoning Ordinance, which prohibits drive-thru lanes from being located in a required front yard;
- ii. A Variance from Chart 4 of the Murfreesboro Zoning Ordinance, which requires a carry-out restaurant to have a minimum of ten (10) queuing spaces; and

- iii. A Variance from Chart 3 of the Murfreesboro Zoning Ordinance, which requires drive aisles adjacent to sixty (60) degree parking spaces to have a minimum width of eighteen (18) feet.

*Variance and Special Use Permit Request*

- c. **Application Z-16-019 by Mike Hunley representing Rutherford County Government**, making the following requests for property in the Medical – Residential (CM-R) district located at 604 East Burton Street and 611 East Lytle Street:
  - i. A Special Use Permit to allow a Public Building in the CM-R district; and
  - ii. A five (5) parking space Variance from Chart 4 (Required Off-Street Parking and Queuing Spaces by Use) of the Murfreesboro Zoning Ordinance, which requires one (1) parking space for every 250 square feet of floor area.

*Special Use Permit Requests*

- d. **Application Z-16-020 by Chrissy Clevenger**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Food Sales) on property in the Highway Commercial (CH) district located at 1911 Old Fort Parkway.
- e. **Application Z-16-021 by Aaron Blankenship of Ole South Patriotic Inc.**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Highway Commercial (CH) district located at 3060 South Church Street.
- f. **Application Z-16-022 by Alan Gauger of Xtreme Fireworks**, requesting a Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer) on property in the Heavy Industrial (H-I) district located at 1945 Northwest Broad Street.

- 4. Staff Reports and Other Business
- 5. Adjourn

# Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

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February 24, 2016 – 1:00 P.M.  
City Hall, Council Chambers

## MEMBERS PRESENT

Julie King  
Frances Mosby  
Ken Halliburton  
Davis Young, Vice-Chair  
John Rodgers, Chairman

## MEMBERS ABSENT

## STAFF PRESENT

Donald Anthony, *Principal Planner*  
David Ives, *Assistant City Attorney*  
Brenda Davis, *Recording Assistant*

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Chairman Rodgers called the meeting to order at 1:00 P.M.

Mr. Ives said there was a man that spoke at the January 27<sup>th</sup> meeting regarding the hours at the soccer complex on the Jordan Farm that did not identify himself. Mr. Ives thinks the man was Thomas Baird that works with the Parks and Recreation Department in charge of all the athletic programs. Mr. Ives will verify the identity and if it is not Mr. Baird, he will report back at the March meeting.

Minutes from the January 27, 2016 regular meeting were approved as amended.

## New Business

### *Sign Variance*

**Application S-16-005 by Betsy Shackelford of Premier Sign Company representing John Nickerson**, requesting a Variance from Section 25 ¼ - 24 (A)(22) of the Murfreesboro Sign Ordinance, which prohibits a sign from being placed in or over a public utility or drainage easement, for property in the Highway Commercial (CH) district located at 3017 Medical Center Parkway.

Ms. Kerr reviewed the application and the Staff comments contained in the BZA agenda package. Ms. Shackelford was present to answer questions.

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Chairman Rodgers verified both the signs meet all the requirements but for the fact they are in or over a public utility drainage easement.

Ms. Kerr said yes, that is correct.

**Ms. Mosby made a motion to approve a Variance from Section 25 ¼ - 24 (A)(22) of the Murfreesboro Sign Ordinance, which prohibits a sign from being placed in or over a public utility or drainage easement, for property in the Highway Commercial (CH) district located at 3017 Medical Center Parkway. The motion was seconded by Mr. Halliburton and carried unanimously in favor.**

*Variance Requests*

**Application Z-16-006 by David Robinson**, requesting a five (5) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum ten (10) foot side yard setback in the Medical Residential (CM-R) district, for property located at 704 East Burton Street.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Mr. Robinson was present to answer questions.

Vice-Chair Rodgers asked if the existing structure was on lot 18.

Mr. Anthony said the existing structure is on lot 19. He said the garage that was serving that structure was located on lot 18.

Mr. Anthony showed the aerial of the property and said the garage structure on the lot will be removed.

Mr. Halliburton verified that lot 19 was increased by 15-feet.

Mr. Anthony said yes, that is correct.

Mr. Halliburton asked the purpose of the lot increase since the garage was being removed.

Mr. Anthony said the dashed line on the exhibit marked the previous property line, the house structure was over that line.

Ms. King asked if the person that owned the house on lot 19 owned both properties and built on both properties.

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Mr. Anthony assumed that to be correct.

Mr. David Robinson came to the podium and said he is requesting the 5-foot from the west side of the property, not the east side. They do not want to be closer to the other home but rather farther away. Mr. Robinson said they want to be closer to the vacant lot.

Mr. Anthony pulled up the exhibit the applicant submitted and found it to be incorrect.

Mr. Robinson agreed stating the exhibit is upside down.

Chairman Rodgers asked Mr. Robinson if he purchased the property from the people that encroached on the property line.

Mr. Robinson said he bought the property at an auction.

Chairman Rodgers asked if the people that encroached on the property line auctioned the property.

Mr. Robinson said the auction was an estate auction through Bob Parks Realty and was not sure the status as the time.

Chairman Rodgers asked if the house next door were occupied.

Mr. Robinson said no and the house is for sale.

Mr. Halliburton asked if Mr. Robinson knew how long the two lots have existed.

Mr. Robinson said he did not know.

Ms. King asked Mr. Robinson if he has a home he intends to build on the subject lot.

Mr. Robinson said he does not have a specific plan and wanted to wait to see the outcome of this request.

Ms. King asked if he has found any plans that would exist within the current setback requirements.

Mr. Robinson said they have not settled on a plan but wanted to see the outcome of the variance request today. He said they would have more options to consider if they had a few more feet.

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Chairman Rodgers verified Mr. Robinson was looking to encroach into the setback on the west side of the property.

Mr. Robinson said yes, closer to the vacant lot that is kind of like a buffer zone owned by NHC.

Mr. Halliburton verified the vacant lot is owned by NHC located next to Mr. Robinson's lot.

There was discussion about the lot lines and distance between the parking lot and property lines.

Mr. Robinson said the existing garage is currently encroaching into the envelope. He reminded the Board the garage will be torn down.

Chairman Rodgers opened the public hearing.

Mr. P. J. McAlee, the general contractor for the Robinsons came to the podium. He said when they started looking for house plans for a 35-foot wide house and the square footage the Robinsons were looking for an overall structure, one of the things that came up was the house started looking more like a row house like a Stratford Hall /Winslow Park type product. Mr. McAlee said they felt like a 40-foot would really be more suitable to the charm they were trying to keep to the downtown area with a bungalow or craftsman style house without going so far back into the property. Part of the request was to make sure they could keep with the character of the neighborhood especially the downtown area as a hold and revitalization that is going on down there. Mr. McAlee was in favor of the request.

Chairman Rodgers closed the public hearing.

Mr. Halliburton said since NHC owns this lot he does not think they will be putting a house next to this and if anything would be increasing the square footage of the parking lot. He said he does not have an issue with the fact that they are encroaching into this setback.

**Mr. Halliburton made a motion to approve a five (5) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum ten (10) foot side yard setback in the Medical Residential (CM-R) district, for the west side of property located at 704 East Burton Street. The motion was seconded by Vice-Chair Young and carried unanimously in favor.**

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**Application Z-16-007 by Doug Short of iDesign Architecture Group representing Eye Care Plus**, requesting a twelve (12) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum forty-two (42) foot front yard setback in the Highway Commercial (CH) district, for property located at 419 Memorial Boulevard.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package.

Chairman Rodgers asked if the building would be torn down or remodeled.

Mr. Anthony said the applicants plan to remodel the existing building and add an entrance onto the front.

Mr. Anthony said he spoke with Ram Balachandran, the Traffic Engineer about the fate of Broadmor as it is currently closed due to the road construction. Mr. Balachandran said Broadmor will re-open in the future.

Chairman Rodgers verified the subject property could only be accessed by Broadmor as it will not be accessible off of Memorial Boulevard.

Mr. Anthony agreed.

Vice-Chair Young said the front of the building will remain the same but cars will access from the west.

Mr. Anthony agreed and said the safest access will be located off from Broadmor.

Chairman Rodgers said the site layout, grading, and utility plan is showing access to Memorial but he doesn't think that will be possible because they will be right there on the exit ramp to Broad Street.

Mr. Anthony agreed.

Mr. Ives said there will be a retaining wall built along the property line for the ramp that is coming off Memorial to Broad Street so there will not be any access off of Memorial Boulevard into the subject property.

Mr. Doug Short came to the podium and said they will lose all the front parking and that is why they wanted to have the two doors going sideways. They will have parking on each side. The way the building is laid out, that will be the front entrance of the building.

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Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Vice-Chair Young made a motion to approve a twelve (12) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum forty-two (42) foot front yard setback in the Highway Commercial (CH) district, for property located at 419 Memorial Boulevard. The motion was seconded by Ms. Mosby and carried unanimously in favor.**

**Application Z-16-008 by Ronald and Laura Nelson**, requesting a two and one-half (2.5) percent Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which limits lot coverage to a maximum of twenty-five (25) percent in the Single-Family (RS-10) district, for property located at 117 North University Street and 534 East College Street.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Mr. Ronald and Laura Nelson were present to answer questions.

Mr. Ronald and Laura Nelson came to the podium. Mr. Nelson said they are trying to enhance the value of their property by building a two-car garage on the 534 East College Street structure and Ms. Nelson added they are also adding the front porch. She said the house is a block-shaped house and feels a front porch would make it fit in better with the other existing historic homes.

Mr. Halliburton verified the garage is not a front-entry garage.

Mr. Nelson said it is not a front-entry garage.

Ms. Nelson said from the street, it will look like the rest of the house. She said they do not want to have the garage doors to be seen.

Vice-Chair Young asked the Nelson's if they are required to go to the Historic Zoning Commission.

Ms. Nelson said yes, if the Board of Zoning approves the request today they will submit application to the Historic Zoning Commission.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

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**Mr. Halliburton made a motion to approve a two and one-half (2.5) percent Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which limits lot coverage to a maximum of twenty-five (25) percent in the Single-Family (RS-10) district, for property located at 117 North University Street and 534 East College Street. The motion was seconded by Vice-Chair Young and carried unanimously in favor.**

**Application Z-16-009 by Beth Throneberry**, requesting a ten (10) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum forty-two (42) foot front yard setback in the Heavy Industrial (H-I) district, for property located at 201 Shelby Street.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package.

Chairman Rodgers asked if the street currently ends at the end of the parking lot.

Mr. Anthony said the street ends in a parking lot across the street at the end of Shelby Street. He said the street empties into the parking lot at that point.

Chairman Rodgers asked how they would access that parking lot once the cul-d-sac is constructed.

Mr. Anthony said there will be a cut at the end of the cul-d-sac to allow traffic to continue on into that parking lot.

Chairman Rodgers asked if the street would be City-owned right-of-way or would it become part of the parking lot.

Mr. Anthony said the street would be City-owned right-of-way up until the end of the cul-d-sac bulb and the parking lots that come off of that would be privately maintained.

Chairman Rodgers asked if what used to be Shelby Street would be rededicated back to the property owner.

Mr. Anthony said that is a tough question to answer because he has not looked at exactly where the right-of-way is on Shelby Street and where the private ownership began. He showed an aerial photograph that showed property lines. He said at some point the City street ends and the private maintenance begins.

Chairman Rodgers asked if the interstate is located behind this property.

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Mr. Anthony said there is a railroad track behind this property.

Mr. Matt Taylor with SEC came to the podium and said the right-of-way continues to the railroad but there is no roadway constructed. It ends where the cul-d-sac is going.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

Chairman Rodgers said the next application is also located on Shelby Street and asked where that property location is compared to this subject location.

Mr. Anthony said the next application at 230 Shelby Street is directly across the street from this location at 201 Shelby Street.

**Vice-Chair Young made a motion to approve a ten (10) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum forty-two (42) foot front yard setback in the Heavy Industrial (H-I) district, for property located at 201 Shelby Street. The motion was seconded by Ms. King and Ms. Mosby and carried unanimously in favor.**

**Application Z-16-010 by Beth Throneberry**, requesting a ten (10) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum forty-two (42) foot front yard setback in the Light Industrial (L-I) district, for property located at 230 Shelby Street.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Ms. Mosby made a motion to approve a ten (10) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum forty-two (42) foot front yard setback in the Light Industrial (L-I) district, for property located at 230 Shelby Street. The motion was seconded by Ms. Mosby and carried unanimously in favor.**

**Application Z-16-011 by Clyde Rountree of Huddleston-Steele Engineering Inc. representing Sami Abuzahra**, requesting a thirteen (13) foot Variance from Chart 2

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(Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum twenty (20) foot rear yard setback for property in the Highway Commercial (CH) district located at 415 Southeast Broad Street.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. If the Board approves this application, Staff recommends the following condition:

- 1) The applicant shall obtain a footing survey prior to construction to ensure that the new structure is situated within the required setbacks (including any varied setbacks granted by the Board).

Chairman Rodgers asked what was located to the north of the subject property.

Mr. Anthony said he thinks the property owner of the subject lot also owns the lot to the north and utilizes it for car inventory.

Chairman Rodgers asked if the property to the east is a side setback.

Mr. Anthony said Staff deemed this to be a side setback.

Chairman Rodgers asked if it would be a 5-foot side setback.

Mr. Anthony said because this property is CH (Commercial) and abuts CH (Commercial) property, it is a zero setback.

Chairman Rodgers verified the building, as it exists, is not a non-conforming structure but a conforming structure.

Mr. Anthony agreed that to be correct.

Mr. Anthony reviewed an exhibit submitted by the applicant. The exhibit showed where the proposed car wash would be located on the northeastern corner of the property.

Vice-Chair Young asked if the lot to the north is a separate lot.

Mr. Anthony said yes, it is a separate lot.

Vice-Chair Young asked if the applicant owns the lot to the north.

Mr. Anthony said yes.

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Mr. Anthony reviewed some photos of the site and pointed out the location of the proposed car wash.

Chairman Rodgers asked what was previously at the proposed car wash location because there looks to be a concrete pad at that location.

Mr. Anthony said the site was prepared for construction prior to application being made to the Board of Zoning Appeals.

Mr. Halliburton found it odd that there is a zero setback in Heavy Industrial.

Mr. Anthony said the properties are located in CH district and that is for zoning purposes but there would be Fire and Building & Code issues that require building separation. He said zoning does not always line up with those codes. Mr. Anthony said there will be some distance between the two lots and added there will be a site plan review process in which the other departments will weigh in and make sure they are staying sufficiently away from the other buildings.

Chairman Rodgers opened the public hearing.

Mr. Todd Hayes and Mitchell Faulk at 425 S.E. Broad Street came to the podium. Mr. Hayes said he leases the property at 425 S.E. Broad Street which is located next to the subject property. Mr. Faulk is the owner of the property at 425 S.E. Broad Street. Mr. Hayes passed out some pictures to the Board Members. Mr. Hayes was not familiar with the zero setback requirement between the two buildings and mentioned the fence is starting to fall where the earth was dug out at the property line. Mr. Hayes said the pictures show this area. He expressed concern about his existing building because land is starting to fall off and erode away a couple of feet away from the dug-out area. Mr. Hayes asked if a retaining wall needed to be installed.

Mr. Hayes also mentioned they had a fence that ran down the front side of the lot to Broad Street. The neighbors removed the fence one weekend, not realizing they didn't own it. Because that fence is not in place, they get a lot of foot traffic so their security is affected. Mr. Hayes said the neighbor offered to help reinstall the fence but Mr. Faulk decided not to reinstall the fence. Mr. Hayes said the fence in the rear is starting to fall down now. Mr. Hayes and Mr. Faulk are concerned about the stabilization of their building where the dirt was removed especially since the area is eroding away.

Chairman Rodgers asked if the red roofed building was part of the 425 S.E. Broad property.

Mr. Hayes said yes.

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Mr. Halliburton asked if the applicant was present.

Mr. Rountree with Huddleston-Steele Engineering was present, representing the applicant.

Chairman Rodgers asked Mr. Rountree if he has seen the photographs.

Mr. Rountree said no, he has not seen the pictures.

Chairman Rodgers suggested Mr. Rountree take a look at the pictures.

Mr. Clyde Rountree with Huddleston-Steele Engineering came to the podium. He said the catalyst for the project was the initial construction. Mr. Rountree thinks there has been a building permit secured. He said once the cut was made, it was brought to the attention of the neighbors and that slowed down the process. Mr. Rountree said as a result, their client was required to seek the variance first and then the site plan process. He said it is his understanding the retaining wall will be integral to the foundation of the new building or there would be a retaining wall that would be put behind the building that would alleviate the neighbor's concern. Mr. Rountree said it would not go unnoticed and will be dealt with. He said there was a stop order on the job and had to move through this process so the concerns the neighbors have is valid. Mr. Rountree said they are losing a little time in the process trying to get all the other due diligence done.

Mr. Halliburton referred to the fence and asked if the applicant would install a fence above the retaining wall or is it going to remain the same.

Mr. Rountree said he is willing to cooperate but does not know anything about the fencing process. He said if it is going to fall, it will be re-secured during the process. He referred to the corridor and suggested closing off that access to keep people from going behind the building. He said he has not talked to the client about the fencing in particular.

Chairman Rodgers asked what assurances and follow-up does the Board of Zoning have to make sure this isn't constructed yet because that cut is terrible and they don't want the building to come down inside a year if that is not addressed. He wants to make sure the building and retaining wall is constructed to assure the stability of the property next door.

Mr. Anthony said during the site plan review process, once the City Engineering department gets heavily involved in this they will provide guidance to the applicant on how to ensure that cut is stabilized. He said they have looked at it already and that is what instigated the stop-work order that occurred. Mr. Anthony said the City Engineering department is very well aware of the situation and the importance of it and

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the fact this man's building is setting just right above that cut. He said during the site plan review process that is of utmost importance for Engineering to look at.

Chairman Rodgers asked what would happen if it never gets constructed.

Mr. Anthony said the applicant will have to remedy the cut. He doesn't know if discussion has been made it to that point but the assumption is there is going to be a structure placed there. Mr. Anthony offered to speak with the Planning Director and the Engineering Director to determine what to do if there is no structure placed there. He said there would have to be some remedy to stabilize the hillside sooner rather than later.

Mr. Halliburton addressed Mr. Ives and questioned there being no setback requirements between Heavy Industrial (H-I) zoning.

Mr. Ives verified again there are no setback requirements between Heavy Industrial zoning but the Building and Codes department requires firewalls, firewall ratings or separation for buildings. He said property owner that got there first and built right on the property line, then the subsequent building is either going to have to be fire rated or moved away from it.

Mr. Halliburton understands a permit was given and one of the reasons why is because there was no setback requirement, so there wasn't really anything to look at except second thinking of issuance of the permit.

Mr. Ives has not investigated anything about the issuance of the first permit whether there was one issued or not. He was under the impression the work started on site without a permit being issued.

Mr. Halliburton said he understands better now, if that is what happened.

Mr. Anthony read the section in the Ordinance pertaining to the CH district:  
*In the CL district and for all uses in the CH district the minimum side yards in Chart 2 shall apply only if the property abuts or is adjacent to properties zoned or used for residential purposes or the residential portion of an approved Planned Development otherwise no side yard is required.*

Mr. Rountree said if the variance passes, the applicant is planning to submit a site plan tomorrow (February 25<sup>th</sup>). He said the applicant is very aggressive about trying to get this done. Mr. Rountree is not hesitant about the applicant not doing it but want to make sure the situation is alleviated. He said Planning and Engineering have looked at it and there is no question it will be addressed.

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Mr. Anthony said tomorrow (February 25<sup>th</sup>) is submittal day for Planning Commission so hopefully this item would come in tomorrow.

Mr. Ives suggested this body to condition the variance approval on the site that has been partially excavated being stabilized to the satisfaction of the City Engineer or the satisfaction of the Building and Codes Department or if it should be to a Consulting Engineer that is retained and paid for by the applicant. He said the applicant started work without any permits and if there is some cost to remediating that, it should be handled by the applicant and not by the neighbor to stabilize the site. He said he does not know how critical the cut is and what it would take to put a retaining wall up to stabilize that site. Mr. Ives said whether that takes a Civil Engineer to look at and approve or if that is something that our City Staff (Building and Codes / City Engineers) can look at and approve.

Chairman Rodgers said if they said City Staff or if City Staff deems it appropriate for a third party Consultant.

Mr. Ives agreed that a third party Consulting Engineer might be appropriate.

Mr. Halliburton said he was hesitant to vote for this today because the applicant is not at the meeting and the Board does not have the ability to ask why a building permit was not requested at the beginning of the project. Mr. Halliburton said he would love to know why and if anything, he would like to defer this to figure that out because the applicant has put himself in this position.

Mr. Rountree said he does not know the whole scenario but the applicant has met twice with the Planning Director and Staff. He said whether it is logical or right, an explanation has been given to the City Planning Staff. Mr. Rountree said City Planning Staff asked the applicant to walk through this process and they have been diligent since that time. He said the applicant is trying to move this through as fast as possible to try and get this mitigated before it becomes any worse. Mr. Rountree said it is something the applicant did under some presumption but that has been clarified with the City Planning Staff.

Ms. King said she would be concerned about deferring due to the nature of this cut and the stability of the land. She said it might be better to provide such a condition as Mr. Ives suggested and allow for this to be corrected without any further damage potentially being done.

Mr. Rountree said any delay would be a concern due to the fact that slowing down the process, it would stay in an unstable state. He said the site plan will show the retaining wall whether it is independent of the building or integral to the structure of the building.

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Mr. Rountree said the stabilization of the wall could be covered within the context of the site plan and could make that mandatory if they need to note that on the drawings.

Chairman Rodgers verified the northern property boundary has been deemed to be a rear setback and the eastern boundary to be a side setback. He asked if that is his discretion or are there benchmark things looked at to deem these.

Mr. Anthony said they determined this was a corner lot because it has a little frontage on South Maney. He said with a commercial corner lot, there are two fronts, one side and one rear according to the Zoning Ordinance. He said it was determined that the primary frontage was on South East Broad which is where 90% of the front of this lot is and the rear would be the opposing side from that which would be the northern property line.

Chairman Rodgers verified the other front would be short little segment located on Maney Avenue.

Mr. Anthony said yes.

Chairman Rodgers asked if it would in the Zoning Ordinance that opposite the long end gets the rear setback.

Mr. Anthony did not know if that is in the Zoning Ordinance or if that is something they would typically apply.

Chairman Rodgers said common sense would play a part.

Mr. Anthony said that is probably how that would work.

There being no one else to speak for or against the request, Chairman Rodgers closed the public hearing.

Ms. Mosby asked if concrete had been poured at the subject location.

Mr. Anthony said yes and showed a photo of the area.

Mr. Ives said he is not certain but said the concrete appears to be very old and doesn't appear to have been poured in connection with this project. He said the photo shows where the dirt was on the side of the building.

Mr. Halliburton said he hates to be put in a position to approve something just because they don't want to cause a problem to the neighbors when this Board is being put in the middle. He agreed with Ms. King and does not want the integrity of this project to go

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any further out to cause the neighbor more problem by the fact that the BZA takes inaction or delay action.

**Mr. Halliburton made a motion to approve a five (5) foot Variance from Section 27(J)(2) of the Murfreesboro Zoning Ordinance, which requires that a shared planting yard between two adjacent properties have a minimum width of ten (10) feet, for property in the Heavy Industrial (H-I) district located at 511 Middle Tennessee Boulevard and 640 Captain Joe Fulghum Drive with the following conditions:**

- 1) **The applicant shall obtain a footing survey prior to construction to ensure that the new structure is situated within the required setbacks (including any varied setbacks granted by the Board).**
- 2) **The bank at the rear of the property shall be stabilized to the satisfaction of either the City Engineering Department or the City Building and Codes Department. If either the City Engineering or City Building and Codes Department feels that the approval of the remediation is beyond their capabilities, they will arrange to retain a Consulting Civil Engineer to give the City assurance that he design and construction is adequate to support the neighbor's property to the rear at the cost of the applicant.**

Vice-Chair Young asked if it were necessary to ask for a time limit on this.

Mr. Ives said he does not know the ability of the BZA as an enforcement Board and putting a time limit on it because it will have to go through the site plan and construction plan process and reviews.

**The motion was seconded by Ms. King.**

Ms. Mosby asked for Chairman Rodgers thoughts.

Chairman Rodgers said he thinks the motion is appropriate. He said the applicant created this condition and it needs to be repaired immediately. Chairman Rodgers does not feel it would be a good idea to prolong this creating uncertainty and use this for an excuse to not act upon this to get it corrected. He said the Board really does not have any choice but to approve the request.

**The motion was unanimously approved.**

Mr. Halliburton asked Mr. Ives asked if this site plan would be placed on the consent agenda for the Planning Commission or will it be an item on the agenda they will look at.

Mr. Ives said if this is requested to go onto the regular agenda, it would be there.

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Mr. Halliburton said he would like it to go on the regular Planning Commission agenda.

Chairman Rodgers asked Ms. Davis to include the pictures that were presented by Mr. Todd Hayes and Mitchell Faulk at 425 S.E. Broad Street be included in the file.

Ms. Davis concurred.

**Application Z-16-012** by **Steve Steele of Huddleston-Steele Engineering Inc. representing Phillip and Tammy Dodd**, requesting a five (5) foot Variance from Section 27(J)(2) of the Murfreesboro Zoning Ordinance, which requires that a shared planting yard between two adjacent properties have a minimum width of ten (10) feet, for property in the Heavy Industrial (H-I) district located at 511 Middle Tennessee Boulevard and 640 Captain Joe Fulghum Drive.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. If the Board approves this request, Staff recommends the following condition:

- 1) The owner(s) of the properties located at 511 Middle Tennessee Boulevard and 640 Captain Joe Fulghum Drive shall create a shared maintenance agreement document and submit it to the Planning Director and City Attorney for review. Upon approval by the Planning Director and City Attorney, the owner(s) shall execute the agreement and record it in a manner to be determined by the City Attorney.

The applicants were present to answer questions.

Chairman Rodgers asked Mr. Anthony to show the location of the current landscape strip on the aerial photo.

Mr. Anthony put the aerial on the screen and pointed out the commercial center that faces Middle Tennessee Boulevard and the transmission shop is located at the back of the lot. He pointed out the 5-foot landscape strip that divides those properties. The parking lot for the transmission shop is north of there. The parking and loading area for the commercial center is located south of there. He said the two buildings are served by separate entrances. The transmission shop is accessed just north of the landscape strip.

Chairman Rodgers verified the proposed subdivision would go right down the middle of the landscaping strip.

Mr. Anthony said yes. He said the drawing submitted by the applicant shows how the lot would be subdivided. Mr. Anthony said the landscape strip is not present on the sketch but it is where the property line is shown. Mr. Anthony said there were two separate

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sketches submitted – one for each building and only a portion of the landscape strip were shown on each sketch.

Ms. King said there looks to be a chain-link fence and asked if it was being added or already in existence.

It was determined after talk with the applicants and Mr. Anthony, the fence did not show up on the aerial but has been in existence since June 2007.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Ms. King made a motion to approve a five (5) foot Variance from Section 27(J)(2) of the Murfreesboro Zoning Ordinance, which requires that a shared planting yard between two adjacent properties have a minimum width of ten (10) feet, for property in the Heavy Industrial (H-I) district located at 511 Middle Tennessee Boulevard and 640 Captain Joe Fulghum Drive with the following condition:**

- 1) The owner(s) of the properties located at 511 Middle Tennessee Boulevard and 640 Captain Joe Fulghum Drive shall create a shared maintenance agreement document and submit it to the Planning Director and City Attorney for review. Upon approval by the Planning Director and City Attorney, the owner(s) shall execute the agreement and record it in a manner to be determined by the City Attorney.**

**The motion was seconded by Vice-Chair Young and carried unanimously in favor.**

#### *Variance and Special Use Permit Request*

**Application Z-16-013 by Joe Swanson, Jr., representing Swanson Companies,** making the following requests for property in the Highway Commercial (CH) district located at 1660 Middle Tennessee Boulevard:

- i. A Special Use Permit to allow a Group Assembly for greater than 250 persons in the CH district, and
- ii. A Variance from Section 27(C)(3)(c) of the Murfreesboro Zoning Ordinance, which states that if there is a change in use of an existing building, structure, or development which requires issuance of a Special Use Permit, then the entire building, structure, or development including parking area shall comply with the landscaping requirements set forth in Section 27.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. If the Board approves this request, Staff recommends the following conditions:

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1. The owner(s) of the properties located at 1660 and 1664 Middle Tennessee Boulevard shall create a shared parking agreement document and submit it to the Planning Director and City Attorney for review. Upon approval by the Planning Director and City Attorney, the owner(s) shall execute the agreement and record it in a manner to be determined by the City Attorney.
2. The applicant shall install landscape islands and associated landscaping (trees and shrubs) in quantities that meet or exceed those shown on the site layout entitled "2016 Exhibit Center Remodeling – The Shops at Middle Tennessee."

Chairman Rodgers asked if the subject property included the property not in front of Fred's or dealing with Fred's too.

Mr. Anthony said they are dealing with the entire property as Mr. Swanson owns both properties and has control over both parking lots. He said one of the conditions Staff is recommending is that Mr. Swanson sign a shared parking agreement, which he has already started to work on with the City Attorney and Planning Staff. Mr. Anthony said the agreement will ensure, in the future, those lots can share that entire parking area.

Chairman Rodgers referred to the request for the variance from the Zoning Ordinance where it refers to the parking area and it shall comply with landscaping requirements. What exactly is he asking to vary from the Zoning Ordinance as far as landscaping requirements are concerned.

Mr. Anthony said the Zoning Ordinance requires that if he gets the Special Use Permit then this site is going to have to comply with landscape standards. He said the landscape standards on this is the 10-foot perimeter planting yard on the front of the property and 8-feet all the way around the property. Mr. Anthony said because this property is already built-out and the concrete comes right up to the sidewalk and then to the street, for Mr. Swanson to do install the planting yard would require him to take out some parking spaces. Mr. Anthony said the other part was the base of building plantings stating the Zoning Ordinance would require 3-feet of plantings at the base of the all the way around the base of the building. He said because it is a built-out site, in order to do that, would require some significant reshuffling of the parking area. With the site just meeting the minimum parking requirement, losing any parking spaces would be detrimental to the project.

Chairman Rodgers said he does not think the Zoning Ordinance says the landscaping requirements apply to only new developments / construction. He said the landscaping requirements applies to everything whether it is new construction, redevelopment or whatever. Chairman Rodgers said if there are areas on the subject property that are really difficult to comply with, like the base of the building where sidewalks and concrete already exist that would be difficult to break up. He asked if there are areas of the property that could be landscaped like the existing edge of the east side of the parking lot.

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Chairman Rodgers said they need to take advantage of the Ordinance otherwise if they plan to keep it like it is you are defeating the purpose of the Ordinance as would apply to any existing construction. He said if there is an opportunity where the Board can look hard at this and say there are some difficulties here and there but here are some areas where you can improve the look of the property. Chairman Rodgers asked if there was anything on this property that would apply to that.

Mr. Anthony said Mr. Swanson should be given some credit for previously improving the site with landscaping even though it wasn't necessarily required.

Ms. King referred to the area between the parking lot and Mars Street on the east side of the property. She said it looks like there is vegetation at that location.

Mr. Swanson came to the podium and said there is vegetation in that area adding that portion of the property is under TVA power lines.

Ms. King asked Mr. Swanson if he would be able to add any vegetation at the edge of the pavement on the eastern side because of the TVA easement.

Mr. Swanson said he would have to get TVA approval. He said he has already asked TVA to approve the plantings that he proposed to do in the islands but it sometimes takes several weeks to get a response. Mr. Swanson said he would have to get TVA approval no matter what decision were made today.

Mr. Ives asked Mr. Swanson if there were some existing trees at the south end of the area along Mars.

Mr. Swanson said yes.

Mr. Ives said those trees must not be very tall or TVA would not have let them remain.

Chairman Rodgers complimented Mr. Swanson stating they do a great job in developing property and making it look good. He asked what Mr. Swanson proposes to do to this property to improve the aesthetics here. Chairman Rodgers said Middle Tennessee Boulevard is and will continue to be a dump-in for traffic to MTSU and that area, kind of like a Gateway. He said it is a good opportunity to focus in this area and redevelop it in a way that makes it aesthetically better than it was.

Mr. Swanson said when Middle Tennessee Boulevard was previously Tennessee Boulevard, they went in and did landscaping just behind the sidewalk after the City completed their work. He said they also added landscaping to the islands they added and re-striped the parking lot without City approval, but they knew what they needed to do. Mr. Swanson said they were striped at the time they concrete curbed, cut the asphalt out

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and put the trees and shrubs in. He said they ran the landscape island all the way down Middle Tennessee Boulevard. He said one of the issues they ran into in the curb just north of the Sonic, in the strip behind the sidewalk, they lost trees which they replaced. He referred to the back part of the building and said that area is in the 100 year floodplain and does not know if they can do anything with that area because it would impede the flow of the water. Mr. Swanson said after meeting with Planning Staff felt that adding the islands and what he has done in the past would be acceptable. He said they remodeled the entire outside of the building just after the Middle Tennessee Boulevard improvements. He said the building has been sitting like this for 8-10 years, so he is a little anxious.

Chairman Rodgers asked if Mr. Swanson would retain any of the tenants that are in there now or will it be just Expo.

Mr. Swanson said he will retain the laundry and other tenants that front Middle Tennessee Boulevard, and there is also a ministry in in the building called The Den which is a youth department for New Vision. He said he also owns the Fred's property which is a land lease that is good for another 15 years with a renewal option.

Chairman Rodgers thought there was going to be some type of Expo Center going in there.

Mr. Swanson said the Expo Center would go into the 31,000-square feet area where the Kroger and Super X stores were previously located. He said they are planning to combine those two spaces and make one Expo Center out of it. He said they have leased the one at 1209 Park Avenue where the Gun and Knife Show is held.

Ms. Mosby asked if there would be any work done with the Fred's tenant.

Mr. Swanson said there would not be any done at the Fred's store.

Mr. Swanson said when they made landscaping parking lot improvements in 2007 / 2009 they asked Fred's if they wanted them to make any improvements to their parking lot and they didn't want any part of it. He said anything that is being done on the property is being done by Mr. Swanson.

Mr. Halliburton asked if Mr. Swanson would have any problems with the joint parking arrangement.

Mr. Swanson said he owns both properties. He said Fred's is required to have 60 parking spaces and he does not encroach on those parking spaces.

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Ms. King verified the joint parking lot agreement is only a formality, used for future owners if that land was divided.

Mr. Swanson agreed.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

**Mr. Halliburton made a motion to approve a Special Use Permit to allow a Group Assembly for greater than 250 persons in the CH district. The motion was seconded by Ms. King.**

Chairman Rodgers said this is a good opportunity when these types of redevelopment come up for the Board for the City and Planning Commission to look at these redevelopments and see if there are ways that these properties can be improved. He said the Planning Commission and City Council has worked hard on these ordinances in an effort to get some of these areas looking better aesthetically. When these kind of things come up he feels it is important to look hard to see, if rather than just granting these willy nilly that they look hard to see if they can affect some of the intent of the ordinance. He said it looks like what Mr. Swanson has done, what is economically feasible on the property to do to meet the ordinance, there are some other areas to the property that have some not intentional landscaping but incidental landscaping would go toward meeting that requirement. He said it is important that if the applicant did what the ordinance required, it would probably make it financially impossible to redevelop the property. He said they are getting what they can, maybe not getting all they want. For that reason Chairman Rodgers was in favor of this request.

**Ms. King made a motion to approve a variance from Section 27(C)(3)(c) of the Murfreesboro Zoning Ordinance which states that if there is a change in use of an existing building, structure, or development which requires issuance of a Special Use Permit, then the entire building, structure, or development including parking area shall comply with the landscaping requirements set forth in Section 27 with the following conditions:**

- 1) The owner(s) of the properties located at 1660 and 1664 Middle Tennessee Boulevard shall create a shared parking agreement document and submit it to the Planning Department and City Attorney for review. Upon approval by the Planning Director and City Attorney, the owner(s) shall execute the agreement and record it in a manner to be determined by the City Attorney.**
- 2) The applicant shall install landscape islands and associated landscaping (trees and shrubs) in quantities that meet or exceed those shown on the site layout entitled "2016 Exhibit Center Remodeling – The Shops at Middle Tennessee."**

- 3) **The applicant shall keep and improve upon the current vegetation between the parking lot and Mars Street as the applicant is able considering the easement on the property.**

**The motion was seconded by Vice-Chair Young and approved unanimously.**

**Application Z-16-014 by Matthew and Bobbi Bryant**, requesting a Special Use Permit to allow an Accessory Apartment on property in the Single-Family Residential (RS-10) district located at 303 Second Avenue.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. If the Board approves this request, Staff recommends the following condition:

- 1) The applicants shall complete the “Restriction on Use of Land” document prepared by the City Attorney and comply with all notarization and recording requirements as determined by the City Attorney.

Chairman Rodgers asked Mr. Anthony to review why this apartment requires a Special Use Permit.

Mr. Anthony said within most of the Single-Family Residential zones, in order to have any sort of accessory apartment you have to obtain a Special Use Permit.

Chairman Rodgers asked what constitutes an accessory apartment.

Mr. Anthony said if a kitchen is installed, that is typically how Building and Codes defines that it is an accessory apartment.

Mr. Ives said if it were merely a bedroom or sleeping room, it would not require a Special Use Permit. He said if there is something more than a microwave it would be considered a dwelling unit and then considered an accessory apartment. Mr. Ives said to keep it from being rented out by the next owner, we have the present owners execute the land use restriction.

Chairman Rodgers asked if these Special Use Permits lapse upon the transfer of ownership.

Mr. Ives said normally not but they have on a rare occasion.

Mr. Anthony said they did one last month on Northboro Court adding because he did not know about the restriction of the land use document.

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Mr. Ives said if you have a structure with some manner of a kitchen and bathroom with sleeping quarters, it is an accessory apartment. He said the only way to enforce it, if it is going to lapse would be to have them tear it down which doesn't make a lot of sense.

Ms. King asked where the restriction of land-use document is filed.

Mr. Ives said the document is recorded.

Ms. King verified the land-use document would follow any sale.

Mr. Ives agreed.

Mr. Anthony pointed out the difference in this month's Special Use Permit and one last month. He said the Special Use Permit for the accessory structure last month was for a modular accessory structure which would be temporary. That made it a little different from this application as this is a brick and mortar permanent structure.

Chairman Rodgers verified the restriction would be that only family and guests can stay there but there wasn't any comment about it cannot be rented out. He asked if the accessory apartment could be rented to family and guests.

Mr. Anthony said yes.

Chairman Rodgers asked what the deed restriction specifically says.

Mr. Ives said the deed restriction limits the occupancy to a family or guests.

Chairman Rodgers asked if that meant guests of the family or could that be just a tenant.

Mr. Ives did not remember the exact language of the document but it does prohibit renting it as an apartment to a stranger.

Mr. and Ms. Bryant came to the podium. Mr. Bryant said they want the accessory apartment to use when they have guests. Ms. Bryant said they are not from this area so they have a lot of company from out of state. She said her dad is elderly and would like to eventually have a place for him to stay.

Chairman Rodgers verified this is located close to M.T.S.U.

Ms. Bryant said yes.

Chairman Rodgers opened the public hearing. There being no one to speak for or against the request, Chairman Rodgers closed the public hearing.

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**Ms. Mosby made a motion to approve a Special Use Permit to allow an Accessory Apartment on property in the Single-Family Residential (RS-10) district located at 303 Second Avenue with the following condition:**

- 1) The applicants shall complete the “Restriction on Use of Land” document prepared by the City Attorney and comply with all notarization and recording requirements as determined by the City Attorney.**

**The motion was seconded by Ms. King and carried unanimously in favor.**

*Staff Reports and Other Business*

None

The meeting adjourned at 3:03 P.M.

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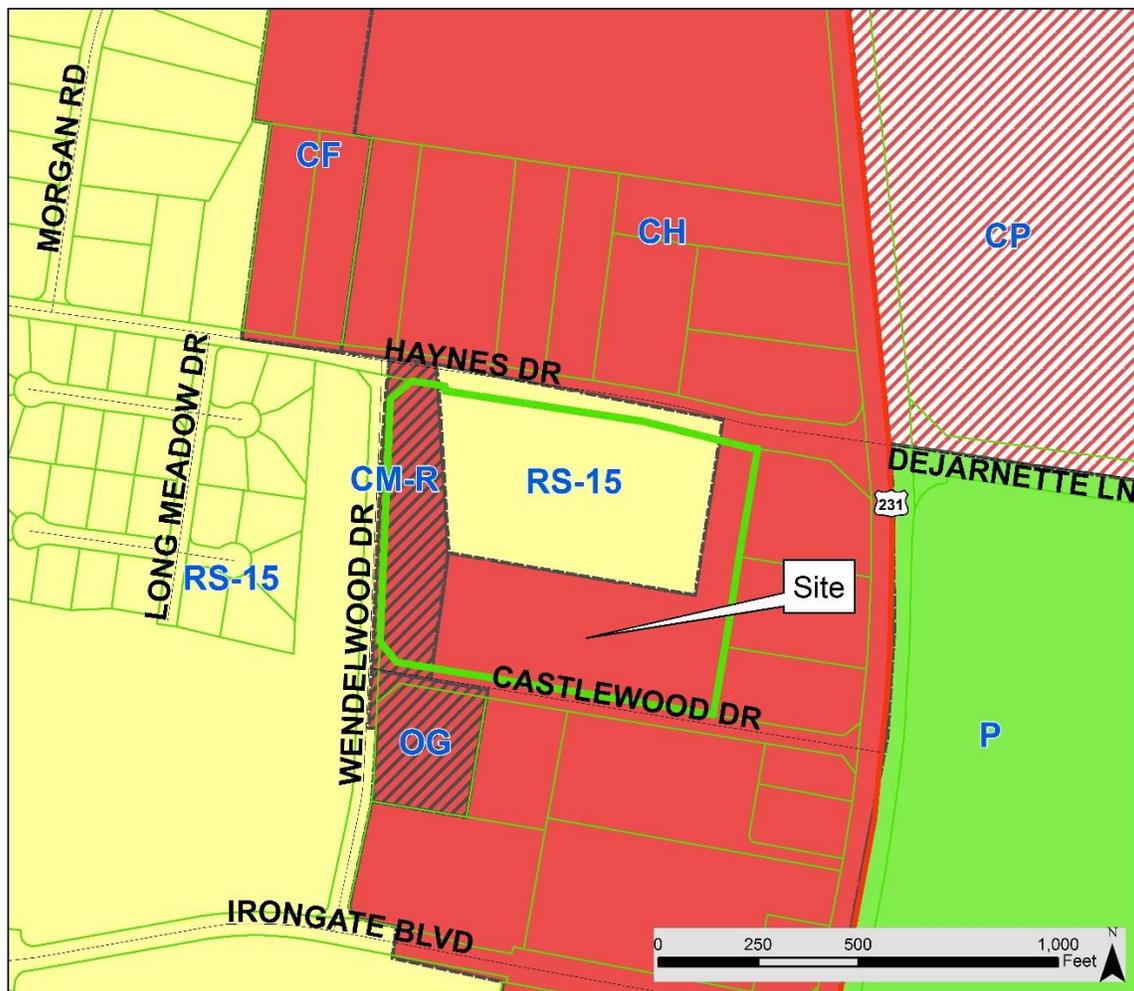
**CHAIRMAN**

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**SECRETARY**

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
MARCH 23, 2016**

- Application:** Z-16-015  
**Location:** 205 Haynes Drive  
**Applicant:** Kirk Mason representing Stones River Manor, Inc.  
**Zoning:** Highway Commercial (CH) District, Single-Family Residential (RS-15) District, and Medical – Residential (CM-R) District  
**Requests:**
- 1) A Variance from Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance, which requires a Type D buffer between adjacent properties zoned Highway Commercial (CH) and Single-Family Residential (RS-15); and
  - 2) A Variance from Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance, which requires a Type A buffer between adjacent properties zoned Highway Commercial (CH) and Medical District – Residential (CM-R).



## **Request Overview**

The applicant, Kirk Mason representing Stones River Manor, Inc., wishes to expand the existing Stones River Manor senior living facility on the property located at 205 Haynes Drive. Portions of the property lie in three distinct zoning districts: CH, RS-15, and CM-R. Table 2 (Buffer Zone Requirements) of the Murfreesboro Zoning Ordinance requires a Type D (15 feet) buffer between property zoned CH and property zoned RS-15; additionally, Table 2 requires a Type A (10 feet) buffer between property zoned CH and property zoned CM-R. Because the zoning lines are internal to the site, the applicant seeks Variances from both the Type D and Type A buffer requirements.

## **Relevant Zoning Ordinance Section**

See Table 2 for buffering requirements between zoning districts.

## **Staff Comments**

The subject property is a 14.03-acre lot located at 205 Haynes Drive, one block west of Memorial Drive. The property has frontage on Haynes Drive, Wendelwood Drive, and Castlewood Drive. Surrounding uses include: Long Meadow residential subdivision on the west, Palmer Heights residential subdivision on the north, Castlewood Square office condominiums on the south, and various commercial uses on the east. The property is divided into three zoning districts: RS-15 on the north, CM-R on the west, and CH on the south and east. The northern portion of the property is occupied by an assisted living center, while the southeastern portion of the property is occupied by an independent living center. As a class III home for the aged, the existing structures and use are legal and nonconforming on the subject property.

The applicant intends to expand the existing facility by adding both a memory care unit and a new nursing home wing. Based on the measurements taken from the submitted drawings, the total area of the expansion will be approximately 25,000 square feet. The proposed memory care unit would lie in the RS-15 district, south of the existing assisted living center. The proposed nursing home wing would lie in the CH district, south of the proposed memory care unit. The rear access from Castlewood Drive would be reconfigured to allow the construction of a new parking lot to serve the expanded facilities. Along with access on Castlewood Drive, the site would continue to have access on Haynes Drive and Wendelwood Drive.

Table 2 of the Murfreesboro Zoning Ordinance requires landscape buffers between incompatible zoning districts. Because the zoning district lines lie internal to the site, the applicant wishes to obtain variances from the buffering requirements. If the variances are not granted, the applicant would be required to install a 15-foot, Type D buffer between the proposed memory care wing and the proposed nursing home wing. Further, the applicant would be required to install a 10-foot Type A buffer between the expansion area and the portion of the subject property zoned CM-R on the west. The applicant contends that the zoning lines already exist and are internal to

the site, posing a *practical difficulty*. Such split zoning is not typical, creating an *unusual characteristic* when compared to other lots. Ultimately, the Board will have to determine whether these arguments warrant Variances from the buffering requirements.

**Attached Exhibits**

1. Murfreesboro Zoning Ordinance, Table 2
2. BZA Application
3. Applicant's Request Letter
4. Applicant's Supporting Materials
5. Site Photographs

# MURFREESBORO CITY CODE

## TABLE 2. BUFFER ZONE REQUIREMENTS.

TYPE	ADJACENT LAND USES		TYPICAL PLAN VIEWS – 100-FOOT SEGMENTS <i>(not to scale)</i>	
	PROPOSED	EXISTING		
<b>A</b>	<p><b>CH, CF, MU</b></p> <p>CL</p> <p>CU</p> <p>H-I – L-I</p> <p>CM, CM-R, CM-RS-8 OG-R, OG</p> <p>RM</p> <p>R-MO</p>	<p><b>CM, CM-R, CM-RS-8</b> OG-R, OG CL, CU, H-I L-I, P</p> <p>RM, R-MO, CM, CM-R CM-RS-8, OG-R, OG, CH CF, CU, H-I, L-I, P, MU</p> <p>RM, R-MO, CM, CM-R CM-RS-8, OG-R, OG, CH CF, H-I, L-I, P, MU</p> <p>CL, CH, CF, CU, MU</p> <p>RM, R-MO, CL, CH CF, CU, H-I, L-I, P, MU</p> <p>CM, CM-R, CM-RS-8, OG-R, OG CL, CH, CF, CU, H-I, L-I, P, MU</p> <p>RM, CM, CM-R, CM-RS-8, OG-R OG, CL, CF, CH H-I, L-I, P, MU</p>		<p style="text-align: center;"><b>PROPOSED</b>                      <b>EXISTING</b></p>
<b>B</b>	<p>CL</p> <p>CM, CM-R, CM-RS-8 OG-R, OG</p>	<p>RS, R-D, RZ</p> <p>RS, R-D, RZ</p>		
<b>C</b>	<p>CH, CF, MU</p> <p>CU</p> <p>H-I, L-I</p> <p>R-MO</p> <p>RM</p>	<p>RM, R-MO</p> <p>RS, R-D, RZ</p> <p>CM, CM-R, CM-RS-8 OG-R, OG</p> <p>RS, R-D, RZ, RM</p> <p>RS, R-D, RZ, R-MO</p>		
<b>D</b>	<p><b>CH, CF, MU</b></p> <p>H-I, L-I</p>	<p><b>RS, R-D, RZ</b></p> <p>RM, R-MO, P</p>	<p style="text-align: center;"><b>With type A landscaping</b> 3'h x 3'w Earth Berm</p> <p style="text-align: center;"><b>With type B landscaping</b> 4'h x 3'w Earth Berm</p>	
<b>E</b>	<p>H-I, L-I</p>	<p>RS, R-D, RZ</p>	<p style="text-align: center;"><b>With type A landscaping</b> 3'h x 3'w Earth Berm</p> <p style="text-align: center;"><b>With type B landscaping</b> 4'h x 3'w Earth Berm</p>	
<b>K E Y</b>	<p><b>Shade Tree:</b> A large tree growing to over 40' in height at maturity, usually deciduous, that is planted to provide canopy cover shade. <b>Minimum 2 1/2 - 3 inch caliper at planting.</b></p> <p><b>Ornamental Tree:</b> A small to medium tree, growing 15' to 40' in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. <b>Minimum 1 1/2 inch caliper at planting.</b></p> <p><b>Evergreen Tree:</b> A tree having foliage that remains green throughout the year, that is planted for aesthetic or screening purposes. <b>Minimum 6 ft. ht. at planting.</b></p>		<p><b>Large Shrub:</b> An upright plant growing 10' to 20' in height at maturity that is planted for ornamental or screening purposes. <b>Minimum 3 ft. ht. at planting.</b></p> <p><b>Medium Shrub:</b> A plant growing 5' to 10' in height at maturity that is planted for ornamental or screening purposes. <b>Minimum 2 ft. ht. at planting.</b></p> <p><b>Small Shrub:</b> A plant growing to less than 5' in height at maturity that is planted for ornamental or screening purposes. <b>Minimum 18 in. at planting.</b></p> <p><b>Evergreen Shrub:</b> A shrub having foliage that remains green throughout the year, that in this instance is planted for screening purposes. <b>Minimum 4 ft. at planting.</b></p>	

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 205 HAYNES DRIVE

Tax Map: 69 Group: Parcel: 73.60 Zoning District: CM-12  
RS-15

Applicant: Kirk Mason E-Mail: kirklandamason@comcast.net

Address: 205 Haynes Drive Phone: 615.893.5617

City: Murfreesboro State: TN Zip: 37129

Property Owner: Stones River Manor Inc.

Address: 205 Haynes Drive Phone: 893.5617

City: Murfreesboro State: TN Zip: 37129

Request: SPECIAL USE PERMIT FOR NURSING HOME INSIDE  
OF CA ZONING. VARIANCE REQUEST TO WAIVE BUFFER  
REQUIREMENTS BETWEEN ZONES INTERNAL TO THE SITE.

Zoning District: CA / CM-12 / RS-15

Applicant Signature: *Kirk Mason* Date: 3/3/16

Received By: 3-7-16

Receipt No.: 22728

Application #:

Date: 3-7-16

Murfreesboro  
Board of  
Zoning Appeals

RECEIVED  
MAR 07 2016

BY: .....



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

March 7, 2016

Mr. Donald Anthony  
Principal Planner  
City of Murfreesboro Planning Department  
111 West Vine Street  
P.O. Box 1139  
Murfreesboro, TN 37133-1139

Prepared by: Huddleston-Steele Engineering, Inc.  
Clyde Rountree  
2115 Northwest Broad Street  
Murfreesboro, TN 37129

RE: Project reference: Stones River Manor, 205 Haynes Drive in Murfreesboro. Request:  
Special Use Permit for a nursing home facility within the CH zoning and a variance request from  
having to provide landscape buffers between differing zoning within the site.

Dear Donald,

The following are the special use permit and variance request we are making for our client Kirk Mason on behalf of Stones River Manor, Inc. The special use permit is requested for the nursing home facility to be located within the CH zoning. The variance request is a result of the subject property having three distinct zones within the site. The various zones would require landscape buffers if the zoning lines were located at the property lines, however the zoning lines run internal to the site and therefore do not need buffering because the property is under the same ownership

We respectfully request your consideration and approval of this request. If you have questions please contact me.

Sincerely,  
HUDDLESTON-STEELE ENGINEERING, INC.



Clyde Rountree

March 7, 2016

Mr. Donald Anthony  
Planner  
City of Murfreesboro Planning Department  
111 West Vine Street  
P.O. Box 1139  
Murfreesboro, TN 37133-1139

Prepared by: Huddleston-Steele Engineering, Inc.  
Clyde Rountree  
2115 Northwest Broad Street  
Murfreesboro, TN 37129

RE: Stones River Manor

**SECTION 8 - PROCEDURE FOR USES REQUIRING SPECIAL PERMITS**

**[1] (a) Name, address, and telephone number of the applicant**

Kirk Mason  
205 Haynes Drive  
Murfreesboro, TN. 37129  
615.893.5617

**Represented by:**  
Clyde Rountree, RLA  
Planner  
Huddleston-Steele Engineering

**(b) Nature and extent of applicant's ownership interest in subject property**

Stones River Manor Inc. is the owner of the property. The company is planning on expanding their existing skilled nursing area and adding a memory care area.

**(c) Site Plan to be submitted for review by City Staff and the Board of Zoning Appeals for review.**

A site plan is being submitted with this document for the city staff to review and Board of Zoning appeals for review.

**(d) Address of the site of the proposed special use**

205 Haynes Drive

Murfreesboro, TN. 37129

- (e) **Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred-foot radius**

A vicinity map is included on the site plan

- (f) **Zoning Classification of property of the proposed special use**

The base zoning is RS-15, CM-R, and CH

- (g) **The property of the proposed special use shall have the following characteristics:**

- (1) Hours of operation:**

Skilled care and memory care facilities are 24/7 operation

- (2) Duration of the proposed special use**

Indefinitely

- (3) Number of expected patrons that will be expected to utilize the property of the proposed special use**

54 beds will be added in this facility.

- (4) Projected traffic that will be expected to be generated by the proposed special use**

The patrons of this facility are not are often limited in their ability to drive therefore the primary addition to traffic will be the additional staff associated with the building expansion

- (h) Potential harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposed to eliminate or minimize them**

The applicant does not foresee any harmful characteristics associated with the proposed facility.

**SECTION 9 (C) Standards of General Applicability**

- [1] The proposed building expansion should not having any adverse effect on the surrounding neighborhood. The new building will be at the rear of the existing facility. The new building is not close to the edge of the property therefore not impacting the surrounding neighborhood. The traffic control is well managed by the applicant.

- [2] The proposed use is compatible with the surrounding neighborhood and has been in the location for many years coexisting well with the surrounding neighborhood.
- [3] The city has reviewed the initial concept drawing and has not expressed any major reservations with the location of the facility and its access to public utilities.
- [4] The proposed facility will not result in the destruction, loss, or damage of any feature of significant natural, scenic, or historic importance.
- [5] The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

**Section 9 (D)(2)(J) Assisted-care living facilities shall be subject to the following additional standards:**

- [1] Off-street parking is located primarily at the rear of the facility. However, not all off-street Parking is located at the rear of the site.
- [2] All off-street parking and driveways have a hard dustless surface.
- [3] Screening will be provided where the property abuts other property used for single family residential purposed or zoned in the RS or RD classifications or the residential portion of a planned development.
- [4] The assisted-care living facility has the two thousand square feet of lot area for each boarding room
- [5] The assisted-care living facility is located along the collector road of Haynes Drive
- [6] The dumpsters will be located to minimize adverse impact on adjoining property.

**Section 10 VARIANCES**

**(d) Procedure**

- (1) Application:
  - a. Kirk Mason  
205 Haynes Drive  
Murfreesboro, TN. 37129  
615.893.5617
  - b. Stones River Manor, Inc. is the owner of the subject property located at 205 Haynes Drive, Murfreesboro, TN.
  - c. See attached Site Plan
  - d. Street address of the property: 205 Haynes Drive Lane, Murfreesboro, TN. Legal description of property: See attached plat.
  - e. Zoning classification of the property: RS-15, CH, and CM-R

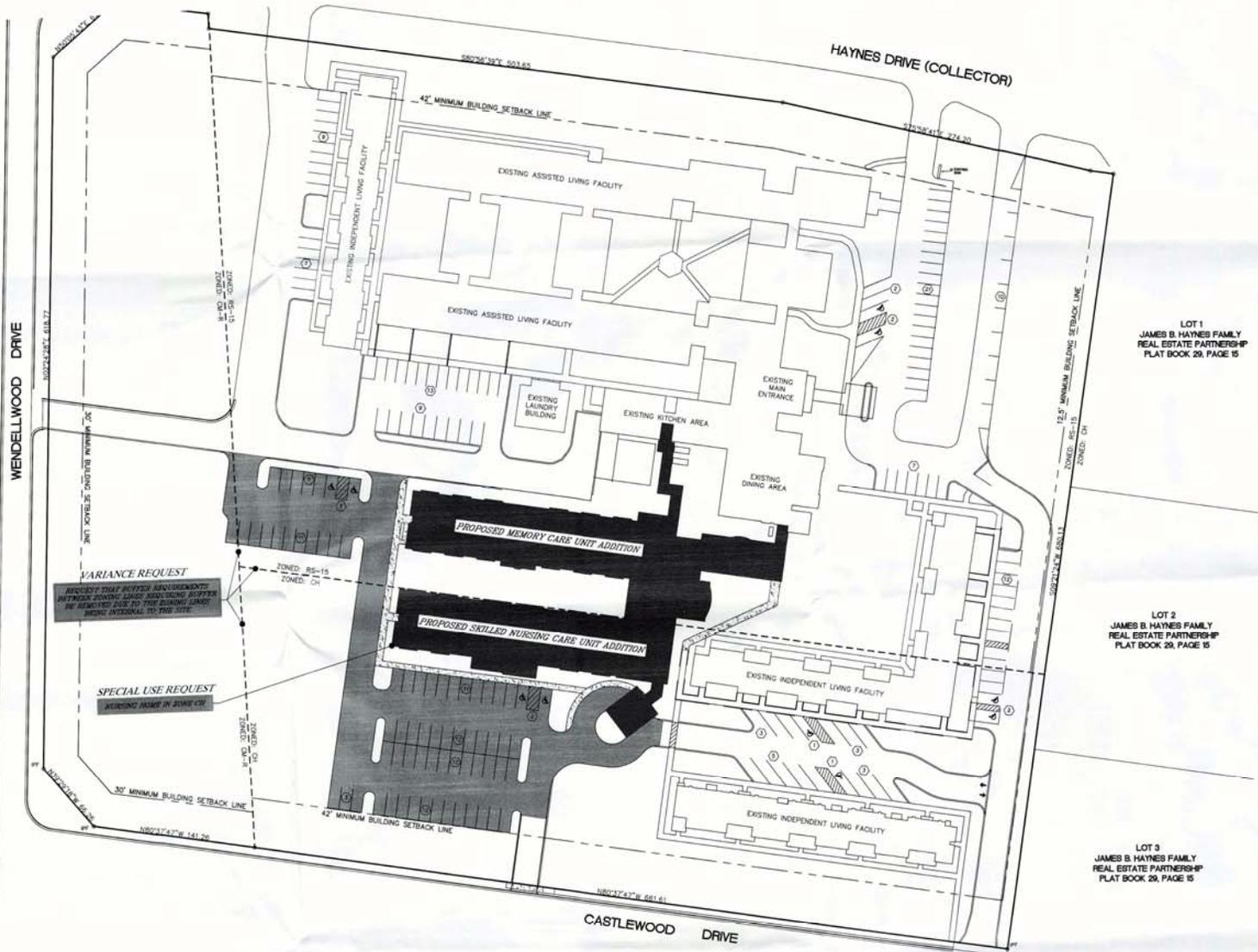
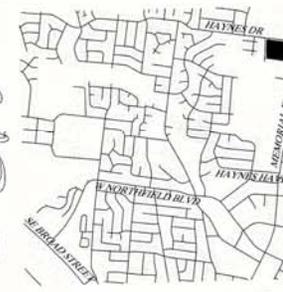
- f. Variances sought:  
Our client request that buffer requirements between zoning lines requiring a buffer be removed due to the zoning lines being internal to the site.
  - g. The variance request arise for the following reasons: the zoning lines are internal to the site presenting a situation where one site, with one owner has three different zones on it.
  - h. The client is asking for a variance verses a zoning amendment due to the fact that this is a unique situation at a development that has been in existence for many years.
  - i. Vicinity map provided
- (2) (E) Standards and proof required for variances
- (a) Practical difficulties. The zoning lines are in existence and will provide a challenge to providing any type of buffering due to the location of the zoning lines which are internal to the site.
  - (b) Unusual characteristics of the subject property. These variances are not requested due to unique site characteristics, this is simply a matter of zoning line locations.
  - (c) Not self-created. The variances requested are based on zoning lines that have been set for many years and have not possessed any problems prior to this opportunity to expand the facility to meet the needs of the patrons they serve.

We respectfully request the consideration and approval of this request. If you have questions please contact me.

Sincerely,  
HUDDLESTON-STEELE ENGINEERING, INC.



Clyde Rountree



**VARIANCE REQUEST**  
 BECAUSE THAT BUFFER REQUIREMENTS  
 BETWEEN ADJACENT LOTS REQUIRING BUFFER  
 BE REMOVED DUE TO THE BUILDING FOOTPRINT  
 BEING ADJACENT TO THE SITE

**SPECIAL USE REQUEST**  
 NURSING HOME IN ZONE CH

ZONING: RS-15  
 FRONT SETBACK: 40'  
 SIDE SETBACK: 12.5'  
 REAR SETBACK: 30'

ZONING: CM-R  
 FRONT SETBACK: 30'  
 SIDE SETBACK: 10'  
 REAR SETBACK: 20'

ZONING: CH  
 FRONT SETBACK: 42'  
 SIDE SETBACK: 20'  
 REAR SETBACK: 20'

OWNER: STONES RIVER MANOR, INC.  
 c/o KIRK MASON  
 ADDRESS: 205 HAYNES DRIVE  
 MURFREESBORO, TN 37129

TAX MAP 69, PARCEL 73.00  
 DEED BOOK 236, PAGE 17  
 DEED BOOK 526, PAGE 220  
 RECORD BOOK 98, PAGE 31  
 PLAT BOOK 28, PAGE 184

FEDERAL FLOOD NOTE: These lots are NOT in an  
 area designated as a Special Flood Area on: Map  
 47149C0145H, Zone: X, Dated: January 5, 2007.



TOTAL ACRES - 14.22  
 50' 0' 50'

- LEGEND FOR MONUMENTS
- IRON PIN SET
- IRON PIN PAD
- RAILROAD SPIKE
- FENCE
- SURVEY POINT
- NAIL
- ZONING MARKER PIN

75 HUDDLESTON-STEELE ENGINEERING INC.  
 210 W. DEBARD STREET, MURFREESBORO, TN 37129  
 (615) 891-4300 FAX 615-891-1081

Date: March 2016 Scale: 1" = 100'

RECEIVED MAR 07 2016 BY: .....

EXISTING PARKING:  
 Spaces: 133  
 Handicap Spaces: 6  
 Total Handicap Spaces: 139

EXISTING PARKING TO BE REMOVED:  
 Spaces: 29  
 Handicap Spaces: 6  
 Total Handicap Spaces: 29

PROPOSED PARKING:  
 Spaces: 66  
 Handicap Spaces: 4  
 Total Handicap Spaces: 70

REQUIRED PARKING FOR PROPOSED ADDITION:  
 Memory Care/Assisted Living: 1 Space/3 Beds  
 = 1 Space/1 Employee  
 = (24 Beds/3) + 16 Em  
 = 24 Spaces  
 Nursing Home: 1 Space/2 Beds + 2  
 + 1 Space/ Business Veh  
 = (30 Beds/2) + 2 Veh  
 = 17 Spaces  
 Total = 41 Spaces

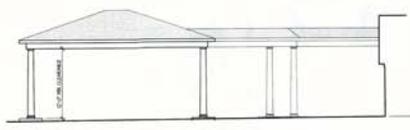
SPECIAL USE AND VARIAN  
**STONES R  
 MANO**

205 Haynes Drive, Murfr  
 15TH CIVIL DISTRICT OF RUTHERFORD C

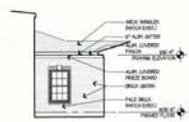
Date: March 2016 Scale: 1" = 100'



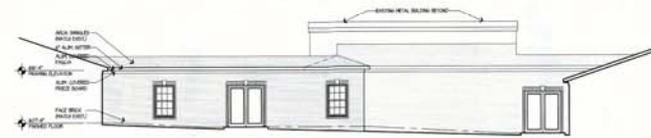
No.	Revision	Date



6 CANOPY ELEVATION  
SCALE: 1/8" = 1'-0"



5 EXTERIOR ELEVATION  
SCALE: 1/8" = 1'-0"



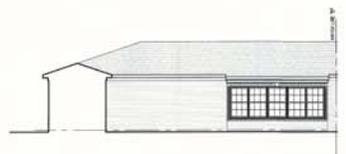
4 EXTERIOR ELEVATION  
SCALE: 1/8" = 1'-0"



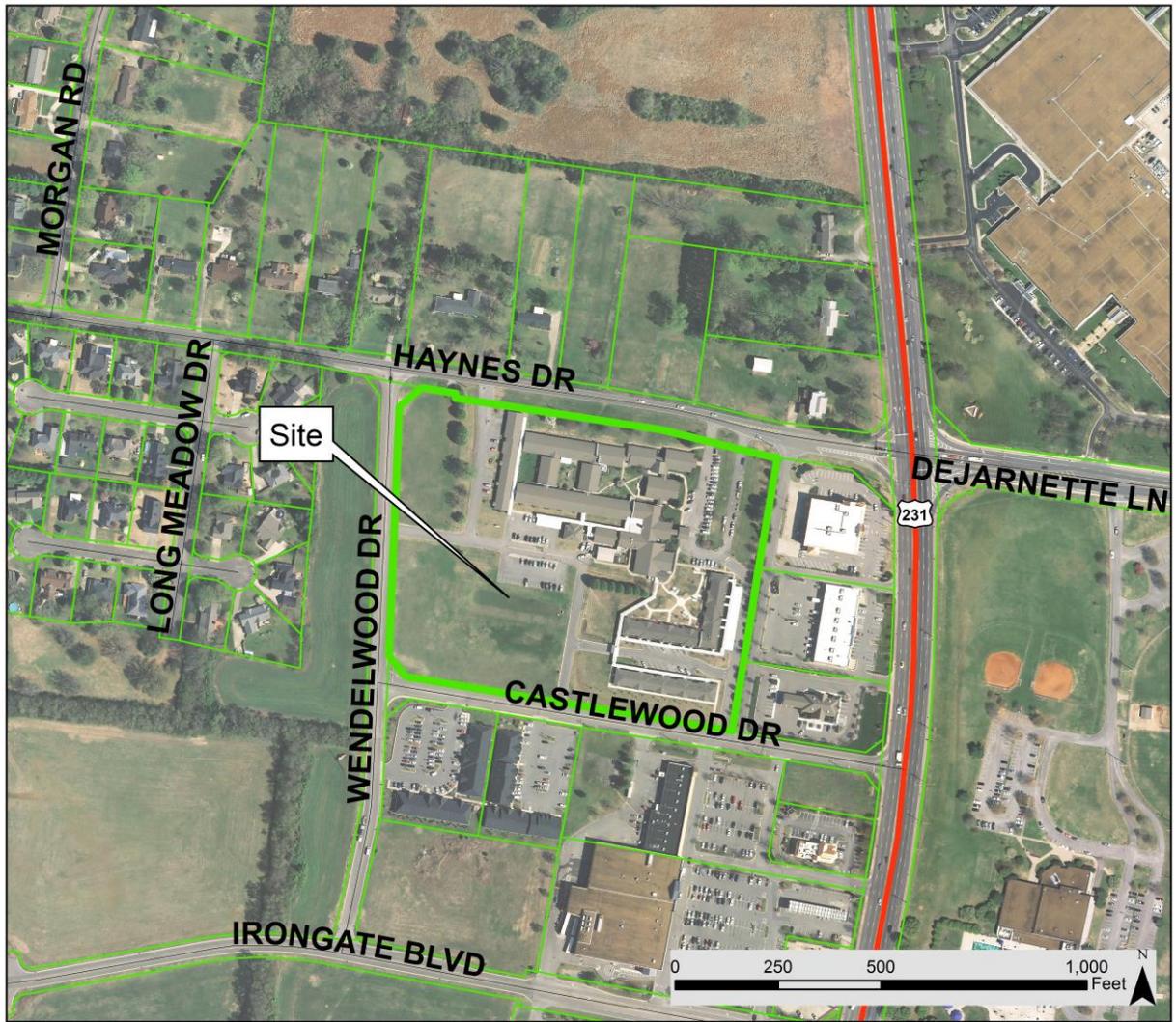
3 EXTERIOR ELEVATION  
SCALE: 1/8" = 1'-0"



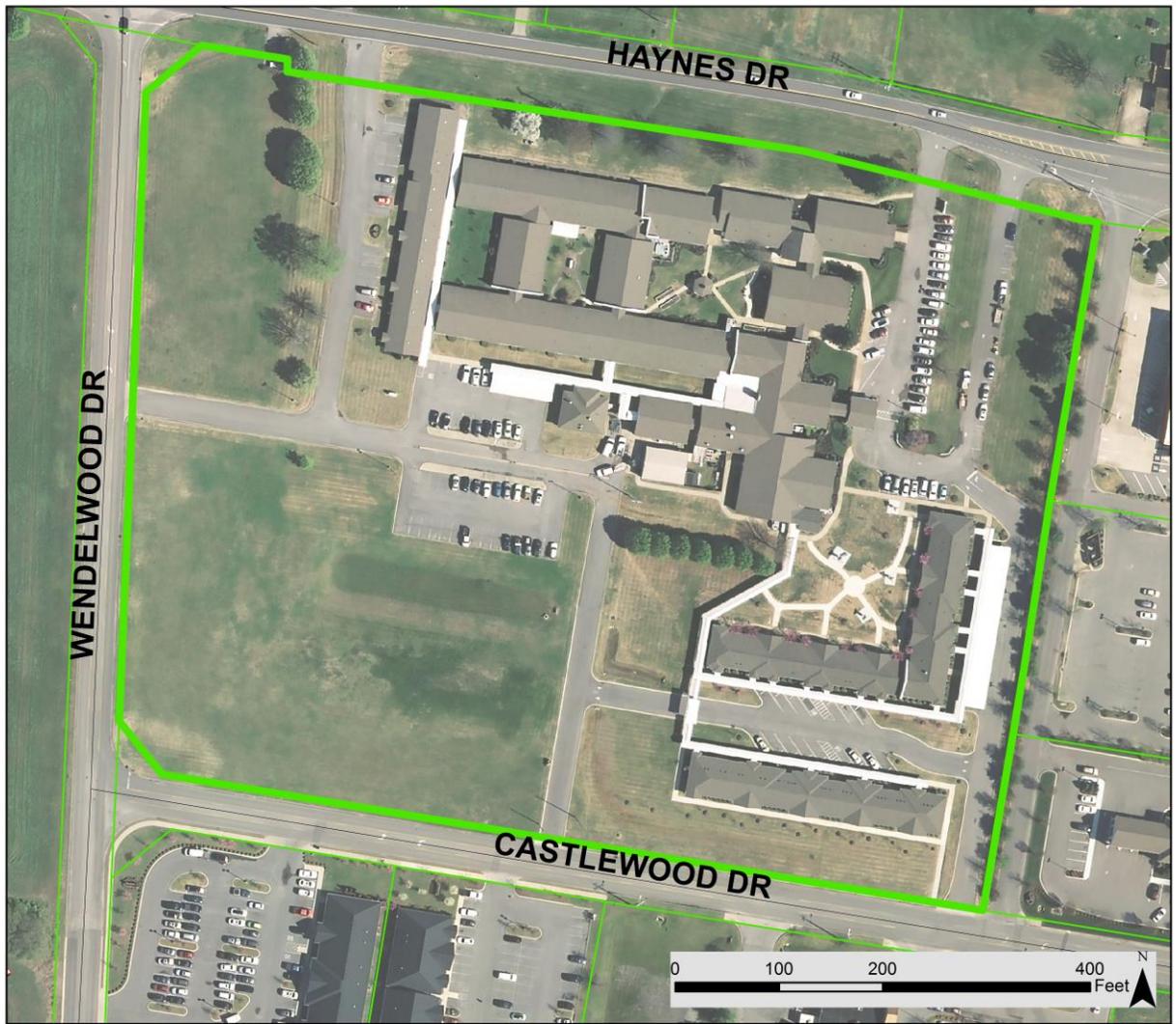
2 EXTERIOR ELEVATION  
SCALE: 1/8" = 1'-0"



1 EXTERIOR ELEVATION  
SCALE: 1/8" = 1'-0"



205 Haynes Drive, aerial photograph



205 Haynes Drive, aerial photograph. The proposed structure would be constructed on the southwestern portion of the lot, near the intersection of Wendelwood Drive and Castlewood Drive.



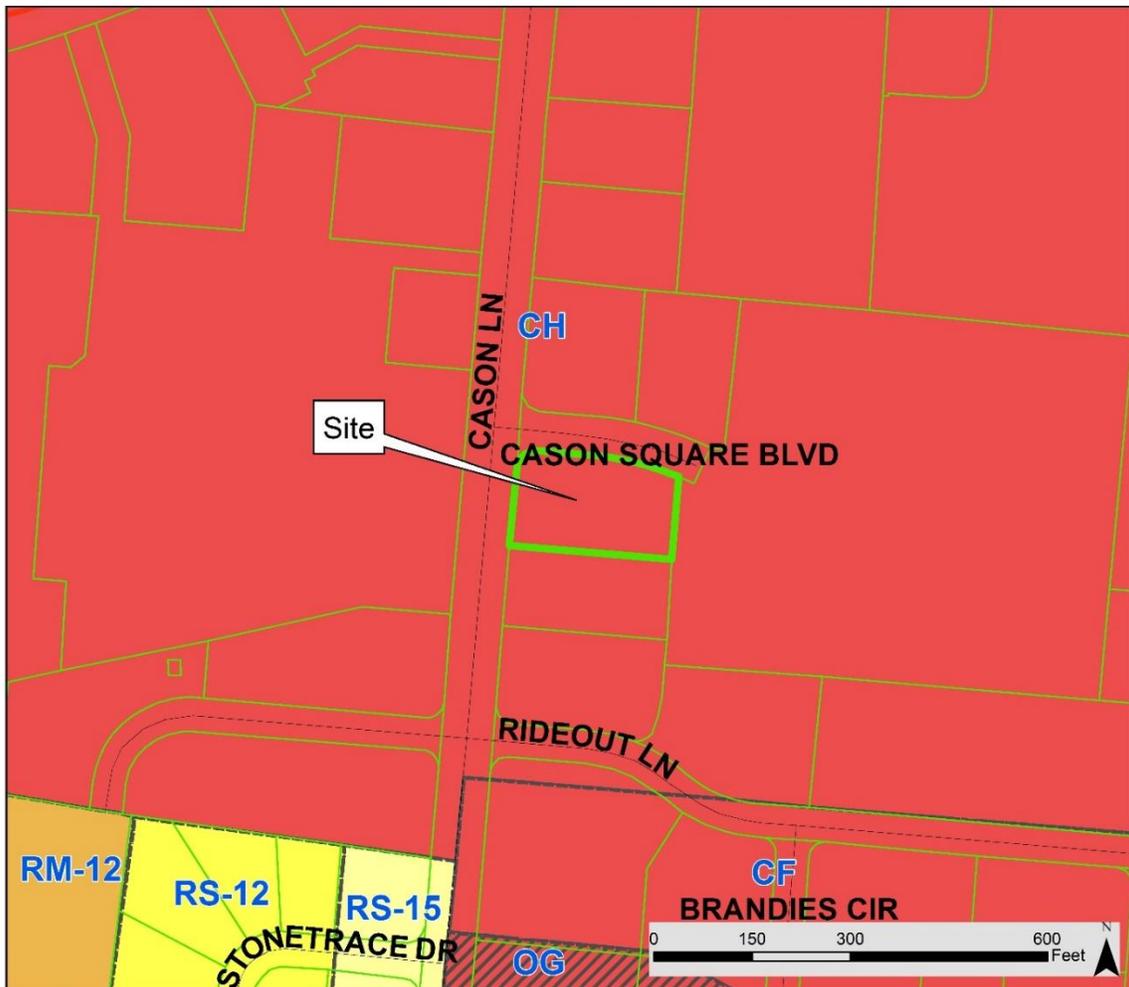
205 Haynes Drive, view of proposed construction area. Photo taken from Wendelwood Drive looking eastward.



205 Haynes Drive, view of existing berm taken from Castlewood Drive looking north. The proposed structure would sit beyond the existing berm.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
MARCH 23, 2016**

- Application:** Z-16-018  
**Location:** 215 Cason Lane  
**Applicant:** Tim Dietz representing Sonic Restaurants  
**Zoning:** Highway Commercial (CH) District  
**Requests:**
- 1) A Variance from Section 26(D)(1) of the Murfreesboro Zoning Ordinance, which prohibits drive-thru lanes from being located in a required front yard;
  - 2) A Variance from Chart 4 of the Murfreesboro Zoning Ordinance, which requires a carry-out restaurant to have a minimum of ten (10) queuing spaces; and
  - 3) A Variance from Chart 3 of the Murfreesboro Zoning Ordinance, which requires drive aisles adjacent to sixty (60) degree parking spaces to have a minimum width of eighteen (18) feet



## **Request Overview**

The applicant, Tim Dietz representing Sonic Restaurants, wishes to construct a drive-thru window on the north side of the existing Sonic Restaurant located at 215 Cason Lane. The subject property is situated at the southeast corner of the intersection of Cason Lane and Cason Square Boulevard in the CH district. Minimum setbacks for the CH zone are: 42 feet on the front, 20 feet on the rear, and 10 feet on the sides. Because the subject property has frontage on both Cason Lane and Cason Square Boulevard, a 42-foot setback would be required along both frontages. Section 26(D)(1) of the Murfreesboro Zoning Ordinance prohibits drive-thru lanes from being placed in a required front yard. The queuing lane for the proposed drive-thru window would encroach into the required 42-foot front yard along Cason Square Boulevard by approximately 8 feet. The applicant seeks a Variance from Section 26(D)(1) to allow the eight-foot encroachment.

Upon staff's review of the applicant's site layout exhibit, staff determined that two additional Variances would be necessary for the project to move forward as shown on the exhibit. As shown on the exhibit, two of the proposed queuing spaces are located east of the drive-thru window. The applicant has indicated that these two queuing spaces would be drive-ahead / waiting spaces, meaning that after a customer pays at the drive-thru window, the customer would move forward and await delivery from restaurant staff. Chart 4 of the Murfreesboro Zoning Ordinance requires ten queuing spaces for carry-out restaurants. Traditionally, queuing spaces have been delineated beginning at the drive-thru window, not beyond the window. The two spaces located east of the window would, therefore, not count toward the ten queuing space requirement. In order to provide queuing as shown on the exhibit, the applicant would need to obtain a Variance from the Board.

Staff also identified the need for a Variance from Chart 3 of the Zoning Ordinance, which requires a drive aisle located adjacent to 60-degree parking spaces to have a minimum width of 18 feet. As shown on the applicant's exhibit, the drive aisle would narrow to 13 feet on the southeast side of the building where the new queuing area is proposed. In order to construct the drive aisle as shown on the exhibit, a five-foot Variance from Chart 3 would be necessary.

## **Relevant Zoning Ordinance Sections**

Section 26(D)(1) *Location of required queuing spaces and drive-up/drive-thru lanes.*

*Queuing spaces and drive-up/drive-thru lanes shall be located on the same lot as the use, building, or structure to which they are accessory and shall not extend onto any adjacent lot or into any public right-of-way. No queuing space or drive-up/drive-thru lanes shall be located in a required front yard.*

See Chart 4 for queuing requirements for carry-out restaurants. See Chart 3 for drive aisle width requirements.

## **Staff Comments**

With regard to the drive-thru lane being placed in the 42-foot front setback, the north side of the existing Sonic restaurant is situated approximately 54 feet from the property line along Cason Square Boulevard. Drive-up spaces / ordering stations are currently situated along the north side of the building. Per the site plan submitted by the applicant, the drive-up spaces on the north side will be removed to make space for a new drive-thru window. Queuing for the drive-thru window would begin on the southeast side of the building; automobiles would proceed to a drive-thru ordering station behind the building (on the west side) and then move counter-clockwise to the pick-up window on the north side of the building. As its closest point to the north property line, the northernmost edge of the queuing lane would be situated approximately 34 feet from the north property line.

The applicant contends that the lot already being built-out and having limited options for queuing spaces constitute *practical difficulties*. Additionally, the applicant suggests that the lot having two required front yards and the curvature along the Cason Square Boulevard frontage constitutes *unusual characteristics*. Because the need for two of the Variances (number of queuing spaces and drive aisle width) were noticed by staff during review of the applicant's exhibit, the applicant has not provided justification for these Variances. The applicant should address these issues during the public hearing.

Planning staff has two concerns with the applicant's request and the additional issues discovered during staff's review of the applicant's exhibit. First, as shown on the applicant's exhibit, the queuing line extends behind an accessible parking space / ordering station. Planning staff is concerned that a vehicle requiring the accessible space may not be able to enter or exit efficiently, particularly if a line forms at the drive-thru pick-up window or the drive-thru ordering station. Second, with a reduced drive aisle width, it is unclear whether a vehicle would be able to safely and efficiently exit the spaces on the south side of the access aisle, particularly if vehicles are stacked in the queuing lane. The Board should consider these concerns before granting or denying the requested Variances.

The applicant will be in attendance to answer any questions the Board may have.

## **Attached Exhibits**

1. Murfreesboro Zoning Ordinance, Chart 4
2. Murfreesboro Zoning Ordinance, Chart 3
3. BZA Application
4. Applicant's Request Letter
5. Applicant's Supporting Materials
6. Site Photographs

## MURFREESBORO CITY CODE

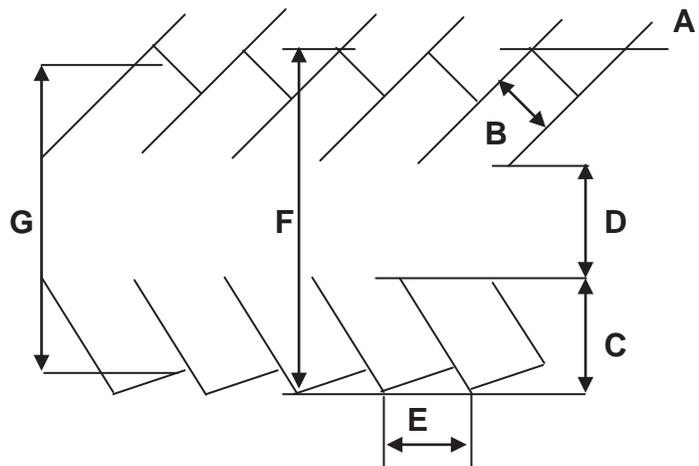
Restaurant, carry-out	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater, plus 10 queue spaces
Restaurant, drive-in	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater
Restaurant, Specialty	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater, plus 10 queue spaces for any drive-up window or drive-thru lane
Restaurant, Specialty-Limited	1 for each 100 square feet of f.a. or 1 for every 2 seats provided on the premises, whichever is greater
Retail shop	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 1 for each business vehicle, plus 3 queuing spaces for each drive-up window or drive-thru lane
Sheet metal shop	1 for each 500 square feet of f.a. plus 1 for each business vehicle
Shopping center, community	1 for each 300 square feet of f.a. plus 3 queuing spaces for each drive-up window or drive-thru lane associated with a non-restaurant use and 10 queuing spaces for each drive-up window associated with a restaurant use
Shopping center, neighborhood	1 for each 275 square feet of f.a. plus 3 queuing spaces for each drive-up window or drive-thru lane associated with a non-restaurant use and 10 queuing spaces for each drive-up window associated with a restaurant use

# MURFREESBORO CITY CODE

**CHART 3. PARKING SPACE AND AISLE DESIGN REQUIREMENTS.**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
0	8.5	9.0	11.0	23.0	30.0	—
0	9.0	9.0	11.0	23.0	30.0	—
20	8.5	15.0	11.0	26.3	41.0	32.5
20	9.0	15.0	11.0	26.3	41.0	32.5
30	8.5	16.9	11.0	17.0	44.8	37.5
30	9.0	17.3	11.0	18.0	45.6	37.8
45	8.5	19.4	13.5	12.0	52.3	46.3
45	9.0	19.8	13.0	12.7	52.5	46.5
60	8.5	20.7	18.5	9.8	59.9	55.8
<b>60</b>	<b>9.0</b>	<b>21.0</b>	<b>18.0</b>	<b>10.4</b>	<b>60.0</b>	<b>55.5</b>
70	8.5	20.8	19.5	9.0	61.0	58.0
70	9.0	21.0	19.0	9.6	61.0	57.9
80	8.5	20.2	22.0	8.6	62.4	60.9
80	9.0	20.3	22.0	9.1	62.6	61.0
90	8.5	19.0	22.0	8.5	60.0	60.0
90	9.0	19.0	22.0	9.0	60.0	60.0
90	10.0	18.0	24.0	10.0	60.0	60.0

- A. Parking Angle (Degrees)
- B. Stall Width
- C. 19 Foot Stall to Curb
- D. Aisle Width
- E. Curb Length Per Car
- F. Center to Center Width of Double Row with Aisle Between
- G. Curb to Curb Stall Center



[Ord. No. 14-O-61 §1, 01-15-15]

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 215 CASON LANE

Tax Map: 92N | Group: B | Parcel: 7.00 | Zoning District: CH

Applicant: TIM DIETZ | E-Mail: [tdietz@sonicpartner.net](mailto:tdietz@sonicpartner.net)

Address: 215 CASON LANE | Phone: 615-478-9940

City: MURFREESBORO | State: TN | Zip: 37127

Property Owner: COOPER MCAFFEE

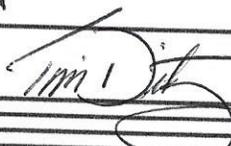
Address: 215 CASON LANE | Phone: 615-478-9940

City: MURFREESBORO | State: TN | Zip: 37127

Request: A REDUCTION IN THE SETBACK ALONG CASON SQUARE

BLVD. FROM 42' TO 35' TO ALLOW ADDITION OF A DRIVE-THRU

Zoning District: CH

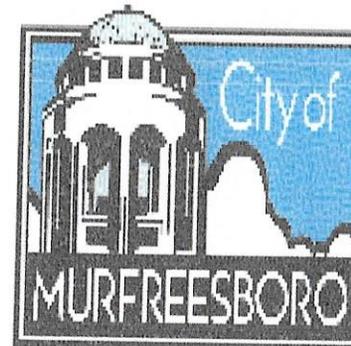
Applicant Signature:  | Date: 3-3-16

Received By:

Receipt No.:

Application #:

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

BOARD OF ZONING APPEALS HEARING APPLICATION  
AND GENERAL INFORMATION

A-304 APPENDIX A - BOARD OF ZONING  
APPEALS INFORMATION



March 3, 2016

Board of Zoning Appeals  
c/o Mr. Donald Anthony  
City of Murfreesboro / Planning Department  
111 W. Vine Street, PO Box 1139  
Murfreesboro, TN 37133

**RE: Sonic America's Drive-In  
Drive-Thru Addition Store #3835- 215 Cason Lane  
Variance Request - reduction in setback**

Ladies and Gentlemen,

Please see enclosed our application and site plan drawing for our variance request for the above referenced project. We have included 8 copies of the site plan, the application, and a check for \$250.

Explanation of Variance Request:

We are requesting a variance for a reduction in the required setback for the above referenced project. The purpose of our request is to add a drive-thru lane and addition. Our property has two frontage sides, it fronts Cason Lane, and Cason Square Boulevard, and our request is for the Cason Square Boulevard front (our buildings side).

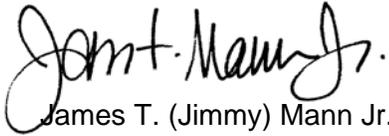
The Owners of the Sonic Drive In wish to add drive thru window service in place of the current drive in lane, where cars currently park to eat. The current zoning ordinance requires the vehicles in the drive thru lane to be behind the 42' setback for their queuing and any wait areas. Our drive-thru lane encroaches upon the setback at the rear corner a maximum of 7', and along the lane approximately 5'. We are requesting an approved reduction to a 35' setback.

Addressing criteria for granting a variance:

- 1) Practical difficulties: Due to the zoning requirement that the vehicle queuing area of drive-thru lanes must be behind the setback it is not possible for us to proceed with this project without the variance.
- 2) Unusual Characteristics: The existing site being subject to the front yard setbacks on both Cason Lane, and Cason Square Boulevard, as well as the curve to the rear property line along Cason Square Boulevard are factors of the site that require the variance.
- 3) Not Self-Created: The Owner is trying to improve their service thru offering the drive-thru lane. We currently have vehicles encroaching into the setback while a drive in customer at a stall space, and we believe it is reasonable to be allowed the same opportunity with the space being used as a drive thru lane.

We hope you will look upon our request favorably. We look forward to the meeting on March 23rd. Please contact me at (931) 338-0226 if there are any additional items required for our submittal, and forward any comments to our office preferably by email.

Sincerely,

A handwritten signature in black ink that reads "James T. Mann Jr." in a cursive, flowing style.

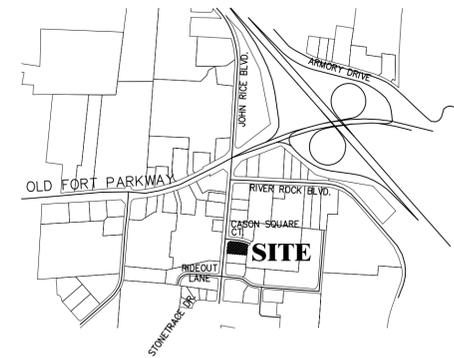
James T. (Jimmy) Mann Jr., AIA  
jimmy@jtmjarchitecture.com

Encl: application, 8 copies of site plan, application fee

PLANT MATERIALS SCHEDULE						
KEY	QUANTITY	SCIENTIFIC NAME/ COMMON NAME	TRUNK	HEIGHT	SPREAD	REMARKS
LI	3	Liriodendron/ Tulip	●			Existing Relocated
BT	2	Berberis Trunbergii/ Barberry (Rose)	⊙	3 feet		Existing Relocated
BS	3	Buxus sempervirens/ Boxwood	⊙	3 feet		Existing Relocated

SHEET INDEX	
A 1.1	SITE PLAN
A 3.1	EXISTING AND RENOVATED ELEVATIONS

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	90°31'52"	30.00	47.40	42.62	S49°40'15"W
C2	14°49'15"	350.00	90.54	90.28	N77°48'24"W



LOCATION MAP  
N.T.S.

**LEGEND**

- ⊙ Power Pole
- ⊙ Existing Fire Hydrant
- ⊙ Proposed Fire Hydrant
- ⊙ Reducer
- ⊙ Proposed Gate Valve & Box
- ⊙ Concrete Thrust Block
- W— Existing Water Line
- W— Proposed Water Line
- S— Existing Sanitary Sewer Line
- S— Proposed Sanitary Sewer Line
- Existing Manhole
- ⊙ Proposed Manhole
- CA— Sewer Line Check Dam
- CA— Existing Contours
- CA— Proposed Contours
- 00.0 Existing Spot Elevations
- 00.0 Proposed Spot Elevations
- SF— Sand bags for siltation runoff
- Turf Reinforcement Mat
- E—T— Existing Telephone & Electric Line
- UGE— Existing Underground Electric Line
- CMP— Corrugated Metal Pipe
- RCP— Reinforced Concrete Pipe

- NOTES:**
- IN TENNESSEE, IT IS A REQUIREMENT PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS. NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS OF THEIR INTENT TO EXCAVATE A LIST OF THESE UTILITIES MAY BE OBTAINED FROM THE COUNTY REGISTER OF DEEDS. THOSE UTILITIES THAT PARTICIPATE IN THE TENNESSEE ONE CALL SYSTEM CAN BE NOTIFIED BY CALLING TOLL FREE 800-351-1111.
  - UNDERGROUND UTILITIES SHOWN WERE LOCATED USING AVAILABLE ABOVE-GROUND EVIDENCE, AND ALSO FROM INFORMATION OBTAINED FROM THE RESPECTIVE UTILITY COMPANIES. THE EXISTENCE OR NON-EXISTENCE OF THE UTILITIES SHOWN AND ANY OTHER UTILITIES WHICH MAY BE PRESENT ON THIS SITE OR ADJACENT SITES SHOULD BE CONFIRMED WITH THE UTILITY OWNER PRIOR TO COMMENCING ANY WORK.
  - A SEPARATE R.O.W. EXCAVATION PERMIT ISSUED AT THE PLANNING DEPARTMENT WILL BE REQUIRED FOR ANY EXCAVATION OR CONSTRUCTION IN THE PUBLIC R.O.W.
  - MAIN LINE WATER TAPS WILL BE MADE BY MURFREESBORO WATER AND SEWER DEPARTMENT.
  - THE OWNER/DEVELOPER, FOR BUDGET PURPOSES, SHOULD CHECK WITH THE MURFREESBORO WATER AND SEWER DEPARTMENT FOR CONNECTION FEES WHICH MAY BE SUBSTANTIAL.
  - CONTRACTORS FOR WATER AND SEWER WORK MUST BE APPROVED BY THE MURFREESBORO WATER AND SEWER DEPARTMENT.
  - ROADS SHALL BE BROUGHT TO SUBGRADE PRIOR TO WATER AND SEWER INSTALLATION.
  - IN ACCORDANCE WITH TCA SECTION 7-59-310(B)(1), COMPETITIVE CABLE AND VIDEO SERVICES ACT IN CASES OF NEW CONSTRUCTION OR PROPERTY DEVELOPMENT WHERE UTILITIES ARE TO BE PLACED UNDERGROUND, THE DEVELOPER OR PROPERTY OWNER SHALL GIVE ALL PROVIDERS OF CABLE OR VIDEO SERVING THE CITY OF MURFREESBORO DATES ON WHICH OPEN TRENCHING WILL BE AVAILABLE FOR THE PROVIDERS' INSTALLATION OF CONDUIT, PEDESTALS OR VAULTS, AND LATERALS, REFERRED TO AS "EQUIPMENT", TO BE PROVIDED AT EACH SUCH PROVIDERS' EXPENSE.
  - ALL SIGNAGE, INCLUDING FLAGS AND FLAGPOLES, IS SUBJECT TO INDEPENDENT REVIEW BY THE BUILDING AND CODES DEPARTMENT. ALL SIGNAGE MUST CONFORM TO THEIR REQUIREMENTS AND REQUIRE SEPARATE SIGN PERMITS.
  - A LAND DISTURBANCE PERMIT MAY BE REQUIRED. DETERMINATION WHETHER A LAND DISTURBANCE PERMIT IS REQUIRED SHALL BE MADE BY THE CITY ENGINEER. A SEPARATE LAND DISTURBANCE PERMIT APPLICATION SHALL BE MADE WITH THE OFFICE OF THE CITY ENGINEER FOR REVIEW AND UPON APPROVAL FOR ISSUANCE OF A LAND DISTURBANCE PERMIT.
  - FOR ALL DEVELOPMENTS OF MORE THAN ONE ACRE, A STATE OF TENNESSEE CONSTRUCTION GENERAL PERMIT IS REQUIRED. EVIDENCE OF THIS PERMIT MUST BE PROVIDED TO THE OFFICE OF THE CITY ENGINEER PRIOR TO CONSTRUCTION COMMENCEMENT.
  - AN ENGINEERS CERTIFICATION OF THE CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITIES MUST BE PROVIDED TO THE CITY ENGINEER PRIOR TO ISSUANCE CERTIFICATE OF OCCUPANCY.
  - A STORMWATER FEE CREDIT APPLICATION MUST BE SUBMITTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
  - A STORMWATER FACILITIES OPERATION AND MAINTENANCE PLAN AND A STORMWATER FACILITIES MAINTENANCE AGREEMENT MUST BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
  - THE STORMWATER FACILITIES MAINTENANCE AGREEMENT MUST BE RECORDED PRIOR TO CERTIFICATE OF OCCUPANCY.



STORE# 3835

215 CASON LANE  
MURFREESBORO, TN

PROJ. NO.: 1539  
DATE: 1/21/16

SHEET TITLE:

SITE PLAN

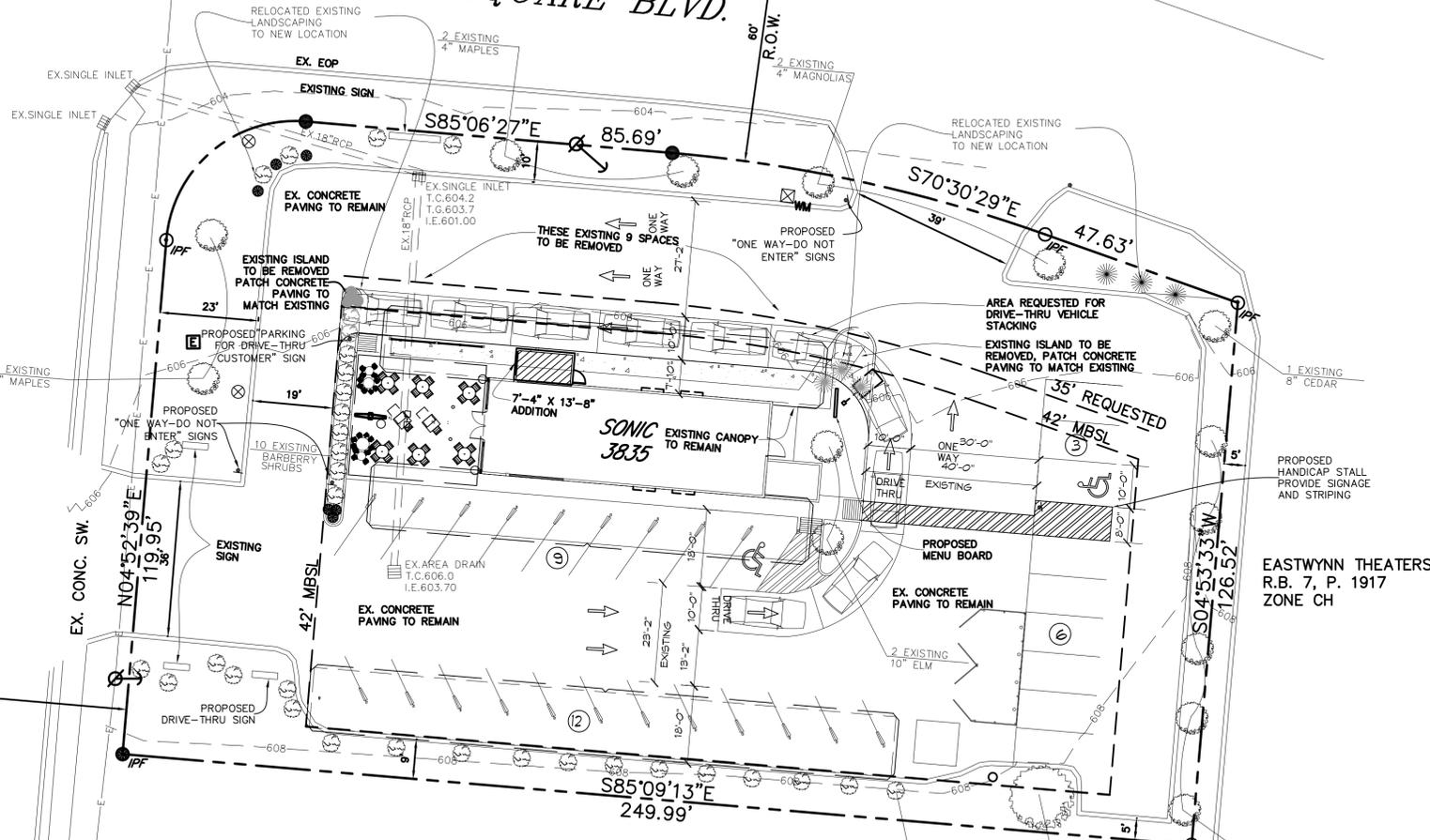
DRAWING SHEET IS FULL SIZE AT 22" X 34"  
REDUCED 11" X 17" SHEET IS HALF SIZE

SHEET NO.:

A1.1

CASON LANE

CASON SQUARE BLVD.



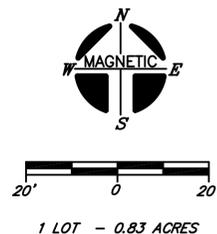
DOLGENCORP INC.  
R.B. 167, P. 2710  
ZONE CH

OWNER: COOPER MCAFFEE  
ADDRESS: 215 CASON LANE  
MURFREESBORO, TN 37127-3550  
TAX MAP: 92N GROUP: B PARCEL: 7.00  
RECORD BOOK: 83 , PAGE: 2093

FLOOD MAP PANEL: 470168 0260 H ZONE: X  
FLOOD MAP DATED: JANUARY 5, 2007

NOTE: THIS PARCEL IS SUBJECT TO ALL EASEMENTS AS SHOWN AND ANY OTHER EASEMENTS AND/OR RESTRICTIONS EITHER RECORDED OR BY PRESCRIPTION THAT A COMPLETE TITLE SEARCH MAY REVEAL.

THE SURVEY IS A TOPOGRAPHIC SURVEY FOR INFORMATION ONLY AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-.07.



1 LOT - 0.83 ACRES

THIS PARCEL IS NOT INCLUDED IN AREAS DESIGNATED AS "SPECIAL FLOOD HAZARD" ON THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY-PANEL NO. 470168 0255 H. DATED: JAN 5, 2007 ZONE: X

- LEGEND FOR MONUMENTS**
- IRON PIN SET
  - ⊙ IRON PIN FIND
  - RAILROAD SPIKE
  - FENCE
  - SURVEY POINT
  - ▲ NAIL
  - CONC. MARKER FND.

ZONING: CH  
FRONT SETBACK: 42'  
SIDE SETBACK: 10'  
REAR SETBACK: 20'



215 Cason Lane, aerial photograph



215 Cason Lane, aerial photograph. The proposed drive-thru window would be located on the northwest side of the building. The queuing lane would begin on the southeast side of the building and wrap around the rear of the building.



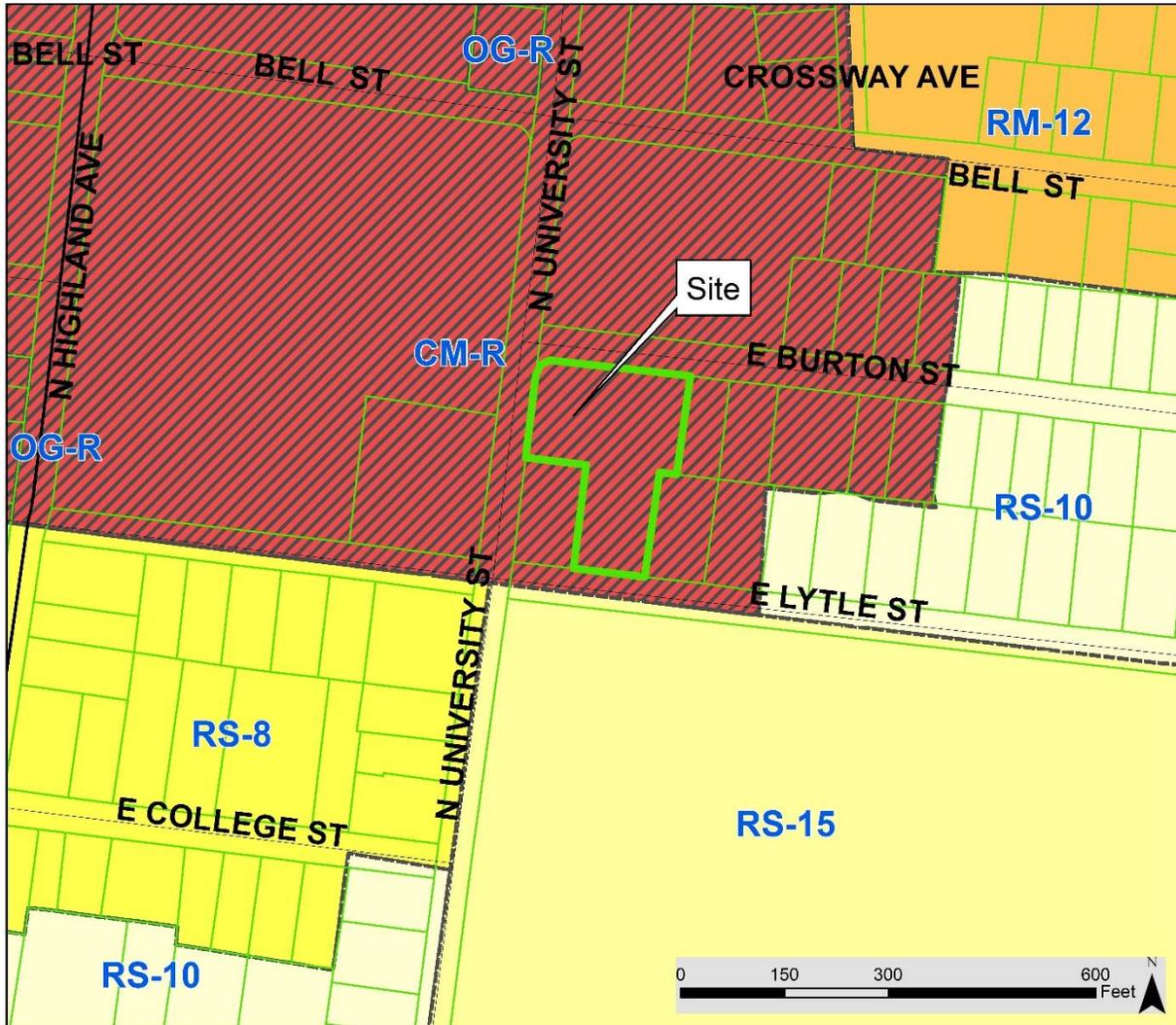
215 Cason Lane, view of existing canopy, ordering stations, and drive aisle taken from Cason Square Boulevard looking westward.



215 Cason Lane, view of proposed drive-thru window location. The drive-thru window would be located beyond the visible utility pole.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
MARCH 23, 2016**

- Application:** Z-16-019  
**Location:** 604 East Burton Street and 611 East Lytle Street  
**Applicant:** Mike Hunley representing Rutherford County Government  
**Zoning:** Medical District – Residential (CM-R)  
**Requests:**
- 1) A Special Use Permit to allow a Public Building in the CM-R district; and
  - 2) A five (5) parking space Variance from Chart 4 (Required Off-Street Parking and Queuing Spaces by Use) of the Murfreesboro Zoning Ordinance, which requires one (1) parking space for every 250 square feet of floor area



## **Request Overview**

The applicant, Mike Hunley representing Rutherford County Government, wishes to construct a new 4,037 square foot structure on a 1.1-acre lot located at 604 East Burton Street. The subject property has frontage along East Burton Street, North University Street, and East Lytle Street. Two structures used by Rutherford County Emergency Medical Services (EMS) are already located on the subject property; an administrative building is situated on the south side of the lot along East Lytle Street, while a facility that houses emergency vehicles is situated on the northeast side of the lot along East Burton Street. The new structure would be built on the northwest portion of the lot near the intersection of East Burton Street and North University Street. In order to construct the proposed structure, the applicant must first obtain a Special Use Permit for a Public Building from the Board.

Additionally, the applicant wishes to obtain a Variance from the City's parking requirements for government office buildings. Chart 4 of the Zoning Ordinance requires 1 parking space for every 250 square feet of floor area. The site plan provided by the applicant shows a total floor area of 7,879 square feet for all three buildings on the site. Using the 1:250 ratio in Chart 4, the applicant would be required to provide 32 spaces. Presently, the applicant leases 15 spaces from NHC at 606 East Burton Street; accounting for the leased spaces, the applicant is responsible for providing 17 spaces on-site. The site plan shows twelve typical spaces and one accessible space on site, leaving the applicant five spaces short of meeting the City's minimum parking requirement.

## **Relevant Zoning Ordinance Sections**

See Chart 1 for uses allowed by Special Use Permit in the CM-R district. See Chart 4 for minimum parking standards for government office buildings.

## **Staff Comments**

Rutherford County Government currently houses its EMS operations on the subject property. Neighboring uses include the NHC nursing home facility on the north, a parking lot for NHC on the east, a single-family residence on the southwest, and the currently-vacant, former hospital property to the west. Rutherford County EMS has used the subject property for EMS operations for several years. According to the applicant, the existing structure that currently houses ambulances cannot accommodate newer, larger ambulances. Because of the expanding fleet and larger vehicle size, the applicant wishes to construct a new building to house these vehicles. Ingress into the new structure would be from North University Street; egress would be provided on East Burton Street. By creating separate ingress and egress points, emergency vehicles will not have to back onto any right-of-way. The applicant submitted a site layout, landscape plan, photometric plot, and building elevations for review. These documents will also be reviewed by staff during the site plan process. As shown on the elevations, the exterior of the proposed building will be covered primarily in brick with EIFS accents.

With regard to the Special Use Permit, the applicant attests that all standards of general applicability will be satisfied. Further, the applicant attests that all additional standards for Institutional Group Assembly Uses will be satisfied as well. Specifically, the applicant's letter and plans indicates the following: no vehicles will back onto public right-of-way; proposed illumination levels will not exceed 0.5 footcandles at any property line; and solid waste will be stored in the ambulance bays, thus not creating unsightly conditions outdoors.

With regard to the parking Variance, the applicant points out that the subject property has space constraints. Additionally, on a typical day, no more than 15 people are at the subject property. The applicant indicates that although the structures on the site are classified as Public Buildings, they are not visited by the public. The applicant contends that these circumstances create *practical difficulties* and *unusual characteristics*. Further, the applicant contends that the parking situation is *not self-created*. Ultimately, the Board must determine whether these circumstances meet the established criteria for granting a Variance.

### **Attached Exhibits**

1. Murfreesboro Zoning Ordinance, Chart 1
2. Murfreesboro Zoning Ordinance, Chart 4
3. BZA Application
4. Applicant's Request Letter
5. Applicant's Supporting Materials
6. Site Photographs

USES PERMITTED <sup>3</sup>	ZONING DISTRICTS																									
	RS 15	RS 12	RS 10	RS 8	RS 4	RD	RM 12	RM 16	RM 22	RZ	R MO	OG R <sup>2</sup>	OG <sup>2</sup>	CL <sup>2</sup>	CF <sup>2,14</sup>	CH <sup>2</sup>	MU <sup>2</sup>	CBD <sup>2</sup>	Hf <sup>2</sup>	L <sup>2</sup>	CM-RS <sup>8</sup>	CM-R <sup>2</sup>	CM <sup>2</sup>	CU	P	
Cemetery, Mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S			S			S	S						
Church <sup>13</sup>	S	S	S	S	S	S	X	X	X	S	S	S	X	X	X	X	X	X	X	X	S	S	X	X		
College, University												X	X				X					X		X		
Day-Care Center						S	S	S	S		S	S	S	X	X	X	X	X	X	X	S	S	S			
Family Day-Care Home	S	S	S	S	S	S	S	S	S	S	S	S		X	X	X		X	X	X	S	S	S	X		
Group Day-Care Home	S	S	S	S	S	S	S	S	S	S	S	S		X	X	X		X	X	X	S	S	S	X		
Hospital												X	X				X		X	X	X	X	X			
Lodge, Club, Country Club <sup>13</sup>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	S	S	S			
Mental Health Facility												X	X	X		X	X		X	X		X	X			
Morgue																X	X			X		X	X			
Museum						S	S	S	S			S	S	S	X	X	X	X	X	X	S	S	S	X	S	
Nursing Home												X	X	S	S	S	X		X	X	X	X	X			
Nursery School						S	S	S	S		S	S	S	S	S	S	X		S	S	S	S	S	X		
Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Philanthropic Institution						S	S	S	S			X	X	X	X	X	X	X	X	X	X	X	X	X		
Pet Cemetery	S	S	S												S	S			S	S						
Public Building <sup>13</sup>	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	S	S	S	X		
Recreation Field <sup>13</sup>	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X		X	X	S	S	S	X	X	
Senior Citizens Center	S	S	S	S	S	S	X	X	X	S		X	X	X	X	X	X		X	X	S	X	X			
School, Public or Private, Grades K - 12 <sup>13</sup>	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	S	S	S	X		
Student Center							S	S	S			S	S	S	S	S	X					S	S			
<b>AGRICULTURAL USES</b>																										
Customary General Farming	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>				X <sup>6</sup>	X			X	X				X	X	
Crop, Soil Preparation Agricultural Services	S	S	S	S	S	S	S	S	S	S	S				X	X			X	X				X	X	
Farm Labor and Management Services												X	X	X	X	X		X	X	X				X		
Fish Hatcheries and Preserves																X			X	X						
Grain, Fruit, Field Crop and Vegetable Cultivation and Storage	X	X	X	X	X	X	X	X	X	X	X								X	X				X		
Hunting, Trapping, and Game Propagation																										
Livestock, Horse, Dairy, Poultry, and Egg Products	S	S	S	S	S	S	S	S	S	S									X	X				X		

X = Use permitted by right.

S = Use requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Sections 8 and 9 of this article.

## MURFREESBORO CITY CODE

Crematory	1 for each 300 square feet plus 1 for each business vehicle.
Department or discount store	1 for each 400 square feet of f.a. plus 1 for every business vehicle
Drive-in theater	1.5 for each 2 employees on the largest shift
Financial services with or without drive-in	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater, plus 4 queue spaces for each drive-in teller or station
Flower or plant store- without sales of mulch	1 for each 300 square feet of f.a. plus 1 for each business vehicle or 4 spaces, whichever is greater
Flower or plant store- with sales of mulch	1 for each 300 square feet of f.a. plus 1 for each business vehicle or 4 spaces, whichever is greater, plus 2 spaces for each mulch pile or bin plus necessary off-street loading area
Funeral Home	1 for each 100 square feet of f.a. plus 1 for each business vehicle.
Furniture store	1 for each 600 square feet of f.a. plus 1 for every business vehicle
Garage, commercial	1 for each employee employed on the largest shift
Gasoline sales	1.5 for each 2 employees employed on the largest shift
General service and repair	1 for each 300 square feet of f.a. or 5 spaces, whichever is greater
Government office building	1 for each 250 square feet of f.a.

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 604 EAST BURTON STREET

Tax Map: 91L    Group: H    Parcel: 1.0    Zoning District: CM-R

Applicant: Mike Hunley    E-Mail: MHUNLEY@RUTHERFORDCOUNTY.TN.GOV

Address: 606 EAST BURTON ST.    Phone: 615-898-7790

City: Murfreesboro    State: TN    Zip: 37130

Property Owner: RUTHERFORD COUNTY

Address: 606 EAST BURTON ST.    Phone: 615-898-7790

City: MURFREESBORO    State: TN    Zip: 37130

Request: A SPECIAL USE PERMIT IS REQUESTED  
FOR A "PUBLIC BUILDING" USE IN A CM-R DISTRICT

Zoning District: CM-R

Applicant Signature: *J. Mike Hunley*    Date: 3-4-16

Received By:    Receipt No.:

Application #:    Date:

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 611 EAST LITTLE ST.

Tax Map: 91L    Group: 4    Parcel: 1.0    Zoning District: CM-R

Applicant: MIKE NUNLEY    E-Mail: MNUNLEY@RUTHERFORDCOUNTY.TN.GOV

Address: 6006 EAST BURTON ST.    Phone: 615-298-7790

City: MURFREESBORO    State: TN    Zip: 37130

Property Owner: RUTHERFORD COUNTY

Address: 6006 EAST BURTON ST.    Phone: 615-298-7790

City: MURFREESBORO    State: TN    Zip: 37130

Request: A PARKING COUNT MODIFICATION CONCERNING THREE BUILDINGS CHEW EMS BLDG., EXSTING EMS BLDG. & EMS ADMIN. BLDG.

Zoning District: CM-R

Applicant Signature: J. Mike Nunley    Date: 3-4-16

Received By:    Receipt No.:

Application #:    Date:

Murfreesboro  
Board of  
Zoning Appeals



HEARING APPLICATION  
AND  
GENERAL INFORMATION

March 7, 2016

Mr. Donald Anthony  
City of Murfreesboro  
111 W Vine St  
Murfreesboro, Tennessee 37130

RE: Rutherford County Emergency Medical Services Building  
BZA Special Use Permit  
Murfreesboro, Tennessee  
KSA Project No. 1502

Dear Mr. Anthony:

Pursuant to Section 8 – Procedure for Uses Requiring Special Permits and Section 9 – Standards for Special Permit Uses of the City of Murfreesboro Tennessee 2016 Zoning Ordinance in regards to the proposed **Rutherford County Emergency Medical Services Building** (on a .99 acre portion of Parcel 1.0 on Rutherford County Property Map 91 L, Group H along East Burton and North University Streets), please accept the following information as our submittal package for the official Board of Zoning Appeals – Hearing Request Application.

**Section 8 – Procedure for Uses Requiring Special Permits**

**(A) Name, address, and telephone number of the applicant**

Mike Nunley  
Director of EMS, Rutherford County  
606 East Burton Street  
Murfreesboro, TN 37130  
615-898-7790

**(B) Nature and extent of applicant's ownership interest in subject property**

Mr. Nunley is the head of EMS facilities comprised of an existing EMS building and EMS Administration building at 611 East Lytle Street.

**(C) Site plan to be submitted for review by City Staff and the Board of Zoning Appeals**

A concept plan has been submitted with this application for review.

**(D) Address of the site of the proposed special use**

604 East Burton Street  
Murfreesboro, TN 37130

**(E) Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred foot radius**

A vicinity map has been submitted with this application for review.

**(F) Zoning Classification of property of the proposed special use**

The property is currently zoned CM-R. We are requesting a Special Use Permit for a "Public Building" use in a CM-R district.

**(G) The property of the proposed special use shall have the following characteristics:**

**1.) Hours and days of operation**

Operations occur 24 hours a day seven days a week.

**2.) Duration of the proposed special use**

Permanent

**3.) Number of expected patrons that will be expected to utilize the property of the proposed special use**

No patrons, family members and relatives may visit occasionally.

**4.) Projected traffic that will be expected to be generated by the proposed special use**

The main source of traffic will be the ambulances leaving the building there are approximately 10-15 calls a shift. A shift lasts 24 hours.

**(H) Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposes to eliminate or minimize them**

The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines.

The landscaping along the property lines will remain and be enhanced to meet the requirements of the zoning ordinance.

**Section 9 – Standards for Special Permit Uses**

**(C) Standards of general applicability. An applicant for a special use permit shall present evidence at the public hearing on such special permit, which evidence must establish:**

- 1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood,**

***traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.***

The site is currently occupied by an existing EMS/ Ambulance Station the new EMS/ Ambulance Station will replace it. The proposed building will have a minor impact on the surrounding neighborhood. EMS employees shifts last 24 hours four employees per shift generating minimal traffic to and from the site. All the parking needs for the building are contained on the site itself and will not have connectivity with the surrounding residential neighborhood. There are existing utilities along North University Street and East Burton Street that can be accessed and connected to for use by the property.

Water: MWSD has an 12" waterline along North University Street and a 8" waterline along East Burton Street.

Sanitary Sewer: MWSD has sanitary sewer located along both North University Street and East Burton Street. The applicant will be responsible for connecting to the sewer to the subject property.

Electric: MED has electrical service along North University Street via overhead lines.

Gas: Atmos Energy has gas service along East Burton Street.

***2) that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations***

The building is oriented along North University Street and East Burton Street and its front door faces the parking lot. The parking will be accessed solely from East Burton Street and will provide for full turning movements. The proposed building will be single story building with exterior materials as shown on the architectural elevations. The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. The existing natural landscaping along the property lines will remain and be enhanced to meet the requirements of the zoning ordinance.

***3) that the proposed building or use will be served adequately by the essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services***

The parking area will be accessed from East Burton Street. All of the parking needs for the building are archived on site. The required parking for the EMS building is 5 spaces according to Chart 4; we are providing 5 spaces.

The drainage for the site will function similarly to an existing system.

Solid waste disposal will be handled via a garbage disposal containers stored in the ambulance bay area.

Fire protection and domestic water feeds will provided by a connection to a waterline in the road.

Sanitary sewer service will be extended to the site by the applicant from the street.

**4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance**

As many as possible existing trees around the site's perimeter will remain to aid in the establishment and effectiveness of the landscape buffers. No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

**5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use (zz)**

**(zz) Institutional p assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, churches, and other places of worship, shall be subject to the following additional standards**

**1.) Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on site. An onsite off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard.**

As represented on the site plan, all parking has been removed from the required front yard and no parking is proposed to back onto the public street.

**2.) In all residential districts, an institutional use group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly is proposed to be located**

There is no minimum lot size for a CM-R zone that is occupied by Medical offices, clinics, and other related uses.

- 3.) ***Onsite lighting for parking areas, fields for athletics, scoreboards and grounds shall be arranged in such a manner as to minimize intrusion of the lighting into areas zoned or used for residential or medical purposes***

The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. All fixtures have been restricted to 20-foot mounting height.

- 4.) ***Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize the adverse effects upon neighboring properties and aesthetics from the public right-of-way.***

Solid waste is handled with garbage disposal containers stored inside the ambulance bay area.

- 5.) ***Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses***

This does not apply.

- 6.) ***The number of required parking spaces provided onsite shall be in accordance with Chart 4 of this article***

A separate parking requirement variance has been requested.

- 7.) ***An application for a special use permit for an institutional group assembly shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation***

None occur

- 8.) ***The BZA shall have the authority to approve an onsite location with water, sewer, and electric utility connections for accommodations for travel trailers or recreational vehicles (RV's)***

No such uses are being requested at this time.

- 9.) ***The BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of the property for the institutional group assembly use purposes***

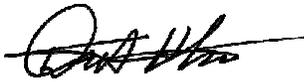
No temporary or short term uses are proposed at this time, therefore the applicant is not requesting any variances associated with such uses.

- 10.) ***The application for special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for external broadcast of speech, music, or other sounds***

None apply

Your thorough consideration of the requested special use permit is much appreciated. Please contact me if any additional information is required. I can be contacted at 615-255-1854 or via email at [dkline@ksarchitects.com](mailto:dkline@ksarchitects.com).

Sincerely,



David Kline  
KLINE SWINNEY ASSOCIATES

March 7, 2016

Mr. Donald Anthony  
City of Murfreesboro  
111 W Vine St  
Murfreesboro, Tennessee 37130

RE: Rutherford County Emergency Medical Services Building  
BZA Special Use Permit  
Murfreesboro, Tennessee  
KSA Project No. 1502

Dear Mr. Anthony:

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Director of EMS, Rutherford County  
606 East Burton Street  
Murfreesboro, TN 37130  
615-898-7790

**(B) Nature and extent of applicant's ownership interest in subject property**

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**(E) Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred foot radius**

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Permanent

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**4.) Projected traffic that will be expected to be generated by the proposed special use**

The main source of traffic will be the ambulances leaving the building there are approximately 10-15 calls a shift. A shift lasts 24 hours.

**(H) Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposes to eliminate or minimize them**

The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines.

The landscaping along the property lines will remain and be enhanced to meet the requirements of the zoning ordinance.

**Section 9 – Standards for Special Permit Uses**

**(C) Standards of general applicability. An applicant for a special use permit shall present evidence at the public hearing on such special permit, which evidence must establish:**

- 1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood,**

***traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.***

The site is currently occupied by an existing EMS/ Ambulance Station the new EMS/ Ambulance Station will replace it. The proposed building will have a minor impact on the surrounding neighborhood. EMS employees shifts last 24 hours four employees per shift generating minimal traffic to and from the site. All the parking needs for the building are contained on the site itself and will not have connectivity with the surrounding residential neighborhood. There are existing utilities along North University Street and East Burton Street that can be accessed and connected to for use by the property.

Water: MWSD has an 12" waterline along North University Street and a 8" waterline along East Burton Street.

Sanitary Sewer: MWSD has sanitary sewer located along both North University Street and East Burton Street. The applicant will be responsible for connecting to the sewer to the subject property.

Electric: MED has electrical service along North University Street via overhead lines.

Gas: Atmos Energy has gas service along East Burton Street.

***2) that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations***

The building is oriented along North University Street and East Burton Street and its front door faces the parking lot. The parking will be accessed solely from East Burton Street and will provide for full turning movements. The proposed building will be single story building with exterior materials as shown on the architectural elevations. The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. The existing natural landscaping along the property lines will remain and be enhanced to meet the requirements of the zoning ordinance.

***3) that the proposed building or use will be served adequately by the essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services***

The parking area will be accessed from East Burton Street. All of the parking needs for the building are archived on site. The required parking for the EMS building is 5 spaces according to Chart 4; we are providing 5 spaces.

The drainage for the site will function similarly to an existing system.

Solid waste disposal will be handled via a garbage disposal containers stored in the ambulance bay area.

Fire protection and domestic water feeds will provided by a connection to a waterline in the road.

Sanitary sewer service will be extended to the site by the applicant from the street.

**4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance**

As many as possible existing trees around the site's perimeter will remain to aid in the establishment and effectiveness of the landscape buffers. No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

**5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use (zz)**

**(zz) Institutional p assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, churches, and other places of worship, shall be subject to the following additional standards**

**1.) Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on site. An onsite off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard.**

As represented on the site plan, all parking has been removed from the required front yard and no parking is proposed to back onto the public street.

**2.) In all residential districts, an institutional use group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly is proposed to be located**

There is no minimum lot size for a CM-R zone that is occupied by Medical offices, clinics, and other related uses.

- 3.) ***Onsite lighting for parking areas, fields for athletics, scoreboards and grounds shall be arranged in such a manner as to minimize intrusion of the lighting into areas zoned or used for residential or medical purposes***

The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. All fixtures have been restricted to 20-foot mounting height.

- 4.) ***Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize the adverse effects upon neighboring properties and aesthetics from the public right-of-way.***

Solid waste is handled with garbage disposal containers stored inside the ambulance bay area.

- 5.) ***Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses***

This does not apply.

- 6.) ***The number of required parking spaces provided onsite shall be in accordance with Chart 4 of this article***

A separate parking requirement variance has been requested.

- 7.) ***An application for a special use permit for an institutional group assembly shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation***

None occur

- 8.) ***The BZA shall have the authority to approve an onsite location with water, sewer, and electric utility connections for accommodations for travel trailers or recreational vehicles (RV's)***

No such uses are being requested at this time.

- 9.) ***The BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of the property for the institutional group assembly use purposes***

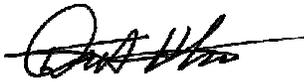
No temporary or short term uses are proposed at this time, therefore the applicant is not requesting any variances associated with such uses.

- 10.) ***The application for special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for external broadcast of speech, music, or other sounds***

None apply

Your thorough consideration of the requested special use permit is much appreciated. Please contact me if any additional information is required. I can be contacted at 615-255-1854 or via email at [dkline@ksarchitects.com](mailto:dkline@ksarchitects.com).

Sincerely,



David Kline  
KLINE SWINNEY ASSOCIATES

March 7, 2016

Mr. Donald Anthony  
Murfreesboro Planning Department  
111 W. Vine Street  
Murfreesboro, TN 37130

RE: Rutherford County Emergency Medical Services Building  
Submittal for Variance Request Application  
Murfreesboro, Tennessee

Dear Mr. Anthony,

Rutherford County Emergency Medical Services (RCEMS) has an agreement with National Healthcare Corporation (NHC) relative to parking involving the current EMS Station at 606 East Burton Street and the EMS Administration Building at 611 East Lytle Street regarding the parking lot immediately to the east of the building. RCEMS leases 15 parking spaces in this lot. These include the 6 spaces abutting the east end of the existing EMS Station and 9 others that are not defined. The new site will result in 15 parking spaces on our property. There is no agreement between National Healthcare Corporation (NHC) and Rutherford County Emergency Medical Services (RCEMS) regarding the parking spaces related to the new EMS Station.

**Parking Count:**

<i>Use</i>	<i>Pkg. spaces required per code</i>	<i>Spaces provided offsite via a lease arrangement</i>	<i>Available pkg. spaces within the property boundary post new EMS station construction</i>
Existing EMS station	6	2	
EMS Administration Building	21	8	
New EMS station	5	5	
TOTAL	32	15	15

The maximum people working in the new EMS Station at any time would be 5. The maximum people working in the Administration Building is 8 and that includes me. The maximum people working in the existing East Burton Street EMS Station is 2.

We may be included under governmental buildings, however, these are not buildings that are visited by the general public much like the City's Fire Stations.

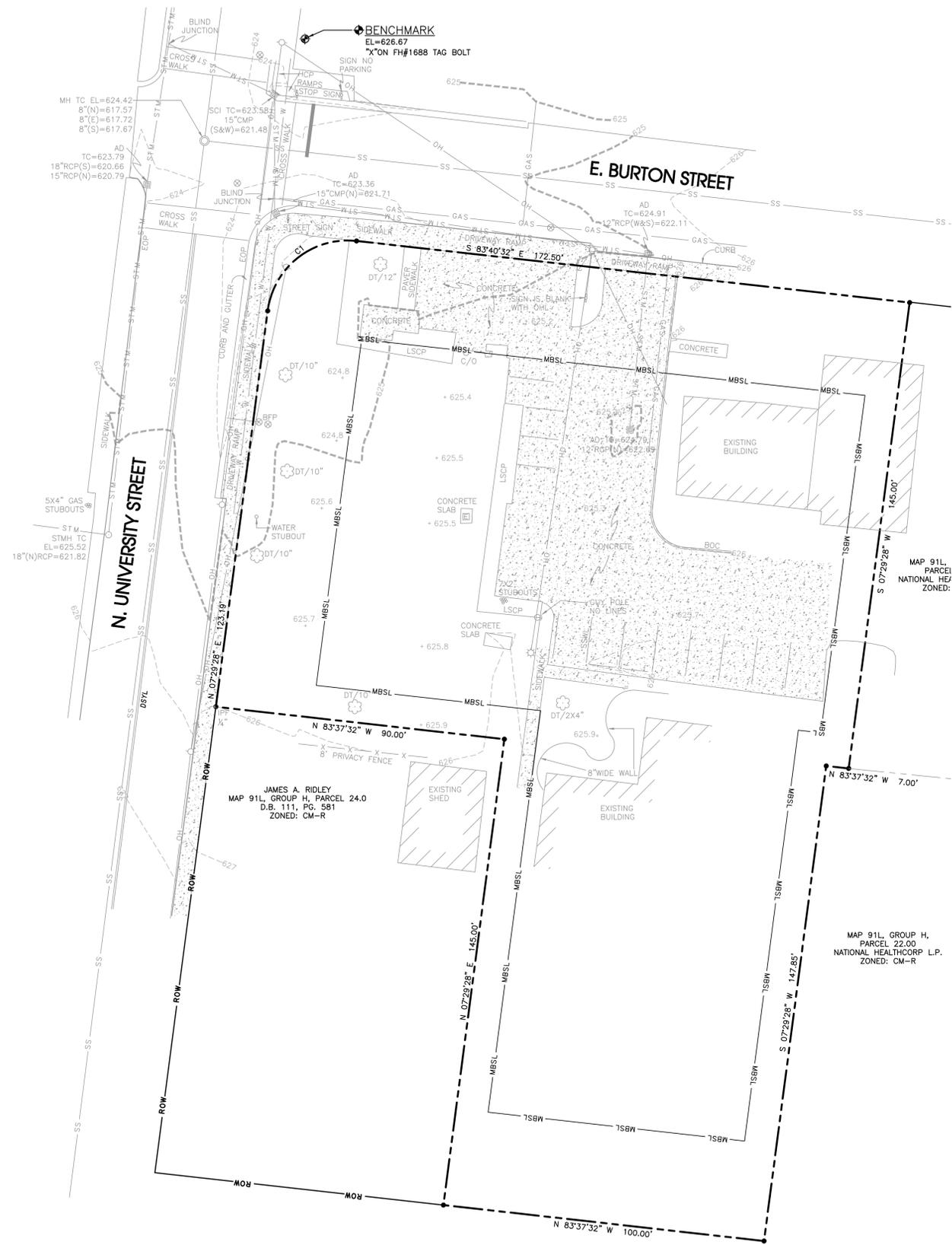
In the future there will be a convalescent ambulance service located in our current EMS Station that will not require any more parking spaces. This is where the current employees working out of the existing EMS station currently park and is where I expect employees of a convalescent ambulance station will park as well.

Your thorough consideration of the requested variance is much appreciated. If you have any questions or comments, please feel free to contact me. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mike Nunley".

Mike Nunley  
Director of EMS, Rutherford County  
606 East Burton Street  
Murfreesboro, TN 37130  
615-898-7790



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LTH	CHORD BEARING
C1	88°51'05"	25.00'	38.77'	24.50'	35.00'	S 51°54'28" W

**Applicant:**  
 Rutherford County EMS  
 Mike Hunley  
 606 East Burton St.  
 Murfreesboro, TN 37130  
 Contact Phone: (615)898-7790

**Owner:**  
 Seton Corp. Dba Baptist Hospital  
 Attn: Pam Hess FGO  
 2000 Church St.  
 Nashville, TN 37236

**Floodplain Note:**  
 This site lies within Zone X, areas determined to be outside the 0.2% annual chance flood plain. FEMA FIRM map #47149CO26OH, Dated Jan. 5, 2007.

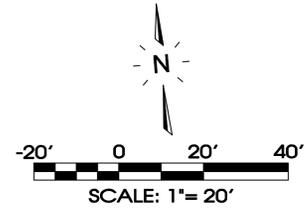
**Land Data:**  
 Zoning: CM-R  
 1.10± Acres

**Building Setbacks:**  
 Front: 30'  
 Side: 10'  
 Rear: 20'

**Deed Reference:**  
 The property shown herein is Tax Map 91L, Portion Of Parcel 1.00, Civil District 1 Magisterial District in Rutherford County, as recorded in R.Bk. 123, Pg. 51.

**Legend:**

□	EXIST. CONCRETE MONUMENT	○	EXIST. UTILITY POLE
●	IRON PIN SET (I.P.S.)	⊗	EXIST. FIRE HYDRANT
○	IRON PIN FOUND (I.P.F.)	♿	HANDICAP PARKING SYMBOL
—	EXIST. SIGN POST	⊙	HC SIGN
○	EXIST. SEWER CLEANOUT (63.25" x)	⊙	EXIST. SPOT ELEVATION
○	EXIST. MANHOLE (SEWER & PHONE)	→	TRAFFIC ARROW
⊖	EXIST. CATCH BASIN (STORM SEWER)	↩	TURN LANE ARROWS
⊗	EXIST. WATER/GAS VALVE	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
⊞	EXIST. TELEPHONE RISER	—	WHEEL STOP
⊞	EXIST. GAS RISER	—	CONCRETE SIDEWALK
⊞	ELECTRICAL ENCLOSURE	—	EXTRUDED CURB
⊞	EXIST. WATER METER	—	CURB & GUTTER
—	EXISTING PHONE	—	PH
—	EXISTING ELECTRIC	—	OH
—	PROPERTY LINE	—	
—	EASEMENTS	—	
—	RIGHT OF WAY	—	ROW
—	EXISTING TREELINE	—	
—	EXISTING FENCELINE	—	
—	MINIMUM BUILDING SETBACK LINE	—	MBSL
—	EXISTING GAS LINE	—	GAS
—	EXISTING STORM	—	STM
—	EXISTING CONTOUR LINES	—	60
—	EXISTING SANITARY SEWER	—	SS
—	EXISTING WATER	—	W



37210  
 22 middleton street  
 nashville, tennessee

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**EXISTING CONDITIONS**

**NEW AMBULANCE BUILDING FOR RUTHERFORD COUNTY EMERGENCY MEDICAL SERVICE**  
 CORNER OF NORTH UNIVERSITY ST. & EAST BURTON ST.  
 MURFREESBORO, TENNESSEE

**REVISIONS**

PLANNING SUBMISSION

PROJECT NO.  
15296

DATE  
07 MAR 16

SHEET NO.

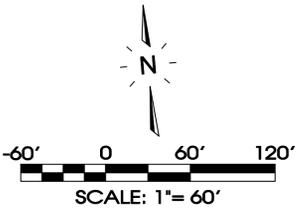
**SEC, Inc.**  
 SITE ENGINEERING CONSULTANTS  
 ENGINEERING • SURVEYING • LAND PLANNING  
 LANDSCAPE ARCHITECTURE  
 850 MIDDLE TENNESSEE BOULEVARD  
 MURFREESBORO, TENNESSEE 37129  
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1 of 3



**Legend:**

□	EXIST. CONCRETE MONUMENT	○	EXIST. UTILITY POLE
●	IRON PIN SET (I.P.S.)	⊕	EXIST. FIRE HYDRANT
○	IRON PIN FOUND (I.P.F.)	♿	HANDICAP PARKING SYMBOL
—	EXIST. SIGN POST	⊙	HC SIGN
○	EXIST. SEWER CLEANOUT (63.25) x	⊕	EXIST. SPOT ELEVATION
○	EXIST. MANHOLE (SEWER & PHONE)	→	TRAFFIC ARROW
⊕	EXIST. CATCH BASIN (STORM SEWER)	↔	TURN LANE ARROWS
⊗	EXIST. WATER/GAS VALVE	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
⊕	EXIST. TELEPHONE RISER	—	WHEEL STOP
⊕	EXIST. GAS RISER	—	CONCRETE SIDEWALK
⊕	ELECTRICAL ENCLOSURE	—	EXTRUDED CURB
⊕	EXIST. WATER METER	—	CURB & GUTTER
—	EXISTING PHONE	—	
—	EXISTING ELECTRIC	—	
—	PROPERTY LINE	—	
—	EASEMENTS	—	
—	RIGHT OF WAY	—	
—	EXISTING TREELINE	—	
—	EXISTING FENCELINE	—	
—	MINIMUM BUILDING SETBACK LINE	—	
—	EXISTING GAS LINE	—	
—	EXISTING STORM	—	
—	EXISTING CONTOUR LINES	—	60'
—	EXISTING SANITARY SEWER	—	
—	EXISTING WATER	—	



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nashville, tennessee  
22 middleton street

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**LOCATION MAP**

**NEW AMBULANCE BUILDING FOR RUTHERFORD COUNTY EMERGENCY MEDICAL SERVICE**  
CORNER OF NORTH UNIVERSITY ST. & EAST BURTON ST.  
MURFREESBORO, TENNESSEE

**REVISIONS**

PLANNING SUBMISSION	

PROJECT NO.	15296
DATE	07 MAR 16
SHEET NO.	

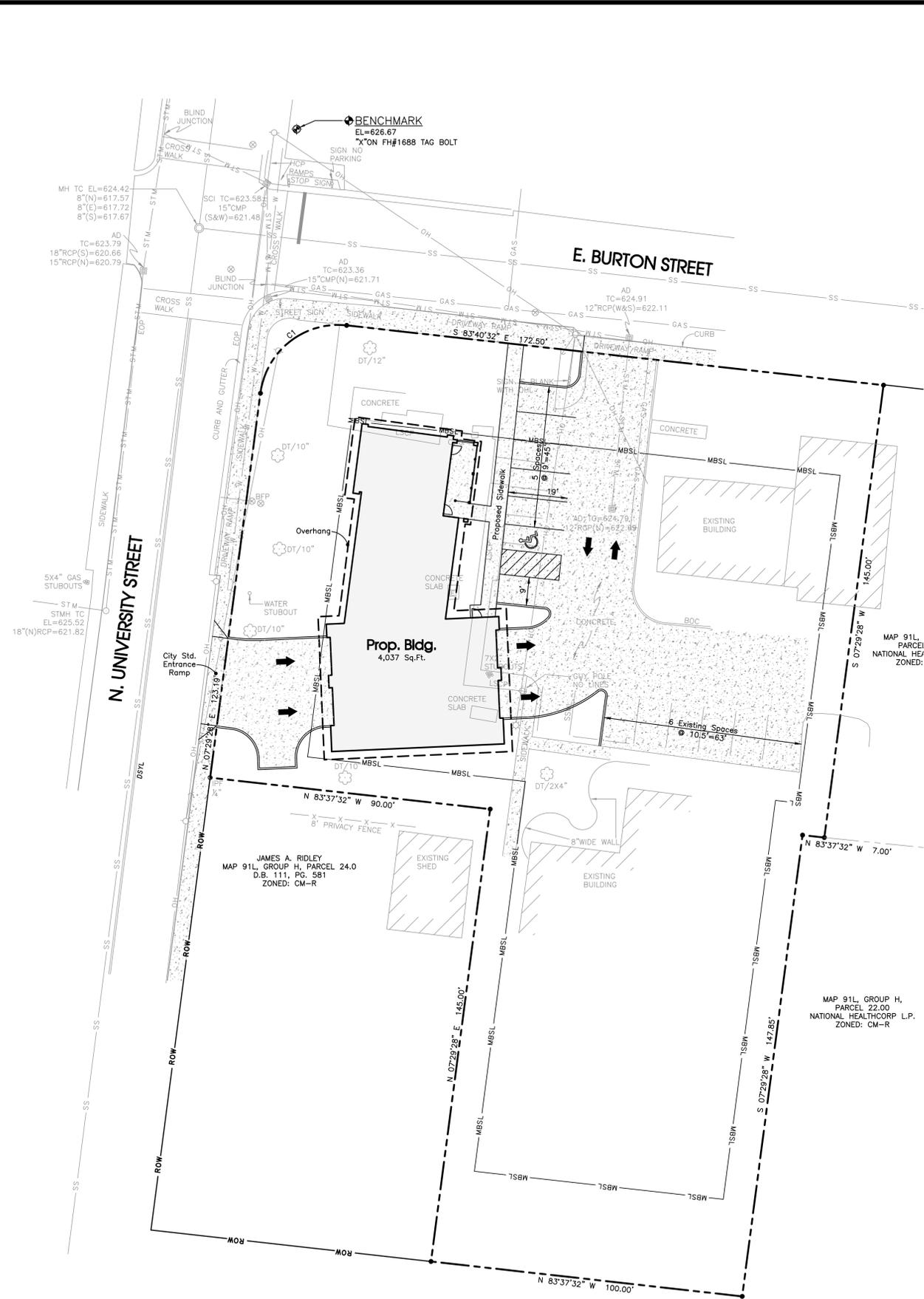
**SEC, Inc.**

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LANDSCAPE ARCHITECTURE

850 MIDDLE TENNESSEE BOULEVARD  
MURFREESBORO, TENNESSEE 37129

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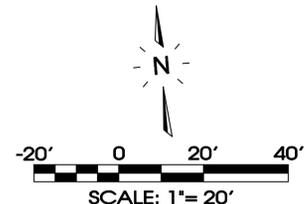
2 of 3



CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LTH	CHORD BEARING
C1	88°51'05"	25.00'	38.77'	24.50'	35.00'	S 51°54'28" W

**Parking Tabulations:**  
 Req'd Spaces: 32  
 Spaces Proposed: 13(Variance Proposed)(12 Reg. + 1 H.C.)

Legend:			
□	EXIST. CONCRETE MONUMENT	◻	BLOW OFF VALVE
●	IRON PIN SET (I.P.S.)	◻	CONCRETE THRUST BLOCK
○	IRON PIN FOUND (I.P.F.)	◻	DOUBLE DETECTOR CHECK VALVE
+	EXIST. SIGN POST	◻	REMOTE FIRE DEPT. CONNECTION
○	EXIST. SEWER CLEANOUT	◻	FIRE DEPT. CONNECTION
○	EXIST. MANHOLE (SEWER & PHONE)	◻	FIRE HYDRANT
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⊞	BENCHMARK	+	PROPOSED SIGN POST
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---	MINIMUM BUILDING SETBACK LINE	---	MBSL
---	PHASE BOUNDARY	---	
---	EXISTING GAS LINE	---	GAS
---	PROPOSED GAS LINE	---	GAS
---	EXISTING STORM	---	STM
---	PROPOSED STORM	---	STM
---	EXISTING SANITARY SEWER	---	SS
---	PROPOSED SANITARY SEWER	---	SS
---	EXISTING WATER	---	W
---	PROPOSED WATER	---	W



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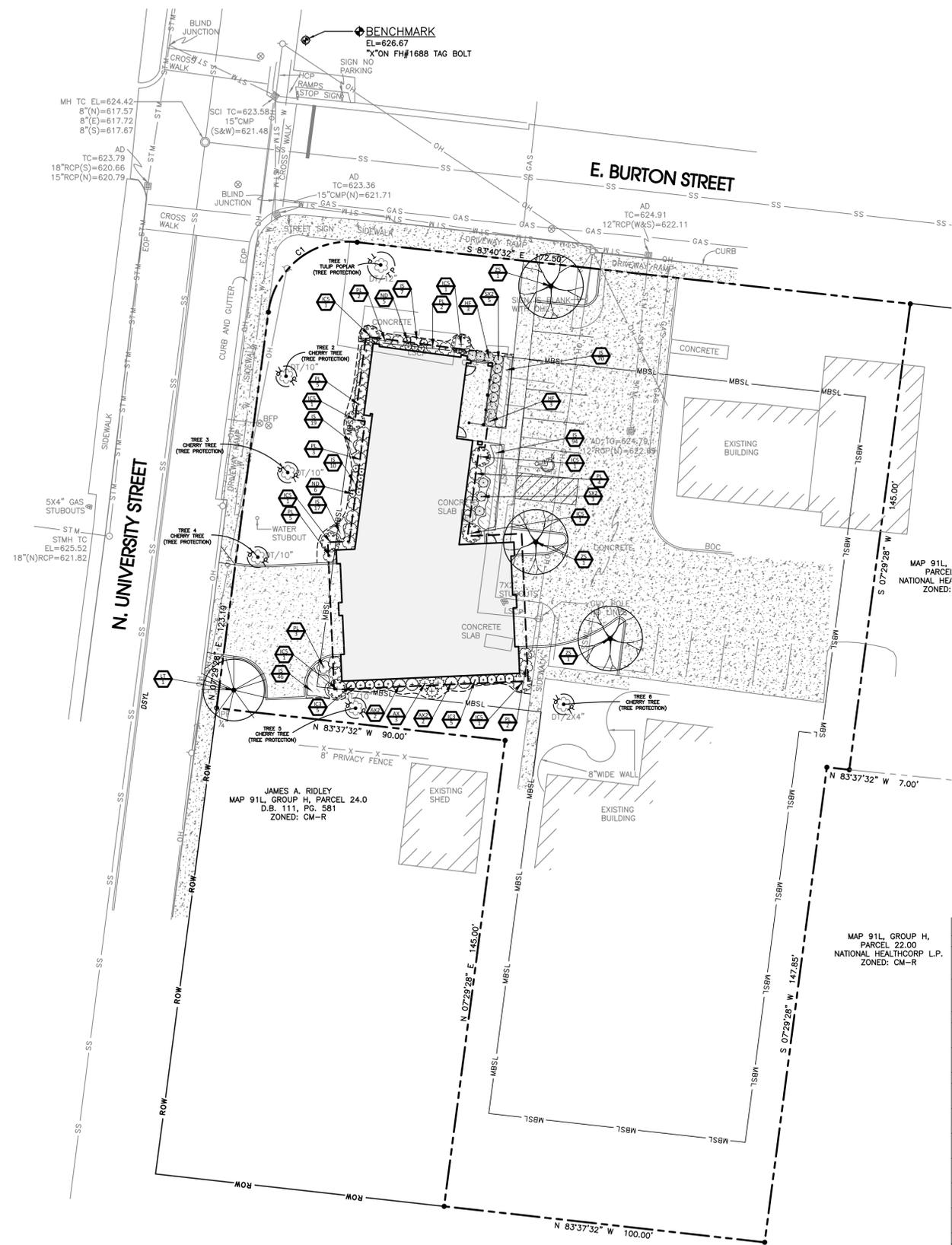
**MASTER PLAN**  
**NEW AMBULANCE BUILDING FOR RUTHERFORD COUNTY EMERGENCY MEDICAL SERVICE**  
 CORNER OF NORTH UNIVERSITY ST. & EAST BURTON ST.  
 MURFREESBORO, TENNESSEE

REVISIONS
PLANNING SUBMISSION

PROJECT NO. 15296
DATE 07 MAR 16
SHEET NO.

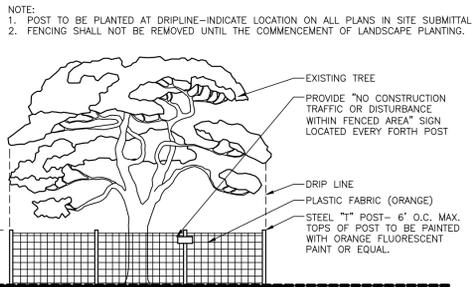
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CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LTH	CHORD BEARING
C1	88°51'05"	25.00'	39.77'	24.50'	35.00'	S 51°54'28" W

**Parking Tabulations:**  
 Req'd Spaces: 32  
 Spaces Proposed: 13(Variance Proposed)(12 Reg. + 1 H.C.)



○ TREE PROTECTION  
 NOT TO SCALE

- TREE PRESERVATION NOTES:**
- AFTER INSTALLATION OF TREE PROTECTION FENCING, CONTRACTOR SHALL CONTACT KANE ADAMS WITH MURFREESBORO URBAN ENVIRONMENTAL DEPT. AT 615-895-8059 FOR A TREE PROTECTION INSPECTION.
  - ANY PRESERVED TREES DAMAGED OR REMOVED DURING CONSTRUCTION MAY HAVE TO BE REPLANTED PRIOR TO CERTIFICATE OF OCCUPANCY TO FULFILL PERIMETER PLANTING OR BUFFER REQUIREMENTS.
  - TREE PROTECTION FENCING THAT DOES NOT GO TO OR EXCEED THE PRESERVED TREE'S DRIPLINE WILL NOT BE ACCEPTED.

Numb.	Size	Common Name	Tree Credit
1	12"	Tulip Poplar	2
2	10"	Cherry Tree	2
3	10"	Cherry Tree	2
4	10"	Cherry Tree	2
5	10"	Cherry Tree	2
6	8"	Cherry Tree	2

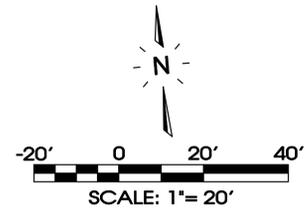
PLANT SCHEDULE										
DECIDUOUS TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	PLANT SIZE	HGT. MIN.	SPREAD MIN.	SPACING	TYPE	REMARKS
	LT	1	Liriodendron tulipifera / Tulip Tree	B & B	3" Cal	14' - 16'		As Shown	Dec.	5' Clear trunk, single, straight central leader, evenly branched, symmetrical crown, matched*
	ZS	3	Zelkova serrata 'Green Vase' / Sawleaf Zelkova	B & B	3" Cal	14' - 16'		As Shown	Dec.	5' Clear trunk, evenly branched, symmetrical crown, matched*
DECIDUOUS SHRUBS	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	PLANT SIZE	HGT. MIN.	SPREAD MIN.	SPACING	TYPE	REMARKS
	HF	6	Hypericum frondosum 'Sunburst' / Sunburst Hypericum	3 gal		24"	24"	3' O.C.	Dec.	Full, well-branched, matched
	SK2	8	Spiraea x bumalda 'Neon Flash' / Neon Flash Spiraea	3 gal		24"	24"	3' O.C.	Dec.	Well-branched, dense, matched
EVERGREEN SHRUBS	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	PLANT SIZE	HGT. MIN.	SPREAD MIN.	SPACING	TYPE	REMARKS
	AX	3	Abelia x grandiflora 'Kaleidoscope' / Glossy Abelia	3 gal		24"	24"	3' O.C.	Evg.	Well-branched, dense, matched
	AX2	4	Abelia x 'Mardi Gras' / Mardi Gras Abelia	3 gal		24"	24"	3' O.C.	Evg.	Well-branched, dense, matched
	IC3	10	Ilex crenata 'Hoogendorn' / Hoogendorn Japanese Holly	3 gal		24"	24"	3' O.C.	Evg.	Dense, full, matched
	IC5	8	Ilex crenata 'Steeds' / Steeds Japanese Holly	Cont.		30"	18"	2' O.C.	Evg.	Dense, full, matched
	ND	11	Nandina domestica 'Monfar' / Sierra Sunrise Heavenly Bamboo	Cont.		24"	24"	4' O.C.	Evg.	Dense, full, matched
	PL	26	Prunus laurocerasus 'Otto Lykken' / Lykens Laurel	3 gal		24"	24"	5' O.C.	Evg.	Full, well-branched
GROUND COVERS	CODE	QTY	BOTANICAL NAME / COMMON NAME	ROOT	PLANT SIZE	HGT. MIN.	SPREAD MIN.	SPACING	TYPE	REMARKS
	IS	263	Iberis sempervirens 'Little Gem' / Little Gem Evergreen Candytuft	4" pot		12"	12"	12" O.C.		Well rooted, mature, full

**Legend:**

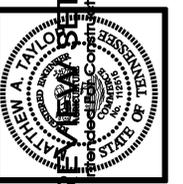
□	EXIST. CONCRETE MONUMENT	◻	BLOW OFF VALVE
●	IRON PIN SET (I.P.S.)	◻	CONCRETE THRUST BLOCK
○	IRON PIN FOUND (I.P.F.)	◻	DOUBLE DETECTOR CHECK VALVE
+	EXIST. SIGN POST	◻	REMOTE FIRE DEPT. CONNECTION
○	EXIST. SEWER CLEANOUT	◻	FIRE DEPT. CONNECTION
○	EXIST. MANHOLE (SEWER & PHONE)	◻	FIRE HYDRANT
◻	EXIST. CATCH BASIN (STORM SEWER)	◻	REDUCER
⊗	EXIST. WATER/GAS VALVE	⊗	GATE VALVE & BOX
⊞	EXIST. TELEPHONE RISER	⊞	POST INDICATOR VALVE
⊞	EXIST. GAS RISER	⊞	WATER METER
⊞	ELECTRICAL ENCLOSURE	⊞	SEWER/STORM FLOW DIRECTION
⊞	EXIST. WATER METER	○	MANHOLE
○	EXIST. UTILITY POLE	⊞	HANDICAP PARKING SYMBOL
○	EXIST. FIRE HYDRANT	⊞	HC SIGN
⊞	BENCHMARK	+	PROPOSED SIGN POST
⊞	REVISION NUMBER	◻	CONCRETE SIDEWALK
⊞	CURB & GUTTER	⊞	EXTRUDED CURB

EXISTING PHONE	— PH —
EXISTING ELECTRIC	— OH —
PROPERTY LINE	— — — — —
EASEMENTS	— — — — —
RIGHT OF WAY	— ROW —
EXISTING TREELINE	— — — — —
EXISTING FENCELINE	— X — X — X — X — X —
MINIMUM BUILDING SETBACK LINE	— MBSL —
PHASE BOUNDARY	— — — — —
EXISTING GAS LINE	— GAS — GAS —
PROPOSED GAS LINE	— GAS — GAS —
EXISTING STORM	— STM — STM — STM —
PROPOSED STORM	— STM — STM — STM —
EXISTING SANITARY SEWER	— SS —
PROPOSED SANITARY SEWER	— SS —
EXISTING WATER	— W — W — W —
PROPOSED WATER	— W — W — W —



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 22 Middleton Street Nashville, Tennessee  
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 architecture • interior design • planning



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MASTER PLAN  
 NEW AMBULANCE BUILDING FOR  
 RUTHERFORD COUNTY EMERGENCY MEDICAL SERVICE  
 CORNER OF NORTH UNIVERSITY ST. & EAST BURTON ST.  
 MURFREESBORO, TENNESSEE

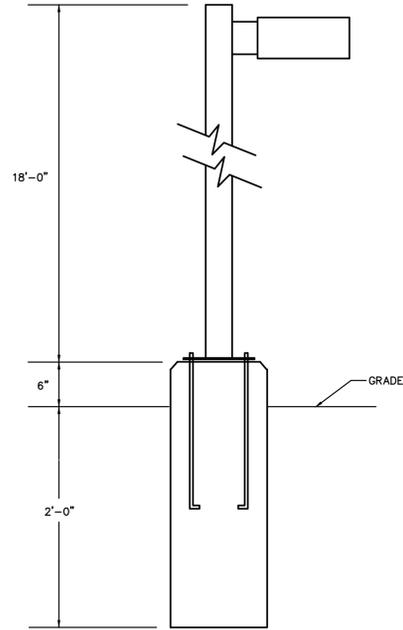
**REVISIONS**

NO.	DATE	DESCRIPTION

PROJECT NO.  
15296  
 DATE  
07 MAR 16  
 SHEET NO.

**SEC, Inc.**  
 SITE ENGINEERING CONSULTANTS  
 ENGINEERING • SURVEYING • LAND PLANNING  
 LANDSCAPE ARCHITECTURE  
 850 MIDDLE TENNESSEE BOULEVARD  
 MURFREESBORO, TENNESSEE 37129  
 NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN CONSENT OF S.E.C. INC.

**L1.0**



**POLE BASE/PARKING LOT LIGHT FIXTURE DETAIL**  
NO SCALE

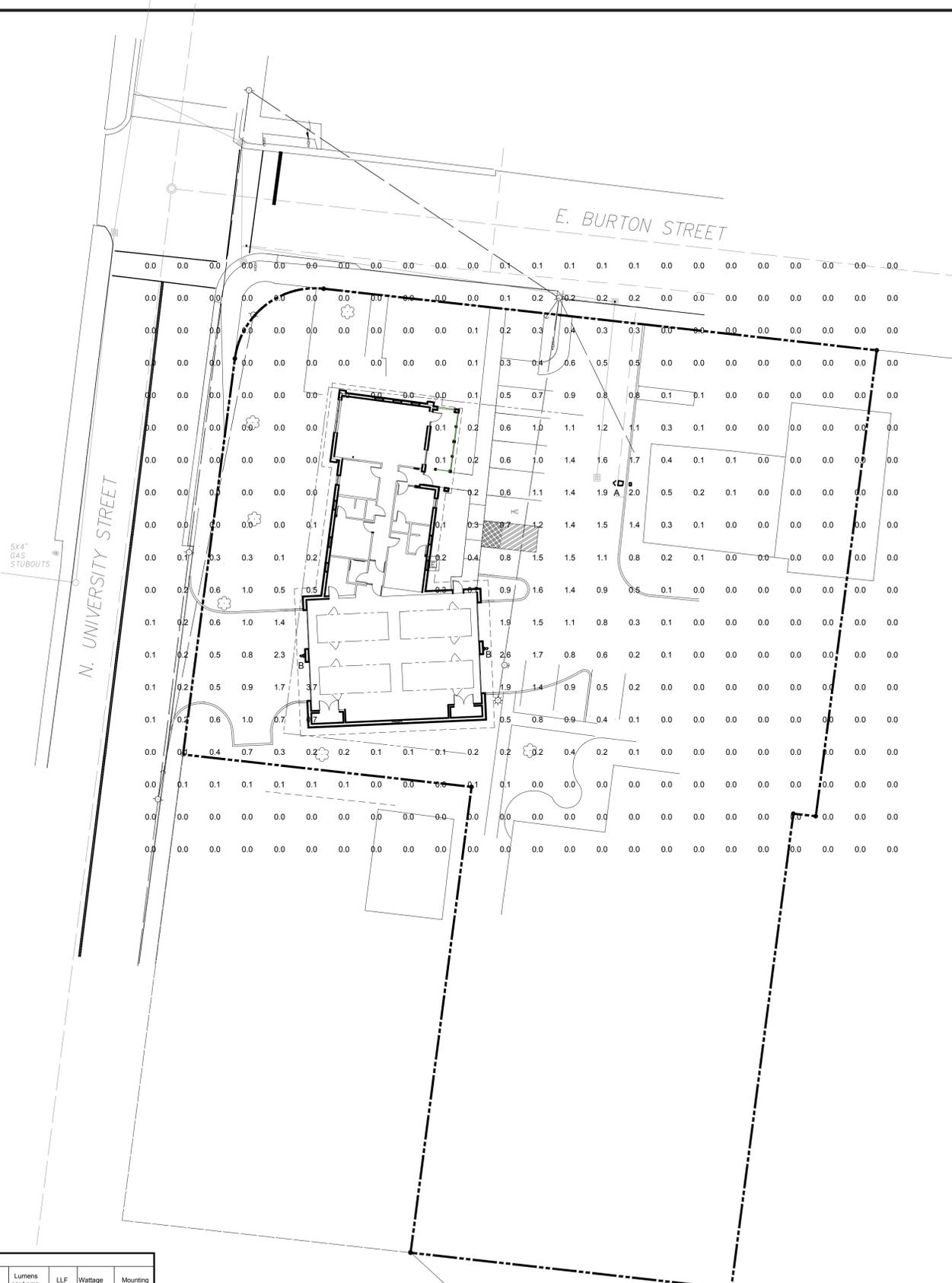
**SITE PHOTOMETRIC NOTES**

1. CALCULATIONS SHOWN REPRESENT MAINTAINED LIGHTING LEVELS IN FOOTCANDLES AT GRADE WITH A TOTAL LIGHT LOSS FACTOR OF 0.75. CALCULATIONS DO NOT INCLUDE CONTRIBUTIONS FROM OTHER LIGHT SOURCES.
2. CIVIL BASE PLAN AS PROVIDED TO PARSONS ENGINEERING, INC. SHOWED NO OVERHEAD UTILITIES. THE CIVIL ENGINEER SHALL VERIFY THAT THERE ARE NO CONFLICTS WITH EXISTING OR PROPOSED UTILITY LINES OR EASEMENTS.
3. THESE CALCULATIONS HAVE BEEN GENERATED FROM MANUFACTURER SUPPLIED PHOTOMETRIC FILES. PARSONS ENGINEERING, INC. HAS MADE A REASONABLE ATTEMPT TO OBTAIN THE MOST CURRENT PHOTOMETRIC REPORT. PARSONS ENGINEERING, INC. IS NOT RESPONSIBLE FOR ERRANT RESULTS DUE TO MANUFACTURERS' QUALITY CONTROL OR DESIGN CHANGES.

5x4" GAS STUBOUTS

N. UNIVERSITY STREET

E. BURTON STREET



**SITE PHOTOMETRIC PLAN**  
SCALE: 1" = 20'-0"

Statistics					
Description	Avg	Max	Min	Max/Min	Avg/Min
Front Bay	1.4 fc	3.7 fc	0.5 fc	7.4:1	2.8:1
Parking lot	1.0 fc	2.6 fc	0.2 fc	13.0:1	5.0:1

Schedule												
Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	LLF	Wattage	Mounting Height
○	B	2	Lithonia Lighting	WST LED 2 10A700U40K SR4 MVOLT	WST LED WITH 1 MODULE, 20 LED'S, 700mA DRIVER, 4000K COLOR TEMPERATURE, TYPE 4 LENS	LED	1	WST_LED_2_10A700_40K_SR4_MVOLT.lis	3839	0.9	47	13'-0"
•	A	1	Lithonia Lighting	DSX0 LED 20C 1000 30K T4M MVOLT HS	DSX0 LED with 20 LED's @1000 mA, 3000K, Type 4 Medium Optics with HOUSE-SIDE SHIELD	LED	1	DSX0_LED_20C_1000_30K_T4M_MVOLT_HS.lis	5609	0.9	72	20'-0"



**TYPE "A" FIXTURE DETAIL**



**TYPE "B" FIXTURE DETAIL**

22 middleton street nashville, tennessee 37210

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**SITE PHOTOMETRIC PLAN**

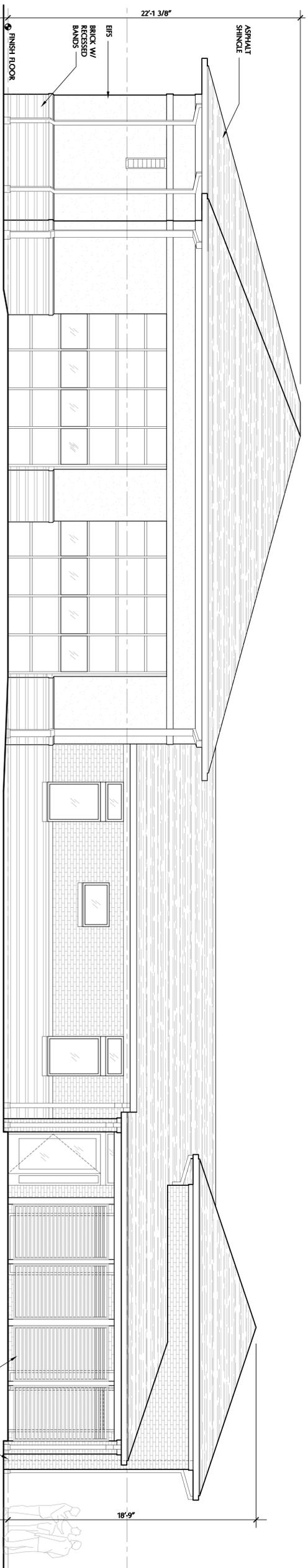
**NEW AMBULANCE BUILDING FOR RUTHERFORD COUNTY EMERGENCY MEDICAL SERVICE**  
CORNER OF NORTH UNIVERSITY ST. & EAST BURTON ST.  
MURFREESBORO, TENNESSEE

REVISIONS	
PLANNING SUBMISSION	

PROJECT NO. 1502  
DATE 07 MAR 16  
SHEET NO.

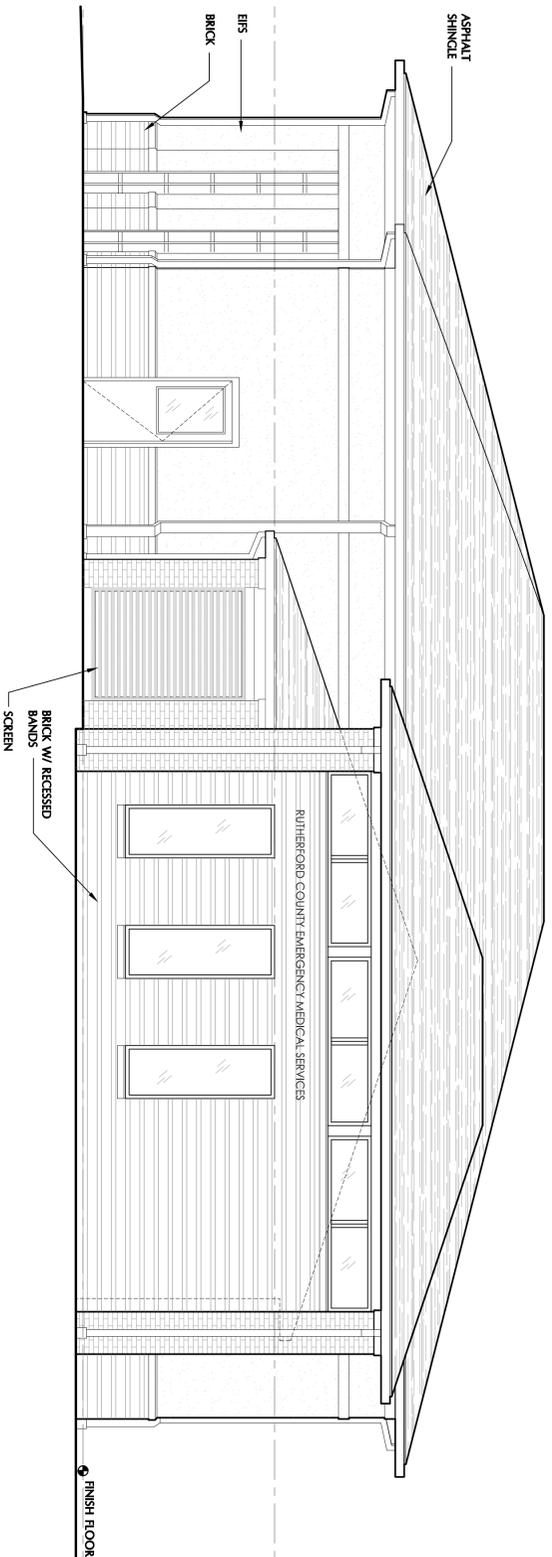
**SP1.0**





**EAST  
ELEVATION**

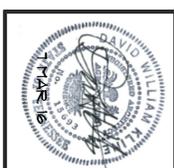
SCALE: 1/4" = 1'-0"



**NORTH  
ELEVATION @ EAST BURTON ST.**

SCALE: 1/4" = 1'-0"

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American Institute of Architects  
Tennessee Society of Architects  
Construction Specifications Institute  
American Correctional Association  
National Council of Architectural Registration Boards

**ELEVATIONS**

**NEW AMBULANCE BUILDING FOR  
RUTHERFORD COUNTY EMERGENCY MEDICAL SERVICE  
CORNER OF NORTH UNIVERSITY ST. & EAST BURTON ST.  
MURFREESBORO, TENNESSEE**

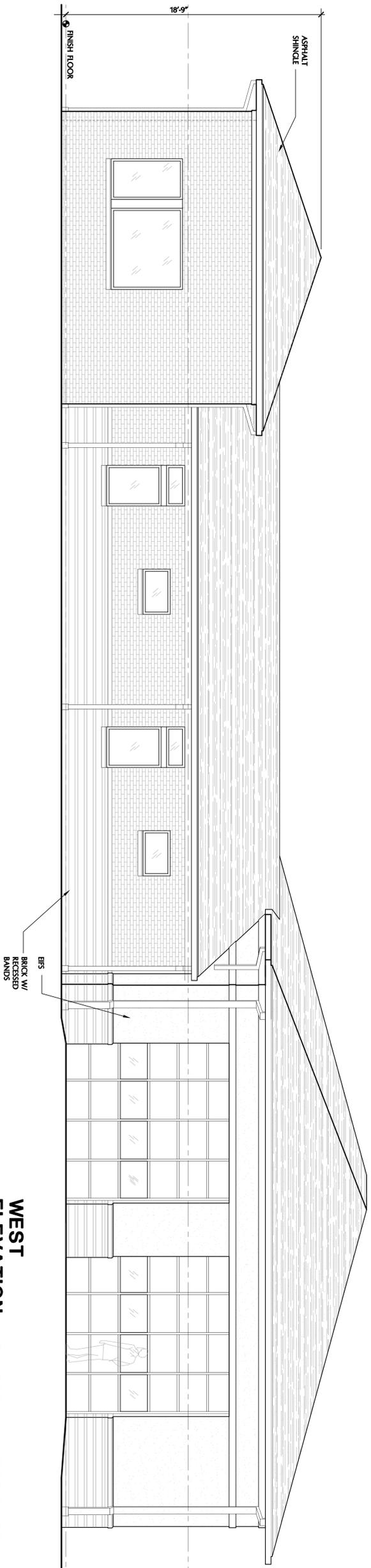
REVISIONS
PLANNING SUBMISSION

PROJECT NO.  
1502

DATE  
07 MAR 16

SHEET NO.

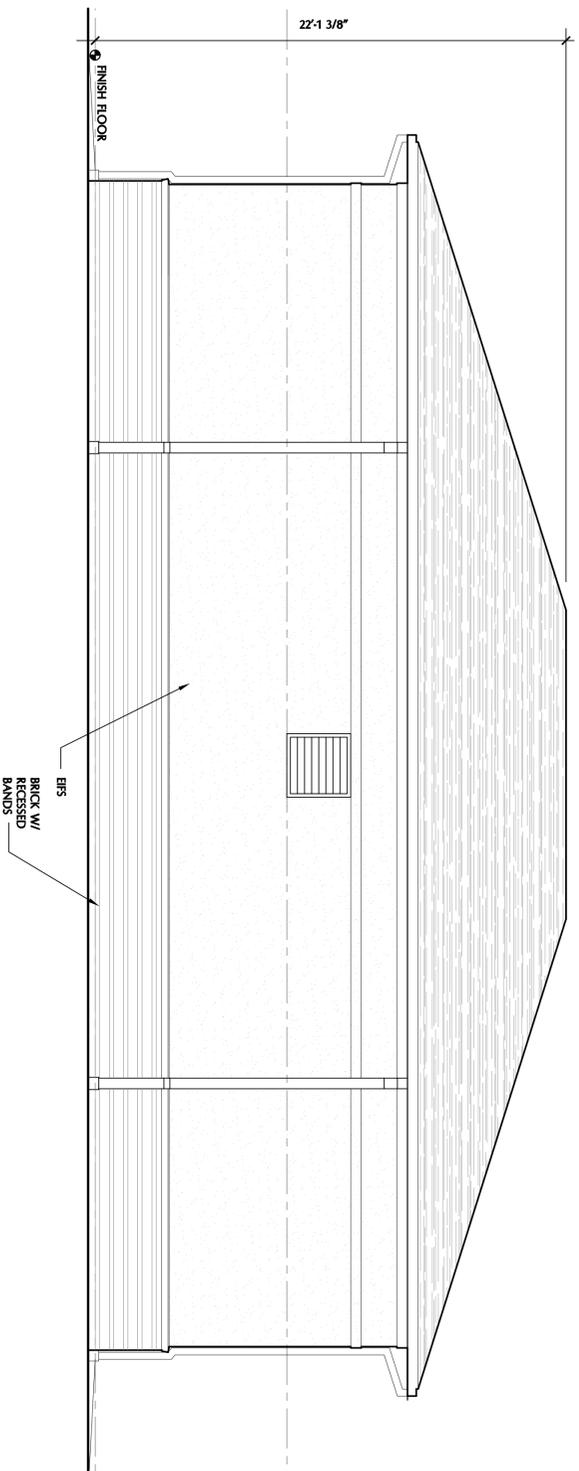
**A5.01**



**WEST ELEVATION @ NORTH UNIVERSITY ST.**

SCALE: 1/4" = 1'-0"

BRICK W/  
RECESSED  
BANDS



**SOUTH ELEVATION**

SCALE: 1/4" = 1'-0"

**ELEVATIONS**

**NEW AMBULANCE BUILDING FOR RUTHERFORD COUNTY EMERGENCY MEDICAL SERVICE**  
CORNER OF NORTH UNIVERSITY ST. & EAST BURTON ST.  
MURFREESBORO, TENNESSEE

REVISIONS
PLANNING SUBMISSION

PROJECT NO. 1502

DATE 07 MAR 16

SHEET NO.

**A5.02**



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604 East Burton Street, aerial photograph



604 East Burton Street, aerial photograph. The proposed structure would be constructed on the northwest portion of the site, near the intersection of East Burton Street and North University Street.



604 East Burton Street, view of vacant portion of lot where proposed structure would be located. Photo taken from North University Street looking eastward. The existing facility that houses ambulances is visible in the background (center), as is the NHC facility (left).



604 East Burton Street, view of existing ambulance station taken from East Burton Street looking southward. The proposed structure would be located to the right of the ambulance station.



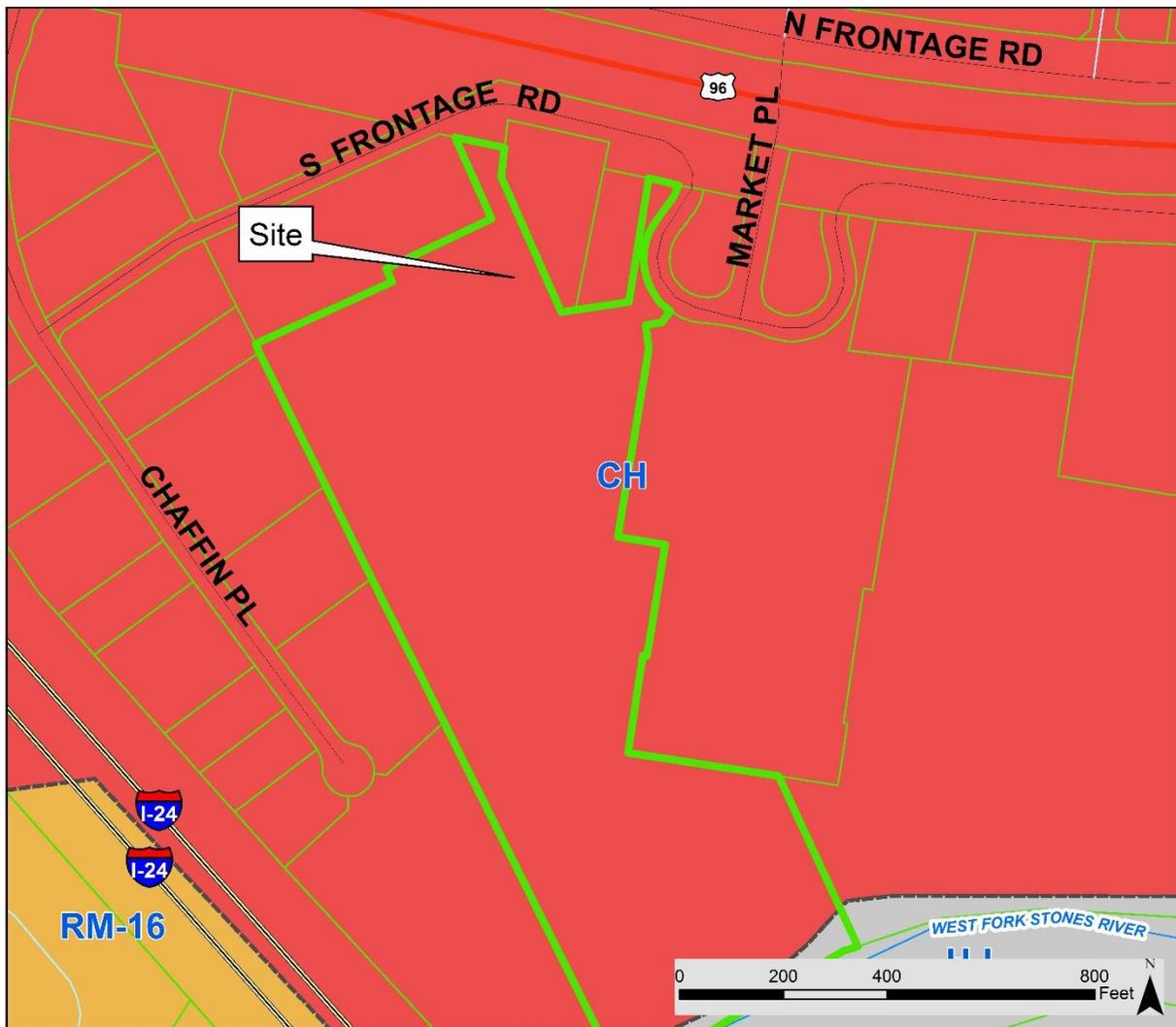
604 East Burton Street, view of existing ambulance station (left) and administrative building (center) taken from East Burton Street looking southward. The proposed structure would be located to the west (right).



611 East Lytle Street, view of existing administrative building taken from East Lytle Street looking to the northwest.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
MARCH 23, 2016**

**Application:** Z-16-020  
**Location:** 1911 Old Fort Parkway  
**Applicant:** Chrissy Clevenger  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Food Sales)



## **Request Overview**

The applicant, Chrissy Clevenger, wishes to operate a temporary outdoor vending establishment for food sales in the Towne Center shopping center located at 1911 Old Fort Parkway. The applicant's kiosk would be located in a parking area behind an existing Chick-Fil-A restaurant and near the existing Toys-R-Us and Mattress Firm stores.

## **Staff Comments**

The applicant would like to be approved for operation beginning on April 30, 2016, and ending on August 31, 2016. Although the temporary vending regulations only allow sites to be approved for 70 days, this is one of the locations that was grandfathered in for six-month approvals. However, the applicant is seeking approval for only four months in 2016. The applicant has been approved at this location from 2006-2015, and Staff is not aware of any complaints regarding the site's operation during the previous years. The proposed hours of operation will be Monday thru Thursday from 12:00 PM until 6:00 PM, Friday and Saturday from 11:00 AM until 9:00 PM, and Sunday from 1:00 PM until 6:00 PM. The business will be conducted out of a six-foot by twelve-foot trailer, which will be removed from the premises at the end of each business day. The trailer itself will take up three parking spaces, which does not exceed the maximum amount of parking allowed on-site for a temporary vendor. The applicant's trailer will comply with all setback requirements for the CH zoning district.

Included with the application is a signed letter from the Toys-R-Us manager allowing the use of the store's restrooms for the duration of the Special Use Permit. The Toys-R-Us restrooms will be available during the applicant's hours of operation. The applicant will handle solid waste management by using a garbage can that will be emptied out off-site at the end of each business day. The applicant intends to use a generator for power. There are several fire hydrants within 500-feet of the proposed trailer, meeting minimum requirements. The temporary vending regulations prohibit tables and chairs on-site. The applicant has indicated that there will be a drive-thru, as there has been in years past. The drive-thru will be designed in the same manner that has been approved previously by the City's Traffic Engineer.

If the Board approves this application, Staff recommends the following conditions:

- 1) The applicant shall apply for an electrical safety inspection prior to beginning operation. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 2) The time period of operation will be from April 30, 2016, until August 31, 2016.

The applicant will be in attendance to answer any questions that the Board may have.

**Attached Exhibits**

1. BZA Application
2. Applicant's Request Letter
3. Applicant's Supporting Materials
4. Site Photographs

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 1911-20<sup>th</sup> Old Fort Parkway

Tax Map: 092M | Group: A | Parcel: A.00 | Zoning District: CH

Applicant: Chrissy Cleverger E-Mail: chrissywv@gmail.com

Address: 218 Daly Drive M'Baro, TN 37128 | Phone: 615-477-5157

City: Murfreesboro | State: TN | Zip: 37128

Property Owner: DLC Management Corporation

Address: 580 White Plains Road | Phone: 914-631-3131

City: Tarrytown | State: NY | Zip: 10591

Request: I am requesting a special use permit to sell  
shaved ice in Town Center parking lot.

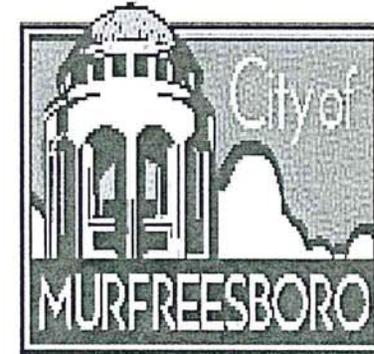
Zoning District: CH

Applicant Signature: Chrissy Cleverger | Date: 3/3/14

Received By: B. Davis | Receipt No.: 22721

Application #: #250.00

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

BOARD OF ZONING APPEALS HEARING APPLICATION  
AND GENERAL INFORMATION

A-304 APPENDIX A - BOARD OF ZONING  
APPEALS INFORMATION

## Basic Information

Chrissy Clevenger

218 Daly Drive

Murfreesboro, TN 37128

615-477-5157

I am applying for a Special Use Permit to sell shaved ice from a concession trailer. I have been granted permission from DLC Management Corporation to place the concession trailer in Murfreesboro Towne Center which is zoned CH.

The concession trailer is 6x12 feet and is green in color. I am applying for a period of four months beginning April 30<sup>th</sup> and ending August 31<sup>st</sup>. The hours of operation are Monday-Thursday 12:00-6:00 pm, Friday and Saturday 11:00-9:00 pm, and Sunday 1:00-6:00 pm.

I have a drive-thru window, which contributes to roughly 90% of my business. As instructed by the City of Murfreesboro, I will place the trailer in the back of the parking space and will use orange cones to help direct traffic.

Included in my request for a Special Use Permit is the following information:

- **Special Use Permit Certificate of Inspection**
- **Board of Zoning Appeals Hearing Request Application**
- **Standards of General Applicability**
- **Additional Standards**
- **Lease from DLC with Site Plan**
- **Restroom Letter from Toys R Us**

### Standards of General Applicability

An applicant for a special permit shall present evidence at the public hearing on such special permit, which evidence must establish:

1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare. *The concession trailer will have no adverse effect upon the character of the neighborhood. The traffic conditions will not be affected as it will be located in a parking lot. The parking will not be affected as there is adequate parking in the shopping center to accommodate the stand. Utility facilities will not be affected as the trailer will be powered by a Honda Super Quiet generator and fresh and waste water tanks are installed in the trailer for water. Toys R Us, a neighboring retail store, has given permission to use their restroom facilities and the public health, safety, and general welfare will not be affected in any way.*
2. That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. *The concession trailer will occupy 3 parking spaces and will be compatible with the immediate vicinity. It will not interfere with any development or use of adjacent property.*
3. That the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services. *The concession trailer will not have any effect on highways or streets as it will be located in a parking lot. There is adequate parking around the trailer for parking and the trailer is self-contained with clear and waste water tanks. There will be a trash can located beside the trailer for trash and will be checked regularly to ensure that no trash is in the parking lot. A fire extinguisher will also be kept inside the trailer for fire protection as required by the health department.*
4. That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance. *The concession trailer will set up in a total of 3 parking spaces every day and will be driven off of the lot at the end of each day. At the end of the season the trailer will be permanently removed with no destruction, loss, or damage of anything including those of natural, scenic, or historic importance.*
5. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use. *The concession trailer will comply will all additional standards that may be imposed upon it.*

## Additional Standards

*Temporary outdoor sales of food or retail merchandise not accessory to the principal use of a property shall be subject to the following additional standards:*

1. The application for temporary outdoor sales of food or retail merchandise shall include the signature of the owner of the subject property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use. *A copy of the lease agreement with the owner of the parking lot (DLC) is included with the application.*
  
2. The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor will not total more than 25% of the total parking available on the site. *The concession trailer will be located in the parking lot of an existing shopping center so backing onto a street will not be necessary. The entire parking lot is concrete. Even with the addition of the concession trailer the entire site will still meet the minimum parking requirements.*
  
3. Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation. *Directing traffic will not be necessary since the trailer is located in an existing parking lot.*
  
4. Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers, or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application. *The concession trailer will be placed on a concrete parking lot and will be driven home each night. There is no ordinance*

*or restrictive covenant preventing parking the trailer at my home each night  
The concession trailer is in excellent condition and is well taken care of.  
The concession trailer will not, at any time, remain on site overnight.*

5. Any site used for temporary vendor must be located so that all parts of all structures and inventory on the site are no more than five hundred feet from an operable fire hydrant. *There is a fire hydrant located within 500 feet of where the trailer will be located.*
6. A deposit in the amount of five hundred dollars (\$500.00) per site shall be made with the Building and Codes Department. In the event the sales site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six months for the first offense, twelve months for the second offense and eighteen months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection 10, all sites must be cleared and cleaned within five days after the expiration of the Special Use Permit. *Upon approval, I will submit a refundable deposit in the amount of \$500. I understand that I will not be eligible for another permit for this location nor will my deposit be refunded if I do not completely remove all structures and merchandise within the time specified above.*
7. Adequate provision shall be made for restroom facilities on the property. In the event the applicant expects to utilize the restroom facilities of another existing business on-site or adjacent to the site, the applicant must submit a written agreement from the affected business owner. *Toys R Us, a neighboring retail store, has given permission to use their restroom facilities during the four month period that I will occupy the space. A letter of agreement from Toys R Us is being submitted with the application.*
8. The applicant shall provide that the documentation shall be displayed and posted prominently for ease of inspection and may be required to post a sign or symbol provided by the City. *Any documentation that is required by the City will be posted as requested by the City.*
9. No special use permit shall be granted to any applicant who occupies or proposed to occupy premises for the temporary outdoor sales of food or retail merchandise where conditions exist in the area to be used for the temporary outdoor sales which are in violation of the sign, building, fire, electrical, or other ordinances of the City. Any subsequent violation of these ordinances or the special use permit may subject the permit to suspension or revocation and termination of temporary electric service. The area which must be in compliance with the City's sign, building, fire, electrical, and other ordinances is the area where the temporary use

is to be located and not the entire property or the principal use. *The concession trailer will not be in violation of any of the City's ordinances. The concession trailer is fully contained with fresh water and waste water tanks and will be powered by a Honda Super Quiet generator for electricity. The trailer will be located with 500 feet of an operable fire hydrant and a fire extinguisher will be located inside the trailer as well.*

10. Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires. *I will not be using a temporary pole for power. The concession trailer will be powered by a Honda Super Quiet generator for electricity.*
11. Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record. *A small trash can will be placed beside the trailer each day for the disposal of trash by the customers and will be checked on a regular basis throughout the day to ensure that no trash is being left in the parking lot or on adjoining properties. The trash can will not have a negative impact on adjoining properties or businesses.*
12. Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit. *My business does not require signage.*
13. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted. *My concession trailer does not play music or do anything that would disturb the peace.*
14. The site may be used for temporary vending for no more than 70 days during any 12 month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a

temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur. *My application falls under the 6 month timeframe. I will be operating from April 30th thru August 31st and will not be in operation the following six months.*

15. Notwithstanding subsections 2 and 4 above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017. *The concession trailer will be located on a cement surface.*
  
16. The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site. *There will be no furniture located on-site as we encourage customers to immediately leave the site after receiving their product.*



To whom it may concern,

Toys R Us 8872 in Murfreesboro, TN gives  
Sno-Ball Express permission to use our  
restroom for the 2016 season.

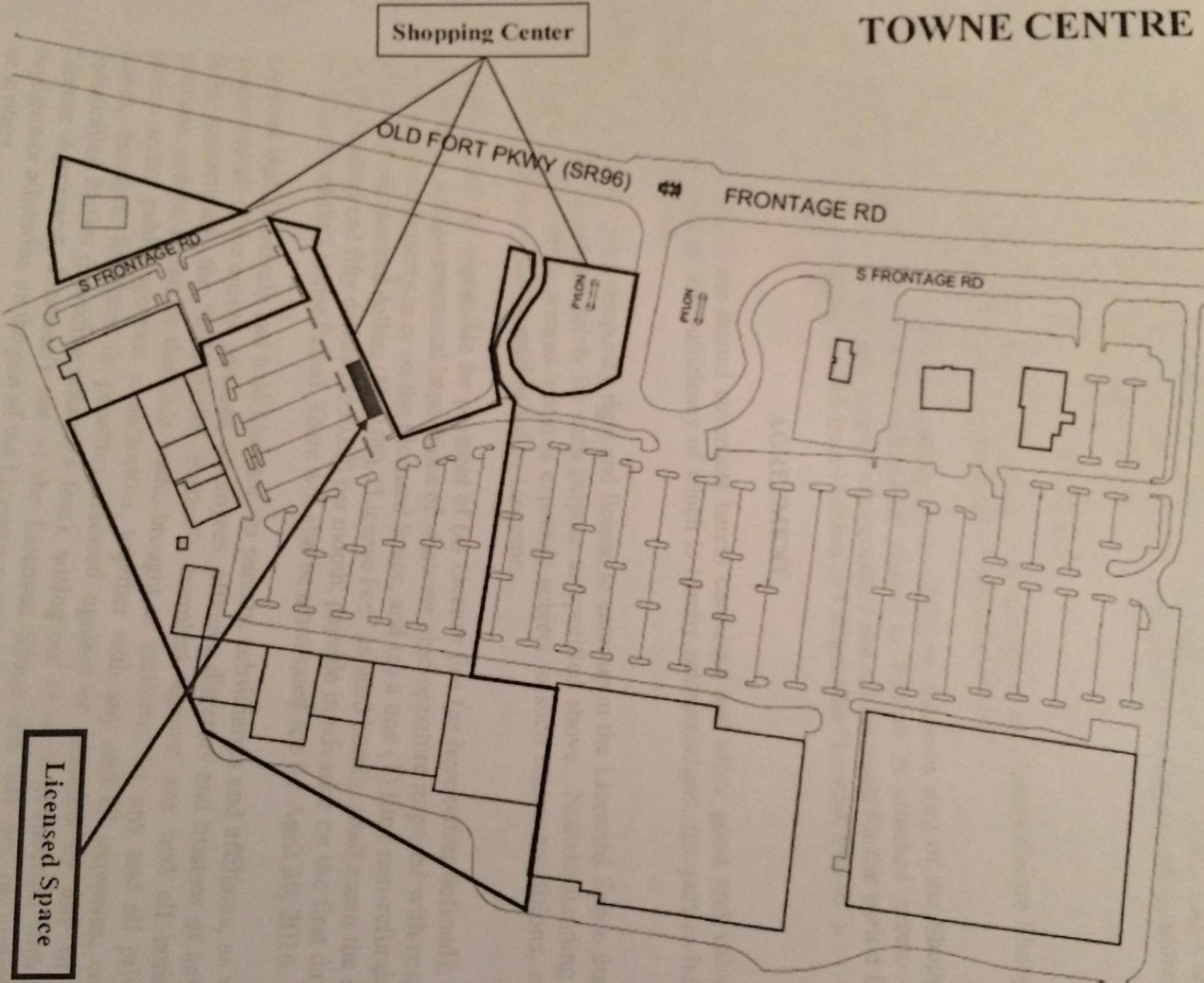
Rick Lay

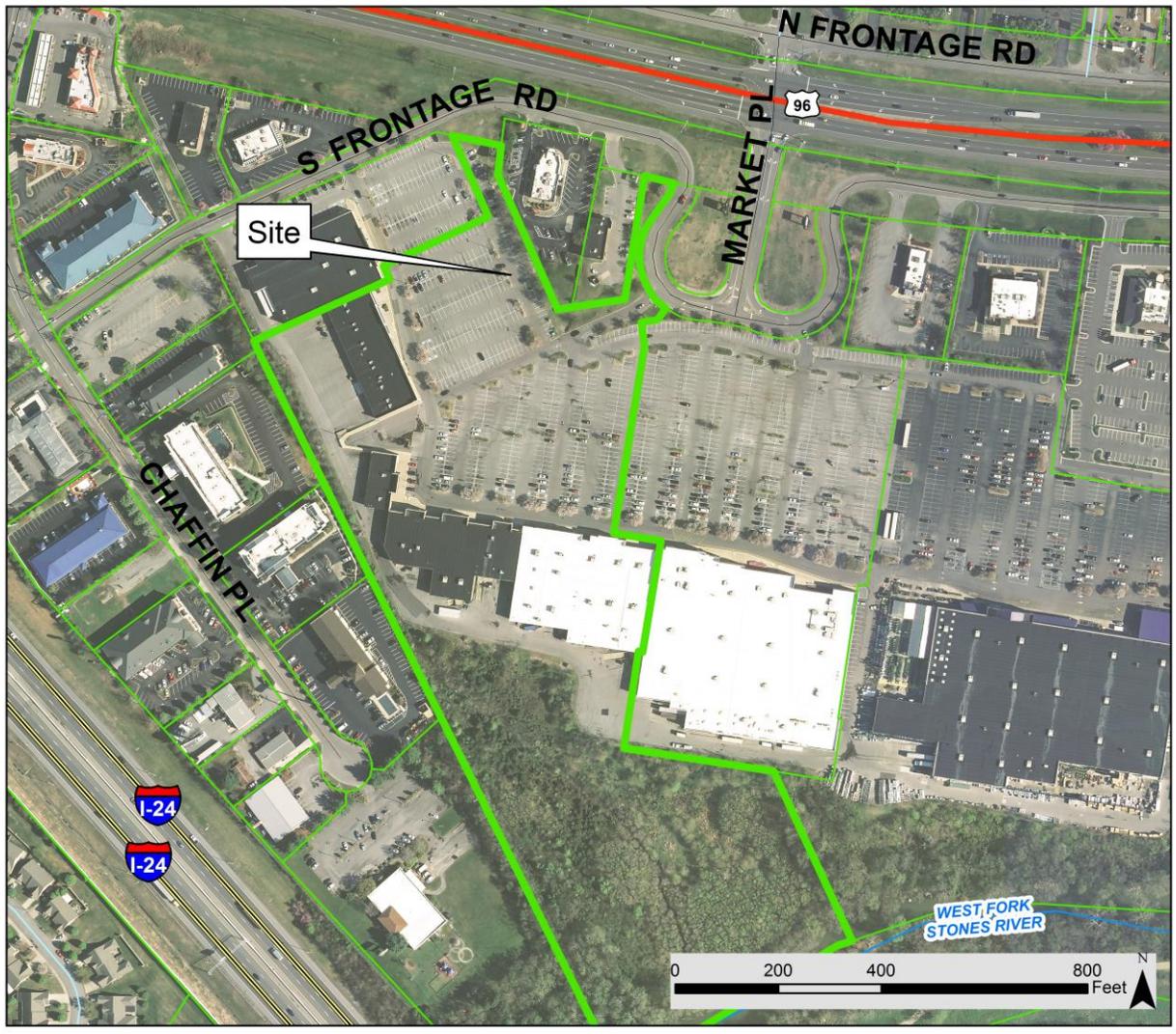
A handwritten signature in black ink, appearing to read "Rick Lay", written over the printed name.

Toys R Us/Babies R Us 8872

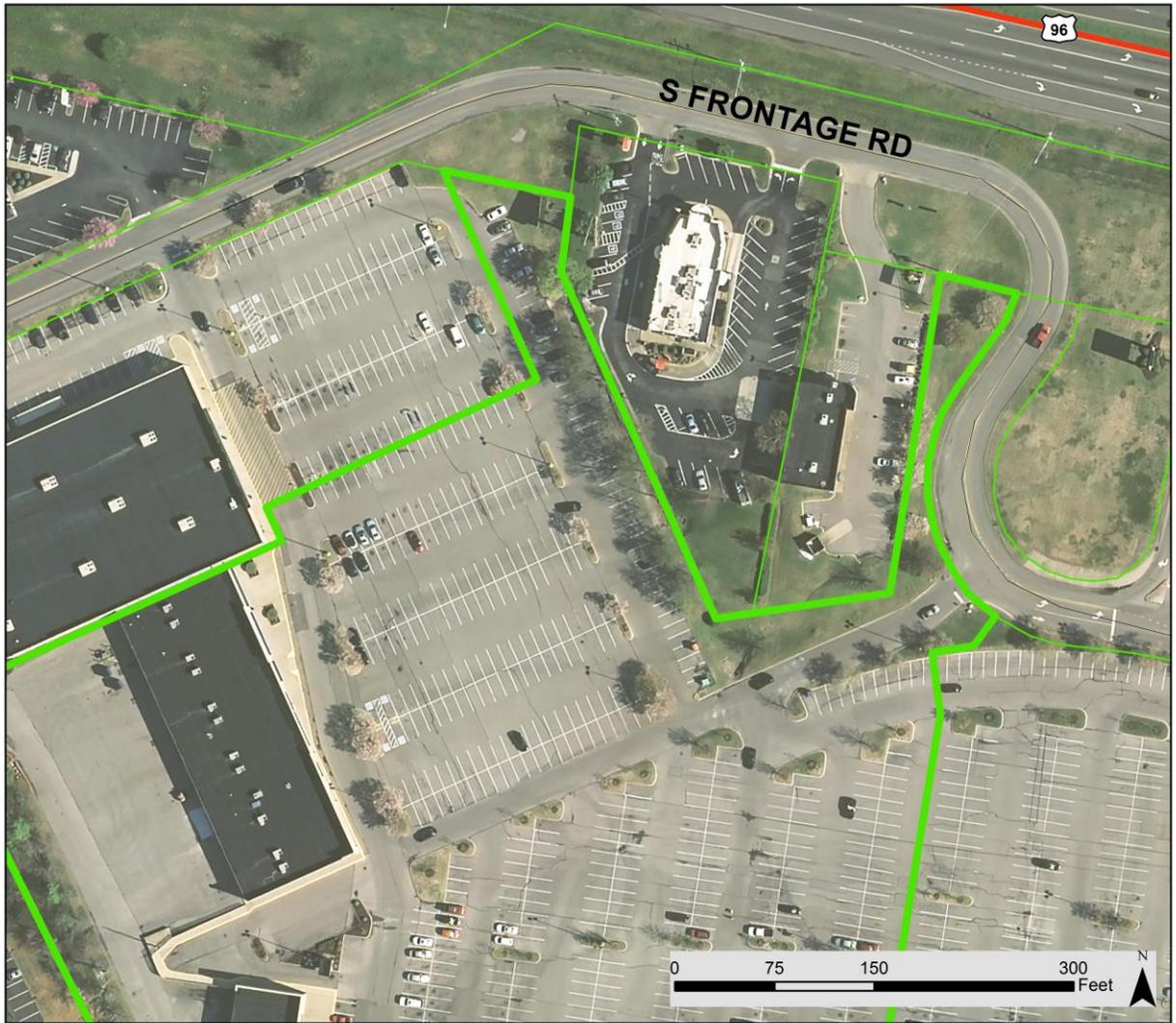
615-494-9534

# TOWNE CENTRE





1911 Old Fort Parkway, aerial photograph



1911 Old Fort Parkway, aerial photograph. The applicant's food trailer would be located on the single parking row toward the center of the photograph where trees are visible.



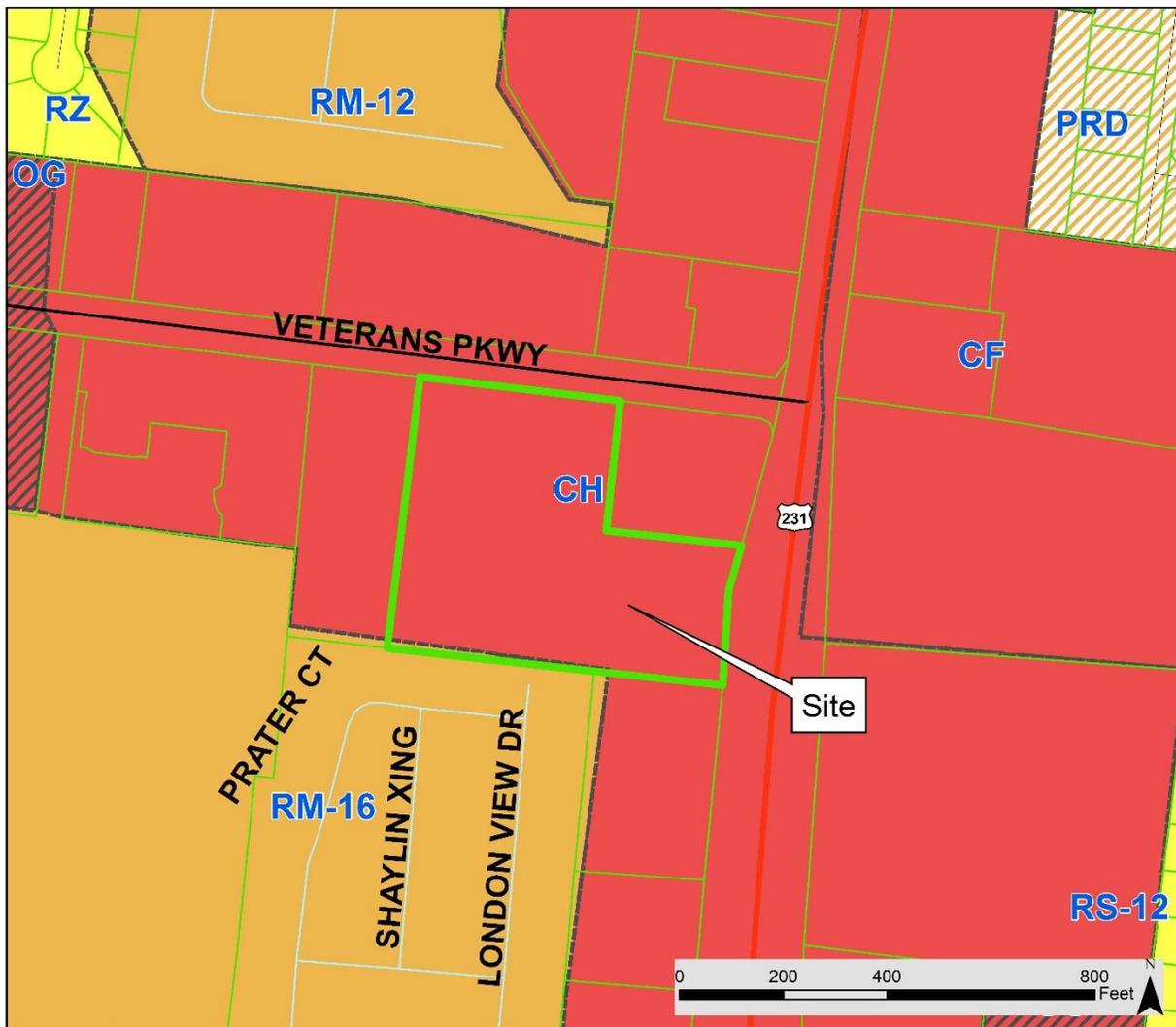
1911 Old Fort Parkway, view of existing shopping center from approximate (proposed) food trailer location.



1911 Old Fort Parkway, view single parking row where proposed food trailer would be located. The Chick-Fil-A restaurant is visible in the background beyond the trees.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
MARCH 23, 2016**

**Application:** Z-16-021  
**Location:** 3060 South Church Street  
**Applicant:** Aaron Blankenship of Ole South Patriotic, Inc.  
**Zoning:** Highway Commercial (CH) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Aaron Blankenship of Ole South Patriotic, Inc., wishes to operate a temporary outdoor vending establishment for seasonal fireworks sales in the IGA grocery store parking lot located southwest of the intersection of South Church Street and Veterans Parkway. The subject property was approved for seasonal fireworks sales for the first time in 2015.

## **Staff Comments**

Fireworks are allowed to be sold in the City limits from June 28 to July 5 and require issuance of a Special Use Permit by the Board. The applicant is seeking approval for the July 4 selling season. The tent's hours of operation will be from 8 AM until 11 PM with the exception of July 3 and 4 during which time the tent will be open from 8 AM until midnight. The size of the proposed tent is 30 feet by 60 feet and will comply with the minimum setback requirements in the CH zoning district. The applicant proposes using a generator to provide power to the tent. The tent operator will properly dispose of solid waste as needed. The tent operator will have a vehicle on-site during the overnight hours for security purposes. A portable restroom will be brought on-site for the duration of the selling season.

The proposed tent would be located at the southeast corner of the parking lot. There appears to be adequate space for parking for the existing uses and the proposed fireworks tent at this location, and the operation of the tent will not displace more than 25 percent of the existing parking on-site. The tent exceeds the minimum separation requirements from alcohol sales for on-site consumption as well as from the nearest fuel source. There is a restaurant in the shopping center on-site, but it does not serve alcohol. The tent is approximately 485 feet from an existing fire hydrant, also meeting minimum requirements.

The site has vehicular access to both South Church Street and Veterans Parkway. In order to minimize internal traffic conflicts, Staff recommends the following traffic management measures: 1) a Type III barricade should be placed on the west side of the tent; 2) a Type III barricade should also be placed on the north side of the tent adjacent to the main driveway aisle for the shopping center; and 3) the parking spaces on the north side of the tent should be cordoned off since they will not be functional with the presence of the tent.

If the Board wishes to approve this request, Staff recommends the following conditions:

1. The applicant shall submit certification that the tent is flame-resistant or treated to be flame-resistant.
2. A fire extinguisher shall be kept on-site at all times.
3. The City's fireworks ordinance shall be posted on-site.
4. Fireworks shall not be set off on-site.
5. The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.

6. The tent shall meet all minimum building setback requirements for the CH zoning district, and a tent permit shall be obtained for the tent.
7. One Type III barricade shall be installed to the west of the tent, and one shall be installed to the north of the proposed tent adjacent to the main entrance drive for the shopping center. The barricades shall remain in place for the duration of the selling season.
8. The area around the tent shall be cordoned off, as shown on the site plan.

The applicant will be in attendance at the meeting to answer any questions that the Board may have.

**Attached Exhibits**

1. BZA Application
2. Applicant's Request Letter
3. Applicant's Supporting Materials
4. Site Photographs

City of Murfreesboro BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION
---	--------------------------------

Location/Street Address: 3060 S. Church Street			
Tax Map: 125	Group: -	Parcel: 17.03	Zoning District: CH

Applicant: Old South Patriotic Inc		E-Mail: aaronblankenship@tds.net	
Address: 4080 Old Lebanon Dirt Rd		Phone: 615-957-1075	
City: Mt Juliet	State: TN	Zip: 37122	

Property Owner: Barfield Crescent Associates			
Address: 323 Union St Suite 301		Phone: 615-726-2858	
City: Nashville	State: TN	Zip: 37201	

Request: Seasonal fireworks stand for July 4 <sup>th</sup>	
Selling period June 28 - July 5	
Zoning District: CH	
Applicant Signature: <i>[Signature]</i>	Date: 3/2/16

Received By: B. DAVIS	Receipt No.: 22723
Application #:	3-4-16

Murfreesboro  
Board of  
Zoning Appeals

RECEIVED  
MAR 04 2016

BY: .....



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

Dear Murfreesboro BZA,

This letter is intended to aid you in my application for a special use permit to operate a fireworks stand located at 3060 South Church Street.

Section 8 (D) (1)

- (a) Aaron Blankenship 4080 Old Lebanon Dirt Road Mount Juliet, TN 37122 (Ole South Patriotic Inc.) (615) 957-1075
- (b) I lease the said property from Barfield Crescent Associates. A letter of consent is included in this application.
- (c) My detailed site plan is enclosed. I will be erecting a 30' x 60' tent that stands 18 feet tall at the center. This is a strip type shopping center with other like retail services.
- (d) The address is the same mentioned above. 3060 South Church Street.
- (e) N/A
- (f) The property is zoned CH
- (g) We will open on June 28 and run through July 5. Hours of operation will be 8 am till 11 pm except on July 3 and 4 at which time we may be open until after midnight. We generally see about 5 customers per day until July 2. On the days following we may have 40 customers. As I have talked with the staff before, fireworks traffic doesn't normally occur until late evening and at night. This will be our 3<sup>rd</sup> year at this location.
- (h) We feel there is nothing harmful in our doing business here. It is in a retail shopping area which flows perfectly with what we do.

Section 9 (C)

- (1) This operation will not have any negative affect upon this property or any adjacent property.
- (2) The tent is located up in the front left corner of the property (looking from Church Street).
- (3) There is plenty of parking so as not to violate the 25% rule. Also a portable toilet will be used. We will dispose of our own trash at the appropriate time. There will be fire extinguishers on site for fire protection. Also, the tent is constructed out of flame retardant material.
- (4) We will not damage anything in such a way to hurt the scenery or historic nature of any surrounding site.
- (5) We abide by all standards put before us with this department and the codes department as well. I myself try to go above and beyond to make sure business is conducted appropriately.

Additional Standards (eeee)

[1] I have included a signed letter from Mr. Richard Rice of Barfield Associates granting me permission to use the property for fireworks sales.

[2] The site has plenty of parking and room for turn around. It also has an abundance of parking. It is located on asphalt so it meets all the criteria for suitable driving surfaces.

[3] The tent placement is away from the centers entrance so it will not impede or harm traffic in any way. It should in fact bring a positive traffic flow and help the other permanent tenants.

[4] The tent will have all proper codes permits and will be erected on an asphalt surface. We will provide proper emergency exits. There will be a security vehicle at the site after hours of operation that will be attended. It will be a regular passenger vehicle. The operator will be inside the tent for the most part, but out around the tent keeping watch. The vehicle will always be in close proximity of the tent at night.

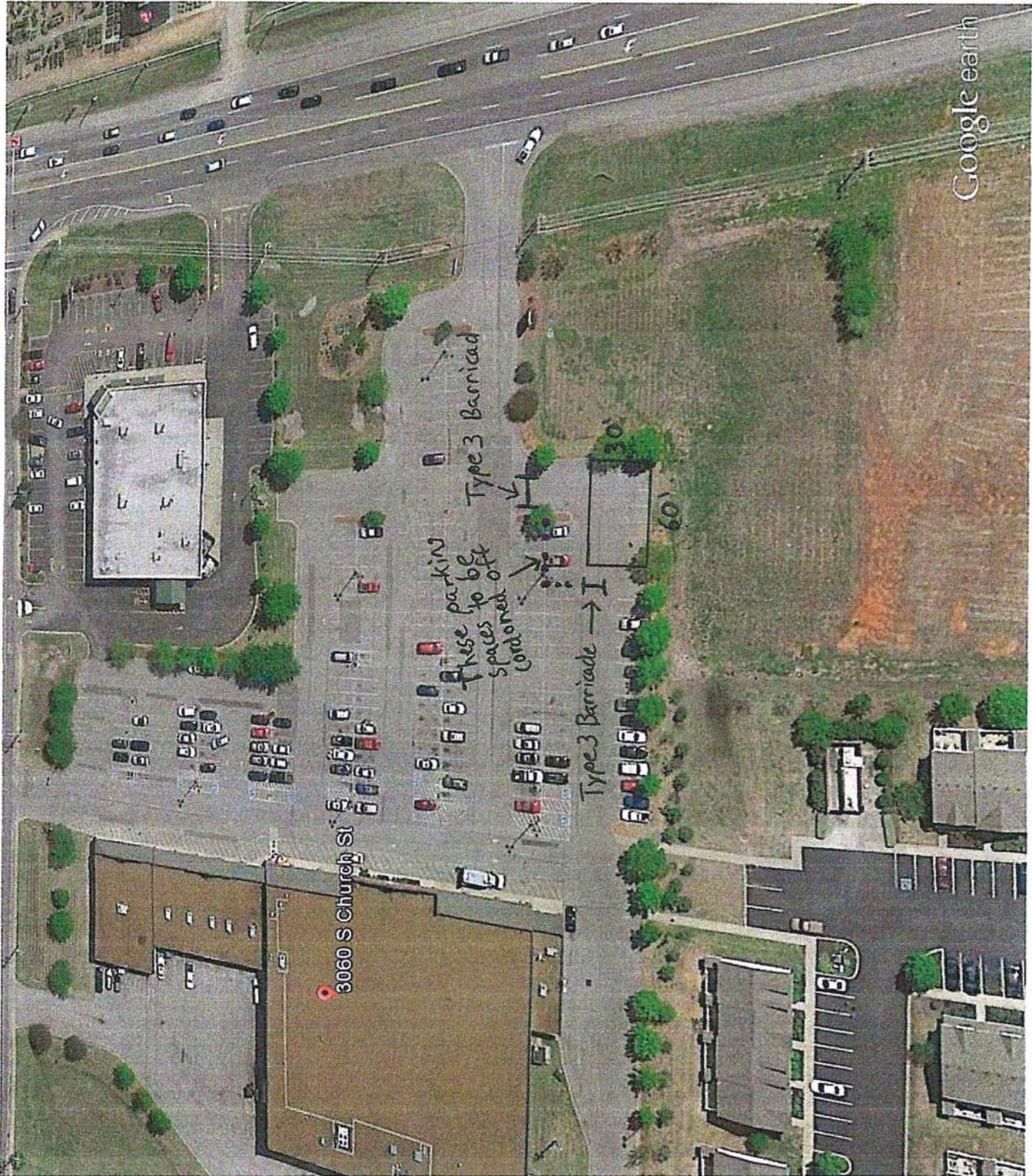
[5] The site is well within 500 feet of a fire hydrant and outside the 200 feet from the fuel source.

- [6] We gladly accept the \$500 deposit and take full responsibility for cleanup as we have in the past.
- [7] A portable toilet will be used and will be in compliance with all that is required.
- [8] All proper state and city documents will be posted at the site in accordance with your ordinance.
- [9] As of now, no codes issues exist on this said property that I am aware of.
- [10] Our power will be provided by a generator. We find this to be effective and minimally invasive to the property.
- [11] No electric easements will be an issue at this location.
- [12] All of our trash is handled by our operators. It is returned to my warehouse dumpster. Day to day small trash will again be handled by the operator. Trash will be collected in a 55 gallon trash bag to be taken away. All large boxes are returned to my warehouse to be disposed or used again. We have never had a trash complaint at any of our locations.
- [13] We will abide by all sign ordinances for each location. Any such violation would be from confusion on our part and we will correct it instantly.
- [14] Our locations do not use loud music as advertisement and I do not foresee this as an issue.
- [15] Time constraints should not be an issue for us. We are only open very few days a year. Also, the property has no other current special uses.
- [16] We feel that we are very compatible with adjoining properties. This is a highly retail district and in retail center.
- [17] This particular location is on asphalt to meet city requirements.
- [18] [aa] The tent is over the 200 feet required from a fuel source.
- [bb] The tent is more than 250 feet away from an establishment where onsite consumption of alcohol is permitted.
- [cc] One type III barricade will be installed to the west of the tent and one will be installed to the north of the proposed tent adjacent to the main entrance drive for the shopping center. The barricades will remain in place for the duration of the selling season. The area will be cordoned off, as shown on the site plan.
- [dd] We want to sell during the allowed period (June 28-July 5) and wont be on the site before June 24 and will be off by July 7.
- [ee] We agree to abide by all state and local laws governing fireworks.
- [ff] We also understand this approval is for one calendar year.

Thanks,



Aaron Blankenship



Google earth

# RICHARD A. RICE & COMPANY

Commercial Real Estate Services

February 15, 2016

Mr. Matthew Blomeley  
Principal Planner  
City of Murfreesboro  
111 W. Vine Street  
Murfreesboro, TN 37130

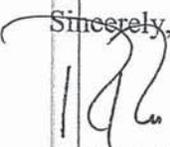
RE: Barfield Crossing

Dear Mr. Blomeley:

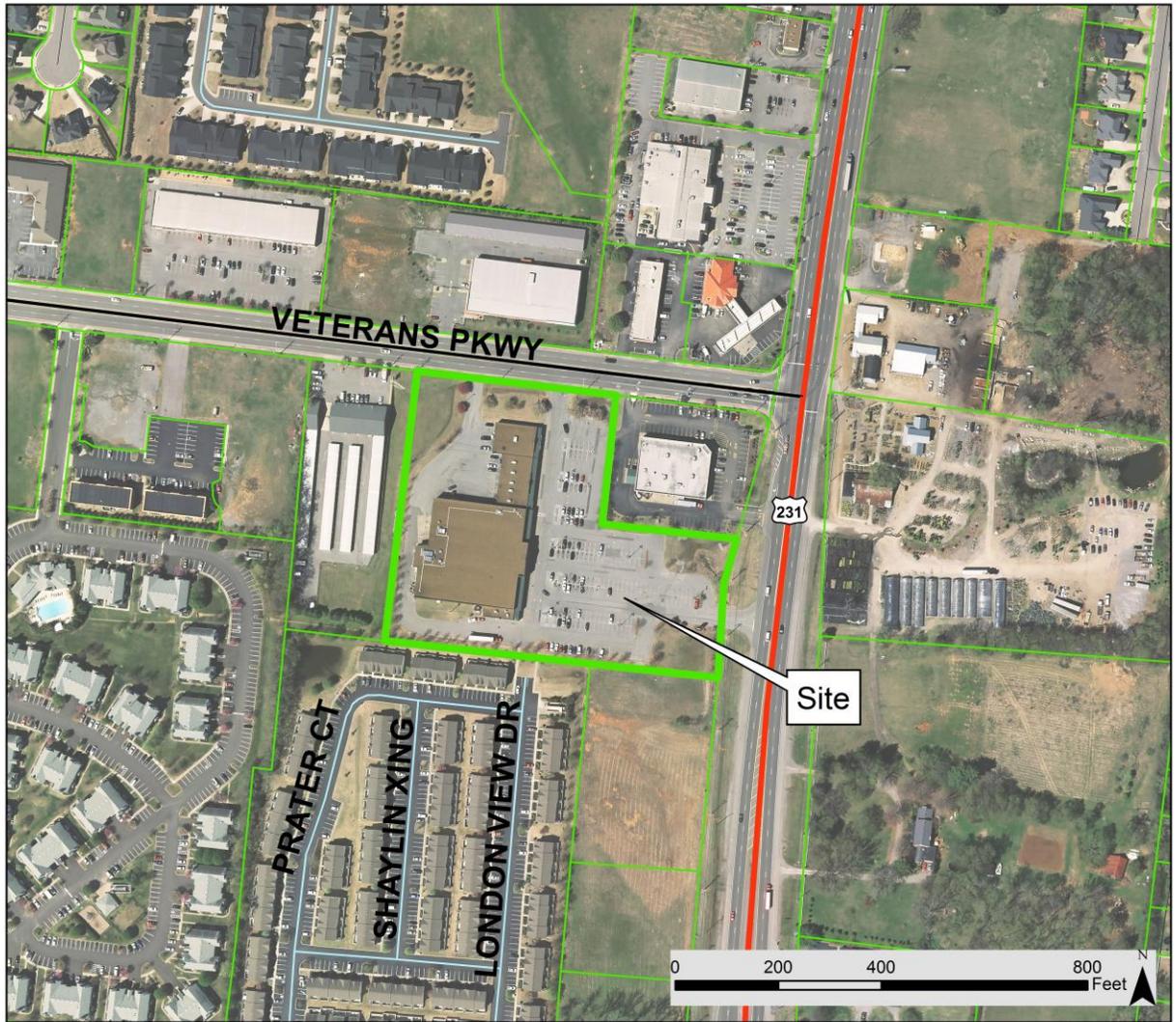
Barfield Crescent Associates has given permission for Ole South Patriotic, Inc. and Aaron Blankenship, individually, to use and occupy a portion of the property located at 3060 South Church Street, Murfreesboro, Tennessee, from June 24, 2016 through July 7, 2016, and will be allowed to set up a tent, sell fireworks and remove the tent during that period.

If you have any questions, please call.

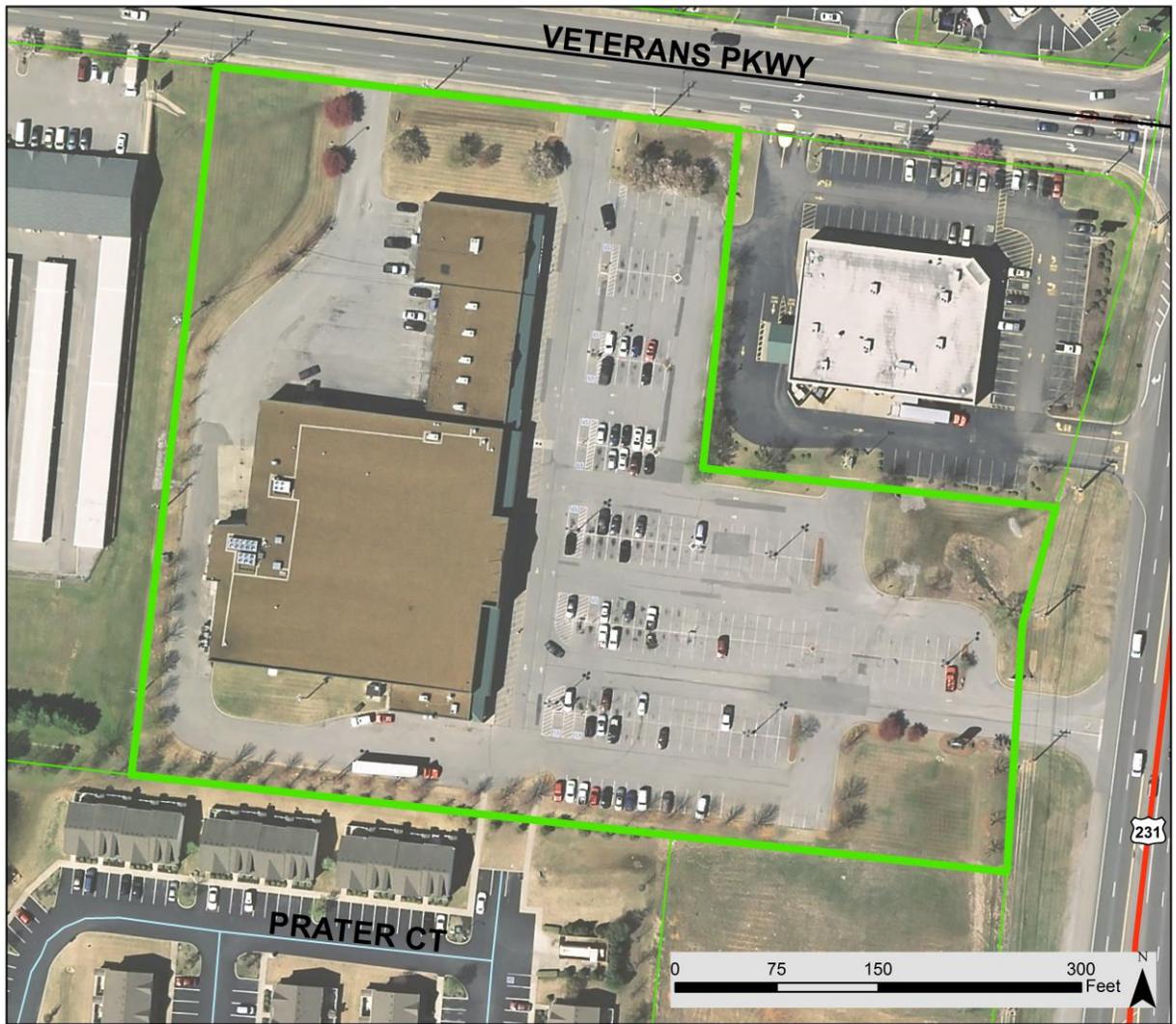
Sincerely,



Richard A. Rice  
Managing General Partner  
Barfield Crescent Associates



3060 South Church Street, aerial photograph



3060 South Church Street, aerial photograph. Proposed fireworks tent would be situated in the parking area on the southeast (lower right-hand) portion of the site.



3060 South Church Street, view of entryway to shopping center from South Church Street. The IGA grocery store is visible in the background.



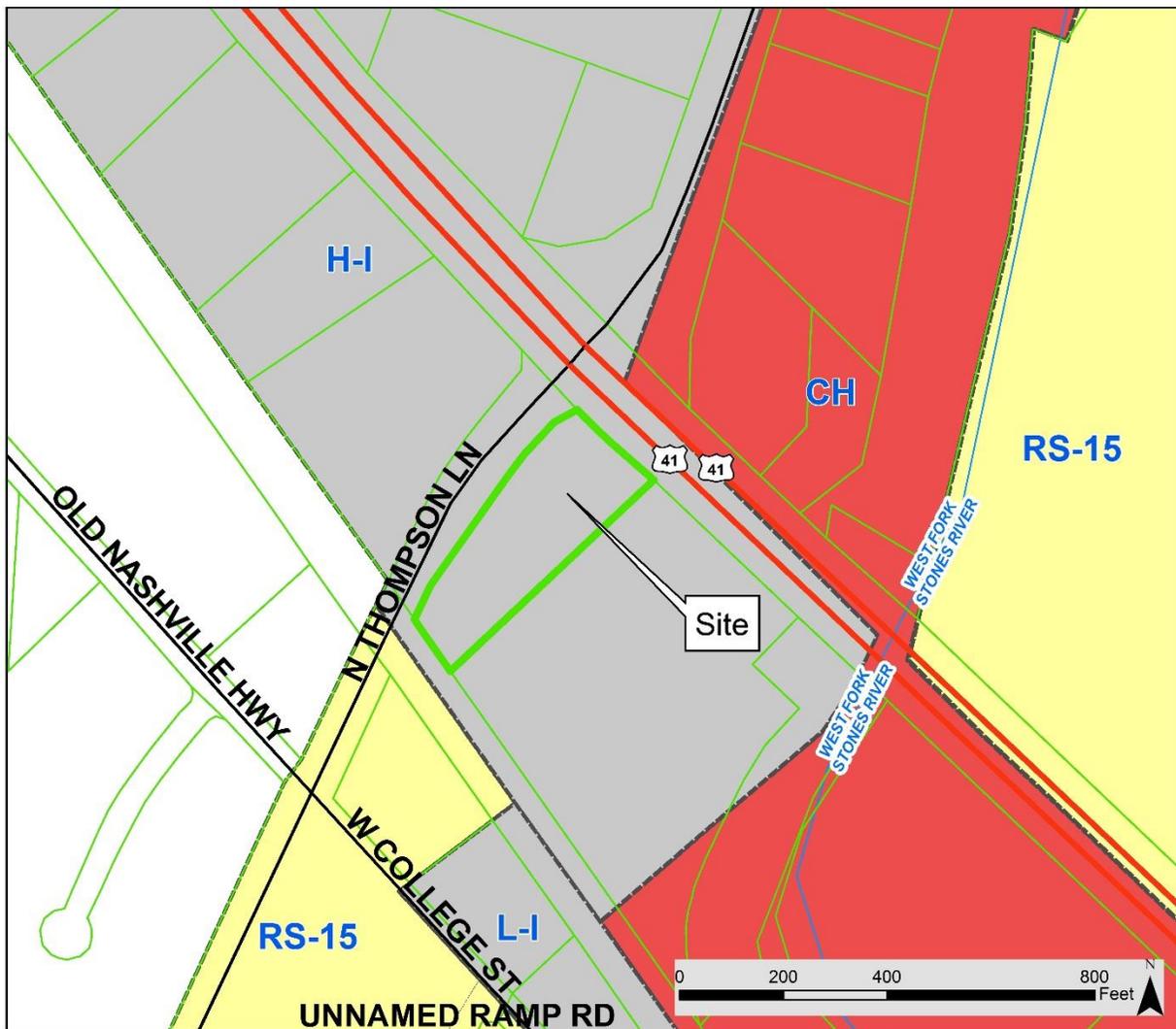
3060 South Church Street, view of proposed fireworks tent location. Photo taken from area near South Church access looking south.



3060 South Church Street, photograph taken from approximate location of proposed fireworks tent, looking westward toward the IGA grocery store.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
MARCH 23, 2016**

**Application:** Z-16-022  
**Location:** 1945 Northwest Broad Street  
**Applicant:** Alan Gauger of Xtreme Fireworks  
**Zoning:** Heavy Industrial (H-I) District  
**Request:** A Special Use Permit to operate a Temporary Outdoor Vending Establishment (Fireworks Seasonal Retailer)



## **Request Overview**

The applicant, Alan Gauger of Xtreme Fireworks, wishes to operate a temporary outdoor vending establishment for seasonal fireworks sales in an existing parking lot located at the southwest corner of Northwest Broad Street and North Thompson Lane. The subject property—which currently houses a tobacco store and check cashing business—was first approved for seasonal fireworks sales in 2013.

## **Staff Comments**

Fireworks are allowed to be sold in the City limits from June 28 to July 5 and require issuance of a Special Use Permit by the Board. The applicant is seeking approval for the Fourth of July selling season. The tent's hours of operation will be from 8 AM until 10 PM from June 28 -July 2, 8 AM until 12:00 AM (midnight) on July 3 and 4, and 8 AM until 10 PM on July 5. The size of the proposed tent is 30 feet by 45 feet. The tent will comply with the minimum setback requirements in the H-I zoning district. The applicant proposes using a generator to provide power to the tent. The tent operator will properly dispose of solid waste as needed. The tent operator will have a vehicle on-site during the overnight hours for security purposes.

The proposed tent would be located on the north side of the parking lot near North Thompson Lane. There appears to be adequate space for parking for the existing use and the proposed fireworks tent at this location, and the location of the fireworks tent will not displace any of the existing striped parking on-site. The tent will be located on a portion of the property that is paved but not striped. The tent exceeds the minimum separation requirements for alcohol sales for on-site consumption and from the nearest fuel source. The tent is approximately 100 feet from an existing fire hydrant, also meeting minimum requirements. There is an existing Murfreesboro Water and Sewer Department (MWSD) water line in close proximity to the tent location on its northwest side. Before placing stakes in the pavement, the location of the water line should be marked; no tent stakes will be allowed within 10 feet of the marked water line.

The site has vehicular access to Northwest Broad Street. It does not have access to North Thompson Lane. The frontage on Northwest Broad Street has free-flowing access across the entire street frontage (approximately 160 feet). The fireworks tent will bring additional traffic to the site. City staff supports shifting the added traffic away from the busy intersection of Broad and Thompson. Therefore, in keeping with recommendations made by City staff last year, the applicant should be required to place one (1) "Type III barricade" and an adequate number of three-foot traffic cones along the frontage of the site nearest the intersection. The barricade and cones must remain in place for the duration of the selling season.

If the Board wishes to approve this request, Staff recommends the following conditions:

- 1) The applicant shall submit certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) A fire extinguisher shall be kept on-site at all times.
- 3) The City's fireworks ordinance shall be posted on-site.

- 4) Fireworks shall not be set off on-site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The tent shall meet all minimum building setback requirements for the H-I zoning district, and a tent permit shall be obtained for the tent.
- 7) Vehicular access to North Thompson Lane shall not be allowed.
- 8) One (1) "Type III barricade", as well as an adequate number of 3'-tall traffic cones, shall be in place for the duration of the selling season along the Northwest Broad Street frontage of the subject property near the intersection with North Thompson Lane.
- 9) Prior to erecting the tent, the applicant shall have the water line that is located on the subject property field-located. No tent stakes shall be allowed within 10' of the marked water line.

The applicant will be in attendance at the meeting to answer any questions that the Board may have.

**Attached Exhibits**

1. BZA Application
2. Applicant's Request Letter
3. Applicant's Supporting Materials
4. Site Photographs

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 1945 N.W. Broad St., M'boro, TN

Tax Map: 080    Group: -    Parcel: 5.01    Zoning District: H-I

Applicant: Xtreme Fireworks    E-Mail: alan.gauger@pnfp.com

Address: 5046 Willowbend Dr.    Phone: (615) 512-7066

City: Murfreesboro    State: TN    Zip: 37128

Property Owner: Jim Haynes

Address: 1945 N.W. Broad St.    Phone: (615) 893-4214

City: Murfreesboro    State: TN    Zip: 37129

Request: Special Use Permit for Seasonal  
Fireworks Retailer

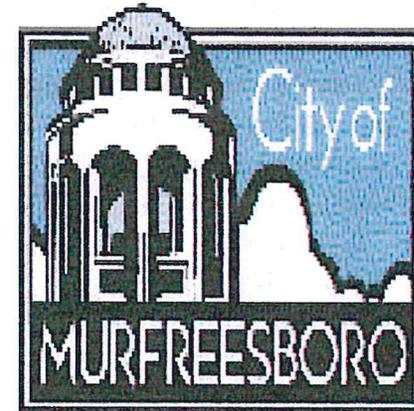
Zoning District: H-I

Applicant Signature: Alan Gauger    Date: 2/29/16

Received By: B. Davis    Receipt No.: 20720

Application #:    Date: 2-29-16

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

Mr. Robert Lewis  
City of Murfreesboro  
Planning and Engineering Department  
P.O. Box 1139  
Murfreesboro, TN 37133

Dear Mr. Lewis:

Xtreme Fireworks requests permission to appear at the Murfreesboro Board of Zoning Appeals for the purpose of obtaining a permit to sell fireworks in the City of Murfreesboro at 1945 NW Broad St., Murfreesboro, TN 37129 in the A-1 Cash parking lot.

Listed below is an itemized list of how this location complies with the city's regulations.

**SECTION 8. PROCEDURE FOR USES REQUIRED SPECIAL PERMITS**

- (A) Alan Gauger / 5046 Willowbend Drive, Murfreesboro, TN 37128 / 615-512-7066, and Steve Kaatz / 2620 S. Highlands Drive, Nashville, TN 37221 / 615-957-1491
- (B) Xtreme Fireworks plans to use this site to sell fireworks during the allotted time as designated by the City of Murfreesboro during the July 4<sup>th</sup> season. We also have a lease agreement with the property owner (copy attached).
- (C) Site plan enclosed.
- (D) Parking lot at A-1 Cash at 1945 NW Broad St. Murfreesboro, TN
- (F) Zoned Heavy Industrial (H - I)
- (G) The manner in which the special use will be conducted or operated:
  - 1. The days of operation will be from June 28<sup>th</sup> thru July 5<sup>th</sup>.  
Hours of operation June 28<sup>th</sup> thru July 2<sup>nd</sup> 8 a.m. – 10 p.m., July 3<sup>rd</sup> and 4<sup>th</sup> 8 a.m. – 12 a.m., July 5<sup>th</sup> 8 a.m. – 10 p.m.
  - 2. The duration of the tent will be from June 21<sup>st</sup> thru July 10<sup>th</sup>.
  - 3. It is estimated this location will have around 75 customers per day.
  - 4. It is estimated this location will have around 40 vehicles visit it per day.

(H) We do not foresee any harmful characteristics on this zoning district.

**SECTION 9 STANDARDS FOR SPECIAL PERMIT USES**

1. A fireworks tent at this location will in no way have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
2. This fireworks tent will be constructed, arranged, and operated in a compatible manner with the immediate vicinity and will not interfere with any development or use of adjacent property in accordance with the applicable district regulations.
3. This location will be adequately served by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers. If the location does not provide any of these the tent operator or Xtreme Fireworks will.
4. The fireworks tent will not result in the destruction, loss, or damage of any feature to be significant natural, scenic, or historic importance.

*(Temporary vendors additional standards):*

1. Owner of the property or authorized agent's signature is attached.
2. There is adequate parking on the site and backing onto the street is not necessary. The tent is on the site of an existing permanent business. The tent will not be placed over existing parking spaces. The parking will not exceed 25% of the total parking available, we only estimate a max of 10 cars to be parked there at one time.
3. Traffic control measures are not needed for this site, but Xtreme Fireworks will make additional provisions if deemed necessary by the BZA.
4. The tent at this site will be erected or placed in conformance with all applicable Codes. The tent will have an emergency exit in addition to the normal entrance/exit. The only vehicles left at this site overnight will belong to whomever is staying at the tent at night.
5. The site is within 500 feet of a fire hydrant.

6. A \$500.00 deposit will be given for clearing and cleaning of the site within the time specified.
7. A portable restroom will be located on site and is shown on the attached site plan.
8. Special use permit will be posted at the tent for inspections.
9. A fireworks tent at this site is not in violation with any sign, building, fire, electrical, or any other City ordinances. We understand the 24 hour deadline to fix any problem if a violation occurs.
10. We will be using a generator instead of a temporary power pole.
11. This tent will be erected outside of all easements for electrical power transmission and distribution.
12. Provisions for solid waste management have been made. Tent operators will take their waste to an offsite facility designated for this purpose. Tent operators will also recycle all cardboard boxes.
13. We will make sure all signage complies with the sign ordinance.
14. There will be no noises to disturb the peace of neighboring residents.
15. The site will only be used for the period of June 28<sup>th</sup> thru July 5<sup>th</sup>.
16. We will comply with any additional standards the BZA may require in order to assure compatibility of the proposed location with adjoining properties.
17. The site of this tent is located entirely on asphalt.
18. Additional standards of a Special Use Permit for temporary vending of fireworks:

(aa) There is no fuel source within two hundred feet of the proposed tent or fireworks inventory.

(bb) There are no facilities for on-site consumption within two hundred and fifty feet of the fireworks tent or inventory.

(cc) We are applying for this application to sell fireworks from June 28<sup>th</sup> thru July 5<sup>th</sup>. We also understand that all activities and materials will not be set up before June 21 and must be cleared out by July 10.

(dd) We understand that as a Fireworks seasonal retailer we must comply with all state and City laws and all ordinances regarding the sale of fireworks, including but not limited to T.C.A. 68-104-101 and City Code 12.

(ee) We are only asking for approval for one period within the next year, we understand that we must apply again for any periods exceeding a year to date.

#### **SECTION 12-30 PROHIBITED SALES, USE AND POSSESSION OF FIREWORKS**

(A) We understand the definition of a bottle rocket, class C fireworks, Mortars, and Reloadable.

(B) We understand a person must be sixteen to purchase fireworks and show a valid ID.

(C,D,E) We understand all the rules and definitions.

**LEASE AGREEMENT**

February 17, 2016

**PARTIES:** Lessor: Lakeland Group, Inc.

Lessee: Xtreme Fireworks

**DESCRIPTION AND USE OF PROPERTY:**

The property being leased is located at 1945 NW Broad St, Murfreesboro, TN. The portion of the lot that is leased is described and designated on the site plan as the area marked "A" on the attached Exhibit. LESSOR agrees to rent to LESSEE space on designated lot for a tent and adequate customer parking for the retail sale of consumer fireworks.

**CONTINGENCIES AND EXCLUSIVE USE:**

Should this property be permanently developed by LESSOR, or leased for a non-fireworks use to another party, this LEASE AGREEMENT becomes void (if no other area is mutually agreed upon by both parties) upon LESSOR giving LESSEE a forty-five (45) day written notice in advance of the rental period. This lease is subject to the approval of all City of Murfreesboro and State of Tennessee authorities. If any of the above contingencies occur resulting in LESSEE not being able to sell fireworks on the herein described property, all prepaid rent shall be returned to LESSEE. LESSOR agrees to rent only to LESSEE during the term of this agreement and to not allow fireworks to be sold by any other party on the herein stated property owned or controlled by LESSOR.

**TERM AND LEASE PERIOD:**

LESSOR grants to LESSEE a periodic lease of the above described premises during the following fireworks sales periods and for the respective lease amount set forth below.

Fireworks Selling Period  
June 28, 2016 to July 5, 2016

Lease Amt.

Tent will be set up approximately 1 week in advance of the start of the selling period and taken down within 5 days after selling period is over. All rents are payable in advance to LESSOR before tent is set up on property.

**INSURANCE:**

LESSEE supplies LESSOR, in advance, with proof of liability insurance for at least \$1,000,000 each occurrence whether in respect to bodily injury liability or property damage liability combined.

**CLEAN-UP AND ELECTRICITY:**

LESSEE agrees to remove all structural items and debris and leave the premises completely clean at the termination of this lease. LESSEE will plan on using a portable generator for power. The holes drilled to anchor the tent will only be those that have been used the previous years and they will be filled completely and repaired at the time the tent is removed as before.

**LESSOR:** Lakeland Group, Inc.

By: *Jennifer Hayes*  
Date 2/20/16

**LESSEE:** Xtreme Fireworks

By: *Alan D'Angelo*  
Date 2/17/16



1945 Northwest Broad Street, aerial photograph



1945 Northwest Broad Street, aerial photograph. Proposed fireworks tent would be placed in the unmarked parking area near the intersection of Northwest Broad Street and North Thompson Lane.



1945 Northwest Broad Street, view of proposed fireworks tent area from existing structure looking toward Northwest Broad Street.



1945 Northwest Broad Street, Google StreetView of existing structure and parking lot from Northwest Broad Street looking westward. North Thompson Lane is visible on the right-hand side of the photograph.