

CITY OF MURFREESBORO PLANNING COMMISSION AGENDA

City Hall, 111 W. Vine Street, Council Chambers

**April 5, 2017
7:00 PM**

**Bob Lamb
Chairman**

- 1. Call to order**
- 2. Determination of a quorum.**
- 3. Approve minutes of the March 1, 2017 Planning Commission meeting.**
- 4. Public Hearings:**
 - a. Zoning Application [2017-405] for approximately 4.8 acres located along Kings Highway and Bridge Avenue to be rezoned from RS-8 to RD (approximately 1 acre), CH to RD (approximately 0.5 acres), and H-I to L-I (approximately 3.3 acres), Sword of the Lord Foundation, applicant.
 - b. PUD Amendment [2017-407] for approximately 17.3 acres to amend the Victory Station PUD, Swanson Development, applicant.
 - c. Proposed amendments to the Zoning Ordinance regarding Section 31: Wireless Telecommunications Towers and Antennas, Section 9: Standards for Special Permit Uses, Section 27: Landscaping and Screening, Table 2: Buffer Zone Requirements, Chart 4: Required Off-Street Parking and Queuing Spaces by Use, and Chart 1: Uses Permitted by Zoning District [2017-802], City of Murfreesboro Planning and Legal Departments, applicant.
 - d. Proposed amendments to Subdivision Regulations and Street Design Specifications regarding telecommunications equipment and fiber optic cable in the public right-of-way [2017-803], City of Murfreesboro Legal Department applicant.
- 5. Staff Reports and Other Business:**
- 6. Adjourn.**

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

CITY HALL

7:00 PM

MEMBERS PRESENT

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

STAFF PRESENT

Gary Whitaker, Planning Director
Matthew Blomeley, Assist. Plan. Director
Margaret Ann Green, Principal Planner
Donald Anthony, Principal Planner
Robert Lewis, Planner
Joe Ornelas, Principal Planner
Marina Rush, Principal Planner
Carolyn Jaco, Recording Assistant
David Ives, Assistant City Attorney
Sam Huddleston, Environmental Eng.
Ram Balachandran, Traffic Engineer
Angela Jackson, Parks & Rec. Director

Bob Lamb called the meeting to order after determining there was a quorum. The minutes of the January 23, 2017, and February 1, 2017, Planning Commission meetings were approved as submitted.

Public Hearings

Annexation Plan of Services and annexation petition [2017-501] for approximately 406.3 acres along Burnt Knob Road, Veterans Parkway, and Blackman Road, City of Murfreesboro applicant. Ms. Angela Jackson, Parks

& Recreation Director, came forward to provide an update for the new City West Park. Ms. Jackson made known there had been a joint meeting last week a joint meeting with Murfreesboro City Council and Murfreesboro Parks & Recreation Commission. During the meeting Kimberly Horn and Associates presented three different preliminary master plan concept options for development of a West Park. Earlier today there had been a follow up meeting with the Parks and Recreation Commission to discuss and address the amenities and elements that

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

are to become part of the master plan. Lastly, Ms. Jackson stated, she was available if anyone had any questions.

Mr. Matthew Blomeley came forward to make known the City recently purchased the requested parcel (Tax Map 078, Parcel 03200), which totals approximately 120.5 acres, for the development of a new park. The majority of the requested property (approximately 116.9 acres) is located at the southwest corner of Burnt Knob Road and Blackman Road, east of Veterans Parkway and north of I-840. There is also a portion of the property (approximately 3.6 acres) located south of I-840 along the north side of Lyle McDonald Court. The requested property is undeveloped and contains no structures. A written petition requesting annexation had been filed with the Planning Department by the City Manager on behalf of the City as the property owner. The requested property is located within the City's Urban Growth Boundary. In addition, it is contiguous with the existing City limits at one single point along the Vaughn Road/I-840 right-of-way.

After reviewing the requested property, Staff determined that it would be prudent to study a number of other adjacent parcels and rights-of-way for annexation at this time as well. The inclusion of the additional parcels in the study area does not mean that they would be annexed. Per State law, the City only has the ability to annex if it receives the written consent of the property owner. If individual property owners do not provide written consent during this process, then their respective properties would not be annexed and the annexation area would be modified accordingly. The total study area, including all rights-of-way and additional parcels, is approximately 406.3 acres.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

The following rights-of-way have been included in the study area:

- approximately 4,200 linear feet of Burnt Knob Road right-of-way
- approximately 2,550 linear feet of Blackman Road right-of-way
- approximately 600 linear feet of Lyle McDonald Court right-of-way
- approximately 4,500 linear feet of Vaughn Road right-of-way
- approximately 4,600 linear feet of Veterans Parkway right-of-way
- approximately 5,200 linear feet of I-840 right-of-way
- approximately 200 linear feet of Manson Pike right-of-way

The following additional parcels have been included in the study area:

- 078/03203 (2415 Blackman Rd)
- 078/03205 (Blackman Cemetery) (An annexation petition had been received for this parcel.)
- 078/03800 (Charles W. Hord property)
- 078/03804 (5001 Burnt Knob Rd)
- 078/03805 (5015 Burnt Knob Rd)
- 078/04000 (2206 Blackman Rd)
- 078/05100 (1908 Blackman Rd)
- 078/05200 (1803 Blackman Rd) (An annexation petition had been received for this parcel.)

As the property owner, the City has also filed a request to have the requested property zoned P (Park District, approximately 116.9 acres) and CH (Highway Commercial District, approximately 3.6 acres) simultaneous with annexation. The owners of the additional property identified as Tax Map 078, Parcel 05200 have also filed a zoning request for it as well.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

Continuing, Mr. Blomeley explained, within the area the Murfreesboro Fire and Rescue Department has been adamant for the City to include annexing I-840 right of way for the exits, the ramps, and the entire interchange into the City limits. This would clarify jurisdiction boundaries in times for responding to all emergencies. Staff would like to honor their request.

In addition, Staff had prepared a plan of services for the entire study area, which had been included in the agenda packet. From the study it had been made known the City's ability to serve all parcels regarding City services. However, there are some limitations for one structure that is currently on Mr. Donald McDonald's property. The Murfreesboro Fire and Rescue Department has stated this particular property would need driveway improvement prior to the effective date of annexation. This request has been made known to the property owner, Mr. Donald McDonald.

Ongoing discussions have been occurring to address sanitary sewer with this annexation request. It has been determined a gravity sewer would be extended to the park property. There would be a forced main that would need to be board underneath I-840 for the park property, and for other properties west from the park area.

Mr. Blomeley stated, it was staff's recommendation to include all parcels that have been presented with this annexation request. This would allow all properties additional time to submit a petition for annexation if the property owners desire to have their properties annexed.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

Chairman Bob Lamb opened the public hearing. No one came forward to speak for or against the Annexation Plan of Services and annexation petition; therefore, Chairman Bob Lamb closed the public hearing.

Mr. Ken Halliburton made a motion to approve the Annexation Plan of Services and annexation petition with the confirmation from property owners prior to City Council whom chose to be annexed. The motion was seconded by Mr. Tom Clark. The motion carried by unanimous vote in favor.

Zoning application [2017-403] for approximately 120.5 acres located along Burnt Knob Road and Lyle McDonald Court to be zoned P (approximately 116.9 acres) and CH (approximately 3.6 acres) simultaneous with annexation, City of Murfreesboro applicant. Mr. Matthew Blomeley began by describing the City recently purchased the subject property, which totals approximately 120.5 acres, for the development of a new park. The City is currently in the process of determining how the park would be designed and what specific facilities would be included. The parcel, which is undeveloped and contains no structures, was split into two parts by the construction of I-840. The majority of the requested property (approximately 116.9 acres) is located at the southwest corner of Burnt Knob Road and Blackman Road, east of Veterans Parkway and north of I-840. This area had been requested to be zoned P (Park District) simultaneous with annexation. There is also a portion of the property (approximately 3.6 acres) located south of I-840 along the north side of Lyle McDonald Court. This area has been requested to be zoned CH (Highway Commercial District) simultaneous with annexation. This smaller area is not proposed to be included in the development of the park.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

Directly to the north of the subject property along Burnt Knob Road are a number of single-family residences located in the unincorporated County, including the JT Harris and Burnt Knob Trace subdivisions. At the intersection of Burnt Knob Road and Blackman Road are two convenience markets. There are several scattered single-family residences located in the unincorporated County to the east of the subject property along Blackman Road south of Burnt Knob Road. Directly bordering the subject property on its west side is one single-family residential estate parcel and one undeveloped tract that fronts on Veterans Parkway. Both of these parcels are located in the unincorporated County. Encompassed on all sides by the subject property is an old cemetery. Directly to the east of the 3.6-acre portion of the parcel south of I-840 and along Lyle McDonald Court is undeveloped property zoned CH in the City.

The subject parcel is located in the study area of the *General Development Plan for the Blackman Community*. The future land use map included in the plan recommends that the property develop a “Mixed Use”, described in the plan as “retail, office, civic/institutional, and high-density residential that accommodates regional employment opportunities.” The plan also states that it “supports the potential for institutional facilities” in the Mixed Use classification. While the plan itself recommends planned development zoning for the Mixed Use category, the proposed P and CH zoning classifications would permit and support a number of the uses recommended by the Blackman land use plan for this property.

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

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

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

Zoning application [2017-404] for approximately 79 acres located along Veterans Parkway and Blackman Road to be zoned CH (approximately 70.5 acres) and CF (approximately 8.5 acres) simultaneous with annexation, Mr. Donald McDonald applicant.

Mr. Matthew Blomeley began by describing the subject property, which totals approximately 79 acres, located along the west side of Blackman Road, along the east side of Veterans Parkway, and along the south side of Lyle McDonald Court. In addition, it is just south of the Veterans Parkway/I-840 interchange. This request is one of the items that been included with the annexation petition plan of services for the City park property. The subject property is mostly undeveloped but does contain a single-family residence and an outbuilding. It has been requested to be zoned CH (Highway Commercial District) (approximately 70.5 acres) and CF (Fringe Commercial District) (approximately 8.5 acres) simultaneous with annexation. The applicant wishes to zone this property for commercial uses in anticipation of future commercial development adjacent to the interchange. A letter had been prepared by Mr. Clyde Rountree, the applicant's representative, that states that Mr. Donald McDonald is committing to place a deed restriction on the subject property prohibiting warehouse uses, which are permitted by right in the CH zone according to the Zoning Ordinance. The portion of the property requested to be zoned CF is located along Blackman Road directly across from the Winslow Park at Berkshire Subdivision. The CF zone would prohibit some of the more intense commercial uses that are permitted in the CH zone and that might not be seen as compatible with the residential uses across the street.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

Directly to the north of the subject property across Lyle McDonald Court are a number of undeveloped parcels that are owned by the applicant and zoned CH, as well as an undeveloped parcel owned by the City and proposed to be zoned CH simultaneous with annexation. Across Blackman Road to the east is a 118-acre parcel owned by the applicant, which contains his personal residence and is zoned CH and CF. Also to the east across Blackman Road is a single-family residential parcel in the unincorporated County as well as the Winslow Park at Berkshire single-family residential subdivision, which is in the City limits and zoned PRD (Planned Residential District). To the southeast of the subject property across Blackman Road is an undeveloped part of the Berkshire development zoned PCD (Planned Commercial District), which permits neighborhood retail and commercial uses as well as institutional uses. To the south of the subject property is a portion of the Westlawn PUD (Planned Unit District) that is zoned for commercial development, primarily for retail and restaurant uses. Across Veterans Parkway to the west is the remainder of the Westlawn PUD, which is zoned for a variety of commercial and residential uses.

The subject parcel is located in the study area of the *General Development Plan for the Blackman Community*. The future land use map included in the plan recommends that the property develop as “Mixed Use”, described in the plan as “retail, office, civic/institutional, and high-density residential that accommodates regional employment opportunities.” While the plan itself recommends planned development zoning for the Mixed Use category, the proposed CH and CF zoning classifications would permit and support a number of the uses recommended by the land use plan for this property. In addition, the applicant’s representative, Mr. Clyde Rountree, notes in his letter that the future land use map of the 2035 Comprehensive Plan recommends that the subject

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

property develop as “General Commercial” and that his request is consistent with this designation. (It should be noted that the 2035 Comprehensive Plan is still in draft form and has not yet been adopted.)

Chairman Bob Lamb opened the public hearing.

Mr. Mark Nicgorski 5703 Colchester Court- came forward making known he was representing the Berkshire, Home Owners Association, as a board member. He stated, the residents were in agreement with the Commercial Fringe (CF) zone. However, they request when development occurs, all storefronts should be faced towards Berkshire subdivision. The resident’s do not want to view the back of any commercial buildings from their subdivision.

Chairman Bob Lamb closed the public hearing.

Mr. Tom Clark made a motion to approve subject to all staff comments, seconded by Mr. Kirt Wade. The motion carried by unanimous vote in favor.

PRD Amendment [2017-401] for approximately 247.3 acres located west of Saint Andrews Drive to amend the Evergreen Farms PRD, Old South Properties, Inc applicant. Mr. Donald Anthony began by describing Evergreen Farms Phase 2 located near St. Andrews Drive, north of New Salem Highway. The development is zoned PRD, and the built-out portion of the development includes a mix of single-family detached dwelling units and attached townhouse units. Surrounding zoning includes a mix of single-family residential districts (RS-15, RS-12, and RS-10) on the north, RS-12 on the southeast, and RS-12 and PRD on the east side of St. Andrews Drive. Adjacent parcels lying south and

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

west of the subject property are located in unincorporated Rutherford County and are zoned RM (Medium Density Residential).

The program book for the PRD was approved as part of the original rezoning in 2004. It divided the development into four distinct areas with the following land use designations:

Area A: 957 single-family (detached) residential lots on 191.7 acres

Area B: 68 single-family residential lots (detached with side-entry garages) on 19.7 acres

Area C: 280 townhomes on 35.9 acres

Area D: 28.2 acres of open space

The total number of units approved in 2004 were 1305.

In 2015, the PRD was amended to increase the number of townhouse units in Area C from 280 to 334. The amendment increased the total number of dwelling units in the development from 1,305 to 1,359.

Continuing, Mr. Anthony stated, the applicant wishes to amend the PRD with two significant changes of housing types to increase the number of townhouse units in the development and revise the single-family detached residential lot widths and sizes in a portion of Area A. This would increase the density from 1,359 approved units to 1,408 units being 3.6 percent increase in units. This is an increase of 49 units from 2015 amendment, and an increase of 103 units from the 2004 original request.

Change #1: Additional Townhouse Units in Area C

The applicant wishes to shift 13.7 acres located in the southern portion of the development from Area A to Area C. Rather than constructing 66 single-family

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

dwelling units as previously approved, the applicant wishes to construct 150 townhouse units on the 13.7 acres. The proposed townhouse units would be located between the PRD's existing townhome section and Puckett Creek. The amended program book submitted by the applicant indicates that the townhouses would be grouped into 24 buildings, each consisting of four or five units. Of the 150 units proposed, 96 would include single-car garages and single-car driveways. The remaining 54 units would utilize surface parking lots. The exteriors of the proposed townhouse buildings would incorporate setbacks and architecture that mimic those of the existing townhouse buildings to the east.

Change #2: Revision to Lot Standards in Area A

The applicant wishes to revise lot standards for the portion of Area A lying west of Puckett Creek. Rather than creating lots with 60-foot widths and minimum lot sizes of 6,000 square feet as shown in the approved program book, the applicant wishes to create lots with 50-foot widths and minimum lot sizes of 5,000 square feet. When the PRD was initially approved in 2004, this portion of Area A included 376 single-family residential lots. With the proposed PRD amendment, no additional density or changes to dwelling type are requested in this portion of Area A; this portion of Area A would continue to include 376 single-family residential lots.

A neighborhood meeting had been for this proposal had been conducted on January 23, 2017. The primary concerns that had been expressed from county residents west of Evergreen Farms. They requested the proposed Evergreen Farm subdivision lots that would be butting up to their property should be only

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

two or three lots. The county resident lots are significantly larger than the Evergreen Farm properties.

A copy of the proposed, amended program book had been included in the agenda materials.

Mr. Clyde Rountree and Mr. Dan Bobo were in attendance to represent the applicant. Mr. Rountree came forward to begin a power point presentation from the applicant's program book. He stated, this amendment is part of a PRD area that includes RZ to RS-15 zoning. This request is consistent with the residential area. Mr. Rountree explained from the master plan, one of the reasons for reducing the widths of the lots sizes would allow development to stay out of the floodplain area from Puckett Creek. This would reduce the amount of fill that is required for this area. It would be a reduction of single family detach homes to single family attach homes and adding townhomes. This would be a reduction in density from 9.3 units per acre to 9.0 units per acre. This would be a less dense product. However, they would be adding more units.

Lastly, Mr. Rountree explained, the expansion of the area west of Puckett Creek would be changing the size of the lot widths from 60 feet to 50 feet. This would keep development out of the flood plain. Along the west portion of the property that butts up to the county lots have several cul-de-sac creating a pie orientation. The applicant has made a commitment to reduce the number of homes to a maximum number of two or three homes as possible in this area. In addition, it has been added in the applicant's program book, if more than three homes were developed behind the county resident's, they would increase the buffer with landscaping. The architecture and materials for this proposal would be similar as current development of Evergreen Farms. The materials include,

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

siding, brick and stone. Fifteen percent of the front facade would include brick and stone. The remaining percent would be siding and carriage style garage doors. The amenities include additional green space, dog park, pavilion, park, playground area for both the single family detached and single family attached homes.

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

Mr. Eddie Smotherman made a motion to approve, seconded by Mr. Kirt Wade. The motion carried by unanimous vote in favor.

Annexation Plan of Services and annexation petition [2017-502] for approximately 5,000 linear feet of Shores Road right-of-way, City of Murfreesboro applicant. Mr. Matthew Blomeley began by describing the matter pertaining to the annexation of an approximately 5,000 linear foot segment of the Shores Road right-of-way, located just to the west of Veterans Parkway. No private properties were included in the annexation request.

The tract to the north was annexed in 2007 but the adjacent right-of-way of Shores Road was not annexed at that time. PUD zoning for the Westlawn development, which included provisions for a mix of commercial and residential uses, had been approved simultaneously with the annexation of this tract in 2007. Development of Westlawn stagnated during the recession but has since picked up in the last several years. The single-family residential portion of the PUD is actively being constructed and a site plan was approved in 2016 for the multi-family residential portion. In addition, a site plan was recently submitted to the Planning Department for the townhome portion of the PUD. The

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

development of the Westlawn townhome site would also include the realignment of a portion of Shores Road through the Westlawn development tract. In addition, there would be multiple public streets in the single-family portion of the development that would have direct access to Shores Road, which is in the City limits. Continuing, more traffic would be generated from the Westlawn residents, City service providers, and the general public. The City proposes realignment of Shores Road in conjunction with a development that is in the City's jurisdiction.

The subject right-of-way is located within the City's Urban Growth Boundary and is contiguous with the existing City limits. Staff had prepared a plan of services, which had been included in the agenda packet. It indicates that the City would be able to provide applicable services to the subject right-of-way if it is annexed. If annexed, it would become the City's responsibility to maintain the right of way as needed.

Chairman Bob Lamb opened the public hearing.

Mr. Larry Tipton 3371 Shores Road – came forward making known he did not want to be annexed into the City of Murfreesboro. He is not in favor of this right of way request.

Chairman Bob Lamb closed the public hearing.

Mr. Matthew Blomeley explained, this matter had been discussed with the City's Legal Department. It was advised for the City to contact Rutherford County to make certain there were any objections for the City to annex their right way. Rutherford County Planning Department and Rutherford County Engineering

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

Department both were in favor for the annexation of right of way by a City development.

Mr. Sam Huddleston came forward making known upon effect of annexation, the City's Street Division would be responsible for maintenance, upkeep of roadside ditches, drainage system, etc. In addition, the Street Division would be responsible with maintenance of the pavement, markings, and street signs. The City anticipates future road improvements along Shores Road. The City Engineer Department has collected escrow from the developer of Westlawn to be applied to the roadway improvements. In addition, the developer would be required with their Shores Road improvements go before Rutherford County Planning, Engineering Department, and Rutherford County Road Superintendent for approval. The City has required the developer to go to the County to reconcile the ability for Engineering oversight and review the long term street maintenance and operations of this roadway.

Mr. Eddie Smotherman asked, would there be streetlights on Shores Road with the Westlawn development. Mr. Huddleston answered, at this point it is vision as being maintained as a County road. However, streetlights would be managed by the Murfreesboro Electric Department and the Street Division to make certain streetlights were added with development on Shores Road.

Mr. Gary Whitaker stated, Mr. Tipton's property could not be annexed without a formal request by the property owner. It is a state law that a written petition must be made for their property to be annexed. The City cannot annex property without the property owner's permission.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

Mr. Kirt Wade asked, when will the City change connection of Shore Road to Blackman Road. The Shores Road connection would be concurrent with the Westlawn townhome project. At the same time of the construction of townhomes would include realignment and rebuilding of Shores Road. In addition, there would be removal of pavement, extend driveways and repaving the cul de sacs along Shores Road. The realignment of Blackman Road would occur with the development of property east of Veteran's Parkway.

Mr. David Ives stated, the ownership of land under old roads can be interesting but rarely has any impact, unless abandoned. Shores road is an old road. Technically, the joining property owners own land to the center of the road, which is frequently the case, but not always the case. As a practical matter, there is not anything they can do with that land because it is right of way. It is difficult to say who is paying taxes on that property, or not, since it is public right of way. Being subject to public right of way being taken over by the City has been standard in the past and standard today in joining roads due to the impact of the City. The City would impact the roads and the City should be responsible for maintaining the road. There will be turn lanes constructed with development. It is hard to say if it would be logical for one part of the road being in the City's jurisdiction and one part of the road being in the County's jurisdiction. The City is going to remedy any problems with Shores Road and Rutherford County has not objected to this right of way being annexed. The City feels this Annexation Plan of Services and annexation petition request should move forward.

Mr. Ken Halliburton made a motion to approve the Annexation Plan of Services and annexation petition, and all staff comments, seconded by Ms. Kathy Jones. The motion carried by unanimous vote in favor.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

Proposed amendments to the Zoning Ordinance regarding Section 2: Interpretation and Definitions, Chart 1: Uses Permitted by Zoning District, and Chart 2: Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios [2017-801], City of Murfreesboro Planning

Department applicant. Mr. Matthew Blomeley began by making known staff brings to the Planning Commission several miscellaneous amendments to the Zoning Ordinance, many of which are “housekeeping” in nature. Amendments to *Chart 1: Uses Permitted by Zoning District*, and *Chart 2: Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios* are proposed, including the footnotes for these two charts. In January 2015, the Zoning Ordinance had been amended to remove the footnotes from Charts 1 and 2 and to relocate them to Section 15 of the Zoning Ordinance. These two charts have great significance in the day-to-day administration of the Zoning Ordinance. At the time it was adopted in 2015, this amendment was intended to improve the functionality of the Zoning Ordinance. However, Staff has found that the 2015 amendment has actually created confusion for users of the Zoning Ordinance, particularly outside users such as developers and their design teams, as many of the items in Section 15 make more sense as footnotes. Staff routinely fields calls from engineers and the development community confused about why there are no footnotes with Charts 1 and 2. Staff believes that removing these items from Section 15 and placing them back as footnotes with the two charts will make the City’s Zoning Ordinance more user-friendly for Staff and for stakeholders.

The proposed amendments would also address a concern of the Board of Zoning Appeals (BZA) relative to self-service storage facilities. The Zoning Ordinance currently permits self-service storage facilities by right in the H-I zone and by

MINUTES OF THE MURFREESBORO PLANNING COMMISSION MARCH 1, 2017

special use permit from the BZA in the L-I (Light Industrial), CH (Highway Commercial), CF (Fringe Commercial), CL (Local Commercial), and MU (Mixed Use) zones. Members of the BZA have indicated that it seems appropriate to allow them by right in additional zoning districts, and this amendment seeks to allow self-service storage facilities by right in the L-I and CH zones. In addition to the above amendments, *Section 2: Interpretation and Definitions* is proposed to be amended to modify several existing definitions and to define a number of terms that the ordinance currently does not define.

The proposed ordinance amendment had been included in the agenda packet.

Chairman Bob Lamb opened the public hearing. No one came forward to speak for or against the proposed amendments to the Zoning Ordinance; therefore, Chairman Bob Lamb closed the public hearing.

Ms. Kathy Jones made a motion to approve, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Staff Reports and Other Business

There being no further business the meeting adjourned at 7:50 p.m.

Chairman

Secretary

GW:cj

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
APRIL 5, 2017**

- 4.a. Zoning Application [2017-405] for approximately 4.8 acres located along Kings Highway and Bridge Avenue to be rezoned from RS-8 to RD (approximately 1 acre), CH to RD (approximately 0.5 acres), and H-I to L-I (approximately 3.3 acres), Sword of the Lord Foundation, applicant.**

The subject property is located along the north side of Bridge Avenue, the west side of Cannon Avenue, and the east side of Kings Highway. It consists of seven (7) parcels owned by the Sword of the Lord Foundation and one (1) additional parcel.

Six (6) of the lots owned by Sword of the Lord are located along Kings Highway, four (4) of which are zoned RS-8 (Single-Family Residential District 8) and two (2) of which are zoned CH (Highway Commercial District). Three (3) of those lots contain single-family residences and three (3) of those lots are vacant. The Sword of the Lord has requested the rezoning of these (6) lots to RD (Duplex Residential) in order to construct housing for its employees. Their plans are not certain at this time for all of the lots they own but they envision building one or more duplexes. A minimum 8,000 square-foot lot size is required for a duplex. Some of the existing lots do not meet the minimum lot size for a duplex, but they may be able to resubdivide them to reallocate lot area. Included in the rezoning to RD as additional study area is the property at 209 Kings Highway. It is zoned RS-8 but is bordered on both sides by Sword of the Lord property included in this rezoning request.

The second part of this rezoning request is for the main Sword of the Lord property at 214-224 Bridge Avenue/225 Kings Highway. It houses their offices, bookstore, and publishing facility and is currently zoned H-I (Heavy Industrial District). None of those uses require the H-I zoning, so the applicants are voluntarily requesting to downzone their property to L-I (Light Industrial District) to be sensitive to the surrounding area. In the event that Sword of the Lord ever sold this property, the L-I zone would prohibit a number of the more intense industrial uses that are permissible under the current H-I zoning.

Directly to the south across Bridge Avenue is the McFadden Community Center and the McFadden School of Excellence, which are both zoned RM-12 (Multi-Family Residential District 12). Directly to the west across Kings Highway are RS-8-zoned lots developed with single-family residences and non-conforming

duplexes. There is RD zoning along Battle Avenue, one block to the west. To the north of the subject property along Kings Highway is the Midtown Estates apartment complex, which is zoned RM-16 (Multi-Family Residential District 16). To the east/northeast of the subject property are a variety of industrial and commercial uses along Cannon Avenue that are zoned H-I.

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

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
APRIL 5, 2017**

4.b. PUD Amendment [2017-407] for approximately 17.3 acres to amend the Victory Station PUD, Swanson Development, applicant.

Victory Station is located along the north and south sides of Franklin Road. The development is zoned PUD and includes a mix of single-family dwelling units, multi-family dwelling units, and commercial uses. Parcels U and V, which are the subjects of this PRD amendment request, are located south of Franklin Road and east of Rucker Lane. Zoning districts adjacent to Parcels U and V include PUD to the north and east, RS-10 to the south, and RS-15 to the northeast. Brownview Acres, a County subdivision zoned RM (Medium Density Residential) lies to the east of the subject property.

Parcels U and V were rezoned from RS-15 to PUD in 2008. A pattern book for Parcels U and V was approved as part of the rezoning. The pattern book included the following land use designations:

Parcel U: 42 live-work units and 30 townhouse units on 10.36 acres
Parcel V: 60,000 square feet of retail/office use on 6.90 acres

The approved pattern book for the subject property shows a mixture of live-work units and townhouse units across Parcel U; additionally, common open space is shown on the south side of Parcel U. On Parcel V, the pattern book shows 14 retail/office buildings. Swanholme Drive—which is completed east of Parcels U and V—is shown bisecting the subject property and connecting with Rucker Lane.

The applicant wishes to amend the PUD to revise the boundaries of Parcels U and V, eliminate the live-work units from Parcel U, increase residential density on Parcel U, and replace the retail/office use on Parcel V with an assisted living center and a flex building.

Change #1: Revision of Parcel Boundaries

In the approved pattern book, Parcel U lies to the east of Parcel V. Both Parcel U and Parcel V are shown being bisected by Swanholme Drive. The applicant wishes to rearrange the boundaries of the two parcels. As proposed in the amended pattern book, Parcel U would lie south of Swanholme Drive, while Parcel V would lie north of Swanholme Drive.

Change #2: Additional Townhouses and Increased Density on Parcel U

Presently, the total number of dwelling units approved for Parcel U is 72. The applicant wishes to eliminate the entitlement for live-work units on Parcel U and increase the number of townhouse units. Rather than constructing 42 live-work units and 30

townhouses, the applicant wishes to construct 87 townhouse units. Each townhouse unit would have an attached, rear-loaded, two-car garage. The amended pattern book shows masonry exteriors with varied rooflines and a mix of decorative elements including porches and shutters.

Change #3: Assisted Living Center and Flex Building on Parcel V

The approved pattern book for the subject property shows 14 small, multi-tenant retail/office structures on Parcel V. The total area entitlement for retail/office use on Parcel V is 60,000 square feet. The applicant wishes to eliminate the entitlement for these structures. Instead of constructing retail/office structures, the applicant wishes to construct a 66,728 square foot assisted living facility and a 10,000 square foot flex use space. As shown on the accompanying use chart, the flex space could include limited institutional and commercial uses. If the proposed PUD amendment is approved, the total entitled square footage on Parcel V would increase from 60,000 to 76,728.

A copy of the proposed, amended program book has been included in the agenda materials. The applicant will be available to make a presentation regarding the proposed PRD amendment. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and formulate a recommendation for the City Council.

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS
APRIL 5, 2017**

4.c. Proposed amendments to the Zoning Ordinance regarding Section 31: Wireless Telecommunications Towers and Antennas, Section 9: Standards for Special Permit Uses, Section 27: Landscaping and Screening, Table 2: Buffer Zone Requirements, Chart 4: Required Off-Street Parking and Queuing Spaces by Use, and Chart 1: Uses Permitted by Zoning District [2017-802], City of Murfreesboro Planning and Legal Departments, applicant.

Staff is presenting several miscellaneous amendments to the Zoning Ordinance for the Planning Commission's consideration, the first of which includes proposed amendments to address and establish standards and limitations for the installation of so-called "small cell" antennas within the City, both on private (or public) property. In developing the "small cell" provisions it seemed to be most appropriate to first establish more detailed provisions with respect to large or "macro" cell tower sites, then to make the "small cell" provisions a sub-set of the "macro" provisions. The proposed new *Section 31: Wireless Telecommunications Towers and Antennas* generally addresses both "macro" and "small cell" installations. The proposed amendment to Section 9(D)(2)(cccc) amends the BZA standards for "macro" cell tower installations. The proposed addition of Section 9(D)(2)(dddd) provides BZA standards for "small cells" to be placed in areas of institutional group assembly use in residential districts. As a companion piece to these amendments, the next item on the agenda is the proposed amendments to the Street Design Specifications to address installation of small cell antennas on existing and new poles within street right-of-way as well as the installation of underground fiber optic cable in the right-of-way.

Amendments to several other sections of the Zoning Ordinance are also included. Several amendments are proposed for *Section 27: Landscaping and Screening*. In addition, *Table 2: Buffer Zone Requirements* is proposed to be replaced with a new table compiled by the Urban Environmental Department. Staff believes the new Table 2 will be clearer and more user-friendly. Several changes are proposed to *Chart 4: Required Off-Street Parking and Queueing Spaces by Use*, including adding parking standards for movie theaters.

Finally, amendments to *Chart 1: Uses Permitted by Zoning District* are also proposed. One key amendment deals with landfills. In December 2016, the City Council approved a resolution assuming authority to approve or disapprove proposed landfills within one mile of the City limits (resolution attached). This authority is granted to municipalities by TCA 68-211-701. Staff believes that the

Board of Zoning Appeals, via the special use permit process, is the appropriate City body to process and decide these requests. There are already standards in the Zoning Ordinance pertaining to landfills within the City limits, and the special use permit process already has an established public hearing protocol. The proposed Zoning Ordinance amendment, if approved by the City Council, would delegate authority to the BZA to approve or disapprove the “land use entitlement” component of these applications. In addition, it will require that, if the special use permit is approved by the BZA, such out-of-City landfills will also be required to submit a site plan, compliant with applicable City zoning and development regulations, to the Planning Commission for review and approval. Staff also proposes eliminating “Warehouse” and “Warehousing, Transporting/Distributing” as permitted uses in the CH (Highway Commercial) zone. These two uses are proposed to remain as permitted uses in the L-I (Light Industrial) and H-I (Heavy Industrial) zones, and warehouses that are incidental and accessory to permitted uses in other zones will remain permitted uses as well. Additional proposed changes to Chart 1 include modifications to make it consistent with the proposed Section 31 and the addition of “Movie Theater” as an entry in the chart.

The proposed ordinance amendment is included in the agenda packet. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS
APRIL 5, 2017**

4.d. Proposed amendments to Subdivision Regulations and Street Design Specifications regarding telecommunications equipment and fiber optic cable in the public right-of-way [2017-803], City of Murfreesboro Legal Department applicant.

The previous item on the agenda included amendments to the Zoning Ordinance to address and establish standards and limitations for the installation of so-called “small cell” antennas within the City, on private (or public) property. In this agenda item, Staff is presenting for the Planning Commission’s consideration proposed amendments to the *Street Design Specifications* to address and establish standards and limitations for the installation of “small cell” antennas within street right-of-way. The *Street Design Specifications* are an extension of the *Subdivision Regulations*. The Planning Commission adopted the current *Street Design Specifications* in 2009. The proposed amendments address installation of small cell antennas on existing and new poles within street right-of-way as well as the installation of underground fiber optic cable in the right-of-way.

The proposed amendment to the *Street Design Specifications* is included in the agenda packet. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.