

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, July 27, 2016, at 1:00 p.m.  
City Hall, 111 West Vine Street, Council Chambers, 1<sup>st</sup> Floor

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**AGENDA (REVISED 7/19/16)**

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1. Call to order
  
2. New Business

*Sign Variance Request*

- a. **Application S-16-046 by Ian Phillips of Everwood at the Avenue LLC,** requesting a Variance from Section 25<sup>1</sup>/<sub>4</sub>-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 Mixed Use (MU) district located at 915 Robert Rose Drive.

*Variance Requests*

- b. **Application Z-16-047 by Sean Guth of Lose and Associates Inc., representing the Murfreesboro Parks and Recreation Department,** requesting a forty (40) foot Variance from Section 18(G)(4) of the Murfreesboro Zoning Ordinance, which prohibits lighting fixtures from exceeding twenty (20) feet in height in nonresidential developments with structures thirty-five (35) feet or less in height, for property in the Park (P) district located at 1007 Golf Lane.
  
- c. **Application Z-16-048 by Sean Guth of Lose and Associates Inc., representing the Murfreesboro Parks and Recreation Department,** requesting the following two Variances for property in the Park (P) district located at 515 Cherry Lane:
  - i. A seventy (70) foot Variance from Section 18(G)(4) of the Murfreesboro Zoning Ordinance, which prohibits lighting fixtures from exceeding twenty (20) feet in height in nonresidential developments with structures thirty-five (35) feet or less in height; and

- ii. A Variance from Section 18(G)(d) of the Murfreesboro Zoning Ordinance, which requires outdoor lighting to be designed such that illumination does not exceed one-half (0.5) footcandle beyond the property line.

**d. Application Z-16-049 by Clyde Rountree of Huddleston Steele Engineering Inc. representing Deep River Development**, requesting a nine (9) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a twenty-five (25) foot minimum rear yard setback, for property in the Multi-Family Residential (RM-16) district located at 1019 North Maple Street.

*Variance and Special Use Permit Request*

**e. Application Z-16-050 by David Beiter of Goodwill Industries**, making the following requests for property in the Highway Commercial (CH) district located at 1825 Old Fort Parkway:

- i. A Special Use Permit to allow a Temporary Mobile Recycling Center in the CH district; and
- ii. An eight (8) foot Variance from Section 31(C)(1) of the Murfreesboro Zoning Ordinance, which limits the length of Temporary Mobile Recycling Center receptacles to forty (40) feet.

**f. Application Z-16-051 by David Beiter of Goodwill Industries**, making the following requests for property in the Highway Commercial (CH) district located at 1114 Mercury Boulevard:

- i. A Special Use Permit to allow a Temporary Mobile Recycling Center in the CH district;
- ii. An eight (8) foot Variance from Section 31(C)(1) of the Murfreesboro Zoning Ordinance, which limits the length of Temporary Mobile Recycling Center receptacles to forty (40) feet; and
- iii. A 175-foot Variance from Section 31(C)(6) of the Murfreesboro Zoning Ordinance, which requires a 300-foot minimum distance between receptacle and residentially-zoned property.

**g. Application Z-16-052 by Clyde Rountree of Huddleston Steele Engineering Inc., representing Mountain Star Properties LLC**, making the following requests for property in the Highway Commercial (CH) district located along the east side of John R. Rice Boulevard:

- i. A Special Use Permit to allow a Self-Service Storage Facility in the CH district; and

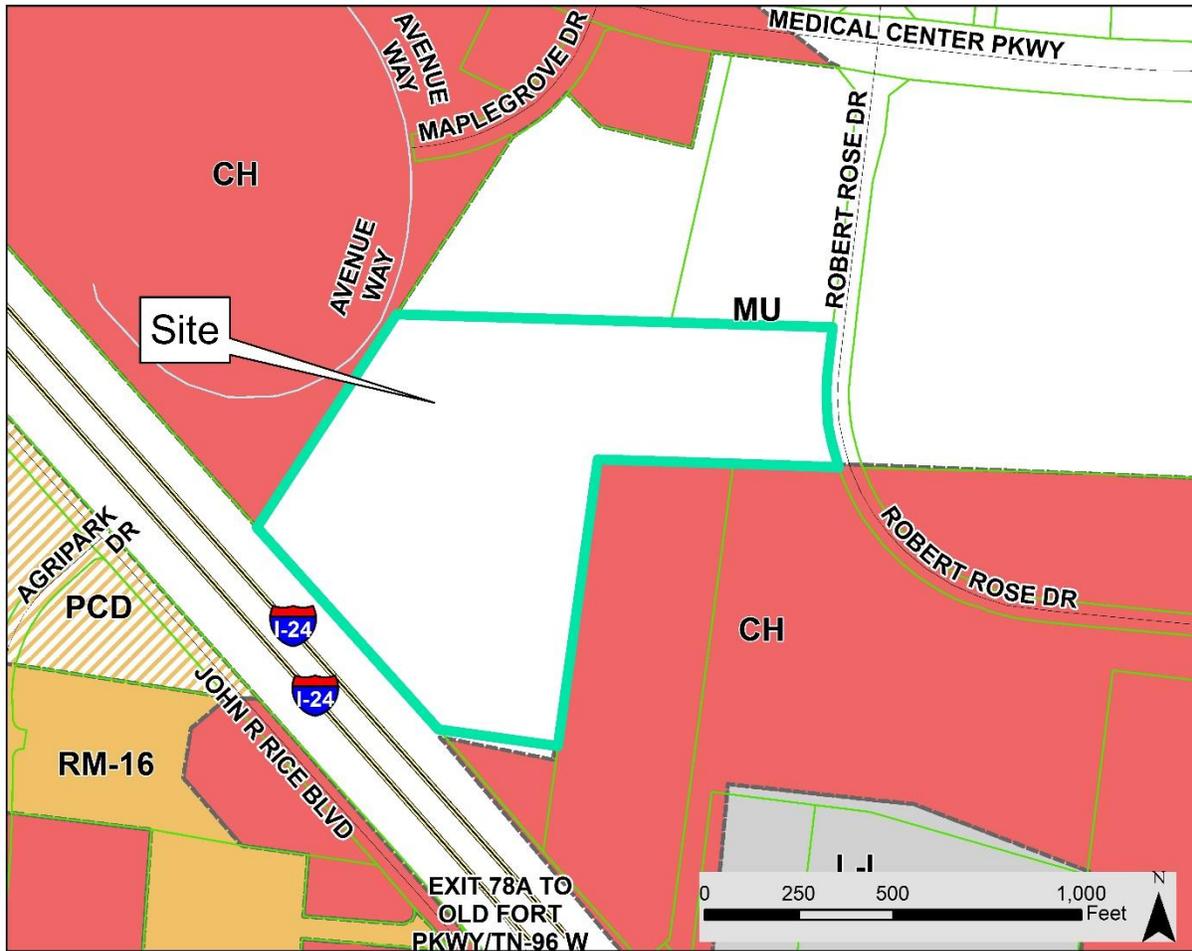
- ii. A Variance from Section 27(K)(3)(a) of the Murfreesboro Zoning Ordinance, which requires a three (3) foot minimum landscape strip adjacent to the base of a building along the building's sides.

3. Staff Reports and Other Business

4. Adjourn

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
JULY 27, 2016**

**Application:** S-16-046  
**Location:** 915 Robert Rose Drive  
**Applicant:** Ian Phillips of Everwood at the Avenue LLC  
**Zoning:** Mixed Use (MU) District  
**Request:** A Variance from Section 25<sup>1</sup>/<sub>4</sub>-24 (A)(22) of the Murfreesboro Sign Ordinance, which prohibits a sign placed in or over a public utility or drainage easement



The applicant, Ian Phillips with CIP Construction Company representing Everwood at the Avenue, is requesting a variance from Section 25 ¼-24 (A)(22) of the City of Murfreesboro Sign Ordinance which prohibits a foundation or signs placed in or over a public utility or drainage easement without consent of the easement holder and Board of Zoning Appeals approval. The sign location proposed at 915 Robert Rose Dr. is within a Gateway Design Overlay (GDO-1) zone.

The applicant is requesting permission to erect one (1) internally illuminated freestanding wall sign with 38 sq. ft. display area and an overall height of 7'. The sign will be located within a 40' Public Utility Easement.

The Agreement for a Sign in a City of Murfreesboro Easement has been signed by the Murfreesboro Electric Dept (MED), Murfreesboro Water and Sewer Department (MWSD), the Director of Building and Codes and the City Engineer. An agreement for a sign in an easement letter has also been submitted from AT&T and Atmos Energy with no objections to the sign placement. Consolidated Utility District (CUD) submitted an agreement for the sign to be installed in the easement with the requirement of a 10' minimum separation from waterlines.

Due to the sensitivity of placement of the sign in regards to easements, staff requires that the sign be located on site by a Tennessee registered engineer or surveyor and that a form for Certification of sign placement be provided prior to permitting.

The applicant will comply with all other setbacks and regulations.

**CITY OF MURFREESBORO  
APPLICATION FOR SIGN VARIANCE**

No: \_\_\_\_\_

This application for a variance from the Murfreesboro Sign Ordinance may not be filed unless all items on the Application have been completed, attachments submitted, and the fee paid. The Applicant must read carefully the Summary of Code Provisions and Rules of Procedure for the Board of Zoning Appeals and follow these guidelines.

Applicant: EVERWOOD AT THE AVENUE, LLC - Submitted by: Ian Phillips  
Address & Phone #: 201 N Elm Street, Ste 201 Greensboro, NC 27401 Phone: 615-418-0975  
Owner of sign: EVERWOOD AT THE AVENUE, LLC  
Address & Phone #: 201 N Elm St., Ste 201 Greensboro, NC 27401 Phone: 615-418-0975  
Person erecting/affixing sign: BOZMAN SIGN COMPANY, INC  
Address & Phone #: 5122 Easthagan Dr. Nashville, TN 37217 Phone: 615-331-0805  
Location of building or lot on which sign is to be erected: 915 Robert Rose Drive

Variance(s) requested – describe specific relief sought, with code section(s):

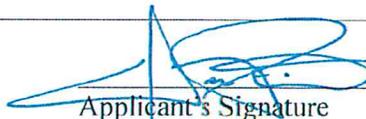
Applicant is requesting an appeal pursuant §25/4-5 for a sign within a city easement (§25/4-24(A)(22)). As such, applicant is requesting a variance pursuant §25/4-6 to place the monument sign within the city easements.

A blueprint , or ink drawing \_\_\_\_\_, or photo \_\_\_\_\_ of the sign is attached to this application.

This variance has been requested and denied within the past year. Yes \_\_\_\_\_ No

If yes, new evidence and/or changed conditions are: \_\_\_\_\_

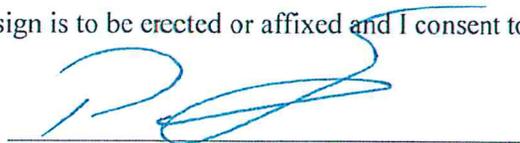
IAN PHILLIPS  
Applicant's Name (Print)

  
Applicant's Signature

**OWNER'S CONSENT**

I own the property, building or structure on which the sign is to be erected or affixed and I consent to the filling of this application.

EVERWOOD AT THE AVENUE, LLC  
Name of Owner

  
Owner's Signature Roy E. Carroll, II  
Manager

201 N Elm St, Ste 201  
Address Greensboro, NC 27401

615-418-0975  
Phone #

Received by: B. DAVIS  
Date: 7-11-16

Make Check Payable to: "City of Murfreesboro"

Filing Fee: \$250.00  
Paid: Cash \_\_\_\_\_ Check No 149  
Receipt No: 22752

**APPLICANT'S JUSTIFICATION FOR SIGN VARIANCE**

No: \_\_\_\_\_ Location: 915 Robert Rose Drive

The Board of Zoning Appeals may grant a variance from the Sign Ordinance only if strict application of the Sign Ordinance will result in peculiar and exceptional practical difficulties or undue hardship upon the owner of property and if granting the variance will not result in substantial detriment to the public good and will not substantially impair the intent and purpose of the Sign Ordinance, Zone Plan and the Zoning Ordinance. The Applicant must present evidence to the Board of Zoning Appeals on each of the following conditions and must outline its justification as to each condition below. The justification provided must be sufficient for the Building Official to determine that each of the requirements of the ordinance might be met by the Applicant. If necessary, attach additional sheets to list of relevant facts. If the justification is not stated or is inaccurate or is insufficient as a matter of law, the Application may be denied by the Building Official prior to any hearing before the Board of Zoning Appeals. The Applicant will be informed of any such denial.

The peculiar and exceptional practical difficulties or exceptional, undue or unusual hardships justifying a variance are: (1) numerous easements located at the front of property along Robert Rose Drive, and (2) absence of alternative locations to place the sign that are visible from Robert Rose Drive.

That these conditions are not generally applicable to other property in the same zoning district is shown by: the limited space available outside the easements along Robert Rose; a condition not present on other sites within The Avenue. In addition, the grade along the front of the property is such that any alternate sign location would be blocked by required trees along Robert Rose Drive.

That these conditions are not general or widespread or financial alone is shown by: the lack of an alternate sign location at the front of the site, thus limiting passerby's ability to view "Everwood at The Avenue." This condition is not present on other sites where City Easements are less prevalent along the road frontage.

That these difficulties or hardships have not been created by any person having an interest in the property after 1990 is proven by: the fact that all easements and right of ways along the Robert Rose frontage are in favor of, and required by, the City of Murfreesboro.

That the variance will not increase the danger of fire or endanger the public safety is proven by: all easement holders maintaining clear and unobstructed access to all utilities within the easements.

IAN PHILLIPS  
Applicant's Name (Print)

  
Applicant's Signature

City of Murfreesboro

Agreement for a Sign in City Easement

Name of Owner: EVERWOOD AT THE AVENUE, LLC  
 Name of Development: EVERWOOD AT THE AVENUE  
 Address: 915 ROBERT ROSE DRIVE  
 Plat Book: 348 Page: 2035 Lot: \_\_\_\_\_  
 Easement: Sanitary Sewer \_\_\_\_\_ Water: \_\_\_\_\_ Drainage: \_\_\_\_\_ Utility: 40' ✓  
 Location of Easement: along the front property Row

The owner hereby requests permission to place a sign in the above referenced dedicated easement. Owner understands and agrees that the City of Murfreesboro may limit the size and height of the sign as a condition of giving permission to place a sign within a dedicated easement. Owner acknowledges that any permission given by City to Owner to place a sign in a dedicated easement does not waive or modify the City of Murfreesboro's rights as the easement holder. Owner understands and agrees that the City of Murfreesboro, or its authorized contractor, may at any time and for any reason perform work within the dedicated easement and that the City shall have no liability to Owner for any damage to the sign in the easement. Owner may be held responsible for the removal of the sign to enable work to be done by City. Owner shall be solely responsible for any costs incurred in repairing or replacing the sign. Owner understands that the City of Murfreesboro reserves the right to limit or to totally withdraw this permission to place a sign within a dedicated easement if such sign is impairing drainage, or interfering with the City's use of the easement, or for any other appropriate reason. If this permission is withdrawn, Owner will be responsible for finding an alternate location for the sign which complies with the City of Murfreesboro's ordinances. Owner shall inform any successor Owner of the terms and conditions of this Agreement.

[Signature] \_\_\_\_\_ MANAGER \_\_\_\_\_ 6/21/16 \_\_\_\_\_  
 Owner's Signature Title Date

The City of Murfreesboro hereby grants \_\_\_\_\_ permission to place a sign 7 ft. in height, 38 square feet in area, within its easement at this location subject to these terms and conditions.

CITY OF MURFREESBORO

By: [Signature] \_\_\_\_\_  
 Chief Building Official or designee  
 Date: 7-11-16

By: [Signature] \_\_\_\_\_  
 City Engineer or designee  
 Date: 7/11/2016

By: [Signature] \_\_\_\_\_  
 Director of MED or designee  
 Date: 6-29-16

By: [Signature] \_\_\_\_\_  
 Director of Water & Sewer or designee  
 Date: 6/29/16

This Agreement must be signed by the Chief Building Official or designee. For a water or sanitary sewer easement, this Agreement must be signed by the Director of Water and Sewer Department or designee. For drainage easement, this Agreement must also be signed by the City Engineer or designee. For a utility easement, this Agreement must be signed by the MED Director of designee.

agree for sign in city easement/agreement disk 2/9/21/05/revise 8/21/06/revise 2012



June 30, 2016

Ian Phillips  
CIP Construction  
201 N Elm Street  
Ste 201  
Greensboro, NC 27401  
iphillips@cipconst.com

Re: Approval for placement of signage  
Everwood at The Avenue  
915 Robert Rose Drive  
Murfreesboro, TN 37128

Mr. Phillips,

This letter is approval from Atmos Energy to place a sign within the utility easement at 915 Robert Rose Drive. Atmos Energy does not anticipate any conflict with the placement of the sign and our facilities.

If you have any questions, you can reach me at 615-890-6749 extension 2206.

Regards,

A handwritten signature in black ink that reads "Jerry W. Burke".

Jerry W. Burke  
Project Specialist  
Atmos Energy  
Murfreesboro, TN 37130



ORIGINAL

**Agreement for Sign Installation in  
Consolidated Utility District of Rutherford County (CUDRC)  
Water Line Easement**

Name of Owner: EVERWOOD AT THE AVENUE, LLC

Name of Development: EVERWOOD AT THE AVENUE

Address of Development: ROBERT ROSE DR

Plat Book: 348, Page: 2035, and/or Deed Book: \_\_\_\_\_ Page: \_\_\_\_\_

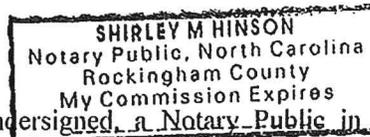
Location of Easement on Property: \_\_\_\_\_

The owner hereby request permission to place a sign in the above referenced dedicated easement. The owner understands and agrees that CUDRC may limit the size and height of the sign as a condition of giving permission to place a sign within a dedicated easement. The owner acknowledges that any permission given by CUDRC to Owner to place a sign in a dedicated easement does not waive or modify CUDRC rights as the easement holder. The owner understands and agrees that CUDRC, or its authorized contractor, may at any time and for any reason perform work within the dedicated easement and that CUDRC shall have no liability to the owner for any damage to the sign in the easement. The owner may be held responsible for the removal of the sign to enable work to be done by CUDRC. The owner shall be solely responsible for any cost incurred in repairing or replacing the sign. The owner understands that CUDRC reserves the right to limit or to totally with draw this permission to place a sign within a dedicated easement if such sign is impairing or interfering with CUDRC use of the easement, or for any other appropriate reason. If this permission is with drawn, the owner will be responsible for finding an alternate location for the sign which complies with local sign ordinances. The owner shall inform any successor Owner of the terms and condition of this agreement. The installed sign footing shall have a minimum separation from the water line of ten-feet (10').

[Signature]  
Owner's Signature

9/3/15  
Date

STATE OF NC  
COUNTY OF Rockingham



Personally appeared before me, the undersigned, a Notary Public in and for said County and State, De. E. Carroll, II, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged that he/she executed the foregoing instrument for the purposes therein contained.

WITNESS MY HAND AND OFFICIAL SEAL, this the 3 day of Sept, 2015.

My commission expires: 8.18.2020

[Signature]  
Notary Public

CUDRC hereby grants Everwood @ The Avenues LLC permission to place a sign \_\_\_ ft. in height, \_\_\_ square feet in area, within its easement at this location subject to the aforementioned terms and conditions.

Consolidated Utility District of Rutherford County (CUDRC)

By: Bryant Bradley  
Authorized CUDRC Official

[Signature]  
Signature

Title: Project Manager

Date: 7-1-16

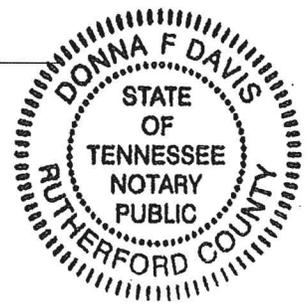
STATE OF TENNESSEE  
COUNTY OF RUTHERFORD

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Bryant Bradley, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself/herself to be the Project Manager of Consolidated Utility District of Rutherford County (CUDRC), and that he/she as such Project Manager, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his/her name as the Project Manager of Consolidated Utility District of Rutherford County (CUDRC).

WITNESS MY HAND AND OFFICIAL SEAL, this the 1<sup>st</sup> day of July, 2016.

My commission expires: 07-09-2018

Donna F Davis  
Notary Public



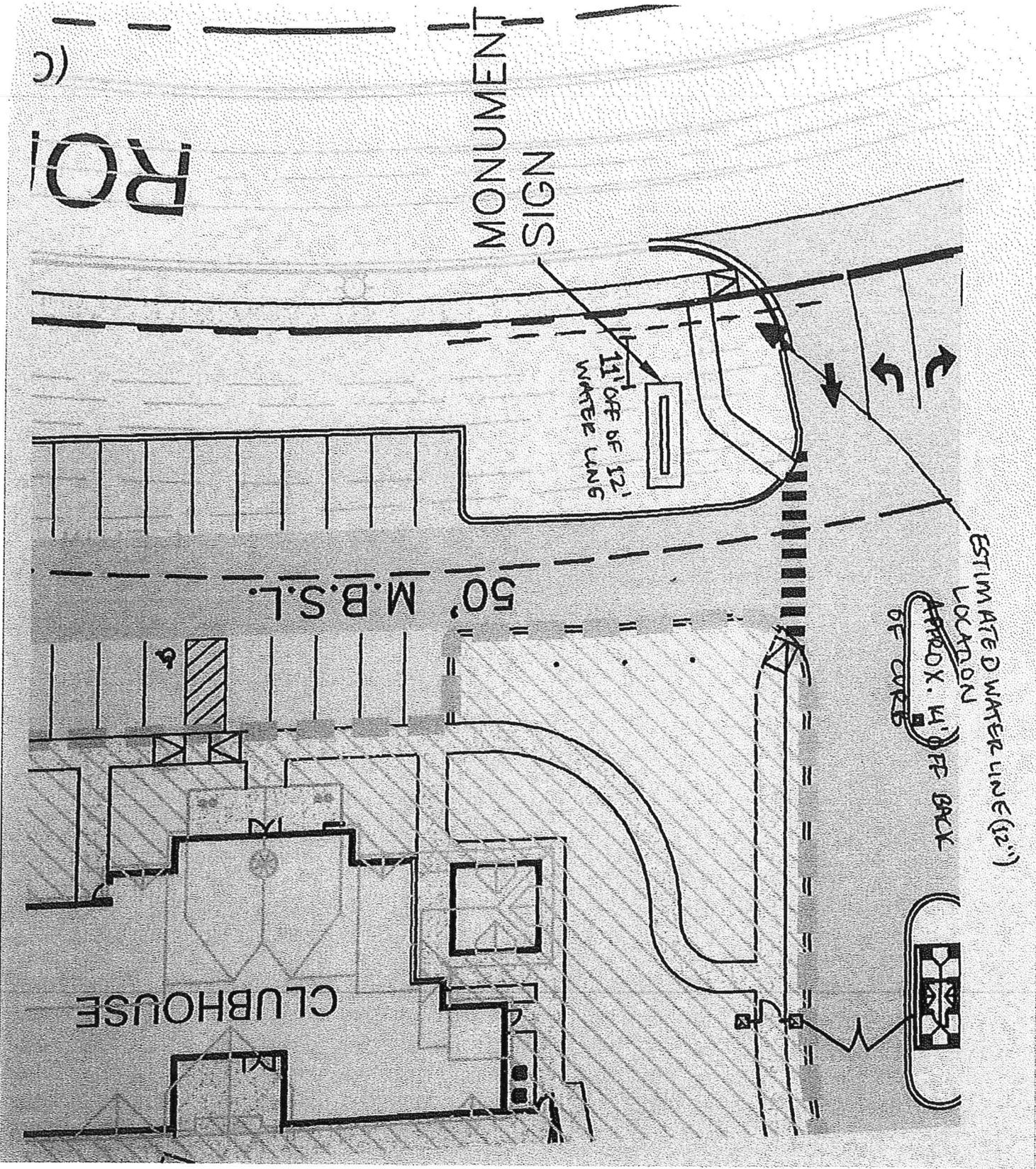
City of Murfreesboro

By: \_\_\_\_\_  
Authorized City of Murfreesboro Official

\_\_\_\_\_  
Signature

Title: \_\_\_\_\_

Date: \_\_\_\_\_





July 6, 2016

To whom it may concern,

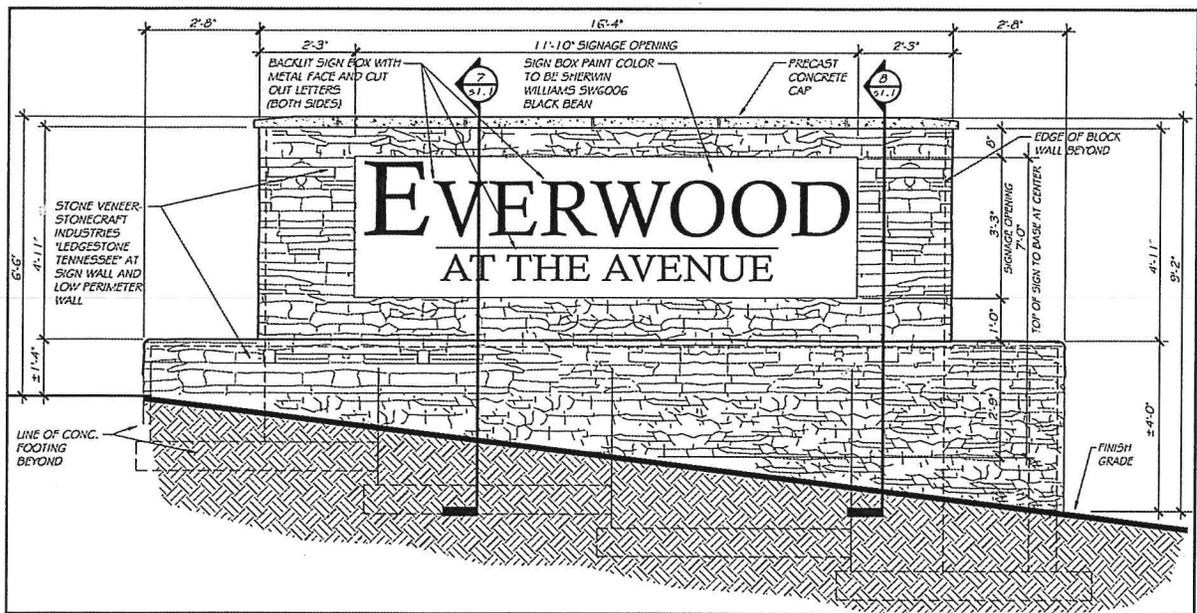
*This letter is in reference to the sign approval process currently underway at Everwood at the Avenue located at 915 Robert Rose Dr. in Murfreesboro, TN. After a site visit on July 6, 2016 AT&T has no objections with the placement of your new sign. We do ask that you call 811 to have all facilities located before any excavation work is performed. If you need any further assistance please feel free to contact me.*

Thanks in advance,

A handwritten signature in cursive script that reads "Jon Wilburn".

Jon Wilburn  
AT&T Outside Plant Design  
116 S. Cannon Ave.  
Murfreesboro, TN 37129  
T: 615-867-8973

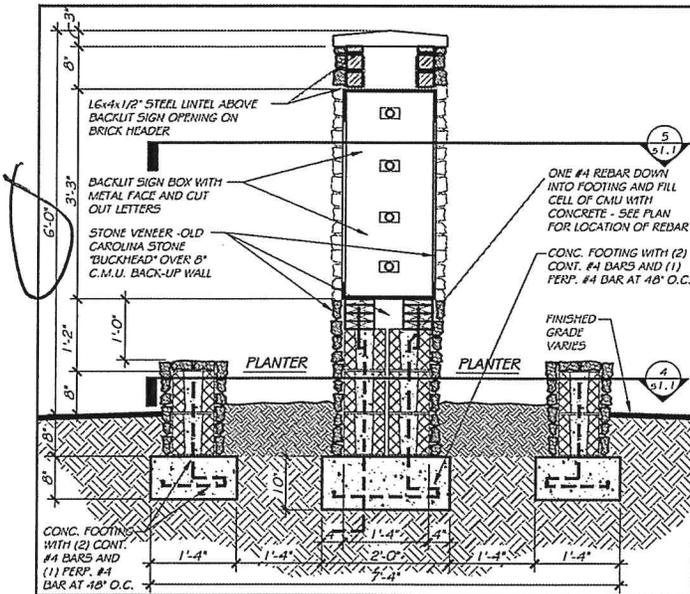
38th  
7'04"



FRONT ELEVATION at MONUMENT SIGN

SCALE: 1/2" = 1'-0"

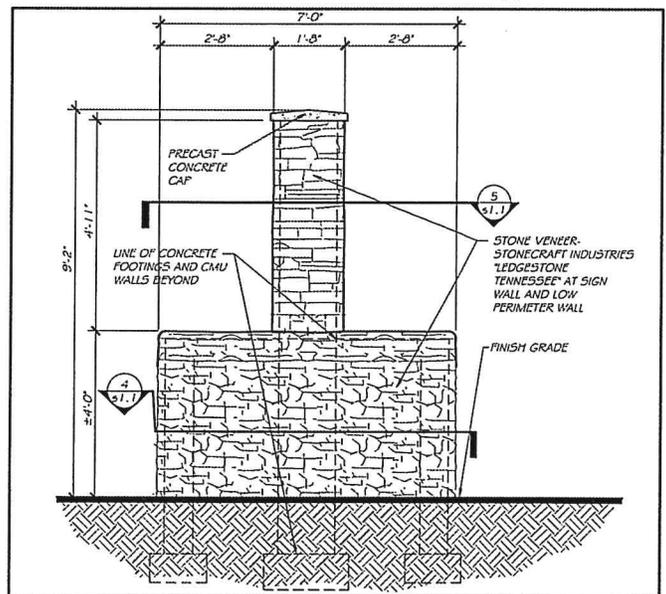
2  
S.I.



SECTION THRU MONUMENT SIGN

SCALE: 3/4" = 1'-0"

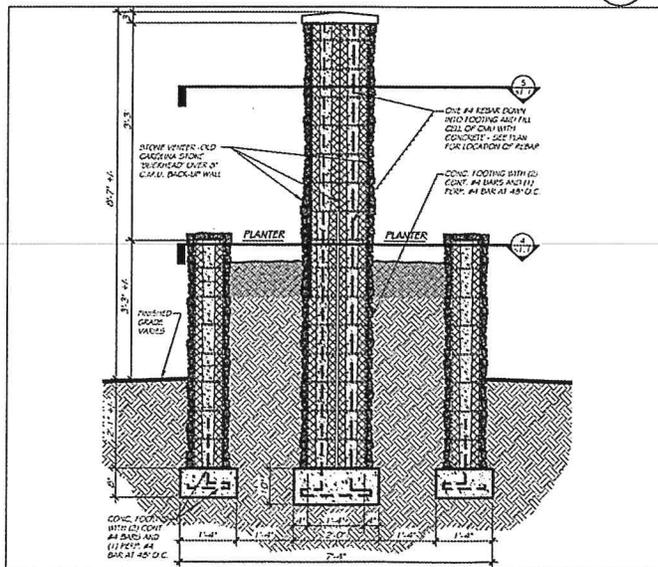
7  
S.I.



TYPICAL END ELEVATION

SCALE: 1/2" = 1'-0"

3  
S.I.

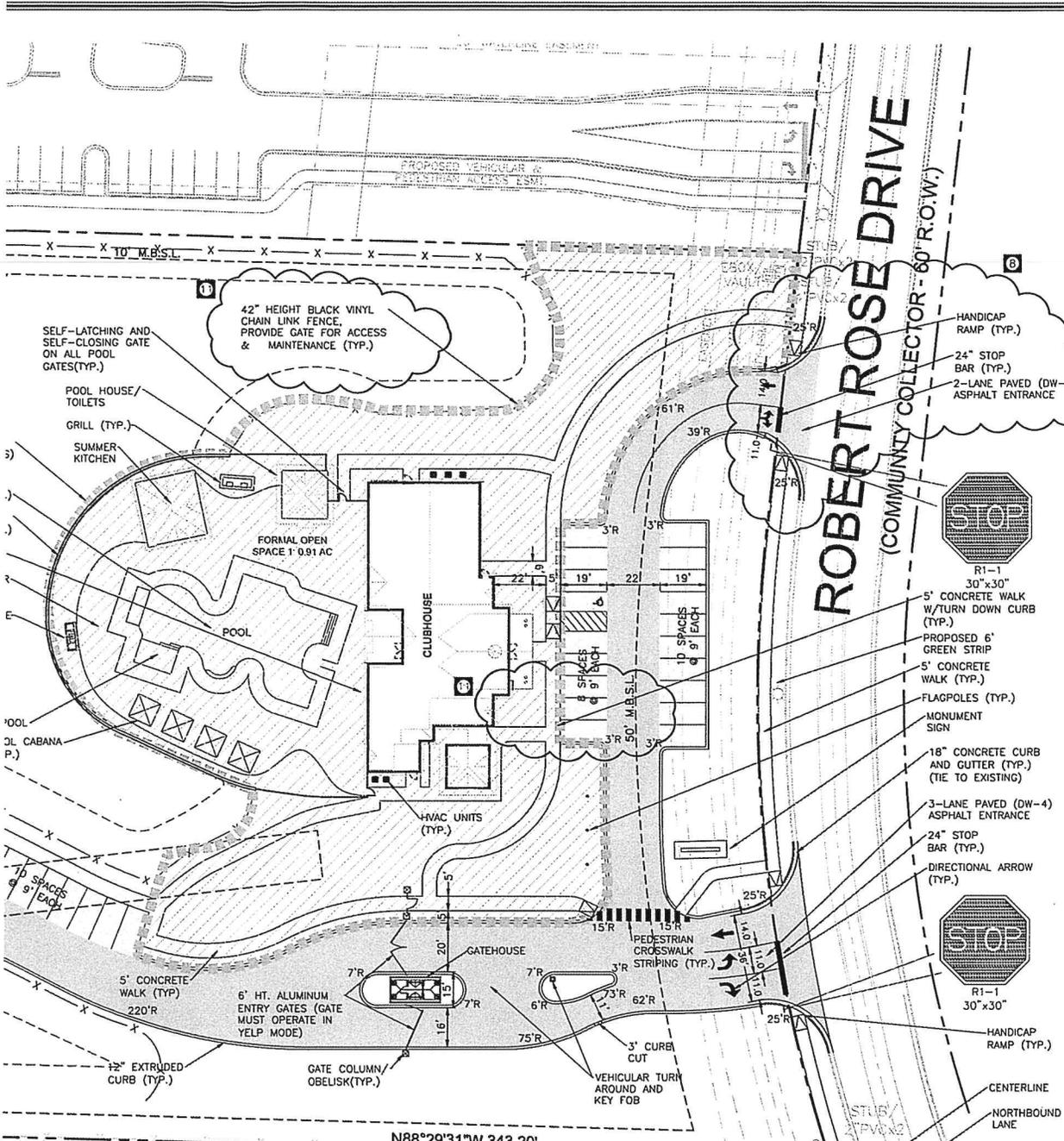


SECTION THRU MONUMENT SIGN

SCALE: 1/2" = 1'-0"

8  
S.I.

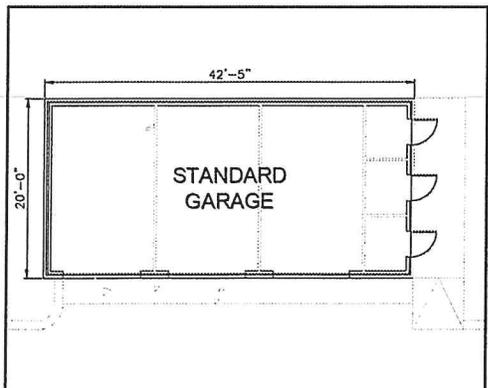
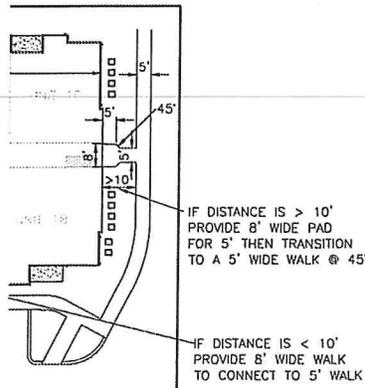
1'4" 2' 1'4"



**RAGAN SMITH**  
 LAND PLANNERS • CIVIL ENGINEERS  
 LANDSCAPE ARCHITECTS • SURVEYORS  
 CHATTANOOGA  
 HIGHWAY 58  
 NASHVILLE STREET  
 P.O. BOX 3007  
 CHATTANOOGA, TN 37402  
 (423) 499-8400



**EVERWOOD AT THE AVENUE**  
 FOR  
**CIP CONSTRUCTION COMPANY**  
 CITY OF MURFREESBORO, RUTHERFORD COUNTY, TENNESSEE



**PAVEMENT LEGEND**

- HEAVY DUTY ASPHALT PAVEMENT
- LIGHT DUTY ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE WALK

IF YOU DIG TENNESSEE...  
 CALL US FIRST!  
 1-800-351-1111  
 1-615-366-1987  
 TENNESSEE ONE CALL  
 IT'S THE LAW

0 30 60 90  
 SCALE: 1"=30'

08/28/15 (SVB) ABSD  
 FENCE PER STAFF COMMENT

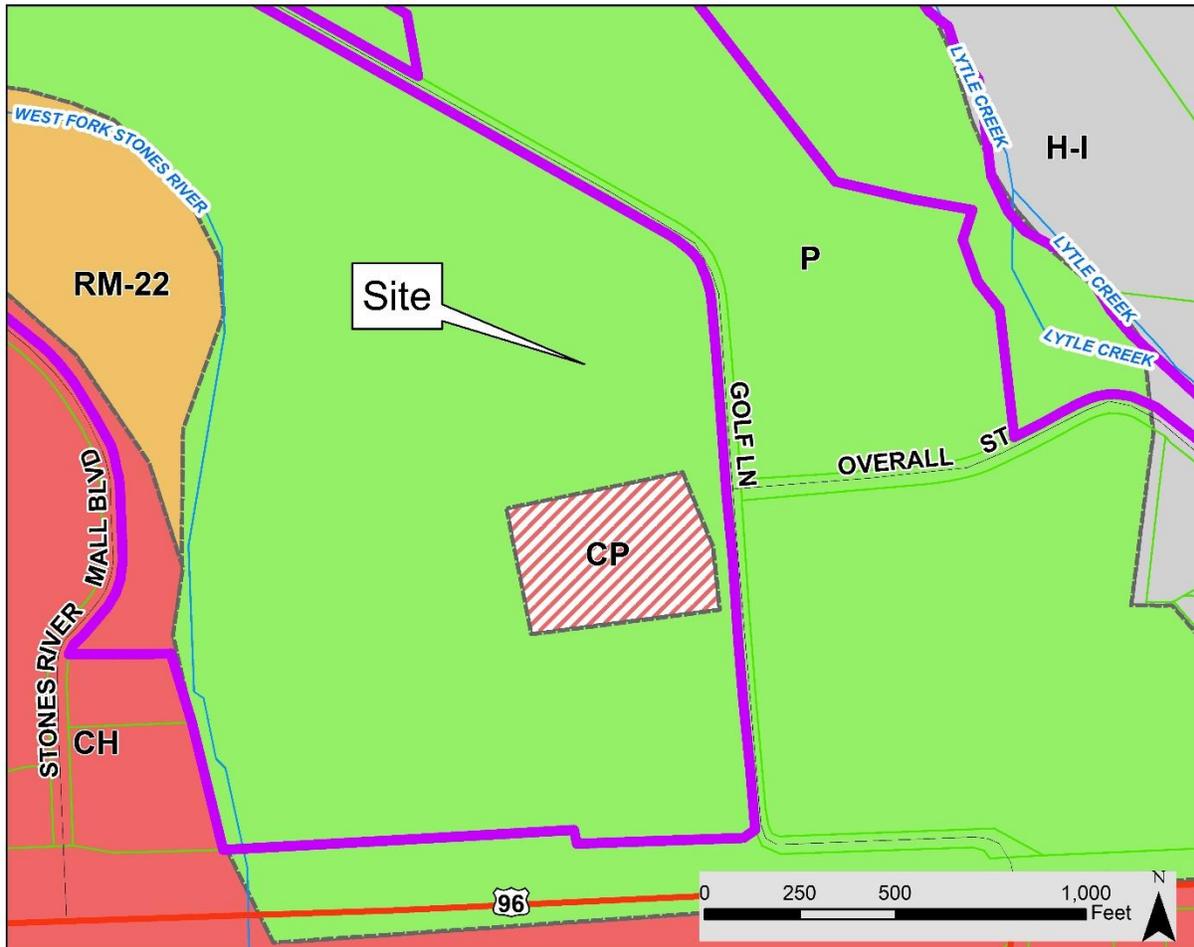
04/27/15 (BAP) REV. PER CITY COMMENTS	06/07/14 (RHH) REV. CLIENT-SEWER COMMENTS	05/21/14 (RHH) REV. PER CLIENT COMMENTS	03/31/14 (RHH) POST PC SUBMITTAL TO CODES	02/14/14 (RHH) REV. PER CITY COMMENTS
13067	9790	W. MAGILL	R. HIRSCH	1"=30'
DESIGNED:				
DRAWN:				
SCALE:				
DATE:				

REVISIONS  
 MARCH 03, 2014

**ENLARGED SITE LAYOUT PLAN**  
**C1.1**

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
JULY 27, 2016**

**Application:** Z-16-047  
**Location:** 1007 Golf Lane  
**Applicant:** Sean Guth of Lose and Associates Inc., representing the Murfreesboro Parks and Recreation Department  
**Zoning:** Park (P) District  
**Request:** A forty (40) foot Variance from Section 18(G)(4) of the Murfreesboro Zoning Ordinance, which prohibits lighting fixtures from exceeding twenty (20) feet in height in nonresidential developments with structures thirty-five (35) feet or less in height



## **Request Overview**

The Murfreesboro Parks and Recreation Department wishes to install new lighting fixtures to illuminate eight tennis courts at Old Fort Park, located at 1007 Golf Lane. The subject property lies within the Park (P) zoning district. The affected courts are identified as courts 5, 6, 9, 10, and 13-16 on the attached site electrical plan.

The applicant plans to install a total of 16 new lighting poles, which will allow the eight affected tennis courts to be illuminated during evening hours. The lighting poles range from 50 feet to 60 feet in height; these heights exceed the maximum height of 20 feet allowed by Section 18(G)(4) of the Murfreesboro Zoning Ordinance. The applicant requests that the Board vary the 20-foot maximum lighting height requirement by 40 feet to allow the installation of 16 lighting poles ranging from 50 to 60 feet in height.

## **Relevant Zoning Ordinance Section**

Section 18(G)(4):

*On-site lighting fixtures in residential developments shall not exceed sixteen feet in height. For nonresidential developments with structures thirty-five feet or less in height, fixtures shall not exceed twenty feet in height. For nonresidential developments with structures greater than thirty-five feet in height, fixtures shall not exceed a height of thirty feet. Shoebox-style lighting fixtures shall not be used for poles of sixteen feet or less in height. In areas zoned H-I (Heavy Industrial) or L-I (Light Industrial) to be developed with large parking lots that will occasion maneuvering areas for large trucks, lighting poles and fixtures may be a maximum height of 75 feet.*

## **Staff Comments**

The applicant's request letter addresses each of the three standards for granting a Variance. First, the applicant attests that the lighting height restriction imposed by the Zoning Ordinance poses a practical difficulty for this project. The applicant contends that for a field to be properly lighted, poles must exceed the 20-foot maximum height; further, poles must be physically situated in such a way that they do not interfere with players' sightlines. Second, the applicant indicates that the very nature of Old Fort Park—an active park with multiple recreation facilities that include lighting poles exceeding Zoning Ordinance height maximums—creates unusual characteristics when compared to other properties in the City. Third, the applicant attests that this situation is not self-created. Planning staff visited Old Fort Park and noted the presence of several lighting poles that exceeded 20 feet.

Staff is unaware of any complaints from neighboring residents or motorists regarding existing lighting pole heights. Based on a site visit and review of aerial photography, it appears that no residential properties would be affected by the proposed lighting. The tennis courts are interior

to Old Fort Park. The nearest neighboring property to the tennis courts is Stones River Mall, approximately 1,100 feet to the west.

Representatives of the Franklin Parks and Recreation Department will be in attendance at the meeting to discuss the project and answer any questions the Board may have.

**Attached Exhibits**

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

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: OLD FORT PARK / 1028 GOLF LN

Tax Map: 91 | Group: | Parcel: 00900 | Zoning District: P

Applicant: PARKS & RECREATION DEPT. E-Mail: LGOODWIN@MURFREESBOROTN.GOV

Address: 697 BARFIELD CRESCENT ROAD | Phone: (615) 893 - 5333

City: MURFREESBORO | State: TN | Zip: 37130

Property Owner: CITY OF MURFREESBORO

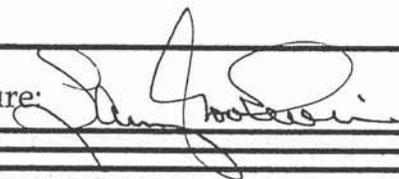
Address: 111 WEST VINE STREET | Phone: (615) 893 - 5210

City: MURFREESBORO | State: TN | Zip: 37130

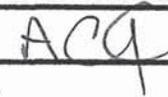
Request: VARIANCES WITHIN REGULATIONS OF GENERAL APPLICABILITY FOR SPORTS FIELD

LIGHTING.

Zoning District: P

Applicant Signature: 

Date: 7/7/16

Received By: 

Receipt No.: 22748

Application #:

7/8/16

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

Member

July 7th, 2016

American Society of  
Landscape Architects

Donald Anthony  
City of Murfreesboro  
Planning Department  
111 West Vine Street  
Murfreesboro, TN 37130

American Institute of  
Architects

RE: Murfreesboro Sports Lighting, Old Fort Park (LA# 08093-1)

RECEIVED  
JUL 08 2016  
BY: .....

Mr. Anthony:

The proposed Murfreesboro Sports Lighting project includes installation of new sports field lighting poles at Old Fort Park. This location currently has existing sports lighting poles for adjacent courts and this project will provide lighting to the remaining areas, utilizing previously installed utilities for this very project. The proposed height of these poles is up to 60', matching the height of the existing poles, which violates limitations outlined in Section 18 of the Murfreesboro Zoning Ordinance. Additionally, light levels produced by proposed fixtures atop these poles exceed the allowable 0.5 foot-candle maximum at the property line.

The purpose of this Board of Zoning Appeals submittal is to request two variances on behalf of the City of Murfreesboro Parks & Recreation Department pertaining to the aforementioned height and light level violations. The standards of the City of Murfreesboro Zoning Ordinance have been addressed as follows:

- Practical difficulties – Achievement of safe and proper field lighting conditions necessitates poles that exceed regulated height limitations. It also necessitates the proposed pole layout and placement (i.e. out of line of sight for play). Adherence to zoning requirements would ultimately compromise the attainment of these conditions, accordingly.
- Unusual characteristics of the subject property – Old Fort Park includes many sports field lighting poles that exceed regulated height limitations at its other site facilities (e.g. tennis courts, etc.). This indicates a historic precedent in favor of variance request approval.
- Not self-created – The installation at both locations is limited to existing facilities within the existing Parks. To match similar programming opportunities that enable nighttime play at other facilities throughout the park, new light poles and fixtures that provide safe and proper lighting levels are required.

The following items have been included with this letter as part of this submittal:

- Board of Zoning Appeals Hearing Request Application
- Photometric Plans
- Schematic Lighting Plans
- Site Electrical Plan

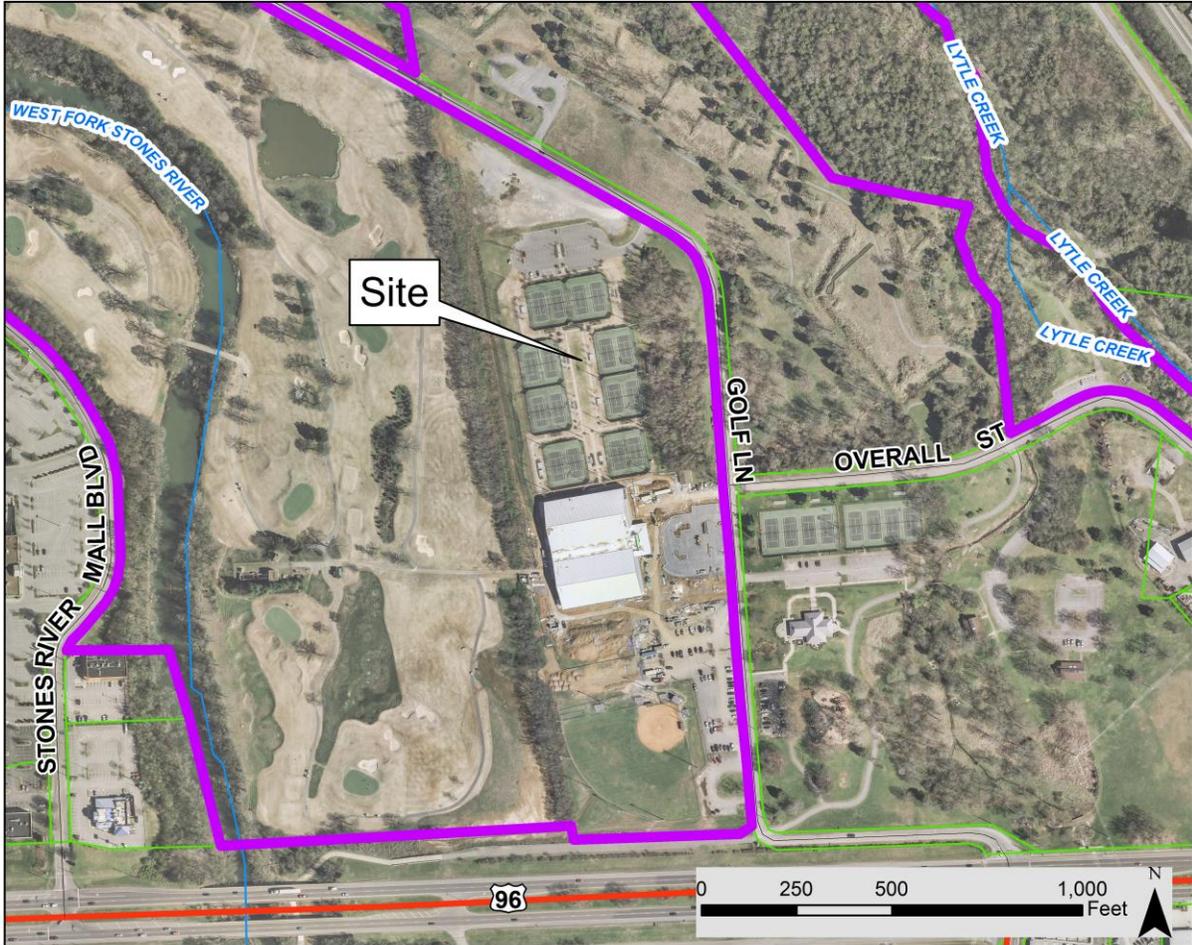
If there are any questions regarding the content of this submittal, please do not hesitate to contact me via the information listed below.

Respectfully,  
LOSE & ASSOCIATES, INC.



Sean Guth, AAIA, LEED AP  
Project Manager

**1007 Golf Lane**  
Aerial Photographs



Aerial photograph of 1007 Golf Lane. The affected tennis courts lie internal to Old Fort Park.



Aerial photograph of 1007 Golf Lane. The southernmost four tennis courts are not included in the Variance request.



LIGHTING FIXTURE SCHEDULE

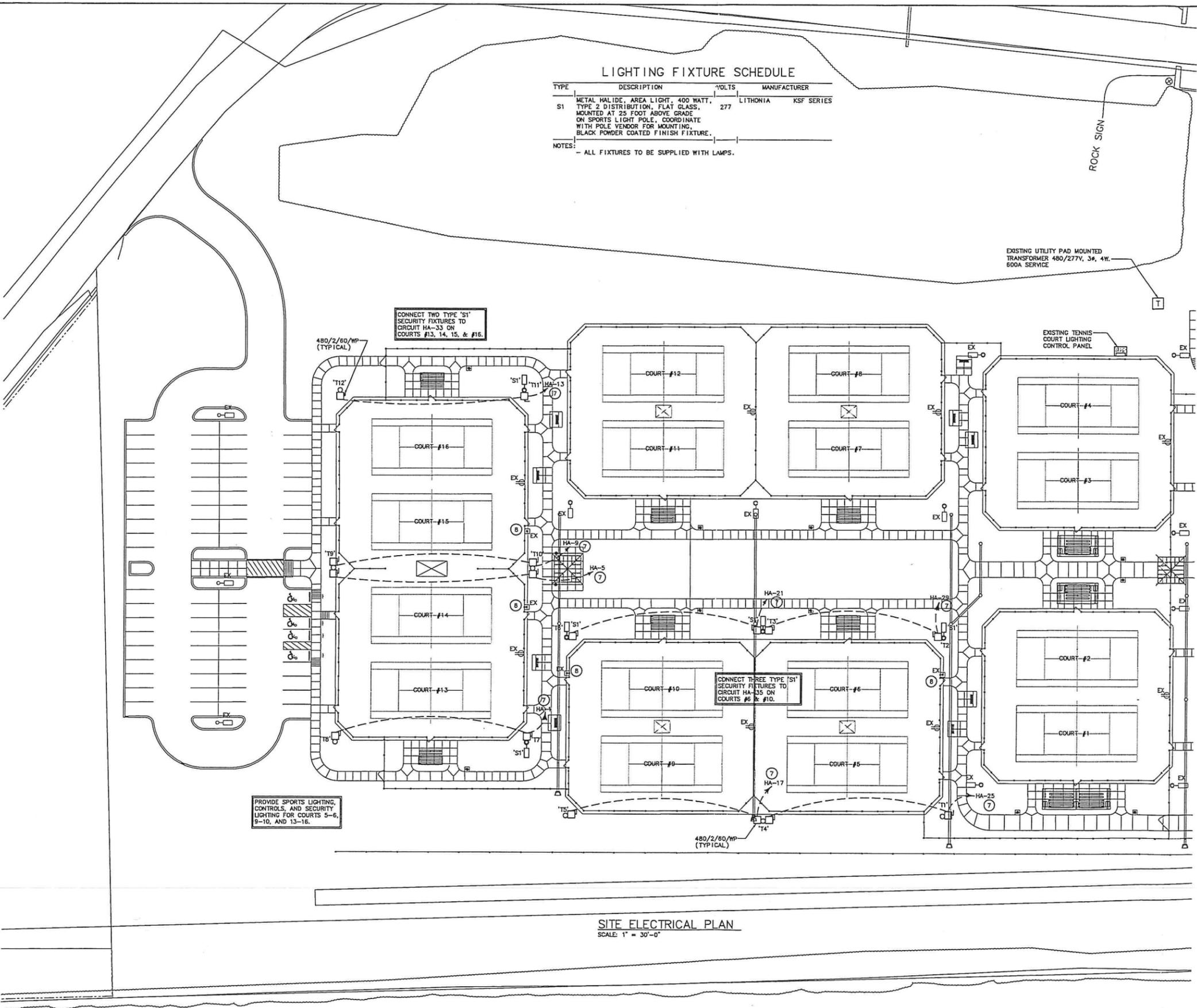
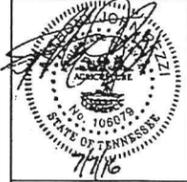
TYPE	DESCRIPTION	VOLTS	MANUFACTURER
S1	METAL HALIDE, AREA LIGHT, 400 WATT, TYPE 2 DISTRIBUTION, FLAT GLASS, MOUNTED AT 25 FOOT ABOVE GRADE ON SPORTS LIGHT POLE, COORDINATE WITH POLE VENDOR FOR MOUNTING, BLACK POWDER COATED FINISH FIXTURE.	277	LITHONIA KSF SERIES

NOTES:  
- ALL FIXTURES TO BE SUPPLIED WITH LAMPS.



**LOWE ASSOCIATES, INC.**  
1314 5th Avenue North, Suite 200  
Nashville, Tennessee 37208  
(615) 242-0200  
225 Third Cooper Drive, Suite 100  
Lawrenceville, Georgia 30046  
(770) 338-0217  
www.loweassoc.com

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SITE ELECTRICAL PLAN  
SCALE: 1" = 30'-0"

MURFREESBORO SPORTS LIGHTING  
RICHARD SIEGEL PARK SOCCER & OLD FORT PARK TENNIS  
MURFREESBORO  
CITY OF MURFREESBORO  
TENNESSEE

SUBMITTALS / REVISIONS		
NO.	DATE	COMMENTS

SHEET TITLE  
SITE ELECTRICAL PLAN

PROJECT NO. 03059-4, 08093-	DATE 07/07/2016
DRAWN BY JKM	SCALE AS SHOWN
CHECKED BY AJP	SHEET NO.

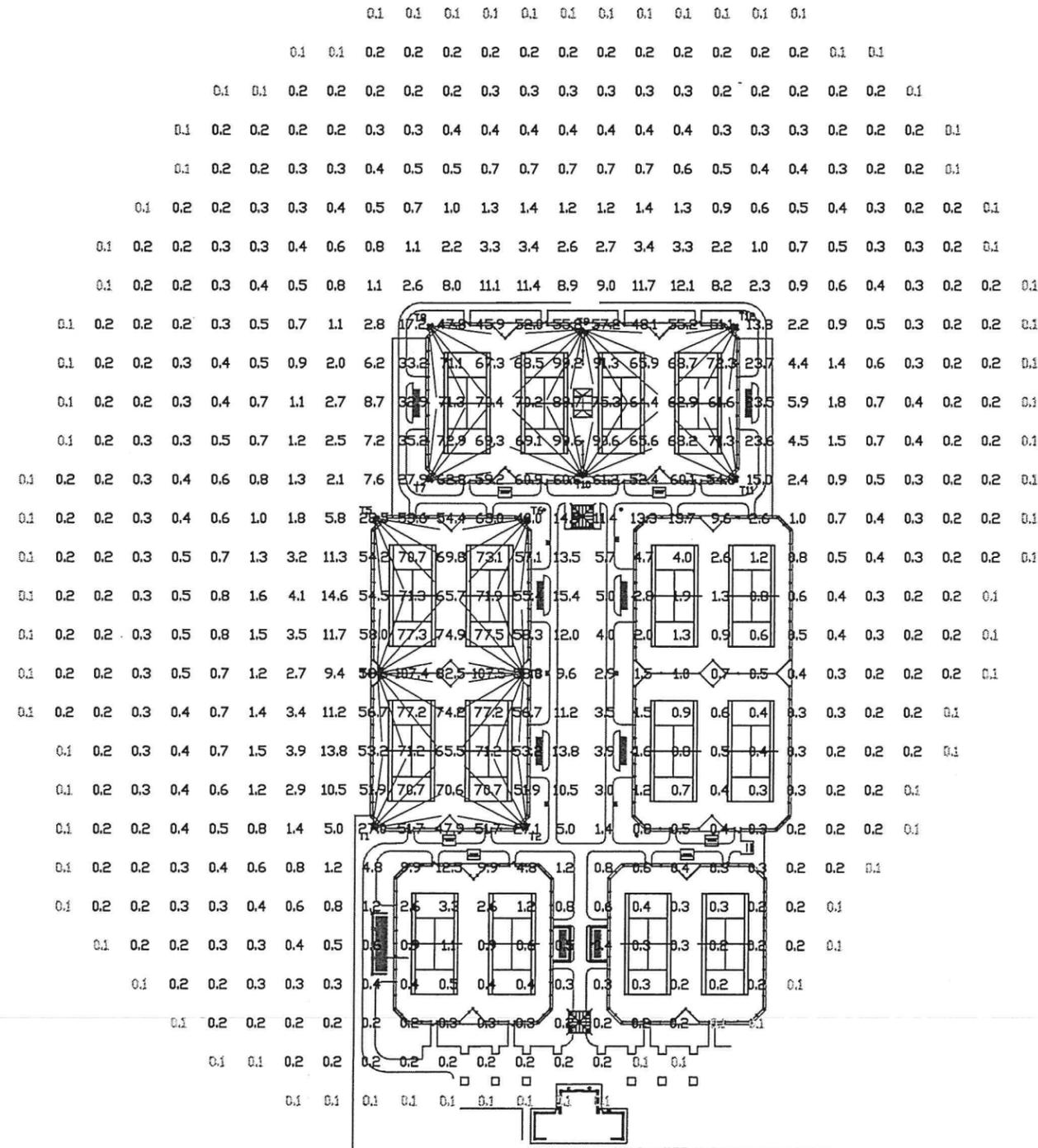


E1.0T



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# INITIAL



Pole	x-loc	y-loc	height	4X4D	kw	EPA
T1	-60	-60	50ft	5	5.4	14.07
T10	102	212	50ft	10	10.8	21.7
T11	222	209	50ft	5	5.4	13.42
T12	222	329	50ft	5	5.4	13.42
T2	60	-60	50ft	5	5.4	14.07
T3	57	60	50ft	10	10.8	21.48
T4	-57	60	50ft	10	10.8	21.48
T5	-60	180	50ft	5	5.4	13.87
T6	60	180	50ft	5	5.4	13.87
T7	-18	209	50ft	5	5.4	13.9
T8	-18	329	50ft	5	5.4	13.9
T9	102	326	50ft	10	10.8	21.7
<b>Total</b>				<b>80</b>	<b>86.4</b>	

Average Tilt Factor (all luminaires) = 0.96

4X4D  
 PRO SERIES 1000W  
 Initial Lumens per lamp = 115000  
 Light Loss Factor = 1.000  
 Watts per luminaire = 1080  
 Candela file name: ITL39661.IES  
 Number luminaires used = 80  
 kw these luminaires = 86.4  
 Average Tilt Factor these luminaires = 0.96

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GUARANTEE IS BASED ON PROPER INSTALLATION, MINIMUM INPUT VOLTAGES, MOUNTING HEIGHT +/- 3 FEET, AND POLES PLACED WITHIN 4 FEET OF SPECIFIED LOCATIONS. POLES TO COMPLY WITH CURRENT AASHTO STANDARDS

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**QUALITE SPORTS LIGHTING LLC.**  
 215 W. MECHANIC ST. HILLSDALE, MI 49242  
 PHONE: 517/439-1581 FAX: 517/439-1194  
 800/933-9741 WWW.QUALITE.COM

REVISED (LAST DATE) QL-I8159D4A=.IA

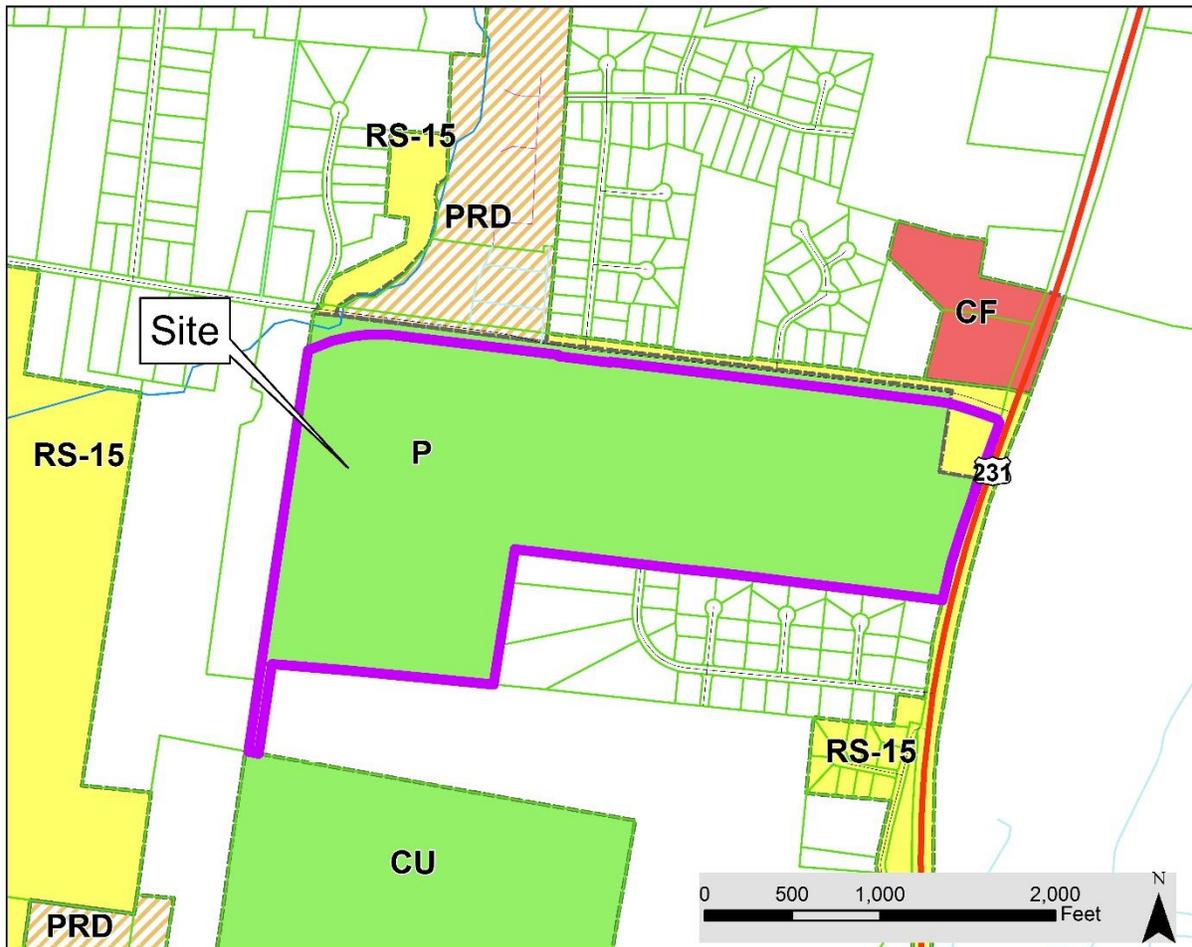
TENNIS COURT LIGHTING

RUTHERFORD CO. TENNIS, MURFREESBORO, TN

TT SCALE=1 07-07-16 1 OF 1

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
JULY 27, 2016**

- Application:** Z-16-048  
**Location:** 515 Cherry Lane  
**Applicant:** Sean Guth of Lose and Associates Inc., representing the Murfreesboro Parks and Recreation Department  
**Zoning:** Park (P) District  
**Requests:**
- 1) A seventy (70) foot Variance from Section 18(G)(4) of the Murfreesboro Zoning Ordinance, which prohibits lighting fixtures from exceeding twenty (20) feet in height in nonresidential developments with structures thirty-five (35) feet or less in height, and
  - 2) A Variance from Section 18(G)(d) of the Murfreesboro Zoning Ordinance, which requires outdoor lighting to be designed such that illumination does not exceed one-half (0.5) footcandle beyond the property line.



## **Request Overview**

The Murfreesboro Parks and Recreation Department wishes to install new lighting fixtures to illuminate four recreation fields at Richard Siegel Park, located at 515 Cherry Lane. The subject property lies within the Park (P) zoning district.

The applicant plans to install a total of 16 new lighting poles, which will allow the recreation fields to be illuminated during evening hours. The lighting poles range from 70 feet to 90 feet in height; these heights exceed the maximum height of 20 feet allowed by Section 18(G)(4) of the Murfreesboro Zoning Ordinance.

Additionally, the photometric plot submitted by the applicant indicates that the proposed lighting would generate illumination levels of up to 2.1 footcandles along the western property boundary. Section 18(G)(d) of the Murfreesboro Zoning Ordinance restricts illumination levels to 0.5 footcandle at all property lines.

The applicant seeks two Variances from the Board. The first request is to vary the 20-foot maximum lighting height requirement by 70 feet to allow the installation of 16 lighting poles ranging from 70 to 90 feet in height. The second request is to vary the 0.5 footcandle maximum illumination requirement by 1.6 footcandles along the western property line to allow illumination levels of up to 2.1 footcandles along the western property line as shown on the applicant's exhibit.

## **Relevant Zoning Ordinance Sections**

Section 18(G)(4):

*On-site lighting fixtures in residential developments shall not exceed sixteen feet in height. For nonresidential developments with structures thirty-five feet or less in height, fixtures shall not exceed twenty feet in height. For nonresidential developments with structures greater than thirty-five feet in height, fixtures shall not exceed a height of thirty feet. Shoebox-style lighting fixtures shall not be used for poles of sixteen feet or less in height. In areas zoned H-I (Heavy Industrial) or L-I (Light Industrial) to be developed with large parking lots that will occasion maneuvering areas for large trucks, lighting poles and fixtures may be a maximum height of 75 feet.*

Section 18(G)(d):

*Lighting shall be designed so that illumination does not exceed one-half (1/2) foot candle beyond the property line. All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the Illuminations Engineering Society of North America (IESNA).*

## **Staff Comments**

The applicant's request letter addresses each of the three standards for granting a Variance. First, the applicant attests that the lighting height and illumination level maximums imposed by the Zoning Ordinance pose a practical difficulty for this project. The applicant contends that for a field to be properly lighted, poles must exceed the 20-foot maximum height; further, poles must be physically situated in such a way that they do not interfere with players' sightlines. Second, the applicant indicates that the very nature of Richard Siegel Park—an active park with multiple recreation fields that include lighting poles exceeding Zoning Ordinance height maximums—creates unusual characteristics when compared to other properties in the City. Third, the applicant attests that this situation is not self-created.

Planning staff visited Richard Siegel Park and noted the presence of several lighting poles that exceeded 20 feet. Staff is unaware of any complaints from neighboring residents or motorists regarding current lighting pole heights or illumination levels. The proposed lights on the west side of the soccer complex would be located closer to residential properties than any existing lights. Staff recommends that the applicant take all necessary steps to ensure that neighboring residential properties are not inconvenienced by the new lighting or the applicant's ability to host nighttime activities. Such steps may include setting a firm ending time for all activities.

Representatives of the Franklin Parks and Recreation Department will be in attendance at the meeting to discuss the project and answer any questions the Board may have.

## **Attached Exhibits**

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

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: RICHARD SIEGEL PARK / 515 CHERRY LN

Tax Map: 58 | Group: | Parcel: 02000 | Zoning District: P

Applicant: PARKS & RECREATION DEPT. E-Mail: LGOODWIN@MURFREESBOROTN.GOV

Address: 697 BARFIELD CRESCENT ROAD | Phone: (615) 893 - 5333

City: MURFREESBORO | State: TN | Zip: 37130

Property Owner: CITY OF MURFREESBORO

Address: 111 WEST VINE STREET | Phone: (615) 893 - 5210

City: MURFREESBORO | State: TN | Zip: 37130

Request: VARIANCES WITHIN REGULATIONS OF GENERAL APPLICABILITY FOR SPORTS FIELD  
LIGHTING.

Zoning District: P

Applicant Signature: 

Date: 7/7/16

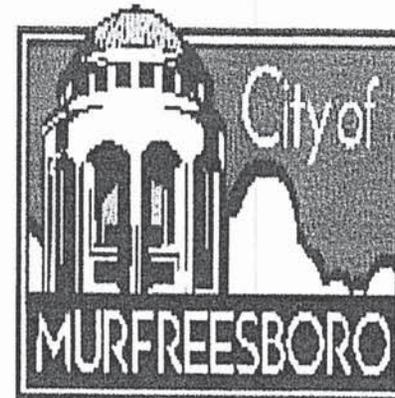
Received By: 

Receipt No.: 22749

Application #:

718116

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

Member  
American Society of  
Landscape Architects  
American Institute of  
Architects

July 7th, 2016

Donald Anthony  
City of Murfreesboro  
Planning Department  
111 West Vine Street  
Murfreesboro, TN 37130

RECEIVED  
JUL 08 2016

BY: .....

RE: Murfreesboro Sports Lighting, Richard Siegel Park (LA# 03059-4)

Mr. Anthony:

The proposed Murfreesboro Sports Lighting project includes installation of new sports field lighting poles at Richard Siegel Park. This location currently has existing sports lighting poles lighting other soccer fields within the park and this project will provide lighting to the remaining areas, utilizing previously installed utilities for this very project. The proposed height of these poles is up to 90', which violates limitations outlined in Section 18 of the Murfreesboro Zoning Ordinance. Additionally, light levels produced by proposed fixtures atop these poles exceed the allowable 0.5 foot-candle maximum at the property line.

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Respectfully,  
LOSE & ASSOCIATES, INC.



Sean Guth, AAIA, LEED AP  
Project Manager

Nashville Office: 1314 5th Avenue North, Suite 200 • Nashville, Tennessee 37208 • Phone: 615-242-0040 • Fax: 615-242-1405  
Atlanta Office: 220 W Crogan Street, Suite 100 • Lawrenceville, Georgia 30046 • Phone: 770-338-0017 • Fax: 770-338-0397

# 515 Cherry Lane Aerial Photographs



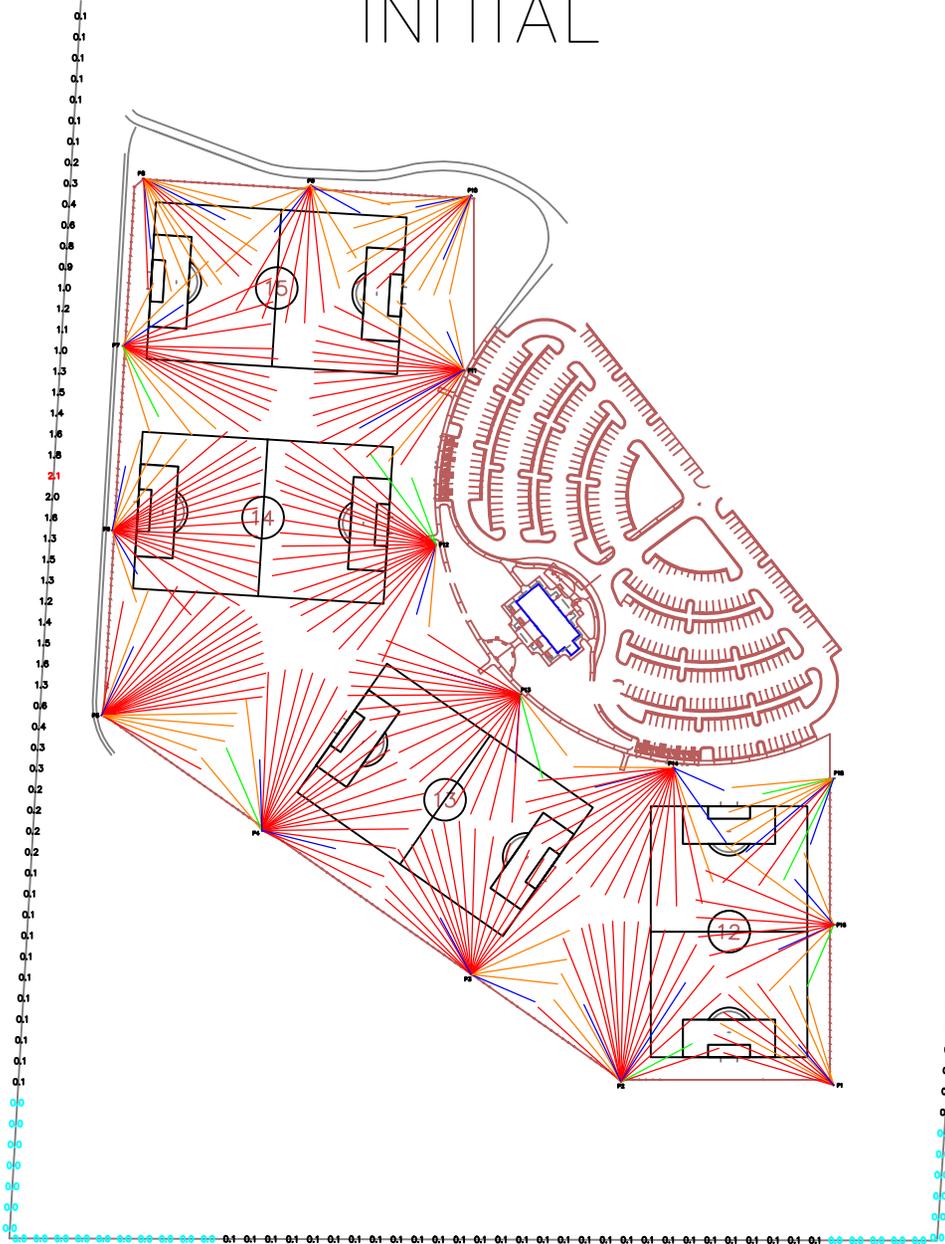
Aerial photograph of 515 Cherry Lane. The affected area is located on the west side of Richard Siegel Park.



Aerial photograph of 515 Cherry Lane. The area affected by excess illumination is located along the western property line, near the left-center of the photograph.

THIS DESIGN WAS DONE IN ACCORDANCE WITH ILLUMINATING SOCIETY OF NORTH AMERICA STANDARDS

# INITIAL



Pole	x-loc	y-loc	height	2V	4X3V	4X4V	4X4DV	Total	kw	EPA
P1	150	-220	80ft	5	4		1	10	16.3	33.06
P10	-370	1055	80ft	2	8		2	12	19.5	37.84
P11	-380	805	90ft	14	4		2	20	32.5	57.74
P12	-420	555	90ft	20	1	2	1	24	39.0	70.81
P13	-300	340	90ft	18	1	1	2	22	35.8	59.72
P14	-80	235	90ft	15	2		3	20	32.5	56.04
P15	150	220	80ft	2	4	2	2	10	16.3	31.95
P16	150	10	80ft	6	3	1	2	12	19.5	34.54
P2	-155	-215	90ft	15	2	1	2	20	32.5	61.58
P3	-370	-61	90ft	17	3		2	22	35.8	58.99
P4	-670	145	90ft	19	2	1	2	24	39.0	68.98
P5	-900	310	90ft	16	5		1	22	35.8	70.29
P6	-885	575	90ft	16	4		2	22	35.8	65.03
P7	-870	840	90ft	11	5	1	1	18	29.3	53.44
P8	-840	1080	70ft	3	7		2	12	19.5	39.39
P9	-600	1070	80ft	5	5		2	12	19.5	33.83
<b>Total</b>				<b>184</b>	<b>60</b>	<b>9</b>	<b>29</b>	<b>282</b>	<b>458.3</b>	

Average Tilt Factor (all luminaires) = 0.97

**4X4DV**  
 PRO SERIES 1500W  
 Initial Lumens per lamp = 162000  
 Light Loss Factor = 1.000  
 Watts per luminaire = 1625  
 Candela file name: ITL41283.IES  
 Number luminaires used = 29  
 kw these luminaires = 47.1

**2V**  
 PRO SERIES 1500W  
 Initial Lumens per lamp = 162000  
 Light Loss Factor = 1.000  
 Watts per luminaire = 1625  
 Candela file name: ITL73615.IES  
 Number luminaires used = 184  
 kw these luminaires = 299.0  
 Average Tilt Factor these luminaires = 0.96

**4X4V**  
 PRO SERIES 1500W  
 Initial Lumens per lamp = 162000  
 Light Loss Factor = 1.000  
 Watts per luminaire = 1625  
 Candela file name: ITL73613.IES  
 Number luminaires used = 9  
 kw these luminaires = 14.6

**4X3V**  
 PRO SERIES 1500W  
 Initial Lumens per lamp = 162000  
 Light Loss Factor = 1.000  
 Watts per luminaire = 1625  
 Candela file name: ITL73611.IES  
 Number luminaires used = 60  
 kw these luminaires = 97.5  
 Average Tilt Factor these luminaires = 0.98

Spill @ Property Line  
 135 points  
 HORIZONTAL FOOTCANDLES  
 Average 0.3  
 Maximum 2.1  
 Minimum 0.0

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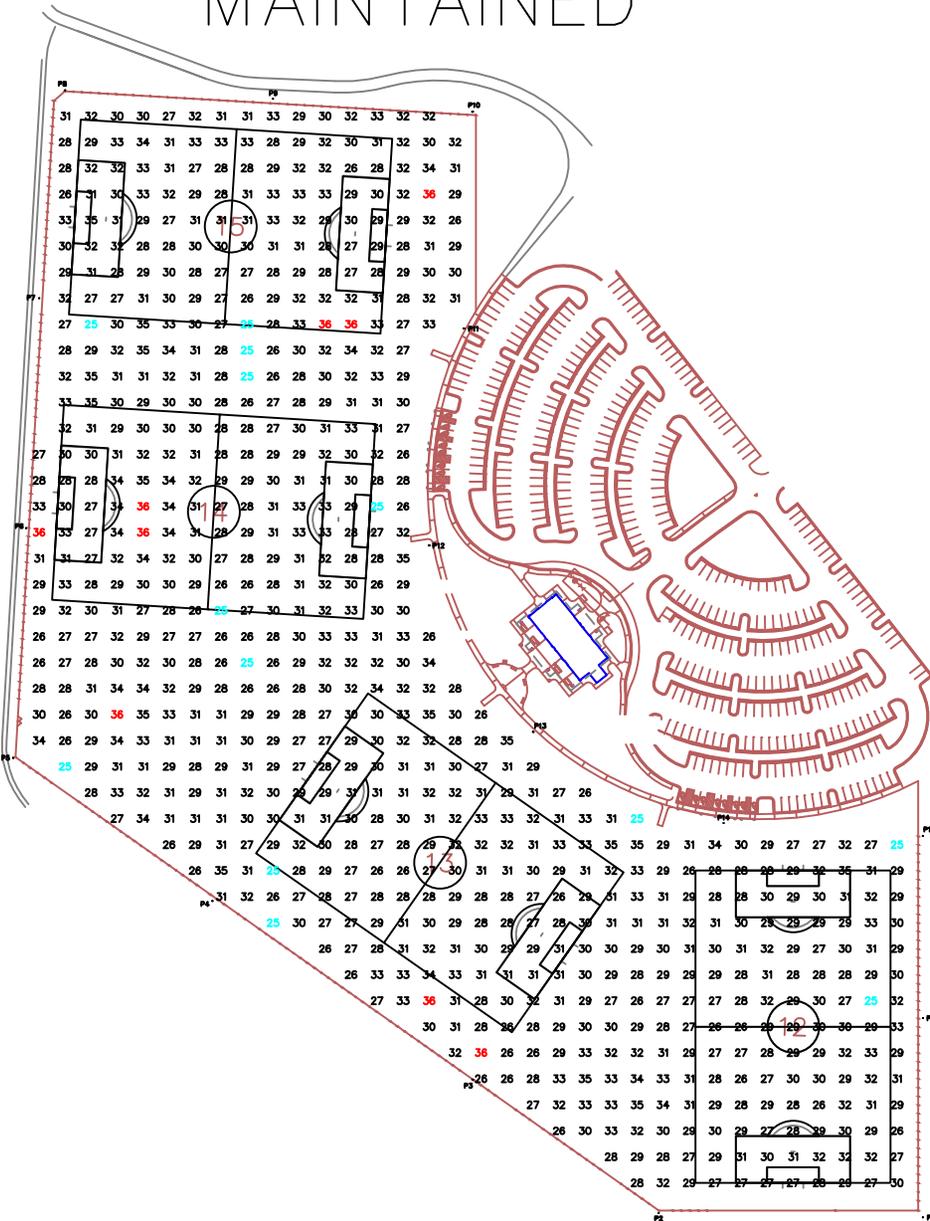
## QUALITE SPORTS LIGHTING LLC.

215 W. MECHANIC ST. HILLSDALE, MI 49242  
 PHONE: 517/439-1581 FAX: 517/439-1194  
 800/933-9741 WWW.QUALITE.COM

REVISED (LAST DATE)	QL-I8161D10-1B
SOCCER FIELD LIGHTING	
SIEGEL PARK SOCCER, MURFREESBORO, TN	
TT	SCALE=1 07-18-16 1 OF 1

THIS DESIGN WAS DONE IN ACCORDANCE WITH ILLUMINATING SOCIETY OF NORTH AMERICA STANDARDS

# MAINTAINED



Pole	x-loc	y-loc	height	2V	4X3V	4X4V	4X4DV	Total	kw	EPA
P1	150	-220	80ft	5	4		1	10	16.3	33.06
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P11	-380	805	90ft	14	4		2	20	32.5	57.74
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P13	-300	340	90ft	18	1	1	2	22	35.8	59.72
P14	-80	235	90ft	15	2		3	20	32.5	56.04
P15	150	220	80ft	2	4	2	2	10	16.3	31.95
P16	150	10	80ft	6	3	1	2	12	19.5	34.54
P2	-155	-215	90ft	15	2	1	2	20	32.5	61.58
P3	-370	-61	90ft	17	3		2	22	35.8	58.99
P4	-670	145	90ft	19	2	1	2	24	39.0	68.98
P5	-900	310	90ft	16	5		1	22	35.8	70.29
P6	-885	575	90ft	16	4		2	22	35.8	65.03
P7	-870	840	90ft	11	5	1	1	18	29.3	53.44
P8	-840	1080	70ft	3	7		2	12	19.5	39.39
P9	-600	1070	80ft	5	5		2	12	19.5	33.83
Total				184	60	9	29	282	458.3	

Average Tilt Factor (all luminaires) = 0.97

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 Light Loss Factor = 0.800  
 Watts per luminaire = 1625  
 Candela file name: ITL73615.IES  
 Number luminaires used = 184  
 kw these luminaires = 299.0  
 Average Tilt Factor these luminaires = 0.96

**4X4V**  
 PRO SERIES 1500W  
 Initial Lumens per lamp = 162000  
 Light Loss Factor = 0.800  
 Watts per luminaire = 1625  
 Candela file name: ITL73613.IES  
 Number luminaires used = 9  
 kw these luminaires = 14.6

**4X3V**  
 PRO SERIES 1500W  
 Initial Lumens per lamp = 162000  
 Light Loss Factor = 0.800  
 Watts per luminaire = 1625  
 Candela file name: ITL73611.IES  
 Number luminaires used = 60  
 kw these luminaires = 97.5  
 Average Tilt Factor these luminaires = 0.98

Soccer Area  
 730 points at z=3, sp 30ft by 30ft  
 HORIZONTAL FOOTCANDLES

Average 30  
 Maximum 36  
 Minimum 25  
 Avg: Min 1.19  
 Max: Min 1.44  
 Coef Var 0.08  
 UnifGrad 1.40  
 Utilance 0.54

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REVISED (LAST DATE)	QL-1816ID9=.1B
SOCCER FIELD LIGHTING	
SIEGEL PARK SOCCER, MURFREESBORO, TN	
TT	SCALE=1 06-20-16 1 OF 1

CONSTRUCTION DOCUMENTS

# MURFREESBORO SPORTS LIGHTING

## RICHARD SIEGEL PARK SOCCER

PREPARED FOR:  
CITY OF MURFREESBORO

MAYOR - HONORABLE SHANE McFARLAND  
CITY MANAGER - ROB LYONS  
ASSISTANT CITY MANAGER - JIM CRUMLEY

PARKS & RECREATION DIRECTOR - LANNY GOODWIN  
ATHLETIC SUPERINTENDENT - THOMAS LAIRD  
CITY ENGINEER - CHRIS GRIFFITH



The services of the above architect are a part of the overall construction contract and are not to be construed as a separate contract.

### SHEET INDEX

SHEET NO.	SHEET TITLE
AC0.00	COVER SHEET
E1.00	SITE ELECTRICAL PLAN PART A
E1.10	SITE ELECTRICAL PLAN PART B
E2.00	ELECTRICAL DETAILS

### PROPERTY INFORMATION

**RICHARD SIEGEL PARK**  
ACCOUNT #: R0033732  
OWNERS ADDRESS: P.O. BOX 1139  
CITY, STATE, ZIP: MURFREESBORO, TN 37133  
ADDRESS: 515 CHERRY LN  
JURISDICTION: 515 - MURFREESBORO  
PARCEL #: 058-02000  
SUBDIVISION: N/A  
LOT #: N/A  
ACREAGE: 124.5

### OWNER/DEVELOPER

CITY OF MURFREESBORO  
MURFREESBORO PARKS AND RECREATION DEPARTMENT  
111 WEST VINE STREET  
MURFREESBORO, TN 37311-1139  
(615) 890-5333

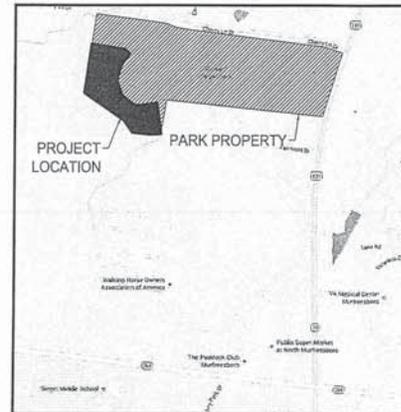
### DESIGNER / PREPARED BY

**LOSE & ASSOCIATES, INC.**  
LANDSCAPE ARCHITECTURE/ARCHITECTURE/CIVIL  
ENGINEERING/PLANNING  
1314 5TH AVENUE NORTH, SUITE 200  
NASHVILLE, TENNESSEE 37208  
PHONE: 615-242-0040  
CHRIS CAMP - PRINCIPAL-IN-CHARGE

### CONSULTANTS

**ELECTRICAL ENGINEER**  
PARSONS ENGINEERING, INC.  
4751 TROUSDALE DRIVE, SUITE 202  
NASHVILLE, TN 37220  
(615) 386-9396  
CONTACT - ANTHONY PEZZI, P.E.

### LOCATION MAP



RICHARD SIEGEL PARK - SOCCER

MURFREESBORO SPORTS LIGHTING  
RICHARD SIEGEL PARK SOCCER  
PREPARED FOR:  
CITY OF MURFREESBORO

TENNESSEE

MURFREESBORO

SUBMITTALS / REVISIONS		
NO.	DATE	COMMENTS

SHEET TITLE  
COVER SHEET

PROJECT NO.	DATE
030914	03/07/2016
DRAWN BY	SCALE
SG	NTS
CHECKED BY	
CC	
SHEET NO.	

AC0.00

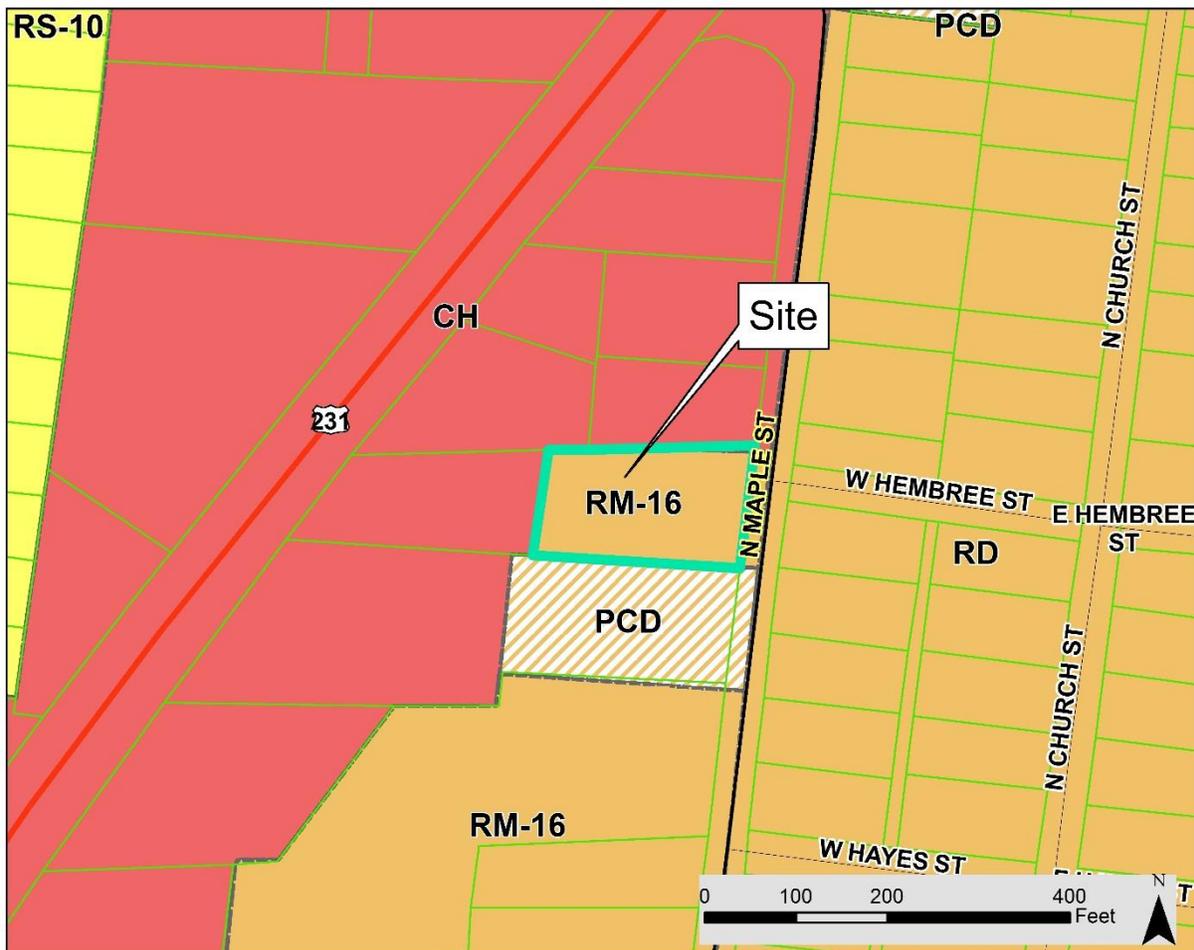






**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
JULY 27, 2016**

**Application:** Z-16-049  
**Location:** 1019 North Maple Street  
**Applicant:** Clyde Rountree of Huddleston-Steele Engineering Inc. representing Deep River Development  
**Zoning:** Multi-Family Residential (RM-16) District  
**Request:** A nine (9) foot Variance from Chart 2 of the Murfreesboro Zoning Ordinance, which requires a twenty-five (25) foot minimum rear yard setback in the RM-16 district



## **Request Overview**

The applicant, Clyde Rountree of Huddleston-Steele Engineering Inc. representing Deep River Development, wishes to construct a nine-unit residential development at 1019 North Maple Street, near the intersection of North Maple Street and West Hembree Street. One structure housing four of the proposed units would be constructed on the east side of the property. A second structure housing five of the proposed units would be constructed on the west side of the property. The property is zoned RM-16. Minimum setbacks for two-story, multiple-family dwellings in the RM-16 district are 30 feet on the front, 25 feet on the rear, and 20 feet on the sides. The applicant requests a nine foot Variance from the required 25-foot minimum rear yard setback for the structure on the west side of the property.

## **Relevant Zoning Ordinance Section**

See Chart 2 of the Zoning Ordinance for minimum setback requirements in the RM-16 district.

## **Staff Comments**

As shown on the attached aerial photograph, the subject property was previously used for a single-family residence. A vacant house currently sits on the property. The property is situated to the north of a fenced-in parking lot used by O'Charley's restaurant, which fronts Memorial Boulevard. The subject property shares a rear property line with the Koji Express restaurant, which also fronts Memorial Boulevard. The Koji Express property would appear to be the property most directly affected by the proposed setback encroachment. The portion of the Koji Express property that adjoins the subject property is currently used as a parking area. The proposed setback encroachment would appear to have minimal—if any—effects on residential properties or public right-of-way.

As shown on the attached exhibit, the northern and western property lines are angled, giving the property a slightly irregular shape. In the attached request letter, the applicant indicates that the irregularity of the rear (western) property line in particular poses a practical difficulty for this development.

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

## **Attached Exhibits**

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

DISTRICT AND USE	Minimum Lot Requirements		Minimum Yard Requirements <sup>5, 17</sup>			Maximum Height <sup>16</sup> (Ft.)	Maximum Gross Density <sup>2</sup> (D.U./Acre)	Land Use Intensity Ratios			Maximum Lot Coverage (percent)
	Area (Sq. Ft.)	Width (Ft.)	Front (Ft.)	Side (Ft.)	Rear (Ft.)			Maximum F.A.R.	Minimum L.S.R.	Minimum O.S.R.	
<b>RM-16 DISTRICT</b>											
1. Single-family detached dwellings and other uses permitted except	6,000	50 <sup>[12]</sup>	30 <sup>[1]</sup>	5 <sup>[10]</sup>	25	35	7.3	none	none	none	35
2. Two-family dwellings	6,000	50 <sup>[12]</sup>	30 <sup>[1]</sup>	5 <sup>[10]</sup>	25	35	14.5	none	none	none	35
3. Three-family dwellings	9,000	50 <sup>[12]</sup>	30 <sup>[1]</sup>	5 <sup>[10]</sup>	25	35	14.5	none	none	none	30
4. Four-family dwellings	12,000	50 <sup>[12]</sup>	30 <sup>[1]</sup>	5 <sup>[10]</sup>	25	35	14.5	none	none	none	30
5. Single-family with zero lot line <sup>7</sup>	3,000	18 <sup>[12]</sup>	30 <sup>[1]</sup>	10 <sup>[7]</sup>	25	35	14.5	none	none	none	none
6. Multiple-family dwellings	FN <sup>[9]</sup>	50 <sup>[12]</sup>	30 <sup>[1]</sup>	FN <sup>[3]</sup>	25	45 <sup>[11]</sup>	FN <sup>[9]</sup>	none	none	none	none
<b>RM-22 DISTRICT</b>											
1. Single-family detached dwellings and other uses permitted except	5,000	50 <sup>[12]</sup>	30 <sup>[1]</sup>	5 <sup>[10]</sup>	25	35	8.7	none	none	none	35
2. Two-family dwellings	5,000	50 <sup>[12]</sup>	30 <sup>[1]</sup>	5 <sup>[10]</sup>	25	35	17.4	none	none	none	35
3. Three-family dwellings	7,500	50 <sup>[12]</sup>	30 <sup>[1]</sup>	5 <sup>[10]</sup>	25	35	17.4	none	none	none	30
4. Four-family dwellings	10,000	50 <sup>[12]</sup>	30 <sup>[1]</sup>	5 <sup>[10]</sup>	25	35	17.4	none	none	none	30
5. Single-family with zero lot line <sup>7</sup>	2,500	18 <sup>[12]</sup>	30 <sup>[1]</sup>	10 <sup>[7]</sup>	25	35	17.4	none	none	none	none
6. Multiple-family dwellings	FN <sup>[8]</sup>	50 <sup>[12]</sup>	30 <sup>[1]</sup>	FN <sup>[3]</sup>	25	60	FN <sup>[8]</sup>	none	none	none	none
<b>RZ DISTRICT</b>											
1. Single-family detached and single-family with zero-lot line attached or detached	3,000	30 <sup>[12]</sup>	30 <sup>[1]</sup>	5	20	35	14.5	0.3	0.48	0.7	none
2. Other uses permitted	6,000	30 <sup>[12]</sup>	30 <sup>[1]</sup>	10	20	35	none	none	none	none	35
<b>R-MO DISTRICT</b>											
1. Mobile homes	4,000	40 <sup>[12]</sup>	25 <sup>[1]</sup>	10	15	12	10.9	none	none	none	none

City of Murfreesboro <b>BOARD OF ZONING APPEALS</b>	<b>HEARING REQUEST                  APPLICATION</b>
--	---

Location/Street Address: 1019 A NORTH MAPLE STREET			
Tax Map: 91 F	Group: E	Parcel: 5.00	Zoning District: RM-16

Applicant: HUDDLESTON-STEEL EHL E-Mail: rountree.associates@gmail.com		
Address: 2115 NW BROAD STREET	Phone: 615.893.0080	
City: MURFREESBORO	State: TN	Zip: 37129

Property Owner: RUSSELL REID		
Address: 1019 A MAPLE STREET	Phone: NA	
City: MURFREESBORO	State: TN	Zip: 37129

Request: VARIANCE REQUEST - (1) REAR SETBACK	
(2) SIDE SETBACK - SEE ATTACHED EXHIBIT	
Zoning District: RM-16	
Applicant Signature: <i>Clyde Rountree</i>	Date: 7-11-2016

Received By: B. DAVIS	Receipt No.: 22750
Application #:	7-11-16

## Murfreesboro Board of Zoning Appeals

RECEIVED

JUL 11 2016

BY: .....



MURFREESBORO  
TENNESSEE

HEARING APPLICATION  
AND  
GENERAL INFORMATION

July 11, 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: Variance Request for Maple Street Buildings

Dear Donald,

The following is the variance we are requesting for the proposed Maple Street Buildings located at 1019A North Maple Street in Murfreesboro. The extent of this variance is due to the irregular shape of the site.

Maple Place Site: Variance Request #1, as determined by Appendix A – Chart 2, FN [3]

1. A 8.2' variance is requested from providing the 25' required rear setback.

Section 10 (D) (1)

- (a) The applicant is Huddleston-Steele Engineering, 2115 Northwest Broad Street, Murfreesboro, TN. 37129 representing Jeremy Kelton, 2550 Meridian Blvd, Suite 350, Franklin, TN. 37067
- (b) The applicant is planning on building (5) townhomes on the site.
- (c) A plot plan is included with the application.
- (d) The property address is 1019A North Maple Street
- (e) Zoning classification is RM-16
- (f) We are requesting an 8.2' variance from the required 25' rear setback due to the angled nature of the rear property line.
- (g) The variance is requested due to the unique shape of the rear property line. The rear property line angles and as a result creates a conflict with the building layout.
- (h) This variance is unique to this site and does not warrant a zoning amendment.
- (i) A vicinity map is provided on the site plan.

See the attached Variance Exhibit for additional clarification.

Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Clyde Rountree". The signature is written in a cursive style with a prominent loop at the end.

Clyde Rountree

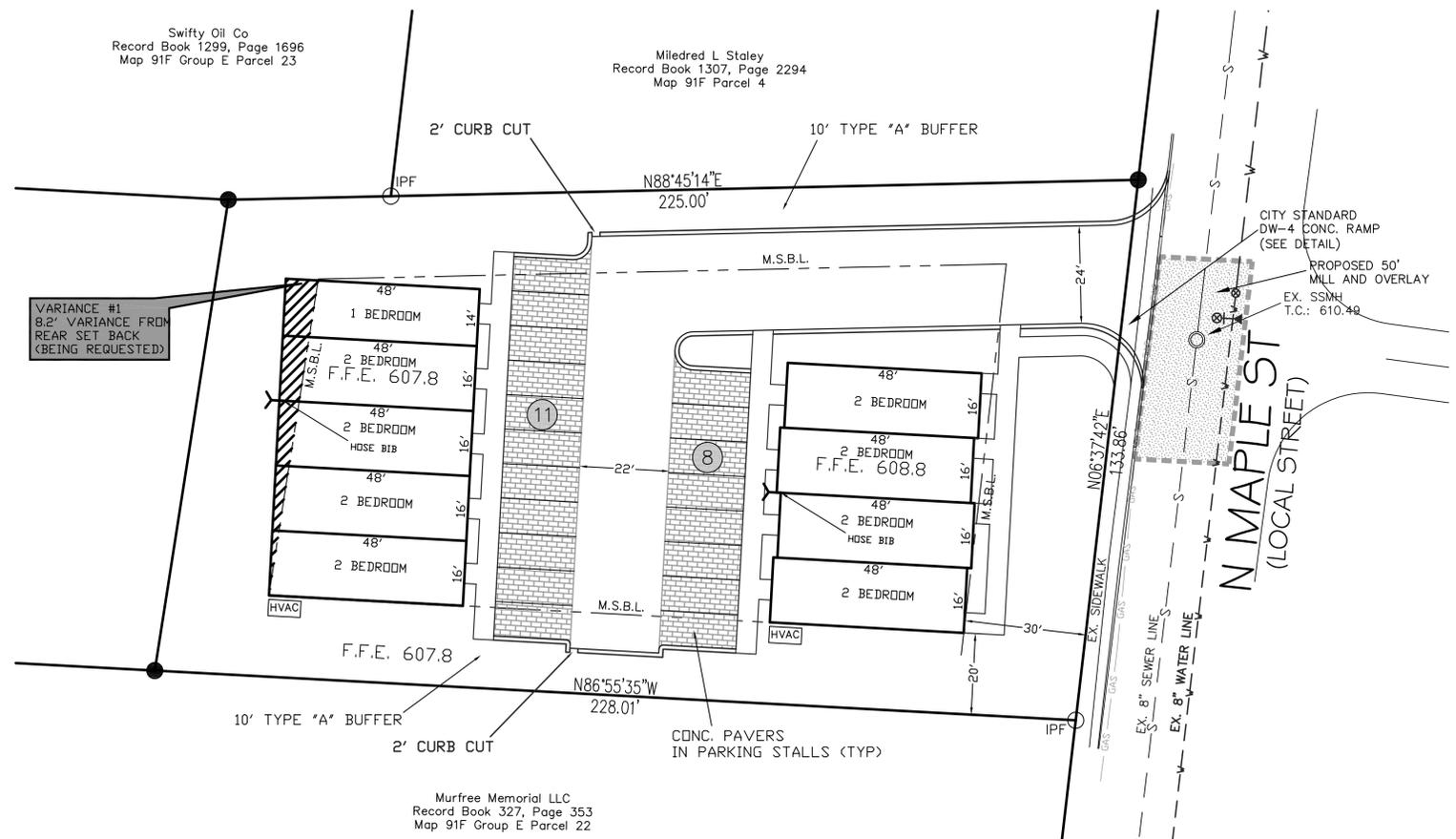
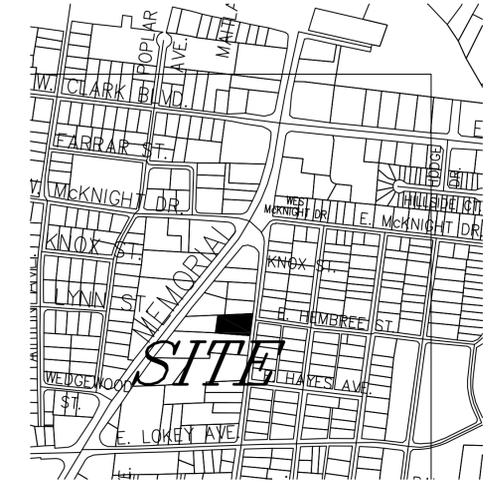
**1019 North Maple Street**  
Aerial Photographs



Aerial photograph of 1019 North Maple Street. The Koji Express restaurant is visible on the west (left) of the subject property.



Aerial photograph of 1019 North Maple Street. An existing single-family house and accessory structure are visible in the photograph.



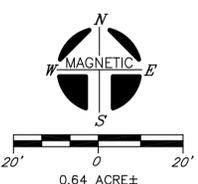
**SITE DATA**  
 BUILDING AREA: 9 UNITS = 5,799 S.F.  
 PROPOSED USE: TOWNHOMES  
 PARKING SPACES REQUIRED: 2.2 SPACES PER BEDROOM  
 (2.2 BEDROOMS)(9 UNITS) = 20 SPACES  
 PARKING SPACES PROVIDED:  
 20 SPACES  
 BUILDING HEIGHT: 2 STORY  
 HVAC UNITS WILL BE LOCATED ON BACK PATIO  
 (ENCLOSED WITH FENCE)

**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
- CD— Sewer Line Check Dam
- 00— Existing Contours
- 00— Proposed Contours
- 00.0 Existing Spot Elevations
- 00.0 Proposed Spot Elevations
- SF— Siltation Fence
- Turf Reinforcement Mat
- E— Existing Telephone & Electric Line
- UGE— Existing Underground Electric Line
- CMP— Corrugated Metal Pipe
- RCP— Reinforced Concrete Pipe

Under the current adopted plumbing code, the City of Murfreesboro requires the minimum floor elevation (M.F.E.) to be set at or above the top of casting elevation of the nearest manhole that is upstream of the sewer service connection. As an alternative, the homeowner shall install a backwater valve per the plumbing code and execute and record a release of indemnification against the City of Murfreesboro with regards to the sanitary sewer connection. The builder and/or homeowner shall be responsible for compliance with this requirement.

THIS PROPERTY IS WITHIN THE  
 LYTLE CREEK ASSESSMENT DISTRICT.



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

OWNER: RUSSELL REID  
 ADDRESS: 1019A N MAPLE ST.  
 DEVELOPER: JEREMY KELTON  
 ADDRESS: 2550 Meridian Blvd Suite 350  
 TAX MAP: 91F GROUP: "E" PARCEL: 5.00  
 ZONING: RM-16  
 FRONT SETBACK: 30'  
 SIDE SETBACK: 5'  
 REAR SETBACK: 25'

\*THE SIZE OF THE REQUIRED SIDE YARD SHALL BE TEN FEET FOR SINGLE STORY BUILDINGS THAT ARE PERPENDICULAR TO THE SIDE LOT LINE AND TWENTY FEET FOR TWO STORY STRUCTURES PLUS AN ADDITIONAL FIVE FEET FOR EACH STORY.  
 FLOOD MAP PANEL: 470168 0255 H ZONE: X  
 FLOOD MAP DATED: JANUARY 5, 2007

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

**HUDDLESTON-STEEL ENGINEERING, INC.**  
 2115 N.W. BROAD STREET, MURFREESBORO, TN 37129  
 TELEPHONE: (615)893-4084, FAX: (615)893-0080

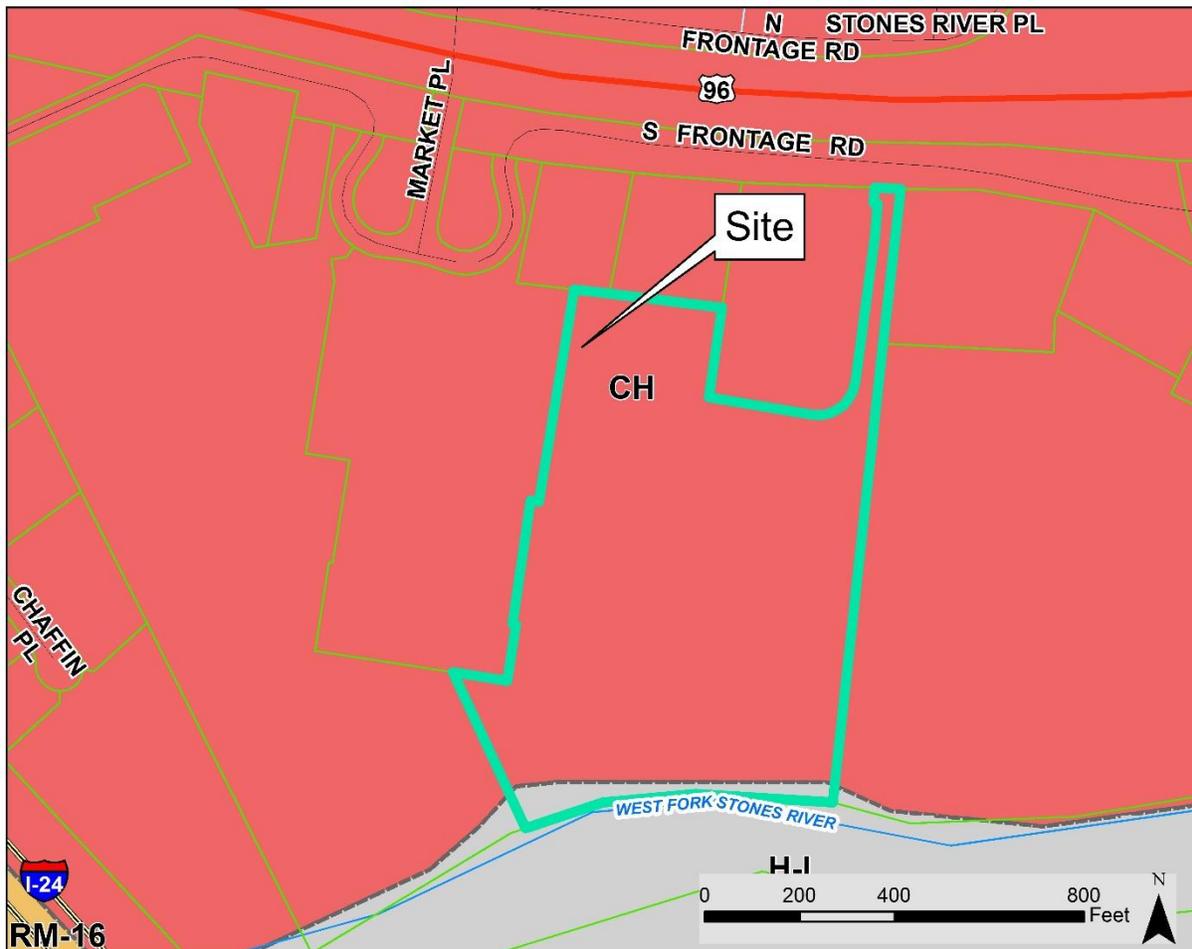
#	DATE	REVISION DESCRIPTION
1	6/30/16	ORIGINAL ISSUE

**BZA EXHIBIT**  
**MAPLE STREET**  
**TOWNHOMES**  
 N. MAPLE ST.  
 MURFREESBORO - RUTHERFORD COUNTY - TN

DATE: AUGUST, 2015      SCALE 1"=20'      SH. 1 OF 1

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
JULY 27, 2016**

- Application:** Z-16-050  
**Location:** 1825 Old Fort Parkway  
**Applicant:** David Beiter of Goodwill Industries  
**Zoning:** Highway Commercial (CH) District  
**Requests:**
- 1) A Special Use Permit to allow a Temporary Mobile Recycling Center in the CH district; and
  - 2) An eight (8) foot Variance from Section 31(C)(1) of the Murfreesboro Zoning Ordinance, which limits the length of Temporary Mobile Recycling Center receptacles to forty (40) feet



## **Request Overview**

The applicant, David Beiter, seeks both a Special Use Permit and a Variance from the Board. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance identifies Temporary Mobile Recycling Center as a use allowed in the CH zone by Special Use Permit. Section 31(A) of the Zoning Ordinance places a one-year limitation on the duration of Special Use Permits granted for this use. Section 31(C)(1) of the Zoning Ordinance limits the length of Temporary Mobile Recycling Center receptacles to 40 feet.

The applicant wishes to continue using a trailer (48 feet in length) for the collection of clothes, furniture, and miscellaneous household items at the Towne Center Shopping Center at 1825 Old Fort Parkway. The applicant has obtained permission from shopping center management to continue operating the trailer. In the attached letter of application, the applicant indicates that the trailer at 1825 Old Fort Parkway is visited by an average of 79 donors per day.

## **Relevant Zoning Ordinance Section**

Section 31(C)(1):

*No receptacle shall exceed forty feet in width.*

## **Staff Comments**

With regard to the Special Use Permit, the applicant attests that—with the exception of receptacle length—the requirements listed in Section 9(C) and Section 31(C) of the Zoning Ordinance have been satisfied. Specifically, the attached letter of application indicates that the Temporary Mobile Recycling Center: is reasonably compatible with adjoining properties; has limited signage; is kept in a clean, safe, and sanitary condition; does not impair traffic flow; is located at least 300 feet from residential districts; has no processing equipment; and upholds minimum required setbacks. The Board has previously granted a Special Use Permit to this applicant for this use; the applicant's current Special Use Permit expires on July 31, 2015.

With regard to the Variance request, the applicant wishes to continue using a 48-foot trailer, which exceeds the 40-foot limitation by eight (8) feet. The letter of application indicates that adhering to the 40-foot trailer limitation when Goodwill Industries employs standard 48-foot trailers would create a hardship and practical difficulty for the applicant. The Board has previously granted a Variance to the applicant for a trailer 48 feet in length.

Each request will require a separate motion.

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

### **Recommended Conditions**

- 1) The semi-trailer shall not be located within a driveway aisle.
- 2) All parts of the semi-trailer shall comply with the minimum 42-foot front setback requirement of the CH zone.
- 3) The Special Use Permit shall be valid from August 1, 2016, until July 31, 2017.

### **Attached Exhibits**

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

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 1851 Old Fort Pkwy

Tax Map: 92 M    Group: A    Parcel: 7    Zoning District: CH

Applicant: Goodwill    E-Mail: David.Better@givegw.org

Address: 1015 Herman ST    Phone: 615-346-1266

City: Nashville    State: TN    Zip: 37208

Property Owner: Target

Address: 1851 Old Fort Pkwy    Phone:

City: Murfreesboro    State: TN    Zip: 37130

Request: Operate a temporary mobile Recycling center asking 8<sup>FT</sup> variance for the size of the receptacle.

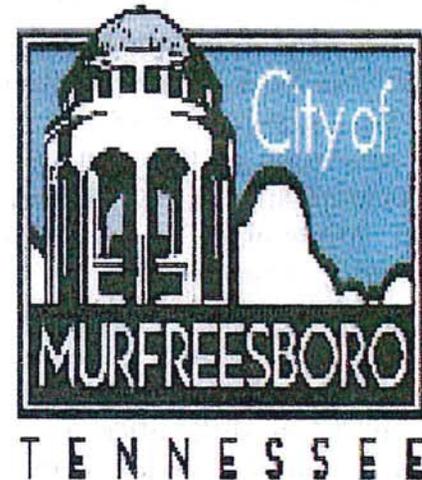
Zoning District: CH

Applicant Signature: David Better    Date: 6/22/16

Received By: B. Davis    Receipt No.: 22747

Application #:    Date: 6-22-16

Murfreesboro  
Board of  
Zoning Appeals



HEARING APPLICATION  
AND  
GENERAL INFORMATION

# **Application for Special Use Permit (12 month)**

## **Temporary Mobile Recycling Center**

Goodwill Industries of Middle Tennessee is making application for a special use permit to continue operating a temporary mobile recycling center at 1825 Old Fort Parkway in Murfreesboro, Tennessee. The duration of the proposed use is twelve months. Goodwill is also requesting a variance on the size of the receptacle. The proposed location, 1825 Old Fort Parkway, has been an established recycling site since July 2005.

Goodwill Industries is a not for profit, Tennessee corporation. Its mission is to provide free employment and training services to people who have a disability or who otherwise have trouble gaining employment. In order to pay for those services, Goodwill Industries solicits, collects and sells in its stores used clothing and household goods donated from residents of the community. The proceeds from our store sales are placed back into the organization to support our mission. These goods are collected by means of a mobile recycling center (Goodwill Attended Donation Center) at the proposed location, 1825 Old Fort Parkway.

Goodwill provides trained personnel to staff the Attended Donation Center seven day per week during its operating hours (8:00 am to 6:00 pm – Monday through Sunday). During 2013, there was an average of 79 people per day using this location to donate to Goodwill. While we expect a slight increase in the number of people utilizing this location, we do not expect an adverse effect. As a benefit to the City of Murfreesboro and Rutherford County, the Old Fort Parkway location recycled 839,517 pounds of donations last year, which did not go into the landfill.

Goodwill takes great strides in maintaining the recycling center and its immediate surrounding area for cleanliness. In addition, we maintain adequate liability and Workers' Compensation insurance to cover our employees, the property owner(s), and the operation of the recycling center.

### **Section 9 --Standards for Special Permit Uses**

#### *Standards for general applicability.*

Section (9)(C)(1) – The proposed location, 1825 Old Fort Parkway, has been an established recycling site since July 2005 and there has been no adverse effect upon adjacent properties, the character of the neighborhood, traffic conditions, parking, utility facilities, public health, safety, or the general welfare;

Section (9)(C)(2) – The proposed location does not interfere with the development and use of the adjacent properties in accordance with the applicable district regulations;

Section (9)(C)(3) – The proposed location has been served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewer;

Section (9)(C)(4) – The proposed location has not resulted in the destruction, loss or damage of any feature to be of significant natural, scenic, or historic importance; and

Section (9)(C)(5) – We believe the proposed location complies with all additional standards imposed on it by the provision of this section authorizing such use.

### **Section 31 –Temporary Mobile Recycling Centers**

By definition established in section 31, we are in compliance as a mobile recycling center that collects recyclable materials in a commercial highway (CH) zone as permitted by Codes.

#### *Conditions to operation.*

Section (31)(C)(1) - This section states that no receptacle shall exceed forty feet in length. We would like to be considered for an eight feet variance on this section because we use forty-eight feet trailers for purpose of collecting donated items from the community;

Section (31)(C)(2) – The receptacle used by our operation is reasonably compatible with and not a detrimental to the public welfare or injurious to the improvement and use of the adjoining property;

Section (31)(C)(3) – The recycling center will have no more than two signs per receptacle as permitted by this section. Any signs mounted on the outside of the receptacle will be displayed as stated in this section. If questionable, we will seek the approval of the city's Sign Inspector.

Section (31)(C)(4)-- Goodwill takes great strives in maintaining the recycling center and its immediate surrounding area for cleanliness, and safety. There is an established system in place to ensure that we are reasonably in compliance with this section.

Section (31)(C)(5)—The receptacle does not impair traffic flow at the proposed location;

Section (31)(C)(6)-- The receptacle is not located closer than three hundred feet from a residentially zoned property;

Section (31)(C)(7)—The receptacle and the area surrounding it will be use exclusively for collection and will not have any processing equipment on-site. We will post the name, address, and phone number of the responsible staff member, Jeff Luther ; 1015 Herman Street, Nashville TN 37208, 615-346-1632; and

Section (31)(C)(8)—Goodwill will honor all applicable setback lines.

## Section 10 –Variances

Goodwill Industries is seeking a variance to Section 31 (C)(1) which states that no receptacle shall exceed forty feet in length. We are asking for a variance of eight feet, due the size of the receptacle currently being used at the Old Fort Parkway location. Goodwill owns a fleet of semi-trailers, which we use to collect donated items from the community. The standard sizes of these trailers are forty-eight feet in length and practical for the proposed use. It would be a hardship and practically difficult for our agency to use a receptacle of a lesser size.

### ATTACHMENTS:

1. Site plan;
2. Photo of proposed receptacle;
3. Good Neighbor Report detailing 2013 activity for the proposed site; number of donors & pounds collected; and
4. A copy of the agency's liability certificate.



1825 Old Fort Parkway, aerial showing trailer location



1825 Old Fort Parkway, view from east looking westward (Photo taken by Staff, 7/16/15)

April - - 2016

RE: Donation / Recycling Trailer

To whom it may concern:

This letter shall serve to confirm that Goodwill of Middle Tennessee has our permission to locate a "Donation / Recycling Trailer" in the parking lot at the Target Store at 1851 Old Fort Parkway Murfreesboro TN. 37130.

Sincerely,

A handwritten signature in blue ink that reads "Tony Yancey". The signature is written in a cursive style with a long, sweeping tail that loops back to the right.

Site Manger

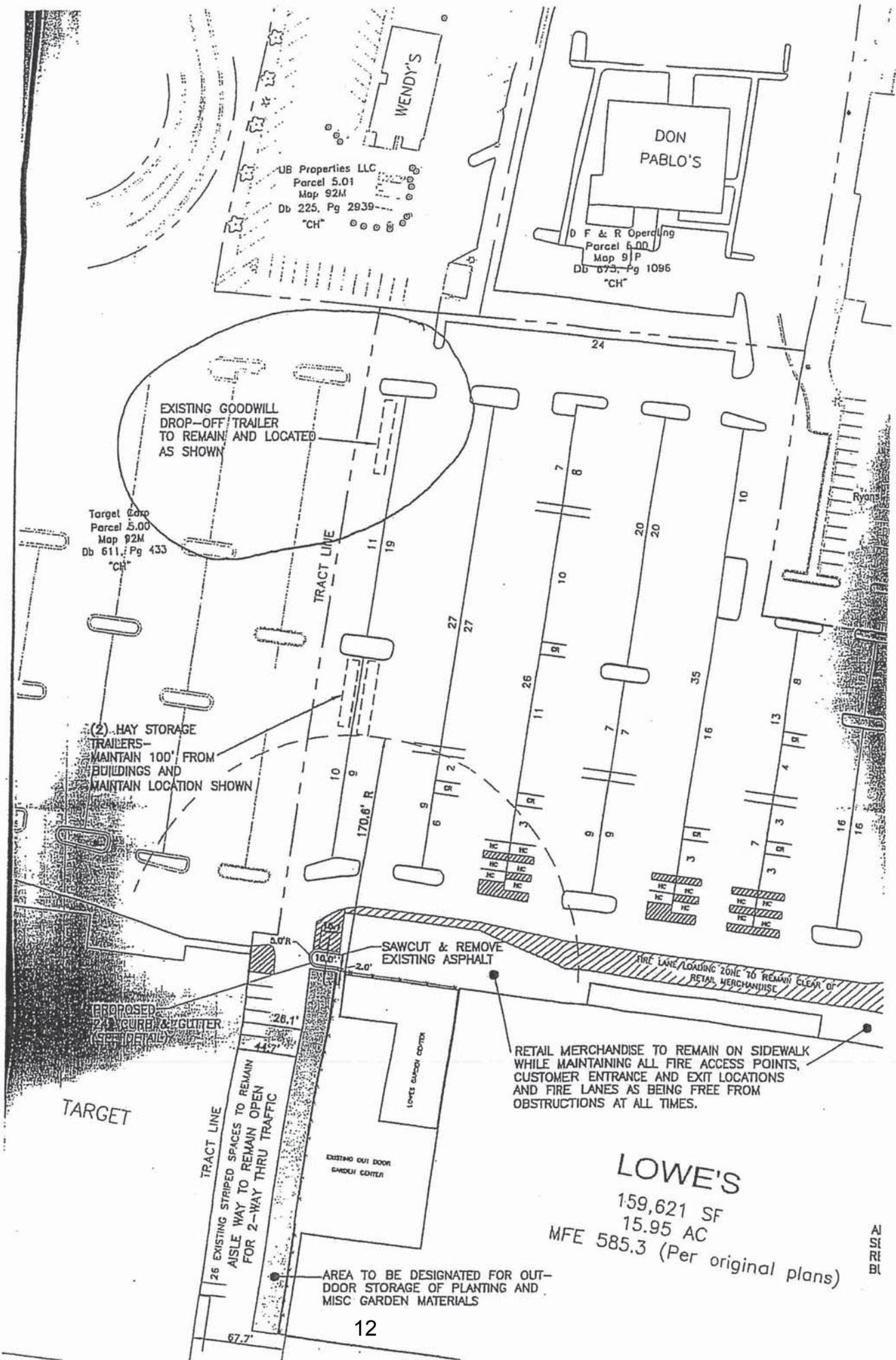
S  
FRONTAGE  
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1845

1835

1829

1825



Give it to Goodwill and you give me a job.

*Our business is changing lives.*



# Rutherford County Recycling Program

## 2015 Monthly Activity Report

### Donation

#### Areas

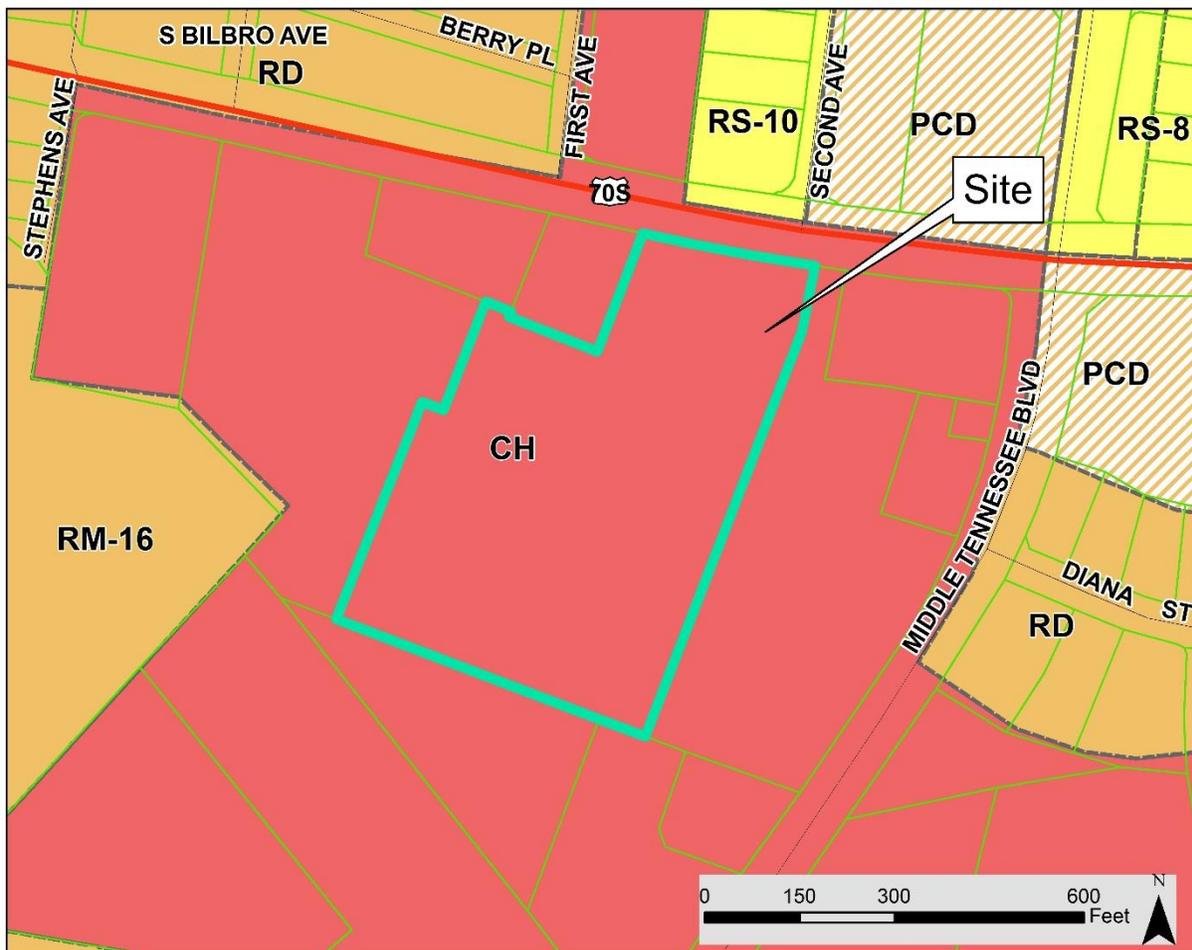
Areas	January		February		March		April	
	Number of	Pounds						
	Donors	Collected	Donors	Collected	Donors	Collected	Donors	Collected
LaVergne (RLC)	711	20,847	475	13,927	727	21,316	1301	38,145
Smyrna (RSC)	1209	35,448	687	20,143	1288	37,764	1294	37,940
lowes/Target (MBT)	1756	51,486	1086	31,842	1571	46,062	1778	52,131
Mercury (MMB)	754	22,107	476	13,956	743	21,785	800	23,456
North Thompson (NTL)	2224	65,208	1347	39,494	2009	58,904	1994	58,464
Smyrna Drive (SDT)	1812	53,128	1158	33,953	1694	49,668	1775	52,043
Smyrna Almarville (SAV)	630	18,472	386	11,318	532	15,598	557	16,331
Blackman (MBK)	707	20,729	438	12,842	745	21,843	766	22,459
New salem cove (NSC)	1023	29,994	551	16,155	957	28,059	960	28,147
M'boro drine (MDT)	0	-	0	-	0	-	0	-
M'boro 1	901	26,417	643	18,853	906	26,564	924	27,092
M'boro 2	2423	71,042	1526	44,742	2354	69,019	2659	77,962
Smyrna (ST)	1613	47,293	1071	31,402	1684	49,375	1642	48,143
Monthly Totals	1920	462,171	1162	288,626	2015	445,957	2595	482,314

Areas	May		June		July		August	
	Number of	Pounds						
	Donors	Collected	Donors	Collected	Donors	Collected	Donors	Collected
LaVergne (RLC)	1771	51,926	1414	41,458	1302	38,175	1358	39,817
Smyrna (RSC)	1766	51,779	1288	37,764	1374	40,286	1498	43,921
lowes/Target (MBT)	2015	59,080	1896	55,591	1919	56,265	1685	49,404
Mercury (MMB)	795	23,309	863	25,303	746	21,873	786	23,046
North Thompson (NTL)	2195	64,357	2193	64,299	2206	64,680	2067	60,604
Smyrna Drive (SDT)	2114	61,982	1898	55,649	1886	55,298	1753	51,398
Smyrna Almarville (SAV)	644	18,882	688	20,172	664	19,468	585	17,152
Blackman (MBK)	893	26,183	934	27,385	1005	29,467	905	26,535
New salem cove (NSC)	1057	30,991	1073	31,460	1102	32,311	1077	31,578
M'boro drine (MDT)	0	-	0	-	0	-	127	3,724
M'boro 1	1025	30,053	1006	29,496	1024	30,024	1014	29,730
M'boro 2	2940	86,201	2483	72,802	2781	81,539	8860	259,775
Smyrna (ST)	1937	56,793	1997	58,552	1867	54,740	2049	60,077
Monthly Totals	1766	561,537	2702	519,932	2676	524,124	2856	696,760

Areas	September		October		November		December	
	Number of	Pounds						
	Donors	Collected	Donors	Collected	Donors	Collected	Donors	Collected
LaVergne (RLC)	1236	36,240	1085	31,812	1242	36,415	1395	40,901
Smyrna (RSC)	1102	32,311	1168	34,246	1143	33,513	1358	39,817
lowes/Target (MBT)	1631	47,821	1684	49,375	1849	54,213	2054	60,223
Mercury (MMB)	714	20,934	736	21,580	667	19,556	882	25,860
North Thompson (NTL)	1746	51,193	1970	57,760	2137	62,657	2443	71,629
Smyrna Drive (SDT)	1627	47,704	1825	53,509	1956	57,350	2282	66,908
Smyrna Almarville (SAV)	522	15,305	551	16,155	684	20,055	828	24,277
Blackman (MBK)	808	23,691	840	24,629	1071	31,402	1205	35,331
New salem cove (NSC)	930	27,268	1107	32,457	1105	32,399	1251	36,679
M'boro drine (MDT)	122	3,577	165	4,838	169	4,955	269	7,887
M'boro 1	812	23,808	888	26,036	828	24,277	923	27,062
M'boro 2	2443	71,629	2514	73,710	2531	74,209	2955	86,641
Smyrna (ST)	1849	54,213	2053	60,194	1831	53,685	2148	62,979
Monthly Totals	2345	387,141	2420	420,244	2516	434,757	2936	505,477
Total Pounds Collected	5,729,040		Tons					

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
JULY 27, 2016**

- Application:** Z-16-051  
**Location:** 1114 Mercury Boulevard  
**Applicant:** David Beiter of Goodwill Industries  
**Zoning:** Highway Commercial (CH) District  
**Requests:**
- 1) A Special Use Permit to allow a Temporary Mobile Recycling Center in the CH district;
  - 2) An eight (8) foot Variance from Section 31(C)(1) of the Murfreesboro Zoning Ordinance, which limits the length of Temporary Mobile Recycling Center receptacles to forty (40) feet; and
  - 3) A 175-foot Variance from Section 31(C)(6) of the Murfreesboro Zoning Ordinance, which requires a 300-foot minimum distance between receptacle and residentially-zoned property



## **Request Overview**

The applicant, David Beiter of Goodwill Industries, seeks a Special Use Permit and two Variances from the Board. Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance identifies Temporary Mobile Recycling Center as a use allowed in the CH zone by Special Use Permit. Section 31(A) of the Zoning Ordinance places a one-year limitation on the duration of Special Use Permits granted for this use. Section 31(C)(1) of the Zoning Ordinance limits the length of Temporary Mobile Recycling Center receptacles to 40 feet. Section 31(C)(6) requires a minimum distance of 300 feet between a Temporary Mobile Recycling Center and any residentially-zoned property.

The applicant wishes to continue using a trailer (48 feet in length) for the collection of clothes, furniture, and miscellaneous household items at the Mercury Plaza shopping center at 1114 Mercury Boulevard, approximately 125 feet from the nearest residentially-zoned property. The applicant has obtained permission from shopping center management to continue operating the trailer. In the attached letter of application, the applicant indicates that the trailer at 1114 Mercury Boulevard is visited by an average of 38 donors per day.

## **Relevant Zoning Ordinance Sections**

Section 31(C)(1):

*No receptacle shall exceed forty feet in width.*

Section 31(C)(6):

*No receptacle shall be located closer than three hundred feet from residentially zoned property.*

## **Staff Comments**

With regard to the Special Use Permit, the applicant attests that—with the exception of receptacle length and distance to residential properties—the requirements listed in Section 9(C) and Section 31(C) of the Zoning Ordinance have been satisfied. Specifically, the attached letter of application indicates that the Temporary Mobile Recycling Center: is reasonably compatible with adjoining properties; has limited signage; is kept in a clean, safe, and sanitary condition; does not impair traffic flow; has no processing equipment; and upholds minimum required setbacks. The Board has previously granted a Special Use Permit to this applicant for this use; the applicant's current Special Use Permit expires on July 31, 2016.

With regard to the first Variance request, the applicant wishes to continue using a 48-foot trailer, which exceeds the 40-foot limitation by eight (8) feet. The letter of application indicates that adhering to the 40-foot trailer limitation when Goodwill Industries employs standard 48-foot

trailers would create a hardship and practical difficulty for the applicant. The Board has previously granted a Variance to the applicant for a trailer 48 feet in length.

With regard to the second Variance request, the applicant wishes to continue using a trailer that is situated 125 feet from the nearest residentially-zoned property. Section 31(C)(6) of the Zoning Ordinance requires a minimum separation of 300 feet between a Temporary Mobile Recycling Center and any residentially-zoned property. Thus, the applicant seeks a 175-foot variance from this requirement. The western side of Second Avenue is zoned RS-10 and is currently used for residential purposes. Staff is not aware of any complaints pertaining to the trailer from neighboring residents. The Board has previously granted a Variance to the applicant to allow a 125-foot separation between the trailer and the nearest residentially-zoned property.

Each request will require a separate motion.

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

**Recommended Conditions**

- 1) The semi-trailer shall not be located within a driveway aisle.
- 2) All parts of the semi-trailer shall comply with the minimum 42-foot front setback requirement of the CH zone.
- 3) The Special Use Permit shall be valid from August 1, 2016, until July 31, 2017.

**Attached Exhibits**

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

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 1114 Mercury Blvd. Mercury Plaza Shopping Center

Tax Map: 102D    Group: M    Parcel: 35    Zoning District: CH

Applicant: Goodwill    E-Mail: David.Better@givegw.org

Address: 1015 Harman St.    Phone: 615-346-1266

City: Nashville    State: TN    Zip: 37208

Property Owner: Commercial Management Alliance

Address: 3310 Lebanon Pike # 201    Phone: 615-884-4321

City: Hermitage    State: TN    Zip: 37076

Request: operate a temporary mobile Recycling Center  
asking for 8ft variance for the size of the receptacle

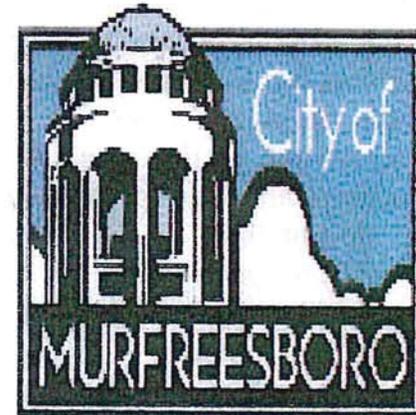
Zoning District: CH

Applicant Signature: David Better    Date: 6/22/16

Received By: B. Davis    Receipt No.: 22747

Application #:    Date: 6-22-16

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

## **Application for Special Use Permit (12 month)**

### **Temporary Mobile Recycling Center**

Goodwill Industries of Middle Tennessee is making application for a special use permit to continue operating a temporary mobile recycling center at 710 Memorial Boulevard in Murfreesboro, Tennessee. The duration of the proposed use is twelve months. Goodwill is also requesting a variance on the size of the receptacle. The proposed location, 710 Memorial Boulevard, has been an established recycling site since March 1998.

Goodwill Industries is a not for profit, Tennessee corporation. Its mission is to provide free employment and training services to people who have a disability or who otherwise have trouble gaining employment. In order to pay for those services, Goodwill Industries solicits, collects and sells in its stores used clothing and household goods donated from residents of the community. The proceeds from our store sales are placed back into the organization to support our mission. These goods are collected by means of a mobile recycling center (Goodwill Attended Donation Center) at the proposed location, 710 Memorial Boulevard.

Goodwill provides trained personnel to staff the Attended Donation Center seven day per week during its operating hours (9:00 am to 6:00 pm – Monday through Sunday). During 2013, there was an average of 38 people per day using this location to donate to Goodwill. While we expect a slight increase in the number of people utilizing this location, we do not expect an adverse effect. As a benefit to the City of Murfreesboro and Rutherford County, the Memorial Boulevard location recycled 408,018 pounds of donations last year, which did not go into the landfill.

Goodwill takes great strives in maintaining the recycling center and its immediate surrounding area for cleanliness. In addition, we maintain adequate liability and Workers' Compensation insurance to cover our employees, the property owner(s), and the operation of the recycling center.

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

#### *Standards for general applicability.*

Section (9)(C)(1) – The proposed location, 710 Memorial Boulevard, has been an established recycling site since March 1998 and there has been no adverse effect upon adjacent properties, the character of the neighborhood, traffic conditions, parking, utility facilities, public health, safety, or the general welfare;

Section (9)(C)(2) – The proposed location does not interfere with the development and use of the adjacent properties in accordance with the applicable district regulations;

Section (9)(C)(3) – The proposed location has been served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewer;

Section (9)(C)(4) – The proposed location has not resulted in the destruction, loss or damage of any feature to be of significant natural, scenic, or historic importance; and

Section (9)(C)(5) – We believe the proposed location complies with all additional standards imposed on it by the provision of this section authorizing such use.

### **Section 31 –Temporary Mobile Recycling Centers**

By definition established in section 31, we are in compliance as a mobile recycling center that collects recyclable materials in a commercial highway (CH) zone as permitted by Codes.

#### *Conditions to operation.*

Section (31)(C)(1) - This section states that no receptacle shall exceed forty feet in length. We would like to be considered for an eight feet variance on this section because we use forty-eight feet trailers for purpose of collecting donated items from the community;

Section (31)(C)(2) – The receptacle used by our operation is reasonably compatible with and not a detrimental to the public welfare or injurious to the improvement and use of the adjoining property;

Section (31)(C)(3) – The recycling center will have no more than two signs per receptacle as permitted by this section. Any signs mounted on the outside of the receptacle will be displayed as stated in this section. If questionable, we will seek the approval of the city's Sign Inspector.

Section (31)(C)(4)-- Goodwill takes great strives in maintaining the recycling center and its immediate surrounding area for cleanliness, and safety. There is an established system in place to ensure that we are reasonably in compliance with this section.

Section (31)(C)(5)—The receptacle does not impair traffic flow at the proposed location;

Section (31)(C)(6)-- The receptacle is not located closer than three hundred feet from a residentially zoned property;

Section (31)(C)(7)—The receptacle and the area surrounding it will be use exclusively for collection and will not have any processing equipment on-site. We will post the name, address, and phone number of the responsible staff member, Jennifer Kalifa ; 1015 Herman Street, Nashville TN 37208, 615-742-4151; and

Section (31)(C)(8)—Goodwill will honor all applicable setback lines.

## Section 10 –Variances

Goodwill Industries is seeking a variance to Section 31 (C)(1) which states that no receptacle shall exceed forty feet in length. We are asking for a variance of eight feet, due the size of the receptacle currently being used at the Memorial Boulevard location. Goodwill owns a fleet of semi-trailers, which we use to collect donated items from the community. The standard sizes of these trailers are forty-eight feet in length and practical for the proposed use. It would be a hardship and practically difficult for our agency to use a receptacle of a lesser size.

### ATTACHMENTS:

1. Site plan;
2. Photo of proposed receptacle;
3. Good Neighbor Report detailing 2013 activity for the proposed site; number of donors & pounds collected; and
4. a copy of the agency's liability certificate.



1114 Mercury Boulevard, aerial showing trailer location



1114 Mercury Boulevard, view from west looking eastward (Photo taken by Staff, 7/17/15)

**Mercury Plaza Shopping Center**  
**Murfreesboro, Tennessee**

May 9, 2016

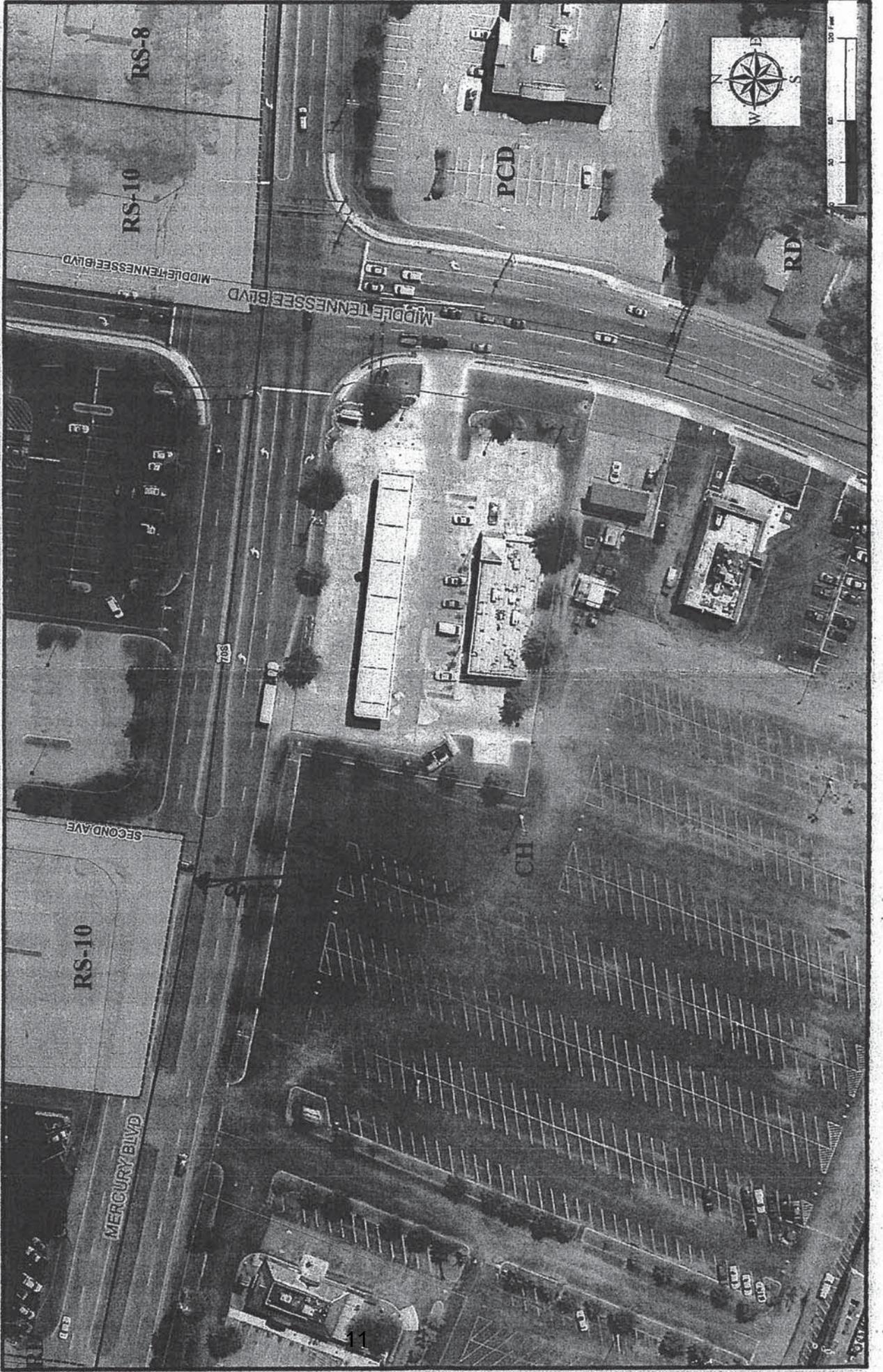
To whom it may concern:

This letter shall serve to confirm that Goodwill Industries of Middle TN has our permission to locate a donation trailer in the parking lot of Mercury Plaza shopping center in Murfreesboro, Tennessee in accordance with the agreement existing between the parties.

Sincerely,



Tim Horne  
General Manager  
Commercial Management Alliance  
615.884.4321  
615.884.4322 (fax)



Give it to Goodwill and you give me a job.

*Our business is changing lives.*



# Rutherford County Recycling Program

## 2015 Monthly Activity Report

### Donation

#### Areas

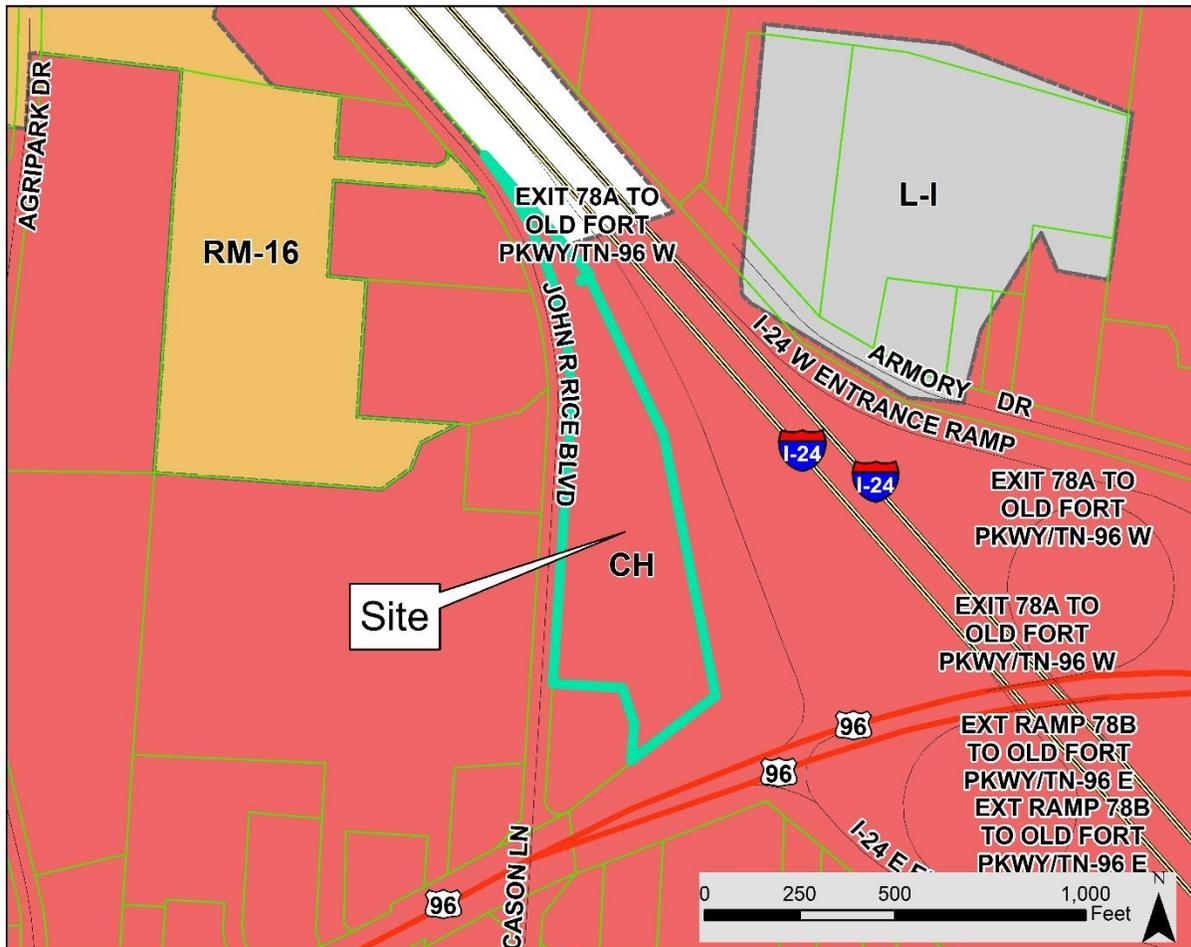
Areas	January		February		March		April	
	Number of	Pounds						
	Donors	Collected	Donors	Collected	Donors	Collected	Donors	Collected
LaVergne (RLC)	711	20,847	475	13,927	727	21,316	1301	38,145
Smyrna (RSC)	1209	35,448	687	20,143	1288	37,764	1294	37,940
lowes/Target (MBT)	1756	51,486	1086	31,842	1571	46,062	1778	52,131
Mercury (MMB)	754	22,107	476	13,956	743	21,785	800	23,456
North Thompson (NTL)	2224	65,208	1347	39,494	2009	58,904	1994	58,464
Smyrna Drive (SDT)	1812	53,128	1158	33,953	1694	49,668	1775	52,043
Smyrna Almarville (SAV)	630	18,472	386	11,318	532	15,598	557	16,331
Blackman (MBK)	707	20,729	438	12,842	745	21,843	766	22,459
New salem core (NSC)	1023	29,994	551	16,155	957	28,059	960	28,147
M'boro drine (MDT)	0	-	0	-	0	-	0	-
M'boro 1	901	26,417	643	18,853	906	26,564	924	27,092
M'boro 2	2423	71,042	1526	44,742	2354	69,019	2659	77,962
Smyrna (ST)	1613	47,293	1071	31,402	1684	49,375	1642	48,143
Monthly Totals	1920	462,171	1162	288,626	2015	445,957	2595	482,314

Areas	May		June		July		August	
	Number of	Pounds						
	Donors	Collected	Donors	Collected	Donors	Collected	Donors	Collected
LaVergne (RLC)	1771	51,926	1414	41,458	1302	38,175	1358	39,817
Smyrna (RSC)	1766	51,779	1288	37,764	1374	40,286	1498	43,921
lowes/Target (MBT)	2015	59,080	1896	55,591	1919	56,265	1685	49,404
Mercury (MMB)	795	23,309	863	25,303	746	21,873	786	23,046
North Thompson (NTL)	2195	64,357	2193	64,299	2206	64,680	2067	60,604
Smyrna Drive (SDT)	2114	61,982	1898	55,649	1886	55,298	1753	51,398
Smyrna Almarville (SAV)	644	18,882	688	20,172	664	19,468	585	17,152
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Monthly Totals	1766	561,537	2702	519,932	2676	524,124	2856	696,760

Areas	September		October		November		December	
	Number of	Pounds						
	Donors	Collected	Donors	Collected	Donors	Collected	Donors	Collected
LaVergne (RLC)	1236	36,240	1085	31,812	1242	36,415	1395	40,901
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Monthly Totals	2345	387,141	2420	420,244	2516	434,757	2936	505,477
Total Pounds Collected	5,729,040		Tons					

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
JULY 27, 2016**

- Application:** Z-16-052  
**Location:** Along the east side of John R. Rice Boulevard  
**Applicant:** Clyde Rountree of Huddleston-Steele Engineering Inc., representing Mountain Star Properties LLC  
**Zoning:** Highway Commercial (CH) District  
**Requests:**
- 1) A Special Use Permit to allow a Self-Service Storage Facility in the CH district; and
  - 2) A Variance from Section 27(K)(3)(a) of the Murfreesboro Zoning Ordinance, which requires a three (3) foot minimum landscape strip adjacent to the base of a building along the building's sides



## **Request Overview**

The applicant, Clyde Rountree of Huddleston-Steele Engineering Inc., representing Mountain Star Properties LLC, wishes to construct an enclosed Self-Service Storage Facility on property located along the east side of John R. Rice Boulevard. The attached site plan indicates that the building's dimensions would be approximately 180 feet by 190 feet. The subject property is a 7.48-acre parcel and is zoned CH. The southern portion of the subject property is being redeveloped as a Texas Roadhouse restaurant. Chart 1 of the Murfreesboro Zoning Ordinance indicates that Self-Service Storage Facilities are allowed in the CH district by Special Use Permit.

In addition to the Special Use Permit request, the applicant also seeks a Variance from Section 27(K)(3)(a) of the Murfreesboro Zoning Ordinance, which requires a three (3) foot minimum landscape strip adjacent to the base of a building along the building's sides. As shown on the site layout exhibit provided by the applicant, the proposed structure would have a landscape strip only along its John R. Rice Boulevard frontage.

## **Relevant Zoning Ordinance Section**

Section 27(K)(3)(a):

*A three (3) foot minimum width landscape strip planted with shrubs, trees, and other landscape materials in accordance with this Section 27 shall be provided along the front and sides adjacent to the base of the buildings or separated from buildings by sidewalk. The landscape area may be used for menu boards to the extent otherwise permitted by this article and other regulations of the City.*

## **Staff Comments**

With regard to the Special Use Permit request, Section 9(D)(2)(uuu) of the Zoning Ordinance lists five specific standards for Self-Service Storage Facilities. The first standard prohibits certain activities; the applicant is required to follow these restrictions. The second standard relates to Self-Service Storage Facilities that share property lines with residential properties. The proposed facility abuts other CH-zoned properties on all sides. The third standard is a requirement that a ten-foot landscape strip be planted along the front property line abutting all public rights-of-way. As shown on the applicant's site layout exhibit, sufficient space exists along the front property line to provide a ten-foot landscape strip. In addition to a ten-foot landscape strip along the right-of-way, the exhibit shows an additional landscape area of approximately ten feet in width along a portion of the front of the building. The fourth standard relates to the screening of outdoor storage areas from residential properties. The attached site plan shows a truck rental area on the north side of the proposed structure; the truck rental area does not appear to lie adjacent to any residential properties. The fifth standard relates to the Board's ability to impose additional screening, lighting, and security measures on the site.

Because the proposed structure is completely enclosed, staff does not recommend any additional measures.

With regard to the Variance request, Section 27(K)(3)(a) of the Zoning Ordinance requires a three-foot landscape strip along the front and sides of a building. As shown on the site plan, the applicant intends to install a landscape area across the center portion of the front of the proposed building. The remaining portions of the building's base would not have landscape strips. A review of the building's elevations indicates that the sides of the structure will include several garage-type doors; presumably, a landscape strip would prohibit access to these doors. In the attached request letter, the applicant indicates that additional landscaping along John R. Rice Boulevard will improve the site's appearance from the public right-of-way.

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

**Attached Exhibits**

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

City of Murfreesboro <b>BOARD OF ZONING APPEALS</b>	<b>HEARING REQUEST                  APPLICATION</b>
--	---

Location/Street Address: <i>LOT 2 TAX 92 PARCEL 31</i>			
Tax Map: <i>92</i>	Group:	Parcel: <i>31</i>	Zoning District: <i>CH</i>

Applicant: <i>HIDDLESTON-STEELER ETC</i> E-Mail: <i>rountree.associates@yahoo.com</i>		
Address: <i>2115 NW BROAD STREET</i>	Phone: <i>615.893.0080</i>	
City: <i>MURFREESBORO</i>	State: <i>TN</i>	Zip: <i>3129</i>

Property Owner: <i>GEORGE HIDDLESTON, JR ETAL HENRY A HIDDLESTONE, ETAL</i>		
Address: <i>806 OLD FORT PARKWAY</i>	Phone:	
City: <i>MURFREESBORO</i>	State: <i>TN</i>	Zip: <i>37129</i>

Request: <i>SPECIAL USE PERMIT &amp; VARIANCE REQUEST</i>	
<i>SEE ATTACHED EXHIBIT</i>	
Zoning District: <i>CH</i>	
Applicant Signature: <i>Clyde Rountree</i>	Date: <i>7-11-2016</i>

Received By: <i>B. DAVIS</i>	Receipt No.: <i>22751</i>
Application #:	<i>7-11-16</i>

## Murfreesboro Board of Zoning Appeals

RECEIVED

JUL 11 2016

BY: .....



TENNESSEE

HEARING APPLICATION  
AND  
GENERAL INFORMATION

July 18, 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: Special Use Permit and variance request, for property located at Tax Map 92, Parcel 31  
in Murfreesboro.

Dear Donald,

The following is a special use permit request for the construction of a conditioned self-service storage facility at the property identified as Tax Map 92, Parcel 31, and currently zoned CH. As stated in Appendix A – Chart 1 of the Murfreesboro Zoning Ordinance, the special use permit is required within the CH zone. All “Conditions of special uses” in Section 9 (B) and “Standards of general applicability” in Section 9 (C) will be met.

RE: Variance Request

Section 27 (K)(3)(a) Landscaping requirements for base of building, 3’ is required around the base of building, we are providing landscaping islands along the front façade but no additional planting beds around the building.

Section 10 (D) (1)

- (a) Huddleston-Steele Engineering, 2115 Northwest Broad Street, Murfreesboro, TN. 37129, 615.893.4084 representing Gary Pharo (The Shopping Center Group), 569 Brookwood Village, Birmingham, AL. 35209
- (b) The applicant is planning on building climate controlled self-storage on the site, while leaving an outparcel between the storage facility and the new Texas Roadhouse Restaurant for future development or for sale.
- (c) Plot plan is included with application
- (d) Property address: 806 Old Fort Parkway, Murfreesboro, TN. 37129, Tax Map 92, Parcel 31
- (e) Zoning classification is CH
- (f) We are requesting to not be required to provide the 3’ foundation planting around the building due to the multiple access points on all sides of the building created by the storage doors, and other access doors.

- (g) The variance is requested due to the design of the storage facility having access doors on all sides of the building therefore making foundation landscape planting impractical. The developer has allocated more than the required landscape area of the street side of the facility to provide a nicely landscape appearance from John R Rice Boulevard.
- (h) A variance is requested due to the nature of the user being self-storage and having storage access doors around the sides of the building. This situation is unique to storage building and should not require a zoning amendment.
- (i) A Vicinity map is included on the exhibit provided.

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

Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.

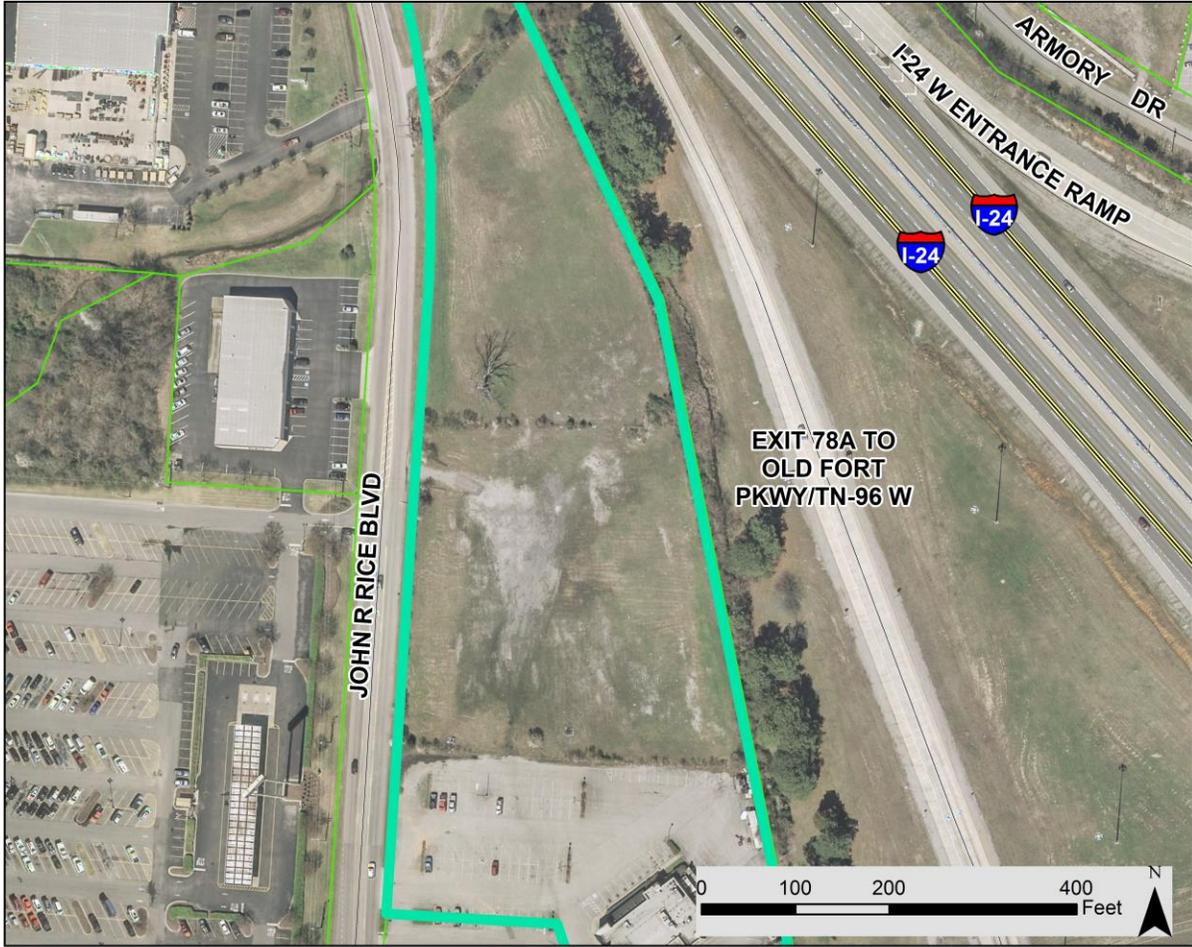


Clyde Rountree

# John R. Rice Boulevard Aerial Photographs

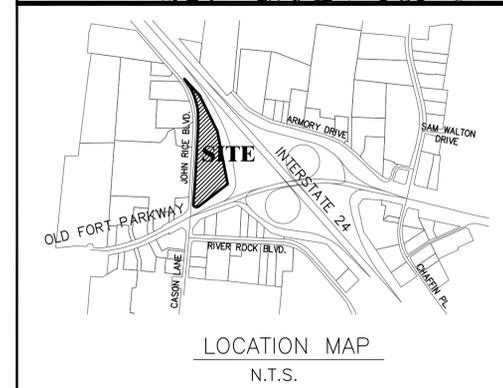
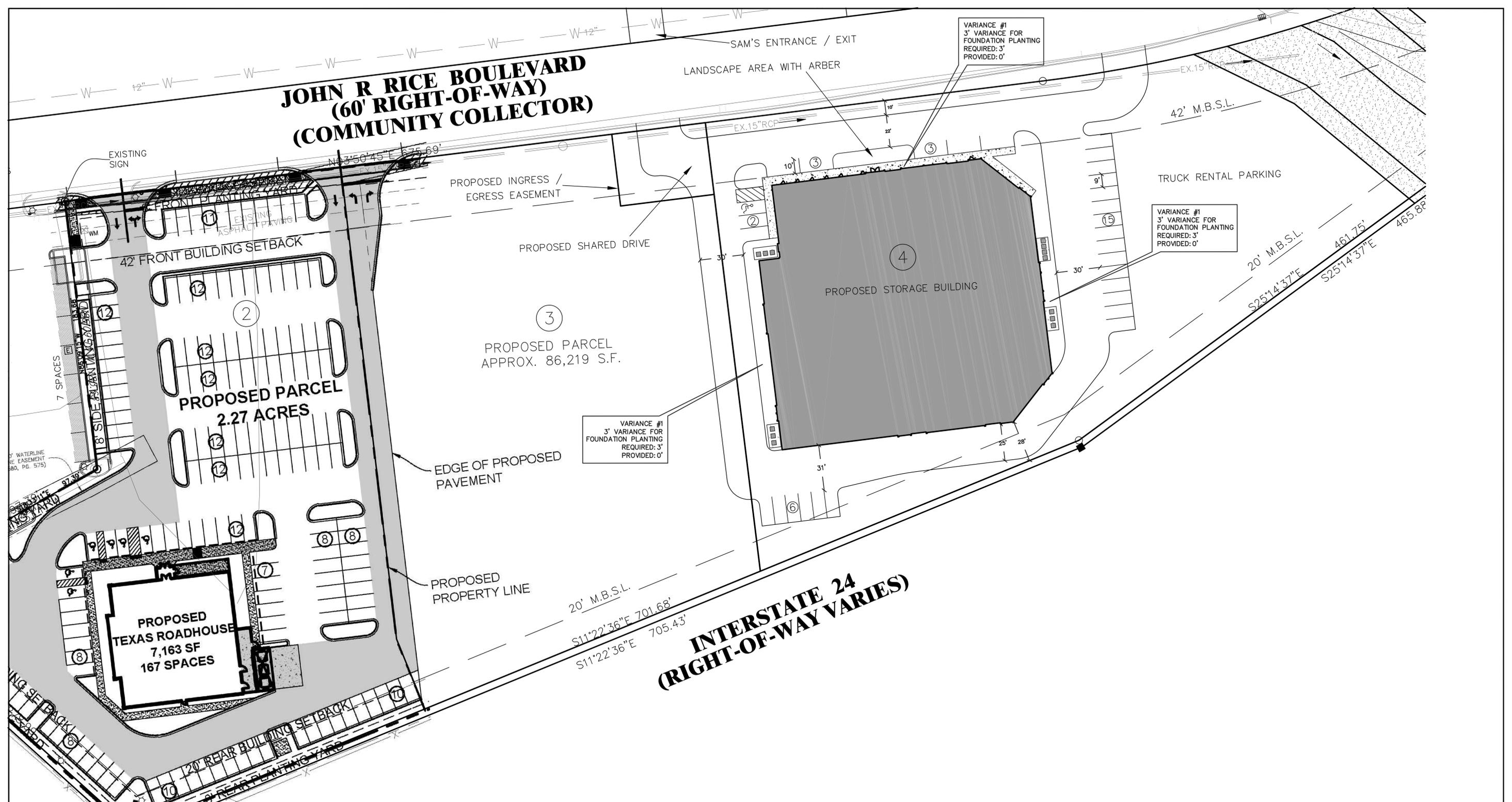


Aerial photograph of John R. Rice site. Proposed storage building would be located north of the future Texas Roadhouse restaurant.



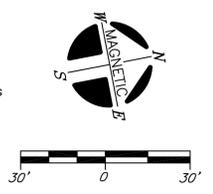
Closer view of proposed self-service storage facility site on John R. Rice Boulevard.

**JOHN R RICE BOULEVARD  
(60' RIGHT-OF-WAY)  
(COMMUNITY COLLECTOR)**



- 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 1-800-351-1111.
  - 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.

ZONING: CH  
FRONT SETBACK: 42'  
SIDE SETBACK: 0'  
REAR SETBACK: 20'



- LEGEND FOR MONUMENTS**
- IPS ○ IRON PIN SET
  - IFP ○ IRON PIN FND.
  - RAILROAD SPIKE
  - ✱ FENCE
  - SURVEY POINT
  - △ NAIL
  - CONC. MARKER FND.

DEVELOPER: GARY PHARO  
SHOPPING CENTER GROUP  
569 BROOKWOOD VILLAGE  
BIRMINGHAM, AL 35209

OWNER: MOUNTAIN STAR PROPERTIES, LLC

ADDRESS: 806 OLD FORT PARKWAY  
MURFREESBORO, TN 37129

TAX MAP 92, PARCEL 31  
DEED BOOK 437, PAGE 73  
DEED BOOK 456, PAGE 239

FLOOD MAP PANEL: 470168 0255 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.



*BZA VARIANCE EXHIBIT*

**UNIVERSAL SELF STORAGE**

*I-24 & STATE ROUTE 96*  
13TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.

DATE: JULY, 2016      SCALE 1"=30'      SH. 1 OF 1



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SEAL

**UNIVERSAL STORAGE**  
  
2625 CUMBERLAND PARKWAY SUITE 205  
ATLANTA, GEORGIA

UNIVERSAL STORAGE  
MURFREESBORO, TN

REVISIONS

DOCUMENT DATA  
PROJECT NUMBER  
ISSUE DATE

**A2.0**  
EXTERIOR ELEVATIONS